County of Monterey
Santa Lucia Preserve

Addendum to EIR
(No. 94-005)

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Chapter 1. Introduction

BACKGROUND

An environmental impact report (EIR) on the Santa Lucia Preserve Project was prepared in 1995 (County EIR No. 94-005). The EIR analyzed the project's effects on land use; population and housing; economics; geology and minerals; soils; groundwater, hydrology, stream base flow, and water supply; runoff, flooding, and water quality; fisheries; biological resources; aesthetics; traffic; climate and air quality; noise; public services and utilities; and cultural resources, as well as social effects and cumulative impacts. The project, as analyzed in the final EIR, called for preserving 18,000 acres of land and pursuing limited development (i.e., 297 market rate lots, 53 employee housing units, 150 visitor-serving units, and commercial and recreation facilities) of the least environmentally sensitive lands. The Monterey County Board of Supervisors certified the final EIR on February 6, 1996, pursuant to the California Environmental Quality Act (CEQA), and approved the project. Since certification of the EIR and project approval, four events have transpired that have resulted in minor modifications to the project and the circumstances under which the project will be undertaken. These include the passage of Measure M, a decision by the Superior Court on the county's approval of the project, the listing of the California red-legged frog as endangered under the federal Endangered Species Act (ESA), and the listing of the steelhead as threatened under the ESA. Pursuant to the ESA, the USFWS has issued a "no jeopardy" biological opinion for the project, which specifies additional conditions regulating implementation of the project. The changes related to these four events and their environmental ramifications are described in Chapters 2 and 3 of this addendum.

PURPOSE OF ADDENDUM

Because of the changes briefly described above, additional environmental analysis is required. The purpose of this addendum to the final EIR is to analyze the effects of Measure M, the Superior Court's decision, and new information associated with the red-legged frog and steelhead to determine if any impacts not previously identified in the final EIR will occur.

REQUIRED CEQA DOCUMENTATION

When an EIR has been certified and the project description changes or new information becomes available that may result in new impacts not previously identified, the State CEQA

Guidelines provide for three types of additional documents to address these changes: a subsequent EIR (Section 15162), a supplemental EIR (Section 15163), and an addendum to an EIR (Section 15164). Following is a description of these additional documents.

Subsequent EIR and Supplemental EIR

A subsequent EIR or supplemental EIR is required when one or more of the conditions described below are met:

- substantial changes are proposed to a project that will require major revisions to the previous EIR because of the involvement of new significant environmental effects or a substantial increase in the severity of previously identified effects;

- substantial changes in the circumstances under which a project is undertaken will require major revisions of the previous EIR because of the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

- new information of substantial importance, which was not known and could not have been known without the exercise of reasonable diligence at the time the original EIR was certified, becomes available and shows that any of the following will occur:

  - the project will have one or more significant effects not discussed in the previous EIR,

  - significant effects previously examined will be substantially more severe than shown in the previous EIR,

  - mitigation measures or alternatives previously found not to be feasible would, in fact, be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt them, or

  - mitigation measures or alternatives that are considerably different from those analyzed in the previous document would substantially reduce one or more significant effects, but the project proponents decline to adopt them.

Differences between Subsequent EIR and Supplemental EIR

A subsequent EIR is prepared if the previous EIR requires major revision, whereas a Supplemental EIR may be prepared if the revision is not considered major. Both must be

recirculated for public review, following the requirement of the original EIR. (State CEQA Guidelines Secs. 15162 and 15163[c].)

Addendum to EIR

An addendum to an EIR is appropriate when all of the following conditions are met:

- minor technical changes or additions are necessary to make the previous EIR adequate,
- the changes made to the EIR initiated by the addendum do not raise important new issues about significant effects on the environment, and
- none of the conditions requiring a subsequent or supplemental EIR are present.

An addendum does not need to be circulated for public review, but must be considered in agency decision making.

Because changes in the Santa Lucia Preserve Project are minor and would not result in new significant impacts not previously identified in the final EIR, an addendum is the appropriate CEQA document to address the revised project. Refer to Chapter 3 for further discussion of these changes supporting these conclusions.

ORGANIZATION OF ADDENDUM

This document is organized in the following chapters:

- Chapter 1, "Introduction", describes the background of the project, the purpose of the addendum, CEQA requirements for projects requiring additional environmental documentation subsequent to certification of a final EIR, and the organization of the addendum.
- Chapter 2, "Revised Project Description", describes the changes in the project description.
- Chapter 3, "Environmental Effects", describes the effects of the revised project in comparison to the analysis in the final EIR.
- Chapter 4, "Citations", lists the references cited in this addendum.
- Chapter 5, "List of Preparers", identifies the individuals responsible for the preparation of this addendum.

Chapter 2. Revised Project Description

BACKGROUND

As mentioned in Chapter 1, passage of Measure M and a decision by the Superior Court resulted in minor modifications to the Santa Lucia Preserve Project as it was described and evaluated in the final EIR. The Board of Supervisor's approval of the Santa Lucia Preserve included approval of Ordinance No. 03857 to allow rezoning of approximately 1,135 acres of the project site primarily for visitor accommodation and commercial development at the preserve. The ordinance subsequently was nullified in a voter referendum (Measure M) during the November 5, 1996 general election, preventing rezoning at the project site. Additionally, the Sierra Club and the Coalition to Preserve Rancho San Carlos sued the County of Monterey in Superior Court challenging approval of the project and certification of the EIR (*Sierra Club et al. v. County of Monterey et al.*). On March 4, 1997, the Superior Court issued a Statement of Decision upholding the Board's certification of the EIR and approval of the project, with three exceptions:

- a limited number of building sites were not clustered as required by Monterey County's Resolution No. 93-115,
- hydrological information on portions of the Santa Lucia Preserve was not included in the comprehensive hydrological study for the project, and
- the Monterey Peninsula Regional Park District (MPRPD) was not given "full and complete" opportunity to comment on the open space component of the project.

For the project to proceed, the Superior Court requires that the applicant:

- reconfigure (or eliminate) the building sites not considered clustered,
- complete and submit for third-party review the necessary hydrological testing on that portion of Rancho San Carlos omitted from the comprehensive hydrological study for the project, and
- give the MPRPD full opportunity to review and comment on the open space component of the project.

Following is a description of the revised project and the newly available information analyzed in this addendum.

CHANGES TO PROJECT DESCRIPTION

Project Changes Resulting from Measure M

Measure M affected only the rezoning of a portion of the project site, and thus the comprehensive development plan analyzed in the final EIR is unchanged. The project has been changed as follows:

- Portions of the Santa Lucia Preserve within the Greater Monterey Peninsula Area Plan (GMPAP) area will not be rezoned, and the lots will revert to the original Resource Conservation-Design Control (RC-D) zoning.

- Visitor accommodations (the lodge [lots 255 and 256] and expanded hacienda [lot 257]), the portion of the ranch center (lot 258) that included residential-serving commercial uses (post office, grocery store, gas station, retail stores, and offices), and the non-resource-related conservancy facilities within the ranch center are not permitted uses under the RC-D zoning and are not approved for development.

- The sporting center (lot 259), employee recreation center (lot 262), ranch operation center (lot 263), and portion of the ranch center proposed for resource-related facilities and for employee housing (lot 258) are still components of the project because these uses are allowable under the current RC-D zoning (the final EIR evaluated these uses but assumed a rezoning of the lots where these uses were proposed) subject to the development standards established by Chapter 21.36 of the Monterey County Zoning Ordinance.

- General development plans for portions of the GMPAP area where resident-serving commercial, recreational facilities, and visitor accommodations were planned will not be required because these lots (identified above) will not be rezoned as indicated in the final EIR and the current RC-D zoning district does not provide for or require general development plans.

- Lots 255, 256, and 257 are no longer approved for commercial development.

- Lots 27, 28, 29, 30, 31, 65, 77, 83, 84, 134, 224, 225, 226, 251, 253, and 254 will not be rezoned to establish a height limit, but remain subject to restriction of height under the existing zoning.

- Because the commercial and visitor accommodations are not allowed under the current RC-D zoning, irrigation water supply for the golf trail will be provided from reclaimed domestic wastewater, recycled irrigation water, rainfall, and groundwater. (In the original project description, the commercial and visitor accommodations would provide reclaimed water to irrigate the golf course.)

Project Changes and New Information Related to the Superior Court Decision

In its decision, the Superior Court stated that the hydrological analysis conducted for the final EIR should have included additional wells and specific areas in the Carmel Valley Master Plan area, according to Monterey County's Board Resolution No. 93-115. A supplemental hydrological analysis that includes these additional wells has been prepared and the results are presented in Chapter 3. Additionally, the court ordered an unspecified limited number of lots not considered clustered to be reconfigured so as to be contained within a legitimate cluster.

Project Changes Related to Additional Conditions Imposed by the USFWS Related to the No Jeopardy Biological Opinion for the Red-Legged Frog

Section 404 of the Clean Water Act authorizes the U.S. Army Corps of Engineers (Corps) to issue permits for discharges of dredged or fill material into waters of the United States. Such a permit was required and has been obtained for the project analyzed in the final EIR. All permit decisions require the Corps to comply with the federal ESA (and other applicable regulations). Since publication of the final EIR, the U.S. Fish and Wildlife Service (USFWS) has published a final ruling listing the California red-legged frog as threatened under the federal ESA (61 FR 25813 May 23, 1996). Section 7 of the federal ESA requires all federal agencies to ensure that their actions do not jeopardize the continued existence of species listed as endangered or threatened and protected or result in the destruction or adverse modification of the critical habitat of these species. Section 9 of the ESA prohibits the "taking" of a listed species. ("Take" is broadly defined to mean harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct. "Harm" includes the destruction of habitat that prevents an endangered species from recovering.)

In accordance with these federal permitting requirements, the Corps initiated formal consultation with the USFWS under Section 7 of the ESA. The USFWS prepared a "no jeopardy" biological opinion (Appendix A), which states that the project will not jeopardize the continued existence of the red-legged frog, and the Corps granted the 404 permit to the applicant. In this process, USFWS modified the project by placing several conditions on the Corps permit, including retaining a conservation manager, conducting onsite monitoring, designating staging areas, relocating frogs from construction areas, surveying before construction, ensuring habitat enhancement, and other activities.

New Information Related to the Status of Steelhead

Since publication of the final EIR, the southcentral steelhead was listed as threatened. The species was not categorized as a species of special concern when the EIR was prepared; however,

the applicant's biological resources reports (BioSystems 1994a, 1994b) and the EIR treated it as a sensitive species. This addendum reviews the adequacy of the impact analysis for steelhead in light of this new information.

Chapter 3. Environmental Effects of Minor Modifications to the Project

INTRODUCTION

This chapter discusses the environmental effects of new information and minor modifications to the project on land use, groundwater hydrology and water supply and demand, vegetation and wildlife, fisheries, aesthetics, traffic, climate and air quality, cultural resources, and cumulative and growth-related impacts. The deletion of lots not considered clustered would not result in any new impacts, and the impacts previously identified in the final EIR would not occur. Therefore, the deletion of these lots is not analyzed in this addendum.

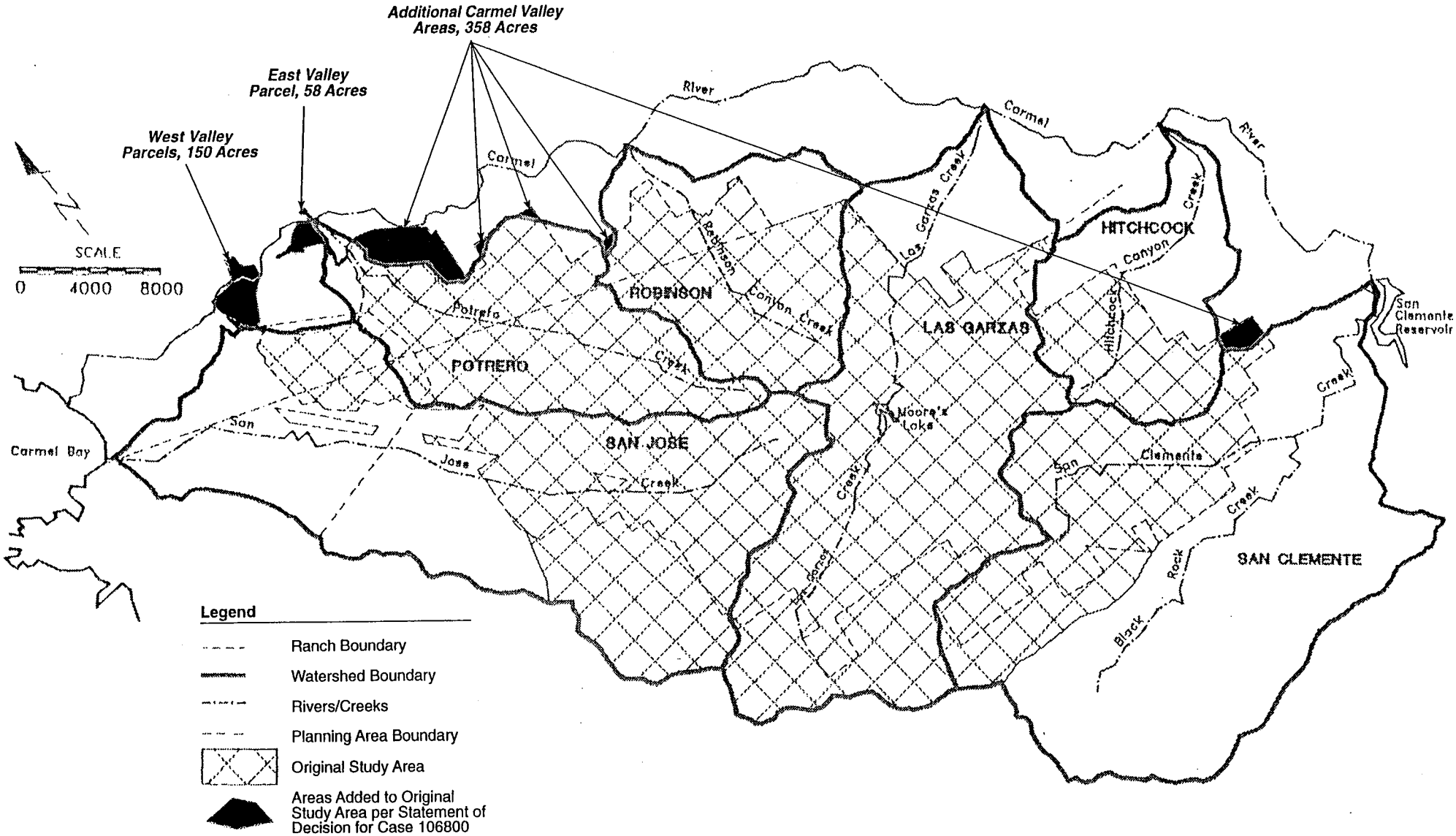
LAND USE

Measure M prevents rezoning of a portion of the project site, and the zoning reverts to the original RC-D zoning; the Comprehensive Development Plan required by the Monterey County Board of Supervisors' Resolution No. 93-115 remains in place, and uses must be consistent with that plan. The single-family residential uses, employee housing proposed for the ranch center (lot 258) and other lots, and the uses proposed at the sporting center (lot 259), employee recreation center (lot 262), and ranch operation center (lot 263) are allowable under the current RC-D zoning designation and are still components of the revised project. The less-than-significant impact of potential incompatibility of proposed land uses with existing or proposed land uses onsite, as reported in the final EIR, remains unchanged.

Uses proposed for lots 255, 256, and a portion of 258 (lodge, expansion of the hacienda, and commercial development associated with the ranch center) are not allowable under the current RC-D zoning designation and have been eliminated in the revised project. The impacts identified in the final EIR are no longer applicable.

GROUNDWATER HYDROLOGY AND WATER SUPPLY AND DEMAND

The change in water demand and consumptive use of groundwater related to deletion of the water use associated with the visitor accommodations, portion of the ranch center, and the conservancy was calculated by Camp Dresser & McKee and Luhdorff and Scalmanini Consulting



SOURCE:
CDM Camp Dresser & McKee Inc.

Jones & Stokes Associates, Inc.

Figure 3-1
Santa Lucia Preserve
Revised Study Area

Engineers (Boissevain and Scalmanini pers. comms.). Hydrogeologic conditions and groundwater use in the Carmel Valley parcels were studied and documented by Camp Dresser & McKee and David Keith Todd Consulting Engineers (1997). The latter report was peer-reviewed for the Monterey County Division of Environmental Health by Jay Jones of Environmental and Geotechnical Consulting Services (Jones pers. comm.). The information in these reports was reviewed for this addendum, and the data, assumptions, and methods were found to be consistent with the final EIR and prior technical reports on hydrology and water supply and demand. Information from these reports was used to evaluate changes in environmental impacts using the methods described in Chapter 8 of the final EIR.

Change in Water Demand and Consumptive Use of Groundwater

Deletion of the aforementioned water uses would result in a slight decrease in projected groundwater use for the revised project. The water demand factors presented in Table 8-1 of the final EIR indicated that the combined net groundwater demand for those facilities is approximately 49 acre-feet per year (af/yr). However, the facilities would have generated approximately 32 af/yr of wastewater, which would have been used for irrigation of the golf course. Without this source of reclaimed water, an equivalent amount of irrigation water would need to be pumped directly from groundwater. Thus, the decrease in net consumptive use of groundwater for the project is only about 17 af/yr, or 6% of the original total. This slight decrease in net consumptive use would have the beneficial effect of increasing the reliability of the water system and decreasing impacts on stream base flow, groundwater levels, subsurface outflow, and riparian and wetland vegetation. However, the decrease in impacts would not be large enough to change any of the impacts to less-than-significant levels or eliminate the need for the mitigation measures recommended in the final EIR.

Results of Addition of Carmel Valley Parcels and Wells to Hydrologic Analysis

Rancho San Carlos includes several parcels totaling 600 acres of land in the Carmel Valley that were not included in the study area for the hydrologic analysis in the final EIR. These parcels were not included in the original evaluation because the project did not propose to change water use on those parcels, the parcels are downstream and downslope of the main project area, and wells on those parcels would not be used to supply water to new development in the Santa Lucia Preserve. This latter use was explicitly prohibited in the Board's approval of the project (Condition No. 190). Including the Carmel Valley parcels in the hydrologic analysis increases the estimates of total recharge and groundwater use but does not alter the analysis or conclusions related to impacts.

The Carmel Valley parcels total 566 acres and include three large areas and several small areas near Potrero Creek and one area between Hitchcock Canyon and the San Clemente Creek drainage (Figure 3-1). Of the total area, 128 acres overlie Carmel Valley alluvium, with the remainder underlain by bedrock uplands geologically similar to bedrock materials found throughout the rest of Rancho San Carlos. Irrigation of row crops and part of a golf course occurs on 93 of the

alluvial acres. The agricultural activities are limited to the three westernmost parcels, each of which has a well that draws from the Carmel Valley groundwater basin. The parcel owned by Rancho San Carlos east of Val Verde Drive in Carmel Valley (the Rio Road Parcel) and listed as APN 015-021-005 is not included in this evaluation because it is outside the comprehensive development plan area.

Including the Carmel Valley parcels in the analysis increases the total area by 2.5%, to 24,200 acres. Groundwater recharge from rainfall for the upland and valley floor parts of the Carmel Valley parcels was calculated by Camp Dresser & McKee and David Keith Todd Consulting Engineers (1997). On a long-term average basis, the uplands parts of the parcels generate approximately 64 af/yr of surface runoff and 139 af/yr of groundwater recharge. The alluvial areas generate minimal surface runoff and approximately 66 af/yr of groundwater recharge. Estimated consumptive use of groundwater is 46 af/yr of evapotranspiration on 26 acres of phreatophytic riparian vegetation and 145 af/yr of consumptive water use by crops and turf. The balance of the consumptive use is supplied by a net inflow of 125 af/yr of groundwater from surrounding areas in the Carmel Valley groundwater basin.

Adding these flows to the terms of the average annual water balance depicted in Figure 8-2 of the final EIR slightly increases the totals of several flow terms used in the evaluation of hydrologic impacts. Streamflow increases by 0.5% to 12,164 af/yr, with all of the increase in the direct runoff component. Phreatophyte groundwater use increases by 1.5% to 3,146 af/yr. Evapotranspiration of crops and natural vegetation increases by 1.7% to 33,877 af/yr. Subsurface outflow increases by 10.7% to 1,439 af/yr, reflecting outflow from the uplands parts of the parcels to the Carmel Valley groundwater basin. A new term consisting of net groundwater inflow to the alluvial parcel areas amounts to 125 af/yr. These changes essentially represent a modification in the definition of the existing condition. None of the changes affect the magnitude or significance of impacts identified in the final EIR, nor do they render unnecessary any of the recommended mitigation measures.

The Carmel Valley parcels would not create any hydrologic impacts because water use on those parcels would not change. Although a total of 69 residences could potentially be built on the Carmel Valley parcels, the water demand for those residences would be supplied by the same upland well network that would supply the rest of the project, and the water demand was included in the total demand evaluated in the final EIR. Because of their location and because their existing water supply comes from the Carmel Valley groundwater basin, the Carmel Valley parcels are among the "existing users in the Carmel Valley" considered in the section on "Impacts on Offsite Water Users" on page 8-58 of the final EIR. The final EIR did not identify significant hydrologic impacts on offsite water users. Thus, the Carmel Valley parcels neither cause nor are affected by hydrologic impacts from the project. Including them in the study area description of existing conditions does not alter any of the impacts or recommended mitigation measures in the final EIR.

The historical use of the wells on the Carmel Valley parcels is recognized by Decision 1632 of the California State Water Resources Control Board (SWRCB). This decision approved issuance of a water right permit to the Monterey Peninsula Water Management District (MPWMD) for the new Los Padres Reservoir project. Table 13 of the decision identifies those parties having a water rights priority senior to MPWMD and includes the Rancho San Carlos Partnership's applications for

the three wells described above and the Rio Road parcel. The water rights applications for these wells specify the purpose, the places of use, and diversion season for the wells. The specific quanities of water that have been set aside by the SWRCB for future appropriation in Table 13 are for in-basin use only (i.e., within the Carmel River Basin). Should the Rancho San Carlos partnership contemplate expanding the use outside existing uses, the water rights applications would need to be amended and would be subject to review under CEQA and approval of the SWRCB.

VEGETATION AND WILDLIFE

For this addendum, all special-status plant and wildlife species addressed in the final EIR were evaluated to determine whether their legal status had changed under the federal or state ESAs and if the change would alter the assessment of impact significance in the final EIR. All special-status species also were evaluated for changes in their potential to occur in the revised project area by comparing the footprint of affected project facilities to biological resource maps of the project area.

Change in Status of the California Red-Legged Frog

As stated in Chapter 2, "Revised Project Description", the USFWS placed additional regulatory conditions on the project to protect the red-legged frog. These conditions are listed in Appendix A. This new information does not result in the identification of new significant effects because the applicant has agreed to implement the additional conditions to ensure impacts on red-legged frogs are less than significant. The additional conditions placed on the project will afford the red-legged frog greater protection commensurate with its change in status under the ESA.

Changes in Legal Status for Other Special-Status Species

Since publication of the final EIR, the legal status of many species addressed in the document has changed. In all cases (other than for the California red-legged frog), these changes are attributable to implementation of the U.S. Department of the Interior's Proposed Rule on Endangered and Threatened Species, Plant and Animal Taxa, which was published in the Federal Register on February 28, 1996 (61 FR 7596 February 28, 1996). Under this rule, Category 1 and 2 classifications for federal candidate species were removed and species are identified either as candidate species with a listing priority status or as U.S. Fish and Wildlife Service (USFWS) species of concern. Designation as a USFWS species of concern is generally believed to provide lesser protection to a listed species than status as a Category 1 and 2 candidate.

Although the legal status has changed for many special-status plant and wildlife species addressed in the final EIR, these changes will not alter the impact analysis or conclusions described in the final EIR.

Biological Communities and Associated Special-Status Wildlife Species

Because development of the ranch center, lodge, and guest portion of the hacienda was not approved for the proposed project, the biological communities and associated special-status species existing within these facility footprints would be retained. These include biological communities such as oak woodland, oak savanna, and coastal terrace prairie and special-status species such as Cooper's hawk, golden eagle, and Monterey dusky-footed woodrat. Although impacts under the revised project description would be less than under the original project, the reduction in impacts would be minor and would not change the assessments of significance or conclusions in the final EIR.

FISHERIES AND AQUATIC LIFE

As stated previously, since the certification of the final EIR, the southcentral coast steelhead was listed as threatened under the ESA. The species was not a species of special concern at the time the final EIR was written (Moyle et al. 1995). However, the steelhead run in the Carmel River has declined over the last 20 years, and a mitigation program targeting steelhead was implemented in 1990 (MPWMD 1994). Most of the mitigation efforts are focused on improving migration and rearing conditions downstream from San Clemente Dam. The significance criteria and monitoring procedures used in the final EIR have been evaluated to determine if the change in circumstances would change the conclusions reached in the EIR.

Effect of Proposed Project Changes

Based on the information described below, fisheries impacts will not be substantially different from those previously identified in the final EIR. Under the revised project description, fewer facilities have been approved, thereby resulting in fewer construction activities and related impacts compared to the original plan. Implementation of appropriate construction, erosion control, and sedimentation control practices at the remaining construction sites will not change. The timing and quantity of groundwater extraction will remain unchanged, as should the effect of groundwater extraction on fish habitat.

Effect of Proposed Federal Listing of Steelhead

The proposed federal listing of steelhead does not change the significance criteria used in the final EIR because the EIR already identified impacts on an endangered species or the interference with the movement of migratory fish as a significant impact. The EIR concluded that impacts on fisheries (including steelhead) would be significant; nowever, implementing appropriate construction practices, drainage plans, erosion control plans, stormwater pollution prevention plans, sediment control plans, and riparian habitat enhancement plans; delaying pumping near baseflow reaches; monitoring baseflow reaches; and augmenting base flows, as necessary, would protect the fisheries and reduce impacts to less-than-significant levels. Thus, the change in the status of the steelhead does not change the impact conclusions or mitigation measures in the EIR because the significance criteria, impact analysis, and mitigation measures addressed this species.

The National Marine Fisheries Service (NMFS), in a letter to Mike Dormody (Appendix B), raised concern with the project and EIR, stating that NMFS did not have the opportunity to comment on the EIR, that potential impacts on steelhead were not adequately addressed, and that the proposed mitigation measures may not be adequate (Mobly pers. comm.). An EIR is intended to satisfy CEQA, a state law, and federal agencies do not typically review and comment on state or local environmental documents. The EIR was not intended to satisfy federal permitting or consultation requirements, and thus there was no requirement to circulate the EIR to NMFS. The potential impacts on steelhead were considered significant in the EIR, and, as stated previously, several mitigation measures were provided to reduce the impacts to less-than-significant levels under CEQA. The NMFS letter does not raise any new information that changes the conclusions in the EIR. In light of the recent listing of southcentral coast run of steelhead, NMFS should be consulted in accordance with the ESA before the project proceeds.

AESTHETICS

Rezoning of lots 28, 29, 30, 31, 65, 77, 83, 84, 224, 225, 226, 251, 253, and 254 identified in the final EIR was eliminated for the revised project, and therefore the minimum height limit to comply with the proposed zoning requirements no longer applies. However, because these lots will revert to RC-D, Monterey County will maintain comprehensive design approval for all structures and measures specified by the design control district (Monterey County Zoning Ordinance 21.44). Additionally, development of these lots will be subject to covenants, codes, and restrictions (CCRs). Impacts identified in the final EIR associated with the change in views from Robinson Canyon Road, the intersection of Robinson Canyon Road and Rancho San Carlos Road, and private residences related to the lodge, ranch commercial development of the ranch center, and expansion of the hacienda will not occur because these features are not included in the revised project.

TRAFFIC

The number of trips generated by the revised project was compared to the number of trips generated by the project analyzed in the final EIR using a trip generation analysis prepared by Dowling Associates (Dowling pers. comm.) (Table 3-1). Analysis of the revised project assumes that a higher percentage of the residential trips would be external because the project no longer includes commercial uses. Ninety percent of the residential trips were assumed to be external, compared to 70% assumed in the final EIR. Additionally, because fewer employment opportunities are available within the Santa Lucia Preserve, only 50% of the inclusionary/employee housing residents were assumed to work onsite and the remaining 50% were assumed to be employed outside the preserve.

As shown in Table 3-1, the revised project would generate fewer daily and peak-hour trips because of the elimination of the hotel, expanded hacienda, and neighborhood commercial uses. The disproportionate effect of the lack of visitor lodging and a commercial center on p.m. peak-hour traffic would result in a net reduction of 14 vehicle trips off ranch for the CDP-GMPAP project and 9 for buildout. The net effect is a reduction of about 335 daily off-ranch vehicle trips for the CDP-GMPAP project and 285 for buildout. Because the revised project generates fewer daily and a.m. peak-hour trips and the same number of p.m. peak-hour trips, no new impacts would occur and the same project impacts discussed in the final EIR would result from the revised project.

The final EIR stated that the original CDP-GMPAP project would have added 17 peak-hour vehicle trips to Robinson Canyon Road. Total buildout would have added an additional 2 peak-hour vehicle trips to Robinson Canyon Road.

The county's Carmel Valley Master Plan Model was used to determine the percent of project trips going to the Mid-Valley Shopping Center and points east. The ranch was divided into zones. The final EIR analysis then compared the travel times from each zone to reach Carmel Valley Road via either Rancho San Carlos Road or Robinson Canyon Road. California Department of Transportation diversions curves were then applied to trips made from each zone to determine what percent of the resident and commercial trips would use each road for each direction of travel.

Homes and commercial development along or east of Robinson Canyon Road were determined to use Robinson Canyon Road for all of their trips to the Mid-Valley Shopping Center, Salinas, and other points east. Homes and commercial development west of Robinson Canyon, but within the San Francisquito Flats area of the ranch, were determined to use Robinson Canyon Road for 58% of their off-ranch trips to Mid-Valley Shopping Center and points east. This area is where the visitor lodge and neighborhood commercial center would have been located. All zones of the ranch (except seven residential lots at the north end of the ranch on Robinson Canyon Road) would find it faster and more convenient to use Rancho San Carlos Road to go to Carmel Rancho, Carmel, and Monterey.

Because the location of the homes is not being changed as part of the post-measure "M" plan, the split of off-ranch residential trips between Rancho San Carlos Road and Robinson Canyon Road

Table 3-1. Summary of Trip Generation Analysis

Land Uses	Factors for Calculating Trip Generation	Daily Rate	%Off-Ranch	Daily Trips Off-Ranch	%A.M. Peak Hour	%P.M. Peak Hour	A.M. Peak-Hour Trips In	A.M. Peak-Hour Trips Out	A.M. Peak-Hour Trips Total	P.M. Peak-Hour Trips In	P.M. Peak-Hour Trips Out	P.M. Peak-Hour Trips Total
PROJECT ANALYZED IN THE FINAL EIR												
Project Application (CDP-GMPAP)												
Market rate homes	239 du[a]	6.7	70	1,121	7	10	21	56	77	77	35	112
Inclusionary/employee units	44 du	5.0	28	58	8	10	1	4	5	4	2	6
Visitor accommodations	150 rooms	5.8	80	696	7	7	25	24	49	25	24	49
Golf course/clubhouse	37.4 rounds/weekday	2.4	39	35	34	15	6	6	12	3	2	5
Neighborhood commercial	20 employees	1.7	50	17	25	25	2	2	4	2	2	4
Recreational facilities	10 employees	1.7	50	9	25	25	1	1	2	1	1	2
Service/operations	5 employees	1.7	50	4	25	25	0	1	1	1	0	1
Subtotal CDP-GMPAP Project Application				1,944			56	94	150	113	66	179
Buildout Uses												
In Carmel Valley Master Plan area												
Market rate homes	53 du	6.7	80	284	7	10	5	15	20	19	9	28
Inclusionary multifamily	9 du	5.0	32	14	8	10	0	1	1	0	1	1
In Carmel area Coastal Zone area												
Market rate homes	5 du	6.7	75	25	7	10	0	1	2	2	1	3
Total Ranch Buildout (excludes existing uses)				2,267			61	111	172	134	77	211
REVISED PROJECT												
Project Application (CDP-GMPAP)												
Market rate homes	239 du[a]	6.7	90	1,441	7	10	28	73	101	99	45	144
Inclusionary/employee units (residents working onsite)	22 du	5.0	50	55	8	10	1	3	4	4	2	6
Inclusionary units (residents working offsite)	22 du	6.7	90	133	8	10	3	8	11	9	4	13
Golf course/clubhouse	37.4 rounds/weekday	2.4	50	45	34	15	8	7	15	4	3	7
Recreational facilities	10 employees	1.7	50	9	25	25	1	1	2	1	1	2
Service/operations	5 employees	1.7	50	4	25	25	0	1	1	1	0	1
Subtotal CDP-GMPAP Project Application				1,687			41	93	134	118	55	173
Buildout Uses												
In Carmel Valley Master Plan area												
Market rate homes	53 du	6.7	90	320	7	10	6	16	22	22	10	32
Inclusionary multifamily (residents working onsite)	5 du	5.0	50	13	8	10	0	1	1	0	1	1
Inclusionary multifamily (residents working offsite)	4 du	6.7	90	24	8	10	1	1	2	1	1	2
In Carmel area Coastal Zone area												
Market rate homes	5 du	6.7	90	30	7	10	1	1	2	2	1	3
Total Ranch Buildout (excludes existing uses)				2,074			49	112	161	143	68	211
Difference (CDP - GMPAP)				-257			-15	-1	-16	5	-11	-16
Difference (Buildout)				-193			-12	1	-11	9	-9	0

du = dwelling units.

will not change significantly. The total number of trips leaving the ranch to go to shopping centers will change, and this effect was already accounted for in the previous section's computations.

The percent of resident trips leaving the ranch to shop at Carmel Rancho and at the Mid-Valley shopping center will increase from 70% to 90%. However, dropping the on-ranch visitor lodging significantly reduces the total number of off-ranch trips generated by the project. The net effect is no increase in Robinson Canyon Road traffic beyond that cited in the final EIR for the pre-measure "M" CDP-GMPAP project and buildout.

CLIMATE AND AIR QUALITY

Construction Emissions

The construction emissions analysis in the final EIR was based on expected maximum construction activities. The revised project is expected to result in decreased construction activity and fewer vehicle trips, and overall construction emissions would be the same or slightly less than the project analyzed in the final EIR. Construction emissions were determined to be less than significant after mitigation for the original project and are therefore considered to be less than significant for the revised project with the same mitigation measures.

Carbon Monoxide Emissions

The revised project would result in a slight decrease in traffic volumes and corresponding reduced carbon monoxide (CO) concentrations compared to the original project. CO concentrations were determined to be less than significant for the original project and are therefore considered to be less than significant for the revised project.

Ozone Precursor and PM10 Emissions

The revised project would result in fewer vehicle trips than the original project. Emissions resulting from the original project and the revised project are shown in Table 3-2. The revised project is expected to result in a reduction of emissions equal to 3.4 parts per day (ppd) of reactive organic gases (ROG), 16.7 ppd of oxides of nitrogen (NO_x), and 1.3 ppd of PM10 (particulate matter equal to or less than 10 microns in diameter) compared to the original project. Ozone precursor and PM10 emissions were determined to be less than significant for the original project and are therefore considered to be less than significant for the revised project.

Table 3-2. Emissions from Santa Lucia FEIR Uses

Land Use	Daily Trips	Trip Length	Emission Rate (grams/mile)			Emissions (pounds/day)		
			ROG	NOx	PM10	ROG	NOx	PM10
PROJECT ANALYZED IN THE FINAL EIR								
CDP-GMPAP								
Market rate homes	1601	10	0.18	0.88	0.07	6.3	31.0	2.5
Inclusionary homes	220	10	0.18	0.88	0.07	0.9	4.3	0.3
Visitor accommodations	870	10	0.18	0.88	0.07	3.4	16.9	1.3
Golf course	90	10	0.18	0.88	0.07	0.4	1.7	0.1
Commercial	34	10	0.18	0.88	0.07	0.1	0.7	0.1
Recreational operations	17	10	0.18	0.88	0.07	0.1	0.3	0.0
Service operations	9	10	0.18	0.88	0.07	0.0	0.2	0.0
Subtotal						11.3	55.1	4.4
Buildout								
Market rate homes	389	10	0.18	0.88	0.07	1.5	7.5	0.6
Inclusionary homes	45	10	0.18	0.88	0.07	0.2	0.9	0.1
Subtotal						1.7	8.4	0.7
Total						13.0	63.5	5.1
REVISED PROJECT								
CDP-GMPAP								
Market rate homes	1601	10	0.18	0.88	0.07	6.3	31.0	2.5
Inclusionary homes (onsite workers)	110	10	0.18	0.88	0.07	0.4	2.1	0.2
Inclusionary homes (offsite workers)	147	10	0.18	0.88	0.07	0.6	2.8	0.2
Golf course	90	10	0.18	0.88	0.07	0.4	1.7	0.1
Commercial	0	10	0.18	0.88	0.07	0.0	0.0	0.0
Recreational operations	17	10	0.18	0.88	0.07	0.1	0.3	0.0
Service operations	9	10	0.18	0.88	0.07	0.0	0.2	0.0
Subtotal						7.8	38.3	3.0
Buildout								
Market rate homes	389	10	0.18	0.88	0.07	1.5	7.5	0.6
Inclusionary homes (onsite workers)	25	10	0.18	0.88	0.07	0.1	0.5	0.0
Inclusionary homes (offsite workers)	27	10	0.18	0.88	0.07	0.1	0.5	0.0
Subtotal						1.7	8.5	0.7
Total						9.6	46.8	3.7

CULTURAL RESOURCES

The revised project will not result in any new impacts on cultural resources. The final EIR indicated that Site CA-MNT-1481 would be affected by construction in the area of the hacienda Because the hacienda will not be expanded for the revised project and construction of the ranch center has been reduced to only inclusionary housing, cultural resources impacts associated with Site CA-MNT-1481 will be reduced.

Additionally, the final EIR identified the impact of damage to the Rancho San Carlos historic district from the placement of new buildings in proximity to the original buildings. Mitigation for this impact included augmenting existing documentation of the buildings prior to new construction in San Francisquito Flat area. Because some project features that were once proposed for construction in the San Francisquito Flat area are no longer proposed, the severity of this impact is reduced.

CUMULATIVE AND GROWTH-RELATED IMPACTS

No changes would occur as a result of the revised project to the cumulative and growth-related impacts identified in the final EIR. Although the effects of the revised project for hydrology, vegetation and wildlife, fisheries, land use, aesthetics, and traffic are less than those identified for the project analyzed in the final EIR, the change is not substantial enough to alter the conclusions and significance determinations identified in the final EIR.

CONCLUSIONS

The project changes as result of Measure M, the Superior Court decision, and the listing of the steelhead and the red-legged frog do not result in any new significant environmental effects beyond those evaluated in the final EIR.

Chapter 4. Citations

PRINTED REFERENCES

BioSystems Analysis, Inc. 1994a. Rancho San Carlos special-status wildlife and botanical resources on the Santa Lucia Preserve golf trail. Santa Cruz, CA. Submitted to the Rancho San Carlos Partnership, Carmel, CA.

_____. 1994b. Rancho San Carlos special-status biological resources report. February. Santa Cruz, CA. Submitted to the Rancho San Carlos Partnership, Carmel, CA.

Camp Dresser & McKee, Inc., and David Keith Todd Consulting Engineers. 1997. Santa Lucia Preserve project, Supplement Number 4 to the comprehensive hydrological study. June. Walnut Creek and Berkeley, CA.

Monterey Peninsula Water Management District. 1994. Final environmental impact report on Monterey Peninsula Water Supply Project. March. Monterey, CA.

Moyle, P. B., R. M. Yoshiyama, J. E. Williams, and E. D. Wikramanayake. 1995. Fish species of special concern in California. University of California, Davis. Davis, CA. Prepared for California Department of Fish and Game, Rancho Cordova, CA.

PERSONAL COMMUNICATIONS

Boissevain, Polly, and Joe Scalmanini. Groundwater scientists and engineers. Camp Dresser & McKee, Inc., Walnut Creek, CA, and Luhdorff and Scalmanini Consulting Engineers, Woodland, CA. November 8, 1996 - letter to Denise Duffy, Denise Duffy and Associates.

Dowling, Rick. Dowling Associates, Oakland, CA. November 11, 1996 - transmittal and attachment addressed to Denise Duffy of Denise Duffy and Associates regarding trip generation for the revised Rancho San Carlos Project.

Froke, Jeff. Consultant. August 4, 1997 - telephone conversation with Sean Bechta of Jones & Stokes Associates, Sacramento, CA.

Jones, Jay. Hydrogeologist. Environmental and Geotechnical Consulting Services, Del Mar, CA. July 3, 1997 - letter to Walter Wong, Monterey County Division of Environmental Health, regarding supplemental hydrologic analysis.

Mobley, Chris. Fishery biologist. National Marine Fisheries Service, Santa Rosa, CA. May 12 - 1997 - letter to Mr. Mike Dormody.

Chapter 5. List of Preparers

This addendum to the final EIR was prepared by Jones & Stokes Associates under contract to the Monterey County Planning and Building Inspection Department. The individuals who contributed to this report are listed below.

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Appendix A. USFWS "No Jeopardy" Biological Opinion

MDA

United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
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September 6, 1996

Calvin C. Fong
Chief, Regulatory Branch
Department of the Army
San Francisco District, Corps of Engineers
333 Market Street
San Francisco, California 94105-2197

Subject: Biological Opinion for Authorization of Road Construction at Rancho San Carlos/Santa Lucia Preserve in Monterey County, California (1-8-96-F-43)

Dear Mr. Fong:

This biological opinion responds to the U.S. Army Corps of Engineers' (Corps) request for formal consultation with the U.S. Fish and Wildlife Service (Service) pursuant to section 7 of the Endangered Species Act of 1973, as amended (Act). Your request was dated August 13, 1996 and received by the Service on August 15, 1996. At issue are the effects that the Corps' issuance of a Department of the Army Nationwide Permit (NWP) 14, pursuant to section 404 of the Clean Water Act, as amended, for road construction at Rancho San Carlos/Santa Lucia Preserve may have on the federally threatened California red-legged frog (*Rana aurora draytonii*).

This biological opinion was prepared using the following sources of information: your request for consultation, informal discussions between our staffs, discussions with the biological consultants to the project, and information submitted by the Rancho San Carlos Partnership and associated consultants.

Consultation History

In 1995, the Service and the Corps informally consulted, under the provisions of section 7 of the Act on the potential effects of proposed development at Rancho San Carlos/Santa Lucia Preserve on listed species. At that time, the Corps and Service concluded that activities associated with the proposed development would not affect listed species. In a letter dated November 17, 1995, the Corps notified Wetland Research Associates, a consultant for the Rancho San Carlos Partnership, that the proposed activities within the Corps' jurisdiction at Rancho San Carlos/Santa Lucia Preserve were authorized under 33 CFR 330 Appendix A, Department of the Army NWP 14 and

26, pursuant to section 404 of the Clean Water Act. The amount of fill to be included under NWP 26 is 3.8 acres of wetlands and less than 0.1 acre of other "waters of the United States". The amount of fill to be included under NWP 14 is 0.8 acre of wetlands and 0.6 acre of other "waters of the United States". Fill placement is for the purpose of developing a portion of the 20,000 acre parcel for rural homes, recreational facilities, and a golf trail.

Since that time, the Service listed the California red-legged frog as a threatened species. Personnel from Rancho San Carlos consequently informed the Service that the California red-legged frog was more abundant than was previously known. Among the areas where California red-legged frogs are now known to occur are streams that would be affected by the road work covered in NWP 14.

For these reasons, the Service recommended that the Corps initiate formal consultation, pursuant to section 7 of the Act, with the Service for activities proposed by the Rancho San Carlos Partnership that may adversely affect California red-legged frogs within jurisdictional waters of the United States. The Service and representatives of the Rancho San Carlos Partnership have also discussed the development of a habitat conservation plan, pursuant to section 10(a)(1)(B) of the Act, that would consider the long-term effects of the proposed development on the California red-legged frog and other listed and candidate species that occur throughout the site. Due to the construction time schedules for the development of many of the roads, the Corps has initiated consultation with the Service for the road construction. However, the golf trail impacts will be addressed in the habitat conservation plan to be prepared for the project at a later date.

Biological Opinion

It is the opinion of the Service that the proposed action is not likely to jeopardize the continued existence of the California red-legged frog. Critical habitat has not been designated for this species. Therefore, the proposed action would not affect critical habitat.

Description of the Proposed Action

The proposed development at Rancho San Carlos/Santa Lucia Preserve encompasses approximately 20,000 acres in Monterey County, California south of the Carmel Valley and Carmel River. The project site lies at the northern terminus of the Santa Lucia Mountain Range. Steep mountains and ridges along the northern border of the property separate much of the Preserve from the Carmel River Valley. The current and past land use is cattle grazing and rural residential. The Preserve has many occupied and abandoned homes and out-buildings.

A comprehensive development plan has been developed for Rancho San Carlos/Santa Lucia Preserve. The project would establish an approximately 18,000 acre open space preserve that would be managed in accordance with the Santa Lucia Preserve Resource Management Plan (Robert Lamb Hart 1994) by the Santa Lucia Conservancy. Rural residential homes and associated facilities such as a golf trail, commercial businesses, a hotel, recreational facilities,

operational facilities, and employee housing would encompass approximately 2,000 acres of the project. As part of this project, the Rancho San Carlos Partnership has proposed improvements of existing roads. These roadway improvements, primarily road widening and infrastructure improvements, would result in a total of 1.4 acres of wetlands and "waters of the United States" being filled. This fill would be authorized by the NWP 14.

The areas proposed for the placement of fill material are classified as seasonal and perennial wetlands. Approximately 0.8 acre of wetlands would be filled from road widening, and approximately 0.6 acre of other "waters of the United States" would be filled for stream crossing road improvements. Design specifications are given in table 1, and the locations are shown in figure 1. Fill of wetlands was avoided or minimized during the design process through relocation of home sites, re-alignment of roads, and minimizing road right-of-way. The material proposed to be used as fill would be native soil from the site. All stream crossings would be completed using oversized culverts (minimum diameter of 24 inches) or spanning structures, where feasible. Standard earthmoving equipment would be used for the placement of the fill. All work would occur during the dry season.

The Rancho San Carlos Partnership has proposed numerous measures to minimize the effects of the proposed road construction on the California red-legged frog including erosion and sediment control, and maintenance of upland buffers and emergent vegetation. All exposed soil and other fills would be permanently stabilized at the earliest practicable date. Wetland areas to be protected during construction would be flagged and appropriate silt fencing erected to eliminate impacts during construction. The measures are more specifically described below.

The Rancho San Carlos Partnership would implement the following measures to minimize the adverse effects of the proposed project to California red-legged frogs:

1. A qualified wildlife biologist who is familiar with the on-site distribution, ecology and management of California red-legged frogs shall be employed as the conservation manager during all phases of road construction. This professional shall be responsible to oversee all development and protection activities that may affect California red-legged frogs. The conservation manager shall be responsible for hiring, training, and supervising in-field resource monitors and shall serve as the primary project contact with State and Federal agency personnel regarding California red-legged frogs.

2. A construction manager, who is generally responsible for all construction activities and contractor supervision associated with road improvements, shall closely coordinate with the conservation manager and respond to conditions affecting California red-legged frogs as may be reported by the conservation manager, resource monitor, or responsible agency personnel.

3. A resource monitor(s) shall be employed full-time to observe and report the presence of California red-legged frogs and any environmental conditions or construction actions that

may affect California red-legged frogs, within or adjacent to construction sites. This person shall be qualified and responsible to assess immediate or potential threats to California red-legged frogs and to report these to the conservation manager, construction manager, or to appropriate other personnel as matters of urgency and jeopardy may indicate. In the absence of either the conservation manager or construction manager, the resource monitor shall be empowered to halt and suspend specific construction activities which may directly threaten the welfare of California red-legged frogs on site.

4. All persons with immediate responsibility for onsite construction and resource protection (i.e. conservation manager, construction manager, resource manager, and contractors) shall regularly communicate about the detection and protection of California red-legged frogs that may be reported in and adjacent to the project site and shall coordinate protection training exercises for construction supervisors and equipment operators on an as needed basis.

5. Mechanical equipment shall be parked and serviced in designated construction staging areas that are located outside of protected resource areas. Construction materials shall be processed and stored in these designated staging areas. Protected resource areas (= protected sites) are those habitats located outside of and adjacent to designated construction sites (including staging areas) and that are delimited by combinations or flagging and fencing.

6. Dogs and other pets shall not be allowed on construction sites, and contractors and their employees shall not be allowed to bring pets onto the Santa Lucia Preserve. This prohibition specifically includes dogs kept either inside or outside of employee vehicles.

7. All food-related trash materials (e.g., leftovers, wrappers, and containers) shall be removed from the site each day, and areas shall be constantly maintained litter-free.

8. All equipment and vehicle movement shall be confined to designated construction areas and connecting roadways. Off-site movement of construction and personal vehicles shall be prohibited.

9. Barriers constructed of mesh-netting (0.25 inch minimum) or other material shall be properly designed, installed, and maintained in appropriate habitat areas to exclude any/all California red-legged frogs from construction areas. The conservation manager shall assure that barriers in and adjacent to active construction sites are inspected and repaired as necessary during each construction day. Barriers shall be constructed and in place for a minimum of seven days prior to commencement of construction activity.

10. Habitats within fenced areas shall be searched and cleared of all California red-legged frogs (adults and tadpoles) during the seven-day period prior to construction activity. Site-specific inspection and capture/transfer methods shall be determined and supervised

by the conservation manager or other biologist as may be appointed by the conservation manager, and specific handling techniques will be cleared by the conservation manager with the Service.

11. Scheduled surveys (minimum one nighttime survey per week) for presence of California red-legged frogs will be conducted throughout the construction period to determine whether California red-legged frogs may be re-entering the exclusion areas. Subject frogs may be captured and relocated to a suitable location that has been predetermined by the conservation manager. Persons authorized to capture and handle California red-legged frogs shall include the conservation manager, construction manager, resource monitor, or other person specifically trained and appointed by the conservation manager.

12. During the construction of first phase road improvements (Rancho San Carlos Road), frog relocations shall focus on two locations: (a) pools along San Jose Creek north of Williams Canyon; and (b) stock pond POT-P06 (i.e. east of Rancho San Carlos Road and below Owl's Point).

13. Sites where captured California red-legged frogs are released shall be monitored to determine the success of relocation efforts. These sites shall be surveyed in concurrence with prescribed construction surveys as described in measure 11 above.

14. Reasonable efforts shall be made to reduce numbers of bullfrogs (*Rana castesbeiana*) where the species inhabits sites also occupied by California red-legged frogs but from which California red-legged frogs have been removed and to which these frogs may be relocated.

15. Fundamental data from the above described inspection, handling, and relocation activities, (e.g. California red-legged frog morphometrics, age-class, location of capture and release) shall be recorded and maintained within the permanent Santa Lucia Preserve biological database and made available to Service biologists.

16. Presence of at least one California red-legged frog within the construction area or within 200 feet of the area shall be reported immediately to either the conservation manager, construction manager, or resource monitor. California red-legged frogs detected within the construction area shall be captured by one of the above individuals or other person specifically trained by the conservation manager and relocated to a predetermined location for this purpose. California red-legged frogs observed outside of the area (within 200 feet) shall be closely monitored to assure they do not enter the construction area.

17. After completion of construction activities within any/all California red-legged frog habitat areas affected by this plan, formerly occupied California red-legged frog habitat shall be rehabilitated and enhanced per specifications of the project's wetland and riparian habitat mitigation plans (Wetlands Research Associates 1996a, Wetlands Research Associates

1996b, Wetland Research Associates 1995, Denise Duffy and Associates 1994).

18. After the conclusion of construction activities for each phase of road improvements, the conservation manager shall complete a written report, including field data, and submit this information to the Service. This report shall summarize the actions and effectiveness of California red-legged frog protection measures. This report shall also account for accidental losses of California red-legged frogs that may have been recorded during the construction process.

The Rancho San Carlos Partnership would implement the following best management practices (BMP) for erosion and sedimentation control to minimize the effects of the proposed road construction to California red-legged frogs:

1. The Rancho San Carlos Partnership shall implement the BMPs during construction of road improvements as described in the Rancho San Carlos Final Erosion Control Report/Best Management Practices (Sage Associates 1996). The BMPs cover the following construction activities: dewatering operations, paving operations, structure construction and painting, material delivery and storage, spill prevention and control, solid waste management, hazardous waste management, contaminated soil management, concrete waste management, sanitary/septic waste management, vehicle and equipment cleaning, vehicle and equipment fueling, vehicle and equipment maintenance, and employee and subcontractor training. Good housekeeping, waste containment, minimization of disturbed areas, stabilization of disturbed areas, the protection of slopes and channels, the control of the site perimeter, and the control of internal erosion are the objectives of the BMPs. The BMPs include limiting soil exposure through scheduling and preserving existing vegetation; stabilizing soils through seeding, planting, and mulching,; diverting runoff through earth diking, temporary drains and swales, slope drainage; reducing velocity through outlet protection, check dams, slope roughening/terracing; trapping and filtering sediment through silt fencing, straw bale barriers, sand bag barriers, brush and rock filters, storm drain inlet protection, sediment traps, and sediment basins. Specific and extensive BMP measures contained in the Final Erosion Control Report (Sage Associates 1996) are included in this biological opinion by reference.

2. Road improvements shall be confined to locations identified in certified engineering documents, which specify locations of permanent erosion and sedimentation control features including drainage swales, drop inlets, culverts, subdrains, berms, catch-basins, and bridges. Temporary erosion and sedimentation control features shall be maintained until revegetation is sufficient to prevent erosion of disturbed construction and restoration sites. Sufficiency of revegetation shall be determined by the project's conservation manager, construction manager, and certified erosion and sedimentation control specialist.

3. Periodic pre-storm, storm, and post-storm monitoring inspections of BMP measures shall be conducted for the duration of construction phases and until temporary protection

Potential effects to California red-legged frogs resulting from road construction activities authorized under the NWP 14 include harassment, injury, or mortality from construction activities, from temporary and permanent loss of habitat, from consumption by predators attracted to the project site, and from siltation and pollution of habitat. The type and level of effects would depend on the specific activity and are discussed below.

Direct impacts to adult and sub-adult California red-legged frogs in the project footprint would include harassment, injury, or mortality from being disturbed or crushed by construction equipment, construction debris, and worker foot traffic. This impact could be reduced by surveying project sites and translocating all California red-legged frogs to suitable habitat. This measure would occur prior to construction and repeatedly for the duration of the construction period. The proponent has proposed to construct barrier fencing to exclude California red-legged frogs from work areas. The ability of fences to exclude California red-legged frogs has not been determined to date. Additionally, the installation of the fence could result in additional impacts to California red-legged frogs and their habitat. Direct effects from construction activities would be minimized by restricting equipment staging areas and vehicle parking and movement to areas within designated construction sites. Training of certain staff members involved with construction would help to minimize the direct impacts to California red-legged frogs through improved awareness of the species presence in the vicinity of the construction area. In addition, the conservation manager, construction manager, and resource monitor would help to minimize the direct impacts to California red-legged frogs through the on-site oversight of construction and extensive coordination on protection measures and construction activities.

Harassment to California red-legged frogs would occur while capturing and transporting individuals from the construction sites to designated suitable habitat. However, effects would be reduced by limiting the number of people authorized to handle the species. Mortality may occur as a result of improper handling of the species or from releasing them into habitat which is fully occupied by other California red-legged frogs or other species, including predators such as bullfrogs. Mortality would be reduced by only allowing release into suitable habitats where bullfrogs have been removed prior to release and periodically thereafter. This measure may also result in lower mortality to resident California red-legged frogs found in any potential receiving sites.

California red-legged frog habitat would be both temporarily and permanently disturbed by the road construction activities. Habitat loss would be minimized by restricting equipment staging areas and vehicle parking and movement to within designated construction sites. Flagging would also be used to keep equipment, vehicles, and personnel from restricted areas. After completion of construction activities, areas that were considered to be California red-legged frog habitat (i.e. areas that had been occupied by California red-legged frogs) would be rehabilitated and enhanced as specified in the project's wetland and riparian habitat mitigation plans (Wetlands Research Associates 1996a, Wetlands Research Associates 1996b, Wetland Research Associates 1995, Denise Duffy and Associates 1994). This rehabilitation would reduce the permanent loss of habitat.

3. All equipment and vehicle movement shall be confined to designated construction areas and connecting roadways. Off-site movement of construction and personal vehicles shall be prohibited.

4. The proposed project footprint shall be reduced wherever possible to eliminate impacts to California red-legged frog habitat.

The following terms and conditions are established to implement reasonable and prudent measure 3:

1. In road construction areas where water and riparian vegetation are absent, the work area and the length of creek 10 meters upstream and downstream of the work area shall be searched once within three days of the onset of construction. If any California red-legged frogs are found, they shall be moved to the nearest appropriate habitat and released. The work area shall be checked for California red-legged frogs during construction if weather conditions change in a manner that may cause individuals to move into or through the site.

2. In road construction areas where water or riparian vegetation is present, the work area and the length of creek 20 meters upstream and downstream of the work area shall be surveyed for California red-legged frogs twice at night and twice in daylight hours within three days of the onset of construction.

   a. If five or fewer California red-legged frogs are found, they shall be moved to the nearest appropriate habitat and released. After construction begins, the work area shall be checked for California red-legged frogs twice per week prior to the start of the day's work. Any individuals found shall be moved to the nearest appropriate habitat and released.

   b. If more than five California red-legged frogs are found, they shall be moved to the nearest appropriate habitat and released. After construction begins, the work area shall be checked for California red-legged frogs daily prior to the start of the day's work. Any individuals found shall be moved to the nearest appropriate habitat and released.

   c. If repeated surveys do not detect any California red-legged frogs moving into the work area during construction, the surveys may be discontinued with the concurrence of the Service.

3. Only the conservation manager and reasource monitor(s) shall be authorized under this biological opinion to handle California red-legged frogs for translocation. Prior to handling any California red-legged frogs, these individuals shall be trained to handle the species by a qualified herpetologist familiar with ranids. Only under exceptional circumstances, such as when the qualified biologist is not present, shall the construction

manager or other designee, with appropriate training by the qualified biologist, move frogs from the path of danger to outside the construction zone.

4. Bullfrogs observed during all surveys shall be removed from the wild.

5. Relocated California red-legged frogs may be monitored to determine the success of the relocation plan. To assess the survival of relocated individuals or the effectiveness of the fence as a barrier, relocated California red-legged frogs may be fitted with radio transmitters and tracked as part of the monitoring effort. Plans to radio track California red-legged frogs, captured pursuant to this biological opinion, must be approved by the Service prior to implementation.

6. Any California red-legged frog detected within the construction area or within 200 feet of the area shall be reported immediately to either the conservation manager, construction manager, or resource monitor. Any individuals detected within the construction area shall be captured and relocated to a predetermined location by an authorized qualified biologist. Any individuals observed outside of the area (within 200 feet) shall be closely monitored to assure they do not enter the construction area.

Reporting Requirement

The Corps shall provide a written report to the Service within 90 days following the completion of each phase of road construction authorized under the NWP 14. The report shall include the the size, age-class, location of capture and the relocation site of all translocated California red-legged frogs. In addition, the report shall document the numbers of California red-legged frogs relocated, the number killed or injured during the translocation process, and a post-construction population assessment at the removal sites. The report shall contain a brief discussion of the approximate acreage of California red-legged frog habitat temporarily and permanently affected; problems encountered in implementing mitigation measures and terms and conditions; recommendations for modifying the stipulations to enhance the conservation of the California red-legged frog; pertinent results of biological surveys and sighting records; and any other pertinent information. This document will assist the Service and Corps in evaluating future measures for conservation of the California red-legged frog during projects that result in the placement of fill into wetlands and waters of the United States.

Disposition of Injured or Dead Specimens

Upon locating a dead or injured California red-legged frog, initial notification must be made to the Service's Division of Law Enforcement by facsimile at (310) 328-6399 and the Ventura Field Office at (805) 644-1766 immediately, and in writing within three (3) working days. Notification must include the date, time, and location of the carcass; cause of death, if known; and any other pertinent information. Care must be taken in handling sick or injured animals to ensure effective treatment and care, and in handling dead specimens to preserve biological material in the best

possible state for later analysis of cause of death. The finder has the responsibility to ensure that evidence intrinsic to the specimen is not unnecessarily disturbed, unless to remove it from the path of further harm or destruction. Should any treated listed species survive, the Service should be contacted regarding the final disposition of the animals.

Conservation Recommendations

In furtherance of the purposes of sections 2(c) and 7(a)(1) of the Act that mandate Federal agencies to use their authorities to implement programs for the conservation of listed species or species of concern, we recommend implementing the following actions:

1. The on-site biologist(s) should relocate any southwestern pond turtles (*Clemmys marmorata pallida*) and any other amphibians or reptiles found within work areas to suitable habitat outside the construction area.

2. The Rancho San Carlos Partnership should ensure that no impediments exist for the migration of steelhead (*Onchorhynchus mykiss*) during and following construction activities.

The Service requests notification of the implementation of any conservation recommendations so we may remain apprised of new information which may aid in the recovery of the species.

Conclusion

This concludes formal consultation on the Corps' issuance of a NWP 14, pursuant to section 404 of the Clean Water Act, as amended, for road construction at Rancho San Carlos/Santa Lucia Preserve. Reinitiation of formal consultation is required if: 1) the amount or extent of incidental take is exceeded; 2) new information reveals effects of the agency actions that may adversely affect listed species or critical habitat in a manner or to an extent not considered in this biological opinion; 3) the agency action is subsequently modified in a manner that causes an effect to a listed species or critical habitat that was not considered in this opinion; or 4) a new species is listed or critical habitat designated that may be affected by this action (50 CFR 402.16). Any expansion of activities beyond the scope proposed would be considered reason to reinitiate consultation.

If you have further questions on this matter, please contact Catherine McCalvin of my staff at (805) 644-1766.

Sincerely,

Diane K. Noda

Diane K. Noda
Field Supervisor

Literature Cited

Denise Duffy and Associates. 1994. Santa Lucia Preserve Mitigation and Monitoring Plan. Prepared for the Rancho San Carlos Partnership, Carmel, California.

Hayes, M.P., and M.R. Jennings. 1986. Decline of ranid frog species in western North America: Are bullfrogs (*Rana catesbeiana*) responsible? Journal of Herpetology 20(4):490-509.

Hayes, M.P., and M.R. Jennings. 1988. Habitat correlates of distribution of the California red-legged frog (*Rana aurora draytonii*) and the foothill yellow-legged frog (*Rana boylii*): Implications for management. Pages 144-158 In: R. Sarzo, K. E. Severson, and D. R. Patton (technical coordinators). Proceedings of the Symposium on the Management of Amphibians, Reptiles, and Small Mammals in North America. U.S.D.A. Forest Service General Technical Report RM-166.

Rancho San Carlos Partnership. 1996. Protecting the California Red-legged Frog at Rancho San Carlos, Monterey County, California. Rancho San Carlos Partnership, Carmel, California.

Robert Lamb Hart. 1994. Santa Lucia Preserve Resource Management Plan. Prepared for the Rancho San Carlos Partnership, Carmel, California.

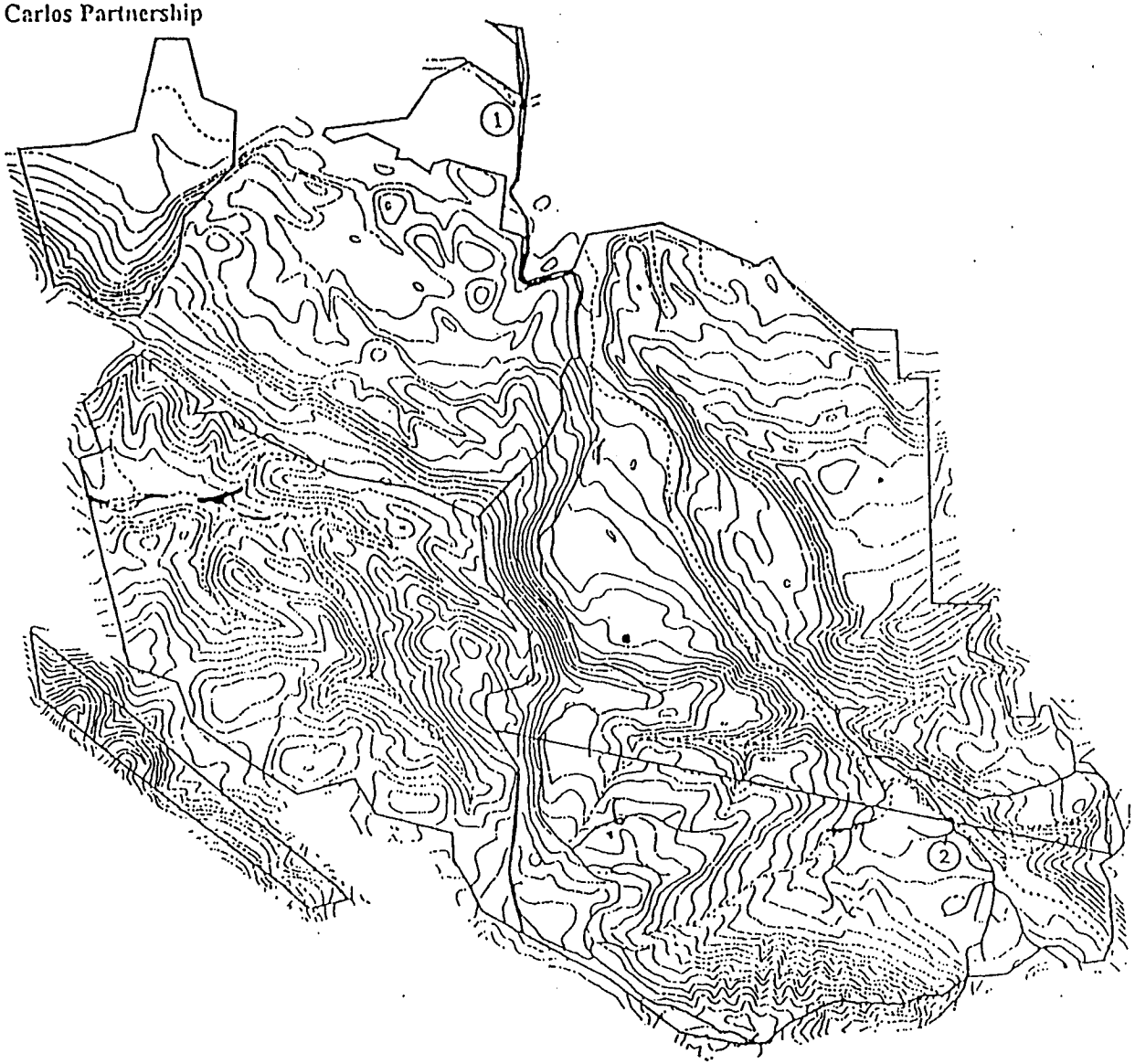
Sage Associates. 1996. Rancho San Carlos Final Erosion Control Report, June 1996. Prepared for Rancho San Carlos Partnership, Carmel, California.

Wetlands Research Associates. 1996a. Santa Lucia Preserve Streambed Alteration Agreement and Riparian Mitigation Plan, March 1996. Prepared for Rancho San Carlos Partnership, Carmel, California.

Wetlands Research Associates. 1996b. Site 3 west wetland mitigation plan for the Santa Lucia Preserve, Carmel Valley, California, April 17, 1996. Prepared for Rancho San Carlos Partnership, Carmel, California.

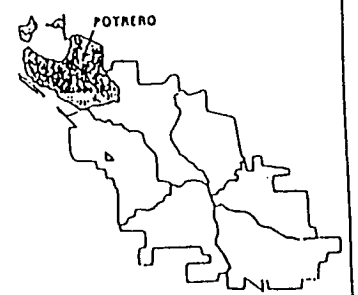
Wetlands Research Associates. 1995. Pre-discharge Notification for Nationwide Permit 14 and 26 to Army Corps of Engineers, San Francisco District for the Santa Lucia Preserve, Carmel Valley, California, October 5, 1995. Prepared for Rancho San Carlos Partnership, Carmel, California.

Applicant: Rancho San Carlos Partnership
ACOE #: 19758S86



LEGEND

- 1 Wetlands impact
- (1) "Waters" impact
- Wetlands
- Other "waters"
- Roads, Driveways
- Emergency Access Roads



Approximate Scale: 1" = 2500'
Contour interval = 50'

N

Figure 1a. Locations of other "waters" and wetlands to be filled within the Potrero planning region.

Wetlands Research Associates, Inc.

Applicant: Rancho San Carlos Partnership
ACOE #: 19758S86

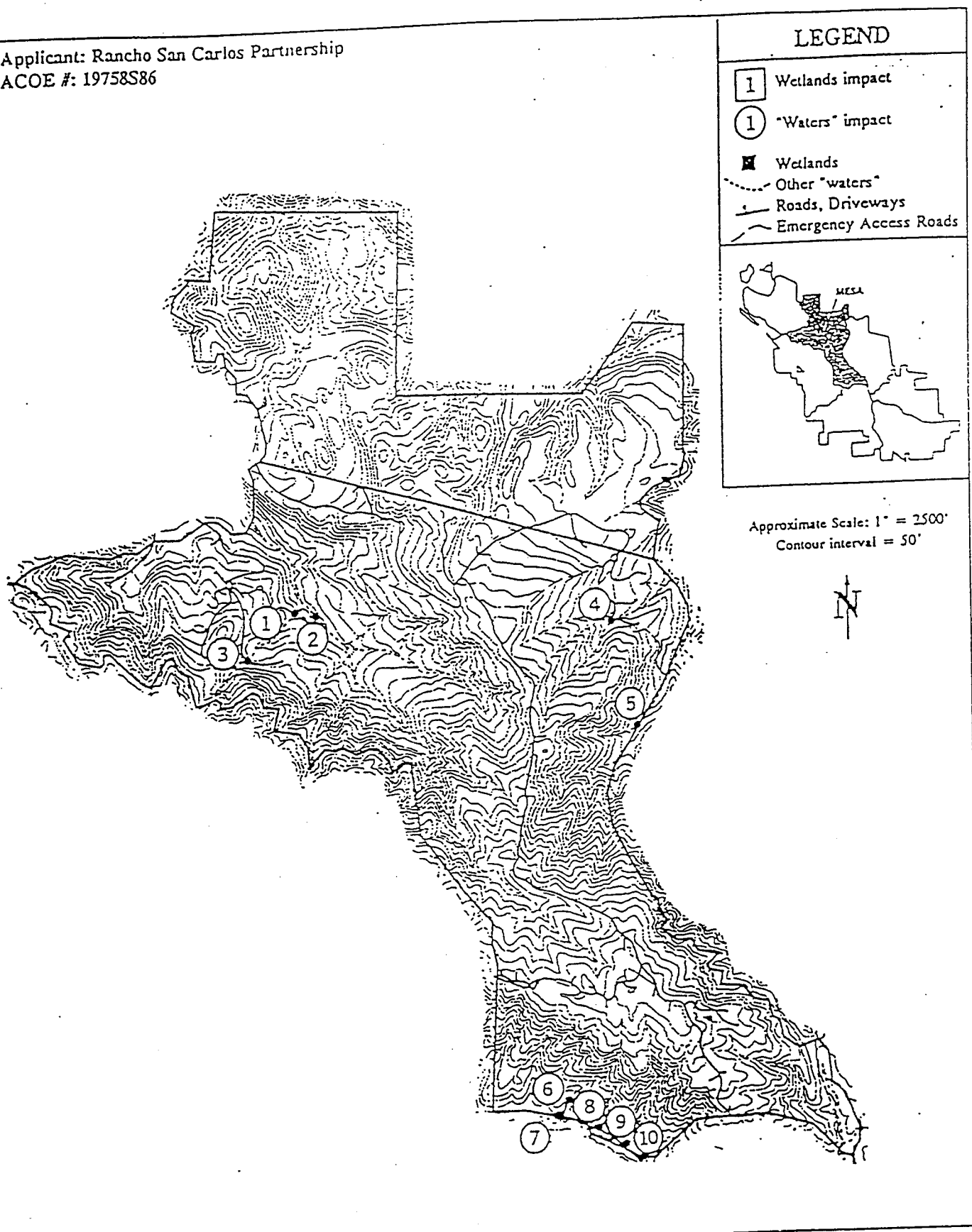
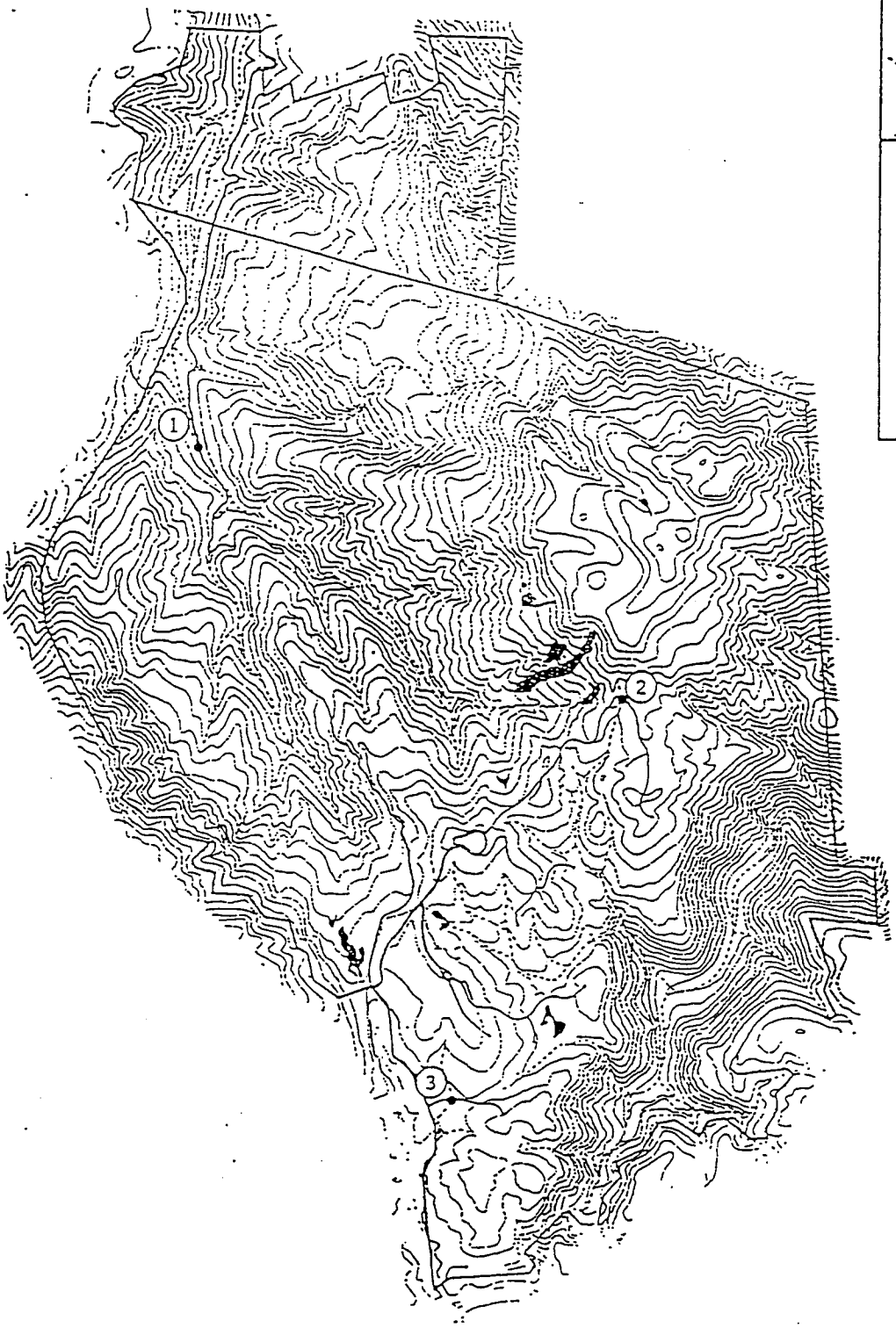


Figure 1b. Locations of other "waters" and wetlands to be filled within the Mesa planning region.

Wetlands Research Associates, Inc.

Applicant: Rancho San Carlos Partnership
ACOE #: 19758S86



LEGEND

-1 Wetlands impact

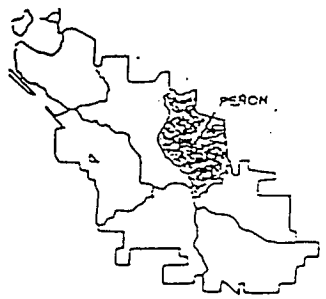
(1) "Waters" impact

Wetlands

Other "waters"

Roads, Driveways

Emergency Access Roads



Approximate Scale: 1" = 2500'
Contour interval = 50'

N

Figure 1 c. Locations of other "waters" and wetlands to be filled within the Peñon planning region.

Wetlands Research Associates, Inc.

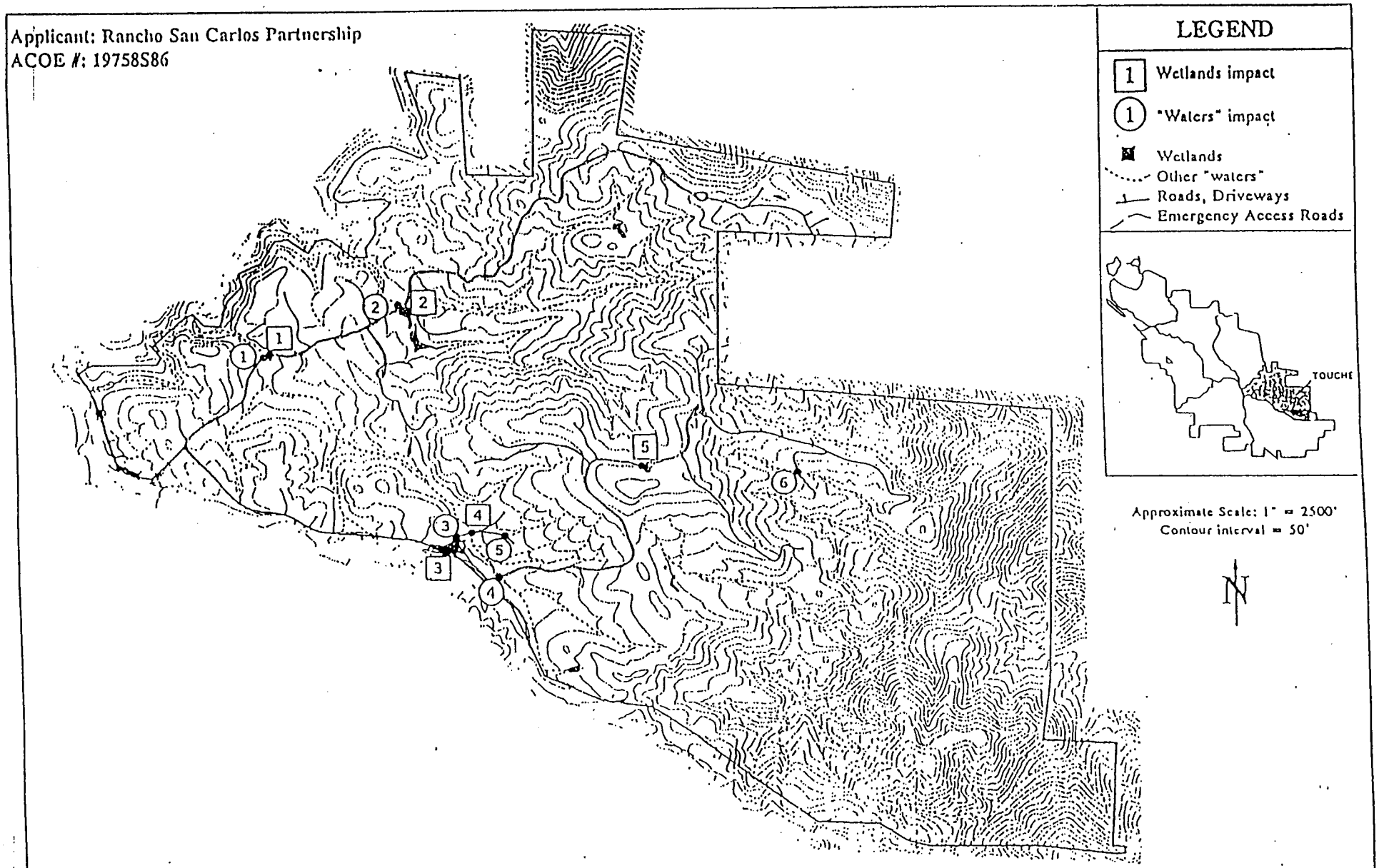


Figure 1d. Locations of other "waters" and wetlands to be filled within the Touche planning region.

Wetlands Research Associates, Inc.

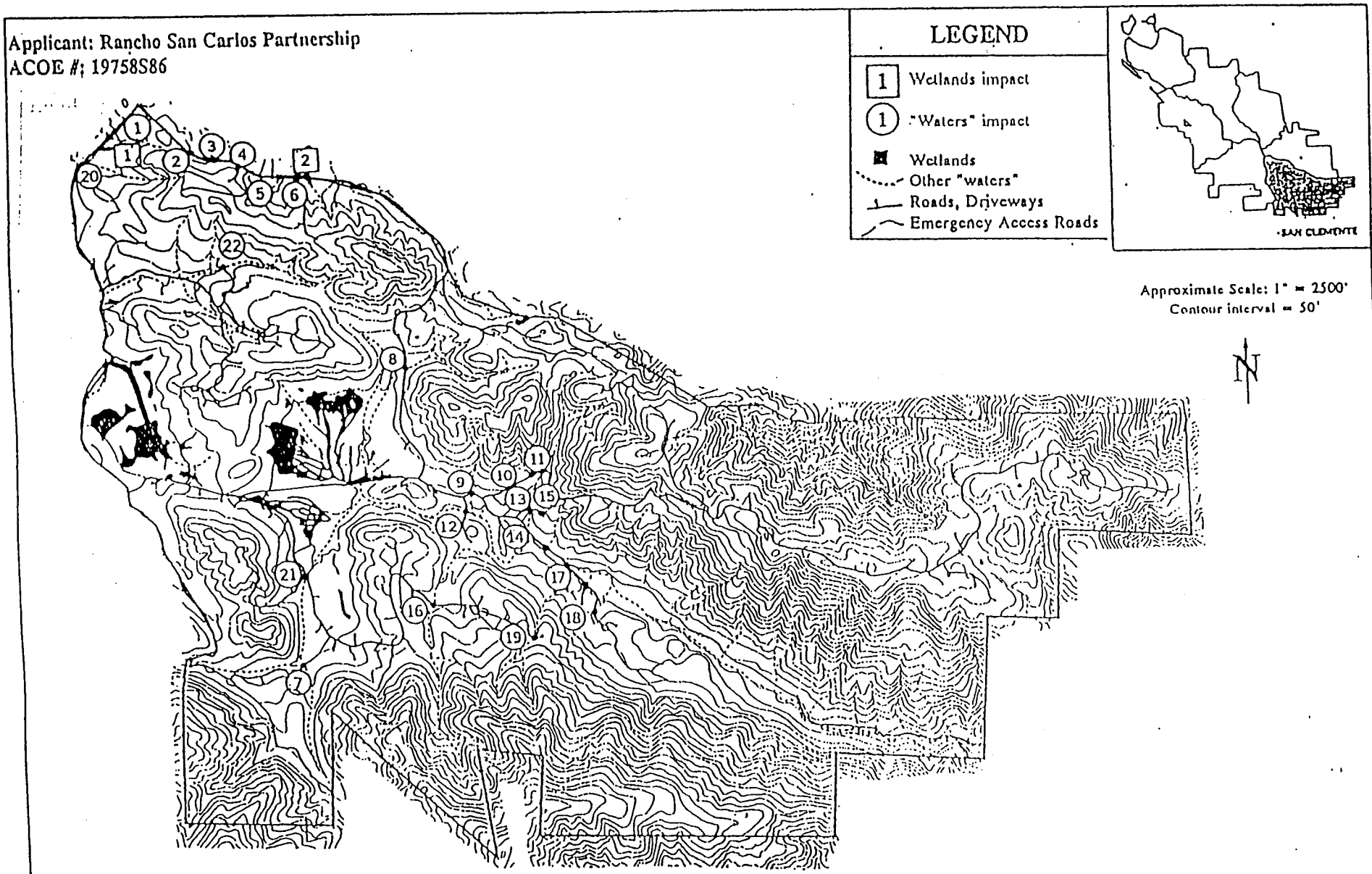


Figure 1e. Locations of other "waters" and wetlands to be filled within the San Clemente planning region.

Wetlands Research Associates, Inc.

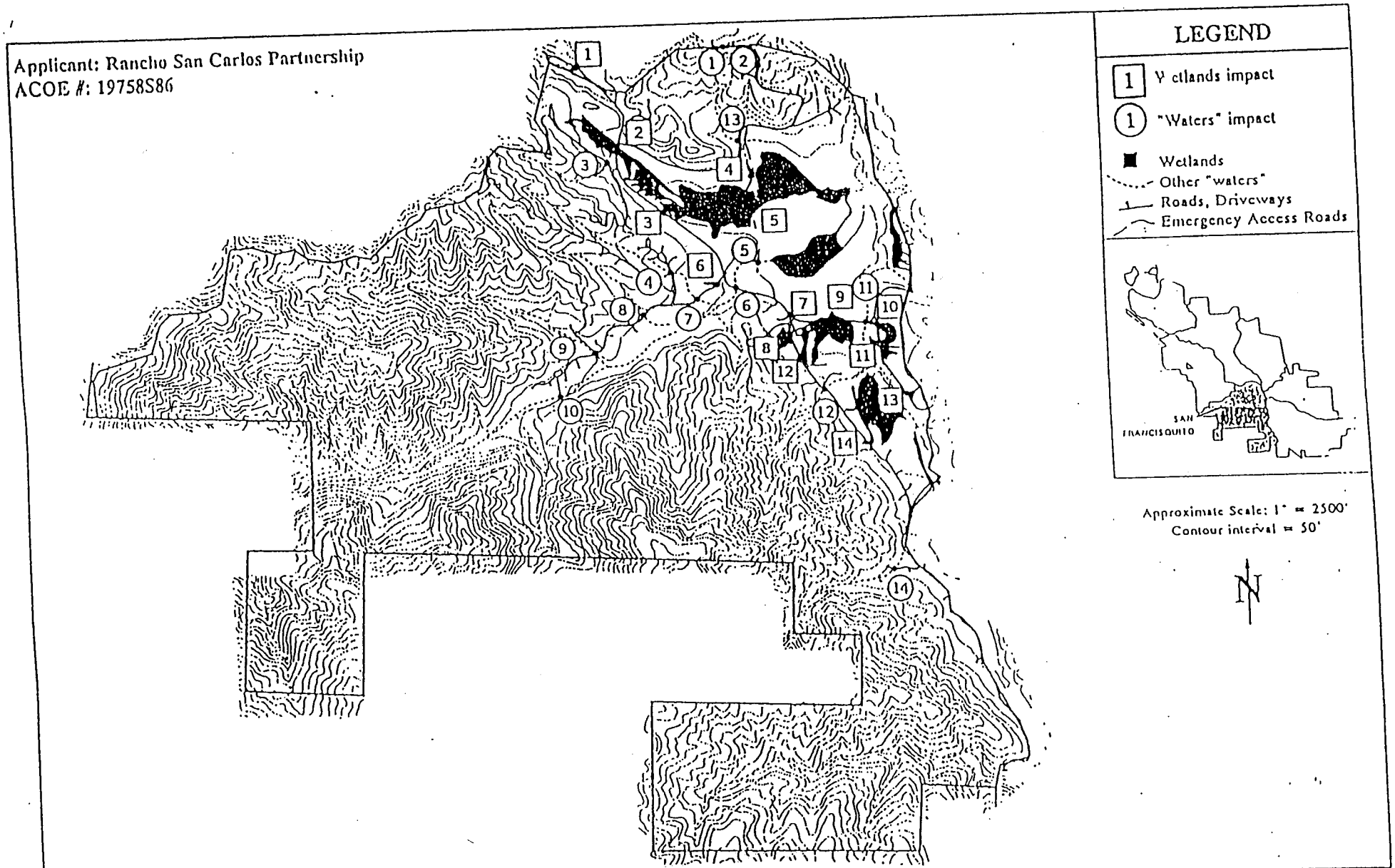


Figure 1f. Locations of other "waters" and wetlands to be filled within the San Francisquito planning region.

Wetlands Research Associates, Inc.

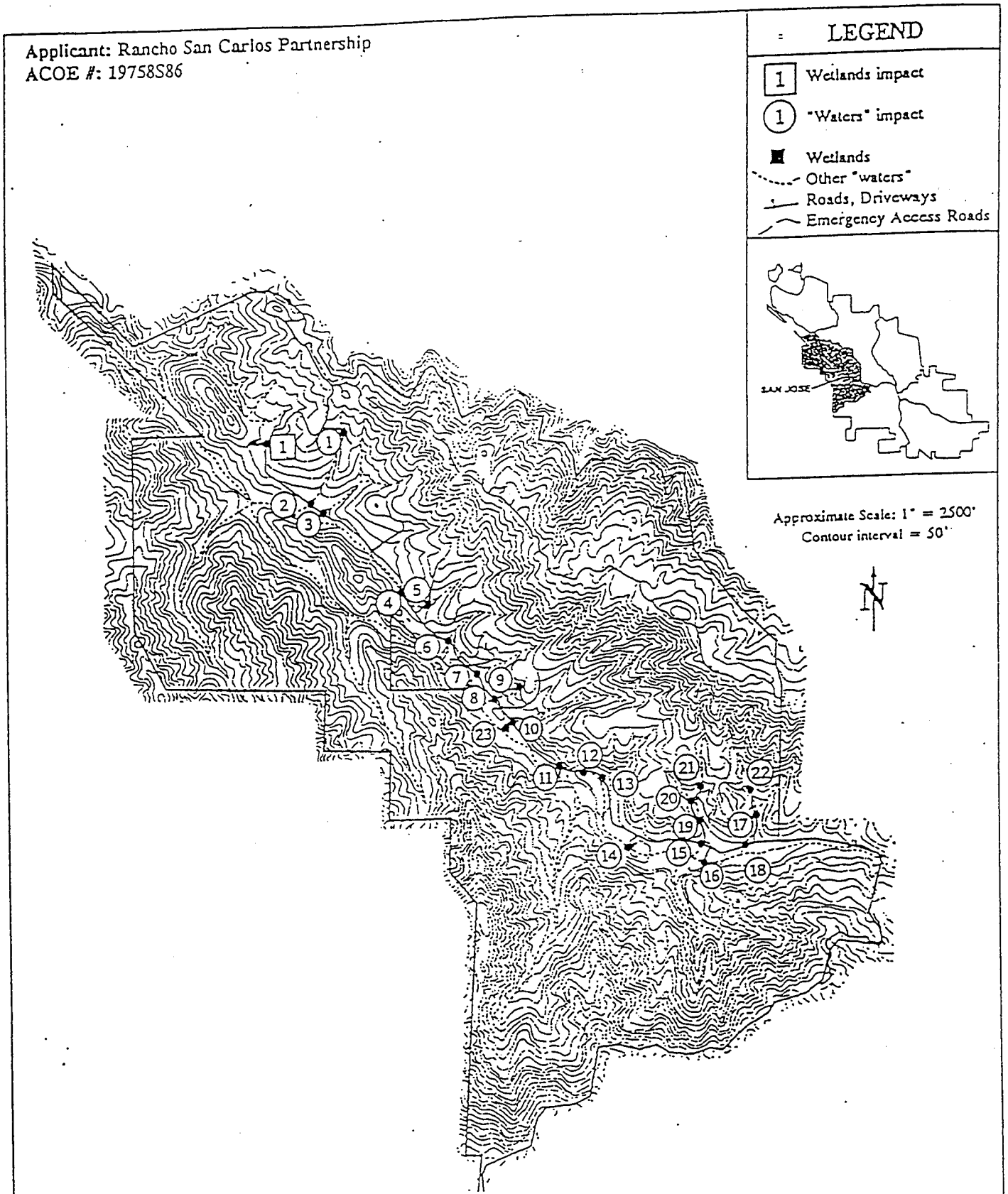


Figure 1g. Locations of other "waters" and wetlands to be filled within the San Jose planning region.

Wetlands Research Associates, Inc.

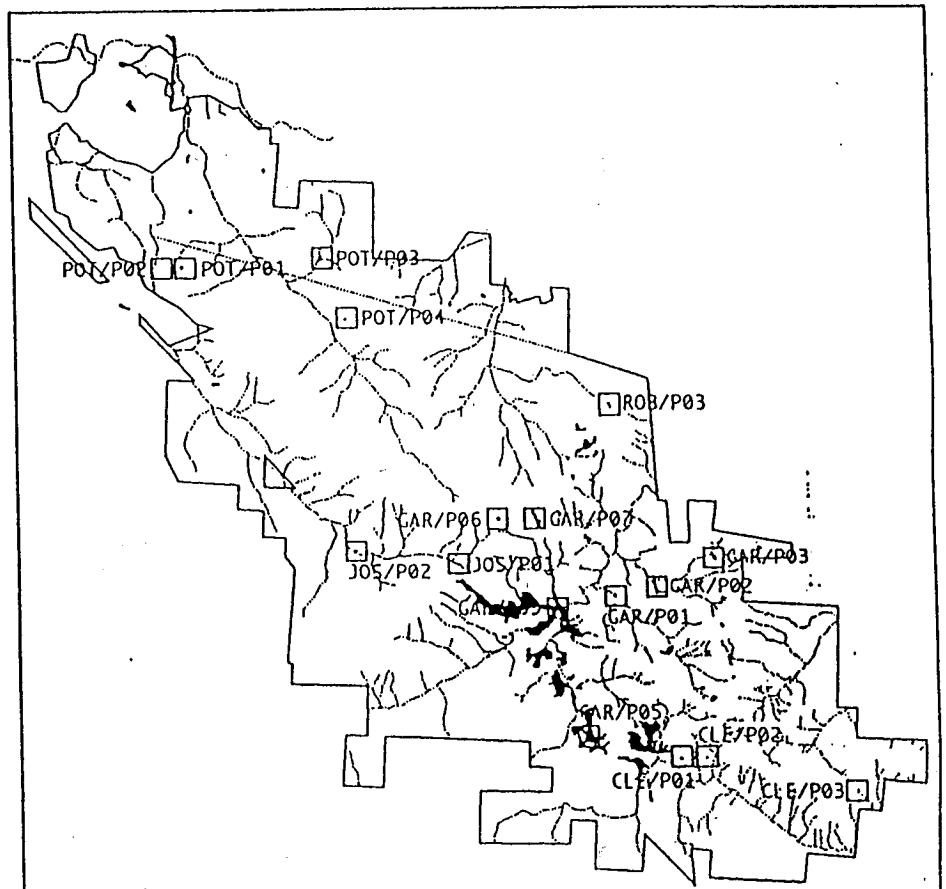
Figure 2

OCCURRENCE OF BULLFROGS AND CALIFORNIA RED-LEGGED FROGS IN RSC STOCKPONDS, 1991-1996.

WS/Pond	Descriptor	91	93	94	95	96	Plan Area	Proposal
CAR/P01	Upper Mesa/Boxcar	ø	ø	ns	ns	ø	CVMP	NonDesig
CLE/P01	San Clemente/GT13	B	B	B	B	B	GMPAP	Golf/Hab
CLE/P02	SoTouche/GT15	ns	ns	ns	B	B	GMPAP	Openland
CLE/P03	Long Ridge/HS 234	ns	RL	RL	RL	RL	GMPAP	Openland
GAR/P01	1stTouche/HS 173	ø	ø	ø	ø	B	GMPAP	Openland
GAR/P02	2ndTouche/HS 179	B	B	B	B	B	GMPAP	Openland
GAR/P03	Lost Lake/HS 252/245	B	B+RL	ns	ns	B	GMPAP	Openland
GAR/P04	Vasquez/HS 253	ø	ø	ns	ø	ø	GMPAP	Openland
GAR/P05	Cienaga Lake	B	B	B	B	B	GMPAP	Golf/Hab
GAR/P06	Chamisal/HS 138	B	B	B	B	B	GMPAP(A)	Openland
GAR/P07	Top-of-Robinson	ø	ns	ns	ø	B	GMPAP	Wildland
GAR/P08	Lower Peñon/HS 213	ns	ø	ø	ø	ø	GMPAP	Openland
GAR/P09	Moore's Lake	B+RL	B	B	B	B	GMPAP	Habitat
HIT/P01	Tri-Pasture/HS 228	ns	ns	ø	ø	ø	GMPAP	Openland
JOS/P01	Sticker Back/HiPost1	B	B	B	B	B	GMPAP(A)	Openland
JOS/P02	Picnic/HS 21	ø	RL	RL	B	B	GMPAP(A)	Openland
JOS/P03	Chamisal/HS 184	ø	ø	ø	ø	ø	GMPAP	Openland
POT/P01	Corrals/HS 6	ø	ø	ø	RL	ø	GMPAP(A)	Openland
POT/P02	Animus/HS 5	ø	ø	RL	RL	ø	GMPAP(A)	Openland
POT/P03	Cypress Lagoon	ns	ns	ns	ns	RL	CVMP	NonDesig
POT/P04	Boar Gulch	ns	ns	ns	ns	RL	GMPAP	Openland
POT/P05	Arizona/HS 7	ns	ns	ns	ø	ø	GMPAP(A)	Openland
POT/P06	Below-Owl's-Point	ø	ø	ø	ø	RL	CVMP	NonDesig
ROB/P01	Middle Mesa	ø	ns	ns	ø	ø	CVMP	NonDes
ROB/P02	Lower Mesa	ns	ns	ns	ns	ø	CVMP	NonDes
ROB/P03	Bill's Pond	RL	RL	RL	RL	RL	GMPAP	Wildland

ns = no survey
ø = survey, no frogs
(A) = Project Phase A

JBF/RANAUR.960719



Summary Distribution of Stockponds Occupied by Ranid Frogs (Rana catesbeiana, Rana aurora draytonii) on Rancho San Carlos, Monterey Co., CA (1991-1996).

Refer to Table: Presence-Absence Data for Bullfrogs and California Red-legged Frogs in Stockponds of Rancho San Carlos.

[JBF/RANAUR/960700]

Key for the Table to Follow

Impact ID:

Plan Areas:
CLE = San Clemente
FRA = San Francisquito
JOS = San Jose
MES = Mesa
PEN = Penon
POT = Potrero
TOU =Touche

*Note: JOS-01 = stream impact
JOS-01/W = wetland impact.
*Note: Numbering sequence matches PDN and Streambed Alteration documentation.

Impacts Type:

1° = primary crossing (24 ft)
2° = secondary crossing (22 ft)
D = driveway (16ft)
EA = emergency access (18ft).

Impact Area:

ND= No Data

Crossings Type:

CPP = corrugated polyethylene pipe
CMP = corrugated metalpipe.

Stream Types:

P = Perennial
W = Wash
I = Intermittent

Sources:

Pre-discharge Notification for NWPs 14 and 26 to US Army Corps of Engineers, San Francisco District (5 October 1995); Streambed Alteration Agreement to California Department of Fish & Game (February 1996).

Table 1 Summary of impacts from authorized fill of wetlands (22 sites) and "waters of the US" (97 sites), including design specifications for roadway stream crossings, Santa Lucia Preserve, Monterey Co., California.

No.	Impact ID	Impact Type	Crossing Type	Culvert Size (in.)	Impact Area (Sq.ft.)	Stream Type
1	CLE -01	2°	CPP	18	220	W
2	CLE -02	2°	CPP	18	120	W
3	CLE -03	2°	CPP	18	120	W
4	CLE -04	2°@ 180'	CPP	18	1,800	W
5	CLE -05	2°	CPP	18	120	W
6	CLE -06	2°	CPP	18	220	W
7	CLE -07	EA	CPP	18	220	W
8	CLE -08	2°	CPP	18	20	I
9	CLE -09	1°	CPP	18	80	W
10	CLE -10	2°	CPP	18	220	W
11	CLE -11	2°	CPP	36	220	I
12	CLE -12	D	SPP ARCH	122 X 75	160	P
13	CLE -13	D	CPP	36	160	I
14	CLE -14	1°	SPP ARCH	117 X 79	80	P
15	CLE -15	D	CPP	18	160	W
16	CLE -16	2°	CMP	48	220	I
17	CLE -17	2°	SPP ARCH	117 X 79	120	I
18	CLE -18	2°	CPP	18	120	W
19	CLE -19	D	CPP	18	160	W
20	CLE -20	2°	CPP	18	220	W
21	CLE -21	2°	CMP ARCH	87 X 63	220	P
22	CLE -22	D	CPP	30	160	I

No.	Impact ID	Impact Type	Crossing Type	Culvert Size (in.)	Impact Area (Sq.ft.)	Stream Type
23	CLE -23	1°	SPP ARCH	117 X 79	ND	P
24	CLE -24	D	CPP	36	ND	I
25	CLE -25	D	CPP	30	ND	I
26	CLE -26	2°	CPP	30	ND	W
27	CLE -27	2°	CPP	30	ND	I
28	CLE -28	2°	CPP	18	ND	W
29	CLE -29	2°	CPP	18	ND	W
30	CLE -30	1°	CPP	30	ND	I
31	CLE -31	1°	CPP	36	ND	P
32	CLE -32	D	CPP	18	ND	W
33	CLE - 01/W	2°	--	--	1,760	--
34	CLE - 02/W	2°	--	--	1,760	--
35	FRA -01	2° @ 720'	CPP	18	7,200	W
36	FRA -02	EA	CPP	18	20	W
37	FRA -03	2°	CPP	18	120	W
38	FRA -04	2°	CPP	18	220	W
39	FRA -05	EA	SPP ARCH	117 X 79	20	P
40	FRA -06	1°	SPP ARCH	117 X 79	80	P
41	FRA -08	2°	CPP	24	220	W
42	FRA -09	2°	CPP	36	220	I
43	FRA -10	D	CMP ARCH	103 X 71	160	P
44	FRA -11	2°	CMP ARCH	73 X 55	220	I
45	FRA -12	2°	CPP	36	220	I
46	FRA -13	2°	CPP	24	220	W
47	FRA -14	D	CMP ARCH	81 X 59	160	I

47	FRA -14	D	CMP ARCH	81 X 59	160	I
48	FRA -01/W	1°	--	--	160	--
49	FRA -02/W	1°	--	--	800	--
50	FRA -03/W	1°	--	--	640	--
51	FRA -04/W	EA	--	--	240	--
52	FRA -05/W	EA	--	--	1,060	--
53	FRA -06/W	2°	--	--	240	--
54	FRA -07/W	1°	--	--	160	--
55	FRA -08/W	1°	--	--	480	--
56	FRA -09/W	2°	--	--	6,000	--
57	FRA -10/W	2°	--	--	4,400	--
58	FRA -11/W	2°	--	--	2,640	--
59	FRA -12/W	2°	--	--	480	--
60	FRA -13/W	2°	--	--	3,520	--
61	FRA -14/W	2°	--	--	1,200	--
62	JOS -01	D	CPP	18	160	W
63	JOS -02	1°	CPP	24	80	W
64	JOS -03	1°	CPP	30	80	W
65	JOS -04	1° @ 340'	CPP	30	3,400	I
66	JOS -05	D	CPP	24	160	I
67	JOS -06	1°	CPP	24	80	W
68	JOS -07	1°	CPP	36	80	I
69	JOS -08	1°	CPP	18	80	W
70	JOS -09	D	CPP	18	160	W
71	JOS -10	1°	CPP	36	80	I
72	JOS -11	1° @ 200'	CMP ARCH	87 X 63	80	P

100	PEN -01	EA	CMP ARCH	73 x 55	20	P
101	PEN -02	D	CPP	18	260	W
102	PEN -03	D	CPP	18	260	W
103	POT -01	1°	BRIDGE	N/A	80	P
104	POT -02	D	CPP	36	60	W
105	POT -03	2°	CMP	54	ND	P
106	POT -04	2°	SPP ARCH	117 X 79	ND	P
107	POT -05	2°	CPP	30	ND	W
108	POT -06	2°	CMP	54	ND	W
109	TOU -01	2°	CMP	54	220	P
110	TOU -02	2°	CMP	48	220	I
111	TOU -03	D	CPP	36	160	I
112	TOU -04	2°	CPP	30	220	I
113	TOU -05	D	CPP	24	160	W
114	TOU -06	D	CPP	18	160	W
115	TOU -01/W	2°	--	--	480	--
116	TOU -02/W	2°	--	--	240	--
117	TOU -03/W	2°	--	--	5,720	--
118	TOU -04/W	D	--	--	2,040	--
119	TOU -05/W	2°	--	--	1,440	

Appendix B. Letter of Chris Mobley of the National Marine Fisheries Service to Mr. Mike Dormody

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Habitat Conservation Division
777 Sonoma Avenue, Room 325
Santa Rosa, California 95404

May 12, 1997 F/SWO:CTM

Mr. Mike Dormody
San Clemente Ranch
35425 Dormody Road
Carmel, California 93923

Dear Mr. Dormody:

Thank you for raising your concerns about the potential impacts to anadromous steelhead from future development of Rancho San Carlos (the Santa Lucia Preserve and Golf Trail). This project would include a golf course and luxury homes in the upper watersheds of San Jose (trib. to the ocean); Las Gazas, San Clemente, Potrero, and Robinson Canyon Creeks (tributaries to the Carmel River system). Project impacts could include reduced instream flows, reduced water quality, and reductions in riparian habitat.

During the tour that you gave me on April 30th, 1997, I observed approximately 40-60 juvenile steelhead (age 0+, 1+, and possibly a couple of 2+) in a small rearing pool, located along an unnamed tributary to San Clemente Creek, adjacent to where the 13th hole of the proposed golf course is to be located. Although there is no way at present to conclusively determine whether or not these fish were *anadromous* steelhead, (and thus proposed for listing as endangered under the federal Endangered Species Act), it is generally NMFS policy to assume that steelhead are anadromous until it is proven otherwise.

I also reviewed the September 14, 1995 EIR for the project, prepared by Jones & Stokes Consulting, and submitted to the Monterey County Planning and Building Department. To my knowledge, the National Marine Fisheries Service was <u>not</u> given any opportunity to review this document during the CEQA (California Environmental Quality Act) process. If we had been given the opportunity, we would have raised the concern that potential impacts to steelhead and steelhead habitat were not adequately addressed by the environmental documents. (The California Department of Fish and Game raised similar concerns in July 17, 1995 and November 13, 1995 letters.)

Apparently, the proposed project will only be required to provide 30 gallons per minute of flow to the aforementioned creeks. However, there is no information as to how these flows will be distributed among the creeks, or whether these flows will be adequate to maintain existing steelhead rearing habitat

conditions. Given the historic decline of steelhead in the Carmel River system, and the proposed listing of steelhead, it would be appropriate to ensure that there is no degradation of steelhead rearing conditions as a result of this project.

Furthermore, although riparian habitat impacts are proposed to be mitigated at a 3:1 ratio, there is limited quantitative information given on the location of mitigation and impact areas. Therefore, it is unclear whether SRA (shaded riverine aquatic) habitat, a critical component of steelhead rearing habitat, will be avoided to the maximum extent feasible, and mitigated in-kind where avoidance is not practicable.

Once again, thank you for the opportunity to tour this valuable watershed area of the Carmel River system. If you have any questions, please contact me at (707) 575-6056.

Sincerely,

Chris Mobley

Chris Mobley
Fishery Biologist

cc: Kyle Murphy, DFG Monterey
Henrietta Stern, Monterey Peninsula WMD
Debra McKee, DFG Sacramento
Walt Pettit, SWRCB