Attachment A

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Attachment A
Detailed Discussion
Harper Canyon (Encina Hills) Subdivision
PLN000696

Project:
The proposed project is a 17-lot residential subdivision on approximately 164 acres, with a remainder parcel, approximately 180 acres in size, left as open space in Monterey County. The proposed project is located along the State Route 68 corridor of Monterey County off San Benancio Road.

Background:
There is an over 20 year history with this permit that began in 2001 with an application to subdivide a 344 acre parcel off San Benancio Road. The County processed the application including preparing an Initial Study for the project pursuant to the California Environmental Quality Act (CEQA). In 2008, the Planning Commission reviewed the project and the Initial Study and directed staff to proceed with preparation of an Environmental Impact Report (EIR) for the project. A Draft EIR was prepared and circulated for public comment in October 2008. Upon review of the DEIR, County staff determined that significant new information existed, and issues raised during the public review period were to be addressed. As such, relevant portions of the Draft EIR were recirculated pursuant to CEQA Guidelines Section 15088.5. The Recirculated Draft EIR (RDEIR) for the Harper Canyon Subdivision was prepared in December 2009 followed by preparation of a Final Environmental Impact Report (FEIR) in December 2013. On April 7, 2015, the Monterey County Board of Supervisors certified the Harper Canyon (Encina Hills) Subdivision EIR and approved the proposed project (Resolution No. 15-084) (**Attachment E**).

Lawsuits over the EIR were filed following the Boards decision on the project. After review by the courts, on March 29, 2021, the Court of Appeal issued an opinion denying cross-appeal by petitioners, overturning the trial court ruling on groundwater resources, upholding the trial court decision on wildlife corridors (**Attachment G**). The Court of Appeal opinion required the trial court vacate its prior writs of mandate issued pursuant to its original order, and to issue new writs of mandate ordering the Monterey County Board of Supervisors to vacate Resolution No. 15-084, and to vacate the Board's approval and certification of the Environmental Impact Report for the project only as it relates to wildlife corridor issues (**Attachment H**). The Board was directed in the decision not to take any further action to approve the project without the preparation, circulation and consideration under CEQA of a legally adequate Environmental Impact Report with regard to the wildlife corridor issues discussed in the Court of Appeal opinion.

On July 27, 2021, the Board of Supervisors adopted a resolution to set aside portions of Resolution No. 15-084 for the Harper Canyon (Encina Hills) Subdivision Project only as they relate to project wildlife corridor issues in compliance with the Second Amended Peremptory Writ of Mandate. At the request of the applicant, the County contracted with Denise Duffy & Associates, Inc. to conduct a wildlife corridor study and prepare a Supplemental Environmental Impact Report as it relates to wildlife corridor issues in compliance with the Writ. A Draft Supplemental EIR (SDEIR) was prepared and circulated for public review and comment from March 12, 2024 to April 26, 2024 (**Attachment C**). Several comments were submitted during the public review period. Those comments were reviewed and responses to comments were

incorporated in a Supplemental Final EIR (SFEIR) for the project.

Wildlife Corridor Study (Attachment J)
Denise Duffy & Associates (DD&A) began to study wildlife corridor movement across the Harper Canyon subdivision site by installing wildlife camera trap stations (WCTS) at six locations throughout the site. DD&A biologists reviewed applicable background documentation and data, including the State Route 68 Scenic Highway Plan (TAMC, 2017), the Central Coast Connectivity Project (CCCP), biological reports prepared for the project, the California Department of Fish and Wildlife's California Natural Diversity Database Biogeographic Information and Observation System, historical/current aerial photography/satellite imagery, topography, and other local sources. The review included a desktop geographic analysis of the Study Area using ESRI ArcGIS to determine the most likely locations for potential wildlife corridors/pathways and potential locations for WCTS. Additionally, DD&A biologists traversed the Study Area with the cartographic materials described above to field-truth the potential locations for WCTS. The initial six camera trapping stations were placed at locations that showed some sign of wildlife activity (e.g., scat, trails, sign, burrows) or had topographic/habitat characteristics suggesting their use as a movement corridor (e.g., riparian drainages, wildlife trail, cattle trails, bedding areas).

The wildlife camera trapping study began on December 2, 2022, with the installation of six WCTS that were installed for a duration of six months, for a total of at least 1,080 camera trap days. Focal species of the study included six focal species: mountain lion, gray fox, bobcat, black-tailed deer, wild pig, and coyote. Species were chosen based upon their diversity of habitat requirements and movement patterns, which were documented in the Central Coast Connectivity Project (CCCP), a wildlife corridor study that analyzed wildlife movement patterns and identified lands and waterways that provide important connectivity between core habitat areas for wildlife between Central Coast mountain ranges (Connectivity for Wildlife, 2010).

The study captured 21 species of wildlife that could be identified in the camera photos including the six focal species, utilizing varying movement corridors and habitats within the Study Area. In addition, the study documented various rodent and avian individuals that could not be identified or differentiated from other species. Wildlife activity captured during this study suggests that the Study Area provides suitable habitat and movement corridors for all the focal species, as well as for various other wildlife species. Heatmaps of wildlife sitings were prepared that showed an existing dirt road, along with the arterial dirt road that traverses the ridgeline from Lot 15 and 16 to the Remainder Parcel provide a convenient movement corridor for wildlife from Toro County Park to the San Benancio Gulch area, and eventually to the Fort Ord National Monument though the Highway 68 undercrossing at El Toro Creek. Development of these roads and increased traffic could result in impacts to wildlife currently using them as movement corridors.

The study lists several measures or best management practices that have been developed for minimizing impacts to wildlife corridor movements, and that should be considered for the Harper Canyon project. The SDEIR included proposed mitigation measures that were suggested in the wildlife corridor study. The SDEIR also concluded that with the mitigation measures incorporated, impacts on the wildlife corridor would be less than significant.
Comments on the Supplemental Draft EIR

Four comments were received during the public comment on the SDEIR and one comment was submitted after the close of the public comment period. Comments on the SDEIR were submitted by Tanya Diamond with Pathways for Life, Richard Rosenthal on behalf of the Meyer Group, Michael Weaver, and Rachel Saunders on behalf of the Big Sur Land Trust. The late comment was submitted May 29, 2024, more than a month after the close of the comment period, by California Department of Fish & Wildlife (CDFW). All five of these comment letters are included in the SFEIR (**Attachment D**).

In summary, comments included:
- Pathways for Life suggested that the mitigation proposed in the SDEIR were not adequate to reduce potential impacts to wildlife corridors to a less than significant level.
- Meyer Group comments contended that the SDIER should have been prepared as a stand-alone EIR rather than a supplemental EIR, that the SDEIR failed to comply with the court mandate because it did not provide a delineation or map of the wildlife corridor in relation to the project, that the proposed mitigation requiring a wildlife corridor plan improperly deferred the mitigation, that the SDEIR failed to analyze wildlife nursery sites, and several other comments in support of the conclusion that the SDEIR should be revised and recirculated prior to adoption.
- Michael Weaver provided comments on historic subdivisions and uses in the vicinity and suggested that the Harper Canyon project is not protective of wildlife corridors and habitat and the plans should be amended accordingly.
- Big Sur Land Trust provided comments in support of the wildlife camera trapping performed by DD&A, strongly supported that, at a minimum, the implementation of mitigation measures identified in the SDEIR be implemented if the project were to move forward, and suggested the development of additional mitigation measures for mountain lion habitat.
- CDFW expressed concerns that the proposed Project would likely lead to further fragmentation of already constrained habitat for a multitude of species, and that the proposed mitigation measures do not appear sufficient to mitigate for impact to wildlife habitat connectivity. Several suggestions were made to improve mitigation measures for mountain lion habitat. Additionally, CDFW provided comments on California Tiger Salamander (CTS) and Western Bumble Bee (WBB) habitat.

The summary of comments above is limited. For exact wording in the comment letters, refer to **Attachment D**.

Supplemental Final Environmental Impact Report (SFEIR) (Attachment D)
The County reviewed the comments provided and has responded to those comments in the SFEIR for the project. Responses to comments can be found in Chapter 3 of the SFEIR. Response to comments were also reflected as changes to the text of the SDEIR that clarified the analysis and changes to the proposed mitigation measures incorporated to make the avoidance and minimization measures more effective at reducing impacts to wildlife corridors. These revisions to the text and mitigation measures can be found in Chapter 4 of the SFEIR.

Together, the SDEIR and SFEIR supplement the information contained with in the Draft EIR, Revised Draft EIR, and Final EIR (**See Link in Attachment F**) prepared for the Project prior to the Board approval of the project in 2015.

Staff Recommendation
With the preparation, circulation, and consideration of the SFEIR addressing wildlife corridors, and when combined with the previously certified FEIR for all resource topics, the project is now ready to return to the Board for consideration.

Staff recommends that the Board reinstate approval of the Project while simultaneously modifying the previous approval to address the issue of wildlife corridors and reflect the SFEIR prepared for that purpose. Consistent with the Writ, the Board is only required to reconsider the approval of the project in light of the new analysis pertaining to wildlife corridors.