FINAL
ENVIRONMENTAL IMPACT REPORT

FOR THE

HARPER CANYON (ENCINA HILLS) SUBDIVISION

SCH# 2003071157
PLN 000696

PREPARED FOR:

COUNTY OF MONTEREY RESOURCE MANAGEMENT AGENCY
PLANNING DEPARTMENT
168 W. Alisal Street, 2nd Floor
Salinas, CA 93901

PREPARED BY:

PMC®

DECEMBER 2013

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DECEMBER 2013

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EXHIBITS

1.1 PURPOSE OF THE EIR PROCESS

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

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

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

1.2 BACKGROUND

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

Draft EIR (DEIR)

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

Recirculated Draft EIR (RDEIR)

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

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

Final EIR (FEIR)

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

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

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

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

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

Applicable General Plan

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

1.3 EIR CERTIFICATION PROCESS AND PROJECT APPROVAL

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

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

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

2.0 Response to Comments

Below are responses to comments received on the proposed project during the public review process. Two master responses have been prepared to respond to several comments received on water and 14 existing legal lots of record. Specific comment letters received have been addressed further below.

2.1 MASTER RESPONSES

Master Response 1: Water

Numerous comments were received regarding the findings of the "El Toro Ground Water Study" prepared for MCWRA by Geosyntec in 2007 and supplemented in 2010. This master response has been prepared to explain the relationship of the Geosyntec study to the proposed project; clarify the groundwater basin setting; clarify the watershed setting; provide an update on the decision issued by the Public Utilities Commission (Decision 11-09-001 regarding Case #10-08-022 filed August 31, 2010) regarding the Highway 68 Coalition complaint against California American Water Company; and to further clarify the proposed water system.

El Toro Groundwater Study

The *El Toro Groundwater Study* prepared by Geosyntec in 2007, which was supplemented in January 2010 with *Accompanying Documentation - Geologic Map and Cross-Sections from El Toro to Salinas Valley* (Geosyntec 2010), was reviewed and referenced within the DEIR, as stated on page 3.6-6. The report was reviewed and considered, despite this document not being available until the DEIR was in its final stages of completion. The *El Toro Groundwater Study* has been added to the list of referenced documents for the DEIR.

The primary objective of the Geosyntec study was to evaluate groundwater resource capacity in a portion of the Salinas Valley Groundwater Basin and to make recommendations regarding the extent of the B-8 zoning overlay, which with some exceptions, restricts development and/or intensification of land use where, due to various infrastructure constraints, the development or intensification is found to be detrimental to the health, safety and welfare (Monterey County Code Section 21.42.030). Although this report was prepared for MCWRA, it used a topography/watershed-based methodology to define its limits of study and did not take into account MCWRA's Zone 2C boundaries or the recognized Corral de Tierra Area subbasin of the Salinas Valley Groundwater Basin. The relationship of the "Geosyntec Study Area" to the proposed project is illustrated in **Figure MR1-1.**

According to the Geosyntec study, the primary aquifer system of the study area is in overdraft; however, current and increasing rates of pumping could be sustained for decades in areas with large saturated thicknesses of the El Toro Primary Aquifer System because of the large volume of groundwater in storage. Expansion of the B-8 zoning was recommended for areas with negligible and poor potential for groundwater production.

According to the Geosyntec study (Figure 7-1), the wells for the proposed project are located in an area noted as have good potential for groundwater production.

Water-bearing formations in the northeastern portion of the subbasin dip in a northeasterly direction toward the Salinas Valley as shown in **Figure MR1-2**. According to the supplemental geologic map and cross sections (MCWRA 2010), the Plio-Pleistocene Continental Deposits (QTc) (Paso Robles Formation) of the study area show that the hydraulic gradient under the El Toro Creek Valley/State Route 68 corridor is generally northeastward and contiguous with the Salinas Valley Groundwater Basin as shown in **Figure MR1-3**.

The Geosyntec study is relevant as it provides continuing information and research about local groundwater dynamics. The study area overlaps with a portion of the project site and demonstrates hydraulic connectivity between the larger Salinas Valley Groundwater Basin and the Corral de Tierra Area Subbasin. Section 3.6, Groundwater and Hydrogeology has been revised to clarify the relationship of the Geosyntec study with the proposed project as noted in Section 3.0, Amendments of this FEIR.

Clarifications Regarding the Groundwater Basin Setting

The project site lies within the Salinas Valley Groundwater Basin, which is divided into eight subbasins as shown in **Figure 3.6-1** (new figure) of the FEIR. The project site lies within two subbasins: the Corral de Tierra Area subbasin and 180/400-Foot Aquifer (Pressure) subbasin; however, wells that would serve the proposed project are located within the Corral de Tierra Area subbasin. These subbasins are defined and recognized by both MCWRA and California Department of Water Resources and are based on hydrogeologic features. These basins are not contiguous with the Geosyntec Study area referenced above, which is based on topographic and watershed features.

The Geosyntec Study area is divided into five subareas as shown in **Figure MR1-4**. The project site lies within two subareas: the El Toro Creek subarea and San Benancio Gulch subarea; however, the wells lies that would serve the proposed project are located within the San Benancio Gulch subarea as shown in **Figure 3.6-2** (renumbered and renamed figure) of the FEIR.

Portions of the San Benancio Gulch subarea are within the B-8 Zoning District. As described on page 3.6-5 of the DEIR, the purpose of the B-8 Zoning District is to restrict development and/or intensification of land use in areas where due to water supply, water quality, or other constraints, additional development and/or intensification of land use is found to be detrimental to the residents of the area, or the County as a whole. The project site, including the wells that would serve the proposed project, is not located within B-8 Zoning District as shown on **Figure 3.6-3** (renumbered) of the FEIR. As noted above the wells for the proposed project are located in an area that has good potential for groundwater production and is not recommended for expansion of the B-8 Zoning District. In addition, the project site and the wells that would serve the proposed project are located

within MCWRA Zone 2C also illustrated on **Figure 3.6-3** of the FEIR. The Environmental Setting of Section 3.6, Groundwater and Hydrogeology has been revised to clarify the groundwater basin setting as noted in Section 3.0, Amendments of this FEIR.

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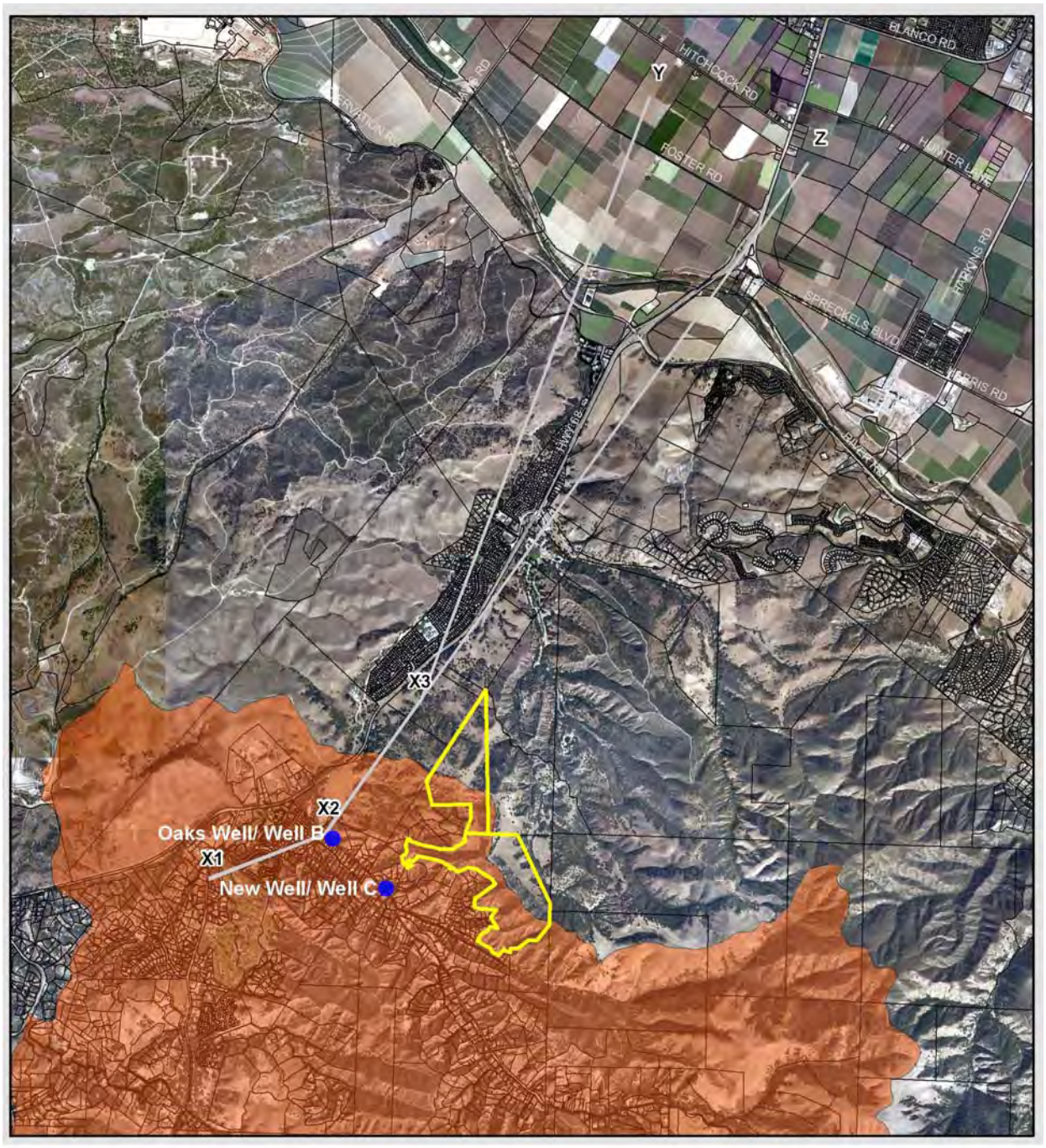

Legend

- Harper Canyon Realty
- Well
- Geosyntec El Toro Area Study Area
- Geosyntec Adendum X Section
- M_CO.Parcels

Source: MCWRA2011

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Figure MR1-1

Geosyntec Study Area in Relationship to the Project Site

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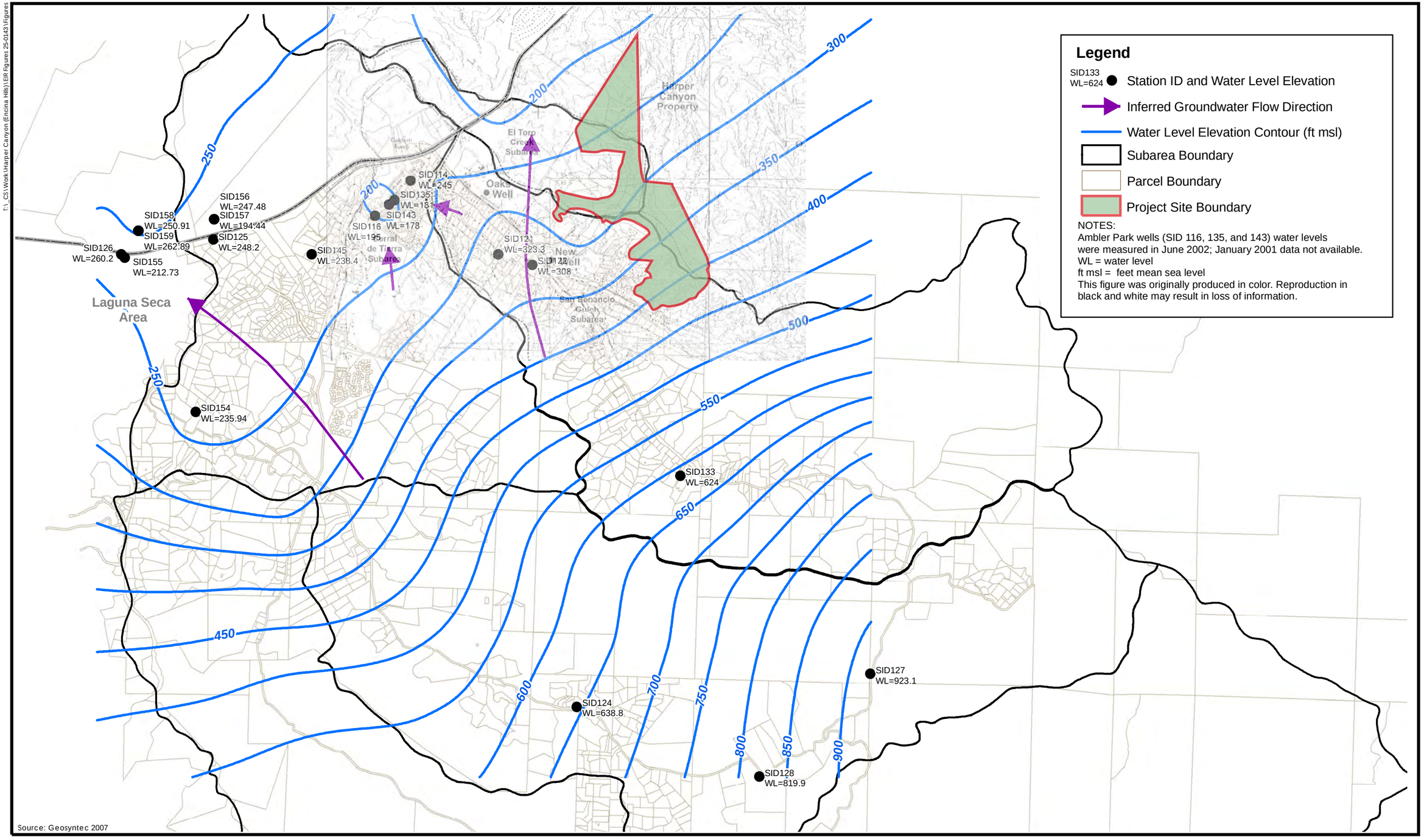

Figure MR1-2

Geosyntec Study Area Groundwater Flow

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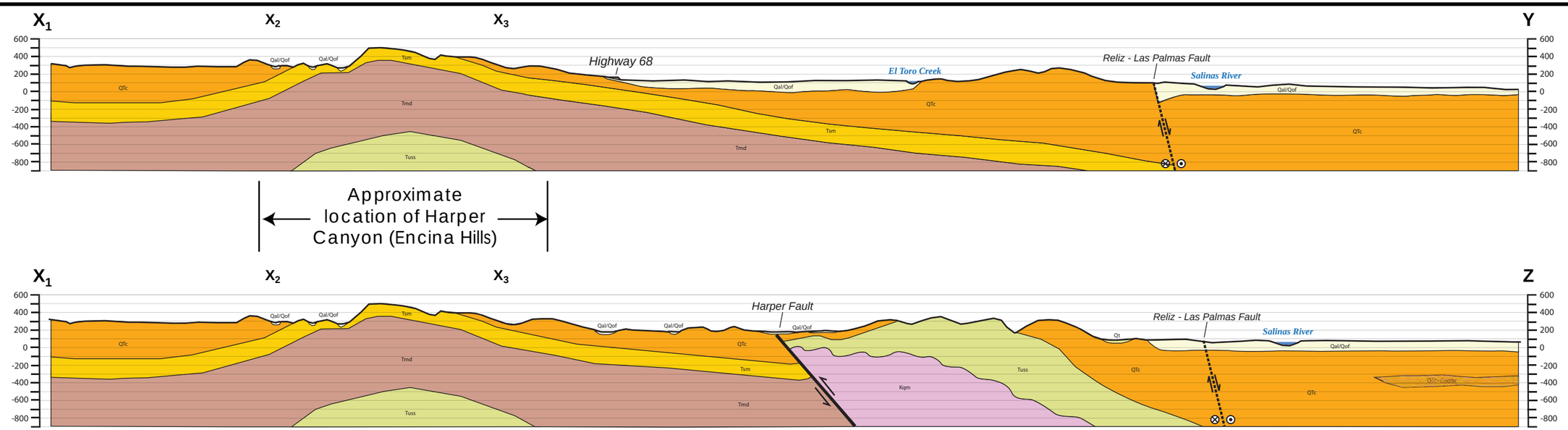

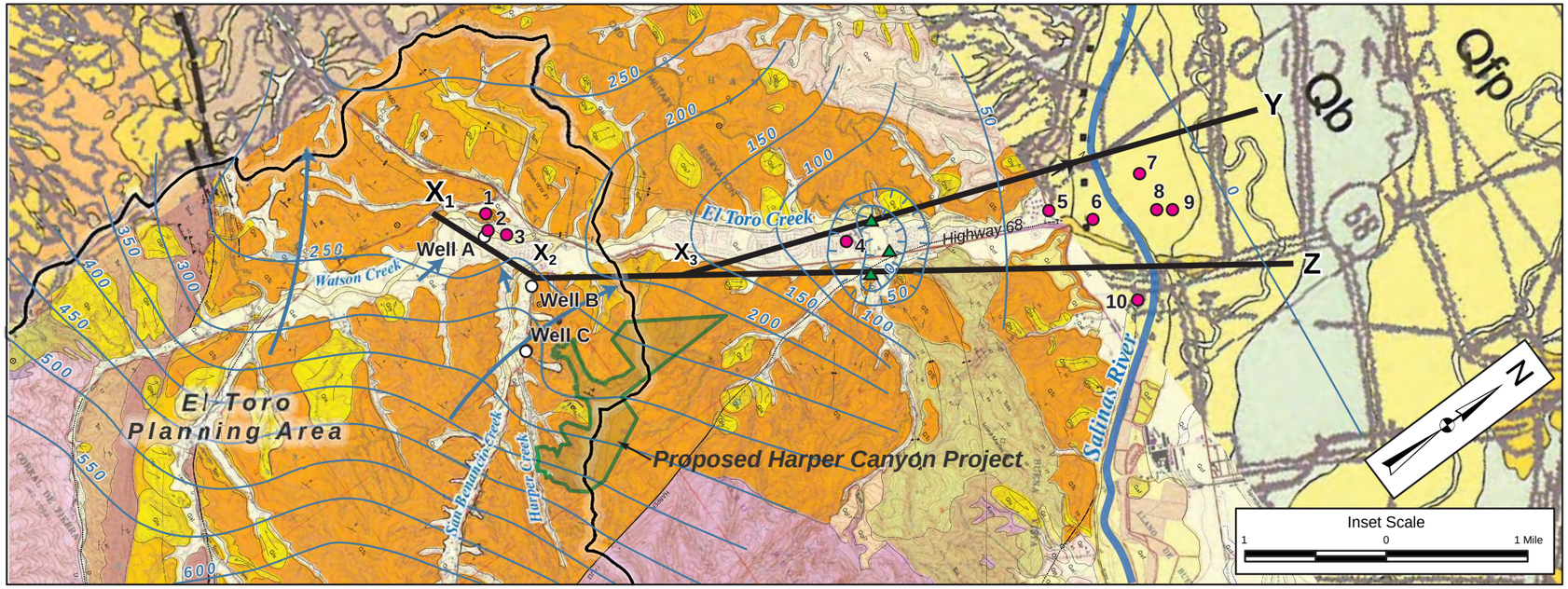

Source: Geosyntec Consultants, June 2010

LEGEND

- Well from MCWRA database (see Table 1 for well ID)
- Well from Yates et al 2005
- 50 Estimated Groundwater Elevation Contour Based on Jan 2001 data and contour map (Geosyntec, 2007), MCWRA database, and Yates et. al (2005).

Well IDs for Supplemental Wells

1) 16S/02E-03A01	6) 15S/03E-18F01
2) 16S/02E-02D05	7) 15S/03E-18C02
3) 16S/02E-02D01	8) 15S/03E-18B01
4) 15S/02E-25C01	9) 15S/03E-08T50
5) 15S/03E-18M02	10) 15S/03E-17M01

NOTES:
Geology adapted from Clark et al. 2000, Rosenberg, L.I. 2001, Yates et al. 2005, Kennedy Jenks, 2004
Well locations are approximate.

Cross-Sections Have 2X Vertical Exaggeration

2,500 0 2,500 Feet

Geologic Map and Cross-Sections from El Toro to Salinas Valley

El Toro Groundwater Study
Monterey County, CA

Geosyntec consultants

June 2010

Figure MR1-3

Geosyntec Study Area Geologic Cross Sections

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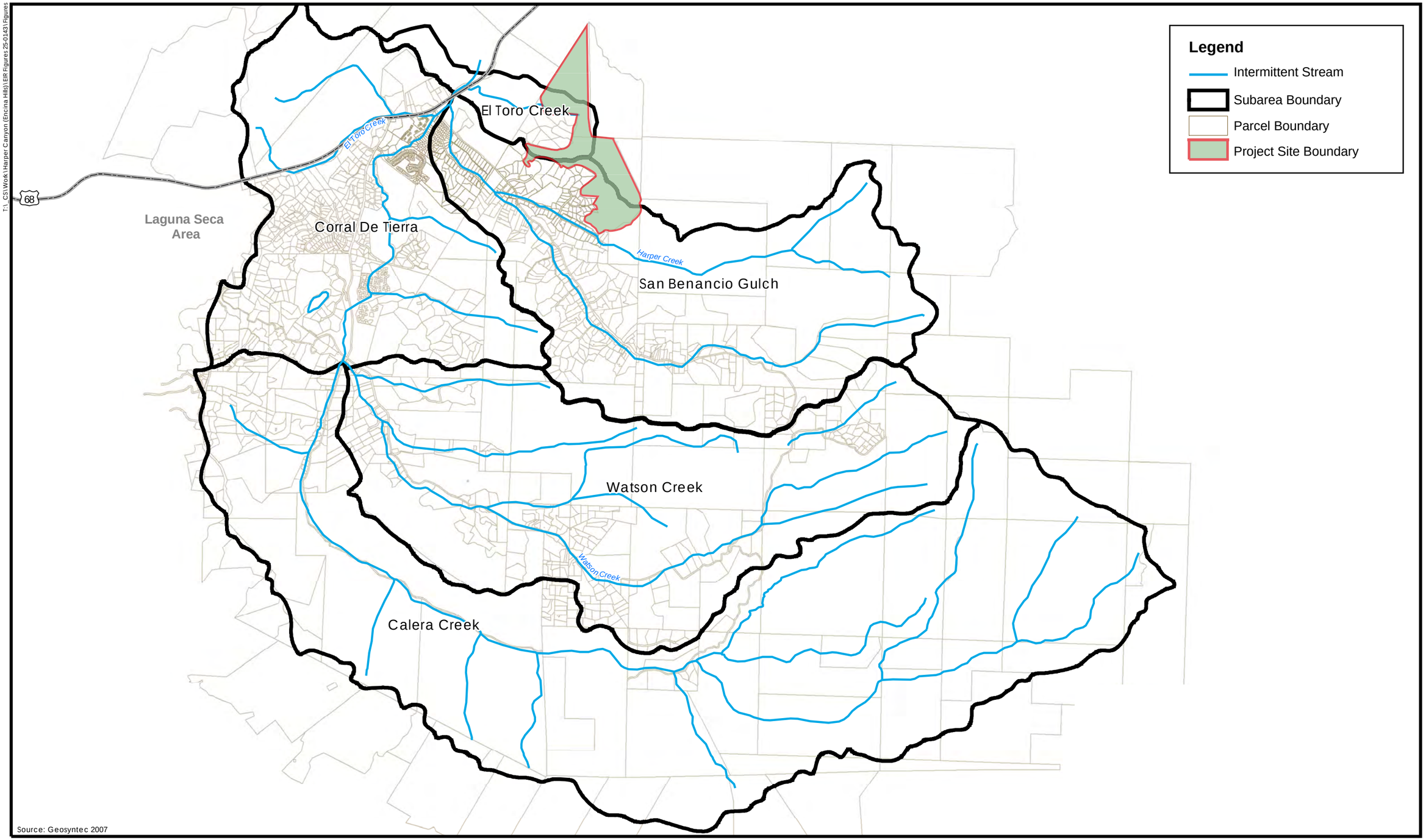

Figure MR1-4

Subareas of the Geosyntec Study Area

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Public Utilities Commission Decision 11-09-001

On August 31, 2010, the Highway 68 Coalition filed a complaint against California American Water Company (Cal-Am). On September 3, 1998, in Decision (D.) 98-09-038, the Public Utilities Commission (PUC) authorized Ambler Park Water Utility to sell its water system to California-American Water Company (Cal-Am). In that decision, the PUC stated: "CalAm is prohibited to intertie Ambler's water system to any other water system of CalAm." (D.09-09-038, 82 CPUC2d 61, 69 (Ordering Paragraph 9)). The main purpose of Ordering Paragraph 9 of D.98-09-038 was to address customers' concerns that Cal-Am would divert water supply from the Ambler Park service territory to Cal-Am's Monterey system, or impose Monterey system costs on Ambler customers.

The Highway 68 Coalition argued that Ordering Paragraph 9 of Decision 98-09-038 prohibited Cal-Am from annexing additional territory to the historic Ambler Park service territory that existed when Cal-Am acquired it. The Coalition contended, in other words, that Ordering Paragraph 9 effectively restricts Ambler Park (now owned by Cal-Am) to serving only customers within the historic service territory; therefore, is not allowed to serve the proposed project. The Highway 68 Coalition requested that the PUC vacate its approval of Cal-Am's advice letters 545 and 617 for the following reasons: they violate Ordering Paragraph 9 of Decision 98-09-038 by (in effect) creating an intertie between the Ambler Park water system and other Cal-Am systems; they violate Monterey County's B-8 zoning Ordinance; Cal-Am did not have Monterey County's authorization to install a water main from the Ambler Park treatment plant to the newly annexed areas; and that approval of the advice letters has substantial environmental impacts.

Cal-Am argued that Ordering Paragraph 9 is intended to prohibit water export from Ambler Park to other areas in the Monterey Peninsula, and does not prohibit use of the Ambler Park water treatment plant for new Ambler Park service territory customers. Cal-Am agreed that in its advice letters 545 and 617 (approved by the PUC on September 19, 2000, and February 17, 2005, respectively), it proposed to annex certain subdivisions, including the proposed project, into the Ambler Park service territory. However, the annexed subdivisions would be served from their own water sources. Specifically, Cal-Am planned to pump water from these sources for treatment at the Ambler Park water treatment plant (which has excess capacity), and to return the treated water to the subdivisions, without any net export of water from Ambler Park to the subdivisions. Therefore, no intertie would be created between Ambler Park and its Monterey or other Cal-Am water systems. Consequently, Cal-Am asserted, it is complying with Ordering Paragraph 9, and it asked that the complaint be dismissed.

Cal-Am also argued that prohibiting the shared use of the Ambler Park water treatment plant would create a difference in service between localities, which would violate PUC sections 453 and 1705, and would force Cal-Am to violate drinking water laws and General Order 103-A. Cal-Am asserted that it owes a duty to serve the annexed subdivisions, and that the PUC recognized the possibility of annexing territory in the

original Ambler Park acquisition proceeding with the following directive: "Cal-Am will still have to seek approval of the Commission for expansion of its service through an Advice Letter." (D.98-09-038, 82 CPUC2d at 66.) Cal-Am filed advice letters 545 and 617 under this directive.

The final decision concluded the following:

1. Decision 98-09-038 does not prohibit the shared use of the Ambler Park water treatment plant among areas of the Ambler Park service territory.
2. Cal-Am should be authorized to pump water from the territory annexed to the Ambler Park service territory for treatment at the Ambler Park water treatment plant and to supply water to the annexed territory.
3. Cal-Am must comply with applicable requirements of the Monterey County Resource Management Agency.
4. The Complainant bears the burden of proving that Ordering Paragraph 9 of D.98-09-038 prohibits the shared use of the Ambler Park Water Treatment Plant by customers in the Ambler Park service territory.
5. The Complainant has not shown by a preponderance of the evidence that Ordering Paragraph 9 of D.98-09-038 prohibits the shared use of the Ambler Park Water Treatment Plant by customers in the Ambler Park service territory.
6. This complaint should be dismissed, effective immediately.

It was ordered, effective September 8, 2011, that:

1. California-American Water Company is authorized to pump water from any territory duly annexed to its Ambler Park service territory after the effective date of Decision 98-09-038 for treatment at the Ambler Park water treatment plant and to supply water to the annexed territory, subject to any applicable requirements of the Monterey County Resource Management Agency
2. This complaint is dismissed.
3. Case 10-08-022 is closed.

Based on the PUC's final decision and order, Cal-Am is not precluded from serving the proposed project or from treating the water pumped from the wells to serve the proposed project. Section 3.6, Groundwater and Hydrogeology of the DEIR has been modified to make minor clarifications regarding how groundwater will be treated, as noted in Section 3.0, Amendments of this FEIR.

Regardless of the decision, the County of Monterey has provided an option to treat the project's water source at a new satellite water treatment plant located on the project site and within Zone 2C, which would eliminate the need to treat the project's water source within the Ambler Park system.

Clarification of Proposed Water System

The proposed project would be served by two wells as noted on pages 3.6-5 and 3.9-11 of the DEIR. One well, the Oaks Well (Well B) would serve as the primary well and the New Well (Well C) would serve as a secondary well for both the proposed project and the previously approved Oaks subdivision. The Oaks well was originally going to supply the project without treatment, until the maximum contaminant levels for arsenic were made stricter. Due to the need to treat the water because it exceeded the federal and state MCL, it has been proposed that the Ambler Park treatment facility provide water to the Oaks subdivision, with the understanding that an equivalent quantity of water pumped from the Oaks well must be transferred after treatment and returned to the subdivision at a 1:1 ratio. The Oaks well has since been transferred to Cal-Am, and Cal-Am is applying to the California Department of Public Health (CDPH) to include the Oaks well in Cal-Am's system. The County Board of Supervisors has given preliminary direction to staff to negotiate a Memorandum of Understanding (MOU) between Cal-Am and the County of Monterey with regards to treating water pumped at the Oaks Well to meet drinking water standards. The MOU will define the terms by which Cal-Am would agree to pump water from the Oaks well in an amount exactly equal to the amount of water Cal-Am could supply to the nine lots of the Oaks subdivision from the treatment plant (taking into account treatment loss), so as to result in no net transfer of water from the B-8 zoning district.

The method of water treatment and delivery for the Oaks subdivision described above has also been proposed for the Harper Canyon (Encina Hills) subdivision. And, for similar reasons as the Oaks Well, water from the New Well would also require treatment to meet drinking water standards.

The County is considering two water treatment options for the proposed project: Option A) treatment through the existing Ambler Park facility as originally proposed; or Option B) a new satellite water system that would serve the proposed project and the previously approved Oaks subdivision only.

Under Treatment Facility Option A, the proposed project would be provided water from the Cal-Am Ambler treatment facility in exchange for an equivalent amount of water from the Oaks Well and New Well. Water pumped from the wells would be conveyed to the Ambler Park treatment facility to treat the water to meet drinking standards (refer to mitigation measure **MM 3.6-2a** on page 3.6-16 of the DEIR). A main extension agreement would be required to convey the New Well and new water infrastructure to the water purveyor (Cal Am) (refer to mitigation measure **MM 3.6-2a**). A MOU similar to the Oaks subdivision would be necessary for the proposed project for this treatment option. Although technically and legally feasible to deliver water in this manner, an equally viable option is to require the project to build a separate treatment facility outside of the B-8 zoning district to treat the water from the Oaks Well and New Well, with the developer responsible for the fair share cost of building this treatment plant.

As ordered by the PUC decision 11-09-001, Cal-Am is authorized to pump water from any territory duly annexed to its Ambler Park service territory after the effective date of Decision 98-09-038 for treatment at the Ambler Park water treatment plant and to supply water to the annexed territory, subject to any applicable requirements of the Monterey County Resource Management Agency (RMA). As noted on page 3.9-12 of the DEIR, once the water is treated it would be pumped to storage tanks proposed on the Remainder Parcel.

Under Treatment Facility Option B, a new treatment facility would be constructed on the project site within Zone 2C. The treatment facility would be similar to one of the treatment facilities shown in **Figures MR 1-5a-c** and enclosed in an appropriate structure to conceal its appearance. The final design will be based on which type of treatment is chosen. The enclosure would likely be designed to look like a barn or other rural building on the exterior. Maintenance schedules, servicing and disposal of accumulated constituents also differs by treatment method.

The design (type of treatment) and construction of the new treatment facility would be under the jurisdiction of Monterey County Health Department, Environmental Health Bureau. Mitigation measures have been clarified to address this treatment option. The significance conclusions of the EIR remain the same, as all impacts related to water quality remain less than significant (refer to mitigation measures **MM 3.6-2a** through **MM 3.6-2c**).The well and any new water treatment facility, if determined necessary, would then be transferred and operated by Cal-Am (refer to mitigation measures **MM 3.6-2b** and **MM 3.6-2c**). This treatment option would eliminate the need for the project to be served treated water from the Amber treatment plant, eliminate the physical involvement of water from the B-8 zone, and eliminate the need for continuous reporting to the County regarding the equal exchange of water served to the subdivision with water pumped from the wells.

Section 3.6, Groundwater and Hydrogeology of the DEIR has been modified to make minor clarifications as noted in Section 3.0, Amendments of this FEIR. The section also addresses this alternative treatment and delivery option.

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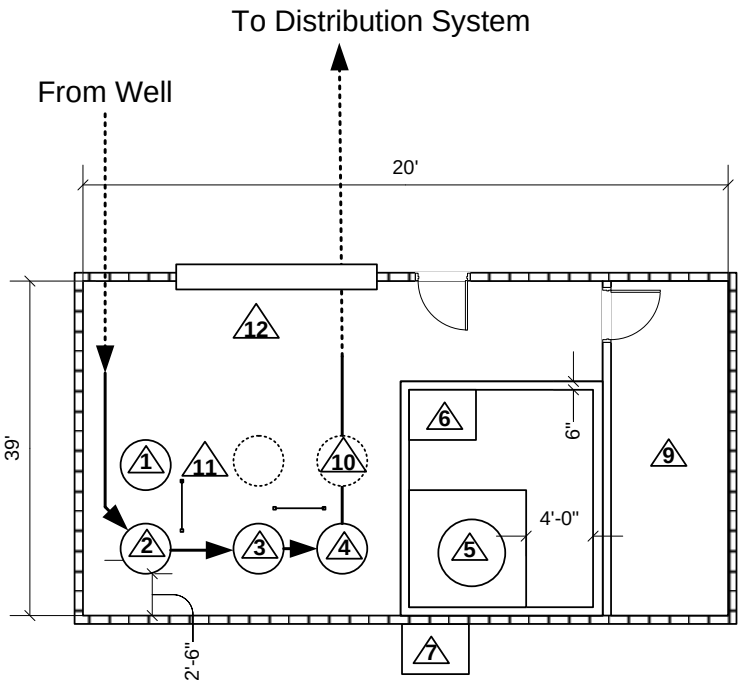

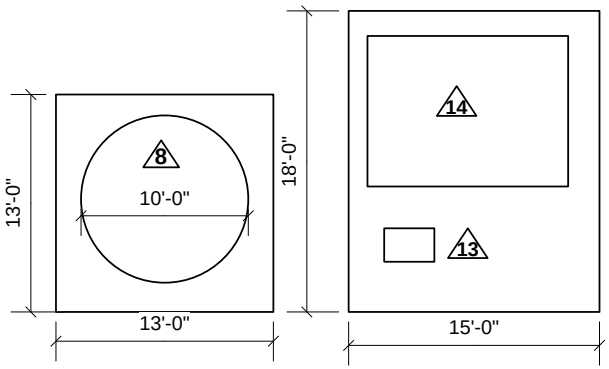

Source: Carollo

Legend

1	Prefilter (Train No. 1)
2	Prefilter (Train No. 2)
3	Arsenic contactor (lead)
4	Arsenic contactor (lag)
5	Hypochlorite tank
6	Chemical metering pump
7	Bulk fill station
8	Backwash waste tank (can be located anywhere on site)
9	Electrical room (PLC and MCC)
10	Future area to expand arsenic contactors (lead-lag)
11	Valve manifold (feed, effluent, backwash, drain)
12	Garage door (coiling door)
13	Backwash recycle pump
14	Solids thickening / filter fabric

Notes:

(1) Heights: Max. Bldg = 18 ft, Min. Bldg = 13 ft, BW Tank = 17 ft.
(2) Treatment capacity = 50 gpm.
(3) One filter or one contactor may be taken offline for maintenance while WTP stays online.
(4) Backwash (BW) supply from distribution system. BW flowrate = 140 gpm.
(5) BW waste storage tank holds 3 backwashes. Slow discharge back to sanitary sewer. 5,000 gallon discharge over 12 hr cycle equates to 7 gpm average discharge rate to sewer.
(6) Hypochlorite storage tank = 400 gallons (4 mg/L dose, 190 days storage). Bulk delivery.
(7) Post treatment (e.g., pH and/or alkalinity adjustment) assumed not needed.
(8) All interconnecting piping will be located above concrete slab. Only feed water and treated water piping is shown. Chemical lines, backwash supply, backwash waste and utility water lines are not shown.

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Sorptive Media Treatment System

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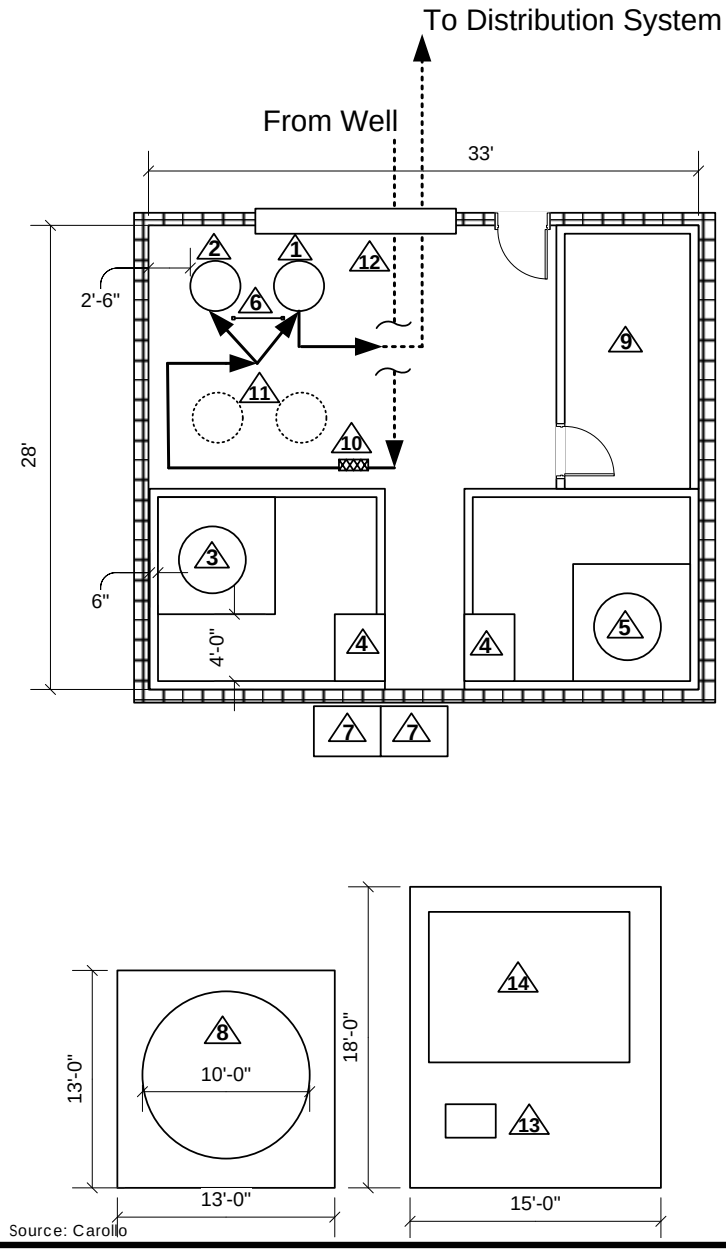

Source: Carollo

Legend

1	Filter (Train No. 1)
2	Filter (Train No. 2)
3	Ferric tank
4	Chemical metering pump
5	Hypochlorite tank
6	Valve manifold (feed, effluent, backwash, drain)
7	Bulk fill station
8	Backwash waste tank (can be located anywhere on site)
9	Electrical room (PLC and MCC)
10	Static mixer
11	Future area to expand filters
12	Garage door (coiling door)
13	Backwash recycle pump
14	Solids thickening / filter fabric

Notes:

(1) Heights: Max. Bldg = 18 ft, Min. Bldg = 13 ft, BW Tank = 17 ft.
(2) Treatment capacity = 50 gpm.
(3) One filter or one contactor may be taken offline for maintenance while WTP stays online.
(4) Backwash (BW) supply from distribution system. BW flowrate = 140 gpm.
(5) BW waste storage tank holds 3 backwashes. Slow discharge back to sanitary sewer. 5,000 gallon discharge over 6 hr cycle equates to 14 gpm average discharge rate to sewer.
(6) Hypochlorite storage tank = 400 gallons (4 mg/L dose, 190 days storage). Bulk delivery.
(7) Ferric storage tank = 400 gallons (15 mg/L dose, 216 day storage). Bulk delivery. Coagulant dose and contact time should be verified by bench or pilot-scale testing. This will determine final storage tank size and location of static mixer.
(8) Post treatment (e.g., pH and/or alkalinity adjustment) assumed not needed.
(9) All interconnecting piping will be located above concrete slab. Only feed water and treated water piping is shown. Chemical lines, backwash supply, backwash waste and utility water lines are not shown.

0 10 20
FEET

N

MR 1-5b

Coagulation/Filtration Treatment System

PMC®

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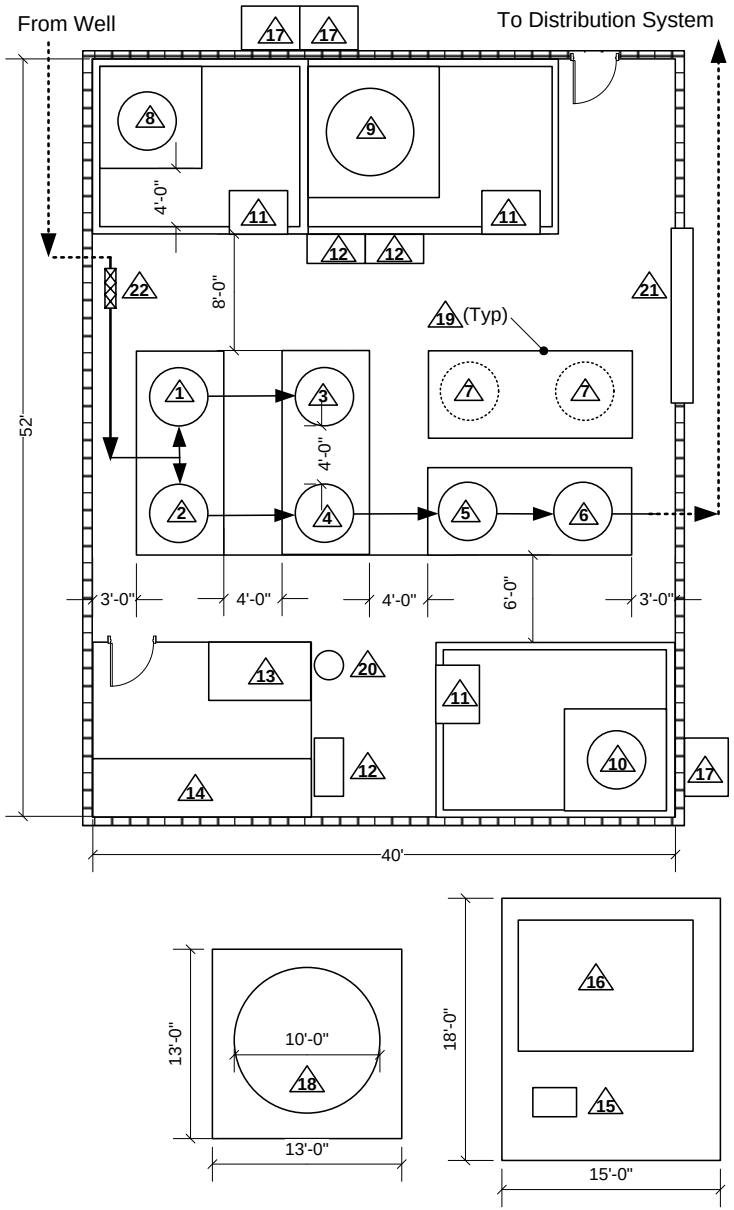
T:_CS\Work\Monterey, County of\Harper Canyon\FEIR\Figures



Notes:

(1) Heights: Max. Bldg = 18 ft, Min. Bldg = 13 ft, BW Tank = 17 ft.
(2) Treatment capacity = 50 gpm.
(3) One filter or one contactor may be taken offline for maintenance while WTP stays online.
(4) Backwash (BW) supply from distribution system. BW flowrate = 140 gpm.
(5) BW waste storage tank holds 3 backwashes. Slow discharge back to sanitary sewer. 5,000 gallon discharge over 12 hr cycle equates to 7 gpm average discharge rate to sewer.
(6) Hypochlorite storage tank = 400 gallons (4 mg/L dose, 190 days storage). Bulk delivery.
(7) Caustic soda tank = 800 gallons (100 mg/L dose, 85 days of storage). Bulk delivery. Only required if post treatment (to positive Langlier Index) is needed.
(8) Sulfuric acid tank = 400 gallons (60 mg/L dose, 160 days of storage). Bulk delivery. May be required by some IX system suppliers (e.g., Siemens).
(9) All interconnecting piping will be located above concrete slab. Only feed water and treated water piping is shown. Chemical lines, backwash supply, backwash waste and utility water lines are not shown.
(10) Metsorb media (used in IX contactors) does not require pretreatment with GAC vessels. However, annual Metsorb media exchange costs are estimated at $25,000 assuming 50% duty cycle of the well.
(11) Metsorb and Siemens can remove arsenic and chromium using one type of media in the IX vessels.

Legend

1	Prefilter (duty)
2	Prefilter (standby)
3	GAC contactor (duty)
4	GAC contractor (standby)
5	IX / Metsorb contactor (lead)
6	IX / Metsorb contactor (lag)
7	Space for future contactor
8	Hypochlorite tank
9	Caustic soda tank
10	Sulfuric acid tank
11	Chemical metering pump
12	Pump control panel
13	Programmable logic controller
14	Motor control center / electrical panel
15	Backwash recycle pump
16	Solids thickening / filter fabric
17	Bulk fill station
18	Backwash waste tank
19	Concrete anchor pad (vessels larger than 4-ft diameter).
20	Eyewash/shower station
21	Garage door (coiling door)
22	Chemical mixer

Source: Carollo

0 10 20
FEET

N

MR 1-5c

Ion Exchange Treatment System

PMC®

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MASTER RESPONSE 2: EXISTING LEGAL LOTS OF RECORD

Several comments were received regarding the 14 existing lots of record ("Broccoli lots or parcels") that are located adjacent to the project site (see **Figure MR2-1**). These 14 lots of record are owned by the project applicant, and were recorded in their current configuration in 1993. Fifteen lots on this property existed prior to 1993, but were adjusted via a major lot line adjustment approved by the County Subdivision and Minor Subdivision Committee. The adjustment resulted in the 14 lots plus one large remainder lot. That remainder lot of 343 acres is the area now proposed for the Harper Canyon/Encina Hills subdivision. The approval of the 1993 lot line adjustment contained several conditions of approval, and the approval was subject to the environmental and planning review procedures per the County's process in place at the time. A negative declaration was prepared, considered and approved as part of the Committee's action.

The common theme of the comments received on the DEIR is that: 1) the 14 lots are assumed to be interdependent on the current (Harper Canyon) subdivision under review, and therefore the development of these lots should be analyzed in this EIR; and 2) that the 14 lots should be included in the cumulative analysis of the EIR. Both of these issues are addressed below.

First, the 15 legal lots of record exist already. As such, the lots could be developed at any time if the attached conditions of approval are met and once proposed development (home sites) satisfy the County review and permit process. At any time the property owner could improve and extend Meyer Road and provide utility extensions to the existing 14 lots consistent with the terms of their approval. The development of the Broccoli lots is not dependent upon the approval of the Harper Canyon/Encina Hills Subdivision nor dependent upon access easements, as all lots in question are held in single ownership. The 1993 lot line adjustment was approved with the understanding that the lots would be accessed by an improved Meyer Road. The California Environmental Quality Act (CEQA) does not require re-analysis of a previously approved project unless ordered by a court of law following a successful challenge of the approval, or substantial changes are made to the project prior to development that triggers such analysis. No such conditions exist, no changes are being considered with respect to the 14 existing lots, and no specific development is proposed on the lots at this time.

While these two groups of lots and the applications submitted for their creation are legally independent of one another, it can certainly be argued that investment in infrastructure for one subdivision – such as the improvement of roads and extension of utility lines – would very likely benefit the other. The economics of constructing roads and other service extensions to serve one subdivision could conceivably accelerate the buildout of the other or make the parcels more marketable. However, the Harper Canyon/Encina Hills Subdivision does not remove any existing barriers to development of the existing 14 lots, nor would the subdivision "induce" new growth since the 14 lots legally exist and could be developed with or without the creation of Harper Canyon's 17 lots. With respect to the

specific issue of water service for the 14 lots, these legal lots are located in Cal-Am's service area, and the lots pre-date the B-8 zoning restrictions.

Regarding the DEIR's approach to assessing cumulative effects, the existing 14 lots have been documented, recognized and included under background conditions as an "approved project" since the property owner could apply at any time for a building permit on those lots provided the property owner can meet conditions of approval and building requirements. Please see DEIR page 5-5, Table 5-1, Cumulative Projects which identifies the 14 lots of record. The existing 14 lots have been included in the analysis assumptions throughout the DEIR document and Chapter 5.0 Cumulative Impact Summary. The DEIR (and RDEIR dated December 2009) identified that the project's contribution to all cumulative effects were either effectively mitigated by the project's mitigation measures, or otherwise did not result in a cumulatively considerable environmental impact.

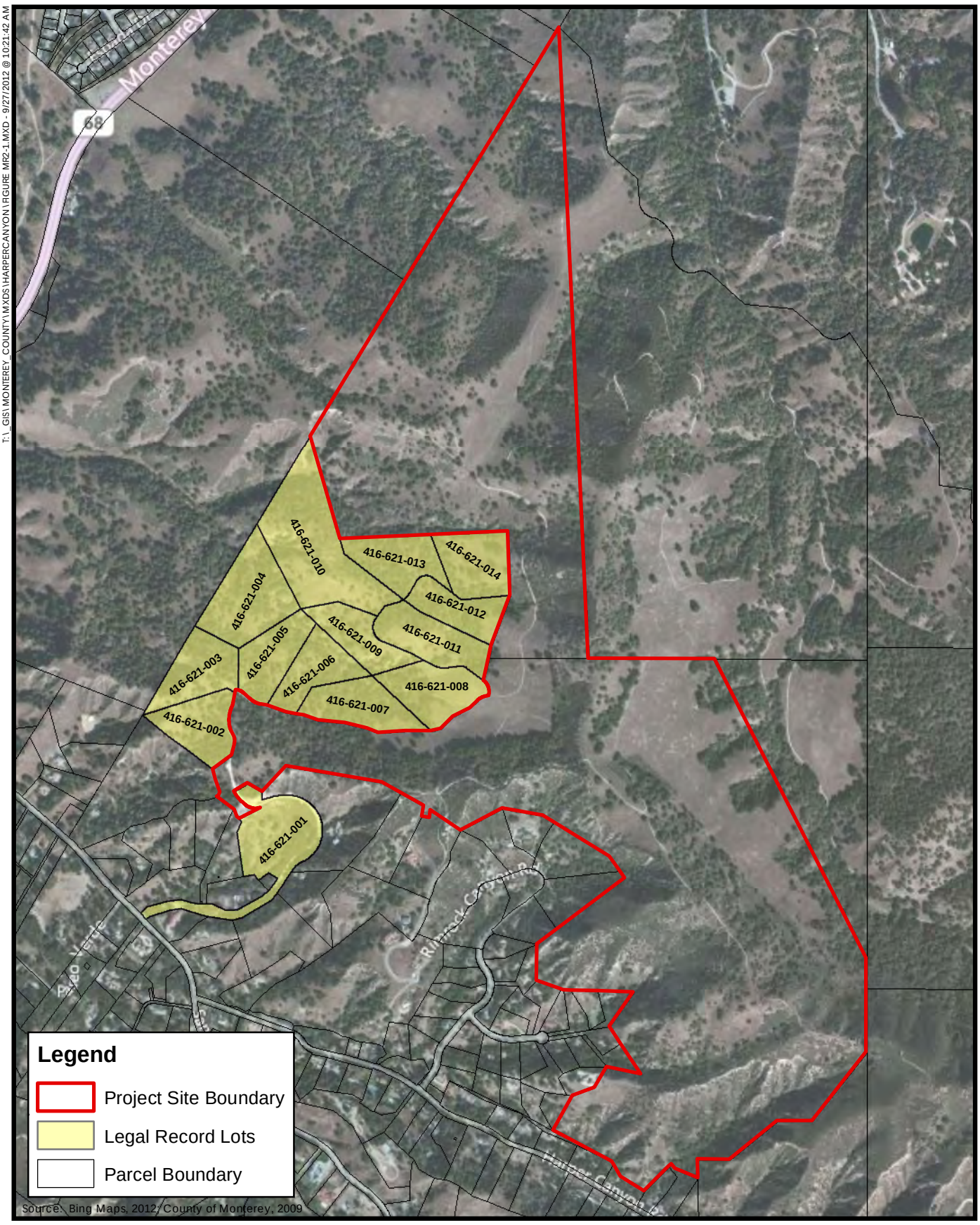

Figure MR2-1
14 Legal Lots of Record

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2.2 RESPONSES TO SPECIFIC COMMENT LETTERS

Below are responses to specific comments letters received during the public review process for the proposed project.

Letter 1

-----Original Message-----
From: JPGARVIN@comcast.net [mailto:JPGARVIN@comcast.net]
Sent: Saturday, December 06, 2008 7:57 PM
To: Gillette, Melody x6056
Subject: DEIR report for Encina Hills subdivision

We residents of Rimrock Subdivision are being charged by Cal Am Water for the water needs of proposed subdivisions i.e. Encina Hills. This seems very unfair to us. If Cal Am is expanding, they should pay for the expansion as well as the developers of the new subdivisions. Why is it our responsibility? 1-1

Julie Garvin
15575 Weatherock Way, 93908

RESPONSE TO LETTER #1 – JULIE GARVIN

Response to Comment 1-1

Commenter states that the residents of Rimrock Subdivision are being unfairly charged by Cal-Am Water for the water needs of proposed subdivision.

The proposed system of water delivery and treatment is discussed on page 2-17 of the DEIR, and analyzed in Sections 3.6 (Groundwater Resources and Hydrology) and 3.9 (Public Services and Utilities). These sections describe that quantity of water necessary to serve the project will be supplied to the project via two existing wells, to be owned and operated by Cal-Am and distributed through an expanded distribution system.

The EIR addresses the potential environmental impacts of approving and constructing the proposed subdivision only, and does not address existing or future rate structures set by water purveyors to provide service. The proposed project will be required to obtain all permits and agreements and pay for all system improvements necessary to serve the proposed subdivision. The Ambler Park water treatment facility was recently upgraded, and represents one treatment option. A second treatment option may include a stand alone treatment plant at the site, which would also be owned and operated by Cal-Am. Some water purveyors are increasing their rates to upgrade their water treatment systems to treat for naturally occurring arsenic in the water supply due to the Federal and State maximum contaminant level for arsenic being lowered from 50 parts per billion (ppb) to 10 ppb in 2006 and 2008, respectively.

Letter 2

-----Original Message-----
From: Mike Thompson [mailto:mfthom@gmail.com]
Sent: Saturday, December 06, 2008 4:20 PM
To: Gillette, Melody x6056
Subject: Draft EIR for Harper Canyon (Encina Hills) Subdivision County File #PLN000696

Dear Ms Gillette,

Below are my comments on the subject draft EIR.

Water
Impact 3.6.1 of the DEIR concludes there will be a "less than significant impact" on long term groundwater resources. This is based in part on the "Project Specific Hydrogeology Report - Harper Canyon Realty LLC Subdivision" assertions that demand in the San Benancio Gulch subarea is less than the recharge rate. That hydrogeology report contracts the Geosyntec "El Toro Ground Water Study" prepared for county of Monterey in 2007. The Geosyntec report makes it very clear that the El Toro basin, including the San Benancio Gulch and the Paso Robles aquifer are in overdraft. The DEIR entirely ignores that Geosyntec study conclusion. That alone seems more than adequate reason to reject the DEIR as incomplete and deliberately misleading. If approved, the subdivision will accelerate the overdraft of the Paso Robles aquifer. In other words, the subdivision will obtain water by mining it. The DEIR should state that clearly. **2-1**

The DEIR notes that water from the Oaks well and the New well have arsenic levels that exceed California Department of Health Services Maximum Contaminate Levels (MCLs). The Ambler Park water system also draws water from those same aquifers and it has the same elevated arsenic levels. Cal Am has implemented an expensive arsenic treatment facility for Ambler Park. And while the DEIR notes the need to treat water to reduce the arsenic levels, the DEIR does not address the impact of accelerated overdraft on future arsenic levels. Private wells that draw from the Paso Robles aquifer are at risk of drawing water with arsenic levels exceeding the MCL. Will the accelerated overdraft of water from the aquifer cause these arsenic levels to increase, thereby increasing health risks to residents who have private wells? **2-2**

Sewer
The DEIR states that current usage at the CUS sewer facility is 220,000 gallons per day. However the Declaration from Ms Bacigalupi provides compelling evidence that the current usage is actually in excess of its 300,000 permit. The DEIR includes a letter from CUS asserting the number of hookups is 1,114. Ms Bacigalupi counted the hookups and found that there were 1306. The CUS assertions appear questionable, and given the CUS principles' history of deliberately submitting false drinking water reports to regulators, the DEIR should be considered incomplete until an independent party performs count of sewer hookups and compliance of the CUS facility with applicable regulations. **2-3**

Sincerely,
Mike Thompson
24633 Rimrock Canyon Road
Salinas, CA
93908
(831) 656-7595

RESPONSE TO LETTER #2 – MIKE THOMPSON

Response to Comment 2-1

Commenter states that the DEIR is incomplete and deliberately misleading because it fails to acknowledge the "El Toro Ground Water Study" prepared by Geosyntec in 2007, which concluded that the El Toro basin is in overdraft.

Please refer to Master Response 1: Water, which provides context for the Geosyntec study.

Response to Comment 2-2

Commenter states that the DEIR should address the effect of accelerated overdraft on future arsenic levels in private wells.

The proposed project will not accelerate the overdraft condition locally (see Master Response 1: Water.).

Arsenic occurs naturally in the environment in rocks and soil, water, air, plants and animals and is a by-product of some agricultural and industrial activities. Arsenic can enter drinking water through the ground or as runoff into surface water sources; however, higher levels of arsenic tend to be found more in ground water sources than in surface water sources (i.e., lakes and rivers) (EPA 2012). Per a review of 36 samples over a three to four period, arsenic levels in the vicinity of the project wells, ranged from 46 parts per billion (ppb) to negligible detected, with 21 samples exceeding the maximum contaminant level (MCL) of 10 ppb; however, concentrations typically remained relatively stable only shifting a few ppb and do not seem to shift between exceeding or not exceeding the MCL. (*Personal communication between Pamela Lapham, Associate Planner, PMC and Roger Van Horn, Monterey County Health Department, Environmental Health Bureau on September 27, 2012*). The need for expanded treatment of groundwater for arsenic is the result of the MCL being lowered from 50 ppb to 10 ppb, and not the result of an increase in the concentration of arsenic within the aquifers. All sources of groundwater must meet increasingly stringent Federal and State MCLs.

Although it is possible in some isolated areas, where geomorphic hot spots of naturally occurring arsenic occur within an aquifer, that lowering of groundwater levels can result in an increased concentration of arsenic levels within an aquifer, this is not likely the case in the project area based on data collected. Due to the relatively stable arsenic levels in the project area, arsenic levels that exceed the MCL are more likely due to existing naturally occurring arsenic levels exceeding the lowered MCL standards rather than an increased concentration of arsenic within the aquifers. Prior to the lowering of the standards, the arsenic levels noted by Monterey County Health Department would have not exceeded the standards. Most water purveyors/agencies have been forced to find reliable methods to treat naturally occurring arsenic within their water supplies to meet the new maximum

contaminate levels. Treatment occurs after pumping and typically does not address the source or arsenic concentrations below ground.

Response to Comment 2-3

Commenter challenges the California Utility Service's (CUS) documentation regarding the number of existing sewer hookups to the sewer system, and that an independent party should perform a count of sewer hookups and review compliance of the CUS facility with applicable regulations.

California Utility Service (CUS) is regulated by the Central Coast Regional Water Quality Control Board (RWQCB). As stated on page 3.9-4 of the DEIR, the RWQCB confirmed that California Utility Service has a valid permit to operate the facility and that the treatment they are providing is superior to what is noted on the permit. The remaining capacity of the wastewater treatment plant was calculated by Rene Fuog, Fuog Water Resources on behalf of CUS. Monterey County has to rely on the data provided by operators and regulators, who are required to provide accurate data to maintain their permits. According to the Monterey County Bureau of Environmental Health, both influent and effluent flows at the facility are currently metered to ensure adequate flow and capacity measurements. Furthermore, implementation of mitigation measure MM 3.9-4 requires preparation of a wastewater collection plan and calculations to demonstrate adequate capacity and is subject to review and approval by California Utility Service and the County of Monterey prior to filing the Final Subdivision Map. The RWQCB will also review and approve whether or not CUS has adequate capacity at the treatment plant. See also response to comment 8-2 which includes modifications to the mitigation measure that addresses the wastewater collection and treatment approach.

Letter 3

-----Original Message-----
From: Chris Flescher [mailto:cflescher@mclw.org]
Sent: Thursday, December 11, 2008 1:15 PM
To: Gillette, Melody x6056
Cc: Chris Fitz; chriscfitz@sbcglobal.net
Subject: DEIR - Encina Hills Subdivision (please confirm receipt of this email)

Post Office Box 1876, Salinas, CA 93902

Email: LandWatch@mclw.org

Website: www.landwatch.org

Telephone: 831-422-9390

FAX: 831-422-9391

December 10, 2008

Melody Gillette

County of Monterey Resource Management Agency - Planning Department

168 West Alisal, 2nd Floor

Salinas, CA 93901

Subject: DEIR for Encina Hills Subdivision

Dear Ms. Gillette:

LandWatch Monterey County has reviewed the DEIR for Encina Hills, which is the subdivision of 344 acres into 17 lots on 164 acres with one 180-acre remainder parcel. Lots would range from about 5 acres to over 23 acres. About 154 acres of the remainder parcel would be deeded to the Monterey County Parks Department to expand Toro Park. The project includes development on slopes greater than 30% and removal of 79 coast live oak trees. We have the following comments.

Aesthetics and Visual Resources

Letter 3 Continued

1. The DEIR (p. 3.1-9) states that three lots are potentially visible from SR 68, but that steep and rolling terrain adjacent to SR 68 provides a natural screen limiting visibility of the project from the highway. Apparently the three lots are visible from SR 68 and design review is identified as an existing measure that would assure that the project would not be visible from SR 68. Design review alone does not and would not assure that projects are not visible from public viewing places. The impacts on the viewshed would be significant and unavoidable. Alternative locations for these three lots should be identified given the extensive acreage being subdivided. **3-1**

2. The DEIR (p. 3.1-10) states that nine lots would be visible from BLM Land on Fort Ord and concludes that because of design review, the project would not have a significant impact. As noted above, design review frequently cannot hide development from public viewing locations. The impacts on the viewshed should be found to be significant and unavoidable. **3-2**

3. The DEIR (p. 3.1-15) states the proposed project would change the character of the site from undeveloped land comprised of annual grasslands, coast live oak woodland/savanna, coastal scrub and central maritime chaparral to rural residential development including buildings and roads. It concludes that with a mitigation measure requiring scenic easements for slopes in excess of 30 percent, the impact on visual resources would be less than significant. The DEIR (p. 3.8-8) indicates that 97 acres have slopes over 30%, with the remaining 247 acres under 30%. The EIR should address whether or not the remaining acres are within the viewshed and whether or not the project would have a significant adverse visual impact. **3-3**

4. The DEIR (p. 3.1-18) states that cumulative development would continue to urbanize the area around Corral de Tierra/San Benancio Road, but concludes that design review and other policies in the County General Plan would prevent significant cumulative degradation of the visual character of the area. The DEIR does not identify the General Plan policies; it simply references policies that "emphasize preservation of the rural environment". The cumulative impact of the project on the visual character of the community cannot be avoided as identified in the DEIR, and the impact should be found to be significant and unavoidable. **3-4**

Air Quality

5. Table 3.2.2 is incomplete. It shows that the 8-hour ozone standard is not applicable. Please review Table 3.2-5 which correctly identifies this standard and correct Table 3.2.2 showing that the NCCAB is nonattainment for this standard. **3-5**

Letter 3 Continued

6. The AQMP was updated in 2008 and includes AMBAG's 2008 population forecasts. The information on p. 3.2-12 should be updated accordingly. **3-6**

7. The cumulative air quality impact on ozone levels (p. 3.2-22) should be revised using the population forecasts in the 2008 AQMP which are considerably lower than those in the 2004 AQMP. AMBAG should be contacted to provide the consistency determination per the District's CEQA Air Quality Guidelines. **3-7**

Groundwater Resources and Hydrogeology

8. A majority of the proposed residential units is located within the El Toro Creek subarea. (p. 3.6-2). Water would be procured from wells within the San Benancio Gulch subarea of the El Toro Groundwater Basin as identified in Figure 3.6-1. The Gulch subarea overlies the Paso Robles Aquifer and the Santa Margarita Aquifer. According to the 2007 El Toro Groundwater Study prepared for Monterey County Water Resources Agency (MCWRA), "...groundwater production potential is negligible in areas underlain by granitic or metamorphic basement rocks, such as the portion of the San Benancio Gulch subarea northeast of the Harper Fault and Calera Creek subarea south of the Chupines Fault." (P.ES-3).

The DEIR states (p. 3.66-6), "According to the MCWRA, this portion of the El Toro

Planning area, including the project site, receive benefits of sustained groundwater levels

attributed to the operation of both the Nacimiento and San Antonio Reservoirs and will receive benefits of the Salinas Valley Water project upon completion." The actual findings regarding this issue from the 2007 El Toro Groundwater Study are, "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 operations of Nacimineto and San Antonio Reservoirs". The DEIR fails to point out that only portions of the project site are located within the Salinas Groundwater Basin and that the wells for the project are located in the San Benancio Gulch Subarea. **3-8**

Further, the 2007 Study finds:

"Water level data compiled and reviewed for this study indicates that primary aquifer system in the El Toro Planning Area is in overdraft... If long term declines in groundwater levels and reliance on groundwater storage

Letter 3 Continued

are acceptable to the County, the B-8 zoning could be lifted in areas with large saturated thicknesses of the El Toro Primary Aquifer System where additional groundwater production is feasible for several decades. However, if County Policy does not allow overdraft conditions and mining of groundwater, the B-8 zoning should be expanded to cover the entire extent of the El Toro Primary Aquifer System." **3-8 cont**

9. The DEIR states (p. 3.6-6) that the project would procure water from a special assessment zone established for the Salinas Valley Water Project. The water would be obtained from the Oaks Well and New Well, which the DEIR states are both located within Zone 2C. While the two wells may be located in the Salinas Valley Water Project Assessment Zone 2C, the wells nevertheless extract water from the El Toro Groundwater Basin which is in overdraft. Please explain fully why the project would not exacerbate overdraft conditions in the El Toro Groundwater Basin. **3-9**

10. The DEIR concludes (p. 3.6-18) that the proposed project would reduce return flow to the El Toro Groundwater Basin by approximately 5.88 AFY but that this would be considered a minimal significant adverse impact according to the Monterey County Health Department. The potential cumulative impact should be addressed based on the 2007 findings in the in the El Toro Groundwater Study. **3-10**

11. The DEIR states (p. 3.6-6), "Groundwater quality in the El Toro Groundwater Basin is considered fair to poor. The two principal aquifers, the Paso Robles Aquifer and the Santa Margarita Aquifer, have two different water quality characteristics. The Paso Robles Aquifer is of calcium-bicarbonate type while the Santa Margarita Aquifer is of sodium-chloride type." Figure ES-3 of the 2007 Study identifies numerous wells in the vicinity of the project wells that exceed both primary and secondary Maximum Contaminant Levels (MCLs). Water with levels exceeding MCLs do not meet national standards for drinking water safety. The DEIR states the project wells probably will exceed drinking water standards for arsenic and currently exceed secondary standards for total dissolved solids, electrical conductivity and manganese. The New Well also exceeds the secondary MCL for Chloride. Although mitigation measures are proposed to reduce impacts to less than significant, the challenges to assuring appropriate water quality for this project appear daunting. **3-11**

Transportation and Circulation

12. The following tables compare the Existing LOS for road segments as identified in the DEIRs for the proposed project and for GPU5: **3-12**

Roadway Segment on SR 68

Letter 3 Continued

Project DEIR

AM/PM Peak Hour

GPU5 DEIR (Based on Daily Capacity)

SR 218 to York Rd.

E/E (east- and westbound)

F

York Rd and Pasadera Dr

E/F (eastbound)

E/B (westbound)

F

Pasadera Dr and Laureles Grade

E/F (eastbound)

E/E (westbound)

F

Laureles Grade and Corral de Tierra Rd

E/F (eastbound)

E/B (westbound)

F

Corral de Tierra Rd. and San Benancio Rd.

E/F (eastbound)

F/F (westbound)

F

3-12 cont

Letter 3 Continued

Please explain why LOS for peak hour traffic as identified in the DEIR for the Encina Hills Subdivision is better than LOS based on daily capacity. **3-12 cont**

13. The DEIR describes TAMC's Nexus Study for a Regional Impact Fee (p. 3.10-23). The discussion of the fees is significantly out-of-date and should be revised to reflect the fee program adopted in 2008. **3-13**

Alternatives Analysis

14. CEQA requires consideration of alternatives that would mitigate significant impacts. The Environmentally Superior Alternative identified in the DEIR (Modified Subdivision Design B) would eliminate development on four residential units which are downslope from existing landslide deposits and scarp. Eliminating development of these lots would reduce disturbance of soil and exposure of people and structures to hazards and decrease project density. The DEIR finds the impacts on aesthetics and visual resources, air quality, biological resources, geology, groundwater resources, surface water hydrology, public services, transportation and noise would be less than the proposed project. This alternative is rejected because it does not meet all of the proposed project objectives.

3-14

The project's objective is to subdivide 344 acres into 17 lots; thus, by definition, an

alternative that reduces the number of lots would not meet the project's objectives. However, CEQA requires (§ CEQA Guidelines 151126.6) that alternatives that reduce impacts be evaluated "even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.... Among the factors that may be used to eliminate alternatives... are (I) failure to meet most of the basic project objectives, (ii) infeasibility, or (iii) inability to avoid significant environmental impacts". The discussion regarding rejection of the Environmentally Superior Alternative should be revised to address the criteria identified above or the alternative should not be rejected.

Thank you for the opportunity to review the document.

Sincerely,

/S/ Chris Fitz

Chris Fitz, Executive Director

LandWatch Monterey County

RESPONSE TO LETTER #3 – LANDWATCH

Response to Comment 3-1

Commenter states that design review alone for the three lots potentially visible from State Route 68 would not assure that these lots would not be visible from public viewing places and that alternative locations should be identified.

The standard for review with respect to visual impacts is not whether the project is visible from a common public viewing area, but whether there is a "substantial adverse visual impact". The DEIR reviewed the project from the perspective of the degree to which project elements might be visible including distance from the viewing point, interruptions in the landscape that would naturally screen project elements and timeframe during which a project element might be seen e.g. a driver traveling at 45 miles through a common viewing area.

The "Design Control District" will be applicable to the entire area of the project site. Therefore, all 17 residential lots will be subject to the requirements of Section 21.44.010 of the *Monterey County Zoning Ordinance*. Section 21.44.010 of the *Monterey County Zoning Ordinance* applies specific design standards and additional design review prior to approval of new development, including regulation of the location, size, configuration, materials and colors of the proposed structures in order to guide development. The Design Review approval process ensures that the scenic quality of the project site and vicinity is not diminished with implementation of the proposed project per section 21.44.030 of the *Monterey County Zoning Ordinance* (Title 21). This includes review of elevations, color samples, topography, and landscaping. These design review requirements would ensure that the proposed project would not have a substantial adverse impact from a scenic vista or public viewing place. During this review process alternate building envelope locations may be recommended depending on the design of the proposed development. Furthermore, this review will ensure that the proposed project would not have a significant adverse impact on the scenic quality of the project site.

In response to comments regarding potential impacts to visual resources, mitigation measure **MM 3.1-2** has been modified to add a part (b) and (c) as follows:

MM 3.1-2b To further reduce the potential visibility of residential development from common viewing areas, Toro Park, BLM public lands and State Route 68, prior to recording the Final Subdivision Map, the project applicant shall designate building envelopes on each proposed lot to define the building area. The building envelopes shall be selected to minimize grading, avoid vistas that have a direct line of site to State Route 68 to the maximum extent feasible and preserve existing screening vegetation. These shall be subject to review and approval by the RMA-Planning Department.

MM 3.1-2c In order to preserve the visual character of the project site and surrounding area, the applicant shall prepare design standards that shall be recorded on the titles for all of the parcels. These shall apply to all site development, architectural design and landscape plans. These shall include the following elements:

a) use of natural materials, simulated natural materials, texturing and/or coloring that will be used for all walkways, patios, and buildings.

b) Use of rolled curbs for areas where curbs may be required;

c) Substantial use of vegetative screening using a native drought tolerant plant palette to obscure off-site view;

d) Re-planting with native grasses and vegetation of any roadways serving the subdivision and individual parcels; and

e) A planting plan shall be submitted to the RMA-Planning Department for review and approval prior to the approval of grading plans for creation of subdivision roadways. A planting plan shall be submitted as part of the Design Review approval process for each residential lot.

Depending on the design of subsequent development on the project site, other zoning regulations associated with ridgeline development and slopes greater than 30 percent may be triggered. According to Section 21.66.010.D of the *Monterey County Zoning Ordinance,* a use permit for ridgeline development may be approved only if the development will not create a substantially adverse visual impact when viewed from a common public viewing area. In addition, implementation of mitigation measure MM 3.1-2 will require that all land exceeding slopes of 30 percent be designated as "scenic easements" in accordance with Policy 26.1.10 of the *Monterey County General Plan, except where roadways improvement have no other alternative.* The Final Subdivision Map shall identify the areas within a "scenic easement" and note that no development shall occur within the areas designated as "scenic easement."

Accordingly, mitigation measure **MM 3.1-2** as revised, in combination with the design review process, and other zoning regulations, and the fact that development on the approximately 300 acre project site is limited and dispersed, would effectively address potentially significant visual impacts, as described on pages 3.1-10 through 3.1-17 of the DEIR to a level that is less than significant.

Response to Comment 3-2

Commenter is concerned that the design review alone will not hide development from public viewing places, such as BLM land on the former Fort Ord.

Portions of the project site may be visible from public land that the Bureau of Land Management (BLM) owns on the northern side of Route 68 on former Fort Ord lands. As discussed on page 3.1-10 of the DEIR, design review requirements will ensure that

location, size, configuration, materials and colors of the structures will be taken into account prior to construction, which would ensure that the scenic quality of the project site and vicinity is not diminished with implementation of the proposed project per Section 21.44.030 of the *Monterey County Zoning Ordinance* (Title 21) as noted in response to comment #3-1. Project visibility is not itself a significant impact, and projects are not required to be invisible. In addition, given the rugged terrain and effort required to access the BLM public lands and trails, and the absence of a designated vista point, the more remote portions of these public lands are not considered a "common public viewing area" as recognized by the County, and as defined by Title 21. Visibility of development on specific lots as viewed from this location would be considered a less than significant impact with application of existing zoning regulations.

Response to Comment 3-3

Commenter cites MM 3.1-2, which places a scenic easement in areas of excess of 30% slope. Comments inquire if "remaining" acres are within the viewshed and if the project would have a significant adverse visual impact.

DEIR page 3.1-15 addresses impacts on individual scenic resources. Scenic resources include, but are not limited to, trees, rock outcroppings and historic buildings within a state scenic highway. The proposed project's potential impact to the vistas, viewsheds and scenic corridors (including State Route 68, a state designated scenic highway) is addressed on page 3.1-9 of the DEIR under Impact 3.1-1. As stated on page 3.1-9 and shown in Figures 3.1-1A and 3.1-1B, the project site is located outside the area designated as "area of visual sensitivity" and the "critical viewshed".

The project site encompasses approximately 344 acres. However, the 17 proposed residential lots are proposed on approximately 164 acres, with a 180 acre Remainder Parcel. Approximately 154 acres of the Remainder Parcel (as shown in **Exhibit A**) would be deeded to Monterey County Parks Department and no development is proposed on the remaining portion of the Remainder Parcel. According to the Slope Density Map prepared by Whitson Engineers in August 2011, of the 164 acres proposed for development, approximately 97 acres contain slopes in excess of 30%, which would be dedicated as scenic easements; approximately 40 acres have slopes ranging from 20 to 30%; and approximately 27 acres have slopes ranging from 0 to 20% slopes.

The third paragraph on page 3.5-1 of the DEIR has been modified to reflect these quantities.

> The project site consists of terrain that is somewhat varied with rolling hills and ridges with intervening drainages. The project site contains approximately 97~~6~~ acres of steep slopes in excess of 30 percent; 40 acres of softer slopes ranging from 20 to 30 percent; and 27~~3~~ acres with slopes ranging from 0 to 20 percent. The

elevation of the project site varies approximately 700 feet, ranging from 330 feet in the northeastern portion of the project site to 1,020 feet in the southeastern portion.

According to Whitson Engineers, the slope conditions on the project site can support the development of a maximum of 47 units. However, other limitations (i.e. habitat) would further reduce the area available for development. Development of less than 67 acres (land with slopes equal or less than 30 percent) out of 344 acres is not considered to significantly affect the scenic and rural quality of the project vicinity.

Furthermore, the project site is located within a "Design Control District". The "Design Control District" will guide development on the project site while preserving the scenic qualities of the ridgeline area, views from State Route 68, and the scenic and rural quality of the project vicinity. Therefore, implementation of the proposed project would not have a substantial adverse impact on the scenic resources within the viewshed of State Route 68. The commenter is also referred to response to comment 3-1.

Response to Comment 3-4

Commenter states that on the cumulative degradation of visual character cannot be avoided and that the DEIR does not identify the applicable General Plan policies but instead, it references policies that emphasize preservation of the rural environment.

The existing visual character of the land within the vicinity of the project site is considered to be a rural community, which consists of schools, golf courses, rural residential development, a market, a church, etc. Policies in the *Monterey County General Plan* and *Toro Area Plan* that emphasize preservation of the rural environment, implemented over time, would address cumulative visual effects. Policies that would emphasize the preservation of the rural environment include 26.1.6.1, 26.1.7.1, 26.1.9.1, and 26.1.20.1. These policies are summarized on page 3.1-6 of the DEIR. Policy 26.1.6.1 requires that development in those areas of Toro identified as having high visual sensitivity be accompanied by landscaping and design review plans. Policy 26.1.7.1 states that the County shall encourage the use of optional design and improvement standards as described in Article VI of Title 19 of the County Code. Policy 26.1.9.1 states that development on ridgelines and hilltops or development protruding above ridgelines shall be prohibited. Policy 26.1.20.1 requires that lighting of outdoor areas shall be minimized and carefully controlled to preserve the quality of darkness. Implementation of these policies and the design review process would minimize the proposed project's individual impact on the visual character.

According to the Toro Area Plan EIR, buildout of concentrated development in the Toro Area Plan would result in an unavoidable visual impact. According to the Monterey County General Plan, the project site is designated for rural residential and low density development. The proposed project would meet the rural density requirement of a minimum of 5.1 acres per residential unit and the low density requirement of a minimum

of one acre per residential unit. Therefore, the cumulative visual impact associated with implementation of the proposed project, in conjunction with the buildout of the *Toro Area Plan,* was also analyzed and disclosed as part of the *Toro Area Plan* environmental review process. Since implementation of the above policies, design review process and proposed mitigation measures would reduce the proposed project's individual contribution toward degrading the visual character of the area and would not increase the density of development as identified and previously analyzed as part of the General Plan, the proposed project's cumulative contribution toward the degradation of visual character would be considered less than significant.

Response to Comment 3-5

Commenter states that table 3.2-2 in the DEIR is incomplete. Commenter also suggests that tables 3.2-2 and 3.2-5, in the Air Quality section of the DEIR, contradict one another.

Comment acknowledged. The federal 1-hour standard for ozone was revoked in July 2005. In November 2006, ARB issued new designations to reflect the addition of an 8-hour average to the State AAQS for ozone. The NCAB was re-designated from nonattainment-transitional to nonattainment. None of these changes alter the significance conclusion of the DEIR.

Table 3.2-2 on page 3.2-4 of the DEIR has been amended as follows:

TABLE 3.2-2
NCCAB ATTAINMENT STATUS DESIGNATIONS

Pollutant	National Designation	State Designation
Ozone, 1 hour	~~Attainment~~Maintenance[1]	Nonattainment[2]/~~Transitional~~ ~~Not Applicable~~
Ozone, 8 hour	~~Unclassified/~~Attainment	
PM10	Unclassified/Attainment	Nonattainment
PM2.5	Unclassified/Attainment	Attainment
Carbon Monoxide	Unclassified/Attainment	~~Unclassified/~~Attainment
Nitrogen Dioxide	Unclassified/Attainment	Attainment
Sulfur Dioxide	Unclassified	Attainment
Sulfates	Not Applicable	Attainment
Lead	Not Applicable	Attainment
Hydrogen Sulfide	Not Applicable	Unclassified
Visibility Reducing Particles	Not Applicable	Unclassified

Notes: 1. The federal 1-hour standard for ozone was revoked on July 15, 2005.

2. In November 2006, ARB issued new designations to reflect the addition of an 8-hour average to the State AAQS for ozone. The NCAB was re-designated from nonattainment-transitional to nonattainment.

Source: ARB ~~2005~~2008

Response to Comment 3-6

Commenter suggests that the discussion on page 3.2-12 of the DEIR should be updated to be consistent with the 2008 AQMP.

Comment acknowledged. None of the changes in the 2008 AQMP alter the significance conclusion of the DEIR. However, the following changes have been made to the DEIR to be consistent with the 2008 AQMP.

The third paragraph on page 3.2-12 of the DEIR has been amended as follows:

> As required by the CCAA, the MBUAPCD adopted the *1991 Air Quality Management Plan* (hereinafter referred to as AQMP) for the Monterey Bay Region. The 1991 AQMP addressed planning requirements to meet the ozone standard mandated by the CCAA and included measures to control emissions of VOC from stationary and mobile sources. Since the 1991 AQMP was adopted, control requirements have been reduced. The AQMP was most recently updated in ~~2004~~ 2008~~to reflect these changes~~. The most recent ~~2004~~ 2008 AQMP update concluded that the NCCAB ~~remains on the borderline between attainment and~~is designated as nonattainment for state ozone and PM_{10} AAQS~~in part due to variable meteorological conditions occurring from year to year, transport of air pollution from the San Francisco Bay Area, and locally generated emissions (MBUAPCD 2005)~~. The 2008 AQMP update includes an air quality trend analysis that reflects the 1- and 8-hour standards as well as an updated emission inventory, which includes the latest information on stationary, area and mobile emission sources (MBUAPCD 2008). Emission forecasts contained in the AQMP are based, in part, on population forecasts adopted by the Association of Monterey Bay Area Governments (AMBAG). For population-related projects, consistency with the AQMP is assessed by comparing the projected population growth associated with the project to population forecasts adopted by AMBAG (MBUAPCD ~~2004~~2008). The 2008 AQMP also updates the description of the area's Transportation Control measures, as well as grant activity under AB 2766 and the Moyer mobile source emission reduction programs. Lastly, the 2008 AQMP proposes to evaluate any co-pollutant benefits in terms of reducing ozone precursors achieved under climate change bill AB32 (MBUAPCD, 2008).
>
> In December 1995, the MBUAPCD also prepared the 1995 Report on Attainment of the California Fine Particulate Standard in the Monterey Bay Region. This report was most recently updated in 2005. The report found that existing control on sources of

NO_x emissions, which serve as precursors to PM_{10}, may lead to attainment and maintenance of the State PM_{10} standard through 2010 (MBUAPCD 2005).

The references on page 3.2-25 of the DEIR has been amended as follows:

References/Documentation

Association of Monterey Bay Area Governments (AMBAG). *Consistency Letter from Todd Muck, AICP, Senior Transportation Planner, to Pamela Lapham, Assistant Planner, PMC*. December 29, 2005.

Association of Monterey Bay Area Governments (AMBAG). *Consistency Letter from David Roemer, Associate Planner, to Pamela Lapham, Associate Planner, PMC*. March 6, 2009.

Bay Area Air Quality Management District. *Source Inventory of Bay Area Greenhouse Gas Emissions*. November 2006.

California Air Resources Board (ARB). *Ambient Air Quality Standards*. http://www.arb.ca.gov/aqs/aaqs2.pdf.

California Air Resources Board, California Climate Action Registry, ICLEI - Local Governments for Sustainability, and the Climate Registry; *Draft Local Government Operations Protocol*. June 2008.

California Air Resources Board, *Climate Change Proposed Scoping Plan: A Framework for Change*, October 2008.

California Environmental Protection Agency (CEPA) and California Air Resource Board (ARB). *Air Quality and Land Use Handbook: A Community Health Perspective*. April 2005.

Higgins Associates. *Harper Canyon/Encina Hills Subdivision Traffic Impact Analysis*. Higgins Associates. May 28, 2008.

Monterey Bay Unified Air Pollution Control District (MBUAPCD). *CEQA Air Quality Guidelines*. Adopted 1995 revised through ~~June 2004~~ February 2008.

Monterey Bay Unified Air Pollution Control District (MBUAPCD). *2004 Air Quality Management Plan, Fourth Revision to the 1991 Air Quality Management Plan for the Monterey Bay Region*. ~~September 2004~~ June 2008.

Monterey, County of. *Monterey County General Plan*. August 1982 with Amendments through November 5, 1996.

Monterey, County of. *Toro Area Plan*. September 1983 with Amendments through 1998.

United States Environmental Protection Agency (US EPA). *PM Standards Revision*. url: http://www.epa.gov/pm/naaqsrev2006.html. September 21, 2006.

Response to Comment 3-7

Commenter recommends that information regarding cumulative air quality impacts on ozone levels in the DEIR be revised using the population forecasts in the 2008 AQMP instead of the numbers found in the 2004 AQMP. Furthermore, the commenter suggests that AMBAG be contacted to provide the consistency determination per District's CEQA Air Quality Guidelines.

Comment acknowledged. The MBUAPCD revised their 2004 AQMP for the Monterey Bay Region in June 2008 based on population forecasts adopted by AMBAG in June 2008. The NOP for this EIR was prepared in July 2005, well before the completion and release of the DEIR in October 2008. As the population and housing projections are lower in the 2008 AQMP, the analysis in the DEIR regarding regional ozone levels associated with future growth can be considered conservative. On March 6, 2009 AMBAG provided an updated consistency determination for this project, concluding that the proposed project is consistent with the *Air Quality Management Plan for the Monterey Bay Regional (*AQMP) (See **Exhibit B** of the FEIR).

AMBAG's 2008 Population, Housing Unit, and Employment Forecasts estimate the County population to be 109,509 by 2010. Since the population increase associated with the proposed project combined with the updated population estimate for January 2009 would still be lower than the estimated population in 2010, the proposed project would be consistent with the 2008 regional forecast and the Air Quality Management Plan.

Response to Comment 3-8

Commenter states that the DEIR fails to point out that only portions of the project site are located within the Salinas Groundwater Basin and that the wells for the project are located in the San Benancio Gulch Subarea. Commenter also references the "El Toro Groundwater Study" findings regarding overdraft conditions and County options for addressing B-8 zoning in areas of productive groundwater.

Please see updated Section 3.6 included in this FEIR, which clarifies the existing setting with respect to the local groundwater basin. The project site and wells are within Zone 2C. Please see Master Response 1: Water.

Response to Comment 3-9

Commenter requests explanation of why the Zone 2C project would not exacerbate overdraft conditions in the El Toro Groundwater Basin if the wells they are obtain water from are extracting water from the El Toro Groundwater Basin.

See Section 3.6 and Master Response 1: Water, which addresses this issue in further detail.

Response to Comment 3-10

Commenter states that the cumulative impact should be based on the findings of the El Toro Groundwater Study.

See Section 3.6 and Master Response 1: Water, which addresses this issue in detail.

Response to Comment 3-11

Commenter notes that challenges to assuring appropriate water quality for this project appear daunting.

Commenter is referred to Mitigation Measure MM 3.6-2a and MM 3.6-2b in the updated Section 3.6 included in this FEIR. The mitigation clarifies how groundwater contaminants shall be treated to meet standards.

The commenter has also indicated concerns regarding traffic impacts in the Toro Area. The County prepared a Recirculated DEIR in December 2009 that specifically addresses traffic. The Recirculated DEIR concludes that there will be significant unavoidable impacts with respect to traffic at several intersections and segments. The project applicant will also be responsible for paying cumulative traffic impact fees, which includes a project for widening a portion of State Route 68 to address regional traffic impacts.

Response to Comment 3-12

This is a traffic related comment addressing level of service (LOS) data. Please note that the traffic and circulation section (Section 3.10) of the DEIR was revised and recirculated in its entirety (RDEIR, December 2009). Any and all traffic-related comments received on the new traffic section are addressed within this Final EIR.

Response to Comment 3-13

This is a traffic related comment addressing TAMC's Nexus Study for a Regional Impact Fee. Please note that the traffic and circulation section (Section 3.10) of the DEIR was revised and recirculated in its entirety (RDEIR, December 2009). Any and all traffic-related comments received on the new traffic section are addressed within this Final EIR.

Response to Comment 3-14

Comment addresses purpose of an EIR's alternatives analysis, and specifically the "Modified Subdivision Design B" alternative to the project. Commenter suggests that discussion regarding rejection of alternatives be revised to address CEQA criteria.

CEQA Guidelines Section 15126.6(e)(2) requires that the environmentally superior alternative be identified. If the environmentally superior alternative is the "No Project" Alternative, the EIR shall also identify an environmentally superior alternative among other alternatives. As stated on page 4-11 of the DEIR, Alternative 3, "Modified Subdivision Design 'B'" represents the "environmentally superior" alternative because several potential impacts would be reduced relative to the proposed project. The DEIR goes on to state that "this alternative does not meet all of the proposed project objectives" and "would be **less consistent** with the proposed project objectives than the proposed project" but there is no discussion regarding rejection of this alternative. Therefore, the alternatives analysis satisfies its intended purpose to indentify environmentally superior options. It is also important to note that, with the exception of significant and unavoidable traffic impacts along State Route 68, all identified impacts of the project (including geologic impacts) can be mitigated to a less than significant level with the application of mitigation measures.

Letter 4

-----Original Message-----
From: David Erickson [mailto:swtools@sbcglobal.net]
Sent: Friday, December 12, 2008 3:07 PM
To: Gillette, Melody x6056
Subject: FW: Harper Canyon (Encina Hills) Subdivision comments

Melody,

this is my final set of comments regarding the Harper Canyon (Encina Hills) Draft EIR. Please acknowledge receipt.

1. The name of the subdivision is inconsistently referred to throughout the EIR as Harper Canyon or as Encina Hills or sometimes other names are used.
Since one of the existing subdivisions that borders this (referred to at times in the document as "Rim Rock") is legally named the Harper Canyon Subdivision, it is very confusing, especially to residents of that subdivision, when impacts or services like water are discussed and the term Harper Canyon Subdivision is used. The EIR should be modified to use a consistent and unambiguous name (e.g. "Encina Hills" or "Harper Canyon - Encina Hills") for the new proposed subdivision. **4-1**

2. The mitigation plan for impact 3.3-2 (loss of habitat for sensitive species) does not address habitat loss for sensitive animal species (only plants are considered in the mitigation plan).

However, the site is home to Coast Horned Lizards, which feed on the large native harvester ants. Currently Argentine ants are not found on the Encina Hills subdvision (they do not compete well with the native ants in dry undisturbed soil of the type in Encina Hills), but Argentine Ants follow new development and their spread is encouraged by the presence of water. The adjacent subdivisions have large populations of Argentine ants, mostly from irrigated landscaping. The Coast Horned lizard is currently a Federal Special Concern species (FSC) and a California Special Concern species (DFG-CSC). The storm collection pond mitigations should be revisited and another solution explored to solve the water runoff that does not include ponding, so as to protect the horned lizard habitat, and irrigated landscape should be minimized as a condition of development in the proposed subdivision. **4-2**

Ref: University Of California - San Diego. "Proliferation Of Argentine Ants In California Linked To Decline In Coastal Horned Lizards." ScienceDaily 5 March 2002. 7 December 2008 <http://www.sciencedaily.com-/releases/2002/02/020227071151.htm>.

The site is also home to California black legless lizards (I have found them on my property which is adjacent to the 180 acre Remainder Parcel), and although they are a California species of special concern whose range includes this part of California, no mention of them occurs in the EIR. This oversite needs to be corrected, and the site should be re-surveyed to understand the impacts on that species.

I can also confirm Coast-range Newts and California tiger salamanders, are present in the immediate vicinity of the Encina Hills Subdivision. I have seen them on my property, and although the Biological report mentions the nearest known population of Coast-range Newts as being at Hastings

Letter 4 Continued

Reserve in Carmel Valley, there is a community of both that breed in the vernal pools below Indian Springs, which is only 2-3 miles away. There are vernal pools in San Benancio canyon that are not known to the authors of the Biological study for the Draft EIR, and it is likely that the proposed water runoff holding ponds will become future breeding sites for these species since they are already in the area.

The biological report was done by a firm that is not local to Monterey County, and local herpetologists were not consulted. I am not a herpetologist, but I have been on collecting trips with Dr. Steven Ruth to Indian Springs, who is a local herpetologist and expert on the Santa Cruz Long Toed Salamander, so I have learned how to recognize both Coastal Newts and Tiger Salamanders.

4-2 cont

3. The site selection criteria for the two proposed water tanks is not addressed in the Encina Hills EIR.

The same environmental impact mitigation criteria must be applied to the siting of the water tanks as was applied to road and homesite location in the Draft EIR. Currently, the Draft EIR has no reference to the water tank site selection criteria and shows no evidence that the analysis of the environmental impacts of the Encina Hills subdivision included the water tanks or water tank site preparation or access. The new water tanks require grading and new road construction; however, none of the mitigations for impacts in the EIR mention the water tank sites, grading, or access road construction. In particular, the locations shown on the subdivision maps in the EIR would seem not to meet the geologic report's recommendation that development be kept at a distance computed by running an imaginary plane at an angle of 2:1 (or 4:1) from the bottom of erosion gulleys or "features" (such as Rimrock Canyon!). Since the geologic report mentions only roads and homes when applying this rule, I have extrapolated the comments.

4-3

Note that Rimrock Canyon is an area of active erosion and landslides. The aerial photograph in the EIR shows a large landslide that occurred in 1998, over 75 feet in length and 30 feet wide, very close to one the proposed water tank location on the East rim of Rimrock Canyon, inside the 180 Acre Remainder Parcel. No development should be allowed that changes the drainage or soil characteristics along the top edge of the canyon. The two existing water tanks that are sited on the West rim of Rimrock Canyon are a continuing source of erosion down into the canyon, and there are near-vertical erosion gulleys leading down from those water tanks. Perhaps one of the mitigations to consider for Encina Hills subdivision is to repair the erosion damage from the existing water tanks.

The proposed water tank sites are also ridgeline development, and would have a large visual impact from any spot where Rimrock Canyon is visible. Again, this is a deficiency in the EIR, that the water tank sites were not considered for environmental impacts.

4. The list of public scenic vistas (for all of the Impacts in section 3.1) should be expanded to include Los Laureles Grade Road. The proposed Encina Hills subdivision is clearly visible from the top of Los Laureles Grade, and the subdivision grading and building may be quite visible and may be a scar on the slopes of Mt. Toro for many years, unless steps are taken to mitigate that impact.

4-4

Letter 4 Continued

5. The 180 acre Remainder Parcel will be split into two parts according to the Draft EIR. However, none of the maps included with the Draft EIR show the split, and the access route into the Remainder Parcel is not discussed, except in conjunction with the proposed new water tank on the East rim of Rimrock Canyon.
As a result, I can only speculate, but some of the speculation leads to some obvious conclusions. Since it is possible that an easement will be created giving permanent access rights to the owners of the Remainder Parcel over the Encina Hills subdivision lands, and since one portion of the Remainder Parcel may become a site for future development, the EIR needs to clarify the plans for an access route to the Remainder Parcel and consider any environmental impacts if there are any.

4-5

6. The continued use and any improvement of the dirt road that skirts the edge of Rimrock Canyon needs to be limited and impacts carefully mitigated. The road currently comes within a few feet of the near-vertical canyon wall, so grading and traffic on that road has the possibility of cutting into the canyon rim or diverting water into the canyon, leading to erosion or landslides. Since continued and expanded use of this road is one of the activities proposed in the EIR, the geological study should be expanded to include it. Currently the geologic study addresses impacts and proposes mitigations only for the area described as lots 1-17.

4-6

-David Erickson

24533 Rimrock Canyon Rd.
Salinas, CA 93908
831 484-2296

> -----Original Message-----
> From: Gillette, Melody x6056 [mailto:GilletteM@co.monterey.ca.us]
> Sent: Tuesday, December 02, 2008 8:23 AM
> To: David Erickson
> Cc: Kinison Brown, Taven M. x5173
> Subject: RE: Harper Canyon (Encina Hills) Subdivision comments
>
>
> Thank you for your comments on Harper Canyon. An e-mail is acceptable,
> if it, like this e-mail, includes a mailing address. For your
> information, we do have your address on file as well.
>
> Please submit all your comments in one e-mail, confirm in that e-mail
> that your comments are complete and they will be included in their
> entirety in our public comment section and a reply submitted.
>
> If you have any further questions, please contact me. Thank you.
>
> Melody Gillette
> Senior Planner - Valley Planning
> (831) 796-6056

RESPONSE TO LETTER #4 – DAVID ERICKSON

Response to Comment 4-1

Commenter states that the name of the project is inconsistently referred to as Harper Canyon or as Encina Hills, which is confusing because there is another legally named Harper Canyon Subdivision (also known as Rim Rock). Commenter request that the EIR be modified to use a consistent and unambiguous name throughout.

The comment is appreciated and noted for the record. According to the Monterey County RMA Planning Department and project application, as submitted, the name of the project is "Harper Canyon (Encina Hills) Subdivision". The DEIR makes the best effort to refer to the project as the "proposed project" throughout the document. Every page of the document notes in the footer that it is the Harper Canyon/Encina Hills Subdivision to clearly differentiate this project from the existing Harper Canyon Subdivision.

Response to Comment 4-2

Comments suggests potential presence of additional species, including Coast Horned Lizards, a Federal Special Concern Species; the California black legless lizards; Coast-range newts; and California tiger salamanders. Commenter recommends that ponding of storm water runoff and irrigated landscaping be minimized.

As noted on page 3.3-8 of the DEIR, several special-status animals have the potential to occur on the project site. However, Zander Associates, a qualified biology consulting firm with extensive experience in Monterey County and Fort Ord, determined that the project site provides limited potential habitat for some of these special status wildlife species. Zander Associates concurs that the project site may contain suitable habitat for the California tiger salamander (*Ambystoma californiense*), Coast-range newt (*Taricha torosa torosa*), and Coast horned lizard *(Phrynosoma coronatum)*. However, the project site was not determined to have habitat suitable to support the California black legless lizard.

As noted on page 3.3-11 of the DEIR, Coast horned lizards were seen within the 180-acre "Remainder parcel," and potentially suitable habitat for this animal exists in the chamise chaparral-dominated habitat and there is limited potential for drainages on the project site to serve as dispersal corridors for the Coast-range newt, if there are unknown populations breeding in permanent water bodies within one kilometer of the project site. No potential breeding habitat for California tiger salamanders was identified on the project site.

Implementation of mitigation measures MM 3.3-2b and MM 3.3-2c ensures protection and minimized disturbance of the native habitat, such as chamise chaparral, and active drainage channels on the project site. If encroachment of drainage channels is unavoidable, necessary permits and/or authorization (with additional mitigation) would be required.

Monterey County Water Resources Agency requires a standard condition of approval that stormwater runoff be detained onsite and that irrigated landscaping be minimized. Furthermore, implementation of mitigation measure MM 3.3-2a requires the use of native species requiring minimal irrigation.

Response to Comment 4-3

Commenter states that the site selection criteria for the proposed water tanks is not addressed in the DEIR. Commenter further states that no development should be allowed that changes the drainage or soil characteristics along the top edge of Rim Rock Canyon and recommends that the proposed project repair the erosion damage from the existing water tanks.

The DEIR evaluates the project as it is proposed and no selection criteria for the water tanks was included in the submittal. The proposed water tanks are shown on Figure 2-5 of the DEIR and are included as part of the proposed project. On page 3.5-14 of the DEIR, the County's Erosion Control Ordinance (Section 16.12) requires submittal of an Erosion Control Plan indicating proposed methods for the control of runoff, erosion and sediment movement prior to permit issuance for building, grading or land clearing. Implementation of mitigation measure MM 3.5-1 on page 3.5-16 of the DEIR requires preparation of design level geotechnical reports for any improvement plans. In order to clarify that this requirement would be applicable to the construction of water tanks, the following revision has been made.

Mitigation measure MM 3.5-1 starting on page 3.5-16 of the DEIR has been revised as follows:

Mitigation Measure

MM 3.5-1 Prior to issuance of building permit(s) ~~approval~~, the Monterey County Building Services Department shall require that the project applicant consult with a qualified engineer to prepare design level geotechnical reports in accordance with the current edition of the California Building Code and the recommendations contained within the *Geologic and Geotechnical Feasibility Study* prepared by D&M Consulting Engineers in August 2001. Said reports shall be submitted for plan check with any improvement plans including earthwork, water tank construction/installation, or foundation construction. The *Geological and Geotechnical Feasibility Study* provides specific recommendations regarding site preparation and construction of foundations, retaining walls, utilities, sidewalks, roadways, subsurface drainage, and landscaping features based on the lot characteristics and proximity to the fault at the project site. In addition, *Geological*

and Geotechnical Feasibility Study provides specific recommendations regarding slope stability and energy dissipation measures, the recommended location of homesites on Lots #8, #9, #11, and Lots #13 through #16, and reconstruction of the steep slope near Lots #8 and #9. All slope stability and energy dissipation measures shall be incorporated into the site grading plans and constructed concurrent with grading activities.

During the course of construction, the project applicant shall contract with a qualified engineering geologist to be on site during all grading operations to make onsite remediation and recommendations as needed, and perform required tests, observations, and consultation as specified in the *Geological and Geotechnical Feasibility Study*. Prior to final inspection, the project applicant shall provide certification from a qualified professional that all development has been constructed in accordance with all applicable geologic and geotechnical reports.

Reported erosion damage from the existing water tanks is not associated with the proposed project.

Response to Comment 4-4

Commenter states that the list of public scenic vistas should be expanded to include Los Laureles Grade Road because the project may be visible from the top of this roadway.

Page 3.1-2 of the DEIR does identify Laureles Grade Road as a county-designated scenic roadway. Pages 3.1-7 and 3.1-8 of the DEIR also explain the criteria for visual assessment and the concept of viewer sensitivity, and the conditions under which views are considered important. Viewer sensitivity is based on a combination of factors including visibility, elevation, distance and the frequency and duration of the views, among others.

These factors were considered regarding Laureles Grade Road. Visibility of the project site from Laureles Grade Road would be limited due to distance (approximately 3.5 miles), the surrounding terrain and the speed at which viewers would be traveling on the roadway. Between Laureles Grade Road and the project site there are number mountain ridges that are densely covered in vegetation with scattered residential development. The proposed project is zoned within a "Design Control District", which regulates the location, size, configuration, materials and colors of structures and fences through a design approval process, which would further minimize visibility of the proposed development on the project site. In addition, mitigation measures MM 3.3-2b, MM 3.3-3a and MM 3.3-3b would minimize visibility of the proposed project by requiring rapid re-vegetation of denuded areas with native plants; preparation of a Final Forest management Plan that

minimizes the removal of Coast live oak trees during the roadway and building site final design process and establishes conservation easements, trees that need pruning, areas that require keyed fills, etc.; and a monitoring and replacement program that would replace trees (greater than five inches in diameter at breast height) at a 3:1 ratio and monitor replacement trees for a minimum of seven years in accordance with Section 21.64.260 of the *Monterey County Zoning Ordinance* and Section 21083.4 of the *CEQA Guidelines*. Implementation of these mitigation measures and the design approval process, in addition to the distance, existing conditions and speed limit on the Laureles Grade Road would ensure that the proposed project would not result in a substantial adverse effect on the scenic vista as viewed from Laureles Grade Road. Therefore, proposed project would have a less than significant impact on scenic vistas from Laureles Grade Road.

The following clarifications to the setting within Section 3.1, Aesthetics, have been made to ensure that the discussion and context of Laureles Grade is included. However, none of these additions change the conclusions of the analysis:

The third paragraph on page 3.1-2 has been revised as follows:

> Some of the most critical scenic areas within the planning area of the *Toro Area Plan* are the visually sensitive areas that are viewed by the thousands of motorists who travel the scenic corridors daily. According to the *Toro Area Plan*, there are two scenic roads in the planning area: State Route 68 is a State scenic highway and Laureles Grade Road is an officially designated County scenic ~~route~~ highway. The Monterey County Board of Supervisors has also designated Corral de Tierra Road, San Benancio Road, Corral del Cielo Road, and Underwood Road as County scenic routes. The project site is located approximately 2,000 feet southeast of State Route 68, between San Benancio Road and River Road. Laureles Grade Road is located approximately 3.5 miles west of the project site. San Benancio Road, a County designated scenic road, provides project site access to and from State Route 68. In addition, the project site is located adjacent to Toro Regional Park and approximately 3,500 feet from Fort Ord Public Lands that is under the jurisdiction of the Bureau of Land Management (BLM), which are considered public viewing areas in Monterey County.

The following paragraph has been added to the bottom of page 3.1-2 after the discussion of State Route 68:

> **Laureles Grade Road**
>
> Approximately 0.82 miles of Laureles Grade Road, between State Route 68 Carmel Valley Road, has been officially designated as a county scenic highway under California's Scenic Highway Programs. Laureles Grade Road is a regional transportation route that connects the State Route 68 to Carmel Valley and is located approximately 3.5 miles west of the project site. The speed limit on Laureles Grade Road is 45 miles per hour and it also provides access to several residential

developments. Rolling hills covered in oak woodlands dominant a majority of the State Route 68 side, or the northern portion, where as oak scrubland dominants the Carmel Valley side, or southern portion. Residential development along Laureles Grade Road is scattered with a high concentration on the northern portion of this roadway. The project site may be visible in the distance to those traveling northbound on Laureles Grade Road at higher elevations looking towards the northeast.

Response to Comment 4-5

Commenter states that the DEIR states that the 180-acre Remainder Parcel will be split into two parts but that there are no maps that show the split. Commenter further states that one portion of the Remainder Parcel may become a site for future development, the DEIR needs to clarify the plans for an access route to the remainder parcel and associated environmental impacts.

Approximately 154 acres of the Remainder Parcel will be deeded to Monterey County Parks Department. The final Subdivision Map will identify the area to be deeded.

There are currently no plans or proposal for development of the land on the Remainder Parcel, and therefore there are no proposals for access. If development is proposed on that parcel in the future it would require processing as a separate project application and be subject to subsequent environmental review.

Response to Comment 4-6

Commenter states that the continued use and any improvement of the dirt road that skirts the edge of Rimrock Canyon needs to be limited and impacts mitigated. Commenter further states that the geological study should be expanded to evaluate expanded use of this road.

Implementation of mitigation measure MM 3.5-1 requires preparation of a design level geotechnical reports for all improvements. In addition, during the course of construction, the project applicant shall contract with a qualified engineering geologist to be on site during all grading operations to make onsite remediation and recommendations as needed, and perform required tests, observations, and consultation as specified in the Geological and Geotechnical Feasibility Study. Prior to final inspection, the project applicant shall provide certification from a qualified professional that all development has been constructed in accordance with all applicable geologic and geotechnical reports.

Letter 5

-----Original Message-----
From: schmiesw@wellsfargo.com [mailto:schmiesw@wellsfargo.com]
Sent: Friday, December 12, 2008 3:04 PM
To: Gillette, Melody x6056
Cc: alsennodak@sbcglobal.net
Subject: Encina Hills Subdivision

Melody,
I am writing to express my concern regarding the two new water tanks that are under consideration in connection with the Encina Hills Subdivision. My wife and I live at 24562 Rimrock Cyn Rd, directly below the ridge where the water tanks are proposed to be located. My concerns are two-fold:

- The EIR for the project does not address the impact to the area that these two new tanks will affect. Because of a mud slide that occurred several years ago that began very near where one of the tanks will be located, I am concerned that any disturbance of the ground in connection with this construction could create the danger of more mudslides.
- The new tanks will detract from the beautiful view of the hill ridge that we now enjoy. The existing tanks are hardly visible, but I am concerned that the new tanks will be an eye sore if located at the top of the hill ridge.

5-1

Has there been consideration given to placing the tanks on the other side of the ridge where the new development will occur, rather than placing them on our side where they will impact our development entirely, while leaving the Encina Hills development unimpacted?

Thank you for your consideration.
Steven Schmiess, Homeowner 24562 Rimrock Cyn Rd, Salinas, CA 93908 (831) 484-6154

RESPONSE TO LETTER #5 – STEVEN SCHMIESS

Response to Comment 5-1

Commenter states that the DEIR does not address the erosion/geologic and private view impacts associated with the two new water tanks.

Please see response to comment 4-3 regarding erosion/geologic impacts associated with the proposed water tanks. Private views are not protected in the same manner as public views. However, all aspect of the project, including tanks, are subject to County Ordinances regarding ridgeline development. The DEIR evaluated the tanks as proposed by the application.

Letter 6

MONTEREY PENINSULA
WATER MANAGEMENT DISTRICT

5 HARRIS COURT, BLDG. G
POST OFFICE BOX 85
MONTEREY, CA 93942-0085 • (831) 658-5600
FAX (831) 644-9560 • http://www.mpwmd.dst.ca.us

December 12, 2008

Ms. Melody Gillette
Senior Planner
Monterey County Planning Department
168 W. Alisal Street, Second Floor
Salinas, CA 93901

Subject: **Draft Environmental Impact Report (EIR) for the Harper Canyon (Encina Hills) Subdivision**
SCH# 2003071157; PLN 000696

Dear Ms Gillette:

The Monterey Peninsula Water Management District (MPWMD) is hereby providing your office this review letter regarding the above-referenced project. This proposed project is located outside of the MPWMD boundary. However, the MPWMD's concern is that the EIR include an accurate representation of the hydrogeologic setting in the area. The project's proposed water supply is described as from the El Toro Groundwater Basin, within the area referred to in other technical documents as the El Toro Planning Area or El Toro Area. Because of the contiguous nature of the aquifers between the El Toro Area and the Laguna Seca Subarea of the Seaside Groundwater Basin, which is an area within the MPWMD boundary, the MPWMD believes that the EIR should contain an up-to-date understanding of hydrogeologic conditions based on available information. An up-to-date understanding of hydrogeologic conditions in the El Toro Area and Seaside Groundwater Basin, respectively, can be found in: 6-1

Geosyntec Consultants, 2007. *El Toro Groundwater Study, Monterey County, California*, prepared for Monterey County Water Resources Agency, July 2007.

Yates, Feeney, Rosenberg, 2005. *Seaside Groundwater Basin: Update on Water Resource Conditions*, prepared for MPWMD, April 14, 2005.

These documents should be reviewed and incorporated by reference into the EIR document. Please do not hesitate to contact me with any questions at 831.658.5640 or joe@mpwmd.dst.ca.us.

Sincerely,

Joseph W. Oliver
Senior Hydrogeologist, PG, CHg

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RESPONSE TO LETTER #6 – MONTEREY PENINSULA WATER MANAGEMENT DISTRICT (MPWMD)

Response to Comment 6-1

Commenter states they are concerned that the DEIR include an accurate representation of the hydrogeologic setting as described in the El Toro Groundwater Study prepared by Geosyntec in July 2007 and the Seaside Groundwater Basin: Update on Water Resources Conditions prepared by Yates, Feeney, Rosenberg in April 2005.

Comment noted. Please see updated Section 3.6, included in this FEIR, which clarifies the setting regarding groundwater basins. Please also see Master Response 1: Water. The proposed project is not located within the Seaside Groundwater Basin. A project specific *Hydrogeologic Report*, as well as, the *El Toro Groundwater Study,* were used to determine the hydrogeologic setting.

Letter 7

-----Original Message-----
From: Lowell Webster [mailto:lwebster@redshift.com]
Sent: Friday, December 12, 2008 4:28 PM
To: Gillette, Melody x6056
Subject: Comments on the DEIR Harper Canyon (Encina Hills) Subdivision

Melody Gillette,
Monterey County
Resource Management Agency
Planning Department
RE: County File #PLN 000696
State Clearinghouse Number: 2003071157

To whom it may concern,

I would like to comment on the DEIR for the Harper Canyon (Encina Hills) Subdivision.

1) Water. The DEIR states that water from the Oaks well and the New well will not be mixed with Cal Am water from the B-8 zoning district. I believe that they are now being mixed as the existing Oaks subdivision has water but the Oaks well is not being used. **7-1**
2) According to a Cal Am representative, the water from these wells will not be enough to support even the Oaks subdivision alone.
3) Wastewater. We believe that the number of residences used to calculate the current usage of 220,000 gallons per day is incorrect. We have counted over 1000 residences using the system which would result in the California Utilities Service already at maximum capacity. **7-2**
4) The traffic problem is still significant to residents and will be made worse by the addition of this project. The problem is just being passed on so it is like kicking a can down the (congested) road. **7-3**

Lowell Webster
107 San Benancio Rd
Salinas, CA 93908

Lowell Webster
lwebster@redshift.com

RESPONSE TO LETTER #7 – LOWELL WEBSTER

Response to Comment 7-1

Comments discuss the "mixing" of water between the "Oaks Well" and the "New Well", and suggests that the Oaks subdivision is currently receiving water supplies from areas within the B-8 zoning district.

Please see the updated Section 3.6 included in this FEIR regarding the water treatment options stated in the mitigation measures. This section also acknowledges the existing practice of treating water from the Oaks well within the Ambler treatment plant. See also please see Master Response 1: Water for details regarding the source of water supply for the project.

Response to Comment 7-2

Commenter questions wastewater system capacity and the number of residences used to calculate the current usage/generation of wastewater.

Existing wastewater treatment plant capacity and the addition of project flows are discussed on pages 3.9-10 and 3.9-11 of the DEIR. Existing wastewater treatment plant operations and available capacity is based on the metered influent and effluent, not based on the number of customers. According to the Monterey County Bureau of Environmental Health, both influent and effluent flows at the California Utilities Service facility are currently metered to ensure that the capacity is not exceeded. In addition, this facility is regularly monitored by the Regional Water Quality Control Board. According to a letter received from Central Coast Regional Water Quality Control Board, California Utility Service currently has a valid permit to operate their treatment facility, which expires in 2017. If California Utility Service was already at capacity, their permit would not be valid if they accepted more connections and they would have to stop operations.

Implementation of mitigation measure MM 3.9-4 requires that the project applicant prepare and submit wastewater collection improvement plans and calculations prepared by a registered engineer that demonstrates adequate capacity. A standard condition of approval requires that the applicant provide certification to the Bureau of Environmental Health that California Utility Service can and will provide sewer service for the proposed property/project. Also see response to comment 8-2, which includes modifications to MM 3.9-4 and response to comment 18-1, 18-2 and 18-3.

Response to Comment 7-3

Commenter states that existing traffic problems are still significant to residents and will be made worse by the addition of this project.

General traffic comments are noted. The traffic section of the DEIR has also been revised in its entirety and recirculated for public review (RDEIR, December 2008). All traffic related comments on the new traffic section are responded to in this Final EIR.

Letter 8

MONTEREY COUNTY

DEPARTMENT OF HEALTH LEN FOSTER, Director

ADMINISTRATION | CLINIC SERVICES | ENVIRONMENTAL HEALTH
ANIMAL SERVICES | COMMUNITY HEALTH | OFFICE OF THE HEALTH OFFICER
BEHAVIORAL HEALTH | EMERGENCY MEDICAL SERVICES | PUBLIC GUARDIAN

December 8, 2008

Melody Gillette
Planning and Building

RE: Comments on Draft Environmental Impact Report (DEIR): Harper Canyon (Encina Hills) Subdivision, PLN000696

The Monterey County Health Department, Environmental Health Division (EHD) has completed its review of the DEIR for Harper Canyon (Encina Hills) Subdivision, comments are as follows:

After reviewing the DEIR document, EHD finds that most of the concerns and mitigation measures that this department has regarding Water Supply/Wastewater Disposal, Solid Waste Disposal and Noise have been addressed.

HYDROLOGY & WATER QUALITY 3.6 – All the concerns that EHD have are addressed and the appropriate mitigations specifically:

Impact 3.6-1, Water Demand and Recharge, clarifies that this project is in Zone 2-C and is part of the Salinas Valley Water Project. Mitigation Measures (MM) 3.6-2a through 3.6-2c, clarifies how water quality issues will be dealt with in an expectable manor. Water from the Oaks Subdivision well and the New well (Harper Canyon water supply) will be transferred to Cal Am water treatment facility at Ambler Park, treated then be redistributed to the development on a one for one bases. Also Cal Am will run the water system as a satellite system. **8-1**

PUBLIC SERVICES AND UTILITIES 3.9 – All the concerns that EHD have are addressed and the appropriate mitigations specifically:

Impact 3.9-4, Increased Wastewater Flows, which may exceed the capacity of the existing California Utility treatment plant. MM 3.9-4 clarifies this subject and the requirements set forth by EHD. Also, in the Mitigation Measures, it states, "that applicant shall be required to enter into a *water main* extension agreement (this should read *wastewater main*) with California Utility Service". This needs to be corrected. **8-2**

Impact 3.9-5, Potable Water Treatment and Distribution, this is clarified in MM 3.6-2a through 3.6-2c.

1270 Natividad Road, Room 301 B, Salinas, CA 93906 – Phone (831) 755-4507 FAX (831) 755-8929
http://www.co.monterey.ca.us/health/EnvironmentalHealth/

Letter 8 Continued

Impact 3.9-7, Solid Waste Disposal, states how and where solid waste will be handled. Due to the size and capacity of MRWMD, this is less than a significant impact. 8-2 cont

NOISE 3.11 – All concerns that EHD have for noise are addressed in this section and the mitigations are appropriate. 8-3

If you have any question please call me at 755-4763.

Sincerely,

Roger Van Horn, R.E.H.S.
Senior Environmental Specialist

Cc: Richard LeWarne, Assistant Director, Environmental Health
Mary Anne Dennis, Supervisor EHRS

1270 Natividad Road, Room 301 B, Salinas, CA 93906 – Phone (831) 755-4507 FAX (831) 755-8929
http://www.co.monterey.ca.us/health/EnvironmentalHealth/

RESPONSE TO LETTER #8 – MONTEREY COUNTY HEALTH DEPARTMENT

Response to Comment 8-1

Commenter states that all concerns that the Environmental Health Department had with hydrology and water quality are addressed and appropriate mitigation measures have been applied.

Comment noted. No response necessary.

Response to Comment 8-2

Commenter states that all concerns that the Environmental Health Department had with public services and utilities are addressed and appropriate mitigation measures have been applied. However, the commenter notes that the water main extension agreement needs to be corrected to read "wastewater main."

Comment noted. Mitigation Measure MM 3.9-4 on page 3.9-11 of the DEIR has been clarified as follows:

Mitigation Measure

MM 3.9-4 Prior to filing of the Final Subdivision Map, Monterey County ~~Division~~ Bureau of Environmental Health shall require that the project applicant prepare and submit for review and approval wastewater collection improvement plans and calculations prepared by a registered engineer that demonstrate adequate capacity. The wastewater collection improvement plans shall be subject to approval by California Utility Service, Monterey Bay Unified Air Pollution Control District, and the County of Monterey. Upon review of the design, the project applicant shall be required to enter into a wastewater main extension agreement with California Utility Service.

In addition, prior to approval of any building permits, the applicant shall verify that there is sufficient treatment capacity in the California Utilities Service, Inc. (CUS) wastewater treatment facility to address the wastewater needs of the proposed project. The project applicant shall submit proof to Monterey County that the existing wastewater treatment plant is meeting the current effluent limitations as required per Waste Discharge Requirement Order No. R3-2007-0008. If the CUS facility exceeds its permitted capacity, then the County of Monterey would not issue a building permit until such time as the CUS has attained a revised permit from the Regional Water Quality Control Board.

Response to Comment 8-3

Commenter states that all concerns that the Environmental Health Department had with noise are addressed and appropriate mitigation measures have been applied.

Comment noted. No response necessary.

Letter 9

Melody Gillette, Senior Planner
Monterey County Planning Department
168 W. Alisal, 2nd Floor
Salinas, Ca 93901

December 11, 2008

RE: HARPER CANYON/ENCINA HILLS DEIR

Ms. Gillette,

I am writing regarding the proposed Harper Canyon/Encina Hills subdivision. I have reviewed the DEIR, and I have some concerns about water use, which I would like to note here.

The San Benancio area is in a water overdraft situation, so much so, that the Board of Supervisors has declared a development moratorium over much of the area.

Additionally, our water supplier, Cal Am, has asked for large rate increases to cover their costs because they want to institute significant conservation measures and as well as meet legislated mandates to improve water quality (we have significantly high levels of arsenic in the water.)

I find it hard to believe that it is possible to say that the water to serve this new development will be coming from the Salinas Valley Water Project Zone 2C, when the "New Well" sits just a few feet from San Benancio Road, and in close proximity to the existing Cal Am (former Ambler Park) wells, in an area that is currently under the B-8 overlay development restrictions. To say that the water does not come from the same aquifers, or that it will not affect our existing water supply is ridiculous. **9-1**

The Draft EIR states that because the water will be coming from the SVWP, that the increased demand will be a "less than significant impact." I completely disagree.

Instead, I would suggest that this new development meets the CEQA guidelines that this will create a significant impact, as it will:

"Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted; "

Letter 9 Continued

There are many reports of existing wells going dry in the area – I do not agree that the area is being sufficiently "recharged." For example, when I lived further up the canyon, we had to replace our 100 foot deep well, with a well that was approximately 400 feet deep, as the original well had gone dry. I know many of our neighbors have experienced similar issues. I would be glad to supply you with the names and "stories" of these neighbors if you are interested.

Further, when the "New Well" (as noted in the DEIR) was drilled a few years ago, we (the neighbors) were told that it was only going to be an "emergency" well, in case of severe water shortages in the area. Now it is earmarked to supply water for the new development? How did that happen?

9-1 cont

I am not a professional, and I may not have all the terminology phrased correctly, but I do know that water is a significant issue in San Benancio Canyon. How can Monterey County declare a water emergency and place a moratorium on development on one hand, and then look at adding 31 (17 new lots added to the existing 14) new households to an already overburdened water system?

While I respect the rights of individual landowners to develop their property, this is a bad time to add to the water demand. Until our problems are addressed with REAL solutions, not just paper ones, we should not add to the water overdraft in San Benancio Canyon.

Thank you for giving me the opportunity to voice my concerns.

Sincerely,

Marianne Gennis

Marianne Gennis
15480 Weatherock Way
Salinas, CA 93908
831.484.2703

RESPONSE TO LETTER #9 – MARIANNE GENNIS

Response to Comment 9-1

Comments address water rate increases, the Zone 2C aquifer area, groundwater/aquifer impacts of the project, local well performance, and use of the "new well".

Please see response to comment 1-1 regarding rate increases. See Please see Master Response 1: Water regarding Zone 2C, groundwater supplies and impacts of the project and Master Response 2: Existing Legal Lots of Record.

Anecdotal information regarding local well performance is noted for the record.

Letter 10

Melody Gillette
Senior Planner
County of Monterey
Resources Management Agency
Planning Department

December 8, 2008

RE: Comments concerning the DEIR for;
Harper Canyon (Encina Hills) Subdivision EIR
File # PLN000696

I have three concerns about this project that I believe are not adequately addressed in the DEIR. They are as follows:

1. Ridge line development. Due the extreme negative impacts that ridge top development at this development would have on Toro Regional Park, stronger restrictions should be placed on each new parcel to better protect this resource. It appears that the current proposal would allow ridge top development through the use of a variance. I do not think that the burden to protect this resource should be placed on the backs of future users, but should be confirmed now. **10-1**
2. The 180 acre remainder parcel has not been adequately described. It appears that approximately 25 acres will not be deeded to the Park, but may be developed later. Where are these 25 acres, how will they be accessed. The objective here is to preserve the view shed from Toro Regional Park. **10-2**
3. Traffic on Harper Canyon Road. Harper Canyon road is used by the community as a residential street. We have no sidewalks or area to walk other than in the road. The road has many curves and no center line to divide traffic posted for 35 mph, very fast when you have walkers, joggers, bicyclist and cars all sharing the road. Adding more vehicle traffic to this situation would constitute a severe hardship on the community. I understand that the development may not be planning to access their parcels from Rim Rock, but I believe they are maintaining that right. **10-3**

I request these issues be addressed in the Combined Development Permit.

Sincerely,

Raymond Lino Belli, Jr.
28 Harper Cyn Road
Salinas, CA 93908

RESPONSE TO LETTER #10 – RAYMOND LINO BELLI, JR.

Response to Comment 10-1

Commenter is concerned about ridge line development and the impact that ridge top development would have on Toro Regional Park. Commenter suggests that stronger restrictions be placed on new parcel to better protect this resource.

Please refer to Impact 3.1-3 on page 3.1-16 of the DEIR. According to Section 21.66.010.D of the Monterey County Zoning Ordinance, a use permit for ridgeline development may be approved only if the development will not create a substantially adverse visual impact. A majority of the project site is located at lower elevation than Toro Regional Park and at a similar elevation as the BLM public land. Due to the siting of the residential units, the steep hillsides, and dense vegetation surrounding the project site, the proposed project would not create a silhouette or have an adverse impact when viewed from a common public view area, including Toro Regional Park. In addition, all areas that exceed 30 percent slopes shall be dedicated as "scenic easements", except where there is no alternative for a roadway. Additionally, the Design Control District zoning would require specific design standards and would be subject to additional design review prior to development approval in order to assure protection of the viewshed. Because, there will be no adverse effect to the viewshed, stronger restrictions are not needed. The commenter is also referred to response to comment 3-1 for additional information on how the project visual impacts have been evaluated and modifications to mitigation measures that have been suggested in response to comments.

Response to Comment 10-2

Commenter states that the 180 acre remainder parcel has not been adequately described and that there is 25 acres that will not be deeded to the Park, but may be developed later. Commenter requests more information as to where these 25 acres are and how they will be accessed.

Comment noted. See response to comment 4-5.

Response to Comment 10-3

Commenter is concerned about traffic on Harper Canyon Road.

Comment noted. Since access to the project site is via Meyer Road the number of trips generated on Harper Canyon Road would be limited, if any. According to the Traffic Impact Analysis (RDEIR, December 2009) no acute or significant safety issues on Harper Canyon Road are anticipated due to the low number of trips generated by the project.

Letter 11

Richard O. Dampier
24 Mesa del Sol
Salinas, CA 93908

December 8, 2008

Ms. Melody Gillette, Senior Planner
Monterey County Planning Department
168 W. Alisal St. Second Floor,
Salinas, CA 93901

RE: "Encina Hills" Opposition

Dear Ms. Gillette:

I am taking this opportunity to write to you to express our opposition to the above "Encina Hills" project exemption to the Toro water restrictions. Not only my family, but my neighbors, find that the continued pandering of Monterey County officials to developers who "build and run" only to leave local residents with increasingly reduced quality of life and reduced property values is reprehensible.

We moved to this rural area because we prefer this type of lifestyle. Had we wanted to live in a sprawling subdivision, we could have chosen many other sites in cities in Monterey County. The increasing residential density and visual blight of such projects as Markham Ranch, Pattee Ranch, Las Palmas, Toro Sunshine, and Pasadera only diminish this sense of rural life. Additionally, these projects contribute to a spiraling decline in the quality of life for residents through increased vehicle traffic and a reduction in the quality and quantity of water supplies. Please do not conclude that I am a supporter of increased traffic lanes on local roadways to overcome issues of traffic congestion. Quite the contrary, I support leaving roadways as they are in an effort to frustrate developers who would diminish the quality of life in this area for their personal enrichment and then leave the area only to saddle local residents with another poorly planned development. 11-1

The effort to leverage a zoning loophole in the furtherance of this Encina Hills development and other developments is not in the spirit of the Toro water restrictions. Allowing continued hook ups and wells to tap into an already fragile water system only puts the water supplies for existing residents at risk. I implore the policy makers to reconsider such thinly veiled attempts to circumvent the spirit of preserving the current quality and quantity of water supplies, and put an end to the Encina Hills project and others like it. Thank you for your time.

Sincerely,

Richard O. Dampier

Richard O. Dampier

RESPONSE TO LETTER #11 – RICHARD DAMPIER

Response to Comment 11-1

Commenter states that allowing to continue hook ups and wells to tap into an already fragile water system only puts the water supplies for existing residents at risk and expresses concerns regarding increased vehicle traffic.

Please see Master Response #1 and response to comment 2-1 regarding the water issue. The commenter has also indicated concerns regarding traffic impacts in the Toro Area. The County prepared a Recirculated DEIR in December 2009 that specifically addressed traffic. The Recirculated DEIR concludes that there will be significant unavoidable impacts with respect to traffic at several intersections and segments. The project applicant will be responsible for paying cumulative traffic impact fees, which include a project for widening a portion of State Route 68 to address regional traffic impacts. See response to comment #12.

Letter 12

TAMC
TRANSPORTATION AGENCY FOR MONTEREY COUNTY

Regional Transportation Planning Agency • Congestion Management Planning
Local Transportation Commission • Monterey County Service Authority for Freeways & Expressways

December 4, 2008

Ms. Laura M. Lawrence, R.E.H.S., Planning Services Manager
County of Monterey Resource Management Agency - Planning Department
Government Center
168 West Alisal Street, 2nd Floor
Salinas, California 93901

SUBJECT: Comments on the Draft Environmental Impact Report for the Harper Canyon (Encina Hills) Subdivision

Dear Ms. Lawrence:

The Transportation Agency for Monterey County is the Regional Transportation Planning Agency and Congestion Management Agency for Monterey County. Transportation Agency staff has reviewed the proposed Draft Environmental Impact Report for the Harper Canyon (Encina Hills) Subdivision project.

The proposed project consists of the subdivision of 344 acres into 17 lots on 164 acres with one 180-acre remainder parcel located along the State Route 68 corridor of Monterey County between the cities of Monterey and Salinas with regional access to the site provided by San Benancio Road off State Route 68. Transportation Agency staff offers the following comments for your consideration:

Scope of Study & Project Specific Impacts

1. The document states that "the roadway system within the project vicinity stretches from the State Route 68 at State Route 218 intersection in the west to the State Route 68 at San Benancio Road intersection in the east" and that six intersections and five roadway segments were analyzed between those points in the traffic study. While the origin and destination for all trips related to this development will travel through the State Route 68 corridor, the limited nature of this scope does not take into account project-specific impacts to major facilities immediately outside the scope boundaries. It can be expected that trips from the proposed development will travel to Salinas and Marina via Reservation Road; Seaside, Sand City, and Del Rey Oaks via State Route 218 and General Jim Moore Boulevard; and Monterey via State Route 68, State Route 1, Fremont Boulevard, and Del Monte Boulevard. The document should be revised to analyze both project-specific and cumulative impacts at each of the aforementioned facilities and identify appropriate mitigation measures for any additional impacts found to be related to this development. **12-1**

55-B Plaza Circle, Salinas, CA 93901-2902 • Tel: (831) 775-0903 • Fax: (831) 775-0897 • Website: www.tamcmonterey.org

Letter 12 Continued

2. Impact 3.10-1 indicates that the proposed project will significantly impact four of the six studied intersections. The following improvements in the State Route 68 corridor were identified from the Regional Transportation Plan:

    a) Adding a second State Route 68 westbound left-turn lane at the Laureles Grade Road/State Route 68 intersection;

    b) Adding a fourth (north) Corral de Tierra Road leg and a second State Route 68 westbound left-turn lane at the Corral de Tierra Road/State Route 68 intersection; and

    c) Adding a second State Route 68 westbound left-turn lane at the San Benancio Road/State Route 68 intersection

12-2

No mitigation for these impacts are proposed under the assumption that the identified improvements are "fully-funded and in place under background traffic conditions", thus leaving the impacts "unavoidable." County staff has stated that while the improvement projects are moving forward to construction, they are not fully-funded. The Transportation Agency expects that this development will provide a fair-share contribution towards these improvements, and any others necessary, to fully mitigate its project-specific impacts.

Regional Roads & Highways

3. Impacts 3.10-2 and 3.10-7 identify significant impacts to segments of State Route 68 under both project-specific (3.10-2) and cumulative (3.10-7) conditions. Mitigation for these impacts is listed as the project applicant completing a Project Study Report on a 1.1 mile portion of the full Highway 68 Commuter Improvements project from the regional fee program, as well as payment of a proportionate share of construction costs. To mitigate cumulative impacts, the Transportation Agency considers payment of the Regional Development Impact Fee as sufficient mitigation of cumulative impacts to regional facilities. A credit against the regional fees would only be available to the project applicant in the event that the applicant contributes in excess of the regional fees due for the project towards the development of a Project Study Report for the full Highway 68 Commuter Improvements. A Project Study Report for only a portion of the Highway 68 project in the regional fee program would not be eligible for a credit.

12-3

Pedestrian, Bicycle & Transit Travel

4. The Transportation Agency supports accommodation of alternative forms of transportation (rail, bus transit, bicycle and pedestrian transportation), both through the design of transportation facilities, and through the design and orientation of land uses. The Transportation Agency supports that the document identifies the policies of the Toro Area Plan, which call for "improvements to Corral de Tierra and San Benancio Roads shall be designed to accommodate bicycles, horses, and people." To accommodate this policy, the development should contribute to the construction of planned bike facilities on Highway 68 and San Benancio Roads.

12-4

Letter 12 Continued

5. In addition, site planning should place a premium on safe and accessible pedestrian access to the site from intersections and crosswalks, sidewalks, and bicycle facilities. The project site should also be designed with sidewalks that connect to external facilities, provide access to transit stops, and do not include the use of cul-de-sacs (as called for in Mitigation Measure 3.10-4) without a cut-through for pedestrian travel. As per Caltrans standards, bicycle lanes included in the development, constructed off-site as mitigation, or that lead into the project site at main entrance points should be constructed to the left of any right-hand turn lanes. **12-5**

6. The Transportation Agency recommends that bicycle racks and lockers be installed and made publicly available in the development, which should be placed near public recreation facilities such as parks, trails, and open spaces areas. The development should also consider providing adequate lighting to improve safety and visibility. **12-6**

7. As the document notes, the existing transit system through the Highway 68 corridor is limited. However, as part of the Monterey County 2007 General Plan Update, the environmentally-preferred growth alternative calls for a Transit-Oriented Development node to be placed in the corridor with dedicated transit lanes. While the development may only expect minimal transit ridership initially, our agency recommends that the development work closely with Monterey-Salinas Transit to ensure that the development will provide adequate access to any planned transit facilities as well as to the facilities that currently exist for Line 21. In addition, Monterey-Salinas Transit's *Designing for Transit* Guideline Manual should be used as a resource for accommodating any future transit access to the project site. **12-7**

Thank you for the opportunity to review this document. If you have any questions, please contact Michael Zeller of my staff at (831) 775-0903.

Sincerely,

Debra L. Hale
Executive Director

CC: Dave Murray, California Department of Transportation (Caltrans) District 5
Paul Greenway, Monterey County Department of Public Works
Carl Sedoryk, Monterey-Salinas Transit
Nicholas Papadakis, AMBAG
Ed Kendig, Monterey Bay Unified Air Pollution Control District

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RESPONSE TO LETTER #12 – TRANSPORTATION AGENCY FOR MONTEREY COUNTY

Response to Letter 12

Comments provided by TAMC in December 2008 have been reviewed and considered in the revised traffic section contained within the RDEIR. All impact statements and mitigation measures have been revised. Please note that the traffic and circulation section (Section 3.10) of the DEIR was revised and recirculated in its entirety (RDEIR, December 2009). Any and all traffic-related comments received on the new traffic section are addressed within this Final EIR. TAMC did not provide new comments on the RDEIR.

Letter 13

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December 12, 2008

Melody Gillette & Elisa Manuguerra, Project Planners
Monterey County Resource Management Agency
Planning Department
168 West Alisal Street, Second Floor
Salinas, CA 93901

Re: Comments on Harper Canyon (Encina Hills) Subdivision
Draft EIR (PLN000696; SCH#2003071157)

Dear Ms. Gillette and Ms. Manuguerra:

On behalf of the project applicant we appreciate the opportunity to provide written comments on the Draft Environmental Impact Report (EIR) for the above-referenced project. The two volumes that comprise the EIR are extensive and quite detailed. These documents characterize the project and analyze topical categories required to be addressed under the California Environmental Quality Act (CEQA).

We will present our comments on the Draft EIR by topical categories. We would respectfully request that changes accepted by the EIR authors be corrected where they may appear in other sections of the Final EIR (e.g. Table S-1). Our comments are as follows:

Project Description

The project description, Section 2.1 should include a sentence indicating that the owner filed an application for development on August 16, 2001 and that the County of Monterey deemed the development "complete" on November 22, 2002. **13-1**

Section 2.3 should note that Meyer Road is owned in fee by the applicant from its intersection with San Benancio Road to the project entrance (add also to Page 2-17). **13-2**

Section 2.5 should also note that the project applicant's objective results in a 75% reduction in potential density (17 lots as opposed to 67 lots) to maximize preservation of the property and to limit cumulative environmental impacts (biology, air quality, traffic, groundwater, etc.). The project design reduces average density to one dwelling unit per 19 acres (344/18, including remainder). Finally, the density reduction associated with the proposed **13-3**

1

Letter 13 Continued

dedication of 154 acres to Toro Regional Park permanently insures elimination of future development potential, significantly limiting future cumulative impacts. This dedication amount to almost a 100% offset (154 acres park addition vs.164 acres project site). This comment should be noted again for context in discussion of Impact 3.1-2, Page 3.1-15. The DEIR simply states that the project density is "less dense than one unit per 5.1 acres" when the density is actually one dwelling unit per 19 acres. **13-3 cont**

Aesthetics and Visual Sensitivity

Discussion of MM 3.1-1 should reflect that the applicant's design proposes dedication of a portion of the Remainder Parcel (154 acres) to be added to Toro Regional Park. The purpose of the remainder parcel dedication is to eliminate future development potential of 30 lots with homes, many of which would be directly visible from Toro Park and would degrade the visual character of the back country portions of this County owned park. **13-4**

MM 3.1-2. Delete reference to scenic easement on the remainder parcel as Subdivision Law does not allow imposition of conditions on remainder parcel. **13-5**

Biology

Plants

MM 3.3-1a does not appear to be supported by the evidence and should be deleted. The EIR appendices contain a number of seasonally appropriate biological surveys that were conducted over a period of four years (March/April 2001, August 2001, and September 2005). These surveys confirm that: "(t)o date, all special status plant species located on the Harper Canyon/Encina Hills property are located outside of areas to be impacted by development and can therefore be avoided" (Zander Associates, 11/2005). EIR Figure 3.3-1 supports the Zander conclusion. **13-6**

Discussion under Impacts 3.3-2 and 3.3.7 should recognize the mitigation purposely incorporated into the project design. Table 1 of the 7/2001 and 11/2005 biological reports indicate that most sensitive plant habitats are found on the remainder parcel, 154 acres of which will be dedicated to Toro Park. This includes habitat for the Monterey Ceanothus, Toro/Monterey Manzanita and the best stands of oak woodland. The balance of habitat (i.e. Gairdner's yampah) will be preserved though implementation of the 30% slope mitigation (MM 3.1-2). **13-7**

MM 3.3-2a. Landscape plans are unnecessary on a road construction project – erosion control/revegetation plans are all that is needed. This mitigation should be applied to future residences. **13-8**

Discussion of the Habitat Conservation Plan on Page 3.8-16 should note that there is no applicable HCP for this property. **13-9**

2

Letter 13 Continued

Tree Removal

The EIR should provide additional alternatives in the text of MM 3.3-3b to offset proposed removal of 79 oak trees. California Senate Bill 1334, the California Oak Woodlands Act, specifically allows mitigation to include conservation of oak woodlands through the use of conservation easements to offset a significant effect on the environment [Public Resources Code §21083.4(b)(1)]. MM 3.3-3b should allow the conservation easement alternative, as permitted by state law. 13-10

Cultural Resources

Impact 3.4-2 refers to "loss of known and undiscovered resources…". Two separate archaeological reports confirm that there are no cultural, archaeological, historical or paleontological resources known to exist on the site (EIR Appendix D). This impact should be reworded to refer to the "…loss of undiscovered cultural resources." 13-11

Geology and Soils

MM 3.5-1 provides slope stability and energy dissipation recommendations for Lots 8, 9, 11 and 13 through 16 and a recommendation for slope reconstruction near Lots 8 and 9. Requirements for lots cited appear inconsistent with Section 6.0 (Preliminary Considerations and Mitigation Recommendations) of the *Geological and Geotechnical Feasibility Study* (D&M Consulting, August 2001, see DEIR Appendix E). The D&M Report does not require slope reconstruction for Lots 8 & 9 as the only alternative. The report states that: "(i)t may be feasible to leave the slope intact, install subsurface drainage and to protect the planned structures with a debris wall" (D&M, August 2001, Page 29). MM 3.5-1 should incorporate this alternative for Lots 8 & 9. 13-12

MM 3.5-3 identifies lots for liquefaction and lateral spreading. Per the D&M Report, the lots should only be 2, 9, 10, and 13-16 (D&M, August 2001, Page 29). Lots 8 and 11 and the phrase "including but not limited to" should be removed from this Mitigation Measure. 13-13

MM 3.5-3 – "certified engineer" should be replaced with "registered engineer". 13-14

Groundwater Resources/Water Quality

MM 3.6-2b. Delete reference to owner of Oaks Subdivision as party to agreement. That system has been dedicated to Cal Am Water Company. 13-15

The El Toro Groundwater study cited on EIR Page 3.6.6 should be included in the "References/Documentation" section at the end of the chapter and in Chapter 7.0 "Preparers and References". 13-16

EIR text on Page3.6-16 should acknowledge that the existing Cal-Am filtration plant that will service the subdivision is specifically designed to meet drinking water quality MCL standards. The plant includes the capability for treating Arsenic. 13-17

3

Letter 13 Continued

Surface Hydrology and Water Quality

MM 3.7-2. Modify the fencing requirement for the detention basins by adding the following language at end of paragraph: "unless otherwise approved by the Water Resources Agency." 13-18

MM 3.7-3. Grease/oil separators are not necessary for a road project and not really necessary for residences either. References to roof gutters, etc. should be applied only to future residences. Specify that only measures applicable to residential development should be required. 13-19

Land Use

Impact 3.8-3 indicates that the project will not "combine" with other similar projects to create a significant cumulative impact. The text should clearly indicate that this project was reviewed in context with all projects listed in EIR Table 5-1 (correct also Page 3.8-18, top of page). 13-20

EIR Text under Regional Transportation Plan (see Page 3.8-14, 6th line from bottom of paragraph) is inconsistent with MM 3.10-2. The text should be corrected to state that: (i)mplementation of the Mitigation Measure enclosed herein would require the project applicant to fund, initiate and complete a Caltrans Project Study Report for a 1.1 mile State Route 68 widening project" as opposed to construction of the segment. 13-21

Public Services

The EIR should note that California Highway Patrol substation has moved to 960 East Blanco Road, Salinas (Page 3.9-2). 13-22

Impact 3.9.3 states that demand for local and regional parkland is "minimal". In contrast, EIR Page 3.1-3 indicates that the BLM trails at the Fort Ord Public Lands attract approximately 75,000 people per year. The Impact seems to underestimate the demand for regional park land. 13-23

In addition, the discussion under Impact 3.9.3 indicates that the total recreational dedication for the project that is required by the formula in the Monterey County Subdivision Ordinance is 0.185 acres. The EIR should note that the applicant's proposed dedication to Toro Regional Park is 832 times greater than the amount required by County ordinance. 13-24

MM 3.9-4. "Water main" should be corrected to "sanitary sewer". 13-25

Transportation/Circulation

Page 3.10-10 of the DEIR should note that there are two MST bus stops on Highway 68 at the San Benancio Road intersection (eastbound and westbound stops) 13-26

4

Letter 13 Continued

MM 3.10-2 requires that the project applicant fund, initiate and complete a Caltrans Project Study Report for a 1.1 mile State Route 68 widening project. The proportional cost to the applicant on implementing this Mitigation Measure well exceeds the identified potential project impacts to roadway segment LOS and intersection LOS (EIR Tables 3.10-5, 3.10-6, 3.10-8, 3.10-9, 3.10.10 & 3.10-11). The updated TAMC Regional Impact Fee Nexus Study includes the Highway 68 operational impacts. In addition, the TAMC study recognizes the Highway 68 improvement as a project with regional benefits and with new development paying proportional shares by regions. 13-27

The applicant submits that EIR text on Page 3.10-25 and MM 3.10-2 be adjusted to indicate that all funds spent by applicant to implement the Caltrans Project Study Report be applied as a credit to any TAMC developer impact fees that the project will be required to contribute. In addition, we request that any condition imposed on the project reflect a reimbursement agreement between the Applicant and the County of Monterey/TAMC to address any funding spent above and beyond the applicant's fair share for such regional improvement. (MM 3.10-2, EIR Page 3.10-25, & MM 3.10-7). 13-28

MM 3.10-4. "Certified engineer" should be replaced with "registered engineer". 13-29

MM 3.10-5a. "Qualified traffic engineer" should be replaced with "registered civil engineer". 13-30

MM 3-10-5b. Add the following language: "provided that adequate right-of-way exists." 13-31

Statement of Overriding Considerations

On behalf of the applicant, I also request that the EIR include a new Section to address a statement of overriding considerations. Our suggested description and analysis is as follows.

Section 6.4 Statement of Overriding Considerations

Significant and Unavoidable Impact

In determining whether to approve the project, CEQA requires a public agency to balance the benefits of a Project against its unavoidable environmental risks (14 C.C.R §15093). Implementation of the Mitigation Measures discussed in the Final EIR will avoid or substantially lessen the Project's significant impacts to a less than significant level, with the only exception being the potentially significant and unavoidable individual and cumulative transportation and circulation impacts to State Route 68. Significant and unavoidable impacts identified in the Final EIR are Intersection LOS and Roadway Segment LOS. 13-32

The County of Monterey acknowledges that significant and unavoidable impacts to intersections and roadway segments on State Route 68 cannot be mitigated to a level of insignificance though imposition of Conditions of Approval on this 17 lot subdivision. However, the EIR did identify a mitigation that would act as a catalyst for a local solution to a regional traffic situation through imposition of recommended MM 3.10-2. The Mitigation Measure

5

Letter 13 Continued

requires the applicant to fund, initiate and complete a CALTRANS Project Study Report for a 1.1 mile State Route 68 widening project. As identified in the EIR, implementation of Mitigation Measure 3.10-2 will mitigate the proposed project's contribution to State Route 68 improvements to the extent feasible.

Rationale for Finding Overriding Considerations for the Identified Significant and Unavoidable Impact

This significance determination is based solely on the potential for Project significant and unavoidable impacts to existing State Route 68 intersection LOS and roadway segment LOS. In making a finding of "overriding considerations", the County qualifies the finding of significant impact on transportation and circulation by the following factors:

1) Project Design. The EIR documents that the project applicant's objectives includes a subdivision design that voluntarily restricts the potential number of residential units to 17 lots as opposed to 67 lots allowed by the applicable zoning. The proposed design maximizes preservation of the property and reduces potential impacts that would likely be associated with a development application with higher lot counts (Page 4-2).
2) Project Density. The project applicant has voluntarily reduced potential residential density by 75%. With the proposed dedication to Toro Park, final land use density is approximately one unit to 19 acres, well below the General Plan land use density of LDR 5/1 units/acre.
3) Peak Hour Traffic. The project AM Peak and PM Peak hour traffic generation is only significant and unavoidable by adding trips to roadway segments and intersections already operating at LOS D or worse. In absolute terms, the additional traffic trips added by the project are de minimus. AM Peak traffic estimated to be generated by the project is one (1) trip eastbound and four (4) trips westbound. PM Peak traffic estimated to be generated by the project is four (4) trips eastbound and two (2) trips westbound.(EIR Tables 3.10-6 and 3.10-9)
4) Intersection LOS. The EIR has determined that the proposed project would not degrade the operations of any of the study intersections when compared to levels of service under background conditions. The EIR further states that, in fact, compared to background conditions, the worst increase in delay caused by the project is only 2.5 seconds (Page 3.10-19)
5) Mitigation. In recommending MM 3.10-2, the EIR requires the applicant to assume a much greater proportional share and take a much greater role to achieve a regional traffic solution when comparing proportional project impacts to cumulative regional impacts (EIR Tables 3.10-6, 3.10-9 and 3.10-11). The applicant will mitigate to the fullest extent feasible.
6) Project Benefits. The overall project is beneficial to traffic and circulation by reducing potential impacts to transportation and circulation. The proposed density reduction significantly reduces, potential traffic demands on State Route 68 and thus addressing long-term and cumulative impacts on roadway segment LOS.

13-32 cont

6

Letter 13 Continued

Project Benefits Outweigh Identified Significant Environmental Impacts of the Project

Having taken into account the above-identified environmental risk, the County can find that the benefits of the Project outweigh the environmental risks. The benefits of the project include:

Environmental Benefits

- Reduce overall land density by 75%.
- Eliminate future potential for 30 new lots with residences overlooking Toro Park that would potentially detract from the scenic vistas enjoyed by back country park users.
- Establish a permanent addition to Toro Regional Park of 154 acres; a contribution which is 832 times greater than what would be required under the Monterey County Subdivision Ordinance Section 19.12.010.
- Within the Toro Park addition, to set aside the most significant stands of oak woodlands, which furthers the objectives of the State of California and the County of Monterey, most particularly the Oak Woodlands Conservation Act (SB 1334).
- Within the Toro Park addition, sensitive biological habitats would be preserved in perpetuity.
- Extension of a sewer line would afford residents on lower Meyer Road the opportunity to connect to the proposed sewer system and discontinue use of septic tank systems, which would be a potential project benefit to localized groundwater quality.

13-32 cont

Economic Benefits

- Approval of the 17 unit project will contribute funding required by TAMC to effect improvements to State Highway 68.
- Temporary construction jobs (infrastructure construction and single family residential Buildout) will benefit the local economy in terms of payroll and the purchase of materials and supplies.

Thank you for you consideration of these comments.

Sincerely,

Michael D. Cling

MDC/mmb

RESPONSE TO LETTER #13 – MICHAEL CLING

Response to Comment 13-1

Commenter states that the project description should identify that the owner filed an application for development on August 16, 2001 and the project was deemed complete by Monterey County November 22, 2002.

Comment noted. Section 2.1 on page 2-1 of the DEIR has been revised as follows:

> ~~The~~ On August 16, 2001, the project applicant, Harper Canyon Realty, LLC (hereinafter "project applicant"), ~~has~~ submitted to the County of Monterey Resource Management Agency - Planning Department (hereinafter "County of Monterey") an application for a Combined Development Permit (PLN000696) for a Vesting Tentative Map in order to subdivide land pursuant to the Subdivision Map Act and the Monterey County Subdivision Ordinance (Title 19). The proposed project includes the subdivision of 344 acres into 17 lots on 164 acres with one 180-acre remainder parcel. The residential lots would have an average density of one dwelling unit per 9.64 acres within the subdivided area, as lots would range in size from 5.13 acres to 23.42 acres. Monterey County RMA Planning Department deemed the application complete on November 22, 2002.

Response to Comment 13-2

Commenter states that Section 2.3 should note that Meyer Road between San Benancio Road and the project site entrance is owned in fee by the project applicant.

Comment noted. Section 2.3 on page 2-1 of the DEIR has been revised as follows:

> The project site is located in the Encina Hills area of the *Toro Area Plan* planning area, approximately 2,000 feet southeast off State Route 68 and east of San Benancio Road. Access to the project site is located of San Benancio Road onto the existing Meyer Road, which is owned in fee by the project applicant between San Benancio Road and the site access point. Meyer Road, Alta Lane and Sierra Lane would serve as the on-site circulation routes. The project site and vicinity are shown in **Figure 2-2, Vicinity Map**.

Response to Comment 13-3

Commenter states that Section 2.5 should note that the project applicant's objective would result in a 75% reduction in potential density (1 unit per 19 acres) in order to maximize preservation of the property and to limit cumulative environmental impacts. Commenter further states that the proposed project reduces the average density to one dwelling unit per 19 acres and dedication of 154 acres to Toro Regional Park permanently insure elimination of future development potential and request that this be added to Impact 3.1-2 discussion.

Comment noted. The requested revisions to the project applicant's objectives have been made as follows.

The second paragraph in Section 2.5 on page 2-13 of the DEIR has been revised as follows:

> The objectives of the proposed project, as stated by the applicant, are as follows:
>
> > *"The objective of the project applicant is to secure approval for a Combined Development Permit to create the Encina Hills residential subdivision consisting of 17 lots ranging in size between 5.1 acres and 24.3 acres, with a 180-acre remainder parcel. The project site consists of approximately 344 acres. With applicable zoning at 5.1 acres per unit (which would allow a total of 67 parcels at maximum development) the project applicant's objective, with its reduced density proposal is to maximize preservation of the property in its natural state in harmony with the limited residential development and limit cumulative environmental impacts. In furtherance of that objective, the applicant has previously committed to donate approximately 154 acres of the remainder parcel by deeding it to the County of Monterey as an expansion of the adjacent Toro Park."*

As stated on page 2-1 of the DEIR, the average density of the proposed project is stated as one dwelling unit per 9.65 acres of subdivided area, which totals 164 acres. We concur with the project applicant that if the Remainder Parcel acreage is taken into account, the average density of the proposed project would be one dwelling unit per 20 acres. However, the project description and project application provided a proposed subdivision of only 164 acres, with a Remainder Parcel of 180 acres. We used proposed subdivision acreage to calculate the density in order to be conservative.

The EIR evaluates the potential significance of environmental impacts of the proposal against existing physical environmental conditions – specifically, the conditions as they exist at the time the Notice of Preparation (NOP) was published. The proposed project, no matter what the density, would have more of an impact on scenic resources than existing conditions. Specifically identifying what the density would be has no significant affect on the significance conclusion as long as it is consistent with or less than what is allowed per the General Plan and Zoning Ordinance.

Response to Comment 13-4

Commenter states that mitigation measure MM 3.1-1 should reflect that the applicant's design proposes dedication of a portion of the Remainder Parcel (154 acres) to be added to Toro Regional Park in order to eliminate future development potential of 30 lots with homes, many of which would be directly visible from Toro Regional Park and would degrade the visual character of back country portions of this regional park.

Comment noted. The EIR evaluates the potential significance of environmental impacts of the proposal against existing physical environmental conditions – specifically, the conditions as they exist at the time the Notice of Preparation (NOP) is published. This is consistent with CEQA requirements (CEQA Guidelines 15125(a)) and forms the baseline physical conditions used throughout the environmental document.

Although the comment is correct that developing homes on 30 lots within the Remainder Parcel may potentially degrade the visual character of back country portions of Toro Regional Park, there is no evidence that that future development of those 30 lots would be allowed due to the constraints of the land and the potential impact to the visual character as viewed from Toro Regional Park and no development is proposed as part of this application. Therefore, no revision has been made to mitigation measure MM 3.3-1.

Response to Comment 13-5

Commenter states that the dedication of scenic easement on the Remainder Parcel is not allowed per the Subdivision Law and that the Subdivision Law does not allow conditions.

Since no development is proposed on the remainder parcel and it will be dedicated to Monterey County Parks Department, there is no need or requirement to place a scenic easement on slopes that are greater than 30 percent in this area. If development is proposed within the remainder parcel in the future, as part of some future action or application, the slope areas greater than 30 percent would be subject to the scenic easement dedication per Section 21.64.230 of the Monterey County Zoning Ordinance.

The second to last paragraph on page 3.1-15 of the DEIR has been revised as follows:

> The portion of the project site that is to be subdivided includes approximately 97 acres of land that exceeds 30 percent slope and is subject to Policy 26.1.10 of the *Monterey County General Plan*. Policy 26.1.10 of the *Monterey County General Plan* prohibits development on slopes greater than 30 percent. Monterey County RMA Planning Department requires dedication of a scenic easement on slopes of 30 percent or greater. There is no nexus to exact scenic easements or conditions on the Remainder Parcel pursuant to the Subdivision Map Act. The following mitigation measure has been provided to ensure consistency with Policy 26.1.10 of the *Monterey County General Plan* and that the proposed project would have a **less than significant impact** on State Route 68 and the public viewshed.

The last paragraph on page 3.1-15 of the DEIR has been revised as follows:

> Mitigation Measure
>
> **MM 3.1-2a** Prior to recording the Final Subdivision Map, Monterey County RMA Planning Department shall require that the project applicant designate all land that exceeds slopes of 30 percent

as "scenic easements" in accordance with Policy 26.1.10 of the *Monterey County General Plan*, except where roadway improvements have no other alternative. This includes land exceeding 30 percent slopes within the 17 residential lots ~~and the remainder parcel~~. The Final Subdivision Map shall identify the areas within a "scenic easement" and note that no development shall occur within the areas designated as "scenic easement."

Response to Comment 13-6

Commenter states that there is no evidence supporting mitigation measure 3.3-1a and that it should be deleted.

As stated on page 3.3-18 of the DEIR, seven listed special status plant species included in the fall of 2005 plant survey were not included in the spring or summer surveys in 2001 because they had been listed as special status since the 2001 surveys were conducted. As noted on page 5 of the Biological Resources Assessment prepared by Zander Associates in November 2005 (Appendix C), surveys for these newly listed plant specifies should be conducted during the spring or summer to determine the absence or presence of those plants that are identifiable in the spring and/or summer. Therefore, implementation of mitigation measure MM 3.3-1a is necessary to ensure that these special status species are not present and if present provide mitigation measures to reduce the loss of individuals.

Response to Comment 13-7

Commenter states that Impacts 3.3-2 and 3.3-7 should recognize that the project was designed to protect the most sensitive plant habits (Monterey Ceanothus, Toro/Monterey Manzanita, oak woodland and Gairdner's yampah) on the Remainder Parcel, which will be dedicated to Toro Regional Park or preserved through mitigation measure MM 3.1-2.

Commentary regarding design and species avoidance is noted for the record.

Response to Comment 13-8

Commenter states that mitigation measure MM 3.3-2a should be applicable only to future residential development, not on the road construction portion of the project.

All grading activities associated with road construction must be in compliance with Section 16.08.340 of the Monterey County Grading Ordinance, which requires implementation of erosion control methods. All disturbed surfaces resulting from grading operations shall be prepared and maintained to control erosion, which may consist of effective planting, such as rye grass, barley or some other fast germinating seed. Therefore, implementation of mitigation measure MM 3.3-2a is applicable to road construction. The mitigation measure does not require submittals other than what is required by Ordinance. Please also refer to response to comment 3-1 which includes modifications to MM 3.1-2 to provide further

restrictions on road construction with respect to visibility and re-vegetation in response to comments with respect to visual impacts.

Response to Comment 13-9

Commenter states that page 3.8-16 should note that there is no applicable Habitat Conservation Plan for this area.

Comment noted. It is stated on page 3.3-28 of the DEIR that proposed project is not located within an area associated with an adopted Habitat Conservation Plan. It is not necessary to repeat this fact on page 3.8-16 of the DEIR.

Response to Comment 13-10

Commenter states that mitigation measure MM 3.3-3b should include alternatives, such as a conservation easement, that are allowed under California Senate Bill 1334, the California Oak Woodlands Act.

Mitigation measure MM 3.3-3b requires that a Final Forest Management Plan be prepared that includes a monitoring plan that accurately identifies the number and acreage of oak trees five inches in diameter at breast height to be removed during construction and the replacement of these oak trees on a 3:1 basis as a means of promoting 1:1 tree replacement in compliance with Section 21.64.260 of the *Monterey County Zoning Ordinance* and Section 21083.4 of the *CEQA Guidelines*. Section 21083.4 of the CEQA Guidelines addresses the requirements the California Oak Woodlands Act, which includes mitigation alternatives the County may consider, as noted on page 3.3-15 of the DEIR.

This State law provides that *"as part of the determination made pursuant to Section 21080.1, a county shall determine whether a project within its jurisdiction may result in a conversion of oak woodlands that will have a significant effect on the environment. If a county determines that there may be a significant effect to oak woodlands, the county shall require one or more of the following oak woodlands mitigation alternatives to mitigate the significant effect of the conversion of oak woodlands:*

1) Conserve oak woodlands, through the use of conservation easements;

2a) Plant an appropriate number of trees, including maintaining planting and replacing dead or diseased trees.

b) The requirement to maintain trees pursuant to this paragraph terminates seven year after the trees are planted.

c) Mitigation pursuant to this paragraph shall not fulfill more than one-half of the mitigation requirement of the project.

d) The requirements improved pursuant to this paragraph also may be used to restore former oak woodlands.

3) Contribute funds to the Oak Woodlands Conservation Fund, as established under subdivision (a) of Section 1363 of the Fish and Game Code, for the purpose of purchasing oak woodlands conservation easements, as specified under paragraph (1) of subdivision (d) of that section and the guidelines and criteria of the Wildlife conservation Board. A project applicant that contributes funds under this paragraph shall not receive a grant from the Oak Woodlands Conservation Fund as part of the mitigation for the project.

4) Other mitigation measures developed by the county."

The law specifies that the county shall identify the appropriate mitigation. In this case, the DEIR requires a final FMP and replacement ratios consistent with the County Zoning Ordinance. Pursuant to direction from the Monterey County Board of Supervisors, the RMA-Planning Department is drafting an oak woodland conservation program. The program could include different ratios for replacement, payment of fees to mitigate for loss, and monitoring for compliance. At this time, however, this program has not been finalized and adopted. Mitigation measure MM 3.3-3b has been modified to require that the applicant also pay a fee into the Oak Woodlands Conservation Fund in an amount consistent with requirements established by the Fund administrators.

The follow text has been added to mitigation measure MM 3.3-3b on page 3.3-24 of the DEIR:

> In addition, the owner/applicant shall contribute funds to the Oak Woodlands Conservation Fund, as established under subdivision (a) of Section 1363 of the Fish and Game Code, for the purpose of purchasing oak woodlands conservation easements, as specified under paragraph (1) of subdivision (d) of that section and the guidelines and criteria of the Wildlife Conservation Board. The owner/applicant shall not receive a grant from the Oak Woodlands Conservation Fund as part of the mitigation for the project. The amount of the contribution to the Oak Woodlands Conservation Fund shall be determined according to the procedures set forth in the Oak Woodland Impact Decision Matrix-2008 prepared by the UC Integrated Hardwood Range Management Program.

Response to Comment 13-11

Commenter states that Impact 3.4-2 should be revised to reflect "loss of undiscovered cultural resources" and exclude wording regarding "known" resources.

Impact 3.4-2 addresses the proposed project, in combination with cumulative development activity in the area. Although the proposed project has no known cultural resources on the project site as discussed in Impact 3.4-1, other development in the area may have an impact that would disturb or contribute to the loss of known cultural resources in the area, thus contributing to the cumulative loss of cultural resources.

Response to Comment 13-12

Commenter states that mitigation measure MM 3.5-1 should include the alternative mitigation for Lots #8 and #9, which includes leaving the slope intact, installing subsurface drainage and protecting the planned structures with a debris wall as discussed in the Geological and Geotechnical Feasibility study prepared for the proposed project.

In order to reduce exposure to seismic ground shaking, mitigation measure MM 3.5-1 requires that the project applicant consult with a qualified engineer to prepare design level geotechnical reports in accordance with the current edition of the California Building Code and the recommendations contained within the *Geologic and Geotechnical Feasibility Study* prepared by D&M Consulting Engineers in August 2001. This mitigation measure briefly summarizes the recommendations provided in this Feasibility Study and are not meant to be all inclusive. It is not necessary to provide all of the recommendations within the mitigation measure because the DEIR is requiring a design level geotechnical report in accordance with the recommendations provided in Appendix E of the DEIR. Although it is true that the Feasibility Study identifies that leaving the slope intact with subsurface drainage and providing a debris wall may be an alternative option, the Feasibility Study also states that this option would require further evaluation. The design level geotechnical report would evaluate this alternative and provide site specific mitigation to reduce exposure to seismic ground shaking. The DEIR relies on the professional recommendations of the technical reports.

Response to Comment 13-13

Commenter states that mitigation measure MM 3.5-3 should be revised to remove Lots #8 and #11 and the phrase "including but not limited to" statement from the discussion.

Comment noted. Mitigation measure MM 3.5-3 primarily addresses hazards associated with lateral spreading and liquefaction, which requires a subsurface drainage system. However, potential impacts associated with slope failure and landsliding (Impact 3.5-1) also would be mitigated through installation of a subsurface drainage system. Instead of having two separate mitigation measures requiring a subsurface drainage system, all subsurface drainage system requirements are addressed in MM 3.5-3. According to the Feasibility Study, the potential for surficial sliding on Lots #11 and #13 through #16 can be reduced through installation of subsurface drains. In addition, due to the close proximity to the steeper slopes at Lots #8 and #9 and the unstable condition of the slope mitigation will likely require internal drainage with reconstruction of the slope. Therefore, applying MM 3.5-3 to Lots #8, #9, #11, and #13 through #16 would address Impact 3.5-1 as noted in the impact summary for Impact 3.5-1

Response to Comment 13-14

Commenter states that mitigation measure MM 3.5-3 should be revised to require a "registered engineer' instead of a "certified engineer".

Comment noted. The third paragraph on page 3.5-21 of the DEIR has been revised as follows:

Mitigation Measure

MM 3.5-3 Prior to issuance of grading and building permits, ~~Monterey County Planning Department and Building Services Department shall require that~~ the project applicant shall contract with a ~~certified~~ registered engineer to design subsurface drainage system for review and approval by Monterey County Resource Management Agency – Director of Planning and the Director of Public Works where perched groundwater exists on the project site, including but not limited to Lots #2, #8, #9, #10, #11 and Lots #13 through #16. Subsurface drainage system shall be designed and installed in accordance with the recommendation provided in the *Geological and Geotechnical Feasibility Study* prepared by D&M Consulting Engineers in August 2001. These improvements shall be included in the final improvement plans for the proposed project and installed concurrent with site preparation and grading activities associated with future residential development. Prior to final inspection of grading permits for subdivision improvements, the project applicant shall submit certification prepared by a registered engineer verifying that the improvements were installed according to the findings and recommendations in the *Geological and Geotechnical Feasibility Study*.

Response to Comment 13-15

Commenter states that mitigation measure MM 3.6-2b should be revised to delete reference to owner of the Oaks Subdivision because the system has been dedicated to ~~Cal Am~~ Cal-Am Water Company.

Comment noted. Mitigation has been revised in the updated Section 3.6 included in this FEIR.

Response to Comment 13-16

Commenter states that the El Toro Groundwater study cited on page 3.6-6 should be included in the references.

Comment noted. Please see Master Response 1: Water.

Response to Comment 13-17

Commenter states that text on page 3.6-16 should acknowledge that the existing Cal-Am filtration plant is specifically designed to meet drinking water quality MCL standards and includes the capability for treating arsenic.

Comment noted. Please see Master Response 1: Water, regarding the water treatment options available to the project. Either option, including treatment at the Cal-Am Ambler treatment facility, would effectively treat for arsenic removal.

Response to Comment 13-18

Commenter states that mitigation measure MM 3.7-2 should modify the fencing requirement for the detention basins by adding "unless otherwise approved by the Water Resources Agency".

Comment noted. Monterey County Water Resources Agency's standard condition of approval for Stormwater Detention (WR6) requires that all detention ponds be fenced for public safety.

Response to Comment 13-19

Commenter states that grease/oil separators required in mitigation measure MM 3.7-3 are not necessary for a road or residential project. References to roof gutters, etc. should be applied only to future residential development.

Comment noted. The third paragraph on page 3.7-13 of the DEIR has been revised as follows to reflect that current standards shall be applied:

Mitigation Measure

MM 3.7-3 In order to prevent the potential contamination of downstream waters from urban pollutants, Monterey County RMA Planning Department, Public Works Department and Water Resources Agency shall require that the storm drainage system design, required under mitigation measure **MM 3.7-2**, includes a Storm Water Pollution Prevention Plan (SWPPP) and Low Impact Development (LID) design techniques. Such techniques include but ~~is~~ are not limited to the following components: grease/oil separators (where required by Public Works); sediment separation; vegetative filtering to open drainage conveyances and retention basins; and on-site percolation of as much run-off as feasible, including diversion of roof gutters to French drains or dispersion trenches, dispersion of road and driveway runoff to vegetative margins, or other ~~similar methods~~ LID design and pollution control techniques. Said

provisions shall be incorporated into the storm drain system plans submitted to the county ~~for plan check~~ prior to issuance of building or grading permits, whichever occurs first. A report shall be submitted prior to final inspection verifying that installation of the system occurred pursuant to said drainage system plan. In the event that the drainage system was not installed according to recommendations of plan, measures shall be recommended by a qualified drainage engineer or equal professional recommendations to ensure that the final installed system meets the recommendations of the approved drainage plan. All plans shall meet current Public Works and Building Department standards.

Response to Comment 13-20

Commenter states that Impact 3.8-3 should clearly indicate that the proposed project was reviewed in context with all projects listed in Table 5-1 of the DEIR.

Comment noted. As noted on page 5-3 of the DEIR, cumulative area projects evaluated, in addition to the proposed project are listed in **Table 5-1**. This clarification would have no effect on the environmental impact since all cumulative development would be subject to the County's development review process through which any potentially significant land use impacts would be analyzed.

Response to Comment 13-21

Commenter states that page 3.8-14 should be corrected to state that implementation of the mitigation measure would require the project applicant to fund, initiate and complete a Caltrans Project Study Report for the State Route 68 Commuter Improvements project, to be consistent with traffic mitigation.

Section 3.10 of the DEIR, Traffic and Circulation, was replaced in its entirety as part of the RDEIR (December 2009). Any references to that section in other locations of the EIR (such as this passage of Section 3.8) have therefore also been updated.

The second full paragraph on page 3.8-14 has been revised as follows:

> As discussed in **Section 3.10, Transportation and Circulation** under project conditions and cumulative project conditions, traffic generated by the proposed project would contribute to the deficient levels of service along State Route 68…… …….The proposed project list in the *Regional Impact Fee Nexus Study Update* includes a project referred to as the "State Route 68 Commuter Improvements," which would widen a 2.3 mile section of State Route 68 to four lanes from the existing four lane section (adjacent to Toro Park) to Corral de Tierra Road. The geometric design details of this improvement are not known at this time. The *Regional Impact Fee Nexus Study Update* has ~~not~~ been approved and but no

funding is currently available for the implementation of the widening of State Route 68 to four lanes or for implementation of the South Fort Ord Bypass. Implementation of the mitigation measures in Section 3.10 ~~enclosed herein~~ would require the project applicant to ~~construct a~~ contribute their fair share towards the ~~1.1 mile portion of~~ State Route 68 Commuter Improvements, as well as other regional improvement projects, through payment of the TAMC RDIF ~~and pay regional traffic impact fees~~ to the Transportation Agency of Monterey County (TAMC) in order to mitigate for cumulative impacts to roadway segments along State Route 68. Implementation of these mitigation measures would accelerate implementation of specific capacity improvements along Highway 68 consistent with TAMC's project priorities, and would address the project's cumulative impacts regionally. ~~directly contribute to the improvements along the State Route 68 corridor, which would off-set any traffic impact on roadway segments caused by increased trip volume associated with the proposed project.~~ Therefore, the proposed project would be **consistent** with the RTP.

Response to Comment 13-22

Commenter states that the DEIR should note that the CHP substation has relocated to 960 East Blanco Road, Salinas.

Comment noted. The third paragraph on page 3.9-2 of the DEIR has been revised as follows:

California Highway Patrol

The California Highway Patrol has jurisdiction and law enforcement powers on all County roads and state highways. The California Highway Patrol is particularly concerned with enforcement of the vehicle code and other matters related to vehicle use such as traffic accidents. The California Highway Patrol services the Toro Area Plan planning area through its substation located at ~~19055 Portola Drive near~~ 960 East Blanco Road in the City of Salinas.

Response to Comment 13-23

Commenter states that Impact 3.9-3 seems to under estimate the demand for regional park land based on the page 3.1-3 stating that approximately 75,000 people visit BLM each year.

Comment noted. The County of Monterey standard for developed regional parkland is 0.7 acre per 1,000 people. The proposed project would increase the population by approximately 50 people. Based on the regional parkland standard the increase demand associated with the proposed project's increase in population would increase the need for regional parks would be 0.035 acres.

Response to Comment 13-24

Commenter states that the DEIR should note that the project applicant's dedication of parkland is 832 times greater than amount required.

Comment noted. This would have not effect on the environment; therefore, no revisions to the DEIR have been made.

Response to Comment 13-25

Commenter states that mitigation measure 3.9-4 should be corrected to read "Sanitary sewer".

Comment noted. See response to comment 8-2.

Response to Comment 13-26

Commenter states that page 3.10-10 should note that there are two MST bus stops on State Route 68 at the San Benancio Road intersection (1 eastbound and 1 westbound).

Point of fact is noted for the record. The traffic section has been replaced in its entirety as part of the RDEIR (December 2009).

Response to Comment 13-27

Commenter states that the proportional cost to the project applicant associated with mitigation measure MM 3.10-2 well exceeds the identified potential project impacts to roadway segment and intersection LOS.

Comment noted. The traffic section has been replaced in its entirety as part of the RDEIR (December 2009). All new comments on the RDEIR are addressed within this Final EIR.

Response to Comment 13-28

Comments address traffic mitigation measures of the DEIR.

Comment noted. The traffic section has been replaced in its entirety as part of the RDEIR (December 2009). All impact statements and mitigation measures have been revised. All new comments on the RDEIR are addressed within this Final EIR.

Response to Comment 13-29

Comments address traffic mitigation measures of the DEIR.

Comment noted. The traffic section has been replaced in its entirety as part of the RDEIR (December 2009). All impact statements and mitigation measures have been revised. All new comments on the RDEIR are addressed within this Final EIR.

Response to Comment 13-30

Comments address traffic mitigation measures of the DEIR.

Comment noted. The traffic section has been replaced in its entirety as part of the RDEIR (December 2009). All impact statements and mitigation measures have been revised. All new comments on the RDEIR are addressed within this Final EIR.

Response to Comment 13-31

Comments address traffic mitigation measures of the DEIR.

Comment noted. The traffic section has been replaced in its entirety as part of the RDEIR (December 2009). All impact statements and mitigation measures have been revised. All new comments on the RDEIR are addressed within this Final EIR.

Response to Comment 13-32

Commenter states that a new section should be added to address a statement of overriding considerations.

Comment noted. Discussion regarding the statement of overriding conditions is not required per CEQA. A more appropriate location for this discussion would be the staff report for the proposed project.

Letter 14

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December 10, 2008

Ms. Melody Gillette, Senior Planner
Monterey County Planning Department
168 West Alisal Street, 2nd Floor
Salinas, California 93901

Regarding: DEIR Harper Canyon (Encina Hills) Subdivision (Co. File#PLN000696)

ATTENTION: Supvr.Dave Potter, Planning Commission Members: Juan Sanchez, Aurelio Salazar, Jr. (Chairman), Don Rochester, Cosme Padilla, Steve Pessagno, Jay Brown, Nancy Isakson, Mathew Ottone, Martha Diehl, Keith Vandevere, (Vice Chair)

Dear Ms.Gillette;

In response to your transmittal letter and a copy of the DEIR for the Encina Hills project, we in the Meyer Community Group, after reviewing the document have the following comments on the adequacy or inadequacy of the environmental impact report.

1. To begin with, as we pointed out in a letter dated 8/15/05 to Senior Planner, Paul Mugan (copy attached), the project description is inaccurate and misleading. As was shown at the Planning Commission Meeting of January 18, 2005, the 17 lot Encina Hills proposed subdivision is not a stand alone project, as it is adjacent to an additional 14 legal lots owned by the applicant which currently lacks road access. On the Vesting Tentative Map of Encina Hills prepared by Whitson Engineers, the 14 lots are shown and the road access to these lots is also shown as part of the the Encina Hills project. When this was specifically pointed out by use of a visual presentation to the Planning Commission on January 18, 2005; the Planning Commission decided that these lots were part of the overall project and were required be part of the DEIR. (Copy of map attached.) How did the DEIR get prepared with input from County Staff, without acknowledging the 14 additional legal lots, access roads; all of which are graphically shown on the Vesting

14-1

Letter 14 Continued

Tentative Map. We believe this DEIR is incomplete and does not meet the CEQA requirements as the 14 additional lots have not been reviewed as to their potential environmental impacts, as well as their cumulative and growth inducing impacts when considered with the 17 lot Encina Hills proposed subdivision. We in the Meyer Community Group find it unreasonable to believe these 14 lots were just overlooked, especially when they are outlined on the map, along with access roads, sewer and well designated locations. It is obvious to us these 14 lots are slated for development, and is piecemeal development under CEQA guidelines.

14-1 cont

AESTHETICS & VISUAL RESOURCES

Impact 3.1-1, 3.1-2, 3.1-4
Implementation of proposed project, including development on land that exceeds 30 percent slopes, would result in permanent alteration of site conditions that may damage scenic resources from Scenic Route 68, Fort Ord Public Land, Toro Regional Park., as well as introducing new light sources adversely affecting the visual resources of the area and resulting in a visual change within a rural setting. These are all considered Potentially Significant Impacts.....that are basically mitigated by design review and use of "scenic easement" designation. These appear to be unsatisfactory mitigation measures for loss of visual resources and a permanent alteration and urbanization of a rural area, without considering the cumulative impacts of14 legal lots left out of the DEIR..

14-2

BIOLOGICAL RESOURCES

Impact 3.3-1, 3.3-2, 3.3-3, 3.3-4, 3.3-5, 3.3-6
These impacts are considered Potentially Significant or Significant. Implementation of the proposed project would result in construction of roads, buildings and other facilities that in turn result in loss of habitat of sensitive species, introduction of non-native species, permanent alteration of site conditions resulting in loss of sensitive and critical oak woodland habitat with the removal of 79 coast live oak trees from project site.

14-3

The impacts listed above are the results of reviewing the roads and the 17 proposed lots of Encina Hills and not including the additional adjacent 14 legal lots that were to be part of this DEIR. A very large segment of this project has not been reviewed with regard to its environmental impacts on the biological resources and other issues to be considered within the scope of this DEIR.

GEOLOGY & SOILS

To even begin to respond to this part of the DEIR, without the geology and soils review of the additional 14 lots, which lie directly down slope geographically below the 17 Encina Hills lots. Without environmental review of these lots, and with the knowledge that the soils are weak, compressible, highly errodable, on 30% steep slopes, in an area with a history of erosion and liquefaction, as well as a substantial increase in amount of

14-4

Letter 14 Continued

runoff, as the 14 lots are located beneath the road and the 17 lots; slope failure hazards such as landslides are potential consequences. **14-4 cont**

HYDROLOGY/WATER QUALITY

Impact 3.6-1, 3.6-2, 3.6-3, 3.6-4
The DEIR considers these impacts less than significant. However, the proposed project would result in a long-term water demand increase of the El Toro Groundwater Basin, without even considering the 14 additional lots that have been left out of hydrology calculations. With the recent publication of the Monterey County Water Resources Agency scientific study of the Toro Area Groundwater Basin, indicating that the Toro area is in overdraft situation, how can this proposed development of 31 lots be considered "less than significant". Without considering the additional 14 lots, the hydrology analysis is incomplete. **14-5**

LAND USE

The proposed project includes use permits for removal of 79 oak trees and development of roads on 30% plus slopes. Tree removal of this magnitude in an area of soil slippage, erosion and a history of landslides is inadequately mitigated with planting of one gallon oak trees on a 3 to 1 basis. It will be generations before the oak tree habitat will recover, if it ever does recover. There are reasons why the County of Monterey has ordinances against oak tree removal and building on 30% slopes. The result of these pactices is degradation of the landscape, loss of scenic resources and critical woodland habitat. **14-6**

PUBLIC SERVICES

The proposed project is inefficient land use that adversely impacts the County's abilities to provide desireable levels of public service. It does not provide affordable housing, it does generate physical impacts on natural resources, such as water availability and quality, continuing the chronic decline in ground water levels in the Toro basin. The alteration of site topography will increase surface runoff and alter existing drainage patterns, exposing property and persons to geological hazards, as well as increased probability of fire due to development in wildland areas. The site is considered a high fire zone by the County General Plan. **14-7**

Impact 3.9-4
The DEIR considers "Potentially Significant" impact on wastewater flows. In a sworn declaration (copy attached) by Susan C. Bacigalupi, the data collected clearly shows the California Utility Service is **already exceeding capacity**. CUS submits in this DEIR their records of number of customers served, while the sworn declaration collected data by actually walking door to door and asking home/business owners for the information. There is a large discrepancy between the two. Which is accurate? **14-8**

The sewer line has already been run to the "Oaks" 9 house subdivision. Does the addition of those houses result in CUS to exceed capacity or according to this DEIR the **14-9**

Letter 14 Continued

addition of 17 homes might make CUS exceed capacity? Does that not indicate that the DEIR recognizes that the CUS is critically close to exceeding capacity? Where are the "waste water collection improvement plans" mentioned in the mitigation? **14-9 cont**

Impact 3.9-5
There is conflicting information regarding whether there is "mixing" of Zone 2C water and B8 water. The DEIR says one thing, the Cal-Am workers say another.

Where will the water purification plant be located? **14-10**

Unfortunately due to time constraints we are unable to investigate further. Hopefully the county will.

TRANSPORTATION AND CIRCULATION

Impact 3.11-1
The number of trips will be well over 200/day and the traffic noise on Meyer Rd will be significantly increased from basically no traffic noise to whatever noise is generated by 163-200 trips per day. What will be the speed limit? Will there be speed bumps? **14-11**

SUMMARY

Due to the timing, once again, of this DEIR being presented during the Holiday season and having approximately 6 weeks to respond to a bulky document that took over 3 years to prepare, this letter and the supporting documents is all we can offer.

This is a piecemeal project. The DEIR does not even mention the additional 14 lot line adjustments in spite of the Vesting Tentative map showing the sewer lot, roads being constructed to access the area etc. The DEIR does mention the "Oaks" subdivision. There are no definitive plans for the remainder parcel.

When this project is complete, the 14 lot line adjustments will have road access, the remainder parcel from the "Oaks" will have road access, sewer and water will be available to all.

Given enough time and money, all things can be mitigated to:

1. Less than Significant
2. Unavoidable
3. Cumiative

This DEIR is an excellent example.

Letter 14 Continued

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Attachments:
Paul Mugan Letter 08.15.05
Susan Bacigalupi Declaration January 11, 2005
Richard Rosenthal Letter January 11, 2005
Vesting Tentative Map

RESPONSE TO LETTER #14 – THE MEYER COMMUNITY GROUP

Response to Comment 14-1

Comment questions the accuracy of the project description. In particular, commenter argues that the existing adjacent 14 lots of record should be analyzed as part of the Harper Canyon/Encina Hills Subdivision EIR regarding their potential environmental impacts.

As shown in Figure 2-5, the 14 existing lots of record located adjacent to the project site are not part of the project application. To clarify this point, **Figure 2-5, Vesting Tentative Map** has been updated and is attached as **Exhibit C**. Please see Master Response 2: Legal Lots of Record.

Response to Comment 14-2

Comments focus on cumulative aesthetic impacts associated with adjacent lots of record.

Please see Master Response 2: Legal Lots of Record and response to comment 3-1, which discusses the issue of how the County evaluates impacts to the viewshed and provides modifications to mitigation measures for further reducing potential visual impacts in response to comments received on this issue. The standard for review with respect to visual impacts is not whether the project is visible from a common public viewing place, but whether there is a "substantial adverse visual impact". The DEIR reviews the project from the perspective of the degree to which Project elements might be visible including distance from the viewing point, interruptions in the landscape that would naturally screen Project elements and timeframe during which a Project element might be seen e.g. a driver traveling at 45 miles through a common viewing point. As discussed in Impact 3.1-1 on page 3.1-9 of the DEIR, the project site is located outside the area designated as "area of visual sensitivity" and the "critical viewshed". However, the project site may be visible from public viewpoints along State Route 68, a state scenic highway; Toro Regional Park; and Fort Ord Public Land owned by the Bureau of Land Management (BLM). Implementation of mitigation measure MM 3.1-1 would ensure that the viewshed from Toro Regional Park would be protected by restricts development on Lot #1. In addition, the "Design Control" zoning district standards protect the public viewshed, neighborhood character, and assure the visual integrity of the development in scenic areas and is intended to guide development while preserving the scenic qualities of the ridgeline area, views from State Route 68, and the scenic and rural quality of the project vicinity.

The proposed project would be required to comply with Sections 21.44.010 and 21.44.030 of the *Monterey County Zoning Ordinance*, which apply specific design standards and additional design review prior to approval, including regulation of the location, size, configuration, materials and colors. Depending on the design of subsequent development on the project site, other zoning regulations associated with ridgeline development and slopes greater than 30 percent may be triggered. According to Section 21.66.010.D of the *Monterey County Zoning Ordinance,* a use permit for ridgeline development may be approved only if the development will not create a substantially

adverse visual impact when viewed from a common public viewing area. In addition, implementation of mitigation measure MM 3.1-2 will require that all land exceeding slopes of 30 percent be designated as "scenic easements" in accordance with Policy 26.1.10 of the *Monterey County General Plan, except where roadways improvement have no other alternative*. The Final Subdivision Map shall identify the areas within a "scenic easement" and note that no development shall occur within the areas designated as "scenic easement." These regulatory performance standards and mitigation measures would ensure that the proposed project would not have a substantial adverse affect on a scenic vista as viewed from Toro Regional Park, State Route 68 and BLM land.

According to Appendix G of the CEQA Guidelines, scenic resources, include, but are not limited to, trees, rock outcroppings and historic buildings within a state scenic highway. Although the proposed project is not located within a state scenic highway corridor, the DEIR evaluates the impact proposed development would have on scenic resources due to the proximity of State Route 68, a state designated scenic route. As noted on page 3.1-15 of the DEIR, implementation of mitigation measure MM 3.3-3b and compliance with Section 21.64.260.C.1 of the *Monterey County Zoning Ordinance* would ensure that the tree removal associated with the proposed project would be minimized. Implementation of the mitigation measure MM 3.1-2 would ensure that all land that exceeds 30 percent slopes, except where roadway improvements have no other alternative, be designated as "scenic easements" in accordance with Policy 26.1.10 of the *Monterey County General Plan*. Implementation of these mitigation measures and compliance with the Monterey County Zoning Ordinance would ensure that there would be no substantial damage to scenic resources near State Route 68.

As discussed on page 3.1-17, implementation of mitigation measure MM 3.1-4 would minimize potential light and glare at the project site and on surrounding area by requiring preparation and approval of a detailed exterior lighting plan.

The project site is designated for rural residential land use. The proposed project includes development at a lesser density than allowed under the General Plan and the project applicant has committed to deeding approximately 154-acres of the 180-acre remainder parcel to the Monterey County Parks Department as an extension of the adjacent Toro Park. The proposed project would be required to be developed in accordance with Sections 21.44.010 and 21.44.030 of the *Monterey County Zoning Ordinance*, which would preserve the scenic qualities of the ridgeline area and the scenic and rural quality of the project vicinity. The 14 existing lots of record, as well as any other reasonably foreseeable development within the vicinity of the project site, would also be subject to policies in the *Monterey County General Plan* and *Toro Area Plan* that emphasize preservation of the rural environment, which would address the cumulative visual effects of proposed development within the vicinity of the project site.

Response to Comment 14-3

Commenter re-iterates that the impacts to biological resources are not properly analyzed because the project description excludes the 14 existing lots of record located adjacent to the project site.

Comment noted. Please see Master Response 2: Legal Lots of Record and Impact 3.3-7 discussion on page 3.3-29 of the DEIR, which addresses the cumulative impacts on special status species and habitat. The 14 lots in question are not part of the project application.

Response to Comment 14-4

Commenter re-iterates that the impacts to geology and soils are not properly analyzed because the project description excludes the 14 existing lots of record located adjacent to the project site and that slope failure hazards such as landslides are potential consequences.

Comment noted. Please see Master Response 2: Legal Lots of Record and Impact 3.5-2 on page 3.5-17 of the DEIR which discusses the proposed project's risk of exposure to landslides. The 14 lots in question are not part of the project application.

Response to Comment 14-5

Commenter states that the proposed project would result in a long-term water demand increase of the El Toro Groundwater Basin without considering the 14 existing lots of record located adjacent to the project site.

Comment noted. Please refer to Master Response 1: Water, which discusses the hydrogeology of the project site and well locations. The wells are located in Zone 2C and receive benefits from the Salinas Valley Water Project. Please also refer to Master Response 2: Legal Lots of Record. The 14 lots in question are not part of the project application.

Response to Comment 14-6

Commenter states that the tree removal in an area of soil slippage, erosion an a history of landslides is inadequately mitigated with planting of one gallon oak trees on a 3 to 1 basis. Commenter further states that it will be generations before the oak tree habitat will recover if it ever does recover.

See response to comment 13-10. As noted on page 3.3-23 of DEIR, the proposed project includes a use permit for the removal of approximately 79 oak trees, which is less than one percent of the total trees located on the project site. Implementation of mitigation measures MM 3.3-3a, 3.3-3b and 3.3-3c would minimize oak tree removal, replant trees, ensure successful replanting of replacement trees and protect remaining trees. Implementation of these mitigation measures would minimize loss of oak woodland habitat and ensure that the removal of coast live oak trees is in accordance with Section 21.64.260 of the Monterey County Zoning Ordinance and Section 21083.4 of the CEQA Guidelines.

Response to Comment 14-7

Commenter states that the proposed project is inefficient land use that adversely impacts the County's abilities to provide desirable levels of public service. Commenter further states that the proposed project will increase the probability of fire due to development in wildland areas.

Evaluation of the environmental impacts to public services is based on whether or not the proposed project would increase the need for public services to a point that would require construction of new or expansion of existing facilities that would have a significant physical impact on the environment. As discussed in Section 3.9 of the DEIR, the proposed project will increase the demand on public services, such as police, fire, schools, and parks; however, this increase in demand would not warrant the construction of new or expansion of existing facilities.

As stated on page 6-4 of the DEIR, the project site is located in moderate to high wildland fire zone. The Salinas Rural Fire District requires that the all access roads on the project site be in compliance with the most current fire codes. According Salinas Rural Fire District, compliance with fire codes would eliminate exposure of residents or structure to a significant risk of loss from wildland fires. In addition, compliance with Section 18.56 of the *Monterey County Code Monterey County* (Ordinance 3600, 1992) would ensure that people or structures are not exposed to significant risk of loss, injury, or death associated with wildland fires. Furthermore, the analysis of the proposed project's impact on the Salinas Rural Fire District provided on page 3.9-8 of the DEIR identifies that the affect on fire protection service would be a less than significant impact. Therefore, the potential risk of exposing people or structures to loss, injury or death would be considered a less than significant impact.

As discussed on page 3.8-11 of the DEIR, according to County of Monterey Housing and Redevelopment Office, payment of the in-lieu fee equal to $409,555.50 ($160,610/inclusionary unit) shall satisfy compliance with the *Monterey County Inclusionary Housing Ordinance*. In-lieu fees are used to provide more affordable housing and/or buy down existing housing to make the units more affordable. Therefore, the proposed project would indirectly be providing affordable housing.

Response to Comment 14-8

Commenter states that the declaration by Susan C. Bacigalupi, shows that the California Utility Service is already exceeding capacity.

Comment noted. See response to comment 7-2 and comment letter 18.

Response to Comment 14-9

Commenter asks whether or not the capacity of wastewater treatment plant would be exceeded by the Oaks subdivision or the proposed project, isn't the wastewater treatment

plant critically close to exceeding capacity and where are the wastewater collection improvement plans mentioned in the mitigation?

See response to comment 7-2 and comment letter 18. The wastewater treatment plant has adequate capacity to serve the proposed project; however, service is provided on a first come, first serve basis. The wastewater collection improvement plans required per mitigation measure 3.9-4 are required to be submitted for approval prior to filing of the Final Subdivision Map.

Response to Comment 14-10

Commenter states that there is conflicting information whether there is a "mixing" of Zone 2C water and B-8 water and asks where the water purification plant will be located.

Please see Master Response to Comment 1: Water, as well as the updated Section 3.6 included in this FEIR. See also response to comment 7-1 for more information on this subject.

Response to Comment 14-11

Commenter states the noise generated by the increased traffic on Meyer Road will increase and asks what the speed limit will be and if there will be any speed bumps.

As noted on page 3.11-10 of the DEIR, the increase in noise associated with increased trips on Meyer Road may increase noise levels by approximately 3 dB. However, this is not considered a significant increase in traffic noise. In addition, the topography and distance between the sensitive receptors to Meyer Road would decrease the traffic noise levels associated with the proposed project. Since Meyer Road is a private road, the speed limit is determined by the owner and is not enforceable by law enforcement. No speed bumps are proposed as part of the proposed project.

Letter 15

Gillette, Melody x6056

From: LC [lcarley11@yahoo.com]
Sent: Monday, December 08, 2008 6:40 PM
To: Gillette, Melody x6056
Subject: Comment on Draft EIR for Encina Hills (Harper Canyon)

The following are my comments and concerns regarding the draft EIR of Encina Hill Subdivision #PLN000696

First and foremost, my greatest objection to the Encina Hills (Harper Canyon) EIR is it's insinuation that groundwater in not an issue. Their are two glaring flaws in the following summation.

Impact 3.6-1. Implementation of the proposed project would result in an increase demand of approximately 12.75 acre feet per year, which would result in a long-term water demand increase on the El Toro Groundwater Basin. However, given project's groundwater recharge capability and the fact that water would be procured through wells located within the Salinas Valley Water Project Assessment Zone 2C , this increase in demand would be considered a less than significant

15-1

The first, is that the El Toro Groundwater basin has sufficient capability to recharge itself. A recent study (Geosyntec El Toro groundwater study) suggests otherwise, clearly stating that the aquifers in question are in overdraft. A survey of Harper Canyon residence, whose private wells have dried up over time should provide addition evidence to the contrary of the EIR statements. The second flaw is the arbitrary and politically motivated classification of the wells as within Salinas Valley Water Project Zone 2C. There is no rational basis for this zoning and it is not germane to the honest appraisal of future water availability or quality. In my opinion, it would be completely irresponsible to accept the statement that groundwater supply is not an issue, much less a significant issue.

The question of sewer capacity has come up at prior planning commission meetings. Evidence was submitted which would question the validity of the assertions made by CUS sewer facility regarding their capacity, current number of hock-ups, and disposal of sludge. Given these discrepancies, it would be prudent to further investigate the sewage handling capabilities in an independent, impartial manner.

15-2

The presence of mountain lions were included in a list of wildlife in the regional setting, but not specifically address as a local concern. Mountain lions have been observed in the local vicinity. The EIR appears incomplete without investigating and outlining the extent to which the development is an active mountain lion habitat or corridor; and if it is, to what extent mountain lions would present danger to residents of this development, to residents of neighboring developments, to Toro Park visitors (if mountain lions are pushed into the park), or to the lions, themselves.

Regarding Impact 3.3-6 having to do with nesting raptors and migratory birds:
It is suggested that surveying active nests within the vicinity of the construction area would be sufficient to mitigate the impact of nesting birds and raptors. However, there has been evidence of golden eagles nesting in the neighboring area. Given the extremely solitary nature of the golden eagle, their wide ranging territory, and their preference for quiet, a survey of the immediate vicinity of the construction area would appear as inadequate to mitigate the nesting disruption (and even potential habitat disruption) for this particular resident raptor and species of interest.

15-3

Impact 3.3-6. Implementation of the proposed project would result in temporary and direct disturbance to nesting raptors and migratory birds.

Potentially

1

Letter 15 Continued

Significant

MM 3.3-6. Surveys shall be conducted no more than 30 days prior to ground disturbance during the nesting seasons for local avian species (typically February 1st through August 31st). The Monterey County Planning Department shall require that the project applicant retain a qualified biologist to conduct a focused survey for active nests of raptors and migratory birds within and in the vicinity of the construction area. If active nests are located during preconstruction surveys, USFWS and/or CDFG (as appropriate) shall be notified regarding the status of the nests and agency recommendations regarding nest avoidance measures implemented. Furthermore, construction activities shall be restricted as necessary to avoid disturbance of the nest until it is abandoned or the biologist deems disturbance potential to be minimal. Restrictions may include establishment of exclusion zones (no ingress of personnel or equipment at a minimum radius of 100-feet around the nest) or alteration of the construction schedule. No action is necessary if construction will occur during the non-breeding season (between August 1st and November 1st).

15-3 cont

Thank you for considering my opinions.

Sincerely,
Laura Carley
Rimrock Estates
(831) 484-1228

2

RESPONSE TO LETTER #15 – LAURA CARLEY

Response to Comment 15-1

Commenter cites a recent study regarding El Toro groundwater done by Geosyntec that states that the aquifers in question are in overdraft. Commenter goes on to express their concern for the classification of the wells and the availability and quality of future water supply.

Comment noted. Please see Master Response to Comment 1: Water.

Response to Comment 15-2

Commenter is concerned about sewer capacity in regards to the project and requests that further investigation be done in regards to sewage handling capabilities.

Comment noted. See response to comment 2-3 and response to comment letter 18.

Response to Comment 15-3

Commenter is concerned that the proposed project would have a significant impact on nesting birds and raptors. Commenter also requests more information in regards to mountain lion's presence in and around the project site.

The proposed project was reviewed and evaluated three times by qualified biologists, Zander Associates. Implementation of mitigation measure MM 3.3-6 requires that surveys be conducted no more than 30 days prior to ground disturbance during the nesting seasons for local avian species (typically February 1st through August 31st). The Monterey County RMA Planning Department shall require that the project applicant retain a qualified biologist to conduct a focused survey for active nests of raptors and migratory birds within and in the vicinity of the construction area. If active nests are located during preconstruction surveys, USFWS and/or CDFW (as appropriate) shall be notified regarding the status of the nests and agency recommendations regarding nest avoidance measures implemented. Furthermore, construction activities shall be restricted as necessary to avoid disturbance of the nest until it is abandoned or the biologist deems disturbance potential to be minimal. Restrictions may include establishment of exclusion zones (no ingress of personnel or equipment at a minimum radius of 100-feet around the nest) or alteration of the construction schedule.

According to the U.S. Fish and Wildlife Service (USFWS) and California Natural Diversity Database, mountain lions are not listed as a special status wildlife species, although they are known to inhabit nearby rural areas of Monterey County.

Letter 16

MONTEREY BAY
Unified Air Pollution Control District
serving Monterey, San Benito, and Santa Cruz counties

AIR POLLUTION CONTROL OFFICER
Douglas Quetin

24580 Silver Cloud Court • Monterey, California 93940 • 831/647-9411 • FAX 831/647-8501

December 19, 2008

Sent Electronically To:
CEQAcomments@co.monterey.ca.us
Original Sent by First Class Mail

Ms. Melody Gillette, Senior Planner
Monterey County Planning Department
168 West Alisal Street, Second Floor
Salinas, CA 93901

SUBJECT: DRAFT EIR FOR HARPER CANYON (PLN000696)

Based on the electronic files sent last week, the Air District submits the following comments for your consideration:

Consistency Determination for Seventeen SFDs
Please request a formal consistency determination from AMBAG for the seventeen residences that would be accommodated by the project and include it in the Final EIR. **16-1**

Consistency Determination for the Additional Sewer Service to be Provided
Please refer to Air District Rule 216, Permit Requirements for Wastewater and Sewage Treatment Facilities, which is attached for your reference. If plans for the project (uncertain from the documents sent for review) would entail an expansion or upgrade to existing facilities, please request a Rule 216 consistency determination from AMBAG. **16-2**

Access Roads to Residences
The Air District suggests that the project require all access roads to properties be paved or covered with gravel. Unpaved dirt roads are a significant component of the PM_{10} inventory in the North Central Coast Air Basin (NCCAB), which is designated non-attainment by the State for the PM_{10} standard. **16-3**

Cumulative Traffic Impacts on Highway 68
Given the existing traffic on Highway 68, current construction projects, and proposed projects (Laureles Grade Project, San Benanacio Left-Turn Lane and Widening over Toro Creek, and the Villages at Laguna Seca proposed widening of York Road, the Air District suggests that the Lead Agency consider the potentially significant impacts of these projects and the proposed Harper Canyon Project construction traffic on "gridlock" and carbon monoxide "hot spots". **16-4**

Letter 16 Continued

Permit for Sewer System Pump Stations
Please contact Lance Ericksen, Manager of the Air District's Engineering Division, to discuss the three sewage pump stations that would serve the proposed project. (It is unclear from the Project Description whether these exist or would be new stations.) **16-5**

Attainment Status of the NCCAB
The federal 1-hour ozone standard was revoked in June 2005. The NCCAB is designated attainment for the federal 8-hour ozone standard. The NCCAB is designated non-attainment for the State ozone standard. **16-6**

Toxic Air Contaminants
The narrative on pages 3.2-5 and 3.2-6 should be updated to include the substantial regulatory action by the State during the last year, namely the Air Toxic Control Measures (ATCMs) promulgated by the California Air Resources Board. **16-7**

2008 Air Quality Management Plan
The operative AQMP was adopted by the Air Board in August 2008. **16-8**

Section 3.2.3 Impacts and Mitigation Measures
Paragraph 3 on page 3.2-15 concerning carbon monoxide should be revised to reflect that the 550 lbs/day standard applies to direct / stationary sources. The relevant standard for mobile sources is measured in Levels of Service (LOS) and can be found in the District's CEQA Air Quality Guidelines in Table 5-3 on page 5-6. **16-9**

Air Quality Mitigation Measure 3.2-1b. Page 3.2-20.
The impacts of diesel emissions are project-specific and reflect the number, model year and horsepower of the specific equipment being operated, as well as the duration of operation and distance to the nearest receptor. Accordingly, the impacts should be estimated and feasible mitigation specified to determine significance. The list of measures specified on page 3.2-20 include some that are purely precatory, which would be difficult to enforce ("Limit the hours of operations and quantity of heavy duty equipment.", and "Limit the area under construction at any one time.") Others are not feasible ("Replace diesel-powered equipment with gasoline-powered equipment."). The Air District suggests that this section be revised. Please contact the District if you would like assistance. **16-10**

Letter 16 Continued

Thank you for the opportunity to comment on the document.

Sincerely,

Jean Getchell
Supervising Planner
Planning and Air Monitoring Division

Attachment: Rule 216

cc: Lance Ericksen, Engineering Division

COMMENT LETTER #16- MONTEREY BAY UNIFIED AIR POLLUTION CONTROL DISTRICT (MBUAPCD)

Response to Comment 16-1

Commenter suggests that the Final EIR should include a formal consistency determination from AMBAG for the seventeen residences that would be accommodated by the project.

Formal consistency determination was received from AMBAG on December 29, 2005 and included in Appendix B of the DEIR. The proposed project's consistency with the *2008 Population, Housing Unit and Employment Forecasts* and *2008 Air Quality Management Plan* was confirmed by AMBAG on March 6, 2009.

Response to Comment 16-2

Commenter has attached Air District Rule 216, Permit Requirements for Wastewater and Sewage Treatment Facilities. Commenter is unsure if plans for the project would entail an expansion or upgrade to existing facilities, but if project does, it is suggested a Rule 216 consistency determination from AMBAG be requested.

Comment noted. There is adequate capacity at the existing facility to serve the proposed project as noted on page 3.9-10 of the DEIR.

Response to Comment 16-3

Commenter suggests that the project require all access roads to properties be paved or covered with gravel.

Comment noted. All access roads will be paved.

Response to Comment 16-4

Commenter suggests that the Lead Agency consider the potentially significant impacts of current projects along with the proposed Harper Canyon Project construction traffic on "gridlock" and carbon monoxide "hot spots."

As noted on page 3.2-15 of the DEIR carbon monoxide modeling was conducted by Ambient Air Quality and Noise Consulting and results were included in Appendix B. As discussed in Impact 3.2-4, implementation of the proposed project would result in an increase in carbon monoxide concentrations at land uses near roadways and intersections. The CO modeling was run using worst-case meteorological conditions for particulate matter peak-hour conditions for the Corral de Tierra/State Route 68 intersection and State Route 68, between State Route 218 and York Road. To ensure a conservative analysis, the emission factors used in the analysis were based on the highest modeled emission factors for speeds ranging from 35 to 60 miles per hour to account for potential decreases in speeds typically anticipated for segments that operate under unacceptable LOS. The

predicted 1-hour and 8-hour CO concentrations at the Corral de Tierra/State Route 68 intersection and the State Route 68 roadway segment, between State Route 218 and York Road, would not exceed the State ambient air quality standards of 20 and 9.0 ppm, respectively. Therefore, implementation of the proposed project would not generate localized emissions of CO that would exceed the thresholds of significance for CO.

Response to Comment 16-5

Commenter requests clarification from the Project Description whether the three sewage pump stations already exist or if there would be new stations.

The proposed project includes three sewage pump stations as shown on Figure 2-5 of the DEIR. Implementation of mitigation measure MM 3.9-4 requires preparation of wastewater collection system improvement plans prior to filing the Final Subdivision Map. These plans would be subject to review and approval by California Utility Service and Monterey County. Per our discussion with Lance Ericksen of MBUAPCD, it is our understanding that if the sewage pump stations require back-up generators that are over 50 horsepower, would require a permit to be issued by Monterey Bay Unified Air Pollution Control District. To ensure compliance with this permit requirement mitigation measure MM 3.9-4 has been revised as noted in response to comment 8-2.

Response to Comment 16-6

Commenter states that the Federal 1-hour ozone standard was revoked in June 2005 and that the NCCAB is designated for attainment for the federal 8-hour ozone standard and non-attainment for the State ozone standard.

Comment noted. See response to comment 3-5.

Response to Comment 16-7

Commenter suggests that the narrative on pages 3.2-5 and 3.2-6 be updated to include the substantial regulatory action by the State during the last year, namely the Air Toxic Control Measures (ATCMs) promulgated by the California Air Resources Board.

The third paragraph on page 3.2-5 of the DEIR has been revised as follows:

> The ARB identified particulate emissions from diesel-fueled engines (diesel-exhaust PM) as a TAC in August 1998. The ARB has since developed the Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles (2000) and the Risk Management Guidance for the Permitting of New Stationary Diesel-Fueled Engines (2000). Both documents were approved by the ARB on September 28, 2000. The ARB is developing regulations designed to reduce diesel particulate matter emissions from diesel-fueled engines and vehicles. The goal of each regulation is to make diesel engines as clean as possible by establishing

state-of-the-art technology requirements or emission standards to reduce diesel particulate matter emissions. These regulations will require substantial reductions in diesel-exhaust particulate matter beginning with the 2004 model year. More stringent standards will apply to engines starting in the 2007 model year. Off-road vehicles came under more stringent regulation beginning with the 2005 model year. In 2008, ARB adopted several regulations that help reduce TACs by doing the following: revising the credit accountability for small off-road engines and equipment and establishing new exhaust and evaporative emission standards for large spark-ignition engines with an engine displacement of less than or equal to one liter; amending the Transport Refrigeration Units (TRU) Airborne Toxic Control Measures to adjust compliance dates to better align with availability of verified diesel emission control strategies; requiring existing trucks/trailers doing business in California to be retrofitted with the best available "SmartWay Transport" and/or ARB approved technology that reduce GHG emissions; requiring on-road diesel vehicles to be upgraded to a cleaner engine or retrofit with an exhaust emission control device to achieve the significant emission reductions in order to reduce emissions of diesel particulate matter, oxides of nitrogen, and greenhouse gases; requiring all light duty vehicles to comply with the whole vehicle zero evaporative standards, established in 1998 as part of the Low Emission Vehicle II program, which would result in a minimum 30% emission reduction from current evaporative emissions; and requiring that automobile paint be reformulated to reflect the invisible solar wavelengths in order to keep the interior of vehicles cooler and reduce the need for air conditioner usage. Each set of regulations will serve to significantly reduce diesel particulate matter and NOx emissions and long-term human health risks attributable to diesel-fueled vehicles and equipment.

Response to Comment 16-8

Commenter states that the operative AQMP was adopted by the Air Board in August 2008. All information should reflect the current AQMP.

Comment noted. See response to comments 3-5 and 3-6.

Response to Comment 16-9

Commenter suggests that paragraph 3 on page 3.2-15 concerning carbon monoxide be revised to reflect the 550 lbs/day standard for direct/stationary sources. Comments also clarify that the standard for mobile sources, measured in Levels of Service (LOS), can be found in the District's CEQA Air Quality Guidelines in Table 5-3 on page 5-6.

Comment noted. The last paragraph on page 3.2-13 of the DEIR has been revised as follows:

3) Long-term Increases in ~~Local Mobile Source~~ CO Concentrations. ~~Local mobile source~~ Long-term increases in CO concentrations are a result of indirect and direct emissions. Indirect emissions are typically considered to include mobile sources that access the project site but generally emit off-site; direct emissions typically include sources that are emitted on-site (e.g., stationary sources, on-site mobile equipment). Operational impacts would be considered significant if: ~~the project~~

    a. If the project would indirectly result in an intersection/road segment to degrade from LOS D or better to LOS E or F; OR the volume to capacity (V/C) ratio at an intersection/road segment operating at LOS E or F increases by 0.05 or more; OR the delay at an intersection operating at LOS E or F increases by 10 seconds or more; OR the reserve capacity at an unsignalized intersection operating at LOS E or F decreases by 50 percent or more. AND

    b. If the project would directly result in development of stationary sources that would generate~~s direct~~ emissions ~~of~~ greater than 550 lbs/day of CO or if the project would contribute to local CO concentrations that exceed the State Ambient Air Quality Standard of 9.0 ppm for 8 hours or 20 ppm for 1 hour.

Response to Comment 16-10

Commenter suggests that the section for Air Quality Mitigation Measure 3.2-1b be revised, as diesel emissions are specific to the types of equipment used and the duration of their operation.

In response, the County concedes that it is difficult to estimate specific equipment needs, availability of equipment type at time of construction, and concentration/proximity of usage so far in advance of project construction and programming. This is particularly true for a project in a relatively rural location with large open space areas, and an extended construction schedule that will be based on the construction of individual home sites over time. Certain pieces of diesel-powered heavy equipment must be used for specific phases of construction, as there are no equipment alternatives to accomplish certain grading or earthmoving tasks. In this location, on a 164 acre project site in a sparsely populated area, the risk factors of diesel emission are considered low, as explained on page 3.2-17 of the DEIR.

The DEIR provides a conservative approach to the analysis by disclosing the potential risks of TACs and the nearest receptors to short-term, construction-related emissions. The mitigation is designed to simply ensure that project construction uses the best available control methods to reduce emissions to the greatest extent feasible, consistent with County and Air District policy. Mitigation measure MM 3.2-1b starting on page 3.2-17 of the DEIR has been revised as follows to provide additional specificity:

Mitigation Measure

MM 3.2-1b During construction activities, Monterey County RMA Planning Department shall require that the project applicant implement best available control measures (BACM) to reduce toxic air contaminants, as recommended by the MBUAPCD and in accordance with Policy 20.2.5 of the *Monterey County General Plan*. BACM typically recommended by the MBUAPCD include, but are not limited to, the following**:**

- Limit the hours of operation consistent with related noise restrictions; ~~and quantity of heavy duty equipment;~~
- Utilize gasoline-powered equipment whenever an equipment choice is available; ~~Replace diesel-powered equipment with gasoline-powered equipment;~~
- Use PuriNOx emulsified diesel fuel in existing engines;
- ~~Modify engine with ARB verified retrofit;~~
- Repower and utilize heavy equipment with current standard diesel technology or CNG/LNG technology; and
- ~~Limit the area under construction at any one time~~ Demonstrate on construction documents how construction phasing and equipment programming will comply with County policies and BACMs identified by the Air District.

Implementation of MBUAPCD recommended best available control measures in accordance with Policy 20.2.5 of the *Monterey County General Plan* would reduce fugitive dust emissions and diesel-exhaust particulate matter emissions from construction activities. Fugitive dust emissions would be reduced by approximately 50 percent or more, depending on the activities conducted (MBUAPCD ~~2004~~2008). Use of diesel oxidation catalysts, particulate filters, and alternative fuels such as biodiesel, can reduce diesel-exhaust constituent emissions by approximately 90 percent, or more (MBUAPCD ~~2004~~2008). Therefore, short-term construction generated emissions associated with the proposed project would be reduced to a **less than significant** level.

Letter 17

Laura M. Lawrence, R.E.H.S., Planning Services Manager
County of Monterey Resource Management Agency-Planning Department
168 West Alisal, 2nd Floor
Salinas, CA 93901
Tel: 831-755-5148
Transmitted via fax: 831-757-9516

Ms. Melody Gillette
Ms. Elisa Manuguerra
Monterey County Project Planners

Re: Comments to D.E.I.R.
Harper Canyon (Encina Hills) Subdivision EIR
File Number: PLN000696
Location: North of San Benancio Road, East of Highway 68, Salinas
Planning Area: Toro Area
Assessor's Parcel Numbers: 416-611-001-000 and 416-611-002-000

December 12, 2008

Dear Ms. Lawrence, Ms. Gillette, and Ms. Manuguerra,

I am a 57 year resident of the Toro Area and am very familiar with the location and environmental issues associated with this proposed project. I am responding on behalf of the Highway 68 Coalition. Following are some of our biggest concerns regarding the above-mentioned EIR.

1) The largest concern is that this Draft Environmental Impact report does NOT reveal the 14 existing lots on the adjacent parcel also accessed via Meyer Road. These lots were the subjects of large lot line adjustments in the 1990's. The Toro Land Use Advisory Committee made a field trip to the site and the County of Monterey spent considerable time on these lot line adjustments on this property. Now a DEIR is prepared for 17 additional lots with a request for a vesting tentative map. The DEIR prepared goes through the motions of addressing the impacts of the 17 proposed parcels. Cumulative impacts regarding infrastructure and flora and fauna of 17 PLUS 14 are ignored but will be significant! **17-1**

2) When California American Water Company purchased Ambler Water Service in the latter part of the 1990's for approximately $387,000 The number of service connections was about 387 on the system. The sale was controversial and was subject to area public meetings held by the California Public Utilities Commission. These were followed by two administrative law judges with the California Public Utilities Commission holding hearings, making findings, **17-2**

(1)

Letter 17 Continued

and conditioning the sale. The service connection residents in San Benancio and Corral de Tierra expressed numerous concerns and stories about water quality, water quantity and water pricing. As a result, the California Public Utilities Commission upheld a judge's recommendation that the Ambler Water Service NOT be allowed to be tied in with any other water system. I have to assume this was to assure the existing service connection residents that they would continue to have potable and adequate groundwater. Ambler Water Service draws water from wells located in Corral de Tierra near the Meadows of Corral de Tierra Subdivision.

A big question is: under whose authority was a water main allowed to be run crossing San Benancio Road and and going outside the B-8 boundary (which is San Benancio Road) and tied into the San Benancio Oaks Subdivision? Who authorized this?
A problem with this EIR is it explains that the proposed water for the 17-unit project will be tied into the system currently servicing the San Benancio Oaks Subdivision and be given to California American Water Company. This will compound the problem and contravenes the Public Utilities Commission direction.

17-2 cont

3) Subsequent to, and as a result of the 1992 Loma Prieta Earthquake many individual well owners and small water system owners in the upper Harper Canyon area lost the use of their water wells. The ground rumbling and shifting stopped the flow of water. These were existing residents, many being long time homeowners in the area who were without water. They petitioned the County of Monterey and Cal-Am Water to run the water main up to the end of the existing Harper Canyon Road. They paid for this to be done and there wasn't one protest from anyone denying existing residents a potable water supply. Water availability in Harper Canyon has always been problematic. Existing residents water supply now originates in Corral de Tierra, from the wells Cal-Am owns and operates behind the Corral de Tierra Meadows Subdivision.

17-3

4) The reference document for this EIR does not use the most current data. The 2007 El Toro Groundwater Study prepared for the Monterey County Water Resources Agency is not used, nor referred to. This document tells us that historically the ground water level has been dropping approximately one foot per year for the past 50 years. It also tells us that the rate of drop has been increasing and has dropped approximately two feet per year since 1997. Although the EIR tells us that the proposed project or a large part of it is in Zone 2C of the Salinas Basin, the groundwater for the project will not be coming from the Salinas River but rather has plans to utilize El Toro Area groundwater. We all know that groundwater does NOT recognize political boundaries.

17-4

(2)

Letter 17 Continued

5) Question: Is the proposed water use quantity for 17 units of 12.75 acre feet consistent with water use for similar surrounding areas and lots of San Benancio, Corral de Tierra, Hidden Hills, York Road? You will remember when estimated water use for the residential areas of Bishop Ranch (now Pasadera) were seriously underestimated. The Laguna Seca Sub Basin (groundwater) is now in serious overdraft partly as a result of this. Existing residents are learning to pay more, lots more, for their water. That specific project also had a condition to monitor the yearly water used on the golf course there. Specifically who monitors this? Some of these conditions become burdensome to the County of Monterey, it's departments, and agencies, years after approval. Then it becomes a code enforcement issue, and often a legal issue. **17-5**

6) The Harper Canyon/Encina Hills EIR references the year 2005 Regional Transportation Plan and its 14-year program. Is that 14-year program still in place after the failure of Measure A, the half cent sales tax measure on the 2006 ballot? The document should state that the Transportation Agency of Monterey County officially designated the two lane section of State Highway 68 as being Level of Service "F" in the year 1997. When a Highway reaches Level of Service F even one more average daily trip is a significant impact. Using CalTrans numbers of an average of ten trips per day per unit, 17 additional units will bring 170 additional average daily trips to State Highway 68, and right in the middle of it, midway between the Cities of Salinas and Monterey. Add the cumulative impact of the existing 14 lots (lot line adjustments) in Encina Hills and the number becomes 310 additional average daily trips on a Level of Service "F" Highway. **17-6**
The EIR also needs to address the cumulative traffic impacts of the build out of existing legal lots of record on the Highway 68 Corridor, including Monterra, Pasadera, Tehama, Hidden Hills, San Benancio Oaks, as well as adjacent former Fort Ord (utilizing it's 1997 Fort Ord Reuse Plan, but absent the Southwest Alternative Road that has been erased.)

7) The project plan to use the narrow private residential road, Meyer Road, for access to the 17 proposed lots plus the 14 existing lot line lots is problematic from several perspectives. San Benancio Road is a designated County Scenic Road. Meyer Road is near the crest of a hill climbing San Benancio. Area residents report much of the traffic coming downhill out of San Benancio Canyon travels far too fast, especially during peak commute hours and often after dark. Adding 310 average daily trips to this part of San Benancio Road ingress and egress, accelerating and decelerating, IS dangerous. **17-7**

(3)

Letter 17 Continued

Thank you for the opportunity to comment on this EIR. We have attempted to define some of the biggest problems. Please include the entirety of our comments and our letter in the Final E.I.R.

Sincerely,

Mike Weaver
Co-Chair, and on behalf of The Highway 68 Coalition
Phone: 831-484-6659

17

COMMENT LETTER #17- THE HIGHWAY 68 COALITION

Response to Comment 17-1

The comment states that the DEIR has not – but should – address cumulative effects from the adjacent 14 existing lots of record accessed via Meyer Road.

Comments regarding this issue are noted for the record and addressed in Master Response to Comment 2: Legal Lots of Record.

Response to Comment 17-2

The commenter states that the sale of the Ambler Water Service to Cal-Am was controversial and that the California Public Utilities Commission upheld a judge's recommendation that the Ambler Water Service not be allowed to be tied in with any other water system. The commenter also states that the Ambler Water Service draws water from wells located in Corral de Tierra near the Meadows of Corral de Tierra Subdivision.

Please see Master Response to Comment 1: Water, regarding water supply and treatment for the subdivision. See also updated Section 3.6 included in this FEIR.

Response to Comment 17-3

The commenter describes affected well conditions in Harper Canyon since the Loma Prieta earthquake, provision of a new water main following the earthquake, and problems with water supply in the area.

Comments are noted for the record. There are no specific environmental or analysis issues to address from this comment. The Loma Prieta earthquake occurred in 1989.

Response to Comment 17-4

The commenter states that the reference document does not contain the most current data and that the 2007 El Toro Groundwater Study prepared for the MCWRA is not used, nor referred to. Commenter states that the groundwater for the project will not be coming from the Salinas River but rather has plans to utilize El Toro Area groundwater.

See Master Response to Comment 1: Water, which provides greater specificity with respect to the hydrogeology of the project site and wells serving the project.

Response to Comment 17-5

The commenter asks if the proposed estimate of water use for the 17 units (12.75 AFY) is consistent with water use for similar surrounding areas.

As noted in the project specific Hydrogeology Report dated July 2003 and included in Appendix F, the proposed project was estimated to use approximately 0.33 AFY/residential unit. However, this demand rate was determined to be low when compared to water demand rates in the area, which ranged from 0.66 AFY/residential unit in the El Toro area to 0.75 AFY/residential unit for the San Carlos development. It was therefore determined with County staff that a water demand rate of 0.75 AFY/residential unit be used for the proposed project. The EIR uses the per unit rate of 0.75 AFY for analysis purposes, consistent with surrounding projects.

Response to Comment 17-6

The commenter asks if the 2005 Regional Transportation Plan and 14-year program are still in place after the failure of Measure A. Commenter further states that the document should state that TAMC officially designated State Route 68 as being LOS F in 1997. When LOS F is reached even one more average daily trip is a significant impact. Commenter states that the DEIR also needs to address the cumulative traffic impacts of the buildout of existing legal lots of record include Monterra, Pasadera, Tehama, Hidden Hills, San Benacio Oaks and the former Fort Ord.

See response to comment 3-13. TAMC's 2005 Regional Transportation Plan (RTP) was recently updated (February 2010). The 2010 RTP includes minor changes to TAMC's lists of financially constrained and financially unconstrained transportation projects. The project lists are maintained and regularly updated regardless of Measure A.

Section 3.10 of the DEIR (Traffic and Circulation) has been revised and replaced in its entirety (RDEIR, December 2009). All comments received on the new traffic section and RDEIR are responded to in this Final EIR.

Response to Comment 17-7

The comments address safety and traffic speeds along Meyer Road and San Benancio Road.

Comment noted. Section 3.10 of the DEIR (Traffic and Circulation) has been revised and replaced in its entirety (RDEIR, December 2009). All comments received on the new traffic section and RDEIR are responded to in this Final EIR.

The revised traffic section (RDEIR 3.10) addresses these issues raised in the comment, specifically within Impact 3.10-2, 3.10-3 and 3.10-4, and pages 3.10-32 through 3.10-34.

Letter 18

Linda Adams
Secretary for
Environmental
Protection

California Regional Water Quality Control Board
Central Coast Region

Internet Address: http://www.swrcb.ca.gov/rwqcb3
895 Aerovista Place, Suite 101, San Luis Obispo, California 93401
Phone (805) 549-3147 • FAX (805) 543-0397

Arnold Schwarzenegger
Governor

December 3, 2008

Taven Kinison Brown
County of Monterey Resource Management Agency
Planning Department
168 W. Alisal Street, 2nd Floor
Salinas, CA 93901

Mr. Brown:

RE: PLN No. 000696 Subdivision Draft EIR, Harper Canyon / Encina Hills, County SCH# 2003071157

WASTEWATER

Thank you for the opportunity to review the Harper Canyon / Encina Hills draft EIR. The Central Coast Regional Water Quality Control Board (Water Board) is a responsible agency under the California Environmental Quality Act (CEQA). Water Board staff have reviewed available data for the California Utilities Service (CUS) wastewater treatment facility which indicates connection of the proposed development to the CUS facility is generally favorable. The CUS wastewater treatment plant is currently running at about 75% of its average daily design hydraulic capacity of 300,000 gallons per day (gpd) and an unspecified amount of disposal capacity is available within the existing spray field disposal areas (upwards of approximately 30% depending on weather conditions). The proposed Harper Canyon/Encina Hills subdivision will produce additional average daily flows of approximately 4,250 gpd (based on 250 gallons per day per household). This equates to an increase in hydraulic loading of about 1.4% of the average daily design capacity of the wastewater treatment plant. Based on review of the EIR, there appears to be no issues associated with increased hydraulic loading as long as the collection system is adequately sized to handle the proposed additional flows. The Water Board has no information regarding the hydraulic capacity of the collection system. Collection system capacity should be evaluated prior to implementation of the proposed project to avoid overflows and spills. **18-1**

Although tie-in of the proposed development project to the CUS facility appears to be favorable from a treatment plant hydraulic loading standpoint, the Water Board has concerns regarding the wastewater treatment plant capacity. Waste Discharge Requirements Order No. R3-2007-0008 contains nitrate effluent limitations that the CUS facility is having difficulty achieving under normal operating conditions. Treatment performance becomes increasingly difficult to maintain under increased hydraulic loading conditions. Therefore, any additional flows to the wastewater treatment plant **18-2**

Letter 18 Continued

may result in decreased effluent quality, particularly with regard to effluent biochemical oxygen demand (BOD) and total nitrogen loading. Nitrogen loading to and the buildup of nitrate within the Salinas Valley groundwater basin is an increasing problem.

As with many domestic or municipal wastewater treatment facilities, the CUS facility is also having difficulty meeting its effluent limitations for total dissolved solids, chloride, and sodium (salts). This is primarily an artifact of poor water supply quality [hard water] and the subsequent domestic use of self regenerating water softeners. The build up of salts within the Salinas Valley groundwater basin is a growing problem. **18-2 cont**

The Water Board is generally in favor of the connection of the proposed project to the CUS facility, as compared to other potential alternatives such as the development of another community wastewater treatment system or use of individual onsite septic systems, given the following issues are addressed as part of the project:

1) A wastewater treatment system evaluation is conducted to determine and implement appropriate upgrades to the CUS facility to improve the treatment system performance (i.e., BOD removal and nitrification/denitrification).

2) A collection system evaluation is conducted to determine if the existing collection system capacity is adequate to convey the proposed flows and whether upgrading the collection system is necessary. **18-3**

3) A prohibition against the use of self-regenerating water softeners is established as a condition of project approval and institutional controls are put in place to maintain compliance as appropriate under current laws restricting such use.

4) The project is required to implement water conservation measures to the maximum extent practicable to minimize hydraulic loading to the treatment facility and facilitate the sustainable use of available water supplies.

STORMWATER

Water Board staff also understands that the project proposes the development of 17 lots on a 164–acre subdivision with one 180–acre remaining parcel. We recommend you require Low Impact Development (LID) design techniques for the proposed project. LID or equivalent methods are necessary to mitigate stormwater runoff pollution and stream erosion and sedimentation impacts that result from significantly increased downstream flows due to introduced impermeable surfaces.

Your project may be subject to the NPDES Phase 2 Municipal Stormwater Permit (Permit). The Permit requires new development and redevelopment projects to reduce runoff volume and pollutant load to the Maximum Extent Practicable (MEP). In most cases, MEP standards are not met by conventional site layouts, construction methods, and storm water conveyance systems with "end of pipe" basins and treatment systems that do not address the changes in volume and rates of storm water runoff and urban **18-4**

Letter 18 Continued

pollutants (including thermal pollution). LID practices meet the MEP standard and are more effective at reducing pollutants in storm water runoff at a practicable cost.

LID is an alternative site design strategy that uses natural and engineered infiltration and storage techniques to control stormwater runoff where it is generated. The objective is to disperse LID devices uniformly across a site to minimize runoff. LID serves to preserve the hydrologic and environmental functions altered by conventional stormwater management. LID methods provide temporary retention areas, increase infiltration, allow for pollutant removal and control the release of stormwater into adjacent waterways (Anne Guillette, Whole Building Design Guide). For further reference please see:

http://www.epa.gov/owow/nps/lid/

or

http://www.lowimpactdevelopment.org/

Eight Common LID Practices Include:

1. Reduced and Disconnected Impervious Surfaces
2. Native Vegetation Preservation
3. Bioretention
4. Tree Boxes to Capture and Infiltrate Street Runoff
5. Vegetated Swales, Buffers, and Strips
6. Roof Leader Flows Directed to Planter Boxes and Other Vegetated Areas
7. Permeable Pavement
8. Soil Amendments to Increase Infiltration Rates

18-4 cont

Water Board staff considers a project that meets the following descriptions (inclusive) to be a "Low Impact Development" project:

A. Runoff Volume Control. The pre-development stormwater runoff volume is maintained by a combination of minimizing the site disturbance, and providing distributed retention BMPs. Retention BMPs are structures that retain the excess (above pre-development project volumes) runoff resulting from the development for the design storm event (2-, 10-, and 25-year, 24-hour duration storm). Note that "retention" is required, as opposed to "detention"; retention may be achieved using infiltration methods, and capture-for-use methods.

B. Peak Runoff Rate Control. Low impact development practices maintain the pre-development peak runoff discharge rate. This is done by maintaining the pre-development time of concentration and then using retention and/or detention BMPs (e.g., rain gardens, open drainage systems, etc.) that are distributed throughout the site, to control runoff volume. If retention practices are not sufficient to control the peak runoff rate, detention practices may be added.

C. Flow Frequency Duration Control. Since low impact development emulates the pre-development hydrologic regime through both volume and peak runoff rate controls,

Letter 18 Continued

the flow frequency and duration of post-development conditions must be identical (to the greatest extent possible) to those of pre-development conditions. Maintaining pre-development hydrologic conditions will minimize or eliminate potential impacts on downstream habitat due to erosion and sedimentation.

D. Existing Groundwater Conditions. Historic underground tank and chemical spill sites may exist in the vicinity of the proposed development. Although we generally prefer infiltration, LID infiltration practices implemented in proximity to subsurface discharges have the potential to exacerbate existing soil and groundwater contamination. LID techniques that infiltrate stormwater should not be used in locations that could result in increased mobilization of contaminants in soil and groundwater. The state-wide GeoTracker database provides the location and status of most of our groundwater cleanup sites in the vicinity of your proposed project. Additionally, the Department of Toxic Substances Control (DTSC) also has a database that identifies the location of cleanup sites under DTSC regulatory purview. To ensure that LID infiltration features or other components of this project do not exacerbate soil and groundwater contamination, please determine if cleanup sites are present in the vicinity of this proposed project using the GeoTracker and Envirostor databases at:

18-4 cont

https://geotracker.waterboards.ca.gov/

and

http://www.envirostor.dtsc.ca.gov/public/

Please consider these comments in the approval process for this project. If you have questions regarding wastewater, contact Matt Keeling at (805) 549-3685 or Jennifer Epp at (805) 594 – 6181 for questions regarding stormwater.

Sincerely,

for Roger W. Briggs
Executive Officer

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California Environmental Protection Agency

Recycled Paper

COMMENT LETTER #18- CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

Response to Comment 18-1

The Regional Water Quality Control Board (RWQCB) states that the California Utility System (CUS) wastewater treatment plant (WWTP) is currently running at about 75% of its average daily design hydraulic capacity of 300,000 gallons per day (gpd) and disposal capacity is available within the existing spray field. The proposed project would increase the hydraulic load by approximately 1.4% of the average daily design capacity and that there appears to be no issues associated with increased hydraulic loading as long as the collection system is adequately sized. The RWQCB recommends that the collection system capacity be evaluated prior to implementation of the proposed project to avoid overflows and spills

Implementation of mitigation measure MM 3.9-4 requires that the applicant prepare and submit wastewater collection improvement plans and calculations to demonstrate adequate capacity. These plans are subject to review and approval by CUS and the County of Monterey and would ensure that the collection system has adequate capacity to prevent overflows and spills.

The County has modified mitigation measure MM 3.9-4 to further ensure that there is sufficient capacity as follows:

MM 3.9-4 Prior to filing of the Final Subdivision Map, Monterey County ~~Division of~~ Environmental Health Bureau shall require that the project applicant prepare and submit for review and approval wastewater collection improvement plans and calculations prepared by a registered engineer that demonstrate adequate capacity. The wastewater collection improvement plans shall be subject to approval by California Utility Service, Monterey Bay Unified Air Pollution Control District, and the County of Monterey. Upon review of the design, the project applicant shall be required to enter into a wastewater main extension agreement with California Utility Service.

In addition, prior to approval of any building permits, the applicant shall verify that there is sufficient treatment capacity in the California Utilities Service, Inc. (CUS) wastewater treatment facility to address the wastewater needs of the proposed project. The project applicant shall submit proof to Monterey County that the existing wastewater treatment plant is meeting the current effluent limitations as required per Waste Discharge Requirement Order No. R3-2007-0008. If the CUS facility exceeds its permitted capacity, then the County of Monterey would not issue a building permit until such time as the CUS has attained a revised permit from the Regional Water Quality Control Board.

Response to Comment 18-2

The RWQCB states that they have concerns regarding the WWTP effluent quality since CUS is having difficulty achieving require nitrate effluent limitations set by the Waste Discharge Requirements Order No. R3-2007-0008. Additional flow may result in decreased effluent quality.

Comment noted. Since the DEIR was prepared, the RWQCB has reviewed and reissued the permit for the CUS WWTP (R3-2007-0008). As part of the permit renewal process, new regulations and limitations regarding effluent were enacted.

California Utility Service has been modifying the existing WWTP process to meet these limitations, especially for nitrates. According to Tom Adcock, CUS, they are currently trying to reach the new nitrate limitations by altering the timing of anoxic state, which denitrifies the effluent, during the treatment process. If altering the existing facility treatment process does not allow them to meet the new nitrate limitations, CUS plans on implementing mechanical means to remove the excess nitrates. Implementation of a mechanical process would be funded through an increase in monthly fees to all users and possibly an increase to the "inclusionary" fee for new development requesting to be added to the facility, such as the proposed project. The RWQCB has been working with CUS to get their WWTP in compliance with the new regulations. None of the effluent violations have triggered any penalties they are continuing to work with the CUS towards meeting the new limitations. In order to ensure that the nitrate limitations are met prior to the proposed project increasing flow to the WWTP, mitigation measure MM 3.9-4 has been revised as noted in response to comment 8-2 and as noted in 18-1 above.

Response to Comment 18-3

The RWQCB is generally in favor of the connection of the proposed project to the CUS facility, as compared to other potential alternatives such as the development of another community wastewater treatment system or use of individual onsite septic systems provided the following issues are addressed as part of the proposed project:

1) *A wastewater treatment system evaluation is conducted to determine and implement appropriate upgrades to the CUS facility improve the treatment system performance.*

2) *A collection system evaluation is conducted to determine if the existing collection system capacity is adequate to convey the proposed flows and whether upgrading the collection system is necessary.*

3) *A prohibition against the use of self-regenerating water softeners is established as a condition of the project approval and institutional controls are put in place to maintain compliance as appropriate under current laws restricting such use.*

4) *The project is required to implement water conservation measures to the maximum existing practicable to minimize hydraulic loading to the treatment facility and facilitate the sustainable use of available water supplies.*

Comment noted. See response to comment 18-2. Implementation of mitigation measure MM 3.9-4 as revised would ensure that the CUS facility is in compliance with effluent limitations.

Salt, especially from sodium chloride water softeners, damages plants by restricting their root absorption. Existing state statutes governing residential water softeners are contained in the Sections 116775 through 1167953 of the California Health and Safety Code regulate the use of residential water softeners with respect to Senate Bill 1006 and Assembly Bill 334. Any newly installed residential self-regenerative water softener must have its regeneration activated by a demand control device that detects imminent exhaustion of the softening material (salt). As of January 2002, water softeners had to be certified by a third party to have a salt efficiency rating of 4,000 grains of hardness removed per pound of salt used. The proposed project would be subject to these regulations.

In addition, local agencies may regulate water softeners by ordinance to limit or prohibit the use of a water softener if an independent study that shows such regulation is a "necessary means" of achieving compliance with the water reclamation requirements or the master reclamation permit issued by a California regional water quality control board. California Utility Service is a private agency that cannot approve or enforce ordinances. Although Monterey County currently has no ordinance in place to limit or prohibit the use of a water softeners in areas connected to wastewater treatment plants, Monterey County Environmental Health Bureau strongly discourages the use of self-regenerating water softeners and restricts their use for projects with individual septic systems. The proposed project shall be conditioned to prohibit the use and/or installation of self-regenerating water softeners which would minimize contribution toward the build up salt within the Salinas Valley Groundwater Basin.

Standard conditions of approval require that the project is in compliance with Ordinance No. 3932, pertaining to mandatory water conservation regulations which would minimize hydraulic loading associated with the proposed project.

Response to Comment 18-4

The RWQCB recommends that Low Impact Development (LID) design techniques be implemented to mitigate stormwater runoff pollution and stream erosion and sedimentation impacts.

Implementation of mitigation measure MM 3.5-6 would require that the project applicant prepare a Storm Water Pollution Prevention Plan (SWPPP) in accordance with the NPDES Construction Activities general permit which would include an erosion control plan in accordance with Chapter 16.12 of *Monterey County Code* and construction-phase

housekeeping measures for control of contaminants. Implementation of mitigation measure MM 3.7-2 requires that a civil engineer prepared final drainage plan that limits storm water runoff generated by the development of impervious surfaces. Implementation of mitigation measure MM 3.7-3 requires that the storm drainage system design, required under mitigation measure MM 3.7-2, includes, but is not limited to the following components: grease/oil separators; sediment separation; vegetative filtering to open drainage conveyances and retention basins; and on-site percolation of as much run-off as feasible, including diversion of roof gutters to French drains or dispersion trenches, dispersion of road and driveway runoff to vegetative margins, or other similar methods.

These mitigation measures are consistent with the LID alternative site design techniques, which use natural and engineered infiltration and storage to filter stormwater runoff where it is generated. In addition see revisions made to mitigation measure MM 3.7-3 in response to comment 13-19.

Letter 19

STATE OF CALIFORNIA
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT

ARNOLD SCHWARZENEGGER
GOVERNOR

CYNTHIA BRYANT
DIRECTOR

December 9, 2008

Taven Kinison Brown
Monterey County Planning and Building Inspection
168 West Alisal Street, 2nd Floor
Salinas, CA 93901

Subject: Harper Canyon / Encina Hills Subdivision
SCH#: 2003071157

Dear Taven Kinison Brown:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on December 5, 2008, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

19-1

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Terry Roberts

Terry Roberts
Director, State Clearinghouse

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Letter 19 Continued

Document Details Report
State Clearinghouse Data Base

SCH# 2003071157
Project Title Harper Canyon / Encina Hills Subdivision
Lead Agency Monterey County

Type EIR Draft EIR

Description The project applicant, Harper Canyon Realty, LLC has submitted to the Co. of Monterey Resource Management Agency - Planning Department an application for a Combined Development Permit (PLN000698) for a Vesting Tentative Map in order to subdivide land pursuant to the Subdivision Map Act and the Monterey Co. Subdivision Ordinance (Title 19). The proposed project includes the subdivision of 344 acres into 17 lots on 164 acres with one 180 acre remainder parcel. The residential lots would have an average density of one dwelling unit per 9.64 acres within the subdivided area, as lots would range in size from 5.13 acres to 23.42 acres.
Improved lots would be sold individually for the construction of homes. The proposed project also includes Use Permits for grading on slopes greater than 30 percent and for the removal of 79 Coast Live Oak trees. The project site includes a 180 acre remainder parcel. The project applicant has committed to donating approx. 154 acres of the remainder parcel by deeding the property to the Monterey Co. Parks Department as an expansion of the adjacent Toro Park pursuant to Section 66458(a)(2) of the Subdivision Map Act. No development is proposed on the remaining 26 acres of the remainder parcel at this time.

Lead Agency Contact

Name Taven Kinison Brown
Agency Monterey County Planning and Building Inspection
Phone 831-755-5025 **Fax**
email
Address 168 West Alisal Street, 2nd Floor
City Salinas **State** CA **Zip** 93901

Project Location

County Monterey
City Salinas
Region
Lat / Long 36° 34' 25.27" N / 121° 42' 16.86" W
Cross Streets San Bernardino Road, SR68
Parcel No. 416-611-001-000 and 416-611-002-000
Township **Range** **Section** **Base**

Proximity to:

Highways 68
Airports
Railways
Waterways El Toro Creek
Schools San Benancio Middle School
Land Use Z: Rural Density Residential/Design Control District/Low Density Residential; GP: Rural Density Residential/Low Density Residential

Project Issues Archaeologic-Historic; Geologic/Seismic; Noise; Public Services; Traffic/Circulation; Water Supply; Landuse; Aesthetic/Visual; Cumulative Effects; Drainage/Absorption; Sewer Capacity; Soil Erosion/Compaction/Grading; Air Quality; Flood Plain/Flooding; Schools/Universities; Solid Waste; Vegetation; Water Quality; Wetland/Riparian; Wildlife

Reviewing Agencies Resources Agency; Department of Conservation; Department of Fish and Game, Region 4; Cal Fire; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 5; Department of Housing and Community Development; Regional Water Quality Control Board, Region 3; Department of Toxic Substances Control; Native American Heritage

Note: Blanks in data fields result from insufficient information provided by lead agency.

Letter 19 Continued

Document Details Report
State Clearinghouse Data Base

Commission

Date Received 10/21/2008 *Start of Review* 10/21/2008 *End of Review* 12/05/2008

Note: Blanks in data fields result from insufficient information provided by lead agency.

Letter 19 Continued

ARNOLD SCHWARZENEGGER
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT

CYNTHIA BRYANT
DIRECTOR

December 9, 2008

Taven Kinison Brown
Monterey County Planning and Building Inspection
168 West Alisal Street, 2nd Floor
Salinas, CA 93901

Subject: Harper Canyon / Encina Hills Subdivision
SCH#: 2003071157

Dear Taven Kinison Brown:

The enclosed comment (s) on your Draft EIR was (were) received by the State Clearinghouse after the end of the state review period, which closed on December 5, 2008. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document.

The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project.

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-named project, please refer to the ten-digit State Clearinghouse number (2003071157) when contacting this office.

Sincerely,

Terry Roberts
Senior Planner, State Clearinghouse

Enclosures
cc: Resources Agency

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

COMMENT LETTER #19- GOVERNOR'S OFFICE OF PLANNING AND RESEARCH

Response to Comment 19-1

Commenter acknowledges submittal of DEIR to selected state agencies and that no comments were received from those agencies prior to the review period end dated of December 5, 2008. Commenter further acknowledges that compliance with the State Clearinghouse review requirements for this DEIR have been met pursuant to CEQA.

Comment noted. No response necessary.

Letter 20

STATE OF CALIFORNIA — Arnold Schwarzenegger, Governor

NATIVE AMERICAN HERITAGE COMMISSION
915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-4082
(916) 657-5390 - Fax

October 28, 2008

RECEIVED
DEC 8 2008
STATE CLEARING HOUSE

Clear 12-5-08 kfe

Taven Kinison Brown
County of Monterey Resource Management Agency
168 W. Alisal St., 2nd Floor
Salinas, CA 93901

RE: SCH#2003071157 Haper Canyon/Encina Hills Subdivision DEIR: Monterey County.

Dear Mr. Brown:

The Native American Heritage Commission (NAHC) has reviewed the Notice of Completion (NOC) referenced above. The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of an historical resource, which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA Guidelines 15064(b)). To comply with this provision the lead agency is required to assess whether the project will have an adverse impact on historical resources within the area of project effect (APE), and if so to mitigate that effect. To adequately assess and mitigate project-related impacts to archaeological resources, the NAHC recommends the following actions:

- ✓ Contact the appropriate regional archaeological Information Center for a record search. The record search will determine:
  - If a part or all of the area of project effect (APE) has been previously surveyed for cultural resources.
  - If any known cultural resources have already been recorded on or adjacent to the APE.
  - If the probability is low, moderate, or high that cultural resources are located in the APE.
  - If a survey is required to determine whether previously unrecorded cultural resources are present.
- ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
  - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
- ✓ Contact the Native American Heritage Commission for:
  - A Sacred Lands File Check. **USGS 7.5 minute quadrangle name, township, range and section required.**
  - A list of appropriate Native American contacts for consultation concerning the project site and to assist in the mitigation measures. **Native American Contacts List attached.**
- ✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
  - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
  - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
  - Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

20-1

Sincerely,
Katy Sanchez
Katy Sanchez
Program Analyst

CC: State Clearinghouse

COMMENT LETTER #20- NATIVE AMERICAN HERITAGE COMMISSION

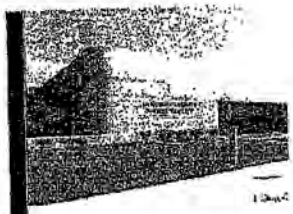
Response to Comment 20-1

Commenter recommends several actions be taken including: contacting the appropriate regional archaeological information center for a record search; if an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey; contact the Native American Heritage Commissions for a Sacred Lands file check and a list of appropriate Native American contact for consultation; lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources per CEQA Section 15064.5(f), provisions for the disposition of recovered artifacts, and provisions for discovery of Native American human remains per Health and Safety Code Section 7050.5, CEQA Section 15064.5(e) and Public Resources Code Section 5097.98.

Comment noted. As noted on page 3.4-1 of the DEIR, Archaeological Consulting prepared a Preliminary Cultural Resources Reconnaissance report in 1993 on behalf of the project applicant. This report was peer reviewed by John Nadolski, M.A., a cultural resource specialist with PMC in November 2005. Based on the peer review, an updated database search and a pedestrian survey were performed by PMC in May 2006. The Preliminary Cultural Resources Reconnaissance, peer review letter, and the updated archaeological and historical investigation prepared by PMC are included in Appendix D.

Implementation of mitigation measure MM 3.4-1 would reduce the potential project and cumulative impact to undiscovered cultural, archaeological, historical, and/or paleontological resources to a less than significant impact by halting operations in the event of a discovery and assessing the find in accordance with Section 7050.5 of the California Health and Safety Code.

Letter 21



OFFICE OF THE SHERIFF
MONTEREY COUNTY, CALIFORNIA

December 9, 2008

Salinas Station
1414 Natividad Road
Salinas, CA 93906

Melody Gillette, Senior Planner
Monterey County Planning & Building Inspection Department
168 West Alisal Street, 2nd Floor
Salinas, CA 93901

Mr. Melody Gillette,

This office has thoroughly reviewed the Administrative Draft Environmental Impact Report for the **HARPER CANYON (ENCINA HILLS) SUBDIVISION PLN000696.**

Thank you for the opportunity to provide departmental input. The Sheriff's Office provides the following comments regarding the subject Draft EIR:

1. **Page 3.9-1 PUBLIC SERVICES AND UTILITIES- Fire Protection Service and Police Protection Service**, states implementation of the proposed project would result in increased demand on fire protection and police protection service. However, the increase in demand on police and fire services would be considered a **less than significant impact.** The Sheriff's Office concurs with this statement. **21-1**

2. **The Sheriff's Office is currently, and has in recent years, been operating above 75% of design capacity. The explanation- A reduction in personnel and funding necessary to maintain required operating levels.**
This office has an expectation of services funding from a portion of the property tax, pursuant to the Mello-Roos Community Facilities Act of 1982. **21-2**

No further comments.

Sincerely,

David Crozier
Sheriff's Office
Crime Prevention Specialist

Mike Kanalakis, Sheriff - Coroner - Public Administrator's Office
(831) 755-3700 1414 Natividad Road, Salinas, CA 93906 www.co.monterey.ca.us/sheriff

COMMENT LETTER #21- OFFICE OF THE SHERIFF – MONTEREY COUNTY

Response to Comment 21-1

Commenter states that they concur with the finding that the proposed project would have a less than significant impact on police and fire services.

Comment noted. No response necessary.

Response to Comment 21-2

Commenter states that the Sheriff's Office is currently, and has in recent years, been operating above 75% of design capacity due to a reduction in personnel and funding necessary to maintain required operating levels. They have an expectation of services funding from a portion of the property tax, pursuant to the Mello-Roos Community Facilities Act of 1982.

Comment noted. The proposed project would develop 17 residential units that would contribute towards funding through property tax.

Letter 22 (RDEIR)

MONTEREY BAY
Unified Air Pollution Control District
serving Monterey, San Benito, and Santa Cruz counties

Air Pollution Control Officer
Richard A. Stedman

24580 Silver Cloud Court • Monterey, California 93940 • 831/647-9411 • FAX 831/647-8501

Sent Electronically to:
ceqacomments@co.monterey.ca.us
Original Sent by First Class Mail

February 1, 2010

Ms. Elisa Cavaliere, Associate Planner
County of Monterey Resource Management Agency
Planning Department
168 West Alisal Street, 2nd Floor
Salinas, CA 93901

SUBJECT: HARPER CANYON SUBDIVISION DEIR /
REVISED TRANSPORTATION AND CIRCULATION SECTIONS

Dear Ms. Cavaliere:

The Air District has no comments on the project. **22-1**

Thank you for the opportunity to review the document.

Sincerely,

Jean Getchell
Supervising Planner
Planning and Air Monitoring Division

2.3 RESPONSE TO INDIVIDUAL COMMENTS ON RDEIR

RESPONSE TO LETTER 22 – MONTEREY BAY UNIFIED AIR POLLUTION CONTROL DISTRICT

Response to Comment 22-1

The Air District has reviewed the revised traffic section within the RDEIR and has no comments at this time.

Letter 23 (RDEIR)

LandWatch
monterey county
Post Office Box 1876
Salinas, CA 93902-1876
Salinas Phone: 831-422-9390
Monterey Phone: 831-375-3752
Website: www.landwatch.org
Email: landwatch@mclw.org
Fax: 831-422-9391

January 14, 2010

Taven Kinison Brown
168 West Alisal St., 2nd Floor
Salinas, CA 93901

Subject: Recirculated DEIR (RDEIR) for the Harper Canyon Subdivision

Dear Mr. Kinison Brown:

LandWatch Monterey County has reviewed the RDEIR and has the following comments:

1. Implementation of MM 3.10-1 requiring payment to complete the Caltrans Project Study Report for the 2.3 mile "State Route 68 Commuter Improvements" program is found to reduce the project's impacts to less than significant on State Route 68/Corral de Tierra intersection, State Route 68/San Benancio Road intersection and State Route 68 segment between Corral de Tierra and San Benancio Road. Please explain how funding a **study** would reduce impacts to less than significant. Also, please identify the schedule for constructing the Improvements program. **23-1**
2. Mitigation Measure 3.10-6 requires the applicant to pay TAMC's Regional Development Impact Fees in effect at the time of building permit applications for future development on the project site. This measure is found to reduce the project's cumulative impacts to less than significant. Cumulative impacts would have significant adverse impacts on several intersections west of the "State Route 68 Commuter Improvements" program. There are no projects identified in TAMC's Strategic Expenditure Plan that address this segment of State Route 68. Please explain how funding contributions to projects that are not identified as potential projects in TAMC's plan and have no schedule or funding for construction would reduce cumulative impacts to less than significant. **23-2**

Thank you for the opportunity to review the document.

Sincerely,

Amy L. White, Executive Director
LandWatch Monterey County

Response to Letter 23 – Land Watch Monterey County

Response to Comment 23-1

Comment asks how the Highway 68 Commuter Improvements Project Study Report would mitigate project impacts.

The Harper Canyon/Encina Hills project contributes 17 PM peak hour trips to the Highway 68 corridor, which consists of several roadway segments and intersections that already operate at deficient LOS conditions. As described in mitigation measures MM 3.10-1 and MM 3.10-6, the applicant would be required to pay their proportionate fair share, as calculated by the County, towards the "State Route 68 Commuter Improvements" through payment of the TAMC Regional Development Impact Fee (RDIF) in effect at that time. Construction of the "State Route 68 Commuter Improvements" would widen a 2.3 mile section of State Route 68, which would shorten the travel time on State Route 68 in both directions; improve intersection operations at two locations from unacceptable to acceptable levels; reduce the length of the queue on westbound State Route 68 east of San Benancio Road during the weekday A.M. peak hour; improve safety along State Route 68; and eliminate the observed trend of drivers cutting through Toro Park Estates to re-enter State Route 68 at Torero Drive during the weekday A.M. peak hour. However, even with construction of the improvements the project will have significant and unavoidable impacts as noted under Impact 3.10-1.

Response to Comment 23-2

Comment asks how payment of regional transportation impact fees mitigate for cumulative impacts.

The comment is correct that the project would have impacts on several intersections and roadway segments west of the Highway 68 Commuter Improvement project. Those impacts are identified and disclosed on page 3.10-31 of the RDEIR as a direct implication of the project.

The treatment of cumulative impacts and application of regional mitigation works a little differently than project-specific impacts and project-level responsibility. Mitigation Measure 3.10-6, the payment of the TAMC Regional Development Impact Fee, is recognized by the County of Monterey, TAMC and Caltrans as the appropriate mechanism for mitigating cumulative, regional traffic throughout the regional roadway system in Monterey County. The regional roadway network is vast, and the projects contributing to trips and vehicle miles traveled (VTM) on that network originate from a very large geographic area. The payment of regional impact fees is a recognized and acceptable mitigation strategy under CEQA to address cumulative impacts, as those fees are applied to a wide range of projects and improvements over time. As noted above, several impacts along the Highway 68 corridor are recognized at the project level as remaining significant and unavoidable, since

the Highway 68 Commuter Improvements Project would not extend to these segments and intersections.

Letter 24 (RDEIR)

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF TRANSPORTATION
50 HIGUERA STREET
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Flex your power!
Be energy efficient!

January 28, 2010

MON-068-13.33
SCH# 2003071157

Taven Kinison Brown
Monterey County Planning Department
168 West Alisal, 2nd Floor
Salinas, CA 93901

Dear Mr. Brown:

COMMENTS TO HARPER CANYON/ENCINA HILL RECIRCULATED DRAFT EIR

The California Department of Transportation (Caltrans), District 5, Development Review, has reviewed the above referenced project and offers the following comments in response to your summary of impact.

Caltrans is glad to see the project being conditioned to mitigate their cumulative impacts by payment of the Transportation Agency for Monterey County Regional Impact Fee Program. There are, however, some technical errors which lead to erroneous conclusions in the traffic study as it relates to project-specific impacts. The following points summarize those problems.

1. Road Segment Analysis. The RDEIR failed to fully analyze roadway segments using Highway Capacity Manual (HCM) methodology. HCM is the correct method to accurately account for environmental conditions specific to this corridor and should be used consistently for analysis. Further, the RDEIR misrepresented the HCM. For example, Exhibit 6 Level of Service (LOS) values are based on average travel speed, found in Chapter 20 of the HCM, for a Class 1 Highway (HCM, 20-3). However, the HCM/LOS criterion is based on the "worst case" of two parameters, those being Percent Time-Spent-Following and Average Travel Speed. In order to claim HCM compliance, both criterions need to be met. The traffic analysis only partially complied with HCM methodology, allowing for "picking and choosing" of ideal designations. **24-1**

2. LOS Volumes. Appendix K in the traffic study was utilized for the LOS volumes when it was only intended for planning purposes. Note #1 states: "The above threshold volumes for preliminary planning purposes only." Planning-level methodologies cannot be relied on for use in the actual traffic study findings since they only reflect ideal characteristics and not real-world scenarios. **24-2**

3. Highway 68 Designation. Highway 68 was referred to as a highway, yet analyzed as an urban street. As seen in Appendix P, the traffic study analyzed Highway 68 with Trafficware Synchro arterial analysis software. The Traffic Signal Software - User guide subsection Arterial Level of Service Report states: "This report mirrors the reports used in the Arterials section of the HCM, **24-3**

"Caltrans improves mobility across California"

Letter 24 Continued

Chapter 15" URBAN STREETS (Synchro Studio, 15-20). Chapter 15, titled Urban Streets, of the HCM states "methodology provides the framework for the evaluation of urban streets" (HCM, 15-1). Analyzing the highway as an arterial manipulates the output, since lower speeds are acceptable on arterials. To be compliant with the current state-of-practice, it should be analyzed again using the correct methodology. Two references: "State Route 68 (Monterey-Salinas Highway) is a two-lane rural highway connecting State Route 1 in Monterey and SR 101 in Salinas." (RDEIR, Page 8). As seen in Appendix P; roadways are analyzed as arterial roads based on urban street methodology. (RDEIR, Appendix P). **24-3 cont**

4. Peak-Hour & Heavy Vehicle Factor Inconsistency. The majority of peak-hour factors used for existing conditions fall far below .92, while all of the future peak-hour factors are set to .92 exactly. This approach depicts existing conditions as being much worse than future conditions, even with the same volumes. State-of-practice is to use consistent peak-hour factors so that a direct relationship between added trips and impacts can be readily established. Evidence of such confusion can be seen when comparing existing with background, where background conditions (existing plus approved) have increased trips and a better LOS when compared to existing conditions alone. An example of the inconsistencies is found in Intersection #6 where LOS is depicted as 'F' for the existing eastbound movement with 998 vehicles, then is shown as LOS 'D' for the same movement in background conditions with 1096 vehicles. Consistency must be exercised when applying peak-hour values, and heavy vehicle factors due to their considerable influence on the LOS of any given facility. **24-4**

If you have any questions, or need further clarification on items discussed above, please don't hesitate to call me at (805) 542-4751.

Sincerely,

JOHN J. OLEJNIK
Associate Transportation Planner
District 5 Development Review Coordinator

cc: Mark McCumsey (D5)
Mike Zeller (TAMC)

"Caltrans improves mobility across California"

RESPONSE TO LETTER 24 – CALIFORNIA DEPARTMENT OF TRANSPORTATION, DISTRICT 5

Response to Comment 24-1

Road Segment Analysis Methodology.

The traffic study was completed based upon specific provisions of the Highway Capacity Manual (HCM). The HCM states that "LOS is defined in terms of both percent time-spent-following and average travel speed" (HCM, 20-3). The HCM does not, however, refer to the "worst case" of the two parameters. HCM Chapter 20 also states that:

> *The operational analysis methodologies in this chapter do not address two-lane highways with signalized intersection. Isolated signalized intersection on two-lane highways can be evaluated with the methodology in Chapter 16, "Signalized Intersections". Two-lane highways in urban and suburban areas with multiple signalized intersections at spacings of 2.0 miles or less can be evaluated with the methodology of Chapter 15, "Urban Streets". (HCM, 20-1, Limitations of the Methodology)*

State Route 68 is a two-lane highway with signalized intersections, and all of the segments analyzed in this study are less than 2.0 miles long. Therefore the highway was analyzed under this criteria, as most relevant to the conditions in the field.

HCM Chapter 15, Urban Streets, states:

> *If field data on travel times are available, this framework can be used to determine the street's level of service (LOS). Also, the direct measurement of the travel speed along an urban street can provide an accurate estimate of LOS without using the computations presented in this chapter. (HCM, 15-1)*

In discussing the limitations of the Urban Streets methodology, the HCM identifies a number of conditions that can occur between intersections. The HCM states "Because any one of these conditions might have a significant impact on the speed of through traffic, the analyst should modify the methodology to incorporate the effects as best as possible." (HCM, 15-1)

Analyzing the study segments as urban streets (with the average travel speeds provided in the HCM Exhibit 15-1) would have yielded level of service results that were significantly better than what is actually perceived in the field. As stated in Section 1.4 of the traffic study, it could be argued that State Route 68 is a hybrid between a two-lane rural highway and a signalized arterial.

Due to the unique characteristics of State Route 68, and based on discussions with Monterey County staff regarding analysis assumptions, it was determined that an alternative method for analyzing the road segment operations would be appropriate in this case. The

alternative method, which is based on GPS and GIS-based technology, is described in Section 1.4 of the report. The County believes this is actually a superior method than 2-lane rural highway level of service calculations based on volumes.

In summary, the analysis was conducted in consultation with Monterey County staff based upon the actual conditions and operations of this unique facility. Methods were not selectively picked from the HCM to guide the mask the analysis conclusions in any way.

In preparing this Final EIR, it should be noted that County staff, Caltrans District 5, TAMC, the EIR traffic consultant and EIR consultant convened a conference call to discuss Caltrans' comments. Although State Route 68 is a unique facility, Caltrans prefers (with County concurrence) that this facility should be described and characterized as a "rural highway". This characterization of the facility for descriptive and analysis purposes does not affect any conclusions as presented in the RDEIR. Page 3.10-1 of the RDEIR describes State Route 68 as a two-lane rural highway, consistent with Caltrans' comments. With this clarification, Caltrans is satisfied with the conclusions of the analysis and is not requesting additional or revised analysis.

Response to Comment 24-2

LOS Volumes and Methodologies.

The planning level threshold volumes in Appendix K of the traffic study were only used for the 4-lane mitigated level of service analyses. These were used because the methodology described in section 1.4 of the report was not suitable for determining levels of service with the 4-laning of State Route 68. It is readily apparent and generally recognized that widening State Route 68 to 4 lanes will achieve acceptable levels of service.

Response to Comment 24-3

Highway 68 Designation and Analysis Methodology.

Please see Response to Comment 24-1. Due to the unique characteristics of State Route 68, the highway was evaluated as a hybrid between a two-lane highway and a signalized arterial. Although lower speeds are acceptable on arterials, the traffic study did not use the lower speeds to evaluate the levels of service. The levels of service were based on the higher speeds of a two-lane highway as shown in Exhibit 20-2 of the HCM (HCM, 20-3), which are also included on Exhibit 6 of the traffic study. The County and addressed this issue directly with Caltrans District 5, and understands that State Route 68 should be characterized as a rural highway.

Response to Comment 24-4

Peak Hour and Heavy Vehicle Factor Inconsistency.

The peak hour factors used for existing conditions were obtained from the actual counts in the field. In fact, the peak hour factors used for existing conditions were extremely conservative, as they were applied for each individual approach instead of the intersection as a whole, which represents a worst-case condition that doesn't actually exist. The peak hour factors for future conditions cannot be measured in the field. The HCM states *"In the absence of field measurements of peak-hour factor (PHF), approximations can be used. For congested conditions, 0.92 is a reasonable approximation for PHF."* (HCM, 10-8)

In response to this comment, a quick check was made to determine the difference in results if the existing overall intersection peak hour factor (0.91) was applied to Intersection #6 under existing AM and background + project AM conditions (i.e. the sample intersection cited in Comment 24-4). Using the same peak hour factor under these scenarios resulted in the same overall level of service as was reported in the traffic study (i.e., existing = E, background = F, background + project = F).

In addition, the delay on the eastbound approach was higher under existing conditions (50.5 seconds) than under background (45.7 seconds) and background + project (45.9 seconds) conditions, even though the same peak hour factor was applied to all three scenarios and the later scenarios had higher volumes. This is probably due to the reallocation of green time to the various movements as the traffic volumes increase or that the calculations use a weighted average to determine the average delay for all approaches.

For signalized intersections, the reported overall level of services is based on the average control delay per vehicle (in seconds per vehicle) for the entire intersection. The method used in the traffic study resulted in the proposed project increasing the delay at Intersection #6 by 2.1 seconds during the AM peak hour. After applying the existing overall peak hour factor of 9.91 to the background and background + project scenarios, the proposed project increases the delay at Intersection #6 by 2.0 seconds during the AM peak hour. The end result of changing the peak hour factors as discussed above would not change the conclusions of the traffic study.

Letter 25 (RDEIR)

Highway 68 Coalition
c/o 52 Corral de Tierra Rd
Salinas, CA 93908
Phone: 831-484-6659

Taven Kinison Brown, Planning Services Manager
County of Monterey Resource Management Agency-Planning Department
168 West Alisal, 2nd Floor
Salinas, CA 93901
Via fax: 831-757-9516, with hard copy to follow by U.S. Mail

Revised DEIR for the Harper Canyon (Encina Hills) Subdivision
County File #PLN000696
State Clearinghouse # 2003071157

PART 1 OF 2

February 1, 2010

Dear Mr. Kinison Brown

The Highway 68 Coalition has had the opportunity to review the above referenced document. We find significant problems with it. We wish to respond to some of the problems, via this letter and attach a previous submittal that has been modified. Please include the entirety of these in the final document along with substantive responses.

To begin, we find the dates selected for what is referred to as "Site Reconnaissance", that is, traffic counts to be faulty. The traffic counts were conducted between August 15, 2006 and August 29, 2006 (page 3.10-22). Three and one-half years ago. August is a poor month to take traffic counts in because:

1) School is out and the Washington Union School Districts three schools generate LOTS of parent traffic driving children to and from school. The school in lower San Benancio can be near gridlock during AM and PM peak hours, i.e., the beginning and ending of the school day. Additionally, Washington Union's schools are "magnet schools" whereby approximately 25% of the student population comes from outside of the District, necessitating them being driven to school. This is significant new information. **25-1**

August 2006 was a poor time to get a representative traffic count because:

2) August 2006 saw a continuing shift of traffic from Salinas to the Monterey Peninsula OFF of Highway 68 and ONTO Imjin Road and the 12th Street Gate to Highway 1. This is through former Fort Ord. Although the development of the 1997 Fort Ord Reuse Plan has slowed down, leaving this alternative temporarily a less choke-free way to go, it **25-2**

Letter 25 Continued

Page 2

won't last forever. Also the Fort Ord Reuse Authority (FOR A) reallocated developer impact fees in April 2005 with the monies to be spent "onsite", rather than "offsite" traffic mitigations that had been deemed necessary with the approval of the Plan. This is significant new information.
FOR A sent less than $300,000 as their forever total contribution to a Highway 68 County Account for mitigation for the build out of Fort Ord. **25-2 cont**

3) The link to the approval of the 1997 Fort Ord reuse Plan was the Highway 68 South-West Alternative (aka Highway 68 Bypass) through former Fort Ord. The change, rather elimination, of the "game-plan" needs analysis in the RDEIR. This is significant new information. The South-West Alternative was the major traffic mitigation for approval of the 1997 FOR A Plan. **25-3**

4) The Highway 68 Official Plan Lines (OPL) including the "Corral de Tierra Bypass" are not analyzed adequately in this document. This is significant information. The County has purchased some of the OPL. Some of it has been official traffic mitigation for previous subdivison and development approvals, on or adjacent to Highway 68. **25-4**

5) The purported "significant new information" rationale explained on page 1-1 of this RDEIR is the adoption of the Regional Development Impact Fee by TAMC. This is the Transportation Agency for Monterey County. However, significant information is missing. For example the TAMC fee schedule for a Single-Family Residential Dwelling Unit in the Greater Salinas Area is $2,640. (Fee Schedule by Land Use - with Phased Tier 3 Projects). This amount is woefully inadequate as evidenced by a simple phone call to our neighboring County of San Benito. Their fee schedule is $23,900 per new Single Family Dwelling, in most places. (Rural areas are a bit less.) This fee amount has been in effect in neighboring San Benito County since June 11, 2001. **25-5**

6) Page 3.10-2 Corral de Tierra Road
The RDEIR incorrectly lists the speed limit as 35 mph. The actual posted speed limit is 50 mph. **25-6**

7) Page 3.10-2
The RDEIR states San Benancio Road's speed limit is 35 mph. The speed limit is only currently restricted near the Washington Union School. Speeding cars are a real problem coupled with parents parking alongside San Benancio Road to drop off, or wait to pick up schoolchildren. This traffic mess is ignored in this RDEIR, because the traffic counts were taken and analyzed for August 2006. **25-7**

8) Page 3.10-2, Meyer Road
There is no explanation as to the history of this road or how a residential private road came to be owned by the proposed developer, Harper Canyon Realty LLC. **25-8**

Letter 25 Continued

Page 3

9) Page 3.10-10, Widening State Route 68
Language needs to be changed to:
"Alternatively, a four lane freeway parallel to State Route 68 corridor was adopted as a major traffic mitigation for the 1997 Fort Ord Reuse Plan, and Official Plan Lines (OPL) for this were adopted and given to CalTrans."
Furthermore, the explanation that there is no funding source for this fails to explain both FOR A's April 2005 Reallocation of Developer Impact Fees (Fort Ord) and Monterey County failing to implement an adequate traffic impact fee twenty years ago. Further, it fails to mention Monterey county failing to implement traffic mitigations for developments like the 1,031 SFD Las Palmas Ranch Subdivision. **25-9**

10) Page 3.10-10 State Route 68 Improvement Advisory Committee
The narrative fails to disclose that the Committee was formed as a direct result of a Condition of Approval for the Bishop Ranch (now Pasadera) Subdivision and Vesting Tentative Map. $2 Million was to be collected as a traffic mitigation. How the $2 Million was to be spent for improvements on existing Highway 68 was the purpose of the committee formation. The fact that $2 Million was a "drop in the bucket" (the same bucket that was to be "a bailing bucket of help" per the developer's attorney) became apparent after many meetings at which point the Committee veered from its original purpose and individually voted on a selection of expensive remedies that were suggested by a CalTrans representative at the meeting. These selections were tabulated and a numbered list derived, a "wish list" of sorts. This Committee was formed of representatives of Homeowner's Associations along Highway 68, and a representative from the City of Monterey. However, not all Homeowner's Associations were included For example there were no HOA Representatives from Corral de Tierra. Nor was there any "voting" representation of the hundreds of homes that do not belong to a Homeowner's Association along highway 68. **25-10**

I attended these meetings as an audience member because the Highway 68 Coalition was denied membership. I do not recall discussion of widening a 2.3 mile section of State Route 68 between Toro Park and Corral de Tierra Road. There was some discussion of the Official Plan Lines that are ADJACENT to Highway 68 between Toro Park (Estates) and Corral de Tierra Road. This is called the Corral de Tierra Bypass and routes through traffic around the San Benacio and Corral de Tierra areas, so that the through traffic does not have to stop. Many, if not most of the HOA members were not aware of the Official Plan Lines.

11) Page 3.10-11 Regional Impact Fee Nexus Study Update
This section fails to identify the Corral de Tierra Bypass as it has been called since the OPL were adopted by Monterey County. The language is confusing, perhaps intentionally so. **25-11**

12) Page 3.10-25 announces that both the San Benancio and Corral de Tierra intersections would operate at LOS C during both the AM and PM peak hours. **25-12**

Letter 25 Continued

Page 4

a) When, in August?
b) With Fort Ord not built out?
c) Packing more cars into a wider intersection theoretically improves LOS INSIDE the intersection, if one is focusing on the intersection with a traffic methodology of Intersection LOS.

25-12 cont

13) Page 3.10-30 Mitigation Measure (MM 3.10-1)
It states, "the project applicant shall comply with ONE (emphasis mine) of the following actions to improve operations at intersections and roadway segments along State Route 68:"
a) The Highway 68 Coalition has already addressed the woeful inadequacy of the Regional Developer Impact Fees in Monterey County.
b) Furthermore the three options reference "impact" funds going towards completing a Project Study Report. A report does not mitigate anything.
c) Furthermore, the proposed mitigations are presumptuous as it "presumes" future approvals of projects along Highway 68 will pay for this projects impacts, i.e., future projects, whose Draft EIR's have not even been completed such as the Ferrini ranch and Corral de Tierra Village.

25-13

"State Route 68 Commuter Improvements" is a term misleading as it is a California State Highway, not a City Street.

14) Page 3.10-32 to Page 3.10-33
Widening Meyer road to 18 feet wide would present a hardship to current (and in many cases) long-term residents. Additionally, the narrative goes back and forth about the 35 mph posted speed on San Benancio. Please note that in January 2010 the Monterey County Board of Supervisors REDUCED the speed limit on San Benancio road to 45 mph. Sight distance standards would be problematic on San Benancio Road especially with the addition of 31 new SFD. A factor of 10 avg. daily trips per SFD means 310 new average daily trips on San Benancio Road, in and out of Meyer Road, which is just past the crest of a hill, on a designated County Scenic Road.

25-14

15) Page 3.10-34
Plans for sight distance improvement fail to analyze the fact it is a designated county scenic roadway. What would it look like? How would it impact the scenic roadway status?

25-15

Thank you for the opportunity to comment on this problematic RDEIR.

Mike Weaver
Chair, The Highway 68 Coalition

Letter 25 Continued

Highway 68 Coalition
c/o 52 Corral de Tierra Rd
Salinas, Ca 93908
831-484-6659

Taven Kinison Brown, Planning Services Manager
County of Monterey Resource management Agency-Planning Department
168 West Alisal, 2nd Floor
Salinas, CA 93901
Via fax: 831-757-9516, with hard copy to follow by U.S. Mail

PART 2 OF 2

FEBRUARY 1, 2010

Re: Comments to R.D.E.I.R./DEIR
Harper Canyon (Encina Hills) Subdivision EIR
File Number: PLN000696
Location: North of San Benancio Road, East of Highway 68, Salinas
Planning Area: Toro Area
Assessor's Parcel Numbers: 416-611-001-000 and 416-611-002-000

February 1, 2010

25-16 cont

Dear Mr. Kinison Brown,

I am a 58 year resident of the Toro Area and am very familiar with the location and environmental issues associated with this proposed project. I am responding on behalf of the Highway 68 Coalition, in a two-part response. Following are some of our biggest concerns regarding the above-mentioned DEIR.

1) The largest concern is that this Draft Environmental Impact report does NOT adequately reveal the 14 existing lots on the adjacent parcel also accessed via Meyer Road. These lots were the subjects of large lot line adjustments in the 1990's. The Toro Land Use Advisory Committee made a field trip to the site and the County of Monterey spent considerable time on these lot line adjustments on this property. Now a DEIR is prepared for 17 additional lots with a request for a vesting tentative map. The DEIR prepared goes through the motions of addressing the impacts of the 17 proposed parcels. Cumulative impacts regarding infrastructure and flora and fauna of 17 PLUS 14 are ignored but will be significant!

2) When California American Water Company purchased Ambler Water Service in the latter part of the 1990's for approximately $387,000 The number of service connections was about 387 on the system.

Letter 25 Continued

Page 2

The sale was controversial and was subject to area public meetings held by the California Public Utilities Commission. These were followed by two administrative law judges with the California Public Utilities Commission holding hearings, making findings, and conditioning the sale. The service connection residents in San Benancio and Corral de Tierra expressed numerous concerns and stories about water quality, water quantity and water pricing. As a result, the California Public Utilities Commission upheld a judge's recommendation that the Ambler Water Service NOT be allowed to be tied in with any other water system.
I have to assume this was to assure the existing service connection residents that they would continue to have potable and adequate groundwater. Ambler Water Service draws water from wells located in Corral de Tierra near the Meadows of Corral de Tierra Subdivision.

A big question is; under whose authority was a water main allowed to be run crossing San Benancio Road and and going outside the B-8 boundary (which is San Benancio Road) and tied into the San Benancio Oaks Subdivision? Who authorized this?
A problem with this EIR is it explains that the proposed water for the 17-unit project will be tied into the system currently servicing the San Benancio Oaks Subdivision and be given to California American Water Company. This will compound the problem and contravenes the Public Utilities Commissior direction. This would be compounding an existing mistake. **25-16 cont**

3) Subsequent to, and as a result of the October 17, 1989 Loma Prieta Earthquake many individual well owners and small water system owners in the upper Harper Canyon area lost the use of their water wells. The ground rumbling and shifting stopped the flow of water. These were existing residents, many being long time homeowners in the area who were without water. They petitioned the County of Monterey and Cal-Am Water to run the water main up to the end of the existing Harper Canyon Road. They paid for this to be done and there wasn't one protest from anyone denying existing residents a potable water supply. Water availability in Harper Canyon has always been problematic. Existing residents water supply now originates in Corral de Tierra, from the wells Cal-Am owns and operates behind the Corral de Tierra Meadows Subdivision.

4) The reference document for this EIR does not use the most current data. The 2007 El Toro Groundwater Study prepared for the Monterey County Water Resources Agency is not used, nor referred to. This document tells us that historically the ground water level has been dropping approximately one foot per year for the past 50 years. It also tells us that the rate of drop has been increasing and has dropped approximately two feet per year since

Letter 25 Continued

Page 3

1997. Although the EIR tells us that the proposed project or a large part of it is in Zone 2C of the Salinas Basin, the groundwater for the project will not be coming from the Salinas River but rather has plans to utilize El Toro Area groundwater. We all know that groundwater does NOT recognize political boundaries.

5) Question: Is the proposed water use quantity for 17 units of 12.75 acre feet consistent with water use for similar surrounding areas and lots of San Benancio, Corral de Tierra, Hidden Hills, York Road? You will remember when estimated water use for the residential areas of Bishop Ranch (now Pasadera) were seriously underestimated. The Laguna Seca Sub Basin (groundwater) is now in serious overdraft partly as a result of this. Existing residents are learning to pay more, lots more, for their water. That specific project also had a condition to monitor the yearly water used on the golf course there. Specifically who monitors this? Some of these conditions become burdensome to the County of Monterey, it's departments, and agencies, years after approval. Then it becomes a code enforcement issue, and often a legal issue.

6) The Harper Canyon/Encina Hills DEIR references the year 2005 Regional Transportation Plan and its 14-year program. Is that 14-year program still in place after the failure of Measure A, the half cent sales tax measure on the 2006 ballot?

25-16 cont

IN ANY CASE:
The document should state that the Transportation Agency of Monterey County officially designated the two lane section of State Highway 68 as being Level of Service "F" in the year 1997.

When a Highway reaches Level of Service F even one more average daily trip is a significant impact. Using CalTrans numbers of an average of ten trips per day per unit, 17 additional units will bring 170 additional average daily trips to State Highway 68, and right in the middle of it, midway between the Cities of Salinas and Monterey. Add the cumulative impact of the existing 14 lots (lot line adjustments) in Encina Hills and the number becomes 310 additional average daily trips on a Level of Service "F" Highway.
The EIR also needs to address the cumulative traffic impacts of the build out of existing legal lots of record on the Highway 68 Corridor, including Monterra, Pasadera, Tehama, Hidden Hills, San Benancio Oaks, as well as adjacent former Fort Ord (utilizing it's 1997 Fort Ord Reuse Plan, but absent the Southwest Alternative Road that has been erased.)

7) The project plan to use the narrow private residential road, Meyer Road, for access to the 17 proposed lots plus the 14 existing lot line lots is problematic from several perspectives. San Benancio Road is a designated County Scenic

Letter 25 Continued

Page 4

Road. Meyer Road is near the crest of a hill climbing San Benancio. Area residents report much of the traffic coming downhill out of San Benancio Canyon travels far too fast, especially during peak commute hours and often after dark. Adding 310 average daily trips to this part of San Benancio Road ingress and egress, accelerating and decelerating, IS dangerous.

25-16 cont

Thank you for the opportunity to comment on this DEIR. We have attempted to define some of the biggest problems. Please include the entirety of our comments and our letter, both Parts 1 and 2, in the Final E.I.R.

Sincerely,

Mike Weaver
Chair, The Highway 68 Coalition
Phone: 831-484-6659

RESPONSE TO LETTER 25 – HIGHWAY 68 COALITION (PART I OF II)

Response to Comment 25-1

Appropriate Date of Traffic Counts

The traffic study identifies intersection levels of service for the State Route 68/San Benancio Road intersection operating at LOS E and F in the AM and PM peak hour, respectively. These existing levels of service at this representative intersection are identical to the levels of service observed for the Ferrini Ranch traffic study (currently in progress), where counts were taken over a longer period of time (February 9 through August 29, 2007). It is important to note that the traffic analysis for Harper Canyon identifies that the San Benancio/State Route 68 intersection, in the Background + Project scenario, will operate at LOS F in the AM and PM peak hour. Regardless of the traffic count dates and existing service levels, the EIR clearly discloses that this intersection currently operates at unacceptable levels (LOS E and F), and will continue to operate at unacceptable levels in the future with or without the project in any month of any given year.

Response to Comment 25-2

Date of Traffic Counts – Effect of Alternative Routes

As identified on pages 3.10-7 and 3.10-8 of the RDEIR, Tables 3.10-3 and 3.10-4, most roadway segments and intersections along the State Route 68 corridor currently operate below the acceptable LOS standard for this facility. The comment identifies a "continuing shift" in traffic patterns in 2006, where Imjin Parkway has become an alternative route to State Route 68 and thus State Route 68 has been relieved of some traffic. The comment is correct that redevelopment activity within the former Fort Ord has slowed, and several major projects have stalled. But those development conditions have remained static over the past several years and continue today. There is no evidence to suggest that 2006 counts are not representative of existing conditions. Assumptions for future conditions, including buildout of several projects within the former Fort Ord, are appropriately analyzed and contained in the cumulative analysis.

Response to Comment 25-3

Highway 68 Bypass

The comment suggests that the "elimination of the Highway 68 Bypass" should be analyzed within this RDEIR. The bypass project (identified and discussed on page 3.10-10 of the RDEIR as the "South Fort Ord Bypass") is not a programmed, funded or reasonably foreseeable roadway project at this time, and there is no projected time horizon for its planning or implementation. For that reason, the analysis of the Harper Canyon/Encina Hills project did not assume the bypass within the traffic analysis or roadway network.

Response to Comment 25-4

Highway 68 Official Plan Lines

The purpose of the RDEIR is to analyze the effect of the Harper Canyon/Encina Hills subdivision on the existing roadway network. Assumptions for future projects and improvements along the Highway 68 corridor are based upon the 2008 TAMC *Nexus Study for a Regional Development Impact Fee*. As identified on page 3.10-11 of the RDEIR, TAMC's regular Regional Transportation Plan updates continually evaluate and update project priorities based on changes in land use or shifts in transportation planning priorities within Monterey County. TAMC's 2010 RTP document (February 2010) does not list the "Corral de Tierra Bypass" on its lists of constrained (funded) or unconstrained (unfunded) projects.

Response to Comment 25-5

TAMC Regional Development Impact Fee

The comment discusses the amount, and adequacy, of the TAMC Redevelopment Development Impact Fee (RDIF). Projects in Monterey County are required to pay the RDIF in place at the time of obtaining building permits. The County does not establish the fee. Please see also the response to comment 23-1.

Response to Comment 25-6

Corral de Tierra Road – Posted Speed Limits

Clarification regarding posted speed limits are noted for the record.

Response to Comment 25-7

San Benancio Road and Safety Conditions

Comments regarding posted speed limits are noted for the record. Please see response to comment 25-1 regarding timing of traffic counts. Accident data was collected for San Benancio Road for the time period between January 2001 and March 2006 (RDEIR page 3.10-32) showing no unusually high rates. Standard County conditions for construction management also consider traffic management and safety near construction zones.

Response to Comment 25-8

Meyer Road Status

The EIR evaluates traffic flow to and from the project onto the roadway network, as proposed by the project application. Page 3.10-2 of the RDEIR identifies Meyer Road as a

private road owned by the applicant. Ownership of the road or ownership history is not an environmental issue evaluated by the EIR.

Response to Comment 25-9

Highway 68 Widening and Bypass

Please see response to Comment 25-3. The comment cites several historical plans and impact fee programs that are not the subject of this RDEIR.

Response to Comment 25-10

State Route 68 Improvement Advisory Committee Background

Comments regarding the formation and original purpose of the State Route 68 Improvement Advisory Committee are noted for the record.

Response to Comment 25-11

Regional Impact Fee Nexus Study Update/Corral De Tierra Bypass

Please see Response to Comment 25-4.

Response to Comment 25-12

Intersection Operations with Mitigation

Page 3.10-25 of the RDEIR (as well as page 3.10-31) identify that the Highway 68/Corral de Tierra Road and Highway 68/San Benancio Road intersections will operate at LOS C with implementation of Mitigation Measure 3.10-1 and construction of the State Route 68 Commuter Improvements project that the project will help fund. With this improvement in place, page 3.10-31 also identifies that the Highway 68 roadway segment between Corral de Tierra and San Benancio Road will also operate at acceptable levels as a result of increased capacity.

Response to Comment 25-13

Application of Mitigation Measure 3.10-1

With respect to Mitigation Measure 3.10-1, please see Response to Comment 23-1 and Amended Traffic section. The different funding options have been eliminated.. Also, the term "State Route 68 Commuter Improvements" is the term used by TAMC for this project, identified as a financially constrained (funded) project within their 2010 Regional Transportation Plan.

Response to Comment 25-14

Meyer Road Widening and Sight Distance Issues

Safety hazards along Meyer Road are identified as a potentially significant impact of the project, as disclosed on page 3.10-32 of the RDEIR. Mitigation Measure 3.10-3 requires that the road be widened to 18 feet to meet the County standard for a cul-de-sac private road. The widening is intended to provide safer operations to existing and future residents, and to bring the road to up to current design requirements. Comments regarding changes in posted speed limits for San Benancio Road are noted for the record.

Regarding sight distance, this issue is identified as a potentially significant impact of the project on page 3.10-33 of the RDIER. For this reason, Mitigation Measures 3.10-4a and 3.10-4b are required, to improve existing sight distance to better serve existing and new residents.

Response to Comment 25-15

Effect of Sight Distance Improvements

Although the plans for sight distance improvements are not yet designed, San Benancio Road is identified in the October 2008 DEIR (Section 3.1) as a locally-designated scenic road. The status of the roadway is disclosed, as is the requirement for improvements in this location. A sight distance improvement plan is required to address trimming of vegetation and grading to improve sight distance. These plans (and associated encroachment permit) are required prior to approval of final improvement plans, and will include additional conditions as warranted. All plans require review and approval of the Public Works Department and Planning Department. Any relevant design control policies of the zoning ordinance or Toro Area Plan will apply. As the required improvements are isolated to the area in the immediate vicinity of the intersection, the status of the roadway as a county-designed scenic road will not change.

Response to Comment 25-16

For responses to Part II of the Highway 68 Coalition letter, please see responses to Letter 17.

3.0 Amendments to the DEIR

GLOBAL MINOR AMENDMENTS TO ENTIRE DEIR

The entire DEIR has been revised to make the following minor global revisions:

Change all references to the land zoning designation as follows:

~~RDR(5.1-D)~~ RDR/5.1-D

Where the timing element of mitigation measures references "Prior to building permit approval" revise as follows:

Prior to ~~building permit approval~~ issuance of building permit(s)

Where the compliance action of mitigation measures references "submit for approval" or "submit" revise as follows:

submit for review and approval or

submit for review and approval (as applicable)

Where the California Department of Fish and Game or CDFG are referenced revise as follows:

California Department of Fish and Wildlife or

(CDFW)

AMENDMENTS TO SECTION 2.0, PROJECT DESCRIPTION

Section 2.1 on page 2-1 of the DEIR has been revised as follows:

> ~~The~~ On August 16, 2001, the project applicant, Harper Canyon Realty, LLC (hereinafter "project applicant"), ~~has~~ submitted to the County of Monterey Resource Management Agency - Planning Department (hereinafter "County of Monterey") an application for a Combined Development Permit (PLN000696) for a Vesting Tentative Map in order to subdivide land pursuant to the Subdivision Map Act and the Monterey County Subdivision Ordinance (Title 19). The proposed project includes the subdivision of 344 acres into 17 lots on 164 acres with one 180-acre remainder parcel. The residential lots would have an average density of one dwelling unit per 9.64 acres within the subdivided area, as lots would range in size from 5.13 acres to 23.42 acres. Monterey County Planning Department deemed the application complete on November 22, 2002.

Section 2.3 on page 2-1 of the DEIR has been revised as follows:

> The project site is located in the Encina Hills area of the *Toro Area Plan* planning area, approximately 2,000 feet southeast off State Route 68 and east of San Benancio Road. Access to the project site is located of San Benancio Road onto the existing Meyer Road, which is owned in fee by the project applicant between San Benanacio Road and the site access point. Meyer Road, Alta Lane and Sierra Lane would serve as the on-site circulation routes. The project site and vicinity are shown in **Figure 2-2, Vicinity Map**.

Section 2.3 on page 2-2 of the DEIR has been revised as follows:

> SURROUNDING LAND USES
>
> Surrounding land uses include similar vacant undeveloped land to the west; unimproved lands in the watershed area and grazing/rangelands to the north and east; Toro Regional Park to the east and south; and single-family residences located along Meyer Road and Rim Rock Canyon Road to the southwest. Surrounding land uses are shown in the aerial photograph provided in **Figure 2-4, Aerial Photo**.
>
> The vacant undeveloped land located west of the project site includes 14 existing lots of record that have existing right and utility easements that terminate at the proposed extension of Meyer Road. These lots are not part of the proposed project but are included in the cumulative traffic analysis.

Page 2-4, paragraph 5, line 3 of the DEIR has been modified as follows:

> Within the Geosyntec Study area, groundwater flows both towards the Seaside Groundwater Basin and toward the Salinas Valley Groundwater Basin.

The second paragraph in Section 2.5 on page 2-13 of the DEIR has been revised as follows:

> The objectives of the proposed project, as stated by the applicant, are as follows:
>
> > *"The objective of the project applicant is to secure approval for a Combined Development Permit to create the Encina Hills residential subdivision consisting of 17 lots ranging in size between 5.1 acres and 24.3 acres, with a 180-acre remainder parcel. The project site consists of approximately 344 acres. With applicable zoning at 5.1 acres per unit (which would allow a total of 67 parcels at maximum development) the project applicant's objective, with its reduced density proposal is to maximize preservation of the property in its natural state in harmony with the limited residential development and limit cumulative environmental impacts. In furtherance of that objective, the applicant has previously committed to donate approximately 154 acres of the remainder parcel by deeding it to the County of Monterey as an expansion of the adjacent Toro Park."*

Section 2.6, third paragraph on page 2-17 is clarified as follows:

> **Water Delivery & Treatment Facilities**
>
> The proposed project will obtain potable water from two existing ~~off-site~~ wells. One well is located in the ~~nearby~~ previously approved Oaks Subdivision (hereinafter referred to as the "Oaks well") and the second well is located south of Harper Canyon Road (hereinafter referred to as the "New well"). The two wells will service both subdivisions ~~be joined to serve the Oaks subdivision, a previously approved project, and the proposed project~~. This system will be transferred to, and owned and operated by, the California-American Water Company (~~Cal-Am~~ Cal-Am) and operate as a satellite system. Water from these wells will be pumped and transmitted to the Ambler water treatment facility, and returned to the subdivisions in equal quantities. ~~Each well shall have a treatment facility processing water to meet the Safe Drinking Water State Act requirements. Water will flow through water lines from the treatment facilities to each lot within the roadway right-of-way~~. In addition, two existing water tanks and two new water tanks will be located on the project site within the remainder parcel. A 20-foot wide water line easement is proposed between the two new water tanks.

Section 2.7 on page 2-18 of the DEIR has been revised as follows:

2.7 Requested Actions and Required Approvals

This DEIR provides the environmental information and analysis and primary CEQA documentation necessary for the County of Monterey Resource Management Agency – Planning Department to adequately consider the effects of the requested development proposal. The County of Monterey Resource Management Agency – Planning Department as lead agency, has approval authority and responsibility for considering the environmental effects of the proposed project as a whole. The EIR will be used for the following Monterey County approvals:

- Combined Development Permit (PLN000696), including
    - Tentative Map
    - Final Map
- Grading Permits;
- Building Permits;
- Occupancy Permits;
- National Pollutant Discharge Elimination System (NPDES) General Construction Permit;
- Use Permit for removal of approximately 79 coast live oak trees;
- Use Permit for development on slopes in excess of 30 percent;
- Amendment to existing water quality permit issued by the California Department of Public Health.
- ~~Use Permit for development in a Design Control zoned area;~~
- Sewer Extension Agreement with California Utility Services; and
- Water Extension Agreement with California Water Company.

AMENDMENTS TO SECTION 3.1, AESTHETICS

The third paragraph on page 3.1-2 has been revised as follows:

> Some of the most critical scenic areas within the planning area of the *Toro Area Plan* are the visually sensitive areas that are viewed by the thousands of motorists who travel the scenic corridors daily. According to the *Toro Area Plan*, there are two scenic roads in the planning area: State Route 68 is a State scenic highway and Laureles Grade Road is an officially designated County scenic ~~route~~highway. The Monterey County Board of Supervisors has also designated Corral de Tierra Road, San Benancio Road, Corral del Cielo Road, and Underwood Road as County scenic routes. The project site is located approximately 2,000 feet southeast of State Route 68, between San Benancio Road and River Road. Laureles Grade Road is located approximately 3.5 miles west of the project site. San Benancio Road, a County designated scenic road, provides project site access to and from State Route 68. In addition, the project site is located adjacent to Toro Regional Park and approximately 3,500 feet from Fort Ord Public Lands that is under the jurisdiction of the Bureau of Land Management (BLM), which are considered public viewing areas in Monterey County.

The following paragraph has been added to the bottom of page 3.1-2 after the discussion of State Route 68:

> **Laureles Grade Road**
>
> Approximately 0.82 miles of Laureles Grade Road, between State Route 68 and Carmel Valley Road, has been officially designated as a county scenic highway under California's Scenic Highway Programs. Laureles Grade Road is a regional transportation route that connects the State Route 68 to Carmel Valley and is located approximately 3.5 miles west of the project site. The speed limit on Laureles Grade Road is 45 miles per hour and it also provides access to several residential developments. Rolling hills covered in oak woodlands dominant a majority of the State Route 68 side, or the northern portion, where as oak scrubland dominants the Carmel Valley side, or southern portion. Residential development along Laureles Grade Road is scattered with a high concentration on the northern portion of this roadway. The project site may be visible in the distance to those traveling northbound on Laureles Grade Road at higher elevations looking towards the northeast.

The last paragraph on page 3.1-9 has been revised as follows:

> **State Route 68**
>
> The proposed home sites located on Lots #7, #11, and #17 are potentially visible from State Route 68. However, the steep and rolling terrain adjacent to the State

Route 68 provides a natural screen which limits visibility of the project site from the highway and limits the visibility to the project site in the foreground. In addition, portions of project site are zoned within a "Design Control District". The purpose of the "Design Control" zoning district is to protect the public viewshed, neighborhood character, and assure the visual integrity of the development in scenic areas. The intent of the "Design Control District" is to guide development while preserving the scenic qualities of the ridgeline area, views from State Route 68, and the scenic and rural quality of the project vicinity. The "Design Control District" would be applicable the entire area of both parcels. Therefore, all 17 residential lots would be subject to the requirements of Section 21.44.010 of the *Monterey County Zoning Ordinance*. Section 21.44.010 of the *Monterey County Zoning Ordinance* applies specific design standards and additional design review prior to approval of new development, including regulation of the location, size, configuration, materials and colors of proposed structures in order to guide development. The ~~architectural~~ design review process would ensure that the scenic quality of the project site and vicinity is not diminished with implementation of the proposed project per Section 21.44.030 of the *Monterey County Zoning Ordinance* (Title 21). Therefore, the impact to views from State Route 68 would be considered **less than significant**.

The second to last paragraph on page 3.1-15 of the DEIR has been revised as follows:

The portion of the project site that is to be subdivided includes approximately 97 acres of land that exceeds 30 percent slope and is subject to Policy 26.1.10 of the *Monterey County General Plan*. Policy 26.1.10 of the *Monterey County General Plan* prohibits development on slopes greater than 30 percent. Monterey County Planning Department requires dedication of a scenic easement on slopes of 30 percent or greater. There is no nexus to exact scenic easements on the Remainder Parcel pursuant to the Subdivision Map Act. The following mitigation measure has been provided to ensure consistency with Policy 26.1.10 of the *Monterey County General Plan* and that the proposed project would have a **less than significant impact** on State Route 68 and the public viewshed.

The last paragraph on page 3.1-15 of the DEIR has been revised as follows:

Mitigation Measures

MM 3.1-2a Prior to recording the Final Subdivision Map, Monterey County Planning Department shall require that the project applicant designate all land that exceeds slopes of 30 percent as "scenic easements" in accordance with Policy 26.1.10 of the *Monterey County General Plan*, except where roadway improvements have no other alternative. This includes land exceeding 30 percent slopes within the 17 residential lots ~~and the remainder parcel~~.

The Final Subdivision Map shall identify the areas within a "scenic easement" and note that no development shall occur within the areas designated as "scenic easement."

MM 3.1-2b To further reduce the potential visibility of proposed development from common viewing areas, Toro Park, BLM public lands and State Route 68, prior to recording the Final Subdivision Map, the project applicant shall designate building envelopes on each proposed lot and clearly identify the location of all utility and infrastructure improvements (including water tank(s)) to define the building areas. The building envelopes, utilities and infrastructure improvement locations shall be selected to minimize grading, avoid vistas that have a direct line of site to State Route 68 to the maximum extent feasible and preserve existing screening vegetation. These shall be subject to review and approval by the RMA-Planning Department.

MM 3.1-2c In order to preserve the visual character of the project site and surrounding area, the project applicant shall prepare design standards that shall be recorded on the titles for all of the parcels. These shall apply to all site development, architectural design and landscape plans. These shall include the following elements:

a) use of natural materials, simulated natural materials, texturing and/or coloring that will be used for all walkways, patios, and buildings.

b) Use of rolled curbs for areas where curbs may be required;

c) Substantial use of vegetative screening using a native drought tolerant plant palette to obscure off-site view;

d) Re-planting with native grasses and vegetation of any roadways serving the subdivision and individual parcels; and

e) A planting plan shall be submitted to the RMA-Planning Department for review and approval prior to the approval of grading plans for creation of subdivision roadways. A planting plan shall be submitted as part of the Design Review approval process for each residential lot.

The third paragraph on page 3.1-16 of the DEIR has been revised as follows:

Ridgeline Development

Impact 3.1-3 Implementation of the proposed project would result in alteration of site conditions that may be visible when viewed from common viewing areas, such as Toro Regional Park, BLM public land and State Route 68. However, the proposed residential units are sited at the lowest elevation or are located in the foreground of hillsides of higher elevation; therefore, they shall not create a silhouette. Other regulations such as ridgeline development and/or development on slopes greater than 30 percent will be triggered depending on the design of the subsequent development proposals for the proposed lots on the project site. In addition, the Design Control District zoning designation requires that future residential development on the project meet specific design standards and is subject to additional design review prior to development approval to ensure protection of the public viewshed. Therefore, this would be considered a **less than significant impact.**

The last paragraph on page 3.1-18 of the DEIR has been revised as follows:

The proposed project in combination with cumulative ~~development~~ development, including the 14 existing lots of record adjacent to the project site, would continue to urbanize the area around Corral de Tierra/San Benancio Road. The *Monterey County General Plan* anticipates the minimal development in Corral de Tierra/San Benancio Road area. The overall change in the visual character of the project ~~area~~ site from primarily undeveloped grazing land to approximately 17 residential units on 164 acres would result in a permanent change. Although the proposed subdivision will increase the residential development in a rural community, the project is consistent with the rural density residential zoning requirement of a minimum of 5.1 acres, with an average density of 9.64 acres per residential unit. The project site is adjacent to Toro Regional Park, which will remain permanently undeveloped. The project applicant has committed to donating approximately 154-acres of the 180-acre remainder parcel by deeding it to the Monterey County Parks Department as an extension of the adjacent Toro Park. Policies in the *Monterey County General Plan* and *Toro Area Plan* that emphasize preservation of the rural environment, implemented over time, would address cumulative visual effects. In addition, the entire project site is subject to additional design review in order to ensure limited impact of visual character. Therefore, the proposed project's contribution to the cumulative degradation of visual character in the region would be considered **less than significant.** No mitigation measures are necessary.

The last paragraph on page 3.1-17 has been revised as follows:

Mitigation Measure

MM 3.1-4 Prior to issuance of building permits or grading permits, whichever occurs first, for subdivision improvements and the construction of residences on lots proposed on the project site, Monterey County Planning Department shall require that the project applicant prepare and submit for review and approval a detailed lighting plan that indicates the location, type, and wattage of all light fixtures to be installed on the project site and include catalog sheets for each fixture. The lighting shall comply with the requirements of the California Energy Code set forth in California Code of Regulations, Title 24, Part 6. ~~location and type of lighting that will be used at the project site~~. The lighting plan shall be consistent with Section 18.28 of *Monterey County Code*, to minimize glare and light spill. All external lighting shall be indicated on project improvement plans, subject to review and approval by the County of Monterey**.**

Preparation and implementation of a detailed exterior lighting plan for the proposed project would reduce this impact to a **less than significant** level by minimizing potential light and glare at the project site and on surrounding areas.

AMENDMENTS TO SECTION 3.2, AIR QUALITY

Table 3.2-2 on page 3.2-4 of the DEIR has been amended as follows:

TABLE 3.2-2
NCCAB ATTAINMENT STATUS DESIGNATIONS

Pollutant	National Designation	State Designation
Ozone, 1 hour	~~Attainment~~Maintenance[1]	Nonattainment[2]~~/Transitional~~ ~~Not Applicable~~
Ozone, 8 hour	~~Unclassified/~~Attainment	
PM10	Unclassified/Attainment	Nonattainment
PM2.5	Unclassified/Attainment	Attainment
Carbon Monoxide	Unclassified/Attainment	~~Unclassified/~~Attainment
Nitrogen Dioxide	Unclassified/Attainment	Attainment
Sulfur Dioxide	Unclassified	Attainment
Sulfates	Not Applicable	Attainment
Lead	Not Applicable	Attainment
Hydrogen Sulfide	Not Applicable	Unclassified
Visibility Reducing Particles	Not Applicable	Unclassified

Notes: 1. The federal 1-hour standard for ozone was revoked on July 15, 2005.

2. In November 2006, ARB issued new designations to reflect the addition of an 8-hour average to the State AAQS for ozone. The NCAB was re-designated from nonattainment-transitional to nonattainment.

Source: ARB ~~2005~~2008

The third paragraph on page 3.2-5 of the DEIR has been revised as follows:

> The ARB identified particulate emissions from diesel-fueled engines (diesel-exhaust PM) as a TAC in August 1998. The ARB has since developed the Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles (2000) and the Risk Management Guidance for the Permitting of New Stationary Diesel-Fueled Engines (2000). Both documents were approved by the ARB on September 28, 2000. The ARB is developing regulations designed to reduce diesel particulate matter emissions from diesel-fueled engines and vehicles. The goal of each regulation is to make diesel engines as clean as possible by establishing state-of-the-art technology requirements or emission standards to reduce diesel particulate matter emissions. These regulations will require substantial reductions in diesel-exhaust particulate matter beginning with the 2004 model year. More stringent standards will apply to engines starting in the 2007 model year. Off-road vehicles came under more stringent regulation beginning with the 2005 model year.

In 2008, ARB adopted several regulations that help reduce TACs by doing the following: revising the credit accountability for small off-road engines and equipment and establishing new exhaust and evaporative emission standards for large spark-ignition engines with an engine displacement of less than or equal to one liter; amending the Transport Refrigeration Units (TRU) Airborne Toxic Control Measures to adjust compliance dates to better align with availability of verified diesel emission control strategies; requiring existing trucks/trailers doing business in California to be retrofitted with the best available "SmartWay Transport" and/or ARB approved technology that reduce GHG emissions; requiring on-road diesel vehicles to be upgraded to a cleaner engine or retrofit with an exhaust emission control device to achieve the significant emission reductions in order to reduce emissions of diesel particulate matter, oxides of nitrogen, and greenhouse gases; requiring all light duty vehicles to comply with the whole vehicle zero evaporative standards, established in 1998 as part of the Low Emission Vehicle II program, which would result in a minimum 30% emission reduction from current evaporative emissions; and requiring that automobile paint be reformulated to reflect the invisible solar wavelengths in order to keep the interior of vehicles cooler and reduce the need for air conditioner usage. Each set of regulations will serve to significantly reduce diesel particulate matter and NOx emissions and long-term human health risks attributable to diesel-fueled vehicles and equipment.

The third paragraph on page 3.2-12 of the DEIR has been amended as follows:

As required by the CCAA, the MBUAPCD adopted the *1991 Air Quality Management Plan* (hereinafter referred to as AQMP) for the Monterey Bay Region. The 1991 AQMP addressed planning requirements to meet the ozone standard mandated by the CCAA and included measures to control emissions of VOC from stationary and mobile sources. Since the 1991 AQMP was adopted, control requirements have been reduced. The AQMP was most recently updated in ~~2004~~ 2008~~to reflect these changes~~. The most recent ~~2004~~ 2008 AQMP update concluded that the NCCAB ~~remains on the borderline between attainment and~~is designated as nonattainment for state ozone and PM_{10} AAQS~~in part due to variable meteorological conditions occurring from year to year, transport of air pollution from the San Francisco Bay Area, and locally generated emissions (MBUAPCD 2005)~~. The 2008 AQMP update includes an air quality trend analysis that reflects the 1- and 8-hour standards as well as an updated emission inventory, which includes the latest information on stationary, area and mobile emission sources (MBUAPCD 2008). Emission forecasts contained in the AQMP are based, in part, on population forecasts adopted by the Association of Monterey Bay Area Governments (AMBAG). For population-related projects, consistency with the AQMP is assessed by comparing the projected population growth associated with the project to population forecasts adopted by AMBAG (MBUAPCD ~~2004~~2008). The 2008

AQMP also updates the description of the area's Transportation Control measures, as well as grant activity under AB 2766 and the Moyer mobile source emission reduction programs. Lastly, the 2008 AQMP proposes to evaluate any co-pollutant benefits in terms of reducing ozone precursors achieved under climate change bill AB32 (MBUAPCD, 2008).

In December 1995, the MBUAPCD also prepared the 1995 Report on Attainment of the California Fine Particulate Standard in the Monterey Bay Region. This report was most recently updated in 2005. The report found that existing control on sources of NO_x emissions, which serve as precursors to PM_{10}, may lead to attainment and maintenance of the State PM_{10} standard through 2010 (MBUAPCD 2005).

The last paragraph on page 3.2-13 of the DEIR has been revised as follows:

3) Long-term Increases in ~~Local Mobile Source~~ CO Concentrations. ~~Local mobile source~~ Long-term increases in CO concentrations are a result of indirect and direct emissions. Indirect emissions are typically considered to include mobile sources that access the project site but generally emit off-site; direct emissions typically include sources that are emitted on-site (e.g., stationary sources, on-site mobile equipment). Operational impacts would be considered significant if: ~~the project~~

4) If the project would indirectly result in an intersection/road segment to degrade from LOS D or better to LOS E or F; OR the volume to capacity (V/C) ratio at an intersection/road segment operating at LOS E or F increases by 0.05 or more; OR the delay at an intersection operating at LOS E or F increases by 10 seconds or more; OR the reserve capacity at an unsignalized intersection operating at LOS E or F decreases by 50 percent or more. AND

5) If the project would directly result in development of stationary sources that would generate~~s~~ ~~direct~~ emissions ~~of~~ greater than 550 lbs/day of CO or if the project would contribute to local CO concentrations that exceed the State Ambient Air Quality Standard of 9.0 ppm for 8 hours or 20 ppm for 1 hour.

Mitigation measure **MM 3.2-1b** starting on page 3.2-17 of the DEIR has been revised as follows:

Mitigation Measure

MM 3.2-1b During construction activities, Monterey County Planning Department shall require that the project applicant implement best available control measures (BACM) to reduce toxic air contaminants, as recommended by the MBUAPCD and in

accordance with Policy 20.2.5 of the *Monterey County General Plan*. BACM typically recommended by the MBUAPCD include, but are not limited to, the following**:**

- Limit the hours of operation consistent with related noise restrictions; ~~and quantity of heavy duty equipment;~~
- Utilize gasoline-powered equipment whenever an equipment choice is available; ~~Replace diesel-powered equipment with gasoline-powered equipment;~~
- Use PuriNOx emulsified diesel fuel in existing engines;
- ~~Modify engine with ARB verified retrofit;~~
- Repower and utilize heavy equipment with current standard diesel technology or CNG/LNG technology; and
- ~~Limit the area under construction at any one time~~ Demonstrate on construction documents how construction phasing and equipment programming will comply with County policies and BACMs identified by the Air District.

Implementation of MBUAPCD recommended best available control measures in accordance with Policy 20.2.5 of the *Monterey County General Plan* would reduce fugitive dust emissions and diesel-exhaust particulate matter emissions from construction activities. Fugitive dust emissions would be reduced by approximately 50 percent or more, depending on the activities conducted (MBUAPCD ~~2004~~2008). Use of diesel oxidation catalysts, particulate filters, and alternative fuels such as biodiesel, can reduce diesel-exhaust constituent emissions by approximately 90 percent, or more (MBUAPCD ~~2004~~2008). Therefore, short-term construction generated emissions associated with the proposed project would be reduced to a **less than significant** level.

The second paragraph on page 3.2-22 of the DEIR has been revised as follows:

Consistency of population-related projects with the MBUACPD Air Quality Management Plan is based on the number of residential units proposed. The number of residential units is assessed by comparing the projected population growth associated with the proposed project to population forecasts adopted by the Association of Monterey Bay Area Governments (AMBAG). The proposed project consists of 17 new single family residential units. The ~~2004~~ *2008 Population,*

Housing Unit, and Employment Forecast estimates ~~there There will be 151,844 housing units in~~ the population of unincorporated Monterey County will be 109,509~~will be 109,509~~ by the year 2010. Currently there are ~~147,776~~39,766 existing, approved, and/or permitted residential units in Monterey County (AMBAG ~~2005~~2009). Based on an average household size of 2.58 persons, the proposed 17 residential units would result in an increase in population of approximately 42 people. ~~The~~ This ~~combination of the proposed project's residential units~~ increase in population, ~~plus~~ combined with the existing population of 101,801 people, would result in a total population of 101,843 people in unincorporated Monterey County. Since the total population with the proposed project will not exceed the regional forecast of 109,509 people by 2010, ~~existing and approved residential units in Monterey County, is less than the regional forecasts for Monterey County of approximately 151,844 residential units. Therefore,~~ the proposed project is consistent with the ~~2004~~ 2008 regional forecasts and the MBUAPCD Air Quality Management Plan (AMBAG ~~2005~~2009) and the cumulative air quality emissions impact would therefore be considered less than significant.

The references on page 3.2-25 of the DEIR has been amended as follows:

References/Documentation

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California Air Resources Board (ARB). *Ambient Air Quality Standards*. http://www.arb.ca.gov/aqs/aaqs2.pdf.

California Air Resources Board, California Climate Action Registry, ICLEI - Local Governments for Sustainability, and the Climate Registry; *Draft Local Government Operations Protocol*. June 2008.

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California Environmental Protection Agency (CEPA) and California Air Resource Board (ARB). *Air Quality and Land Use Handbook: A Community Health Perspective*. April 2005.

Higgins Associates. *Harper Canyon/Encina Hills Subdivision Traffic Impact Analysis*. Higgins Associates. May 28, 2008.

Monterey Bay Unified Air Pollution Control District (MBUAPCD). *CEQA Air Quality Guidelines*. Adopted 1995 revised through ~~June 2004~~ February 2008.

Monterey Bay Unified Air Pollution Control District (MBUAPCD). *2004 Air Quality Management Plan, Fourth Revision to the 1991 Air Quality Management Plan for the Monterey Bay Region*. ~~September 2004~~ June 2008.

Monterey, County of. *Monterey County General Plan*. August 1982 with Amendments through November 5, 1996.

Monterey, County of. *Toro Area Plan*. September 1983 with Amendments through 1998.

United States Environmental Protection Agency (US EPA). *PM Standards Revision*. url: http://www.epa.gov/pm/naaqsrev2006.html. September 21, 2006.

AMENDMENTS TO SECTION 3.3, BIOLOGICAL RESOURCES

The last paragraph on page 3.3.12 has been revised as follows:

> Wildlife corridors refer to established migration routes commonly used by resident and migratory species for passage from one geographic location to another. Corridors are present in a variety of habitats and link otherwise fragmented acres of undisturbed area. Maintaining the continuity of established wildlife corridors is important to: a) sustain species with specific foraging requirements; b) preserve a species' distribution potential; and c) retain diversity among many wildlife populations. Therefore, resource agencies consider wildlife corridors to be a sensitive resource.
>
> According to a Technical Memorandum prepared by WRA, Inc. in December 2008 for the proposed Ferrini Ranch Subdivision, a wide range of terrestrial wildlife species are known to occur on For Ord land including: American Badger, Mountain Lion, Bobcat (*Lynx rufus*), Black-tailed Deer (*Odocoileus hemionus*), and Coyote (*Canis latrans*). Current corridors for wildlife to move between Fort Ord and the Sierra de Salinas or Santa Lucia ranges are limited to El Toro Creek, the Portola Drive overpass and possible culvert running beneath State Route 68. The El Toro Creek undercrossing is located 0.75 miles northwest of the project site near the intersection of San Benancio Road and State Route 68.
>
> The Big Sur Land Trust and The Nature Conservancy have partnered with public agencies in an effort to protect the corridor between Fort Ord and the Santa Lucia Range.

Mitigation measure **MM 3.3-1** starting at the second paragraph on page 3.3-19 has been revised as follows:

> **MM 3.3-1a** Prior to issuance of building or grading permits, whichever occurs first, for subdivision improvement, for subdivision improvements, ~~Monterey County Planning Department shall require that~~ the project applicant shall submit for review and approval a pre-construction survey report. The pre-construction survey shall be prepared in consultation ~~consult~~ with a qualified biologist to ~~conduct~~ summarize additional pre-construction focused plant surveys conducted in April and July ~~to~~ and confirm the presence or absence of special status plants during the blooming period to reduce the potential loss of these species. These species are listed in **Table 3.3-3, Additional Pre-Construction Focused Plant Surveys.** If no individuals are observed, no further action is required. If individuals are found a report shall be prepared

detailing the species potentially affected by the proposed project and the appropriate mitigation measures to reduce the loss of individuals, including siting development to minimize disturbance or removal of special status plant species. Informal consultation with ~~CDFG~~ CDFW/USFWS may be required. If Monterey spineflowers are found, informal consultation with USFWS shall be required. Mitigation may include but not be limited to avoidance of populations, restoration, maintenance, and enhancement and obtaining an Incidental Take Permit from the USFWS and notification with the ~~CDFG~~ CDFW.

Mitigation measure **MM 3.3-2** starting at the forth paragraph on page 3.3-21 has been revised as follows:

Mitigation Measures

MM 3.3-2a Prior to issuance of building permit, Monterey County Planning Department shall require that the project applicant submit ~~landscape design plans, reviewed by a qualified botanist,~~ for review and approval a comprehensive landscape plan prepared in consultation with a qualified botanist. The plant list shall exclude any invasive and non-native plants and emphasize the use of native species requiring minimal irrigation, herbicides, pesticides, or fertilizers and are drought-tolerant native species from local sources. Drought-tolerant non-native species may be used if they are known to be non-invasive.

MM 3.3-2b Prior to final inspection of grading ~~sign off~~grading permit for subdivision improvements, Monterey County Planning Department shall require that the project applicant control the introduction of non-native, invasive plants through rapid re-vegetation of denuded areas with plants and seed harvested from areas proposed for development or other appropriate seed mixes. The seed mix selected shall contain native species of local genetic stock. If non-native species are within the mix, the species will be known not to be invasive or persistent. The seed mix shall contain species known to compete well against non-native, invasive species. In areas of re-vegetation, non-landscaped disruption and adjacent to landscaping, the project applicant shall have a botanist or resource ecologist annually monitor for non-native species and invasive plant species, especially French broom, for a period of three years and provide an annual written status report to Monterey County Planning Department.

MM 3.3-2c Monterey County Planning Department shall require that the project applicant consult with a qualified botanist to develop CC&Rs that describes the native flora and fauna and provides guidelines for homeowners to follow to limit disturbance of native habitat. Said CC&Rs shall be recorded with the final map, for each parcel created by the final map.

MM 3.3-2d Prior to issuance of building or grading permits, whichever comes first, Monterey County Planning Department shall require that the project applicant designs the proposed development on the project site ~~project~~ so that homesites, landscaped areas and outbuildings are located a minimum of 75 feet to 100 feet from the active drainage channels to avoid filling or disturbing natural drainage courses. In the event that disturbances cannot be avoided (culverts, storm drain outfalls, etc.), the necessary permits from the California Department of Fish and ~~Game~~ Wildlife (~~CDFG~~CDFW) through section 1600 of the Fish and Game Code and/or the U.S. Army Corps of Engineers through Section 404 of the Clean Water Act may be required. Necessary permits and/or authorizations should be obtained from appropriate regulatory agencies prior to any activity that might encroach on drainage channels.

Mitigation measure **MM 3.3-3** starting at the first paragraph on page 3.3-24 has been revised as follows:

Mitigation Measures

MM 3.3-3a ~~During the roadway and building site final design process, Monterey County Planning Department shall require that~~Prior to the issuance of grading and/or building permits, the project applicant shall submit for review and approval ~~contract with a qualified arborist to prepare a~~ Final Forest Management Plan, prepared by a qualified forest manager, that minimizes the removal of ~~coast~~ Coast live oak *(Quercas agrifolia)* trees in accordance with the recommendations in Section 21083.4 of the *CEQA Guidelines* and the *Forest Management Plan* that was prepared for the proposed project by Staub Forestry and Environmental Consulting in June 2001. A qualified arborist or professional forester shall identify where trees can be retained and establish conservation easements, trees that need pruning, areas that require keyed fills, etc. All recommended pruning shall be performed by a qualified arborist or other tree professional and

occur prior to commencement of grading. The Final Forest Management Plan shall be subject to review and approval by the Monterey County Planning Department prior to issuance of grading permits.

MM 3.3-3b Prior to the issuance of grading and/or building permits, whichever occurs first, the project applicant shall submit a Final Forest Management Plan for review and approval by Monterey County Planning Department as required in mitigation measure **MM 3.3-3a**. The Final Forest Management Plan shall include a monitoring plan that accurately identifies the number and acreage of oak trees five inches in diameter at breast height to be removed during construction and the replacement of these oak trees on a 3:1 basis as a means of promoting 1:1 tree replacement in compliance with Section 21.64.260 of the *Monterey County Zoning Ordinance* and Section 21083.4 of the *CEQA Guidelines*. Tree replacement on residential lots shall occur as space permits and ~~shall~~ may not exceed more than one tree per 10 foot by 10 foot block of available space. If a specific lot does not allow for replanting of trees, the project applicant shall have a qualified forester identify an alternate location for replanting on the project site. Tree replacement for infrastructure tree removals shall be placed within any scenic easements and/or the portion of the "Remainder Parcel" that would be dedicated to the Monterey County Parks District as an extension of the adjacent Toro Park. All trees shall be replaced with ~~coast~~ Coast live oak *(Quercas agrifolia)* trees obtained from onsite sources or should be grown from local native seed stock in sizes not greater than five gallons, with one gallon or smaller being preferred to increase chances of successful adaptation to the project conditions. Replacement trees shall be monitored and maintained for a minimum of seven years after planting. The monitoring plan shall be prepared by a qualified professional forester, arborist, or horticulturalist, and shall be subject to review and approval by the County of Monterey Planning Department.

In addition, the owner/applicant shall contribute funds to the Oak Woodlands Conservation Fund, as established under subdivision (a) of Section 1363 of the Fish and Game Code, for the purpose of purchasing oak woodlands conservation easements, as specified under paragraph (1) of subdivision (d) of that section and the guidelines and criteria of the Wildlife Conservation Board. The

owner/applicant shall not receive a grant from the Oak Woodlands Conservation Fund as part of the mitigation for the project. The amount of the contribution to the Oak Woodlands Conservation Fund shall be determined according to the procedures set forth in the Oak Woodland Impact Decision Matrix-2008 prepared by the UC Integrated Hardwood Range Management Program.

MM 3.3-3c The applicant shall prepare for review and approval ~~As a condition of project approval, the County of Monterey Planning Department shall require that the project applicant, in consultation with a qualified professional forester, develop~~ Covenants, Conditions, and Restrictions (CC&Rs) in consultation with a qualified professional forester, that shall include oak tree protection measures as outlined in the *Forest Management Plan* (Staub Forestry and Environmental Consulting 2001) on individual lots as part of future home construction to minimize the damage to oak trees and ensure successful replanting. These measures shall include, but not be limited to the following:

- Around each group of trees to be preserved within a construction area, a boundary of snow netting of high visibility plastic fencing supported by wood or metal stakes shall be placed along the approximate dripline of such protected trees to define the construction project boundary;
- No storage of equipment or construction materials, or parking of vehicles shall be permitted within the tree rooting zone defined by the fencing of the construction boundary defined above;
- No soil may be removed from within the dripline of any tree and no fill that exceeds two inches shall be placed at the base of any tree, unless it is part of approved construction and is reviewed by a qualified forester, certified arborist, or other tree professional;
- Roots exposed by excavation during construction shall be pruned promptly to promote callusing, closure, and regrowth; and
- All tree work shall be monitored by a qualified forester, certified arborist, or tree professional and work completed by qualified tree service personnel.

Said CC&Rs shall be recorded with the final map, for each parcel created by the final map.

Mitigation measure MM 3.3-4 starting at the third paragraph on page 3.3-26 has been revised as follows:

Mitigation Measure

MM 3.3-4 Prior to issuance of building or grading permits, whichever occurs first, for subdivision improvements and the construction of residences on the project site ~~the initiation of grading and site disturbance, Monterey County Planning Department shall require that~~ the project applicant shall prepare in consultation ~~contract~~ with a qualified biologist ~~to perform~~ a pre-construction survey for special-status bat species within the project site to comply with the California Fish and Game (CDFG) Code relative to special status bat maternity roosts. Prior to tree removal in the coast live oak woodland, a qualified biologist shall survey the trees to evaluate their potential use by special-status bat species. If special-status bat species are determined to be using these trees, or trees in the immediate vicinity, the biologist shall provide recommendations to avoid harming individual bats or disturbance of active roosts. If the biologist recommends active removal of bats, a Memorandum of Understanding (MOU) with the ~~CDFG~~ CDFW shall be obtained. Alternate habitat may need to be provided if bats are to be excluded from maternity roosts. A roost with comparable spatial and thermal characteristics should be constructed as directed by a qualified biologist. In the event that adult bats need to be handled and relocated, a qualified biologist shall prepare and implement a relocation plan subject to approval by ~~CDFG~~ CDFW that includes relocating all bats found on-site to an alternate suitable habitat. A Mitigation and Monitoring Plan that documents mitigation for loss of bat roosting habitat should be prepared by a qualified biologist and approved by ~~CDFG~~ CDFW prior to tree removal.

Mitigation measure MM 3.3-5 starting at the third paragraph on page 3.3-26 has been revised as follows:

Mitigation Measure

MM 3.3-5 No more than 30 days prior to grading or construction in oak woodland habitat, ~~Monterey County Planning Department shall~~

~~require that~~ the project applicant contract with a qualified biologist to complete a pre-construction survey for the Monterey dusky-footed woodrat for review and approval by the Monterey County Resource Management Agency – Director of Planning. If individuals of these species are observed, a salvage and relocation program shall be prepared in coordination with ~~CDFG~~ CDFW to prevent death or injury to individuals of these species during grading or construction operations. The salvage program shall include measures to remove individuals from the project site prior to and during project grading and construction, and to relocate them to a suitable location within the project site.

AMENDMENTS TO SECTION 3.5, GEOLOGY AND SOILS

The third paragraph on Page 3.5-1 of the DEIR has been modified as follows:

> The project site consists of terrain that is somewhat varied with rolling hills and ridges with intervening drainages. The project site contains approximately 9~~6~~7 acres of steep slopes in excess of 30 percent; 40 acres of softer slopes ranging from 20 to 30 percent; and 2~~3~~7 acres with slopes ranging from 0 to 20 percent. The elevation of the project site varies approximately 700 feet, ranging from 330 feet in the northeastern portion of the project site to 1,020 feet in the southeastern portion.

Mitigation measure MM 3.5-1 starting on page 3.5-16 of the DEIR has been revised as follows:

Mitigation Measure

MM 3.5-1 Prior to issuance of building permit(s) ~~approval~~, the Monterey County Building Services Department shall require that the project applicant consult with a qualified engineer to prepare design level geotechnical reports in accordance with the current edition of the California Building Code and the recommendations contained within the *Geologic and Geotechnical Feasibility Study* prepared by D&M Consulting Engineers in August 2001. Said reports shall be submitted for plan check with any improvement plans including earthwork, water tank construction/installation, or foundation construction. The *Geological and Geotechnical Feasibility Study* provides specific recommendations regarding site preparation and construction of foundations, retaining walls, utilities, sidewalks, roadways, subsurface drainage, and landscaping features based on the lot characteristics and proximity to the fault at the project site. In addition, *Geological and Geotechnical Feasibility Study* provides specific recommendations regarding slope stability and energy dissipation measures, the recommended location of homesites on Lots #8, #9, #11, and Lots #13 through #16, and reconstruction of the steep slope near Lots #8 and #9. All slope stability and energy dissipation measures shall be incorporated into the site grading plans and constructed concurrent with grading activities.

During the course of construction, the project applicant shall contract with a qualified engineering geologist to be on site during all grading operations to make onsite remediation and recommendations as needed, and perform required tests,

observations, and consultation as specified in the *Geological and Geotechnical Feasibility Study*. Prior to final inspection, the project applicant shall provide certification from a qualified professional that all development has been constructed in accordance with all applicable geologic and geotechnical reports.

The third paragraph on page 3.5-21 of the DEIR has been revised as follows:

Mitigation Measure

MM 3.5-3 Prior to issuance of grading and building permits, ~~Monterey County Planning Department and Building Services Department shall require that~~ the project applicant shall contract with a ~~certified~~ registered engineer to design subsurface drainage system for review and approval by Monterey County Resource Management Agency – Director of Planning and the Director of Public Works where perched groundwater exists on the project site, including but not limited to Lots #2, #8, #9, #10, #11 and Lots #13 through #16. Subsurface drainage system shall be designed and installed in accordance with the recommendation provided in the *Geological and Geotechnical Feasibility Study* prepared by D&M Consulting Engineers in August 2001. These improvements shall be included in the final improvement plans for the proposed project and installed concurrent with site preparation and grading activities associated with future residential development. Prior to final inspection of grading permits for subdivision improvements, the project applicant shall submit certification prepared by a registered engineer verifying that the improvements were installed according to the findings and recommendations in the *Geological and Geotechnical Feasibility Study*.

The third paragraph on page 3.5-23 of the DEIR has been revised as follows:

Mitigation Measure

MM 3.5-6 Prior to issuance of grading permit ~~issuance~~, Monterey County Public Works Department, Planning Department, and Water Resources Agency shall require that the project applicant contract with a registered engineer to prepare an erosion control plan and a Storm Water Pollution Prevention Plan (SWPPP) that documents best management practices (filters, traps, bio-filtration swales, etc.) to ensure that urban runoff contaminants and sediment are

minimized during site preparation, construction, and post construction periods. The erosion control plan and SWPPP shall incorporate best management practices consistent with the requirements of the National Pollution Discharge Prevention System and *Monterey County Ordinance 16.12.80, Land Clearing*. The erosion and sediment control plan shall specify which erosion control measures necessary to control runoff shall be in place during the rainy season (November 1 through April 15) and which measures shall be in place year round. The SWPPP shall be consistent with the Central Coast Water Quality Control Board standards.

AMENDMENTS TO SECTION 3.6, GROUNDWATER RESOURCES AND HYDROGEOLOGY

Revisions to **Section 3.6**, **Groundwater Resources and Hydrogeology** have been provided in their entirety at the back of this section (Section 3.0, Amendments to the DEIR) of the FEIR. Due to changes in circumstances as a result of ongoing groundwater studies and implementation of new basin management programs, the entire Section 3.6 has been provided in track changes (~~strikethrough~~ and underline). These changes provide clarification and would not result in a change of significance compared to the previous findings.

AMENDMENTS TO SECTION 3.7, SURFACE HYDROLOGY AND WATER QUALITY

The third paragraph on page 3.7.1 of the DEIR has been revised to update the watershed setting as follows:

~~HYDROLOGY~~WATERSHED

The project site is located in the ~~southeastern section of the Monterey Peninsula~~El Toro Creek-Salinas River subarea of the Salinas watershed as shown in **Figure 3.7-1**. The Salinas Valley drains an area of approximately 3,950 square miles to the Salinas River. The watershed basin consists of deep alluvial deposits that are several hundreds of feet thick. The groundwater basin in this area is recharged primarily through percolation from the Salinas River during the rainy season. Average annual flows to the ocean from the Salinas River are approximately 282,000 acre-feet per year (AFY) during the spring and summer months. The two reservoirs on the Nacimiento and San Antonio Rivers regulate flow to minimize outflow to the ocean and to maximize groundwater recharge through the Salinas River bed.

The El Toro Creek-Salinas River subarea flows to the Monterey Bay via the Salinas River and Toro Creek. This watershed is partially located within the Geosyntec Study Area, a topography-based boundary created by Geosyntec Consultants to evaluate groundwater resource capacity as discussed in **Section 3.6, Groundwater Resources and Hydrogeology**. As with the groundwater basin, the Geosyntec Study Area is not consistent with the El Toro Creek-Salinas River subarea or Salinas River watershed boundaries, but contains a portion of the watershed.

~~The Monterey Peninsula watershed contains 75,113 acres and experiences on average 14.9 inches of rain annually. The Monterey Peninsula watershed consists of a hilly coastal plain that slopes northward toward the Salinas Valley and westward toward Monterey Bay. The watershed includes the City of Monterey, the City of Sand City, portions of the City of Seaside and City of Del Rey Oaks, and portions of unincorporated Monterey County. The area is characterized by young, active dunes near the coast, and mature dunes on the former Fort Ord to the east. Land surface elevations range from sea level at the beach to approximately 900 feet near the eastern boundary of the basin. The watershed recharges the groundwater aquifers primarily from infiltration of precipitation, with minor additional amounts contributed by deep percolation of irrigation water, leaky pipes, septic systems, injection wells, and possibly stream flow.~~

On page 3.7-3 of the DEIR a new **Figure 3.7-1, U.S. Geological Survey Watersheds within Monterey County** figure has been added before section 3.7.2, Regulatory Setting. This added figure subsequently renumbered **Figure 3.7-1, Watersheds and Proposed Detention Basins** as **Figure 3.7-2**. All references to **Figure 3.7-1, Watersheds and Proposed Detention**

Basins throughout the DEIR have subsequently been revised to reference **Figure 3.7-2, Watersheds and Proposed Detention Basins**.

Mitigation measure **MM 3.7-3** on page 3.7-13 of the DEIR has been revised as follows:

Mitigation Measure

MM 3.7-3 In order to prevent the potential contamination of downstream waters from urban pollutants, Monterey County Planning Department, Public Works Department and Water Resources Agency shall require that the storm drainage system design, required under mitigation measure **MM 3.7-2**, includes a Storm Water Pollution Prevention Plan (SWPPP) and Low Impact Development (LID) design techniques. Such techniques include but ~~is~~ are not limited to the following components: grease/oil separators (where required by Public Works); sediment separation; vegetative filtering to open drainage conveyances and retention basins; and on-site percolation of as much run-off as feasible, including diversion of roof gutters to French drains or dispersion trenches, dispersion of road and driveway runoff to vegetative margins, or other ~~similar methods~~ LID design and pollution control techniques. Said provisions shall be incorporated into the storm drain system plans submitted to the county ~~for plan check~~ prior to issuance of building or grading permits, whichever occurs first. A report shall be submitted prior to final inspection verifying that installation of the system occurred pursuant to said drainage system plan. In the event that the drainage system was not installed according to recommendations of plan, measures shall be recommended by a qualified drainage engineer or equal professional recommendations to ensure that the final installed system meets the recommendations of the approved drainage plan. All plans shall meet current Public Works and Building Department standards.

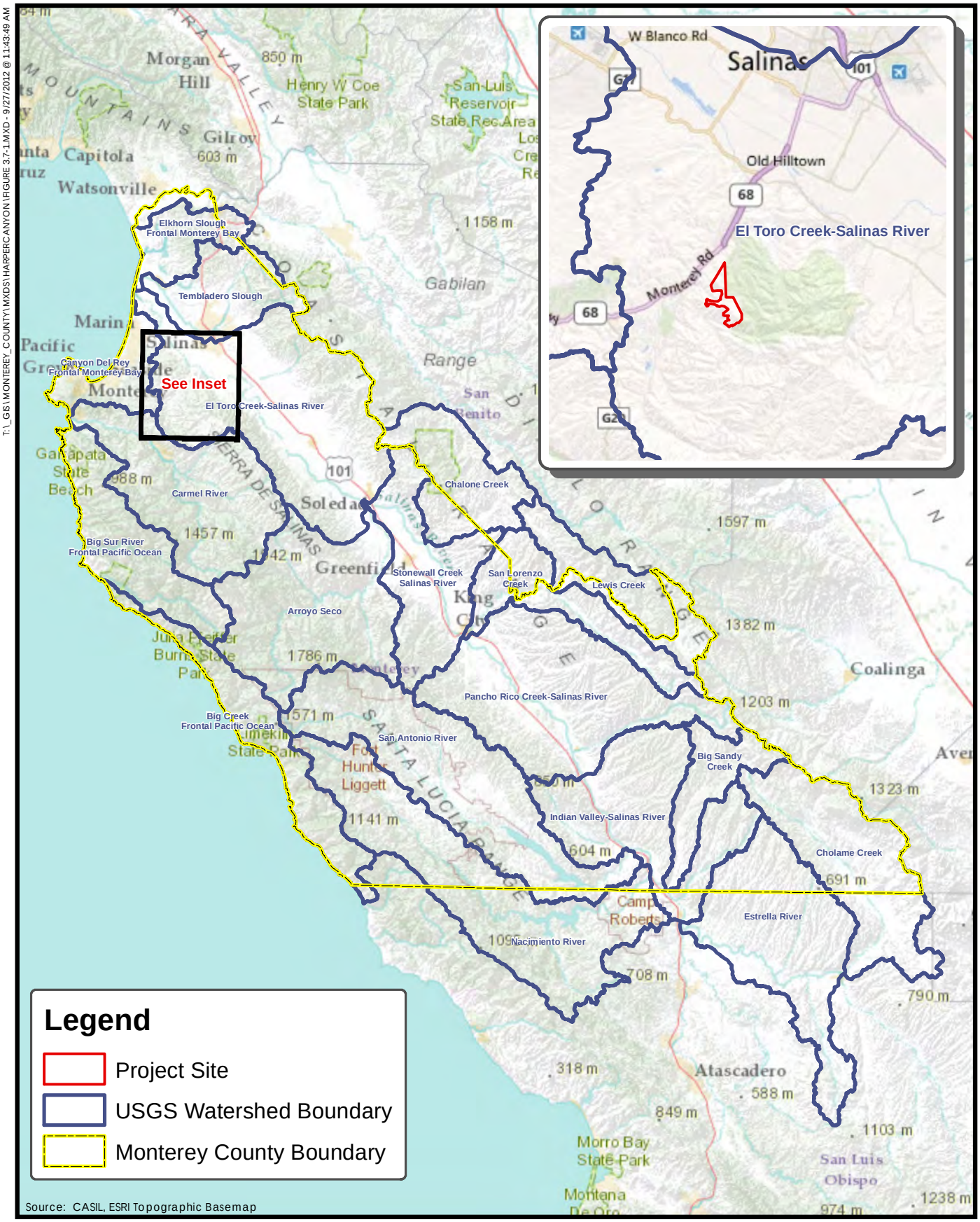

Figure 3.7-1
U.S. Geological Survey Watersheds within Monterey County

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AMENDMENTS TO SECTION 3.8, LAND USE, POPULATION AND HOUSING

Table 3.8-1 on Page 3.8-3 has been revised as follows:

TABLE 3.8-1
MONTEREY COUNTY GENERAL PLAN (1982)
CONSISTENCY ANALYSIS

Policy #	Policy	Consistency Discussion
26.1.2	The County shall discourage premature and scattered development.	**Consistent**. The project site is designated "Rural Residential Density" and "Low Density Residential." The proposed project includes residential adjacent to existing rural residential development located to the southwest of the project site. Therefore, the proposed project would not be considered premature or scattered development.
26.1.4.3	A standard tentative subdivision map and/or vesting tentative and/or Preliminary Project Review Subdivision map application for either a standard or minor subdivision shall not be approved until: (1) The applicant provides evidence of an assured long-term water supply in terms of yield and quality for all lots, which are to be created through subdivision. A recommendation on the water supply shall be made to the decision making body by the County's Health Officer and the General Manager of the Water Resources Agency, or their respective designees. (2) The applicant provides proof that the water supply to serve the lots meets both the water quality and quantity standards as set forth in Title 22 of the California Code of Regulations, and Chapters 15.04 and 15.08 of the Monterey County Code subject to the review and recommendation by the County's Health Officer to the decision making body.	**Consistent.** Monterey County Health Department – Environmental ~~Division~~ Health Bureau had Todd Engineers prepare a *Project Specific Hydrogeologic Report* ~~which was prepared by Todd Engineers,~~ in accordance with Title 19 of the Monterey County Code. According to the *Project Specific Hydrogeologic Report* and Monterey County Health Department, Environmental Health ~~Division~~Bureau, the proposed project has a long-term water supply. The water demand of 12.75 AFY associated with the proposed project shall be accommodated by an approximately 29.9 AFY of recharge surplus within the San Benancio subarea of the El Toro Groundwater Basin. Proper implementation of mitigation measures **MM 3.6-2a** through **MM 3.6-2c** incorporated in **Section 3.6, Groundwater Resources and Hydrogeology** would ensure that potable water for the proposed project meets the water quality and quantity standards as set forth in Title 22 of the California Code of Regulations, and Chapters 15.04 and 15.08 of the Monterey County Code.

The third paragraph on Page 3.8-11 has been revised as follows:

Inclusionary Housing Ordinance

The *Monterey County Inclusionary Housing Ordinance* was originally adopted in 1980 and has had subsequent amendments over the years. In 2003, Ordinance No. 04185 was adopted, amending Chapter 18.40.020 of the Monterey County Code, which is the most current *Monterey County Inclusionary Housing Ordinance*.

According the County of Monterey Housing and Redevelopment Office, the proposed project is subject to the *Monterey County Inclusionary Housing Ordinance* at the time the application was deemed complete, which was in November 2002. The applicable *Inclusionary Housing Ordinance* is Ordinance 3419, which requires developers to contribute 15 percent of the new residential lots or units as low-and moderate-income units. This ordinance allows several options for compliance, including payment of an in-lieu fee. According to County of Monterey Housing and Redevelopment Office, payment of the in-lieu fee equal to $409,555.50 ($160,610/inclusionary unit) shall satisfy compliance with the *Monterey County Inclusionary Housing Ordinance*. Therefore, the proposed project is **consistent** with the *Monterey County Inclusionary Housing Ordinance*.

The first paragraph on Page 3.8-12 has been revised as follows:

Development on Slopes in Excess of 30 Percent

County policy and Comprehensive Development Plan Policies restrict, but do not prohibit, development on slopes in excess of 30 percent. These policies are implemented by Section 21.64.230 of the *Monterey County Zoning Code* and requires a use permit for all development on slopes that are 30 percent or more. Section 21.64.230.E of the *Monterey County Zoning Code* requires one of the following findings to be made in order to grant a use permit for most development on slopes in excess of 30 percent:

- ~~Either that there are no feasible alternatives which would allow development to occur on slopes less than 30 percent; or~~

- ~~That the proposed development better achieves the goals, policies, and objectives of the *Monterey County General Plan* and applicable area plan than other development alternatives.~~

- In order to approve development on slopes of 30% or more, the Appropriate Authority must find, in addition to other necessary findings, based on substantial evidence, that:

a) there is no feasible alternative which would allow development to occur on slopes of less than 30%; or

b) that the proposed development better achieves the goals, policies and objectives of the Monterey County General Plan and applicable area plan than other development alternatives.

- The Appropriate Authority shall require such conditions and changes in the development as it may deem necessary to assure compliance with Section 21.64.230(E) (1).

The project site contains approximately 97 acres of steep slopes in excess of 30 percent and includes a use permit to improve an existing roadway that is located on slopes greater than 30 percent. Roadway improvements include widening the existing roadway, installation of engineer fill, paving, and installation of utilities in the right-of-way. There is no alternative alignment that would eliminate development of the roadway on slopes less than 30 percent. The overall design of the proposed project minimizes development on slopes in excess of 30 percent with the location of home sites on slopes less than 30 percent. Therefore, the proposed project is **consistent** with the Section 21.64.230 of the *Monterey County Zoning Code*.

The second full paragraph on page 3.8-14 has been revised as follows:

As discussed in **Section 3.10, Transportation and Circulation** under project conditions and cumulative project conditions, traffic generated by the proposed project would contribute to the deficient levels of service along State Route 68…… …….The proposed project list in the *Regional Impact Fee Nexus Study Update* includes a project referred to as the "State Route 68 Commuter Improvements," which would widen a 2.3 mile section of State Route 68 to four lanes from the existing four lane section (adjacent to Toro Park) to Corral de Tierra Road. The geometric design details of this improvement are not known at this time. The *Regional Impact Fee Nexus Study Update* has ~~not~~ been approved and but no funding is currently available for the implementation of the widening of State Route 68 to four lanes or for implementation of the South Fort Ord Bypass. Implementation of the mitigation measures in Section 3.10 ~~enclosed herein~~ would require the project applicant to ~~construct a~~ contribute their fair share towards the ~~1.1 mile portion of~~ State Route 68 Commuter Improvements, as well as other regional improvement projects, through payment of the TAMC RDIF ~~and pay regional traffic impact fees~~ to the Transportation Agency of Monterey County (TAMC) in order to mitigate for cumulative impacts to roadway segments along State Route 68. Implementation of these mitigation measures would accelerate implementation of specific capacity improvements along Highway 68 consistent

with TAMC's project priorities, and would address the project's cumulative impacts regionally. ~~directly contribute to the improvements along the State Route 68 corridor, which would off-set any traffic impact on roadway segments caused by increased trip volume associated with the proposed project.~~ Therefore, the proposed project would be **consistent** with the RTP.

AMENDMENTS TO SECTION 3.9, PUBLIC SERVICES AND UTILITIES

The third paragraph on page 3.9-2 of the DEIR has been revised as follows:

California Highway Patrol

The California Highway Patrol has jurisdiction and law enforcement powers on all County roads and state highways. The California Highway Patrol is particularly concerned with enforcement of the vehicle code and other matters related to vehicle use such as traffic accidents. The California Highway Patrol services the Toro Area Plan planning area through its substation located at ~~19055 Portola Drive near~~ 960 East Blanco Road in the City of Salinas.

Table 3.9-1 paragraph on page 3.9-2 of the DEIR has been revised as follows:

TABLE 3.9-1
ENROLLMENT DATA FOR WASHINGTON UNION AND SALINAS UNION HIGH SCHOOL DISTRICTS
(SCHOOL YEAR ~~2005~~2007-2006~~2007~~)

School	School Year ~~2005~~2007-~~2006~~2007			
	Grades	Enrollment	Pupil Teacher Ratio	Average Class Size
Washington Union School District		**~~963~~959**	**21.6~~5~~**	**~~24.5~~ 27.1**
Toro Park Elementary	K - 3rd	~~412~~395	~~19.6~~19.3	~~19.6~~ 19.4
Washington Elementary	4th - 5th	~~228~~225	28.~~5~~1	28.~~5~~1
San Benancio Middle School	6th -8th	~~323~~339	~~20.6~~21.3	~~25.4~~ 27.1
Salinas Union High School District		**~~13,578~~ 13,572**	**~~23.5~~ 24.7**	**~~30.0~~ 26.7**
Salinas High School	9th - 12th	~~2,634~~2,549	~~26.3~~ 25.5	~~31.8~~ 30.2

Source: California Department of Education~~2009~~

The second to last paragraph on page 3.9-4 has been revised as follows:

California Utilities Service currently has a valid permit to operate their treatment facility according to a letter received from Central Coast Regional Water Quality Control Board (RWQCB) dated April 7, 2006, which is included in Appendix H. However, there is a minor clerical error in the permit in that the permit is for a pond type of treatment facility. The wastewater treatment plant is operating as a

sequencing batch reacting type of facility. It has been confirmed by the RWQCB that it was not the fault of California Utilities Service that the permit was issued for the wrong type of facility. The actual type of treatment facility is superior and provides better quality treatment than the type of facility the permit was originally issued for by the RWQCB. California Utilities Services submitted an application to the RWQCB in April 2005 to correct the clerical error regarding the type of facility. Their discharge permit was granted by CRWQCB on February 9, 2007. The permit allows CUS to collect, treat, store, and discharge up to 300,000 gallons per day.

Mitigation measure MM 3.9-4 starting at the second paragraph on page 3.9-11 of the DEIR has been revised as follows:

Mitigation Measure

MM 3.9-4 Prior to filing of the Final Subdivision Map, Monterey County Bureau ~~Division~~ of Environmental Health shall require that the project applicant prepare and submit for review and approval wastewater collection improvement plans and calculations prepared by a registered engineer that demonstrate adequate capacity. The wastewater collection improvement plans shall be subject to approval by California Utility Service, Monterey Bay Unified Air Pollution Control District, and the County of Monterey. Upon review of the design, the project applicant shall be required to enter into a wastewater main extension agreement with California Utility Service.

In addition, prior to approval of any building permits, the applicant shall verify that there is sufficient treatment capacity in the California Utilities Service, Inc. (CUS) wastewater treatment facility to address the wastewater needs of the proposed project. The project applicant shall submit proof to Monterey County that the existing wastewater treatment plant is meeting the current effluent limitations as required per Waste Discharge Requirement Order No. R3-2007-0008. If the CUS facility exceeds its permitted capacity, then the County of Monterey would not issue a building permit until such time as the CUS has attained a revised permit from the Regional Water Quality Control Board.

~~In addition, prior to approval of any building permits, the applicant shall verify that there is sufficient treatment capacity in the California Utilities Service, Inc. (CUS) wastewater treatment facility to address the wastewater needs of the proposed project. The project applicant shall submit proof to Monterey County that the existing wastewater treatment plant is meeting the current effluent limitations as required per Waste Discharge Requirement Order No. R3-2007-0008. If the~~

~~CUS facility exceeds 60% of its existing capacity, or the project would cause the facility to exceed its permitted capacity, then the County of Monterey would not issue a building permit until such time as the CUS has attained a revised permit from the Regional Water Quality Control Board.~~

The second paragraph on page 3.9-10 has been revised as follows:

> The project site includes a 180-acre remainder parcel. The project applicant has committed to donating approximately 154-acres of the remainder parcel by deeding the property to the Monterey County Parks Department as an expansion of the adjacent Toro County Park pursuant to Section 66428(a)(2) of the Subdivision Map Act. Since the demand for local and regional parkland is minimal and the project applicant has committed to donating approximately 154 acres of the remainder parcel to the Monterey County Parks Department, the impact on local and regional parkland would be considered **less than significant**. No mitigation measures are necessary.

The first paragraph of Impact 3.9-5 on page 3.9-13 has been revised as follows:

> As discussed in **Section 3.6, Groundwater Resources and Hydrogeology**, the proposed project's potable water of 12.75 acre feet per year (AFY) will be procured from two existing wells. The two wells would be operated by California-American Water Company (Cal-Am) as one water system. The Oaks Well (also referred to as Well B) is located in the nearby Oaks subdivision and the New Well (also referred to as Well C) is located south of Harper Canyon Road (Assessor's Parcel Number 416-621-001-000) as shown in **Figure 3.6-~~1~~2, ~~Groundwater Basin~~Geosyntec Study Area Subareas and Well Locations**. The Oaks Well would supply water to the proposed project and the approved Oaks subdivision, a nine-unit subdivision located along San Benancio Road. The Oaks Subdivision has an estimated water demand of 4.66 AFY providing a total estimated water demand for the combined water system of 17.41 AFY (15,542 gallons per day). Both existing wells would procure water from the Paso Robles Aquifer within the ~~San Benancio Gulch subarea of the El Toro Groundwater Basin~~Corral de Tierra Subbasin of the Salinas Valley Groundwater Basin. ~~According to the *Project Specific Hydrogeologic Report – Harper Canyon Realty LLC Subdivision,*~~ Cal-Am would operate ~~this~~ the wells and treatment facility. They would be required to return the exact amount of water to the subdivisions as pumped from the wells to ~~water system as a satellite system will~~ ensure that water procured from within the Salinas Valley Groundwater Basin Assessment Zone 2C~~,~~ will not be exported to Cal-Am's main water system and, which is supplied by wells that are currently under a moratorium designated as a B-8 zoning district, and more importantly vice versa (see **Section 3.6, Groundwater Resources and Hydrogeology** for more information).

AMENDMENTS TO SECTION 3.10, TRANSPORTATION AND CIRCULATION

Exhibits 6 and 7 of the Traffic Impact Analysis prepared by Hatch Mott MacDonald have been revised to describe Highway 68 as a 2-lane rural highway in lieu of a 2-lane arterial. The revisions to the Traffic Impact Analysis are provided in **Exhibits D** and **E**, respectively, of this FEIR.

After the last paragraph on page 3.10-1 of the Recirculated DEIR the following paragraph has been added:

Regional Impact Fee Nexus Study Update

In March 2008, TAMC updated the *Nexus Study for a Regional Development Impact Fee*. The project list in the *Regional Impact Fee Nexus Study Update* includes two improvement projects recommended for Existing Conditions. These projects include the Marina-Salinas Corridor and the State Route 68 Commuter Improvements, which are described in further detail below.

Mitigation measure MM 3.10-1 of the Recriculated DEIR has been revised as follows:

Mitigation Measure

MM 3.10-1 Prior to issuance of building permits within the subdivision, the project applicant(s) shall contribute their proportionate fair share, as calculated by the County, towards the "State Route 68 Commuter Improvements" through payment of the TAMC Regional Development Impact Fee (RDIF) in effect at that time, as required under mitigation measure **MM 3.10-6.**

~~**MM 3.10-1** Prior to issuance of building permits, the project applicant shall comply with one of the following actions to improve operations at intersections and roadway segments along State Route 68:~~

~~a. Upon issuance of each building permit for proposed development on the project site, each applicant shall contribute their proportionate fair share, as calculated by the County, towards the "State Route 68 Commuter Improvements" through payment of the TAMC Regional Development Impact Fee (RDIF) in effect at that time, as required under mitigation measure **MM 3.10-6**. The TAMC RDIF payment will be earmarked for completion of the Caltrans Project Study Report (PSR) for the 2.3-mile "State Route 68 Commuter Improvements" project identified within the TAMC RDIF. or;~~

~~b. Prior to the issuance of the first building permit for proposed development on the project site, the applicant shall pay the entire fair share for all 17 single family residential units towards the "State Route 68 Commuter Improvements" through payment of the TAMC RDIF, as required under mitigation measure **MM 3.10-6**. or;~~

~~c. The project applicant shall fund, initiate and complete a Caltrans Project Study Report (PSR) process for the 2.3-mile "State Route 68 Commuter Improvements" project identified within the TAMC RDIF. The PSR process will identify the total roadway improvement costs, as well as each project applicant's proportionate fair share of those costs. If the cost of the PSR for the "State Route 68 Commuter Improvements" exceeds the project's proportionate fair share of the TAMC RDIF obligation, the applicant shall be reimbursed the amount in excess of their proportionate fair share. Monterey County will enter into a reimbursement agreement with the project applicant to refund the costs in excess of their proportionate fair share of the TAMC RDIF as additional fees are collected from other applicants and sources.~~

Mitigation measure **MM 3.10-6** of the Recirculated DEIR has been revised as follows:

Mitigation Measure

MM 3.10-6 The Monterey County Resource Management Agency shall require the project applicant to pay the project's fair share of traffic impact fees in effect at the time of building permit applications for future development on the project site. Such fees may include, but are not necessarily limited to, and the TAMC Regional Development Impact Fee (RDIF). and Monterey County ad hoc mitigation fees. Payment of the TAMC RDIF may be done as part of compliance with mitigation measure **MM 3.10-1**.

~~The Monterey County Resource Management Agency shall require the project applicant to pay any traffic impact fees in effect at the time of building permit applications for future development on the project site. Such fees include, but are not limited to, the TAMC Regional Development Impact Fee (RDIF). Payment of the TAMC RDIF may be done so under the options listed in mitigation measure **MM 3.10-1**. The funds contributed toward the "State~~

~~Route 68 Commuter Improvements" project as required under mitigation measure **MM 3.10-1** shall be credited towards their total proportionate fair share of the TAMC RDIF, as they will be contributing their fair share towards regional improvements identified within the TAMC *Regional Improvement Nexus Study Update*. If implementation of mitigation measure **MM 3.10-1** requires the project applicant(s) to contribute towards the "State Route 68 Commuter Improvements" in an amount greater than their fair share identified in the PSR and/or their total fair share of the TAMC RDIF, the project applicant shall be reimbursed as additional funds are collected by other applicants or sources. Payment of the RDIF is considered appropriate and sufficient mitigation for cumulative traffic impacts.~~

The References/Documentation of the Recriculated DEIR has been revised as follows:

REFERENCES/DOCUMENTATION

HatchMott MacDonald (formerly Higgins Associates). *Traffic Impact Analysis*. December 15, 2009.

Monterey, County of. Monterey County General Plan. August 1982 with Amendments through November 5, 1996.

Monterey, County of. *Toro Area Plan*. September 1983 with Amendments through 1998.

Transportation Agency of Monterey County (TAMC.) *General Bikeways Master Plan*. May 2005

Transportation Agency of Monterey County (TAMC). 2008. *Regional Impact Fee Nexus Study Update*. March 27, 2008. Prepared by Kimley-Horn and Associates, Inc.

Transportation Agency of Monterey County (TAMC). 2010. *2010 Monterey County Regional Transportation Plan*.

AMENDMENTS TO SECTION 5.0, CUMULATIVE IMPACT SUMMARY

Cumulative Impact 3.6-4 on page 5-14 of the DEIR has been revised as follows:

GROUNDWATER RESOURCES AND HYDROGEOLOGY

Cumulative Adversely Affect on the Surrounding Subareas

Impact 3.6-4 Implementation of the proposed project, when combined with other development in the vicinity, will increase the demand on groundwater resources within the Corral de Tierra Subbasin of the Salinas Valley Groundwater Basin. Groundwater pumping has the potential to cumulatively influence groundwater supplies within in the adjacent subbasins and the basin as a whole. However, the potable water for the project would be procured within Monterey County Water Resources Agency's Zone 2C, which funds the Salinas Valley Water Project. Therefore ~~(without septic tank systems and minimal landscaping) would reduce the amount of return flow to the El Toro Groundwater Basin by approximately 5.88 AFY. However, the four individual subareas that an reduction and return flow to the of the Basin are considered interconnected, and combined would have net surplus of approximately 314.82 AFY. Therefore, the loss of 5.88 AFY would be considered minimal and according to Monterey County Health Department, Environmental Health Division, the proposed project would have negligible effects on the aquifer in this region.~~ This would be considered a **less than significant cumulative impact**.

The project specific analysis prepared by Todd Engineering included an analysis of how the proposed project would affect groundwater supply upon "buildout" of lots located the El Toro Groundwater Basin. That report made certain assumptions regarding buildout, water usage and demand, landscaping, use of septic systems, and other inputs, building on previous groundwater reports prepared by Fugro. Specifically, the report estimated changes in groundwater conditions assuming that the Harper Canyon subdivision would connect to a sanitary sewer system, and thus would not contribute "return flows" – recharge – from septic systems. The Todd Engineering report concluded that although the proposed project may contribute to an adverse cumulative impact on some of the individual subareas that are currently stressed, the four subareas are ultimately interconnected and will maintain an overall water surplus where recharge exceeds extraction. The project's contribution would be considered minimal. This conclusion was similar to the conclusions of the subsequent *El Toro Groundwater Study* prepared by Geosyntec.

According to the Geosyntec Study, the primary aquifer is currently (2007) in overdraft but groundwater production is considered good and pumping could be sustained for decades in the vicinity of the project site (as well as other areas) because it was located in an area with a large saturated thicknesses of the primary aquifer. In addition, the Geosyntec Study update (2010) determined that the aquifer in the immediate vicinity of the project site is hydrogeologically contiguous with the aquifers to the east in the Salinas Valley, rather than the less productive and stressed areas within the Geosyntec Study area.

~~The proposed project will include minimal landscaping and will dispose of wastewater at a wastewater treatment plant and will not include septic tanks at the project site. According to Todd Engineers, this is not consistent with the assumptions made for the predicted water demand upon buildout of the El Toro Groundwater. The water demand upon buildout of the El Toro Groundwater Basin assumed that approximately 57.6 percent of the total residential demand would be for interior water uses and 42.4 percent for exterior water use. Approximately 80 percent of the interior water demand was assumed to return to the groundwater basin through septic tank systems and 20 percent of the exterior water demand was assumed to be return to the groundwater basin through percolation. Since wastewater disposal for the proposed project will be conveyed to a wastewater treatment plant and the proposed project would have minimal landscaping, the loss of return flow to the El Toro Groundwater Basin is estimated to be approximately 5.88 AFY (12.75 AFY total water demand x 57.60 percent interior usage x 80 percent interior usage return via septic system). This reduction in water, which would recharge the groundwater basin, may affect cumulative development within some of the four interconnected subareas located north of the Chupines fault within the El Toro Groundwater Basin.~~

~~As shown in Table 3.6-4, El Toro Groundwater Basin Water Surplus Upon Buildout Minus Loss of Return Flow, the loss 5.88 AFY of return flow lost due to the proposed project is greater than the 4.7 AFY water surplus for the El Toro Creek subarea. According to the *Project Specific Hydrogeology Report – Harper Canyon Realty LLC Subdivision* the water balance for the El Toro Creek subarea should be recalculated if future developments are proposed within that subarea. Upon buildout of the El Toro Groundwater Basin, the Corral de Tierra subarea would not meet the estimated water demands by approximately 174.4 AFY, with or without the proposed project. According to the *Project Specific Hydrogeology Report – Harper Canyon Realty LLC Subdivision* development should be extremely rationed in the Corral de Tierra subarea.~~

~~Table 3.6-4~~
~~El Toro Groundwater Basin~~

~~Water Surplus Upon Buildout Minus Loss of Return Flow~~

~~Subarea~~	~~Buildout Surplus (AFY)~~	~~Loss of Return Flow (AFY)~~	~~Remaining Surplus (AFY)~~
~~San Benancio Gulch~~	~~29.9~~	~~-5.88~~	~~24.02~~
~~El Toro Creek~~	~~4.7~~	~~-5.88~~	~~-1.18~~
~~Corral de Tierra~~	~~-174.4~~	~~-5.88~~	~~-180.26~~
~~Watson Creek~~	~~460.5~~	~~-5.88~~	~~454.62~~

~~NOTES: AFY = Acre Feet per Year~~

~~1995 Demand and Buildout based on projections from Additional Hydrogeologic Update, El Toro Area (Fugro, 1996).~~

~~Recharge is based on 2.18 inches per year using soil moisture methodology (Fugro, 1996).~~

~~Source: Todd Engineers 2003~~

~~Although the loss of return flow associated with the proposed project may have an adverse impact on some of the individual subareas, the four subareas are considered to be interconnected and will maintain an overall water surplus of approximately 314.82 AFY. Since four interconnected areas would have net surplus of approximately 314.82 AFY, the loss of 5.88 AFY would be considered minimal. According to Monterey County Health Department, Environmental Health Division, the proposed project would have negligible effects on the aquifer in this region (MCDH 2002a). Therefore, this would be considered a **less than significant cumulative impact**.~~

As discussed in this section, the proposed project is located within Monterey County Water Resources Agency's Zone 2C, which benefits from additional water resources from the Nacimiento and San Antonio Reservoirs via the Salinas River and the Salinas Valley Water Project (SVWP). The project applicant contributes financially to the SVWP and its groundwater management strategies through an assessment on the property. The project's impact on the groundwater basin is therefore mitigated by this contribution, as the SVWP provides a regional mitigation strategy for the groundwater basin and its subbasins.

According to DWR basin maps, the project site and wells the would procure water for the proposed project are located in the northeastern portion of the Corral de Tierra Subbasin (DWR 2010) of the Salinas Valley Groundwater Basin. Since the

SVWP went into operation in 2010, the entire basin appears to be becoming more hydrologically balanced, as a noticeable change in depth to groundwater levels has been observed in most subbasins.

Although the SVWP will not deliver potable water to the project site, it was developed to meet projected water demands based on development and population forecasts. The proposed project has been deemed consistent with AMBAG's 2008 population forecasts, which was used for forecasting demands for the SVWP. For all of these reasons, the cumulative effect of the project on water demand is considered **less than significant.**

Cumulative Impact 3.10-7 on page 5-19 of the DEIR has been revised to updated to reflect the recirculated DEIR and additional revisons to mitigation measure **MM 3.10-6** (noted in double underline) as follows:

Note to reader: The following changes to the cumulative traffic analysis were previously documented in the RDEIR (2010). The changes are documented again here to complete the record of changes to the DEIR.

TRANSPORTATION AND CIRCULATION

Cumulative Adverse Impact on Level of Service

Impact 3.10-6 Implementation of the proposed project would contribute to a cumulative increase in traffic volumes that would indirectly result in or exacerbate unacceptable levels of service on the regional roadway network. This would be considered a **significant cumulative impact.**

A number of other projects have been proposed within the geographical study area that have not yet been approved or even formally submitted for evaluation. The extensive list of cumulative projects relevant to this traffic study was developed in consultation with the County of Monterey Planning and Public Works staff and is included in Appendix G of the Traffic Impact Analysis in **Appendix I** of this EIR. The geographic reach of the projects considered within the cumulative analysis encompasses a regional large area, including all Monterey Peninsula cities and large areas of unincorporated Monterey County territory.

The proposed project, combined with the approved and cumulative relevant projects, would generate an estimated 358,002 daily trips within this regional planning area, with 22,952 trips (12,812 in, 10,140 out) during the A.M. peak hour and 34,258 trips (16,362 in, 17,896 out) during the P.M. peak hour. The Harper Canyon subdivision would contribute approximately 0.045 percent of total volume towards the cumulative daily trips, as measured regionally. Approximately five

percent of the total cumulative trips generated during the A.M. peak hour and approximately four percent of the total cumulative trips generated during the P.M. peak hour find their way onto State Route 68.

Intersections

Intersection levels of service for Cumulative Conditions are summarized in **Table 3.10-11, Intersection Level of Service for Cumulative Project Conditions**. All six study intersections would operate at unacceptable levels of service under Cumulative Conditions. Similar to Background Plus Project Conditions, all six study intersections would be impacted by the project because of LOS F operating conditions. Each signalized intersection operating deficiently under Cumulative Conditions is described below.

State Route 218/State Route 68, Intersection #1 (Signalized) would operate at LOS E during the weekday A.M. peak hour and LOS F during the weekday P.M. peak hour (average delay of 63.9 and 111.4 seconds, respectively). This would be considered a significant impact. Widening and re-striping the northbound approach to include one left-turn lane, one through lane, and one right-turn lane; widening and re-striping the eastbound approach to include two left-turn lanes, one through lane and one shared through/right-turn lane; and installing southbound right-turn overlap phasing at this intersection would improve operations to acceptable LOS C during the A.M. and P.M. peak hours.

York Drive/State Route 68, Intersection #2 (Signalized) would operate at LOS F during the weekday A.M. and P.M. peak hours (average delay of 178.5 and 180.5 seconds, respectively). Since this signalized intersection operates at LOS F, the addition of one trip to this intersection during the A.M. or P.M. peak hours would be considered a significant impact. The addition of a second eastbound through lane in conjunction with the addition of a second westbound through lane as recommended under Existing Conditions would improve operations at this intersection to an acceptable LOS C during the A.M. and P.M. peak hours.

Pasadera Drive-Boots Road/State Route 68, Intersection #3 (Signalized) would operate at LOS F during the both the weekday A.M. and P.M. peak hours (average delay of 189.9 and 184.6 seconds, respectively). During the A.M. peak hour, this signalized intersection would degrade from LOS E with a volume-to-capacity ratio of 1.10 under Background Plus Project Conditions to LOS F with a volume-to-capacity ratio of 1.52 under Cumulative Conditions. During the P.M. peak hour, this intersection would degrade from LOS D with a volume-to-capacity ratio of 1.00 under Background Plus Project Conditions to LOS F with a volume-to-capacity ratio of 1.35 under Cumulative Conditions. Since the level of service would degrade from LOS E to LOS F and the volume-to-capacity ratio would increase by 0.42

during the A.M. peak hour, and the level of service would degrade from LOS D to LOS F and the volume-to-capacity ratio would increase by 0.35 during the P.M. peak hour this would be considered a significant cumulative impact. The addition of a second eastbound through lane in addition to the addition of a second westbound through lane recommended under Existing Conditions, would improve operations at this intersection to an acceptable LOS B during the A.M. and P.M. peak hours.

Laureles Grade/State Route 68, Intersection #4 (Signalized) would operate at LOS F during the weekday A.M. and P.M. peak hours (average delay of 173.0 and 226.5 seconds, respectively). During the A.M. peak hour, this signalized intersection would degrade from LOS E with a volume-to-capacity ratio of 1.11 under Background Plus Project Conditions to LOS F with a volume-to-capacity ratio of 1.49 under Cumulative Conditions. Since the level of service would degrade from LOS E to LOS F and the volume-to-capacity ratio would increase by 0.38 during the A.M. peak hour and the level of service is LOS F during the P.M. peak hour, the addition of one trip to this intersection during either the A.M. or P.M. peak hour would be considered a significant impact. Converting the northbound right-turn to right-turn overlap phasing in conjunction with the addition of a second eastbound through lane and a second westbound through lane as recommended under Existing Conditions, would improve operations at this intersection to an acceptable LOS B during the A.M. peak hour and LOS C during the P.M. peak hour.

Corral de Tierra Road / State Route 68 (Intersection #5) would operate at LOS F during the weekday A.M. and P.M. peak hours (average delay greater than 300 seconds, respectively). Since this signalized intersection operates at LOS F during both the A.M. and P.M. peak hours, the addition of one trip would be considered a significant impact. Converting the northbound right turn to right-turn overlap phasing in conjunction with the addition of a second eastbound through lane and a second westbound through lane as recommended under Existing Conditions, would improve operations at this intersection to an acceptable LOS C during the A.M. and P.M. peak hours.

San Benancio Road / State Route 68 (Intersection #6) would operate at LOS F during the weekday A.M. and P.M. peak hours (average delay of 264.1 and greater than 300 seconds, respectively). Since this signalized intersection operates at LOS F during both the A.M. and P.M. peak hours, the addition of one trip would be considered a significant impact. The addition of a second eastbound through lane and a second westbound through lane as recommended under Existing Conditions, would improve operations at this intersection to an acceptable LOS C during the A.M. and P.M. peak hours.

Roadway Segments

Cumulative traffic conditions for road segment levels of service, as well as A.M. and P.M. peak hour volumes on the study road segments, are summarized in **Table 3.10-12, Roadway Segment Level of Service for Cumulative Project Conditions.** Each study roadway segment, eastbound and westbound on State Route 68, would continue to operate below LOS D during both the A.M. or P.M. peak hours as they would under existing, background, and Background Plus Project Conditions. Similar to Background Plus Project Conditions, the addition of one vehicle to the LOS F conditions along four of the study segments and the degradation of the level of service on westbound State Route 68 between State Route 218 and York Road would result in the project having a significant cumulative impact. A brief description of the operations along each roadway segment that would operate with deficiencies under Background Plus Project Conditions is provided below.

State Route 68 between State Route 218 and York Road (Roadway Segment #1) would operate at LOS E in the eastbound direction and LOS F in the westbound directions during the weekday A.M. peak hour (average speeds of 39.0 and 14.9 mph, respectively); and would operate at LOS E in the eastbound direction and LOS F in the westbound direction during the weekday P.M. peak hour (average speeds of 38.5 and 15.6 mph, respectively). The level of service on westbound State Route 68 would degrade from LOS E under Background Plus Project Conditions to LOS F under Cumulative Conditions during the P.M. peak hour. Therefore, the project trips combined with cumulative traffic volumes generated during either the A.M. or P.M. peak hours on westbound State Route 68 between State Route 218 and York Road would be considered a significant cumulative impact.

State Route 68 between York Road and Pasadera Drive/Boots Road (Roadway Segment #2) would operate at LOS E in the eastbound direction and LOS F in the westbound direction during the weekday A.M. peak hour (average speeds of 33.5 and 20.6 mph, respectively); and LOS F in the eastbound direction and LOS E in the westbound direction during the weekday P.M. peak hour (average speeds of 14.2 and 36.2 mph, respectively). During the weekday A.M. peak hour, eastbound State Route 68 between York Road and Pasadera Drive/Boots Road would degrade from LOS D under Background Plus Project Conditions to LOS E under Cumulative Conditions and eastbound State Route 68 between York Road and Pasadera Drive/Boots Road would degrade from LOS E under Background Plus Project Conditions to LOS F under Cumulative Conditions. During the P.M. peak hour, eastbound State Route 68 between York Road and Pasadera Drive/Boots Road would continue to operation at LOS F and the westbound direction would degrade from LOS C under Background Plus Project Conditions to LOS E under Cumulative Conditions. Therefore, the project trips combined with cumulative traffic volumes generated during during either the A.M. or P.M. peak hours on State Route 68

between York Road and Pasadera Drive/Boots Road would be considered a significant cumulative impact.

State Route 68 between Pasadera Drive/Boots Road and Laureles Grade Road (Roadway Segment #3) would operate at LOS E in the eastbound direction and LOS F in the westbound direction during the weekday A.M. peak hour (average speeds of 25.8 and 13.7 mph, respectively); and LOS F in both the eastbound and westbound directions during the weekday P.M. peak hour (average speeds of 7.6 and 15.9 mph, respectively). During the weekday A.M. peak hour, State Route 68 between York Road and Pasadera Drive/Boots Road would degrade from LOS D under Background Plus Project Conditions to LOS E under Cumulative Conditions in the eastbound direction and would degrade from LOS E under Background Plus Project Conditions to LOS F under Cumulative Conditions in the westbound direction. During the weekday P.M. peak hour, State Route 68 between York Road and Pasadera Drive/Boots Road would continue to operate at LOS F in the eastbound direction and would degrade from LOS E under Background Plus Project Conditions to LOS E under Cumulative Conditions in the westbound direction. Therefore, the project trips combined with cumulative traffic volumes generated during either the A.M. or P.M. peak hours on westbound State Route 68 between York Road and Pasadera Drive/Boots Road would be considered a significant cumulative impact.

State Route 68 between Laureles Grade Road and Corral de Tierra (Roadway Segment #4) would operate at LOS F in both the eastbound and westbound directions during the weekday A.M. peak hour (average speeds of 19.3 and 15.6 mph, respectively); and LOS F in the eastbound direction and LOS E in the westbound direction during the weekday P.M. peak hour (average speeds of 10.8 and 33.8 mph, respectively). During the weekday A.M. peak hour, State Route 68 between Laureles Grade Road and Corral de Tierra would degrade from LOS E under Background Plus Project Conditions to LOS F under Cumulative Conditions in both the eastbound and westbound directions. During the weekday P.M. peak hour, State Route 68 between Laureles Grade Road and Corral de Tierra would continue to operate at LOS F under Cumulative Conditions in the eastbound direction and would degrade from LOS B under Background Plus Project Conditions to LOS E under Cumulative Condition in the westbound direction. Therefore, the project trips combined with cumulative traffic volumes generated during either the A.M. or P.M. peak hours on State Route 68 between Laureles Grade Road and Corral de Tierra during would be considered a significant cumulative impact.

State Route 68 between Corral de Tierra and San Benancio Road (Roadway Segment #5) would operate at LOS F in the eastbound and westbound directions during the weekday A.M. peak hour (average speeds of 13.2 and 7.8 mph,

respectively); and LOS F in the eastbound and westbound directions during the weekday P.M. peak hour (average speeds of 12.0 and 5.0 mph, respectively). During A.M. peak hour operations, State Route 68 between Corral de Tierra and San Benancio Road would degrade from LOS E under Background Plus Project Conditions to LOS F under Cumulative Conditions in the eastbound direction and would continue to operate at LOS F in the westbound direction. During the weekday P.M. peak hour, eastbound and westbound State Route 68 between Corral de Tierra and San Benancio Road would continue to operate at LOS F under Cumulative Conditions. Therefore, the project trips combined with cumulative traffic volumes generated during either the A.M. or P.M. peak hours on State Route 68 between Corral de Tierra and San Benancio Road would be considered a significant cumulative impact.

Cumulative Impact Summary

The cumulative trips associated with the proposed project and other development would degrade the levels of service or would exacerbate existing unacceptable levels of service at all six study intersections and all five study roadway segments. This would be considered a **significant cumulative impact**. Implementation of mitigation measure **MM 3.10-1** requires the applicant to contribute specifically toward implementation of the "State Route 68 Commuter Improvements," a programmed project within the TAMC RDIF program. Implementation of this improvement would improve intersection and roadway segment operations under Cumulative Conditions**.** As under Background Plus Project Conditions, implementation of the "State Route 68 Commuter Improvements" would also improve operations at two study intersections under Cumulative Conditions (i.e., Corral de Tierra/SR 68 and San Benancio/SR 68). In order to improve operations at the Corral de Tierra Road/State Route 68 intersection to acceptable levels of service under Cumulative Conditions, the traffic analysis for the proposed project also identified the need for the following improvement:

- At the Corral de Tierra Road/State Route 68 intersection, convert the northbound right-turn to right-turn overlap phasing. Implementation of this improvement would improve operations at this intersection to LOS C during both the A.M. and P.M. peak hours under Cumulative Conditions. Implementation of mitigation measure **MM 3.10-1** would result in the widening of State Route 68 to four lanes at this intersection, which would necessitate traffic signal modifications. The northbound right-turn phasing at this intersection could be converted to right-turn overlap phasing as part of the signal modifications. This improvement is recommended to be included in the "State Route 68 Commuter Improvements," which is included in the TAMC Regional Development Impact Fee program. Although this improvement is only triggered under Cumulative

Conditions, this minor signal phasing modification is assumed to be implemented with mitigation measure **MM 3.10-1**.

In addition to implementation of intersection improvements associated with the widening of State Route 68, as recommended under Existing Conditions, other regional improvements would be required under Cumulative Conditions. The traffic analysis for the proposed project identified the need for additional intersection improvements along the State Route 68 corridor under the Cumulative Conditions. These recommended improvements include:

- Widen and restripe the northbound approach of the State Route 218/State Route 68 intersection to include one left-turn lane, one through lane, and one right-turn lane. Widen and restripe the eastbound approach to include two left-turn lanes, one through lane, and one shared through/right-turn lane. Install southbound right turn overlap phasing at this location. Implementation of this improvement would improve operations at this intersection to LOS C during both the A.M. and P.M. peak hours under Cumulative Conditions. However, these improvements are not currently included in any Capital Improvement Program (CIP).

- At the Laureles Grade/State Route 68 intersection, convert the northbound right-turn to right-turn overlap phasing. Implementation of this improvement, in addition to adding second eastbound and westbound through lanes (recommended under Existing Conditions), would improve operations at this intersection to LOS B during the A.M. peak hour and LOS C during the P.M. peak hour under Cumulative Conditions. However, these improvements are not currently included in any CIP.

- At the York Road/State Route 68 intersection, add a second eastbound through lane and a second eastbound left-turn lane. Implementation of this improvement, in addition to adding a second westbound through lane (recommended under Existing Conditions), would improve operations at this intersection to LOS C during both the A.M. and P.M. peak hours under Cumulative Conditions. However, these improvements are not currently included in any CIP.

- At the Pasadera Drive/State Route 68 intersection, add a second eastbound through lane. Implementation of this improvement, in addition to adding a second westbound through lane (recommended under Existing Conditions), would improve operations at this intersection to LOS B during both the A.M. and P.M. peak hours under Cumulative Conditions. However, this improvement is not currently included in any CIP.

Although the above improvements are recommended in the traffic analysis and would improve operations, these improvements are not included in any CIP; therefore, are not considered feasible.

The proposed project would address cumulative traffic impacts through contribution towards other previously identified regional improvements, which is consistent with the County and TAMC's methodology. The following mitigation measure would require that the project applicant contribute their fair share towards all traffic impact fees, including the TAMC Regional Development Impact Fee (also referred to as the TAMC RDIF), to help fund all regional improvements in the County and reduce the proposed project's cumulative impact to affected intersections and roadway segments.

Mitigation Measure

MM 3.10-6 The Monterey County Resource Management Agency shall require the project applicant to pay the project's fair share of traffic impact fees in effect at the time of building permit applications for future development on the project site. Such fees may include, but are not necessarily limited to, and the TAMC Regional Development Impact Fee (RDIF). and Monterey County ad hoc mitigation fees. Payment of the TAMC RDIF may be done as part of compliance with mitigation measure **MM 3.10-1**.

~~The Monterey County Resource Management Agency shall require the project applicant to pay any traffic impact fees in effect at the time of building permit applications for future development on the project site. Such fees include, but are not limited to, the TAMC Regional Development Impact Fee (RDIF). Payment of the TAMC RDIF may be done so under the options listed in mitigation measure **MM 3.10-1**. The funds contributed toward the "State Route 68 Commuter Improvements" project as required under mitigation measure **MM 3.10-1** shall be credited towards their total proportionate fair share of the TAMC RDIF, as they will be contributing their fair share towards regional improvements identified within the TAMC *Regional Improvement Nexus Study Update*. If implementation of mitigation measure **MM 3.10-1** requires the project applicant(s) to contribute towards the "State Route 68 Commuter Improvements" in an amount greater than their fair share identified in the PSR and/or their total fair share of the TAMC RDIF, the project applicant shall be reimbursed as additional funds are collected by other applicants or sources.~~

~~Payment of the RDIF is considered appropriate and sufficient mitigation for cumulative traffic impacts.~~

Implementation of the above mitigation measure would require the proposed project to contribute their fair share towards all regional traffic impact fees in effect at the time of issuance of building permit (or sooner if mitigation measure **MM 3.10-1b** is selected by the project applicant), including but not limited to the TAMC RDIF. Through the payment of the regional traffic impact fees, the proposed project would directly contribute to future improvements, which would help off-set any cumulative traffic impacts on regional roadways caused by increased trip volume associated with the proposed project. Payment of all regional impact fees will mitigate the proposed project's cumulative traffic impacts to the regional roadway network. Therefore, the proposed project's cumulative impact on traffic operations under Cumulative Conditions would be reduced to a **less than significant** level.

~~**Impact 3.10-7** Implementation of the proposed project would contribute to a cumulative increase in traffic volumes that would result in or exacerbate unacceptable levels of service on the local roadway network. This is considered a **significant cumulative impact.**~~

~~A number of other projects have been proposed within the study area that have not yet been approved or even formally submitted for evaluation. The list of cumulative projects relevant to this traffic study was developed in consultation with the County of Monterey Planning and Public Works staff and is included in **Appendix I**. The proposed project, combined with the cumulative relevant projects, would generate an estimated 27,071 daily trips, with 2,138 trips (1,241 in, 897 out) during the AM peak hour and 2,707 trips (1,187 in, 1,520 out) during the PM peak hour.~~

~~Intersections~~

~~Intersection levels of service for cumulative traffic conditions are summarized in **Table 3.10-10, Intersection Level of Service for Cumulative Project Conditions**.~~

~~**TABLE 3.10-10**~~
~~**INTERSECTION LEVEL OF SERVICE FOR CUMULATIVE PROJECT CONDITIONS**~~

~~Intersection~~	~~LOS Standard~~	~~AM Peak Hour~~		~~PM Peak Hour~~	
		~~Delay (Seconds)~~	~~LOS~~	~~Delay (Seconds)~~	~~LOS~~
~~1. State Route 218 at State Route 68~~	~~C/D~~	~~31.6~~	~~C~~	~~72.4~~	~~E~~
~~2. York Road at State Route 68~~	~~C/D~~	~~124.4~~	~~F~~	~~106.6~~	~~F~~
~~3. Pasadera Drive Boots Road at State Route 68~~	~~C/D~~	~~123.3~~	~~F~~	~~106.5~~	~~F~~
~~4. Laureles Grade at State Route 68~~	~~C/D~~	~~107.0~~	~~F~~	~~160.9~~	~~F~~

Intersection	LOS Standard	AM Peak Hour		PM Peak Hour	
		Delay (Seconds)	LOS	Delay (Seconds)	LOS
5. Corral de Tierra Road at State Route 68	C/D	197.5	F	268.9	F
6. San Benancio Road at State Route 68	C/D	159.8	F	237.0	F

Source: Higgins Associates 2008

All six study intersections would operate at unacceptable levels of service under cumulative traffic conditions. Similar to background plus project conditions, five of the six study intersections would be impacted by the project because of LOS F operating conditions. Each signalized intersection operating deficiently under cumulative traffic conditions is described below.

State Route 218/State Route 68, Intersection #1 (Signalized) would operate at LOS C during the weekday AM peak hour and LOS E during the weekday PM peak hour (average delay of 31.6 and 72.4 seconds, respectively). Since this signalized intersection would degrade from LOS C during the PM peak hour under background plus project conditions to LOS E during the PM peak hour under cumulative project conditions, this would be considered a significant impact. Widening and re-striping the northbound approach to include one left-turn lane, one through lane, and one right-turn lane; widening and re-stripe the eastbound approach to include two left-turn lanes, tow through lanes and one right-turn lane; and installing right-turn overlap phasing at this intersection would improve operations to acceptable LOS C during the AM and PM peak hours.

York Drive/State Route 68, Intersection #2 (Signalized) would operate at LOS F during the weekday AM and PM peak hours (average delay of 124.4 and 106.6 seconds, respectively). Since this signalized intersection operates at LOS F, the addition of one trip to this intersection during the AM or PM peak hours would be considered a significant impact. The addition of a second eastbound through lane in conjunction with the addition of a second westbound through lane as recommended under existing conditions would improve operations at this intersection to an acceptable LOS C during the AM and PM peak hours.

Pasadera Drive-Boots Road/State Route 68, Intersection #3 (Signalized) would operate at LOS F during the weekday AM peak hour and LOS E during the weekday PM peak hour (average delay of 123.3 and 106.5 seconds, respectively). During the AM peak hour, this signalized intersection would degrade from LOS E with a volume-to-capacity ratio of 1.10 under background plus project traffic conditions to LOS F with a volume-to-capacity ratio of 1.30 under cumulative traffic conditions. During the PM peak hour, this intersection would degrade from LOS D with a volume-to-capacity ratio of 1.00 under background plus project traffic conditions to LOS F with a volume-to-capacity ratio of 1.17 under cumulative traffic conditions.

~~Since the AM peak hour level of service would degrade from LOS E to LOS F and the volume to capacity ratio would increase by 0.20 and the PM peak hour level of service would degrade from LOS D to LOS F and the volume to capacity ratio would increase by 0.17 during the PM peak hour this would be considered a significant cumulative impact. The addition of a second eastbound through lane in addition to the addition of a second westbound through lane recommended under existing conditions, would improve operations at this intersection to an acceptable LOS B during the AM and PM peak hours.~~

~~**Laureles Grade/State Route 68, Intersection #4 (Signalized)** would operate at LOS F during the weekday AM and PM peak hours (average delay of 107.0 and 160.9 seconds, respectively). During the AM peak hour, this signalized intersection would degrade from LOS E with a volume to capacity ratio of 1.11 under background plus project traffic conditions to LOS F with a volume to capacity ratio of 1.28 under cumulative traffic conditions. Since the AM peak hour level of service would degrade from LOS E to LOS F and the volume to capacity ratio would increase by 0.17 and the PM peak hour level of service is LOS F, the addition of one trip to this intersection during either the AM or PM peak hour would be considered a significant impact. Converting the northbound right turn to right turn overlap phasing in conjunction with the addition of a second eastbound through lane and a second westbound through lane as recommended under existing conditions, would improve operations at this intersection to an acceptable LOS B during the AM peak hour and LOS C during the PM peak hour.~~

~~**Corral de Tierra Road / State Route 68 (Intersection #5**) would operate at LOS F during the weekday AM and PM peak hours (average delay of 197.5 and 268.9 seconds, respectively). Since this signalized intersection operates at LOS F, the addition of one trip would be considered a significant impact. Converting the northbound right turn to right turn overlap phasing in conjunction with the addition of a second eastbound through lane and a second westbound through lane as recommended under existing conditions, would improve operations at this intersection to an acceptable LOS C during the AM and PM peak hours.~~

~~**San Benancio Road / State Route 68 (Intersection #6)** would operate at LOS F during the weekday AM and PM peak hours (average delay of 159.8 and 237.0 seconds, respectively). Since this signalized intersection operates at LOS F, the addition of one trip would be considered a significant impact. The addition of a second eastbound through lane and a second westbound through lane as recommended under existing conditions, would improve operations at this intersection to an acceptable LOS C during the AM and PM peak hours.~~

~~The improvements listed above would improve the operating conditions at the study intersections to acceptable levels of service. However, no funding is available for~~

the implementation these major improvements. Therefore, these improvements are not considered feasible mitigation under CEQA. No other feasible mitigation measures have been identified. Since five of six study intersections would continue to operate at LOS F under cumulative traffic conditions, the addition of any trips would be considered a **significant cumulative impact**.

Roadway Segments

Cumulative traffic conditions for road segment levels of service, as well as AM and PM peak hour volumes on the study road segments, are summarized in **Table 3.10-11, Roadway Segment Level of Service for Cumulative Project Conditions.**

TABLE 3.10-11
ROADWAY SEGMENT LEVEL OF SERVICE FOR CUMULATIVE PROJECT CONDITIONS

Intersection	Direction	LOS Stan-dard	AM Peak Hour			PM Peak Hour		
			Volume (Veh/hr)	Average Speed[1] (mph)	LOS	Volume (Veh/hr)	Average Speed[1] (mph)	LOS
State Route 68 between:								
1. State Route 218 and	EB	C/D	1,708	36.3	E	1,415	32.4	E
York Road	WB	C/D	1,573	26.6	E	2,057	24.5	F
2. York Road and	EB	C/D	959	39.3	E	1,579	16.8	F
Pasadera Drive/Boots Road	WB	C/D	1,781	28.7	E	1,485	44.8	D
3. Pasadera Drive/Boots	EB	C/D	933	40.8	D	1,516	8.7	F
Road and Laureles Grade	WB	C/D	1,715	18.7	F	1,378	25.3	E
4. Laureles Grade and	EB	C/D	1,062	33.4	E	1,803	12.6	F
Corral de Tierra Road	WB	C/D	1,749	21.8	F	1,347	47.3	C
5. Corral de Tierra Road	EB	C/D	1,252	23.5	E	1,889	13.8	F
and San Benancio Road	WB	C/D	1,700	10.4	F	1,498	9.8	F

Notes: 1 Average travel speed calculated in Synchro software.
EB = Eastbound
WB = Westbound
Veh/hr = vehicles per hour
Mph miles per hour

Source: Higgins Associates 2008

As shown in **Table 3.10-11, Roadway Segment Level of Service for Cumulative Project Conditions** each study roadway segment, eastbound and westbound on State Route 68, would continue to operate below LOS C during both the AM or PM peak periods as they would under existing, background, and background plus project traffic conditions. Similar to background plus project conditions, the addition of one vehicle to the LOS F conditions along four of the five study segments and the degradation of westbound State Route 68 between State Route

~~218 and York Road will result in the proposed project's contribution to a significant cumulative impact. A brief description of the operations along each roadway segment that would operate with deficiencies under background plus project traffic conditions is provided below.~~

~~**State Route 68 between State Route 218 and York Road (Roadway Segment #1)** would continue to operate at LOS E in the eastbound and westbound directions during the weekday AM peak hour (average speeds of 36.6 and 32.4 mph, respectively); and would continue to operate at LOS E in the eastbound and LOS F in the westbound direction during the weekday PM peak hour (average speeds of 29.6 and 24.5 mph, respectively). The level of service on westbound State Route 68 would degrade from LOS E under background plus project traffic conditions to LOS F under cumulative traffic conditions during the PM peak hour. Therefore, any trips generated by the proposed project on westbound State Route 68 between State Route 218 and York Road during the PM peak hour would be considered a significant cumulative impact.~~

~~**State Route 68 between York Road and Pasadera Drive/Boots Road (Roadway Segment #2)** would operate at LOS E in the eastbound and westbound directions during the weekday AM peak hour (average speeds of 39.3 and 28.7 mph, respectively); and LOS F in the eastbound direction and LOS D in the westbound direction during the weekday PM peak hour (average speeds of 16.8 and 44.8 mph, respectively). During the weekday AM peak hour, eastbound State Route 68 between York Road and Pasadera Drive/Boots Road would degrade from LOS D under background plus project traffic conditions to LOS E under cumulative traffic conditions. During the weekday PM peak hour, westbound State Route 68 between York Road and Pasadera Drive/Boots Road would degrade from LOS C under background plus project traffic conditions to LOS D under cumulative traffic conditions. In addition, eastbound State Route 68 between York Road and Pasadera Drive/Boots Road would degrade from LOS D under background plus project traffic conditions to LOS E under cumulative traffic conditions during the AM peak hour and continue to operate at LOS F during the weekday PM peak hour. Therefore, any trips generated by the proposed project on eastbound State Route 68 between York Road and Pasadera Drive/Boots Road during either the AM or PM peak hours or on westbound State Route 68 between York Road and Pasadera Drive/Boots Road during the PM peak hour would be considered a significant cumulative impact.~~

~~**State Route 68 between Pasadera Drive/Boots Road and Laureles Grade Road (Roadway Segment #3)** would operate at LOS D in the eastbound direction and LOS F in the westbound direction during the weekday AM peak hour (average speeds of 40.8 and 18.7 mph, respectively); and LOS F in the eastbound direction and LOS E in the westbound direction during the weekday PM peak hour (average speeds of~~

~~8.7 and 25.3 mph, respectively). During the weekday AM peak hour, westbound State Route 68 between York Road and Pasadera Drive/Boots Road would degrade from LOS E under background plus project traffic conditions to LOS F under cumulative traffic conditions. In addition, eastbound State Route 68 between York Road and Pasadera Drive/Boots Road would continue to operate at LOS F during the weekday PM peak hour. Therefore, any trips generated by the proposed project on eastbound State Route 68 between York Road and Pasadera Drive/Boots Road during the weekday PM peak hour or on westbound State Route 68 between York Road and Pasadera Drive/Boots Road during the weekday AM peak hour would be considered a significant cumulative impact.~~

~~**State Route 68 between Laureles Grade Road and Corral de Tierra (Roadway Segment #4)** would continue to operate at LOS E in the eastbound direction and LOS F in the westbound direction during the weekday AM peak hour (average speeds of 33.4 and 21.8 mph, respectively); and LOS F in the eastbound direction and LOS C in the westbound direction during the weekday PM peak hour (average speeds of 12.6 and 47.3 mph, respectively). During the weekday AM peak hour, westbound State Route 68 between Laureles Grade Road and Corral de Tierra would degrade from LOS E under background plus project traffic conditions to LOS F under cumulative traffic conditions. In addition, eastbound State Route 68 between Laureles Grade Road and Corral de Tierra would continue to operate at LOS F during the weekday PM peak hour under cumulative traffic conditions. Therefore, any trips generated by the proposed project on westbound State Route 68 between Laureles Grade Road and Corral de Tierra during the weekday AM peak hour or on eastbound State Route 68 between Laureles Grade Road and Corral de Tierra during the weekday PM peak hour would be considered a significant cumulative impact.~~

~~**State Route 68 between Corral de Tierra and San Benancio Road (Roadway Segment #5)** would operate at LOS F in the eastbound and westbound directions during the weekday AM peak hour (average speeds of 23.5 and 10.4 mph, respectively); and LOS F in the eastbound and westbound directions during the weekday PM peak hour (average speeds of 13.8 and 9.8 mph, respectively). During AM peak hour operations, eastbound State Route 68 between Corral de Tierra and San Benancio Road would be degraded from LOS E under background plus project traffic conditions to LOS F under cumulative traffic conditions. During the weekday PM peak hour, eastbound and westbound State Route 68 between Corral de Tierra and San Benancio Road would continue to operate at LOS F under cumulative traffic conditions. In addition, westbound State Route 68 between Corral de Tierra and San Benancio Road would continue to operate at LOS F during the weekday AM peak hour under cumulative traffic conditions. Therefore, any trips generated by the proposed project on eastbound or westbound State Route 68 between Corral~~

~~de Tierra and San Benancio Road during the weekday AM or PM peak hours would be considered a significant cumulative impact.~~

~~The cumulative trips associated with the proposed project and other development would degrade the level of service or would exacerbate an unacceptable LOS F operating condition at four of five study segments. This would be considered a **significant cumulative impact**.~~

~~The following mitigation measure would require that the project applicant contribute their fair share towards the regional traffic impact fee (also referred to as the Transportation Agency of Monterey County (TAMC) impact fee) to help fund regional improvements in the County and reduce the project's cumulative impact to affected intersections and roadway segments.~~

~~Mitigation Measure~~

~~**MM 3.10-7** The Monterey County Resource Management Agency shall require the project applicant to pay any traffic impact fees in effect at the time of building permits application. Such fees include the TAMC Regional Impact Fee, which will mitigate for cumulative impacts to roadway segments and intersections along State Route 68. If the proposed project contributes monetarily toward the extension of the State Route 68 (see mitigation measure MM 3.10-2) in an amount greater than their calculated TAMC Impact Fee responsibility, the proposed project shall be credited for the TAMC fee and the fee considered satisfied, as they will be contributing their fair share toward cumulative impacts and regional improvements identified within the TAMC nexus study.~~

~~The traffic analysis for this project identified the need for additional intersection improvements along the Highway 68 corridor under the cumulative scenario. These projected improvements include:~~

- ~~Widen and restripe the northbound approach of the SR 218/SR 68 intersection to include one left-turn lane, one through lane, and one right-turn lane. Widen and restripe the eastbound approach to include two left-turn lanes, two through lanes and one right-turn lane. Install right turn overlap phasing at this location.~~

- ~~At the Laureles Grade/SR 68 intersection, convert the northbound right-turn to right-turn overlap phasing.~~

- ~~At the Corral de Tierra Road/SR 68 intersection, convert the northbound right-turn to right-turn overlap phasing.~~

~~The project's contribution to these cumulative mitigation improvements would be satisfied by the project's payment of the TAMC Regional Development Impact Fee, or by the project's mitigation requirements under mitigation measure 3.10-2. This is consistent with the County and TAMC's methodology for addressing cumulative traffic impacts.~~

~~The TAMC Regional Development Impact Fee Program is one element of TAMC's proposed *14 Year Improvement Plan*. However, the Regional Development Impact Fee Program has not been adopted. The County of Monterey has voluntarily been collecting regional traffic impact fees consistent with the *Draft Nexus Study* (TAMC 2004) to contribute towards funding improvements on the regional roadways. The County Public Works Department has deemed payment of a regional traffic impact fee as appropriate mitigation for regional impacts. The defeat of Measure A means that TAMC will not be receiving additional revenue through a half-cent tax increase, which is one of the funding sources identified for construction of needed improvements. Therefore, it may take longer for TAMC to implement regional roadway improvements, but does not preclude voluntarily moving forward with the improvements.~~

~~Although TAMC does not have the mechanism in place to implement specific projects (such as State Route 68 freeway extension), the County of Monterey has been collecting TAMC fees for other projects throughout the County. It is thus recommended that the applicant pay the County of Monterey their fair share to the TAMC fee program. Through the payment of the regional traffic impact fees, the proposed project would directly contribute to future improvements, which would help off-set any cumulative traffic impacts on regional roadways caused by increased trip volume associated with the proposed project.~~

~~Payment of regional impact fees (as identified in MM 3.10-7) will mitigate the project's cumulative impacts to the extent feasible; however, as the timing and extent of physical improvements along the State Route 68 corridor are not known at this time, the cumulative impact to intersections and roadway segments will remain **significant and unavoidable** until such time that the physical improvements are constructed.~~

AMENDMENTS TO SECTION 3.6, GROUNDWATER RESOURCES AND HYDROGEOLOGY

Amendments to Section 3.6 are attached.

REVISED: 3.6 GROUNDWATER RESOURCES AND HYDROGEOLOGY

This section assesses impacts related to water supply and availability for the proposed project. The analysis of groundwater resources and hydrogeology presented in this section is based on a *Project Specific Hydrogeologic Report* prepared for the Monterey County Health Department, Environmental Health Division (now the Environmental Health Bureau) by Todd Engineers in September 2002 and updated July 2003. These reports summarized hydrogeologic and well data available at the time, evaluated the availability of sustainable long-term water supply for the proposed project, estimated the local water balance, and identifiedy the potential effects the proposed project may have on surrounding groundwater resources. These reports are included in **Appendix F**. Since the project specific report was prepared, the *El Toro Groundwater Study* was prepared for MCWRA by Geosyntec in July 2007, and supplemented in June 2010. This report provided additional hydrogeologic information on the region, which has been incorporated herein where appropriate.

3.6.1 ENVIRONMENTAL SETTING

SETTING

The project site has a Mediterranean climate where the summers are typically cool and dry and winters are mild and wet. Rainfall in the area averages approximately 16 inches per year. The project site is in the upper reaches of the El Toro Creek watershed, which flows from the Corral de Tierra Valley into the Salinas River to the east. Monterey County relies almost entirely on groundwater resources to meet water demands. ~~Some of Monterey County's aquifers are experiencing localized over drafting, a condition where more water is pumped out of an aquifer than is recharged on an average yearly basis. This over drafting condition causes a decline in the water level thus requiring deeper wells. Over drafting has caused seawater intrusion in those aquifers in the northern end of Salinas Valley. When this occurs the aquifers must either be deepened, abandoned or water must be treated to dilute the salt concentration. Sufficient water resources exist within the County but the economic problems of storage and distribution make these resources unattainable.~~

~~HYDROGEOLOGY~~GROUNDWATER BASIN

According to the Department of Water Resources (DWR), the project site lies within the boundaries of the Salinas Valley Groundwater Basin (hereinafter referred to as the "basin") as shown in **Figure 3.6-1**. The basin is one of the largest coastal groundwater basins in California and lies within the southern Coast Ranges between the San Joaquin Valley and the Pacific Ocean. The basin consists of sand, gravel, and clay that have been deposited over millions of years. The basin is drained by the Salinas River, which extends approximately 150 miles from the headwaters near San Luis Obispo County to the mouth of the river at Monterey Bay near Moss Landing. The total drainage area of the basin is about 5,000 square miles within the Salinas Valley. The Salinas Valley ranges from 10 miles wide in the north to 30 miles wide in the south and is about 120 miles long.

Over the years, the Salinas Valley Groundwater Basin has experienced overdraft, a condition where more water is pumped out of an aquifer than is recharged on an average yearly basis. This overdraft condition causes a decline in the water level, which allows seawater intrusion to occur or streams and rivers to go dry. When this occurs, the wells in the affected aquifers must either be deepened or abandoned, or water must be treated to dilute the salt concentration. Sufficient water resources exist in the county's reservoirs, aquifers, and watersheds, but the economic problems of storage and distribution prevent these resources from being fully available.

Groundwater Subbasins

Groundwater basins are often broken up into several subbasins ~~subareas~~. The Salinas Valley Groundwater Basin (Basin Identification #3-4) is divisible into eight area subbasins: 180/400-Foot Aquifer (3-4.01); Eastside Aquifer (3-4.02); Forebay Aquifer (3-4.04); Upper Valley Aquifer (3-4.05); Paso Robles Area (3-4.06); Seaside Area (3-4.08); Langley Area (3-4.09); and Corral de Tierra Area (3-4.10), as shown in **Figure 3.6-1** (DWR 2004). According to DWR basin maps, the project site is located in the northeast portion of the Corral de Tierra Area Subbasin (DWR 2010) of the Salinas Valley Groundwater Basin.

~~The majority of the project site is located in the El Toro Groundwater Basin, with a small portion of the project site is located in the Salinas Valley Groundwater Basin. The El Toro Groundwater Basin is a much smaller basin than the three major basins in Monterey County (Salinas Valley, Carmel River, and North County).~~ Groundwater flow within the aquifers is driven by the elevation of water levels with respect to sea level. Faults and dipping beds commonly impede the horizontal flow of groundwater thus creating boundaries of groundwater basins. Groundwater flow in the vicinity of the project site generally follows the topography and exits ~~the *Toro Area Plan* planning area~~ to the northeast. Recent reports prepared for MCWRA by Geosyntec Consultants have identified connectivity between the northeastern portion of the Corral de Tierra Subbasin and the 180/400-Foot Aquifer Subbasins (Geosyntec 2010); therefore, both of these subbasins are described below.~~The Salinas Valley Groundwater Basin primarily flows to the Salinas River.~~

Previous Study Areas

A *Project Specific Hydrogeologic Report - Harper Canyon Realty, LLC Subdivision* was prepared for the Monterey County Health Department, Environmental Health Bureau by Todd Engineers in September 2002 and updated July 2003. This report summarized available hydrogeologic data available at the time, which included *the Hydrogeologic Update - El Toro Area* (MCWRA 1991); and *Additional Hydrogeologic Update - El Toro Area* (MCWRA 1996). Both of these reports have since been superseded by the *El Toro Groundwater Study* prepared for MCWRA by Geosyntec in July 2007, and supplemented in June 2010. The Geosyntec study evaluated groundwater resource capacity in a portion of the Salinas Valley Groundwater Basin in order to make recommendations regarding the extent of the B-8 zoning overlay, which restricts further subdivision of property. All of these

reports were prepared for MCWRA but used a topography/watershed-based methodology to define the limits of the study area and did not take into account MCWRA's Zone 2C boundaries nor the groundwater basins/subbasins recognized by MCWRA and the California Department of Water Resources (DWR). To prevent confusion, the limits of area addressed in this report shall be referenced herein as the "Geosyntec Study Area."

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T:_GIS\MONTEREY_COUNTY\MXDS\HARPERCANYON\FIGURE 3.6-1.MXD - 9/27/2012 @ 11:49:14 AM

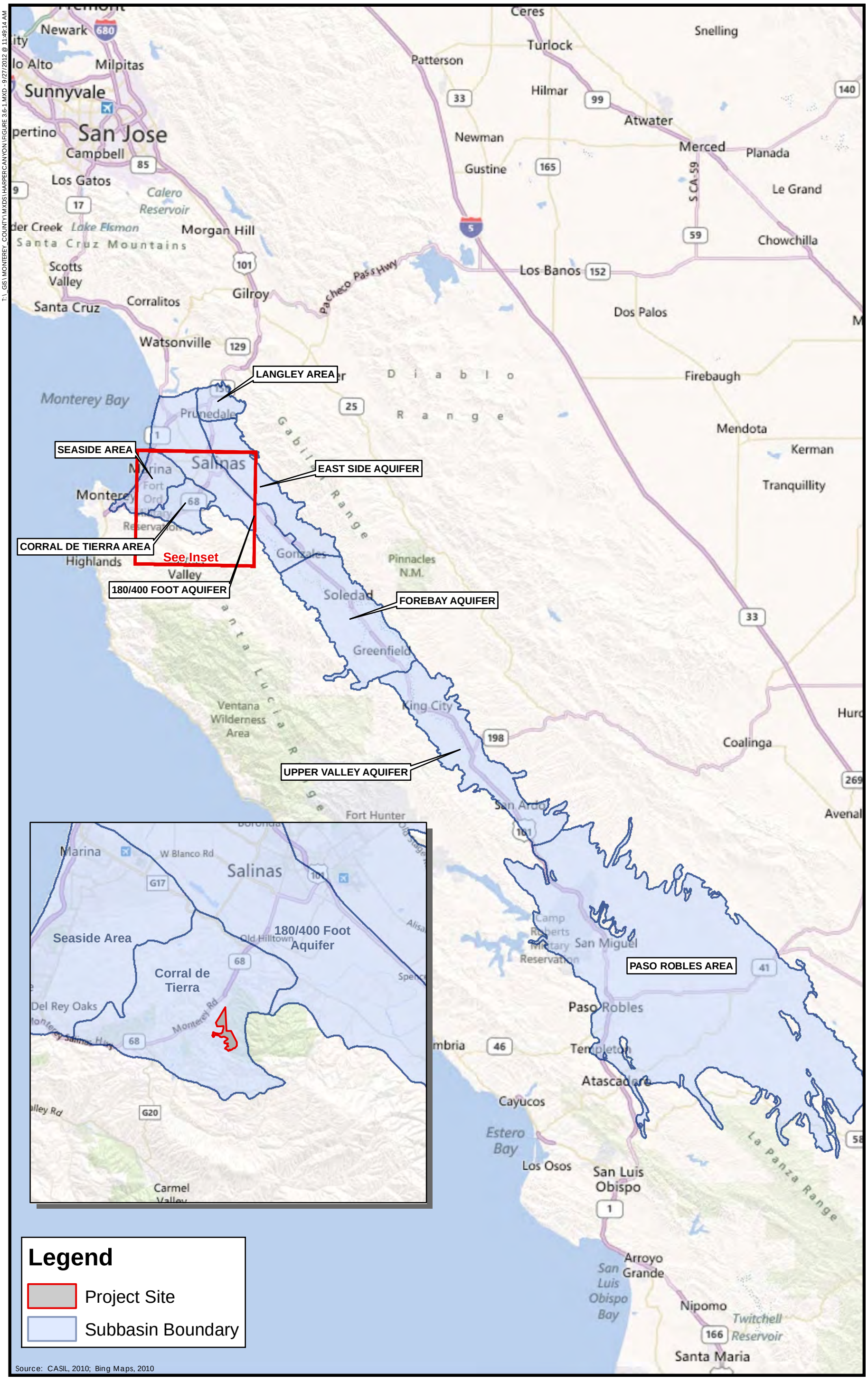

Figure 3.6-1

Groundwater Basin Map

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~~this report~~~~Groundwater basins are often broken up into several subareas. Subareas often have aquifers that are interconnected and laterally continuous within their respective geologic units. Therefore, water levels in subareas can influence nearby well water levels in other subareas. In the vicinity of the project site, groundwater is pumped from three water-bearing geologic units: the Aromas-Paso Robles Formation (also referred to as the Paso Robles Formation), the Santa Margarita Formation, and alluvium in local drainages.~~

The ~~El Toro Groundwater Basin~~Geosyntec Study Area is divided ~~and the Salinas Valley Groundwater Basin are both split~~ into five subareas based on topographic divides that control the movement of surface water and groundwater throughout the basins. As shown in **Figure 3.6-~~1~~2**, **Geosyntec Study Area Subareas and Well Locations,** the project site lies in the El Toro Creek and San Benancio Gulch subareas of the ~~El Toro Groundwater Basin~~Geosyntec Study Area. These subareas ~~partially overlap~~are are located within~~, but also lies within~~ the Corral de Tierra Subbasin ~~and the Pressure subarea~~ of the Salinas Valley Groundwater Basin. Withi~~I~~n ~~the~~ this ~~vicinity of the project site~~subbasin, groundwater is pumped from three water-bearing geologic units: the Aromas-Paso Robles Formation (also referred to as the Paso Robles Formation), the Santa Margarita Formation, and alluvium in local drainages as described in more detail below.

Corral de Tierra Area Subbasin

The project site lies within the Corral de Tierra Subbasin. As defined in *Salinas Valley Groundwater Basin, 180/400-Foot Aquifer Subbasin Bulletin 118* (Bulletin 118), the Corral de Tierra Area Subbasin includes outcrops of Plio-Pleistocene nonmarine units, including the Aromas Sands, the Paso Robles Formation, the Santa Margarita Formation, and the Monterey Formation (DWR 2004). The subbasin is bounded by the Seaside Area Subbasin to the northwest and the 180/400-Foot Aquifer Subbasin to the northeast. The primary water-bearing units of the subbasin are the Miocene/Pliocene Santa Margarita Formation, the Pliocene Paso Robles Formation, and the Pleistocene Aromas Sands. The Santa Margarita Formation is poorly consolidated marine sandstone with a maximum thickness of 225 feet and is an important water-bearing formation. It underlies the Paso Robles Formation, which consists of sand (approximately 200 feet thick), gravel, and clay interbedded with some minor calcareous beds and is the major water-bearing unit (DWR 2004).

~~El Toro Groundwater Basin~~

~~The five subareas of the El Toro Groundwater Basin include the El Toro Creek, San Benancio Gulch, Corral de Tierra, Watson Creek, and Calera Canyon. The El Toro Creek, Corral de Tierra, San Benancio Gulch subareas and the northern portion of Watson Creek subarea are hydraulically contiguous and hydro-geologically bound on three sides. The area is bound by the Laguna Seca Anticline to the north, by the Chupines fault to the south and by the Harper Fault to the east.~~

~~The El Toro Creek subarea of the El Toro Groundwater Basin includes approximately 408 acres with an estimated total recharge of approximately 74 acre feet per year (AFY). The two water bearing aquifers in the El Toro Creek subarea are the alluvial deposits flanking the creek and the Paso Robles Aquifer. A majority of the proposed residential units are located within the El Toro Creek subarea. The San Benancio Gulch subarea of the El Toro Groundwater Basin encompasses approximately 2,676 acres has an annual recharge of approximately 486 AFY. The underlying aquifers in the western portion of the San Benancio Gulch subarea are alluvial deposits, the Paso Robles Aquifer, and the Santa Margarita Aquifer. A portion of the 180 acre remainder parcel and both wells are located within the San Benancio Gulch subarea.~~

180/400 Foot Aquifer Subbasin

~~The five subareas of the Salinas Valley Groundwater Basin are the: Forebay, Pressure (180 and 400 Aquifer), East Side, Arroyo Seco, and Upper Valley.~~ The northern portion of the project site and a portion of the 180-acre "Remainder parcel" along the eastern boundary lie within the 180/400 Foot Aquifer ~~–~~(Pressure) ~~subarea~~ Subbasin of the Salinas Valley Groundwater Basin. The 180/400 Foot Aquifer Subbasin ~~Pressure subarea~~ of the Salinas Valley Groundwater Basin is comprised of approximately 114,000 acres between Gonzales and the Monterey Bay. This subarea is composed mostly of confined and semi-confined aquifers separated by clay layers (aquicludes) that limit the amount of vertical recharge. The three primary water-bearing aquifers in the 180/400 Foot Aquifer ~~Pressure subarea~~ are the 180-foot aquifer, the 400-foot aquifer, and the Deep aquifer. The 180/400 Foot Aquifer Subasin has an estimated total storage capacity of approximately 7,240,000 acre feet of groundwater.

~~Insert Figure 3.6-1 (Groundwater Basins and Subareas with Well locations)~~

T:_CS\Work\Harper Canyon (Encina Hills)\EIR Figures 25-0143\Figures

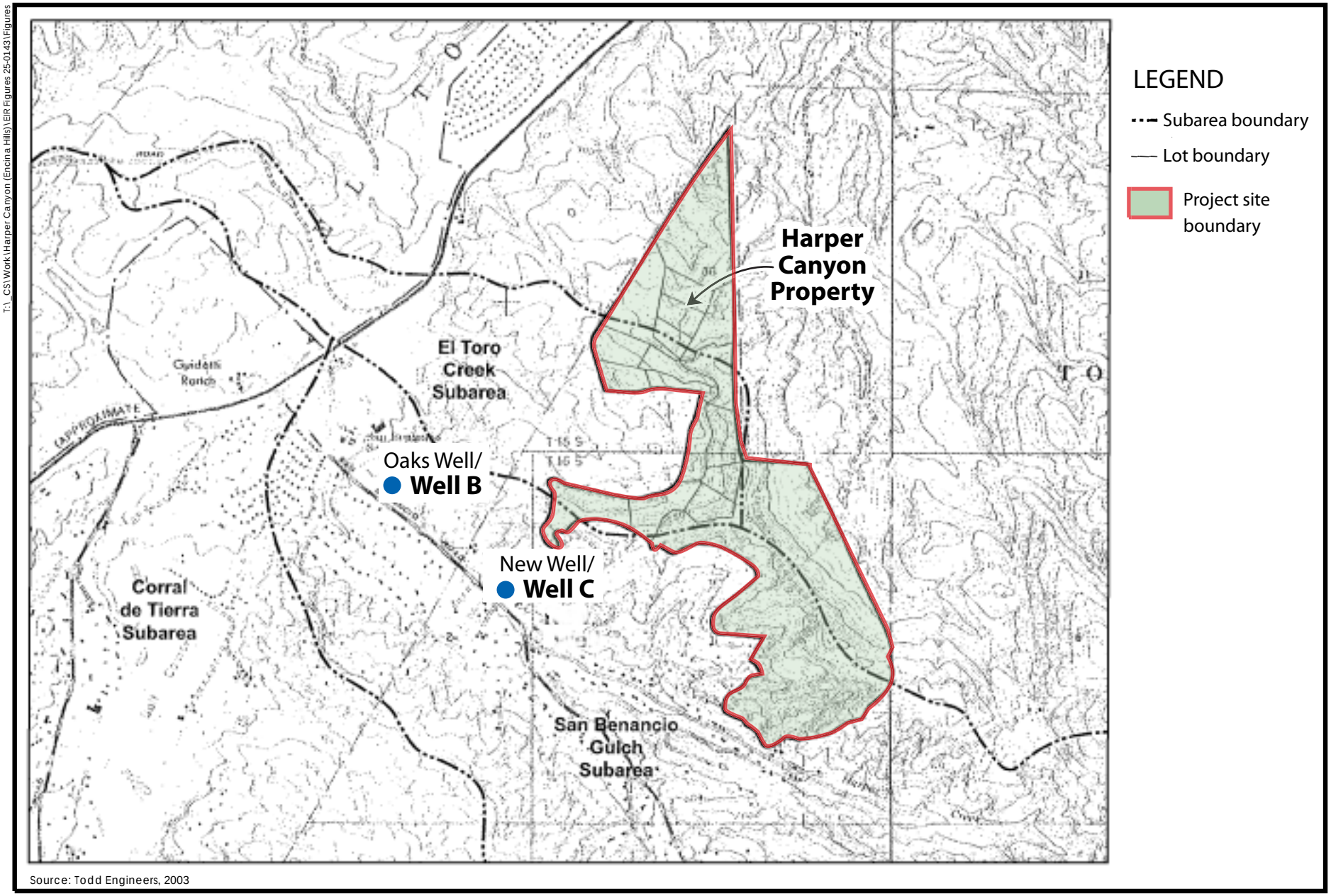

Figure 3.6-2

Geosyntec Study Area Subareas and Well Locations

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Groundwater Resources

Water Quantity

The proposed project would procure water from two existing wells within the San Benancio Gulch subarea of the ~~El Toro Groundwater Basin~~Geosyntec Study Area, as shown in **Figure 3.6-1~~1~~2, ~~Groundwater Basin~~Geosyntec Study Area Subareas and Well Locations**, which are also located within the Corral de Tierra Subbasin of the Salinas Valley Groundwater Basin. The ~~San Benancio Gulch~~ Corral de Tierra Subbasin ~~subarea~~ overlies two principal aquifers, the Paso Robles ~~Aquifer~~ and the Santa Margarita ~~Aquifer~~formations. One of the wells that will serve as the primary well for the proposed project was drilled within the approved Oaks Subdivision along San Benancio Road (hereinafter referred to as the "Oaks Well" or "Well B." ~~)~~A ~~and more recently a~~second well was drilled on the project applicant's land near ~~Harper Canyon~~Meyer Road (Assessor's Parcel Number 416-621-001-000) (hereinafter referred to as the "New Well" or "Well C"). (Well A is located near the Ambler Park Treatment facility, which is owned and operated by California-American Water Company (Cal-Am)).

In the vicinity of the Oaks Well, the Paso Robles Aquifer is approximately 400 feet thick and the Santa Margarita Aquifer is approximately 250 feet thick. Typical well yields and specific capacities for the two principal aquifers of the subarea are listed in **Table 3.6-1, Typical Well Yields for the Paso Robles and Santa Margarita Aquifers**.

TABLE 3.6-1
TYPICAL WELL YIELDS FOR THE PASO ROBLES AND SANTA MARGARITA AQUIFERS

Aquifer	Well Yield (GPM)	Specific Capacity (GPM/FT)
Paso Robles	Up to 200	2
Santa Margarita	Over 500	5

Notes: GPM = gallons per minute, GPM/FT = gallons per minute per foot

Source: Todd Engineers 2003

~~Moratorium~~B-8 Zoning District

On November 24, 1992, the Monterey County Board of Supervisors adopted Ordinance No. 03647 (Monterey County Code 21.42.030.H), which added the "B-8" Overlay Zoning District to a portion of the El Toro Groundwater Basin, which includes portions of the ~~Corral de Tierra subbasin~~Corral de Tierra Subbasin as shown on **Figure 3.6-2~~1~~3, MCWRA ~~Water Zones~~Zone 2C, B-8 Zoning District, and Proposed Project Well Locations** due to water constraints identified and documented in the *Hydrogeologic Update: El Toro Area, Monterey County, California* (MCWRA 1991). The purpose of the B-8 Zoning District ~~was~~ is to "restrict development and/or intensification of land use in areas where due to water supply, water quality, sewage disposal capabilities, traffic impacts or similar measurable

public-facility type constraints, additional development and/or intensification of land use is found to be detrimental to the health, safety, and welfare of the residents of the area, or the County as a whole..."

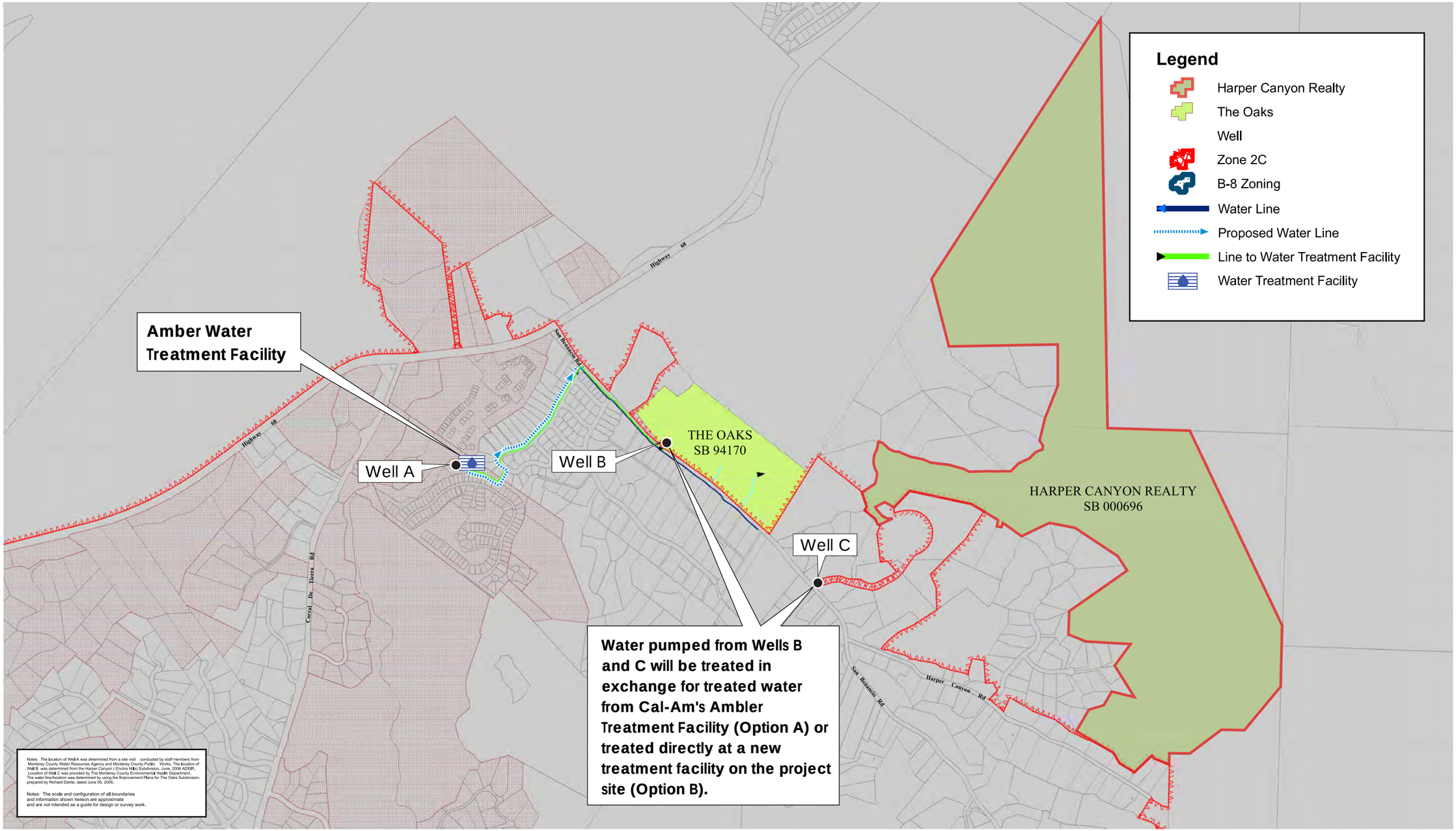
An *Additional Hydrogeologic Update, El Toro Area Monterey County,* California (MCWRA 1996) was prepared, which evaluated the overall water supply in the B-8 zoning district and concluded, among other things, that a "Revision of the subareas would correct the 'paper deficits' that occur in subareas that are hydraulically connected. As a starting point, it is suggested that the subareas north of the trace of the Chupines fault be aggregated into a single unit. This would combine the majority of the subareas of Corral de Tierra, Watson Creek, San Benancio Gulch, and El Toro Creek into a single Hydrogeologic unit...." The County Board of Supervisors accepted the report April 1996 but ~~has~~ did not lift~~ed~~ the B-8 zoning designation from certain portions of the ~~El Toro Groundwater asin~~"El Toro Area".

The Geosyntec Study determined that there is an overdraft condition within the Geosyntec Study area. Although the ~~proposed project would~~Oaks Well and New Well would procure water from within the Geosyntec Study area~~San Benancio Gulch subarea of the El Toro Groundwater Basin~~, neither of the wells ~~for the proposed project~~ nor the project site are located within a B-8 zoning ~~designation~~district. In fact, the project site, Oaks Well and New well are located within a special assessment zone, "Zone 2C," that was established for the Salinas Valley Water Project (SVWP), which is discussed in more detailed below under Seawater Intrusion. The purpose of the SVWP is to provide for the long-term management and protection of groundwater resources in the Salinas Valley Groundwater Basin by meeting the following objectives: stopping seawater intrusion, and providing adequate water supplies and flexibility to meet current and future needs.

~~The El Toro Groundwater Study, prepared by Geosyntec Consultants in July 2007 for the Monterey County Water Resource Agency determined that~~ The water-bearing formations in ~~this~~ the vicinity of the Oaks Well and New Well ~~area~~ dip in a northeasterly direction ~~into~~ towards the Salinas Valley. The geologic maps and cross-sections indicate that there are no barriers restricting groundwater flow from this portion of the ~~El Toro Basin~~ Geosyntec Study area into the Salinas Valley. This means the Geosyntec Study area and the Salinas Valley Groundwater Basin are hydrologically connected.

According to MCWRA, this portion of the ~~El Toro Planning area~~Corral de Tierra Area subbasin, including the project site, Oaks Well site, and N~~n~~ew Well site, indirectly receive benefits of sustained groundwater levels within the Basin attributed to the ~~operation of both the Nacimiento and San Antonio Reservoirs and will receive benefits of the~~ Salinas Valley Water Project~~ upon completion~~. ~~In addition, both the MCWRA and the Monterey County Health Department, Environmental Health Bureau have determined that the proposed project would have negligible effects on the aquifer in this region (MCHD-EHB 2002a) and that there is a long term water supply for the project.~~

T:_CS1\Work\Harper Canyon (Encina Hills)\EIR Figures 25-0143\Figures



Source: Monterey County Water Resources Agency, 2006

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Figure 3.6-3

MCWRA Zone 2C, B-8 Zoning District, and Proposed Project Well Locations

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Groundwater Quality

Groundwater quality in the ~~El Toro Groundwater~~Corral de Tierra Area Subbasin ~~Basin~~ is considered fair to poor. The two principal aquifers, the Paso Robles Aquifer and the Santa Margarita Aquifer, have two different water quality characteristics. The Paso Robles Aquifer is of a calcium-bicarbonate type while the Santa Margarita Aquifer is of a sodium-chloride type.

Drinking Water Standards

The Oaks Well was sampled in 2000 and the New Well was sampled in 2003 to determine water quality. At the time of the *Project Specific Hydrogeology Report – Harper Canyon Realty LLC Subdivision*, water quality tests for both the Oaks Well and New Well met primary drinking water standards but exceeded secondary standards. However, since the wells were tested, the primary maximum contaminate level (MCL) for arsenic has been lowered to 10 parts per billion (ppb) and the MCL for total chromium as of August 2013 ~~was~~has been proposed to be lowered from 50 ppb (California; 100 ppb federal) to 10 ppb. An enforceable MCL for total chromium is anticipated to be established in 2014, but is not currently in effect.

Arsenic

The primary mode of exposure to arsenic is ingestion. Ingestion of inorganic arsenic can result in both cancer and non-cancer health effects. Arsenic interferes with a number of essential physiological activities, including the actions of enzymes, essential cations, and transcriptional events in cells. The U.S. EPA has classified arsenic as a Class A human carcinogen. Chronic exposure has been linked to health complications, including cancer of the skin, kidney, lung, and bladder, as well as other diseases of the skin, neurological, and cardiovascular system. To avoid or eliminate arsenic contamination, water systems may need to take a number of actions, including enacting a source water protection program~~s~~ to prevent contamination.

Chromium

The presence of hexavalent chromium found in drinking water sources is due to both natural occurring presence in geological formations and from industrial ~~use~~contamination sources, such as the manufacturing of textile dyes, wood preservation, leather tanning, and anti-corrosion processes. The trivalent form, also commonly known as "chromium 3" or "chromium III," is a required nutrient and has very low toxicity. The hexavalent form, also commonly known as "chromium 6" or "chromium VI," is more toxic and has been known to cause cancer when inhaled. In recent scientific studies in laboratory animals, hexavalent chromium has also been linked to cancer when ingested. In August 2013, the MCL for total chromium (includes both trivalent and hexavalent chromium) was proposed to be lowered from the state MCL of 50 ppb to 10 ppb. The proposed MCL for total chromium specifically aims to regulate the more soluble and toxic hexavalent form of chromium than the less

soluble and required nutrient trivalent form of chromium. An enforceable MCL for chromium is anticipated to be established in 2014.

Memorandum of Understanding Regarding Treatment of Water from the Oaks Well

The Oaks well was originally going to have an on-site water treatment facility, until the maximum contaminant levels for arsenic were reduced (resulting in more stringent standards). Treatment for arsenic, as well as other constituents, is expensive and is most efficiently treated and monitored when treatment can be done at one primary facility as opposed to multiple satellite treatment facilities. Therefore, it was proposed that water pumped from the Oaks well ~~relocate its treatment to~~would be treated at the Cal-Am Ambler Park treatment facility with the understanding that water would be transferred and returned to the subdivision at a 1:1 ratio.

As of writing this Final EIR, the County Board of Supervisors has given preliminary direction to staff to prepare a Memorandum of Understanding (MOU) between Cal-Am and the County of Monterey ~~with regards to treating~~regarding treatment of water pumped at the Oaks Well to meet drinking water standards. ~~Originally, the Oaks Well was going to be treated onsite but due to the need to treat water to meet the new arsenic MCL and that treatment process it was determined that treatment at a nearby treatment plant that also treats water pumped within the B-8 zoning district would be the most efficient option.~~ The MOU will define the terms by which Cal-Am would agree to pump water from the Oaks well in an amount equal to the amount of water Cal-Am could supply to the nine lots of the Oaks subdivision (located adjacent to the project site) from the treatment plant, ~~so as~~ to ensure there is no net transfer of water volume from the B-8 zoning district, ~~while~~and ensuring that water provided to the Oaks subdivision ~~meets~~will meet current drinking water standards.~~, which~~Such standards may include new MCL for chromium in the near future.

Seawater Intrusion

Monterey County relies almost entirely on groundwater resources to meet water demands. Some of the County's aquifers experience localized over drafting, a condition where more water is pumped out of an aquifer than is recharged on an average yearly basis. This over drafting condition also causes a decline in the water level thus requiring deeper wells. Over drafting causes seawater intrusion in those aquifers in the northern end of Salinas Valley. When this occurs the aquifers must either be deepened, abandoned or water must be treated to dilute the salt concentration. Sufficient water resources exist within the County but the economic problems of storage and distribution make these resources unattainable.

Although seawater intrusion is not currently occurring within the ~~El Toro Groundwater~~Corral de Tierra Area Subbasin~~Basin~~, the ~~proposed~~ project site, Oaks Well and New Well are located ~~will procure water from~~ within a special assessment zone "Zone 2C" established for the Salinas Valley Water Project. To help manage and protect

groundwater resources, Monterey County Water Resource Agency (MCWRA) has developed the Salinas Valley Water Project (SVWP). The ~~Salinas Valley Water Project (~~SVWP~~)~~ addresses the water resources management issues within the Salinas Valley. It provides for the long-term management and protection of groundwater resources in the basin by meeting the following objectives: stopping seawater intrusion, and providing adequate water supplies and flexibility to meet current and future (year 2030) needs. A special assessment zone (Zone 2C) has been established to obtain funding for the Salinas Valley Water Project and is shown in **Figure 3.6-~~2~~23, MCWRA Water Zones and Well Locations**. Customers with Zone 2C are levied special assessment fees to fund the SVWP~~in exchange for availability of water~~. Portions of the ~~El Toro Groundwater~~Corral de Tierra Area Subbasin ~~Basin~~ are considered to be in the Salinas Valley Water Project Zone 2C. The ~~proposed project~~ Oaks Well and New Well would procure ~~water from the Oaks Well and New Well, which are both located~~ within Zone 2C as shown in **Figure 3.6-~~2~~23, MCWRA Water Zones and Well Locations**.

The SVWP went into operation in 2009-2010. Between 2009 and 2011, monitoring data indicate that the groundwater levels (relative to sea level) have increased and the rate of seawater intrusion has decreased. Although it is too soon to draw hard conclusions, a scientific study is currently underway ~~will thoroughly~~to evaluate the results of Zone 2C and the SVWP. This study will evaluate seawater intrusion, groundwater levels, total water demand for all existing and future uses designated in the General Plan for the year 2030, and assess and provide conclusions regarding the degree to which the total water demand for all uses are likely to be reached or exceeded. If the study concludes that the total water demand for all uses is likely to be exceeded; groundwater elevations are going to decline by 2030; or that the seawater intrusion boundary will advance inland by 2030, the study will make recommendations on additional measures the County could take to address any or all of those conditions. These measures may include, but are not limited to, conservation measures or another phase of the SVWP. This study is anticipated to be completed no later than March 2018.

3.6.2 REGULATORY SETTING

SAFE DRINKING WATER ACT (SDWA)

The Safe Drinking Water Act (SDWA), originally passed by Congress in 1974 (amended 1986 & 1996), protects public health by regulating the nation's public drinking water supply. The law requires many actions to protect drinking water and its sources: rivers, lakes, reservoirs, springs, and ground water wells. (SDWA does not regulate private wells that serve fewer than 25 individuals.) The US EPA is the governing authority that sets national health-based standards for drinking water in order to protect against both naturally occurring and man-made contaminants. Individual states and water systems work in conjunction with the US EPA to ensure these standards are met.

Originally, SDWA focused on treatment as the primary means of providing safe drinking water at the tap. The 1996 amendments recognized source water protection, operator

training, funding for water system improvements, and public information as important components of safe drinking water. This approach helps ensure the quality of drinking water by protecting it from source to tap. (SDWA)

CALIFORNIA DEPARTMENT OF HEALTH SERVICES (CDHS)

In response to the 1996 federal Safe Drinking Water State Act requirements, Section 116540 of the California Health and Safety Code was enacted. This section states that,

> *"No public water system that was not in existence on January 1, 1998, shall be granted a permit unless the system demonstrates to the department that the water supplier possesses adequate financial, managerial, and technical capability (TMF) to assure the delivery of pure, wholesome and potable drinking water. This section shall also apply to any change of ownership of a public water system that occurs after January 1, 1998"*

Compliance with the element is required at the time of permit application.

STATE WATER RESOURCE CONTROL BOARD (SWRCB)/CENTRAL COAST REGIONAL WATER QUALITY CONTROL BOARD (RWQCB)

State Water Resources Control Board (SWRCB) was created more than 30 years ago (1967) by merging the State Water Quality Control Board and the State Water Rights Board together. This five-member board had the responsibility to protect water quality, balance competing demands on our water resources and resolve water disputes.

> *"The State Board's mission is to preserve, enhance and restore the quality of California's water resources, and ensure their proper allocation and efficient use for the benefit of present and future generations."*

Dickey Water Pollution Act

The Dickey Act acknowledged that California's water pollution problems are primarily regional and depend on precipitation, topography, and population, as well as recreational, agricultural, and industrial development, all of which vary greatly from region to region, thus creating a need for a "State Water Pollution Control Board".

The Dickey Act established nine regional water pollution control boards located in each of the major California watersheds. Their primary responsibility is overseeing and enforcing the state's pollution abatement program. Gubernatorial appointees, representing water supply, irrigated agriculture, industry, and municipal and county government in that region, serve~~d~~ on each Regional Water Board.

Nine Regional Water Quality Control Boards (RWQCB) represent~~ing~~ the major watersheds of the state. These Regional Boards serve as the frontline for state and federal water

pollution control efforts. The Central Coast Region spans from Santa Clara County south to northern Ventura County. The Region has 378 miles of coastline, including Santa Cruz and the Monterey Peninsula, the agricultural Salinas and Santa Maria Valleys, and the Santa Barbara coastal plain (SWRCB).

COUNTY OF MONTEREY

Monterey County Health Department, ~~Division of~~ Environmental Health Bureau (~~MCD~~EH~~B~~)

The mission of the ~~MCD~~EH~~B~~ is to prevent environmental hazards from occurring and to protect the public and resources from environmental hazards when they occur. They are agency responsible for water well permits for construction, destruction and modification as well as inspect placement of sanitary seal. They also conduct inspections, issue permits and monitor chemical and bacteriological water quality for small public water systems with less than 200 connections.

1982 Monterey County General Plan

Policies

5.1.2 Land use and development shall be accomplished in a manner to minimize runoff and maintain groundwater recharge in vital water resource areas.

6.1.1 Increase uses of groundwater shall be carefully managed, especially in areas known to have groundwater overdrafting.

6.1.2 Water conservation measures for all types of land uses shall be encouraged.

53.1.3 The County shall not allow water consuming development in areas which do not have proven adequate water supplies.

53.1.5 Proliferation of wells, serving residential, commercial, and industrial uses, into common water tables shall be discouraged.

Toro Area Plan

Policies

5.1.2.1 Developments shall be designed to maintain groundwater recharge capabilities on the property.

6.1.4 New water supply wells for subdivision shall require seventy-two hour pump tests.

3.6.3 IMPACTS AND MITIGATION MEASURES

STANDARDS OF SIGNIFICANCE

The following thresholds for measuring a project's environmental impacts are based on CEQA Guidelines and standards used by the County of Monterey. For the purposes of this EIR, impacts are considered significant if the following could result from implementation of the proposed project:

1) Violate any water quality standards;
2) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted;
3) Otherwise substantially degrade water quality; and
4) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed.

~~**Insert Figure 3.6-2 MCWRA Water Zones and Well Locations**~~

METHODOLOGY

A *Project Specific Hydrogeologic Report - Harper Canyon Realty, LLC Subdivision* was prepared for the Monterey County Health Department, Environmental ~~Health Division~~Health Bureau by Todd Engineers in September 2002 and updated July 2003, in accordance with Title 19 of the Monterey County Code. These reports summarize available hydrogeologic data, examine the availability of sustainable long-term water supply for the project, identify potential effects the project may have on the quantity and quality of groundwater, and provide well testing data. These reports and letters related to groundwater are included in Appendix F.

The analysis included a review of available information pertaining to groundwater resources and hydrogeology including, but not limited to: *Monterey County General Plan* (Monterey County 1982); and the ~~*Toro Area Plan* (Monterey County 1983); *Hydrogeologic Update – El Toro Area* (MCWRA 1991); and *Additional Hydrogeologic Update – El Toro Area* (MCWRA 1996)~~ *El Toro Groundwater Study* (Geosyntec Study Report 2007, 2010)~~.~~

PROJECT IMPACTS AND MITIGATION MEASURES

Long-Term Impact to Groundwater Resources

Impact 3.6-1 Implementation of the proposed project would result in an increase demand of approximately 12.75 acre feet per year, which would result in a long-term water demand increase on the ~~El Toro Groundwater Basin~~Salinas Valley Groundwater Basin. However, given ~~project's groundwater recharge capability and~~ the fact that water would be procured through wells located within the Salinas Valley Water Project Assessment Zone 2C, this increase in demand would be considered a **less than significant impact**.

According to the *Project Specific Hydrogeology Report – Harper Canyon Realty LLC Subdivision* (~~MCHD~~MCHDEHB 2002, 2003), the proposed project would have a water demand of approximately 12.75 AFY based on a demand value of 0.75 AFY per residence. The proposed project would be served by two existing wells: the Oaks Well and the New Well, as shown in **Figure 3.6-~~1~~3, Groundwater Basins and Subareas with Well Locations**. Both wells procure water from the Paso Robles Aquifer within the ~~San Benancio Gulch subarea of the El Toro Groundwater Basin~~Corral de Tierra Area Subbasin of the Salinas Valley Groundwater Basin.

According to the *Project Specific Hydrogeology Report – Harper Canyon Realty LLC Subdivision,* the wells would procure water from a ~~San Benancio Gulch~~ subarea that is recharged by approximately 486 AFY through stormwater generation and precipitation. With buildout of the subarea (approximately 542 units) ~~within the San Benancio Gulch subarea~~, the water demand ~~is~~ would be less than the annual recharge rate, providing a water surplus of approximately 29.9 AFY. ~~AFY for the San Benancio Gulch subarea~~.

According to the *Project Specific Hydrogeology Report – Harper Canyon Realty LLC Subdivision,* this water surplus would be able to accommodate the proposed project's water demand of approximately 12.75 AFY.

Water Supply

The Oaks Well and New Well would supply water to the proposed project and the previously approved Oaks subdivision, a nine-unit subdivision located along San Benancio Road adjacent to the project site. The Oaks Well and the New Well would be owned by ~~combined into one water system, which shall be operated by~~ California-American Water Company (Cal-Am). ~~–~~The wells are located and ~~will~~ procure water ~~directly~~ from the ~~San Benancio Gulch subarea of the El Toro Groundwater~~ portion of the Corral de Tierra Subbasin that lies with MCWRA's Zone 2C ~~Basin. Both the Oaks Well and New Well are located within the Salinas Valley Water Project Assessment Zone 2C and will not exacerbate the deficient water conditions within the El Toro Groundwater Basin~~. ~~Cal-Am will~~ Water pumped from the wells would be conveyed to a treatment facility to treat water in accordance with current state and federal regulations (i.e. drinking water standards).

Water treatment would occur via one of two treatment facility options: Option A) treatment at the existing Ambler Park Facility; or Option B) a new satellite ~~small~~ water system that would serve the proposed project and the previously approved Oaks subdivision only. These options are discussed in more detail under **Impact 3.6-2**. However, it is important to note that if the proposed project was provided water via the Ambler Treatment facility, ~~that~~a an separate MOU, similar to the one for the Oaks Subdivision, would be necessary to ensure that there is no net transfer of water from the B-8 zoning district.~~, while ensuring that water provided to the proposed project and Oaks subdivision meets current drinking water standards. As an alternative, the project may treat water pumped from the Oaks Well and New Well at a separate treatment plant. operate the proposed project's water system as a satellite system to keep the water procured from wells within Zone 2C separate from water procured by Cal-Am within the B-8 zoning district and under a moratorium. If routed through the Ambler Park treatment plant, t~~The amount of water delivered to the Oaks and Harper Canyon Subdivisions must be equal to the amount pumped from the Oaks Welland New Well. Implementation of mitigation measure **MM 3.6-2b** would require monitoring of the pumping volumes to ensure that the amount of water delivered to the subdivisions is equal to the amount of water pumped. The~~ A new satellite water ~~distribution~~ system ~~would be considered a state small water system and would be under the jurisdiction of Monterey County Health Department, Environmental Health DivisionHealth Bureau but~~ would be owned and operated by Cal-Am. This satellite facility would be located on the project site ~~and/or Oaks subdivision project site~~ within Zone 2C. The project applicant would be required to pay their fair share towards the construction of the new treatment facility.

~~As a condition of approval, the project applicant shall be required to enter into a main extension agreement with California-American Water Company for the New Welland~~

~~subsequently, the existing main extension agreement for the Oaks subdivision well may be subject to revision. The main extension agreement shall identify that the water system shall be operated as a satellite water system.~~

~~Water Balance~~Previous Studies

~~*Todd Engineering*~~*Project Specific Analysis*

~~According to the~~A *Project Specific Hydrogeology Report – Harper Canyon Realty LLC Subdivision,* was prepared by Todd Engineering in 2002, which was updated in 2003 (**Appendix F**). ~~The~~ This analysis identified the project site ~~overlie~~being located~~s~~ in an area that was referenced as the El Toro Creek subarea, San Benancio Gulch subarea, Corral de Tierra subarea, and the northern portion of Watson Creek subarea of the El Toro Groundwater Basin. These areas referenced are pursuant to~~in~~ the *Hydrogeologic Update - El Toro Area* and *Additional Hydrogeologic Update - El Toro Area* prepared by Fugro for MCWRA in 1991 and 1996, respectively (MCWRA 1991, 1996) and are not consistent with the terms used by MCWRA or DWR to describe the groundwater basins. ~~This area is~~are located north of the Chupines fault and are considered to be interconnected.

According to Todd Engineering, ~~tThe predicted water demand for these four subareas upon buildout of the area (1,288 units) is was less than the recharge rate, providing a water surplus of approximately 320.7 AFY in this area of the El Toro Groundwater Basin, as shown in **Table 3.6-2, El Toro Groundwater Basin Water Balance Upon 1995 Estimated Buildout**. It was determined that the~~ The proposed project's water demand of approximately 12.75 AFY would be met by the ~~29.9 AFY~~ water surplus ~~within the San Benancio subarea~~ in the area. However, the assumptions for the water demand were not consistent with those used to estimate~~d~~ water demand/surplus upon buildout of the areas analyzed in the *Hydrogeologic Update - El Toro Area* and *Additional Hydrogeologic Update - El Toro Area*, which assumed high volume of recharge for landscaping and septic systems throughout the area. Since the proposed project will convey wastewater to a public treatment facility and have minimal landscaping, the loss of return flow anticipated in the buildout projects was estimated for the proposed project, which was determined to be approximately 5.88 AFY (12.75 AFY total water demand x 57.60 percent interior usage x 80 percent interior usage return via septic system). The loss of 5.88 AFY of return flow ~~lost~~ due to the proposed project was determined to be greater than the water surplus for the referenced El Toro Creek subarea. According to the *Project Specific Hydrogeology Report – Harper Canyon Realty LLC Subdivision* some areas within the referenced Corral de Tierra subarea would not meet the estimated water demand upon buildout and development should be extremely rationed in the area. It was determined that although the loss of return flow associated with the proposed project may have an adverse impact on some of the individual subareas, the four subareas are interconnected and will maintain an overall water surplus of approximately 314.82 AFY.

~~According to Monterey County Health Department, Environmental Division, there is adequate source capacity for the proposed project and the proposed project should have a~~

negligible effect on the aquifer and nearby existing wells (MCHD 2002a). Therefore, the proposed project would have a long-term water supply and the impact on regional groundwater resources would be considered **less than significant**. No mitigation measures are necessary.

TABLE 3.6-2
EL TORO GROUNDWATER BASIN WATER BALANCE UPON 1995 ESTIMATED BUILD-OUT

Subarea	Recharge (AFY)	1995			Buildout		
		Units	Demand (AFY)	Surplus (AFY)	Units	Demand (AFY)	Surplus (AFY)
San Benancio Gulch	486	413	342.2	143.8	542	456.1	29.9
El Toro Creek	74	1	1.1	72.9	175	69.3	4.7
Corral de Tierra	607	686	582.2	24.8	986	781.4	174.4
Watson Creek	855	188	206.4	648.6	365	394.5	460.5
Totals	**2,022**	**1,288**	**1,131.9**	**890.1**	**2,068**	**1,701.3**	**320.7**

NOTES: AFY = Acre Feet per Year
1995 Demand and Buildout based on projections from Additional Hydrogeologic Update, El Toro Area (Fugro 1996).
Recharge is based on 2.18 inches per year using soil moisture methodology (Feeney, 2000).

Source: Todd Engineers 2003

The water balance findings of the *Project Specific Hydrogeology Report – Harper Canyon Realty LLC Subdivision* are based on many of the same reports and similar topographic divide as the *El Toro Groundwater Study* prepared by Geosyntec in 2007, supplemented in January 2010, also referred to as the "Geosyntec Study."

Geosyntec Study Analysis

Based According to on the Geosyntec Study subareas, the project site lies in the El Toro Creek and San Benancio Gulch subareas (**Figure 3.6-2, Geosyntec Study Area Subareas and Well Locations**), which differs slightly from the *Project Specific Hydrogeology Report – Harper Canyon Realty LLC Subdivision* (Todd Engineering 2002, 2003) and also conflicts with terms used by MCWRA and DWR to describe the groundwater basin. According to the Geosyntec Study, the primary aquifer is in overdraft but current and increased groundwater pumping could be sustained for decades in areas where large saturated thicknesses of the primary aquifer stored large volumes of groundwater. The project site overlies a portion of the primary aquifer that has a large saturated thickness and groundwater production is considered good (Figure 7-1 of the Geosyntec Study). Although, it was identified that with continued overdraft conditions, groundwater production would likely decrease relatively quickly in hydrogeologically contiguous areas of less saturated thickness, it was also determined in the Geosyntec Study update that the aquifer in the vicinity of the project site is hydrogeologically contiguous with the aquifers located to the

east in the Salinas Valley rather than the less productive areas within the Geosyntec Study area. –Therefore, groundwater pumping in this area would not likely affect the less saturated thickness areas of the primary aquifer with the Geosyntec Study area.

~~Existing Conditions~~Water Balance Analysis

MCWRA requested that the water balance be prepared to analyze the proposed project's demand on existing conditions. Based on the water demand estimated in the *Project Specific Hydrogeology Report – Harper Canyon Realty LLC Subdivision (*Todd Engineering 2002, 2003) and the *Preliminary Drainage Report of Harper Canyon (Encina Hills) Subdivision* (Whitson Engineers, Inc., 2007), the proposed project would result in an increased gross water demand of approximately 12.75 AFY and ~~would result in~~ loss of approximately 0.38 AFY ~~less~~ recharge. When compared to existing conditions, the proposed project would result in a net negative change of approximately -13.1 AFY, as summarized in **Table 3.6-2**.

TABLE 3.6-2
WATER BALANCE

PRE-PROJECT					
WATER USE	**DEMAND PER UNIT (AFY) (1)**	**NUMBER OF UNITS**			**WATER USE AFY**
Existing Residential Unit	0.75	0			0.00
Total Water Use					**0.00**
RECHARGE	**TOTAL AREA ACRES (2)**	**UNDEVELOPED AREA ACRES (2)**	**MEAN ANNUAL PRECIPITATION (3) INCHES/YEAR**	**RECHARGE RATE (4)**	**RECHARGE AFY**
Project Site	344.0	344.0	14.58	0.0065	2.72
Total Recharge					**2.72**
Water Balance = Recharge - Water Use					**2.72**
POST-PROJECT					
WATER USE	**DEMAND PER UNIT (AFY) (1) & (5)**	**NUMBER OF UNITS (5)**	**AREA (6) SQUARE FEET**	**MULTIPLIER (7)**	**DEMAND AFY**
Low Density Residential	**0.75**	**17**			12.75
Total Water Use					**12.75**
POST-PROJECT					
RECHARGE	**TOTAL AREA ACRES (2)**	**UNDEVELOPED AREA (2) ACRES**	**MEAN ANNUAL PRECIPITATION INCHES/YEAR (3)**	**RECHARGE RATE (4)**	**RECHARGE AFY**
Watershed A	20.60	20.60	14.58	0.0065	0.16
Watershed B	27.70	27.70	14.58	0.0065	0.22
Watershed C	5.80	5.80	14.58	0.0065	0.05
Watershed D	33.70	31.78	14.58	0.0065	0.25
Watershed E	7.90	7.67	14.58	0.0065	0.06
Watershed F	94.70	89.00	14.58	0.0065	0.70

Watershed G	75.60	71.04	14.58	0.0065	0.56
Watershed H	0.80	0.80	14.58	0.0065	0.01
Watershed I	7.60	7.15	14.58	0.0065	0.06
Watershed J	3.10	2.96	14.58	0.0065	0.02
Watershed K	37.60	36.98	14.58	0.0065	0.29
Total Recharge					**2.38**
Water Balance = Recharge - Water Use					**-10.37**
Net Change					
Post-Project Water Balance - Pre-Project Water Balance					**-13.1**

Notes:
1. Water Demand per Unit values for residential use based on Project Specific Hydrogeology Report – Harper Canyon Realty LLC Subdivision, prepared by Todd Engineering for MCWRA in September 2002 and updated July 2003.
2. Pre- and post project area (acres) referenced from the Preliminary Drainage Report of Harper Canyon (Encina Hills) Subdivision, prepared by Whitson Engineers, Inc., dated March 22, 2007. Includes adjacent parcels where applicable.
3 Average rainfall was estimated based on the mean annual precipitation rate at the Western Regional Climate Center's Salinas 2E Station between 1958 and 2010 (WRCC 2010).
4 Based on the average recharge rate for SMB zones 2 and 88 for undeveloped land and SMB zone 5 for residential and provided in the Laguna Seca Subarea Phase III Hydrogeologic Study (Yates, Feeney, and Rosenberg 2002).
5 Vesting Tentative Map for Harper Canyon (Encina Hills) Subdivision prepared by Whitson Engineers in 2003.

As discussed previously, the MCWRA constructed the SVWP to provide the surface water supply necessary to attain a hydrologically balanced groundwater basin. Recent data (2011) indicates that since SVWP went online, the groundwater levels within the Salinas Valley Groundwater Basin are increasing and that the rate of seawater intrusion in the Salinas Valley is decreasing, which is encouraging for the groundwater basin as a whole. A study is currently underway to thoroughly evaluate the effects of the SVWP.

The project site, Oaks Well and New Well are located in Zone 2C and the property owner contributes ~~the SVWP.~~ financially to the SVWP and its groundwater management strategies through an assessment on the property. The project's impact on the groundwater basin is therefore mitigated by this contribution, as the SVWP provides a regional mitigation strategy for the groundwater basin and its subbasins. Furthermore, both the MCWRA and the Monterey County Health Department, Environmental Health Bureau ~~have~~has determined that the proposed project would have negligible effects on the aquifer in this region (MCHD-EHB 2002a) and that there is a long term water supply for the project. For these reasons, the proposed project is considered to have a long-term sustainable groundwater supply, and this would be considered a **less than significant impact.** No mitigation measures are necessary.

Drinking Water Quality Below Thresholds

Impact 3.6-2 Implementation of the proposed project would result in the extracting of groundwater that does not meet ~~the~~ current California Department of Health Services Maximum Contaminate Levels (MCLs) for total dissolved solids, electrical conductivity, chloride, manganese, and arsenic. This would be considered a **potentially significant impact**.

~~Water extracted for the proposed project is~~The Oaks Well and New Well procured from the Paso Robles Aquifer, ~~however the~~which has water quality that is consistent with the Santa Margarita Aquifer~~,~~ in that it has sodium-chloride characteristics. ~~According to~~At the time of the *Project Specific Hydrogeology Report – Harper Canyon Realty LLC Subdivision*, water quality tests for both wells met primary drinking water standards but exceed secondary standards. **Table 3.6-~~5~~3, New Well Constituents Exceeding Primary and Secondary Drinking Water Standards** summarizes the water quality test results for the New Well.

TABLE 3.6-~~5~~3
NEW WELL CONSTITUENTS EXCEEDING THE PRIMARY AND SECONDARY DRINKING WATER STANDARDS

Primary Constituents	Current MCL	Constituent Concentration	Effect
Arsenic	10 ppb	28 ppb	Skin damage or problems with circulatory systems, and may have increased risk of getting cancer
Chromium	50 ppb	2 ppb	The hexavalent form, chromium 6, has been known to cause cancer when inhaled and linked to cancer when ingested.
Secondary Constituents	**Current MCL**	**Constituent Concentration**	**Effect**
Chloride	250 ppm	263 ppm	Odor, Taste, Corrosion & Staining
Manganese	50 ppb	169 ppb	Odor, Taste, Color, Corrosion & Staining
Electrical conductance	900 umhos/cm	1120 umhos/cm	
Total Dissolved Solids	500 ppm	689 ppm	Odor, Taste, Color, Corrosion & Staining

NOTES: MCL = Maximum Contaminate Level, ppm = parts per million, Ppb = parts per billion
Umhos/cm = micromhos per centimeter

Source: Todd Engineers 2003

As previously noted~~However~~, since the wells were tested~~,~~ the primary ~~maximum contaminate levels (~~MCL~~s)~~ for arsenic ~~have~~ has been lowered to 10 ~~parts per billion (~~ppb~~)~~ and the MCL for total chromium is currently being considered to be lowered to 10 ppb. Exceeding primary ~~maximum contaminate levels (~~MCLs~~)~~ may pose health risks and are enforceable by law, while secondary standards are guidelines based on such criteria as taste, odor and laundry staining and are not regulated.

~~Water quality data from the Oaks Well was collected in 2000 and determined that the Oaks Well met current primary drinking water standards. However, the *Project Specific Hydrogeology Report – Harper Canyon Realty LLC Subdivision* did not include specific~~

~~water quality data. The New Well was sampled for water quality in 2003. **Table 3.6-35**, **New Well Constituents Exceeding Primary and Secondary Drinking Water Standards** summarizes the water quality test results for the New Well. According to the *Project Specific Hydrogeology Report – Harper Canyon Realty LLC Subdivision*, the New Well met current primary drinking water standards.~~ Based on the water quality data for the New Well, i~~I~~t is likely that both the Oaks Well and New Well will be required to treat for arsenic ~~and based on the water quality data for the New Well, the new primary~~because the drinking standards for arsenic are exceeded at the New Well ~~for arsenic~~ with a concentration of 28 ppb. Based on the water quality data from the New Well, total chromium concentrations are not anticipated to exceed drinking water standards, even if the MCL lowered to 10 ppb.

The primary mode of exposure to arsenic is ingestion. Ingestion of inorganic arsenic can result in both cancer and non-cancer health effects. Arsenic interferes with a number of essential physiological activities, including the actions of enzymes, essential cations, and transcriptional events in cells. The U.S. EPA has classified arsenic as a Class A human carcinogen. Chronic exposure has been linked to health complications, including cancer of the skin, kidney, lung, and bladder, as well as other diseases of the skin, neurological, and cardiovascular system. To avoid or eliminate arsenic contamination, systems may need to take a number of actions, including enacting a source water protection programs to prevent contamination.

Both wells exceed secondary esthetic standards for total dissolved solids (TDS), electrical conductivity, and manganese. The New Well also exceeds the secondary MCL for Chloride and has elevated hardness and sodium although maximum contaminant levels (MCLs) have not been established for these constituents. High concentrations of secondary constituents such as TDS, chloride, electrical conductivity and manganese were found within in the water quality samples from both wells. These concentrations may adversely affect the taste, odor or appearance of drinking water. The Secondary MCLs do not pose any known health risks are only evaluated for their aesthetic affect.

~~As the maximum contaminate levels for arsenic were recently lowered to 10 ppb, T~~the New Well and Oaks well do ~~does~~ not meet primary drinking water standards for arsenic~~. and the Oaks Well would most likely not meet the new standard.~~ The treatment of arsenic requires that groundwater pumped to from the Oaks Well and New Well be conveyed to a treatment facility in order to treat water to meet current federal and state drinking water standards prior to conveyance to residential lots. Water treatment would occur via one of two treatment facility options: Option A) the existing Cal Am Ambler Park Facility; or Option B) a new satellite ~~small~~ water system that would serve the proposed project and previously approved Oaks subdivision only.

Treatment Facility Option A: Ambler Facility

As previously noted, at the time this Final EIR was written staff was ~~preparing~~negotiating a Memorandum of Understanding (MOU) between Cal-Am and the County of Monterey with

regards to treating water pumped at the Oaks Well to meet drinking water standards for the previously approved Oaks subdivision. Originally, the Oaks Well was going to be treated onsite but due to the need to treat water to meet the new arsenic MCL it was determined that it would be best to treat water pumped at the Oaks Well at the existing Ambler Treatment Facility that is owned and operated by Cal-Am. The Ambler Treatment Facility is located and also treats water pumped within the B-8 zoning district. The MOU being prepared by Monterey County staff defines the terms by which Cal-Am would agree to pump water from the Oaks well in an amount exactly equal to the amount of water Cal-Am could supply to the Oaks subdivision from the treatment plant, so as to ensure there is no net transfer of groundwater resources from the B-8 zoning district, while ensuring that water provided to the oaks subdivision meets current drinking water standards.

~~Under Treatment Option A, the proposed project would also have water treated at the Ambler Treatment facility. If the proposed project did not take the same precautions as the Oak Subdivision, this could result in a transfer of groundwater resources from the B-8 zoning district to the project, which would be inconsistent with Section 21.42.030.H of the Monterey County Code). This would be considered a **potentially significant impact**. Implementation of the following mitigation measure would ensure that impacts associated with Treatment Facility Option A are reduced to a less than significant level.~~

Mitigation Measure

MM 3.6-2a Prior to recording the first final subdivision map with Treatment Facility Option A, the County of Monterey shall draft a written agreement (i.e. Memorandum of Understanding) between the County of Monterey, project applicant and the water purveyor that requires the following:

a) The project applicant shall convey to the water purveyor the New Well, complete with water distribution ~~and treatment~~ infrastructure ~~and fire flow water supply~~ to the water purveyor (currently Cal-Am~~;~~).

b) ~~the~~ The water purveyor shall own and operate the New Well and infrastructure.

c) The water purveyor shall meter water pumped from the Oaks Well and New Well to ensure that the amount pumped from the wells is equivalent to the amount of water supplied to the proposed project and Oaks subdivision ~~from the Ambler Park Treatment Facility~~, ~~so as~~ to ensure there is no net transfer of groundwater resources from the B-8 zoning district. The water system operator shall have a qualified engineer prepare a water audit report, which shall be subject to review by the Monterey County Health Department, Environmental Health Bureau and Monterey County Water Resources Agency. The water audit report shall provide the water pumping volume, water loss volume due to treatment and water quality, if the actual water pumping volume exceeds the estimated 12.75 AFY for

the proposed project plus the 4.66 AFY for the Oaks Subdivision, the Monterey County Health Department, Environmental Health Bureau and Monterey County Water Resources Agency shall be notified immediately in writing. At that time, an evaluation of the water system may be required to determine if there is a maintenance issue or if further conservation restrictions are required.

d) Water treated at the Ambler Park Treatment Facility shall meet current *Title 22, California Code of Regulations* and California Public Utility Commission standards.

The total cost of water distribution infrastructure is to be born by the project applicant and not the water purveyor or its customers.

Treatment Facility Option B: ~~Small State~~Satellite Water System

Under Treatment Facility Option B, water pumped from the Oaks Well and New Well would be treated at a new ~~small state~~ satellite water system in lieu of the existing Ambler Treatment Facility. The construction of the new Treatment Facility would be under the jurisdiction of Monterey County Health Department, Environmental Health Bureau, and transferred to Cal-Am to own and operate. This satellite facility would be located within Zone 2C. ~~This would be considered a **potentially significant impact.**~~ The following mitigation measures have been provided to ensure that the ~~water system improvements meet the standards of Monterey County~~impacts associated with Treatment Facility Option B are minimized to a less than significant level.

Mitigation Measures

MM 3.6-~~2a~~2b Prior to recording the first Final Subdivision Map with Treatment Facility Option B, Monterey County Health Department, Environmental ~~Health Division~~Health Bureau shall require that the project applicant contract with a qualified engineer to design and install water system improvements to meet the standards as found in Chapter 15.04 and 15.08 of the Monterey County Code, Titles 17 and 22 of the California Code of Regulations, the Residential Subdivision Water Supply Standards and California Public Utility Commission Standards. ~~Such improvements shall be made at the California American Water Company Amber Park facility or at a separate facility designed to serve the project.~~ Water system improvement plans shall identify the water treatment facilities and how the water treatment facilities will remove all constituents that exceed current California Primary and Secondary MCLs (e.g. arsenic, coliform, TDS, iron, etc.) from drinking water. These plans shall be subject to review by the Monterey County Health Department, ~~and~~ Environmental ~~Health Division~~Health Bureau, and California-American Water Company. The treatment facility shall be located on the project site in a disturbed

area void of environmentally sensitive resources, inside ~~a structure~~an enclosure. The enclosure~~structure~~ shall be designed to ~~complete~~compliment the surrounding visual character (i.e. rural residential) and shall be subject to the Design Control Zoning District regulations provided in Chapter 21.44 of the County Code. The treatment facility shall be designed and sized to treat water pumped from both the Oaks Well and New Well and accommodate the proposed project and Oaks subdivision only. The project applicant shall be required to pay their fair share towards treatment facility improvements. Facility maintenance and removal of accumulated constituents shall be the responsibility of the facility owner and accomplished in accordance with local, state and federal regulations based on the treatment method chosen.

~~**MM 3.6-2b** Prior to recording the final subdivision map, the project applicant shall provide to Monterey County written agreement between the project applicant, the owner of the Oaks Subdivision, and the water purveyor requiring: a) the project applicant to convey to the water purveyor the newly constructed well, complete with water distribution and treatment infrastructure and fire flow water supply; b) the water purveyor shall operate the system as a satellite or stand alone system providing domestic and fire flow water supply to the subdivision in accordance with *Title 22, California Code of Regulations* and California Public Utility Commission standards. The total cost of water distribution infrastructure is to be born by the project applicant and not the water purveyor or its customers. This satellite water system is prohibited to be consolidatedintertie with any other Cal-Am water system. pumping of water solely outside of Monterey County Water Resources Agency Zone 2C.~~

MM 3.6-2c Within one month of completing of the water system improvements, the Monterey County Health Department, Environmental ~~Health Division~~Health Bureau shall require that the project applicant transfer the operation and monitoring of the water system to the water purveyor (currently California-American Water Company). The water system operator shall monitor the water pumping volume and water quality of the Oaks Well and New Well in accordance with Chapters 15.04 and 15.08 of the *Monterey County Municipal Code* and Section 64480 of *Title 22, California Code of Regulations*. ~~The amount of water delivered to the Oaks Subdivisions and Harper Canyon Subdivisions must be equal to the amount of water pumped from the Oaks Well and New Well. The water system operator shall have a qualified engineer prepare a water audit report, which shall be subject to review by the Monterey County Health Department, Environmental Health Division and Monterey County Water Resources Agency. The water audit report shall provide~~

~~the water pumping volume and water quality, if the actual water pumping volume exceeds the estimated 12.75 AFY for the proposed project plus the 4.66 AFY for the Oaks Subdivision, the Monterey County Health Department, Environmental Health Division and Monterey County Water Resources Agency shall be notified immediately in writing. At that time, an evaluation of the water system may be required to determine if there is a maintenance issue or if further conservation restrictions are required. The County and Cal-Am shall execute a Memorandum of Understanding confirming the terms of the monitoring effort.~~

~~As an alternative to treating project water through the Ambler Park treatment system, the County may require the applicant to provide a stand-alone treatment system designed and sized to deliver water only to the Harper Canyon and Oaks subdivisions. Such a facility, if required, must be located at the existing Oaks Well location and must be ultimately owned and operated by Cal-Am.~~

Implementation of the above mitigation measures~~s~~ **MM 3.6-2a** or mitigation measures **MM 3.6-2b** ~~through~~ and **MM 3.6-2c** would ensure that potable water for the proposed project meets the safe drinking water standards. Therefore, the water quality impact would be reduced to a **less than significant** level. Although it is technically feasible for the project to be served water as treated through the Ambler Park system, the County of Monterey may ultimately require a stand-alone treatment system as provided by the mitigation measure. The treatment facility shall be required to be in an enclosed structure that has design control restrictions; therefore, impacts to aesthetics would be minimized. ~~The existing Oaks Well site is heavily disturbed and large enough to accommodate a small treatment system in this location with no environmental consequences from its physical construction~~Construction impacts associated with the treatment facility would be similar to development of other necessary infrastructure systems, ~~the residential lots,~~ and mitigation measures related to construction provided herein would minimize those impact impacts to a less than significant level. ~~Design Control regulations and mitigation measures provided herein.~~Treating the project's water source in this manner from the same existing wells will cause no significant project-specific or cumulative impact, as the system would service only the Harper Canyon and Oaks subdivisions. ~~-~~The treatment facility will be required to comply with all local, state and federal requirements regarding the operation and maintenance of a water system, including proper disposal of accumulated constituents from the treatment process.

Adversely Affect Nearby Wells

Impact 3.6-3 Implementation of the proposed project would result in long-term groundwater pumping. However, pumping groundwater from the Oaks Well at rate of 4 GPM and from the New Well at a rate of 12 GPM for 20 years would result in a drawdown of less than two feet within 1,000 feet from neighboring wells, which is considered negligible according to

Monterey County Health Department, Environmental ~~Health Division~~Health Bureau. Therefore, this would be considered a **less than significant impact**.

Seven wells are located in the vicinity of the Oaks Well and the New Well. The ~~San Benancio School~~ well located at the San Benancio School site is approximately 1,000 feet north of the Oaks Well, however the school is currently served by Cal-Am; the Ambler Park well (Well A) is located approximately 1,500 feet west of the Oaks Well; and there are an additional five wells within 2,000 feet of the New Well. It is unknown what volume of water, if any, is pumped from the five wells within 2,000 feet of the New Well, but they are likely domestic wells with small pumping volumes. If pumping of groundwater associated with the proposed project creates drawdown in nearby wells to a point were the existing or permitted land uses can no longer be sustained, the proposed project may adversely affect nearby wells.

In accordance with Policy 6.1.4 in the *Toro Area Plan*, 72-hour pumping tests were conducted on the Oaks Well and the New Well to determine pumping rates and potential affect on other wells. The proposed project would result in a total water demand of 12.75 AFY or 8 GPM (~~MCHD~~MCHD-EHB 2002, 2003). According to the *Project Specific Hydrogeology Report – Harper Canyon Realty LLC Subdivision*, pumping groundwater from the Oaks Well at rate of 4 GPM and from the New Well at a rate of 12 GPM for 20 years would result in a drawdown of less than two feet within 1,000 feet from the wells. Pumping groundwater from the Oaks Well at a higher rate to accommodate the proposed project would not affect neighboring wells because the cone of depression around the Oaks Well would go deeper rather than wider in radius. According to Monterey County Health Department, Environmental ~~Health Division~~Health Bureau the proposed project is expected to have negligible effects on the nearby existing wells (~~MCHD~~MCHD-EHB 2002b). Therefore, the impact on nearby wells would be considered a **less than significant impact.**

Cumulative Impacts and Mitigation Measures

Cumulative Adverse Affect on the ~~Surrounding Subareas~~Groundwater Basin

Impact 3.6-4 Implementation of the proposed project, when combined with other development in the vicinity, will increase the demand on groundwater resources within the Corral de Tierra Subbasin of the Salinas Valley Groundwater Basin. Groundwater pumping has the potential to cumulatively influence groundwater supplies within in the adjacent subbasins and the basin as a whole. However, the potable water for the project would be procured within Monterey County Water Resources Agency's Zone 2C, which funds the Salinas Valley Water Project. Therefore ~~(without septic tank systems and minimal landscaping) would reduce the amount of return flow to the El Toro Groundwater Basin by approximately 5.88 AFY. However, the four individual subareas that an~~

~~reduction and return flow to the of the Basin are considered interconnected, and combined would have net surplus of approximately 314.82 AFY. Therefore, the loss of 5.88 AFY would be considered minimal and according to Monterey County Health Department, Environmental Health Division, the proposed project would have negligible effects on the aquifer in this region. ~~, t~~This would be considered a **less than significant cumulative impact.**

The project specific analysis prepared by Todd Engineering included an analysis of how the proposed project would affect groundwater supply upon "buildout" of lots located the El Toro Groundwater Basin. That report made certain assumptions regarding buildout, water usage and demand, landscaping, use of septic systems, and other inputs, building on previous groundwater reports prepared by Fugro. Specifically, the report estimated changes in groundwater conditions assuming that the Harper Canyon subdivision would connect to a sanitary sewer system, and thus would not contribute "return flows" – recharge – from septic systems. The Todd Engineering report concluded that although the proposed project may contribute to an adverse cumulative impact on some of the individual subareas that are currently stressed, the four subareas are ultimately interconnected and will maintain an overall water surplus where recharge exceeds extraction. The project's contribution would be considered minimal. This conclusion was similar to the conclusions of the subsequent *El Toro Groundwater Study* prepared by Geosyntec.

According to the Geosyntec Study, the primary aquifer is currently (2007) in overdraft but groundwater production is considered good and pumping could be sustained for decades in the vicinity of the project site (as well as other areas) because it was located in an area with a large saturated thicknesses of the primary aquifer. In addition, the Geosyntec Study update (2010) determined that the aquifer in the immediate vicinity of the project site is hydrogeologically contiguous with the aquifers to the east in the Salinas Valley, rather than the less productive and stressed areas within the Geosyntec Study area.

~~The proposed project will include minimal landscaping and will dispose of wastewater at a wastewater treatment plant and will not include septic tanks at the project site. According to Todd Engineers, this is not consistent with the assumptions made for the predicted water demand upon buildout of the El Toro Groundwater. The water demand upon buildout of the El Toro Groundwater Basin assumed that approximately 57.6 percent of the total residential demand would be for interior water uses and 42.4 percent for exterior water use. Approximately 80 percent of the interior water demand was assumed to return to the groundwater basin through septic tank systems and 20 percent of the exterior water demand was assumed to be return to the groundwater basin through percolation. Since wastewater disposal for the proposed project will be conveyed to a wastewater treatment plant and the proposed project would have minimal landscaping, the loss of return flow to the El Toro Groundwater Basin is estimated to be approximately 5.88 AFY (12.75 AFY total water demand x 57.60 percent interior usage x 80 percent interior usage return via septic system). This reduction in water, which would recharge the groundwater basin, may affect~~

cumulative development within some of the four interconnected subareas located north of the Chupines fault within the El Toro Groundwater Basin.

As shown in **Table 3.6-4, El Toro Groundwater Basin Water Surplus Upon Buildout Minus Loss of Return Flow,** the loss 5.88 AFY of return flow lost due to the proposed project is greater than the 4.7 AFY water surplus for the El Toro Creek subarea. According to the *Project Specific Hydrogeology Report – Harper Canyon Realty LLC Subdivision* the water balance for the El Toro Creek subarea should be recalculated if future developments are proposed within that subarea. Upon buildout of the El Toro Groundwater Basin, the Corral de Tierra subarea would not meet the estimated water demands by approximately 174.4 AFY, with or without the proposed project. According to the *Project Specific Hydrogeology Report – Harper Canyon Realty LLC Subdivision* development should be extremely rationed in the Corral de Tierra subarea.

Table 3.6-4
El Toro Groundwater Basin

Water Surplus Upon Buildout Minus Loss of Return Flow

Subarea	Buildout Surplus (AFY)	Loss of Return Flow (AFY)	Remaining Surplus (AFY)
San Benancio Gulch	29.9	**-5.88**	24.02
El Toro Creek	4.7	-5.88	**-1.18**
Corral de Tierra	-174.4	-5.88	**-180.26**
Watson Creek	460.5	-5.88	**454.62**

NOTES: AFY = Acre Feet per Year

1995 Demand and Buildout based on projections from Additional Hydrogeologic Update, El Toro Area (Fugro, 1996).

Recharge is based on 2.18 inches per year using soil moisture methodology (Fugro, 1996).

Source: Todd Engineers 2003

Although the loss of return flow associated with the proposed project may have an adverse impact on some of the individual subareas, the four subareas are considered to be interconnected and will maintain an overall water surplus of approximately 314.82 AFY. Since four interconnected areas would have net surplus of approximately 314.82 AFY, the loss of 5.88 AFY would be considered minimal. According to Monterey County Health

~~Department, Environmental Health Division, the proposed project would have negligible effects on the aquifer in this region (MCDH 2002a). Therefore, this would be considered a **less than significant cumulative impact.**~~

As discussed in this section, the proposed project is located within Monterey County Water Resources Agency's Zone 2C, which benefits from additional water resources from the Nacimiento and San Antonio Reservoirs via the Salinas River and the Salinas Valley Water Project (SVWP). The project applicant contributes financially to the SVWP and its groundwater management strategies through an assessment on the property. The project's impact on the groundwater basin is therefore mitigated by this contribution, as the SVWP provides a regional mitigation strategy for the groundwater basin and its subbasins.

According to DWR basin maps, the project site and wells the would procure water for the proposed project are located in the northeastern portion of the Corral de Tierra Subbasin (DWR 2010) of the Salinas Valley Groundwater Basin. Since the SVWP went into operation in ~~2010~~2009, the entire basin appears to be becoming more hydrologically balanced, as a noticeable ~~change~~ decrease in the rate of seawater intrusion has occurred as well as an increase in ~~depth to~~ groundwater levels has been observed in most subbasins.

Although the SVWP will not deliver potable water to the project site, it was developed to meet projected water demands based on development and population forecasts. The proposed project has been deemed consistent with AMBAG's 2008 population forecasts, which was used for forecasting demands for the SVWP. For all of these reasons, the cumulative effect of the project on water demand is considered **less than significant.**

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