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CALIFAUNA

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Tuesday, December 4, 2018

Eric Miller
Eric Miller Architects
Monterey CA

Copy: Carla Hashimoto

Subject: Revisiting Biological Conditions of Eric & Greta Miller's Lot at 24275 Via Malpaso (Monterra Ranch Subdivision), Monterey CA

Eric,

This letter responds to your request for a review of biological resources, including possible constraints, associated with your developed lot at Monterra. In addition to observed conditions, I am addressing comments made by Mr. Ed Mercurio in his letter [23 September 2018] to Ms. Christine Kemp, who is an attorney for your Monterra neighbors, the Twetens.

Relative to your property and its vicinity, changed environmental conditions that reasonably can be determined to have occurred over the past decade or more, i.e., since studies and permits were completed for the Monterra Ranch Subdivision (PLN100020), are the construction and now regular use of Via Malpaso, completion and occupation of 13 residential estates within 1,000 ft of your site, and specifically the construction effect of your closest neighbors's (Tweten) residence and driveway, i.e., dividing your lot down the middle to improve the neighbor's driveway. In other words, recent and ongoing development of approved subdivision lots has, per approved plans, affected tree removal, road-grading, and homesite improvements that have resulted in a further fragmented setting.

The two-part building envelope of your lot, which includes 'upper' and 'lower' sections is still a semi-open woodland cover with Coast Live Oak and Monterey Pine and affiliated brush and ground cover plants, but for Monterey Pine, none of which is listed or otherwise of classified as a Special Plant¹. Effect of the approved subdivision on native Monterey Pine was accounted for in the CDP for Monterra Ranch.

¹ "Special Plants" is a broad term used to refer to all the plant taxa inventoried by the Department of Fish and Wildlife's California Natural Diversity Database (CNDDB), regardless of their legal or protection status.

The partially constructed drainage that transits the E edge of your property, outside of the approved building envelope [lower section], comprises the first open reach attached to a former bath dam and retention basin, and that is immediately adjacent to the Twetens' residence and driveway. The outfall is steep and the drainage through your property is heavily scoured across a series of pocket scour-holes. Because of the overall slope of the drainage — after the exiting the built-basin — and the prevalence of heavy clay soils to depth, there is neither riparian nor aquatic vegetation present in this environment.

In view of local cover conditions, and the ongoing course of development in this Malpaso neighborhood, the improvement of your lot, including both upper and lower sections, appears wholly consistent with that which has occurred in its surroundings. In my opinion, there are no changed or evolved biological circumstances that would signal a new or modified biological assessment for purposes of CEQA and particularly for rethinking County approvals for Monterra Ranch.

Comment on Mr. Mercurio's Findings:

- 1) Requirement of a New Survey — I cannot find a basis or solid rationale for Mr. Mercurio's assertion that a new biological survey is required for your lot because previous studies [for the subdivision] were undertaken more than five (5) years ago. This is not obligatory and such a policy has not been applied, at least consistently, throughout the GMPAP area, e.g., Tehama, Monterra Ranch or Santa Lucia Preserve, the latter where biological surveys from 20-plus years ago are still valid and useful.
- 2) Status of Monterey Pine Forest — CDFW through its Rare Plant Index identifies Monterey Pine as a Special Plant, specifically a 1B1 (rare) taxa. Status and welfare of the species and its forest were evaluated (and mitigated) for the approved Monterra Ranch Subdivision. As previously stated, the site and its pine cover already have been modified through homebuilding, driveways, and road construction that has taken place on the Twetens' lot and throughout the Malpaso neighborhood; as proposed, construction of your residence will not affect or substantially expand a change in the local forest cover.
- 3) Special-status Plant Species — Mr. Mercurio pulled from CNDDDB records [USGS Seaside 7.5-Minute Quadrangle area] showing the presence — within approximately 1 mile from your property — of several special plants. Habitat required or preferred by any of the cited plants, but for Monterey Pine, is not present onsite. More specific than CNDDDB, CALFLORA presents no record locations for the non-pine special plants at or near your location or in comparable habitat.
- 4) Special-status Animal Species — Mr. Mercurio has pulled from CNDDDB records [USGS Seaside 7.5-Minute Quadrangle area] showing the presence — within

approximately 1 mile from your property — of two special animals: CA Red-legged Frog (CRLF) and CA Tiger Salamander (CTS). Habitat required or preferred by either of the named amphibians, is not present onsite. BTW, I am familiar with the local and regional range and habitat distribution for both animals, having completed the original CTS surveys for both Tehama and the Preserve, and the same for CRLF, as well as managing an ongoing 22-year study of the species throughout the Carmel River environment.

- 5) Status of the Existing Offsite Drainage — The unnamed drainage, while shown as a “blue-line stream” presents neither riparian stream-side nor aquatic in-stream habitat, and as noted, has been affected by an older engineered retention basin that sets on Lot 19 and its drainage easement. It is a deeply incised reach across a heavy clay bedding and bears no vegetation between the channel banks across the easement area of Lot 18. Furthermore, the entirety of the Monterra Ranch watersheds and drainages was addressed in the EIR for the subdivision, and apparently was not raised as an issue vis a vis improvements to the Twetens’ Lot.

In sum, while I understand why the Twetens’ biologist has attempted to enumerate potential biological constraints associated with your property, I find that none of the matters he has raised have any merit with respect to your property, and particularly the effect of its improvement, which will be fully consonant with that associated with the Twetens and the broader neighborhood.

Finally, I should remind you that a reconstruction bird nesting survey and linked mitigation measures will be required in the event your project ground-clearing and tree work would get underway during the typical local bird-nesting period, which is [contrary to common statements] 01 January [versus mid-February] through July, of any year.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jeff', with a long horizontal line extending to the right.

Jeffrey B. Froke, Ph.D.
Consulting Ecologist

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