

Attachment B-2b

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ATTACHMENT B-2b APPEAL AND COUNTY RESPONSES

The appellant's contentions and objections that the Final EIR is inadequate, and four other issues identified below are not supported by the evidence, as described in the following responses to each appellant contention. The appellant fails to provide substantial evidence or explanation to support its contentions as they relate to Final EIR inadequacy related to the project and that the appellant's other contentions are without merit.

The County, as Lead Agency for the EIR, has determined that the EIR, consisting of the 2018 Recirculated Draft EIR ("2018 RDEIR"), 2019 Recirculated Draft EIR (portion) ("2019 RDEIR"), and the Response to Comments/Final EIR ("Final EIR"), together adequately described and disclosed the potential physical impacts on the environment resulting from construction and operation of the proposed project. The following discussion provides a response to each appeal contention and responds with a summary of the sections of the EIR, where applicable to the contention, that addresses the appeal comment.

[Note: As used in the responses below, references to the RDEIR are understood to be the 2018 RDEIR, as amended by the 2019 RDEIR and including the errata to the RDEIR sections presented in Final EIR Section 4.]

The comments raised by the appellant were all raised in their comments on the 2018 RDEIR, including the comment relating to Master Response 5, as explained below. The comments in the appeal are essentially the same comments raised in Letter #12 (Final EIR pages 310 through 483; responses to those comments on pages 484 through 501). The County chose to recirculate portions of the 2018 RDEIR in 2019, based on an analysis of the comments submitted on the 2018 RDEIR. The 2019 RDEIR sections do not include most of the topics raised by the appellant (Letter 12), and raised again for this appeal. The County determined that the 2018 RDEIR adequately analyzed these topics and included substantial evidence found in the record. If the County, as Lead Agency, had identified a lack of evidence to support its conclusions relating to topics raised by the appellant in their 2018 RDEIR comment letter, it would have recirculated additional portions of the 2018 RDEIR as part of the 2019 recirculated RDEIR.

Some of the contentions refer to technical information provided by the appellant's consultants. It is important to understand that disagreement among experts does not invalidate an Environmental Impact Report (EIR). Disagreement among experts, if based on substantial evidence, would trigger the need to prepare an EIR; however, an EIR has been prepared for this project. In this instance, the standard is whether the EIR is based on substantial evidence. The County has provided substantial evidence in the record for the EIR and has conducted a good faith effort at disclosing the foreseeable environmental effects of the project.

Appellant Contentions and Staff Responses

Cynthia Pura, the appellant, asserts the following bases for the appeal with respect to Findings 1-21 of Resolution 19-031 for PLN040183. Response to each contention is included immediately following each appellant contention. As noted in the Final EIR (page 531), the comments of Fenton and Keller received by the County on July 5, 2019 (Letter #19) included substantial attachments. Those attachments were analyzed earlier in the Final EIR documents, specifically in response to Final EIR Letter #12.

The contentions raised were all addressed in the Final EIR, including Appellant Contention No. 3

relating to Master Response 5. Staff's responses refer to the Final EIR comments applicable to each of the contentions. Staff has provided additional information, pointing to technical studies and sections of the EIR, to respond to each contention.

The applicant's hydrogeologist (Todd Groundwater) provided technical responses for many of the public comments submitted on the 2018 RDEIR (*Response to Bierman Hydrogeological (BHgl) Comments and Land Watch Hydro Comment D*, August 7, 2018). County technical staff reviewed those responses and agreed with most of them, but provided revisions for four of the comments. These responses are referenced in the appeal responses, below, with a BHgl-# reference and citation to Todd Groundwater. The original text of these responses is found in the Final EIR following staff's response to Letter #10 (FEIR pages 292 through 303). The County provided four revised responses to ensure the Final EIR reflected the County's judgment as Lead Agency: BHgl numbers -31, -34, -35 and -36 (Final EIR pages 304 and 305).

Appellant's Contention No. 1: *The October 2019 Final Environmental Impact Report ("FEIR") for the Paraiso Springs Resort ("Project") fails to analyze the existing litigation that seeks to quiet title to the Pura Spring (shown on Appendix B to the RDEIR, "Tentative Map" at CT-2 as Figure 8 "Spring Well") currently pending in Monterey County Superior Court (Case No. 17CV000158) ("Lawsuit").*

County Response No. 1: This comment was originally raised in Letter 12, Number 28. Please see the County's response to this comment on Final EIR page 493, which pointed out that the comment did not include any allegations of physical environmental impacts occurring from this litigation. The response also directs the reader to 2018 RDEIR Section 3.8.4, Impact 3.8-7, which analyzed the potential environmental impacts and determined that the impact to the spring would be less than significant.

The project Hydrogeologic report (RDEIR Appendix H) provided technical information and analysis about the spring in sections 5 (Surface Water Resources), 6.4 (Groundwater Quality), 10.1 (Potential Impact: Loss of Yield at Neighboring Wells and Springs), and 10.4 (Potential Impact: Increased Groundwater Salinity).

Todd Groundwater addressed the litigation in responses BHgl-4, -5, -20, -22, and -23.

Appellant's Contention No. 2: *The FEIR ignores expert opinion and the County's Historic Resources Review Board that reconstruction - in place - of the nine illegally demolished historic Victorian Cabins in 2003 is not only feasible, but a required mitigation. The FEIR proposes woefully inadequate mitigation measures for the illegal demolition of the historic structures.*

County Response No. 2: This comment was raised specifically in Letter 12, Numbers 4 and 51. The following other related comments and County Final EIR responses also respond to this contention: Letter 7, Number 17; Letter 10, Number 30; Letter 12 Number 57; Letter 14, Number 1; and Letter 19, Number 2. The County responded to comments related to reconstruction in Master Response 3 (pages 12 and 13) and in the Final EIR, including responses to Letter 12, Numbers 4 and 51 on pages 485 and 499. These responses also direct the reader to 2018 RDEIR Section 3.5 and Mitigation Measures 3.5-1a through 3.5-1d, which provide a package of mitigation measures to reduce the significant and unavoidable impact to the extent feasible. The response in the Final EIR to Letter 10, Comment 30 provides a summary of these mitigation

measures and a discussion related to cultural landscape by the County Historic Resources Review Board. Reconstruction to the Secretary of the Interior Standards for the Treatment of Historic Properties has been determined to be infeasible for this project (see project resolution, Finding 1, Evidence u).

Final EIR Master Response 3 specifically addresses the infeasibility of reconstruction pursuant to the Secretary of the Interior standards. Technical expert information (*Response to Peer Reviews and Mitigation Measures Proposed in the Paraiso Hot Springs RDEIR*, Painter Preservation, 2018) was provided and cited in Final EIR Master Response 3. The County concurs with the technical information provided in this report that reconstruction would not reduce the environmental impact and that reconstruction “may not be feasible, even if it were to provide additional mitigation for the impact.”

See the introduction to this section, above, relating to conflicting expert opinion.

Appellant’s Contention No. 3: *The FEIR’s “Master Response 5: Traffic” fails to analyze the impacts of the road widening on the residences along Paraiso Springs Road, as well as on the farming and ranching activities abutting Paraiso Springs Road. Such impacts must be analyzed before the FEIR can be certified or the Project approved.*

County Response No. 3: This comment, although not related to Master Response 5, was raised in Letter 12, Numbers 46 and 50. Responses to those comments referred the commenter to Master Response 5, which describes the traffic analysis, the method of calculation for project trips, proposed road widening, and adequacy of the roadway after improvements, including relating to safety. The following other related comments and County Final EIR responses also respond to this contention: Letter 5, Numbers 2, 6 and 16b; Letter 7, Numbers 51, 54, 57, 60, and 74; and Letter 8, Number 1. The County responded to these comments in the Final EIR.

Road widening was described in RDEIR Chapter 2 (see response below to Letter 7, Number 74), Chapter 3.12, Transportation and Traffic, and Appendix K—Hatch Mott McDonald, 2017, sections 6 and 7 and Exhibit 13. The responses to the comments noted above also directed the commenters to discussion and analysis related to the offsite road improvements in Master Response 6, RDEIR Impacts 3.2-2 (Air Quality), 3.2-3 (Air Quality), 3.4-1 (Climate Change), and 3.12-2 (Transportation), and RDEIR Sections 3.9 (Land Use), 3.10 (Noise), 3.12 (Transportation and Traffic), 4.5 (Cumulative Impacts), and Appendix I (noise report).

RDEIR Section 3.5 included analysis of potential impacts from the offsite road improvements (page 3-149, **Archaeological Resources within the Road Improvement Area**; Impact 3.5-3, **Archaeological Resources – Paraiso Springs Road Improvement**). Potential impacts were identified for this topic area and mitigation measures were provided to reduce the potential impact to a less than significant level (RDEIR pages 3-163 through 3-166). The project is also subject to mitigation measures related to the accidental discovery of human remains (Impact 3.5-4, RDEIR pages 3-166 through 3-168). The Final EIR provided errata (page 695) to reflect distance corrections for RDEIR page 3-297, but the analysis and potential impacts related to vibration did not change as a result (see final text as amended, Final EIR page 3-297). Biological resources for the off site widening was also analyzed in a technical report (*Biological Assessment for the Paraiso Springs Road Widening*, RDEIR page 3-51).

The response to Letter 7, Number 74 states the following:

“The project includes a proposal to widen and provide signage along Paraiso Springs Road, as described on RDEIR pages 2-19 and 2-45, Figure 2.10, and Appendix O of the Traffic Analysis Report (RDEIR Appendix K). An analysis of potential environmental effects relating to these off-site improvements are included in a number of locations, and specifically addressed in RDEIR Chapter 3.12 on pages 3-339 through 3-341.”

That response also pointed the reader to Master Response 5, which included information about some of the areas of the RDEIR that addressed this topic (**Roadway Safety and Proposed Offsite Road Improvements** discussion). The Impacts listed above were all identified as less than significant or no impact (3.4-1). The mitigation related to Impact 3.2-2 is related to demolition of structures so its mitigation measure is not related to this comment. Also see the discussion in the Final EIR responding to Letter 10, Number 22.

Appellant’s Contention No. 4: *With regard to wetlands, final jurisdictional determinations must be made so that all necessary mitigations may be defined. The Pura Spring is located immediately adjacent to areas mapped as wetlands by the United States Fish and Wildlife Services.*

County Response No. 4: This comment was raised in Letter 12, Number 1. The response describes the delineations that were completed for the project site (RDEIR Figure 3.3-2 and text on pages 3-59 through 3-63). The response points out that the spring referenced in this comment is identified as a wetland (freshwater marsh W8) and analyzed in the RDEIR and that the Corps of Engineers verified the extent of the wetlands during a site verification visit on April 7, 2009. The following other related comments and County Final EIR responses also respond to this contention: Letter 12, Numbers 2, 3, and 15. The County responded to these comments on Final EIR pages 484, 485 and 489. Todd Groundwater addressed this topic in responses BHgl-4, -10, -22, -23, and in response to Landwatch Hydro Comment D, which is also found in the Todd Groundwater document.

The EIR includes mitigation measures (3.3-4a and 3.3-4b) to monitor wetlands and provides adaptive management if impacts are identified through the monitoring program. The agencies identified in Mitigation Measure 3.3-4b, from which the applicant must obtain required permits, will utilize the County’s certified EIR in processing their permits (RDEIR Table 2.4 Agency Actions and Approvals, page 2-61). The County, as Lead Agency, must certify the EIR prior to action by these Trustee and Responsible Agencies. None of these agencies have commented on the environmental document despite multiple public comment periods.

Technical reports were related to the wetlands, including updated specific wetland delineation information by WRA Environmental Consultants in 2016 (*Section 404 Wetland Delineation and Impacts Assessment for the Paraiso Springs Resort, Monterey County, California*; RDEIR page 3-52). The project Hydrogeological report, updated in 2018 (RDEIR Appendix H), also addressed wetlands and potential project impacts throughout the document, including specific information in Sections 2 (Site Description), 5 (Surface Water Resources), 6.4 (Groundwater Quality), 10.1 (Potential Impact: Loss of Yield at Neighboring Wells and Springs), 10.3 (Potential Impact: Dewatering of Wetland and Riparian Vegetation), 10.4 (Potential Impact: Increased Groundwater Salinity), 11.1 (Monitoring and Mitigation Measure 1 for Potential

Impacts to Wetlands), 11.2 (Monitoring and Mitigation Measure 2 for Impacts to Groundwater Quality), and 12 (Conclusions).

Appellant’s Contention No. 5: *The potential for groundwater use by the Project to result in the drying of the Pura Spring, and in turn impact to this wetland feature must be evaluated in the jurisdictional delineation impacts assessment and within the project FEIR.*

County Response No. 5: This comment was originally raised in Letter 12, Number 2. In addition to the response in the Final EIR to that comment (pages 484 and 485), see response to appeal contention number 4, above, for more detail related to this issue. The RDEIR discussed this potential impact in Impact 3.8-9, Wetland and Riparian Habitat Impact, and in Impact 3.3-4, Loss of Potentially Jurisdictional Wetlands/Water and Riparian Habitat. Mitigation measures were provided to reduce the impacts to wetlands to a less than significant level, including monitoring wetland quality and using adaptive management techniques to maintain wetlands if stresses are identified (Mitigation Measure 3.8-9). Todd Groundwater addressed this topic in responses BHgl-1, -4, -5 -22, -23, -25, -30 and -38.

The following other related comments and County Final EIR responses also respond to this contention: Letter 12, Numbers 15, 26, 29, 30, 31, 32; Letter 7, Numbers 38, 39, 41 and 45; and Letter 8, Number 6. The County’s responses to these comments are found in the Final EIR.

Appellant’s Contention No. 6: *The Regional Water Quality Control Board must be formally consulted regarding avoidance buffers and setbacks in light of the possibility of discharge of wastewater into jurisdictional waters.*

County Response No. 6: This comment was originally raised in Letter 12, Number 3. Wastewater will be treated and reused on site, as described in RDEIR Chapter 2. “Discharge” will be through irrigation of on-site landscaping. The wastewater plant will require permitting from the Regional Water Quality Control Board (see RDEIR page 2-61, Table 2.4, **Agency Actions and Approvals**). They have been provided Notice of the Draft EIR in 2013 and the two Recirculated Draft EIRs and have not provided any comments. The commenter for the 2018 RDEIR was concerned about leaks discharging pollutants. The project conditions of approval require setbacks consistent with the Regional Water Control Board requirements. The applicant’s technical consultant provided responses as identified in the County’s response to comment Letter 12, Number 3. Technical reports related to the wastewater system were included in RDEIR Appendix J, as well as being included in the analysis in the project Hydrogeologic report, updated in 2018 and included in RDEIR Appendix H. Todd Groundwater addressed this topic in responses BHgl-25 and -26.

The following other related comments and County Final EIR responses also respond to this contention: Letter 7, Number 46; Letter 9, Number 2; and Letter 12, Numbers 2, 33, and 35 through 42. The County’s responses to these comments are found in the Final EIR.

Appellant’s Contention No. 7: *The FEIR fails to properly analyze the Maximum Day Demand or Peak Hourly Demand factors for Well 1 and Well 2.*

County Response No. 7: This comment was raised in Letter 12, Number 6. The County’s response describes the requirements and that each of the two project wells could meet the

requirements for the peaking factor. The project Hydrogeologic report, updated in 2018 and included in RDEIR Appendix H, states that the “two existing on-site wells have a County-approved long-term capacity rating four times greater than peak project water demand.” Reports from CH2MHill (RDEIR Appendix J) also provided technical expert information related to peak demand analysis for the project, including the August 3, 2010 report: *Paraiso Springs Resort – Estimated Potable Water Demand and Potable Water Source*.

The use of the wells was analyzed in the EIR in Chapter 3.8 and no significant environmental impacts were identified (Impacts 3.8-4 through 3.8-8). Impact 3.8-9 shows a potential effect on wetlands and provides mitigation to reduce the potential impact to less than significant, including supplemental water if wetland monitoring indicates stresses. The comment infers that additional pumping may be needed during peak demand periods, but that is not the case, as explained in the Final EIR response to comments in Letter 12, Numbers 5 and 6. Therefore, the EIR analysis is correct. Todd Groundwater addressed this topic in responses BHgl-10, -14 and -19. The following other related comments and County Final EIR responses also respond to this contention: Letter 7, Number 30 and Letter 12, Number 7. The County responded to these comments on Final EIR pages 119, 120 and 486.

Appellant’s Contention No. 8: *The 10-day pumping test on Well 1 was not carried out according to MCEHB standards.*

County Response No. 8: This comment was originally raised in Letter 12, Number 7. The Final EIR response identifies that the required pump test should have been an 8-hour test, not a 10-day test. The test that was conducted exceeded the requirements for testing the well; therefore, the test met the requirements of the Monterey County Environmental Health Bureau. The response also stated that the additional pumping “demonstrates that adequate source capacity exists” (FEIR page 486). Todd Groundwater addressed this topic in responses BHgl-10 through -16. The following other related comments and County Final EIR responses also respond to this contention: Letter 12, Numbers 8 and 9. The County responded to these comments on Final EIR pages 486 and 487.

The results of the pump tests were included in the RDEIR in Appendix J (*Paraiso Springs Resort 10-day Pumping Test Results*, February 26, 2008) and also used for the project Hydrogeologic report, which was included in RDEIR Appendix H and used in preparing the EIR analysis. The County also requested an update on well capacity and provided a *Memorandum re: Paraiso Springs Wellness Test* in 2018, which was used in the EIR analysis (RDEIR page 3-218).

Appellant’s Contention No. 9: *The FEIR fails to properly analyze the hydrogeologic interaction between the alluvial and hardrock aquifer and the associated springs.*

County Response No. 9: This comment was originally raised in Letter 12, Number 9. The response to that comment points to the areas within the EIR and technical reports where substantial evidence was presented on the impacts related to the hydrogeological environment and the project’s potential impacts on it (Final EIR page 486; RDEIR Chapter 3.8, Hydrology and Water Quality, and Chapter 4.5, Cumulative Impacts). A comprehensive hydrogeological investigation was completed, as described in RDEIR Chapter 3.8 and attached to the RDEIR as Appendix H. The interaction identified in this contention was addressed in many portions of

these technical reports, but specific sections of the hydrogeologic report (RDEIR Appendix H) that addressed this topic are Sections 2 (Site Description), 5 (Surface Water Resources), 6.4 (Groundwater Quality), 10.1 (Potential Impact: Loss of Yield at Neighboring Wells and Springs), 10.3 (Potential Impact: Dewatering of Wetland and Riparian Vegetation), 10.4 (Potential Impact: Increased Groundwater Salinity), 11.1 (Monitoring and Mitigation Measure 1 for Potential Impacts to Wetlands), 11.2 (Monitoring and Mitigation Measure 2 for Impacts to Groundwater Quality), and 12 (Conclusions).

The project also had a technical report prepared that analyzed the site's geology and geotechnical setting; the report was included in the RDEIR as Appendix F and provided subsurface information for several of the other technical reports. The *Comprehensive Hydrogeologic Investigation Report*, Todd Groundwater, 2018 (RDEIR Appendix H) provided a technical analysis of the proposed project's potential impacts on springs, wells, and aquifers. As described in the response to appeal contention 7, above, the project would not result in any significant environmental impacts. Todd Groundwater addressed this topic throughout their responses; however, see in particular responses BHgl-1 and -22. The following other related comments and County Final EIR responses also respond to this contention: Letter 8, Number 6 and Letter 10, Number 19. The County responded to these comments on Final EIR pages 146, 147, 261 and 262.

Appellant's Contention No. 10: *The FEIR fails to properly analyze precipitation values.*

County Response No. 10: This comment was originally raised in Letter 12, Number 10. The County responded to this comment on Final EIR page 487. The precipitation information was provided by the applicant's technical consultants, registered engineers, and hydrogeologists. The County experts on water concurred with the information presented, as pointed out in the County response in the Final EIR. Technical reports that analyzed the proper precipitation values for this site used conservative numbers for the analysis, with low precipitation values (17 inches per year for site—*Comprehensive Hydrogeologic Investigation Report*, Todd Groundwater, page 8, 2018) used as water flows into the site to calculate the water balance, and high precipitation values (23 inches per year—*Paraiso Springs Resort: Existing Hydrologic and Hydraulic Site Conditions*, CH2MHill, page 3, 2005) to analyze drainage technical issues. The reports discussed the genesis of the precipitation values known in the area and how the values were calculated for the property. These technical reports were included in RDEIR Appendices H and J: *Existing Hydrologic and Hydraulic Site Conditions* (2005); *Paraiso Springs Resort – Response to Hydrology and Hydraulic Analysis and Erosion Control Measures Review Comments* (2008); *Drainage Analysis and Drainage Plan Comments* (2012); *Comprehensive Hydrogeologic Report, Paraiso Hot Springs Resort* (2018); *Paraiso Springs Resort – Drainage Analysis and Drainage Plan Comments* (2012). Todd Groundwater addressed this topic in responses BHgl-2, -3, and -17.

Appellant's Contention No. 11: *The FEIR fails to consider potential environmental impacts from pollutants introduced into the groundwater from filling the new in-stream pond with overflow from the spring water used in the resort facilities.*

County Response No. 11: This comment was originally raised in Letter 12, Number 11. The County responded to this comment on Final EIR page 488. As pointed out in the Final EIR response, the springs on the site continuously overflow into the environment and the project will not change that (see Final EIR, response to Letter 12, Numbers 11 and 12). Potential pollutants

from other water sources were analyzed in RDEIR Impact 3.8-3 (2018 RDEIR pages 3-239 through 3-241). Information provided by the applicant's hydrogeologist (Todd Groundwater—*Response to Bierman Hydrogeological (BHgl) Comments and Land Watch Hydro Comment D*, 2018), and reviewed by and concurred with by County expert staff, was also identified in the Final EIR response; see responses BHgl-8, -38 and -39. A technical report identifies that the pond would likely include an aeration system to maintain water quality (RDEIR Appendix J, *Paraiso Springs Resort – PLN040183, Stream Channel Modification, Response to Comments from Monterey County*, CH2MHill, 2013, page 3). The EIR identified that the impact would be less than significant with mitigation. Mitigation Measure 3.8-3 (Long-Term Surface Water Quality) relates to stormwater drainage system design in coordination with Mitigation Measure 3.8-2 (Impact 3.8-2, Long Term Surface Water Runoff), which requires review of a final drainage plan.

Appellant's Contention No. 12: *The FEIR fails to properly analyze the potential impacts from changes in stream temperature due to removal of culverts and riparian vegetation.*

County Response No. 12: This comment was originally raised in Letter 12, Number 12. As explained in the County response in the Final EIR, hot spring water has flowed into the natural environment as long as the springs have been flowing, including during operation of the resort. Biological resources in the area have adapted to this warmer water environment. As pointed out in response provided by the applicant's consultant, and with concurrence from County staff, vegetation will be restored along the creek where the culverts will be removed (FEIR page 488; BHgl-34 response, as amended by County staff (Water Resources Agency, Resource Management Agency—Environmental Services, and Environmental Health Bureau), FEIR page 304. The following other related comments and County Final EIR responses also respond to this contention: Letter 12, Numbers 13 and 17. The County responded to these comments on Final EIR pages 488, 489, and 490.

Another important factor is that surface water is not present continuously in the creeks on the site. The stream flows through the site only in response to precipitation events, estimated to be about 20 days per year (*Comprehensive Hydrogeologic Investigation Report*, Todd Groundwater, 2018, section 4.3). That surface flow would be responsive to the temperature of the rainfall, in relation to any mixing with warm spring water that may be flowing at the time in the creek stretch below the spring ("Soda Springs Well"). The removal of culverts was analyzed in several technical reports found in RDEIR Appendices J and H: *Paraiso Springs Resort (PLN 040183) – Stream Setback Plan*, CH2MHill, 2012; *Paraiso Springs Resort – PLN040183, Stream Channel Modification, Response to Comments from Monterey County*, CH2MHill, 2013; and *Comprehensive Hydrogeologic Report, Paraiso Hot Springs Resort* (2018).

Appellant's Contention No. 13: *The FEIR fails to properly analyze the preparation and implementation of a Storm Water Pollution Prevention Plan as it may not reduce the impact of erosion to a less than significant level.*

County Response No. 13: This comment was originally raised in Letter 12, Number 14. The following related comment and County Final EIR response provided response to this contention: Letter 8, Number 7. The response explains that Low Impact Development (LID) methods will be used to distribute drainage impacts throughout the site and percolate stormwater into the aquifer. The County responded to this comment on Final EIR pages 147. The EIR found that the impact

related to stormwater and erosion are less than significant with mitigation in Impact 3.8-1, Short-term Erosion and Water Quality (RDEIR pages 3-236 and 3-237), and Impact 3.6-5, Short-Term and Long-Term Erosion (RDEIR pages 3-200 and 3-201).

Technical reports that analyzed drainage, erosion control, and water quality issues for this site were prepared. The reports discussed the use of LID structures and methods, including providing detailed descriptions of common techniques that will be used in the final drainage plan to be analyzed for construction and operations. These technical reports were included in 2018 RDEIR Appendices H and J and used in preparing the EIR analysis: *Paraiso Springs Resort: Existing Hydrologic and Hydraulic Site Conditions* (2005); *Paraiso Springs Resort – Response to Hydrology and Hydraulic Analysis and Erosion Control Measures Review Comments* (2008); *Paraiso Springs Resort - Drainage Analysis and Drainage Plan Comments* (2012); and *Comprehensive Hydrogeologic Report, Paraiso Hot Springs Resort* (2018). Todd Groundwater addressed this topic in response BHgl-31.

Appellant’s Contention No. 14: *The FEIR fails to properly analyze the increased potential for seasonal flooding due to climate change as it relates to erosion control and prevention.*

County Response No. 14: This comment was originally raised in Letter 12, Number 14. The response noted that differences relating to climate change are speculative and not foreseeable for seasonal flooding at this site (<https://www.epa.gov/sites/production/files/2016-09/documents/climate-change-ca.pdf>). The site is not subject to seasonal flooding at this time and with uncertainty as to precipitation changes in this area none of the technical reports assumed changes to rainfall rates and intensity relating to climate change and site potential for flooding. The watershed for the project is small above the project site (2018 RDEIR Appendix H, *Comprehensive Hydrogeologic Report, Paraiso Hot Springs Resort* (2018), page 4), so effects from different storm characteristics, along with large capacity for the existing stream channel in relation to the existing storm flows (2018 RDEIR Appendix J, *Paraiso Springs Resort (PLN 040183) – Stream Setback Plan* (2012), pages 1 and 2) provide specific evidence that a potential impact is not expected for this site. These documents demonstrate that high flows in the creek are approximately 400 cubic feet per second while the channel capacity is approximately 4000 cubic feet per second. The response also notes that the commenter provided no evidence as to what seasonal flooding changes would occur. The project site is not located within a federally designated special flood hazard area. See Final EIR response on FEIR page 489. Todd Groundwater addressed this topic in response BHgl-31.

The following other related comments and County Final EIR responses also respond to this contention: Letter 5, Number 10; Letter 7, Number 69; and Letter 12, Number 17. The County responded to these comments in the Final EIR. The 2018 RDEIR addressed flooding in Impact 3.8-3, in particular on RDEIR page 3-241, RDEIR page 3-220, and 2018 RDEIR Appendix G.

Appellant’s Contention No. 15: *The FEIR fails to properly analyze how the increase in impervious area would reduce the percolation to the source aquifer and therefore impact the quantity and quality of water from the Pura Spring.*

County Response No. 15: This comment was originally raised in Letter 12, Number 15. As pointed out in the FEIR response (page 489), the assumption that percolation to the aquifer would be reduced is not correct. Percolation is calculated to increase as identified by the project

hydrogeologist (RDEIR Appendix H, *Comprehensive Hydrogeologic Report, Paraiso Hot Springs Resort* (2018), pages 24 and 25) and County staff (Water Resources Agency and Resource Management Agency—Environmental Services) concurs. This would be achieved through the collection of impervious surface storm runoff and percolation through LID methods into the local aquifer. The aquifer is shallow in the project area allowing efficient percolation. Todd Groundwater addressed this topic in response BHgl-33. The following other related comments and County Final EIR responses also respond to this contention: Letter 7, Number 41 and Letter 12, Numbers 19, 25 and 32. The County responded to these comments in the Final EIR.

Appellant’s Contention No. 16: *The FEIR fails to properly analyze the proposed stream crossings. Stream crossings must be designed to meet expected future flows, not storm water volumes typical in the past.*

County Response No. 16: This comment was originally raised in Letter 12, Numbers 14 and 17. See the response to appellant contention 14, above. The responses describe that the site does not include any FEMA-designated special flood hazard areas, that future flows from climate change cannot be predicted, and that the project will have stream crossing designs that meet current design standards to not obstruct stream flows. The following other related comment and County Final EIR responses also respond to this contention: Letter 7, Number 25. The County responded to this comment on Final EIR page 118.

Stream crossings were also analyzed in several technical reports that were included in RDEIR Appendices J and H: *Paraiso Springs Resort: Existing Hydrologic and Hydraulic Site Conditions* (2005); *Paraiso Springs Resort – Response to Hydrology and Hydraulic Analysis and Erosion Control Measures Review Comments* (2008); *Paraiso Springs Resort - Drainage Analysis and Drainage Plan Comments* (2012); *Paraiso Springs Resort (PLN 040183) – Stream Setback Plan* (2012); and *Comprehensive Hydrogeologic Report, Paraiso Hot Springs Resort* (2018). Todd Groundwater addressed this topic in response BHgl-34, as amended by County staff (Water Resources Agency, Resource Management Agency—Environmental Services, and Environmental Health Bureau), FEIR page 304.

Appellant’s Contention No. 17: *The FEIR fails to properly analyze the impacts of the Stormwater Detention Basin being located in a soil type considered marginal with a moderate to high liquefaction potential.*

County Response No. 17: This comment was originally raised in Letter 12, Number 18. The FEIR response includes reference to the applicant’s hydrogeologist’s response, with concurrence from County Water Resources Agency and Resource Management Agency—Environmental Services staff (FEIR page 305). As pointed out above in response to Appellant’s Contention No. 9, the project had a technical report (Landset Engineers) prepared that analyzed the site’s geology and geotechnical setting; the report was included in the RDEIR as Appendix F and provided subsurface information for several other technical reports, including the drainage and erosion control technical documents included in RDEIR Appendix J. The EIR consultant team for the Lead Agency included peer review of the LandSet Engineers geologic and geotechnical work by engineers and geologists, who assisted with preparation of the Geology and Soils chapter (Chapter 3.6) of the RDEIR. The RDEIR analyzed liquefaction potential in Impact 3.6-3, Liquefaction and/or Lateral Spreading, and found that the potential impact was less than

significant with mitigation, which was linked to compliance with state requirements (California Department of Mines and Geology Special Publication 117). Todd Groundwater addressed this topic in responses BHgl-35 and -36, as amended by County staff (Water Resources Agency, Resource Management Agency—Environmental Services, and Environmental Health Bureau), FEIR pages 304 and 305.

The following other related comments and County Final EIR responses also respond to this contention: Letter 7, Number 26 and Letter 12, Number 16. The County responded to these comments in the Final EIR.

Appellant’s Contention No. 18: *The FEIR fails to evaluate whether development up-gradient or at side gradient of the Pura Spring could adversely affect its water quality and quantity.*

County Response No. 18: This comment was originally raised in Letter 12, Number 19. Please also see the responses, above, to Appellant’s Contention Nos. 1, 4, 5, 9 and 15. The FEIR response identifies that the RDEIR analyzed potential effects on the spring in Chapter 3.8, section 3.8.4, including but not limited to analysis in Impact 3.8-2, Long Term Surface Water Runoff; Impact 3.8-3, Long-Term Surface Water Quality; Impact 3.8-4, Long-Term Water Supply; Impact 3.8-7, Potential Spring Impact; and Impact 3.8-8 Groundwater Water Quality. The conclusion of Impact 3.8-7, which is the specific analysis relating to the project’s potential environmental effect related to springs, is a less than significant impact. Impacts 3.8-2, 3.8-3, and 3.8-8 are less than significant with mitigation measures. Impact 3.8-4 is less than significant.

The project’s hydrogeologic report states the following (*Comprehensive Hydrogeologic Report, Paraiso Hot Springs Resort* (2018), section 10.1, page 31):

“Simulated drawdown at the Paraiso spring used by the Pura Ranch was approximately 0.8 foot which is very small. Springs are sometimes associated with local hydrogeologic anomalies. It is possible that even if drawdown occurred in the general vicinity of the spring, the spring discharge might not be affected.”

The hydrogeologist analyzed the impacts from the project on the aquifer but cannot make a definitive statement related to the response of a single spring, as explained in the quote. No impact on the environment would occur, however, even if the spring were dewatered, as explained in response to Appellant’s Contention No. 22, below. Todd Groundwater addressed this topic in most responses; however, see in particular responses BHgl-32, -33, -34, and -36, as amended by County staff (Water Resources Agency, Resource Management Agency—Environmental Services, and Environmental Health Bureau), FEIR pages 301, 304 and 305.

The following other related comments and County Final EIR responses also respond to this contention: Letter 7, Numbers 35, 38, and 46; Letter 9, Number 2; Letter 10, Number 20; and Letter 12, Numbers 35, 36, 37, 39, 41 and 53. The County responded to these comment in the Final EIR.

Appellant’s Contention No. 19: *The FEIR fails to properly analyze the impacts of the implementation of the Sustainable Groundwater Management Act.*

County Response No. 19: This comment was originally raised in Letter 12, Number 20. The

Final EIR, in response to Letter 12, comment Number 22 states that the Sustainable Groundwater Management Act (SGMA) should help the County achieve a sustainable groundwater system, but that “no reasonably foreseeable SGMA implementation measures have been adopted to date.” The Final EIR also notes that the project is not located within a Critically Overdrafted Basin pursuant to SGMA. The RDEIR discusses the impacts to groundwater basins in Chapters 3.8, Hydrology and Water Quality, and 4.5, Cumulative Impacts. Less than significant impacts were identified for the project’s potential impacts on water supply (Impact 3.8-4, Long-Term Water Supply, and Impact 3.8-5, Effect on Salinas Valley Groundwater Levels, RDEIR pages 3-241 through 3-249) and for potential cumulative impacts (RDEIR Section 4.5.2, pages 4-11 through 4-14). Todd Groundwater addressed this topic in response BHgl-37. The appellant does not cite any implementation measures that could cause a potential environmental effect; however, no plan has yet been adopted (see next paragraph). The following other related comments and County Final EIR responses also respond to this contention: Letter 12, Numbers 22 and 23. The County responded to these comments on Final EIR page 491.

As of mid December 2019, the Salinas Valley Groundwater Sustainability Agency (Sustainability Agency) had scheduled a hearing for adoption of its Groundwater Sustainability Plan, applicable to the Salinas Valley aquifer (<https://svbgsa.org>). An EIR is not required to be constantly updated to keep up with every changing circumstance. As of the release date of the Final EIR, the Sustainability Agency actions were uncertain and remain so as of the writing of this report. According to the Sustainability Agency’s website (<https://svbgsa.org/groundwater-sustainability-plan/180-400-ft-aquifer/>), the Groundwater Sustainability Plan must be adopted by January 31, 2020. Plan adoption was scheduled for hearing before the Sustainability Agency on January 9, 2020. Their website does not yet list the Groundwater Sustainability Plan as adopted.

Appellant’s Contention No. 20: *The best management techniques for controlling runoff are not sufficient mitigation for the potential lowering of the water table due to the Project’s drawdown of 17.8 acre-feet per year from the basin.*

County Response No. 20: As stated in response to appellant contention 13, above, the project will be utilizing Low Impact Development best management practices to disperse stormwater drainage throughout the site and percolate that drain water to the aquifer. They are not proposed as mitigation measures, but as project design components.

This comment was originally raised in Letter 12, Number 24. The Final EIR response explains that these best management practices were part of the water balance calculations and do not, alone, determine the impact the project will have on groundwater levels in the aquifer. The proposed drainage methods were proposed to comply with stormwater requirements from the state and County; they were not designed to fully offset all water use of the project. The response points out that the analysis in RDEIR Chapters 3.8 and 4.5 described all the factors and performed the analysis to determine potential environmental effects relating to groundwater levels. A comprehensive hydrogeologic report was prepared and evaluated by County staff in preparing the EIR (RDEIR Appendix H). See the response to appellant contention 19, above, which explains that potential impacts to groundwater levels and water supply were determined to be less than significant. Todd Groundwater addressed this topic in responses BHgl-31, as amended by County Staff (Water Resources Agency, Resource Management Agency—Environmental Services, and Environmental Health Bureau), FEIR page 304, and BHgl-33 (Final EIR page 301).

The following other related comments and County Final EIR responses also respond to this contention: Letter 7, Number 42, and Letter 12, Numbers 15, 19, 25 and 30. The County responded to these comments in the Final EIR.

Appellant's Contention No. 21: *The FEIR fails to properly analyze potential impacts from introduction of overflow from spring water used in the resort facilities as it may relate to encouragement of non-native vegetation, such as Mexican fan palm, Peruvian pepper trees, tree tobacco, castor bean, and curly dock.*

County Response No. 21: This comment was originally raised in Letter 12, Number 27. The County responded to this comment on Final EIR page 493. The response pointed out that no new overflow of spring water would be introduced into the environment (*Comprehensive Hydrogeologic Report, Paraiso Hot Springs Resort* (2018), section 2). The water has always flowed as surface water downstream of the springs, whether flowing through the pool system or naturally flowing from the springs. In addition, the project hydrogeological report points out that surface water flows infiltrate into the ground prior to leaving the site, except during precipitation events (*Comprehensive Hydrogeologic Report, Paraiso Hot Springs Resort* (2018), section 4.3). That means that any potential non-native vegetation growing from the resort's spring would be limited to on-site areas; the resort's landscaping staff would maintain the landscaping and eliminate unwanted species in the development area. The area subject to the overflow is from the main hotel area to the project entrance, which will be maintained by the landscaping staff. Todd Groundwater addressed this topic in responses BHgl-8, -38, and -39. The following other related comment and County Final EIR response also respond to this contention: Letter 12, Number 12 (Final EIR page 488).

Appellant's Contention No. 22: *The FEIR fails to analyze Ms. Pura's superior rights to the Pura Spring.*

County Response No. 22: This comment was originally raised in Letter 12, Number 29. As pointed out in the Final EIR response, no specific evidence to support the claim of a superior right has been provided to the County. As stated in the hydrogeological report (RDEIR Appendix H, *Comprehensive Hydrogeologic Report, Paraiso Hot Springs Resort* (2018), section 10.1, page 31):

“Under California water law, spring water is considered surface water after it leaves the ground. However, the diversion to the neighboring parcel is not pursuant to a surface water right but rather to a contract between the two parcel owners that was initiated in 1918. Thus, any change in spring discharge would be governed by the terms of the contract.”

No matter who has rights to the spring, the EIR analyzed potential environmental impacts related to groundwater, springs, surface water, including quantity and quality. The RDEIR analyzed the potential environmental impacts related to the project's effects on springs and found the impact less than significant (RDEIR Impact 3.8-7, Potential Spring Impact, pages 3-251 and 3-252). Rights associated with the spring do not affect either the flow from the spring or the County's conclusion of no potential environmental impacts, as all available spring water is already diverted from the environment at the spring box (*Comprehensive Hydrogeologic Report, Paraiso Hot Springs Resort* (2018), section 10.1, page 31). In particular, see responses BHgl-22 and BHgl-23 from the applicant's hydrogeologist (Todd Groundwater) related to the spring (Final EIR page 298); the County concurs in these responses. The following other related comments and County Final EIR responses also respond to this contention: Letter 12, Numbers 28 and 53. The County responded to these comments in the Final EIR.

Appellant's Contention No. 23: *The FEIR fails to fully address the impacts of the Project on the Pura Spring.*

County Response No. 23: This comment was originally raised in Letter 12, Number 30. The responses in the Final EIR discuss how water quality would be affected and the project's impacts on groundwater levels. The 2018 RDEIR included a specific analysis related to potential impacts on springs, Impact 3.8-7, Potential Spring Impact, and determined a less than significant impact. Please also see the responses, above, to Appellant's Contention Nos. 1, 4, 5, 9, 15, 18, and 22. The applicant's hydrogeologist (Todd Groundwater) prepared responses to comments related to inadequate analysis for impacts on springs. County staff (Water Resources Agency and Resource Management Agency—Environmental Services) reviewed the hydrogeologist's responses and concurs with them, as amended by County staff (Final EIR pages 292 through 305); see in particular response BHgl-23. The RDEIR addressed impacts to springs in Chapter 3.8, particularly in Impact 3.8-7, Potential Spring Impact (pages 3-251 and 3-252), but also with related analysis applicable to groundwater basins (also see response to appellant contentions 15, 18 and 19, above).

The following other related comments and County Final EIR responses also respond to this contention: Letter 7, Numbers 30 and 38; Letter 9, Number 2; and Letter 12, Numbers 3, 7 and 53. The County responded to these comments in the Final EIR.

Appellant’s Contention No. 24: *The FEIR fails to address full development of the Pura Spring.*

County Response No. 24: This comment was originally raised in Letter 12, Number 31. The spring generates whatever flow it generates, which is then collected in a spring box and conveyed by 1 inch pipe for the neighbor’s use. The pipe can only collect whatever water surfaces from the spring, to the capacity of the pipe. The baseline (existing setting) for this is that all the water that flows from the spring is currently collected. If the spring could be developed further, it would only collect whatever water surfaces from the spring and convey it to the neighbor’s property. No potential environmental impact would occur, as there would be no change to the physical environment from the existing setting. The RDEIR addressed impacts to springs in Chapter 3.8, particularly in Impact 3.8-7, Potential Spring Impact (pages 3-251 and 3-252), but also with related analysis applicable to groundwater basins (also see response to appellant contentions 15, 18, 22 and 23, above). Todd Groundwater addressed this topic in response BHgl-23. The following other related comments and County Final EIR responses also respond to this contention: Letter 12, Numbers 28, 29, 30 and 53. The County responded to these comments in the Final EIR.

Appellant’s Contention No. 25: *The FEIR fails to analyze the relationship between precipitation events and the Pura Spring.*

County Response No. 25: This comment was originally raised in Letter 12, Number 32. Please see responses to Appellant’s Contentions 10 and 14, above. Precipitation was determined through a number of reports and is best summarized by the project hydrogeological report (*Comprehensive Hydrogeologic Report, Paraiso Hot Springs Resort* (2018), section 4.1, page 8). The applicant’s hydrogeologist (Todd Groundwater) provided information relating to this topic in BHgl-5 and BHgl-17 (FEIR pages 293 and 297). County staff (Water Resources Agency and Resource Management Agency—Environmental Services) reviewed the hydrogeologist’s responses and concurs with them (FEIR page 304). The response found that the response of springs to precipitation events was immaterial to the analysis and conclusions, as explained in the responses. The following other related comments and County Final EIR responses also respond to this contention: Letter 12, Numbers 10 and 32. The County responded to these comments in the Final EIR.

Appellant’s Contention No. 26: *The FEIR fails to properly analyze the impacts of the wastewater treatment facility with waste flowing through a membrane bioreactor into a biological treatment tank. The FEIR fails to take into consideration the possibility of failure or leakage from this treatment facility. The potential for major disruption to the system must take into account the many faults and seismic hazards in the area.*

County Response No. 26: This comment was originally raised in Letter 12, Number 33. The response described the wastewater treatment system as being a closed system and noted that leaks of wastewater would be aboveground and found quickly. Wastewater that has been treated would be cleaned to a level that meets water quality standards and would be cleaner than the water found in the aquifer (FEIR page 494). Technical studies analyzing the wastewater system and its potential impacts were included in the RDEIR as Appendices J and

H. A technical study analyzed potential geologic hazards for the site (RDEIR Appendix F); RDEIR Chapter 3.6 provided an analysis of geologic hazards and found that potential environmental impacts would be less than significant with mitigation (RDEIR Section 3.6.5). Technical studies that specifically addressed the wastewater system included *Paraiso Springs Resort – Estimated Wastewater Production and Proposed Treatment, Irrigation and Storage* (2010); *Paraiso Springs Resort – Review of Wastewater System* (2012, as modified in February 2013); email from CH2MHill (Dave Von Rueden) to John Thompson, *Paraiso Springs Resort – EIR Questions* (March 19, 2013); and *Comprehensive Hydrogeologic Report, Paraiso Hot Springs Resort* (2018), sections 1.2 and 7 through 12. Todd Groundwater addressed this topic in responses BHgl-24 through BHgl-29. The following other related comment and County Final EIR responses also respond to this contention: Letter 9, Number 2. The County responded to this comment on Final EIR page 166.

Appellant’s Contention No. 27: *The FEIR fails to consider potential impacts from the wastewater treatment facility's possible failure to meet the goal of nitrate-nitrogen levels of less than 6 mg/L, especially in light of the significantly heightened attention being paid to nitrate contamination of groundwater in the region.*

County Response No. 27: This comment was originally raised in Letter 12, Number 34. Nitrate contamination of groundwater has been a concern for many years in the Salinas Valley; there is no “significantly heightened attention being paid to nitrate contamination...” The treatment facility will be designed to achieve water quality standards (discharge requirements) required by the regulatory agencies that oversee the facility’s operations, as described in the FEIR response (FEIR page 494).

Technical studies analyzing the wastewater system and its potential impacts were included in the RDEIR as Appendices J and H. The studies included the *Comprehensive Hydrogeologic Report, Paraiso Hot Springs Resort* (2018), which states in section 9 the following:

“All of the nitrogen in recycled water used for irrigation would be taken up by plants and would not pose a rise of groundwater contamination.”

As stated in the project description in the EIR and in the hydrogeologic report, all wastewater will be treated to a tertiary standard and used for landscape irrigation (RDEIR Appendix J, *Paraiso Springs Resort – Estimated Wastewater Production and Proposed Treatment, Irrigation, and Storage* (2010), page 2). Todd Groundwater addressed this topic in response BHgl-29. As stated earlier, the Regional Water Quality Control Board reviewed multiple draft EIRs and did not provide any comments.

The following other related comment and County Final EIR responses also respond to this contention: Letter 7, Number 37. The County responded to this comment on Final EIR page 123.

Appellant’s Contention No. 28: *The FEIR fails to address the impacts of a sewage spill at the wastewater treatment facility on the Pura Spring water source.*

County Response No. 28: This comment was originally raised in Letter 12, Number 37. See response to appellant contention 26, above. The following other related comments and County

Final EIR responses also respond to this contention: Letter 7, Numbers 28, 29, 37, and 46; Letter 9, Number 2; and Letter 12, Numbers 3, 33, 36, 38, 39 and 53. The County responded to these comments in the Final EIR.

The RDEIR analyzed the potential hazards of a sewer spill in Chapter 3.7, Hazards and Hazardous Material, Impact 3.7-1, Use of Hazardous Materials During Operation, and determined the potential impact would be less than significant (RDEIR pages 3-211 and 3-212). The design and operation of the wastewater plant are regulated in state and local law as explained in this section of the EIR. The RDEIR also studied the potential environmental impact in Chapter 3.11, Public Services and Utilities, Impact 3.11-1, Wastewater Generation and Treatment, and determined the potential impact would be less than significant (RDEIR pages 3-319 through 3-322). Todd Groundwater addressed this topic in responses BHgl-24 and -29.

Appellant's Contention No. 29: *The FEIR fails to analyze whether standard wastewater setbacks should be augmented as it relates to the treatment tank and the Pura Spring.*

County Response No. 29: This comment was originally raised in Letter 12, Number 39. Please also see response to Appellant Contention No. 28, above. As explained in the FEIR response, the treatment tank will contain tertiary treated, disinfected recycled water, and is designed to be watertight. Any accidental leak would not have an adverse effect on the aquifer, any spring or well, due to the treated water's quality. Todd Groundwater addressed this topic in responses BHgl-24 and -25. The following other related comments and County Final EIR responses also respond to this contention: Letter 9, Number 2, and Letter 12, Numbers 3, 33, 35, 36, 37, 38, 40, and 53. The County responded to these comments in the Final EIR. The Conditions of Approval for the project require that the facility be setback a minimum of 100 feet from any spring. The relocation is being required to conform with Table 3 of State Water Resources Control Board Order No. 2014-0153-DWQ, which provides setbacks from impoundments to wells and/or streams, as described in the Final EIR.

Appellant's Contention No. 30: *The underground wastewater storage tank is to be 216 feet from the Pura Spring, but will be at a depth of 20 feet. The FEIR must analyze boring results during seasonal high-groundwater conditions.*

County Response No. 30: This comment was originally raised in Letter 12, Number 40. The County responded to this comment on Final EIR page 496, explaining that the tank will be watertight and noting that the state does not promulgate regulations governing a separation between storage tanks and groundwater. See response to Appellant Contention No. 29, above, explaining that the water stored in this tank is treated to meet all water quality standards. As stated in response to Appellant Contention Nos. 28 and 29 above, the EIR identified impacts as less than significant. None of the County's technical consultants objected to borings being conducted in August and no evidence has been provided that such testing would not be appropriate to analyze potential impacts to the environment. Groundwater is close to the surface in this area, as shown in the borings (RDEIR Appendix F) and as observed by year-round flows from the site's springs. Todd Groundwater addressed this topic in responses BHgl-27 and -28.

Appellant's Contention No. 31: *The FEIR fails to properly analyze the excavation and*

development of the wastewater storage tank up-gradient from the Pura Spring.

County Response No. 31: This comment was originally raised in Letter 12, Number 41. The County responded to this comment on Final EIR page 496, explaining that impacts to springs (RDEIR Impact 3.8-7) and to wastewater generation and treatment (RDEIR Impact 3.11-1) were analyzed and found to be less than significant. The response also explained that potential environmental impacts from changes to spring flows would not be any different than the existing (baseline) conditions where all water flowing from the spring is captured. Technical reports that provided evidence for the CEQA analysis are included in RDEIR Appendices F, H, and J. Todd Groundwater addressed this topic in responses BHgl-30 and -31, as amended by County Staff (Water Resources Agency, Resource Management Agency—Environmental Services, and Environmental Health Bureau) (FEIR pages 300, 301, and 304), and in response BHgl-32.

Appellant's Contention No. 32: *The FEIR fails to properly analyze the new growth that would result from the Project.*

County Response No. 32: This comment was originally raised in Letter 12, Numbers 43 and 44. The FEIR response describes the sections in the RDEIR where this issue was analyzed, with a determination that there were no potential environmental impacts (FEIR page 497, in response to comment 43). The RDEIR analyzed this topic in sections 4.3.1, Growth-Inducing Impacts, Methodology (RDEIR pages 4-2 and 4-3); 4.4, Effects Found to Have No Impact: Population and Housing (RDEIR pages 4-4 and 4-5); and 4.5, Cumulative Impacts. As described in RDEIR section 4.5.2, Cumulative Impacts Assumptions and Analysis, the Association of Monterey Bay Area Governments provided a letter, dated April 8, 2010, that states the project would be consistent with the growth forecasts in the County of Monterey (RDEIR page 4-7). That letter also states that, since 2010, population growth has been less than the forecast for the region. This section of the RDEIR analyzed population growth in relationship to cumulative air quality impacts and found the impact not significant, as the project would be consistent with population forecasts (RDEIR page 4-8).

The following other related comments and County Final EIR responses also respond to this contention: Letter 7, Number 76. The County responded to this comments on Final EIR page 137.

Appellant's Contention No. 33: *The FEIR fails to properly analyze day trips created by the Project.*

County Response No. 33: This comment was originally raised in Letter 12, Number 46. The Final EIR provides a comprehensive discussion relating to trip generation calculations for this project in Master Response 5 (Final EIR pages 14 through 18) and in response to Letter 10, Number 22 (Final EIR pages 263 through 265). The response provides detailed information regarding use of the Institute of Transportation Engineers *Trip Generation Manual*, the use of local surveys for daytime trip generation, and the use of shuttles. Technical reports for Transportation were included in 2018 RDEIR Appendix K. Traffic generated by the project was determined to be less than significant (RDEIR Impact 3.12-1, Intersection and Roadway Segments Level of Service Impacts, pages 3-334 through 3-338; RDEIR Section 4.5.2, Cumulative Impacts Assumptions and Analysis, pages 4-16 and 4-17).

The following other related comments and County Final EIR responses also respond to this contention: Letter 5, Number 6, Letter 8, Number 4, and Letter 10, Numbers 9 and 22 a through f. The County responded to these comments in the Final EIR.

Appellant's Contention No. 34: *The FEIR fails to properly analyze potentially significant impacts to mass transit.*

County Response No. 34: This comment was originally raised in Letter 12, Number 48. The County responded to this comment on Final EIR page 498. The response described the threshold of significance related to mass transit and referenced the RDEIR discussion found in Section 3.12.4 (pages 3-332 and 3-333). RDEIR section 3.12.5 determined that the project would have no environmental impact on all forms of "alternative transportation," including mass transit (Final EIR page 498; RDEIR page 3-342).

Ninety-eight employees would constitute the largest shift at project buildout. An analysis of the capacity of one of the local Park and Ride lots (Soledad) was provided in 2013 and shows that the site would have excess capacity (Email from John Thompson to John Ford et al., Monterey County Resource Management Agency, April 22, 2013). The Park and Ride lot is served by a bus stop near the Monterey-Salinas Transit (MST) bus line #23 (<https://mst.org/wp-content/media/23.pdf>), so employees may connect to the only other transit available in this area of the Salinas Valley. Two other MST lines serve Soledad, but the stops are located over a quarter mile from the Park and Ride lot. Depending on employee residence locations, other Park and Ride lots in the Salinas Valley may be used (e.g., Greenfield).

Appellant's Contention No. 35: *The FEIR fails to properly analyze the dominant land use surrounding the Project. The area surrounding the Project is predominately ranching and agriculture. Frequently, the machinery involved in such operations includes tractors with implements that can reach twenty (20) in widths. During the entry and exit of fields with these implements, traffic in both directions on Paraiso Springs Road is completely stopped. The FEIR fails to analyze and define mitigations for this.*

County Response No. 35: This comment was originally raised in Letter 12, Number 50. The Final EIR response points the commenter to the discussion in RDEIR Section 3.9.5, Land Use and Planning, Impacts and Mitigation Measures (RDEIR pages 3-261 through 3-279). The response also describes that the RDEIR analyzed traffic from agricultural land uses in Section 3.12.2 under *Traffic from Agricultural Land Use near Project Site* (RDEIR page 3-330). A less than significant impact was identified for Impacts 3.12-1, Intersection and Roadway Segments Level of Service Impacts, and 3.12-2, Roadway Hazards (RDEIR pages 3-334 through 3-343). Movement of tractors and implements are temporary and must meet vehicle code requirements for use on public roads.

The following other related comments and County Final EIR responses also respond to this contention: Letter 12, Number 21. The County responded to this comment on Final EIR pages 490.

Appellant's Contention No. 36: *The FEIR fails to propose a project alternative that utilizes an alternative access roadway.*

County Response No. 36: This comment was originally raised in Letter 12, Number 52. The County responded to this comment on Final EIR page 499, concluding that the “project would not result in any potentially significant impacts.” The CEQA Guidelines requires the Lead Agency to analyze a reasonable range of alternatives that avoids or substantially lessens identified significant environmental impacts (CEQA Guidelines section 15126.6). The applicant does not own any logical offsite properties where such a road could be located, although that is not necessarily a limiting factor in analyzing alternatives. As no potentially significant environmental impacts were found, an alternative was not required for roadway impacts. The Final EIR response described the CEQA requirements for analyzing a reasonable range of alternatives and that roadway impacts were found to be less than significant (RDEIR pages 3-334 through 3-343). See response to appellant contention 35, above. The Final EIR also addresses the topic of the rights of the project to utilize the public road in Master Response 6: Road Ownership, Right to Intensify Road Use, and Compensation (Final EIR pages 18 and 19).

Appellant's Contention No. 37: *The FEIR fails to propose a project alternative that relocates the Project further from the Pura Spring so as to avoid interfering with Ms. Pura's superior contractual rights to the Pura Spring and her right to develop all of the water therein and to protect the wetlands.*

County Response No. 37: This comment was originally raised in Letter 12, Number 53. As pointed out in the commenter's technical consultant document, Rincon Consultants did not conduct wetland delineations themselves (Rincon Consultants, Inc., August 15, 2014 (resubmitted March 6, 2018), pages 2 and 3), nor did they review the 2016 updated wetland information (Rincon Consultants, Inc., August 15, 2014 (resubmitted March 6, 2018), page 1) provided by WRA Environmental Consultants (see County Response No. 4, above). The County responded to this comment on Final EIR pages 499 and 500. As described above in response to several appellant contentions, impacts to the spring were determined to be less than significant (RDEIR Impact 3.8-7, Potential Spring Impact, pages 3-251 and 3-252). As described above in response to Appellant Contention No. 36, no alternative is required to be analyzed to avoid or lessen impacts that are not significant. Please also see responses to Appellant Contentions relating to, wetlands, spring impacts and water rights, above.

Appellant's Contention No. 38: *The FEIR fails to propose a project alternative that makes use of the 35-acre parcel designated as APN 418-361-009.*

County Response No. 38: This comment was originally raised in Letter 12, Number 54. The response in the Final EIR points out that the CEQA Guidelines do not require that the alternatives analysis include other property owned by the property owner. An alternative location can be a consideration in the EIR analysis. In this case, the property requested to be analyzed as an alternative is mountainous and does not appear to provide an opportunity to avoid or lessen environmental impacts. On the contrary, the property, if proposed to be part of the development area, would likely increase potential impacts (Final EIR page 500). As described in RDEIR Section 5.1.2, Alternatives Screening Process, site suitability is one of the factors used to determine the reasonable range of alternatives, as well as the ability to avoid or lessen significant environmental impacts (RDEIR page 5-2). The following other related comments and County Final EIR responses also respond to this contention: Letter 7, Number 48 and Letter 10, Number 28. The County responded to these comments on Final EIR pages 130 and 272.

A technical study demonstrated that the site to the southwest consists of average slopes of approximately 40 percent (Paraiso Springs Resort: Existing Hydrologic and Hydraulic Site Conditions, (2005), page 1). The condition of this site as steep slopes is borne out by the project planner's site visits as well as the County's Geographic Information System (https://maps.co.monterey.ca.us/Html5Viewer/index.html?viewer=PBI_Map.PBI_Map_Viewer), which shows practically the entire site in steep slopes. The property is in the mountains without a valley floor area.

Appellant's Contention No. 39: *The FEIR fails to provide adequate detail as to why the hotel only alternative was eliminated.*

County Response No. 39: This comment was originally raised in Letter 12, Number 55. The County responded to this comment on Final EIR page 500, explaining that the project would not meet one of the basic County objectives for the project, as well as many other project objectives identified in the EIR. As pointed out in RDEIR Section 5.1.3, Alternatives Eliminated from Detailed Analysis, a hotel-only alternative was eliminated as economically infeasible and unable to meet a number of project objectives. The Final EIR points out that this alternative would not meet a fundamental objective identified by the County as Lead Agency, as described in the Final EIR response to Letter 12, Number 55. The response also points to applicable sections of the CEQA Guidelines to explain why this potential alternative was eliminated.