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Final Environmental Impact Report
Section 1

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Monterey County General Plan

Final Environmental Impact Report

SCH# 2007121001

March 2010



Prepared for:

Monterey County
Resource Management Agency Planning Department
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**Final
Environmental Impact Report**

for the

**Monterey County 2007 General Plan
Monterey County, California**

Prepared for:

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March 2010

ICF International. 2010. *Environmental Impact Report for the Monterey County 2007 General Plan, Monterey County, California*. Final. March. (ICF 00982.07.)
Sacramento, CA. Prepared for County of Monterey Resource Management Agency, Planning Department, Monterey, CA.

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Purpose of This Document

This document and the draft environmental impact report (EIR) that was circulated for public review between September 5, 2008 and February 2, 2009 constitute the FEIR for the Monterey 2007 General Plan. The information presented in this FEIR is being provided in accordance with the requirements of the State California Environmental Quality Act (CEQA) Guidelines and includes the following Chapters and Appendices:

- Chapter 1, “Introduction,” discusses the purpose of this document, public review process, CEQA requirements, and use of this document.
- Chapter 2, “Master Responses,” is comprised of general responses to comments that were received from several commenters.
- Chapter 3, “Responses to Specific Comments,” contains the individual comments received during the public review period for the DEIR and the written responses to those comments.
- Chapter 4, “Changes to the Text of the Draft EIR,” contains changes to the text of the DEIR made in response to the comments. These changes are to correct minor errors and for purposes of clarification. This includes an updated table summarizing the impacts that would result from the proposed project, mitigation measures proposed, and levels of significance before and after mitigation.
- Chapter 5, “Changes to the Draft General Plan,” contains proposed revisions to the text of the draft General Plan. These revisions are proposed as a result of discussions by the Planning Commission, corrections made to the draft, and changes to reflect mitigation measures identified in the FEIR.
- Chapter 6, “References,” updates the reference section of the DEIR. This adds new references cited in the FEIR.
- Chapter 7, “Comment Letters,” includes a copy of each of the comment letters received during the review period from September 5, 2008 to February 2, 2009. The individual comments numbers correspond to those in the Chapter 3 responses.
- “Technical Supporting Data,” attached to this FEIR consists of Air Quality EMFAC and Caline4 Model Runs, and Greenhouse Gas Calculation Spreadsheets.

As mentioned in the DEIR, this document is intended to be a program EIR, pursuant to State CEQA Guidelines Section 15168. A program EIR assesses the impacts of a series of actions that can be characterized as one large project.

Note that throughout the FEIR, the terms “GPU5” and “2007 General Plan” are used interchangeably to describe the Draft General Plan that is to be considered by County decision makers.

Public Review Process

The DEIR was distributed to various public agencies, citizen groups, and interested individuals for a public review period, beginning on September 5, 2008. As a result of public concerns over the availability of reference documents, the DEIR was slightly revised and released with additional information for a second review period beginning December 15, 2008 and ending February 2, 2009. Both versions of the DEIR were submitted to the State Clearinghouse of the Governor’s Office of Planning and Research for circulation to state agencies for their review. Copies of the DEIR were available for public review during normal business hours at the County Planning Department in Salinas. Copies of the DEIR were also available for review at Monterey County libraries and on the County’s website.

CEQA Requirements

As lead agency under CEQA, the County has provided each public agency that commented on the DEIR with a copy of its responses to comments at least 10 days before certifying the FEIR.

Use of This Document

The FEIR allows the public and the lead agency to review revisions to the DEIR, comments, responses to comments, and other components of the EIR before approval of the project. This FEIR, including the DEIR incorporated by reference, will serve as the environmental document used by the County when considering approval of the project.

After completing the FEIR and before approving the project, the County, as lead agency, must make the following three certifications (State CEQA Guidelines Section 15090):

- The FEIR has been completed in compliance with CEQA.
- The FEIR was presented to the decision-making body of the lead agency, and the decision-making body reviewed and considered the information in the FEIR before approving the project.
- The FEIR reflects the lead agency’s independent judgment and analysis.

Separately from certification of the FEIR, the County must adopt findings of fact describing the disposition of each of those impacts (State CEQA Guidelines Section

15091[a]). For each significant impact, the lead agency must make one of the following findings:

- Changes or alterations have been required in or incorporated into the project that avoid or substantially lessen the significant environmental effect as identified in the EIR.
- Such changes or alterations are within the responsibility and jurisdiction of another public agency, not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR.

Each finding must be accompanied by a brief explanation of the rationale for the finding. In addition, the County must adopt, in conjunction with the findings, a mitigation monitoring or reporting program for the mitigation measures (State CEQA Guidelines Section 15091[d]). These measures must be fully enforceable through permit conditions, agreements, or other measures.

In addition, because this project would result in significant and unavoidable impacts, the County must state in writing its reasons for approving the action (State CEQA Guidelines Section 15093[b]). This statement of overriding considerations will be supported by substantial information in the record, including the FEIR.

Chapter 2

Master Responses

CEQA requires the lead agency to make a good-faith effort to provide a reasoned response in the FEIR to each of the comments received on the DEIR. Monterey County is responding to the comments received on the DEIR for the General Plan Update in two ways: through master responses and through individual responses. The following Master Responses address comments that were received from several commenters. They provide a means of providing a broader context to the response than may be possible when making individual responses. In some cases, an individual comment may be answered by one or more of the Master Responses. More commonly, the Master Response provides a portion of the response to an individual comment.

The following topics are addressed by the Master Responses, numbered in order of discussion in this Chapter:

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

The responses to specific comments are found in Chapter 3 of this FEIR.

Master Response 1: Changes to the General Plan

The County is providing, as Chapter 5 of the FEIR, a revised version of a draft 2007 General Plan which, if adopted, would be entitled “2010 Monterey County General Plan.” This document includes errata to graphics, correction of typographical errors, changes to text to provide consistency of the draft General Plan with General Plan law, proposed mitigation measures in the General Plan DEIR, and changes to policies that are based on comments received at public workshops and in comments received on the General Plan and its DEIR.

CEQA only requires recirculation of an EIR when significant new information is added to the EIR after public notice, which changes the EIR “in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative).” (CEQA Guidelines, §15088.5(a).) Revisions that have been made to the DEIR, including those that consider the revisions to the 2007 General Plan, merely clarify or amplify the analysis and do not make significant modifications and do not make significant modifications. (Chapter 4 of this FEIR includes all changes) Therefore, recirculation of the EIR is not required under CEQA. For an additional discussion of recirculation, see Master Response 12.

It should be noted that the terms “GPU5” and “2007 General Plan” refer to the same document and are used interchangeably throughout the FEIR.

This Master Response provides a history of the events that led to the drafting of the November 2007 Draft General Plan and a summary of the changes included in the February 2010 Draft.

The following response contains these subsections:

- 1.1 Background
- 1.2 Changes Reflected in the 2010 Draft Monterey County General Plan (FEIR Chapter 5)
- 1.3 Format of the Draft General Plan/FEIR Chapter 5
- 1.4 Housing Element

1.1 Background

Efforts to update the 1982 General Plan started in 1999. There have been multiple versions of general plans including GPU3, that was rejected by the Board of Supervisors in November 2003, and GPU4, that was approved by the Board of Supervisors in January 2007. Results from ballot measures relating to the general plan in 2007, however, ended with mixed results, and the Board of Supervisors directed staff to prepare a new draft

general plan that would be based upon GPU4. EIRs were prepared for GPU3 and GPU4 and each process included extensive public participation.

The transition from GPU4 to GPU5 (the current November 2007 draft) was done through a Planning Commission subcommittee that looked at the major issues raised during the ballot measure contest, and considered ways to revise policy to find a middle ground. In September 2007, the Planning Commission forwarded a set of recommendations to the Board of Supervisors. The Board made some modifications to the Planning Commission recommendations and a draft general plan was released for public review in December 2007.

A DEIR released in September 2008 evaluated potential impacts of GPU5 policies. Based on comments received, several errata to the September DEIR were added including modifications to exhibits, an Appendix C and revisions to references. The comment period was then extended to February 2, 2009. The County also provided errata related to the draft General Plan. These included revisions to several figures (comparable to the Exhibits in the DEIR) and text changes updating the General Plan for consistency with General Plan law.

The DEIR recommended a number of mitigation measures to reduce impacts identified in the analysis. Mitigation measures proposed in a general plan EIR become policies in the General Plan, if accepted by the Board of Supervisors. Some of the DEIR mitigation measures were proposed as new, additional policies to be placed in the appropriate General Plan element; other mitigation measures were proposed as modifications to existing General Plan text.

1.2 Changes Reflected in the 2010 Draft Monterey County General Plan (FEIR Chapter 5)

A number of changes have been made to GPU5 since it was released in 2007. As noted above, staff prepared errata in December 2008 that were important for guiding public review of the DEIR. After the close of the comment period on the DEIR (February 2, 2009), staff reviewed the comments received. This review suggested that it would be appropriate to make some revisions to the General Plan text for clarity and to better address some of the issues raised in the comments with respect to both proposed General Plan policies and DEIR mitigation measures.

Staff presented several sets of proposed changes to General Plan policies and DEIR mitigation measures at Planning Commission workshops during the months June-August, 2009. Based on public comments and Planning Commission discussion, staff made further revisions to these proposed changes. In addition, as anticipated under CEQA, staff is recommending changes to the DEIR mitigation measures in response to issues raised by commenters.

Below is a summary of the modifications to the Draft General Plan that will be reflected in the revised Draft.

a. Text Clean-Up.

Between public and staff review of the General Plan, typographical errors have been found and corrected. These changes have no impact on the EIR analysis.

b. Graphic Errata.

In addition to errata noted above, a few commenters on the DEIR have identified inconsistencies between General Plan figures and EIR exhibits, and suggested updates to General Plan figures. Some of the General Plan figures have been updated, pursuant to comment. All of the General Plan figure changes have been evaluated for consistency with the EIR analysis and have been determined to be consistent with the assumptions utilized in DEIR.

The General Plan refers to these graphics as figures. The General Plan figures, when included in the EIR, are referred to as exhibits. To avoid any confusion that might result from providing two sets of amended maps in two locations, staff decided to include the amended General Plan figures in one location - FEIR Chapter 5. Table GP-1 below contains a chart that lists General Plan "Figures" and cross references these to the corresponding DEIR "Exhibits". The chart includes General Plan figures that were represented in the DEIR and those that were not included in the DEIR.

This is not a list of all of the exhibits found in the DEIR. Some General Plan figures do not have a corresponding DEIR exhibit.

Table GP-1. Figures and Exhibits

GP Figure	Figure Title	DEIR Exhibit	DEIR Exhibit Title
1	Monterey County		
2	Incorporated Cities		
3	Planning Areas	3.1	Area Plan Map
4	Community Areas		
5	Rural Centers		
6	Circulation		
8a	Regional Faults	4.4.1	Regional Faults
8b	Federal Emergency Management Agency (FEMA) 100 Year Flood (Figure S-2 Released 9/3/2008)	4.3.13	FEMA Floodplains
8c	Awareness Floodplains (Figure S-3 Released 9/3/2008)		
8d	Dam Inundation		
9a	Existing & Projected Noise Contours Airports	4.8.1	Existing Noise Contours, Airports
9b	Existing & Projected Noise Contours: Stationary Sources	4.8.2a	Existing Noise Contours, Stationary Sources
9c	Existing & Projected Noise Contours: Stationary Sources	4.8.2b	Existing Noise Contours, Stationary Sources

GP Figure	Figure Title	DEIR Exhibit	DEIR Exhibit Title
9d	Existing Noise Contours for Roadways & Railroads with Noise Receptors – North County	4.8.3b	Existing Noise Contours Roadways, North County
9e	Existing Noise Contours for Roadways & Railroads with Noise Receptors – Greater Salinas	4.8.3c	Existing Noise Contours Roadways, Greater Salinas
9f	Existing Noise Contours for Roadways & Railroads with Noise Receptors – Greater Monterey Peninsula, Carmel Valley & Toro	4.8.3d	Existing Noise Contours Roadways, Greater Monterey Peninsula, Carmel Valley, and Toro
9g	Existing Noise Contours for Roadways & Railroads with Noise Receptors – Central Salinas Valley	4.8.3e	Existing Noise Contours Roadways, Central Salinas Valley
9h	Existing Noise Contours for Roadways & Railroads with Noise Receptors – South County	4.8.3a	Existing Noise Contours Roadways, South County
10a	Projected Noise Contours for Roadways & Railroads with Noise Receptors – North County		
10b	Projected Noise Contours for Roadways & Railroads with Noise Receptors – Greater Salinas		
10c	Projected Noise Contours for Roadways & Railroads with Noise Receptors – Greater Monterey Peninsula, Carmel Valley & Toro		
10d	Projected Noise Contours for Roadways & Railroads with Noise Receptors – Central Salinas Valley		
10e	Projected Noise Contours for Roadways & Railroads with Noise Receptors – South County		
11	Water Management Agencies	4.3-12	District Map of Water Management Districts
12	Scenic Highway Corridors and Visual Sensitivity: Cachagua	4.14.2	Scenic Highway Corridors and Visual Sensitivity – Cachagua
13	Scenic Highway Corridors and Visual Sensitivity: Central Salinas Valley	4.14.3	Scenic Highway Corridors and Visual Sensitivity – Central Salinas Valley
14	Scenic Highway Corridors and Visual Sensitivity: Greater Monterey Peninsula	4.14.4	Scenic Highway Corridors and Visual Sensitivity – Greater Monterey Peninsula
15	Scenic Highway Corridors and Visual Sensitivity: North County	4.14.5	Scenic Highway Corridors and Visual Sensitivity – North County
16	Scenic Highway Corridors and Visual Sensitivity: Toro	4.14.6	Scenic Highway Corridors and Visual Sensitivity – Toro Area
AHO-1	Affordable Housing Overlay Areas: Mid-Valley	3.26	Affordable Housing Overlay, Mid-Valley
AHO-2	Affordable Housing Overlay Areas: Monterey Airport & Vicinity	3.27	Affordable Housing Overlay, Monterey Airport and Vicinity

GP Figure	Figure Title	DEIR Exhibit	DEIR Exhibit Title
AHO-3	Affordable Housing Overlay Areas: Highway 68 & Reservation Road	3.28	Affordable Housing Overlay, Highway 68 and Reservation Road
AWCP-1	Planning Area and Vicinity		
AWCP-2	Monterey Wine Country: Appellations Overview		
AWCP-3	Agriculture & Wine Corridors	3.13	Agricultural Winery Corridor Plan Area
AWCP-4	Williamson Act Lands		
AWCP-5	Monterey Wine Country: Typical Signing		
CA-1	Community Areas: Boronda	3.14	Boronda Community Area Aerial Map
CA-2	Community Areas: Castroville	3.15	Castroville Community Area Aerial Map
CA-3	Community Areas: Chualar	3.16	Chualar Community Area Aerial Map
CA-4	Community Areas: Ford Ord/ East Garrison	3.17	Ford Ord Community Area Aerial Map
CA-5	Community Areas: Pajaro	3.18	Pajaro Community Area Aerial Map
LU-1	Land Use Plan: Coast (Non-Coastal)		
LU-2	Land Use Plan: Cachagua	3.11	Cachagua Area Plan Land Use Map
LU-3	Land Use Plan: Carmel Valley Master Plan	3.8	Carmel Valley Master Plan Land Use Map
LU-4	Land Use Plan: Central Salinas Valley	3.6	Central Salinas Valley Area Plan Land Use Map
LU-5	Land Use Plan: Greater Monterey Peninsula	3.7	Greater Monterey Peninsula Area Plan Land Map
LU-6a	Land Use Plan: Ford Ord Master Plan	3.9	Ford Ord Master Plan Land Use Map
LU-6b	Planning Areas: Fort Ord Master Plan		
LU-7	Land Use Plan: Greater Salinas	3.5	Greater Salinas Area Plan Land Use Map
LU-8	Land Use Plan: North County	3.4	North County Area Plan Land Use Map
LU-9	Land Use Plan: South County	3.12	South County Area Plan Land Use Map
LU-10	Land Use Plan: Toro	3.10	Toro Area Plan Land Use Map
RC-1	Rural Centers: Bradley	3.19	Bradley Rural Center Aerial Map
RC-2	Rural Centers: Lockwood	3.21	Lockwood Rural Center Aerial Map
RC-3	Rural Centers: Pine Canyon	3.23	Pine Canyon (King City) Rural Center Aerial Map
RC-4	Rural Centers: Pleyto	3.24	Pleyto Rural Center Aerial Map
RC-5	Rural Centers: River Road	3.20	River Road Rural Center Aerial Map
RC-6	Rural Centers: San Ardo	3.22	San Ardo Rural Center Aerial Map
RC-7	Rural Centers: San Lucas	3.25	San Lucas Community Area Aerial Map

There are other changes to DEIR exhibits that are not General Plan figures. Those can be found in Chapter 4.

Table GP-2 below contains a chart that lists General Plan figures and provides a description to guide the reader of the changes to these figures that have been made since the release of the DEIR. It also distinguishes between changes to figures that were provided in the 2007 General Plan (errata) and new figures that have been added.

Table GP-2. Revisions to Draft General Plan Figures

Map Figure	Title	New	Errata	Description
1	Monterey County	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> ■ Map legend revisions: <ul style="list-style-type: none"> <input type="checkbox"/> Icons modified and rearranged; <input type="checkbox"/> Elevation key added to explain map colors.
2	Incorporated Cities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> ■ Map legend – minor modifications to map icons.
3	Planning Areas	<input type="checkbox"/>	<input type="checkbox"/>	(no changes)
4	Community Areas	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> ■ Topography added to map. ■ Map legend – minor modifications to map icons. ■ Text box added addressing coastal boundary of the Castroville Community Plan area ■ Chualar Community Area boundary policy reference corrected. ■ Pajaro Community Area boundary corrected to follow RDA boundary
5	Rural Centers	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> ■ Topography added to map; ■ Map legend – minor modifications to map icons.
6	Circulation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> ■ Title changed from, “Highways & Roads” to “Circulation Plan” ■ Amended to identify all transportation modes within Monterey County. Icons/Information added on the map and in the Legend: <ul style="list-style-type: none"> <input type="checkbox"/> Railroads <input type="checkbox"/> Ports <input type="checkbox"/> Airports <input type="checkbox"/> Coastal Boundaries <input type="checkbox"/> Proposed West-Side By-pass <input type="checkbox"/> Rural Centers <input type="checkbox"/> Community Areas
8a	Regional Faults	<input type="checkbox"/>	<input type="checkbox"/>	(no changes)
8b	Federal Emergency Management Agency (FEMA) 100 Year Flood	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> ■ Previously Figure S-2 issued September 3, 2008 with General Plan Errata. ■ Map identifies all 100-year floodplain areas. ■ Change to Legend include Title and Icons. ■ Topography added to map.

Map Figure	Title	New	Errata	Description
8c	Awareness Floodplains	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> ■ Previously Figure S-3 issued September 3, 2008 with General Plan Errata. ■ Map identifies floodplain awareness areas within Monterey County mapped by the California Department of Water Resources. ■ Change to Legend include, Title and Icons. ■ Topography added to map.
8d	Dam Inundation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> ■ Map identifies dam floodplain areas within Monterey County.
9a	Existing & Projected Noise Contours Airports	<input type="checkbox"/>	<input type="checkbox"/>	(no changes)
9b	Existing & Projected Noise Contours: Stationary Sources	<input type="checkbox"/>	<input type="checkbox"/>	(no changes)
9c	Existing & Projected Noise Contours: Stationary Sources	<input type="checkbox"/>	<input type="checkbox"/>	(no changes)
9d	Existing Noise Contours for Roadways & Railroads with Noise Receptors – North County	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> ■ Formerly titled, “Existing Noise Contours Roadways – North County”. ■ Additional icons that correspond to added information on the map, including: <ul style="list-style-type: none"> <input type="checkbox"/> Sensitive Receptors; <input type="checkbox"/> Railroads; and <input type="checkbox"/> Airports or Airfields
9e	Existing Noise Contours for Roadways & Railroads with Noise Receptors – Greater Salinas	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> ■ Formerly titled, “Existing Noise Contours Roadways – Greater Salinas”. ■ Additional icons that correspond to added information on the map, including: <ul style="list-style-type: none"> <input type="checkbox"/> Sensitive Receptors; <input type="checkbox"/> Railroads; and <input type="checkbox"/> Airports or Airfields
9f	Existing Noise Contours for Roadways & Railroads with Noise Receptors – Greater Monterey Peninsula, Carmel Valley & Toro	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> ■ Formerly titled, “Existing Noise Contours Roadways – Greater Monterey Peninsula, Carmel Valley and Toro”. ■ A close-up of Carmel Valley Village has been added. ■ Additional icons that correspond to added information on the map, including: <ul style="list-style-type: none"> <input type="checkbox"/> Sensitive Receptors; <input type="checkbox"/> Railroads; and <input type="checkbox"/> Airports or Airfields

Map Figure	Title	New	Errata	Description
9g	Existing Noise Contours for Roadways & Railroads with Noise Receptors – Central Salinas Valley	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> ■ Formerly titled, “Existing Noise Contours Roadways – Central Salinas Valley”. ■ Additional icons that correspond to added information on the map, including: <ul style="list-style-type: none"> <input type="checkbox"/> Sensitive Receptors; <input type="checkbox"/> Railroads; and <input type="checkbox"/> Airports or Airfields
9h	Existing Noise Contours for Roadways & Railroads with Noise Receptors – South County	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> ■ Formerly titled, “Existing Noise Contours: Roadways – South County”. ■ Additional icons that correspond to added information on the map, including: <ul style="list-style-type: none"> <input type="checkbox"/> Sensitive Receptors; <input type="checkbox"/> Railroads; and <input type="checkbox"/> Airports or Airfields
10a	Projected Noise Contours for Roadways & Railroads with Noise Receptors – North County	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> ■ Formerly titled, “Projected Noise Contours Roadways – North County”. ■ Additional icons that correspond to added information on the map, including: <ul style="list-style-type: none"> <input type="checkbox"/> Sensitive Receptors; <input type="checkbox"/> Railroads; and <input type="checkbox"/> Airports or Airfields
10b	Projected Noise Contours for Roadways & Railroads with Noise Receptors – Greater Salinas	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> ■ Formerly titled, “Projected Noise Contours Roadways – Greater Salinas”. ■ Additional icons that correspond to added information on the map, including: <ul style="list-style-type: none"> <input type="checkbox"/> Sensitive Receptors; <input type="checkbox"/> Railroads; and <input type="checkbox"/> Airports or Airfields
10c	Projected Noise Contours for Roadways & Railroads with Noise Receptors – Greater Monterey Peninsula, Carmel Valley & Toro	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> ■ Formerly titled, “Projected Noise Contours Roadways – Greater Monterey Peninsula, Carmel Valley and Toro”. ■ A close-up of Carmel Valley Village has been added. ■ Additional icons that correspond to added information on the map, including: <ul style="list-style-type: none"> <input type="checkbox"/> Sensitive Receptors; <input type="checkbox"/> Railroads; and <input type="checkbox"/> Airports or Airfields
10d	Projected Noise Contours for Roadways & Railroads with Noise Receptors – Central Salinas Valley	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> ■ Formerly titled, “Projected Noise Contours Roadways – Central Salinas Valley”. ■ Additional icons that correspond to added information on the map, including: <ul style="list-style-type: none"> <input type="checkbox"/> Sensitive Receptors; <input type="checkbox"/> Railroads; and <input type="checkbox"/> Airports or Airfields

Map Figure	Title	New	Errata	Description
10e	Projected Noise Contours for Roadways & Railroads with Noise Receptors – South County	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> ■ Formerly titled, “Projected Noise Contours Roadways – South County”. ■ Additional icons that correspond to added information on the map, including: <ul style="list-style-type: none"> <input type="checkbox"/> Sensitive Receptors; <input type="checkbox"/> Railroads; and <input type="checkbox"/> Airports or Airfields
11	Water Management Agencies	<input type="checkbox"/>	<input type="checkbox"/>	(no changes)
12	Scenic Highway Corridors and Visual Sensitivity: Cachagua	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> ■ Topography added to map. ■ City and Area names on map have been replaced with a bigger and bolder font. <ul style="list-style-type: none"> <input type="checkbox"/> Map legend rearranged.
13	Scenic Highway Corridors and Visual Sensitivity: Central Salinas Valley	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> ■ Topography added to map. ■ City and Area names on map have been replaced with a bigger and bolder font. <ul style="list-style-type: none"> <input type="checkbox"/> Map legend rearranged.
14	Scenic Highway Corridors and Visual Sensitivity: Greater Monterey Peninsula	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> ■ Topography added to map. ■ City minor streets removed for clarity ■ Map and map legend modified to show Coastal Zone Boundary. <ul style="list-style-type: none"> <input type="checkbox"/> Icon modifications.
15	Scenic Highway Corridors and Visual Sensitivity: North County	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> ■ Topography added to map. ■ City minor streets removed for clarity (no change in pattern) ■ Map and map legend modified to show Coastal Zone Boundary.
16	Scenic Highway Corridors and Visual Sensitivity: Toro	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> ■ Topography added to map. ■ Map and Map Legend revised to include scenic vista location:
AHO-1	Affordable Housing Overlay Areas: Mid-Valley	<input type="checkbox"/>	<input type="checkbox"/>	(no changes)
AHO-2	Affordable Housing Overlay Areas: Monterey Airport & Vicinity	<input type="checkbox"/>	<input type="checkbox"/>	(no changes)
AHO-3	Affordable Housing Overlay Areas: Highway 68 & Reservation Road	<input type="checkbox"/>	<input type="checkbox"/>	(no changes)
AWCP-1	Planning Area and Vicinity	<input type="checkbox"/>	<input type="checkbox"/>	(no changes)
AWCP-2	Monterey Wine Country: Appellations Overview	<input type="checkbox"/>	<input type="checkbox"/>	(no changes)

Map Figure	Title	New	Errata	Description
AWCP-3	Agriculture & Winery Corridors	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> ■ Topography added to map. □ Map legend revised to include minor icon modifications. □ City Sphere of Influence added
AWCP-4	Williamson Act Lands	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> ■ Map legend revised to include icon modifications.
AWCP-5	Monterey Wine Country: Typical Signing	<input type="checkbox"/>	<input type="checkbox"/>	(no changes)
CA-1	Community Areas: Boronda	<input type="checkbox"/>	<input type="checkbox"/>	(no changes)
CA-2	Community Areas: Castroville	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> ■ Map and map legend revised to include Coastal Zone Boundary: <ul style="list-style-type: none"> □ Icon modifications; □ Text Box added stating that the General Plan only applies to the inland areas of the Castroville Community Plan.
CA-3	Community Areas: Chualar	<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> ■ Text Box reference to policy corrected.
CA-4	Community Areas: Fort Ord/East Garrison	<input type="checkbox"/>	<input type="checkbox"/>	(no changes)
CA-5	Community Areas: Pajaro	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> ■ New photo taken in 2007 for map. ■ Community Area boundary adjusted to follow RDA boundary.
LU-1	Land Use Plan: Coast (Non-Coastal)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> ■ Map and map legend revised to include: <ul style="list-style-type: none"> □ National Forestry Boundaries. □ Forest lands designated Resource Conservation. □ Military Boundaries □ New color for Resource Conservation Land Use. □ Density values shown..
LU-2	Land Use Plan: Cachagua	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> ■ Density values shown ■ Detail Map relocated and Detail area expanded. ■ City and Area names on map have been replaced with a bigger and bolder font. ■ Map legend includes an added statement to inform that the densities shown are for Cachagua area only. ■ National Forestry Boundaries. ■ Forest lands designated Resource Conservation.

Map Figure	Title	New	Errata	Description
LU-3	Land Use Plan: Carmel Valley Master Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> ■ Density values shown ■ Added statements that densities indicated are for Carmel Valley Master Plan area only and that where no density is shown; the development density is the lots of record. ■ Map Legend modified to add symbol for Affordable Housing Overlay. ■ Removed Rural Center Boundary and added Rancho Canada Village Special Treatment Area boundary. ■ Delfino (Airport Site) Special Treatment Area designation on Land Use Map deleted
LU-4	Land Use Plan: Central Salinas Valley	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> ■ Density values shown. ■ Added statement that densities indicated is for Central Salinas Valley area only and that where no density value shown, the development density is lot of record. ■ Map and map legend revised to include: <ul style="list-style-type: none"> <input type="checkbox"/> Icon for BLM land <input type="checkbox"/> Added boundary delineation for Military installations <input type="checkbox"/> Added boundary for National Forest <input type="checkbox"/> Forest lands designated Resource Conservation.
LU-5	Land Use Plan: Greater Monterey Peninsula	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> ■ Density values shown. ■ Added statement that densities indicated is for Greater Monterey Peninsula area only and that where no density value shown, the development density is lot of record. ■ Map and map legend revised to include: <ul style="list-style-type: none"> ■ Added boundary for National Forest ■ Forest lands designated Resource Conservation. ■ Removed Rural Center Boundary and added Rancho Canada Village Special Treatment Area boundary. ■ Bruno Property land use changed from Farmland to Resource Conservation.
LU-6a	Land Use Plan: Fort Ord Master Plan	<input type="checkbox"/>	<input type="checkbox"/>	(no changes)
LU-6b	Planning Areas: Fort Ord Master Plan	<input type="checkbox"/>	<input type="checkbox"/>	(no changes)
LU-7	Land Use Plan: Greater Salinas	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> ■ Density values shown. ■ An added statement to inform that densities indicated is for Greater Salinas area only. ■ Approved Butterfly Village detail map and land use table added. ■ Map legend revised. ■ Bruno Property land use changed from Farmland to Resource Conservation.

Map Figure	Title	New	Errata	Description
LU-8	Land Use Plan: North County	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> ■ Density values removed, development density to be lots of record. ■ Castroville Detail map has an added statement that informs that the General Plan only applies to the inland areas of Castroville. ■ Map legend revised ■ Pajaro Community Area boundary adjusted to follow RDA boundary. ■ 29 acres (Red Barn) returned from Light Commercial back to 1982 land use of Rural Density Residential (reflect deletion of policy T-1.4)
LU-9	Land Use Plan: South County	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> ■ Density values shown. ■ An added statement to inform that densities indicated is for South County area only. ■ Map and map legend revised to include: <ul style="list-style-type: none"> <input type="checkbox"/> BLM land holdings <input type="checkbox"/> National Forestry Boundaries <input type="checkbox"/> Forest lands designated Resource Conservation <input type="checkbox"/> Military Boundaries <input type="checkbox"/> Tank Road added to map.
LU-10	Land Use Plan: Toro	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> ■ Density values shown. ■ Added Lots of Record Overlay to residentially designated properties within El Toro Creek basin. ■ Detail Area added ■ An added statement to inform that densities indicated is for Toro area only. ■ Map legend revised.
RC-1	Rural Centers: Bradley	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> ■ New photo taken in 2007 for map.
RC-2	Rural Centers: Lockwood	<input type="checkbox"/>	<input type="checkbox"/>	(no changes)
RC-3	Rural Centers: Pine Canyon	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> ■ New photo taken in 2007 for map. ■ Corrected boundary location along Jolon Road.
RC-4	Rural Centers: Pleyto	<input type="checkbox"/>	<input type="checkbox"/>	(no changes)
RC-5	Rural Centers: River Road	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> ■ New photo taken in 2007 for map.
RC-6	Rural Centers: San Ardo	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> ■ New photo taken in 2007 for map ■ Cattlemen Road name corrected.
RC-7	Rural Centers: San Lucas	<input type="checkbox"/>	<input type="checkbox"/>	(no changes)

c. Consistency with General Plan law.

Section 65302, *et seq* of the California Government Code establishes minimum requirements for what is required in a general plan. Certain introductions of General Plan Elements have been modified to provide background data required by law. This

information was to a great extent incorporated from the text in the DEIR and therefore would have no impact on the EIR analysis.

d. Mitigation Measures Proposed in the DEIR.

The DEIR proposed a number of measures for inclusion as policies in the General Plan. These have been incorporated.

e. Responses to Comments.

As noted above, a number of comments received during the DEIR review period included suggestions for modifications to draft General Plan policies or to proposed DEIR mitigation measures. Based on the review of these comments, changes were made to proposed mitigation measures and to draft General Plan policies. These changes were noted in the responses to the comments provided and were considered to be of equal or greater value as mitigation for impacts. Both of these sets of changes are incorporated in the February GP Working Draft.

f. City-County Consultation.

Some policy changes have been made in response to consultation with cities that would not affect the environmental analysis. A number of these changes included text in maps and minor changes in the wording of policies. Several of the recommended changes are reflected in the modifications to the Fort Ord Master Plan described in (h) below. None of the changes made would impact the EIR analysis.

g. Planning Commission workshops.

As already noted, a number of the changes to both General Plan policy text and DEIR mitigation measures were considered at Planning Commission workshops. The Planning Commission provided general direction to staff based upon public comment and Commission discussion. Changes proposed in response to this direction have been evaluated in the FEIR. No new significant impacts have been identified and changes to mitigation measures result in equal or greater value.

h. Fort Ord Master Plan.

That portion of the Fort Ord Reuse Plan within the County's jurisdiction was incorporated into GPU4 as the Fort Ord Master Plan, which has not been modified since that time. Modifications have been made to the Fort Ord Master Plan in GPU5 in order to stay current with the adopted Fort Ord Reuse Plan. No changes are proposed beyond what has been certified by the Fort Ord Reuse authority (FORA). The Fort Ord Master Plan will be subject to review and certification by FORA after County adoption. Since there has been no change beyond what has been approved and evaluated for development in this area, there would be no impact on the environmental analysis.

1.3 Format of the Draft General Plan/FEIR Chapter 5

Chapter 5 of the FEIR includes the draft general plan with all of the changes represented with ~~strikeout~~ text for deletions and underlined text for new additions. Text boxes are provided after each section/policy where a change has been made to identify the origin of

the recommended change. Decision makers may accept, delete or modify each recommended change.

1.4 Housing Element

Due to the timing of GPU3 and the State mandated timeline for updating Housing Elements, the Housing Element was separated from GPU3 and adopted in October 2003. Housing Elements are required to be updated periodically and as a result Monterey County is currently in the process of updating the Housing Element. Because of the uncertainty of the timing of adoption of the updated Monterey County General Plan, the Housing Element is being updated separately but concurrently with the General Plan. Although a separate CEQA review is being completed for the Housing Element, consistency with the draft General Plan and EIR has been considered.

When the DEIR for the November 2007 Draft General Plan was released in September 2008, the 2003 Housing Element was included as being part of the comprehensive General Plan. The current Housing Element Update makes adjustments to reflect changes between GPU3 and GPU5 such as changing Rancho San Juan Community Area to the Butterfly Village Special Treatment Area. In addition, RHNA numbers for the current planning period are lower than they were for the last housing planning period. The Draft 2010 General Plan is consistent with the draft Housing Element, and impacts of the draft Housing Element have been evaluated to an equal or greater level in the General Plan DEIR by using the 2003 Housing Element as a basis.

It should be noted that the proposed 2009-2014 Housing Element will cover only a portion of the period between now and 2030 (and between now and build-out). As required under Housing Element Law (Government Code Section 65580, et seq.), the Housing Element will be updated on a regular basis (approximately every 5 to 7 years). Therefore, the population and housing need assumptions in the Housing Element will be adjusted on a regular basis during the term of the General Plan.

Master Response 2: Growth Assumptions Utilized in the General Plan

The County received comments on the growth assumptions utilized in the DEIR as the basis of the impact analysis for the General Plan. Comments focused on the following issues: (a) the accuracy of the growth projections, and the potential for growth not included in the projections; (b) concerns that the analysis overestimates impacts because it is based upon a regional population and housing forecast that predicts greater growth than is now anticipated and therefore requires mitigation that is unnecessary; (c) the accuracy of the projections post 2030 and whether, because of the speculative nature of these projections, it is feasible or appropriate to include proposed mitigation measures; (d) questions regarding consistency of the analysis with the 2008 Air Quality Management Plan; and (e) concerns that the General Plan plans for more growth than is required to meet future needs.

There were additional comments regarding assumptions about growth that would be induced as a result of implementation of the AWCP and the accuracy of assumptions regarding the growth of viticulture. These are addressed separately in Master Response 3, *Agricultural Growth and General Plan Agricultural Policies*.

The discussion below responds to general comments received on the methodology utilized by the County, as well as to each of the specific issues discussed above. The discussion is organized as follows:

- 2.1 Methodology and Assumptions.
 - 2.1.1 Use of the AMBAG 2004 Growth Projections
 - 2.1.2 Assumptions Regarding the 80%/20% Allocation of New Growth
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Here is a summary of the following discussion:

- The General Plan uses growth projections consistent with the only certified traffic model that is accepted in the region, and the County acknowledges that the model assumed more growth than is currently projected to occur. Accordingly, the DEIR analysis is conservative because more impacts are projected to occur and more mitigation is required than might have occurred with the 2008 AMBAG growth forecast

- Based upon the assumptions provided with respect to the 80%/20% allocation of growth between focused growth areas and areas outside of focused growth areas, and the small number of units in the AWCP and the coastal zone not included in the General Plan growth projections, there would not be new or worse significant environmental impacts beyond those disclosed in the DEIR.
- Proposed changes to mitigation measures BIO-1.4, BIO-1.5, and WR-2 provide for periodic tracking of actual growth against forecasted growth, thereby reducing the potential for over-estimation or under-estimation of growth that might occur, and allowing timely planning to mitigate long-term biological and water resources impacts.
- The approaches used for the General Plan buildout analysis and the DEIR buildout impact analysis and mitigation measures, were reasonable and consistent with CEQA Guidelines provisions for General Plan EIRs.
- The General Plan growth projections are consistent with the growth projections used for 2008 AQMP traffic and air quality modeling.
- The County is not “planning for more growth than is required,” because the General Plan must be long-term, and provide flexibility for both decision-makers, the private market, and economic fluctuations.

2.1 Methodology and Assumptions.

2.1.1 Use of the AMBAG 2004 Growth Projections

The County used the 2004 growth forecast prepared by AMBAG, which is the Metropolitan Planning Agency for Monterey, Santa Cruz and San Benito Counties, to identify the amount of residential growth and employment growth expected by 2030. The location of growth due to the 2007 General Plan was determined by the land use designations in the 2007 General Plan.

The County considered utilizing the 2008 AMBAG growth forecast to estimate residential and employment growth for 2030. The 2008 forecast reflects early evidence of the current economic recession, predicting significantly less growth in homes and employment than the AMBAG growth forecast. However, the County decided not to use the 2008 forecast for the following reason:

- In order to conduct the analysis of traffic impacts, the County attempted to update the validated 2004 AMBAG traffic model with 2008 forecast data.
- In February, 2008, AMBAG advised that the model should not be updated outside of the AMBAG update and validation process. To date, as of February 2010, there still is no validated AMBAG 2008 traffic model. The County used the approved 2004 AMBAG traffic model, since it is the most up-to-date approved regional traffic model.
- The County was concerned about inconsistencies that would result between the impact analysis for traffic and the analysis for other resource areas if it relied upon a

2004 growth forecast for traffic impacts and a 2008 forecast for other resources impacts.

- The County was also aware that using the 2004 growth forecast, which could be viewed as a “worst case growth scenario,” as the basis for analysis could result in the overestimation of the impacts. This approach was considered preferable to potentially underestimating impacts and is the more conservative approach. An analysis based on the 2004 forecast provides greater assurance that significant impacts that may occur during the time horizon between today and 2030 would be disclosed and mitigated.

Full buildout was calculated by assuming development on a parcel to the full extent allowed by the zoning and 2007 General Plan policies. The DEIR used the 2004 AMBAG projected housing unit growth and fixed persons per unit ratio to 2030 to estimate when full buildout could occur (2092). The calculation took into consideration the 2007 Draft General Plan’s limitation to single family homes on lots of record within a portion of the Greater Salinas Area Plan, a portion of the Toro Area Plan, and all of the North County Area Plan. Similarly, buildout in the Carmel Valley Master Plan area was based on the 266-unit cap on the creation of new lots.

2.1.2 Assumptions Regarding the 80%/20% Allocation of New Growth

There were a number of comments regarding the reasoning behind distribution of growth between focused growth areas and outside focused growth areas. These comments also asserted that utilizing the assumption that 20% of the growth would occur on lots of record or from new subdivisions outside focused growth areas would under predict the likely impacts that could occur from implementation of the General Plan.

The DEIR analysis of future impacts from new development assumed that 80% of the growth between 2006 and 2030 would occur in areas designated in the General Plan for focused growth and 20% would occur outside of focused development areas. This would equate to 8,012 units in focused growth areas and 2,003 new units outside of focused growth areas.

This assumption is based upon several factors: 1) population distribution trends and projections; 2) trends in population composition and preferences; 3) directives and incentives in General Plan policies; and 4) state regulatory mandates (i.e., Regional Housing Needs Assessment).

1. Population distribution. The 2004 AMBAG forecast (DEIR Table 3-3) indicates that by 2030, 78% of the population in the County will reside in cities and 22% will reside in the unincorporated area. This split between the cities and unincorporated area is the continuation of a trend that has characterized population changes since 1980. In 1980, 71% of the population lived in the cities versus 29% in the unincorporated area. In 2006, the estimated population division between cities and the unincorporated area was 76% versus 24%.

Based upon this historic trend, and the regional projections, it was reasonable to conclude that this trend would be mirrored in the allocation of future growth within the unincorporated County. This was the primary factor considered in deriving the 80%/20% assumption for the DEIR impact analysis.

2. Trends in population composition. The State Department of Finance estimates that 1 in 5 people in California will be over 65 by 2030. (California Department of Finance 2007b). This change in the age of the population is also characteristic of Monterey County. Family size in the unincorporated area is also decreasing, in part because of the aging of the population. In 2005, the average number of persons per dwelling unit in the unincorporated County was 3.19/unit. The AMBAG 2004 forecast (DEIR Table 3-5- note e) indicates that the number of persons per unit in the unincorporated County will decrease to 2.78 persons/unit by 2030.

The March 11, 2008 Annual Housing Report presented to the Monterey County Board of Supervisors noted that the affordable housing crisis was likely to continue with more families seeking rental housing. With the ongoing mortgage crisis and economic downturn, less rental housing was being constructed than was needed thus exacerbating the problem.

County staff recognized that urbanized areas provide more housing choices for smaller families and lower income families. The higher densities that are required to achieve affordability are best accommodated in areas of compact urban development. In addition, urbanized areas provide increased employment opportunities for working families and access to services, transportation, and entertainment.

There are 4,629 lots of record in the unincorporated area. Based on projected population composition, economic factors and consumer preferences, the County assumed that development on these lots would be spaced over time, i.e. that the supply would not be exhausted during the life of the General Plan. Given the cost of building a single family dwelling and the constraints on creating new subdivisions outside of focused growth areas, the 20% of total projection of 2003 units seemed a reasonable assumption for the purposes of analysis.

These indices -- increase in the age of the population, growing need for affordable housing and rental housing and preferences for access to services and transportation - - support the assumption that future growth in the unincorporated area would be directed towards the focused growth areas.

3. Directives and incentives in the General Plan. There are numerous policies in the General Plan that direct growth to the cities and focused growth areas in the unincorporated area. The policies include strict provisions that limit development outside focused growth areas based on the need to provide services, protect agricultural land and natural resources. Policies LU-1.4(designation of new growth areas) and LU-1.8 (transfer of development rights) address directing new development where there are adequate services and facilities. Policy LU-1.19 indicates "that Community Areas, Rural Center and Affordable Housing Overlay districts are the top priority for development in the unincorporated areas of the County". LU-1.19 establishes a development evaluation system consistent with this policy. LU-2.12 establishes a program for affordable and work force housing that includes a number of incentives for future developers. Policies LU-2.21 through LU-2.33 prescribe the location and criteria for Community Areas and Rural Centers and

set priorities for completion of Community and Rural Center plans. Policies PS-1.1 through PS-1.6 provide criteria for “Adequate Public Services and Facilities” that must accompany new development that must be met for a project to be approved. In addition, funding for focused growth areas is established as a high priority in the General Plan (Policies LU-2.30, C-1.2, and PS-1.1). These policies among others set the future direction of new growth to existing and planned focused growth areas and constrain growth outside of these areas.

Both the requirements to provide Adequate Public Facilities and Services and the cost of providing these to new development are strong factors in the DEIR assumptions regarding the allocation of new growth. The stringency of new requirements from federal and state agencies with respect to water quality and wastewater disposal suggests that it will become even more difficult for the single family home builder and small project developer to comply. These requirements in concert with the General Plan policies are likely to constrain growth outside of the focused growth areas identified in the General Plan

4. Regional Housing Needs Assessment (RHNA). By law, the General Plan Housing Element must provide for the future housing needs of all economic segments of the community (Government Code Section 65580, et seq.). The State Housing and Community Development Department (HCD) assigns housing targets for each region in the State, including targets for affordable housing. These targets are then allocated to individual jurisdictions by the regional agencies such as AMBAG. These housing allocations (based on 5-7 year planning cycles) must be accommodated in the Housing Element for that jurisdiction (Government Code Section 65583). Housing Elements are required to be submitted to HCD for review and, if found to comply with the requirements of Housing Element Law, certification of adequacy. If a Housing Element cannot be certified because it does not designate sufficient land to accommodate affordable housing, the jurisdiction may lose eligibility for housing grants. To accommodate the housing target, the jurisdiction must demonstrate that it has sufficient housing that will be zoning at a high density (20+ units per acre) to meet the allocation.

The 2007 General Plan was drafted with the intent of ensuring consistency with these requirements and accommodating several RHNA cycles. The Community Areas, Rural Centers and AHOs were selected and designed to address the RHNA requirement and community needs by accommodating the projected RHNA growth.

The initial housing allocation assigned to the unincorporated area, based on the 2004 Growth Projections, was 2,500 units (2006-2013).¹ This would equate to 10,000 units over four planning cycles. The RHNA for the current cycle required that 60%, or 6,000, of these units be in very low-, low-, and moderate-income housing categories. The remaining were assumed to be in higher price categories. These calculations were factored into the DEIR assumptions regarding the likely distribution of new growth. As indicated above, the County assumed that the difference (4,000 units) would not be accommodated by building single family dwellings on all remaining existing lots of record.

¹ The RHNA allocation was subsequently adjusted by AMBAG in April 2008, but since the DEIR analysis is based on the 2004 forecast, not the 2008 reduced forecast, the lower RHNA allocation was not taken into consideration in the DEIR.

Table 3-9 indicates that there would be sufficient capacity in the Community Areas, Rural Centers and AHOs through the year 2030 to accommodate the RHNA.

In summary, the assumption utilized in the DEIR impact analysis (80% of new growth would occur in focused growth areas; 20% outside of these areas) was derived from each of the factors described above, individually and collectively. Population distribution trends were the primary factor in deriving these assumptions. The remaining factors were applied to confirm whether the assumption was realistic. The combination of population distribution and composition trends, changes in community preferences over time, key principles and constraints in General Plan policies and State regulatory requirements for affordable housing suggest development between 2006 and 2030 will occur primarily in the Community Areas, Rural Centers and AHOs. These land use designations established in the General Plan are most able to provide affordable housing, employment, services and transportation options.

As a result, the County does not believe that the DEIR analysis underestimated the impacts from growth outside of focused growth areas and the conclusion in the DEIR would remain the same.

2.2 Accuracy of Projections; Potential Growth not Included in the Analysis

AMBAG 2004 growth forecast distribution for 2030 was adjusted to reflect the distribution of growth consistent with the 2007 Draft General Plan. For example, commenters noted that the DEIR projects more growth on the Monterey Peninsula (including portion of Highway 68) than is assumed in the AMBAG 2004 forecast. This is correct because the DEIR appropriately addresses and therefore includes in its assumptions the affordable housing overlays (AHOs) proposed by the 2007 Draft General Plan in Carmel Valley, Highway 68 (Airport) and Reservation Road/Highway 68. The 2007 Draft General Plan recognizes that there might not be sufficient affordable housing in the unincorporated area, taking the decline in housing production in the Peninsula cities into consideration, and therefore proposed potential areas for concentrated growth specifically to accommodate affordable housing that would address this deficiency.

Commenters raised questions regarding growth in the Coastal Zone. The 10,015 residential units that could result based on the 2004 AMBAG forecast were distributed within the inland areas. Available data suggests that there are 1,509 vacant existing lots in the Coastal Zone. If the same rate of growth that has been assumed for the inland area is applied, there could be 423 new Coastal Zone residential units, equal to 4% of total growth. Therefore, there could be a minor potential difference in the distribution of growth by 2030 (423 units over-predicted for the inland area or 423 under-predicted for the coastal area, equivalent to 18 homes per year). The Del Monte Forest Plan may result in some additional residential development; however, although the Pebble Beach Company and the California Coastal Commission have indicated a settlement on the Pebble Beach proposal for the Del Monte Forest, the total number of new lots that will be permitted in the Coastal Zone is still subject to future approval and environmental review. Given the known resource constraints in the Coastal Zone with respect to water

availability and wastewater disposal, as well as sensitive visual and biological resources in the Coastal Zone, it is reasonable to assume that future Coastal Zone growth could be constrained and not reach 423 units by 2030. The potential for a 423 unit difference in the inland area vs. Coastal Zone is a minor deviation that would not materially change the EIR impact analysis, significance conclusions, mitigation measures, or cumulative impact analysis, especially since the EIR impact analysis relied upon the conservative AMBAG 2004 growth forecast.

As noted above, commenters have raised questions regarding whether the General Plan growth projections account for potential growth in subdivisions outside of Community Areas and Rural Centers pursuant to LU-1.19. The growth projections do account for such growth.

Table 3-8 (New Growth by Planning Area) does identify growth outside of Community Areas and Rural Centers in the Area Plan totals, subject to the Development Evaluation System (Policy LU-1.19) and lots of record. The total number of units in this area is 2,003 residential units by 2030. Residential growth in these areas is also included in Table 3-9 (New Growth by Planning Area, Community Area and Rural Center, 2006-2030 and 2092 Buildout). The projection assumes that 80% of 2030 new growth would occur in Community Areas, Rural Centers and Affordable Housing Overlays, and 20% of the 2030 projected growth would be outside these areas.

Comments also inquired about residential units that could be constructed in connection with the AWCP. The AWCP allows up to 4 units per new winery (one residential unit and 3 units of employee housing). This would total 120 units maximum. The worst case scenario would be 120 new units allowed by 2030, or 6 units per year. This very small number of additional units, distributed over the AWCP's large geographic area, would not cause new or worse significant environmental impacts beyond those disclosed in the DEIR. Please refer to Master Response 4 for a discussion of water supply impacts and Master Response 8 for the biological resource impacts associated with the AWCP.

2.3 Overestimation of Impacts and Growth; Timing of Mitigation

The County received comments that questioned the level of mitigation proposed, since it was based on impacts that would occur resulting from the 2004 AMBAG growth forecast. The commenters asserted that the revised 2008 AMBAG forecast should have been used as the basis of the EIR analysis, and that several mitigation measures should accordingly be revised.

Section 2.5 of the DEIR and the "Methodology and Assumptions" discussion above describe the County's approach to its analysis of growth that would result from the implementation of the 2007 Draft General Plan. AMBAG adopted a revised growth forecast in April 2008, which projected a considerable decline in population and employment for the region from what had been projected in its 2004 forecast (62% less growth). The County has acknowledged that using the higher 2004 growth forecast may overestimate some of the potential impacts that could result by 2030. It is therefore

possible that some of these potential impacts, especially cumulative impacts, might not reach a level of significance until after 2030. While the EIR may overestimate impacts between today and 2030, it is possible that unanticipated cyclical increases in development could cause those impacts to occur by 2030, and the EIR provides greater assurance that these impacts are addressed.

Several commenters raised concerns about the requirement to revise policies that is based on a conservatively early estimate of the date that these impacts would occur, arguing that the use of these dates is speculative and overly burdensome. Other commenters raised concerns that if growth were accelerated because of changes in market conditions or other factors not anticipated in the DEIR, that relying on 2030 as the date for triggering revisions to policies could be problematic and impacts might not be appropriately addressed.

To address concerns regarding the timing of proposed mitigation, the FEIR presents revised mitigation measures that address potential impacts and mitigation measures after 2030. These modifications call for monitoring of actual growth levels, rather than assume that growth will occur by a specific date. The five-year review of growth is intended to cover residential and commercial construction, as well as changes in agricultural production. This review will therefore address any underestimation or over estimation of growth that had been the subject of public comment letters,

The revised mitigation measures follow:

BIO-1.4 (Policy OS-5.20) At five year intervals, the County shall examine the degree to which thresholds for increased population, residential construction and commercial growth have been attained. If the examination indicates that the growth thresholds predicted in the General Plan EIR (10,015 new residential units; 500 new acres of commercial development; 10,253 acres of cultivation on previously uncultivated lands) are within 10% of the projected growth, then the County shall initiate a General Plan Amendment process to consider the expansion of focused growth areas established by the 2007 General Plan and/or the designation of new focused growth areas. The purpose of such expanded/new focused growth areas would be to reduce the loss of species and habitat addressed by Policy OS-5.16 due to continued urban growth. The new/expanded growth areas shall be designed to accommodate at least 80% of the projected residential and commercial growth in the unincorporated County from 2030 to buildout. This update will also address expansion of agricultural operations and potential impacts to the species and habitat addressed by policy OS-5.16.

BIO-1.5 (Policy OS-5.21) At five year intervals, the County shall examine the degree to which thresholds for increased population, residential construction and commercial growth predicted in the General Plan EIR for the timeframe 2006-2030 have been attained. If the examination indicates that actual growth is within 10% of the growth projected in the General Plan EIR (10,015 new housing units; 500 acres new commercial development; 3111 acres new industrial development and 10,253 acres of land converted to agriculture), then the County shall assess the vulnerability of currently non-listed species becoming rare, threatened or endangered due to projected development. The County shall complete the preparation of a conservation strategy for those areas containing substantial suitable habitat for plant and wildlife species with the potential to become listed species due to development. The County shall invite the participation of the incorporated cities, the federal land agencies,

Caltrans and other stakeholders. The conservation strategy shall also cover preservation of sensitive natural communities, riparian habitat, and wetlands, and wildlife movement corridors and include mechanisms such as on and off-site mitigation ratios and fee programs for mitigating impacts or their equivalent.

WR-2 (Policy PS-3.17) The County will pursue expansion of the SVWP by investigating expansion of the capacity for the Salinas River water storage and distribution system. This shall also include, but not be limited to investigations of expanded conjunctive use, use of recycled water for groundwater recharge and seawater intrusion barrier, and changes in operations of the reservoirs. The County's overall objective is to have an expansion planned and in service by the date that extractions from the Salinas Valley groundwater basin are predicted to reach the levels estimated for 2030 in the EIR for the Salinas Valley Water Project. The County shall review this extraction data trends at five year intervals. The County shall also assess the degree to which the Salinas Valley Groundwater Basin (Zone 2C) has responded with respect to water supply and the reversal of seawater intrusion based upon the modeling protocol utilized in the Salinas Valley Water Project EIR. If the examination indicates that the growth in extractions predicted for 2030 are likely to be attained within ten years of the date of the review, or the groundwater basin has not responded with respect to water supply and reversal of seawater intrusion as predicted by the model, then the County shall implement PS-3.18.

WR-2 (Policy PS-3.18) As required by PS-3.17, County will convene and coordinate a working group made up of the Salinas Valley cities, the MCWRA, and other affected entities. The purpose will be to identifying new water supply projects, water management programs, and multiple agency agreements that will provide additional domestic water supplies for the Salinas Valley. These may include, but not be limited to, expanded conjunctive use programs, further improvements to the upriver reservoirs, additional pipelines to provide more efficient distribution, and expanded use of recycled water to reinforce the hydraulic barrier against seawater intrusion. The county's objective will be to complete the cooperative planning of these water supply alternatives within five years and to have the projects on-line five years following identification of water supply alternatives.

2.4 Speculative Nature of the 2030-2092 Time Horizon

Comments on the 2007 General Plan DEIR, as well as on the FEIR for the 2006 General Plan and the subsequent petition for writ of mandate and complaint for injunctive relief filed with the Superior Court on Feb 2, 2007 stated that the County had relied on the AMBAG forecast rather than the potential for growth that could be allowed based upon the policies in the General Plan, and that an EIR needs to describe growth with the time horizon anticipated to be covered by a General Plan as well as potential full buildout. In preparing the DEIR, the County took these prior comments into account.

Section 15144 of the State CEQA Guidelines acknowledges that the drafting of an EIR involves some degree of forecasting, recognizes the potential limitations of forecasting, but requires that "an agency must use its best efforts to find out and disclose all that it reasonably can". Unlike a specific project, a General Plan sets forth general policies under which growth and development may occur in a jurisdiction. Areas that are suitable

for growth are identified. It is uncertain whether this development will occur, whether it will occur at the full intensity and density permitted, and when it will occur. The Lead Agency, however, must forecast what can reasonably be expected to occur in the future, and the impacts that would result. State CEQA Guidelines Section 15146(a) recognizes less specificity is required in an EIR for a general plan than for a project EIR: “An EIR on a construction project will necessarily be more detailed in the specific effects of the project than will an EIR on the adoption of a local general plan...because the effects of the construction can be predicted with greater accuracy.”

Section 3.3 of the DEIR, as well as the “Methods and Assumptions” discussion above, provide the analysis assumptions and methodology for determining growth in the unincorporated area under the 2007 General Plan. The DEIR describes the County’s decision to utilize the AMBAG 2004 Traffic Model which was based upon the AMBAG 2004 Growth Forecast and incorporated the best information available at the time regarding the general plans of each of the jurisdictions in the County and region. It also discusses the differences between the revised 2008 forecast and the 2004 forecast, underscoring that use of the AMBAG 2004 growth forecast would overestimate the amount of growth and resulting potential impacts that could occur during the 20+ year horizon of the General Plan.

DEIR Section 3.3.1.2 then proceeds to describe the basis for determining full buildout based upon the maximum zoning densities allowed under the General Plan, and the assumptions utilized for predicting the year that full buildout could occur. The DEIR again utilized the rate of growth and person/household ratio from the AMBAG 2004 forecast and applied it to the timeframe beyond 2030. This approach is both reasonable and conservative, and based upon a model and data that had been vetted within the region. Other approaches could have been used, e.g. the slower growth projections of the AMBAG 2008 forecast, an average between the two forecasts, or adding some percentage above the lower forecast to take changes in future economic growth into consideration. However, for the reasons stated above the approach used in the DEIR is reasonable and based on an accepted methodology.

State planning law requires that the County adopt a “long term” general plan; that is, a general plan with a long term perspective. (State of California *General Plan Guidelines 2003*, Governor’s Office of Planning and Research, http://www.opr.ca.gov/planning/publications/General_Plan_Guidelines_2003.pdf at page 13.) The Guidelines provide that “[t]he local jurisdiction may choose a time horizon that serves its particular needs.” *Id.* Also, California case law provides that even if a proposed general plan (or general plan amendment) is treated as a “first phase,” with later development having separate approvals and CEQA review, the CEQA evaluation of a proposed general plan “must necessarily include a consideration of the larger project, i.e., the future development permitted by the [general plan].” (*City of Redlands v. County of San Bernardino* (2002) 96 Cal. App. 4th 398, 403)

2.5 Consistency of General Plan Growth Projections with Air Quality Management Plan Growth Projections

Commenters stated that the General Plan is inconsistent with the AQMP because the Draft General Plan is based on 2004 AMBAG growth forecast, whereas the AQMP presents the lower 2008 growth forecast. Impact AQ-1 provides: “Buildout of the 2007 General Plan would conflict with applicable Air Quality Management Plans and standards.” The DEIR conclusion that the Draft General Plan would not conflict with the MBUAPCD Clean Air Plan (the 2008 AQMP) is correct because the emissions forecasts in the 2008 AQMP are based on the 2004 AMBAG traffic model, which in turn, is based on the 2004 AMBAG growth forecast.

The 2008 AQMP presents the lower 2008 AMBAG growth forecast, but does not use the updated forecasts for traffic modeling or emissions forecasts, because the 2004 AMBAG traffic model is the only regional traffic model that has been approved for use. (Deshazo, pers. comm.) The August 2008 AQMP on page 4-5 explicitly states that the AQMP mobile source emissions modeling, using EMFAC2007, was based on travel data from AMBAG’s June 2005 Metropolitan Transportation Plan, which in turn was based on the AMBAG 2004 growth forecast.

The primary nexus between growth forecasts and AQMP consistency is mobile source emissions forecasts. Therefore, the DEIR conclusion that Impact AQ-1 (conflict with the AQMP) is less than significant is correct. The air quality analysis and traffic modeling in both the DEIR and the 2008 AQMP were based on the same AMBAG 2004 population and travel forecasts. While the 2008 AQMP showed AMBAG’s 2008 population forecast in Table 1-1, that forecast was not used in the 2008 AQMP’s analysis. (Nunes 2010).

2.6 Rationale for Analyzing Criteria Air Pollutants

In the DEIR, for mobile source emissions, a 2000 condition was evaluated that consisted of the VMT from the entire County in 2000 at 2000 emission rates. The reason 2000 was chosen is that the AMBAG traffic model used for traffic evaluation only had a validated model for the year 2000. A validated traffic model was not available during preparation of the DEIR for 2008. Thus, in order to be consistent with the traffic model, a base year 2000 was shown in Table 4.7-5 and used as a basis to roughly disclose current emissions and then compare changes with the project and changes with cumulative beyond the base year.

Several commenters requested that estimates of 2008 criteria pollutants from mobile source emissions should be added to the DEIR in order to provide a more current baseline than 2000. This has been added to the FEIR and used to update Tables 4.7-5 and 4.7-6 (see Chapter 4). There is still no validated AMBAG model for 2008 as of March 2010. Thus, in order to create an estimate of 2008 criteria pollutants related to VMT that could be (roughly) compared to the model results, the 2000 VMT from the AMBAG model was

inflated to 2008 using population data. AMBAG's 2004 forecast (and its 2008 forecast) only have forecasts on five year increments and thus only have 2000, 2005 and 2010. In order to use a more precise estimation of population for 2008, the Department of Finance estimates were used, since data is available for 2000 and 2008. The percentage increase in Monterey County population from 2000 to 2008 was then used to inflate the VMT from the AMBAG model for 2000 to the 2008 period. Inflating the VMT using population is only done for the means of producing a 2008 VMT number that can be compared to the traffic model derived numbers and thus used to compare emissions resultant from that VMT. The resultant 2008 VMT estimate was then used to estimate 2008 criteria pollutant emissions from mobile sources using 2008 emission rates from EMFAC. Two estimates were prepared. 2008A is the emissions estimate for mobile sources taking into increased VMT due only to unincorporated County growth (approximately 25% of overall County growth). 2008B is the emissions estimate for mobile sources taking into increased VMT due to all County growth.

Because the traffic model developed for the 2007 General Plan used a 2000 base, the identification of project increases (to both 2030 and buildout) were compared to the 2000 conditions in the DEIR but are now also compared to the 2008A emissions. Since the "2030 cumulative" and "cumulative buildout" conditions include both city and unincorporated growth, in the DEIR they were compared to the 2000 conditions, but in the FEIR they are also compared to the 2008B conditions.

The PM10 criteria pollutants were also updated for the FEIR to include entrained PM10 in the calculations.

The conclusions of the DEIR relative to criteria pollutants from mobile sources are not changed as a result of the addition of the 2008 criteria pollutant estimates or the addition of entrained PM10 to the estimates. The DEIR conclusions for mobile sources, and the FEIR conclusions and rationale are as follows:

- *2007 General Plan at 2030* - The DEIR concluded that the impacts of the 2007 General Plan of mobile sources, taking into account changes in vehicle technology, would be less than significant when comparing "2030 with project" emissions to 2000 because the mobile source emissions decreased; this conclusion is unchanged. Based on the comparison of "2030 with project" emissions to 2008A conditions, all criteria pollutant emissions would decrease with the exception of PM10 which would rise by an amount less than the MBUAPCD. Thus, the less than significant conclusion for 2030 from the DEIR is unchanged.
- *2007 General Plan at buildout* – The DEIR estimated emissions for buildout using buildout VMT and 2000 emission factors. Based on this data, the criteria pollutant emissions would increase and exceed MBUAPCD thresholds and would be significant. The DEIR concluded that the impacts of the 2007 General Plan, would be potentially significant as vehicle miles would increase, but emission factors are not available for 2092. Based on the updated calculations, this conclusion is unchanged. In the DEIR, buildout emissions were calculated using 2000 emission rates. For the FEIR, a "2030 buildout" condition was added to examine buildout using 2030 emissions rates. When comparing the "2030 buildout" conditions to the 2008A conditions, all criteria pollutant emissions decreased with the exception of

PM10, but this does not change the conclusion of the DEIR, which is still significant for buildout.

- *2007 General Plan and Cumulative at 2030 and Buildout* - The DEIR concluded that the impacts of the 2007 General Plan and cumulative development related to mobile source emissions, taking into account changes in vehicle technology, would be significant and unavoidable as criteria pollutant emissions would increase above the MBUAPCD thresholds. Based on the updated calculations, this conclusion is unchanged. However, it should be noted that when comparing the “2030 Cumulative” and “Cumulative Buildout” conditions to the 2008B conditions, all criteria pollutant emissions decreased with the exception of PM10, but this does not change the conclusion of the DEIR.

2.7 Rationale for Planning for “More Growth than is Required”

Some commenters state that the County is planning for more growth than is required. California state law requires each jurisdiction to adopt a comprehensive, *long-term* general plan for the physical development of the land within its boundaries. (Government Code Section 65300) The general plan is intended to express the community’s goals and policies relative to the distribution of future land uses. (Government Code Section 65302) State law also requires that each jurisdiction provide the means to accommodate the projected five-year need for housing, identify sufficient potential sites for future residential development to meet the projected need, and provide programs and policies to ensure that adequate housing may be provided. (Government Code Section 65580 et seq.) As further discussed in the Governor’s Office of Planning and Research (OPR) General Plan Guidelines, “given the long-term nature of a general plan, its diagrams and text should be general enough to allow a degree of flexibility in decision-making as times change.” (Office of Planning and Research 2003, page 14)

By designating areas that would be appropriate for future development, the County is in no way mandating that all of the lands identified would be subject to development, nor guaranteeing that additional residential and commercial growth would occur. The location and design of actual development is subject to numerous County policies and regulations that are intended to protect the environment.

With respect to affordable housing needs, it is important for a jurisdiction to identify more sites for affordable housing than are specifically allocated in the regional housing needs assessment in order to accommodate the preferences and availability of jobs and services for future residents, as well as to take market forces into consideration. Planning for only the allocated regional housing need would not provide sufficient flexibility for the private market to meet that need, reducing the chances that affordable housing would actually be produced.

Master Response 3: Agricultural Growth and General Plan Agricultural Policies

The County received a number of comments pertaining to proposed policies in the General Plan that address the County's agricultural industry and the DEIR's analysis of these policies. The comments have focused on the proposed Policy OS-3.5 (slope), proposed Policy AG-3.3 ("Routine and Ongoing Agriculture"), the proposed Agriculture and Wine Corridor Plan (AWCP), and the potential impacts of agricultural expansion on erosion/sedimentation, water supply and biological resources that some commenters assert have not been fully considered and addressed. Commenters also questioned the DEIR assumptions with respect to the anticipated potential growth of agricultural development including vineyard growth. There were also several comments regarding traffic impacts that would result from implementation of the AWCP. In addition, commenters contend that the General Plan policies and DEIR mitigation are insufficient to address the significant impacts of agricultural growth to erosion/sedimentation, water supply, and biological resources.

This Master Response will include a discussion on the following topics:

- 3.1 Revised General Plan policies and revised mitigation measures
- 3.2 Projected extent and distribution of agricultural expansion and natural land conversions to 2030 including that which would occur pursuant to OS-3.5 (slope policy) and the AWCP
- 3.3 Anticipated development that would be permitted pursuant to AG-3.3 (Routine and Ongoing Agriculture)
- 3.4 Anticipated winery and ancillary uses that would be permitted under the AWCP
- 3.5 Traffic Impacts from the AWCP

Comments on the adequacy of the DEIR analysis relative to water quality and water supply are addressed in Master Response 4, Water Supply. Comments on the adequacy of the DEIR analysis relative to biological resources are addressed in Master Response 8, Biological Resources.

3.1 Draft General Plan Policies, DEIR Mitigation and Revised General Plan Policies and DEIR Mitigation Measures Addressing the Impacts of Converting Uncultivated Land

The County received comments on a number of issues pertaining to the proposed slope policy in the 2007 Draft General Plan (OS-3.5). Commenters asserted that since the current County Ordinance 21.66.030 prohibits conversion of uncultivated land to

cropland on slopes over 25 percent, the change in policy in the Draft General Plan that establishes an agricultural permit process for conversion on slopes over 25 percent would result in impacts that have not been disclosed in the DEIR. Certain commenters contend that this change in policy could potentially occur on hundreds of thousands of acres of land due to the proposed General Plan policy on slope (OS-3.5). This acreage is asserted to include potential growth induced in connection with the AWCP, which commenters contend would accelerate development of new acreage devoted to grapes, specifically along the AWCP corridor adjacent to new winery facilities and primarily on steeper slopes.

Commenters also contend that the policies in the Draft General Plan and proposed DEIR mitigation measures are insufficient to reduce the impacts from the converting of uncultivated land to a level that is less than significant. This section of the Master Response addresses those comments by amplifying the discussion in the DEIR regarding the efficacy of the Draft General Plan policies that specifically target grading and land conversion, and describing how proposed changes to draft General Plan policies would further reduce potential impacts below those described in the DEIR.

Draft General Plan Policies. The Draft General Plan sets forth a number of policies to reduce the potential for adverse impacts from converting uncultivated land to cropland. As already noted in the DEIR, Draft General Plan Policies OS-3.1, OS-3.2, OS-3.7, AG-5.1, AG-5.4, S--1, S-2, and S-1.5 through S-1.8 would apply to individual projects and both individually and collectively would further reduce potential project impacts. These policies provide for the implementation of Best Management Practices, project design to address geologic hazards and flood-prone areas, and protection of water resources. Routine and Ongoing agriculture is not exempted from any of these policies.

Proposed Modifications to Draft General Plan Policies and DEIR Mitigation Measures to Further Reduce Potential Impacts. In response to comments from the public on the DEIR and input received from the Planning Commission at workshops held in the months of June-August 2009 regarding possible changes to a number of the proposed General Plan policies, the County is proposing several modifications to these policies that would further reduce potential impacts that could result from the conversion of uncultivated land to agricultural production and development on steep slopes (Changes to biological resource policies and mitigation measures are addressed in Master Response 8). These are described below.

a. Modifications to Policy OS-3.5 (Development on Slopes)

Draft Policy OS-3.5 required a ministerial permit for conversion on slopes between 15 percent and 25 percent (or for conversions on highly erodible soils on slopes between 10 percent and 25 percent) and required the development of an Agricultural Permit Ordinance that would include provisions for what activities would require discretionary permits as well as mandating that the ordinance include standards equivalent to or more restrictive than the Central Coast Regional Water Quality Control Board's Agricultural Waiver Program. Commenters had questioned whether this type of permit would adequately address erosion/sedimentation and biological resource impacts, and stated that the Draft General Plan Policy did not identify sufficient criteria for the permit or

conditions especially with respect biological resource impacts nor did it sufficiently constrain development on steeper slopes.

The County is proposing changes to draft policy OS-3.5 that would add further restrictions to the conversion of previously uncultivated lands on steep slopes to agricultural production. These include requiring a discretionary permit for conversion on slopes between 15 percent and 25 percent (or greater than 10 percent if on highly erodible soils), and establishing a general prohibition on conversion of uncultivated lands to cropland on slopes over 25 percent. This prohibition is subject to a narrow exception if stringent requirements for a discretionary permit are met. The definition of the time frame that would govern previously uncultivated remains the same within the past 20 years. The revised policy is as follows and would replace the prior draft policy OS-3.5 in the November 2007 Draft General Plan:

OS-3.5 The County shall regulate activity on slopes to reduce impacts to water quality and biological resources:

- 1) Non-Agricultural. Development on slopes in excess of twenty five percent (25%) shall be prohibited except as stated below; however, such development may be allowed pursuant to a discretionary permit if one or both of the following findings are made, based upon substantial evidence:
 - a) there is no alternative which would allow development to occur on slopes of less than 25%;
 - b) the proposed development better achieves the resource protection objectives and policies contained in the Monterey County General Plan, accompanying Area Plans, and all applicable master plans.

Development on slopes greater than 25-percent (25%) or that contain geologic hazards and constraints shown on the County's GIS Geologic (*Policy S-1.2*) or Hydrologic (*Policy PS-2.6*) Hazard Databases shall require adequate special erosion control and construction techniques and the discretionary permit shall:

- a) evaluate possible building site alternatives that better meet the goals and policies of the general plan;
- b) identify development and design techniques for erosion control, slope stabilization, visual mitigation, drainage, and construction techniques; and
- c) minimize development in areas where potentially unstable slopes, soil and geologic conditions, or sewage disposal pose substantial risk to public health or safety.

Where proposed development impacting slopes in excess of twenty five percent (25%) does not exceed ten percent (10%), or 500 square feet of the total development footprint (whichever is less), a discretionary permit shall not be required. It is the general policy of the County to require dedication of a scenic easement on a slope exceeding twenty five percent (25%).

- 2) Agricultural. Conversion for agricultural purposes of previously uncultivated lands containing slopes exceeding fifteen percent (15%) but not exceeding twenty five percent (25%) shall require a discretionary permit. Conversion of such lands containing slopes exceeding ten percent (10%) but not exceeding fifteen percent (15%) shall require a discretionary permit where the lands to be converted contain highly erodible soils. Conversion of previously uncultivated lands shall be prohibited where the slope exceeds twenty five percent (25%) except as noted below;

however, such conversion may occur pursuant to a discretionary permit where the area(s) containing slopes exceeding twenty five percent (25%) meets all of the following criteria:

- a) does not exceed ten percent (10%) of the total area to be converted;
- b) does not contain a slope in excess of fifty percent (50%);
- c) is designated for Farmland, Permanent Grazing, or Rural Grazing land use;
- d) is planted to a permanent crop such as trees or vines, and,
- e) is situated in the interior of the parcel(s) in which the permit is sought.

Approval of discretionary permits for these purposes shall follow the submission of an adequate management plan. Such plans should address appropriate measures to ensure the long term viability of agriculture on that parcel, and include an analysis of soils, erosion potential and control, water demand and availability, proposed methods of water conservation and water quality protection, and protection of important vegetation and wildlife habitats.

For lands designated Rural Density Residential and Low Density Residential (LDR) there shall be no cultivation of any lands exceeding 25%.

As noted above, this policy modifies the proposed Policy OS-3.5 by prohibiting conversion of previously uncultivated acreage on slopes over 25 percent except in specified, limited circumstances and requiring a discretionary permit for conversion on slopes over 15 percent (or over 10 percent if on highly erodible soils). The prior language in Policy OS-3.5 required an Agricultural Permit for conversion on slopes over 25 percent and a ministerial permit for lands over 15 percent (or over 10 percent if on highly erodible soils).

Exceptions to the prohibition of agricultural conversion on slopes over 25 percent would apply only if all of the exceptions set forth in subsections a) through e) are met. There are no exceptions for slopes over 50 percent. The exception would limit the amount of slope area greater than 25 percent that could be converted to less than 10 percent of the area to be converted. These limited circumstances would, for example, allow contiguous planting of a permanent crop on property that has variations in slope in the area considered for cultivation. Approval of all discretionary permits under the revised policy would also require agricultural management plans that include, among other requirements, methods to conserve water and protect water quality, and protection of important vegetation and wildlife habitats. Discretionary permits under Policy OS-3.5, would also require submission of an agricultural management plan that would enable the County to review and address the potential impacts of the proposed conversion on protection of biological resources, as well as erosion/sedimentation and water quality overall. Adoption of this revised policy would both further restrict the number of total acres on steep slopes that could be converted to cropland and enhance the ability of the County to address potential resource impacts from any proposed conversion of previously uncultivated lands. Again, the definition of previously uncultivated -- areas that have not been cultivated in the past 20 years-- was not modified.

In conclusion, the proposed revisions to Policy OS-3.5 would further reduce the potential for impacts from conversion of uncultivated land to cropland by: a) reducing the amount of uncultivated acreage that would be subject to conversion to cropland; b) lowering the

threshold for requiring non-agricultural and agricultural projects to be subject to discretionary review, and c) imposing more stringent environmental requirements for agricultural project discretionary permits with respect to soil erosion, water quality and biological resource protection.

b. Modifications to Policy AG-3.3

The following revision is made to Policy AG-3.3, to clarify that routine and ongoing agricultural activities are not exempt from Policy OS-3.5 and to delete the reference to Policy OS-6 (which applies to residential development).

“Routine and Ongoing Agricultural Activities” are exempt from the following General Plan policies to the extent specified by those policies: *C-5.3 (Scenic Highway Corridors)*, *C-5.4 (Scenic Highway Corridors)*, *OS-1.9 (views)*, *OS-1.12 (scenic routes)*, ~~*OS-3.5 (slope)*~~, ~~*OS-3.6 (erosive soils)*~~, *OS-5.5 (native vegetation)*, *OS-6.3 (archaeological)*, *OS-7.3 (paleontological)*, *OS-8.3 (burial sites)*, *OS-10.8 (air quality)*, *S-2.3 (floodplain)*. Further modifications may be made in Area Plans as part of this process.

c. Modifications to General Plan Glossary

The following definitions will be added to the General Plan Glossary:

Slope, or Percent Slope = (change in elevation/horizontal distance) x 100, measured over a horizontal distance of at least 10 meters. Slope projections calculated by a Geographical Information System based on the USGS National Elevation Dataset may also be used to make an initial determination of slope.

“Highly erodible soils” are soils having an erosion hazard rating of “high” in the Soil Survey of Monterey County (1978, Cook).

The following definitions remained unchanged:

PREVIOUSLY UNCULTIVATED LANDS means those areas that have not been cultivated during the past 20 years.

CULTIVATED means to prepare or use the land for crops through the tillage of soil or planting of vines or trees. Cultivation includes periods of fallow rotation that are part of an agricultural production system.

d. Modifications to Development Standards in the Agricultural Wine Corridor Plan

The County is proposing to amend Section 3.3 of the AWCP (Permitted Uses, Ministerial Permit Required in Each Case) to require an examination of biological resources on proposed project sites for all permanent facilities allowable pursuant to the AWCP. The proposed text is as follows:

This Section includes a list of uses that can be permitted with a ministerial permit for properties within the designated Agricultural and Winery Corridor. These uses are subject to the General Regulations established in Section 3.1 and Development Standards established in Section 3.5 of this Agricultural Winery Corridor Plan.

Projects deemed consistent within the criteria and conditions of the AWCP and Zoning District Overlay would require no additional zoning review. However, County and Uniform Building Code requirements still apply relative to those activities that would require a grading and building permit. More intensive uses or uses not otherwise consistent with the AWCP and/or Williamson Act provisions may require the issuance of discretionary permits such as Administrative Permits.

A biological study (as defined in Policy OS-5.16) shall be required for permanent facilities with the potential to affect biological resources. If the biological study indicates a potential for a significant impact on a biological resource, then an administrative permit shall be required.

This change in the AWCP development standards provides for discretionary review of proposed projects in the wine corridors with respect to biological resource impacts based on an initial project screening. It further reduces the potential for artisan wineries or ancillary AWCP uses to adversely affect biological resources, and addresses the concerns raised by commenters that there could be cumulative impacts from the development because future sites for facilities are not known at this time. It does not change other requirements in the AWCP that limit the footprint of facilities and geographic distribution.

e. Revisions to OS-5.16

The County is also proposing revisions to OS-5.16 to clarify the criteria that trigger the requirement to conduct biological studies and biological surveys. See also Master Response 8, Biological Resources). The modifications to OS-5.16 intend to clarify the species and habitat that would be addressed by the policy, as well as the process and criteria for determining potential impacts. These modifications are responsive to comments from the public and Planning Commission regarding the applicability of several General Plan biological resource policies. They would further reduce the potential for adverse biological impacts from discretionary projects converting uncultivated land to cropland on steep slopes, as well as from non-agricultural projects.

f. Revisions to Biological Resource Mitigation Measures

Several revisions to proposed mitigation measures in the DEIR would further strengthen protections for biological resources and water quality provided by the Draft General Plan policies. These are discussed in Master Response 8, *Biological Resources*.

g. Summary

In conclusion, the revised proposed policies in the Draft General Plan described above, the other proposed policies, the mitigation measures for water quality (see Master Response 9, *Water Quality*), the biological resource policies and mitigation measures (see Master Response 8) would limit and collectively further reduce impacts to biological resources from agricultural activities and development.

3.2 Projected Extent and Distribution of Agricultural Development to 2030 and 2092 including Projected Agricultural Development that Would Occur Pursuant to OS-3.5 (Slope Policy) and the AWCP

Commenters assert that the DEIR substantially understates the area of potential agricultural conversions of natural land covers. For example, Exhibit B to the Landwatch comment (comment O-11g) asserts that there are 1.04 million acres with intact natural vegetation subject to agricultural conversion, of which about 600,000 acres are on slopes less than 25 percent and the remaining 400,000 acres are on slopes more than 25 percent.

These numbers are much higher than the current amount of County important farmland, which totals around 236,142 acres (see Table 4.2-5 in the DEIR), and the total of all County agricultural areas of 254,491 acres (see Table 4.9-1 in the DEIR). Given limited growth rates for agricultural development under the General Plan starting with this baseline, a very small percentage of the 1.04 million acres would likely be converted to agricultural uses.

The analysis below shows that the likely acreage of uncultivated land that could be converted to agricultural land under Policy OS-3.5 is significantly less than asserted in some comments that assert that there will be hundreds of thousands of acres of natural land covers converted to farmland (including vineyards) with the 2007 General Plan. The analysis below supports the DEIR's conclusions that conversion of previously uncultivated land to agricultural uses would not cause significant impacts on erosion/sedimentation (see Master Response 9) and biological resources and wildlife movement (see Master Response 8).

Factors affecting the amount of uncultivated land that could be converted to agriculture under the General Plan include:

- Historic conversion trends and growth projections
- Land suitability taking into account soil capability, water availability, and slope
- Trends in viticulture and the role of the AWCP
- Geographic distribution of agricultural production and the AWCP

These factors are also discussed in the DEIR, and support the significance conclusions in Section 4.3 of the DEIR (concerning erosion and sediment) and Section 4.9 of the DEIR (concerning biological resources). The response below is intended to further clarify the reasons why the DEIR concludes that potential impacts on erosion/sedimentation and biological resources from conversion of previously uncultivated land to agriculture would not be significant. The response below also consolidates the information provided in separate DEIR sections into one Master Response.

Historic trends and growth projections. As shown in Table 4.9-8 in the DEIR, between 1982 and 2006, 11,185 acres of uncultivated land have been converted to agriculture, an average of 466 acres per year.² The EIR analysis assumes that although there may be a change in emphasis in the types of crops produced, the current trend of agricultural conversion is a reasonable basis for estimating future conversions. Using the trend from 1982 to 2006 and forecasting forward from 2008 to 2030, an estimated 10,253 acres of previously uncultivated land are estimated to be converted to cropland by 2030.

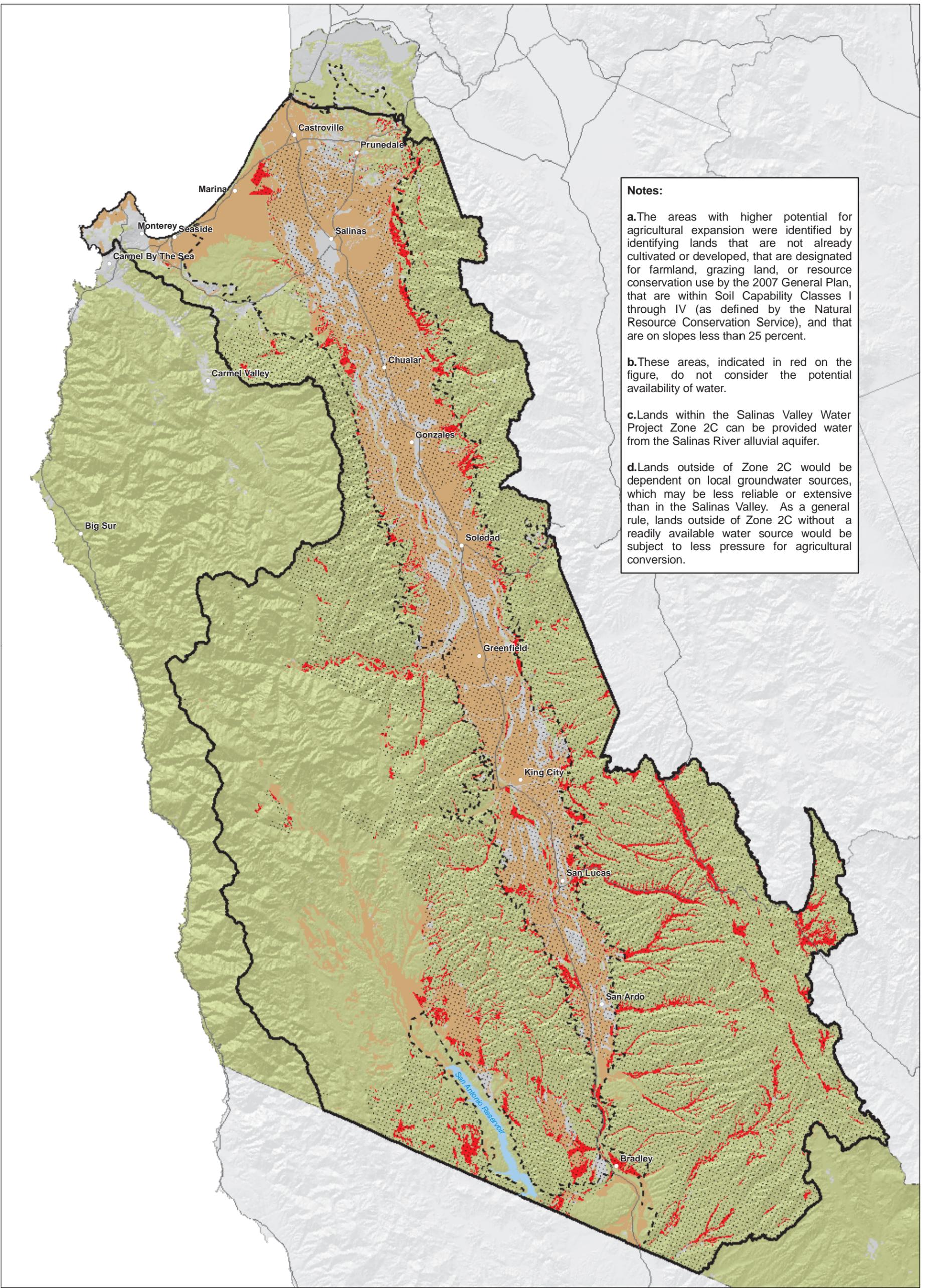
Both the AMBAG 2004 and AMBAG 2008 growth forecasts suggest there will be no increase in agricultural employment at 2030 from present. If there was a massive expansion of agriculture on the scale suggested by some commenters, then agricultural employment would have to increase by large amounts not only for work in the fields but also in the agricultural processing area. As AMBAG does not forecast any substantial expansion in agricultural employment and the past trend of agricultural expansion overall is modest, the assumptions in the DEIR remain a reasonable estimate of future conversions. Thus, economic trends in the agricultural industry as a whole and more specifically in viticulture (see discussion below) suggest that there is unlikely to be a significant surge in the conversion of uncultivated lands to productive agriculture. Production has been cyclical during the past several decades and economic forecasts suggest that this will continue. Data suggests that industry is becoming more efficient, and able to achieve higher yields using fewer resources – land, water and soil amendments than in the past.

Amount of suitable land that has the potential for conversion. The DEIR indicates that 1,185,000 acres in Monterey County are designated as agricultural lands. Of this acreage, 236,142 acres are identified as Important Farmland (defined as Prime Farmland, Farmland of Statewide Importance, Farmland of Local Importance, and Unique Farmland) by the State Department of Conservation in the 2004-2006 Farmland Mapping and Monitoring Program report (California Department of Conservation 2006). This includes 167,636 acres of Prime, 43,402 acres of Statewide Importance and 25,104 acres of Unique Farmland. The remaining acreage (approximately 948,858 acres) is grazing land. As shown on Exhibit 4.2.1, Important Farmland is primarily found along the Salinas River Valley and Pajaro River Valley, with very limited amounts of important farmland located on steep slopes.

In order to examine whether the DEIR's estimate of potential overall agricultural expansion is reasonable, the County conducted additional analysis of potentially suitable areas in the Salinas Valley watershed for agricultural expansion that considers soil capability classifications, water availability, and slope, as shown in Table AG-1 and Exhibit AG-1.

² The DEIR actually estimated conversions of 447 acres per year because the 1982 to 2006 total was inadvertently calculated on a 25 year basis instead of 24 years. This has been corrected in the FEIR.

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Notes:

a. The areas with higher potential for agricultural expansion were identified by identifying lands that are not already cultivated or developed, that are designated for farmland, grazing land, or resource conservation use by the 2007 General Plan, that are within Soil Capability Classes I through IV (as defined by the Natural Resource Conservation Service), and that are on slopes less than 25 percent.

b. These areas, indicated in red on the figure, do not consider the potential availability of water.

c. Lands within the Salinas Valley Water Project Zone 2C can be provided water from the Salinas River alluvial aquifer.

d. Lands outside of Zone 2C would be dependent on local groundwater sources, which may be less reliable or extensive than in the Salinas Valley. As a general rule, lands outside of Zone 2C without a readily available water source would be subject to less pressure for agricultural conversion.

Areas with Higher Potential for Agricultural Expansion

 Uncultivated land, designated for agriculture in Soil Class 1 through 4, less than 25% slope

Screening Criteria

 Salinas Valley Watershed Boundary

 Zone 2C Boundary

 Undeveloped and Uncultivated Land

 2007 General Plan: Agricultural Use Allowed

 Soils: Class 1-4



Exhibit AG-1
Areas with Higher Potential for Agricultural Expansion in the Salinas Valley Watershed

Sources:
County of Monterey, California Spatial Information Library,
USDA SSURGO Soils Data, USGS 30-meter Digital Elevation Model.

Table AG-1. Areas of Potential Agricultural Expansion in the Salinas Valley Watershed

Factor	Acreage	Notes
Undeveloped/Uncultivated Area	1,258,539	Area assumed to contact intact natural land covers
..of which agriculture allowed	849,313	Designated for farmland, grazing or resource conservation
...of which, contain soil capability categories I through V	77,339	Areas suitable for agriculture
...of which, are located within Zone 2C of the Salinas Valley Water Project	21,798	Areas that are suitable for agriculture and can obtain water from the Salinas River groundwater basin
...of which are on slopes < 25%	21,375	Areas that are not prohibited from agricultural conversion by OS 3-5

Soil capability classification shows, in a general way, the suitability of soils for most kinds of field crops. Crops that require special management are excluded. The soils are grouped according to their limitations for field crops, the risk of damage if they are used for crops, and the way they respond to management. Capability classes are designated by the numbers I through VIII. The numbers indicate progressively greater limitations and narrower choices for practical use. The classes are defined in the Soil Survey for Monterey County (USDA, 1972) as follows:

- Class I soils have few limitations that restrict their use.
- Class II soils have moderate limitations that reduce the choice of plants or require moderate conservation practices.
- Class III soils have severe limitations that reduce the choice of plants, require special conservation practices, or both.
- Class IV soils have very severe limitations that reduce the choice of plants, require very careful management, or both.
- Class V soils are not likely to erode but have other limitations, impractical to remove, that limit their use.
- Class VI soils have severe limitations that make them generally unsuitable for cultivation.
- Class VII soils have very severe limitations that make them unsuitable for cultivation.
- Class VIII soils and miscellaneous areas have limitations that nearly preclude their use for commercial plants..

Generally speaking, the steeper the slope, the poorer the soil. Most of the areas of better soils (Class I, II and III) in Monterey County are already under cultivation. Grapes can be grown on nearly all Class I through III soils, some Class IV soils and a few Class V soils, but these are not high priority areas for production. For the purpose of the analysis, it was assumed that areas with soils in capability Class I through V are most susceptible to conversion. However, in Monterey County, there are no mapped Class V soils, and thus the analysis focused on Class I through IV soils.

An additional constraint to growth of agriculture outside the river valleys is water. Zone 2C is the area benefitted from the SVWP and water from the alluvial aquifer is not available to areas outside of Zone 2C. As shown in Exhibit AG-1, Zone 2C of the Salinas Valley Water Project only includes the Salinas Valley proper, the San Antonio River valley and the immediately adjacent slopes. Thus, agricultural expansion outside Zone 2C will be dependent on water from smaller valley aquifers and/or hard rock fractures which are, in general, less productive and less reliable than large river alluvial aquifers (like the Salinas River). For the purpose of the analysis, it was assumed that areas within Zone 2C are the most susceptible to conversion compared to areas outside of Zone 2C.

As shown on Exhibit 4.4-5 in the DEIR, much of the sloping areas outside of river valleys contain highly erodible soils. As described above, the 2007 General Plan (as revised) has only narrow exceptions for agriculture conversions on slopes beyond 25 percent and there is a requirement for a discretionary permit for agricultural conversions on slopes beyond 15 percent (or 10 percent if on erodible soils). For the purpose of the analysis, it was assumed that areas with slopes less than 25 percent are the most susceptible to conversion. For conversions on slopes between 15 percent and 25 percent (and between 10 and 25 percent if on erodible soils), project impacts will be addressed during discretionary review.

As indicated in Table AG-1 above, based on this analysis, the most susceptible areas in the Salinas Valley watershed total 21,375 acres within Zone 2C. The EIR identifies the potential amount of agricultural conversions as 10,253 acres by 2030 and 39,148 acres by 2092 (see revised Table 4.9-8 in Chapter 4, Changes to the Text of the DEIR), using historic trends. The geographic analysis reflected in Table AG-1 and Exhibit AG-1 is consistent with the historic trend analysis, in that mere availability of land does not mean that 100 percent conversion will occur. Combining the historic trend analysis with the geographic analysis, it is reasonably foreseeable that the primary focus of agricultural expansions to 2030 would be within Zone 2C, which could accommodate the entire 10,253 acres forecasted by 2030 without placing substantial pressure outside Zone 2C. After 2030, there would still be approximately 10,000 acres of remaining conversion potential within Zone 2C alone, but if historic trends of conversion continue, there would be greater pressure in areas outside of Zone 2C at some point beyond 2030. This does not mean that there will not be agricultural conversions outside of Zone 2C before 2030; as shown in Figure 4.9-6 in the DEIR, there has been a limited amount of conversion that has already occurred in the Salinas Valley watershed outside of Zone 2C. Where water is available and site conditions are appropriate, some level of conversions outside Zone 2C will continue. However, for the near future it is expected that the most likely areas of conversion will be within Zone 2C with future conversions moving outside of Zone 2C in the long-run to extent that local water supplies are adequate to support such expansion.

In summary, the combination of soil suitability, water availability, and slope and lead to the conclusion that the number of acres most susceptible to agricultural conversion is limited in scale, consistent with the EIR's estimate for future conversions based on use of historic trends.

Trends in viticulture; role of the AWCP in the expansion of viticulture. There were approximately 33,371 acres of grape production in 1982 (Monterey County Agricultural

Commission 1982) and 39,636 acres of grape production in 2007 (Monterey County Agricultural Commission, 2009), reflecting a long-term growth trend of approximately 251 acres per year (not all of the new grape production is on previously uncultivated land; some is from crop switching on land already in cultivation). Forecasting forward to 2030 from 2007 using 251 acres/year, there could be approximately 5,773 acres of new vineyard in 2030. On the average, an acre of grapes in Monterey County yielded approximately 5.64 tons per acre in 2007 (Monterey County Agricultural Commission, 2009). Thus, there could be an average grape production on new vineyards of approximately 32,600 tons in 2030. Adding the actual 2007 grape production total of 224,000 tons, there could be an estimate production of 256,600 tons in 2030 in Monterey County.

Though the acreage devoted to grapes is expected to increase in future years, major producers would more likely to convert flat and gently sloping areas from row crops to vineyards and from natural land to vineyard than converting extensive areas of uncultivated slopes to vineyards. This is because it is far easier and more cost-effective to plant on level ground where soils are usually more fertile, where water is usually more readily available and where access is easier.

Some comments assert that the DEIR underestimated winery growth in Monterey County and questioned the winery size assumptions in the DEIR. These comments suggest that the majority of processing of wine is occurring outside of Monterey County and thus the limited amount of new wineries estimated in the DEIR would be insufficient to achieve the AWCP goal of balancing grape production and wine processing in Monterey County. Further, comments assert that if the amount of new wineries is underestimated, then the amount of new water demand and new volatile organic compound (VOC) emissions are also underestimated.

The proposed AWCP in the 2007 General Plan available at the time of the DEIR stated the following in Section 1.1, Setting:

About 45,300 acres of Monterey County are in grape production (45,000 Salinas Valley/300 Carmel Valley) with 21 established wineries. This ratio of acres to wineries makes Monterey County by far the highest ratio of acres per winery at 1,922 with the next highest being Santa Barbara at 369 acres/winery. Currently 65-70 percent of the grape production is shipped out of Monterey County to wineries elsewhere, whereas only 5 percent of wines produced are produced as a Monterey appellation. Although viticulture revenues have grown to about \$380 million per year, strategic planned development of this industry would help to retain more of the economic benefits within Monterey County.

The proposed AWCP in the 2007 General Plan available at the time of the DEIR stated the following in Section 1.2, Project Background:

In April 2001, the Monterey County Vintners and Growers Association (Association) did a presentation to the Board of Supervisors on problems facing the wine industry in Monterey County. This presentation showed an imbalance between the grape production and wine processing capacity within the County. It included examples for how other areas have been able to create balance of their industry within their region.

The proposed AWCP in the 2007 General Plan available at the time of the DEIR stated the following in Section 1.3 Plan Objectives:

The main purpose of creating an Agricultural Winery Corridor Plan (AWCP) is to achieve a balance between the wine grape production and wine processing capacity within the County. In addition, the AWCP will enhance the industry's marketing of Monterey County appellation and its wines. In order to make the Winery Corridor work, there is a need to create a process that encourages the growth of this industry since enhancement of the wine industry is a benefit to the overall economic development of the County.

This language would logically give the impression to the reader that a large portion of wine processing is occurring outside of Monterey County. At the time of the early development of the AWCP in the years following 2001, there was a more limited wine processing capacity in Monterey County, and thus, the language above in the AWCP was written. However, subsequently, there has been a substantial increase in wineries (28 in 2007) and in processing capacity within Monterey County. The Monterey County Vitners and Growers Association (MCVGA) estimated that, as of 2007, there was a capacity to process nearly 31.5 million gallons of wine in the County (corresponds to 197,225 tons of grapes) (MCVGA 2007). In 2007, approximately 224,000 tons of grapes were produced in Monterey County (Monterey County Agricultural Commission, 2009). Thus, in 2007, there was the capacity to process approximately 88 percent of the grapes grown in the County. According to the MCVGA, approximately 180,000 tons of grapes were actually processed in Monterey County in 2007 (Gollnick 2010) or about 80 percent of the local production. Based on this data, the wineries were operating about 91 percent of their capacity in 2007.

The DEIR (See Table 4.3-11, on p. 4.3-121) estimated the amount of new wineries allowed by the AWCP. The estimated processing capacity was based on an estimate prepared by the MCVGA (MCVGA 2007). The MCVGA estimated the size of new wineries based on the pattern of winery sizes and the estimated amount needed to balance production and processing in Monterey County. Thus, the DEIR estimated that the 10 new full-size wineries and 40 new artisan wineries would collectively process approximately 4.35 million cases of wine, which corresponds to approximately 67,000 tons of grapes (at 65 cases/ton).

Adding the existing 2007 processing capacity of 197,225 tons and the new winery capacity of 67,000 tons, with the new wineries allowed by the AWCP, there would be a total approximately processing capacity of 264,225 tons in 2030. This would represent approximately 103 percent of the total average production estimated above for 2020 (256,600 tons). As noted for 2007, it is not expected that every winery would operate at 100 percent capacity. If the wineries in 2030 operated on the same capacity percentage as those in 2007 (91 percent), then the Monterey County wineries would process about 240,000 tons of grapes or about 94 percent of local grape production.

Thus, contrary to comment assertions, the number and size of new wineries estimated in the DEIR is a reasonable amount as it would provide for the approximate capacity necessary to bring Monterey County grape production and wine processing into rough balance. Thus, the assumptions about wineries used for estimating impacts related to

water demand, air emissions, biological resources and other impacts in the DEIR remain a reasonable basis for impact analysis.

The AWCP has multiple purposes, including bringing local production and processing into balance as well as to promote Monterey County vintage wine through the expansion of artisan winemaking and through the promotion of wine-related tourism. In order to present a current picture of the purpose and need for the AWCP, there have been updates in language in the AWCP to reflect the current conditions relative to production and processing in Monterey County.

With respect to comments suggesting that new viticulture would be directed to extensive areas on steep slopes in the agricultural wine corridors designated in the AWCP, some of new vineyards will occur on slopes (including some on steep slopes) based on historic trends and vineyard expansion will likely occur both within and outside the wine corridors. As to the extent of such expansion, please see discussion earlier in this response in which the DEIR's estimate of overall agricultural expansion is defined as a reasonable evidence-based estimate. The recent growth in grape production has occurred primarily on valley edges and upslope in areas with water availability (e.g., Zone 2C). As discussed above, success in agricultural plantings in general would be based upon the soil suitability, slope and water availability as well as specific appropriate conditions that are requisite for grape production. Further, the 2007 General Plan will only allow agricultural conversions on slopes over 25 percent under limited circumstances (with project-level discretionary review) and agricultural conversion on slopes over 15 percent would be subject to project-level discretionary review. Thus, the area of agricultural conversion including vineyards, is expected to focus on those areas of potential suitability below 25 percent slope, as shown in Exhibit AG-1.

Although there will be an increase in grape production during General Plan implementation, for the reasons stated above, the overall scale of expansion is expected to be consistent with the DEIR's overall estimate of agricultural expansion, the areas of potential expansion are disclosed in this response, and thus the DEIR adequately discloses the character of agricultural expansion.

Geographic Distribution of Agricultural Production. As stated above, historically an average of 466 acres per year of uncultivated land has been converted to active agriculture. Moreover, these conversions have been geographically dispersed. Agricultural conversions in the Salinas Valley alone, for example, are distributed over 110 miles of the Highway 101 corridor (as shown on Figure 4.9-9 in the DEIR). Agricultural holdings in the Cachagua Valley and North Monterey County are equally dispersed. Each area contains its own unique soils and microclimates that support a diverse array of agricultural products.

Focusing on the Salinas Valley, on the uplands east and west of the Salinas Valley floor and along the tributary valleys, there will be some level of conversions, including conversions to vineyards. Focusing on the uplands along the Valley within a two-mile swath on either side of the 80-mile section of the Salinas Valley between Salinas and the southern County line, this area would cover approximately 102,400 acres. If two-thirds (~6,939 acres) of the estimated 10,253 acres estimated county-wide agricultural conversions by 2030 were to occur only in these uplands, agricultural growth would

disturb about 7 percent of these uplands (corresponding to about 5 miles of valley edge along 80 miles of Valley). Given the historic pattern of agricultural conversions, future conversions are likely to be dispersed throughout the Valley, as well as occurring outside the Salinas Valley (for example around the Lockwood area). The relatively limited scale of agricultural conversions, coupled with their geographic dispersion, are key factors taken into account in the analysis of biological resource impacts (see Master Response 8).

Conclusion. The information presented in the DEIR, as amplified in the discussion above, demonstrates that the extent of new land conversion to agriculture will likely remain at historic levels. Accordingly, commenters' assertions that there would be massive expansion of agriculture and/or vineyards and thus that there would be corresponding massive increase in impacts from soil erosion/sedimentation, loss of species habitat and/or disruption to wildlife movement that would result based on the provisions of Policy OS-3.5 or the implementation of the AWCP are unfounded. The combination of factors presented above (historic trends and growth projections, land suitability, trends in viticulture and role of the AWCP, and geographic distribution of agriculture) and the revisions to Policy OS-3.5 and the AWCP described above support the conclusions in the DEIR concerning the level of impacts to water quality and biological resources.

See Master Response 8 for further discussion of biological resources and wildlife corridors. See Master Response 9 for further discussion of water quality.

3.3 Anticipated Development that Would be Permitted Pursuant to Policy AG-3.3 (Routine and Ongoing Agriculture)

The Draft General Plan provides exemptions from a number of General Plan policies for "routine and ongoing" agriculture as specified in the referenced policies (Policies C-5.3 (Scenic Highway Corridors), C-5.4 (Scenic Highway Corridors), OS-1.9 (views), OS-1.12 (scenic routes), OS-3.5 (slope), OS-3.6 (erosive soils), OS-5.5 (native vegetation), OS-6.3 (archaeological), OS-7.3 (paleontological), OS-8.3 (burial sites), OS-10.8 (air quality), S-2.3 (floodplain). Policy AG-3.3 does not exempt activities that would contribute to erosion or water quality impacts. The list of specific activities to be covered would be developed in consultation with the Agricultural Commissioner and would be based upon the technical input of County, regional and state technical staff. These would be based on state of the art information from other jurisdictions as well as the County's own experience.

Activities that may be considered in the development of a future ordinance include practices that are common to agricultural operations with a focus on daily, ongoing operational activities. The practices noted in the policy include daily practices that are common within agriculture production systems today such as crop planting, tilling, harvesting, and maintenance of facilities. These are activities already in existence on active farms and the General Plan policies and zoning ordinances recognize these practices as routine (Monterey County Code, Title 21, Chapters 21.24, 21.30 through

21.38, and 21.48). Current General Plan policy recognizes routine and ongoing agricultural operations as a baseline with respect to resource impacts.

However, it is important to note that proposed General Plan Policy AG-3.3 does not exempt routine and ongoing conversions from the provisions of Policy OS-3.5 when it comes to conversion of previously uncultivated areas (aka natural land covers). Thus, when routine and ongoing agriculture results in conversion of previously uncultivated areas on slopes above 15 percent (or about 10 percent on highly erodible soils), then a discretionary permit will be required.

Commenters have contended that the exemptions under “routine and ongoing agriculture” (Policy AG-3.3) would result in impacts to a number of resources that have not been fully characterized or quantified in the DEIR. These include: a) impacts to wildlife corridors; b) impacts to fish and other riparian species, c) impacts to plant and animal habitats, and d) impacts to water quality from soil erosion. To address these comments, first we provide a brief description of routine and ongoing agriculture, including a brief summary it is important to first understand the regulatory requirements that already apply and would continue to apply to these activities routine and ongoing agriculture. The impacts of agriculture on water quality and biological resources are also discussed in Master Response 9 and Master Response 8, respectively.

Routine and ongoing agricultural operations must comply with all applicable federal, state, and local, and federal regulations governing water quality and environmental protection. General Plan policies do not implicitly or explicitly grant exceptions or exemptions to the compliance with those existing laws and regulations, whose intent is to avoid or minimize environmental impacts. The intent of the General Plan policies related to routine and ongoing agricultural operations is not to provide the industry with reduced regulation (as comments allege), but rather to clarify County policies in regards to agriculture.

Environmental regulations with which routine agricultural operations are required to comply with a myriad of regulation designed to protect environmental resources. Again, the General Plan does not exempt agriculture from these regulations. Such regulations include but are not limited to: surface, and groundwater quality regulations; County zoning, grading, and building regulations; air quality; erosion regulations; surface and ground water discharge regulations; riparian habitat regulations; lake and streambed alteration stream and river regulations; floodplain development regulations; and hazardous materials regulations; and federal and state endangered species acts. Below is an abbreviated description of these regulations:

- *Surface and groundwater quality regulations*, including impacts to water quality from soil erosion and storm water run-off flowing through irrigated lands: Routine agricultural operations must comply with the Porter-Cologne Water Quality Control Act (California Water Code, Division 7). Pursuant to these regulations, the Central Coast Regional Water Quality Control Board (RWQCB) has established a comprehensive conditional waiver program to regulate discharges from irrigated lands. This program is intended to ensure that discharges from irrigated land do not cause or contribute to the exceedance of any Regional, State, or Federal water quality standard (Water Code, § 13269; RWQCB Order No. R3-2009-0050). The Conditional Waiver of Waste Discharge Requirements for Irrigated Lands prohibits

the discharge of substances (including sediment) that may impact beneficial uses and/or affect fish or wildlife. Agricultural operations are not permitted to violate water quality standards or discharge pollutants into waterways. In addition, agricultural operations must comply with Federal Clean Water Act Total Maximum Daily Load (TMDL) limitations for nutrients, sediments, and pesticides (33 U.S.C., § 1313(d)). Development and enforcement of these regulations are outside of the jurisdiction of the County. The County plans to actively participate in the development of TMDLs. See also, Master Response 9 on Water Quality.

- *County zoning, grading, and building regulations:* Routine agricultural operations must comply with applicable County zoning code requirements (Monterey County Code, Title 21, Chapters 21.01 through 21.90), obtain applicable grading permits (Monterey County Code, Title 16, Ch. 16.08), and building permits (Monterey County Code, Title 18, Ch. 18.08).
- *Erosion control regulations:* Routine agricultural operations must comply with Monterey County erosion control regulations. (Monterey County Code, Title 16, Ch. 16.12.) County code enforcement is responsible for enforcing excessive accelerated erosion violations.
- *Pesticide use regulations:* Pesticide regulations are developed by the Environmental Protection Agency and the Department of Pesticide Regulation. (Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. §§ 136 et seq.); Federal Food, Drug, and Cosmetic Act (FFDCA) (21 U.S.C. §§ 301 et seq.); Food & Agriculture Code, Division 7; 3 Cal. Code Regs, §§ 6624-6628.) Pesticide use regulations are designed to protect human health and safety as well as both surface and groundwater quality. Agricultural operations are required to obtain permits for restricted materials and materials that have the potential to impact groundwater (Food & Arg. Code, § 14006.5). Compliance with regulations is enforced by the County Agricultural Commissioner. Pesticide applicators are subject to inspection and must report pesticide use to the County Agricultural Commissioner (Food & Agriculture Code, § 14012).
- *The CDFG lake and streambed alteration regulations:* Routine agricultural operations must comply with California Department of Fish and Game (CDFG) regulations regarding lake and streambed alterations. Permits must be obtained from the CDFG for the alteration of the beds or banks of lakes or streambeds. (Fish and Game Code, §§ 1601 et seq.). A streambed alteration permit is also required for removal of riparian vegetation.
- *Floodplain development regulations:* Agricultural operations must comply with County floodplain development regulation (Monterey County Code, § 16.16.050) The County Code requires that filling or grading that exceeds a depth of one foot per acre of land surface comply with existing grading permit requirements.
- *Hazardous materials regulation:* Routine agricultural operations are subject to hazardous materials regulations enforced by the County Environmental Health Division (Monterey County Code, Ch. 10.65). Hazardous materials include fuel tanks, pesticide storage, and field toilets (Monterey County Code, § 10.65.020.). These regulations are enforced by the County Environmental Health Division.

Comments have also alleged that Policy AG-3.3 would result in construction of new fences throughout the County that would impede wildlife movement and that this potential impact has not been disclosed. Property owners are currently permitted to construct fences subject to height restrictions and setbacks consistent with the current zoning ordinance (fences higher than 6 feet are considered structures and require a building permit and potentially a variance). There is no evidence to suggest that because AG-3.3 includes fences as an allowable practice, that there would be a significant increase in fence construction. Nothing in the information presented in the comments provides evidence or support for the assertion that inclusion of fencing as a routine and ongoing activity would result in a surge in fence installation beyond what is currently allowed and practiced. Rather, trends indicate that the industry utilizes fences on a very limited basis. The cost of a fence is approximately \$8.00 per foot. Because of the high installation and maintenance costs, fences are only employed in limited circumstances where wildlife intrusion seriously threatens food safety. The County enacted an emergency ordinance providing 6 months of relief from zoning restrictions on height and setbacks. During the 6-month period there were no permits requested for fences. This strongly suggests that the industry is not prone to fencing large tracts of land, as the comments allege. This clarifies that Policy AG-3.3 refers to fencing in the context of maintenance of existing fencing, but does not provide for exemptions for fences that do not already exist.

In summary, in response to comments concerning the potential impacts that could occur as a result of the implementation of Policy AG-3.3, the County has concluded that even if all of the activities listed in the policy are actually exempted in the ultimate ordinance, there are sufficient policies and regulations from federal, state, and regional authorities as well as policies in the General Plan and County ordinances, that would mitigate assure potential environmental effects to a level that are less than significant. Even assuming the unlikely scenario that all of the future conversion of uncultivated land to agricultural production would occur pursuant to Policy AG-3.3 (estimated in this EIR as a total of ~10,253 acres by 2030), given the likely distribution of agricultural activities throughout the County, and the application of General Plan policies that would apply in combination with other regulatory requirement it is reasonable to conclude that impacts related to erosion/sedimentation or habitat conversion would be less than significant. See Master Response 9 for further discussion of impacts to erosion/sedimentation and Master Response 8 regarding habitat conversions.

3.4 Anticipated Additional Development that Would be Permitted under the AWCP

The County received comments regarding the potential development within the AWCP, asserting that the commercial development that would be allowed pursuant to the Plan policies would create biological resource impacts, including disruption to wildlife, by the placement of facilities in the corridor. Commenters also asserted that sprawling commercial development would be induced by implementation of the corridor.

As noted previously in this Master Response, the policy regarding permitting of artisan wineries and ancillary uses has been modified to require compliance with Policy OS-5.16

(biological study). This will address and mitigate potential impacts to habitat, species and corridors. Development of a large scale winery in the corridor would be subject to a discretionary permit which would in turn address slope conversion and other resource impacts.

Further, AWCP policies limit the number of wineries that can be sited in each corridor segment, thus assuring that facilities will be geographically dispersed and not have cumulative impacts. Facilities that would be allowed under the AWCP (e.g., tasting rooms, bed and breakfasts, restaurants) are also limited in number. This would therefore limit the commercial “sprawl” as asserted by commenters. Additional visitor serving facilities or commercial facilities that would serve winery operations would likely be sited in the cities adjacent to the corridor.

Based upon the application of General Plan biological resource and soil/erosion policies, policies, the limit on the total number of facilities that would be permitted and the distribution of facilities throughout the 80-mile of corridors, the DEIR conclusion that impacts from development of AWCP facilities would be less than significant is correct. See Master Response 4 for discussion of water demand from AWCP development. See Master Response 8 for further discussion of AWCP impacts on biological resources.

3.5 Traffic Impacts from AWCP Development

Several commenters asked questions about how the traffic impacts from the AWCP were analyzed in the DEIR and whether the traffic impact conclusions were accurate. While traffic impacts of the AWCP were included in the DEIR (see discussion beginning on Page 4.6-108), a more focused discussion to amplify that analysis is presented below, in response to these comments. This discussion demonstrates that AWCP-related traffic was accounted for in the DEIR conclusions.

In the DEIR, the AWCP County roadway corridor was analyzed under weekday and weekend conditions. Weekday conditions reflect growth in traffic related to the increase in employment within the corridor as well as the increase in through traffic caused by growth outside the County. Weekend conditions reflect tourist and visitor traffic to the corridor. Weekday conditions in the AWCP wine corridor are also analyzed in the General Plan analysis (Section 4.6.3.5). The AWCP analysis in Section 4.6.4 of the DEIR compares weekday and weekend roadway service levels.

Traffic forecasts for Monterey County in the DEIR are derived from the Association of Monterey Bay Area Government’s (AMBAG) regional travel demand forecasting model. This model is only validated for weekday travel conditions, so a methodology was devised to estimate weekend conditions for the wine corridor. Since specific development projects and their locations in the wine corridor are unknown, the conversion of weekday to weekend traffic is based on the change in weekday to weekend traffic from a corridor with similar characteristics as the wine corridor.

As noted on Page 4.6-109 of the DEIR, Highway 29 in Napa County was selected as a similar agricultural and tourist-oriented corridor for purposes of making assumptions about future traffic generation. Highway 121 (Silverado Trail) in Napa County was also

reviewed because its physical characteristics are more comparable to those of the Monterey County wine corridor. However, the weekday to weekend conversion for Highway 121 was substantially less than that of Highway 29. So, to be conservative, Highway 29 was selected to compute a ratio of weekday to weekend traffic. The average percent change from weekday to weekend traffic volumes on Highway 29 ranged from -4 percent to 17 percent. Using only the segments of Highway 29 that showed positive change in traffic between weekdays and weekends, the ratio applied to the AWCP corridor was 11.2 percent.

In the DEIR, the weekday to weekend growth estimate for the AWCP corridor is conservative for the following reasons:

- The average weekday to weekend ratio of traffic volumes on Highway 29 over its length in Napa County is 4 percent when segments with a weekend reduction in traffic are considered.
- Highway 29 is designed for higher speeds and capacities and has substantially more wineries and venues than the AWCP corridor and likely attracts more visitor traffic and tour buses than the AWCP corridor on weekends.
- The 11.2 percent growth rate is applied to all weekday traffic using the AWCP corridor including work related and through traffic, whereas Highway 29 has little through traffic in the segments used for to develop the ratio.

Therefore, AWCP-related traffic was accounted for in the DEIR traffic impact conclusions. Even with a conservative weekend growth estimate applied to future traffic projections, few segments of the AWCP wine corridor have identified impacts, even at buildout of the General Plan. Unless traffic volumes substantially exceed 20,000 vehicles per day, traffic impacts on two lane highways (such as those in the designated corridors) typically occur from lack of passing opportunities or delays caused by vehicles waiting to turn at intersections. Mitigating these impacts can be accommodated by the measures identified in Mitigation Measure TRAN-5A, as revised (revision shown in underlined text), while maintaining the rural character of the corridor.

- Providing left turn lanes at intersections without left turn lanes and where the frequency of turning vehicles affects through vehicle movement; and/or
- Increasing the width of the roadway shoulder at intersections to allow vehicles to pass turning vehicles; and/or
- Constructing passing lanes at selected locations.

Until such time as the County Traffic Impact Fee Program and CIFP for the AWCP are adopted, all new development in the AWCP will be required to prepare a Traffic Impact Analysis (TIA) regardless of the level of CEQA analysis conducted for the Project. Project-specific (Tier 1) mitigation measures identified in the TIA will be required to be implemented concurrently. If a TIA identifies a Traffic Tier impact, the development will be required to make a “fair share” payment for that impact. For discretionary permits and approvals, Policies C-1.3 and C-1.4 shall apply. In addition, all projects are subject to payment of the TAMC Regional Development Impact Fee.

Master Response 4: Water Supply

Numerous comments were provided concerning water supply policies and water supply-related analysis in the EIR. The following is a general outline of this Master Response.

- 4.1 General Issues (Unincorporated Inland Area)
 - 4.1.1 Definitions
 - 4.1.2 General Plan Policy Adequacy
 - 4.1.3 Adequacy of Analysis of Supply and Demand
 - 4.1.4 Sources of Future Supply
 - 4.1.5 SB 610 Applicability
 - 4.1.6 2092 Buildout Analysis
 - 4.1.7 Impacts of sea level rise
 - 4.1.8 Policy and Mitigation Changes since the DEIR
 - 4.1.9 Summary of EIR Significance Conclusions
- 4.2 Salinas Valley
 - 4.2.1 Salinas Valley Water Demand
 - 4.2.2 Salinas Valley Water Project, Phase 1
 - 4. 2.3 Salinas Valley Water Project, Phase 2
 - 4.2.4 Seawater Intrusion
 - 4.2.5 Groundwater Overdraft
 - 4.2.6 Granite Ridge and South Highlands
 - 4.2.7 El Toro Creek Groundwater Subbasin
 - 4.2.8 Water Supply for Future Fort Ord Development
- 4.3 Monterey Peninsula
 - 4.3.1 Balance of Supply and Demand
 - 4.3.2 Coastal Water Project
 - 4.3.3 Regional Water Supply Program
 - 4.3.4 Impacts of legal lot development
- 4.4 Pajaro Valley
 - 4.4.1 Balance of Supply and Demand
 - 4.4.2 Status of Potential Supply Projects
 - 4.4.3 Feasibility of mitigation for legal lot impacts

4.4.4 Pajaro Community Area water supply

4.5 Regional Water Management

4.6 Impacts of Water Supply Projects

This Master Response provides response to these broad water supply issues, but does not provide a specific response to every comment that has been received on water supply. Individual comments are addressed in the Chapter 3 of this FEIR. Please also see Chapter 4, Changes to the Text of the DEIR.

4.1 General Issues

4.1.1 Definitions

Watersheds, Basins, Sub-basins, Sub-areas, and Study areas

Certain comments requested definitions of the terms used in DEIR Section 4.3 concerning watersheds, groundwater basins, sub-basins and subareas, and study areas. The following is added to DEIR Section 4.3 for clarity. See Chapter 4, Changes to the Text of the DEIR, for specific text revisions.

- *Watershed*: the geographic area defining the area from which a river or stream derives its water. Rain falling within the watershed flows down to supply the particular river or stream.
- *Groundwater basin*: a groundwater reservoir defined by the overlying land surface and the underlying aquifers that contain water stored in the reservoir. The boundaries of the basin are defined by geologic or hydrologic features that isolate it from other basins. A watershed may supply more than one groundwater basin.
- *Sub-basin or subarea*: A portion of a larger groundwater basin. A sub-basin is not geologically or hydrologically separate from the larger basin, but is distinguishable by having unique characteristics within the larger basin.
- *Study area*: an area studied for purposes of analyzing water supply and demand. In the case of the Monterey County General Plan Update, the study area is not limited to a single watershed or groundwater basin, but instead includes the County as a whole.

Exhibit 4.3-7 of the DEIR identifies the North County groundwater basins and sub-basins. In order to clarify the geographic location of the County's major groundwater basins, Exhibit 4.3-7a has been added to the EIR. It illustrates Monterey County's four major groundwater basins – Pajaro, Salinas, Seaside, and Carmel River.

Long-Term Water Supply/Safe Yield, Long-term Sustainable Water Supply/Sustainable Yield, and Overdraft

Some commenters have argued that the definition of “safe yield” used in the DEIR (see page 4.3-45) is not a standard definition and is not a workable standard. They also ask that the relationship between safe yield and sustainable yield be clarified.

It should be noted that in common usage, some will use safe yield and sustainable yield to mean the same thing, however the analysis in the EIR views safe yield and sustainable yield to have somewhat different meanings as follows:

- **Long-Term Water Supply (safe yield) (as defined in Title 19.02.143):** the amount of water that can be extracted continuously from the basin or hydrologic sub-area without degrading water quality, or damaging the economical extraction of water, or producing unmitigatable adverse environmental impacts.
- **Long-Term Water Supply (as defined in the General Plan Glossary and used in specific General Plan policies):** an available supply of water that can be extracted from a basin or hydrogeologic sub-area to service the existing and projected development in that basin or hydrogeologic sub-area for a twenty year period without degrading water quality, damaging the economical extraction of water, or causing significant unavoidable adverse environmental impacts.
- **Long-term Sustainable Water Supply (as used in specific General Plan policies):** the use of groundwater in a manner that can be maintained for an indefinite time without causing unacceptable environmental, economic or social consequences taking into account the effects of pumping (safe yield) and the ability to reverse trends that are depleting supply and renew basin functions through various means.
- **Overdraft:** The pumping of water from a groundwater basin or aquifer in excess of the supply flowing into the basin over the course of several climatic cycles.

“Long term water supply” as used and defined in the General Plan pertains to the evaluation of a project specific review or water system review. It typically would look at a more localized area than long term sustainable supply. Twenty years is the planning horizon for considering whether a water company, for example, has access to supply for 20 years, based on its technical, managerial and financial capabilities, permits from the CPUC and operational plans into the future. The 20-year time horizon is not part of the definition of “sustainable” supply. The term “Long term water supply” also applies to consideration of water quality trends in the service area and measures that will be undertaken to address impending problems or regulatory requirements. For a groundwater supply, a “long-term water supply” would need to have a safe yield for a minimum of a 20-year period.

“Long term sustainable water supply”, as referenced in General Plan goal PS-3 and policies under goal PS-3, examines the groundwater basin or sub-area in a broader context- and does not have a specific timeframe. It is based on consideration of whether the basin is likely to come into balance; that is, whether solutions are funded or in place to reverse general trends with respect to overdraft and seawater intrusion. It involves a more comprehensive evaluation of conditions in the groundwater basin including the economical extraction, effects on neighboring wells (the concept of “safe yield” as used

in Title 19 of the County Code), amount of available water in storage, ability to renew and sustain basin functions over time, and ability to accommodate current and future growth and development. For a groundwater supply source a “long-term sustainable water supply” would have to have a sustainable yield without resulting in further overdraft over the long-term.

For the purpose of the DEIR impact analysis in the Water Resources Chapter 4.3, the DEIR relied on the concept of “long term sustainable water supply” as described above, including the concept of sustainable yield for groundwater supply sources. For the purposes of environmental review of water supply impacts under CEQA, the County relied on the most conservative term. General Plan policies under Goal PS-3 also use the term “long-term sustainable water supply,” and the DEIR relied on the concept of this term as described above in analyzing the impact of these policies (See DEIR, at p. 4.3-127).

The definitional discussion above has been added to Page 4.3-45 in the first paragraph (see Chapter 4, Changes to the Text of the DEIR).

The remaining terms will still have applicability for different purposes in implementation of the General Plan. For example, the General Plan uses the concept of “long term water supply” as defined in the General Plan glossary in determining whether new development has Adequate Public Facilities and Services (Table PS-1 and General Plan Policies PS-1.1 through PS-1.4).

4.1.2 General Plan Policy Adequacy

A number of comments questioned the adequacy of the water resources mitigation measures and certain specific General Plan Policies in terms of their effectiveness to limit environmental effects related to water supply.

Mitigation measures WR-1 and WR-2 are consistent with the CEQA requirements and measures are in place to ensure their implementation. While the EIR has proposed Mitigation measures WR-1 and WR-2 as feasible means to reduce the impact of new development on water supply, the EIR does not rely upon these mitigation measures to reduce impacts to a less than significant level in all areas of the county (see pages 4.3-131, 4.3-154, and 4.3-163 of the DEIR).

a. Adequacy of Mitigation Measure WR-1 Regarding Monterey Peninsula Water Supply, Groundwater Overdraft and Seawater Intrusion

Several commenters have asserted that Mitigation Measure WR-1 is inadequate because it lacks specific feasible actions to actually improve environmental conditions and monitoring of its implementation. Mitigation Measure WR-1 requires the County to participate in regional planning for water supplies for the Monterey Peninsula while continuing to protect the Salinas and Pajaro River groundwater basins from seawater intrusion. The purpose of this measure is to ensure County involvement and commitment to regional planning to address the shortfall in water supplies for Monterey Peninsula while make sure that any regional solutions do not exacerbate the groundwater conditions

in the Salinas River or Pajaro River groundwater basins. Mitigation Measure WR-1 has been revised to clarify that cooperative water planning activities will also involve the affected agencies in the Pajaro River basin (see below for the revision).

This mitigation is not described as fully mitigating significant water supply impacts (Impact WR-4) on the Monterey Peninsula (that is, mitigating to a less than significant level) up to 2030. Instead, while providing for a mitigation measure to reduce the impacts of new growth, the DEIR nonetheless concluded that future development would result in a significant and unavoidable impact related to water supply due to ministerial development on lots of record on the Monterey Peninsula. Subsequent to the DEIR, as discussed below in response 4.1.9, the County has revised this conclusion to now be less than significant for the Monterey Peninsula without mitigation because of consideration of the effects of Policies 3.1 and 3.3 for discretionary development and because of revised Policy 3.4 regarding Carmel Valley and consideration of the Seaside aquifer adjudication determinations concerning small water users. The text on page 4.3-130 of the DEIR has been revised to clarify this point (See Chapter 4, Changes to the Text of the DEIR). The impact of the 2007 General Plan to water supply for the Monterey Peninsula is still identified as significant and unavoidable due to the lack of planning for periods beyond 2030.

Mitigation Measure WR-1 is described in the DEIR as mitigating impacts to groundwater overdraft (Page 4.3-154) and seawater intrusion (Page 4.3-162) on the Monterey Peninsula to a less than significant level up to 2030. Subsequent to the DEIR, the county has revised this conclusion to, as discussed below in section 4.1.9, to now be less than significant for the Monterey Peninsula without mitigation because of consideration of the effects of Policy PS-3.1 and PS-3.3 for discretionary development and because of revised Policy PS-3.4 regarding Carmel Valley and consideration of the Seaside aquifer adjudication determinations concerning small water users. The text on pages 4.3-154 and 4.3-162 of the DEIR have been revised to clarify this point (See Chapter 4, Changes to the Text of the DEIR). The impact of the 2007 General Plan to groundwater overdraft and seawater intrusion for the Monterey Peninsula is still identified as significant and unavoidable due to the lack of planning for periods beyond 2030.

Regarding the commenter's request that Mitigation Measure WR-1 be changed to commit the County to specific water supply actions: (1) the 2007 General Plan constrains discretionary development (except for the first single family dwelling and non-habitable accessory uses on an existing lot of record) from moving forward without an assured water supply wherever it occurs in the County (Policy PS-3.1); (2) the solutions to the water supply problems on the Monterey Peninsula and the Pajaro River basin are the responsibility of multiple jurisdictional entities including the County; and (3) the County thus cannot go it alone and design solutions separate from the other responsible parties. Mitigation Measure WR-1, as revised, provides for just such cooperative work. The revised measure is described in Chapter 4, Changes to Text of the DEIR, of the FEIR.

b. Adequacy of Mitigation Measure WR-2 Regarding Salinas Valley Water Supply, Groundwater Overdraft and Seawater Intrusion for the Period after 2030

Commenters have also suggested that Mitigation Measure WR-2 (Initiate Planning for Additional Supplies to the Salinas Valley) is not adequate. Mitigation measure WR-2 is only provided for impacts from the 2030 horizon year to buildout in 2092. This measure, as revised, will establish General Plan policies committing the County to continuing development of water supplies, including through conjunctive use and other methods of using existing supplies efficiently, to serve the Salinas Valley. As discussed on page 4.3-131, a second phase of the SVWP is a feasible water supply project that could provide adequate water for the expected amount of increase in water demand for the unincorporated County beyond 2030. The revisions provide for the ongoing and regular review of growth projections, adaptive changes in response to unanticipated growth, and a five-year deadline for development and implementation of any necessary adaptive changes. The revised measure is described in Chapter 4, Changes to the Text of the DEIR. See also Master Response 10, Level of Detail for the General Plan and the General Plan's EIR, regarding the level of detail necessary in mitigation measures that are adopted as part of a general plan EIR. As further noted in *Rio Vista Farm Bureau Center et al. v. County of Solano* (1992) 5 Cal.App.4th 351, 377, “[w]here...devising more specific mitigation measures early in the planning process is impractical, the agency can commit itself to eventually devising measures that will satisfy specific performance criteria articulated at the time of project approval.” (Id., internal quotations omitted; see also *California Native Plant Society v. City of Rancho Cordova* (2009) 172 Cal.App.4th 603 [agency entitled to rely on the result of a future study to fix the exact details of the implementation of the mitigation measures the agency identified in the EIR.]) As discussed in the Master Response, there are a number of statutory requirements which ensure the implementation of General Plan policies and any mitigation measures adopted as part of project approval. (See Government Code Sections 65359, 65400, 65455, and 65860.)

Note that Mitigation Measure WR-2 (which modifies the proposed Policies PS-3.17 and -3.18 to provide for expansion of the SVWP as may be necessary to meet future demand) mitigates the impacts of the buildout of the General Plan Update in unincorporated areas to water supply in the Salinas Valley (See page 4.3-134 of the DEIR). As noted on page 4.3-134, “The SVWP has the capacity to provide additional water to the Salinas Valley with expansion of the distribution system, capture of additional flows through changes in operational management of the dams, and continued trends of per capita conservation. The MCWRA estimates this to be as much as 10,000 AFY, which would be slightly less than estimated as needed for new post-2030 demand (~10,905 acre-feet (AF)); see revised Table 4.3-9a.” However, the estimate in Table 4.3-9a has not taken into account water conservation measures as it is based on a DWR 2005 per capita average use factor. New mandatory requirements per state law (SB-X7 7) will mandate reduction of per capita water use in Monterey County (and throughout the state) by 20 percent by 2020. Taking this into account, the new demand in the unincorporated County areas beyond 2030 would be more like 8,724 AF per year (AFY), which is less than the amount estimated as being available through a second phase of the SVWP. Other water conservation measures are also being implemented, such as the State's Model Landscape Ordinance (AB 1881 [2006]), and General Plan Policies OS-3.8, OS-10.10, PS-3.12, and PS-3.13. It

is reasonably foreseeable that water conservation measures will be in place such that urban water usage increases from 2030 to buildout in 2092 will be less than 10,000 AFY (See Section 4.1.6 of this Master Response for greater detail).

c. Approval of Development Relative to Long-Term Sustainable Water Supplies

Several commenters expressed concern about approving any new development until water supply, seawater intrusion and groundwater overdraft issues are fully addressed. The 2007 General Plan (Policy PS-3.1) requires discretionary development to provide proof of a long-term sustainable water supply prior to approval. This would apply to future development in the Community Areas, Rural Centers, major commercial centers, or standard subdivisions. Additional General Plan policies, listed below, address the requirement for new development to demonstrate that it has adequate public facilities and services (APFS) that are managed by an entity with the appropriate technical expertise and financial stability. Thus, discretionary development will not be able to proceed in areas wherein new water demands would exacerbate existing seawater intrusion or groundwater overdraft.

The General Plan includes policies that limit new residential subdivisions within a portion of the Greater Salinas Area Plan and the Toro Area Plan and all of the North County Area Plan. By prohibiting new subdivisions in these areas, these policies will in effect restrict the potential for future impacts on groundwater and seawater intrusion by constraining demand.

As discussed below in the discussion for the Monterey Peninsula and Pajaro River basins, for ministerial development on legal lots, the County has existing requirements that limit the potential water supply demand of existing lots of record. In addition, plans are underway for a new water supply to portions of the Highlands South and Granite Ridge areas (discussed below under discussion of Salinas Valley basin) that will limit the impact of future development water demand in these areas.

d. Feasibility of Implementing General Plan Policies

Several commenters questioned the feasibility of implementing the 2007 General Plan policies concerning water supply. The policies (noted below) are all considered feasible, will be implemented through new ordinances or through existing zoning and subdivision regulations, and all contribute to reducing potential impacts of new development, new water demands, and new water infrastructure.

The proposed draft General Plan includes numerous specific policies that will encourage water conservation and discourage development in advance of the availability of adequate water supply. These also address the related issues of groundwater recharge, well interference, and reducing seawater intrusion. The pertinent policies include the following:

- Policies PS-1.1 through PS-1.6 establish Adequate Public Facility and Services (APFS) requirements to ensure that new discretionary projects will meet specific service standards, including the availability of a long-term water supply, and require services to be installed concurrent with each phase of new development in accordance with an infrastructure phasing plan.

- Policies PS-2.1 through PS-2.9 establish a comprehensive regulatory scheme for limiting new impacts on groundwater sources. This includes improved groundwater data collection, requirements for connection to existing water service, conservation, and groundwater recharge requirements in development design.
- Policies PS-3.1 through 3.15, in addition to requiring discretionary development (except for a single residence on existing lots of record) to show a long-term water supply and establishing performance standards to determine whether a supply is sustainable, establish requirements for new wells that will reduce impacts on existing wells and restrict the installation of new wells where sea water intrusion is a problem. These policies also include a requirement to prepare a Capital Improvement and Financing Plan to address water infrastructure deficiencies and requirements for imposing water conservation methods.

4.1.3 Adequacy of Analysis of Supply and Demand to 2030

Numerous comments questioned the analysis of water demands throughout the County, requested comparison of supply and demand, and requested analysis of cumulative supply and demand conditions including demands from inside the incorporated cities and agriculture. The DEIR included these analyses in Section 4.3, *Water Resources*. The specifics of supply and demand for different parts of the County are described below in the responses concerning the Salinas Valley, Monterey Peninsula, and North County.

New Table 4.3-9b (see Chapter 4, Changes to the Text of the DEIR) summarizes and augments the information in Chapter 4.3, *Water Resources*, of the DEIR to clarify the projected water supply situation within Monterey County, under the General Plan Update. Table 4.3-9b also includes the projected water demands of the incorporated cities. Tables 4.3-9c, 4.3-9d, 4.3-9e, 4.3-9f, 4.3-9g and 4.3-9h (see Chapter 4, Changes to the Text of the DEIR) provide greater detail concerning water demands and existing and potential future supplies.

The updated water demand and supply details, including updated information on incorporated city demand, do not, by themselves change the conclusions of the DEIR related to water supply, groundwater overdraft, or seawater intrusion. In the Salinas Valley the updated demand is still consistent with the projections of the SVWP and thus the SVWP EIS/EIR conclusions regarding water supply, groundwater overdraft and seawater intrusion still hold. On the Monterey Peninsula, the fundamental conclusions about the need for further water supply projects to support future growth remain unchanged. However, as discussed below in the section concerning the Monterey Peninsula, the conclusion regarding the impacts of ministerial development on lots of record has been changed due to consideration of 2007 General Plan policies and due to determinations in the Seaside aquifer adjudication; the impact is now considered less than significant in regards to water supply, groundwater overdraft, and seawater intrusion. In the Pajaro River groundwater basin, the fundamental conclusion of inadequate supplies to address current and future demands is unchanged. The revised water demand and supply estimates do not result in the change of any impact identified as less than significant in the DEIR to significant and unavoidable in the FEIR.

4.1.4 Sources of Future Water Supply

A water supply analysis should discuss future water supply sources, as well as the potential impacts of obtaining those future supplies, to the extent that information is reasonably foreseeable. Section 4.3.2.4 of the DEIR (beginning on page 4.3-29) discusses existing and future potential supplies in the three major groundwater basins in the County, describes the status of planning for future supplies, and discussed potential secondary environmental impacts of developing further resources. The information in the DEIR has been supplemented with the information in this Master Response, but the fundamental conclusions of the DEIR remain unchanged.

As discussed in Chapter 4.3, *Water Resources*, and in this Master Response, there are no feasible outside supplies of water for the County. This has not changed since the release of the DEIR for review. Additional information is now available about the Coastal Water Project proposed by CalAm to provide a replacement for its illegal diversions from the Carmel River and to comply with the adjudication of the Seaside Basin. That information is described below.

4.1.5 Need for SB 610 Analysis

Commenters have asserted that the DEIR should include a “SB 610” water supply analysis. Senate Bill (SB) 610, enacted in 2001, requires that the public water supplier for any large development project (as defined in the statute) prepare a water supply assessment describing the long-term availability of water to supply the project.

The DEIR does not include a formal SB 610 Water Supply Assessment (WSA) because General Plan EIRs are not required to comply with SB 610. SB 610 does not apply to General Plans for three reasons: 1) the express language of SB 610 does not include General Plans as projects subject to the Act; 2) General Plan law sets forth an alternative process for local governments to consult with water supply agencies during General Plan preparation (see Government Code Section 65352.5); and 3) the Legislature envisioned the General Plan being considered during preparation of long-term Urban Water Management Plan preparation, to serve as the first tier of land use and water supply planning coordination, prior to consideration of individual development projects.

SB 610 applies to *development projects*, for example, “a proposed residential development of more than 500 dwelling units,” or a “project that would demand an amount of water equivalent, or greater than the amount of water required by a 500 dwelling unit project.” (Water Code §10912(a)) SB 610 lists several other “projects” requiring a WSA; a General Plan is not on that list. SB 610 further provides that nothing in SB 610 is “intended to modify to otherwise change existing law with respect to projects that are not subject to...” (Water Code §10914(c)) Although a General Plan may enable individual projects falling within the SB 610 definition of project, the General Plan itself is not such a project.

Instead, the Legislature has created an alternative approach to assure that local governments coordinate with water supply agencies when preparing General Plans. Local

agencies must “refer” a proposal to adopt a General Plan to any public water system with 3,000 or more service connections that serves customers within the General Plan area. (Government Code Sec. 65352.5) The public water system has 45 days to comment. The Monterey County General Plan complies with this process.

Lastly, the Legislature envisioned General Plan and water supply planning coordination being accomplished not through SB 610, but rather through the Urban Water Management Plan (UWMP). The Urban Water Management Planning Act (Water Code §§ 10610 et seq.) requires urban water suppliers to consider their entire service area, and is intended to “provide assistance to water agencies in carrying out their long-term resource management responsibilities...” (Water Code Sec. 10610.2(a))

Water suppliers must prepare UWMPs that analyze water supply and demand, and water supply reliability, over a 20-year planning horizon, and to update these plans every 5 years. General Plans typically serve as an information source for water suppliers to prepare UWMP water demand projections. When individual development projects are proposed, WSAs are entitled to rely on information contained in the UWMP. (Water Code §10910(c)(2)) Thus under the Legislature’s approach, UWMPs based on General Plans can function as the first tier of coordinating land use and water supply planning. WSAs prepared for individual development projects then function as the second tier.

Also, comments assert that since the General Plan EIR functions as a “terminal EIR” for certain future activities not requiring further discretionary approvals or CEQA review, a WSA must be prepared for these activities. This assertion is incorrect. As discussed above, a General Plan is not a “project” subject to SB 610 WSA requirements. There is no authority supporting the proposition that the inclusion of certain activities that do not require discretionary approvals somehow converts a General Plan into a project subject to SB 610.

It is immaterial that no WSA will be prepared later when activities not requiring discretionary approvals are implemented. The Legislature intended SB 610 to apply only to those qualifying discretionary projects subject to CEQA that require a Negative Declaration or EIR. (Water Code §§10910(a), (b))

4.1.6 2092 Buildout Analysis

Commenters have asserted that the DEIR lacks sufficient detail regarding potential impacts from full buildout under the General Plan in the year 2092. As discussed in the *In re Bay-Delta* case, over a 30-year period, it is “impracticable to foresee with certainty specific source of water and their impacts...The PEIS/R complied with CEQA by identifying potential sources of water and analyzing the associated environmental effects in general terms.” (*In re Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings* (2008) 43 Cal.4th 1143, 1173; emphasis added.)

The availability of water supply to meet demands at full buildout in 2092 has been conservatively described as significant and unavoidable in the DEIR (see, for example, the discussion beginning on page 4.3-135). As shown in Table 4.3-9b (see Chapter 4, Changes to the Text of the DEIR) current water supply planning is inadequate to meet

projected demands through the 2030 period in two out of three of the County's major watershed areas (Carmel River/Seaside basin and Pajaro River basin).

The new water demand from development in Monterey County was estimated in DEIR Table 4.3-9 through 2092 buildout. Table 4.3-9 was revised (as Table 4.3-9a – see Chapter 4, Changes to the Text of the DEIR) to clarify and update the demand estimates by basin, to combine Carmel River/Seaside basin totals (as these areas are commonly combined in water resource planning), and to revise the North County planning area split between the Salinas and Pajaro groundwater basins to better reflect the likely split in development between these two planning areas. The Carmel River and Seaside groundwater basins are combined because together they are the key sources of water supply on the Monterey Peninsula and both are being tapped by CalAm. Although the revised Table 4.3-9a provides a more practical view of supply and demand, it does not substantively change either the basic supply and demand numbers, or the conclusions in the DEIR.

Unlike the 2030 period, the buildout estimate has not been updated to add in the city demands or to prepare basin-wide estimates of demand. The reason for not updating the post 2030 buildout estimate is that most of the local cities have General Plans with horizons that are 2030 or thereabouts and thus estimating potential city growth out to 2092 is based on straight line extrapolations. The extent to which urban water use or agricultural water use will increase beyond 2030 cannot be precisely estimated at this time without speculating. Based on recent trends in regulation, such as the enactment of SB 407 (Chapter 587, Statutes of 2009 – requires plumbing retrofits on property re-sale), Senate Bill 7 from the 7th Extraordinary Session (2009) – sets goals for the reduction of Urban and Agricultural water use, Assembly Bill 1881 (2006) – Model Landscape Ordinance, and adoption of Title 16A of the California Plumbing Code (simplifies the installation of graywater systems), and trends in agricultural practice (the expansion of drip irrigation use is discussed later in this Master Response) it is reasonable to assume that water conservation standards will become increasingly strict in the future. Therefore, a straight line estimate based on current levels of consumption would likely overstate per capita demand.

Similarly, identifying supply projects for the period beyond 2030 should be considered at a conceptual, not planning level. For example, the ability (financial and otherwise) of the area to support substantial additional desalination beyond the proposed Coastal Water Project is unknown. However, the DEIR did discuss a potential SVWP Phase 2, because such a project was studied programmatically in the SVWP EIR for the potential to provide water in the Salinas Valley after 2030. The discussion represents a reasonable, good-faith effort at examining demands and projects for which there is very little reasonable information available. The Phase 2 project will be subject to a project-level CEQA analysis at such time as it is proposed and sufficient design detail is available.

4.1.7 Impacts of Sea Level Rise

Some commenters questioned what the impact of sea level rise would be on groundwater supplies in the County.

As noted in page 4.3-155 of the DEIR, “global climate change may have two future effects on the county’s overdraft condition: sea level rise would exacerbate the seawater intrusion, making any groundwater withdrawals more critical to maintaining equilibrium; and variable rainfall may result in less water available to the Salinas, Pajaro, and Carmel Rivers, and other county streams and river systems in some years.” As was the case when the DEIR was released, global circulation models have not been downscaled sufficiently to a local scale to allow for evaluation of changes in precipitation and river flow at the County level.

Sea level rise is a bit better understood at this time. The DEIR noted that “Under the higher warming scenario, sea level is anticipated to rise 22 to 35 inches by 2100” (see page 4.16-39). A 2009 report by the Pacific Institute now estimates that the total rise by 2100 may be between 39 inches and 55 inches (1.0 to 1.4 meters) compared to 2000 (California Climate Change Center 2009).

Predicted sea level rise is not uniform over the next 100 years, but rather is expected to rise slowly to approximately mid-century and then accelerate rapidly as the effects of global warming accelerate with accumulation of predicted rise in greenhouse gases in the atmosphere. The Pacific Institute estimated a rise of approximately 12 inches (0.3 meters) by 2030, compared to 2000. By comparison, the rate of sea level rise in the 20th century was approximately 8 inches per century, which would correspond to a rise of just over 2 inches between 2000 and 2030 if global warming was not taken into account. The text on page 4.16-39 has been updated to reflect this new information (see Chapter 4, Changes to the Text of the DEIR). The new information does not substantively change the conclusions in the DEIR.

As disclosed in the DEIR (see pages 4.3-133 and 4.16-42), sea level rise is expected to increase seawater intrusion. This would negatively affect the current efforts in Monterey County and Santa Cruz County to halt seawater intrusion into the Seaside Aquifer, the Salinas groundwater basin and the Pajaro groundwater basin. At this time the extent of that effect is not known precisely in relation to the effect of current groundwater pumping. One study of the Seaside aquifer used simulations of sea level increases of 0, 0.5 and 1.0 meter (1 meter = 3.28 feet) over the next 100 years run in a finite element model under the assumption of continued annual extraction equal to the year 2002 rate. (Loaiciga and Pingel 2009) These simulations suggested that while the effect of sea level rise is present, the principal driver of seawater intrusion is groundwater extraction. Thus, accelerated sea level rise is a concern for any of the coastal aquifers currently relied on for water supply. At this time, it is not known to what extent current supplies might be limited due to further seawater intrusion due to sea level rise, but the implication is that some of the coastal groundwater supplies might be less in the future than currently anticipated.

Relevant to the analysis in the DEIR, the document already discloses significant and unavoidable water supply impacts on the Monterey Peninsula and in the Pajaro groundwater basin. For the Salinas River, the DEIR concludes that the SVWP can halt further seawater intrusion even with new water demands through 2030 or thereabouts.

4.1.8 Policy and Mitigation Changes Since the DEIR

The following changes to Mitigation Measure BIO-2.3 concerning Policy PS-3.4 are made to clarify the intent of this policy relative to a portion of Carmel Valley and the Granite Ridge/Highlands South areas.

PS-3.4 Specific criteria shall be developed for use in the evaluation and approval of adequacy of all new wells. Criteria shall assess both water quality and quantity including, but not limited to:

- a. Water quality.
- b. Production capability.
- c. Recovery rates.
- d. Effect on wells in the immediate vicinity as required by the Monterey County Water Resource Agency.
- e. Existing groundwater conditions.
- f. Technical, managerial, and financial capability of the water purveyor of a water system.
- g. Effects on instream flows necessary to support riparian vegetation, wetlands, fish, and other aquatic life including migration potential for steelhead, for the purposes of minimizing impacts to those resources and species.
- h. A discretionary permit shall be required for new wells in the Carmel Valley alluvial aquifer. All new wells shall be required to fully offset any increase in extractions from this aquifer. These requirements shall be maintained until such a time that the Coastal Water project (or its equivalent) results in elimination of all Cal-Am withdrawals in excess of its legal rights.
- i. A discretionary permit shall be required for all new wells in fractured rock or hard rock areas in the North County Area Plan in order to provide for case by case review of potential water quality and overdraft concerns. This requirement shall be maintained until such a time that a water supply project or projects are completed that addresses existing water quality and water supply issues in fractured rock or hard rock areas.

The following changes are made to Mitigation Measure WR-1 concerning Policy 3.16 to clarify the involvement of PVWMA and Santa Cruz County in regional planning for water supply efforts.

Mitigation Measure WR-1: Support a Regional Solution for the Monterey Peninsula in addition to the Coastal Water Project

The County will revise the draft 2007 General Plan to include the following new policy:

PS-3.16 The County will participate in the Water for Monterey County Coalition or similar regional group, for the purpose of identifying and supporting a variety of new water supply projects, water management programs, and multiple agency agreements that will provide additional domestic water supplies for the Monterey Peninsula and Seaside basin, while continuing to protect the Salinas and Pajaro River groundwater

basins from saltwater intrusion. The County will also participate in regional groups including representatives of the Pajaro Valley Water Management Agency and the County of Santa Cruz to identify and support a variety of new water supply, water management and multiple agency agreement that will provide additional domestic water supplies for the Pajaro Groundwater Basin. The County's general objective, while recognizing that timeframes will be dependent on the dynamics of each of the regional groups, will be to complete the cooperative planning of these water supply alternatives within five years of the adoption of the General Plan and to implement the selected alternatives within five years after that time.

The following changes are made to Mitigation Measure WR-2 concerning Policy 3.17 to clarify the timing for planning for additional supplies to the Salinas Valley.

WR-2: Initiate Planning for Additional Supplies to the Salinas Valley.

The County will revise the draft 2007 General Plan to include the following new policies:

PS-3.17 The County will pursue expansion of the Salinas Valley Water Project (SVWP) by investigating expansion ~~initiating investigations~~ of the capacity for the Salinas River water storage and distribution system. ~~to be further expanded.~~ This shall also include, but not be limited to, investigations of expanded conjunctive use, use of recycled water for groundwater recharge and seawater intrusion barrier, and changes in operations of the reservoirs.

The County's overall objective is to have an expansion planned and in service by ~~2030.~~ the date that extractions from the Salinas Valley groundwater basin are predicted to reach the levels estimated for 2030 in the EIR for the Salinas Valley Water Project. The County shall review this extraction data trends at five year intervals. The County shall also assess the degree to which the Salinas Valley Groundwater Basin (Zone 2C) has responded with respect to water supply and the reversal of seawater intrusion based upon the modeling protocol utilized in the Salinas Valley Water Project EIR. If the examination indicates that the growth in extractions predicted for 2030 are likely to be attained within ten years of the date of the review, or the groundwater basin has not responded with respect to water supply and reversal of seawater intrusion as predicted by the model, then the County shall implement PS-3.18.

PS-3.18 As required by PS-3.17, the County will convene and coordinate a working group made up of the Salinas Valley cities, the MCWRA, and other affected entities. The for the purpose of the working group will be to identifying new water supply projects, water management programs, and multiple agency agreements that will provide additional domestic water supplies for the Salinas Valley. These may include, but not be limited to, expanded conjunctive use programs, further improvements to the upriver reservoirs, additional pipelines to provide more efficient distribution, and expanded use of recycled water to reinforce the hydraulic barrier against seawater intrusion. The county's objective will be to complete the cooperative planning of these water supply alternatives by 2020 and have projects online by 2030, within five years and to have the projects on-line five years following identification of water supply alternatives.

4.1.9 Summary of EIR Significance Conclusions on Water Supply, Infrastructure, Groundwater Overdraft, and Seawater Intrusion

Some commenters asked for clarification of the significance conclusions regarding water supply, especially since the four impacts identified in the EIR (WR-4 through WR-7) are in many ways interrelated. In order to provide a succinct summary of the conclusions and the rationale for the conclusions, Table W-1 provides that clarification.

Table W-1. Summary of Significance Conclusions for Water Supply (2030 and 2092)

Impact	Significance Overall	Salinas Valley	Monterey Peninsula	Pajaro River
<p><i>All conclusions below presume implementation of proposed 2007 General Plan policies including:</i></p> <p>Policy PS 3-1: Requirement for long-term sustainable water supply for discretionary development (delays development where no long-term sustainable water supply exists)</p> <p>Policy PS 3-2: Credit for reduction compared to historic use</p> <p>Policy PS 3-3: Long-term sustainable water supply requirements</p> <p>Policy PS 3-4: New well requirements (1)</p> <p>Policy T-1.7: B-8 restrictions in El Toro Creek Groundwater sub-basin</p> <p>Policy NC-1.5: Restriction of residential development to lots of record in North County.</p> <p>Policy GS-1.13: Restriction of residential subdivisions in the portion of the Greater Salinas Area Plan north of Salinas.</p> <p><i>Unless otherwise noted, conclusions apply to both 2030 and 2092.</i></p>				
Impact WR-4: Water Supply	Significant and Unavoidable (see columns to the right for specific conclusions)	<p>Overall significance: Less than Significant to 2030. Less than significant with mitigation to 2092.</p> <p>Salinas Valley groundwater basin: Less than significant impact due to effect of SVWP to 2030. Less than significant with mitigation to 2092 due to mitigation measure WR-2.</p> <p>Granite Ridge/Highlands South: Less than significant because SVWP brings balance to basin overall and revised Policy PS-3.4 will address localized individual well effects on water quality, well interference, and localized overdraft. Granite Ridge supply project will also assist to help address local issues.</p>	<p>Overall significance: Less than significant with revisions to General Plan Policy PS-3.4 (per Mitigation Measure BIO-2.3) to 2030. Significant and unavoidable to 2092.</p> <p>Carmel Valley alluvial aquifer: For both 2030 and 2092, less than significant with revised Policy PS-3.4 (per Mitigation Measure BIO-2.3) to require discretionary permits and offset of new demands(1).</p> <p>Carmel Valley hard rock areas: For both 2030 and 2092, less than significant as proposed GP policies will address localized well impacts and aquifer extraction not shown to be linked to instream flows (2).</p>	<p>Pajaro River groundwater basin: Significant and unavoidable due to ministerial development on legal lots and lack of feasible water supply to address overall groundwater overdraft and seawater intrusion. Significant and unavoidable for 2092 due to lack of water supply for long-term demand.</p>

Impact	Significance Overall	Salinas Valley	Monterey Peninsula	Pajaro River
		<p>El Toro Creek sub-basin: Less than significant because Policy T-1.7 will constrain residential subdivision in residentially designated areas within the El Toro Creek subbasin and Policy PS-3.4 will address localized individual well effects on water quality, well interference, and localized overdraft.</p>	<p>Seaside aquifer: Less than significant impact due to ministerial development on legal lots (per basin adjudication) to 2030 (3). Significant and unavoidable for 2092 due to lack of long-term water supply.</p>	
Impact WR-5: Infrastructure	Significant and Unavoidable (see column to the right for specific conclusions)	Impacts due to new water infrastructure in many cases can be mitigated to less than significant through application of proposed 2007 General Plan policies, through 2007 General Plan mitigation measures, and through project-level review and mitigation. However, impacts are considered significant and unavoidable, including to biological resources.		
Impact WR-6: Groundwater Overdraft	Significant and Unavoidable (columns to the right discuss specific impacts)	<p>Overall significance: Less than significant to 2092. Less than significant with mitigation to 2092.</p> <p>Salinas Valley groundwater basin: Less than significant impact due to effect of SVWP on halting further overdraft compared to baseline to 2030. Less than significant with mitigation to 2092 with mitigation measure WR-2.</p> <p>Granite Ridge/Highlands South: Less than significant because SVWP addresses overall basin overdraft and revised Policy PS-3.4 will address localized individual well effects on water quality, well interference, and localized overdraft. Granite Ridge supply project will also assist to help address local issues.</p> <p>El Toro Creek sub-basin: Less than significant because Policy T-1.7 will constrain residential subdivision in residentially designated areas within the</p>	<p>Overall significance: Less than significant with General Plan policies to 2030. Significant and unavoidable to 2092.</p> <p>Carmel Valley alluvial aquifer: For both 2030 and 2092, less than significant with revised Policy PS-3.4 to require discretionary permits and offset of new demands(1).</p> <p>Carmel Valley hard rock areas: For 2030 and 2092, less than significant as proposed GP policies will address localized well impacts.</p> <p>Seaside aquifer: Less than significant impact due to ministerial development on legal lots (per basin adjudication) to 2030. Significant and unavoidable for 2092 due to lack of long-term water supply.</p>	<p>Pajaro River groundwater basin: Significant and unavoidable due to ministerial development on legal lots and lack of feasible water supply to address overall groundwater overdraft.</p>

Impact	Significance Overall	Salinas Valley	Monterey Peninsula	Pajaro River
		El Toro Creek subbasin and Policy PS-3.4 will address localized individual well effects on water quality, well interference, and localized overdraft.		
Impact WR-7: Seawater Intrusion	Significant and Unavoidable (columns to the right discuss specific impacts)	<p>Overall significance: Less than significant to 2030. Significant and unavoidable to 2092.</p> <p>Salinas Valley groundwater basin, (including Granite Ridge/Highlands South): Less than significant impact due to effect of SVWP in halting seawater intrusion relative to current baseline to 2030. Significant and unavoidable for 2092 due to future uncertainty.</p> <p>El Toro Creek sub-basin: No impact. Seawater intrusion not an issue in the sub-basin.</p>	<p>Overall significance: Less than significant with General Plan policies to 2030. Significant and unavoidable to 2092.</p> <p>Carmel Valley alluvial aquifer: No impact. Seawater intrusion not an issue in this aquifer.</p> <p>Carmel Valley hard rock areas: No impact. Seawater intrusion not an issue in these areas.</p> <p>Seaside aquifer: Less than significant impact due to ministerial development on legal lots (per basin adjudication) to 2030. Significant and unavoidable for 2092 due to lack of long-term water supply</p>	<p>Pajaro River groundwater basin: Significant and unavoidable due to ministerial development on legal lots and lack of feasible water supply to address overall seawater intrusion.</p>
<p>Notes:</p> <ol style="list-style-type: none"> 1. Revision to Policy PS-3.4 clarifies that groundwater extractions in the Carmel Valley alluvial aquifer will need to fully offset increases. 2. See Stern (2010) regarding evidence on hard rock wells and instream flows. 3. See Monterey Superior Court (2007) which concludes that small users (< 5 AF) do not result in material harm to the aquifer. <p>References:</p> <p>Geosyntec Consultants. 2007. El Toro Groundwater Study. Prepared for: Monterey County Resource Management Agency. Salinas, CA. July.</p> <p>Monterey Superior Court Amended Decision in California-American Water vs. City of Seaside et al, Case No. M66343, filed February 9, 2007.</p> <p>Stern, Henrietta (MPWMD). 2010. Personal communication with Rich Walter, ICF, January 25, 2010.</p>				

4.2 Salinas Valley

4.2.1 Salinas Valley Water Demands

Urban Water Demand

As noted above, some commenters requested that the estimate of water demand include the demands of the incorporated cities. This has been done, as shown in Table 4.3-9c. As shown therein, the updated estimate of water use is within 0.01 percent of that estimated during planning for the Salinas Valley Water Project (see Table 4.3-9d). Given the scale of groundwater extractions within the Salinas Valley (~443,000 AFY), the difference between the two estimates is trivial and statistically insignificant. Thus, the conclusions about water supply, seawater intrusion, and groundwater overdraft in the Salinas groundwater basin in the SVWP EIR would also hold true for the General Plan development to approximately 2030.

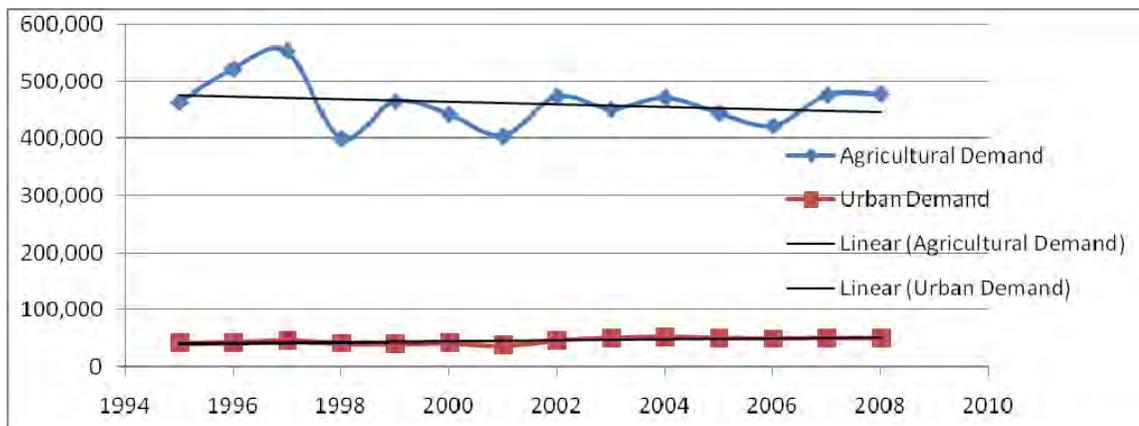
Agricultural Demand

Some commenters have asserted that the future agricultural water demand in the Salinas Valley has been underestimated in the SVWP EIR, and by reference, the DEIR for the General Plan Update. Projected Salinas Valley demand is based on the records and projections of the MCWRA in development of the SVWP. As discussed in the DEIR for the SVWP, the MCWRA projects that agricultural water use will decrease in the future due to the limited expected growth in irrigated acres overall and the increase in efficiency of water use over time.

Regarding the projected change in agricultural acreage (including vineyard acreage), please see the response on this issue in the Master Response on Agriculture. As described therein, the assumptions used in the DEIR to forecast agricultural land use (including vineyard acreage) remain a reasonable evidentiary basis for the purpose of the impact analysis.

Regarding the increase in efficiency of agricultural water use over time, as shown in Table 4.3-5 in the DEIR, agricultural pumping has slightly declined from 1995 to 2008. This is graphically shown with trend lines in Exhibit W-1 below.

Exhibit W-1. Salinas Valley Groundwater Basin Extraction Data, 1995 to 2008 (Acre-Feet)



Source: Monterey County Water Resources Agency 2008b

The SVWP EIR estimate of agricultural demand took into account this trend which is likely influenced by both the increased efficiency in water user in the agricultural sector, as well as crop selection. Exhibit W-1 includes data from the MCWRA’s 2006, 2007, and 2008 Groundwater Summary Reports, and updates the information relied upon in the DEIR.

Changes in agricultural practices have resulted in improved water conservation. The MCWRA’s “2008 Groundwater Summary Report” illustrates the change in irrigation methods between 1993 and 2009. In 1993, approximately 3,227 acres in the Salinas Valley were furrow irrigated (water is run down furrows and allowed to sink into the ground) and 86,435 acres were irrigated using sprinkler and furrow irrigation (water is applied to the furrows by sprinkler). These methods are relatively high water users. By 2009, these numbers had shrunk to 143 acres being furrow irrigated and 34,895 acres being irrigated by the sprinkler and furrow method. In contrast, water-conserving drip irrigation acreage has increased from about 25,080 acres in 1993 to 95,032 acres in 2009. (Monterey County Water Resources Agency 2009)

Thus, in response to questions raised by commenters regarding the methodology of estimating agricultural water demand, the County has concluded that the evidence used in the SVWP remains a solid basis by which to evaluate future water demands in the EIR for the General Plan Update. Therefore, the DEIR is correct in its projections of agricultural water demand.

AWCP/Winery Demands

Some commenters asserted that water demand of wineries or other ancillary uses in the Agricultural Wine Corridor were not fully evaluated in the DEIR.

Regarding certain comments asserting that the growth in wineries would be far greater than estimated in the DEIR, please see the Master Response on Agriculture, which

explains that the amount of estimated winery growth corresponds to the best estimates of the wine industry and is in line with the estimated growth in vineyards out to 2030.

The water demand for new wineries was summarized in Table 4.3-11 in the DEIR and is included in the overall estimate of demand in revised Table 4.3-9a. The methodology by which the winery demand estimates were made is found on page 4.3-120. This analysis represents a good faith effort at estimating future winery use, based on the conservative assumption that all 10 full-scale and all 40 artisan wineries allowable in the ACWP would actually be built during the 2030 planning horizon. The water use of existing wineries is the baseline condition and is not a result of the proposed Draft General Plan. Therefore, it is included in the estimates of existing use and not in estimates of future demand.

Comments questioned the factor used for winery water demand and the referenced source of the factor. The DEIR referenced a Napa County study (West Yost Associates, 2005) as the source of the 7-gallons of process water per gallon of wine factor used in Table 4.9-11. As comments pointed out, the West Yost actually concluded that the Napa County wineries in the studies used more than 7-gallons of water per gallon of wine. The 7-gallon factor should have been referenced to the water analysis required by Napa County in vineyard applications (Napa County 2009)³. The Napa County reference also included a factor for landscaping at wineries; this has been added to the water analysis such that it now include 7.0 gallons of process water/ gallon of wine plus an additional 1.6 gallons of water to account for landscaping and domestic requirements for a revised factor of 8.6 gallons of winery water use per gallon of wine. The DEIR estimate of winery water use was 224 acre-feet; this has been revised to 310 acre-feet (a change of 86 acre-feet). It should also be noted that it is common practice for wineries to recycle their process wastewater for use in irrigating their adjacent vineyards (MCVGA 2010)⁴. Thus, although the Table 4.9-11 shows an increase in water use relative to the new wineries (without taking into account recycling), in practice, the recycling of winery wastewater will partially offset vineyard water demands and won't actually represent a net 100 percent increase.. As noted above, agricultural water demands were accounted for separate from winery water demands.

It is correct that the specific water use of ancillary uses (other than wineries) allowed in the ACWP were not evaluated in the DEIR. The DEIR estimated new water demand for non-agricultural uses on a per capita basis using Department of Water Resources (DWR) per capita factors that are appropriate for a broad scale assessment in a programmatic evaluation such as the Program EIR for the General Plan Update. However, in the interest of full disclosure, an estimate of potential demand for the estimated allowed non-winery demands in the AWCP has been added to Table 4.9-11 (see Chapter 4, Changes to the Text of the DEIR). Based on Table 3-15 in the DEIR which indicates the potential for 10 winery tasting rooms (assumed to be equivalent to a 20-seat restaurant), 3 restaurants (each assumed to have 50 seats), 5 delicatessens (each assumed to be 1,500

³ Napa County. No Date. Phase 1 Water Availability Analysis. Available on the web at: http://www.co.napa.ca.us/GOV/Departments/29000/Forms/ATTACHMENT_D_WATERANLYS.SPECS.pdf.

Reference is to 2.15 AF process water/100,000 gallons of wine = 7.00 gallons of process water/ gallon of wine plus 0.5 AF landscaping and domestic water use/100,000 gallons of wine = 1.63 gallons landscape/domestic water use/gallon of wine, for a total of 8.63 gallons of winery water use/gallon of wine.

⁴ Gollnick. 2010. Memorandum from Kurt Gollnick to Carl Holm re: Winery wastewater. January 12.

SF) and 8 inns (each inn assumed to have 10 rooms), the total demand of these ancillary uses is 17 AF.

Including the revised winery water use estimate and the ancillary uses, the water demand of these uses in the AWCP is estimated at 326 acre-feet (an increase of 102 acre-feet from that in the DEIR). Although this is a slightly higher amount than identified in the DEIR, the addition of this amount does not substantially alter the water supply-demand situation overall in the Salinas Valley as shown in Table 4.3-9c.

Other ancillary land uses in the ACWP could include produce stands and limited guesthouses, residential units and employee housing. Produce standards do not use large amounts of waters. Residential growth overall is already included in the residential assumptions for the planning areas in which the wine corridors occur and thus no additional demand has been added to the overall demand estimate.

4.2.2 Salinas Valley Water Project, Phase 1

Commenters have raised questions about the SVWP's ability to halt seawater intrusion in the upper aquifers of the Salinas Valley water basin, as well as its ability to reduce groundwater overdraft. The commenters have also taken issue with the DEIR's statement that the SVWP is a water supply project.

The SVWP is an approved project of the MCWRA that will provide water for both agricultural and municipal uses within the Salinas Valley from careful management of the Salinas River. The EIR/EIS for the SVWP (MCWRA 2001a) describes its purpose and need as follows:

MCWRA is the public agency charged with the long-term management and preservation of water resources in the Salinas Valley. As such, MCWRA has analyzed the substantial challenges of managing the Basin's resources and has developed the proposed action as a mechanism for meeting some of these challenges. The purpose of the proposed action is to address the critical issues facing the management and longevity of the Basin's water resources by meeting the following objectives:

1. Stopping seawater intrusion.
2. Providing adequate water supplies to meet current and future (year 2030) needs.
3. Improving the hydrologic balance of the groundwater basin in the Salinas Valley (Basin).

A primary objective of the SVWP is to halt further groundwater degradation and seawater intrusion by bringing aquifer pumping and recharge rates into balance. The SVWP does this through a series of improvements to the upriver storage capacity, changes in the operations of the upriver dams, and groundwater recharge activities. The approved SVWP specifically includes the following improvements (MCWRA 2001a):

- *Modification of the Nacimiento spillway.* The existing spillway would be modified by replacing a section with an inflatable rubber dam or radial gates that are capable of passing the probable maximum flood event (PMF). This modification will increase

the spillway capacity and allow the reservoir to store a higher volume of water throughout the wet season. The surface elevation would not change.

- *Reoperation of Nacimiento and San Antonio Reservoirs.* Due to the ability to store more water through the wet season, Nacimiento can be reoperated to release less water in the wet season and release it during the irrigation season. San Antonio reservoir will also be re-operated to store more water in the wet season and release it during the irrigation season. This will allow for a greater level of groundwater recharge and will allow diversion of water at the lower Salinas River for direct delivery. Water will be in the Salinas River year round, except during droughts. As a result, existing channel maintenance activities may need to be modified.
- *Surface Diversion/Impoundment.* A seasonal diversion structure would be constructed on the northern reach of the Salinas River to divert an average of 9,700 acre-feet per year for irrigation during April through October. The diversion structure would be equipped with pneumatically-operated gates. Outside the diversion season, the gates would be lowered to lay flat on a concrete sill on the bed of the river. During the diversion season, the gates would be raised to create an impoundment from which water would be diverted. The gates would be comprised of multiple panels that may be raised and lowered independently to facilitate fish passage and control the water level in the impoundment. The maximum depth of the impoundment would be 9 feet at the diversion structure. The impoundment would extend approximately 4.5 miles upstream. The diversion structure would also include a fishway and fish screens to provide for fish passage when the dam is raised. A pump station with a capacity of 85 cfs would discharge the diverted water into the existing CSIP pipeline and co-mingle with water from the Monterey County Regional Wastewater Treatment Plant. If the amount of diverted water needs to be increased in the future (see cost discussion below), an expanded delivery and distribution system will be required.
- *Delivery.* The diversion structure would be constructed near the current point where the CSIP pipeline crosses the Salinas River. The CSIP pipeline delivers recycled water to agricultural users in the CSIP service area. The pipeline has sufficient capacity to deliver project water to the CSIP area also. Hydrologic modeling shows that the project may not halt seawater intrusion in the long-term future (year 2030). If this were to occur, additional distribution capacity will be created in a new pipeline and water would be delivered outside the CSIP area to ensure project objectives are met and seawater intrusion is halted.
- *Pumping Limitations.* In areas where project water is delivered, groundwater pumping would be limited to peaking capacity and deliveries during drought.

Physical changes to the spillway at Lake Nacimiento allow the reservoir to retain approximately 30,000 acre-feet per year (AFY) of additional storage, in round numbers. At the time the DEIR was released for review, the spillway was under construction -- this work is now complete. Changes in the operation of both Lake Nacimiento and Lake San Antonio will both improve flood control and allow larger releases during the irrigation season. Larger flows in the Salinas River translate to about an additional 10,000 AFY of recharge through infiltration into the riverbed. Water infiltrates into the riverbed as a result of increased deliveries from the SVWP. This recharges the groundwater supply and thereby raises groundwater levels (MCWRA 2001a).

To clarify the discussion on page 4.3-131 of the DEIR, the new surface diversion dam will divert 9,700 AFY of Salinas River water to the existing Castroville Seawater Intrusion Project (CSIP) system for delivery to the CSIP service area for agricultural irrigation. The diversion dam was under construction at the time the DEIR was released for review and, as of this writing, is now expected to be completed in the spring of 2010. (Weeks 2009). The diverted river water will be blended with recycled water from the regional wastewater treatment plant and will be distributed through the CSIP system to replace existing groundwater pumping in the CSIP service area. The CSIP system provides water to approximately 12,000 acres of farmland.

As illustrated by Exhibit W-1 above, the overall trend of agricultural water demand is slowly downward, as discussed on page 4.3-34 of the DEIR. Keep in mind that yearly demand may vary, depending upon climate conditions. During dry years, water demand is higher than in wetter years because soil moisture levels are lower. For example, the MCWRA's 2006, 2007, and 2008 "Groundwater Summary Reports" show agricultural water use as 421,634 AFY in 2006, 475,155 AFY in 2007 (as the current drought set in), and 477,124 AFY in 2008. This is still substantially below the 1997 high point in demand shown on Exhibit W-1. (Monterey County Water Resources Agency 2008c, 2008d, 2009)

Commenters have asked whether the SVWP projections can be relied upon and whether the DEIR's projections for water demand are consistent with those of the SVWP.

The Salinas Valley Integrated Ground and Surface Water Model (SVIGSM) was used as a planning tool in the development of the SVWP, and subsequently as the analytical tool in determining potential hydrologic impacts. The SVIGSM was developed specifically to model the Salinas Valley groundwater basin and has proven to be a reliable method of estimating the results of the SVWP. The SVIGSM has been calibrated based on 50 years of data from the basin and 25 years of well data. It is the fundamental tool for projecting future conditions within the groundwater basin and is also used by the Marina Coast Water District and the Seaside Basin Watermaster as the foundation for developing their own, more specific groundwater models. It was also utilized to model future flows on the Salinas River by the National Marine Fisheries Service (NMFS) in the June 21, 2007 Biological Opinion on the South-Central California Coast Steelhead NMFS issued for the SVWP (the model output was augmented with more site-specific stream gage data in the final Biological Opinion). The SVIGSM is continually updated to improve its results.

The SVIGSM anticipates that overall, as time passes there will be a reduction in the overall demand for agricultural water and an increased demand for municipal water (including the future demands of the Salinas Valley cities). The reasons for this expected shift are described in Section 3.2.4 of the DEIR/EIS prepared for the SVWP:

"Total urban needs are projected to increase from 45,000 AFY in 1995 to 85,000 AFY in 2030 (a 90% increase) based on projected growth. A large amount of this growth is expected to occur in the northern end of the valley.

"Agricultural needs, which make up a far greater share of water use, are projected to decrease by approximately 51,700 AFY (a 13% reduction) as a result of several factors, including increased irrigation efficiencies, changes in crops (i.e., increase in lower water-demand grape production), and some conversion of land from

agriculture to urban uses. Although some agricultural land will be converted to urban uses, some of this acreage will be replaced by conversion of non-agricultural or non-irrigated land to irrigated uses. An overall slight net reduction in agricultural land uses would be expected. Because the agricultural portion of the total existing water needs in the Basin is approximately 90% of the total, and agricultural water use reductions would be substantial, an overall reduction of 17,000 AFY in basin-wide water use in 2030 is projected.”

The SVWP estimated the increase in urban water use in the Salinas Valley from 1995 to 2030 to be approximately 45,000 AFY (see Table 4.3-6 on page 4.3-34 of the DEIR). The new FEIR tables show an urban water use increase in the Salinas Valley of approximately 34,000 AFY (2008 to 2030) both combined city and county demands. However, what really matters is the total demand projected under the SVWP and with the 2007 GP. As shown in new Table 4.3-9c (see Chapter 4, Changes to the Text of the DEIR), the total demand projected for 2030 in the SVWP EIR and the total demand projected with the 2007 GP are virtually the same (~443,000 AFY). While the two analyses used somewhat different methodologies, they both result in a similar estimate of 2030 demand.

4.2.3 Salinas Valley Water Project, Phase 2

Commenters have criticized the DEIR for the General Plan Update for not analyzing in more detail the potential impacts of Phase 2 of the SVWP. For purposes of the General Plan DEIR, “Phase 2” of the SVWP generally refers to additional infrastructure that may be installed in the future to expand the area to which SVWP water can be delivered (the SVWP EIR/EIS assumes that deliveries would be limited to the Zone 2C area of benefit). Phase 2 was analyzed at a general level in the SVWP’s EIR/EIS because it has not been designed and the specific size and locations of any future distribution system is currently unknown. Whether Phase 2 of the SVWP is needed will depend upon the continued success of the SVWP in meeting its objectives of halting seawater intrusion and reducing groundwater overdraft.

In conclusion, the specific components of the Phase 2 expansion of the SVWP are not reasonably foreseeable at this time, given that the SVWP has not been in operation for a sufficient length of time to determine whether there is a need for its expansion and what form that expansion might take. Further, there is insufficient information about the location and design of Phase 2 to allow a meaningful analysis of its potential impacts. CEQA Guidelines Section 15004 states that an EIR “should be prepared as early as feasible in the planning process..., yet late enough to provide meaningful information for environmental assessment.” There is insufficient information to proceed with a detailed environmental analysis of Phase 2. CEQA Guidelines Section 15145 provides that if an agency finds that an impact is too speculative for evaluation, it should terminate the discussion of the impact.

The DEIR broadly disclosed the potential types of water infrastructure that might be needed and disclosed that impacts of new infrastructure on biological resources and other subjects under Impact WR-5, and that further evaluation would be needed when these projects are actually conceptualized and proposed. The impact analysis under WR-5

acknowledges that water storage, treatment and conveyance facilities would result in impacts to biological resources (see DEIR page 4.3-135, 4.3-137, 4.3-138, 4.3-139, including discussion of “ESA-listed fish species” on page 4.3-144. Impacts WR-5 was determined to be significant and unavoidable for the 2030 horizon year and buildout in 2092 (See DEIR Pages 4.3-145 and 146).

This conclusion would not necessarily apply to steelhead in the Salinas River, which a number of commenters raised as a potential concern for the SVWP, Phase 2. The SVWP’s Biological Opinion for steelhead resulted in a non-jeopardy finding from the National Marine Fisheries Service. Whether Phase 2 would result in a changed finding would depend on a number of factors, including whether Phase 2 would require a change in the operating regime of the River, timing of any releases into local rivers and water bodies, flow rates, water temperatures, the location of spawning areas, and spawning times. Phase 2 would involve changes in distribution, not any additional water. It is not known at this time whether Phase 2 would include any changes in the water regime that are outside the Biological Opinion and there is no site specific or project specific operational details are known which would allow analysis of impacts to individual species such as the steelhead after the 2030 horizon year. Please also see Mitigation Measure BIO-2.3 in DEIR Section 4.9 which addresses impacts to the steelhead from new water diversions or new wells.

For the foreseeable future, the SVWP will operate within the restrictions of the Biological Opinion. Keep in mind that the SVWP is more than the diversion structure and additional water being supplied to the CSIP. It also involves a change in operations in the upstream reservoirs and the release of additional water to the Salinas River that will percolate into the groundwater system. So, the recovery of groundwater levels and provision of water to users upstream of the CSIP service area is not dependent upon the diversion structure or the CSIP distribution system.

4.2.4 Seawater Intrusion through 2030

Commenters have asserted that seawater intrusion will not be halted in the Salinas Valley, noting that the DEIR for the General Plan Update states that intrusion may be halted by 2030. The DEIR focuses upon impacts to existing conditions (see CEQA Guidelines Section 15125). With implementation of the SVWP project the rate of sea water intrusion will decrease in comparison to baseline. Furthermore, the DEIR states that the components of the SVWP are believed to be sufficient to halt seawater intrusion in the short term, but *may* not be sufficient through the year 2030. The SVWP DEIR/EIS states (based on the results of the SVIGSM runs) that “on a long-term basis, there would be an average annual rate of subsurface outflow to the ocean after implementation [of the SVMP].” As a result, the SVMP DEIR/EIS concludes that “seawater intrusion would be effectively reversed during normal and greater than normal rainfall years, and would occur at a rate less than current and Future Baseline (2030) conditions under drought conditions. The net effect, considering all rainfall years, would be no additional seawater intrusion.” (Section 5.3, SVMP DEIR/EIS) This conclusion is essentially unchanged in the FEIR/EIS. (Monterey County Water Resources Agency 2002)

The DEIR for the General Plan Update uses the term *may*, because the SVIGSM, like all models, has a margin of error. As explained in section 3.2.4, *Distribution/Delivery of Water*, of the SVMP DEIR/EIS:

“For the year 2030, modeling indicates seawater intrusion may be 2,200 AFY [acre-feet/year] with surface water deliveries only to the CSIP area. This is substantially less than the 10,500 AFY of intrusion that would occur without the project. It is important to note that, given the dynamics of the hydrologic system, the uncertainties of whether future demands will occur as projected, and the limitations of any modeling effort, it is not known if this level of seawater intrusion will occur. The project could potentially fully halt intrusion in 2030 with deliveries only within the CSIP system. As discussed in Section 3.2.7, a monitoring program will be implemented to determine the success of the project.”

The 2,200 AFY in question is within the SVIGSM’s margin of error. While there is a degree of uncertainty over the SVWP’s efficacy in halting seawater intrusion, given that the average outflow of the Salinas River would be 249,000 AFY with the SVWP, the level of uncertainty is very low, at less than 1 percent. As further explained in section 3.2.4, *Distribution/Delivery of Water*, of the SVMP DEIR/EIS:

“SVIGSM modeling does demonstrate that delivery of an average [of] 18,300 AFY of SVWP water in combination with recycled water to CSIP and agricultural uses outside of the CSIP area would fully halt seawater intrusion.

“Diversion from the Salinas River would be increased from an average of 9,700 AFY to 18,300 AFY. Of this total diversion, 14,300 AFY would be delivered outside the CSIP delivery area. CSIP deliveries would shift in their composition. An average of 4,000 AFY would be provided by Salinas River diversions. Recycled water deliveries would increase to 16,000 AFY. Supplemental pumping of groundwater wells up to 2,800 AFY would provide the balance of water needed to meet water use demands (approximately 23,000 AFY) in the CSIP area.”

To clarify the discussion in the DEIR (see page 4.3-35), the MCWRA and the MRWPCA have two major capital projects to better manage groundwater quality while halting the long-term trend of seawater intrusion and groundwater overdraft. The MCWRA operates the SVWP, which is described above. In addition to the diversion facility that directly feeds the Castroville Seawater Intrusion Project (CSIP), the SVWP provides additional releases of water to the Salinas River upstream which will percolate into the groundwater aquifers. This increases the amount of subsurface water pushing downstream against the seawater that is attempting to enter the aquifers. The MRWPCA operates the Salinas Valley Reclamation Plant (SVRP), a water recycling facility at its Regional Wastewater Treatment Plant with the capacity to produce 29.6 million gallons per day of recycled water. The SVRP supplies the CSIP, a distribution system including 45 miles of pipeline and 22 supplemental wells that is operated cooperatively with the MCWRA. The CSIP retards the advance of seawater intrusion by supplying irrigation water to nearly 12,000 acres of farmland in the northern Salinas Valley. The water provided to farms by the CSIP, including that which will be supplied from the SVWP, avoids the need to remove a like amount of water from the subsurface aquifers. This counteracts the seawater attempting to move into the aquifers.

In conclusion, seawater intrusion into the aquifers of the Salinas Valley is expected to be halted by 2030. The rate of seawater intrusion will be decreased in comparison to the baseline year for the SVWP by the addition of substantial new water into the groundwater basin from the SVWP and the CSIP (which replaces groundwater that would otherwise be used by farmers). In other words, based on the results of the SVIGSM and observed changes in groundwater levels, fresh water will push into the aquifers now contaminated with seawater and there will be subsurface flow to the ocean. (MCWRA 2001a) As a result, the extent of seawater intrusion will not expand in future years and will be effectively halted from moving further eastward. This is a less than significant effect.

4.2.5 Groundwater Overdraft in the Salinas Valley

Commenters have asserted that existing groundwater overdraft conditions in the Salinas Valley will not be improved by the SVWP. That assertion ignores the fact that one of the key objectives of the SVWP is to reduce groundwater overdraft. As described in more detail in the EIR/EIS for that project, the Salinas River surface diversion facility would divert river water to the CSIP system to augment the supply of CSIP project water and thereby further reduce current levels of groundwater pumping in the 12,800-acre CSIP service area. In addition, the diversion facility would form a shallow impoundment of water upstream of the facility that would provide direct groundwater recharge.

The SVWP's spillway modifications at the Nacimiento and San Antonio reservoirs would change the reservoirs' operations in order to provide the source water for the SVWP, while continuing to assure adequate flood control capacity during the flooding season. The modified operation would increase the amount of water available for recharge and diversion in the Salinas Valley during the irrigation season. (Monterey County Water Resources Agency 2003a)

In conclusion, the increased recharge and aquifer storage resulting from the SVWP are expected to increase the groundwater elevation in all of the Salinas Valley's hydrologic subareas. In addition, groundwater balance will be improved by an increase in groundwater storage – reversing the pre-SVWP conditions. (Monterey County Water Resources Agency 2002) The commenters have not provided any evidence that the SVWP is not feasible nor that it cannot achieve its objectives.

4.2.6 Granite Ridge and Highlands South

Commenters assert that the Granite Ridge and Highlands South areas of the North County do not benefit from the Salinas Valley Water Project even though they are in Zone 2C and that thus the DEIR's conclusion that there is adequate water supply in the Salinas Valley overall is in question. This assertion is contrary to the SVWP Engineer's Report prepared for the Zone 2C Proposition 218 proceeding. The 2003 Engineer's Report describes the reasoning, in detail, that supports the conclusion that the alluvial portion of the Granite Ridge area and all of the Highlands South area benefit from the SVWP. In brief, the benefit relates to a reduction in the hydrologic gradient between the Salinas Valley and the higher Granite Ridge and Highlands South areas. By raising

groundwater levels in the Salinas Valley, the SVWP reduces the gradient and thereby reduces the impetus for the movement of groundwater from Highland South and a portion of Granite Ridge into the Salinas Valley. This is a direct benefit to these areas.

As discussed in the DEIR on page 4.3-16, that portion of the Granite Ridge area that is underlain by granitic formations experiences water supply and water quantity problems. This area would be served by the SVWP through the installation of a water distribution system to meet water quality and quantity requirements. Those portions of the area underlain by alluvium have fewer problems and have not been included in the supply project described below. In areas underlain by rock, well yields are generally low. Further, approximately 25 percent of the water systems and an unknown number of individual wells are currently experiencing problems with their water (i.e., water shortage and/or contamination with nitrates and naturally occurring arsenic). The County Environmental Health Bureau estimates that 22 water systems (serving 159 homes) currently exceed the Maximum Contaminant Level (MCL) for nitrates, nine additional water systems are close to the MCL, 11 water systems (serving 171 homes) currently exceed the MCLs for arsenic, and an additional two water systems (serving 8 homes) are close to this level. (County of Monterey Environmental Health Bureau 2009a)

Since the release of the DEIR, additional progress has been made toward providing a water supply to the Granite Ridge and portion of the Highlands South areas that are underlain by granitic formations. The County has established the North County Regional Ad Hoc Water Committee to explore potential solutions to the water supply and water quality problems of North County areas, including portions of Granite Ridge and Highlands South. Providing water that meets water quality standards to existing residents of the area will require a mix of the following actions: replacement of existing contaminated wells, installation of a treatment system to remove contaminants, consolidation of connections and water systems away from contaminated wells, and installation of the proposed Granite Ridge Water Supply Project (called the Granite Ridge Distribution Facilities in the DEIR). The latter is discussed in more detail below. (County of Monterey Environmental Health Bureau 2009a)

An Engineer's Report has been prepared in anticipation of creation of a benefit assessment district to finance at least a portion of the cost of the system. The Engineer's Report identifies the costs, direct benefits to the involved parcels, and estimated assessments, as required by Proposition 218. This proposed potable water system would be based on retrofitting an existing well of the Monterey County Park and Recreation District and installing a new, high-capacity well elsewhere. Two new storage tanks, two pump stations, and approximately 87,000 to 91,000 linear feet of water mains would complete the system. It would have the capacity to serve up to 119 mutual water systems and 507 individual well users. Up to 1,238 individual parcels would be served by the project. The estimated cost in 2012 dollars for construction, based on the conceptual design, ranges from \$26.1 to \$26.5 million; operations and maintenance are estimated at between \$328,000 and \$330,000 annually. (Monterey County Water Resources Agency 2008e) On December 15, 2009 the Board of the MCWRA directed that an EIR be prepared for this project in anticipation of a Proposition 218 ballot proceeding to levy a benefit assessment to finance the water supply system.

The DEIR disclosed both the water supply and water quality issues associated with the Granite Ridge and Highlands South areas. For the FEIR, the significance conclusions have been clarified as follows:

- *Highlands South (which is in Zone 2C) and the portion of Granite Ridge that is within Zone 2C are both part of the Salinas Valley groundwater basin. The SVWP will balance the basin overall in terms of overdraft compared to baseline conditions taking into account 2030 new demands (MCRWA 2001). There are local water quality issues including nitrate in shallow zones and arsenic in deeper zones. In the Granite Ridge area, water is found in fractured zones with limited storage capacity which is a localized supply issue. Policy PS-3.4 will require evaluation of water quantity and quality for all new wells. Impacts on water supply and overdraft for these areas are considered less than significant in light of Policy PS-3.4 (which requires new wells to address water quality and quantity concerns) and the SVWP (which will balance the basin overall in regards to overdraft). The Granite Ridge project being considered by the County would benefit portions of Granite Ridge and Highland South to help address the existing constraints by utilizing a well source with acceptable water quality and a pipeline distribution system.*
- *Areas of Granite Ridge that are not in Zone 2C (on the eastern and northern sides of Granite Ridge) and are in fractured rock or hard rock areas. Water availability in these areas is limited, discontinuous, and unpredictable. A discretionary permit will be required pursuant to Policy PS-3.4 to provide for detailed review of new development. New wells will thus need to address water quality and localized overdraft pursuant to the requirements of Policy PS-3.4. Thus, impacts on water supply and overdraft for these areas are thus considered less than significant in light of PS-3.4 (which requires new wells to address water quality and local well interference).*

The impacts of potential new infrastructure in these areas were already disclosed in the DEIR.

4.2.7 El Toro Creek Groundwater Subbasin

One commenter (Omni Phelps, Comment I-14) asserted that the DEIR mischaracterizes the available groundwater in the El Toro Creek Groundwater Sub-basin due to reliance on one (Geosyntec, 2007) report and that there is actually water available to support new development beyond the first single-family residence on lots of record in the B-8 constrained area. Another commenter (TOMP, Comment O-21k) questioned the DEIR's description of a relation between the Toro Area and the Salinas Valley watershed and asked for clarification of the significance of impact of new development in the Toro Area plan relative to water supply and groundwater overdraft. Both of these comments are responded to in detail in the individual responses. The summary of those responses are provided herein to provide clarification to support the summary of impacts presented earlier in this master response.

Regarding the accuracy of the Geosyntec (2007) report, this is the most recent evaluation of the groundwater basin which considers many of the prior evaluations cited by the commenter. The commenter did not provide technical substantiation for the asserted

criticisms of the Geosyntec report and thus the County finds that this report remains an adequate basis for characterization of the groundwater basin. As such, the expansion of the B-8 constrain zone as recommended in the Geosyntec report is still included in the Toro Area Plan to properly constrain growth until water supply issues are resolved.

Regarding the connection of the Toro Area Plan to the Salinas Valley groundwater basin, the Toro Planning area contains two distinct areas. The eastern side of the Plan Area is within the Salinas Valley groundwater basin and the western side is within El Toro Creek Groundwater Sub-basin (see Exhibits 4.3-3 and 4.3.10 in the DEIR). The eastern side is within the Salinas Valley groundwater basin itself and thus recharge in this area enters the basin directly. The DEIR describes the El Toro Creek Groundwater Basin (on p. 4.3-35) based on the 2007 Geosyntec Consultants report. That report clearly states that the El Toro watershed drains to Toro Creek which flows northeastward into the Salinas River, thus establishing an indirect hydrologic connection.

Regarding the impact significance for development on water supply and groundwater overdraft for the Toro Area Plan, the EIR has been updated in Chapter 4, Changes to the Text of the DEIR, to describe the following: (1) For development within the portion within the Salinas Valley groundwater basin proper, the conclusions in the DEIR apply; (2) for discretionary development in the El Toro Creek groundwater subbasin, General Plan policies (including, but not limited to Policy PS-3.1, 3.3, and T-1.7) will delay development (other than single-family residential development on lots of record that do not require a discretionary permit for other reasons) where long-term water supplies do not exist and thus avoid significant impact to water supply and groundwater overdraft due to discretionary development; (3) For ministerial development in the El Toro Creek groundwater subbasin, the minor amount of new well demand (estimated as around ~97 acre-feet due to 194 vacant lots of record) is considered to have a less than significant impact on groundwater overdraft relative to recharge in the basin of 2,000 to 3,000 AFY with implementation of Policy PS-3.4 to assess well water quality and avoid well interference. More specifically, Policy T-1.7 will constrain residential subdivision in residentially designated areas within the El Toro Creek subbasin and Policy PS-3.4 will address localized individual well effects on water quality, well interference, and localized overdraft.

4.2.8 Water Supply for Future Fort Ord Development

Some commenters questioned the availability of water to supply future development at Fort Ord and asked for clarification of potential supplies.

Fort Ord is currently supplied by the Marina Coast Water District which derives its water from the Deep Zone in the Salinas River groundwater basin. Fort Ord itself overlies the Salinas groundwater basin and the Seaside aquifer but it is unlikely to derive any water from the adjudicated Seaside aquifer and thus the adjudication is not relevant. A note (see Chapter 4, Changes to the Text of the DEIR) has been added to Table 4.3-4 on page 4.3-31 and to Table 4.3-10 on page 4.3-117 to clarify that Fort Ord does not derive water from the Seaside aquifer nor is expected to in the future.

Potential water sources for future growth at Fort Ord include the Salinas Valley groundwater basin and regional water supply projects.

Page 4.3-119 of the DEIR has also been revised to clarify the source of additional water supply to Fort Ord and to describe that future development would not derive its water from the Coastal Water Project which is limited from providing water for future growth (see Chapter 4, Changes to the Text of the DEIR).

Regarding the 6,600 AFY mentioned on 4.3-119, the Fort Ord Reuse Authority (FORA) Board retains the authority to allocate Salinas Valley groundwater supplies as provided for under an agreement between the federal government and the Monterey County Water Resources Agency (MCWRA) dated September 1993 (MCWD 2005). This agreement provides for groundwater extraction rights of 6,600 AFY, an amount consistent with the former average groundwater use at Fort Ord while under military operation (MCWD 2005).

The additional 2,400 AFY identified in the Fort Ord Reuse plan as needed for future development would have to come from an additional supply project such as Regional Project Alternative described in the CPUC FEIR for the Coastal Water Project.

4.3 Monterey Peninsula

4.3.1 Balance of Supply and Demand

As noted above, some commenters requested that the estimate of water demand include the demands of the incorporated cities and provides an estimate of total demand. This has been done for the Monterey Peninsula (Carmel River basin/Seaside Aquifer), as shown in Table 4.3-9e. As shown therein, the updated estimate of water use roughly matches MPWMDs long-term assessment of water needs (MPWMD 2006b. Existing Long-Term Water Needs by Jurisdiction Based on General Plan Buildout in Acre-Feet, May 18.)

Commenters also requested an analysis of water supply versus demand. This has also been done. As indicated in Table 4.3-9f, existing and proposed supply projects (including the Coastal Water Project and the ASR project), can address existing demands with some reserve for critically dry years, but are not expected to provide water for new growth. The Regional Water Supply Program could provide a limited amount of water for new growth in Phase 1, with substantially larger amounts in Phase 2. This additional information does not change the conclusions in the DEIR that water is not available for new growth with existing sources plus the Coastal Water Project, but that water may be made available through the Regional Water Supply Program and other efforts.

Some commenters have raised the concern that water originating in the Salinas River groundwater basin may be transferred to the Monterey Peninsula in order to alleviate that area's chronic water shortage. However, transfer of water from the Salinas River to the Monterey Peninsula is not feasible. The MCWRA is established under the Monterey County Water Resources Agency Act (California Water Code Appendix, Chapter 52),

and its territory consists of “all of the territory of the county lying within the exterior boundaries of the county.” (California Water Code Appendix, Chapter 52, Section 52-4). The Act itself limits the authority of the MCWRA to transfer water, as follows:

The Legislature finds and determines that the agency is developing a project which will establish a substantial balance between extractions and recharge within the Salinas River Groundwater Basin. For the purpose of preserving that balance, *no groundwater from that basin may be exported for any use outside the basin, except that use of water from the basin on any part of Fort Ord shall not be deemed such an export.* If any export of water from the basin is attempted, the agency may obtain from the superior court, and the court shall grant, injunctive relief prohibiting that exportation of groundwater. (California Water Code Appendix, Chapter 52, Section 52-21; emphasis added)

4.3.2 Coastal Water Project

Commenters have also asked for an update on the progress of the Coastal Water Project, its relationship to the Cease and Desist Order issued to CalAm by the State Water Resources Control Board, and the ability of this project to address existing and future water needs. This response addresses those comments.

Since the release of the DEIR for the General Plan Update, the Coastal Water Project has advanced through the CEQA process with release of both a DEIR and certification of a FEIR in 2009. The California Public Utilities Commission (CPUC) will consider whether to approve the proposed project or one of two proposed alternatives after further proceedings in the Commission’s formal docket. The CPUC is expected to make this decision later in 2010.

The proposed Coastal Water Project would enable the California American Water Company (CalAm) to install and operate a 10 million gallon per day (MGD) capacity desalination plant at Moss Landing that would provide sufficient water to allow CalAm to cease its excessive and unauthorized reliance on water from the Carmel River (thereby complying with the State Water Resources Control Board’s Order 95-10). This proposed Coastal Water Project would also replace the supply lost through adjudication of the Seaside groundwater basin and the loss of the Carmel River reservoirs’ capacity due to silting. It would not provide substantial additional supplies to support new growth within CalAm’s service area.

In addition to the Coastal Water Project, the CPUC is considering two alternatives: the “North Marina Project” and the “Regional Water Supply Project,” which is discussed in more detail below.

The impacts of the Coastal Water Project were disclosed under Impact WR-5 in the DEIR with additional updated information provided in Section 6 of this Master Response. This level of detail is consistent with the requirements of CEQA. (See *In re Bay-Delta Programmatic* (supra) 43 Cal.4th at 1174 [Holding additional detail on second tier project, the EWA, was not required in the first tier EIR.])

Relationship to SWRCB Cease and Desist Order

The Coastal Water Project is not directly linked to the cease and desist order brought against CalAm by the State Water Resources Control Board (SWRCB). However, it would be one means of complying with the order. The SWRCB issued a final Cease and Desist Order against CalAm on October 20, 2009 (Order WR 2009-0060) to enforce the limits on diversions from the Carmel River imposed by its Order 95-10. The Cease and Desist Order describes the limited supply of water on the Monterey Peninsula, ongoing efforts to enhance the supply through water recycling, conservation, demand management, and the Aquifer Storage and Recovery Project (storing water in the Seaside groundwater basin), and proposes a schedule by which to wean CalAm off of its unlawful diversions from the Carmel River by 2016. The Cease and Desist Order places responsibility directly on CalAm for finding the means to reduce its diversions, whether or not the proposed Coastal Water Project desalination plant (or one of its alternatives) is approved and eventually provides sufficient supply of potable water to replace CalAm's illegal diversions from the Carmel River.

From the text of Order WR 2009_0060:

“In general, it is up to Cal-Am and to determine how it may best serve its customers while reducing its unlawful diversions from the Carmel River. Efforts to reduce the use of potable water may aid Cal-Am efforts to serve its customers while reducing illegal diversions from the river. Cal-Am can also seek to serve its customers and reduce illegal diversions by developing and operating temporary water supply projects until the proposed Coastal Water Project or the Regional Project sponsored by the Marina Coast Water District is constructed and becomes operational.”

Both CalAm and the Monterey Peninsula Water Management District have since brought suit against the SWRCB in attempt to block implementation of the Cease and Desist Order. Those lawsuits have not been brought to conclusion at this writing.

4.3.3 Monterey Regional Water Supply Program

Commenters questioned the status of the Monterey Regional Water Supply Program (Regional Project) and the ability of this project to address existing and future water needs. This response addresses those comments.

As mentioned above, the certified FEIR for the Coastal Water Project also analyzes a Regional Project alternative that would produce additional water beyond CalAm's current replacement needs. Prior to release of the DEIR for the Coastal Water Project, a group named Water for Monterey County proposed a regional water supply program that formed the basis for the Regional Project alternative (referred to as the WFMCC by some comments). The DEIR for the Draft General Plan discussed this earlier version of the Regional Project (see page 4.3-137).

Since that time, the Regional Project has been refined. In addition to the CalAm's replacement needs, the Regional Project would provide sufficient additional water to the Marina Coast Water District to meet the future needs of Fort Ord (2,700 AFY), for build-

out of the Monterey Peninsula in accordance with existing local general plans (4,500 AFY), and to serve the North County (5,900 AFY). The FEIR for the Coastal Water Project defines the North County as rural and urban areas, including Castroville, Granite Ridge, Moss Landing, Pajaro, and Prunedale. The Regional Project is envisioned as a phased project, with first priority being 12,500 AFY of replacement water for CalAm and 2,700 AFY to meet future Fort Ord demand. Phase I of the Regional Project would therefore provide up to 15,200 AFY in a critically dry weather year. If fully built out with Phase II, the Regional Project would supply up to 25,600 AFY (California Public Utilities Commission 2009b).

The Regional Project alternative that was analyzed in the FEIR prepared for the Coastal Water Project has stimulated cooperation between the County and other water agencies in seeking (at least at a preliminary stage) solutions to chronic water shortages in those areas. The discussions now in progress use the Regional Project as a starting point. The following briefly summarizes the Regional Project alternative and the multi-agency discussions that it has prompted.

As currently described in the Coastal Water Project FEIR (California Public Utilities Commission 2009b), Phase I of the Regional Project would include the following facilities:

- Sand City desalination plant and distribution system (to be operational in 2009)
- Regional Urban Water Augmentation Project (delivery of recycled water from the Salinas Valley Reclamation Plant for urban irrigation uses -- currently under design)
- Seaside Basin Aquifer Storage and Recovery (ASR) project (in operation) and expansion
- Regional Desalination Facility (new 10.9 mgd plant and associated intake wells proposed to be located in North Marina)

Phase II could include some combination of the following additional facilities, none of which are currently approved (California Public Utilities Commission 2009b):

- Pacific Grove urban runoff diversion project
- Salinas River Diversion Facility
- Castroville Seawater Intrusion Project expansion
- Expansion of the Surface Water Treatment Plant proposed under Phase 1 of the Coastal Water Project
- Expansion of the Regional Desalination Facility proposed under Phase 1 of the Coastal Water Project to utilize brackish water wells
- Seaside Basin groundwater replenishment activities
- Seaside Basin ASR and reservoir expansion

Commenters have also questioned the feasibility of Mitigation Measure WR-1 that calls for cooperation among agencies to address water supply within the County. Mitigation Measure WR-1 provides, in part, that the County will work cooperatively with others in exploring solutions to water supply on the Monterey Peninsula while protecting the

Salinas and Pajaro river basins from further seawater intrusion. As the following examples illustrate, this effort is already underway and is demonstrably feasible.

On June 16, 2009, the Monterey County Board of Supervisors entered into a Memorandum of Understanding (MOU) with the Monterey Regional Water Pollution Control Agency, the MCWRA, and Marina Coast Water District for the purpose of evaluating the feasibility of the urban recycled water project elements of the Regional Project alternative. Under the MOU, these recycled water supply elements are to be consistent with the Regional Urban Water Augmentation Project previously considered in 2004, 2006, and 2007. These discussions will include consideration of legal limits on the use of water from the Salinas River, the BO/incidental take permit for the SVWP, and the SVWP's service area.

At the same June 2009 meeting, the Board of Supervisors entered into a separate MOU with the same agencies for a collaborative technical evaluation of several elements under consideration in the Regional Project alternative. These include a proposed North Marina Regional Desalination Plant, use of brackish water sources, and other regional project elements for the Monterey Peninsula and the communities of North Monterey County, other areas of Monterey County including agriculture, the former Fort Ord and the United States Army. The brackish water supply component element of the MOU will provide an initial mechanism for cooperation between the agencies to evaluate a source of brackish source water for desalination. The MOU makes clear that this is a preliminary agreement for the purpose of undertaking planning-level activities, and is not a commitment by any of its parties to undertake or eventually approve any specific project or action.

On February 26, 2010, the Board of Supervisor's approved a loan agreement between MCWD, MCWRA, and Cal-am to help fund project environmental review and designing test wells related to a regional project.

Although the Regional Project alternative is under discussion, the County is not at the point of selecting a specific approach. Any advancement of a regional project will require adequate CEQA review.

As another example of cooperation, the Monterey Regional Water Pollution Control Agency (MRWPCA) and Marina Coast Water District signed an agreement in June 2009 to establish the Regional Urban Water Augmentation Project (RUWAP). The first component of the project would bring treated wastewater from the MRWPCA's Salinas Valley Reclamation Plant to Del Rey Oaks and the MCWD's distribution system. This will provide non-potable water to the former Fort Ord, as well as 300 AF of recycled water to the Monterey Peninsula for irrigation and similar non-potable uses. The MCWD would install and operate the distribution system, including pump stations, a storage tank, and approximately 133,000 linear feet of backbone pipelines. The second phase would provide desalinated water. These agencies are currently pursuing funding for the RUWAP. The system will be subject to CEQA review before it may be built.

4.3.4 Impact of Ministerial Development on Legal Lots

Commenters have asked for clarification of the impact of ministerial development on legal lots. As noted in the DEIR, for discretionary development, Policies PS-3.1 and 3.3 will require demonstrations of a long-term sustainable water supply prior to approval of projects. However, the 2007 General Plan does not require proof of long-term water supply for ministerial projects. It would be infeasible to further restrict the permissible uses on legal lots of record. Under the United State Constitution's "takings clause," the County is not empowered to halt development on existing single lots of record without exposing itself to potential legal liability. Land use regulations cannot prohibit all economic use of property unless the government pays just compensation to the property owner. As discussed in DEIR, Section 3.3.1.2 there are approximately 4,629 legal lots of record in the County. The County wants to avoid lawsuits over alleged regulatory takings which would make further restrictions on legal lots of record economically, legally, and socially infeasible.

Regarding County policies overall and their effect on water use for ministerial development on lots of record, also see further discussion under Section 4.4.3 below.

Carmel River Basin

The groundwater issues in the Carmel River basin are different for the Carmel River alluvial aquifer and the hard rock fractured zones outside the alluvial aquifer. These are discussed separately below.

Carmel River Alluvial Aquifer

As described in the DEIR for the 2007 General Plan, existing groundwater extractions and surface water diversions in the Carmel River alluvial aquifer have resulted and are resulting in significant impacts to biological resources in the Carmel River including steelhead, California red-legged frog, other special-status species (such as western pond turtle) and riparian vegetation (CPUC 2009a). Seawater intrusion has not been identified as a concern for the Carmel River alluvial aquifer (Stern 2010). Thus, there is an existing baseline of impacts related to biological resources due to groundwater extractions in the alluvial aquifer.

According to NMFS (NMFS 2002), instream flow studies to date have shown that there is substantial water (> 10,000 AF) available for diversions during average water years and more in above-normal years. However, during relatively dry years (representing perhaps 20 percent of years), relatively little "surplus" flow is available for withdrawal without potentially affecting steelhead.

Given that current total extractions from the Carmel River aquifer exceed 10,000 AF, further extractions will exacerbate existing impacts on steelhead and other biological resources in the Carmel River. Thus, ministerial development on lots of record could contribute to a current cumulatively significant impact. According to the most recent assessor data on the County's GIS system, there are 161 vacant parcels (145 residential, 15 commercial, 1 other). A single-family residence would have a water demand of

approximately 0.20 AFY (MPWMD 2006a). For commercial parcels (which vary in size from < 0.1 acre to 4.9 acres with a mean size of 0.4 acres), demand could vary depending on the type of commercial development. For the purpose of analysis, it was estimated that each commercial parcel (and the “other” parcel) would have the water demand of 1 acre-foot (which matches a 50-seat restaurant, a 5,000 square foot convenience store, or a 15,000 square foot grocery, based on MPWMD factors). Thus, the demand of new single-family residences and commercial development on existing lots of record is roughly estimated as 45 AFY.

MPWMD requires that new wells in the alluvial aquifer must not increase extractions above baseline (i.e., existing conditions) (Stern, 2010). If MPWMD were to continue this approach and not issue any permits for lots of record where they would increase extractions from the Carmel Valley aquifer, then development on lots of record would not result in a significant impact to water supply or to biological resources. However, should Monterey County or MPWMD be faced with the situation where denial of a permit would represent a constitutional takings, then there is a possibility that the permit may be issued regardless of the impact on the alluvial aquifer. As such, the DEIR disclosed this potential for a significant and unavoidable water supply impact (under Impact WR-4, see DEIR p. 4.3-130-4.3-131).

Subsequent to the DEIR, the County has revised Policy PS-3.4 to require a discretionary permit for all new wells in the Carmel Valley alluvial aquifer and to require all new wells to fully offset any new demands such that there is no net effect on instream flows in the Carmel River. This requirement will be in place until such a time that the Cal-Am withdrawals from the Carmel Valley alluvial aquifer beyond their existing water rights cease. With this revised policy, the EIR now concludes that impacts to the Carmel Valley alluvial aquifer from the 2007 General Plan would be less than significant.

The proposed Coastal Water Project would restore as much as 8,498 afy to the Carmel River aquifer compared to existing conditions. Streamflows during the wet season are generally not affected by Cal-Am’s current operations and thus would not change with Coastal Water Project. Upstream of the Narrows, streamflow during the dry season is affected by the amount of water stored in the Los Padres Reservoir, the wetness of the year, and the absolute level of base-flow from the upper drainage and the Coastal Water Project would not change these conditions. Downstream of the Narrows, the Coastal Water Project would reduce Cal-Am’s production from the Carmel River aquifer and would potentially increase the magnitude, extent, and persistence of dry season flows, which would be beneficial to riparian biological resources and species. Since the cumulative flows would increase substantially compared to baseline, even when considering the minor new extractions due to legal lot development, a cumulative impact above today’s physical baseline would not be identified after the Coastal Water Project comes online.

Carmel Valley Hard Rock/Fracture Zone Aquifers

According to MPWMD (Stern 2010), MPWMD currently does not find any direct connection between hard rock wells and any effect on instream flows (at least none that can be measured). 2007 General Plan policies (such as Policy PS-3.4) and MPWMD regulations require consideration of local groundwater issues of water quality and well

interference when issuing permits; these controls are adequate to address local groundwater (e.g. not basin-wide) issues of wells in hard rock areas. Thus, the EIR now concludes that there would be a less than significant impact of new wells in hard rock areas for development on lots of record in the Carmel Valley.

Seaside Aquifer

In the Seaside aquifer, the environmental concerns are groundwater overdraft and the potential for future seawater intrusion. As described in the DEIR for the 2007 General Plan, existing groundwater extractions in Seaside Aquifer have resulted in a lowering of the groundwater levels. Seawater intrusion has not occurred to date (Stern 2010), but is possible in the event of unabated drawdown of the aquifer. Thus, there is an existing baseline of impacts related to water supply and groundwater overdraft with a future concern about seawater intrusion.

The basin was adjudicated, and the following findings made in 2007 (Monterey Superior Court 2007):

- Natural safe yield is about 3,000 afy.
- Current withdrawals are greater than natural safe yield, but the adjudication order requires reduction in pumping over time in combination with recharge (aquifer storage and recovery) to bring the basin into balance over time.
- Withdrawals less than 5 AFY were found to result in no material harm to the aquifer, but the court order reserved the right to constrain such withdrawals if other action fails to balance the aquifer over time.

Current MPWMD practice for well permits is as follows (Stern 2010):

- If a property is part of the adjudication, then well permit would be processed governed by the determinations in the adjudication.
- If not part of adjudication, and less than 5 AFY or less, then MPWMD can issue permit consistent with adjudication determination of no harm.
- If not part of adjudication and more than 5 af, then need further assessment of hydrologic impacts.

Thus, applications for new wells on new lots would be evaluated by MPWMD as follows:

- At this point, minor extractions (< 5 AFY) are not considered a concern in terms of returning the aquifer to the natural safe yield.
- If small withdrawals become a concern in the future, the adjudication gives the Superior Court the authority to limit these extractions to balance the basin and to avoid future seawater intrusion.
- MPWMD is likely to constrain well permits, if in the future the Seaside watermaster determines harm is resulting or predicted to result from small well users, similar to current practice in the Carmel River aquifer.

The basin adjudication has concluded (and MPWMD concurs) that small withdrawals from the basin of less than 5 AFY are not likely to significantly contribute to material injury to the aquifer (including increase the potential for seawater intrusion). Thus, for now, MPWMD and Monterey County will be able to issue well permits for single family development on existing lots and these new water demands would have a less than significant impact on water supplies, groundwater overdraft, and seawater intrusion. Should the Court determine in the future that the exemption of production sources less than 5 AFY has contributed to or threatens to contribute to a material injury to the Seaside basin, the Court will modify or eliminate the exemption for small users. For CEQA conclusions, single family development on existing legal lots would not contribute considerably to groundwater overdraft or future seawater intrusion and thus would be less than significant. For other development on existing legal lots, if less than 5 AFY, such development would also be less than significant. For other development on existing legal lots with use of more than 5 AFY, MPWMD review will require an analysis and avoidance of material harm to the aquifer. Court jurisdiction over the aquifer will be maintained such that over time, development on legal lots will not be allowed to result in material injury to the Seaside aquifer. Thus, the EIR now concludes that the impact of ministerial single-family development on lots of record would have a less than significant impact on water supply, groundwater overdraft, and seawater intrusion.

4.4 Pajaro Valley

4.4.1 Balance of Supply and Demand

Commenters have asked for a discussion of supply and demand in the Pajaro basin, and contend that the PVWMA does not have the ability to import additional water.

As discussed in the DEIR, existing water supplies are insufficient to meet projected needs in the Pajaro Valley (see page 4.3-42). There has been no change in this situation since the release of the DEIR.

The PVWMA is operating water recycling facilities to help meet agricultural demand and will eventually use blended water to augment municipal demands. Other than potentially expanding its existing recycling operations, the PVWMA does not have specific new projects underway to meet future demand. In general, the significant impacts of expanding the existing water recycling plant may include exceeding air quality and noise emissions standards during construction, and construction impacts related to installing distribution pipelines.

As noted above, some commenters requested that the estimate of water demand include the demands of the incorporated cities and provides an estimate of total demand. This has been done for the Pajaro groundwater basin as shown in Tables 4.3-9g and 4.3-9h. Commenters also requested an analysis of supply versus demand. This has also been done (see Table 4.3-9g). As indicated in Table 4.3-9g, existing and proposed supply projects are insufficient to meet existing demands, much less future demands. Further, as noted below, some of the proposed projects may not be feasible. This additional information does not change the conclusions in the DEIR that water is not available for

new growth in the Monterey County portions of the Pajaro groundwater basin and that continued groundwater extractions will only worsen existing problems with seawater intrusion and groundwater overdraft.

To clarify that the County will work with affected agencies in the Pajaro basin, Mitigation Measure WR-1 has been revised to state that the County will also participate in regional groups including representatives of the Pajaro Valley Water Management Agency and the County of Santa Cruz to identify and support a variety of new water supply, water management and multiple agency agreement that will provide additional domestic water supplies for the Pajaro Groundwater Basin.

4.4.2 Status of Supply Projects in the Pajaro Basin

Commenters asked about the status of supply projects in the Pajaro groundwater basin.

As discussed in the DEIR on page 4.3-42, the PVWMA is eligible to receive CVP water and includes that source in its Basin Plan, but a physical link to the CVP is not feasible due to lack of sufficient funding, the CVP is oversubscribed and recent court decisions relating to endangered species in the Sacramento San Joaquin Delta restrict the CVP's ability to even deliver supplies to existing users. The DEIR agrees that there is no feasible source of imported water for the PVWMA. Monterey County has concluded that overdraft and seawater intrusion problems will continue in the Pajaro groundwater basin.

The Watsonville Area Water Recycling Project, a joint project of the City of Watsonville and the PVWMA, began delivering recycled water to the Coastal Distribution System in April 2009. The Water Recycling Project produces 4,000 acre-feet (AF) of tertiary treated water during the spring, summer, and fall irrigation season that is distributed through system pipelines to farmland in the seawater intrusion areas. When blended with other treated water, the overall seasonal supply is approximately 6,000 AF. This replaces the need for farmers to tap groundwater and will slow the rate of seawater intrusion into the Pajaro basin. However, the Pajaro Valley Water Management Agency estimates that it would need 18,500 acre-feet of water to halt seawater intrusion. (Pajaro Valley Water Management Agency 2002) Therefore, operation of the Watsonville Area Water Recycling Project does not change the conclusions in the EIR for the Draft General Plan.

4.4.3 Feasibility of Mitigation for Legal Lot Impacts

Commenters questioned the DEIR/s conclusion that mitigation was not available to address the significant unavoidable impact of new wells on legal lots in the North County that are within the Pajaro groundwater basin (e.g. Springfield Terrace, Highlands North, and Pajaro). The County has included a policy in the 2007 General Plan that will limit future development to the first single-family residence on existing lots of record (See Policies NC-1.5). This general plan policy is a means of restricting future water demand by limiting the intensity of allowable future growth. So, to an extent, the policy limiting development to a single family residence on each legal lot of record itself reduces the potential impact of new development in this portion of the County.

The County is proposing additional policies in the 2007 General Plan that will also reduce demand from new development.

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

Proposed Policy PS-3.4 (including revisions pursuant to DEIR Mitigation Measure BIO-2.3) provides a number of criteria in the evaluation and approval of all new wells, including those on existing legal lots of record, such as water quality, production capability, recovery rates, effects on nearby wells, existing groundwater conditions, and technical managerial and financial capabilities of the water purveyor. Furthermore, proposed Policy PS-3.6 places a ban on drilling or operating any new wells in known areas of salt water intrusion.

In addition, the County has existing regulations that act to limit water demand on individual lots. There is nothing in the 2007 General Plan that would lead to these ordinances being rescinded. Monterey County Ordinance Chapter 18.50 (Residential, Commercial, and Industrial Water Conservation Measures) provides that: "It is the purpose and intent of this Chapter to reduce the excessive use of water within the Greater Salinas, Toro, Greater Monterey Peninsula, and a portion of North County and Coast Planning areas by requiring the installation of low water use plumbing fixtures and low water use landscape material as part of new construction and prohibiting certain excessive use of water." (Section 18.50.020)

Monterey County Code Section 18.50.050 sets the following minimum requirements for water conservation:

- A. All new construction, as defined herein, shall be equipped with ultra low flow toilets with a maximum tank size or flush capacity of 1.6 gallons, and shower heads with a maximum flow capacity of 2.5 gallons per minute.
- B. All new construction shall include as part of the exterior landscape development, low water use or native drought-resistant plant material and low precipitation sprinkler heads, bubblers, drip irrigation system and timing devices. Before any permit may be issued for such new construction, the applicant shall submit a landscape plan for review and approval by the Director of Planning and Building Inspection in conformity with landscape guidelines adopted by the Board of Supervisors. The Department of Planning and Building Inspection shall charge appropriate fees for review of such plans.

Furthermore, Monterey County Code Section 15.12.060 prohibits nonessential water uses including:

- A. In newly constructed or reconstructed residential, commercial, industrial or public buildings, the installation of any toilet that uses in excess of three and one-half

gallons of water per flush, or the installation of a shower head that does not limit the flow of water to not more than three gallons per minute at forty (40) pounds per square inch or less pressure;

- B. In newly constructed or reconstructed commercial, industrial or public buildings, the installation in any restroom or bathroom of any faucet other than a metering faucet;
- C. The use of any ornamental fountain, permanent swimming or wading pool, or other structure making similar use of water, except when a recirculating system is employed;
- D. The operation of any water-cooled comfort air-conditioning equipment which does not have water-conserving equipment;
- E. In newly constructed or reconstructed residential, commercial, industrial or public buildings, the installation of water pipes without valves to reduce the water pressure to fifty (50) or less pounds of pressure per square inch;
- F. The provisions of Subsections A, B, and E of this Section shall apply only to those buildings constructed or reconstructed pursuant to a building permit issued after the effective date of the ordinance codified in this Chapter.

Additionally, Chapter 16A of the California Plumbing Code (effective August 4, 2009) simplifies the installation and permitting of “graywater” systems. This allows the use of non-septic domestic wastewater for outdoor watering. Given the water supply shortage in the North County, at least a portion of the new development there can be expected to utilize this in addition to other water conservation tools.

The State’s Updated Model Water Efficient Landscape Ordinance (“Model Ordinance”) is also applicable to development within Monterey County, including lots of record. (See AB 1881 [2006])⁵ The Model Ordinance provides measures to reduce landscaping water consumption including a soil management report, landscape design plan, irrigation design plan, grading design plan, irrigation scheduling, landscape and irrigation maintenance schedule, irrigation audits, surveys, and water use analyses, recycled water, stormwater management, and public education.

As discussed above, the Granite Ridge Water Supply Project, when in operation, will reduce the demand for new wells in the rock-underlain portions of the Granite Ridge and Highlands South areas. Existing lots of record in the area of the Granite Ridge Water Supply Project could develop without adversely affecting neighboring properties if connected to that project.

In addition, not all existing lots of record will be developed. Whether a residence can be built on a lot of record depends upon the individual circumstances of that lot. The County requires that the lot have adequate water on-site to serve the new home. (Monterey County Code Chapters 15.04 [Domestic Water Systems] and 15.08 [Water Wells]). A buildable lot must also contain sufficient area to hold a septic system (if not served by a public sewer system) and a replacement system, while also meeting requirements for setbacks from domestic water wells, groundwater, and property lines.

⁵For more details on the Updated Landscape Ordinance see <http://www.water.ca.gov/wateruseefficiency/landscapeordinance/>

In addition, the site must contain suitable soils and pass a percolation test that indicates the soil will not allow passage of sewage into beneficial waters and will absorb sewage at a sufficient rate. (Monterey County Code Chapter 15.20 [Sewage Disposal])

The number of lots of record that cannot be developed because of site limitations is unknown and cannot be known without assessing each individual lot based on soils, percolation tests, water quality, etc. Nonetheless, these regulations will limit development of some sites. That reduces the total number of lots of record available for development.

As discussed above, there are a number of statutory and regulatory requirements which would reduce water consumption on new single family dwellings built on legal lots of record. However it would be infeasible to further restrict the permissible uses on legal lots of record. Under the United State Constitution's "takings clause," the County is not empowered to halt development on existing single lots of record without exposing itself to potential legal liability. Land use regulations cannot prohibit all economic use of property unless the government pays just compensation to the property owner. As discussed in DEIR Section 3.3.1.2 there are approximately 4,629 legal lots of record. The County wants to avoid lawsuits over alleged regulatory takings which would make further restrictions on legal lots of record economically, legally, and socially infeasible.

4.4.4 Pajaro Community Area Water Supply

Commenters have raised the issue that the water shortage in the North County makes infeasible the focused growth assumed under the proposed Pajaro Community Area.

The Pajaro Community Area has been included in the General Plan Update in response to public input received during the long process of drafting the General Plan. Although it is included as a focused growth area, the ability of this Community Area to support additional growth is dependent upon water being made available to the community. While imported supplies are infeasible (as discussed above) and additional pumping would contribute to existing overdraft conditions, some water may be available through improved conservation or the retrofitting of existing development. So, the potential for development within the Community Area cannot be completely discounted.

At the same time, there are a number of policies proposed in the General Plan Update that will ensure that the Pajaro Community Area will not develop in advance of water availability and will not contribute to water supply shortages. Policies PS-1.1 through PS-1.6 establish Adequate Public Facility and Services (APFS) requirements and mandate that services be available concurrent with new development. Policies PS-3.1, PS-3.3, and PS-3.11 prohibit the approval of residential and commercial subdivisions absent a demonstrated long term sustainable water supply. In particular, Policy PS-3.3 will require the establishment of criteria to determine the availability of a sustainable water supply. These will include, but are not limited to: well production capability, well recovery rates, effect on wells in the immediate vicinity, existing groundwater conditions, and cumulative impacts and planned growth in the area. These criteria will ensure that new development will not contribute to overdraft conditions.

4.5 Regional Water Management

A number of commenters have opined that the County should be involved in regional efforts to manage groundwater use. As discussed in Section 4.3 of the DEIR, groundwater is the primary source of water within the County. The groundwater basins store water underground and have a direct relationship, via infiltration through the soil, to surface water flows.

Monterey County currently takes part in regional water management planning activities, as described below. These are leading toward the comprehensive analysis of water-related issues throughout the County, as well as multi-agency solutions for the problems identified in the DEIR, including groundwater, long-term supply, water quality, and sea water intrusion, among others. The County's participation in the RUWAP and the evolution of the Regional Project have been discussed previously.

4.5.1 Existing Integrated Regional Water Management Plans

The County, through the Monterey County Water Resources Agency (MCWRA), is a party to the *Monterey Peninsula, Carmel Bay, and South Monterey Bay Integrated Regional Water Management Plan* and the *Salinas Valley Integrated Regional Water Management Functionally Equivalent Plan*. Integrated Regional Water Management (IRWM) plans are prepared under California Proposition 50 ("Water Security, Clean Drinking Water, Coastal and Beach Protection Act" of 2002), which encourages integrated regional strategies for the management of water resources and provides competitive grant funding for projects that protect communities from drought, protect and improve water quality, and improve local water security by reducing dependence on imported water. (Central Coast Wetlands Group 2009a) In addition to establishing a watershed-based analysis of water resources and problems, IRWM plans also provide the bases for obtaining state funding for the identified solutions. The MCWRA Board of Directors adopted both of these plans at their hearing of January 26, 2009.

Currently there are three IRWM Plans covering geographic areas within Monterey County. These have been developed and adopted under the provisions of Proposition 50:

- Pajaro River Watershed IRWM Plan (May 2007), including portions of San Benito and Santa Clara Counties
- Monterey Peninsula, Carmel Bay and South Monterey Bay IRWM Plan (November 2007, amended March 2009)
- Salinas Valley IRWM Functionally Equivalent Plan (May 2006, amended October 2008)

These existing plans cover most of the Salinas Valley, all of the Pajaro River watershed, all of the Carmel River and San Jose Creek watersheds, and the Monterey Peninsula. However, several areas of Monterey County are outside of these plans, including the Big Sur coastal watersheds and communities on the western side of the Santa Lucia Range, the larger Salinas River watershed from the Salinas River National Wildlife Refuge at the Pacific Ocean south to the San Luis Obispo County line, the Gabilan watershed; and

portions of western San Benito County. (Central Coast Wetlands Group 2009a) None of these excluded areas host substantial populations, nor are they identified as areas of substantial future development. So, while they are important from the point of view of providing for comprehensive consideration of water resources under IRWM planning principles, their absence is not critical from the perspective of determining the water supply and demand under the General Plan Update, nor for regional groundwater planning.

4.5.2 Greater Monterey County Integrated Regional Water Management Plan

A Regional Water Management Group made up of nearly 20 agencies and organizations (including the MCWRA and the Agricultural Commissioner's Office) has been formed to participate in developing a new IRWM plan that will supersede the Salinas Valley IRWM Functionally Equivalent Plan. Representatives of the Central Coast IRWM Regions (including the Santa Cruz County, San Luis Obispo County, and Santa Barbara County Regions, in addition to Monterey County) agreed in February 2008 that the *Salinas Valley IRWM Functionally Equivalent Plan* should be expanded to include those areas of Monterey County that had been left out of the three adopted IRWM plans. The new "Greater Monterey County IRWM plan" will, in conjunction with the adopted Pajaro River Watershed IRWM and the Monterey Peninsula, Carmel Bay and South Monterey Bay IRWM Plans, encompass the entire county within IRWM planning efforts. (Central Coast Wetlands Group 2009a)

The Regional Water Management Group Memorandum of Understanding (MOU) describes the reasons why the Pajaro River Watershed IRWM and the Monterey Peninsula, Carmel Bay and South Monterey Bay IRWM Plans were not rolled into the Greater Monterey County effort. With regard to the Pajaro River Watershed, the MOU explains that it is a distinct region, already covered by its own IRWM Plan. With regard to the Monterey Peninsula, Carmel Bay and South Monterey Bay, the MOU explains that this area has a distinct area of water supply. The Greater Monterey County RWMG and the Monterey Peninsula, Carmel Bay and South Monterey Bay Water Management Group have discussed the possibility of future overlapping projects in the Seaside Basin, particularly in regard to the Regional Water Supply Project; both groups have agreed to continue communication about these projects and to coordinate as necessary. (Central Coast Wetlands Group 2009a) Outreach efforts are underway to include additional stakeholder groups in the process. (Central Coast Wetlands Group 2009b)

4.6 Impacts of Water Supply Projects

Some commenters have asserted that the DEIR inadequately disclosed potential impacts due to future water supply projects that will be necessary to support growth under the 2007 General Plan. Commenters also assert that Phase 2 of the SVWP will have a potential impact on steelhead in the Salinas River due to changes in flow.

As discussed by the California Supreme Court in *In re Bay-Delta*, “at the first-tier program stage, the environmental effects of obtaining water from potential sources may be analyzed in general terms, without the level of detail appropriate for second-tier, site specific review.” (*In re Bay-Delta* (supra) 43 Cal.4th at 1169.) The Court further held that in a program EIR over a 30 year period, “it is not reasonably feasible to require quantification of the ‘big picture’ impacts of its water needs.” (*Id.* at 1176.) Please also see Chapter 2, Master Responses, Master Response 10 on the level of detail required in a Program EIR.

The DEIR is a first tier document, which analyzed, at a programmatic level of detail, the potential for impacts associated with new water resource infrastructure and operations in Impact WR-5, starting on page 4.3-135. The discussion included the SVWP, Granite Ridge Distribution Facilities (now called the Granite Ridge Water Supply Project), Coastal Water Project, the Regional Water Supply Program, the Seaside ASR Program, the Pajaro-Sunny Mesa Desalination Plant, PVWMA’s Basin Management Plan, community area water infrastructure, and water infrastructure for the AWCP and for agriculture. Impact WR-5 was determined to be significant and unavoidable from the construction and implementation of new water resource infrastructure, after mitigation for both the 2030 horizon and the 2092 horizon. Project-level analysis of water supply projects for after 2030 was not done due to the lack of project-specific details.

Infrastructure that has already been approved and that will serve future development and other uses under the General Plan Update, such as the SVWP, has been adequately analyzed under its own CEQA analyses. Projects that are in the proposal stage, such as the California American Water Company’s (CalAm) Coastal Water Project and the Granite Ridge Water Supply Project, are undergoing separate CEQA analyses. Their potential impacts are being disclosed and mitigated to the extent feasible as part of their CEQA processes.

Potential projects that are yet to be proposed in sufficient detail to be analyzed for CEQA purposes will have their own CEQA analyses prepared at such time as sufficient detail is available and those projects move forward. This includes Phase 2 of the SVWP. Depending on the design and location of the projects, they may typically result in significant effects as a result of construction (dust, traffic, and noise, for example) and operations (greenhouse gas emissions, for example). Some or all of the effects may be avoided or reduced by future mitigation measures.

As part of the permitting for the SVWP, the MCWRA obtained a Biological Opinion (BO) from the National Marine Fisheries Service, including an incidental take permit for South-Central Coast California steelhead. The BO is based on the Salinas River flow described in the SVWP DEIR/EIS for Phase 1. The BO concludes that the SVWP operations will not result in jeopardy for this species, provided that no additional diversions are necessary. As noted above, it is not feasible to evaluate SVWP, Phase 2 and its potential impacts on the environment until the operations and actual effects of SVWP on halting seawater intrusion and groundwater overdraft are better understood and any Phase 2 expansion is conceptualized and proposed. At this time, it would be premature to speculate on the potential impacts on steelhead, other species, or other subject areas of impact. Impacts of new water infrastructure on biological resources and other subjects was conservatively disclosed as significant and unavoidable in the DEIR,

despite the inability to fully analyze impacts of future water infrastructure that will not be proposed for perhaps two or more decades in the future.

The Coastal Water Project EIR became available after release of the DEIR on the 2007 General Plan. The following discussion provides further detail on potential impacts of the Coastal Water Project and the Regional Project alternative. However, as discussed in *In re Bay-Delta*, this DEIR is not required to provide the same level of detail as this project level analysis (*In re Bay-Delta* (supra) 43 Cal.4th at 1174 [Holding additional detail on second tier project released before certification, the EWA, was not required in the first tier EIR.]).

The Coastal Water Project FEIR identifies no significant and unavoidable impacts that could result from either the Coastal Water Project or the North Marina alternative. The FEIR identifies a number of significant effects that can be reduced below a level of significance after mitigation measures are implemented. A partial list of these avoidable impacts includes: construction-related erosion or surface water quality degradation; greenhouse gas emissions; seismically-related damage; water quality effects from the release of brine into Monterey Bay; effects on special status species; effects on natural habitats; short-term increase in traffic during construction; construction- and operations-related noise; visual intrusion; historic resources; and construction-related air quality impacts. (California Public Utilities Commission 2009a)

The Coastal Water Project EIR identifies the following potential significant and unavoidable impacts of Phases I and II of the Regional Project: greenhouse gas emissions; growth-inducement; air quality degradation during construction; degraded water quality from the blending of stored recycled water with other supplies (Phase II only); exposure of treatment facilities to damage from liquefaction in an earthquake (Phase II only); and exceedance of noise standards during construction (Phase I only). (California Public Utilities Commission 2009a)

As mentioned above, the impacts of the project eventually selected by the CPUC will be mitigated as provided in the Coastal Water Project EIR and, if mitigation does not avoid all significant effects of the selected alternative, the CPUC will adopt a statement of overriding considerations.

Master Response 5: Carmel Valley Traffic Issues

A number of comments were received on the DEIR pertaining to the Carmel Valley Master Plan (CVMP) Circulation Policies, the Carmel Valley Transportation Improvement Program (CVTIP), and SR1 near Carmel Valley. Commenters questioned both the methodology utilized in the DEIR for analyzing traffic impacts on Carmel Valley Road and whether the mitigation measures proposed in the DEIR adequately address the impacts.

This Master Response will include a discussion of the following specific issues raised in the comments:

- 5.1 Relationship between the CVTIP and its EIR, and the 2007 General Plan and its EIR.
- 5.2 Appropriate standards and methodologies for evaluating traffic conditions in the CVMP area.
- 5.3 Comparison of the General Plan EIR methodology for analysis of traffic along Carmel Valley Road in comparison to the methodology used for analysis along other County roadways.
- 5.4 Basis of land use forecasts for the analysis of traffic impacts in the CVMP area
- 5.5 Significant and unavoidable traffic impacts along SR1 and in the Carmel Valley Village.
- 5.6 Board of Supervisors Resolution 02-024 and future subdivision approvals.
- 5.7 Adequacy of traffic impact fees to address traffic impacts; growth inducing impacts of a fee-based impact program
- 5.8 Concurrency of mitigation relative to process of development
- 5.9 Consistency of circulation policies on the rural character of the CVMP
- 5.10 Relationship of circulation policies to safety and emergency access

5.1 Relationship between the CVTIP and EIR, and the 2007 GP and EIR

Comments asked for a history of the overlapping processes concerning CVMP circulation policies in the CVTIP, 2007 GP and the associated EIRs. Comments asked how inconsistencies between the CVTIP and its EIR and the 2007 GP and its EIR will be resolved and asked which set of policies would be governing.

The County has two been managing two parallel processes: one very broad process that is seeking to complete a comprehensive General Plan Update, and one that is much narrower that is addressing CVMP circulation issues.

The CVTIP process began in 2005 when the County identified that a segment of Carmel Valley Road had exceeded a monitoring threshold, which indicated a potential problem with traffic conditions. In order to evaluate this issue, the County decided to complete an updated traffic study of current roadway and intersection conditions, update the traffic improvement list to maintain the LOS standards in CVMP Policy 39.3.2.1, and update the fee program to fund the improvements. The traffic study and the accompanying DSEIR were completed and released for public comment in August 2007.

Subsequently, the County was developing a new CVMP as part of the 2007 General Plan. The draft General Plan maintained the same key circulation policies (such as Policy 39.3.2.1) as the current CVMP. During the preparation of the DEIR for the 2007 General Plan, County staff identified the need for the DEIR to reflect the result of the CVTIP study results and recommendations. Thus, Mitigation Measure TRAN-2B was identified in the September 2008 DEIR for the 2007 General Plan to take into account the results and recommendations for the CVTIP and to propose potential CVMP policy changes accordingly.

In early 2009, the County decided to revise the DSEIR for the CVTIP to add additional analysis of SR 1 conditions between Rio Road and Ocean Avenue, based on comments received on the DSEIR requesting that the CVTIP Traffic study be expanded to include SR1 near Carmel. Since the County had both the original CVTRIP study for areas within Carmel Valley and the SR1 study, these study results were used for the CVMP area and SR 1 in the 2007 General Plan DEIR. The County was able to identify clearly proposed CVMP policy changes consistent with the results of the CVTIP traffic study and the SR1 traffic study.

The proposed 2007 General Plan CVMP Policy CV-2.18, as modified by Mitigation Measure TRAN-2B in the General Plan DEIR, is identical, in essence, to the changes to CVMP Policy 39.3.2.1 proposed in the CVTIP DSEIR.

The County is following two parallel courses of action, while maintaining consistency in substance between them. The County has been developing and refining a General Plan Update over the last ten years and within that process and the associated environmental review, it has been considering potential changes overall to the CVMP, including to circulation policies. Should the General Plan Update be adopted before the CVTIP, then the adopted GP policies would be the controlling policies for the CVMP area. Should the CVTIP be adopted first, then the adopted policies in the CVTIP would be the controlling policies for the CVMP area until such a time as a General Plan Update were adopted.

5.2 LOS Standards for CVMP Area

5.2.1 Background

There were comments received questioning the standards and methodologies used to evaluate traffic conditions in the CVMP area. The comments focused on whether the Highway Capacity Manual (HCM) for peak hour level of service (LOS) analysis was appropriate, as contrasted with fixed volume thresholds based on average daily traffic.

Commenters criticized the proposed CVMP LOS standards in Policy CV 2.18 (as modified by Mitigation Measure TRAN-2B) as being: (1) insensitive to large changes in volumes; (2) hypersensitive to small changes when traffic is near to the threshold level; and (3) not indicating impending violation of standards and thus not providing proportional response to problems. Comments also stated that the County has been using a “measure of effectiveness” or MOE consisting of a fixed volume of average daily traffic (ADT) for years and that ADT should be the standard. Commenters expressed the view that that the proposed CVMP Policy CV-18 represents a weakening of the current traffic standards in existing CVMP Policy 39.3.2.1, and that the proposed use of “percent time spent following” (PTSF) to identify LOS results is a different (and “worse”) LOS than ADT, and that therefore the change in methodology results in worse traffic conditions than current standards.

Existing CVMP Policy 39.3.2.1 describes the CVMP standards for approval of development within the CVMP relative to traffic conditions. It describes that development approval will be deferred if approval would “significantly impact” roads in the CVMP area that are at LOS C or below unless and until: (1) an EIR is prepared that includes measures necessary to raise the LOS to an “acceptable level” and (2) the EIR may include a statement of overriding considerations. The policy defines “acceptable level” for level of service as the “baseline LOS as contained in the CVMP EIR”. The CVMP FEIR (County EIR No. 85-002, PC-5390, Planning Area No. 2) was prepared in September 1986. Page 81 and 82 of the FEIR (Monterey County 1986a) identifies the baseline LOS for 1985 for Carmel Valley Road segments as follows:

- Eastern CVMP boundary to Holman Road (Segment 1) – LOS C
- Holman Road to Esquiline Road (Segment 2) – LOS C
- Esquiline Road to Ford Road (Segment 3) – LOS C
- Ford Road to Laureles Grade (Segment 4) – LOS D
- Laureles Grade to Robinson Canyon Road (Segment 5) - LOS D
- Robinson Canyon Road to Schulte Road (Segment 6) – LOS D⁶
- Schulte Road to Rancho San Carlos Road (Segment 7) – LOS E
- Rancho San Carlos Road to Rio Road (Segment 8) – LOS A
- Rio Road to Carmel Rancho (Segment 9) – LOS A
- Carmel Rancho to Highway One (Segment 10) – LOS E

The policy defines “significant impact” as where traffic created by the development would cause the LOS to fall to the next lower level compared to the present condition. However, given that this policy overall only applies to roads that are at LOS C or below, where the baseline condition is identified as better than LOS C (Segments 8 and 9), the policy is taken to mean that a “significant impact” can only occur when traffic LOS falls to LOS D or below and is below the “acceptable level.” Thus, the existing CVMP Policy 39.3.2.1 defines a “significant impact” as when traffic created by development would

⁶ LOS D was a typographical error in the original Higgins report that was later corrected to LOS E to conform with the supporting data in the Appendices of the original report

cause the level of service to either: (1) fall to LOS D or lower if the acceptable level is LOS C; (2) fall to LOS E or lower if the acceptable level is LOS D; or (3) fall to LOS F if the acceptable level is LOS E. Applying this logic to the different segments of Carmel Valley Road, the existing CVMP Policy 39.3.2.1 requires the following level of service standards:

- Eastern CVMP boundary to Ford Road (Segments 1, 2, and 3) – LOS C
- Ford Road to Schulte Road (Segments 4, 5, and 6) – LOS D
- Schulte Road to Rancho San Carlos Road (Segment 7) – LOS E
- Rancho San Carlos Road to Carmel Rancho (Segments 8 and 9) – LOS C
- Carmel Rancho to Highway One (Segment 10) – LOS E

While currently adopted CVMP Policy 39.3.2.1 is somewhat confusingly written and does contain an uncorrected typographic error, the interpretation above was determined to be the most consistent way to understand the intent and requirements of the existing policy. Monterey County Public Works Department, which implements the Carmel Valley Road annual monitoring and the current TIP program for Carmel Valley, concurred with this interpretation prior to completion of the DEIR for the 2007 General Plan.

The current CVMP 39.3.2.1 seeks to avoid worsening conditions compared to the baseline conditions that existed in 1986 as documented in the Higgins traffic study. The current policy also allows projects to be approved without mitigation that do not worsen level of service conditions compared to the 1986 baseline. Traffic conditions have, in some cases improved since 1986, particularly along the multi-lane segments of Carmel Valley Road. The intent of the current policy is not, as some comments assert, to control the volume of traffic on Carmel Valley Road – it is to prevent the deterioration in the level of service along Carmel Valley Road.

The proposed changes reflected in the 2007 General Plan would maintain the 1986 baseline level of service along Carmel Valley Road, with the exception of along Segment 3 in the Carmel Valley Village. As disclosed in the DEIR, no feasible mitigation has been identified for Segment 3 that could both maintain a LOS of C and be consistent with the Village rural character and the character of the adjacent area. Therefore, this impact was identified as significant and unavoidable.

The proposed policy CV-2.18 (as amended by Mitigation Measure TRAN-2B) would include the following level of service standards

- Signalized Intersections – LOS of “C” is an acceptable condition.
- Unsignalized Intersections – LOS of “F” or meeting of any traffic signal warrant is an unacceptable condition.

- Carmel Valley Road Segment Operations – LOS of “C” for Segments 1, 2, 8, 9, and 10 and LOS of “D” for all other segments (3, 4, 5, 6, and 7) are acceptable conditions⁷.

These proposed standards are the same as those required by current CVMP Policy 39.3.2.1 with the following exceptions:

- Esquiline Road to Ford Road (Segment 3) – revised Policy CV-2.18 would have a LOS of D compared to the existing LOS of C. The CVTIP study examined alternative roadway improvements that would maintain LOS C, but all of the identified alternatives were found to be either incompatible with the character of the Village (e.g., a 4-lane roadway) or incompatible with adjacent residential use (e.g., routing traffic through adjacent residential areas). This change is a significant and unavoidable impact.
- Schulte Road to Rancho San Carlos Road (Segment 7) –revised Policy CV-2.18 would have a LOS of D compared to the existing standard LOS of E. This represents an improvement in the LOS standard.
- Carmel Rancho to Highway One (Segment 10) – Revised Policy CV-2.18 would have a LOS of C compared to the existing standard LOS of E. This also represents an improvement in the LOS standard.

5.2.2 Measures of Effectiveness for Carmel Valley Road

Certain comments by members of the Carmel Valley Ad Hoc Traffic Committee on the DEIR requested the use of quantitative metrics instead of letter grades for level of service (such as “A”, “C”, and “F”), for measuring traffic conditions along Carmel Valley Road. County staff met with the Committee a number of times, but did not reach a mutual agreement on what should be the basis for the level of service standard or the trigger for requiring a hearing on traffic conditions. Thus, as of the time of this FEIR, CVMP Policy CV 2.18 does not contain quantitative metrics for evaluating Carmel Valley Road traffic conditions and the trigger for hearings is the same as that identified in the DEIR Mitigation Measure TRAN-2B.

Should the Board decide to include specific quantitative metrics, or measures of effectiveness, by which to apply the above LOS standards in CVMP Policy CV 2.18 to Carmel Valley Road, the following table shows the corresponding metrics using the methods from the Highway Capacity manual for the different segments of the road:

⁷ Segments 11 & 12 were not included in the CVTIP analysis because these two segments are in the “urban” shopping district, have already been improved to four lanes with turning lanes and signal control and currently operate far better than the LOS C standard proposed.

Table CV-1. Carmel Valley Road, Peak Hour Segment Operational Measures of Effectiveness

Segment	Start	End	Type	Metric	LOS Equivalent
1	East Of Holman	Holman Road	PTSF	70	C
2	Holman Road	Esquiline Road	PTSF	70	C
3	Esquiline Road	Ford Road	PTSF	85	D
4	Ford Road	Laureles Grade	PTSF	85	D
5	Laureles Grade	Robinson Canyon Road	PTSF	85	D
6	Robinson Canyon Road	Schulte Road	PTSF	85	D
7	Schulte Road	Rancho San Carlos Road	PTSF	85	D
8	Rancho San Carlos Road	Rio Road	Density	26	C
9	Rio Road	Carmel Rancho Blvd.	Density	26	C
10	Carmel Rancho Blvd.	SR1	Density	26	C

Notes: PTSF = Percent time spent following, as determined using the 2000 Highway Capacity Manual
Density = Passenger cars per lane per mile, as determined using the 2000 Highway Capacity Manual

These quantitative metrics are not different in substance with those included in Mitigation Measure TRAN-2B. As such, should the Board decide to include them in the CVMP Policy 2-18, this change would not result in any change in the environment relative to that disclosed in the DEIR. They are only definition of the measurement standard.

The proposed LOS standards in Table CV-1 are measured using the percent-time spent following (PTSF) and density (passenger cars per lane per mile) methodologies for peak hour LOS from the 2000 Highway Capacity Manual (HCM). Contrary to the assertions of comments, the existing CVMP does not mandate the use of ADT or a fixed volume standard for the evaluation of LOS along Carmel Valley Road. Comments assert that because ADT is mentioned in Policy 39.3.2.1, subsections (a), (b), and (c), that therefore measures of ADT and not their translation into LOS grades should be the traffic standards. However, ADT is only mentioned in the first three parts of the policy that refer to traffic monitoring, the yearly evaluation report, and the requirement for public hearings. ADT is not mentioned in subsection (d), which is the section that defines the terms “acceptable level” and “significant impact.”

ADT is not a direct measure of LOS because it only measures absolute daily traffic levels and does not take into account roadway capacity or hourly distribution of traffic over the day. The ADT thresholds defined in the CVMP are best interpreted as monitoring trigger levels as opposed to defined standards. ADT data thus do not, by themselves, indicate what delay or LOS exists on a particular roadway, and thus ADT would be an inappropriate standard. For example, the 1986 EIR identifies ADT for Segments 8, 9, and 10 as 15,000, 19,000 and 17,400 per day in 1985. Segments 8, 9, and 10 were converted to 4-lane roads after 1985. The County updated the ADT thresholds to 48,487 (Segment 8) and 51,401 (Segment 9) with the expansion to 4 lanes. Thus, fixing the standard as a defined ADT level in 1985 does not take into account changes that could affect a roadway’s ability to accommodate traffic or its LOS. The traffic study and DSEIR are based on the interpretation that Policy 39.3.2.1(d) was referring to the LOS in

the 1986 EIR when it referred to “acceptable level,” as subsection (d) makes no mention of ADT and because ADT is only input to determining LOS, not a measure of level of service itself.

The HCM represents the current professional standard reference for traffic analysis methodologies. The following describes some aspects of using the HCM peak hour methodologies in the CVMP area instead of a fixed volume ADT-based threshold (as proposed by a number of commenters):

- (1) LOS values in the HCM correspond to differing LOS that reflect the amount of delay incurred when travelling along a roadway. The letter grades (“A”, “C”, “F”) correspond each to a gradated range of conditions from free flowing to significant delay. The intent of using LOS grades is to identify when conditions decline to a level such that a substantial overall change in traffic service can be unambiguously identified to have occurred. Thus, contrary to the comment, use of LOS grades is sufficiently sensitive to large changes in volume.
- (2) When conditions are approaching a threshold, it is true that a small change in volume could result in a drop in a letter grade. This does not mean that LOS grades are “hypersensitive,” but rather that conditions have now approached a point at which they unambiguously can be found to have declined to the next LOS grade.
- (3) When using LOS-based grades, one can examine the volume to capacity (V/C) ratio, the time of vehicle delay, the roadway density, or the PTSF metrics to identify problems “in advance” of the point at which service will decline to below a threshold. The metric chosen depends on the type of road facility being examined. In the case of Carmel Valley Road, PTSF is the accepted methodology for determining LOS from the HCM for the two-lane segments.
- (4) The use of a fixed volume threshold would be far more inaccurate than a LOS-based threshold. Specifically, a fixed volume threshold indicates nothing about the driver experience (in terms of delay) along a roadway because it does not take into account the roadway capacity or conditions. Unless the volume thresholds are calibrated to the roadway capacity and conditions, exceedance of such thresholds does not indicate whether a problem has or has not occurred in terms of roadway service. Thus, use of an un-calibrated numeric threshold in this case would identify a “problem” where none exists by use of professional standard analysis (e.g., HCM).
- (5) Use of LOS for CEQA documents is the professional standard, not the exception, throughout Monterey County and California at present.
- (6) The assertion that ADT is used for evaluation of projects under existing Policy 39.3.2.1 is not correct. ADT is not used for project evaluation of projects currently in the CVMP or elsewhere in Monterey County. In fact, peak hour analysis following HCM methods for intersections and roadway segments are the standard analysis that has been used for years in Carmel Valley for all major project CEQA documents. Where appropriate, vehicle delay, V/C, or PTSF are used to determine LOS in accordance with professional practice and HCM. Thus, the proposed language changes to 39.3.2.1 in CV 2-18 are intended to clarify current project evaluation practice and will not result in an actual change in how project evaluation is conducted. Therefore, the purported decline in traffic conditions is not a result of the clarification of methodology.

- (7) What would change with the 2007 General Plan would be the triggering mechanism to hold a public hearing. At present (under existing Policy 39.3.2.1), a hearing is triggered when there are 100 or less daily trips remaining before a lower LOS would occur. The proposed change in Mitigation Measure TRAN-2B is to 100 *peak* hour trips before an unacceptable LOS would occur. County staff recommends the Board consider changing CVMP Policy CV-2.18(c) to 10 peak hour trips instead, because this would be roughly equivalent to the current policy of 100 daily trips, because, as a general rule of thumb, daily trips are usually 10 times that of the peak hour. As this is only a trigger for a hearing, should the Board make this change, this would not result in a change to the environment beyond that disclosed in the DEIR.
- (8) The ADT methodology is appropriate for broad policy-level assessment of traffic conditions and is useful for identifying potential traffic issues across an extensive area. ADT is not used for design level and project level analysis of specific roadway conditions, nor is it used to determine the level of mitigation needed to maintain level of service – peak hour analysis is universally used. Thus, if ADT is the only metric used to evaluate a roadway, it can overstate or understate the level of an existing problem in terms of the actual amount of delay along a roadway as it cannot account accurately for peak conditions which can vary from roadway to roadway. Nor can ADT be used to develop and measure the effectiveness of operational improvements to the roadway, except for the addition of lanes to expand capacity. In Carmel Valley, this would mean widening roadways and intersections and would preclude the adoption of other traffic improvements (such as passing lanes, turn lanes, and other means) that are more consistent with the rural character of the CVMP.
- (9) Given that a peak-hour LOS methodology represents standard professional practice, specification of the methodology in changes in Policy 39.3.2.1 does not result in a worsening of traffic in terms of significance. Instead the language changes would only codify the actual project review practice already being employed and would provide a much clearer reference for interpretation than the current policy.
- (10) Whether or not the GPU policy changes are made, the County will continue to use peak hour analysis and HCM methods to evaluate projects and thus the policy changes themselves do not result in change of the roadway conditions, except as they relate to Segment 3 (and to SR1 as discussed below), which are properly disclosed as significant and unavoidable impacts.

Comments also assert that PTSF is inadequate because it only focuses on driver experience and excludes the effect on stationary observers:

- (1) As noted above, PTSF is used for evaluation of 2-lane roadway segments, whereas delay is used for intersections and density is used for multi-lane roadway segments.
- (2) PTSF is only used for the analysis of traffic operational impacts; it is not intended to analyze aesthetic or other impacts.
- (3) Aesthetic impacts of the CVTIP were analyzed separately in the DEIR. The significance criteria are disclosed in Section 4.14.6.2 of the 2007 General Plan DEIR. That section analyzes the impact of the 2007 General Plan on aesthetics. Similarly, noise impacts were analyzed separately in the DEIR (noise can also influence aesthetic perceptions along roadways).

- (4) The use of roadways by traffic is a baseline condition. The addition of traffic per se (separate from roadway improvements) does not change the viewer expectation about the aesthetics of the roadway itself, nor change the views of scenic areas and ridgelines in the CVMP and thus is not considered a significant aesthetic impact per the significance criteria as it does not substantially change views or visual character.

5.3 Different Methodologies for Analysis of Carmel Valley Road Traffic Impacts and the Rest of the County

Comments questioned why the General Plan DEIR used a different methodology to analyze traffic inside the CVMP area than was utilized to analyze traffic elsewhere in the County.

As described in the DEIR on Page 4.6-9, the roadway LOS analysis for the CVMP area is based on peak hour (AM and PM peak) information. The reason that CVMP roadway facilities are analyzed in the peak hour as opposed to the daily analysis used for the rest of the County is because more detailed analysis is appropriate to assess traffic conditions in this sensitive area. The CVMP policies were revised to establish LOS standards based on peak hour (Policy CV 2.18(d)), and to effectively utilize a recent draft traffic analysis of the CVMP and the CVTIP, which included mitigation measures based on peak hour conditions (Monterey County 2007b). Integration of this analysis into the 2007 General Plan EIR allows for consistency between documents.

The CVMP analysis of roadway segments is based on industry standard methods for peak hour analysis (2000 Highway Capacity Manual, Transportation Research Board). Two performance measures are used in the CVMP analysis: two-lane roadways are analyzed based on the percentage of time vehicles must travel in groups behind slower vehicles due to inability to pass, while four-lane roadways are analyzed based on the density of vehicles, or how closely vehicles travel together making it difficult to change lanes or pass. These performance measures reflect actual roadway operations and require detailed information about roadway configurations and peak hour travel characteristics. In comparison, the performance measure used for the rest of the County, for purposes of the 2007 General Plan DEIR, is the ratio of daily traffic volume to daily roadway capacity, a theoretical planning measure that estimates whether a roadway will experience peak hour congestion by comparing demand to the number of lanes available.

Both approaches are valid methods of analysis. The peak hour analysis requires detailed current data that was only available for the CVMP area at the time of the General Plan DEIR preparation. The daily roadway capacity methodology is appropriate for broad policy-level traffic analysis, like that for the General Plan. However, given the availability of a specific traffic analysis for CVMP, it was judged appropriate to use the specific analysis instead of a more broad-level analysis.

5.4 Basis of Land Use Forecasts used for the Analysis of Traffic Impacts in the CVMP

Comments questioned the land use assumptions used for the analysis of traffic impacts in the CVMP.

As described in the 2007 General Plan DEIR on page 4.6-63, Table 4.6-18 presents the peak hour level of service for roadways within the CVMP based on the analyses prepared for the CVTIP traffic study. The modeling for the CVTIP traffic study was done under the existing CVMP which would allow a slightly higher amount of development in the CVMP area in 2030 than the 2007 General Plan. The CVTIP traffic study assumed development of 1,188 housing units between 2000 and 2030, more units than assumed in the General Plan estimates to the year 2030.

The rationale for the 1,188 housing units is provided in Appendix F.D of the 2007 DEIR for the CVTIP (Monterey County 2007b). Appendix F.D contains the land use forecasting methodology and the numbers used for developments approved but not yet built, pipeline developments, and approved undeveloped legal lots of record. The model base year was the year 2000 and the base year traffic model included the AMBAG profile of existing residential, visitor-serving, and commercial development at that time. The traffic study created the 2030 horizon year in the model to include development after 2000. Table 2 identifies 655 residential units approved (residential SFDs through 2005 and subdivisions up to 2006), but not yet built by 2000. This 655 unit total included approval of units on existing (pre-1987) lots as well as approval of units for subdivisions and was included in all study scenarios. Pipeline projects are identified in Table 3 in Appendix F.D and were limited to projects with complete applications with new units. At the time of DSEIR preparation this was limited to Rancho Canada Village, with a proposed 281 units. As to “approved undeveloped legal lots of record”, the forecast includes 533 new residential units remaining (out of the original 1,310 residential unit quota allowed for by the existing CVMP). At the time of the CVTIP, it was estimated that there remained 533 units within the quota. When combining the 655 approved but not built units with the remaining 533 new units, one gets 1,188 units.

The existing CVMP, at the time of the 2007 CVTIP traffic study, allowed approximately 533 new residential units on both existing and new lots. At the time, it was estimated that there remained approximately 259 existing lots. Assuming one residential unit for each existing lot, this would leave 274 units on new lots. By contrast, the 2007 General Plan would only allow up to 266 units on new lots. Both the existing and proposed CVMP allow development on existing legal lots. The minor difference in new units (8 units) has no material effect on the validity of the traffic study.

Regarding assumptions about growth in the rest of the County used in the 2007 CVTIP traffic study, the study utilized growth forecasts in the AMBAG model which were based on the AMBAG 2004 projections. While the 2007 General Plan would have slightly different locations of growth compared to the AMBAG 2004 projections, the General Plan forecasts were the same level of aggregate growth as that in the AMBAG 2004 projections.

Thus, since the forecast for growth in the CVMP was approximately the same in the CVTIP traffic study as that assumed for the 2007 General Plan and the external general level of growth used is roughly the same as that used for the 2007 General Plan, the CVTIP traffic study is considered reasonably representative of 2030 conditions and is thus appropriate to use for traffic analysis in the 2007 General Plan DEIR.

5.5 Significant and Unavoidable Impacts relative to SR1 and the Carmel Valley Village

Comments questioned why the 2007 General Plan would allow further development in the CVMP area even though traffic impacts on SR1 near Carmel and on the Carmel Valley Village are identified as significant and unavoidable. Comments also questioned why mitigation is not identified to address the impacts to SR1 and the Carmel Valley Village and why mitigation would not be implemented prior to new traffic being added due to new development.

As disclosed in the DEIR, certain operations on SR1 between Ocean Avenue and Rio Road, in particular southbound operations, are failing under current conditions. These conditions will worsen with cumulative traffic from the CVMP or other locations.

The existing northbound climbing lane from Carmel Valley Road to Ocean Avenue has added an additional northbound lane. This lane was described as for safety and operational purposes, but has similar effects as adding capacity along this segment in the northbound direction. Traffic accidents can cause gridlock in any type of roadway facility depending on the nature of traffic and the nature of the particular accident. The climbing lane has not added any capacity in the southbound direction, which is still constrained to a single-lane of travel, and thus suffers congestion in the PM peak hour far worse than the northbound direction in the AM peak hour for a similar level of volume. The climbing lane also has provided an additional lane between Carmel Valley Road and Ocean Avenue which helps with peak hour queuing and transition, particularly turning right from Carmel Valley Road.

The adopted Regional Transportation Plan (RTP) includes RTP Project CT008, SR1 – Carmel Operational Improvement. This project would construct an extended northbound lane from Rio Road to Carmel Valley Road and provide intersection improvements at both Carmel Valley Road and Rio Road. Caltrans is the lead agency and has prepared a Project Study Report (PSR) for the project. Monterey County is the supporting agency. The completion of a continuous climbing lane from Rio Road to Ocean Avenue will provide additional benefits for northbound travel in this reach of SR1.

Even with the climbing lane improvements between Rio Road and Ocean Avenue, there will remain failing conditions for southbound travel along SR1. The Recirculated Portion of the DEIR for the CVTIP includes a description of potential mitigation for the impacts along SR1. The project would widen the southbound segment of SR1 between Ocean Avenue and Rio Road to two lanes in the southbound direction. The estimated cost for this project is \$13.3 million, not including environmental analysis and mitigation. Based on the traffic analysis of SR1 conditions completed as part of the Partial Revision of the

EIR for the CVTIP (Monterey County 2009), in 2030 future development will only contribute up to 22 percent of the cumulative roadway volumes between Rio Road and Carmel Valley Road (of which 11 percent originate or end in Carmel Valley) and 7 percent between Carmel Valley Road and Ocean Avenue (of which 4 percent originate or end in Carmel Valley).

State law does not allow a jurisdiction to require new development to pay more than its fair share of mitigation for an impact. Given that SR1 is predominantly an existing problem, caused to a great extent by traffic other than that generated from Carmel Valley, new development can only be required to pay impact fees proportionate to its contribution to worsening traffic conditions or approximately 20% of the cost. Without other sources of funds, the amount that could be collected from new development in the CVMP or other locations would be insufficient to fund widening of southbound SR1 in order to alleviate traffic congestion. At this time, there is no apparent source of other funding for this improvement. Consequently, the DEIR discloses the traffic impact on this segment as significant and unavoidable (see page 4.6-73). Ultimately, resolution of SR1 traffic issues will depend on whether external sources of funding, which could include a transportation sales tax measure, or state or federal funds, can be identified to implement the improvements.

Regarding Carmel Valley Village, as described on page 49 of the CVIP Traffic Study (Appendix F of the DSEIR, Monterey County 2007b), several improvement measures were investigated for Segment 3 of Carmel Valley Road. An extended left-turn pocket lane and medians in the Village would affect average speed, but would not affect LOS because LOS is based on roadway volumes and changes in roadway capacity. These roadway changes would not expand capacity and thus would not remedy the problem. Passing lanes would improve the LOS to LOS B; however current policy restricts the introduction of passing lanes in the Village. Further, passing lanes could have significant safety issues in an area with pedestrian crossings and access. A four-lane facility would also improve LOS; however a four-lane facility would also speed traffic and would significantly change the character of the Village in a way that would be inconsistent with the rural village character at present, which would be inconsistent with CVMP policy. Traffic could be routed along Via Contenta and/or Holman Road/Ford Road to bypass the village by increasing speed limits and replacing signage. This would route local and regional traffic through residential neighborhoods which would change the character of these neighborhoods that would also be inconsistent with CVMP policy.

Given the impacts of the alternatives that would either speed up traffic through the Village, substantially change the character of the Village, or route traffic away from the Village that would change the character of the surrounding neighborhoods, no feasible alternative was identified that would be consistent with CVMP policy regarding retaining rural character. Further, many of these alternatives would also be likely to affect local businesses by degrading the aesthetics and character of the Village and/or encouraging traffic to bypass or pass quickly through the Village.

While lowering the LOS standard to LOS D as proposed in the DSEIR would slow traffic in the Village which would delay travel into and out of the Village, it would not change the character of the Village nor introduce potential safety issues. Thus a slowing of traffic to LOS D is not likely to affect businesses in the Village. LOS D, while less

desirable than LOS C, is not a level of traffic (like LOS E or F) that would be more likely to result in greater impediments to accessing the Village.

The 2007 General Plan DEIR discloses, on page 4.6-73, that feasible mitigation consistent with the rural character of Carmel Valley to maintain LOS C is not available.

Given the current infeasibility to complete transportation improvements to SR1 near Carmel and on Carmel Valley Road within the Village to reduce impacts to a less than significant level, the General Plan DEIR proposes two policy changes. The first is elimination of the policy that requires completion of improvements to SR1 before any development can occur. The second is the lowering of the LOS to D in the Carmel Valley Village. These modifications will allow the identified amount of development in the CVMP to occur while maintaining consistency with other CVMP policies. Whether the Board of Supervisors desires to limit growth in CVMP in consideration of the traffic conditions along SR1 or Carmel Valley Road is a matter of policy, not a matter concerning the DEIR adequacy in regards to traffic impacts.

5.6 Resolution 02-024 and Future Subdivision Approval

A number of commenters asserted that the Board resolution establishing a policy to defer subdivisions pending certain conditions (Resolution 02-024) should be retained and made permanent in order to address traffic impacts in Carmel Valley and maintain the goals and principles of the CVMP. Comments recommend that a permanent subdivision ban in Carmel Valley should be enacted to prevent traffic conditions from deteriorating.

Whether to make permanent the provisions of Resolution 02-024 is a policy decision for the Board of Supervisors, as would be a permanent subdivision ban or lot of record restriction. Such a decision carries with it legal considerations that the DEIR does not assess. The DEIR has identified certain mitigation measures that address traffic impacts consistent with the policies in the General Plan and CVMP, but the General Plan and CVMP do not include the Resolution as policy.

The CVMP land use designations and zoning allow for further development in Carmel Valley that will result in increases in traffic. Continuation of the subdivision approval deferral will not prevent all further increases in traffic, as shown in the results of the CVTIP traffic study for the No Project scenario, due to the influence of traffic from outside the CVMP. The proposed circulation policies in the 2007 General Plan CVMP will not facilitate new development that would otherwise not be allowed by the CVMP land use designations and zoning. Instead, the circulation policies are designed as a series of mitigations to maintain traffic within the allowable LOS standards.

As to what level of growth should be allowed in the CVMP, this is a policy matter for the Board of Supervisors, not an issue concerning the adequacy of the EIR.

5.7 Feasibility of Mitigating Traffic Impacts through Impact Fees and the Impact of Fee-Based Funding on Growth Inducement

Comments question whether the impact fees proposed are adequate to address traffic impacts. Comments also state that the use of impact fees as mitigation is growth-inducing because it relies on future development for funding of road improvements.

Since 1992, traffic improvements have been funded through fees for new development and thus the 2007 General Plan does not change the funding basis. The parallel CVTIP process doesn't change the funding basis either, just the fee amount and the list of improvements. Impact fees have been used to fund roadway improvement in CVMP for many years. The CVTIP DSEIR (Monterey County 2007b) presents a funding program and schedule of improvements based on the identified impact fee levels. The purpose of the schedule is to have adequate funding available before projected future traffic impacts cross identified LOS standards, where feasible. The funding scheme in the CVTIP is based on the amount of previously approved development (for which building permits have not yet been issued), as well as the potential new development allowed by the CVMP over time. Although fee programs in other parts of the County may only address some of the identified traffic impacts, this is not material to the conclusions for the CVMP area where a specific fee program has been in place and for which specific evidence of financial feasibility is provided in the CVTIP DSEIR.

As discussed above, the mitigation in the 2007 General Plan DEIR includes lowering of the LOS standard along one segment of Carmel Valley Road and deletion of the linkage of development to prior completion of traffic improvements along SR1. These measures would allow development to proceed within the CVMP as proposed in the 2007 General Plan. This is a removal of a potential constraint to growth, but would not allow more development than is called for in the land use designations and zoning in the CVMP overall.

Please refer also to Master Response 10, *Level of Detail for a General Plan and General Plan Programmatic EIR*. The discussion in section 10.5 addresses the use of mitigation fees.

5.8 Processing of Future Development

Several commenters assert that the new CVMP circulation policies would allow for development to occur in spite of significant traffic impacts, noting that the existing CVMP better requires deferral of development approval and completion of an EIR for projects that would significantly impact roads in the CVMP area that are at level of service (LOS) C or below. Comments also assert that mitigation measures to address traffic impacts in the CVMP should be built before new traffic is added.

However, it should be noted that the current CVMP Policy 39.3.2.1 does not require deferral of development when traffic conditions drop below LOS of C. Instead 39.3.2.1

requires that development that will result in traffic that degrades conditions along a segment of Carmel Valley Road to a lower level of service grade than existed in 1986 (where the level of service is LOS C or worse) cannot be approved until an EIR is completed and appropriate findings are made. The policy specifically allows for the adoption of a statement of overriding conditions, thus recognizing that after study of potential mitigation measures, the Board of Supervisors may find that there are overriding considerations in certain circumstances to approve projects that would result in significant unavoidable traffic impacts.

The 2007 General Plan Policy CV-2.18, as amended by Mitigation Measure TRAN-2B, would require prior construction of project-level mitigation (e.g. beyond the CVTIP programmed improvements) if the CVTIP alone is insufficient to maintain traffic standards. The revised policy, like the existing policies, does provide that if mitigation is insufficient to maintain traffic standards, then an EIR can be prepared and a statement of overriding considerations could be adopted. It should be noted that the Board of Supervisors can, at their discretion, also deny project approval due to the existence of significant and unavoidable impacts identified in an EIR.

Thus, the mitigation in the 2007 General Plan DEIR provides for continued processing of development permit applications and the application of traffic standards, similar to that extant at present with the exception of the change in policy relative to SR1 and Carmel Valley Village where no feasible mitigation has been identified to address current or future traffic impacts. It should also be noted that the acceptable level of service is raised from LOS E to LOS D in segment 7 under the revised Policy CV 2.18 as compared to the current standard for that segment.

5.9 Impacts of Traffic Policies on the Rural Character of the CVMP

Comments assert that the changes in circulation policies, by allowing continued traffic growth, will degrade the rural character of the CVMP area. Comments also assert that LOS D is appropriate only to urban, not rural traffic conditions and thus is not consistent with CVMP goals including “to preserve the rural character of Carmel Valley.”

The existing CVMP clearly allows for a development level beyond what currently exists in Carmel Valley and what currently has been approved. While some commenters appear to be of the opinion that any new subdivisions are inconsistent with rural character, the existing CVMP allows for development up to the growth limits as long as traffic conditions are maintained within the established standards.

The CVMP LOS standards previously established by CVMP Policy 39.3.2.1 (d) already include LOS levels of D and E as “acceptable levels” for various segments on Carmel Valley Road. The DEIR does not dispute that the dominant CVMP character is rural. Ultimately, as to whether LOS D is an “acceptable” level of service for Segments 3, 4, 5, 6 and 7 and whether and when development should occur in the CVMP area, are policy matters for the Board of Supervisors. The DEIR provides the information about the

environmental and traffic implications of growth and potential traffic improvements to inform that decision.

5.10 Safety and Emergency Access

Comments raised questions as to whether the proposed CVMP policy changes in Mitigation Measure TRAN-2B would only address traffic congestion and not address traffic safety and emergency access issues.

It is incorrect to assert that the traffic policies in the 2007 General Plan, as amended by proposed mitigation measures, are only concerned with moving traffic swiftly. While the policies are appropriately concerned with traffic operations, they are also concerned with traffic safety, access, and facilities for pedestrians and bicyclists. This is why the County requires assessment of traffic operations, safety, and access during project CEQA review. Further, the CVTIP includes improvements that are not strictly necessary to improve traffic operations including bicycle lanes along Carmel Valley Road (which helps with safety and with use of alternative modes of travel), sight distance improvements (safety improvement), left-turn channelization (which improves safety while also helping operations), spot realignments for curves (for safety), and shoulder improvements (also safety).

Regarding emergency access and egress, where traffic is managed, as feasible through a long-term program of improvements, then emergency access and egress can be implemented better than if no improvements are conducted. As to Carmel Valley Road, the CVTIP identified feasible means to maintain traffic at the proposed standards. Further, as defined in the CVTIP traffic study, traffic will increase along Carmel Valley with or without the new subdivisions in the CVMP (that are allowed within the growth limits in the current CVMP). Given that fact, the CVTIP proposes feasible means to implement certain improvements which will help operations, safety, access, and alternative modes of travel. In some locations, these improvements will also help with emergency access or egress.

Master Response 6: Traffic Mitigation

The County received comments on DEIR Section 4.6, *Transportation* that questioned the significance conclusions reached in the DEIR with respect to vehicle traffic resulting from implementation of the 2007 Draft General Plan. Commenters also asked for clarification regarding how proposed policies C-1.1 through C-11 would achieve an acceptable level of service. This included requesting further clarification of the distinction among traffic tiers as defined in the General Plan glossary and applied in Circulation Element policies.

In addition, the County received comments regarding the adequacy of the proposed traffic mitigation measures. Commenters contended that the collection of traffic mitigation fees was both a deferral of mitigation and inadequate mitigation for addressing traffic impacts.

A number of comments were received relating specifically to the Carmel Valley Master Plan traffic analysis and mitigation measures. These are discussed in Master Response 5, *Carmel Valley Traffic Issues*.

This master response will focus on the following:

- 6.1 Changes in policies related to circulation issues after release of the DEIR
- 6.2 Traffic Tiers
- 6.3 Adequacy of Traffic Impact Fees

6.1 Changes in Policies Related to Circulation Issues after Release of the DEIR

In response to comments and in consideration of the issues raised, the County has identified a number of changes to the 2007 General Plan policies to provide the clarification requested. These changes are set forth below. The text changes include an explanation of the proposed modifications.

C-1.1 The acceptable level of service for County roads and intersections shall be Level of Service (LOS) D, except as follows:

- a. Acceptable level of service for County roads in Community Areas may be reduced below LOS D through the Community Plan process.
- b. County roads operating at LOS D or below at the time of adopting this General Plan shall not be allowed to be degraded further except in Community Areas where a lower LOS may be approved through the Community Plan process.
- c. Area Plans ~~and Lands Use Plans~~ prepared for County Planning Areas may establish an acceptable level of service for County roads other than LOS D. The benefits

which justify less than LOS D shall be identified in the Area Plan. Where an Area Plan does not establish a separate LOS, the standard LOS D shall apply.

Staff recommended clarification in response to comments on the DEIR.

C-1.2 The standard for the acceptable level of service (LOS) as noted in *Policy C-1.1* is to be achieved by 2027. That LOS standard is to be achieved through the development and adoption of Traffic Impact Fees (TIFs) as part of Capital Improvement and Financing Plans (CIFPs) ~~and implementing ordinances that:~~

- ~~a. Define benefit areas to be included in the CIPP. Benefit areas could include Planning Areas, Community Areas, or the County as a whole~~
- a. Identify and prioritize the traffic related improvements to be completed in the benefit areas over the life of the General Plan.
- ~~b. Estimate the cost of the improvements over the life of the General Plan.~~
- ~~e. Identify the funding sources and mechanisms for the CIPP to include, but not limited to, a Traffic Impact Fee (TIF).~~
- ~~d. Provide an anticipated schedule for completion of the improvements.~~
- b. Coordinate with TAMC's regional fee program all adopted transportation improvement programs within the County of Monterey including but not limited to TAMC, FORA, and cities.
- c. ~~A TIF shall be implemented to~~ Ensure a funding mechanism for transportation improvements to county facilities in accordance with *Policy C-1.8*.
- d. Categorize transportation projects as "high," "medium," or "low" priority.

CIFPs shall be developed pursuant to Policy PS-1.1. Construction costs and land values shall be adjusted annually and the CIPP shall be reviewed every five (5) years in order to evaluate the effectiveness of meeting the LOS standard for County roads. Road segments or intersections identified to be ~~approaching or~~ below LOS D shall be a high priority for funding.

Staff recommended clarification to retain focus of this section to traffic related matters. General CIPP language for all infrastructure moved to PS-1.1.

C-1.43 ~~Direct on-site and direct off-site~~ Circulation improvements that mitigate Traffic Tier 1 direct on-site and off-site project impacts shall be constructed concurrently with new development. Off-site circulation improvements ~~which that~~ mitigate Traffic Tier 2 or Traffic Tier 3 ~~cumulative~~ impacts either shall be constructed concurrently with new development or a fair share payment pursuant to *Policies C-1.8 and C-1.11* shall be made at the discretion of the County. Support collection of ~~regional~~ impact fees with all development projects to address impacts to County roads plus regional roads and highways.

Staff recommended clarification that C-1.4 precedes C-1.3 (now C-1.4) as the general approach to circulation concurrency.

C-1.34 In order to achieve a countywide LOS D, or the applicable LOS per *Policy C-1.1(c)*, ~~in conjunction to~~ and Policy C-1.2, projects that are found to result in reducing a County road below the applicable minimum LOS standard ~~LOS D~~ shall

not be allowed to proceed without a phasing program where development is concurrent with improvements that maintain a the applicable minimum of LOS D for all affected County roads. Where the LOS of a County road impacted by a specific project currently operates below LOS D and is listed on the CIPF as a top high priority, Policy C-1.43 shall apply. This policy does not apply to the following The following shall only be required to pay a fair share fee pursuant to Policies C-1.8 and C-1.11:

- a. first single family dwelling on a lot of record;
- b. allowable non-habitable accessory structures on an existing lot of record;
- c. accessory units consistent with other policies and State Second Unit Housing law; and
- d. Non-discretionary use for commercially designated properties.

Staff recommended clarification that C-1.3 follow C-1.4 (now C-1.3) as being more specific than the general rule.

C-1.8 Development proposed in cities and ~~surrounding jurisdictions~~ adjacent counties shall be carefully reviewed to assess the proposed development's impact on the County's circulation system. The County, in consultation with TAMC and Monterey County cities shall, within 18 months of adoption of the General Plan, develop a County Traffic Impact Fee that addresses Traffic Tier 2 impacts of development in cities and unincorporated areas ~~on major County roads~~. From the time of adoption of the General Plan until the time of adoption of a County Traffic Impact Fee, the County shall impose an ad hoc fee on its applicants based upon a fair share traffic impact fee study.

Staff recommended clarification in response to comments on the DEIR. Errata proposed for Policy C-1.8 (September 2008) was made in error as there is not a County fee program in place at this time. An erratum was meant to be made to C-1.11 representing completion of TAMC Regional Fee Program.

C-1.11 In addition to the Countywide Traffic Impact Fee established in *Policy C-1.8*, the County shall require new development to pay a Regional Traffic Impact fee developed collaboratively between TAMC, the County, and other local and state agencies to ensure a funding mechanism for regional transportation improvements mitigating Traffic Tier 3 impacts. ~~The County shall adopt the Regional Traffic Impact Fee, the goal of which shall be to achieve LOS D on the regional roadway system. From the time of adoption of the General Plan until the time of adoption TAMC fee by the County, the County shall impose an ad hoc fee based upon the regional transportation fee developed by TAMC through its 2004 Nexus Study or as subsequently amended or replaced.~~

~~If the Regional Traffic Impact Fee program is not adopted by the County within one year of its adoption by TAMC, then the County shall not approve any development that would degrade the LOS on regional roads below LOS D, or contribute to the further degradation of regional roads already operating at LOS E or LOS F until the TAMC fee is adopted.~~

Updated due to completion of TAMC Regional Fee Program.

C-1.12 The roadway segments exceeding LOS standards are two-lane rural roads that provide left turn lanes at some intersections. These segments include County Road G14 between US 101 and San Lucas Road, and Spreckels Boulevard between SR-68 and Harkins Road. Improvement of these segments would be funded through a combination of project-specific mitigation for individual developments, and through a Capital Improvement and Financing Plan fair-share funding mechanism established for the Corridor by the Public Works Department. These improvements would be implemented when:

1. A proposed development's project-specific assessment identifies a direct impact to the facility in terms of either LOS or safety.
2. A proposed development gains access from an intersection within the segment.
3. A corridor-wide nexus study prepared for the required Capital Improvement and Financing Plan identifies the level of development that can occur before triggering the improvements.

To maintain the rural character of the area, there are no plans to widen these roadways to four lane facilities. Therefore, the capacity of these segments will be increased by:

1. Providing left turn lanes at intersections without left turn lanes and where the frequency of turning vehicles affects through vehicle movement; and/or
2. Increasing the width of the roadway shoulder at intersections to allow vehicles to pass turning vehicles; and/or
3. Constructing passing lanes as determined in the Capital Improvement and Financing Plan.

Until such time as the County Traffic Impact Fee Program and CIFP for the AWCP are adopted, all new development in the AWCP will be required to prepare a Traffic Impact Analysis (TIA) regardless of the level of CEQA analysis conducted for the Project. Project-specific (Tier 1) mitigation measures identified in the TIA will be required to be implemented concurrently. If a TIA identifies a Traffic Tier impact, the development will be required to make a "fair share" payment for that impact. For discretionary permits and approvals, Policies C-1.3 and C-1.4 shall apply. In addition, all projects are subject to payment of the TAMC Regional Development Impact Fee.

Mitigation Measure TRANS-5A adds this new policy
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PS-1.1 Adequate Public Facilities and Services (APFS) requirements shall:

- a. Ensure that APFS needed to support new development are available to meet or exceed the level of service of "Infrastructure and Service Standards" (*Table PS-1*, next page) concurrent with the impacts of such development;
- b. Encourage development in infill areas where APFS are available, while acknowledging the rights of property owners to economically viable use of existing legal lots of record throughout the county; and
- c. Seek to achieve acceptable level of service (LOS) standards through improvements funded by fair share impact fees and planned capital improvements (CIFP).
- d. APFS is to be achieved through the development and adoption of Capital Improvement and Financing Plans (CIFPs) and implementing ordinances that:

- 1) Define benefit areas (geographical or functional) to be included in a CIFP. Benefit areas could include Planning Areas, Community Areas, or the County as a whole, as well as, functional areas such as roadway improvements or other APFS infrastructure.
- 2) Identify and prioritize the improvements to be completed in the benefit areas over the life of the General Plan. (also see *Policies LU-2.30, C-1.2, PS-3.9*).
- 3) Estimate the cost of the improvements over the life of the General Plan.
- 4) Identify the funding sources and mechanisms for the CIFP.
- 5) Provide an anticipated schedule for completion of the improvements.

CIFPs may refer to and incorporate Plans and fee programs existing as of the date of the adoption of the General Plan. Construction costs and land values shall be adjusted annually and the CIFP shall be reviewed every five (5) years in order to evaluate the effectiveness of meeting the infrastructure needs. A CIFP shall be completed within 18 months from the adoption of the TIF (*Policy C-1.2*).

Staff recommended edit for cross reference and to address general CIFP language from C-1.1.

TABLE PS-1 - Footnotes

- ³ Level of service standards should be flexible within Community Areas so as not to hinder infill development and transit friendly and walkable community design (See Policy C-1.1(a)).

Staff recommended change for cross reference.

- ⁴ ~~Level of service standards should be flexible for rural roads directly serving Community Areas and Rural Centers (see *Policy C-1.1*) so as not to hinder efforts to achieve the County's regional housing allocation. Except as provided by policy C-1.1(c), with respect to Rural Centers, flexibility is necessary so as not to hinder efforts to achieve the County's regional housing allocation.~~ Therefore, ~~Community Area~~ development in Rural Centers may proceed even if the operating level of service is lower than LOS D on adjacent rural roads. ~~Community Area~~ Development will be required to participate in any applicable regional or local road impact fee program once adopted.

Staff recommended clarification in response to comments on DEIR.

6.2 Traffic Tiers

A number of commenters requested that the County distinguish among terms used in the DEIR that describe different types of traffic impacts.

This response clarifies the terms used in the DEIR and in particular clarifies the three levels (or tiers) of impacts evaluated in the DEIR. The terminology used in the traffic analysis are terms used in traffic engineering and are not to be confused with terms used in a CEQA analysis. To clarify the terminology used in the DEIR and avoid confusion with CEQA-related terms the term “project-specific” used in the DEIR means “development-specific”. Additionally, the term “tier” means “traffic tier.”

- *Tier 1* means impacts that are direct impacts on site, or off-site, but in the immediate vicinity of the project.
- *Tier 2* means direct or cumulative impacts to county roadways not in the immediate vicinity of development.
- *Tier 3* means impacts to regional roadways and highways identified in the TAMC Regional Development Impact Fee Program.

Each level of impact is described in greater detail below.

Development-Specific Impacts (Traffic Tier 1)

As stated on DEIR page 4.6-31, “project (development)-specific impacts of new development are localized impacts that affect the immediate surrounding transportation system, including access and circulation necessary for the development to function properly and safely. Development-specific impacts occur where new development needs to gain access to County roadways and/or where traffic generated by new development causes development-specific deficiencies in roadway or intersection operations in the immediate proximity of the development.”

For purposes of the DEIR, Traffic Tier 1 development-specific impacts are defined as:

- On-site facilities necessary to provide vehicular, pedestrian, bicycle, freight and emergency access and circulation to the project.
- On-site or off-site connections and/or access between the project’s on-site circulation and public roadways.

It is County’s policy to require concurrent mitigation of development-specific impacts (Traffic Tier 1).

Impacts to County Roads (Traffic Tier 2)

County roads include 175 segments representing all major country roadways. Traffic Tier 2 impacts refer to the impact of project traffic to the county roadways that are not Traffic Tier 1 impacts. These impacts are typically further away from the project site, and would include off-site project specific contributions to existing traffic at an intersection or on a road segment (direct impact) and project contributions at an intersection or on a road segment in combination with anticipated future projects that may or may not be developed as yet (cumulative impact). Mitigation for Traffic Tier 2 impacts (direct and cumulative) includes payment of fees in connection with the TIF portion of the Countywide CIFP (see Policies C-1.2 and C-1.8), or the TIF portion of CIFPs for other benefit areas (see Policy PS-1.1). Until such time as these fee programs are adopted, new development shall pay its fair share towards the impacts identified (see Policy C-1.4).

Impacts to Regional Roadways (Traffic Tier 3)

Traffic Tier 3 refers to the impacts of project traffic to a road in the state highway system which includes 103 segments representing all state highways and major roads in cities in Monterey County. These are mitigated through payment of the TAMC regional fee (See Policy C-1.11)

6.3 Adequacy of Traffic Impact Fees

Commenters have questioned whether proposed mitigation for traffic impacts in the DEIR is adequate, and have specifically asked whether the fees collected in connection with Traffic Tiers 2 and 3 impacts are appropriate for mitigating the impacts of development. They suggest that development should not proceed until the road improvements are completed.

As noted above, development must mitigate its Traffic Tier 1 impacts concurrently. This means that prior to occupancy the improvements necessary to address circulation, emergency access, and connections to the proposed development (as defined under Traffic Tier 1 impacts) are completed.

The DEIR acknowledges that even with the adoption and implementation of the various traffic impact fee programs identified in the General Plan, the proposed General Plan will have a significant and unavoidable impact on County roads and regional roads

However, under CEQA, paying a fee is permissible as effective mitigation if the fees are “part of a reasonable plan of actual mitigation that the relevant agency commits itself to implementing.” (*Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173, 1187; *Save Our Peninsula Comm. v. Monterey County Board of Supervisors* (2001) 81 Cal.App.4th 99, 141) The fee-based mitigation mechanisms in the DEIR and General Plan are legal and environmentally sufficient mitigation as part of a comprehensive mitigation strategy and are reasonably expected to mitigate project impacts.

For additional discussion of the mitigation fees and mitigation fee programs, please refer to Master Response 10, *Level of Detail for the General Plan and the General Plan's EIR*.

Master Response 7: New Urban Development Outside Focused Growth Areas

This master response contains the following subsections:

- 7.1 Assumptions Regarding the 80%/20% Allocation of New Growth
- 7.2 General Plan Policies.
- 7.3 Mitigation Measures in the DEIR.
- 7.4 Revised Mitigation Measures.
- 7.5 Conclusion.

Commenters questioned the assumptions utilized in the DEIR impact analysis that allocated 80% of new growth to focused growth areas and 20% to areas outside of focused growth areas. Commenters also questioned whether the General Plan policies that are intended to direct new urban growth to focused growth areas (i.e. Community Areas, Rural Centers, Affordable Housing Overlays and areas in close proximity to these communities or to cities) will be effective in limiting growth. They contend that that the General Plan does not guarantee development will be compact and contiguous to existing urban development and therefore General Plan implementation would result in growth that has not been analyzed in the DEIR.

This Master Response will discuss outline the assumptions underlying the 80%/20% growth allocation, and assess the policies in the General Plan and DEIR mitigation measures that directly address comments regarding unanticipated urban growth. The discussion will focus on growth to 2030, but generally applies to General Plan buildout as well.

Commenters also have contended that the Agricultural Winery Corridor Plan (AWCP) will induce additional commercial growth in response to the development of the corridor, and will permit residential growth that has not been estimated or considered in the DEIR.

For responses to the comments pertaining to the AWCP, refer to Master Response 2, *Growth Assumptions Utilized in the General Plan* and Master Response 3, *Agricultural Growth and General Plan Agricultural Policies*.

7.1 Assumptions Regarding the 80%/20% Allocation of New Growth

The discussion below is also provided in Master Response 2, *Growth Assumptions Utilized in the General Plan*. It is provided again in this Master Response in order to comprehensively fully respond to comments questioning how much urban growth is likely to occur outside of focused growth area. The DEIR analysis of future impacts from

new development assumed that 80% of the growth between 2006 and 2030 would occur in areas designated in the General Plan for focused growth and 20% would occur outside of focused development areas. This would equate to 8,012 units in focused growth areas and 2,003 new units outside of focused growth areas.

This assumption is based upon several factors: 1) population distribution trends and projections; 2) trends in population composition and preferences; 3) directives and incentives in General Plan policies; and 4) state regulatory mandates (i.e., Regional Housing Needs Assessment).

1. Population distribution. The 2004 AMBAG forecast (DEIR Table 3-3) indicates that by 2030, 78% of the population in the County will reside in cities and 22% will reside in the unincorporated area. This split between the cities and unincorporated area is the continuation of a trend that has characterized population changes since 1980. In 1980, 71% of the population lived in the cities versus 29% in the unincorporated area. In 2006, the estimated population division between cities and the unincorporated area was 76% versus 24%.

Based upon this historic trend, and the regional projections, it was reasonable to conclude that this trend would be mirrored in the allocation of future growth within the unincorporated County. This was the primary factor considered in deriving the 80%/20% assumption for the DEIR impact analysis.

2. Trends in population composition. The State Department of Finance estimates that 1 in 5 people in California will be over 65 by 2030. (California Department of Finance 2007b). This change in the age of the population is also characteristic of Monterey County. Family size in the unincorporated area is also decreasing, in part because of the aging of the population. In 2005, the average number of persons per dwelling unit in the unincorporated County was 3.19/unit. The AMBAG 2004 forecast (DEIR Table 3-5- note e) indicates that the number of persons per unit in the unincorporated County shall decrease to 2.78 person/unit by 2030.

The March 11, 2008 Annual Housing Report presented to the Monterey County Board of Supervisors noted that the affordable housing crisis was likely to continue with more families seeking rental housing. With the ongoing mortgage crisis and economic downturn, less rental housing was being constructed than was needed thus exacerbating the problem.

County staff recognized that urbanized areas provide more housing choices for smaller families and lower income families. The higher densities that are required to achieve affordability are best accommodated in areas of compact urban development. In addition, urbanized areas provide increased employment opportunities for working families and access to services, transportation, and entertainment.

There are 4,629 lots of record in the unincorporated area. Based on projected population composition, economic factors and consumer preferences, the County assumed that development on these lots would be spaced over time, i.e. that the supply would not be exhausted during the life of the General Plan. Given the cost of building a single family dwelling and the constraints on creating new subdivisions outside of focused growth areas, the 20% of total projection of 2003 units seemed a reasonable assumption for the purposes of analysis.

These indices -- increase in the age of the population, growing need for affordable housing and rental housing and preferences for access to services and transportation support the assumption that future growth in the unincorporated area would be directed towards the focused growth areas.

3. Directives and incentives in the General Plan. There are numerous policies in the General Plan that direct growth to the cities and focused growth areas in the unincorporated area. The policies include strict provisions that limit development outside focused growth areas based on the need to provide services, protect agricultural land and natural resources. Policies LU-1.4 (designation of new growth areas) and LU-1.8 (transfer of development rights) address directing new development where there are adequate services and facilities. Policy LU-1.19 indicates “that Community Areas, Rural Center and Affordable Housing Overlay districts are the top priority for development in the unincorporated areas of the County”. LU-1.19 establishes a development evaluation system consistent with this policy. LU-2.12 establishes a program for affordable and work force housing that includes a number of incentives for future developers. Policies LU-2.21 through LU-2.33 prescribe the location and criteria for Community Areas and Rural Centers and set priorities for completion of Community and Rural Center plans. Policies PS-1.1 through PS-1.6 provide criteria for “Adequate Public Services and Facilities” that must accompany new development that must be met for a project to be approved. In addition, funding for focused growth areas is established as a high priority in the General Plan (Policies LU-2.30, C-1.2, and PS-1.1). These policies among others set the future direction of new growth to existing and planned focused growth areas and constrain growth outside of these areas.

Both the requirements to provide Adequate Public Facilities and Services and the cost of providing these to new development are strong factors in the DEIR assumptions regarding the allocation of new growth. The stringency of new requirements from federal and state agencies with respect to water quality and wastewater disposal suggests that it will become even more difficult for the single family home builder and small project developer to comply. These requirements in concert with the General Plan policies are likely to constrain growth outside of the focused growth areas identified in the General Plan.

4. Regional Housing Needs Assessment (RHNA). By law, the General Plan Housing Element must provide for the future housing needs of all economic segments of the community (Government Code Section 65580, et seq.). The State Housing and Community Development Department (HCD) assigns housing targets for each region in the State, including targets for affordable housing. These targets are then allocated to individual jurisdictions by the regional agencies such as AMBAG. These housing allocations (based on 5-7 year planning cycles) must be accommodated in the Housing Element for that jurisdiction (Government Code Section 65583). Housing Elements are required to be submitted to HCD for review and, if found to comply with the requirements of Housing Element Law, certification of adequacy. If a Housing Element cannot be certified because it does not designate sufficient land to accommodate affordable housing, the jurisdiction may lose eligibility for housing grants. To accommodate the housing target, the jurisdiction must demonstrate that it has sufficient housing that will be zoning at a high density (20+ units per acre) to meet the allocation.

The 2007 General Plan was drafted with the intent of ensuring consistency with these requirements and accommodating several RHNA cycles. The Community Areas, Rural Centers and AHOs were selected and designed to address the RHNA requirement and community needs by accommodating the projected RHNA growth.

The initial housing allocation assigned to the unincorporated area, based on the 2004 Growth Projections, was 2,500 units (2006-2013).⁸ This would equate to 10,000 units over four planning cycles. The RHNA for the current cycle required that 60%, or 6,000, of these units be in very low-, low-, and moderate-income housing categories. The remaining were assumed to be in higher price categories. These calculations were factored into the DEIR assumptions regarding the likely distribution of new growth. As indicated above, the County assumed that the difference (4,000 units) would not be accommodated by building single family dwellings on all remaining existing lots of record.

Table 3-9 indicates that there would be sufficient capacity in the Community Areas, Rural Centers and AHOs through the year 2030 to accommodate the RHNA.

In summary, the assumption utilized in the DEIR impact analysis (80% of new growth would occur in focused growth areas; 20% outside of these areas) was derived from each of the factors described above, individually and collectively. Population distribution trends were the primary factor in deriving these assumptions. The remaining factors were applied to confirm whether the assumption was realistic. The combination of population distribution and composition trends, changes in community preferences over time, key principles and constraints in General Plan policies and State regulatory requirements for affordable housing suggest development between 2006 and 2030 will occur primarily in the Community Areas, Rural Centers and AHOs. These land use designations established in the General Plan are most able to provide affordable housing, employment, services and transportation options.

7.2 General Plan Policies

As noted in 7.1 above, General Plan policies have been drafted specifically to limit growth outside focused growth areas. The Draft General Plan Land Use Element includes numerous policies that direct new growth in the unincorporated area to Community Areas (LU-2.21 through 2.26), Rural Centers (LU-2.27 through LU-2.33) Affordable Housing Overlay Zones (LU-2.12) and to properties in proximity to these areas that also have the infrastructure and services that could support new intensive growth (LU-1.4 and PS-1.1 through PS-1.6). The General Plan also limits growth to lots of record in North County, and portions of the Greater Salinas and Toro Areas. New subdivisions in the Carmel Valley Master Plan Area are limited to a total of 266 new lots (CV-1.6). There are also policies that identify Special Treatment Areas that specify the intensity of new growth that would be allowed. Further, Policies LU-2.15 through 2.20 encourage city-centered growth. They call for the establishment of Urban Reserves in the areas most

⁸ The RHNA allocation was subsequently adjusted by AMBAG in April 2008, but since the DEIR analysis is based on the 2004 forecast, not the 2008 reduced forecast, the lower RHNA allocation was not taken into consideration in the DEIR.

likely to be annexed to cities in the future and provide for cooperation between the County and the cities.

The General Plan establishes Community Areas as the highest priority for growth; Rural Centers are a second tier priority (Policies LU-1.19, 2.21, and 2.30). This prioritization also ensures that capital expenditures for new infrastructure will be directed at serving high priority areas. In accordance with Policy LU-2.33, expansion of the boundaries of a Rural Center may only occur if the property owner is willing to provide the infrastructure and improvements needed for build-out of the Rural Center, and the Capital Improvement and Financing Plan for the Rural Center has identified a feasible financing mechanism. This policy further assures that growth will be constrained unless services are provided.

Nevertheless, the DEIR analysis did assume that, even with implementation of these policies, a certain amount of growth would still occur outside focused growth areas. The EIR analysis is based on the assumption of the 10,015 new residential units by 2030, 80% would occur within Community Areas, Rural Centers and AHOs, and 20% would occur outside these focused growth areas. (see Table 3-9 New Growth by Type, 2006-2030 and Buildout) This table is based upon a proportional distribution of growth based on potential full buildout (consistent with zoning and General Plan policies in each of the Planning Areas).

A number of General Plan policies will help assure that growth outside focused growth areas would not exceed DEIR assumptions. LU-1.19 establishes a “Development Evaluation System” that would provide for the quantitative evaluation of proposed development with 5 or more lots or units. This system includes minimum requirements for affordable housing before a project can be considered. The evaluation system will include eight specific criteria and will establish a minimum passing score. Proximity to a City, Community Area, or Rural Center is a key criterion that must be considered. Policy LU-1.20 further limits development to area build-out and establishes a tracking system with results presented annually to the Planning Commission.

There are numerous additional policies that would make additional new development other than what is projected in the DEIR very difficult. The policies in the Public Services Element under GOAL PS-1 define Adequate Public Facility and Services (APFS) requirements, and require consistency with these policy requirements for approval (Policies PS-1.1 through 1.6). Policy PS-3.1 requires that any new development subject to a discretionary permit, except for single family homes and non-habitable structures on lots of record, must provide proof of a long-term, sustainable water supply. Policy PS-4.9 requires the adequate provision of new or expanded wastewater treatment facilities prior to the approval of new residential subdivision maps or zone changes. These are only a few examples of the policies that are intended to further restrict new development outside of focused growth areas.

These policies individually and collectively establish rigorous requirements for approval and a clear process for determining whether a proposal meets General Plan policy. By placing a priority on focused growth areas, by imposing an evaluation system for development outside these focused growth areas with minimum affordability requirements as well as other stringent criteria, and by requiring that new growth be

adjacent to existing growth that has adequate services, growth outside focused growth areas would be extremely unlikely to exceed DEIR assumptions.

7.3 Mitigation Measures in the DEIR

The DEIR proposes a series of mitigation measures to address climate change (Section 4.16.5.3). These measures are designed to reduce greenhouse gas emission levels consistent with the goals of AB 32, The Global Warming Solutions Act of 2006. Although these measures do not specifically mandate compliance with compact development standards, achievement of the goals of AB-32 would require that future development in the unincorporated area comply with these principles. The components of a “Greenhouse Gas Reduction Plan (Mitigation Measure CC-1a) and a “Climate Change Preparedness Plan” (Mitigation Measure CC-13) would by necessity rely on strategies that focus growth. The Climate Change Preparedness Plan would include provisions for limited growth in areas that could be more severely impacted by wildfire, sea level rise, and flooding. These requirements would further reduce the likelihood that new development, especially sprawl in the more remote areas of the County, would be supported.

Research indicates that there is a direct correlation between greenhouse gas emissions from vehicles and vehicle miles travelled (VMT) annually. A common strategy for reducing VMT is to locate new growth compactly. As a result, the Greenhouse Reduction Plan will undoubtedly consider compact growth as a means of reducing greenhouse gas emissions. (Urban Land Institute 2008)

7.4 Revised Mitigation Measures

Mitigation Measures BIO-1.4 and BIO 1.5 were revised to track actual growth against what was projected in the DEIR and make policy adjustments if current expectations are not met. These policies were revised to ensure that before growth in excess of the AMBAG 2004 growth projections for residential and commercial development occurs, the County will consider the expansion of focused growth areas or designation of new focused growth areas. These expanded or focused growth areas would be designed to keep the 80%/20% split between compact growth in cities and focused growth areas and growth outside focused areas. These revised mitigation measures are provided in FEIR Chapter 4, Text Revisions.

7.5 Conclusion

General Plan policies have been drafted specifically to limit growth outside focused growth areas. Commenters have not provided any evidence that the policies in the General Plan that restrict growth will not be followed other than conjecture about future policy decisions that could be made contrary to General Plan policies. By focusing growth through the development of community plans, infrastructure and finance plans,

and imposing requirements for significant amounts of affordable housing as a prerequisite to approval of subdivisions outside of these areas, it is reasonable to expect that future growth will focus in compact development patterns near cities or in focused growth areas.

Nevertheless, the DEIR analysis did assume that, even with implementation of these policies, a certain amount of growth (20% of new growth) would still occur outside focused growth areas. A number of General Plan policies and EIR mitigation measures will help assure that growth outside focused growth areas would not exceed DEIR assumptions. Therefore, the DEIR conclusions regarding the impacts from growth outside of Community Areas, Rural Centers and AHOs are reasonable and justified.

Master Response 8: Biological Resources

This Master Response addresses comments provided on the DEIR regarding impacts to biological resources with a focus on the following issues:

- 8.1 changes in biological resource policies and mitigation measures after release of the DEIR;
- 8.2 specificity of the EIR impact analysis and mitigation;
- 8.3 deferral of mitigation, especially for the post-2030 period;
- 8.4 the definition of “special-status species” and how the General Plan and the EIR addresses impacts to such species;
- 8.5 adequacy of the impact analysis on plant and wildlife species and habitat, including the range of species analyzed, impacts of discretionary development, non-discretionary development on lots of record, and impacts of agricultural expansion;
- 8.6 adequacy of the protection afforded in the EIR for certain specific biological resources
- 8.7 adequacy of the analysis of impacts on wildlife movement corridors.

8.1 Changes in Biological Resource Policies and Mitigation Measures

In response to comments and in consideration of the issues of concern, the County has identified a number of changes to 2007 General Plan policies and biological mitigation measures from the DEIR that are now proposed. In order for the subsequent responses to be presented in light of these policy and mitigation measures, these changes are presented first.

These revisions are consistent with CEQA Guidelines Section 15146(b), ensure consistency with CEQA terminology, and provide equal or better protection for biological resources than the DEIR’s mitigation measures and draft 2007 General Plan policies. These proposed policies, in concert with the review requirements of CEQA, will ensure that future development projects address the potential presence of species and habitats, undertake project-specific and site-specific biological surveys, and identify feasible mitigation to reduce impacts to less than significant levels. These provisions will avoid or substantially reduce significant impacts on species and habitats.

The following revision has been made to Policy OS-3.9 to establish a date certain for when the program will be adopted and to clarify requirements:

OS-3.9 The County will develop a Program that will address the potential cumulative hydrologic impacts of the conversion of hillside rangeland areas to cultivated croplands. The Program will be designed to ~~address~~ avoid or minimize

- a) off-site soil erosion,
- b) increased runoff-related stream stability impacts, and/or
- c) potential violation of adopted water quality standards.

The County ~~should~~ will convene a committee comprised of county staff, technical experts (including staff of the Natural Resources Conservation Service), and stakeholders to develop the Program, including implementation recommendations.

This program shall be adopted within 5 years of adoption of the General Plan.

Draft General Plan Policies OS-5.1 through OS-5.4 are revised to clarify the treatment of listed species pursuant to the General Plan. Taken together, the revisions to Policies OS-5.1 through OS-5.4 provide for the mapping of critical habitat and habitat for listed species, as well as actions to mitigate effects on listed species. Development that may affect listed species would be subject to consultation with the USFWS and CDFG.

OS-5.1 The extent and acreages of ~~the designated critical habitat of Federal and State listed threatened or endangered plants or wildlife species~~ shall be inventoried to the extent feasible and mapped in GIS. Conservation of ~~these threatened and endangered plants~~ listed species shall be promoted.

OS-5.2 The extent and acreages of the potentially suitable habitat for ~~special status plant and wildlife species~~ listed species shall be inventoried to the extent feasible and mapped in GIS. Conservation of ~~special status~~ species shall be promoted as provided in the Area Plans.

OS-5.3 Development shall be carefully planned to provide for the conservation and maintenance of ~~designated critical habitat of plant and animal species listed by federal agencies as threatened or endangered.~~

OS-5.4 Development shall avoid, minimize, and mitigate impacts to ~~State and federally listed plant and animal species and designated critical habitat for federally listed species~~ and critical habitat to the extent feasible. Measures may include but are not limited to:

- a. clustering lots for development to avoid ~~designated~~ critical habitat areas,
- b. dedications of permanent conservation easements; or
- c. other appropriate means.

~~Where development cannot avoid critical habitat, If development may affect listed species,~~ consultation with United States Fish and Wildlife Services (USFWS) and California Department of Fish and Game (CDFG) may be required and impacts may be mitigated by expanding the resource elsewhere on-site or within close proximity off-site. Final mitigation requirements would be determined by USFWS as required by law.

The following modifications to OS-5.16 clarify the species and habitat that will be addressed by the policy (essentially encompassing the same range of species and habitats described in CEQA Guidelines Section 15065 – Mandatory Findings of Significance), as well as the process and criteria for determining potential impacts. These modifications

are responsive to comments from the public and Planning Commission regarding the applicability of several General Plan biological resource policies. In addition, revised Policy OS-5.16 clarifies the criteria that trigger the requirement to conduct biological studies and biological reports. The following new text replaces OS-5.16 in the November 2007 Draft General Plan in its entirety:

OS-5.16 A biological study shall be required for any development project requiring a discretionary permit and having the potential to substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or substantially reduce the number or restrict the range of an endangered, rare or threatened species.

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

The following revision is made to the AWCP to require biological surveys and subsequent action for artisan wineries and ancillary uses if they will affect biological resources:

AGRICULTURAL WINE CORRIDOR

This Section includes a list of uses that can be permitted with a ministerial permit for properties within the designated Agricultural and Winery Corridor. These uses are subject to the General Regulations established in Section 3.1 and Development Standards established in Section 3.5 of this Agricultural Winery Corridor Plan. Projects deemed consistent within the criteria and conditions of the AWCP and Zoning District Overlay would require no additional zoning review. However, County and Uniform Building Code requirements still apply relative to those activities that would require a grading and building permit. More intensive uses or uses not otherwise consistent with the AWCP and/or Williamson Act provisions may require the issuance of discretionary permits such as Administrative Permits.

A biological study (as defined in Policy OS-5.16) shall be required for permanent facilities with the potential to affect biological resources. If the biological study indicates a potential for a significant impact on a biological resource, then an administrative permit shall be required.

The following definition in the General Plan Glossary has been modified as follows:

LISTED SPECIES means ~~Threatened, Endangered and Rare species as defined in this Glossary. See definitions for THREATENED AND ENDANGERED SPECIES, and for RARE SPECIES.~~ those species that have been listed as:

- a) Threatened or endangered pursuant to the federal Endangered Species Act of 1973 as amended, or
- b) Rare, Threatened, or Endangered pursuant to the California Endangered Species Act of 1984 as amended.

The following definitions are deleted from the General Plan Glossary:

~~**SPECIAL STATUS SPECIES** means those species that are listed as:~~

- ~~a) Threatened or endangered pursuant to the federal Endangered Species Act of 1973 as amended, or~~
- ~~b) Rare, Threatened, or Endangered pursuant to the California Endangered Species Act.~~

~~**THREATENED AND ENDANGERED SPECIES** means those plant and animal species that have been listed as threatened or endangered species pursuant to the federal endangered Species Act of 1973, as amended or the California Endangered Species Act.~~

~~**ENDANGERED SPECIES** (See **THREATENED SPECIES**)~~

~~**RARE SPECIES** means a species of plant that is listed as rare pursuant to the California Endangered Species Act.~~

Mitigation Measure BIO-1.1 has been deleted in its entirety:

~~**Mitigation Measure BIO-1.1: Baseline Inventory of Landcover, CEQA-Defined Special Status Species Habitat, Sensitive Natural Communities, Riparian Habitat, and Wetlands in Monterey County**~~

~~The County shall expand the inventory of listed species suitable and critical habitat required by Policy OS 5.1 and OS 5.2 to include an updated vegetation land cover map, identification of suitable habitat for CEQA defined special status species (as defined in this document), sensitive natural communities, and riparian habitat in Monterey County. The inventory shall include wetlands inventory as feasible based on existing data sources and aerial interpretation. This inventory should be updated at a minimum of ten year intervals. The inventory can exclude areas that are not under the control of Monterey County (e.g., cities, state and federal lands).~~

Mitigation Measure BIO-1.1 in the DEIR required preparation of a baseline inventory of landcover, “CEQA-Defined” special status species habitat, sensitive natural communities, riparian habitat, and wetlands in Monterey County. The nominal purpose of such an inventory would be to inform project-level evaluations of impacts to biological resources under CEQA. However, project-level evaluation of biological resources under CEQA, including evaluation of cumulative impacts, can be adequately completed using existing available data on species, communities, habitat, and wetlands and biological resources in general combined with project-specific biological evaluations required pursuant to revised policy OS-5.16 (provided above). Thus, this mitigation measure was not required to address significant impacts to biological resources resulting from development allowed under the General Plan and the resultant biological impacts without this mitigation measure would not be greater than that disclosed in the DEIR.

The following revisions are made to Mitigation Measure BIO-1.2 to clarify that a conservation strategy, as opposed to a formal Habitat Conservation Plan (HCP) is the intended outcome of the measure:

BIO-1.2 Salinas Valley Conservation ~~Strategy Plan~~ to preserve habitat for the San Joaquin kit fox in the Salinas Valley

The County shall, in concert with the ~~USFWS-U.S. Fish and Wildlife Service, CDFG California Department of Fish and Game~~, cities in the Salinas Valley, and stakeholders develop a conservation ~~plan-strategy~~ for the Salinas Valley to provide for the preservation of adequate habitat to sustain the San Joaquin kit fox population. The general focus area of the plan shall be the Salinas Valley south of the community of Chualar. The conservation ~~plan-strategy~~, at a minimum, shall be adopted by Monterey County and shall be applied to all discretionary approvals (and their associated CEQA documents) with potential to affect the San Joaquin kit fox within the conservation ~~plan-strategy~~ area. The County shall complete the conservation ~~strategy~~ within 4 years of General Plan adoption. The conservation ~~strategy~~ funding program shall be developed and shall ~~include-consider~~ a mitigation fee program for which development projects will be assessed a fee based on a proportional basis of impact to the San Joaquin kit fox ~~as one of the options~~. The compensation ~~plan-strategy~~ shall be developed and implemented in coordination with the appropriate state or federal agency and may provide mechanisms to mitigate impacts of an individual project through one or more of the following means: identifying an agency-approved mitigation bank or other compensation site (on- or off-site); and/or preserving habitat; monitoring the compensation site; and funding the management of the compensation site.

Until the adoption of the conservation strategy, habitat loss due to discretionary projects shall be mitigated on a project-by-project basis.

Mitigation Measure BIO-1.3 been deleted in favor of revisions to Draft General Plan Policy OS-5.16 that will perform the same function as the mitigation measure.

~~Mitigation Measure BIO-1.3: Project Level Biological Survey and Avoidance, Minimization, and Compensation for Impacts to CEQA-defined Special Status Species and Sensitive Natural communities.~~

~~The County shall require that any development project that could potentially impact a CEQA-defined special status species or sensitive natural community shall be required to conduct a biological survey of the site. If CEQA-defined special status species or sensitive natural communities are found on the site, the project biologist shall recommend measures necessary to avoid, minimize, and/or compensate for identified impacts to CEQA-defined special status species and sensitive natural communities. An ordinance establishing minimum standards for a biological report shall be enacted. This policy shall only apply to the following:~~

- ~~■ Development in Focused Growth Areas (Community Areas, Rural Centers and Housing Overlays)~~
- ~~■ Development requiring a discretionary permit~~
- ~~■ Large scale wineries in the AWCP.~~

In order to assure that mitigation programs would be in place before 2030 growth thresholds are exceeded, Mitigation Measures BIO-1.4 and BIO-1.5 have been revised as follows:

Mitigation Measure BIO-1.4: By 2030, When growth thresholds are exceeded, prepare an Update to the General Plan to identify expansion of existing focused growth areas and/or to identify new focused growth areas to reduce loss of natural habitat in Monterey County.

At five year intervals, the County shall examine the degree to which thresholds predicted in the General Plan EIR for the timeframe 2006-2030 for increased population, residential construction and commercial growth have been attained. If the examination indicates that actual growth is within 10% of the thresholds (10,015 new housing units; 500 acres new commercial development; 3,111 acres new industrial development and 10,253 acres of uncultivated land converted to agriculture) then the County shall initiate a General Plan Amendment process to consider the expansion of focused growth areas established by the 2007 General Plan and/or the designation of new focused growth areas. The County shall update the County General Plan by no later than January 1, 2030 and shall consider the potential to expand focused growth areas established by the 2007 General Plan and/or the designation of new focused growth areas. The purpose of such expanded/new focused growth areas would be to reduce the loss of CEQA-defined special status species and their habitat species and habitat addressed by Policy OS-5.16 due to continued urban growth after 2030. The new/expanded growth areas shall be designed to accommodate at least 80% of the projected residential and commercial growth in the unincorporated County from 2030 to buildout. This update will also address expansion of agricultural operations and potential impacts to CEQA-defined special status species the species and habitat addressed by Policy OS-5.16.

Mitigation Measure BIO-1.5: By 2030, When growth thresholds are exceeded, prepare a Comprehensive County Natural Communities Conservation Strategy Plan.

At five year intervals, the County shall examine the degree to which thresholds for increased population, residential construction and commercial growth predicted in the General Plan EIR for the timeframe 2006-2030 have been attained. If the examination indicates that actual growth is within 10% of the growth projected in the General Plan EIR (10,015 new housing units; 500 acres new commercial development; 3,111 acres new industrial development and 10,253 acres of land converted to agriculture), then the County shall assess the vulnerability of currently non-listed species becoming rare, threatened or endangered due to projected development.

The County shall complete the preparation of a NCCP for all incorporated areas in Monterey County by no later than January 1, 2030 to address all state and federal listed species and all CEQA-defined special status species conservation strategy for those areas containing substantial suitable habitat for plant and wildlife species with the potential to become listed species up to buildout of the County due to development. The County shall invite the participation of the incorporated cities, the federal land agencies, Caltrans and other stakeholders. The NCCP conservation strategy shall also cover preservation of sensitive natural communities, riparian habitat, and wetlands, and wildlife movement corridors and include mechanisms including such as on and off-site mitigation ratios and fee programs for mitigating impacts or their equivalent.

Mitigation Measure BIO-2.1 has been revised to specifically clarify the purpose of the stream setback ordinance and its timing.

Mitigation Measure BIO-2.1: Stream Setback Ordinance

~~The~~ In order to preserve riparian habitat, conserve the value of streams and rivers as wildlife corridors, and reduce sediment and other water quality impacts of new development, the county shall develop and adopt a county-wide Stream Setback Ordinance. The ordinance shall ~~to~~ establish minimum standards for the avoidance and setbacks for new development relative to streams. The ordinance shall identify standardized inventory methodologies and mapping requirements. A stream classification system shall be identified to distinguish between different stream types (based on hydrology, vegetation, and slope, etc.) and thus allow application of standard setbacks to different stream types. The ordinance shall identify specific setbacks relative to the following rivers and creeks so they can be implemented in the Area Plans: Salinas, Carmel River, Arroyo Seco, Pajaro River, Nacimiento, San Antonio, Gabilan Creek, and Toro Creek. The ordinance may identify specific setbacks for other creeks or may apply generic setbacks based on the stream classification developed for the ordinance. ~~The purpose of the ordinance will be to preserve riparian habitat and reduce sediment and other water quality impacts of new development.~~ shall identify appropriate uses within the setback area that would not cause removal of riparian habitat, compromise riparian wildlife corridors, or compromise water quality of the relevant stream.

The Stream Setback Ordinance shall apply to all discretionary development, County public projects, within the County and to conversion of previously uncultivated ~~agricultural~~ land (as defined in the General Policy Glossary) on normal soil slopes over 15% or on highly erodible soils on slopes over 10%. The stream setback ordinance shall be adopted within 3 years of adoption of the General Plan.

In response to comments regarding the mitigation measure for oak woodland impacts, the County has revised Mitigation Measure BIO-2.2 to clarify that it will be undertaken consistent with CEQA's options for oak woodland mitigation and to further specify the acceptable methods of mitigation. The revised measure, with changes show in strikeout and underline, is as follows:

Mitigation Measure BIO-2.2: Oak Woodlands Mitigation Program.

The County shall prepare, adopt and implement a program that allows projects to mitigate the loss of oak woodlands. Consistent with California Public Resources Code Section 21083.4, the ~~The~~ program will ~~would include~~ identify a combination one or more of the following mitigation alternatives:

- a) ratios for replacement,
- b) payment of fees to mitigate the loss or direct replacement for the loss of oak woodlands and monitoring for compliance; and
- c) conservation easements.

The program would identify criteria for suitable donor sites. Mitigation for the loss of oak woodlands may be either on-site or off-site. The program would allow payment of fees to either a local fund established by the County or a state fund. Until such time as the County program is implemented, consistent with Public Resources Code Section 21083.4(b), projects shall pay payment of a fee may be made to the state Oak Woodlands Conservation ~~Program-Fund (OWCF)~~. Replacement of oak woodlands shall ~~be on~~ provide for equivalent acreage and

ecological value at a minimum of 1:1 ratio. The program shall prioritize the conservation of oak woodlands that are within known wildlife corridors as a high priority. The oak woodlands mitigation program shall be adopted within 5 years of adoption of the General Plan.

The following revisions are made to Mitigation Measure BIO-3.1 to identify several useful sources of information on wildlife movement corridors:

Mitigation Measure BIO-3.1: Project-Level Wildlife Movement Considerations.

The County shall require discretionary projects to retain movement corridors of adequate size and habitat quality to allow for continued wildlife use based on the needs of the species occupying the habitat. The County shall require that expansion of consider the need for wildlife movement in designing and expanding major its roadways and public infrastructure projects ~~to~~ provide movement opportunities for terrestrial wildlife and ~~to~~ ensure that existing stream channels and riparian corridors continue to provide opportunities for wildlife movement and access. Among others, sources of information about wildlife corridors in Monterey County can be found in the following references:

- California Wilderness Coalition. 2001. Missing Linkages: Restoring Connectivity to the California Landscape.
- The Nature Conservancy. 2006. California Central Coast Ecoregional Plan Update, October.

The following revisions to Mitigation Measure BIO-3.2 are made to clarify the methods of implementation of the measure:

Mitigation Measure BIO-3.2: Remove Vegetation during the Nonbreeding Season and Avoid Disturbance of Nesting Migratory Birds, Including Raptors, as Appropriate (generally ~~September 16 to January 31~~February 1 to September 15).

~~Vegetation removed in the course of development will be removed only during the nonbreeding season (generally September 16 to January 31). Occupied nests of statutorily protected migratory birds, including and raptors will be avoided during this period~~shall not be disturbed during the breeding season (generally February 1 to September 15). The county shall consult, or require the developer to consult, with a qualified biologist prior to any site preparation or construction work in order to:

- (1) determine whether work is proposed during nesting season for migratory birds or raptors,
- (2) determine whether site vegetation is suitable to nesting migratory birds or raptors,
- (3) identify any regulatory requirements for setbacks or other avoidance measures for migratory birds and raptors which could nest on the site, and
- (4) establish project-specific requirements for setbacks, lock-out periods, or other methods of avoidance of disruption of nesting birds. The county shall require the development to follow the recommendations of the biologist. This measure may be implemented in one of two ways:

- 1) preconstruction surveys can be conducted to identify active nests and if found, adequate buffers shall be provided to avoid active nest disruption until after the young have fledged; or
- 2) vegetation removal can be conducted during the non-breeding season (generally September 16 to January 31); however, removal of vegetation along waterways shall require approval of all appropriate local, state, and federal agencies.

This policy would not apply in the case of an emergency fire event requiring tree removal. This policy would apply for tree removal that addresses fire safety planning, since removal can be scheduled to reduce impacts to migratory birds and raptors.

8.2 Specificity of the Impact Analysis and Mitigation Measures

Commenters have asserted that the Biological Resources section of the DEIR lacks specificity in analyzing impacts and in providing mitigation.

As discussed more fully in Master Response 10 (Programmatic Analysis), the General Plan EIR is a Program EIR, and the 2007 General Plan is a broad statement of policies. As such, the EIR does not need to provide the same level of detail as an EIR on specific construction projects. The EIR provides a comprehensive overview of the County's biological resources, including habitats and special status species; assesses the potential impacts resulting from implementation of the General Plan policies; and provides mitigation measures intended to reduce or avoid significant effects. Quantification of project-level impacts are neither necessary nor appropriate for a General Plan EIR for a County with the size and diversity of Monterey County.

Since the General Plan EIR is a Program EIR, much of the analysis is habitat-based. That is, rather than examining site-by-site impacts to species – which would be speculative given the lack of site-specific development proposals and infeasible given the size and diversity of the area being assessed – the analysis is based on expected changes to the habitats that support species within the County as a result of development under the General Plan. The EIR also provides a general analysis of General Plan policies on species and habitat, consistent with a Program EIR level of detail.

While the DEIR examines impacts to these species at a general level, it does not provide site-or parcel-specific analyses. That level of analysis is neither practical nor feasible at the scale of the General Plan Update, which is setting out the general pattern of land uses and not detailed site-specific development plans. This is consistent with the direction provided in CEQA Guidelines Section 15146(b), which provides that an EIR on a general plan should focus on the secondary effects that can be expected following adoption, but the general plan EIR need not be as detailed as an EIR on a specific construction project that may follow.

Comments also assert a similar lack of detail in General Plan policies and the EIR mitigation measures that would avoid or reduce significant impacts to biological

resources. However, General Plan policies are statements of general principles to guide future actions. They are not regulatory programs or project-specific mitigation measures. Consistent with the general level of detail of the biological impact analysis, the EIR sets forth programmatic mitigation measures that would apply to future projects and site-specific actions. As discussed in Master Response MR-10 (Programmatic Analysis), a Program EIR is permitted to set forth generalized mitigation measures, and General Plan EIR mitigation measures must be flexible enough to address long-term impacts of development in a County with a large land area and broad diversity of habitats.

8.3 Deferral of Mitigation

Commenters questioned the adequacy of the mitigation measures for impacts post-2030, arguing that it is inappropriate to defer these to a subsequent process into the future and that they need to be described in the DEIR. The topic of deferred mitigation is also discussed in the Master Response 10.

Mitigation Measures BIO-1.4 and BIO-1.5 were originally proposed to address potential impacts from growth beyond 2030 based upon regionally adopted growth projections. The proposed revisions to these mitigation measures (described above) address comments regarding the potentially uncertain timeframe for attaining the adopted growth projections in the next two decades. These would ensure that potential impacts are anticipated and mitigated as required by CEQA. These revisions also address comments regarding the potential increase in the footprint of development beyond what is projected in the DEIR for urban, commercial/industrial and commercial agriculture through 2030 by establishing an ongoing review of actual growth against projected growth.

8.4 Addressing Special Status Species

Comments questioned which species were included as “CEQA-defined special status species” in proposed mitigation measures and whether species other than state and federally-listed species should be addressed by General Plan policies or by mitigation in the DEIR. In response, the County, based upon input from Planning Commission workshops (June-August, 2009), revised a number of draft General Plan policies and proposed mitigation measures to clarify how listed species and non-listed species are addressed.

DEIR Chapter 4.9, Biological Resources, considered the approach set out in Section 15065 of the CEQA Guidelines for the purpose of analyzing plant and wildlife species (and their habitats) that are found in Monterey County. The analysis (see page 4.9-22) included federal and state listed species, “CEQA-defined special-status species” which were defined as “plants and animals that are not listed under CESA or FESA but which meet the CEQA definition of a rare, threatened, or endangered species (State CEQA Guidelines Section 15380). Non-listed special-status species included as CEQA-defined special-status species included the following: candidate species under the FESA, plants listed as rare under the California Native Plant Protection Act, plants considered by the CNPS to be “rare, threatened or endangered in California”, species of special concern

identified by DFG, fully-protected animals in California, and species that otherwise meet the definition of rare or endangered based on substantial evidence (per CEQA Guidelines Section 15380).

There were a number of comments questioning the DEIR's use of the term "CEQA – defined special status species" in the impact analysis and asking why the DEIR definition of special status species was different from the definition in the 2007 General Plan glossary (which was limited to listed species only). In order to address these comments, the County modified the language in a number of policies (cited above), including OS-5.16 which now incorporates the language in CEQA Guidelines Section 15065, and also to the biological mitigation measures.

Pursuant to these changes, the General Plan definition of special-status species has been deleted, Policies OS-5.1 through OS-5.4 have been clarified to refer to federal and state-listed species and Policy OS-5.16 refers to all species requiring assessment pursuant to CEQA Guidelines Section 15065. Under Policy OS-5.16, project-level review will be required to assess species similar to how the EIR assesses "special-status species" to the extent necessary to meet CEQA Guidelines Section 15065.

These changes do not change the species considered in the EIR analysis. The EIR analysis continues to consider all special-status species in the impact analysis as described on page 4.9-22.

8.5 Adequacy of Analysis of Impacts on Special Status Species and Habitat

There were a number of comments on the DEIR regarding whether the DEIR adequately analyzed potential impacts to listed and non-listed special-status species (as defined in the DEIR on page 4.9-22). This included references to General Plan policies that commenters did not feel were either sufficiently specific to cover species other than federal and state listed species and were limited in their applicability. Comments also referenced several additional species that the commenters believe should be considered.

8.5.1 Specificity of General Plan Policies

The comments on General Plan policies question the effectiveness of the policies in avoiding or reducing impacts, request details on how the policies will be implemented or enforced, and/or request clarification of the wording or meaning of policies. These comments are often based on an assumption that the General Plan is a compilation of specific regulatory actions or mitigation measures, each of which must meet the standards of specificity and enforceability required of regulations or project-specific mitigation measures. The assumption is incorrect, for the reasons stated below.

As explained in Master Response 10, a General Plan is a long term comprehensive plan for the physical development of the County. (See Government Code § 65300) The General Plan consists of a statement of development policies and includes diagrams and

text setting forth objectives, principles, standards, and plan proposals. (See Government Code § 65302) These policies and objectives are implemented through various other actions, such as specific plans and zoning, which are more detailed and specific. (See Government Code §§ 65359, 65400, 65455, and 65860).

The comments on General Plan policies generally treat each General Plan policy as though it were a regulatory action or mitigation measure which must meet the standards of specificity and enforceability required of regulatory programs or project-specific mitigation measures. In reality, the General Plan policies are general statements of principles that will guide later implementing actions to be undertaken during General Plan implementation. Therefore, the General Plan is not a regulatory program, and General Plan policies for a County of the size and diversity of Monterey County are not intended to be, nor can they feasibly be, site-specific or project-specific.

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

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

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

The County appreciates the commenter's requests for clarification of the wording or meaning of selected policies. The Board will consider these comments in deliberations on adoption of the final General Plan. Responses are provided to individual comments on the policies focusing on their value in protecting biological resources and in contributing to reduction of significant impacts on biological resources. However, as most of the comments on policies concern the General Plan Policies and not CEQA adequacy, only some of the comments are responded to (CEQA does not require responses to comments that do not specifically concern CEQA adequacy).

8.5.2 Adequacy of Species and Habitats Assessed in the DEIR

Certain comments criticized the assessment of species impacts as insufficiently detailed and requested a species by species assessment and greater detail in the impact assessment.

Contrary to these assertions, Chapter 4.9, *Biological Resources* contains an extensive inventory of the special status species that would potentially be affected by planned

development under the General Plan Update (see Tables 4.9-4, Special Status Plant Species, and 4.9-5, Special Status Wildlife Species). For each of the plant species listed, the DEIR discloses the species' federal, state, or California Native Plant Society listing (as applicable); its distribution in California; the habitats in which it occurs; and its blooming period. For each of the fish and wildlife species listed, the DEIR discloses the species' federal and state listing (as applicable); its geographic distribution; and its habitat requirements. As seen from the listings in the tables, the species are not limited to those that are federally and state listed or eligible for listing.

The DEIR provides a habitat-based analysis of potential impacts on these species. Exhibits 4.9-1 through 4.9-9 provide an overview of habitat within the County. The following describes the content and purpose of these exhibits.

Exhibit	Subject	Purpose
4.9-1	Countywide vegetation cover, by vegetation and habitats	Illustrates the existing vegetation within Monterey County.
4.9-2	Plan areas and habitats within the plan areas of the northern portion of Monterey County	Illustrates existing habitat types within the boundaries of the proposed Community Areas, Rural Centers, AHOs, and Wine Corridor.
4.9-3	Plan areas and habitats, Salinas Valley North	Illustrates existing habitat types within the boundaries of the proposed Wine Corridor located in the central inland portion of the County. This focuses on the Salinas Valley from a point north of Chualar to a point south of Greenfield. This covers the Arroyo Seco/River Road and Metz Road segments of the proposed Wine Corridor.
4.9-4	Plan areas and habitats, Salinas Valley South	Illustrates existing habitat types within the boundaries of the proposed Community Areas, Rural Centers, AHOs, and Wine Corridor in the southern portion of the Salinas Valley. This includes the Rural Centers at Bradley, Lockwood, Pine Canyon, Pleyto, San Lucas, and San Ardo, as well as the Jolon Road segment of the Wine Corridor.
4.9-5	Critical habitat, Countywide	Illustrates the designated "critical habitat" for seven federally-listed species: Santa Cruz tarplant, purple anole (plant, not lizard), Monterey spineflower, California red-legged frog, California tiger salamander, South Central California Coast steelhead, and western snowy plover.
4.9-6	Land use conversion 1982-2006, Countywide	Illustrates a 24-year trend for the conversion of habitat to agriculture and urban land uses, as well as the conversion of agricultural land to urban use. This is a Countywide map.
4.9-7	Land use conversion 1982-2006, North County	Illustrates a 24-year trend for the conversion of habitat to agriculture and urban land uses, as well as the conversion of agricultural land to urban use. This map covers the northern portion of the county.
4.9-8	Land use conversion 1982-2006, Salinas Valley North	Illustrates a 24-year trend for the conversion of habitat to agriculture and urban land uses, as well as the conversion of agricultural land to urban use. This map covers the central inland portion of the county, from a point north of Chualar to a point south of Greenfield, focusing on the Salinas Valley.
4.9-9	Land use conversion 1982-2006, Salinas Valley South	Illustrates a 24-year trend for the conversion of habitat to agriculture and urban land uses, as well as the conversion of agricultural land to urban use. This map covers the central inland portion of the county, focusing on the southern Salinas Valley.

One comment stated that two species (California condor and California sea otter) should also be considered in the DEIR. These species have been added to Table 4.9-5 (bringing the total to 49 fish and wildlife species), but as described in response below, impacts to these two species from the General Plan are expected to be less than significant with implementation of General Plan policies and previously identified mitigation measures.

8.5.3 Adequacy of Analysis of Specific Impacts of Discretionary Development on Species and Habitats

Certain comments assert that the DEIR does not adequately analyze impacts on species and habitat from discretionary development because it does not disclose the specific locations of impacts in the DEIR and does not make separate conclusions for each species.

As noted above, the DEIR uses a broad habitat-based analysis to assess impacts to biological resources. The DEIR discloses impacts by development area – proposed Community Areas, Rural Centers, and AHOs (see the discussion beginning on page 4.9-56), as well as for unincorporated areas outside the focused development areas (see the discussion beginning on page 4.9-61). Figure 4.9-1 shows the habitats throughout the County. Figures 4.9-2 through 4.9-4 show the habitats present in the focused growth areas. Table 4.9-7 of the DEIR describes the estimated impacts of General Plan implementation on natural vegetation communities from development in the unincorporated County. The habitats of different special-status species are listed in tables 4.9-4 and 4.9-5. Thus the DEIR approach is to assess habitat impacts broadly and use that impact analysis to disclose potential impacts to different species. Impact mechanisms are also qualitatively disclosed. This is considered an adequate approach to a programmatic EIR for a General Plan.

8.5.4 Adequacy of Analysis impacts from the Ministerial Development of Lots of Record of Species and Habitat

Commenters asserted that development on lots of record in the unincorporated area had either not been included in the biological resource analysis or those impacts had been under-estimated.

The DEIR based its analysis on the assumption that 80 percent of future growth under the General Plan policies through 2030 would occur in focused growth areas (community Areas, Rural Centers) and 20 percent would occur outside the focused growth areas (on lots of record and in subdivisions permitted through the Development Evaluation System). See further discussion of why the County thinks this is reasonably representative of the future growth in Master Response 7.

The DEIR (Table 3-8) indicates that there are approximately 4,629 vacant residential lots in the unincorporated area of the County, of which approximately 3,734 are in areas outside the focused growth areas. These are fairly evenly distributed throughout the inland area of the County (approximately 1.8 million acres) as indicate in Tables 3.8 and

3.9 in the DEIR. Based upon the AMBAG 2004 growth projections, the total number of likely new residential units outside focused growth areas by 2030 would be approximately 2,003 (20 percent of 10,015), some of which will be on lots of record under ministerial permits, some of which will be on lots of record under discretionary permits, and some of which will be in new subdivisions.

The provisions of County Code Section 21.66.020 (Standards for Environmentally Sensitive Habitats) apply to areas known by available information to contain environmentally sensitive habitats (defined as habitat for listed species), including lots of record. Thus, for example, applicants who are applying for permits in the area of the County within the known range of the kit fox are required to retain a consultant to prepare a biological survey pursuant to existing code requirements. New home construction in this area of the County is required to obtain an Administrative Permit (which is a discretionary permit). In addition, Mitigation Measure BIO-1.2 (conservation strategy for the kit fox) would apply to all future development in the kit fox range, including lots of record. Further, the federal and state endangered species acts restrict and regulate take of listed species provide additional protections for listed species.

The DEIR assumes that based on the number of potential units that would be built, the distribution of lots of record throughout the unincorporated area, and the distribution of species and habitats throughout the unincorporated area, there are unlikely to be impacts as a result of development on legal lots done pursuant to ministerial permits that would reduce the habitat of a specific species, cause a specific species to drop below self-sustain levels, threaten to eliminate a plant or animal community or substantially reduce the number or range of an endangered, rare or threatened species (see page 4.9-76 in the DEIR). This analysis is based on a conservative assumption that likely overestimates the amount of development that would occur on areas outside of focused growth areas, i.e., - that all 2,003 units are built by 2030. This is not a likely scenario, given the downward change in growth projections that was estimated in the AMBAG 2008 Growth Forecast from the 2004 Forecast utilized by the County for the DEIR analysis. Moreover, it does not take into consideration units outside focused growth areas that would be subject to a discretionary permit and therefore would require consideration of biological impacts (e.g. residential development in Design or Scenic Zoning districts; high archaeological zones, or development on slopes over 25 percent).

Regarding erosion and indirect impacts to fish habitat and species, development on lots of record on slopes over 25 percent is prohibited pursuant to modified Policy OS-3.5 unless there is no alternative that would allow development to occur on slopes less than 25 percent or the development better achieves resource objectives and policies of the County. Under this exception, a discretionary permit would be required. For development on slopes less than 25 percent, the County requires that a grading permit be obtained for any earth movement greater than 50 cubic yards (Monterey County Code, Title 16, Ch. 16.08). The County's grading and erosion control ordinances (Monterey County Code, Title 16, Ch. 16.08 and 16.12) includes strict provisions for erosion control both during construction and as part of final site design.

In conclusion, site-specific analysis of the biological impacts of development on lots of records is required when it occurs within listed species habitat or when a discretionary permit is required. For those remaining permits that will be subject to a ministerial

permit, the overall scale of effects on biological resources from development is limited and dispersed. Based upon the factors cited above, development on lots of record would not create new or worse significant biological impacts beyond those evaluated in the DEIR.

Please refer also to revised Mitigation Measures BIO-1.4 and BIO-1.5, described above. These mitigation measures require the County to consider the addition and/or expansion of focused growth areas as actual growth reaches certain target levels to reduce sprawl, and to develop a conservation strategy to address biological resources with the potential to become listed species due to development.

8.5.5 Adequacy of Analysis of Impacts from Agricultural Development on Species and Habitat (Please also refer to Master Response 3)

Regarding agriculture impacts on species and habitats, a number of comments assert a vastly different and large amount of agricultural conversion would occur under the General Plan. For example, comments submitted by Landwatch (comment O-11g) included an Exhibit A (prepared by The Nature Conservancy) that shows large expanses of area west and east of the Salinas Valley as being subject to agricultural conversion simply because the land is designated for farming, resource conservation, or grazing in the land use map. Landwatch Exhibit B identifies that there are 1.04 million acres shown in Exhibit A with intact natural vegetation subject to agricultural conversion, of which about 600,000 acres are on slopes less than 25 percent and the remaining 400,000 acres are on slopes more than 25 percent.

These numbers are much higher than the current amount of County important farmland, which totals around 236,142 acres (see Table 4.2-5 in the DEIR), and the total of all County agricultural areas of 254,491 acres (see Table 4.9-1 in the DEIR). Given limited growth rates for agricultural development under the General Plan starting with this baseline, a very small percentage of the 1.04 million acres would likely be converted to agricultural uses.

As shown in Figure 4.9-1 in the DEIR, nearly all of the extant farmland is within and immediately adjacent to the Salinas Valley, whereas Landwatch Exhibit A shows areas extending 10 miles west and up to 15 miles east of the Salinas Valley as potentially being converted. If all of the areas shown in Landwatch Exhibit A were converted from their natural land cover, such a massive expansion of agriculture would indeed have dramatic impact on species and habitat. However, such an expansion is highly unrealistic as it would represent a nearly five-fold increase in the existing amount of County agricultural land, would involve beginning new agricultural activity on sub-optimal soils found outside of river valley bottoms, and would involve substantial water constraints to obtain water outside the productive alluvial aquifers along the Salinas River.

Most of the areas of intact vegetation shown as subject to conversion in Landwatch Exhibit A are outside Zone 2C for the Salinas Valley Water Project. Zone 2C is the defined benefit assessment area for the operation and maintenance of Nacimiento and San

Antonio Reservoirs and the Salinas Valley Water Project. Agricultural areas outside of Zone 2C would thus be reliant on water supplies not derived from the Salinas Valley alluvial groundwater aquifer. As these water supplies would be derived from fractured zones, which in general are far less productive than alluvial aquifers, they are considered less reliable and less supportive of agricultural expansion.

Please also see Master Response 3, regarding the level of future agricultural growth in the County. As explained therein, the assertions in certain comments on the DEIR (including those submitted by Landwatch) that there will be hundreds of thousands of acres of agricultural conversion of natural land covers are contradicted by evidence considered by the County. These considerations include the historic pace of agricultural growth in Monterey County, physical constraints relative to soil capability, access, and water that act to limit the location and extent of future agricultural conversions. As explained in MR-3, the County finds that the EIR's revised estimate of approximately 10,253 acres of agricultural conversions between 2006 and 2030 are reasonable and up to 39,148 acres of agricultural conversion by 2092 are based on substantial evidence.

Based on comments received on the DEIR and in accordance with discussions at workshops conducted by the Planning Commission on possible modifications to policies and mitigation measures, the County also modified Policy OS-3.5 (slope). The changes to this policy require that cultivation of previously uncultivated land on slopes exceeding 15 percent but not exceeding 25 percent (or on slopes that exceed 10 percent if on highly erodible soils) would be subject to a discretionary permit which would require protection of important vegetation and wildlife habitats consistent with revised OS-5.16 described above. Further, there is a cap on conversion on slopes over 25 percent with a limited exception. Permits issued consistent with this exception would require approval of management plans for discretionary permits. Similarly, a requirement was added to the AWCP that would require a biological study per OS-5.16 for proposed artisan wineries and ancillary uses. Please refer to Master Response 3 for a more detailed discussion of these issues pertaining to agricultural development and policy modifications.

A further consideration are the County's standards for agricultural uses (found in County Code section 21.66.030) which apply to all new conversions in all zoning districts where agricultural uses are allowed. These standards require the preparation of an agricultural management plan, including the identification of agricultural management techniques and proposed development or development alternatives to reduce erosion, protect water quality, and minimize impact to plant and animal habitats. The agricultural management plan is reviewed by the Natural Resource Conservation Service (formerly the Soil Conservation Service), County Agricultural Commissioner, and the Planning and Building Inspection department. While the agricultural management plans would not necessarily require preservation of a site in its entirety when environmentally sensitive habitat is present, this review process allows for site modifications to preserve certain site features, including stream areas, aquatic features, and, where feasible, movement areas for wildlife.

Some comments assert that "routine and ongoing" agriculture will result in significant impacts to species and habitats. As explained in the DEIR on page 4.9-76, while "routine and ongoing" agricultural activities would affect CEQA-defined special-status species, these activities will occur primarily on agricultural properties that were previously

converted from natural land and are already committed to crops. In addition, agriculture is subject to the RWQCB's Agricultural Waiver Program, which also concerns water quality protection. Participation in the Permit Coordination Program and compliance with the requirements of the Agricultural Waiver program would minimize indirect off-site effects of agriculture on downstream aquatic habitat that support CEQA-defined special-status species. For these reasons, the impact of "routine and ongoing agriculture", where it does not result in conversion of natural lands, is considered to be less than significant.

Some comments assert that any agricultural conversion of natural land covers should be considered significant (especially where special-status species or particularly sensitive vegetation communities are involved) and thus that mitigation should be applied to all (or most) agricultural conversions. As discussed in the DEIR on page 4.9-6, as shown in the pattern of historic conversion (see Exhibits 4.9.6, 4.9.7, 4.9.8, and 4.9.9), conversion of natural communities would be widely dispersed geographically throughout the ranges of CEQA-defined special-status species addressed in this document. Thus future habitat conversions are expected to be dispersed and not concentrated in a way that they would substantially change overall populations of CEQA-defined special-status species. New agricultural development would be subject to the Agricultural Waiver Program concerning water quality protection, which will protect downstream aquatic species habitat that contains CEQA-defined special-status species from indirect water quality effects. For agricultural conversions on slopes greater than 15 percent, revised Policy OS-3.5 requires a discretionary permit that will require project-level of impacts and mitigation. Based on the assumption that conversion of previously uncultivated lands is not anticipated to exceed the previous 24 year trend (1982 – 2006) in the County (approximately 466 acres per year), the sporadic and discontinuous pattern of crop expansion, the extensive geographic distribution of agricultural operations especially within the Salinas Valley, and the application of current regulatory requirements to address off-site water quality impacts, agricultural conversion is not considered to result in a significant impact to CEQA-defined special-status species or their habitat.

8.5.6 Conclusion

As shown above, the DEIR evaluated impacts to a full range of special status species, included consideration of impacts related to primary threats, i.e., loss of habitat, habitat fragmentation, and habitat degradation. The General Plan and EIR set forth a number of polices and mitigation measures (as revised) that will avoid or substantially reduce impacts to special status species during General Plan implementation through 2030. Facts and analysis in the DEIR, confirmed by the analysis provided in responses to comments, provide substantial evidence to support the conclusions that impacts to special status species (Impact BIO-1) would be less than significant with mitigation through the horizon year of 2030 [see page 4.9-75 to 4.9-76], and significant and unavoidable through buildout [see page 4.9-78].

8.6 Adequacy of Analysis and Mitigation in the EIR for Specific Biological Resources

The County received specific comments questioning the adequacy of the EIR analysis and protection afforded by General Plan policies and DEIR mitigation measures for threatened and endangered fish species, Yadon's piperia, oak woodlands, and Monterey pine forest, California condor, and the southern sea otter. The discussion below provides further clarification and amplification of the protections that are afforded in the General Plan and EIR identified mitigation.

8.6.1 Adequacy of Analysis of Impacts on Steelhead

Commenters contend that the analysis does not consider the effects on steelhead in the Salinas River as a result of the SVWP and future development under the General Plan.

Master Response MR-4 addresses the potential impacts of the SVWP and its expansion on steelhead. Table 4.9-5, Special Status Wildlife Species, identifies the South Central California coast steelhead and the tidewater goby as listed fish that occur in Monterey County. Exhibit 4.9-5, the map of critical habitat, identifies those rivers and streams identified as critical habitat for the South Central California coast steelhead. Policy OS-4.1 of the Draft General Plan provides that: "Federal and State designated native marine and fresh water species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant shall be protected. Species designated in Area Plans shall also be protected." Policies OS-5.1 through 5.4 also seek to protect listed species and critical habitat, including steelhead. Per OS-5.16, all discretionary projects will be required to address significant impacts to biological resources. These policies will be implemented through the zoning, subdivision, and other County land use ordinances. Thus, the DEIR adequately discloses potential impacts to steelhead.

8.6.2 Adequacy of Analysis of Impacts on Yadon's piperia

Commenters assert that the DEIR did not adequately assess or mitigate the General Plan's impacts on Yadon's piperia. Yadon's piperia is a perennial orchid found in coastal Monterey County that is listed as endangered under the federal Endangered Species Act. It is included in Table 4.9-4 under its common name of "Yadon's rein orchid" and is identified as one of the rare plants that occur in Monterey pine forest habitat (see page 4.9-15). The U.S. Fish and Wildlife Service designated 2,117 acres within Monterey County as critical habitat for this species, effective November 23, 2007. The critical habitat for this species was not illustrated on Exhibit 4.9-5. Maps that illustrate the location of the designated critical habitat (Federal Register 2007) are provided in Chapter 4 of the FEIR.

Although this is new information, it is not significant new information in the context of the CEQA analysis because the information does not show that a new significant environmental impact would result, nor does it show a substantial increase in the severity

of an environmental impact requiring new mitigation measures. All of critical habitat units 1, 6, 7, and 8 and most of unit 2 are in coastal areas governed by local coastal plans (LCPs) that would not be changed by the 2007 General Plan. A small portion of critical habitat unit 2, as well as all of critical habitat unit 3, are in the North County Planning Area wherein development is limited to lots of record. Unit 4 consists of unincorporated land owned by the Pebble Beach Company north of Jack's Peak; development on this land, if proposed would be subject to all requirements for discretionary development as the land is currently unsubdivided (as well as the requirements of the federal endangered species act). Unit 5 consists of land owned by the Pebble Beach Company east of SR1 that is within the City of Monterey city limits and thus not affected by the 2007 General Plan. The absence of these maps from the DEIR does not change either the significance determination, or the mitigation for impacts on this species.

The Monterey Airport/Highway 68 AHO is located just north of critical habitat Unit 4 and near a known location for Yadon's piperia near the Monterey Airport. As the AHO is discretionary development, Policy OS-5.16 will apply as will project-level CEQA review. Although a comprehensive survey of the site has not been conducted, based on available information from the California Natural Diversity Database (2010), if Yadon's piperia is present on the AHO site, it would likely be limited to the portions of the AHO site containing forest or chaparral cover, because this plant does not grow well in open exposed areas and needs some level of overstory in order to thrive. Since the AHO site contains substantial areas of grassland, there are substantial areas that are likely to not contain this species wherein development could be placed without likely affecting this plant. Thus, the potential impacts to Yadon's piperia can be addressed at the project level through consideration of avoidance, minimization, and project-level mitigation.

General Plan protection of endangered species and critical habitat was developed at a programmatic level. It was aimed at protecting all endangered species and critical habitat, including Yadon's piperia, through protection of critical habitat and avoidance/mitigation in specific projects. The General Plan Update includes a number of policies intended to protect critical habitat. These include the following revised policies: OS-4.1 (protection of federally listed species); OS-5.1 (inventory and mapping of critical habitat in GIS); OS-5.3 (development to be planned to conserve and maintain critical habitat); OS-5.4 (development to avoid, minimize, and mitigate impacts on critical habitat to the extent feasible); and OS-5.16 (biological study prior to development). The more precise mapping of critical habitat in the County's GIS database that will result from implementation of Policy OS-5.1 will ensure that future development projects make allowances for protection of the affected species – including Yadon's piperia. The availability of critical habitat maps will simplify the application of these policies and improve their effectiveness. The policies will be implemented through legal requirements for zoning and subdivisions to be consistent with the General Plan.

8.6.3 Oak Woodlands

Commenters assert that the DEIR did not adequately assess or mitigate the General Plan's impacts on oak woodlands. The analysis below demonstrates that contrary to these assertions, the DEIR impact analysis and mitigation measures for oak woodlands were adequate and meet CEQA's requirements.

Oak woodlands are a relatively common vegetation type within Monterey County. As illustrated in Exhibit 4.9-1, oak woodland is distributed widely throughout the County, with the exception of the Salinas Valley. Oak woodland, and its habitat value, is discussed beginning on DEIR page 4.9-13.

The estimated impacts of development under the Draft General Plan, in terms of total acreage within County jurisdiction and the acreage estimated to be affected by development, are illustrated in revised Table 4.9-7 (see Chapter 4). Approximately 2,045 acres of oak woodlands and savannah are estimated to be affected by development under the Draft General Plan. As described in the note in revised Table 4.9-7 (see Chapter 4), this number was estimated by overlaying the proposed development designations (residential, commercial, etc.) on the County's GIS vegetation map.

As described in the DEIR, the existing County tree ordinance requires replacement of mature (> 6 inch diameter) oak trees removed by development and the DEIR adds an oak woodland mitigation program as Mitigation Measure BIO-2.2 to require replacement of oak woodlands on a minimum 1:1 basis on an acreage and ecologic function basis. Thus impacts associated with development are identified in the DEIR and feasible mitigation identified for identified significant impacts.

Regarding agricultural conversions of oak woodland, Table 4.9-8 illustrates the estimated amounts of oak woodland (and the similar oak savanna) that could be converted to agricultural use by 2030 and by the 2092 buildout year. This estimate was calculated by extrapolating historic rates of conversion over the period from 1982 to 2006. The 1982 – 2006 period was chosen to provide a reliable historic rate of conversion. Averaging changes over a period of more than 20 years avoids the skewed results that might occur if a single year or shorter period were chosen. Although yearly rates of conversion may be higher or lower than the average, depending on market forces, weather, and other variables, this methodology provides a logical approach to projecting the level of future conversion. Using GIS, the County's 1982 vegetation base map was compared to the 2006 State Farmland Mapping and Monitoring Program maps for Monterey County to determine the amount and general location of oak woodland historically converted to agricultural uses. Using this information, a historic rate of conversion was developed.

The estimated amount of agricultural conversions are listed in Table 4.9-8 (updated in the FEIR, see Chapter 5) as 599 acres of oak woodland and 45 acres of oak savannah by 2030 (compared to 416,786 acres of oak woodland and 201,194 acres of oak savannah estimated extant in 2006 in revised Table 4.9-1). For 2030, the estimated conversions represent approximately 0.1 percent of extant oak woodland and less than 0.1 percent of oak savannah. The DEIR concludes that agriculture conversion of sensitive vegetation communities, including oak woodlands is less than significant for 2030 in consideration of the dispersed nature of agricultural conversion and the overall limited extent of estimated conversion. However, the DEIR concludes that impacts to sensitive vegetation communities beyond 2030 to buildout are significant and unavoidable given the uncertainty about the level of agricultural conversions beyond 2030 (which the EIR estimated as being approximately four times that of 2030) along with other uncertainties about what type of threats might affect sensitive vegetation communities.

8.6.4 Monterey Pine Forest

Commenters assert that Monterey pine forest is an important vegetation type, particularly in the coastal portions of the County, and that the DEIR did not adequately assess the impacts of General Plan implementation on Monterey pine forest.

Unlike oak woodlands, native Monterey pine forest has only limited distribution in Monterey (and limited worldwide distribution). As disclosed on Table 4.9-4, Monterey pine (*Pinus radiata*) is also California species of concern and is on the California Native Plant Society's 1B.1 (seriously endangered) list. As Monterey Pine is also a rather common planted tree worldwide, both within and outside of its native range, the significant biological resource is the native forest stand of Monterey Pine within its historic native range. Monterey pine, as a species, is not in any danger of going extinct as it is planted worldwide. What is important, however, is the biodiversity of the native stands of Monterey Pine, most of which are found in Monterey County. Planted Monterey Pines can be part of conservation efforts when grown from local seed and planted into the same stands from which the local seed was collected. However, planted Monterey Pines that are planted outside of their native stands can actually reduce the biodiversity of the forest by artificially changing the genetic balance within the forest. In addition, planted Monterey Pines outside of their historic range do not contribute to the conservation of the native stands and thus are not considered important as a significant biological resource. Thus, the focus of concern is on native stands of Monterey Pine and not on planted Monterey Pines unless specifically part of a planting effort that retains the biodiversity of the forest.

Monterey pine forest occurring within the Coastal Zone is protected by the policies of the County's coastal Land Use Plans (LUPs). The General Plan Update does not revise any of the County's certified Local Coastal Programs, nor does it propose land use changes in the Coastal Zone, therefore, these protections would remain in place. For example, the Del Monte Forest LUP identifies the Monterey pine/Bishop pine association as indicative of a protected Environmentally Sensitive Habitat Area. A policy of this LUP more broadly requires the protection of "rare, endangered, and sensitive native plant and animal habitats which potentially occur in the area..." Further protection of Monterey Pines within the Coastal Zone would be a subject for consideration at the time the County revises the Del Monte Forest LUP.

The Monterey pine forest vegetation community is described on page 4.9-15. Pursuant to a comment on the DEIR, the base vegetation map reflected in Figure 4.9-1 was updated with the most recent map of the current extent of Monterey Pine Forest in Monterey County which was prepared as part of the EIR for the Pebble Beach Company's Del Monte Forest Preservation and Development Plan (Monterey County 2004b). With this estimate, there was approximately 9,400 acres of Monterey pine forest in the County, including the Coastal Zone as of 2004.

With the revised mapping of Monterey pine forest, revised table 4.9-7 now estimates that about 246 acres of Monterey pine forest could be affected by development allowed by the 2007 General Plan in inland areas during the planning horizon. Table 4.9-8 does not include Monterey pine forest in its estimate of future agricultural conversions because

due to its location near the coast and outside of riverine valleys with agricultural soils, agricultural expansion is not expected to substantially affect this vegetation cover.

For areas outside the Coastal Zone, the County already has conducted extensive surveys of Monterey pine habitat and has updated vegetation maps. These provide guidance to staff in their review of permit applications for development that would occur in the Monterey pine range. There are several General Plan policies that will minimize the loss of Monterey pine forest in inland areas. Since Monterey pine is on the CNPS 1B list, development in its habitat will trigger the need for a biological survey under proposed Policy OS-5.16 (see the description above). Proposed Policy OS-5.11 would promote conservation of the inland locations of native Monterey pine habitat. Proposed Policy OS-1.7 would also help to provide a mechanism for preservation on private land by promoting a voluntary, transfer of development rights program.

In summary, the analysis of impacts of General Plan implementation on Monterey pine in the EIR is adequate. The occurrence of Monterey pine is limited outside the coastal zone, and existing programs combined with General Plan policies and project-level review would assure that impacts on Monterey pine and Monterey pine forest would be less than significant in the inland areas.

8.6.5 California Condor

Comment was submitted stating that impacts of the 2007 General Plan on the California condor should be addressed in the EIR.

California condors were reintroduced in the Big Sur area (Ventana Wilderness) in the late 1990s and now nesting there, as well as in a remote site in San Benito County (Pinnacles National Monument). In 2009, there were five breeding pairs on the Central Coast. The biggest everyday threats to the species are from the ingesting of lead (spent bullets in dead animals) and trash, and electrocution from power line collisions. (Ventana Wildlife Society 2010 and 2009) The condors are nesting in areas removed from human habitation and within federal lands. As a result of the recovery plan provisions, close watch is kept on the animals. The need to both protect the breeding pairs (to ensure genetic diversity in the species) and ensure the success of their chick rearing, condors will not be allowed to nest outside of these controlled areas. As a result, the 2007 General Plan is unlikely to significantly affect either breeding or nesting of the condors to 2030. Beyond that time, the situation is unknown, but is expected to remain less than significant assuming that the recovery plan or subsequent revision remains in operation.

The occasional loss of condors from accidents and ingestion of toxic or obstructive materials is an ongoing problem, but is not expected to increase as a result of the 2007 General Plan because there is little additional development projected to occur on the coast pursuant to the 2007 General Plan and inland development will be to the north of the areas of greatest condor activity. This impact is considered less than significant.

Table 4.9-5 has been revised to include the California condor. See Chapter 4, Changes to the Text, of the FEIR.

8.6.6 Southern Sea Otter

Comment was submitted stating that impacts of the 2007 General Plan on the California sea otter should be addressed in the EIR.

The southern sea otter is a large member of the weasel family that lives in shallow California coastal waters. It is federally-listed as a threatened species and has “fully protected” status under California law. No critical habitat has been designated. Sea otters are well-established in Monterey County and are found along the length of the county coastline, as well as in Elkhorn Slough. The main threats to the species are from habitat degradation, infectious disease/water pollution, and human take. (U.S. Fish and Wildlife Service 2003) Sea otter populations have fluctuated in recent years, with little or no long-term increase in numbers, despite ongoing recovery efforts and protections.

The 2007 General Plan is focusing primarily on inland activities and is not making changes to the County’s certified Local Coastal Program. Therefore, it will have little or no direct impact on activities along the coast that may directly affect the sea otter. As described in Section 4.3, Water Resources, of the DEIR, the 2007 General Plan (in recognition of existing regulations, the proposed policies, and DEIR mitigation measures) is expected to have a less than significant effect on water quality (DEIR, pp. 4.3-111 – 4.3-113 and 4.3-168 – 4.3-170). Therefore, it will not have a significant indirect effect on sea otters as a result of increased water pollution in Monterey Bay, Elkhorn Slough, and elsewhere along the Monterey County coast.

Table 4.9-5 has been revised to include the southern sea otter. See Chapter 4, Changes to the Text, of the FEIR.

8.7 Impacts to Wildlife Movement Corridors

Comments on the DEIR concerning wildlife movement and corridors raised the following issues:

- 8.7.1 Identification of Wildlife Corridors and Overall Impact Conclusions
- 8.7.2 Impacts of Agricultural Growth (in General)
- 8.7.3 Impacts of the Agricultural Wine Corridor Program
- 8.7.4 Impacts of Urban Growth (including Lots of Record) and Highways

8.7.1 Identification of Wildlife Corridors

Certain comments asserted that the DEIR should have identified a far more detailed and expansive list of wildlife corridors. Please see Master Response MR-10 regarding the level of detail expected of a Program EIR for a general plan.

DEIR Approach

The DEIR identified six broad wildlife corridors on pages 4.9-42 and 4.9-43 under “Habitat Connectivity/Wildlife Movement.” Four of these were based on the Missing Linkages assessment (California Wilderness Coalition, 2001) and the list was supplemented by two broad wildlife corridors identified by the EIR consultant. All six corridors were identified as critical to retaining the viability of local wildlife populations. The DEIR concluded that overall impacts of the 2007 General Plan on these six corridors were significant, but that mitigation measures would reduce these impacts to less than significant levels.

The corridors are described as follows in the DEIR:

- *Santa Cruz Mountains to Gabilan Range*—Due to development and agriculture along the edge of Monterey Bay, wildlife movement between the Gabilan Range to the Santa Cruz Mountains facilitates interaction between populations in these ranges. Key areas of concern relative to maintaining connectedness is development along Highway 101 and Highway 101 itself.
- *Santa Lucia Mountains to Fort Ord*—A north-south corridor exists between the Santa Lucia Mountains and Fort Ord crossing Carmel Valley, the Toro Plan Area and Highway 68. Retaining the connectedness in this area is contingent on managing development along Highway 68 and in Carmel Valley, the Toro Area, and Cachagua as well as managing connections across Highway 68.
- *Salinas Valley (east-west)*—A general east-west corridor exists across Salinas Valley that connects the Gabilan Range to the east with the Santa Lucia Range to the west in the north part of the valley and connects the Fort Hunter Liggett and Camp Roberts Areas to the Diablo Range and Cholame Hills to the east. Without retaining some connectedness across the valley, the habitat blocks between the valley and the coast are subject to isolation from the mountains and prairies of eastern Monterey County.
- *Salinas River (north-south)*—The Salinas River provides a migration corridor from Monterey Bay upstream for steelhead into the Arroyo Seco River (where spawning occurs) as well as a general north-south movement corridor along the river corridor. Wildlife movement also occurs through upland and agricultural areas west and east of the river.
- *Carmel River*—The Carmel River provides a wildlife movement corridor for steelhead, California red-legged frogs, and a variety of other wildlife species in a generally east-west direction in Carmel River. Conditions along the river corridor vary from undeveloped to developed depending on location.
- *Pajaro River*—The Pajaro River is a steelhead migration corridor from Monterey Bay to spawning and nursery habitat in the upper watershed reaches in Santa Clara County and back. Other wildlife moves along the river as well.

Identification of Specific Wildlife Corridors

In its comments on the DEIR (O-11g), Landwatch submitted a reference to a Nature Conservancy 2006 Report (California Central Coast Ecoregional Plan Update) and

additional data (Landwatch Exhibit A, “TNC Intact Natural Vegetation Designated for Agriculture in Southern Monterey County, 2009” and Landwatch Exhibit C, “the Nature Conservancy, Linkage Summary for the Central Coast, 2009”) that Landwatch argues identifies additional wildlife corridors in Monterey County that should have been evaluated in the DEIR in greater detail. Most of the linkages identified by Landwatch fit within the broader wildlife corridors identified in the DEIR. However, a few of the linkages in the Landwatch exhibits were not mentioned in the DEIR.

In addition, CDFG identified a series of wildlife corridors that it was concerned about. All of the wildlife corridors mentioned by CDFG were addressed in the DEIR with the exception of the Monterey Peninsula to Santa Lucia Mountains linkage.

All of the linkages mentioned by Landwatch and CDFG, including those mentioned in the Landwatch exhibits, are included in Table BR-1 below. Table BR-1 describes, in broad terms, the potential development from the 2007 General Plan that may affect wildlife movement. As presented in the table, for the linkages that fit within the broad corridors identified in the DEIR, considering the overall scale of development and agricultural conversions, the effect of 2007 General Plan policies, and the effect of mitigation identified in the DEIR (Mitigation BIO-1.2 and BIO-3.1), the conclusion in the DEIR that impacts can be mitigated to a less than significant level remains unchanged.

For the linkages identified in the Landwatch comments that are not mentioned in the DEIR, five (Linkages 309, 311, 319, 347, 373) would experience minimal-to-no effect from 2007 General Plan implementation because they are outside the non-coastal County or are located in areas with little urban or agricultural development pressure. For three other linkages (Linkages 315, 346, 354, and 376) identified in the comment that are not mentioned in the DEIR, as identified in Table BR-1, the impact of the 2007 General Plan would be potentially significant, but less than significant with implementation of General Plan policies and EIR mitigation measures. Regarding the one linkage mentioned by CDFG (Monterey Peninsula to Santa Lucia Mountains) that was not addressed in the DEIR, as indicated in Table BR-1, the General Plan is not expected to have a significant impact on this corridor after application of General Plan policies and EIR mitigation measures. Thus, with consideration of these specific corridors, the level of overall impact to wildlife corridors would not change from that disclosed in the DEIR.

Changes to DEIR

Enhancements to three DEIR mitigation measures are proposed to further protect wildlife corridors. BIO-2.1 (Stream Setback Ordinance) has been modified to include conservation of the value of streams and rivers as wildlife corridors in the purpose statement and to include consideration of the use of streams as wildlife corridors in the preparation of the Stream Setback Ordinance. Mitigation Measure BIO-2.2 (Oak Woodlands Mitigation Program) has been modified to prioritize creation of oak woodland conservation areas where they can also be of benefit to preserving wildlife movement corridors, wherever feasible. By doing so, oak woodland conservation efforts can achieve co-benefits for wildlife movement. Mitigation Measure BIO-3.1 (Project Level Wildlife Movement Considerations) has been modified to add reference to existing

sources of information (including those mentioned in the Landwatch comment letter) for consideration when evaluating specific project proposals in terms of their potential effect on wildlife corridors along with other available information. This will serve as a reminder at the project planning phase to consider the identified wildlife corridors during subsequent CEQA evaluations. Please see the early part of this response (Section 8.1) and FEIR Chapter 4 for the specific revisions.

The remainder of this Master Response further supports the above conclusions through specific considering the impacts of agricultural growth, the AWCP, urban development, and new infrastructure on wildlife corridors.

Table BR-1. Review of Potential Impacts of the 2007 General Plan on Specific Wildlife Corridors in Monterey County

Wildlife Corridor/ Linkage	Description of Linkage (from Landwatch/TRA/TNC, unless noted otherwise)	Development Areas in 2007 General Plan	Discussion (Please also refer to Master Response MR-8 for wildlife corridor impacts of different General Plan land use types)
<i>Santa Cruz Mountains to Gabilan Range</i>			
Linkage 81: Santa Cruz Mtns. – Gabilan Range	Exhibit A shows corridor from northeastern Monterey County into Santa Cruz County. No description in Exhibit C.	Greater Salinas Planning Area (E side) North County Planning Area Highway 101 Prunedale Bypass Limited agricultural conversion potential	The identification of these linkages in the comment letter is consistent with the description of this broad corridor in the EIR. Greater Salinas Planning Area Policies - Policy GS-5.1 requires that Gabilan Creek be maintained in a natural riparian state. North County Planning Area Policies - Policy NC-1.3 states that large acreages in higher elevations and on steeper slopes should be preserved and enhanced for grazing, where grazing is found to be a viable use. Policy NC-1.5 states that development on properties with residential land use designations located within the North County Area Plan shall be limited to the first single family dwelling on a legal lot of record. There is limited development potential in the high elevations of the hills east of Salinas and Prunedale as these areas are mostly designated for grazing. The North County area is limited to legal lots only. No focused growth areas are proposed in this corridor. If a Prunedale Bypass is advanced, project level analysis will need to consider effects on wildlife corridors. New agricultural conversions in this corridor are expected to be limited in scale. Before mitigation, impacts to these wildlife corridors are considered less than significant for agriculture and ministerial development on legal lots, but significant for discretionary development, including urban development and roadways. Mitigation BIO-2.1 will require setbacks along streams and Mitigation BIO-3.1 will require consideration of corridor issue for discretionary projects, including roadway projects. With mitigation, the impacts of the 2007 General Plan are considered less than significant.
Linkage 329: Santa Cruz Mtns. – Gabilan Range	“Broadly defined regional coarse- scale corridor to link major ranges”.		
Linkage 340: Gabilan Creek – Aromas Hills	“Links northern Gabilan Range to Santa Cruz Range via hills around Prunedale and Aromas”		
Linkage 305: Santa Cruz – Mt. Hamilton	“Landscape linkage, chokepoint” for “mountain lion, medium-size carnivores” through “mixed coniferous oak woodland, serpentine grassland, chaparral, redwood.”		
Linkage 363: Santa Cruz Mtns. – Gabilan Range	“Broadly defined corridor to link major ranges; overlaps with 305, 363, and 329 which are located along different elevations but serve same purpose.”		

Wildlife Corridor/ Linkage	Description of Linkage (from Landwatch/TRA/TNC, unless noted otherwise)	Development Areas in 2007 General Plan	Discussion (Please also refer to Master Response MR-8 for wildlife corridor impacts of different General Plan land use types)
<i>Santa Lucia Mountains to Fort Ord</i>			
Linkage 308: Fort Ord – Ventana	Key species identified as “coyote, bear, bobcat, and mountain lion” through “maritime chaparral, grassland and oak woodlands.”	Fort Ord, Toro and Cachagua Planning areas SR 68 Widening	<p>The identification of these linkages in the comment letter is consistent with the description of this broad corridor in the EIR.</p> <p>Fort Ord policies - Biological Resources Policy A-3 requires the County to maintain the habitat values and integrity of the habitat corridor through the western portion of the Recreational Vehicle Park/Youth Camp. Policy A-4 requires the County to protect the habitat corridor in the RV park/youth camp parcel from degradation due to the development in, or use of, adjacent parcels. Policy A-7 requires the County to coordinate with California State University and UCNRS to minimize the potential for HMP species in the habitat conservation and corridor areas adjacent to CSUMB land to be adversely affected by human activity associated with access. Policy B-2 requires County coordination with the Cities of Seaside and Marina, California State University, FORA and other interested entities in the designation of an oak woodland conservation area connecting the open space lands of the habitat management areas. Policy B-3 requires the County to preserve, enhance, restore and protect vernal ponds, riparian corridors and other wetland areas. Biological Resources Policy E-2 requires the County to monitor activities that affect all undeveloped natural lands, including, but not limited to conservation areas and habitat corridors as specified and assigned in the HMP.</p> <p>Toro Area Plan policies - Policy T-1.7 Development on properties with residential land use designations located within the Toro Area Plan along the Highway 68 corridor shall be limited to the first single family home on a legal lot of record.</p> <p>Cachagua Area Plan policies - Policy CACH-1.4 stipulates that new development adjacent to the Ventana Wilderness not impact the purpose of the wilderness areas. Policy CACH-3.7 protects riparian vegetation and threatened fish species along the Carmel and Arroyo Seco Rivers. It also reduces encroachment from new development on the main channels of the Carmel and Arroyo Seco Rivers.</p> <p>South of Toro County Park, land use designations are for resource conservation and grazing and there is limited agricultural conversion potential due to water constraints, access, and slopes and thus wildlife movement to the Sierra de Salinas/Santa Lucia Mountains from the Toro Area is not expected to be significantly impaired.</p> <p>The Highway 68 corridor is a concern for wildlife movement, as identified in the DEIR due to residential and commercial development and the highway itself. Specific to the wildlife corridors connecting Toro County Park to Fort Ord and to the Salinas River, potential residential development between San Benancio Road and River Road is on large unsubdivided properties and thus Policy 3.1 would require preservation of portions of these properties to maintain extant wildlife movement opportunities.</p>
Linkage 322: Highway 68 Western Crossing	“One of only two viable wildlife crossings across Highway 68 between the Santa Lucia Range and Ft. Ord”.	Toro Planning Area SR-68 Widening	
Linkage 350: Sierra de Salinas – Toro Peak	“Area of unprotected land between Arroyo Seco and parklands to the north”	Toro Planning Area	
Linkage 375: Highway 68 – Toro Creek	“Narrow yet essential corridor between lowland wildflower fields along Highway 68 to preserve at west end of subdivision along Toro Creek”	Toro Planning Area SR-68 Widening	

Wildlife Corridor/ Linkage	Description of Linkage (from Landwatch/TRA/TNC, unless noted otherwise)	Development Areas in 2007 General Plan	Discussion (Please also refer to Master Response MR-8 for wildlife corridor impacts of different General Plan land use types)
			<p>Agricultural conversion potential in this corridor is relatively low given the slopes, access, distance from other agricultural areas, and potential water constraints.</p> <p>Before mitigation, impacts to these wildlife corridors are considered less than significant for agriculture and ministerial development on legal lots, but significant for discretionary development, including urban development and roadways. Mitigation BIO-2.1 will require setbacks along streams and Mitigation BIO-3.1 will require consideration of corridor issue for discretionary projects, including roadway projects. With mitigation, the impacts of the 2007 General Plan are considered less than significant.</p>
<i>Salinas Valley (east-west) and Salinas Valley (north-south)</i>			
Linkage 307: Santa Lucia – Gabilan, Ventana Wilderness	“Choke point” with key species as mountain lion through grassland, scrub and oak woodlands.	Pine Canyon Rural Center Central Salinas Valley Planning Area Agricultural conversion potential along east and west sides of Salinas Valley and along Arroyo Seco	<p>Specifically defined corridors included in broad corridors identifying north-south movement along Salinas Valley and adjacent foothills and east-west across Salinas Valley</p> <p>Greater Salinas Area Plan Policies: Policy GS-1.5 requires that development of commercial land uses designated near Highway 68 and the Salinas River be allowed only if it protects and, where feasible, enhances the riparian habitat along the river. Policy GS-1.8 allows that the land near the town of Spreckels designated as industrial if it is designed to protect, and where feasible, enhance the riparian corridor along the Salinas River. Policy GS-3.1 requires that all vegetation on land exceeding 25 percent slope, particularly chaparral and broad leaf evergreen, remain undisturbed in the Greater Salinas Planning Area. Policy GS-5.1 requires that Gabilan Creek be maintained in a natural riparian state.</p>
Linkage 339: Salinas Valley Floor	“Non-specific corridor - denotes need to maintain permeability through agricultural lands so wildlife can move between valley, floodplain and adjacent foothills.”	Central Salinas Valley Planning Area Central/Arroyo Seco/River Road	<p>Central Salinas Valley Area Plan Policies: Policy CVS-5.1 prohibits new development from encroaching on the main channels of the Arroyo Seco River and the Salinas River in order to preserve riparian habitats. Policy CVS-5.2 stipulates that new recreational uses avoid encroaching on the main channels and floodways of the Arroyo Seco River and the Salinas River in order to preserve riparian habitats. Southern Salinas Valley (from Chualar south) will be subject of Salinas Valley Conservation Study per Mitigation Measure BIO-1.2. The SVCS is intended to address San Joaquin kit fox; however in order to provide for adequate habitat and connectivity for the kit fox, the</p>
Linkage 378: Salinas River - Pinnacles National Monument	“Area along Salinas River where river floodplain has unobstructed connections to foothills of southern Gabilan Range, providing regional connectivity.”	Central Salinas Valley Planning Area Metz Road Wine Corridor Agricultural conversion potential along east side of Salinas Valley.	<p>Central Salinas Valley Area Plan Policies: Policy CVS-5.1 prohibits new development from encroaching on the main channels of the Arroyo Seco River and the Salinas River in order to preserve riparian habitats. Policy CVS-5.2 stipulates that new recreational uses avoid encroaching on the main channels and floodways of the Arroyo Seco River and the Salinas River in order to preserve riparian habitats. Southern Salinas Valley (from Chualar south) will be subject of Salinas Valley Conservation Study per Mitigation Measure BIO-1.2. The SVCS is intended to address San Joaquin kit fox; however in order to provide for adequate habitat and connectivity for the kit fox, the</p>

Wildlife Corridor/ Linkage	Description of Linkage (from Landwatch/TRA/TNC, unless noted otherwise)	Development Areas in 2007 General Plan	Discussion (Please also refer to Master Response MR-8 for wildlife corridor impacts of different General Plan land use types)
Linkage 338: Sierra de Salinas – Salinas River	“One of only areas where undeveloped benchlands abut high quality river and riparian habitats on the west side of the Valley”	Central Salinas Valley Planning Area Central/Arroyo Seco/River Road Wine Corridor Agricultural conversion potential along west side of Salinas Valley.	conservation strategy will also provide substantial co-benefits for movement of a broad range of species both north and south and east and west through the Salinas Valley. As low foothills are key habitat for kit fox, the assessment of development and agricultural pressure (include that due to the AWCP) will be included in the SVCS assessment. Cachagua Area Plan policies - CACH-3.7 protects riparian vegetation and threatened fish species along the Carmel and Arroyo Seco Rivers. It also reduces encroachment from new development on the main channels of the Carmel and Arroyo Seco Rivers.
Linkage 353: Southern Sierra de Salinas – Salinas River	“One of few areas in this region where wildlife can move through natural habitat between the Salinas River and southern Sierra de Salinas”	Central Salinas Valley Planning Area Central/Arroyo Seco/River Road Wine Corridor Agricultural conversion potential along west side of Salinas Valley.	South County Policies: Policy SC-5.3 prohibits new development from encroaching on the main channels and associated floodways of the Nacimiento, San Antonio, and Salinas Rivers. Riparian movement corridors (including Salinas Valley, Arroyo Seco, Chalone Creek, Topo Creek and other creeks) will be further protected through Mitigation Measure BIO-2.1 (Stream Setback Ordinance) which will help to preserve wildlife movement along riparian corridors north - south and east-west.
Linkage 357: Arroyo Seco – Salinas River	“Key steelhead corridor as well as wildlife corridor between Salinas River and Santa Lucia Range. Needs restoration across valley floor.”	Cachagua Planning Area Central Salinas Valley Planning Area Central/Arroyo Seco/River Road Wine Corridor Agricultural conversion potential along Arroyo Seco	Pine Canyon Rural Center and River Road AHO subject to subsequent planning process to specifically examine wildlife corridor effect per Mitigation Measure BIO-3.1. While agricultural conversion will have an effect, given the pattern of conversions (see Figures 4.9-7 through 4.9-9) and pace of expected conversions (~10,000 acres in 24 years) and the expanse of the area (Central Salinas Valley Planning Area = 545,022 acres; South County Planning Area = 820,628 acre), the impairment of corridors will likely be sporadic and disjointed. Before mitigation, impacts to these wildlife corridors are considered less than significant for agriculture and ministerial development on legal lots, but significant for discretionary development, including urban development and roadways. Overall, impairment of wildlife corridors can be reduced to a less than significant level with the implementation of the planning area policies noted above as well as Mitigation Measures BIO-1.2, BIO-2.1 and BIO-3.1.
Linkage 377: Salinas River – Chalone Creek	“Key areas to maintain connectivity between Salinas River, southern Gabilans and San Benito River Valley. Includes Toro (sic) Creek.” Reference should be to Topo Creek (not Toro Creek).	Central Salinas Valley Planning Area Metz Road Wine Corridor Agricultural conversion potential along east side of Salinas Valley	

Wildlife Corridor/ Linkage	Description of Linkage (from Landwatch/TRA/TNC, unless noted otherwise)	Development Areas in 2007 General Plan	Discussion (Please also refer to Master Response MR-8 for wildlife corridor impacts of different General Plan land use types)
Linkage 343: Salinas Valley– Peachtree Valley	“This corridor is generalized in location and is intended to maintain wildlife movement east-west between the Salinas Valley and interior Diablo Range through the San Lorenzo River watershed in the vicinity of lower Peachtree Valley”	Central Salinas Valley Planning Area Agricultural conversion potential along east side of Salinas valley.	
Linkage 344: Salinas Valley – San Lorenzo Creek	“This corridor is generalized in location and is intended to maintain wildlife movement east-west between the Salinas Valley and interior Diablo Range through the San Lorenzo River watershed south of the Salinas Valley-Peachtree Valley corridor.”	Central Salinas Valley Planning Area Agricultural conversion potential along east side of Salinas Valley.	
Linkage 359: Camp Roberts – Stockdale Mountain	“Broad area providing critical permeability between the southern Salinas Valley and the interior in an area of large ranches”	South County Planning Area. Agricultural conversions potential along east side of Salinas Valley.	
Linkage 316: Salinas River Riparian Corridor	“Landscape linkage for riparian birds, neotropical migrants, steelhead, kit fox through riparian areas and grasslands”	Bradley and San Ardo Rural Centers South County Planning Area. Central Salinas Valley Planning Area Greater Salinas Planning Area Reservation Road AHO Agricultural conversion potential.	

Wildlife Corridor/ Linkage	Description of Linkage (from Landwatch/TRA/TNC, unless noted otherwise)	Development Areas in 2007 General Plan	Discussion (Please also refer to Master Response MR-8 for wildlife corridor impacts of different General Plan land use types)
Linkage 323: Eastern Salinas Valley Foothills	“Low foothills along the eastern edge of the Salinas Valley provide critical north-south connectivity as well as east-west connections from Salinas Valley to the interior Diablo Ranges. Vineyard are spreading in this important area”	Central Salinas Valley Planning Area Agricultural conversion potential east of Salinas Valley.	
<i>Carmel River and Pajaro River</i>			
Carmel River	Not specifically mentioned as linkage of concern in Landwatch letter/TNC assessment although mention of TNC Conservation Area 24 in the upper part of the Carmel River watershed.	Carmel Valley Master Plan Cachagua Planning Area Mid-Valley AHO	Specific CVMP policies are protective of Carmel River riparian corridor. Mid-Valley AHO partially developed already. Agricultural expansion likely limited due to water constraints. Before mitigation, impacts to this wildlife corridor is considered less than significant for agriculture and ministerial development on legal lots, but significant for discretionary development, including urban development and roadways. Stream Setback Ordinance (Mitigation Measure BIO-2-1) calls for specific setback to be established for Carmel River.AHO planning subject to project level assessment of affects to river corridor per Mitigation Measure BIO-3.1. Overall impact on this corridor expected to be less than significant with mitigation.
Linkage 97: Pajaro River	No details provided in Landwatch letter/TNC assessment but Exhibit A show the full extent of the Pajaro River from Monterey Bay into San Benito County.	North County Planning Area Pajaro Community Area.	Pajaro Community area mostly previously disturbed. North County development limited to legal lots only. Areas adjacent to river nearly all in active agricultural already. Before mitigation, impacts to this wildlife corridor is considered less than significant for agriculture and ministerial development on legal lots, but significant for discretionary development, including urban development and roadways. Stream Setback Ordinance (Mitigation Measure BIO-2.1) will develop specific setback for Pajaro River. Community area planning subject to project level assessment of affects to river corridor per Mitigation Measure BIO 3.1. With mitigation, impacts of 2007 GP on this corridor will be less than significant.

Wildlife Corridor/ Linkage	Description of Linkage (from Landwatch/TRA/TNC, unless noted otherwise)	Development Areas in 2007 General Plan	Discussion (Please also refer to Master Response MR-8 for wildlife corridor impacts of different General Plan land use types)
<i>Corridors not analyzed in the DEIR</i>			
Linkage 309: Los Padres – Hearst Castle.	“Contiguous habitat, riparian habitat.”	Big Sur LUP (Coastal) Coast Planning Area (Coastal) South County Planning Area	Mostly federal land and remote, steep slopes with little to no potential for development or agricultural growth. The 2007 GP will have a less than significant impact on this corridor.
Linkage 311: S. Diablo– Carrizo	“Contiguous habitat, riparian habitat.”	South County Planning Area	Remote southeast portion of County not subject to development pressure. Limited potential for agricultural growth. Stream Setback Ordinance (Mitigation Measure BIO- 2.1) will benefit substantial riparian areas. With mitigation, impacts of 2007 GP on this corridor would be less than significant.
Linkage 319: Lower N. Salinas River	“Landscape linkage for riparian birds, neotropical migrants, steelhead, kit fox through valley riparian forest, woodland, and scrub.” In San Luis Obispo county (Exhibit A)	In San Luis Obispo County	The 2007 General Plan will not affect this corridor which is located in San Luis Obispo County.
Linkage 347: Parkfield - Cottonwood Pass	“Linkage spans area of private ownership in high quality, unprotected habitat in the interior Diablo Ranges”	South County Planning Area	Remote interior mountainous area not subject to development potential with little potential for agricultural growth. Stream setback Ordinance (Mitigation Measure BIO- 2.1) will benefit substantial riparian areas. With mitigation, impacts of 2007 GP on this corridor would be less than significant.
Linkage 373: Tembladero Slough	“Identified by local experts; one of only connections between Santa Cruz Mts. southward to Elkhorn Slough”. Exhibit A shows this as a north-south corridor from Elkhorn Slough southward across Dolan Rd. to an area northeast of Castroville	North County LUP (coastal)	The description provided by TNC in Exhibit A appears to connect one arm of Elkhorn Slough with Moro Cojo Slough through an upland area across Dolan Road, but does not connect Elkhorn Slough to the Santa Cruz Mountains as stated in Exhibit C. This corridor may provide for local wildlife movement between the two sloughs. However the 2007 GP will not affect this corridor which is located within the North County LUP (coastal) which is not being changed with the 2007 GP. If this corridor actually concerns Tembladero Slough, under baseline conditions, this slough is channelized and degraded through much of its length through active agricultural areas and thus, while it may provide a limited corridor of movement, the quality of such a corridor is low and the impacts of the 2007 General Plan would thus be less than significant.

Wildlife Corridor/ Linkage	Description of Linkage (from Landwatch/TRA/TNC, unless noted otherwise)	Development Areas in 2007 General Plan	Discussion (Please also refer to Master Response MR-8 for wildlife corridor impacts of different General Plan land use types)
Linkage 315: Camp Roberts	Choke-point for “kit fox and tule elk” through “grassland and oak woodlands.”	South County Planning Area	Camp Roberts is mostly in San Luis Obispo County and is under federal jurisdiction. The 2007 General Plan will not affect Camp Roberts. The corridor shown on Exhibit A actually extends from Camp Roberts to the east. While Camp Roberts may act as a choke point, the areas to the east of the Salinas Valley do not appear to serve as a choke point as these areas are sparsely developed, steep, and have little to no agriculture at present and unlikely substantial agricultural potential in the future due to access, steep slopes, and water constraints. South County Planning Area Policy SC-5.3 prohibits new development from encroaching on the main channels and associated floodways of the Salinas River which will help to keep intact the western end of this corridor. Thus, the 2007 General Plan is not expected to have a significant impact on this corridor.
Linkage 346: Camp Roberts – Fort Hunter Liggett	“Located between the reservoir and Jolon Hills, this series of low hills and valley need to be maintained to facilitate movement of wildlife between Camp Roberts and Ft. Hunter Liggett”	South County Planning Area Pleyto Rural Center Lockwood Rural Center Jolon Road Wine Corridor Agricultural Conversion potential in Hames Valley and in and around Lockwood but likely north of corridor.	Policy SC-5.3 prohibits new development from encroaching on the main channels and associated floodways of the San Antonio River. Most of level land already converted to agriculture in Hames Valley; level land near Lockwood (north of corridor) may be subject to agricultural conversion. Agricultural conversions on steep slopes will require discretionary permit and consideration of wildlife movement. Corridor is mostly located to the south of the Jolon Road Wine corridor which is primarily located along Jolon Road whereas the corridor is identified as along the north side of San Antonio Reservoir. Finally, Fort Hunter Liggett surrounds San Antonia Reservoir and thus the southernmost portion of this corridor is on federal land that would not be affected by the 2007 General Plan and would likely not be developed over time. Before mitigation, impacts due to agricultural conversions and ministerial development on legal lots expected to be less than significant, while impacts due to discretionary development could be significant. Development in the rural centers and discretionary development in the South County Planning Area will be required to consider potential impacts to wildlife movement through Mitigation Measure BIO-3.1. Given that the areas of development and agricultural conversion are likely to be focused further north of the corridor and the corridor has an area closest to the reservoir that is expected to remain intact, with mitigation, the impacts of the 2007 GP are expected to be less than significant to the identified corridor.

Wildlife Corridor/ Linkage	Description of Linkage (from Landwatch/TRA/TNC, unless noted otherwise)	Development Areas in 2007 General Plan	Discussion (Please also refer to Master Response MR-8 for wildlife corridor impacts of different General Plan land use types)
Linkage 354: Sierra de Salinas – Arroyo Seco	No details provided in Landwatch letter/TNC assessment. Exhibit A shows a corridor from the Cachagua Planning Area to Arroyo Seco	Cachagua Planning Area Central Salinas Valley Planning Area Central/Arroyo Seco/River Road Wine Corridor Agricultural conversion potential along Arroyo Seco.	Presumably this corridor concerns connectivity of the southern portion of the Sierra de Salinas Range to the Arroyo Seco River. Much of this area consists of steep slopes with no development. Development pressure low in the steep sloping area outside Salinas Valley. Agricultural activity conversions may affect slopes along Arroyo Seco Before mitigation. Impacts to these wildlife corridors are considered less than significant for agriculture and ministerial development on legal lots, but significant for discretionary development, including urban development and roadways. Salinas Valley Conservation Plan (Mitigation Measure BIO 1.2) will have co-benefits to wildlife movement in and along Arroyo Seco corridor as will Stream Setback Ordinance (Mitigation Measure BIO-2.1). Agricultural conversions on steep slopes (> 15 percent) subject to discretionary permit and Mitigation Measure BIO-3.1. Overall, this corridor will have less than significant impacts due to the 2007 General Plan with the mitigation measures noted above and in consideration of the limited potential for new development and agricultural conversions to substantially impair north-south movement from the Sierra de Salinas into the Arroyo Seco corridor.
Linkage 376: Toro Peak Foothills – Salinas River	“northernmost viable linkage connecting the northern Santa Lucia Range to the Salinas River northward”	Toro Planning Area River Road AHO Central/Arroyo Seco/River Road Wine corridor	The Highway 68 corridor is a concern for wildlife movement, as identified in the DEIR due to residential and commercial development and the highway itself. Specific to the wildlife corridors connecting Toro County Park to the Salinas River, potential residential development between San Benancio Road and River Road is on large unsubdivided properties and could have significant impacts before mitigation. Mitigation Measure BIO- 3.1 would require preservation of portions of these properties to maintain extant wildlife movement opportunities and would reduce impacts to a less than significant level.

Wildlife Corridor/ Linkage	Description of Linkage (from Landwatch/TRA/TNC, unless noted otherwise)	Development Areas in 2007 General Plan	Discussion (Please also refer to Master Response MR-8 for wildlife corridor impacts of different General Plan land use types)
CDFG: Monterey Peninsula to Santa Lucia Mountains	CDFG provided no description of this corridor. If the comment concerned wildlife movement between Fort Ord and Santa Lucia mountains see discussion above. If comment concerned wildlife movement between remnant natural areas on the Monterey Peninsula property and the Santa Lucia Mountains, then this line discusses this issue	Del Monte LCP (not part of 2007 GP Update) Greater Monterey Peninsula Planning Area Carmel Valley Master Plan Mid-Valley AHO	Given that CDFG provided little detail on what they mean by a wildlife corridor between the Monterey Peninsula and the Santa Lucia Mountains, this response is based on a supposition that the comment referred to linkage of wildlife movement between remnant natural areas on the Monterey Peninsula Proper (defined as west of SR-1 between City of Monterey and the City of Carmel by the Sea) and the Santa Lucia Mountains including the linkage from the Jack's Peak area to the Santa Lucia Mountains. The only extensive intact natural areas west of SR-1 on the peninsula are in the Del Monte Forest, which is in the coastal zone and would be unaffected by the 2007 General Plan and several other areas east of SR-68 in the city of Monterey (which would also not be affected by the 2007 General Plan. East of SR-1, the proposed Greater Monterey Peninsula Area Plan and the Carmel Valley Master Plan allow limited amount of development overall, which may nevertheless affect movement from around the Jack's Peak Area southward to the Santa Lucia Mountains. Scattered legal lot development unlikely to significantly affect wildlife movement overall. However, discretionary development (which could result in larger and more extensive development) could result in significant impacts but would be subject to project-level review per mitigation measure BIO-3.1 and thus impacts to this corridor overall would be less than significant with mitigation.

8.7.2 Impact of Agricultural Growth (in General)

Certain comments assert that the DEIR does not adequately analyze the impacts of agricultural growth on wildlife movement and corridors and/or underestimates the impacts because of the commenter's assertion that the amount of agricultural growth is underestimated.

As discussed in Master Response 3, conversions on slopes greater than 15 percent will be subject to a discretionary permit and CEQA review, and Mitigation Measure BIO-3-1 (which has been strengthened) requires specific consideration of wildlife movement during CEQA review of discretionary projects. Regarding the areas of slope less than 15 percent, as discussed above, the method used in the DEIR to estimate future agricultural conversions provides a more reasonable and realistic basis to assess impacts to wildlife corridors than the assertions of hundreds of thousands of acres of potential agricultural conversions. Although there will be effects on wildlife corridors from non-discretionary agricultural conversions, the effect of approximately 10,253 acres (updated for FEIR) of conversion by 2030 would be expected to have a similar spatial distribution (that is, dispersed) as that which occurred from 1982 to 2006 as shown in Figures 4.9-6 through 4.9-9 in the DEIR, resulting in less-than-significant impacts on wildlife corridors.

The primary agricultural production area in Monterey County is the Salinas Valley. The Salinas Valley is a working landscape. There are limited intact east-to-west natural corridors across the valley other than the tributaries to the Salinas River (this is apparent in the Landwatch Exhibit A map which does not show any areas of intact natural vegetation providing a natural landscape corridor across the Salinas Valley floor between Salinas and San Ardo). This means that the baseline of wildlife movement from east to west is through the working landscape and along the waterways. Since this area has already been extensively converted, future agricultural growth on the Valley Floor would be unlikely to significantly change east-west wildlife movement conditions.

On the uplands east and west of the Salinas Valley floor and along the tributary valleys, there will be some level of conversions, including conversions to vineyards. However, with the large size of the Salinas Valley and the relatively limited extent of conversion, substantial impediments to wildlife movement across and along the Salinas Valley are unlikely. To give an idea of the scale of potential effect, assuming critical uplands along the Valley are within a two-mile swath on either side of the 80-mile section of the Salinas Valley between Salinas and the southern County line, these uplands would cover approximately 102,400 acres. If about two-thirds (~6,839 acres) of the 10,253 acres estimated county-wide agricultural conversions by 2030 were to occur only in these uplands, agricultural growth would disturb about 7 percent of these uplands (corresponding to about 5 miles of valley edge along 80 miles of Valley). Given the historic pattern of agricultural conversions, future conversions are likely to be dispersed throughout the Valley, as well as occurring outside the Salinas Valley (for example around the Lockwood area). The relatively small scale of agricultural conversions coupled with their geographic dispersion means that agricultural conversions are unlikely to substantially block wildlife movement north and south along the edges of the Salinas Valley.

A similar conclusion for agricultural conversions (that they would affect wildlife movement, but not at a scale that would substantially block wildlife corridors beyond baseline conditions) would apply to effects on other wildlife corridors such as those along Arroyo Seco, Jolon Road, and other parts of the County.

For these reasons and those cited in Table BR-1 and Master Response 3, after due consideration of the information provided by Landwatch, TNC, CDFG, and other commenters, the conclusion of the DEIR that agricultural conversions of uncultivated land will not result in a significant impact on wildlife movement and corridors (see page 4.9-95) remains unchanged.

8.7.3 Impact of the AWCP on Wildlife Corridors

Certain comments assert that the impacts of the AWCP on wildlife movement and corridors are understated in the DEIR because AWCP development will be greater than assumed in the DEIR, and because the AWCP corridor segments are located within and along wildlife corridors.

Regarding the amount of winery and ancillary use growth allowed in the AWCP, please see the discussion in Master Response 3. In this Master Response, facts supporting the assumptions about growth of wineries and ancillary uses are presented; these assumptions provide a reasonable basis to estimate of potential growth in the AWCP.

It should also be noted that although the wine corridors are lengthy, this does not mean that development will occur throughout every portion of the corridors. Given the assumptions about the amount of new winery and ancillary use growth, these facilities will be spread over the many miles of the corridors. Regarding comments that vineyard growth would only be concentrated along the wine corridor, please see responses above about the scale and location of potential agricultural (including vineyard) conversions.

The DEIR evaluated potential wildlife movement impacts associated with the development of the AWCP within the context of the overall working landscape of the Salinas Valley. The AWCP limits the number of new winery and ancillary facilities and provides for adequate geographic distribution of those facilities to accommodate wildlife movement

Wildlife corridor impacts within the ACWP would be limited for the above reasons, and also because the General Plan:

- specifically limits the number of facilities that can be located within each segment of the wine corridor and ensures that facilities would be geographically dispersed;
- specifically limits the number of ancillary facilities (e.g., tasting rooms, bed and breakfasts, restaurants) within the AWCP;
- requires full CEQA review for large scale wineries.
- has proposed modified development standards in the AWCP that would require a biological study for permanent facilities associated with the artisan/boutique wineries

Even though the potential wildlife corridor impacts of growth are limited, they are included in the significant impacts described in the DEIR under Impact BIO-3.1. These impacts would be mitigated to less-than-significant levels through mitigation measures for Impact BIO-3.1 listed in the DEIR. These mitigation measures include:

- The Stream Setback Ordinance (Mitigation Measure BIO-2.1), which would help to preserve riparian movement corridors within the AWCP
- Project-level review of wildlife movement considerations (Mitigation Measure BIO-3.1, which has been strengthened) for all discretionary development, including full-scale wineries

8.7.4 Impacts of Urban Growth (Including Legal Lots of Record) and Highways on Wildlife Corridors

Certain comments state that the DEIR underestimates the potential effect of urban growth and infrastructure (particularly highways) on wildlife corridors.

Urban Growth

As described in the DEIR and Table BR-1, some of the focused growth areas could have significant effects on different wildlife corridors. The Bradley and San Ardo Rural Centers are adjacent to the Salinas River and portions of their development could affect the Salinas River as a north-south wildlife movement corridor. The Pine Canyon and River Road Rural Centers and the Reservation Road/68 AHO could affect north-south movement along the western slopes of the Salinas Valley. The Pleyto and Lockwood Rural Centers could affect east-west movement between Camp Roberts and Fort Hunter Liggett. The Mid-Valley AHO is adjacent to the Carmel River and could affect movement along the riparian corridor. These impacts would be reduced to less than significant levels through mitigation measures for Impact BIO-3.1.

In addition, as described in the DEIR and Table BR-1 development outside the focused growth areas within the planning areas could also have significant impacts on identified wildlife corridors. Some of the key areas of concern include development along SR-68 in the Toro Area Plan near Toro County Park where there are limited wildlife connections from the park to Fort Ord and to the Salinas River, and development east and north of Prunedale that could affect the narrow corridor connecting the Gabilan Mountains to the Santa Cruz Mountains. As described in the DEIR and Table BR-1, some of the policies in the area plans will help to preserve certain wildlife corridors particularly riparian corridors. Also, see Master Response 7 which describes why the County assumed that the amount of urban growth outside the focused growth areas would be limited.

Wildlife corridor impacts of urban growth are included in the significant impacts described in the DEIR under Impact BIO-3.1. These impacts would be mitigated to less-than-significant levels through mitigation measures for Impact BIO-3.1 listed in the DEIR. These mitigation measures include:

- The Stream Setback Ordinance (Mitigation Measure BIO-2.1), which would help to preserve riparian movement corridors within the AWCP
- Project-level review of wildlife movement considerations (Mitigation Measure BIO-3.1) for all discretionary development

Legal Lots of Record

Regarding development on legal lots of record, such development may occur within wildlife corridors, but effects would not be significant because development on legal lots of record would result in a dispersed development pattern on relatively large parcels, leaving relatively permeable conditions for wildlife. Such scattered development will impair the quality of corridors in certain areas, but would not significantly impede use of the affected wildlife corridors.

Highways

The DEIR acknowledges that there is a potential for highway expansion to impede movement at discrete points. The three roadways of greatest concern to the wildlife corridors identified in Table BR-1 are Highway 101 near Prunedale, SR-68 between River Road and SR-218, and Highway 101 through the Salinas Valley south of Salinas. The Prunedale Bypass could have significant effects on the wildlife corridor from the Gabilan Mountains to the Santa Cruz Mountains. SR-68 Expansion could affect the remaining corridors from the Santa Lucia Mountains to Fort Ord. Highway 101 serves as an existing impediment to east-west movement in the Salinas Valley south of Salinas, and if widened in locations near the cities or built-up areas could have significant effects on wildlife movement.

Wildlife corridor impacts of highways are included in the significant impacts described in the DEIR under Impact BIO-3.1. For projects under the County's jurisdiction, these impacts would be mitigated to less-than-significant levels through mitigation measures for Impact BIO-3.1 listed in the DEIR. These mitigation measures include project-level review of wildlife movement considerations (Mitigation Measure BIO-3.1, which has been strengthened) for all discretionary development, which would apply both to County roadway projects, and indirectly to projects for which Caltrans is the lead agency. If Caltrans is the lead agency, in order to use Caltrans' CEQA document as a responsible agency, the County will request Caltrans to consider all potential impacts on wildlife corridors in any project-level analysis. Caltrans' Standard Environmental Reference, which guides its environmental analysis work, specifically requires consideration of impacts on migration corridors during the preparation of the requisite "Natural Environment Study" preliminary to preparing any CEQA documents. (The SER discussion of Natural Environment Studies is available on Caltrans' website at: <http://www.dot.ca.gov/ser/vol3/chap2.htm>.)

Mitigation Measure BIO-2.1 (Stream Setback Ordinance) also serves to mitigate the wildlife corridor impacts of roadway projects.

8.7.5 Conclusion

As described above, after consideration of comment, the County has amplified the information in the DEIR concerning wildlife movement corridors, but consideration of comment and the additional information has not changed the conclusion overall that the impacts of the 2007 General Plan can be mitigated to a less than significant level with the identified mitigation in the EIR.

Master Response 9: Water Quality

This master response addresses the following topics:

- 9.1 Specificity of Water Quality Analysis
- 9.2 Water Quality-Related Policies and Proposed Mitigation Measures
 - 9.2.1 Water Quality-Related Policies and Proposed Mitigation Measures
 - 9.2.2 Cumulative Water Quality Impacts
- 9.3 NPDES Phase II
- 9.4 Agricultural Runoff
 - 9.4.1 Agricultural Runoff
 - 9.4.2 Routine and Ongoing Agriculture
- 9.5 Groundwater Quality
 - 9.5.1 Surface Water and Groundwater Quality
 - 9.5.2 Onsite Wastewater Management Plans
 - 9.5.3 Wastewater Treatment Plants in the Agricultural Wine Corridor
- 9.6 Erosion and Sedimentation
- 9.7 Impaired Water Bodies
- 9.8 Impacts on Monterey Bay Water Quality

9.1 Specificity of Water Quality Analysis

Commenters suggest that the DEIR for the General Plan Update must be more specific in its analysis of water quality impacts.

The analysis of water quality is found in Chapter 4.3, *Water Resources* under the discussions of Impacts WR-1 (non-point source pollution from urban runoff -- beginning on page 4.3-90), WR-2 (construction impacts -- beginning on page 4.3-99), WR-3 (sediment and nutrients from resource uses—beginning on page 4.3-107), and WR-8 (violate water quality standards by wastewater disposal – beginning on page 4.3-165). Consistent with the level of detail contained in the General Plan update, the EIR provides a general overview of existing water quality conditions within the County and analyzes the water quality impacts expected to result from development consistent with the proposed General Plan in 2030 and at buildout in 2092. The General Plan Update’s level of specificity in analyzing this issue is consistent with the provisions of State CEQA Guidelines Section 15146, which state that “[t]he degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity which is described in the EIR.” The 2007 General Plan is a broad statement of policies.

Accordingly, this EIR “need not be as detailed as an EIR on ... specific construction projects” (CEQA Guidelines Section 15146). As discussed in Chapter 2, *Introduction*, of the DEIR, the County of Monterey contains a gross area of over 3,700 square miles. This includes well-established urban, suburban, and rural communities of varying sizes and development intensity. The County also has an extensive array of agricultural lands, lands devoted to mineral extraction, and recreational areas. There are rugged mountains, flat valley areas, and expansive natural open spaces. Given the large size and complexity of the planning area that the DEIR analyzes, the DEIR’s analysis conforms to Section 15151 of the State CEQA Guidelines, which provides:

“An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure.”

In conclusion, the DEIR reflects the level of detail available at the General Plan level about future development and presents a reasonable analysis of potential impacts based on that level of detail. Please see Master Response 10 regarding the level of detail in a program EIR.

9.2 Water Quality-Related Policies of the General Plan Update and Proposed Mitigation Measures Contained in the DEIR

9.2.1 Water Quality-Related Policies and Proposed Mitigation Measures

Commenters contend that the policies identified in the DEIR will not be implemented. These comments are based on the incorrect assumption that the General Plan is a compilation of specific regulatory actions which must meet the standards of specificity and enforceability required of ordinance-level regulations or project-specific mitigation measures.

A general plan is a long term comprehensive plan for the physical development of the County. (Government Code Section 65300) The General Plan consists of a statement of development policies and includes diagrams and text setting forth objectives, principles, and standards, and plan proposals. (Government Code Section 65302) The General Plan will guide later implementing actions to be undertaken during General Plan implementation, and these other actions must, by law, be consistent with the general plan. (See, e.g., Government Code Sections 65860 [zoning actions], 65402 [property acquisition and disposal], 65454 [specific plans], and 66474 [subdivisions]).

State law and the General Plan itself establish requirements and timeframes for this implementation. Government Code Section 65860 requires conforming revisions to the zoning ordinance to be made “within a reasonable time” of adoption of the General Plan update. Also, policy LU-9.3 of the General Plan provides that subdivision applications that were deemed complete after October 16, 2007 will be subject to the General Plan and the ordinances, policies and standards that are enacted and in effect as a result of the General Plan. Therefore, recent and new subdivision applications will be required to conform to the provisions of the General Plan as soon as it takes effect.

Because discretionary land use entitlements and subdivision approvals must be consistent with the General Plan under California Planning Law (see Government Code Sections 65860 and 66474), the General Plan’s policies will also be implemented as development projects come forward for consideration. In addition, Policy LU-9.1 requires the Director of Planning to bring a work program to implement the General Plan to the Board of Supervisors within three months after adoption of the General Plan.

The Draft General Plan includes policies intended to provide a comprehensive set of water quality protections. These policies include protecting water quality from agricultural runoff, as well as protecting groundwater quality. A number of the General Plan policies direct the preparation and adoption of new programs that will protect water quality. For example:

- Pursuant to Policy OS-3.9, a program will be designed to address off-site soil erosion, increased runoff-related stream stability impacts and/or potential violation of adopted water quality standards from the conversion of hillside rangeland areas to cultivated croplands.
- Under Policy PS-4.12, the County Environmental Health Bureau will develop On-site Wastewater Management Plans (OWMP) for areas with high concentrations of development that are served primarily by individual sewage systems

The DEIR also contains Mitigation Measure BIO-2.1 that will further avoid or reduce water quality impacts from development under the proposed General Plan update. The revised measure is as follows:

Mitigation Measure BIO-2.1: Stream Setback Ordinance⁹

~~The In~~ order to preserve riparian habitat, conserve the value of streams and rivers as wildlife corridors and reduce sediment and other water quality impacts of new development, the county shall develop and adopt a ~~county-wide~~ Stream Setback Ordinance. ~~The ordinance shall~~ establish minimum standards for the avoidance and setbacks for new development relative to streams. The ordinance shall identify standardized inventory methodologies and mapping requirements. A stream classification system shall be identified to distinguish between different stream types (based on hydrology, vegetation, and slope, etc.) and thus allow application of standard setbacks to different stream types. The ordinance shall identify specific setbacks relative to inland portions of the following rivers and creeks so they can be implemented in the Area Plans: Salinas, Carmel River, Arroyo Seco, Pajaro River,

⁹ This is the text of draft Mitigation Measure BIO-2.1, as proposed to be revised. It is revised from the mitigation measure that appeared in the Draft EIR.

Nacimiento, San Antonio, Gabilan Creek, and Toro Creek. The ordinance may identify specific setbacks for other creeks or may apply generic setbacks based on the stream classification developed for the ordinance. ~~The purpose of the ordinance will be to preserve riparian habitat and reduce sediment and other water quality impacts of new development.~~ shall identify appropriate uses within the setback area that would not cause removal of riparian habitat, compromise identified riparian wildlife corridors, or compromise water quality of the relevant stream.

The Stream Setback Ordinance shall apply to all discretionary development, County public projects within the County and to conversion of previously uncultivated ~~agricultural~~ land (as defined in the General Policy Glossary) on normal soil slopes over 15% or on highly erodible soils on slopes over 10%. The stream setback ordinance shall be adopted within three (3) years of adoption of the General Plan.

Monterey County is proposing to adopt as policies in its General Plan, feasible and fully enforceable measures that will avoid, reduce, minimize, and otherwise mitigate the significant environmental effects identified in the DEIR. All of the mitigation measures identified in the EIR will be adopted as General Plan policies to ensure that they are implemented. This is consistent with (CEQA Guidelines Section 15126.4[a][2]), which states, in part: “In the case of adoption of a plan, policy, regulation, or other public project, mitigation measures can be incorporated into the plan, policy, regulation, or project design.”

9.2.2 Cumulative Water Quality Impacts

Some commenters have asserted that the DEIR has not adequately addressed the cumulative impacts of the General Plan Update on water quality.

The Monterey County General Plan establishes long-term development policy. The impact analysis in Section 4.3, *Water Resources*, examines the potential impacts on water quality at the 2030 planning horizon and, to the extent reasonably feasible, at build out in 2092. By the nature of the long-term, future view that is inherent in the General Plan, this is a cumulative impact analysis.

The policies contained in the General Plan (and discussed throughout this master response) are recommended in order to avoid and minimize the potential impacts on water quality of the future cumulative development envisioned in the General Plan. The policies will be applied to development projects on an individual basis within the context of the overall General Plan policies governing the location and design of development. In addition, future development under the General Plan will be subject to County development codes and state/regional water quality regulations (as discussed throughout this master response) specifically intended to protect water quality. Based on the policies of the proposed General Plan, as well as the county and state/regional regulatory scheme, the DEIR has concluded that the contribution of development under the General Plan Update will be less than cumulatively considerable. The conclusion of the DEIR remains correct.

9.3 NPDES Phase II

Commenters assert that NPDES Phase II requirements apply primarily to incorporated areas and therefore do not reduce the potential impact of future development under the proposed General Plan.

DEIR Section 4.3.3.1, *Federal Regulations*, discusses the National Pollutant Discharge Elimination System (NPDES) Phase II requirements that apply to Monterey County (see page 4.3-50). Here is additional background information about the applicable NPDES Phase II requirements.

In late 1999, the U.S. EPA promulgated regulations, known as Phase II, requiring permits for storm water discharges from Small MS4s and from construction sites disturbing between one and five acres of land. A “Small MS4” is a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) designed or used for collecting or conveying storm water; (ii) which is not a combined sewer; and (iii) which is not part of a Publicly Owned Treatment Works. (California State Water Resources Control Board 2003)

As discussed in the DEIR, the State Water Resources Control Board (SWRCB) adopted a General Permit regulating storm water discharges from Small MS4s. The MRSWMP applies this permit (and its receiving water limitations and design standards) to all portions of the unincorporated county that are designated as “urbanized areas” by the U.S. Census Bureau, including the following Community Areas and AHOs:

- Boronda, Castroville, and Pajaro Community Areas;
- westerly portion of the proposed Hwy. 68/Airport AHO;
- Carmel Mid-Valley AHO; and
- Hwy. 68/Reservation Road AHO.

It does not apply to any of the proposed Rural Centers. As a signatory to the MRSWMP, Monterey County is required to implement its provisions. Because of the specificity of these requirements and their regulatory nature, the General Plan does not need to repeat them verbatim.

Beyond the requirements of the NPDES Phase II program, the SWRCB has adopted “sustainability” as a core value for its activities and programs. As an outgrowth of this commitment, the Central Coast Regional Water Quality Control Board (Central Coast RWQCB) is recommending that cities and counties adopt requirements for “low impact development” (LID) into their ordinances that will implement the MRSWMP. (Central Coast RWQCB 2009d) The intent of LID is to help retain stormwater on site when feasible, minimize runoff, and provide for non-mechanical cleaning of water that does run off a site. LID practices promoted by the Central Coast RWQCB include: bio-retention areas that collect stormwater in vegetated areas; grass swales and channels to direct runoff; vegetated rooftops to capture and hold stormwater; vegetated filter strips to clean pollutants from runoff; minimization of impermeable surfaces; and permeable pavements to increase the infiltration of stormwater. LID basic principles are reflected in

proposed Policies S-3.1 and S-3.2. Mitigation Measure PS-1 recommends that the County add Policy 3.9 to the General Plan expressing its commitment to LID. In order to further clarify the County's commitment to implementing the LID requirements, added Policy S-3.9 is proposed to be revised as follows:

Policy S-3.9 Require all future developments to implement Best Management Practices (BMPs) as approved in the Monterey Regional Storm Water Management Program which are designed to incorporate the most feasible number of Low Impact Development (LID) techniques into their stormwater management plan. ~~BMPs~~The LID techniques may include, but are not limited to, grassy swales, rain gardens, bioretention cells, tree box filters, and preserve as much native vegetation as feasible possible on the project site.

The DEIR found that water quality impacts will be less than significant. As demonstrated by the above analysis, NPDES Phase II requirements apply to unincorporated areas planned for urbanization, as well as incorporated areas. Future development in those portions of the County anticipated to be urbanized under the General Plan will be subject to County stormwater standards that in turn are based on the regulatory requirements of the SWRCB and Central Coast RWQCB. These standards and enforceable regulations will ensure that the water quality impacts of stormwater from this new development in unincorporated areas will be less than significant.

9.4 Agricultural Runoff

9.4.1 Agricultural Runoff

Commenters contend that the DEIR does not adequately consider the effects of agricultural runoff on water quality.

Section 4.3.2.3 of the DEIR examines the topic of water quality. That section begins with a basic discussion of the pollutant constituents present in runoff. The contribution of agricultural runoff to erosion and sedimentation is discussed under Groundwater Quality on page 4.3-20 and to the release of chemicals and nutrients to surface water under Impact WR-3 (sediment and nutrients from resource uses) on page 4.3-107. In addition, Table 4.3-8 of the DEIR (beginning on page 4.3-54) identifies agriculture as the source of a number of the pollutants currently found in impaired water bodies within the County.

To clarify the discussions in the DEIR, other constituents of agricultural runoff include nitrates, phosphates, pesticides, and other organic chemicals that are applied to land in the course of typical agricultural practices. These pollutants affect both surface water and groundwater. Agricultural runoff that is discharged to rivers and streams may eventually find its way to Monterey Bay. Surface water infiltrates into the ground and, over time, contributes to the levels of pollutants, such as nitrates, in groundwater.

Because it is not associated with urbanization, agricultural runoff is not subject to the NPDES Phase II requirements discussed in Section 4.3.3.1, *Federal Regulations*, of the DEIR. However, as discussed in Section 4.3-2, *State Regulations*, the Central Coast

RWQCB administers the 2004 “Conditional Waiver for Irrigated Agriculture” which limits the release of pollutants in agricultural runoff. The conditional waiver was due to expire in July 2009.

Since release of the DEIR, Central Coast RWQCB’s staff has been working on a revised conditional waiver (or Waste Discharge Order). On July 10, 2009, the Board extended the existing order without change until July 2010 to provide time for its staff to complete their work. The staff report for the Board’s July 10 meeting noted that ongoing monitoring of surface and groundwater continues to show significant amounts of contaminants that are the result of agricultural operations. (Central Coast Regional Water Quality Control Board 2009c)

The 2008 Clean Water Act Sections 305(b) and 303(d) Integrated Report for the Central Coast Region adopted by the Central Coast RWQCB summarizes the work ahead:

“Specific to agricultural sources of impairment, [Central Coast] Water Board staff is preparing a revised Waste Discharge Order for irrigated agriculture with new requirements for pollutant control. Once adopted (planned for 2010), these requirements will apply to all irrigated agricultural dischargers in impaired watersheds. As the requirements are implemented, staff expects to see and measure pollutant-loading decreases in the shorter term (one to five years) and improved water quality conditions in the longer term (five to twenty years). Water Board staff will focus compliance efforts in the highest priority watersheds where the impairment from agriculture is the most severe. In addition, staff has also identified irrigation efficiency and nutrient management as essential towards addressing multiple pollutants for which several waterbodies are impaired (e.g. sediment, toxicity and nutrients) and is working with stakeholders to initiate implementation of a Central Coast Irrigation and Nutrient Management Program (CCINMP) with an initial focus in the Salinas, Santa Maria, and Pajaro watersheds.” (Central Coast Regional Water Quality Control Board 2009b)

The DEIR discloses that agricultural runoff is a potential source of surface and groundwater contamination and finds that the impact is less than significant based on the regulations of the Central Coast RWQCB’s conditional waiver program. In the future, a revised and improved conditional waiver program will be enacted by the Central Coast RWQCB to further reduce the impacts of agricultural operations. Further, the Greater Monterey County IRWM plan (see Master Response 4 on Water Supply), currently in the early stages of development, will address comprehensive multi-agency strategies to reduce surface and groundwater contamination, including contamination from agricultural runoff.

The overall amount of land devoted to agriculture is expected to remain essentially the same over the course of the General Plan. As discussed in Master Response 4 on Water Supply, the amount of agricultural land has not increased substantially from 1992 to 2006. Cultivation of new areas is offset by the conversion of agricultural land to urban uses. As discussed in Master Response 4, this trend is expected to continue and, therefore, agricultural runoff is not expected to increase during the course of the General Plan.

For these reasons, the water quality impacts of agricultural runoff during General Plan implementation are considered less than significant; no change in the DEIR's conclusion is necessary.

9.4.2 Routine and On-going Agriculture

Commenters have expressed concern that Routine and Ongoing Agricultural activities are exempted from a number of Draft General Plan policies that would protect water quality.

Routine and Ongoing Agriculture would not be exempt from County and regional regulations relating to the control of erosion and protection of water quality. Policy AG-3.3 of the General Plan Update provides, in part: "In lands with a Farmlands, Permanent Grazing, or Rural Grazing land use designation, farming and ranching activities that are 'Routine and Ongoing Agricultural Activities' should be exempted from the General Plan policies listed below to the extent specified in those policies *except for activities that create significant soil erosion impacts or violate adopted water quality standards*" (emphasis added). The Central Coast RWQCB's Conditional Waiver for Irrigated Agriculture will continue to apply.

Cultivation of previously uncultivated slopes over 15% is not Routine and Ongoing Agriculture. So, conversion of uncultivated lands on steep slopes will be subject to the restrictions of Policy OS-3.5, including the requirements for discretionary permits that include a management plan for erosion control and water quality. In addition, Mitigation Measure BIO-2.1, as revised, will require adoption of a county-wide Stream Setback Ordinance that will apply to the conversion of previously uncultivated land on slopes over 15% or on highly erodible soils with slopes over 10%. One purpose of that ordinance will be to "reduce sediment and other water quality impacts of new development." The conversion of slopes below 15% would be subject to Policy AG-3.3 and the Conditional Waiver for Irrigated Agriculture.

The DEIR found that runoff from Routine and Ongoing Agriculture would not have a significant effect on the environment. For the above reasons, that conclusion is unchanged.

9.5 Groundwater Quality

9.5.1 Surface Water and Groundwater Quality

Commenters contend that the DEIR does not sufficiently address the impacts of surface water pollution on groundwater quality. Groundwater quality, including the potential impacts of surface water pollution on groundwater quality, is discussed at length throughout Chapter 4.3, *Water Resources*. Pollution discharged to surface waters can infiltrate to groundwater aquifers and adversely affect groundwater quality.

The DEIR concluded that this is a less than significant impact. As described earlier in this response, programs such as the MRSWMP and the Conditional Waiver for Irrigated

Agriculture, along with General Plan policies and DEIR Mitigation Measure BIO-2.1, would assure that surface water quality impacts from urban and agricultural runoff during General Plan implementation would be less than significant. Similarly, the groundwater quality impacts of surface water pollution during General Plan implementation, would also be less than significant.

9.5.2 Onsite Wastewater Management Plans

Commenters have raised the concern that leakage from inadequate onsite wastewater systems may have a significant effect on the environment. Individual wastewater disposal systems (i.e., septic systems) in rural areas that are not served by sewer service can contribute nitrates to the groundwater through long-term infiltration.

Sewage disposal regulations are discussed on page 4.3-69 of the DEIR. The effect of individual wastewater disposal systems on groundwater is discussed in Impact WR-8 of the DEIR and mitigated by Policy PS-4.8, which will require the county to adopt specific criteria for the creation of new lots to be served by individual sewage disposal systems where connection to a wastewater treatment facility is not feasible, and Policy PS-4.12, which will require the County to prepare On-site Wastewater Management Plans for areas with high concentrations of development that are served primarily by individual septic systems and that will require subdivisions to consolidate their wastewater systems and connect to existing systems where feasible (this last provision will restrict the use of individual systems in new subdivisions).

The sewage disposal regulations administered by the Monterey County Environmental Health Bureau (discussed on page 4.3-70 of the DEIR) must conform to the Central Coast Basin Plan as administered by the RWQCB. (Central Coast RWQCB 2008) The Central Coast RWQCB is also taking an active interest in ensuring that areas with problem systems are adequately regulated and the impacts of failing systems controlled. In 2007, the Central Coast RWQCB – citing its concern over water quality impacts from septic tank systems -- directed Monterey County to conduct an area-wide study of the urbanized part of the Carmel Highlands that has individual sewage disposal systems and to develop an Onsite Wastewater Management Plan (OWMP) to protect water quality. The County responded by adopting an interim ordinance restricting new development with the potential to generate wastewater and to limit the installation of new water wells (Ordinance 5086). The ordinance was subsequently extended twice, expiring in October 2009, while the County prepared the requisite Carmel Highlands Onsite Wastewater Management Study and the Carmel Highlands OWMP.

The County Board of Supervisors considered and adopted the OWMP at its December 15, 2009 meeting. The OWMP has been submitted to the Central Coast RWQCB for approval by its Executive Officer. The Board of Supervisors has directed County staff to bring forward amendments to the County Code to incorporate the recommendations of the OWMP regarding sewage disposal standards; new domestic water well water quality testing; and water well test pumping requirements.

The DEIR discusses AB 885 that requires the SWRCB to adopt regulations for onsite wastewater treatment systems, on page 4.3-70. The SWRCB issued draft regulations to

implement AB 885 in November 2008. In response to public comments on the draft, the Board is re-writing their proposal. There is currently no schedule for the release of a draft of the revised regulations.

The Central Coast RWQCB has adopted an amendment to its Basin Plan (Resolution No. R3-2008-0005) that revises that Plan's provisions for onsite wastewater management plans. The amendment establishes stricter requirements for these onsite systems. That amendment has been submitted to the SWRCB for approval. The Central Coast RWQCB is expected to proceed with its Basin Plan amendment independent of the AB 885 regulations. (Central Coast RWQCB 2008)

In order to ensure that alternative onsite wastewater treatment systems are properly regulated during the period while the AB 885 regulations are being sorted out, Policy PS-4.10 is to be revised as follows:

~~PS-4.10 Prior to approval of any new alternative wastewater systems subsequent to adoption of the 2007 General Plan, the County shall develop an alternative wastewater system management program, consistent with the regulations pursuant to AB885 and required Regional Water Quality Control Board requirements, to administer and monitor the use of alternative wastewater systems, pursuant to State law and regulations. Repairs to existing systems are exempt from this requirement~~
Alternative on-site wastewater treatment systems may be considered for repairs to existing systems and existing lots of record if the requirements for a septic system cannot be met per Monterey County Code 15.20. The design and operation of the Alternative wastewater treatment system must conform to Monterey County Code 15.20 and the Central Coast Basin Plan.

The revision removes the specific reference to AB 885 and replaces it with requirements to meet County and Central Coast RWQCB regulations.

The conclusion in the DEIR that this is a less than significant impact remains correct. Ongoing and proposed regulations, as discussed above, ensure that new development dependent upon onsite wastewater systems will not have a significant effect on groundwater and will not make a considerable contribution to existing groundwater problems that are the result of individual onsite systems.

9.5.3 Wastewater Treatment Plants in the Agricultural Wine Corridor

Commenters have asserted that the DEIR has underestimated or failed to fully analyze the impacts of future wastewater treatment plants that are expected to be built to serve future wineries and ancillary facilities in the Agricultural Wine Corridor.

At this time, there is no specific information available about the number, location, size, or design of any wastewater disposal facilities associated with new wineries within the Agricultural Wine Corridor. Therefore, the EIR for the General Plan Update cannot reasonably analyze the potential effects of those facilities. However, this does not

prevent the County from making reasonable assumptions regarding the permitting and regulatory restrictions that will apply to future winery wastewater disposal facilities.

The DEIR assumes that wastewater treatment plants will be needed in the future to serve these facilities (see page 4.3-169). The discussion there indicates that septic systems would be subject to County and Central Coast RWQCB regulation in order to avoid the release of waste to groundwater. This is correct with regard to the residences and ancillary facilities that may be associated with the full-scale and artisan wineries. However, because of the greater volume of wastewater that they produce, the wineries themselves will require larger, more complex wastewater disposal facilities. The discussion in the DEIR may have given the impression that the winery facilities are subject only to minimal permitting. That is not correct.

Winery wastewater disposal facilities will be subject to review and permitting by the County Environmental Health Bureau under Title 15 of the County Municipal Code. In addition, wineries are required to obtain a general waiver or approval of Waste Discharge Requirements (WDRs) from the Central Coast RWQCB for their wastewater disposal facilities. (Central Coast RWQCB 2008a) Winery waste is defined as “any byproduct of winemaking operations,” including pomace, wash water, tank sediment, and brine. These RWQCB permits involve discretionary review of the design and operation of the specific proposed facility to dispose of winery waste. The Central Coast RWQCB will impose conditions upon its issuance of a general waiver or WDRs requiring that the facility avoid degradation of state waters.

The above regulations will ensure that future winery wastewater disposal facilities will not pollute either surface or groundwater and will not exceed the water quality standards of the County and the Central Coast RWQCB.

9.6 Erosion and Sedimentation

Commenters have asserted that the DEIR does not provide adequate baseline information on existing erosion and sedimentation, and the environmental conditions that would be conducive to erosion and sedimentation. In their view, the DEIR should identify by map those areas that would be subject to erosion and sedimentation as a result of development pursuant to the 2007 General Plan.

The DEIR discloses the erosion and sedimentation baseline qualitatively by describing the sources of erosion and sedimentation, the location of erosion hazards (Exhibit 4.4-5), affected resources (e.g. biological resources and other beneficial use of water), the regulatory environment, including streams impaired by sedimentation, and existing regulatory programs (e.g. the Agricultural Waiver Program). As a Programmatic EIR (see Master Response 10), qualitative disclosure on a landscape basis is appropriate. For the impact analysis, the EIR includes implementation of Policy OS.3-9, which requires a program to assess and address cumulative impacts of agricultural conversions of uncultivated areas, including erosion and sedimentation. This policy has been revised to require adoption of the program within five years. Along with all the other relevant General Plan policies, this is considered an adequate level of analysis for a Programmatic EIR concerning this issue.

Erosion and sedimentation are discussed in Impact WR-1 (nonpoint source pollutants), WR-2 (construction-related erosion and sedimentation), and WR-3 (sediment and nutrients from agricultural and resource development), beginning on page 4.3-90 of the DEIR. In addition, Table 4.3-8 identifies those rivers and streams that are listed as “impaired water bodies” because of excess levels of sediment (the discussion under Section 6, *Impaired Water Bodies*, of this master response goes into more detail about the Central Coast RWQCB’s recent update to the list of impaired water bodies). Section 4.4.2.4 of the DEIR (beginning on page 4.4-14) discusses erosion hazards and Exhibit 4.4.5 provides a gross overview of soil erosion potential. These describe, on a qualitative basis, the baseline conditions within the County. The DEIR concludes that existing regulations at the County and state/regional level, in conjunction with the proposed policies of the 2007 General Plan will avoid any significant impact.

The 2007 General Plan establishes policies for future development within the inland unincorporated area of the County. More specific information is not necessary in order to understand the baseline conditions regarding erosion and sedimentation. Soil and slope information, although useful for the design of site-specific development projects in order to avoid erosion, is not conclusive evidence that new development or a change in the land use at a particular site would lead to an increase in erosion and related sedimentation. The potential for erosion and sedimentation depends on the type of future land use, how it is designed and implemented, and the regulations or development standards that apply to it. Exhibit 4.4-5 shows the areas of erosion hazards in the County, and Exhibit 3-2 shows the land use designations.

As discussed in the DEIR, beginning on page 4.3-77, Monterey County has a number of existing ordinances that specifically regulate grading, erosion control, development in floodplains, and subdivisions for the purpose of avoiding erosion and related sedimentation. These ordinances apply to all new development. Agricultural lands are subject to the Central Coast RWQCB’s Conditional Waiver for Irrigated Agriculture (discussed on page 4.3-59) that restricts, among other things, runoff, erosion, and the release of sediments. Agricultural land is also subject to Section 21.66.030 of the County zoning ordinance that requires approval of an agricultural management plan for new or expanded agricultural uses (this plan must include a soils analysis and provisions for erosion control).

To further ensure that new development under the 2007 General Plan does not result in erosion and sedimentation, the Update includes a number of policies that will directly limit those effects. As discussed under Impacts WR-1 (beginning on page 4.3-90), WR-2 (beginning on page 4.3-99), and WR-3 (beginning on page 4.3-107) in the DEIR, these include Policies OS-3.1 through OS-3.9, and Policy S-3-7. Further, Policy S-1.7 requires the development of a geologic constraints and hazards database in the County’s GIS, which will assist in the application and implementation of project-specific development standards on erosive and/or steep soils. In these Impact discussions, the DEIR also details those Area Plan policies being proposed as part of the 2007 General Plan that will similarly provide standards for the avoidance of erosion and sedimentation.

See Master Response 8, Section 8.5.4 for a discussion of the impacts of ministerial development on existing lots of record. Section 8.5.5 of Master Response 8 examines the issue of potential for the conversion of uncultivated slopes to agriculture and the resultant

potential for impact. The potential for conversion is substantially less than asserted by commenters and, as discussed above, conversion would be subject to a number of regulations and policies that will limit the potential for erosion and sedimentation.

In conclusion, the information in the DEIR, as expanded by the updated list of impaired water bodies, provides sufficient information about existing erosion and sedimentation for informed decisionmaking at the General Plan level. See also Master Response 10 for a discussion of the level of detail expected of a General Plan EIR.

9.7 Impaired Water Bodies

Commenters have asked whether the list of Total Maximum Daily Loads (TMDLs) in the DEIR is current, and have expressed doubt about the efficacy of the TMDL program. As discussed in DEIR, beginning on page 4.3-53, many of the rivers and streams in Monterey County are listed as “impaired water bodies” by the SWRCB under the Section 303(d) program. The DEIR lists impaired water bodies in Table 4.3-8 on page 4.3-54. Federal law requires the Central Coast RWQCB to establish TMDLs that include programs for removing the impairments as part of the RWQCB’s Basin Plan.

At its July 10, 2009 meeting, the Central Coast RWQCB adopted a revised 303(d) list of impaired water bodies for the Central Coast region. Using the 2006 List of Impaired Water Bodies as a starting point, Central Coast RWQCB staff assessed data and information for water bodies using a “weight of evidence” approach to evaluate whether the evidence supported adding or removing waters from the list. At the same time, the staff re-evaluated the 2006 listings.

The total number of listings of water bodies and their impairing pollutants within the Central Coast region increased from 222 to 705 (a single water body may have several entries, depending upon the number of pollutants present). At the same time, 48 water body pollutants were removed from the prior list. (Central Coast RWQCB 2009a) The total number of TMDLs to be prepared has been increased. No additional TMDLs have been completed since release of the DEIR.

The updated list of impaired water bodies supplements the DEIR water quality analysis, but does not constitute new information showing new or worsened water quality impacts of the General Plan. The *Clean Water Act Sections 305(b) and 303(d) Integrated Report for the Central Coast Region* explains that the increased number of listed water bodies does not mean that water quality has become dramatically degraded since the 2006 list was prepared:

“The number of proposed new listings is likely not indicative of temporal trends in the overall water quality, since many of these waterbodies and pollutants have never been assessed before, and many of the newly identified water quality standards exceedances have likely been occurring for some time before being identified. Formal identification of the water quality problems by placing waters on the 303(d) List of Impaired Waterbodies can be viewed as an early step in bringing waters into attainment of standards through watershed restoration efforts and the Water Boards’ programs.” (Central Coast RWQCB 2009b.)

Revised Table 4.3-8 summarizes the updated list for Monterey County (including the Pajaro River that forms the boundary with Santa Cruz County). See Chapter 4 of this FEIR for the revised table.

The Central Coast RWQCB and SWRCB are mandated to complete TMDLs for those listed water bodies that currently lack them between 2013 and 2021, as shown above. Therefore, these TMDLs are expected to be in force before the 2030 planning horizon of the General Plan and certainly prior to the projected buildout in 2092. Accordingly, it is reasonable to rely upon the anticipated TMDLs as programs that will reduce the water quality impacts of the General Plan update that would otherwise occur in their absence. Therefore, the expanded list of impaired water bodies, and associated new TMDLs, provide further water quality protections during General Plan implementation; it is not evidence of new or substantially worsened water quality impacts.

9.8 Impacts on Monterey Bay Water Quality

Commenters assert that the DEIR does not sufficiently analyze impacts of General Plan implementation on Monterey Bay water quality.

Two of the main river systems of Monterey County – Pajaro and Salinas – feed into Monterey Bay, as do all of the streams north of Pacific Grove to the County line. As a result, the analysis of impacts on Monterey Bay are part of the larger analysis of runoff under Impact WR-1 (non-point source pollution from urban runoff -- beginning on page 4.3-90), Impact WR-2 (construction impacts -- beginning on page 4.3-99), and Impact WR-3 (sediment and nutrients from resource uses—beginning on page 4.3-107). Maintaining and improving the water quality of Monterey Bay is an important concern. As described previously in this Master Response and in DEIR Section 4.3, there are numerous programs either in place or under development for the purpose of reducing the release of pollutants to surface waters that could reach Monterey Bay. These include, but are not limited to, the Central Coast RWQCB's conditional agricultural waiver program, the TMDL program of the Central Coast RWQCB's Basin Plan; the Basin Plan itself; the MRSWMP that comprises the NPDES Phase II small MS4 program for Monterey County; Monterey County's erosion control and grading ordinances (as referenced above); and the water quality related provisions of Title 15, *Public Services*, of the Monterey County Code.

In addition, the DEIR concluded that the following proposed General Plan policies under Goal OS-3 (Prevent Soil Erosion to Conserve Soils and Enhance Water Quality) and Goal OS-4 (Protect and Conserve the Quality of Coastal, Marine, and River Environments, as Applied in Areas not in the Coastal Zone), as well as Mitigation Measure BIO-2.1 (adopt stream setback ordinance) would assure that surface water quality impacts, including impacts on Monterey Bay, during General Plan implementation would be less than significant.

Specifically:

- Policies OS-3.1 through OS-3.4 work to reduce erosion and sedimentation through the application of best management practices for new development.

- Policy OS-3.5, as revised, will require erosion control measures to be included in discretionary permits for conversion of uncultivated lands to agriculture on slopes in excess of 25%.
- Policy OS-3.9, as revised, will require the County to develop a program to avoid or minimize water quality impacts from the conversion of hillside rangeland areas to cultivated croplands.
- Policy OS-4.2 directs the County to ensure that direct and indirect discharge into marine waters, rivers or streams shall not exceed state or federal standards.
- Policy OS-4.3 requires the County to protect, maintain, and preserve estuaries, salt and fresh water marshes, tide pools, wetlands, sloughs, river and stream mouth areas, plus all waterways that drain and have impact on State designated Areas of Special Biological Significance (ASBS) in accordance with state and federal water quality regulations.
- Policy OS-4.4 encourages the development of marine-related industries that will not degrade the ocean environment or upset the natural balance of native plant and animal communities.
- Mitigation Measure BIO-2.1, as revised, will require establishment of a stream setback ordinance that will explicitly “reduce sediment and other water quality impacts of new development.”

With these policies and mitigation measure applied to inland (upstream) areas, the County is improving water quality before it gets to the coastal zone boundary. Therefore, because surface water quality will not be significantly affected by the General Plan Update, the impacts on Monterey Bay water quality from surface waters entering the Bay during General Plan implementation would also be less than significant.

Master Response 10: Level of Detail for the General Plan and the General Plan's EIR

Comments have suggested that the General Plan and the Program EIR prepared for the 2007 Monterey County General Plan should have provided additional information and a greater level of detail and specificity.

10.1 General Plan Requirements

As discussed in DEIR Sections 1.1 and 3.1, the DEIR was prepared to evaluate and disclose the significant environmental impacts associated with implementation of the proposed 2007 Monterey County General Plan (2007 General Plan). The General Plan is a long term comprehensive plan for the physical development of the County. (See Gov. Code § 65300.) The General Plan consists of a statement of development policies and includes diagrams and text setting forth objectives, principles, standards, and plan proposals. (See Gov. Code § 65302.) These policies and objectives are then implemented through various other actions, such as specific plans and zoning which are more detailed and specific. (See Gov. Code §§ 65359, 65400, 65455, and 65860.)

As discussed in the Government Code, the Legislature recognized that the level of detail in the General Plan will vary. "The Legislature recognizes that the capacity of the California cities and counties to respond to state planning laws varies due to the legal differences between cities and counties, both charter and general law, and to differences among them in physical size and characteristics, population size and density, fiscal and administrative capabilities, land use and development issues, and human needs...recognizing that each city and county is required to establish its own appropriate balance in the context of the local situation when allocating resources to meet these purposes. (See Gov. Code § 65300.9; see also Gov. Code § 65301(c).) As further discussed in the Governor's Office of Planning and Research (OPR) General Plan Guidelines, "given the long-term nature of a general plan, its diagrams and text should be general enough to allow a degree of flexibility in decision-making as times change." (Office of Planning and Research 2003, page 14)

10.2 CEQA Requirements: Program EIR versus Project EIR

As discussed in DEIR Sections 2.1.1 and 2.1.2, the County prepared a "program EIR," also referred to as a "first tier" document. CEQA authorizes the preparation of a "program EIR" when the project at hand consists of a program, regulation, or series of related actions that can be characterized as one large project. Typically, such a project involves actions that are closely related either geographically or temporally. Program EIRs are typically prepared for general plans, specific plans, and regulatory programs. Generally

speaking, program EIRs analyze broad environmental effects of the program with the acknowledgment that site-specific environmental review will be required when future development projects are proposed under the approved regulatory program. (CEQA Guidelines § 15168) As discussed by the California Supreme Court “it is proper for a lead agency to use its discretion to focus a first-tier EIR on only the general plan or program, leaving project-level details to subsequent EIR's when specific projects are being considered.” (*In re Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings* (2008) 43 Cal.4th 1143) While development, in general is foreseeable under the General Plan, development at any particular parcel is largely speculative. (See *Rio Vista Farm Bureau Center et al. v. County of Solano* (1992) 5 Cal.App.4th 351.)

In contrast, a “project EIR” analyzes the environmental impacts of a specific development project. The CEQA Guidelines advise that “this type of EIR should focus primarily on the changes in the environment that would result from the development project.” (CEQA Guidelines § 15161.) The degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity which is described in the EIR. An EIR on a construction project will necessarily be more detailed in the specific effects of the project than will be an EIR on the adoption of a local general plan...because the effects of the construction can be predicted with greater accuracy.” (CEQA Guidelines § 15146.)

10.3 CEQA Requirements: Level of Detail

As discussed under CEQA Guidelines Section 15204(a), “reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible, in light of factors such as the magnitude of the project at issue, the severity of its likely environmental impacts, and the geographic scope of the project. CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commentors.” (See also CEQA Guidelines Section 15151) The CEQA Guidelines define “feasible” as “capable of being accomplished in a successful manner within a reasonable period of time, taking into account, economic, environmental, legal, social, and technological factors. (CEQA Guidelines Section 15364) Furthermore, the Supreme Court has acknowledged that “[a] project opponent or reviewing court can always imagine some additional study or analysis that might provide helpful information. It is not for them to design the EIR. That further study [] might be helpful does not make it necessary.” (*Laurel Heights Improvement Association of San Francisco, Inc. v. The Regents of the University of California* (1988) 47 Cal.3d 376, 415.)

Similarly, the CEQA Guidelines also provide that “[t]he description of the environmental setting shall be no longer than is necessary to an understanding of the significant effects of the proposed project and its alternatives.” (CEQA Guidelines Section 15125(a); see also CEQA Guidelines Section 15124(a))

While the County strives to provide as much quantitative detail as possible, not all impacts can be analyzed quantitatively. For example, see DEIR aesthetics analysis in Section 4.14, and buildout methodology discussion in Sections 2.5 and 3.3.1.2. Qualitative analysis is consistent with CEQA; as discussed in CEQA Guidelines Section

15064.7, “Each public agency is encouraged to develop and publish thresholds of significance that the agency uses in the determination of the significance of the environmental effects. A threshold of significance is a quantitative, *qualitative* or performance level of a particular environmental effect, non-compliance with which means the effects will normally be determined to be significant by the agency and compliance with which means the effect normally will be determined to be less than significant.” (Emphasis added.)

10.4 **Monterey County 2007 General Plan and EIR**

The EIR prepared for the 2007 General Plan for Monterey County is a program EIR. The 2007 General Plan is a broad statement of policies. As such, this EIR “need not be as detailed as an EIR on ... specific construction projects” (CEQA Guidelines Section 15146). Further actions or procedures necessary to implementing the 2007 General Plan will include the processing of zoning plans, specific plans, tentative tract maps, site design plans, building permits, and/or grading permits.

As discussed above, the level of detail in the General Plan and the EIR is commensurate with the geographic scope of the project, population size and density, fiscal and administrative capabilities, and economic, environmental, legal, social, and technological factors. (Government Code Sections 65300.9 and 65301(c); see also CEQA Guidelines Sections 15143, 15146, 15151, 15204.) All of these factors have played a role in the level of detail provided in the General Plan and the EIR. In particular, the geographic scope of the General Plan has played a substantial role. The Monterey County General Plan contains an area of 2,925 square miles (not including the Coastal Zone), with a horizon year of 2030, and includes a wide variety of ecosystems and land uses, including well-established urban, suburban, and rural communities of varying sizes and development intensity. The County has an extensive array of agricultural lands, lands devoted to mineral extraction, and recreational areas. There are mountains, valley areas, and expansive natural open spaces. In addition, the County contains large areas of Federal and State lands and 12 incorporated cities that are not under the land use authority of the County. The analysis in a General Plan and a program EIR for a county this size is not intended to be site-specific nor specific to a particular development project, but is a broader analysis consistent with the Government Code and CEQA requirements.

10.5 **Monterey County 2007 General Plan Mitigation Measures and Policies**

Some commenters have suggested that the mitigation measures and policies in the DEIR improperly defer mitigation of some impacts and suggest that these mitigation measures and policies should be more specific. Commenters also contend that some policies and mitigation measures are infeasible, unenforceable, unlikely to be carried out, unlikely to be successful, or lack a time frame for implementation.

The proposed 2007 General Plan is a policy document to provide a long term, comprehensive plan for the physical development of the County. It generally describes the type, intensity, and location of development that may occur within the County, and provides policies that will guide the design and provide basic standards for that development. The General Plan itself is not a regulatory act. The General Plan's goals and policies will be realized through the laws and regulations of other agencies, County regulatory ordinances and future County decisions on specific development projects. As discussed in the OPR Guidelines, the General Plan should "be general enough to allow a degree of flexibility in decision-making as times change."

Mitigation Measures are components of the DEIR and are subject to the same requirements regarding their level of detail. (See CEQA Guidelines Section 15126.4; see also CEQA Guidelines Sections 15143, 15146, 15151, 15204) As discussed above, a program EIR is not expected to analyze site-specific impacts. The 2007 General Plan consists of goals and policies that will guide future development decisions. It does not, for the most part, include site-specific development proposals. General Plan policies and mitigation measures should be consistent with the geographic scope of the project, population size and density, fiscal and administrative capabilities, and economic, environmental, legal, social, and technological factors. (Government Code Sections 65300.9 and 65301(c); CEQA Guidelines Sections 15143, 15146, 15151, and 15204) It is important for General Plan policies and mitigation measures, which cover such a large and diverse area, to be flexible enough to accommodate the individual environmental and planning needs of each area of the County. Accordingly, this EIR analyzes goals, policies, and mitigation measures at a programmatic level. An attempt to examine impacts on a site-specific basis and to provide mitigation measures for those project level impacts would be speculative given the lack of information about future site-specific development.

While the County strives to provide as much detail as possible in the mitigation measures and policies, some flexibility must be maintained to provide a General Plan capable of covering 2,925 square miles. As also discussed by the Court of Appeal, "a first-tier EIR may contain generalized mitigation criteria and policy-level alternatives." (*Koster v. County of San Joaquin* (1996) 47 Cal.App.4th 29.) CEQA case law has also held that deferral of the specifics of mitigation is permissible where the lead agency commits itself to mitigation and, in the mitigation measure, either describes performance standards to be met in future mitigation or provides a menu of alternative mitigation measures to be selected from in the future. (*California Native Plant Society v. City of Rancho Cordova* (2009) 172 Cal.App.4th 603 [the details of exactly how the required mitigation and its performance standards will be achieved can be deferred pending completion of a future study]; *Endangered Habitats League Inc. v. County of Orange* (2005) 131 Cal.App.4th 777, 793 [deferred mitigation acceptable when performance standards are included]; see also, *Riverwatch v. County of San Diego* (1999) 76 Cal.App.4th 1428, 1448-1450 [a deferred approach may be appropriate where it is not reasonably practical or feasible to provide a more complete analysis before approval and the EIR otherwise provides adequate information of the project's impacts]; *Sacramento Old City Assn. v. City Council of Sacramento, supra*, 229 Cal.App.3d at p. 1028-1029 [deferral of agency's selection among several alternatives based on performance criteria was appropriate]) Furthermore, the Government Code and other statutory and regulatory requirements provide mechanisms to implement the goals and policies of the General Plan and to

ensure future projects will be consistent with the General Plan. (See Government Code Sections 65359, 65400, 65455, and 65860.)

In keeping with the general nature of a program EIR's impact analysis, the mitigation measures identified in the DEIR for the 2007 General Plan are less specific than those that would typically be a part of a project EIR. This is consistent with CEQA Guidelines Section 15126.4, subsection (a)(1)(B), which provides that "[w]hen several measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified. Formulation of mitigation measures should not be deferred until some future time. However, measures may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way."

The County has committed to mitigation by including mitigating policies in its General Plan and by the adoption of specific mitigation measures to supplement those policies. There are many examples where General Plan policies and mitigation incorporate specific performance standards. Master Response 4, *Water Supply*, describes the ways in which many of the General Plan's water supply policies will be implemented (e.g. Policies PS.3-17, PS.3-18), and which include specific performance measures for implementation. In addition, Mitigation Measure BIO-2.2 calls for a ratio for mitigation of oak woodland losses; and Policy OS.10-11 (as modified by Mitigation Measure CC-1a) calls for a reduction in greenhouse gases by 15% below 2005 levels by 2020. Further, with regards to policies related to zoning ordinance amendments, Government Code Section 65860 requires the zoning ordinance to be consistent with the General Plan and when the General Plan is amended, "the zoning ordinance shall be amended within a reasonable time so that it is consistent with the general plan as amended."

The ability of the County to implement or maintain mitigation measures in the future is subject to the vagaries of the budget process. The County operates on a single fiscal year budget basis, and cannot contract for debts or liabilities beyond a fiscal year. (Government Code section 25256.) Counties depend heavily upon property tax revenue, which in turn are dependant upon the state of the general economy and real estate market. The County's ability to raise revenue through the imposition of new or increase in taxes and fees is dependent upon a vote of the electorate. (California Constitution, Articles XIII C and XIII D.) The County is also dependant in its budget on subventions from the state, which in any given year may be reduced or eliminated. (*See generally*, Title 2, Division 4 of the Government Code.) Thus, while the County is committed through the adoption of the General Plan and the certification of the FEIR to policy implementation and mitigation measures, the County cannot guarantee that in any fiscal year sufficient funds will be available for activities not funded through existing taxes and fees.

10.6 Fee Based Mitigation

Some commenters have questioned the adequacy of the fee-based mitigation measures in the DEIR and General Plan policies. Under CEQA, paying a fee is permissible as effective mitigation if the fees are "part of a reasonable plan of actual mitigation that the relevant agency commits itself to implementing." (*Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173, 1187; *Save Our Peninsula Comm. v. Monterey*

County Board of Supervisors (2001) 81 Cal.App.4th 99, 141.) The fee-based mitigation mechanisms in the DEIR and General Plan are legal and environmentally sufficient mitigation as part of a comprehensive mitigation strategy and are reasonably expected to mitigate project impacts.

The following proposed General Plan Policies include fee-based mechanisms: Open Space Policy OS-5.17; Circulation Policies C-1.2, C-1.8 and C-1.11; Public Services Policies PS-1.1, PS-1.4, PS-7.8 and PS-11.9; Safety Policies S-5.11 and S-6.3; and Agriculture Policy AG-1.12. Additionally, Mitigation Measures TRAN-2B, BIO-1.2, BIO-1.5 and BIO-2.2 include payment of fees as one component of the comprehensive mitigation strategy to reduce impacts TRAN-2B, BIO-1 and BIO-2, respectively. The fee component of these policies and mitigation measures is part of a reasonable strategy to address the impacts of the proposed General Plan Update. In no case does the EIR rely solely on any of these fee-based mechanisms to presumptively establish full mitigation of an impact. See the response to comment O-21k.3 for additional information on the role of fee-based mitigation within the broader strategies proposed for mitigation of impacts.

With respect the fee-based mechanisms included in the General Plan's Circulation Element, the EIR recognizes that even with adoption and implementation of the County Capital Improvement and Financing Plan (CIFP) and Traffic Impact Fee (TIF) (Policies C-1.2 and C-1.8) and the TAMC Regional Traffic Impact Fee (Policy C-1.11) the proposed 2007 General Plan will have a significant and unavoidable impact on County roads and Regional roads both within and external to Monterey County. (DEIR, p. 4.6-45.) This conclusion is not applicable to direct impacts (Impact TRAN-1A) or cumulative impacts from new development projects (Impact TRAN-2A), i.e., localized on-site or off-site impacts to roadways necessary for access to the project, because all new development will be required to concurrently construct circulation improvements that mitigate such impacts pursuant to proposed Policy C-1.4, or pay "fair-share" fee for cumulative impacts until the countywide fee program is adopted.

Once adopted, all impact fee programs will be fully enforceable as policies under the 2007 General Plan and through implementing ordinances. (Public Resources Code Section 21081.6(b); CEQA Guidelines § 15126.4(a)(2)) The County is currently preparing a countywide nexus study for establishing the Countywide traffic impact mitigation fee. (DEIR Section 4.6.3.5) The CIFP, the County TIF, and the Regional TIF will be developed and adopted within 18 months of the adoption of the General plan. (2007 General Plan Policies C-1.2, C-1.8, C-1.11.)

The County is not required to guarantee potential outside funding sources described in the General Plan and EIR and may conclude the impact will remain significant and unavoidable if implementation of the mitigation plan is not reasonably certain. (See *Federation of Hillsides v. City of Los Angeles* (2004) 126 Cal.App.3d 1180.) The County has developed a list of known, proposed traffic improvements to be funded by a Countywide Traffic Impact Fee Program, as described in DEIR Section 4.6.3.5 (see Table 4.6-13) and General Plan Policy C-1.8. In addition, TAMC has adopted a list of capital improvements to be funded by their Regional Traffic Impact Fee. (DEIR Section 4.6.3.5, Table 4.6-12.) These fee programs will fund significant improvements to County and Regional roadway segments beyond existing conditions. However, despite these development contributions to project-specific local impacts (through project-level

mitigation), county impacts (through countywide traffic impact fee), and regional impacts (through regional traffic impact fee), there will not be sufficient funding to cover all the transportation improvements necessary to mitigate impacts to less than significant. (DEIR Section 4.6.3.5.) Therefore, the DEIR concludes that traffic impacts to County and regional roadways will remain significant and unavoidable. Please see Master Response 6, *Traffic Mitigation*, for further discussion of traffic mitigation measures.

10.7 General Response – Relying on Compliance with Federal, State, and Local Regulations to Reduce or Avoid Impacts

Monterey County's General Plan does not stand alone from a regulatory or statutory perspective. Development within the County, contemplated under the General Plan, must comply with other federal, state, and local regulatory and statutory requirements. These will shape the way development occurs within the County, in addition to the General Plan.

Furthermore, case law has supported the use of regulatory requirements to avoid significant impacts. (See *City of Long Beach v. Los Angeles Unified School District* (2009) 176 Cal.App.4th 889, 913, 914 [discussing compliance with Safe School Plan requirements under Education Code Sections 32282 *et seq.* to help avoid hazardous material impacts]; *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 308 ["compliance [with environmental regulations] would indeed avoid significant environmental effects"]; see also CEQA Guidelines Sections 15002(h)(3), 15064(h)(3), and 15130(c).) The County is entitled to rely on existing County land use and environmental regulations to determine that an impact subject to these regulations is less than significant. A lead agency's use of existing environmental standards in determining the significance of a project's environmental impacts is an effective means of promoting consistency in significance determinations (*Communities for a Better Environment v. Resources Agency* (2002, 103 Cal. App. 4th 98, 111).

General Plan policies do not modify many of the ordinances and regulations referenced in the DEIR. Where the General Plan modifies ordinances and regulations (typically strengthening them), the DEIR analyzes the associated impacts. For example, the General Plan Policy OS.5-23 calls for a regulatory program to account for the loss of oak woodlands, which would modify and strengthen Chapter 16.60 of the Municipal Code. The DEIR analyzed the impact of this program in Section 4.9, *Biological Resources* (Page 4.9-86). In addition, Mitigation Measure BIO-2.1 (see also General Plan Policy OS.5-22) calls for the adoption of a stream setback ordinance which would strengthen County Code sections such as 16.12.050 and 16.12.070.

It is not possible or necessary to identify potential post-GPU5 language in the County Code. Whether future proposed changes in the General Plan or specific ordinances could have significant environmental effects is speculative and the details of such changes are unknown at this time. Additionally, many of the regulations relied upon in the EIR impact analyses are not modified by proposed General Plan policies; impacts of those regulations that would be modified (and typically strengthened) by General Plan policies

are analyzed in the DEIR. – in any case, any such specific changes would require separate CEQA review.

Master Response 11: Effect of GPU5 on the Local Coastal Program and Impacts to Coastal Resources

Several comments asked for clarification regarding the relationship between the Local Coastal Program (LCP) and the General Plan Update (GPU5). Comments also asked for a further explanation of impacts to coastal areas as a result of the GPU5.

The master response addresses the following topics:

- 11.1. Format of the General Plan
- 11.2. Relationship Between GPU5 and the Local Coastal Land Use Plans
 - 11.2.1 The Local Coastal Program
 - 11.2.2 Castroville Community Plan
- 11.3. Clarifications to the Text of GPU5 and the DEIR
 - 11.3.1 Clarifications of GPU5
 - 11.3.2 Clarifications of the DEIR
- 11.4. GPU5 Impacts on Coastal Areas

11.1 Format of the General Plan

State Planning Law (Government Code Section 65100, et seq.) requires Monterey County to adopt a “comprehensive, long-term general plan for the physical development of the county.” (Government Code Section 65300) The general plan must include all lands under county jurisdiction, as well as “any land outside its boundaries which in the planning agency's judgment bears relation to its planning” (Government Code Section 65300). The general plan must “comprise an integrated, internally consistent and compatible statement of policies for the adopting agency” (Government Code Section 65300.5)

State Planning Law provides that “the diversity of the state's communities and their residents requires planning agencies and legislative bodies to implement this [law] in ways that accommodate local conditions and circumstances, while meeting its minimum requirements.” (Government Code Section 65300.7) Accordingly, a general plan “may be adopted in any format deemed appropriate or convenient by the legislative body, including the combining of elements.” (Government Code Section 65301(a)) The general plan may be adopted as “a group of documents relating to subjects or geographic segments of the planning area.” (Government Code section 65301(b))

The California Coastal Act (Public Resources Code Section 30000, et seq.) establishes additional requirements for planning and land use regulations within the Coastal Zone. The California Coastal Commission regulates land use within the Coastal Zone until a

county (or city) adopts a Local Coastal Program (LCP) that reflects the requirements of the Coastal Act and that LCP has been certified by the Commission. Monterey County has adopted and the Coastal Commission has certified four coastal land use plans and related implementation plans that make up the County's Commission-certified LCP. The County's LCP consists of the following Land Use Plans and implementing regulations: the North County Land Use Plan, the Del Monte Forest Land Use Plan, the Carmel Land Use Plan, the Big Sur Coast Land Use Plan and the Monterey County Coastal Implementation Plan (Parts 1 through 6, including Title 20 of the Monterey County Code). See the DEIR at sections 3.4.7 (beginning on page 3-41) and 4.1.2.2 (beginning on page 4.1-3) for discussions of the LCP and coastal planning.

11.2 Relationship Between GPU5 and the Coastal Land Use Plans

Some commenters assert that GPU5 will require changes to the LCP and that therefore the DEIR must analyze the impacts of the known or foreseeable LCP changes.

11.2.1 The Local Coastal Program

As stated in the draft General Plan itself and the DEIR, the proposed GPU5 does not amend and is not intended to amend the existing Monterey County Local Coastal Program (See GPU5, Introduction, pages vi and viii; DEIR at sections 3.4.7 (beginning on page 3-41) and 4.1.2.2 (beginning on page 4.1-3).) If the LCP were to be amended, proposed amendments to the LCP would need to undergo their own review in accordance with procedures established by law, including appropriate environmental review, noticed public hearings, separate action by the County Board of Supervisors, and submission of major LCP amendments to the Coastal Commission for certification. (Amendments designated as minor or *de minimis* by the Executive Director of the Coastal Commission are subject to expedited procedures at the Coastal Commission, per Public Resources Code section 30514 and California Code of Regulations, Title 14, section 13554, 13555.)

The LCP does not need to be amended to achieve internal consistency of the general plan. The LCP must be consistent with the General Plan and will meet that requirement as long as it "furthers the objectives and policies of the general plan." (Government Code, § 65300.5; Governor's Office of Planning and Research, 2003 State General Plan Guidelines, pg. 164) Policies in the two plans need not be identical in order to be consistent. Differences in policy in the inland and coastal areas are based on the unique state policies and planning considerations affecting the coastal zone. As set forth in the Coastal Act, the "California coastal zone is a distinct and valuable natural resource." (Public Resources Code section 30001(a).) The Coastal Act establishes standards to protect coastal resources and requires unique procedures for adoption and amendment of the LCP. (Public Resources Code sections 30000, et seq.) As the courts have recognized, the LCP is "not solely a matter of local law, but embod[ies] state policy. (*Charles A. Pratt Construction Co., Inc. v. California Coastal Commission* (2008) 162 Cal. App. 4th 1068, 1075) Local government authority in the coastal zone is an authority delegated by the California Coastal Commission, and the Coastal Commission "has the

ultimate authority to ensure that coastal development conforms to the policies embodied in the state act.” (*Ibid.*) Good reason exists for different policies to apply in the coastal zone, as compared to the inland area.

As explained above, the fact that the policies and land use classifications in GPU5 and a coastal LUP are not identical does not mean that they are in conflict or that the GPU5 will automatically require changes to the LCP. The existing coastal LUPs establish more specific policies and coastal land use designations that have been developed to meet the standards of the California Coastal Act and the Coastal Commission. Additionally, the LUPs may include policies related to the Coastal Act requirements, such as shoreline access, that do not have a policy counterpart in the General Plan itself. The LCP also relies on portions of the 1982 General Plan, in particular policies (such as noise policies) that are not otherwise addressed in the LCP because they are not required by the Coastal Act. To the extent the LCP relies on the 1982 General Plan, the GPU5 adoption is not intended to change that reliance. LCP would remain tied to the 1982 General Plan and the 1982 General Plan would remain in effect in the coastal zone until the LCP is amended. This approach, with clearly delineated coastal and inland plans, is authorized by Government Code Section 65301, which allows the county to adopt a general plan in the format it deems appropriate, including having separate documents for different geographic segments of the county. For the reasons just described, these differences do not mean that adoption of GPU5 will of necessity require changes to the LCP.

The Housing Element is a mandatory element of the General Plan. Although it is an element that applies countywide, it is not part of the County’s Local Coastal Program, and it is not proposed to be amended as part of this General Plan update.

Because GPU5 does not amend the LCP directly or result in known or foreseeable LCP amendments, CEQA does not require the GPU5 DEIR to analyze the environmental impacts of LCP amendments that are not being proposed. (CEQA Guidelines § 15064 (d) [stating that the lead agency need only consider direct physical changes in the environment and reasonably foreseeable indirect physical changes that may be caused by the project])

11.2.2 Castroville Community Plan

Based on the comments received, it is apparent that the policy related to the Castroville Community area has caused confusion about the relationship of GPU5 to the LCP. The County recommends a clarification to the text of GPU5, as explained below, to eliminate any ambiguity.

GPU5 designates the inland unincorporated area of Castroville as a Community Area. Policy LU 2.22.b. contains a sentence intended to acknowledge that the GPU does not change the coastal portion of Castroville, providing: “To the extent that the Castroville Community Area is located in the coastal zone, that portion of the Community Area shall require an amendment to the Local Coastal Program certified by the California Coastal Commission as part of the Community Plan process.” This sentence was informational only, meant to convey that any change to the portion of the Castroville Community Area in the coastal zone would require actions separate from and in addition to adoption of the

GPU. It accurately reflects the facts concerning adoption of the Castroville Community Plan.

When the County Board of Supervisors adopted the Castroville Community Plan, the Board distinguished between the inland and coastal areas of Castroville. The Board amended the 1982 General Plan and the inland North County Area Plan to incorporate the Castroville Community Plan, as applicable in the inland area of the County. (County Board of Supervisors' Resolution No. 07-102, dated April 10, 2007) The Board took a separate action on the Castroville Community Plan as applied in the coastal zone. The Board adopted a resolution of intent to amend the North County Land Use Plan of the Local Coastal Program to incorporate the Castroville Community Plan, as applicable to the coastal areas, and directed staff to submit the proposed amendment to the Coastal Commission for certification. (County Board of Supervisors' Resolution No. 07-103, dated April 10, 2007)

Because the informational sentence may have created an ambiguity, the County recommends that the above-quoted sentence in LU 2.22 be deleted and replaced with a notation that only the inland portion of Castroville is part of the Community Area. With these changes Policy LU 2.22.b will read as follows:

b. Castroville (*Figure CA2*) -- ~~(as applicable to the inland area of the County) To the extent that the Castroville Community Area is located in the coastal zone, that portion of the Community Area shall require an amendment to the Local Coastal Program certified by the California Coastal Commission as part of the Community Plan process.~~

For the same reason, notes have been added to Figures 4, CA2, LU7, and LU8 of GPU5 clarifying that the General Plan applies only to the Castroville Community Area in the inland unincorporated area of the County, and the proposed coastal portion of the Castroville Community Area is depicted for information only. See Chapter 5 of the FEIR for the text of the General Plan.

The EIR for GPU5 is also not required to analyze the impacts of the LCP amendment for the Castroville Community Plan for several reasons. Concurrent or future actions are required to be analyzed in an EIR only if the action is a reasonably foreseeable consequence of the initial project and the action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects. (*Laurel Heights Improvement Ass'n v. Regents of University of California* (1988) 47 Cal.3d 376, 396.) The LCP amendment for the Castroville Community Area is not a foreseeable consequence of adoption of GPU5. The Castroville Community Plan was already subject to its own environmental review (Board of Supervisors' Resolution No. 07-101 certifying the FEIR for the Castroville Community Plan, dated April 10, 2007). When adopting the Castroville Community Plan, the Board found that the Castroville Community Plan could be adopted and implemented in the inland area separate from adoption of the Community Plan as applicable in the coastal zone. (Board of Supervisors' Resolution No. 07-102, finding 3) The LCP amendment has not been adopted by the Coastal Commission. The County submitted the amendment to the Coastal Commission for certification, but County withdrew the proposed amendment prior to the Commission's March 12, 2009 hearing. (California Coastal Commission 2009) Future adoption of the proposed amendment is uncertain. An EIR is not required to address uncertain or speculative

future activities. (CEQA Guidelines § 15064(d)(3)) For all these reasons, the proposed 2007 LCP amendment to incorporate the Castroville Community Plan into the LCP is not a known or foreseeable consequence of the adoption of GPU5, and the DEIR was not required by CEQA to analyze it.

11.3 Clarifications to the Text of GPU5 and the DEIR

Commenters have also pointed to certain phrases in the text of the DEIR and GPU5 which could create ambiguity as to whether the GPU5 will require changes to the LCP. This section describes the clarifications that will be made to make clear that GPU5 applies only to the inland unincorporated area of the County.

11.3.1 Clarifications of GPU5

Policy S-6.5 should be revised to omit the word “countywide.” As revised, Policy S-6.5 would read as follows:

S-6.5 ~~Countywide~~ Service level goals for fire and ambulance/emergency service are:

- a. 8 minutes or less, 90% of the time in urban areas (Community Areas);
- b. 12 minutes or less, 90% of the time in suburban areas (Rural Centers);
- c. 45 minutes or less, 90% of the time in rural areas (Areas outside designated Community Areas or Rural Centers). (See *Policy S-5.11*)

The deletion of the word “countywide” does not affect the impact analysis in the DEIR because the policy is meant to apply in the inland areas of the County. The Castroville Community Area policy (Policy LU -2.22.b) and figures showing the Castroville Community Area will also be clarified as discussed above.

11.3.2 Clarifications of the DEIR

To clear up any ambiguity regarding the independence of the GPU5 and the LCP, any text of the DEIR or proposed mitigation that is characterized as applying “countywide” should be understood to mean the “inland unincorporated” area of the county. As comprehensive a list as possible of these changes is in Chapter 4, *Text Changes to the DEIR*.

11.4 GPU5 Impacts to Coastal Areas

Although GPU5 does not propose any changes or amendments to the LCP, the reasonably foreseeable indirect impacts of inland development upon the coastal zone are analyzed in the DEIR in the discussions of water resources, transportation, air quality, noise, and biology in Sections 4.3, 4.6, 4.7, 4.8, and 4.9 of the DEIR, respectively. For example:

- The water resources analysis has a countywide scope because water supply and quality issues are countywide issues, with solutions being pursued in both the coastal and inland regions. Further, the major Salinas River and Pajaro River groundwater basins are located within both the coastal and inland areas. In addition to the North County and Salinas Valley, the analysis includes extensive discussions of water resources in the coastal regions, with emphasis on the Monterey area. (DEIR, Section 4.3.2.)
- Transportation is examined on a countywide basis because the AMBAG traffic model on which the analysis is based evaluates a road system that forms a network linking both coastal and inland areas. Traffic patterns cross the coastal/inland boundary regularly. (DEIR Section 4.6.)
- The air quality analysis is based on an examination of potential impacts of development under GPU5 on the North Central Coast Air Basin, which includes both the coastal and inland areas of Monterey County. (DEIR, Section 4.7.2.) In addition, it is based on the results of the traffic modeling, which has a countywide context. (DEIR, Section 4.7.4.2.)
- The noise analysis is based, in large part, on the noise levels associated with traffic. Because it uses the traffic data from the countywide traffic model, it also has a countywide context. In addition, the noise analysis examined the potential noise impacts from airports in the coastal region on surrounding land uses. (DEIR, Section 4.8.)
- The biological resources analysis is largely based on habitat/vegetation types, considering those fish, wildlife, and plant species that rely on them. This is a countywide analysis that examined species and habitat/vegetation types occur in the coastal and inland regions of the county. The lists of species in Tables 4.9-4 and 4.9-5 include species that are found in the coastal region of the county. The habitat/vegetation types and historic conversions of those resources, as depicted in Exhibits 4.9.1, 4.9.5, 4.9.6, and 4.9.7, include both coastal and inland regions of the county. Certain species, such as deer and central California coast steelhead, regularly move between the regions and they were considered in the biological resources analysis. (DEIR, Section 4.9.3.)

The Monterey County General Plan establishes long-term development policy for the unincorporated inland area of the County. The analyses of impacts on both coastal and inland regions in the above referenced sections of the DEIR address potential impacts at the 2030 planning horizon and, to the extent reasonably feasible, at build out in 2092. The cumulative impact of GPU5 on the coastal zone is adequately addressed in DEIR Section 6.4.

Master Response 12: Recirculation and Availability of References

12.1 Recirculation

Numerous comments contend that the DEIR must be revised and recirculated. CEQA requires an EIR to be recirculated if, following commencement of the public comment period but before certification, “significant new information” is added to the EIR. (Public Resources Code § 21092.1; Guidelines § 15088.5; *Laurel Heights Improvement Associations v. Regents of the University of California* (1993) 6 Cal. 4th 1112) The Guidelines provide that “information” includes “changes in the project or environmental setting as well as additional data or other information.” (Guidelines § 15088.5) The Guidelines further provide that any such new information is not *significant* “unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement.” *Id.*

The CEQA Guidelines codified the decision in *Laurel Heights*, although in so doing it made some revisions to the standards the court had announced. Pursuant to the Guidelines, examples of “significant new information” include:

1. A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented;
2. A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance;
3. A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project’s proponents decline to adopt it; or
4. The DEIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

The Guidelines further provide that “recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.” Finally, a decision not to recirculate must be supported by substantial evidence in the administrative record (Guidelines § 15088.5 (e)), and the more stringent “fair argument” standard is not applicable. (See *Laurel Heights, supra* at 1134-1135.)

Here, any revisions to the DEIR or to the 2007 General Plan, as more specifically discussed in the responses to comments, do not meet the criteria for recirculation as set forth in the Guidelines. Revisions to the 2007 General Plan made either in response to comments or otherwise, may lessen environmental impacts but not in a way that alters the analysis as set forth in the DEIR. Changes to the DEIR, including revisions to the

mitigation measures, information updated since the release of the DEIR, and discussion provided in response to comments, serve to clarify or amplify the analysis in the DEIR, and do not meet the criteria of the Guidelines. No new or substantially more severe impact has been identified in the FEIR. Finally, conclusory comments alleging that the DEIR is so fundamentally flawed that it requires revision and recirculation are not supported by the evidence; the number of very detailed comments by itself shows that the public had a meaningful opportunity to review and comment upon the DEIR. Among the purposes of the EIR public comment process is to allow the public entity the opportunity to consider and respond to comments on significant environmental issues in a manner that more fully provides the decision makers with the information that is at the heart of the CEQA process. Based upon the record, it cannot be said that the process hasn't worked in this instance; the decision makers (the Planning Commission and Board of Supervisors) will have more than substantial information based upon the DEIR, the comments, and the responses to comments, to make an informed decision on the General Plan.

12.2 Availability of References

At the time the DEIR was released for public review, the County received a number of comments regarding the availability of reference documents. Some of the comments requested to review every document referenced in the DEIR, whereas other requested to review specific reference documents. This response details the County's efforts at full compliance with CEQA regarding the availability of reference documents.

The public review period for the DEIR initially commenced on September 8, 2008, and was scheduled to conclude on November 18, 2008. Comments from members of the public, that certain of the reference documents for the DEIR were not available, began to arrive shortly after the review period began. While attempting to address the availability of the reference documents, the County extended the public comment period an indefinite time, but to conclude no earlier than December 2, 2008. The public review period ultimately ended on February 2, 2009, providing a 147-day comment period.

More specifically, several comment letters suggested that the comment period could not begin until "all documents referenced" have been made available for review in DEIR Section 11, relying upon Public Resource Code Section 21092(b)(1) and CEQA Guidelines Section 15087(c)(5). Several comments have also requested air quality modeling programs and model runs. Finally, several comments also discussed difficulty in accessing interactive websites, such as database searches.

The DEIR references 211 sources of information, including information from print and electronic mediums, including online interactive databases. During the review period, the County worked to provide specific documents to those parties with specific requests. The County revised the DEIR References Section 11 on December 5, 2008. In this revised section, the County noted in the introduction:

The following documents listed below can be accessed in one or more of the following ways (the specific availability of each document is noted in the citations below): (a) In hard copy at the Front Counter of the Monterey County Planning

Department, Salinas Permit Center, 168 W. Alisal St. 2nd Floor Salinas, CA 93901, (831) 755-5025, (b) On CDROM at the Front Counter. (c) On the Internet at the specified internet address noted for the citation below. The Salinas Permit Center is open Monday through Friday, from 7:30 a.m. to 5:00 p.m. For questions regarding these citations, or for assistance, please contact Carl Holm, Deputy Director, RMA-Planning at holmcp@co.monterey.ca.us or 831-755-5103.

The County also set up an internet-enabled computer at the front counter of the Planning Department, located in the Salinas Permit Center at the Monterey County Government Center, to aid parties in reviewing the DEIR and its references. Finally, the County extended the review period, including resubmitting the DEIR to the State Clearinghouse, and provided a 147 day comment period for both the public and agencies.

As discussed by the Court of Appeals, “CEQA requires an EIR to reflect a good faith effort at full disclosure; it does not mandate perfection, nor does it require an analysis to be exhaustive.” (*See El Morro Community Ass’n v. California Dept. of Parks and Recreation* (2004) 122 Cal.App.4th 1341, 1349 [internal quotations omitted]; see also *Fort Mojave Indian Tribe v. CA Department of Health Services* (1995) 38 Cal.App.4th 1574.) Furthermore, errors are not presumed to be prejudicial (see Public Resources Code Section 21005(b).) While several comments have suggested that CEQA Guidelines Section 15087(c)(5) mandates availability of “all documents referenced,” this section must be read in context. As discussed in a leading CEQA treatise, “[t]he requirement that the EIR public review notice indicate the address where copies of the EIR and all ‘referenced’ documents are available has also led to some confusion. This notice requirement should be read together with 14 Cal. Code Regs. §15150(b), which requires that documents incorporated by reference in an EIR be made available for inspection. See also 14 Cal. Code Regs. §15087(c)(5). This requirement should not be interpreted to apply to documents that are cited in an EIR under 14 Cal. Code Regs. 15148, because there is no requirement that such documents be made available for public inspection.” (Kostka & Zischke, *Practice Under the California Environmental Quality Act*, (2d ed Cal CEB, January 2010 Update), p. 472, § 9.18.)

The DEIR did not incorporate any documents by reference, but included a list of references in Section 11. The County updated its website, revised Section 11, and made available in hard copy at the County Administration Building copies of the reference materials. In addition, the County continued to offer assistance to members of the public regarding the references. Following the release of the revised Section 11, the County restarted the public comment period for the DEIR on December 16, 2008, which concluded on February 2, 2009.

A few of the comments requested that the air quality modeling programs and model runs, used to obtain certain of the data used in the DEIR, be made available. The requested model runs were provided to the requesters. Please see Response to Wolfe Comment O11-g # 57. The Emission Factors (EMFAC) model was used to calculate emission rates from motor vehicles. EMFAC2007 is the most recent version of this model and is not owned by the County. It is available, however, for download on the California Air Resources Board website at http://www.arb.ca.gov/msei/onroad/latest_version.htm. The Association of Monterey Bay Area Governments (AMBAG) model used for forecasting population is proprietary. CEQA Guidelines Section 15120(d) provides that documents defined as trade secrets under Government Code Section 6254 shall not be included in the

DEIR. It is not within the purview of the County to provide other agencies' proprietary models. Government Code Section 6254.9 (a) states that "Computer software developed by a state or local agency is not itself a public record under this chapter. . ." For that reason, the AMBAG model was not provided.

Several comments also faulted the references section, DEIR Section 11, for not providing web links with the specific information referenced in the DEIR. As noted above, the County is not required under CEQA to make all references available for review. Furthermore, in some instances the DEIR relied upon information from interactive databases and websites. Use of these websites and databases requires input of specific information on the part of the user. The County does not have control over these websites and databases and therefore did not have the ability to provide a direct web link to the specific information, therefore links to the websites which contained this information were provided.

Furthermore, several comments also stated that the review period should not begin to run until Appendix C – Traffic Data was made available on the County's website and everyone was informed of the addition to the website, because the public would not have reason to know of the availability of the Appendix. The County made the DEIR available for review online to aid the public in reviewing the document. Appendix C was made available on the County's website on September 8, 2008 at the url: http://www.co.monterey.ca.us/planning/gpu/2007_GPU_DEIR_Sept_2008/2007_GPU_DEIR_September_2008.htm. This revision was noted in red text as follows: "(Added September 8, 2008)." The availability of this document was also noted in several comment letters (see Open Monterey Project comments O-21a and O-21f). To the extent the public was relying upon the County's website to review the document, the public would have been made aware of this Appendix, as it was discussed in the DEIR and the addition was noted in red on the website. Furthermore, there is no requirement under CEQA for the DEIR to be made available online. (*See also Voices for a Rural Living et al. v. Department of Transportation* (2008) 2008 WL 773152 at page 11 [Unpublished – holding that the failure to make an Appendix available online is not prejudicial error].)

Other comments suggested that the comment period could not begin to run until the DEIR and Appendix C were made available at Monterey Library, Carmel Library, and the Prunedale Library, relying upon CEQA Guidelines Section 15087(g). The DEIR, including Appendix C, was delivered to the State Clearinghouse at the restart of the public comment period in December 2008, and was available at all Monterey County public libraries. As discussed under CEQA Guidelines Section 15087(g), "lead agencies *should* furnish copies of the DEIRs to public library systems serving the area involved." (Emphasis added.) As discussed under CEQA Guidelines Section 15005(b), use of the word "should" is not mandatory language. Furthermore, the Guidelines discuss making the DEIR available to the "public library systems serving the area involved" not to every individual library within the County. As discussed above, the County responded to individuals requesting specific reference documents, and extended the comment period for a total of 147 days. Pursuant to these efforts, the County believes it has made the necessary good faith effort at full disclosure regarding the reference documents for the DEIR.

Chapter 3

Responses to Specific Comments

Introduction

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

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

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

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

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

Comment Letter No.	Commenter
O-13b	Monterey County Cattlemen's Association
O-14a	Monterey County Farm Bureau
O-14b	Monterey County Farm Bureau
O-15	Monterey Institute for Research in Astronomy (MIRA)
O-16	The Nature Conservancy
O-17	Plan for the People
O-18a	Prunedale Neighbors Group
O-18b	Prunedale Neighbors Group
O-19	Save Our Peninsula Committee
O-20a	Sierra Club, Ventana Chapter
O-20b	Sierra Club, Ventana Chapter
O-20c	Sierra Club, Ventana Chapter
O-21a	The Open Monterey Project
O-21b	The Open Monterey Project
O-21c	The Open Monterey Project
O-21d	The Open Monterey Project
O-21e	The Open Monterey Project
O-21f	The Open Monterey Project
O-21g	The Open Monterey Project
O-21h	The Open Monterey Project
O-21i	The Open Monterey Project
O-21j	The Open Monterey Project
O-21k	The Open Monterey Project
Individuals	
I-1	Brennan, Janet
I-2	California Water Service Company
I-3	Clark, David and Madeline
I-4	Del Piero, Marc
I-5	Doering, John
I-6	General Farm Investment Company (C. Bunn)
I-7a	Haines, Jane
I-7b	Haines, Jane
I-7c	Haines, Jane
I-7d	Haines, Jane
I-7e	Haines, Jane
I-7f	Haines, Jane
I-7g	Haines, Jane
I-8	Hale, Robert
I-9	Houston, Lance
I-10	Kasunich, Doug and Susan
I-11	Knauf, Katherine and Don
I-12	L&W Land Company and Sakata Ranch
I-13	Mitchell, Eddie
I-14	Phelps Family and Omni Resources
I-15	Pratt, Nancy

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

Use of Master Responses

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

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

Federal Agencies

F-1 National Marine Fisheries Services

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

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

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

State Agencies

S-1 California Coastal Commission

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

S-2 California Department of Conservation

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

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

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

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

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

S-3 California Department of Fish and Game

- S-3.1 This is the opening statement of the commenter's letter and raises no substantive issues related to CEQA. No response is necessary.
- S-3.2 This comment describes CDFG's authority as a Trustee Agency under CEQA. No substantive issues are raised in this comment relative to CEQA and no response is necessary.
- S-3.3 CDFG describes the importance of and its support for "incorporating open space goals and policies to provide for habitat connectivity between conservation lands within the County and between neighboring counties." The comment recommends that the General Plan include a map of linkages and connectivity necessary to maintain wildlife populations. This request for a map directly relates to the General Plan and not the adequacy or content of the DEIR. The County will consider all comments received on the General Plan in its deliberations prior to adoption of the General Plan. Several Draft General Plan policies would reduce the potential for impacts of development on wildlife corridors and that the DEIR analyzes wildlife corridor impacts and proposes mitigation measures. Pages 4.9-89 through 4.9-97 include the following information: identification of potential corridors that would be affected (these corridors are identified, although not mapped); discussion of Draft General Plan policies that would reduce the potential for development to adversely affect wildlife corridors; a determination that the Draft General Plan would have a significant impact on wildlife movement linkage; and mitigation measures to reduce this impact to a less-than-significant level.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

S-4 California Department of Forestry and Fire Protection

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

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

S-5 California Department of Toxic Substances Control

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

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

S-6 California Department of Transportation

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

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

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

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

- S-6.10 The commenter notes that a sentence lacks a word. The text should read: "... to educate the public on such matters as archeological resources..." The missing word is not crucial to either an understanding of the sentence, nor to the impact analysis.
- S-6.11 The commenter is apparently asking that a reference to a proposed bicycle bridge be included in the EIR. The bridge is included in the Transportation Agency of Monterey County's list of bicycle/pedestrian facilities for which funding would have been made available under Measure Z (which failed to gain the necessary 2/3 majority vote in the November 2008 election). This is a specific project that is independent from the General Plan Update and will undergo its own project-specific environmental analysis. It is not analyzed in the DEIR for those reasons. See Master Response 10, *Level of Detail for the General Plan and the General Plan's EIR*.
- S-6.12 The comment refers to the forecast of truck traffic on page 4.6-39 and states that the potential impacts of increases in truck traffic should be considered noting that there are few north-south and east-west shipping corridors and that the impacts may be regional in nature.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- S-9.1 The commenter offers general support for the goals and policies of the General Plan. No response is necessary.
- S-9.2 The commenter assumes that the policies of the Draft General Plan will act as binding mitigation measures. The Draft General Plan policies, once adopted, will be implemented and enforced pursuant to state General Plan law, and will have the same effect as mitigation measures in avoiding or reducing environmental impacts; however, technically they are part of the EIR project description, and not EIR mitigation measures. Also, the commenter notes that their following comments may include suggestions for modification of or additional General Plan policies. No response is necessary here; the specific comments will be addressed as they appear.
- S-9.3 The commenter asserts that the DEIR does not recognize that the measures of water conservation, conjunctive use, and recycling are necessary to meet existing demand. Further, they opine that “should demand be met through sustainable practices and comprehensive watershed management program that restore and maintain healthy watershed functions” potential impacts on water supply can be avoided. The commenter goes on to describe the basic features of healthy watersheds and of watershed management plans. The commenter notes that the General Plan contains goals and policies that could make up a comprehensive watershed management plan, but “the DEIR and General Plan do not link them together as part of a long-term comprehensive watershed management strategy.” The commenter suggests that the General Plan should include a clear strategy.
- The commenter also agrees with the DEIR conclusion that water supply impacts are significant, but suggests these impacts are avoidable through implementing sustainable practices and comprehensive watershed management programs, rather than unavoidable as the DEIR concludes.
- As noted by the commenter, the General Plan contains the management plan elements described by the commenter. These are found in the Public Services Element, particularly under Goals PS-2, Adequate and Safe Water Supply, and PS-3, Long-term Water Supply. However, the County has chosen a format for watershed management policies that fits best with the overall General Plan format, and has discretion to select this format (see Government Code Section 65301 [“The general plan may be adopted in any format deemed appropriate or convenient by the legislative body...”]). The DEIR recognizes that existing demand, specifically in the Monterey Peninsula and North County, is barely met by existing supplies and that additional growth will exceed supplies in those portions of the County (See the summary at the beginning of Chapter 4.3, Water Resources). See Master Response 4 on Water Supply for an updated discussion of the North County (section 4.2.6) and the Monterey Peninsula (section 4.3).
- S-9.4 The commenter recommends that the General Plan or DEIR mitigation measures specifically identify regional watershed management as a priority. See Master Response 4

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

- S-9.5 The commenter suggests that the County should include a mitigation measure for Impact WR-3 requiring the County to conduct a regional, collaborative fluvial geomorphology study of the Salinas River watershed related to in-stream and off-channel sand and gravel mining activities. There is no evidence that this mitigation measure would mitigate Impact WR-3 (water quality impacts of agricultural and resource development), which the DEIR considers less than significant with implementation of General Plan policies. Further, it is not necessary because the Draft General Plan is not proposing goals or policies that would result in an increase in sand and gravel mining activities. Such a study would be used for purposes of potentially mitigating for existing impacts, not those related to implementation of the Draft General Plan
- S-9.6 To mitigate Impact WR-1 (which the DEIR concludes is less than significant), the commenter suggests adding “impacted soil and groundwater sites” to the subjects to be included in the Hydrologic Resources Constraints and Hazards Database to be established under Policy PS-2.6. The policy has been revised to address this comment and can be found in Chapter 5. The conclusions in the DEIR remain the same.
- S-9.7 To mitigate Impacts WR-4, WR-6, BIO-2, and BIO-3.1, the commenter suggests including a mitigation measure requiring development of a policy to continue the development and implementation of watershed management plans to reduce potential impacts to water supply, groundwater quality, riparian habitat, and disturbance to wildlife movement corridors.
- The DEIR already provides for cooperative work on water management programs under Mitigation Measure WR-1. In addition, the County is cooperating in the preparation of the Greater Monterey County Integrated Regional Water Management Plan, as described in Master Response 4 on Water Supply. Therefore, no additional change is necessary to the DEIR or General Plan.
- S-9.8 To mitigate impacts WR-4, WR-6, BIO-2, and BIO 3.1, the commenter suggests that the County continue the collaborative development and implementation of groundwater management plans and develop additional regional groundwater management plans as necessary. These efforts should focus on restoring and maintaining healthy watershed functions. As discussed in Master Response 4 on Water Supply, the County is cooperating in the preparation of the Greater Monterey County Integrated Regional Water Management Plan. That plan is expected to include the suggested provisions. No additional change is necessary.
- S-9.9 To mitigate Impacts WR-7, WR-9, WR-4, WR-6, BIO-2, and BIO-3.1, the commenter suggests that the County revise proposed Policy PS-3.15 in order to base water supply assessments for development projects on cumulative sustainable demand required to maintain healthy watershed functions. Assessing the health of County watersheds is a different issue from determining whether a development project can be served with an adequate water supply. As discussed above in previous responses, the County is collaborating on regional watershed planning efforts, and regional watershed planning is

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Local Agencies

L-1a Association of Monterey Bay Area Governments

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

L-1b Association of Monterey Bay Area Governments

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

L-2 City of Gonzales

- L-2.1 Comment acknowledged. The County hopes to continue collaboration with the City of Gonzales in the General Plan and other issues as well.

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

- L-2.3 This request relates to the General Plan and not the adequacy or content of the DEIR. The County will consider all comments received on the General Plan in its deliberations prior to adoption of the General Plan.

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

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

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

L-3 City of King City

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

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

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

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

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

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

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

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

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

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

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

L-4 City of Marina

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

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

- L-4.4 This comment suggests that the Royal Oaks area is a neighborhood that is serviced by the Central sheriff's station.
- L-4.5 This is a comment on text changes to a policy in the General Plan regarding safety and not a comment on the EIR. These comments will be referred to the decision-makers to consider in their deliberations on the General Plan.
- L-4.6 The commenter proposes a change to the text on Page 4.11-17 of the DEIR, which discusses the physical impact of the construction of new public safety facilities. The text change proposed by the commenter is not necessary because proposed General Plan policies S-6.1 through S-6.8 require that new development should not be permitted if service response times cannot be adequately provided and that the highest priority for new service facilities should be given to areas with the highest concentrations of residents. Additionally, Policy S-5.11 establishes a Development Impact Ordinance to obtain and maintain an acceptable level of emergency services so that new development, to the extent permitted under State law, shall provide its fair share of funding for public facilities and equipment concurrent with the development. Based on these and other policies, the DEIR concludes that the 2007 General Plan and Area Plan goals and policies are designed to accommodate growth in Community Areas while ensuring that new development provides adequate Sheriff's facilities and services to future residents. As a result, there would be no substantial impact on health and safety that might occur absent of such facilities. The project is not required to mitigate pre-existing public service deficiencies.

L-5 City of Salinas

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

L-6 City of Seaside, Resource Management Services

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

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

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

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

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

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

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

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

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

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

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

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

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

L-7 County of San Benito

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

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

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

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

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

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

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

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

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

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

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

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

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

L-8 County of Santa Cruz

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

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

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

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

See Master Response 4 regarding Water Supply.

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

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

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

L-10 Monterey Bay Unified Air Pollution Control District

- L-10.1 The comment indicates that a list of the Ambient Air Quality Standards (AAQS) is missing from the DEIR. A table summarizing the AAQS has been inserted as Table 4.7-1a. See Chapter 4 of this FEIR for the table.
- L-10.2 The comment indicates that the section blends a discussion of natural and anthropogenic (man-made) volatile organic compound (VOC) emissions. In response, the text in the first paragraph on page 4.7-2 has been revised to indicate that the MBUAPCD estimates the anthropogenic emissions of VOC in the North Central Coast Air Basin (NCCAB) are 70 tons per day. This revision does not change the conclusions in the DEIR.
- L-10.3 The comment indicates that the section blends a discussion of natural and anthropogenic (man-made) VOC emissions. In response, the text in the first paragraph on page 4.7-2 of the DEIR has been revised to indicate that the MBUAPCD estimates anthropogenic emissions of NO_x in the NCCAB are estimated to be 81 tons per day. This revision does not change the conclusions in the DEIR.
- L-10.4 The comment indicates that the discussion of the federal ozone standard adoption dates is inaccurate. In response, the text in the first full paragraph on page 4.7-3 of the DEIR has been revised to clarify the dates of the federal ozone standard.
- L-10.5 The comment indicates that the discussion inaccurately indicates the state ozone standard is 0.07 ppm. In response, the text in the first full paragraph on page 4.7-3 of the DEIR has been revised to clarify the state ozone standard is 0.070 ppm.
- L-10.6 The comment indicates that State and federal CO standards were not exceeded during 2005-2007, which is the most recent three years of data, and that it should be mentioned that ambient CO readings in the NCCAB are low and have a history of being well within applicable standards.
- The text in the second full paragraph on page 4.7-3 of the DEIR has been revised to clarify that State and federal CO standards were not exceeded during 2005-2007, which is the most recent three years of data, and that ambient CO readings in the NCCAB are low and have a history of being well within applicable standards.
- L-10.7 The comment indicates that major sources of NO_x in the NCCAB include exhaust emissions from on-road motor vehicles, off-road mobile sources and industrial sources, and that there are no refineries in the NCCAB.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

L-11 Monterey Peninsula Regional Park District

- L-11.1 This comment relates to the General Plan policies and not the adequacy or content of the DEIR. The County will consider all comments received on the General Plan in its deliberations prior to the adoption of the General Plan. No further response is necessary.
- L-11.2 This comment relates to the General Plan policies and not the adequacy or content of the DEIR. The County will consider all comments received on the General Plan in its deliberations prior to the adoption of the General Plan. No further response is necessary.
- L-11.3 This comment relates to the General Plan policies and not the adequacy or content of the DEIR. The County will consider all comments received on the General Plan in its deliberations prior to the adoption of the General Plan. No further response is necessary.
- L-11.4 This comment relates to the General Plan policies and not the adequacy or content of the DEIR. The County will consider all comments received on the General Plan in its deliberations prior to the adoption of the General Plan. No further response is necessary.
- L-11.5 This comment relates to the General Plan policies and not the adequacy or content of the DEIR. The County will consider all comments received on the General Plan in its deliberations prior to the adoption of the General Plan. No further response is necessary.
- L-11.6 This comment relates to the General Plan policies and not the adequacy or content of the DEIR. The County will consider all comments received on the General Plan in its deliberations prior to the adoption of the General Plan. No further response is necessary.
- L-11.7 This comment relates to the General Plan policies and not the adequacy or content of the DEIR. The County will consider all comments received on the General Plan in its deliberations prior to the adoption of the General Plan. No further response is necessary.
- L-11.8 This comment relates to the General Plan policies and not the adequacy or content of the DEIR. The County will consider all comments received on the General Plan in its deliberations prior to the adoption of the General Plan. No further response is necessary.
- L-11.9 This comment relates to the General Plan policies and not the adequacy or content of the DEIR. The County will consider all comments received on the General Plan in its deliberations prior to the adoption of the General Plan. No further response is necessary.
- L-11.10 This comment relates to the General Plan policies and not the adequacy or content of the DEIR. The County will consider all comments received on the General Plan in its deliberations prior to the adoption of the General Plan. No further response is necessary.
- L-11.11 This comment relates to the General Plan policies and not the adequacy or content of the DEIR. The County will consider all comments received on the General Plan in its deliberations prior to the adoption of the General Plan. No further response is necessary.

- L-11.12 This comment relates to the General Plan policies and not the adequacy or content of the DEIR. The County will consider all comments received on the General Plan in its deliberations prior to the adoption of the General Plan. No further response is necessary.
- L-11.13 This comment relates to the General Plan policies and not the adequacy or content of the DEIR. The County will consider all comments received on the General Plan in its deliberations prior to the adoption of the General Plan. No further response is necessary.
- L-11.14 This comment relates to the General Plan policies and not the adequacy or content of the DEIR. The County will consider all comments received on the General Plan in its deliberations prior to the adoption of the General Plan. No further response is necessary.
- L-11.15 This comment relates to the General Plan policies and not the adequacy or content of the DEIR. The County will consider all comments received on the General Plan in its deliberations prior to the adoption of the General Plan. No further response is necessary.
- L-11.16 This comment relates to the General Plan policies and not the adequacy or content of the DEIR. The County will consider all comments received on the General Plan in its deliberations prior to the adoption of the General Plan. No further response is necessary.
- L-11.17 This comment relates to the General Plan policies and not the adequacy or content of the DEIR. The County will consider all comments received on the General Plan in its deliberations prior to the adoption of the General Plan. No further response is necessary.
- L-11.18 This comment relates to the General Plan policies and not the adequacy or content of the DEIR. The County will consider all comments received on the General Plan in its deliberations prior to the adoption of the General Plan. No further response is necessary.
- L-11.19 This comment relates to the General Plan policies and not the adequacy or content of the DEIR. The County will consider all comments received on the General Plan in its deliberations prior to the adoption of the General Plan. No further response is necessary.
- L-11.20 This comment relates to the General Plan policies and not the adequacy or content of the DEIR. The County will consider all comments received on the General Plan in its deliberations prior to the adoption of the General Plan. No further response is necessary.
- L-11.21 This comment relates to the General Plan policies and not the adequacy or content of the DEIR. The County will consider all comments received on the General Plan in its deliberations prior to the adoption of the General Plan. No further response is necessary.
- L-11.22 This comment relates to the General Plan policies and not the adequacy or content of the DEIR. The County will consider all comments received on the General Plan in its deliberations prior to the adoption of the General Plan. No further response is necessary.
- L-11.23 This comment relates to the General Plan policies and not the adequacy or content of the DEIR. The County will consider all comments received on the General Plan in its deliberations prior to the adoption of the General Plan. No further response is necessary.

- L-11.24 This comment relates to the General Plan policies and not the adequacy or content of the DEIR. The County will consider all comments received on the General Plan in its deliberations prior to the adoption of the General Plan. No further response is necessary.
- L-11.25 This comment relates to the General Plan policies and not the adequacy or content of the DEIR. The County will consider all comments received on the General Plan in its deliberations prior to the adoption of the General Plan. No further response is necessary.
- L-11.26 This comment relates to the General Plan policies and not the adequacy or content of the DEIR. The County will consider all comments received on the General Plan in its deliberations prior to the adoption of the General Plan. No further response is necessary.
- L-11.27 This comment relates to the General Plan policies and not the adequacy or content of the DEIR. The County will consider all comments received on the General Plan in its deliberations prior to the adoption of the General Plan. No further response is necessary.
- L-11.28 This comment relates to the General Plan policies and not the adequacy or content of the DEIR. The County will consider all comments received on the General Plan in its deliberations prior to the adoption of the General Plan. No further response is necessary.
- L-11.29 This comment relates to the General Plan policies and not the adequacy or content of the DEIR. The County will consider all comments received on the General Plan in its deliberations prior to the adoption of the General Plan. No further response is necessary.
- L-11.30 This comment relates to the General Plan policies and not the adequacy or content of the DEIR. The County will consider all comments received on the General Plan in its deliberations prior to the adoption of the General Plan. No further response is necessary.
- L-11.31 This comment relates to the General Plan policies and not the adequacy or content of the DEIR. The County will consider all comments received on the General Plan in its deliberations prior to the adoption of the General Plan. No further response is necessary.
- L-11.32 This comment relates to the General Plan policies and not the adequacy or content of the DEIR. The County will consider all comments received on the General Plan in its deliberations prior to the adoption of the General Plan. No further response is necessary.
- L-11.33 This comment relates to the General Plan policies and not the adequacy or content of the DEIR. The County will consider all comments received on the General Plan in its deliberations prior to the adoption of the General Plan. No further response is necessary.
- L-11.34 This comment relates to the General Plan policies and not the adequacy or content of the DEIR. The County will consider all comments received on the General Plan in its deliberations prior to the adoption of the General Plan. No further response is necessary.
- L-11.35 This comment relates to the General Plan policies and not the adequacy or content of the DEIR. The County will consider all comments received on the General Plan in its deliberations prior to the adoption of the General Plan. No further response is necessary.

- L-11.36 This comment relates to the General Plan policies and not the adequacy or content of the DEIR. The County will consider all comments received on the General Plan in its deliberations prior to the adoption of the General Plan. No further response is necessary.
- L-11.37 This comment relates to the General Plan policies and not the adequacy or content of the DEIR. The County will consider all comments received on the General Plan in its deliberations prior to the adoption of the General Plan. No further response is necessary.
- L-11.38 This comment relates to the General Plan policies and not the adequacy or content of the DEIR. The County will consider all comments received on the General Plan in its deliberations prior to the adoption of the General Plan. No further response is necessary.
- L-11.39 This comment relates to the General Plan policies and not the adequacy or content of the DEIR. The County will consider all comments received on the General Plan in its deliberations prior to the adoption of the General Plan. No further response is necessary.
- L-11.40 This comment relates to the General Plan policies and not the adequacy or content of the DEIR. The County will consider all comments received on the General Plan in its deliberations prior to the adoption of the General Plan. No further response is necessary.
- L-11.41 This comment relates to the General Plan policies and not the adequacy or content of the DEIR. The County will consider all comments received on the General Plan in its deliberations prior to the adoption of the General Plan. No further response is necessary.
- L-11.42 This comment relates to the General Plan policies and not the adequacy or content of the DEIR. The County will consider all comments received on the General Plan in its deliberations prior to the adoption of the General Plan. No further response is necessary.
- L-11.43 This comment relates to the General Plan policies and not the adequacy or content of the DEIR. The County will consider all comments received on the General Plan in its deliberations prior to the adoption of the General Plan. No further response is necessary.
- L-11.44 This comment relates to the General Plan policies and not the adequacy or content of the DEIR. The County will consider all comments received on the General Plan in its deliberations prior to the adoption of the General Plan. No further response is necessary.
- L-11.45 This comment relates to the General Plan policies and not the adequacy or content of the DEIR. The County will consider all comments received on the General Plan in its deliberations prior to the adoption of the General Plan. No further response is necessary.

L-12 Monterey Peninsula Water Management District

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

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

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

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

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

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

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

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

L-12.15 The commenting agency asks that a reference to MPWMD Rule 124 be added to the discussion of the regulatory framework on page 52 of Chapter 4.9. Rule 124 requires property owners to obtain a permit from MPWMD before they may work within 25 feet of the 10-year flood waterline along the Carmel River. The discussion under “Monterey Peninsula Water Management District” on page 4.9-75 has been revised to include this regulation (see Chapter 4 of this FEIR).

L-12.16 The commenting agency asks that the County give consideration to including a policy requiring the collection of runoff from developments that now discharge to open river channels, and to a policy that promotes infiltration of runoff. The first comment relates to a policy of the General Plan and *existing developments* that now discharge to open river channels. Developments that now discharge to rivers are part of the environmental setting (existing conditions) and not a consequence of the proposed General Plan.

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

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

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

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

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

L-13 Monterey Salinas Transit

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

L-14 Moss Landing Harbor District

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

L-15 Salinas Union High School District

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

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

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

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

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

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

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

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

L-15.3 The comment requests that the County contact the school district "as early as possible in the planning process for specific new development projects." The District also offers to provide information to the County to assist in the County's analysis of future development projects with respect to their impacts on the District. The District has attached three documents as examples of the type of information that the District can provide to the County to assist in environmental analysis of future development projects. The comment is noted. This comment pertains to future collaboration with respect to future development projects and not to the EIR on this General Plan. Therefore, no further response is needed.

L-15.4 The comment attaches a memorandum from the District's attorneys for the purpose of educating the County as to the type of analysis and mitigation that is still permissible after the passage of SB 50. The memorandum provides advice regarding the calculation of the statutory fees, an issue that is not under County's jurisdiction. The memorandum also suggests the basis upon which an agency could deny a project for reasons other than the specific impact on school facilities and suggests avenues for negotiating with

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

L-16 Transportation Agency For Monterey County

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Organizations

O-1a Ag Land Trust

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

O-1b Ag Land Trust

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

O-2 Alliance of Monterey Area Preservationists (AMAP)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Revised policy OS-5.16 provides:

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

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

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

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

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

- O-3.3 The commenter recommends retention of the 1982 General Plan policy that states: "Development shall be carefully planned in, or adjacent to, areas containing limited or threatened plant communities, and shall provide for the conservation and maintenance of the plant communities." Policy OS-5.4 has been modified, and the County believes is substantially similar to what the commenter is recommending. Please see Chapter 5.
- O-3.4 The commenter expresses concern over the exclusion of routine and ongoing agricultural activities from proposed Policy OS-3.5. The commenter recommends that these activities be "carefully spelled out, as some types of agricultural activities can be very destructive of hillsides, ridges, watersheds, and must not be given a blank check."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

O-3.8 The commenter notes that the native Monterey pine forest is a sensitive biological resource that is not currently protected, and that the proposed General Plan does not include specific protections for this resource. See the response to comment O-10a.5. Please also refer to Master Response 8, *Biological Resources*, for a discussion of Monterey pine forest.

O-3.9 The commenter asks that the policy regarding mines and quarries within the Carmel River watershed be refined in order to address “the severe environmental damage they cause.” The commenter suggests that mine and quarry policy refinements also apply to other areas of the county.

No change is being proposed to the existing policy regarding mines and quarries within the Carmel Valley Master Plan. Proposed policy CV-1.19 is identical to existing policy 2.3.3 (CV) of the Carmel Valley Master Plan. No change is proposed to existing conditions; therefore, the DEIR does not recommend any mitigation measures.

O-3.10 The commenter recommends that the lists of protected trees and habitats include the Monterey pine forest. As described in Table 4.9-4 of the DEIR, Monterey pine is a federally-listed species of special concern and is on the California Native Plant Society’s 1B-1 list. Both pines and habitat will be protected in the future through implementation of proposed Policies OS-5.13 and OS-5.16. See the response to comment O-3.2, above, describing the provisions of these policies. Again, please refer to Master Response 8, *Biological Resources*.

See the response to comment O-10a.7, relative to the protection for Monterey pine forest and related species such as Yadon’s rein orchid (Yadon’s piperia). Mitigation Measure BIO-1.5 will require a similar five-year evaluation to assess the vulnerability of currently non-listed species becoming rare, threatened or endangered species due to projected development. The evaluation will be the basis for a conservation strategy to preserve sensitive natural communities (such as Monterey pine forest), riparian habitat and wetlands, wildlife movement corridors, and related programs for mitigating the impacts of development. Protection for Yadon’s piperia is also discussed in Master Response 8.

O-3.11 The commenter recommends altering the policy “stating that new development that causes a drawdown of the aquifer shall be designed in a manner so that it does not threaten natural vegetation” such that the policy would prohibit new development from drawing down the Carmel River aquifer. The commenter does not specify which policy this might be. The commenter is referred to mitigation measure BIO 2.3 in the DEIR which addresses consideration of riparian habitat and stream flows for long term water

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

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

Proposed General Plan Policy PS-2.8 states:

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

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

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

O-4 California Oaks Foundation

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

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

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

- (1) Conserve oak woodlands, through the use of conservation easements.
- (2) (A) Plant an appropriate number of trees, including maintaining plantings and replacing dead or diseased trees.
(B) The requirement to maintain trees pursuant to this paragraph terminates seven years after the trees are planted.
(C) Mitigation pursuant to this paragraph shall not fulfill more than one-half of the mitigation requirement for the project.
- (D) The requirements imposed pursuant to this paragraph also may be used to restore former oak woodlands.
- (3) Contribute funds to the Oak Woodlands Conservation Fund, as established under subdivision (a) of Section 1363 of the Fish and Game Code, for the purpose of purchasing that section and the guidelines and criteria of the Wildlife Conservation Board. A project applicant that contributes funds under this paragraph shall not receive a grant from the Oak Woodlands Conservation Fund as part of the mitigation for the project.
- (4) Other mitigation measures developed by the county.

The County's current oak tree ordinance (Chapter 16.60 of the County Code, Preservation of Oaks and Other Protected Trees) does not conflict with Section 21083.4. CEQA applies to the analysis of the potential for environmental impact. The ordinance provides specific requirements intended to regulate the removal of oaks and other protected trees that are six inches or more in diameter above ground level. The ordinance establishes a permit system by which trees may be removed. In addition to requiring justification for the removal of trees based on a number of environmental criteria, the ordinance requires relocation or replacement of each removed tree at a 1:1 ratio. The permit system applies to all development within the County, and is not limited to development that is subject to CEQA.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

O-5a Carmel Valley Association

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

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

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

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

O-5b Carmel Valley Association

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- O-5b.25 The comment asks for clarification of the statement that California is the 12th to 16th largest emitter of GHG emissions in the world (if California were considered a country). The source of this statement is the CEC's GHG inventory (CEC 2006). How California's GHG emissions rank in the world changes. The exact ranking is not critical to the analysis in the DEIR. The emissions are gross emissions, not per-capita emissions. The estimate does not distinguish between anthropogenic emissions and overall emissions – it is a comparison of overall emissions.

- O-5b.26 The comment asks why the CEC and CARB inventories for 2004 differ slightly. As noted above, the CARB inventory was updated in 2007 and 2009 after the CEC inventory which was completed in 2006. The exact source of difference in the two state inventories is not relevant to the DEIR analysis, but is likely due to slightly different accounting methodologies (as noted on page 4.16-4, the CARB estimate does not include land use change and forestry, while CEC estimate did include those emissions sectors). The fact of a difference in these estimates is immaterial to the DEIR analysis that is focused on the emissions in Monterey County. While estimates of emissions in 2004 may vary slightly, keep in mind that the key number in the State's policy and regulatory environment is the 1990 level of emissions as estimated by CARB. That is the 2020 emissions reduction target and drives efforts are reducing emissions across all sectors. To avoid confusion, the CEC inventory has been deleted from the FEIR and the updated CARB GHG estimates are noted.

- O-5b.27 The comment questions the reference to "local government operations" on page 4.16-5. The reference was in error and has been changed to "local community emissions" (see Chapter 4).

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

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

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

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

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

O-5b.44 The reference to “shaded reductions” was carried over from CARB’s draft *Climate Change Scoping Plan*. This information was revised and presented in a somewhat different manner in the adopted *Climate Change Scoping Plan*. The revisions do not change the conclusions in the DEIR. Table 4.16-2 has been revised to conform to the *Climate Change Scoping Plan* in the FEIR.

O-5b.45 The Statewide cap-and-trade program is not relevant to the discussion of the Draft General Plan’s impact on global climate change. The cap-and-trade program is a State program and its basis is explained in CARB’s final *Climate Change Scoping Plan*. The cap, as noted in Table 4.16-2 refers only to the electricity, transportation, residential, commercial, and industrial sources. The cap is not an emission estimate, but rather an absolute limit on emissions from these sectors in 2020 under the proposed cap and trade system. As explained in the AB 32 Scoping Plan (CARB 2008), the BAU emissions from these sectors in 2020 are estimated to be approximately 512 MMT CO₂e (out of total BAU emissions of 596 MMT CO₂e in 2020).

The Air Resources Board is the statewide expert agency on the issue of climate change and the requirements of AB 32. Monterey County is not in a position of either authority or expertise to challenge the validity of CARB’s estimates. Therefore, the provisions of the *Climate Change Scoping Plan* are taken at face value.

O-5b.46 Table 4.16-2 has been updated to reflect the totals from the Final AB 32 Scoping Plan, which is 174 MMT CO₂e and adds up from the line item totals.

O-5b.47 See the response to comment O-5b.46. The *Climate Change Scoping Plan* explains the “Additional Emissions Reductions from Capped Sectors” within the cap-and-trade scheme:

“An overall limit on greenhouse gas emissions from most of the California economy – the ‘capped sectors’ – will be established by the cap-and-trade program. (The basic elements of the cap-and-trade program are described later in this chapter.) Within the capped sectors, some of the reductions will be accomplished through direct regulations such as improved building efficiency standards and vehicle efficiency measures. Whatever additional reductions are needed to bring emissions within the cap are accomplished through price incentives posed by emissions allowance prices. Together, direct regulation and price incentives assure that emissions are brought down cost-effectively to the level of the overall cap. ARB also recommends specific measures for the remainder of the economy – the ‘uncapped sectors.’” (see page 12 of the *Scoping Plan*)

O-5b.48 The list of programs beginning on page 4.16-12 is not intended to be a tally of the percentage reduction in GHG emissions or energy use by the County. It is a list of existing County programs that act to reduce the County’s carbon footprint. Regarding how much GHG emissions are saved from reducing electricity by 686,000 kilowatt hours (kWh), a kWh results in indirect emissions of approximately 0.000399161 MT CO₂e/kWh (Climate Action Registry 2009), and thus this retrofit would reduce GHG emissions by approximately 273 MT CO₂e per year. See Master Response 10 regarding the level of specificity required in a program EIR for a general plan.

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

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

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

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

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

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

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

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

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

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

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

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

O-5b.56 See the response to comment O-5b.55.

O-5b.57 The comment asks why 480 MMT is chosen as the baseline level and questions again the source of 2004 state GHG emission levels and asserts that use of a current level is arbitrary. First, regarding the 2004 state GHG emission estimates, please see the response to comment O5b-9. Second, the 480 MMT (in the DEIR; now 482 MMT based on CARB’s 2009 inventory) is not chosen as the baseline level – that is CARB’s estimated state emissions for 2004. Third, the County now proposes to have a target of 15 percent below current levels consistent with the AB-32 Scoping Plan direction.

O-5b.58 The analysis and explanation requested by the commenter is found on page 4.16-18 under the discussion of “Impact with Policies.” The methodology used for the emissions inventory is found in Appendix B of the DEIR. The mitigation measures identified under Impact CC-1 are consistent with the requirements for deferred mitigation under the CEQA Guidelines and case law. See Master Response 10, *Level of Detail for General Plan and the General Plan EIR* for a discussion of the requirements for deferred mitigation.

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

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

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

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

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

O-5b.61 See the responses to comments O-5b.57 and O-5b.59. The analysis relates County GHG emissions to the 28% reduction goal set out in the CARB Scoping Plan. The BAU referred to in the DEIR section in question is the CARB BAU. Thus, the analysis is based on the AB 32 goal set by CARB. The data presented in Table 4.16-3 is appropriate for the analysis.

O-5b.62 See the response to comment O-5b.54, above. The data presented in Section 4.16 and Appendix B of the DEIR are appropriate for the analysis.

O-5b.63 The comment asks again for comparison of 2020 and 2030 emissions to 1990 emission levels. This issue was responded to in response to Comment O5b-54 above. The comment also asks for presentation in tabular form. The 2020 and 2030 emissions are presented in tabular format in Table 4.16-3. Comparison to 2006 and 2020 BAU are both provided. There is no BAU "significance standard" in the DEIR. The analysis reflects the CARB goal of an overall reduction of 28% from projected 2020 emissions levels under BAU.

O-5b.64 The County Greenhouse Gas Reduction Plan will be enacted by the County pursuant to Policy OS-10.11, as refined by Mitigation Measure CC-1a. The phrase "will develop" is

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

LOS Grade	2-Lane Uninter Flow Highway	3-Lane Uninter Flow Highway	4-Lane Uninter Flow Highway	6-Lane Uninter Flow Highway	2-Lane Class I Two-Way State Arterial	3-Lane Class I Two-Way State Arterial	4-Lane Class I Two-Way State Arterial	6-Lane Class I Two-Way State Arterial
A	2100	10350	18600	27900	N/A	3450	4600	6900
B	6900	18550	30200	45200	4000	15950	27900	42800
C	12900	28250	43600	65500	13100	22950	32800	49300
D	18200	37350	56500	84700	15500	24850	34200	51400
E	24900	44550	64200	96200	16300	25250	34200	51400
LOS Grade	2-Lane Class II Two-Way State Arterial	4-Lane Class II Two-Way State Arterial	6-Lane Class II Two-Way State Arterial	2-Lane Class III Two-Way State Arterial	4-Lane Class III Two-Way State Arterial	6-Lane Class III Two-Way State Arterial	2-Lane Major Roadway	2-Lane One-Way Major Roadway
A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
B	N/A	3700	6000	N/A	N/A	N/A	N/A	N/A
C	10500	24400	38000	5000	11700	18400	7000	9840
D	14500	30600	46100	11800	27200	42100	13600	17580
E	15300	32200	48400	14600	30800	46300	14600	18540
LOS Grade	4-Lane Major Roadway	5-Lane Major Roadway	6-Lane Major Roadway	2-Lane Other Roadway	3-Lane Other Roadway	4-Lane Other Roadway	2-Lane Major Roadway (Undiv)	2-Lane Other Roadway (Undiv)
A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
B	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
C	16400	21050	25700	4400	7350	10300	5600	3520
D	29300	36700	44100	9400	14800	20200	10880	7520
E	30900	38650	46400	12000	18000	24000	11680	9600
LOS Grade	3-Lane Major Roadway	4-Lane Freeway	6-Lane Freeway					
A	N/A	23500	36400					
B	N/A	38700	59800					
C	11700	52500	81100					
D	21450	62200	96000					
E	22750	69100	106700					

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- O-5b.103 The comment refers to the difference in analytical methods between Carmel Valley and the rest of the County. The commenter is referred to Master Response 5, *Carmel Valley Traffic Issues*. The commenter does not provide evidence, nor cite authoritative sources, to validate their statement that “most segments on Carmel Valley Road currently operate at much lower LOS than the DEIR asserts.” The existing LOS presented in Table 4.6-5 is from a current study of SR-1 (Kimley-Horn and Associates, 2009) and the traffic study prepared for the CVTIP (DKS Associates, 2007). The commenter does not present any evidence that these analyses are inaccurate. Please refer to response to comment O-5b.101 for justification of the alternative standards applied to Carmel Valley Road.
- O-5b.104 The comment states that the DEIR should analyze Carmel Valley Road using the same methodology as the rest of the County. The comment refers to the level of detail of the SR1 analysis and asks the County to cite sources of information related to the Carmel Valley analysis. The Commenter is referred to Master Response 5, *Carmel Valley Traffic Issues*. The primary source of information for the analysis of Carmel Valley Road was the traffic study prepared for the CVTIP (DKS Associates, 2007), the Carmel Valley Traffic Improvement Program Draft Subsequent EIR (Jones & Stokes Associates, 2007), and the SR1 Traffic Analysis (Kimley-Horn and Associates, 2009).
- O-5b.105 The comment requests further detail as to the impacts of the lack of funding for transportation improvements. Transportation funding shortfalls are a universal problem recognized by every political jurisdiction in the nation. The County and TAMC recognize this challenge and have proposed/ initiated a number of mechanisms to address it. The County Traffic Impact Fee (CIFP) proposed in Policies C-1.2 and 1.8 is one such mechanism which would allow development to pay its fair share of transportation costs. The TAMC RDIF (Policy C-1.11) is already providing a significant boost in availability of local match funding. Several municipalities have similar programs in place. Commenter is referred to Master Response 6 which includes a discussion of the applicability of traffic mitigation fees.
- O-5b.106 The comment refers to the structure and organization of the transportation impact section and request that the organization be revised.
- The Project Impacts section of Chapter 4.6 was organized in a logical and consistent manner for each scenario addressed. The organization allows the reader to expect the same format for each scenario. The difficulty the commenter allegedly experienced in navigating the organization of the report does not justify recirculation of the EIR. Please refer to Master Response 12 which discusses the requirements for recirculation. Commenter is also referred to the response to comment O-11g.66.
- O-5b.107 The comment opines that the DEIR does not meet CEQA requirements. The commenter does not provide evidence, as purported in the comment, that the environmental impacts of the 2007 General Plan are more adverse, or more damaging, than the conclusions of

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The section is organized in the following manner:

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

Impact of Development on County Roads Policies

Impact of Development on Carmel Valley Area Plan

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

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

Impact of Goods Movement on Roadway Level of Service

Significance Determination

Mitigation Measures

Mitigation to County and Regional Roads

Mitigation to Carmel Valley Area Plan

Significance Conclusion

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The verbatim statement on Page 4.6-33 is:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

O-5b.155—

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

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

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

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

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

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

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

- O-5b.160 The comment identifies a typographical error related to the spelling of the word policy on several pages. The word “police” has been mistakenly used for “policy” (i.e., “Police 1,9”). This is a minor error that does not affect the reader’s understanding within the context of the DEIR’s discussion at the referenced pages. The error is noted, but is so minor that no change is made.
- O-5b.161 The comment alleges there are conflicts between policies in the circulation, public safety and land use element but fails to specify what the conflicts are. Without specificity as to the conflicts between policies, there is no specific response to the comment. The comment alleges a relaxation in the standards because: 1) the response times established in Table PS-1 are “exceptionally” long, and 2) that the table’s notations call for flexibility. The response times identified in Table PS-1 are a function of the location of emergency service providers (e.g., fire stations) not a function of traffic congestion, therefore this standard is not a circulation element standard. The intersection LOS standard in Table PS-1 is consistent with the LOS standard identified in the circulation element (LOS D) and is explicit to peak hour intersection LOS. The flexibility identified in Table PS-1’s notations is intended to allow for pedestrian and transit-orientation (as opposed to highway-orientation) in the design of community areas to reduce vehicular travel and increased community livability. The flexibility identified for rural roads is to minimize the urbanization of rural roads (e.g., installation of traffic signals, double left turn lanes, and so forth). The commenter is referred to Master Response 6, *Traffic Mitigation*, which includes the text of modifications to a number of policies related to circulation policies including Table PS-1.
- O-5b.162 The commenter states that the DEIR should have analyzed intersections in order to determine the intersection LOS as identified in Table PS-1.

Intersection LOS analysis requires precise knowledge of land development (such as exact number of units, square footage of non-residential) and its exact access to the County and regional roadway system. Since the General Plan evaluates allowable land use at the coarse traffic analysis zone (TAZ) level, a detailed level of service analysis at every intersection countywide was not practical. Furthermore, the emergency service impacts section of the DEIR concluded that, based on traffic projections and roadway segment level of service, the impacts were significant and unavoidable.

- O-5b.163 The commenter inquires why the DEIR did not address traffic capacities for evacuation under different emergency scenarios. The DEIR did evaluate the impact of General Plan policies on emergency access without limitation (Pages 4.6-50-4.6-53) and concluded that the impact would be significant and unavoidable. Analysis of different emergency access scenarios was not necessary.

O-5b.164 The commenter contends that the emergency access policy is inadequate with reference to the Carmel Valley Master Plan and requests a complete analysis of emergency access routes and other issues. The emergency access “policy” cited by the commenter is actually a mitigation measure and requires the development of an “emergency response routes and street connectivity plan”. The plan is thus to be developed pursuant to the mitigation measures. Please also see the response to comment O-5b.163.

O-5b.165 The comment requests an analysis of the “issue” raised by the statement on Page 4.6-56 that reads “The land uses allowed under the General Plan, if consistent with policy, would increase the need for transit service with concentrations of development in existing transit-served corridors, community areas, and near incorporated cities.”

It is presumed that the commenter’s “issue” is that transit-supportive land use concentrations would generate demand for public transportation. This is true and it is a positive impact of the General Plan. As stated in the significance determination “The increase in demand for transit service is consistent with MST’s strategic goals of increasing transit ridership, expanding service, and introducing new services such as BRT [Bus Rapid Transit] in major corridors (Peninsula Area Service Study, 2006 and Business Plan and Short Range Transit Plan, FY 2008 through 2008).” The DEIR addresses the need for public transportation at a programmatic and policy level. The General Plan contains policies that support transit-supportive land use patterns, the requirement of new development implementing transit infrastructure and amenities (e.g., bus stops and shelters), and coordinates with MST’s plans for service expansion for new development.

O-5b.166 The comment identifies a sentence fragment in the second paragraph under Significance Determination on page 4.6-56. The sentence fragment has been removed in the FEIR.

O-5b.167 The commenter requests an explanation of why a mitigation measure was not proposed in reference to the statement on page 4.6-56 that reads “The increase in demand for transit service is consistent with MST’s strategic goals of increasing transit ridership, expanding service, and introducing new services such as BRT in major corridors (Peninsula Area Service Study, 2006 and Business Plan and Short Range Transit Plan...”. This beneficial impact was determined to be less than significant and therefore no mitigation measure was required. Monterey-Salinas Transit (MST) has jurisdiction in planning, expanding, and operating public transportation in Monterey County. MST’s strategic goals include supporting Monterey County’s policies to implement transit-supportive land use densities in transit corridors, where expansion of service is most viable and cost-effective. The DEIR preparers did not determine that mitigation measures requiring development to meet MST’s strategic goals was necessary because the County’s zoning, area planning, and the General Plan encompasses the land use regulation and policies consistent with MST’s strategic goals. Therefore the impact was determined to be less than significant.

O-5b.168 The comment questions the finding of less than significant under Impact TRAN 1-F because the DEIR does not provide mitigation measures to ensure development conforms to County policies and design standards, and are consistent with the goals and strategies of MST. The County’s General Plan provides numerous policies that guide the proper development of transit-support land uses and multi-modal circulation systems. These policies are further supported and implemented by land use regulation (zoning), and development review requirements. Zoning establishes the type and density of land use

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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