

Chapter 3

Responses to Specific Comments

Introduction

This Chapter contains the written comments received on the DEIR and responses to issues raised in the comments. The comments and responses are grouped in five categories: federal agencies, state agencies, local agencies, organizations, and individuals. The comments immediately precede the corresponding responses. Table 3-1 below identifies the commenters and assigns a number to their correspondence. Where more than one letter or correspondence was received from a commenter, the letters are given alphabetic subscripts with the commenter's number. For example, the numbers O-1a and O-1b would be applied to two letters that were submitted by the same organization.

The individual comment letters are marked to identify the specific issues raised in the letter, and numbered accordingly in the margin. The responses are organized in accordance with the appearance of the comment in the letter. So, response O-1a.1 would respond to the first comment in letter O-1a, response O-1a.2 to the second comment, and so on.

Table 3-1. List of DEIR Commenters and Organization of this Chapter

Comment Letter No.	Commenter
Federal Agencies	
F-1	U.S. Dept. of Commerce - National Oceanic and Administration Fisheries
State Agencies	
S-1	California Coastal Commission
S-2	California Department of Conservation
S-3	California Department of Fish And Game
S-4	Department of Forestry and Fire Protection
S-5	Department of Toxic Substances Control
S-6	California Department of Transportation, District 5
S-7	Native American Heritage Commission
S-8a	Office of Planning and Research (transmittal letter)
S-8b	Office of Planning and Research (transmittal letter)
S-8c	Office of Planning and Research (transmittal letter)
S-9	California Regional Water Quality Control Board, Central Coast Region

Comment Letter No.	Commenter
Local Agencies	
L-1a	Assoc. of Monterey Bay Area Governments
L-1b	Assoc. of Monterey Bay Area Governments
L-2	City of Gonzales
L-3	City of King City
L-4	City of Marina
L-5	City of Salinas
L-6	City of Seaside, Resource Management Services
L-7	County of San Benito
L-8	County of Santa Cruz
L-9	King City Airport Monterey Bay Unified Air Pollution Control District
L-10	Monterey Bay Unified Air Pollution Control District
L-11	Monterey Peninsula Regional Park District
L-12	Monterey Peninsula Water Management District
L-13	Monterey Salinas Transit
L-14	Moss Landing Harbor District
L-15	Salinas Union High School District
L-16	Transportation Agency of Monterey County
Organizations	
O-1a	Ag Land Trust
O-1b	Ag Land Trust CRPB & MC - Concerned Residents of Pebble Beach and Monterey County
O-2	Alliance of Monterey Area Preservationists (AMAP)
O-3	California Native Plant Society
O-4	California Oaks Foundation
O-5a	Carmel Valley Association
O-5b	Carmel Valley Association
O-6a	Carmel Valley Traffic Committee
O-6b	Carmel Valley Traffic Committee
O-7	Citizens for Sustainable Monterey County
O-8	Coast Property Owners Association
O-9a	Friends, Artists, and Neighbors of Elkhorn Slough (FANS)
O-9b	Friends, Artists, and Neighbors of Elkhorn Slough (FANS)
O-10a	Helping our Peninsula's Environment (HOPE)
O-10b	Helping our Peninsula's Environment (HOPE)
O-10c	Helping our Peninsula's Environment (HOPE)
O-11a	LandWatch
O-11b	LandWatch
O-11c	LandWatch
O-11d	LandWatch
O-11e	LandWatch
O-11f	LandWatch
O-11g	LandWatch
O-12a	League of Women Voters
O-12b	League of Women Voters
O-13a	Monterey County Cattlemen's Association

Comment Letter No.	Commenter
O-13b	Monterey County Cattlemen's Association
O-14a	Monterey County Farm Bureau
O-14b	Monterey County Farm Bureau
O-15	Monterey Institute for Research in Astronomy (MIRA)
O-16	The Nature Conservancy
O-17	Plan for the People
O-18a	Prunedale Neighbors Group
O-18b	Prunedale Neighbors Group
O-19	Save Our Peninsula Committee
O-20a	Sierra Club, Ventana Chapter
O-20b	Sierra Club, Ventana Chapter
O-20c	Sierra Club, Ventana Chapter
O-21a	The Open Monterey Project
O-21b	The Open Monterey Project
O-21c	The Open Monterey Project
O-21d	The Open Monterey Project
O-21e	The Open Monterey Project
O-21f	The Open Monterey Project
O-21g	The Open Monterey Project
O-21h	The Open Monterey Project
O-21i	The Open Monterey Project
O-21j	The Open Monterey Project
O-21k	The Open Monterey Project

Individuals

I-1	Brennan, Janet
I-2	California Water Service Company
I-3	Clark, David and Madeline
I-4	Del Piero, Marc
I-5	Doering, John
I-6	General Farm Investment Company (C. Bunn)
I-7a	Haines, Jane
I-7b	Haines, Jane
I-7c	Haines, Jane
I-7d	Haines, Jane
I-7e	Haines, Jane
I-7f	Haines, Jane
I-7g	Haines, Jane
I-8	Hale, Robert
I-9	Houston, Lance
I-10	Kasunich, Doug and Susan
I-11	Knauf, Katherine and Don
I-12	L&W Land Company and Sakata Ranch
I-13	Mitchell, Eddie
I-14	Phelps Family and Omni Resources
I-15	Pratt, Nancy

Comment Letter No.	Commenter
I-16	Robbins, Margaret
I-17	Rosenthal, Richard H.
I-18	Sanders, Timothy
I-19a	Theyskens, William
I-19b	Theyskens, William (addendum)
I-20	Weaver, Mike
I-21	Zischke, Jaqueline
Late Letters	
O-5c	Carmel Valley Association
O-10d	Helping our Peninsula's Environment (HOPE)
O-22	Action Pajaro Valley
I-22	Carver, Robert

Use of Master Responses

The responses to specific comments refer, in some instances, to the Master Responses set out in Chapter 2 of this FEIR. This is done when the specific comment has been addressed in one or more of the Master Responses. Where the specific response refers to the Master Response by number and does not include the title of the Master Response, it is understood that the title is implied. The Master Responses and their titles are as follows:

- Master Response 1: Changes to the General Plan
- Master Response 2: Growth Assumptions Utilized in the General Plan
- Master Response 3: Agricultural Growth and General Plan Agricultural Policies
- Master Response 4: Water Supply
- Master Response 5: Carmel Valley Traffic Issues
- Master Response 6: Traffic Mitigation
- Master Response 7: New Urban Development Outside Focused Growth Areas
- Master Response 8: Biological Resources
- Master Response 9: Water Quality
- Master Response 10: Level of Detail for General Plan and the General Plan EIR
- Master Response 11: Effect of GPU5 on the Local Coastal Program and Impacts to Coastal Resources
- Master Response 12: Recirculation

Federal Agencies

F-1 National Marine Fisheries Services

- F-1.1 This comment describes NMFS general authority and the issues of concern to the agency. No response is necessary.
- F-1.2 The commenter requests that the name “central coast steelhead” used on page 4.3-14 be changed to South-Central California Coast Steelhead. The pertinent text on this page has been revised and may be found in FEIR Chapter 4.
- F-1.3 This comment expresses NMFS’ opinion of what future channel maintenance activities may be in the Arroyo Seco River. The pertinent text on page 4.3-78 has been revised and may be found in FEIR Chapter 4.
- F-1.4 NMFS expresses its support for development and adoption of a stream setback ordinance and offers to cooperate with the County in developing that ordinance. The County will seek NMFS input when developing the ordinance.
- F-1.5 The Area Plans are subject to the policies of the General Plan, as well as their own area-specific policies. The General Plan has a number of policies regarding construction-related erosion and sedimentation, including the policies for protecting soil resources listed under Goal OS-3.
- F-1.6 The General Plan includes policies under Goal OS-5 that commit the County to inventorying (policy OS-5.1) and conserving (policies OS-5.3 and OS-5.4) critical habitat of species such as South-Central California Coast steelhead.
- F-1.7 The General Plan is not amending any of the County’s coastal plans, which set policies for its lagoons and estuaries. The DEIR does not include a discussion of lagoons and estuaries because the General Plan Update will not change policies for managing those resources. General Plan policies regarding runoff, protection of critical habitat, and protection of species ensure that non-coastal development under the General Plan will not have significant indirect effects on lagoons and estuaries. The commenter is referred to Master Response 9, *Water Quality* and Master Response 11, *Effect of GPU5 on the Local Coastal Program and Impacts to Coastal Resources*.
- F-1.8 NMFS notes that both it and the U.S. Fish and Wildlife Service issues biological opinions. This is correct.
- F-1.9 NMFS notes that local agencies “are liable under the federal Endangered Species Act (ESA) for issuing permits which result in take of a federally-protected species.” The County understands its obligations under the ESA. The policies under Goals OS-5 (noted above) and the revised OS-5.16 will apply to protect these species. Please refer to Chapter 5 of the FEIR for the revised text of these policies. The commenter further notes that under section 4(d), activity-specific rules may be established “that can be thought of

as exceptions to the ‘take’ provisions” that otherwise apply to threatened species of salmonids. See response F-1.10 for a response to this comment.

- F-1.10 The commenter describes section 4(d) limit No. 12 – Municipal, Residential, Commercial, and Industrial (MRCI) Development (including redevelopment). Limit No. 12 authorizes NMFS to determine that development occurring pursuant to a NMFS-approved MRCI development ordinance adequately protects listed species and thereby avoids the Endangered Species Act’s take prohibition. NMFS encourages local governments to adopt such ordinances. The County will consider this information, which does not relate to the adequacy of the DEIR’s analysis of steelhead impacts and mitigation measures.
- F-1.11 NMFS is a regulatory agency of the same stature as those listed in the referenced section (i.e., CDFG and USFWS). Where pertinent, development will be subject to NMFS jurisdiction.
- F-1.12 Pursuant to the revised draft Policy OS-5.16 cited above, a biological study will be required for any development permit requiring a discretionary permit and having the potential to substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or substantially reduce the number or restrict the range of an endangered, rare or threatened species. After adoption of the General Plan, the County will adopt an ordinance establishing minimum standards for biological studies and biological surveys. Contact and informal consultation with regulatory agencies such as NMFS is typical during the preparation of biological reviews. The County will consider NMFS’ request to specifically require that NMFS be contacted on pertinent projects when drafting and considering the ordinance.

State Agencies

S-1 California Coastal Commission

- S-1.1 The County acknowledges the importance of ongoing communication between the County and the Commission regarding draft General Plan policies. The comment references comments on prior versions of the General Plan which are not the subject of this DEIR.
- S-1.2 The Commission's understanding is correct. GPU5 is not intended to be used as the basis for an LCP amendment or update. GPU5 does not apply to coastal areas, does not include any changes to the existing coastal land use plans or related implementation plans, and does not propose any amendments to any of the land uses designated in those coastal plans. The data provided in the EIR that describes resources in the coastal zone is intended to provide overall context in the EIR and is not intended to provide the basis for future LCP planning. That data is also used in the EIR to analyze GPU5's indirect impacts to coastal areas and in the analysis of certain cumulative impacts, including biological resource, water supply, and traffic. Policies proposed in the draft General Plan and mitigation measures proposed in the DEIR are intended to apply only to the inland areas of unincorporated Monterey County. Please refer to Master Response 11, *Effects of GPU5 on the Local Coastal Program and Impacts to Coastal Resources* for a more detailed explanation.

S-2 California Department of Conservation

- S-2.1 The commenter describes its interest in agricultural resources and the General Plan's planning horizon. They have offered no specific comments on the EIR. No response is necessary.
- S-2.2 The commenter identifies minor typographic errors and omissions regarding a cross reference to Section 4.2.2 and the 2006 Important Farmlands Map, and suggests that the FEIR incorporate corrections. Those changes have been made to the FEIR. Please see Chapter 4 of the FEIR.
- The commenter requests that the FEIR include a table indicating the estimated change in important farmland acreage by Area Plan. The change in important farmland acreage is discussed in more detail in Master Response 3, *Agricultural Growth and General Plan Agricultural Policies*. However, no table has been added to the FEIR.
- S-2.3 The commenter supports the proposed General Plan policy to adopt and implement a program to mitigate for the loss of important farmland resulting from conversion and annexation. The Commenter offers that the California Conservancy Program can accept donations of funds to the Department of Conservation that will be used in Monterey

County if so designated by the donor. The FEIR has been revised to note the availability of that program. Please see Chapter 4 of the FEIR.

- S-2.4 The commenter recommends that the FEIR discuss the use of the restrictive 20-year Williamson Act contracts in Monterey County and replace Exhibit 4.2.2 with the Department of Conservation's 2007 Williamson Act map.

Section 4.2 has been revised to note that Monterey County imposes 20-year Williamson Act contract terms. Exhibit 4.2.2 has not been replaced with the Department's 2007 Williamson Act map. The current exhibit reflects the impact analysis and is effectively the baseline for that analysis. In practice, future CEQA analyses that may occur will utilize the Williamson Act map available at the time of their baseline.

The commenter recommends that the FEIR include a breakdown of prime and non-prime agricultural acreages that will be converted to urban use within the spheres of influence of the cities. In addition, the commenter recommends that the FEIR include a table describing where the conversion of Williamson Act land is expected. The specific breakdown of agricultural acreages in converted areas of Williamson Act conversion locations is not necessary to support the conclusions in the draft EIR. The reader can obtain a rough idea of where future urban conversions of farmland are likely to occur by reviewing the historic conversion figures in DEIR Section 4.9 (Figures 4.6-9 through 4.6-9). No additional changes have been made to the FEIR.

S-3 California Department of Fish and Game

- S-3.1 This is the opening statement of the commenter's letter and raises no substantive issues related to CEQA. No response is necessary.

- S-3.2 This comment describes CDFG's authority as a Trustee Agency under CEQA. No substantive issues are raised in this comment relative to CEQA and no response is necessary.

- S-3.3 CDFG describes the importance of and its support for "incorporating open space goals and policies to provide for habitat connectivity between conservation lands within the County and between neighboring counties." The comment recommends that the General Plan include a map of linkages and connectivity necessary to maintain wildlife populations. This request for a map directly relates to the General Plan and not the adequacy or content of the DEIR. The County will consider all comments received on the General Plan in its deliberations prior to adoption of the General Plan. Several Draft General Plan policies would reduce the potential for impacts of development on wildlife corridors and that the DEIR analyzes wildlife corridor impacts and proposes mitigation measures. Pages 4.9-89 through 4.9-97 include the following information: identification of potential corridors that would be affected (these corridors are identified, although not mapped); discussion of Draft General Plan policies that would reduce the potential for development to adversely affect wildlife corridors; a determination that the Draft General Plan would have a significant impact on wildlife movement linkage; and mitigation measures to reduce this impact to a less-than-significant level.

There is substantial overlap between linkages identified in this comment and those described in the DEIR. A link connecting the Santa Lucia to Gabilan Mountains is identified in the DEIR as “Salinas Valley (east-west)” and described at page 4.9-43. Gabilan/Diablos to Santa Cruz Mountains (identified in the DEIR as “Santa Cruz Mountains to Gabilan Range”) is described at pages 4.9-42 – 43. The Santa Lucia Mountains to Fort Ord corridor is described at page 4.9-43. The comment also includes the Monterey Peninsula to the Santa Lucia Mountains corridor as an important linkage. The Santa Lucia range is generally south of the Monterey Peninsula. The Carmel River serves as a wildlife corridor (see DEIR page 4.9-43) connecting undeveloped portions of the Monterey Peninsula with the Santa Lucia Mountains. Much of the Santa Lucia range is part of the northern section of Los Padres National Forest. Federal lands within the National Forest system are generally compatible with wildlife movement corridors. Specific language of several of the pertinent General Plan policies and mitigation measures has been revised. Please refer to Chapter 5 for the revised text of these policies and mitigation measures.

- S-3.4 The commenter notes that the winery corridors fall within the range of the San Joaquin kit fox and requests that the General Plan include policies to minimize habitat fragmentation, encourage the retention of habitat connectivity and to design projects accordingly. CDFG suggests a number of specific design standards for fencing that could be included in the policies.

Analysis in the DEIR concludes that impacts to the San Joaquin kit fox due to discretionary development under General Plan policies would result in significant impacts to this species, and proposes mitigation which would reduce impacts of discretionary development to kit fox to less than significant. (DEIR, p. 4.9-75) Additional mitigation is not required, however, the County will consider the measures suggested in this comment in its deliberations prior to adoption of the General Plan.

It is important to note that several Draft General Plan policies would reduce the potential for impacts of development on wildlife corridors, including impacts on kit fox habitat connectivity. As described in the previous response, the DEIR (pages 4.9-89 through 4.9-97 analyzes wildlife corridor impacts and proposes mitigation measures. In addition, General Plan impacts on kit fox and other listed species are specifically addressed on DEIR pages 4.9-64, through 4.9-78. Revised Mitigation Measure BIO-1.2 specifically calls for development of a kit fox conservation strategy within 4 years of General Plan adoption, and requires mitigation for habitat loss due to discretionary projects on a project level basis in the interim. (See Chapter 4 of the FEIR)

- S-3.5 The commenter notes that development under the General Plan would result in the conversion of substantial amounts of annual grasslands to development and expansion of agricultural cultivation, but that the DEIR contains no means to compensate for the resultant loss of San Joaquin kit fox habitat.

General Plan impacts on kit fox and other listed species are specifically addressed on DEIR pages 4.9-64, through 4.9-78. In response to this comment, revised Mitigation Measure BIO-1.2 specifically calls for development of a kit fox conservation strategy.

Mitigation Measure BIO-1.2 has been modified to provide for development and implementation of a conservation strategy for San Joaquin kit fox. The strategy would be developed in consultation with the pertinent wildlife regulatory agencies, as well as the Salinas Valley cities, and is intended to be completed within four years of adoption of the General Plan update. This strategy will include compensation for the loss of San Joaquin kit fox habitat. In addition, General Plan Policy OS-5.4 would provide broad protections for listed species and critical habitat by providing for consultation with the pertinent regulatory agencies. (See Chapter 4 of the FEIR)

The comment also requests the inclusion of policies under Goal AG-5 that promote compatibility between agricultural uses and biological resources.

Please note that revised Open Space Element Policy OS-3.5 includes provisions that would address compatibility between agricultural uses and biological resources. Revised Policy OS-3.5 requires the County to regulate activity on slopes through a discretionary permit process for conversion of previously uncultivated lands for agricultural purposes on slopes between 15% and 25% and exceeding 10% slope if on highly erodible soils. With minimal exceptions, conversion on slopes over 25% would be prohibited. This discretionary review process is intended to address impacts to water quality and biological resources. Management plans for such permits should propose, among other things, methods to protect water quality and important vegetation and wildlife habitats. Minimizing impacts associated with erosion and water quality can also protect biological resources that are sensitive to water quality or soil losses.

- S-3.6 The commenter explains the meaning of the term “critical habitat” and recommends that Goal OS-5 clarify this term. The County recognizes that the term “critical habitat” is a term with a special meaning under the Federal Endangered Species Act (FESA) and that USFWS does not designate critical habitat for every species listed under FESA, and that the California Endangered Species Act (“CESA”) does not have an equivalent habitat designation for species listed under CESA. The General Plan policies have been revised to provide consistency of terms with both the Federal Endangered Species Act and CEQA. Please note that Policy OS 5.16 has been revised to require establishment of minimum standards for biological studies and surveys for any discretionary development projects with the potential to substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining level, threaten to eliminate a plant or animal community, or substantially reduce the number or restrict the range of endangered, rare or threatened species. This language is consistent with the mandatory findings of significance in CEQA Guidelines Section 15065. Please refer to Chapter 5 for the revised draft Biological Resource and Open Space Policies and see Master Response 8, *Biological Resources*, for additional discussion.

The comment also opines that referring to species listed in area plans is problematic because the Area Plans do not designate species or habitats to be conserved and will not reflect changes in species lists over time. In response, the Area Plan policies described in the Draft General Plan have been updated to include the more extensive information and policies that are currently found in the Area Plans. The Area Plans already include information about specific biological species and contain policies for their conservation. These are referenced in Section 4.9.5.4 (Impact Analysis). Neither the General Plan, nor the Area Plans, can override the requirements of state law. Potential impacts to

endangered, rare or threatened species will be evaluated in the CEQA process for discretionary permits within the Area Plans as well as Area Plan revisions, as necessary.

- S-3.7 This comment questions Policy OS-5.4's reliance on USFWS to prescribe mitigation measures for projects affecting listed species and critical habitat, and recommends a General Plan policy that would require the County and applicants to protect critical habitat. The comment expresses a concern that Policy OS 5.4 will limit mitigation for critical habitat because Federal critical habitat designations apply only to Federal projects. In response, this Policy has been revised to broaden its reach beyond simply Federal actions and to clarify that consultation with state and federal wildlife agencies may be required when necessary to reducing project impacts on habitat and species. Please refer to Chapter 5 of the FEIR.

Although the comment states that critical habitat designations apply to only "Federal projects," critical habitat protections provided by Section 7 of the Endangered Species Act also applies to County and private projects requiring federal entitlements or funding.

- S-3.8 The commenter notes that Mitigation Measure BIO-1.3 and Policy OS-5.6 limit the use of biological surveys to situations where special status species are already known to exist in the area. The Department recommends the revision of the measure and the policy to clarify that surveys should be required to determine whether projects will affect biological resources. The Department goes on to suggest some specific approaches to triggers for biological studies.

In response, Mitigation Measure BIO-1.3 has been deleted and biological studies and surveys are now addressed in a revised Policy OS-5.16 referenced above and found in Chapter 5 of the FEIR. As revised, this policy clarifies that biological studies and surveys are to be prepared to determine the extent to which the project may adversely affect species and habitats. The requirement for biological studies and surveys would be enacted by future ordinance.

Revised Mitigation Measure BIO-1.5 also requires the County to regularly assess the vulnerability of non-listed species to becoming endangered, rare or threatened once specific projected growth milestones are reached. The triggering conditions (i.e., projected growth milestones) appropriately link the requirement for assessment to the potential threat of habitat loss for species which are not currently endangered, rare or threatened. In connection with these assessments, Mitigation Measure BIO-1.5 also requires the County to prepare a conservation strategy to preserve habitat for species with the potential to become listed. The conservation strategy shall also cover preservation of sensitive natural communities, riparian habitat and wetlands, and wildlife movement corridors. Revised BIO 1.5 may be found in Chapter 4 of the FEIR.

- S-3.9 The commenter notes that the "Areas of Special Biological Significance" (ASBS) referenced in Policy OS 5.12 are designated by the California State Water Resources Control Board and are not representative of the entire range of species and natural communities that must be addressed in CEQA analyses.

The DEIR did not rely on the ASBS as its sole source of biological data. As described in Section 4.9, *Biological Resources* of the DEIR, a wide variety of federal, state, and other

sources were used in the analysis. As evidenced in the responses to this commenter, Policy OS 5.12 is only one of several that are intended to minimize the effects of development under the General Plan on biological resources, including marine resources that would be affected by development under the General Plan.

- S-3.10 The commenter requests that the area identified as the Highway 68/Airport Affordable Housing Overlay (AHO) be reconsidered for conservation. The Department identifies a number of special status species that are known to occur at that proposed AHO. Development of the site may require an incidental take permit, and there is no take permit mechanism for State Rare species such as Pacific Grove clover.

The comment requests that this site be managed for significant natural resource values instead of being targeted for housing.

In particular, the County will weigh the potential impact on biological resources and the extensive analysis and mitigation that may be required for development against the intent of the AHOs – providing areas where affordable, higher residential densities may be accommodated. Sites requiring extensive mitigation are usually not conducive to affordable projects, due to additional costs and uncertainty.

The DEIR describes the Highway 68 AHO as mostly undeveloped and including 58 acres of coastal prairie, 12 acres of oak woodland, including some pine forest and small areas of annual grassland. These would be addressed should any specific development of the AHO be proposed. General Plan impacts on listed species are addressed on DEIR pages 4.9-64, through 4.9-78. General Plan Policy 4.1, Revised OS-5.2 and revised General Plan policy OS 5.4 and 5.16 would also address the potential impacts of potential development. Please refer to Chapter 5 of the FEIR for the text of the General Plan.

- S-3.11 The commenter notes that the proposed Lockwood Rural Center includes critical habitat for the federally-listed vernal pool fairy shrimp and that development of this portion of the Rural Center would be contrary to the General Plan's overall goal to conserve habitats where possible. The DEIR notes that this rural center includes grasslands that are known to support kit fox (Page 4.9-60). General Plan impacts on listed species are specifically addressed on DEIR pages 4.9-64, through 4.9-78. In addition, revised draft General Plan policy OS 5.4 and 5.16 would also address the potential impacts of potential development. Please refer to Chapter 5.

The consistency of the Lockwood Rural Center boundaries with General Plan Goal OS-5 generally relates to the General Plan and not the adequacy or content of the DEIR. The County will consider all comments received on the General Plan in its deliberations prior to adoption of the General Plan.

Including critical habitat within a Rural Center would not conflict with General Plan goals in that the adopted goals and policies would act to limit development within that portion of the Rural Center. The presence of critical habitat would act to limit the utility of the Rural Center as a location for concentrated growth because of the consistency requirements of California Planning and Zoning Law (Government Code Section 65300 et seq.).

- S-3.12 The commenter recommends policies to minimize or avoid the net loss of oak woodlands. Their suggestions include developing policies to require the replacement of converted woodlands and that would conform to the CEQA provisions for conversion of woodlands in counties (Public Resources Code Section 21083.4).

In response, the County has revised Mitigation Measure BIO-2.2 to reference Public Resources Code Section 21083.4 and to specify that replacement woodlands be equivalent in acreage and ecological function to the oak resources affected. The mitigation program to be established under BIO-2.2 would include a combination of the following approaches to mitigate oak resources consistent with PRCS 21083.4: (a) ratios for replacement; (b) payment of fees to mitigate the loss or direct replacement for the loss of oak woodlands and monitoring for compliance; and (c) conservation easements. The revised Mitigation Measure BIO-2.2 specially provides that payment could be made to the state fund. The program would require that replacement of oak woodlands would be on a minimum 1:1 ratio and provide for equivalent acreage and ecological value. Note that Public Resources Code Section 21083.4 does not require any county to adopt a specific approach to mitigating the loss of oak woodlands. Subsection 21083.4(b) enumerates several options available to counties, including "(4) other mitigation measures developed by the county."

- S-3.13 The commenter expresses their support for Mitigation Measure BIO 1.2 relating to a conservation plan for the San Joaquin kit fox population. The County acknowledges this support. Note that Mitigation Measure BIO-1.2 has been modified to provide for development and implementation of a conservation *strategy* for San Joaquin kit fox, and to mitigate habitat loss due to discretionary projects on a project-by-project basis until the conservation strategy is adopted.

S-4 California Department of Forestry and Fire Protection

- S-4.1 The County appreciates the input from the California Department of Forestry and Fire. County staff collaborated with the fire agencies in Monterey County in the drafting of the policies in the Safety Element (Policies S-4.1 through S-4.33) and incorporated the proposed revisions suggested by the agencies in the Draft General Plan. We do not believe that any additional changes are required at this time. The County always welcomes further collaboration with Cal Fire.

Since these comments pertain to the process for Cal Fire review of the Draft General Plan and are not substantive comments on the DEIR, no additional response is necessary.

S-5 California Department of Toxic Substances Control

- S-5.1 The County acknowledges the basis for DTSC's regulatory authority.

- S-5.2 Future proposed development on Fort Ord under the Draft General Plan is consistent and will continue to be consistent with the Fort Ord Reuse Plan, June 1997.
- S-5.3 As the commenter has noted, the Fort Ord Master Plan already includes policies to address hazardous materials. In addition, Section 15.08 of the Monterey County Code has identified prohibition zones with respect to the drilling of production wells in the area. In response to the comment that suggests additional emphasis on the identification of chemical groundwater contaminants, the County will add a subsection (f) Contaminated Groundwater Plumes to Policy PS-2.6 of the Draft General Plan. Please refer to Chapter 5 for the pertinent text changes.
- S-5.4 The County concurs with this comment. Well interference requirements are addressed in Monterey County Code Section 15.08, as noted in response S-5.3 above.
- S-5.5 The County concurs with the comment. The County will coordinate with the Army in order to receive appropriate training and will require landowners to notify the Army should there be any planned intrusive activities.

S-6 California Department of Transportation

- S-6.1 The commenter states Caltrans' support for TAMC's adoption of the Regional Development Impact Fee Program and its use in the 2007 General Plan EIR. The comment goes on to state that project-specific impact analysis is still required as well as the study of impacts to mainline transportation facilities. The County's practice remains to require project-specific environmental assessment which includes identifying impacts and feasible mitigation measures for Traffic Tier 1, 2 and 3 impacts. Traffic Tier 3 impacts are those to regional and state highway facilities.
- S-6.2 The comment states that Caltrans supports working with local jurisdictions to achieve a shared vision on accommodating interregional and local travel and development. Comment noted.
- S-6.3 The commenter states that Caltrans endeavors to maintain a target LOS at the transition between LOS C and D on all state transportation facilities, and where a facility is already operating at an unacceptable LOS, Caltrans considers the addition of any trips a potentially significant cumulative impact that needs to be addressed. The comment also states that the methods in the current version of the Highway Capacity Manual should be used to evaluate impacts, as well as for design and operations decisions.

While the County's policy is to achieve LOS D on County facilities, it acknowledges that Caltrans has a goal to achieve a LOS C/D cusp on their facilities (Page 4.6-18) and the General Plan policies support working with Caltrans to achieve their goals (Policies C-1.10, C-4.9). It must be noted that the Caltrans' LOS is a target and not a standard and thus LOS D on state facilities does not necessarily constitute a significant impact on state facilities for the purposes of the 2007 General Plan EIR. The comment regarding use of the Highway Capacity Manual is consistent with the County's practice to require the use of peak hour analysis and Highway Capacity Manual methods and performance measures

when conducting project-level assessment. The Highway Capacity Manual methods are also used in support of the County's design and operational improvements.

- S-6.4 The comment recommends that the County coordinated its annual traffic county program with those conducted by TAMC and other regional agencies. The County's public works department shares their traffic counting data with TAMC and other agencies that might have use of the data pursuant to Policies C-1.5, C-1.10, and C-4.9.
- S-6.5 Amtrak Motorcoach Thruway bus service is provided as part of an Amtrak rail trip. In Monterey County, the service travels on Highway 101 between San Luis Obispo and San Benito Counties, with a separate connection to the City of Monterey and Carmel on Highway 68. This service connects the Pacific Surfliner rail route (which terminates in San Luis Obispo) to the Capitol Corridor rail route (which terminates in San Jose), or to the Coast Starlight rail route which stops in Salinas. Eight daily thruway buses connect between San Luis Obispo and San Jose at the Salinas Amtrak station and in King City. Four daily thruway buses connect between the Salinas Amtrak station and various stops in Monterey and Carmel. The number of daily buses provided by this service (12 trips in both directions) is negligible in relation to the average daily traffic using the route's facilities (Highways 101 and 68), and in fact provide a transportation benefit by encouraging the use of rail transportation for tourism in Monterey County and interregional travel between counties.
- S-6.6 The comment supports the Transit Oriented Development alternative in the General Plan EIR and notes that funding for Bus Rapid Transit (BRT) and Light Rail will be difficult. The comment also notes that lower frequency transit service would be unlikely to support a successful TOD, and that the transit system characteristics would need to be reviewed thoroughly before drawing conclusions about regional impacts on traffic.
- The County agrees with Caltrans' assessment that funding BRT and Light Rail transit would be challenging and would look towards funding partnerships with other regional agencies and the federal Transit Administration to use New Starts funding sources as the primary source of funds. More importantly would be the development of strategies to promote transit-supportive development in high frequency transit corridors. The decision to pursue the TOD alternative is left to the discretion of the County's decision-makers. If selected, the County would pursue a comprehensive transportation and land use analysis, in collaboration with TAMC, AMBAG and Caltrans, to determine the optimal transit service, land use types and densities, phasing, funding, and regulatory changes required.
- S-6.7 The referenced discussion in the DEIR is simply stating that human occupation of the Monterey County area dates back 10,000 to 12,000 years. This is not defining archaeology as prehistory, nor is it limiting archaeological resources to a particular time period.
- S-6.8 The EIR has been revised to include a brief discussion of the Salinan in the ethnography section. Please refer to Chapter 4.
- S-6.9 This is a typographical error in naming. The name has been corrected in the FEIR and can be found in Chapter 4.

S-6.10 The commenter notes that a sentence lacks a word. The text should read: "... to educate the public on such matters as archeological resources..." The missing word is not crucial to either an understanding of the sentence, nor to the impact analysis.

S-6.11 The commenter is apparently asking that a reference to a proposed bicycle bridge be included in the EIR. The bridge is included in the Transportation Agency of Monterey County's list of bicycle/pedestrian facilities for which funding would have been made available under Measure Z (which failed to gain the necessary 2/3 majority vote in the November 2008 election). This is a specific project that is independent from the General Plan Update and will undergo its own project-specific environmental analysis. It is not analyzed in the DEIR for those reasons. See Master Response 10, *Level of Detail for the General Plan and the General Plan's EIR*.

S-6.12 The comment refers to the forecast of truck traffic on page 4.6-39 and states that the potential impacts of increases in truck traffic should be considered noting that there are few north-south and east-west shipping corridors and that the impacts may be regional in nature.

The County agrees with the comment. While the DEIR concludes that the projected increase in freight movement is not significant enough to cause widespread capacity-related impacts caused by truck traffic alone, it acknowledges that the increase in truck traffic will contribute to roadways and highways that are currently, or are projected, to fall below the County's acceptable LOS standard. Further, the DEIR acknowledges that the projected increase may cause localized impacts on heavily traveled freight routes including Highways 1, 101, 156, and 183 and within industrialized areas where truck traffic originates. Therefore the DEIR concludes that the increase in truck traffic would have a significant and unavoidable impact on County roads, and Regional (state facilities) roads both within and external to Monterey County.

S-6.13 The comment, in reference to Comment S-6-12, suggests that the General Plan include a policy that encourages placement of industrial land uses adjacent to existing or probable freight railroad spurs, yards and sidings and further describes the benefits of using rail transportation for the movement of freight.

The DEIR points out that the County has entered into a partnership with AMBAG and the City of Salinas to evaluate converting up to 25% of agricultural goods movement from truck to rail. Please refer to the DEIR at Section 4.16.4.4, page 4.16-13. The DEIR analyzes the impacts of agricultural traffic at Section 4.16.5.3, page 4.16-22-25.

S-7 California Native American Heritage Commission (OPR 10/29/08)

S-7.1 The commenter requests that the County conduct the appropriate record search for historic resources, and if resources are found, provide appropriate mitigation. The commenter also requests that the County contact the Native American Heritage Commission, consult with the representatives of the Native American nations in our jurisdiction and again, provide the appropriate mitigation.

The County has performed the requisite research. DEIR Section 4.10 analyzes the 2007 General Plan's environmental impacts on cultural resources and mitigation measures, where required to reduce significant impacts.

The County also notified the individuals on our contact list for Native American Nation representatives for input on the General Plan. Several consultation meetings were held in 2004. Input was received and changes were made to the draft policies in the General Plan. The County subsequently contacted these organizations upon release of the 2007 General Plan even though there had been no changes to proposed policies. Consistent with state law, the County provided sufficient time for the initiation of a consultation. A representative of one of the nations attended the EIR Scoping Meeting. His verbal comments were recorded. No additional responses were received.

S-8a Governor's Office of Planning and Research

The Governor's Office of Planning and Research (OPR) operates the State Clearinghouse for the purpose of circulating CEQA documents to state agencies for review and comment. OPR sent Monterey County the state Department of Toxic Substances Control comments that resulted from the review of the DEIR for the General Plan Update. These agency comments are being responded to individually in the FEIR. Because the letters from OPR are simply transmittals of other agencies' comments, no response is necessary.

S-8b Governor's Office of Planning and Research

The comments sent by OPR duplicate those of S-8a.

S-8c Governor's Office of Planning and Research

The OPR operates the State Clearinghouse for the purpose of circulating CEQA documents to state agencies for review and comment. OPR sent to Monterey County the California Coastal Commission comments that resulted from the review of the DEIR for the General Plan Update. These agency comments are being responded to individually in the FEIR. Because the letters from OPR are simply transmittals of other agencies' comments, no response is necessary.

S-9 California Regional Water Quality Control Board, Central Coast Region

S-9.1 The commenter offers general support for the goals and policies of the General Plan. No response is necessary.

S-9.2 The commenter assumes that the policies of the Draft General Plan will act as binding mitigation measures. The Draft General Plan policies, once adopted, will be implemented and enforced pursuant to state General Plan law, and will have the same effect as mitigation measures in avoiding or reducing environmental impacts; however, technically they are part of the EIR project description, and not EIR mitigation measures. Also, the commenter notes that their following comments may include suggestions for modification of or additional General Plan policies. No response is necessary here; the specific comments will be addressed as they appear.

S-9.3 The commenter asserts that the DEIR does not recognize that the measures of water conservation, conjunctive use, and recycling are necessary to meet existing demand. Further, they opine that “should demand be met through sustainable practices and comprehensive watershed management program that restore and maintain healthy watershed functions” potential impacts on water supply can be avoided. The commenter goes on to describe the basic features of healthy watersheds and of watershed management plans. The commenter notes that the General Plan contains goals and policies that could make up a comprehensive watershed management plan, but “the DEIR and General Plan do not link them together as part of a long-term comprehensive watershed management strategy.” The commenter suggests that the General Plan should include a clear strategy.

The commenter also agrees with the DEIR conclusion that water supply impacts are significant, but suggests these impacts are avoidable through implementing sustainable practices and comprehensive watershed management programs, rather than unavoidable as the DEIR concludes.

As noted by the commenter, the General Plan contains the management plan elements described by the commenter. These are found in the Public Services Element, particularly under Goals PS-2, Adequate and Safe Water Supply, and PS-3, Long-term Water Supply. However, the County has chosen a format for watershed management policies that fits best with the overall General Plan format, and has discretion to select this format (see Government Code Section 65301 [“The general plan may be adopted in any format deemed appropriate or convenient by the legislative body...”]). The DEIR recognizes that existing demand, specifically in the Monterey Peninsula and North County, is barely met by existing supplies and that additional growth will exceed supplies in those portions of the County (See the summary at the beginning of Chapter 4.3, Water Resources). See Master Response 4 on Water Supply for an updated discussion of the North County (section 4.2.6) and the Monterey Peninsula (section 4.3).

S-9.4 The commenter recommends that the General Plan or DEIR mitigation measures specifically identify regional watershed management as a priority. See Master Response 4

on Water Supply for additional information on regional collaborative watershed management and water supply efforts in which the County will join.

S-9.5 The commenter suggests that the County should include a mitigation measure for Impact WR-3 requiring the County to conduct a regional, collaborative fluvial geomorphology study of the Salinas River watershed related to in-stream and off-channel sand and gravel mining activities. There is no evidence that this mitigation measure would mitigate Impact WR-3 (water quality impacts of agricultural and resource development), which the DEIR considers less than significant with implementation of General Plan policies. Further, it is not necessary because the Draft General Plan is not proposing goals or policies that would result in an increase in sand and gravel mining activities. Such a study would be used for purposes of potentially mitigating for existing impacts, not those related to implementation of the Draft General Plan

S-9.6 To mitigate Impact WR-1 (which the DEIR concludes is less than significant), the commenter suggests adding “impacted soil and groundwater sites” to the subjects to be included in the Hydrologic Resources Constraints and Hazards Database to be established under Policy PS-2.6. The policy has been revised to address this comment and can be found in Chapter 5. The conclusions in the DEIR remain the same.

S-9.7 To mitigate Impacts WR-4, WR-6, BIO-2, and BIO-3.1, the commenter suggests including a mitigation measure requiring development of a policy to continue the development and implementation of watershed management plans to reduce potential impacts to water supply, groundwater quality, riparian habitat, and disturbance to wildlife movement corridors.

The DEIR already provides for cooperative work on water management programs under Mitigation Measure WR-1. In addition, the County is cooperating in the preparation of the Greater Monterey County Integrated Regional Water Management Plan, as described in Master Response 4 on Water Supply. Therefore, no additional change is necessary to the DEIR or General Plan.

S-9.8 To mitigate impacts WR-4, WR-6, BIO-2, and BIO 3.1, the commenter suggests that the County continue the collaborative development and implementation of groundwater management plans and develop additional regional groundwater management plans as necessary. These efforts should focus on restoring and maintaining healthy watershed functions. As discussed in Master Response 4 on Water Supply, the County is cooperating in the preparation of the Greater Monterey County Integrated Regional Water Management Plan. That plan is expected to include the suggested provisions. No additional change is necessary.

S-9.9 To mitigate Impacts WR-7, WR-9, WR-4, WR-6, BIO-2, and BIO-3.1, the commenter suggests that the County revise proposed Policy PS-3.15 in order to base water supply assessments for development projects on cumulative sustainable demand required to maintain healthy watershed functions. Assessing the health of County watersheds is a different issue from determining whether a development project can be served with an adequate water supply. As discussed above in previous responses, the County is collaborating on regional watershed planning efforts, and regional watershed planning is

an appropriate scale for addressing the commenter's concerns. This level of watershed analysis is not necessary for each development project to determine whether an adequate water supply is available. As noted in Mitigation Measure BIO-2.3, the County is proposing to modify the text of Policies PS-3.3 and PS-3.4 to add the following criteria regarding proof of long-term sustainable water supply for new residential or commercial subdivisions:

- i. Effects on in-stream flows necessary to support riparian vegetation, wetlands, fish and other aquatic life including migration potential for steelhead, for the purpose of minimizing impacts to those resources and species.

This mitigation measure is responsive to the commenter's concern. The full text of Policies PS-3.3 and PS-3.4 may be found in FEIR Chapter 5. The commenter is also referred to Master Response 4, *Water Supply* and Master Response 8, *Biological Resources*. Also, mitigation is not needed for Impacts WR-1 (development causing nonpoint source pollution) and WR-9 (private well impacts); because the DEIR concludes that these impacts are less than significant. No change is needed to the DEIR or the General Plan.

- S-9.10 To mitigate Impacts WR-1, WR-3, and WR-9, the commenter recommends that the County actively participate in "the development and implementation of a Salinas Valley groundwater nitrate study required pursuant to Senate Bill 1, Perata, adopted on September 30, 2008."

The commenter is referring to Senate Bill X2-1 of 2008. This legislation requires the State Water Resources Control Board (SWRCB), in consultation with other agencies, to develop a pilot project in the Salinas Valley focused on nitrate contamination. It requires the SWRCB to create an interagency task force, as needed, to oversee the pilot project and submit a report to the Legislature on the scope and findings of the projects within 2 years of receiving funding. The SWRCB would be required to implement recommendations for developing a groundwater cleanup program for the Central Coast Water Quality Control Region based upon the results of the pilot project within 2 years of submitting the report to the Legislature. The primary responsibility for the study lies with the SWRCB and for implementation of the resulting recommendations with the Central Coast RWQCB. Since the County already plans to actively participate in this study, in cooperation with the SWRCB and other agencies, a new mitigation measure requiring such participation is not needed. The program will assist in reducing nitrate contamination of groundwater at some future time.

- S-9.11 The commenter suggests that the concepts of healthy functioning watersheds and sustainable water supplies be added to Policy PS-2. See the responses to comments S-9.3 and S-9.9.
- S-9.12 The commenter offers general support for the goals and policies of the General Plan. No response is necessary.
- S-9.13 To mitigate Impact WR-1 and WR-6, the commenter suggests a new mitigation measure requiring new development to identify and delineate recharge areas within the hydrologic

influence of the proposed project. The suggested measure is not required as mitigation for the following reasons:

1. Pursuant to the County's policies pushing new development into cities, Community Areas, and Rural Centers, new large-scale development will be on community water. New development in these areas will account for recharge areas as part of the development of the Adequate Public Facilities and Services (APFS) pursuant to the policies under Goal PS-1, in concert with Policies PS-2.6 (Hydrologic Resources Constraints and Hazards Database), PS-2.8 (design to maintain or increase the site's pre-development absorption of rainfall), PS-2.9 (protect and manage groundwater as a valuable and limited shared resource), PS-3.3 (proof of a long term sustainable water supply for new residential or commercial subdivisions), PS-3.5 (require pump tests or hydrogeologic studies to be conducted for new high-capacity wells, including high-capacity urban and agricultural production wells), and related policies. Many of these policies also apply to subdivisions, which will capture a substantial amount of development that may occur outside of the cities, Community Areas, and Rural Centers.
2. The proposed mitigation measure has essentially the same effect as the County's proposed policies.
3. Mitigation is not needed for Impact WR-1 (development causing nonpoint source pollution), because the DEIR concludes that impact is less than significant. With respect to Impact WR-6 (groundwater pumping causing overdraft), there is no evidence that requiring project applicants to delineate groundwater recharge areas would necessarily avoid or substantially reduce the impact, which the DEIR considers significant and unavoidable in certain portions of the County.

S-9.14 To mitigate Impact WR-1, the commenter suggests a new mitigation measure prohibiting businesses that handle hazardous chemicals (e.g., dry cleaners, gas stations, fertilizer/herbicide/pesticide facilities) in locations where groundwater recharge may occur. The suggestion is not required as mitigation for the following reasons:

1. Most of the County area where development may occur provides groundwater recharge. This includes the Salinas Valley and Monterey Bay areas. The suggested mitigation measure would essentially ban these facilities from the areas where they would be closest to their customers and users. This would require such facilities to be located outside of the identified Community Areas, and Rural Centers (working at cross purposes with the County's overarching policy goal of directing new development to those areas), unnecessarily increase costs for agricultural operators by limiting their ability to store chemicals close to agricultural areas, and increase vehicle miles travelled (which is deleterious from a GHG emissions reduction standpoint).
2. These land uses are already closely regulated by state and county agencies. New facilities are subject to regulations that specifically limit the potential for release of hazardous chemicals to groundwater.
3. Mitigation is not needed for Impact WR-1 (development causing nonpoint source pollution), because the DEIR concludes that impact is already less than significant.

S-9.15 The commenter suggests a new mitigation measure requiring the County to consider and address the requirements of the Basin Plan and other surface and groundwater protection policies. However, Draft General Plan policies already require consideration of the Basin Plan and other surface and groundwater protection policies. Examples include, Policies PS-1.1 (encourage development in infill areas where APFS are available), PS-1.2 (Adequate Public Facilities and Services standards established under the plan will be used to determine the services appropriate for new discretionary development), PS-2.3 (new development shall be required to connect to existing water service providers where feasible and connection to public utilities is preferable to other providers), PS-2.8 (design to maintain or increase the site's pre-development absorption of rainfall), PS-2.9 (protect and manage groundwater as a valuable and limited shared resource and use discretionary permits to manage construction of impervious surfaces in important groundwater recharge areas), PS-3.3 (proof of a long term sustainable water supply for new residential or commercial subdivisions), PS-3.4 (specific criteria will be developed for use in the evaluation and approval of adequacy of all new wells), PS-3.5 (require pump tests or hydrogeologic studies to be conducted for new high-capacity wells, including high-capacity urban and agricultural production wells), PS-4.10 (any alternative wastewater management system must conform to Basin Plan requirements), and others. The proposed mitigation measure has essentially the same effect as the 2007 General Plan policies. Also see Master Response 9, *Water Quality*, section 9.5.2 for a discussion of these requirements.

Note that Policy PS-4.10 of the General Plan is proposed to be modified to address on-site wastewater systems. See Chapter 5 of the FEIR.

S-9.16 The commenter suggests new mitigation measures/General Plan policies that would: (1) require the County to consider on-site wastewater disposal systems as temporary until connection to a regional treatment facility is feasible; (2) strongly favor new developments to be annexed into regional treatment facility service areas or require the County to build a new treatment facility to serve the project; (3) require the renewal of the County's memorandum of understanding (MOU) with the Central Coast RWQCB over on-site wastewater discharges; and (4) require the County to implement an on-site wastewater management plan in urbanizing areas to mitigate long-term impacts from continued use of on-site wastewater systems.

The first suggested measure is already embodied in Policy PS-4.12, which has been clarified since release of the DEIR. See Chapter 5 of this FEIR for the text.

The second suggested measure is already embodied in Table PS-1 (see footnote 2: "Construction of new on-site septic systems is not permitted for development within existing service area of a regional or subregional wastewater collection and treatment system. Annexation to existing service areas is preferred to construction of new on-site septic systems") and Policies PS-4.5 ("New development proposed in the service area of existing wastewater collection, treatment and disposal facilities should seek service from those facilities unless it is clearly demonstrated that the connection to the existing facility is not feasible") and PS-4.7 (specific criteria for new wastewater treatment facilities and proof of the adequacy of existing facilities to service new development shall be developed as part of the implementation of the General Plan).

The third suggested measure is not necessary as a policy or mitigation measure because, irrespective of the General Plan, the County Environmental Health Bureau is already working with RWQCB staff on a revised MOU, with the intent of bringing such MOU to the County for approval following the State Water Resources Control Board's consideration and adoption of amendments to the Basin Plan. See response to comment S-9.21. The fourth suggested measure is embodied in Policy PS-4.12, as described above. See also response to comment S-9.21 below.

The proposed mitigation measures have essentially the same effect at reducing potential impacts from on-site wastewater disposal as the County's proposed policies. See also Master Response 9, *Water Quality*. Therefore, no further change to the Draft General Plan or DEIR is necessary.

- S-9.17 The commenter suggests that the EIR address the effect on water quality of failing wastewater systems operated by private organizations such as homeowners associations or developers. The commenter recommends prohibiting such organizations as acceptable providers of new wastewater systems because of their poor record for maintenance, unless it is infeasible for the County to establish a public service provider.

In response, the County proposes to revise Policy PS-4.7 in order to clarify that new wastewater disposal facilities must be properly operated and funded. Please refer to Chapter 5 of this FEIR for the text changes.

- S-9.18 The commenter suggests that the EIR address the effect on water quality of salt loading from wastewater by including mitigation measures that would: (1) require all brine disposal to be performed offsite at certified receiving facilities or otherwise disposed in a manner not affecting water quality and (2) prohibit the use of self-regenerating water softeners in all new development.

Please see the Master Response 10 regarding the necessary level of detail in a program EIR. The EIR provides general mitigation that is not intended to apply at a site-specific or project-specific level. The two proposed measures relate to the operations of existing and future wastewater disposal facilities, including on-site disposal. Proposed Policy PS-4.7 (specific criteria for new wastewater treatment facilities and proof of the adequacy of existing facilities to service new development) includes wastewater quality as one of its criteria. A proposed revision to this policy (see preceding response) responds to this comment by providing authority for the County to address proper handling of brine.

Existing Monterey County Code recommends that users minimize the release of brine when operating self-regenerating water softeners (Monterey County Code Section 15.20.080). A regulatory ban on new water softeners is considered infeasible due to lack of resources to enforce it.

Also, please note that these mitigation measures are proposed to reduce the water quality impacts of wastewater discharges, which are addressed in DEIR Impact WR-9. No mitigation measures are necessary for this impact, since the DEIR considers it less than significant.

- S-9.19 The commenter strongly supports the use of recycled water and recommends inclusion of a mitigation measure requiring the County to be an active participant in implementing the SWRCB's water recycling policy, and suggests specific topics for the County to address during this participation.

Proposed Policy PS-3.14 (maximize the use of recycled water as a potable water offset to manage water demands and meet regulatory requirements for wastewater discharge) directly addresses this issue. Policy PS-3.8 provides that the County will coordinate and collaborate with all agencies responsible for the management of existing and new water resources. Since the County already plans to actively participate in implementing the SWRCB's water recycling policy, a new mitigation measure requiring such participation is not needed. During this participation, the County will consider the commenter's suggested specific topics for participation.

To mitigate impacts WR-5 and WR-8, the commenter also suggests that the County include conservation and recycling in Policy PS-3.9. Policy PS-3.14 already encourages recycling. Conservation will be encouraged by a number of new initiatives resulting from state law and regulation. SB 407 (Chapter 587, Statutes of 2009) phases in the retrofitting of pre-1994 residential, including multi-family, and commercial buildings with ultra-low flow faucets, toilets, showers, and urinals. The Sustainable Water Use and Demand Reduction Act (Water Code Section 10608, et seq.) will require a 20% reduction in statewide water use by 2020, including water use at the local level. California's Green Building Code – adopted Jan. 17, 2010 and effective as mandatory code on January 1, 2011 will require new residential and non-residential construction to reduce water use by 20% in comparison to prior Title 24 (California Building Code) requirements. New gray water regulations (revisions to the California Plumbing Code adopted in August 2009 and now in effect) simplify the design and permitting of gray water systems. For example, no permit may be required for a washing machine or single shower gray water disposal system that follows the state guidelines. No change is needed to the DEIR or 2007 General Plan. Also, no mitigation is necessary for Impact WR-8 (water quality impacts of sewage facilities) because the DEIR considers that impact less than significant, and no evidence exists that the proposed mitigation measure would avoid or substantially reduce Impact WR-5 (secondary impacts of water facilities), which the DEIR considers significant and unavoidable.

- S-9.20 To mitigate impacts WR-4 and WR-5, the commenter suggests that the County include a policy to develop a graywater ordinance in order to reduce impacts on water supply and demand for water supply infrastructure.

In August 2009, the California Building Standards Commission enacted new graywater standards that encourage and simplify the installation of graywater systems (California Code of Regulations, Title 24, Part 5, Chapter 16A, Part 1). Inclusion of these standards in the California Plumbing Code makes them applicable statewide, unless a city or county specifically acts to further restrict or prohibit the use of graywater systems. Among their key elements, the new standards:

- Provide a standard definition for on-site “treated graywater” and a quality standard;
- Encourage the use of new and innovative technology by providing more flexibility through fewer mandatory requirements;

- Encourage installation of inexpensive systems by reducing the design complexity;
- Establish standards for different types of systems based on complexity; and
- Remove previous regulatory burdens of engineering and design.

The County has had a graywater ordinance as part of Monterey County Code 15.20 (Sewage Disposal). The ordinance refers to the latest edition of the California Plumbing Code (formerly known as the Uniform Plumbing Code) for design and siting criteria. Since the County already has a comprehensive countywide graywater ordinance, no additional mitigation is necessary.

- S-9.21 To mitigate Impact WR-8, the commenter recommends a mitigation measure that would require the County to update its sewage disposal ordinances (Monterey County Code Chapter 15.20 – on-site sewage disposal) to be consistent with the requirements of the Basin Plan.

See response to comment S-9.16. The current sewage disposal ordinance is consistent with the existing Central Coast Basin Plan. This was accomplished in 2000, and the County's current sewage disposal ordinance was reviewed and approved by the RWQCB at that time. Additionally, in connection with adoption of the Onsite Wastewater Management Plan for the Carmel Highlands, in December 2009 the County Board of Supervisors directed staff to return to the Board with proposed amendments to Chapter 15.20 of the County Code to revise requirements for conventional and alternative onsite wastewater treatment systems in the Carmel Highlands. Currently, the RWQCB has submitted its proposed updates to the Central Coast Basin Plan to the SWRCB for approval. The updated Basin Plan will not go into effect until the SWRCB has approved it. The County Environmental Health Bureau is already working with the RWQCB staff to craft an MOU that is satisfactory to both agencies, and it would be considered for adoption subsequent to SWRCB approval of the amendment to the Basin Plan. Finalization and adoption of the MOU prior to the approval of the updated Basin Plan would be inefficient. Therefore, no change to the Draft General Plan or EIR is necessary.

- S-9.22 The commenter recommends mitigation measures requiring existing satellite wastewater treatment systems to connect to larger systems when available.

Draft General Plan Policies PS-4.5 and PS-4.6 require such connections, when feasible, for new development. This may be accomplished by making such requirements conditions of approval or provisions of a development agreement for new development. Existing satellite wastewater treatment systems are part of the environmental setting, and their impacts are not caused by General Plan implementation. Further, if an existing satellite system is not proposed to be changed and if the existing system is not malfunctioning, in need of repair, or causing a public health or safety problem, the requirement suggested by the commenter may be legally outside of County's authority and therefore infeasible. Therefore, no change to the 2007 General Plan or EIR is needed.

- S-9.23 To mitigate Impact BIO-2, the commenter asserts that General Plan Policies AG-5.1 and AG-5.2 do not directly protect sensitive riparian habitat, other sensitive natural communities, or jurisdictional waters and wetlands from existing agricultural land uses. The commenter recommends that the County develop policies that explicitly ensure the

compatibility of agricultural uses with riparian and aquatic habitat. Existing agriculture uses are part of the environmental setting, and their impacts are not caused by General Plan implementation.

The County appreciates the commenter's support for the proposed streambed setback ordinance. With regard to mitigating the impacts of converting uncultivated land to agricultural land, see Master Response 8, *Biological Resources*. In response to the commenter's suggested ordinance covering the "conversion of existing agricultural uses to more intensive crops," the County considers such regulation infeasible, as the County has no regulatory authority or enforcement mechanism to regulate type of crop being planted. Regardless of the type of crop, agricultural operations are subject to the Central Coast RWQCB agricultural waiver provisions, which act to minimize sediment run-off from agricultural operations. The County finds that to be a more effective and feasible approach to mitigating impacts of changes in types crops being planted.

Also, there is no evidence that the regulation of crop types would necessarily avoid or substantially reduce impact BIO-2 (effects of General Plan buildout on sensitive species), which the DEIR considers significant and unavoidable for Buildout. The commenter is referred to Master Response 8, *Biological Resources*, which discusses impacts from routine and ongoing agriculture and Master Response 3, *Agricultural Growth and General Plan Agricultural Policies*.

- S-9.24 The commenter raises the issue of potential environmental impacts from possible food safety measures taken to exclude wildlife from production fields. The commenter suggests a mitigation measure to "ensure safe food supplies and protection of environmental resources" (emphasis in original).

The General Plan is not proposing goals or policies related to food safety, and the General Plan does not require the type of food safety grower practices listed in the comment as having biological impacts (e.g., wildlife exclusionary fences, installation of poison bait stations, etc.). Therefore, the proposed mitigation is not necessary as part of the General Plan. See also the Master Response 3 regarding General Plan Agricultural Policies.

- S-9.25 To mitigate Impact WR-3, the commenter notes that recent water quality monitoring data indicates the presence of agricultural pesticides at elevated levels. The commenter suggests a new mitigation measure requiring the County to work directly with agriculture on programs to "protect and enhance water quality from agricultural discharges." The programs should coordinate with the Irrigated Agriculture Program and other RWQCB programs.

See the Master Response 9 on Water Quality. The Monterey County Resource Conservation District operates a number of programs for agricultural growers, including direct advice on monitoring and evaluation practices, conservation practices, permit coordination. (Monterey County Resource Conservation District 2009) These existing program, and the policies and mitigation measures discussed in Master Response 9, will perform the function of the suggested mitigation measure. Therefore, no changes to the Draft General Plan or EIR are necessary.

S-9.26 The commenter discusses the NPDES Phase II Municipal Stormwater Permit requirements. The commenter suggests that Mitigation Measure PS-1 be revised to specify that all Low Impact Development (LID) techniques will be required of development projects.

Low Impact Development is addressed in Master Response 9 on Water Quality. To respond to this comment, clarify the requirement in Mitigation Measure PS-1, and incorporate the terminology used in the Monterey Regional Storm Water Management Program, Policy S-3.9 has been revised and can be found in Chapter 5 of this FEIR.

The commenter states that the DEIR does not document the potential cumulative impacts to watershed hydrology from existing and planned development.

The commenter raises a concern over the increase in impervious cover, and to mitigate Impact WR-10 recommends that the EIR include a mitigation measure to limit the percentage of impervious cover for developments and examine the effect of imperviousness on a watershed scale.

The General Plan includes modified Policy OS-3.9, which addresses cumulative watershed hydrology by requiring the development of an ordinance. The modified policy can be found in Chapter 5.

For additional discussion of erosion and sedimentation issues, and the efficacy of policies in the General Plan and DEIR mitigation measures, the commenter is referred to the response to comment O-11g.23.

The commenter questions the effectiveness of detention ponds as a mitigation approach, and suggests that the County require LID. The County's approach to LID is discussed in Master Response 9, and the discussion earlier in this response. In addition to Mitigation Measure PS-1/Policy S-3.9, this concern is also addressed by Policies PS-2.8 (the County will require that all projects be designed to maintain or increase the site's pre-development absorption of rainfall, minimizing runoff, and to recharge groundwater where appropriate) and PS-2.9 (protect and manage groundwater as a valuable and limited shared resource). In conjunction with the revised Mitigation Measure PS-1/Policy S-3.9, these policies address the commenter's concern.

Lastly, the commenter notes that alterations in hydrology "are not sufficiently addressed by only limiting the peak flow." The commenter notes that non-peak drainage can cause erosion, water quality, and fish habitat impacts. However, the County policies of limiting peak flow, operating in conjunction with the various policies limiting erosion and runoff discussed above, would together assure these impacts would be less-than-significant.

S-9.27 To mitigate Impact BIO-2, the commenter recommends that a new mitigation measure be included requiring the County to complete a "Riparian Corridor Study to develop a riparian protection ordinance" for the County. The commenter requests that the County adopt "realistic near term timelines" for implementation of mitigation measures BIO-1.1 and BIO-2.1. Further, the commenter requests that the County adopt a mitigation measure for development of an ordinance for wetland setbacks in addition to the proposed Stream Setback Ordinance.

Mitigation Measure BIO-1.1 has been deleted, in concert with the revisions to measures BIO-1.4, BIO-1.5, and BIO-3.2 that will improve their implementation and effectiveness. Mitigation Measure BIO-2.1 (Stream Setback Ordinance) requires the County to develop and adopt a Stream Setback Ordinance to establish minimum standards for the avoidance and setbacks for new development relative to streams. During development of this ordinance, the County will consider these concerns of the Central Coast RWQCB. A Riparian Corridor Study is not a necessary precursor to the setback ordinance given the types of analyses that will be undertaken during the development of the ordinance (i.e., development of standardized inventory methodologies and mapping requirements and of a stream classification system, in addition to stream-specific setbacks). Government Code Section 65860 requires the County to adopt ordinances to implement its General Plan within a "reasonable time" after adoption of the General Plan. The County will follow this mandate.

Regarding setbacks from wetlands, the County agrees that wetlands are important environmental features. However, there are existing regulatory protections for these resources. The filling of wetlands is regulated by the U.S. Army Corps of Engineers when those wetlands are "waters of the United States." Pursuant to SWRCB Resolution No. 2008-0026, staff of the SWRCB in conjunction with the individual RWQCBs and other stakeholders is developing both riparian and wetland area protection policies that will be implemented by future regulations to be adopted by the RWQCBs. These regulations are expected to cover wetlands that are not regulated by the U.S. Army Corps of Engineers. Please refer also to Master Response 3, *Agricultural Growth and General Plan Agricultural Policies*, which describes a number of additional state, regional and county programs that address regulation of agriculture and that would be protective of wetlands.

S-9.28 The commenter asserts that the cumulative impacts analysis does not consider the interrelationship between groundwater and surface water. The commenter also states that evaluation of TMDLs would be assisted if the DEIR described County measures to implement TMDLs. The commenter also asserts that a long-term watershed management strategy is needed to mitigate cumulative water quality impacts.

See Master Response 9 on Water Quality for additional discussion of this point. The rationale for concluding that cumulative surface water quality impacts are less than considerable is presented on DEIR pages 6-9 to 6-10. The relationship between groundwater and surface water relative to water quality was analyzed in reaching the DEIR conclusion that development proposed under the General Plan, when considered in the context of existing and reasonably foreseeable regulatory schemes, will not result in a cumulatively considerable impact.

With regard to implementation of TMDLs, the County will adopt the necessary General Plan, Area Plan, or ordinances to implement TMDLs as those are adopted and their targets become known.

With regard to a long-term watershed management strategy, see the responses to comments S-9.3, S-9.4, and S-9.9, and Master Response 4 on Water Supply.

Local Agencies

L-1a Association of Monterey Bay Area Governments

- L-1a.1 Comments are noted regarding receipt and review of the DEIR for the 2007 General Plan. No additional response is necessary.

L-1b Association of Monterey Bay Area Governments

- L-1b.1 Comments are noted regarding receipt and review of the DEIR for the 2007 General Plan. No additional response is necessary.

L-2 City of Gonzales

- L-2.1 Comment acknowledged. The County hopes to continue collaboration with the City of Gonzales in the General Plan and other issues as well.
- L-2.2 This comment reflects the opinions of the commenter regarding policies of the Draft General Plan, and not on the adequacy or content of the EIR. The County will consider all comments received on the General Plan in its deliberations prior to the adoption of the General Plan. The Land Use Element does encourage city centered growth, as stated in policy LU-2.15. However, the Land Use Element also encourages County growth to occur in Community Areas and Rural Centers, both of which are designed to allow higher intensity development in certain concentrated areas of the County. This focused development in the unincorporated area would address the County's responsibility to provide affordable housing consistent with its RHNA allocation. The General Plan policies that address city centered growth imply collaboration with the cities in the city urban reserves and spheres of influence. See General Plan policies LU-2.21 through LU-2.33.
- L-2.3 This request relates to the General Plan and not the adequacy or content of the DEIR. The County will consider all comments received on the General Plan in its deliberations prior to adoption of the General Plan.

The commenter requests that the Policy LU-2.19 be revised to require consultation with cities in mitigating impacts of growth in cities. It is important to note that coordination with cities to reduce and mitigate County growth impacts is required in a number of other General Plan policies. Policies LU-2.16 (Urban Reserve), and LU-2.17 require coordination with the cities regarding potential impacts from growth and new housing. In the Public Services Element, policies PS-1.1 through PS-1.6 require adequate public services and facilities (APFS) before any new development may be approved to ensure that new development pays its fair share of the cost of providing services concurrent with development. Policy C-1.5 requires County transportation planning activities to be

coordinated with all affected agencies and jurisdictions. Policy C-1.8 requires the County to consult with the cities in developing a County Traffic Impact Fee to address impacts of development in cities.

- L-2.4 Please refer to response L-3.2, which addresses General Plan policies on the location of agricultural support facilities.

L-3 City of King City

- L-3.1 On page 4.2-11, the DEIR notes that of the 2,571 acres that will be converted from Important Farmland to urban uses; 476 of these acres are within the Spheres of Influence of the cities in Monterey County. Most of the conversion of Important Farmland in the unincorporated county would occur in the Boronda, Castroville, Chualar, and Pajaro Community Areas. Please see the response to comment S-2.2 and the additional discussion in Master Response 3, *Agricultural Growth and General Plan Agricultural Policies*.

The DEIR has not been revised to include a table describing where conversion of Williamson Act land is expected. Please see the response to comment S-2.4 and Master Response 10, *Level of Detail for the General Plan and the General Plan EIR*. The conversion of Important Farmland would be a significant impact and the 2007 General Plan and Area Plans include numerous policies to minimize this adverse impact (DEIR Section 4.2.5.3.)

The loss of farmland would primarily be a result of conversion of farmland to Community Areas and Rural Centers that could occur as a result of the implementation of the 2007 General Plan (discounting for the moment the substantial portion of the conversion that will occur as a result of city growth). Policy AG-1.12 does require the purchase of conservation easements as one of the mechanisms for mitigating this loss. The County is proposing to collaborate with the cities to develop a more comprehensive approach that would also include loss of agricultural lands that might occur as a result of land being annexed to cities.

The comment suggests use of agricultural conservation easements as a mitigation measure. AG-1.12 specifically includes language that supports private, non-profit land trusts and conservation organizations that might receive development rights on lands that would be purchased through fees or donations as mitigation for loss of agricultural lands. All feasible measures have been included to reduce this impact; nevertheless, the impact would remain significant and unavoidable since there would still be a permanent, irreversible loss of agricultural lands to urban development. The General Plan policies include measures to limit the loss either by focusing growth away from prime agricultural lands, supporting the ongoing viability of the agricultural industry and putting lands into permanent conservation easements (DEIR Section 4.2.5.3)

- L-3.2 This comment addresses General Plan policies on the location of agricultural support facilities. The Agricultural Element in the General Plan is intended to establish policies directed at enhancing and supporting the long-term productivity and commercial viability of the County's agricultural industry. The policies provided under Goal AG-2 are

intended to provide opportunities to retain, develop, and expand agriculture-related enterprises and support uses that are important for the continued viability of the agricultural industry.

The County recognizes that in many instances, it is important to owners of major agricultural operations to site facilities that support their operations in the locations adjacent to production. The support facilities contemplated are not stand-alone facilities, but are intended to serve on-site farming. Proposed General Plan Policies AG-2.1 and AG-2.3 are consistent with this goal. AG-2.1 and AG-2.3 enable the agricultural industry to remain viable so that there will not be an incentive to convert agricultural lands to intensive urban use. These policies are therefore consistent with city-centered growth for residential and new commercial growth. Use of agricultural land for support facilities is also consistent with what is allowed under the Williamson Act.

- L-3.3 The DEIR does indicate that there will be some conversion of Williamson Act land to urban uses especially in the areas adjacent to several of the proposed community areas and rural centers. However, there are policies in the General Plan that are intended to minimize this impact. Policies NC-6.1, AG-1.4, and AG-1.5 specifically address protecting the viability of Williamson Act lands. The impacts to Williamson Act lands would be less than significant.

The comment states that impacts on Williamson Act land from contract cancellations should have been analyzed in the DEIR. The DEIR discusses contract cancellations and non-renewals in Section 4.2.5.3. Contract cancellations in the County are rare, and any cancellation must strictly adhere to Williamson Act findings requirements. Any impact contract cancellations would have on Williamson Act land would be less than significant (DEIR Section 4.2.5.3.)

The comment also states that project impacts on zoning that would preclude agricultural use in agricultural preserve areas, impacts to current and future agricultural operations, and land-use conflicts should have been analyzed in the DEIR. The County is proposing to adopt an Agricultural Element that is protective of agricultural preserves including AG-1.2 (buffer policy) and AG-1-9 (right to farm notice). These policies also address future potential land use conflicts. Implementation of these policies and other 2007 General Plan and Area Plan policies described in Section 4.2.5.3 of the DEIR would minimize impacts to agricultural and Williamson Act lands. Overall, the amount of agricultural land in the county is expected to remain steady, or decline slightly, to the 2030 planning horizon. Accordingly, these impacts are not likely to result from implementation of the General Plan.

The comment also states that impacts of projects on agricultural land property values and taxes should have been analyzed in the DEIR. An analysis of impacts to property values and taxes as a result of conflicts with existing zoning or Williamson Act contracts is not required. An EIR is only required to analyze the physical environmental impacts of the project (Pub. Res. Code, §21100, 21060.5). Economic changes, such as property values and taxes, resulting from a project are not significant effects on the environment (CEQA Guidelines, § 15064 (e)).

L-4 City of Marina

- L-4.1 The commenter requests further mitigation to preserve hilltops and bluff tops, beyond GMP-3.2, and the prohibition of development on slopes over 30%. GMP-3.2 is not the only policy that would mitigate the visual impact of new development on canyon edges and hilltops. Pages 4.14-16 through 4.14-23 of the DEIR provide a comprehensive listing and analysis of several dozen policies in the General Plan Land Use and Open Space Elements, as well as in the Greater Monterey Peninsula Area Plan, that reduce the adverse effect of development on scenic vistas to a level that is less than significant. Among these is Policy GMP-3.3, which requires protection of areas of high visual sensitivity, including preservation through easements and avoidance of areas that have been mapped on the Greater Monterey Peninsula Scenic Highway Corridor and Visual Sensitivity Map as sensitive. Additionally, Policy OS-1.3 prohibits ridgeline development subject to certain exceptions and only after a publicly noticed hearing and upon specific findings. Please also note that the County is proposing to modify Policy OS-3.5 to prohibit development on slopes over 25%, subject to certain exceptions that would require a discretionary permit and special findings. Implementation of these policies and the others set forth on pages 4.14-16 -4.14-23 of the DEIR would ensure that the impact on scenic vistas from implementation of the General Plan is less than significant. Please refer also to Master Response 3, *Agricultural Growth and General Plan Agricultural Policies*.
- L-4.2 The comment regarding the LOS standard in the General Plan is primarily a comment on the policy in the General Plan. The County did examine the implications of setting an LOS C at an early point in the deliberations on circulation policies and determined that achieving LOS C would require extensive widening of major roads in the unincorporated area. The environmental impact of these projects with respect to air quality, noise and traffic delays would be extensive. The cost would also be considerable. Policy C-1.8 explains that the County, in consultation with TAMC and Monterey County cities, has adopted a County Traffic Impact Fee that addresses impacts of development in the cities and unincorporated areas on major County roads. Since, as the commenter notes, 75% of the population of Monterey County resides in the cities, it would be prudent to impose fees on that development as well. This policy has been updated to reflect that the TAMC fee program has already been adopted by the County of Monterey. Please refer to FEIR Chapter 5 for the revised text.
- L-4.3 This comment regarding promoting annexation to the City of Marina for lands adjacent to the City is primarily a comment on the policies in the General Plan and not a specific comment on the EIR analysis. Please note, however, that Policies LU-2.16 and LU-2.18 both address the establishing of the Urban Reserve overlay that applies to areas where an unincorporated City may expand (annex) lands in the unincorporated area. Both of these policies address consultation with the cities. Policy LU-2.15 requires that the County work with AMBAG and the cities to direct the majority of urban growth to the cities and their spheres of influence. The DEIR examines the impact that development and land use activities contemplated in the 2007 General Plan may have on the availability of public services, including fire facilities in Section 4.11, Public Services and Utilities. As explained on pages 4.11-12 through 4.11-14 of the DEIR, the 2007 General Plan proposes a number of policies to ensure that new or expanded fire facilities would be provided concurrently with anticipated growth. Specifically, Public Service Element

Policies PS-1.1 through PS-1.6 establish general standards for the provision of public facilities concurrently with future growth; Safety Element Policies S-4.1 through S-4.33 address potential impacts from fire hazards; and Safety Element Policies S-6.1 through S-6.8 set forth emergency preparedness policies to ensure that fire protection agencies would have adequate resources to meet the demands of the buildout population. Further, new development projects would be assessed impact fees to finance capital improvements for fire protection facilities. Policies S-6.1 through S-6.8 require that new development should not be permitted if service response times cannot be adequately provided and that the highest priority for new service facilities should be given to areas with the highest concentrations of residents. Additionally, Policy S-5.11 establishes a Development Impact Ordinance to obtain and maintain an acceptable level of emergency services so that new development, to the extent permitted under State law, shall provide its fair share of funding for public facilities and equipment concurrent with the development. Because payment of these fees would be limited to the project's fair share, additional funding sources would be required to ensure that adequate facilities are provided concurrently with growth. Capital Improvement and Financing Plans that identify what is required to meet Adequate Public Facility and Services (APFS) needs are required under Public Services Element Policy PS-1.1.

L-4.4 This comment suggests that the Royal Oaks area is a neighborhood that is serviced by the Central sheriff's station.

L-4.5 This is a comment on text changes to a policy in the General Plan regarding safety and not a comment on the EIR. These comments will be referred to the decision-makers to consider in their deliberations on the General Plan.

L-4.6 The commenter proposes a change to the text on Page 4.11-17 of the DEIR, which discusses the physical impact of the construction of new public safety facilities. The text change proposed by the commenter is not necessary because proposed General Plan policies S-6.1 through S-6.8 require that new development should not be permitted if service response times cannot be adequately provided and that the highest priority for new service facilities should be given to areas with the highest concentrations of residents. Additionally, Policy S-5.11 establishes a Development Impact Ordinance to obtain and maintain an acceptable level of emergency services so that new development, to the extent permitted under State law, shall provide its fair share of funding for public facilities and equipment concurrent with the development. Based on these and other policies, the DEIR concludes that the 2007 General Plan and Area Plan goals and policies are designed to accommodate growth in Community Areas while ensuring that new development provides adequate Sheriff's facilities and services to future residents. As a result, there would be no substantial impact on health and safety that might occur absent of such facilities. The project is not required to mitigate pre-existing public service deficiencies.

L-5 City of Salinas

L-5.1 The comments provided by the commenter pertain primarily to policies in the draft General Plan and the Memorandum of Understanding between the City of Salinas and the County of Monterey (MOU) and reflect the opinion of the commenter. They are not

substantive comments on the DEIR. The decision-makers will consider these comments during their deliberations on the General Plan. Below is a discussion in response to several specific issues raised by the City regarding planning consistency into the future.

In response to the City's concern regarding existing developed commercial parcels adjacent to Highway 101 at the northerly entrance to the City, Policy LU-2.16 establishes an Urban Reserve overlay on lands identified in any cities adopted general plan for future annexation. Development in the Urban Reserve is determined by the underlying land use designation subject to consultation with the pertinent City. This is consistent with the MOU. County and City staff have been meeting regularly to keep each other informed regarding projects on our respective borders. To date, none of the projects discussed have required a general plan or zoning amendment per the MOU.

In response to the City's concern regarding development of general commercial uses in the vicinity of the Salinas River and Highway 68, GS-1.3 limits any future commercial activities to those consistent with the farmland designation of the site and current uses.

Further, Policies GS-1.5 and GS-1.6 recognize existing underlying land use designations, but specifically constrain what would be permitted to ensure that any allowed commercial uses are consistent with the area.

The City raises concerns about Policy GS-1.11, which proposes a Study Area for Espinosa Road. Study Areas in the Draft General Plan allow the County and landowner to evaluate the future viability of designating the property as a Special Treatment Area. Designation of a Study Area does not provide any new entitlements. The designation of this Study Area recognizes the current activities on the property. The County would consult with the City in any evaluation of the future potential uses of this site.

In response to the City's concerns regarding permitting development of coolers, cold rooms, loading docks and farm equipment on agriculturally designated land, Policy GS-6.2 addresses the appropriate regulation of agricultural support facilities and is consistent with several policies in the Agricultural Element. The Agricultural Element in the General Plan is intended to establish policies directed at enhancing and supporting the long-term productivity and commercial viability of the County's agricultural industry. The policies provided under Goal AG-2 are intended to provide opportunities to retain, develop, and expand agriculture-related enterprises and support uses that are important for the continued viability of the agricultural industry. The County recognizes that in many instances, it is important to owners of major agricultural operations to site facilities that support their operations in the locations adjacent to production. The support facilities contemplated are not stand-alone facilities, but are intended to serve on-site farming. Please also refer to Comment L-3.2.

L-5.2 There are specific references to Monterey Salinas Transit (MST) services to South County on Page 4.6-11 of the DEIR. Please also refer to Response L-4.2 for an explanation of the Level of Service (LOS) proposed.

L-5.3 With respect to the City's concerns regarding Policy OS-1.1, pages 4.14-16 -4.14-23 of the DEIR provide a comprehensive listing and analysis of several dozen policies in the General Plan Land Use and Open Space Elements, in addition to Policy OS-1.1, that

reduce the adverse effect of development on scenic vistas to a level that is less than significant.

With respect to the City's concerns regarding Policy OS-3.7, please see DEIR Section 4.3 (pp. 4.3-92 through 4.3-98), which describes how the proposed policies and programs in the 2007 General Plan—combined with the current local, state, and federal stormwater, grading, and erosion control regulations described earlier—would ensure that water quality impacts resulting from nonpoint source pollution runoff related to residential, commercial, industrial, and public uses consistent with the 2007 General Plan would be reduced to a less-than significant level.

- L-5.4 The commenter notes that Policy S-2.3 provides an exemption to FEMA guidelines for a number of routine and ongoing agricultural activities and raises concerns regarding the impacts from siltation. Please note that "Routine and Ongoing Agricultural Activities" are defined in Policy AG-3.3. However, Policy AG-3.3 specifically excludes activities that create significant soil erosion impacts or violate adopted water quality standards. Therefore, such activities would not be included in the exemptions established by Policy S-2.3 or the ordinances listed in Policy AG-3.3.

Please see Master Response 3, *Agricultural Growth and General Plan Agricultural Policies*, which discusses revisions to mitigation measures in the DEIR that will further reduce potential impacts from grading by modifying the policy regarding agricultural activities on slopes and sensitive soils.

Table PS-1 in the 2007 General Plan establishes the criteria that would be used to determine the Adequate Public Facilities and Services (APFS) standards appropriate for new discretionary development. Policy PS-1.1 requires that APFS needed to support new development are available to meet or exceed the level of service of "Infrastructure and Service Standards" (see Table PS-1) concurrent with the impacts of such development. Policy PS-1.3 requires that no discretionary application for new development shall be approved unless the County finds that APFS for that use exist or will be provided concurrent with the new development. Accordingly, Table PS-1 establishes that there would be no net increase in harmful runoff from the creation of new residential and commercial lots on agriculture lands.

- L-5.5 Comment noted. Policy AG-1.12 requires future collaboration with the cities in Monterey County on development of an agricultural land mitigation program to further support Policy AG-1.2.

- L-5.6 The DEIR did not specifically mention Carr Lake and related stormwater management issues because the facility is not within the boundary of the unincorporated County; however, the County continues to share the concerns of the City regarding the importance of supporting the nexus study and associated fees per the MOU.

With regard to the City's concerns about future "Special Treatment Areas," Policy GS-1.2 specifically requires that a drainage management plan be prepared to mitigate run-off to adjoining farmlands. Policies GS-1.10 and GS-1.13 require an examination of drainage and related infrastructure needs.

The remaining comments regarding a future recreation trail and development of agricultural lands on the border of the cities will be provided to the decision-makers for their consideration during the review of the General Plan.

- L-5.7 In drafting GPU5, as the City acknowledges, the County has proposed policies that are intended to be consistent with and supportive of the GSA-MOU.
- L-5.8 Comment acknowledged.
- L-5.9 The County and City continue to meet regularly in accordance with the GSA-MOU to discuss new development on our respective borders.
- L-5.10 This is a comment on GP Policies and not on the DEIR. However, in response to the City's comment that no growth be allowed until Community Area Plans are adopted, the County notes that several designated Community Areas are existing urban areas and individual projects appropriately designed have been and will be allowed to proceed. The County believes that these are consistent with the concepts of compact growth. Moreover, the County has adopted a Community Area Plan for Castroville, and has a draft Community Area Plan for Boronda.
- L-5.11 The County has been working with the City to ensure that development in the southern portion of Boronda is consistent with the GSA-MOU.
- L-5.12 Comment acknowledged. The County will continue to work collaboratively with the City on meeting the region's affordable housing goals as evidenced in the recent RHNA process.
- L-5.13 Regarding traffic impact fees, the County will be developing a County Impact Fee Program consistent with the GSA-MOU and Policy C-1.8. The County will take into consideration the concerns expressed by the City re modeling assumptions and hopes that the City and County can address these issues collaboratively as part of the AMBAG process for updating the traffic model.
- L-5.14 Comment acknowledged.
- L-5.15 The October 6, 2006 letter from the City of Salinas that has been attached to the January 8, 2009 Comment Letter on the 2007 General Plan and Draft Program EIR contains comments from the City on specific policies in a prior draft of a General Plan Update (GPU4) and are not comments on the DEIR for the 2007 GP. They will be provided to the decision-making authority for consideration during deliberations on the General Plan.

The October 6, 2006 letter contains several comments on policies also noted in the January 8, 2009 letter. Please see L-5.1 through L-5.6.

With respect to the comment on Public Services, we refer the City to Master Response 4 which discusses water supply. There is a specific discussion on the Salinas Valley. With respect to the GSAP policies, the City has already acknowledged that it is supportive of the changes to Rancho San Juan and the proposed zoning changes for the areas in the immediate vicinity of Rancho San Juan. With respect to the traffic modeling

assumptions, please refer to L-5.13. Again, the County concurs with the City that it would be advisable to work with AMBAG on an updated model and model assumptions. The County's consultant, however, did not find the same inconsistencies as were identified by Fehr and Peers.

L-6 City of Seaside, Resource Management Services

L-6.1 The comments primarily to suggested policies in the draft General Plan and are not comments on the DEIR.

Regarding Page 4.3-35, the reference to interbasin transfers has been deleted. This deletion does not change the analysis in Section 4.3.

With respect to the comments on stormwater management, Policy S-3.1 requires that post-development off-site peak flow drainage cannot be greater than pre-development peak flow drainage. This is based upon reducing runoff rates based upon a 100-year storm to a 10-year pre-development rate. This policy, as well as Policy 3.1-3.9 and PS-2.8 provide additional protection with respect to erosion and sediment control. Policy S-3.7 would require preparation of a Drainage Manual that will establish the appropriate specific criteria and standards.

Regarding Page 4.3-96-97, although the Greater Monterey Peninsula (GMP) Area Plan does not have any supplemental policies, PS-2.8 and PS-2.9 would apply to new development in the GMP and require that all projects be designed to minimize runoff and maximize recharge.

The comment asks for clarification of footnote 4 in Table 4.3-8, but apparently means Table 4.3-9 based on the page cited in the comment. The footnote refers to the split in service between the MCWRA and PVWMA in the North County (including the portion of the Pajaro Basin within Monterey County, as well as the Highland South, Granite Ridge, and other areas identified in the DEIR). The footnote discloses that the estimated numbers are just that, an estimate, based on the assumption that each basin will provide 50% of the water supply to the overall North County area.

The Seaside Basin Aquifer Storage and Recovery (ASR) project and expansion are briefly described on page 4.3-138 of the DEIR. The comment suggests: "reference to proposal by Cal-Am for the construction of injection wells should be noted and how much additional water would be diverted with the establishment of Cal-Am wells." Please see Master Response 4, *Water Supply*, section 4.4.3 for a discussion of the Monterey Regional Water Supply Project that is one of the alternatives being considered by the California Public Utilities Commission as part of CalAm's Coastal Water Project. Regarding the ASR, in November 2007, the State Water Board issued a permanent permit to MPWMD and CalAm to allow yearly diversions of up to 2,426 acre-feet from the Carmel River between December and May. The ASR does not divert additional water from the aquifer. (California State Water Resources Control Board 2007) The text of the FEIR has been revised to address this comment and can be found in Chapter 4.

Regarding the request for a reference to proposed development on the Fort Ord Master Plan, the EIR discusses the Fort Ord Master Plan throughout the Water Resources section (Section 4.3). Table 4.3-12 in that Section indicates that planned infrastructure capacity is adequate for the Fort Ord Community Area.

The DEIR provides a summary list of potential future projects that are intended to address water supply needs. Mitigation Measure WR-1 addresses collaboration among the jurisdictions to identify new water supply projects and water management programs. Not all future projects are specifically named, since new proposals are emerging periodically. Additionally, the 2007 General Plan proposes a number of policies that, together with state law (SB 221) requiring large subdivisions to obtain written assurance of the ability to supply water would help ensure that new or expanded potable water supplies and facilities would be provided for future growth. These are listed on pages 4.3-122 through 4.3-124 of the DEIR. The DEIR also identifies similar policies from the Fort Ord Master Plan on page 4.3-126.

Regarding the reference to page 4.3-179 and storm water retention, the comment does not specify which mitigation measure should be modified. However, the County currently requires that any new development be designed to limit the 100-year post-development rate to less than the 100-year pre-development rate. This requirement is consistent with proposed policies PS-2.8 and PS-2.9 in the 2007 General Plan.

- L-6.2 Comment noted. The County is willing to work with the cities and Caltrans on this and other corridor-related issues.
- L-6.3 These comments pertain to the content of the Fort Ord Master Plan which is an element in the General Plan and not specifically to the DEIR. The County has revised the 2007 General Plan figures relative to the Fort Ord area to illustrate the land swap between the County and the City of Seaside.
- L-6.4 The DEIR includes an analysis of the cumulative traffic impacts from development associated with buildout from the Monterey Peninsula cities and the General Plan through 2030. These are consistent with the General Plans from each jurisdiction and the AMBAG 2004 traffic model. The DEIR is a programmatic document and is not required to examine specific intersections in the City of Seaside except for state and regional road segments. At the project-specific level, traffic analyses should be more detailed and specific with operational input to roadway and intersection characteristics (i.e., number of turning lanes, signal timing, etc.) The EIR for the Fort Ord Master Plan and the East Garrison Project (the County portion of Fort Ord) address the cumulative impacts and specific intersections cited by the commenter.

In addition, the cumulative (2030) and buildout scenarios evaluated in the 2007 General Plan EIR included buildout to the year 2030 and full buildout of the development potential in Fort Ord. The transportation analysis in the 2007 General Plan is a policy and programmatic level of analysis addressing potential impacts over a broad geographic area on the facilities that comprise the primary transportation network, major roadways. Intersections are typically studied at the "operations" level of analysis, usually conducted as part of a project-specific environmental assessment or preliminary engineering. As such, it is appropriate to use a broad planning tool for the analysis of level of service to

determine potential impacts of future development in the General Plan. Accordingly, the impacts from development that could occur consistent with the General Plan in Fort Ord and the GMP AHOs are included in that analysis.

- L-6.5 The DEIR provides a summary list of potential future projects that are intended to address water supply needs. Mitigation Measure WR-1 addresses collaboration among the jurisdictions to identify new water supply projects and water management programs. Future projects on Fort Ord are not specifically named, but are not precluded. The text in the DEIR has been revised to address this comment. Please refer to Chapter 4 of this FEIR for the pertinent revisions.

L-7 County of San Benito

- L-7.1 This comment relates to improved inter-county communications and coordination of planning activities. It does not concern the adequacy of the DEIR and thus no response is provided in this document.

- L-7.2 The comment expresses the desire for cooperation between San Benito County and Monterey County on matters affecting border areas. This comment relates to the General Plan and not the adequacy or content of the DEIR. The County will consider all comments received on the General Plan in its deliberations prior to the adoption of the General Plan.

- L-7.3 This comment relates to the General Plan and not the adequacy or content of the DEIR. The County will consider all comments received on the General Plan in its deliberations prior to the adoption of the General Plan. General Plan Policy C-1.5 requires County transportation planning activities to be coordinated with all affected agencies and jurisdictions.

With respect to safe access to the Pinnacles, Monterey County would welcome collaboration to ensure convenient, safe access. With respect to the comment regarding safety issues along La Gloria Grade Road, this is a comment that is site specific and beyond what would be considered in a programmatic DEIR; however, again the County would welcome discussions and collaboration.

- L-7.4 The County notes that its previous concerns about light and glare have been addressed in the DEIR. As a result, this comment needs no further response.

- L-7.5 The comment raises issues with respect to significant impacts to roads that would be external to Monterey County, and the impacts related to different LOS standards between Monterey County and San Benito County. The County has been working with neighboring jurisdictions to address traffic impacts that would occur from development in the unincorporated area, as well as impacts from cities on County facilities. This coordination has occurred directly between jurisdictions and through our participation in AMBAG. Policies C-1.5 and C-1-10 require that the County continue to coordinate with all affected agencies and jurisdictions. Monterey County has had a close relationship with TAMC and AMBAG that allows for coordination with neighboring agencies to address transportation planning especially for routes of regional significance. For

projects at our respective boundaries, we would coordinate directly with San Benito County.

Currently, several of the highest priority TAMC road projects are in north Monterey County, on Highway 101 and Highway 156, which are the areas mentioned by the commenter as potentially impacting San Benito County. These would both benefit San Benito County. Per Policy C-1.8 and C-1-11, the County will continue to impose an impact fee on new development for cumulative impacts and will be developing an impact fee program to address impacts to County Roads. These programs should have subsequent benefits to San Benito County, although, as the DEIR concludes, these impacts will be significant and unavoidable.

It is also important to note that a significant amount of the traffic that San Benito County experiences from Monterey County is through traffic on the 101 Freeway. Moreover, AMBAG trip generation data indicates that there are more trips generated from San Benito to Monterey County than in the reverse direction.

With respect to the different LOS standards, even if Monterey County were to adopt an LOS C standard, this would not change the number of trips that would be generated to San Benito County and therefore, the County does not believe that our planning guidelines would place a significant burden on neighboring jurisdictions.

- L-7.6 The comment notes that San Benito and Monterey Counties are located within the Monterey Bay Unified Air Pollution Control District's (MBUAPCD's) jurisdiction, and asserts that the environmental document should discuss the possible significant effects of high levels of traffic congestion along the State Route 101 corridor and how this could affect the attainment status within either jurisdiction.

An analysis of the effects of roadways traffic volumes within Monterey County, including along the State Route 101 corridor, on levels of criteria pollutants from mobile sources is presented in the aggregate in Tables 4.7-5 and 4.7-6 of the DEIR and compares these emissions to the MBUAPCD's thresholds of significance. The MBUAPCD's thresholds of significance are based on the California Clean Air Act offset requirements for new or modified stationary sources. These requirements stipulate that new or modified stationary sources that emit 137 pounds per day or more VOC or NO_x are required to offset their emissions. The MBUAPCD considers these thresholds to determine a project's impact on existing regional air quality. However, the impact from mobile source criteria pollutants is less than significant with the implementation of mitigation measures AQ-3 through AQ-5 (DEIR Section 4.7.4.2.).

An evaluation of the effects of traffic volumes and congestion on roadways within Monterey County, including along the State Route 101 corridor, on CO is presented in Table 4.7-8 in the DEIR and compares these emissions to the California Ambient Air Quality Standards. The DEIR concludes that buildout of the 2007 General plan would result in increased concentrations of CO emissions but not above MBUAPC thresholds. Therefore, this impact would be less than significant (DEIR Section 4.7.4.2.).

L-8 County of Santa Cruz

- L-8.1 The commenter has raised concerns regarding the DEIR conclusions that impacts to the Pajaro basin will be significant and unavoidable despite the imposition of mitigation measure WR-1 and questions the adequacy of that proposed mitigation measure.

Pages 4.3 41-4.3-43 of the DEIR describe recently completed and prospective initial efforts to address the overdraft condition in this basin including various initiatives of the Pajaro Valley Water Management Agency in concert with the Monterey County Water Management Agency. In addition, the County of Monterey has convened a “Comprehensive Ad Hoc Committee” to address short and long term solutions for the North County, including Pajaro. The County of Santa Cruz’s involvement is welcome. Despite the recent setbacks to the proposed State Water Project solution for Pajaro Valley Water Management Agency, the Monterey County Water Resources Management Agency has in the past and will continue to collaborate with PVWMA in the design and funding of projects leading to a comprehensive solution.

WR-1 requires the County to collaborate on a regional solution for the Monterey Peninsula. Mitigation Measure PS-3.16, which is intended to enhance WR-1, requires the County to continue to participate in regional efforts to identify additional domestic water supplies for the Monterey Peninsula and Seaside basins while continuing to protect the Salinas and Pajaro basins from seawater intrusion. Draft General Plan Policy PS-3.16 has been revised to address this comment. Please refer to Chapter 5 of this FEIR for the pertinent revisions.

The commenter also raises concerns that development of the Community Area of Pajaro could constrain water supply for development in Santa Cruz County unless a more comprehensive solution is identified. With the exception of lots of record, other policies in the General Plan would not allow intensification of use until an adequate potable water supply is identified. We would expect that Santa Cruz County might impose similar restrictions on new development in Santa Cruz County so that there would not be a conflict with development in the proposed community area of Pajaro. Similarly, policies in the General Plan require that solutions to flooding be identified before development can proceed. The County acknowledges that Santa Cruz County is working collaboratively with Monterey County on the Pajaro River Flooding issue

See Master Response 4 regarding Water Supply.

L-9 King City Airport - Hagen, Kristen (KMTG law offices)

- L-9.1 This request relates to the General Plan and not the adequacy or content of the DEIR. Commenter’s questions regarding the action of the Monterey County Airport Land Use Commission at its September 22, 2008 meeting and figures included in GPU4 and GPU5 were responded to by return email to commenter. There have been no changes to the area around the King City Airport since the ALUC reviewed GPU4. Subsequent review by

the ALUC found the 2007 General Plan consistent with the Airport Land Use Plan. No further response is required.

L-10 Monterey Bay Unified Air Pollution Control District

L-10.1 The comment indicates that a list of the Ambient Air Quality Standards (AAQS) is missing from the DEIR. A table summarizing the AAQS has been inserted as Table 4.7-1a. See Chapter 4 of this FEIR for the table.

L-10.2 The comment indicates that the section blends a discussion of natural and anthropogenic (man-made) volatile organic compound (VOC) emissions. In response, the text in the first paragraph on page 4.7-2 has been revised to indicate that the MBUAPCD estimates the anthropogenic emissions of VOC in the North Central Coast Air Basin (NCCAB) are 70 tons per day. This revision does not change the conclusions in the DEIR.

L-10.3 The comment indicates that the section blends a discussion of natural and anthropogenic (man-made) VOC emissions. In response, the text in the first paragraph on page 4.7-2 of the DEIR has been revised to indicate that the MBUAPCD estimates anthropogenic emissions of NO_x in the NCCAB are estimated to be 81 tons per day. This revision does not change the conclusions in the DEIR.

L-10.4 The comment indicates that the discussion of the federal ozone standard adoption dates is inaccurate. In response, the text in the first full paragraph on page 4.7-3 of the DEIR has been revised to clarify the dates of the federal ozone standard.

L-10.5 The comment indicates that the discussion inaccurately indicates the state ozone standard is 0.07 ppm. In response, the text in the first full paragraph on page 4.7-3 of the DEIR has been revised to clarify the state ozone standard is 0.070 ppm.

L-10.6 The comment indicates that State and federal CO standards were not exceeded during 2005-2007, which is the most recent three years of data, and that it should be mentioned that ambient CO readings in the NCCAB are low and have a history of being well within applicable standards.

The text in the second full paragraph on page 4.7-3 of the DEIR has been revised to clarify that State and federal CO standards were not exceeded during 2005-2007, which is the most recent three years of data, and that ambient CO readings in the NCCAB are low and have a history of being well within applicable standards.

L-10.7 The comment indicates that major sources of NO_x in the NCCAB include exhaust emissions from on-road motor vehicles, off-road mobile sources and industrial sources, and that there are no refineries in the NCCAB.

In response, the text on page 4.7-4 of the DEIR has been revised to clarify that on- and off-road motor vehicles are major sources of nitrogen oxide. The discussion of NO_x in

this section is designed to provide general background information regarding the source of criteria pollutants. Reference to refineries has been deleted.

The comment also indicates the NCCAB is designated attainment for the State NO₂ standard and Unclassified/Attainment for the federal NO₂ standard. The attainment status of the NCCAB is not discussed within this section of the DEIR. Consequently, no change is made.

- L-10.8 The comment indicates that the primary sources of particulate matter in the NCCAB include fugitive dust from unpaved roads, agricultural tilling, agricultural wind-blown fugitive dust, prescribed fires and construction dust. In response, the text at the end of the second full paragraph on page 4.7-4 of the DEIR has been revised to indicate that the primary sources of particulate matter in the NCCAB include fugitive dust from unpaved roads, agricultural tilling, agricultural wind-blown fugitive dust, prescribed fires and construction dust.
- L-10.9 The comment indicates that there are no oil refineries or oil fired power plants in the NCCAB and that major sources of VOCs in the NCCAB include exhaust emissions from on-road motor vehicles, solvent evaporation, and exhaust emissions from off-road mobile sources, while winery emissions represent less than 1% of the NCCAB VOC inventory. See Response L-10.7 for response regarding comment that oil refineries and oil fired power plants should be removed. Power plants should not be removed from the background discussion for the same reasons. The text in the last full paragraph on page 4.7-4 of the DEIR has been changed to: indicate that major sources of VOCs in the NCCAB include exhaust emissions from on-road motor vehicles, solvent evaporation, and exhaust emissions from off-road mobile sources; and indicate that winery VOC emissions represent less than 1% of the NCCAB inventory.
- L-10.10 The comment indicates that the sixth paragraph ends with a comma. In response, the comma at the end of the sixth paragraph on page 4.7-5 of the DEIR has been replaced with a period.
- L-10.11 The comment indicates that the discussion of the wine making process should be moved to a separate section. In response, the discussion of the wine making process has been moved after the first full paragraph on page 4.7-16 of the DEIR.
- L-10.12 The comment indicates that the statewide wine fermentation figure would be more informative if specific amounts of wine fermented in Monterey County were presented, and that the amount of wine grapes harvested in Monterey County is not relevant unless the following information is specified in the DEIR: amount of grapes that are grown locally; the amount and increase of the local harvest that is fermented locally; the amount and increase/decrease of local harvest that is shipped outside Monterey County; and a comparison of the potential increase in emissions from Monterey County fermentation and wine aging, compared to the decrease in emissions (VMT) that would be avoided by a decrease in shipment of local grapes to out-of-County grape processors/winemakers and wine agers.

Most of this information is not available. While the amount of grapes grown within the county can be determined, the amount that is fermented locally vs. that shipped out of

county for fermentation varies from season to season based on the market for and availability of particular varietals, aesthetic and market factors that affect the blend of grape varieties used in any given year and the availability of those varieties locally, and other business decisions of wine producers.

- L-10.13 The comment indicates that the DEIR states that the California Air Resources Board (ARB) has listed particulate matter as a TAC. The text in the DEIR has been revised to address this comment. Please refer to Chapter 4 for the pertinent revisions..
- L-10.14 The comment indicates that the attainment status designations are dated and incorrect. In response, Table 4.7-1a describing the attainment status has been added to the discussion on page 4.7-7 of the DEIR.
- L-10.15 The comment indicates that the monitoring data table is missing. In response, a table summarizing data for the Salinas #3 monitoring station has been inserted as Table 4.7-1b. This station has the broadest scope of monitored constituents and is therefore best suited for use in the analysis.
- L-10.16 The comment indicates that the data from the King City Pearl and Carmel Valley Ford Road monitoring stations should be included. Please see the response to comment O-12.41. Those stations monitor only a limited number of air quality parameters and therefore are not suitable for use in characterizing countywide air quality.
- L-10.17 The comment indicates that the discussion of the National AAQS incorrectly states that levels of criteria pollutants that are considered the maximum safe levels of ambient (background) pollutant concentration. In response, the second sentence of the fifth paragraph on page 4.7-8 of the DEIR has been revised to indicate that levels of criteria pollutants that are considered the maximum safe levels of ambient breathable pollutant concentration.
- L-10.18 The comment indicates that the discussion should be added to indicate the ARB has authority to regulate pollution from motor vehicles and fuels and consumer products sold in the state. In response, the first paragraph on page 4.7-9 of the DEIR has been revised to indicate the ARB has authority to regulate pollution from motor vehicles and fuels and consumer products sold in the state.
- L-10.19 The comment indicates that the overall role of the MBUAPCD should be discussed. In response, the first paragraph on page 4.7-9 of the DEIR has been revised to discuss the overall role of the MBUAPCD.
- L-10.20 The comment indicates the mitigation measures listed under the first header on page 4.7-10 of the DEIR are for heavy duty diesel equipment. In response, the first header on page 4.7-10 has been revised to indicate the succeeding mitigation measures are for heavy duty diesel equipment.

The comment also indicates that a typo is found in the 4th bullet under the first header on page 4.7-10 of the DEIR. In response, the typo in the 4th bullet under the first header on page 4.7-10 has been fixed.

- L-10.21 The comment indicates that other MBUAPCD plans should be addressed. In response, discussions of the MBUAPCD SB 656 Particulate Matter Plan and 2007 Federal Maintenance Plan have been added after Table 4.7-2, MBUAPCD Air Quality Management Plan VOC Emissions from Wine Fermenting and Ageing, on page 4.7-12 of the DEIR. The August 2008 AQMP will be added to the discussion.
- L-10.22 The comment also suggests that Table 4.7-2 incorrectly lists 2030 Wine Ageing emissions. In response, Table 4.7-2 of the DEIR has been revised to include the correct 2030 Wine Ageing emissions. This does not change the conclusions in the document.
- L-10.23 The comment indicates that the text in the second bullet is hard to follow. In response, the text in the second bullet on page 4.7-12 of the DEIR has been revised.
- The comment also indicates that wineries may be subject to Rule 417. In response, the text in the second full paragraph has been revised to indicate that wineries may be subject to Rule 417 if vapor pressure and tank size met the criteria established by Rule 417.
- L-10.24 The comment indicates that the 137 lbs/day construction related threshold for NO_x only applies to non-typical construction equipment.
- Text has been added to the construction-related emissions threshold discussion on page 4.7-12 of the DEIR to indicate the 137 lbs/day construction related threshold for NO_x only applies to non-typical construction equipment. This does not change the conclusions in the document.
- L-10.25 Please see the response to comment L-10.24.
- L-10.26 The comment indicates the 2030 projections are based on the outdated 2004 AMBAG population figures for Monterey County for 2030, which were used in the 2004 AQMP.
- Please refer to Master Response 2, *Growth Assumptions Utilized in the General Plan*, Section 2.5, for a discussion of the consistency of the AQMP with the DEIR growth assumptions.
- L-10.27 Please refer to Master Response 2, *Growth Assumptions Utilized in the General Plan*, for a discussion of the consistency of the AQMP with the DEIR growth assumptions.
- L-10.28 The comment indicates that the significance determination discussion on pages 4.7-15 and 4.7-16 of the DEIR uses the wrong name for the District's Air Quality Management Plan and that the year of the Plan should be indicated. In response, the text on the last paragraph on page 4.7-15 and first paragraph on page 4.7-16 has been revised to indicate the August 2008 Air Quality Management Plan was used in the air quality analysis. In addition, please refer to Master Response 2, *Growth Assumptions Utilized in the General Plan*, Section 2.5, for a discussion of the consistency of the AQMP with the DEIR growth assumptions.
- L-10.29 The comment indicates that the red and white wine emission factors are from the ARB and incorrectly attributed to the Environmental Protection Agency. In response, the citation for red and white wine emission factors in Table 4.7-4 of the DEIR has been

corrected. In addition, the reference for the ARB emission factors has been added to page 11-4 of the DEIR.

The comment also indicates that the winery factors used in the DEIR are higher than those used in the MBUAPCD's 2008 AQMP, which were from Chapter 9.12.2 of EPA's AP-42 document. The AQMP used EPA's factors of 4:6 and 1.8 lbs/1,000 gallon for red and white respectively, rather than the 6.2 and 2.5 lb/1,000 gallon factors shown in the table. If the same factors were applied in the DEIR as used in the 2008 AQMP, estimated fermentation emissions associated with 10 full scale and 40 artisan wineries would be lower than the 905.3 lbs/day shown in Table 4.7-4. Because the emission factors used in the DEIR are higher than those used in the 2008 AQMP, the DEIR represents a worst-case analysis. However, if the DEIR were to use the EPA's AP-42 emission factors, which are lower than the ARB's used in the DEIR, total winery emissions (i.e., the emissions of 10 full scale and 40 artisan wineries) would still significantly exceed the MBUAPCD's VOC threshold of 137 pounds per day and would remain below the MBUAPCD's forecast VOC emissions inventory for 2030 (2,227 pounds per day).

- L-10.30 The comment indicates that the calculations for the red and white aging-related emission factors (0.02782 and 0.02583 lbs/1,000 gallons, respectively) presented in Table 4.7-7 of the DEIR appear to be off by a factor of 1,000.

The emission factors presented in Table 4.7-7 were incorrectly presented in the DEIR and have been corrected in response. These corrections do not change the conclusions in the DEIR.

- L-10.31 The comment indicates that consistency with the AQMP is determined by consistency with the population forecasts in the AQMP, rather than area plans; the expected air quality benefits of the 2007 General Plan and local Area Plans are not quantified; and that air quality significance conclusion associated with 2092 buildout cannot be supported since the 2092 buildout date is beyond the forecast horizon of the 2008 AQMP and AMBAG population forecasts.

As stated in Master Response 2, *Growth Assumptions Utilized in the General Plan*, staff was aware that using the 2004 growth forecast as the basis for analysis could result in the overestimation of the impacts. This was considered to be preferable to potentially underestimating impacts and was considered the more conservative approach (please see Master Response 2 for more information). In addition, it is anticipated that there will be subsequent updates of the Monterey County General Plan in the future, and that these updates will adopt policies between 2030 and 2092 that would attain consistency with the 2008 AQMP.

The comment also indicates that even if the "encouragement" and "promotion" activities cited as mitigation in various policies in pages 4.7-13 et seq. were actually undertaken, encouragement and promotion do not guarantee that anything quantifiable or enforceable would result, so this text and any implied mitigation should be eliminated from the EIR.

A general plan is a statement of policy and is not regulatory. The General Plan is and will be implemented as a result of the consistency requirements of California Planning Law. The Government Code requires zoning (Government Code Section 65860),

specific plans (Government Code Section 65454), and subdivisions (Government Code Section 66474) to be consistent with the General Plan. The referenced policies will be applied to the development of future specific plans and the review of future projects under the County's zoning and subdivision ordinances and implemented in that way.

The comment also indicates that the MBUAPCD does not have regulatory authority over mobile sources. Without stable funding to ensure the availability of public transit, the air quality benefits of this alternative to single-occupancy automobiles should be constrained and that mitigation should be better evaluated to cite what evidence exists to support an inference that employees would bike or walk to work (i.e., how many people, how often, and what amount of VMT would be reduced).

The General Plan is a guide to future land use patterns. There are no specific projects proposed as a part of the General Plan update, therefore the benefits of a compact, community-centered development pattern cannot be specifically quantified as to how many people, how often, and what amount of VMT. However, studies of urban design and its influence on driving behavior strongly suggest that compact development that provides diverse uses within walking distance and provides connections between uses results in more walking and biking to destinations and less driving. A number of these studies are synthesized in *Growing Cooler: The Evidence on Urban Development and Climate Change*, which found that "compact development has the potential to reduce VMT [vehicle miles travelled] per capita by anywhere from 20 to 40 percent relative to sprawl." (Urban Land Institute 2008) Based on this information, the EIR reasonably concludes that policies that lead to compact growth will reduce vehicle use and thereby reduce vehicle emissions. This book is available online at:
<http://www.smartgrowthamerica.org/gcindex.html>.

The comment also indicates that a restriction should be made regarding the installation and operation of wood-burning fireplaces and stoves, and further suggests language to be implemented by the County as a standard condition.

- L-10.32 The comment indicates the second paragraph is disjointed and should be rewritten. In response, the second paragraph on page 4.7-20 has been revised to clarify that even with implementation of the MBUAPCD fugitive dust control measures, construction-related fugitive dust emissions may still be significant and that , projects with non-typical construction equipment may generate emissions not incorporated into the regional emissions budget.
- L-10.33 The comment indicates the sentence following OS-10.5 should be rewritten. In response, both Mitigation Measures AQ-1 and AQ-2 have been revised to recommend amendments to Policy OS-10.9. This will provide the clarity requested by the commenter.
- L-10.34 The comment indicates there is no guarantee that Mitigation Measures AQ-1 and AQ-2 would reduce emissions unless they are quantified and enforced to reduce emissions to a less-than-significant level and that the conclusion of a less than significant impact is speculative.

As indicated in the DEIR, construction emissions are considered less than significant if typical construction NO_x emissions are less than 137 pounds per day and construction

PM10 emissions are less than 82 pounds per day. Mitigation Measures AQ-1 and AQ-2 have been revised on page 4.7-20 to add PM10 and NO_x performance standards to ensure construction-related emissions are less than significant.

The comment also indicates that the construction related mitigation measures referenced should read AQ-1 and AQ-2 rather than AQ-1 though AQ-3 and the referenced planning horizon should be 2030 rather than buildout. In response, the last paragraph on page 4.7-20 has been revised to read AQ-1 and AQ-2 and the planning horizon has been changed to buildout.

L-10.35 Please see response to comment L-10.34. In addition, please see Master Response 2, *Growth Assumptions Utilized in the General Plan*.

L-10.36 The comment indicates the EMFAC2007 methodology and model inputs information is not found in Appendix A of the DEIR.

The EMFAC2007 methodology and model inputs information is found in the Technical Supporting Data of the FEIR. Accordingly, the first paragraph on page 4.7-22 has been revised to indicate the EMFAC2007 methodology and model inputs information is found in Technical Supporting Data of the FEIR.

L-10.37 The comment indicates entrained road dust for paved road dust was not evaluated as part of the DEIR. In response, the analysis presented in Table 4.7-5 on page 4.7-22 of the DEIR and Table 4.7-6 on page 4.7-23 has been revised to include the evaluation of entrained road dust from paved roads. This new analysis does not change the impact conclusions in the DEIR.

L-10.38 The comment indicates that the year of the existing environment in the traffic analysis (2000), is no longer representative of the existing environment, and that the existing environment should be a year closer to the time the Notice of Preparation for GPU5 was submitted (2007). Please see Master Response 2 regarding the growth assumptions used in the DEIR.

L-10.39 The comment indicates that the calculations for the red and white aging related emission factors (0.02782 and 0.02583 lbs/1,000 gallons, respectively) presented in Table 4.7-7 appear to be off by a factor of 1,000. As stated in Response L-10.30, the emission factors presented in Table 4.7-7 were incorrectly presented in the DEIR and have been corrected in response. This new analysis does not change the impact conclusions in the DEIR. Adding new information would only trigger recirculation if new mitigation measures were added, new impact conclusions were reached, or substantial new information was added. Because this new information is meant to clarify text in the DEIR, and because this new information does not change the impact conclusions found in the DEIR, recirculation of the DEIR is not required.

L-10.40 The comment indicates that Mitigation Measure AQ-6 does not ensure that emissions would be less than significant and that construction equipment should comply with applicable State laws and regulations, and Air District thresholds of significance. In response, Mitigation Measure AQ-2 has been revised to further minimize construction emissions.

- L-10.41 The comment indicates that Mitigation Measure AQ-7 is not enforceable and suggests that it would be more helpful to simply notify prospective residents of the potential long-term health impacts. Mitigation Measure AQ-7 states that sensitive land uses should not be developed within 500 feet of a freeway. This measure is sufficient to avoid health risks that could occur near freeways.
- L-10.42 This comment explains that the following comment will focus on the methodology for GHG analysis. No response is necessary.
- L-10.43 MBUAPCD suggests that offroad vehicle emissions overall should be added, that the methodology for estimating agricultural emissions should be changed and that the ARB OFFROAD model should be used to estimate offroad vehicular emissions including agricultural equipment emissions.

This suggestion has been implemented in the FEIR. The OFFROAD 2007 model (CARB 2007d) has been used to add offroad vehicle emissions to the inventory in the FEIR, including agricultural equipment emissions (see Chapter 4). However, one of the challenges in using OFFROAD is that it does not distinguish between emissions that occur within incorporated cities and those that occur within unincorporated areas. As the bulk of agricultural areas are located within the unincorporated area, all of the agricultural equipment. Similarly, mining equipment (such as for aggregate) should be apportioned to the unincorporated area. As to other offroad vehicle emissions sources (such as entertainment, industrial, light commercial, lawn and garden equipment, and recreational vehicle use), they are found in both incorporated and unincorporated areas, so these emission sources were apportioned to the unincorporated areas in proportion to the split in population between incorporated and unincorporated areas, which may overestimate or underestimate these emissions. Although offroad equipment emissions (for other than agricultural equipment) were not estimated in the DEIR, they were recognized in the impact analysis. The addition of this analysis does not change the conclusions of the DEIR – that is – the implementation of General Plan policies and the identified mitigation measures would still result in the reduction of emissions to meet the County’s identified reduction target which is consistent with statewide planning efforts to reduce GHG emissions under AB 32.

MBUAPCD asks the basis for splitting highway onroad vehicle emissions based on the population split between the unincorporated County and the incorporated cities. The traffic modeling for the DEIR utilized the AMBAG model, which includes the cities and adjacent counties as well as the unincorporated county totals. The aggregate VMT totals produced from the traffic study did not allow for a specific calculation of the exact portion of highway VMT apportioned to the land uses within only the unincorporated total. The GHG inventory in the DEIR is a preliminary estimate used for general disclosure of impacts under CEQA. By including all of the emissions on County roads and a population proportion on the state highways, the EIR’s estimate is considered roughly representative of the magnitude of transportation emissions. In order to support the Climate Action Plan, Policy OS-10.11 and Mitigation Measure CC-1 call for development of a more refined GHG estimate that will include a more precise apportionment of transportation emissions by location. For the DEIR, the rough apportionment based on population is considered adequate for disclosure purposes

provided a more detailed origin-destination bases estimate is used for subsequent climate action planning.

MBUAPCD notes a reference discrepancy regarding the Brusco and Forney references in Appendix B of the DEIR. This comment is correct. The reference for the source of Table B-1 should have been to Brusco, pers. comm. (instead of Forney, pers. comm.).

MBUAPCD asks why fugitive methane emissions from gas transmission were not included. At the time of the DEIR, there was no adopted protocol for estimating fugitive methane gas emissions on a facility basis, as described in the Local Government Operations Protocol (CARB 2008e). As of September 2008, the California Climate Action Registry was working on such a protocol but had not released it (CARB 2008e). As of January, 2010, the Climate Action Registry is still working on the protocol to estimate these emissions (Climate Action Registry 2010). Thus these emissions were not estimated in the DEIR. As a rough approximation, fugitive methane emissions from natural gas transmission has been added to the FEIR (see revised Table 4.16-1 in Chapter 4) by determining the per capita share of California fugitive methane emissions from natural gas transmission (per California Department of Finance 2009 and CARB 2009b) and then multiplying times the unincorporated County population in 2006 and 2030. This change is in Chapter 4 of the FEIR.

MBUAPCD notes that ICLEI software is mentioned, but questions whether emission factors were actually derived using the ICLEI software. As described under "Landfill Emissions" in Appendix B of the DEIR, a methane emission factor for a managed landfill was indeed obtained from the ICLEI Clean Air and Climate Protection Software. Contrary to the comment's assertion, the CACP software does have built-in emission factors, including for a managed landfill, as disclosed in the DEIR. No change to the EIR is necessary.

MBUAPCD questions why the GHG estimate did not differentiate between landfill gas flaring and landfill gas to energy efficiencies. As described in the DEIR, the County's waste nearly all goes to the Crazy Horse, Johnson Canyon, and Monterey Peninsula landfills. Crazy Horse and Johnson Canyon landfills both have landfill flaring of methane. The Monterey Peninsula landfill has a waste to energy power plant.

The DEIR assumed landfill capture of 75 percent of landfill methane as a conservative estimate (based on CIWMB 2007 estimated average efficiency for landfill capture systems) and thus assumed that 25 percent of landfill methane escapes to the environment. Thus, the 75 percent efficiency assumption is based on the efficiency of capture of methane, not the combustion of flaring in the flare or in the waste to energy plant at the Monterey Peninsula landfill. Using methane from landfills to generate electricity actually results in a net reduction of GHG emissions by offsetting electricity generation emissions from fossil fuel sources. Further, Monterey Regional Waste Management District estimates that its landfill methane collection may be as high as 90 percent efficient (Merry, 2008). Thus the actual methane emissions at the Monterey Peninsula landfill, when taking into a higher than average capture rate and the offset of fossil fuel electricity generation from waste to energy production will likely be less than that estimated in the DEIR. The exact amount of methane capture and offset due to

waste to energy at the Monterey Peninsula landfill will be included in the refined inventory prepared in the Climate Action Plan required by General Plan Policy OS 10.11.

Current and future waste to energy efforts in the County such as that at the Monterey Peninsula landfill will help to achieve the overall reduction target. Completing this specific quantification for the EIR is not necessary to adequately disclose impacts or to identify adequate mitigation to address GHG impacts. No change to the EIR is necessary pursuant to this comment.

MBUAPCD asks why carbon dioxide emissions are not included for flaring of methane which converts methane to carbon dioxide. Standard protocols found in references such as ARB's Local Government Protocol (CARB 2008d) or the Climate Action Registry's General Reporting Protocol (Climate Action Registry 2009) state that carbon dioxide emissions from the combustion of biogenic fuels (as opposed to fossil fuels) should not be included in GHG inventories but can be reported separately from the base inventory. The reason for separating carbon dioxide emissions from landfill flaring is that this carbon dioxide is biogenic in origin and return of such carbon dioxide to the environment is not considered a net increase in atmospheric carbon dioxide. Release of methane from landfills, however, does represent a net increase in atmospheric GHGs which is why landfill methane emissions are included in the base GHG inventory but carbon dioxide emissions from flaring is not. No revisions to the DEIR are necessary.

MBUAPCD asks why the estimate of reductions from state GHG reduction measures did not include reductions of emissions from heavy-duty vehicles due to state fuel efficiency standards and the low carbon fuel standards (LCFS). The currently adopted state vehicle efficiency standards in AB 1493 do not apply to heavy duty vehicles, only to light trucks and passenger vehicles. However, the LCFS will apply to both gasoline and diesel fuels and thus would apply to diesel that is utilized by heavy duty vehicles. Subsequent to the release of the DEIR, the AB-32 scoping plan was adopted. Thus, for the FEIR, the GHG forecast estimates have been updated to include the effect of scoping plan measures for both passenger and heavy-duty vehicles including vehicle efficiency measures for both passenger and heavy-duty vehicles and to apply the LCFS to all transportation emissions (see Chapter 4).

The purpose of mentioning some of the state reduction measures was to contextualize for the reader that the reduction of GHG emissions to the reduction target will be achieved through a combination of state mandates and local action. It was not intended to complete a comprehensive quantification of every possible state action and consequence of state action for the DEIR, particularly given that a more refined level of detailed analysis would be necessary to precisely estimate the effect of both state and local actions. That analysis will be done as part of the Climate Action Plan required by General Plan Policy OS-10.11 and Mitigation Measure CC-1. The general plan policy and the mitigation measures in the EIR establish performance standards (in the form of a fixed reduction target) and identify the general types of measures that will be elaborated in the Climate Action Plan in order to address GHG measures. This is an appropriate mitigation approach under CEQA provided there is a performance standard, a timeframe in which to complete the mitigation, and identification of a range of feasible means by which to meet the performance standard.

MBUAPCD questions why the carbon dioxide emissions of renewable energy sources were excluded from the calculations of the potential GHG reduction effectiveness of the Renewable Portfolio Standard (RPS) and PG&E electricity generation emissions. Wind, solar, wave energy, and hydropower plants do not generate GHG emissions (including carbon dioxide) when they produce electricity as they do not consume fossil fuels in the direct production of electricity. Geothermal plants can emit low levels of carbon dioxide but they are minimal by comparison to fossil fuel power plants. Biomass power plants can be more problematic, depending on the source of the biomass material and how it is grown, harvested, and transported, which can involve consumption of fossil fuels and use of nitrogen fertilizers and thus release of GHGs. MBUAPCD may also be referring to construction emissions during construction of renewable power plants as well as maintenance emissions during operation of renewable energy plants. The comment is correct that there will be construction emissions and limited maintenance emissions from new renewable energy installations (such as truck trips to access a wind farm to maintain and service turbines, for example). Construction and maintenance emissions for PG&E construction of new plants should be included separately in GHG inventories in the jurisdictions where they are actually built, but this cannot be estimated at this time without speculation. At this time, it is not known exactly where new renewable plants may be located throughout the PG&E service area, so it not known whether such plants might be in unincorporated Monterey County. Overall, however, such construction and maintenance emissions are minimal by comparison to the avoided generation emissions. Accounting for the minimal amounts would not substantially change the overall inventory estimate.

At the time of the DEIR, the AB 32 Scoping Plan was still in draft form and thus the DEIR disclosed both the existing RPS requirement of 20 percent, as well as the draft proposed requirement of 33 percent. Subsequent to release of the DEIR, the AB 32 Scoping Plan was adopted and the Governor also signed Executive Order S-14-08 requiring the 33 percent RPS. The potential inventory reduction attributed to the RPS 33 percent requirement has been revised to reflect the estimated overall state reduction levels of GHGs estimated by CARB in the AB 32 scoping plan as well as the effect of the state's plan to periodically update state energy efficiency requirements (CARB 2008d). The RPS 33 percent requirement is estimated by CARB to reduce electricity-related GHG emissions by approximately 15.7 percent, even though it would result in an increase of about 21 percent of qualified renewable energy. The reason that a full 21 percent is not included in CARB's estimates is that CARB is estimating the combined effects of multiple measures related to electricity and thus there is a need to account for the combined effect of lower demand through improvements in Title 24 building standards and thus a slightly lower effectiveness of increasing renewable portion portions compared to a business as usual condition. The updating of the estimated reductions in the FEIR does not change the fundamental conclusion of the DEIR that the GHG emissions within the unincorporated County can feasibly reduced through a combination of state and local requirements (as reflected in General Plan Policy OS 10.11 and the identified mitigation measures) to below the County's identified reduction target.

L-11 Monterey Peninsula Regional Park District

- L-11.1 This comment relates to the General Plan policies and not the adequacy or content of the DEIR. The County will consider all comments received on the General Plan in its deliberations prior to the adoption of the General Plan. No further response is necessary.
- L-11.2 This comment relates to the General Plan policies and not the adequacy or content of the DEIR. The County will consider all comments received on the General Plan in its deliberations prior to the adoption of the General Plan. No further response is necessary.
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- L-11.45 This comment relates to the General Plan policies and not the adequacy or content of the DEIR. The County will consider all comments received on the General Plan in its deliberations prior to the adoption of the General Plan. No further response is necessary.

L-12 Monterey Peninsula Water Management District

- L-12.1 The commenting agency states that the MPWMD is no longer investigating the feasibility of a desalination plant in Sand City. Instead, the MPWMD is considering the feasibility of a desalination plant in the area of the former Fort Ord, north of Sand City, at Fort Ord State Park. The yield of that plant is unknown at this time and is one objective of the MPWMD's feasibility analysis. This change in the MPWMD's plans for the

location of a potential desalination facility is brought to the reader's attention and the text of the DEIR has been revised (see FEIR Chapter 4).

- L-12.2 The commenting agency notes that there is a typographic error on page 4.3-11 of the DEIR, where Chupines Creek is mistakenly referred to as "Choppiness" Creek. This minor correction is brought to the reader's attention and the text of the DEIR has been revised accordingly (see FEIR Chapter 4).
- L-12.3 The commenting agency notes that there is a typographic error on page 4.3-14 of the DEIR, where Cal-Am is mistakenly referred to as "Calm." This minor correction is brought to the reader's attention and the text of the DEIR has been revised accordingly (see Chapter 4 of this FEIR).
- L-12.4 The commenting agency identifies a number of minor errors in Table 4.3-4. The Seaside Groundwater Basin Watermaster should be included under the heading of "Management Authority," the reference to "WPWMD" should be replaced with MPWMD, and Cal-Am should be included under the heading of "Water Supplier." The Seaside Groundwater Basin Watermaster administers the conditions of the adjudication of the groundwater basin and is therefore a management authority. These minor corrections are brought to the reader's attention and the text of the DEIR has been revised accordingly (see Chapter 4)
- L-12.5 The commenting agency offers a correction to the estimated useable storage in the Seaside basin aquifer. The DEIR text estimates the storage to be about 6,200 acre-feet. The commenter notes that this should be approximately 7,500 acre-feet. This does not change any analysis or conclusion in the DEIR. This minor correction is brought to the reader's attention and the text of the DEIR has been revised accordingly (see Chapter 4).
- L-12.6 The commenting agency offers a correction to the discussion of State Water Board Order WR 95-10 and the adjudication of the Seaside basin found on page 4.3-36 of the DEIR. In response, the paragraph is revised in order to clarify the diversion addressed by WR 95-10 and the provisions of the adjudication (see Chapter 4).
- L-12.7 The commenting agency offers additional information about the Cal-Am water company, noting that it is an investor-owned public utility that provides water to approximately 40,00 connections within the MPWMD. This additional information is brought to the reader's attention and the text of the DEIR has been revised accordingly (see Chapter 4).
- L-12.8 The commenting agency offers correction to the discussion of State Water Board Order WR 95-10 found on page 4.3-39 of the DEIR. Specifically, the State Water Resources Control Board's prior Order 2001-04 was rescinded and replaced by Order 2002-0002. In response, the paragraph is revised for clarity (see Chapter 4 of this FEIR).
- L-12.9 The commenting agency offers correction to the discussion of State Water Board approved diversions from the Carmel River cited from the 2005 *Seaside Groundwater Basin Aquifer Storage and Recovery (ASR) Phase 1 Project Summary*. Specifically, the State Water Resources Control Board would limit diversions to approximately 1,500 acre-feet per year, not the 2,028 acre-feet per year stated in the 2005 project summary. In response, the paragraph is revised for clarity (see Chapter 4 of this FEIR), noting that the

State Board has approved diversions of up to 2,426 acre-feet from the Carmel River between December and May each year. (State Water Resources Control Board 2007)

- L-12.10 The commenter offers a clarification of the discussion on page 4.3-46 of the State Water Resources Control Board's direction to CalAm to obtain permits for its unauthorized water use. The current discussion notes that CalAm must secure permits for its water use. The commenter notes that technically, the State Water Board directed CalAm to obtain permits for its unauthorized water use. The current discussion accurately identifies the extent of legal and unauthorized diversions, no additional clarification is necessary.
- L-12.11 The commenting agency notes that the current discussion on page 4.3-47 regarding limitations on withdrawals from San Clemente Reservoir should specify that this requirement comes from State Water Resources Control Board Order 2002-0002, not Order 98-04 as currently stated. This is a minor correction and does not substantively alter the discussion. The text of the DEIR has been revised accordingly (see Chapter 4).
- L-12.12 The commenting agency suggests that the current discussion on page 4.3-47 regarding the impetus for Cal-Am's adjudication litigation be revised to clarify that the lawsuit was not filed in response to a State Water Board order. In response, the paragraph is revised for clarity (see Chapter 4).
- L-12.13 The commenting agency notes that the Seaside Basin Groundwater Management Plan effort was superseded by the Seaside Groundwater Basin adjudication and is not being pursued further. In response, the referenced paragraph on page 4.3-65 is revised for clarity (see Chapter 4).
- L-12.14 The commenting agency alleges that proposed Mitigation Measure WR-1: Support a Regional Solution for the Monterey Peninsula in addition to the Coastal Water Project is inadequate because it lacks specificity and should specify who will be responsible for its implementation, how it will be implemented, and when it will be implemented. Please see Master Response 10, *Level of Detail for the General Plan and the General Plan EIR*, which discusses the level of detail required for a programmatic EIR, including mitigation measures. As discussed therein, the General Plan is a long term comprehensive plan for the physical development of the County and the policy included in this mitigation measure is consistent with the level of detail for a General Plan. Also, please see Master Response 4, *Water Supply*, which addresses water supply impacts of the General Plan.

Furthermore, as noted on page 4.3-130 the DEIR acknowledges that this impact would remain significant and unavoidable even with the implementation of this mitigation measure. As stated on pages 4.3-130-4.3-131, "Mitigation Measure WR-1 puts the County on record as supporting a regional solution (but not necessarily those currently proposed). 2007 General Plan policies will constrain development until long-term water supplies are assured. Until then, non-discretionary development on legal lots of record will exacerbate existing water supply problems, and this is considered a significant and unavoidable water supply impact...."

Contrary to this comment, this mitigation measure does have specificity regarding timing by specifying a five-year timeframe for identification of alternatives and implementation,

and 5 years after that time to implement the selected alternatives. In addition, the measure indicates that the County will have responsibility to implement any alternatives identified in cooperation with other partners. Furthermore, this mitigation measure has been revised to include participation in regional groups including Pajaro Valley Water Management Agency and the County of Santa Cruz (see Chapter 4 of this FEIR).

- L-12.15 The commenting agency asks that a reference to MPWMD Rule 124 be added to the discussion of the regulatory framework on page 52 of Chapter 4.9. Rule 124 requires property owners to obtain a permit from MPWMD before they may work within 25 feet of the 10-year flood waterline along the Carmel River. The discussion under "Monterey Peninsula Water Management District" on page 4.9-75 has been revised to include this regulation (see Chapter 4 of this FEIR).
- L-12.16 The commenting agency asks that the County give consideration to including a policy requiring the collection of runoff from developments that now discharge to open river channels, and to a policy that promotes infiltration of runoff. The first comment relates to a policy of the General Plan and *existing developments* that now discharge to open river channels. Developments that now discharge to rivers are part of the environmental setting (existing conditions) and not a consequence of the proposed General Plan.

With respect to future development, impacts associated with storm water runoff are addressed under a number of impact analyses, including Impact WR-10 and WR-11 on page 4.3-173 and 4.3-181. These impact analyses review a number of policies designed to address storm water runoff impacts. As discussed therein, the proposed General Plan contains Policy S-3.1, which requires that "post development, offsite peak flow drainage not be greater than predevelopment conditions. Onsite improvements or other methods for storm water detention will be required to maintain post-development, offsite, peak flows at predevelopment levels. The 2007 General Plan also contains policy S-3.5 which requires MCWRA to develop and implement runoff performance standards for site planning and to design techniques that would reduce storm flows and capture runoff for groundwater recharge.

Additionally, with respect to future development, Policies OS-3.9, OS 4.3 and PS-2.8 address erosion, runoff control. Policy PS-2.8 requires construction of retention-detention facilities. Current County standard conditions of approval also require mitigation of runoff to pre-project levels.

Lastly, Policy PS-2.8, set forth below, will further promote groundwater recharge, as recommended by the commenter:

PS-2.8 The County shall require that all projects be designed to maintain or increase the site's pre-development absorption of rainfall (minimize runoff), and to recharge groundwater where appropriate. Implementation would include standards that could regulate impervious surfaces, vary by project type, land use, soils and area characteristics, and provide for water impoundments (retention/detention structures), protecting and planting vegetation, use of permeable paving materials, bioswales, water gardens, and cisterns, and other measures to increase runoff retention, protect water quality, and enhance groundwater recharge.

- L-12.17 The commenting agency notes that in Carmel Valley property owners are responsible for maintaining the condition of riparian areas on their property. No response is necessary.
- L-12.18 This is the same comment as L-12.16, above. See the response to comment L-12.16.
- L-12.19 This is the same comment as L-12.17, above. See the response to comment L-12.17.

L-13 Monterey Salinas Transit

- L-13.1 The commenter provides additional information about how tourism visitors access the County by other than air travel, identifies that air travel makes up a small percentage of the total tourism demand, and identifies or corrects MST services that provide transit access to major tourist destinations. Section 4.6.2.3 Tourism Traffic will be revised to include the specific information provided in the comment. These revisions can be found in Chapter 4.
- L-13.2 The commenter additional details and updates to the county's public transportation system in Section 4.6.2.8 Public Transit Services. These revisions can also be found in Chapter 4.

L-14 Moss Landing Harbor District

- L-14.1 The proposed text revision proposed by the commenter shall be incorporated into the FEIR. Please see Chapter 4.

L-15 Salinas Union High School District

- L-15.1 The comment takes note of the DEIR's growth projections for Monterey County population (discussed on pages 3-8 through 3-10 of the DEIR) and states that the anticipated increase of nearly 200,000 residents by the year 2030 will have a major impact on school district facilities. The comment states that the DEIR needs to analyze the impact of this population growth to ensure that the school district can serve the students generated by new development.

The comment overstates the amount of impact that is caused by the General Plan update. Most of the total projected population increase in the County is projected to occur within the cities through the 2030 planning horizon and Buildout (2092 horizon) (see Table 3-3 in the DEIR). As the comment notes, of the total projected 200,000 population increase, the growth projected in the unincorporated area from 2005 through 2030 is approximately 25,000 residents (see Table 3-1 in the DEIR). The 2007 General Plan update governs only the unincorporated inland area of the County, so the DEIR's analysis is correctly focused on the impact that the development and land use activities contemplated in the 2007 General Plan in the inland unincorporated area may have on the need for new or

expanded school facilities (DEIR, discussion of Impact PSU-3, at pages 4.11-19 through 4.11-25).

The comment also notes that proposed Policy GS-1 may require school sites and/or athletic fields for the Butterfly Village Special Treatment Area. Please note that the wording of Policy GS-1 with regard to the school site has been slightly revised, although it still directs the Special Treatment Area to include a 10-acre site for a potential school (See Chapter 5). This policy was among those analyzed by the DEIR in determining the impact of the draft General Plan on the need for school facilities (see DEIR, page 4.11-20).

- L-15.2 The comment expresses concern over the DEIR's conclusion that paying school impact fees mitigates the impact of new development on school facilities to a less than significant level pursuant to Government Code Section 65995(h). (DEIR, at pages 4.11-21 to 4.11-22) This conclusion is consistent with state law. Government Code section 65995(h), as amended by Senate Bill 50 in 1998, provides that "payment or satisfaction of a fee, charge, or other requirement levied or imposed pursuant to section 17260 of the Education Code" in the amount specified by statute is "hereby deemed to be full and complete mitigation of the impacts of any legislative ... act, ...involving, but not limited to, the planning, use, or development of real property." Government Code Section 65996 provides that, notwithstanding CEQA, the statute provides "the exclusive methods of considering and mitigating impacts on school facilities" that might occur as a result of a legislative act, such as adoption or amendment of a general plan. In enacting these provisions, the Legislature declared its intent to occupy the field and preempt local regulation in regard to mitigation of the impacts of land use approvals on the need for school facilities. (Government Code Section 65995(e)) Per proposed policy PS-7.8 of the 2007 General Plan, development is conditioned on payment of the fees required by Government Code Section 65996. No additional mitigation is required to conclude that the impact is mitigated to less than significant.

The comment contends that Senate Bill 50 does not remove the need for full analysis of the impact of new development on school facilities and suggests that, to the extent SB 50 precludes collecting sufficient fees to mitigate the impacts, the EIR should instead acknowledge an unmitigated impact and adopt a statement of overriding considerations. The environmental analysis in the DEIR of the impact of the draft General Plan on school facilities is legally adequate. Government Code Section 65996 provides that the statute is the exclusive means to consider impacts of legislative acts on school facilities, and a leading treatise on CEQA expresses its authors' views that the statute limits "not only the mitigation that may be required, but also the scope of impact review in the EIR." (Kostka and Zischke 2010) Moreover, the DEIR does include additional analysis of the impact of the draft General Plan on school facilities at a general level of detail. (DEIR, at 4.11-20 to 4.11-21.) The DEIR identifies impacts of new or expanded school facilities such as construction impacts, peak hour congestion, noise, and lighting and determines that the impacts of new or expanded schools on adjoining land uses would be significant and unavoidable. The DEIR also notes that only a general analysis is possible because the design and operational characteristics of future school facilities are not known, and future facilities would be subject to site-specific environmental review. The EIR's level of analysis is appropriate for a General Plan EIR. Please see Master Response 10 regarding level of detail for a General Plan EIR.

The comment also suggests a number of mitigation measures. The comment contends that requiring developers to dedicate land for schools remains a legally available mitigation measure pursuant to Government Code Section 65970, et seq. Review of Government Code section 65970, et seq. indicates, however, that the suggested mitigation measure is legally infeasible at the General Plan level. The county's authority to adopt such a dedication requirement is limited by a number of prerequisites, including that the particular school district in which the dedication requirement would apply has made specific findings of overcrowding and notified the County of these findings. (Government Code Sections 65971, 65974) The Salinas Union High School District does not state in its letter that it has made such findings, and even if it has, the General Plan covers a much larger area than the District. The inland unincorporated area of the County encompasses multiple school districts. The 2007 General Plan does not preclude the County from adopting an ordinance with a land dedication requirement in particular circumstances where all of the statutory prerequisites are met, but it is not an appropriate or legally feasible mitigation measure for a general plan that encompasses multiple school districts across the entire inland unincorporated area of the County.

The comment proposes a mitigation measure of requiring development to be phased and not permitted prior to availability of school facilities. Under Government Code sections 65595 and 65596, this mitigation is not required under CEQA to mitigate the impact of the General Plan. It is also legally questionable. The memorandum from the District's attorneys (see comment 4 below) acknowledges that "it is an open question" whether a jurisdiction can legally require phasing of development based on availability of school facilities. Due to the legal uncertainty of the proposal, the mitigation is not legally feasible. In regard to the suggestion that the County and the District work together to ensure adequate school facilities and coordinate planning of new development, the draft General Plan policies under Goal PS-7 call for consultation with affected school districts in addressing the need for sites for future schools. As noted by the comment, state law also already requires communication and coordination between the County and school districts concerning the planning of new school facilities and sites. Because coordination is already proposed in the General Plan and because the statutory fee already provides full and complete mitigation, the proposed additional measure is not necessary.

- L-15.3 The comment requests that the County contact the school district "as early as possible in the planning process for specific new development projects." The District also offers to provide information to the County to assist in the County's analysis of future development projects with respect to their impacts on the District. The District has attached three documents as examples of the type of information that the District can provide to the County to assist in environmental analysis of future development projects. The comment is noted. This comment pertains to future collaboration with respect to future development projects and not to the EIR on this General Plan. Therefore, no further response is needed.
- L-15.4 The comment attaches a memorandum from the District's attorneys for the purpose of educating the County as to the type of analysis and mitigation that is still permissible after the passage of SB 50. The memorandum provides advice regarding the calculation of the statutory fees, an issue that is not under County's jurisdiction. The memorandum also suggests the basis upon which an agency could deny a project for reasons other than the specific impact on school facilities and suggests avenues for negotiating with

developers to obtain mitigation in addition to the allowed statutory fees. None of the reasoning in the memorandum challenges the validity of the DEIR's analysis of the draft General Plan's impact on school facilities or the EIR's significance conclusions about that impact.

L-16 Transportation Agency For Monterey County

L-16.1 The Transportation Agency of Monterey County (TAMC) notes its responsibility as the regional transportation planning agency and congestion management agency for Monterey County and indicates its appreciation for the County's coordination with TAMC on the DEIR.

L-16.2 The comment indicates that full funding and construction of the regional roadway improvements identified in Table 4.6-12 of the EIR is dependent on the additional funding. The comment further states that absent these additional funds the project delivery schedule for some of the improvements (such as the Highway 156/US 101 interchange) would need to be extended beyond 2030. The comment concludes that the extension of the projects may result in LOS impacts greater than depicted in the DEIR for the year 2030.

Subsequent to the receipt of the above comment from TAMC, the proposed Measure Z initiative was defeated in November 2008. Therefore, the additional source of funding TAMC was relying on to complete the funding for some of the projects partially funded by the Regional Development Impact Fee will not be available. The DEIR concludes on Page 4.6-44 that despite development contributions to development project-specific local impacts (through project-level mitigation), county impacts (through countywide traffic impact fee), and regional impacts (through the regional traffic impact fee) "there will remain a funding shortfall for the implementation of the financially constrained capital facilities in the Regional Transportation Plan."

While the DEIR did not anticipate the defeat of Measure Z, it did acknowledge a funding shortfall for County and regional transportation facilities, and therefore concluded on Page 4.6-44 that "even with the adoption of county and regional impact fees, which fund a limited number of transportation facilities, traffic impacts to County and regional roadways will remain significant and unavoidable."

The County will continue to coordinate with TAMC to seek additional sources of funding for projects as well as on the development of the County Traffic Impact Fee Program and CIFP. Both of these are intended to identify additional funding for projects consistent with Policies C- 1.2, C-1.8 and C-1.11.

L-16.3 This comment refers to Impacts TRAN-1A through 4A (development-specific impacts). The comment begins by stating that TAMC supports the use of LOS D as the threshold for impact mitigation from new development. The comment further states that TAMC supports fair-share contributions towards identified improvements or for the project applicant to construct the improvement concurrent with development. The comment concludes by stating that TAMC supports policies related to the requirement of new

development to design public facilities to accommodate alternatives modes of transportation. No response is necessary to the above comments.

- L-16.4 This comment refers to Impacts TRAN-1B through 4B (county and regional roadway impacts). It disagrees with the DEIR statement on page 4.6-45 that the regional fees are limited by affordability or that it is limited based on the burden that the fee places on development, and states that the fee is dictated by the cost of improvements and number of trips forecast by new development.

The reference on Page 4.6-45 as to the limitation of the fee refers to both the County and regional fees, and was not intended to state that TAMC's regional fees were reduced for affordability, burden, or acceptability reasons. It was stated to emphasize the fact that the fees would not fund all of the impacts identified in the 2007 General Plan EIR.

The comments further states TAMC's support of the County's policies to collaborate with other agencies (including TAMC) and the County's policy supporting the regional development impact fee. No response is necessary to these comments.

The comment concludes with a statement that the Prunedale Bypass project, as identified in the Area Plan policies for North County and Greater Salinas areas is unlikely to be constructed by 2030 and that this improvement should not be included in the 2030 analysis, and that the 2030 analysis should instead include the Westside Bypass, the Eastside Connector, Highway 156 widening and frontage Roads along US 101. In the 2030 cumulative analysis, the DEIR assumes only the transportation improvements identified in the TAMC Regional Development Impact Fee and the proposed list of Countywide Traffic Impact Fee projects. The EIR analysis did not assume the Prunedale Bypass, but does include the projects identified by TAMC above, as they are included in the Regional Development Impact Fee.

- L-16.5 This comment refers to Impacts TRAN-1F through 4F (alternative transportation). The comment begins by suggesting that the statement on Page 4.6-53 be revised to reflect the positive impact that high density development has on encouraging the use of alternative modes of transportation. The statement currently reads:

"Bicycling, walking, and transit are less attractive alternatives to the automobile when greater distances are involved. Further, lower density development spread over a larger area is effective to serve by transit than higher density, mixed-use communities."

This statement has been revised in response to this comment. Please see Chapter 4 of this FEIR.

The remainder of the comment appears related to modifications of the policies in the General Plan, not the General Plan EIR or environmental issues related to the CEQA process so no responses are required (Public Resources Code Section 21091(d)(2)(A); CEQA Guidelines Section 15088). We refer these comments to the appropriate decision-makers.

- L-16.6 This comment relates to the alternatives presented in the 2007 General Plan EIR. The comment states that TAMC supports the TOD alternative in the EIR, which its selection would require modification to TAMC's regional planning and funding assumptions for its projects and programs, and suggests that, if the TOD alternative is selected, the County should work collaboratively with TAMC to ensure consistency with their plans.

The decision to pursue the TOD alternative is left to the discretion of the County's decision-makers. If selected, the County would pursue a comprehensive transportation and land use analysis, in collaboration with TAMC, AMBAG and Caltrans, to determine the optimal transit service, land use types and densities, phasing, funding, and regulatory changes required.

- L-16.7 This comment refers to land use and circulation as it relates to climate change. The comment encourages the County to coordinate its efforts and policies that address climate change with AMBAG and the Blueprint planning process. The County is currently actively involved in the AMBAG regional blueprint process. The County recognizes that the requirements of Senate Bill 375 have regional and inter-jurisdictional implications and that land use and transportation planning in Monterey County requires a coordinated effort between federal, state and regional agencies related to transportation and the associated impacts of development and development patterns. Policy C-1.5 states that County transportation planning activities shall be coordinated with all affected agencies and jurisdictions.

Organizations

O-1a Ag Land Trust

- O-1a.1 Please see responses to comments from the Open Monterey Project, responses O-21a through O-21k. Based upon comments from the public, the DEIR was updated on December 5, 2008 and the public review and comment period extended to February 2, 2009.

O-1b Ag Land Trust

- O-1b.1 The comment does not provide any specific issues to address regarding the adequacy of the DEIR.

- O-1b.2 Previous letters and comments submitted by the Monterey County Agricultural and Historic Land Conservancy (MCAHLC) (the predecessor to Ag Land Trust) during the long process of updating the General Plan have previously been reviewed and responded to in accordance with CEQA requirements (Pub. Res. Code, § 21091; CEQA Guidelines, §§ 15088, 15204). CEQA does not require direct responses to persons submitting comments. Instead, responses to comments are to be included either as revisions to the DEIR or as a separate section in the FEIR. (CEQA Guidelines, § 15088) Responses to MCAHLC's previous comments were handled in this manner. In addition, the Board of Supervisors received and reviewed their prior correspondence and provided direction to staff regarding which of the 1982 General Plan policies should be included in the 2007 Draft General Plan. Responses to MCAHLC's comments on the GPU5 DEIR are provided here.

The DEIR provides an analysis of the impacts to Agricultural Resources that would occur from the implementation of the policies in the Draft 2007 General Plan and all Alternatives (DEIR Chapter 5). The environmental effects of the 1982 General Plan are analyzed as the "no project" alternative (DEIR Section 5.3). The level of analysis required in an EIR is governed by the rule of reason (*Laurel Heights Improvement Association of San Francisco v. Regents of the University of California* (1988) 47 Cal. 3d 376, 407). The DEIR's level of analysis for each alternative, including the no project alternative, is sufficient to allow meaningful evaluation, analysis, and comparison with the proposed project and therefore meets the requirements of CEQA (Id.; CEQA Guidelines, § 15126.6(d)). The EIR is not required to perform a side-by-side comparison of each policy contained in the 1982 General Plan and GPU5. Based on the analysis of the environmental effects of each alternative and the 2007 General Plan, the Transit-Oriented Development (TOD) alternative was determined to be the environmentally superior alternative based on the number of reduction to 2007 General Plan impacts (DEIR Section 5.8).

O-1b.3 A comparison of the impact on farmlands resulting from the 2007 General Plan versus the 1982 General Plan is provided in DEIR Section 5.3. The existing 1982 General Plan, because of its more generalized policy approach would have slightly greater impacts on agriculture resources than the 2007 General Plan, which directs future development to cities or specifically identified growth areas and requires a mitigation program for annexing important farmlands. Although the 1982 General Plan has a stronger buffer policy (requiring permanent buffers), the policy in the 2007 General Plan is more detailed with regard to the requirements for buffer areas, compensation for loss of agricultural lands and a stronger provision with respect to preventing the subdivision of agricultural lands for non-agricultural purposes. Furthermore, the 2007 General Plan has incentives for the continuation of agricultural uses including numerous policies in the Agricultural Element. Accordingly, the 1982 General Plan would have greater impacts on agricultural lands than the 2007 General Plan (DEIR Section 5.3.2.2.).

The environmental effects of GPU5 policies, including impacts on agricultural land, water quality, air quality, and traffic, have been analyzed in the DEIR and mitigation provided where required. A comparison of GPU5 and 1982 General Plan policies, by resource area, is provided in DEIR section 5.3. The DEIR concludes that impacts to farmlands, water quality, air quality, and traffic would be reduced under GPU5 as compared to the 1982 General Plan (See DEIR Sections 5.3.2.2, 5.3.2.3, 5.3.2.7, and 5.3.2.6).

O-1b.4 GPU5 impacts to farmland are analyzed in the DEIR in Section 4.2. A comparison of the environmental impacts of GPU5 and the 1982 General Plan (the “no project” alternative) is provided in DEIR Section 5.3. A comparison of the impacts to agriculture resulting from the two general plans is provided in section 5.3.2.2. CEQA does not require a side by side analysis of individual policies in the 1982 General Plan with the proposed policies in the draft 2007 General Plan (See response to comment O-1b.2.). The DEIR does provide a detailed discussion of what has occurred historically with respect to the agricultural industry and conversion of agricultural land and then provides an analysis of how the policies in each of the elements in the draft General Plan would individually and collectively affect the future. In addition, the draft General Plan includes an Agricultural Wine Corridor Plan that specifically is intended to encourage and support the further development of the agricultural industry in the County.

O-1b.5 Please refer to O-1b.2 through O-1b.4 above.

O-1b.6 Please refer to O-1b.2 through O-1b.4 above.

O-1b.7 The DEIR analyzes and compares the environmental effects of each of the 2007 General Plan Alternatives in Section 5 of the DEIR, in accordance with CEQA requirements (See response to comment O-1b.2 above). The DEIR concludes that the Transit-Oriented Development (TOD) alternative would be the environmentally superior alternative (DEIR Section 5.8). The environmental effects of the 1982 General Plan policies (the “no project” alternative), including impacts to agriculture, are compared to those of the 2007 General Plan in section 5.3.

In this comment letter and in previous correspondence, the commenter has requested that the County examine a number of policies in the 2007 General Plan relating to agriculture against the policies in the 1982

General Plan policies should not be considered in isolation when determining whether a particular policy will avoid or reduce environmental impacts because:

- The General Plan policies affecting each resource will operate collectively and in some cases synergistically to avoid or reduce impacts.
- Mitigation measures identified in the EIR for many affected resources will further avoid or reduce impacts.
- Ongoing environmental regulatory programs of the County and other regulatory agencies, independent of the General Plan, will further avoid or reduce impacts.

Therefore, to evaluate whether a particular policy avoids or reduces an impact to less than significant levels by a particular policy, the combined effect of all relevant General Plan policies, EIR mitigation measures, and ongoing regulatory programs must be considered together. The DEIR does use this approach.

The DEIR discusses and evaluates the impacts of the 2007 General Plan on Important Farmland in Section 4.2.5.3. Because the loss of any prime agricultural land is considered significant and unavoidable, the DEIR concludes that the impact will be significant and unavoidable. The DEIR also provides a detailed discussion of how each of the individual policies in the Agricultural Element, Area Plans, and Agricultural Wine Corridor Plan (AWCP) mitigate those potential impacts to the maximum extent feasible. Implementation of the 2007 General Plan and Area Plan policies would ensure that conversion of Important Farmland to non-agricultural uses is minimized to the maximum extent possible through (1) land use concepts such as city-centered growth and clustered development to provide for housing opportunities as required under California Planning Law, and (2) programs that promote the conservation of viable agricultural land, including the AWCP. All feasible mitigation has been incorporated to reduce this impact. There is a similar discussion with respect to Williamson Act lands and general farmlands, also in DEIR Section 4.2.5.3. The 2007 General Plan was also determined to have fewer impacts on agricultural lands than the 1982 General Plan. See response to comment O-1b.3 above and DEIR Section 5.3.2.2.

Commenter has provided correspondence contending that the policies in the General Plan, specifically with respect to protection of farmland, will result in greater impacts to agricultural lands than the policies in the 1982 General Plan. The DEIR (page 4.2-7) provides data on the historic conversion of agricultural land to urban uses. In the period 1992-2006, 6,616 acres were converted to urban uses. This is contrasted with the 2,571 acres of agricultural land that are projected to be converted under the policies of the 2007 General Plan through buildout (2092). Most of this conversion will occur in Boronda, Castroville, Chualar and the Pajaro Community Areas (assuming adequate services can be made available to those areas) (DEIR Page 4.2-12). The policies in the Land Use Element are specifically intended to focus growth in Community Areas and Rural Centers for the purpose of limiting the amount of land that would be converted to accommodate new residential growth. Accordingly, the data suggest that the policies of the 2007

General Plan will be more protective of agricultural lands than those of the 1982 General Plan.

With respect to Policies AG -1.3 and AG-1.12, subdivision of farmland is allowed only for exclusive agricultural purposes. Exceptions include Community Plans and Rural Centers that would have an alternative farmland preservation strategy and creation of farm worker or employee/family housing. Policy AG-1.12 requires that conversion of farmland be mitigated through a combination of mechanisms that would include payment of fees to non-profit land trusts such as the Ag Land Trust. More importantly, the policy would apply to conversion of farmland that would occur as a result of growth in the cities into the unincorporated area. The Greater Salinas Area Memorandum of Understanding is distinguished in this policy; however, the terms of that agreement likewise require mitigation for loss of farmland.

In response to the concern addressed in one of the exhibits attached to this comment letter regarding policy PS-4, the policies in the General Plan are intended to reduce the number of separate septic systems that would be built and require connections to regional systems and upgrade existing systems (See Master Response 9 regarding water quality). This would reduce the amount of land that would therefore be dedicated to septic fields especially in Community Areas and Rural Centers. With respect to the traffic policies in the General Plan, specifically Policy C-1, the DEIR does discuss mitigation for the impacts that could occur. Please refer to page 4.11-28 for a discussion of the potential impacts from construction of wastewater treatment facilities, page 4.3-165 for a discussion of the potential impacts with respect to water quality standards and wastewater disposal and Section 4.6 for the analysis of impacts and mitigation requested by the commenter.

O-2 Alliance of Monterey Area Preservationists (AMAP)

- O-2.1 The commenter expresses their satisfaction with the efforts of the DEIR to “use CEQA and best practices to mitigate for any negative effects on historic resources.”

The comment does not raise any concerns regarding the adequacy of the DEIR. No response is necessary.

- O-2.2 The commenter notes that the conclusion in Section 4.10.4 of the DEIR does not mention Mitigation Measure CUL-1 and asks that the conclusion reference that mitigation measure.

The EIR has been revised to include that reference. This may be found in Chapter 4. This does not affect the EIR’s analysis or conclusions.

O-3 California Native Plant Society (CNPS), Monterey Bay Chapter (prepared by Mary Ann Mathews)

- O-3.1 The commenter asserts that the proposed General Plan will have greater impacts on biological resources than the 1982 General Plan by “the loosening of standards in many areas.” The commenter asserts that the policies “actually create incentives to sprawl, promoting serious impacts particularly to biological resources.”

See Master Response 8, *Biological Resources*, for a discussion of the proposed General Plan policies and EIR mitigation measures that avoid impacts on biological resources. “Sprawl” is difficult to define, but is generally accepted to mean low-density development spread over a large geographic area with little or no regard for the efficient provision of services nor the protection of natural resources. The 1982 General Plan does not include provisions that discourage sprawl. The proposed General Plan will discourage sprawl by encouraging new development to occur within the boundaries of the identified Community Areas, Rural Centers, and incorporated cities, rather than throughout the County. As part of this commitment to restrict the potential for sprawl, the proposed General Plan will limit development within the North County, Greater Salinas, and Toro Area Plans to a single family residence and accessory building on each existing lot of record.

The DEIR evaluates impacts that will result from the implementation of the Project, i.e. the policies of the 2007 General Plan. The Alternatives chapter compares the 2007 General Plan to the 1982 General Plan (No Project Alternative). The baseline for DEIR analysis is the environmental conditions at the time of the NOP, not the policies in the 1982 General Plan. A plan-to-plan comparison has been held improper in numerous court decisions (See *Saint Vincent’s School for Boys, et al. v. City of San Rafael* (2008) 161 Cal.App.4th 989 [analysis based on existing conditions is proper]; *Environmental Planning and Information Council v. County of El Dorado* (1982) 131 Cal.App.3rd 350 [projected buildout of existing general plan was not baseline for analysis of proposed general plan update]; *Woodward Park Homeowners Assoc. v. City of Fresno* (2007) 150 Cal.App.4th 683 [improper reliance on existing general plan designation as baseline]).

- O-3.2 The commenter asserts that policies of the proposed General Plan are “extremely inadequate, if not legally defective in limiting protection of plants to those listed by State and Federal agencies as threatened or endangered. The commenter states that CEQA requires consideration of all species identified as sensitive or special status species in local or regional plans, policies, or regulations as well. The commenter requests a return to the policies of the 1982 General Plan and inclusion of consultation with “qualified scientists” and development of appropriate measures to protect at risk plants species and their habitats.

The policies of the proposed General Plan are substantially different than the policies of the 1982 General Plan. This does not mean, however, that they are categorically less protective of plant species that are not State- or federally-listed. In addition to the sprawl-limiting policies discussed above, the proposed General Plan and EIR include the following mitigation measures and policies that will be protective of sensitive plant species and habitat.

The commenter is referred to Master Response 8, *Biological Resources*, for a more detailed discussion of modifications to the General Plan biological resource policies. These can also be found in Chapter 5.

For example, revised Mitigation Measure BIO-1.5 requires that the County prepare and implement a conservation strategy for habitat areas. The strategy will be required to be re-assessed as development occurs over time. BIO-1.5 provides as follows, in part:

At five year intervals, the County shall examine the degree to which thresholds for increased population, residential construction and commercial growth predicted in the General Plan EIR for the timeframe 2006-2030 have been attained. If the examination indicates that actual growth is within 10% of the growth projected in the General Plan EIR (10,015 new housing units; 500 acres new commercial development; 3111 acres new industrial development and 10,253 acres of land converted to agriculture), then the County shall assess the vulnerability of currently non-listed species becoming rare, threatened or endangered due to projected development.

The County shall complete the preparation of a conservation strategy for those areas containing substantial suitable habitat for plant and wildlife species with the potential to become listed species due to development. The County shall invite the participation of the incorporated cities, the federal land agencies, Caltrans and other stakeholders. The conservation strategy shall also cover preservation of sensitive natural communities, riparian habitat, and wetlands, and wildlife movement corridors and include mechanisms such as on and off-site mitigation ratios and fee programs for mitigating impacts or their equivalent.

Policy OS-1.5 establishes a mechanism for compensating landowners for the protection of lands with unique natural features. That will encourage such protection by allowing the sale of the development rights to lands worthy of protection. It reads as follows:

A voluntary, transfer of development rights program to direct development away from areas with unique visual or natural features, critical habitat, or prime agricultural soils shall be established.

Policy OS-5.5 encourages the retention of native vegetation. It provides:

Landowners and developers shall be encouraged to preserve the integrity of existing terrain and native vegetation in visually sensitive areas such as hillsides, ridges, and watersheds. Routine and On-going Agriculture shall be exempt from this policy.

Policy OS-5.13 also provides conservation of native vegetation. It provides:

Conservation of large, continuous expanses of native trees and vegetation shall be promoted as the most suitable habitat for maintaining abundant and diverse wildlife.

Revised policy OS-5.16 provides:

A biological study shall be required for any development project requiring a discretionary permit and having the potential to substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten

to eliminate a plant or animal community, or substantially reduce the number or restrict the range of an endangered, rare or threatened species.

An ordinance establishing minimum standards for a biological study and biological surveys shall be enacted. A biological study shall include a field reconnaissance performed at the appropriate time of year. Based on the results of the biological study, biological surveys may be necessary to identify, describe, and delineate the habitats or species that are potentially impacted.

Feasible measures to reduce significant impacts to a less than significant level shall be adopted as conditions of approval.

Further, discretionary development will be subject to the requirements of the CEQA, which mandate the consideration of a project's potential to substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or substantially reduce the number or restrict the range of an endangered, rare or threatened species and to mitigate any such impacts to the extent feasible. This will be protective of species that are not formally listed by state and federal law or regulation, but that are nonetheless worthy of protection. No change to the conclusions in the EIR is warranted.

O-3.3 The commenter recommends retention of the 1982 General Plan policy that states: "Development shall be carefully planned in, or adjacent to, areas containing limited or threatened plant communities, and shall provide for the conservation and maintenance of the plant communities." Policy OS-5.4 has been modified, and the County believes is substantially similar to what the commenter is recommending. Please see Chapter 5.

O-3.4 The commenter expresses concern over the exclusion of routine and ongoing agricultural activities from proposed Policy OS-3.5. The commenter recommends that these activities be "carefully spelled out, as some types of agricultural activities can be very destructive of hillsides, ridges, watersheds, and must not be given a blank check."

The range of qualifying activities are described in the General Plan and will be defined more precisely when the ordinance required under proposed Policy AG 3.3 is developed. While the intent of the policy is to codify existing practice of not requiring permits for many agricultural activities, the policy does not absolve agricultural activities from all permitting requirements. Proposed Policy AG-3.3 specifically does not exempt "Routine and Ongoing Agricultural Activities" if those activities create significant soil erosion impacts or violate adopted water quality standards.

The ordinance to be enacted by the County will also identify County permit requirements for specific "Routine and Ongoing Agricultural Activities" consistent with these exemptions, General Plan goals, and State and Federal Law.

In addition, proposed revisions to Policy OS-3.5 (slope policy), regulate future conversions of uncultivated lands through discretionary permits on slopes between 15% and 25% and 10% and 25% on highly erosive soils. Please see Chapter 5 of this FEIR.

Last, as discussed in Section 4.3, *Water Resources* of the DEIR, the conditional waiver on irrigated agriculture administered by the Central Coast Regional Water Quality

Control Board also acts to minimize the release of erosion from agricultural lands. These activities are not given a “blank check” as suggested by the commenter. No change in the conclusions of the DEIR is warranted. Please refer also to Master Response 3, i *General Plan Agricultural Policies*, for a more detailed discussion of slope and erosion policies and mitigation measures pertaining to routine and ongoing agriculture and agricultural operations in general.

O-3.5 The commenter expresses their support of the policy (OS-5.6) that encourages the use of drought tolerant and native plants in landscaping. No response is necessary.

O-3.6 The commenter asserts that “routine and ongoing” includes agricultural activities, such as conversion of previously uncultivated land, which may have significant effects due to the loss of oak woodlands and increased greenhouse gas emissions.

See the responses to comments O-4.3, O-4.5, and O-4.6. These address the potential effects on oak woodlands and greenhouse gas emissions. The analysis of impacts of the project on oak woodlands included the potential conversion of previously uncultivated lands. No change to the conclusions in the EIR is warranted.

O-3.7 The commenter is concerned that Policy CV 6.2 regarding rural agriculture in the Carmel Valley does not explicitly prohibit agriculture on slopes over 25% and asks that the existing policy prohibiting conversions be retained. The commenter is also concerned over the alleged lack of standards in the wine corridor that would protect sensitive plants, wildlife, their habitats, and critical wildlife corridors.

The proposed Policy CV-6.2 would be more restrictive and protective than the policy that is currently in place. Carmel Valley Master Plan Policy 4.2.2 currently states:

Gardens, orchards, row crops, grazing animals, farm equipment and buildings are part of the heritage and the character of Carmel Valley. This rural agricultural nature should be encouraged, except on slopes of 30% or greater or where it would require the conversion or extensive removal of existing native vegetation.

The only change proposed under Policy CV-6.2 would be to reduce the slope exception from 30% to 25% slopes. This change would effectively keep agriculture off of slopes in excess of 25%.

In addition, proposed policy OS-3.5 has been revised as described in Response O-3.4 to specify that county-wide agricultural conversion on slopes in excess of 25% would only be allowed upon approval of a discretionary permit under limited circumstances. Note also that that the exemption would not apply to lands zoned rural residential, which characterizes the majority of the lands in Carmel Valley.

Regarding the wine corridor, see the relevant discussion in the Master Responses 3, *Agricultural Growth and General Plan Agricultural Policies*, and Master Response 8, *Biological Resources*. The proposed ACWP identifies types of project that will be ministerial and will not be subject to further CEQA analysis prior to development. These prospective projects will be subject to the mitigation measures identified in the DEIR for the proposed General Plan, including the measure that will result in preparation of a

conservation strategy. Development within the winery corridor will also be subject to the future stream setback ordinance, which will help maintain wildlife corridors.

In addition, the proposed ACWP text has been revised to require a preliminary biological study to be prepared for all permanent structures with the potential to affect biological resources. If the biological study indicates a potential for a significant effect on a biological resource, then a discretionary permit will be required of the project and it will be subject to CEQA and its requirements for the identification and mitigation of potential significant effects on biological resources.

- O-3.8 The commenter notes that the native Monterey pine forest is a sensitive biological resource that is not currently protected, and that the proposed General Plan does not include specific protections for this resource. See the response to comment O-10a.5. Please also refer to Master Response 8, *Biological Resources*, for a discussion of Monterey pine forest.
- O-3.9 The commenter asks that the policy regarding mines and quarries within the Carmel River watershed be refined in order to address “the severe environmental damage they cause.” The commenter suggests that mine and quarry policy refinements also apply to other areas of the county.
- No change is being proposed to the existing policy regarding mines and quarries within the Carmel Valley Master Plan. Proposed policy CV-1.19 is identical to existing policy 2.3.3 (CV) of the Carmel Valley Master Plan. No change is proposed to existing conditions; therefore, the DEIR does not recommend any mitigation measures.
- O-3.10 The commenter recommends that the lists of protected trees and habitats include the Monterey pine forest. As described in Table 4.9-4 of the DEIR, Monterey pine is a federally-listed species of special concern and is on the California Native Plant Society’s 1B-1 list. Both pines and habitat will be protected in the future through implementation of proposed Policies OS-5.13 and OS-5.16. See the response to comment O-3.2, above, describing the provisions of these policies. Again, please refer to Master Response 8, *Biological Resources*.
- See the response to comment O-10a.7, relative to the protection for Monterey pine forest and related species such as Yadon’s rein orchid (Yadon’s piperia). Mitigation Measure BIO-1.5 will require a similar five-year evaluation to assess the vulnerability of currently non-listed species becoming rare, threatened or endangered species due to projected development. The evaluation will be the basis for a conservation strategy to preserve sensitive natural communities (such as Monterey pine forest), riparian habitat and wetlands, wildlife movement corridors, and related programs for mitigating the impacts of development. Protection for Yadon’s piperia is also discussed in Master Response 8.
- O-3.11 The commenter recommends altering the policy “stating that new development that causes a drawdown of the aquifer shall be designed in a manner so that it does not threaten natural vegetation” such that the policy would prohibit new development from drawing down the Carmel River aquifer. The commenter does not specify which policy this might be. The commenter is referred to mitigation measure BIO 2.3 in the DEIR which addresses consideration of riparian habitat and stream flows for long term water

supply and well assessment. Policies PS-3.3 and PS-3.4 have been modified to address this comment. Please see Chapter 5 of the FEIR for the General Plan policies.

The General Plan, as proposed, contains a number of policies that will avoid substantial additional drawdowns of aquifers within the County. In addition, as discussed in the Master Response 4 on Water Supply, the SVWP will halt overdraft conditions within the Salinas Valley. A discussion of the Carmel River and the regulations in place to avoid impacts can also be found in Master Response 4.

Proposed General Plan Policy PS-2.8 states:

The County shall require that all projects be designed to maintain or increase the site's pre-development absorption of rainfall (minimize runoff), and to recharge groundwater where appropriate. Implementation would include standards that could regulate impervious surfaces, vary by project type, land use, soils and area characteristics, and provide for water impoundments (retention/detention structures), protecting and planting vegetation, use of permeable paving materials, bioswales, water gardens, and cisterns, and other measures to increase runoff retention, protect water quality, and enhance groundwater recharge.

Proposed General Plan Policies PS-3.1 through PS-3.9 establish a comprehensive approach to regulating new development to ensure that it will be served by a sustainable long-term water supply and that the supply will not exacerbate existing groundwater overdraft conditions or interfere with other groundwater users. In addition, as noted by the commenter, the MPWMD and SWRCB have instituted regulations and orders restricting overuse of the Carmel River aquifer. As discussed in Master Response 4, *Water Supply*, the SWRCB's draft Cease and Desist Order indicates that it will require Cal-Am to phase out its unauthorized use of the Carmel River aquifer.

- O-3.12 The commenter requests that the 1982 General Plan's policies regarding ridgeline development be retained in the proposed General Plan. This is a policy question that may be considered by decision makers during their deliberations on the proposed General Plan. However, please note the draft General Plan Policies OS-1.3 and OS-1.5 are substantially similar to the 1982 General Plan Policy 26.1.9. No other response is necessary in the FEIR because no CEQA issue is being raised.

O-4 California Oaks Foundation

- O-4.1 The commenter broadly summarizes the importance of oak woodlands as biological resources and as a CO₂ sink. No response is necessary.
- O-4.2 The commenter asserts that the current Monterey County tree ordinances conflicts with Public Resources Code Section 21083.4 and that the DEIR fails to mention that alleged conflict.

Public Resources Code Section 21083.4 provides that when analyzing a project that involves the conversion of oak woodlands, a County must determine whether the

conversion may be significant. If it is so determined, then the County must adopt one of the following mitigation measures under subsection (b) of that section:

- (1) Conserve oak woodlands, through the use of conservation easements.
- (2) (A) Plant an appropriate number of trees, including maintaining plantings and replacing dead or diseased trees.
(B) The requirement to maintain trees pursuant to this paragraph terminates seven years after the trees are planted.
(C) Mitigation pursuant to this paragraph shall not fulfill more than one-half of the mitigation requirement for the project.
- (D) The requirements imposed 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 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 County's current oak tree ordinance (Chapter 16.60 of the County Code, Preservation of Oaks and Other Protected Trees) does not conflict with Section 21083.4. CEQA applies to the analysis of the potential for environmental impact. The ordinance provides specific requirements intended to regulate the removal of oaks and other protected trees that are six inches or more in diameter above ground level. The ordinance establishes a permit system by which trees may be removed. In addition to requiring justification for the removal of trees based on a number of environmental criteria, the ordinance requires relocation or replacement of each removed tree at a 1:1 ratio. The permit system applies to all development within the County, and is not limited to development that is subject to CEQA.

The fact that CEQA requires consideration of trees of five inches or greater in diameter for the purpose of determining whether a project may have an impact under CEQA, does not conflict with the County's regulation of tree removal when trees are six inches or greater diameter. If a development project would remove smaller trees than regulated by the ordinance, that project may result in a significant effect under CEQA.

- O-4.3 The DEIR analyzes the potential for future conversion based on past trends in the agricultural industry. The rate of conversion may vary year to year, dependent upon economic factors such as the cost of conversion, suitability of the site for marketable grape varieties, and the market for wine grapes. The DEIR has reviewed conversion data over a 25-year period in order to provide a long-term perspective on conversion. Although the conversion rate is higher for the decade of 1996-2006, that does not indicate that the shorter period is indicative of a long-term trend.

The DEIR analyzes the potential loss of oak woodlands from the perspective of habitat loss. Note that pursuant to Public Resources Section 21083.4(d)(3), the conversion of oak woodlands located on agricultural land that includes land that is used to produce or

process plant and animal products for commercial purposes is specifically exempted from consideration as an environmental impact of oak woodlands conversion.

Monterey County has chosen to comply with Section 21083.4(b) by adopting “other mitigation measures.”

In addition, please note that revised Mitigation Measure BIO 2-2 in the DEIR provides for the mitigation of potential losses to Oak Woodlands. Please see Chapter 4.

- O-4.4 The commenter suggests that project-specific mitigation fees contributed to the state Oak Woodlands Conservation Fund should be returned to Monterey County in the form of purchased oak woodlands.

The Oak Woodlands Conservation Fund grant criteria prohibit grant moneys donated by a project applicant to mitigate project impacts to be used on the project site. With this exception, fees collected for mitigation of project impacts in Monterey County go directly into an account earmarked for Monterey County. (Cundiff, 2009) In addition, the modifications to BIO-2.2 (see Chapter 4 of this FEIR) stipulate that a mitigation program will be established that would include the payment of fees to mitigate the loss or to fund the direct replacement of the loss. This would include payment of fees to a local fund established by Monterey County. In addition, the measure will require that replacement of oak woodlands be equivalent in acreage and ecological function to the oak resources being affected (at a minimum 1:1 ratio).

In September 2009, the Monterey County Board of Supervisors adopted an “Oak Woodlands Management Plan”. This has been sent to the State of California. Adoption of the OWMP would permit applicants from Monterey County who wish to seek funds for establishment of oak woodlands conservation projects to apply for and receive funds for use in Monterey County.

- O-4.5 The commenter alleges that the analysis of greenhouse gases fails to make a meaningful attempt to analyze or mitigate CO₂ emissions from the conversion of oak woodlands. The commenter recommends using the ARB’s Forest Protocol as a means of estimating net emissions from the loss of oak woodlands.

The commenter disagrees with the DEIR’s estimate of the potential for oak woodlands and oak savanna conversion. The commenter suggests that Monterey County has 24,000 acres of oak woodlands potentially at risk of urban development by 2040. The notes that accompany Table 4.9-7 on page 4.9-57 describe the methodology that the County used to determine potential vegetation loss as a result of the implementation of the 2007 General Plan. The historic trend for the entire County from 1982 to 2006 was approximately 200 acres per year related to urban growth. This would equate to 4,800 acres between adoption of the General Plan and 2030 and an additional 6,800 acres to 2092.

It also appears that the commenter is estimating the total amount of loss of acres due to urban growth that includes growth in the cities. The commenter also assumes that all development, whether low density or concentrated development results in 100% loss of trees. The County does not concur that all of oak woodland would be in jeopardy as a result of development of 1 unit per 10 acres or 1 unit per 5 acres. The County treated

medium and high density as 100% conversion. This would certainly apply to Community Areas and Rural Centers. Our methodology treated low density as 10% conversion(more than one acre per unit, but less than 5 acres/unit and we treated rural densities (more than 5 acres per unit) as 1% conversion.

CARB's Forestry Protocol is to establish carbon offsets to assure that an offset program is really resulting in greenhouse gas reductions associated with reforestation, improved forest managed and avoidance of conversion. It requires field measurements for verification. At the County scale we have used reasonable factors for forests as whole to calculate the amount of carbon sequestration on an annual basis as well as the amount of stock. Please refer to the Chapter 4 of this FEIR for that analysis.

The DEIR devotes an entire section to the issue of climate change and undertakes a reasonable analysis of emissions resulting from development under the General Plan. The "GHG fluxes" referred to in Section 4.16, *Climate Change* include, but are not limited to, varying rates of vegetative growth, loss of sequestered carbon as a result of wildfires, and effects of expected increased periods of drought on vegetation types. Again, the suggested Forest Protocol is intended for use by forest owners interested in documenting the value of their forest resources for purposes of marketing their carbon sequestration as carbon offsets. It is not intended for general planning purposes, nor for the analysis of environmental impacts.

The DEIR's estimate of 6,300 acres of oak woodland and savanna being converted by 2030 is based on historic rates of development and the availability of land that is suitable for urban development. Lands on steep slopes were not included in the DEIR's estimate, for example.

- O-4.6 The commenter summarizes their comments and suggestions here. In addition, they ask that the General Plan update "explain the necessity for abandoning the General Plan/Title 21 steep slope restrictions in light of the low GPU 5 agriculture and development buildout projections."

The proposed Policy OS-3.5, as revised, would be more restrictive than the prior draft General Plan. Please refer to Master Response 3, *Agricultural Growth and General Plan Agricultural Policies* for a discussion of this issue and the text of the revision. In addition, the revisions can be found in FEIR Chapter 5.

Comments on use of the Forestry Protocol, oak tree impacts and sequestration measurement are addressed in the response to comment O-4.5 above.

O-5a Carmel Valley Association

- O-5a.1 The commenter requested that certain references be provided as listed in DEIR Section 11 and that additional time be provided for review of the DEIR after the references are provided.

In response to this and similar correspondence from the public, the County provided a revised DEIR Section 11 and created a reference file in the County Administration

Building Permit Center containing either hard copies of each reference or a compact disk of the information that was contained electronically or on a web site. Web site addresses were provided should the public wish to access the sites independently, but these were not linked to the document on the County web site. In addition errata to citations were provided.

To ensure adequate time for review of the updated Section 11, a new comment period was announced for the timeframe December 16, 2008 to February 2, 2009. The commenter is also referred to Master Responses 1, *Changes to the General Plan*, and 12, *Recirculation*.

O-5b Carmel Valley Association

- O-5b.1 The commenter expresses their dissatisfaction with the format of the DEIR and the amount of time provided for public review.

The DEIR format is the standard approach described under the State CEQA Guidelines. The review and comment period for the DEIR was extended. See the response to comment O-5a.

- O-5b.2 The commenter asserts that the DEIR accomplishes mitigation by referencing a law or ordinance that does not exist or by changing the definition of a word or phrase.

The commenter does not cite examples in the DEIR of any law or ordinance that allegedly does not exist. Hence, no response is feasible. The DEIR approaches impact analysis by subject -- discussing the environmental setting, including pertinent existing laws and regulations, describing the project and how it may impact the baseline, identifying the significance of that impact, identifying policies in the Draft General Plan and specific mitigation measures that would reduce or otherwise mitigate that impact, and identify the significance of the impact after mitigation. This is in keeping with the requirements of the State CEQA Guidelines.

The purpose of the EIR is to identify potential project component and feasible mitigation measures that the lead agency (i.e., the Board of Supervisors) may adopt. The lead agency may choose to revise the EIR before adopting the project.

If the lead agency declines to adopt a project component that would avoid significant effects, or adopt feasible mitigation measures, then it must determine whether that will result in a new or more severe environmental impact not analyzed in the EIR. If it would, then the lead agency must disclose that change in a revised and recirculated EIR before it may act on the project. If deletion of the protective policy or mitigation measure would not lead to a new or more severe environmental impact, then the lead agency can explain that action in the findings it will make pursuant to CEQA Guidelines Section 15091 describing the disposition of the environmental impacts.

- O-5b.3 The commenter asserts that the language used in the DEIR does not match the language used in GPU5.

The commenter does not cite examples of language that is not consistent. Hence, no response to the allegation is feasible. The DEIR analyzes the potential impacts arising from implementation of the Draft General Plan policies. The DEIR may describe the Draft General Plan or summarize statements in the Draft General Plan as necessary during its analysis. None of the differences between the DEIR and the Draft General Plan are substantive.

- O-5b.4 The commenter notes that the first goal of the CVMP is to preserve the rural character of the Carmel Valley and asserts that the DEIR has changed this definition.

The DEIR is an informational document that is describing, in general terms, the provisions of the CVMP. The DEIR is not a legislative action and has made no changes in the policies of the CVMP. Where the DEIR has proposed any policy change as a mitigation measure, the policy has been identified. For example, Mitigation Measure TRAN-2B recommends specific revisions to CVMP traffic policies.

The Merriam-Webster online dictionary (2009) defines rural as “of or relating to the country, country people or life, or agriculture.” The DEIR’s characterization of the Carmel Valley as “semi-rural” recognizes this is not an agricultural area, but rather includes areas of suburban development. That characterization of the physical environment is for CEQA purposes and does not change the goal of the CVMP. No change to the DEIR is necessary.

- O-5b.5 The commenter asks whether the findings of on traffic along Carmel Valley Road are based on “the DEIR’s defining down the meaning of the ‘C’ and ‘D’ road segments” and asserts that this “has been used to mask” the DEIR’s finding that Carmel Valley Road traffic has been mitigated. The commenter asks for an explanation why “different road standard definitions apply to different parts of the County” and whether this is prohibited by law.

As explained in the DEIR, the Level of Service (LOS) standards are defined by accepted methodology. The LOS standards are used consistently throughout the DEIR’s traffic analysis. At the same time, the CVMP contains traffic congestion and road improvement policies that are different from those of both the 1982 General Plan and the Draft General Plan. The impact analysis in the DEIR is based on consideration of the CVMP policies. Please refer to Master Response 5, *Carmel Valley Traffic Issues* for a more detailed response to this comment.

- O-5b.6 The commenter asserts that the DEIR “does not meet the standards of technical and scientific competence nor of direct and objective analysis and reporting required by the CEQA guidelines.” The commenter asks for an explanation of why the “scientific standards of the CEQA guidelines were not used, and use them where required.”

The commenter cites sections of the CEQA Guidelines, but cites no examples of where the DEIR is not in compliance. This is the opinion of the commenter; presented without specific substantial evidence to support this allegation. The County has prepared the DEIR in compliance with the CEQA Guidelines. The analysis is comprehensive and includes analyses of biological resources, cultural resources, air quality, traffic, and other subjects prepared by professionals in those fields. The DEIR is intended to describe the

potential impacts of the General Plan on the existing environment. Its degree of specificity is expected to “correspond to the degree of specificity involved in the underlying activity.” As a result, the EIR for a general plan will be less specific than that prepared for a site-specific development project (State CEQA Guidelines Section 15146).

- O-5b.7 The commenter complains that the Draft General Plan lacks a section on climate change. The commenter asserts that the proposed mitigations and General Plan Policy OS-10.11 are an attempt at “legislation through the back door, using the EIR for a substantive legislative omission.” At the same time, the commenter asserts, a separate EIR should be prepared for their suggested “climate change element.”

The County has complied fully with Government Code Section 65302, which mandates seven elements in a General Plan. An element on climate change is not required. The General Plan, however, includes climate change policies within the various chapters. The DEIR, on the other hand, does address climate change comprehensively in its Section 4.16, *Climate Change*. The County has committed, pursuant to proposed Policy OS-10.11, to undertaking a comprehensive plan for reducing its GHG emissions in consideration of AB 32 and the related state and regional laws and regulations that are being adopted by the Air Resources Board and other agencies. The proposed changes to OS-10.11, CC-1A, and CC-5, which call for a Greenhouse Gas Reduction plan target of reducing emissions by 2020 to a level that is 15% less than 2005 emission levels. The contents of that Greenhouse Gas Reduction Plan are further specified in Mitigation Measure CC-1a, which will require the policy to be made more specific. A separate EIR will be prepared that will analyze the potential impacts of the climate action plan. The DEIR does address the impacts that would occur absent the adoption of the suite of climate change policies that are recommended as mitigation measures,

In addition, and prior to adoption of more detailed measures as part of the Greenhouse Gas Reduction Plan, Mitigation Measures CC-1b through CC-2 through CC-4 will result in the establishment of widely applicable measures (i.e., new green building standards, alternative energy development, and increased recycling/waste reduction) that will reduce GHG emissions from both new and existing development.

Regarding alleged inadequacies of the proposed mitigation, this comment provides no evidence of such inadequacy, and thus substantive assertions related to this matter are responded to in the comments below. See Master Response 10 regarding the use of general plan policies to minimize impacts.

- O-5b.8 The commenter asserts that the regulations and data cited in the DEIR are not reflected in the significance determinations and conclusions. The commenter asserts that “adverse environmental impacts of the Plan (including cumulative) would be considerable under all scenarios examined.” The commenter’s implication is that all impacts should be identified as significant and unavoidable.

The regulatory mandates described in Section 4.16 explain the context of how the state is currently seeking to control GHG emissions; however none of them create a specific legal mandate for a local land use jurisdiction that must be incorporated into a General Plan, nor do they create a specific legal mandate relative to significance conclusions under CEQA. Rather, they create the context within which a CEQA lead agency needs to

exercise its independent judgment to consider the significance of impacts in light of the evidence concerning impacts.

Regarding the rationale for concluding a less than significant impact in the DEIR, this is explained in the DEIR on pages 4.16-13 through 4.16-17 (thresholds) and in the impact analysis concerning greenhouse gas emissions (see 4.16-29 through 4.16-33, 4.16-37 through 4.16-38) and adaptation (see 4.16-42 through 4.16-44). The DEIR properly identifies the existing conditions, including related regulatory conditions, identifies a threshold of significance, and examines whether the expected impacts of the Draft General Plan, considering both the applicable regulations and mitigation measures identified in the DEIR, would be significant. The regulatory mandates are accurately identified in the DEIR and related to the each of the significance thresholds. As discussed in each of the many impact discussions in the chapters of the DEIR, in many cases the environmental changes that will reasonably be expected to result from the Draft General Plan will be sufficiently reduced to consider them to be less than significant. This is not to say that the Draft General Plan would not result in environmental impacts – rather, that the application of current and future regulations (including those deriving from proposed general plan policies and from the identified mitigation measures in the EIR) will reduce the impacts sufficiently that they will not be significant.

- O-5b.9 The commenter recommends that the DEIR consider a “no new development, no GHG reduction” scenario. The commenter posits that examining this scenario would illustrate that “the task of reducing existing GHG emissions to State mandated levels even with little further development, would be very difficult and, as a practical matter, highly unlikely to be accomplished.” The comment presents the author’s analysis of these scenarios and concludes that development allowed by the 2007 General Plan would overwhelm the ability to reduce emissions to the state mandated levels.

The commenter is confused on multiple levels, which make the purported conclusions in this comment invalid. First, the GHG emission levels cited by the commenter are the California GHG emissions for different periods from different reports, not the County GHG emissions. The levels are as follows:

- 427 MMT – cited on p. 4.16-8 and 4.16-16 – this is CARB’s estimate of state emissions in 1990 and is also the state’s goal for emissions in 2020 under AB-32;
- 480 MMT – cited on p. 4.16-16 – This was CARB’s estimate of GHG emissions in 2004, prepared in 2007 that was available at the time of the DEIR.
- 484 MMT – cited on p. 4.16-4 – this was a typographic error. This should have been 480 MMT which is CARB’s estimate of GHG emissions in 2004.
- 492 MMT – cited on p. 4.16-4 – this was CEC’s estimate of state emissions in 2004, which was prepared in 2006. The CARB 2004 estimate differs slightly from the CEC’s 2006 estimate due to slightly different methodologies.
- 596 MMT – cited on p. 4.16-16 – this is CARB’s estimate of state emissions in 2020 under a “business as usual” scenario (e.g. no reduction effort).

Thus, the state emissions inventories cannot be directly used to make conclusions regarding the potential to reduce GHG emissions in Monterey County. CARB has been periodically updating and improving inventories over time. In order to avoid confusion,

the text in the EIR has been revised to delete the CEC inventory and to note the latest CARB estimates. Please see Chapter 4.

The comment also makes assertions about how much development is allowed by the 2007 General Plan in terms of apparent percentages derived from the state inventory. This is not a valid method of determining what the plan does or does not allow. The commenter is referred to Chapter 3 of the DEIR which describes what the 2007 General Plan does or does not allow by 2030 and by buildout. For the GHG analysis, the GHG emissions were estimated by determining the amount of emissions in 2030 and then scaling back linearly to 2020.

The comment also asserts that there is a state goal of 80% of 1990 emissions by 2050. This is incorrect. The state goal in Executive Order S-03-05 is actually that emissions will be reduced to a level 80% below 1990 emissions by 2050. Based on 1990 emissions of 427 MMT, this goal corresponds to about 85 MMT. However, as an executive order, S-03-05 is only binding on state agencies and is not a legal mandate for local municipalities or private development.

The comment asserts that GHG emissions are underestimated because they do not include the effects of losses of carbon sinks or the energy associated with new desalination plants. As shown in Chapter 4 of the FEIR, the estimated loss of carbon stocks and reduction of carbon sequestration have now been estimated for 2030 and for buildout (see revised Table 4.16-3).

Regarding new desalination plants, the comment is correct that a specific estimate of new power requirements was not done for the DEIR. At the time of the DEIR, the proposed desalination plant to replace Cal-Am Carmel River and Seaside aquifer withdrawals had not yet been evaluated in detail as to its energy requirements. Subsequent to the DEIR being released for the 2007 General Plan, the CPUC released both a Draft and Final EIR for the Coastal Water Project. The FEIR for the Coastal Water Plant identified that the proposed desalination project would result in an increase of operational GHG emissions by up to 9,032 MT CO₂e (depending on location) per year (CPUC 2009a). The water supplied by the Coastal Water Plant, if it is approved, will serve consumers in both the unincorporated County and the incorporated cities of Monterey, Carmel, Pacific Grove, Del Rey Oaks, Seaside, and Marina. In 2005, Monterey County consumed approximately 32 percent of Cal-Am's water production (MPWMD 2006a). Thus, the increase in GHG emissions would only partially (up to an estimated 2,890 MT CO₂e) be related to Monterey County. As the Coastal Water Project is related to replacement of existing Carmel River and seaside aquifer water use by Cal-Am, and the project will not provide any water for future growth, the GHG emissions associated with the proposed desalination project do not result from the 2007 General Plan. Although project approval is uncertain at this time, the apportioned emissions noted above for the County have been added to the 2020 and 2030 emissions estimates on the presumption that the proposed desalination project, or something equivalent, will be required to comply with SWRCB Order No. 95-10 and the related 2009 Cease and Desist Order in the near future.

The comment asks why an analysis of achieving GHG reductions for existing development without any new development was not done. The simple reason is that this is an EIR for the 2007 General Plan, which means that it must analyze the project being

proposed. The underlying logic of the comment appears to be that somehow it is feasible to just not have any more development. This is incorrect. State planning law requires that local municipalities must adopt housing elements to accommodate the projected amount of growth in the future. As explained in Master Response 2 on growth assumptions, the 2007 General Plan is designed to accommodate the residential, commercial, and industrial growth projected for the County in the future. Thus, any realistic planning for reducing GHG emissions must take into account the emissions associated with future growth, as well as that of existing development. For this reason, the DEIR discloses the existing GHG emissions for 2006, projected emissions for 2030, and projected emissions at buildout (2092).

The commenter's assertion that the County cannot meet GHG emissions reduction goals without halting most or all development is unsubstantiated. It fails to account for emissions reductions that will occur as a result of state and regional laws and regulations that are being and will be enacted under the scoping plan adopted by the CARB. These new regulations will address many different sectors of GHG emissions, including power production (through the Renewable Portfolio Standard, for example), mobile emissions (through the low carbon fuels standard, for example), and industrial emitters. These sectors, other than land use, are expected to account for the great majority of GHG emissions reductions that are necessary to meet AB 32 objectives. (California Air Resources Board 2008e)

The three basic criteria which qualify an alternative or scenario for inclusion in the EIR's analysis are: the alternative meets most or all of the project's objectives; it is feasible; and it will substantially reduce one or more of the project's significant effects. The suggested scenario would prohibit future development and therefore it would not meet the project's key objectives to provide for future growth. In addition, it would be legally infeasible because it would require the County to ignore its legal requirement to accommodate projected housing needs under Government Code Section 65580, et seq.

The commenter states that "the GHG emissions are probably underestimates," lacking the "the effects of loss of carbon dioxide sinks" and "ignores potential energy consumption for water production through desalination." The emissions data used in the DEIR is based on the most up-to-date assumptions on GHG emissions and analysis provided by state agencies. Emissions from the Coastal Water Project and changes in emissions due to changes in carbon sinks are now included in the GHG emissions analysis in the FEIR (see Chapter 4). The commenter provides no alternate methodology or data.

- O-5b.10 The commenter asks for an explanation of the justifications for concluding that the Plan will meet the criteria for adequate protection from climate change. The comment states that there is no evidence that GHG emissions can be reduced to below the significance threshold.

This explanation is provided in Section 4.16, *Climate Change* of the DEIR. Climate change is a global phenomenon that is the result of innumerable small individual actions worldwide. Neither the cause of global climate change, nor the approach to moderating that change is limited to Monterey County. As discussed in the response to comment O-5b.7, pursuant to Policies OS-10 and CC-1A, the County will prepare and adopt a climate action plan providing for reduction of GHG emissions. This will be one component of

the larger statewide effort to reduce California's GHG emissions. The combined effort of the County and other entities will advance the objectives of AB 32.

As shown in the DEIR, a limited set of state measures alone would result in reducing GHG emissions approximately half way toward the County's reduction target. In the DEIR, the reduction target identified was 28 percent below 2020 BAU levels. For the FEIR, the County now proposed to change the target to 15 percent below current levels, in order to be consistent with the recommendation that local municipalities should adopt a reduction target of 15 percent below current levels set forth in the final AB 32 Scoping Plan adopted by the Air Resources Board in December 2008 (after release of the 2007 General Plan DEIR) (CARB 2008). With the revised inventory and estimates in the FEIR (see Chapter 4 of the FEIR), the limited set of state measures described therein would reduce 2020 emissions to a level about 8 percent below 2006 levels. To meet the County target, the combined effect of state and local measures (other than those included in the estimate) would need to result in an additional 7 percent reduction. The AB 32 measures in the Scoping Plan overall would result in reductions of 15 percent below current levels on a state basis (or about 28 percent reduction from 2020 BAU levels). The Scoping Plan itself includes the anticipated growth in population in California between now and 2020. Of the measures in the Scoping Plan, only one measure (regional transportation-related targets) actually requires local jurisdictional action and this measure only accounts for slightly less than a one percent reduction in 2020 BAU emissions. Thus, the AB-32 Scoping Plan itself is substantial evidence that emissions can be feasibly reduced to the County's proposed target provided the County also seeks feasible reduction measures as required by Policy OS-10.11 and the mitigation identified in the DEIR.

- O-5b.11 This comment makes a blanket statement that the author believes the DEIR does not meet the CEQA guidelines and asks for an explanation as to why the CEQA guidelines were not followed. This statement provides no evidence to support the commenter's assertion. The CEQA guidelines were followed. Further, the CEQA guidelines that existed at the time of the DEIR did not specifically identify that GHG emissions and climate change required assessment in a DEIR or provide any specific guidance of what should be addressed. Subsequently, pursuant to SB 97, the Natural Resources Agency has adopted revisions to the CEQA guidelines that take effect March 18, 2010. These revised guidelines require that GHG emissions and climate change be discussed in CEQA documents, that GHG emissions be quantified where feasible, that a significance determination be made, and that feasible mitigation be adopted where significant impacts are identified. The revised guidelines do not contain a significance threshold. The analysis in the DEIR meets all of the requirements of the revised guidelines.

See also comment O-5b.6 above and the related response.

- O-5b.12 The commenter alleges that the "Abstract" at the beginning of Section 4.16 is misleading. Specifically, the commenter alleges that the conclusion on page 4.16-1 of the Climate Change discussion contradicts the conclusion at the top of page 4.16-18.

This is incorrect. The commenter confuses the conclusion in the Abstract referring to impacts as of the 2030 planning horizon and those of the 2092 full buildout. Both the Abstract and the impact discussions reach the same conclusions – the Draft General

Plan's contribution will be less than considerable up to the 2030 planning horizon as a result of state, regional, and county actions to reduce emissions, and significant (i.e., considerable) over the longer term of the 2092 buildout.

- O-5b.13 The commenter asks what in the plan will require implementation of the mitigation measures and for an explanation of why the DEIR claims that the County's GHG emissions contribution will be less than significant.

Under State Planning Law (Government Code Section 65300, et seq.), each County must adopt a General Plan to guide its land use decisions. The general plan has been called the "constitution" for all future developments." As such, zoning, subdivision, and other decisions must be consistent with the general plan if they are to be approved (Government Code Sections 65860 and 66474). The general plan is implemented through County policies and ordinances.

The discussion of state regulations is based on the CARB Scoping Plan. The draft Scoping Plan discussed in the DEIR does not differ substantially (for purposes of this analysis) from the final Scoping Plan adopted by CARB in December 2008. The Scoping Plan establishes a timetable of 2012 for adoption of all of its pertinent regulations. The DEIR relies upon this timetable for the establishment of state and regional regulations described in the Scoping Plan. There is no evidence indicating that this timetable is incorrect.

At the state level, CARB, CEC, and other state agencies are taking specific concrete actions such as the adoption of vehicle efficiency standards and renewable portfolio standards and proceeding on multiple regulatory fronts to implement AB 32. At the local level, the 2007 General Plan will require specific progress on a full Climate Action Plan within two years of passing the General Plan and the identified mitigation measures require adoption of a Green Building Ordinance within two years, adoption of a municipal action plan within one year, and adoption of certain waste reduction and diversion requirements. The commenter provides no evidence as to why the combination of state and local measures cannot achieve the reduction targets.

There is no requirement that the County's Greenhouse Gas Reduction Plan must implement its *own* provisions. In point of fact, because that plan is expected to be enacted by resolution, its provisions will be implemented through direct actions by the County (for those provisions that are the County's responsibility) and through the enforcement of new County ordinances or ordinance amendments enacted to implement the plan. Because the County is legally obligated to conform its land use ordinances to its General Plan (see Government Code Section 65860 regarding zoning consistency) and to enforce its ordinances, there is reason to conclude that the provisions of the future plan will be implemented. The Greenhouse Gas Reduction Plan will be designed to reduce GHG emissions to a level that conforms to the State's AB 32 objectives. As such, at this point in time, the emissions will be less than considerable.

Looking beyond the 2030 planning horizon, the ability of the State and County to meet future GHG reduction objectives is less clear. The CARB Scoping Plan does not provide the basis for meeting longer term goals for GHG reduction, such as Executive Order S-3-

05 discussed in the DEIR. In light of this uncertainty, the DEIR concluded that buildout of the General Plan in 2092 may have a considerable contribution.

- O-5b.14 This comment asserts that the mitigations are inadequate under CEQA because they defer outcomes to after their adoption.

The mitigations proposed in the plan conform to the requirements that mitigation measures be feasible and fully enforceable, and that, when a detailed mitigation measure cannot be reasonably prepared, mitigation is nonetheless adopted with performance standards that set out how will operate. The mitigations in question provide: 1) a fixed performance standard (in this case the defined reduction target of 15 percent below current levels); 2) a fixed timeframe in which to define the specific measures and implement (2 years to define the plan and reduction to the target level by 2020); 3) identification of the possible measures that may be used (the DEIR mitigation lists possible reduction measures of energy-efficiency, renewable energy, waste reduction and recycling, urban forestry, land use and circulation, and municipal actions); and 4) identification of potential environmental impacts of possible measures (as discussed on page 4.16-33). In addition to the identified mitigation measures, as noted in the DEIR, many of the General Plan policies (such as those related to water conservation, supporting transit, concentrating growth, and replacing removed trees) will also help to reduce GHG emissions.

See also Master Response 10, *Level of Detail for the General Plan and the General Plan EIR*.

- O-5b.15 The comment notes a typographic error on page 4.16-1, in which the 2050 horizon for the 80 percent reduction from 1990 levels was inadvertently left out. This has been corrected in the FEIR.

California's comprehensive approach to GHG emissions reduction is established under AB 32, not S-3-05. As explained in Section 4.16 of the DEIR, S-3-05 is an Executive Order that directs state agency actions. AB 32, in contrast, is statutory authority that will result in regulations that may direct the actions of any level of government. The provisions of AB 32 are described on page 4.16-8 of the DEIR. The comment also asks for a deadline list of milestones as enclosed in the comment. First, as noted above, Executive Order S-03-05 is not a legal mandate for local government or private parties, it is only a legal mandate for state government. In contrast AB 32 establishes statutory authority for CARB and other state agencies to adopt regulations and otherwise mandate actions by all parties in the state. Thus, citation of the milestones of S-03-05 is not necessary for the analysis. The DEIR describes the relevant dates appropriately, the most fundamental of which is the 2020 target date for reduction of state emissions to 1990 emission levels per AB 32. The reference to 2040 on page 4.16-4 is not to any legal mandate or deadline. A correct summation of the most relevant milestones would be as follows:

- 1990 – Baseline year for the purposes of AB-32
- 2006 – Baseline year for DEIR analysis of GHG emissions
- 2020 – Compliance year for AB-32 to reduce emissions back to 1990 levels.

- 2030 – Planning horizon year for the 2007 General Plan
- 2092 – Estimated buildout year for the 2007 General Plan

2050 is an important date also, because it bookmarks a longer-term state strategy for substantial further reductions in GHG emissions. However, because it is set out in an Executive Order, it carries less weight than statutory requirements. State efforts are focused primarily on AB 32 at the present time. Where 2050 is currently of importance is in the area of climate change adaptation. For example, it is the benchmark being used in the *2009 Climate Adaptation Strategy* released by the Natural Resources Agency in December 2009.

O-5b.16 The commenter’s description of the methodology is not consistent with that actually used in the DEIR. As stated on page 4.16-13 under “Methodology,” the methodology for the calculation of GHG emissions is set out in Appendix B of the DEIR. A summation of the correct methodology would be as follows:

- Establish baseline 2006 GHG emissions based on current energy use, transportation fuel consumption, industrial use, waste generation, and carbon stock/sequestration.
- Project estimated 2030 GHG emissions based on the projected 2030 growth in residential, commercial, industrial and agricultural sectors described in the Chapter 3 of the DEIR for the 2007 General Plan and the agricultural and natural land conversions described in Section 4.9 of the DEIR.
- Calculate estimated 2020 GHG emissions based on a linear interpolation between 2006 and 2030.
- Project estimated 2092 GHG emissions based on the projected buildout growth in residential, commercial, industrial and agricultural sectors described in the Chapter 3 of the DEIR for the 2007 General Plan and the agricultural and natural land conversions described in Section 4.9 of the DEIR.
- Calculate emissions for the 2020 and Buildout scenarios applying discrete state measures (such as Pavley I/II, Renewable Portfolio Standard, Low Carbon Fuel Standard, Title 24 building standards, etc.)

O-5b.17 The “uncertainty” described in the DEIR on page 4.16-1 reflects the uncertainty of success of California’s policies and regulations for reducing GHG emissions to prior levels. The DEIR is quite clear that the technology and feasible means to dramatically reduce GHG emissions to a level 80 percent below 1990 by 2050 are unknown at this time. There is no adopted enforceable plan anywhere in the world to achieve such dramatic reductions due to the profound changes that will be necessary to achieve this ambitious reduction goal. Nor does the commenter provide any evidence or suggestions as to what such a plan might look like. The state of California has only adopted a plan to achieve reductions to 1990 levels by 2020; there is no adopted plan to achieve the goals of S-03-05 for 2050. That is why the DEIR concludes that the greenhouse gas impacts of the 2007 General Plan for 2030 and beyond are significant and unavoidable as it is not feasible today to identify the measures to make such deep cuts in emissions.

Please keep in mind that a general plan is not immutable. Under State Planning Law it is intended to be amended whenever the public interest dictates (Government Code Section

65358). When more detailed information becomes available about County-level effects from global climate change, Monterey County can amend its General Plan in response.

O-5b.18 The comment asks about the GHG reduction “standards” in the EIR, including those for S-03-05. The state target for future GHG emissions reductions is the level of emissions that existing in 1990. As noted above, the targets in S-03-05 are not legally enforceable standards for local governments or private parties. To clarify the basis of different targets, they are all based on absolute mass emission levels in the identified year as follows:

- AB 32 – AB 32 requires reduction of state emissions by 2020 to the level of emissions in 1990 (427 MMT)
- S-03-05 – This executive order establishes emission reduction targets to reduce emissions levels to 2000 levels (~452 MMT) by 2010; to 1990 levels (427 MMT) by 2020, and to 80 percent below 1990 levels by 2050 (~85 MMT)
- Monterey County – Based on the revised County target of 15 percent below current levels and based on the revised 2006 inventory (1.439 MMT), the County’s target would be 1.223 MMT by 2020 (if calculated as 15 percent 2006 levels). The actual target may change depending on whether the detailed inventory prepared during the Climate Action Plan increases, decreases, or stays the same as the 2006 inventory in this DEIR.

As noted on page 4.16-16, the 1990 level was 427 million metric tons of CO₂ equivalent (CO₂e). The projected “business as usual” emissions for California in 2020 would be 596 million metric tons of CO₂e. Therefore, the December 2008 Scoping Plan sets out a strategy for reducing emissions by 28% below that number, or by about 169 million metric tons of CO₂e. These are overall levels of emissions, not per-capita nor per-unit-of-economic output. There is no intent on the part of CARB or any other of the involved agencies to “game” the system in a manner that would preclude meeting the emissions reduction goal.

O-5b.19 The commenter suggests a minor correction to the text. The intent of the text is evident, no change is required.

O-5b.20 The comment states the timing for the completion of the Climate Change Preparedness Plan (5 years from adoption of the 2007 General Plan) should be accelerated due to the evidence that change is occurring faster than earlier anticipated. This comment is noted.

The purpose of the Climate Change Preparedness Plan is to guide adaptation activities. Thus, the purpose of a 5-year period is not to delay important action, but rather to allow for the development of appropriate tools to inform the planning process more accurately and to allow for sufficient time to consider potential adaptation issues in full.

In addition to the Climate Change Preparedness Plan, the County is committing to adoption of a Greenhouse Gas Reduction Plan within 2 years of adoption of the General Plan (Policy OS-10.11). This plan will incorporate the best available current knowledge of the state of global climate change and will, as described on page 4.16-30 of the DEIR, establish actions to reduce countywide emissions in accordance with the AB 32 goal. In addition to the 2020 goal established under State law, the Greenhouse Gas Reduction

Plan will also include a reduction goal for the 2030 planning horizon. This will involve additional reductions beyond those of the ARB *Climate Change Scoping Plan*. The Board of Supervisors has already appointed a Board subcommittee, Energy and Environment, to guide Board policy including the development of these major policy initiatives into the future.

- O-5b.21 The comment asserts that the statement that a Climate Change Preparedness Plan would not make new development more resilient to inevitable climate change is unsupported.

The Preparedness Plan is a mitigation measure that has not been implemented yet. The commenter is asking for specific conclusions that can only be made after completing the Preparedness Plan itself. As noted above, before the Preparedness Plan can be completed, the downscaled effects of climate change on the local level have to be further evaluated and understood. One cannot plan effectively at the county level until a more localized assessment is available to inform that planning.

In the future, new development will be more resilient to global climate change and avoid subjecting residents to potential harm because it will be so required. As additional information becomes available in sufficient detail to support regulations, such regulations are being adopted. Two examples include wildland fire and sea level rise. The State has been active in requiring additional safeguards for new development in areas of known wildland fire hazard through adoption of “fire safe” regulations by the Department of Forestry and Fire Protection and the California Building Standards Commission, and revisions to California Planning Law that now require all safety elements to be reviewed by the Department prior to adoption. Regulation continues to evolve in this area. Sea level rise is being studied by the Natural Resources Agency as part of the Governor’s Executive Order S-13-08 ordering state agencies to develop a climate change adaptation strategy. Its *2009 California Climate Adaptation Strategy* recommends that Local Coastal Programs incorporate strategies to adapt to the rising sea level. Although this is not a binding recommendation, it illustrates the State’s concern and direction for future regulatory approaches.

- O-5b.22 This comment asks why the potential climate change impacts in Section 4.16-2 are not discussed in relevance to specific local concerns.

See page 4.16-39 to 4.16-42 for a discussion of “Adverse Effects of Climate Change on Monterey County.” See the response to comment O-5b.17. For most of the climate change effects listed on page 4.16-2 there is no County-level information available that would provide the necessary detail for the County to develop useful regulations. Sea level information is an exception. Information is becoming available that would enable reasonable projections to be made of possible inundation areas. This will be considered as part of the County’s Greenhouse Gas Reduction Plan. Specific discussion of potential local climate change effects are presented in the DEIR on pages 4.16-39 through 4.16-44.

- O-5b.23 This comment asks what population projections were used for the analysis and the method for making these projections. The comment is referring to the last paragraph of Section 4.16.3.2 which refers to the California population as referenced in the CEC report *Global Climate Change: In Support of the 2005 Integrated Energy Policy Report*. The DEIR did not make any new projections of California emissions – it cited CEC and

CARB estimates. For the Monterey County GHG emissions estimates, the EIR used projections based on the 2007 General Plan, and thus future projections for 2030 and buildout were neither linear nor exponential, but rather based on the development potential allowed by the 2007 General Plan. The housing, population, and employment projections are described in Table 3-5 in Section 3 of the DEIR. Other projections used for the GHG emissions estimates are discussed in the Technical Supporting Data at the end of this document.

See also Master Response 2, *Growth Assumptions Utilized in the General Plan*.

- O-5b.24 The population number of 34 million in 2008 is a statewide number intended to put the State's projected growth into perspective. It is an estimate and although the CEC document from which it was taken is dated 2005, the projection for future growth has not changed substantially since that time. The California Department of Finance's July 2007 report *Population Projections for California and Its Counties 2000-2050, by Age, Gender and Race/Ethnicity* estimates that California's 2040 population will be approximately 54 million. Although that is somewhat less than the CEC projection, it is nonetheless a 58 percent increase from 2005.

The state *Climate Change Scoping Plan* takes into account projected increases both in state population and in economic activity. By inference, the County's Greenhouse Gas Reduction Plan will do so as well in order to address the County's share of local GHG emissions reductions.

- O-5b.25 The comment asks for clarification of the statement that California is the 12th to 16th largest emitter of GHG emissions in the world (if California were considered a country). The source of this statement is the CEC's GHG inventory (CEC 2006). How California's GHG emissions rank in the world changes. The exact ranking is not critical to the analysis in the DEIR. The emissions are gross emissions, not per-capita emissions. The estimate does not distinguish between anthropogenic emissions and overall emissions – it is a comparison of overall emissions.
- O-5b.26 The comment asks why the CEC and CARB inventories for 2004 differ slightly. As noted above, the CARB inventory was updated in 2007 and 2009 after the CEC inventory which was completed in 2006. The exact source of difference in the two state inventories is not relevant to the DEIR analysis, but is likely due to slightly different accounting methodologies (as noted on page 4.16-4, the CARB estimate does not include land use change and forestry, while CEC estimate did include those emissions sectors). The fact of a difference in these estimates is immaterial to the DEIR analysis that is focused on the emissions in Monterey County. While estimates of emissions in 2004 may vary slightly, keep in mind that the key number in the State's policy and regulatory environment is the 1990 level of emissions as estimated by CARB. That is the 2020 emissions reduction target and drives efforts are reducing emissions across all sectors. To avoid confusion, the CEC inventory has been deleted from the FEIR and the updated CARB GHG estimates are noted.
- O-5b.27 The comment questions the reference to "local government operations" on page 4.16-5. The reference was in error and has been changed to "local community emissions" (see Chapter 4).

- O-5b.28 The comment requests the units for Table 4.16-1 and comparison to California emission levels. The units are metric tons (MT) of carbon dioxide equivalent and have been added to Table 4.16-1. Table 4.16-1 has been updated in the FEIR to include several additional emission sources. Thus, the revised total emissions in Table 16.4-1 are now approximately 1.439 MMT CO₂e. The CARB inventory for 2006 for state emissions is 484 MMT (CARB 2009b), meaning the County's 2006 emissions are about 0.3 percent of California emissions overall.
- O-5b.29 The commenter asks whether the reference to 2006 on page 4.16-6 should be 2007 instead. The reference to 2006 is correct.
- O-5b.30 The acronym NEPA stands for the National Environmental Policy Act. Similar to California's CEQA, NEPA requires federal agencies to disclose and consider the environmental consequences of their actions.
- O-5b.31 Section 4.16 includes a number of acronyms and terms of art. The meanings of these are generally clear from the context of the discussion. Acronyms are listed in Section 9 of the DEIR. A glossary is provided in Section 10 of the DEIR.
- O-5b.32 The commenter has found a minor punctuation error in the document. The text in the EIR has been revised in response to this comment. Please see Chapter 4.
- O-5b.33 The commenter suggests an editorial change to the DEIR. The suggested change would be inaccurate. AB1493 (Pavley) does not have an aspirational target – it is adopted law with legal mandate- and will reduce GHG emissions as described in the DEIR. The suggested change is not necessary to an understanding of the statement being suggested for change, nor does it correct an inaccuracy. No change is made.
- ~~O-5b.34~~
O-5b.35 The commenter takes issue with phrasing of discussion of comparison of AB 1493 to federal CAFÉ standards. The commenter fails to appreciate the difference between AB 1493 and CAFÉ standards and does not apparently understand the relation between GHG emissions and fuel efficiency. The discussion cited by the commenter is describing the Pavley Phase 2 rules in comparison to the federal CAFÉ standards. The discussion of AB 1493 in the paragraphs that precede this comparison explain how the Pavley rules will reduce GHG emissions from vehicles. As a co-benefit of the rules, fuel economy will be improved.
- First, AB 1493 is a GHG emissions standard, whereas CAFÉ standards are fuel efficiency standards. Second, GHG emissions from vehicles occur in direct proportion to fuel consumption, which is directly related to fuel efficiency. Thus, if AB 1493 would reduce GHG emissions more than would occur as a result of CAFÉ standards, it logically must result in greater fuel efficiency. The editorial change suggested by the commenter is not necessary to an understanding of the statement being suggested for change, nor does it correct an inaccuracy in the discussion of the Pavley rule and its relation to federal CAFÉ standards. No change to the EIR is necessary because it is not in error.
- O-5b.36 The commenter has found a minor punctuation error in the document. The change in date has been made in the FEIR (see Chapter 4).

- O-5b.37 The phrase “relative to projected levels” means relative to the levels projected to occur if no emissions reduction requirements were instituted (e.g., business as usual). This is clear from the context of the discussion in the DEIR. However, for further clarification, the reference is now changed to “projected BAU levels” in the FEIR (see Chapter 4).
- O-5b.38 The commenter has found a minor typographical error in the document. The text in the EIR has been revised in response to this comment. Please see Chapter 4 of this FEIR.
- O-5b.39 The discussion in which Table 4.16-2 appears is a discussion of the State’s Draft Scoping Plan (adopted in final form in December 2008). The title of Table 4.16-2 is: “Summary of the AB 32 Draft Scoping Plan Recommendations.” That this refers to state and not county reductions is clear from the context. No change is made.
- O-5b.40 Adding a column for the County’s share of the reductions listed in Table 4.16-2, as suggested by the commenter, would not make sense. The “recommended reduction strategies” listed in the table are state strategies, to be implemented by state agencies. The reductions listed in the final column of the table are estimates of the results from those state agency strategies and regulations. These are reductions that will be made statewide and not broken down by county. They are reductions aimed at California’s overall GHG emissions and part of the State’s broader strategy to reduce California’s contributions to GHGs and the effects of global climate change.

Those portions of these reductions that will come from Monterey County are not relevant to the DEIR’s discussion of the significance of the GHG emissions being produced in Monterey County. What is important is the State’s approach to reducing overall GHG emissions. Monterey County is neither required nor expected to duplicate the State’s efforts.

The effectiveness of different reduction measures at a local level are not always simply proportional; in order to make a precise estimate one must determine the applicability of state measures to the specific emission sources and their character within a local context. Later in this section, certain AB-32 measures are applied to the future Monterey County GHG inventories (and the FEIR has quantified the effect of additional Scoping Plan measures based on the final adopted Scoping Plan from December 2008), but no revisions are necessary to this table pursuant to this comment.

- O-5b.41 The goals established in AB 32 and in the Governor’s Executive Order S-3-05 are fixed levels. The AB 32 goal is specified as 1990 mass emissions levels, which have been determined by CARB to be 427 MMT CO₂e. The S-03-05 goals are based on mass emissions levels in 2000, 1990, and 80 percent below 1990 levels. As noted elsewhere in this response, AB 32 goals are not legally specified as the exact goals that each municipality must adopt and thus local jurisdictions have the discretion to adopt their own reduction targets.
- O-5b.42 This number erroneously was not assigned to a comment.
- O-5b.43 This number erroneously was not assigned to a comment.

- O-5b.44 The reference to “shaded reductions” was carried over from CARB’s draft *Climate Change Scoping Plan*. This information was revised and presented in a somewhat different manner in the adopted *Climate Change Scoping Plan*. The revisions do not change the conclusions in the DEIR. Table 4.16-2 has been revised to conform to the *Climate Change Scoping Plan* in the FEIR.
- O-5b.45 The Statewide cap-and-trade program is not relevant to the discussion of the Draft General Plan’s impact on global climate change. The cap-and-trade program is a State program and its basis is explained in CARB’s final *Climate Change Scoping Plan*. The cap, as noted in Table 4.16-2 refers only to the electricity, transportation, residential, commercial, and industrial sources. The cap is not an emission estimate, but rather an absolute limit on emissions from these sectors in 2020 under the proposed cap and trade system. As explained in the AB 32 Scoping Plan (CARB 2008), the BAU emissions from these sectors in 2020 are estimated to be approximately 512 MMT CO₂e (out of total BAU emissions of 596 MMT CO₂e in 2020).
- The Air Resources Board is the statewide expert agency on the issue of climate change and the requirements of AB 32. Monterey County is not in a position of either authority or expertise to challenge the validity of CARB’s estimates. Therefore, the provisions of the *Climate Change Scoping Plan* are taken at face value.
- O-5b.46 Table 4.16-2 has been updated to reflect the totals from the Final AB 32 Scoping Plan, which is 174 MMT CO₂e and adds up from the line item totals.
- O-5b.47 See the response to comment O-5b.46. The *Climate Change Scoping Plan* explains the “Additional Emissions Reductions from Capped Sectors” within the cap-and-trade scheme:
- “An overall limit on greenhouse gas emissions from most of the California economy – the ‘capped sectors’ – will be established by the cap-and-trade program. (The basic elements of the cap-and-trade program are described later in this chapter.) Within the capped sectors, some of the reductions will be accomplished through direct regulations such as improved building efficiency standards and vehicle efficiency measures. Whatever additional reductions are needed to bring emissions within the cap are accomplished through price incentives posed by emissions allowance prices. Together, direct regulation and price incentives assure that emissions are brought down cost-effectively to the level of the overall cap. ARB also recommends specific measures for the remainder of the economy – the ‘uncapped sectors.’” (see page 12 of the *Scoping Plan*)
- O-5b.48 The list of programs beginning on page 4.16-12 is not intended to be a tally of the percentage reduction in GHG emissions or energy use by the County. It is a list of existing County programs that act to reduce the County’s carbon footprint. Regarding how much GHG emissions are saved from reducing electricity by 686,000 kilowatt hours (kWh), a kWh results in indirect emissions of approximately 0.000399161 MT CO₂e/kWh (Climate Action Registry 2009), and thus this retrofit would reduce GHG emissions by approximately 273 MT CO₂e per year. See Master Response 10 regarding the level of specificity required in a program EIR for a general plan.

- O-5b.49 The comment asks for quantification of the current county programs listed on page 4.16-12 and 4.16-13. This presentation of these programs is intended only to describe some of the programs currently underway, not to prove that a certain reduction amount is being achieved. As noted above, the EIR makes its conclusions about the feasibility of mitigation based on the evidence in the AB 32 Scoping Plan of feasible measures overall, as well as on the reduction target and requirements in General Plan Policy OS-10.11 and the mitigation measures. Municipal reduction measures will be quantified pursuant to Mitigation Measure CC-5 within 12 months of adoption of the 2007 General Plan.
- O-5b.50 See the response to comment O-5b.45. This information is presented as background for climate change in California and is not specific to the DEIR. These numbers come from the CARB *Climate Change Scoping Plan* and are the result of CARB analyses. The reader is directed to Appendix F, "California's Greenhouse Gas Emissions Inventory," in the December 2008 *Climate Change Scoping Plan*. (Appendix F is found beginning on page 362 of Volume 1 of the Appendices -- http://www.arb.ca.gov/cc/scopingplan/document/appendices_volume1.pdf)
- O-5b.51 This comment represents the commenter's opinion of what should be emphasized in this discussion. The information is presented as background for climate change in California and is not specific to the DEIR. See the responses to comments O-5b.45 and O-5b.50 regarding the County's lack of authority and expertise to effectively rebut the findings of the Air Resources Board. Furthermore, the County will not assume that the massive State effort underway to implement its multi-pronged effort to reduce GHG emissions will be unsuccessful, as suggested by the commenter. The sentence is accurate as written and no change is necessary.
- O-5b.52 The commenter has found a minor typographical error in the document. The revised text is in Chapter 4 of this FEIR. The clear meaning of the text is unchanged by this minor correction.
- O-5b.53 See the response to comment O-5b.28. The emissions are in million metric tons of CO₂e. Table 4.16-3 has been modified accordingly in Chapter 4 of this FEIR.
- O-5b.54 No estimate of 1990 GHG emissions was prepared for the EIR, because an estimate is not necessary to adequately describe current emissions (the environmental baseline) or to estimate emissions associated with the 2007 General Plan. While AB 32 has adopted a target of reducing GHG emissions to 1990 levels by 2020, there is no legal mandate in AB 32 that any local municipality must benchmark its reduction target to 1990. To the contrary, CARB in its AB 32 Scoping Plan (CARB 2008) specifically recommended that local municipality adopt GHG reduction targets approximately 15 percent below current levels (see page 27 in the AB 32 Scoping Plan). CARB could have recommended that municipalities reduce their emissions to 1990 levels by 2020, but they explicitly did not do so in the Scoping Plan. Thus, demonstrating consistency with AB 32 (or CEQA adequacy) does not require the preparation of a 1990 GHG emissions estimate.

Finally, contrary to the commenter's assertion, creation of an accurate 1990 GHG emissions estimate is not a simple task of backcasting emissions from current levels, but rather would involve detailed collection of data for actual conditions in 1990, which can be fraught with challenges given the nature of finding accurate data for a time 20 years in

the past. The DEIR instead focuses on disclosing present/baseline and future emissions and the County is now proposing a reduction target consistent with what CARB, the state's expert agency on GHG emissions, recommends (that is, 15 percent below current levels).

- O-5b.55 The comment questions why the County proposed to use a comparison to 2020 BAU conditions as a reduction target. First, contrary to the commenter's assertions, neither AB 32 nor S-03-05 create a legally-mandated local reduction target. There are no adopted and accepted significance criteria for GHGs. The 2010 amendments to the CEQA Guidelines do not set any significance criteria. Although a number of the State's air districts are proposing significance criteria for their air basins, this does not include the MBUAPCD. Further, there is no consensus about what is a reasonable threshold. Second, as noted above, since the final AB 32 Scoping Plan was adopted subsequent to release of the DEIR, the County has decided to follow CARB's recommendation to benchmark its reduction target for 2020 to current conditions, so that comparison to 2020 BAU conditions is no longer proposed.

The commenter mistakenly combines the differing purposes and requirements of CEQA and the State's approach to reducing overall GHG emissions under AB 32, Executive Order S-3-05, and other actions.

The purpose of CEQA is to examine the potential for a proposed project to result in a substantial direct or indirect physical change in the environment, to disclose the significance of that change, and, to the extent feasible, to mitigate that change below the level of significance. The potential impacts of projects evaluated under CEQA are evaluated on the basis of the extent they are changing the environmental setting or "baseline." The baseline is normally existing conditions (CEQA Guidelines Section 15125). CEQA, in recognition of the limits on regulatory authority established under the Takings Clause of the U.S. Constitution, cannot compel mitigation for effects on the environment that are not the result of the project (CEQA Guidelines 15041). In other words, CEQA is limited in its ability to address impacts that make up the existing baseline setting. The year 1990 does not constitute existing conditions, so it is not the baseline for CEQA analysis.

Be that as it may, the problem of global climate change is serious enough that implementation of the 2007 General Plan would result in a cumulatively considerable (i.e., significant) contribution to climate change as a cumulative impact. A baseline of 1990 is not needed in order to reach that conclusion. Pursuant to CEQA, the County is responsible for applying feasible mitigation that would avoid the prospective contribution of General Plan implementation, as measured against existing conditions.

In simple terms, the purpose of AB 32 and the other GHG-related statutes, Executive Orders, and regulations is to reduce California's GHG emissions to the 1990 level in order to avoid an increase in the rate of global climate change. The year 1990 is important because it establishes the benchmark or target level of emissions that scientific consensus has identified as being sufficient to avoid increasing the rate of change. The term "business as usual" or BAU is used to define the future emissions level that would be expected to result if no other actions are taken to reduce emissions. This difference is

not a “significant effect” as defined under CEQA. Instead, it is the level of reduction necessary to meet the requirements of AB 32 and its kin.

Unlike CEQA, which applies on a project-by-project basis, the state laws and regulations on GHG emissions are not limited to addressing only changes from existing conditions. In fact, by definition, their task is to reverse the tide of change to recover the 1990 levels of emissions. Nor are they limited to “projects” as defined under CEQA (discretionary actions with the potential to result in a physical change in the environment). CARB’s *Climate Change Scoping Plan* identifies regulatory strategies that will require existing activities to be altered.

In the absence of a brightline or other threshold by which to judge the significance of the Draft General Plan under CEQA, the DEIR has followed the basic guidance laid out by the Office of Planning and Research in the revised CEQA guidelines that take effect on March 18, 2010: identify current GHG emissions, determine significance, and mitigate impacts. The County has broadly identified the current level of GHG emissions, conservatively determined that the additional development under the Draft General Plan would result in a cumulatively considerable contribution to global climate change, and identified a number of mitigation measures. Key amongst the measures is preparation of a defined Greenhouse Gas Reduction Plan within two years of approval of the General Plan.

See the changes to OS-10 and CC-1A (Chapter 5 of this FEIR) that now state that “within 24 months of adoption of the General Plan with a target to reduce emissions by 2020 to a level that is 15% less than 2005 emission levels.”

- O-5b.56 See the response to comment O-5b.55.
- O-5b.57 The comment asks why 480 MMT is chosen as the baseline level and questions again the source of 2004 state GHG emission levels and asserts that use of a current level is arbitrary. First, regarding the 2004 state GHG emission estimates, please see the response to comment O5b-9. Second, the 480 MMT (in the DEIR; now 482 MMT based on CARB’s 2009 inventory) is not chosen as the baseline level – that is CARB’s estimated state emissions for 2004. Third, the County now proposes to have a target of 15 percent below current levels consistent with the AB-32 Scoping Plan direction.
- O-5b.58 The analysis and explanation requested by the commenter is found on page 4.16-18 under the discussion of “Impact with Policies.” The methodology used for the emissions inventory is found in Appendix B of the DEIR. The mitigation measures identified under Impact CC-1 are consistent with the requirements for deferred mitigation under the CEQA Guidelines and case law. See Master Response 10, *Level of Detail for General Plan and the General Plan EIR* for a discussion of the requirements for deferred mitigation.

Table 4.16-3 does not include “all GHG restrictions,” but only includes a few of the state measures from the AB 32 Scoping Plan. Additional state measures and local measures will also contribute reductions to help meet the target. The AB 32 Scoping Plan itself is evidence of the availability of a wide variety of mitigation approaches to reduce emissions substantially by 2020 by 15 percent below current levels.

- O-5b.59 The analysis of the project's impact on global climate change through GHG emissions is intended to be consistent with AB 32. Under AB 32, CARB has established the benchmark 1990 emissions levels as the target for emissions reductions. The level of reduction necessary is determined by projecting the emissions levels that would exist in 2020 under the business as usual (BAU) scenario. CARB has identified the statewide reductions goal by subtracting the 1990 target from the BAU emissions level. Achieving this extent of emissions reduction would avoid a significant effect. BAU is used in the analysis to mirror the methodology used by CARB.

The County's reduction target is now benchmarked against current levels. As a result, the significance threshold has also been changed to be benchmarked against current levels in the FEIR (see Chapter 4 of this FEIR). Regarding the use of 1990 as a benchmark, please see the response above to Comment O5b-54.

- O-5b.60 The GHG estimates for Monterey County are estimated using more recent data than the statewide estimates. See Appendix B of the DEIR – Greenhouse Gas Emissions and Forecast Methodology. This does not create a bias against the size of reduction necessary because the overall reduction goal matches that established by CARB under the basic methodology described above.

Contrary to the commenter's assertion, creation of an accurate 2004 GHG estimate for the County requires collection of specific data for 2004. Simply backcasting to that date has the potential for inaccuracy. Preparation of a 2004 GHG estimate would also not represent a reasonable baseline under CEQA as it would be further in the past. Finally, the state's 2006 emissions inventory was not complete at the time of DEIR preparation, but has been subsequently completed, and is 480 MMT (the 2004 inventory estimate has been updated to 482 MMT). As noted previously, the state emissions estimates were not used to establish the reduction target or significance threshold.

- O-5b.61 See the responses to comments O-5b.57 and O-5b.59. The analysis relates County GHG emissions to the 28% reduction goal set out in the CARB Scoping Plan. The BAU referred to the DEIR section in question is the CARB BAU. Thus, the analysis is based on the AB 32 goal set by CARB. The data presented in Table 4.16-3 is appropriate for the analysis.
- O-5b.62 See the response to comment O-5b.54, above. The data presented in Section 4.16 and Appendix B of the DEIR are appropriate for the analysis.
- O-5b.63 The comment asks again for comparison of 2020 and 2030 emissions to 1990 emission levels. This issue was responded to in response to Comment O5b-54 above. The comment also asks for presentation in tabular form. The 2020 and 2030 emissions are presented in tabular format in Table 4.16-3. Comparison to 2006 and 2020 BAU are both provided. There is no BAU "significance standard" in the DEIR. The analysis reflects the CARB goal of an overall reduction of 28% from projected 2020 emissions levels under BAU.
- O-5b.64 The County Greenhouse Gas Reduction Plan will be enacted by the County pursuant to Policy OS-10.11, as refined by Mitigation Measure CC-1a. The phrase "will develop" is

intended to mean that the County will prepare and adopt this plan. The word “will” indicates that the County is committed to undertaking this action.

The commenter essentially truncates the content of OS-10.11 by failing to add the revisions to be required by Mitigation Measure CC-1a. Please refer to Chapter 5 of this FEIR for the full text of the policy.

The commenter presumes that the County’s Greenhouse Gas Reduction Plan will have full responsibility for reducing emissions to 1990 levels. In reality, the County will be responsible for a portion of the emissions reductions -- namely, those that are not accounted for through other measures under the Scoping Plan.

The commenter speculates that adoption of the Greenhouse Gas Reduction Plan within 2 years of adoption of the Draft General Plan will not provide sufficient time for implementation to result in achieving the necessary reductions in emissions. There is no basis for this pessimistic view. The CARB Scoping Plan implementation calls for many of the regulatory measures to take effect in 2012. Similarly, SB 375 of 2006 will result in a regional “sustainable communities strategy” for meeting GHG emissions targets for autos and light trucks. These sustainable communities strategy will be adopted by the Metropolitan Planning Agencies sometime after 2011 – in the case of the San Joaquin Valley MPOs, more likely around 2015. Yet, these are integral implementation strategies for AB 32.

O-5b.65 See the responses to comments O-5b.54 and O-5b.61, above.

O-5b.66 CO₂ sinks are not a major component of the State’s strategy to reduce GHG emissions under the AB 32 Scoping Plan. The use of carbon credits from forestry operations is contemplated in the Scoping Plan, but this is aimed at commercial forest operations. The commenter provides no substantial evidence that CO₂ sinks are a key factor in the County’s ability to meet AB 32 goals in conjunction with the State strategies under its Scoping Plan and the County’s other policies and mitigation measures.

An estimate of emissions related to the loss of carbon sink has been added to the FEIR and the future GHG emissions inventories, which has increased these estimates. Thus, the comment about whether or not this amount is “large” is moot as an estimate is now provided in the future inventories of the carbon sink loss. The rationale for County policies limiting natural land use conversion is described in Section 4.9 in the DEIR and in the Master Response 8, *Biological Resources*.

O-5b.67 See the response to comment O-5b.61. The science of global climate change is evolving. The County acknowledges this fact. However, the analysis in Chapter 4.16 represents a good faith, reasonable effort, based on substantial evidence, at analyzing the effects of the Draft General Plan at a level sufficient to allow informed decision-making.

The DEIR has presented emissions using reasonably available data to estimate present and future emissions as required by CEQA. Exhaustively detailed inventories are not necessary to provide for adequate disclosure under CEQA. As to the assertion of systemic bias, the commenter provides no evidence of such bias – the methods and assumptions for the estimates have been disclosed – and the commenter provides

nowhere in this comment any suggestion of alternative methodologies of actually estimating emissions to compare to the methods used for inventorying emissions used for this EIR.

- O-5b.68 Chapter 4.16 analyzes the Draft General Plan as a whole, based on projected growth from the environmental baseline. The baseline is not the current General Plan because that plan does not represent existing environmental conditions. A plan-to-plan comparison is an incorrect approach to impact analysis under CEQA (see *EPIC v. County of El Dorado* (1982) 131 Cal.App.3d 350 and, more recently, *Woodward Park Homeowners Assoc. v. City of Fresno* (2007) 150 Cal.App.4th 683). Further, the commenter is incorrect in asserting that lowering a roadway level of service (LOS) standard is traffic-inducing. To the contrary, lowering the standard allows higher levels of congestion and reduces the need to expand existing roadways in order to maintain free traffic flow. In any case, the road carries traffic generated by other uses and does not generate traffic itself.

The comment regarding the unacceptability of “legislation through DEIR ‘mitigation’” is the commenter’s opinion and requires no response.

- O-5b.69 The DEIR is not making any legislative changes. A number of the mitigation measures in the DEIR direct the County to adopt changes in its plan policies. In some cases, these changes will occur in policies contained in the General Plan that the County will adopt. In other cases, the policies will be contained in future County legislation. This reliance on legislated policy for mitigation is consistent with CEQA Guidelines Section 15126.4, which provides in part: “[i]n the case of a plan, policy, regulation, or other public project, mitigation measures can be incorporated into the plan, policy, regulation, or project design.”

The County is aware of the Attorney General’s concerns regarding the consideration of global climate change in general plans and the EIRs prepared for general plans. Section 4.16 of the DEIR meets all of the CEQA requirements for Climate Change analysis. The proposed mitigation is intended to reasonably reflect those concerns, as applicable to Monterey County.

- O-5b.70 See Master Response 10, *Level of Detail for the General Plan and the General Plan EIR*. The mitigation measures CC-1a, CC-2, CC-3, CC-4, CC-11, CC-12, and CC-13 are commitments on the part of the County to adopt plans for reducing the County’s greenhouse gas emissions (CC-1a – Greenhouse Gas Reduction Plan, CC-5 – greenhouse gas reduction plan for County operations, and CC-13 – Climate Change Preparedness Plan), adopting policies that will guide decisions in the direction of reducing GHG emissions (CC-3 – policy requiring adoption of an alternative energy promotion ordinance and CC-4 – policy promoting increased recycling and waste reduction), and adopting a green building ordinance that will reduce the GHG emissions of new buildings (CC-2). In addition, measures CC-11 and CC-12 set the stage for future GHG reduction planning after the 2030 horizon. In each case, the County has committed to the mitigation by identifying the action in its FEIR for the Draft General Plan and requiring specific actions to adopt those policies and plans. In addition, the mitigation measures include performance standards that describe what the policy or plan or ordinance will require. This meets the requirements for properly deferred mitigation measures.

The proposed 2007 General Plan is a policy document. It generally describes the type, intensity, and location of development that may occur within the County, and provides policies that will guide the design and provide basic standards for that development. The General Plan itself is not a regulatory act. Accordingly, actions that require regulatory power must rely on County ordinances. Under Measures CC-2 and CC-3, the General Plan's goals and policies will be realized through regulatory ordinances.

- O-5b.71 The specific effects of global climate change on Monterey County are unknown at this time. Contrary to the commenter's contention, the DEIR does take seriously the issue of climate change adaptation. See pages 4-16.39 to 4-16.42. However, without more specific information, adaptation proposals would be purely speculative. Mitigation measures CC-11 and CC-12 commit the County to re-examine the effects and responses to climate change as the 2030 planning horizon approaches. In addition, CC-13 requires preparation and implementation of a Climate Change Preparedness Plan within five years of adoption of the General Plan that will then be updated every five years. The minimum contents of the Climate Change Preparedness Plan are set out in CC-13. This continuous planning effort will allow adaptation to evolve as more information becomes available.

Downscaled climate models have not been developed to assess potential changes to flooding or drought in Monterey County and thus it is actually premature to know what, if any, changes might be necessary to General Plan policies to address flooding or water supply concerns at this time. While the commenter might desire that all this study be completed as part of the General Plan, it is appropriate to phase the preparation of the Preparedness Plan over the next 5 years so that the planning can take advantage of the development of new methodologies to analyze adaptation issues on a local scale.

- O-5b.72 The commenter misconstrues the conclusion being made at page 4.16-29. The DEIR discloses here the potential impact of the Draft General Plan absent the application of mitigation measures that would reduce that impact. The conclusion is that the project will make a considerable contribution to GHG emissions (keep in mind that in terms of cumulative GHG impacts under CEQA, the term "considerable" can be applied to what are very small emissions in the context of the global problem). The overall conclusion, after mitigation, is found on page 4.16-33 under the title "Significance Conclusion." Here, the DEIR concludes that with the mitigation measures (see the response to comment O-5b.70 for a discussion of these measures), the Draft General Plan's contribution will be less than considerable.

The commenter is of the opinion that the GHG reduction plan "could not do what is asserted." The County's commitment to the Greenhouse Gas Reduction Plan and related planning efforts described in the DEIR is similar to the commitment undertaken by the State in its efforts to reduce GHG emissions to 1990 levels by 2020. There is no evidence to support the contention that either the County's or the State's efforts will be unsuccessful, as suggested by the commenter. Please also refer to O-5b.64 above.

- O-5b.73 The phrase that appears on page 4.16-19, but not at 4.16-33, is not there because it relates to the pre-mitigation conditions, as explained in response to comment O-5b.72. See the responses to comments O-5b.51, O-5b.64, O-5b.70, and O-5b.72 in rebuttal of the commenter's claim that the significance conclusion is "entirely conjectural."

O-5b.74 The commenter's assertions are unfounded and confusing. First, there is no "California criteria" for 2050 emissions established in statute. As previously explained, the targets of S-03-05 are not legally binding on local municipalities or private parties. Second, the DEIR does not conclude that GHG emissions at buildout would be mitigated to a less than significant level through the GHG Reduction Plan. The EIR reference to this is on page 4.16-29 (not page 4.16-42 as stated in the comment) and concerns impacts relative to 2030, not to buildout. In actuality, the DEIR concludes on page 4.16-37 that GHG emissions at buildout in 2092, prior to mitigation, are significant and concludes on page 4.16-38 that GHG emissions at buildout, even with mitigation, are significant and unavoidable.

The comment also asserts that the only requirements of the GHG Reduction Plan are to establish GHG inventories. This is incorrect. Policy OS-10.11, at the time of the DEIR required development of a plan to reduce GHG emissions by 2020 to the 1990 level. Mitigation Measure CC-1a in the DEIR proposed to include specific requirements for inventories, reduction plans, monitoring, reporting, schedule of action, funding identification, and identification of a 2030 reduction target.

See also the responses to comments O-5b.50, O-5b.51, O-5b.59 through O-5b.61, O-5b.63, O-5b.64, O-5b.67, O-5b.68, O-5b.70, and O-5b.72.

O-5b.75 See the responses to comments O-5b.50, O-5b.51, O-5b.59 through O-5b.61, O-5b.63, O-5b.64, O-5b.67, O-5b.68, O-5b.70, and O-5b.72. See also Master Response 10, *Level of Detail for the General Plan and the General Plan EIR*. The claims that the analysis is "strictly conjecture" and "utterly lacks substantive evidence," as well as similar claims are the opinions of the commenter. The commenter provides no substantial evidence to support such opinions.

O-5b.76 The commenter expresses their opinion regarding what is an appropriate response to a public comment on the DEIR. The County is making a good faith effort at providing reasoned responses, based on substantial evidence, to all comments that related to substantive environmental issues.

O-5b.77 The commenter criticizes the County's Plan for addressing GHG emissions reductions and asks "why a positive program of action, acceptable under CEQA, was not recommended, and further study and delay were advocated, when the DEIR already contains significant evidence and data. See Master Response 10, *Level of Detail for the General Plan and the General Plan EIR* and the response to comment O-5b.14. The proposed mitigation meets regulatory requirements for deferred mitigation. As lead agency, the County is authorized to determine how it will mitigate impacts, and the reasonable timetable for mitigation, within the limits of those regulations.

The proposed Plans described above in the responses to comments O-5b.70 and O-5b.71 are feasible and fully implementable under County regulatory authority. However, the County and its staff are currently concentrating on completion of the General Plan Update. Drafting and completion of the specialized GHG reduction plans described in responses to comments O-5b.70 and O-5b.71 concurrent with this effort is not practical due to the demands of data analysis, specific policy drafting, and CEQA analysis, as well as the demands of the public review process. As evidenced by the timeframe for the

ARB Climate Change Scoping Plan (most regulations are to take effect in 2012) and the SB 375 sustainable communities strategies, there is no evidence that taking two years to develop and adopt these County plans would jeopardize the ability to meet AB 32 goals. The County is participating in the “Regional Blueprint” process with AMBAG. That process is focused on collaborative strategies among the counties and cities in the tri-county region for reducing vehicle miles traveled. The intent is to present scenarios for public input. Subsequently, the results of the blue print process will inform the preparation of SB375 Plans.

The commenter draws a distinction between “appropriate Plan provisions” and “agency directives (supplementary to the Plan).” This is a false distinction. Policies of the County General Plan are directives to its agencies. Pursuant to California Planning and Zoning Law (Gov. Code Section 65000, et seq.), the General Plan guides land use (through zoning, subdivision, grading, and other ordinances) and capital improvement decisions. As the GHG Plans are completed and enacted by the County, they will undoubtedly further specify the roles of County agencies in implementation.

- O-5b.78 The commenter expresses their opinion regarding the significance determination: contending that the conclusion should be that impacts will be “considerable and unavoidable.” This has been answered throughout the previous 77 responses under O-5b. No changes to the DEIR are required.

The commenter notes that there is no section in the General Plan on climate change. There is no requirement under California Planning and Zoning Law for a climate change element. Pursuant to Government Code Section 65301(c), the County is given broad authority to “address each of the elements specified in Section 65302 to the extent that the subject of the element exists in the planning area. The degree of specificity and level of detail of the discussion of each element shall reflect local conditions and circumstances.” For the time being, the County has chosen not to include a discrete climate change element in its General Plan.

The County agrees that climate change is an important environmental issue and has accordingly committed to undertaking substantial planning and regulatory efforts to reduce GHG emissions, in accord with State goals under AB 32.

- O-5b.79 This number erroneously was not assigned to a comment.
- O-5b.80 Comment refers to the detailed comments following this introductory statement. Comment noted. Detailed responses have been provided below as requested.
- O-5b.81 Comment states that commenter agrees with the findings of significant and unavoidable impacts in impacts TRAN-1B, E; TRAN-2B, E; TRAN-3B, E; and TRAN-4B, E. Comment noted.
- O-5b.82 Comment states that DEIR underestimates impacts because it does not disclose the “degree” of impact. The degree of impact is determined by the measure of effectiveness used to evaluate level of service. In the General Plan DEIR (except for Carmel Valley Road) the measure of effectiveness is the volume to capacity ratio of roadway segments. Appendix C of the DEIR contains detailed tables showing the volume to capacity ratio as

well as the associated level of service. The degree of impact is disclosed by comparing the projected ratio to the existing ratio. From a policy perspective, it is not necessary to evaluate the degree of impact, only to disclose that there is an impact.

- O-5b.83 Commenter requests why an intersection LOS analysis was not conducted. For broad policy-level analysis intersection level of analysis is not required by CEQA. County practice requires evaluation of peak hour intersection operations and level of service at the project-level of analysis. Environmental assessment of long-range plans, such as the General Plan, is typically analyzed at the level of roadway segments using average daily volume to roadway capacity ratios as a performance measure. Analysis of individual intersections would require precise locations of projected land uses in order to accurately estimate individual turning movements at intersections. The growth in land use allowed under the General Plan is projected at the Traffic Analysis Zone (TAZ) level. This level of land use projection is an appropriate level of detail for long range planning and analysis of policies.
- O-5b.84 The comment refers to “project-specific” impacts and disagrees with the finding of less than significant. The comment suggests that a “caveat” be placed on the finding. Please refer to response to comments O-11g.36 and O-11g.38. The comment asserts, without substantiation, that conditions should be placed on this finding to assure that County development review conforms to the subjective standards proposed by the commenter. Conditioning this finding with such a “caveat” is neither necessary nor appropriate.
- O-5b.85 The comment asks for confirmation that traffic growth arises from AMBAG growth forecasts, refers to “project-specific” impacts and disagrees with the finding of less than significant. As stated in the DEIR Section 4.6.3.2 Analysis Scenarios (pages 4.6-20-28), AMBAG growth projections were used. Please refer to response to comments O-11g.36 and O-11g.38.
- ~~O-5b.86~~
O-5b.88 Comment states that DEIR underestimates impacts because it does not disclose the “degree” of impact. Commenter is referred to response to comment O-5b-82. Further, the performance of roadways is measured on an individual segment basis, not network-wide as suggested in the comment. Level of service (LOS), as defined in Policy C-1.1 of the General Plan requires measurement on individual roadways. Therefore the EIR is not required, nor is it of any particular benefit, to discuss a “collective” rating of the roadway network.
- O-5b.89 Comments states that the current LOS standard is LOS “C” and asks why the General Plan DEIR does not evaluate the change in impact from LOS C to LOS D. Contrary to the commenter’s statement, the 1982 General Plan does not establish a level of service standard. The comment references Page 130 of the 1982 General Plan which states: “The Monterey County Transportation Commission [now known as TAMC] objective for optimum driving conditions is LOS “C” or better.” This was the regional “objective,” but not a standard. Policy 37.2.1 of the 1982 General Plan states: “Transportation demands of proposed development shall not exceed an acceptable level of service for existing transportation facilities, unless appropriate increases in capacities are provided for.” This policy does not define “acceptable”, establish a standard or even establish a level of service goal. The County’s practice over the past decades has been to mitigate

transportation facilities that are projected to operate at LOS E or F during the peak hours. Because there is no current level of service standard, it was not appropriate to compare the current General Plan policies against a policy that does not exist.

- O-5b.90 The comment states that the DEIR should address the environmental impacts of mitigations, and asks why the DEIR does not address the change in standard from LOS C to D. Regarding evaluation of the change in standard, refer to the response to comment O-5b-89 above. The DEIR does not evaluate the environmental impacts of potential mitigation measures because specific mitigation measures for individual project-specific impacts or regional capital improvements were not identified in this broad policy-level analysis. The environmental impacts of these measures would be evaluated in project-level CEQA analysis. Further, the DEIR acknowledges on Page 4.6-69 that the impacts of the General Plan and their potential mitigation measures may be infeasible or have environmental impacts, and thus finds the impacts significant and unavoidable.
- O-5b.91 The comment states that the No-Project analysis in the DEIR did not evaluate the effect of the 1982 standard of LOS C. Further the comments points out an error in referencing a table on Page 5-11 of the DEIR. Regarding evaluation of the change in standard, refer to the response to comment O-5b-89 above. The No-Project alternative was evaluated qualitatively. The findings of the evaluation are based on the criteria that: (1) the 1982 General Plan would generate about the same amount of traffic as the 2007 General Plan based on the land use comparison in Table 5-1 (correcting the reference to Table 4.6-24); (2) the absence of a fee or mechanism from the 1982 General Plan expected to result in a greater amount of unmitigated deficient roadways than the 2007 General Plan and the absence of the regional mitigation measures; and (3) the sprawl potential of the 1982 General Plan would lead to the conclusion that the potential adverse impacts on transportation from the 1982 General Plan would be greater than those of the 2007 General Plan.
- O-5b.92 Please refer to Response to Comment O-5b.91 above.
- O-5b.93 Commenter refers to differences in LOS standards between Carmel Valley and other areas of Monterey County, and ambiguity in the measurement of LOS between these areas. The commenter is referred to Master Response 5, *Carmel Valley Traffic*. As noted in Master Response 5, ADT is not used for design level and project level analyses of specific roadway conditions, nor is it used to determine the level of mitigation needed to maintain level of service. Instead, peak hour analysis (the highest level of traffic volume in the periods of 7:00 a.m. to 9:00 a.m. and between 4:00 p.m. and 6:00 p.m.) is universally used. Transportation facilities in the CVTIP study area use peak hour analysis methods conforming to the Highway Capacity Manual (Transportation Research Board, 2000).
- O-5b.94 The comment requests a table correlating measures of effectiveness and LOS letter grades (i.e., LOS A through LOS E). Roadway capacities corresponding to letter grades of LOS used in the calculation of volume to capacity ratios for the General Plan analysis are shown in Table 3-2 below. Table 3-3 below presents the level of service criteria used for Carmel Valley Road segments, based on peak hour “percent time spent following” (PTSF – measure of congestion) and vehicle density.

As stated in General Plan Policy C-1.1, Area Plans may establish an acceptable level of service for County roads other than LOS D. The benefits that justify less than LOS D shall be identified in the Area Plan. Where an Area Plan does not establish a separate LOS, the standard LOS D shall apply. The Carmel Valley Master Plan and the associated CVTIP have established different LOS standards and the methodology for measuring level of service. The General Plan is consistent with these policies.

Table 3-2. Relationship Between Level of Service Grades and Average Daily Capacities Used in the Calculation of Volume to Capacity Ratios

LOS Grade	2-Lane Uninter Flow Highway	3-Lane Uninter Flow Highway	4-Lane Uninter Flow Highway	6-Lane Uninter Flow Highway	2-Lane Class I Two-Way State Arterial	3-Lane Class I Two-Way State Arterial	4-Lane Class I Two-Way State Arterial	6-Lane Class I Two-Way State Arterial
A	2100	10350	18600	27900	N/A	3450	4600	6900
B	6900	18550	30200	45200	4000	15950	27900	42800
C	12900	28250	43600	65500	13100	22950	32800	49300
D	18200	37350	56500	84700	15500	24850	34200	51400
E	24900	44550	64200	96200	16300	25250	34200	51400

LOS Grade	2-Lane Class II Two-Way State Arterial	4-Lane Class II Two-Way State Arterial	6-Lane Class II Two-Way State Arterial	2-Lane Class III Two-Way State Arterial	4-Lane Class III Two-Way State Arterial	6-Lane Class III Two-Way State Arterial	2-Lane Major Roadway	2-Lane One-Way Major Roadway
A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
B	N/A	3700	6000	N/A	N/A	N/A	N/A	N/A
C	10500	24400	38000	5000	11700	18400	7000	9840
D	14500	30600	46100	11800	27200	42100	13600	17580
E	15300	32200	48400	14600	30800	46300	14600	18540

LOS Grade	4-Lane Major Roadway	5-Lane Major Roadway	6-Lane Major Roadway	2-Lane Other Roadway	3-Lane Other Roadway	4-Lane Other Roadway	2-Lane Major Roadway (Undiv)	2-Lane Other Roadway (Undiv)
A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
B	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
C	16400	21050	25700	4400	7350	10300	5600	3520
D	29300	36700	44100	9400	14800	20200	10880	7520
E	30900	38650	46400	12000	18000	24000	11680	9600

LOS Grade	3-Lane Major Roadway	4-Lane Freeway	6-Lane Freeway
A	N/A	23500	36400
B	N/A	38700	59800
C	11700	52500	81100
D	21450	62200	96000
E	22750	69100	106700

Source: Adapted from the Highway Capacity Manual (Transportation Research Board) and the FDOT Quality of Service Handbook.

N/A = level of service not achievable for interrupted flow facilities.

Table 3-3. Two-Lane and Multi-Lane Highway LOS Criteria Used in the CVTIP

LOS Grade	Two-Lane ¹	Multi-Lane ²
	Percent Time-Spent Following (PTSF)	Density (pc/mi/ln)
A	<= 40	<= 11
B	> 40 to 55	> 11 to 18
C	> 55 to 70	> 18 to 26
D	> 70 to 85	> 26 to 35
E	> 85	> 35 to 41
F	See note 3	> 41

¹ Highway Capacity Manual, Transportation Research Board, 2000, Exhibit 20-4, Class II Facility.

² Highway Capacity Manual, Transportation Research Board, 2000, Exhibit 21-2 – Facility with FFS of 55 mph.

³ LOS F applies whenever the flow rate exceeds the roadway segment capacity.

O-5b.95 The commenter asks for greater detail about the methodology used for the traffic analysis. The LOS methodology represents a broad range of facility types from freeways to signalized arterial streets. The roadway service volumes and capacities shown in Table 3-2 above are based on the Highway Capacity Manual methodologies for deriving LOS that are fundamentally different depending on the type of roadway. For example, the capacities and LOS for freeways and multi-lane highways are based on density (passenger cars/lane/mile), two lane highways are based on percent time spent following, and arterials are based on average travel time. Furthermore, each roadway classification is dependent on additional variables such as number of travel lanes and number of traffic signals per mile. Therefore, for different facility types and classifications, the capacity threshold will vary. These variations are described in the 2000 Highway Capacity Manual, which is referenced in the EIR.

O-5b.96 Commenter requests an explanation of the range of volume to capacity ratios for a given LOS grade.

Please refer to the response to comment O-5b.95 for a discussion in the variability of service volume and capacity values and associated volume to capacity ratios. The variability in letter grade service levels is due to different facility types and classifications of the roadway study segments. For example, State Route (SR) 68 from Spreckels Boulevard to East Blanco Road is classified as a 4-Lane Class I Two-Way State Arterial. Under existing conditions, this segment of road accommodates 27,500 average daily vehicles. According to the service volume threshold (27,900) shown in Table 3-2 above for this classification of roadway, it operates at LOS B. If compared to the capacity of the roadway (34,200) it has a volume to capacity ratio of 0.81. The service thresholds and capacity of this type of facility is based on average travel speed per the Highway Capacity Manual. This example is compared to another roadway operating at LOS B, but of a different facility type. State Route 1 from Spindrift Road to Mal Paso Road is a 2-Lane Uninterrupted Flow Highway accommodating 6,100 daily vehicles. According to Table 3-2 this type of facility, whose performance is measured in terms of percent time spent following, operates at LOS B with a volume to capacity ratio of 0.245.

- O-5b.97 Commenter requests a detailed countywide summary of impacts to emergency access and identify where these impacts would occur.

The analysis of impacts on emergency services is based on the generalized average daily traffic volumes and associated volume to capacity ratios. This level of analysis can only predict that there is a potential for a significant impact. Therefore, where there are roadway facilities operating at below the LOS D standard, the EIR states that there is a significant and unavoidable impact. The actual impact of emergency service response time is far too complicated to be included in a programmatic assessment. Actual emergency response time is based on peak hour levels of congestion, queue lengths at intersections and roadway characteristics that would impede vehicles pulling to the right for emergency vehicles such as long medians and lack of shoulders. The evaluation of emergency response time by emergency service area and individual facility segment is not possible, nor would it be accurate, in a countywide programmatic level of assessment. The commenter is referred to Master Response 10, *Level of Detail for the General Plan and the General Plan EIR*.

- O-5b.98 The commenter requests that for each mitigation measure, the DEIR should include a quantitative analysis of the measure's efficacy. The mitigation measures work in concert with one another, the proposed policies of the General Plan, County regulations, and other agencies' regulations and requirements. A quantitative analysis of measures' efficacy is neither required by CEQA, nor practical to prepare. The commenter is referred to Master Response 10, which discusses what is required in a programmatic EIR and mitigation measures for a programmatic EIR. The DEIR indicates that General Plan policies collectively with mitigation measures are intended to address impacts. The commenter is also referred to the response to comment O-11g.23 for additional discussion of the application of mitigation measures.

With respect to the comment regarding the mitigation measures proposed on page 4.6-71 of the DEIR, the commenter is referred to Master Response 5, *Carmel Valley Traffic Issues*, which discusses the fact that for one segment in Carmel Valley, the LOS standard has actually been raised from what is the current standard and in one segment (the Village) it has been lowered, in order not to impact the rural character of the Village and its environs.

- O-5b.99 Please refer to the response to comment O5b.98.
- O-5b.100 Please refer to the response to comment O5b.98.
- O-5b.101 The commenter purports that EIR's statement that the CVMP policies establish LOS standards based on peak hour is factually false and refers to CVMP Policy 39.3.2.1 where ADT is specifically indicated. The Commenter is referred to Master Response 5, *Carmel Valley Traffic Issues*, for a discussion of this point.
- O-5b.102 The comment refers to the difference in analytical methods and asks for an explanation of why numerous road segments on Carmel Valley Road were omitted from Tables A-C, but included in Tables D&E. of Appendix C and the rest of the County. The commenter is referred to Master Response 5, *Carmel Valley Traffic Issues*. The data is not missing in Tables A-C. Since peak hour data was available, and provides a more accurate analysis it

was used for the Existing, Existing plus 2030, and 2030 Cumulative Scenarios. This data was provided in Appendix F, CVMP Traffic Study, of the CVTIP DSEIR. Peak Hour Data was not available for the Existing plus Project Buildout and Buildout Cumulative scenarios so volume to capacity data was provided in the Tables E&F. See also response O-5b-117.

O-5b.103 The comment refers to the difference in analytical methods between Carmel Valley and the rest of the County. The commenter is referred to Master Response 5, *Carmel Valley Traffic Issues*. The commenter does not provide evidence, nor cite authoritative sources, to validate their statement that “most segments on Carmel Valley Road currently operate at much lower LOS than the DEIR asserts.” The existing LOS presented in Table 4.6-5 is from a current study of SR-1 (Kimley-Horn and Associates, 2009) and the traffic study prepared for the CVTIP (DKS Associates, 2007). The commenter does not present any evidence that these analyses are inaccurate. Please refer to response to comment O-5b.101 for justification of the alternative standards applied to Carmel Valley Road.

O-5b.104 The comment states that the DEIR should analyze Carmel Valley Road using the same methodology as the rest of the County. The comment refers to the level of detail of the SR1 analysis and asks the County to cite sources of information related to the Carmel Valley analysis. The Commenter is referred to Master Response 5, *Carmel Valley Traffic Issues*. The primary source of information for the analysis of Carmel Valley Road was the traffic study prepared for the CVTIP (DKS Associates, 2007), the Carmel Valley Traffic Improvement Program Draft Subsequent EIR (Jones & Stokes Associates, 2007), and the SR1 Traffic Analysis (Kimley-Horn and Associates, 2009).

O-5b.105 The comment requests further detail as to the impacts of the lack of funding for transportation improvements. Transportation funding shortfalls are a universal problem recognized by every political jurisdiction in the nation. The County and TAMC recognize this challenge and have proposed/ initiated a number of mechanisms to address it. The County Traffic Impact Fee (CIFP) proposed in Policies C-1.2 and 1.8 is one such mechanism which would allow development to pay its fair share of transportation costs. The TAMC RDIF (Policy C-1.11) is already providing a significant boost in availability of local match funding. Several municipalities have similar programs in place. Commenter is referred to Master Response 6 which includes a discussion of the applicability of traffic mitigation fees.

O-5b.106 The comment refers to the structure and organization of the transportation impact section and request that the organization be revised.

The Project Impacts section of Chapter 4.6 was organized in a logical and consistent manner for each scenario addressed. The organization allows the reader to expect the same format for each scenario. The difficulty the commenter allegedly experienced in navigating the organization of the report does not justify recirculation of the EIR. Please refer to Master Response 12 which discusses the requirements for recirculation. Commenter is also referred to the response to comment O-11g.66.

O-5b.107 The comment opines that the DEIR does not meet CEQA requirements. The commenter does not provide evidence, as purported in the comment, that the environmental impacts of the 2007 General Plan are more adverse, or more damaging, than the conclusions of

the DEIR. In fact, the DEIR concludes that, except for Tier 1 project-specific on-site and off-site access to development, all Tier 2 and 3 LOS-related impacts are significant and unavoidable. Further, the commenter fails to provide evidence that the transportation analysis does not meet CEQA requirements for adequacy, accuracy, objectivity, and sufficiency of quantitative analysis.

O-5b.108 The Comment alleges that exclusion of intersection effects on circulation renders the DEIR defective and inadequate. The transportation analysis in the 2007 General Plan is a policy and programmatic level of analysis addressing potential impacts over a broad geographic area on the facilities that comprise the primary transportation network, major roadways. Intersections are studied at the “operations” level of analysis, usually conducted as part of preliminary engineering. As such it is appropriate to use a broad planning tool for the analysis of level of service to determine potential impacts of future development. Generalized planning is a broad type of planning application such as statewide, countywide and regional analyses, initial problem identification, and future year analyses. Generalized planning is applicable when the desire is for a quick, “in the ball park” simplified, general assessment estimate of LOS, and makes extensive use of default values. The generalized service volumes and capacities used in the 2007 General Plan analysis are nationally recognized as the major analysis tool in conducting this type of planning analysis. The developers of the service volumes and capacities used in the 2007 General Plan analysis identify the following specific applications of the method:

- Generalized general or comprehensive plan amendment analyses;
- Statewide highway system deficiencies and needs;
- Statewide mobility performance measure reporting;
- Area wide (e.g., MPO boundaries) baseline capacity and service volume values for travel demand forecasting;
- Area wide impact areas for major developments;
- Future year analyses (e.g., 20 year planning horizon);
- Threshold evaluations for roadway concurrency management programs

The methodology used in the 2007 General Plan is based on the Highway Capacity Manual methodologies, and performance measures, for each facility type and converted to maximum service volumes and capacities used to determine LOS based on the level of service criteria for facility type as defined in the Highway Capacity Manual. The primary difference between this methodology and the more detailed operations level of analysis is that the planning method uses default values representing average roadway and intersection conditions while the operations method uses actual roadway characteristics. When applied over as broad an area as the entire County, the planning method is both appropriate and practical. Commenter is also referred to Master Response 10 for a discussion of the requirements for a programmatic analysis.

O-5b.109 The commenter requests a full quantitative description of the LOS criteria and categories for each letter grade of LOS.

Please refer to response to comment O-5b.94, specifically Tables 1 and 2 which provide the LOS criteria (in terms of maximum service volumes and capacities) used for

Monterey County and regional roadways and peak hour LOS criteria (in terms of PTSF and vehicle density) used for Carmel Valley Road.

- O-5b.110 The comment refers to the lack of comparison between the 1982 General Plan level of service policy and the 2007 General Plan level of service policy. Refer to response to comment O-5b-89.
- O-5b.111 Commenter refers to discrepancies between the measures of effectiveness used for Carmel Valley and those used for by Public Works in assembling the Annual CVR Traffic Report Monterey County. The commenter is referred to Master Response 5, *Carmel Valley Traffic Issues*. The Commenter fails to recognize that the capacity numbers cited in the DEIR are based solely on the roadway lane configuration while the “threshold” numbers consider the transition boundary to the next lower LOS based on prevailing traffic in 1986 when these values were established.
- O-5b.112 Comments refers to how and why the Annual CVR Traffic Report, CVMP Traffic Study, and CVTIP traffic analysis were integrated into the DEIR. The Commenter is referred to Master Response 5, *Carmel Valley Traffic Issues*, for a detailed explanation.
- O-5b.113 Commenter requests explanation of data used in the analysis of Carmel Valley Road and SR1. Commenter is referred to Master Response 5, *Carmel Valley Traffic Issues*, for a detailed explanation.

Further, the CVTIP and SR1 traffic analyses are incorporated by reference into the DEIR. These documents contain the data supporting the LOS reported in the DEIR. Also, there is no SR1 segment noted in Table 4.6.21, so it is unclear what discrepancy the comment is referencing.

- O-5b.114 The comment refers to a discrepancy in the LOS reported between the segment of northbound SR-1 and westbound Carmel Valley Road.

Existing traffic on westbound Carmel Valley Road in Table 4.6-5 is analyzed under peak hour conditions as a four-lane roadway resulting in a LOS A and B based on the HCM measure of density.

Existing traffic on SR1 (north of Carmel Valley Road) in Table 4.6-22 is analyzed under average daily conditions for a two-directional segment with one lane southbound and two lanes northbound. This segment was analyzed as a 3-Lane Class I Two-Way State Arterial using the volume to capacity ratio measure. The two methodologies, as well as the two different roadway configurations, (peak hour density on a four-lane Carmel Valley Road and average daily V/C ratio on a three-lane SR1) are expected to produce different results. As stated several times, the daily volume to capacity ratio methodology produces highly conservative LOS results and was used in Table 4.6-22 in order to provide a comparable V/C ratio with the other roadways and scenarios included in Table 4.6-22.

- O-5b.115 The comment requests an explanation of why GPU5 would not cause “significant and unavoidable impacts on numerous Carmel Valley Road segments. Impacts TRAN-1

through TRAN-4B all acknowledge that significant and unavoidable impacts will occur. Commenter is referred to Master Response 5, *Carmel Valley Traffic Issues*.

- O-5b.116 The comment refers to the organization of the transportation section of the DEIR and specifically to how Carmel Valley information is presented.

The section is organized in the following manner:

County and Regional Roadway Level of Service Impacts (2030 Cumulative plus Project)

Impact of Development on County Roads Policies

Impact of Development on Carmel Valley Area Plan

Impact of Development on Regional Roads (this heading is missing and is added in Chapter 4 of this FEIR)

Impact of Development on Facilities External to Monterey County (this heading is missing and is added in Chapter 4 of this FEIR)

Impact of Goods Movement on Roadway Level of Service

Significance Determination

Mitigation Measures

Mitigation to County and Regional Roads

Mitigation to Carmel Valley Area Plan

Significance Conclusion

- O-5b.117 The commenter uses ADT volume to capacity ratio criteria to determine existing level of service on Carmel Valley Road, and requests an explanation of the discrepancies between the ADT method and the peak hour method. Commenter is again referred to Master Response 5, *Carmel Valley Traffic Issues*.

The average daily traffic (ADT) methodology (presented in Table 3-2 above) is a generalized planning-level method of estimating potential impacts. The service volumes (capacities) presented in Table 3-2 are generalized approximations that represent, in a single number, the multiple conditions that exist on Monterey County's roadway system. While this method is appropriate for broad policy-level analyses such as the General Plan, it is not as accurate as using the peak hour methods in the 2000 Highway Capacity Manual. The difference in accuracy is stated in the DEIR on Page 4.6-61: "At the project-specific or small planning area level of analysis, a peak hour operational analysis should be used to overcome the inaccuracies and impact over-estimation characteristic of daily V/C Ratio analysis." The potential for over-estimation of impacts is high for the ADT methodology, but is also considered conservative for CEQA purposes.

However, when peak hour operational analysis is available, it should be used in lieu of generalized daily analyses. In the case of Carmel Valley Road, peak hour analysis was used to evaluate level of service in the DEIR for the Cumulative 2030 Plus project Scenario. For the Cumulative Buildout Plus Project scenario, a peak hour Highway Capacity Manual analysis was not available and the ADT volume to capacity analysis was used (see Table 4.6-24). In this scenario, all Carmel Valley Road segments were found to operate at LOS F and were identified as significant and unavoidable impacts.

- O-5b.118 The commenter requests an explanation of the differences between using of the ADT and peak hour HCM methodologies. Commenter is referred to the response to comment O-5b-117 and Master Response 5, *Carmel Valley Traffic Issues*.
- O-5b.119 Commenter identifies an incorrect reference to a table. The commenter is correct in that the DEIR (Page 4.6-62, last paragraph) contains an incorrect reference to Table 4.6-16, which should have referred to Table 4.6-17. The reference has been corrected in the FEIR. Please see Chapter 4 of this FEIR.
- O-5b.120 The comment refers to the DEIR's finding that three segments of County Road G20 (Laureles Grade) are significantly impacted yet not discussed in the DEIR. Further, it states that the mitigation measures for Laureles Grade in the CVTIP DSEIR do not mitigate the impacts.

The General Plan DEIR includes a peak hour analysis of ten segments of Carmel Valley Road and three segments of SR-1. Laureles Grade Road, as a roadway segment, was not studied in the CVMP Traffic Study (July 2007), only the intersection of Laureles Grade Road and Carmel Valley Road. Therefore the General Plan DEIR analysis analyzes this County road using the same methodology as the other County roads evaluated in the DEIR (ADT volume to capacity ratio). This roadway was found to be significantly impacted based on the roadway segment analysis and was reported as such on Page 4.6-62 and on Page 4.6-68 with the conclusion "Despite development contributions to county impacts (through countywide traffic impact fee), and regional impacts (through regional traffic impact fee) there will remain a funding shortfall for the improvement of County and Regional roads to achieve the County's LOS standard. Therefore this impact remains significant and unavoidable." The previous paragraph on Page 4.6-68 states: " Within the CVMP, three segments of Carmel Valley Road are projected to exceed LOS standards, but mitigation measures are proposed in the CVMP Traffic study to improve these impacts to less than significant." This statement refers to segments 5, 6, and 7 of Carmel Valley Road, not Laureles Grade Road. Since the CVMP Traffic Study is included as Appendix F of the DSEIR, either reference is appropriate. The DEIR did not use or reference the CVTIP DSEIR because it was released in April of 2009, after the DEIR was published.

- O-5b.121 The comment compares a discrepancy on Carmel Valley Road segment LOS between Tables 4.6-18 and 4.6-21 in the DEIR and requests an explanation. It also raises a correlation issue with data from County Annual Reports. Table 4.6-18 presents the peak hour HCM analysis of Carmel Valley Road in the 2030 Cumulative Plus Project Scenario.

Table 4.6-21 compares LOS for existing and Existing Plus Project Buildout using the daily volume to capacity ratio method. This daily method was used in the Existing plus Project Buildout scenario because a detailed peak hour analysis was not available for this planning horizon. While the analytical methods varied between the scenarios, the LOS standards did not vary, as the comment asserts. Since Table 4.6-21 compares existing to buildout, and to compare consistent measures of effectiveness, Carmel Valley Road's existing conditions were evaluated using the daily method. This method is less accurate than the peak hour methodology, but peak hour data was not available for this long range planning horizon.

To clarify the issue, here are the characteristics of the modeling approaches used for each of Tables 4.6-5, 4.6-18, and 4.6-21 of the DEIR. DEIR Table 4.6-5 presents the existing (2008) traffic conditions from the CVTIP modeling effort using peak hour analysis. These are considered the most accurate representation of current traffic conditions. DEIR Table 4.6-18 presents the forecasted 2030 traffic conditions from the CVTIP modeling effort using peak hour analysis for the 2030 plus project conditions. DEIR Table 4.6-21, however, uses a different approach. It presents the 2007 General Plan traffic model results for existing and existing plus project buildout conditions using the AADT approach. This daily method was used in the existing plus project buildout scenario because a detailed peak hour analysis was not available for this planning horizon. The AADT approach is less accurate than the peak hour methodology, but is suitable for a longer-term, program level of detail analysis. While the analytical methods varied between the scenarios, the LOS standards did not vary.

The LOS for the existing project conditions using the AADT approach are far worse than the LOS for the existing project conditions using the peak hour approach because the AADT approach does not take into account peak hour actual traffic conditions in Carmel Valley and thus represents an overly conservative and pessimistic characterization of actual traffic conditions.

The results in Table 4.6-21 for the existing plus project conditions are for the full buildout of the 2007 General Plan, which is far greater than the amount of development that would occur by the 2030 horizon. Thus, these results cannot be compared to the results in Table 4.6-18, which covers a far less amount of development, and which also uses the different peak hour methodology. The CVTIP study only evaluated out to 2030 and thus the use of the 2007 General Plan traffic model for the buildout horizon was used to identify buildout conditions.

- O-5b.122 The comment requests that Table A of Appendix C be revised to include a column that shows the transition from LOS C to LOS D since "the existing LOS standard for Monterey County is LOS C." The commenter is referred to Response to comment O-5b-89.
- O-5b.123 The commenter requests more explicit reference between the text and the tables in the appendix. The details of the volume to capacity analysis shown in Tables A through E in the Appendix are omitted from the DEIR text and tables for simplicity. The appendix tables are referenced in the DEIR text and each table in the appendix is labeled by scenario, and each roadway segment is identified consistent with the identification of roadway segments in the DEIR text. The only difference between the tables in the DEIR

and in the appendix is the inclusion of capacities, demands, and the associated volume to capacity ratio in the appendix tables. It is a simple task should one desire the volume to capacity ratio of a roadway to look up the appropriate scenario table in the appendix and scan to the appropriate roadway segment (in order by County and regional roads).

O-5b.124 The commenter requests clarification on the sources of Carmel Valley traffic data integrated into the DEIR. The source of the peak hour traffic analyses for the ten Carmel Valley Road segments is the “Carmel Valley Master Plan Traffic Study”, submitted to Jones & Stokes, prepared for The County of Monterey by DKS Associates in July 2007. The source of the peak hour analysis for the three SR1 segments is the “Carmel Valley Master Plan SR-1 Study”, prepared for The County of Monterey Public Works Department by Kimley-Horn and Associates, Inc. in February, 2009. Although the Carmel Valley Plan SR1 report was not finalized before the General Plan DEIR was published, the technical analysis was available to include in the DEIR. The DEIR did not use or reference the CVTIP DSEIR because it was released in April of 2009, after the DEIR was published.

O-5b.125 The comment states that CVMP policies and standards are not based on peak hour data. The commenter is referred to Master Response 5, *Carmel Valley Traffic Issues*.

O-5b.126 See the response to comment O-5b.125 above.

O-5b.127 The commenter requests clarification regarding the use in the CVMP traffic study analyses of the phrase “Integration of this analysis....” in the DEIR.

The commenter is referred to Master Response 5, *Carmel Valley Traffic Issues*. The first use of this phrase is a typographical error and will be corrected. Please see Chapter 4 of the FEIR.

O-5b.128 The commenter requests clarification regarding the measures of effectiveness used for Carmel Valley Road. The commenter is referred to Master Response 5, *Carmel Valley Traffic Issues*.

O-5b.129 The comment requests clarification of the number of Carmel Valley Road segments analyzed. Table 4.6-18 presents the ten segments of the Carmel Valley Road as analyzed in the CVMP Traffic Study(July 2007). In Tables D and E in Appendix C, Carmel Valley Road is divided into 16 segments for analysis which extends beyond the limits of the Carmel Valley Master Plan and the Carmel Valley monitoring Program. The breakdown of Carmel Valley road for purposes of the daily volume to capacity ratio analysis was to conform with how roadway segments were divided for the rest of the County. Segments were established by 1) changes in classification or number of lanes, and 2) at major intersections roadways.

O-5b.130 The commenter asks why Carmel Valley Road was not analyzed for daily volume to capacity ratios in existing, existing plus project, and 2030 cumulative conditions.

As stated earlier, Carmel Valley Road was analyzed differently than the remaining county and regional roadways. The commenter is referred to Master Response 5, *Carmel Valley Traffic Issues*. A peak hour analysis of Carmel Valley Road is presented in the

existing conditions section on Page 4.6-10. Carmel Valley Road was not analyzed in the Existing Plus Project to 2030 scenario, an artificial scenario that does not consider cumulative development of incorporated cities in Monterey County as impacts to this roadway are better analyzed under cumulative conditions. The year 2030 Cumulative Plus Project scenario represents a worst-case 2030 scenario and a detailed peak hour analysis is provided for Carmel Valley Road. This analysis is consistent with the data presented for existing conditions for comparative purposes. The two long-range buildout scenarios (Existing Plus Project Buildout and Cumulative Plus Project Buildout) include a daily analysis of Carmel Valley Road because of a lack of peak hour data/forecasts for such long range scenarios.

- O-5b.131 The commenter requests clarification on the lack of daily analysis for Carmel Valley Road. It is accepted traffic engineering practice to analyze peak hour roadway conditions using the methods of the HCM. When detailed peak hour data is unavailable, and one is conducting a long range planning study to identify potential impacts, it is acceptable to use a daily volume to capacity analysis. When peak hour HCM level data and analysis is available it should be used, but it is not required, nor is it desirable, to use two different methods for the same roadway facilities, particularly a detailed operations analysis with a less accurate planning methodology. For this reason, the existing and cumulative plus project to the year 2030 scenarios used the available operations analysis and did not compare the analysis to the long range planning method. The two methods use different measures of effectiveness and are known to produce different results.

Contrary to the commenter's statement that critical information regarding Carmel Valley Road is missing in the DEIR, the analysis provides a level of detail greater than that used for other areas of the County and is fully consistent with the analyses presented in the Carmel Valley Master Plan Traffic Study (2007) and the subsequent Carmel Valley Transportation Improvement Program DSEIR (2009) – both which are comprehensive studies of Carmel Valley Road.

- O-5b.132 The comment requests clarification of the County's procedures for responding to comments on the DEIR. The County responds to each comment received on the DEIR. The responses are included in a FEIR which is made available to the public and to each of the commenters.
- O-5b.133 The comment refers to Table 4.6-11's lack of 2008 population, housing and employment data. For purposes of the DEIR's traffic analysis, the data presented in Table 4.6-11 is informational. In the DEIR, "current conditions" (Year 2008) is represented by actual traffic counts and are not modeled using extrapolated land use data. Thus, there is no specific need to present 2008 population, housing, and employment data in the traffic section of the DEIR. However, this data may be found elsewhere in the DEIR (see Table 3.5 on Page 3-13 which compares available historical population, housing, and employment data for 2000, 2005 and 2006). Further, Tables 3-6 through 3-9 in Chapter 3 present detailed information on current land use and growth in residential and non-residential land uses.
- O-5b.134 The comment states that Table 4.6-11 contains errors, specifically that columns 3 and 4 are interchanged.

Table 4.6-11 is accurate and does not contain any errors of transposition of columns. Column 3 represents project buildout and thus will show higher population, housing and employment in unincorporated Monterey County than column 4 which represents a prorated buildout to the year 2030. Incorporated areas in column 4 should be equal to column 3 as these two scenarios represent “existing plus project” conditions. Incorporated areas show growth under the cumulative scenarios.

- O-5b.135 The comment refers to the establishment of level of service standards and the methods used to evaluate level of service between the “plan” and the DEIR. The commenter is referred to Master Response 5, *Carmel Valley Traffic Issues*.
- O-5b.136 The commenter requests further clarification regarding the measures of effectiveness used for Carmel Valley Road in the DEIR. The commenter is referred to Master Response 5, *Carmel Valley Traffic Issues*.
- O-5b.137 The comment states that the DEIR does not meet CEQA requirements because it uses a different measure for Carmel Valley Road. The DEIR clearly states that it uses a different methodology for Carmel Valley Road to remain consistent with the policies and standards established for Carmel Valley in the CVMP, which are different than the rest of the County. The policies of the 2007 General Plan allow different standards (other than LOS D) to be established through the community planning process, as was done for the Carmel Valley area.

For further explanation, refer to Master Response 5, *Carmel Valley Traffic Issues*, specifically the discussions of the relation between the CVTIP and EIR and the 2007 GP and EIR, LOS standards for Carmel Valley Master Plan Area, measures of effectiveness for Carmel Valley Road, and different methodologies for analysis of Carmel Valley Road traffic impacts and the rest of the County.

- O-5b.138 The commenter requests clarification in the discrepancies found by comparing two different methodologies in the DEIR.

Refer to the response to comments O-5b.114 and O-5b.131 regarding how the resulting LOS varies between the peak hour HCM methodology for two-lane roadways and the average daily V/C ratio method. Note that part of the study segment of Carmel Valley Road referred to in the comment is two-lanes and part of it is four-lanes. Conservatively, the DEIR analyzed it as a two-lane segment.

The difference in roadway configuration explains part of the discrepancy identified in the comment, but most of the discrepancy is due to the different methods as described in the previous referenced comments.

- O-5b.139 The commenter states that Policy C.1-1 of the General Plan does not establish a level of service standard because it does not specify the method of determining level of service. Although this comment references a general plan policy, for purposes of assessing the adequacy of the DEIR the following response is provided. The establishment of a letter grade level of service standard (i.e., LOS D) is independent of the method used to measure and evaluate the level of service. Letter grade LOS have standardized definitions for various transportation facilities such as freeways, arterials, intersections,

ramp junctions and so forth. These definitions are established in the HCM. Monterey County, as well as TAMC and Caltrans, have historically and consistently used the methods of the HCM to measure and evaluate level of service. It is not necessary that the policy state a methodology.

- O-5b.140 The comment states that the DEIR establishes the significance criteria and not whether the General Plan's specifications are met. The comment further requests a clarification of the general Plan's policies regarding Community Plans. This response only addresses the comment as it relates to the adequacy of the DEIR, not General Plan policies. The DEIR's significance criteria are fully consistent with either 1) the General Plan's policies (to the extent they provide a standard of service such as LOS D), and 2) CEQA definitions of significance for impacts other than level of service. Refer to the response to comment O-5b-139 regarding the difference between a policy-established level of service standard and the methods used to evaluate level of service. Regarding the comment's statement that LOS C thresholds be provided in the appendix, refer to the response to comment O-5b-94 above for a thresholds under various letter grades used in the peak hour analysis of Carmel Valley Road.
- O-5b.141 The comment states that the DEIR should ensure that proposed mitigations are enforced and effective. The commenter is referred to Master Response 10, *Level of Detail for General Plan and the General Plan EIR*.
- O-5b.142 The comment asserts that the DEIR fails to address the impacts of Policies C-1.2, C-1.3, and C-1.11.

The comment asserts that the DEIR fails to address the impacts of Policies C-1.2, C-1.3, and C-1.11.

Policy C-1.2 (as revised) states that the standard of LOS D is to be achieved by 2027. The DEIR evaluates the impacts of traffic Tier 2 and 3 impacts on County and regional roadways through the year 2030 and further to buildout in 2092. The DEIR concludes that with implementation of TAMC roadway improvements for which the regional development impact fee is collecting fees, and planned county roadway projects (proposed to be included in the countywide CIFP) the impacts will remain significant and unavoidable. Therefore, the DEIR does analyze the impacts of Policy C-1.2.

Policy C-1.3 (as revised) requires that new development mitigate traffic Tier 1 impacts concurrently with development. As such, the DEIR concludes in Impacts TRAN-1A, 2A, 3A, 4A that these impacts are less than significant. The policy further requires that off-site circulation improvements that mitigate Tier 2 or Tier 3 impacts either shall be constructed concurrently with new development or a fair share payment. The DEIR analyzes this part of the policy in Impacts TRAN 1B, 2B, 3B, and 4B and concludes that, even with development paying a fair-share towards improvements, the impacts remain significant and unavoidable. Finally, Policy C-1.3 supports collection of impact fees with all development projects to address impacts to County and regional roads and highways, and evaluates LOS with planned County CIFP improvements and current TAMC improvements for which a fee is being collected and concludes that traffic Tier 2 and 3 impacts remain significant and unavoidable. Therefore, the DEIR does analyze the impacts of Policy C-1.3.

Policy C-1.11 requires new development to pay a Regional Traffic Impact Fee developed collaboratively between TAMC, the County, and other local and state agencies to ensure a funding mechanism for regional transportation improvements mitigating traffic Tier 3 impacts. The DEIR evaluates 2030 and 2092 conditions including the roadway projects for which TAMC is collecting fees and concludes that traffic Tier 3 impacts remain significant and unavoidable. Therefore, the DEIR does analyze the impacts of Policy C-1.11.

- O-5b.143 The comment questions the finding of less than significance for Tier 1 impacts. The commenter is referred to Response to comments O-11g.38 through O-11g.41 for a detailed discussion of Tier 1 impacts. Impact TRAN-1A refers to “development-specific” impacts related to on-site circulation and off-site direct access to development project sites. Mitigation for these impacts is required concurrent to development and is therefore found less than significant. The commenter is also referred to Master Response 10, *Level of Detail for General Plan and the General Plan EIR*.
- O-5b.144 The comment further refers to the finding of less than significant for Tier 1 impacts. Commenter is again referred to Response to Comments O-11g.38 through O-11g.41.
- O-5b.145 The comment requests an explanation of how traffic impact fees would mitigate impacts concurrent to development as stated on Page 4.6-31 of the DEIR.

The reference to Page 4.6-31 refers to a summary of General Plan policies, some of which are unrelated to the Traffic Tier 1 impacts discussed on Page 4.6-31. However, refer to Master Response 10, *Level of Detail for General Plan and the General Plan EIR*, as it relates to CEQA requirements and deferral of mitigation measures. Tier 1 improvements require concurrent construction entirely at the developers’ expense, so no traffic impact fees are involved in the mitigation of Impact TRAN-1A. Policy C-1.3, as revised, clarifies that road improvements to mitigate Tier 1 direct on-site and off-site project impacts shall be constructed concurrently with new development. Off-site circulation improvements that mitigate Traffic Tier 2 or Traffic Tier 3 impacts either shall be constructed concurrently with new development or require a fair share payment, at the discretion of the County. (See Chapter 5 of this FEIR)

- O-5b.146 The comment requests further explanation for the following “clauses” on Page 4.6-33:
- “impacts to roadway LOS and project access would be identified”,
 - “development would be fully responsible for...mitigation...or for its fair share of the mitigation”, and
 - “if a roadway falls below the County’s LOS standard, then the development is required to mitigate...so that...the roadway does not degrade beyond the level without development”.

The verbatim statement on Page 4.6-33 is:

“New development is required to prepare a project-level traffic study, or project-level Environmental Impact Report. Impacts to roadway LOS or project access would be identified in these studies and development would be fully responsible for the implementation of mitigation measures or would be responsible for its fair-share of the mitigation depending on the extent of the impact and the development’s

contribution to the impact. If a roadway already falls below the County's LOS standard, then the development is required to mitigate its impact so that the measure of performance (e.g., volume to capacity ratio, peak hour average delay, etc.) of the roadway does not degrade beyond the level without the development. This is a less than significant impact."

The statement refers to the significance determination for traffic Tier 1 impacts. Refer to the responses to comments O-11g.38 through O-11g.41 for a detailed discussion of Tier 1 impacts. Tier 1 impacts do not include off-site impacts to County or Regional roadways (Tier 2 and 3 impacts) that were found to be significant and unavoidable. However, as noted above, Policy C-1.3 is proposed to be revised to provide for the concurrent mitigation of off-site impacts.

- O-5b.147 The commenter asserts that the parenthetical statement on Page 4.6-33 is inaccurate as it relates to fair-share payment of Tier 1 impacts.

The parenthetical statement referred to in the comment is: "(Policy C-1.4, new development is required to mitigate project-specific local impacts to maintain the County's LOS standard and to provide adequate access and circulation facilities. Policy C-1.3 restricts new development or requires the phasing of new development so that it is concurrent with transportation improvements)."

The FEIR includes revisions to Policies C-1.3 and C-1.4 in response to this comment. Please see Chapter 4.

As used on Page 4.6-33, the statement relates to Tier 1 impacts (Impact TRAN-1A) in which "development-specific" on-site and off-site access impacts are required to be constructed concurrent with development. Policy language referring to fair-share payments relates to Tier 2 and 3 impacts. Off-site impacts to County and Regional roadways are discussed in Impacts TRAN-1B, 2B, 3B and 4B. The conclusion is not changed by this clarifying revision.

- O-5b.148 The commenter requests an explanation of the environmental impacts of the previous two comments on the significance finding on page 4.6-33.

The finding of significance on Page 4.6-33 relates to Traffic Tier 1 impacts. Traffic Tier 1 impacts described as:

Development-Specific Impacts (Traffic Tier 1). As stated on page 4.6-31 "project (development)-specific impacts of new development are localized impacts that affect the immediate surrounding transportation system, including access and circulation necessary for the development to function properly and safely. Development-specific impacts occur where new development needs to gain access to County roadways and/or where traffic generated by new development causes development-specific deficiencies in roadway or intersection operations in the immediate proximity of the development." For purposes of the DEIR *Traffic Tier 1* development-specific impacts were interpreted to include the following:

- On-site facilities necessary to provide vehicular, pedestrian, bicycle, freight and emergency access and circulation to the development project.

- On-site or off-site connections and/or access between the development project's on-site circulation and public roadways.
- Off-site improvements to public roads in the immediate vicinity of the development if the public road is inadequate to provide safe access to the development.

The finding of less than significant in the General Plan DEIR for Impacts TRAN-1A, 2A, and 3A related to traffic Tier 1 impacts reflects the County's policy to require concurrent mitigation of development-specific impacts (see Policies C-1.3 and 1.4 in Chapter 5).

- O-5b.149 The comment refers to the lack of detail, especially for Carmel Valley Road, in Exhibit 4.6-7 and request that this lack of detail is related to the LOS tables in the appendix.

Exhibit 4.6-7 plots roadway LOS in the form of color-coded roadway links. The intent of the exhibit is to provide at "at-a-glance" view of where LOS deficiencies are concentrated and was not intended as a detailed tabulation of LOS. Due to the resolution of plotting the entire County, much of the detail of the roadway system is lost when plotted to a small paper size. The tables in the analysis section of Chapter 4.6 and the appendices provide the detailed summary of roadway LOS. Carmel Valley Road LOS for the 2030 cumulative scenario was provided in the form of peak hour LOS as described above.

- O-5b.150 The commenter states that "because of flaws in the DEIR analysis" the finding of less than significant should be reconsidered.

It is presumed that the comment refers to less than significant finding for Impact TRAN-1A. The commenter has misinterpreted the development-specific impacts of TRAN-1A. The TRAN-1A, 2A, and 3A scenarios do not evaluate "project-specific" impacts in the sense of CEQA's definition of project-specific, but development-specific impacts related to on-site circulation and off-site access. See the response to comment O-5b-148 for clarification on Traffic Tier 1 impacts. The commenter fails to substantiate the purported "flaws" in the analysis.

- O-5b.151 The comment states that the word "exceed" is incorrect and requests the term be defined as it relates to Impact TRAN-1B on Page 4.6-33.

The statement being referred to is: "Development of the land uses allowed under the 2007 General Plan would create *traffic increases on* County and Regional roadways which would cause the LOS to exceed the LOS standard, or contribute traffic to County and Regional roads that exceed the LOS standard without development (Significant and Unavoidable Impact)." The term "exceed" is commonly used in transportation planning and traffic engineering to denote that a level of service standard has changed to an unacceptable level. "Exceed" relates to an increase in the performance measure represented by the letter grade LOS.

- O-5b.152 The comment requests clarification on the statement that Carmel Valley Master Plan Policies 2.13 through 2.15 encourage alternative modes of transportation on Page 4.6-42.

The section summarizing the Carmel Valley Master Plan policies uses an incorrect numbering system. The discussion of CVMP policies should be read as 37.4.2 (CV), 38.1.4.1 (CV), and 39.2.2.1 (CV) through 39.2.2.5 (CV). The section has been revised and can be found in Chapter 5.

- O-5b.153 The comment requests clarification as to why CVMP Policy CV 2.15 (Page 4.6-43) is incorrectly described particularly as it relates to the statement "...climbing lane on Laureles Grade."

Under the summary of Carmel Valley Master Plan policies, the DEIR inadvertently used an incorrect numbering of the policies. The policy being referred to is Policy 39.3.1.9 (CV): "A northbound climbing lane should be considered for construction on Laureles Grade to accommodate future traffic volumes. Alternatively, several curves should be flattened and shoulder widths should be increased."

- O-5b.154 The comment refers to mischaracterizations of Carmel Valley policies, specifically referring to those on Page 4.6-42, and requests that the policies be correctly characterized.

The commenter is correct in that the policies referred to in the DEIR use an incorrect numbering system. On Page 4.6-42 the correct policy number being referenced are addressed in the response to comment O-5b.152 above.

~~O-5b.155~~

- O.5b.156 The comment requests clarification of the third paragraph on Page 4.6-44. The paragraph has been revised. Please see Chapter 4 of this FEIR.

- O-5b.157 The comment requests clarification of the next to the last sentence on page 4.6-45 in the significance conclusion. The discussion has been revised. Please see Chapter 4 of this FEIR.

- O-5b.158 The commenter states that Impact TRAN-1C does not mention the interaction between roadway traffic and the airport, the efficacy of air transportation with respect to delays and waiting times associated with road and parking congestion. The comment asks why the adequacy of airport and nearby parking and traffic management facilities are not addressed in the DEIR.

The General Plan DEIR addresses regional access to the airport based on daily volume to capacity analysis. The programmatic nature of the General Plan DEIR does not address, at the level of detail requested by the commenter, the peak hour operational intersection-level analysis referenced in the comment. This level of analysis is addressed at the project-specific level of analysis for new development that would affect local access to, and parking at, the airport.

- O-5b.159 This comment contends that the DEIR contains no evaluation of the impact of proposed General Plan policies or their efficacy. The comment also asks for an analysis of existing policies and their effect on preventing current road conditions. With respect to the analysis of the effect of General Plan policies, the entire text of Chapter 4.6 of the DEIR analyzes the impact of General Plan policies on traffic and suggests mitigation measures

to mitigate, in part, certain impacts. Please also see Master Response 10, *Level of Detail for the General Plan and the General Plan EIR*.

With respect to the latter comment, the DEIR is not required to assess the impact of existing policies on current conditions; the DEIR analyzes the effect of the Project (the 2007 General Plan) on the environment. Please also see Master Response 10.

- O-5b.160 The comment identifies a typographical error related to the spelling of the word policy on several pages. The word “police” has been mistakenly used for “policy” (i.e., “Police 1,9”). This is a minor error that does not affect the reader’s understanding within the context of the DEIR’s discussion at the referenced pages. The error is noted, but is so minor that no change is made.
- O-5b.161 The comment alleges there are conflicts between policies in the circulation, public safety and land use element but fails to specify what the conflicts are. Without specificity as to the conflicts between policies, there is no specific response to the comment. The comment alleges a relaxation in the standards because: 1) the response times established in Table PS-1 are “exceptionally” long, and 2) that the table’s notations call for flexibility. The response times identified in Table PS-1 are a function of the location of emergency service providers (e.g., fire stations) not a function of traffic congestion, therefore this standard is not a circulation element standard. The intersection LOS standard in Table PS-1 is consistent with the LOS standard identified in the circulation element (LOS D) and is explicit to peak hour intersection LOS. The flexibility identified in Table PS-1’s notations is intended to allow for pedestrian and transit-orientation (as opposed to highway-orientation) in the design of community areas to reduce vehicular travel and increased community livability. The flexibility identified for rural roads is to minimize the urbanization of rural roads (e.g., installation of traffic signals, double left turn lanes, and so forth). The commenter is referred to Master Response 6, *Traffic Mitigation*, which includes the text of modifications to a number of policies related to circulation policies including Table PS-1.
- O-5b.162 The commenter states that the DEIR should have analyzed intersections in order to determine the intersection LOS as identified in Table PS-1.
- Intersection LOS analysis requires precise knowledge of land development (such as exact number of units, square footage of non-residential) and its exact access to the County and regional roadway system. Since the General Plan evaluates allowable land use at the coarse traffic analysis zone (TAZ) level, a detailed level of service analysis at every intersection countywide was not practical. Furthermore, the emergency service impacts section of the DEIR concluded that, based on traffic projections and roadway segment level of service, the impacts were significant and unavoidable.
- O-5b.163 The commenter inquires why the DEIR did not address traffic capacities for evacuation under different emergency scenarios. The DEIR did evaluate the impact of General Plan policies on emergency access without limitation (Pages 4.6-50-4.6-53) and concluded that the impact would be significant and unavoidable. Analysis of different emergency access scenarios was not necessary.

- O-5b.164 The commenter contends that the emergency access policy is inadequate with reference to the Carmel Valley Master Plan and requests a complete analysis of emergency access routes and other issues. The emergency access “policy” cited by the commenter is actually a mitigation measure and requires the development of an “emergency response routes and street connectivity plan”. The plan is thus to be developed pursuant to the mitigation measures. Please also see the response to comment O-5b.163.
- O-5b.165 The comment requests an analysis of the “issue” raised by the statement on Page 4.6-56 that reads “The land uses allowed under the General Plan, if consistent with policy, would increase the need for transit service with concentrations of development in existing transit-served corridors, community areas, and near incorporated cities.”
- It is presumed that the commenter’s “issue” is that transit-supportive land use concentrations would generate demand for public transportation. This is true and it is a positive impact of the General Plan. As stated in the significance determination “The increase in demand for transit service is consistent with MST’s strategic goals of increasing transit ridership, expanding service, and introducing new services such as BRT [Bus Rapid Transit] in major corridors (Peninsula Area Service Study, 2006 and Business Plan and Short Range Transit Plan, FY 2008 through 2008).” The DEIR addresses the need for public transportation at a programmatic and policy level. The General Plan contains policies that support transit-supportive land use patterns, the requirement of new development implementing transit infrastructure and amenities (e.g., bus stops and shelters), and coordinates with MST’s plans for service expansion for new development.
- O-5b.166 The comment identifies a sentence fragment in the second paragraph under Significance Determination on page 4.6-56. The sentence fragment has been removed in the FEIR.
- O-5b.167 The commenter requests an explanation of why a mitigation measure was not proposed in reference to the statement on page 4.6-56 that reads “The increase in demand for transit service is consistent with MST’s strategic goals of increasing transit ridership, expanding service, and introducing new services such as BRT in major corridors (Peninsula Area Service Study, 2006 and Business Plan and Short Range Transit Plan...”. This beneficial impact was determined to be less than significant and therefore no mitigation measure was required. Monterey-Salinas Transit (MST) has jurisdiction in planning, expanding, and operating public transportation in Monterey County. MST’s strategic goals include supporting Monterey County’s policies to implement transit-supportive land use densities in transit corridors, where expansion of service is most viable and cost-effective. The DEIR preparers did not determine that mitigation measures requiring development to meet MST’s strategic goals was necessary because the County’s zoning, area planning, and the General Plan encompasses the land use regulation and policies consistent with MST’s strategic goals. Therefore the impact was determined to be less than significant.
- O-5b.168 The comment questions the finding of less than significant under Impact TRAN 1-F because the DEIR does not provide mitigation measures to ensure development conforms to County policies and design standards, and are consistent with the goals and strategies of MST. The County’s General Plan provides numerous policies that guide the proper development of transit-support land uses and multi-modal circulation systems. These policies are further supported and implemented by land use regulation (zoning), and development review requirements. Zoning establishes the type and density of land use

with a focus of increasing density and intensity in existing urban areas and transit corridors. Development review address individual project-specific development proposals and ensures the development meets General plan, zoning, and transportation planning requirements consistent with County and MST goals. The General Plan does not require mitigation measures to ensure development meets the County's and MST's goals.

- O-5b.169 The comment states that the "No Project" comparison referenced on Page 4.6-57 requires that the 2007 General Plan should be compared to the "LOS C" standard in the 1982 General Plan. Please refer to response to comment O-5b.89.
- O-5b.170 The comments requests clarification of the following sentence found on Page 4.6-58: "The policies related to roadway level of service for development described in the Existing plus Project Development to the Year 2030 scenario apply to the Existing plus Project Buildout scenario." This statement references the list of General Plan and Area Plan policies listed in the previous section (starting on Page 4.6-53) to avoid redundancy.
- O-5b.171 The comments states that the significance findings on Pages 4.6-56 and 58 are identical with those presented on Page 4.6-32 and refers the DEIR preparers to comment O-5b.145 (item 38). Please refer to the response to comment O-5b-145.
- O-5b.172 The comment refers to decreases in traffic on some roadway segments presented in Table C of the appendix and requests an explanation. It is common for future forecasts to result in reduced volumes on a given roadway even though the County as a whole experiences growth in population and employment. State highway projections were locked in at a minimum annual growth rate if they showed forecasted volume decreases because this is typical Caltrans' practice. It is not the typical practice of the County. The volume reductions are a combination of the model assigning traffic to other routes because it determines the route is faster, changes in land use patterns significant enough to cause a change in trip distribution, or minor fluctuations in the model's assignment process. These changes are expected in long range traffic forecasting and reviewed to determine if they are reasonable minor fluctuations or have more substantial implications (like changing a LOS or significance finding).
- O-5b.173 The commenter asserts that the DEIR is purposefully deceptive because the statements on Page 4.6-61 "the roadway level of service analysis for the Carmel Valley Master Plan area is based on peak hour (AM and PM peak) information" and "the CVMP policies establish LOS standards based on peak hour (CV-2.18-d) are 1) are factually incorrect, and 2) the reference to CV-2.18-d is misleading. The commenter is referred to Master Response 5, *Carmel Valley Traffic Issues*.
- O-5b.174 The comment requests justification for use of peak hour analysis of Carmel Valley Road (as opposed to the volume to capacity ratio used on other County roadways). The peak hour analysis for Carmel Valley Master Plan facilities was used in the DEIR because current planning, analysis, and policies are based on a peak hour analysis (CVTIP DSEIR, April 2009). In general, peak hour is used as the basis for any operational and design related decisions, such as mitigation measures, capital improvements and the establishment of traffic impact fees. According to the 2000 HCM (Page 8-6): "Capacity and other traffic analyses focus on the peak hour of traffic volume, because it represents

the most critical period for operations and has the highest capacity requirements.” The HCM states that average daily traffic volumes may be used for long-range planning applications. However, the HCM presents methods and measures of effectiveness for analyzing thirteen transportation facility types all of which are analyzed under peak hour conditions. The HCM does not currently present any methods based on average daily traffic volumes. It is the practice of the County to use HCM peak hour methods for any transportation analysis when it is practical. For evaluating the entire County for the General Plan it was not practical to conduct a peak hour analysis using the methods of the HCM. The commenter is referred to Master Response 5, *Carmel Valley Traffic Issues*.

O-5b.175 The comment requests an explanation as to why a peak hour analysis of Carmel Valley Master Plan area was not conducted for other General Plan scenarios. A peak hour analysis was available for existing and 2030 cumulative conditions, as peak hour traffic counts and projected volumes were prepared for the CVTIP. Peak hour forecasts were not prepared for project buildout scenarios, so average daily traffic projections and associated volume to capacity ratio methods were used. The commenter is referred to Master Response 5, *Carmel Valley Traffic Issues*.

O-5b.176 The 2007 General Plan analysis of traffic in the CVMP area for the 2030 period utilized the CVTIP traffic analysis because the CVTIP study was based on detailed peak hour data and forecast developed for the CVTIP.

The 2007 General Plan analysis of traffic in the CVMP area for the buildout (2092) period utilized the modified AMBAG traffic model because this was the only model that analyzed the buildout scenario (the CVTIP did not have a long-term buildout scenario).

The CVTIP assumed the following level of buildout by 2030 in the CVMP: 655 units from previously approved projects and 533 units from new projects (on a combination of lots of record and new subdivisions), for a total of 1,188 units between 2000 and 2030. The 2007 General Plan Traffic model assumed only 251 new units in Carmel Valley by 2030 (based on DEIR Table 3-8). Adding the 655 units from previously approved projects, the 2030 case for the 2007 General Plan would be 906 total units after 2000. Thus, the CVTIP traffic study actually included more units by 2030 than the projections in Table 3-8 in the 2007 General Plan DEIR. As noted above, the CVTIP study is considered more precise because it is based on peak hour data and thus this study was used in the General Plan DEIR as it was the best data available, it covered roughly the same level of development, and actually covered a little more than Table 3-8, which is more conservative.

The 2007 General Plan traffic model assumed 1,148 total new units in Carmel Valley by buildout. Adding the 655 units previously approved, the buildout case would include 1,803 units after 2000. Since the CVTIP study did not extend to full buildout, the 2007 General Plan traffic model was the appropriate tool to use to estimate traffic conditions with buildout.

O-5b.177 The commenter asks for a discussion of where the number 1,188 comes from. The commenter is referred to Master Response 5, *Carmel Valley Traffic Issues*.

- O-5b.178 The comment identifies an incorrect reference to Table 4.6-17 on Page 4.6-62. The commenter is correct in that the reference should be for Table 4.6-18.
- O-5b.179 The comment states that the DEIR fails to discuss that SR1 between Carmel Valley Road and Ocean Avenue operates at LOS F. Numerous roadways were found to operate at LOS E or F. The DEIR does not provide an individual discussion of each segment. It is important to note that these impacts are identified as significant and unavoidable.
- O-5b.180 The comment requests an explanation of how the significant impacts identified for CVMP facilities are mitigated. The comment refers, incorrectly, to a LOS C for all segments in Carmel Valley. The commenter is referred to Master Response 5, *Carmel Valley Traffic Issues* for discussion of Carmel Valley LOS standards. The comment requests further explanation as to how the proposed measures mitigate the impacts identified in the DEIR. Although the DEIR describes the mitigation measures the commenter is referred to the CVTIP DSEIR (February 2009) for a detailed discussion of the measures and their resulting improvements to LOS. Regardless of the state of certification of the CVTIP DSEIR, the mitigation measures have been reviewed, determined to mitigate the identified impacts, and integrated into the 2007 General Plan DEIR. Because the proposed mitigation measures effectively mitigate the impacts to Carmel Valley Road shown in Table 4.6-18, the impacts were determined to be less than significant.
- O-5b.181 The comment requests that the section on 2030 Cumulative Plus Project should be reorganized because it is confusing. The organization of the section follows the same format as all of the sections in the circulation element of the DEIR. As discussed in Master Response 5, *Carmel Valley Traffic Issues*, the peak hour analysis of Carmel Valley Road was inserted in this section for consistency with the ongoing planning and environmental assessment of the CVTIP. The comments request confirmation that the mitigation measures listed at the bottom of Page 4.6-68 and the top of Page 4.6-69 refer to countywide measures. This is correct. The mitigation measures beginning at the bottom of Page 4.6-69 refer to the Carmel Valley Master Plan area.

The comment further states in regard to the DEIR conclusion for countywide facilities that mitigation of many segments is likely infeasible due to various constraints and would not be fully funded by development fees apply also to Carmel Valley. This is not correct. The CVTIP defines a limited set of feasible mitigation measures and a Traffic Impact Fee to fund these improvements. In summary, the magnitude of the number of impacts on County and regional roadways results in the likelihood that many roadway segments would be found to be infeasible to widen for various reasons including funding, and therefore were found to be significant and unavoidable. However, the mitigation of Carmel Valley Road is clearly defined and a full funding mechanism is proposed in the CVTIP. Therefore the impacts to the three impacted segments of Carmel Valley Road are found to be less than significant with mitigation.

- O-5b.182 The comment requests clarification of Policy CV-2.10 as it relates to the mitigation of an all-way stop or traffic signal until funding for a grade-separated intersection can be secured. The comment refers to the following part of Policy CV-2.10 (Policy 39.3.2.2 in the CVTIP DSEIR) "Carmel Valley Road/Laureles Grade: A grade separation should be constructed at this location instead of a traffic signal. The grade separation needs to be

constructed in a manner that minimizes impacts to the rural character of the road. An interim improvement of an all-way stop or stop signal is allowable during the period necessary to secure funding for the grade separation". The commenter asserts that only the interim improvement is necessary to mitigate the impact. This is incorrect. A grade-separation is required to improve this intersection to an acceptable LOS in 2030. To maintain acceptable LOS through the year 2022, an optional interim improvement is proposed. The interim mitigation is described in detail on page 2b-13 of the CVTIP DSEIR:

"Without improvement, the intersection of Laureles Grade and Carmel Valley Road would operate at a deficient level in both A.M. and P.M. peak periods. The CIP includes a partial grade separation improvement, but the fee program only generates sufficient funding for this improvement by 2022, and thus deficient operations would occur until that time without interim improvements. Two other optional interim improvement measures (improved geometry and traffic signalization) have been developed to improve the LOS and are described below.

- **All-way Stop and Modified Geometry** - The intersection would be modified to an all-way stop, provide an additional through lane in the east and westbound directions, and provide right turns (receiving lanes) for vehicles traveling in the southbound and westbound direction. Implementing these modifications would improve the LOS from F (without the CIP improvement) to LOS D in the A.M. and P.M. peak periods.
- **Signalized Intersection** - The intersection meets a traffic signal warrant during both the A.M. and P.M. peak periods. Converting the intersection to a signalized intersection would improve the LOS from F (without the CIP improvement) to LOS C in the A.M. peak period and LOS B in the P.M. peak period. In addition to the listed improvements, all existing substandard facilities (i.e., shoulders, signage, sight distance, etc.) would be upgraded to current standards.

O-5b.183 The comment requests clarification of the mitigation in CV-2.12 (Page 4.6-70) in terms of the change in wording for SR-1 between Ocean Avenue and Rio Road. The DEIR paraphrased changes to the policy related to this mitigation. As described in the CVTIP DSEAIR, its proposed mitigation measures are:

39.3.1.5 (CV) To accommodate existing and future traffic at level of service C, the following road improvements are recommended pursuant to Monterey County General Plan policies 37.2.1 and 39.1.4:

- a. Widen Highway One to four lanes between Carmel Valley Road and Rio Road in conjunction with the Hatton Canyon Freeway project;
- b. Laureles Grade - undertake shoulder improvements, widening and spot realignment. Improvements to Laureles Grade should consist of the construction of shoulder widening, spot realignments, passing lanes and/or paved turn-outs. Heavy vehicles should be discouraged from using this route.
- c. Carmel Valley Road, Robinson Canyon Road to Ford Road - add left turn channelization at all intersections. Shoulder improvements should be undertaken.

39.3.1.9 (CV) A northbound climbing lane should be considered for construction on Laureles Grade to accommodate future traffic volumes. Alternatively, several curves should be flattened and shoulder widths should be increased.

- O-5b.184 The comment states that the “proposed mitigation” in Policy CV-2.18 (Page 4.6-71) is inadequate because 1) lacks substantive definition of LOS values in terms of a specific parameter (e.g., v/c) and quantitative criteria. Revised Policy 2.18 establishes a monitoring procedure, a threshold for conducting public hearings, and establishes LOS standards by roadway segment. The LOS standard does not require the establishment of a quantitative criteria or specific measure of effectiveness. However, it is the County’s practice to use the measures of effectiveness as published in the HCM. The comment also states that the “proposed mitigation” in Policy CV-2.18 (Page 4.6-71) is inadequate because 2) it fails to specific segment capacities. Segment capacities are not required to establish a LOS standard. Further segment capacities may change as improvements are implemented. LOS standards are independent of segment capacity. The comment also states that the “proposed mitigation” in Policy CV-2.18 (Page 4.6-71) is inadequate because 3) it relies on the CVTIP SDEIR which has not been certified, the CTIP has not been approved and the CVTIP has not been adopted. Approval and adoption of these documents does not preclude the 2007 General Plan from recommending the same mitigation measures and policy revisions for the Carmel Valley Master Plan area. Please refer to Master Response 10, *Level of Detail for the General Plan and the General Plan EIR*, for a discussion of fee based programs as mitigation.
- O-5b.185 The comment states that the proposed mitigation of Policy CV-2.18 is not mitigative. Policy CV-2.18 is a revised policy for the Carmel Valley Master Plan that establishes a monitoring program and LOS standards. Mitigation measures proposed in a General Plan become General Plan policies and therefore are considered mitigation. The commenter is referred to Master Response 10, *Level of Detail for the General Plan and the General Plan EIR*.
- O-5b.186 The comment states that the DEIR relies on mitigation measures contained in an EIR that has not been certified and that the mitigation is inadequate under CEQA. Please refer to the response to comment O-5b.184 and to Master Response 10, *Level of Detail for the General Plan and the General Plan EIR*.
- O-5b.187 The comment states that the efficacy of the mitigation measures for Carmel Valley Road are unsupported by evidence. Please refer to the response to comment O-5b.180.
- O-5b.188 The comment states that any mitigation measures relying on traffic impact fees do not meet CEQA requirements. The commenter is referred to Master Response 10, *Level of Detail for the General Plan and the General Plan EIR*, which discusses what is required in a General Plan EIR, including the issue of deferred mitigation.
- O-5b.189 The comment requests an explanation of why the proposed traffic impact fees in the 2007 General Plan policies do not result in a growth-inducing impact as a source of revenue for the County. The existence of a fee does not control the level of growth in Monterey County, it is the County’s land use regulations (e.g., zoning) that control the amount and type of development.

The comment requests clarification and implications of the sentence on Pages 4.6-45, -69 and -103: “The County and regional fee programs will continuously be updated, adding additional priority projects to the programs as initial projects are completed, but the rate of project completion will not be able to outpace the rate of development growth.” The

sentence needs little clarification; it simply states that as projects on the list are completed, other projects will take their place. It also states that the collection of adequate fees to complete a project is usually subsequent to the need for the project. Further, the fees cannot fund any existing deficiencies so the County will need to seek other source of funding. This is common practice in most counties in California who seek matching funding from state and federal grants, gas taxes, return to source funds, and general funds. Finally, funding for the update of the fee program is allowed under Government Code 66000, et seq. to be funded through the fees themselves. The commenter is again referred to Master Response 10, *Level of Detail for the General Plan and the General Plan EIR*.

- O-5b.190 The comment requests clarification of the significance conclusion on Page 4.6-73. The paragraph draws conclusions for the 2030 Cumulative Plus Project scenario. The paragraph draws three conclusions; the first paragraph in the significance conclusion finds a significant and unavoidable impact for County roads outside of Carmel Valley, second regarding Carmel Valley Master Plan facilities it concludes that all segments of Carmel Valley Road can be mitigated to less than significant except for the segment of Carmel Valley Road in the Carmel Valley Village where the conditions will drop from LOS C (the current standard) to LOS D (the proposed standard) due to the lack of feasible mitigation consistent with the rural character of Carmel Valley to maintain the higher standard. This segment has a significant and unavoidable impact.

Third, it concludes that the segment of SR1 between Rio Road and Ocean Avenue could be mitigated through widening, but it would be in conflict with the community's desire to maintain a rural character, and therefore is a significant and unavoidable impact. Only the first paragraph in the significance conclusion refers to the roadways identified in Table 4.6-19, the remaining paragraphs in the conclusion refer to Carmel Valley facilities.

The comments requests clarification regarding the statement "...there are limitations on the use of new development fees to pay to correct an existing problem". As stated above, impact fees cannot fund any existing deficiencies so the County will need to seek another source of funding. This is common practice in most counties in California, which seek matching funding from state and federal grants, gas taxes, return to source funds, and general funds.

Finally, funding for the update of the fee program is allowed under Government Code 66000, et seq to be funded through the fees themselves. The CVTIP takes this legal requirement of the Government Code into account in the development of a fee for Carmel Valley Road improvements. The commenter is also referenced to Master Response 10 regarding deferred mitigation.

- O-5b.191 The comment requests clarification of the text on Page 4.6-97 related to analysis of the Carmel Valley Master Plan area in scenarios beyond 2030.

The commenter is referred to Master Response 5 on Carmel Valley Traffic.

- O-5b.192 The comment summarizes the issues raised in previous comments. No response is necessary.

- O-5b.193 The comment graphically portrays the information contained in Tables A and C of the referenced appendix. The comment does not request any further explanation. No response is necessary.
- O-5b.194 The commenter offers their opinion that Section 4.3, *Water Resources*, provides no more than a superficial discussion and is inadequate and asks that it address “the hard questions” in greater detail. This is a summary opinion relating to the comments that follow. No response is necessary. The responses to specific comments follow.
- O-5b.195 Comment refers to language in the “Abstract” section of the DEIR. The intent of this section was to summarize the significant water resource impacts. For more detailed impact analysis on water supply and water supply infrastructure, please see Impacts WR-4 and WR-5 starting on page 4.3-113 of the DEIR. As discussed therein on page 4.3-128 and 4.3-130, in the Monterey Peninsula “none of the major supply projects is sufficiently developed...to conclude that they will provide adequate water to address current problems and future needs.” The analysis concludes that there would be significant and unavoidable impacts. Please also see FEIR Chapter 4, which provides minor changes and clarifications to the text of the DEIR.

Please also see Master Response 4 on Water Supply regarding the current status of the proposed Coastal Water Project and the SWRCB cease and desist order against Cal-Am Water Company’s use of Carmel River water beyond their permitted limits. As discussed there, the final order includes a timetable weaning Cal-Am off of its overuse of the Carmel River aquifer. Master Response 4 also clarifies the supply and demand for the Carmel Valley and Seaside aquifers. Since the completion of the DEIR, the CPUC certified the Cal-Am Coastal Water Project EIR. The Coastal Water Project is moving forward and there is no substantial evidence provided that it will not be operational within the next few years. The comparison to other desalination plants is not substantiated by the commenter.

- O-5b.196 The commenter asks that the DEIR address the issue of “increased demand from overlying claims” in the Seaside and Carmel Valley basins. See Master Response 4 on Water Supply’s discussion of these basins and the related adjudication. There are no “overlying claims” within the adjudicated basin.
- O-5b.197 Master Response 4 on Water Supply includes an updated analysis on water demands, including those pursuant to riparian rights on the Carmel River. The DEIR is a program EIR that has been prepared for the General Plan Update and therefore provides a generalized analysis of the potential impacts of this policy document. It is not intended to be site-specific. As discussed under CEQA Guidelines Section 15125(a), “the description of the environmental setting shall be no longer than is necessary to an understanding of the significant effects of the proposed project and its alternatives.” Please also see Master Response 10, which describes the expected level of detail for the DEIR.

A detailed discussion of riparian rights on the Carmel River, beyond the discussion already provided beginning on page 4.3-11 of the DEIR, is not necessary to allow informed decision making or to evaluate the impacts of the project. Furthermore, future

development will be required to establish the availability of a reliable, long-term water supply before it may be approved, pursuant to proposed Policy PS-3.1.

O-5b.198 Comment suggests that the discussion of the Environmental Setting on page 4.3-45 should discuss aquifer subsidence, collapse, and the feasibility and limits to injection and groundwater recovery projects. Section 4.4, page 4.4-13, of the DEIR describes that subsidence has not been an issue in Monterey County to date, whereas some of the County's aquifers are over drafted. The Monterey County Water Resources Agency has indicated that there is no evidence to date of the manifestation of subsidence in the groundwater basins due to overdraft. The comment provides no data to substantiate why aquifer collapse is an issue in Monterey County. No further response can be provided. As further discussed in the Master Response 4 on Water Supply, as well as in the discussions of groundwater in Chapter 4.3, the activities of the Salinas Valley Water Project, Castroville Seawater Intrusion Project, and the Coastal Water Project are expected to halt groundwater overdraft, at least until the 2030 planning horizon.

O-5b.199 The commenter requests additional discussion of California water rights law and "inadequacies of current development laws." The existing water rights laws are not proposed for change by the General Plan Update. The effects of these laws vary depending upon site-specific characteristics unrelated to the General Plan Update. A discussion of these complex laws and how they may relate to specific circumstances is beyond the scope of this DEIR and is not necessary to informed decision making (See CEQA Guidelines Section 15204(a)). Chapter 4.3 and Master Response 4 on Water Supply appropriately disclose the significant impacts of the General Plan.

The comment also suggests there is "routine non-compliance and non-enforcement of regulations." Comment provides no evidence of regulatory non-compliance. Please also see Master Response 10, *Level of Detail for General Plan and the General Plan EIR* which discusses the Government Code requirements for implementing the General Plan.

O-5b.200 Table 4.3-9 is intended to be a general overview of water supply and demand. The DEIR Table 4.3-9 was created using growth projections discussed in DEIR Sections 2.5 and 3.3, and in Master Response 2, *Growth Assumptions Utilized in the General Plan*. It is not project specific and therefore does not include an entry for the proposed Monterey Bay Shores project. Based on the restrictions placed on Cal-Am by the SWRCB's Cease and Desist Order, it is unlikely that any future project will be approved on the basis of water that is not actually available.

Please also note that the DEIR uses the projections approach to cumulative water resource impacts as discussed in Section 6.4.2. This methodology is consistent with CEQA Guidelines Section 15130(b)(1)(B) and does not require discussion of individual projects' water consumption.

O-5b.201 As discussed in the DEIR's project description (Section 3), the General Plan Update proposes to make discrete revisions to the Carmel Valley Master Plan in order to ensure consistency between it and the County General Plan. The Carmel Valley Master Plan is a component of the County General Plan and is required to be consistent with the General Plan pursuant to Government Code Section 65300.5. Under that section, the General Plan must comprise "an integrated, internally consistent and compatible statement of

policies...” The revisions to the Carmel Valley Master Plan are broadly described in Section 3.4.5.5. The reader is directed to the Carmel Valley Plan portion of the General Plan Update for the text of the proposed policies. These documents are also available at the locations discussed in the Notice of Availability and online at <http://www.co.monterey.ca.us/planning/gpu/draftNov2007/default.htm>. Please also see Chapter 5 of this FEIR for additional proposed changes to the Carmel Valley Master Plan.

- O-5b.202 Comment suggests that the DEIR concludes that the “Coastal Water Project...will solve the existing supply problem.” The language is taken out of context. The DEIR also states that “whether the CPUC will permit a desalination plant of sufficient capacity to serve additional growth is unknown at this time” (DEIR page 4.3-127). As further noted under the “Significance conclusion” on page 4.3-130, “[o]n the Monterey Peninsula and in the Pajaro Valley, while current planning is underway to address current problems and provide water for new development, none of the major supply projects is sufficiently developed...to conclude that they will provide adequate water to address current problems and future needs.” Impact WR-4 was determined to be significant and unavoidable for the Monterey Peninsula area, but, as discussed in Master Response 4, this conclusion has been modified in full consideration of proposed General Plan policies. Discussion of the Coastal Water Project is included here and under Impact WR-5 to provide discussion of the certainty of water supplies as required by CEQA case law (See *Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* (2007) 40 Cal.4th 412). Please also see Chapter 4 for revisions to this impact analysis and Master Response 4, *Water Supply*.

The comment also states “discussion does not include the current practice of converting overlying water rights for agricultural, industrial and recreational use for water for new commercial and residential use...” As discussed in response to comment O-5b.200 the DEIR made reasonable assumptions about projected population growth water demand and agricultural water demand. (See DEIR page 4.3-114; Table 4.3-9; and Master Response 4) The level of detail requested by the comment is not necessary to determine the significant impacts of the project under thresholds WR-4 (See CEQA Guidelines Section 15204(a)).

The proposed General Plan Update has a number of policies that will severely restrict the potential for development to occur in advance or in the absence of a long-term water supply (see DEIR policy discussion on pages 4.3-122 through 4.3-126). In addition to this discussion, policies are also in place to restrict development to legal lots of record in some areas (See Policies NC-1.5 and CV-5.4). The General Plan also includes requirements for adequate infrastructure, and proof of long term, sustainable water supplies prior to approval. The primary focus of future growth will be in Community Areas and Rural Centers, which will have include development and fiscal plans as part of their subsequent approval. Subdivisions outside of these focused growth areas will be subject to the provisions of a new ordinance that will include discrete evaluation criteria, including location in the vicinity of a city or community area that has a water supply. Several of these policies are the following:

- PS-1.1 establishes Adequate Public Facility and Services (APFS) requirements that require the APFS needed to support new development be made available to meet or exceed the level of service standards of Table PS-1 (“Infrastructure and Service Standards”) concurrent with the impacts of such development.

- PS-1.3 prohibits the approval of any discretionary application for new development unless the County finds that APFS for that use exist or will be provided concurrent with the new development.
- Table PS-1 establishes minimum service criteria for water supply by land use type.
- PS-3.1 provides that no new development, except for the first single family dwelling and non-habitable accessory uses on an existing lot of record, for which a discretionary permit is required shall be approved without proof, based on specific findings and supported by evidence, that there is a long-term, sustainable water supply, both in quality and quantity, to serve the development
- PS-3.3 requires the establishment of specific criteria for proof of a long-term, sustainable water supply for new residential or commercial subdivisions shall be developed.

The proposed General Plan Update also includes policies to protect water quality (See policy discussion under DEIR Impacts WR-1, WR-2, and WR-3). For example, PS-2.6 requires the County to develop a Hydrologic Resources Constraints and Hazards Database to identify areas containing hazards and constraints (see *Policy S-1.2*) that could potentially impact the type or level of development allowed in these areas, including water quality constraints.

The County's water management agencies are well aware of the differences between the quality of the water suitable for irrigation use (including non-agricultural irrigation) and that intended for municipal use (treated water). In fact, using lower quality water for non-agricultural irrigation rather than treated water is an important aspect of the water agencies' approaches to managing limited water supplies. The distinction between water intended for irrigation, including recycled or reclaimed water, and that intended for municipal use is made consistently throughout Section 4.3 of the DEIR, as well as in Master Response 4. For example, see Policy PS-3.10 on page 4.3-124.

- O-5b.203 The idea of out-of-basin imports is not new. It is mentioned here because it is an option, albeit an unlikely option, that is on the books for increasing water supplies. As discussed on pages 4.3-138 and -139 under "Pajaro Valley" and in the Master Response 4 on Water Supply, the Pajaro Valley Water Management Agency has rights to Central Valley Water Project water. However, for the reasons discussed there, the likelihood of ever receiving any of that water is extremely low.
- O-5b.204 Mitigation Measure WR-1 concerns the Monterey Peninsula, including the Seaside aquifer and the Carmel Valley alluvial aquifer. Significance conclusions regarding water supply, overdraft, and seawater intrusion impacts on the Seaside aquifer and Carmel Valley alluvial aquifer are addressed in detail in Master Response 4, *Water Supply*.
- O-5b.205 Significance conclusions regarding water supply, overdraft, and seawater intrusion impacts related to the Seaside aquifer are addressed in detail in Master Response 4, *Water Supply*.
- O-5b.206 The commenter requests information on the derivation of the 266 cap on new lots. The 266 lot number was based upon an analysis conducted for the CVTIP. The current CVMP calculates both new lots and units. The 266 lots approximate the growth that

would have been allowed under the CVMP based on the lot/unit methodology. The commenter is referred to Master Response 5, *Carmel Valley Traffic Issues* for further discussion.

- O-5b.207 The cumulative analysis of traffic in the County may be found under TRAN-2A and -2B (pages 4.6-57-4.6-73), and TRAN 4A and 4B. TRAN-2A and -2B analyze the impacts from development of the General Plan through 2030 cumulatively and TRAN4A and 4B examine impacts from Buildout (through 2092) cumulatively. These analyses include projects that have that may have been submitted for consideration, but not approved, and projects that have been approved but not fully built throughout the unincorporated area. The cumulatively analysis includes the 266 potential new lots, AHO, and the STAs that are provided in the CVMP. Impacts pertaining to Carmel Valley are discussed on Page 4.6-59 and then more specifically again on pages 4.6-61 -4.6-63. These are not called out separately in the DEIR as is true for any other specific projects elsewhere in the project. The term cumulative implies that existing approved projects, projects submitted for consideration, but not approved and prospective development in included in the Project Description are included.
- O-5b.208 STAs are defined on Page 3-24 of the DEIR. A description of each of the STAs in the Carmel Valley Master Plan is provided on Page 3-33. The study area is not described, because that is a designation that cannot be defined until such time as the analysis of what might be appropriate for that area, if anything is concluded. The Study Area would then have to go through whatever appropriate zoning or General Plan amendment process is required.
- O-5b.209 The commenter asks how the Rancho Canada STA is consistent with the goals of GPU5, especially in regards to flooding. The STA designation allows for the development of high density, compact residential development with a high degree of affordability. This is consistent with many of the policies in the Land Use Element of the 2007 General Plan. Moreover, the property is close to services, transportation, jobs, schools and a reliable source of water and wastewater treatment, all of which are considered desirable per the policies in the Public Services Element. The commenter is correct that a portion of the STA is in the floodplain. Proposed Policy CV-1.27 states that the developable part of the STA is outside of the floodplain. If a project is later advanced that includes development in the floodplain that would not be consistent with this policy and such development would have to address the impacts on flooding and may require a General Plan Amendment.
- O-5b.210 Carmel Valley Ranch has a specific plan, as commenter notes. DEIR Exhibits 3.2 and 3.2a incorrectly show it as a Master Plan. This has been changed to Special Treatment Area (STA) in the FEIR (see Chapter 4). It has no significant effect on the analysis.
- O-5b.211 The commenter is correct that a portion of the STA is in the floodplain. Proposed Policy CV-1.27 states that the developable part of the STA is outside of the floodplain. If a project is later advanced that includes development in the floodplain that would not be consistent with this policy and such development would have to address the impacts on flooding and may require a General Plan Amendment.

- O-5b.212 Commenter asks why Exhibits 3.7 and 3.8 show already built commercial areas as “planned commercial” rather than just commercial. The commercial areas described by commenter are covered by a “general development plan,” which specifies exactly what will be developed on the site. The planning term for this “planned development” is appropriately referenced in the Exhibits.
- O-5b.213 Corrected Exhibit 3.8 is correct. The “Airport” property is not designated as an STA.
- O-5b.214 The description of the AHO for mid-Valley specifically states that it excludes portions of the properties located within floodplains. The commenter is referred to page 3-45 of the DEIR.
- O-5b.215 The commenter refers to a statement on Page 4.1-3 which uses the term semi-rural character in connection with the goal of the CVMP. This general statement did not affect the analysis in the DEIR. There are a number of other statements in the DEIR that demonstrate the EIR preparer was aware of the “rural” character goal. The commenter is referred to Policy CV-2.10 (a) and (b), for example, and to the significance conclusion on page 4.6-73.
- O-5b.216 The DEIR is a programmatic document and therefore provides a programmatic analysis of impacts. Impacts are described to specific land features- rivers, streams, riparian zones, woodlands, specifically named watersheds or in specific types of land use designations where development may occur (e.g. Community Areas, Rural Centers, or other areas of development concentration). To the extent that these features, or natural resources or specific areas where development is designated to occur exist in Carmel Valley, then the analysis applies. The commenter is referred to Master Response 10 which discusses the level of analysis required for a General Plan DEIR. The commenter is referred to Page 4.3-127- 128 of the DEIR which has a discussion of water resource impacts relating to the Monterey Peninsula. The commenter has already been referred to the discussion of Carmel Valley traffic impacts in response to comment O5b-207.
- O-5b.217 The comment asks about the potential effects of increased wastewater from additional development in the Carmel Valley. Please see Master Response 9, Section 9.5.2 regarding onsite wastewater management. As discussed there, future development that relies on onsite wastewater treatment will be required to minimize its impacts in accordance with the requirements of the Central Coast Regional Water Quality Control Board and County Environmental Health Bureau.
- O-5b.218 Page 4.11-35 states that an increase in impermeable surfaces would result in greater runoff unless regulated. Mitigation Measure PS-1 added to Policy S-3.9 would reduce the impacts of residential development outside Community Areas and Rural Centers to a level that is less than significant. Accordingly, the same conclusion could be reached for Carmel Valley. The commenter is also referred to pages 4.3-181 through 4.3-193 for a discussion of the potential impacts from flooding. This discussion would also apply to Carmel Valley. The DEIR concludes that these impacts would be less than significant.
- O-5b.219 The County of Monterey Water Resource Agency currently requires that new development demonstrate that there will be no net increase in runoff as compared with existing runoff. This requirement will continue to be imposed in Carmel Valley as well

as elsewhere in the unincorporated area. The level of future growth will not affect the ability to mitigate this potential impact. Moreover, there are a number of policies in the General Plan (i.e., PS-3.2 and PS-3.3) that address requiring development to increase recharge and reduce the amount of impervious surfaces. The commenter is also referred to Page 4.3-78 of the DEIR which discusses the policies of the County Water Resources Agency. The commenter is also referred to Chapter 4.3 Impacts WR-11 through WR-13 for a discussion of the policies that would address flood risk.

- O-5b.220 The commenter raises questions about the potential cumulative impacts of the addition of impermeable surfaces from current and future development with respect to runoff and flooding under GPU5. The commenter is referred to Page 6-6 of the DEIR which discusses the cumulative impacts from geology, soils and seismicity. It concludes that with the exception of soil erosion, there is no cumulative impact. Section 6.4.3.3 Impact CUM2 describes the impacts that could result cumulative to water quality from runoff. Although there are a number of policies in the General Plan and proposed mitigation measures, the impacts remain cumulatively considerable. The same would be true for Carmel Valley. The commenter is also referred to Master Response 9, *Water Quality*, which further discusses runoff, sedimentation and water quality impacts.

As discussed in the significance determinations under Impacts WR-11 and WR-12, there are existing flood hazards within Monterey County. These comprise an existing, significant cumulative effect. As discussed under Impacts WR-11 and WR-12, through compliance with the existing County floodplain regulations (Monterey County Code, Chapter 16.16, as amended October 6, 2009), as well as specific policies under the Safety Element, the Public Services Element, and the Area Plans, the 2007 General Plan will avoid contributions to flood hazard. Therefore, the 2007 General Plan will not make a considerable contribution to the existing cumulative effect. Section 6.4.3.3 of the DEIR has been revised to clarify that point. (See Chapter 4 of this FEIR)

- O-5b.221 The commenter questions what impacts from the introduction of new impermeable surfaces might result from the Rancho Canada STA. The DEIR for the General Plan is a programmatic document and not a project specific document and therefore an analysis of the specific impacts from each individual future project mentioned in the General Plan has not been provided. The commenter is referred to Master Response 10, which discusses what is required in a programmatic EIR. Nevertheless, the commenter is referred to the policies in the General Plan in the Public Services Element and Open Space Element as well as the impact analysis on pages 4.3-181 through 4.3-193 that discusses all of the policies in the General Plan and that would reduce potential flooding impacts to a level that is less than significant.
- O-5b.222 The commenter raises questions about the basis for establishing LOS D for segments 3 through 7 of the Carmel Valley Road. The commenter is referred to Master Response 5, *Carmel Valley Traffic* for a discussion of traffic standards in the CVIP and CVMP.
- O-5b.223 The commenter raises questions regarding a comparison of the General Plan Initiative with GPU5. The comment does not refer to a particular section or conclusion of the alternative comparison. GPI does not propose as many community areas and rural centers as GPU5, but it also rely on lots of record to accommodate growth into the future. Accordingly, some of the impacts that would result from GPI are greater than GPU5

because of the dispersed growth patterns and impacts that would result from sprawl. Although individual development that is allowed under focused growth may be “larger,” the end result is a reduction in vehicle trips, and reliance on public water and sewer to support growth. Reliance on lots of record that could be on wells or septic systems may result in greater impacts for some resource areas, including biological resources.

- O-5b.224 The Project Description of the proposed boundaries of the incorporated Town of Carmel Valley was based on the information at hand when the DEIR was drafted. Since that time, the incorporation election has occurred and the incorporation measure did not receive the necessary majority vote for approval. The DEIR is corrected on page 3-32 to update these facts. (See Chapter 4 of this FEIR)
- O-5b.225 The commenter asks whether the affordable/workforce housing discussed in the Rancho Canada STA will be affordable in perpetuity. The provisions in the General Plan LU-2.12 regarding Affordable/Workforce Housing Program would apply.
- O-5b.226 The commenter asks whether the 266 new lots within Carmel Valley would apply to the four STAs and one Study area or if it is in addition. The 266 would apply to the four STAs and to the one study area, should that area be designated for future growth in the CVMP. Otherwise, the property in the study area would be subject to all of the same provisions regarding requirements for the creation of new subdivisions as provided in the General Plan.
- O-5b.227 The commenter asks a question about the applicability of density bonuses for property in the AHO. The AHO buildout number already assumes that development would be at 30 units per acre. While it is possible, that a developer would request an additional bonus, 30 units per acre is already a significantly high density. The DEIR analysis did not assume that there would be additional density.

O-6a Carmel Valley Traffic Committee (Ad Hoc Traffic Committee)

- O-6a.1 The commenter references background of meetings of the ad hoc committee. The comment is noted.
- O-6a.2 Commenter references the buildout numbers and the 266 cap. The basis of the land use forecasts used for analysis of traffic impacts in the Carmel Valley Master Plan is addressed in Master Response 5, *Carmel Valley Traffic Issues*.
- O-6a.3 The comment requests data for all segments of County Road G-16 (Carmel Valley Road) from SR1 to Via Los Tulares, and SR1 from Carpenter Street to Riley Ranch Road, referring specifically to Tables A, B and C in Appendix C – Traffic Data, of the DEIR.

Table A in the appendix presents daily volume to capacity ratios and LOS under Existing conditions. Table B presents this information for Existing Plus Project to 2030 conditions, and Table C presents this information for 2030 Cumulative conditions.

Roadways in the Carmel Master Plan area are analyzed differently than roadways in the rest of the County because the County has two overlapping processes, one very broad (daily analysis) that is seeking to complete a comprehensive General Plan Update and one which is much narrower (peak hour analysis) that is addressing CVMP circulation issues. The County prepared a study of current roadway and intersection conditions, updated the traffic improvement list to maintain the LOS standards in CVMP Policy 39.3.2.1, and updated the fee program to fund the improvements. The Carmel Valley traffic study and the accompanying DSEIR were completed and released for public comment in August 2007. Subsequent to the DSEIR, a study of SR1 was prepared in 2009.

The peak hour analyses provided in the CVMP studies are presented in the General Plan EIR where it was available, and therefore was not included in the daily analyses presented in Tables A, B, and C. Existing conditions for Carmel Valley Road are presented in Table 4.6-5 on Page 4.6-10. Existing conditions for SR1 between Ocean Avenue and Carpenter Street are also presented in Table 4.6-5. Additional intersection and roadway analysis of SR1 from Carpenter Street to Rio Road are presented in the study "Carmel Valley Master Plan SR-1 Study" (Kimley-Horn and Associates, February 2009).

Under 2030 conditions the peak hour analysis of Carmel Valley Road and SR1 is included in Table 4.6-18. Additional year 2030 intersection and roadway analyses of SR1 is available in the Carmel Valley Master Plan SR1 Study.

- O-6a.4 Commenter refers to the LOS Standard for Carmel Valley as established over the life of the plan. The commenter is referred to Master Response 5 which discusses how the LOS standards for Carmel Valley were established (referencing the Higgins report) and noting that the LOS for each of the segments is not LOS C, but a range of standards.

The commenter also asserts that the changes proposed in the CVMP under the 2007 General Plan would result in a 50% increase in allowable traffic. Master Response 5 also addresses the differences between utilizing an ADT standard versus a peak hour standard.

Should the Board of Supervisors adopt the proposed 2007 General Plan, the policies would supplant all of the policies in the 1982 General Plan and each Area Plan, including the Carmel Valley Master Plan. The "life of the plan," therefore, is until there is a new Master Plan adopted or amendments are adopted.

- O-6a.5 The commenter refers to a different standard used for Carmel Valley. The appropriate standards and methodologies for evaluating traffic conditions in the CVMP area are described in Master Response 5, *Carmel Valley Traffic Issues*.
- O-6a.6 The commenter refers to Board of Supervisors Resolution No. 02-024 and capacity improvements on SR1. Board of Supervisors Resolution 02-024 and future subdivision approvals are addressed in Master Response 5, *Carmel Valley Traffic Issues*.
- O-6a.7 The commenter is referring to policies in the 2007 General Plan. These comments on General Plan policies will be forwarded to decision makers for their consideration. With

respect to the use of ADT for measurement of the standard, please refer to the response to comment O-6a.05 above.

O-6b Carmel Valley Traffic Committee

- O-6b.1 The commenter references background of meetings of the ad hoc committee. The comment is noted.
- O-6b.2 The commenter references the buildout numbers and the 266 residence cap. The basis of land use forecasts used for analysis of traffic impacts in the Carmel Valley Master Plan is addressed in Master Response 5, *Carmel Valley Traffic Issues*.
- O-6b.3 Please refer to the response to comment O-6a.03.
- O-6b.4 Please refer to the response to comment O-6a.04.
- O-6b.5 The commenter refers to a different standard used for Carmel Valley. The appropriate standards and methodologies for evaluating traffic conditions in the CVMP area is discussed in Master Response 5, *Carmel Valley Traffic Issues*.
- O-6b.6 The commenter refers to Board of Supervisors Resolution No. 02-024 and capacity improvements on SR1. Board of Supervisors Resolution 02-024 and future subdivision approvals is addressed in Master Response 5, *Carmel Valley Traffic Issues*.
- O-6b.7 The commenter is referring to policies in the 2007 General Plan. These comments on General Plan policies will be forwarded to decision makers for their consideration. With respect to the use of ADT for measurement of the standard, please refer to the response to comment O-6b.05 above.

O-7 Citizens for a Sustainable Monterey County

- O-7.1 The comment cites which impacts in the DEIR have been identified as significant and unavoidable and then refers the County to concerns detailed in additional comments.
- O-7.2 The commenter asserts that the DEIR fails to consider the impacts of accelerated global warming and states that this is inconsistent with State Law. The DEIR Section 4.16 is devoted entirely to the subject of climate change. A number of mitigation measures are proposed which would become policies in the General Plan. These include adoption of a Green House Reduction Plan, a Green Building Ordinance and a Climate Change Preparedness Plan. The target reductions in the Green House Reduction Plan are consistent with AB 32 targets and include extensive numbers of provisions for reducing green house gas emissions. Minor modifications to these mitigation measures have been made and are provided in Chapter 4 of the FEIR to track changes in guidance from the State (reduce emission by 2020 to a level that is 15% less than 2005 emissions). The DEIR concludes, that based on adoption of these plans and ordinances, green house gas emission will be reduced to meet the targets (less than significant impact). Accordingly,

there will not be an increase in green house gas emission resulting from the implementation of the General Plan. For the period after 2030, the DEIR concludes that the impacts will be significant and unavoidable. This conclusion was reached because the impacts are highly speculative beyond 2030 and because the technological advances that will be necessary to achieve these reductions are unknown. Please refer to Section 4.16.5.3 for the Impact Analysis. This includes the mitigation measures and significance conclusions.

O-7.3 The commenter asserts that the DEIR has not fully considered transit oriented development (TOD) as an alternative to reduce traffic impacts. The commenter is referred to Chapter 5 of the DEIR (Alternatives). A TOD Alternative is proposed and analyzed in that section. It includes measures that would provide for more compact development by focusing new growth along existing and future transportation corridors. It also provides provisions for transfer of development credits to receiver sites to reduce sprawl, and limits on future development in Rural Centers. Last, the TOD Alternative provides a combination of public transportation system improvements to reduce vehicle miles traveled. This Alternative will be presented to the Board of Supervisors when it reviews the FEIR and considers the 2007 General Plan.

O-7.4 The commenter has asked questions about the potential infill capacity of the county and whether relying on infill would meet housing requirements or create exceedance of traffic thresholds. The Land Use Element in the General Plan focuses growth in areas of the County where there already is existing development at urban-type levels and proposes that new development be planned at increased densities in these communities, rather than in the less densely populated portions of the County. Tables 3-8 and 3-9 in Chapter 3 of the DEIR provide an estimate of how much growth could be concentrated in these areas. See also Master Response 2, *Growth Assumptions Utilized in the General Plan*. The DEIR did not calculate creating potential additional infill opportunities, since this was not a policy in the General Plan. It is generally assumed that increasing development in an existing urban area increases local traffic. If one assumes that there will be equivalent jobs created, then infill housing would theoretically reduce trips on roads between cities and communities. Without a specific proposal, it is too speculative to draw a precise conclusion regarding impacts to thresholds.

O-7.5 The commenter raises questions about impacts to agricultural resources and whether they could be lessened by adopting an infill strategy. Comment is correct that the DEIR concluded that there was a significant unavoidable impact from the loss of Important Farmland; the commenter is incorrect with respect to the impact conclusions regarding Williamson Act lands. The DEIR concluded that there was a less than significant impact from the loss of Williamson Act land (DEIR Page 4.2.21).

Creation of infill opportunities would potentially decrease the amount of agricultural land that may be converted. However, again, as noted in Response O-7.5, without a specific proposal, it would be speculative to determine whether there was sufficient infill opportunity to accommodate the necessary affordable housing required in the unincorporated area and the degree to which impacts to agricultural land would be reduced.

- O-7.6 The comment discusses a variety of approaches for reducing water consumptions in order to address increased demands for potable water. The General Plan includes a number of policies that will address future consumption. Policies PS-2.7 through 2.9 include strategies for voluntarily taking land out of crop production, reducing site runoff and maximizing groundwater recharge. Policies PS-3.12 through 3.14 include policies for increasing agricultural and urban conservation including enhanced recycling strategies. Many of these will be the subject of future ordinances. The suggestions of commenter will enhance discussion of these opportunities. In addition, many of the policies that will be included in the Climate Action Plan referred to in response O-7.1 above will include installation of energy saving devices that will also reduce water consumption. An example would be front loading washing machines and more efficient lawn sprinkler.

In addition, new state laws and regulations will increase future water efficiency. The State Building Code green building standards, effective January 1, 2011 will require a 20% reduction in water use for new construction. The Urban Water Management Planning Act will require reductions in outdoor water use. Senate Bill 407 of 2009 establishes statewide requirements for the phased replacement of old, non-compliant plumbing fixtures in existing residential and commercial property (built and occupied on or before January 1, 1994) with new, water conserving models.

O-8 Coast Property Owners Association

- O-8.1 The comment contends that mitigation policies in the DEIR “must be changed to say they do not apply in the coastal zone, with an explanation why.” This comment is repeated and elaborated in O-8.4. Please see the response to comment O-8.4 for response to both comments. Please also see Master Response 11 for a discussion of revisions to the DEIR and draft GPU5 to clarify that GPU policies and DEIR mitigation measures are intended to apply only to the inland unincorporated area of the County. (See FEIR Chapter 4 and Chapter 5)
- O-8.2 The commenter indicates that the DEIR finds environmental impacts and proposes new Plan policies as mitigation, but does not provide substantial evidence to support these conclusions. Without any reference to specific text in the DEIR, the County cannot respond to this comment. The County believes that there is substantial evidence throughout the multi-page DEIR with respect to each impact analysis. The Commenter is referred to Master Response 10, which discusses the level of detail required in a programmatic EIR.
- O-8.3 The comment asserts that “the DEIR misstates the ability of the County to affect federal land use and must be changed to avoid opportunities to do so.” This comment is repeated and elaborated in O-8.6. Please see the response to comment O-8.6 for response to both comments.
- O-8.4 The comment states that mitigation policies in the DEIR “must be changed to say they do not apply in the coastal zone, with an explanation why.” The comment cites Mitigation Measures BIO-2.1 and BIO- 1.5 as examples and contends that the DEIR would be deficient if the measures were intended to apply countywide because the DEIR did not analyze these policies as applying countywide. The DEIR is not deficient because the

referenced mitigation measures are not intended to apply in the coastal zone. As the commenter notes, the General Plan Update contains an explicit statement that it does not amend the local coastal Land Use Plans. Mitigation Measures BIO-1.5 and -2.1 have been revised to clear up any ambiguity as to their application to only the inland unincorporated area of the County. In addition, any text of the DEIR or proposed mitigation that states that a General Plan Update policy or proposed mitigation applies “countywide” should be understood to mean the “inland unincorporated area” of the County. As comprehensive a list as possible of these changes is in Chapter 4 of this FEIR.

The comment also suggests that a paragraph be added to every policy change proposed by the DEIR that does not expressly limit its application to areas outside the coastal zone; the proposed paragraph would explicitly states that the policy shall not apply within Monterey County’s coastal zone. Supplementing each policy proposed by the DEIR with the proposed additional paragraph would result in more confusion than clarification. The inclusion of the paragraph in some policies – those which originated with the EIR—and the omission of the paragraph from the remaining GPU policies could lead to the erroneous inference that the omission of the paragraph means that the policy does apply in the coastal zone. To avoid this problem, the paragraph suggested by the commenter could be included in each and every policy of the General Plan Update; however, such an addition to each General Plan policy would be needlessly redundant and is unnecessary. Adding such a statement to each and every General Plan policy is not necessary because the General Plan Update itself will state explicitly in the introduction that “[T]he County is not amending the Local Coastal Program as part of this General Plan Update” (See Introduction, page vi of the revised draft General Plan Update (Chapter 5 of the FEIR) . Additionally, Policy S-6.5 has been revised to omit the word “countywide”, and Policy LU 2.22.b relating to the Castroville Community Area and the 2007 General Plan figures showing the Castroville Community Area have been revised to clarify that the General Plan Update applies only to the inland portion of the Castroville Community Area. See Master Response 11 regarding effects on the coastal zone for further discussion of these clarifications. Please also see Chapter 4 and Chapter 5.

The comment also requests that maps and tables in the DEIR be changed to exclude references to coastal areas, such as Exhibit 4.9-1 and Tables 4.9-1 and 4.9-5. The exhibit depicts the vegetation cover in Monterey County and the cited tables list vegetation communities and species with potential to occur in Monterey County. Although the General Plan Update applies only to the inland unincorporated area, the DEIR includes analysis of the impacts of the General Plan Update. The analysis includes any direct or indirect impacts on coastal resources, and thus, the DEIR appropriately included coastal resources in its environmental analysis. (See Master Response 11, *Effect of GPU5 on the Local Coastal Program and Impacts to Coastal Resources*, for further elaboration.) The fact that the DEIR analyzes the impacts of inland development policies on coastal resources does not mean that General Plan Update itself applies in the coastal zone.

- O-8.5 The commenter raises questions about the substantial evidence provided in the DEIR that would require protection of “special status species” and indicates that protection is not required for plant communities or other plant groupings. The Monterey County Planning Commission held workshops in the summer of 2009 that addressed suggested changes to the mitigation measures in the DEIR pertaining to biological resources. The County is

proposing changes to several of the mitigation measures and to policies in the 2007 Draft General Plan in response to input received at the workshop. This includes deletion of the term “special status species” in the Glossary. These modifications are described in Master Response 8, *Biological Resources*. They may also be found in FEIR Chapters 4 and 5. The commenter is also referred to Master Response 8 for a discussion of how the revisions would address CEQA and relate to the draft policies in the General Plan.

The commenter is also referred to the responses to comments O-17, O-13a, O-13b and O-14a.

- O-8.6 The comment asserts that “the DEIR misstates the ability of the County to affect federal land use and must be changed to avoid opportunities to do so.” The commenter acknowledges that the DEIR’s statement that County does not have jurisdiction over federal lands (on DEIR p. 3-2) is “technically correct.” The commenter, however, requests the DEIR to be changed to acknowledge opportunities for the county “to exert a measure of control over federal lands” and to revise Mitigation Measure BIO-1.1 (if it is included in the General Plan) so that it does not exclude federal lands. The comment is an observation about policy rather than a comment on environmental impacts of the General Plan. In addition, Mitigation Measure BIO-1.1 has been deleted, in concert with revisions to measures BIO-1.4, BIO -1.5, and BIO-3.2. Therefore, no change to the DEIR is required.

O-9a Friends, Artists, and Neighbors of Elkhorn Slough “FANS” (prepared by KENYON/YEATES)

- O-9a.1 The commenter states that they have been unable to locate certain reference documents listed in the DEIR’s reference section. The commenter asks that these be made available.

Subsequent to this letter, the County revised the reference section, provided better identification of the referenced materials, made copies available to the public, and extended the DEIR’s public review period for a total of 147 days. The County has made the necessary good faith effort at full disclosure regarding the reference documents for the DEIR. Please see Master Response 12, *Recirculation*, for greater detail. As noted in Master Response 12, while several comments have suggested that CEQA Guidelines Section 15087(c)(5) mandates availability of “all documents referenced,” this section must be read in context. As discussed in a leading CEQA treatise, “[t]he requirement that the EIR public review notice indicate the address where copies of the EIR and all ‘referenced’ documents are available has also led to some confusion. This notice requirement should be read together with 14 Cal. Code Regs. §15150(b), which requires that documents incorporated by reference in an EIR be made available for inspection. See also 14 Cal. Code Regs. §15087(c)(5). This requirement should not be interpreted to apply to documents that are cited in an EIR under 14 Cal. Code Regs. 15148, because there is no requirement that such documents be made available for public inspection.” (Kostka & Zischke, *Practice Under the California Environmental Quality Act*, (2d ed Cal CEB, January 2010 Update), p. 472, § 9.18.)

O-9b Friends, Artists, and Neighbors of Elkhorn Slough “FANS” (prepared by KENYON/YEATES)

O-9b.1 The 2007 General Plan Update will not change the permitting regime for Routine and Ongoing Agricultural Activities, nor will it change the existing range of allowable land uses. Similarly, the 2007 General Plan Update will not change the applicability of the Central Coast RWQCB’s irrigated agricultural lands program, which regulates the discharge of sediments from agricultural lands. Under CEQA, the significance of a proposed project’s impact is determined in reference to the change the proposed project would cause in the existing physical conditions. (CEQA Guidelines, §15126.2 (a)) Since the 2007 General Plan would not cause any change from existing conditions (i.e. the 1982 General Plan), this aspect of Policy OS-3.5 would have a less-than-significant impact. Please note that Policy OS-3.5 has been revised as to the permitting process for uncultivated lands. Please see Master Response 3, *Agricultural Growth and General Plan Agricultural Policies*, and Chapter 5 of this FEIR regarding those revisions.

The comment also asks how the County would review or monitor changes in agricultural operations to ensure that no significant soil erosion or water quality impacts would occur. Proposed Policy OS-3.9 states that the County “will develop a Program that will address the potential cumulative hydrologic impacts of the conversion of hillside rangeland areas to cultivated croplands. The Program will be designed to address off-site soil erosion, increased runoff-related stream stability impacts and/or potential violation of adopted water quality standards for existing and future conversion. The County should convene a committee comprised of county staff, technical experts, and stakeholders to develop the Program, including implementation recommendations.” Proposed Policies OS-3.5 and OS-3.9 will limit the impact of agricultural conversions to a greater extent than exists under current laws. Please refer to Master Response 3 for a specific discussion of the impacts of Routine and Ongoing Agricultural Practices and General Plan policies on agriculture. Please also refer to Master Response 8, *Biological Resources*, and Master Response 9, *Water Quality*, which address comments pertaining to development on slopes, biological resources and water quality. Master Response 9 includes a discussion of existing regulations that minimize erosion and water quality impacts from existing agricultural use.

O-9b.2 See Master Response 9 on Water Quality, and Master Response 10, Section 10.7 which discusses regulatory compliance. As discussed in these Master Responses, Monterey County’s General Plan does not stand alone from a regulatory or statutory perspective. Development within the County, contemplated under the General Plan, must comply with other federal, state, and local regulatory and statutory requirements. These will shape the way development occurs within the County, in addition to the General Plan. (See also *City of Long Beach v. Los Angeles Unified School District* (2009) 176 Cal.App.4th 889, 913, 914 [discussing compliance with Safe School Plan requirements under Education Code Sections 32282 *et seq.* to help avoid hazardous material impacts]; *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 308 [“compliance [with environmental regulations] would indeed avoid significant environmental effects”]; see also CEQA Guidelines Sections 15002(h)(3), 15064(h)(3), and 15130(c).)

The commenter misreads the DEIR's conclusions. The DEIR applied the significance thresholds in DEIR Section 4.3.4.1 to Impact analyses WR-1 through WR-14. At the beginning of each Impact analysis there is a bold title used to identify the topic and significance threshold being analyzed (for example see DEIR page 4.3-90 "Impact WR-1: Residential, commercial, industrial, and public uses consistent with the 2007 General Plan would introduce additional nonpoint source pollutants to downstream surface waters, substantially degrading water quality.") This is followed by a summary of the significance conclusion for the analysis, in bold as well, "(Less-Than-Significant Impact)." The title is not the significance conclusion, as suggested in the comment. The DEIR then goes on to disclose the potential impact of the Draft General Plan absent the application of mitigation measures that would reduce that impact. After identifying the mitigation measures, the DEIR makes a determination about the significance of the impacts of the General Plan Update in light of the applicable regulations and DEIR measures that would work to avoid, minimize, reduce, and otherwise mitigate the impact. The overall conclusion, after mitigation, is found under the title "Significance Conclusion." For more information on the rationale for these conclusions the commenter is directed to the impact analyses discussed after "Impacts of Development with Policies."

The thresholds of significance for water quality impacts are not acting as the significance conclusions themselves. The impact section examines the potential impacts that would result from the General Plan Update in the context of the regulatory environment, then adds mitigation measures as may be needed. When the regulations and mitigations would be sufficient to reduce the impact below the threshold of significance, then the DEIR concludes that the impact is less than significant.

This determination has been made on a qualitative basis. The size of this project (i.e., the unincorporated County of Monterey), and the fact that it does not include site-specific development projects from which impacts could be quantified, makes a quantitative approach unreasonable. Please also refer to Master Response 10 on the level of detail required in an EIR for a General Plan.

- O-9b.3 See the Master Response 3, *Agricultural Growth and General Plan Agriculture Policies*, Master Response 8, *Biological Resources*, and, Master Response 9, *Water Quality* for general responses to comments on development on slopes and erosion impacts, respectively, including the effectiveness of General Plan policies and existing regulatory programs.

This comment questions the effectiveness of General Plan policies in avoiding or reducing significant erosion impacts. However, the General Plan is not a compilation of specific regulatory actions or mitigation measures, each of which must meet the standards of specificity and enforceability required of regulations or project-specific mitigation measures. As explained in Master Response 10 regarding the level of detail expected of a program EIR, General Plan policies are general statements of principle that will guide later implementing actions, such as ordinances and regulations, to be undertaken during General Plan implementation. General Plan policies for a County of the size and diversity of Monterey County are not intended to be, nor can they feasibly be, site-specific or project-specific. Further, to evaluate whether a particular policy avoids or reduces an impact to less than significant levels by a particular policy, the combined

effect of all relevant General Plan policies, EIR mitigation measures, and ongoing regulatory programs must be considered together.

The commenter questions the effectiveness of Policy OS-3.5 which guides the conversion of non-cultivated lands on steep slopes. In response to this and other comments, Policy OS-3.5 has been strengthened to require a discretionary permit for conversion of previously uncultivated lands between 15% and 25%, or greater than 10% slope if on highly erodible soils. The modification to OS-3.5 also prohibits conversion of slopes of 25% or greater, except under limited circumstances that would also require a discretionary permit. Please also refer to Master Response 3 for a detailed discussion of Policy OS-3.5.

The commenter questions the effectiveness of Policy OS-3.9, which addresses the erosion impacts of hillside development. In response to this and other comments, Policy OS-3.9, has been strengthened by clarifying that it will minimize or avoid soil erosion, increased runoff-related effects, and violation of water quality standards. Please see Chapter 5.

The changes to these policies will further assure that erosion impacts from development under the General Plan would be less-than significant. Please also refer to Master Response 9 on water quality.

The commenter asserts that Timber Harvest Plans (THPs) allow significant and unavoidable erosion impacts. However, such an outcome is unlikely, even though the THP is the functional equivalent of an EIR and would (theoretically) allow the override of significant impacts. Under the Forest Practice Rules (Title 14, California Code of Regulations, Chapters 4, 4.5, and 10), a THP must conform to substantive performance standards intended to minimize and contain on-site and off-site erosion (see Article 4, Harvesting Practices and Erosion Control, and Article 6, Watercourse and Lake Protection, of Subchapters 4, 5, and 6 of Chapter 4). In addition, a THP is subject to review by the Central Coast RWQCB, which will require the issuance of either waste discharge requirements or an individual or general conditional waiver before timber operations can begin. Either the waste discharge requirements or the conditional waiver from such requirements ensure that the operation complies with the Basin Plan and protects beneficial uses, such as fisheries. The RWQCB permits restrict the release of discharge (i.e., erosion) from the logging site in order to avoid any significant and adverse changes, and to minimize impacts on any downstream "impaired water bodies" whose impairment is sedimentation.

- O-9b.4 The comment states that the DEIR fails to evaluate water quality impacts to Monterey Bay. See Master Response 9, *Water Quality*, subsection 9.8, for a discussion of the DEIR's analysis of water quality impacts to Monterey Bay. The DEIR has sufficiently disclosed this impact to allow informed decision-making and has made a good faith effort at such disclosure. No substantial evidence has been provided that would lead the County conclude that there is a new or more severe significant effect that would require it to recirculate the DEIR.

Keep in mind that the DEIR is a programmatic document for the General Plan Update and provides detail appropriate for such a document. Please see the response to comment O-9b.03 and Master Response 10, *Level of Detail for the General Plan and the General*

Plan's EIR, for further discussion of this issue. Quantifying the amounts of pollutants that might reach Monterey Bay as a result of development under the General Plan is not feasible or required, since all future projects in the inland area of the County are not known at this time; nor can the specific design characteristics of future development (particularly as they relate to the release of pollutants) be known at this time. At the same time, the DEIR can reasonably assume that application of the numerous state and County regulations and proposed General Plan policies described in the DEIR and Master Response 9 will result in projects that are designed in order to avoid a significant effect.

Commenter also states that the DEIR does not provide sufficient information regarding policies that are contained in or enforced in the *Upper Salinas River Watershed Management Action Plan*, *Big Sur Coastal Ecosystem Action Plan*, and *Water Quality Protection Plan*. As a programmatic document, the DEIR provides general information on the existing regulatory scheme that collectively contributes to management of a particular resource. (DEIR section 4.3.3) Each of the plans cited by the commenter contains numerous policies and programs that govern activities in their respective watersheds. As a collaborative partner in the implementation of each of these plans, the County participates actively in carrying out these programs that include education of the public on the problems in the watersheds, and best management practices for managing their land; and participation on stakeholder committees that develop and implement programs for reducing erosion and enforcement of appropriate regulations. The DEIR includes a description of these and other programs specifically to inform the public that these programs exist as a complement to policies that are proposed in the General Plan. Note also that the pages preceding the summary of the watershed management plans (pages 4.3-58 through 4.3-60) describe the specific initiatives that were initiated as a result of the adoption of the Upper Salinas River Watershed Management Action Plan. As stated above, no further analysis of these plans is required in this program-level EIR.

- O-9b.5 See Master Response 9, *Water Quality*. It provides additional detail concerning the federal and state programs that protect water quality and updates the list of impaired water bodies and TMDL programs. As described in the DEIR on pages 4.3-49 to 4.3-51, 4.3-53 to 4.3-62, and 4.4-19 to 4.4-24, both federal and state agencies assigned the task of protecting water quality are operating under statutory and regulatory schemes (i.e., the Clean Water Act, the Porter-Cologne Act, and related regulations) mandating that they take the necessary actions to meet clean water standards. The County is operating under the reasonable assumption that these agencies will fulfill their statutory and regulatory duties, as they have been diligently doing for years. Similarly, Monterey County ordinances and programs address soil erosion.

The commenter asks when the NPDES program will be complete. The solution to water quality problems is not, and has never been purported to be, instantaneous. Federal and state regulators are undertaking a long-term (and in some cases, phased), comprehensive programs of action that will lead to compliance with clean water standards. The County complies with, and will continue to comply with, all applicable federal and state mandated water quality programs. The General Plan Update does not interfere with or impede the implementation any of these programs.

To the contrary, the Draft General Plan includes specific policies intended to assist in improving water quality under the County's traditional land use regulatory authority. In

addition to the ongoing activities of federal and state regulators, the General Plan includes numerous policies related to improving water quality ranging from well testing and restrictions, to the limitation on septic tanks within community areas which collectively contribute to the reduction of impacts. See Master Response 9 on Water Quality for a comprehensive list of these policies and the methods by which the County will implement them.

- O-9b.6 The commenter is directed to Master Response 4 subsection 4.2, on Water Supply in the Salinas Valley, and response to comment O-11g.28, which addresses the CEQA requirements associated with the *Vineyard* case. As noted in that response, *Vineyard* involved a project level impact analysis for a Specific Plan. In this instance, the General Plan EIR is a programmatic document akin to the program EIR in *In re Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings* (2008) 43 Cal.4th 1143. Master Response 4 also updates the information on water demand and supply within the Salinas Valley cities.

As discussed in the Master Response 4, Section 4.2.2, the SVWP has already gone through rigorous environmental review, including the preparation of a FEIR. At the time the DEIR was completed, the SVWP was under construction. Since the completion of the DEIR, the SVWP spillway has been completed, and the diversion dam is expected to be operational in Spring 2010. The benefit assessment district establishing Zone 2C and providing funding for the SVWP has been created. There is no substantial evidence that adequate funding will not be available. Completion of the SVWP is therefore reasonably foreseeable and certain.

The commenter states that "...the DEIR fails to provide sufficient information about the SVWP to meaningfully apprise the public and decision-makers of the pros and cons of relying on the SVWP as a water source for buildout of GPU5. The DEIR fails to acknowledge the uncertainties faced for multiple phases of the SVWP..."

With regard to disclosure of the water sources of the SVWP, a discussion of the contributors to the Salinas River watershed is found on DEIR page 4.3-4. The SVWP obtains the bulk of its supply from Nacimiento and San Antonio Reservoirs. The SVWP is summarized on page 4.3-9 of the DEIR. A more expansive discussion of the SVWP's role in providing water to the Salinas Valley and halting seawater intrusion begins on page 4.3-33 under the discussion of the Salinas Valley Groundwater Basin. The comment is also directed to Master Response 4, subsection 4.2, which discusses the SVWP in greater detail. As discussed in Master Response Section 4.2.2, the Monterey County Water Resources Agency (MCWRA) passed a benefit assessment in 2003 (Zone 2C) that will finance the SVWP. Please see Master Response 4, Section 4.2.3, for discussion of potential expansion of the SVWP to meet water supply needs in the 2092 buildout year, and Sections 4.2.4 and 4.2.5 for more detailed discussion of sea water intrusion and groundwater overdraft in the Salinas Valley.

The DEIR on Pages 4.3-131 notes that the SVWP does have the capacity (approximately 10,000 AFY) to provide additional water to the Salinas Valley. As noted in Master Response 4, subsections 4.1.2 and 4.2.3, this is expected to provide sufficient water supply in the Salinas Valley up to the 2092 buildout year. However, there are not project level details on how this water will not be distributed, nor is parcel specific information

available on where this water may be needed. Strategies could include expansion of the distribution system, additional diversion facilities and conservation. The SVWP EIR/EIS also describes potential future projects that would address future demand. These are not further specified in the General Plan DEIR, since the selection of a specific approach is speculative at this time. Furthermore, program level details are provided for potential water supply alternatives throughout the County under Impact WR-5 along with discussion of their impacts. Please see Master Response 4, Section 4.6, for more detail.

This level of detail is consistent with CEQA. As discussed in *In re Bay-Delta*, over a 30 year period, it is “impracticable to foresee with certainty specific source of water and their impacts...The PEIS/R complied with CEQA by identifying potential sources of water and analyzing the associated environmental effects in *general terms*.” (*Id.* 1173; emphasis added.) Additionally, please also note that Draft Policies PS-3.17 and PS-3.18 (Mitigation Measure WR-2) have been modified to tie the assessment of future need to a review of actual growth and the success of the SVWP based upon the modeling protocol. Please refer to Master Response 2 regarding growth assumptions for a discussion of these policies as well as Master Response 4 for a discussion of the adequacy of these policies. They are also provided in Chapter 5 of the FEIR.

The comment also states “[t]he SVWP EIR is eight years old, and did not evaluate the County’s long term water demands against the presently-existing environmental conditions....” As shown in new Table 4.3-9c (see Chapter 4 of this FEIR), the total demand projected for 2030 in the SVWP EIR and the total demand projected with the 2007 General Plan are very similar (the difference is about 4%). While the two analyses used somewhat different methodologies, they both result in a similar estimate of 2030 demand. The projections of water demand in the SVWP and in the DEIR are therefore consistent, within a respectable margin of error.

The comment suggests the DEIR did not account for drought years. Please see Master Response 4, Section 4.2.2, which discusses how drought years were considered in the DEIR. Please also see Master Response 4 for discussion of water supply in Highlands South.

- O-9b.7 The commenter states that the DEIR does not evaluate mitigation measures or alternatives that would address exacerbation of impacts on water supply from development on lots of record and questions whether Monterey County would be able to fully implement the conservation programs that are proposed in the 2007 General Plan. On pages 4.3-149 through 4.3-152, the DEIR enumerates a number of policies that are specifically designed to further reduce water consumption and increase recharge to the groundwater basin. For example, pursuant to proposed Policies PS-2.8 and PS-2.9, the County will require that all projects be designed to maintain or increase the site’s pre-development absorption of rainfall (minimize runoff), and minimize the amount of impervious surface on lots. These will help to reduce the impacts of development of existing lots in the North County. As the commenter notes, the General Plan contains policies regarding water conservation (PS-3.13). In response to comments regarding whether the County can rely on public education and enforcement measures because of the cost of implementation, we refer the commenter to Master Response 10, *Level of Detail for General Plan and the General Plan EIR*, section 10.5 and the responses to comments O-21k.143 and O-21k.144.

The comment also suggests water conservation measures. The DEIR discusses water conservation measures in numerous sections, for example see pages 4.3-45, 4.3-53, 4.3-62, 4.3-67, 4.3-68, and 4.3-83. As noted in these sections, there are numerous state requirements which provide for further conservation measures such as Urban Water Management Plans and Integrated Regional Water Management Plans. For example, see DEIR pages 4.3-62 and 4.3-82. Furthermore, recent revisions have been made to the Water Code under SBX7 7 (2009) which provide for reductions to both urban and agricultural water usage. The benefits of agricultural water conservation are discussed in Master Response 4, Section 4.2. Furthermore, the proposed General Plan contains numerous policies which provide for water conservation measures (see Policies OS-3.8, OS-10.10, PS-3.12, and PS-3.13).

Commenter asks for greater details in PS-2.9 regarding the specifics of managing construction of impervious surfaces. This is a level of detail that is not required in a General Plan and will be addressed at the ordinance level as well as what is already addressed in the State Building Code. The commenter is referred to Master Response 10, in particular Section 10.1 which discusses implementation of the General Plan.

Comment states that Policy PS-3.2 should not allow credits for projects that significantly reduce historical water use since any demand contributing to overdraft is a significant adverse impact on the existing over-utilized groundwater supply. Existing overdraft conditions are not impacts of the proposed project, but are existing conditions (see CEQA Guidelines Section 15125). The comment also states that the DEIR fails to explain the anticipated water saving with urban conversion of agricultural uses. Please see Master Response 4, Section 4.2.1, which discusses agricultural water usage trends, which includes conservation measures.

Commenter states there is a lack sufficient information regarding rules in future ordinances to reduce impacts. Commenter is referred to Master Response 10, sections 10.1 and 10.5.

Commenter proposes applying the policy language in Policies NC-5.1 and NC-5.2 county-wide. The County believes that there are equivalent policies under Goals PS-2 and PS-3 in the General Plan that have already been referred to above and which will be developed at the ordinance level. Please refer to Master Response 10.

Commenter raises several issues with respect to the policies regarding permitting of wells and well interference and the need to create a discretionary process for all new wells. Policies PS-3.4 through PS-3.6 address permitting of wells. These policies address individual wells, larger capacity wells and system wells and effects on wells in the vicinity. The criteria contained in these policies are intended to be a factor in determining whether or not a well will be permitted. The County will develop ordinances to implement these policies. The ordinances will contain specific information as to when interference would be considered to significantly interfere with another well and what alternatives or mitigation as appropriate. Please refer to Master Response 10.

The commenter states that impact WR-9 should be significant and unavoidable and mitigation measures, such as the creation of a discretionary permit should be provided. Impact WR-9 was determined to be less than significant. CEQA does not require

mitigation measures for less than significant impacts. Comment also requests more detailed information on Policy PS-3.5. Please see Master Response 10, Sections 10.1 and 10.5.

The commenter notes that Policy PS-3.6 provides for programs that minimize, not stop, saltwater intrusion and therefore drilling or operating of new wells could be cumulatively significant. The commenter is referred to page 6-12 of the DEIR and the conclusion regarding Impact CUM-3 which states that proposed mitigation measures WR-1 and WR-2 hold promise for reducing overdraft and seawater intrusion, but do not eliminate the contribution of 2007 General Plan implementation. The comment is also directed to the significance conclusion for Impact WR-7, which was determined to be significant and unavoidable in certain portions of the County.

Commenter notes that the DEIR concludes that development on existing lots of record will result in significant and unavoidable impacts to groundwater, without describing the physical changes to the environment that would occur. Commenter also asks questions about the future rate of overdraft and recovery. The consequences of groundwater depletion and seawater intrusion are described in the DEIR on pages 4.3-25-4.3-27, 4.3-146 to 148 and page 4.3-157. These include mixing of tidal and freshwater in the Elkhorn Slough, impacts to aquatic species, intrusion of salt into drinking water, increased difficulty extracting water, and changes in cropping patterns. The commenter is referred to Master Response 4, *Water Supply*, for additional responses related to specific questions about the impacts of development of lots of record and the Granite Ridge pipeline. The timeline of this proposed project does not change the DEIR conclusions.

- O-9b.8 The commenter suggests that the General Plan policies do not impose specific enough restrictions on future development to ensure that wastewater impacts would be less than significant. The commenter is referred to Master Response 9, *Water Quality*, Section 9.2.1 and Section 9.5.2 regarding wastewater impacts. See response to comment O-9b.03 and Master Response 10, Section 10.5 (Monterey County 2007 General Plan Mitigation Measures and Policies) regarding the level of detail required in general plan policies and mitigation measures. The 2007 General Plan policies called out in the comment (PS-4.1 through PS-4.12) meet CEQA requirements for specificity and detail. The commenter correctly notes that not all of the proposed wastewater policies are mandatory, if compliance would be infeasible. However, requiring compliance unless infeasible does not mean the policies would be ineffective in avoiding significant impacts. The policies, PS-4.1 through PS-4.12, would be implemented in combination with a number of adopted programs and regulatory requirements, which are considered collectively in the DEIR conclusions. Moreover, PS-4.8 lists specific criteria that septic disposal systems serving individual users must meet when connection to a wastewater treatment facility is not feasible. In addition, policies PS-1.1 through PS-1.6 establish the framework for ensuring that adequate public facilities and services for new discretionary development are funded concurrently and maintained for the life of the system. Proximity to wastewater treatment systems, as well as feasibility of future funding, was an important factor in the designation of Community Areas and Rural Centers. This is also an important criterion in LU-1.19, criteria for evaluating subdivisions outside of Community Areas and Rural Centers.

O-9b.9 The commenter questions the effectiveness of land use policies LU-1.1 through LU-1.9 in reducing impacts to biological resources. The land use policies cited by the commenter act to discourage development of residential projects outside of the incorporated cities and the Community Areas and Rural Centers. This results in reducing the pressure to develop areas that contain habitat for special-status species. As policies, they will be applied by the Planning Commission and Board of Supervisors during deliberations on proposed development projects.

The commenter also questions the effectiveness of certain General Plan open space policies in reducing impacts to biological resources. Please see the first paragraph of the response to comment OS-9b.03 regarding the effectiveness of General Plan policies in reducing environmental impacts, such as impacts on biological resources.

Master Response 8, *Biological Resources*, discusses changes to General Plan policies and mitigation measures that pertain to evaluation of impacts to species. The revisions clarify which species will be addressed by the policies and the specificity of the mitigation that will be provided. Master Response 3, *General Plan Agricultural Policies* describes changes to Policy OS-3.5 which, as modified, requires a discretionary permit for conversion of previously uncultivated land on slopes between 15% and 25% slope or 10% to 25% in areas of highly erosive soils. Except under special circumstances, conversion of previously uncultivated lands is prohibited on slopes over 25%. These changes address many of the comments raised with respect to impacts from agricultural on water quality and sensitive species. The Central Coast RWQCB's Agricultural Waiver Program, as well as a number of additional agency programs and General Plan policies, is intended in concert with this policy to address these impacts.

The commenter questions the effectiveness of Policy OS-5.4 in reducing impacts to listed species and critical habitat to less-than-significant levels. This policy will be implemented in concert with other federal, state, and County regulations and mitigation requirements; collectively, these policies, regulations and requirements cannot avoid all future impacts of the General Plan on special status species, but they would work together to ensure that the impacts will be less than significant. The draft General Plan policies and DEIR mitigation measures address the general effect of development under the General Plan, taking into account the regulatory authorities and activities of Federal and state agencies such as the U.S. Fish and Wildlife Service (through the Endangered Species Act and other authorities) and the California Department of Fish and Game (through the California Endangered Species Act and as a responsible agency under CEQA). This clearly demonstrates that the County is not relying solely on either its policies or upon other agency programs for mitigation.

The commenter questions the effectiveness of Mitigation Measure BIO-1.3, which required biological study for discretionary activities affecting CEQA-defined special status species. This mitigation measure has been replaced by revised Policy OS-5.16, which requires a biological study for discretionary activities affecting biological resources as defined in CEQA Guidelines Section 15065. This revised General Plan policy requires feasible mitigation measures to reduce significant biological impacts to less-than-significant levels be adopted as conditions of project approval. Please refer to FEIR Chapter 5 General Plan Policies. Master Response 8 also discusses these changes.

The commenter has suggested that BIO 2.3 be strengthened. The County believes that this policy in combination with BIO 2.1 and the proposed modifications to OS-3.5 would achieve a similar result. Therefore, the County is not proposing to change the policy.

The commenter has indicated that the General Plan policies pertaining to tree removal provide less protection than the County's current tree preservation ordinance. General Plan Policy OS-5.9 requires each Area Plan to set forth tree removal permit requirements. This allows for addressing unique species and conditions in the different planning areas. The General Plan indicates no intent that the Area Plan tree removal requirements provide less protection than the current tree preservation ordinance. The policies protecting specific trees that are protected in the 1982 General Plan have been retained in the 2007 General Plan. The reader is also referred to Mitigation Measure BIO-2.2 which provides specific mitigation for oak woodlands.

The commenter has questioned impacts to migratory birds and the efficacy of Mitigation Measure BIO-3.2. As the commenter notes, Mitigation Measure BIO-3.2 addresses vegetation removal during nesting season, but not when nests are not active. Modifications to Policies OS-5.2 through OS-5.4 and Policy OS-5.16 address the habitat protection issues raised by the commenter. These can be found in Chapter 5 of this FEIR.

The commenter has raised issues with respect to legal lot development and species impacts. This issue is discussed in Master Response 8, *Biological Resources*.

- O-9b.10 This provision is included in order to meet the requirements of State Planning Law relative to general plan content. Government Code Section 65302(a)(1) requires that the general plan in its land use element: "Designate in a land use category that provides for timber production those parcels of real property zoned for timberland production pursuant to the California Timberland Productivity Act of 1982 (Chapter 6.7 (commencing with Section 51100) of Part 1 of Division 1 of Title 5)." The County has limited authority to affect land uses zoned under the California Timberland Productivity Act of 1982 ("TPZ") (See Government Code Section 51115 ["The growing and harvesting of timber on those parcels shall be regulated solely pursuant to state statutes and regulations."]). Development of a TPZ is not reasonably foreseeable as there is no land zoned as TPZ within the County. (For those who may be interested, see the California Department of Forestry and Fire Protection's website for private lands zoned for timber production: http://frap.cdf.ca.gov/publications/Timberland_Site_Class_on_Private_Lands_Zoned_for_Timber_Production.pdf) Additionally, TPZ zoning is exempt from the preparation of an EIR (See Government Code Section 51119, and CEQA Guidelines Section 15264).

Furthermore, a general plan open space element is to include: "Open space used for the managed production of resources, including but not limited to, forest lands, rangeland, agricultural lands and areas of economic importance for the production of food or fiber; areas required for recharge of groundwater basins; bays, estuaries, marshes, rivers and streams which are important for the management of commercial fisheries; and areas containing major mineral deposits, including those in short supply" (Government Code Section 65560).

For areas outside of a TPZ zone, please see the response to comment O-9b.03 regarding the requirements of THPs. The THP process under the Forest Practice Rules specifically includes consideration of impacts on biological resources, review of such considerations by the Department of Fish and Game, and mitigation of significant impacts. Furthermore, the DEIR considers timberland production in these areas. For example, see Impacts WR-3 and BIO-1. Furthermore, the General Plan also includes policies that address timber production (see Policies OS-5.7, OS-5.10, and CACH-3.5).

- O-9b.11 The commenter requests that the County include additional information necessary to evaluate the proposed General Plan's environmental impacts. The County has done so through preparation of the FEIR of which this response is a part. Additional information that amplifies the discussion in the DEIR with respect to the evaluation of impacts has been provided in the Master Responses and responses to comments. CEQA only requires recirculation of an EIR when significant new information is added to the EIR after public notice, which changes the EIR "in a way the deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative)" (CEQA Guidelines, §15088.5(a)).

The commenter has included several attachments to this comment letter, one of which is not numbered. The commenter has not provided any specific comments pertaining to these letters. The County assumes that these were intended to provide additional information for the County in preparing the responses to the letter. The County has reviewed these attachments and does not believe that the attachments would change any of the responses to comments or conclusions. Many of these letters pertain to the SVWP and groundwater resources. The commenter is referred to Master Response 4, *Water Supply* for a discussion of the issues of the status of the SVWP, water demand and supply.

O-10a Helping Our Peninsula's Environment

- O-10a.1 HOPE opposes the current General Plan proposal and EIR, citing population numbers as growth goals, new freeway expansions, lack of habitat restoration and species recovery policies, and lack of meaningful mitigation of "pollution from pesticides, and light and noise pollution." These comments are the responded to in the following specific responses.
- O-10a.2 The commenter asserts that the General Plan Update is based on "inflated population growth numbers" promulgated by state and regional agencies. The commenter objects to the use of these projections and recommends that the County base the plan on other, unspecified, projections that would reflect "stable population numbers." The commenter recommends that the County "downzone" in an unspecified manner to reduce densities such that "the County will not accommodate any more growth and will cut back on population until it reaches an amount sustainable with the natural resources... available." Downzoning refers to amending existing land use designations to designations that would have a lower density development potential.

The General Plan Update is based on population projections of state and regional agencies. Since the preparation of the General Plan Update and its DEIR, new projections have been adopted by the State Housing and Community Development Department and by AMBAG that reflect a slower rate of growth and lower overall population in the near term (Association of Monterey Bay Area Governments 2008a). This illustrates that population projections are simply that – projections – not absolute numbers. The General Plan Update is based on what the County believes to be reasonable projections of future population growth. Actual levels of future growth will depend on a variety of factors including the health of the economy, the availability of water, and land use regulations. Please also refer to Master Response 2 for a more detailed discussion of the growth assumptions and approach utilized in the preparation of the DEIR.

The proposed General Plan reflects policies of managed growth, encouraging new urbanization to occur within existing incorporated cities, the five specified community areas, seven rural centers, and three designated affordable housing affordability overlay (AHO) areas. Monterey County does not have the authority to stop all growth, nor can it limit population growth. In fact, state law pertaining to Housing Elements (Government Code Section 65583) mandates that the county plan for its share of projected regional housing demand. The question of where new growth will be located and how much growth should be accommodated under the proposed General Plan Update is a fundamental policy question, not a CEQA question. The CEQA analysis simply discloses the potential environmental effects of the General Plan being proposed. This comment raises no issues related to the environmental analysis, so no further response is necessary. The General Plan policy questions will be considered by decision-makers prior to adoption of the General Plan Update.

The commenter's comment regarding downzoning is discussed in detail in response O-10a.7, below.

- O-10a.3 The commenter opposes proposed General Plan transportation system expansions on State Routes 156, 68, and 1. The commenter asserts that "roads can lead to every form of environmental impact by allowing any kind of human activity into formerly inaccessible natural areas." The commenter identifies a list of potential environmental impacts that they allege could occur as a result of new roads.

The three roads mentioned in the comment are existing state highways. The EIR has considered the impacts of the roadway improvement projects at a programmatic level, as is appropriate in an EIR for a general plan. Please see Master Response 10 for additional information about the level of detail in a programmatic EIR. The environmental impacts of the TAMC Regional Fee Program were evaluated in the 2007 Addendum to the EIR prepared for the 2005 Monterey County Regional Transportation Plan (State Clearinghouse No. 2004061013). These proposed expansions will be subject to a project-specific analysis of their impacts once they have been designed. Such analysis is not reasonable or feasible to undertake at this time without additional detail about project design. Typically, state highway expansions rely upon a mix of federal, state, and local moneys. Accordingly, when they are designed and proposed for adoption these system expansions will be subject to future analysis under both the National Environmental Policy Act (NEPA) and CEQA. Those future environmental analyses will disclose any

project-specific environmental impacts, discuss alternatives to the proposed actions, and mitigation will be adopted as necessary to avoid significant impacts.

Whether to plan for the future widening of roads to in order reduce anticipated traffic congestion is a policy issue, not a question of the adequacy of the EIR in analyzing those policies. Therefore, no further response is necessary.

- O-10a.4 The commenter recommends inclusion of an additional Goal in the Conservation element of the 2007 General Plan for habitat restoration and suggests revisions to the proposed General Plan policies.

The DEIR evaluated impacts to “imperiled” species, i.e., endangered, rare or threatened species, as such species are defined under CEQA (DEIR, p. 4.9-1.), and identified appropriate mitigation measures to reduce or avoid impacts. In response to comments and input from the County Planning Commission, the County has proposed revisions to Draft General Plan policies and DEIR mitigation measures that would provide equal or greater protection to plant and wildlife species. For example, revised Mitigation Measure BIO-1.5 will result in additional preservation policies in the future. MM BIO-1.5, as revised, provides that the County will examine, at five year intervals, the degree to which adopted thresholds for increased population, residential construction, and commercial growth have been reached. If actual growth is within 10% of the growth projected in the General Plan EIR, then the County will assess the vulnerability of currently non-listed species becoming rare, threatened or endangered. The County will complete a conservation strategy for those areas with substantial suitable habitat. The County will involve the cities, federal land agencies, Caltrans and other stakeholders in developing the strategies. The proposed modifications are more fully discussed in Master Response 8, *Biological Resources*. Changes to the proposed mitigation measures may be found in FEIR Chapter 4. Modifications to draft General Plan policies may be found in FEIR Chapter 5.

With respect to the recommendation to include habitat restoration as a goal in the General Plan, the County has proposed changes to the text of Goal OS-5. Please refer to Chapter 5 for the pertinent text changes.

The County believes that this modification will help to address the impacts identified in the DEIR and the concerns raised by the commenter. Nevertheless, the County has concluded that because of the uncertainty of what might occur in the next 84 years with respect to new threats, and actions elsewhere in California that could affect the efficacy of conservation measures, that the impacts may not be fully mitigated and thus this impact is considered significant and unavoidable. (DEIR page 4.9-78)

- O-10a.5 The commenter is concerned that the General Plan Update does not protect Monterey pine forest, special status species, and habitats. The commenter asserts that no County EIR has ever found a significant environmental impact. While the comment focuses on past activity, the implication is that the DEIR for the General Plan Update continues this alleged trend.

The General Plan Update EIR provides for protection of a new, broader list of special status species than is otherwise provided for in the General Plan Update alone. Please

refer to Master Response 8, *Biological Resources*, Sections 8.5, for a specific discussion of Monterey Pine Forest.

Analysis in the DEIR recognizes that absent mitigation, development under the General Plan Update through the horizon year of 2030 would result in significant impacts to special status species (as defined in the DEIR at p.4.9-1 and 4.9-21-22) (DEIR, p. 4.9-73). For this reason, the DEIR included Mitigation Measures BIO-1.1, -1.2 and -1.3. These DEIR measures presented a habitat-based mitigation strategy that would reduce impacts to less than significant (DEIS, p. 4.9-75).

At full buildout under the General Plan, the DEIR concludes that impacts on wildlife species and habitat will be significant and unavoidable, despite the addition of proposed Mitigation Measures BIO-1.4 and 1.5 (DEIR, p. 4.9-78).

In response to comments from the public, the County presented several proposed changes to the Planning Commission at a series of workshops in the summer of 2009. These included changes to the Draft General Plan and DEIR biological resource mitigation measures, including deletion of Mitigation Measures BIO-1.1 and BIO-1.3, as discussed in Master Response 8, *Biological Resources*. These changes clarify the use of the definitions utilized in General Plan and the DEIR and provide revised policies and mitigation that is equal to or greater than what had been proposed in the DEIR. The proposed revisions retain the habitat based mitigation strategy presented in the DEIR, and incorporate protections for the broad list of special status species. Revised Mitigation Measure BIO 1.5 will ensure that the broad list of special status species described in CEQA Guidelines Section 15065 will be studied, potential impacts will be identified, and mitigation will be incorporated into new development proposals in order to avoid or reduce impacts on those species.

The commenter asserts that 82 local animal species and 19 tree and plant species in Monterey County are “seriously endangered,” and 49 animal species are facing extinction. The comment lists condors and sea otters as examples of endangered species. The DEIR identified special status species based on the criteria listed on p. 4.9-22. These criteria include species listed as endangered under the Federal Endangered Species Act (FESA) and the California Endangered Species Act (CESA), as well as species that meet the CEQA definition of endangered, rare or threatened. The list of special status wildlife species with potential to occur identifies 47 special status species (DEIR, Table 4.9-5, pages 4.9-34 – 38). The DEIR does not include either the California condor or the sea otter. However, not all of the species listed in the DEIR are endangered as that term is defined under FESA, CESA or CEQA (“seriously endangered” is not a term under any of these Acts). Impacts to species that may be rare or threatened were also evaluated. The DEIR identifies a list of Special Status Plants in Table 4.9-4 (pages 4.9-24 to 4.9-33.)

The California condor is a large vulture that is listed as endangered by both the FESA and CESA. Critical habitat for the condor was designated in 1977 and includes parts of Tulare, Kern, Ventura, Santa Barbara, and San Luis Obispo Counties. Critical habitat does not extend into Monterey County. (Federal Register 1977). A recovery plan for the California condor was approved by the U.S. Fish and Wildlife Service in 1975 and the third revision was approved in 1996. The recovery plan sets out objectives for captive breeding and release to and management in the wild. A number of specific areas are

identified in the recovery plan as essential to the management of suitable habitat. The closest key foraging areas to Monterey County identified in the recovery plan are in San Luis Obispo County along the San Juan Creek drainage south of Highway 58 (U.S. Fish and Wildlife Service 1996).

California condors were reintroduced in the Big Sur area (Ventana Wilderness) in the late 1990s and now nesting there, as well as in a remote site in San Benito County (Pinnacles National Monument). In 2009, there were five breeding pairs on the Central Coast. The biggest everyday threats to the species are from the ingesting of lead (spent bullets in dead animals) and trash, and electrocution from power line collisions (Ventana Wildlife Society 2010 and 2009). The condors are nesting in areas removed from human habitation and within federal lands. As a result of the recovery plan provisions, close watch is kept on the animals. The need to both protect the breeding pairs (to ensure genetic diversity in the species) and ensure the success of their chick rearing, condors will not be allowed to nest outside of these controlled areas. As a result, the 2007 General Plan is unlikely to significantly affect either breeding or nesting of the condors to 2030. Beyond that time, the situation is unknown, but is expected to remain less than significant assuming that the recovery plan or subsequent revision remains in operation.

The occasional loss of condors from accidents and ingestion of toxic or obstructive materials is an ongoing problem, but is not expected to increase as a result of the 2007 General Plan because there is little additional development projected to occur on the coast pursuant to the 2007 General Plan and inland development will be to the north of the areas of greatest condor activity. This is less than significant.

The southern sea otter is a large member of the weasel family that lives in shallow California coastal waters. It is federally-listed as a threatened species and has “fully protected” status under California law. No critical habitat has been designated. Sea otters are well-established in Monterey County and are found along the length of the county coastline, as well as in Elkhorn Slough. The main threats to the species are from habitat degradation, infectious disease/water pollution, and human take. (U.S. Fish and Wildlife Service 2003) Sea otter populations have fluctuated in recent years, with little or no long-term increase in numbers, despite ongoing recovery efforts and protections.

The 2007 General Plan is focusing primarily on inland activities and is not making changes to the County’s certified Local Coastal Program. Therefore, it will have little or no direct impact on activities along the coast that may directly affect the sea otter. As described in Section 4.3, *Water Resources*, of the DEIR, the 2007 General Plan (in recognition of existing regulations, the proposed policies, and DEIR mitigation measures) is expected to have a less than significant effect on water quality (DEIR, pp. 4.3-111 – 4.3-113 and 4.3-168 – 4.3-170). Therefore, it will not have a significant indirect effect on sea otters as a result of increased water pollution in Monterey Bay, Elkhorn Slough, and elsewhere along the Monterey County coast.

Table 4.9-5 has been revised to include the California condor and southern sea otter. See Chapter 4. See also Master Response 8, *Biological Resources*.

Impacts to special status species were evaluated under the significance criteria in subsection 4.9.5.2 (DEIR, P. 4.9-55). As discussed above, mitigation measures included

in the EIR address the impacts of development in general on special status species, and provide for site-specific mitigation tailored to the circumstances of future projects that cannot be reasonably predicted at this time. Please refer to Master Response 10 regarding the level of detail expected in a program EIR prepared for a general plan. Please refer also to Master Response 8, Sections 8.1 and 8.5, for additional discussion of special status species and the revised policies and mitigation measures that protect these resources.

- O-10a.6 The commenter offers a general criticism that the Conservation Element policies do not offer sufficient protections for critical habitats. The commenter asserts that the policies offer only “absolute minimum treatment (not protection).” As discussed in response O-10a.5, the EIR evaluates impacts to special status species. Special status species include all those on federal, state, and California Native Plant Society lists. As required under CEQA, the DEIR identified feasible mitigation measures to reduce or avoid significant adverse impacts to special status species. Based on public comments and discussions at Planning Commission workshops in the summer of 2009, a number of policies in the draft General Plan and mitigation measures in the DEIR have been modified to provide equal or better protection to special status species. See Master Response 8, *Biological Resources*, for additional discussion of the revised policies and mitigation measures.

The County recognizes that USFWS does not designate critical habitat for all endangered species under FESA. However, in addition to protections for critical habitat (such as Policies OS-5.1 and 5.3) revised Mitigation Measures BIO-1.4 and 1.5 require the County to develop and implement a habitat-based conservation strategy that does not depend on the designation of critical habitat. Policy 5.4 has also been revised to broaden habitat protection beyond designated critical habitat by requiring consultation with USFW and CDFG if development may affect listed species. Please refer to additional discussion in Master Response 8.

In addition, the federal and state Endangered Species Acts require that actions avoid “take¹” of listed species and, in the case of the federal Endangered Species Act, effects on habitat that would lead to take. A full prohibition on take applies to the southern sea otter as a fully protected species under California law.

- O-10a.7 The commenter asserts that the native Monterey pine forest has no legal protections under the 2007 General Plan, despite being identified as imperiled by the EIR. The commenter notes that the EIR’s exhibits do not reflect the full distribution of Monterey pine forest within the County, nor does it reflect critical habitat for Yadon’s rein orchid (also known as Yadon’s piperia) which is found largely in Monterey pine forest.

Exhibits 4.9-1 and 4.9-2 and Table 4.9-1 and Table 4.9-2 have been modified to incorporate the latest mapping of the existing of intact Monterey pine forest in Monterey County (see Chapter 4).

Discussion and analysis of Monterey pine forest in the EIR provides decision makers with sufficient information to take intelligent account of impacts to Monterey Pine

¹ Take refers to the harm, harassment, killing, or other adverse actions taken against individuals of a species. For purposes of the FESA, take also applies to actions that affect habitat.

Forest. Native stands of Monterey pine occur in the coastal zone on Monterey peninsula, and at two other locations outside of Monterey County. An estimated ~9,400 acres of Monterey Pine Forest occurs within the entire County (see Chapter 4, revised Table 4.9-1.). Development through the 2030 planning horizon in the inland areas is estimated to affect an estimated area of 247 acres of this habitat type (see Chapter 4, revised Table 4.9-7) and is considered potentially significant. Analysis of the applicable General Plan and Area Plan policies, and program level DEIR biological resource mitigation measures concluded that impacts to sensitive natural communities would be less than significant with mitigation through 2030 (DEIR, p. 4.9-87). Due to uncertainties regarding the nature of as yet unknown threats, impacts through full buildout are considered significant and unavoidable; these uncertainties also preclude identification of effective mitigation for impacts through full buildout. However, mitigation measures and 2007 General Plan policies have been revised to provide equal or better protection to biological resources as discussed in Master Response 8. For additional discussion of Monterey pine forest the reader is likewise referred to Master Response 8, under the subheading Monterey pine forest.

The DEIR identified Yadon's rein orchid as a special status plant species and disclosed its status as a federally listed endangered species in Table 4.9-4 (DEIR p. 4.9-33). Yadon's rein orchid is associated with Monterey pine forest (DEIR, 4.9-15), but not exclusively. This species also occurs in maritime chaparral (DEIR, p. 4.9-12). Impacts to special status plants, including Yadon's rein orchid, are discussed in the DEIR at pages 4.9-65; analysis concludes that impacts to special status species would be less than significant through the 2030 planning horizon (DEIR, p. 4.9-75) and significant and unavoidable at full buildout (DEIR, p. 4.9-78).

In response to this comment, in order to clarify the status of Yadon's rein orchid, the discussion of "critical habitat" on page 4.9-41 of the EIR has been revised to add Yadon's rein orchid to the list of species for which critical habitat has been identified (the critical habitat designation for this species became effective November 23, 2007). The entry in Table 4.9-4 describing the habitat in which this plant may be found accurately describes "closed-cone coniferous forest" as one of its habitats, so the commenter's suggested revision is not adopted. Yadon's rein orchid is discussed more fully in Master Response 8, *Biological Resources*. A map of critical habitat has also been added to the FEIR. See Chapter 4 of this FEIR for the revised text.

Proposed Policy OS-5.16 requires site-specific biological studies and mitigation for discretionary projects that have the potential to substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or substantially reduce the number or restrict the range of an endangered, rare or threatened species. Proposed policy OS-5.16 would require the County to adopt an ordinance establishing minimum standards for biological studies and biological surveys.

In addition, revised Mitigation Measure BIO-1.4 will require the County to track, commercial development and industrial development and conversion of habitat to agricultural use at five year intervals, and to reconsider the focused growth areas as specific growth milestones are reached, for the purpose of gauging the speed of development and the need to reduce the loss of species and habitat due to continued

urban growth. Revised Mitigation Measure BIO-1.5 will require a similar evaluation schedule to address the vulnerability of currently non-listed species becoming rare, threatened or endangered species due to projected development. These evaluations will be part of a conservation strategy to preserve sensitive natural communities, riparian habitat and wetlands, wildlife movement corridors, and related programs for mitigating the impacts of development.

Analysis in the DEIR concluded that impacts to special status species through the 2030 planning horizon would be less than significant with implementation of General Plan policies and all of the biological resource mitigation measures (DEIR Page 4.9-78). Therefore, additional mitigation is not required for this timeframe. Impacts at full buildout, however, were determined to be significant and unavoidable due to the unpredictable nature of continuing and evolving threats to these resources, as well as actions in other parts of California that might affect these species. The commenter suggests four additional mitigation measures to reduce or avoid impacts on CEQA-defined special status species. These four measures are not adopted for the following reasons:

The commenter's suggested mitigation measures HOPE 1 and HOPE 2 would downzone areas containing critical habitat or sensitive species by half or three-quarters. The comment asserts that such downzoning would not result in a Constitutional "taking" requiring compensation by the County. This assertion is too broad and does not reflect the complexity of takings law. Further, the suggested measures would not eliminate the uncertainty regarding the nature and location of potential threats to special status species, or actions in other parts of California that might affect these species and therefore would not reduce impacts to less than significant. For example, downzoning alone would not guarantee that development would completely avoid direct and indirect impacts to critical habitat, nor would downzoning eliminate threats related to invasive species, disease, or the still uncertain effects of global climate change.

The Fifth Amendment of the U.S. Constitution prohibits the government from "taking" land without due compensation. In the regulatory context, the U.S. Supreme Court has interpreted the Fifth Amendment to mean that the use of real property can be regulated and limited by government as long as regulation does not "go too far" and constitute a regulatory taking. A regulatory taking occurs when governmental land use regulation, such as downzoning, effectively denies all economically viable use of land (*Lucas v. South Carolina Coastal Council* (1992) U.S. 1003). However, as noted by the California Supreme Court, a regulatory taking may also occur when the regulation "leaves the property owner some beneficial use of his property" (*Kavanau v. Santa Monica Rent Control Board* (1997) 16 Cal.4th 761). The takings determination is approached by the courts on a case-by-case basis, there being no "set formula" to determine when a takings has occurred (*Penn Central Transp. Co. v. New York City* (1978) 438 U.S. 104). The U.S. Supreme Court's *Penn Central* decision set out a three-part test that is applied when a takings is alleged in situations where there remains some economically viable use of land: (1) the economic impact of the regulation on the claimant; (2) the extent to which the regulation interferes with distinct investment-backed expectations; and (3) the character of the governmental action.

Each property in the county presents a different situation regarding what might constitute its minimum economically viable use and how the three-part *Penn Central* test might apply. A broad brush approach to downzoning would likely lead to numerous cases of litigation against the County, asserting regulatory takings claims. The County seeks to avoid costly and time-consuming litigation where possible.

For these reasons, these mitigation measures are considered infeasible and are not adopted.

Suggested Mitigation Measures HOPE 3 and HOPE 4 would require avoidance of development in areas of critical habitat and sensitive species habitat, respectively. Analysis in the DEIR concluded that impacts to sensitive habitat and special status species, with implementation of General Plan policies and mitigation measures, would be less than significant through the planning horizon of 2030, therefore additional mitigation is not required for impacts in this timeframe. Further, revisions to General Plan Update and mitigation measures would provide equal or better protection to biological resources. (Please see Master Response 8 for additional discussion of these revisions.) As discussed above, impacts of full buildout were determined to be significant and unavoidable due to uncertainties regarding the nature and location of potential threats to special status species, or actions in other parts of California (DEIR, p. 4.9-78). These suggested measures would not eliminate impacts to critical habitat or sensitive species resulting from uncertain, potential threats such as those discussed above, and therefore would not reduce impacts to less than significant. The suggested measures go beyond the provisions of the policies of the General Plan Update, which restrict development, but do not require on-site avoidance of these areas. On site avoidance is required to the extent feasible under revised Policy OS-5.4, and revised Policy OS-5.16 will require that critical habitat and sensitive species habitat be examined in the course of the review of proposed development. This review would determine the degree to which these areas would have to be avoided in order to mitigate potential impacts. An absolute requirement for on-site avoidance raises the issue of a regulatory taking. For these reasons, these suggested mitigation measures are considered infeasible and are not adopted.

The comment states that no measures are provided to protect the Monterey pine forest until 2030. However, as discussed in the DEIR at p. 4.9-87, impacts to sensitive natural communities, including Monterey pine forest, would be less than significant with mitigation through 2030. Impacts at full buildout, however, were determined to be significant and unavoidable due to the unpredictable nature of continuing and evolving threats to these resources, as well as actions in other parts of California that might affect sensitive natural communities. Please see Master Response 8, *Biological Resources*, for a discussion of impacts and mitigation for Monterey pine trees and Monterey pine forest, and for a discussion of revisions to 2007 General Plan Policies and Mitigation Measures that would provide equal or better protection for biological resources, including Monterey pine forest.

As discussed earlier, and as described in section 4.9.5.4, Impact Analysis, Policy OS-5.1 and Mitigation Measure BIO-5.2, provide the specific identification of special status species habitats and development of measures on a site-specific basis as future development is proposed. The provision in proposed Policy OS-5.16 (which will require a biological study and implementation of measures identified in that study) applying it to

“any development project requiring a discretionary permit” assures its application to a broad spectrum of future development activities. Discretionary permits under Monterey County code include: zone change, subdivision map approval, zone variance, use permit, administrative permit, local coastal permit, and site plan review, for example.

The commenter notes that PG&E cut down Monterey pines in the 1990s without obtaining County discretionary permits. Those are the past actions of an entity regulated by the California Public Utilities Commission (CPUC) and not subject to County regulatory control. These past losses have been considered in determining the impact of development under the General Plan Update. As described in Table 4.9-4 of the DEIR, Monterey pine is a federally-listed species of special concern and is on the California Native Plant Society’s 1B-1 list. Limiting impacts on Monterey pine forest from any future PG&E activities would be the responsibility of the CPUC, subject to the requirements of CEQA and regulation by the California Department of Fish and Game, the U.S. Fish and Wildlife Service and the federal Endangered Species Act.

O-10a.8 The commenter requests that the EIR name and describe each of the criteria and methods of analysis used to determine impact significance for the loss of biomass of Monterey pines. The commenter is asking for information at a level of detail and complexity that is beyond the scope of the type of general analysis necessary to determine the significance of General Plan implementation. The significance criteria for impacts on biological resources are presented at pages 4.9-55 -56 in the DEIR. These criteria are subjective in nature, however, as disclosed in revised Table 4.9-7 (Chapter 4) an estimated 247 acres of Monterey pine forest would be impacted by development under the 2007 General Plan. This information is considered in the impact analysis under Impact BIO-2. The method of analysis in the EIR is appropriate for a programmatic evaluation. In addition, because biological resources are examined in light of past, present, and reasonably foreseeable environmental conditions, this analysis is a cumulative analysis as well. It utilizes a projection method based on projected changes in habitat and vegetation types. Please see Master Response 10 for a discussion of the appropriate level of detail for General Plans and General Plan EIRs. The DEIR provides decision makers with a sufficient degree of analysis to provide decision makers with information enabling them to take intelligent account of impacts to Monterey pine forest.

The commenter asserts that the EIR is missing two critical thresholds: the loss of a single individual of a protected species and the loss of a quarter acre of their habitat. The commenter misinterprets the requirements of State CEQA Guidelines Section 15065, *Mandatory Findings of Significance*. Section 15065 was amended in 2005 to clarify that the loss of a single individual is not per se a significant impact. That section provides that a project that has the potential to “significantly reduce” the number of individuals has a significant effect. The key word “significantly” was added to the prior Section 15065 to clarify that, except where the loss of a single individual is significant, a simple reduction in the number of a species does not rise to a level of significance. This language is incorporated into revised draft General Plan Policy OS-5.16. Please also refer to Master Response 10 for a discussion of Programmatic Analysis.

The reference to a quarter acre of habitat may be an example of the size of area that might have a significant effect on certain species, but it is not a mandatory significance threshold under Section 15065.

- O-10a.9 The commenter disagrees with the statement in the DEIR that outdoor recreational land, including golf courses, is considered open space. The statement from the DEIR cited in the comment is not intended to equate wildlands or habitat with open space in general. The term is used in the context of the General Plan. State Planning Law describes the contents of the open space element of a General Plan (See Government Code Sections 65302 and 65560). This includes open space for outdoor recreation, such as golf courses. However, the DEIR acknowledges that golf courses provide nesting habitat for migratory songbirds, some waterfowl, and typically support dense deer populations (DEIR, p. 4.9-20).

O-10b Helping Our Peninsula's Environment

- O-10b.1 The commenter claims that the General Plan does not recognize or regulate momentary noises – that is, noises of short duration. In compliance with CEQA, the DEIR analyzes impacts of the proposed 2007 General Plan Update. See Master Response 10 regarding the level of detail expected of the program EIR prepared for a general plan. The comment provides no evidence that development and land use activities associated with the proposed project would expose noise-sensitive land uses to momentary noise of the type mentioned in the comments. The EIR analyzes noise from mobile sources (traffic), vibration, construction-related noise, aviation noise and stationary source noise. It relies on the existing 1982 General Plan established exterior noise standards for land use compatibility and the Monterey County Municipal Code in its thresholds. Based on the proposed General Plan policies, including the various policies set forth under Goal S-7 in the Safety Element (maintain a healthy and quiet environment free from annoying and harmful sounds), the analysis in the EIR concludes that impacts from development and land use activities associated with the proposed project to noise-sensitive land uses would be less than significant (DEIR, Sec. 4.8.5). The commenter has submitted a draft “Noise (Free) Element for Monterey County’s General Plan” for the county’s consideration as “mitigation for noise existing in Monterey County.” “Mitigation measures are not required for effects which are not found to be significant.” (CEQA Guidelines § 15126.4(a)(3)) Because the EIR determined that impacts would be less than significant and because the analysis in the EIR was based on substantial evidence, there is no requirement to include additional mitigation. The County will consider the submittal in light of the requirements of General Plan Law (Government Code Section 65300 et seq.), the State General Plan Guidelines, and its own concerns during its deliberations on the General Plan Update.

O-10c Helping Our Peninsula's Environment

- O-10c.1 The comment provides a list of information, proposed goals, and polices. The list includes the commenter’s opinions and recommendations regarding pesticide use, a proposed pesticide safety element, a map of the historic and present range of Monterey pine forest, a map of California red-legged frog occurrences in Pebble Beach’s native Monterey pine forest, information on light pollution, and a proposed light pollution element. The information on pesticide use and light pollution are included in the

proposed pesticide and light pollution elements, respectively. The submittals are discussed below.

- O-10c.2 The commenter has submitted a proposed “Pesticide Safety Element” that would state the County’s intent to strictly limit the use of pesticides. This is a set of goals and policies being proposed by the commenter for inclusion in the General Plan Update. The DEIR analyzed impacts of pesticide use in Impact HAZ-1 and concluded that the potential impact is less than significant. The analysis considered Draft General Plan Policies and Community Area Policies in addition to Federal and State hazardous materials statutes and regulations. In addition to the policies cited in the DEIR (pages 4.13-12 to 4.13-15), the commenter is referred to Master Response 3, *Agricultural Growth and General Plan Agricultural Policies*, subsection 3 which provides expands upon the list of regulations and programs that the County and other agencies enforce with respect to pesticides. See also Master Response 10 regarding the expected level of detail in a program EIR prepared for a general plan where no site-specific development project is being proposed. No additional mitigation is necessary for an impact that is less than significant.

The County will consider the submittal in light of the requirements of General Plan Law (Government Code Section 65300 et seq.), the State General Plan Guidelines, and its own concerns during its deliberations on the General Plan Update.

- O-10c.3 The commenter has submitted maps of the distribution of native Monterey pine forest in Monterey County and of California red-legged frog occurrences in the Del Monte Forest that are excerpted from the 2004 EIR prepared for the Pebble Beach project. As discussed in response to comment O-10a.7, the EIR was updated to incorporate the information noted by the commenter on Monterey pine forest and the existing setting and impact analysis was updated accordingly. Regarding the California red-legged frog, the map submitted by the commenter is for frog occurrences in the Del Monte Forest, which is in the coastal zone. As noted in the DEIR for the General Plan Update, no changes are being made to County’s coastal areas or its local coastal plans and thus impacts within the coastal zone is not an impact of the 2007 General Plan. No additional response is necessary. Please also refer to Master Response 11, *Effect of GPU5 on the Local Coastal Program and Impacts to Coastal Resources*. See also Master Response 8, *Biological Resources*, for a discussion of Monterey Pine forest.

- O-10c.4 The commenter has submitted a proposed “Model Light Pollution and Radiation Safety Element for Monterey County’s General Plan.” Like their suggested Pesticide Safety Element, this is a set of policies being proposed for inclusion in the General Plan Update. The analysis in Section 4.14 (Impact AES-4) of the DEIR concluded that implementation of the 2007 General Plan could create substantial new sources of light and glare, and that impacts would be significant and unavoidable. As discussed there, the 2007 General Plan includes a number of policies that promote compact development and thereby reduce sprawl-related light sources. Policy LU-1.13 includes specific requirements that will reduce off-site glare and lighting impacts relative to current requirements. Similarly, there are policies in the Area Plans that will help to limit this impact.

The submitted Model Light Pollution and Radiation Safety Element for Monterey County’s General Plan uses 0.01 lux as a standard for determining whether night time lighting is annoying and proposes general measures for limiting lighting. A “lux” is a

measure of surface illumination. For purposes of comparison, 0.01 lux is about the level of illumination provided by a quarter moon. (For a popular discussion of lux, see Wikipedia at: <http://en.wikipedia.org/wiki/Lux>) From a practical standpoint, this is quite a low standard and is not a reasonable standard because it does not take into account the effects of existing light sources and would trigger significance findings at a very low level.

Nonetheless, the County will consider the submittal in light of the requirements of General Plan Law (Government Code Section 65300 et seq.), the State General Plan Guidelines, and its own concerns during its deliberations on the General Plan Update.

O-11a LandWatch (prepared by Amy White)

- O-11a.1 The comment complains that certain of the references in Section 11 of the DEIR were not available to the public upon the commencement of the initial public review period. The County subsequently restarted the public comment period in December, and the references were made available. Please see Master Response 12, *Recirculation*.

O-11b LandWatch (prepared by MR Wolfe)

- O-11b.1 The comment complains that certain of the references in Section 11 of the DEIR were not available to the public upon the commencement of the initial public review period. The comment also asks for certain of the traffic studies and source documents referenced in Section 4.6 of the DEIR. The County subsequently restarted the public comment period in December, and the Section 11 references were made available. The source material/data for the Section 4.6 tables was included in Appendix C of the DEIR, and the cited source documents were included in Section 11. Please see Master Response 12, *Recirculation*.

O-11c LandWatch (prepared by MR Wolfe)

- O-11c.1 The comment requests access to a certain source document in the DEIR, requests the methodology and model inputs for the criteria pollutant emissions calculations while noting an apparent error in the citation to an "Appendix A", and requests model run output data for certain emissions information. The County subsequently restarted the public comment period in December, and Section 11 included the requested reference document, including a note that it was available in hard copy at the Planning Department counter. In correspondence following receipt of the commenter's September 18, 2008 letter, the County noted that the reference to Appendix A was a typographical error, and, on October 7, 2008, the County provided the requested technical information and model run data to the commenter. A copy of the air quality technical information and model runs is also set forth in the Technical Supporting Data section of this FEIR (see response to comment O11g – 57).

O-11d LandWatch (prepared by MR Wolfe)

- O-11d.1 The comment complains that certain of the references in Section 11 of the DEIR were still not available as of the date of the comment letter. The County subsequently restarted the public comment period in December, and the references were made available. Please see Master Response 12, *Recirculation*.

O-11e LandWatch (prepared by MR Wolfe)

- O-11e.1 The comment repeats comments made in letters O-11b and O-11c. Please see the responses to those comments. The comment also asks for the AMBAG travel demand forecasting model, and asks for certain documents listed in Section 11. The AMBAG model is proprietary, and the Section 11 references were publicly available. Please see Master Response 12, *Recirculation*.

O-11f LandWatch (Chris Fitz)

This comment letter is a preliminary letter sent by the commenter to the Planning Commission prior to the re-start of the public comment period for the DEIR in December of 2008. The letter contains several general comments. Detailed responses to each of these general comments are contained in the response to comment letter O-11g, which is the commenter's more detailed comment letter. This response will provide a reference to each of the detailed responses to the subsequent letter.

- O-11f.1 This comment is introductory only and is noted.
- O-11f.2 The comment contends that the DEIR has not set forth any meaningful analysis of the General Plan's alteration of the policy regarding cultivation on previously uncultivated slopes (policy OS 3.5), and does not adequately address sedimentation and erosion. For a detailed response to these issues, please see the responses to comments O-11g.5, O-11g.6 and O-11g.18 through O-11g.23.
- O-11f.3 This comment criticizes the DEIR's analysis of impacts to biological resources as a result of agricultural and residential development. For a detailed response to these issues please see the responses to comments O-11g.7, O-11g.62 and O-11g.74 through O-11g.87.
- O-11f.4 This comment criticizes the DEIR's analysis of water supply issues for the Salinas Basin. For a detailed response to these issues, please see the responses to comments O-11g.8, O-11g.24 and O-11g.25.
- O-11f.5 This comment criticizes the DEIR's traffic analysis. For a detailed response to these issues, please see the responses to comments O-11g.9 and O-11g.36 through O-11g.56.
- O-11f.6 This very short comment criticizes the DEIR for deferring for 2 years any response to global warming (climate change). The commenter's subsequent letter did not appear to

address this issue. The DEIR contains a detailed series of mitigation measures designed to address climate change, including the preparation of a Greenhouse Gas Reduction Plan (see Section 4.16, Climate Change, of the DEIR). These measures meet the criteria for performance standards for future mitigation. Please see Master Response 10, *Level of Detail for General Plan and the General Plan's EIR* for a further discussion of performance standards and mitigation. Please also see the responses to comments O-5b.7 and O-21k.295 through O-21k.297 for a further discussion of climate change.

O-11f.7 This comment reiterates the comments in O-11f.2, above. Please refer to that response.

O-11g LandWatch (prepared by MR Wolfe)

O-11g.1 Thank you for reviewing and commenting on the DEIR and for your summary of General Plan requirements. This remark does not provide any comment on the content or adequacy of the DEIR. Responses to comments attached from Autumn Wind Associates, Inc. and TRA Environmental Sciences, Inc. are provided below in responses to comments O-11g.63 through O-11g.87. No further response is necessary.

O-11g.2 The 2007 General Plan is legally adequate and includes elements and policies that comprise a comprehensive and complete plan for the long term physical development of the County. Please see Master Response 10, *Level of Detail for the General Plan and the General Plan's EIR* for further discussion of this issue. Please see response to comment O-11g.46 regarding the alleged incompleteness and inconsistency of 2007 General Plan policies. Please see Master Response 4, *Water Supply*, regarding the adequacy of the water supply analysis.

O-11g.3 The 2007 General Plan EIR provides a level of analysis commensurate with the geographic scope of the project, population size and density, fiscal and administrative capabilities, and economic, environmental, legal, social, and technological factors. (CEQA Guidelines, §§ 15143, 15146, 15151, and 15204) The level of detail and analysis provided in the EIR is adequate to fulfill its intended function under CEQA. Please see Master Response 10, *Level of Detail for the General Plan and the General Plan's EIR* for further discussion of this issue. Responses to commenter's specific remarks on the adequacy of particular impacts and mitigation measures are provided below.

O-11g.4 The comment notes that the commenter (LandWatch) informed the Planning Commission of its concerns regarding the General Plan in November of 2008 and that it was concerned that the County had not disclosed all the environmental consequences in the DEIR.

This appears to be a much generalized comment, and is noted. The General Plan is a policy document adopted by the Board of Supervisors. The County presumes that the commenter's detailed comments are set forth in this letter, to which the County is responding. Please see those responses accordingly.

O-11g.5 The comment raises concerns about the proposed language in OS-3.5 regarding development on slopes, the vague provisions and standards for what will be allowed and the resulting potential impacts from conversion and the increased viticulture development

and impacts that could occur by removing requirements for a discretionary permit as contrasted with current County policy. The commenter is referred to Master Response 3, *Agricultural Growth and General Plan Agricultural Policies* which discusses the likely extent of future viticulture based on a number of factors and modifications to policy OS-3.5 which further restrict both non-agricultural development on steeper slopes and agricultural conversion and further reduces the impacts that were likely to occur. The commenter is also referred to Master Response 8, *Biological Resources* which discusses the further reduction in impacts to biological resources that would result based on this modified policy.

- O-11g.6 The commenter asserts that with respect to erosion and sedimentation, the DEIR has not provided any meaningful analysis of the environmental effects of changing existing slope policy does not provide a baseline analysis and does not fully explain how the policies in the General Plan would mitigate impacts.

Section 4.4.2.4 of the DEIR describes baseline conditions for erosion and sedimentation. This is further described in the Impact Analysis in GEO-5. The DEIR impact analysis is based on acres of land that could be disturbed based upon implementation of the General Plan. The acreage estimates are provided in Tables 3.8 and 3.9 and in Chapter 4.2, *Agricultural Resources*. The commenter is referred to Master Response 10 which discusses the level of detail required in a programmatic EIR, Master Response 3 which discusses the amount of uncultivated land that would be converted to cultivated land and the response to comment O-11g.23 below which further amplifies and clarifies the analysis provided in the DEIR regarding the application of General Plan policies and mitigation measures with respect to reducing the impacts from erosion and sedimentation. As noted in O-11g.05, Policy OS-3.5 has been modified.

- O-11g.7 The commenter asserts that the DEIR fails to evaluate the impacts to biological resources from agricultural and residential development including impacts related to habitat fragmentation and movement corridors, does not specify how policies will be applied and notes that mitigation is vague. The commenter is referred to Master Response 10 which discusses the level of detail required in a programmatic EIR and programmatic mitigation measures as well as to Master Response 8 which amplifies the discussion of potential impacts to biological resources including wildlife corridors. The commenter is also referred to O-11g.75 which further amplifies the analysis provided in the DEIR regarding impacts to biological resources.

- O-11g.8 The commenter asserts that the EIR fails to evaluate aggregate cumulative water demand and supply for each affected groundwater basin. See Master Response 4, *Water Supply* for an updated and re-organized discussion of countywide water demand and supply, including the cities. Master Response 4 discusses sea water intrusion as well. See also the responses to comments O-11g.24 through O-11g.28 below regarding the SVWP and water demand from agriculture.

- O-11g.9 The comment notes that the DEIR acknowledges that the County generally does not have the resources to fully address traffic impacts arising from the General Plan, but concludes “on the basis of yet another recitation of vague and unenforceable policies that impacts from future individual development projects will not be significant.” The comment contends that there “is simply no way to reconcile the DEIR’s conclusion that cumulative

impacts from future individual development projects will be mitigated with the DEIR's admission that most of the major facilities will suffer unavoidably significant impacts." The comment concludes on this issue that the General Plan is not internally consistent.

The commenter misconstrues the analysis in the DEIR. The DEIR concludes that Traffic Tier 1 impacts (as defined) are mitigated concurrently with development and thus any impact is mitigated; Traffic Tier 2 and 3 impacts, however, cannot be mitigated to a level of insignificance there the DEIR concludes the impacts are significant and unavoidable. Please see the response to comments O-11g.38 – O-11g.41 for a more thorough response to this issue. Please also see Master Response 10, *Level of Detail for General Plan and the General Plan EIR*, (at sections 10.5 and 10.6) for a more thorough discussion of enforcement of policies and fee based mitigation. These discussions show that the General Plan, along with the mitigation measures in the DEIR (which will become policies) will be internally consistent.

The comment also contends that "[n]umerous circulation policies are incomplete or inconsistent." This is a generalized comment on the General Plan that does not require a response. To the extent the commenter notes specific inconsistencies in the letter, the more specific responses to those particular comments are set forth elsewhere.

- O-11g.10 The commenter indicates that DEIR concludes that loss of 2,571 acres of agricultural land will be lost from conversion to urban uses and cannot be mitigated and then concludes that future losses could be mitigated by unspecified mitigation programs. The DEIR concludes for both Impacts AG-1 and AG-3 that the impacts from conversion of agricultural land to non-agricultural uses are significant and unavoidable, because once agricultural land is converted, that loss is permanent. The DEIR indicates that the policies of the 2007 General Plan reduce the impacts, but cannot reduce it to a level that is less than significant (DEIR page 4.2-19). The commenter is referred to Master Response 10 which discusses deferral of mitigation and requirements for General Plan mitigation measures and policies. The policies referenced by commenter includes provisions in the General Plan Land Use element and Agricultural Element which severely restrict conversion of agricultural land beyond what is anticipated is necessary to accommodate growth into the future. Policy AG-1.10, as one example, establishes a mitigation fee program that specifically will target protection of agricultural land from future conversion through the purchase of easements. Policy LU-2.18 requires the County to examine requests for changes in spheres to influence or city boundaries to be directed away from highest quality farmlands. These policies along with policies in the General Plan that restrict new subdivisions and focus growth to Community Areas and Rural Centers collectively will reduce additional impacts from the conversion of agricultural land to non-agricultural uses.

- O-11g.11 The commenter asserts that the DEIR fails to document the details of the population, employment, and housing assumptions relied upon for the traffic and air quality analyses. The commenter believes that the 2007 General Plan is inconsistent with the 2008 AQMP because the DEIR projects more population. The commenter also asserts that the County did not provide documentation in response to Land Watch's requests.

The County applied a consistent set of assumptions across the traffic and air quality analyses. The air quality analysis utilized data from the traffic projections. The traffic

projections, in turn were based on the AMBAG Countywide traffic model, with modifications to reflect current conditions, as discussed on page 4.6-22 of the DEIR. See the responses to comments O-11g.57 and O-11g.58 regarding the consistency of the assumptions, the documentation made available to the commenter, and the consistency of the analyses with the 2008 AQMP. Also, see the responses to comments O-11g.59 regarding mobile source emissions and O-11g.72 regarding toxic air contaminants. Also see Master Response 2 concerning growth projections in the General Plan and EIR. Section 2.5 specifically addresses consistency with the AQMP. As discussed in Master Response 2, *Growth Assumptions Utilized in the General Plan*, the 2008 AQMP is based on AMBAG 2004 population and travel forecasts, not the 2008 forecasts as the commenter asserts.

- O-11g.12 The comment contends that the County must modify its draft General Plan to “restrict harmful development and to provide substantive policies that will demonstrably mitigate development impacts.” The comment also contends that the County must then revise and recirculate the DEIR.

The first comment is not a comment on the environmental analysis of the DEIR; it is a comment on the General Plan. The General Plan is a policy document adopted by the Board of Supervisors; the DEIR analyzes the environmental impacts of the current draft. Any comments regarding the General Plan policies will be made known to the Planning Commission and Board of Supervisors.

The second comment is a generalized comment on the need to revise and recirculate the DEIR after the General Plan is amended as suggested by the commenter. The County will consider whether to revise and recirculate the DEIR if the General Plan is revised by either the Planning Commission or Board of Supervisors. Please also see Master Response 12, *Recirculation* for a more thorough discussion of the recirculation issue.

- O-11g.13 The commenter raises the issue of the availability of the traffic model used to analyze the 2007 General Plan. The Association of Monterey Bay Area Governments (AMBAG) traffic model is proprietary. As this comment notes, the commenter was made aware of that by county staff shortly after requesting a copy of the model. CEQA Guidelines Section 15120(d) provides that documents defined as trade secrets under Government Code Section 6254 shall not be included in the DEIR. It is not within the purview of the County to provide other agencies’ proprietary models. Government Code Section 6254.9 (a) states that “Computer software developed by a state or local agency is not itself a public record under this chapter....” For those reasons, the AMBAG model was not provided.

The commenter asserts that the County has not disclosed the raw data used in running the AMBAG traffic model for the 2007 General Plan. In particular, the commenter is interested in the population, housing, and employment assumptions applied to the Traffic Analysis Zones and how those assumptions relate to AMBAG’s 2004 population, housing, and employment projections. The commenter further asserts that the data in Table 3-8 and the land use constraints in the 2007 General Plan are inconsistent.

The amount of housing units assumed for development to the 2030 planning horizon was based on the AMBAG 2004 projections. AMBAG projected 48,670 units by 2030 in the

unincorporated County. Subtracting the 2006 units in the unincorporated area that corresponds to the unincorporated County areas in 2030 (38,655 units - extrapolated from the AMBAG model for 2000 and then projected to 2006 using the 2000 to 2005 growth rate in the AMBAG 2004 projections), one gets 10,015 units. The AMBAG projections for specific TAZs were not used in the traffic model for the 2007 General Plan. Instead, the location of the housing units in the traffic model TAZs was based on the anticipated growth apportioned in Table 3-8. They were then divided amongst the individual TAZs in each planning area based on the distribution of housing units among TAZs in the 2030 AMBAG model (the quantity of housing units in the 2030 model wasn't used - just the relative distribution of units amongst individual TAZs in each unique area).

This methodology of building 2007 General Plan 2030 growth projections on reasonable assumptions regarding future development within the County is described in Section 3.3.2 of the DEIR, beginning on page 3-11. The fact that the 2030 growth projections are not based solely on the AMBAG 2004 projections is further explained in the footnotes in Tables 3-3, 3-4, and 3-5, and in the notes column of Table 3-8 of the DEIR. The same projections were used for the traffic analysis. There is no inconsistency between the two.

The commenter asks for clarification on the assumptions that are the basis for the growth projections in Table 3-8 of the DEIR. Please see Master Response 2, *Growth Assumptions Utilized in the DEIR*.

- O-11g.14 As in comment O-11g.13, the commenter asserts that there are inconsistencies between Table 3-8, and other data sources. Note that in this comment, particularly the discussion entitled "Coastal Growth," the commenter displays an understanding of the methodology used in making the 2007 General Plan growth projections. This contrasts with the assertion in comment O-11g.13 that such information is not readily discernable from the DEIR.

Please see Master Response 2, *Growth Assumptions Utilized in the DEIR*, for clarification of the data sources used and assumptions made in the growth projections, including buildout. Regarding the CVMP traffic assumptions, see Master Response 5, *Carmel Valley Traffic Issues*. For discussion of areas outside of focused growth areas, see Master Response 7, *New Urban Development Outside Focused Growth Areas*.

The commenter asserts that the TAZ assumptions for the Highway 68 area are inconsistent with the growth identified in Table 3-8.

The commenter is mistaken and provides incorrect data for the TAZs in the table included in this comment. The data in the TAZ table used for the traffic analysis indicates that there are 1,510 new housing units in Greater Monterey Peninsula unincorporated area and 3,295 in FORA unincorporated. In the Toro area, the TAZs are showing 897 units and Table 3-8 shows 1046. However, that's because the River Road RC is included in the "Greater Salinas" grouping, as opposed to the Toro grouping. Nonetheless, all units indicated in Table 3-8 are accounted for in the traffic analysis.

The commenter asserts that the buildout estimates in the DEIR are inconsistent with the growth assumptions in GPU4. There is no requirement that the DEIR for GPU5 contain growth assumptions that are consistent with GPU4, which is a different project. The

method of developing the growth assumptions for GPU5 is described in Master Response 2 and accurately reflects projected growth under GPU5.

- O-11g.15 Tables 4.6-11 and 4.7-3 use common traffic analysis nomenclature to describe existing (baseline) and future conditions for both the traffic and air quality analyses. The discussion below clarifies the meaning of the scenarios in each of the tables.
- Year 2000: existing conditions in 2000, based on information from the U.S. Census
 - Existing plus project buildout (Table 4.6-11)/2000 plus project (Table 4.7-3): this is an intermediate scenario used in traffic analyses that examines conditions that would exist if full buildout were to occur pursuant to the 2007 General Plan, but the existing road network were to remain unchanged.
 - Existing plus project (2030): this is an intermediate scenario used in traffic analyses that describes development to the year 2030, with the existing road network unchanged.
 - Cumulative 2030: this is the projected level of development in 2030 based on the 2007 General Plan, with projected improvements to the road network
 - Cumulative Buildout: this is buildout in 2092, with projected improvements to the road network

The “existing plus project buildout/2000 plus project” and “existing plus project (2030)” scenarios do not reflect expected future growth, because the road network can reliably be expected to be improved in the future, based on plans and programmed funding. Therefore, those scenarios do not reflect the changes expected to occur as the project develops to the 2030 planning horizon and buildout in 2092. For purposes of looking at changes resulting from project-related growth, comparison should be made between the “year 2000,” “cumulative 2030,” and “cumulative buildout” scenarios.

The “adjustment” mentioned in Table 4.6-11 refers to recognizing the 2004 AMBAG estimates in the 2030 projections, as stated in the footnote to the table. See Master Response 2 regarding the growth assumptions used in the EIR, which also discusses the coastal zone.

The TAZ data used the adjusted data that is reflected in Table 4.6-11. Table 3-8

- O-11g.16 Please see Master Response 10, *Level of Detail for the General Plan and the General Plan EIR* which discusses the level of detail required for a General Plan program EIR, and the mitigation measures included therein. As discussed in this Master Response, the level of detail in the DEIR and the mitigation measures should be consistent with the geographic scope of the project, population size and density, fiscal and administrative capabilities, and economic, environmental, legal, social, and technological factors (Government Code Sections 65300.9 and 65301(c); see also CEQA Guidelines Sections 15143, 15146, 15151, 15204).

As further noted in *Rio Vista Farm Bureau Center et al. v. County of Solano* (1992) 5 Cal.App.4th 351, 377, “[w]here...devising more specific mitigation measures early in the planning process is impractical, the agency can commit itself to eventually devising measures that will satisfy specific performance criteria articulated at the time of project

approval” (*Id.*, internal quotations omitted; see also *California Native Plant Society v. City of Rancho Cordova* (2009) 172 Cal.App.4th 603 [agency entitled to rely on the result of a future study to fix the exact details of the implementation of the mitigation measures the agency identified in the EIR.]). As discussed in Master Response 10, *Level of Detail for General Plan and the General Plan EIR*, there are a number of statutory requirements which ensure the implementation of General Plan policies and any mitigation measures adopted as part of project approval. (See Government Code Sections 65359, 65400, 65455, and 65860.) It should also be noted that a number of cases cited in the comment, evaluate the adequacy of CEQA documents for projects more specific than a general plan; see *Napa Citizens for Honest Government v. Napa County Board of Supervisors* (2001) 91 Cal.App.4th 342, 358 [adoption of a specific plan]; see also *Gentry v. City of Murieta* (1995) 36 Cal.App.4th 1359, 1411 [negative declaration for a vesting tentative subdivision map for 198 homes]; *Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App.4th 777 [amendment to a specific plan]; *Stanislaus Natural Heritage Project v. County of Stanislaus* (1996) 48 Cal.App.4th 182 [adoption of a specific plan]; *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412 [adoption of a specific plan]; *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645 [approval of a conditional use permit for a 90 acre expansion of an existing mine].

The comment references three general plan policies, OS 3.1, OS 3.3, and PS 2.5, but does not discuss the sufficiency of the document in identifying and analyzing the possible impacts on the environment and the ways in which the significant effects of the project might be avoided or mitigated. (See CEQA Guidelines Section 15204) The DEIR discusses numerous policies and relies upon a combination of policies to help reduce impacts. Furthermore, these policies if adopted by the County would become part of the General Plan and the County would have a duty to implement these policies (see Government Code Section 65400).

- O-11g.17 Please see Master Response 10, *Level of Detail for the General Plan and the General Plan EIR* which discusses the level of detail required for a General Plan program EIR, and the mitigation measures included therein. Please also see response to comment O-11g.16. As discussed in Master Response, the General Plan itself is not a regulatory act. The General Plan’s goals and policies will be realized through the laws and regulations of other agencies, County regulatory ordinances and future County decisions on specific development projects. Government Code requirements and other statutory requirements ensure that General Plan policies will be implemented and future projects will be consistent with the General Plan. (See Government Code Sections 65359, 65400, 65455, and 65860)

The comment also suggests that Policy OS-3.9 defers analysis and mitigation. The DEIR discusses numerous policies and relies upon a combination of policies to help reduce impacts (for example, see DEIR pages 4.2-12 through 4.2-19). The comment does not discuss the sufficiency of the document in identifying and analyzing the possible impacts on the environment and the ways in which the significant effects of the project might be avoided or mitigated. (See CEQA Guidelines Section 15204) Furthermore, this policy meets the requirements discussed in the *Rio Vista* case, which requires the County to “commit itself to eventually devising measures that will satisfy specific performance

criteria articulated at the time of project approval" (*Rio Vista Farm Bureau Center et al.* (supra) at page 377).

- O-11g.18 The commenter raises issues with respect to Policy OS-3.5, Routine and On-going Agriculture, the AWCP and conversion of previously uncultivated land, summarizes several General Plan policies and mitigation measures that are intended to address impacts from erosion and then indicates that the County should demonstrate that these policies and mitigation measures result in less than significant impacts.

The commenter is referred to the responses to comments O-11g.10, O-11g.21, O-11g.21 and O-11g.23 which respond to the specific questions raised by commenter regarding these policies and impacts. The commenter is also referred to: (a) Master Response 3 which discusses changes to several agriculture policies in the draft General Plan, policy and mitigation measure revisions and assumptions regarding the projected amount and distribution of future agriculture assessed in the DEIR.; (b) Master Response 9, *Water Quality* which discusses issues pertaining to erosion and sedimentation, and (c) Master Response 10, *Level of Detail for the General Plan and the General Plan EIR*. The commenter is also referred to Chapter 5 which contains changes to Policy OS-3.5 and text changes to the AWCP.

- O-11g.19 The commenter asserts that the DEIR does not describe the extent or location or constraints on slope development for non-agricultural purposes. The commenter is referred to the response to O-11g.75, which discusses the analysis of potential impact from non-agricultural development and Master Response 7, *New Urban Development Outside Focused Growth Areas* which describes the extent of potential future development and Master Response 9, *Water Quality*.

The commenter also asserts that the DEIR does not provide a realistic projection of future conversion of uncultivated land for agricultural purposes. The commenter is referred to Master Response 3, *Agricultural Growth and General Plan Agricultural Policies* for a detailed discussion of the assumptions regarding future agricultural conversion including viticulture and the AWCP. Master Response 3 further elaborates on the assumptions regarding trends in agriculture and viticulture which is responsive to these comments. Again, commenter is referred to Chapter 5 which includes changes to the policy on conversion of slopes and text changes to the AWCP.

- O-11g.20 The commenter asserts that the DEIR does not provide systematic baseline information about conditions that would lead to erosion and sedimentation. The commenter cites the provisions for development on slopes over 25% as an example of an impact generator. The commenter also argues that the policies calling for development of databases on soil conditions cannot substitute for the presentation of baseline data in the DEIR.

See Master Response 10 regarding the level of detail expected of a program EIR that is prepared for a general plan. The DEIR does provide general baseline data on erosion potential in the discussion of soil hazards beginning on page 4.4-14 – see also Exhibits 4.4.4 (Earthquake Induced Landslide Susceptibility) and 4.4.5 (Soil Erosion Hazards). This is further described in the Impact Analysis in GEO-5.

Policy OS-3.5, as revised, regulates development on slopes. It will prohibit development on slopes over 25%, except where such development is approved under a discretionary permit. It also requires a discretionary permit for conversion of previously uncultivated lands on slopes over 15% or over 10% if on highly erodible soils and prohibits conversion on slopes over 25% with a minor exception. Permits approved under that exception would require that special erosion control and construction techniques be applied to all development on the site. This will avoid impacts from such development. See Master Response 9 on water quality for additional discussions of erosion and sedimentation.

The commenter suggests that a baseline data report be prepared, similar to that prepared by Napa County during its general plan update. The comment does not substantiate why such a baseline data report is necessary in order to adequately disclose potential erosion and sedimentation impacts in Monterey County. Napa County's environmental conditions and general planning context are not the same as Monterey County. As discussed above, the DEIR presents general baseline data that is adequate to characterize existing conditions and potential impacts on a programmatic basis. Monterey County is not required to address the same issues in the same way as other counties have done. California Planning and Zoning Law (Gov. Code § 65000, et seq.) provides for local flexibility in determining what may be included in a General Plan.

"The Legislature recognizes that the capacity of the California cities and counties to respond to state planning laws varies due to the legal differences between cities and counties, both charter and general law, and to differences among them in physical size and characteristics, population size and density, fiscal and administrative capabilities, land use and development issues, and human needs...recognizing that each city and county is required to establish its own appropriate balance in the context of the local situation when allocating resources to meet these purposes." (See Gov. Code § 65300.9; see also Gov. Code § 65301(c)).

- O-11g.21 The commenter presents several arguments regarding why the terms of Policy OS-3.5 should be revised. As noted in response to comment O-11g.05, the County has modified this policy. The policy modifications change the thresholds for requiring a discretionary permit for both non-agricultural permits and agricultural permits and establish a cap with respect to conversion of uncultivated land of 25% that allows only for minor exceptions. The policy also provides additional guidance on what will be required in an evaluation of discretionary permits. The commenter is referred to Master Response 3, *Agricultural Growth and General Plan Agricultural Policies* and Master Response 8, *Biological Resources* for further discussion of the impact analysis relative to these changes and to Chapter 5 for the text.

With respect to Commenter's assertion that Policy OS-3.5 is inconsistent with CEQA requirements to justify abandonment of a previously adopted mitigation measure, Zoning Ordinance 21.66.030(C) is not a mitigation measure. It is an ordinance developed pursuant to the 1982 General Plan policy 26.1.10 which prohibits development on slopes over 30%. Nor is the text of Ordinance 21.66.030(C) referenced or relied upon in the EIR for the 1982 General Plan as a mitigation measure. The DEIR analyzes the impacts that would occur from implementation of the 2007 General Plan. A comparison of the policies in the 2007 General Plan against the 1982 General Plan provided in DEIR

Chapter 5 Alternatives. The commenter is also referred to Master Response 10 which discusses the requirements for a General Plan and its program EIR.

Commenter critiques the language in Policy OS-3.5 with respect to what commenter alleges is a vague exception to the prohibition on slopes over 30%. The County notes that the language in OS-3.5 that commenter objects to be also the language in the 1982 General Plan and Title 21.64.230(E). This policy requires that the finding to allow the exception be based upon substantial evidence. This is a standard for review that have been workable for the past two decades

The commenter is referred to the revisions to the text which again now require a discretionary permit for development on slopes over 25% rather than 30% and provide guidance on implementation including the purpose of the regulation” to reduce impacts to water quality and biological resources and that such development shall be required to have adequate special erosion control and construction techniques. There is, however, a minor exception to the requirement for a discretionary permit if the footprint of the area that is on a slope exceeding 25% does not exceed 10% of the total footprint of the development or 500 square feet, whichever is less.

The commenter is again referred to Master Response 10 which discusses what is required in a programmatic EIR.

With respect to comments on the lack of specificity for the proposed “Agricultural Permit,” the policy has been modified to require a discretionary permit for conversion on slopes greater than 15% and 25% or greater than 10% if highly erodible soils. All of the provisions regarding analysis for a discretionary permit would apply. Applicants are also required to submit a management plan that addresses long-term viability of agriculture on that parcel, analysis of soils, erosion potential and control, water demand an availability, proposed methods of water conservation, water quality protection and protection of important vegetation and wildlife habitats. The policy also specifies the data source that the County will be relying upon for determining if a site has highly erosive soils.

Comments regarding the requirements and conditions necessary to satisfy the policies pertaining to the RWQCB’s Agricultural Waiver and ministerial permit process have been addressed based upon the proposed modifications to the policy. The County believes that with these modifications, the policy by itself in concert with the other policies proposed under Goal OS-3 more fully addresses Goal OS-3, to prevent soil erosion and enhance water quality.

The commenter points to the exemption in OS-3.5 for routine and ongoing activities other than slope conversions and points to Policy AG-3.3 for a list of possible activities that commenter believes would be exempt and would cause erosion. AG-3.3, however, includes the following caveat to the exemption which is in boldface for emphasis below:

“...farming and ranching activities that are “Routine and Ongoing Agricultural Activities” should be exempted from the general Plan policies listed below to the extent specified in those policies **except for activities that create significant soil erosion impact or violate adopted water quality standards...**”

This provision would address the concerns raised by the commenter to a great extent by limiting the types of activities that would be exempted from policy AG-3.3. For a more detailed response to this comment, the commenter is referred to Master Responses 3, *Agricultural Growth and General Plan Agricultural Policies*, Master Response 8, *Biological Resources*, and Master Response 9, *Water Quality*, which address the potential impacts of agricultural expansion including routine and ongoing agriculture on erosion/sedimentation, water quality and biological resources. The commenter is also referred again to response to comment O-11g.23 below.

- O-11g.22 The commenter asserts that the DEIR does not adequately analyze cumulative impacts on sedimentation and erosion from agricultural land conversions.

Erosion and sedimentation is a significant cumulative impact on those water bodies that are identified as "impaired" for sediment under the TMDL program. Please see updated Table 4.3-8 in Chapter 4 of this EIR for a list of these water bodies and Master Response 9, *Water Quality*, for a discussion of protective policies of the General Plan, the RWQCB's Agricultural Waiver program, the TMDL program and its statutory requirements, and the limitations on agricultural conversions on steep slopes found in revised Policy OS-3.5, as described in O-11g.20 above. The extensive regulations and proposed policies will ensure that over the term of the 2007 General Plan, future development projects will not result in cumulatively considerable contributions to cumulative sediment impacts. See Master Response 10 regarding the level of detail required of general plan policies and of mitigation measures made a part of a program EIR.

- O-11g.23 The commenter asserts that the policies and mitigation measures cited or included in the DEIR are improperly deferred, unenforceable, or subject to exemptions that render them ineffective in reducing and avoiding potential erosion and sedimentation impacts.

The comments on General Plan policies in this table question the effectiveness of the policies in avoiding or reducing impacts, request details on how the policies will be implemented or enforced, and/or request clarification of the wording or meaning of policies. These comments apparently are based on an unstated assumption that the General Plan is a compilation of specific regulatory actions or mitigation measures, each of which must meet the standards of specificity and enforceability required of regulations or project-specific mitigation measures. The assumption is incorrect, for the reasons stated below.

As explained in Master Response 10 regarding programmatic analysis, a General Plan is a long term comprehensive plan for the physical development of the County. (See Gov. Code § 65300) The General Plan consists of a statement of development policies and includes diagrams and text setting forth objectives, principles, standards, and plan proposals. (See Gov. Code § 65302) These policies and objectives are implemented through various other actions, such as specific plans and zoning, which are more detailed and specific. (See Gov. Code §§ 65359, 65400, 65455, and 65860).

In contrast, the comments in this table on General Plan policies generally treat each General Plan policy as though it were a regulatory action or mitigation measure which must meet the standards of specificity and enforceability required of regulatory programs

or project-specific mitigation measures. In reality, the General Plan policies are general statements of principles that will guide later implementing actions to be undertaken during General Plan implementation. Therefore, the General Plan is not a regulatory program, and General Plan policies for a County of the size and diversity of Monterey County are not intended to be, nor can they feasibly be, site-specific or project-specific.

Further, General Plan policies should not be considered in isolation when determining whether a particular policy will avoid or reduce environmental impacts because:

- The General Plan policies affecting each resource will operate collectively and in some cases synergistically to avoid or reduce impacts.
- Mitigation measures identified in the EIR for many affected resources will further avoid or reduce impacts.
- Ongoing environmental regulatory programs of the County and other regulatory agencies, independent of the General Plan, will further avoid or reduce impacts.

Therefore, to evaluate whether a particular policy avoids or reduces an impact to less than significant levels by a particular policy, the combined effect of all relevant General Plan policies, EIR mitigation measures, and ongoing regulatory programs must be considered together. Comments on this table do not use this approach. The DEIR does use this approach.

Lastly, the County appreciates the commenter's requests for clarification of the wording or meaning of selected policies. The Board will consider these comments in deliberations on adoption of the final General Plan.

Resource-Specific Responses to Comments on Policies

See Master Response 3 on agricultural policies for a discussion of the "Routine and Ongoing Agriculture" provisions of the 2007 General Plan. In short, these policies essentially recognize existing agricultural activities and do not represent a change in existing land uses. Policy AG-3.3 specifically states that the policy exemptions for Routine and Ongoing Agriculture activities do not apply to "activities that create significant soil erosion impacts or violate adopted water quality standards."

General Plan policies that state that they will support or promote a program identify the County's intent to support the existing and future programs of the County and other agencies. Examples of other agencies' programs to control erosion from agricultural activities include the RWQCB's agricultural waiver and TMDL programs and the activities of the Natural Resources Conservation Service. These 2007 General Plan policies are not, as the commenter appears to suggest, referring only to future County programs. See Master Response 10 regarding the level of detail required of General Plan policies.

Policies calling for the compilation of data (i.e., OS-3.4, PS-2.6, S-1.2, and S-3.6) are part of the County's larger regulatory scheme, and should not be looked at in isolation. Although listed under different policy numbers, the information identified in these policies would be maintained in the County's Geographic Information System (GIS) database. The discrete "data layers" would then be available for examination either

singly, or in combination, as the need arises, when site-specific development projects are under consideration. For example, the collection of data in this readily accessible GIS database will improve the County's ability to minimize the impacts from future development projects through project design (by avoiding known constraints), environmental analysis (by identifying specific studies to be undertaken as part of the analysis), and the application of regulations (i.e., Monterey County Ordinance Code Chapters 16.08 [grading], 16.12 [erosion control] and 16.16 [regulations for floodplains]). Readily available, mapped information is particularly valuable in ensuring that County regulations are consistently applied where necessary to avoid erosion and sedimentation. Although application of the policies is not limited to the information available in the database, the GIS mapping will also inform the implementation of Policies S-1.6 (development in areas of known geologic or seismic hazard), S-1.7 (geologic hazard and geotechnical reports), and S-1.8 (development review).

Regarding development on slopes, revised Policy OS-3.5 provides specific requirements that will minimize the impacts on erosion and sedimentation (see Master Response 3 on agricultural policies). The slope/density provisions of Policy OS-3.6 reduce the potential for erosion and sedimentation by establishing increasingly strict building restrictions as slope increases. It will work in concert with Policy OS-3.5, which also restricts development on steep slopes. For example, a proposed residential project on an average slope of greater than 25% would be limited to not more than 1 residence per 2 acres (Policy OS-3.6) and would be subject to a discretionary permit based on the specific findings about the site's suitability and provisions for "special erosion control and construction techniques" (Policy OS-3.5). Because a discretionary permit is required, under these provisions even a single family residence would be subject to CEQA analysis that would develop additional project- and site-specific mitigation.

The General Plan policies also set out a comprehensive approach to drainage control. Policies S-3.1 (restricting post-development drainage), S-3.2 (requiring best management practices), S-3.3 (requiring any necessary drainage facilities to be installed concurrently with development), and S-3.5 (runoff performance standards) will *all* be applied to development projects. When terms such as "where appropriate" are used, the intent is to provide that these requirements will not apply if the project would not increase pre-development flows.

Policies that relate to geologic hazards, such as S-1.1; soils, such as CSV-1.1 and CSV-1.2; and flooding, such as S-3.8; do not directly minimize erosion and sedimentation. However, landslides, flooding, and inundation from levee failure are all potential sources of erosive materials. The release of soil into streams and rivers is a key source of sedimentation. Reducing those hazards and protecting soils reduces the potential for erosion.

The commenter requests clarification of Policy AG-5.2 ("Policies and programs to protect and enhance surface water and groundwater resources shall be promoted, but shall not be inconsistent with State and federal regulations."). This statement requires the County to maintain consistency between its programs and State and federal regulations. It does not limit the County's ability to utilize its police power to enact protective regulations. Consistency is important to the site-specific application of State and federal regulations that will occur during the County permitting process.

Responses to Comments on Mitigation Measures

Regarding the comment on Mitigation Measure BIO-2.1 (stream setback ordinance), the commenter apparently differentiates erosion from sedimentation. In fact, sedimentation is the result of erosion – sediment consists of the materials resulting from erosion. The stream setback ordinance will limit development near inland streams and rivers, thereby reducing the potential for such development to result in bank damage that would result in erosion. BIO-2.1 also reduces the release of eroded materials to streams by providing a buffer area that can capture and hold those materials before they may enter a stream or river. This same concept is utilized in urban settings by the installation of planting strips or depressed planting areas to reduce the release of urban runoff to storm drains. Mitigation Measure BIO-2.1 has been revised, as shown in Chapter 4.

Responses to Comments on Specific Area Plan Policies

See Master Response 10 regarding the level of detail required of General Plan policies. These policies are intended to guide decision-making on future development projects. As discussed previously, the policies are parts of a larger scheme – encompassing goals, policies, and regulations – that together work to minimize potential environmental impacts when applied to site-specific development projects.

The Area Plans and Special Treatment Areas policies are part of the General Plan. Where Area Plans or Special Treatment Areas have policies that are more restrictive or area-specific than the 2007 General Plan's general policies, the more restrictive or area-specific policies provide a greater level of detail than the general policies. The County will interpret these specific and general policies so that they act in harmony.

Policies that manage drainage or protect riparian vegetation, stream and river banks also limit the potential for erosion. This includes, but is not limited to, Policies CSV-1.3 and CSV-5.1. Where the commenter has suggested that policies should be more broadly applied (i.e., Policies CV-3.9 [willow cover retention] and CV 4.1 [limits on clearing of land], Fort Ord Soils and Geology A-1 [use of NRCS soil maps], etc.), those are issues that should be raised during consideration of the General Plan and do not, by themselves, relate to environmental effects. The DEIR has previously determined that the combination of regulatory requirements, proposed policies, proposed mitigation measures, and implementation of the proposed policies reduces impacts below the level of significance. Extending the applicability of these policies is not necessary for purposes of mitigation.

- O-11g.24 This comment asks numerous questions about the Water Resource analysis in Section 4.3 of the DEIR. This commenter is directed to Master Response 4, *Water Supply*. More specific cites to subsections of Master Response 4 are provided in the text of this response.

“SVWP EXPANSION INFEASIBLE IN LIGHT OF UNMITIGATED IMPACTS TO STEELHEAD, LIMITATION OF NOAA BIOLOGICAL OPINION, AND COST”

The comment states that the (1) SVWP Expansion is infeasible in light of unmitigated impacts to steelhead, limitations of NOAA biological opinion, and cost, (2) the SVWP

relies upon a “potential expanded delivery system” from SVWP DEIR Section 3.2.4, which requires an increase of CSIP deliveries to 18,300 AFY, (3) this expanded delivery system is unfunded, would cost \$40.8 million, and is financially infeasible, and (4) the SVWP EIR did not evaluate the environmental effects of the expanded delivery system, the additional pipeline project or the effects of additional diversions.

These comments concern the potential expansion of the SVWP. The first phase (Phase 1) of the SVWP concerns provision of adequate water supply within the Salinas Valley for both urban and agricultural use while halting groundwater overdraft and seawater intrusion. This comment concerns the potential expansion of the SVWP to provide water and address potential overdraft and seawater intrusion in the years following 2030 and is referred to as Phase 2 of the SVWP.

Please see Master Response 4, Section 4.2.2 for status of the SVWP and discussion of impacts to steelhead. The commenter asserts that future expansion of the SVWP is limited by the NOAA Fisheries Biological Opinion issued for the SVWP and that this undercuts the DEIR’s conclusion that the SVWP can deliver sufficient water to meet its objectives of halting seawater intrusion, providing additional urban and agricultural water supplies, and raise groundwater levels through 2030. This assertion is incorrect. As noted by the commenter, the BO provides that consultation will be reinitiated if diversions are proposed to increase beyond 9,700 AFY. If increased diversions are proposed beyond 9,700 AFY in the future, the reinitiated consultation would recommend measures to avoid significant effects on steelhead; US Fish and Wildlife Service would issue either a non-jeopardy opinion that would recommend reasonable and prudent measures to minimize the impacts of any incidental take, or a jeopardy opinion that would recommend reasonable and prudent alternatives that would not cause jeopardy. The specific nature of these measures or alternatives is not reasonably foreseeable, and would be determined when the timing and amount of any increased diversion are proposed. See Master Response 4 for a discussion of the feasibility of the SVWP and the limits of the Biological Opinion.

The comment states that the SVWP relies upon a “potential expanded delivery system” from SVWP DEIR/EIS Section 3.2.4, which requires an increase of CSIP deliveries to 18,300 AFY and that this expanded delivery system is unfunded, would cost \$40.8 million, and is financially infeasible.

The SVWP DEIR/EIS describes in detail the preferred project that will meet the SVWP objectives to the year 2030. That consists of the improvements and reoperation of the upstream reservoirs, installation of the Salinas River diversion facility, and delivery of about 9,700 AFY of water to the CSIP system. The SVIGSM groundwater model indicates that the preferred SVWP (as now constructed) will provide adequate water, both through increased recharge of groundwater and diversions to the CSIP to halt seawater intrusion to 2030. To be prudent, the SVWP EIR/EIS discussed the “potential expanded delivery system” that may be needed beyond 2030 in order to meet the SVWP objectives in the future. Here are the basics of the potential expanded delivery system:

- SVWP – increase diversions to 18,300 AFY, with 14,300 AFY delivered to areas outside the CSIP service area and 4,000 AFY to the CSIP. New pipeline to supply new service area.

- CSIP – increase recycled water deliveries to 16,000 AFY.
- Estimated cost: \$40.8 million

The DEIR for the 2007 General Plan has called the potential expanded delivery system SVWP, Phase 2 in the interest of brevity. See Master Response 4 for its discussion of the SVWP, Phase 2. As noted in the DEIR on page 4.3-38, operation of the Expanded Delivery System (SVWP, Phase 2) is not necessary in order to meet projected demand to 2030 and provide the additional seawater intrusion and groundwater level rise benefits of the SVWP. As also disclosed on page 4.3-38, the Phase 2 improvements are discussed in concept in the EIR/EIS certified for the SVWP, but have not been planned in detail. The EIR's statement on page 4.3-143 regarding distribution lines from the SVWP relate to Phase 1, not Phase 2. As discussed in Master Response 4, Phase 1 will raise groundwater levels and provide additional urban supplies. It can be expected that this will necessitate the extension of distribution lines at some time in the future; however the details of any such indirect effect of the SVWP are not known at this time.

The comment also asserts that the SVWP EIR did not evaluate the SVWP expansion and that this information needs to be analyzed. Consistent with the requirements of CEQA and CEQA case law, *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, the DEIR discusses water supply alternatives and analyzes their secondary effects. This analysis of secondary effects of water storage, treatment, and conveyance facilities is performed under Impact WR-5. The level of detail provided in this analysis is consistent with the requirements of CEQA for a program EIR. Please see Master Response 10, which discusses the level of detail necessary for an EIR prepared for a General Plan, and Master Response 4, Section 4.2.3 on the Salinas Valley Water Project Phase 2. The impact analysis under Impact WR-5 acknowledges that water storage, treatment and conveyance facilities would result in impacts to biological resources (see DEIR page 4.3-135, 4.3-137, 4.3-138, 4.3-139, including discussion of "ESA-listed fish species" on page 4.3-144). Impact WR-5 was determined to be significant and unavoidable for the 2030 horizon year and buildout in 2092 (See DEIR Pages 4.3-145 and 146). However, there is no clearly defined Phase 2 of the SVWP (the discussion in the SVWP EIR/EIS is conceptual), nor does the comment provide such detail. While the DEIR acknowledges there will be approximately 10,000 AFY of water remaining in the reservoirs as a result of the SVWP that have not yet been specifically allocated, there are no distribution details, no parcel specific information on where water will be needed after 2030, and no information on whether new or existing diversion facilities would be used. (See DEIR page 4.3-131) That information will come as the effectiveness of the SVWP and future supply and demand numbers are monitored over the coming years.

Impacts to steelhead from a future SVWP, Phase 2 would be dependent upon a number of factors, such as the timing of any releases into local rivers and water bodies, flow rates, water temperatures, the location of spawning areas, and spawning times. At this time no site specific or project specific operational details are known which would allow analysis of impacts to individual species such as the steelhead after the 2030 horizon year. Please also see Mitigation Measure BIO-2.3 in Section 4.9, which addresses impacts to the steelhead.

The DEIR concludes that SVWP, Phase 2 is feasible, given the information known at this time. That is the opinion of the MCWRA as well. (Weeks 2009) On that basis, the EIR further concludes that water supply, groundwater overdraft, and seawater intrusion impacts within the Salinas Valley will be mitigated over the 2007 General Plan buildout period (2030 to 2092). However, with the buildout period being 82 years in the future, it is possible that circumstances that cannot be foreseen at this time may result in a different outcome. While the funding of Phase 2, like all large infrastructure projects, may be a challenge in the future, there are a variety of funding mechanisms that could be used, either exclusively or in combination, and there is no hard evidence that funding is infeasible. In California, general plans are recommended for update every 20 years by the General Plan Guidelines. (Office of Planning and Research 2003) At that rate, there will be at least four updates of the Monterey County General Plan before 2092. The SVWP will be a subject to be considered in future updates of the General Plan as they occur over the decades to come. In recognition of this, Mitigation Measures WR-1 and WR-2 have been modified to provide for a regular check on the need for additional water supplies in the future.

The commenter suggests that the County undertake additional modeling in order to provide the type of specific information that might be needed in order to evaluate potential future delivery systems. This type of specialized study is beyond the scope of the 2007 General Plan and is not necessary to informed decision making with regards to adoption of the General Plan. Future delivery systems will be designed and their potential environmental impacts analyzed at such time as information becomes available as to their need. The analysis of pipelines or other facilities of unknown location, size, and timing is speculative and not a reasonable line of inquiry at this time.

“NO EVIDENCE THAT RECYCLED WATER WILL BE AVAILABLE TO COMPLETE THE SVWP EXPANDED DELIVERY”

The comment also states that (1) recycled water will not be available to complete the SVWP expanded delivery system, (2) the SVWP EIR assumes the entire capacity of the Monterey County Water Recycling Projects at 2030 (15,900 AFY) will be dedicated to the SVWP, (3) that the WFMCC has “targeted up to 5,000 AFY of recycled water per year as part of its plan, and suggests that this would interfere with the recycled water availability assumptions made in the SVWP EIR.

Under the first and second issues above the comment states that there is “no evidence that recycled water will be available to complete the SVWP expanded delivery” and the SVWP EIR assumed there would be 15,900 AFY of recycled water. As noted in the SVWP EIR Master Response 1, “[t]he CSIP is already in place and the providing recycled water to the 12,000-acre CSIP area (11,000 AF was supplied in 2001).” See Master Response 4, Water Supply for additional information on the CSIP.

Under the third issue above the comment suggests that other projects would interfere with reclaimed water used as part of the SVWP project and the comment suggests that this DEIR identify “competing proposals for use of recycled water...” Please also see Master Response 10 on the level of detail required in an EIR for a General Plan and Master Response 4 for further description of the SVWP. The level of detail requested by the comment is not required to determine the impacts of the project.

Furthermore, reclaimed water usage is not the driving force behind “water demand” in Monterey County, but is a type of water that may ultimately be used to meet new demand. The DEIR’s analysis is therefore not focused upon individual types of water usage (i.e. reclaimed water usage), but rather factors that result in new demand, such as per capita water usage associated with increased population and agricultural water use in the County, as shown in EIR Table 4.3-9 and Master Response 4, Exhibit W-1. (See also EIR Section 6.4.3.3.)

See Master Response 4 for a discussion of the Cal-Am project and the alternative regional supply project. Current information indicates that there would be no specific constraints on increased use of recycled water. Again, it is premature to conclude that recycled water will not be available as may be needed for Phase 2 of the SVWP. Master Response 4 also includes updated and clarified water demand and supply information.

Comment also states that “ironically, the DEIR identifies the WFMCC proposal as a possible alternative solution to the Coastal Water Project for the shortage of water for the Monterey County Peninsula. DEIR, p. 4.3-128.” Please see Master Response 4 Sections 4.3.3 and 4.3.6 for the current status of the regional water supply project and the components proposed as part of the Coastal Water Project EIR alternative analysis. The language cited by the comment addresses Impact WR-4 which discusses adequacy of existing water supplies to meet development consistent with the General Plan. Given the lack of certainty in the regional water supply project, the DEIR did not rely upon this project under Impact WR-4, which was determined to be significant and unavoidable. (See DEIR page 4.3-130.) However, consistent with *Vineyard* requirements the DEIR analyzed secondary impacts associated with water supply alternatives such as this regional project, as discussed under Impact WR-5 on DEIR page 4.3-137. Please also see Master Response 4, Section 6 for clarification of the Regional Water Project Alternative’s impacts. The level of detail provided in this impact analysis is consistent with CEQA requirements, as discussed under Master Response 10.

Comment also states “it appears that the DEIR’s fail[s] to present a complete water balance analysis.” The purpose of impact analysis under CEQA is to determine the impacts of the proposed project against existing conditions (See CEQA Guidelines Section 15125 and 15126.2). Existing deficiencies are not impacts associated with the project and are therefore discussed in the environmental setting. The environmental setting in DEIR Section 4.3.2 provides information on existing overdraft conditions, water quality, seawater intrusion, and water supplies throughout the County. The level of detail provided for the environmental setting is consistent with CEQA Guidelines Section 15125, which states that “[t]he description of the environmental setting shall be no longer than is necessary to an understanding of the significant effects of the proposed project and its alternatives.” The DEIR made conservative assumptions about per capita water usage; population growth and agricultural water usage as discussed under Impact WR-4 and Table 4.3-9 (see DEIR page 4.3-114). The DEIR’s discussion of water resource existing conditions and proposed demand complies with CEQA requirements. Please also see the revisions to Table 4.3-9 in Master Response 4, Section 4.1.6 and Response to Comment O-11g.28.

“CONTINUED OPERATION OF NACIMIENTO AND SAN ANTONIO DAMS”

The comment states that “The DEIR relies on the continued operation of these two dams to assure groundwater recharge. Because the DEIR expressly assumes that Salinas Valley groundwater will be available to support continued growth, it is incumbent on the DEIR to evaluate these effects.” The ongoing operations of these two reservoirs are part of the existing conditions and are not impacts of the project. (See CEQA Guidelines Section 15125 and 15126.2; see also *Fat v. County of Sacramento* (2002) 97 Cal.App.4th 1270.) CEQA analysis is focused on the effects of the project as measured against the baseline, not on preexisting environmental effects. (*In re Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings* (2008) 43 Cal.4th 1143) Accordingly, the operations of these dams are not subject to CEQA analysis as part of the 2007 General Plan.

The comment also states “[i]f operation of these dams has not in fact been permitted under the ESA, the EIR must disclose this fact and provide an analysis of the biological impacts of the use of their water supply to support continued growth under the 2007 General Plan.” The comment also states that the NOAA biological opinion for the SVWP states on page 5-6 (of the BO) is in conflict with the River Channel Maintenance Biological Opinion. NOAA describes this as a potential conflict concerning access to the dry channel Salinas River for channel maintenance after September 1 each year. As stated on page 6 of the NOAA BO for the SVWP (which is attached to the Landwatch comment letter), MCWRA clarified to NOAA that the SVWP would take precedence over the Channel Maintenance Project, which means that channel maintenance would occur only when the SVWP does not require flow through the River. This determination of precedence resolves the conflict; NOAA issued the BO for the SVWP acknowledging the resolution of the potential conflict by MCWRA.

As discussed under CEQA Guidelines Section 15126.2, “an EIR shall identify and focus upon the significant environmental effects of the proposed project. In assessing the impact of a proposed project on the environment, the Lead Agency should normally limit its examination to changes in the existing physical conditions in the affected areas as they exist at the time the notice of preparation is published....” (See also CEQA Guidelines Sections 15125, and 15378.) Impacts of existing dams are part of the environmental setting and are not impacts of the proposed project or the alternatives. Furthermore, determining whether existing facilities are in compliance with the ESA and or whether inconsistencies exist between the referenced Biological Opinions is not necessary for the impact analysis of the General Plan. (See CEQA Guidelines Section 15204(a)) The commenter misconstrues the Biological Opinion for the SVWP in pressing their point. In the passage from the Biological Opinion quoted by the commenter, NOAA fisheries states that dam operations are part of the environmental baseline and goes on to analyze the impacts on steelhead of modified operations under the SVWP.

“CASTROVILLE”

The Comment states that statements on page 4.3-117 about the seawater intrusion are inconsistent with statement on page 4.3-118. There is no contradiction, the discussion of seawater intrusion on page 4.3-117 is referring to conditions without the SVWP, whereas statements on page 4.3-118 are referring to conditions with implementation of the SVWP.

The language on page 4.3-117 has been revised in FEIR Chapter 4 to make this clarification.

The comment also asks about the definition of “other measures” on DEIR page 4.3-118. The “other measures” referred to in the DEIR’s discussion include upstream operations of the SVWP, which will raise groundwater levels upgradient and provide additional pressure to assist in halting the advance of seawater intrusion, and the expected future increased use of recycled water from the Regional Treatment Plant for parks and landscaping (this will also reduce groundwater pumping).

The comment also asks “what is the new source of potable water that will meet new water demands in the Castroville community. Please see Master Response 4, Section 4.2.2 for discussion of the SVWP. As discussed in the Master Response 4, Section 4.2.2 and in Section 1.1 of the SVWP EIR, the SVWP was designed to meet three objectives: (1) stopping seawater intrusion, (2) providing adequate water supplies to meet current and future (year 2030) needs (3) improving the hydrologic balance of groundwater basin in the Salinas Valley Basin. As further described in Master Response 4 Section 4.2.4, the SVWP provides additional releases of water to the Salinas River upstream which will percolate into the groundwater aquifers. Furthermore, the SVWP provides diversions to the CSIP which avoids the need to remove a like amount of water from the subsurface aquifers.

Comment states that “no completion date for the rubber dam, which will increase water deliveries to Castroville farmers, is given...Please explain what measures will be employed to avoid further seawater intrusion until that time” The CSIP was completed in 1998 and currently provides recycled water to the Castroville area. In 2008, CSIP provided over 15,250 AFY of recycled water to its Castroville service area. (MRWPCA 2009) The SVWP construction is scheduled for completion in April 2010. (Weeks 2009) As discussed therein, physical changes to the Lake Nacimiento reservoir are complete. The diversion dam is under construction at the time of this writing and is expected to be completed in the spring of 2010. The modifications to the reservoirs are complete allowing for increased storage capacity and increased water capture during the 2010 winter and spring. The diversion dam has been installed and is expected to go into service in April 2010. (Weeks 2009) Additionally, development under the General Plan is not immediate, as discussed in Master Response 2 on Growth Assumptions, and existing conditions, referenced in the comment, are not impacts of the proposed General Plan amendments. Existing Conditions in the Salinas Valley are discussed in DEIR Section 4.3.2, including information on seawater intrusion in the Salinas Valley, starting on DEIR page 4.3-25.

“BORONDA”

The comment references language on the Boronda Community Area on DEIR pages 4.3-7 and 4.3-118 and states that “since the Salinas Basin is one large hydrologic unit and since recharge of the subarea is from underflow originating upstream, please explain how Cal-Water’s moving its wells upstream within the same, interconnected basin will do anything to address seawater intrusion caused by increased pumping in Boronda.” Impact WR-4, discussed on DEIR page 4.3-118 referenced in the comment, does not directly address seawater intrusion impacts, it addresses “Land uses and development

consistent with the 2007 General Plan would exceed the capacity of existing water supplies and necessitate the acquisition of new supplies to meet expected demands.” Furthermore, the language cited by the comment on page 4.3-118 is taken out of context, the language does not suggest that seawater intrusion or the impact conclusion is dependent upon Cal-Water shifting production further south into the 400-foot aquifer. The DEIR notes that this is a consequence of existing seawater intrusion. The DEIR states that “completion of the SVWP is expected to accommodate future growth in Boronda to 2030 without further seawater intrusion or lowering of groundwater levels.” (DEIR page 4.3-118.) Please also see Impact WR-7 which directly addresses impacts associated with seawater intrusion.

“CHUALAR”

The comment cites to language on the Chualar Community area and asks, “[p]lease explain how ‘independent management’ of some water within the Salinas Basin leads the DEIR to conclude that increased water demand at Chualar will incur no significant water supply impacts.” As noted throughout Section 4.3, including Table 4.3-9, the Chualar Community area is located further inland than Boronda and receives its water from the Salinas Valley Groundwater Basin. The DEIR provides the location of seawater intrusion in the Salinas Valley Groundwater Basin in Exhibit 4-3-9 (see the updated exhibit in Chapter 4). Contrary to the comment, the DEIR does not conclude seawater intrusion in the Salinas Valley Groundwater Basin would be less than significant because of “independent management” of water in the Chualar Community Area. As noted under on page 4.3-130: “Within the Salinas Valley, the SVWP will provide sufficient supply to reverse existing overdraft and seawater intrusion problems and to provide water for new development.” (See also Impact WR-7, as discussed on page DEIR 4.3-158.) Additionally, please also see information on seawater intrusion in the Salinas Valley provided in Master Response 4.

“FORT ORD”

The comment references language on development in Ford Ord and asks “in the instance of Fort Ord development, the 6,600 acre-feet of water to be supplied by the SVWP is characterized as ‘uncertain’ when there is no expressed ‘uncertainty’ that the SVWP will provide sufficient water elsewhere.”

The DEIR terms this supply uncertain because the referenced Cal-Am Coastal Water Project may provide an alternative source for this water. The Regional Water Supply Project alternative identified in the preliminary environmental assessment for the Coastal Water Project, and now presented in more refined form in the FEIR for the Coastal Water Project, could provide this water if eventually built. See Master Response 4 for a discussion of the Regional Water Supply Project.

“SIGNIFICANCE CONCLUSIONS”

The comment states that “no caps on water use have been imposed for any of the new water uses within the basin, which includes urban growth, wine grape processing, and, as discussed below, agricultural expansion, including expansion onto slopes 25% or greater...” The comment suggests that the lack of “caps” requires a worst case analysis.

CEQA does not require a worst case analysis. What is required is discussion of reasonably foreseeable impacts. (See CEQA Guidelines Section 15378(a); *Save Round Valley Alliance v. County of Inyo* (2007) 157 Cal.App.4th 1437; see also similar NEPA requirements in *Robertson v. Methow Valley Citizens Council* (1989) 490 U.S. 332.) The water supply analysis relies upon conservative assumptions for population and per capita water and trends in agricultural water usage. (See DEIR page 4.3-114, Table 4.3-9, and Master Response 4, Section 4.2.1 regarding urban and agricultural water demand in the Salinas Valley.)

Furthermore, as discussed in both the DEIR and Master Response 4, water projections for the Salinas Valley are made utilizing a sophisticated groundwater model (i.e., the SVIGSM) that is based on decades of records and tuned specifically to the Salinas Valley. The fact that the Salinas groundwater basin is un-adjudicated and groundwater supplies are not specifically allocated to users does not affect the accuracy of the model's output. Further, the 2007 General Plan includes a number of specific policies that will act to regulate future water use so as to minimize overdraft. These include Policies PS-3.1 and PS-3.3 (long-term, sustainable water supply for new development), PS-3.4 (criteria for evaluation of new wells), PS-3.6 (wells in areas with seawater intrusion), and PS-3.9 (program to eliminate overdraft of water basins). In addition, the County is proposing to modify Mitigation Measure WR2 (which would become policies PS-3.17 and PS-3.18) to review actual growth data against projected growth every five years and will also assess the degree to which the Salinas Valley Groundwater Basins has responded with respect to water supply and reversal of seawater intrusion based on the modeling protocol. This review will set in motion planning coordinated planning for additional water supply alternatives. See Chapters 4 and 5 for the text.

As discussed in Master Response 3, the agricultural trends used for the agricultural water supply analysis take into consideration increases and decreases in the types of agricultural lands (e.g. Farmland of Statewide Importance, Unique Farmland, Prime Farmland, Grazing Land, etc.). Please see the Master Response for a detailed discussion of potential conversion of land to agriculture in the future. Instead of using land availability as the basis for estimating agricultural conversions over time, the DEIR instead used the past as the most reasonable predictor of the future. Thus, the DEIR looked at agricultural expansion in the last twenty years as a proxy for what may happen in the future. Based on the past trends, there would only be a limited expansion of agricultural land onto uncultivated land over time, while losses of agricultural land would occur in areas of expanding cities. The significance conclusions of the DEIR are not changed.

Comment questions the benefits of the SVWP in Granite Ridge area of North Monterey County. Please see Master Response 4, Section 4.2.6, which addresses this issue. This issue was also addressed by the Court of Appeal in previous litigation with LandWatch. (See *LandWatch Monterey County v. County of Monterey* (2007) 55 Cal.Rptr.3d 34, 53, and 54 [de-published; holding that there is substantial evidence that the SVWP water supply benefits would accrue to portions of North County])

The Comment states that "The DEIR acknowledged at page 4.3-35 that seawater intrusion would continue at 2,300 acre-feet per year unless 'an additional 14,300 AF of SVWP water is delivered outside the CSIP.' For purposes of analysis through the Water Resource element, the DEIR assumed the 14,300 acre-feet would be available." The EIR

has been revised to clarify this passage. The intent was to reflect the findings of the SVWP EIR/EIS, which state that after 2030 additional diversions may be necessary in order to continue to halt seawater intrusion. See the prior discussion of the SVWP's "potential expanded delivery system" and Master Response 4, which addresses this issue. The revisions to this passage may be found in Chapter 4 of this FEIR.

The Comment states that "[i]f additional water supplies through the SVWP were reasonably certain, it would not be necessary for the County to *initiate investigations* [referring to Mitigation Measure WR-2] as to whether there is any additional capacity..." Mitigation Measure WR-2 was only discussed under Impacts WR-4, WR-6, and WR-7 for the *buildout* analyses in the Salinas Valley (i.e. years 2030 through 2092). The impact analyses up to the 2030 horizon year do not rely upon Mitigation Measure WR-2 as suggested in the comment letter. However the EIR does state, the SVWP Phase 2 would make available approximately 10,000 AFY which has not been allocated as part of the current SVWP, which would be available as discussed under Impact WR-5. (See DEIR pages 4.3-131 and 4.3-146). WR-2 reflects the practical need to undertake water supply planning long in advance of actual demand in order to ensure that supplies will be available to meet those future needs. As discussed above, Mitigation Measure WR-2 was modified to track extraction data trends at five-year intervals to ensure that the timing of providing additional supplies if necessary is sufficient for collaborative planning. Please also see Master Response 4, Section 4.1.6, which discusses water supply from 2030 to 2092, and Master Response 10, which discusses the level of detail required for a programmatic EIR. While growth assumptions were made about post 2030 development within the County, it is speculative to provide more detailed analysis of post-2030 water supply projects.

- O-11g.25 The commenter asserts that the DEIR understates water demand in the Salinas Valley, including demands from the AWCP and other agricultural uses.

See Master Response 3, *Agricultural Growth and General Plan Agricultural Policies*, and Master Response 4, *Water Supply*. Master Response 4 in particular clarifies water supply and demand information and expands the discussion of water demand in the AWCP.

Regarding the commenter's contention that the SVWP EIR/EIS assumed that new agricultural acreage would be devoted exclusively to wine grape production, there is no basis for that assertion. The SVWP EIR/EIS assumed that agricultural water demand would decrease "as a result of several factors, including increased irrigation efficiencies, changes in crops (i.e., increase in lower water-demand grape production), and some conversion of land from agriculture to urban uses." (Monterey County Water Resources Agency 2001a, Section 3.2.4, Background) This is supported by the MCWRA's "2008 Groundwater Summary Report" which documents the increase in water-conserving irrigation methods between 1993 and 2009 (Monterey County Water Resources Agency 2009), and the records of the Farmland Mapping and Monitoring Program that document continued conversion of farmland within the region (Department of Conservation 2008).

The commenter asserts that because the Salinas groundwater basin is un-adjudicated and there are no constraints on groundwater pumping, that the assumptions of the SVWP regarding future demand are invalid. Further, the commenter asserts that exempting

Routine and Ongoing Agriculture from certain County policies will allow it to increase water supply problems. As discussed in both the DEIR and Master Response 4, water demand projections for the Salinas Valley are made utilizing a sophisticated groundwater model (i.e., the SVIGSM) that is based on decades of records and tuned specifically to the Salinas Valley. The fact that the Salinas groundwater basin is un-adjudicated and groundwater supplies are not specifically allocated to users does not affect the accuracy of the model's output. Routine and Ongoing Agriculture is not exempt from Policies PS-3.4 (criteria for evaluation of new wells), PS-3.5 (pump tests or hydrogeologic studies to be conducted for new high-capacity wells), PS-3.6 (wells in areas with seawater intrusion), and PS-3.9 (program to eliminate overdraft of water basins), PS-3.12 (maximize agricultural water conservation measures), and PS-3.14 (work with the agricultural community to develop new uses for tertiary recycled water and increase the use of tertiary recycled water for irrigation of lands currently being irrigated by groundwater pumping). All of these policies will work to improve the efficiency of water use.

The commenter asserts that the DEIR substantially underestimates future agricultural conversions. See Master Response 3, *Agricultural Growth and General Plan . Agricultural Policies* for a discussion of the potential for additional agricultural conversion. The commenter's subsequent assertion that Policies OS-3.5 (development on slopes) and AG-3.3 (routine and ongoing agriculture) amount to "significant deregulation and incentives for new conversions," has no basis in fact. As discussed in Master Response 3, Policy OS-3.5 as modified requires discretionary permits for conversion of uncultivated land on steep slopes (which actually creates an incentive to remain on less steep lands where no such permits are required) and "routine and ongoing agricultural" activities remain regulated in many aspects. These neither deregulate, nor provide incentives for new conversions. Master Response 3 also discusses the amount of land that is potentially available, based on soil type and other factors, for conversion to agriculture.

O-11g.26 The commenter asks for an explanation of the DEIR's conclusion that water supply on the Monterey Peninsula will be adequate to meet current demand, in light of the SWRCB's cease and desist order against Cal-Am for its excessive diversions from the Carmel River. See Master Response 4, *Water Supply*, for an update on the cease and desist order and other activities. Master Response 4 also clarifies the significance findings regarding the availability of water supply.

O-11g.27 The commenter asserts that the DEIR "fails to evaluate the acknowledged substantial increase in new water demand from riparian users in the Carmel Valley" and notes that the DEIR at page 4.3-13 states that it is unclear whether increased riparian claims represent an increased demand on the water resource system and whether there are related environmental effects. The commenter asks "why there's any question that these riparian claims are increasing water demand in the Carmel River Basin." The commenter asserts that new riparian water demand must be estimated and included in the analysis of the Carmel River Basin.

See Master Response 4, *Water Supply*, Section 4.3 for updated information on water issues on the Monterey Peninsula including the Carmel River alluvial aquifer. Master Response 4 provides an updated analysis of water demands for the Monterey Peninsula

that includes existing demands from CalAm customers and non-Cal-Am producers as well as new demands with the 2007 General Plan. As to new demands, the estimates in revised Table 4.3-9a and Table 4.3-9e, include all projected new demand in the CVMP area. The text has been updated to clarify that exercise of riparian rights for new development would represent an increase in demand.

The commenter similarly comments on the analysis of new water demand in the Seaside Basin, which they characterize as: “a basin whose use and welfare is inextricably linked to the Carmel River Basin.” The commenter asserts that it is not sufficient for the EIR to conclude that the aquifer is overdrafted and that future development will exacerbate that situation, and argues that the County must adopt mitigation for this impact.

See Master Response 4, Water Supply, Section 4.3 for updated information on water issues on the Monterey Peninsula including both the Seaside basin (and its adjudication) and the Carmel River groundwater basin. The Seaside and Carmel River groundwater basins are often discussed in tandem because both provide water to the Monterey Peninsula, because MPWMD has jurisdiction over both resources, and because the primary water provider, Cal-Am serves customers in both areas.

Regarding the Seaside aquifer, the comment appears to refer to the need to quantify existing demands in the Seaside aquifer. As noted above, existing demands of both CalAm and non-Cal-Am users have been added to the analysis. The projection of demand is for all new users, regardless of whether they are within the CalAm system or not.

See also the revised water demand/supply analysis in Chapter 4.

- O-11g.28 Commenters assert that principles from the *Vineyard* case make the DEIR water supply analysis inadequate. They assert that *Vineyard* holdings apply to the Monterey County General Plan EIR, because the *Vineyard* project was planned at the same generality as the 2007 General Plan, and contained more than twice as many dwelling units. They assert that the DEIR fails to provide a comprehensive quantitative water balance analysis for the Salinas Valley Basin, for which it concludes that water supplies will be sufficient, or for other basins for which it concludes there will be a deficit.

The County agrees that the *Vineyard Area Citizens* case sets forth the general principles for the adequacy of EIR water supply analyses, but disagrees that the *Vineyard* project was “planned at the same level of generality” as the Monterey County General Plan. The projects at issue in *Vineyard* were specific development projects, a specific plan and a community plan in defined project locations, and the Supreme Court’s precise holdings apply to that level of *development project* approval. (Compare Government Code Sections 65300 *et seq.* [General Plan] to Government Code Sections 65450 *et seq.* [Specific Plan].) In contrast, a *general plan* sets forth long-term policies for development, and is not project specific; a general plan EIR water supply analysis is necessarily more general than for a specific development project. The level of planning approval, not the amount of growth being approved, determines the specificity of the required CEQA water supply analysis. Please also see Master Response 10, which discusses the level of detail required for an EIR prepared for a General plan.

Although large in comparison to many development projects, the *Vineyard* project contained a much finer level of detail regarding future land uses than does the 2007 General Plan. For example, the 2007 General Plan covers an area in excess of 2,100 square miles under County jurisdiction, while the project in the *Vineyard* case encompasses about 9.4 square miles. A more analogous situation to the 2007 General Plan is offered by the CALFED Bay-Delta Program that was examined in the California Supreme Court's *In re Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings* (2008) 43 Cal.4th 1143 decision. The CALFED Program was a comprehensive, long-term plan to improve the health and function of the Bay-Delta area. There, the Supreme Court said the following regarding the level of detail necessary in a first tier, program EIR.

“CEQA does not mandate that a first-tier program EIR identify with certainty particular sources of water for second-tier projects that will be further analyzed before implementation during later stages of the program. Rather, identification of specific sources is required only at the second-tier stage when specific projects are considered. Similarly, at the first-tier program stage, the environmental effects of obtaining water from potential sources may be analyzed in general terms, without the level of detail appropriate for second-tier, site-specific review.”

See Master Response 4, *Water Supply*, for a clarified and updated discussion of water demand and supply by basin that incorporates city demands. The Master Response also re-organizes the demand and supply information and tables to make them easier to understand. See also the response to comment O-11g.24. Table 4.3-9 has been revised and additional tables have been added to the FEIR to clarify the supply and demand numbers.

The comment states that Table 4.3-9 is invalid, relies upon the SVWP EIR, and fails to take into account industrial water usage. Table 4.3-9 is based upon a 181 gallon per capita water usage value from the California Water Plan Update 2005 (the most recent California Water Plan per capita data available at this time), as discussed on DEIR page 4.3-114. As discussed in Master Response 4, Section 4.2.2, 2030 water usage predicted in the SVWP EIR is consistent with the water use predicted in this EIR. Furthermore, the DEIR accounted for industrial uses, as discussed in the notes of Table 4.3-9; “including residential, commercial, industrial, and landscape uses.” Industrial uses were included in the 181 per capita data from the 2005 California Water Update. The 2005 California Water Update states “total urban applied water use for the Central Coast region was 295,700 acre-feet, which was 13 percent higher than the total applied water for 1998. Average per capita water use was about 181 gallons per day, which is about 10% higher than the 1998 usage.” (see California Water Plan 2005 Update Volume 3 pages 4-13 and 4-14.) Urban use is defined in Table 4-2 as including: “Large Landscape, Commercial, *Industrial*, Energy Production, Residential – Interior, Residential-Exterior, Evapotranspiration of Applied Water, E&ET and Deep Perc to Salt Sink, Outflow, Conveyance Applied Water, Conveyance Outflow, GW Recharge Applied Water, GW Recharge Evap + Evapotranspiration.” While the per capita usage discussion cited above does not explicitly state that it is based upon “urban use,” the 181 gallon average is obtained from the cited population of 1,459,200 (California Water Plan Update 2005, page 4-3) and the total Urban Water use of 295.7 Thousand Acre-feet (TAF). (1 AF = 325,851 gallons). Therefore, the 181 gallon per day estimate includes *industrial* uses.

The DEIR also made reasonable assumptions about agricultural water use as described in greater detail in Master Response 4, Section 4.2.1. As noted under CEQA Guidelines Section 15126.2 “[a]n EIR shall identify and focus upon the significant effects of the proposed project. In assessing the impact of a proposed project on the environment, the Lead Agency should normally limit its examination to changes in the existing physical conditions in the affected area as they exist at the time the notice of preparation is published...” (See also CEQA Guidelines Section 15125(a).) The DEIR analyzed impacts associated with growth in the County. Existing conditions such as overdraft, seawater intrusion, groundwater conditions, and water quality are discussed in the DEIR environmental setting in Section 4.3.2.

The comment letter requests additional cumulative information on water usage within the incorporated cities. Additional information on water usage in the incorporated cities is provided in Chapter 4 in Table 4.3-9c. Please see Master Response 4, Sections 4.1.3, 4.1.6, 4.2.1, 4.2.2, 4.3.1, and 4.4.1 for discussion of demand from incorporated cities, and Master Response 1 for discussion of Coastal Resources.

The comment also states that the “County improperly defers the development of criteria for ‘long term sustainable water supplies’ in Policy PS 3.3...and the County is required to make some determination *now* about the magnitude of ‘long term sustainable water supplies’ in various basins.” It is unclear from the comment which impact conclusion is being discussed. Impacts WR-4 and WR-5 were determined to be significant and unavoidable. Furthermore, Policy PS 3.3 should not be read in a vacuum, the impact analyses rely upon a combination of policies to help reduce impacts (see DEIR page 4.3-122 through 4.3-126). Please also see the Master Response 10 discussion of the level of detail of General Plan Policies and mitigation measures. Policy PS 3.3 complies with Government Code and CEQA requirements. See also Master Response 4, section 4.1.1 for a discussion of sustainable water supplies.

O-11g.29 Please see response to comment O-11g.24 for discussion of the *Vineyard* case. The comment also suggests that additional detail is required on the AWCP. Please see Master Response 10 on the level of detail required in the General Plan and this EIR. As discussed therein, this is a programmatic EIR and project specific/parcel specific details are unknown. Furthermore, the DEIR made reasonable assumptions about AWCP as discussed in Tables 4.3-9 and 4.3-11 and DEIR page 4.3-120. This is consistent with CEQA, as discussed under Public Resources Code Section 21080(e). The comment does not describe why these assumptions are unreasonable or what impacts have not been adequately addressed. (See CEQA Guidelines Section 15204(a)) Please also see Master Response 4, Section 4.2.1 which provides clarifications and more detailed information on AWCP water use, and Master Response 3 for discussion agricultural development within the County, including the AWCP.

O-11g.30 The Comment suggests that a SB 610 Water Supply Assessment is required for the General Plan.

Please see Master Response 4 which discusses the applicability of SB 610. The DEIR does not include a formal SB 610 Water Supply assessment because General Plan EIRs are not required to comply with SB 610. SB 610 does not apply to General Plans for three reasons: 1) the express language of SB 610 does not include General Plans as projects

subject to the Act, 2) General Plan law sets forth an alternative process for local governments to consult with water supply agencies during General Plan preparation, and 3) the Legislature envisioned the General Plan being considered during preparation of long-term Urban Water Management Plan preparation, to serve as the first tier of land use and water supply planning coordination, prior to consideration of individual development projects.

SB 610 applies to development *projects*, for example, “a proposed residential development of more than 500 dwelling units,” or a “project that would demand an amount of water equivalent, or greater than the amount of water required by a 500 dwelling unit project.” (Water Code §10912(a)) SB 610 lists several other “projects” requiring a Water Supply Assessment; a General Plan is not on that list. SB 610 further provides that nothing in SB 610 is “intended to modify to otherwise change existing law with respect to projects that are not subject to...” (SB 610 - Water Code §10914(c)) Although a General Plan may *enable* individual projects falling within the SB 610 definition of project, the General Plan itself is not such a project.

Instead, the Legislature has created an alternative approach to assure that local governments coordinate with water supply agencies when preparing General Plans. Local agencies must “refer” a proposal to adopt a General Plan to any public water system with 3,000 or more service connections that serves customers with the General Plan area. (Government Code Sec. 65352) The public water system has 45 days to comment. The Monterey County General Plan will comply with this process.

Lastly, the Legislature envisioned General Plan and water supply planning coordination being accomplished not through SB 610, but rather through the Urban Water Management Plan (UWMP). The Urban Water Management Planning Act (Water Code §§ 10610 et seq) requires urban water suppliers to consider their entire service area, and is intended to “provide assistance to water agencies in carrying out their long-term resource management responsibilities...” (Water Code Section 10610.2(a))

Water suppliers must prepare UWMPs that analyze water supply and demand, and water supply reliability, over a 20-year planning horizon, and to update these plans every 5 years. General plans typically serve as an information source for water suppliers to prepare UWMP water demand projections. When individual development projects are proposed, WSAs are entitled to rely on information contained in the UWMP. Water Code §10910(c)(2). Thus under the Legislature’s approach, UWMPs based on General Plans can function as the first tier of coordinating land use and water supply planning. WSAs prepared for individual development projects can function as the second tier.

Also, comments assert that since the General Plan EIR functions as a “terminal EIR” for certain future activities not requiring further discretionary approvals or CEQA review, a Water Supply Assessment must be prepared for these activities. This assertion is incorrect. As discussed above, a General Plan is not a “project” subject to SB 610 Water Supply Assessment requirements. There is no authority for the proposition that the inclusion of certain activities that do not require discretionary approvals somehow converts a General Plan into a project subject to SB 610.

It is immaterial that no Water Supply Assessment will be prepared later when activities not requiring discretionary approvals are implemented. The Legislature intended SB 610 to apply only to discretionary projects subject to CEQA requiring a Negative Declaration or EIR. (Water Code §§10910(a),(b))

- O-11g.31 Commenters assert that the *Vineyard Area Citizens* case requires a CEQA water supply analysis not only to indentify future water supplies, but also to use its best efforts to disclose all it reasonably can about the impacts of providing those supplies. Commenters assert that the EIR failed to sufficiently disclose the impacts of certain future water supplies. Commenters also assert that for future water supply projects for which no CEQA review has been completed, the DEIR improperly references future environmental reviews, rather than disclosing the impacts of future water supply projects now.

As mentioned in response to comment 0-11g.24 and 0-11g.28, the County agrees that the *Vineyard case* sets forth the general principles for the adequacy of EIR water supply analyses, but disagrees that the precise holdings of *Vineyard*, which are applicable to development project EIRs, also apply to General Plan EIRs. The *Vineyard* case itself notes that water supplies (and their impacts) must be identified with more specificity at each planning step, as both land use planning and water planning move forward from general to more specific stages. Since the General Plan is the highest, longest-term, least-specific level of land use planning, general plan EIRs need not present project and site-specific analysis of conceptual future water supply projects to serve long-term growth.

Please see response to comment 0-11g.24 and Master Response 4 on water supply for further responses to comments on the adequacy of the DEIR's analysis of the secondary environmental impacts of future water supply projects. In summary, the DEIR does not defer general analysis of the impacts of future water supply projects to serve long-term growth. It does present a general qualitative analysis of the impacts of conceptual future water supply projects to serve long-term growth, based on available information. Project- and site-specific CEQA analysis of these projects can only be done, and will be done, when the location and design of each project is defined with greater specificity.

The comment refers to the "Granite Ridge Distribution Facilities" discussed on DEIR page 4.3-136 and requests more detailed information and analysis. Please see Master Response 4, Sections 4.2.6 and 4.6, which discuss the current status of these facilities. Please also see Master Response 10 which discusses the level of detail of analysis required for program EIR.

The Comment refers to the discussion of the Coastal Water Project on, Regional Water Supply Program, the Pajaro-Sunny Mesa Desalination Plant, the PVMA Basin Management Plan, on page 4.3-136 to 4.3-141. Secondary impacts associated with water storage, treatment and conveyance facilities were determined to be significant and unavoidable under Impact WR-5. The level of detail provided under Impact WR-5 is consistent with the requirements of CEQA. (See Master Response 10 on level of detail). Please also see Master Response 4, Sections 4.3.2 and 4.6 for more information on the Coastal Water Project, Master Response 4 Sections 4.3.3 and 4.6 on the Regional Water Supply Program, and Master Response 4 Section 4.4.2 and 4.6 on the Sunny Mesa Desalination Plant and the PVMA Basin Management Plan. The DEIR discussed the analysis from the Coastal Water Project's Proponents Environmental Assessment (PEA)

because that was the only document available for the Coastal Water Project at the time the General Plan's DEIR was published [Coastal Water Project DEIR published January 30, 2009]. As discussed in this Master Response, a DEIR and a FEIR have been completed and certified by the CPUC for the Coastal Water Project. (See CEQA Guidelines Section 15358 defining environmental "impacts.") Please see Master Response 10 on the level of detail required for a General Plan's EIR.

For additional discussion of the WMFCC please see the response to comment 0-11g.24. The comment also suggests that Mitigation Measure WR-1 is the same as the WMFCC. As noted on DEIR page 4.3-130, "Mitigation Measure WR-1 puts the County on record as supporting a regional solution (*but not necessarily those currently proposed*)." The regional solution will evolve through the multi-agency discussions that are currently ongoing (see Master Response 4, *Water Supply*).

The Comment states that more information is available about new facilities discussed on page 4.3-140 and 4.3-141 because the DEIR states that "new wells and tanks are being planned in all three areas." While projects in the County are in the process of being planned parcel specific and project specific information is not currently available for all areas. Please see Master Response 4 for more up to date information on water projects in Monterey County. Please also see Master Response 10 for information on the level of detail required for an EIR prepared for a General Plan.

- O-11g.32 Comments assert that the DEIR improperly used a development "ban" as a substitute for an adequate water supply analysis, citing *Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* (2207) 40 Cal.4th 412. They note that the *Vineyard* case states that a "ban" of new development does not substitute for the need to conduct an adequate CEQA water supply analysis meeting *Vineyard* requirements.

However, a major difference exists between the DEIR for the Monterey General Plan and the EIR for the specific plan challenged in the *Vineyard* case. The Monterey General Plan project description includes policies that prohibit discretionary development that does not have proof of sustainable water supply (see Policies NC-1.5 and CV-5.4). The DEIR water supply impact analysis is entitled to assume these policies will be implemented, since it is part of the project description; this policy is an integral part of the DEIR water supply impact analysis. In contrast, the development prohibition in the *Vineyard* EIR was a tack-on mitigation measure that the court found could not substitute for an adequate pre-mitigation water supply analysis. Unlike the *Vineyard* EIR, the General Plan DEIR integrates the development "ban," into the water supply impact analysis. Furthermore, the impact analysis under Impact WR-5 proceeds to fully disclose potential alternative water supplies, and their potential impacts, including Monterey Peninsula and Pajaro Valley. The EIR concludes that Impact WR-5 would be significant and unavoidable at the 2030 horizon year and at buildout.

The comments also note that *Vineyard* suggested that if a mitigation measure prohibiting development without proof of sufficient water supply were hypothetically presented in an EIR as a supplement to the water supply impact analysis, then the EIR should discuss the environmental impacts of curtailing development before project completion, and mitigation measure for any such significant impacts. However, the projects at issue in *Vineyard* were specific development projects, a specific plan and a community plan in

defined project locations, where it might theoretically have been possible to analyze the impacts of displaced development. In contrast, at the County General Plan level of analysis, it would be highly speculative to: 1) identify the location, timing, and number of dwelling units for developments that would be delayed until proof of adequate water supply; and 2) identify the location, timing, and number of “displaced” dwelling units.

The comments further assert that development displaced from the Monterey Peninsula and Pajaro Valley would be displaced to the Salinas Valley, which has adequate water supply. This assertion is speculative, in that there are many other variables affecting choices for residential development and housing other than water supply. In addition, any displaced development in the Salinas Valley would have to be consistent with applicable General Plan policies; the DEIR has already disclosed the significant environmental impacts, and presented mitigation measures, for the 2030 horizon year and buildout under the General Plan.

The comment also asks why “development on legal lots of record, or any other form of development proposed to be permitted without further discretionary review, should be permitted to occur when it will cause or exacerbate significant impacts.” Please see Master Response 4, *Water Supply*, which discusses feasibility of water supply mitigation for legal lots of record.

A number of policies are provided in the General Plan which would apply to lots of record which would reduce the effects of water consumption associated with legal lots of record if a building were constructed. Policy PS-3.4 provides a number of criteria in the evaluation and approval of all new wells, including those on existing legal lots of record, such as water quality, production capability, recovery rates, effects on nearby wells, existing groundwater conditions, and technical, managerial, and financial capabilities of the water purveyor. Furthermore, Policy PS-3.6 places a ban on drilling or operating any new wells in known areas of salt water intrusion. As further discussed in the Master Response, the County has water conservation measures in place (see Monterey County Municipal Code Chapters 18.44 and 18.50). In addition, statutory requirements such as the State’s Updated Model Landscape Ordinance and Senate Bill X77 (2009) will further help to reduce water supply usage on legal lots of record. Comment suggests that further discretionary review should be required, but provides no explicit suggestions on what this discretionary review should include. Without more specific information it is not possible to determine the feasibility of this suggestion or whether it would reduce Impact WR-4. Furthermore, it was determined to be infeasible to further restrict development on existing legal lots of record (see Master Response 4 for further details).

- O-11g.33 Please see Master Response 4, *Water Supply*, Section 4.2.4 for discussion of seawater intrusion. Please also see response to comment O-11g.24 for discussion of the NOAA Biological Opinion, Master Response 4 Section 4.2.1 for discussion of agricultural water usage, Master Response 4 Section 4.1.3 for discussion of modeling consistency with the SVWP EIR, and Master Response 3 for discussion of agricultural development within the County.

Comment also states “please explain the conclusion that seawater intrusion will be halted in the Castroville area by 2030 when, in fact, seawater intrusion maps ...show that by 2005 intrusion had already advanced *past Castroville...*” The language on page 4.3-116

generally describes the location where seawater intrusion is expected to be halted; in the “Castroville *area*.” This language does not provide a precise location as suggested in the comment. Please see Master Response 4 Section 4.2.4 for further details. Exhibits 4.3-9 and 4.3-10 have been revised to reflect the latest available data on seawater intrusion and are included in Chapter 4 of this FEIR. Note that this data does not reflect the palliative effect of the SVWP, which is coming into service this year.

The comment also questions the term “effectively halted.” The DEIR uses the word “effectively” because, as the DEIR states, seawater intrusion is not be measured on a day-by-day basis. Instead, effectively halted refers to stopping seawater intrusion when measured over an extended period of time. Please see Master Response 4, Section 4.2.1 for further details.

The comment also questions the DEIR’s analysis of water demand in the Salinas Valley. Please see response to comment O-11g.25 and Master Response 4, Section 4.2.1 for more detailed information on agricultural and urban demand in the Salinas Valley.

- O-11g.34 The commenter asserts that the policies and mitigation measures identified in the EIR “do not provide substantial evidence that the water supply in the Salinas Valley basin will be adequate to future needs or that overdrafting and saltwater intrusion would be avoided in the Salinas Valley” and therefore there is no basis to conclude that the impacts related to the provision of water supply will be less than significant. The commenter further states that the policies “do not represent all feasible mitigation for impacts related to the provision of water supply.”

The comments on General Plan policies in this table question the effectiveness of the policies in avoiding or reducing impacts, request details on how the policies will be implemented or enforced, and/or request clarification of the wording or meaning of policies. These comments apparently are based on an unstated assumption that the General Plan is a compilation of specific regulatory actions or mitigation measures, each of which must meet the standards of specificity and enforceability required of regulations or project-specific mitigation measures. The assumption is incorrect, for the reasons stated below.

As explained in Master Response 10, *Level of Detail for the General Plan and the General Plan EIR*, a General Plan is a long term comprehensive plan for the physical development of the County. (See Gov. Code § 65300) The General Plan consists of a statement of development policies and includes diagrams and text setting forth objectives, principles, standards, and plan proposals. (See Gov. Code § 65302) These policies and objectives are implemented through various other actions, such as specific plans and zoning, which are more detailed and specific. (See Gov. Code §§ 65359, 65400, 65455, and 65860)

In contrast, the comments in this table on General Plan policies generally treat each General Plan policy as though it were a regulatory action or mitigation measure which must meet the standards of specificity and enforceability required of regulatory programs or project-specific mitigation measures. In reality, the General Plan policies are general statements of principles that will guide later implementing actions to be undertaken during General Plan implementation. Therefore, the General Plan is not a regulatory

program, and General Plan policies for a County of the size and diversity of Monterey County are not intended to be, nor can they feasibly be, site-specific or project-specific.

Further, General Plan policies should not be considered in isolation when determining whether a particular policy will avoid or reduce environmental impacts because:

- The General Plan policies affecting each resource will operate collectively and in some cases synergistically to avoid or reduce impacts.
- Mitigation measures identified in the EIR for many affected resources will further avoid or reduce impacts.
- Ongoing environmental regulatory programs of the County and other regulatory agencies, independent of the General Plan, will further avoid or reduce impacts.

Therefore, to evaluate whether a particular policy avoids or reduces an impact to less than significant levels by a particular policy, the combined effect of all relevant General Plan policies, EIR mitigation measures, and ongoing regulatory programs must be considered together. Comments on this table do not use this approach. The DEIR does use this approach.

Lastly, the County appreciates the commenter's requests for clarification of the wording or meaning of selected policies. The Board will consider these comments in deliberations on adoption of the final General Plan.

Responses to Comments on Policies

See Master Response 10 regarding the level of detail in a general plan and the general plan's program EIR. The policies in the 2007 General Plan Public Services Element relate to the Plan's emphasis on encouraging focused growth areas, rather than sprawl development. The policies under Goal PS-1 (ENSURE THAT ADEQUATE PUBLIC FACILITIES AND SERVICES (APFS) AND THE INFRASTRUCTURE TO SUPPORT NEW DEVELOPMENT ARE PROVIDED OVER THE LIFE OF THIS PLAN) work in conjunction with other policies, such as PS-3.1 and PS-3.3 (long-term, sustainable water supply for new development), PS-3.4 (criteria for evaluation of new wells), PS-3.6 (wells in areas with seawater intrusion), and PS-3.9 (program to eliminate overdraft of water basins), to ensure that development within focused growth areas minimizes potential impacts on water supply. Consolidating water suppliers under Policy PS-2.3 (connect to existing water service providers where feasible) allows better regulatory oversight of the water systems and the application of the other policies of the 2007 General Plan. Table PS-1 provides a summary of the public services requirements in rural and urban areas, consistent with all policies of the 2007 General Plan, not simply those listed under Goal PS-1.

With regard to individual lots of record, as discussed under Master Response 7, *New Urban Growth Outside Focused Growth Areas*, development outside of the focused growth areas (whether single-family development on lots of record or through subdivisions reviewed and approved through the Development Evaluation System) is anticipated to account for about 20% of the future residential growth within the County. As discussed in Master Response 4, *Water Supply*, development will be subject to a number of state and local regulations that will reduce their water demand below today's

typical levels for similar development. Also to some extent their impact will be partially offset by operation of Civil Code Section 1101.1, et seq., which establishes a statewide requirement for the replacement of old, non-compliant plumbing fixtures (i.e., showerheads, toilets, sink faucets, etc.) in existing residential and commercial property built and occupied on or before January 1, 1994 with new, water conserving models.

A number of the water supply requirements in the Public Services Element apply to agricultural areas. These include Policies PS-3.4 (criteria for evaluation of new wells), PS-3.5 (pump tests or hydrogeologic studies to be conducted for new high-capacity wells), PS-3.6 (wells in areas with seawater intrusion), and PS-3.9 (program to eliminate overdraft of water basins), PS-3.12 (maximize agricultural water conservation measures), and PS-3.14 (work with the agricultural community to develop new uses for tertiary recycled water and increase the use of tertiary recycled water for irrigation of lands currently being irrigated by groundwater pumping). All of these policies will work to improve the efficiency of water use.

The commenter questions the utility of Policy PS-2.6, which will result in development of a hydrologic resources constraints and hazards database. See the response to Comment O-11g.23 regarding the value of having this type of information readily available in the County's GIS database.

The commenter frequently raises questions about why particular policies have been included in the 2007 General Plan, or why they are worded in a particular fashion. These questions are properly raised before decision-makers during deliberations over the 2007 General Plan, but to the extent that they do not relate to environmental effects, will not be answered here.

The commenter asks for information regarding highly erosive soils. Erosive soils are illustrated on Exhibit 4.4.5 of the DEIR. The erosive characteristics of soils are generally described in the soil series descriptions available from the Natural Resources Conservation Service. Policy PS-2.7 relates to water supply, in that removing agricultural lands on slopes from production will reduce that increment of overall agricultural water demand.

The commenter asks whether policies, such as PS-2.8, that reference "all projects" apply to all projects or to only those projects that the County has permitting authority over. In general, the policies of the 2007 General Plan relating to development requirements applies to discretionary projects. A general plan is implemented through decisions made under the zoning, subdivision, and other ordinances. Typically, these relate to discretionary permits or approvals. The DEIR has analyzed the impacts of the 2007 General Plan and the effects of its policy based on that assumption. At the same time, to the extent that the General Plan policies result in more stringent conditions placed on ministerial permits (grading permits, for example), they may also apply to ministerial actions.

Policy PS-2.8 is intended to apply primarily to residential, commercial and industrial development and would apply to agricultural activities that require a discretionary permit such as construction of facilities appurtenant to agricultural operations. It would also apply to the conversion of uncultivated land to agricultural use subject to Policy OS-3.5

(development on slopes). Policies OS-3.3 and OS-3.9 would apply to agricultural activities and would accomplish goals similar to those in PS-2.8 and PS-2.9 for non-agricultural development. Policy AG-5.2 is directed at protecting and enhancing surface water and groundwater resources related to agricultural uses.

Policy PS-2.9 will apply to new projects and maximize the opportunity for recharge of groundwater by restricting coverage of the site by impervious materials. Important groundwater recharge areas are defined in the 2007 General Plan Glossary as “floodplains along major streams and rivers” and will be mapped on the County’s GIS database, pursuant to Policy PS-2.6. Restricting impervious coverage results in greater infiltration of runoff and improved groundwater recharge, in comparison to development that does not restrict impervious coverage. Because the conversion of uncultivated land to agricultural use under Policy OS-3.5 will seldom involve construction of impervious surfaces, it is unlikely that Policy PS-2.9 will be applied to those conversions.

The term “long term water supply” used in several Public Service policies, including Policy PS-3.1, is not defined in the 2007 General Plan. However, “long term water supply” is defined in the Glossary. The term is expected to be interpreted according to its common meaning. That is, a long term water supply that can be sustained without depleting or permanently damaging the resource. Policy PS-3.1 will improve the sustainability of basins currently in overdraft by reducing the effects that new projects would otherwise have on those basins. It will be applied to all discretionary development. Policy PS-3.2 recognizes that in some cases, a proposed development site is currently using water and provides an incentive for reduction of usage on a site. By allowing up to 50% of the annual average of that use to be applied to the proposed development. That does not release the proposed development from the requirements of Policy PS-3.1.

Policies PS-3.3 and PS-3.4 will require specific criteria for proof of water supply for residential and commercial subdivisions, and all new wells. Policy PS-3.11 requires assurance of a long term water supply prior to approval of any subdivision. Criteria under Policies PS-3.3 and PS-3.4 such as production capability, well recovery rates, effects on wells in the vicinity, existing groundwater conditions, cumulative impacts of planned growth, and surety of new water supply projects, when considered with Policy PS-3.7 (determining long term sustainable water supply) all relate to determining whether the development at hand would damage the water resource. PS-3.7 will ensure that individual determinations consider the larger groundwater basin within which the project is located. Policy PS-3.4 will apply to all new wells; including those to serve the first single-family home on existing lots of record, but does not require the finding of a long term sustainable water supply established by Policy PS-3.1. Policy 3.11 establishes a water supply requirement that goes well beyond the requirements of the state’s SB 221 (water supply verification for residential subdivisions of 500 units or more). Policy PS-3.15 (guidelines for water supply assessments) will ensure that the County employs a consistent approach to evaluating water supply availability.

Linking Policies PS-3.3 and PS-3.11 to subdivisions allows the criteria to be applied early in the development process, prior to applications for individual building permits (which are ministerial), and at a larger scale than a single lot at a time. While not explicit in PS-3.3, the fact that Policy PS-3.1 applies the proof-of-water-supply requirement to all

new development (except for the first single-family home on existing lots of record) means that these criteria will also be applied to new commercial development on existing lots.

Policies PS-3.5 and PS-3.6 will require further tests of new high capacity wells and restrict new wells in areas of seawater intrusion. These apply to agricultural as well as other land uses. They will improve water supply by limiting the potential for interference with existing wells (particularly the supplies of existing well users) and by limiting new wells that would exacerbate seawater intrusion. The latter effect will result from minimizing the ability of seawater to further infiltrate those areas already affected. Moving such wells inland would not obstruct the objective of halting seawater intrusion because there would be no net increase in pumping beyond the levels anticipated by the SVIGSM by doing so.

Policy 3.9 (capital implementation and financing for overdraft elimination) essentially commits the County to ongoing and future efforts to solve the overdraft problem. While this will undoubtedly have some effect on reducing the problem, the EIR does not rely solely on this policy to conclude that impacts will be less than significant in the Salinas groundwater basin. Similarly, the policy is not relied upon to find that overdraft can be solved in either the Pajaro or Carmel River basins (where the DEIR finds the impact significant and unavoidable).

A number of policies, including PS-4.4 (reclaimed wastewater), PS-4.7 (criteria for wastewater treatment facilities), and PS-4.8 (criteria for septic systems) are identified in the DEIR as promoting the recharge of groundwater. Of these, only PS 4.4 will directly promote recharge.

Responses to Comments on Mitigation Measures

Mitigation Measure WR-1 (Regional Solution for the Monterey Peninsula) commits the County to working cooperatively with other agencies to improve the existing water supply situation. See Master Response 4 relating to water supply and Master Response 10 relating to the level of detail in a general plan and its program EIR. Contrary to the commenter's assertion, the DEIR did not find the water supply impacts on the Monterey Peninsula to be less than significant. That is clarified in Master Response 4. See also Master Response 7, *New Urban Development Outside Focused Growth Areas*, regarding new development outside of focused growth areas for a discussion of development on existing lots of record. Note that the proposed language of related Policy PS-3.16 (participation in regional water planning) has been revised to improve its effectiveness.

The commenter suggests that the County disallow development of existing lots of record or bar other water consuming development over which the County has discretion. The United States Constitution bars the "taking" of private property through land use regulations without just compensation, with certain exceptions (*Lucas v. South Carolina Coastal Council* (1992) 112 S.Ct. 2886). The County has chosen not to bar development outright in order to avoid the potential for regulatory takings and the litigation that may result. The DEIR's conclusions take into account the potential effects of development on the existing lots of record. See Master Response 4 which discussed existing lots of record relevant to the Carmel River alluvial aquifer and the Seaside aquifer.

Mitigation Measure WR-2 (Additional Supplies to the Salinas Valley) commits the County to working cooperatively with other agencies to ensure a long term water supply for the Salinas Valley. The proposed language of the related Policies PS-3.17 (planning for expansion of the SVWP) and PS-3.18 (5-year inter-agency planning for water supplies) have been revised to improve their effectiveness. The SVWP will provide adequate water through at least 2030; this mitigation measure is to ensure that planning for additional water supply necessary to support development beyond 2030 is undertaken well before demand reaches that point. Revised PS-3.18 includes 5-year interim planning to ensure that if the actual pace of development exceeds current projections of extraction levels, then water supply planning will be accelerated.

Proposed sub-policies PS-3.3i and PS-3.4g are pursuant to Biological Mitigation Measure BIO-2.3, which, as shown on page 4.9-87, is proposed for impacts up to 2030 and after 2030 to address potential impacts to biological resources. In Section 4.3, this mitigation was only mentioned for buildout, but should have been mentioned for the period before 2030 as well. This has been corrected in the FEIR Chapter 4.

Contrary to the comments assertions, the DEIR does address the current and potential effects of reducing instream flows in its general assessment of the impact of new development and water supply development in Section 4.3, Water Supply. The effect of current withdrawals in the Carmel Valley alluvial aquifer on biological resources are described on pages 4.3-14, 4.3-46, 4.3-47 and 4.3-75. Potential future water diversion potential effects on the Salinas, Pajaro, and Carmel River on steelhead and other aquatic species is described on page 4 on steelhead and other aquatic species is described on page 4.3-131 and 4.3-132. The impact of water supply development on biological resources in general is described as potentially significant and unavoidable on page 4.3-145. Groundwater overdraft potential impacts on steelhead and other biological resources is described on page 4.3-147. In Section 4.9, Biological Resources, the potential for water diversion to affect special-status fish species is noted on page 4.9-66 and wetlands and waters are noted as being affected by water diversions on page 4.9-80. As described in Master Response 4, the impact analysis in the EIR has been clarified to clearly note in the significance conclusions the potential for water supply development to affect instream flows.

The effects addressed by Impact WR-2 are from development projects, not the water supply projects, such as the SVWP and Coastal Water Projects. The water supply projects' effects have been analyzed in the CEQA documents prepared for those projects.

Responses to Comments on Specific Area Plan Policies

NORTH COUNTY AREA PLAN

The North County Area Plan encompasses the northern inland area of the county from south of Prunedale to the Santa Cruz County line (see DEIR Exhibit 3.4). This includes areas that are underlain by alluvium, as well as areas underlain by granitic rock such as portions of the Granite Ridge and Highlands South groundwater subareas identified in DEIR Exhibit 4.3.7. Policy NC-5.1 serves to maximize groundwater recharge in those inland portions of the North County that underlain by alluvium. This includes the area along the Pajaro River. In areas underlain by granitic rock, Policy NC-5.1 will have

much less benefit for groundwater recharge, due to the complex nature of the underlying formations, but it will minimize the potential for erosion and polluted runoff and thereby promote water quality.

Proposed Policy NC-5.2 gives North County water supply projects a high priority. As discussed in Master Response 4, Section 4.2.6, efforts along this line are already underway. The County has established the North County Regional Ad Hoc Water Committee to explore potential solutions to the water supply and water quality problems of North County areas. In addition, the County is currently in the planning stage for the Granite Ridge Water Supply Project that will supply potable water to substantial portions of the Granite Ridge and Highlands South areas.

GREATER SALINAS AREA PLAN

Policy GS-1.1 addresses the previously approved Butterfly Village Land Use Plan. No change is being made to existing plans, rather this policy is describing in general terms the allowable development under that plan. This will include a potable water system. This project is included in the water supply and demand calculations utilized in the EIR analysis (See Table 4.3-9).

Policy GS-1.8 sets out general policies for the future preparation of a comprehensive development plan for land near the town of Spreckles. See Master Response 10 regarding the level of detail required of a general plan and the program EIR for that general plan. Among its general policies is a prohibition on deterioration of groundwater. This is intended to ensure future water supplies will be available.

Policy GS-5.1 provides protections for portions of Gabilan Creek, including protection from urban encroachment and maintenance of natural riparian vegetation. These will protect water quality and, along with the provision for allowing natural flood capacity, maintain its capacity for natural groundwater recharge. This helps maintain groundwater levels within the Salinas Valley.

CENTRAL SALINAS AREA PLAN

Policy CSV-1.1 sets out general policies to guide the future development of Paraiso Hot Springs. This includes provisions for water quality and quantity to serve future development. There is no proposed development project at this time. Therefore, this is a broad policy, consistent with the level of detail required of a general plan to provide for future water availability. See Master Response 10 regarding the level of detail required of a program EIR for a general plan.

Policy CSV-1.2 provides that recreation and visitor-serving land uses will be required to obtain a use permit and that the related development plan must address a variety of issues including water quantity. There is no proposed development project at this time. See Master Response 10 regarding the level of detail required of a program EIR for a general plan.

Policy CSV-5.1 requires development to maintain groundwater recharge capabilities. This will maintain existing levels of recharge, even as future development increases the

amount of impermeable area. This prevents a deterioration of recharge capability over time, which would otherwise reduce the amount of surface water infiltrating into and replenishing groundwater.

Policy CSV-5.2 establishes water supply-related limits for recreational and visitor-serving commercial uses. It requires, among other things, the preservation and protection of groundwater recharge areas, safe long-term groundwater yields, and maintenance of floodways for groundwater recharge. These broad development standards will ensure that development does not occur without an adequate supply of water and that it does not decrease existing levels of recharge capability. This policy will be implemented in conjunction with the policies of the 2007 General Plan. To the extent that a development project cannot demonstrate compliance with the long term water supply requirements of the 2007 General Plan and CSV-5.2, these policies would prohibit approval of that project. This policy applies to “uses,” so it will apply to both discretionary and ministerial projects within the Central Salinas Valley Area Plan, including projects within the AWCP. See Master Response 10 regarding the level of detail required of a program EIR for a general plan.

Policy CSV-5.3 sets out policies relating to future development of the Spence/Potter Road area for agriculture-related industry. This includes provisions for managing runoff from the site. Runoff can carry a variety of water quality contaminants. Managing runoff from future agriculture-related industrial uses will protect surface water quality, and thereby minimize the potential to eventually contaminate groundwater. See Master Response 10 regarding the level of detail required of a program EIR for a general plan.

CARMEL VALLEY MASTER PLAN

CV-5.1 requires pumping of water from the Carmel River to be managed consistent with the Carmel River Management Program. This is a program administered by the Monterey Peninsula Water Management District (MPWMD) under its Rules 120 through 130. (Monterey Peninsula Water Management District 2010a) According to the MPWMD, “[t]he Mitigation Program focuses on potential impacts related to fisheries, riparian vegetation and wildlife, and the Carmel River Lagoon and includes special status species and aesthetics. Activities required to avoid or substantially reduce negative impacts to the environment include irrigation and erosion control programs, fishery enhancement programs, establishing flow releases from the existing dams to protect the fish and riparian habitat; monitoring water quality, reducing municipal water demand, and regulating activities within the riparian corridor.” (Monterey Peninsula Water Management District 2010b) Policy CV-5.1 is intended to ensure that development approved by the County is consistent with the efforts of the MPWMD.

CV-5.2 is a statement of intent on the part of the County to support water projects in the Carmel Valley. See Master Response 10 regarding the level of detail required of a program EIR for a general plan.

CV-5.3 requires development to incorporate water reclamation, conservation, and new source production into its design. See Master Response 10 regarding the level of detail required of a program EIR for a general plan.

CV-5.4 commits the County to establishing regulations in the Carmel Valley to limit development to vacant lots of record and already approved projects, absent additional sources of water supply. The policy provides that reclaimed water may be considered an additional source. See Master Response 10 regarding the level of detail required of a program EIR for a general plan. See the earlier discussion related to “takings” in response to the commenter’s request for an explanation of why the County does not prevent development on lots of record.

The commenter asks why the County does not seek adjudication of the Carmel Valley aquifer in order to ensure that development of lots of record does not cause significant effects. See discussion of this issue in Master Response 4, which clarifies the substantial restrictions on new wells within the Carmel Valley alluvial aquifer by MPWMD due to the concern about the effect on instream flows and biological resources. Also as discussed in Master Response 4 are permit processing requirements in Carmel Valley that essentially require all new development to obtain discretionary permits and thus allow for project review of all development for impacts related to water supply including that on legal lots. With the MPWMD procedures and the County’s procedures the potential effects of new development on legal lots can be managed. Adjudication of the groundwater basin would be a major undertaking that is outside the scope of the proposed 2007 General Plan.

CV-5.5 establishes guidance for assessing whether new development may pose a threat of contamination to the aquifer and require proper siting and design for avoidance. This ensures that existing groundwater supplies will not be impinged by contamination from new development. See Master Response 10 regarding the level of detail required of a program EIR for a general plan.

CV-5.6 requires the control of runoff. Runoff can carry a variety of water quality contaminants. Managing runoff from future agriculture-related industrial uses will protect surface water quality, and thereby minimize the potential to eventually contaminate groundwater.

CACHAGUA AREA PLAN

CACH-3.5 requires the mitigation of impacts to watersheds, as well as the control of on-site and off-site drainage from mining and other resource production activities. As discussed above, runoff can carry contaminants that will eventually enter groundwater. Minimizing such contamination protects existing groundwater supplies.

CACH-5.1 is a policy stating the County’s opposition to exportation of groundwater pumped in Cachagua to points outside the Planning Area. This is intended to protect local groundwater supplies. See Master Response 10 regarding the level of detail required of a program EIR for a general plan.

SOUTH COUNTY AREA PLAN

SC-5.1 provides that new development will not be allowed to diminish groundwater recharge capacity in the area, where resources have been identified. This will maintain existing levels of recharge, even as future development increases the amount of

impermeable area. This prevents a deterioration of recharge capability over time, which would otherwise reduce the amount of surface water infiltrating into and replenishing groundwater. This policy would be implemented in conjunction with 2007 General Plan Policy PS-2.8 (maintain or increase the site's pre-development absorption of rainfall and recharge groundwater where appropriate).

In response to the commenter's concern over the applicability of this policy to the conversion of previously uncultivated land on slopes, Policy SC-5.1 is not intended to apply to the conversion of uncultivated land to agriculture. However, as discussed in Master Response 3, Policy OS-3.5 requires discretionary permits for conversion of uncultivated land on steep slopes. SC-5.3 restricts new development from the channels and floodways of the Nacimiento, San Antonio, and Salinas Rivers. This policy prevents a deterioration of recharge capability over time, which would otherwise reduce the amount of surface water infiltrating into and replenishing groundwater.

FORT ORD MASTER PLAN

Hydrology and Water Quality A-1 requires new development to demonstrate that all measures will be taken to minimize runoff and maximize infiltration in groundwater recharge areas. This is similar to Policy PS-2.8 (maintain or increase the site's pre-development absorption of rainfall and recharge groundwater where appropriate) and is expected to have much the same effect on resource protection. There is no prohibition against the County adopting similar policies at differing levels of detail, provided that the policies are internally consistent, as here. Government Code Section 65301 provides that the "degree of specificity and level of detail of the discussion of each element shall reflect local conditions and circumstances." Section 65303 further provides that "[t]he general plan may include any other elements or address any other subjects which, in the judgment of the legislative body, relate to the physical development of the county or city."

Hydrology and Water Quality A-2 addresses the need to maintain flows in creeks downstream from the development sites. See the response under Hydrology and Water Quality A-1.

Hydrology and Water Quality B-1 this is a general policy expressing the County's support for providing a water supply to the Fort Ord area sufficient to meet the needs of the base reuse plan. As discussed in Master Response 4 the County is working with other agencies to develop water supplies for this area.

Hydrology and Water Quality B-2 requires new development to verify the availability of "an assured long-term water supply." This is similar in intent and effect to 2007 General Plan Policies PS-3.1 through PS-3.7, and will be implemented consistently with those policies.

Hydrology and Water Quality C-1 states that the County will comply with mandated water quality programs and will establish local programs as needed. This is a general commitment to implement programs established by the RWQCB and other regulators. The policy is expected to improve water quality by ensuring local cooperation in the implementation of water quality standards. Regulatory programs at the state, regional,

and local level are discussed beginning on page 4.3-53 of the DEIR. For an additional discussion, refer to Master Response 9 regarding water quality.

Hydrology and Water Quality C-3 commits the County and the MCWRA to mitigation of seawater intrusion. This is a general policy to guide the implementation of more specific actions. The County is already investigating and implementing solutions. Examples of work underway in this regard include the SVWP and CSIP. Work in progress includes discussions on the Regional Alternative identified in the Cal-Am FEIR. See Master Response 4 on water supply for more detailed discussions of work in progress.

Program C-3.5 states that the County will ensure that water well installation meet state and local standards. This is not directly tied to water supply availability, but is intended to ensure that new wells meet water quality and delivery standards.

Program C-3.6 similarly states that the County will uphold state standards for water distribution and storage facilities. This is not directly tied to water availability, but is intended to ensure that water that is available will be stored and delivered in a healthy manner.

- O-11g.35 The comment asserts that the cumulative analysis of water supply is inadequate because the DEIR lacks quantified water use and supply by basin, including incorporated cities and other users. The comment asks for clarification by providing a water balance use and to explain the County's cumulatively considerable contribution to cumulative water supply impacts. The comment also asserts that feasible mitigation should be provided for impacts to the Salinas river basin including restrictions on agricultural conversions, mandatory conservation measures, and limitations on all forms of development without proof of adequate long-term sustainable water supply.

Please see Master Response 4 which presents a quantified assessment of water use and supply by basin, including incorporated cities and other users.

Regarding the cumulatively considerable contributions to 2030, as explained in the DEIR and in Master Response 4, the following are the specific conclusions regarding cumulative impacts in light of the quantified assessment: (1) Salinas Valley groundwater basin: less than significant cumulative water supply, groundwater overdraft and seawater intrusions as the SVWP will adequately balance supply and demand in the basin such that water is available for new development in both cities and the County and agriculture to roughly 2030 and that further groundwater overdraft and seawater intrusion will be halted; (2) Monterey Peninsula: as explained in Master Response 4, the 2007 GP policies will control development (per Policy's PS-3.1, 3.3, and 3.4) such that new water demands will not result in significant unavoidable impacts to water supplies, groundwater overdraft, or seawater intrusion (3) Pajaro River groundwater basin: development allowed by the 2007 General Plan will contribute considerably to significant and unavoidable impacts to water supply, groundwater overdraft, and seawater intrusion given the existing overdraft and seawater intrusion conditions and the lack of feasible supplies to address current and future basin demands.

Regarding the cumulatively considerable contributions to 2092, as explained in the DEIR and in Master Response 4, the following are the specific conclusions regarding

cumulative impacts in light of the quantified assessment: (1) Salinas Valley groundwater basin: less than significant impact with mitigation WR-2 such that cumulative water supply, groundwater overdraft and seawater intrusions as it is feasible to expand the SVWP to continue to balance supply and demand in the basin such that further groundwater overdraft and seawater intrusion can be halted; (2) Monterey Peninsula: as explained in Master Response 4, cumulative impacts beyond 2030 are considered significant and unavoidable due to lack of adequate long-term planning for cumulative water demands far in the future; and (3) Pajaro River groundwater basin: development allowed by the 2007 General Plan will contribute considerably to significant and unavoidable impacts to water supply, groundwater overdraft, and seawater intrusion given the existing overdraft and seawater intrusion conditions and the lack of feasible supplies to address long-term future basin demands.

O-11g.36 The commenter requests that the DEIR clarify the relationship between the five analysis scenarios discussed on Pages 4.6-19-20, the six scenarios identified in Table 4.6-10, and the scenarios used in the air quality analysis. Section 4.6.3.1 (Methodology) identifies and describes five analysis scenarios:

- Existing Conditions (Year 2008)
- Existing plus Project (Development to the year 2030)
- 2030 Cumulative Conditions (Cumulative and project development to the year 2030)
- Existing plus Project (Buildout of the General Plan in 2092)
- Buildout Cumulative Conditions (Cumulative and project development to the year 2092)

These five scenarios represent the spectrum of analyses typically prepared for CEQA traffic impact analyses: establishment of the environmental setting; an existing plus project scenario to the year 2030 to isolate “project-specific” impacts; a cumulative scenario (to the year 2030) as an interim year scenario; and a scenario evaluating buildout of the project. The last scenario, buildout of the 2007 General Plan, was itself evaluated under two scenarios: 1) existing plus buildout which isolates “project-specific” impacts through buildout, and 2) cumulative plus buildout which represent cumulative impacts associated with buildout of the project. These represent a total of five analysis scenarios. Other than alternatives, CEQA does not require additional analysis scenarios.

Table 4.6-10 describes the land use and circulation assumptions used in each of the five scenarios described above. The sixth scenario in Table 4.6-10 represents the No Project scenario (based on the adopted 2004 AMBAG population and employment projections to the year 2030), one of the required alternatives pursuant to CEQA. This sixth scenario was not included at the level of detail as the other scenarios, and was addressed in the Alternatives section of the DEIR as required by CEQA.

For a discussion of the relationship between the above scenarios and those used in the Air Quality section of the DEIR please refer to the response to O-11g.63 below.

The comment appears to confuse the level of impact analysis (TRAN-1A-B, 2A-B, etc.) with the land use and network scenarios. For each land use/network scenario identified in Table 4.6-10 (except the No Project scenario), the DEIR traffic analysis analyzes impacts for “development-specific” (“A” series impacts), and impacts to County and regional roads (“B” series impacts). For each traffic series (A and B) the assumptions identified in Table 4.6-10 are the same.

However, development-specific or “A” series impacts only relate to development impacts caused by the need of development to provide on-site improvements and gain access to the public roadway system. The analysis of “A” series impacts is therefore an assessment of policy and the DEIR traffic analysis does not provide a LOS analysis. The “B” series evaluates development impacts on County and regional roadways beyond “development-specific” access needs and the DEIR includes a comprehensive LOS analysis. Refer to the response to comment O-11g.41 for further clarification of “A” and “B” series impacts.

- O-11g.37 The comment states that the DEIR does not evaluate the impacts of the project under a network assumption that contains only the planned County roadway improvements. At the time the DEIR was prepared the TAMC Regional Development Impact Fee program was adopted (August 2008), therefore it was reasonable to assume the TAMC projects in combination with the proposed County planned improvement projects. Further, the existing plus project and the cumulative plus project to the year 2030 were both analyzed under the 2008 network providing a conservative worst-case analysis to identify impacts. Finally, under all scenarios the impacts on County and regional roadways were determined to be significant and unavoidable. Therefore, a scenario with the project and only County proposed improvements would not present any additional substantial information, or new impacts, in the DEIR.

- O-11g.38 The comment states that there is ambiguity in the definitions of the terms “cumulative” and “project-specific” and requests clarification.

This response clarifies the terms used in the DEIR and in particular clarifies the three levels (or tiers) of impacts evaluated in the DEIR. The terminology used in the traffic analysis are terms used in traffic engineering and are not to be confused with terms used in CEQA analysis. To clarify the terminology used in the DEIR and avoid confusion with CEQA-related terms the term “project-specific” used in the DEIR means “development-specific”. Additionally, the term “tier” means “traffic tier”.

Traffic Tier 1 relates to development-specific impacts, Traffic Tier 2 to impacts to the County roadway system, and Traffic Tier 3 to impacts to the regional roadway system or major roadways within incorporated cities. Each level of impact is described below.

Development-Specific Impacts (Traffic Tier 1). As stated on page 4.6-31 “project (development)-specific impacts of new development are localized impacts that affect the immediate surrounding transportation system, including access and circulation necessary for the development to function properly and safely. Development-specific impacts occur where new development needs to gain access to County roadways and/or where traffic generated by new development causes development-specific deficiencies in

roadway or intersection operations in the immediate proximity of the development.” For purposes of the DEIR Traffic Tier 1 development-specific impacts are defined as:

- On-site facilities necessary to provide vehicular, pedestrian, bicycle, freight and emergency access and circulation to the project.
- On-site or off-site connections and/or access between the project’s on-site circulation and public roadways.

Impacts to the public roadway system, other than those related to gain access to the development, are considered Traffic Tier 2 and 3 impacts.

O-11g.39-

O-11g.41 Comments 39 through 41 refer to numerous aspects of the DEIR’s impact analysis, but can be summarized to be concerned with the finding of less than significant for Traffic Tier 1 impacts (“A” series), and whether Traffic Tier 2 and 3 impacts can be mitigated concurrent with development, or at all. Each of these concerns is addressed in the following responses. The commenter may wish to refer to Master Response 6, *Traffic Mitigation* which includes proposed modification to circulation element policies relevant to the discussion.

Determination of Development Impacts. CEQA sets forth a process for determining development impacts. This process may include a Traffic Impact Study (TIS). The scoping of the TIS establishes the facilities to be studied and the distance of these facilities from the proposed development. The County generally utilizes Caltrans’ Guide for the Preparation of Traffic Impact Studies (2002) to determine when a TIS is required and the extent of the study. Consistent with the policies of the General Plan, new development is expected to implement the feasible mitigation measures for significant impacts.

The finding of less than significance in the General Plan DEIR for Impact TRAN-1A, 2A, and 3A related to Traffic Tier 1 impacts reflects the County’s policy to require concurrent mitigation of development-specific impacts (see clarification of Traffic Tier 1 impacts in response to comment 38). The specific geographic areas that fall under the localized Traffic Tier 1 TIS analysis area cannot be identified in the General Plan DEIR, as they represent development proposals that are as of yet unknown. The analysis of Traffic Tier 1 impacts in the General Plan DEIR reflects an evaluation of County policy, not specific development proposals.

County and Regional Roadway Impacts (Traffic Tiers 2 and 3). Impacts in Traffic Tiers 2 and 3 are impacts to the County and regional roadways, or major roadways within incorporated cities. County roads include 175 segments representing all major county roadways. Regional roads include 103 segments representing all state highways in Monterey County and major roads in cities. These facilities form the primary countywide circulation network providing intra and inter-county connectivity. These facilities may be within or outside of the project study area evaluated a TIS analysis depending on where the development is located. A TIS may study a segment of the Countywide or regional roadway network but would typically not study the entire network. The General Plan DEIR traffic analysis studied the cumulative impacts on the Countywide and regional network.

Direct (also referred to as project-specific, but not development-specific Traffic Tier 1) and cumulative project impacts on the County or regional network (Tier 2 and 3 impacts) are mitigated through a combination of area specific Capital Improvement and Financial Plan (CIFP), the CIFP supporting the Monterey Countywide Traffic Impact Fee Program, the TAMC Regional Development Impact Fee Program, and direct off-site impact mitigation required of new development. Currently, the countywide traffic impact fee program includes mitigation of the cumulative impact of ten County facilities through the year 2030. Additional mitigation projects projected to operate below County LOS standards will replace the current County projects as they are implemented. Currently, the TAMC Regional Development Impact Fee mitigates cumulative impacts to seventeen regional facilities through the year 2030. However, as stated in the DEIR, despite development mitigation of project direct impacts, county network impacts (through CFIP and countywide traffic impact fee), and regional impacts (through regional traffic impact fee) there will remain a funding shortfall for the implementation of the financially constrained capital facilities in the Regional Transportation Plan. Even with the county and regional impact fees, which fund a limited number of transportation facilities, traffic impacts to County and regional roadways within and outside project-specific study areas will remain significant and unavoidable.

Clarification of significance criteria. The DEIR, on Page 4.6-29, identifies the criteria used to determine significant impacts on level of service. The DEIR significance criteria are further clarified below.

The 2007 General Plan would have a significant effect on the street and highway system if the land use development allowed under the General Plan would:

1. Cause an increase in traffic, which would cause a State Highway or County roadway to fall below the County's adopted minimum standard of LOS D (or minimum acceptable LOS standard as established in a Community or Area Plan), or add any traffic to a County roadway or State Highway that operates below LOS D (or minimum acceptable LOS standard as established in a Community or Area Plan) without the project and the project increases the measure of performance.

The above statement means that a significant impact occurs if the development allowed under the General Plan causes a facility's level of service to change from a LOS D or better to a LOS E or F. It also means that a significant impact occurs if the development allowed under the General Plan causes a facility already operating at a LOS E or F without the development causes a measurable increase in the performance measure (in the case of the General Plan the performance measure is the volume to capacity (V/C) ratio but in a project-level TIS the performance measure may be intersection delay, percent time spent following, or other performance measures as specified in the Highway Capacity Manual (HCM)). The above stated significance criteria is consistent with accepted traffic engineering practices for the evaluation of project-specific impacts on Traffic Tier 2 and 3.

2. The exception to this criterion is Policy C-1.1 in the General Plan Update which allows a lower LOS standard as:
 - a. established in the community planning process,
 - b. facilities operating below LOS D at the time the 2007 General Plan is adopted if the project does not further degrade the measure of performance, and

c. established in Area Plans.

Item b in the above statement means that an exception can be made to the level of service policy for facilities operating at LOS E or F without the development allowed under the General Plan as long as the development allowed under the General plan does not cause a measurable increase in the performance measure (in the case of the General Plan the performance measure is the V/C ratio, but in a project-level TIS the performance measure may be intersection delay, percent time spent following, or other performance measures as specified in the HCM).

Clarification of General Plan policies. In revising several of the policies in the Circulation element, the County reversed the order of Policies C-1.3 and C-1.4. The description below relates to the revised numbering and language that can be found in Master Response 6 (and Chapter 5). Policy C-1.3 states that development projects that cause a County roadway (Traffic Tier 2 impacts) to degrade below a LOS D (or the minimum acceptable LOS standard as established in a Community or Area Plan) shall not be allowed to proceed without a phasing program where development is concurrent with improvements that maintain the minimum acceptable LOS for all affected County roads, or pay a fair-share payment towards those mitigations.

For clarification, Policy C-1.3 has been revised and can be found in Chapter 5.

As revised, Policy C-1.4 requires that new development mitigate its off-site impacts concurrently with development of the project. Where new development impacts a County road that is operating below LOS D without the project and is a high priority road, Policy C-1.4 refers to Policy C-1.3.

Policies C-1.3 and C-1.4, as revised, can be found in Chapter 5 of this FEIR.

Mitigation of cumulative (Traffic Tier 2) impacts. Pursuant to Policy C-1.4, a development project may mitigate a Traffic Tier 2 cumulative impact by either constructing the mitigation concurrent to development, or paying its fair-share contribution to the improvement which may include an impact fee. The Countywide Traffic Impact Fee will contain a list of low and high priority capital improvement projects. Priorities are established using roadway and intersection performance measures consistent with the HCM. The current impact fee being collected is intended to fund the high priority capital improvement projects. As high priority capital improvement projects are completed, low priority capital improvement projects are moved into the high priority list and the fee is recalculated. Because mitigation of cumulative impacts may not occur concurrent with development, the DEIR identifies Traffic Tier 2 impacts as significant and unavoidable.

Mitigation of cumulative (Traffic Tier 3) impacts. Pursuant to Policy C-1.4 and Policy C-1.11, a development project may mitigate a Traffic Tier 3 cumulative impact by paying a regional impact fee. The regional impact fee funds capital improvements as determined by TAMC. Because mitigation of cumulative impacts may not occur concurrent with development, the DEIR identifies Traffic Tier 3 impacts as significant and unavoidable.

The commenter states that no other policies will ensure that cumulative impacts are mitigated before development occurs. The commenter's reference to "A" scenarios is irrelevant to Policies C-1.1 and C-1.2 since the Traffic Tier 1 impacts discussed in the "A" scenarios of the DEIR traffic analysis are required to be mitigated concurrent with development.

Policy C-1.1 establishes a LOS standard. It allows for exceptions to the Countywide LOS D standard, but is not intended to mitigate impacts by lowering the LOS standard. Mitigation of impacts is addressed in Policies C-1.3, 1.4, 1.8, and 1.11. Exceptions to Policy C-1.1 do not state that the LOS can be lowered because LOS D cannot be met. Exceptions can be adopted only through area plans developed for Community Planning areas through a public planning process. The process describes the benefits of lowering LOS standards. The sufficiency of the benefits to justify a different minimum LOS as a matter of policy is properly left to the discretion of the legislative body.

Policy C-1.2 states that mitigation of cumulative Traffic Tier 2 and 3 impacts would be through CIFP's, including a CIFP that supports the Countywide Traffic Impact Fee. By their nature, CIFP's are long term funding mechanisms that correct deficiencies over time as development pays its fair-share towards mitigation measures. Further, improving existing deficiencies that cannot be mitigated by new development will require a long term funding mechanism. Therefore, LOS deficiencies will exist until mitigation measures can be fully funded and implemented. As such, Traffic Tier 2 and 3 impacts were found to be significant and unavoidable in the DEIR.

The comment states that APFS policies do not mitigate cumulative transportation facilities.

The APFS policies are generally applicable policies which are designed to be implemented and read in conjunction with specifically applicable policies, for example transportation policies. The comment appears to be directed at traffic related issues. With respect to traffic mitigation through APFS policies, please refer to transportation-related policies including PS-1.1, as revised, which may be found in Master Response 6. Revised Policy C-1.8 clarifies that the County Traffic Impact Fee Program shall be completed within 18 months of adoption of the General Plan. Under Policy PS-1.1, the CIFP for other fee programs shall be completed within 18 months of adoption the TIF.

The comment states that "A" scenarios in the DEIR do not mitigate cumulative impacts. The reference of 2007 General Plan Policies C-1.3, 1.4, C-2.1, 2.2, and 2.7, C-3.5, 4.3, 4.5, and 4.9, and LU-1.4 and 1.7 in the "A" scenario impact discussion are included only as they relate to the mitigation of Traffic Tier 1 impacts concurrent with development as discussed above.

A CIFP is being developed to support the Countywide Traffic Impact Fee. This CIFP will address projected deficiencies not already being addressed in either the Carmel Valley Traffic Improvement Program or the Fort Ord Traffic Improvement Program. Another CFIP will be developed for the AWCP. Other CIFPs may be developed in the future. Revised Policy C-1.2 clarifies that it is the CIFP supporting the Countywide Traffic Impact Fee Program that is required to be completed within 18 months. The commenter is correct that a CEQA analysis would be required before the County

commits to a specific set of improvements. Rural Center CIFPs, if any, are not required to be completed within 18 months (see statement above).

The commenter contends that the CIFP process will constitute a de facto development moratorium because of the administrative burden of preparing numerous CIFPs within 18 months. As discussed above only the Countywide Traffic CIFP is required to be prepared within 18 months. Development may proceed subject to all of the other General Plan policies and adopted mitigation measures. Note also that pursuant to Policy C-1.8, “until the adoption of a County Traffic Impact Fee, the county shall impose an ad hoc fee on its applicants based upon a fair share traffic impact fee study”.

Commenter states that existing LOS deficiencies must be corrected. Existing LOS deficiencies cannot be corrected based upon new development only; other funding sources would be necessary. Development may proceed subject to all of the other General Plan policies and adopted mitigation measures.

With respect to facilities operating below LOS D, Policies C-1.2, 1.3, and 1.4 have been revised to clarify when development may proceed under these circumstances. Policy C-1.4 has been revised to clarify that the applicable minimum LOS is either LOS D or as adopted in an Area Plan pursuant to Policy C-1.1(c). The commenter’s reference to “A” scenarios is irrelevant to Policy C-1.1 since the Traffic Tier 1 impacts discussed in the “A” scenarios of the DEIR are required to be mitigated concurrent with development.

Exceptions to Policy C-1.1 do not state that the LOS can be lowered because LOS D cannot be met. Exceptions can be adopted only through area plans developed for Community Planning areas through a public planning process. The process describes the benefits of lowering LOS standards. The sufficiency of the benefits to justify a different minimum LOS as a matter of policy is properly left to the discretion of the legislative body. The term Land Use Plan has been eliminated from the policy language.

To clarify the exceptions in Policy C-1.3, the term “first single family dwelling” has been changed to “lot of record”. The balances of the exceptions are clear.

The commenter states that funding is not identified or likely to be available for CIFPs.

The commenter criticizes the County’s reliance on fee based mitigation to address Traffic Tier 2 and 3 impacts. Please see Master Response 10 (at section 10.6) for a discussion of fee based mitigation. Here, the County proposes fee based programs, to the extent feasible, but acknowledges such mitigation is insufficient, in part because of funding challenges, and therefore concludes that impacts for Traffic Tiers 2 and 3 are significant and unavoidable.

The commenter states that even if the proposed County program were fully funded, it would not mitigate all of the impacts identified under the DEIR’s “B” scenarios, much less the impacts of the “A” scenarios. The County acknowledges that “B” scenarios are not fully funded and therefore concludes in the DEIR that, in part because of funding challenges, these impacts are significant and unavoidable. The commenter’s reference to “A” scenarios is irrelevant since the Traffic Tier 1 impacts discussed in the “A” scenarios of the DEIR are required to be mitigated concurrent with development.

- O-11g.42 The commenter states that the DEIR lacks a full analysis and specific proposed mitigations of impacts to Carmel Valley Master Plan and the AWCP. The ADT V/C ratio methodology used for Monterey County (with the exception of facilities studied in the CVTIP) is appropriate for broad programmatic and policy-level assessment of traffic impacts and is useful for identifying potential traffic impacts on a landscape basis. Carmel Valley Road is evaluated differently the General Plan DEIR for consistency with the policies, standards, and methods established in the project-level analysis in the separate Carmel Valley Transportation Improvement Program (CVTIP).

The AWCP analysis methodology was prepared both consistent with the method used for the remainder of the County and an additional analysis was prepared to reflect the unique nature of expected tourist traffic on weekends which is the highest impact period for this type of corridor (as explained in Section 4.6.4 of the DEIR). The remainder of the County was evaluated on a typical weekday which represents the highest impact period. Please refer to Master Response 5, *Carmel Valley Traffic Issues* for additional discussion of the traffic analysis for the Carmel Valley Master Plan.

- O-11g.43 The commenter states that the first tier analysis (Traffic Tier 1 or “A” scenario) does not fulfill CEQA requirements. Development-specific impacts (Traffic Tier 1) are localized impacts that affect the immediate surrounding transportation system, including access and circulation necessary for the development to function properly and safely. Development-specific impacts occur where new development needs to gain access to County roadways and/or where traffic generated by new development causes development-specific deficiencies in roadway or intersection operations in the immediate proximity of the development.” For purposes of the DEIR Traffic Tier 1 development-specific impacts are defined as:

- On-site facilities necessary to provide vehicular, pedestrian, bicycle, freight and emergency access and circulation to the project.
- On-site or off-site connections and/or access between the project’s on-site circulation and public roadways.

- O-11g.44 Traffic Tier 1 impacts discussed in the “A” scenarios of the DEIR are required to be mitigated concurrent with development. The DEIR provides a detailed quantitative analysis of cumulative impacts for the year 2030 and buildout of the 2007 General Plan in the “B” and “C” scenarios, provides feasible mitigation measures, and concludes that “B” and “C” scenarios cannot be fully mitigated so the impacts remain significant and unavoidable.

- O-11g.45 The commenter states that the DEIR’s significance criteria were not applied to “A” scenario impacts. As described above, Traffic Tier 1 impacts are development-specific on-site and localized requirements for access to development projects (see response to comment above) and are required to be mitigated concurrent with development. Because these impacts are development-specific, only the policy related to mitigating Traffic Tier 1 impacts is evaluated in the DEIR. Traffic Tier 1 impacts are determined at the project-level environmental assessment of development projects.

The commenter states that the DEIR and the General Plan fail to state the significance criteria that will be used to evaluate future projects and in devising future CIFPs to attain

acceptable LOS. The transportation policies have been modified to clarify the LOS standards that are required to evaluate CIFP projects. At the project-level of analysis, the County requires the use of the methods established in the HCM which varies depending on the type of facility being studied.

- O-11g.46 These comments relate to the alleged incompleteness and inconsistency of General Plan policies. They are comments on the General Plan, not the General Plan DEIR or environmental issues related to the CEQA process. Therefore, no responses are required (Public Resources Code Section 21091(d)(2)(A); CEQA Guidelines Section 15088). We refer these comments to the appropriate decision-makers.
- O-11g.47 The comment states that selection of external roadways for analysis in the DEIR is unclear because of a disjunctive sentence. The word "either" was a typographical error and has been deleted from the subject sentence on page 4.6-10. Please see Chapter 4 of this FEIR.
- O-11g.48 The comment states that the DEIR fails to provide a significance conclusion for the AWCP under the Existing plus Project scenario and that there will be unacceptable LOS on two roadway segments.

The AWCP section of the DEIR's traffic analysis provides an additional analysis of the AWCP focusing on weekend travel forecasts, as a unique time period for this tourist-attracting corridor. (DEIR, Section 4.6.4) The previous sections of the DEIR's traffic analysis analyze the wine corridor roadway segments during the weekday period and disclose impacts for each of the scenarios evaluated.

For the AWCP corridor section of the DEIR's traffic analysis, Existing plus Project to the Year 2030 and 2030 Cumulative plus Project were discussed in a single impact section impact labeled TRAN-5A. The difference between the two scenarios is that the 2030 Cumulative Plus Project scenario contains a County improvement project (widening of County Road G-17 from Las Palmas Road to Las Palmas Parkway from two to four lanes as identified in Table 4.6-13) and that the Existing plus Project to the Year 2030 scenario does not. This segment of County Road G-17 improves from a weekday and weekend LOS F under Existing plus Project to the Year 2030 to LOS D under 2030 Cumulative plus Project conditions with implementation of the above referenced project.

The impact to County Road G-17 under weekday Existing plus Project to the Year 2030 conditions is disclosed in Table 4.6-14 on page 4.6-34 of the DEIR, and therefore, the significance of this impact has been identified in the DEIR. The improvement to County Road G-17 was identified as mitigation in Policy C-1.8 and listed as a capital improvement to be funded by the proposed Countywide Traffic Impact Fee, which, in combination with project-specific mitigation for individual developments, ensures that the significance conclusion for Impact TRAN-5A is less than significant for the Existing plus Project to the Year 2030 scenario and the 2030 Cumulative Plus Project scenario.

- O-11g.49 The comment states that because many of the AWCP projects will not require CEQA review, project-specific mitigation will not be required, and therefore the proposed mitigation is not adequate. Although project-specific CEQA may not be required, development proposals are not exempt from preparing a Traffic Impact Analysis (TIA).

The preparation of a TIA for new development will be required by the County regardless of the level of CEQA analysis required. Project-specific (Traffic Tier 1) mitigation measures identified in a TIA will be required to be implemented concurrently with development. If a TIA identifies a Traffic Tier 2 impact, the development will be required to make a “fair share” payment for that impact. For discretionary permits and approvals, Policies C 1.3 and C 1.4 apply. In addition, the County is enforcing the payment of the TAMC Regional Development Impact Fee. The commenter is referred to Master Response 6, *Traffic Mitigation*, which includes the language that would apply in C-1.12.

- O-11g.50 The comment states that the proposed improvements to County roadways to be funded by the Countywide Traffic Impact Fee are inconsistently identified. The comment specifically refers to the widening of Espinosa Road in Table 4.6-13 on page 4.6-26, which is not included on Table C-2 of the DEIR’s errata/addendum. This was an error in the preparation of Table C-2 in the errata. Note that Figure C-2 in the errata does show a consistent list of improvements with Table 4.6-13 in the DEIR. This is a non-prejudicial error in the 2007 General Plan; the road was properly identified in the DEIR and analyzed accordingly.
- O-11g.51 The commenter states that the DEIR must be revised to acknowledge that the inability for all areas of the County to cost-effectively support public transportation constitutes a conflict with policies supporting transit. The comment erroneously assumes that General Plan policies regarding alternative transportation are internally inconsistent because the plan would only concentrate development in Community Areas, Rural Centers, and Affordable Housing Opportunity overlays. As stated in the discussion following Impacts TRAN-1F, TRAN-2F, and TRAN-4F, alternative transportation policies are supported by other General Plan policies for a variety of reasons. For example, concentrating development to support alternative transportation within a community, acquisition of right-of-way for bike lanes, creation of park and ride facilities, and support for MST’s rideshare programs and strategic goals. Because every geographic area of the County cannot be cost-effectively served by public transportation does not constitute a conflict of policies. Rural and sparsely populated areas can be served by demand responsive transit, carpool/vanpool, walking, bicycling and a number of other alternative mode programs.
- O-11g.52 The commenter states that the DEIR fails to address the safety issues related to conflicts between agricultural vehicles and visitors to wine tasting facilities. General Plan policies address the safety of movement of people and goods, including agricultural goods. The DEIR address safety of the AWCP in the Countywide assessment of roadway hazards in Impact TRAN-2D, 3D, and 4D. The General Plan provides for policies to prevent or reduce these impacts by requiring roads to be designed to safety standards. These policies require new development to design facilities to County standards. They also provide for road safety programs (signing, marking, and improved sight distance) to improve overall safety. See Policies C-2.3, C-4.2, C-4.8 – C-4.11 for examples of specific policies.
- O-11g.53 The commenter states that new development will increase safety hazards due to continued degradation of roadways. The impact of new development on the maintenance of existing facilities are addressed in the same manner as traffic impacts on level of service through Policies C-1.1 through C-1.4, and C-1.9.

- O-11g.54 The comment states that the analysis indicates that some road segments show improvements in the performance measure which is generally inconsistent with population increases. The comment specifically cites that 11 roadway segments in Table 4.6-14 that operate better in 2030 with project traffic than under existing conditions. An examination of Table 4.6-14 demonstrates that the segments that show improvement show a slight improvement in the V/C ratio (which is carried to the third decimal place), but do not show an improvement in LOS. It is common for future forecasts to result in reduced volumes on a given roadway even though the County as a whole experiences growth in population and employment. State highway projections were locked in at a minimum annual growth rate if they showed forecasted volume decreases because this is typical Caltrans' practice. It is not the typical practice of the County.

The volume reductions are a combination of the traffic model assigning traffic to other routes because it determines the route is faster, changes in land use patterns significant enough to cause a change in trip distribution, or minor fluctuations in the model's assignment process. These changes are expected in long range traffic forecasting and reviewed to determine if they are reasonable minor fluctuations or have more substantial implications (like changing a LOS or significance finding). The improvements cited in the comment were reviewed, were considered minor, and do not alter the DEIR's findings or conclusions.

- O-11g.55 There are no actual projections of truck traffic to buildout in the year 2092, but using employment growth as a proxy for growth in business that generates the need for freight movement, truck traffic would grow about 20% between 2030 and buildout. Therefore, truck traffic would increase from 18,600 truck trips per day in 2030 to 22,200 at buildout. This is consistent with AMBAG's approach for estimating truck traffic.

- O-11g.56 The AWCP County roadway corridor is analyzed under weekday and weekend conditions. Weekday conditions reflect growth in traffic related to the increase in employment within the corridor as well as the increase in through traffic caused by growth outside the County. Employment growth in the corridor is a combination of agricultural, industrial and processing, and retail/service consistent with the types of uses expected to grow with implementation of the AWCP. Weekend conditions reflect tourist and visitor traffic to the corridor. Weekday conditions in the AWCP wine corridor are also analyzed in the General Plan analysis (Section 4.6.3.5). The AWCP analysis in Section 4.6.4 of the DEIR compares weekday and weekend roadway service levels.

Traffic forecasts for Monterey County are derived from the AMBAG regional travel demand forecasting model. This model is only validated for weekday travel conditions, so a methodology was devised to estimate weekend conditions for the wine corridor. Since specific development projects and their locations in the wine corridor are unknown at this time, the conversion of weekday to weekend traffic is based on the change in weekday to weekend traffic from a corridor with similar characteristics as the wine corridor.

As discussed in Section 4.6.4 of the DEIR, Highway 29 in Napa County was selected as a similar agricultural and tourist-oriented corridor. Highway 121 (Silverado Trail) in Napa County was also reviewed because its physical characteristics are more comparable to those of the Monterey County wine corridor. However, the weekday to weekend

conversion for Highway 121 was substantially less than that of Highway 29, so to be conservative, Highway 29 was selected to compute a ratio of weekday to weekend traffic. The average percent change from weekday to weekend traffic volumes on Highway 29 ranged from -4 percent to 17 percent. Using only the segments of Highway 29 that showed positive change in traffic between weekdays and weekends, the ratio applied to the AWCP corridor was 11.2 percent.

The weekday to weekend growth estimate for the AWCP corridor is conservative for the following reasons:

- The average weekday to weekend ratio of traffic volumes on Highway 29 over its length in Napa County is 4 percent when segments with a weekend reduction in traffic are considered.
- Highway 29 is designed for higher speeds and capacities and has substantially more wineries and venues than the AWCP corridor and likely attracts more visitor traffic and tour buses than the AWCP corridor on weekends.
- The 11.2 percent growth rate is applied to all weekday traffic using the AWCP corridor including work related and through traffic, whereas Highway 29 has little through traffic in the segments used for to develop the ratio.

O-11g.57 Commenter states that his client objects to the County's refusal to provide the AMBAG model. The comment refers to the proprietary model developed by the Association of Monterey Bay Area Governments for forecasting population data. It is not within the purview of the County to provide other agencies' proprietary models. We recommend that the commenter contact AMBAG to request a license for use of the model.

The commenter notes that the DEIR references Appendix A as containing air quality methodology and model inputs, when the Appendix actually contains a copy of the Notice of Preparation. The air quality methodology and model inputs were provided to the commenter in October 2008 in response to their comment letter O-11c above. The air quality modeling information is now included in the Technical Supporting Data attached to this FEIR.

The commenter states that if 369,679 is the increase in VMT, this implies that the 36,166 new residents will average only 10 VMT per year. The 369,679 VMT number represents the *daily* change in VMT from the 2000 base year scenario to the "Existing Plus Project" scenario increase in VMT, assuming no changes in today's roadway network. This approach allows for isolating vehicle trips associated with project development over a 30 year time-frame. Thus, the estimated *annual* increase between 2000 and 2030 attributed solely to growth in the unincorporated County would actually be 3.7 million VMT. The per-capita VMT for new residences cannot be isolated from the model which generates VMT from the entire population for the scenario. From the traffic modeling and based on the population (actual data for 2000 and projection for 2030), the VMT/capita in the 2000 scenario is approximately 20.3 miles/capita/day compared to the VMT/capita in Existing Plus Project (2030) scenario approximately 19.5 miles/capita/day, and thus does not change substantially. Table 4.7-3 has been updated to identify that the VMT are daily amounts (see Chapter 4 of this FEIR for corrections to the table).

In addition, the commenter states that the analysis of air quality and the Table 4.7-6 contains significant errors. This comment does not substantiate what the alleged errors are (other than the VMT issue discussed above). See responses to comment O11g-59 wherein the commenter's issues with Table 4.7-6 are identified and are responded to.

The commenter also asked for clarification between the traffic analysis scenarios and those in the air quality section. The scenarios correspond as follows

- "2000" scenario in Section 4.7 does not correspond to any study scenario in Section 4.6. This was analysis of the 2000 VMT at 2000 emission rates.
- "2000 with project" scenario in Section 4.7 corresponds to the "Existing plus Project Buildout" scenario in Table 4.6-10.
- "2030 with project" scenario in Section 4.7 corresponds to the "Existing plus Project (2030) scenario in Table 4.6-10.
- "2030 Cumulative" scenario in Section 4.7 corresponds to the "Cumulative 2030 scenario" in Table 4.6-10
- "Cumulative 2092 Buildout" scenario in Section 4.7 corresponds to the "Cumulative Buildout" scenario in Table 4.6-10.

The sixth scenario in Table 4.6-10 is a 2030 scenario using the existing land use designations and AMBAG projections (and thus is not a project scenario). In order to clarify the different scenarios illustrated there, Tables 4.7-5 and 4.7-6 have been revised to describe the scenarios better.

Commenter asserts that the County has not provided the underlying assumptions for its air quality and traffic analyses. Commenter requested and the County provided all the data, reference material, and information required to understand the assumption used for analysis in the DEIR. The documents included: source data for the traffic analysis, traffic analysis, records describing the methodology and model inputs for the criteria pollutant emissions calculations, the output from the model runs used to calculate criteria pollutants, and Regional Impact Fee Nexus Study. The following model runs were also provided: Year 2000 AMBAG Baseline Model Land Use by TAZ (Transportation Analysis Zone); Existing + Buildout of Project to year 2030 Model Land Use by TAZ; Existing + Buildout of Project Model Land Use by TAZ; Cumulative Development to Year 2030 Model Land Use; Cumulative Buildout (Incorporated and Unincorporated).

The EMFAC (Emission Factors) 2007 criteria pollutant model runs provided commenter include: Particulate Matter (PM) 2.5, PM 10, Reactive Organic Gases, Carbon Monoxide (CO), Oxides of Nitrogen, Carbon Monoxide, Sulfur Dioxide, Gasoline, and Diesel. Commenter was also provided Air Quality Technical Information on how the CO modeling, which involves an assessment of the transport, dispersion, and chemical transformation that affect pollutant emissions after their release from a source, was completed. The Technical Information also included modeling procedures for: roadway and traffic conditions; vehicle emission rates, receptor locations, meteorological conditions, and background concentrations and eight-hour values.

The commenter is critical of the results of the EMFAC 2007 model. The EMFAC model is state-of-the-art and is the accepted standard for determining criteria pollutant

emissions. The California Air Resources Board (CARB) developed the EMFAC model to calculate emission rates from all motor vehicles, such as passenger cars to heavy-duty trucks, operating on highways, freeways and local roads in California. In the EMFAC model, the emission rates are multiplied with vehicle activity data provided by the regional transportation agencies to calculate the statewide or regional emission inventories. (See, *EMFAC2007: Calculating emissions inventories for vehicles in California*, http://www.arb.ca.gov/msei/onroad/downloads/docs/user_guide_emfac2007.pdf.) The commenter does not provide an alternative to the use of EMFAC 2007.

- O-11g.58 The comment states that “the Project is inconsistent with the 2008 Air Quality Management Plan.” This statement is based on the mistaken belief that the DEIR and the Air Plan were based on different population assumptions. The air quality analysis and traffic modeling in both the DEIR and the 2008 AQMP were based on the same AMBAG 2004 population and travel forecasts. While the 2008 AQMP showed AMBAG’s 2008 population forecast in its Table 1-1, that forecast was not used in the AQMP’s analysis. (Nunes 2010)
- O-11g.59 The commenter asserts that the DEIR makes conflicting claims regarding whether mobile source emissions will increase. The analysis shows that while vehicle miles traveled will increase over time, “*vehicular emission rates*” will lessen. This is due to improvements in engine technology and the phasing out of older, higher-emitting vehicles. As shown in Table 4.7-6, all criteria pollutants (ROG, NO_x, CO, PM_{2.5}, and PM₁₀) will decrease under the implementation of the 2007 General Plan when taking into account the technological and fleet changes. To clarify this, the statement regarding emissions on page 4.7-22 has been revised, as has the discussion under Significance Determination on page 4.7-26 (see Chapter 4 of this FEIR).

Incorrect references to the tables in the Chapter will be revised and this should eliminate any confusion. The two table references in the last paragraph on page 4.7-26 should be to Table 4.7-6, “Differences in Criteria Pollutant Emissions from Mobile Sources (pounds per day)”. The reference to the table on the first full paragraph on page 4.7-29 should be to Table 4.7-7, “VOC Emissions for Typical Single Full-Scale and Single Artisan Wineries.” These changes are found in Chapter 4 of this FEIR.

The commenter states that the “Project could result in a decrease in emissions only if VMT were actually reduced”, but provides no evidence to support this claim. The results in the DEIR were based on the EMFAC modeling. According to *EMFAC2007: Calculating emissions inventories for vehicles in California*, “vehicle population is determined through an analysis of DMV data. These data are used in developing vehicle age matrices for base years 2000 to 2005 for vehicle class, fuel type, geographic area, and vehicle ages 1 to 45 years. These matrices contain actual population estimates, which are used to back-cast from 2000 and forecast from 2005 vehicle populations for calendar years 1970 to 2040. VMT represents the total distance traveled on a weekday. Local planning agencies have developed regional transportation models, which output regional VMT for certain planning years. In the EMFAC2007 model, VMT is calculated based on vehicle population and vehicle accrual. Vehicle accrual is the total number of miles a vehicle accumulates in a year, and varies by vehicle age.” EMFAC is a standard

professional source used by CARB and Air Districts throughout California (including MBUAPCD).

The improvements in vehicle technology and the changing fleet composition are reasonably foreseeable and thus it is appropriate to take them into account when assessing the future impacts of the 2007 General Plan on air quality emissions.

- O-11g.60 The commenter requests that construction emissions be quantified in the DEIR. Quantifying construction emissions would require in-depth, project-specific construction information, such as a detailed construction schedule, types and numbers of construction equipment to be used, horsepower ratings for the various pieces of equipment, number of hours each piece will be used, etc. In order to quantify construction emissions for the 2007 Monterey General Plan, information of this kind would be needed for every construction project that will occur under the General Plan. Because this information is neither available, nor reasonably foreseeable, this level of analysis is not possible at this time. Future projects that are implemented under the General Plan will be evaluated on a project-by-project basis, and will be addressed quantitatively as appropriate.

The commenter asserts that the mitigation identified for construction-generated PM10 is unrelated to construction or will weaken air quality protections. Mitigation Measure AQ-3 identifies measures to be added to 2007 General Plan Policy OS-10.10 for the purpose of reducing mobile emissions of criteria pollutants and VOCs. It is not related to PM10 reduction, so the last sentence on page 4.7-20 has been revised to omit the reference to Mitigation Measure AQ-3. This change has also been made on page 4.7-21. Mitigation Measures AQ-1 and AQ-2 require the County to reduce PM10 emissions from construction activity, and would not weaken air quality protections in any way. Although not related to PM10 reduction, Mitigation Measure AQ-3 is based on the requirements of the MBUAPCD's "CEQA Air Quality Guidelines" and therefore would not in any way weaken air quality protections.

The commenter states that: "The DEIR also claims that the winery corridor air quality impacts will be mitigated by air quality policies included in three Area Plans – after stating that these Area Plans do not contain air quality policies." The significance conclusion for Impact AQ-2 is not based on area plan policies, but on Mitigation Measures AQ-1 and AQ-2. These measures, which revise policies in the 2007 General Plan, will reduce construction impacts along with the various Area Plan goals. While not all of the Area Plans have specific policies relating to construction-related emissions, those that do are described on page 4.7-19 of the DEIR.

The commenter asserts that the DEIR fails to consider construction emissions of ROG and NO_x. As stated on page 4.7-20 of the DEIR, MBUAPCD CEQA Air Quality Guidelines state that regional impacts from ozone precursor emissions from equipment exhaust are accounted for in the regional emissions budget. The MBUAPCD has thresholds for construction emissions of NO_x and PM10 for non-typical construction equipment. There are no thresholds for construction-related ozone precursor emissions for typical construction equipment such as tractors, dozers, graders, etc. These emissions have been accommodated in State and federally required air plans as noted on page 4.7-13 of the DEIR.

- O-11g.61 Commenter states that the diesel particulate matter health risks are not adequately evaluated or mitigated. See the response to comment O-11g.73.
- O-11g.62 The commenter summarizes the issues raised in the Thomas Reid & Associates letter (Comments 75 to 87). All of these issues are responded in the responses to Comments 75 through 87 and are not repeated here.
- O-11g.63 The commenter asserts that the DEIR's description of the scenarios used for analysis of air quality impacts are confusing in description and name, and are not based on the proposed General Plan.

In order to clarify the basis for each scenario, Table 4.7-3, Table 4.7-5, and Table 4.7-6 have each been revised to clearly indicate the base assumptions used for each scenario as follows:

- The "2000" Scenario was used in the DEIR because the AMBAG traffic model was only available for the year 2000 and thus VMT could only be projected for the model for 2000. This scenario is not the same as the "Existing (2008)" Scenario in Section 4.6 which is based on traffic counts. This scenario is retained to allow comparison to the "2000 with project" scenario.
- A new "2008" Scenario has been added to the FEIR to disclose the estimated mobile source emissions in 2008 based on projecting from the 2000 VMT data from Kimley-Horn using population data (see revised Tables 4.7-5 and 4.7-6). The 2008 scenario includes two variants: one with all county growth from 2000 to 2008 (2008B), and one with only unincorporated county growth from 2000 to 2008 (2008A). This scenario is not the same as the "Existing (2008)" Scenario in Section 4.6, which is based on traffic counts whereas this scenario is based on population projection and inflating 2000 VMT to 2008. The addition of this scenario does not change the conclusion that overall criteria pollutant emissions will decrease by 2030 with the 2007 General Plan and taking into account reasonably foreseeable changes in vehicle technology and fleet mix.
- The "2000 With Project" Scenario consists of the full buildout of the 2007 General Plan utilizing the current (2008) road network without any corresponding cumulative growth in the cities in the County. Tables 4.7-3, 4.7-5, and 4.7-6 in the DEIR used a "2000" scenario because the AMBAG traffic model was only available for the year 2000. This is the same scenario as the "Existing Plus Project" Scenario in Section 4.6. This scenario has not been changed as it still discloses the project impact increment by comparison to the "2000" scenario
- The "2030 With Project" Scenario consists of growth allowed by the 2007 General Plan up to 2030 utilizing the current (2008) road network. This is the same scenario as the "Existing Plus Project (2030)" Scenario in Section 4.6. This scenario can be compared with the 2000 scenario and the 2008 scenario variant that only includes unincorporated County growth (this scenario does not include city growth after 2000).
- The "2030 Cumulative" Scenario consists of growth allowed by the 2007 General Plan up to 2030 utilizing the future (2008 modified with proposed TAMC and County projects) road network and including cumulative growth in the cities in the County. This is the same scenario as the "Cumulative 2030" Scenario in Section 4.6.

- The “Cumulative Buildout” Scenario consists of the full buildout of the 2007 General Plan (estimated by 2092) utilizing the future (2008 modified with proposed TAMC and County projects) road network and includes cumulative growth in the cities in the County (up to 2030 which is the extent of AMBAG forecasts for these cities). This is the same scenario as the “Cumulative Buildout” Scenario in Section 4.6.

As to the comment about the future scenarios being based on AMBAG forecasts and not including the land use from the General Plan, this is incorrect. The AMBAG 2004 forecast was used to estimate the total amount of growth by 2030, but the location of the growth was determined by using the 2007 General Plan. Table 4.6-10 in the DEIR was been modified to correct the reference to the AMBAG land use appropriately to note that the 2007 General Plan was used to assign development to different TAZs and that the AMBAG forecast was only used to estimate the total amount of growth for 2030 and for land uses outside the unincorporated County areas.

- O-11g.64 The commenter asserts that the DEIR did not fully disclose the impacts on air quality because the commenter asserts that the scenarios used were not based on the 2007 General Plan, but rather on 2004 AMBAG land use data and that the DEIR should not take into account the reduction in emissions from changes in vehicle technology and fleet changes.

Table 4.6-10 in the DEIR incorrectly stated that the “Existing Plus Buildout” and Existing Plus Project (2030) scenarios used land use from AMBAG solely. For the “Existing Plus Buildout” scenario from Section 4.6 (which was referenced as “2000 with Project” scenario in Section 4.7), the traffic analysis used the 2000 AMBAG land use for the areas outside the unincorporated County and the 2007 General Plan for the unincorporated areas. For the “Existing Plus Project (2030) scenario from Section 4.6 (“2030 with project in Section 4.7), the 2004 AMBAG land use projections were used to identify the number of housing units likely in the unincorporated areas in 2030, and the 2007 General Plan was then used to forecast the location of those housing units per Tables 3-8 and 3-9 in the project description in the unincorporated areas. The 2004 AMBAG land use projection were used to identify growth in the cities to 2030. This has been explained more clearly in Chapter 4 of this FEIR, as discussed in the response to comment O-11g.63.

The improvements in vehicle technology and the changing fleet composition are reasonably foreseeable and thus it is appropriate to take them into account when assessing the future impacts of the 2007 General Plan on air quality emissions.

The language in Impact AQ-3 and its significance conclusion and determination have been clarified to clarify that, with reasonably foreseeable vehicle technology changes and fleet changes, the net amount of emissions from mobile sources would decrease compared to baseline conditions for all criteria pollutants other than Pm10, and the PM10 increase would be less than the MBUAPCD daily threshold.

- O-11g.65 The commenter asserts that the DEIR has inconsistent quantifications and assumptions regarding existing conditions and growth.

Table 3-8 in Section 3 shows the increase in units from 2006 to 2030 with the 2007 General Plan. Table 4.6-11 in Section 4.6, shows the increase in units from 2000 to 2030. This is why Table 4.6-11 shows a higher number than Table 3-8. Table 4.6-11 used the 2000 to 2030 period because the base year for the AMBAG traffic model is 2000.

Regarding the comment that the DEIR should have used a 2008 scenario for assessment of VMT and emissions estimates in Section 4.6 instead of a 2000, a 2000 estimate was used as the AMBAG traffic model was not updated to 2008 at the time of the DEIR (as of this writing, there still is no 2008 AMBAG model). However, in response to this comment, a 2008 VMT estimate was prepared for 2008 for the FEIR. The analysis of air quality has been updated in Chapter 4 of this FEIR to reflect the updated VMT estimate and to update the 2008 estimate of criteria pollutant emissions. The provision of this data does not change the conclusion of the DEIR that, when taking into account reasonably foreseeable changes in vehicle technology and fleet changes, emissions in 2030 will be less than at present for all criteria pollutants except PM10 and the increases in PM10 emissions will be less than the MBUAPCD daily threshold, including the emissions resultant from development allowed by the 2007 General Plan.

O-11g.66 See the response to comment O-11g.57. The scenarios used for the analysis of traffic are identified in Table 4.6-10, which has been revised to clearly indicate the base assumptions used for each scenario as follows:

- The “Existing (2008)” Scenario was based on existing roadway volumes.
- The “Existing Plus Project” Scenario consists of the full buildout of the 2007 General Plan utilizing the current (2008) road network without any corresponding cumulative growth in the cities in the County. Table 4.6-10 has been updated to indicate that growth after 2000 is derived from assigning growth allowed by the 2007 General Plan to the base model.
- The “Existing Plus Project (2030)” Scenario consists of growth allowed by the 2007 General Plan up to 2030 utilizing the current (2008) road network. Table 4.6-10 has been updated to indicate that growth in the unincorporated County after 2000 is derived from assigning growth allowed by the 2007 General Plan to the AMBAG 2000 base model.
- The “2030 Cumulative” Scenario consists of growth allowed by the 2007 General Plan up to 2030 utilizing the future (2008 modified with proposed TAMC and County projects) road network and including cumulative growth in the cities in the County. Table 4.6-10 has been updated to indicate that growth in the unincorporated County after 2000 is derived from assigning growth allowed by the 2007 General Plan to the base model and that AMBAG forecasts for 2030 were used for the incorporated cities.
- The “Cumulative Buildout” Scenario consists of the full buildout of the 2007 General Plan (estimated by 2092) utilizing the future (2008 modified with proposed TAMC and County projects) road network and includes cumulative growth in the cities in the County (up to 2030 which is the extent of the 2004 AMBAG forecasts for these cities). Table 4.6-10 has been updated to indicate that growth in the unincorporated County after 2000 is derived from assigning growth allowed by the 2007 General

Plan to the base model and that AMBAG forecasts for 2030 were used for the incorporated cities.

- The “Cumulative 2030 Prior Land Use” Scenario consists of the AMBAG 2030 projections utilizing the future (2008 modified with proposed TAMC and County projects) road network and includes cumulative growth in the cities in the County (up to 2030 which is the extent of the 2004 AMBAG forecasts for these cities).

O-11g.67 See the response to comment O-11g.58.

O-11g.68 See the response to comment O-11g.59.

O-11g.69 The commenter asserts that the DEIR does not specifically disclose where growth in employment and housing is expected to occur and that this is necessary to determine air quality emissions. The comment also states that by not disclosing the TAZ-level assumptions, the County does not have sufficient baseline data to determine that future project’s traffic are consistent with the DEIR’s assessment of traffic impacts. Based on this, the commenter asserts that the DEIR cannot find that project-specific environmental review is not necessary.

The commenter has quoted the reference on page 3-9 out of context. The actual text reads:

“Where projects are found to be consistent with the development density established by the 2007 General Plan and within the scope of the EIR certified for that Plan, additional environmental review will not be necessary unless there are significant effects peculiar to the project, including offsite and cumulative effects, that were not analyzed as significant effects in a previous EIR. (14 Cal. Code Reg. §15183(a)–(d)) An additional requirement for this exemption is that all previously identified feasible mitigation for previously identified significant effects must be implemented or required by the agencies with authority to impose the identified mitigation. Where there are new or more severe impacts peculiar to the project, the impacts must be considered potentially significant and a separate mitigated negative declaration or EIR will be prepared.”

Thus, the DEIR does not conclude that subsequent environmental review is not necessary, but rather that only those future projects that are fully consistent with the assumptions and analysis in the 2007 General Plan EIR and satisfy all other requirements of CEQA may not require subsequent environmental review.

Regarding identification of the location of growth, Tables 3-8 and 3-9 indicate the estimated locations of growth within the focused growth and general planning areas. Based on these estimates, the traffic analysis placed growth within the corresponding TAZs. As noted in response to comment O.11g-57, the TAZ data was provided to Landwatch, per its request.

Please see response to comment O.11g-66 regarding scenario assumptions.

O-11g.70 Please see the response to comment O-11g-57 which addresses this comment.

O-11g.71 Please see the response to Comment O-11g.60 which addresses the bulk of this comment.

Regarding the comment that Mitigation Measure AQ-1 does not add anything more than what is already required under Policy OS-10.9, the comment is correct. Mitigation Measure AQ-1 was intended to apply to Policy OS-10.6 instead (to make it consistent with OS-10.9) and this has been corrected in the FEIR. The original Policy OS-10.5 concerning mixed use is proposed to be retained un-amended.

Regarding the comment on mitigation measure AQ-2, the proposed change to Policy OS-10.6 is only an addition of language and thus the original Policy 10.6 supporting MBUAPCD's control strategies is not changed.

Regarding the comment on mitigation measure, AQ-3, the comment is correct, this was a typo, and reference to AQ-3 under the construction analysis has been deleted.

- O-11g.72 Commenter asserts that the conclusion related to AQ-4, health risk exposure to diesel particulate matter is not supported by quantitative analysis. The qualitative discussion provided in the DEIR is appropriate. California Health and Safety Code Section 44300, et seq. specifies the types of facilities that require the quantitative air toxic health risk assessments. A General Plan update does not fall into any of the categories provided. Further, the DEIR is a programmatic document, not an analysis of the impacts of a specific development project. See Master Response 10 for a full discussion of Program EIRs and the level of detail required.

Commenter states that the DEIR should have done a quantitative analysis on a "worst case scenario." The DEIR does not include project specific construction information that may fall under the Health and Safety Code requirements. However, any project built in the County subject to the Section 44300, et seq. will be required by the Monterey Bay Air Pollution Control District's Rule 1003 to perform a quantitative risk assessment.

Commenter also alleges that the DEIR dismisses the localized risk because of the recommended 70-year exposure period and the short term nature of the types of projects discussed in the DEIR. Health Risk Assessments (HRAs) require in-depth construction information, such as where construction will be located, a detailed construction schedule, locations of receptors in relation to actual construction, etc. In order to conduct a HRA for the 2007 Monterey General Plan update, information of this kind would be needed for every construction project that will occur under the General Plan. Because this information is not available, this level of analysis is not possible at this time. Future projects that are implemented under the General Plan will be evaluated on a project-by-project basis, and will be addressed quantitatively as appropriate. As stated above, the County does not have information related to any proposed project that theoretically meets the thresholds provided in the Health and Safety Code section 44300 et seq. If, in the future, projects meet that threshold will be subject to the MBUAPCD's rule 1003 and will be required to perform a quantitative risk assessment.

- O-11g.73 Commenter asserts that the DEIR fails to provide a quantitative analysis of potential health risks from regional impacts. See the response to comment O-11g.72.

Commenter asserts that mitigation measure AQ-6 should not be limited to county contracts; it should apply to any public or private project. It is the role and responsibility of the MBUAPCD to impose air quality mitigation measures for private projects. The

MBUAPCD's CEQA Air Quality Guidelines (available at: http://www.mbuapcd.org/mbuapcd/pdf/mbuapcd/pdf/CEQA_full.pdf) sets thresholds for construction and operational source emissions impacts. These thresholds apply to public and private projects. If emissions exceed these thresholds, mitigation measures must be applied to reduce them. Section 8 of these Guidelines provides a list of applicable measures.

Commenter requests that Mitigation Measure AQ-6 be modified to require an 85 percent reduction in exhaust particles, not 50 percent. These reductions refer to construction vehicle fleets. Requiring an 85 percent reduction is not feasible because it is cost-prohibitive. The California Air Resources Board (ARB) provides a list of diesel emission control strategies on their website (ARB 2010). To achieve an 85% reduction, over 50 diesel emission control strategies would need to be applied to each piece of construction equipment for every project under the 2007 General Plan. The County does not have the funding or the expertise to undertake this level of regulation outside of its usual responsibilities.

Commenter asserts that even with commenter's suggestions, the health risk from diesel particulate matter is not eliminated and remains potentially significant. Commenter provides no evidence to support this assertion.

Commenter recommends that Mitigation Measure AQ-7, prohibiting location of schools, hospitals, and facilities for the elderly to be located within 500 feet from high volume roadways, be expanded to include residential uses. Including Residential uses may conflict with the County's approved Housing Element, which is not being considered with the General Plan update, and may impact the implementation of the Regional Housing Needs Allocation. Under Housing Element Law, the County must provide opportunities for the construction of its fair share of the regional housing need. (Government Code Section 65583) Restricting development along high volume roadways (including roadways that may become high volume by 2030 and beyond), will restrict the ability of the County to provide housing opportunities in those Community Areas, Rural Centers, and AHOs that adjoin the roads. These could include the Castroville Community Area, Monterey Airport/Hwy. 68 AHO, and Hwy. 68/Reservation Road AHO.

O-11g-74 This comment summarizes the issues raised in comments 75 through 87 which are responded to below and are not repeated here.

O-11g.75 The commenter asserts that the policies and mitigation measures cited or included in the DEIR are improperly deferred, unenforceable, or subject to exemptions that render them ineffective in reducing and avoiding potential erosion and sedimentation impacts.

The comments on General Plan policies in the table included in this comment question the effectiveness of the policies in avoiding or reducing impacts, request details on how the policies will be implemented or enforced, and/or request clarification of the wording or meaning of policies. These comments apparently are based on an unstated assumption that the General Plan is a compilation of specific regulatory actions or mitigation measures, each of which must meet the standards of specificity and enforceability

required of regulations or project-specific mitigation measures. The assumption is incorrect, for the reasons stated below.

As explained in Master Response 10, *Level of Detail for General Plan and the General Plan EIR*, a General Plan is a long term comprehensive plan for the physical development of the County. (See Gov. Code § 65300) The General Plan consists of a statement of development policies and includes diagrams and text setting forth objectives, principles, standards, and plan proposals. (See Gov. Code § 65302) These policies and objectives are implemented through various other actions, such as specific plans and zoning, which are more detailed and specific. (See Gov. Code §§ 65359, 65400, 65455, and 65860)

In contrast, the comments in this table on General Plan policies generally treat each General Plan policy as though it were a regulatory action or mitigation measure which must meet the standards of specificity and enforceability required of regulatory programs or project-specific mitigation measures. In reality, the General Plan policies are general statements of principles that will guide later implementing actions to be undertaken during General Plan implementation. Therefore, the General Plan is not a regulatory program, and General Plan policies for a County of the size and diversity of Monterey County are not intended to be, nor can they feasibly be, site-specific or project-specific.

Further, General Plan policies should not be considered in isolation when determining whether a particular policy will avoid or reduce environmental impacts because:

- The General Plan policies affecting each resource will operate collectively and in some cases synergistically to avoid or reduce impacts.
- Mitigation measures identified in the EIR for many affected resources will further avoid or reduce impacts.
- Ongoing environmental regulatory programs of the County and other regulatory agencies, independent of the General Plan, will further avoid or reduce impacts.

Therefore, to evaluate whether a particular policy avoids or reduces an impact to less than significant levels by a particular policy, the combined effect of all relevant General Plan policies, EIR mitigation measures, and ongoing regulatory programs must be considered together. Comments on this table do not use this approach. The DEIR does use this approach.

Lastly, the County appreciates the commenter's requests for clarification of the wording or meaning of selected policies. The Board of Supervisors will consider these comments in deliberations on adoption of the final General Plan. Responses are provided to individual comments on the policies focused on their value in protecting biological resources and in contributing to reduction of significant impacts on biological resources. However, as most of the comments in the table in this comment concern the General Plan Policies and not CEQA adequacy, only some of the comments are responded to (CEQA does not require responses to comments that do not specifically concern CEQA adequacy).

Regarding comments on mitigation measures for special-status species, please see the response to Comment O-11g.76.

Resource-Specific Responses to Comments on General Plan Policies

See Master Response 10 regarding the level of detail required of General Plan policies. These policies are intended to guide decision-making on future development projects. As discussed previously, the policies are parts of a larger scheme – encompassing goals, policies, and regulations – that together work to minimize potential environmental impacts when applied to site-specific development projects.

LAND USE POLICIES

Regarding comments on Land Use Policies (LU-1.1 through LU-1.9), the comment asserts that the policies will have impacts different than that disclosed in the DEIR on biological resources and are inadequate to mitigation impacts to biological resources adequately.

The comment claims that focusing growth in the community areas, rural, centers, and affordable housing overlays will create incentives for scattered sprawl development on legal lots and rural subdivisions because they will require plans and infrastructure before development occurs. This comment is absurd on its face as it seems to assert that promotion of advanced planning will absolutely result in sprawl. The contrary is true – lack of intentional planning results in greater sprawl by creating no incentives for focused growth and result in far greater dispersal of growth and more extensive infrastructure footprints – all of which would result in greater impacts to biological resources.

The comment asserts that DEIR does not describe the extent and location of rural development. The land use designations in rural areas are shown in Figures 3-4 through 3-12. The habitats found throughout the County are disclosed in Figure 4.9-1 and in rural centers in Figure 4.9-2, 4.9-3, and 4.9-4. The DEIR includes development in all of the rural centers and area plans in the habitat impact estimates in Table 4.9-7. Predicting the exact location within parcels of development throughout the County cannot be done without speculation as project-level plans are not available for all the rural land in the County where development is possible. The DEIR does describe where past habitat conversions have occurred in rural areas due to both urban development and farmland expansion which gives an idea of what development in rural areas has looked like (and will likely replicate to some extent in the future) and these conversions are shown on Figures 4.9-6 through 4.9-9.

The comment asserts that Policy LU-1.19 is in conflict with Policy LU-1.1 because the comment asserts there are no definitive performance standards to discourage rural development in the Development Evaluation System (DES). The extensive listing of criteria for the DES is evidence of the multiple considerations that would apply to subdivisions outside of the focused growth areas. As a general rule, it will be more difficult for remote less dense subdivisions to score high in the DES relative to more dense subdivisions located near existing development and infrastructure. The intent of the DES is not to stop all subdivisions outside the focused growth areas (the DEIR includes a total of 2,003 units outside the focused growth areas by 2030).

The comment questions how environmental impacts will be addressed. All subdivisions are discretionary and thus subject to CEQA and subject to all policies and mitigation

identified in the DEIR identified as applicable to discretionary development. As such, it is not necessary to define the DES to a greater level of detail at this time in order. Regarding the rationale for the 80/20 split between focused growth areas and other areas, please see discussion of this issue in the Master Response 2, *Growth Assumptions Utilized in the General Plan*.

The comment criticizes for LU-1.1 through LU-1.3 as being overly broad and not protective of biological resources. These are broad statements of land use policy. The comment does not concern the adequacy of the DEIR.

The comment criticizes Policy LU-1.4 because the commenter believes that it should prevent all growth outside the focused growth areas. It is not the intent of this policy to stop all growth outside focused growth areas. It is the intent of this policy to only designate growth areas where adequate services can be assured and to require phasing of growth to match long-term services.

The comment asks (re: Policy LU-1.5) for evidence that the 2007 General Plan land use designations result in compatibility with adjacent habitat. They won't in all cases. The impacts of the 2007 General Plan on biological resources are discussed in the DEIR including direct impacts (such as habitat conversion) as well as indirect impacts (such as water quality).

The comment asks that the standards and procedures for Policy LU-1.6 be identified now. This comment is noted. The comment asks how review of Routine and Ongoing Agricultural activities will be done to protect habitat, if standards and procedures for Policy LU-1.6 are not identified now. The comment presumes that the EIR finds a significant impact of routine and ongoing agriculture on habitat, which it does not. The commenter is again referred to Master Response 10 regarding what is required in a General Plan.

The comment asks how LU-1.7 will actually result in clustering of development to protect habitat. This policy applies to discretionary development which is subject to review both of land use policy consistency and CEQA wherein impacts on habitat are considered and if significant, alternatives and mitigation applied, as feasible.

The comment asks how LU-1.8 will protect biological resources and reduce impacts. The policy allows for an economic incentive to provide scenic and conservation easements on otherwise developable lands in favor of development within focused growth areas. While this does not force development to move to certain locations, it provides an alternative for landowners that can reduce biological impacts where applied.

The comment asks how prioritization of infill development will actually be achieved per LU-1.9. Please see general discussion of how the 2007 General Plan focuses growth in Master Response 2, *Growth Assumptions Utilized in the General Plan*.

The comment asks why Table-3.8 shows 541 new potential units on 251 vacant lots in light of the restriction on legal lots in the Toro Area Plan along the Highway 68 corridor. The proposed B-8 restriction is shown on Figure 3-10 in the DEIR and only includes

portions of the Toro Area Plan wherein groundwater constraints exist; there are other areas within the Toro Area Plan that are not subject to the legal lot constraints.

OPEN SPACE POLICIES

Regarding comments on Open Space Policies, the comment asserts that overall the Open Space policies under Goal OS-1 are intended to protect viewsheds not biological resources. While the commenter is correct that many of the policies under Goal OS-1 are focused on scenic protection, many of these policies will also have a co-benefit of preserving habitat. Many of the County's scenic qualities consist of views of undeveloped natural areas and mountains. Where the 2007 General Plan provides for consistent preservation of ridgelines intact in their natural state, this can also provide for preservation of wildlife movement along those ridgelines for example. In addition, Policy OS-1.7 creates a TDR program to allow development to be directed away from areas with unique natural features and critical habitat.

Regarding Policy OS-1.3, the comment asks how the policy will be applied, what the standards are, and how feasible alternatives will be considered. The 2007 General Plan defines "ridgeline development" in the glossary and many of the area plans (such as the Carmel Valley Master Plan) define specific visually sensitive areas and views. These establish sufficient guidance for project-level evaluation of impacts. Alternatives will be considered within a context of whether they avoid significant impacts and in the light of constraints of feasibility. This comment is noted, but does not discuss any inadequacy of the DEIR analysis of biological resources.

Regarding Policy OS-1.4, 1.5, and 1.6, the comment criticizes the policy as not creating standards now to protect biological resources. This issue is responded to above as this policy and the other open space policies under Goal OS-1 would provide co-benefits by preserving ridgelines and other scenic areas in their natural state.

Regarding Policy OS-1.7, the comment states that the policy will not protect biological resources because it does not create a specific mandate. The intent of this policy is to create opportunities to protect habitat through voluntary action. All discretionary projects are required to comply with other General Plan policies regarding resource protection and to comply with project-level CEQA evaluation findings.

Regarding Policy OS-1.8, the comment states that the policy will not protect biological resources because the clustering program has not been fully defined and is not mandatory. The intent of this policy is to create opportunities to protect habitat through voluntary action to cluster development. All discretionary projects are required to comply with other General Plan policies regarding resource protection and to comply with project-level CEQA evaluation findings.

Regarding open space policies under Goal OS-3, the comment refers to policies OS-3.1 through OS 3.9 and prior M.R. Wolfe comments in this comment letter. Please see the responses to those prior comments.

Regarding Policy OS-4.1, the comment asserts that the policy does not actually make any requirements. Policy OS-4.1 is a statement of broad policy. All discretionary projects

will be required to demonstrate how they are protective of listed state and federal species and species listed in Area Plans. All discretionary projects will be required to assess whether there are significant impacts to such species in project-level CEQA review.

Regarding Policy OS-4.2 and OS-4.3, the comment asserts that this policy does not require any action beyond other regulatory permits and asks whether Routine and Ongoing Agricultural activities can be held to these policies without permits. The comment is correct that this policy does not extend the reach of state or federal permits. However, this policy establishes that it is a goal of the County to be protective of water quality throughout implementation of the 2007 General Plan. As to Routine and Ongoing Agricultural activity and water quality, it should be noted that all agriculture is subject to the Agricultural Waiver Program of the Central Coast Regional Water Quality Control Board (as described in Section 4.3 of the DEIR), this involvement is mandatory, and this program creates specific requirements to further protect water quality.

Regarding Policy OS-5.1, the comment asks why critical habitat has not already been mapped, how this policy will promote conservation of listed species and whether the policy applies to threatened and endangered wildlife species. Critical habitat has been mapped in the DEIR (see Figure 4.9-5) adequate for the impact analysis. This policy is a broad statement of intent to protect listed species. The policy is intended to apply equally to listed and threatened wildlife and has been revised to apply to all listed species. The commenter is referred to the Master Response 8, *Biological Resources*. For example, to avoid critical habitat for the California red-legged frog entirely would mean that there would be no allowable development in much of Carmel Valley, which would result in constitutionally taking of property if implemented absolutely. While avoiding critical habitat where feasible would help to lower impact to listed species, it is not necessary absolutely in order to mitigate impacts of projects to less than significant levels. The impacts to species habitat are disclosed in the DEIR in Section 4.9. Regarding the use of this information for the 2007 GP, three of the focused growth areas (the Mid-Valley AHO, Monterey Airport/SR 68 AHO, and Fort Ord) are within or adjoin designated critical habitat. The Mid-Valley AHO is partially developed; project level review will need to consider the impact on critical habitat. The Monterey Airport/Highway 68 AHO is located just north of critical habitat Unit 4 and near a known location for *Yadon's piperia* near the Monterey Airport. The Ford Ord Master Plan has extensive biological resource policies to protect impacts to listed species. As the AHO is a discretionary development, Policy OS-5.16 will apply, as will project-level CEQA review.

Regarding Policy OS-5.2, the comment asks how mapping of suitable habitat for special-status species will be utilized. As explained in Master Response 4, this policy is now proposed to only require mapping of suitable habitat for listed species. Mapping of suitable habitat for listed species will be utilized during project-level review. See also the responses to comment letter O-20c.

Regarding the comments on Policy OS-5.3, please see responses above regarding Policy OS-5.1 and the protection of critical habitat and mapping. Regarding the statement that Policy OS-5.4 requires avoidance of critical habitat, this is incorrect as the policy described procedures to be followed when avoidance of critical habitat is infeasible (as for example when development is proposed within much of Carmel Valley or for

roadway projects that may cross rivers with critical habitat for steelhead). Project-level CEQA processes require consideration of impacts to listed species and their habitats.

Regarding Policy OS-5.4, the comment asks what measures would be applied when a development project is within critical habitat areas and clustering and conservation easements are not feasible. As noted in the policy itself, impacts could be mitigated through off-site mitigation of resource enhancement and/or conservation easements.

Regarding Policy OS-5.5, the comment states that it doesn't create enforceable mandates and ask what program might result from this policy. The comment is correct that this policy does not create a mandate but seeks voluntary commitment by landowners. Programs under this policy could include environmental education and outreach in conservation mechanisms.

Regarding Policy OS-5.6, the comment asks what the "landscaping requirements" are and how this policy would protect biological resources. The "landscaping requirements" are those that might be proposed by development itself as well as any required in compliance with aesthetic or biological County policies and CEQA mitigation. This policy would help to protect biological resources by preventing the spread of invasive non-native species that could otherwise colonize adjacent areas. The spread of invasive species is cited as a key contributor to the decline of many native species. This policy would not assist in wildlife corridor protection directly, although by avoiding the spread of non-native species, this policy could assist to preserve the native vegetation found in adjacent wildlife corridor areas indirectly.

Regarding Policy OS-5.7, the comment asks whether this policy creates any requirement beyond THP requirements and what the "resource protection goals and policies of this General Plan are." The policy requires environmental review by the County and compliance with the General Plan resource protection and goals, which would not necessarily occur through THP only. As to the resource protection goals and policies of the General Plan, the commenter has clearly read the General Plan and makes specific reference to many of them in comment, and thus they should be well aware of what the policies are without the need to cite them again. Please refer to the Conservation and Open Space Element as well as every policy that TRA refers to in this table.

Regarding Policy OS-5.8, the comment asks again what the General Plan policies on resource protection are. Please refer to the Conservation and Open Space Element as well as every policy that TRA refers to in this table.

Regarding Policy OS-5.9 and OS-5.10, the comment asks which Area Plans do not have tree removal permit requirements, why they haven't already been done for the 2007 GP, how it will be coordinated with Mitigation Measure BIO 2-2, and what performance standards will be applied. The following Area Plans do not have specific tree removal requirements in the 2007 GP: South County, Greater Salinas, and Central Salinas Valley. However, the County has a tree preservation ordinance (Chapter 16.60) that applies throughout the County and that establishes specific performance standards. The performance standards thus are compliance with the County's ordinance and whatever additional standards are established in the Area Plans. The CEQA significance criteria used in the DEIR for tree removal impacts is compliance with local tree ordinances and

this criteria is directly from the recommended Biological Resource criteria in Appendix G of the CEQA Guidelines, which are in common use across California. As to coordination with Mitigation Measure BIO-2.2, this measure creates a programmatic means to provide for loss of oak woodlands. Projects will be required to comply with area plan tree requirements, the County's ordinance, and Mitigation Measure BIO-2-2 (per the minimum replacement ratio for oak woodlands). Note that Mitigation Measure BIO-2-2 has been revised in the FEIR to clarify the required mitigation and replacement ratio.

Regarding Policy OS-5.11, the comment asks what specific mandates are created by this policy. This policy is a statement of broad intent. It does not create a specific mandate.

Regarding Policy OS-5.12, the comment asks who will be required to initiate consultation with CDFG on ASBSs, what appropriate measures might be, and how this policy will help reduce impacts to biological resources. The County will encourage project applicants to consult with CDFG early in project development for projects that may affect ASBs. The County will also consult with CDFG through the CEQA process as CDFG is a trustee agency. As to measures, there are many potential measures, including protection of water quality, coastal habitats, timing of construction, and protection of riparian corridors. This policy, by ensuring that consultation occurs regarding impacts to ASBs with CDFG will help to identify feasible protection measures. CDFG is very forward in suggesting means to reduce impacts to biological resources in general and ASBs in specific.

Regarding Policy OS-5.13, the comment asks how this policy will help to reduce impacts to biological resource impacts to a less than significant level if it only encourages efforts and ask who will be responsible to implement this policy. This is a broad statement of policy, but it puts the County on record as supporting natural land preservation.

Regarding Policy OS-5.14, the comment asks how this policy will be implemented. This policy is a statement of intent to promote the reduction of the spread of invasive exotic species. The commenter seems to expect that a General Plan will provide a level of specificity of implementation that is frankly unrealistic and does not reflect a single General Plan in the State of California. See Master Response 10.

Regarding Policy OS-5.15, the comment criticizes the creation of waivers for environmental restoration by asking whether waivers will result in restoration that would not otherwise occur. Non-profit and public organizations seeking to restore natural environments are always on a tight budget. Every bit helps in a budget constrained world. And this is one small way that the County can help with that restoration effort.

Regarding Policy OS-5.16, the comment criticizes the policy as deferring standards under CEQA. First, please see Master Response 8 on Biological Resources, wherein changes to this policy are described. Given that the originally proposed 2007 General Plan used a definition of special-status species that was limited to listed species, the revision to Policy OS-5.16 is an important clarification of intent that CEQA evaluations in the County need to consider more than just listed species and need to consider a broader range of biological resources. This is not, as the comment tries to assert, an inconsequential thing, but is rather a fundamental statement of policy that has a far-reaching consequence to the effectiveness and scope of project-level CEQA evaluations.

Regarding Policy OS-5.17, the comment criticizes the policy because it does not already establish mechanisms for a program to mitigate the loss of critical habitat. At present, projects are mitigating impacts on a project by project basis and for the most part finding adequate means to mitigate impacts on biological resources. This policy puts the County in support of creating a more programmatic approach to mitigation that can further the effectiveness of addressing impacts on biological resources.

Regarding Policy OS-5.18, the comment is correct that this policy does not add any new requirements beyond state and federal law. However, it is important that a General Plan remind the broad regulated community that the County will require demonstration of compliance with state and federal regulatory requirements during the project review process.

PUBLIC SERVICES POLICIES

Regarding Policy PS-11.11, the comment asks how this policy will help to reduce impacts to biological resource impacts to a less than significant level. This policy makes it clear that (1) management plans for County Park and recreational area are required; and (2) that protection of environmental resources and open space are a priority. Implementation would be by the Monterey County Parks Department.

Regarding Policy PS-11.12, the comment asks how this policy will help to reduce impacts to biological resource impacts to a less than significant level. The policy makes it clear that active and passive recreation have different needs and requirements. Thus management of parks will need to take into account these differences in order to carefully provide for active recreational opportunities while choosing passive recreation for areas of significant biological resources.

Regarding Policy PS-2.8, the comment asks how this relates to Policy S-3.5, and whether runoff will be allowed to increase and how this policy protects biological resources. Nothing in Policy S-3.5 mandates an increase in runoff and thus is consistent with Policy PS-2.8 wherein maintenance or reduction of current runoff levels is called for. Reduction and treatment of storm water runoff helps biological resources by reducing the loading of streams and other water bodies with sediment and urban pollution.

AGRICULTURAL POLICIES

Regarding Policy AG-5.1 and AG-5.2, the comment criticizes the policies as only supporting reduction of erosion and soil productivity and protection of surface water and groundwater resources and not resulting in specific mandates. These are broad statements of policy that give the County authority to implement beneficial programs that would directly and indirectly benefit biological resources. A General Plan has to start from general, broad statements of intent to more specifics of implementation steps.

Regarding Policy AG-4.3, the comment asks what the standards and guidelines under the AWCP will be, how the AWCP will encourage winery development inside the corridors (in light of Policy AG-4.4, whether the AWCP will regulate habitat conversions to farmland, and how the DEIR concluded that the AWCP will help wildlife movement corridors. This policy does not regulate habitat conversions to farmland, but rather

concerns wineries and ancillary facilities as described in the AWCP and is intended to underscore the importance of the AWCP to achieving Goal AG-1. The commenter is referred to Master Response 3, *Agricultural Growth and General Plan Agricultural Policies*, which describes the policies pertaining to the AWCP and its impacts. The commenter is also referred to Master Response 8, which discusses the potential biological impacts that could occur with respect to the AWCP. The commenter is also referred to the AWCP which is an element in the General Plan for a discussion of its standards and guidelines.

SAFETY POLICIES

Regarding Policy S-2.1, the comment asks how this policy will help with wildlife movement if this policy doesn't prevent agricultural use. First, this policy is about structures, not agriculture. Second, structures can block all wildlife movement, whereas agricultural areas are more permeable to more mobile wildlife.

Regarding Policy S-2.2, the comment asks how this policy would prevent structural development in the floodplain and ask when this policy would be implemented. This policy would not absolutely prevent structures as in certain cases (such as bridges) structures are necessary in the floodplain, but it would mean that during project review the County is going to evaluate alternatives to placing structures within floodplains and in developing subsequent Community Area plans and plans for rural centers will be seeking to avoid and minimize the placement of structures in floodplains, all of which will benefit wildlife movement along waterways.

Regarding Policy S-2.3, the comment asks what the County's ordinances on floodplain protection are, what specific exemptions will apply for routine and ongoing agriculture, and how the exemption will affect movement corridors. The County's ordinances on floodplain protection are summarized in the DEIR at page 4.3-79. As explained there, Chapters 16.16 and 21.64 of the Monterey County Code contain regulations regarding floodplain development. These sections discuss general and specific standards to prevent flood damage within the county. Monterey County floodplain management regulations are based on the model FEMA program; however, the County has adopted regulatory standards (most recently amended in the Fall of 2009) that exceed the minimum federal requirements. County regulations prevent the placement of fill, buildings, and other obstructions in regulatory floodways (the zone along a channel where flow moves with depth and velocity and where obstructions can cause the most damage).

Regarding Policies S-2.4, S-2.5, and S-6 the comment asks how this policy will help movement corridors. These policies will not directly help to preserve movement corridors and have been deleted from reference on page 4.9-91 in the DEIR. These policies were included as part of the overall floodplain policies which prioritize the avoidance of new structural placement in floodplains which, as noted above, would help to preserve riparian movement corridors. The comment also asks if Policy S-2-6 applies to agriculture and if not why not. Policy S2-6 applies to "development" not agriculture. As to why not, farmlands and rangelands don't normally create flooding issues as they don't result in fill of floodplain areas that would obstruct or re-direct flood flows.

Regarding Policy S-2.8, the comment asks how this policy would work in the development review process, how alternatives will be considered, and whether this applies to non-discretionary wineries and conversion of habitat for agriculture. During the project review, the County will require development of alternatives that minimize or avoid floodplain development. Where significant impacts relative to floodplain encroachment are identified, the County will require the adoption of feasible alternatives as necessary to avoid and/or minimize floodplain development. Monterey County Planning and Building Inspection and the Monterey County Water Resources Agency are responsible to implement this policy. This policy does not apply to conversion of habitat for agriculture unless a discretionary permit is required. Wineries, or any other structures, are subject to Chapters 16.16 of the Monterey County Code.

Responses to Comments on Specific Area Plan Policies

See Master Response 10 regarding the level of detail required of General Plan policies. These policies are intended to guide decision-making on future development projects. As discussed previously, the policies are parts of a larger scheme – encompassing goals, policies, and regulations – that together work to minimize potential environmental impacts when applied to site-specific development projects.

The Area Plans and Special Treatment Areas policies are part of the General Plan. Where Area Plans or Special Treatment Areas have policies that are more restrictive or area-specific than the 2007 General Plan's general policies, the more restrictive or area-specific policies provide a greater level of detail than the general policies. The County will interpret these specific and general policies so that they act in harmony.

CACHAGUA AREA PLAN

Regarding Policy CACH-1.4, the comment asks how this policy will help to reduce impacts to biological resource impacts to a less than significant level. This policy will require the County to make a finding that a development project potentially affecting the Ventana Wilderness does not impact the purpose of the wilderness. If the County makes a finding that a project would impact the purpose, the project will be denied (unless there is no feasible alternative and a constitutional taking would occur).

Regarding Policy CACH-3.3, the comment asks whether this policy creates a mandate and how it will help to reduce impacts to biological resource impacts to a less than significant level. This policy will require projects to demonstrate that hillsides and natural landforms are minimally affected by cutting, filling, and grading and vegetation removal and revegetation on steep slopes where such development is unavoidable. This policy will help to reduce hillside disturbance, unvegetated slopes, and erosion all of which help biological resources.

Regarding Policy CACH-3.5, the comment asks about the meaning of first sentence of the policy, how impacts to watershed, local roads, flora and fauna will be mitigated and how this helps to protect biological resources. The first sentence states that mining, timbering, and resource production operations can be included in Community Area if they address impacts to aesthetics, roadways, noise, drainage and reclamation. Regarding mitigation, this would be developed at the project level. This policy requires such

activities to mitigate impacts on flora and fauna, control drainage, and provide for reclamation after completion of resource extraction, all of which would help to protect biological resources.

Regarding Policy CACH-3.6, the comment criticizes the policy for not creating a specific mandate and asks how this would help protect biological resources. This policy puts the County on record as supporting protection of the Santa Lucia fir. The County's tree removal ordinance (Chapter 16.60.030) already defines removal of Santa Lucia fir as requiring a tree removal permit and thus requiring relocation and/or replacement of each protected tree and a forest management plan for removal of more than three protected trees. This policy calls for cooperative action with USFS and private landowners which, while not creating a mandate, nevertheless opens the possibility to cooperative ventures in the future.

Regarding Policy CACH-3.7, the comment asks for specific definitions of acceptable levels of erosion, and criticizes this policy for not creating mandates and asks how this policy helps to protect biological resources. Regarding erosion controls, the County's erosion control ordinance (Chapter 16.12 of the Municipal Code defines standards). This policy requires the County to consider new development siting during project review relative to riparian vegetation and fish protection and make a finding of the suitability of project siting. This policy also requires the County to make a finding at the project level review regarding impacts to fish productivity and access.

CARMEL VALLEY MASTER PLAN

Regarding Policy CV-3.4, the comment is identical to the comment on CACH-3.3 and the commenter is referred to that response above.

Regarding Policy CV 3.7, the comment asks for elaboration of implementation of specifics and asks how this policy will help to protect biological impacts. This policy includes specific areas of biological significance within the CVMP and calls for their preservation. Per OS-5.16, these areas would be delineated on a project-specific basis and would require their preservation as a condition of project approval. This policy allows the County to subsequently identify certain resources as area of biological significance as information is developed over time to indicate the particular importance and sensitivity for biological resources. The policy establishes a standard that the natural functioning of these natural ecosystems should not be upset. This policy is implemented during project review.

Regarding Policy CV-3.8 and 3.9, the comment asks for specific standards and whether this policy would bar development and why such a policy is not proposed for other riparian corridors in the County. The DEIR calls for a specific setback area along the Carmel River per Mitigation Measure BIO-2.1 which will provide the standards the commenter is seeking. The proposed Stream Setback Ordinance would apply to all inland portions of the county. These policies help to minimize impacts to biological resources along the Carmel River by requiring the County to make a finding that project siting is protecting the Carmel River, that willow cover is being preserved, that replanting along the river is occurring and through requiring permits (and thus CEQA review) for projects altering the river. Projects that do not protect riparian vegetation, minimize