

Monterey County General Plan

Final Environmental Impact Report

SCH# 2007121001

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Prepared for:

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Chapter 1

Introduction

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 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 purpose of clarification. This includes an updated table summarizing the impacts that would result form 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 Salians. 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.

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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 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 the 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 in 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 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 e 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 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

GP Figure	Figure Title	DEIR Exhibit	DEIR Exhibit Title
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:	4.8.2b	Existing Noise Contours, Stationary Sources
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 – 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

GP Figure	Figure Title	DEIR Exhibit	DEIR Exhibit Title
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
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 Singing		
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

GP Figure	Figure Title	DEIR Exhibit	DEIR Exhibit Title
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 Salians 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. Thos 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	☐	☒	■ Map legend revisions: ❑ Icons modified and rearranged; ❑ Elevation key added to explain map colors.
2	Incorporated Cities	☐	☒	■ Map legend – minor modifications to map icons.
3	Planning Areas	☐	☐	(no changes)
4	Community Areas	☐	☒	■ Topography added to map. ■ Map Legend – minor modification 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	☐	☒	■ Topography added to map; ■ Map legend – minor modifications to map icons.
6	Circulation	☐	☒	■ 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: ❑ Railroads ❑ Ports ❑ Airports ❑ Coastal Boundaries ❑ Proposed West-Side By-pass ❑ Rural Centers Community Areas
8a	Regional Faults	☐	☐	(no changes)
8b	Federal Emergency Management Agency (FEMA) 100 Year Flood	☒	☐	■ 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	☒	☐	■ 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	☒	☐	■ Map identifies dam floodplain areas within Monterey County.
9a	Existing & Projected noise Contours Airports	☐	☐	(no changes)
9b	Existing & Projected Noise Contours: Stationary Sources	☐	☐	(no changes)
9c	Existing & Projected Noise Contours: Stationary Sources	☐	☐	(no changes)
9d	Existing Noise Contours for Roadways & Railroads with Noise Receptors – North County	☐	☒	■ Formerly titled, "Existing Noise Contours Roadways – North County". ■ Additional icons that correspond to added information on the map, including: ❑ Sensitive receptors; ❑ Railroads; and ❑ Airports or Airfields
9e	Existing Noise Contours for Roadways & Railroads with Noise Receptors – Greater Salinas	☐	☒	■ Formerly titled, "Existing Noise Contours Roadways – Greater Salinas". ■ Additional icons that correspond to added information on the map, including: ❑ Sensitive receptors; ❑ Railroads; and ❑ Airports or Airfields

Map Figure	Title	New	Errata	Description
9f	Existing Noise Contours for Roadways & Railroads with Noise Receptors – Greater Monterey Peninsula, Carmel Valley & Toro	☐	☒	■ Formerly titled, "Existing Noise Contours Roadways – Greater Monterey Peninsula, Carmel Valley & Toro". ■ A close-up of Carmel Valley Village has been added. ■ Additional icons that correspond to added information on the map, including: ❑ Sensitive receptors; ❑ Railroads; and ❑ Airports or Airfields
9g	Existing Noise Contours for Roadways & Railroads with Noise Receptors – Central Salinas Valley	☐	☒	■ Formerly titled, "Existing Noise Contours Roadways – Central Salinas Valley". ■ Additional icons that correspond to added information on the map, including: ❑ Sensitive receptors; ❑ Railroads; and ❑ Airports or Airfields
9h	Existing Noise Contours for Roadways & Railroads with noise Receptors – South County	☐	☒	■ Formerly titled, "Existing Noise Contours Roadways – South County". ■ Additional icons that correspond to added information on the map, including: ❑ Sensitive receptors; ❑ Railroads; and ❑ Airports or Airfields
10a	Projected Noise Contours for Roadways & Railroads with Noise Receptors – North County	☐	☒	■ Formerly titled, "Projected Noise Contours Roadways – North County". ■ Additional icons that correspond to added information on the map, including: ❑ Sensitive Receptors; ❑ Railroads; and ❑ Airports or Airfields

Map Figure	Title	New	Errata	Description
10b	Projected Noise Contours for Roadways & Railroads with Noise Receptors – Greater Salinas	☐	☒	■ Formerly titled, "Projected Noise Contours Roadways – Greater Salinas ■ Additional icons that correspond to added information on the map, including: ❑ Sensitive Receptors; ❑ Railroads; and ❑ Airports or Airfields
10c	Projected Noise Contours for Roadways & Railroads with Noise Receptors – Greater Monterey Peninsula, Carmel Valley & Toro	☐	☒	■ Formerly titled, "Projected Noise contours Roadways – Greater Monterey ■ A close-up of Carmel Valley Village has been added. ■ Additional icons that correspond to added information on the map, including: ❑ Sensitive Receptors; ❑ Railroads; and ❑ Airports or Airfields
10d	Projected Noise Contours for Roadways & Railroads with Noise Receptors – Central Salinas Valley	☐	☒	■ Formerly titled, "Projected Noise Contours Roadways – Central Salinas Valley". ■ Additional icons that correspond to added information on the map, including: ❑ Sensitive Receptors; ❑ Railroads; and ❑ Airports or Airfields
10e	Projected Noise Contours for Roadways & Railroads with Noise Receptors – South County	☐	☒	■ Formerly titled, "Projected Noise Contours Roadways – South County". ■ Additional icons that correspond to added information on the map, including: ❑ Sensitive Receptors; ❑ Railroads; and ❑ Airports or Airfields
11	Water Management Agencies	☐	☐	(no changes)
12	Scenic Highway Corridors and Visual Sensitivity: Cachagua	☐	☒	■ Topography added to map. ■ City and Area names on map have been replaced with a bigger and bolder font. ❑ Map legend rearranged.

Map Figure	Title	New	Errata	Description
13	Scenic Highway Corridors and Visual Sensitivity: Central Salinas Valley	☐	☒	■ Topography added to map. ■ City and Area names on map have been replaced with a bigger and bolder font. ❑ Map legend rearranged.
14	Scenic Highway Corridors and Visual Sensitivity: Greater Monterey Peninsula	☐	☒	■ Topography added to map. ■ City minor streets removed for clarity ■ Map and map legend modified to show Coastal Zone Boundary. ❑ Icon modifications.
15	Scenic Highway Corridors and Visual Sensitivity: North County	☐	☒	■ 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	☐	☒	■ Topography added to map. ■ Map and Map Legend revised to include scenic vista location:
AHO-1	Affordable Housing Overlay Areas: Mid-Valley	☐	☐	(no changes)
AHO-2	Affordable Housing Overlay Areas: Monterey Airport & Vicinity	☐	☐	(no changes)
AHO-3	Affordable Housing Overlay Areas: Highway 68 & Reservation Road	☐	☐	(no changes)
AWCP-1	Planning Area and Vicinity	☐	☐	(no changes)
AWCP-2	Monterey Win County: Appellation Overview	☐	☐	(no changes)
AWCP-3	Agriculture & Winery Corridors	☐	☒	■ Topography added to map. ❑ Map legend revised to include minor icon modifications. ❑ City Sphere of Influence added
AWCP-4	Williamson Act Lands	☐	☒	■ Map legend revised to include icon modifications.
AWCP-5	Monterey Wine County: Typical Signing	☐	☐	(no changes)
CA-1	Community Areas: Boronda	☐	☐	(no changes)

Map Figure	Title	New	Errata	Description
CA-2	Community Areas: Castroville	☐	☒	■ Map and legend revised to include Coastal Zone Boundary ❑ 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	☐	☐	■ Text Box reference to policy corrected.
CA-4	Community Areas: Fort Ord/East Garrison	☐	☐	(no changes)
CA-5	Community Areas: Pajaro	☐	☒	■ New photo taken in 2007 for map. ■ Community Area boundary adjusted to follow RDA boundary.
LU-1	Land Use Plan: Coast (Non-Coastal)	☐	☒	■ Map and map legend revised to include: ❑ National Forestry Boundaries. ❑ Forest lands designated Resource Conservation. ❑ Military Boundaries ❑ New color for Resource Conservation L and Use. ❑ Density Values shown.
LU-2	Land Use Plan: Cachagua	☐	☒	■ 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	☐	☒	■ 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	☐	☒	■ 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: ❑ Icon for BLM land ❑ Added boundary delineation for Military installations ❑ Added boundary for National Forest ❑ Forest lands designated Resource Conservation.

Map Figure	Title	New	Errata	Description
LU-5	Land Use Plan: Greater Monterey Peninsula	☐	☒	■ 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: ■ 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 form Farmland to Resource Conservation.
LU-6a	Land Use Plan: Fort Ord Master Plan	☐	☐	(no changes)
LU-6b	Planning Areas: Fort Ord Master Plan	☐	☐	(no changes)
LU-7	Land Use Plan: Greater Salinas	☐	☒	■ 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 form Farmland to Resource Conservation.

Map Figure	Title	New	Errata	Description
LU-8	Land Use Plan: North County	☐	☒	■ 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	☐	☒	■ 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.
LU-10	Land Use Plan: Toro	☐	☒	■ Density Values as 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: Bradely	☐	☐	■ New photo taken in 2007 for map.
RC-2	Rural Centers: Lockwood	☐	☒	(no changes)
RC-3	Rural Centers: Pine Canyon	☐	☒	■ New photo taken in 2007 for map. ■ Corrected boundary location along Jolon Road.
RC-4	Rural Centers: Pleyto	☐	☐	(no changes)
RC-5	Rural Centers: River Road	☐	☒	■ New photo taken in 2007 for map.
RC-6	Rural Centers: San Ardo	☐	☒	■ New photo taken in 2007 for map ■ Cattlemen Road name corrected.
RC-7	Rural Centers: San Lucas	☐	☐	(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, 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 ahs 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 <u>underlined</u> 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

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, (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

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

2.3 Overestimation of Impacts and Growth; Timing of Mitigation

2.4 Speculative Nature of the 2030-2092 Time Horizon.

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

2.6 Rationale for Analyzing Criteria Air Pollutants

2.7 Rationale fore Planning for "More Growth than is Required"

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 fore 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 2008 forecast reflects early evidence of the current economic recession, predicting significantly less growth in homes and employment then 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 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 ration 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 small 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 form 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 the 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 calculation 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

[1] The RHNA allocation was subsequently adjusted by AMBAG in April 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 DIER.

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 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 ahs been assumed for the inland area is applied, there could be 423 new Coastal Zone residential units, equal to 4% of total 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 , 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 constraint 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 b constrained and not reach 423 units by 2030. The potential for a 423 unit difference in the inland area vs. Coastal Zone in a minor deviation that would not materially change the EIR impact analysis, significance conclusions, mitigation measures, or cumulative 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 subdivision s 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 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.

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 the 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 ands include mechanisms such as on and off-site mitigation ratios and fee programs for mitigation 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 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 complain 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 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 areas 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.

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 AWMP) 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 form mobile source emissions should be added to the DEIR in order to provide a more current baseline than 2000. This has been added the FEIR and used to update Tables 4.7-5 and 4.7-6 (see Chapter 4). There is 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 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 fore 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 potential 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 emission rates. When comparing the "2030 buildout" conditions to the 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 designated 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 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 form 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 and agricultural permit process for conversion 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 precent 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 resources 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 steep 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-12*) 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 polices 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).

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 exceed 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 areas to be converted;

b) Does not contain 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 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 revision to Policy OS-3.5 would further reduce the potential for impacts form 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 form 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 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 form 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 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 DIER 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 suggests 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,

[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.

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 DIER'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.

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 form 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 kind 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 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 by 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 of 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 conversion 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. Where water is available and site conditions are appropriate, some level of conversion 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 of 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 form 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 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 Vintners 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 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 grape 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, 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 expecting to focus on those area of agricultural conversion including vineyards, is expecting

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 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 conversion 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 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 conversion, 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 disruption to wildlife movement that would result based on the provisions of Policy OS-3.5 or the implementation 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 exemption form 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 are 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 form 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 form 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 form 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 Land 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 alternation 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.

<u>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</u>

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

4.4.1 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 unmitigable 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 PS1.1 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 that 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.

4.1.4 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 tow 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 nay 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 seas 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 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 costal groundwater supplies might be less in the future than currently anticipated.

Relevant to the analysis in the DIER, 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 demand 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 or 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 form 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 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 identify~~ing~~ 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
All conclusions below presume implementation of proposed 2007 General Plan policies including:				
Policy PS 3-1: Requirement for long-term sustainable water supply for discretionary development (delays development where no long-term sustainable water supply exists)				
Policy PS 3-2: Credit for reduction compared to historic use				
Policy PS 3-3: Long-term sustainable water supply requirements				
Policy PS 3-4: New well requirements (1)				
Policy T-1.7: B-8 restrictions in El Toro Creek Groundwater sub-basin				
Policy NC-1.5: Restriction of residential development to lots of record in North County. Policy GS-1.13: Restriction of residential subdivisions in the portion of the Greater Salinas Area Plan north of Salinas.				
Unless otherwise noted, conclusions apply to both 2030 and 2092.				
Impact WR-4: Water Supply	Significant and Unavoidable (see columns to the right for specific conclusions)	**Overall significance:** Less than Significant to 2030. Less than significant with mitigation to 2092.	**Overall significance:** Less than significant with revisions to General Plan Policy PS-3.4 (per mitigation Measure BIO-2.3) to 2030. Significant and	**Pajaro River groundwater basin:** Significant and unavoidable due to ministerial

Impact	Significance Overall	Salinas Valley	Monterey Peninsula	Pajaro River
		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. **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. **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	Unavoidable to 2092. **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). **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). **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.	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.

Impact	Significance Overall	Salinas Valley	Monterey Peninsula	Pajaro River
		Creek subbasin and Policy PS-3.4 will address localized individual well effects on water quality, well interference, and localized overdraft.		
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)	**Overall significance:** Less than significant to 2092. Less than significant with mitigation to 2092. **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. **Granite Ridge/Highlands South:** Less than significant because	**Overall significance:** Less than significant with General Plan policies to 2030. Significant and unavoidable to 2092. **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). **Carmel Valley hard rock areas:** For 2030 and 2092, less than significant as proposed GP policies will address localized	**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.

Impact	Significance Overall	Salinas Valley	Monterey Peninsula	Pajaro River
		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. **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.	well impacts. 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.	
Impact WR-7: Seawater Intrusion	Significant and Unavoidable (columns to the right	**Overall significance:** Less than significant to 2030. Significant and unavoidable to 2092. **Salinas Valley**	**Overall significance:** Less than significant with General Plan policies to 2030. Significant and	**Pajaro River groundwater basin:** Significant and unavoidable

Impact	Significance Overall	Salinas Valley	Monterey Peninsula	Pajaro River
		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. **El Toro Creek sub-basin:** No impact. Seawater intrusion not an issue in the sub-basin.	unavoidable to 2092. **Carmel Valley alluvial aquifer:** No impact. Seawater intrusion not an issue in this aquifer. **Carmel Valley hard rock areas:** No impact. Seawater intrusion not an issue in these areas. **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.	due to ministerial development on legal lots and lack of feasible water supply to address overall seawater intrusion.

Notes:

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 no result in material harm to the aquifer.

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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.

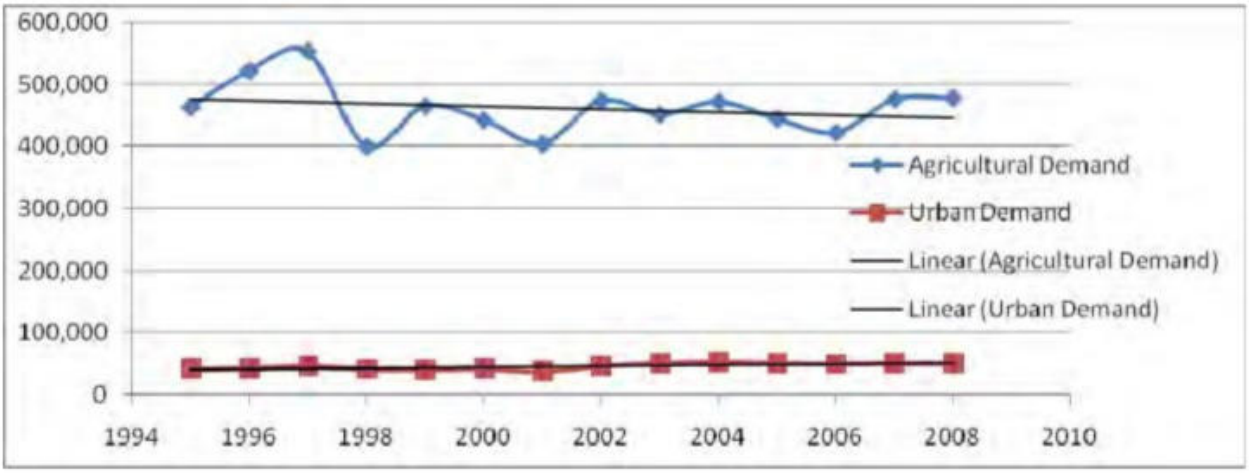
Agricultural Demand

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 has 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 evaluate 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

[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.

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 nonwinery 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 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 Valle 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 the 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 Antionio 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 distributed through the CSIP system to replace existing groundwater pumping in the CSIP service area. The CSIP system provides water to approximately 12,000 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 DIER'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 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 nonirrigated 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 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 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, 4.30-137, 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 provisions 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 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 [acrefeet/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 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 the 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 form 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, tow 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. 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 Salians 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 (0ther 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 operations (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 the 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 follow:

> 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 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 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 mee the future needs of Fort Ord (2,700 AFY), for buildout 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 I 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 form 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 could 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 form the upper drainage and the Coastal Water Project would not change these conditions. Downstream of the Narrows, 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, 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 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, the 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 Count 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.

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 extending its 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 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 objects 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 r 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 saltwater 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. 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,

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

Landscape and irrigation maintenance schedule, irrigation audits, surveys, and water use analyses, recycled water, stormwater management, and public education.

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.

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 in 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. 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 pas 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 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 ere 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 DIER/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 DIER, 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 on 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 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 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 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 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 D[6]
- 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

[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

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 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 conditions[7].

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

[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.

(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 and 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:

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 2,000 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 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 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 service itself.

The HCM represents the current professional standard reference for traffic analysis methodologies. The following describes some aspects of 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 graduated 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 standards analysis (e.g., HCM).

(5) Use of LOS of 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 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 operation 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 ration 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 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 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 application 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 for 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 form 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 crossing 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 form 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 an 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 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 2-024 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 growthinducing 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 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 CIFP. 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.~~

~~c. Identify the funding sources and mechanisms for the CIFP 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, FOR A, 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. Constructions 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 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 CIFP 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 CIFP as a ~~top~~ high priority, Policy C-1.~~4~~3 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

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.~~ Exception 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 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 are appropriate for mitigating the impacts of development. They suggest that development should not proceed until the road improvements are competed.

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 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 in 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 areas 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. 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 age of the population 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 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.

[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.

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 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 includes 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 the 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 "Greenhous 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 subdivision 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 od the EIR impact analysis and mitigation;

8.3 deferral of mitigation, especially for the post-2030 period;

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 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 polices, 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 mad 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 Geneal 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 wells 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 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 listed as threatened or endangered~~

~~species pursuant to the federal endangered Species Act of 19973, 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 impacts to 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 pursuance to revised policy OS-5.16 (provided above). Thus, this mitigation measure was not required to address significant

impacts to biological resources resulting form 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 Calley 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~~, <u>When growth thresholds are exceeded,</u> 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 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 (based on hydrology, vegetation, 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 sloes 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 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 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:

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 an 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 period, 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 analysis. 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 rate 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 rate 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 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 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 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 mor

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 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 it's 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 Corridors in the southern portion of 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 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 outside the focused growth areas (on lots of record and in subdivision 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 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 that 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 form 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 necessary 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 DIER 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 conversion are expected to 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 form 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 fort a number of policies 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 plant that's 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 know 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 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 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 DIER 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. 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 pin/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 less than significant effect on water quality (DEIR, ppl 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 facilities 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 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)
Santa Cruz Mountains to Gabilan Range			
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 Prundale Bypass Limited agricultural conversion potential	The identification of these linkages in the comment letter is consistent with the description of this board 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 Count 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 Prundale Bypass is
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."		

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 368: 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."		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.
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)
Santa Lucia Mountains to Fort Ord			
Linkage 308: Fort Ord – Ventana	Key Species identified as "coyote, bear, bobcat, and mountain lion" through	Fort Ord, Toro and Cachagua Planning areas	The identification of these linkages in the comment letter is consistent with the description of this broad corridor in the EIR.

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)
	"maritime chaparral, grassland and oak woodlands."	SR 68 Widening	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, FOR A and other interested entities in the designation of an oak woodland conservation areas 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
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)
			Undeveloped natural lands, including, but not limited to conservation areas and habitat corridors as specified and assigned in the HMP. 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. 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 form new development on the main channels of the Carmel and Arroyo Seco Rivers. 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

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)
			is not expected to be significantly impaired. 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. Agricultural conversion potential in this corridor is relatively low given the slopes, access, distance from other agricultural areas, and potential water constraints. 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

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)
			are considered less than significant.
Salinas Valley (East-West) and Salinas Valley (North-South)			
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	Specifically defined corridors included in broad corridors identifying north-south movement along Salinas Valley and adjacent foothills and east-west across Salinas Valley 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. Central Salinas Valley Area Plan Policies: Policy CVS-5.1 prohibits new development from
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	
Linkage 378: Salinas River - Pinnacles National Monument	"Area along Salinas 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	

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)
		side of Salinas Valley.	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 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
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.	
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.	
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 Salians Valley Planning Area Central/Arroyo Seco/River Road Wine Corridor Agricultural conversion	

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)
		potential along Arroyo Seco	the main channels of the Carmel and Arroyo Seco Rivers. 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. 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
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 Central/Arroyo Seco/River Road Wine Corridor Agricultural conversion potential along west side of Salinas Valley.	
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	Central Salinas Valley Planning Area Agricultural Conversion potential along east	

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)
	between the Salinas Valley and interior Diablo range through the San Lorenzo River watershed south of Salinas Valley- Peachtree Valley corridor."	side of Salinas Valley.	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 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.	
Linkage 323: Eastern Salinas Valley Foothills	"Low foothills along the eastern edge of the Salinas	Central Salinas Valley Planning Area	

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)
	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"	Agricultural conversion potential east of Salinas Valley.	
Carmel River and Pajaro River			
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 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	North County Planning	Pajaro Community area mostly previously

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)
	Landwatch letter/TNC assessment but Exhibit A show the full extent of the Pajaro River from Monterey Bay into San Benito County.	Area. Pajaro Community Area.	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, 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.
Corridors not analyzed in the DEIR			
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 interior mountainous area not subject to development pressure. Limited potential for

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)
			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 are 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; on of only connections between Santa Cruz Mts. southward to Elkhorn Slough". Exhibit A shows this	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

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)
	as a north-south corridor from Elkhorn Slough southward across Dolan Rd. to an area northeast of Castroville		Exhibit C. This corridor may provide for local wildlife movement between the two sloughs. However the 2007 GP will not affect his 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.
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,

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)
			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 Ligget"	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

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)
			affected by 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 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 closet 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.
Linkage 354: Sierra de Salinas – Arroyo Seco	No details provided in Landwatch letter/TNC	Cachagua Planning Area Central 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)
	Assessment. Exhibit A shows a corridor from the Cachagua Planning Area to Arroyo Secor	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

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)
			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.
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	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

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)
	Remnant natural areas on the Monterey Peninsula property and the Santa Lucia Mountains, then this line discusses this issue		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 Jacks'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 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 int eh DEIR under Impact BIO-3.1. These impacts would be mitigated to less-than-significant levels through mitigations 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 Valle. 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 lessthan-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 Sedimentations

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 onto 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 form 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 form 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 Ordinance[9]

~~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 inland portions of 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 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

[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.

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%. <u>The stream setback ordinance shall be adopted within three (3) years of adoption of the General Plan.</u>

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: bioretention 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 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 form 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 discharges 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 Wast 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 Boards'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 if 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 CWQCB'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 areas-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 o 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 is 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 and 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 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.

9.5.2 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 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 require 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, 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 4.3-107) 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, 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 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 decision making at the general Plan level. See also Master Response 10 for a

discussion of the level of detail 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 TDML 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 the 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 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 water 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 MPDES 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 water was 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 Section 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 consist of a program, regulation, or series of related actions that can be characterized as on 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 acknowledgement 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 form the development project." (CEQA Guidelines § 15161.) The degree of specificity required in an EIR will correspond to

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 and understanding of the significant effects of the proposed projects and tis 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 quantitively. 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 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 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 Couty 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 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 areas 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 sit-specific development.

While the County strives to provide as much detail as possible in the mitigation measures and polices, 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 ethe 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 require 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 no 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 measure 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 ration 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 dependent 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 XIIC and XIIID.) The County is also dependent 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 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).

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, noticed public hearings, separate actions 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 district 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, 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 cause 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 Supervisor's 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 Area is located in the coastal zone, that portion of the Community Area shall require an amendment to the Loca 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 no 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 of 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 to

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 § 15054(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 form 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 in 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 changes 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 make 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 the analysis in the DEIR, and do not mee the criteria of the Guidelines. No new or substantially more sever 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 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 and 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. 471, § 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, sued 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 secretes 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 review 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 work "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 references documents, and extended the comment period for a total of 147 days. Pursuant to these efforts, the County believes it ahs made the necessary good faith effort at full disclosure regarding the reference documents for the DEIR.

[ADA Compliant Transcription of Original]

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

Comment Letter No.	Commenter
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
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 Preservations (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

Comment Letter No.	Commenter
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
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

Comment Letter No.	Commenter
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
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 Marin 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-2 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 Chapter5 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 C1.10, 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 measures 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 PS4.7 (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 of 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 predevelopment 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 polices 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.*

L4.2 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 Polices 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 S6.8 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 GS6.2 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 GS1.2 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 PS2.8 provide additional protection with respect to erosion and sediment control. Policy S3.7 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 NOX 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 NOX 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 NOx 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 NOx 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 the 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 processers/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 varietals, 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 <u>diesel</u> 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-l 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-l 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 on road 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 Bruso 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 Bruso, 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 location 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 reduce 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

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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.

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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.

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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.

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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.

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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 1 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 alternatives 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 reductions 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 and1982 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 collective 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 the1982

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 projects 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.

O3.12 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 CO_2 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 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 CO_2e (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 CO_2e) 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 O5b.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 halfway 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 CO_2 equivalent (CO_2e). The projected "business as usual" emissions for California in 2020 would be 596 million metric tons of CO_2e. 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 CO_2e. 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 in 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 CO_2e. 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 CO_2e 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 CO_2e/kWh (Climate Action Registry 2009), and thus this retrofit would reduce GHG emissions by approximately 273 MT CO_2e 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 CO_2e. 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 back casting 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 back casting 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 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" indicate 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 CO_2 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 CO_2 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.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 blueprint 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 point 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 ballpark" 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 where 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 pro-rated 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 threshold 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 offsite 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 at "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 commend 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 turnouts. 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.

O-5b.193 The comment graphically portrays the information contained in Tables A and C of the referenced appendix. The comment does not request any further explanation. No response is necessary.

O-5b.194 The commenter offers their opinion that Section 4.3, *Water Resources*, provides no more than a superficial discussion and is inadequate and asks that it address "the hard questions" in greater detail. This is a summary opinion relating to the comments that follow. No response is necessary. The responses to specific comments follow.

O-5b.195 Comment refers to language in the "Abstract" section of the DEIR. The intent of this section was to summarize the significant water resource impacts. For more detailed impact analysis on water supply and water supply infrastructure, please see Impacts WR4 and WR-5 starting on page 4.3-113 of the DEIR. As discussed therein on page 4.3-128 and 4.3-130, in the Monterey Peninsula "none of the major supply projects is sufficiently developed…to conclude that they will provide adequate water to address current problems and future needs." The analysis concludes that there would be significant and unavoidable impacts. Please also see FEIR Chapter 4, which provides minor changes and clarifications to the text of the DEIR.

Please also see Master Response 4 on Water Supply regarding the current status of the proposed Coastal Water Project and the SWRCB cease and desist order against Cal-Am Water Company's use of Carmel River water beyond their permitted limits. As discussed there, the final order includes a timetable weaning Cal-Am off of its overuse of the Carmel River aquifer. Master Response 4 also clarifies the supply and demand for the Carmel Valley and Seaside aquifers. Since the completion of the DEIR, the CPUC certified the Cal-Am Coastal Water Project EIR. The Coastal Water Project is moving forward and there is no substantial evidence provided that it will not be operational within the next few years. The comparison to other desalination plants is not substantiated by the commenter.

O-5b.196 The commenter asks that the DEIR address the issue of "increased demand from overlying claims" in the Seaside and Carmel Valley basins. See Master Response 4 on Water Supply's discussion of these

basins and the related adjudication. There are no "overlying claims" within the adjudicated basin.

O-5b.197 Master Response 4 on Water Supply includes and updated analysis on water demands, including those pursuant to riparian rights on the Carmel River. The DEIR is a program EIR that has been prepared for the General Plan Update and therefore provides a generalized analysis of the potential impacts of this policy document. It is not intended to be site-specific. As discussed under CEQA Guidelines Section 15125(a), "the 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." Please also see Master Response 10, which describes the expected level of detail for the DEIR.

A detailed discussion of riparian rights on the Carmel River, beyond the discussion already provided beginning on page 4.3-11 of the DEIR, is not necessary to allow informed decision making or to evaluate the impacts of the project. Furthermore, future development will be required to establish the availability of a reliable, long-term water supply before it may be approved, pursuant to proposed Policy PS-3.1.

O-5b.198 Comment suggests that the discussion of the Environmental Setting on page 4.3-45 should discuss aquifer subsidence, collapse, and the feasibility and limits to injection and groundwater recovery projects. Section 4.4, page 4.4-13, of the DEIR describes that subsidence has not been an issue in Monterey County to date, whereas some of the Count's aquifers are over drafted. The Monterey County Water Resources Agency has indicated that there is no evidence to date of the manifestation of subsidence in the groundwater basins due to overdraft. The comment provides no data to substantiate why aquifer collapse is an issue in Monterey County. No further response can be provided. As further discussed in the Master Response 4 on Water Supply, as well as in the discussions of groundwater in Chapter 4.3, the activities of the Salinas Valley Water Project, Castroville Seawater

Intrusion Project, and the Coastal Water Project are expected to halt groundwater overdraft, at least until the 2030 planning horizon.

O-5b.199 The commenter requests additional discussion of California water rights law and "inadequacies of current development laws." The existing water rights laws are not proposed for change by the General Plan Update. The effects of these laws vary depending upon site-specific characteristics unrelated to the General Plan Update. A discussion of these complex laws and how they may relate to specific circumstances is beyond the scope of this DEIR and is not necessary to informed decision making (See CEQA Guidelines Section 15204(a)). Chapter 4.3 and Master Response 4 on Water Supply appropriately disclose the significant impacts of the General Plan.

The comment also suggests there is "routine non-compliance and non-enforcement of regulations." Comment provides no evidence of regulatory non-compliance. Please also see Master Response 10, *Level of Detail for General Plan and the General Plan EIR* which discusses the Government Code requirements for implementing the General Plan.

O-5b.200 Table 4.3-9 is intended to be a general overview of water supply and demand. The DEIR Table 4.3-9 was created using growth projections discussed in DEIR Sections 2.5 and 3.3, and in Master Response 2, *Growth Assumptions Utilized in the General Plan*. It is not project specific and therefore does not include an entry for the proposed Monterey Bay Shores project. Based on the restrictions placed on Cal-Am by the SWRCB's Cease and Desist Order, it is unlikely that any future project will be approved on the basis of water that is not actually available.

Please also note that the DEIR uses the projections approach to cumulative water resource impacts as discussed in Section 6.4.2. This methodology is consistent with CEQA Guidelines Section 15130(b)(1)(B) and does not require discussion of individual projects' water consumption.

O-5b.201 As discussed in the DEIR's project description (Section 3), the General Plan Update proposes to make discrete revisions to the Carmel Valley Master Plan in order to ensure consistency between it and the County General Plan. The Carmel Valley Master Plan is a component of the County General Plan and is required to be consistent with the General Plan pursuant to Government Code Section 65300.5. Under that section, the General Plan must comprise "an integrated, internally consistent and compatible statement of policies…" The revisions to the Carmel Valley Master Plan are broadly described in Section 3.4.5.5. The reader is directed to the Carmel Valley Plan portion of the General Plan Update for the text of the proposed policies. These documents are also available at the locations discussed in the Notice of Availability and online at http://www.co.monterey.ca.us/planning/gpu/draftNov2007/default.htm. Please also see Chapter 5 of this FEIR for additional proposed changes to the Carmel Valley Master Plan.

O-5b.202 Comment suggests that the DEIR concludes that the "Coastal Water Project…will solve the existing supply problem." The language is taken out of context. The DEIR also states that "whether the CPUC will permit a desalination plant of sufficient capacity to serve additional growth is unknown at this time" (DEIR page 4.3-127). As further noted under the "Significance conclusion" on page 4.3-130, "[o]n the Monterey Peninsula and in the Pajaro Valley, while current planning is underway to address current problems and provide water for new development, none of the major supply projects is sufficiently developed…to conclude that they will provide adequate water to address current problems and future needs." Impact WR-4 was determined to be significant and unavoidable for the Monterey Peninsula area, but, as discussed in Master Response 4, this conclusion has been modified in full consideration of proposed General Plan policies. Discussion of the Coastal Water Project is included here and under Impact WR-5 to provide discussion of the certainty of water supplies as required by CEQA case law (See *Vineyard Area Citizens for Responsible Growth v. City*

of Rancho Cordova (2007) 40 Cal.4th 412). Please also see Chapter 4 for revisions to this impact analysis and Master Response 4, *Water Supply*.

The comment also states "discussion does not include the current practice of converting overlying water rights for agricultural, industrial and recreational use for water for new commercial and residential use…" As discussed in response to comment O-5b.200 the DEIR made reasonable assumptions about projected population growth water demand and agricultural water demand. (See DEIR page 4.3-114; Table 4.3-9; and Master Response 4) The level of detail requested by the comment is not necessary to determine the significant impacts of the project under thresholds WR-4 (See CEQA Guidelines Section 15204(a)).

The proposed General Plan Update has a number of policies that will severely restrict the potential for development to occur in advance or in the absence of a long-term water supply (see DEIR policy discussion on pages 4.3-122 through 4.3-126). In addition to this discussion, policies are also in place to restrict development to legal lots of record in some areas (See Policies NC-1.5 and CV-5.4). The General Plan also includes requirements for adequate infrastructure, and proof of long term, sustainable water supplies prior to approval. The primary focus of future growth will be in Community Areas and Rural Centers, which will have included development and fiscal plans as part of their subsequent approval. Subdivisions outside of these focused growth areas will be subject to the provisions of a new ordinance that will include discrete evaluation criteria, including location in the vicinity of a city or community area that has a water supply. Several of these policies are the following:

- PS-1.1 establishes Adequate Public Facility and Services (APFS) requirements that require the APFS needed to support new development be made available to meet or exceed the level of service standards of Table PS-1 ("Infrastructure and Service Standards") concurrent with the impacts of such development.

- PS-1.3 prohibits the approval of any discretionary application for new development unless the County finds that APFS for that use exist or will be provided concurrent with the new development.
- Table PS-1 establishes minimum service criteria for water supply by land use type.
- PS-3.1 provides that no new development, except for the first single family dwelling and non-habitable accessory uses on an existing lot of record, for which a discretionary permit is required shall be approved without proof, based on specific findings and supported by evidence, that there is a long-term, sustainable water supply, both in quality and quantity, to serve the development
- PS-3.3 requires the establishment of specific criteria for proof of a long-term, sustainable water supply for new residential or commercial subdivisions shall be developed.

The proposed General Plan Update also includes policies to protect water quality (See policy discussion under DEIR Impacts WR-1, WR-2, and WR-3). For example, PS-2.6 requires the County to develop a Hydrologic Resources Constraints and Hazards Database to identify areas containing hazards and constraints (see *Policy S-1.2*) that could potentially impact the type or level of development allowed in these areas, including water quality constraints.

The County's water management agencies are well aware of the differences between the quality of the water suitable for irrigation use (including non-agricultural irrigation) and that intended for municipal use (treated water). In fact, using lower quality water for non-agricultural irrigation rather than treated water is an important aspect of the water agencies' approaches to managing limited water supplies. The distinction between water intended for irrigation, including recycled or reclaimed water, and that intended for municipal use is made consistently throughout Section 4.3 of the DEIR, as well as in Master Response 4. For example, see Policy PS-3.10 on page 4.3-124.

O-5b.203 The idea of out-of-basin imports is not new. It is mentioned here because it is an option, albeit an unlikely option, that is on the books for increasing water supplies. As discussed on pages 4.3-138 and -139 under "Pajaro Valley" and in the Master Response 4 on Water Supply, the Pajaro Valley Water Management Agency has rights to Central Valley Water Project water. However, for the reasons discussed there, the likelihood of ever receiving any of that water is extremely low.

O-5b.204 Mitigation Measure WR-1 concerns the Monterey Peninsula, including the Seaside aquifer and the Carmel Valley alluvial aquifer. Significance conclusions regarding water supply, overdraft, and seawater intrusion impacts on the Seaside aquifer and Carmel Valley alluvial aquifer are addressed in detail in Master Response 4, *Water Supply*.

O-5b.205 Significance conclusions regarding water supply, overdraft, and seawater intrusion impacts related to the Seaside aquifer are addressed in detail in Master Response 4, *Water Supply*.

O-5b.206 The commenter requests information on the derivation of the 266 cap on new lots. The 266-lot number was based upon an analysis conducted for the CVTIP. The current CVMP calculates both new lots and units. The 266 lots approximate the growth that would have been allowed under the CVMP based on the lot/unit methodology. The commenter is referred to Master Response 5, *Carmel Valley Traffic Issues* for further discussion.

O-5b.207 The cumulative analysis of traffic in the County may be found under TRAN-2A and -2B (pages 4.6-57-4.6-73), and TRAN 4A and 4B. TRAN-2A and -2B analyze the impacts from development of the General Plan through 2030 cumulatively and TRAN4A and 4B examine impacts from Buildout (through 2092) cumulatively. These analyses include projects that have that may have been submitted for consideration, but not approved, and projects that have been approved but not fully built throughout the unincorporated area. The cumulatively analysis includes the 266 potential new lots, AHO, and the STAs that are

provided in the CVMP. Impacts pertaining to Carmel Valley are discussed on Page 4.6-59 and then more specifically again on pages 4.6-61 -4.6-63. These are not called out separately in the DEIR as is true for any other specific projects elsewhere in the project. The term cumulative implies that existing approved projects, projects submitted for consideration, but not approved and prospective development in included in the Project Description are included.

O-5b.208 STAs are defined on Page 3-24 of the DEIR. A description of each of the STAs in the Carmel Valley Master Plan is provided on Page 3-33. The study area is not described, because that is a designation that cannot be defined until such time as the analysis of what might be appropriate for that area, if anything is concluded. The Study Area would then have to go through whatever appropriate zoning or General Plan amendment process is required.

O-5b.209 The commenter asks how the Rancho Canada STA is consistent with the goals of GPU5, especially in regard to flooding. The STA designation allows for the development of high density, compact residential development with a high degree of affordability. This is consistent with many of the policies in the Land Use Element of the 2007 General Plan. Moreover, the property is close to services, transportation, jobs, schools and a reliable source of water and wastewater treatment, all of which are considered desirable per the policies in the Public Services Element. The commenter is correct that a portion of the STA is in the floodplain. Proposed Policy CV-1.27 states that the developable part of the STA is outside of the floodplain. If a project is later advanced that includes development in the floodplain that would not be consistent with this policy and such development would have to address the impacts on flooding and may require a General Plan Amendment.

O-5b.210 Carmel Valley Ranch has a specific plan, as commenter notes. DEIR Exhibits 3.2 and 3.2a incorrectly show it as a Master Plan. This has

been changed to Special Treatment Area (STA) in the FEIR (see Chapter 4). It has no significant effect on the analysis.

O-5b.211 The commenter is correct that a portion of the STA is in the floodplain. Proposed Policy CV-1.27 states that the developable part of the STA is outside of the floodplain. If a project is later advanced that includes development in the floodplain that would not be consistent with this policy and such development would have to address the impacts on flooding and may require a General Plan Amendment.

O-5b.212 Commenter asks why Exhibits 3.7 and 3.8 show already built commercial areas as "planned commercial" rather than just commercial. The commercial areas described by commenter are covered by a "general development plan," which specifies exactly what will be developed on the site. The planning term for this "planned development" is appropriately referenced in the Exhibits.

O-5b.213 Corrected Exhibit 3.8 is correct. The "Airport" property is not designated as an STA.

O-5b.214 The description of the AHO for mid-Valley specifically states that it excludes portions of the properties located within floodplains. The commenter is referred to page 3-45 of the DEIR.

O-5b.215 The commenter refers to a statement on Page 4.1-3 which uses the term semi-rural character in connection with the goal of the CVMP. This general statement did not affect the analysis in the DEIR. There are a number of other statements in the DEIR that demonstrate the EIR preparer was aware of the "rural" character goal. The commenter is referred to Policy CV-2.10 (a) and (b), for example, and to the significance conclusion on page 4.6-73.

O-5b.216 The DEIR is a programmatic document and therefore provides a programmatic analysis of impacts. Impacts are described to specific land features- rivers, streams, riparian zones, woodlands, specifically named watersheds or in specific types of land use designations where development may occur (e.g. Community Areas, Rural Centers, or

other areas of development concentration). To the extent that these features, or natural resources or specific areas where development is designated to occur exist in Carmel Valley, then the analysis applies. The commenter is referred to Master Response 10 which discusses the level of analysis required for a General Plan DEIR. The commenter is referred to Page 4.3-127- 128 of the DEIR which has a discussion of water resource impacts relating to the Monterey Peninsula. The commenter has already been referred to the discussion of Carmel Valley traffic impacts in response to comment O5b-207.

O-5b.217 The comment asks about the potential effects of increased wastewater from additional development in the Carmel Valley. Please see Master Response 9, Section 9.5.2 regarding onsite wastewater management. As discussed there, future development that relies on onsite wastewater treatment will be required to minimize its impacts in accordance with the requirements of the Central Coast Regional Water Quality Control Board and County Environmental Health Bureau.

O-5b.218 Page 4.11-35 states that an increase in impermeable surfaces would result in greater runoff unless regulated. Mitigation Measure PS-1 added to Policy S-3.9 would reduce the impacts of residential development outside Community Areas and Rural Centers to a level that is less than significant. Accordingly, the same conclusion could be reached for Carmel Valley. The commenter is also referred to pages 4.3-181 through 4.3-193 for a discussion of the potential impacts from flooding. This discussion would also apply to Carmel Valley. The DEIR concludes that these impacts would be less than significant.

O-5b.219 The County of Monterey Water Resource Agency currently requires that new development demonstrate that there will be no net increase in runoff as compared with existing runoff. This requirement will continue to be imposed in Carmel Valley as well as elsewhere in the unincorporated area. The level of future growth will not affect the ability to mitigate this potential impact. Moreover, there are a number of policies in the General Plan (i.e., PS-3.2 and PS-3.3) that address

requiring development to increase recharge and reduce the amount of impervious surfaces. The commenter is also referred to Page 4.3-78 of the DEIR which discusses the policies of the County Water Resources Agency. The commenter is also referred to Chapter 4.3 Impacts WR-11 through WR-13 for a discussion of the policies that would address flood risk.

O-5b.220 The commenter raises questions about the potential cumulative impacts of the addition of impermeable surfaces from current and future development with respect to runoff and flooding under GPU5. The commenter is referred to Page 6-6 of the DEIR which discusses the cumulative impacts from geology, soils and seismicity. It concludes that with the exception of soil erosion, there is no cumulative impact. Section 6.4.3.3 Impact CUM2 describes the impacts that could result cumulative to water quality from runoff. Although there are a number of policies in the General Plan and proposed mitigation measures, the impacts remain cumulatively considerable. The same would be true for Carmel Valley. The commenter is also referred to Master Response 9, *Water Quality*, which further discusses runoff, sedimentation and water quality impacts.

As discussed in the significance determinations under Impacts WR-11 and WR-12, there are existing flood hazards within Monterey County. These comprise an existing, significant cumulative effect. As discussed under Impacts WR-11 and WR-12, through compliance with the existing County floodplain regulations (Monterey County Code, Chapter 16.16, as amended October 6, 2009), as well as specific policies under the Safety Element, the Public Services Element, and the Area Plans, the 2007 General Plan will avoid contributions to flood hazard. Therefore, the 2007 General Plan will not make a considerable contribution to the existing cumulative effect. Section 6.4.3.3 of the DEIR has been revised to clarify that point. (See Chapter 4 of this FEIR)

O05b.221 The commenter questions what impacts from the introduction of new impermeable surfaces might result from the Rancho Canada STA. The

DEIR for the General Plan is a programmatic document and not a project specific document and therefore an analysis of the specific impacts from each individual future project mentioned in the General Plan has not been provided. The commenter is referred to Master Response 10, which discusses what is required in a programmatic EIR. Nevertheless, the commenter is referred to the policies in the General Plan in the Public Services Element and Open Space Element as well as the impact analysis on pages 4.3-181 through 4.3-193 that discusses all of the policies in the General Plan and that would reduce potential flooding impacts to a level that is less than significant.

O-5b.222 The commenter raises questions about the basis for establishing LOS D for segments 3 through 7 of the Carmel Valley Road. The commenter is referred to Master Response 5, *Carmel Valley Traffic* for a discussion of traffic standards in the CVIP and CVMP.

O-5b.223 The commenter raises questions regarding a comparison of the General Plan Initiative with GPU5. The comment does not refer to a particular section or conclusion of the alternative comparison. GPI does not propose as many community areas and rural centers as GPU5, but it also rely on lots of record to accommodate growth into the future. Accordingly, some of the impacts that would result from GPI are greater than GPU5 because of the dispersed growth patterns and impacts that would result from sprawl. Although individual development that is allowed under focused growth may be "larger," the end result is a reduction in vehicle trips, and reliance on public water and sewer to support growth. Reliance on lots of record that could be on wells or septic systems may result in greater impacts for some resource areas, including biological resources.

O-5b.224 The Project Description of the proposed boundaries of the incorporated Town of Carmel Valley was based on the information at hand when the DEIR was drafted. Since that time, the incorporation election has occurred and the incorporation measure did not receive

the necessary majority vote for approval. The DEIR is corrected on page 3-32 to update these facts. (See Chapter 4 of this FEIR)

O-5b.225 The commenter asks whether the affordable/workforce housing discussed in the Rancho Canada STA will be affordable in perpetuity. The provisions in the General Plan LU-2.12 regarding Affordable/Workforce Housing Program would apply

O-5b.226 The commenter asks whether the 266 new lots within Carmel Valley would apply to the four STAs and one Study area or if it is in addition. The 266 would apply to the four STAs and to the one study area, should that area be designated for future growth in the CVMP. Otherwise, the property in the study area would be subject to all of the same provisions regarding requirements for the creation of new subdivisions as provided in the General Plan.

O-5b.227 The commenter asks a question about the applicability of density bonuses for property in the AHO. The AHO buildout number already assumes that development would be at 30 units per acre. While it is possible, that a developer would request an additional bonus, 30 units per acre is already a significantly high density. The DEIR analysis did not assume that there would be additional density.

O-6a Carmel Valley Traffic Committee (Ad Hoc Traffic Committee)

O-6a.1 The commenter references background of meetings of the ad hoc committee. The comment is noted.

O-6a.2 Commenter references the buildout numbers and the 266 cap. The basis of the land use forecasts used for analysis of traffic impacts in the Carmel Valley Master Plan is addressed in Master Response 5, *Carmel Valley Traffic Issues*.

O-6a.3 The comment requests data for all segments of County Road G-16 (Carmel Valley Road) from SR1 to Via Los Tulares, and SR1 from Carpenter Street to Riley Ranch Road, referring specifically to Tables A, B and C in Appendix C – Traffic Data, of the DEIR.

Table A in the appendix presents daily volume to capacity ratios and LOS under Existing conditions. Table B presents this information for Existing Plus Project to 2030 conditions, and Table C presents this information for 2030 Cumulative conditions.

Roadways in the Carmel Master Plan area are analyzed differently than roadways in the rest of the County because the County has two overlapping processes, one very broad (daily analysis) that is seeking to complete a comprehensive General Plan Update and one which is much narrower (peak hour analysis) that is addressing CVMP circulation issues. The County prepared a study of current roadway and intersection conditions, updated the traffic improvement list to maintain the LOS standards in CVMP Policy 39.3.2.1, and updated the fee program to fund the improvements. The Carmel Valley traffic study and the accompanying DSEIR were completed and released for public comment in August 2007. Subsequent to the DSEIR, a study of SR1 was prepared in 2009.

The peak hour analyses provided in the CVMP studies are presented in the General Plan EIR where it was available, and therefore was not included in the daily analyses presented in Tables A, B, and C. Existing conditions for Carmel Valley Road are presented in Table 4.6-5 on Page 4.6-10. Existing conditions for SR1 between Ocean Avenue and Carpenter Street are also presented in Table 4.6-5. Additional intersection and roadway analysis of SR1 from Carpenter Street to Rio Road are presented in the study “Carmel Valley Master Plan SR-1 Study” (Kimley-Horn and Associates, February 2009).

Under 2030 conditions the peak hour analysis of Carmel Valley Road and SR1 is included in Table 4.6-18. Additional year 2030 intersection

and roadway analyses of SR1 is available in the Carmel Valley Master Plan SR1 Study.

O-6a.4 Commenter refers to the LOS Standard for Carmel Valley as established over the life of the plan. The commenter is referred to Master Response 5 which discusses how the LOS standards for Carmel Valley were established (referencing the Higgins report) and noting that the LOS for each of the segments is not LOS C, but a range of standards.

The commenter also asserts that the changes proposed in the CVMP under the 2007 General Plan would result in a 50% increase in allowable traffic. Master Response 5 also addresses the differences between utilizing an ADT standard versus a peak hour standard.

Should the Board of Supervisors adopt the proposed 2007 General Plan, the policies would supplant all of the policies in the 1982 General Plan and each Area Plan, including the Carmel Valley Master Plan. The "life of the plan," therefore, is until there is a new Master Plan adopted or amendments are adopted.

O-6a.5 The commenter refers to a different standard used for Carmel Valley. The appropriate standards and methodologies for evaluating traffic conditions in the CVMP area are described in Master Response 5, *Carmel Valley Traffic Issues*.

O-6a.6 The commenter refers to Board of Supervisors Resolution No. 02-024 and capacity improvements on SR1. Board of Supervisors Resolution 02-024 and future subdivision approvals are addressed in Master Response 5, *Carmel Valley Traffic Issues*.

O-6a.7 The commenter is referring to policies in the 2007 General Plan. These comments on General Plan policies will be forwarded to decision makers for their consideration. With respect to the use of ADT for measurement of the standard, please refer to the response to comment O-6a.05 above.

O-6b Carmel Valley Traffic Committee

O-6b.1 The commenter references background of meetings of the ad hoc committee. The comment is noted.

O-6b.2 The commenter references the buildout numbers and the 266-residence cap. The basis of land use forecasts used for analysis of traffic impacts in the Carmel Valley Master Plan is addressed in Master Response 5, *Carmel Valley Traffic Issues*.

O-6b.3 Please refer to the response to comment O-6a.03.

O-6b.4 Please refer to the response to comment O-6a.04.

O-6b.5 The commenter refers to a different standard used for Carmel Valley. The appropriate standards and methodologies for evaluating traffic conditions in the CVMP area is discussed in Master Response 5, *Carmel Valley Traffic Issues*.

O-6b.6 The commenter refers to Board of Supervisors Resolution No. 02-024 and capacity improvements on SR1. Board of Supervisors Resolution 02-024 and future subdivision approvals is addressed in Master Response 5, *Carmel Valley Traffic Issues*.

O-6b.7 The commenter is referring to policies in the 2007 General Plan. These comments on General Plan policies will be forwarded to decision makers for their consideration. With respect to the use of ADT for measurement of the standard, please refer to the response to comment O-6b.05 above.

O-7 Citizens for a Sustainable Monterey County

O-7.1 The comment cites which impacts in the DEIR have been identified as significant and unavoidable and then refers the County to concerns detailed in additional comments.

O-7.2 The commenter asserts that the DEIR fails to consider the impacts of accelerated global warming and states that this is inconsistent with State Law. The DEIR Section 4.16 is devoted entirely to the subject of climate change. A number of mitigation measures are proposed which would become policies in the General Plan. These include adoption of a Green House Reduction Plan, a Green Building Ordinance and a Climate Change Preparedness Plan. The target reductions in the Green House Reduction Plan are consistent with AB 32 targets and include extensive numbers of provisions for reducing greenhouse gas emissions. Minor modifications to these mitigation measures have been made and are provided in Chapter 4 of the FEIR to track changes in guidance from the State (reduce emission by 2020 to a level that is 15% less than 2005 emissions). The DEIR concludes, that based on adoption of these plans and ordinances, greenhouse gas emission will be reduced to meet the targets (less than significant impact). Accordingly, there will not be an increase in greenhouse gas emission resulting from the implementation of the General Plan. For the period after 2030, the DEIR concludes that the impacts will be significant and unavoidable. This conclusion was reached because the impacts are highly speculative beyond 2030 and because the technological advances that will be necessary to achieve these reductions are unknown. Please refer to Section 4.16.5.3 for the Impact Analysis. This includes the mitigation measures and significance conclusions.

O-7.3 The commenter asserts that the DEIR has not fully considered transit-oriented development (TOD) as an alternative to reduce traffic impacts. The commenter is referred to Chapter 5 of the DEIR (Alternatives). A TOD Alternative is proposed and analyzed in that section. It includes measures that would provide for more compact development by focusing new growth along existing and future transportation corridors. It also provides provisions for transfer of development credits to receiver sites to reduce sprawl, and limits on future development in Rural Centers. Last, the TOD Alternative provides a combination of public transportation system improvements

to reduce vehicle miles traveled. This Alternative will be presented to the Board of Supervisors when it reviews the FEIR and considers the 2007 General Plan.

O-7.4 The commenter has asked questions about the potential infill capacity of the county and whether relying on infill would meet housing requirements or create exceedance of traffic thresholds. The Land Use Element in the General Plan focuses growth in areas of the County where there already is existing development at urban type levels and proposes that new development be planned at increased densities in these communities, rather than in the less densely populated portions of the County. Tables 3-8 and 3-9 in Chapter 3 of the DEIR provide an estimate of how much growth could be concentrated in these areas. See also Master Response 2, *Growth Assumptions Utilized in the General Plan*. The DEIR did not calculate creating potential additional infill opportunities, since this was not a policy in the General Plan. It is generally assumed that increasing development in an existing urban area increases local traffic. If one assumes that there will be equivalent jobs created, then infill housing would theoretically reduce trips on roads between cities and communities. Without a specific proposal, it is too speculative to draw a precise conclusion regarding impacts to thresholds.

O-7.5 The commenter raises questions about impacts to agricultural resources and whether they could be lessened by adopting an infill strategy. Comment is correct that the DEIR concluded that there was a significant unavoidable impact from the loss of Important Farmland; the commenter is incorrect with respect to the impact conclusions regarding Williamson Act lands. The DEIR concluded that there was a less than significant impact from the loss of Williamson Act land (DEIR Page 4.2.21).

Creation of infill opportunities would potentially decrease the amount of agricultural land that may be converted. However, again, as noted in Response O-7.5, without a specific proposal, it would be speculative to

determine whether there was sufficient infill opportunity to accommodate the necessary affordable housing required in the unincorporated area and the degree to which impacts to agricultural land would be reduced.

O-7.6 The comment discusses a variety of approaches for reducing water consumptions in order to address increased demands for potable water. The General Plan includes a number of policies that will address future consumption. Policies PS-2.7 through 2.9 include strategies for voluntarily taking land out of crop production, reducing site runoff and maximizing groundwater recharge. Policies PS-3.12 through 3.14 include policies for increasing agricultural and urban conservation including enhanced recycling strategies. Many of these will be the subject of future ordinances. The suggestions of commenter will enhance discussion of these opportunities. In addition, many of the policies that will be included in the Climate Action Plan referred to in response O-7.1 above will include installation of energy saving devices that will also reduce water consumption. An example would be front loading washing machines and more efficient lawn sprinkler.

In addition, new state laws and regulations will increase future water efficiency. The State Building Code green building standards, effective January 1, 2011 will require a 20% reduction in water use for new construction. The Urban Water Management Planning Act will require reductions in outdoor water use. Senate Bill 407 of 2009 establishes statewide requirements for the phased replacement of old, non-compliant plumbing fixtures in existing residential and commercial property (built and occupied on or before January 1, 1994) with new, water conserving models.

O-8 Coast Property Owners Association

O-8.1 The comment contends that mitigation policies in the DEIR “must be changed to say they do not apply in the coastal zone, with an

explanation why." This comment is repeated and elaborated in O-8.4. Please see the response to comment O-8.4 for response to both comments. Please also see Master Response 11 for a discussion of revisions to the DEIR and draft GPU5 to clarify that GPU policies and DEIR mitigation measures are intended to apply only to the inland unincorporated area of the County. (See FEIR Chapter 4 and Chapter 5)

O-8.2 The commenter indicates that the DEIR finds environmental impacts and proposes new Plan policies as mitigation, but does not provide substantial evidence to support these conclusions. Without any reference to specific text in the DEIR, the County cannot respond to this comment. The County believes that there is substantial evidence throughout the multi-page DEIR with respect to each impact analysis. The Commenter is referred to Master Response 10, which discusses the level of detail required in a programmatic EIR.

O-8.3 The comment asserts that "the DEIR misstates the ability of the County to affect federal land use and must be changed to avoid opportunities to do so." This comment is repeated and elaborated in O-8.6. Please see the response to comment O-8.6 for response to both comments.

O-8.4 The comment states that mitigation policies in the DEIR "must be changed to say they do not apply in the coastal zone, with an explanation why." The comment cites Mitigation Measures BIO-2.1 and BIO- 1.5 as examples and contends that the DEIR would be deficient if the measures were intended to apply countywide because the DEIR did not analyze these policies as applying countywide. The DEIR is not deficient because the referenced mitigation measures are not intended to apply in the coastal zone. As the commenter notes, the General Plan Update contains an explicit statement that it does not amend the local coastal Land Use Plans. Mitigation Measures BIO-1.5 and -2.1 have been revised to clear up any ambiguity as to their application to only the inland unincorporated area of the County. In addition, any text of the DEIR or proposed mitigation that states that a General Plan Update policy or proposed mitigation applies

"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 of this FEIR.

The comment also suggests that a paragraph be added to every policy change proposed by the DEIR that does not expressly limit its application to areas outside the coastal zone; the proposed paragraph would explicitly states that the policy shall not apply within Monterey County's coastal zone. Supplementing each policy proposed by the DEIR with the proposed additional paragraph would result in more confusion than clarification. The inclusion of the paragraph in some policies – those which originated with the EIR—and the omission of the paragraph from the remaining GPU policies could lead to the erroneous inference that the omission of the paragraph means that the policy does apply in the coastal zone. To avoid this problem, the paragraph suggested by the commenter could be included in each and every policy of the General Plan Update; however, such an addition to each General Plan policy would be needlessly redundant and is unnecessary. Adding such a statement to each and every General Plan policy is not necessary because the General Plan Update itself will state explicitly in the introduction that "[T]he County is not amending the Local Coastal Program as part of this General Plan Update" (See Introduction, page vi of the revised draft General Plan Update (Chapter 5 of the FEIR). Additionally, Policy S-6.5 has been revised to omit the word "countywide", and Policy LU 2.22.b relating to the Castroville Community Area and the 2007 General Plan figures showing the Castroville Community Area have been revised to clarify that the General Plan Update applies only to the inland portion of the Castroville Community Area. See Master Response 11 regarding effects on the coastal zone for further discussion of these clarifications. Please also see Chapter 4 and Chapter 5.

The comment also requests that maps and tables in the DEIR be changed to exclude references to coastal areas, such as Exhibit 4.9-1

and Tables 4.9-1 and 4.9-5. The exhibit depicts the vegetation cover in Monterey County and the cited tables list vegetation communities and species with potential to occur in Monterey County. Although the General Plan Update applies only to the inland unincorporated area, the DEIR includes analysis of the impacts of the General Plan Update. The analysis includes any direct or indirect impacts on coastal resources, and thus, the DEIR appropriately included coastal resources in its environmental analysis. (See Master Response 11, *Effect of GPU5 on the Local Coastal Program and Impacts to Coastal Resources*, for further elaboration.) The fact that the DEIR analyzes the impacts of inland development policies on coastal resources does not mean that General Plan Update itself applies in the coastal zone.

O-8.5 The commenter raises questions about the substantial evidence provided in the DEIR that would require protection of "special status species" and indicates that protection is not required for plant communities or other plant groupings. The Monterey County Planning Commission held workshops in the summer of 2009 that addressed suggested changes to the mitigation measures in the DEIR pertaining to biological resources. The County is proposing changes to several of the mitigation measures and to policies in the 2007 Draft General Plan in response to input received at the workshop. This includes deletion of the term "special status species" in the Glossary. These modifications are described in Master Response 8, *Biological Resources*. They may also be found in FEIR Chapters 4 and 5. The commenter is also referred to Master Response 8 for a discussion of how the revisions would address CEQA and relate to the draft policies in the General Plan.

The commenter is also referred to the responses to comments O-17, O-13a, O-13b and O-14a.

O-8.6 The comment asserts that "the DEIR misstates the ability of the County to affect federal land use and must be changed to avoid opportunities to do so." The commenter acknowledges that the DEIR's statement

that County does not have jurisdiction over federal lands (on DEIR p. 3-2) is "technically correct." The commenter, however, requests the DEIR to be changed to acknowledge opportunities for the county "to exert a measure of control over federal lands" and to revise Mitigation Measure BIO-1.1 (if it is included in the General Plan) so that it does not exclude federal lands. The comment is an observation about policy rather than a comment on environmental impacts of the General Plan. In addition, Mitigation Measure BIO-1.1 has been deleted, in concert with revisions to measures BIO-1.4, BIO -1.5, and BIO-3.2. Therefore, no change to the DEIR is required.

O-9a Friends, Artists, and Neighbors of Elkhorn Slough "FANS" (prepared by KENYON/YEATES)

O-9a.1 The commenter states that they have been unable to locate certain reference documents listed in the DEIR's reference section. The commenter asks that these be made available.

Subsequent to this letter, the County revised the reference section, provided better identification of the referenced materials, made copies available to the public, and extended the DEIR's public review period for a total of 147 days. The County has made the necessary good faith effort at full disclosure regarding the reference documents for the DEIR. Please see Master Response 12, *Recirculation*, for greater detail. As noted in Master Response 12, 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.)

O-9b Friends, Artists, and Neighbors of Elkhorn Slough "FANS" (prepared by KENYON/YEATES)

O-9b.1 The 2007 General Plan Update will not change the permitting regime for Routine and Ongoing Agricultural Activities, nor will it change the existing range of allowable land uses. Similarly, the 2007 General Plan Update will not change the applicability of the Central Coast RWQCB's irrigated agricultural lands program, which regulates the discharge of sediments from agricultural lands. Under CEQA, the significance of a proposed project's impact is determined in reference to the change the proposed project would cause in the existing physical conditions. (CEQA Guidelines, §15126.2 (a)) Since the 2007 General Plan would not cause any change from existing conditions (i.e. the 1982 General Plan), this aspect of Policy OS-3.5 would have a less-than-significant impact. Please note that Policy OS-3.5 has been revised as to the permitting process for uncultivated lands. Please see Master Response 3, *Agricultural Growth and General Plan Agricultural Policies*, and Chapter 5 of this FEIR regarding those revisions.

The comment also asks how the County would review or monitor changes in agricultural operations to ensure that no significant soil erosion or water quality impacts would occur. Proposed Policy OS-3.9 states that 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 off-site soil erosion, increased runoff-related stream

stability impacts and/or potential violation of adopted water quality standards for existing and future conversion. The County should convene a committee comprised of county staff, technical experts, and stakeholders to develop the Program, including implementation recommendations." Proposed Policies OS-3.5 and OS-3.9 will limit the impact of agricultural conversions to a greater extent than exists under current laws. Please refer to Master Response 3 for a specific discussion of the impacts of Routine and Ongoing Agricultural Practices and General Plan policies on agriculture. Please also refer to Master Response 8, *Biological Resources*, and Master Response 9, *Water Quality*, which address comments pertaining to development on slopes, biological resources and water quality. Master Response 9 includes a discussion of existing regulations that minimize erosion and water quality impacts from existing agricultural use.

O-9b.2 See Master Response 9 on Water Quality, and Master Response 10, Section 10.7 which discusses regulatory compliance. As discussed in these Master Responses, 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. (See also *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 commenter misreads the DEIR's conclusions. The DEIR applied the significance thresholds in DEIR Section 4.3.4.1 to Impact analyses WR-1 through WR-14. At the beginning of each Impact analysis there is a

bold title used to identify the topic and significance threshold being analyzed (for example see DEIR page 4.3-90 “Impact WR-1: Residential, commercial, industrial, and public uses consistent with the 2007 General Plan would introduce additional nonpoint source pollutants to downstream surface waters, substantially degrading water quality.”) This is followed by a summary of the significance conclusion for the analysis, in bold as well, “(Less-Than-Significant Impact.).” The title is not the significance conclusion, as suggested in the comment. The DEIR then goes on to disclose the potential impact of the Draft General Plan absent the application of mitigation measures that would reduce that impact. After identifying the mitigation measures, the DEIR makes a determination about the significance of the impacts of the General Plan Update in light of the applicable regulations and DEIR measures that would work to avoid, minimize, reduce, and otherwise mitigate the impact. The overall conclusion, after mitigation, is found under the title “Significance Conclusion.” For more information on the rationale for these conclusions the commenter is directed to the impact analyses discussed after “Impacts of Development with Policies.”

The thresholds of significance for water quality impacts are not acting as the significance conclusions themselves. The impact section examines the potential impacts that would result from the General Plan Update in the context of the regulatory environment, then adds mitigation measures as may be needed. When the regulations and mitigations would be sufficient to reduce the impact below the threshold of significance, then the DEIR concludes that the impact is less than significant.

This determination has been made on a qualitative basis. The size of this project (i.e., the unincorporated County of Monterey), and the fact that it does not include site-specific development projects from which impacts could be quantified, makes a quantitative approach unreasonable. Please also refer to Master Response 10 on the level of detail required in an EIR for a General Plan.

O-9.3 See the Master Response 3, *Agricultural Growth and General Plan Agriculture Policies*, Master Response 8, *Biological Resources*, and, Master Response 9, *Water Quality* for general responses to comments on development on slopes and erosion impacts, respectively, including the effectiveness of General Plan policies and existing regulatory programs.

This comment questions the effectiveness of General Plan policies in avoiding or reducing significant erosion impacts. However, the General Plan is a not 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. As explained in Master Response 10 regarding the level of detail expected of a program EIR, General Plan policies are general statements of principle that will guide later implementing actions, such as ordinances and regulations, to be undertaken during General Plan implementation. 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. Further, 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 commenter questions the effectiveness of Policy OS-3.5 which guides the conversion of non-cultivated lands on steep slopes. In response to this and other comments, Policy OS-3.5 has been strengthened to require a discretionary permit for conversion of previously uncultivated lands between 15% and 25%, or greater than 10% slope if on highly erodible soils. The modification to OS-3.5 also prohibits conversion of slopes of 25% or greater, except under limited circumstances that would also require a discretionary permit. Please

also refer to Master Response 3 for a detailed discussion of Policy OS-3.5.

The commenter questions the effectiveness of Policy OS-3.9, which addresses the erosion impacts of hillside development. In response to this and other comments, Policy OS-3.9, has been strengthened by clarifying that it will minimize or avoid soil erosion, increased runoff-related effects, and violation of water quality standards. Please see Chapter 5.

The changes to these policies will further assure that erosion impacts from development under the General Plan would be less-than significant. Please also refer to Master Response 9 on water quality.

The commenter asserts that Timber Harvest Plans (THPs) allow significant and unavoidable erosion impacts. However, such an outcome is unlikely, even though the THP is the functional equivalent of an EIR and would (theoretically) allow the override of significant impacts. Under the Forest Practice Rules (Title 14, California Code of Regulations, Chapters 4, 4.5, and 10), a THP must conform to substantive performance standards intended to minimize and contain on-site and off-site erosion (see Article 4, Harvesting Practices and Erosion Control, and Article 6, Watercourse and Lake Protection, of Subchapters 4, 5, and 6 of Chapter 4). In addition, a THP is subject to review by the Central Coast RWQCB, which will require the issuance of either waste discharge requirements or an individual or general conditional waiver before timber operations can begin. Either the waste discharge requirements or the conditional waiver from such requirements ensure that the operation complies with the Basin Plan and protects beneficial uses, such as fisheries. The RWQCB permits restrict the release of discharge (i.e., erosion) from the logging site in order to avoid any significant and adverse changes, and to minimize impacts on any downstream “impaired water bodies” whose impairment is sedimentation.

O-9b.4 The comment states that the DEIR fails to evaluate water quality impacts to Monterey Bay. See Master Response 9, *Water Quality*, subsection 9.8, for a discussion of the DEIR's analysis of water quality impacts to Monterey Bay. The DEIR has sufficiently disclosed this impact to allow informed decision-making and has made a good faith effort at such disclosure. No substantial evidence has been provided that would lead the County conclude that there is a new or more severe significant effect that would require it to recirculate the DEIR.

Keep in mind that the DEIR is a programmatic document for the General Plan Update and provides detail appropriate for such a document. Please see the response to comment O-9b.03 and Master Response 10, *Level of Detail for the General Plan and the General Plan's EIR*, for further discussion of this issue. Quantifying the amounts of pollutants that might reach Monterey Bay as a result of development under the General Plan is not feasible or required, since all future projects in the inland area of the County are not known at this time; nor can the specific design characteristics of future development (particularly as they relate to the release of pollutants) be known at this time. At the same time, the DEIR can reasonably assume that application of the numerous state and County regulations and proposed General Plan policies described in the DEIR and Master Response 9 will result in projects that are designed in order to avoid a significant effect.

Commenter also states that the DEIR does not provide sufficient information regarding policies that are contained in or enforced in the *Upper Salinas River Watershed Management Action Plan, Big Sur Coastal Ecosystem Action Plan*, and *Water Quality Protection Plan*. As a programmatic document, the DEIR provides general information on the existing regulatory scheme that collectively contributes to management of a particular resource. (DEIR section 4.3.3) Each of the plans cited by the commenter contains numerous policies and

programs that govern activities in their respective watersheds. As a collaborative partner in the implementation of each of these plans, the County participates actively in carrying out these programs that include education of the public on the problems in the watersheds, and best management practices for managing their land; and participation on stakeholder committees that develop and implement programs for reducing erosion and enforcement of appropriate regulations. The DEIR includes a description of these and other programs specifically to inform the public that these programs exist as a complement to policies that are proposed in the General Plan. Note also that the pages preceding the summary of the watershed management plans (pages 4.3-58 through 4.3-60) describe the specific initiatives that were initiated as a result of the adoption of the Upper Salinas River Watershed Management Action Plan. As stated above, no further analysis of these plans is required in this program-level EIR.

O-9b.5 See Master Response 9, *Water Quality*. It provides additional detail concerning the federal and state programs that protect water quality and updates the list of impaired water bodies and TMDL programs. As described in the DEIR on pages 4.3-49 to 4.3-51, 4.3-53 to 4.3-62, and 4.4-19 to 4.4-24, both federal and state agencies assigned the task of protecting water quality are operating under statutory and regulatory schemes (i.e., the Clean Water Act, the Porter-Cologne Act, and related regulations) mandating that they take the necessary actions to meet clean water standards. The County is operating under the reasonable assumption that these agencies will fulfill their statutory and regulatory duties, as they have been diligently doing for years. Similarly, Monterey County ordinances and programs address soil erosion.

The commenter asks when the NPDES program will be complete. The solution to water quality problems is not, and has never been purported to be, instantaneous. Federal and state regulators are undertaking a long-term (and in some cases, phased), comprehensive

programs of action that will lead to compliance with clean water standards. The County complies with, and will continue to comply with, all applicable federal and state mandated water quality programs. The General Plan Update does not interfere with or impede the implementation any of these programs.

To the contrary, the Draft General Plan includes specific policies intended to assist in improving water quality under the County's traditional land use regulatory authority. In addition to the ongoing activities of federal and state regulators, the General Plan includes numerous policies related to improving water quality ranging from well testing and restrictions, to the limitation on septic tanks within community areas which collectively contribute to the reduction of impacts. See Master Response 9 on Water Quality for a comprehensive list of these policies and the methods by which the County will implement them.

O-9b.6 The commenter is directed to Master Response 4 subsection 4.2, on Water Supply in the Salinas Valley, and response to comment O-11g.28, which addresses the CEQA requirements associated with the *Vineyard* case. As noted in that response, *Vineyard* involved a project level impact analysis for a Specific Plan. In this instance, the General Plan EIR is a programmatic document akin to the program EIR in *In re Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings* (2008) 43 Cal.4th 1143. Master Response 4 also updates the information on water demand and supply within the Salinas Valley cities.

As discussed in the Master Response 4, Section 4.2.2, the SVWP has already gone through rigorous environmental review, including the preparation of a FEIR. At the time the DEIR was completed, the SVWP was under construction. Since the completion of the DEIR, the SVWP spillway has been completed, and the diversion dam is expected to be operational in Spring 2010. The benefit assessment district establishing Zone 2C and providing funding for the SVWP has been

created. There is no substantial evidence that adequate funding will not be available. Completion of the SVWP is therefore reasonably foreseeable and certain.

The commenter states that "…the DEIR fails to provide sufficient information about the SVWP to meaningfully apprise the public and decision-makers of the pros and cons of relying on the SVWP as a water source for buildout of GPU5. The DEIR fails to acknowledge the uncertainties faced for multiple phases of the SVWP…"

With regard to disclosure of the water sources of the SVWP, a discussion of the contributors to the Salinas River watershed is found on DEIR page 4.3-4. The SVWP obtains the bulk of its supply from Nacimiento and San Antonio Reservoirs. The SVWP is summarized on page 4.3-9 of the DEIR. A more expansive discussion of the SVWP's role in providing water to the Salinas Valley and halting seawater intrusion begins on page 4.3-33 under the discussion of the Salinas Valley Groundwater Basin. The comment is also directed to Master Response 4, subsection 4.2, which discusses the SVWP in greater detail. As discussed in Master Response Section 4.2.2, the Monterey County Water Resources Agency (MCWRA) passed a benefit assessment in 2003 (Zone 2C) that will finance the SVWP. Please see Master Response 4, Section 4.2.3, for discussion of potential expansion of the SVWP to meet water supply needs in the 2092 buildout year, and Sections 4.2.4 and 4.2.5 for more detailed discussion of sea water intrusion and groundwater overdraft in the Salinas Valley.

The DEIR on Pages 4.3-131 notes that the SVWP does have the capacity (approximately 10,000 AFY) to provide additional water to the Salinas Valley. As noted in Master Response 4, subsections 4.1.2 and 4.2.3, this is expected to provide sufficient water supply in the Salinas Valley up to the 2092 buildout year. However, there are not project level details on how this water will not be distributed, nor is parcel specific information available on where this water may be needed. Strategies could include expansion of the distribution system, additional

diversion facilities and conservation. The SVWP EIR/EIS also describes potential future projects that would address future demand. These are not further specified in the General Plan DEIR, since the selection of a specific approach is speculative at this time. Furthermore, program level details are provided for potential water supply alternatives throughout the County under Impact WR-5 along with discussion of their impacts. Please see Master Response 4, Section 4.6, for more detail.

This level of detail is consistent with CEQA. As discussed in *In re Bay-Delta*, 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*." (Id. 1173; emphasis added.) Additionally, please also note that Draft Policies PS-3.17 and PS-3.18 (Mitigation Measure WR-2) have been modified to tie the assessment of future need to a review of actual growth and the success of the SVWP based upon the modeling protocol. Please refer to Master Response 2 regarding growth assumptions for a discussion of these policies as well as Master Response 4 for a discussion of the adequacy of these policies. They are also provided in Chapter 5 of the FEIR.

The comment also states "[t]he SVWP EIR is eight years old, and did not evaluate the County's long-term water demands against the presently existing environmental conditions…." As shown in new Table 4.3-9c (see Chapter 4 of this FEIR), the total demand projected for 2030 in the SVWP EIR and the total demand projected with the 2007 General Plan are very similar (the difference is about 4%). While the two analyses used somewhat different methodologies, they both result in a similar estimate of 2030 demand. The projections of water demand in the SVWP and in the DEIR are therefore consistent, within a respectable margin of error.

The comment suggests the DEIR did not account for drought years. Please see Master Response 4, Section 4.2.2, which discusses how drought years were considered in the DEIR. Please also see Master Response 4 for discussion of water supply in Highlands South.

O-9.7 The commenter states that the DEIR does not evaluate mitigation measures or alternatives that would address exacerbation of impacts on water supply from development on lots of record and questions whether Monterey County would be able to fully implement the conservation programs that are proposed in the 2007 General Plan. On pages 4.3-149 through 4.3-152, the DEIR enumerates a number of policies that are specifically designed to further reduce water consumption and increase recharge to the groundwater basin. For example, pursuant to proposed Policies PS-2.8 and PS-2.9, the County will require that all projects be designed to maintain or increase the site's predevelopment absorption of rainfall (minimize runoff), and minimize the amount of impervious surface on lots. These will help to reduce the impacts of development of existing lots in the North County. As the commenter notes, the General Plan contains policies regarding water conservation (PS-3.13). In response to comments regarding whether the County can rely on public education and enforcement measures because of the cost of implementation, we refer the commenter to Master Response 10, *Level of Detail for General Plan and the General Plan EIR*, section 10.5 and the responses to comments O-21k.143 and O-21k.144.

The comment also suggests water conservation measures. The DEIR discusses water conservation measures in numerous sections, for example see pages 4.3-45, 4.3-53, 4.3- 62, 4.3-67, 4.3-68, and 4.3-83. As noted in these sections, there are numerous state requirements which provide for further conservation measures such as Urban Water Management Plans and Integrated Regional Water Management Plans. For example, see DEIR pages 4.3-62 and 4.3-82. Furthermore, recent revisions have been made to the Water Code under SBX7 7 (2009)

which provide for reductions to both urban and agricultural water usage. The benefits of agricultural water conservation are discussed in Master Response 4, Section 4.2. Furthermore, the proposed General Plan contains numerous policies which provide for water conservation measures (see Policies OS-3.8, OS-10.10, PS-3.12, and PS-3.13).

Commenter asks for greater details in PS-2.9 regarding the specifics of managing construction of impervious surfaces. This is a level of detail that is not required in a General Plan and will be addressed at the ordinance level as well as what is already addressed in the State Building Code. The commenter is referred to Master Response 10, in particular Section 10.1 which discusses implementation of the General Plan.

Comment states that Policy PS-3.2 should not allow credits for projects that significantly reduce historical water use since any demand contributing to overdraft is a significant adverse impact on the existing over-utilized groundwater supply. Existing overdraft conditions are not impacts of the proposed project, but are existing conditions (see CEQA Guidelines Section 15125). The comment also states that the DEIR fails to explain the anticipated water saving with urban conversion of agricultural uses. Please see Master Response 4, Section 4.2.1, which discusses agricultural water usage trends, which includes conservation measures.

Commenter states there is a lack sufficient information regarding rules in future ordinances to reduce impacts. Commenter is referred to Master Response 10, sections 10.1 and 10.5.

Commenter proposes applying the policy language in Policies NC-5.1 and NC-5.2 county-wide. The County believes that there are equivalent policies under Goals PS-2 and PS-3 in the General Plan that have already been referred to above and which will be developed at the ordinance level. Please refer to Master Response 10.

Commenter raises several issues with respect to the policies regarding permitting of wells and well interference and the need to create a discretionary process for all new wells. Policies PS-3.4 through PS-3.6 address permitting of wells. These policies address individual wells, larger capacity wells and system wells and effects on wells in the vicinity. The criteria contained in these policies are intended to be a factor in determining whether or not a well will be permitted. The County will develop ordinances to implement these policies. The ordinances will contain specific information as to when interference would be considered to significantly interfere with another well and what alternatives or mitigation as appropriate. Please refer to Master Response 10.

The commenter states that impact WR-9 should be significant and unavoidable and mitigation measures, such as the creation of a discretionary permit should be provided. Impact WR-9 was determined to be less than significant. CEQA does not require mitigation measures for less than significant impacts. Comment also requests more detailed information on Policy PS-3.5. Please see Master Response 10, Sections 10.1 and 10.5.

The commenter notes that Policy PS-3.6 provides for programs that minimize, not stop, saltwater intrusion and therefore drilling or operating of new wells could be cumulatively significant. The commenter is referred to page 6-12 of the DEIR and the conclusion regarding Impact CUM-3 which states that proposed mitigation measures WR-1 and WR2 hold promise for reducing overdraft and seawater intrusion, but do not eliminate the contribution of 2007 General Plan implementation. The comment is also directed to the significance conclusion for Impact WR-7, which was determined to be significant and unavoidable in certain portions of the County.

Commenter notes that the DEIR concludes that development on existing lots of record will result in significant and unavoidable impacts to groundwater, without describing the physical changes to the

environment that would occur. Commenter also asks questions about the future rate of overdraft and recovery. The consequences of groundwater depletion and seawater intrusion are described in the DEIR on pages 4.3-25-4.3-27, 4.3- 146 to 148 and page 4.3-157. These include mixing of tidal and freshwater in the Elkhorn Slough, impacts to aquatic species, intrusion of salt into drinking water, increased difficulty extracting water, and changes in cropping patterns. The commenter is referred to Master Response 4, *Water Supply*, for additional responses related to specific questions about the impacts of development of lots of record and the Granite Ridge pipeline. The timeline of this proposed project does not change the DEIR conclusions.

O-9b.8 The commenter suggests that the General Plan policies do not impose specific enough restrictions on future development to ensure that wastewater impacts would be less than significant. The commenter is referred to Master Response 9, *Water Quality*, Section 9.2.1 and Section 9.5.2 regarding wastewater impacts. See response to comment O-9b.03 and Master Response 10, Section 10.5 (Monterey County 2007 General Plan Mitigation Measures and Policies) regarding the level of detail required in general plan policies and mitigation measures. The 2007 General Plan policies called out in the comment (PS-4.1 through PS4-12) meet CEQA requirements for specificity and detail. The commenter correctly notes that not all of the proposed wastewater policies are mandatory, if compliance would be infeasible. However, requiring compliance unless infeasible does not mean the policies would be ineffective in avoiding significant impacts. The policies, PS-4.1 through PS-4.12, would be implemented in combination with a number of adopted programs and regulatory requirements, which are considered collectively in the DEIR conclusions. Moreover, PS-4.8 lists specific criteria that septic disposal systems serving individual users must meet when connection to a wastewater treatment facility is not feasible. In addition, policies PS-1.1 through PS-1.6 establish the framework for ensuring that adequate public facilities and services for

new discretionary development are funded concurrently and maintained for the life of the system. Proximity to wastewater treatment systems, as well as feasibility of future funding, was an important factor in the designation of Community Areas and Rural Centers. This is also an important criterion in LU-1.19, criteria for evaluating subdivisions outside of Community Areas and Rural Centers.

O-9b.9 The commenter questions the effectiveness of land use policies LU-1.1 through LU-1.9 in reducing impacts to biological resources. The land use policies cited by the commenter act to discourage development of residential projects outside of the incorporated cities and the Community Areas and Rural Centers. This results in reducing the pressure to develop areas that contain habitat for special-status species. As policies, they will be applied by the Planning Commission and Board of Supervisors during deliberations on proposed development projects.

The commenter also questions the effectiveness of certain General Plan open space policies in reducing impacts to biological resources. Please see the first paragraph of the response to comment OS-9b.03 regarding the effectiveness of General Plan policies in reducing environmental impacts, such as impacts on biological resources.

Master Response 8, *Biological Resources*, discusses changes to General Plan policies and mitigation measures that pertain to evaluation of impacts to species. The revisions clarify which species will be addressed by the policies and the specificity of the mitigation that will be provided. Master Response 3, *General Plan Agricultural Policies* describes changes to Policy OS-3.5 which, as modified, requires a discretionary permit for conversion of previously uncultivated land on slopes between 15% and 25% slope or 10% to 25% in areas of highly erosive soils. Except under special circumstances, conversion of previously uncultivated lands is prohibited on slopes over 25%. These changes address many of the comments raised with respect to

impacts from agricultural on water quality and sensitive species. The Central Coast RWQCB's Agricultural Waiver Program, as well as a number of additional agency programs and General Plan policies, is intended in concert with this policy to address these impacts.

The commenter questions the effectiveness of Policy OS-5.4 in reducing impacts to listed species and critical habitat to less-than-significant levels. This policy will be implemented in concert with other federal, state, and County regulations and mitigation requirements; collectively, these policies, regulations and requirements cannot avoid all future impacts of the General Plan on special status species, but they would work together to ensure that the impacts will be less than significant. The draft General Plan policies and DEIR mitigation measures address the general effect of development under the General Plan, taking into account the regulatory authorities and activities of Federal and state agencies such as the U.S. Fish and Wildlife Service (through the Endangered Species Act and other authorities) and the California Department of Fish and Game (through the California Endangered Species Act and as a responsible agency under CEQA). This clearly demonstrates that the County is not relying solely on either its policies or upon other agency programs for mitigation.

The commenter questions the effectiveness of Mitigation Measure BIO-1.3, which required biological study for discretionary activities affecting CEQA-defined special status species. This mitigation measure has been replaced by revised Policy OS-5.16, which requires a biological study for discretionary activities affecting biological resources as defined in CEQA Guidelines Section 15065. This revised General Plan policy requires feasible mitigation measures to reduce significant biological impacts to less-than-significant levels be adopted as conditions of project approval. Please refer to FEIR Chapter 5 General Plan Policies. Master Response 8 also discusses these changes.

The commenter has suggested that BIO 2.3 be strengthened. The County believes that this policy in combination with BIO 2.1 and the proposed modifications to OS-3.5 would achieve a similar result. Therefore, the County is not proposing to change the policy.

The commenter has indicated that the General Plan policies pertaining to tree removal provide less protection than the County's current tree preservation ordinance. General Plan Policy OS-5.9 requires each Area Plan to set forth tree removal permit requirements. This allows for addressing unique species and conditions in the different planning areas. The General Plan indicates no intent that the Area Plan tree removal requirements provide less protection than the current tree preservation ordinance. The policies protecting specific trees that are protected in the 1982 General Plan have been retained in the 2007 General Plan. The reader is also referred to Mitigation Measure BIO-2.2 which provides specific mitigation for oak woodlands.

The commenter has questioned impacts to migratory birds and the efficacy of Mitigation Measure BIO-3.2. As the commenter notes, Mitigation Measure BIO-3.2 addresses vegetation removal during nesting season, but not when nests are not active. Modifications to Policies OS-5.2 through OS-5.4 and Policy OS-5.16 address the habitat protection issues raised by the commenter. These can be found in Chapter 5 of this FEIR.

The commenter has raised issues with respect to legal lot development and species impacts. This issue is discussed in Master Response 8, *Biological Resources*.

O-9b.10 This provision is included in order to meet the requirements of State Planning Law relative to general plan content. Government Code Section 65302(a)(1) requires that the general plan in its land use element: "Designate in a land use category that provides for timber production those parcels of real property zoned for timberland production pursuant to the California Timberland Productivity Act of

1982 (Chapter 6.7 (commencing with Section 51100) of Part 1 of Division 1 of Title 5)." The County has limited authority to affect land uses zoned under the California Timberland Productivity Act of 1982 ("TPZ") (See Government Code Section 51115 ["The growing and harvesting of timber on those parcels shall be regulated solely pursuant to state statutes and regulations."]). Development of a TPZ is not reasonably foreseeable as there is no land zoned as TPZ within the County. (For those who may be interested, see the California Department of Forestry and Fire Protection's website for private lands zoned for timber production: http://frap.cdf.ca.gov/publications/Timberland_Site_Class_on_Private_Lands_Zoned_for _Timber_Production.pdf) Additionally, TPZ zoning is exempt from the preparation of an EIR (See Government Code Section 51119, and CEQA Guidelines Section 15264).

Furthermore, a general plan open space element is to include: "Open space used for the managed production of resources, including but not limited to, forest lands, rangeland, agricultural lands and areas of economic importance for the production of food or fiber; areas required for recharge of groundwater basins; bays, estuaries, marshes, rivers and streams which are important for the management of commercial fisheries; and areas containing major mineral deposits, including those in short supply" (Government Code Section 65560).

For areas outside of a TPZ zone, please see the response to comment O-9b.03 regarding the requirements of THPs. The THP process under the Forest Practice Rules specifically includes consideration of impacts on biological resources, review of such considerations by the Department of Fish and Game, and mitigation of significant impacts. Furthermore, the DEIR considers timberland production in these areas. For example, see Impacts WR-3 and BIO-1. Furthermore, the General Plan also includes policies that address timber production (see Policies OS-5.7, OS-5.10, and CACH-3.5).

O-9b.11 The commenter requests that the County include additional information necessary to evaluate the proposed General Plan's environmental impacts. The County has done so through preparation of the FEIR of which this response is a part. Additional information that amplifies the discussion in the DEIR with respect to the evaluation of impacts has been provided in the Master Responses and responses to comments. 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 the 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)).

The commenter has included several attachments to this comment letter, one of which is not numbered. The commenter has not provided any specific comments pertaining to these letters. The County assumes that these were intended to provide additional information for the County in preparing the responses to the letter. The County has reviewed these attachments and does not believe that the attachments would change any of the responses to comments or conclusions. Many of these letters pertain to the SVWP and groundwater resources. The commenter is referred to Master Response 4, *Water Supply* for a discussion of the issues of the status of the SVWP, water demand and supply.

O-10a Helping Our Peninsula's Environment

O-10a.1 HOPE opposes the current General Plan proposal and EIR, citing population numbers as growth goals, new freeway expansions, lack of habitat restoration and species recovery policies, and lack of meaningful mitigation of "pollution from pesticides, and light and nose pollution." These comments are the responded to in the following specific responses.

O-10a.2 The commenter asserts that the General Plan Update is based on "inflated population growth numbers" promulgated by state and regional agencies. The commenter objects to the use of these projections and recommends that the County base the plan on other, unspecified, projections that would reflect "stable population numbers." The commenter recommends that the County "downzone" in an unspecified manner to reduce densities such that "the County will not accommodate any more growth and will cut back on population until it reaches an amount sustainable with the natural resources… available." Downzoning refers to amending existing land use designations to designations that would have a lower density development potential.

The General Plan Update is based on population projections of state and regional agencies. Since the preparation of the General Plan Update and its DEIR, new projections have been adopted by the State Housing and Community Development Department and by AMBAG that reflect a slower rate of growth and lower overall population in the near term (Association of Monterey Bay Area Governments 2008a). This illustrates that population projections are simply that – projections – not absolute numbers. The General Plan Update is based on what the County believes to be reasonable projections of future population growth. Actual levels of future growth will depend on a variety of factors including the health of the economy, the availability of water, and land use regulations. Please also refer to Master Response 2 for a more detailed discussion of the growth assumptions and approach utilized in the preparation of the DEIR.

The proposed General Plan reflects policies of managed growth, encouraging new urbanization to occur within existing incorporated cities, the five specified community areas, seven rural centers, and three designated affordable housing affordability overlay (AHO) areas. Monterey County does not have the authority to stop all growth, nor can it limit population growth. In fact, state law pertaining to Housing

Elements (Government Code Section 65583) mandates that the county plan for its share of projected regional housing demand. The question of where new growth will be located and how much growth should be accommodated under the proposed General Plan Update is a fundamental policy question, not a CEQA question. The CEQA analysis simply discloses the potential environmental effects of the General Plan being proposed. This comment raises no issues related to the environmental analysis, so no further response is necessary. The General Plan policy questions will be considered by decision-makers prior to adoption of the General Plan Update.

The commenter's comment regarding downzoning is discussed in detail in response O-10a.7, below.

O-10a.3 The commenter opposes proposed General Plan transportation system expansions on State Routes 156, 68, and 1. The commenter asserts that "roads can lead to every form of environmental impact by allowing any kind of human activity into formerly inaccessible natural areas." The commenter identifies a list of potential environmental impacts that they allege could occur as a result of new roads.

The three roads mentioned in the comment are existing state highways. The EIR has considered the impacts of the roadway improvement projects at a programmatic level, as is appropriate in an EIR for a general plan. Please see Master Response 10 for additional information about the level of detail in a programmatic EIR. The environmental impacts of the TAMC Regional Fee Program were evaluated in the 2007 Addendum to the EIR prepared for the 2005 Monterey County Regional Transportation Plan (State Clearinghouse No. 2004061013). These proposed expansions will be subject to a project-specific analysis of their impacts once they have been designed. Such analysis is not reasonable or feasible to undertake at this time without additional detail about project design. Typically, state highway expansions rely upon a mix of federal, state, and local moneys. Accordingly, when they are designed and proposed for

adoption these system expansions will be subject to future analysis under both the National Environmental Policy Act (NEPA) and CEQA. Those future environmental analyses will disclose any project-specific environmental impacts, discuss alternatives to the proposed actions, and mitigation will be adopted as necessary to avoid significant impacts.

Whether to plan for the future widening of roads to in order reduce anticipated traffic congestion is a policy issue, not a question of the adequacy of the EIR in analyzing those policies. Therefore, no further response is necessary.

O-10a.4 The commenter recommends inclusion of an additional Goal in the Conservation element of the 2007 General Plan for habitat restoration and suggests revisions to the proposed General Plan policies.

The DEIR evaluated impacts to "imperiled" species, i.e., endangered, rare or threatened species, as such species are defined under CEQA (DEIR, p. 4.9-1.), and identified appropriate mitigation measures to reduce or avoid impacts. In response to comments and input from the County Planning Commission, the County has proposed revisions to Draft General Plan policies and DEIR mitigation measures that would provide equal or greater protection to plant and wildlife species. For example, revised Mitigation Measure BIO-1.5 will result in additional preservation policies in the future. MM BIO-1.5, as revised, provides that the County will examine, at five-year intervals, the degree to which adopted thresholds for increased population, residential construction, and commercial growth have been reached. If actual growth is within 10% of the growth projected in the General Plan EIR, then the County will assess the vulnerability of currently non-listed species becoming rare, threatened or endangered. The County will complete a conservation strategy for those areas with substantial suitable habitat. The County will involve the cities, federal land agencies, Caltrans and other stakeholders in developing the strategies. The proposed modifications are more fully discussed in Master Response 8, *Biological*

Resources. Changes to the proposed mitigation measures may be found in FEIR Chapter 4. Modifications to draft General Plan policies may be found in FEIR Chapter 5.

With respect to the recommendation to include habitat restoration as a goal in the General Plan, the County has proposed changes to the text of Goal OS-5. Please refer to Chapter 5 for the pertinent text changes.

The County believes that this modification will help to address the impacts identified in the DEIR and the concerns raised by the commenter. Nevertheless, the County has concluded that because of the uncertainty of what might occur in the next 84 years with respect to new threats, and actions elsewhere in California that could affect the efficacy of conservation measures, that the impacts may not be fully mitigated and thus this impact is considered significant and unavoidable. (DEIR page 4.9-78)

O-10a.5 The commenter is concerned that the General Plan Update does not protect Monterey pine forest, special status species, and habitats. The commenter asserts that no County EIR has ever found a significant environmental impact. While the comment focuses on past activity, the implication is that the DEIR for the General Plan Update continues this alleged trend.

The General Plan Update EIR provides for protection of a new, broader list of special status species than is otherwise provided for in the General Plan Update alone. Please refer to Master Response 8, *Biological Resources*, Sections 8.5, for a specific discussion of Monterey Pine Forest.

Analysis in the DEIR recognizes that absent mitigation, development under the General Plan Update through the horizon year of 2030 would result in significant impacts to special status species (as defined in the DEIR at p.4.9-1 and 4.9-21-22) (DEIR, p. 4.9- 73). For this reason, the DEIR included Mitigation Measures BIO-1.1, -1.2 and -1.3. These

DEIR measures presented a habitat-based mitigation strategy that would reduce impacts to less than significant (DEIS, p. 4.9-75).

At full buildout under the General Plan, the DEIR concludes that impacts on wildlife species and habitat will be significant and unavoidable, despite the addition of proposed Mitigation Measures BIO-1.4 and 1.5 (DEIR, p. 4.9-78).

In response to comments from the public, the County presented several proposed changes to the Planning Commission at a series of workshops in the summer of 2009. These included changes to the Draft General Plan and DEIR biological resource mitigation measures, including deletion of Mitigation Measures BIO-1.1 and BIO-1.3, as discussed in Master Response 8, *Biological Resources*. These changes clarify the use of the definitions utilized in General Plan and the DEIR and provide revised policies and mitigation that is equal to or greater than what had been proposed in the DEIR. The proposed revisions retain the habitat-based mitigation strategy presented in the DEIR, and incorporate protections for the broad list of special status species. Revised Mitigation Measure BIO 1.5 will ensure that the broad list of special status species described in CEQA Guidelines Section 15065 will be studied, potential impacts will be identified, and mitigation will be incorporated into new development proposals in order to avoid or reduce impacts on those species.

The commenter asserts that 82 local animal species and 19 tree and plant species in Monterey County are “seriously endangered,” and 49 animal species are facing extinction. The comment lists condors and sea otters as examples of endangered species. The DEIR identified special status species based on the criteria listed on p. 4.9-22. These criteria include species listed as endangered under the Federal Endangered Species Act (FESA) and the California Endangered Species Act (CESA), as well as species that meet the CEQA definition of endangered, rare or threatened. The list of special status wildlife species with potential to occur identifies 47 special status species

(DEIR, Table 4.9-5, pages 4.9-34 – 38). The DEIR does not include either the California condor or the sea otter. However, not all of the species listed in the DEIR are endangered as that term is defined under FESA, CESA or CEQA ("seriously endangered" is not a term under any of these Acts). Impacts to species that may be rare or threatened were also evaluated. The DEIR identifies a list of Special Status Plants in Table 4.9-4 (pages 4.9-24 to 4.9-33.)

The California condor is a large vulture that is listed as endangered by both the FESA and CESA. Critical habitat for the condor was designated in 1977 and includes parts of Tulare, Kern, Ventura, Santa Barbara, and San Luis Obispo Counties. Critical habitat does not extend into Monterey County. (Federal Register 1977). A recovery plan for the California condor was approved by the U.S. Fish and Wildlife Service in 1975 and the third revision was approved in 1996. The recovery plan sets out objectives for captive breeding and release to and management in the wild. A number of specific areas are identified in the recovery plan as essential to the management of suitable habitat. The closest key foraging areas to Monterey County identified in the recovery plan are in San Luis Obispo County along the San Juan Creek drainage south of Highway 58 (U.S. Fish and Wildlife Service 1996).

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 is less than significant.

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 California condor and southern sea otter. See Chapter 4. See also Master Response 8, *Biological Resources*.

Impacts to special status species were evaluated under the significance criteria in subsection 4.9.5.2 (DEIR, P. 4.9-55). As discussed above, mitigation measures included in the EIR address the impacts of development in general on special status species, and provide for site-specific mitigation tailored to the circumstances of future projects that cannot be reasonably predicted at this time. Please refer to Master Response 10 regarding the level of detail expected in a program EIR prepared for a general plan. Please refer also to Master Response 8, Sections 8.1 and 8.5, for additional discussion of special status species and the revised policies and mitigation measures that protect these resources.

O-10a.6 The commenter offers a general criticism that the Conservation Element policies do not offer sufficient protections for critical habitats. The commenter asserts that the policies offer only "absolute minimum treatment (not protection)." As discussed in response O10a.5, the EIR evaluates impacts to special status species. Special status species include all those on federal, state, and California Native Plant Society lists. As required under CEQA, the DEIR identified feasible mitigation measures to reduce or avoid significant adverse impacts to special status species. Based on public comments and discussions at Planning Commission workshops in the summer of 2009, a number of policies in the draft General Plan and mitigation measures in the DEIR have been modified to provide equal or better protection to special status species. See Master Response 8, *Biological Resources*, for additional discussion of the revised policies and mitigation measures.

The County recognizes that USFWS does not designate critical habitat for all endangered species under FESA. However, in addition to protections for critical habitat (such as Policies OS-5.1 and 5.3) revised Mitigation Measures BIO-1.4 and 1.5 require the County to develop and implement a habitat-based conservation strategy that does not depend on the designation of critical habitat. Policy 5.4 has also been revised to broaden habitat protection beyond designated critical habitat by requiring consultation with USFW and CDFG if development may affect listed species. Please refer to additional discussion in Master Response 8.

In addition, the federal and state Endangered Species Acts require that actions avoid "take[1]" of listed species and, in the case of the federal Endangered Species Act, effects on habitat that would lead to take. A full prohibition on take applies to the southern sea otter as a fully protected species under California law.

O-10a.7 The commenter asserts that the native Monterey pine forest has no legal protections under the 2007 General Plan, despite being identified as imperiled by the EIR. The commenter notes that the EIR's exhibits do not reflect the full distribution of Monterey pine forest within the County, nor does it reflect critical habitat for Yadon's rein orchid (also known as Yadon's piperia) which is found largely in Monterey pine forest.

Exhibits 4.9-1 and 4.9-2 and Table 4.9-1 and Table 4.9-2 have been modified to incorporate the latest mapping of the existing of intact Monterey pine forest in Monterey County (see Chapter 4).

Discussion and analysis of Monterey pine forest in the EIR provides decision makers with sufficient information to take intelligent account of impacts to Monterey Pine Forest. Native stands of Monterey pine occur in the coastal zone on Monterey peninsula, and at two other

[1] Take refers to the harm, harassment, killing, or other adverse actions taken against individuals of a species. For purposes of the FESA, take also applies to actions that affect habitat.

locations outside of Monterey County. An estimated ~9,400 acres of Monterey Pine Forest occurs within the entire County (see Chapter 4, revised Table 4.9- 1.). Development through the 2030 planning horizon in the inland areas is estimated to affect an estimated area of 247 acres of this habitat type (see Chapter 4, revised Table 4.9-7) and is considered potentially significant. Analysis of the applicable General Plan and Area Plan policies, and program level DEIR biological resource mitigation measures concluded that impacts to sensitive natural communities would be less than significant with mitigation through 2030 (DEIR, p. 4.9-87). Due to uncertainties regarding the nature of as yet unknown threats, impacts through full buildout are considered significant and unavoidable; these uncertainties also preclude identification of effective mitigation for impacts through full buildout. However, mitigation measures and 2007 General Plan policies have been revised to provide equal or better protection to biological resources as discussed in Master Response 8. For additional discussion of Monterey pine forest, the reader is likewise referred to Master Response 8, under the subheading Monterey pine forest.

The DEIR identified Yadon's rein orchid as a special status plant species and disclosed its status as a federally listed endangered species in Table 4.9-4 (DEIR p. 4.9-33). Yadon's rein orchid is associated with Monterey pine forest (DEIR, 4.9-15), but not exclusively. This species also occurs in maritime chaparral (DEIR, p. 4.9-12). Impacts to special status plants, including Yadon's rein orchid, are discussed in the DEIR at pages 4.9-65; analysis concludes that impacts to special status species would be less than significant through the 2030 planning horizon (DEIR, p. 4.9-75) and significant and unavoidable at full buildout (DEIR, p. 4.9-78).

In response to this comment, in order to clarify the status of Yadon's rein orchid, the discussion of "critical habitat" on page 4.9-41 of the EIR has been revised to add Yadon's rein orchid to the list of species for which critical habitat has been identified (the critical habitat

designation for this species became effective November 23, 2007). The entry in Table 4.9-4 describing the habitat in which this plant may be found accurately describes "closed-cone coniferous forest" as one of its habitats, so the commenter's suggested revision is not adopted. Yadon's rein orchid is discussed more fully in Master Response 8, *Biological Resources*. A map of critical habitat has also been added to the FEIR. See Chapter 4 of this FEIR for the revised text.

Proposed Policy OS-5.16 requires site-specific biological studies and mitigation for discretionary projects that have 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. Proposed policy OS-5.16 would require the County to adopt an ordinance establishing minimum standards for biological studies and biological surveys.

In addition, revised Mitigation Measure BIO-1.4 will require the County to track, commercial development and industrial development and conversion of habitat to agricultural use at five-year intervals, and to reconsider the focused growth areas as specific growth milestones are reached, for the purpose of gauging the speed of development and the need to reduce the loss of species and habitat due to continued urban growth. Revised Mitigation Measure BIO-1.5 will require a similar evaluation schedule to address the vulnerability of currently non-listed species becoming rare, threatened or endangered species due to projected development. These evaluations will be part of a conservation strategy to preserve sensitive natural communities, riparian habitat and wetlands, wildlife movement corridors, and related programs for mitigating the impacts of development.

Analysis in the DEIR concluded that impacts to special status species through the 2030 planning horizon would be less than significant with implementation of General Plan policies and all of the biological

resource mitigation measures (DEIR Page 4.9-78). Therefore, additional mitigation is not required for this timeframe. Impacts at full buildout, however, were determined to be significant and unavoidable due to the unpredictable nature of continuing and evolving threats to these resources, as well as actions in other parts of California that might affect these species. The commenter suggests four additional mitigation measures to reduce or avoid impacts on CEQA defined special status species. These four measures are not adopted for the following reasons:

The commenter's suggested mitigation measures HOPE 1 and HOPE 2 would downzone areas containing critical habitat or sensitive species by half or three-quarters. The comment asserts that such downzoning would not result in a Constitutional "taking" requiring compensation by the County. This assertion is too broad and does not reflect the complexity of takings law. Further, the suggested measures would not eliminate the uncertainty regarding the nature and location of potential threats to special status species, or actions in other parts of California that might affect these species and therefore would not reduce impacts to less than significant. For example, downzoning alone would not guarantee that development would completely avoid direct and indirect impacts to critical habitat, nor would downzoning eliminate threats related to invasive species, disease, or the still uncertain effects of global climate change.

The Fifth Amendment of the U.S. Constitution prohibits the government from "taking" land without due compensation. In the regulatory context, the U.S. Supreme Court has interpreted the Fifth Amendment to mean that the use of real property can be regulated and limited by government as long as regulation does not "go too far" and constitute a regulatory taking. A regulatory taking occurs when governmental land use regulation, such as downzoning, effectively denies all economically viable use of land (*Lucas v. South Carolina Coastal Council* (1992) U.S. 1003). However, as noted by the California

Supreme Court, a regulatory taking may also occur when the regulation "leaves the property owner some beneficial use of his property" (*Kavanau v. Santa Monica Rent Control Board* (1997) 16 Cal.4th 761). The takings determination is approached by the courts on a case-by-case basis, there being no "set formula" to determine when a takings has occurred (*Penn Central Transp. Co. v. New York City* (1978) 438 U.S. 104). The U.S. Supreme Court's *Penn Central* decision set out a three-part test that is applied when a takings is alleged in situations where there remains some economically viable use of land: (1) the economic impact of the regulation on the claimant; (2) the extent to which the regulation interferes with distinct investment-backed expectations; and (3) the character of the governmental action.

Each property in the county presents a different situation regarding what might constitute its minimum economically viable use and how the three-part *Penn Central* test might apply. A broad-brush approach to downzoning would likely lead to numerous cases of litigation against the County, asserting regulatory takings claims. The County seeks to avoid costly and time-consuming litigation where possible.

For these reasons, these mitigation measures are considered infeasible and are not adopted.

Suggested Mitigation Measures HOPE 3 and HOPE 4 would require avoidance of development in areas of critical habitat and sensitive species habitat, respectively. Analysis in the DEIR concluded that impacts to sensitive habitat and special status species, with implementation of General Plan policies and mitigation measures, would be less than significant through the planning horizon of 2030, therefore additional mitigation is not required for impacts in this timeframe. Further, revisions to General Plan Update and mitigation measures would provide equal or better protection to biological resources. (Please see Master Response 8 for additional discussion of these revisions.) As discussed above, impacts of full buildout were determined to be significant and unavoidable due to uncertainties

regarding the nature and location of potential threats to special status species, or actions in other parts of California (DEIR, p. 4.9-78). These suggested measures would not eliminate impacts to critical habitat or sensitive species resulting from uncertain, potential threats such as those discussed above, and therefore would not reduce impacts to less than significant. The suggested measures go beyond the provisions of the policies of the General Plan Update, which restrict development, but do not require on-site avoidance of these areas. On site avoidance is required to the extent feasible under revised Policy OS-5.4, and revised Policy OS-5.16 will require that critical habitat and sensitive species habitat be examined in the course of the review of proposed development. This review would determine the degree to which these areas would have to be avoided in order to mitigate potential impacts. An absolute requirement for on-site avoidance raises the issue of a regulatory taking. For these reasons, these suggested mitigation measures are considered infeasible and are not adopted.

The comment states that no measures are provided to protect the Monterey pine forest until 2030. However, as discussed in the DEIR at p. 4.9-87, impacts to sensitive natural communities, including Monterey pine forest, would be less than significant with mitigation through 2030. Impacts at full buildout, however, were determined to be significant and unavoidable due to the unpredictable nature of continuing and evolving threats to these resources, as well as actions in other parts of California that might affect sensitive natural communities. Please see Master Response 8, *Biological Resources*, for a discussion of impacts and mitigation for Monterey pine trees and Monterey pine forest, and for a discussion of revisions to 2007 General Plan Policies and Mitigation Measures that would provide equal or better protection for biological resources, including Monterey pine forest.

As discussed earlier, and as described in section 4.9.5.4, Impact Analysis, Policy OS-5.1 and Mitigation Measure BIO-5.2, provide the specific identification of special status species habitats and development of measures on a site-specific basis as future development is proposed. The provision in proposed Policy OS-5.16 (which will require a biological study and implementation of measures identified in that study) applying it to "any development project requiring a discretionary permit" assures its application to a broad spectrum of future development activities. Discretionary permits under Monterey County code include: zone change, subdivision map approval, zone variance, use permit, administrative permit, local coastal permit, and site plan review, for example.

The commenter notes that PG&E cut down Monterey pines in the 1990s without obtaining County discretionary permits. Those are the past actions of an entity regulated by the California Public Utilities Commission (CPUC) and not subject to County regulatory control. These past losses have been considered in determining the impact of development under the General Plan Update. 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. Limiting impacts on Monterey pine forest from any future PG&E activities would be the responsibility of the CPUC, subject to the requirements of CEQA and regulation by the California Department of Fish and Game, the U.S. Fish and Wildlife Service and the federal Endangered Species Act.

O-10a.8 The commenter requests that the EIR name and describe each of the criteria and methods of analysis used to determine impact significance for the loss of biomass of Monterey pines. The commenter is asking for information at a level of detail and complexity that is beyond the scope of the type of general analysis necessary to determine the significance of General Plan implementation. The significance criteria for impacts on biological resources are presented at pages 4.9-55 -56

in the DEIR. These criteria are subjective in nature, however, as disclosed in revised Table 4.9-7 (Chapter 4) an estimated 247 acres of Monterey pine forest would be impacted by development under the 2007 General Plan. This information is considered in the impact analysis under Impact BIO-2. The method of analysis in the EIR is appropriate for a programmatic evaluation. In addition, because biological resources are examined in light of past, present, and reasonably foreseeable environmental conditions, this analysis is a cumulative analysis as well. It utilizes a projection method based on projected changes in habitat and vegetation types. Please see Master Response 10 for a discussion of the appropriate level of detail for General Plans and General Plan EIRs. The DEIR provides decision makers with a sufficient degree of analysis to provide decision makers with information enabling them to take intelligent account of impacts to Monterey pine forest.

The commenter asserts that the EIR is missing two critical thresholds: the loss of a single individual of a protected species and the loss of a quarter acre of their habitat. The commenter misinterprets the requirements of State CEQA Guidelines Section 15065, *Mandatory Findings of Significance*. Section 15065 was amended in 2005 to clarify that the loss of a single individual is not per se a significant impact. That section provides that a project that has the potential to "significantly reduce" the number of individuals has a significant effect. The key word "significantly" was added to the prior Section 15065 to clarify that, except where the loss of a single individual is significant, a simple reduction in the number of a species does not rise to a level of significance. This language is incorporated into revised draft General Plan Policy OS-5.16. Please also refer to Master Response 10 for a discussion of Programmatic Analysis.

The reference to a quarter acre of habitat may be an example of the size of area that might have a significant effect on certain species, but it is not a mandatory significance threshold under Section 15065.

O-10a.9 The commenter disagrees with the statement in the DEIR that outdoor recreational land, including golf courses, is considered open space. The statement from the DEIR cited in the comment is not intended to equate wildlands or habitat with open space in general. The term is used in the context of the General Plan. State Planning Law describes the contents of the open space element of a General Plan (See Government Code Sections 65302 and 65560). This includes open space for outdoor recreation, such as golf courses. However, the DEIR acknowledges that golf courses provide nesting habitat for migratory songbirds, some waterfowl, and typically support dense deer populations (DEIR, p. 4.9- 20).

O-10b Helping Our Peninsula's Environment

O-10b.1 The commenter claims that the General Plan does not recognize or regulate momentary noises – that is, noises of short duration. In compliance with CEQA, the DEIR analyzes impacts of the proposed 2007 General Plan Update. See Master Response 10 regarding the level of detail expected of the program EIR prepared for a general plan. The comment provides no evidence that development and land use activities associated with the proposed project would expose noise-sensitive land uses to momentary noise of the type mentioned in the comments. The EIR analyzes noise from mobile sources (traffic), vibration, construction-related noise, aviation noise and stationary source noise. It relies on the existing 1982 General Plan established exterior noise standards for land use compatibility and the Monterey County Municipal Code in its thresholds. Based on the proposed General Plan policies, including the various policies set forth under Goal S-7 in the Safety Element (maintain a healthy and quiet environment free from annoying and harmful sounds), the analysis in the EIR concludes that impacts from development and land use

activities associated with the proposed project to noise-sensitive land uses would be less than significant (DEIR, Sec. 4.8.5). The commenter has submitted a draft "Noise (Free) Element for Monterey County's General Plan" for the county's consideration as "mitigation for noise existing in Monterey County." "Mitigation measures are not required for effects which are not found to be significant." (CEQA Guidelines § 15126.4(a)(3)) Because the EIR determined that impacts would be less than significant and because the analysis in the EIR was based on substantial evidence, there is no requirement to include additional mitigation. The County will consider the submittal in light of the requirements of General Plan Law (Government Code Section 65300 et seq.), the State General Plan Guidelines, and its own concerns during its deliberations on the General Plan Update.

O-10c Helping Our Peninsula's Environment

O-10c.1 The comment provides a list of information, proposed goals, and polices. The list includes the commenter's opinions and recommendations regarding pesticide use, a proposed pesticide safety element, a map of the historic and present range of Monterey pine forest, a map of California red-legged frog occurrences in Pebble Beach's native Monterey pine forest, information on light pollution, and a proposed light pollution element. The information on pesticide use and light pollution are included in the proposed pesticide and light pollution elements, respectively. The submittals are discussed below.

O-10c.2 The commenter has submitted a proposed "Pesticide Safety Element" that would state the County's intent to strictly limit the use of pesticides. This is a set of goals and policies being proposed by the commenter for inclusion in the General Plan Update. The DEIR analyzed impacts of pesticide use in Impact HAZ-1 and concluded that the potential impact is less than significant. The analysis considered Draft General Plan Policies and Community Area Policies in addition to

Federal and State hazardous materials statutes and regulations. In addition to the policies cited in the DEIR (pages 4.13-12 to 4.13-15), the commenter is referred to Master Response 3, *Agricultural Growth and General Plan Agricultural Policies*, subsection 3 which provides expands upon the list of regulations and programs that the County and other agencies enforce with respect to pesticides. See also Master Response 10 regarding the expected level of detail in a program EIR prepared for a general plan where no site-specific development project is being proposed. No additional mitigation is necessary for an impact that is less than significant.

The County will consider the submittal in light of the requirements of General Plan Law (Government Code Section 65300 et seq.), the State General Plan Guidelines, and its own concerns during its deliberations on the General Plan Update.

O-10c.3 The commenter has submitted maps of the distribution of native Monterey pine forest in Monterey County and of California red-legged frog occurrences in the Del Monte Forest that are excerpted from the 2004 EIR prepared for the Pebble Beach project. As discussed in response to comment O-10a.7, the EIR was updated to incorporate the information noted by the commenter on Monterey pine forest and the existing setting and impact analysis was updated accordingly. Regarding the California red-legged frog, the map submitted by the commenter is for frog occurrences in the Del Monte Forest, which is in the coastal zone. As noted in the DEIR for the General Plan Update, no changes are being made to County's coastal areas or its local coastal plans and thus impacts within the coastal zone is not an impact of the 2007 General Plan. No additional response is necessary. Please also refer to Master Response 11*, Effect of GPU5 on the Local Coastal Program and Impacts to Coastal Resources*. See also Master Response 8, *Biological Resources*, for a discussion of Monterey Pine forest.

O-10c.4 The commenter has submitted a proposed "Model Light Pollution and Radiation Safety Element for Monterey County's General Plan." Like

their suggested Pesticide Safety Element, this is a set of policies being proposed for inclusion in the General Plan Update. The analysis in Section 4.14 (Impact AES-4) of the DEIR concluded that implementation of the 2007 General Plan could create substantial new sources of light and glare, and that impacts would be significant and unavoidable. As discussed there, the 2007 General Plan includes a number of policies that promote compact development and thereby reduce sprawl-related light sources. Policy LU-1.13 includes specific requirements that will reduce off-site glare and lighting impacts relative to current requirements. Similarly, there are policies in the Area Plans that will help to limit this impact.

The submitted Model Light Pollution and Radiation Safety Element for Monterey County's General Plan uses 0.01 lux as a standard for determining whether nighttime lighting is annoying and proposes general measures for limiting lighting. A "lux" is a measure of surface illumination. For purposes of comparison, 0.01 lux is about the level of illumination provided by a quarter moon. (For a popular discussion of lux, see Wikipedia at: http://en.wikipedia.org/wiki/Lux) From a practical standpoint, this is quite a low standard and is not a reasonable standard because it does not take into account the effects of existing light sources and would trigger significance findings at a very low level.

Nonetheless, the County will consider the submittal in light of the requirements of General Plan Law (Government Code Section 65300 et seq.), the State General Plan Guidelines, and its own concerns during its deliberations on the General Plan Update.

O-11a LandWatch (prepared by Amy White)

O-11a.1 The comment complains that certain of the references in Section 11 of the DEIR were not available to the public upon the commencement of the initial public review period. The County subsequently restarted the

public comment period in December, and the references were made available. Please see Master Response 12, *Recirculation*.

O-11b LandWatch (prepared by MR Wolfe)

O-11b.1 The comment complains that certain of the references in Section 11 of the DEIR were not available to the public upon the commencement of the initial public review period. The comment also asks for certain of the traffic studies and source documents referenced in Section 4.6 of the DEIR. The County subsequently restarted the public comment period in December, and the Section 11 references were made available. The source material/data for the Section 4.6 tables was included in Appendix C of the DEIR, and the cited source documents were included in Section 11. Please see Master Response 12, *Recirculation*.

O-11c LandWatch (prepared by MR Wolfe)

O-11c.1 The comment requests access to a certain source document in the DEIR, requests the methodology and model inputs for the criteria pollutant emissions calculations while noting an apparent error in the citation to an "Appendix A", and requests model run output data for certain emissions information. The County subsequently restarted the public comment period in December, and Section 11 included the requested reference document, including a note that it was available in hard copy at the Planning Department counter. In correspondence following receipt of the commenter's September 18, 2008 letter, the County noted that the reference to Appendix A was a typographical error, and, on October 7, 2008, the County provided the requested technical information and model run data to the commenter. A copy of the air quality technical information and model runs is also set forth in the Technical Supporting Data section of this FEIR (see response to comment O11g – 57).

O-11d LandWatch (prepared by MR Wolfe)

O-11d.1 The comment complains that certain of the references in Section 11 of the DEIR were still not available as of the date of the comment letter. The County subsequently restarted the public comment period in December, and the references were made available. Please see Master Response 12, *Recirculation*.

O-11e LandWatch (prepared by MR Wolfe)

O-11e.1 The comment repeats comments made in letters O-11b and O-11c. Please see the responses to those comments. The comment also asks for the AMBAG travel demand forecasting model, and asks for certain documents listed in Section 11. The AMBAG model is proprietary, and the Section 11 references were publicly available. Please see Master Response 12, *Recirculation*.

O-11f LandWatch (Chris Fitz)

This comment letter is a preliminary letter sent by the commenter to the Planning Commission prior to the re-start of the public comment period for the DEIR in December of 2008. The letter contains several general comments. Detailed responses to each of these general comments are contained in the response to comment letter O-11g, which is the commenter's more detailed comment letter. This response will provide a reference to each of the detailed responses to the subsequent letter.

O-11f.1 This comment is introductory only and is noted.

O-11f.2 The comment contends that the DEIR has not set forth any meaningful analysis of the General Plan's alteration of the policy regarding cultivation on previously uncultivated slopes (policy OS 3.5), and does

not adequately address sedimentation and erosion. For a detailed response to these issues, please see the responses to comments O-11g.5, O-11g.6 and O-11g.18 through O-11g.23.

O-11f.3 This comment criticizes the DEIR's analysis of impacts to biological resources as a result of agricultural and residential development. For a detailed response to these issues please see the responses to comments O-11g.7, O-11g.62 and O-11g.74 through O-11g.87.

O-11f.4 This comment criticizes the DEIR's analysis of water supply issues for the Salinas Basin. For a detailed response to these issues, please see the responses to comments O11g.8, O-11g.24 and O-11g.25.

O-11f.5 This comment criticizes the DEIR's traffic analysis. For a detailed response to these issues, please see the responses to comments O-11g.9 and O-11g.36 through O-11g.56.

O-11f.6 This very short comment criticizes the DEIR for deferring for 2 years any response to global warming (climate change). The commenter's subsequent letter did not appear to address this issue. The DEIR contains a detailed series of mitigation measures designed to address climate change, including the preparation of a Greenhouse Gas Reduction Plan (see Section 4.16, Climate Change, of the DEIR). These measures meet the criteria for performance standards for future mitigation. Please see Master Response 10, *Level of Detail for General Plan and the General Plan's* EIR for a further discussion of performance standards and mitigation. Please also see the responses to comments O-5b.7 and O-21k.295 through O-21k.297 for a further discussion of climate change.

O-11f.7 This comment reiterates the comments in O-11f.2, above. Please refer to that response.

O-11g LandWatch (prepared by MR Wolfe)

O-11g.1 Thank you for reviewing and commenting on the DEIR and for your summary of General Plan requirements. This remark does not provide any comment on the content or adequacy of the DEIR. Responses to comments attached from Autumn Wind Associates, Inc. and TRA Environmental Sciences, Inc. are provided below in responses to comments O-11g.63 through O-11g.87. No further response is necessary.

O-11g.2 The 2007 General Plan is legally adequate and includes elements and policies that comprise a comprehensive and complete plan for the long-term physical development of the County. Please see Master Response 10, *Level of Detail for the General Plan and the General Plan's EIR* for further discussion of this issue. Please see response to comment O-11g.46 regarding the alleged incompleteness and inconsistency of 2007 General Plan policies. Please see Master Response 4, *Water Supply*, regarding the adequacy of the water supply analysis.

O-11g.3 The 2007 General Plan EIR provides a level of analysis commensurate with the geographic scope of the project, population size and density, fiscal and administrative capabilities, and economic, environmental, legal, social, and technological factors. (CEQA Guidelines, §§ 15143, 15146, 15151, and 15204) The level of detail and analysis provided in the EIR is adequate to fulfill its intended function under CEQA. Please see Master Response 10, *Level of Detail for the General Plan and the General Plan's EIR* for further discussion of this issue. Responses to commenter's specific remarks on the adequacy of particular impacts and mitigation measures are provided below.

O-11g.4 The comment notes that the commenter (LandWatch) informed the Planning Commission of its concerns regarding the General Plan in November of 2008 and that it was concerned that the County had not disclosed all the environmental consequences in the DEIR.

This appears to be a much-generalized comment, and is noted. The General Plan is a policy document adopted by the Board of Supervisors. The County presumes that the commenter's detailed comments are set forth in this letter, to which the County is responding. Please see those responses accordingly.

O-11g.5 The comment raises concerns about the proposed language in OS-3.5 regarding development on slopes, the vague provisions and standards for what will be allowed and the resulting potential impacts from conversion and the increased viticulture development and impacts that could occur by removing requirements for a discretionary permit as contrasted with current County policy. The commenter is referred to Master Response 3, *Agricultural Growth and General Plan Agricultural Policies* which discusses the likely extent of future viticulture based on a number of factors and modifications to policy OS3.5 which further restrict both non-agricultural development on steeper slopes and agricultural conversion and further reduces the impacts that were likely to occur. The commenter is also referred to Master Response 8, *Biological Resources* which discusses the further reduction in impacts to biological resources that would result based on this modified policy.

O-11g.6 The commenter asserts that with respect to erosion and sedimentation, the DEIR has not provided any meaningful analysis of the environmental effects of changing existing slope policy does not provide a baseline analysis and does not fully explain how the policies in the General Plan would mitigate impacts.

Section 4.4.2.4 of the DEIR describes baseline conditions for erosion and sedimentation. This is further described in the Impact Analysis in GEO-5. The DEIR impact analysis is based on acres of land that could be disturbed based upon implementation of the General Plan. The acreage estimates are provided in Tables 3.8 and 3.9 and in Chapter 4.2, Agricultural Resources. The commenter is referred to Master Response 10 which discusses the level of detail required in a programmatic EIR, Master Response 3 which discusses the amount of

uncultivated land that would be converted to cultivated land and the response to comment O-11g.23 below which further amplifies and clarifies the analysis provided in the DEIR regarding the application of General Plan policies and mitigation measures with respect to reducing the impacts from erosion and sedimentation. As noted in O-11g.05, Policy OS-3.5 has been modified.

O-11g.7 The commenter asserts that the DEIR fails to evaluate the impacts to biological resources from agricultural and residential development including impacts related to habitat fragmentation and movement corridors, does not specify how policies will be applied and notes that mitigation is vague. The commenter is referred to Master Response 10 which discusses the level of detail required in a programmatic EIR and programmatic mitigation measures as well as to Master Response 8 which amplifies the discussion of potential impacts to biological resources including wildlife corridors. The commenter is also referred to O-11g.75 which further amplifies the analysis provided in the DEIR regarding impacts to biological resources.

O-11g.8 The commenter asserts that the EIR fails to evaluate aggregate cumulative water demand and supply for each affected groundwater basin. See Master Response 4, *Water Supply* for an updated and re-organized discussion of countywide water demand and supply, including the cities. Master Response 4 discusses sea water intrusion as well. See also the responses to comments O-11g.24 through O-11g.28 below regarding the SVWP and water demand from agriculture.

O-11g.9 The comment notes that the DEIR acknowledges that the County generally does not have the resources to fully address traffic impacts arising from the General Plan, but concludes “on the basis of yet another recitation of vague and unenforceable policies that impacts from future individual development projects will not be significant.” The comment contends that there “is simply no way to reconcile the DEIR’s conclusion that cumulative impacts from future individual development projects will be mitigated with the DEIR’s admission that

most of the major facilities will suffer unavoidably significant impacts." The comment concludes on this issue that the General Plan is not internally consistent.

The commenter misconstrues the analysis in the DEIR. The DEIR concludes that Traffic Tier 1 impacts (as defined) are mitigated concurrently with development and thus any impact is mitigated; Traffic Tier 2 and 3 impacts, however, cannot be mitigated to a level of insignificance there the DEIR concludes the impacts are significant and unavoidable. Please see the response to comments O-11g.38 – O-11g.41 for a more thorough response to this issue. Please also see Master Response 10, *Level of Detail for General Plan and the General Plan EIR*, (at sections 10.5 and 10.6) for a more thorough discussion of enforcement of policies and fee-based mitigation. These discussions show that the General Plan, along with the mitigation measures in the DEIR (which will become policies) will be internally consistent.

The comment also contends that "[n]umerous circulation policies are incomplete or inconsistent." This is a generalized comment on the General Plan that does not require a response. To the extent the commenter notes specific inconsistencies in the letter, the more specific responses to those particular comments are set forth elsewhere.

O-11g.10 The commenter indicates that DEIR concludes that loss of 2,571 acres of agricultural land will be lost from conversion to urban uses and cannot be mitigated and then concludes that future losses could be mitigated by unspecified mitigation programs. The DEIR concludes for both Impacts AG-1 and AG-3 that the impacts from conversion of agricultural land to non-agricultural uses are significant and unavoidable, because once agricultural land is converted, that loss is permanent. The DEIR indicates that the policies of the 2007 General Plan reduce the impacts, but cannot reduce it to a level that is less than significant (DEIR page 4.2-19). The commenter is referred to Master Response 10 which discusses deferral of mitigation and

requirements for General Plan mitigation measures and policies. The policies referenced by commenter includes provisions in the General Plan Land Use element and Agricultural Element which severely restrict conversion of agricultural land beyond what is anticipated is necessary to accommodate growth into the future. Policy AG-1.10, as one example, establishes a mitigation fee program that specifically will target protection of agricultural land from future conversion through the purchase of easements. Policy LU-2.18 requires the County to examine requests for changes in spheres to influence or city boundaries to be directed away from highest quality farmlands. These policies along with policies in the General Plan that restrict new subdivisions and focus growth to Community Areas and Rural Centers collectively will reduce additional impacts from the conversion of agricultural land to non-agricultural uses.

O-11g.11 The commenter asserts that the DEIR fails to document the details of the population, employment, and housing assumptions relied upon for the traffic and air quality analyses. The commenter believes that the 2007 General Plan is inconsistent with the 2008 AQMP because the DEIR projects more population. The commenter also asserts that the County did not provide documentation in response to Land Watch's requests.

The County applied a consistent set of assumptions across the traffic and air quality analyses. The air quality analysis utilized data from the traffic projections. The traffic projections, in turn were based on the AMBAG Countywide traffic model, with modifications to reflect current conditions, as discussed on page 4.6-22 of the DEIR. See the responses to comments O-11g.57 and O-11g.58 regarding the consistency of the assumptions, the documentation made available to the commenter, and the consistency of the analyses with the 2008 AQMP. Also, see the responses to comments O-11g.59 regarding mobile source emissions and O-11g.72 regarding toxic air contaminants. Also see Master Response 2 concerning growth projections in the General Plan and EIR.

Section 2.5 specifically addresses consistency with the AQMP. As discussed in Master Response 2, *Growth Assumptions Utilized in the General Plan*, the 2008 AQMP is based on AMBAG 2004 population and travel forecasts, not the 2008 forecasts as the commenter asserts.

O-11g.12 The comment contends that the County must modify its draft General Plan to "restrict harmful development and to provide substantive policies that will demonstrably mitigate development impacts." The comment also contends that the County must then revise and recirculate the DEIR.

The first comment is not a comment on the environmental analysis of the DEIR; it is a comment on the General Plan. The General Plan is a policy document adopted by the Board of Supervisors; the DEIR analyzes the environmental impacts of the current draft. Any comments regarding the General Plan policies will be made known to the Planning Commission and Board of Supervisors.

The second comment is a generalized comment on the need to revise and recirculate the DEIR after the General Plan is amended as suggested by the commenter. The County will consider whether to revise and recirculate the DEIR if the General Plan is revised by either the Planning Commission or Board of Supervisors. Please also see Master Response 12, *Recirculation* for a more thorough discussion of the recirculation issue.

O-11g.13 The commenter raises the issue of the availability of the traffic model used to analyze the 2007 General Plan. The Association of Monterey Bay Area Governments (AMBAG) traffic model is proprietary. As this comment notes, the commenter was made aware of that by county staff shortly after requesting a copy of the model. 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 those reasons, the AMBAG model was not provided.

The commenter asserts that the County has not disclosed the raw data used in running the AMBAG traffic model for the 2007 General Plan. In particular, the commenter is interested in the population, housing, and employment assumptions applied to the Traffic Analysis Zones and how those assumptions relate to AMBAG’s 2004 population, housing, and employment projections. The commenter further asserts that the data in Table 3-8 and the land use constraints in the 2007 General Plan are inconsistent.

The amount of housing units assumed for development to the 2030 planning horizon was based on the AMBAG 2004 projections. AMBAG projected 48,670 units by 2030 in the unincorporated County. Subtracting the 2006 units in the unincorporated area that corresponds to the unincorporated County areas in 2030 (38,655 units - extrapolated from the AMBAG model for 2000 and then projected to 2006 using the 2000 to 2005 growth rate in the AMBAG 2004 projections), one gets 10,015 units. The AMBAG projections for specific TAZs were not used in the traffic model for the 2007 General Plan. Instead, the location of the housing units in the traffic model TAZs was based on the anticipated growth apportioned in Table 3-8. They were then divided amongst the individual TAZs in each planning area based on the distribution of housing units among TAZs in the 2030 AMBAG model (the quantity of housing units in the 2030 model wasn't used - just the relative distribution of units amongst individual TAZs in each unique area).

This methodology of building 2007 General Plan 2030 growth projections on reasonable assumptions regarding future development within the County is described in Section 3.3.2 of the DEIR, beginning on page 3-11. The fact that the 2030 growth projections are not based solely on the AMBAG 2004 projections is further explained in the

footnotes in Tables 3-3, 3-4, and 3-5, and in the notes column of Table 3-8 of the DEIR. The same projections were used for the traffic analysis. There is no inconsistency between the two.

The commenter asks for clarification on the assumptions that are the basis for the growth projections in Table 3-8 of the DEIR. Please see Master Response 2, *Growth Assumptions Utilized in the DEIR*.

O-11g.14 As in comment O-11g.13, the commenter asserts that there are inconsistencies between Table 3-8, and other data sources. Note that in this comment, particularly the discussion entitled "Coastal Growth," the commenter displays an understanding of the methodology used in making the 2007 General Plan growth projections. This contrasts with the assertion in comment O-11g.13 that such information is not readily discernable from the DEIR.

Please see Master Response 2, *Growth Assumptions Utilized in the DEIR*, for clarification of the data sources used and assumptions made in the growth projections, including buildout. Regarding the CVMP traffic assumptions, see Master Response 5, *Carmel Valley Traffic Issues*. For discussion of areas outside of focused growth areas, see Master Response 7, *New Urban Development Outside Focused Growth Areas*.

The commenter asserts that the TAZ assumptions for the Highway 68 area are inconsistent with the growth identified in Table 3-8.

The commenter is mistaken and provides incorrect data for the TAZs in the table included in this comment. The data in the TAZ table used for the traffic analysis indicates that there are 1,510 new housing units in Greater Monterey Peninsula unincorporated area and 3,295 in FORA unincorporated. In the Toro area, the TAZs are showing 897 units and Table 3-8 shows 1046. However, that's because the River Road RC is included in the "Greater Salinas" grouping, as opposed to the Toro grouping. Nonetheless, all units indicated in Table 3-8 are accounted for in the traffic analysis.

The commenter asserts that the buildout estimates in the DEIR are inconsistent with the growth assumptions in GPU4. There is no requirement that the DEIR for GPU5 contain growth assumptions that are consistent with GPU4, which is a different project. The method of developing the growth assumptions for GPU5 is described in Master Response 2 and accurately reflects projected growth under GPU5.

O-11g.15 Tables 4.6-11 and 4.7-3 use common traffic analysis nomenclature to describe existing (baseline) and future conditions for both the traffic and air quality analyses. The discussion below clarifies the meaning of the scenarios in each of the tables.

- Year 2000: existing conditions in 2000, based on information from the U.S. Census
- Existing plus project buildout (Table 4.6-11)/2000 plus project (Table 4.7-3): this is an intermediate scenario used in traffic analyses that examines conditions that would exist if full buildout were to occur pursuant to the 2007 General Plan, but the existing road network were to remain unchanged.
- Existing plus project (2030): this is an intermediate scenario used in traffic analyses that describes development to the year 2030, with the existing road network unchanged.
- Cumulative 2030: this is the projected level of development in 2030 based on the 2007General Plan, with projected improvements to the road network
- Cumulative Buildout: this is buildout in 2092, with projected improvements to the road network

The “existing plus project buildout/2000 plus project” and “existing plus project (2030)” scenarios do not reflect expected future growth, because the road network can reliably be expected to be improved in the future, based on plans and programmed funding. Therefore, those scenarios do not reflect the changes expected to occur as the project develops to the 2030 planning horizon and buildout in 2092. For purposes of looking at changes resulting from project-related growth,

comparison should be made between the "year 2000," "cumulative 2030," and "cumulative buildout" scenarios.

The "adjustment" mentioned in Table 4.6-11 refers to recognizing the 2004 AMBAG estimates in the 2030 projections, as stated in the footnote to the table. See Master Response 2 regarding the growth assumptions used in the EIR, which also discusses the coastal zone.

The TAZ data used the adjusted data that is reflected in Table 4.6-11. Table 3-8

O-11g.16 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 General Plan program EIR, and the mitigation measures included therein. As discussed in this Master Response, the level of detail in the DEIR and the 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); see also CEQA Guidelines Sections 15143, 15146, 15151, 15204).

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 Master Response 10, *Level of Detail for General Plan and the General Plan EIR*, 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.) It should also be noted that a number of cases cited in the comment, evaluate the adequacy of CEQA documents for projects more specific than a general plan; see *Napa Citizens for Honest Government v. Napa County Board of Supervisors* (2001) 91 Cal.App.4th 342, 358 [adoption of a specific plan]; see also *Gentry v. City of Murietta* (1995) 36 Cal.App.4th 1359, 1411 [negative declaration for a vesting tentative subdivision map for 198 homes]; *Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App.4th 777 [amendment to a specific plan*]; Stanislaus Natural Heritage Project v. County of Stanislaus* (1996) 48 Cal.App.4th 182 [adoption of a specific plan]; *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412 [adoption of a specific plan]; *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645 [approval of a conditional use permit for a 90 acre expansion of an existing mine].

The comment references three general plan policies, OS 3.1, OS 3.3, and PS 2.5, but does not discuss the sufficiency of the document in identifying and analyzing the possible impacts on the environment and the ways in which the significant effects of the project might be avoided or mitigated. (See CEQA Guidelines Section 15204) The DEIR discusses numerous policies and relies upon a combination of policies to help reduce impacts. Furthermore, these policies if adopted by the County would become part of the General Plan and the County would have a duty to implement these policies (see Government Code Section 65400).

O-11g.17 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 General Plan program EIR, and the mitigation measures included therein. Please also see response to comment O11g.16. As discussed in Master Response, 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. Government Code requirements and other statutory requirements ensure that General Plan policies will be implemented and future projects will be consistent with the General Plan. (See Government Code Sections 65359, 65400, 65455, and 65860)

The comment also suggests that Policy OS-3.9 defers analysis and mitigation. The DEIR discusses numerous policies and relies upon a combination of policies to help reduce impacts (for example, see DEIR pages 4.2-12 through 4.2-19). The comment does not discuss the sufficiency of the document in identifying and analyzing the possible impacts on the environment and the ways in which the significant effects of the project might be avoided or mitigated. (See CEQA Guidelines Section 15204) Furthermore, this policy meets the requirements discussed in the *Rio Vista* case, which requires the County to "commit itself to eventually devising measures that will satisfy specific performance criteria articulated at the time of project approval" (*Rio Vista Farm Bureau Center et al.* (supra) at page 377).

O-11g.18 The commenter raises issues with respect to Policy OS-3.5, Routine and On-going Agriculture, the AWCP and conversion of previously uncultivated land, summarizes several General Plan policies and mitigation measures that are intended to address impacts from erosion and then indicates that the County should demonstrate that these policies and mitigation measures result in less than significant impacts.

The commenter is referred to the responses to comments O-11g.10, O-11g.21, O-11g.21 and O-11g.23 which respond to the specific questions raised by commenter regarding these policies and impacts. The commenter is also referred to: (a) Master Response 3 which discusses changes to several agriculture policies in the draft General Plan, policy and mitigation measure revisions and assumptions regarding the projected amount and distribution of future agriculture assessed in the DEIR.; (b) Master Response 9, *Water Quality* which

discusses issues pertaining to erosion and sedimentation, and (c) Master Response 10, *Level of Detail for the General Plan and the General Plan EIR*. The commenter is also referred to Chapter 5 which contains changes to Policy OS-3.5 and text changes to the AWCP.

O-11g.19 The commenter asserts that the DEIR does not describe the extent or location or constraints on slope development for non-agricultural purposes. The commenter is referred to the response to O-11g.75, which discusses the analysis of potential impact form non-agricultural development and Master Response 7, *New Urban Development Outside Focused Growth Areas* which describes the extent of potential future development and Master Response 9, *Water Quality*.

The commenter also asserts that the DEIR does not provide a realistic projection of future conversion of uncultivated land for agricultural purposes. The commenter is referred to Master Response 3, *Agricultural Growth and General Plan Agricultural Policies* for a detailed discussion of the assumptions regarding future agricultural conversion including viticulture and the AWCP. Master Response 3 further elaborates on the assumptions regarding trends in agriculture and viticulture which is responsive to these comments. Again, commenter is referred to Chapter 5 which includes changes to the policy on conversion of slopes and text changes to the AWCP.

O-11g.20 The commenter asserts that the DEIR does not provide systematic baseline information about conditions that would lead to erosion and sedimentation. The commenter cites the provisions for development on slopes over 25% as an example of an impact generator. The commenter also argues that the policies calling for development of databases on soil conditions cannot substitute for the presentation of baseline data in the DEIR.

See Master Response 10 regarding the level of detail expected of a program EIR that is prepared for a general plan. The DEIR does provide general baseline data on erosion potential in the discussion of

soil hazards beginning on page 4.4-14 – see also Exhibits 4.4.4 (Earthquake Induced Landslide Susceptibility) and 4.4.5 (Soil Erosion Hazards). This is further described in the Impact Analysis in GEO-5.

Policy OS-3.5, as revised, regulates development on slopes. It will prohibit development on slopes over 25%, except where such development is approved under a discretionary permit. It also requires a discretionary permit for conversion of previously uncultivated lands on slopes over 15% or over 10% if on highly erodible soils and prohibits conversion on slopes over 25% with a minor exception. Permits approved under that exception would require that special erosion control and construction techniques be applied to all development on the site. This will avoid impacts from such development. See Master Response 9 on water quality for additional discussions of erosion and sedimentation.

The commenter suggests that a baseline data report be prepared, similar to that prepared by Napa County during its general plan update. The comment does not substantiate why such a baseline data report is necessary in order to adequately disclose potential erosion and sedimentation impacts in Monterey County. Napa County's environmental conditions and general planning context are not the same as Monterey County. As discussed above, the DEIR presents general baseline data that is adequate to characterize existing conditions and potential impacts on a programmatic basis. Monterey County is not required to address the same issues in the same way as other counties have done. California Planning and Zoning Law (Gov. Code § 65000, et seq.) provides for local flexibility in determining what may be included in a General Plan.

> "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)).

O-11g.21 The commenter presents several arguments regarding why the terms of Policy OS-3.5 should be revised. As noted in response to comment O-11g.05, the County has modified this policy. The policy modifications change the thresholds for requiring a discretionary permit for both non-agricultural permits and agricultural permits and establish a cap with respect to conversion of uncultivated land of 25% that allows only for minor exceptions. The policy also provides additional guidance on what will be required in an evaluation of discretionary permits. The commenter is referred to Master Response 3, *Agricultural Growth and General Plan Agricultural Policies* and Master Response 8, *Biological Resources* for further discussion of the impact analysis relative to these changes and to Chapter 5 for the text.

With respect to Commenter's assertion that Policy OS-3.5 is inconsistent with CEQA requirements to justify abandonment of a previously adopted mitigation measure, Zoning Ordinance 21.66.030(C) is not a mitigation measure. It is an ordinance developed pursuant to the 1982 General Plan policy 26.1.10 which prohibits development on slopes over 30%. Nor is the text of Ordinance 21.66.030(C) referenced or relied upon in the EIR for the 1982 General Plan as a mitigation measure. The DEIR analyzes the impacts that would occur from implementation of the 2007 General Plan. A comparison of the policies in the 2007 General Plan against the 1982 General Plan provided in DEIR Chapter 5 Alternatives. The commenter is also referred to Master Response 10 which discusses the requirements for a General Plan and its program EIR.

Commenter critiques the language in Policy OS-3.5 with respect to what commenter alleges is a vague exception to the prohibition on slopes over 30%. The County notes that the language in OS-3.5 that commenter objects to be also the language in the 1982 General Plan and Title 21.64.230(E). This policy requires that the finding to allow the exception to be based upon substantial evidence. This is a standard for review that have been workable for the past two decades.

The commenter is referred to the revisions to the text which again now require a discretionary permit for development on slopes over 25% rather than 30% and provide guidance on implementation including the purpose of the regulation" to reduce impacts to water quality and biological resources and that such development shall be required to have adequate special erosion control and construction techniques. There is, however, a minor exception to the requirement for a discretionary permit if the footprint of the area that is on a slope exceeding 25% does not exceed 10% of the total footprint of the development or 500 square feet, whichever is less.

The commenter is again referred to Master Response 10 which discusses what is required in a programmatic EIR.

With respect to comments on the lack of specificity for the proposed "Agricultural Permit," the policy has been modified to require a discretionary permit for conversion on slopes greater than 15% and 25% or greater than 10% if highly erodible soils. All of the provisions regarding analysis for a discretionary permit would apply. Applicants are also required to submit a management plan that addresses long-term viability of agriculture on that parcel, analysis of soils, erosion potential and control, water demand an availability, proposed methods of water conservation, water quality protection and protection of important vegetation and wildlife habitats. The policy also specifies the data source that the County will be relying upon for determining if a site has highly erosive soils.

Comments regarding the requirements and conditions necessary to satisfy the policies pertaining to the RWQCB's Agricultural Waiver and ministerial permit process have been addressed based upon the proposed modifications to the policy. The County believes that with these modifications, the policy by itself in concert with the other policies proposed under Goal OS-3 more fully addresses Goal OS-3, to prevent soil erosion and enhance water quality.

The commenter points to the exemption in OS-3.5 for routine and ongoing activities other than slope conversions and points to Policy AG-3.3 for a list of possible activities that commenter believes would be exempt and would cause erosion. AG-3.3, however, includes the following caveat to the exemption which is in boldface for emphasis below:

> "….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 impact or violate adopted water quality standards…"**

This provision would address the concerns raised by the commenter to a great extent by limiting the types of activities that would be exempted from policy AG-3.3. For a more detailed response to this comment, the commenter is referred to Master Responses 3, *Agricultural Growth and General Plan Agricultural Policies*, Master Response 8, *Biological Resources*, and Master Response 9, *Water Quality*, which address the potential impacts of agricultural expansion including routine and ongoing agriculture on erosion/sedimentation, water quality and biological resources. The commenter is also referred again to response to comment O-11g.23 below.

O-11g.22 The commenter asserts that the DEIR does not adequately analyze cumulative impacts on sedimentation and erosion from agricultural land conversions.

Erosion and sedimentation is a significant cumulative impact on those water bodies that are identified as "impaired" for sediment under the TMDL program. Please see updated Table 4.3-8 in Chapter 4 of this EIR for a list of these water bodies and Master Response 9, *Water Quality*, for a discussion of protective policies of the General Plan, the RWQCB's Agricultural Waiver program, the TMDL program and its statutory requirements, and the limitations on agricultural conversions on steep slopes found in revised Policy OS-3.5, as described in O-11g.20 above. The extensive regulations and proposed policies will ensure that over the term of the 2007 General Plan, future development projects will not result in cumulatively considerable contributions to cumulative sediment impacts. See Master Response 10 regarding the level of detail required of general plan policies and of mitigation measures made a part of a program EIR.

O-11g.23 The commenter asserts that the policies and mitigation measures cited or included in the DEIR are improperly deferred, unenforceable, or subject to exemptions that render them ineffective in reducing and avoiding potential erosion and sedimentation impacts.

The comments on General Plan policies in this table 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 apparently are based on an unstated 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 regarding programmatic analysis, a 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 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).

In contrast, the comments in this table 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.

Further, 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. Comments on this table do not use this approach. The DEIR does use this approach.

Lastly, 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.

Resource-Specific Responses to Comments on Policies

See Master Response 3 on agricultural policies for a discussion of the "Routine and Ongoing Agriculture" provisions of the 2007 General Plan. In short, these policies essentially recognize existing agricultural activities and do not represent a change in existing land uses. Policy AG-3.3 specifically states that the policy exemptions for Routine and Ongoing Agriculture activities do not apply to "activities that create significant soil erosion impacts or violate adopted water quality standards."

General Plan policies that state that they will support or promote a program identify the County's intent to support the existing and future programs of the County and other agencies. Examples of other agencies' programs to control erosion from agricultural activities include the RWQCB's agricultural waiver and TMDL programs and the activities of the Natural Resources Conservation Service. These 2007 General Plan policies are not, as the commenter appears to suggest, referring only to future County programs. See Master Response 10 regarding the level of detail required of General Plan policies.

Policies calling for the compilation of data (i.e., OS-3.4, PS-2.6, S-1.2, and S-3.6) are part of the County's larger regulatory scheme, and should not be looked at in isolation. Although listed under different

policy numbers, the information identified in these policies would be maintained in the County's Geographic Information System (GIS) database. The discrete "data layers" would then be available for examination either singly, or in combination, as the need arises, when site-specific development projects are under consideration. For example, the collection of data in this readily accessible GIS database will improve the County's ability to minimize the impacts from future development projects through project design (by avoiding known constraints), environmental analysis (by identifying specific studies to be undertaken as part of the analysis), and the application of regulations (i.e., Monterey County Ordinance Code Chapters 16.08 [grading], 16.12 [erosion control] and 16.16 [regulations for floodplains]). Readily available, mapped information is particularly valuable in ensuring that County regulations are consistently applied where necessary to avoid erosion and sedimentation. Although application of the policies is not limited to the information available in the database, the GIS mapping will also inform the implementation of Policies S-1.6 (development in areas of known geologic or seismic hazard), S-1.7 (geologic hazard and geotechnical reports), and S-1.8 (development review).

Regarding development on slopes, revised Policy OS-3.5 provides specific requirements that will minimize the impacts on erosion and sedimentation (see Master Response 3 on agricultural policies). The slope/density provisions of Policy OS-3.6 reduce the potential for erosion and sedimentation by establishing increasingly strict building restrictions as slope increases. It will work in concert with Policy OS-3.5, which also restricts development on steep slopes. For example, a proposed residential project on an average slope of greater than 25% would be limited to not more than 1 residence per 2 acres (Policy OS-3.6) and would be subject to a discretionary permit based on the specific findings about the site's suitability and provisions for "special erosion control and construction techniques" (Policy OS-3.5). Because a discretionary permit is required, under these provisions even a

single-family residence would be subject to CEQA analysis that would develop additional project- and site-specific mitigation.

The General Plan policies also set out a comprehensive approach to drainage control. Policies S-3.1 (restricting post-development drainage), S-3.2 (requiring best management practices), S-3.3 (requiring any necessary drainage facilities to be installed concurrently with development), and S-3.5 (runoff performance standards) will *all* be applied to development projects. When terms such as "where appropriate" are used, the intent is to provide that these requirements will not apply if the project would not increase pre-development flows

Policies that relate to geologic hazards, such as S-1.1; soils, such as CSV-1.1 and CSV1.2; and flooding, such as S-3.8; do not directly minimize erosion and sedimentation. However, landslides, flooding, and inundation from levee failure are all potential sources of erosive materials. The release of soil into streams and rivers is a key source of sedimentation. Reducing those hazards and protecting soils reduces the potential for erosion.

The commenter requests clarification of Policy AG-5.2 ("Policies and programs to protect and enhance surface water and groundwater resources shall be promoted, but shall not be inconsistent with State and federal regulations."). This statement requires the County to maintain consistency between its programs and State and federal regulations. It does not limit the County's ability to utilize its police power to enact protective regulations. Consistency is important to the site-specific application of State and federal regulations that will occur during the County permitting process.

Responses to Comments on Mitigation Measures

Regarding the comment on Mitigation Measure BIO-2.1 (stream setback ordinance), the commenter apparently differentiates erosion from sedimentation. In fact, sedimentation is the result of erosion – sediment consists of the materials resulting from erosion. The stream

setback ordinance will limit development near inland streams and rivers, thereby reducing the potential for such development to result in bank damage that would result in erosion. BIO-2.1 also reduces the release of eroded materials to streams by providing a buffer area that can capture and hold those materials before they may enter a stream or river. This same concept is utilized in urban settings by the installation of planting strips or depressed planting areas to reduce the release of urban runoff to storm drains. Mitigation Measure BIO-2.1 has been revised, as shown in Chapter 4.

Responses to Comments on Specific Area Plan Policies

See Master Response 10 regarding the level of detail required of General Plan policies. These policies are intended to guide decision-making on future development projects. As discussed previously, the policies are parts of a larger scheme – encompassing goals, policies, and regulations – that together work to minimize potential environmental impacts when applied to site-specific development projects.

The Area Plans and Special Treatment Areas policies are part of the General Plan. Where Area Plans or Special Treatment Areas have policies that are more restrictive or area-specific than the 2007 General Plan's general policies, the more restrictive or area-specific policies provide a greater level of detail than the general policies. The County will interpret these specific and general policies so that they act in harmony.

Policies that manage drainage or protect riparian vegetation, stream and riverbanks also limit the potential for erosion. This includes, but is not limited to, Policies CSV-1.3 and CSV-5.1. Where the commenter has suggested that policies should be more broadly applied (i.e., Policies CV-3.9 [willow cover retention] and CV 4.1 [limits on clearing of land], Fort Ord Soils and Geology A-1 [use of NRCS soil maps], etc.), those are issues that should be raised during consideration of the General Plan

and do not, by themselves, relate to environmental effects. The DEIR has previously determined that the combination of regulatory requirements, proposed policies, proposed mitigation measures, and implementation of the proposed policies reduces impacts below the level of significance. Extending the applicability of these policies is not necessary for purposes of mitigation.

O-11g.24 This comment asks numerous questions about the Water Resource analysis in Section 4.3 of the DEIR. This commenter is directed to Master Response 4, *Water Supply*. More specific cites to subsections of Master Response 4 are provided in the text of this response.

"SVWP Expansion Infeasible In Light Of Unmitigated Impacts To Steelhead, Limitation Of NOAA Biological Opinion, And Cost"

The comment states that the (1) SVWP Expansion is infeasible in light of unmitigated impacts to steelhead, limitations of NOAA biological opinion, and cost, (2) the SVWP relies upon a "potential expanded delivery system" from SVWP DEIR Section 3.2.4, which requires an increase of CSIP deliveries to 18,300 AFY, (3) this expanded delivery system is unfunded, would cost $40.8 million, and is financially infeasible, and (4) the SVWP EIR did not evaluate the environmental effects of the expanded delivery system, the additional pipeline project or the effects of additional diversions.

These comments concern the potential expansion of the SVWP. The first phase (Phase 1) of the SVWP concerns provision of adequate water supply within the Salinas Valley for both urban and agricultural use while halting groundwater overdraft and seawater intrusion. This comment concerns the potential expansion of the SVWP to provide water and address potential overdraft and seawater intrusion in the years following 2030 and is referred to as Phase 2 of the SVWP.

Please see Master Response 4, Section 4.2.2 for status of the SVWP and discussion of impacts to steelhead. The commenter asserts that future expansion of the SVWP is limited by the NOAA Fisheries

Biological Opinion issued for the SVWP and that this undercuts the DEIR's conclusion that the SVWP can deliver sufficient water to meet its objectives of halting seawater intrusion, providing additional urban and agricultural water supplies, and raise groundwater levels through 2030. This assertion is incorrect. As noted by the commenter, the BO provides that consultation will be reinitiated if diversions are proposed to increase beyond 9,700 AFY. If increased diversions are proposed beyond 9,700 AFY in the future, the reinitiated consultation would recommend measures to avoid significant effects on steelhead; US Fish and Wildlife Service would issue either a non-jeopardy opinion that would recommend reasonable and prudent measures to minimize the impacts of any incidental take, or a jeopardy opinion that would recommend reasonable and prudent alternatives that would not cause jeopardy. The specific nature of these measures or alternatives is not reasonably foreseeable, and would be determined when the timing and amount of any increased diversion are proposed. See Master Response 4 for a discussion of the feasibility of the SVWP and the limits of the Biological Opinion.

The comment states that the SVWP relies upon a "potential expanded delivery system" from SVWP DEIR/EIS Section 3.2.4, which requires an increase of CSIP deliveries to 18,300 AFY and that this expanded delivery system is unfunded, would cost $40.8 million, and is financially infeasible.

The SVWP DEIR/EIS describes in detail the preferred project that will meet the SVWP objectives to the year 2030. That consists of the improvements and reoperation of the upstream reservoirs, installation of the Salinas River diversion facility, and delivery of about 9,700 AFY of water to the CSIP system. The SVIGSM groundwater model indicates that the preferred SVWP (as now constructed) will provide adequate water, both through increased recharge of groundwater and diversions to the CSIP to halt seawater intrusion to 2030. To be prudent, the SVWP EIR/EIS discussed the "potential expanded delivery

system" that may be needed beyond 2030 in order to meet the SVWP objectives in the future. Here are the basics of the potential expanded delivery system:

- SVWP – increase diversions to 18,300 AFY, with 14,300 AFY delivered to areas outside the CSIP service area and 4,000 AFY to the CSIP. New pipeline to supply new service area.
- CSIP – increase recycled water deliveries to 16,000 AFY.
- Estimated cost: $40.8 million

The DEIR for the 2007 General Plan has called the potential expanded delivery system SVWP, Phase 2 in the interest of brevity. See Master Response 4 for its discussion of the SVWP, Phase 2. As noted in the DEIR on page 4.3-38, operation of the Expanded Delivery System (SVWP, Phase 2) is not necessary in order to meet projected demand to 2030 and provide the additional seawater intrusion and groundwater level rise benefits of the SVWP. As also disclosed on page 4.3-38, the Phase 2 improvements are discussed in concept in the EIR/EIS certified for the SVWP, but have not been planned in detail. The EIR's statement on page 4.3-143 regarding distribution lines from the SVWP relate to Phase 1, not Phase 2. As discussed in Master Response 4, Phase 1 will raise groundwater levels and provide additional urban supplies. It can be expected that this will necessitate the extension of distribution lines at some time in the future; however, the details of any such indirect effect of the SVWP are not known at this time.

The comment also asserts that the SVWP EIR did not evaluate the SVWP expansion and that this information needs to be analyzed. Consistent with the requirements of CEQA and CEQA case law, *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, the DEIR discusses water supply alternatives and analyzes their secondary effects. This analysis of secondary effects of water storage, treatment, and conveyance facilities is performed under Impact WR-5. The level of detail provided in this analysis is consistent with the requirements of CEQA for a

program EIR. Please see Master Response 10, which discusses the level of detail necessary for an EIR prepared for a General Plan, and Master Response 4, Section 4.2.3 on the Salinas Valley Water Project Phase 2. The impact analysis under Impact 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). Impact 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). However, there is no clearly defined Phase 2 of the SVWP (the discussion in the SVWP EIR/EIS is conceptual), nor does the comment provide such detail. While the DEIR acknowledges there will be approximately 10,000 AFY of water remaining in the reservoirs as a result of the SVWP that have not yet been specifically allocated, there are no distribution details, no parcel specific information on where water will be needed after 2030, and no information on whether new or existing diversion facilities would be used. (See DEIR page 4.3-131) That information will come as the effectiveness of the SVWP and future supply and demand numbers are monitored over the coming years.

Impacts to steelhead from a future SVWP, Phase 2 would be dependent upon a number of factors, such as the timing of any releases into local rivers and water bodies, flow rates, water temperatures, the location of spawning areas, and spawning times. At this time 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 Section 4.9, which addresses impacts to the steelhead.

The DEIR concludes that SVWP, Phase 2 is feasible, given the information known at this time. That is the opinion of the MCWRA as well. (Weeks 2009) On that basis, the EIR further concludes that water

supply, groundwater overdraft, and seawater intrusion impacts within the Salinas Valley will be mitigated over the 2007 General Plan buildout period (2030 to 2092). However, with the buildout period being 82 years in the future, it is possible that circumstances that cannot be foreseen at this time may result in a different outcome. While the funding of Phase 2, like all large infrastructure projects, may be a challenge in the future, there are a variety of funding mechanisms that could be used, either exclusively or in combination, and there is no hard evidence that funding is infeasible. In California, general plans are recommended for update every 20 years by the General Plan Guidelines. (Office of Planning and Research 2003) At that rate, there will be at least four updates of the Monterey County General Plan before 2092. The SVWP will be a subject to be considered in future updates of the General Plan as they occur over the decades to come. In recognition of this, Mitigation Measures WR-1 and WR-2 have been modified to provide for a regular check on the need for additional water supplies in the future.

The commenter suggests that the County undertake additional modeling in order to provide the type of specific information that might be needed in order to evaluate potential future delivery systems. This type of specialized study is beyond the scope of the 2007 General Plan and is not necessary to informed decision making with regards to adoption of the General Plan. Future delivery systems will be designed and their potential environmental impacts analyzed at such time as information becomes available as to their need. The analysis of pipelines or other facilities of unknown location, size, and timing is speculative and not a reasonable line of inquiry at this time.

"No Evidence That Recycled Water Will Be Available To Complete The SVWP Expanded Delivery"

The comment also states that (1) recycled water will not be available to complete the SVWP expanded delivery system, (2) the SVWP EIR assumes the entire capacity of the Monterey County Water Recycling

Projects at 2030 (15,900 AFY) will be dedicated to the SVWP, (3) that the WFMCC has "targeted up to 5,000 AFY of recycled water per year as part of its plan, and suggests that this would interfere with the recycled water availability assumptions made in the SVWP EIR.

Under the first and second issues above the comment states that there is "no evidence that recycled water will be available to complete the SVWP expanded delivery" and the SVWP EIR assumed there would be 15,900 AFY of recycled water. As noted in the SVWP EIR Master Response 1, "[t]he CSIP is already in place and the providing recycled water to the 12,000-acre CSIP area (11,000 AF was supplied in 2001)." See Master Response 4, Water Supply for additional information on the CSIP.

Under the third issue above the comment suggests that other projects would interfere with reclaimed water used as part of the SVWP project and the comment suggests that this DEIR identify "competing proposals for use of recycled water…" Please also see Master Response 10 on the level of detail required in an EIR for a General Plan and Master Response 4 for further description of the SVWP. The level of detail requested by the comment is not required to determine the impacts of the project.

Furthermore, reclaimed water usage is not the driving force behind "water demand" in Monterey County, but is a type of water that may ultimately be used to meet new demand. The DEIR's analysis is therefore not focused upon individual types of water usage (i.e. reclaimed water usage), but rather factors that result in new demand, such as per capita water usage associated with increased population and agricultural water use in the County, as shown in EIR Table 4.3-9 and Master Response 4, Exhibit W-1. (See also EIR Section 6.4.3.3.)

See Master Response 4 for a discussion of the Cal-Am project and the alternative regional supply project. Current information indicates that there would be no specific constraints on increased use of recycled

water. Again, it is premature to conclude that recycled water will not be available as may be needed for Phase 2 of the SVWP. Master Response 4 also includes updated and clarified water demand and supply information.

Comment also states that "ironically, the DEIR identifies the WFMCC proposal as a possible alternative solution to the Coastal Water Project for the shortage of water for the Monterey County Peninsula. DEIR, p. 4.3-128." Please see Master Response 4 Sections 4.3.3 and 4.3.6 for the current status of the regional water supply project and the components proposed as part of the Coastal Water Project EIR alternative analysis. The language cited by the comment addresses Impact WR-4 which discusses adequacy of existing water supplies to meet development consistent with the General Plan. Given the lack of certainty in the regional water supply project, the DEIR did not rely upon this project under Impact WR-4, which was determined to be significant and unavoidable. (See DEIR page 4.3-130.) However, consistent with *Vineyard* requirements the DEIR analyzed secondary impacts associated with water supply alternatives such as this regional project, as discussed under Impact WR-5 on DEIR page 4.3-137. Please also see Master Response 4, Section 6 for clarification of the Regional Water Project Alternative's impacts. The level of detail provided in this impact analysis is consistent with CEQA requirements, as discussed under Master Response 10.

Comment also states, "it appears that the DEIR's fail[s] to present a complete water balance analysis." The purpose of impact analysis under CEQA is to determine the impacts of the proposed project against existing conditions (See CEQA Guidelines Section 15125 and 15126.2). Existing deficiencies are not impacts associated with the project and are therefore discussed in the environmental setting. The environmental setting in DEIR Section 4.3.2 provides information on existing overdraft conditions, water quality, seawater intrusion, and water supplies throughout the County. The level of detail provided for

the environmental setting is consistent with CEQA Guidelines Section 15125, which states 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." The DEIR made conservative assumptions about per capita water usage; population growth and agricultural water usage as discussed under Impact WR-4 and Table 4.3-9 (see DEIR page 4.3-114). The DEIR's discussion of water resource existing conditions and proposed demand complies with CEQA requirements. Please also see the revisions to Table 4.3-9 in Master Response 4, Section 4.1.6 and Response to Comment O-11g.28.

"Continued Operation Of Nacimiento And San Antonio Dams"

The comment states that "The DEIR relies on the continued operation of these two dams to assure groundwater recharge. Because the DEIR expressly assumes that Salinas Valley groundwater will be available to support continued growth, it is incumbent on the DEIR to evaluate these effects." The ongoing operations of these two reservoirs are part of the existing conditions and are not impacts of the project. (See CEQA Guidelines Section 15125 and 15126.2; see also *Fat v. County of Sacramento* (2002) 97 Cal.App.4th 1270.) CEQA analysis is focused on the effects of the project as measured against the baseline, not on preexisting environmental effects. (*In re Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings* (2008) 43 Cal.4th 1143) Accordingly, the operations of these dams are not subject to CEQA analysis as part of the 2007 General Plan.

The comment also states "[i]f operation of these dams has not in fact been permitted under the ESA, the EIR must disclose this fact and provide an analysis of the biological impacts of the use of their water supply to support continued growth under the 2007 General Plan." The comment also states that the NOAA biological opinion for the SVWP states on page 5-6 (of the BO) is in conflict with the River Channel Maintenance Biological Opinion. NOAA describes this as a potential

conflict concerning access to the dry channel Salinas River for channel maintenance after September 1 each year. As stated on page 6 of the NOAA BO for the SVWP (which is attached to the Landwatch comment letter), MCWRA clarified to NOAA that the SVWP would take precedence over the Channel Maintenance Project, which means that channel maintenance would occur only when the SVWP does not require flow through the River. This determination of precedence resolves the conflict; NOAA issued the BO for the SVWP acknowledging the resolution of the potential conflict by MCWRA.

As discussed under CEQA Guidelines Section 15126.2, "an EIR shall identify and focus upon the significant environmental effects of the proposed project. In assessing the impact of a proposed project on the environment, the Lead Agency should normally limit its examination to changes in the existing physical conditions in the affected areas as they exist at the time the notice of preparation is published…." (See also CEQA Guidelines Sections 15125, and 15378.) Impacts of existing dams are part of the environmental setting and are not impacts of the proposed project or the alternatives. Furthermore, determining whether existing facilities are in compliance with the ESA and or whether inconsistencies exist between the referenced Biological Opinions is not necessary for the impact analysis of the General Plan. (See CEQA Guidelines Section 15204(a)) The commenter misconstrues the Biological Opinion for the SVWP in pressing their point. In the passage from the Biological Opinion quoted by the commenter, NOAA fisheries states that dam operations are part of the environmental baseline and goes on to analyze the impacts on steelhead of modified operations under the SVWP.

"Castroville"

The Comment states that statements on page 4.3-117 about the seawater intrusion are inconsistent with statement on page 4.3-118. There is no contradiction, the discussion of seawater intrusion on page 4.3-117 is referring to conditions without the SVWP, whereas

statements on page 4.3-118 are referring to conditions with implementation of the SVWP.

The language on page 4.3-117 has been revised in FEIR Chapter 4 to make this clarification.

The comment also asks about the definition of "other measures" on DEIR page 4.3-118. The "other measures" referred to in the DEIR's discussion include upstream operations of the SVWP, which will raise groundwater levels upgradient and provide additional pressure to assist in halting the advance of seawater intrusion, and the expected future increased use of recycled water from the Regional Treatment Plant for parks and landscaping (this will also reduce groundwater pumping).

The comment also asks "what is the new source of potable water that will meet new water demands in the Castroville community. Please see Master Response 4, Section 4.2.2 for discussion of the SVWP. As discussed in the Master Response 4, Section 4.2.2 and in Section 1.1 of the SVWP EIR, the SVWP was designed to meet three objectives: (1) stopping seawater intrusion, (2) providing adequate water supplies to meet current and future (year 2030) needs (3) improving the hydrologic balance of groundwater basin in the Salinas Valley Basin. As further described in Master Response 4 Section 4.2.4, the SVWP provides additional releases of water to the Salinas River upstream which will percolate into the groundwater aquifers. Furthermore, the SVWP provides diversions to the CSIP which avoids the need to remove a like amount of water from the subsurface aquifers.

Comment states that "no completion date for the rubber dam, which will increase water deliveries to Castroville farmers, is given…Please explain what measures will be employed to avoid further seawater intrusion until that time" The CSIP was completed in 1998 and currently provides recycled water to the Castroville area. In 2008, CSIP provided over 15,250 AFY of recycled water to its Castroville service

area. (MRWPCA 2009) The SVWP construction is scheduled for completion in April 2010. (Weeks 2009) As discussed therein, physical changes to the Lake Nacimiento reservoir are complete. The diversion dam is under construction at the time of this writing and is expected to be completed in the spring of 2010. The modifications to the reservoirs are complete allowing for increased storage capacity and increased water capture during the 2010 winter and spring. The diversion dam has been installed and is expected to go into service in April 2010. (Weeks 2009) Additionally, development under the General Plan is not immediate, as discussed in Master Response 2 on Growth Assumptions, and existing conditions, referenced in the comment, are not impacts of the proposed General Plan amendments. Existing Conditions in the Salinas Valley are discussed in DEIR Section 4.3.2, including information on seawater intrusion in the Salinas Valley, starting on DEIR page 4.3-25.

"Boronda"

The comment references language on the Boronda Community Area on DEIR pages 4.3- 7 and 4.3-118 and states that "since the Salinas Basin is one large hydrologic unit and since recharge of the subarea is from underflow originating upstream, please explain how Cal-Water's moving its wells upstream within the same, interconnected basin will do anything to address seawater intrusion caused by increased pumping in Boronda." Impact WR-4, discussed on DEIR page 4.3-118 referenced in the comment, does not directly address seawater intrusion impacts, it addresses "Land uses and development consistent with the 2007 General Plan would exceed the capacity of existing water supplies and necessitate the acquisition of new supplies to meet expected demands." Furthermore, the language cited by the comment on page 4.3-118 is taken out of context, the language does not suggest that seawater intrusion or the impact conclusion is dependent upon Cal-Water shifting production further south into the 400-foot aquifer. The DEIR notes that this is a consequence of existing

seawater intrusion. The DEIR states that "completion of the SVWP is expected to accommodate future growth in Boronda to 2030 without further seawater intrusion or lowering of groundwater levels." (DEIR page 4.3-118.) Please also see Impact WR-7 which directly addresses impacts associated with seawater intrusion.

"Chualar"

The comment cites to language on the Chualar Community area and asks, "[p]lease explain how 'independent management' of some water within the Salinas Basin leads the DEIR to conclude that increased water demand at Chualar will incur no significant water supply impacts." As noted throughout Section 4.3, including Table 4.3-9, the Chualar Community area is located further inland than Boronda and receives its water from the Salinas Valley Groundwater Basin. The DEIR provides the location of seawater intrusion in the Salinas Valley Groundwater Basin in Exhibit 4-3-9 (see the updated exhibit in Chapter 4). Contrary to the comment, the DEIR does not conclude seawater intrusion in the Salinas Valley Groundwater Basin would be less than significant because of "independent management" of water in the Chualar Community Area. As noted under on page 4.3-130: "Within the Salinas Valley, the SVWP will provide sufficient supply to reverse existing overdraft and seawater intrusion problems and to provide water for new development." (See also Impact WR-7, as discussed on page DEIR 4.3-158.) Additionally, please also see information on seawater intrusion in the Salinas Valley provided in Master Response 4.

"Fort Ord"

The comment references language on development in Fort Ord and asks, "in the instance of Fort Ord development, the 6,600 acre-feet of water to be supplied by the SVWP is characterized as 'uncertain' when

there is no expressed 'uncertainty' that the SVWP will provide sufficient water elsewhere."

The DEIR terms this supply uncertain because the referenced Cal-Am Coastal Water Project may provide an alternative source for this water. The Regional Water Supply Project alternative identified in the preliminary environmental assessment for the Coastal Water Project, and now presented in more refined form in the FEIR for the Coastal Water Project, could provide this water if eventually built. See Master Response 4 for a discussion of the Regional Water Supply Project.

"Significance Conclusions"

The comment states that "no caps on water use have been imposed for any of the new water uses within the basin, which includes urban growth, wine grape processing, and, as discussed below, agricultural expansion, including expansion onto slopes 25% or greater…" The comment suggests that the lack of "caps" requires a worst-case analysis.

CEQA does not require a worst-case analysis. What is required is discussion of reasonably foreseeable impacts. (See CEQA Guidelines Section 15378(a); *Save Round Valley Alliance v. County of Inyo* (2007) 157 Cal.App.4th 1437; see also similar NEPA requirements in *Robertson v. Methow Valley Citizens Council* (1989) 490 U.S. 332.) The water supply analysis relies upon conservative assumptions for population and per capita water and trends in agricultural water usage. (See DEIR page 4.3-114, Table 4.3-9, and Master Response 4, Section 4.2.1 regarding urban and agricultural water demand in the Salinas Valley.)

Furthermore, as discussed in both the DEIR and Master Response 4, water projections for the Salinas Valley are made utilizing a sophisticated groundwater model (i.e., the SVIGSM) that is based on decades of records and tuned specifically to the Salinas Valley. The fact that the Salinas groundwater basin is un-adjudicated and groundwater supplies are not specifically allocated to users does not affect the

accuracy of the model's output. Further, the 2007 General Plan includes a number of specific policies that will act to regulate future water use so as to minimize overdraft. These include Policies PS3.1 and PS-3.3 (long-term, sustainable water supply for new development), PS-3.4 (criteria for evaluation of new wells), PS-3.6 (wells in areas with seawater intrusion), and PS-3.9 (program to eliminate overdraft of water basins). In addition, the County is proposing to modify Mitigation Measure WR2 (which would become policies PS-3.17 and PS-3.18) to review actual growth data against projected growth every five years and will also assess the degree to which the Salinas Valley Groundwater Basins has responded with respect to water supply and reversal of seawater intrusion based on the modeling protocol. This review will set in motion planning coordinated planning for additional water supply alternatives. See Chapters 4 and 5 for the text.

As discussed in Master Response 3, the agricultural trends used for the agricultural water supply analysis take into consideration increases and decreases in the types of agricultural lands (e.g. Farmland of Statewide Importance, Unique Farmland, Prime Farmland, Grazing Land, etc.). Please see the Master Response for a detailed discussion of potential conversion of land to agriculture in the future. Instead of using land availability as the basis for estimating agricultural conversions over time, the DEIR instead used the past as the most reasonable predictor of the future. Thus, the DEIR looked at agricultural expansion in the last twenty years as a proxy for what may happen in the future. Based on the past trends, there would only be a limited expansion of agricultural land onto uncultivated land over time, while losses of agricultural land would occur in areas of expanding cities. The significance conclusions of the DEIR are not changed.

Comment questions the benefits of the SVWP in Granite Ridge area of North Monterey County. Please see Master Response 4, Section 4.2.6, which addresses this issue. This issue was also addressed by the Court

of Appeal in previous litigation with LandWatch. (*See LandWatch Monterey County v. County of Monterey* (2007) 55 Cal.Rptr.3d 34, 53, and 54 [de-published; holding that there is substantial evidence that the SVWP water supply benefits would accrue to portions of North County])

The Comment states that "The DEIR acknowledged at page 4.3-35 that seawater intrusion would continue at 2,300 acre-feet per year unless 'an additional 14,300 AF of SVWP water is delivered outside the CSIP.' For purposes of analysis through the Water Resource element, the DEIR assumed the 14,300 acre-feet would be available." The EIR has been revised to clarify this passage. The intent was to reflect the findings of the SVWP EIR/EIS, which state that after 2030 additional diversions may be necessary in order to continue to halt seawater intrusion. See the prior discussion of the SVWP's "potential expanded delivery system" and Master Response 4, which addresses this issue. The revisions to this passage may be found in Chapter 4 of this FEIR.

The Comment states that "[i]f additional water supplies through the SVWP were reasonably certain, it would not be necessary for the County to *initiate investigations* [referring to Mitigation Measure WR-2] as to whether there is any additional capacity…" Mitigation Measure WR-2 was only discussed under Impacts WR-4, WR-6, and WR-7 for the *buildout* analyses in the Salinas Valley (i.e. years 2030 through 2092). The impact analyses up to the 2030 horizon year do not rely upon Mitigation Measure WR-2 as suggested in the comment letter. However the EIR does state, the SVWP Phase 2 would make available approximately 10,000 AFY which has not been allocated as part of the current SVWP, which would be available as discussed under Impact WR-5. (See DEIR pages 4.3-131 and 4.3-146). WR-2 reflects the practical need to undertake water supply planning long in advance of actual demand in order to ensure that supplies will be available to meet those future needs. As discussed above, Mitigation Measure WR-2 was modified to track extraction data trends at five-year intervals to ensure

that the timing of providing additional supplies if necessary is sufficient for collaborative planning. Please also see Master Response 4, Section 4.1.6, which discusses water supply from 2030 to 2092, and Master Response 10, which discusses the level of detail required for a programmatic EIR. While growth assumptions were made about post 2030 development within the County, it is speculative to provide more detailed analysis of post-2030 water supply projects.

O-11g.25 The commenter asserts that the DEIR understates water demand in the Salinas Valley, including demands from the AWCP and other agricultural uses.

See Master Response 3, *Agricultural Growth and General Plan Agricultural Policies*, and Master Response 4, *Water Supply*. Master Response 4 in particular clarifies water supply and demand information and expands the discussion of water demand in the AWCP.

Regarding the commenter's contention that the SVWP EIR/EIS assumed that new agricultural acreage would be devoted exclusively to wine grape production, there is no basis for that assertion. The SVWP EIR/EIS assumed that agricultural water demand would decrease "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." (Monterey County Water Resources Agency 2001a, Section 3.2.4, Background) This is supported by the MCWRA's "2008 Groundwater Summary Report" which documents the increase in water-conserving irrigation methods between 1993 and 2009 (Monterey County Water Resources Agency 2009), and the records of the Farmland Mapping and Monitoring Program that document continued conversion of farmland within the region (Department of Conservation 2008).

The commenter asserts that because the Salinas groundwater basin is un-adjudicated and there are no constraints on groundwater pumping, that the assumptions of the SVWP regarding future demand are invalid. Further, the commenter asserts that exempting Routine and Ongoing Agriculture from certain County policies will allow it to increase water supply problems. As discussed in both the DEIR and Master Response 4, water demand projections for the Salinas Valley are made utilizing a sophisticated groundwater model (i.e., the SVIGSM) that is based on decades of records and tuned specifically to the Salinas Valley. The fact that the Salinas groundwater basin is un-adjudicated and groundwater supplies are not specifically allocated to users does not affect the accuracy of the model's output. Routine and Ongoing Agriculture is not exempt from Policies PS3.4 (criteria for evaluation of new wells), PS-3.5 (pump tests or hydrogeologic studies to be conducted for new high-capacity wells), PS-3.6 (wells in areas with seawater intrusion), and PS-3.9 (program to eliminate overdraft of water basins), PS-3.12 (maximize agricultural water conservation measures), and PS-3.14 (work with the agricultural community to develop new uses for tertiary recycled water and increase the use of tertiary recycled water for irrigation of lands currently being irrigated by groundwater pumping). All of these policies will work to improve the efficiency of water use.

The commenter asserts that the DEIR substantially underestimates future agricultural conversions. See Master Response 3, *Agricultural Growth and General Plan Agricultural Policies* for a discussion of the potential for additional agricultural conversion. The commenter's subsequent assertion that Policies OS-3.5 (development on slopes) and AG-3.3 (routine and ongoing agriculture) amount to "significant deregulation and incentives for new conversions," has no basis in fact. As discussed in Master Response 3, Policy OS-3.5 as modified requires discretionary permits for conversion of uncultivated land on steep slopes (which actually creates an incentive to remain on less steep lands where no such permits are required) and "routine and ongoing

agricultural" activities remain regulated in many aspects. These neither deregulate, nor provide incentives for new conversions. Master Response 3 also discusses the amount of land that is potentially available, based on soil type and other factors, for conversion to agriculture.

O-11g.26 The commenter asks for an explanation of the DEIR's conclusion that water supply on the Monterey Peninsula will be adequate to meet current demand, in light of the SWRCB's cease and desist order against Cal-Am for its excessive diversions from the Carmel River. See Master Response 4, *Water Supply*, for an update on the cease-and-desist order and other activities. Master Response 4 also clarifies the significance findings regarding the availability of water supply.

O-11g.27 The commenter asserts that the DEIR "fails to evaluate the acknowledged substantial increase in new water demand from riparian users in the Carmel Valley" and notes that the DEIR at page 4.3-13 states that it is unclear whether increased riparian claims represent an increased demand on the water resource system and whether there are related environmental effects. The commenter asks, "why there's any question that these riparian claims are increasing water demand in the Carmel River Basin." The commenter asserts that new riparian water demand must be estimated and included in the analysis of the Carmel River Basin.

See Master Response 4, *Water Supply*, Section 4.3 for updated information on water issues on the Monterey Peninsula including the Carmel River alluvial aquifer. Master Response 4 provides an updated analysis of water demands for the Monterey Peninsula that includes existing demands from CalAm customers and non-Cal-Am producers as well as new demands with the 2007 General Plan. As to new demands, the estimates in revised Table 4.3-9a and Table 4.3-9e, include all projected new demand in the CVMP area. The text has been updated to clarify that exercise of riparian rights for new development would represent an increase in demand.

The commenter similarly comments on the analysis of new water demand in the Seaside Basin, which they characterize as: "a basin whose use and welfare is inextricably linked to the Carmel River Basin." The commenter asserts that it is not sufficient for the EIR to conclude that the aquifer is over drafted and that future development will exacerbate that situation, and argues that the County must adopt mitigation for this impact.

See Master Response 4, Water Supply, Section 4.3 for updated information on water issues on the Monterey Peninsula including both the Seaside basin (and its adjudication) and the Carmel River groundwater basin. The Seaside and Carmel River groundwater basins are often discussed in tandem because both provide water to the Monterey Peninsula, because MPWMD has jurisdiction over both resources, and because the primary water provider, Cal-Am serves customers in both areas.

Regarding the Seaside aquifer, the comment appears to refer to the need to quantify existing demands in the Seaside aquifer. As noted above, existing demands of both CalAm and non-Cal-Am users have been added to the analysis. The projection of demand is for all new users, regardless of whether they are within the CalAm system or not.

See also the revised water demand/supply analysis in Chapter 4.

O-11g.28 Commenters assert that principles from the *Vineyard* case make the DEIR water supply analysis inadequate. They assert that *Vineyard* holdings apply to the Monterey County General Plan EIR, because the *Vineyard* project was planned at the same generality as the 2007 General Plan, and contained more than twice as many dwelling units. They assert that the DEIR fails to provide a comprehensive quantitative water balance analysis for the Salinas Valley Basin, for which it concludes that water supplies will be sufficient, or for other basins for which it concludes there will be a deficit.

The County agrees that the *Vineyard Area Citizens* case sets forth the general principles for the adequacy of EIR water supply analyses, but disagrees that the *Vineyard* project was "planned at the same level of generality" as the Monterey County General Plan. The projects at issue in *Vineyard* were specific development projects, a specific plan and a community plan in defined project locations, and the Supreme Court's precise holdings apply to that level of *development project* approval. (Compare Government Code Sections 65300 *et seq.* [General Plan] to Government Code Sections 65450 *et seq.* [Specific Plan].) In contrast, a *general plan* sets forth long-term policies for development, and is not project specific; a general plan EIR water supply analysis is necessarily more general than for a specific development project. The level of planning approval, not the amount of growth being approved, determines the specificity of the required CEQA water supply analysis. Please also see Master Response 10, which discusses the level of detail required for an EIR prepared for a General plan.

Although large in comparison to many development projects, the *Vineyard* project contained a much finer level of detail regarding future land uses than does the 2007 General Plan. For example, the 2007 General Plan covers an area in excess of 2,100 square miles under County jurisdiction, while the project in the Vineyard case encompasses about 9.4 square miles. A more analogous situation to the 2007 General Plan is offered by the CALFED Bay-Delta Program that was examined in the California Supreme Court's *In re Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings* (2008) 43 Cal.4th 1143 decision. The CALFED Program was a comprehensive, long-term plan to improve the health and function of the Bay-Delta area. There, the Supreme Court said the following regarding the level of detail necessary in a first tier, program EIR.

> "CEQA does not mandate that a first-tier program EIR identify with certainty particular sources of water for second-tier projects that will be further analyzed before implementation

during later stages of the program. Rather, identification of specific sources is required only at the second-tier stage when specific projects are considered. Similarly, 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."

See Master Response 4, *Water Supply*, for a clarified and updated discussion of water demand and supply by basin that incorporates city demands. The Master Response also re-organizes the demand and supply information and tables to make them easier to understand. See also the response to comment O-11g.24. Table 4.3-9 has been revised and additional tables have been added to the FEIR to clarify the supply and demand numbers.

The comment states that Table 4.3-9 is invalid, relies upon the SVWP EIR, and fails to take into account industrial water usage. Table 4.3-9 is based upon at 181-gallon per capita water usage value from the California Water Plan Update 2005 (the most recent California Water Plan per capita data available at this time), as discussed on DEIR page 4.3-114. As discussed in Master Response 4, Section 4.2.2, 2030 water usage predicted in the SVWP EIR is consistent with the water use predicted in this EIR. Furthermore, the DEIR accounted for industrial uses, as discussed in the notes of Table 4.3-9; "including residential, commercial, industrial, and landscape uses." Industrial uses were included in the 181 per capita data from the 2005 California Water Update. The 2005 California Water Update states "total urban applied water use for the Central Coast region was 295,700 acre-feet, which was 13 percent higher than the total applied water for 1998. Average per capita water use was about 181 gallons per day, which is about 10% higher than the 1998 usage." (see California Water Plan 2005 Update Volume 3 pages 4-13 and 4-14.) Urban use is defined in Table 4-2 as including: "Large Landscape, Commercial, *Industrial*, Energy

Production, Residential – Interior, Residential-Exterior, Evapotranspiration of Applied Water, E&ET and Deep Perc to Salt Sink, Outflow, Conveyance Applied Water, Conveyance Outflow, GW Recharge Applied Water, GW Recharge Evap + Evapotranspiration." While the per capita usage discussion cited above does not explicitly state that it is based upon "urban use," the 181-gallon average is obtained from the cited population of 1,459,200 (California Water Plan Update 2005, page 4-3) and the total Urban Water use of 295.7 Thousand Acre-feet (TAF). (1 AF = 325,851 gallons). Therefore, the 181 gallon per day estimate includes *industrial* uses.

The DEIR also made reasonable assumptions about agricultural water use as described in greater detail in Master Response 4, Section 4.2.1. As noted under CEQA Guidelines Section 15126.2 "[a]n EIR shall identify and focus upon the significant effects of the proposed project. In assessing the impact of a proposed project on the environment, the Lead Agency should normally limit its examination to changes in the existing physical conditions in the affected area as they exist at the time the notice of preparation is published…" (See also CEQA Guidelines Section 15125(a).) The DEIR analyzed impacts associated with growth in the County. Existing conditions such as overdraft, seawater intrusion, groundwater conditions, and water quality are discussed in the DEIR environmental setting in Section 4.3.2.

The comment letter requests additional cumulative information on water usage within the incorporated cities. Additional information on water usage in the incorporated cities is provided in Chapter 4 in Table 4.3-9c. Please see Master Response 4, Sections 4.1.3, 4.1.6, 4.2.1, 4.2.2, 4.3.1, and 4.4.1 for discussion of demand from incorporated cities, and Master Response 1 for discussion of Coastal Resources.

The comment also states that the "County improperly defers the development of criteria for 'long term sustainable water supplies' in Policy PS 3.3…and the County is required to make some determination *now* about the magnitude of 'long term sustainable water supplies' in

various basins." It is unclear from the comment which impact conclusion is being discussed. Impacts WR-4 and WR-5 were determined to be significant and unavoidable. Furthermore, Policy PS 3.3 should not be read in a vacuum, the impact analyses rely upon a combination of policies to help reduce impacts (see DEIR page 4.3- 122 through 4.3-126). Please also see the Master Response 10 discussion of the level of detail of General Plan Policies and mitigation measures. Policy PS 3.3 complies with Government Code and CEQA requirements. See also Master Response 4, section 4.1.1 for a discussion of sustainable water supplies.

O-11g.29 Please see response to comment O-11g.24 for discussion of the *Vineyard* case. The comment also suggests that additional detail is required on the AWCP. Please see Master Response 10 on the level of detail required in the General Plan and this EIR. As discussed therein, this is a programmatic EIR and project specific/parcel specific details are unknown. Furthermore, the DEIR made reasonable assumptions about AWCP as discussed in Tables 4.3-9 and 4.3-11 and DEIR page 4.3-120. This is consistent with CEQA, as discussed under Public Resources Code Section 21080(e). The comment does not describe why these assumptions are unreasonable or what impacts have not been adequately addressed. (See CEQA Guidelines Section 15204(a)) Please also see Master Response 4, Section 4.2.1 which provides clarifications and more detailed information on AWCP water use, and Master Response 3 for discussion agricultural development within the County, including the AWCP.

O-11g.30 The Comment suggests that a SB 610 Water Supply Assessment is required for the General Plan.

Please see Master Response 4 which discusses the applicability of SB 610. The DEIR does not include a formal SB 610 Water Supply assessment 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, 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 Water Supply Assessment; 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…" (SB 610 - 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 with the General Plan area. (Government Code Sec. 65352) The public water system has 45 days to comment. The Monterey County General Plan will comply 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 Section 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 can 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 Water Supply Assessment must be prepared for these activities. This assertion is incorrect. As discussed above, a General Plan is not a "project" subject to SB 610 Water Supply Assessment requirements. There is no authority for 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 Water Supply Assessment will be prepared later when activities not requiring discretionary approvals are implemented. The Legislature intended SB 610 to apply only to discretionary projects subject to CEQA requiring a Negative Declaration or EIR. (Water Code §§10910(a), (b))

O-11g.31 Commenters assert that the *Vineyard Area Citizens* case requires a CEQA water supply analysis not only to identify future water supplies, but also to use its best efforts to disclose all it reasonably can about the impacts of providing those supplies. Commenters assert that the EIR failed to sufficiently disclose the impacts of certain future water

supplies. Commenters also assert that for future water supply projects for which no CEQA review has been completed, the DEIR improperly references future environmental reviews, rather than disclosing the impacts of future water supply projects now.

As mentioned in response to comment 0-11g.24 and 0-11g.28, the County agrees that the *Vineyard case* sets forth the general principles for the adequacy of EIR water supply analyses, but disagrees that the precise holdings of *Vineyard*, which are applicable to development project EIRs, also apply to General Plan EIRs. The *Vineyard* case itself notes that water supplies (and their impacts) must be identified with more specificity at each planning step, as both land use planning and water planning move forward from general to more specific stages. Since the General Plan is the highest, longest-term, least-specific level of land use planning, general plan EIRs need not present project and site-specific analysis of conceptual future water supply projects to serve long-term growth.

Please see response to comment 0-11g.24 and Master Response 4 on water supply for further responses to comments on the adequacy of the DEIR's analysis of the secondary environmental impacts of future water supply projects. In summary, the DEIR does not defer general analysis of the impacts of future water supply projects to serve long-term growth. It does present a general qualitative analysis of the impacts of conceptual future water supply projects to serve long-term growth, based on available information. Project and site-specific CEQA analysis of these projects can only be done, and will be done, when the location and design of each project is defined with greater specificity.

The comment refers to the "Granite Ridge Distribution Facilities" discussed on DEIR page 4.3-136 and requests more detailed information and analysis. Please see Master Response 4, Sections 4.2.6 and 4.6, which discuss the current status of these facilities. Please also see Master Response 10 which discusses the level of detail of analysis required for program EIR.

The Comment refers to the discussion of the Coastal Water Project on, Regional Water Supply Program, the Pajaro-Sunny Mesa Desalination Plant, the PVMA Basin Management Plan, on page 4.3-136 to 4.3-141. Secondary impacts associated with water storage, treatment and conveyance facilities were determined to be significant and unavoidable under Impact WR-5. The level of detail provided under Impact WR-5 is consistent with the requirements of CEQA. (See Master Response 10 on level of detail). Please also see Master Response 4, Sections 4.3.2 and 4.6 for more information on the Coastal Water Project, Master Response 4 Sections 4.3.3 and 4.6 on the Regional Water Supply Program, and Master Response 4 Section 4.4.2 and 4.6 on the Sunny Mesa Desalination Plant and the PVMA Basin Management Plan. The DEIR discussed the analysis from the Coastal Water Project's Proponents Environmental Assessment (PEA) because that was the only document available for the Coastal Water Project at the time the General Plan's DEIR was published [Coastal Water Project DEIR published January 30, 2009]. As discussed in this Master Response, a DEIR and a FEIR have been completed and certified by the CPUC for the Coastal Water Project. (See CEQA Guidelines Section 15358 defining environmental "impacts.") Please see Master Response 10 on the level of detail required for a General Plan's EIR.

For additional discussion of the WMFCC please see the response to comment 0-11g.24. The comment also suggests that Mitigation Measure WR-1 is the same as the WFMCC. As noted on DEIR page 4.3-130, "Mitigation Measure WR-1 puts the County on record as supporting a regional solution (*but not necessarily those currently proposed*)." The regional solution will evolve through the multi-agency discussions that are currently ongoing (see Master Response 4, *Water Supply*).

The Comment states that more information is available about new facilities discussed on page 4.3-140 and 4.3-141 because the DEIR states that "new wells and tanks are being planned in all three areas."

While projects in the County are in the process of being planned parcel specific and project specific information is not currently available for all areas. Please see Master Response 4 for more up to date information on water projects in Monterey County. Please also see Master Response 10 for information on the level of detail required for an EIR prepared for a General Plan.

O-11g.32 Comments assert that the DEIR improperly used a development "ban" as a substitute for an adequate water supply analysis, citing *Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* (2207) 40 Cal.4th 412. They note that the *Vineyard* case states that a "ban" of new development does not substitute for the need to conduct an adequate CEQA water supply analysis meeting *Vineyard* requirements.

However, a major difference exists between the DEIR for the Monterey General Plan and the EIR for the specific plan challenged in the *Vineyard* case. The Monterey General Plan project description includes policies that prohibit discretionary development that does not have proof of sustainable water supply (see Policies NC-1.5 and CV-5.4). The DEIR water supply impact analysis is entitled to assume these policies will be implemented, since it is part of the project description; this policy is an integral part of the DEIR water supply impact analysis. In contrast, the development prohibition in the *Vineyard* EIR was a tack-on mitigation measure that the court found could not substitute for an adequate pre-mitigation water supply analysis. Unlike the *Vineyard* EIR, the General Plan DEIR integrates the development "ban," into the water supply impact analysis. Furthermore, the impact analysis under Impact WR-5 proceeds to fully disclose potential alternative water supplies, and their potential impacts, including Monterey Peninsula and Pajaro Valley. The EIR concludes that Impact WR-5 would be significant and unavoidable at the 2030 horizon year and at buildout.

The comments also note that *Vineyard* suggested that if a mitigation measure prohibiting development without proof of sufficient water supply were hypothetically presented in an EIR as a supplement to the

water supply impact analysis, then the EIR should discuss the environmental impacts of curtailing development before project completion, and mitigation measure for any such significant impacts. However, the projects at issue in Vineyard were specific development projects, a specific plan and a community plan in defined project locations, where it might theoretically have been possible to analyze the impacts of displaced development. In contrast, at the County General Plan level of analysis, it would be highly speculative to: 1) identity the location, timing, and number of dwelling units for developments that would be delayed until proof of adequate water supply; and 2) identify the location, timing, and number of "displaced" dwelling units.

The comments further assert that development displaced from the Monterey Peninsula and Pajaro Valley would be displaced to the Salinas Valley, which has adequate water supply. This assertion is speculative, in that there are many other variables affecting choices for residential development and housing other than water supply. In addition, any displaced development in the Salinas Valley would have to be consistent with applicable General Plan policies; the DEIR has already disclosed the significant environmental impacts, and presented mitigation measures, for the 2030 horizon year and buildout under the General Plan.

The comment also asks why "development on legal lots of record, or any other form of development proposed to be permitted without further discretionary review, should be permitted to occur when it will cause or exacerbate significant impacts." Please see Master Response 4, *Water Supply*, which discusses feasibility of water supply mitigation for legal lots of record.

A number of policies are provided in the General Plan which would apply to lots of record which would reduce the effects of water consumption associated with legal lots of record if a building were constructed. Policy PS-3.4 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, Policy PS-3.6 places a ban on drilling or operating any new wells in known areas of saltwater intrusion. As further discussed in the Master Response, the County has water conservation measures in place (see Monterey County Municipal Code Chapters 18.44 and 18.50). In addition, statutory requirements such as the State's Updated Model Landscape Ordinance and Senate Bill X77 (2009) will further help to reduce water supply usage on legal lots of record. Comment suggests that further discretionary review should be required, but provides no explicit suggestions on what this discretionary review should include. Without more specific information it is not possible to determine the feasibility of this suggestion or whether it would reduce Impact WR-4. Furthermore, it was determined to be infeasible to further restrict development on existing legal lots of record (see Master Response 4 for further details).

O-11g.33 Please see Master Response 4, *Water Supply*, Section 4.2.4 for discussion of seawater intrusion. Please also see response to comment O-11g.24 for discussion of the NOAA Biological Opinion, Master Response 4 Section 4.2.1 for discussion of agricultural water usage, Master Response 4 Section 4.1.3 for discussion of modeling consistency with the SVWP EIR, and Master Response 3 for discussion of agricultural development within the County.

Comment also states "please explain the conclusion that seawater intrusion will be halted in the Castroville area by 2030 when, in fact, seawater intrusion maps …. show that by 2005 intrusion had already advanced *past Castroville*…" The language on page 4.3-116 generally describes the location where seawater intrusion is expected to be halted; in the "*Castroville area.*" This language does not provide a precise location as suggested in the comment. Please see Master

Response 4 Section 4.2.4 for further details. Exhibits 4.3-9 and 4.3-10 have been revised to reflect the latest available data on seawater intrusion and are included in Chapter 4 of this FEIR. Note that this data does not reflect the palliative effect of the SVWP, which is coming into service this year.

The comment also questions the term "effectively halted." The DEIR uses the word "effectively" because, as the DEIR states, seawater intrusion is not measured on a day by-day basis. Instead, effectively halted refers to stopping seawater intrusion when measured over an extended period of time. Please see Master Response 4, Section 4.2.1 for further details.

The comment also questions the DEIR's analysis of water demand in the Salinas Valley. Please see response to comment O-11g.25 and Master Response 4, Section 4.2.1 for more detailed information on agricultural and urban demand in the Salinas Valley.

O-11g.34 The commenter asserts that the policies and mitigation measures identified in the EIR "do not provide substantial evidence that the water supply in the Salinas Valley basin will be adequate to future needs or that over drafting and saltwater intrusion would be avoided in the Salinas Valley" and therefore there is no basis to conclude that the impacts related to the provision of water supply will be less than significant. The commenter further states that the policies "do not represent all feasible mitigation for impacts related to the provision of water supply."

The comments on General Plan policies in this table 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 apparently are based on an unstated 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, *Level of Detail for the General Plan and the General Plan EIR*, a 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 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)

In contrast, the comments in this table 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.

Further, 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. Comments on this table do not use this approach. The DEIR does use this approach.

Lastly, 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 to Comments on Policies

See Master Response 10 regarding the level of detail in a general plan and the general plan's program EIR. The policies in the 2007 General Plan Public Services Element relate to the Plan's emphasis on encouraging focused growth areas, rather than sprawl development. The policies under Goal PS-1 (ENSURE THAT ADEQUATE PUBLIC FACILITIES AND SERVICES (APFS) AND THE INFRASTRUCTURE TO SUPPORT NEW DEVELOPMENT ARE PROVIDED OVER THE LIFE OF THIS PLAN) work in conjunction with other policies, such as PS-3.1 and PS-3.3 (long-term, sustainable water supply for new development), PS-3.4 (criteria for evaluation of new wells), PS-3.6 (wells in areas with seawater intrusion), and PS-3.9 (program to eliminate overdraft of water basins), to ensure that development within focused growth areas minimizes potential impacts on water supply. Consolidating water suppliers under Policy PS-2.3 (connect to existing water service providers where feasible) allows better regulatory oversight of the water systems and the application of the other policies of the 2007 General Plan. Table PS-1 provides a summary of the public services

requirements in rural and urban areas, consistent with all policies of the 2007 General Plan, not simply those listed under Goal PS-1.

With regard to individual lots of record, as discussed under Master Response 7, *New Urban Growth Outside Focused Growth Areas*, development outside of the focused growth areas (whether single-family development on lots of record or through subdivisions reviewed and approved through the Development Evaluation System) is anticipated to account for about 20% of the future residential growth within the County. As discussed in Master Response 4, *Water Supply*, development will be subject to a number of state and local regulations that will reduce their water demand below today's typical levels for similar development. Also, to some extent their impact will be partially offset by operation of Civil Code Section 1101.1, et seq., which establishes a statewide requirement for the replacement of old, non-compliant plumbing fixtures (i.e., showerheads, toilets, sink faucets, etc.) in existing residential and commercial property built and occupied on or before January 1, 1994 with new, water conserving models.

A number of the water supply requirements in the Public Services Element apply to agricultural areas. These include Policies PS-3.4 (criteria for evaluation of new wells), PS-3.5 (pump tests or hydrogeologic studies to be conducted for new high-capacity wells), PS-3.6 (wells in areas with seawater intrusion), and PS-3.9 (program to eliminate overdraft of water basins), PS-3.12 (maximize agricultural water conservation measures), and PS-3.14 (work with the agricultural community to develop new uses for tertiary recycled water and increase the use of tertiary recycled water for irrigation of lands currently being irrigated by groundwater pumping). All of these policies will work to improve the efficiency of water use.

The commenter questions the utility of Policy PS-2.6, which will result in development of a hydrologic resources constraints and hazards database. See the response to Comment O-11g.23 regarding the value

of having this type of information readily available in the County's GIS database.

The commenter frequently raises questions about why particular policies have been included in the 2007 General Plan, or why they are worded in a particular fashion. These questions are properly raised before decision-makers during deliberations over the 2007 General Plan, but to the extent that they do not relate to environmental effects, will not be answered here.

The commenter asks for information regarding highly erosive soils. Erosive soils are illustrated on Exhibit 4.4.5 of the DEIR. The erosive characteristics of soils are generally described in the soil series descriptions available from the Natural Resources Conservation Service. Policy PS-2.7 relates to water supply, in that removing agricultural lands on slopes from production will reduce that increment of overall agricultural water demand.

The commenter asks whether policies, such as PS-2.8, that reference "all projects" apply to all projects or to only those projects that the County has permitting authority over. In general, the policies of the 2007 General Plan relating to development requirements applies to discretionary projects. A general plan is implemented through decisions made under the zoning, subdivision, and other ordinances. Typically, these relate to discretionary permits or approvals. The DEIR has analyzed the impacts of the 2007 General Plan and the effects of its policy based on that assumption. At the same time, to the extent that the General Plan policies result in more stringent conditions placed on ministerial permits (grading permits, for example), they may also apply to ministerial actions.

Policy PS-2.8 is intended to apply primarily to residential, commercial and industrial development and would apply to agricultural activities that require a discretionary permit such as construction of facilities appurtenant to agricultural operations. It would also apply to the

conversion of uncultivated land to agricultural use subject to Policy OS-3.5 (development on slopes). Policies OS-3.3 and OS-3.9 would apply to agricultural activities and would accomplish goals similar to those in PS-2.8 and PS-2.9 for nonagricultural development. Policy AG-5.2 is directed at protecting and enhancing surface water and groundwater resources related to agricultural uses.

Policy PS-2.9 will apply to new projects and maximize the opportunity for recharge of groundwater by restricting coverage of the site by impervious materials. Important groundwater recharge areas are defined in the 2007 General Plan Glossary as "floodplains along major streams and rivers" and will be mapped on the County's GIS database, pursuant to Policy PS-2.6. Restricting impervious coverage results in greater infiltration of runoff and improved groundwater recharge, in comparison to development that does not restrict impervious coverage. Because the conversion of uncultivated land to agricultural use under Policy OS-3.5 will seldom involve construction of impervious surfaces, it is unlikely that Policy PS-2.9 will be applied to those conversions.

The term "long term water supply" used in several Public Service policies, including Policy PS-3.1, is not defined in the 2007 General Plan. However, "long term water supply" is defined in the Glossary. The term is expected be interpreted according to its common meaning. That is, a long-term water supply that can be sustained without depleting or permanent damaging the resource. Policy PS-3.1 will improve the sustainability of basins currently in overdraft by reducing the effects that new projects would otherwise have on those basins. It will be applied to all discretionary development. Policy PS-3.2 recognizes that in some cases, a proposed development site is currently using water and provides an incentive for reduction of usage on a site. by allowing up to 50% of the annual average of that use to be applied to the proposed development. That does not release the proposed development from the requirements of Policy PS-3.1.

Policies PS-3.3 and PS-3.4 will require specific criteria for proof of water supply for residential and commercial subdivisions, and all new wells. Policy PS-3.11 requires assurance of a long-term water supply prior to approval of any subdivision. Criteria under Policies PS-3.3 and PS-3.4 such as production capability, well recovery rates, effects on wells in the vicinity, existing groundwater conditions, cumulative impacts of planned growth, and surety of new water supply projects, when considered with Policy PS-3.7 (determining long term sustainable water supply) all relate to determining whether the development at hand would damage the water resource. PS-3.7 will ensure that individual determinations consider the larger groundwater basin within which the project is located. Policy PS-3.4 will apply to all new wells; including those to serve the first single-family home on existing lots of record, but does not require the finding of a long-term sustainable water supply established by Policy PS-3.1. Policy 3.11 establishes a water supply requirement that goes well beyond the requirements of the state's SB 221 (water supply verification for residential subdivisions of 500 units or more). Policy PS3.15 (guidelines for water supply assessments) will ensure that the County employs a consistent approach to evaluating water supply availability.

Linking Policies PS-3.3 and PS-3.11 to subdivisions allows the criteria to be applied early in the development process, prior to applications for individual building permits (which are ministerial), and at a larger scale than a single lot at a time. While not explicit in PS-3.3, the fact that Policy PS-3.1 applies the proof-of-water-supply requirement to all new development (except for the first single-family home on existing lots of record) means that these criteria will also be applied to new commercial development on existing lots.

Policies PS-3.5 and PS-3.6 will require further tests of new high-capacity wells and restrict new wells in areas of seawater intrusion. These apply to agricultural as well as other land uses. They will improve water supply by limiting the potential for interference with

existing wells (particularly the supplies of existing well users) and by limiting new wells that would exacerbate seawater intrusion. The latter effect will result from minimizing the ability of seawater to further infiltrate those areas already affected. Moving such wells inland would not obstruct the objective of halting seawater intrusion because there would be no net increase in pumping beyond the levels anticipated by the SVIGSM by doing so.

Policy 3.9 (capital implementation and financing for overdraft elimination) essentially commits the County to ongoing and future efforts to solve the overdraft problem. While this will undoubtedly have some effect on reducing the problem, the EIR does not rely solely on this policy to conclude that impacts will be less than significant in the Salinas groundwater basin. Similarly, the policy is not relied upon to find that overdraft can be solved in either the Pajaro or Carmel River basins (where the DEIR finds the impact significant and unavoidable).

A number of policies, including PS-4.4 (reclaimed wastewater), PS-4.7 (criteria for wastewater treatment facilities), and PS-4.8 (criteria for septic systems) are identified in the DEIR as promoting the recharge of groundwater. Of these, only PS 4.4 will directly promote recharge.

Responses to Comments on Mitigation Measures

Mitigation Measure WR-1 (Regional Solution for the Monterey Peninsula) commits the County to working cooperatively with other agencies to improve the existing water supply situation. See Master Response 4 relating to water supply and Master Response 10 relating to the level of detail in a general plan and its program EIR. Contrary to the commenter's assertion, the DEIR did not find the water supply impacts on the Monterey Peninsula to be less than significant. That is clarified in Master Response 4. See also Master Response 7, *New Urban Development Outside Focused Growth Areas*, regarding new development outside of focused growth areas for a discussion of

development on existing lots of record. Note that the proposed language of related Policy PS-3.16 (participation in regional water planning) has been revised to improve its effectiveness.

The commenter suggests that the County disallow development of existing lots of record or bar other water consuming development over which the County has discretion. The United States Constitution bars the "taking" of private property through land use regulations without just compensation, with certain exceptions (*Lucas v. South Carolina Coastal Council* (1992) 112 S. Ct. 2886). The County has chosen not to bar development outright in order to avoid the potential for regulatory takings and the litigation that may result. The DEIR's conclusions take into account the potential effects of development on the existing lots of record. See Master Response 4 which discussed existing lots of record relevant to the Carmel River alluvial aquifer and the Seaside aquifer.

Mitigation Measure WR-2 (Additional Supplies to the Salinas Valley) commits the County to working cooperatively with other agencies to ensure a long-term water supply for the Salinas Valley. The proposed language of the related Policies PS-3.17 (planning for expansion of the SVWP) and PS-3.18 (5-year inter-agency planning for water supplies) have been revised to improve their effectiveness. The SVWP will provide adequate water through at least 2030; this mitigation measure is to ensure that planning for additional water supply necessary to support development beyond 2030 is undertaken well before demand reaches that point. Revised PS-3.18 includes 5-year interim planning to ensure that if the actual pace of development exceeds current projections of extraction levels, then water supply planning will be accelerated.

Proposed sub-policies PS-3.3i and PS-3.4g are pursuant to Biological Mitigation Measure BIO-2.3, which, as shown on page 4.9-87, is proposed for impacts up to 2030 and after 2030 to address potential impacts to biological resources. In Section 4.3, this mitigation was only

mentioned for buildout, but should have been mentioned for the period before 2030 as well. This has been corrected in the FEIR Chapter 4.

Contrary to the comment's assertions, the DEIR does address the current and potential effects of reducing instream flows in its general assessment of the impact of new development and water supply development in Section 4.3, Water Supply. The effect of current withdrawals in the Carmel Valley alluvial aquifer on biological resources are described on pages 4.3-14, 4.3-46, 4.3-47 and 4.3-75. Potential future water diversion potential effects on the Salinas, Pajaro, and Carmel River on steelhead and other aquatic species is described on page 4 on steelhead and other aquatic species is described on page 4.3-131 and 4.3-132. The impact of water supply development on biological resources in general is described as potentially significant and unavoidable on page 4.3-145. Groundwater overdraft potential impacts on steelhead and other biological resources is described on page 4.3-147. In Section 4.9, Biological Resources, the potential for water diversion to affect special-status fish species is noted on page 4.9-66 and wetlands and waters are noted as being affected by water diversions on page 4.9-80. As described in Master Response 4, the impact analysis in the EIR has been clarified to clearly note in the significance conclusions the potential for water supply development to affect instream flows.

The effects addressed by Impact WR-2 are from development projects, not the water supply projects, such as the SVWP and Coastal Water Projects. The water supply projects' effects have been analyzed in the CEQA documents prepared for those projects.

Responses to Comments on Specific Area Plan Policies

NORTH COUNTY AREA PLAN

The North County Area Plan encompasses the northern inland area of the county from south of Prunedale to the Santa Cruz County line (see

DEIR Exhibit 3.4). This includes areas that are underlain by alluvium, as well as areas underlain by granitic rock such as portions of the Granite Ridge and Highlands South groundwater subareas identified in DEIR Exhibit 4.3.7. Policy NC-5.1 serves to maximize groundwater recharge in those inland portions of the North County that underlain by alluvium. This includes the area along the Pajaro River. In areas underlain by granitic rock, Policy NC-5.1 will have much less benefit for groundwater recharge, due to the complex nature of the underlying formations, but it will minimize the potential for erosion and polluted runoff and thereby promote water quality.

Proposed Policy NC-5.2 gives North County water supply projects a high priority. As discussed in Master Response 4, Section 4.2.6, efforts along this line are already underway. 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. In addition, the County is currently in the planning stage for the Granite Ridge Water Supply Project that will supply potable water to substantial portions of the Granite Ridge and Highlands South areas.

GREATER SALINAS AREA PLAN

Policy GS-1.1 addresses the previously approved Butterfly Village Land Use Plan. No change is being made to existing plans, rather this policy is describing in general terms the allowable development under that plan. This will include a potable water system. This project is included in the water supply and demand calculations utilized in the EIR analysis (See Table 4.3-9).

Policy GS-1.8 sets out general policies for the future preparation of a comprehensive development plan for land near the town of Spreckels. See Master Response 10 regarding the level of detail required of a general plan and the program EIR for that general plan. Among its

general policies is a prohibition on deterioration of groundwater. This is intended to ensure future water supplies will be available.

Policy GS-5.1 provides protections for portions of Gabilan Creek, including protection from urban encroachment and maintenance of natural riparian vegetation. These will protect water quality and, along with the provision for allowing natural flood capacity, maintain its capacity for natural groundwater recharge. This helps maintain groundwater levels within the Salinas Valley.

CENTRAL SALINAS AREA PLAN

Policy CSV-1.1 sets out general policies to guide the future development of Paraiso Hot Springs. This includes provisions for water quality and quantity to serve future development. There is no proposed development project at this time. Therefore, this is a broad policy, consistent with the level of detail required of a general plan to provide for future water availability. See Master Response 10 regarding the level of detail required of a program EIR for a general plan.

Policy CSV-1.2 provides that recreation and visitor-serving land uses will be required to obtain a use permit and that the related development plan must address a variety of issues including water quantity. There is no proposed development project at this time. See Master Response 10 regarding the level of detail required of a program EIR for a general plan.

Policy CSV-5.1 requires development to maintain groundwater recharge capabilities. This will maintain existing levels of recharge, even as future development increases the amount of impermeable area. This prevents a deterioration of recharge capability over time, which would otherwise reduce the amount of surface water infiltrating into and replenishing groundwater.

Policy CSV-5.2 establishes water supply-related limits for recreational and visitor-serving commercial uses. It requires, among other things,

the preservation and protection of groundwater recharge areas, safe long-term groundwater yields, and maintenance of floodways for groundwater recharge. These broad development standards will ensure that development does not occur without an adequate supply of water and that it does not decrease existing levels of recharge capability. This policy will be implemented in conjunction with the policies of the 2007 General Plan. To the extent that a development project cannot demonstrate compliance with the long-term water supply requirements of the 2007 General Plan and CSV-5.2, these policies would prohibit approval of that project. This policy applies to "uses," so it will apply to both discretionary and ministerial projects within the Central Salinas Valley Area Plan, including projects within the AWCP. See Master Response 10 regarding the level of detail required of a program EIR for a general plan.

Policy CSV-5.3 sets out policies relating to future development of the Spence/Potter Road area for agriculture-related industry. This includes provisions for managing runoff from the site. Runoff can carry a variety of water quality contaminants. Managing runoff from future agriculture-related industrial uses will protect surface water quality, and thereby minimize the potential to eventually contaminate groundwater. See Master Response 10 regarding the level of detail required of a program EIR for a general plan.

CARMEL VALLEY MASTER PLAN

CV-5.1 requires pumping of water from the Carmel River to be managed consistent with the Carmel River Management Program. This is a program administered by the Monterey Peninsula Water Management District (MPWMD) under its Rules 120 through 130. (Monterey Peninsula Water Management District 2010a) According to the MPWMD, "[t]he Mitigation Program focuses on potential impacts related to fisheries, riparian vegetation and wildlife, and the Carmel River Lagoon and includes special status species and aesthetics. Activities required to avoid or substantially reduce negative impacts to

the environment include irrigation and erosion control programs, fishery enhancement programs, establishing flow releases from the existing dams to protect the fish and riparian habitat; monitoring water quality, reducing municipal water demand, and regulating activities within the riparian corridor." (Monterey Peninsula Water Management District 2010b) Policy CV-5.1 is intended to ensure that development approved by the County is consistent with the efforts of the MPWMD.

CV-5.2 is a statement of intent on the part of the County to support water projects in the Carmel Valley. See Master Response 10 regarding the level of detail required of a program EIR for a general plan.

CV-5.3 requires development to incorporate water reclamation, conservation, and new source production into its design. See Master Response 10 regarding the level of detail required of a program EIR for a general plan.

CV-5.4 commits the County to establishing regulations in the Carmel Valley to limit development to vacant lots of record and already approved projects, absent additional sources of water supply. The policy provides that reclaimed water may be considered an additional source. See Master Response 10 regarding the level of detail required of a program EIR for a general plan. See the earlier discussion related to "takings" in response to the commenter's request for an explanation of why the County does not prevent development on lots of record.

The commenter asks why the County does not seek adjudication of the Carmel Valley aquifer in order to ensure that development of lots of record does not cause significant effects. See discussion of this issue in Master Response 4, which clarifies the substantial restrictions on new wells within the Carmel Valley alluvial aquifer by MPWMD due to the concern about the effect on instream flows and biological resources. Also as discussed in Master Response 4 are permit processing requirements in Carmel Valley that essentially require all new

development to obtain discretionary permits and thus allow for project review of all development for impacts related to water supply including that on legal lots. With the MPWMD procedures and the County's procedures the potential effects of new development on legal lots can be managed. Adjudication of the groundwater basin would be a major undertaking that is outside the scope of the proposed 2007 General Plan.

CV-5.5 establishes guidance for assessing whether new development may pose a threat of contamination to the aquifer and require proper siting and design for avoidance. This ensures that existing groundwater supplies will not be impinged by contamination from new development. See Master Response 10 regarding the level of detail required of a program EIR for a general plan.

CV-5.6 requires the control of runoff. Runoff can carry a variety of water quality contaminants. Managing runoff from future agriculture-related industrial uses will protect surface water quality, and thereby minimize the potential to eventually contaminate groundwater.

CACHAGUA PLAN

CACH-3.5 requires the mitigation of impacts to watersheds, as well as the control of on-site and off-site drainage from mining and other resource production activities. As discussed above, runoff can carry contaminants that will eventually enter groundwater. Minimizing such contamination protects existing groundwater supplies.

CACH-5.1 is a policy stating the County's opposition to exportation of groundwater pumped in Cachagua to points outside the Planning Area. This is intended to protect local groundwater supplies. See Master Response 10 regarding the level of detail required of a program EIR for a general plan.

SOUTH COUNTY AREA PLAN

SC-5.1 provides that new development will not be allowed to diminish groundwater recharge capacity in the area, where resources have been identified. This will maintain existing levels of recharge, even as future development increases the amount of impermeable area. This prevents a deterioration of recharge capability over time, which would otherwise reduce the amount of surface water infiltrating into and replenishing groundwater. This policy would be implemented in conjunction with 2007 General Plan Policy PS-2.8 (maintain or increase the site's pre-development absorption of rainfall and recharge groundwater where appropriate).

In response to the commenter's concern over the applicability of this policy to the conversion of previously uncultivated land on slopes, Policy SC-5.1 is not intended to apply to the conversion of uncultivated land to agriculture. However, as discussed in Master Response 3, Policy OS-3.5 requires discretionary permits for conversion of uncultivated land on steep slopes. SC-5.3 restricts new development from the channels and floodways of the Nacimiento, San Antonio, and Salinas Rivers. This policy prevents a deterioration of recharge capability over time, which would otherwise reduce the amount of surface water infiltrating into and replenishing groundwater.

FORT ORD MASTER PLAN

Hydrology and Water Quality A-1 requires new development to demonstrate that all measures will be taken to minimize runoff and maximize infiltration in groundwater recharge areas. This is similar to Policy PS-2.8 (maintain or increase the site's predevelopment absorption of rainfall and recharge groundwater where appropriate) and is expected to have much the same effect on resource protection. There is no prohibition against the County adopting similar policies at differing levels of detail, provided that the policies are internally consistent, as here. Government Code Section 65301 provides that the "degree of specificity and level of detail of the discussion of each element shall reflect local conditions and circumstances." Section

65303 further provides that "[t]he general plan may include any other elements or address any other subjects which, in the judgment of the legislative body, relate to the physical development of the county or city."

Hydrology and Water Quality A-2 addresses the need to maintain flows in creeks downstream from the development sites. See the response under Hydrology and Water Quality A-1.

Hydrology and Water Quality B-1 this is a general policy expressing the County's support for providing a water supply to the Fort Ord area sufficient to meet the needs of the base reuse plan. As discussed in Master Response 4 the County is working with other agencies to develop water supplies for this area.

Hydrology and Water Quality B-2 requires new development to verify the availability of "an assured long-term water supply." This is similar in intent and effect to 2007 General Plan Policies PS-3.1 through PS-3.7, and will be implemented consistently with those policies.

Hydrology and Water Quality C-1 states that the County will comply with mandated water quality programs and will establish local programs as needed. This is a general commitment to implement programs established by the RWQCB and other regulators. The policy is expected to improve water quality by ensuring local cooperation in the implementation of water quality standards. Regulatory programs at the state, regional, and local level are discussed beginning on page 4.3-53 of the DEIR. For an additional discussion, refer to Master Response 9 regarding water quality.

Hydrology and Water Quality C-3 commits the County and the MCWRA to mitigation of seawater intrusion. This is a general policy to guide the implementation of more specific actions. The County is already investigating and implementing solutions. Examples of work underway in this regard include the SVWP and CSIP. Work in progress includes discussions on the Regional Alternative identified in the Cal-Am FEIR.

See Master Response 4 on water supply for more detailed discussions of work in progress.

Program C-3.5 states that the County will ensure that water well installation meet state and local standards. This is not directly tied to water supply availability, but is intended to ensure that new wells meet water quality and delivery standards.

Program C-3.6 similarly states that the County will uphold state standards for water distribution and storage facilities. This is not directly tied to water availability, but is intended to ensure that water that is available will be stored and delivered in a healthy manner.

O-11g.35 The comment asserts that the cumulative analysis of water supply is inadequate because the DEIR lacks quantified water use and supply by basin, including incorporated cities and other users. The comment asks for clarification by providing a water balance use and to explain the County's cumulatively considerable contribution to cumulative water supply impacts. The comment also asserts that feasible mitigation should be provided for impacts to the Salinas river basin including restrictions on agricultural conversions, mandatory conservation measures, and limitations on all forms of development without proof of adequate long-term sustainable water supply.

Please see Master Response 4 which presents a quantified assessment of water use and supply by basin, including incorporated cities and other users.

Regarding the cumulatively considerable contributions to 2030, as explained in the DEIR and in Master Response 4, the following are the specific conclusions regarding cumulative impacts in light of the quantified assessment: (1) Salinas Valley groundwater basin: less than significant cumulative water supply, groundwater overdraft and seawater intrusions as the SVWP will adequately balance supply and demand in the basin such that water is available for new development in both cities and the County and agriculture to roughly 2030 and that

further groundwater overdraft and seawater intrusion will be halted; (2) Monterey Peninsula: as explained in Master Response 4, the 2007 GP policies will control development (per Policy's PS-3.1, 3.3, and 3.4) such that new water demands will not result in significant unavoidable impacts to water supplies, groundwater overdraft, or seawater intrusion (3) Pajaro River groundwater basin: development allowed by the 2007 General Plan will contribute considerably to significant and unavoidable impacts to water supply, groundwater overdraft, and seawater intrusion given the existing overdraft and seawater intrusion conditions and the lack of feasible supplies to address current and future basin demands.

Regarding the cumulatively considerable contributions to 2092, as explained in the DEIR and in Master Response 4, the following are the specific conclusions regarding cumulative impacts in light of the quantified assessment: (1) Salinas Valley groundwater basin: less than significant impact with mitigation WR-2 such that cumulative water supply, groundwater overdraft and seawater intrusions as it is feasible to expand the SVWP to continue to balance supply and demand in the basin such that further groundwater overdraft and seawater intrusion can be halted; (2) Monterey Peninsula: as explained in Master Response 4, cumulative impacts beyond 2030 are considered significant and unavoidable due to lack of adequate long-term planning for cumulative water demands far in the future; and (3) Pajaro River groundwater basin: development allowed by the 2007 General Plan will contribute considerably to significant and unavoidable impacts to water supply, groundwater overdraft, and seawater intrusion given the existing overdraft and seawater intrusion conditions and the lack of feasible supplies to address long-term future basin demands.

O-11g.36 The commenter requests that the DEIR clarify the relationship between the five analysis scenarios discussed on Pages 4.6-19-20, the six scenarios identified in Table 4.6-10, and the scenarios used in the

air quality analysis. Section 4.6.3.1 (Methodology) identifies and describes five analysis scenarios:

- Existing Conditions (Year 2008)
- Existing plus Project (Development to the year 2030)
- 2030 Cumulative Conditions (Cumulative and project development to the year 2030)
- Existing plus Project (Buildout of the General Plan in 2092)
- Buildout Cumulative Conditions (Cumulative and project development to the year 2092)

These five scenarios represent the spectrum of analyses typically prepared for CEQA traffic impact analyses: establishment of the environmental setting; an existing plus project scenario to the year 2030 to isolate "project-specific" impacts; a cumulative scenario (to the year 2030) as an interim year scenario; and a scenario evaluating buildout of the project. The last scenario, buildout of the 2007 General Plan, was itself evaluated under two scenarios: 1) existing plus buildout which isolates "project-specific" impacts through buildout, and 2) cumulative plus buildout which represent cumulative impacts associated with buildout of the project. These represent a total of five analysis scenarios. Other than alternatives, CEQA does not require additional analysis scenarios.

Table 4.6-10 describes the land use and circulation assumptions used in each of the five scenarios described above. The sixth scenario in Table 4.6-10 represents the No Project scenario (based on the adopted 2004 AMBAG population and employment projections to the year 2030), one of the required alternatives pursuant to CEQA. This sixth scenario was not included at the level of detail as the other scenarios, and was addressed in the Alternatives section of the DEIR as required by CEQA.

For a discussion of the relationship between the above scenarios and those used in the Air Quality section of the DEIR please refer to the response to O-11g.63 below.

The comment appears to confuse the level of impact analysis (TRAN-1A-B, 2A-B, etc.) with the land use and network scenarios. For each land use/network scenario identified in Table 4.6-10 (except the No Project scenario), the DEIR traffic analysis analyzes impacts for "development-specific" ("A" series impacts), and impacts to County and regional roads ("B" series impacts). For each traffic series (A and B) the assumptions identified in Table 4.6-10 are the same.

However, development-specific or "A" series impacts only relate to development impacts caused by the need of development to provide on-site improvements and gain access to the public roadway system. The analysis of "A" series impacts is therefore an assessment of policy and the DEIR traffic analysis does not provide a LOS analysis. The "B" series evaluates development impacts on County and regional roadways beyond "development specific" access needs and the DEIR includes a comprehensive LOS analysis. Refer to the response to comment O-11g.41 for further clarification of "A" and "B" series impacts.

O-11g.37 The comment states that the DEIR does not evaluate the impacts of the project under a network assumption that contains only the planned County roadway improvements. At the time the DEIR was prepared the TAMC Regional Development Impact Fee program was adopted (August 2008), therefore it was reasonable to assume the TAMC projects in combination with the proposed County planned improvement projects. Further, the existing plus project and the cumulative plus project to the year 2030 were both analyzed under the 2008 network providing a conservative worst-case analysis to identify impacts. Finally, under all scenarios the impacts on County and regional roadways were determined to be significant and unavoidable. Therefore, a scenario with the project and only County proposed

improvements would not present any additional substantial information, or new impacts, in the DEIR.

O-11g.38 The comment states that there is ambiguity in the definitions of the terms “cumulative” and “project-specific” and requests clarification.

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 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”.

Traffic Tier 1 relates to development-specific impacts, Traffic Tier 2 to impacts to the County roadway system, and Traffic Tier 3 to impacts to the regional roadway system or major roadways within incorporated cities. Each level of impact is described below.

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 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.

Impacts to the public roadway system, other than those related to gain access to the development, are considered Traffic Tier 2 and 3 impacts.

O-11g.39-O-11g.41 Comments 39 through 41 refer to numerous aspects of the DEIR's impact analysis, but can be summarized to be concerned with the finding of less than significant for Traffic Tier 1 impacts ("A" series), and whether Traffic Tier 2 and 3 impacts can be mitigated concurrent with development, or at all. Each of these concerns is addressed in the following responses. The commenter may wish to refer to Master Response 6, *Traffic Mitigation* which includes proposed modification to circulation element policies relevant to the discussion.

Determination of Development Impacts. CEQA sets forth a process for determining development impacts. This process may include a Traffic Impact Study (TIS). The scoping of the TIS establishes the facilities to be studied and the distance of these facilities from the proposed development. The County generally utilizes Caltrans' Guide for the Preparation of Traffic Impact Studies (2002) to determine when a TIS is required and the extent of the study. Consistent with the policies of the General Plan, new development is expected to implement the feasible mitigation measures for significant impacts.

The finding of less than significance in the General Plan DEIR for Impact 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 clarification of Traffic Tier 1 impacts in response to comment 38). The specific geographic areas that fall under the localized Traffic Tier 1 TIS analysis area cannot be identified in the General Plan DEIR, as they represent development proposals that are as of yet unknown. The analysis of Traffic Tier 1 impacts in the General Plan DEIR reflects an evaluation of County policy, not specific development proposals.

County and Regional Roadway Impacts (Traffic Tiers 2 and 3). Impacts in Traffic Tiers 2 and 3 are impacts to the County and regional roadways, or major roadways within incorporated cities. County roads include 175 segments representing all major county roadways. Regional roads include 103 segments representing all state highways in Monterey County and major roads in cities. These facilities form the primary countywide circulation network providing intra and inter-county connectivity. These facilities may be within or outside of the project study area evaluated a TIS analysis depending on where the development is located. A TIS may study a segment of the Countywide or regional roadway network but would typically not study the entire network. The General Plan DEIR traffic analysis studied the cumulative impacts on the Countywide and regional network.

Direct (also referred to as project-specific, but not development-specific Traffic Tier 1) and cumulative project impacts on the County or regional network (Tier 2 and 3 impacts) are mitigated through a combination of area specific Capital Improvement and Financial Plan (CIFP), the CIFP supporting the Monterey Countywide Traffic Impact Fee Program, the TAMC Regional Development Impact Fee Program, and direct off-site impact mitigation required of new development. Currently, the countywide traffic impact fee program includes mitigation of the cumulative impact of ten County facilities through the year 2030. Additional mitigation projects projected to operate below County LOS standards will replace the current County projects as they are implemented. Currently, the TAMC Regional Development Impact Fee mitigates cumulative impacts to seventeen regional facilities through the year 2030. However, as stated in the DEIR, despite development mitigation of project direct impacts, county network impacts (through CFIP and countywide traffic impact fee), and regional impacts (through regional traffic impact fee) there will remain a funding shortfall for the implementation of the financially constrained capital facilities in the Regional Transportation Plan. Even with the county and regional impact fees, which fund a limited number of

transportation facilities, traffic impacts to County and regional roadways within and outside project-specific study areas will remain significant and unavoidable.

Clarification of significance criteria. The DEIR, on Page 4.6-29, identifies the criteria used to determine significant impacts on level of service. The DEIR significance criteria are further clarified below.

The 2007 General Plan would have a significant effect on the street and highway system if the land use development allowed under the General Plan would:

1. Cause an increase in traffic, which would cause a State Highway or County roadway to fall below the County's adopted minimum standard of LOS D (or minimum acceptable LOS standard as established in a Community or Area Plan), or add any traffic to a County roadway or State Highway that operates below LOS D (or minimum acceptable LOS standard as established in a Community or Area Plan) without the project and the project increases the measure of performance.
   The above statement means that a significant impact occurs if the development allowed under the General Plan causes a facility's level of service to change from a LOS D or better to a LOS E or F. It also means that a significant impact occurs if the development allowed under the General Plan causes a facility already operating at a LOS E or F without the development causes a measurable increase in the performance measure (in the case of the General Plan the performance measure is the volume to capacity (V/C) ratio but in a project-level TIS the performance measure may be intersection delay, percent time spent following, or other performance measures as specified in the Highway Capacity Manual (HCM)). The above stated significance criteria is consistent with accepted traffic engineering practices for the evaluation of project-specific impacts on Traffic Tier 2 and 3.

2. The exception to this criterion is Policy C-1.1 in the General Plan Update which allows a lower LOS standard as:
   a. established in the community planning process,
   b. facilities operating below LOS D at the time the 2007 General Plan is adopted if the project does not further degrade the measure of performance, and
   c. established in area plans.

Item b in the above statement means that an exception can be made to the level of service policy for facilities operating at LOS E or F without the development allowed under the General Plan as long as the development allowed under the General plan does not cause a measurable increase in the performance measure (in the case of the General Plan the performance measure is the V/C ratio, but in a project-level TIS the performance measure may be intersection delay, percent time spent following, or other performance measures as specified in the HCM).

Clarification of General Plan policies. In revising several of the policies in the Circulation element, the County reversed the order of Policies C-1.3 and C-1.4. The description below relates to the revised numbering and language that can be found in Master Response 6 (and Chapter 5). Policy C-1.3 states that development projects that cause a County roadway (Traffic Tier 2 impacts) to degrade below a LOS D (or the minimum acceptable LOS standard as established in a Community or Area Plan) shall not be allowed to proceed without a phasing program where development is concurrent with improvements that maintain the minimum acceptable LOS for all affected County roads, or pay a fair-share payment towards those mitigations.

For clarification, Policy C-1.3 has been revised and can be found in Chapter 5.

As revised, Policy C-1.4 requires that new development mitigate its off-site impacts concurrently with development of the project. Where new

development impacts a County road that is operating below LOS D without the project and is a high priority road, Policy C-1.4 refers to Policy C-1.3.

Policies C-1.3 and C-1.4, as revised, can be found in Chapter 5 of this FEIR.

Mitigation of cumulative (Traffic Tier 2) impacts. Pursuant to Policy C-1.4, a development project may mitigate a Traffic Tier 2 cumulative impact by either constructing the mitigation concurrent to development, or paying its fair-share contribution to the improvement which may include an impact fee. The Countywide Traffic Impact Fee will contain a list of low and high priority capital improvement projects. Priorities are established using roadway and intersection performance measures consistent with the HCM. The current impact fee being collected is intended to fund the high priority capital improvement projects. As high priority capital improvement projects are completed, low priority capital improvement projects are moved into the high priority list and the fee is recalculated. Because mitigation of cumulative impacts may not occur concurrent with development, the DEIR identifies Traffic Tier 2 impacts as significant and unavoidable.

Mitigation of cumulative (Traffic Tier 3) impacts. Pursuant to Policy C-1.4 and Policy C-1.11, a development project may mitigate a Traffic Tier 3 cumulative impact by paying a regional impact fee. The regional impact fee funds capital improvements as determined by TAMC. Because mitigation of cumulative impacts may not occur concurrent with development, the DEIR identifies Traffic Tier 3 impacts as significant and unavoidable.

The commenter states that no other policies will ensure that cumulative impacts are mitigated before development occurs. The commenter's reference to "A" scenarios is irrelevant to Policies C-1.1 and C-1.2 since the Traffic Tier 1 impacts discussed in the "A" scenarios

of the DEIR traffic analysis are required to be mitigated concurrent with development.

Policy C-1.1 establishes a LOS standard. It allows for exceptions to the Countywide LOS D standard, but is not intended to mitigate impacts by lowering the LOS standard. Mitigation of impacts is addressed in Policies C-1.3, 1.4, 1.8, and 1.11. Exceptions to Policy C-1.1 do not state that the LOS can be lowered because LOS D cannot be met. Exceptions can be adopted only through area plans developed for Community Planning areas through a public planning process. The process describes the benefits of lowering LOS standards. The sufficiency of the benefits to justify a different minimum LOS as a matter of policy is properly left to the discretion of the legislative body.

Policy C-1.2 states that mitigation of cumulative Traffic Tier 2 and 3 impacts would be through CIFP's, including a CIFP that supports the Countywide Traffic Impact Fee. By their nature, CIFP's are long term funding mechanisms that correct deficiencies over time as development pays its fair-share towards mitigation measures. Further, improving existing deficiencies that cannot be mitigated by new development will require a long-term funding mechanism. Therefore, LOS deficiencies will exist until mitigation measures can be fully funded and implemented. As such, Traffic Tier 2 and 3 impacts were found to be significant and unavoidable in the DEIR.

The comment states that APFS policies do not mitigate cumulative transportation facilities.

The APFS policies are generally applicable policies which are designed to be implemented and read in conjunction with specifically applicable policies, for example transportation policies. The comment appears to be directed at traffic related issues. With respect to traffic mitigation through APFS policies, please refer to transportation related policies including PS-1.1, as revised, which may be found in Master Response 6. Revised Policy C-1.8 clarifies that the County Traffic Impact Fee

Program shall be completed within 18 months of adoption of the General Plan. Under Policy PS-1.1, the CIFP for other fee programs shall be completed within 18 months of adoption the TIF.

The comment states that "A" scenarios in the DEIR do not mitigate cumulative impacts. The reference of 2007 General Plan Policies C-1.3, 1.4, C-2.1, 2.2, and 2.7, C-3.5, 4.3, 4.5, and 4.9, and LU-1.4 and 1.7 in the "A" scenario impact discussion are included only as they relate to the mitigation of Traffic Tier 1 impacts concurrent with development as discussed above.

A CIFP is being developed to support the Countywide Traffic Impact Fee. This CIFP will address projected deficiencies not already being addressed in either the Carmel Valley Traffic Improvement Program or the Fort Ord Traffic Improvement Program. Another CFIP will be developed for the AWCP. Other CIFPs may be developed in the future. Revised Policy C-1.2 clarifies that it is the CIFP supporting the Countywide Traffic Impact Fee Program that is required to be completed within 18 months. The commenter is correct that a CEQA analysis would be required before the County commits to a specific set of improvements. Rural Center CIFPs, if any, are not required to be completed within 18 months (see statement above).

The commenter contends that the CIFP process will constitute a de facto development moratorium because of the administrative burden of preparing numerous CIFPs within 18 months. As discussed above only the Countywide Traffic CIFP is required to be prepared within 18 months. Development may proceed subject to all of the other General Plan policies and adopted mitigation measures. Note also that pursuant to Policy C-1.8, "until the 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".

Commenter states that existing LOS deficiencies must be corrected. Existing LOS deficiencies cannot be corrected based upon new

development only; other funding sources would be necessary. Development may proceed subject to all of the other General Plan policies and adopted mitigation measures.

With respect to facilities operating below LOS D, Policies C-1.2, 1.3, and 1.4 have been revised to clarify when development may proceed under these circumstances. Policy C1.4 has been revised to clarify that the applicable minimum LOS is either LOS D or as adopted in an Area Plan pursuant to Policy C-1.1(c). The commenter's reference to "A" scenarios is irrelevant to Policy C-1.1 since the Traffic Tier 1 impacts discussed in the "A" scenarios of the DEIR are required to be mitigated concurrent with development.

Exceptions to Policy C-1.1 do not state that the LOS can be lowered because LOS D cannot be met. Exceptions can be adopted only through area plans developed for Community Planning areas through a public planning process. The process describes the benefits of lowering LOS standards. The sufficiency of the benefits to justify a different minimum LOS as a matter of policy is properly left to the discretion of the legislative body. The term Land Use Plan has been eliminated from the policy language.

To clarify the exceptions in Policy C-1.3, the term "first single-family dwelling" has been changed to "lot of record". The balances of the exceptions are clear.

The commenter states that funding is not identified or likely to be available for CIFPs.

The commenter criticizes the County's reliance on fee-based mitigation to address Traffic Tier 2 and 3 impacts. Please see Master Response 10 (at section 10.6) for a discussion of fee-based mitigation. Here, the County proposes fee-based programs, to the extent feasible, but acknowledges such mitigation is insufficient, in part because of funding challenges, and therefore concludes that impacts for Traffic Tiers 2 and 3 are significant and unavoidable.

The commenter states that even if the proposed County program were fully funded, it would not mitigate all of the impacts identified under the DEIR's "B" scenarios, much less the impacts of the "A" scenarios. The County acknowledges that "B" scenarios are not fully funded and therefore concludes in the DEIR that, in part because of funding challenges, these impacts are significant and unavoidable. The commenter's reference to "A" scenarios is irrelevant since the Traffic Tier 1 impacts discussed in the "A" scenarios of the DEIR are required to be mitigated concurrent with development.

O-11g.42 The commenter states that the DEIR lacks a full analysis and specific proposed mitigations of impacts to Carmel Valley Master Plan and the AWCP. The ADT V/C ratio methodology used for Monterey County (with the exception of facilities studied in the CVTIP) is appropriate for broad programmatic and policy-level assessment of traffic impacts and is useful for identifying potential traffic impacts on a landscape basis. Carmel Valley Road is evaluated differently the General Plan DEIR for consistency with the policies, standards, and methods established in the project-level analysis in the separate Carmel Valley Transportation Improvement Program (CVTIP).

The AWCP analysis methodology was prepared both consistent with the method used for the remainder of the County and an additional analysis was prepared to reflect the unique nature of expected tourist traffic on weekends which is the highest impact period for this type of corridor (as explained in Section 4.6.4 of the DEIR). The remainder of the County was evaluated on a typical weekday which represents the highest impact period. Please refer to Master Response 5, *Carmel Valley Traffic Issues* for additional discussion of the traffic analysis for the Carmel Valley Master Plan.

O-11g.43 The commenter states that the first-tier analysis (Traffic Tier 1 or "A" scenario) does not fulfill CEQA requirements. Development-specific impacts (Traffic Tier 1) 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.

O-11g.44 Traffic Tier 1 impacts discussed in the "A" scenarios of the DEIR are required to be mitigated concurrent with development. The DEIR provides a detailed quantitative analysis of cumulative impacts for the year 2030 and buildout of the 2007 General Plan in the "B" and "C" scenarios, provides feasible mitigation measures, and concludes that "B" and "C" scenarios cannot be fully mitigated so the impacts remain significant and unavoidable.

O-11g.45 The commenter states that the DEIR's significance criteria were not applied to "A" scenario impacts. As described above, Traffic Tier 1 impacts are development-specific on-site and localized requirements for access to development projects (see response to comment above) and are required to be mitigated concurrent with development. Because these impacts are development-specific, only the policy related to mitigating Traffic Tier 1 impacts is evaluated in the DEIR. Traffic Tier 1 impacts are determined at the project-level environmental assessment of development projects.

The commenter states that the DEIR and the General Plan fail to state the significance criteria that will be used to evaluate future projects and in devising future CIFPs to attain acceptable LOS. The transportation policies have been modified to clarify the LOS

standards that are required to evaluate CIFP projects. At the project-level of analysis, the County requires the use of the methods established in the HCM which varies depending on the type of facility being studied.

O-11g.46 These comments relate to the alleged incompleteness and inconsistency of General Plan policies. They are comments on the General Plan, not the General Plan DEIR or environmental issues related to the CEQA process. Therefore, 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.

O-11g.47 The comment states that selection of external roadways for analysis in the DEIR is unclear because of a disjunctive sentence. The word "either" was a typographical error and has been deleted from the subject sentence on page 4.6-10. Please see Chapter 4 of this FEIR.

O-11g.48 The comment states that the DEIR fails to provide a significance conclusion for the AWCP under the Existing plus Project scenario and that there will be unacceptable LOS on two roadway segments.

The AWCP section of the DEIR's traffic analysis provides an additional analysis of the AWCP focusing on weekend travel forecasts, as a unique time period for this tourist attracting corridor. (DEIR, Section 4.6.4) The previous sections of the DEIR's traffic analysis analyze the wine corridor roadway segments during the weekday period and disclose impacts for each of the scenarios evaluated.

For the AWCP corridor section of the DEIR's traffic analysis, Existing plus Project to the Year 2030 and 2030 Cumulative plus Project were discussed in a single impact section impact labeled TRAN-5A. The difference between the two scenarios is that the 2030 Cumulative Plus Project scenario contains a County improvement project (widening of County Road G-17 from Las Palmas Road to Las Palmas Parkway from two to four lanes as identified in Table 4.6-13) and that the Existing

plus Project to the Year 2030 scenario does not. This segment of County Road G-17 improves from a weekday and weekend LOS F under Existing plus Project to the Year 2030 to LOS D under 2030 Cumulative plus Project conditions with implementation of the above referenced project.

The impact to County Road G-17 under weekday Existing plus Project to the Year 2030 conditions is disclosed in Table 4.6-14 on page 4.6-34 of the DEIR, and therefore, the significance of this impact has been identified in the DEIR. The improvement to County Road G-17 was identified as mitigation in Policy C-1.8 and listed as a capital improvement to be funded by the proposed Countywide Traffic Impact Fee, which, in combination with project-specific mitigation for individual developments, ensures that the significance conclusion for Impact TRAN-5A is less than significant for the Existing plus Project to the Year 2030 scenario and the 2030 Cumulative Plus Project scenario.

O-11g.49 The comment states that because many of the AWCP projects will not require CEQA review, project-specific mitigation will not be required, and therefore the proposed mitigation is not adequate. Although project-specific CEQA may not be required, development proposals are not exempt from preparing a Traffic Impact Analysis (TIA).

The preparation of a TIA for new development will be required by the County regardless of the level of CEQA analysis required. Project-specific (Traffic Tier 1) mitigation measures identified in a TIA will be required to be implemented concurrently with development. If a TIA identifies a Traffic Tier 2 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 apply. In addition, the County is enforcing the payment of the TAMC Regional Development Impact Fee. The commenter is referred to Master Response 6, *Traffic Mitigation*, which includes the language that would apply in C-1.12.

O-11g.50 The comment states that the proposed improvements to County roadways to be funded by the Countywide Traffic Impact Fee are inconsistently identified. The comment specifically refers to the widening of Espinosa Road in Table 4.6-13 on page 4.6-26, which is not included on Table C-2 of the DEIR's errata/addendum. This was an error in the preparation of Table C-2 in the errata. Note that Figure C-2 in the errata does show a consistent list of improvements with Table 4.6-13 in the DEIR. This is a non-prejudicial error in the 2007 General Plan; the road was properly identified in the DEIR and analyzed accordingly.

O-11g.51 The commenter states that the DEIR must be revised to acknowledge that the inability for all areas of the County to cost-effectively support public transportation constitutes a conflict with policies supporting transit. The comment erroneously assumes that General Plan policies regarding alternative transportation are internally inconsistent because the plan would only concentrate development in Community Areas, Rural Centers, and Affordable Housing Opportunity overlays. As stated in the discussion following Impacts TRAN-1F, TRAN-2F, and TRAN-4F, alternative transportation policies are supported by other General Plan policies for a variety of reasons. For example, concentrating development to support alternative transportation within a community, acquisition of right-of-way for bike lanes, creation of park and ride facilities, and support for MST's rideshare programs and strategic goals. Because every geographic area of the County cannot be cost-effectively served by public transportation does not constitute a conflict of policies. Rural and sparsely populated areas can be served by demand responsive transit, carpool/vanpool, walking, bicycling and a number of other alternative mode programs.

O-11g.52 The commenter states that the DEIR fails to address the safety issues related to conflicts between agricultural vehicles and visitors to wine tasting facilities. General Plan policies address the safety of movement of people and goods, including agricultural goods. The DEIR address

safety of the AWCP in the Countywide assessment of roadway hazards in Impact TRAN-2D, 3D, and 4D. The General Plan provides for policies to prevent or reduce these impacts by requiring roads to be designed to safety standards. These policies require new development to design facilities to County standards. They also provide for road safety programs (signing, marking, and improved sight distance) to improve overall safety. See Policies C-2.3, C-4.2, C-4.8 – C-4.11for examples of specific policies.

O-11g.53 The commenter states that new development will increase safety hazards due to continued degradation of roadways. The impact of new development on the maintenance of existing facilities are addressed in the same manner as traffic impacts on level of service through Policies C-1.1 through C-1.4, and C-1.9.

O-11g.54 The comment states that the analysis indicates that some road segments show improvements in the performance measure which is generally inconsistent with population increases. The comment specifically cites that 11 roadway segments in Table 4.6-14 that operate better in 2030 with project traffic than under existing conditions. An examination of Table 4.6-14 demonstrates that the segments that show improvement show a slight improvement in the V/C ratio (which is carried to the third decimal place), but do not show an improvement in LOS. 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 traffic 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). The improvements cited in the comment were reviewed, were considered minor, and do not alter the DEIR's findings or conclusions.

O-11g.55 There are no actual projections of truck traffic to buildout in the year 2092, but using employment growth as a proxy for growth in business that generates the need for freight movement, truck traffic would grow about 20% between 2030 and buildout. Therefore, truck traffic would increase from 18,600 truck trips per day in 2030 to 22,200 at buildout. This is consistent with AMBAG's approach for estimating truck traffic.

O-11g.56 The AWCP County roadway corridor is 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. Employment growth in the corridor is a combination of agricultural, industrial and processing, and retail/service consistent with the types of uses expected to grow with implementation of the AWCP. 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 are derived from the 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 at this time, 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 discussed in Section 4.6.4 of the DEIR, Highway 29 in Napa County was selected as a similar agricultural and tourist-oriented corridor. 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.

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.

O-11g.57 Commenter states that his client objects to the County's refusal to provide the AMBAG model. The comment refers to the proprietary model developed by the Association of Monterey Bay Area Governments for forecasting population data. It is not within the purview of the County to provide other agencies' proprietary models.

We recommend that the commenter contact AMBAG to request a license for use of the model.

Commenter states that his client objects to the County's refusal to provide the AMBAG model. The comment refers to the proprietary model developed by the Association of Monterey Bay Area Governments for forecasting population data. It is not within the purview of the County to provide other agencies' proprietary models. We recommend that the commenter contact AMBAG to request a license for use of the model.

The commenter notes that the DEIR references Appendix A as containing air quality methodology and model inputs, when the Appendix actually contains a copy of the Notice of Preparation. The air quality methodology and model inputs were provided to the commenter in October 2008 in response to their comment letter O-11c above. The air quality modeling information is now included in the Technical Supporting Data attached to this FEIR.

The commenter states that if 369,679 is the increase in VMT, this implies that the 36,166 new residents will average only 10 VMT per year. The 369,679 VMT number represents the *daily* change in VMT from the 2000 base year scenario to the "Existing Plus Project" scenario increase in VMT, assuming no changes in today's roadway network. This approach allows for isolating vehicle trips associated with project development over a 30-year timeframe. Thus, the estimated *annual* increase between 2000 and 2030 attributed solely to growth in the unincorporated County would actually be 3.7 million VMT. The per-capita VMT for new residences cannot be isolated from the model which generates VMT from the entire population for the scenario. From the traffic modeling and based on the population (actual data for 2000 and projection for 2030), the VMT/capita in the 2000 scenario is approximately 20.3 miles/capita/day compared to the VMT/capita in Existing Plus Project (2030) scenario approximately 19.5 miles/capita/day, and thus does not change substantially. Table 4.7-3

has been updated to identify that the VMT are daily amounts (see Chapter 4 of this FEIR for corrections to the table).

In addition, the commenter states that the analysis of air quality and the Table 4.7-6 contains significant errors. This comment does not substantiate what the alleged errors are (other than the VMT issue discussed above). See responses to comment O11g-59 wherein the commenter's issues with Table 4.7-6 are identified and are responded to.

The commenter also asked for clarification between the traffic analysis scenarios and those in the air quality section. The scenarios correspond as follows

- "2000" scenario in Section 4.7 does not correspond to any study scenario in Section 4.6. This was analysis of the 2000 VMT at 2000 emission rates.
- "2000 with project" scenario in Section 4.7 corresponds to the "Existing plus Project Buildout" scenario in Table 4.6-10.
- "2030 with project" scenario in Section 4.7 corresponds to the "Existing plus Project (2030) scenario in Table 4.6-10.
- "2030 Cumulative" scenario in Section 4.7 corresponds to the "Cumulative 2030 scenario" in Table 4.6-10
- "Cumulative 2092 Buildout" scenario in Section 4.7 corresponds to the "Cumulative Buildout" scenario in Table 4.6-10.

The sixth scenario in Table 4.6-10 is a 2030 scenario using the existing land use designations and AMBAG projections (and thus is not a project scenario). In order to clarify the different scenarios illustrated there, Tables 4.7-5 and 4.7-6 have been revised to describe the scenarios better.

Commenter asserts that the County has not provided the underlying assumptions for its air quality and traffic analyses. Commenter requested and the County provided all the data, reference material, and information required to understand the assumption used for

analysis in the DEIR. The documents included: source data for the traffic analysis, traffic analysis, records describing the methodology and model inputs for the criteria pollutant emissions calculations, the output from the model runs used to calculate criteria pollutants, and Regional Impact Fee Nexus Study. The following model runs were also provided: Year 2000 AMBAG Baseline Model Land Use by TAZ (Transportation Analysis Zone); Existing + Buildout of Project to year 2030 Model Land Use by TAZ; Existing + Buildout of Project Model Land Use by TAZ; Cumulative Development to Year 2030 Model Land Use; Cumulative Buildout (Incorporated and Unincorporated).

The EMFAC (Emission Factors) 2007 criteria pollutant model runs provided commenter include: Particulate Matter (PM) 2.5, PM 10, Reactive Organic Gases, Carbon Monoxide (CO), Oxides of Nitrogen, Carbon Monoxide, Sulfur Dioxide, Gasoline, and Diesel. Commenter was also provided Air Quality Technical Information on how the CO modeling, which involves an assessment of the transport, dispersion, and chemical transformation that affect pollutant emissions after their release from a source, was completed. The Technical Information also included modeling procedures for: roadway and traffic conditions; vehicle emission rates, receptor locations, meteorological conditions, and background concentrations and eight-hour values.

The commenter is critical of the results of the EMFAC 2007 model. The EMFAC model is state-of-the-art and is the accepted standard for determining criteria pollutant emissions. The California Air Resources Board (CARB) developed the EMFAC model to calculate emission rates from all motor vehicles, such as passenger cars to heavy-duty trucks, operating on highways, freeways and local roads in California. In the EMFAC model, the emission rates are multiplied with vehicle activity data provided by the regional transportation agencies to calculate the statewide or regional emission inventories. (See, *EMFAC2007: Calculating emissions inventories for vehicles in California*, http://www.arb.ca.gov/msei/onroad/downloads/docs/user_guide_emfa

c2007.pdf.) The commenter does not provide an alternative to the use of EMFAC 2007.

O-11g.58 The comment states that "the Project is inconsistent with the 2008 Air Quality Management Plan." This statement is based on the mistaken belief that the DEIR and the Air Plan were based on different population assumptions. 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 its Table 1-1, that forecast was not used in the AQMP's analysis. (Nunes 2010)

O-11g.59 The commenter asserts that the DEIR makes conflicting claims regarding whether mobile source emissions will increase. The analysis shows that while vehicle miles traveled will increase over time, "*vehicular emission rates*" will lessen. This is due to improvements in engine technology and the phasing out of older, higher-emitting vehicles. As shown in Table 4.7-6, all criteria pollutants (ROG, NO_x, CO, $PM_{2.5}$, and PM_{10}) will decrease under the implementation of the 2007 General Plan when taking into account the technological and fleet changes. To clarify this, the statement regarding emissions on page 4.7-22 has been revised, as has the discussion under Significance Determination on page 4.7-26 (see Chapter 4 of this FEIR).

Incorrect references to the tables in the Chapter will be revised and this should eliminate any confusion. The two table references in the last paragraph on page 4.7-26 should be to Table 4.7-6, "Differences in Criteria Pollutant Emissions from Mobile Sources (pounds per day)". The reference to the table on the first full paragraph on page 4.7-29 should be to Table 4.7-7, "VOC Emissions for Typical Single Full-Scale and Single Artisan Wineries." These changes are found in Chapter 4 of this FEIR.

The commenter states that the "Project could result in a decrease in emissions only if VMT were actually reduced", but provides no

evidence to support this claim. The results in the DEIR were based on the EMFAC modeling. According to *EMFAC2007: Calculating emissions inventories for vehicles in California*," vehicle population is determined through an analysis of DMV data. These data are used in developing vehicle age matrices for base years 2000 to 2005 for vehicle class, fuel type, geographic area, and vehicle ages 1 to 45 years. These matrices contain actual population estimates, which are used to back-cast from 2000 and forecast from 2005 vehicle populations for calendar years 1970 to 2040. VMT represents the total distance traveled on a weekday. Local planning agencies have developed regional transportation models, which output regional VMT for certain planning years. In the EMFAC2007 model, VMT is calculated based on vehicle population and vehicle accrual. Vehicle accrual is the total number of miles a vehicle accumulates in a year, and varies by vehicle age." EMFAC is a standard professional source used by CARB and Air Districts throughout California (including MBUAPCD).

The improvements in vehicle technology and the changing fleet composition are reasonably foreseeable and thus it is appropriate to take them into account when assessing the future impacts of the 2007 General Plan on air quality emissions.

O-11g.60 The commenter requests that construction emissions be quantified in the DEIR. Quantifying construction emissions would require in-depth, project-specific construction information, such as a detailed construction schedule, types and numbers of construction equipment to be used, horsepower ratings for the various pieces of equipment, number of hours each piece will be used, etc. In order to quantify construction emissions for the 2007 Monterey General Plan, information of this kind would be needed for every construction project that will occur under the General Plan. Because this information is neither available, nor reasonably foreseeable, this level of analysis is not possible at this time. Future projects that are

implemented under the General Plan will be evaluated on a project-by-project basis, and will be addressed quantitatively as appropriate.

The commenter asserts that the mitigation identified for construction-generated PM10 is unrelated to construction or will weaken air quality protections. Mitigation Measure AQ3 identifies measures to be added to 2007 General Plan Policy OS-10.10 for the purpose of reducing mobile emissions of criteria pollutants and VOCs. It is not related to PM10 reduction, so the last sentence on page 4.7-20 has been revised to omit the reference to Mitigation Measure AQ-3. This change has also been made on page 4.7-21. Mitigation Measures AQ-1 and AQ-2 require the County to reduce PM10 emissions from construction activity, and would not weaken air quality protections in any way. Although not related to PM10 reduction, Mitigation Measure AQ-3 is based on the requirements of the MBUAPCD's "CEQA Air Quality Guidelines" and therefore would not in any way weaken air quality protections.

The commenter states that: "The DEIR also claims that the winery corridor air quality impacts will be mitigated by air quality policies included in three Area Plans – after stating that these Area Plans do not contain air quality policies." The significance conclusion for Impact AQ-2 is not based on area plan policies, but on Mitigation Measures AQ-1 and AQ-2. These measures, which revise policies in the 2007 General Plan, will reduce construction impacts along with the various Area Plan goals. While not all of the Area Plans have specific policies relating to construction-related emissions, those that do are described on page 4.7-19 of the DEIR.

The commenter asserts that the DEIR fails to consider construction emissions of ROG and NO_X. As stated on page 4.7-20 of the DEIR, MBUAPCD CEQA Air Quality Guidelines state that regional impacts from ozone precursor emissions from equipment exhaust are accounted for in the regional emissions budget. The MBUAPCD has thresholds for construction emissions of NO_x and PM10 for non-typical

construction equipment. There are no thresholds for construction-related ozone precursor emissions for typical construction equipment such as tractors, dozers, graders, etc. These emissions have been accommodated in State and federally required air plans as noted on page 4.7- 13 of the DEIR.

O-11g.61 Commenter states that the diesel particulate matter health risks are not adequately evaluated or mitigated. See the response to comment O-11g.73.

O-11g.62 The commenter summarizes the issues raised in the Thomas Reid & Associates letter (Comments 75 to 87). All of these issues are responded in the responses to Comments 75 through 87 and are not repeated here.

O-11g.63 The commenter asserts that the DEIR's description of the scenarios used for analysis of air quality impacts are confusing in description and name, and are not based on the proposed General Plan.

In order to clarify the basis for each scenario, Table 4.7-3, Table 4.7-5, and Table 4.7-6 have each been revised to clearly indicate the base assumptions used for each scenario as follows:

- The "2000" Scenario was used in the DEIR because the AMBAG traffic model was only available for the year 2000 and thus VMT could only be projected for the model for 2000. This scenario is not the same as the "Existing (2008)" Scenario in Section 4.6 which is based on traffic counts. This scenario is retained to allow comparison to the "2000 with project" scenario.
- A new "2008" Scenario has been added to the FEIR to disclose the estimated mobile source emissions in 2008 based on projecting from the 2000 VMT data from Kimley Horn using population data (see revised Tables 4.7-5 and 4.7-6). The 2008 scenario includes two variants: one with all county growth from 2000 to 2008 (2008B), and one with only unincorporated county growth from 2000 to 2008 (2008A). This scenario is not the same as the "Existing (2008)"

Scenario in Section 4.6, which is based on traffic counts whereas this scenario is based on population projection and inflating 2000 VMT to 2008. The addition of this scenario does not change the conclusion that overall criteria pollutant emissions will decrease by 2030 with the 2007 General Plan and taking into account reasonably foreseeable changes in vehicle technology and fleet mix.

- The "2000 With Project" Scenario consists of the full buildout of the 2007 General Plan utilizing the current (2008) road network without any corresponding cumulative growth in the cities in the County. Tables 4.7-3, 4.7-5, and 4.7-6 in the DEIR used a "2000" scenario because the AMBAG traffic model was only available for the year 2000. This is the same scenario as the "Existing Plus Project" Scenario in Section 4.6. This scenario has not been changed as it still discloses the project impact increment by comparison to the "2000" scenario
- The "2030 With Project" Scenario consists of growth allowed by the 2007 General Plan up to 2030 utilizing the current (2008) road network. This is the same scenario as the "Existing Plus Project (2030)" Scenario in Section 4.6. This scenario can be compared with the 2000 scenario and the 2008 scenario variant that only includes unincorporated County growth (this scenario does not include city growth after 2000).
- The "2030 Cumulative" Scenario consists of growth allowed by the 2007 General Plan up to 2030 utilizing the future (2008 modified with proposed TAMC and County projects) road network and including cumulative growth in the cities in the County. This is the same scenario as the "Cumulative 2030" Scenario in Section 4.6.
- The "Cumulative Buildout" Scenario consists of the full buildout of the 2007 General Plan (estimated by 2092) utilizing the future (2008 modified with proposed TAMC and County projects) road network and includes cumulative growth in the cities in the County (up to 2030 which is the extent of AMBAG forecasts for these cities). This

is the same scenario as the "Cumulative Buildout" Scenario in Section 4.6.

As to the comment about the future scenarios being based on AMBAG forecasts and not including the land use from the General Plan, this is incorrect. The AMBAG 2004 forecast was used to estimate the total amount of growth by 2030, but the location of the growth was determined by using the 2007 General Plan. Table 4.6-10 in the DEIR has been modified to correct the reference to the AMBAG land use appropriately to note that the 2007 General Plan was used to assign development to different TAZs and that the AMBAG forecast was only used to estimate the total amount of growth for 2030 and for land uses outside the unincorporated County areas.

O-11g.64 The commenter asserts that the DEIR did not fully disclose the impacts on air quality because the commenter asserts that the scenarios used were not based on the 2007 General Plan, but rather on 2004 AMBAG land use data and that the DEIR should not take into account the reduction in emissions from changes in vehicle technology and fleet changes.

Table 4.6-10 in the DEIR incorrectly stated that the "Existing Plus Buildout" and Existing Plus Project (2030) scenarios used land use from AMBAG solely. For the "Existing Plus Buildout" scenario from Section 4.6 (which was referenced as "2000 with Project" scenario in Section 4.7), the traffic analysis used the 2000 AMBAG land use for the areas outside the unincorporated County and the 2007 General Plan for the unincorporated areas. For the "Existing Plus Project (2030) scenario from Section 4.6 ("2030 with project in Section 4.7), the 2004 AMBAG land use projections were used to identify the number of housing units likely in the unincorporated areas in 2030, and the 2007 General Plan was then used to forecast the location of those housing units per Tables 3-8 and 3-9 in the project description in the unincorporated areas. The 2004 AMBAG land use projection were used to identify growth in the cities to 2030. This has been explained

more clearly in Chapter 4 of this FEIR, as discussed in the response to comment O-11g.63.

The improvements in vehicle technology and the changing fleet composition are reasonably foreseeable and thus it is appropriate to take them into account when assessing the future impacts of the 2007 General Plan on air quality emissions.

The language in Impact AQ-3 and its significance conclusion and determination have been clarified to clarify that, with reasonably foreseeable vehicle technology changes and fleet changes, the net amount of emissions from mobile sources would decrease compared to baseline conditions for all criteria pollutants other than Pm10, and the PM10 increase would be less than the MBUAPCD daily threshold.

O-11g.65 The commenter asserts that the DEIR has inconsistent quantifications and assumptions regarding existing conditions and growth.

Table 3-8 in Section 3 shows the increase in units from 2006 to 2030 with the 2007 General Plan. Table 4.6-11 in Section 4.6, shows the increase in units from 2000 to 2030. This is why Table 4.6-11 shows a higher number than Table 3-8. Table 4.6-11 used the 2000 to 2030 period because the base year for the AMBAG traffic model is 2000.

Regarding the comment that the DEIR should have used a 2008 scenario for assessment of VMT and emissions estimates in Section 4.6 instead of a 2000, a 2000 estimate was used as the AMBAG traffic model was not updated to 2008 at the time of the DEIR (as of this writing, there still is no 2008 AMBAG model). However, in response to this comment, a 2008 VMT estimate was prepared for 2008 for the FEIR. The analysis of air quality has been updated in Chapter 4 of this FEIR to reflect the updated VMT estimate and to update the 2008 estimate of criteria pollutant emissions. The provision of this data does not change the conclusion of the DEIR that, when taking into account reasonably foreseeable changes in vehicle technology and fleet changes, emissions in 2030 will be less than at present for all

criteria pollutants except PM10 and the increases in PM10 emissions will be less than the MBUAPCD daily threshold, including the emissions resultant from development allowed by the 2007 General Plan.

O-11g.66 See the response to comment O-11g.57. The scenarios used for the analysis of traffic are identified in Table 4.6-10, which has been revised to clearly indicate the base assumptions used for each scenario as follows:

- The "Existing (2008)" Scenario was based on existing roadway volumes.
- The "Existing Plus Project" Scenario consists of the full buildout of the 2007 General Plan utilizing the current (2008) road network without any corresponding cumulative growth in the cities in the County. Table 4.6-10 has been updated to indicate that growth after 2000 is derived from assigning growth allowed by the 2007 General Plan to the base model.
- The "Existing Plus Project (2030)" Scenario consists of growth allowed by the 2007 General Plan up to 2030 utilizing the current (2008) road network. Table 4.6-10 has been updated to indicate that growth in the unincorporated County after 2000 is derived from assigning growth allowed by the 2007 General Plan to the AMBAG 2000 base model.
- The "2030 Cumulative" Scenario consists of growth allowed by the 2007 General Plan up to 2030 utilizing the future (2008 modified with proposed TAMC and County projects) road network and including cumulative growth in the cities in the County. Table 4.6-10 has been updated to indicate that growth in the unincorporated County after 2000 is derived from assigning growth allowed by the 2007 General Plan to the base model and that AMBAG forecasts for 2030 were used for the incorporated cities.
- The "Cumulative Buildout" Scenario consists of the full buildout of the 2007 General Plan (estimated by 2092) utilizing the future (2008 modified with proposed TAMC and County projects) road network

and includes cumulative growth in the cities in the County (up to 2030 which is the extent of the 2004 AMBAG forecasts for these cities). Table 4.6-10 has been updated to indicate that growth in the unincorporated County after 2000 is derived from assigning growth allowed by the 2007 General Plan to the base model and that AMBAG forecasts for 2030 were used for the incorporated cities.

- The "Cumulative 2030 Prior Land Use" Scenario consists of the AMBAG 2030 projections utilizing the future (2008 modified with proposed TAMC and County projects) road network and includes cumulative growth in the cities in the County (up to 2030 which is the extent of the 2004 AMBAG forecasts for these cities).

O-11g.67 See the response to comment O-11g.58

O-11g.68 See the response to comment O-11g.59.

O-11g.69 The commenter asserts that the DEIR does not specifically disclose where growth in employment and housing is expected to occur and that this is necessary to determine air quality emissions. The comment also states that by not disclosing the TAZ-level assumptions, the County does not have sufficient baseline data to determine that future project's traffic are consistent with the DEIR's assessment of traffic impacts. Based on this, the commenter asserts that the DEIR cannot find that project-specific environmental review is not necessary.

The commenter has quoted the reference on page 3-9 out of context. The actual text reads:

> "Where projects are found to be consistent with the development density established by the 2007 General Plan and within the scope of the EIR certified for that Plan, additional environmental review will not be necessary unless there are significant effects peculiar to the project, including offsite and cumulative effects, that were not analyzed as significant effects in a previous EIR. (14 Cal. Code Reg. §15183(a)–(d)) An additional requirement for this exemption is that all previously identified

> feasible mitigation for previously identified significant effects must be implemented or required by the agencies with authority to impose the identified mitigation. Where there are new or more severe impacts peculiar to the project, the impacts must be considered potentially significant and a separate mitigated negative declaration or EIR will be prepared."

Thus, the DEIR does not conclude that subsequent environmental review is not necessary, but rather that only those future projects that are fully consistent with the assumptions and analysis in the 2007 General Plan EIR and satisfy all other requirements of CEQA may not require subsequent environmental review.

Regarding identification of the location of growth, Tables 3-8 and 3-9 indicate the estimated locations of growth within the focused growth and general planning areas. Based on these estimates, the traffic analysis placed growth within the corresponding TAZs. As noted in response to comment O.11g-57, the TAZ data was provided to Landwatch, per its request.

Please see response to comment O.11g-66 regarding scenario assumptions.

O-11g.70 Please see the response to comment O-11g-57 which addresses this comment.

O-11g.71 Please see the response to Comment O-11g.60 which addresses the bulk of this comment.

Regarding the comment that Mitigation Measure AQ-1 does not add anything more than what is already required under Policy OS-10.9, the comment is correct. Mitigation Measure AQ-1 was intended to apply to Policy OS-10.6 instead (to make it consistent with OS-10.9) and this has been corrected in the FEIR. The original Policy OS-10.5 concerning mixed use is proposed to be retained un-amended.

Regarding the comment on mitigation measure AQ-2, the proposed change to Policy OS10.6 is only an addition of language and thus the original Policy 10.6 supporting MBUAPCD's control strategies is not changed.

Regarding the comment on mitigation measure, AQ-3, the comment is correct, this was a typo, and reference to AQ-3 under the construction analysis has been deleted.

O-11g.72 Commenter r asserts that the conclusion related to AQ-4, health risk exposure to diesel particulate matter is not supported by quantitative analysis. The qualitative discussion provided in the DEIR is appropriate. California Health and Safety Code Section 44300, et seq. specifies the types of facilities that require the quantitative air toxic health risk assessments. A General Plan update does not fall into any of the categories provided. Further, the DEIR is a programmatic document, not an analysis of the impacts of a specific development project. See Master Response 10 for a full discussion of Program EIRs and the level of detail required.

Commenter states that the DEIR should have done a quantitative analysis on a "worst case scenario." The DEIR does not include project specific construction information that may fall under the Health and Safety Code requirements. However, any project built in the County subject to the Section 44300, et seq. will be required by the Monterey Bay Air Pollution Control District's Rule 1003 to perform a quantitative risk assessment.

Commenter also alleges that the DEIR dismisses the localized risk because of the recommended 70-year exposure period and the short-term nature of the types of projects discussed in the DEIR. Health Risk Assessments (HRAs) require in-depth construction information, such as where construction will be located, a detailed construction schedule, locations of receptors in relation to actual construction, etc. In order to conduct a HRA for the 2007 Monterey General Plan update,

information of this kind would be needed for every construction project that will occur under the General Plan. Because this information is not available, this level of analysis is not possible at this time. Future projects that are implemented under the General Plan will be evaluated on a project-by project basis, and will be addressed quantitatively as appropriate. As stated above, the County does not have information related to any proposed project that theoretically meets the thresholds provided in the Health and Safety Code section 44300 et seq. If, in the future, projects meet that threshold will be subject to the MBUAPCD's rule 1003 and will be required to perform a quantitative risk assessment.

O-11g.73 Commenter asserts that the DEIR fails to provide a quantitative analysis of potential health risks from regional impacts. See the response to comment O-11g.72.

Commenter asserts that mitigation measure AQ-6 should not be limited to county contracts; it should apply to any public or private project. It is the role and responsibility of the MBUAPCD to impose air quality mitigation measures for private projects. The MBUAPCD's CEQA Air Quality Guidelines (available at: http://www.mbuapcd.org/mbuapcd/pdf/mbuapcd/pdf/CEQA_full.pdf) sets thresholds for construction and operational source emissions impacts. These thresholds apply to public and private projects. If emissions exceed these thresholds, mitigation measures must be applied to reduce them. Section 8 of these Guidelines provides a list of applicable measures.

Commenter requests that Mitigation Measure AQ-6 be modified to require an 85 percent reduction in exhaust particles, not 50 percent. These reductions refer to construction vehicle fleets. Requiring an 85 percent reduction is not feasible because it is cost prohibitive. The California Air Resources Board (ARB) provides a list of diesel emission control strategies on their website (ARB 2010). To achieve an 85% reduction, over 50 diesel emission control strategies would need to be

applied to each piece of construction equipment for every project under the 2007 General Plan. The County does not have the funding or the expertise to undertake this level of regulation outside of its usual responsibilities.

Commenter asserts that even with commenter's suggestions, the health risk from diesel particulate matter is not eliminated and remains potentially significant. Commenter provides no evidence to support this assertion.

Commenter recommends that Mitigation Measure AQ-7, prohibiting location of schools, hospitals, and facilities for the elderly to be located within 500 feet from high volume roadways, be expanded to include residential uses. Including Residential uses may conflict with the County's approved Housing Element, which is not being considered with the General Plan update, and may impact the implementation of the Regional Housing Needs Allocation. Under Housing Element Law, the County must provide opportunities for the construction of its fair share of the regional housing need. (Government Code Section 65583) Restricting development along high-volume roadways (including roadways that may become high volume by 2030 and beyond), will restrict the ability of the County to provide housing opportunities in those Community Areas, Rural Centers, and AHOs that adjoin the roads. These could include the Castroville Community Area, Monterey Airport/Hwy. 68 AHO, and Hwy. 68/Reservation Road AHO.

O-11g-74 This comment summarizes the issues raised in comments 75 through 87 which are responded to below and are not repeated here.

O-11g.75 The commenter asserts that the policies and mitigation measures cited or included in the DEIR are improperly deferred, unenforceable, or subject to exemptions that render them ineffective in reducing and avoiding potential erosion and sedimentation impacts.

The comments on General Plan policies in the table included in this comment 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 apparently are based on an unstated 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, *Level of Detail for General Plan and the General Plan EIR*, a 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 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)

In contrast, the comments in this table 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.

Further, 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. Comments on this table do not use this approach. The DEIR does use this approach.

Lastly, the County appreciates the commenter's requests for clarification of the wording or meaning of selected policies. The Board of Supervisors will consider these comments in deliberations on adoption of the final General Plan. Responses are provided to individual comments on the policies focused on their value in protecting biological resources and in contributing to reduction of significant impacts on biological resources. However, as most of the comments in the table in this comment 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).

Regarding comments on mitigation measures for special-status species, please see the response to Comment O-11g.76.

Resource-Specific Responses to Comments on General Plan Policies

See Master Response 10 regarding the level of detail required of General Plan policies. These policies are intended to guide decision-

making on future development projects. As discussed previously, the policies are parts of a larger scheme – encompassing goals, policies, and regulations – that together work to minimize potential environmental impacts when applied to site-specific development projects.

LAND USE POLICIES

Regarding comments on Land Use Policies (LU-1.1 through LU-1.9), the comment asserts that the policies will have impacts different than that disclosed in the DEIR on biological resources and are inadequate to mitigation impacts to biological resources adequately.

The comment claims that focusing growth in the community areas, rural, centers, and affordable housing overlays will create incentives for scattered sprawl development on legal lots and rural subdivisions because they will require plans and infrastructure before development occurs. This comment is absurd on its face as it seems to assert that promotion of advanced planning will absolutely result in sprawl. The contrary is true – lack of intentional planning results in greater sprawl by creating no incentives for focused growth and result in far greater dispersal of growth and more extensive infrastructure footprints – all of which would result in greater impacts to biological resources.

The comment asserts that DEIR does not describe the extent and location of rural development. The land use designations in rural areas are shown in Figures 3-4 through 3-12. The habitats found throughout the County are disclosed in Figure 4.9-1 and in rural centers in Figure 4.9-2, 4.9-3, and 4.9-4. The DEIR includes development in all of the rural centers and area plans in the habitat impact estimates in Table 4.9-7. Predicting the exact location within parcels of development throughout the County cannot be done without speculation as project-level plans are not available for all the rural land in the County where development is possible. The DEIR does describe where past habitat conversions have occurred in rural areas due to both urban

development and farmland expansion which gives an idea of what development in rural areas has looked like (and will likely replicate to some extent in the future) and these conversions are shown on Figures 4.9-6 through 4.9-9.

The comment asserts that Policy LU-1.19 is in conflict with Policy LU-1.1 because the comment asserts there are no definitive performance standards to discourage rural development in the Development Evaluation System (DES). The extensive listing of criteria for the DES is evidence of the multiple considerations that would apply to subdivisions outside of the focused growth areas. As a general rule, it will be more difficult for remote less dense subdivisions to score high in the DES relative to more dense subdivisions located near existing development and infrastructure. The intent of the DES is not to stop all subdivisions outside the focused growth areas (the DEIR includes a total of 2,003 units outside the focused growth areas by 2030).

The comment questions how environmental impacts will be addressed. All subdivisions are discretionary and thus subject to CEQA and subject to all policies and mitigation identified in the DEIR identified as applicable to discretionary development. As such, it is not necessary to define the DES to a greater level of detail at this time in order. Regarding the rational for the 80/20 split between focused growth areas and other areas, please see discussion of this issue in the Master Response 2, *Growth Assumptions Utilized in the General Plan*.

The comment criticizes for LU-1.1 through LU-1.3 as being overly broad and not protective of biological resources. These are broad statements of land use policy. The comment does not concern the adequacy of the DEIR.

The comment criticizes Policy LU-1.4 because the commenter believes that it should prevent all growth outside the focused growth areas. It is not the intent of this policy to stop all growth outside focused growth areas. It is the intent of this policy to only designate growth areas

where adequate services can be assured and to require phasing of growth to match long-term services.

The comment asks (re: Policy LU-1.5) for evidence that the 2007 General Plan land use designations result in compatibility with adjacent habitat. They won't in all cases. The impacts of the 2007 General Plan on biological resources are discussed in the DEIR including direct impacts (such as habitat conversion) as well as indirect impacts (such as water quality).

The comment asks that the standards and procedures for Policy LU-1.6 be identified now. This comment is noted. The comment asks how review of Routine and Ongoing Agricultural activities will be done to protect habitat, if standards and procedures for Policy LU-1.6 are not identified now. The comment presumes that the EIR finds a significant impact of routine and ongoing agriculture on habitat, which is does not. The commenter is again referred to Master Response 10 regarding what is required in a General Plan.

The comment asks how LU-1.7 will actually result in clustering of development to protect habitat. This policy applies to discretionary development which is subject to review both of land use policy consistency and CEQA wherein impacts on habitat are considered and if significant, alternatives and mitigation applied, as feasible.

The comment asks how LU-1.8 will protect biological resources and reduce impacts. The policy allows for an economic incentive to provide scenic and conservation easements on otherwise developable lands in favor of development within focused growth areas. While this does not force development to move to certain locations, if provides an alternative for landowners that can reduce biological impacts where applied.

The comment asks how prioritization of infill development will actually be achieved per LU-1.9. Please see general discussion of how the 2007

General Plan focuses growth in Master Response 2, *Growth Assumptions Utilized in the General Plan*.

The comment asks why Table-3.8 shows 541 new potential units on 251 vacant lots in light of the restriction on legal lots in the Toro Area Plan along the Highway 68 corridor. The proposed B-8 restriction is shown on Figure 3-10 in the DEIR and only includes portions of the Toro Area Plan wherein groundwater constraints exist; there are other areas within the Toro Area Plan that are not subject to the legal lot constraints.

OPEN SPACE POLICIES

Regarding comments on Open Space Policies, the comment asserts that overall, the Open Space policies under Goal OS-1 are intended to protect viewsheds not biological resources. While the commenter is correct that many of the policies under Goal OS-1 are focused on scenic protection, many of these policies will also have a co-benefit of preserving habitat. Many of the County's scenic qualities consist of views of undeveloped natural areas and mountains. Where the 2007 General Plan provides for consistent preservation of ridgelines intact in their natural state, this can also provide for preservation of wildlife movement along those ridgelines for example. In addition, Policy OS-1.7 creates a TDR program to allow development to be directed away from areas with unique natural features and critical habitat.

Regarding Policy OS-1.3, the comment asks how the policy will be applied, what the standards are, and how feasible alternatives will be considered. The 2007 General Plan defines "ridgeline development" in the glossary and many of the area plans (such as the Carmel Valley Master Plan) define specific visually sensitive areas and views. These establish sufficient guidance for project-level evaluation of impacts. Alternatives will be considered within a context of whether they avoid significant impacts and in the light of constraints of feasibility. This

comment is noted, but does not discuss any inadequacy of the DEIR analysis of biological resources.

Regarding Policy OS-1.4, 1.5, and 1.6, the comment criticizes the policy as not creating standards now to protect biological resources. This issue is responded to above as this policy and the other open space policies under Goal OS-1 would provide co-benefits by preserving ridgelines and other scenic areas in their natural state.

Regarding Policy OS-1.7, the comment states that the policy will not protect biological resources because it does not create a specific mandate. The intent of this policy is to create opportunities to protect habitat through voluntary action. All discretionary projects are required to comply with other General Plan policies regarding resource protection and to comply with project-level CEQA evaluation findings.

Regarding Policy OS-1.8, the comment states that the policy will not protect biological resources because the clustering program has not been fully defined and is not mandatory. The intent of this policy is to create opportunities to protect habitat through voluntary action to cluster development. All discretionary projects are required to comply with other General Plan policies regarding resource protection and to comply with project-level CEQA evaluation findings.

Regarding open space policies under Goal OS-3, the comment refers to policies OS-3.1 through OS 3.9 and prior M.R. Wolfe comments in this comment letter. Please see the responses to those prior comments.

Regarding Policy OS-4.1, the comment asserts that the policy does not actually make any requirements. Policy OS-4.1 is a statement of broad policy. All discretionary projects will be required to demonstrate how they are protective of listed state and federal species and species listed in Area Plans. All discretionary projects will be required to assess

whether there are significant impacts to such species in project-level CEQA review.

Regarding Policy OS-4.2 and OS-4.3, the comment asserts that this policy does not require any action beyond other regulatory permits and asks whether Routine and Ongoing Agricultural activities can be held to these policies without permits. The comment is correct that this policy does not extend the reach of state or federal permits. However, this policy establishes that it is a goal of the County to be protective of water quality throughout implementation of the 2007 General Plan. As to Routine and Ongoing Agricultural activity and water quality, it should be noted that all agriculture is subject to the Agricultural Waiver Program of the Central Coast Regional Water Quality Control Board (as described in Section 4.3 of the DEIR), this involvement is mandatory, and this program creates specific requirements to further protect water quality.

Regarding Policy OS-5.1, the comment asks why critical habitat has not already been mapped, how this policy will promote conservation of listed species and whether the policy applies to threatened and endangered wildlife species. Critical habitat has been mapped in the DEIR (see Figure 4.9-5) adequate for the impact analysis. This policy is a broad statement of intent to protect listed species. The policy is intended to apply equally to listed and threatened wildlife and has been revised to apply to all listed species. The commenter is referred to the Master Response 8, *Biological Resources*. For example, to avoid critical habitat for the California red-legged frog entirely would mean that there would be no allowable development in much of Carmel Valley, which would result in constitutionally taking of property if implemented absolutely. While avoiding critical habitat where feasible would help to lower impact to listed species, it is not necessary absolutely in order to mitigate impacts of projects to less than significant levels. The impacts to species habitat are disclosed in the DEIR in Section 4.9. Regarding the use of this information for the 2007

GP, three of the focused growth areas (the Mid-Valley AHO, Monterey Airport/SR 68 AHO, and Fort Ord) are within or adjoin designated critical habitat. The Mid-Valley AHO is partially developed; project level review will need to consider the impact on critical habitat. 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. The Ford Ord Master Plan has extensive biological resource policies to protect impacts to listed species. As the AHO is a discretionary development, Policy OS-5.16 will apply, as will project-level CEQA review.

Regarding Policy OS-5.2, the comment asks how mapping of suitable habitat for special-status species will be utilized. As explained in Master Response 4, this policy is now proposed to only require mapping of suitable habitat for listed species. Mapping of suitable habitat for listed species will be utilized during project-level review. See also the responses to comment letter O-20c.

Regarding the comments on Policy OS-5.3, please see responses above regarding Policy OS-5.1 and the protection of critical habitat and mapping. Regarding the statement that Policy OS-5.4 requires avoidance of critical habitat, this is incorrect as the policy described procedures to be followed when avoidance of critical habitat is infeasible (as for example when development is proposed within much of Carmel Valley or for roadway projects that may cross rivers with critical habitat for steelhead). Project-level CEQA processes require consideration of impacts to listed species and their habitats.

Regarding Policy OS-5.4, the comment asks what measures would be applies when a development project is within critical habitat areas and clustering and conservation easements are not feasible. As noted in the policy itself, impacts could be mitigated through off-site mitigation of resource enhancement and/or conservation easements.

Regarding Policy OS-5.5, the comment states that it doesn't create enforceable mandates and ask what program might result from this policy. The comment is correct that this policy does not create a mandate but seeks voluntary commitment by landowners. Programs under this policy could include environmental education and outreach in conservation mechanisms.

Regarding Policy OS-5.6, the comment asks what the "landscaping requirements" are and how this policy would protect biological resources. The "landscaping requirements" are those that might be proposed by development itself as well as any required in compliance with aesthetic or biological County policies and CEQA mitigation. This policy would help to protect biological resources by preventing the spread of invasive non-native species that could otherwise colonize adjacent areas. The spread of invasive species is cited as a key contributor to the decline of many native species. This policy would not assist in wildlife corridor protection directly, although by avoiding the spread of non-native species, this policy could assist to preserve the native vegetation found in adjacent wildlife corridor areas indirectly.

Regarding Policy OS-5.7, the comment asks whether this policy creates any requirement beyond THP requirements and what the "resource protection goals and policies of this General Plan are." The policy requires environmental review by the County and compliance with the General Plan resource protection and goals, which would not necessarily occur through THP only. As to the resource protection goals and policies of the General Plan, the commenter has clearly read the General Plan and makes specific reference to many of them in comment, and thus they should be well aware of what the policies are without the need to cite them again. Please refer to the Conservation and Open Space Element as well as every policy that TRA refers to in this table.

Regarding Policy OS-5.8, the comment asks again what the General Plan policies on resource protection are. Please refer to the Conservation and Open Space Element as well as every policy that TRA refers to in this table.

Regarding Policy OS-5.9 and OS-5.10, the comment asks which Area Plans do not have tree removal permit requirements, why they haven't already been done for the 2007 GP, how it will be coordinated with Mitigation Measure BIO 2-2, and what performance standards will be applied. The following Area Plans do not have specific tree removal requirements in the 2007 GP: South County, Greater Salinas, and Central Salinas Valley. However, the County has a tree preservation ordinance (Chapter 16.60) that applies throughout the County and that establishes specific performance standards. The performance standards thus are compliance with the County's ordinance and whatever additional standards are established in the Area Plans. The CEQA significance criteria used in the DEIR for tree removal impacts is compliance with local tree ordinances and this criteria is directly from the recommended Biological Resource criteria in Appendix G of the CEQA Guidelines, which are in common use across California. As to coordination with Mitigation Measure BIO-2.2, this measure creates a programmatic means to provide for loss of oak woodlands. Projects will be required to comply with area plan tree requirements, the County's ordinance, and Mitigation Measure BIO-2-2 (per the minimum replacement ratio for oak woodlands). Note that Mitigation Measure BIO-2-2 has been revised in the FEIR to clarify the required mitigation and replacement ratio.

Regarding Policy OS-5.11, the comment asks what specific mandates are created by this policy. This policy is a statement of broad intent. It does not create a specific mandate.

Regarding Policy OS-5.12, the comment asks who will be required to initiate consultation with CDFG on ASBSs, what appropriate measures might be, and how this policy will help reduce impacts to biological

resources. The County will encourage project applicants to consult with CDFG early in project development for projects that may affect ASBs. The County will also consult with CDFG through the CEQA process as CDFG is a trustee agency. As to measures, there are many potential measures, including protection of water quality, coastal habitats, timing of construction, and protection of riparian corridors. This policy, by ensuring that consultation occurs regarding impacts to ASBs with CDFG will help to identify feasible protection measures. CDFG is very forward in suggesting means to reduce impacts to biological resources in general and ASBs in specific.

Regarding Policy OS-5.13, the comment asks how this policy will help to reduce impacts to biological resource impacts to a less than significant level if it only encourages efforts and ask who will be responsible to implement this policy. This is a broad statement of policy, but it puts the County on record as supporting natural land preservation.

Regarding Policy OS-5.14, the comment asks how this policy will be implemented. This policy is a statement of intent to promote the reduction of the spread of invasive exotic species. The commenter seems to expect that a General Plan will provide a level of specificity of implementation that is frankly unrealistic and does not reflect a single General Plan in the State of California. See Master Response 10.

Regarding Policy OS-5.15, the comment criticizes the creation of waivers for environmental restoration by asking whether waivers will result in restoration that would not otherwise occur. Non-profit and public organizations seeking to restore natural environments are always on a tight budget. Every bit helps in a budget constrained world. And this is one small way that the County can help with that restoration effort.

Regarding Policy OS-5.16, the comment criticizes the policy as deferring standards under CEQA. First, please see Master Response 8

on Biological Resources, wherein changes to this policy are described. Given that the originally proposed 2007 General Plan used a definition of special-status species that was limited to listed species, the revision to Policy OS-5.16 is an important clarification of intent that CEQA evaluations in the County need to consider more than just listed species and need to consider a broader range of biological resources. This is not, as the comment tries to assert, an inconsequential thing, but is rather a fundamental statement of policy that has a far-reaching consequence to the effectiveness and scope of project-level CEQA evaluations.

Regarding Policy OS-5.17, the comment criticizes the policy because it does not already establish mechanisms for a program to mitigate the loss of critical habitat. At present, projects are mitigating impacts on a project-by-project basis and for the most part finding adequate means to mitigate impacts on biological resources. This policy puts the County in support of creating a more programmatic approach to mitigation that can further the effectiveness of addressing impacts on biological resources.

Regarding Policy OS-5.18, the comment is correct that this policy does not add any new requirements beyond state and federal law. However, it is important that a General Plan remind the broad regulated community that the County will require demonstration of compliance with state and federal regulatory requirements during the project review process.

PUBLIC SERVICES POLICIES

Regarding Policy PS-11.11, the comment asks how this policy will help to reduce impacts to biological resource impacts to a less than significant level. This policy makes it clear that (1) management plans for County Park and recreational area are required; and (2) that protection of environmental resources and open space are a priority. Implementation would be by the Monterey County Parks Department.

Regarding Policy PS-11.12, the comment asks how this policy will help to reduce impacts to biological resource impacts to a less than significant level. The policy makes it clear that active and passive recreation have different needs and requirements. Thus, management of parks will need to take into account these differences in order to carefully provide for active recreational opportunities while choosing passive recreation for areas of significant biological resources.

Regarding Policy PS-2.8, the comment asks how this relates to Policy S-3.5, and whether runoff will be allowed to increase and how this policy protects biological resources. Nothing in Policy S-3.5 mandates an increase in runoff and thus is consistent with PolicyPS-2.8 wherein maintenance or reduction of current runoff levels is called for. Reduction and treatment of storm water runoff helps biological resources by reducing the loading of streams and other water bodies with sediment and urban pollution.

AGRICULTURAL POLICIES

Regarding PolicyAG-5.1 and AG-5.2, the comment criticizes the policies as only supporting reduction of erosion and soil productivity and protection of surface water and groundwater resources and not resulting in specific mandates. These are broad statements of policy that give the County authority to implement beneficial programs that would directly and indirectly benefit biological resources. A General Plan has to start from general, broad statements of intent to more specifics of implementation steps.

Regarding Policy AG-4.3, the comment asks what the standards and guidelines under the AWCP will be, how the AWCP will encourage winery development inside the corridors (in light of Policy AG-4.4, whether the AWCP will regulate habitat conversions to farmland, and how the DEIR concluded that the AWCP will help wildlife movement corridors. This policy does not regulate habitat conversions to farmland, but rather concerns wineries and ancillary facilities as

described in the AWCP and is intended to underscore the importance of the AWCP to achieving Goal AG-1. The commenter is referred to Master Response 3, *Agricultural Growth and General Plan Agricultural Policies*, which describes the policies pertaining to the AWCP and its impacts. The commenter is also referred to Master Response 8, which discusses the potential biological impacts that could occur with respect to the AWCP. The commenter is also referred to the AWCP which is an element in the General Plan for a discussion of its standards and guidelines.

SAFETY POLICIES

Regarding Policy S-2.1, the comment asks how this policy will help with wildlife movement if this policy doesn't prevent agricultural use. First, this policy is about structures, not agriculture. Second, structures can block all wildlife movement, whereas agricultural areas are more permeable to more mobile wildlife.

Regarding Policy S-2.2, the comment asks how this policy would prevent structural development in the floodplain and ask when this policy would be implemented. This policy would not absolutely prevent structures as in certain cases (such as bridges) structures are necessary in the floodplain, but it would mean that during project review the County is going to evaluate alternatives to placing structures within floodplains and in developing subsequent Community Area plans and plans for rural centers will be seeking to avoid and minimize the placement of structures in floodplains, all of which will benefit wildlife movement along waterways.

Regarding Policy S-2.3, the comment asks what the County's ordinances on floodplain protection are, what specific exemptions will apply for routine and ongoing agriculture, and how the exemption will affect movement corridors. The County's ordinances on floodplain protection are summarized in the DEIR at page 4.3-79. As explained there, Chapters 16.16 and 21.64 of the Monterey County Code contain

regulations regarding floodplain development. These sections discuss general and specific standards to prevent flood damage within the county. Monterey County floodplain management regulations are based on the model FEMA program; however, the County has adopted regulatory standards (most recently amended in the Fall of 2009) that exceed the minimum federal requirements. County regulations prevent the placement of fill, buildings, and other obstructions in regulatory floodways (the zone along a channel where flow moves with depth and velocity and where obstructions can cause the most damage).

Regarding Policies S-2.4, S-2.5, and S-6 the comment asks how this policy will help movement corridors. These policies will not directly help to preserve movement corridors and have been deleted from reference on page.4.9-91 in the DEIR. These policies were included as part of the overall floodplain policies which prioritize the avoidance of new structural placement in floodplains which, as noted above, would help to preserve riparian movement corridors. The comment also asks if Policy S-2-6 applies to agriculture and if not why not. Policy S2-6 applies to “development” not agriculture. As to why not, farmlands and rangelands don’t normally create flooding issues as they don’t result in fill of floodplain areas that would obstruct or re-direct flood flows.

Regarding Policy S-2.8, the comment asks how this policy would work in the development review process, how alternatives will be considered, and whether this applies to non-discretionary wineries and conversion of habitat for agriculture. During the project review, the County will require development of alternatives that minimize or avoid floodplain development. Where significant impacts relative to floodplain encroachment are identified, the County will require the adoption of feasible alternatives as necessary to avoid and/or minimize floodplain development. Monterey County Planning and Building Inspection and the Monterey County Water Resources Agency are responsible to implement this policy. This policy does not apply to

conversion of habitat for agriculture unless a discretionary permit is required. Wineries, or any other structures, are subject to Chapters 16.16 of the Monterey County Code.

Responses to Comments on Specific Area Plan Policies

See Master Response 10 regarding the level of detail required of General Plan policies. These policies are intended to guide decision-making on future development projects. As discussed previously, the policies are parts of a larger scheme – encompassing goals, policies, and regulations – that together work to minimize potential environmental impacts when applied to site-specific development projects.

The Area Plans and Special Treatment Areas policies are part of the General Plan. Where Area Plans or Special Treatment Areas have policies that are more restrictive or area-specific than the 2007 General Plan's general policies, the more restrictive or area specific policies provide a greater level of detail than the general policies. The County will interpret these specific and general policies so that they act in harmony.

CACHAGUA AREA PLAN

Regarding PolicyCACH-1.4, the comment asks how this policy will help to reduce impacts to biological resource impacts to a less than significant level. This policy will require the County to make a finding that a development project potentially affecting the Ventana Wilderness does not impact the purpose of the wilderness. If the County makes a finding that a project would impact the purpose, the project will be denied (unless there is no feasible alternative and a constitutional taking would occur).

Regarding Policy CACH-3.3, the comment asks whether this policy creates a mandate and how it will help to reduce impacts to biological resource impacts to a less than significant level. This policy will require projects to demonstrate that hillsides and natural landforms are

minimally affected by cutting, filling, and grading and vegetation removal and revegetation on steep slopes where such development is unavoidable. This policy will help to reduce hillside disturbance, unvegetated slopes, and erosion all of which help biological resources.

Regarding Policy CACH-3.5, the comment asks about the meaning of first sentence of the policy, how impacts to watershed, local roads, flora and fauna will be mitigated and how this helps to protect biological resources. The first sentence states that mining, timbering, and resource production operations can be included in Community Area if they address impacts to aesthetics, roadways, noise, drainage and reclamation. Regarding mitigation, this would be developed at the project level. This policy requires such activities to mitigate impacts on flora and fauna, control drainage, and provide for reclamation after completion of resource extraction, all of which would help to protect biological resources.

Regarding Policy CACH-3.6, the comment criticizes the policy for not creating a specific mandate and asks how this would help protect biological resources. This policy puts the County on record as supporting protection of the Santa Lucia fir. The County's tree removal ordinance (Chapter 16.60.030) already defines removal of Santa Lucia fir as requiring a tree removal permit and thus requiring relocation and/or replacement of each protected tree and a forest management plan for removal of more than three protected trees. This policy calls for cooperative action with USFS and private landowners which, while not creating a mandate, nevertheless opens the possibility to cooperative ventures in the future.

Regarding Policy CACH-3.7, the comment asks for specific definitions of acceptable levels of erosion, and criticizes this policy for not creating mandates and asks how this policy helps to protect biological resources. Regarding erosion controls, the County's erosion control ordinance (Chapter 16.12 of the Municipal Code defines standards). This policy requires the County to consider new development siting

during project review relative to riparian vegetation and fish protection and make a finding of the suitability of project siting. This policy also requires the County to make a finding at the project level review regarding impacts to fish productivity and access.

CARMEL VALLEY MASTER PLAN

Regarding Policy CV-3.4, the comment is identical to the comment on CACH-3.3 and the commenter is referred to that response above.

Regarding Policy CV 3.7, the comment asks for elaboration of implementation of specifics and asks how this policy will help to protect biological impacts. This policy includes specific areas of biological significance within the CVMP and calls for their preservation. Per OS-5.16, these areas would be delineated on a project-specific basis and would require their preservation as a condition of project approval. This policy allows the County to subsequently identify certain resources as area of biological significance as information is developed over time to indicate the particular importance and sensitivity for biological resources. The policy establishes a standard that the natural functioning of these natural ecosystems should not be upset. This policy is implemented during project review.

Regarding Policy CV-3.8 and 3.9, the comment asks for specific standards and whether this policy would bar development and why such a policy is not proposed for other riparian corridors in the County. The DEIR calls for a specific setback area along the Carmel River per Mitigation Measure BIO-2.1 which will provide the standards the commenter is seeking. The proposed Stream Setback Ordinance would apply to all inland portions of the county. These policies help to minimize impacts to biological resources along the Carmel River by requiring the County to make a finding that project siting is protecting the Carmel River, that willow cover is being preserved, that replanting along the river is occurring and through requiring permits (and thus CEQA review) for projects altering the river. Projects that do not

protect riparian vegetation, minimize erosion, or preserve willow cover and the visual aspects of the river can be denied by the County per this policy (unless no feasible alternative exists and a constitutional taking would occur).

Regarding Policy CV-3.10, the comment asks why such a policy is not proposed throughout the County, specific details of interpretation regarding the amount of landscaping to use native plants, what development the policy applies to. The comment does not make any argument why this policy should be applied everywhere in the County to avoid a significant impact, but General Plan Policy OS-5.14 requires that policies and procedures that encourage exclusion and control or eradication of invasive exotic plants and animals be established. The predominant portion will be determined on a site-specific basis depending on the nature of the project and landscaping requirements. This policy does not apply to 100 percent of landscaping as the policy is not intended to completely eliminate the ability to use non-invasive landscaping (such as lawn turf). Determination of “as much as possible” and “maximum extent feasible” are by their nature, site specific determinations that need to take into account particular site conditions and constraints.

Regarding Policy CV-3.11, the comment asks why this policy is not applied to the whole of the County, how this policy will be interpreted, and how this will be coordinated with the Oak Woodland Mitigation Program (revised Mitigation Measure BIO-2.2). The comment does not make any argument why this policy should be applied everywhere in the County to avoid a significant impact, but Chapter 16 of the County Municipal Code already establishes County-wide tree oak tree removal requirements. This policy requires the County to review projects for compliance as to whether they are avoiding native tree removal where feasible and to replace trees where tree removal is unavoidable. The Oak Woodland Mitigation Program will allow for off-site mitigation where on-site mitigation is not feasible.

Regarding Policy CV-3.12, the comment asks how this policy will result in action and protection of biological resources. This policy is a broad statement of intent to guide the establishment of open spaces when they are proposed as part of a proposed development plan or where they are part of a County managed area. This policy required that such plans take into account ecotone issues during open space management planning. By being specific about ecotones, this policy promotes better management of open space, whether public or private.

Regarding Policy CV-4.1, the comment asks why this policy is not countywide and why vegetation cover should not be maintained on slopes less than 25 percent cover. The comment does not make any argument why this policy should be applied everywhere in the County to avoid a significant impact but the County's erosion control ordinance established minimum county-wide requirements for erosion. Regarding maintaining vegetation cover, the commenter is reading this policy in isolation from other CVMP policies that clearly require preservation of natural vegetation covers (see Policy CV-3.7 and 3.8, for example). This policy is about erosion, which is why it focused on steep slopes, but also produced a side benefit of preserving natural covers on those steep slopes, which is a benefit to natural vegetation and habitat.

Regarding Policy CV-5.3, the comment asks for standards and how this policy protects biological resources. The policy mandates that projects shall incorporate water conservation means; projects that do not incorporate such measures can be denied (unless no feasible alternative is available and a constitutional taking would occur). Water conservation requirements in the County are described in 4.3-81 and 4.3-82 in the DEIR, which include standards. MPWMD also establishes conservation requirements in the CVMP area. Thus, this policy, in combination with broader conservation requirements, would help to avoid/reduce impacts to biological resources, including steelhead in

the Carmel River, by promoting water conservation, and reducing affects on the Carmel River Alluvial Aquifer.

Regarding Policy CV-6.2, the comment asks why agriculture will not result in erosion on slopes less than 25 percent, why the 25 percent slope is not encouraged county-wide and criticizes this policy for not creating a mandate. The policy does not state that erosion would not occur on slopes less than 25 percent; development on such areas is subject to the County's erosion control ordinance and other requirements noted in Section 4.3 of the DEIR. The comment does not make any argument why this policy should be applied everywhere in the County to avoid a significant impact but the County's erosion control ordinance established minimum county-wide requirements for erosion. The policy does not create a mandate. However, modifications to Policy OS-3.5 (see Master Response 3) limit non-agricultural development on slopes over 25 percent and specify a discretionary permit for agricultural conversions on slopes over 25 percent, which would apply to inland areas of the county, which would be a mandate.

CENTRAL SALINAS VALLEY AREA PLAN

Regarding Policy CSV-5.1, the comment asks for definition of the main channels of the Arroyo Seco River and the Salinas River, questions whether the policy will work as proposed, and why this policy is not applied county-wide. First, as noted previously, Mitigation Measure BIO-2.1 requires a countywide stream setback ordinance. As for the definition of the "main channel", it is used in the context of "floodway," which is defined as the "channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot" under Section 16.16.020 of the County Municipal Code. Where appropriate, the floodway limits for some streams were set using flood velocities. Regarding maintaining

of recharge capabilities, this requirement does not only apply to the main channels only.

Regarding Policy CSV-5.2, the comment asks why this policy does not apply to agriculture and made countywide. The comment does not make any argument why this policy should be applied everywhere in the County or applied to agriculture to avoid a significant impact. The County's erosion control ordinance already establishes minimum county-wide requirements for erosion and the County's floodplain regulations apply to development projects and all agriculture is subject to the Agriculture Waiver Program requirements of the Regional Board. Agriculture does not create impervious areas and thus does not impede groundwater recharge or flooding hazards, which is the focus of this policy. Safe yields were determined by MCWRA in the Salinas Valley Water Project EIS/EIR referenced in the DEIR for 2030 relative to groundwater overdraft and seawater intrusion. The floodways are defined in the County's Municipal Code Section 16.16.020 as described above. Therefore, there appears to be no reason to apply this policy countywide.

FORT ORD MASTER PLAN

Regarding Recreation Policy C-1, the comment asks for standards for tree protection and how this policy will be coordinated with Mitigation Measure BIO-2.2.

Regarding Recreation Policy C-2, the comment asks for standards.

Regarding Biological Resource Policies A-1 through A-9 and B1 through B-3, the comment asks why habitat management plans and detailed policies and programs are not established with the same level of for other parts of the County. The comment does not make any argument as to why this is necessary to avoid a significant impact to biological resources. Planning for Fort Ord has been an ongoing process for several decades and provides an example of the level of detail that will be achieved in planning for the Community Areas, Rural Centers, and

Affordable Housing Overlays. While this is realistic within the focused growth areas, the commenter is unrealistic to think that the rest of the entire County can be planned in advanced down to the level of detail. This is a General Plan after all, not a project-level specific plan or EIR. Regarding the comment about oak woodland corridors, the policy doesn't protect oak woodland corridors – it protects oak woodlands and riparian corridors. Mitigation Measure BIO-2.1 is proposed to protect riparian corridors along with other policies noted in Section 4.3 in the area plans. Mitigation Measure BIO-2.2 creates an oak woodland mitigation program. Revised Policy OS-5.16 requires project-level assessment of impacts to plant communities.

Regarding Biological Resources Policy C-1, the comment criticizes the policy for not creating a specific mandate. The comment is correct that no mandate is created, but the County will nevertheless encourage projects to minimize habitat disturbance and will make a finding for projects relative to consistency with this policy.

Regarding Biological Resources Policy C-2, the comment criticizes the policy for not creating a specific mandate and asks how this will be coordinate with Mitigation Measure BIO-2.2. The comment is incorrect, as the policy requires the use of oaks and other native plants for landscaping and also require planting spacing and avoidance of paving within drip lines wherever possible. This policy does not concern off-site mitigation and thus does not have any relation to Mitigation Measure BIO-2.2.

Regarding Biological Resources Policy C-3, D-1, and E-2 the comment asks why this policy is not applied throughout the County. The comment does not make any argument as to why this is necessary to avoid a significant impact to biological resources or how this concerns the adequacy of the analysis in the DEIR. No further response is needed.

GREATER MONTEREY PENINSULA AREA PLAN

Regarding Policy GMP-3.4, the comment asks how this policy helps to protect biological resources. While a minor benefit, the use of plant materials can provide nesting opportunity for various birds on the edge of development.

Regarding Policy GMP-3.5, the comment asks how the maximum extent feasible will be determined and whether it will bar development. Feasibility determinations will take into account technical, logistic, legal, and financial feasibility. The intent is not necessary to bar development overall, but rather to shape individual development to include preservation of native forests, woodlands, and wetlands wherever feasible.

Regarding Policy GMP-3.6, the comment asks how the setback would be determined and coordinates with the Stream Setback Ordinance. The setback would be determined from the edge of the delineated wetlands (applying federal and state guidance in delineating wetlands). The Stream Setback Ordinance concerns streams and would not apply to wetlands unless they are associated with streams. The more stringent setback would apply when streams and wetlands overlap.

Regarding Policy GMP-3.7, the comment asks how this policy helps to protect biological resources and what other agencies could be involved. While not creating a specific mandate, other agencies such as local cities, Caltrans, California State Parks, USFS, and other parties in Monterey County and cooperation to protect wetlands across jurisdictional boundaries can assist in long-term resource protection.

Regarding Policy GMP-3.8, the comment asks if this policy will require re-designation of land uses in the 2007 General Plan and how this policy would protect biological resource. This policy is intended to guide the County when managing open space areas (such as in County parks) or in reviewing project plans wherein open space areas are proposed. This policy does not call for or require changes in land use

classifications. This policy helps to guide open space management to include consideration of ecotones and wildlife access.

Regarding Policy GMP-3.9, the comment asks how this policy will be implemented concerning critical habitat and how determinations will be made concerning the level of disruption to ecosystems. Project-level review will evaluate the level of impact to native ecosystems and critical habitat. If project-level review determines that, even with clustering and all feasible mitigation (such as off-site habitat preservation), a project will still result in a significant and unavoidable impact, the project can be denied on the basis of a significant and unavoidable impact or could be approved with a statement of overriding considerations.

Regarding Policy GMP-3.10, the comment noted that this policy does not concern the inland areas. The comment is correct but makes no assertions regarding the adequacy of the EIR.

Regarding Policy GMP-4.1, the comment asks how this policy would be coordinated with OS-3.5, whether it bans development on land over 25 percent slope, and why this is not required County-wide. As noted above, the revised OS-3.5 limits development on slopes over 25 percent slope in most cases, which is a county-wide requirement. Neither GMP4.1 nor OS-3.5 are absolute bans on development on slopes over 25 percent, but encourage (GMP 4.1) or mandate (OS-3.5) substantial limitations on such development that will help to preserve steep natural areas.

GREATER SALINAS AREA PLAN

Regarding Policy GS-1.1, the comment asks how this policy will help to reduce impacts to biological resource impacts to a less than significant level. GS1.1a requires preservation of land for open space and sensitive habitat, among other purposes.

Regarding Policy GS-1.5 and GS-1.19, the comment asks how it will be determined if it is feasible to enhance riparian habitat and how it

would be done, and how it will be determined if development will deteriorate water quality, and why this policy to other development and agricultural uses. Site-specific analysis of riparian enhancement potential will be required including consideration of soils, slopes, stability, and ability to complete enhancement without compromising the ability to reasonably develop the property consistent with allowable uses for the zoning. Enhancement could include setting back of artificial banks created by prior land uses, removal of riprap or other structural bank improvements, replanting of native riparian vegetation, and removal of non-native species. Project-level CEQA review will examine water quality impacts on the Salinas River. This policy is focused on commercial uses – it is not intended to address all land uses as they are addressed by other policies and existing programs (such as the Agricultural Waiver Program for agriculture).

Regarding Policy GS-3.1, the comment asks how this policy would be coordinated with OS-3.5, whether it bans development on land over 25% slope, and why this is not required County-wide. As noted above, the revised OS-3.5 limits development on slopes over 25% slope in most cases, which applies across the inland county area. Neither GS-1.1 nor OS-3.5 are absolute bans on development on slopes over 25%, but encourage (GMP 3.1) or mandate (OS-3.5) substantial limitations on such development that will help to preserve steep natural areas.

Regarding Policy GS-3.2, the comment asks how this policy will help reduce significant impacts to biological resources, whether this applies to residential landscaping, how much landscaping this applies to, and how it will be implemented. This policy will encourage landscaping with native (as opposed to non-native) vegetation which reduces the potential spread of exotic non-native species. This does not preclude the use of residential non-native turf species, but rather encourages the use of natives in landscaping. This would be implemented during project review.

Regarding Policy GS-5.1, the comment asks why this policy is not applied elsewhere in the County. Mitigation Measure BIO-2.1 requires a stream setback ordinance for the entire county intend to achieve many of the same objectives as this policy.

NORTH COUNTY AREA PLAN

Regarding Policy NC-3.3, the comment criticizes this policy for not creating a specific mandate, how native vegetation will be identified, and what agency will work with property owners on easements. The comment is correct that no mandate is created by this policy. Rather, this policy is a statement of intent by the County to support voluntary conservation easement establishment. County Departments that may be involved could include Planning Building and Inspection and County Parks.

Regarding Policy NC-3.4, the comment asks why a similar policy is not proposed for all of the County, how tree removal will be discourages, how permits will be issued, how feasibility is determined and how this is coordinated with Mitigation Measure BIO-2.2. As noted previously, the County does have a countywide tree preservation ordinance for oaks; tree removal concerns in different part of the county are different to reflect different biological priorities. The County will discourage tree removal during project review which will examine the need for all proposed tree removal. Permits will be issued when in compliance with this policy, the County's tree preservation ordinance, and any mitigation identified during CEQA review. Conditions will require on-site replacement wherever feasible and off-site compensation when not feasible on-site. Mitigation Measure BIO-2.2 creates an off-site mitigation programs that can be utilized to mitigate off-site when on-site mitigation is not possible.

Regarding Policy NC-3.5, the comment asks how this policy will be implemented concerning critical habitat and how determinations will be made concerning the level of disruption to ecosystems. Project-

level review will evaluate the level of impact to native ecosystems and critical habitat. If project-level review determines that, even with clustering and all feasible mitigation (such as off-site habitat preservation), a project will still result in a significant and unavoidable impact, the project can be denied on the basis of a significant and unavoidable impact or could be approved with a statement of overriding considerations.

SOUTH COUNTY AREA PLAN

Regarding Policy SC-1.2, the comment asks how clustering would be encouraged and questions the value of this policy it if only encourages activity. During project review, the County will examine possibilities to cluster land to serve the purposes identified in this policy. Where feasible clustering is identified and is determined necessary at a project-level to reduce significant impacts to biological resources to a less than significant level, clustering can be required as mitigation.

Regarding Policy SC-5.2, the comment asks what agencies might be involved, and what programs might be involved. Cooperation would include resource conservation districts (RCDs), the Natural Resource Conservation Service (NRCS), the Regional Water Quality Control Board, neighboring counties, incorporated cities, and other parties. Programs could include extension and outreach and demonstration projects.

Regarding Policy SC-5.3, the comment asks for identification of the main channels and associated floodways and why this policy is not countywide. The main channels are defined by the bank-to-bank extent of the primary flow channels. The floodways are defined in County Code Section 16.16.020. Mitigation Measure BIO-2.1, proposes a Stream Setback Ordinance to provide for consistent protection of streams throughout the inland area of the county.

TORO AREA PLAN

Regarding Policy T-3.7, the comment asks how this policy will help to protect trees if it only discourages tree removal, asks whether this will pertain to agricultural activity, and how it will be coordinated with Mitigation Measure BIO-2.2. Chapter 16.60 of the County Municipal Code requires a permit for tree removal for any oak or madrone (greater than 6 inches in diameter) in the Toro Area Plan. This is a mandatory requirement, not a voluntary one. The standards for tree removal are specified in Section 16.60.040. Requirements for Agricultural Land are specified in Section 16.60.050.

Regarding Policy T-4.1, the comment asks for standards for significant increases of siltation, erosion and flooding and how cumulative impacts would be addressed. County ordinances concerning erosion and flooding establish standards (see Chapters 16.12 and 16.16 of the County Municipal Code, respectively). In addition, project-level review will also examine siltation, erosion and flooding and potential for cumulative impacts. The County ordinances on erosion and flooding seek to manage cumulative erosions and flooding by providing uniform standards for development.

AGRICULTURAL WINE CORRIDOR PLAN

Comments are provided that reducing winery footprints will not reduce vineyard footprints and new wineries will encourage new vineyards. Comments are also provided that wineries will not necessarily be limited to the wine corridor and the winery corridor will disrupt east-west movement corridors. Please see discussion of the overall potential for new winery and ancillary uses and agricultural conversions (including those for vineyards) in Master Response 3, *Agricultural Growth and General Plan Agricultural Policies*, where it is explained that the DEIR's assumptions about the level of growth are reasonably and based on substantial evidence and far more realistic than the assertions made in this comment letter that there will be hundreds of thousands of acres of new agricultural conversions of natural habitat. Regarding the value of limiting the number of wineries

in each corridor, this helps biological resources by having a limit in the first place as opposed to allowing no limit on wineries. As to the possibility of wineries outside the wine corridor, the comment is correct that the AWCP does not forbid this, but it also does not provide permit streamlining for such wineries, and this is expected to favor winery development in the corridor as opposed to outside of it. As explained in Master Response 3, the number of wineries assumed in the AWCP corresponds to the number necessary to balance grape production and wine processing in the County over the next several decades based on moderate amounts of vineyard expansion.

O-11g.76 Regarding Mitigation Measure BIO-1.1, the comment repeats comments made in the table above (comment O-11g.75) concerning the effectiveness of Policy OS-5.1 and OS5.2 concerning mapping of habitat. As noted above in response to comments on Policy OS-5.1 and OS-5.2, mapping of critical habitat was done for the DEIR and was considered in the impact analysis. Please see response to comment O-11g.75 concerning these two policies and concerning a revision to make clear that Policy OS-5.1 applies to plant and wildlife species.

With respect to Mitigation Measure BIO-1.1 in the DEIR, this mitigation measure has been replaced. The commenter is referred to Master Response 8, *Biological Resources*.

O-11g.77 Regarding Mitigation Measure BIO-1.3, the comment asserts that mitigation measure BIO-1.3 is improperly deferred, that performance standards should be established, that mitigation is not identified for asserted significant impacts to special status species and their habitat due to conversions for agriculture, as well as legal lot development and other non-discretionary development.

Regarding deferred mitigation, please see Master Response 10*, Level of Detail for the General Plan and the General Plan EIR*. This is a programmatic EIR and thus does not represent approval of discretionary development. Discretionary development is subject to

project-level CEQA analysis wherein Mitigation Measure BIO-1.3 in the DIER would require project level consideration of impacts to special-status species. As explained in Master Response 8, *Biological Resources*, Mitigation Measure BIO-1.3 has been deleted from the FEIR, and Policy OS-5.16 has been modified to require project-level consideration of all impacts to biological resources per CEQA Guidelines Section 15065. This policy modification is the equivalent of what was called for in Mitigation Measure BIO-1.3.

Regarding habitat conversions to agriculture, please see Master Response 3, *Agricultural Growth and General Plan Agricultural Policies*, which explains the rationale for the forecasts of agricultural conversions and see Master Response 8, *Biological Resources*, which discussed impacts of agricultural conversions on special-status species and their habitat. As explained therein, this comment's assertions of the potential for hundreds of thousands of acres of agricultural conversions are contradicted by the historic trends in the county, as well as considerations of soil suitability, access, and water availability. . As such, the DEIR's conclusions about agricultural conversion impacts on special-status species and their habitat (e.g. less than significant) remain grounded on evidence after consideration of this comment.

The commenter is also referred to Master Response 8 for a discussion of the potential impacts that could result from development on legal lots of record.

O-11g.78 Regarding Mitigation Measure BIO-1.2, the comment asserts that the measure may be inadequate to address impacts to San Joaquin kit fox because there are no interim measures while the conservation strategy is being prepared and that mitigation fees from discretionary development alone may be inadequate to fund the plan. First, given that the San Joaquin kit fox is federally and state-listed species, the federal and California endangered species act restrictions apply to development that may occur between General Plan Approval and development of a conservation strategy for the San Joaquin kit fox in

development on legal lots of record (see discussion in response to comment O-11g.77) is subject to project-level review and mitigation of impacts to listed species and their habitat. Thus, contrary to the commenter's assertions, there are measures in place to address non-agricultural development while the conservation strategy is in preparation. The comment asserts that the plan will create incentives to accelerate development to avoid the costs of mitigation. The commenter provides no evidence to support this assertion; regardless the San Joaquin kit fox is a protected species under state and federal law and thus individual developers are subject to requirements under FESA and CESA both which require mitigation when losses of listed species habitat is proposed.

Regarding agricultural impacts to San Joaquin kit fox habitat, the comment is correct that conversion will reduce the value of existing habitat. However, as discussed in the DEIR, such agricultural conversion is expected to be dispersed along the Salinas Valley and scattered geographically such that there will remain substantial areas of intact San Joaquin kit fox habitat along the Valley and in adjacent areas to continue to support this species.

O-11g.79 Regarding Mitigation Measure BIO-1.4, the comment asks why the impacts identified in the DIER after 2030 would not occur soon, asserts this mitigation is unenforceable as the current Board of Supervisors cannot bind a future board to adopt a General Plan Update to accommodate 80 percent of future growth in focused growth areas. Mitigation Measure BIO-1.4 has been revised to track actual growth against projected growth. This will address commenters concern regarding whether impacts might occur sooner. With respect to the enforceability of the measure, the commenter is referred to Master Response 10, which discusses assumptions regarding the enforcement of regulations and implementation of the General Plan by the County.

Regarding Mitigation Measure BIO-1.5, the commenter asserts that a NCCP is needed now (not in 2030) to address biological resource

impacts and that this measure permits unmitigated impacts to wildlife movement corridors for the next 20 years. The DEIR describes the impacts to biological resources from now to 2030 and beyond 2030 and makes conclusions about the levels of impacts. This measure does not permit unmitigated biological measures identified that address significant impacts as identified in the DEIR. This comment does not provide any evidence as to why a NCCP is needed now (please see responses to the specific assertions made concerning wildlife movement corridors in Master Response 8, *Biological Resources*, and in the response to comment O-11g.84 below).

O-11g.80 Regarding Mitigation Measure BIO-2.1, the comment asserts that mitigation is improperly deferred because specific standards about stream and environmental conditions are not identified in the EIR. This Comment also asserts that Policy OS-3.5 will potentially open up 113,678 acres of land to agricultural cultivation on 25 to 30% slopes and some portion of 382,753 acres on slopes greater than 30% slopes and some portion of 382,753 acres on slopes greater than 30% and that this will result in substantial increased in erosion and sedimentation. The comment also criticizes this mitigation measure for having no timeframe for development and no interim measures for setbacks while the ordinance is being developed. The comment also asks how this ordinance would be coordinated with Policy OS-3.9.

First, as explained in Master Response 10, *Level of Detail for General Plan and the General Plan EIR*, this is a Program EIR, intended to broadly assess the potential environmental effects of the General Plan as a whole and adopt mitigation measures where significant impacts are identified. The adoption of mitigation measures needs to be sufficiently broad to be able to address a wide range of specific conditions throughout the County to allow flexibility to adopt specific requirements in the subsequent implementation phases, which in this case would be the development of the Stream Setback Ordinance. There are a number of technical complexities in creating an effective

stream setback ordinance warrant a deliberative consideration that is better addressed in a dedicated process.

Regarding the amount of potential conversions on slopes, please see Master Response 3, *Agricultural Growth and General Plan Agricultural Policies*, where it is described that the amount of potential conversions described in this comment are vastly overstated. Changes to OS-3.5 are described in Master Response 3 as well. Master Response 8 discusses how these revisions further reduce impacts to biological resources.

Regarding a timeframe to adopt the Stream Setback Ordinance, pursuant to Government Code Section 65860, it will be adopted within a reasonable time after adoption of the General Plan.

Regarding interim measures, all discretionary development is subject to project-level review which will require consideration of impacts to and protection of stream/riparian habitats. In addition, the Area Plan policies described in the DEIR on page 4.9-82 through 4.9-85(including CACH-3.7, CV 3.7 – CV 3.9, CVS-5.1, Fort Ord Biological Resource Policy B-3, GMP 3.6, GS-1, GS-3.1, GS-5.1, and SC-5.3) all serve to protect streams and riparian areas and would apply during the interim period before a stream setback ordinance is in place.

Regarding coordination with Policy OS-3.9, the comment suggests that it too represents deferred mitigation. Please see Master Response 10 concerning the deferral of mitigation. Policy OS-3.9 is a General Plan policy, not a mitigation measure identified in the DEIR. The purpose of Policy OS-3.9 is to improve on the current practices to protect streams from impacts due to erosion and hydrologic changes, but the DEIR does not conclude that the policy must be implemented instantaneously upon General Plan approval in order to avoid a significant impact. The comment seems to imply that all the potential development will occur immediately; whereas implementation of the General Plan Policies is intended to address the full buildout in time. In

order to provide some surety in time, Policy OS-3.9 has been modified to require development of the cumulative program within 5 years of General Plan adoption.

Regarding whether CEQA review will be required for the stream setback ordinance, this will be determined during development of the ordinance itself. Will serve to provide protection of streams and their habitats, the specific details of the ordinance would need to be reviewed first in order to identify what, if any, CEQA review may be required.

O-11g.81 Regarding Mitigation Measure BIO-2.2, the comment asserts that the oak woodlands mitigation program is deferred mitigation, lacks meaningful/adequate performance standards, and should follow the model identified by the California Oak Foundation. The comment also asserts that the DEIR fails to address Public Resources Code Section 21083.4. The comment acknowledges that Public Resources Code Section 21082.4 (d)(3) does not require mitigation for agricultural conversion, but asserts that mitigation should nevertheless be provided given the extent of conversions in the County if the County is to conclude that impacts to oak woodlands would be less than significant. The comment also asks how the oak woodlands mitigation program would be coordinates with various policies in the General Plan.

Regarding the assertion of deferred mitigation, please see Master Response 10, *Level of Detail for General Plan and the General Plan EIR*. Contrary to the comment's assertion, the mitigation measure clearly requires mitigation in the interim period until the County program is established (see language in the measure on "until such time as the County program is implemented) and requires replacement of oak woodlands on a minimum 1:1 ratio. The minimum replacement ratio applies to the interim period and to the program itself. The measure has been revised to make it clear that the minimum requirement is "a 1:1 ratio and provide for equivalent acreage and ecological value".

Thus, as revised the measure provides for both the interim period and provides a clear minimum performance standard. The measure has also been revised to require adoption of the program within 5 years of adoption of the General Plan (see General Plan Policy 5.23).

Regarding comments that the ordinance itself should follow the model of the California Oak Foundation and that the program should take into account the need for an allowance for disease and mortality, these comments are noted and will be considered during development of the ordinance.

Regarding the comment that the DEIR fails to address Public Resources Code Section 21083.4 concerning oak woodlands mitigation, the comment does not substantiate this claim with any citation of deficiency. Public Resources Code 21083.4 requires a county to make a determination under CEQA whether a project within its jurisdiction may result in a conversion of oak woodlands that will have a significant effect on the environment. If a county determines that there may be a significant effect to oak woodlands, the county is required to adopt one or more of the following oak woodlands mitigation alternatives to mitigate the significant effect of the conversion of oak woodlands: conserve oak woodlands through easements; plant and maintain trees for up to one half of the mitigation requirement; contribute funds to the state Oak Woodland Conservation Fund; an/or other mitigation measures developed by the county. The DEIR makes the determination that the 2007 General Plan will result in a significant conversion of oak woodlands relative to discretionary development and proposed Mitigation Measure BIO2.2 to establish a county program, while using the state fund in the interim before the county program is adopted. Thus, the DEIR complies with Public Resources Code Section 21083.4.

Regarding agriculture, the comment acknowledges that Public Resources Code Section 21083.4 specifically states that no mitigation is required for agricultural conversion of oak woodlands, but then goes

on to state that a mitigation program must take into account mitigation for agricultural conversions. Regarding compliance with Public Resources Code Section 21083.4, there is no requirement to mitigate for agricultural conversion, which means that a county has discretion to make its own conclusions as to the significance of agricultural conversions of oak woodlands. The County will consider whether this oak tree mitigation program should apply to agricultural areas when drafting that program.

The estimated amount of agricultural conversions are listed in Table 4.9-8 as 575 acres of oak woodland and 43 acres of oak savannah by 2030 (compared to 426,334 acres of oak woodland and 201,662 acres of oak savannah estimated extant in 2006 in 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.

Regarding coordination with other General Plan policies, this mitigation measure complements General Plan policies and does not conflict with them. Policy OS-5.9 and OS-5-10 require that tree removal permit requirements be established in Area Plans, including replacement criteria. Mitigation Measure BIO-2.2 requires the replacement criteria established in these policies to be a minimum of 1:1 in acreage and ecological function. Policy OS-5.11 calls for promotion of conservation of large expanses of native vegetation; BIO-

2.2 will help to make funds available to promote that conservation. As an additional example, Policy CV-3.11 and NC-3.4 require replacement for oak and other native trees on minimum 1:1 ratio where feasible; BIO-2.2 would require a minimum 1:1 ration whether on-site or off-site. Finally, General Plan Policy 5.23 would directly codify the mitigation measure.

O-11g.82 Regarding Mitigation Measure BIO-2.3, the comment asserts that this represents deferred mitigation, and that Policies PS-3.3 and PS-3.4 also lack definable performance standards and thus this does not represent adequate mitigation for effects of water extraction/diversion on biological resources.

Regarding deferred mitigation, please see Master Response 10*, Level of Detail for the General Plan and the General Plan EIR*.

Mitigation Measure BIO-2.3, as revised, does establish performance criteria contrary to the commenter's assertion. The criteria is "instream 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 requires that water supply and well determinations by the County consider the effect of new extractions or diversions on instream flows necessary to support biological resources. Where water supply/well extractions do not reduce flows below that necessary to sustain these resources, then the County can make a determination that the water supply is not a "long-term sustainable water supply" per PS-3.3 and thus require mitigation, alternative water supplies, or could deny flows below the level necessary to sustain these resources, then the Count could require mitigation, an alternative well location or water supply, or could deny the well permit (provided denial did not result in a constitutional taking).

See also Master Response 8, *Biological Resources*.

Regarding the comment advocating that this mitigation should require an increase in instream flows to meet a recovery plan goals, this could require improving flows above baseline levels depending on the recovery plan specifics. While that may be desirable, under CEQA, development is only responsible to address impacts above baseline – not to address past problems. U.S. Supreme Court rulings in *Nollan v. California Coastal Commission* (1987) 107 S. Ct. 3141 and Dolan v. City of Tigard (1994) 114 S. Ct. 2309 establish that mitigation must have a nexus to the impact resulting from the project and be proportional to the project's specific impact. Thus BIO-2.3 is only concerned with the new effects of new water supplies and new wells.

O-11g.83 This comment asserts that the DEIR does not adequately describe new vineyard development, agricultural conversion or the winery corridors.

Regarding vineyard development and agricultural conversions, please see master Response 3, which discusses the bases for the DEIR's estimate of vineyard and agricultural conversions, and Master Response 8, which discusses the DEIR's basis for characterizing the biological resource impacts of vineyard and agricultural conversion.

Regarding the characterization of the winery corridors, the comment argues that the text of the AWCP leaves the winery corridor definition open to potentially all AVA area outside the corridors shown in Figure AWCP-3. The AWCP clearly states that the winery corridors are as shown in Figure AWCP-3. The AWCP clearly states that the winery corridors do not include all of the AVA areas. The language stating "the portion of the Monterey AVA located south of Highway 68 plus the other seven AVAs shall be used for defining the boundary of the Agricultural and Winer Corridor" is only intended to note that the winery corridors are intended to cross through portions of the AVAs in the southern portion of the County (e.g. not in the northern portion of the county).

The comment also states that the winery corridor areas shown in Exhibits 4.9-2, 4.9-3, and 4.9-4 are much smaller than the AVA areas illustrated in Figure AWCP-2 and the winery corridors in Figure AWCP-3 of the General Plan. As noted above the winery corridors do not include the full extent of the AVAs. The referenced exhibits in Section 4.9, Biological Resources, were inadvertently prepared using a earlier GIS layers for the wine corridors. This has been corrected in the Final EIR and revised versions of Exhibits 3.3, 4.6-11, 4.9-2, 4.9-3 and 4.9-3, and 4.9-4 are included in Chapter 4 of this document. Table 4.9-2 was also updated for the habitats found in the wine corridors, the analysis of impacts has not changed as the change in the maps and table do not change the amount of development allowed within the wine corridors by the AWCP. The analysis of agricultural expansion (see master Response 3) was not done based on the size of the AWCP, but rather consideration of historic trends and constraints (such as soil capability, water, etc.).

O-11g.84 This comment asserts that the analysis of mitigation of impacts to wildlife movement corridors and habitat fragmentation is deferred to project-level CEQA review and will not be effective.

Regarding deferred mitigation, please see Master Response 10, *Level of Detail for the General Plan and the General Plan EIR.*

Please see Master Response 3, *Agricultural Growth and General Plan Agricultural Policies*, concerning assertions that agricultural conversions will be larger than estimated in the DEIR. Please see Master Response 8, *Biological Resources*, which addresses impacts of agricultural conversions (and other development allowed by the 2007 General Plan) on special-status species habitats and on wildlife movement corridors.

Regarding the specific comments regarding impacts to the Arroyo Seco Uplands, as noted in the DEIR, Policy CVS-5.1 prohibits new development from encroaching on the Arroyo Seco (modified in the

FEIR to include both main channel and riparian corridor) and Mitigation Measure BIO-2.1 would require identification of specific setbacks from the Arroyo Seco to protect riparian habitats, water quality, and wildlife movement along the riparian corridor. While agricultural conversions are possible in the uplands along the corridor, there are current controls on erosion through the Agricultural Waiver Program to prevent sedimentation from increasing in Arroyo Seco. Per Mitigation Measure BIO2.3, instream flows for fish have been added as a factor for considering new wells and water supplies that might draw from the Arroyo Seco. This will require consideration and avoidance of added sediment.

Regarding specific comments regarding the Carmel River Watershed-Sierra de Salinas, this area is shown as a large area of the upper Carmel River watershed as well as well as the Carmel River. As discussed in the DEIR, Policies CV-3.7, 3.8, and 3.9 protect the Carmel River for its riparian community and as a wildlife migration route. Regarding the upper part of the Carmel River watershed, this area is not subject to large urban development pressure. The comment asserts that vineyards and ranching are a threat to this conservation area. First, the comment does not substantiate why continuation of ranching (which is already present) is somehow a threat to conservation of habitat. While there can be localized effects of ranching if areas are grazed too heavily, there is a baseline of ranching activity throughout private lands in the upper watershed that would not be substantially changed by the 2007 General Plan. Regarding vineyard expansion potential, this is possible, but not likely to occur on a widespread basis due to access, slope, and water constraints. As shown on Figures 4.9-6 and 4.9-7 of the DEIR, there has been only limited habitat conversion to farmland in the Carmel River watershed in the last several decades.

Regarding specific comments regarding the Salinas River Uplands, TNC (2006) identifies this as a 5,000-acre area south of San Lucas mostly

west of the Salinas River and east of Highway 101 containing grassland habitat along the Salinas River for San Joaquin kit fox and steelhead habitat in the river. As identified in the DEIR, Policy SC5.3 prohibits new development from encroaching on the floodways of the Salinas River. Agricultural conversion of the grassland is possible, but would not be expected to result in any blockage to steelhead passage along the Salinas River. Although conversion of this location could result in loss of habitat for the San Joaquin kit fox, it is important to remember that there are large areas of annual grassland along the adjacent edges of the Salinas Valley; further there is no reason to expect massive conversions of all grassland along the edges of the valley, but rather sporadic conversions similar to the extent and locations shown in Figure 4.9-6 in the DEIR are reasonably foreseeable.

Regarding steelhead, the comment asserts that the EIR should assess the precise detailed conditions of all creeks and rivers used for steelhead spawning, rearing, and movement including identification of downed logs, fallen riprap, discarded trash, beaver dams in each creek and then establish movement corridors for steelhead. As noted previously, this is a program EIR for a General Plan and thus the analysis is done on a broad landscape level. Detailed site-specific analysis of all the creeks used or potentially used by steelhead is not necessary in order to broadly characterize the impacts of the 2007 General Plan on steelhead. The DEIR (page 4.9-41, 4.9-43 and Figure 4.9-5) identified the major steelhead movement corridors and habitat as including the Salinas River and tributaries (including Gabilan Creek, Arroyo Seco, San Antonio River, and the Nacimiento River), the Carmel River and many of its tributaries, the Big Sur and Little Sur Rivers and other coastal streams, as well as the Pajaro River. The DEIR also discusses potential impacts to the broad movement of wildlife and fish. Where appropriate, project-level reviews (such as for new bridges over steelhead migration routes) will need to assess smaller-scale details in order to determine specific project-level impacts, this is not appropriate for a Program-level document.

Regarding the San Joaquin kit fox, the comment asserts that Mitigation Measure BIO-1.2 will take more than the identified four years and thus will defer mitigation allowing scattered development to occur in the interim. Please refer to response to comment O11g.77 above. Note, the County amended the measure to identify a four –year time frame so that this is not an open-ended effort and can be put into effect sooner than later to better address impacts to kit fox in the Salinas Valley. The comment provides no evidence that the conservation strategy called for in BIO-1.2 cannot be done in four years.

Regarding winery and ancillary use impacts, the comment asserts that there will be no mitigation for biological resource impacts for the 40 artisan wineries and ancillary uses, the commenter is referred to Master Responses 3 and 8.

O-11g.85 This comment asserts that the DEIR does not address impacts to steelhead from increased diversions from the Salinas River beyond the 9,700 AFY proposed by Phase 1 of the SVWP and allowed by the current NMFS Biological Opinion. Please see the response to this issue in Master Response 3 concerning Phase 2 of the SVWP and steelhead, and in response to comment O-11g.24 above.

O-11g.86 This comment asserts that the DEIR does not address impacts to steelhead from continued operations of Nacimiento and San Antonio Dams. As noted in response to comment O-11g.24, the current operation of these dams is part of the physical baseline for the EIR.

This comment also asserts that the DEIR does not disclose the effects of sedimentation on steelhead and asserts that these impacts will be significant because the DEIR does not propose any substantive mitigation as Policy 3.9 will not develop a cumulative program to address erosion/sedimentation until later. The DEIR, on page 4.9-62, notes that sedimentation from new vineyards could affect special-status species in downstream areas (steelhead are noted as special-status species in Table 4.9-5) and also described erosion and

sedimentation as affecting special-status species on page 4.9-65. On page 4.9-66 the DEIR discloses that impacts of the 2007 General Plan on fish species could result from an increase in sediment due to conversion of previously uncultivated slopes. The comment also ignores the water quality analysis in Section 4.3 of the DEIR wherein erosion and sedimentation are analyzed in detail. As explained therein, agriculture (both existing and new) are subject to the requirements of the Central Coast RWQCB's Agricultural Waiver Program as well as the County's standards for agricultural uses (found in 21.66.030) which apply to all new conversions in all zoning districts where agricultural uses are allowed. The County 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 Soil Conservation Service, County Agricultural Commissioner, and the Planning and Building Inspection department. As explained in Master Response 9, *Water Quality*, there are also a series of policies (including OS-3.1 - 3.5, 3.9, 4.2, and 4.3 as well as OS-9) that control erosion and sedimentation in the County. Thus, there are both current controls in place for both urban development and agriculture, as well as new programs that will be put in place to address cumulative impacts over time. Policy OS-9 has been revised to require adoption of the cumulative program within 5 years after adoptions of the 2007 General Plan.

Given the existence of current controls that will apply to agriculture and urban development in the interim and the gradual increase in new sources of potential erosion/sedimentation, no significant impacts are identified in the interim period while the program is being developed. While Section 4.3 does not address impacts to steelhead, by addressing erosion/sedimentation and providing for controls to

prevent increases in sedimentation of creeks, the DEIR adequately addresses potential sedimentation impacts to steelhead as well.

O-11g.87 This comment asserts that the DEIR's cumulative impact analysis is inadequate because no mitigation is proposed for County's contributions to cumulative biological resource impacts. The comment asserts that the County control including Low-density development and development on lots of record, agricultural conversions, and wineries, including prompt implementation of an NCCP.

The County is proposing numerous policies in its General Plan and mitigation measures that either reduce impacts from development under the General Plan to a level that is less than significant or to the maximum extent feasible including impacts from low-density development, development on lots of record, agricultural conversions and wineries whenever a discretionary permit is required. The County does not have control over development in any of the neighboring jurisdictions, nor is it the County's responsibility to mitigate for impacts that other jurisdictions may cause. Nevertheless, the County has proposed to work cooperatively with other jurisdictions in Mitigation Measures BIO-1.2 and BIO-1.5 to development long term comprehensive mitigation for the San Joaquin kit fox and other natural biological communities. The County is also a party to the development of a Habitat Conservation Plan that will address development on Fort Ord and the cumulative impacts of development in that area.

Thus, contrary to the commenter's assertion that the County is not requiring any mitigation, the DEIR describes a system of policies and mitigation that would help to reduce cumulative contributions.

Last, as noted in the DEIR and in Master Response 2, *Growth Assumptions Utilized in the General Plan*, the County relied upon conservative growth assumptions in its impact analysis that would further reduce the extent of impacts that are projected to occur individually and cumulative. Thus, the DEIR conservatively discloses

that the buildout of the 2007 General Plan could contribute considerably to cumulative impacts to biological resources.

O-12a League of Women Voters of the Monterey Peninsula

O-12a.1 The commenter expresses their support for the reduction in the number of Community Areas and Rural Centers in the proposed General Plan update, as well as the limits on development in the North County, Toro, and Greater Salinas Planning Areas. The commenter raises no substantive CEQA issues, so no response is necessary.

O-12a.2 The commenter opposes the elimination of the prohibition against agricultural on uncultivated lands of greater than 25% slope.

See Master Response 3 on Agricultural Policies. Revised Policy OS-3.5 allows conversion of uncultivated lands on slopes greater than 25% only with limited exceptions and only upon approval of a discretionary county permit. This will discourage such conversions and mitigate the impacts of those that are allowed. As discussed in Master Response 3, the commenter's estimate of steeply sloping lands potentially available for conversion is highly overestimated.

O-12a.3 The commenter is concerned that the policies protecting rare and endangered species have been weakened by limiting them to listed species only. The commenter asserts that this is inconsistent with the CEQA Guidelines, which require a broader approach. The commenter opines that placing this requirement in the General Plan is "a far more effective and efficient approach than addressing their protection on a case-by-case basis."

See Master Response 3 regarding agricultural policies and Master Response 8, *Biological Resources*. The proposed General Plan policies are consistent with CEQA. Revised Policy OS-5.16 will require a biological study for discretionary permit 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 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, thus meeting the CEQA criteria for evaluating potential significant impacts on biological resources (see CEQA Guidelines Section 15065). To implement this policy, the County will enact an ordinance establishing the standards for biological studies and surveys. Working in conjunction with the CEQA criteria embodied in Policy OS-5.16, revised Mitigation Measures BIO-1.4 and BIO-1.5 will require the County to re-evaluate, at five-year intervals, the degree to which growth may: (1) necessitate the establishment of additional focused growth areas to reduce the loss of species or habitat, and (2) increase the vulnerability of currently non-listed species from becoming rare, threatened, or endangered due to projected development. Revised Mitigation Measure BIO-1.5 would further require the County to develop a conservation strategy to preserve sensitive natural communities, riparian habitats and wetlands, and wildlife movement corridors. See Chapter 4 of this FEIR for revisions to these mitigation measures and policies.

O-12a.4 The commenter asserts that the circulation and noise elements of the proposed General Plan are inadequate. These comments are related to the proposed General Plan, not the adequacy of the EIR. No response is necessary in the FEIR. The comment will be considered by decision-makers during the deliberative process on the General Plan. Please also see the response to comment O-11g.46.

O-12a.5 The commenter opposes establishment of ministerial uses in the winery corridor and asserts that this would exempt these later projects from CEQA review. See the response to comment O-3.4. The Agriculture and Wine Corridor Plan has been modified to require a biological study (as defined in Policy OS-5.16) for permanent facilities with the potential to affect biological resources, including Artisan Wineries. If the biological study indicates a potential for a significant

impact on biological resources, then an administrative permit shall be required.

O-12a.6 The commenter notes that the proposed General Plan and DEIR rely on 2004 AMBAG projections, rather than AMBAG's adopted June 2008 forecast. The commenter asserts that this approach results in the proposed General Plan being inconsistent with the Monterey Bay Unified Air Pollution Control District's (MBUAPCD's) 2008 Air Quality Management Plan.

See Master Response 2, *Growth Assumptions Utilized in the General Plan*. Please refer also to the response to comment L.10-31 for a further discussion of this issue.

O-12a.7 The commenter asserts that the proposed General Plan's growth projection for the Monterey Peninsula is inconsistent with the 2004 AMBAG population forecasts and the data used for the 2004 AMBAG traffic model.

See Master Response 2, Growth Assumptions Utilized in the General Plan.

O-12a.8 The commenter asks how the growth forecasts were adjusted to account for the exclusion of the coastal zone areas from the DEIR analysis. The commenter also asserts that potential growth in the Pebble Beach area should be discussed in the DEIR.

See Master Response 2, *Growth Assumptions Utilized in the General Pla*n.

The proposed General Plan update does not include an update to the Del Monte Forest LCP, which includes Pebble Beach. There are currently no formal proposals for changes to this LCP and attempting to estimate some future level of growth beyond the adopted LCP is remote and speculative. The County's approval of a coastal development permit (CDP) for development within Pebble Beach was appealed to the California Coastal Commission in 2006. In response to the Coastal Commission's clear lack of support for the both the project

and the related revisions to the LCP, the CDP was rescinded by the Board of Supervisors in December 2006. The Coastal Commission then removed the appeal of the coastal development permit from its agenda. Coastal Commission staff opined at the time that both the proposed revisions to the LCP and County "Measure A" that purportedly revised the LCP by initiative were inconsistent with the Coastal Act in several substantive areas and unlikely to be approved by the Commission in any case. As a result, there is no evidence that the LCP will be amended to allow additional development and that the Coastal Commission would approve such an amendment.

O-12a.9 The commenter asks where the DEIR's estimate of annual building permits comes from. See Master Response 2, *Growth Assumptions Utilized in the General Plan*.

O-12a.11 The commenter requests clarification of the growth estimates from Table 3-8 in the DEIR; asking why winery corridor units and subdivisions outside of Community Areas and Rural Centers are excluded from the 2030 implementation number. Also, the commenter asks that the 2092 buildout numbers be re-evaluated to assure consistency with GPU5 policies.

See Master Response 2 regarding the growth assumptions used in the DEIR.

The AWCP does not propose substantial changes to the existing County restrictions on residential use of farmlands. Monterey County's Farmlands zoning district allows three single-family residences and one guesthouse on each parcel without a discretionary permit. In comparison, the AWCP would allow one single-family residence, one guesthouse, and three employees' residences. This is a net change in development potential of one residential unit per site. This minor change to potential growth in the southern portion of Monterey County would not affect the overall conclusions of the DEIR regarding the General Plan's impacts on resources.

O-12a.12 The commenter asserts that the proposed General Plan would amend the County's LCP. The comment notes that the Castroville Community Area is in the Coastal Zone and its community plan was before the Coastal Commission for consideration at the time of their letter. Because the Castroville Community Area is identified as one of the five Community Areas in the proposed General Plan, the commenter argues that the General Plan is therefore amending the LCP. Please see Master Response 11 regarding coastal resources and applicability of the general plan.

The Castroville Community Plan has been proceeding on a parallel course to the proposed General Plan update. The County approved the Castroville Community Plan in 2007 (after certifying that Plan's EIR) and that status is reflected in the proposed General Plan. Since that time, the County submitted the Community Plan to the California Coastal Commission for consideration as a major amendment to the County's certified Local Coastal Program. In the face of Commission staff opposition to the proposed amendment, the County withdrew it from consideration by the Commission at the Commission's March 12, 2009 meeting. Master Response 11 describes the current disposition of the Castroville Community Plan relative to the proposed General Plan update and explains why CEQA does not require the County to consider this community plan in the EIR for the General Plan update.

O12a.13 The commenter asks for clarification of the relationship between the proposed General Plan and the County's 1979 Growth Management Policy.

The discussion of the Growth Management Policy in the DEIR is intended to provide a context for the proposed General Plan's emphasis on discouraging new growth outside of urbanized areas and areas with the services to support growth. The proposed General Plan's policies find their philosophical origin in the Growth Management Policy, but that policy has not been incorporated directly into the proposed General Plan.

O-12a.14 The commenter notes that there is a typo on page 4.1-10, line 7 of the DEIR -- "incorporated" should be "unincorporated." The commenter is correct and the reader's attention is directed to that change in Chapter 4.

O-12a.15 The commenter notes that state law requires the County to update its zoning ordinance to match its general plan and asks that the text of the DEIR be revised from stating that zoning ordinance revisions "promote" consistency to stating that they "assure" consistency. The change being requested reflects the commenter's preferred language, but does not affect the accuracy of the existing text. Government Code Section 65860 requires that the County update the zoning ordinance "within a reasonable time" of adopting the updated General Plan. This will assure that the two are consistent.

O-12a.16 The commenter suggests that the DEIR's finding that over 2,500 acres of agricultural land may be converted to non-agricultural uses at build-out of the General Plan "cannot be justified" on the basis of the 2008 AMBAG forecast for housing growth in unincorporated areas between 2005 and 2030. Under the discussion of Impact AG-1, the DEIR states that the exact amount of conversion expected by 2030 is not being estimated, but rather the figure reflects full buildout. The buildout analysis was based on conversion of lands adjacent to cities to meet future housing needs, as well as conversion within the County. Growth estimates were based on the 2004 AMBAG forecast, which was higher than their 2008 forecast.

The commenter misunderstands the effect of using a higher estimate on the impact conclusions drawn in the DEIR. The DEIR is not attempting to "justify" the General Plan or its policies, it is attempting to determine the significance those policies may have on the environment at such time as they are implemented. As a result, erring on the side of overestimating the level of growth that may occur results in identifying a more severe impact than may actually occur. The purpose of the DEIR is to disclose the potential for environmental

impact and the preparers of the DEIR did not want to underestimate the level of that potential.

O-12a.17 The commenter suggests that a brief description of the MPWMD's Ordinance 135 should be added to the discussion of regulatory framework in Chapter 4.3, *Water Resources*. Ordinance 135, adopted by the MPWMD Board on September 29, 2008, amended the MPWMD's rules for staged water restrictions that are imposed during water emergencies when available supplies are projected to be insufficient to meet demands. The amendments were made in response to the adjudication of groundwater in the Seaside Basin and the expected outcome of the SWRCB's cease and desist order regarding CalAm's unauthorized use of water originating from the Carmel River discussed in the DEIR on page 4.3-39. See Master Response 4 regarding water supply for a discussion of the adjudication and Cease and Desist Order. The EIR has been revised to briefly discuss Ordinance 135 (see Chapter 4).

O-12a.18 The commenter asks whether the MCWRA's estimate of the decline in agricultural water demand in the Salinas Valley accounts for increased agricultural use that would be allowed on steep slopes. Please see Master Response 4, Section 4.2.1 on agricultural water supply. The level of detail requested by commenter in assessing water usage on "steep slopes" is not necessary to determine the water demands for the Project as a whole and would not be an appropriate predictor of agricultural water demand in Salinas Valley. Please see Master Response 10 on the level of detail required in an EIR. The MCWRA's data and the DEIRs impact analysis is not focused upon individual types of agricultural water usage (i.e. water usage on steep slopes), but rather focuses upon agricultural water usage trends for the agricultural industry as a whole as shown in Master Response 4, Exhibit W-1. These trends incorporate a number of factors which would not be captured if this analysis were focused upon water usage on "steep slopes," such as water conservation by agriculturalists, the

conversion of agricultural land to urban uses around the Salinas Valley cities, and the cultivation of crops, such as grapes, that tend to use less water than the row crops that have traditionally been grown in the Valley. Please also see Master Response 3 on general plan agricultural policies for a discussion of the low likelihood that extensive conversions will occur on steep slopes.

O-12a.19 The commenter asks that the discussion on page 4.3-34 of the DEIR identify whether the reference is to Phase 1 or Phase 2 of the SVWP. The discussion relates to Phase 1.

O-12a.20 The commenter notes that while the DEIR states that no additional demand in the Carmel River basin is expected under GPU5, this contradicts earlier reference to a number of projects that would rely on the basin as their source of water. The referenced text was in error. The DEIR clearly indicates new demand in Table 4.3-9 which was the basis for the impact analysis. The language has been revised in the text to address this comment. See Chapter 4.

O-12a.21 The commenter states that the discussion of the PCVWMA is "significantly out-of-date" and should be revised. No details are provided on what the commenter believes is "out-of-date" or "new information." The County respectfully disagrees with this characterization of the discussion. It is not out of date, nor is substantial revision necessary. See Master Response 4 Sections 4.1 through 4.4 regarding water supply for additional information about the North County water supply.

O-12a.22 The commenter asserts that the Draft General Plan's policies and Mitigation Measure PS-1 will not prevent significant impacts by 2030 and 2092 on the County's impaired water bodies. Please note that page 4.3-54 and Table 4.3-8 are part of the "Regulatory Framework" discussion and not the impact analysis which begins on page 4.3-90. Water Quality Impacts are addressed under Impacts WR-1, WR-2, and WR-3. Furthermore, the General Plan includes Policy PS-2.8 which

"requires that all projects be designed to maintain or increase the site's pre-development absorption of rainfall…" Please also see Master Response 9 regarding water quality for an updated list of impaired water bodies, as well as a detailed discussion of the Draft General Plan policies and state/regional regulations that will protect water quality in the future. This impact will be less than significant, with the implementation of the comprehensive set of policies, programs, and regulations.

O-12a.23 The commenter asserts that the DEIR's finding that the Draft General Plan will have no significant effect on erosion is unsupported in light of the provisions for Routine and Ongoing Agricultural Activities. The comment refers to the General Plan Policy discussion of Impact WR-2. Impact WR-2 addresses water quality associated with development. Please see Impact WR-3 for discussion of water quality impacts associated with *agricultural* development. Commenter is also referred to the Geology discussion in Section 4.4 under Impacts GEO-4 and GEO-5 for discussion of erosion related impacts. Please also see Master Response 9 regarding water quality and Master Response 3 regarding the AWCP and agricultural resources for a discussion of agricultural runoff restrictions and routine and ongoing agricultural policies. Routine and Ongoing Agricultural activities are and will continue to be subject to the CCRWQCB's agricultural waiver program. This impact will be less than significant.

O-12a.24 The commenter asserts that the DEIR uses inconsistent projections from AMBAG (regarding population) and MCWRA (regarding water supply) to support its contention that there will be no net increase in overall agricultural acreage through 2030. Please see Master Response 4 Section 4.2.1 for a discussion of agricultural water demand. Please also see Master Response 2 regarding growth and Master Response 3 on the topic of potential for agricultural conversion of uncultivated lands on slopes.

O-12a.25 The commenter notes that the CalAm proposal for the Coastal Water Project will only provide water to address Order 95-10 and the Seaside Aquifer adjudication. This is incorrect. The DEIR for the Coastal Water Project makes it clear that a larger supply is also under consideration. See master Response 4, Section 4.3.2, regarding the Coastal Water Project and the "North Marina Project" and "Regional Water Supply Project" alternatives. The County cannot predict at this time what final decision will be made by the PUC regarding the alternatives under consideration.

O-12a.26 The commenter asks whether the water demand estimates for wineries include water for operational needs. The 7-gallon assumption refers to "gross unit water demand" for wineries, which would include operational water usage for uses such as sterilization. The estimate is based on typical water use at wineries in the Napa Valley. It does not include landscaping or water demand from ancillary uses. See Master Response 4 on water supply for a revised estimate of water demand form new wineries in the AWCP.

O-12a.27 The commenter notes that the reference to the Coastal Water Project providing water to meet Fort Ord allotments is not correct because Fort Ord allotments are not served by Cal-Am. The Regional Water Supply Project alternative would provide sufficient additional water to the Marina Coast Water District to meet the future needs of Fort Ord (2,700 AFY). See the response to comment O-12a.25.

O-12a.28 The commenter notes that the Monterey County's Regional Water Supply Program has been revised to exclude brackish water desalination. Two projects with similar names – the Regional Water Supply Project and the Regional Urban Water Augmentation Project – are being examined for feasibility. The Regional Water Supply Project is being examined by the California Public Utilities Commission as an alternative to the Coastal Water Project that would provide water to both the Monterey Peninsula and portions of the North County area. The Regional Urban Water Augmentation Project is being examined by

the Monterey Regional Water Pollution Control Agency and Marina Coast Water District. See Master Response 4 on Water Supply for a discussion of these projects. Whether either project involves brackish water recovery is not pertinent to the 2007 General Plan or the EIR. Furthermore, one of the purposes of impact analysis WR-5 is to address potential alternatives to supply water within the County. The discussion of brackish desalination is still therefore appropriate under this analysis.

O-12a.29 The commenter asserts that the DEIR's mitigation measure BIO-2.1 is a deferred measure that lacks the specific performance standards for adequacy. Measure BIO-2.1 requires the County to enact a Streambed Setback Ordinance in order to preserve riparian habitat and limit the release of sediment to streams and rivers.

Please see Master Response 10 regarding the specificity of mitigation measures required in a program EIR. As discussed in that Master Response, a general plan's 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. 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 Section 15143, 15146, 15151, 15204.) Mitigation Measure BIO-2.1 describes the requirements for the future Streambed Setback Ordinance sufficiently to ensure that the ordinance will contain the elements necessary to ensure that it will reduce the release of sediments. This includes: minimum standards for setbacks for new development; "appropriate uses" within the setback area that would not result in a compromise of water quality; developing a standardized methodology and mapping requirement for rivers and creeks that will result in a stream classification system; and setback standards to be developed for each class of river and creek (with specified key rivers and creeks requiring unique setbacks).

IN response to comment S-9.23 from the Central Coast Regional Water Quality Control Board, measure BIO-2.1 has been revised to apply to all discretionary conversions of previously uncultivated agricultural land, rather than only land on slopes. The Streambed Setback Ordinance will be developed through a public process and will involve the Central Coast Regional Water Quality Control Board.

O-12a.30 The commenter asks why there is no mention of the abandoned asbestos mine near King City. The commenter is apparently referring to the King City Asbestos Corporation mine located in the Diablo range, approximately 30 air miles east of the City of King City. The mine ceased operations in 1988 and is within San Benito County. The discussion of mines on page 4.5-5 of the DEIR is intended to be a broad overview of mining within the County. This mine is no longer in operation and is located in another county. The comment provides no evidence that the mine is relevant to analysis in the EIR. There is no requirement to discuss it.

O-12a.31 The commenter notes that the ½ cent sales tax intended to fund substantial portions of the regional road network that is on the Transportation Agency for Monterey County (TAMC) regional fee project list was defeated by voters in the November 2008 election. The commenter further notes that this makes the affected road projects unlikely to be constructed on schedule, if at all, and asks that the EIR explain the need for significant other sources of financing for planned regional road improvements.

TAMC's Regional Development Impact Fee applies to new development projects county-wide and is earmarked for specific projects throughout the County. The regional fee went into effect in August 2008. The Joint Powers Agreement establishing the Regional Development Impact Fee required the establishment of a process to prioritize the expenditure of fee revenues, if the sales tax for funding transportation improvements was not enacted. With the narrow November 2008 defeat of the transportation sales tax measure, the

requirement that a mechanism be used to prioritize the expenditure of fee revenues became operative.

In October 2009, TAMC adopted its Strategic Expenditure Plan for the Regional Development Impact Fees. The prioritization strategy embodied in this plan consists of two parts: funding tiers establishing timeframes of 2009-2015 (Tier 1), 2016-2024 (Tier 2), and 2025-2030 (Tier 3), and project development criteria establishing a points system for ranking projects. The ranking criteria include: project readiness, funding availability, level of need/urgency, cost effectiveness, and geographic distribution. Fee program projects that are not expected to be fully funded by 2030 are identified in Tier 4, at least for that portion of the overall cost not funded by 2030.

Most of the projects identified on the Regional Development Impact Fee list will be built during the Tiers 1 through 3 timeframe. Notable exceptions are: the SR 156 widening to four lanes, the Davis Road widening portion of the Westside Bypass, SR 68 commuter improvements, the US-101/Harris Road interchange, and the Marina-Salinas Corridor-B.

O-12a.32 The commenter notes that the widening of Espinosa Road is listed in Table 4.6-13 of the DEIR, but not in the Draft General Plan. The widening of Espinosa Road is currently on the TAMC “Constrained” List, meaning that it is a reasonably foreseeable future road improvement. See the response to comment O-11g.50.

O-12a.33 The commenter asks for clarification of how coastal residential units are accounted for in traffic model. The traffic model covers the entire county, however, the traffic analysis assumed no growth in the Coastal area of the county. See Master Response 2, section assumed no growth in the Coastal area of the county. See Master Response 2, section 2.5, regarding growth assumptions and Master Response 11 regarding Coastal Resources and General Plan Applicability. Growth within the Coastal Zone by 2030 is anticipated to be approximately 423

units. An increase of an average of about 21 units per year has no substantial effect on the outcome of the traffic model run. The model run that is in reflected in the DEIR is correct for purposes of analyzing the effects of a general plan in a program EIR. See also Master Response 10 regarding the level of detail expected of a general plan EIR.

O-12a.34 The commenter notes that while the DEIR finds that county roadways would not fall below LOS D because of Draft General Plan policies, the DEIR "fails to address Policy C-1.1 which allows County roads and intersections to degrade below D through the Community Plan process."

The commenter mischaracterizes the findings of the DEIR. Development to 2030 and buildout in 2092 will result in numerous road segments that will exceed the County's general standard of LOS D. Where this occurs, the DEIR identifies it as a significant and unavoidable impact (see, e.g., Impact TRAN-2B). Policy C-1.1 expresses the County's objective for acceptable levels of congestion. However, this will not be possible to maintain in all cases. Impacts within this portion of the County are disclosed on page 4.6-61 of the DEIR and in Table 4.6-18.

O-12a.35 The commenter contends that the DEIR's conclusion regarding non-conflict with alternative modes of transportation "fails to account for communities such as Pajaro and the seven rural centers which are dispersed throughout the county at densities and locations that are not readily serviced by public transit (over 1,000 units). The commenter goes on to assert that the DEIR similarly underestimates conflicts due to sprawl development, and should analyze how each of the AHO districts will promote more affordable housing near public transportation, workplaces, shopping, and schools.

Although the General Plan can offer no guarantees that public transportation will be available, it can provide the opportunity to

provide public transportation by concentrating populations in Pajaro and the other Community Areas and Rural Centers rather than over larger areas. The result is that fewer stops are necessary to serve a large number of potential clients. This does not create a conflict with alternative modes of transportation by creating barriers to or eliminating the potential for alternatives modes when financing is available.

The County identified the proposed AHOs based upon access to population centers and accordingly those proposed in the General Plan would meet the criteria in the General Plan for the designation of AHOs. The comment will be considered by the decision makers during deliberations on the General Plan.

O-12a.36 enter asserts that the conclusion on page 4.6-57 of the DEIR that project specific traffic impacts will be less than significant under "2030 cumulative plus project conditions" as a result of Draft General Plan policies is not supported. The commenter asserts that allowing a fair-share contribution rather than concurrent improvements would result in significant traffic impacts. Also, the commenter notes that the Draft General Plan policies do not affect city projects that could contribute to cumulative impacts.

Please refer to Master Response 6, *Traffic Mitigation* and Master Response 10 which includes a discussion of mitigation fees. Under CEQA, payment of fair-share contributions 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 EIR's analysis of the General Plan policies requiring development impact fees meets the requirements of CEQA. The concurrency issue raised by the commenter is addressed by revisions to General Plan Policies C-1.3 and C-1.4 which will require improvements to be installed concurrent with development. See

Chapter 5 of this FEIR for the text of these policies. These specifically provide as follows:

Note that the County has already adopted the TAMC fee pursuant to Policy C-1.11. Policy C-1.8 requires the County to develop a County Traffic Impact Fee Program to address the impacts of development in cities and in the unincorporated area on major County roads. This program will be developed in consultant with the cities and adjacent jurisdictions.

O-12a.37 The commenter asserts that the DEIR's finding that Winery Corridor projects would have a less than significant effect on roadways as a result of mitigation, "calls into question" the future impacts of ministerial projects within the corridor that would be exempt from later CEQA analysis. Also, the commenter asserts that the DEIR "fails to address safety issues related to the conflict between agricultural vehicles which use County roads and visitors to wine tasting facilities."

The traffic analysis of the Winery Corridor assumed the existence of the full-scale and artisan wineries. The specific road improvements, achieved through Mitigation Measure TRAN-5A and through the 2007 General Plan's Capital Improvement Financing Plan policy, are not extensive and it is expected that a combination of the mitigation measure (requiring project-specific mitigation) and the Financing Plan (providing a mechanism for a fair-share fee) which will be imposed on all new facilities, would provide sufficient funding for these improvements. Please refer to Master Response 3*, Agricultural Growth and General Plan Agricultural Policies*, section 3.5, for further responses to this comment.

O-12a.38 The commenter notes that the DEIR does not address the impact of new development on deteriorating roads and highways. The comment asserts that roadways will continue to degrade, increasing safety hazards and more and more potholes.

Road maintenance is paid for by the County general fund, gasoline taxes passed through to the County by the state, and projects administered by TAMC under its funding programs. The County will continue to apply the available revenues, which will increase with the increase in population under the Draft General Plan, to maintenance activities.

O-12a.39 The commenter asserts that the DEIR relies upon an outdated 2004 Air Quality Management Plan (AQMP) to determine the Draft General Plan's cumulative contribution to regional ozone levels and should have found a significant impact on regional air quality based on the 2008 AQMP. The commenter continues that the cumulative impact analysis fails to address city growth as described in the transportation section of the DEIR. They additionally assert that the analysis of the impact of fermentation emissions on ozone levels should be revised to reflect actual daily emissions, rather than relying on annual daily averages that do not reflect the distribution of emissions.

As stated by the discussion of the 2008 AQMP on page 4.7-11 of the DEIR and shown in Table 4.7-2, the air quality analysis is based on the 2008 AQMP. Additionally, the DEIR's mitigation measures include measures identified in the 2008 AQMP. Contrary to the commenter's assertion, Impact AQ-3 of the DEIR concludes that the Draft General plan would result in the production of a significant and unavoidable impact from increased levels of ozone precursors.

As discussed at various points in Section 4.7 of the DEIR, the air quality analysis is based on the traffic analysis prepared for the DEIR. It includes the same growth assumptions as found in the transportation analysis.

An analysis of daily emissions from wineries, as suggested by the commenter, is not a reasonable approach. The fermentation emissions are an estimate, at best, based on the assumption that all of the full-scale and artisan wineries would be built. Precise information

is not available about future wineries – their size, type of wine being produced, and fermentation methods, for example. Without this information, attempting to analyze daily emissions would be an exercise in speculation. The estimated emissions in the DEIR are sufficient to disclose the potential for impacts over the long-term of the General Plan (i.e., 2030 and 2092). Please refer also to responses to comments in letter L-10 (Monterey Bay Unified APCD).

The health impacts of air pollutants are discussed in Section 4.7.2.2 of the DEIR.

O-12a.40 The commenter asserts that the DEIR incorrectly identifies the designation status for State and Federal air quality standards and fails to reference $PM_{2.5}$ standards. The commenter asks that this information be updated. Text in the FEIR has been revised in response to this comment. The revised text does not differ substantially from the discussion in the DEIR. Please see Chapter for the pertinent changes.

O-12a.41 The commenter notes that the air quality monitoring station in Carmel Valley is not listed in the DEIR. The purpose of the DEIR air quality discussion is to present a county-level analysis of air quality. Because it is not and does not need to be a site-specific study, the Salinas 3 monitoring station, which monitors the spectrum of criteria emissions, is used as representative of the County's air quality. As shown below, the Carmel Valley station monitors only a limited spectrum of emissions. It is not suitable for use in characterizing county-wide air quality.

The Monterey Bay Unified APCD maintains the following monitoring stations in Monterey County: Carmel Valley, Salinas, and King City. It also maintains a monitoring station in nearby Watsonville in southern Santa Cruz County. The stations that monitor the air quality parameters are now mentioned in revisions to the DEIR in Chapter 4.

O-12a.42 The commenter notes that Table 4.7-2 is identified as presenting air quality monitoring data for the past three years on page 4.7-8, when it actually lists VOC emissions from wine fermentation and aging.

The reference on page 4.7-8 is incorrect. The referenced table was inadvertently left out of the DEIR. The discussion, analysis, and conclusions reached in the DEIR were based on the air quality data for the three years preceding issuance of the DEIR. No changes are necessary to the determinations made in the EIR. The reader is directed to the information in Chapter 4, reflecting the air quality monitoring data for 2006-2008.

O-12a.43 The commenter notes that Table 4.7-3 includes a year 2000 population that exceeds the project population in 2030 and that the "2000 number makes no sense."

The 2000 with project scenario consists of the year 2000 plus the entire buildout of the 2007 General Plan using the 2000 emission rates; it is only intended to demonstrate the scale of raw change from 2000 without considering changes in emission rates over time. This has been clarified in Chapter 4 of the FEIR. Also, see the response to comment O-11g.57 for clarification of the table.

O-12a.44 The commenter opines that the policies of the Draft General Plan do not assure that development would remain consistent with the AQMP. The commenter notes that "2030 buildout" is inconsistent with the 2008 AQMP. As a result, the commenter believes that the 2092 buildout "should be found to have significant effects on regional ozone levels."

The commenter does not provide any evidence to support commenter's opinion. As discussed in Chapter 4.7, *Air Quality*, ozone is the result of reactions among gases in the presence of sunlight and heat. Reductions in the gaseous precursors of ozone will reduce the production of ozone. Monterey County is currently well below state and federal standards for ozone. Continued improvements in vehicle

emissions control technology, as well as projected increased use of hybrid and electric vehicles, including trucks and buses, are expected to reduce emissions of ozone precursors. A number of programs that are being pursued at the State level under the AB 32 "Scoping Plan" to reduce GHG emissions to 1990 levels by 2020 have the co-benefit of reducing Nitrogen Dioxide emissions, one of the ozone precursors. These include the "Pavley Regulations" that will reduce GHG emissions from light vehicles by 45 percent by 2020 (California Air Resources Board 2008c), and the hybridization of medium and heavy-duty vehicles (California Air Resources Board 2008e). Please also refer to the response to L-10-31.

O-12a.45 The commenter notes that Mitigation Measure AQ-1 appears to have words missing from it.

This is a typographical error. The mitigation measure is intended to ensure that future construction will comply with the Monterey Bay Unified APCD's standards for controlling the production of inhalable particles. The text has been revised in response to this comment. Please see Chapter 4 of this FEIR.

O-12a.46 The commenter notes that the DEIR concludes potential impacts from diesel exhaust emissions will be less than significant if specific mitigation is imposed. The commenter contends that there is no evidence that Mitigation Measure AQ-6 (which requires specific actions to reduce the release of diesel contaminants) would effectively reduce the potential impact below a level of significance. Further, they contend that concluding proposed Mitigation Measure AQ-7 (which recommends setbacks for new sensitive uses from freeways) will reduce exposure to a less than significant level is not supported by evidence.

The Air Resources Board is undertaking a number of programs intended to reduce diesel emissions from both on-road and off-road vehicles and machinery, and from stationary sources. Mitigation

Measure AQ-6 intends to require construction machinery to conform to Air Resources Board regulations. The Air Resources Board's regulations impose limits on idling, buying older off-road diesel vehicles, and selling vehicles beginning in 2008; require all vehicles to be reported to ARB and labeled in 2009; and then in 2010 begin gradual requirements to clean up the vehicle fleet by getting rid of older engines, using newer engines, and installing exhaust retrofits. The overall purpose of the regulation is to reduce emissions of oxides of nitrogen (NOx) and particulate matter (PM) from off-road diesel vehicles. (California Air Resources Board 2009a) In combination, these will ensure that future emissions are less than significant.

Mitigation Measure AQ-7 is based on the recommendations of the Air Resources Board's 2005 *Air Quality and Land Use Handbook*. The handbook includes a discussion of risks of diesel emissions and recommends setbacks as a means to reduce these risks to acceptable levels. The County relies upon this handbook as substantial evidence of the benefit of locating sensitive land uses away from high volume roads.

O-12a.47 The commenter notes that the Monterey Bay Unified APCD has identified diesel risk corridors as part of the preparation of its Carl Moyer Grant Program (the Carl Moyer program offers incentives for the replacement of stationary diesel engines with electrical motors). The commenter asserts that the DEIR "does not substantially address the increase in operational diesel exhaust emissions from mobile and stationary sources." The commenter argues that because urban development intensifies the concentration of diesel exhaust, the DEIR must explain why it is unlikely that the cumulative impact of diesel exhaust emissions would not be significant and unavoidable. The commenter suggests adding a mitigation measure requiring project applicants to work with the Air District "to assure that the cumulative impacts of diesel exhaust emissions fall within public health standards."

The commenter also asserts that the DEIR fails to address the cumulative impact of other sources of toxic emissions. “Since over 80 percent of the population is already exposed to levels exceeding the District’s threshold of significance, increases in traffic congestion and other sources of toxic air contaminants allowed by the GPU5 would have a significant and unavoidable cumulative impact on the public’s exposure to toxic air contaminants.”

The ARB and, at the regional level the Monterey Bay Unified APCD, have numerous programs underway that will significantly reduce diesel exhaust emissions in the future as California grows. These will ensure that growth in Monterey County will not result in an increase in overall risk. For example, the ARB’s Diesel Risk Reduction Plan sets a goal of 75 percent PM reduction by 2010 and 85 percent by 2020. This is guiding a variety of ARB programs and regulations. The ARB adopted a low sulfur diesel fuel rule in 2003. Both ARB and the U.S. EPA have adopted emissions standards for 2007 and subsequent model year heavy duty diesel engines that are expected to result in a 90% reduction in PM emissions in comparison to the pre-2007 regulations. The ARB has entered into an agreement with the Union Pacific and BNSF railroads to reduce diesel emissions from trains and railyards. The Carl Moyer Grant Program provides funding to assist owners of older heavy-duty motors and engines to repower with cleaner motors. This includes the conversion of irrigation pump motors. The Lower-Emission School Bus Program will, as funding becomes available, provide funds to replace or retrofit school buses with cleaner engines. Other programs are discussed in the response to comment O-12a.46 above.

In addition, the ARB’s Scoping Plan for reducing GHG emissions is expected to yield co-benefits in the form of lower diesel emissions. Pertinent elements include the Pavley clean car standards, the low carbon fuel standard, and the heavy-duty vehicle greenhouse gas

emissions reduction discrete early action (improved aerodynamics to reduce fuel usage and thereby emissions).

The commenter recommends that "project applicants work with the Air District to assure that cumulative impacts of diesel exhaust emissions fall within public health standards should be added to the list of mitigation measures". This measure would be redundant to the MBUAPCD's regulations. The MBUAPCD has established project-level thresholds for achieving and maintaining the health based ambient air quality standards in the region. These include diesel emission factors and Diesel Health Risk Assessment Guidance. See http://www.mbuapcd.org/mbuapcd/pdf/mbuapcd/pdf/CEQA_full.pdf.

O-12a.48 The commenter asks that the DEIR address increased fugitive dust emissions from the conversion of steep slopes to agricultural use.

The Draft General Plan's policies will not substantially increase the potential for fugitive dust emissions resulting from future agricultural conversions. The conversion of previously uncultivated lands to agricultural use is not covered by currently adopted General Plan policies. It is covered in some of the agricultural zoning districts. Although the Farmlands and Rural Grazing zones require a conditional use permit prior to the conversion of uncultivated lands on slopes between 15-25% (in the North County Area Plan, Central Salinas Valley Plan, Cachagua Area Plan, only), no permit is required in the Permanent Grazing and Open Space zones.

In contrast, proposed Conservation and Open Space Element Policy OS-3.5, as revised, would require a discretionary permit for the conversion of previously uncultivated land to agricultural use on slopes from 10-15% (where soils are highly erodible), 15-25% slopes, and greater than 25% (prohibited, except under specified circumstances). The permit would require a management plan to reduce erosion potential, incorporate water conservation and water quality considerations, address water demand and availability, and

protect important vegetation and wildlife habitats. The proposed Policy OS-3.5 will discourage future conversions in all agricultural zoning districts in comparison to existing policies. As a result, the implementation of the Draft General Plan is not expected to increase the potential for fugitive dust emissions.

O-12a.49 The commenter asserts that conversion of uncultivated steep slopes will result in a significant and unavoidable impact on biological resources. The commenter also asserts that the 40 artisan wineries, 200 dwelling units, and other facilities that may be allowed ministerially under the AWCP would have a significant and unavoidable impact on biological resources.

The conclusion in the DEIR that conversion of previously uncultivated land to agricultural uses would not cause significant impacts on soil movement and wildlife movement is based on substantial evidence, including the projected rate and locations where conversion would occur. In developing these projections, the County considered the historic rate of conversion, economic trends, availability of water, and the location of suitable soils. See Master Responses 3 regarding agricultural policies and 8 regarding biological resources for additional discussion of these considerations.

Further, the Draft General Plan definitions and revised policies and would further restrict and regulate the conversion of previously uncultivated land to agricultural uses in two important ways. First, the Draft General Plan narrows the definition of “previously uncultivated land” to mean “areas that have not been cultivated during the past 20 years.” (General Plan Glossary) Current County policy does not provide for a timeframe limitation. Second, under revised Draft General Plan Policy OS-3.5, discretionary permits would be required for conversion of previously uncultivated land containing slopes and highly erodible soils. See Master Response 3 for additional discussion of slope conversion.

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, not 200 dwelling units as suggested by commenter. 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 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 new residential units in the AWCP.

The AWCP does not propose substantial changes to the existing County restrictions on residential use of farmlands, including those lands within the AWCP. Monterey County's Farmlands zoning district allows three single-family residences and one guesthouse on each parcel without a discretionary permit. In comparison, the AWCP would allow one single-family residence, one guesthouse, and three employees' residences. This is a net change in development potential of one residential unit per site. In addition, the language in the AWCP has been modified to require a biological study for permanent facilities with the potential to affect biological resources. This requirement would apply to the artisan wineries.

O-12a.50 The commenter asserts that the Draft General Plan would result in a significant and unavoidable impact on wildlife corridors. The commenter requests that the wildlife corridors affected by the AWCP be identified and the impacts of non-discretionary activities under the AWCP discussed.

See Master Response 3, *Agricultural Growth and General Plan Agricultural Policies*, regarding slope conversion, and Master Response 8, *Biological Resources*, regarding wildlife corridors. The AWCP is revised to stipulate that artisan wineries will be required to undertake biological surveys prior to approval (see Chapter 5 of this FEIR for the

revised text). This will help protect wildlife corridors that may be on one of these sites.

O-12a.51 The commenter notes that the DEIR finds that GPU5 will have a less than significant effect on the need for new or expanded fire facilities. The commenter asserts that the DEIR does not address the "more than 2,000 [residential] units that could be constructed in inland areas and the cumulative impact on fire services of units within Coastal areas." The commenter asserts that this would disperse new units throughout the rural areas of the County and that "[a]lready overstrained services would be further weakened as a result of emergency personnel having to make more trips to distant sites."

The Draft General Plan will be more restrictive of rural development than the current General Plan. Therefore, although additional development in rural areas will result in an increased burden on fire protection services, the Draft General Plan does not establish policies that would result in a greater risk than would occur at buildout of the existing (1982) General Plan. This is an existing long-term risk that would be reduced, not increased, under the Draft General Plan. For example, under the Draft General Plan development would be limited to a single-family home on each lot 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. This restriction does not exist in the existing General Plan. The overall cap on additional development within the Carmel Valley Master Plan is unchanged by the Draft General Plan. Where development is allowed in greater intensity under the Draft General Plan, it is concentrated around Community Areas, Rural Centers, and AHOs where services will be required to be provided concurrent with additional development. Please also refer to the Safety Element and Public Services Element Policies S-4.1 through S-4.33. The Draft General Plan does not amend the certified LCP and therefore does not increase the Coastal area's potential to accommodate new development.

O-12a.52 The commenter asserts that the DEIR does not adequately address the availability of fire services in the unincorporated area, including the southern Highway 101 corridor. In addition, the commenter requests that the DEIR be revised to describe the types of fire protection services provided by the California Department of Forestry and Fire Protection (Cal Fire). The commenter asserts that the DEIR "should provide information that will allow for an assessment of high fire hazards and identify areas that do not have structural coverage." As discussed in response O-12a-51, the Draft General Plan is not substantively increasing the existing long-range risk of fire damage. At the same time, as demonstrated by the large wildfires that have burned portions of the county in recent years, Monterey County is at substantial risk of damage from wildland fires.

In addition, in response to several comments received, the County is proposing to revise Policy S-5.1. Please see Chapter 5 for the pertinent text changes.

Wildland fire is discussed in Chapter 4.13, *Hazards and Hazardous Materials*, of the DEIR and under Impact HAZ-3. The following expands on the discussion found on page 4.13-3 of the DEIR.

Cal Fire provides fire protection or pays for fire protection within "State Responsibility Areas" (SRAs) established throughout the State. Public Resources Code Section 4126 defines the criteria for inclusion within an SRA:

> 4126. The [Board of Forestry] shall include within state responsibility areas all of the following lands:
>
> (a) Lands covered wholly or in part by forests or by trees producing or capable of producing forest products.
>
> (b) Lands covered wholly or in part by timber, brush, undergrowth, or grass, whether of commercial value or not, which protect the soil from excessive erosion, retard runoff of water or accelerate water percolation, if such lands are

sources of water which is available for irrigation or for domestic or industrial use.

(c) Lands in areas which are principally used or useful for range or forage purposes, which are contiguous to the lands described in subdivisions (a) and (b).

SRAs do not include lands owned or controlled by the federal government or any agency of the federal government, or lands within the exterior boundaries of a city.

Cal Fire prepares and periodically updates maps of the Fire Hazard Severity Zones (FHSZ) for those areas of California where the state has fiscal responsibility for wildland fire protection, known as State Responsibility Areas. It similarly prepares Very High Fire Hazard Severity Zones (VHFHSZ) in those areas where local government agencies have Local Responsibility Areas (LRA). The purpose of this is to classify lands where a very high fire hazard severity is present so that public officials are able to identify measures that will mitigate the rate of spread, and reduce the potential intensity of uncontrolled fires that threaten to destroy resources, life, or property, and to require that those measures be taken. The maps are updated by the Department, and reviewed by local agencies prior to adoption, as new information becomes available.

The maps for Monterey County were adopted by Cal Fire in 2007. The current maps are incorporated into Exhibit 4.13-1 of the DEIR, which illustrates that most of the County is within FHSZs and VHFHSZs (note that Exhibit 4.13-1 also includes federal lands that are not on the Cal Fire maps). The discussion under Impact HAZ-3 describes the general risks and the extensive policies within the Public Services and Safety Elements of the Draft General Plan that specifically address those risks.

In addition to these General Plan provisions, the State of California has adopted a number of laws and regulations that will reduce wildland

fire hazards. Government Code Section 51175, et seq. establishes, among other things, defensible space requirements for new and re-built residential construction, requires local governments to adopt fire safety ordinances implementing state regulations, and requires real estate agents to disclose the fire hazard zone within which a property is located prior to sale. California Building Code Chapter 7A and Fire Code Chapter 47 establish building materials and design standards for construction intended to make buildings within fire hazard zones less flammable and less likely to spread fires through burning embers and other wind-carried items when they do burn.

Taken together, these policies, laws, and regulations will ensure that the Draft General Plan does not increase wildfire risk.

O-12a.53 The commenter requests that the DEIR include information about the availability of public services to the AHOs.

The AHOs are located near existing development and services and were selected by the Planning Commission for inclusion in the Draft General Plan in part based upon their proximity to existing development. The information requested by the commenter is more detailed than needed to determine the potential for environmental impact caused by the Draft General Plan. Please see Master Response 10 regarding the level of detail required for a programmatic EIR. The site- and project-specific characteristics of future AHO proposals will dictate their specific service's needs. Detailed information about the availability of public services for AHO proposals will be part of the AHO proposal process and will be analyzed on a project-specific basis when the CEQA document is prepared for the particular AHO.

O-12a.54 The commenter claims that the finding that the aesthetic effects of future AWCP facilities are unknown at this time and further analysis will be done at the project level "fails to account for GPU5 policies that exempt most facilities in the AWCP from CEQA review."

The AWCP exempts certain facilities from later CEQA review, but identifies extensive development standards with which these facilities must comply, many of which address aesthetics. (See AWCP, Sec. 3.5.) These policies will be applied in the review of every application. It would not be reasonable or feasible to conduct a detailed analysis of such facilities on scenic vistas as there is no available information by which their potential aesthetic or scenic impacts may be examined. There is no information on the sites, sizes (including building heights and footprints), or types of any future facilities because no specific projects are being proposed at this time. As a result, any CEQA analysis of such facilities would be speculative. Pursuant to CEQA Guidelines Section 15145, no further discussion is needed. Please see Master Response 10 regarding the level of detail required for a programmatic EIR.

O-12a.55 The commenter notes that the 2008 fair share allocation from AMBAG shows a significantly lower affordable housing requirement than is reflected in the Housing Element. The commenter asks that this be revised.

See Master Response 2 on growth assumptions used in the EIR. Note that the 2009-2014 Housing Element is not a part of the 2007 General Plan under consideration. It will be considered by the County separately.

O-12a.56 The commenter notes that Table 4.15-2 lists a different population forecast for Monterey County than is found on page 4.15-12, with the former being over 7,000 people lower than the latter.

Table 4.15-2 relies on the Department of Finance's 2005 forecast of population; the later discussion relies on the Department's 2007 forecast. The difference is approximately 1.6% and is not appreciable. See Master Response 2, *Growth Assumptions Utilized in the General Plan* for a discussion of population forecasts.

O-12a.57 The commenter notes that the revised AMBAG growth forecast differs from the forecast used in the DEIR.

See Master Response 2 regarding the growth assumptions used in the EIR.

O-12a.58 The commenter asserts that the DEIR's 2030 buildout number for residential units is misleading because it is less than the projected 2092 full buildout.

The DEIR provides two buildout scenarios for consideration: (a) 2030, representing the end of the planning horizon; and (b) 2092, representing the time at which based on available land and development trends, the County would be fully built out. While the DEIR intended to use the term "buildout" only in conjunction with the 2092 scenario, there are times when it is applied to the 2030 planning horizon. The difference between the two scenarios is clear in the context of the DEIR and the occasional misapplication of this term should not affect the reader's ability to understand the analysis or conclusions in the DEIR.

O-12a.59 The commenter notes that the text on page 4.15-15 leaves out three of the Rural Centers when discussing the number of residential units anticipated to be developed during the 2030 planning horizon. Also, the commenter notes that the DEIR does not identify the number of units to be developed outside those areas within the Coastal Zone and the Winery Corridor.

The context of the discussion on page 4.15-15 is to identify those Rural Centers with the greatest growth potential. The 2030 planning horizon growth potential of all of the Rural Centers is found in Table 3-8 of the DEIR.

The Draft General Plan is not proposing any revisions to the County's certified LCP and therefore would not change existing growth potential within the coastal zone. The DEIR does not identify the number of units because there is no change from the existing LCP policies. As

discussed in response O-12a.49, the Winery Corridor designation does not substantially change the potential residential units that might be built under the existing General Plan.

See Master Response 2 regarding the growth assumptions used in the EIR.

O-12a.60 The commenter notes that the 2092 buildout number for residential units differs substantially from the 2030 planning horizon number. The commenter asserts that these units would be dispersed throughout the unincorporated County and further contributes to urban sprawl.

See Master Response 2 regarding the growth assumptions used in the EIR.

Revised Policy BIO-1.4 provides, in part, that at five-year intervals, the County will 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 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. This establishes a method by which growth beyond the 2030 planning horizon can be directed to planned growth areas rather than contributing to sprawl. See Chapter 5 of this FEIR for the text of the policy.

O-12a.61 The commenter asks whether the buildout number includes buildout in all designated land uses.

The answer is yes. The buildout is based on consideration of available lands and current zoning allowances.

O-12a.62 The commenter notes that Table 4.15-1 does not indicate whether the GHG emissions are daily or annual emissions and whether they are expressed in pounds or tons.

These estimates are for annual emissions, in metric tons.

O-12a.63 The commenter notes that Appendix B describes the methodology for the GHG emissions inventory, it does not provide the assumptions or data used to calculate emissions. Without the data, the commenter is unable to verify the emissions calculations.

The EMFAC2007 model runs for CO_2 are provided in the Technical Supporting Data found at the end of this document.

O-12a.64 The commenter notes that the alternatives are not based on the same assumptions.

The fact that the alternatives examined in the DEIR are based on different assumptions does not render the comparison of alternative meaningless. The GPU3, GPI, and GPU4 alternatives were developed at different times during the 10-year long process of updating the 1982 General Plan and do not share all assumptions. As noted in the description of the alternatives at section 5.2 of the DEIR, only the Draft General Plan is being analyzed at full buildout in 2092. All comparisons between the alternatives and the proposed project are at the planning horizon of 2030. The EIR includes sufficient information about each alternative to allow meaningful evaluation, analysis and comparison with the proposed project.

O-12a.65 The commenter asserts that the buildout numbers for GPU3 and the Draft General Plan are not based on the same assumptions and, therefore, a comparison is meaningless. Further, the commenter asks why there is a difference in the buildout number for GPU3 in this DEIR and in the DEIR for GPU4.

As discussed above, only the Draft General Plan (GPU5) is analyzed at full buildout in 2092. All comparisons between the alternatives and the

proposed project are at the planning horizon of 2030. This offers a common point of comparison. Each of the alternatives allowed a different amount of potential growth in the unincorporated area, i.e., there are different numbers of community areas, rural centers, and different policies on lots of record. The present DEIR is determinative, not the DEIR for GPU4.

O-12a.66 The commenter asserts that the buildout numbers for GPI and the Draft General Plan are not based on the same assumptions and, therefore, a comparison is meaningless.

Only the Draft General Plan (GPU5) is analyzed at full buildout in 2092. All comparisons between the alternatives and the project are at the planning horizon of 2030. This offers a common point of comparison. The EIR includes sufficient information about each alternative to allow meaningful evaluation, analysis and comparison with the proposed project.

O-12a.67 The commenter asserts that the buildout numbers for GPU4 and the Draft General Plan are not based on the same assumptions and, therefore, a comparison is meaningless.

As discussed above, only the Draft General Plan (GPU5) is addressed at full buildout in 2092. All comparisons between the alternatives and the project are at the planning horizon of 2030. This offers a common point of comparison. The EIR includes sufficient information about each alternative to allow meaningful evaluation, analysis and comparison with the proposed project.

O-12a.68 The commenter finds the comparison in Table 5-5 on page 5-53 to be confusing and asks for an explanation of the 21,600 building units attributed to the Draft General Plan (GPU5).

Table 5-5 is incorrect. As discussed under section 5.7 of the DEIR, this alternative is intended to result in the same number of dwelling units as the Draft General Plan by the 2030 planning horizon. The table has

been revised in the FEIR. This revision does not result in significant new information.

O-12a.69 The commenter requests that the 2092 buildout numbers reflect the Rancho Canada Village, Val Verde Drive project, the Villas de Carmelo and Rancho Canada plans for timeshare units and employee housing, and the Delfino proposal.

The 2092 buildout numbers for Carmel Valley are based upon the land use plan as constrained by the 266 cap on new lots of record, the AHO, and existing lots of record. The General Plan does not specify which future property will be subdivided. Buildout does not include any General Plan amendments.

O-12b League of Women Voters of the Monterey Peninsula

O-12b.1 The commenter is correct that Table 4.7-1 from the DEIR indicates that statewide wine emissions are highest during September and October (28.5% and 32.1%, respectively). However, discussions with industry representatives indicate that the harvest in Monterey County generally runs 137 days from August 1 through December 15 (page 4.7-25 of the DEIR). It is more appropriate to use this data because it is specific to Monterey County and therefore more accurate.

The pounds per year VOC emissions in Table 4.7-4 of the DEIR are divided by 137 for fermentation and by 365 for storage in order to get pounds per day. This results in VOC emissions of 1074.2 pounds per day, which is below the MBUAPCD's forecast emissions for 2030 (2,227 pounds per day). Note that Table 4.7-4 of the DEIR states that total VOC emissions are 905.3 pounds per day. This has been revised in Chapter 4 of this FEIR to state that total VOC emissions are 1,074.2 pounds per day.

O-12b.2 As stated above, discussions with wine industry representatives indicate that the harvest in Monterey County generally runs 137 days

from August 1 through December 15 (page 4.7-25 of the DEIR). It is more appropriate to use this data than statewide data because it is specific to Monterey County and therefore more accurate. Consequently, annual VOC emissions from fermentation were divided by 137 to generate pounds per day, and annual VOC emissions from storage/ageing were divided by 365 to generate pounds per day.

O-13a Monterey County Cattlemen's Association (prepared by Cox, Castle and Nicholson LLP)

O-13a.1 This comment summarizes the content of comments 2, 3, and 4. Responses to these comments are presented below. In summary, the comments assert that there is no legal *requirement* for the DEIR to use its definition of "CEQA Defined Special Status Species," and that this definition is contrary to County policy direction in the Draft General Plan. As shown by the below responses, the County has discretion to certify an EIR with a definition of special status that goes beyond that proposed by the commenter, and there is no adopted policy direction requiring that the commenter's narrower definition should be used.

Further, it is incongruous that the commenter is asking the County to interpret CEQA in a manner that reduces environmental protection. As the Supreme Court stated in the landmark case *Friends of Mammoth v. Board of Supervisors* (1972, 8 Cal.3d 247, 259), CEQA "is to be interpreted …to afford the fullest possible protection to the environment within the reasonable scope of the statutory language."

O-13a.2 The comment asserts that the DEIR's definition of "CEQA-Defined Special Status Species" is not supported by substantial evidence as required by CEQA Guidelines Section 15380. Please refer to response to comment O-17.1 for a detailed explanation of why the DEIR's approach to special status species is appropriate.

As explained in that summary, the DEIR's identification of status species is supported by both CEQA Guidelines Section 15380, and by the broader mandatory findings of significance for biological impacts set forth in CEQA Guidelines Section 15065. The obligation to evaluate impacts to non-listed species is embodied in CEQA guidelines § 15065(a)(1), which obliges lead agencies to consider whether a project "has 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; [or] threaten to eliminate a plant or animal community" as well as to "substantially reduce the number or restrict the range of endangered, rare or threatened species…" An EIR biological impact analysis may not use a threshold of significance narrower than the standards in Section 15065 (*Endangered Habitats League v. County of Orange* (2005) 131 Cal.App.4th 777,793).

The comment also asserts that Section 15380 requires a case-by-case, fact-based determination of whether a species is "endangered" or "rare,", citing *Sierra Club v. Gilroy* (1990) 222 Cal.App.3d 30. However, in that case, the lead agency declined to make a finding that certain candidate and special status species were "endangered" or "rare," was challenged by petitioners on the grounds that it was *required* to do so, and prevailed. However, the issue here is not whether the County is *required* to find that certain non-listed species are "endangered" or "rare," but rather whether it has the *discretion* to identify species which *may* be endangered, rare or threatened, and evaluate impacts to these species. The General Plan EIR, once certified by the Board, will represent the County's exercise of discretion to treat certain unlisted species (as defined on DEIR page 4.9-22) as "rare" and "endangered" for purposes of Section 15380. Nothing in the *Serra Club v. Gilroy* case prohibits the County from exercising its discretion in this manner.

The commenter also notes that the Draft General Plan uses a definition of special status species that is narrower than that used in the DEIR. As explained in the response to comment O-17.1, the County

has recognized that the DEIR did not apply the definition of special status species in the glossary of the Draft General Plan; to resolve this inconsistency, the County is proposing to eliminate the definition of special status species from the General Plan. The comment also asserts that the Draft 2007 General Plan sets forth County policy direction on special status species with which the EIR should be consistent. That assertion is incorrect, because the Draft General Plan is a draft document prepared by County staff. It is subject to further modification by staff and the Board, and legally becomes official County policies only after it is adopted by the Board of Supervisors.

O-13a.3 The commenter asserts that the County is not required by CEQA or CEQA Guidelines Appendix G to apply a threshold of significance that considers potential impacts to candidate, sensitive, or special status species. As explained above, the County has determined that its threshold of significance for CEQA-defined special status species is consistent with CEQA and the CEQA Guidelines.

O-13a.4 The comment recommends that the DEIR's discussion of special status species be revised to be consistent with the Draft General Plan's narrower definition of special status species. See the responses to previous comments.

O-13b Monterey County Cattlemen's Association (prepared by Lloyd, Horan, et al, Inc.)

O-13b.1 This comment summarizes the contents of comments 2 and 3. Responses to these comments are presented below.

O-13b.2 The comment asserts that the DEIR's definition of "CEQA-defined special status species" is inappropriate. Please see responses to comments O-13a and O-17a for response to assertions that the Draft General Plan glossary uses a narrower definition of special status

species, and that the DEIR's definition in inconsistent with CEQA Guidelines Sections 15380 and 15065.

The comment cites case law (*Save Round Valley Alliance, Defend the Bay, Sierra Club v. Gilroy*) for the proposition that the County is *required* to adopt a narrower definition of special status species than that used in the DEIR. However, in each of these cases, the lead agency elected to evaluate impacts to non-listed species and determined that impacts would be less than significant. Petitioners' challenges to methods of analysis and conclusions failed. None of these cases held that the lead agency should not have evaluated impacts to the non-listed species. However, as discussed in response to comment O-13a.2, the County has the *discretion* to evaluate impacts to species which may be endangered, rare or threatened.

O-13b.3 The comment asserts that for various reasons, it was inappropriate for the DEIR to rely on California Native Plant Society (CNPS) and California Natural Diversity Databases (CNNDB) to help define special status species. However, these databases are commonly relied upon by professional biologists in preparing CEQA documents. The CNPS is an organization of botanists that have developed scientifically based criteria for evaluating the relative scarcity of plant species. Their database is recognized as objective and comprehensive. The CNNDB is a database of recorded occurrences of species, organized geographically. It provides continuously updated information on where species have been found. The use of these databases is accepted professional practice for CEQA analysis. Further, there is nothing in CEQA or the CEA Guidelines that prohibits the use of these databases in the manner used in the DEIR.

O-13b.4 This comment summarizes the contents of comments 2 and 3. Responses to these comments are presented above.

O-14a Monterey County Farm Bureau

O-14a.1 The commenter raises concerns about the mitigation measures proposed in the DEIR with respect to biological resources. In response to several comments received on this issue, the County has revised a number of these mitigation measures and several policies in the draft General Plan. These modifications are intended to address the concerns expressed by the commenter with respect to the requirements that would be imposed on agriculture. The commenter is referred to Master Response 8, *Biological Resources*, for further discussion (Chapter 2). The modifications to mitigation measures and draft General Plan policies may also be found in FEIR Chapters 4 and 5.

O-14a.2 As commenter states, and as noted in Section 2.5 of the DEIR (Approach to the Impact Analysis), the County was in possession of revised population and employment forecast numbers from AMBAG. However, use of these numbers was problematic with respect to consistency with the 2004 AMBAG Traffic Model and the MBUAPCD Air Quality Management Plan. That model and that plan are crucial to analysis is conservative. In response to comments and discussions held at Planning Commission workshop in the summer 2009 regarding these projections, the County is proposing to modify BIO-1.4 and BIO-1.5 to track actual growth against projected growth in five-year intervals. A similar modification has been made to Mitigation measure WR-2 with respect to addressing water demand and the need for additional supply projects. Please refer to Master Response 2 regarding growth assumptions for a more detailed response to the concerns raised in this comment.

O-14a.3 This comment summarizes the contents of comment 5. Responses to this comment are presented below. With regard to the *Save Round Valley* case, the lead agency concluded that impacts to certain non-listed species would not be significant based on project specific evidence, was challenged by petitioners on the grounds that impact analysis was inadequate, and prevailed. Nothing in the decision

confines the lead agency's discretion to restrict evaluation to listed species. However, as discussed in responses to comments O-13a.1 and O-13a.2, the County has appropriately exercised its discretion in identifying special status species for evaluation in the DEIR.

O-14a.4 Please refer to Response O-14a.2 for a response to this comment and to Master Response 2, *Growth Assumptions Utilized in the General Plan*.

O-14a.5 This comment questions the DEIR's protection of "CEQA-defined special status species." See responses to comments O-13a, O-13b, and O-17.1 for responses to this comment.

The comment also criticizes the DEIR's protection of habitat in addition to critical habitat for listed species under the Federal Endangered Species Act (ESA). However, there is nothing in the ESA or CEQA that prohibits the County from exercising its discretion to protect habitat in addition to critical habitat designated under the ESA.

In response to comments received on the DEIR and based upon input received at several Planning Commission workshops in the summer of 2009, the County modified several of the mitigation measures in the DEIR and biological resource policies in the draft General Plan. These changes are also intended to provide clarity with respect to comments received about General Plan definitions of special status species and terms utilized in the DEIR. Please refer to Master Response 8 for a discussion of these modifications and additional responses to the comments provided. Please also refer to Response 0-14a-01. FEIR Chapter 5 will also contain revised definitions that pertain to the biological resource policies utilized in the General Plan. Changes have been made consistent with the modified mitigation measures and policies.

O-14a.6 The commenter has raised a number of questions with respect to the preparation of Habitat Conservation Plans (HCPs). In response to this and other comments received on this issue, the County has modified the language in Mitigation Measures BIO-1.2 and BIO-1.5. The term

"conservation plan" in BIO-1.2 has been changed to "conservation strategy". The term Natural Communities Conservation Plan in Mitigation Measure BIO1.5 has been changed to conservation strategy. In addition, as noted in response O-14a.2 above, the timeframe for evaluating the need for the preparation of a conservation strategy has been modified to track actual development against projected development, rather than tying the development of such a plan to 2030. The modified language is found in Chapter 4 of this FEIR.

O-14a.7 The commenter expresses concerns about the requirement to establish a baseline inventory and to update it at 10-year intervals. Mitigation Measure BIO-1.1, which included this provision, has been deleted from the DEIR. The County believes that modifications to tother policies as required under revised Mitigation Measures BIO-1.4 and BIO-1.5 will provide equivalent protection. Please refer to Master Response 8, *Biological Resources*, for additional discussion of these measures.

O-14a.8 The commenter expresses concerns about proposed Mitigation Measure BIO-1.2 which addresses potential impacts to the San Joaquin kit fox. That proposed mitigation has been substituted in this policy. The County does not believe that this mitigation measure provided unnecessary additional mitigation for this species. This policy was intended as a mechanism for ensuring a more comprehensive approach to address species impacts rather than relying on site-by-site analysis and mitigation. The policy would allow for a fee program as one of the options. Under adoption of the strategy, habitat loss due to discretionary projects would be mitigated on a project-by-project basis.

O-14a.9 The commenter raises issues with respect to Mitigation Measure BIO-1.3 which provides for mitigation to "CEQA-defined special status species. The commenter notes that he does not feel this policy is necessary. Please refer to O-14a.1 above and to Master Response 8, *Biological Resources*. Please also note that Mitigation Measure BIO-1.3

is proposed for deletion in the FEIR. Modifications to draft General Plan Policy OS-5.16 have been proposed as substitute language. This language can be found in Chapter 5 of this FEIR.

O-14a.10 Commenter has raised concerns about the requirements in Mitigation Measure BIO-1.4, including the need to address impacts for the post 2030 timeframe. Please refer to Response O-14a.2. Mitigation Measure BIO-1.4 has been modified to provide for regular update as growth occurs in the future. These modifications may be found in Chapter 4 of this FEIR.

O-14a.11 Commenter has raised concerns about the requirements in Mitigation Measure BIO-1.5. These issues have been addressed in Response O-14a.2. Similar to Mitigation Measure BIO-1.4, this measure has been modified to track actual growth with projected growth, rather than selecting the year 2030 as the trigger year for requiring additional policies and mitigation. These modifications may be found in Chapter 4 of this FEIR.

O-14a.12 The commenter expresses concerns about the requirements in Mitigation Measure BIO-2.1 regarding stream setbacks, the need for the measure, and its impacts on agriculture. The DEIR review the proposed policies in the draft General Plan and concluded that Mitigation Measure BIO-2.1 was necessary to provide additional protection to natural communities including riparian and wetlands beyond the proposed policies in the General Plan. The County respectfully disagrees with the commenter regarding the need for this measure.

Specific setbacks will be considered at the time that an ordinance is developed. The policy will apply to all discretionary development and to conversion of previously uncultivated agricultural land, which is defined as lands that have not been cultivated during the previous 20 years. It is not directed against routine agricultural maintenance practices. County grading, building and flood protection ordinances

already apply to many agricultural activities. These are not proposed for modification.

The commenter has not provided any evidence regarding the amount of production that would be lost by this policy, nor any evidence that the policy will affect food safety and therefore it is difficult to provide suggested modifications to the policy that would address that issue. Accordingly, the County is proposing limited modifications to this policy and draft mitigation. Please see Chapters 4 and 5 of this FEIR for the pertinent text changes.

O-14a.13 The commenter has provided suggestions regarding modifications to Mitigation Measure BIO-2.3 and questions that need for the language addition to Policies PS-3.3 and PS-3.4 that were proposed in the DEIR. See Chapters 4 and 5 of this FEIR for modifications to the mitigation measure and these policies.

The DEIR analysis indicates that merely adding the language proposed by commenter: “effects on instream flows” would not be sufficient to address the potential species impacts that were identified in the biological resource chapter of the DEIR. This language might have been sufficient to address the water supply impacts that the proposed measure also addresses (the changes to this policy are also proposed as mitigation in the Water Resource Chapter W-4 beginning on page 4.3-134.). The County disagrees with commenter that this is a political mechanism to deny wells. The intent of the draft General Plan and this modification is to ensure that wells are evaluated against a number of criteria including impacts to adjacent wells. The policy is also intended to ensure that new wells contain water that is of sufficient quality. The cost of determining whether a well meets these criteria is far less than the cost that would result if a property owner proceeded with the installation of a well and then subsequently learned that there were significant problems that would make continued operation of that well infeasible.

The suggestions of the commenter with respect to proposed modifications of this policy will be referred to the decision-makers.

O-14a.14 Commenter has expressed the opinion that the Mitigation Measure BIO-3.1 (Wildlife Movement Considerations) has differentially treated discretionary projects as opposed to public projects in the protection of wildlife corridors. The commenter has also suggested that this mitigation measure (and the corresponding policy) will result in project developers seeking agricultural land for mitigation and will affect food safety. The commenter has not provided any evidence of how these consequences will result from the implementation of the policy.

The policy clearly indicates that any requirement with respect to retaining movement corridors will be based on the needs of the species that may be occupying the habitat. No specific parameters with respect to size or quality are provided, because this decision will be site and project specific.

The policy has been modified to clarify that it will apply to County public works projects (see Chapter 5 of this FEIR). The suggestions of the commenter with respect to specific proposed modifications of this policy will be referred to the decision-makers.

O-14a.15 The commenter has provided suggestions with respect to modifications of proposed Mitigation Measure BIO-3.2. In response to comments and to public comment received at Planning Commission workshop in the summer of 2009, the proposed mitigation measure has been modified to address concerns regarding the window of opportunity for important vegetation removal activities. The proposed changes are found in Chapter 4 of this FEIR.

The letter concludes with comments regarding the importance of agriculture in Monterey County. The County refers the commenter to Master Response 3 regarding Agricultural Growth and Agricultural Policies in the General Plan. This Master Response provides responses to a number of members of the public who have addressed the

potential impacts from agriculture that would occur from the provisions of the General Plan that allow for a wine corridor, routine and ongoing agriculture and conversion of previously uncultivated land. The Master Response addresses these concerns.

O-14b Monterey County Farm Bureau

O-14b.1 The commenter states that "we are concerned about the significant environmental impacts that would result from a regional water supply plan that removes water from Zone 2C or alters water right permits that are essential to the Salinas Valley Water Project (SVWP)."

The comment spears to refer to mitigation measure WR-1. As noted on DEIR pages 4.3-130, "Mitigation Measure WR-1 puts the County on record as supporting a regional solution (but not necessarily those currently proposed)." Furthermore, mitigation measure WR-1 does not indirectly propose to divert water from Zone 2C to the Montrey Peninsula. Nor are there any plans to divert surface water from Zone 2C. Therefore, the DEIR is not required to analyze the impacts of such a diversion (See CEQA Guidelines Section 15378). The mitigation measure also specifically includes a provision that new water supply projects that might be identified would continue "to protect the Salinas and Pajaro River groundwater basins form saltwater intrusion." As commenter suggests, the Monterey County Water Resource Agency Act (Water Code, Appendix Chapter 52, Section 21) prohibits the exportation of groundwater from the Salinas River Groundwater Basins "except that use of water from the basin on any part of Fort Ord shall not be deemed such an export." Accordingly, the DEIR did not evaluate the impacts of diverting water form Zone 2C because such a transfer is not permitted. The DEIR clearly indicates as noted by commenter, that the SVWP is intended to provide a long-term reliable water supply for Zone 2C. The DEIR analysis, supported by information that enhances that analysis in Master Response 4, *Water Supply*,

indicates that the SVWP will be sufficient to meet demands for the growth in the Salinas valley that would be permitted under the 2007 General Plan

The commenter expresses concern about the DEIR discussion of the impacts of water use in the County, and the potential for new project-specific mitigation measures. This comment appears to relate to Impact WR-5 (water facilities accommodating General Plan growth would have secondary environmental impacts). The DEIR does generally discuss mitigation approaches for these impacts, and it references project-specific mitigation measures in existing and future CEQA documents for specific water projects. It does not, however, propose new project-specific mitigation measures.

In response to comments regarding water supply problems in the Pajaro Groundwater Basin, WR-1 was modified to include a provision requiring the County to also participate in regional groups that would seek additional domestic water supplies for the Pajaro Groundwater Basin. Please see Chapter 4 for the text changes.

Please refer to Master Response 4, *Water Supply*, for additional responses to comments regarding water demand and supply in Monterey County (FEIR, Chapter 2). Please also refer to the response to comment L-8 (FEIR, Chapter 3).

O-15 Monterey Institute for Research in Astronomy (MIRA)

O-15.1 The commenter notes the importance of a dark sky to MIRA's astronomical work and the effects of growth on the Monterey Peninsula, Slainas Valley, and City of Salinas. Although MIRA's observatory is located in the undeveloped Santa Lucia Mountains, increases in night-time light levels as a result of urban development in

the Salinas Valley in particular are having a deleterious effect on the observatory's ability to observe faint astronomical phenomena.

The commenter suggests that as mitigation to reduce light pollution levels, the County require the attachment of shields on all streetlights that would cut off light leakage upward whenever a streetlamp's bulb is replaced. The commenter also suggests that the County adopted a comprehensive lighting policy or ordinance addressing issues such as lighting types and levels, outdoor lighting after closing times, and curfews for outdoor illuminated signs.

The DEIR examines the impacts of light pollution in Impact AES-4 in Section 4.14, *Aesthetics, Light and Glare*. The DEIR analysis concluded that this impact would be significant and unavoidable at the 2030 planning horizon as well as the 2092 buildout. The analysis notes that proposed Land Use element Policy LY-1.13 specifically addresses light and glare impacts, but that additional mitigation is unavailable.

Policy LU-1.13 reads as follows: "All exterior lighting shall be unobtrusive and constructed or located so that only the intended area is illuminated, long range visibility is reduced of the lighting source, and off-site glare is fully controlled. Criteria to guide the review and approval of exterior lighting shall be developed." The county requires that new residential and commercial development submit a lighting plan to ensure consistency with these requirements. Additionally, the County does not permit the installation of streetlights except on major thoroughfare and at the entry to tunnels. These are the responsibility of the County Public Works Department.

Policy LU-1.13 has been revised in response to commenter's suggestion, to require the County to develop enforceable design guidelines addressing lighting and glare impacts, including the use of light directing techniques such as shields where applicable. The revised policy can be found in Chapter 5 of this FEIR.

O-16 The Nature Conservancy

O-16.1 The commenter notes that Monterey County is at the geographic core of the California Floristic Province and is "phenomenally rich." The commenter states that their 2006 analysis shows that Monterey County "supports numerous sensitive ecological systems and associated species that do not currently have adequate levels of protection on either public or private lands." They further note that both rural residential development and large-scale agricultural conversion can destroy biological systems and species, as well as regionally significant wildlife corridors. The commenter goes on to discuss their organization's long-term goals for the conservation of these areas of high biological importance and wildlife movement corridors. The comment also identifies tow issues of special concern to the commenter: rangeland habitat conservation and protection of wildlife corridors. These comments are introductory – responses O-16.02 through O-16.04 below, address the commenter's specific concerns related to these issues.

The California Floristic Province is quite large – extending from Canada to Baja California – and includes much of California. The region is characterized by warm, dry summers and wet winters and includes a variety of ecosystems, including those identified in the DEIR within Monterey County (DEIR, Section 4.9.3, pages 4.9-2 through 4.9-47).

Impacts to sensitive natural communities, special status species, and wildlife movement corridors were analyzed in the DEIR. Impacts to sensitive natural communities were determined to be less then significant with mitigation through 2030 and significant and unavoidable with mitigation for buildout (DEIR, Impact BIO-2, pages 4.9-79 through 4.9-89). Impacts to special status species were determined to be less than significant with mitigation through 2030 and significant and unavoidable with mitigation at buildout (DEIR,

Impact BIO-1, pages 4.9-64 through 4.9-78). Impacts to wildlife movement corridors were determined to be less than significant with mitigation for 2030 planning horizon and for buildout. Master Response 8, *Biological Resources*, section 8.5, amplifies the discussion in the DEIR regarding the adequacy of the impact analysis on plant and wildlife species and habitat (FEIR, Chapter 2). Additional analysis of wildlife movement corridors is provided in master Response 8, section 8.7, which discusses impacts on wildlife movement corridors. The impact analyses included consideration of impacts associated with agricultural conversion and development of rural residential areas (i.e., development on lots of record).

The commenter's goals will be considered by the County in deliberations over the proposed 2007 General Plan.

O-16.2 The commenter notes that the "broad, relatively unfragmented matrix of grasslands, oak savanna and woodlands and riparian areas supported by rangelands" found in much of the County includes high quality native vegetation, wildlife, and associated sensitive species. The commenter states a concern that intensive agricultural uses close to sensitive habitat areas could result in significant and irreversible impacts because these activities would be exempt from CEQA review. The comment also asserts that the DEIR does not adequately address the cumulative impacts of the proposed General Plan policies on key rangeland areas. Further, the comment asserts that the DEIR's conclusions regarding the significance of impacts on biological resources are unsupported because the policies and mitigation measures defer the development of substantive content or because the policies and mitigation measures are not enforceable or feasible. The comment also asserts that the proposed policies for development or agricultural conversion on slopes do not adequately address the direct and cumulative impacts to biologically significant habitats, wildlife corridors, and species.

See Master Response 8, Biological Resources, and Master Response 3, *Agricultural Growth and General Plan Agricultural Policies*, for discussions of the impact of the 2007 General Plan on wildlife corridors and slope conversion. The reader is also directed to Mitigation Measure BIO-3.1 in the DEIR and Chapter 4 of the FEIR, which show the text modifications to the mitigation measure.

The revisions to Mitigation Measure BIO-3.1 clarify the County's commitment to mitigating impacts on movement corridors. BIO-3.1 identifies sources of additional information in order to assist in its implementation.

The analysis of biological resource impacts is performed at the habitat level, examining the projected impacts from implementation of the 2007 General Plan (which sets out a future development pattern), and is therefore cumulative in nature (utilizing the "projections" approach authorized under CEQA Guidelines Section 15130). Section 6.4.3.7 of the DEIR, beginning on page 6-19, describes the 2007 General Plan's contribution to cumulative impacts as "considerable."

Additionally, please see Master Response 10, *Level of Detail for the General Plan and the General Plan's EIR*, for a discussion of the formulation of mitigation measures and future project-level environmental review.

O-16.3 The commenter is concerned that the DEIR does not address impacts on wildlife movement linkages that it contends will be highly impaired as a result of proposed policies. The commenter offers some examples of where the proposed winery corridor would overlap with areas "critical for regional wildlife movement." Also, the commenter asserts that policies that could affect the width or function of riparian corridors should be analyzed for potential impacts to these wildlife linkages.

The Deir analyzes impacts of the 2007 General Plan on wildlife corridors on pages 4.9-89 through 4.9-97. Additional discussion of

wildlife corridors is provided in Master Response 8, *Biological Resources*, section8.6, which examines the potential impacts to wildlife corridors from agricultural and residential development and in Master Response 3, *Agricultural Growth and General Plan Agricultural Policies*, which discusses the location and distribution of agricultural development anticipated under the proposed Agriculture and Wine Corridor Plan. Master Response 8, section 8.8 notes that impacts with the AWCP would be limited because of the limits on the number of facilities in each segment, geographic dispersal, limits on the number of ancillary facilities. There will be CEQA review of large-scale wineries and a requirement to conduct a biological study for permanent facilities associates with the boutique wineries. These factors as well as EIR mitigation measures reduce the impacts to a level that is less than significant.

The commenter proposes inclusion of a specific goal in the General Plan to conserve critical wildlife movement corridors and provides an example policy for the Carmel Valley. Analysis in the DEIR determined that, with mitigation, impacts to wildlife movement corridors would be less than significant through 2030 and full buildout, therefore it is not necessary to include the goal suggested by the commenter. Nevertheless, the commenter's suggestion will be shared with decision makers.

O-16.4 The commenter opines that the General Plan is "the County's best opportunity" to ensure that the long-term sustainability of the "County's wealth of natural resources and biodiversity" and that more work is needed for the General Plan to reach this goal. The commenter's opinion is acknowledged, however, information and analysis provided in the DEIR and in responses to comments provides decision makers with sufficient information to take intelligent account of the environmental effects of the proposed General Plan update.

O-17 Plan for the People (prepared by Mintier Harnish)

O-17.1 The comment includes introductory remarks explaining that the commenter generally disagrees with the analysis and conclusions in the DEIR regarding impacts to species, based on the commenter's belief that the DEIR used an inappropriately broad definition presented in the Draft General Plan Glossary.

The commenter is correct that the DEIR did not apply the definition of special status species in the glossary of the Draft General Plan.

The DEIR definition of candidate, sensitive or special status species is consistent with Section 15065 of the CEQA Guidelines "Mandatory Findings of Significance. The DEIR Biological Resources chapter analysis considered whether the proposed policies in the 2007 Draft General Plan would have 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; substantially reduce the number or restrict the range of an endangered, rare or threatened species;…". When the analysis suggested that there was a potential impact, based upon the level and location of development projected to occur if the 2007 General Plan policies are implemented, County staff and its EIR consultant proposed mitigation to avoid or reduce impacts, consistent with the County's obligations under CEQA. (Pub. Res. Code Section 21001, 21002.1(a), (b), CEQA Guidelines Sections 15126.4, 15002 (a)(2), (3)) Discussion and analysis of biological resources and impacts in Section 4.9 of the DEIR presents substantial evidence in support of the significance conclusions. Section 4.9.3 provides a detailed description of the biological species present in Monterey County which require consideration in the impact analysis. Section 4.9.5.4 provides a detailed discussion of the impacts that would occur as a result of development under the 2007 General Plan policies.

In response to comments from the public, the County presented several proposed changes to the Planning Commission at a series of workshops in the summer of 2009. These included changes to the policies in the Open Space Element regarding biological resources and modifications to mitigations proposed in the DEIR. These changes clarify the use of the definitions utilized in General Plan and the DEIR and provide mitigation that is equal to or greater than what had been proposed in the DEIR. Please refer to Chapters 4 and 5 of this FEIR for proposed text changes.

O-17.2 The County examined the potential impacts for two timeframes (2030 planning horizon and 2092 full buildout) based upon comments it received at an earlier point in the general plan update process. Arguments have been made that the County must determine what impacts could occur at buildout. Since the County cannot specifically ascertain when buildout might occur, the DEIR makes assumptions regarding how much growth might occur in the first 20 years of plan implementation and then how long it would take for full buildout to occur based upon those projections and historic growth.

In response to comments regarding the speculative nature of the post-2030 buildout timeframe, the County is proposing changes to Mitigation Measures Bio-1.4 and Bio-1.5 to require tracking of actual growth against actual growth and to adjust policies as necessary. See Master Response 2, *Growth Assumptions Utilized in the General Plan*, for further discussion of growth assumptions and timeframes.

O-17.3 The County and its EIR consultants are not proposing to provide listed status, or to petition USFWS or CDFG to list species that are not already on the federal and state endangered or threatened species lists. Revised Policy OS-5.16 provides that an analysis should be completed for projects that might have the potential to impact species in accordance with CEQA Guidelines Selection 15380. Appropriate mitigation would then be required. See the response to comment O-17.1 above. Please refer to Master Response 8, *Biological Resources*,

sections 8.4 and 8.5 for further discussion of the County's approach to special status species.

O-17.4 Discussion and analysis of biological resources and impacts in the DEIR presents substantial evidence in support of the significance conclusions. Section 4.9.3 provides a detailed description of the biological species present in Monterey County which require consideration in the impact analysis. Section 4.9.5.4 provides a detailed discussion of the impacts that would occur as a result of development under the Draft General Plan policies. Please refer to the response to comment O-17.1 above.

The commenter criticizes the analysis and conclusions relevant to the San Joaquin kit fox ("kit fox"). The DEIR evaluated impacts to kit fox associated with development of the Rural Centers (DEIR, p. 4.9-60), development under the AWCP (DEIR, p. 4.9-62), as well as by evaluating impacts to species that meet the CEQA definition of rare or endangered under CEQA Guidelines Section 15380. As defined in the DEIR at p. 4.9-1, kit fox is a special status species. Thus, impacts to kit fox were evaluated specifically, and as part of a broader analysis of special status species (as defined in the DEIR) that included consideration of the Draft General Plan policies and Area Plan policies (DEIR pp. 4.9-67-72) and were determined to be significant. Proposed Mitigation Measure BIO-1.2 is intended to provide a comprehensive approach to mitigation for impacts to kit fox habitat and individual animals as well as an option to landowners for mitigation, rather than the current project by project approach. In response to several comments on the draft measure, the County is proposing modifications to Mitigation Measure BIO-1.2. Please refer to Chapter 4 of this FEIR for the pertinent text changes.

O-17.5 As indicated in O-17.1 above, proposed Mitigation Measure BIO-1.1 is deleted. Changes to measures in the 2007 General Plan Open Space Element and biological resource mitigation measures in the DEIR result in policies that are equal to or more protective of biological

resources than BIO-1.1. See also Master Response 8, *Biological Resources*, for a discussion of the analysis of sensitive vegetation communities.

O-17.6 As discussed in Response to comment OS-17.04 above, DEIR Mitigation Measure BIO-1.2 has been modified. The term "conservation plan" has been changed to "conservation strategy." In addition, language has been added to provide for an interim approach to mitigation until a strategy has been adopted.

O-17.7 As discussed in the response to comment O-17.1, this Mitigation Measure BIO-1.3 has been deleted and substitute language has been provided in Policy OS-5.16 that is equal to or more protective than deleted Mitigation Measure BIO-1.3. See also the response to comment O-17.3.

O-17.8 Implementation of the General Plan would focus development in areas of South Monterey County including proposed activities in the AWCP, Community Areas and Rural Centers that include kit fox habitat. See Response to comment O-17.4. Analysis in the DEIR provides substantial evidence that impacts to kit fox would be significant. See Responses to comment O-17.1 and Master Response 8, *Biological Resources*, for discussion of the DEIR's analysis of impacts to "special status species."

O-17.9 Discussion and analysis of biological resources and impacts in the DEIR presents substantial evidence in support of the significance conclusions. Section 4.9.3 provides a detailed description of the biological species present in Monterey County which require consideration in the impact analysis. Section 4.9.5.4 provides a detailed discussion of the impacts that would occur as a result of development under the Draft General Plan policies. See also responses to comments O-17.2, O-17.3, O-17.4, and Master Response 8, *Biological Resources*.

See the response to comment O-17.1 with respect to revisions to Draft General Plan policies and Mitigation Measures that address impacts to species, and clarify "special status species". These revisions address concerns expressed by the commenter.

O-17.10 The commenter requests that Mitigation Measure BIO-1.4 be removed. DEIR Mitigation Measure BIO-1.4 has been revised to require tracking of actual growth against projected growth and link future changes in the General Plan to this tracking, rather than to a specific date. Please refer to Master Response 8, *Biological Resources*, for further explanation of the revisions and the revised text of BIO-1.4.

O-17.11 The commenter requests that Mitigation Measure BIO-1.5 be removed. DEIR Mitigation Measure BIO-1.5 has been revised to require tracking of actual growth against projected growth and link future consideration of a more comprehensive conservation strategy for plant and wildlife species with the potential to become listed to this tracking, rather than to a specific date. Please refer to Master Response 8, *Biological Resources*, for further discussion of the revisions and the revised text of Mitigation Measures BIO-1.4 and BIO-1.5.

O-17.2 The DEIR provides substantial evidence regarding potential impacts to nesting migratory birds and raptor habitat on pages 4.9-97 to 4.9-99. With respect to whether CEQA requires that impacts to species covered under the Federal Migratory Bird Treaty Act (MBTA) be considered, Section 15065 of the CEQA Guidelines "Mandatory Findings of Significance" requires that the preparer of the EIR determine if there might be a reduction in the range of a wildlife species. Analysis in the DEIR appropriately applied this consideration to the habitat requirements of migratory birds and elimination of nesting habitat. In addition, the "biological resource" checklist entry in Appendix G of the CEQA Guidelines includes consideration of whether a project would "have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local, or regional plans,

policies or regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service" (Appendix G, question IV.a) , and whether a project would "[i]nterfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors,… ." (Appendix G, question IV.d). Consideration of these questions is appropriately incorporated in the DEIR review and analysis of impacts to nesting birds and raptors protected under the MBTA. However, in response to comments regarding the practicality of the measure as proposed in the DEIR, Mitigation Measure BIO-3.2 has been revised. These changes provide mitigation that is equal to or greater than the protections afforded in the original wording of the measure. Please refer to Chapter 4 of this FEIR for the text changes.

O-17.13 Implementation of the 2007 General Plan would either allow or focus development in areas of the County that contain the habitat of migratory birds and raptors and which provide important nesting and forage habitat to these species. Therefore, there is a potential that projects, without mitigation, could impact these species. Please refer to the response to comment O-17.12. As noted, Mitigation Measure BIO-3.2 has been modified in response to comments regarding the practicality of the measure and the overlap in timeframes with other policy requirements.

O-18a Prunedale Neighbors Group

O-18a.1 The commenter has expressed concerns regarding the accessibility of reference document cited in Section 11 of the DEIR, *Documents, Plans and Reports Cited*. The commenter has also requested additional time for the public to review and provide comments to the document.

In response to this and similar correspondence from the public, the County provided a revised 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. In addition, errata to citations were provided. To ensure adequate time for review of the updated Section 11, the public review and comment period was extended to February 2, 2009. See Master Response 11, Recirculation for more information on the effort to provide full disclosure and the extended DEIR review period.

O-18b Prunedale Neighbors Group

O-18b.1 The commenter explains that they are providing general comments and will rely on their elected officials to consider their concerns. The decision makers will consider these comments during their deliberations on the Draft General Plan. No additional response is necessary.

O-18b.2 Comments pertain to policies supported in the Draft General Plan. These comments reflect the opinions of the commenter regarding policies of the Draft General Plan, and not substantive comments on the EIR. No response is necessary.

O-18b.3 As noted on pages 4.7-15 through 4.7-17, there will be an increase in VOC emissions from the fermentation process in new wineries; however, the projected potential increase was within the forecast parameters of the MBUAPCD 2008 AQMP and therefore is considered consistent. Any new winery would be required to obtain permits from the Air District and comply with regulations. Therefore, this impact is considered less than significant.

O-18b.4 The General Plan includes policies that will limit future growth in areas that have been identified as having overdraft conditions. These include the North County Area Plan and portions of the Toro Area and Greater Salinas Area Plans. The DEIR proposes to add a new policy PS-3.16 which proposes County participation in several regional efforts to identify water supply solutions within the next five-year timeframe.

The Salinas Valley Water Project is nearing completion and is designed to address supply, distribution and seawater intrusion impacts in the basin. As noted on page 4.3-33 of the DEIR, operation of the CSIP has already begun to reduce the level of seawater intrusion. As the commenter has noted, there still may remain issues in the northern most portion of the basin that lacks distribution facilities. There is a citizen advisory committee appointed by the Board that is working with County officials to address this issue including the identification of funding and a project. With respect to the comment regarding water flowing uphill in the basin, the hydraulics of groundwater flows is complex. Certainly, northerly flows are not necessarily uphill. Page 4.3-5 of the DEIR provides additional information on the hydrogeology of the basin.

Refer also to Master Response 2, *Growth Assumptions Utilized in the DEIR*, regarding ongoing tracking of development against water supply and Master Response 4, *Water Supply*, addressing water supply and growth projections in the Salinas Valley.

O-18b.5 The Land Use Element and Circulation Element are consistent. Policy LU-1.4 provides that growth be designated only where there are adequate services and requires phasing. Policies LU-2.15 through 2.33 regarding city centered growth and development in Community Areas and Rural Centers likewise enforce this policy. LU-2.30, for example, requires that a Community Infrastructure Financing Plan be prepared to guide development of rural Centers. Policy C-1.8 provides for the preparation of a County Traffic Impact Fee to address the impacts of development in cities and the unincorporated areas on major County roads. Policy C-1.11 similar addresses impacts to the regional road system through the TAMC fee program which has already been adopted and implemented. Policy C-1.2 requires preparation of a Capital Improvement and Financing Plan that it reviewed every 5 years and adjusted annually to ensure its effectiveness. The County currently

adopts a 5-year Capital Improvement Plan that is linked to the annual budget.

With respect to impacts from construction traffic, Section 4.6.3.5 of the DEIR examined "project specific impacts" and noted that new development if required to analyze and then mitigate these impacts. Impacts from construction have been and will continue to be included in any project environmental analysis.

O-18b.6 Section 4.5 of the Agricultural Winery Corridor Plan (AWCP) addresses the preparation of a Capital Improvement Financing Plan to address infrastructure needs. This would include identifying a zone of benefit and costs of improvements over the life of the CIFP.

Financial costs associated with implementation of the 2007 General Plan are not required to be analyzed in the DEIR. (Public Resources Code, §§ 21060.5, 21100; CEQA Guidelines, § 15131 (a)) Nonetheless, Section 4.5 of the AWCP addresses the preparation of a Capital Improvement Financing Plan to address infrastructure needs. (available at: http://www.co.monterey.ca.us/planning/gpu/draftnow2007/txt/10JAWCP_Nov%202007_changes.pdf [as accessed Dec. 30, 2009]) This would include identifying a zone of benefit and costs of improvements over the life of the CIFP.

Page 4.3-120 estimates the water demand for wineries under the AWCP. The estimate for other facilities is not included, but would be less. However, based upon the demand projections for the basin, implementation of the Salinas Valley Water Project will ensure that there is a sufficient water supply to serve new uses in the corridor. Projects will be required to construct their own distribution pipelines as necessary. Wastewater discharge facilities for the AWCP are addressed on pages 4.11-28 through 4.11-29 of the DEIR. Waste treatment facilities would be required and would be engineered and operated in conformance to Central Coast RWQCB standards.

The commenter cites an article on climate change and its impact on wineries at the end of the century. It is true that changes in temperature, precipitation, and pests could occur with climate change over the 21st century that could have substantial effects on grape growing in Monterey County and elsewhere. However, the precise nature of changes for viniculture in Monterey county are not known at this time because there has not been adequate downscaling of global climate models to the local scale in order to determine more precisely what localized climate changes may actually occur. The DEIR discloses (see P. 4.16-40) that climate change may adversely affect agriculture in Monterey and proposes Mitigation Measure CC-13 on p. 4.16-42 and 4.16-43 to require adaptation planning over time.

O18b.7 The commenter is describing concerns relating to housing and services for low-paid wage earners who might be employed in AWCP facilities. There is no specific comment on resource impacts addressed or not addressed in the DEIR. However, Section 4.11 in the DEIR describes the environmental impacts that might occur as a result of the construction of facilities for schools, libraries, sheriff and medical care necessary to accommodate growth under the General Plan. With respect to questions regarding where the necessary services might be provided, the AWCP is designed in coordination with growth in the cities that align the corridor. It is anticipated that the cities would be the focus of services. In addition, the General Plan allows for some development in the proposed Community Area of Chualar and Rural Centers along the corridor.

O-18b.8 The commenter recommends that the County consider adoption of an oak woodlands management plan because of the benefits of oak woodlands to reducing climate change effects and as habitat. Mitigation Measure BIO-2.2 does address potential impacts to oak woodlands. That measure, with minor edits that are proposed by the County consistent with input from the Planning Commission at public workshops, is provided Chapter 4.

Section 4.9 provides a comprehensive analysis of the loss of wildlife habitat that could result from development. Please refer to Master Response 3, *Agricultural Growth and General Plan Agricultural Policies*, for further discussion of proposed mitigation measures to address loss of wildlife habitat.

O-18b.9 Please refer to Master Response 3, *Agricultural Growth and General Plan Agricultural Policies*, for a discussion of proposed changes to policies in the Open Space Element regarding development on slopes.

O-18b.10 The DEIR is based upon the proposed 2007 Draft General Plan. Guiding Principles adopted as part of an earlier version are not included in the impact analysis. Comments are noted.

O-19 Save Our Peninsula Committee (prepared by Law Offices of Richard H Rosenthal)

O-19.1 The commenter states that the General Plan fails to correlate the land use element with the circulation element. This is not a comment on the environmental analysis in the DEIR; however, and the commenter does not provide any specific references to policies or data in the DEIR. Chapter 4.6 of the DEIR provides an extensive analysis of the impacts that would result from implementation of the General Plan. Although the DEIR concludes that in several impact areas, traffic impacts will be significant and unavoidable, this does not mean that the roads will be overwhelmed as the commenter has asserted. The analysis indicates that there will be some roadways that will still exceed LOS D. However, the DEIR provides mitigation measures including regional traffic fees and a County impact fee program that will collect fees from new development that will be utilized to address traffic impacts. These improvements will improve traffic conditions.

The commenter notes the defeat of Measure Z, a proposed countywide transportation sales tax. While the defeat of Measure Z

will result in a delay in the completion of some projects on the Transportation Agency for Monterey County (TAMC) project list, TAMC has continued to move forward on its high priority projects since Measure Z was only one component of the overall program. TAMC will continue to work with jurisdictions and the public in Monterey County to seek additional funding. See also, Master Response 6, *Traffic Mitigation*.

O-19.2 The commenter refers to the December 8, 2009 correspondence from the Carmel Valley Road Committee Ad Hoc group to Supervisor Potter regarding the Ad Hoc group's views of the Carmel Valley traffic assessment in the DEIR, which was not attached. That letter is comment O-6a. Please refer to the response to that letter.

In response to the general topic cited by commenter, the level of service on Carmel Valley Road that is proposed in the DEIR is based upon the level of service in each segment that existed at the time of the adoption of the original Carmel Valley Traffic Improvement Program was adopted. Accordingly, the LOS in some segments is LOS C; in others it is LOS D. The specific Levels of Service for each segment are provided in the DEIR Page 4.6-62. Please refer to Master Response 5, *Carmel Valley Traffic*, for a discussion of the issues pertaining to that analysis.

O-19.3 The commenter raises issues about the AHOs proposed in the General Plan and whether there is infrastructure to support development. The designations of AHOs is a policy decision of the Board of Supervisors. The Board of Supervisors received recommendations from the Planning Commission on September 12, 2007 regarding what sites might be specifically designated as future AHOs based upon the criteria in Policy LU-2.12. These include accessibility to public transit, and the ability to connect to public water and sewer during the lifetime of the General Plan. Additional AHOs may be designated provided that they meet the provisions of LU-2.12.

O-19.4 The commenter raises the issue of saltwater intrusion into the Salinas Valley and Seaside Aquifer, and the costs associated with new water supplies as well as impacts on rate payers. The commenter is referred to Master Response 4, *Water Supply*, for a detailed discussion of seawater intrusion and proposed solutions for addressing this problem. Master Response 4 also discusses the Castroville Seawater Intrusion Project (CSIP) that represents a major effort by the County to utilize recycled water. Since CEQA does not require that a DEIR provide a cost analysis of options for addressing potential impacts, there will be no further response to this question.

O-19.5 The commenter expresses his concern that there is no cost data attached to required infrastructure improvements that are proposed in the DEIR and therefore the commenter cannot assess the feasibility of proposed mitigation measures. Please refer to Response O-10.4 with respect to the requirement provide cost data. Please also refer to Master Response 10, section 10.5 on General Plan mitigation measures and section 10.6 on fee-based mitigation, for further responses to the comments provided.

O-20a Sierra Club, Ventana Chapter

O-20a.1 The commenter has expressed concerns regarding the accessibility of reference documents cited in Section 11 of the DEIR, *Documents, Plans and Reports Cited*. The commenter also requested additional time for the public to review and provide comments to the document.

In response to this and similar correspondence form the public, the County provided a revised 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, the comment period was extended to February 2, 2009.

O-20b Sierra Club, Ventana Chapter

O-20b.1 Please see the response to comment O-20a.

O-20c Sierra Club, Ventana Chapter

O-20c.1 The commenter asserts that the project description lacks detail regarding existing conditions. The commenter also asserts that: the analysis of and the mitigation of impacts to biological resources are not detailed enough (being qualitative rather than quantitative); the DEIR fails to justify its lack of detail; and the DEIR does not incorporate all of the available information on biological resources.

The DEIR is a program EIR for a General Plan, not for a development project. As such, it is not expected to and cannot practically analyze impacts at a site-specific level. The commenter is referred to and cannot practically analyze impacts at a site-specific level. The commenter is referred to Master Response 10, *Level of Detail for General Plan and the General Plan EIR*, and Master Response 8, *Biological Resources*, section 8.2 and section 8.5.

As discussed in Master Response 8, the DEIR has not deferred the analysis of baseline conditions in Monterey County. The DEIR provides baseline information by describing the habitats that exist in the County, as well as enumerating acreages for each of these habitats both county-wide and in each of the focused growth areas that will be subject to development under the policies of the General Plan (DEIR, Table 4.9-2). The DEIR also provides tables describing the special

status wildlife species with potential to occur in Monterey County, and their habitat requirements. Section 4.9.3.1 describes each of the sensitive vegetation communities and generally describes what species these communities support.

The DEIR provides a habitat-based approach to impact analysis. The DEIR calculated areas of impact by assigning scale factors to account for less than 100% conversion. The commenter is referred to Note (a) which follows Table 4.9.7 (Monterey County GP 2007 Estimated Impacts on Natural Vegetation Communities due to Development). As discussed in Master Response 8, section 8.2, this technical approach is appropriate for a programmatic level of species impacts.

As noted above, the DEIR synthesizes available information on biological resources at a general level, as illustrated by table 4.9-4 (listing special status plants) and 4.9-5 (listing special status wildlife species) and Exhibits 4.9-1 through 4.9-9. Tables 4.9-1 and 4.9-1 describe the total acres of each vegetation community in the County and acreage per community in each of the proposed Community Areas, Rural Centers, AHOs, and the AWCP that are proposed for more intensified future growth as well as the acreage outside of these focused growth areas. Data from these tables are illustrated in Exhibit 4.9-1 that illustrates vegetation cover by type on a general scale and Exhibits 4.9-2 through 4.9.5 that show key habitat types in greater detail with an emphasis on the focused growth areas identified in the General Plan. The Impact Overview by Development Area (DEIR, pages 4.9-56 -4.9-64) provides additional discussion of the key species that occur today are likely to be impacted by development. Table 4.9-7 includes estimates of acreage that has the potential to be impacted. These estimates are at a landscape level of detail, as is appropriate for a General Plan EIR.

The County agrees that there is a significant amount of native vegetation on slopes in Monterey County (as also evidenced in the attachment by the commenter). Master Response 3, *Agricultural*

Growth and General Plan Agricultural Policies, discusses the limited degree of impact that is likely to occur on slopes based upon historic factors, economics, distribution of species, distribution of agriculture, and the availability of water and suitable soils for agriculture.

The commenter asserts that the County has failed to undertake sufficient investigation of biological resources to adequately describe baseline conditions and cites 2007 General Plan Policies OS-5.1 and OS-5.2 as illustrating that the County will gather baseline information after adopting the General Plan. The commenter asks for an explanation of why "establishing a baseline *before* adoption of the General Plan is infeasible." (emphasis in original)

The DEIR does not state that the 2007 General Plan is to be adopted before a baseline is provided for the environmental analysis of biological resources. To the contrary, Monterey County has properly described the baseline conditions for biological resources at a county-level scale, as discussed above. Policies OS-5.1 and OS-5.2 are not exercises in post-EIR data collection. Rather, these policies are intended to ensure that the County will retain and organize currently available data, as well as future data, on species and habitat in order that it can be used consistently in the analysis of individual projects.

In response to this comment, Policy OS-5.1 and Policy OS-5.2 have been modified and can be found in Chapter 5 of this FEIR.

The intent of Policies OS-5.1 and OS-5.2 as drafted and modified is to provide a readily accessible source of this information (hence the use of the County Geographic Information System (GIS) to hold the information) for use in the more detailed, sitespecific analyses that will do for future development projects. Each of these inventories will be ongoing during the life of the General Plan and will be updated as new information is collected and added to GIS. The commenter is also referred to Response O-11.g-75.

With respect to the comments questioning the level of effort undertaken by the preparer to seek data, the commenter is referred to Section 11, *References* of the DEIR (see also Chapter 6 of the FEIR). Documents listed in this Chapter were utilized by the preparer in the drafting of the DEIR and are cited in the text. The commenter is also referred to: (1) notes a and b for Table 4.9.3 that describe the pertinent data sources; (2) the discussion of the methodology for determining baseline acreages and in Table 4.9-6 and (3) notes a and b in Table 4.9-7 that describe the analysis undertaken.

The commenter is also referred again to Master Response 8, which provides additional information on several wildlife and plant species, wildlife corridors and slope conversion.

The commenter also asserts that there is insufficient baseline information in the DEIR to allow the conclusion that the 2007 General Plan's impacts will be mitigated to a less than significant level. Please see Master Response 8 and responses to comments O-11g.62 and O-11g.75 regarding the level of information required to assess impacts in a General Plan EIR and an amplification of the DEIR analysis of specific impacts to species and habitat.

The commenter asserts that Policies OS-5.1 and OS-5.2 are deficient as mitigation measures. OS-5.1 and 5.2 are General Plan policies that are not intended to serve a stand-alone mitigation measures. The DEIR analyzes how each of the policies in the General Plan that pertain to biological resources reduces potentially significant impacts, and then provides additional mitigation measures. The DEIR concluded, based on its analysis, that collectively, the policies and mitigation measures reduce biological impacts to less than significant. That is, applying the various policies of the General Plan collectively and the mitigation measures identified in the EIR (which will be incorporated into the General Plan as policies), will reduce biological impacts to less-than-significant levels.

The commenter asks how Policies OS-5.1 and 5.2 will be funded. Please refer to Master Response 10 which discusses assumptions regarding implementation of General Plan policies and mitigation measures adopted by the Board of Supervisors.

Please refer to Chapter 5 for modifications to several of the policies proposed in the draft 2007 General Plan and DEIR mitigation measures. This includes changes to requirements for the artisan wineries in the AWCP which now will be subject to the requirement for a biological study, and modifications to Policy OS-3.5 with respect to requirements for a discretionary permit for conversion of uncultivated land on steep slopes.

Please see Master Response 10 and Master Response 8 regarding the level of detail expected of a program EIR and of its related mitigation measures. These Master Responses, as well as responses to individual comments on biological resources, demonstrate that the DEIR analysis is sufficient to allow informed action by County decision makers on the 2007 General Plan.

The commenter cites The Nature Conservancy's October 2006 *California Central Coast Ecoregional Plan Update* as support for the assertion that there is site-specific information available that was not included in the analysis. The commenter misrepresents the intent of The Nature Conservancy's report. This report serves to assist The Nature Conservancy in prioritizing its conservation activities and identifying priority areas for potential acquisition to its portfolio of lands. Although it is a comprehensive overview of the biology of the Central Coast, from Santa Cruz to Santa Barbara, it is, by its own terms, "intended to guide decisions at a regional scale and does not replace site-scale planning or focused field assessments" (The Nature Conservancy 2006, pg. 66). The "portfolio area boundaries and associated species and ecosystem locations represent approximations rather than precise descriptions of conditions on-the-ground" (The Nature Conservancy 2006, ibid). The EIR for the General Plan Update

has taken a similar programmatic approach in its analysis of the biological resources and impacts of development under the 2007 General Plan.

Furthermore, the *California Central Coast Ecoregional Plan Update* (provided as an attachment by commenter) guides The Nature Conservancy in setting priorities for its conservation activities. It does not purport to serve as a basis for local government compliance with California Planning and Zoning Law, or to balance conservation, development, and property rights concerns, as the County of Monterey must do in preparing and adopting a general plan.

The commenter notes a close correlation between land-use concerns addressed by TNC and development under the General Plan. The General Plan's policies promoting growth in its cities and focused growth areas, rather than in a less concentrated growth pattern, will further reduce the potential for projects to adversely affect biological resources. As noted above, the DEIR provides an analysis of the habitats and species that are known to occur in each of the Community Areas, Rural Centers, designated Affordable Housing Overlay districts, and AWCP. This analysis is intended to assist decision-makers in determining the potential impacts of the proposed policies in the General Plan related to these focused growth areas. See also Master Response 7, *New Urban Development Outside Focused Growth Areas*.

With respect to impacts to biological resources that may be caused by conversion to vineyards, and cultivation permitted on slopes greater than 25%, the commenter is referred to Master Response 8 and Master Response 3 that describe proposed modifications to several General Plan policies and mitigation measures as well as provide further explanations of the analysis of biological impacts from development under the General Plan. Policy OS-3.5 has been modified and further constrains the amount of conversion on the steeper slopes that will be allowed. The text of the policy modification can be

found in Chapter 5 of this FEIR. It can also be found in Master Response 3, *Agricultural Growth and General Plan Agricultural Policies*.

With respect to impacts that might result from the spread of invasive species, the commenter is referred to Policy OS-5.14 which addresses invasive exotic plants and pests. With respect to impacts that could occur from the expansion of public services, DEIR Chapter 4.11 Public Services analyzes impacts that could result from new development that is necessary to provide additional public services (i.e., new sheriff and fire stations, schools, wastewater ….). Mitigation for these impacts is discussed under each public service heading. The expansion of public services is included in development analyzed for its impact on biological resources In DEIR Chapter 4.9, Biological Resources.

With respect to climate change, the commenter is referred to Chapter 4.16, *Climate Change* of the DEIR. Section 4.16.3.2 outlines the impacts to the natural environment that could result from climate change including changes in the distribution of plant and wildlife species (page 4.16-4). Section 4.16.5.3 provides an impact analysis with mitigation measures that would reduce impacts for 2030 to a less than considerable level, but are cumulatively considerable with mitigation for buildout. The adverse effects of climate change on Monterey County natural ecosystems are described on Page 4.16-42. Mitigation measures are proposed. The DEIR concludes that the General Plan with mitigation would not make a considerable contribution to a cumulative impact related to adaptation to climate change effects.

O-20c.2 The commenter claims that the "DEIR erroneously assumes that subsequent, site-specific environmental review will assure adequate analysis and mitigation in the future." They cite a number of non-discretionary actions that they believe will result in unmitigated impacts: development of the AWCP, including ancillary uses; development on legal lots of record; new cultivation on slopes of 25% or greater; and routine and ongoing agricultural activities. The commenter recommends that the EIR include site-specific information

about the potential impacts of these actions, including identifying the locations of future development within the AWCP and all legal lots of record.

See Master Response 10 regarding the level of detail in the General Plan EIR, Master Response 3 regarding agricultural policies, including the AWCP, and Master Response 7 regarding growth outside of focused growth areas. These Master Responses discuss the likely broad distribution of future growth with respect to the AWCP, conversion of previously uncultivated lands, and residential/commercial development. They also include a description and discussion of several modifications to proposed policies and mitigation measures that will address impacts from the AWCP, legal lots of record, development on slopes and routine and ongoing agriculture.

The County acknowledges the attachment provided by commenter (The Herald, 8-1-01 and Winery Corridor Section and Maps from GPU). However, the specific location of future development within the AWCP is not known. Although the AWCP limits the number of facilities that may be built within each of its segments, it does not specify their location. It would be speculative to assume that proposed facilities would be located in the worst locations and infeasible for a programmatic analysis to describe site specific mitigation for those impacts. Therefore, it is not possible to provide the level of analysis requested by the commenter. The commenter is again referred to Master Responses 8 and 3 which discuss potential impacts to biological resources that could result from development in the AWCP and to the response to O-11g.23.

Mapping existing legal lots of record is not necessary in order to describe the potential for environmental impact at a program EIR level. As noted in the response to O-20c.1 the DEIR analyzes impacts based on potential habitat conversion and has assigned scaling factors including factors for development outside of focused growth areas.

The commenter is referred to Master Response 8, Section 8. 5, for a discussion of potential impacts from development on lots of record.

With regard to previously uncultivated land on slopes, proposed Policy OS-3.5 has been revised to provide for discretionary permits for agricultural conversions on slopes greater than 15% or 10% if on highly erosive soils and prohibits conversion except in limited circumstances on slopes over 25%. As discussed in Master Response 3 regarding agricultural policies, this change to OS-3.5 will further limit the impacts of uncultivated land conversion.

The commenter requests that maps be made available illustrating the location of sensitive biological resources, as well as acreage calculations of land that may be affected by future development. The commenter asks that the maps be provided in large and small scale to identify potential site-specific impacts.

Maps of sensitive resources, particularly vegetation and habitat zones and including critical habitat were included in the DEIR as Exhibits 4.9-1 through 4.9-9. Note that in response to comments, the EIR has added an exhibit illustrating the critical habitat for Yadon's piperia. This can be found in Chapter 4 of this FEIR. The DEIR provides an estimate of impacts on natural vegetation communities, by acreage, as a result of development to 2030 in Table 4.9-7 (see page 4.9-57). A qualitative discussion of impacts follows that table, organized by focused development area. See Master Response 10 regarding the level of detail that is expected of a program EIR for a discussion of why this is an adequate approach.

The commenter asserts that the impacts to biological resources from Routine and Ongoing Agricultural activities has been inadequately disclosed and analyzed. They ask that uncultivated lands subject to conversion to agriculture in the future be mapped. The commenter also asks that the EIR be recirculated for review with this information.

The commenter is combining two separate issues: the effects of Routine and Ongoing Agricultural activities and the effects of the conversion of uncultivated land to agriculture. Regarding Routine and Ongoing Agriculture, please see Master Response 3. These policies essentially recognize existing agricultural activities and do not substantially change existing regulations applicable to these activities. As a result, they would not result in a new or worsened significant, unavoidable impact. The commenter is referred to Master Response 12 which addresses the requirements for recirculation of a DEIR.

Master Responses 3 and 8 also address the expected impact of converting uncultivated land to agriculture. As discussed there, proposed revisions to Policy OS-3.5 will strengthen its environmental protections and, discourage conversions on steeper slopes by imposing regulatory requirements that do not apply on flat areas. The Master Responses address the likely geographic distribution and anticipated number of acres that will be converted. The precise locations of future conversions cannot be accurately known, because it will result from the future business decisions of private agricultural landowners. Therefore, mapping and quantifying the impacts by location is not feasible. Master Response 8 describes revisions to Mitigation Measures BIO-1.4 and BIO-1.5, which will track actual acres of land converted to agriculture against projected acres of conversion. These revised policies further strengthen biological resources mitigation by requiring an evaluation every 5 years in order to address whether it is necessary to amend the General Plan to reduce impacts to biological species and to address the timeframe for preparation of a Conservation Strategy.

The commenter asserts that “the DEIR should not assume…that subsequent environmental reviews will repair the DEIR’s inadequacies.” They ask that the EIR analyze all land use activities allowed under the 2007 General Plan, particularly those activities that will proceed without further environmental review.

Master Responses referenced earlier in this response, particularly Master Response 10's discussion of the use of a program EIR for later site-specific projects, as well as responses to individual comments on biological resources, demonstrate that the DEIR analysis is sufficient to allow informed action by County decision makers on the 2007 General Plan. See Master Response 10 regarding the level of detail in a program EIR and Master Response 8, which discusses impacts that could result from the development of lots of record, conversion of uncultivated land and routine and ongoing agriculture and requirements in the General Plan, state and federal requirements and existing County policies that address the potential impacts from these activities.

O-20c.3 The commenter asserts that the policies of the 2007 General Plan are "weak and unenforceable [and] will undermine environmental mitigation of future land use activities even when they do require a discretionary permit."

The General Plan is adopted and enforced by Monterey County pursuant to its obligations under the Planning and Zoning Law (Gov. Code Section 65000, et seq.). In addition to the policies contained in the 2007 General Plan, as proposed for revision, all of the EIR's mitigation measures will be adopted as General Plan policies to ensure their implementation. See Master Response 10 for a discussion of general plan policies and impact mitigation. See also the response to comment O-11g-75.

The commenter focuses on the potential impacts of new development on the Monterey pine, a species of special concern (Federal Endangered Species Act) that the California Native Plant Society has identified as being "seriously endangered in California" (CNPS list 1B.1). They are concerned that Monterey Pine Forest is not being provided adequate protections.

The DEIR identifies Monterey pine as a special status plant in Table 4.9-4. Please see Master Response 8, *Biological Resources*, for a discussion of the analysis of impacts on the Monterey pine and the existing and proposed protections for the species.

The commenter cites specific policies in the General Plan and questions whether these will protect special status species most specifically Monterey Pine Forest (GMP-3.4 through GMP-4.1) As noted in O-20c.1, policies in the General Plan collectively mitigate impacts to biological resources. In addition to the policies in the Greater Monterey Peninsula Area Plan, a number of General Plan policies further address potential impacts and reduce these to a level that is less than significant. The Commenter is referred to Policy OS-5.3 (which requires that development shall be carefully planned for conservation and maintenance of critical habitat), OS-5.4 (development shall avoid, minimize and mitigate listed species and critical habitat to the extent feasible), and OS5.16 (this requires a biological study for discretionary development that could cause significant biological impacts, and requires that "feasible measures to reduce significant impacts to a less than significant level" be adopted as conditions of approval). These policies provide criteria that must be considered in the review of projects and provide criteria for the development of an ordinance that will implement the General Plan policies.

The commenter questions the efficacy of Policy GMP-4.1 and asks why it is not applied to all pine, redwood and oak forests in the County. Again, the commenter is referred to additional policies in the General Plan and DEIR mitigation measures that collectively address these species and erosion impacts. Policy OS-3.5 addresses residential development on slopes and conversion of uncultivated land on steep slopes. Policies OS5.3 and OS-5.4 address critical habitat and species. Mitigation measure BIO-2.1 (Stream Setback Ordinance) addresses preservation of riparian habitat and reduction of sediment and

requires the preparation of an ordinance for mitigating impacts. Mitigation measure BIO-2.2 (Oak Woodlands) requires the preparation, adopting and implementation of a program that would mitigate the loss of oak woodlands from development impacts.

For the reasons stated above, the General Plan policies and proposed mitigation measures that will be adopted as General Plan policies assure that impacts on sensitive biological resources like the Monterey Pine Forest will be less than significant.

O-20c.4 The commenter asserts that the DEIR fails to provide information about the impact on biological resources of the future expansion of incorporated towns and cities. The commenter argues that without information about the future expansion of incorporated areas "the public has no real basis for understanding the total development footprint envisioned in the 2007 General Plan."

The project being analyzed in the EIR is the 2007 General Plan for the inland unincorporated areas. The 2007 General Plan does not address impacts from expansion of incorporated cities. Thus, the impacts of city expansion on biological resources or other impacts is not a consequence of the 2007 General Plan. Instead, the EIR evaluates the impacts of the 2007 General Plan on biological resources based on the land use designations for urban development in unincorporated areas and based on agricultural expansion trends for agricultural changes over time.

However, the EIR included the entire County in the profiled of land covers (natural and man-made) in Table 4.9-1 and Exhibit 4.9-1. The nature of past conversions of habitat due to urban and agricultural expansion are shown for the entire County (including the cities (in Table 4.9-6 and Figures 4.9-6 through 4.9-10. Thus, the context of past urban conversions (both city and unincorporated) areas is shown in the EIR. The analysis of habitat conversions by agriculture was

conducted for the County as a whole; thus, any of these conversions that might occur in city areas is subsumed in the County totals.

Thus, the impact to which the commenter is referring is not a direct impact of the 2007 General Plan, but rather a cumulative impact of city growth combined with unincorporated growth. The commenter is correct that specific quantitative analysis of potential city expansion into areas of intact habitat was not done. That does not mean it was not analyzed appropriately in the EIR. Section 6, Other CEQA, contains the cumulative biological analysis starting on page 6-19. As disclosed on page 6-22, there will be significant, cumulative impacts to biological resources from the combined effects of city urban growth, other growth not under County control (such as military expansion), and growth allowed by the 2007 General Plan and the 2007 General Plan is identified as contributing considerably to this impact, despite the inclusion of feasible mitigation.

Maps of urban expansion areas requested by the commenter are not required for a General Plan EIR biological impact analysis (see Master Response 10, *Level of Detail for General Plan and the General Plan EIR*). The County has no authority over the timing or extent of future expansion of the cities through annexation (there are no “towns” under California agency formation law, although some cities have given themselves that name). Further, the policies of the County General Plan and the County’s land use regulations have no effect within the limits of incorporated cities. Therefore, although the DEIR assumed that annexation would have an effect on the natural communities within the future city boundaries, the specific nature of that effect will be dependent upon the policies and regulations of each city, as well as the application of CEQA to future individual development projects within the expansion areas. These will provide a measure of protection. In coastal cities, their LCPs will also provide protections. Given that information is not available on specific

protections future CEQA documents and LCPs would provide, the DEIR's approach has been a conservative one.

The commenter recommends that urban expansion impacts be considered cumulatively with impacts of development allowed under the General Plan in unincorporated areas. The DEIR does provide this analysis. The commenter is referred to DEIR Chapter 6.4 Cumulative Impacts for a discussion of impacts that would include development in the cities. Impact Cum-5 (Indirect Impacts of Water Supply Projects-that serve both the cities and unincorporated areas) notes that biological impacts, particularly from the release of brine into Monterey Bay National marine Sanctuary are unknown and would be potentially cumulatively significant. DEIR Section 6.4.3.7 (Biological Resources) indicates that expansion of cities which is outside the control of Monterey County, will impact habitats adjoining urban areas and the impact will be cumulatively considerable.

O-20c.5 The commenter asserts that the DEIR's analysis of the proposed wine corridor is based on faulty assumptions about trends in land conversion and the incentive to establish new vineyards.

See Master Response 3, *Agricultural Growth and General Plan Agricultural Policies*, and Master Response 8, *Biological Resources*, for a discussion of the assumptions applied to and conclusions reached regarding environmental impacts resulting from development in the wine corridor. As demonstrated by these Master Responses, the assumptions and conclusions are reasonable and supported by substantial evidence, including new information regarding existing winery capacity.

Development in the AWCP is limited by the number of future facilities that will be permitted and the distribution within the three corridors. It is unknown at this time precisely where the new facilities will be located. Moreover, the General Plan requires that future large-scale wineries be subject to a discretionary permit. The policy in the AWCP

regarding artisan (a.k.a. boutique wineries) and accessory facilities makes these facilities subject to revised Policy OS-5.16. Please refer to Master Response 3 *Agricultural Growth and General Plan Agricultural Policies* for a discussion of the processing capacity of the proposed AWCP and Master Response 4, *Water Supply*, for a discussion winery demand.

As noted in Master Response 3, the commenter's assertion that nearly one million acres of land may be converted on slopes of 25% or greater is grossly overestimated and is not supported by evidence that this conversion will occur. Please see Master Response 3, section 3.2 for a discussion of reasonably available land for agricultural conversion. Policy OS-3.5 has been revised to provide additional protections for slopes with respect to the conversion of previously uncultivated land. Master Response 3 and Master Response 8 describe modifications to the slope policy and address the assumptions in the DEIR analysis and conclusions regarding the impacts that would result from conversion on steep slopes, routine and ongoing agriculture, and development in the AWCP and conversion of uncultivated land.

For the above reasons, the revisions proposed by the commenter are inappropriate and not required. The comment does not present substantial evidence of new or worsened significant unavoidable impacts; therefore, DEIR recirculation is not required. See also Master Response 12, *Recirculation*. The commenter is also referred to the responses to O-11g- 75, O-11g-83 and O-11g-84.

O-20c.6 The comment challenges the DEIR for allegedly stating (on page 3-31) that "development of Rancho San Carlos shall be based on County 'Resolution 93-115," and the comment questions whether the DEIR accounted for Measure M, a referendum measure passed by the voters in November 1996.

The comment misunderstands the statement in the DEIR. The statement is part of the project description. The DEIR describes the

Rancho San Carlos Special Treatment area as following "the densities and policies in Board of Supervisors' Resolution 93-115, 'Comprehensive Planned Use' Overlay and the Comprehensive Development Plan for the Santa Lucia Preserve." (DEIR, pp. 3.-31 and 3-32.) This statement paraphrases proposed policy GMP-1.6, and thus the DEIR project description is accurate. Proposed policy CV-1.25 contains similar wording.

In regard to whether the DEIR analysis took account of Measure M; it did. The policies mentioned above refer to Resolution No. 93-115 with respect to the "Comprehensive Planned Use" overlay and refer to the Comprehensive Development Plan for the Santa Lucia Preserve. While Resolution No. 93-115 required the Comprehensive Development Plan, the Comprehensive Development Plan itself was part of the later–approved Santa Lucia Preserve Combined Development Permit (Board of Supervisors' Resolution No. 96-060). That Combined Development Permit has subsequently been amended as a result of several actions, including Measure M, litigation relating to approval of the Santa Lucia Preserve Combined Development Permit (*Sierra Club, et al v. County of Monterey et al*. Superior Court Case No. 106800), and subsequent County approvals.

Measure M, a referendum measure adopted by voters on November 5, 1996, nullified Ordinance No. 03857 and thereby rescinded the rezoning that would have allowed visitor-serving units in specific areas of the Santa Lucia Preserve. As a result of Measure M, the zoning of the site affected by Measure M reverted to the original RC-D zoning. Following the passage of Measure M and the above-referenced litigation, the Board of Supervisors denied General Development Plans for hotels and related commercial uses in compliance with Measure M's nullification of Ordinance No. 03857 and made other modifications to the Combined Development Permit and Vesting Tentative Map. (Board of Supervisors' Resolution No. 97-360.)

In or about 2003, consistent with the RC-D zoning, the County approved a residential subdivision, known as the Chamisal Area Subdivision, in the area where the hotel site had been located prior to the passage of Measure M. Over the years, a total of 294 residential parcels have been approved within the Santa Lucia Preserve. An additional 14 lots have been approved for employee housing and 12 lots are zoned commercial or public/quasi-public. This DEIR's analysis is based on the existing conditions on the ground, and growth projections are based on the entitlements as they are today.

O-21a The Open Monterey Project (prepared by Law Offices of Michael Stamp)

O-21a.1 The comment noted that a new appendix was added to the County web site after release of the DEIR for public comment on September 8, 2008. The County subsequently restarted the public comment period in December 2008 and all appendices were included at that time on the web site. Please see Master Response 12, *Recirculation*.

O-21a.2 The comment contends that the initial distribution of the DEIR did not go to all libraries in the County library system. The County subsequently restarted the public comment period in December 2008, and the DEIR was provided to all libraries in the County system. Please see Master Response 12, *Recirculation*.

O-21a.3 The comment criticizes the indicated closure time for public comment in the initial public review period. The County subsequently restarted the public comment period in December 2008. Please see Master Response 12, *Recirculation*.

O-21b The Open Monterey Project (prepared by Law Offices of Michael Stamp)

O-21b.1 The comment complains about the timing of receipt for a CD of the DEIR upon commencement of the initial public review period. The County subsequently restarted the public comment period in December 2008, and the commenter had more than sufficient time for review pursuant to CEQA. Please see Master Response 12, *Recirculation*.

O-21b.2 The comment contends that certain references listed in Section 11 of the DEIR were not available at the time the initial public review period was commenced. The County subsequently restarted the public comment period in December 2008, and the references were made available. Please see Master Response 12, *Recirculation*.

O-21c The Open Monterey Project (prepared by Law Offices of Michael Stamp)

O-21c.1 The comment complains that certain of the references in Section 11 of the DEIR were not available to the public upon the commencement of the initial public review period. The County subsequently restarted the public comment period in December 2008, and the references were made available. Please see Master Response 12, *Recirculation*.

O-21d The Open Monterey Project (prepared by Law Offices of Michael Stamp

O-21d.1 The comment complains that certain of the references in Section 11 of the DEIR were not available to the public upon the commencement of the initial public review period. The County subsequently restarted the public comment period in December 2008, and the references were made available. Please see Master Response 12, *Recirculation*.

O-21e The Open Monterey Project (prepared by law Offices of Michael Stamp)

O-21e.1 The comment complains that certain of the references in Section 11 of the DEIR were not available to the public upon the commencement of the initial public review period. The County Subsequently restarted the public comment period in December 2008, and the references were made available. Please see Mater Response 12, *Recirculation*.

O-21f The Open Monterey Project (prepared by Law Offices of Michael Stamp)

O-21f.1 These comments complain that the State Clearinghouse did not receive a complete version of the DEIR because of a missing appendix, and that the State Water Resources Control Board did not receive the DEIR. The County subsequently restarted the public comment period in December 2008, and the State Clearinghouse was provided a complete version of the DEIR at that time. In addition, although distribution to the State Water Resources Control Board was the duty of the Clearinghouse, the County ensured that the State Water Resources Control Board was provided a copy. Please see Master Response 12, *Recirculation*.

O-21f.2 See the response to comment O-21f.1.

O-21g The Open Monterey Project (prepared by Law Offices of Michael Stamp)

O-21g.1 The comment complains that the State Water Resources Control Board did not receive the DEIR. The County subsequently restarted the public comment period in December 2008, and, although distribution to the State Water Resources Control Board was the duty of the

Clearinghouse, the County ensured that the State Water Resources Control Board was provided a copy. Please see Master Response 12, *Recirculation*.

O-21h The Open Monterey Project (prepared by Law Offices of Michael Stamp)

O-21h.1 The comment requests a copy of the consultation contacts for the County. The requested list of contacts was provided to the commenter.

O-21i The Open Monterey Project (prepared by Law Offices of Michael Stamp)

O-21i.1 The commenter alleges that the County did not properly notify the public of the changes that it made to the General Plan and DEIR materials between the original release of the DEIR in September 2008 and the subsequent re-release of the document in December 2008. The commenter recommends that the DEIR public review period should not begin to run until the environmental documents are accurate and available to the public at large.

The County restarted the public comment period in December 2008 for the express purpose of providing reviewers with full information and sufficient time to comment on the DEIR, and the commenter had more than enough time for review pursuant to CEQA, as evidenced by their voluminous comments in letter O-21k. See Master Response 12, *Recirculation*, for a discussion of the County's actions to provide the public with accurate information on the DEIR and the 2007 General Plan.

O-21j The Open Monterey Project (prepared by Law Offices of Michael Stamp)

O-21j.1 The commenter references correspondence with the County in January of 2009 and complains that the County has ignored their allegations of procedural errors in the CEQA process.

The County has chosen to reply to all comment letters received during the public review period between September 2008 and February 2, 2009 in this FEIR. Please see Master Response 12, *Recirculation*.

O-21k The Open Monterey Project (prepared by Law Offices of Michael Stamp)

O-21k.1 The County recognizes these comments are submitted on behalf of the Open Monterey Project, and that the Open Monterey Project joins in the comments of other groups, including those of LandWatch Monterey, County, the Sierra Club, and the Carmel Valley Association.

O-21k.2 The comment asserts that the DEIR does not compare the proposed project with either the existing 1982 General Plan or "current on-the-ground conditions." This assertion is false, as explained below.

The DEIR compares the proposed 2007 General Plan Update to the 1982 General Plan in its analysis of the No Project Alternative in DEIR Section 5.3. The analysis of the No Project Alternative assumes that the existing 1982 General Plan would be retained as the County's blueprint for growth; no land use designations would change; and existing undeveloped lots of record ultimately would be built out to their highest use, as envisioned by the 1982 General Plan land use map. The No Project Alternative analyzed in the DEIR is consistent with CEQA's requirement that when the proposed project is the revision of an existing land use plan, the "no project" alternative will be the continuation of the existing plan into the future. (See CEQA Guidelines § 15126.6(e)(3)(A).)

The DEIR also compares the proposed 2007 General Plan Update to existing physical environmental conditions, i.e., the baseline physical conditions by which the County determines whether an impact is significant. Each Section within Chapter 4 of the DEIR (Sections 4.1 through 4.16) includes a subsection entitled Environmental Setting, which complies with CEQA Guidelines § 15125. Therefore, the DEIR complies with CEQA's requirements to compare the proposed project against both the "no project" scenario, i.e., continuation of the 1982 General Plan, and existing conditions.

O-21k.3 The comment asks whether any the impacts of the proposed project would be mitigated by fee-based mitigation. Under CEQA, paying a "fair-share 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.)

Mitigation Measure TRAN-2B, related to traffic impacts, and Mitigation Measures BIO□1.2, BIO-1.5 and BIO-2.2, related to impacts to biological resources, include payment of fees as one component of the comprehensive mitigation strategy to reduce impacts TRAN-2B, BIO-1 and BIO-2, respectively.

Specifically, Mitigation Measure TRAN-2B would revise certain policies of the Carmel Valley Master Plan (CVMP). One of these is Policy CV-2.19, which requires, among other things, that all projects within the CVMP area and within the "Expanded Area", that contribute to traffic within the CVMP area shall contribute fair-share traffic impact fees to fund necessary improvements identified in the Carmel Valley Traffic Improvement Program (CVTIP), as updated at the time of building permit issuance. The environmental impacts of the CVTIP are currently being evaluated in the "CVTIP Partial Revision of the Draft Subsequent EIR," which was circulated for public review in April 2009. The revisions to Policy CV-2.19 are one component of Mitigation Measure TRAN-2B,

which also includes revisions to CVMP Policies CV-2.10 and CV-2.18. As discussed in Section 4.6 of the DEIR, implementation of Mitigation Measure TRAN-2B will result in impacts to Carmel Valley Road being 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.

Mitigation Measure BIO-1.2, as revised in the FEIR, requires the County to develop a conservation strategy funding program that will consider a mitigation fee program as one of the options to reduce impacts to the San Joaquin kit fox. Fees would typically be used to acquire conservation easements on suitable habitat and for habitat management. As such, the fee component of this measure is part of a reasonable mitigation strategy to address the impacts of the project, as described in Section 4.9.5.4 of the EIR.

Mitigation Measure BIO-1.5, as revised in the FEIR, requires preparation of a conservation strategy for areas containing substantial suitable habitat for plant and wildlife species with the potential to become listed species due to development. This conservation strategy could include fee programs as one of several options for mitigating impacts. As above, fees would typically be used for acquisition of conservation easements. Comprehensively, Mitigation Measure BIO-1.5, in conjunction with Mitigation Measures BIO-1.2 and BIO-1.4, as well as proposed General Plan Policy OS□5.16 as revised, would reduce impacts of buildout on CEQA-defined special-status species and their habitat to a less than significant level. (See FEIR, Section 4.9.5.4.) Therefore, the potential fee component of Mitigation Measure BIO-1.5 is part of a larger mitigation strategy that is reasonably expected to address project impacts.

Mitigation Measure BIO-2.2, as revised in the FEIR, requires the County to prepare an oak woodlands mitigation program that could include

payment of fees as one of several options to mitigate the loss of oak woodlands, consistent with Public Resources Code Section 21083.4. Mitigation Measure BIO-2.2 would be applied along with Mitigation Measures BIO-1.2, 1.4, 1.5, 2.1, and 2.3 and the General Plan policies discussed in EIR Section 4.9.5.4 to mitigate project-level impacts to sensitive natural communities, riparian habitat, and wetlands/waters to a less than significant level.

In addition, the following proposed General Plan Policies include fee-based mechanisms: Open Space Policies 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. The environmental impacts of the TAMC Regional Development Impact Fee (Policy C-1.11) were evaluated in the 2007 Addendum to the EIR prepared for the 2005 Monterey County Regional Transportation Plan (State Clearinghouse No. 2004061013).

The fee component of each of these policies 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. For example, the EIR recognizes that even with adoption and implementation of the County Traffic Impact Fee (Policy C-1.8) and the TAMC Regional Development Impact Fee (Policy C-1.11) the proposed GPU 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.)

Each of the fee-based mitigation mechanisms described above are legal and environmentally sufficient mitigation as part of a comprehensive mitigation strategy and are reasonably expected to mitigate project impacts. Please also see Master Response 10 for additional discussion of mitigation requirements in a programmatic EIR.

O-21k.4 The comment asks whether "any of the impacts of or mitigations for the GPU5 affected in any way, or dependent upon, a program, policy, code section, or regulation of the County that the County has not enforced fully or been able to enforce fully at any time in the last ten years." This comment does not address significant environmental issues or analysis in the EIR. Lead Agencies are only required to respond to significant environmental issues and do not need to provide all information requested by reviewers, so long as a good faith effort as full disclosure is made in the EIR. (CEQA Guidelines § 15204.) Unless the Board of Supervisors makes a finding that a proposed mitigation measure is not feasible per CEQA Guideline section 15091, inclusion of the mitigation measures identified in the EIR, as revised by this FEIR, in the draft General Plan upon adoption will mean that the County has determined the measures are feasible and enforceable. (See CEQA Guideline section 15126.4(a)(2) regarding enforceability of mitigation measure; see also discussion in Master Response 10 regarding implementation of the General Plan).

O-21k.5 The commenter identifies specific parameters and rules with which it would like the County to comply in responding to its comments. All responses to comments on the DEIR have been made in good faith and describe the disposition of significant environmental issues raised, in compliance with CEQA. Citations to the EIR and relevant reference documents have been included as necessary. As required by CEQA, any responses will detail how the response is supported by the documents and the analysis in the DEIR, or how the General Plan and FEIR will be modified to respond to the comment. The responses comply with CEQA's requirements for response to comments. (See CEQA Guidelines §§ 15088 and 15204.)

O-21k.6 The comment notes that certain changes were made to the General Plan and DEIR in December of 2008, prior to the final public review period, and contends that these changes were confusing and create inconsistencies. The commenter asks that the County be specific in

any responses regarding the documents relied upon in the response and why it supports the response.

The comment is a general comment on the process and is noted. The version of the DEIR referenced in the Notice of Availability ("NOA") published in December of 2008, and the version of the General Plan available at that time, are the versions relied upon for purposes of these responses. Any changes in the documents prior to the NOA in December of 2008 are not confusing and do not create inconsistencies for the reasons explained in the substantive responses to this comment letter (O-21k, The Open Monterey Project). As required by CEQA, any responses will detail how the response is supported by the documents and the analysis in the DEIR, or how the General Plan and FEIR will be modified to respond to the comment.

O-21k.7 The comment requests that the EIR identify by number each General Plan policy that is being analyzed. There is no requirement in CEQA that an EIR identify each policy of a proposed plan. The description of the project contained in Section 3.0 of the EIR complies with CEQA's requirements for a Project Description as set forth in CEQA Guidelines Section 15124. Similarly, there is no requirement to identify policies by number in the analysis of alternatives. All that is required is "sufficient information about each alternative to allow meaningful evaluation, analysis and comparison with the proposed project." (CEQA Guidelines § 15126.6(d).) Such information is included in Section 5.0 of the EIR. The comment provides no evidence that the EIR does not comply with these requirements.

The comment also raises concerns about the distribution, organization and formatting of the EIR. The comment does not provide any evidence that the alleged concerns render the EIR inadequate. Moreover, these comments do not address significant environmental issues or analysis in the EIR.

The comment also inquiries about General Plan errata released by the County. The comment contends that the September 3, 2008 document entitled "2008 General Plan Update Errata/Addendum" released with the DEIR contains changes to two land use designations that were not summarized in the introductory paragraph of the errata and that staff made without authority from the Board of Supervisors. There was no usurpation of authority by staff or lack of transparency in regard to the corrections and proposals in this errata document. In the document, every proposed change is accompanied by an annotation explaining the reason for the proposed change. Staff presented the errata document to the Monterey County Planning Commission on September 10, 2008, and as noted in the comment, the document was released with the DEIR. The errata informed the public of revisions to the 2007 draft General Plan that were included within the project evaluated by the DEIR. The "two" changes to land use designations referenced by the comment are explained by the errata document itself. As is apparent from the text of the errata, the two changes are one change that is described twice, once in relation to the Greater Salinas Area Plan Land Use Map and once in relation to the Greater Monterey Peninsula Land Use Map, because the change affects property that is partially in each of these planning areas. The errata also provide the reason for the proposed land use designation change, which was a request by the Water Resources Agency for the reasons described in the errata. Further, staff did not act outside the bounds of its authority. None of the revisions listed in the errata will be part of the General Plan unless and until the Board of Supervisors acts upon them. The Planning Commission and the Board of Supervisors will make a determination on these proposed changes when they consider adoption of the General Plan Update. This comment does not address significant environmental issues or analysis in the EIR.

The comment also criticizes the revisions which the County released in December 2008 as "filled with errors." In December 2008, the County issued a revised DEIR reference section (Section 11), minor updates

and corrections to citations in the text of the EIR, and corrections to three General Plan maps and two corresponding aerial photos. In connection with this release, the County issued a new Notice of Availability and began a new DEIR comment period of December 16, 2008 through February 2, 2009. At that time, the County also issued a letter to the EIR distribution list identifying the exhibits in the DEIR that correspond to the corrected General Plan maps and figures. A note to this effect was placed on the County website. Individuals who requested CDs of the General Plan and DEIR were mailed a CD that included both sets of changes- General Plan figures and DEIR exhibits. A notice of correction was also sent to the State Clearinghouse. As these efforts demonstrate, the County made a good faith effort at full disclosure. The six- page document questioned by the comment is a list of corrections to citations in the text of the DEIR. It was entitled "Monterey County 2007 Draft General Plan, DEIR, Updates to citations in text and errata related to citations (December 2007)." The "December 2007" date was listed in parentheses in reference to the December 2007 draft General Plan. In regard to the comment about the section numbers cited in that document, it is reasonable to expect that the reader of this update/errata would understand a section entitled "4.03" to be equivalent to a section entitled "4.3." Neither of these so-called errors affects the sufficiency or adequacy of the environmental analysis. This comment does not address significant environmental issues or analysis in the EIR.

As explained in the CEQA Guidelines, "reviewers [of a DEIR] 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 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. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all

information requested by reviewer, as long as a good faith effort at full disclosure is made in the EIR." (CEQA Guidelines § 15204) The issues raised in the comment do not address significant environmental issues or analysis in the EIR and do not detract from the County's good faith effort at full disclosure. Therefore, no further response is required.

O-21k.8 The comment contends that certain Section 11 reference documents were not available on the web as indicated. In particular, the comment contends that Document 141 "Hydrogeologic Investigation of the Salinas Valley Basin in the Vicinity of Fort Ord and Marina, Salinas Valley, California. Final Report" was not available at the indicated web site; Document 119 "2003b. Housing Element. Adopted November 4, 2003. The 2007 General Plan" was not available at the indicated web site; and documents 209, 210, 211 required reader input for unknown criteria.

The reference list for Document 141 (Salinas Valley hydrogeologic investigation) listed two methods to obtain the document: 1) access the MCWRA website and follow instructions for the drop-down menu to access the document; and 2) enter a specific, listed web address. The former method links to the document; however, the latter led to a message that the document was not found on the indicated URL. Because the former method linked to the document, the County has complied with its obligation to make that reference document available.

Similarly, the reference list for document 119 (Housing Element) listed two ways to access the document: 1) it was included in the 2007 General Plan; and 2) directions to enter a specific, listed web address. Following the instructions to access the document in the 2007 General Plan leads to the Housing element as indicated. While the specific web address did not, the County has complied in making the document available.

The instructions for documents 209, 210, and 211 are self-explanatory and were the same way that information was accessed in preparation of the DEIR. Specific species were referenced throughout the DEIR, and interested persons could input into the web site the necessary information to access the data base and retrieve the pertinent information.

In addition, the instruction regarding the revised Section 11 indicated that County staff was available to assist members of the public in accessing any documents. In light of these efforts, the County has complied with its good faith obligation at full disclosure.

O-21k.9 The comment requests clarification of the DEIR's use of the term "discretionary project" and contends that permits and approvals are discretionary, not "projects." The comment also seeks clarification as to who would exercise the discretion and on what basis and requests specificity as to whether the term refers to permits under the General Plan, County Code or CEQA.

The DEIR uses the term "discretionary project" consistent with its definition under CEQA. A "discretionary project" is "a project which requires the exercise of judgment or deliberation when the public agency or body decides to approve a particular activity, as distinguished from situations where the public agency or body merely has to determine whether there has been conformity with applicable statutes, ordinances, or regulations." (CEQA Guideline §15357) The term encompasses land use actions and entitlements that require a discretionary permit under County's regulations. County regulations, whether the General Plan itself or implementing ordinances such as the County zoning and subdivision ordinance, prescribe the entitlements required for particular uses and prescribe the appropriate process and decision-maker for particular entitlements.

O-21k.10 The County recognizes that the comments on "2030 Planning Horizon" analyses apply equally to "Buildout" analyses, and vice versa, unless

otherwise noted. The County would like to clarify that in the DEIR, "Planning Horizon" is intended to refer to the year 2030, while "Full Buildout" is intended to refer to the year 2092.

O-21k.11 The comment contends that Figure S-2, 100-Year Floodplain, shows black lines where rivers should be, that the only legend for black lines is "Major Road," and that the map does not distinguish between rivers and major roads. The map, now numbered Figure 8b in the draft General Plan, has been clarified. (See Chapter 5 of the FEIR, Figure 8b in the draft General Plan.) It is not attempting to show the location of river channels and the floodplain, but only the location of the 100-Year Floodplain. Areas outside the 100-Year Floodplain show the location of waterways (these are aqua lines on the color map, but may show up as grey or black on a black and white reproduction). The thick black lines show the location of major roads and should not be confused with river channels. The legend indicates that black lines are roads and aqua lines are "river and water body."

O-21k.12 See Master Response 10, *Level of Detail for the General Plan and the General Plan EIR* regarding program analysis and the level of detail that is reasonable to provide in an EIR for a countywide general plan. Contrary to the commenter's assertion, the DEIR does quantify the potential impacts on habitats, based on this GIS-based analysis. See Table 4.9-7 (conversion of vegetation communities) and Table 4.9-8 (conversion of habitat to agricultural use) for this information. Table 4.9-6 (habitat conversions, 1982-2006) provides information on past trends of conversion as well.

Regarding the comment about making specific mapping of sloped areas and predicting exactly where agriculture might expand, this is considered a speculative exercise as it would depend on the County being able to predict the precise actions of landowners across a vast landscape for years in the future. Instead, the County has relied on the past as the most reliable benchmark for identifying potential future

impacts and made a good faith effort to estimate future agricultural conversions if the past trends continue.

See Master Response 3, *Agricultural Growth and General Plan Agricultural Policies* and Master Response 8, *Biological Resources* for discussions of the effect of slope conversion on biological resources.

O-21k.13 The comment expresses commenter's opinion that the DEIR fails to provide sufficient information and analysis and lists alleged "failures." Regarding the list of alleged inadequacies, the comment makes blanket assertions of inadequacy without supportive evidence or logic to the list. No response is needed to this expression of opinion. To the extent the comment is meant as an introduction to issues elaborated subsequently in the comment letter, see responses below to comments raising the same issues in more detail. Please also see Master Response 3, *Agricultural Growth and General Plan Agricultural Policies* for further steep slope information, investigation and analysis. Regarding the criticism that the mechanisms of approval of development are not identified, explained or investigated, the reader is directed to the policies of the General Plan itself which describe the processes by which the policies will be implemented, such as through establishment of a program, adoption of implementing ordinance, or requirement of a permit. See also Master Response 10 *Level of Detail for the General Plan and the General Plan EIR* regarding discussion of implementation of General Plan policies and mitigation measures.

O-21k.14 The comment alleges that the DEIR fails because it does not analyze the cumulative impact of Local Coastal Program (LCP) amendments that would result from this General Plan update. The comment is predicated on the incorrect assumptions that amendments to the LCP would be required for consistency with the GPU and that LCP amendments that result from GPU5 "are envisioned and planned now." For all of the reasons explained in Master Response 11, *Effect of GPU5 on the Local Coastal Program and Impacts to Coastal Resources* the commenter's assumptions are in error. The 2007 General Plan does

not amend the Local Coastal Program, require amendments to the Local Coastal Program to achieve consistency, or result in known or foreseeable LCP amendments. CEQA does not require the DEIR to analyze environmental impacts of LCP amendments that are not proposed or reasonably foreseeable. Please see Master Response 11 for additional response on this issue.

O-21k.15 Impacts to Williamson Act lands and Important Farmland were assessed and analyzed separately in the DEIR (see the discussions beginning on page 4.2-7, as well as Impacts AG-1 and AG-2). The two designations do not necessarily address the same lands, as the Williamson Act is a voluntary, tax-based program, while Important Farmland designations are based primarily on soil quality. Grazing lands make up a substantial portion of the lands under Williamson Act contract, yet they are not identified as Important Farmland. Therefore, how many acres of Williamson Act and Important Farmland overlap is not germane to the discussion of farmland impacts in the DEIR.

The text on page 1-39 has been changed in the EIR to correct the referenced acreages of Important Farmlands and Williamson Act land.

To calculate these numbers, Important Farmland (as designated by the California Department of Conservation) and Williamson Act farmland in the County were mapped using GIS data and technology. This mapping was overlaid with the areas that are contemplated to be converted to urban uses under the General Plan. Using GIS data and technology, the EIR calculated the total acreage that was both Important Farmland and contemplated for conversion to urban uses by the General Plan. In addition, the total acreage that was both Williamson Act farmland and contemplated for conversion to urban uses by the 2007 General Plan was calculated.

The location of land designated as Important Farmland is provided by the California Department of Conservation, as is the location of land under Williamson Act contract.

In response to the comment's request for the meaning of the term "Williamson Act farmland," the DEIR defines the meaning of the term in Section 4.2, Agriculture Resources, under the subheading "Williamson Act" on page 4.2-8 of the DEIR, stating "Lands under [Williamson Act] contract may also support uses that are 'compatible with the agricultural, recreational, or open-space use of the land' subject to the contract (Government Code Section 51201[e])." The DEIR then lists the compatible uses identified by Monterey County. Lands under Williamson Act contract may include grazing land. Grazing land may appear and act as open space, but serves an agricultural function and is considered active agricultural land. Williamson Act farmland, as defined in this document, includes all land under Williamson Act contract, including land meeting the definitions described here.

The DEIR did not analyze impacts to land under the "Agricultural Preservation" designation referenced by the comment, as this designation does not confer any legally binding status to such lands. The Agricultural Preservation designation simply identifies those lands that may opt into a voluntary Williamson Act contract. Until such time as a landowner with an Agricultural Preservation designation enters into a contract, the land has no different set of rules and regulations than land without an Agricultural Preservation designation.

The text of the EIR at page 4.2-9 has been changed to clarify how much land is under Williamson Act contract, and how much acreage is under Farmland Security Zone. The Farmland Security Zone contract is an option within the Williamson Act program. As explained on page 4.2-9 of the DEIR, land under a Farmland Security Zone contract is not technically under a Williamson Act contract. However, the level and type of protection experienced by lands under either a Farmland Security Zone or under a Williamson Act contract are similar. While land under a Farmland Security Zone are protected for a longer period of time than Williamson Act land, the difference in the length of time and the type of protection are not significant enough to change the

DEIR analysis. In addition, because the amount of land under a Farmland Security Zone is included in the amount of Williamson Act land analyzed in the DEIR, the DEIR analysis does not change. As stated in the DEIR, the source of this information is the California Department of Conservation.

As stated in the references, the following documents and maps were utilized to obtain information on Williamson Act lands:

- California Department of Conservation. 2008c. Williamson Act Reports and Statistics. Available under "Total Enrollment: 1991–2007, by County": http://www.conservation.ca.gov/dlrp/lca/stats_reports/Pages/Index.aspx.
- California Department of Conservation. 2004. Williamson Act GIS data, 2004. Available: ftp://ftp.consrv.ca.gov/pub/dlrp/wa/Map%20and%20PDF/CALIFORNIA%20WILLI AMSON%20ACT/.

In addition, the following reference was utilized to obtain information on Williamson Act lands. The reference is added to the reference list in Chapter 6 in the FEIR.

California Department of Conservation. 2004. Williamson Act GIS data, 2004. Available: ftp://ftp.consrv.ca.gov/pub/dlrp/wa/Map%20and%20PDF/CALIFORNIA%20WILLIAM SON%20ACT/.

O-21k.16 The Seaside basin is discussed in detail beginning on page 4.3-10 of the DEIR. The Seaside basin is also featured in the discussion of the Carmel River aquifer in relation to the oversubscription of Carmel River water by CalAm that begins on page 4.3-13. For additional clarification on the watershed and basin boundaries, please see DEIR Exhibits 4.3-1 through 4.3-6, Exhibit 4.3-8, and Exhibits 4.3-11 through 4.3.14. Please also see revised exhibits Exhibit 4.3-10 and Exhibit 4.3-9 and new Exhibits 4.3-7a and Exhibit 4.3-9a in Chapter 4 of this FEIR.

Regarding the adequacy of the DEIR analysis of impacts to the Salinas Valley groundwater basin (including the effect of the SVWP), the Seaside basin, the North County subareas (including those within the Pajaro River groundwater basin) and those within the Salinas Valley watershed) please see Master Response 4, *Water Supply*.

Regarding the commenter's assertion that the SVWP does not provide water supply, please see Master Response 4. The SVWP seeks to balance supply and demand within the Salinas Valley groundwater basin to halt groundwater overdraft and seawater intrusion. By providing additional water for infiltration into the aquifer, the SVWP explicitly increases the amount of water available for both urban and agricultural use.

O-21k.17 The comment contends that the description of "General Plan 4 Alternative" in section 1.5.4 is inconsistent and biased, and should state that General Plan 4 was "drafted by the County," "placed on the ballot by referendum" and defeated by the voters in June of 2007. Additionally, the comments suggests that the Notes on Table 1-3, Summary of Alternatives, should be numbered and asks for clarification on the reference notes for the GPU4 alternative.

The comments are not ones on the environmental analysis per se. The description of the General Plan 4 alternative is accurate. A more thorough discussion of the history of the County's efforts at updating the General plan, and of GPU 4 (which in itself is fairly complex) is set forth in Section 3.1.2 of the DEIR, at pages 3-3 to 3-4. The notes to Table 1-3 are similarly not confusing, and are more thoroughly explained in Section 3.1.2 of the DEIR.

O-21k.18 This comment is on the DEIR's Executive Summary. By its nature, the summary is an overview of the contents of the DEIR.

The information requested, in the level of detail appropriate for a Program EIR, can be found in Section 4.3, *Water Resources*, of the DEIR and is amplified and clarified in Master Response 4, *Water Supply*.

Master Response 4 contains a response to the issues raised in this comment regarding the Salinas Valley aquifer and Salinas Valley Water Project.

O-21k.19 See the response to comment O-21k.18, above. The text of the EIR has been modified in Chapter 4 of this FEIR to mention that there are water supply challenges for the North county subareas that are not in the Pajaro basin. The text has been modified to mention the Seaside aquifer by name. Regarding the Pajaro Valley and planning for water supply, please see the relevant discussion in Section 4.3, Water Resources and in Master Response 4, *Water Supply*.

O-21k.20 Please see the response to comment O-21k.15. In addition, the text on page 1-45 has been revised to correspond to the revision being made to page 1-39.

O-21k.21 The comment asks how the number of existing lots cited in section 1.6.1.4 was calculated, what the zoning is, and whether residences can be built on every lot. The comment opines that the number "looks wrong," but provides no evidence showing the number is in error. The number of parcels was calculated based on County's GIS database and Assessor's parcel records. Zoning varies, but the number represents the County's best approximation of the number of existing vacant parcels in the inland unincorporated area that have residential zoning classifications. The sentence on page 1- 45 has been changed to substitute the word "parcels" for "lots of record." For a breakdown of these parcels by area, see Table 3-8 of the DEIR. Whether a residence can be built on each of these parcels depends upon the individual circumstances of that parcel, including a case-by- case determination as to lot legality and site limitations.

These factors cannot be known without examining the history of the parcel creation and assessing each individual lot based on factors such as soils, percolation tests, water quality, and slope. A lot-by-lot examination is not a reasonable or required level of examination for a

Program EIR on the general plan. (See Master Response 10 regarding the expected level of detail for analysis of a general plan)

O-21k.22 The comment identified a minor typographical error. The DEIR has been changed to correct that error, as detailed in Chapter 4 of this FEIR.

O-21k.23 The comment questions the use of the word "could" in regard to a DEIR sentence summarizing whether the 2007 General Plan could result in the significant loss or degradation of biological resource impacts. The qualifier "could" is used for two primary reasons. First, while development will occur in areas that contain sensitive plant and animal species, riparian areas, and wetlands, it would be speculative to predict exactly what type of development will occur in these areas and the precise footprint of said development. Second, "could" is appropriate because even if there are potential impacts, such impacts may not be significant depending on the specifics of the particular development proposal and potential mitigations. Future development could cause significant impacts, but would not definitely cause significant impacts, necessitating the use of "could." Moreover, the sentence is a summary, as part of the Executive Summary. The more detailed conclusions regarding the plan's impact on biological resource impacts are found in chapter 4.9. See also Master Response 8, *Biological Resources*.

O-21k.24 The research, assumptions, methodology, calculations and analysis that support the EIR conclusion regarding the loss or degradation of biological resources are located in Section 4.9, *Biological Resources*. Also see Master Response 8, *Biological Resources*.

O-21k.25 The comment is fairly argumentative statement generally that the County is biased, and that approval of the General Plan and certification of the DEIR are foregone conclusions.

The comment is not one on the environmental analysis per se, and is noted. The DEIR does not present a biased view, nor presume that

certification of the EIR and approval of the General Plan are foregone conclusions. In Section 1.7 (to which the comment appears to be directed) the DEIR presented a hypothetical process in generic terms based upon the format of the DEIR at the time it was written. The County points out that the Planning Commission must still hold hearings and make a written recommendation to the Board, and agrees that the Board of Supervisors retains ultimate discretion. The public will have significant opportunity to comment to the Commission and Board during this process. The County also agrees that the Board may reject the General Plan and Final FEIR, or reject the General Plan without taking action on the FEIR.

In order to avoid any doubt concerning these issues, however, the last paragraph of Section 1.7 (page 1-47 of the DEIR) has been revised to clarify the Board's role in adoption of the General Plan and associated environmental documents.

O-21k.26 The comment contends that the Carmel Valley Traffic Plan EIR should be added to the list of future County actions for which the GP EIR would be the basis for later CEQA reviews. The listing on page 47 is prefaced with the words "may include" and is not exhaustive. The point of the discussion on pages 47 and 48 is not to list all the projects that may in the future rely on the General Plan but to explain that the General Plan EIR is a first tier document that may be a basis for environmental review of later projects that implement the General Plan or that are consistent with the general plan but are for a more specific project or of a more limited geographical scale. (CEQA Guideline §15183; see also CEQA Guideline §§15152, 15168.) In regard to the comment's question about the status of the Carmel Valley Traffic Improvement Program EIR, see Master Response 5, *Carmel Valley Traffic Issues*.

O-21k.27 The comment asks for the sources and a list of EIRs to support the statement in the DEIR on page 2.3 that "most general plan EIRs identify significant and unavoidable impacts." The introductory clause of this

sentence, which is not quoted by the comment, explains the rationale for the questioned statement. The introductory clause is: "[b]ecause a general plan involves land uses for an entire county….." Due to the scale of a comprehensive update of a general plan, it is not unusual for a general plan EIR to identify significant and unavoidable impacts. A recent example is the City of Sacramento's General Plan EIR. A complete list of all general plan EIRs that identify significant and unavoidable impacts is not germane to this project.

O-21k.28 The comment, echoing comment O-21k.25, argues that the DEIR makes a biased presumption that the County will adopt a statement of overriding considerations. The comment is not one on the environmental analysis per, and is noted. The DEIR does not present a biased view, nor presume that certification of the EIR and approval of the General Plan together with adoption of a statement of overriding considerations are foregone conclusions. See the response to comment O-21k.25 above. To avoid any doubt concerning this issue, however, the last sentence of the last paragraph of Section 2.1.1 (page 2-3 of the DEIR) has been revised to clarify the approval process of the General Plan and associated environmental documents.

O-21k.29 The comment questions the statement in Section 2.1.2 (page 2-3 of the DEIR) that the County has "an extensive array of …lands devoted to mineral extraction" because the comment opines that the County only has a small number of land devoted to mineral extraction. The sentence, when read in full and when read in the context of the paragraph on page 2-3, is not specifically about extensive lands devoted to mineral extraction but rather is describing the "extensive array" of different kinds of lands. The sentence in full is: "The County has an extensive array of agricultural lands, lands devoted to mineral extraction, and recreational areas," and this sentence is part of a paragraph explaining the degree of specificity of a Program EIR for a general plan for a County of large size with many types of land uses. To amplify the information regarding mineral extraction, however, the

DEIR has been revised to clarify the amount of land in the County devoted to mineral extraction. Existing mineral extraction activities will not be altered by the General Plan. In addition, Section 4.5, *Mineral Resources*, describes in detail the lands devoted to mineral extraction in the County. Table 4.5-*1 Existing Aggregate Resources in Monterey County*, illustrates the aggregate sites and minerals being extracted in the County. The history and current status of limestone, dolomite, and metallic mineral production in the County is provided. Productive oil fields in Monterey County are listed, and the fact that there is no known coal production underway in Monterey County is explained. This information sufficiently provides the necessary level of detail regarding mineral production in the County. See also Master Response 10 regarding the level of detail expected of a program EIR for a general plan.

O-21k.30 The DEIR utilizes information from the FEIR for GPU4 where pertinent. Where new information has been available, that information has been used in preparation of this DEIR. As noted in Section 2.1.3:

> "This DEIR for the 2007 General Plan is a new, standalone analysis of the potential significant effects of the proposed 2007 General Plan. To the extent applicable, information from the FEIR, certified for GPU 4, has been utilized."

The DEIR is a standalone analysis. It is impractical to attempt to list those portions of the DEIR that reflect information from the GPU4 FEIR; however, where, for example, maps are based on the EIR for GPU4, the DEIR cites the source. (See, e.g., Exhibits 4.4.2, 4.4.3, 4.4.4, and 4.4.5.) The reader may judge the adequacy of the DEIR on its own.

The DEIR was released and the public comment period begun in September 8, 2008. The references in the DEIR (Section 11 and other citations) were updated in errata that were released in December 2008. Following the release of the revised Section 11 and other errata, the County began a new public comment period for the DEIR,

beginning December 16, 2008 and running through February 2, 2009. The DEIR, as revised by the errata, was available for an extended public review period, in keeping with the requirements of CEQA.

O-21k.31 The commenter requests information on the contacts made during the consultation period for the DEIR and requests the list of contacts referenced in section 2.2.1 of the DEIR. On December 21, 2007, the County sent an Offer for Consultation to seven California American Native Tribes pursuant to Government Code §65352.3. On December 21, 2007, the County sent a letter to the 12 cities in Monterey County, American Native Tribes, Monterey County Office of Education, Monterey County Fire Protection Association and LAFCO inviting them to submit a request for consultation on the General Plan. These requests for consultation are on file in the RMA- Planning Department. A member of the Ohlone tribe attended the Scoping Meeting on the DEIR for the General Plan on December 12, 2007 and provided verbal input on the cultural, archaeological and biological policies in the General Plan.

Additionally, the County invited representatives of the 12 cities to attend a meeting to discuss the General Plan. Subsequently, the cities of Monterey and Seaside asked for separate meetings with County staff to provide input on the General Plan. County staff also, at the invitation of the City of Salinas, attended a meeting of the Salinas City Council to provide a presentation on the provisions of the General Plan. The input received from the cities of Salinas and Seaside is reiterated in the comment letters received from those jurisdictions on the DEIR. The commenter is referred to Comment Letters L-5 and L-6.

The County also consulted with state and local agencies on several occasions. The County met in person and telephonically on several occasions with AMBAG, TAMC and Cal Trans to discuss the traffic modeling assumptions that would be utilized for completing the DEIR and some of the policies in the Circulation Element. The County consulted with local and state fire agencies that provide fire protection

in Monterey County as well as the Monterey County Sheriff in preparation of the policies of the Safety Element.

O-21k.32 The comment asks whether unincorporated land in the coastal zone would be subject to the General Plan update, and the comment opines that amendments to the County's coastal guidelines are a "known and foreseeable future action" that should be addressed in the DEIR. The General Plan update does not amend the county's Local Coastal Program (LCP), require amendments to the Local Coastal Program to achieve general plan consistency, or result in known or foreseeable LCP amendments. CEQA does not require the DEIR to analyze environmental impacts of LCP amendments that are not proposed or reasonably foreseeable. Please see Master Response 11, *Effect of GPU5 on the Local Coastal Program and Impacts to Coastal Resources* for additional response on this issue.

The comment inquires why GPU5 mentions only submission of "major" LCP amendments to the Coastal Commission. This is a comment about the General Plan and does not require response as part of the EIR; however, for information, the word "major" is used to reflect the different procedural requirements under the Coastal Act for major amendments versus minor or de minimis amendments. (Public Resources Code section 30514 and California Code of Regulations, Title 14, §§13554, 13555) The comment also points to a typographical error in the General Plan update ("2006 General Plan") which has been corrected. (See Chapter 5 of the FEIR)

The comment also inquires whether the County has identified any countywide GPU5 standards that should not apply in the coastal zone. This is a policy question beyond the scope of the EIR on the General Plan update. The policy question would be the subject of separate environmental review and consideration by the Board of Supervisors if the Board were to choose to amend the LCP. The comment also inquires whether the EIR analyzed the impacts of GPU on the coastal zone. The EIR analyzed the reasonably foreseeable indirect impacts of

inland development upon the coastal zone and coastal resources, as further discussed in Master Response 11.

The comment also points to text of the GPU Policy LU-2.22.b relating to the Castroville Community Area as dictating an LCP amendment. As described in detail in Master Response 11, clarifications have been made to proposed General Plan Policy LU-2.22.b and other text of the GPU and DEIR to eliminate any ambiguity regarding the fact the GPU applies to the inland unincorporated area only. (See Chapter 5 of the FEIR)

O-21k.33 The comment asserts that the statement in Section 3.2.1 (on page 3-4) regarding the complexity of the general plan and requirement that it "meet all of its objectives in order to be effective" is confusing, and the comment asks for an explanation of its meaning. The statement is intended to convey the point that a general plan is a complex document that is intended to meet a number of objectives. Because a general plan is required by Planning and Zoning Law to balance multiple concerns from land use and housing to conservation and open space, its objectives are interrelated. The sentence in the DEIR reflects the state law requirement that the general plan and its elements and parts must "comprise an integrated, internally consistent and compatible statement of policies" for the County. (Gov't Code §65300.5)

O-21k.34 The comment questions whether the Agricultural Winery Corridor Plan (AWCP) is necessary "to make the general plan effective." As explained in response to O-21k.33, the DEIR statement introducing the objectives of the general plan was intended to convey the point that a general plan is a complex document that is intended to meet a number of objectives. The objectives listed on pages 3-4 and 3-5 are based the proposed policies of the General Plan. The question of whether the AWCP is an essential objective of the draft General Plan is a comment on the draft General Plan policies, not a comment on the adequacy or content of the EIR. The comment also inquiries about the status of the

AWCP within the General Plan. It is a part of the draft General Plan. The general plan may address any subjects "which in the judgment of the legislative body, relate to the physical development of the county." (Gov't Code §65303)

The DEIR project description is correct. (DEIR, section 3.1.2 at p. 3-7) The project description includes the AWCP. The Agriculture Element of the General Plan designates a winery corridor and requires the development of an Agricultural and Winery Corridor Plan (see draft General Plan Goal AG –4 and its policies). In regard to whether the EIR is required to consider an alternative that does not include a winery corridor, see response to O-21k.383 below. In response to the comment that the EIR is inadequate because it fails to provide a project level review of the AWCP, see Master Response 3 addressing the EIR discussion of impacts of the AWCP. As noted in Master Response 3, section 3.3 of the AWCP is also proposed to be modified to provide for an initial project screening which may, where indicated on the basis of the screening, trigger discretionary review of proposed projects in the Agricultural Winery Corridor with respect to biological resource impacts.

O-21k.35 The comment inquires whether the Housing Element is being updated, whether an update to the Housing Element has been drafted, and whether any amendments to the existing Housing Element are necessary to achieve consistency. The comment addresses the statement in the DEIR Project Description which indicates that the County has a certified Housing Element for the 2003-2007 planning cycle, and it will not be updated until the next planning cycle. (DEIR, at p. 3-5)

The Housing Element is a mandated element of the County's General Plan. The Housing Element is subject, however, to a unique planning cycle and procedural requirements that put it on a different approval cycle than the other elements of the General Plan (See Government Code § 65580 et seq.) Pursuant to state law, the Housing Element must

be updated every five years unless otherwise extended by state law, whereas the other elements of the General Plan are not subject to a specific update schedule. (Government Code §65588) State Housing Element Law also prescribes the content of the Housing Element and process for approval, including significant public participation, and requires review and certification by the California Department of Housing and Community Development (HCD). (Government Code §§ 65583, 65585) Because the Housing Element has a different update cycle than the General Plan and unique procedural requirements for review and certification by the state, the County is processing the Housing Element update separately from this General Plan Update.

The County's current certified Housing Element was adopted in 2003 and covered the planning period 2003 through 2008 (the planning period was originally to run through 2007 but was extended by the state to 2008). The DEIR correctly described the fact that the certified Housing Element would not be updated until the next housing planning cycle. The DEIR was written and released during the period covered by the County's certified Housing Element. Since release of the DEIR, the state extended the planning period for the Housing Element through August 2009. (Government Code §§65584(c) and 65588(e)(4).) Since release of the DEIR, the County has also begun preparing the 2009-2014 Housing Element.

The County's Housing Element update process has had considerable public input. Three public presentations (December 10, 2008, May 13, 2009, and August 12, 2009) were made before the County's Housing Advisory Committee (HAC) to solicit comments. In August 2008, the HAC appointed a subcommittee which worked directly with staff on the preparation of the Preliminary Draft Housing Element. In August 2009, the HAC received a presentation and copy of the Preliminary Draft Housing Element. On September 9, 2009 and on September 30, 2009, Planning Commission workshops were conducted to introduce the Housing Element process and present the preliminary draft

Housing Element (dated September 9, 2009). On September 30, 2009 the Planning Commission recommended that the Preliminary Draft Housing Element be sent to HCD for the required initial review. In October 2009, the Preliminary Draft was sent to HCD, and on December 10, 2009 comments were received back from HCD. A final draft Housing Element is currently being prepared based on those comments, along with an initial study for environmental review specifically of the Housing Element. Once the final draft Housing Element and environmental review document are prepared and circulated for public review, public hearings before the Planning Commission and the Board of Supervisors will be conducted on the draft Housing Element. If and when the Board of Supervisors adopts the Housing Element for 2009-2014, it will be submitted to HCD for certification. Certification by the state is crucial to the County because it is generally required for many State affordable housing grant programs for which the County regularly applies (i.e., CDBG and HOME).

As an element of the General Plan, the 2009-2014 Housing Element must be consistent with the General Plan. A primary component of the draft Housing Element is to demonstrate to the state that the County has sufficient available sites, zoned appropriately, to accommodate the Regional Housing Needs Allocation (RHNA) in the 2009-2014 planning period. HCD does not require that the County actually build the needed units, only to accommodate them. In June 2008, the County of Monterey was assigned a RHNA of 1,554 units. Based on affordable housing units actually built or permitted along with the Community and Specific Plans that have been adopted within the past few years, the County's remaining RHNA that must be accommodated in this Housing Element Update is only 174 additional units. The draft Housing Element Update relies on infill sites in Castroville that are currently designated for high density residential development or mixed-use development that allows high density housing. This approach to meeting the remaining RHNA is consistent with both the

existing 1982 General Plan, which has been previously amended to incorporate Castroville Community Area Plan as applied in the inland area of the County, and the draft General Plan Update. Based on the current draft General Plan update, no amendments to the draft General Plan are required for the Housing Element update to be consistent with the draft General Plan.

O-21k.36 The comment inquires, in relation to the project description in Chapter 3 of the DEIR, what the functional difference is between Area Plans and Master Plans in the draft General Plan and requests an explanation of the planning and environmental impacts of the Carmel Valley Master Plan and Fort Ord Master Plan. The difference in nomenclature between "Area Plan" and "Master Plan" relates to the geographic area covered. Both the Area Plans and these Master Plans are integral components of the draft General Plan. As explained in the introduction to the General Plan Update, the Carmel Valley Master Plan was adopted by the Board of Supervisors on December 16, 1986. The 2007 General Plan proposes an update to the Carmel Valley Master Plan, and it is intended to serve as the Area Plan for the geographic area defined within that plan. The Fort Ord Master Plan was adopted by the Board of Supervisors in November 2001. Revisions to the Fort Ord Master Plan are proposed in order to reflect jurisdictional changes, as explained in Master Response 1, *Changes to the General Plan*. The Fort Ord Master Plan will serve as the Community Plan for the Fort Ord Community Area, as further explained in Policy LU-2.25 of the Land Use Element. Areas Plans cover specific geographical planning areas, and the proposed inland Area Plans in the draft General Plan will cover the same geographic area as the currently adopted Area Plans for those areas, except that the proposed Area Plans will exclude the areas which are covered by the Master Plans. Master Plans and Community Plans are standalone plans because of unique conditions for those areas. This is the context for which Master Plans are part of the project analyzed by the EIR, and

the environmental impacts of the proposed Area Plans and Master Plans are addressed as appropriate throughout the EIR.

O-21k.37 This is a general comment expressing the commenter's opinion regarding the adequacy of the CEQA analysis. Specific comments are responded to below. Please see Master Response 4, *Water Supply* concerning quantification of Water Supply and demand.

O-21k.38 The comment contends that the DEIR failed to evaluate water resource impacts on the coastal zone. The comment argues that "it is known" that the County "intends to apply to amend LCP to match the General Plan" and the DEIR should include analysis of these cumulative impacts. The comment provides no evidence to substantiate the assertions. The General Plan update does not amend the county's Local Coastal Program (LCP), require amendments to the Local Coastal Program to achieve general plan consistency, or result in known or foreseeable LCP amendments. CEQA does not require the DEIR to analyze environmental impacts of LCP amendments that are not proposed or reasonably foreseeable. Please see Master Response 11 for additional response on this issue. The DEIR does analyze water resource impacts of GPU5 on the coastal zone, as more fully described in Master Response 11, *Effect of GPU5 on the Local Coastal Program and Impacts to Coastal Resources*, and Master Response 4 regarding water supply analyzes water demand, taking into account the cumulative water demand of the inland and coastal unincorporated areas and cities within the County.

O-21k.39 The water demand analysis is based on the projected development, existing data on demand from local water management agencies (MCWRA, PVWMA, and MPWMD), and reference on per capita use from the Department of Water Resources. Long-range planning by the three main water management agencies also considers potential droughts in their evaluation of supply scenarios. The analysis of supply and demand in the DEIR is based on average demands and average supplies, which will of course vary in wetter than normal years and

drier than normal years. The effect of drought in the County is described in the EIR in relation to groundwater levels (p.4.3-14), nitrates in the Carmel River basin (p. 4.3-24), planning for long-term water supply (p. 4.3-28), design of the SVWP (p. 4.3-35), groundwater management and monitoring programs (p. 4.3-45), UWMPs (p. 4.3-68), water supply emergencies (p. 4.3-69), water supply impact WR-4 (p. 4.3-113, 4.3-114), impact of infrastructure WR-5 (p. 4.3-136), PVWMA water management (p. 4.3-139), and groundwater overdraft impact WR-6 (p. 4.3-147). Thus, the context of drought occurrence is properly disclosed in the DEIR.

Further, Policy 3.3 includes consideration of drought in that it defines a long-term water supply as "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." Although droughts are common in California, their intensity and length vary. Water agency managers and the County are empowered to require conservation measures during periods of drought in order to extend available supplies during those lean times. Also see the response below to comment O-21k.40.

O-21k.40 The SVWP has been designed to accommodate dry periods. The impacts of multi-year drought have been discussed and disclosed in the EIR for the SVWP. Section 3.2.6, *Drought Contingency Planning*, of the SVWP DEIR/EIS states, in part: The SVWP has been designed to accommodate expected drought episodes (based on the drought of record that occurred in 1987-1991) while continuing to meet its overall objectives. The preferred action assumes the basic conjunctive use of ground and surface water during drought. Conjunctive use takes advantage of surface water supplies during periods of availability and

preserves groundwater supplies for use during periods of drought or other periods when surface water supplies are not available.

Surface water supply that would be derived through reservoir reoperation and river diversion is variable and would be constrained during drought periods. The Salinas Valley Integrated Ground and Surface Water Model (SVIGSM) was utilized to assess groundwater conditions that would result from the preferred action's continued in-stream groundwater recharge and the delivery of diverted Salinas River water. The underlying assumption is that groundwater pumping would occur in all project service areas where surface water deliveries are made.

Drought contingency was evaluated against the historic droughts of record within the Salinas Valley during the 1949--1994 hydrologic period. The delivery of diverted Salinas River water during normal to wet years results in reduced groundwater pumping. This in turn results in increased groundwater levels. The SVIGSM evaluations assumed that groundwater is pumped whenever river diversions are not available or are not adequate to meet the needs of the designated delivery area. The results indicate that groundwater supplies are adequate to meet project objectives without re-establishing intrusion in the Salinas Valley through droughts of historic record.

The discussion of the hydrologic study period found in Section 5.3.1 of the SVWP DEIR/EIS explains:

> The hydrologic study period analyzed for the Salinas Valley Water Project is for the water years (October through September) from 1949 to 1994. This period is selected due to following primary reasons:
>
> - It is the longest period that adequate, consistent, and reliable information is available on hydrologic data (precipitation and streamflow), as well as groundwater level data.

- The period contains extreme hydrologic conditions, such as the critically dry periods of 1976-77 and 1989-91, and wet periods. This allows the analysis of the performance and operation of the proposed project through extreme hydrologic periods.

Because the SVWP is designed with drought periods in mind, no further analysis or examination is necessary as part of the EIR for the Draft General Plan.

The commenter's estimate of a $120 million price tag for an expansion to the SVWP system is purely speculative. As discussed in the EIR for the SVWP, whether an expansion is necessary will depend upon the results of the monitoring of the SVWP's effectiveness. The SVWP is financed through a benefit assessment district. That may be used as the source to fund future expansion of the system, but such expansion is not sufficiently defined at this time to establish a definitive cost estimate.

The North County basins (except for the Pajaro basin) are sub-areas of the larger Salinas River basin. Although they are not on the Salinas Valley floor, they nonetheless may benefit from the SVWP. The SVWP is being financed through a benefit assessment district that assesses lands that can be served by the SVWP, whether they lie within the Salinas Valley or not. The pertinent zone of benefit (Zone 2C) includes both the Granite Ridge area and Prunedale. Please see Master Response 4, *Water Supply* for amplified discussion of the Granite Ridge/Highlands South area and efforts to provide a more reliable supply of water to that area.

Proposition 218 requires that an engineer's report be prepared for any proposed benefit assessment district in order to identify those properties that will receive a special benefit from the project being funded. RMC (Raines, Melton & Carella, Inc.) prepared the final SVWP Engineer's Report (Engineer's Report) in January 2003 in advance of the

establishment of the boundaries of Zone 2C, consistent with the requirements of Proposition 218 and the underlying special assessment district act. The subsequent election, carried out pursuant to Proposition 218, ratified the formation of the assessment district that is funding the SVWP.

The January 2003 Engineer's Report defines the benefits that properties may receive from the SVWP (this includes: flood protection, control of sea water intrusion, groundwater quality, and increased recharge). The Proposition 218 election procedures and assessment have been validated through a validation proceeding and settlement among the parties.

There is no requirement for the DEIR to analyze the consistency of the Draft General Plan with "the policies adopted in the SVWP EIR." An EIR does not establish policies. That said, both existing Monterey County ordinances (i.e., Chapter 15.12 [Water Conservation – see Section 15.12.050 prohibiting the waste of water], Chapter 16.16 [Regulations for Floodplains], Chapter 18.50 [Residential, Commercial, and Industrial Water Conservation Measures – this includes requirements for low-flow fixtures]) and the Draft General Plan (i.e., PS-2.9 [protect and manage groundwater], PS-3.3 [proof of long-term sustainable water supply], PS-3.6 [restrictions on drilling wells in areas of known sea water intrusion], PS-3.8 [coordinate and collaborate with all agencies responsible managing existing and new water resources], PS-3.9 [development of overdraft elimination program], PS-3.12 [adopt regulations to maximize conservation of agricultural water], and many others) contain numerous regulations and policies that are compatible with the guiding policies of the SVWP.

The commenter recommends that the EIR consider a mitigation that requires deed restrictions on all new development requiring the use of ultra-low flow water fixtures. As noted above, County ordinance Chapter 18.50 already requires installation of low-flow fixtures in the Greater Salinas, Toro, Greater Monterey Peninsula, and a portion of

North County and Coast Planning areas. County ordinance Chapter 18.44 requires the installation of ultra-low flow fixtures in unincorporated county areas served by CalAm water.

At the state level, the green building standards adopted as part of Title 24 (State Building Code) in late January 2010 and taking effect on January 1, 2011 will require new construction in California to reduce its water use by 20% below the previously allowable level. (California Building Standards Commission 2010) Further, SB 407 (Padilla -- (Chapter 587, Statutes of 2009) establishes statewide requirements for the replacement of plumbing fixtures in existing residential and commercial property (built and occupied on or before January 1, 1994) with ultra-low-flow models. Therefore, the mitigation suggested by the commenter is not necessary.

The growth-inducing impact of the Draft General Plan is analyzed in Section 6.3, *Growth-Inducement*, of the DEIR. That analysis includes consideration of growth within the Salinas Valley. The DEIR does not, as alleged by the commenter, rely on the SVWP for mitigation of the increased water demands from future development. Please see the preceding discussions in this response and Master Response 4 and Section 4.3 in the EIR for an extensive list of existing regulations, future requirements, and Draft General Plan policies that act to reduce water demand.

The commenter reiterates the claim that the SVWP is intended to relieve additional seawater intrusion alone. As earlier explained, that is not its sole effect. The SVWP lowers the demand on existing groundwater resources by supplying more recharge through releases and by capture of water at the diversion dam and supply to agriculture to avoid further extractions in the portion of the basin subject to seawater intrusion. See also Master Response 4, *Water Supply* regarding the improved groundwater balance that will result from the SVWP.

O-21k.41 The FEIR for the Coastal Water Project (CWP) has been certified by the California Public Utilities Commission since release of the 2007 General Plan DEIR. See Master Response 4, *Water Supply*, for a discussion of the CWP and its alternatives.

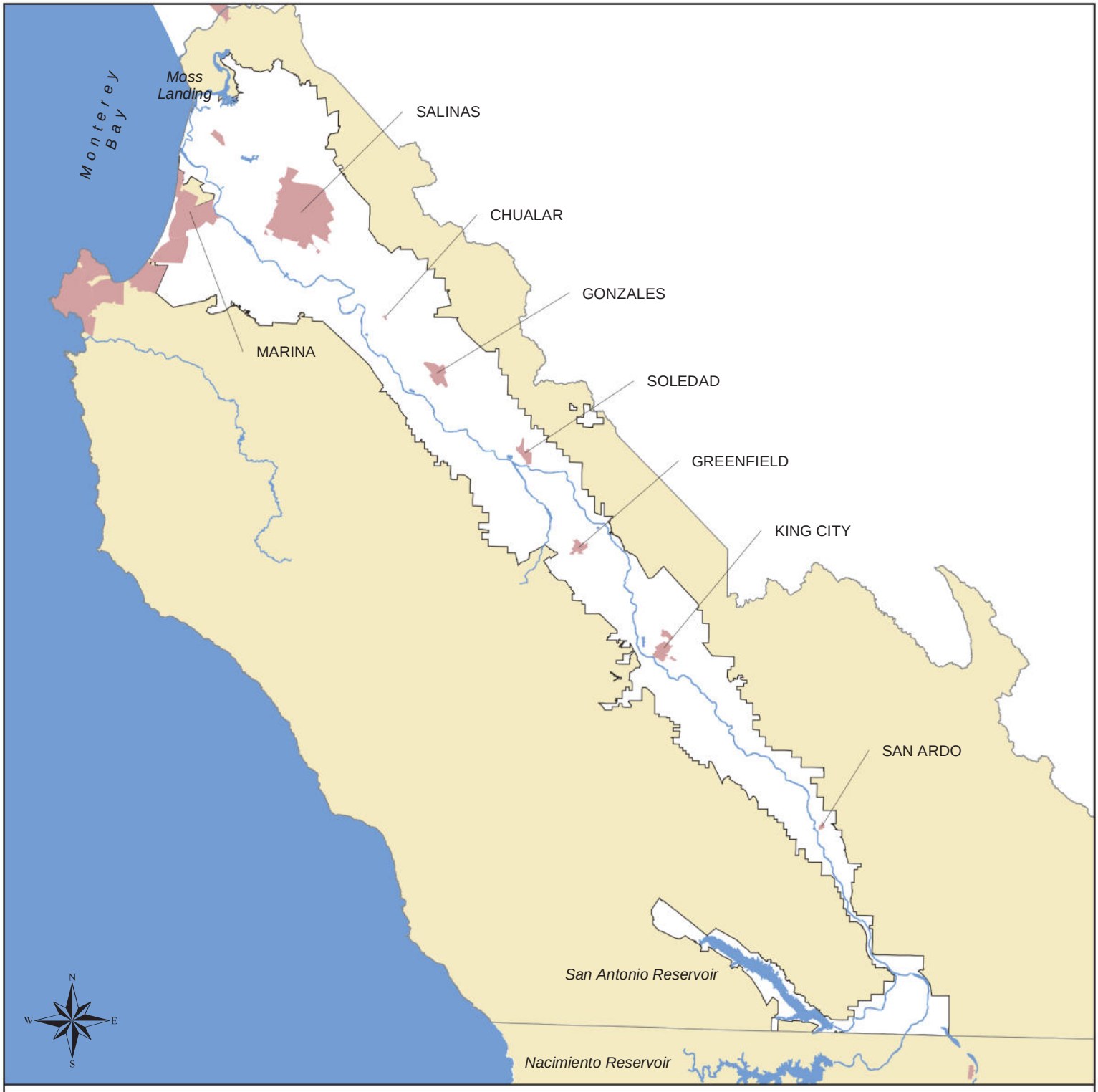
The commenter is correct that the proposed CalAm desalination plant is intended to provide water to meet the requirements of State Water Resources Control Board (SWRCB) Order No. 95-10. See Master Response 4 for a discussion of the SWRCB's subsequent Cease and Desist Order (CDO) against CalAm. The CDO is currently stayed as the result of litigation. If the CDO takes effect, it will enforce Order No. 95-10 through the phased reduction in CalAm's pumping.

The impacts associated with the CWP are identified in the CWP DEIR and FEIR. The DEIR does not assume that the CWP will provide water for future growth; the DEIR described the need for additional supplies to provide water for future growth (see discussion of Impact WR-4).

Please see Master Response 4 regarding estimates of demand and supply and for clarification and amplification of the analysis of the impact of the General Plan on water supply for the Monterey Peninsula.

O-21k.42 The SVWP is designed to halt seawater intrusion. Its design is based on a sophisticated groundwater model designed for and calibrated to the Salinas groundwater basin. The commenter provides no evidence that the SVWP will not perform as expected. The benefits of the SVWP will occur as it is being installed, with full benefit at its completion.

As discussed above and in Master Response 4, Water Supply the SVWP has more than one function and is, in part, a water supply project. Please see Master Response 4, Sections 4.2.2 and 4.2.4, for discussion of the status of SVWP construction and discussion of seawater intrusion.



Zone 2C

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http://www.mcwra.co.monterey.ca.us

O-21k.43 The Seaside groundwater subbasin does not drain to the Salinas River; this has been corrected in Chapter 4 in the FEIR. The DEIR's analysis of the groundwater supply and demand is not based on this assumption, so the analysis is correct.

O-21k.44 The DEIR does discuss the fact that the North County watersheds are overdrafted. Section 4.3.2.4, *Potable Water Supply and Infrastructure*, page. 4.3-41 states the following:

> "The North County aquifers are limited by a much smaller available surface area for recharge and relatively low precipitation compared to some of the highland areas. Due to demand exceeding supply, the area has been in a state of chronic overdraft since the 1950s. Groundwater extractions are estimated to be twice the average annual recharge. Resultant water supply and water quality problems include falling water levels, seawater intrusion, and extensive areas with nitrate contamination. North County problems not only affect residents and agriculture in the area, they also affect water supply and water quality conditions in the adjacent and hydraulically connected Salinas and Pajaro Valleys."

O-21k.45 Granite Ridge is indeed outside the jurisdiction of the PVWMA. MCWRA, PVWMA, Aroma Water District, Castroville Community Services have been working with the Supervisor's Ad Hoc water committees to develop a plan for Granite Ridge (Monterey County Health Department 2009a). This cooperation is what was being referred to generally in the DEIR. Since release of the DEIR, additional progress has been made toward resolving water supply and water quality problems experienced in the Granite Ridge Area, including a portion of Highlands South, as further discussed in Master Response 4, *Water Supply*. See Master Response 4, section 4.2.6.

O-21k.46 Seawater intrusion is a recognized problem in the Salinas and Pajaro Valleys and is discussed extensively in the DEIR, including discussion on DEIR pages 4.3-25. In addition, the Draft General Plan has numerous policies linked to reducing this problem. See also Master Response 4, section 4.2.4.

O-21k.47 Master Response 4, *Water Supply* includes additional information that clarifies the supply and demand for the incorporated and unincorporated portions of the county and amplifies the evaluation of sustainability. The DEIR contains no section 4.3.3.2.2, therefore no response can be provided to the comment about inconsistency.

O-21k.48 The DEIR is intended to analyze the potential effects of the 2007 General Plan. It is not necessary to discuss in detail the existing entitlements, overlying users' water rights, and riparian users' water rights in order to provide decision-makers with sufficient information about the existing and projected state of water supply and demand to allow for informed decision making.

Regarding Fort Ord supply the comment is non-specific about the problems it alludes to. Groundwater contamination at Fort Ord is discussed on pg. 4.3-20, 4.3-27, 4.3-28, 4.3-85 of the DEIR. Seawater intrusion is noted as an issue in Table 4.3-10 on page 4.3-117 and on page 4.3-118. Since Fort Ord could receive water from the SVWP under existing agreements and overlies portions of the Seaside aquifer, issues related to the Seaside Aquifer and the Salinas Valley groundwater basin are well disclosed in the DEIR. The 2007 General Plan would not change the Fort Ord Area Plan water demands, as set forth in the existing agreements.

With regard to the comment on agricultural management practices, see Master Responses 3, *Agricultural Growth and General Plan Agricultural Policies* and 9, *Water Quality*, which address water quality issues.

O-21k.49 The DEIR addresses the increasing number of vineyards in Monterey County in DEIR Section 4.3, Water Resources. See also Master Response 4, *Water Supply*.

It is unclear what impacts the commenter believes the DEIR should address, but due to this comment's presence in a section labeled "WATER RESOURCES," it is assumed the commenter is referring to water quality impacts due to the movement of dirt associated with development of new vineyards and other new development. Water quality impacts associated with new development, including the development of agricultural land use practices such as vineyards, are addressed in Section 4.3, *Water Resources*, in the DEIR. In particular, Impact WR-10 analyzes the impacts associated with alterations to existing drainage patterns due to land uses and development consistent with the 2007 General Plan. See also Master Response 9, *Impacts on Water Quality*, for a discussion of protections against water quality degradation. Comments regarding existing soil piles are not relevant to future development under the General Plan.

O-21k.50 As stated in DEIR Section 4.3.2, *Water Quality*, initial steps have been taken toward developing best management practices (BMPs) that would reduce the rate of nitrate contamination in the Salinas Valley basin (and other areas of the county). Nitrate contamination can be partially reduced by improved soil management and water conservation practices adopted by farmers.

Nitrate contamination is an existing problem and part of the baseline for purposes of CEQA analysis. The EIR for the 2007 General Plan addresses the change in the environmental baseline that would occur if the general plan were implemented. See Master Response 10 for a discussion on the appropriate level of detail in a program EIR prepared for a general plan.

Public water systems in Monterey County are required to collect water samples at least once a year and analyze them to determine whether

Nitrates are above 50% of the maximum contaminant level (MCL). If nitrate levels are found to exceed the MCL, the water system must notify the water users and must take steps to reduce the amount of nitrates so that they are consistently below that level. Additional actions, such as providing alternative drinking water supplies, may be required. In addition, the Monterey County Environmental Health Bureau provides sampling containers and testing of individual well water to determine the level of nitrates.

Mitigation prohibiting the use of agrochemicals or synthetic fertilizers which contain nitrogen that in turn breaks down to nitrate, or mitigation that would require a steady reduction of use of such fertilizers until they are effectively prohibited, could reduce existing water quality problems. This mitigation could apply to existing conditions. However, it is not necessary in order to address the potential impacts of the 2007 General Plan. The DEIR discusses the regulatory scheme now in place that will reduce the effects of future nitrate application resulting from new agricultural activity under the 2007 General Plan (see DEIR Section 4.3.3). See Master Response 9, *Impacts on Water Quality*, for a further discussion of the regulatory scheme. Therefore, such mitigation was not considered.

O-21k.51 The DEIR refers to four Carmel River subbasins that are subject to limitations on subdivision as a result of a 1983 resolution of the County Board of Supervisors. This discussion was taken from the EIR prepared for GPU4, as noted in the text of DEIR at page 4.3-24. Although this statement does not affect the analysis in the DEIR, it has been revised in the Chapter 4 in the FEIR.

O-21k.52 The water features of the area defined as “North County” are described on pages 4.3-14 through 4.3-16 of the DEIR, under the heading “North County Watersheds.” The five planning areas within North County, as defined in the document, are described on page 4.3-15 and 4.3-16. See Master Response 4, *Water Supply*, and Master Response 9, regarding water quality for additional discussions of

current conditions in the North County. A specific accounting of the number of known wells outside of water systems is part of the existing environment that has been described in sufficient detail within the DEIR to allow informed decision making. The draft General Plan is not making site□specific decisions, so the water quality in individual wells is not pertinent to an examination of overall water quality in the area (which the EIR has disclosed is substandard in many cases). See Master Response 10 regarding the expected level of detail in the program EIR for a General Plan.

O-21k.53 In response to this comment, Chapter 4 in the FEIR includes current maps of seawater intrusion. Please also see Master Response 4, *Water Supply* section 4.2.4, on seawater intrusion. An exhibit has been added that illustrates the 400-foot aquifer's seawater intrusion. The continued advance of the seawater front occurred prior to operation of the SVWP, which will begin full deliveries in 2010.

O-21k.54 As detailed in Master Response 4, section 4.2.4, the SVWP 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)

O-21k.55 Exhibit 4.3.8 (referenced on page 4.3-24 of the DEIR) is incorrectly labeled. The exhibit depicts 2001 nitrate contamination. The labeling has been corrected in Chapter 4 of the FEIR.

O-21k.56 The comment inquiries about the meaning of Exhibit 4.2.10. The comment appears to contain a typographical error. If the question pertains to Exhibit 4.3.10, the title of this exhibit has been revised in Chapter 4 of the FEIR.

O-21k.57 The "Deep Zone" refers to the deepest of the aquifers below the Salinas Valley; lying beneath the 400-foot aquifer.

The commenter suggests a new mitigation measure that would prohibit the installation of any new wells in the Deep Zone. This is not feasible. Pursuant to California Water Law, the overlying landowner has the rights to groundwater at any depth. The County does not have the authority to unilaterally prevent the drilling of new wells to access groundwater. If the County were to attempt to prohibit the landowner access to such water, this action could raise "takings" claims against the County, leading to the County paying landowners compensation for the loss of access to the water.

The commenter's assertion that the DEIR does not describe the Deep Zone is incorrect:

- On page 4.3-7, the Deep Zone is mentioned in DEIR Section 4.3, *Water Resources*, in the discussion of the "180-Foot/400-Foot Area Subarea" under the more general discussion of Salinas Valley groundwater.
- On page 4.3-26, under the Salinas Valley Watershed describes the situation with regard to the three aquifers (i.e., 180-foot, 400-foot, and Deep Zone) as follows: "The intrusion of seawater has forced all water supply wells in the affected area of the 180-foot aquifer to be re-drilled into the 400-foot aquifer. Additionally, in those areas where the 400-foot aquifer also suffers from seawater intrusion, the Deep Zone aquifer has become a major source of water (Marina Coast Water District 2005). The water of this aquifer is up to 30,000 years old. However, because of the prehistoric origin of this water, withdrawal from the Deep Zone is a non-sustainable activity and is the effective equivalent of "mining" water."
- On page 4.3-32, under the discussion of the Salinas Valley Groundwater Basin, the DEIR discusses all three zones and

notes that the Deep Zone "extends approximately 2,000 feet below land surface".

- On pages 4.3-118 and 4.3-119, the DEIR states: "MCWD is currently drawing water from the non-sustainable Deep Zone, which, combined with the risk of further seawater intrusion from continued pumping in the 180- or 400- foot aquifers, rules out possibilities for meeting the Community Area's water demands from local groundwater sources."
- On page 4.3-147, potential declines in the Deep Zone are also noted under Impact WR-6.

The DEIR has clearly disclosed the character of the Deep Zone and has described a potential concern with extractions from the Deep Zone as being unsustainable.

To clarify, the Department of Water Resources' Groundwater Bulletin 118 states that up to 2,000 feet of saturated alluvium underlie the Salinas Valley. This includes the 180- foot, 400-foot, and Deep Zone aquifers. The 180-foot and 400-foot aquifers are so named for the average depth at which they occur. The Deep Zone lies below the 400-foot aquifer and is separated from it by a blue marine clay layer. According to Bulletin 118: "[t]his deeper aquifer consists of alternating layers of sand-gravel mixtures and clays (up to 900 feet thick), rather than a distinct aquifer and aquitard (citation)." Bulletin 118 further notes that the Deep Zone "has experienced little development except near the coast where it is used to replace groundwater from the 180- and 400-Foot Aquifers rendered unusable by seawater intrusion. Water quality and yield data are scarce." (DWR 2004)

According to its 2005 Urban Water Management Plan, the Marina Coast Water District's (MCWD) three wells in the Salinas Valley groundwater basin are the only current significant user of the Deep Aquifer system (MCWD 2005). This information has been added to the EIR.

Recent preliminary findings regarding the deep aquifers in the Fort Ord Community Area indicate that pumping from the deep aquifer may affect the rate of seawater intrusion in the overlying middle and upper aquifers (e.g. the 180-foot and 400-foot aquifers). This is because the deep aquifers' sources of recharge include the overlying aquifers. Thus, pumping of the deep aquifer can draw more water from the overlying aquifers and in turn, water can be drawn into these middle and upper aquifers from a landward direction (from the sea). (MCWD 2005). This information has been added to the EIR.

The MCWRA manages the Salinas Valley groundwater basin that includes the Deep Zone aquifer. Keep in mind that the SVWP will improve overdraft conditions within the Salinas Valley groundwater basin, thereby benefitting the Deep Zone aquifer.

The MCWD is cooperating with the County, MCWRA, and other agencies on reaching a regional solution to water supply. See Master Response 4, *Water Supply*, section 4.3.3.

The DEIR's reference to reported declines in the Deep Zone aquifer on page 4.3-147 could not be verified and thus this text has been deleted in the DEIR. Given the expense of drilling wells into the Deep Zone, groundwater users are only motivated to tap the Deep Zone if the shallower aquifers are compromised due to seawater intrusion or other factors.

The fundamental conclusion in the DEIR about the SVWP (see Master Response 4) remains that it will balance demand and supply in the Salinas Valley groundwater basin up to approximately 2030 and an expansion of the SVWP could address demands beyond that point. This conclusion not only applies to the 180-foot and 400-foot aquifer, but also to the Deep Zone because by halting overdraft and seawater intrusion (up to nominally 2030), the SVWP promotes continued use of the shallower aquifers and reduces the potential for mining of water from the Deep Zone.

Commenters have noted that the data in Table 4.3.3 (Estimated Acreage Overlying Seawater Intrusion) of the DEIR stops at 1999. More recent data is available, and is illustrated in Exhibit W-2.

O-21k.58 It is not inappropriate to rely on information that is pertinent to the issue at hand. The fact that Jones & Stokes (aka ICF International) prepared the EIR referenced is not pertinent to the currency of its information. This reference has been supplemented by the MPWMD's 2008 Mitigation Program Report (MPWMD 2009), which concludes that there has been no identifiable trend indicative of seawater intrusion in the Carmel Valley alluvial aquifer.

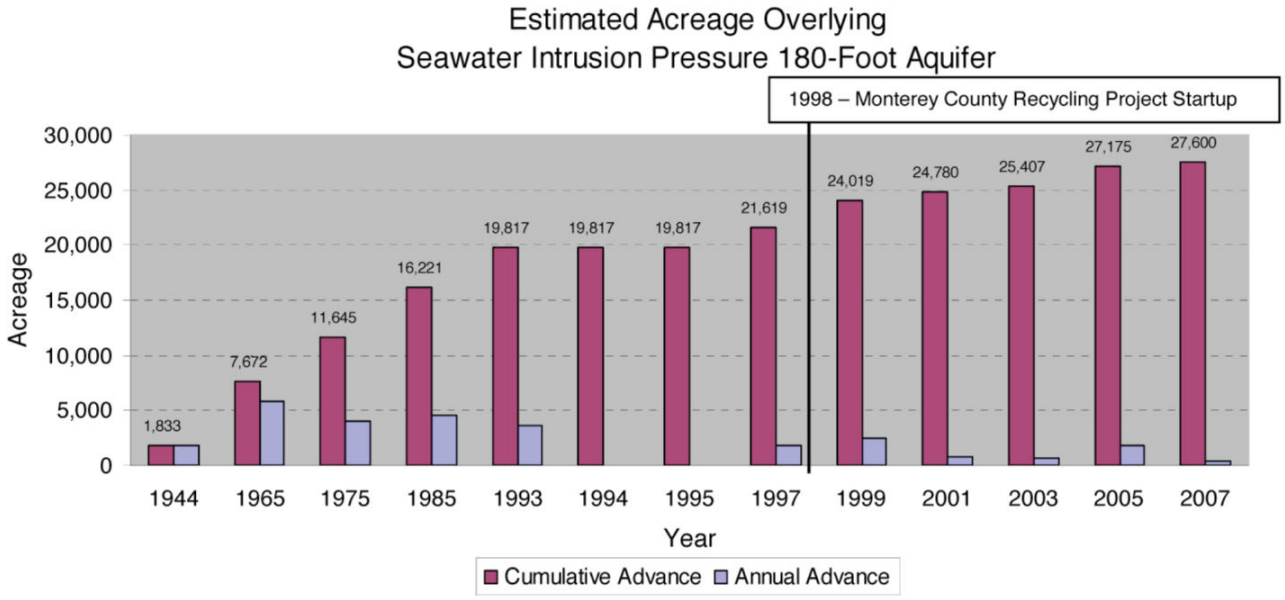
O-21k.59 The comment cites language in Section 4.3.2 of the DEIR. This information is included to provide the environmental setting for the DEIR under Section 15125, and does not constitute and impact of the proposed project. As stated in the Monterey Peninsula, Carmel Bay, and South Monterey Bay Integrated Regional Water Management Plan (2007), hydrology consultants for Monterey Peninsula Water Management District (MPWMD) completed a detailed analysis of water level trends and groundwater budgets titled "Seaside Groundwater Basin: Update on Water Resource Conditions" (Yates, 2005). The report estimated the sustainable yield of the Seaside Groundwater Basin at 2,880 acre-feet/year (AFY) and the usable groundwater storage capacity at 6,200 AF. While the report found no current significant seawater intrusion problems (i.e. seawater intrusion problems that would reduce the water quality in the basin such that it would become unusable for drinking water), it did state that the main limitation on yield in the Seaside Groundwater Basin is the risk of seawater intrusion, which may reach production wells before the groundwater budget can be brought into balance.

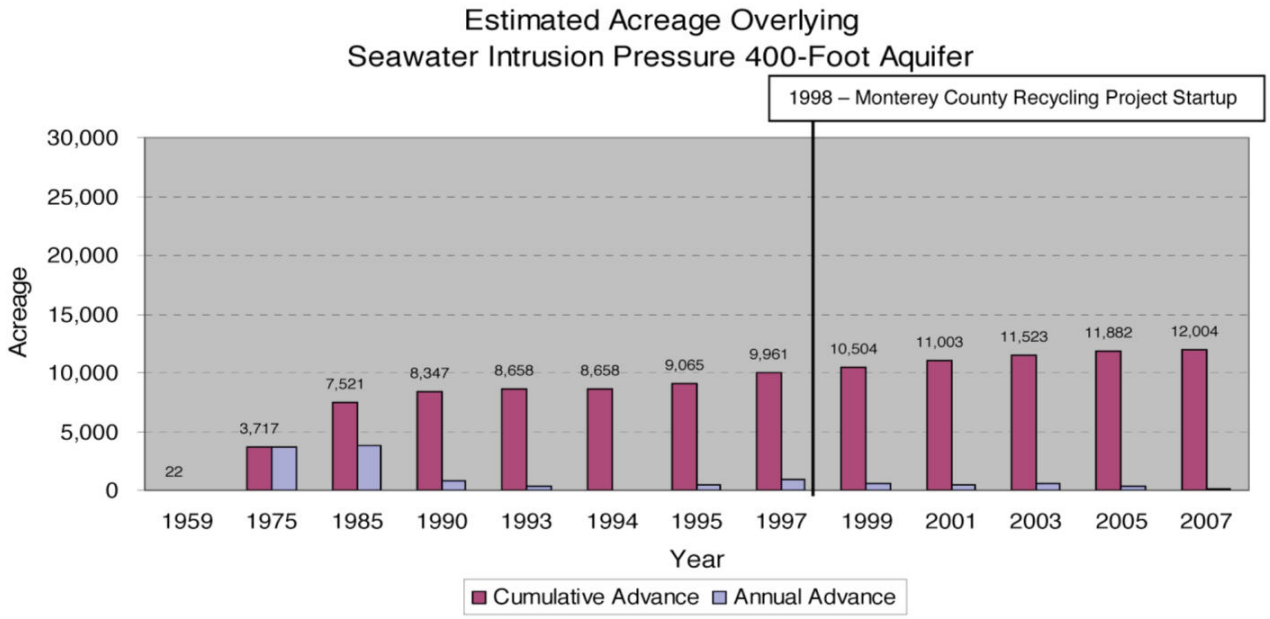
In part to address the risk of seawater intrusion, adjudication of the Seaside Groundwater Basin occurred in 2006 with a Final Statement of Decision filed on March 27, 2006. The court appointed a "watermaster" and mandated a "physical solution" to the overdraft problem. The

operating yield for three (3) years beginning in March 2007 for the Seaside Basin as a whole was defined as 5,600-acre feet. The judgment required that the operating yield for coastal subareas (4,611 AFY) be decreased by 10% every three years starting in year four, e.g. 10% decrease at the start of the fourth year for years four, five, and six, and an additional 10% decrease at the start of the seventh year for years seven, eight and nine, etc. These decreases will continue until production reaches the "natural safe yield", which was initially set at 3,000 AFY, unless the watermaster (1) has secured an equivalent amount of "non-native" replacement water and added it to the basin, or (2) the watermaster has secured an equivalent amount of recycled water and contracted with one or more of the producers in the basin to use this quantity of recycled water in lieu of their production allocation with the producers agreeing to forego their right to claim a storage credit for their forbearance, or (3) any combination of replacement or recycled water results in the required decrease in production of "native water" in the basin, or (4) water levels in the aquifers are sufficient to ensure a positive offshore gradient to prevent seawater intrusion.

In the event the watermaster cannot procure replacement water to offset operating yield over-production in an administrative year, production in the following administrative year must be curtailed to the targeted operating yield or a replenishment assessment may be levied on the producers. (Monterey Superior Court 2007)

Based on the legally enforceable framework provided in the Final Statement of Decision, it can be reasonably assumed that the Seaside Groundwater Basin will successfully avoid significant seawater intrusion in the near future.





Source: Monterey County Water Resources Agency. Graph Date: September 4, 2009

00982.07 (01-10)

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Exhibit W-2
Advance of Seawater Intrusion

O-21k.60 The EIR has been edited to correct the reference to Exhibit 4.3.7.

O-21k.61 The County did not find evidence of seawater intrusion at Highlands South. Please see the updated Exhibits 4.3.9 and 4.3.9a.

The groundwater subareas are clearly detailed in Exhibit 4.3.7, providing ample depiction of these areas for informational purposes. An updated Exhibit 4.3.9 and an additional Exhibit (Exhibit 4.3.9a) have been provided in the Chapter 4 in the FEIR to show the most recent data regarding seawater intrusion in the North County, south of Elkhorn Slough. Mapping of the seawater intrusion into groundwater basins north of Elkhorn Slough has not occurred since 1993. Therefore, Exhibit 4.3.11 is not outdated. Seawater intrusion data north of Elkhorn Slough is not available. The seawater graphics of the updated Exhibit 4.3.11 are not inconsistent with the information on Exhibit 4.3.9 and Exhibit 4.3.9a, as the two graphics depict saltwater intrusion in two different geographic areas.

For an illustration of the rate of seawater intrusion, please see Exhibit W-2.

Mapping of seawater intrusion and details about the rate of seawater intrusion sufficiently detail the severity of the issue in the area.

O-21k.62 Reference to the “SR 168 corridor” was a typographic error which has been corrected to the “SR 68 corridor”. The SR 68 corridor is the swath of land adjacent to and extended out from both sides of State Route (SR) 68. The SR 68 corridor extends from Salinas southwest to Monterey. The text of the DEIR has been edited to reflect the corridor being discussed.

O-21k.63 The arsenic standard for drinking water is still currently 10 parts per billion. The information in the DEIR remains applicable in 2009.

According to a January 8th, 2010 personal communication with Charles Hewitt, Monterey County Environmental Health Specialist, many

systems are already in compliance with the 10 parts per billion standards, and have been issued compliance orders stating this fact. However, it has been more difficult to ensure compliance for some smaller systems due to the cost of compliance.

O-21k.64 Fort Ord groundwater contamination is known to the agencies that serve the former Fort Ord and contaminated groundwater is not a prospective source of water for future planned uses. As discussed under the title of "Fort Ord" on page 4.3-28 of the DEIR, the Army is undertaking a program of groundwater cleanup. As discussed on page 4.3-85, the Monterey County Health Department has established a Fort Ord Special Ground Water Protection Zone and Consultation Zone where contaminant plumes occur. Development within the zone is regulated in consultation with Fort Ord Base Realignment and Base Closure Team, including representatives of the U.S. Army, EPA, California Department of Toxic Substances Control, and Central Coast RWQCB.

O-21k.65 The term "available water supply" refers to potable water available for human uses. The term does not refer to all wet water, contaminated water that cannot be made available for human uses, or water not in overdraft.

O-21k.66 The comment raises issues over who determined that balancing water demand and supply is an objective. This is a general water management objective. It is a broad statement that reflects common practice among water management agencies. For example, if there were no objective to balance demand and supply then agencies would not be concerned over groundwater overdraft.

The terms "demand" and "supply" are intended to convey their standard usage. Demand is a level of use resulting from a variety of activities that use water. Supply is the amount of water that is available. Supply does not necessarily mean "recharge" in all contexts.

Recharge generally pertains to water entering an aquifer. A surface water supply does not include recharge.

"Prolonged period" is also intended to be a general term. It does not convey any particular time period.

The commenter suggests a different objective for groundwater management. The commenter apparently misunderstands what is meant by "objective" here and how it relates to the document. The objective described on page 4.3-28 is a general explanation of how water management is approached. It is not a binding objective that is being adopted by any agency in order to direct their future actions. It is a description included in the DEIR to give a context to the discussion of water supply that follows. This is a reasonable description of the general approach to water management, not an objective for planning purposes or to direct an action or series of actions. To the extent the comment is proposing an "objective" as a policy option, the comment raises an issue of policy referred to the decision-makers.

O-21k.67 The DEIR states that "[t]he Marina Coast Water District (MCWD) supplies water to the City of Marina and the former Fort Ord." (page 4.3-29.) This adequately describes its water supply responsibilities. The comment does not raise issue regarding the significant environmental issues or the adequacy of the DEIR, therefore no further response is required (CEQA Guidelines Section 15204).

O-21k.68 The reference to an imported water supply was to Lake San Antonio, which is located in San Luis Obispo. However, there is no piping of supply from Lake San Antonio for use in Monterey (water is released into the San Antonio River which flows into Monterey County and into the Salinas River) and thus reference to importation of water has been deleted on page 4.3-29.

O-21k.69 The commenter notes that the DEIR refers to Exhibit 4.3.7 in stating that there are "several smaller groundwater basins" in the County. This is a general statement and is not intended to indicate that Exhibit 4.3.7

illustrates all of the smaller groundwater basins. It does illustrate five smaller sub-basins located in the North County area that is discussed at length in Section 4.3, *Water Resources*.

The discussion of groundwater basins and the analysis of water resources is not dependent upon an illustration of the location of such basins. Nonetheless, for clarity purposes, the EIR has been revised to include Exhibit 4.3.7a that shows the locations of the County's major groundwater basins.

O-21k.70 The commenter offers their opinion regarding the adequacy and implementation of the 1982 General Plan and further opines that "there is nothing that inspires any confidence that the 2007 Plan (and this weak DEIR) will be any better." The commenter asks, "why the public should once again place its confidence when it is not deserved."

The comment is an opinion and noted. Please see Master Response 10, *Level of Detail for the General Plan and the General Plan EIR* for a discussion of implementation of the General Plan. Please also see FEIR Chapters 4 and 5 for revisions to mitigation measures and General Plan policies. The DEIR discusses numerous policies and relies upon a combination of policies and mitigation measures to help reduce impacts. Furthermore, these policies, if adopted by the County, would become part of the General Plan and the County would implement these policies consistent with Government Code requirements (see Government Code Section 65400). The comment does not discuss any specific mitigation measures or policies or the sufficiency of the document in identifying and analyzing the possible impacts on the environment and the ways in which the significant effects of the project might be avoided or mitigated. Therefore, no further response is required (see CEQA Guidelines Section 15204).

O-21k.71 Progress is being made in halting the rate of seawater intrusion in the Pajaro and Salinas groundwater basins, as described in Section 4.3, *Water Resources*, as well as in Master Response 4, *Water Supply* (see

Exhibits W-1 and W-2). Several projects are now, or soon will be, in operation that will provide substantial quantities of water to replenish groundwater supplies and replace groundwater extractions from agricultural operations, including the CSIP, the SVWP, and the recycled water project operated by the PVWMA and the City of Watsonville.

O-21k.72 In response to the comment's request for clarification, sustainable growth is a broad term relating to the consideration of future generations when making decisions in the present time. The concept of sustainable growth, put simply, is to minimize or avoid decisions that would adversely affect future generations by consuming resources at rate that is not sustainable over time. A sustainable groundwater supply would be one component of reaching a goal of sustainable growth.

O-21k.73 The Community Areas are highlighted because they are identified as areas that are designated in the General Plan as "the preferred location and the priority for additional development" within the inland unincorporated County over the planning period. (Policy LU-2.21.)

O-21k.74 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 Seaside and Corral de Tierra subareas but it is unlikely to derive any water from the adjudicated Seaside aquifer and thus the adjudication is not relevant. A note 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 a well field near Spreckels (in the Salinas Valley groundwater basin) and /or the regional urban water augmentation project (see Master Response 4). Page 4.3-119 has been modified to indicate that future growth would not be served by the Coastal Water Project, but that discussions are ongoing among water agencies over the potential for a regional project. See Master Response 4, *Water Supply* for a discussion of this effort.

O-21k.75 The Fort Ord Reuse Authority is identified in Table 4.3-4 as a management authority because it exercises land use planning authority over the former Fort Ord. "WPWMD" is a typographical error and is intended to be MPWMD.

O-21k.76 The DEIR has been edited to clarify the current status of the MCWD desalination plant and is included in FEIR Chapter 4.

O-21k.77 The Reservation Road/Highway 68 AHO is in the Salinas Valley groundwater basin. The Monterey Airport AHO is in the Seaside groundwater basin. The Seaside groundwater basin is commonly defined as within the (surface) Salinas Valley Watershed, but is treated separately for the purposes of groundwater.

O-21k.78 The comment states "the DEIR's affirmative claims about the Toro water shed are inconsistent…" It is unclear what the commenter is referring to when referencing "affirmative claims." The commenter does not cite any evidence or study to support the statement that there is a "large amount of scientific uncertainty" about the relationships between the Toro watershed and the Salinas Valley groundwater basin. The Toro Planning area contains areas within the Salinas Valley groundwater basin and the El Toro Creek Groundwater Sub-basin (see Exhibits 4.3-3 and 3.10 in the DEIR). 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 a hydrologic connection. See Master Response 4, *Water Supply* for an expanded discussion of the El Toro watershed.

O-21k.79 See the response to O-21k.57 above.

O-21k.80 The DEIR was based on the most recently available data at the time of its writing. See Master Response 4 on Water Supply for a discussion of recent trends in groundwater extraction in the Salinas Valley, including an update of the extraction data through 2008. The average total

annual extraction in the Salinas Valley Groundwater basin between 1995 and 2005 was 507,004 acre-feet. When including 2006 through 2008, the average from 1995 to 2008 is 507, 218-acre feet, which is virtually no change in overall average for this size of a basin. The overall trend in agricultural pumping since the early 1990s is downward; the level of urban pumping is nearly level. Keep in mind that year-to-year numbers are influenced by rainfall amounts. The increased levels of pumping in 2007 and 2008, relative to the level in 2006, are undoubtedly the result of the State's three-year drought.

O-21k.81 Extraction levels correlate inversely with precipitation levels, particularly for agricultural water users. Agriculture is dependent upon providing plants with sufficient water for an economically productive crop. When there is abundant rainfall, soil moisture is higher, and there is less need for irrigation. The opposite is true when there is little rainfall.

O-21k.82 There is a typographical error in the text. The reference to "100/400-Foot" should be "180/400-Foot" in order to reflect the 180-foot aquifer. The reference to the area north of Salinas should be to the "…180/400-foot subarea (also known as the Pressure Zone subarea), west of Salinas… In areas east and south of Salinas in the Pressure Zone subarea, it is estimated that…" The typographical errors on page 4.3-33 and 4.3-38 have been revised in Chapter 4 in the FEIR.

O-21k.83 The DEIR has been edited to clarify that the 180-Foot/400-Foot Subarea is also known as the Pressure Subarea.

O-21k.84 The Monterey County Water Recycling Project began operation in late 1997 and as of Fall 2007 had produced approximately 3.4 billion gallons of water (Monterey Regional Water Pollution Control Agency 2007a). Please see the response to comment O-21k.61 for information regarding saltwater intrusion data. The groundwater modeling done for the SVWP is based on the assumption that the SVWP is delivering

water to the CSIP for distribution. The past performance of the Water Recycling Project is not at issue.

O-21k.85 The cited rate of seawater intrusion is being used as the baseline for purposes of determining the significance of the Draft General Plan relative to seawater intrusion. The term "baseline" is defined under CEQA Guidelines section 15125(a) and is used in identifying the impacts of the project. However, because of the variability of seawater intrusion data from year to year, the DEIR baseline took into account the normal fluctuation of seawater intrusion with time. This data is considered representative of baseline conditions. Please see Master Response 4, *Water Supply* for updated information on seawater intrusion.

This discussion is not "plagiarized," as the commenter claims. The intent of CEQA is to share information such that decision-makers are informed of the potential effects of a project before they may act to approve it. Information may be taken from a variety of sources. In this case, the information is from the EIR for the SVWP and is so cited. The use of the word "SEIR" in the comment's quotation has been changed to "EIR" (see Chapter 4 of the FEIR). Comments on "plagiarism" do not address the sufficiency of the document in identifying and analyzing the possible impacts on the environment and the ways in which the significant effects of the project might be avoided or mitigated. Therefore, no further response is required (see CEQA Guideline section 15204).

O-21k.86 As stated in Master Response 4 on Water Supply, the SVWP includes physical changes to the spillway at Lake Nacimiento, allowing the reservoir to retain approximately 30,000 acre-feet per year (AFY) of additional storage, in round numbers. This work is 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 water available to recharge the aquifers through infiltration into the riverbed.

The DEIR states that the annual rate of seawater intrusion in 2001 was 8,900 AFY. The DEIR also states that without augmentation of water supply, the annual rate of seawater intrusion in 2030 would be 10,300 AFY.

The DEIR references the certified SVWP FEIR/EIS as the source of this information.

The calculation made by the commenter is incorrect. The DEIR does not state that the rate of seawater intrusion from 2000 to 2030 would be 10,300 AFY. Instead, it states that without water supply augmentation, the rate of seawater intrusion would increase from year to year between 2000 and 2030, reaching 10,300 AFY in 2030.

"Storage depletion" refers to the depletion of groundwater storage that would occur if the SVWP were not implemented. This is clear from the context of the discussion cited by the commenter.

O-21k.87 The projections made by MCWRA comparing the 1995 baseline used in the SVWP EIR to 2030 project conditions do not include year-by-year data. As stated in the DEIR, the projection is based on general population projections, meaning that the projections assume a certain rate of growth and develop the projections for demand based on such a rate of growth. Furthermore, the DEIR provided additional Groundwater Extraction Data in Table 4.3-5. However, because of the variability of groundwater extraction data from year to year, the DEIR baseline took into account the normal fluctuation with time. This data is considered representative of baseline conditions. Please also see Master Response 4, *Water Supply* for additional groundwater extraction data and for discussion of consistency of the water supply analysis in the General Plan DEIR and the SVWP EIR/EIS.

O-21k.88 The commenter misunderstands the content of Table 4.3-6. It does not match the information in Table 4.3-5 because, as described in the DEIR

text: Table 4.3-6 provides a comparison of the *MCWRA's* baseline (1995) and projected future (2030) conditions assuming the SVWP is not in place. With full implementation of the SVWP (see discussion below), MCWRA estimates groundwater storage depletion will be substantially improved from their baseline conditions and will avoid additional overdraft.

Table 4.3-6 is intended to illustrate the condition if the SVWP were not in place – that is, the demand conditions and resultant overdraft absent operations of the SVWP. It does not represent actual water demand numbers. The 1995 baseline refers to the baseline data used in developing the SVIGSM and is the basis for that model. "Baseline" in this context does not relate to the baseline for determining CEQA significance.

Table 4.3-5 is a straightforward tabulation of actual extractions.

O-21k.89 These assumptions are part of the MCWRA's SVWP analysis. They are based on historic rates of agricultural land conversion, changes in crop type to those that require less water, and expected improvements in agricultural water conservation practices. As shown in Table 4.3-5 and in Master Response 4, *Water Supply*, over time agricultural water use has been declining even though agricultural acreage has been slowly increasing.

O-21k.90 A project description in the DEIR of the CSIP that references "injection" is found on page 4.3-8 in Section 4.3, *Water Resources*. The DEIR states:

> "The MCWRA and its co-operators, including the Monterey Regional Water Pollution Control Agency (MRWPCA), have several major capital projects to better manage groundwater quality and reverse the long-term trend of seawater intrusion and groundwater declines in the Salinas Valley groundwater basin. Some of these projects have been completed, and others are underway.

- The MCWRA completed the Castroville Seawater Intrusion Project (CSIP) in 1998. This project injects recycled water into the aquifer to establish a hydraulic barrier to further seawater intrusion."

Injection is a poor choice of term. The CSIP delivers surface water to farmers who use it in place of groundwater. This reduces groundwater pumping and results in a hydraulic barrier against seawater intrusion. The text on page 4.3-8 has been amended.

O-21k.91 As stated in the SVWP DEIR, the conveyance and diversion of water associated with the SVWP would include diversion of an average of 9,700 AFY of water via pumping into the existing Castroville Seawater Intrusion Project (CSIP) distribution pipeline for delivery to agricultural users for irrigation. If needed in the future to stop seawater intrusion or meet project objectives, based on monitoring, an expanded distribution system may be constructed to deliver Salinas River water outside the CSIP area. However, no such system has been designed, approved, or otherwise committed to action.

To clarify, the DEIR considers such a potential distribution system, as follows: 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 (MCWRA 2001).

In order to deliver the additional water to areas outside of CSIP, a pipeline parallel to the existing CSIP pipeline would need to be constructed from the diversion dam to a new distribution area adjacent to the CSIP distribution area. For purposes of analysis, the

DEIR assumed that deliveries would occur to the southeast of the CSIP service area, as this is the area nearest the diversion dam that is not within the CSIP area. A 42-inch diameter new pipeline would be required, along with a distribution system to deliver diverted water to agricultural users in the expanded service area. Specific alignment of the expanded distribution system would be developed at a later date to deliver agricultural water to turnouts for each affected property.

This is provided to disclose what may be necessary post-2030 if the SVWP does not operate as expected. It is not intended to suggest that a decision has been made to proceed with such an expansion of the SVWP.

O-21k.92 The proposed Hwy. 68/Reservation Road AHO is located within the Salinas Valley groundwater basin proper and not within the El Toro Creek groundwater basin. The El Toro Creek groundwater basin is separate and distinct from both the Salinas and Seaside basins. However, surface flows in Toro Creek feed into the Salinas River.

The DEIR utilizes the name of El Toro Creek groundwater basin, based on the El Toro Groundwater Study (Geosyntec Consultants 2007). The El Toro Creek groundwater basin encompasses an area somewhat larger than the Corral De Tierra itself.

O-21k.93 The DEIR mentions in passing that increased water demands in an overdrafted area would result in a significant effect. This is a self-evident conclusion drawn from the basic assumption that overdraft is a significant effect in itself where it exists and that increases in overdraft are significant because they worsen the condition.

O-21k.94 For the Department of Water Resources (DWR 2004), the Seaside groundwater basin is defined as a sub-basin to the Salinas Valley basin overall. However, this basin does not flow into the Salinas Valley groundwater basin and thus is more commonly referred to as its own groundwater basin. The meaning of the DEIR is evident, however, whether calling Seaside a basin or sub-basin, and the particular label

does not change the DEIR impact analysis. All references in the DEIR to Seaside as a sub-basin refer to the Seaside "basin."

O-21k.95 The commenter is correct; a portion of the City of Monterey lying north of the Monterey Peninsula Airport is within the Seaside Basin. The text in Chapter 4 in the FEIR adds the City of Monterey to the list of cities. This is a minor addition that has no effect on either the analysis or conclusions.

O-21k.96 This statement quoted in the comment is not correct and has been deleted from the DEIR in Chapter 4.

O-21k.97 The comment asks for a description of the Seaside basin-wide average annual storage depletion figure (approximately 1,540 AFY) on page 4.3-36 and how it may relate to recharge and sustainable yield.

With adjudication of the Seaside basin, future demand will be balanced with supply to ensure that safe yield is not exceeded. The discussion in the EIR has been revised to clarify this point in Chapter 4 of the FEIR.

O-21k.98 As detailed in Master Response 4, *Water Supply*, the SVWP 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." This conclusion is essentially unchanged in the FEIR/EIS. The DEIR for the General Plan Update uses the term *may*, because the SVIGSM, like all models, has a margin of error.

O-21k.99 Please see the responses to comments O-21k.80 and O-21k.84 regarding operation of the CSIP. The results expected to result from operation of the SVWP will not be evident in the results of the CSIP alone.

O-21k.100 The statement refers to the gradient created by removing groundwater in areas away from the ocean. The removal of groundwater reduces the pressure that keeps seawater in place. This allows seawater to move into the landward aquifers that previously held fresh water.

O-21k.101 The commenter disagrees with the County's proposed approach to halting seawater intrusion. Contrary to the commenter's remarks, the overall approach to halting seawater intrusion does include management practices and conservation (examples: the Resource Conservation District provides educational programs instructing farmers in management and water conservation, and Monterey County ordinance Chapter 18.50 mandates residential water conservation), as well as a major reliance upon reuse (examples: the CSIP and Pajaro Valley's Recycled Water Facility both provide thousands of acre-feet of treated wastewater to farmers to replace supplies that would otherwise have been extracted from groundwater). The commenter apparently does not disagree with the basic statement in the DEIR that a way to control overdraft is to reduce pumping from the aquifers. Please see Master Response 4, *Water Supply* for discussion of conservation measures. No further response is required because the comment does not raise significant environmental issues or address the adequacy of the EIR (CEQA Guidelines Section 15204).

O-21k.102 The comment questions the phrase "delivery area of the SVWP" on Page 4.3-37 of the DEIR. The passage has been revised to clarify that the SVWP will provide water to the CSIP, which delivers water to 12,000 acres of farmland. The project area of the SVWP is coterminous with Zone 2C and is much larger than 12,000 acres.

O-21k.103 Please see Master Response 4, *Water Supply*, particularly Section 4.2, *Salinas Valley*. Contrary to the commenter's assertion, the SVWP and CSIP will result in substantial improvements in conditions in the

Salinas Valley groundwater basin relative to both groundwater overdraft and seawater intrusion.

O-21k.104 This information is available on page 1 of the document referenced in the citation.

O-21k.105 The commenter mischaracterizes the statement made in the DEIR. The DEIR does not state that the SVWP will not meet water demand through the year 2030. The DEIR states the project may not halt seawater intrusion sufficiently to meet water demand through the year 2030. For a complete discussion of the SVWP's ability to halt seawater intrusion, please see Master Response 4, *Water Supply*, particularly Section 4.2, *Salinas Valley*.

O-21k.106 Please see Master Response 4, *Water Supply*, particularly Section 4.2, *Salinas Valley*.

O-21k.107 The benefits referred to are the benefits of the SVWP on groundwater levels. As discussed at page 4.3-38 of the DEIR, the SVWP will raise groundwater levels by providing substantial additional water for recharge. This will occur in all of the subbasins as a result of additional water being released for infiltration into the bed of the Salinas River, as well as water delivered to the CSIP. The phrase "more uniformly" relates to the geographic scope of the benefits. The increased releases to the Salinas River will benefit groundwater levels across the basin.

O-21k.108 The commenter insinuates that there is some question regarding the legitimacy of the Zone 2C benefit assessment. Although the benefit assessment was subject to legal challenge, the litigation is concluded, the final assessment procedure meets all requirements of Proposition 218, and the assessments are fully legal. There are no outstanding challenges.

The commenter alleges, without providing evidence, that "there will be organized resistance to further projects due to the cost." This is speculation on their part, in that the specific designs, costs, and

financing mechanisms of any further projects are not known at this time.

The commenter requests a map and description of the expanded distribution system that would make up Phase 2 of the SVWP. This is not available. The system has not been designed, because its necessity has not yet been determined. Please see Master Response 4, *Water Supply* Section 4.2.3 for greater detail on this issue.

O-21k.109 The commenter questions "whether the reservoirs have sufficient storage and water available for the [Salinas River] flows required by the resource agencies over time." This is a comment regarding the SVWP rather than the Draft General Plan.

The SVWP includes improvements to the spillway at Lake Nacimiento that will increase the lake's storage capacity. This, along with changes in the operations of both Lake Nacimiento and Lake San Antonio that, among other things, allow more water to be retained in storage while still providing flood protection, enabling the reservoirs to meet the water needs of the Salinas Valley described in the SVWP.

O-21k.110 The commenter disagrees that the CSIP and SVWP, along with other efforts, will help bring the Salinas River basin into hydrologic balance. The DEIR does not mean that these efforts alone would be sufficient to establish hydrologic balance – hence the phrase "help bring." However, based on the results of SVIGSM modeling runs, the SVWP and CSIP are expected to raise groundwater levels, reversing overdraft conditions. The commenter provides no substantial evidence that the SVIGSM is not a reliable model.

See Master Response 4 on Water Supply for a discussion of trends in groundwater pumping.

O-21k.111 These special treatment areas are described on page 3-33 of the Project Description. The subject of the discussion is an overview of the state of the watershed, not specific development areas within the watershed. See Master Response 4 on Water Supply for an accounting

of water demand and supply in the Carmel Valley as shown on revised Table 4.3-9. Please also see Master Response 10 on the level of detail required in the DEIR.

The commenter's hearsay report of the applicant's opinion concerning the Rancho Canada Village EIR is noted. Only CEQA lead agencies can decide whether to accept or reject an EIR (separate from legal proceedings). The Rancho Canada Village EIR has not been formally "rejected" by Monterey County, which is the CEQA lead agency.

O-21k.112 The commenter is correct. However, this has no effect on the validity of the analysis and conclusions in the EIR. To clarify, the MPWMD is a public agency established to manage water supplies on the Monterey Peninsula. It does so through its statutory power to directly enact regulations on water use, but is not a water supplier. CalAm is an investor-owned public utility that provides water service to much of the Monterey Peninsula. CalAm does not provide water to the MPWMD. However, it does provide water to the area that is regulated by the MPWMD.

O-21k.113 According to *California's Groundwater - Bulletin* 118, "DWR (1974) estimated the groundwater in storage in spring 1972 was 45,500 af [acre-feet], 39,300 af in fall 1972, and 52,500 af in spring 1973" within the Carmel River basin (California Department of Water Resources 2004). This is the most recent information available. DWR has not estimated a groundwater budget for the Carmel River basin due to a lack of verified information. (California Department of Water Resources 2004). This data has been used to update page 4.3-38.

O-21k.114 The requested information is available in the FEIR for the Coastal Water Project, from which the following is taken. (California Public Utilities Commission 2009a) The Coastal Water Project proposes to produce 12,500 af/year (AFY) of water. This is a revision to the 11,730 AFY originally proposed for replacement in the "Preliminary Environmental Assessment" submitted to the California Public Utilities

Commission for the Coastal Water Project. (California Public Utilities Commission 2009a)

Under the proposed Coastal Water Project, this replacement water would come from the following:

Table 3-4. Coastal Water Project Production

Source	Amount, in acre-feet per year
Moss Landing desalination plant (new)	10,900
Aquifer Storage and Recovery project (in operation, would be expanded under the CWP)	1,300 (920 AFY is currently being injected)
Sand City desalination plant (approved, but not yet operational)	300
Total	12,500

Source: California Public Utilities Commission 2009a

The ongoing Aquifer Storage and Recovery (ASR) project injects water diverted from the Carmel River during periods of high flow into the Seaside groundwater basin. In 2007, the State Water Resources Control Board issued Permit 20808A to the MPWMD and CalAm authorizing the diversion of up to 2,426 acre-feet from the River to underground storage. (California State Water Resources Control Board 2009) As illustrated above, one aspect of the Coastal Water Project would be to expand the current level of diversion (920 AFY).

As described in the FEIR for the Coastal Water Project, the Project would replace water that is being diverted by CalAm from the Carmel River in excess of its water rights, conform CalAm production from the Seaside groundwater basin to comply with the adjudication of that basin, and replace the capacity of the Los Padres Reservoir that has been lost as a result of siltation since 1995 (the year the State Water Resources Control Board issued Order 95-10, limiting CalAm's right to Carmel River water). In essence, this would retain the current level of water supply for those areas served by CalAm.

O-21k.115 Regarding the Coastal Water Project, see the response to O-21k.114.

See the response to comment O-21K.40 regarding the Highlands South and Granite Ridge sub-basins, as well as Master Response 4, *Water Supply*.

The benefits of the SVWP to North County aquifers, specifically those in Zone 2C, are described in the Engineer's Report prepared in support of the Zone 2C benefit assessment. (Monterey County Water Resources Agency 2003a) This report stated that "[a]ny contiguous parcel that overlies a portion of the alluvial material that is in hydrologic continuity with the Salinas River has been included in Zone 2C since the overlying portion of the parcel provides access to all hydrologic benefits." Groundwater that is in hydrologic continuity moves from areas of higher pressure or higher elevation, to areas of lower elevation or lower pressure. By increasing groundwater levels in the Salinas Valley, the pressure gradient between the aquifers in the Valley and those connected aquifers in the surrounding upland is reduced and flow from the uplands to the Valley is reduced. (Weeks 2009) Please also see Master Response 4, *Water Supply*, Section 4.2.6.

O-21k.116 The EIR for the Draft General Plan contains a reasonable, good-faith analysis of water supplies in the North County, based upon available information. This includes pertinent information from a prior EIR. The commenter does not and cannot provide any legal basis for the claim that the "DEIR should not lift its information from a 2004 DEIR that was never adopted." The use of information from prior documents is common practice. The EIR for the Draft General Plan does not rely on the DEIR for the 21st Century General Plan update for purposes of CEQA Guidelines Section 15162 or 15163 (subsequent or supplement to an EIR). It simply notes that the DEIR for the 21st Century General Plan update reported that there are four large water systems in the area.

The Municipal Services Review for the North County adopted by the Monterey County Local Agency Formation Commission in February 2006 found that the Aromas County Water District had 805 customers and the Pajaro/Sunny Mesa Community Services District 683 customers. The latter took over NORMCO (erroneously identified as "Normeo" in the DEIR) in 2006 and the total includes previous NORMCO customers as well. (Local Agency Formation Commission of Monterey County 2006c) Both the Oak Hills and Las Lomas water systems mentioned in the DEIR are run by the California Water Company, an investor-owned public utility.

O-21k.117 The comment asks for a breakdown of the DEIR's statement that 40% of parcels in North County are served by private wells or are undeveloped. The County does not have a breakdown of this 40% estimate as between the exact number of parcels served by private wells in the North County versus the number that are undeveloped. Further, the number of properties affected by water shortages is not precisely known. (Monterey County Health Bureau 2009c) Please also see Master Response 10 on the level of detail required in an EIR for a General Plan.

O-21k.118 The referenced statement simply means that the North County receives less precipitation than the higher, Coastal Range watershed of the Salinas River.

O-21k.119 The commenter misrepresents the DEIR's discussion of the PVWMA's exploration of outside water supplies. The DEIR discussions on page 4.3-42 makes very clear that, despite PVWMA's hopes to obtain water from the CVP, the state of financing and the lack of available water make any outside source infeasible for the foreseeable future. However, the possibility of importation from the CVP is still in the PVWMA's most recent basin management plan, which is why it is mentioned in the DEIR.

See also Master Response 4 on Water Supply.

O-21k.120 See Master Response 4, *Water Supply*.

O-21k.121 The DEIR discusses the Pajaro/Sunny Mesa CSD with Pajaro because a major portion of the CSD's service area lies within the Pajaro River watershed. It could just as easily be discussed under North County, of which the Monterey County portion of the Pajaro watershed is a part. This makes no substantive difference to the analysis and conclusions.

O-21k.122 The subheading "Other North County" simply identifies this subsection as providing additional information that is available about the North County. The information from the Rancho Roberto EIR is included because it was issued in 2005 and offered a source of recent information at the time the DEIR was prepared.

As shown in Table 4.3-7, the North County information is provided by area and does not present a "huge range," but rather a set of ranges based on geographic areas. The Rancho Roberto EIR is cited as the source of information for Table 4.3-7 of the DEIR, and was listed in DEIR Section 11 under reference #77.

O-21k.123 The commenter is correct. The 1982 General Plan does not limit development to a single, one family residence on each lot of record. Therefore, except in the Pajaro Community Area, which the Draft General Plan identifies as a development area (dependent upon public services' availability), relative to North County the 1982 General Plan would allow more development.

O-21k.124 To our knowledge, this is the most recent information that is available.

O-21k.125 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 pumping requirements. See also Master Response 9, *Impacts on Water Quality*.

Carmel Highlands is in the Carmel Area Land use Planning Area which is in the Coastal Zone and is not the subject of the 2007 General Plan. This is why it is not mentioned in the DEIR, but it has been added to the FEIR as general background (see Chapter 4).

O-21k.126 See Master Response 4, *Water Supply*, section 4.1.1 for definitions of "safe yield" and "sustainable yield."

O-21k.127 "Water budget" refers to the availability of water supply to meet demand.

O-21k.128 The commenter suggests that the DEIR mischaracterizes the purpose of the adjudication action filed by CalAm over the Seaside basin. This is a distinction without a difference. CalAm filed an adjudication action, whatever its underlying motivation, and it led to the result described in the DEIR.

O-21k.129 The commenter asks for confirmation that Alco Water Service continues to have regulatory authority over water resources. Alco Water Service is still in operation and provides water to customers in parts of the County.

O-21k.130 The commenter's assertion is incorrect. The DEIR does not "copy wholesale" 40 pages of another document. Selected information has been included when pertinent, but the DEIR reflects a new analysis of the potential impacts of the Draft General Plan. CEQA has no prohibition against using information from other documents. The DEIR references these other sources when information is being used.

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. As noted on DEIR page 4.3-48 "[t]here is extensive overlap in regulatory programs governing environmental aspects of water resources, especially in water quality and the public health and safety aspects of water supply. Much of the development and implementation of local water quality programs or ordinances has been mandated by the State of California, with some of the state programs in turn required by the federal government." Moreover, pages 4.3-48 to 4.3-88, present the federal, state, and local regulatory context for consideration of water resources. This is actually a critical part of understanding how water quality and water supply are regulated. To ignore regulatory considerations would be to ignore the full range of federal, state, and local controls that apply to both water quality and water supply. This information is discussed because it will shape the way development occurs within the County, in addition to the General Plan. Inclusion of this information is also consistent with CEQA Guidelines section 15125. Please also see Master Response 10 *Level of Detail for the General Plan and the General Plan EIR*.

O-21k.131 The comment opines that the DEIR should have discussed the existing regulatory framework for water resources (DEIR Section 4.3.3) in ten pages, rather than forty pages. The County notes the commenter's preference. CEQA requires the EIR prepared for a general plan update

to analyze the changes that would occur when comparing the baseline – defined as existing conditions at the time the Notice of Preparation is released for review (CEQA Guidelines Section 15125) – to conditions that would occur upon implementation of the updated plan. A plan-to-plan analysis, as requested by the comment, has been held to be inconsistent with this requirement.

"An EIR is required to assess the impact of amendments to the general plan against existing conditions on the ground, not against the impact of the amendments on the previous version of the general plan." (*Saint Vincent's School for Boys, et al. v. City of San Rafael* (2008) 161 Cal.App.4th 989) (See also *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]) The DEIR does contain a discussion of the proposed Project and the 1982 General Plan. As explained in that response, the DEIR compares the proposed 2007 General Plan Update to the 1982 General Plan in its analysis of the No Project Alternative in DEIR Section 5.3. See response O-21k-2 for a discussion of the comparison in the EIR between the proposed Project and the 1982 General Plan. With respect to the comment that "current County ordinances … can be changed if they are inconsistent with the new Plan," many of the regulations relied upon in the EIR impact analyses are not required to be 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.

O-21k.132 The comment requests the EIR to describe and analyze whether each of the ordinances cited on pages 4.3-48 through 4.3-88 of the DEIR are consistent with the policies of the draft General Plan. This level of detail is not required for a Program level EIR, as discussed in Master

Response 10, *Level of Detail for the General Plan and the General Plan EIR*. As a matter of state law, zoning and other ordinances affecting matters governed by the General Plan must be consistent with the General Plan. 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]). 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 fact that ordinances must be amended to be consistent with the General Plan does not, however, mean that every County regulation would be weakened or that every County regulation would need to be changed. It is speculative and not possible to identify the "likely post-GPU5 language" in the County Code as requested by the comment. Please also see Master Response 10 regarding implementation of the General Plan.

O-21k.133 The comment asks for proposed mitigations that would apply to "that topic." It is not clear from the comment to what topic it refers. The proposed mitigations are identified in each issue area of the DEIR, when mitigation is being proposed. If the comment refers to potential changes to the County Code, as explained above, it would be speculative to identify the exact revisions to the Monterey County Code and whether such potential changes could have significant environmental effects. Further, any such specific changes must comply with CEQA before such time they are brought forward for consideration by the Board of Supervisors. Therefore, it is not possible or necessary to identify proposed mitigations that might be required.

O-21k.134 The criteria used for determining significance are taken from Appendix G (Environmental Checklist Form) of the State CEQA Guidelines. The use of these criteria is common practice. The question of why the

County has not adopted a standard set of criteria that it will apply to all projects is a policy question and is not pertinent to this EIR. CEQA does not require the County to adopt a set of standard thresholds of significance, and CEQA recognizes that the definition of significant effect may vary depending on the project being analyzed. (CEQA Guidelines §§15064, 15064.7) The thresholds of significance used for this EIR are appropriate for a program EIR (see Master Response 10 regarding programmatic analysis in a general plan EIR).

O-21k.135 The discussion does not ignore the impacts of special treatment areas. The potential impacts in the Special Treatment Areas (STAs) are included in the broad consideration of impacts within planning areas outside the focused growth areas. The EIR is not intended, nor required, to analyze project-level impacts. (See Master Response 10 regarding programmatic analysis.) Proposals for development within STAs, such as the subdivision project referenced in the comment (Rancho Canada Village), will be subject to their own project-level CEQA analysis.

O-21k.136 DEIR Section 4.3 is the water resources section, focusing on water quality and water supply. Nevertheless, biological resource impacts of water quality and water supply development are discussed on pages 4.3-2, 4.3-38, 4.3-42, 4.3-132, 4.3-135 to 4.3-139, 4.3-142, 4.3-144, and 4.3-146. DEIR Section 4.9 is the biological resources section focusing on impacts to biological resources. In Section 4.9, impacts to biological resources from water quality are addressed on pages 4.9-43, 4.9-62, 4.9-64 to 4.9-65, 4.9- 67, 4.9-75 to 4.9-76, 4.9-86 (Mitigation Measure BIO-2.1), and 4.9-87. Thus, the full picture of water quality and water supply impacts is derived through consideration of both Sections 4.3 and 4.9. Please also see Master Response 8, *Biological Resources* for further information regarding the impacts of water quality on biological resources.

O-21k.137 See Master Response 9, *Water Quality*. The Master Response identifies where the discussions of agricultural runoff and water quality can be

found in the DEIR, and provides additional clarification of the expected impacts. Note that existing agricultural runoff is part of the existing conditions and is not a result of the proposed Draft General Plan. Further, contrary to the commenter's assertion, although agriculture is expected to grow in the future, the policies of the Draft General Plan will not result in a major increase in agricultural acreage. See Master Response 3 on General Plan agricultural policies for a discussion of the potential for conversion. With respect to the comment concerning the organization and format of the DEIR, see response to comment O-21k.7 above.

O-21k.138 The reference to coastal streams on page 4.3-92 does not include the coastal rivers – the Pajaro, Salinas, and Carmel. The Draft General Plan is proposing revisions to inland policies, but no changes to coastal policies or the certified Local Coastal Program. Accordingly, the changes to the coastal streams will occur primarily as a result of existing or already currently planned development, not as a result of the General Plan. The exceptions, such as the Airport/Hwy 68 AHO, are small in scale and will be subject to current regulations such as Low Intensity Development standards, meaning that their contributions will be minimal in the context of overall water quality. See Master Response 9, *Water Quality* for an expanded discussion of water quality regulations.

O-21k.139 See Master Response 9, *Water Quality*. The primary surface water features are the Salinas River and its tributaries. "Continued loading" is intended to include the loading that will occur as a result of new development. As to the extent of additional loading, the observation is qualitative. There is no quantified information on projected levels.

O-21k.140 The commenter contends that the majority of the General Plan policies lack metrics, performance standards, and "enforcement teeth," and asserts that the DEIR cannot assume that the policies will be effective. The policies are effective and appropriately detailed for General Plan policies, as explained in Master Response 9, Water

Quality and Master Response 10, subsection 10.5 discussing the adequacy of the proposed policies and their implementation.

By way of example, the comment questions the DEIR assumption that Policy GS-1.8 of the Greater Salinas Area Plan will be effective. The DEIR analysis of this policy (on page 4.3-95) is adequate when read in context. Policy GS-1.8 is aimed at agriculturally related commercial uses, not residential use. Moreover, this policy and the other area plan policies cited on page 4.3-95 are described in the context of "Area Plan supplemental policies" that "also support water quality protection." They are part of a larger series of policies. For example, Policy GS-1.8 will be implemented through site plan reviews and, while the provision for riparian vegetation says, "as feasible," the application of the conservation strategy required under 2007 General Plan Policy OS-5.21 will protect riparian areas. Further, the Stream Setback Ordinance that will be developed under modified Policy OS-5.22 will specifically address setbacks along the Salinas River and also protect riparian areas.

The commenter also questions the efficacy of General Plan policies that use the term "should." It is appropriate for General Plan policies to be written in terms that allow a degree of flexibility. The word "should" in a policy does not mean that the policies will not be implemented. As more fully discussed in Master Response 10 (subsection 10.5), the General Plan's goals and policies will be realized through County regulatory ordinances, future County decisions on specific development projects, and the laws and regulations of other agencies. Moreover, the particular General Plan policies cited by commenter (from the DEIR discussion on pages 4.3-95 and 4.3-96) are not the sole basis for the DEIR's impact determination. The DEIR's conclusion that water quality impacts resulting from nonpoint source pollution runoff will be less than significant relies on General Plan policies as well as on state and federal regulations which have strict requirements to protect water quality (DEIR at 4.3-97). See also Master Response 9, *Water*

Quality for further discussion of applicable state and federal regulations protective of water quality.

O-21k.141 The General Plan proposes no specific development projects. Therefore, attempting to quantify the precise amount of potential impacts to water quality due to implementation of certain General Plan policies would be speculative, and would not represent the level of detail and analysis appropriate for a program-level General Plan EIR. By their nature, General Plan policies seek to provide guidance for future actions by the County. The DEIR seeks, to the best of the County's ability, to determine the general significance of impacts due to implementation of General Plan policies and applicable state and federal regulations based on available, verifiable evidence and reasonable assumptions. Based on the General Plan policies and the state and federal regulations governing water quality to which new development under the General Plan will be subject, the DEIR reasonably concludes that the Impact WR-1 (water quality degradation from nonpoint source pollution from urban runoff) will be less than significant. See also Master Response 9.

O-21k.142 As stated in the DEIR (page 4.3-97), impacts on water quality associated with nonpoint source runoff from increased development are less-than-significant without additional mitigation. The proposed Stream Setback Ordinance (BIO –2.1) is not necessary to address significant water quality impacts, but is suggested to help further reduce water quality impacts.

The comment asserts that the ordinance would be beneficial only if the new setbacks will be mandatory, not subject to variance, and guaranteed to be larger than current setbacks, and the comment requests modification of the measure to include these requirements. The requested modification is not necessary because the measure already contains a performance standard requiring the ordinance to establish minimum setbacks for the stated purpose of preserving riparian habitat and reducing water quality impacts. While the specific

details are more appropriately resolved at the ordinance drafting stage, the measure contains clear direction that the standards to be established must serve to preserve riparian habitat and reduce water quality impacts of new development. The new ordinance would include stream setbacks greater than those that currently exist. The County currently has a variety of setback requirements, depending on the zone where development is expected to occur, as detailed in the Monterey County Zoning Ordinance. These setback regulations detail requirements for setting structure back from lot lines, other structures, and roadways in areas with certain zoning designations. No specific setback requirements currently exist specifically for streams except as required for protection of floodways per the County's floodplain regulations. Mitigation Measure BIO-2.1 (Policy OS-5.22) has been modified to state the purpose up front and provide greater specificity. (See Chapter 4 of the FEIR; see also Master Response 8.)

In regard to the commenter's question about the meaning of OS-5.2's term "discretionary development" and "conversion of previously uncultivated agricultural land," the wording means that the proposed Stream Setback Ordinance is to apply to development requiring a discretionary land use entitlement and to conversion of previously uncultivated land on slopes. In the discretionary entitlement process, the County has the ability to evaluate project specific environmental impacts of the project seeking the entitlement and require such conditions as the ordinance would direct to preserve riparian habitat and reduce water quality impacts of a project. Because OS-5.2 is proposed to help further reduce water quality impacts, but is not necessary to reduce the water quality impact to a less than significant level, the commenter's request to expand the ordinance to ministerial permits raises a policy issue, not an environmental issue to be addressed in the EIR.

O-21k.143 The commenter argues that the DEIR fails to analyze the issue that "the vast majority" of the DEIR policies do not have deadlines or

timelines or guarantee of implementation. The comment is 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. As explained in Master Response 10, a general plan is a long-term comprehensive plan for the physical development of the County. (Gov't 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. (Gov't 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 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. 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. In addition, many General Plan policies and proposed mitigation measures contain specific timelines and triggers, such as C-1.2., OS-5.20, and OS-5.21.

O-21k.144 The comment states that the DEIR should consider mitigation measures that would require full funding of all GPU policies, require

deadlines or timelines, and require "completion, execution, and implementation of all environmental protection policies prior to any development being approved under the proposed Plan." As explained in the response to O21.k.143 above, the proposed mitigation requiring implementation is not necessary because state law and the General Plan itself contain policies that ensure implementation of the General Plan.

A mitigation measure that would require all environmental protection policies be fully implemented before any development is approved under the General Plan is not feasible or required under CEQA. Many measures are designed so that they will be implemented as part of conditions of approval of development, such as fee-based mitigation programs. Fee-based mitigation programs, in which development projects pay a fee representing their fair share as part of a comprehensive mitigation strategy, are legal and environmentally sufficient under CEQA (See Master Response 10, section 10.6 re: fee□based mitigation.). If an environmental policy entails a comprehensive mitigation strategy, then requiring the policy to be fully implemented prior to approval of development could result in requiring a development that is first in time to bear the entire cost of the larger mitigation strategy; this result is legally infeasible because the County cannot constitutionally require a development to perform mitigation not roughly proportional to that development's impact. CEQA requires mitigation measures to be "consistent with all applicable constitutional requirements," including the requirement of rough proportionality. (CEQA Guidelines §15126.4(a)(4)) The measure is also legally infeasible to the extent the EIR has identified significant and unavoidable impacts which cannot be mitigated by an "environmental protection policy"; halting "any development" indefinitely runs the risk of a takings, and thus is legally infeasible.

O-21k.145 Page 4.3-106 of the DEIR has been edited to clarify the assumption regarding implementation of the General Plan policies by 2092. See Chapter 4 of the FEIR.

O-21k.146 The commenter points out a minor difference in language in the DEIR. "Downstream waterways" and "downstream surface waters" are synonymous terms. This makes no difference relative to the environmental analysis in the DEIR.

O-21k.147 Page 4.3-91of the DEIR has been edited to clarify the scope of the impacts analyzed related to agricultural-related uses. See Chapter 4 of the FEIR.

O-21k.148 The comment requests clarification of the DEIR's reference to "existing County development regulations" requiring erosion control plans (page 4.3-99 of the DEIR). The DEIR is referring to County Code Chapter 16.12 which governs erosion control, as discussed on page 4.3-100 of the DEIR. It is correct that County rules and ordinances will be adjusted to ensure compliance with the General Plan; however, because the General Plan policies themselves require erosion control measures (see, e.g., OS-3.1 through O-3.9 which establish guidelines for erosion prevention), it can be reasonably assumed that the updating of the specifics of the regulations will not weaken the nature or efficacy of the regulations. The DEIR assumes that County Code Chapter 16.12 may be relied upon to reduce impacts resulting from development consistent with the draft General Plan, even after any update required by its adoption.

O-21k.149 In response to the comment's criticism of the DEIR methodology, please see Master Response 10, *Level of Detail for the General Plan and the General Plan's EIR*, and Master Response 9, *Water Quality*.

The commenter asserts incorrectly that proposed Policy OS-3.5 would result in "a huge amount of development where it is not currently allowed." See Master Response 3, *Agricultural Growth and General Plan Agricultural Policies*, for an expanded analysis of the extent of land that

may be affected by this policy. Policy OS-3.5, as revised and clarified, would prohibit conversion of previously uncultivated land for agricultural purposes where the slope exceeds 25% except for a narrow exception requiring a discretionary permit and for which five criteria must be met to qualify for the exception. The policy also establishes a discretionary permit process for conversion of previously uncultivated lands containing slopes exceeding 15%, but not exceeding 25% and for conversion of lands containing slopes exceeding 10% where the lands to be converted contain highly erodible soils. To the extent Routine and Ongoing Agricultural Activities would create significant soil erosion impacts or violate water quality standards, such activities would be subject to Policy OS-3.5.

O-21k.150 Readers of the DEIR may refer back to the significance criteria located within Section 4.3, *Water Resources*, in Section 4.3.4.1, *Thresholds of Significance*.

A discussion of cumulative impacts is located in Section 6, Other CEQA *Required Sections*, in Section 6.4, *Cumulative Impacts*.

O-21k.151 As stated in the DEIR, agricultural and resource development under Impact WR-3 is defined as activities including commercial timber harvesting, mineral resources extraction, hay farming and grazing, fruit and vegetable production, vineyard planting, some timber and hardwood harvesting (especially associated with land conversion), quarrying, and sand and gravel extraction. (DEIR, p. 4.3-107) Also as stated in the DEIR, land uses and development under Impact WR-2 includes “construction of a wide range of uses, including residential, commercial, and industrial buildings; public facilities; and agricultural-related uses (e.g., processing, support, and visitor-serving uses).” (DEIR, p. 4.3-99) As indicated in the headings for WR-2 and WR-3, impacts associated with agriculture under Impact WR-2 are primarily associated with construction of agricultural-related uses, while impacts under Impact WR-3 are primarily associated with the physical activity of resource development and agricultural production.

Please see the response to comment O-21k.50 for a discussion of prohibiting the use of agrochemicals.

O-21k.152 A key purpose of the AWCP is to provide "value added" activities for wine grape growers within the County's existing wine growing area appellations. The AWCP does not include any vineyard plantings. Future plantings will reflect the economic decisions of the farmer and are not dependent upon the existence of the AWCP. Please see Master Response 3, *Agricultural Growth and General Plan Agricultural Policies* regarding the draft General Plan agricultural policies and the role of the AWCP in county viticulture.

O-21k.153 References for the claim regarding the number of agricultural land uses that require certain types of permits from the County can be found in the Monterey County Zoning Ordinance, Chapters 21.24, 21.30, 21.32, 21.34, 21.48 and 21.66 (section 21.66. 030). As discussed in those codes, many agricultural uses are subject to discretionary permits.

The statement on page 4.3-108 quoted by the comment refers to regulations in County Code Chapter 16.12, specifically Sections 16.12.040, General Provisions, and16.12.080, Land Clearing. For a further discussion of reliance on certain County Code regulations in the DEIR, please the response to Comment O-21k.148 above.

O-21k.154 The comment criticizes the DEIR's method of analysis of water quality impacts and disagrees with its significance conclusions regarding Impact WR-3 (re: impact of General Plan's agricultural and resource development land uses on water quality.) For responses to these issues, please see Master Response 10, *Level of Detail for the General Plan and the General Plan's EIR*; Master Response 9, *Water Quality*; and Master Response 3, *Agricultural Growth and General Plan Agricultural Policies*.

O-21k.155 "Long-term" refers to build-out in 2092. See Master Response 4, Water Supply, section 4.1.1 for definitions of "safe yield" and "sustainable

yield." Coastal zone and city demands have been added to the analysis of water supply, as explained in Master Response 4.

A comprehensive water budget includes goals and policies that seek to ensure a sustainable water supply for the County and analysis of how successful such goals and policies would be at achieving a sustainable water supply. The 2007 General Plan and associated EIR represent such a budget.

The commenter states that "for good managers, development should never outpace supply." However, supply is vulnerable to unforeseeable and uncontrollable occurrences. The draft General Plan seeks to balance reasonable, progressive development with the knowledge that future supply cannot ultimately be predicted; hence, the need for the planning and management contingencies mentioned in the DEIR.

O-21k.156 The overall 27% increase in population includes the coastal zone.

O-21k.157 Table 4.3-9 is based upon at 181-gallon per capita water usage value from the California Water Plan Update 2005 [the most recent California Water Plan per capita data available at this time], as discussed on DEIR page 4.3-114. (California Department of Water Resources 2005) Curtis Weeks, General Manager of the MCWRA, has informed the EIR consultant that 181 gpd is a conservative estimate of per capita water use in Monterey County. (Weeks 2009) As discussed in Master Response 4, *Water Supply*, Section 4.2.2, 2030 water usage predicted in the SVWP EIR is consistent with the water use predicted in this EIR. Furthermore, the DEIR accounted for commercial and industrial uses, as discussed in the notes of Table 4.3-9; "including residential, commercial, industrial, and landscape uses." Industrial uses were included in the 181 per capita data from the 2005 California Water Update. The 2005 California Water Update states "total urban applied water use for the Central Coast region was 295,700 af, which was 13 percent higher than the total applied water for 1998. Average

per capita water use was about 181 gallons per day, which is about 10% higher than the 1998 usage." (see 2005 Update Volume 3 pages 4-13 and 4-14.) Urban use in the 2005 Update is defined in Table 4-2 as including: "Large Landscape, *Commercial, Industrial*, Energy Production, Residential – Interior, Residential-Exterior, Evapotranspiration of Applied Water, E&ET and Deep Perc to Salt Sink, Outflow, Conveyance Applied Water, Conveyance Outflow, GW Recharge Applied Water, GW Recharge Evap + Evapotranspiration." While the per capita usage discussion cited above does not explicitly state that it is based upon "urban use," the 181-gallon average is obtained from the cited population of 1,459,200 (California Water Plan Update 2005 page 4-3) and the total Urban Water use of 295.7 Thousand Acre-feet (TAF). (1 AF = 325,851 gallons). Therefore, the 181 gallon per day estimate includes *commercial and industrial uses*.

For a broad analysis in this program EIR, the use of this per capita factor is considered appropriate. As explained in Master Response 4, the estimate of future overall water demand in 2030 the Salinas Valley is consistent with the estimates for the SVWP. The estimated future new demand on the Monterey Peninsula for the unincorporated County (1,099 AF in Master Response 4) is also very close to that estimated by MPWMD (1,135 AF in MPWMD 2006b). Thus, the DEIR's approach while not identical to the methodology used by other studies, results in a reasonably representative of overall demand for the purposes of disclosure under CEQA. As discussed in Master Response 10, which discusses the expected level of detail, this EIR is not intended to provide parcel specific information, like the information provided for individual projects such as the "pending EIR in North County."

The 181 gallons per capita use was not intended to address agricultural demand which was accounted for separately for the Salinas Valley using the SVWP assessment as disclosed in the DEIR.

Please see Master Response 4 Section 4.2.1 for discussion of agricultural water use.

O-21k.158 According to the California Department of Conservation data regarding conversion of farmland, the total acreage of farmland in Monterey County has declined from 1,306, 926 total acres in 1984 to 1,301,719 acres in 2006, a decline of 5,207 acres. The total amount of farmland in Monterey County has declined steadily over this time period, with occasional small year-to-year increases in farmland. However, this represents a decrease of 15,933 acres in grazing land with an increase of 10,726 acres of important (aka intensive) farmland over this period.

As discussed in Master Response 3, *Agricultural Growth and General Plan Agricultural Policies*, the DEIR forecasts modest growth in new farmland based on the land use patterns of the last several decades (1982 to 2006), estimating approximately 466 acres of farmland converted from natural land covers (see Table 4.9-6 in the DEIR). Much of this conversion will likely occur on grazing land.

Page 4.3-114 of the DEIR has been edited to reflect this additional information regarding trends of farmland conversion. Regardless, the substantive point in the DEIR is that agricultural water use has been declining over time, despite the modest increase in farmland acreage over the last two decades. The DEIR relies on the agricultural demand estimate from the SVWP which took into account the increase in efficiency over time with agricultural use. This is also demonstrated in Table 4.3-5 (now updated to 2008), which shows a declining amount of use in the Salinas Valley (see also Exhibit W-1 in Master Response 4).

Some 2007 General Plan policies do seek to encourage continued agricultural production. However, the DEIR has adequately included considerations of changes in agricultural water demand overall. See Master Response 4 for further discussion.

O-21k.159 Table 4.3-9 has been revised for clarity and now provides information by different basins and numbered clarified notes. Please see Master Response 4, *Water Supply* regarding the assumptions used in developing the water demand projections. The persons/housing unit for new growth to 2030 average is derived from Table 3-5. The person/housing unit for new growth to buildout is also derived from Table 3-5, but for the buildout year 2092. The coastal zone and city demands are now included in a new Table 4.3-9a and new tables 4.3-9b through 4.3-9h (see Master Response 4). The Highway 68/Airport AHO is placed correctly in the Seaside aquifer. AWCP ancillary uses are now included in the demand estimates in Table 4.3-9. Regarding the North County sub-areas that are within the Salinas River watershed, the intent of Table 4.3-9 overall is intended to look broadly at the demands. The per-capita factor and its appropriateness are discussed in response to comment O-21k.157 above. The areas outside the focused growth areas are based on the growth in such areas indicated in Table 3-8 and 3-9.

Regarding the AWCP and additional water supply associated with development of steep slopes, please see Master Response 3, *Agricultural Growth and General Plan Agricultural Policies*. Please see Master Response 4, where the demands of coastal areas and cities are now included in the analysis. This quantitative cumulative impacts analysis amplifies the cumulative impacts that were qualitatively considered in the DEIR. It also clarifies the level of impact within areas of the County smaller than the water basins.

O-21k.160 Please see Master Response 4, *Water Supply*. Please also see response to comment O-21k.86. As discussed in that response, the physical changes to the Lake Nacimiento reservoir related to the SVWP are complete. The diversion dam is expected to be completed in the spring of 2010. Furthermore, existing conditions are not impacts of the proposed project as suggested in the comment (see CEQA Guidelines Section 15125).

O-21k.161 Please see Master Response 4, *Water Supply*.

O-21k.162 Table 4.3-10 is not intended to be an exhaustive list of all water basin subareas.

A. As the DEIR states, Table 4.3-10 summarizes water supply issues affecting Community Areas (Table 4.3-9 includes all areas, as do the new tables 4.3-9b through 4.3-9h). In Section 3, *Project Description*, the DEIR states that five Community Areas are identified by the 2007 General Plan as areas where, with a more detailed plan for that area (Community Plan), additional growth would occur. All five such areas are identified in Table 4.3-10.

B. Table 4.3-10, on page 4.3-117 in the DEIR, has been revised to reflect nitrate and arsenic issues affecting ground water supply.

C, D. As stated on page 4.3-118 of the DEIR, Chualar is situated in a portion of the Salinas Valley groundwater basin that receives sufficient groundwater recharge and is not subject to seawater intrusion. Potable water supply is available from the aquifer system. Consequently, the area is not subject to CalAm's overall shortage conditions affecting the Monterey Peninsula. The level of growth anticipated for the proposed Community Area would not incur significant water supply impacts. The text on page 4.3-118 has been revised to clarify the location of Chualar, as suggested by the comment.

Table 4.3-10 has been edited to clarify the reference to Chualar wells as independent.

O-21k.163 A substantial increase in water use means the amount of water use associated with the development of the vacant lots located in Pajaro, unless such development has no net increase in water demand and/or new supply sources are developed.

The DEIR's statement regarding whether or not future growth can proceed without significant groundwater impacts unless new supplies are secured is not a policy of the 2007 General Plan. The statement is a

conclusion of the DEIR, for which the analysis is located throughout Section 4.3, *Water Supply*, including on pages 4.3-16, 4.3-40 through 4.3-43, 4.3-128, and 4.3-129.

As stated in the DEIR, a substantial reduction in basin-wide groundwater pumping (by 45,000 AFY) would be necessary to eliminate seawater intrusion and restore groundwater levels throughout the coastal area. Therefore, the sustainable yield of the groundwater basin at present is approximately 24,000 AFY. The level of new supplies required before future growth can proceed without significant groundwater impacts is a level that is sufficient to ensure groundwater pumping occurs at a rate lower than the sustainable yield of the groundwater basin. Please see Master Response 4 which presents updated tables concerning supply and demand in the Pajaro River groundwater basin.

O-21k.164 Please see Master Response 4*, Water Supply*.

O-21k.165 Please see Master Response 4*, Water Supply*.

O-21k.166 Please see Master Response 4, *Water Supply*, for a discussion of groundwater and the effect of the SVWP in raising groundwater levels and offsetting overdraft in the Salinas Valley. The reference to Highway 68 has been deleted on page 4.3-118.

O-21k.167 Please see Master Response 4, *Water Supply*. The community areas, rural centers, AHOs and the AWCP ancillary use were included. The buildout in the Special Treatment Areas is included in the estimates for the different Area Plans as the STAs are all located outside the focused growth areas. Master Response 4 compares the SVWP EIR estimated water demand in 2030 to that estimated for the 2007 General Plan and finds them roughly equivalent.

O-21k.168 The comment recommends prohibiting all development on existing lots of record in basins subject to overdraft until a water balance is achieved. The County had considered and rejects the commenter's suggestion. Such a broad prohibition of development could amount to

a "regulatory takings" without compensation, in contravention of the Fifth Amendment of the U.S. Constitution. CEQA requires mitigation measures to be "consistent with all applicable constitutional requirements." (CEQA Guidelines §15126.4(a)(4).) Furthermore, this suggestion would not be meet the third and fourth objectives of the proposed project discussed in DEIR Section 1.2.1. Therefore, this suggestion is considered infeasible. Please also see response to comment O-21k.21and Master Response 4, *Water Supply*, Section 4.3.4 on the feasibility of such suggestions.

O-21k.169 The commented misrepresents what is stated in the DEIR. It is not solely withdrawals from the Deep Zone that rule out the possibility of meeting new demand from local groundwater sources. Instead, as stated in the DEIR, withdrawal from the Deep Zone combined with the risk of further seawater intrusion from continued pumping in the 180- or 400- foot aquifers rules out this possibility. Regarding the difference between pumping from the Deep Zone (which may not have recharge) versus the Salinas Valley aquifer (which is being improved by the SVWP), please see Master Response 4, *Water Supply*, particularly the discussion of water supply and the SVWP. Please also see the response to O-21k.57.

O-21k.170 Please see the response to comment O-21k.76.

O-21k.171 The discussion of Fort Ord is discussing the future projected water demand for the Fort Ord community.

Page 4.3-119 of the DEIR has been revised to clarify the meaning of the term "these uses." Page 4.3-119 of the DEIR has also been revised to clarify that the source of additional water supply to Fort Ord is unclear, but that there is an initiative underway to provide a more secure source.

Regarding the 6,600 AFY, an agreement between the federal government and the Monterey County Water Resources Agency (MCWRA) dated September 1993 (MCWD 2005) provides for

groundwater extraction rights of 6,600 acre-feet per year (AF/Y), an amount consistent with the former average groundwater use at Fort Ord while under military operation (MCWD 2005). The Fort Ord Reuse Authority (FOR A) Board allocated this supply among the various local governments and entities. (Monterey County 2004a)

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 the regional water augmentation program (see Master Response 4*, Water Supply*).

O-21k.172 Please see Master Response 4, *Water Supply*. Future supply is available, although without obtaining additional supply, substantial depletion of groundwater supplies and further seawater intrusion may occur. While MCWD did indeed make this assertion in their 2005 UWMP, they also noted that this will require a future water augmentation alternative to meet the 2,400 AFY need for redevelopment of the Ord Community. MCWMD is collecting fees on redevelopment projects to generate funding for an augmentation project including recycled water and desalination. MCWD considers this water to be “available” for planning purposes and on line sometime between 2008 and 2015 (MCWD, 2005).

Sufficient water supply means enough water to supply the needs of Fort Ord water users, and may include pumping from aquifers needing recharge. The DEIR is relying upon the MCWD’s conclusion that sufficient water would ultimately be available to meet expected demands. However, the DEIR is also disclosing what the potential impacts of various options for water supply might entail.

The language on p. 4.3-119 has been clarified to make it clear that MCWD’s assertion presumes an augmented water supply.

Since circulation of the DEIR, new projects that would potentially serve Fort Ord reuse have progressed. The Regional Project alternative under the Coastal Water Project and the Regional Urban Water

Augmentation Project (non-potable water) are under consideration and in design, respectively. Again, for discussion of the ability to supply additional water for the Fort Ord reuse, please see Master Response 4, *Water Supply*.

Future growth at the Highway 68/Airport AHO and Mid-Valley AHO would depend on the provision of new water supply projects such as the regional project alternative, expanded aquifer storage and recovery or other projects. The language on 4.3-119 has been updated to make this clear.

O-21k.173 As stated in Master Response 4, *Water Supply*, the SVWP includes physical changes to the spillway at Lake Nacimiento, allowing the reservoir to retain approximately 30,000 acre-feet per year (AFY) of additional storage, in round numbers. A substantial portion of this additional water is dedicated to the SVWP. The work on dam improvements is 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 releases raise groundwater levels allowing more extractive use without exacerbating groundwater overdraft.

The impact analysis of the SVWP in this DEIR does not under-analyze agricultural water demand, as discussed in Master Response 4.

O-21k.174 The DEIR assumes that all legal lot development would be from wells in order to provide a conservative estimate of the future groundwater demand in the County. By using conservative numbers for future groundwater demand, the DEIR ensures that greater impacts to groundwater supply than those analyzed in the DEIR will not occur. It is not feasible to provide a more detailed analysis given the geographic scope of the County. Please see Master Response 10 on the level of detail required for this EIR. Big Sur is in the coastal area (not the subject of the 2007 General Plan), and very few areas are likely to obtain water via surface water diversions.

O-21k.175 The statement means that any legal lot development occurring outside the service areas of water districts and outside focused growth areas would increase the significance of impacts related to over drafting of groundwater basins on which this development occurs. See Master Response 4, *Water Supply*, for an updated analysis of water supply impacts from the development on legal lots.

As stated in the DEIR, the Rural Centers are all in the Salinas Valley, and adequate supply will be provided with completion of the SVWP.

Page 4.3-120 of the DEIR has been revised to clarify issues related to the Carmel basin. Please also see Master Response 4.

O-21k.176 Policies PS-3.1 and PS-3.3 require demonstration of a long-term water supply to approve new subdivisions. Where that long-term water supply cannot be demonstrated, subdivision will not be allowed. Subdivisions are discretionary projects and thus evaluation under CEQA will consider the effect of new development on overdraft, seawater intrusion, and on instream flow for biological resources (per Biological Mitigation Measure 2.3). This approach will result in proper project-level determinations regarding significant effects on water supplies and on biological resources for new subdivisions and the imposition of feasible mitigation measures, where warranted.

Regarding the suggested mitigation measure of prohibiting development on lots of record, please see the response to O-21k.168.

O-21k.177 Please see Master Response 4, *Water Supply*, Section 4.2.1.

O-21k.178 See the discussion of AWCP/winery demands in Master Response 4, *Water Supply*. The estimated water demands of new wineries in the AWCP is a good faith estimate of potential demand. The commenter has not provided any substantial evidence indicating that the water demand estimate is flawed and that actual water demands will be substantially higher than projected. The DEIR analyzed reasonably foreseeable impacts. CEQA does not require a worst-case analysis, what is required is discussion of reasonably foreseeable impacts. (See

CEQA Guidelines Section 15378(a); *Save Round Valley Alliance v. County of Inyo* (2007) 157 Cal.App.4th 1437; see also similar NEPA requirements in *Robertson v. Methow Valley Citizens Council* (1989) 490 U.S. 332.) In any case, Policy PS-3.1 requires new development, with minimal exceptions, to demonstrate the availability of a long-term, sustainable water supply and will apply to all new full-scale wineries. As shown in revised Table 4.9-11, the overall expected demand from artisan wineries is relatively small (71 AF) in contrast to the overall demand from full-scale wineries (239 AF). The AWCP has a cap on the number of wineries; wineries outside the ACWP are discretionary projects subject to PS 3.1 and CEQA review. Thus, the commenter's assertion that winery demand is unbounded is incorrect.

O-21k.179 Please see Master Response 10 regarding the level of detail required in the EIR for the General Plan. Project specific details such as those discussed in the comment are not known. The EIR makes reasonable assumptions about vineyards in the County. Impacts associated with current and future demands of vineyards are addressed extensively in Impact WR-3 in the DEIR. Data regarding water demand associated with vineyards is provided in Section 4.3.2.2*, Monterey County Watersheds* in the DEIR. Estimated water demand from new wineries is provided in revised Table 4.3-11 in Chapter 4 in the FEIR and is discussed in Master Response 4 *Water Supply*, particularly Section 4.2.1, *Salinas Valley Water Demands*. This updated analysis does not change the conclusions made in the DEIR. For a discussion of potential land use conversion to vineyards, please see Master Response 3, *General Plan Agricultural Policies*, as well as Master Response 4, particularly Section 4.2.1.

O-21k.180 Please see Master Response 4, *Water Supply*. An estimate of water demand for ancillary uses in the AWCP is included in Table 4.3-11 in Chapter 4 of the FEIR.

O-21k.181 Please see DEIR, Section 3.4.6, *Agricultural Winery Corridor Plan*, for a detailed description of the limits on the amount of development within

the AWCP. Estimated new water demand associated with the ACWP is provided in revised Table 4.3-11 in Chapter 4 in the FEIR.

Providing quantitative data regarding the precise impact of development within the AWCP would be speculative, given that no plans have been submitted for any wineries or ancillary uses, and would include a level of detail not appropriate for a program-level EIR. However, the overall scale of AWCP allowable use is relatively limited as described in the AWCP itself. Please also see response to comment O-21k.178.

O-21k.182 Please see Master Response 4, *Water Supply*. The County acknowledges that additional use as a result of winery and ancillary uses in the AWCP may not be offset by existing agricultural demand, and the revised water demand analyzes the impacts associated with additional demand caused by development associated with the AWCP.

O-21k.183 Please see Master Response 4, *Water Supply*. See also the response to comment O-21k.40 regarding the purpose of the SVWP.

O-21k.184 Impacts due to new distribution pipelines associated with the SVWP are analyzed generally in Impact WR-5. The future location of these pipelines is not known at this time nor has the MCWRA committed to construction of these pipelines, so determining the precise impacts of such pipelines would be speculative and include analysis at a level of detail inappropriate for a program-level EIR.

O-21k.185 The commenter is expressing an opinion. The DEIR investigates the actual or likely effectiveness of proposed policies at a level of analysis sufficient for a program-level EIR. See Master Response 10.

O-21k.186 Public Services Element Policy PS-3.2 allows credits to be issued for significant reduction in the historical water use on site that would allow for additional development. The County's previous practice regarding providing credits for reductions in historical water use has been to ensure that landowners are not allowed to unfairly maximize the amount of credit they could obtain in the future by increasing

current usage. The County would continue this practice with implementation of the 2007 General Plan.

O-21k.187 As stated in the Section 4.3 of the DEIR, Central Salinas Valley Area Plan Policy CSV□5.2 stipulates that recreation and visitor-serving commercial uses be allowed only if it can be proven that they would not interfere with prime groundwater recharge areas, would not commit groundwater supplies beyond their safe, long-term yields where such yields can be determined, would meet state water quality and quantity standards, and would not adversely impact groundwater quality. This policy ensures that these concerns are taken into consideration before permitting any such uses. This does not require that development be halted until the basin is in balance. As discussed elsewhere, including Master Response 4, the SVWP is expected to improve overdraft conditions in the Salinas Valley once it is fully operational.

O-21k.188 Page 4.3-125 of the DEIR has been revised to clarify the wording of various 2007 General Plan policies. These are not prejudicial errors, but instead reflect the County's commitment to undertake these policies. See the response to comment O-21k.140 for a discussion of the use of the word "should."

O-21k.189 Page 4.3-127 of the DEIR has been revised to clarify the wording of General Plan Policy PS-3.1. Note that Policy PS-3.1 is not growth-inducing in that it acts to limit development absent an available "long-term, sustainable water supply," with the exception of the first single family residence and non-habitable accessory uses on existing lots of record.

O-21k.190 For revisions to the DEIR to clarify the wording of various 2007 General Plan policies, please see response to comments O-21k.188 and O-21k.189. The DEIR paraphrases certain 2007 General Plan policies. These paraphrases sufficiently and accurately encompass the intent and meaning of each referenced policy. The DEIR is sufficiently clear to

readers as to when the DEIR is discussing a 2007 General Plan policy or not without the use of quotation marks. As stated in the DEIR, the County does assume certain policies will reduce the need for additional water supplies.

Precise quantification of the reduction in need for additional water supplies of certain 2007 General Plan policies would be speculative, and would include a level of analysis not appropriate for a program-level EIR. Instead, the EIR properly discloses the broad level of impact for each of the basins within the County due to the draft General Plan. The EIR does not rely on a specific percentage reduction of water demand for each contributing policy to make significance conclusions.

O-21k.191 As the DEIR states, Impact WR-4 "discusses the availability of water supply to serve existing and future demands," and determined whether "land uses and development consistent with the 2007 General Plan would exceed the capacity of existing water supplies and necessitate the acquisition of new supplies to meet expected demands." Section 4.3.4.1, *Thresholds of Significance*, states that a threshold of significance for the DEIR is whether or not the proposed project would "exceed the capacity of existing water supplies and necessitate the acquisition of new supplies to meet expected demands." Impact WR-4 clearly references and applies the significance thresholds presented at the beginning of the chapter.

O-21k.192 As stated in the section immediately following the sentence quoted by the commenter, under the title "Salinas Valley," the SVWP will provide sufficient additional supplies from the system's reservoirs to meet 2030 projected demands and halt further seawater intrusion. For detailed information about the SVWP and its associated impacts, please see Master Response 4, *Water Supply*. The impacts of water supply development are disclosed in Impact WR-5 in the DEIR.

O-21k.193 The DEIR's significance determination regarding the water supply impacts on the Monterey Peninsula (Impact WR-4) addresses both

short term and long-term impacts. As the DEIR states, "at present, none of the proposed projects to substantially address the existing water supply problems has reached the DEIR phase of CEQA compliance (other than the MPWMD ASR project). Thus, while potentially feasible, there is no assurance that comprehensive solutions will be implemented in time to provide water for new development." The DEIR is addressing impacts beginning at present as well as impacts extending into the long-term future. The DEIR also states "…development on existing legal lots in the Carmel Valley Master Plan and Greater Monterey Peninsula Plan areas would result in a significant impact, unless such development has no net increase in water demand and/or new supply sources are developed." This statement refers to growth and impacts occurring both in the short term and long term. It has been clarified in Chapter 4 of the FEIR.

See Master Response 4, *Water Supply* for a discussion of the progress made on additional water supplies to meet short-term and long-term water needs on the Monterey Peninsula.

O-21k.194 Please see Master Response 4, *Water Supply*, particularly Section 2, *Salinas Valley*. The statement quoted by the comment is consistent with the SVWP EIR/EIS analysis.

O-21k.195 The commenter mischaracterizes statements made in the DEIR. The DEIR does not state that the Coastal Water Project (CWP) will provide water for growth. Instead, it states that it will solve the existing supply problem and enable Fort Ord allotments to be met. Please see Master Response 4, *Water Supply* for current information regarding the CWP. The DEIR describes the current deficiencies in meeting existing demands on the Monterey Peninsula and thus it is obvious to the reader that without the CWP or its equivalent, the current water supply impacts will continue. Furthermore, the quoted statement acknowledges the uncertainty of the CWP.

O-21k.196 Please see Master Response 4, *Water Supply* for an update on cooperative water supply planning efforts underway on the Monterey Peninsula.

O-21k.197 It is unclear what part of the EIR the commenter deems incorrect or conclusory about the CWP and Regional Project proposed by the Water for Monterey County coalition. The DEIR clearly defines the regional project as a project "under discussion by the Water for Monterey County Coalition, which would provide additional water for growth to the Monterey Peninsula and North County. This program has been proposed to the CPUC as an alternative to the Cal-Am desalination proposal."

Please see Master Response 4, *Water Supply* for an update on the progress of the CWP and changes to that project since release of its DEIR as well as discussion of the regional project alternatives and discussion of significant environmental impacts of both the CWP and the regional alternatives as reflected in the CWP FEIR.

As the DEIR states, Mitigation Measure WR-1 will not decrease impacts related to water supply to a less than significant level. For a discussion of Mitigation Measure WR-2, please see the answer to comment O-21k.215.

O-21k.198 This number was derived from information from the County's GIS database. Vacant commercial and industrial areas are shown by acres, which is a better indicator of commercial and industrial potential than lots (lots are better indicators for residential areas; especially since subdivision potential varies across the county and there are substantial areas where subdivision is limited or prohibited). The County believes the level of detail requested by the commenter is not necessary for the public to understand the impacts of the proposed project, nor is such a level of detail appropriate for a program-level EIR. See Master Response 2 regarding growth assumptions and Master Response 7 concerning projections for growth outside of the focused

growth areas. Tables 3-8 and 3-9 do not include detailed coastal zone estimates of future growth, as the 2007 General Plan does not concern the coastal zone (the CVMP and the GMP are not in the coastal zone). However, as explained in Master Response, the estimates of demand by different groundwater basins in the County have been updated to include the estimated demands of areas outside the unincorporated County, including cities and the coastal zone.

O-21k.199 The commenter is correct in pointing out that not all single-family residences are exempt from discretionary review, as certain types of single-family residential development do require such review. For the meaning of "discretionary development" as used on page 4.3-128, see response to comment O-21k.9 above.

Even if development of a single-family dwellings does require a discretionary permit in some instances, the DEIR assumed all single-family residences were not subject to discretionary review (and therefore not subject to constraints on discretionary development created by the GPU5) in order to avoid underestimating the potential impacts of non-discretionary development on water supply. Rather than attempting to speculatively quantify the amount of single-family development that would be subject to discretionary review, the DEIR assumed no single-family residences would be. This method was utilized to ensure that no greater impacts than those analyzed in the DEIR would occur after implementation of the GPU5. Also, analysis of this "worst case scenario" (i.e., no discretionary process to evaluate applications for permits for single family dwellings) is reasonable as a method of analysis of water supply impacts because first single family dwelling on an existing lot of record is explicitly exempted from the requirements of Policy PS-3.1. Thus, the DEIR analysis on page 4.3-128 referenced by the comment regarding the impact of single-family residential development on water supply is correct.

O-21k.200 Please see Master Response 4, *Water Supply*.

O-21k.201 Please see response to comment O-21k.198. Tables 3-8 and 3-9 do not include detailed numbers in the coastal zone since the coastal zone is not addressed in the 2007 General Plan. The DEIR states there are 577 vacant residential lots in the North County (not 1,134 lots as the commenter states) based on County GIS and Assessor's data.

O-21k.202 The references to the Pajaro Valley Basin and North County are correct. The Pajaro Valley Basin is a portion of the North County area. It and the rest of the North County were found to have significant, unavoidable water supply impacts. The DEIR states "There are an estimated 577 vacant residential lots in the North County Plan area." While the Pajaro Valley Basin does not cover the entirety of the North County, this statement is made to provide regional context for the statement of significance, which reads as follows: "Thus, development on existing legal lots in the portion of the North County area within the Pajaro Valley would result in a significant impact, unless such development has no net increase in water demand and/or new supply sources are developed."

For further discussion of water supply impacts on Highlands South and Granite Ridge, and why they are less than significant, please see Master Response 4, *Water Supply*, particularly Section 4.2.6, *North County*.

O-21k.203 The comment states that Mitigation Measure WR-1 is "ineffective, speculative, uncertain, and cannot be objectively measured…" Impact WR-4 does not rely upon Mitigation Measure WR-1 to reduce impacts to a less than significant level, as suggested in the comment letter. Overall, Impact WR-4 is considered significant and unavoidable. Please also see Master Response 4 for discussion of the adequacy of mitigation measure WR-1, FEIR Chapter 4 for revisions to Mitigation Measure WR-1 (including Policy PS-3.16), and Master Response 10, which discusses the level of detail for Monterey County 2007 General Plan Mitigation Measures and Policies. The "significance conclusion" on page 4.3-130, is revised in Chapter 4 of the FEIR. The "2007 General

Plan policies" referenced in this conclusion refer to the policy discussion on DEIR pages 4.3-122 through 4.3-126, along with the policy discussions under the individual impact analyses.

The Comment also asks about the authority of the EIR preparer to suggest policies such as PS-3.16 and asks whether "the County would be the lead agency on the projects." Mitigation measure WR-1 proposes a revision to Policy PS-3.16 (as originally presented in the 2007 General Plan) and is therefore included in the "Mitigation Measures" section for Impact WR-4. Discussion of this mitigation measure is consistent with CEQA. (See CEQA Guidelines Sections 15126.4(a)(1) and 15084.) Additionally, as discussed in CEQA Guidelines Section 15126.4(a)(2), "[i]n the case of the adoption of a plan, policy, regulation, or other public project, mitigation measures can be incorporated into the plan, policy, regulation, or project design." The approval of the proposed project, alternatives, policy revisions, or mitigation measures is an issue to be decided by the Monterey County Board of Supervisors (see CEQA Guidelines Section 15092). Discussion of proposed Mitigation Measure WR-1, including Policy PS-3.16, was appropriate in the DEIR. Furthermore, Monterey County is the appropriate lead agency for the County's General Plan, and the EIR represents the independent judgment and analysis of the County. (See also CEQA Guidelines Section 15090(a)(3).) The lead agency for project level EIRs and future CEQA documents will be determined when project specific details are known and the CEQA documents are being prepared, consistent with CEQA Guidelines Section 15051.

The comment suggests that Policy PS-3.16 "take[s] away the County's discretionary authority…" The comment cites to no authority to support this claim. Mitigation Measure WR-1 is consistent with General Plan Government Code requirements and is considered feasible. Please see Master Response 4 for greater detail on the feasibility of

mitigation measure WR-1, and Master Response 10, which discusses general plan implementation requirements.

O-21k.204 For a quantitative explanation of how implementation of the 2007 General Plan would increase demand for water in portions of the county beyond available supply, please see the detailed impact discussion in the DEIR of Impact WR-4, beginning on page 4.3-113. In particular, please see Table 4.3-9, which details the estimated new water demand after implementation of the 2007 General Plan. Also, please see Section 4.3.2.4, *Potable Water Supply and Infrastructure*, in the DEIR, which includes quantitative information regarding the water supply in Monterey County. Also, please see Master Response 4, Water Supply, for further discussion of water demand compared to available supply. Note that the discussion in Master Response 4 provides a finer level of detail regarding the significance level of impacts on the Monterey Peninsula (both Seaside aquifer and Carmel Valley alluvial aquifer). For further discussion of water supply impacts on Highlands South and Granite Ridge, please see Master Response 4, *Water Supply*, particularly Section 4.2.6, *North County*.

See Master Response 4, Section 4.1.1, for a discussion of water supply-related definitions.

Regarding the SVWP's ability to address seawater intrusion, please see the response to comment O-21k.54, and Master Response 4.

It is unclear what short term impacts the commenter believes will occur before all components of the SVWP are fully operational, but after the 2007 General Plan policies are adopted. However, the DEIR states and demonstrates that there will not be any such significant short-term impacts. This is in part due to the fact that the SVWP is currently under construction and is expected to be completed by Spring 2010, such that the benefits of the project in terms of halting groundwater overdraft and seawater intrusion to prevent further supply degradation will begin to be realized in 2010. Furthermore,

existing seawater intrusion and groundwater overdraft are not impacts of the proposed project part are part of existing conditions (see CEQA Guidelines Section 15125).

O-21k.205 No new or expanded water entitlements are contemplated to meet demand to 2030" means that no new or expanded water entitlements that would bring potable water to Monterey County from outside the County are currently being contemplated. This assumption is based on discussions with the water agencies and research and investigation of the current efforts to develop additional water supply in Monterey County.

O-21k.206 For additional analysis regarding future water supply in the Highlands South and Granite Ridge subareas, please see Master Response 4, *Water Supply*.

O-21k.207 The DEIR assumes that once a project is at the DEIR stage, sufficient information regarding that project (e.g. the projected amount of water such a project will deliver, the potential roadblocks to completion of said project, the methods by which said project will deliver water) will be available to determine whether or not that project will provide adequate water to address current problems and future needs. As stated in the DEIR, in a measurable standard/criteria, "sufficiently developed" means at the DEIR stage. Funding and other support is necessary to implement any large-scale water supply projects.

O-21k.208 Please see Master Response 10, *Level of Detail for the General Plan and the General Plan EIR*. The word "constrain" is used in this DEIR to refer to limiting development in any way due to available water supply issues and concerns. PS-3.1 and PS-3.3 are two examples of policies that constrain development without a long-term sustainable water supply. Other policies include T-1.7, NC-1.5, and GS 1.13 that limit development to the first single family dwelling on a legal lot of record in certain portions of the Toro, North County, and Greater Salinas Area

Plan areas due to current water supply and other infrastructure constraints.

O-21k.209 See response to O-21k.9 for the meaning of "discretionary development" as the term is used in this EIR. "Non-discretionary development" is development requiring only a ministerial action, with "ministerial" defined in accordance with CEQA Guidelines section 15369. CEQA Guidelines Section 15369 defines "ministerial" to include "a governmental decision involving little or no personal judgment by the public official as to the wisdom or manner of carrying out the project" and that "involves only the use of fixed standards or objective measurements …" (See CEQA Guideline section 15369.) "Legal lot of record" is a lot that is recognized under the Subdivision Map Act as having been legally created and that may be sold or leased individually. (Government Code §66410, et seq)

The 2007 General Plan (see policies under Goal PS-3) requires new development for which a discretionary permit is required, except for the first single family dwelling and non-habitable accessory uses on an existing lot of record, to demonstrate that there is a long-term, sustainable water supply to serve the development. (See, for example, Policy PS-3.1 and Policy 3.3.). Because non-discretionary development would not be subject to these General Plan restrictions, development that does not require a discretionary permit could exacerbate existing water supply problems. (See response to O-21k.199 above for the reasons why the DEIR grouped all single-family dwellings with non-discretionary development for purposes of CEQA analysis of impacts.) Quantification of such impacts would be speculative, as the location of such development, the timing of such development, the type of water delivery each development relied upon, and the intensity of such development is unknowable at this time. Master Response 4, *Water Supply* clarifies that the impacts of legal lot single-family residential development water demands in the Seaside aquifer will not result in significant impacts (considering the restrictions that are a port of the

adjudication of the basin), and that legal lot water residential demands in the Carmel Valley alluvial aquifer will not result in significant biological resource impacts. Please also see response to comment O-21k.199.

O-21k.210 Please see Master Response 2, *Growth Assumptions in the DEIR*. The 37,081 units is based on the allowable growth in the 2007 General Plan and does not include the coastal areas.

O-21k.211 The SVWP's elements and goals are explained in detail on pages 4.3-37 and 4.3-38 of the DEIR. The SVWP has the capacity to provide additional water to the Salinas Valley through the capture of additional upstream flows (through modification of the Nacimiento Dam spillway and reoperation of Nacimiento and San Antonio Reservoirs), and reversal of declining groundwater levels. Continued trends of per capita conservation (urban water conservation measures mandated by the 2007 General Plan, local ordinances, the State Building Code green building standards, and the Urban Water Management Planning Act) will reduce per capita water use in the future, thereby lessening the burden the SVWP would otherwise have to carry were such measures not in place.

In the context of the cited use in the DEIR, "capacity" means "ability."

As stated in the DEIR, the SVWP has completed its planning and CEQA review process. It is now under construction and is expected to be operational in the spring of 2010. See Master Response 4, *Water Supply* for a discussion of the status of other water supply projects.

O-21k.212 The DEIR does not assume that significant reductions in agricultural water use are the same as significant reductions in agriculture. The DEIR does assume, however, that agriculture requires water use, and significant agriculture production will continue to occur in Monterey County for the foreseeable future. Agricultural water use has been slowly declining over time as more efficient means are adopted to

apply water. See the discussion in Master Response 4, *Water Supply* Section 4.2.1 regarding agricultural water demand.

O-21k.213 For an analysis of the impacts of climate change on seawater intrusion, please see Master Response 4, *Water Supply*. Contrary to the commenter's assertion, it is not a simple matter to determine climate change impacts on the County's water resources. There is not at present a downscaled climate model to determine the potential localized climate change effects on precipitation, temperature, and evapotranspiration. While such analyses will likely be feasible in the relatively near future, given that such analysis is not presently available, it would be speculative to make conclusions as to the specific character of climate change effects on the County's water resources without more definitive research, which has yet to be developed.

O-21k.214 A list of the policies of the 2007 General Plan referenced can be found on pages 4.3-122 through 4.3-126 of the DEIR, under the discussion of Impact WR-4.

O-21k.215 The comment states that mitigation measure WR-2 is "another ineffective and speculative mitigation measure." Please note that Mitigation Measure WR-2 is applied to *buildout* impacts (i.e. years 2030 to 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 DEIR provided a program level analysis consistent with the requirements of CEQA. The commenter is also directed to FEIR Chapter 4 for revisions to Mitigation Measure WR-2, Master Response 10 for discussion of the level of detail required for General Plan policies and mitigation measures, and Master Response 4 for discussion of the adequacy of mitigation measure WR-2.

The comment also requests an explanation why Mitigation Measure WR-2 would reduce impact of "climate change in the Salinas Valley to less than significant." Impact WR-4 does not quantitatively and directly address climate change; Impact WR-4 addresses whether "Land uses and development consistent with the 2007 General Plan would exceed the capacity of existing water supplies and necessitate the acquisition of new supplies to meet expected demands." However, discussion on DEIR page 4.3-132 notes that:

> "Global climate change will have some effect on future precipitation patterns in this part of California in the future. That might in turn affect available water supplies in the reservoirs at the upper end of the Salinas River. What that effect will be is unknown. The California Department of Water Resources reports that California's precipitation is on an upward trend since the 1960s, but that the yearly amount of precipitation is increasingly variable (i.e., wet years can be followed by dry years; California Department of Water Resources 2006). Present climate models do not have the precision to determine with any certainty what will be the case in Monterey County."

To clarify the conclusion, the DEIR language has been revised to note that whether this will mean more or less precipitation over time is not reasonably foreseeable (see Chapter 4 of this FEIR). For more detailed discussion on climate change please see DEIR Section 4.16.

O-21k.216 The cited policies are part of Mitigation Measure WR-2 discussed on DEIR page 4.3-133 under "Mitigation Measures" and refined in FEIR Chapter 4. Please see response to comment O-21k.203 for authority to propose mitigation measures. As discussed in CEQA Guidelines Section 15126.4(a)(2), "[i]n the case of the adoption of a plan, policy, regulation, or other public project, mitigation measures can be incorporated into the plan, policy, regulation, or project design." If the

Board of Supervisors adopts the mitigation measures proposed by the EIR, they are intended to take the form of policies of the General Plan. The Board of Supervisors makes the determination, ultimately, as to which policies to include in the General Plan. Chapter 5 of this FEIR presents the draft General Plan with the inclusion of the proposed mitigation measures as revised in this FEIR. Please also see Master Response 10 for discussion of the level of detail required for General Plan policies and mitigation measures, and Master Response 4 for discussion of the adequacy of mitigation measure WR-2.

O-21k.217 Page 4.3-134 of the DEIR has been edited to clarify the source of information regarding the feasibility of Phase 2 of the SVWP.

In this context, "feasible" means Phase 2 can be reasonable assumed to occur in the future. It does not mean Phase 2 has been committed to, planning has been completed, or that Phase 2 has been funded. It refers to the availability of additional water from the SVWP that has not been committed to current uses.

O-21k.218 Impacts to the North County subbasins that are not in the Pajaro Basin are included in the significance determination for the North County. The DEIR concludes that all of the North County will have significant and unavoidable water supply impacts. The FEIR has been revised to clarify that this is the case for the Pajaro Valley (2030 and 2092), but not the Granite Ridge/Highlands South area. See also Master Response 4 for an updated discussion of water supply in the North County.

O-21k.219 The AWCP exempts certain uses (artisan wineries, certain ancillary uses) from discretionary project review, except, per revisions to the AWCP, projects that have the potential to affect biological resources will require an administrative permit. However, these exemptions only apply to the described use itself. Water infrastructure projects would require discretionary review. All on-site wells would be subject to Policy PS-3.4, which, as revised, would require a discretionary level review in certain circumstances.

O-21k.220 For clarification and amplification of the analysis of the Regional Supply Projects listed under that heading on the referenced page 4.3-135, please see Master Response 4, *Water Supply*.

O-21k.221 Section 3.4.9, *Rural Centers*, in the DEIR clearly states the locations of all Rural Centers and provides exhibits depicting the precise location of each Rural Center on a map (Exhibits 3.3 and 3.19 through 3.24.). The analysis under Impact WR-5 applies to all water resource infrastructure, including that for Rural Centers.

Page 4.3-143 of the DEIR has been revised to clarify the location of impacts to Rural Centers in Chapter 4 of the FEIR.

O-21k.222 The analysis considered ancillary facilities at a broad scale. Page 4.3-142 of the DEIR has been revised in Chapter 4 of the FEIR to clarify the analysis of impacts of water facilities for the AWCP and agriculture. See also the revised water demand discussion in Master Response 4, *Water Supply*, which addresses the demands of ancillary uses in the AWCP.

O-21k.223 "Existing supply" means water currently available to users in the Winery Corridor. Existing supply does include the Salinas Valley Basin, because this is currently a source of water for users in the Winery Corridor. Per Master Response 4, all of the demands of ancillary uses and wineries are now analyzed in the EIR as "new" demand.

O-21k.224 The mitigation measure suggested by the comment would be legally infeasible, particularly determining what "non-essential" uses of water are compared to "essential" uses of water, as well as attempting to prohibit the use of water for claimed 'non-essential' use. As discussed elsewhere, water supply impacts in the Salinas Valley are less than significant with implementation of the SVWP and further mitigation is not necessary. Furthermore, such a measure would not accomplish the third and fourth project objectives discussed in DEIR Section 1.2.1. For these reasons, the County did not investigate this proposed mitigation measure further.

O-21k.225 For a more detailed analysis of the anticipated needed water supply for future agricultural uses in Monterey County, please see Master Response 4, *Water Supply*. For a more detailed analysis of the amount of land on steep slopes that could potentially be converted to agricultural uses, please see Master Response 3, *Agricultural Growth and General Plan Agricultural Policies*.

The DEIR makes a general statement that future agricultural expansion will require supporting infrastructure. However, it would be speculative at this juncture to attempt to examine the location of new infrastructure required to provide water supply to new agricultural uses that may operate under the draft General Plan because the location, type, size, and timing of such infrastructure are unknown and cannot be known. Please see Master Response 10, *Level of Detail for the General Plan and General Plan's EIR*.

O-21k.226 Please see Master Response 4, *Water Supply*, for detailed information about water supply for the Salinas Valley coming from the SVWP.

O-21k.227 As stated in the DEIR, a comprehensive list of applicable draft General Plan policies and applicable mitigation can be found in the draft General Plan and in the other DEIR sections. There is no requirement in CEQA to identify policies by number in the analysis of impacts of the General Plan. A copy of the 2007 General Plan was included with the DEIR and clearly delineates policies by subject matter. There is no need to hunt through the entire General Plan to locate applicable policies, as the EIR is organized into sections with clear referents to subject matter. The phrase "In many cases" refers to instances or situations in which development will occur. Please see Master Response 10, *Level of Detail for the General Plan and the General Plan's EIR*.

O-21k.228 The DEIR uses the word "ultimately" because, as the DEIR states, sustainability of groundwater is not measured on a day-by-day basis.

Instead, balance between the volume of water drawn from an aquifer must not exceed the volume of groundwater recharge over an extended period of time. Were the sustainability of groundwater measured at all times, as suggested by the commenter, recharge would dramatically exceed withdrawal during the winter and vice versa in the summer, creating an incomplete or misleading picture of the sustainability of the aquifer.

The reference to "over a number of years" recognizes that recovery of groundwater balance is not a quick process and is dependent upon the characteristics of the groundwater basin. We have no answer as to precisely how long it may take.

The County acknowledges throughout the DEIR the level at which the County's groundwater resources have been adversely affected, and addresses these affects with an appropriate level of urgency.

O-21k.229 The commenter incorrectly states that page 4.3-147 is the first time that groundwater declines discussed as occurring in the Deep Zone. Please see the response to comment O-21k.57 where issues surrounding the Deep Zone are discussed in detail. As noted therein, the statement about decline in the Deep Zone could not be confirmed and so it has been removed from the EIR; however, the EIR still concludes that withdrawals from the Deep Zone do not appear to be sustainable due to the ancient character of the water. Note that the Deep Zone is located within the Salinas Valley basin, so it will benefit from the SVWP's reversal of seawater intrusion.

O-21k.230 The comment recommends prohibiting extractions from the Deep Zone. Such a prohibition would be legally infeasible due to the nature of currently existing water rights. The County did not consider such mitigation further. See response to comments O-21k.57 and O-21k.224.

O-21k.231 Page 4.3-147 does not mislead the public, as it specifically references another section of the DEIR that provides the information mentioned

by the commenter. As stated in the DEIR, the Existing Conditions, Section 4.3.2, details which of the County's aquifers are in overdraft, depicts the County's aquifers on maps, and provides the available information regarding pumping and recharge associated with the County's aquifers.

O-21k.232 The DEIR has been revised to clarify that the SVWP will balance supply with demand for groundwater resources in the Salinas Valley, not just summer demand. For more detail regarding the SVWP's ability to balance supply with demand for existing groundwater resources in the Salinas Valley, please see Master Response 4, *Water Supply*. The SVWP balances supply and demand by supplying more recharge through increased releases to the Salinas River, by capture of water at the diversion dam, and supply to agriculture through the CSIP to avoid further extractions in the portion of the basin subject to seawater intrusion.

O-22k.233 For detailed information about how the SVWP, in conjunction with the Monterey County Water Recycling Projects, is expected to meet Salinas Valley water needs, please see Master Response 4, *Water Supply*.

The EIR has been revised to include an updated table detailing water demand in the County (Table 4.3-9a). The commenter incorrectly assumes what the citation is referencing. The citation references the amount of water the SVWP is expected to provide the County, while the DEIR provides the County's water needs. A table has been created clarifying the projected water needs in the 2007 General Plan EIR and the SVWP EIR (Table 4.3-9c).

For information regarding water demand for Monterey County, including increased vineyard demand and AWCP-associated demand, please see both Master Response 3, *Agricultural Growth and General Plan Agricultural Policies*, and Master Response 4, *Water Supply*.

O-21k.234 See the response to comment O-21k.90 and Master Response 4, *Water Supply*.

O-21k.235 Please see Master Response 10, *Level of Detail for the General Plan and the General Plan's EIR* for a discussion of policies, mitigation, and level of detail. The DEIR's conclusions are based on a consideration of the totality of policies and mitigations, not on any singular policy.

The DEIR has been revised to describe Policies SC-5.1 and SC-5.3 more precisely. These policies can be found in Chapter 4 of the FEIR.

O-21k.236 For a detailed analysis of the amount of land on steep slopes that could be reasonably converted to agricultural cultivation, please see Master Response 3, *Agricultural Growth and General Plan Agricultural Policies*. For a more detailed analysis of how changes in agricultural policy and conservation improvements could affect agricultural water demand, please see Master Response 4, *Water Supply*. Further, as described in Master Response 3, the revised Policy OS-3.5 is consistent with current policy and thus will not result in a change in the general pattern of future agricultural growth compared to current practices.

O-21k.237 For a more detailed analysis of the water needs associated with the AWCP, please see Master Response 4, *Water Supply*. As stated in Master Response 4, although the amount of water demand was found to be 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 and is consistent with the demand estimated in the SVWP EIR/EIS. Therefore, AWCP implementation would not substantially change the assumptions supporting the conclusion of the SVWP EIR/EIS.

O-21k.238 The type and level of review necessary for development in the AWCP has been revised. Please see Master Response 3, *Agricultural Growth and General Plan Agricultural Policies*.

The commenter's disagreement with the significance determination and conclusion as to the Salinas Valley is noted. The responses to comments above as well as Master Response 4 respond to this comment.

The comment states that commenter is repeating earlier comments regarding proposed Mitigation Measure WR-1. The comment is acknowledged. Responses to comments about proposed Mitigation Measure WR-1 are provided above.

O-21k.239 Please see Master Response 4, *Water Supply*. As further explained in the Master Response, changes in the operation of Lake Nacimiento will increase storage capacity, 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 Salinas riverbed. (Monterey County Water Resources Agency 2002; Weeks 2009)

O-21k.240 For a detailed analysis of additional water demand at buildout and how the SVWP will address increased overdraft, please see the buildout analysis under Impact WR-4 and Master Response 4, *Water Supply* Sections 4.1.6 and 4.2.3.

O-21k.241 See response to comments O-21k.217 and O-21k-239.

O-21k.242 Please see response to comment O-21k.40 and Master Response 4, *Water Supply* Section 4.2.6. Master Response 4 provides an updated analysis of groundwater overdraft in the Granite Ridge/Highlands South area.

O-21k.243 The comment express's opinion and summarizes allegations made in prior comments. The comment is noted. Responses to each of the listed issues are provided in response to the prior comments that raised the same issues.

O-21k.244 The comment recommends adoption of a prohibition on wells within one-mile of known areas of seawater intrusion. Such a measure may be legally infeasible if it would result in prohibiting all development of existing legal lots of record. Furthermore, the suggestions would not by consistent with the third and fourth project objectives discussed in DEIR Section 1.2.1. Please also see response to comments O-21k.168

and O-21k.230. The suggested mitigation measure is therefore not considered feasible.

Please see Master Response 4, *Water Supply*, for additional supporting analysis regarding the significance conclusion for Impact WR-7. The commenter is expressing an opinion with regards to what they believe the significance determination should be. The EIR's significance analysis is supported by substantial evidence. For further amplification and clarification regarding the significance conclusion for Impact WR-7, see Master Response 4. Revisions to the text of the EIR clarifying this conclusion are in Chapter 4 of the FEIR.

In regard to the comment's statement that the DEIR relies inappropriately on proposed desalination projects, please see Master Response 4, *Water Supply*, regarding the Regional Water Project, the proposed desalination plants and other facilities that are elements of that alternative to the Coastal Water Project, and the potential for the Regional Project to meet future water supply needs.

O-21k.245 Please see Master Response 9, *Water Quality*, and Master Response 10, *Level of Detail for the General Plan and the General Plan's EIR*. In regard to the example provided by the comment regarding onsite wastewater management in North County, draft policies under Goal PS-4, including but not limited to Policies PS-4.8, PS-4.10, and PS-4.12, address wastewater management. (See Chapter 5 of this FEIR.) Revisions proposed to these policies are consistent with the approach used by the County in adopting the Onsite Wastewater Management Plan for the Carmel Highlands. As noted above, Carmel Highlands is in the coastal area and is not subject to the policies in the 2007 General Plan.

O-21k.246 Please see Master Response 3, *Agricultural Growth and General Plan Agricultural Policies*, for additional analysis of the impacts of steep slope development and the wide variety of environmental regulations that would apply to Routine and Ongoing Agricultural activities. The extent of future conversions of slopes is substantially less than

asserted by commenters, and conversions will be subject to the revised provisions of Policy OS-3.5 that will require discretionary permits for agricultural conversions on steep slopes and the approval of a management plan. The commenter is mistaken that Routine and Ongoing Agricultural activities are exempt from erosion control and water quality regulations. By its own terms, Policy AG-3.3 does not exempt "activities that create significant soil erosion impacts or violate adopted water quality standards." Further, as revised, this policy has been clarified by removing Policy OS-3.6 (erosive soils) from the list of exemptions.

Policy OS-3.5, as revised, does not represent a substantial departure from current slope policy in the 1982 General Plan. See Master Response 3, Section 3.2 for further discussion.

The commenter is correct in stating that once the GPU5 is adopted, the County's ordinance requirements and practices must be updated to conform to the GPU5. Further, pursuant to Government Code Section 65860, the zoning ordinances must be revised to conform to the General Plan within "a reasonable time." See also Master Response 9, *Water Quality* for response relating to the comments about runoff, erosion, and water quality impacts.

Regarding the commenter's statement on Policy S-3.7, please see Master Response 10, *Level of Detail for the General Plan and the General Plan's EIR*.

O-21k.247 The cited statement is intended to be a general example, not a list of all areas potentially subject to flooding. As stated in the discussion of Flood Control and Floodplain Management beginning on page 4,3-79 of the DEIR, the County has enacted restrictive ordinances that minimize flood hazard from new development (hazards to existing development is part of the environmental setting). These include County floodplain management regulations (which were recently updated by the Board of Supervisors) codified in Title 16 of the County

Code and section 21.64.130 of the County Code regulating land use in the Carmel Valley floodplain.

Policy OS-3.5 has been revised to correctly reference PS-2.6, which includes reference to floodplains.

Prohibition of all new residential development within the 100-year flood hazard area exceeds Federal floodplain regulations (discussed on page 4.3-53). The National Flood Insurance Program allows limited development, provided that such development does not inhibit flow and can be elevated above the estimated flood line. A prohibition of all development is not necessary in order to minimize the risk of flooding resulting from new development and would raise the issue of "regulatory takings" under the Fifth Amendment of the U.S. Constitution. CEQA requires mitigation measures to be "consistent with all applicable constitutional requirements." (CEQA Guidelines section 15126.4(a)(4).) Therefore, the suggested mitigation was not considered feasible and is not required for less than significant impacts.

Alternatives are not required for less than significant impacts (see CEQA Guidelines Section 15126.6(b).) Furthermore, the DEIR does consider an alternative that does not have any Community Areas, Special Treatment Areas, or AHOs in flood plains. It is titled the "No Project Alternative," and is analyzed in Section 5 of the DEIR. All community areas, STAs, and AHOs will require project-level evaluation of flooding impacts, which may result in site-specific modifications to avoid significant flooding impacts.

Regarding the DEIR's analysis of project-specific impacts, such as those associated with the Rancho Canada Village, please see Master Response 10, *Level of Detail for the General Plan and the General Plan's EIR*.

Regarding erosion and sedimentation, just because a project included earthmoving does not mean that project-level impacts on erosion and

sedimentation cannot be controlled such that impacts can be less than significant. As discussed in the DEIR, Chapter 16.08 of the Monterey County Code requires erosion control for grading and protection of adjacent streams. See also Master Response 9 for a discussion of state regulations restricting erosion and sedimentation.

The commenter is correct that the Aromas Water District is sending water pumped from North County to San Benito County because the Aromas Water District's service area includes portions of Monterey and San Benito Counties and the District draws groundwater from wells located in both counties. These are existing conditions and not impacts of the proposed project (see CEQA Guidelines Section 15125.) The Aromas Water District wells are in the Pajaro Valley groundwater basin. The DEIR does analyze the current condition of the basin. it discloses the current condition of this basin as overdrafted, discusses potential future supply projects, and concludes that there is a significant and unavoidable overdraft and seawater intrusion impact to the basin as at present because there are no reasonably foreseeable sufficient feasible water supply projects to balance supply and demand in that basin in the future. The suggested mitigation of prohibiting regulated water districts whose service area includes more than one county from supplying water from their water systems across county boundaries is outside of the County's regulatory control and is therefore infeasible.

Regarding the comment on a potential conflict of interest for Jones & Stokes relative to the Rancho Canada Village, ICF International (formerly Jones & Stokes) is under contract to Monterey County for both the Rancho Canada Village EIR and the 2007 General Plan EIR and is not working for the developer of the Rancho Canada Village project. The commenter provides no evidence as to why this is a conflict. ICF International is working on both projects under the direction of the County and has no financial stake in the outcome of the CEQA process

for the Rancho Canada Village project. See also response to O-21k.391 below.

O-21k.248 Comment discusses mitigation measures for "water supply solutions." Water supply is discussed under Impact WR-4. The DEIR quantified water demand in DEIR Table 4.3-9 (see revisions to Table 4.3-9 in FEIR Chapter 4), described baseline conditions in DEIR Section 4.3.2, and applied the significance thresholds in DEIR Section 4.3.4.1. The DEIR also provides an analysis of water supply alternatives and their potential supplies, as provided in DEIR Section 4.3.4, Impact WR-5 (see also Master Response 4, *Water Supply* for updated information on the water supply alternatives). Please also see Master Response 10 on the level of detail required for a General Plan and the associated EIR. As discussed by the California Supreme Court, "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 covering a 30-year period, "it is not reasonably feasible to require quantification of the 'big picture' impacts of its water needs." (Id. at 1176.) The level of detail provided in this program EIR is appropriate and consistent with CEQA requirements.

Please also see Master Response 4 which addresses water supply and the adequacy of water supply mitigation measures.

O-21k.249 The DEIR includes Policy PS-3.10 which provides for grey water systems in residential development. However, water conservation can be accomplished in a number of ways. Mandating gray water systems in all new residential development, as suggested by the comment is not necessary in light of recent state laws and regulations regarding the conservation of water. The California green building codes, 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 California Building

Code (Title 24, California Code of Regulations) requirements. SB 407 (Chapter 587, Statutes of 2009) – mandates that pre-1994 residential, including multi-family, and commercial buildings with ultra-low flow faucets, toilets, showers, and urinals be retrofitted with low-flow replacement fixtures by 2019. The Sustainable Water Use and Demand Reduction Act (SBX7 7 (Steinberg) -- Water Code Section 10608, et seq.) will require a 20% reduction in statewide water use by 2020, including water use at the local level. Furthermore, the California Plumbing Code (in Title 24, California Code of Regulations), has been revised to simplify the requirements for grey water systems and their installation. This makes unnecessary the mitigation being proposed.

O-21k.250 The comment refers to existing water uses that are part of baseline conditions and are not impacts of the proposed project (see CEQA Guidelines Section 15125). The commenter suggests gradated water use fees to increase rates for high users of waters, neighborhood marketing efforts for conservation practices, and incentives for lawn-removal programs. These comments are noted.

See also the response to comment O-21k.249.

Monterey County already has extensive water conservation requirements, which were summarized in the DEIR on page. 4.3-81 through 4.3-83. Regarding landscaping, as described on page.4.3-082, all new construction requiring a land use permit must apply xeriscape principles throughout the exterior landscape, including such techniques, and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems, and timing devices. MPWMD, MCWRA, and PVWMA are all engaged in water conservation outreach education. Regarding water use rate structures, this is under the jurisdiction of the California Public Utilities Commission; Monterey County does not have the authority to establish water use rates. Cal-Am has had tiered rates for many years for its service area on the Monterey Peninsula (Cal-Am 2008).

The Water Conservation in Landscaping Act of 2006 (Government Code Section 65591, et seq.) requires cities, counties to adopt water conservation ordinances for landscaping by January 1, 2010. The Department of Water Resources has prepared a "Model Water Efficient Landscape Ordinance," which became effective on September 10, 2009. Under the Act, all local agencies must adopt a water efficient landscape ordinance by January 1, 2010. Local agencies may either adopt the state's Model Ordinance, or adopt their own ordinance that may be more suited to local conditions. Accordingly, the suggested limitation on water intensive plantings will be enacted as a County ordinance in the near future.

O-21k.251 The General Plan update does not amend the county's Local Coastal Program (LCP), require amendments to the Local Coastal Program to achieve general plan consistency, or result in known or foreseeable LCP amendments. In analyzing the impacts of the draft General Plan, the coastal zone was part of the background data to the extent it is part of surrounding land use, but changes to the LCP were not analyzed because none are planned or foreseen as a result of this General Plan update. Please see response to O-21k.32 above and Master Response 11, *Effect of GPU5 on the Local Coastal Program and Impacts to Coastal Resources for additional responses on these issues*. The statement in LU-2.35 that "this policy does not apply in the coastal zone" is consistent with the fact that the General Plan does not amend the coastal zone.

O-21k.252 The comment suggests a mitigation to eliminate the "newly zoned" parcels in the Coastal Zone in the Castroville Community Plan area. As further explained in Master Response 11, the General Plan is not intended to amend the land use designations or zoning in the coastal area of Castroville. The language of the policy (Policy LU 2.22.b that may have caused confusion has been revised to eliminate reference to the coastal zone. (See Master Response 11, *Effect of GPU5 on the Local Coastal Program and Impacts to Coastal Resources* and Chapter 5 of the

FEIR.) Therefore, the proposed "mitigation" is not necessary, but the observation that elimination of reference to the coastal zone area of Castroville would reduce the environmental impacts of the General Plan is noted.

O-21k.253 The DEIR has been revised to clarify the location of the discussion of potable water supply,

O-21k.254 For a discussion of the inclusion of the coastal area data in the DEIR analysis, please see Master Response 2, *Growth Assumptions Utilized in the General Plan*. Coastal area data is relevant to analyzing the impacts of the General Plan. The General Plan update does not include amendments to the Local Coastal Program or result in foreseeable amendments to the Local Coastal Program. See Master Response 11, *Effect of GPU5 on the Local Coastal Program and Impacts to Coastal Resources* for further discussion of this issue.

O-21k.255 As described in the DEIR (and in Master Response 2), the AMBAG 2004 projections were used to identify the potential overall amount of housing units (10,015) within the unincorporated inland County between 2006 and 2030. Dividing this number by 24 years, this would represent an average of 417 units/year. There is no need for correction of this number. For the period after 2030 to buildout, the 2007 General Plan land use designations were used to identify the total number of residential units after 2006 (35,918); dividing this number by 417 units/year results in an estimate buildout year of 2092. A recalculation of this number in Master Response 2 showed a variation of about 4% from the DEIR number, within an acceptable margin of error for an 82-year projection.

The comment asserts that a tendency toward mixed use may result in buildout earlier than 2092 because of the commenter's theory that mixed use happens on non-residentially zoned areas. The commenter does not explain how this would actually change population growth dynamics. Further, the DEIR notes clearly that the specific date of

buildout will depend on many factors (demographics, economic conditions, etc.) that cannot be known with a high degree of certainty for such a distant point in the future. The DEIR is based on reasonable assumptions in light of this uncertainty and thus does not need to be updated.

The comment criticizes the adjustment of 2006 numbers to account for future annexations per note (b) in Table 3-5 of the DEIR. The 2030 numbers from AMBAG already account for future annexations; thus, in order to properly estimate the amount of change in the unincorporated areas, one must adjust the 2006 base year to properly describe the change in the unincorporated areas. This was done using the TAZ areas for the future annexations as projected in city General Plans through the AMBAG travel demand model. Since this methodology is clearly indicated to the reader, nothing is being hidden in the DEIR contrary to the commenter's assertion.

Regarding the comment on note (c) in Table 3-5, as described above, the rate of 417 units/year is derived from the growth projected between 2006 and 2030.

Regarding the comments on Table 3-5, note (d), the commenter asserts that Peninsula cities will be limited in growth due to water constraints and asserts that the County will have more growth because the County does not protect their water sources. This comment is highly speculative. First, while the Monterey Peninsula cities (Carmel, Pacific Grove, Monterey, and Seaside) are not projected to grow, all the other cities are projected to grow substantially and the AMBAG projections (both 2004 and 2008 projections) support this contention. Second, extensive planning for water supplies for both the coastal areas and inland areas is being conducted by the County, including accounting for future growth (see DEIR Section 4.3 and Master Response 4). Third, the assertion that the County does not protect its water sources is an unsupported opinion without any citation of evidence in this comment; by contrast the DEIR describes

the County's many water conservation requirements and its involvement in numerous water supply projects to balance supply and demand including the SVWP.

Regarding the period after 2030, the DEIR acknowledges the uncertainty in projecting growth so far in the future. AMBAG's 2004 projections were only to 2030; AMBAG's 2008 projections are only to 2035. Most of the cities' General Plans (such as Salinas) have a planning horizon only to around 2030. Thus, in order to make a good faith effort to disclose potential growth impacts beyond 2030, the DEIR used the approximately split between City and County growth as a reasonable estimate to project potential overall County growth. The actual split may vary in the future, but there isn't accurate evidence to definitively state what it may be 86 years in the future. The split used by the County is reasonable, as explained in Master Response 2, *Growth Assumptions Utilized in the General Plan*.

O-21k.256 As stated in the DEIR, Table 3-6 is based on parcel data. It is derived from the Monterey County Assessor's database. This data is updated yearly for tax purposes. The table represents existing stated land uses by landowners for tax purposes. The Assessor's parcel database was used for Table 3-6 because it provides a comprehensive database of all parcels in the County. It provides a reasonable approximation of existing land uses, but the land use categories used for property tax assessment purposes do not correspond precisely to the land use classifications in the General Plan. Table 3.11 describes the General Plan land use designations.

In regard to the comment's specific questions about Table 3-6, the category "other" in Table 3-6 is based on the Assessor's categorization and includes uses such as private roads, tank lots, railroad rights of way, utility parcels, developed oil and gas extraction facilities, mining, quarries, labor camps, water system improvements, and mobile home lots.

The comment notes that the Fort Ord Planning Area is shown as "0" acres in Table 3-6. The entry should have corresponded to the entry for Fort Ord in Table 3-7, and Table 3-6 has been corrected accordingly. (See Chapter 4 of the FEIR, Changes to the Text of the DEIR) This correction to the table does not change the DEIR analysis because the analysis assumed the acreage listed in Table 3-7.

As stated in Table 3-10 of the DEIR, for purposes of that table, the term "Coastal/Non-Coastal Areas" refers to lands within the Los Padres National Forest. It does not refer to the entire coastal region of the County. Regarding the precise location of different acreages, please see Master Response 10, *Level of Detail for the General Plan and the General Plan's EIR*.

O-21k.257 Table 307 shows the existing land uses in the proposed future community areas and rural centers. See response to O-21k.256 regarding Table 3-6.

O-21k.258 Table 3-8 (New Growth by Planning Area) has been revised for clarity. The original table was not, as the comment asserts, "very hard to understand." In fact, it is a straightforward listing of projected growth within the Planning Areas. The data in Table 3-8 represents Monterey County estimates based on growth projections found in Table 3- 5 and the land use regulations proposed in the 2007 General Plan.

The estimates of future growth includes "second units," as defined by Government Code Section 65852.2, to the extent that the number is included in the 417 unit/year assumption used in the growth projections. Typically, of the residential units approved in unincorporated Monterey County each year, about 10 are second units. As the County cannot foresee how many homeowners would opt to install a second unit, using the historical rate of growth is a reasonable basis for growth projection. The County has no reason to believe that the number of second units would increase substantially

in the future, and the comment offers no substantial evidence to support any such claim.

Regarding the location of potential commercial use in the Cachagua planning area, the Carmel Valley Master Plan Area, Fort Ord, and North County, see Exhibits 3.11, 3.8, 3.9, and 3.4, respectively, in the DEIR. For Fort Ord, commercial uses include those within the business park, mixed use, and regional retail designations. Development in these areas is included in the analysis throughout the DEIR, for example in traffic generation for the traffic analysis or in the loss of habitat in the analysis of impacts to biological resources.

STAs reflect Special Treatment Areas for developments that already exist or have already been approved (e.g., Rancho San Carlos, Butterfly Village) or provide specific direction for future development in an area based on site-specific considerations or constraints. Study Areas are designated for areas where the County desires to look further at the constraints of an area to determine if a Special Treatment Area should be established and to what extent.

All the projections in the DEIR (and Table 3-8) are based on the land use designations in the underlying land use plans. Thus, where a STA or Study Area has not been redesignated to match the potential use indicated in the STA or Study Areas description, no projection was based on the potential use unless reflected in the land use plans.

Regarding how STAs were evaluated in the EIR, please see Table 3-5 below which compares the STA descriptions with the underlying land use designations, indicates what type of development may be possible, and how the impacts of that development were considered in the EIR for key subjects (such as traffic, water, and biological resources). Several revisions were made to the EIR to better account for certain STAs, including revisions to Tables 3-8 and 3-9 (regarding Butterfly Village and Jefferson STA and a redistribution of 2030 growth to account for the more near/medium term buildout of Butterfly

Village), to the biological analysis (to account for a the addition of potential habitat impacts due to the Jefferson STA), and to the water demand analysis (to account for shifts in water demand with the revised 2030 distribution of growth accounting for the more near/medium-term buildout of Butterfly Village).

Table 3-5. Review of How Special Treatment Areas are Included in the EIR Analysis

STA	Planning Area	GPU LU Map	STA Buildout	Notes
Butterfly Village	Greater Salinas	Residential, commercial, open space	1,147 units, other uses	Consistent with land use maps Included in DEIR GP Traffic model Added to Table 3-8 and 3-9 in FEIR Included in revised Water analysis in FEIR Analyzed in DEIR biological resource impacts based on land use.
Spence/Potter/ Encinal	Greater Salinas/Central Salinas Valley	Farmland – 40	Greenhouse/etc	Consistent with land use maps Included in overall traffic projection Treated as agricultural use for water and biological resource impacts in DEIR
Highway 68/Foster Road Area	Greater Salinas	Farmland – 40	Visitor farm; produce stand	Included in overall traffic projection Treated as agricultural use for water and biological resource impacts in DEIR
Natividad/Rogge Road	Greater Salinas	Farmland – 40	Greenhouses/etc	Included in overall traffic projection Treated as agricultural use for water and biological resource impacts in DEIR
Jefferson	Greater Salinas/Greater Monterey Peninsula	Permanent Grazing – 40	16 units on 40 acres	Traffic covered by overall traffic projection. Added units to Table 3-8 and 3-9 in FEIR Added to revised water analysis in FEIR Added habitat acres to biological impact analysis in FEIR
Paraiso Hot Springs	Central Salinas Valley	Visitor-Serving	Visitor-Serving	Consistent with land use maps Analyzed in biological resource impacts based on land use. Covered in overall water analysis.
Old Mission Union School	Central Salinas Valley	Farmland – 40?	Winery-related facilities	Traffic covered by overall traffic projection. Covered in overall water analysis.

STA	Planning Area	GPU LU Map	STA Buildout	Notes
Lohr	Central Salinas Valley	Farmland – 40	No increase over existing potential	Included in overall traffic projection Treated as agricultural use for water and biological resource impacts in DEIR
Miller's Lodge	Central Salinas Valley	Resource Conservation	Same as existing	No increase over existing
Rancho San Carlos	Greater Monterey Peninsula/CVMP	Resource Conservation/ Rural Grazing	No increase over approved	Included in CVTIP traffic analysis in DEIR Previous CEQA review completed No increase over approved
White Rock Club	Greater Monterey Peninsula	Resource Conservation	No increase over existing	No increase over existing
San Clemente Ranch	Greater Monterey Peninsula	Resource Conservation	No increase over existing	No increase over existing
Carmel Valley Ranch	Carmel Valley Master Plan	Residential, commercial, public/quasi-public (for Garin Regional Park)	No increase over approved	Included in CVTIP traffic analysis in DEIR Previous CEQA review completed No increase over approved
Rancho Canada Village	Carmel Valley Master Plan	Public/quasi-public	Residential	Development subject to subdivision cap Included in CVTIP traffic analysis in DEIR Biological impacts to be addressed at project level.
Greco	Toro	Farmland – 40	No increase over existing	No increase over existing
Syndicate Camp	Cachagua	Resource Conservation	No increase over existing	No increase over existing

The revisions noted above (and presented in Chapter 4, Changes to the Text of the Draft EIR) relative to Butterfly Village and Jefferson STA did not change any significance conclusions in the DEIR.

The Study Area designation indicates a potential direction of land use consideration for an area, but does not by itself change the allowable

use of a specific area. Thus, Study Areas are different from STAs in that they do not actually result in a change to the General Plan; as such the underlying land use designations were used for the EIR analysis.

Regarding the North County, although there were only 577 vacant residential lots at the time of the DEIR preparation per land use designations, there are a total of 3,260 lots of record, per Assessor's parcel data. Whether these are legal lots of record and whether it is feasible to actually build a residence would have to be assessed on an individual basis. To be conservative, the DEIR assumed all 3,260 parcels could actually contain a residence. As the DEIR states, "Impact analyses for 2092 will be qualitative, not quantitative, for the most part because of the uncertainty over what life might be like over 84 years into the future. Residential growth rate was chosen as the indicator of full buildout because it is relatively constant and is easier to extrapolate than other factors." The estimates for development potential in those areas where new development will be limited to the first single-family residence on existing lots of record (such as the North County), are based on assessor's parcel data and whether the parcel allows residential development under existing zoning.

Regarding inland vs. coastal areas, as stated in the DEIR, Exhibit 3.1, Monterey County is divided into eight inland and four coastal planning areas designed to reflect geographical areas where there are common physical conditions. The 2007 General Plan does not amend the County's coastal plans (DEIR, page 3-23). "Inland" refers to those areas outside the Coastal Zone (delineated by the County's certified Local Coastal Program) and is a necessary distinction so that the reader does not have the mistaken impression that the 2007 General Plan includes the coastal region of the County. For a discussion of growth projection and the coastal zone, please see Master Response 2, *Growth Assumptions Utilized in the DEIR*. As explained in Master Response 11, *Effect of GPU5 on the Local Coastal Program and Impacts to Coastal Resources* this General Plan does not plan new development in the

coastal portion of the Castroville Community Area. See also response to comment O-21k.252.

Estimates of growth in Monterey County under Buildout (to 2092) were made to analyze long-term potential impacts of the 2007 General Plan. As stated above, there is uncertainty over what life might be like over 84 years in the future. The growth projections for Buildout represent a good-faith effort to estimate the amount of projected development in Monterey County in 2092.

O-21k.259 As stated in the DEIR, provisions of the land use element include encouragement of clustering and the use of transfer of development rights to conserve land. Generally, "transfer of development rights" involve the transfer of the right to develop a piece of land to another, more suitable, site. In the case of the Spence/Potter/Encinal Road STA referenced by the commenter, land may be subdivided into parcels of not less than 10 acres in size. At the same time, no parcel of less than 40 acres would be allowed to contain a residence. In other words, subdivisions of land of within this STA will not be for residential purposes. Where a parcel of 40 acres or more is created, no residential would be allowed there, but a development right (or credit) of one unit per each parcel of 40 acres or more would be generated. Those credits would be dedicated to the County or a qualified non-profit conservation so that the property could not be developed with a residence in the future.

O-21k.260 A "visitor farm," as mentioned for the Highway 68/Foster Road Area STA, is a farm which engages in agrotourism, a style of tourism that normally takes place on a farm or ranch. Agritourists visit these farms or ranches, and engage in farm activities ranging from picking fruit, feeding animals, or planting crops. The term is relevant to the DEIR because it is used to describe an intended use in this STA.

O-21k.261 The comment opines that the paragraph under Section 3.4 is "a blatant sales job for the project." The comment is an opinion and is

noted. The County disagrees. The paragraph describes the County's aspirations for the General Plan. A statement of the objectives sought by the project is appropriate in the project description. (CEQA Guideline section 15124.)

O-21k.262 The General Plan update does not amend the county's Local Coastal Program (LCP), require amendments to the Local Coastal Program to achieve general plan consistency, or result in known or foreseeable LCP amendments. The comment asks for clarification of GPU5 to the coastal areas. This clarification is provided in Master Response 11, *Effect of GPU5 on the Local Coastal Program and Impacts to Coastal Resources*. See also response to comments O-21k.251 and O-21k.252.

O-21k.263 These land use designation categories are capitalized in the General Plan. For example, see Goal LU-6, a discussion of the Public/Quasi-Public land use category. The commenter should note the distinction between current land uses in Monterey County and the land use designations in the General Plan. See also the response to comment O-21k.256.

Table 3-11 has been revised to clarify the "Resource Conservation" land use designation.

O-21k.264 The County considers the Area Plans to be sufficiently described in Section 3.4.5. Note the sections titled "Land Use" under some area plan subheadings, which detail land use regulations of the General Plan for each Area Plan. Also note the sections titled "Special Treatment Areas" under applicable area plan subheadings, which provide detailed information about land use regulations in these specific areas.

As stated in the DEIR, the 2007 General Plan contains eight Area Plans for the inland portion of the County. Each Area Plan in the 2007 General Plan contains supplemental policies that guide, or, conversely, limit growth within its boundaries. The 2007 General Plan would modify the area plans directly. There would be no separate process.

See also response to comment O-21k.36 regarding the status of the Area Plans in this General Plan update.

Regarding the coastal areas and the 2007 General Plan, the 2007 General Plan does not amend the County's coastal plans (DEIR, page 3-23). The County's decision to amend the General Plan as applied only in the inland area is not impermissible "piecemealing" under CEQA, because no Local Coastal Program amendments are planned or foreseeable or required as a result of the update of the General Plan as applied in the inland area. Analysis of Local Coastal Program amendments that are not yet conceived or known is not required under CEQA. CEQA does not require analysis of impacts that are too speculative for evaluation. (CEQA Guideline section 15145.) Analysis of the 2007 General Plan's impact on coastal areas is located throughout the DEIR. See also Master Response 11, *Effect of GPU5 on the Local Coastal Program and Impacts to Coastal Resources* regarding these issues.

For a detailed explanation regarding the coastal area's inclusion in the 2007 General Plan, please see Master Response 2, *Growth Assumptions Utilized in the General Plan*.

O-21k.265 Please see response to comment O-21k.256. The note means that the acreages of current land uses in Monterey County as defined by parcel data represent a different data set than the acreages of land uses as defined by General Plan land use designations. The differences in these data sets are due to how the parcel data categorizes use and determine acreages. The "parcel data described above" is located in all the tables above Table 3-12 that state "Based on Parcel Data." This includes Tables 3-6 and 3-7.

As clearly stated in the DEIR, Table 3-11 includes the land use designations of the 2007 General Plan. Table 3-12 summarizes the existing land cover in unincorporated Monterey County as of 2006, as well as the land use groups of the 2007 General Plan. The existing land

cover in unincorporated Monterey County as of 2006 includes some land designated as "Other."

O-21k.266 The "entire General Plan planning area" includes the unincorporated area of Monterey County, except for the coastal areas. No amendments to the certified Local Coastal Program are either contemplated or necessary, as part of the 2007 General Plan. Please see Master Response 11, *Effect of GPU5 on the Local Coastal Program and Impacts to Coastal Resources* and response to multiple comments above on this issue. For more information regarding the inclusion of the coastal areas in growth projections, please see Master Response 2, *Growth Assumptions Utilized in the General Plan*.

Please see response to comment O-21k.60 and Master Response 4, *Water Supply* for further discussion of the Seaside Basin.

In this particular context, sufficient water supply means enough water to serve the needs of users within the General Plan boundaries. The amount of water necessary to achieve sufficient water supply is discussed in detail in Section 4.3, Water Resources. Please see in particular the revised Table 4.3-9a for the projected water demand in 2092, as well as Master Response 4, *Water Supply*.

O-21k.267 As stated in the DEIR, the future general development plan for Paraiso Hot Springs will address fire safety, access, sewage treatment, water quality, water quantity, drainage, and soil stability issues associated with mineral water bottling, should such an activity be permitted in accordance with this general development plan and other discretionary approvals such as subdivision maps, use permits and design approvals. The 2007 General Plan is not making a site-specific commitment to approve any development proposal for Paraiso Hot Springs, but is rather setting out broad parameters for the consideration of future proposed uses. Such future uses would be subject to all of the policies of the 2007 General Plan, and any

development proposal for Paraiso Hot Springs would be subject to its own environmental review.

The mitigation proposed by the commenter is not timely, given that review of and development of mitigation is appropriate when and if specific mineral water bottling operation proposal is before the County. At that time, such a proposal would be subject to environmental review and, on that basis, the need for mitigation and the nature of the mitigation would be determined. Please see Master Response 10*, Level of Detail for the General Plan and the General Plan's EIR*.

O-21k.268 Such facilities on the Old Mission STA could potentially be subject to CEQA, and the DEIR does not expressly state CEQA would not apply. The application of CEQA will depend upon whether a discretionary permit will be required for future development. That will depend upon the size and nature of the future project.

As clearly stated in the DEIR (see page 3-30), the Lohr STA is proposed to be used for agricultural purposes and is established for the purpose of combining two existing parcels into a single parcel. The underlying land is already designated as farmland, thus the range of potential activities is defined by allowable uses for that designation.

O-21k.269 The comment asks numerous questions concerning the DEIR's choices of language in how it describes the Greater Monterey Peninsula Area Plan at section 3.4.5.4 of the DEIR. The DEIR lists distinct geographic features and areas to provide context for the public regarding the areas to which the particular Area Plan under discussion will apply.

Regardless of the commenter's opinion that these features and areas are described differently in certain sections compared to others, the descriptions in Chapter 3 of the DEIR serve their intended purpose –to provide a general description of the project.

The DEIR's description of the features within each plan represents a good-faith effort by the County to provide a general description of the

features of each Area Plan. The project description "should not supply extensive detail beyond that needed for evaluation and review of the environmental impact." (CEQA Guideline section 15124.) The description satisfies that standard. Choosing different types of areas to list does not alter the analysis in the DEIR. Regarding the Carmel Valley, it is discussed at length in Section 3.4.5.5 of the DEIR, beginning on page 3-32.

In regard to the comment that the DEIR references to the Special Treatment areas are "unintelligible" because the DEIR does not list them by number while the maps do, the County's judgment is that the DEIR's depiction of the location of STAs is logical and reasonable. The DEIR provides a narrative description of the Special Treatment Areas (STAs) in each Area Plan. Each Area Plan has a corresponding Land Use map. These maps are exhibits in the DEIR, with corresponding identical maps the draft General Plan. These maps include references to each STA by denoting the perimeter of the area with a specific symbol so that readers may easily locate each STA geographically. The maps also give a reference to the specific policy contained in the area plan discussing the STA so that the discussion of the pertinent policy is easy to find.

O-21k.270 The comment expresses concern that "the Land Use Map for the Greater Monterey Peninsula refers to polices GMP 1.16, GMP 1.17, and GMP 1.18 which do not exist in the General Plan text." These references are typographical errors. The references should be to GMP-1.6, GMP-1.7, and GMP-1.8. These corrections have been made. (See Chapter 5 of the FEIR.)

O-21k.271 The comment expresses concern that each map should have a legend and contends the DEIR is "incomprehensible because the maps cannot be understood by the public." This is a very broad comment, without a specific reference. We are unaware of any map that does not have a legend.

O-21k.272 The comment states that the DEIR description of the Rancho Canada Village STA is inconsistent with the GPU5 maps. The comment identifies that the STA encompasses a far greater land area than that described in the DEIR. The comment is correct that Exhibits 3.7 and 3.8 of the DEIR initially showed the boundaries to be larger than described in the description on page 3-33 of the DEIR or in policy CV-1.27 of the General Plan, but this error was corrected prior to the extension of the DEIR public comment period. This comment was previously made in 2008, and the map was changed to show the correct boundaries and placed on the RMA Planning Department website in December 2008. This correction was also shown on draft General Plan Figure LU3 and Figure LU5, which were distributed in December 2008 prior to the extended comment period that began in December 2008. The maps have corrected to correspond to the text.

The commenter questions whether the "industrial" (pink) land use at the mouth of Carmel Valley is actually in commercial land use. Exhibit 3.8 (General Plan Figure LU3 Carmel Valley Master Plan) does not show any industrial land use within the Carmel Valley Master Plan. Exhibit 3.7 (General Plan Figure LU5 Greater Monterey Peninsula Area Plan) lists industrial land use in the legend, but does not show any industrial land use within the plan area. The property in question is shown as commercial and office.

The commenter asks, where a verbal description differs from a depiction on the map, which version controls? There are no verbal descriptions in either the DEIR or in the General Plan. We presume the comment refers to written descriptions. The intent is that both written descriptions and depictions on a map are consistent. Part of the public review process is to provide the opportunity for readers to point out to the County where the document may have a typographical error or ambiguity and provide an opportunity for the County to correct any such inadvertent errors. This has been done.

O-21k.273 The Study Areas are included in the project description of the 2007 General Plan. Adoption of the General Plan would prompt the study of the potential for development of these areas as more particularly described by the text for each individual study area, but does not commit to any particular development proposal. The Study Areas would not cause any changes in the existing land uses or land use designations without additional discretionary action and environmental review of that discretionary action. There is neither sufficient information about the future uses of these areas to allow meaningful environmental analysis of impacts, nor a sufficient commitment on the part of the County to a particular future use to warrant more detailed, site-specific analysis at this time. (See *Save Tara v. City of West Hollywood* (2008) 45 Cal. 4th 116 [commitment to a project warrants environmental analysis])

O-21k.274 The EIR text has been revised to ensure that all STAs described in the discussion of each plan are cross-referenced to the map (see revised GP figures). Not all areas designated by the "ST" are described in each area plan, because some of the areas designated by the "ST" are study areas, not STAs. For an explanation of why the study areas are not included in the project descriptions of area plans, please see response to comment O-21k.273.

O-21k.275 There are four STAs included in the proposed Carmel Valley Master Plan Area: Carmel Valley Ranch (CV-1.22), Condon/Chugach Property (CV-1.23), Rancho San Carlos (CV-1.25), and Rancho Canada Village (CV-1.27). All four are included in the project description on page 3-33.

O-21k.276 The information in the DEIR provides an overview of existing uses. See the response to comment O-21k.273 regarding the ripeness for more specific analysis.

O-21k.277 For clarification of what rules and ordinances would apply to development in the AWCP, the potential for "sprawl" in the AWCP, and

the traffic impacts associated with the AWCP, please see Master Response 3, *Agricultural Growth and General Plan Agricultural Policies*. Regarding the variety of questions about the specifics of the development guidelines for the AWCP, please see Master Response 10, *Level of Detail for the General Plan and the General Plan's EIR*. The General Plan seeks to provide a framework for future development in the AWCP.

Regarding specific development requirements in the AWCP: there is no limit on the physical size of residences in the AWCP (other than height limits that may be set by the zoning ordinance), just as there are no such limits in the existing General Plan and zoning ordinance for such units in agricultural areas. The list of allowable residences at the wineries parallels the allowable uses described in the AWCP. Employee units would not be available for individual sale and would be for the use of employees of the operation. These units would be located on the same parcel as the winery. As discussed in Master Response 3, sections 3.4 and 3.5, respectively, the AWCP would not substantially alter the allowable uses under the existing General Plan and zoning and were considered in the traffic analysis used in the DEIR.

The details of the AWCP are found in the 2007 General Plan, a copy of which was provided with each copy of the DEIR. As described in Section 3.1, General Provisions, of the AWCP, up to two visitors' centers would be allowed in the wine corridor – one in the vicinity of Highway 101/Arroyo Seco and another near Highway 68. No specific locations have been identified at this time. The sizes of allowable inns within the AWCP are described in subsections (B) and (C) of Section 3.4, *Permitted Uses, Administrative Permit Required in Each Case*, as no more than 10 guest rooms.

Regarding the process and implementation of all 2007 General Plan policies, please see Master Response 10, *Level of Detail for the General Plan and the General Plan's EIR*.

"Some type of discretionary permit" as used on page 3-40 means a land use entitlement requiring discretionary review, with the particular type of permit to be determined based on the particular use proposed. The description on page 3-40 is distinguishing between uses and activities that would be allowed without further discretionary review versus those that would require discretionary review. In regard to the comment regarding the adequacy of the analysis of the impacts of the AWCP, see response in Master Response 3.

Full-scale wineries are not exempt from CEQA, contrary to the commenter's assertion.

Also, proposed revisions to the AWCP will require biological resources analyses of artisan wineries and ancillary uses that may trigger discretionary review (see AWCP Section 3.3 and 2007 General Plan Policy OS-5.16). Regarding the request to identify all places in the EIR where the impacts of the exemptions are considered, the impacts are analyzed where the AWCP is analyzed and discussed in the DEIR, as well as Master Response 3, *Agricultural Growth and General Plan Agricultural Policies*, and Master Response 4, *Water Supply*.

O-12k.278 Specific wineries that meet a variety of criteria developed in the AWCP would be allowed to have certain types of private events with several restrictions on those events. The AWCP contains limits on the uses of facilities that would be allowed as of right. (Section 3.2 of the AWCP) Table 3-16 on page 3-41 of the DEIR shows the uses that are allowed by right, those allowed with ministerial permit, and those allowed with an administrative permit. The administrative permit is conceived in the AWCP as a discretionary entitlement requiring discretionary review. Impacts associated with wineries and their ancillary uses are detailed in the DEIR, Master Response 3, *Agricultural Growth and General Plan Agricultural Policies*, and Master Response 4, *Water Supply*. In regard to the comments about anticipated development under the AWCP, please see Master Response 3.

Table 3-16 has been revised to ensure its accuracy in Chapter 4 of the FEIR.

O-21k.279 There is no STA titled "Carmel Valley Airport." The STA with the designation of CV-1.27 is Rancho Canada Village. Exhibit 3.8 has been corrected in the draft General Plan to accurately reflect this, as well as the location and policy number for each STA. See the response to comment O-21k.-269.

O-21k.280 The comment cites a minor typographical error. The EIR has been revised to clarify the location of the Airport/Highway 68 site. See Chapter 4.

O-21k.281 There is no difference in definition between the gray diagonal lines and the black lines. They both designate Urban Reserve areas. Figure LU5 (Land Use Plan, Greater Monterey Peninsula) in the General Plan, which corresponds to Exhibit 3.7 in the DEIR, has been revised to correct the misspelling of Olmsted Road, and the different shades of diagonal lines have been changed to be identical in hue.

The comment inquires "would the housing be required to be permanently affordable." The comment is not clear as to which housing is referenced, but if the comment relates to the Affordable Housing Overlay area indicated on Exhibit 3.7, please see policy LU-2.13 in the General Plan for information about the term of affordability. Policy LU 2.13 requires the restrictions to comply with State Redevelopment law, which requires a long affordability period. The DEIR analysis took account of the AHOs in its analysis. (See, e.g., Table 3-8 in Chapter 3 of the DEIR; Section 4.15, Population and Housing, page 4.15-15 through 4.15-17 of the DEIR.)

O-21k.282 Adoption of an ordinance establishing the list of Routine and Ongoing Agricultural Activities is a discretionary action and would be subject to CEQA. The specific uses included in the list of Routine and Ongoing Agricultural Activities will be defined at a later date. Note that these will reflect routine, not new uses that would otherwise require a use

permit, such as a confined animal facility. Please see Master Response 10, *Level of Detail for the General Plan and the General Plan's EIR*. For more detail on Routine and Agricultural Activities, please see Master Response 3, *Agricultural Growth and General Plan Agricultural Policies*.

The commenter claims that the paraphrasing of the bulleted policies is inaccurate and misleading, but does not describe how they are inaccurate and misleading, or provide any examples. The DEIR has been clarified to state that the bulleted policies are paraphrased. Beyond this, the current bulleted list provides enough detail for evaluation and review of the environmental impact.

For further discussion of the AWCP's relationship to Routine and Ongoing Agricultural Activities, as well as clarification and further analysis of regulation of agricultural conversion on steep slopes (Policy OS-3.5), please see Master Response 3, *Agricultural Growth and General Plan Agricultural Policies*.

In response to this comment, the bulleted description in the DEIR of Policy OS-3.5 has been revised in Chapter 5 of the FEIR to clarify that the policy applies to the conversion for agricultural purposes of previously uncultivated lands containing slopes exceeding certain thresholds.

O-21k.283 The comment states that Exhibit 3.15 of the DEIR incorrectly cites to "LU-2.23(f)" as the General Plan policy that governs establishment of the boundary of the Chualar Community Area. The exhibit cited in the comment, Exhibit 3.15, does not relate to the Chualar Community Area, but we assume that the commenter is referring to Exhibit 3.16 which is the exhibit depicting the Chualar Community Area. The incorrect reference to LU-2.23(f) in the relevant General Plan maps and figures (General Plan Figure #CA3 (an aerial photo) and Figure LU4 (a map)) has been changed to correctly refer to Policy LU-2.22(c). (See Chapter 5 of the FEIR.) This correction was made in December 2008, and thereafter the County issued a new Notice of Availability and

began a new public comment period on the DEIR, beginning December 16, 2008 and ending February 2, 2009. At that time, the County also issued a letter to the EIR distribution list explaining that Figures CA3 and LU4 of the General Plan Update are identical to Exhibit 3.6 and Exhibit 3.16 of the DEIR and the corrections apply to both. A note to this effect was placed on the County website. Individuals who requested CDs of the General Plan and DEIR were mailed a CD that included both sets of changes- General Plan figures and DEIR exhibits. A notice of correction was also sent to the State Clearinghouse.

Regarding the comment relating to the inadequacy of the DEIR because the boundary of the Chualar Community Area has not yet been established, as can be seen from Policy LU 2.22 and LU 2.24, the policies establish parameters for the size of the community. Policy LU-2.22.c states the boundaries for the Chualar Community Area are to be developed by a citizen group with recommendation to the Board of Supervisors, but shall not exceed 350 acres over the life of this Plan (20 years). The policy also states that planning for the Chualar Community Area and any Community Plan ultimately adopted for Chualar shall be consistent with that certain Settlement Agreement between Chualar Area Concerned Citizens, et al. and the County of Monterey in *Chualar Area Concerned Citizens, et al. v. County of Monterey* (Monterey County Superior Court Case no. 107519), executed on or about October 16, 2001. Therefore, the public will not be left out of the process, and the process will be subject to CEQA at such time as the specific locations of land uses and other attributes of the Community Area are determined. This is not piecemeal; it is rather going from the larger more programmatic level of planning to the more specific, which CEQA encourages. Please see Master Response 10, *Level of Detail for the General Plan and the General Plan EIR*, for further discussion of the level of specificity of project-level impacts required in the DEIR.

The General Plan does not propose a prioritization of the County's water resources. The Chualar Community Area is located within the

Salinas Valley. As discussed in Master Response 4, *Water Supply*, operation of the SVWP will raise groundwater levels and alleviate overdraft by providing additional water to the bed of the Salinas River where it will infiltrate the aquifer. Because no significant and unavoidable impact is identified for this portion of the County for either the 2030 planning horizon or 2092 buildout, the suggested mitigation measures are not added to the FEIR. For the reasons outlined in response to O-221k.144 above, the mitigation measure is also legally infeasible to the extent the proposed measure would halt new development, including development on vacant legal lots of records, until overdraft is eliminated.

O-21k.284 The commenter is expressing a general opinion, which the County recognizes as such. Responses are made to the more specific assertions that follow.

O-21k.285 The waste diversion rates were the most recent and reliable waste diversion rates currently available at the time of preparation of the DEIR. This is current information, hence the use of the word "currently" in the DEIR. The commenter mischaracterizes statements made in the DEIR – "recent years" refers to the recent years for which data was available, i.e. 2005 and 2006. The DEIR has been edited to clarify when Monterey County was in compliance with the required waste diversion rate.

Future generation of solid waste would not result in non-compliance with State requirements. Both waste diversion *and* recycling efforts affect the waste diversion rates. For analysis of the 2007 General Plan's impacts on solid waste, please see Impact PSU-8. In regard to the commenter's request for specific information about the County's outreach efforts, please see Monterey County's Recycling Services website for detailed information about the County's outreach efforts associated with recycling and waste diversion programs: http://www.co.monterey.ca.us/health/EnvironmentalHealth/recycling.htm. According to the information available to the County, there have

been no outreach efforts that have had a negative impact on waste diversion rates.

The comment's request to list the County's recycling and waste diversion programs is not appropriate or necessary for this DEIR. The purpose of the DEIR is to analyze the impacts of the 2007 General Plan, not every current County policy or program, and the level of detail requested is not required for a program level EIR on the General Plan. Please see Master Response 10*, Level of Detail for the General Plan and the General Plan's EIR*.

O-21k.286-
O-21k.287 These comments were inadvertently listed as 2 distinct comments, but they are related and will be responded to in a consolidated manner.

The comment contends that "the sources listed in the hard copy of the DEIR released by the County are inconsistent with the County's updated list of Section 11 reference documents." The comment provides only one example, however, a reference to the source cited in Table 4.11-4 Municipal Wastewater Disposal in Monterey County. That source was listed as "Association of Monterey Bay Area Governments 1999."

Table 4.11-4 was based on information from AMBAG regarding available sewer capacity. In response to the comment, the table has been revised in the FEIR (see Chapter 4) to reflect newer information available from the Monterey County Local Agency Formation Commission Municipal Service Reviews for the Carmel Valley and South/Central Salinas Valley, as well as the Central Coast RWQCB discharge permit for the City of Gonzales' sewer treatment plant expansion. The text of the EIR on page 4.11- 5 is likewise revised to include this newer information, and to correct a misplaced decimal point. The information does not indicate that any of the wastewater

treatment plants are receiving waste in excess of their capacities. The conclusions in the DEIR are therefore unchanged.

The comment further generally complains that the DEIR did not comply with Guidelines section 15148 because it did not cite to page and section numbers of reference documents. Again, the comment only cites one example, the DEIR's citation to the Monterey County Environmental Health Department "Subsurface Disposal System Design Criteria – 1/18/08." A hard copy of that reference was made available during the DEIR comment period and the document was available online and is still available online (as of 02/15/10) at the address indicated in Chapter 11 of the DEIR (http://www.co.monterey.ca.us/health/EnvironmentalHealth/EHReview/pdfs/winerywaste .pdf). This reference is only one page long, and thus the commenter's point about not finding the information referenced is not supported by the evidence.

The comment further contends that the DEIR cannot be verified for accuracy, but again only cites one example. Citing to page (in actuality, the section) 4.11.2.6, located on page 4.11-5, regarding the CAWD treatment facility, the commenter contends that the conclusion is not supported by the analysis. The source of the information in the text is the same source as for Table 4.11-4. The commenter asserts that the DEIR states that the CAWD treatment capacity exceeds current demand. This is true. Then the commenter asserts that somehow the impact conclusion that wastewater treatment capacity impacts are less than significant is contradicted by the data showing that there is plenty of capacity to meet new demand. We fail to follow the logic of the comment. Excess treatment capacity does not result in a significant impact. Therefore, no further response is necessary.

Regarding the comment on page 4.11-5 regarding the CAWD treatment facility, the source of the information in text is the same source as Table 4.11-4.

O-21k.288 The comment relates to the wastewater generated by future development within the AWCP and its disposal. Please see Master Response 9, *Water Quality*, Section 9.5.3 regarding wastewater treatment plants in the AWCP.

Daily disposal rates will logically depend upon the volume of wine production. The crush, when water is used to clean and process grapes, wastewater production will be greater than periods of fermentation when no water-intensive processes are occurring.

O-21k.289 The comment asks for additional analysis of solid waste generated by wineries and ancillary development within the AWCP. The waste products of wineries will vary, depending whether the winery includes bottling facilities. Typical solid wastes from wine making operations include pomace, grape stems and other organic materials, and diatomaceous earth (from filters). These materials are amenable to composting and reuse in the vineyards and are generally used for that purpose when economical. When bottling is included in the facility, additional solid wastes include wooden pallets, shrink wrap and plastic, glass, cardboard, paper, metals, cork, and packaging. (The California Sustainable Winegrowing Alliance 2009) The volume of solid waste produced by wineries can vary greatly, depending upon whether or not it includes bottling facilities and the level of commitment of the operator to reduce and recycle their wastes. No estimate was undertaken because there is no standard benchmark by which to estimate the solid waste that may be produced by the wineries within the AWCP.

For examples of solid waste reduction efforts by a variety of producers:

- From 1990 to 2008, Fetzer Vineyards (Mendocino County) reduced its volume of solid waste sent to landfills from 1,724 tons to 58.8 tons, while simultaneously growing in capacity from

1.2 million cases per year to over 3.7 million cases. Fetzer currently produces 2,500 tons of composted materials which it uses as compost and mulch in its vineyards and landscaped areas. (CalRecycle 2009; Wine Institute 2002)

- As of 2002, Frog's Leap Winery (Napa County) recycled, reduced or composted 80 percent of its solid wastes from production of approximately 50,000 cases of wine annually. (Wine Institute 2002)
- Diageo Chateau and Estate Wines Paicines Operations (San Benito County) processed more than 35 million gallons of wine in 2008 and diverted approximately 2,250 tons of solid waste from the landfill, including 2,051 tons of composted materials. (CalRecycle 2009)
- Quady Winery (Madera County) composts, reuses, or recycles approximately 99.4 percent of its wastes. (CalRecycle 2009)

Ancillary development would be expected to produce the wastes typical of the given use (i.e., guest or workers residence, inn, delicatessen, etc.), such as paper, plastic, glass, and food wastes in volumes typical of such uses. Because of the limited amount of such development when viewed in the context of existing development, the ancillary development within the AWCP would not be expected to have a significant effect on the overall County waste stream.

As shown in Table 4.11-5 of the DEIR, the County's Marina Landfill has a remaining capacity of 48.6 million cubic yards (of a total permitted capacity of 49.7 million cubic yards) and projected closure date of 2107. The wineries eventually permitted in the AWCP are not expected to have a substantial effect on that capacity. The comment asserts that Table 4.11-5 "is not accurate." The information in the table is taken from the records of the former California Integrated Waste Management Board (now the California Department Recycling, Resources, and Recovery), which oversees landfill permitting. That information is accurate.

An additional comment relates to the wastewater generated by future development within the AWCP and its disposal. Please see Master Response 9, *Water Quality*, regarding wastewater treatment plants in the AWCP and water quality permitting requirements.

O-21k.290 The comment requests specific information to support the DEIR statement that several Area Plan policies address wastewater. Information about the Area Plan policies addressing wastewater is found beginning on page 4.11-29 under "Area Plan Policies." Specific policies are listed on page 4.11-30 to support the DEIR statement. These policies are in addition to the policies in the other elements of the 2007 General Plan. The analysis of specific impacts requested by commenter will occur at such time as CEQA analyses are undertaken based on the specific proposals. See Master Response 10 regarding the expected level of detail in the program EIR prepared for a General Plan. In regard to the conclusion that Impact PSU-6 is less than significant, the conclusion is based on both General Plan policies and other regulations, particularly those of the Central Coast Regional Water Quality Control Board. (DEIR, at pp. 4.11-31 and 4.11- 32)

O-21k.291 See Master Response 10 regarding the expected level of detail in the program EIR prepared for a General Plan; see also Master Response 8, *Biological Resources*.

O-21k.292 The term "low habitat value" means what it says -- an area that has low value as habitat. The determination that wastewater treatment facilities are likely to be located on lands of low habitat value is based on the protective policies of the 2007 General Plan, including OS-5.4 (development shall avoid, minimize, and mitigate listed species and critical habitat to the extent feasible) and OS-5.16 (biological study 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), and Mitigation Measure BIO-2.1 (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 will develop and adopt a Stream Setback Ordinance). These measures, as well as the CEQA analysis and mitigation that would be required for wastewater treatment facilities, will strongly discourage the placement of such facilities in areas of high habitat value.

O-21k.293 The comment argues that the DEIR must analyze specific wastewater impacts, in specific the wastewater impacts of the AWCP, because this is the only time the AWCP will undergo CEQA review. The General Plan is not proposing or otherwise considering any specific wastewater treatment plants, and therefore cannot reasonably analyze the potential effects of as yet unknown facilities. See Master Response 10 regarding the expected level of detail in the program EIR prepared for a General Plan. Please see Master Response 9, *Water Quality*, regarding wastewater treatment plants in the AWCP and water quality permitting requirements (disposal requires discretionary permits from the Central Coast Regional Water Quality Control Board), and please see the response to comment O-21k.289 above regarding solid waste impacts of the AWCP. The assumption on which the comment is predicated is also incorrect. Full scale wineries, restaurants, delicatessens, and inns are permitted uses subject to an administrative permit as set forth in the AWCP, and the administrative permit is a discretionary permit that is subject to a public hearing process and environmental review.

O-21k.294 The comment asserts that the wastewater production estimates in Table 4.11-7 of the DEIR are inaccurate, but provides no substantial evidence to support that opinion. See Master Response 9, *Water Quality* Section 9.5.3 regarding water quality for a discussion of wastewater disposal in the winery corridor.

O-21k.295 This comment states that the analysis of climate change environmental impacts is incomplete and inadequate because it asserts that it is bases on unsupported assumptions. This comment is responded to in the context of the specific comments made in comments O-21k.296 and O-21k.297 below as this comment alone is a statement and does not provide any specific comment on the EIR that requires response.

O-21k.296 This comment states that the DEIR analysis does not adequately address agricultural greenhouse gas (GHG) emissions for a number of specific reasons responded to below.

The comment asserts that the DEIR underestimates the amount of agricultural growth, including vineyard growth due to the 2007 General Plan and thus underestimates the amount of agricultural GHG emissions. Regarding the amount of overall estimated agricultural growth in the county, please see the Master Response 3 on general plan agricultural policies, which provides a detailed response to this issue. As noted therein, the DEIR's conclusion that agricultural growth will be modest is supported by evidence from the trend of overall agricultural growth, the projections of agricultural employment, the evaluation of other studies (such as the Salinas Valley Water Project EIS/EIR). The statement about no increase in overall acreage of agricultural land in Appendix B and Tables 4.16-3 and Table 4.16-4 of the DEIR was an overstatement and is not consistent with the analysis of agriculture and biological resources in the DEIR (wherein an increase in agricultural acreage is estimated, albeit a limited increase consistent with historic trends). This has been corrected in the FEIR (see Chapter 4 of the FEIR for revised tables). As explained below, the analysis of agricultural emissions has been updated to account specifically for agricultural equipment emissions in 2030 and beyond and to account for conversion of natural land covers to farmland. This update does not result in any new impacts.

The underlying assertion of this comment regards agricultural emissions and whether they are adequately disclosed in the DEIR. Agricultural emissions result from several sources including agricultural equipment, processing of agricultural goods, transportation of agricultural goods, and changes in land use cover due to conversion of natural land covers for use for agriculture.

Regarding agricultural equipment emissions, these were included in the DEIR for the baseline (see Table 4.16-1), but were not estimated to increase based on no assumed overall change in agricultural acreage. This assumption of no increase in agricultural equipment emissions was reexamined for the FEIR by running the ARB OFFROAD model for both 2006 and 2030, which identified that agricultural equipment emissions in Monterey County are actually shown to decline slightly from 2006 (87,448 tons CO2e) to 2030 (86,725 tons CO2e). This evidence from ARBs currently accepted offroad model (California Air Resources Board. 2007d) supports the DEIR's estimate of no increase in agricultural equipment emissions and has been added to the EIR (see Chapter 4 of the FEIR and the Technical Supporting Data) in addition to corrections about references to changes in agricultural acreages. This decrease is due, in part, to newer equipment that produces fewer emissions.

Regarding processing of agricultural goods, GHG emissions would include those related to energy (electricity, natural gas) consumption in buildings where agricultural goods are processed and stored. As noted in the DEIR in Appendix B, increases in energy consumption were included based on projections of commercial growth and industrial emissions were included based on projections of industrial employment. The exact amount of commercial or industrial growth related to agricultural processing within unincorporated Monterey County was not estimated, but nevertheless is subsumed in the broader analysis and the TOMP comment provides no evidence as to

why this is an inappropriate approach to estimating GHG emissions overall.

Regarding the transportation of agricultural goods using on-road vehicles, the transportation analysis in the DEIR includes traffic from all projected land uses allowed by the 2007 General Plan and thus already includes agricultural on-road traffic. The exact amount due to agricultural growth was not estimated, but nevertheless is subsumed in the broader analysis and the MP comment provides no evidence as to why this is an inappropriate approach to estimating GHG emissions overall.

Regarding conversion of natural land covers to agriculture, please see the response to Comment O21k-297.

The comment asserts that agricultural employment projections may not be a reliable indicator of agricultural development. Appendix B to the DEIR, which presented the GHG estimation methodology, stated that agricultural employment was used as an indicator of agricultural development for the purposes of estimating agricultural emissions. This statement has been modified in the FEIR by adding the analysis of agricultural equipment emissions using the ARB OFFROAD model, by explaining how emissions from building energy use and transportation are included in the overall analysis of building energy use and transportation, and by referencing the additional analysis of GHG emissions associated with changes in land use cover. 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 (California Global Warming Solutions Act of 2006). It should also be noted that the TOMP comment provides no evidence as to why use of agricultural employment may be inappropriate and thus does not contradict the DEIR's methodology by reference to an alternate methodology or

approach nor present any evidence as to why the DEIR's methodology is inadequate. Regardless as described above, the analysis of agricultural emissions has been expanded and the methodology described adequately in the Chapter 4 of the FEIR.

The comment asserts that agricultural emissions can expand without an increase in acreage and that the DEIR's assumption of no change for agricultural emissions is therefore inaccurate. As noted above, the statement found in DEIR Appendix B and in Tables 4.16-3 and 4.16-4 that there is no change in agricultural acreage is incorrect and has been changed in Chapter 4 in the FEIR to be consistent with the analysis of agriculture and biological resources. Regarding expansion of agricultural emissions without an increase in acreage, in theory this is possible if agricultural GHG emissions intensity were to increase across the sector. However, as noted above, the analysis in the Chapter 4 in the FEIR includes the estimated changes in GHG emissions from equipment, processing, transport, and land use changes based on reasonable sources and assumptions. The TOMP comment does not provide any specific evidence that the GHG emissions intensity of agriculture in Monterey County will increase. If anything, the evidence is that over time, agriculture tends to become ever more efficient; a specific example is the increasing efficiency of water use described in Master Response 4 concerning water supply (reducing water consumption reduces pumping which reduces GHG emissions from either diesel or electric pumps).

The comment states that regardless of conclusions about agricultural growth, the DEIR should show how it would quantify agricultural emissions from agricultural development. As described above, Chapter 4 in the FEIR (see Section 4.16) now describes how agricultural emissions are included in the overall estimate of GHG emissions at 2030 and for development.

The comment requests that the methods to analyze agricultural emissions from a particular development project should be explained.

The EIR for the 2007 General Plan is a programmatic EIR analyzing buildout within the unincorporated County, but is not a project-level EIR analyzing any particular development project. A general methodology for estimating overall GHG emissions, including agricultural-related emissions, is described in Chapter 4 in the FEIR which is adequate for a Program EIR.

The comment states that the analysis should include the emissions from new wineries allowed by the AWCP and that new wineries will increase the amount of vineyards in the County and thus increase agricultural emissions. Regarding the amount of growth in wineries and whether the estimated vineyard acreage increase will be greater than estimated in the DEIR due to the new wineries, please see Master Response 3 concerning agricultural policies wherein it is concluded that the DEIR estimates of both winery and vineyard growth remain reasonable and supported by evidence. Regarding emissions from new wineries, the two primary sources of GHG emissions would be energy consumption (electricity/natural gas) and transportation. AWCP traffic was included in the traffic analysis that produced the VMT used to estimate transportation emissions. For energy consumption, the FEIR now includes estimated building energy-related (electricity/natural gas) GHG emissions for AWCP-allowed wineries and ancillary uses; the overall increase in unmitigated GHG emissions at 2030 is 5,327 tons CO2e (See Chapter 4 of the FEIR).

The comment states that the DEIR does not sufficiently explain how the estimation of traffic, electricity demand, and direct energy use emissions take into account new winery and agricultural GHG emissions and should identify the specific agricultural emissions included in the overall estimation. As noted above, energy use (electricity and direct energy use) and traffic estimates of GHG emissions include that projected from growth in commercial and industrial growth overall in the County, AWCP traffic was included in the transportation emissions estimate and the GHG emissions related

to building energy use for specific AWCP allowed wineries and ancillary uses has now been added in Chapter 4 in the FEIR. Regarding separation out of specific agricultural-related emissions from all other emissions, this is not necessary for the analysis of GHG emissions in the EIR, but the reader can now identify the following specific GHG emissions in the Chapter 4 in the FEIR: 1) agricultural equipment emissions; 2) AWCP building energy emissions; and 3) GHG emissions related to changes in land use cover due to agricultural conversions.

O-21k-297 This comment requests and states the following: 1) explanation of which natural lands and agricultural lands will be converted by the 2007 General Plan and identify the locations of such conversion on a parcel basis; 2) if specific locations of land conversion are not identified then provide an analysis of the effects on the environmental from a lack of specific provision and the likely locations; 3) that the estimated GHG fluxes from natural land and agricultural land conversion should be disclosed along with the uncertainty in estimating such GHG fluxes.

Regarding the amount of land conversion from natural land covers to farmland and urban use and the conversion of farmland to urban use, the DEIR provided estimates as follows: Table 4.9-7 (conversion of natural land covers to urban uses of 17,991 acres at buildout); Table 4.9-8 (conversion of natural land covers to farmland of 9,843 acres by 2030 and 37,582 acres by buildout); and Table 4.2-9 (conversion of 2,571 acres of important farmland to urban uses by buildout).

The DEIR describes the specific natural land cover conversions to urban uses by community area, rural center, and AHO on pages 4.9-57 through 4.9-61 and figures for these areas are included in the 2007 General Plan. The locations of conversion of natural land covers to urban uses in other planning areas throughout the County would be in areas designated for development uses as shown on the land use designation figures in the General Plan. As described in Table 4.9-7, development was overlaid on GIS vegetation mapping to estimate

conversions based on assumptions about cover conversions for different types of development, to provide a rough estimate of potential conversion. Thus, parcel specific assumptions about the amount of conversion were not developed; this is an appropriate approach as this is a Program EIR and it would be speculative to determine in advance the precise amount of conversion on any specific parcel as this is a matter for project level analysis. However, the overall method of analysis is considered reasonably representative based on the available data.

The DEIR describes the potential natural land cover conversions to farmland by use of GIS mapping of prior conversion patterns and projecting continuation of these trends into the future. As explained on page 4.9-63, based on historic trend, the likely location of the majority of future natural land cover conversions to farmland would be along the slopes of the Salinas Valley along with tributary valleys. Additional discussion of agricultural conversion is provided in Master Response 3. See also the discussion of the potential for conversions in Master Response 3, *General Plan Agricultural Policies*, and Master Response 8, *Biological Resources*. A specific parcel-based forecast of agricultural conversions was not completed, nor would be feasible without parcel-specific information about site conditions (soil, water, sun exposure, elevation etc.) as well as landowner intent, which is not available at this time. The DEIR's approach of using historic trends as a reasonable basis for estimating future conversions is an evidence□based approach. The TOMP letter provides no evidence in this comment as to why the conversion methodology used is inadequate.

Regarding changes in GHG flux due to land cover changes, an analysis of the potential GHG emissions has been added to the FEIR (see Chapter 4 of the FEIR). Changes of one land cover to another (for example oak woodland to vineyard or agricultural cropland to urban use) results in a change in both the *carbon stock* (which is the amount

of carbon stored in the organic matter in vegetation and soils) and *carbon sequestration* (which is the amount of carbon annually sequestered from the atmosphere due to incorporation in organic matter. As noted in the DEIR, there are a number of uncertainties in estimated changes in carbon stock and carbon sequestration. While crude estimates of carbon stock and carbon sequestration can be made by use of broad literature values for different land cover types, the specific carbon stock or sequestration for specific land covers can vary dramatically based on many factors: the character of site vegetation (type, density, and extent), site soils and their organic content, seasonal growing conditions such as temperature and precipitation, maturity of site vegetation (for example - age class of forests and woodlands), land management, and fire regimes, and other factors. Thus, use of literature values from research sources may provide factors for a land cover that may substantially overestimate or underestimate the actual amount of carbon stock or sequestration for a specific location or region. Due to this uncertainty, the DEIR did not provide a specific estimate of such changes in carbon stock or sequestration. However, in order to provide a rough estimation of GHG emissions related to changes in land use cover, such an analysis has been incorporated into Chapter 4 in the FEIR based on reasonably available data and incorporated into the 2030 and buildout estimates of GHG emissions.

Inclusion of the emissions related to land use changes, along with other changes made to the GHG estimate, result in an increase in estimated emissions in the baseline year (2006) of four percent and an increase in estimated emissions in 2020, 2030, and buildout of six to nine percent. The addition of these estimated emissions in the FEIR does not change the fundamental conclusion of the DEIR that the GHG emissions within the unincorporated County can feasibly reduce 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.

O-21k.298 See Master Response 4, *Water Supply*, Section 4.1.1 for a discussion of the definition of long-term water supply. GPU5 and the Area Plans are not inconsistent, as alleged by the commenter. The Area Plans provide more area-specific policies. As explained in the Land Use Element of GPU5:

> Monterey County's General Plan consists of policies that apply countywide and policies unique to a specific region. Countywide policies are applicable to the entire unincorporated area and are included within this Land Use Element. More focused policies that address specific regional or local issues are found in Area Plans. The Land Use Maps and land use designation descriptions in this general plan cover all inland, unincorporated, areas of the county. Due to the size of the County, Land Use Maps are divided by Planning Areas and are included as part of this Land Use Element (*Policy LU-1.11*).

O-21k.299 The comment questions whether Table PS-2 is incorporated into any GPU5 Policy. Table PS-2 is intended to be an additional clarification to footnote 5 of table PS-1. A reference to this effect has been added to footnote 5 of table PS-1. (See Chapter 5 of the FEIR.)

O-21k.300 The comment asserts that the DEIR fails to assess the impacts of Goal AG-4 and Policy AG-4.1, which the comment reads as placing no limits on support for the wine industry. "Support" is defined in the General Plan glossary to mean "an endorsement" with a high level of county support, but it does preclude the application of other General Plan policies or other applicable regulations. The 2007 General Plan comprises "an integrated, internally consistent and compatible statement of policies", as required under Government Code Section 65300.5. The wine industry and its activities are subject to the other goals and policies of the 2007 General Plan, as well as pertinent state and federal regulations, and regulations contained in the Monterey County Code.

O-21k.301 The mitigation measure for park and recreation facilities on page 4.12-30 of the DEIR will require the revision of General Plan Policy PS-11.10 to include a park and recreational facility standard of at least three acres per 1,000 residents. This provides a specific level of service for the acquisition of parks and recreational facilities.

O-21k.302 The comment states that the alternatives analysis is inadequate and does not adequately compare the project's impacts with those of the alternatives. The analysis of Alternatives to the 2007 General Plan is adequate under CEQA. (Throughout the response to comments regarding the Alternatives, we will continue to use the name "2007 General Plan" to denote the draft General Plan, which is the subject of this EIR, although the title of plan will be updated, as shown in Chapter 5 of this FEIR.) CEQA requires an EIR to "include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project." (CEQA Guidelines, §15126.6(d)) The discussion of the significant effects of each alternative shall provide "less detail than the significant effects of the project as proposed." (Id.) The DEIR provides a description of each project alternative and a qualitative comparison of the alternative and the project for each resource area. (DEIR, Chapter 5.)

Analyzing the alternatives in this manner highlights the aspects of the alternative that would avoid significant environmental effects of the proposed project as well as those aspects that would have greater impacts than the proposed project. This facilitates a meaningful evaluation of the comparative merits of each alternative.

The comment states that the alternatives analysis does not adequately support its conclusions. Please see the responses to comments on alternatives that follow, including responses O-21k.317, O-21k.318, O-21k.323, O-21k.325, O-21k.329, O-21k.330, O-21k.357, and O-21k.358, which address commenter's specific remarks regarding conclusions commenter believes are not adequately supported.

Revisions have been made in the Alternatives section of the DEIR (Section 5) to clarify the projected residential development under each of the alternatives. The conclusions reached in the analysis are largely unchanged by the revised numbers. See Chapter 4 of the FEIR for these revisions.

The comment states that by paraphrasing the requirements of CEQA Guidelines section 15126.6 in the DEIR, the DEIR has imposed a different legal standard than what is called for under CEQA. Section 5.1 of the DEIR excerpts the legal requirements for the alternatives analysis in a bulleted list, which succinctly and accurately conveys the relevant CEQA standards for the DEIR's alternatives analysis. The full text of CEQA Guidelines section 15126.6 is lengthy, and it is unnecessary to include the full text, verbatim, in order to state the applicable legal standards. The DEIR specifically quotes the following requirements from section 15126.6: "An EIR need not consider every conceivable alternative to a project" and, an "EIR should [also] identify any alternatives that were considered by the lead agency, but rejected as infeasible during the scoping process." (DEIR, Section 5.1; CEQA Guidelines §§15126.6 (a); 15126.6 (c)) The DEIR states the following requirements of section 15126.6 (c), with slight alterations in the wording which have no effect on their meaning: reasons for rejecting an alternative include failure to meet most of the basic project objectives, infeasibility, and/or inability to avoid or reduce any of the project's significant environmental effects. (DEIR, Section 5.1; CEQA Guidelines § 15126.6 (c)) The manner in which the DEIR presented the legal requirements of CEQA Guidelines section 15126.6 in no way altered those requirements or the way in which the alternatives were analyzed.

O-21k.303 The comment asserts that the DEIR has an inadequate discussion of the 2007 General Plan's alleged "inconsistency and tension between the two 'project objectives' listed at 5- 1 and 5-2." These relate to

preserving scenic and environmental resources, and facilitating winery development within the AWCP.

The DEIR does not address this topic because the objectives are not inconsistent. Government Code Section 65300.5 requires the General Plan to "comprise an integrated, internally consistent and compatible statement of policies." The County Board of Supervisors determines whether objectives are consistent and compatible, and that the General Plan is internally consistent. (See, for example, *Friends of Lagoon Valley v. City of Vacaville* (2007) 154 Cal.App.4th 807 [recognizing that some aspects of a proposed business park project deviated from particular planning provisions, the City determined that the project was consistent overall with the General Plan]) The cited policies are not incompatible. The development of wineries within the AWCP is subject to a number of policies and requirements that protect scenic and environmental resources. See Master Response 3, Section 3.2, regarding policies in the AWCP.

O-21k.304 The commenter asks which of the plans the TOD alternative modifies. As stated on page 5-50 in the description of this alternative, except as described on that page, "this alternative would share the same policies as the 2007 General Plan." The three tiers are described on p. 5-51. The full description is provided on pages 5-50 to 5-53; the summary on pages 5-5 and 5-6 to which the commenter refers is a summary of that more complete description.

O-21k.305 The comment asks what the following sentence means: "Overall, impacts under the No Project Alternative would be significant and unavoidable." This sentence is the conclusion to the introductory paragraph discussing the land use impacts of the No Project Alternative. The word "overall" in the sentence means "when considered in total." The sentence is conveying the conclusion that the No Project Alternative, that is the continued application of the 1982 General Plan to the inland areas of the County, would have a

significant and unavoidable impact on land use. The reasons are described on DEIR page 5-8.

O-21k.306 The DEIR does not state that "land use conflicts" "have greater impacts on land use." The analysis in section 5.3.2.1 follows the impact criteria set out in the individual impact sections of the DEIR. Accordingly, it discusses whether the No Project Alternative (the 1982 General Plan) would result in land use conflicts. The policies of the 1982 General Plan would not result in discrete higher-density community areas and rural centers to the same extent that the 2007 General Plan would, and as a result, land use conflicts would be more likely to occur under the 1982 General Plan. Examples include large lot subdivisions outside of established communities adjoining agricultural land (bringing housing into conflict with the results of agricultural practices such as dust from plowing and pesticide drift), and subdivision of existing lots of record resulting in conflicts with open space uses. The paragraph cited in the comment is comparing the relative level of impacts of the No Project Alternative and the 2007 General Plan.

The word "impact" is synonymous with "effect" and is used throughout the DEIR in a manner that is consistent with the definition provided in CEQA Guidelines Section 15358.

O-21k.307 Please see Master Response 3, *Agricultural Growth and General Plan Agricultural Policies*. The AWCP would authorize future full-scale and artisan wineries within defined corridors, along with ancillary uses. This provides value added for growers who can sell their wines direct to the buyer, provide tourist services that generate income beyond that of the wine, and provide marketing opportunities to take advantage of Monterey County's wine region appellations to "brand" higher-value wines.

O-21k.308 The first paragraph of the discussion at section 5.3.2.2 identifies the potential for agricultural land conversion as a result of the 1982 General Plan. Rural development under the 1982 General Plan will

result in the conversion of agricultural land and have a significant, unavoidable impact. The second paragraph of this discussion describes the potential impact under the 2007 General Plan. As described in Section 4.2, the 2007 General Plan would also have a significant and unavoidable impact on agriculture. The third paragraph provides a comparison of the two plans, noting that while both will have significant and unavoidable impacts, the No Project Alternative's impact will be "slightly greater" because more of its growth would occur outside of focused growth areas. Please also see Master Response 10 regarding the level of detail required of a program EIR prepared for a general plan.

The comment also asks for clarification regarding the comparison of the buffer policies under the 1982 General Plan and the 2007 General Plan. 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 and compensation for loss of agricultural lands and has 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 GP2007 (DEIR, § 5.2.3.2)

The DEIR alternatives analysis provides sufficient information about the No Project Alternative's impacts on agriculture to allow a meaningful comparison with the proposed project. (CEQA Guidelines, § 15126.6) A quantification of the amount and location of land that could be affected by the 2007 General Plan buffer policy as compared to the 1982 General Plan buffer policy is not required, and is not feasible because these policies are not project- or site-specific. (CEQA Guidelines, §§ 15151; 15204 (a)) Please also see Master Response 10

regarding the level of detail required of a program EIR prepared for a general plan.

O-21k.309 The steep slope policies of the 2007 General Plan are taken into account in the discussion of water resources impacts. The key policies will not, as the comment implies, result in significant erosion in the future, nor will they result in extensive new development or agricultural conversion on steep slopes compared to the 1982 General Plan (taking into account the revised Policy OS-3.5). See the response to comment O-21k.149. See also Master Response 3, *Agricultural Growth and General Plan Agricultural Policies*, and Master Response 9, *Water Quality*, for discussions of the slope development restrictions embodied in Policy OS-3.5.

O-21k.310 The comment asserts that the analysis at Section 5.3.2.3 fails to identify or discuss the impacts of the water supply mitigation measures proposed for the 2007 General Plan. The comment does not identify which mitigation measures it is alluding to, thus preventing specific response. The impacts of new water supply infrastructure are fully analyzed in Section 4.3 under Impact WR-5 and thus the comment's assertion that this is not analyzed is wrong. In addition, the Alternatives analysis need not provide an impact-by-impact comparison of the proposed project and the No Project Alternative, and is sufficient if it assesses the relative merits of the proposed project and the alternatives. (*Del Mar Terrace Conservancy, Inc. v. City Council* (1992) 10 Cal. App.4th 712) In addition, the level of detail provided for the alternatives analysis should correspond to the level of specificity involved in the activity considered in the EIR, which in this case is a planning level action. (CEQA Guidelines, § 15146) See Master Response 10 regarding the level of detail required of a program EIR prepared for a general plan.

O-21k.311 In practice, the County's current level of service (LOS) standard is LOS C. That is discussed, along with descriptions of the LOS ratings, in the Transportation section of the DEIR on page 4.6-6. Going from LOS C to

LOS D indicates an increase in roadway delays. (DEIR, § 4.6.2.5, Table 4.6-3) Please see DEIR section 4.6.3.5 for an in-depth analysis of impacts to roadways, including measures to improve transportation throughout the County. See also Master Response 6, *Traffic Mitigation*.

O.21k.312 The 2007 General Plan includes policies designed to encourage the conservation and maintenance of native plant communities and to require careful planning in areas that are of value to wildlife, as does the 1982 General Plan. Section 5.3.2.9 of the DEIR provides a comparative analysis between the 1982 General Plan polices and the 2007 General Plan policies relating to biological resources. An analysis of the comparative impacts of the two general plans does not require a listing of each specific policy or impact. See the responses to comments O-21k.302, O-21k.310, and Master Response 10, *Level of Detail for the General Plan and the General Plan EIR* regarding the level of detail required in the Alternatives analysis. The policies of the 2007 General Plan relative to native plant communities and conservation of native vegetation are found in the Goal 5 policies under "Biological (Natural) Resources" in the Conservation-Open Space Element.

As described beginning on page 4.9-68 of the DEIR, there are a number of 2007 General Plan policies that encourage conservation of native plant communities and promote conservation of areas of native vegetation. These include the following.

Policy OS-5.3 stipulates that development be carefully planned to provide for the conservation of critical habitat. Policy OS-5.4 stipulates the avoidance of impacts to listed species and critical habitat through the use of clustering lots to avoid critical areas, dedications of permanent conservation easements, and other appropriate means. Policy OS-5.5 encourages landowners and developers to preserve the integrity of existing terrain and native vegetation in visually sensitive areas such as hillsides, ridges, and watershed, but exempts Routine and Ongoing Agricultural (which is already in operation) from this policy. Policy OS-5.6 stipulates that native and native compatible

species, especially drought resistant species, be utilized in fulfilling landscaping requirements. Policy OS□5.11 promotes conservation of large, continuous expanses of native trees and vegetation as the most suitable habitat for maintaining abundant and diverse wildlife. Policy OS□5.14 requires that policies and procedures that encourage exclusion and control or eradication of invasive exotic plants and animals be established.

Further, a number of mitigation measures recommend adoption of policies that will conserve natural vegetation and native plant communities. For example, Mitigation Measure BIO-1.2 (Policy OS-5.19) would result in a conservation strategy for San Joaquin kit fox that will necessarily include a vegetation component. BIO-2.1 (Policy OS-5.22) would result in a stream setback ordinance that will conserve vegetation along waterways. BIO-2.2 (Policy OS-5.3) would result in an oak woodlands compensation program that will mitigate losses of that plant community.

O-21k.313 Please see Master Response 3 regarding agricultural policies. With the revision to Policy OS-3.5, the potential for agricultural conversion on slopes is not increased relative to the 1982 General Plan. This has been added to discussion of the biological resource comparative impacts of the 1982 General Plan and the proposed 2007 General Plan. Regarding biological resources in the County and those affected by the 2007 General Plan, Section 5.3.2.9 is not meant to provide a comprehensive analysis of the steep slope policy (OS-3.5) on biological resources. The impact of 2007 General Plan policy OS-3.5 on biological resources is discussed in DEIR section 4.9.5.4. Please see responses to comments O-21k.302, O-21k.310, and Master Response 10 regarding the level of detail required in the Alternatives analysis. Please see Master Response 3, *Agricultural Growth and General Plan Agricultural Policies*, regarding the extent and distribution of development that would occur pursuant to OS-3.5 and the impact of OS-3.5 on biological resources. The 2007 General Plan would have a cumulatively

considerable (significant) impact on biological resources. (DEIR, § 6.4.3.7)

O-21k.314 Please see responses to comments 302, 310, and Master Response 10 regarding the level of detail required in the Alternatives analysis. The impact of the 2007 General Plan on Public Services and Utilities is not discussed in detail in the alternatives analysis because it is addressed in detail in section 4.11of the DEIR.

The significant effect referred to in the first paragraph under DEIR § 5.3.2.11 is the significant effect on potable water supply. The third paragraph of that section addresses how the 2007 General Plan will reduce impacts to potable water supply as compared to the 1982 General Plan. As stated there, the 2007 General Plan includes policies for the development of a Hydrologic Resources Constraints and Hazards Database to assist in managing conservation and water quality improvement. 2007 General Plan policies will also require that all projects be designed to increase the site's predevelopment absorption of rainfall and to recharge groundwater where appropriate, and to require the management of construction of impervious surfaces in important groundwater recharge areas through discretionary permits. These policies would result in reduced impacts on potable water supply as compared to the 1982 General Plan.

Although the impacts of the proposed 2007 General Plan on groundwater are mainly discussed in DEIR sections 4.3 and 5.3.2.3, Water Resources, the commenter's assertion that the discussion of potable water is misplaced here is incorrect. Potable water is a service provided to residents and is pertinent to a discussion of "Public Services and Utilities." In Monterey County, the source of most potable water is groundwater. Therefore, groundwater overdraft and General Plan policies designed to conserve water are relevant to the discussion. Therefore, a brief comparison of the impact on groundwater between the 1982 General Plan and the proposed 2007

General Plan is also provided in DEIR section 5.3.2.11, Public Services and Utilities. This is a reasonable way to organize the information.

One key consideration in comparing the 2007 General Plan with the 1982 Plan are the draft General Plan policies under Goal PS-3; more specifically, proposed Policies PS-3.1 and PS-3.3 requiring demonstrated long-term water sustainable supply for new discretionary development, with limited exceptions, in the County. Although the 1982 General Plan has broad language also protecting water supplies, the 2007 General Plan mandates a formalized determination of long-term sustainable water supply which will help to better manage water supplies.

O-21k.315 See the response to comment O-21k.310. Impacts of new water infrastructure are fully analyzed in the DEIR Chapter 4.3 under Impact WR-5 contrary to the comment's assertion.

O-21k.316 The comment asks that the specific 1982 General Plan policies relied upon in the analysis be cited specifically. See the responses to comments O-21k.302, O-21k.310, and Master Response 10 regarding the level of detail required in an alternative's discussion. The 1982 General Plan policies for public services and utilities are those policies and objectives for Goals 46 through 56. The 1982 General Plan policies related to land use development are those policies and objectives for Goals 26 through 35.

O-21k.317 Although the 1982 General Plan does have policies encouraging parks, those do not include standards for the amount of land that may be acquired for parks or for the exaction of park and recreation facilities from subdividers (as provided for under Government Code Section 66477). Although the County's subdivision ordinance does contain such standards, Section 66477 requires such standards to appear in the General Plan. As a result, the Alternatives analysis concluded that with implementation of Mitigation Measure PAR-1, the impacts of the 2007 General Plan would be less than those of the 1982 General Plan.

O-21k.318 The 1982 General Plan reflects Monterey County as it existed nearly 30 years ago. Since that time, there have been substantial changes in the economy of the County, with tourism expanding on the Monterey Peninsula; in the land use, with the closure of Fort Ord and rapid growth in Salinas; in water supply, groundwater recharge, and seawater intrusion; in the regulatory environment, with new regulations on water quality, for example; and in many other areas. The 2007 General Plan incorporates these considerations into changes into its policies. Following are some examples of policies. Policies PS-1.1 through PS-1.6 require the provision of adequate public facilities and financing for those facilities concurrent with new discretionary development in order to ensure that water supply and other public utilities are in place to serve growth in a timely manner. Policies PS-2.8 and PS-2.9 promote groundwater recharge by limiting impervious coverage in new development. Policies PS-3.1 through PS-3.15, as well as Policies PS-3.16 through PS-3.18 being proposed for addition to the General Plan, address issues such as "long-term, sustainable water supply," groundwater overdraft, well interference, and long-term planning for future water supplies. Policies PS-4.10 and PS.4.12 establish requirements for onsite wastewater treatment in order to improve water quality in areas served by septic tanks. Policy PS-5.5 establishes an aggressive new goal for solid waste diversion in order to reduce the burden on landfills. Policies under the AWCP are intended to support the continued vitality of the County's agricultural industry, particularly its wineries.

These parameters were used as part of the comparison here because under CEQA, an alternative must be able to "feasibly attain most of the basic objectives of the project." (CEQA Guidelines, 15126.6 (a)) As a result, part of the analysis of a project alternative is whether it can meet the objectives of the proposed Project. Many of the proposed Project objectives relate to the need to approve a general plan that

reflects changing economic conditions, land use patterns, socioeconomics, and technological advances. (See DEIR, §3.2.1) Therefore, these parameters were used to compare the 1982 General Plan with the 2007 General Plan to determine whether the 1982 General Plan (the No Project Alternative) would be able to attain most of the basic objectives of the project.

O-21k.319 See Master Response 3, *Agricultural Growth and General Agricultural Policies*, and Master Response 9, *Water Quality*, for discussions of the slope restrictions and their potential for impact on land use, water, biology, and other environmental issues. With the revision in Policy OS-3.5, the 2007 General Plan will have similar constraints on development and agricultural conversion on steep slopes as the 1982 General Plan. Revised Policy OS-3.5 prohibits development and agricultural conversion of uncultivated lands on slopes exceeding 25%, except under special circumstances. The 1982 General Plan applies a 30% cut off. Arguably, on that count the 2007 General Plan is stricter than the 1982 Plan.

O-21k.320 The comment summarizes the commenter's issues with the DEIR comparison of the 2007 General Plan with the GPU3 Alternative. Responses to the specific comments follow.

O-21k.321 The commenter asks for clarification of what is meant by tiers and phases. GPU3 identified a preferential pattern of sequential development in the Rural Centers. Tier I Rural Centers would be encouraged to develop before Tier II, and Tier II before Tier III.

O-21k.322 The commenter asserts that the discussion of GPU3 is confusing because it would affect the coastal zone. GPU3 proposes to amend the County's Local Coastal Program. As discussed in the response to comment O-21k.258, the 2007 General Plan does not propose amendments in the Coastal Zone. This differentiates the two alternatives. The numbers for GPU3 do include the Coastal Zone. See Master Response 2 regarding growth projections for a discussion of

the assumptions made for the 2007 General Plan. The numbers of units in Table 5-2 have been updated (the DEIR inadvertently included the 2006 to 2030 number of 10,015 units when it should have included 13,420 units between 2000 and 2030 to compare to the 13,675 units for GPU3 between 2000 and 2030); although GPU3 still includes more units than the 2007 General Plan, the difference is now much smaller (255) units. The analysis of GPU3 has been revised accordingly (see Chapter 4 of this FEIR).

O-21k.323 The discussion of alternatives need not be exhaustive and is not expected to be as detailed as the discussion of the project. (*Sierra Club v. City of Orange* (2008) 163 Cal.App.4th 523) Subsection (d) of CEQA Guidelines §15126.6 requires that the evaluation of alternatives "include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project. The level of detail provided for the alternatives analysis should correspond to the level of specificity involved in the activity considered in the EIR, which in this case is a planning level action. (CEQA Guidelines, § 15146) See Master Response 10 regarding the level of detail required of a program EIR prepared for a general plan. The cited comparison of the GPU3 alternative and the 2007 General Plan meets this requirement. As noted earlier, the 2007 General Plan does not apply in the coastal region of the County. The impacts of both the GPU3 alternative and the 2007 General Plan are similar, because in practice the floodplain restrictions of County ordinance (Monterey County Code Chapters 16.16 and 21.24, described on page 4.3-79 of the DEIR) rather than the General Plan regulate development within mapped 100-year floodplains.

O-21k.324 The impacts on water resources of the 2007 General Plan's slope policy is addressed in Section 4.3, on page 4.3-100. As described in Master Response 9, *Water Quality*, revised Policy OS-3.5 will require discretionary permits for development on steep slopes and discourage agricultural conversion of such slopes as a result. GPU3 generally

proposed to prohibit development on slopes exceeding 30% (with an exception for cases where the prohibition would make an existing legal lot unbuildable) and to prohibit the conversion of uncultivated land on slopes exceeding 30%. This is similar to the 2007 General Plan's revised Policy OS-3.5, which prohibits development and conversion of uncultivated lands on slopes exceeding 25%, with limited exceptions. Policy OS-3.5 also includes provisions for discretionary permits and a management plan for erosion, water quality, and vegetation/habitat protection for agricultural conversions, which GPU3 does not. On the whole, Policy OS-3.5 appears to be more stringent.

O-21k.325 The conclusion in Section 5.4.2.4 is based on the fact that GPU3 would allow a higher degree of and slightly more expansive development than the 2007 General Plan. Table 5- 2 has been revised to illustrate the difference in residential development potential.

O-21k.326 This comment alleges that the steep slope policies of the 2007 General Plan creates erosion potential that outweighs the GPU3 impacts and asks why the analysis discusses County erosion control ordinances. See Master Response 9, *Water Quality* and Master Response 3, *Agricultural Growth and General Plan Agricultural Policies* for discussions of the erosion controls in the 2007 General Plan. The Alternatives analysis discusses the County's erosion control ordinances based on the premise that the ordinance would remain in effect under either GPU3 or the 2007 General Plan. As noted in the response to comment O-21k.324, with revised Policy OS-3.5, the 2007 General Plan would have similar (though somewhat more stringent) constraints as GPU3 as to development and agricultural development on slopes.

O-21k.327 These terms are intended to describe general locations. South County and southern Salinas Valley are essentially synonymous terms, the only difference being that South County would include the uplands that rise from the southern portion of the Salinas Valley.

O-21k.328 Mineral resources are a minor issue and accordingly covered only briefly. The policies of the 2007 General Plan are discussed in Section 4.5.4 of the DEIR. GPU3 policies relative to mineral resources provide for the continued access to such resources, balanced with mitigation to avoid conflicts between mineral extraction and other incompatible land uses. This is not substantially different, in practical terms, from the policies proposed under the 2007 General Plan.

O-21k.329 GPU3 provides a roadway level of service (LOS) standard of LOS C, whereas the 2007 General Plan provides (with certain exceptions) for a standard of LOS D. LOS C requires the maintenance of free-flowing traffic. In order to do that, roads will need to be expanded as traffic levels increase with future growth. The 2007 General Plan provides for a more congested traffic condition, but less compulsion to widen roadways. The discussion concludes that GPU3 would have less impact on traffic than the 2007 General Plan due to less congestion. Summary Tables 1-3 and 5-6 erroneously listed this as a "greater" impact, and both tables have been corrected in Chapter 4 of the FEIR.

O-21k.330 As described on page 5-17 of the DEIR, GPU3 would establish 8 Community Areas and 18 Rural Centers compared to fewer of both types of focused growth areas under the 2007 General Plan. Although development will be encouraged to locate in these areas, the fact that there are more of them over a larger area (in comparison to the 2007 General Plan) indicates that they will result in a more expansive pattern of development. This can reasonably be assumed to result in greater vehicle miles traveled. A more disperse development pattern does not result in a reduced impact from traffic. However, the stricter standard for level of service would result in smoother flow and therefore, GPU3 would presumably result in somewhat less congestion than the 2007 General Plan.

O-21k.331 The comment raises the issue of the alleged effects of the proposed slope policies. See Master Response 8, *Biological Resources*, Master Response 9, *Water Quality*, and Master Response 3*, Agricultural Growth and General Plan Agricultural Policie*s. As noted in the response to comment O-21k.324, with the revised Policy OS-3.5, the 2007 General Plan would have similar, albeit more restrictive, constraints as GPU3 as to development and agricultural development on slopes.

O-21k.332 The commenter asserts that the 2007 General Plan would exempt "huge swaths of land from further CEQA review" in the proposed Wine Corridor and therefore the CEQA process would not mitigate the impacts from site-specific development projects consistent with the General Plan.

The comment assumes the AWCP will result in development occurring absent regulatory controls. That assertion is not correct. See Master Response 3 for a discussion of the AWCP and further CEQA review, as well as Master Response 8 regarding the effect of the AWCP on biological resources. Also see the responses to comments O-21k.277, O-21k.278, and O-21k-293 above.

O-21k.333 There is no practical distinction between "avoiding a significant effect" and having a "less than significant effect."

O-21k.334 The discussion references state law in section 5.4.2.10, which analyzes the GPU3's impacts on cultural resources relative to the 2007 General Plan, because statute includes provisions for notification of most likely descendants in the event of the discovery of Native American burials, establishes the criteria for determining whether a cultural resource is eligible for listing on the state or federal registers, and other requirements that can reduce the impacts of projects on cultural resources.

O-21k.335 The County's adopted historic preservation ordinance (County Municipal Code, Chapter 18.25) is an underlying regulation that would apply whether GPU3 or the 2007 General Plan were adopted. It is

noted under the 2007 General Plan comparison, because its provisions offer sufficient protection for resources that ensure that the 2007 General Plan' implementation would be no more damaging than that of GPU3.

O-21k.336 The comment suggests that "massive water supply projects" would be necessary under the 2007 General Plan. The proposed policies under Goal PS-1 (adequate public facilities) and Goal PS-3 (long term sustainable water supply) will ensure that development, with very limited exception (e.g., first single-family dwelling on a legal lot of record), does not occur in advance of the provision of public services, including water supplies. The 2007 General Plan does not propose "massive water supply projects," but objectively evaluates water supply. (See, e.g., Chapter 4.3 of the DEIR, discussion of Impact 4 beginning on page 4.3-113) Future water projects are discussed in general terms under Impact WR-5, beginning on page 4.3-135.

Given that GPU3 would result in a similar amount of overall buildout as the 2007 General Plan, and the DEIR describes that additional infrastructure would be necessary to provide water for future growth on the Monterey Peninsula, in the Pajaro Valley groundwater basin, the North County areas within the Salinas Valley watershed, and in the Salinas Valley after 2030, GPU3 would also require additional water supply infrastructure, similar to the 2007 General Plan. If that infrastructure is "massive" for the 2007 General Plan in the commenter's terms, then it would be equally "massive" for GPU3.

O-21k.337 The comment notes that Table 5-3 "does not make sense" and asks that it be explained. In response, Table 5-3 has been revised in Chapter 4 in the FEIR. The entry for the 2007 General Plan should be 13,420 units and the difference between the GPI and 2007 General Plan 553 units (the DEIR had the 2007 General Plan total between 2006 to 2030, but should have shown the different between 2000 and 2030 to allow for the right comparison). Please see Chapter 4 of the FEIR for the new table and explanatory note.

O-21k.338 The commenter asks that the analysis of the GPI alternative reference the particular pages of the BAE report that are referenced, each time it is referenced.

This is not required by CEQA. CEQA Guidelines Section 15148 relates to technical reports. It states that page specific citations shall be given where possible, but does not require them. The comparison of development potential between the two plans has been revised, as explained in response to comment O-21k.337 above.

O-21k.339 The California Coastal Commission reviews all major amendments to certified Local Coastal Programs, and it must certify such amendments before they are included in the County's Local Coastal Program. The GPI would constitute such an amendment. The Commission is an independent body, authorized under the California Coastal Act to carry forward the objectives of that Act. The analysis in the DEIR that is questioned by the comment is a recognition of the discretion that the Coastal Commission has over whether or not to certify amendments to the County's Local Coastal Program.

O-21k.340 Until the recent collapse of the housing market, the Salinas Valley cities have had rapid growth. For example, Salinas grew from 108,777 residents to an estimated 152,597 residents between 1990 and 2009, and Gonzales from 4,660 residents to 9,025 residents during that same period. (California Department of Finance 2007c, 2009) The DEIR reasonably assumes, given past growth in the cities, the AMBAG assumption that 75 percent of future growth within Monterey County will be in the cities, the extent of farmland conversion that has occurred as a result of past growth, and the existing density of the Salinas Valley cities, that they will continue to expand as population increases (see page 5-29). The comment provides no substantial evidence as to why these assumptions are not reasonable.

O-21k.341 As discussed in the DEIR in Section 4.3, Water Resources, the SVWP will provide sufficient water to meet the needs of the Salinas Valley during the 2030 planning horizon. See Master Response 4, *Water Supply* and responses to comments O-21k.16, O-21k.40, and O-21k42 for an additional discussion.

O-21k.342 The Community Areas and Rural Centers are, with the exception of Castroville and Pajaro Community Areas, located on land that is not in intensive agricultural production. This is evident from inspection of the sites and review of the exhibits in Chapter 3 of the DEIR.

O-21k.343 The area of greatest urban growth within Monterey County is the Salinas Valley where, coincidentally, the highest value farmland is located. All of the cities of the Salinas Valley are surrounded by farmland. As explained in Section 5.5.1.3, beginning on page 5-28, the GPI's limitations on growth within the County would shift additional demand to the cities which, in turn, would mean that additional productive land would be lost. In comparison, the 2007 General Plan would place a portion of that growth in Rural Centers located on less productive lands that are not in intensive agricultural use.

O-21k.344 See Master Response 10 regarding the level of detail expected of a program EIR for a general plan. See also the response to comment O-21k.323.

O-21k.345 The analysis assumes the County's erosion control ordinance would not be weakened or repealed under the 2007 General Plan. It is discussed in the regulatory setting in Section 4.3 of the DEIR (see page 4.3-78), and no 2007 General Plan policy directs a weakening or repeal of that ordinance.

O-21k.346 Assuming that this comment is in reference to the discussion in Section 5.5.1.4, the 2007 General Plan policies relating to water resources are discussed in Section 4.3 (beginning on page 4.3-121) of the DEIR. The GPI would have slightly greater amount of growth, but the difference in water demand in comparison to the 2007 General

Plan would be minimal. Accordingly, the DEIR's conclusion on water resources has been revised in Chapter 4 of the FEIR to note that the GPI alternative and the 2007 General Plan would have the same impact on water resources.

O-21k.347 See Master Response 7 regarding urban development outside of focused growth areas under the 2007 General Plan. The GPI would have slightly greater amount of growth, requiring a slightly greater water supply (and more development outside the focused growth areas), however, the difference is minimal. See also the response to comment O-21k.346 above.

O-21k.348 The GPI alternative would locate more housing on lots of record than would the 2007 General Plan. As a result, a greater segment of new growth would potentially be reliant on individual wells rather than wells that serve an entire Rural Community. This would complicate the ability of the County and other agencies to regulate water use. Since release of the DEIR, a number of state laws and regulations have been enacted (see the response to comment O-21k.249) that will diminish the difference between the GPI and 2007 General Plan by requiring greater water conservation from new development. The reference to an offset of rural growth by city growth refers to the tendency of city□centered growth to have lower water use levels per capita than rural residential development. See the response to comment O-21k.346 regarding the revision to the conclusion in the 2007 General Plan.

O-21k.349 The GPI prohibits residential subdivisions, agricultural, commercial, or industrial development projects without a long-term water supply (Policy #55 of the GPI), but at the same time, allows a greater amount of development on lots of record than does the 2007 General Plan. Individual lots of record, where no subdivision is required, would not be subject to the requirement for a proven water supply. The County's ability to deny water well permits is limited and would not be made stronger by Policy #61, which simply reiterates existing requirements

for a permit from the Environmental Health Bureau for any domestic water well. The 2007 General Plan and the GPI are similar on their approach to subdivisions; the difference in water use is more due to the absolute level of buildout predicted, which are slightly different. Nonetheless, given the similar growth numbers at the 2030 planning horizon, the 2007 General Plan and the GPI will have basically the same impact.

O-21k.350 See the responses to comments O-21k.346 through O-21k.349. The level of detail provided for the alternatives analysis should correspond to the level of specificity involved in the activity considered in the EIR, which in this case is a planning level action. (CEQA Guidelines, § 15146.) See Master Response 10 regarding the level of detail required of a program EIR prepared for a general plan. The comparison in the EIR meets this standard.

O-21k.351 See Master Responses 3 (relating to agricultural policies), 4 (relating to water supply), and 8 (relating to biological resources and the potential for conversion of steep slopes). The proposed Policy OS-3.5, as revised, would not result in extensive development on steep slopes (all conversions over 15% are subject to discretionary permit review and conversions over 25% would be strictly limited) and therefore would not result in a substantial difference in erosion and sedimentation in comparison to the application of existing policies or the policies of the GPI alternative. The analysis does not, however, “hide” the differences; the EIR analysis concludes that GPI have fewer potential adverse impacts on geology and soils than the 2007 General Plan.

O-21k.352 The comment draws a conclusion regarding the prior discussion of the relative water resource impacts of the GPI alternative and the 2007 General Plan. These comments have been addressed above and no further response is necessary.

O-21k.353 The comment suggests that the transportation analysis incorrectly concludes that the GPI alternative would result in a significant effect

on traffic. The GPI will result in additional growth within the County, albeit growth that is concurrent to the provision of infrastructure. The analysis at section 5.5.1.7 acknowledges this advantage of the GPI alternative over the 2007 General Plan and concludes that the GPI alternative will have less impact on traffic than the 2007 General Plan. The GPI alternative requires infrastructure to be installed concurrent with development but, like all such requirements, does not provide for the installation of infrastructure between development projects.

Limitations on exactions relating to the U.S. Constitution's prohibition on "regulatory takings" prevent infrastructure requirements that would exceed the project's fair share. This is likely to result in congestion and, conservatively speaking, may result in a significant effect.

O-21k.354 The conclusion that sprawl development would occur on lots of record is based on the fact that the number of lots of record in the County is a constant under either the 2007 General Plan or the GPI Alternative. The 2007 General Plan would provide for additional development opportunities in Rural Centers that are not available under the GPI alternative. Accordingly, given that growth within the County cannot legally be constrained (e.g., no one can be told that they cannot move to Monterey County), under the GPI alternative development pressures would focus on the cities, the Community Areas, and the lots of record. A portion of the development that would be accommodated in Rural Centers under the 2007 General Plan can reasonably be assumed to occur instead on the existing lots of record. Less focused growth would translate to greater sprawl.

O-21k.355 Pursuant to CEQA Guidelines Section 15126.6, subsection (d), an EIR is not required to analyze alternatives at the same level of detail as the project. The analysis of noise impacts is qualitative, not quantitative. The analysis considered not only noise as a result of development, but the additional traffic noise resulting from the widening of roads that would be the result of the GPI alternative's LOS C congestion standard.

In order to maintain LOS C for traffic flow, roads would be widened to a greater extent than under the 2007 General Plan. In any case, as discussed on page 5-32 of the DEIR, the two plans would have similar levels of noise impact.

O-21k.356 The DEIR contains a comprehensive discussion of the environmental baseline relative to biological resources in Section 4.9. See also Master Response 8, *Biological Resources*. As explained in Master Response 8, the potential for the conversion of hillsides has been overstated in the comments received. Section 5.5.1.10 discusses the GPI alternative's lesser impact as a result of its more restrictive policy relative to the conversion of slopes. However, this advantage would be overshadowed by having less effective policies regarding protection for listed species.

On its face, the GPI alternative would appear to have much more stringent protections for biological resources than does the revised 2007 General Plan. However, several of the GPI policies, both individually and in concert, are so restrictive as to be unfeasible to implement. Because they could not be implemented, they would not provide the protections that they espouse. Here are the key policies from the GPI's Conservation Element.

The GPI's Conservation Policy #22 provides, in part, that "Significant Ecological Areas (SEAs) and the wildlife they support shall be protected against any significant disruption of habitat values and only uses dependent on those resources shall be allowed within SEAs." This would include "Routine and Ongoing Agricultural Activities" when they are new operations or activities (Agricultural Policy #5). SEAs are defined in the GPI as including "[a]ny area in which plant or animal life and their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could easily be disturbed or degraded by human activities and developments." The definition goes on to list 29 categories of habitat types that are considered SEAs. These include, among others: habitats important to

state or federal listed or candidate species, areas that provide habitat for state species of special concern, areas that provide habitat for species that are federally-listed or identified by the California Native Plant Society, areas adjacent to essential habitats of listed species, wildlife corridors, habitat for certain species of local importance, all streams and rivers, all riparian habitats, all oak woodlands, and all nesting areas.

Conservation Policy #23 goes on to state that, with limited exceptions, "no grading, filling, land clearance or land disturbance, use of a toxic material, timber harvesting, land subdivision, or any other development or construction activity shall take place within any Significant Ecological Area (SEA)." Policy #23 makes an exception in cases where "to prohibit such activity would make an existing parcel unusable," and would require consideration of a use permit in any such situation. Grant of a use permit would be limited to a location that minimizes environmental effects "to the maximum extent feasible," the permitted use would be required to be mitigated to a less than significant level, and compensatory mitigation would be required, where pertinent. Further, no use permit could be granted until "all applicable federal and state regulations are met."

Conservation Policy #24 would require all new development, "even when not itself located in a Significant Ecological Area," to avoid impacts to SEAs. The Policy provides minimum setback requirements from selected SEAs.

As illustrated in Exhibits 4.9-1 through 4-9-5 and the discussion in Chapter 4.9 of the DEIR, the GPI Conservation policies effectively place the entire unincorporated county jurisdiction, other than existing urban areas that are not within federally designated "critical habitat," or otherwise within or adjacent to SEAs, under these protective restrictions. The Conservation policies are unfeasible and unenforceable for the following reasons:

- Policies #22 and #23 together would, for practical purposes, exclude most of the unincorporated County jurisdiction from development. Under Policy #22, uses within the SEAs would be limited to activities that are resource dependent and that do not adversely affect the SEAs. Policy #23 does not provide an adequate exception to this policy because: (1) it would prohibit grant of a use permit when the project could not reduce the impact on an SEA below the level of significance, and (2) it would require meeting all federal and state permits before a County permit could be approved. The GPI definition of SEA is so broad as to cover most of the unincorporated county. By establishing a broad definition of SEA, arguably any project that would eliminate habitat or encroach on an SEA could not be mitigated below a level of significance. Consideration of federal and state permits is dependent upon the prior approval of a local permit, which creates a "Catch-22" for development permits. The County is the lead agency for permits under its jurisdiction, such as a use permit, and federal and state regulators will not act to approve the federal and state approvals necessary to the project being considered by the County until the County has granted approval. If federal and state agencies cannot act, then the project cannot demonstrate that is has met "all applicable federal and state regulations," and, therefore, the County permit cannot be approved.
- Despite the provisions of the GPI Housing Element, the restrictions established by Policies #22 and #23 would prevent the County from providing sufficient development opportunities to meet the RHNA numbers established for the County's Housing Element and, as a result, the County would not be able to comply with Housing Element Law. The current AMBAG-assigned RHNA number for the unincorporated County is 1,554 units for the 2009-2014 housing element cycle. This number cannot be reached by practically halting all residential

development outside of the five Community Areas identified in the GPI. As a result, the County would be unable to meet its legal obligation under state Housing Element Law.

- Policy #24 will require substantial minimum setbacks from selected SEAs, including 300 feet from the top of the bank of perennial streams and rivers. This will apply to projects that are not otherwise within SEAs. No provision is made for exceptions to this rule. As a result, there will be properties that cannot be developed due to their proximity to SEAs. This will leave the County vulnerable to claims of "regulatory takings" under the Fifth Amendment of the U.S. Constitution. Under the U.S. Supreme Court decision in *Dolan v. City of Tigard* (1994) 512 U.S. 374, which invalidated dedications of a greenway and a bicycle path not related to impacts from store expansion, a legal property exaction must be linked to an impact resulting from the project and roughly proportional to the impact of the project on the resource. An across-the-board setback may not meet this test. In order to avoid a takings claim, the County would be obligated to pay or otherwise provide the property owner just compensation for the affected land.
- Policies #22 and #23, along with the broad definition of SEA, similarly establish a strong potential for extensive takings claims against the County. As discussed previously (see the response to comment O-21k.168, for example), the County will choose to avoid situations that would lead to an unconstitutional taking (and the associated litigation) or that would require paying compensation to property owners for regulatory takings.

The biological resources policies of the 2007 General Plan, as revised, are designed to be protective, enforceable, and avoid questions of regulatory takings. Further, they would allow the County to meet its Housing Element obligations.

O-21k.357 See the response to comment O-21k.354 regarding development on lots of record under the GPI alternative.

O-21k.358 See the response to comment O-21k.354 regarding development on lots of record under the GPI alternative.

O-21k.359 The 2007 General Plan policies that are protective of biological resources, are described in the impact analyses under Section 4.9.5.4 of the DEIR. For an updated discussion of the revised biological resource policies, please see Master Response 8, *Biological Resources*.

O-21k.360 The comment is a general complaint about the alleged difficulty in finding the 2007 General Plan policies related to a particular subject. The 2007 General Plan policies related to each impact analyzed in the DEIR are found in the impact analyses. They are not repeated in the alternatives section in order to spare the reader further repetition. However, they are easily referenced by going to the particular impact in Sections 4.1 through 4.16 of the DEIR.

O-21k.361 The comment raises the issue of feasibility of the proposed mitigation measures for biological impacts of the 2007 General Plan. See Master Response 8 regarding the biological resource mitigation measures and Master Response 10 regarding the deferral of mitigation in a program EIR prepared for a general plan project. The comment is 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. As explained in Master Response 10, a general plan is a long-term comprehensive plan for the physical development of the County. (Gov't Code section 65300) 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]). 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. 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 comment focuses on the species inventory called for in Mitigation Measure BIO-1.1, but there are numerous biological resource mitigation measures suggested in the analysis of the 2007 General Plan biological impacts. The commenter is referred to Section 4.9 of the DEIR and Master Response 8, *Biological Resources* which describes all of the 2007 General Plan policies and all of the proposed mitigation measures that were all taken into consideration when evaluating the comparative impacts to the 2007 General Plan to the alternatives. The biological mitigation measures contain specific timelines, such as Policies OS-5.20 and OS-5.2, and a biological study is required for development projects that require a discretionary permit and that have 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. (Policy OS-5.16, as revised)

The mitigation suggested by the commenter, to place moratoria on all development until all inventories are complete, is not legally feasible for the same reasons other prohibitions on all development suggested by the commenter are not legally feasible. See, for example, the response to comment O-21k.268.

O-21k.362 The comment asks why housing development is relevant to the analysis of cultural resource impacts. Development of housing units is important because it could result in direct impacts to previously unknown archeological or significant historical resources. Large development in the AWCP is not exempt from CEQA. Please see DEIR, Section 3.4.6, *Agricultural Winery Corridor Plan*, for a detailed

description of the limits on the amount of development within the AWCP. In addition, the draft AWCP has been revised to require a biological study of 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 a discretionary permit will be required. See also Master Response 3 to comments about the anticipated additional development that would be permitted under the AWCP.

As discussed in Section 5.5.1.11, the 2007 General Plan contains more protective policies (see Section 4.10.3.7, the cultural resources impact analysis for a discussion of these policies) than does the GPI. The additional development expected to occur on existing lots of record under the GPI will be more widespread than the up to 40 sites within the wine corridor that may support ministerially approved artisan wineries and related facilities. For that reason, and the more protective policies in the 2007 General Plan, the 2007 General Plan is considered to have less potential for significant effect than the GPI alternative.

O-21k.363 The comment requests that the DEIR quantify the area of focused development under the GPI alternative and under the 2007 General Plan. At the same time, the comment acknowledges that the GPI alternative would have a numerically smaller area.

This information is not necessary for informed decision-making, nor is it pertinent to the analysis of parks and recreation impacts. The 2007 General Plan proposes the establishment of seven Rural Centers (totaling approximately 4,400 acres) in addition to the five Community Areas common to the GPI alternative. As discussed in Section 5.5.1.13, the GPI alternative would result in less adverse impact on parks and recreation than the 2007 General Plan as a result of its smaller area of focused development.

O-21k.364 A brief discussion of state responsibility for wildland fire protection is found in Section 4.13.4 of the DEIR on page 4.13-3. The State

Department of Forestry and Fire Protection (CalFire) provides primary response within State Responsibility Areas pursuant to Public Resources Code Section 4125 (areas "in which the financial responsibility of preventing and suppressing fires is primarily the responsibility of the state"). The CalFire adopts, on a regular basis, maps delineating the State Responsibility Areas. State Responsibility Areas are established by action of the Board of Forestry and encompass the following types of terrain (Public Resources Code Section 4126):

- Lands covered wholly or in part by forests or by trees producing or capable of producing forest products.
- Lands covered wholly or in part by timber, brush, undergrowth, or grass, whether of commercial value or not, which protect the soil from excessive erosion, retard runoff of water or accelerate water percolation, if such lands are sources of water which is available for irrigation or for domestic or industrial use.
- Lands in areas which are principally used or useful for range or forage purposes, which are contiguous to the lands described in the two preceding bullets.

Federal land and lands within and adjoining incorporated cities are not included in State Responsibility Areas, although the State will assist in firefighting when there is a mutual aid agreement between the jurisdictions.

In Monterey County, the State Responsibility Areas cover a substantial area of the County outside of federal lands and above the Salinas Valley floor both east and west of the valley. This includes large portions of the Monterey Peninsula and Big Sur. For the most recent map of State Responsibility Areas in Monterey County, see the CalFire fire hazard severity zone website: http://frap.cdf.ca.gov/webdata/maps/monterey/fhszs_map.27.jpg.

County policies apply to development within the unincorporated area of the county. Although the state has adopted "fire safe" building codes and other standards that require clear zones to be maintained around buildings and specify building materials in wildfire hazard areas, the policies of the County have a direct effect on the design of subdivisions and other land uses, whether within State Responsibility Areas or not. See the section on Wildland Fires beginning on page 4.13-18 of the DEIR for a discussion of the protective policies found in the 2007 General Plan.

O-21k.365 The comment asserts that the discussion in Section 5.5.1.15 regarding aesthetics fails to include the additional impacts that would occur from development of the wine corridor. Although the AWCP does not result in "extensive industrial, commercial, and residential development" (see response to comment O-21k.-362 above), the conclusion reached in Section 5.5.1.15 is that the GPI alternative would have fewer impacts on aesthetics than the 2007 General Plan.

O-21k.366 The comment asks why future employment and economic growth are discussed in the conclusion of the GPI alternative analysis. The conclusion discusses the extent to which the alternative meets the objectives of the 2007 General Plan. Future growth is discussed because the Housing Element of the General Plan is required to accommodate the projected future housing needs for all economic segments of the population. (Government Code Section 65583) A general plan that does not provide for sufficient growth opportunities will not allow the County to meet its state-mandated Regional Housing Needs Allocation over time and would not meet the third objective of the 2007 general plan, as identified on page 3-4 of the DEIR.

O-21k.367 The comment asks that the fourth bullet under section 5.6.1.1 clarify that the policy listed applies only to Carmel Valley. The pertinent language reads: "The 2007 General Plan would limit additional residential subdivision in the Carmel Valley to 266 new lots. It would also prohibit conversion of previously uncultivated land on slopes in

excess of 25%." The bullet point clearly references the Carmel Valley. The comment is noted.

O-21k.368 The comment asks what the consequences might be if, after adopting the general plan, the Greenhouse Gas Reduction Plan is not adopted within 24 months and Capital Improvement and Financing Plan is not adopted in 18 months.

The policies themselves detail the consequences for new development pending adoption of these plans

These plans are mentioned in Section 5.6.1.1 because the topic of that section is differences between GPU4 and the 2007 General Plan. Neither of these plans is proposed as part of GPU4 (GPU4 mentions capital improvements, but does not provide for preparation of comprehensive financing plans).

O-21k.369 The term "non-discretionary commercial uses" refers to "non-discretionary use for commercially designated properties," an exception stated in proposed Policy C-1.3. Under County's current zoning, this would be limited to uses allowed as of right in commercial zones, which are limited in nature.

O-21k.370 The comment inquiries about Table 5-4. This table has been corrected in the FEIR. Please see Chapter 4, Changes in the Text, in the FEIR.

O-21k.371 The comment asks for clarification of the terms "Williamson Act lands" and "Williamson Act contract lands." The two terms are intended to be synonymous.

O-21k.372 The comment asks why, if the GPU4 alternative provides for proof of availability of a long-term sustainable water supply (as does the 2007 General Plan), it is nonetheless described as contributing to the existing severe cumulative effect of groundwater supplies and overdraft conditions. The proof of availability policy, which is shared by both this alternative and the 2007 General Plan is not the sole distinguishing feature. The discussion at the top of page 5-44 explains

the reasoning. It includes the pass-fail nature of the DES under the 2007 General Plan, ensuring that marginal projects will not be approved, and the express limitation of development in portions of the areas governed by the Greater Salinas, North County, and Toro Area Plans to the first residence on vacant, existing lots of record. All of these components of the 2007 General Plan, not found in GPU4, would reduce water demand.

O-21k.373 The paragraph in section 5.6.2.3 which states that the potential increase in density resulting from the AHOs (and associated increase in water demand) is "tempered" by the restrictions on water availability within the MPWMD is describing the ways in which the 2007 General Plan "would result in increased water demand over GPU4." The term "tempered" is intended to express that development of the Mid-Carmel Valley and Hwy 68/Airport AHOs would be dependent upon the availability of water. If water is not available (per Policy PS-3.1 and PS-3.3), then those properties will not develop to the potential densities provided under the 2007 General Plan. When used later in that paragraph in the discussion of water use under the AWCP, the term is intended to mean that Policies PS-3.4 and PS-3.5 (referenced in that discussion) would act to reduce water use in the AWCP.

O-21k.374 Policy OS-3.5 contains the restrictions on development on steep slopes referenced on page 5-45. This policy has since been proposed for revision and the discussion on page 5-45 has been similarly revised. The revised policy is found in Chapter 5 of the FEIR. See also Master Response 3, *Agricultural Growth and General Plan Agricultural Policies*, and Master Response 8, *Biological Resources*, for discussions of the proposed revision.

O-21k.375 The comment asks for a comparison of the slope development policies in GPU4 and the 2007 General Plan. For a discussion of the extent of land that may be subject to the 2007 General Plan's Policy OS-3.5 (relating to development on slopes), see Master Response 3, *Agricultural Growth and General Plan Agricultural Policies*.

GPU-4:

GPU4 contains the following two policies restricting development on slopes (all references in these policies are too other GPU4 policies):

OS-3.5 A permit process will be established as follows:

1. A discretionary permit process for 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-2.7*) Hazard Databases shall be established. The process shall be designed to:
   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.
   c. minimize development in areas where potentially unstable slopes, soil and geologic conditions, or sewage disposal pose substantial risk to public health or safety.
2. The conversion for agricultural purposes of previously uncultivated lands on slopes in excess of 25-percent (25%) shall require a grading permit.
3. A ministerial permit process shall be developed and implemented for proposed development, including for purposes of this policy conversion of previously uncultivated lands, on slopes between 15- and 24-percent (15-24%), and 10- to 15- percent (10-15%) on highly erodible soils. The permit process shall be designed to require that an erosion control plan be developed and implemented that addresses slope stabilization, and drainage and flood hazards.

4. All Routine and Ongoing Agricultural Activities, except for conversion of previously uncultivated lands as described in this policy above, are exempt from the above permit requirements.

OS-3.6 Except in Community Areas where Community Plans or Specific Plans are adopted (*Policy LU-10.4*), areas designated as Medium Density Residential or High Density Residential, or in areas designated as commercial or industrial where residential use may be allowed, a formula based on slope shall be established to calculate the maximum possible residential density for individual parcels.

a. Those portions of parcels with cross-slope of between zero and 19.9-percent shall be assigned one (1) building site per each one (1) acre.
b. Those portions of parcels with a cross-slope of between 20 and 29.9-percent shall be assigned one (1) building site per each two (2) acres.
c. Those portions of parcels with a cross-slope of 30-percent or greater shall be assigned zero building sites.
d. The density for a particular parcel shall be computed by determining the cross-slope of the various portions of the parcel applying the assigned densities listed above according to the percent of cross-slope and by adding the densities derived from this process. The maximum density derived by the procedure shall be used as one of the factors in final determination of the actual density that shall be allowed on a parcel.

Clustering is encouraged as a technique to avoid development on slopes over 25-percent (25%). Where an entire parcel would not be developable because of plan policies, an extremely low density of development or single-family home will be allowed, as appropriate.

2007 General Plan:

The 2007 General Plan contains the following policies regarding development on slopes. Note that Policy OS-3.5 has been revised since publication of the DEIR.

> 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.
>
> Such development shall require adequate special erosion control and construction techniques.
>
> 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%.

OS-3.6 Except in Community Areas where Community Plans or Specific Plans are adopted (*Policy LU-2.24*), areas designated as Medium Density Residential or High Density Residential, or in areas designated as commercial or industrial where residential use may be allowed, a formula based on slope shall be established to calculate the maximum possible residential density for individual parcels:

a. Those portions of parcels with cross-slope of between zero and 19.9 percent shall be assigned one (1) building site per each one (1) acre.
b. Those portions of parcels with a cross-slope of between 20 and 29.9 percent shall be assigned one (1) building site per each two (2) acres.
c. Those portions of parcels with a cross-slope of 30 percent or greater shall be assigned zero building sites.
d. The density for a particular parcel shall be computed by determining the cross-slope of the various portions of the parcel applying the assigned densities listed above according to the percent of cross-slope and by adding the densities derived from this process. The maximum density derived by the procedure shall be used as one of the factors in final determination of the actual density that shall be allowed on a parcel.

Clustering is encouraged as a technique to avoid development on slopes over 25 percent (25%). Where an entire parcel would not be developable because of plan policies, an extremely low density of development or single-family home will be allowed, as appropriate.

Table 3-6. Comparison table of GPU4 and the 2007 General Plan Policies

Slope	GPU4 Provisions	2007 GP Provisions
Non-Agricultural		
25% and over	Discretionary Permit Required[1]	Prohibited, except with discretionary permit[2,3]
Ag Conversion of Uncultivated Land		
10-15% on highly erodible soils	Ministerial permit process to be developed[4]	Discretionary permit required
15-25% on any soil	Ministerial permit process to be developed[4]	Discretionary permit required
25% and over	Grading permit required	Prohibited, except with discretionary permit[5]
Routine and Ongoing Ag Activities	Provisions do not apply	Provisions do not apply

1 Also applies to any slope with known geologic or floodplain hazard. GPU4 establishes standards for permit considerations.
2 Discretionary permit only issued when specific findings of fact can be made. If approved, will require special erosion control and construction techniques.
3 No discretionary permit required if 25% slope does not exceed 500 square feet or 10% of the total development footprint, whichever is less.
4 Process will require an erosion control plan be developed to address slope stabilization and flooding and drainage hazards.
5 Specifies criteria for approval of discretionary permit

The respective Policies OS-3.6 in GPU4 and the 2007 General Plan are identical.

The comparison, particularly where discretionary permits are required, makes it clear that the proposed Policy OS-3.5 in the 2007 General Plan is more restrictive than its counterpart in the GPU4 alternative. It is not necessary to examine the amount of land that would be affected by the policies. Because they apply to basically the same slopes, that can be considered a constant in the comparison.

O-21k.376 The discussion in section 5.6.2.6 is concerned with the concurrency requirement of GPU4 traffic policy on mitigating the traffic impacts of new development. Both GPU4 and the 2007 General Plan contain similar policies requiring concurrent traffic mitigation fees. Traffic

impact fees are collected from new development projects (see revised Policy C-1.12 and, for discretionary projects Policies C-1.3 and C-1.4 in Chapter 5 of this FEIR).

Both GPU4 and the 2007 General Plan provide for the ministerial approval of certain uses in the winery corridor. These uses are described in response to comment O-21k.362 above. Under Policy C-1.12 of the 2007 General Plan, ministerial projects would be subject to preparation of a traffic impact analysis and a traffic impact mitigation fee if necessary to pay for project-related improvements. Both GPU4 and the 2007 General Plan include policies requiring the preparation of a countywide Capital Improvement and Financing Plan to help fund road improvements. To the extent that such a plan relies on funding from benefit assessment districts or other such mechanisms instead of impact fees linked to discretionary approvals, it may fund the improvements needed to serve ministerial projects as well. The 2007 General Plan provides a more comprehensive solution to project-related road improvements need than does GPU4.

Agricultural conversion on slopes of 25% or greater would be subject to some form of discretionary permit under the 2007 General Plan, but not under GPU4.

O-21k.377 See the response to comment O-21k.375.

O-21k.378 As discussed in section 5.6.2.14, the 2007 General Plan would allow up to 10 full scale wineries within the AWCP that would not be provided for in the AWCP contemplated in GPU4 and those additional wineries would be sources of light and glare. However, the AWCP does not result in “extensive industrial, commercial, and residential development” (see response to comment O-21k.-362 above). By contrast, GPU4 provides for more Community Areas and Rural Centers than the 2007 General Plan. As disclosed on page 5-41, these additional focused development areas would cover approximately 1,831 acres. The 10 full scale wineries are not likely to encompass that

amount of land with lighted development. As a result, they would not have the same level of impact as the larger development footprint authorized under the GPU4 alternative.

O-21k.379 The comment asks for clarification as to whether a winery would be considered an industrial use under County codes and the 2007 General Plan. A winery is defined as an "agricultural processing plant" under Section 21.06.020 of the County Zoning Code. No distinction is made between full-scale and artisan wineries in the County Code. Agricultural processing plants may be allowed, upon approval of a use permit, in the Agricultural Industrial (AI), Light Industrial (LI), Heavy Industrial (HI), Farmlands (F), Rural Grazing (RG), and Permanent Grazing (PG) zoning districts.

The 2007 General Plan Glossary similarly defines a winery as an agricultural processing plant. It defines full-scale and artisan wineries, as well as "winery adjunct uses" and "wine tasting facility." For the GPU policies toward full scale and artisan wineries in the Agricultural Winery Corridor, the AWCP would govern.

O-21k.380 The comment asks why the number of 2007 General Plan dwelling units in Table 5-5 doesn't match the number in comparable tables. A number of the tables in Section 5, Alternatives, contained numerical errors. The tables have been revised to provide a common year 2000 starting point for residential growth, providing a better comparison.

The tables have been corrected in Chapter 4 of the FEIR. With regard to Table 5-5, the correct number of dwelling units for both the TOD alternative and the 2007 General Plan is 13,420. The correct amount of target housing under the TOD alternative is one-third of 13,420 or 4,026 units. It is a subset of the 13,420 units, not an addition, and represents the amount of housing that would be encouraged to locate within the TODs.

O-21k.381 The grading ordinance is referenced in the water resources discussion at section 5.7.3.3 because it helps to control erosion. Erosion and

sedimentation reduce surface water quality. The grading ordinance is assumed to apply in both the TOD alternative and the 2007 General Plan.

O-21k.382 The comment notes that the EIR "fails to suggest" an alternative similar to the proposed 2007 General Plan that would prohibit "any intensification of steep slope development over the levels allowed by the 1982 General Plan."

Policy 26.1.10 of the 1982 General Plan provides that the County will prohibit development on slopes greater than 30%, except where specific findings are made that either there is no alternative that would allow development on slopes less than 30% or the proposed development better achieves the resource protection objectives of the General Plan and all applicable other County plans. Grant of the exception requires a discretionary approval process.

Policy OS-3.5 has been revised since the publication of the DEIR to require discretionary permits for development on steep slopes and to prohibit development on slopes in excess of 25%, except under prescribed circumstances. With this revision, proposed GPU5 is similar in its prohibition on intensification of steep slope development. The comment that this would avoid many of the impacts of the proposed additional development of steep slopes is noted.

O-21k.383 The comment notes that the EIR "fails to suggest" an alternative similar to the proposed 2007 General Plan that would not include a winery corridor, or include one allowing far less intensity of development and requiring all development to undergo project-level CEQA review.

Pursuant to CEQA Guidelines Section 15126.6, the range of reasonable alternatives to the project is to include alternatives that are feasible, reduce one or more of the project's significant effects, and meet most or all of the project's objectives. The objectives of the 2007 General Plan are described in Section 3.2.1, beginning on page 3-4, of the DEIR. One of the objectives is to "[e]stablish the Agricultural Winery Corridor

Plan (AWCP) to facilitate the development of wineries along a corridor in the central and southern Salinas Valley to achieve a balance between the wine-grape production and wine processing capacity within the County." The suggested alternative that would delete the winery corridor would not meet this objective. As explained on page 3-4, "[t]he complexity of the general plan, with its interacting goals and policies, requires that it meet all of the following objectives to be effective." Those objectives include the AWCP. This proposed alternative is rejected for that reason.

Revision of the draft AWCP has been proposed since publication of the DEIR. (See Chapter 5 of the FEIR.) Per the proposed revision, all permanent projects within the winery corridor will be required to undertake a biology study prior to approval. If the biology study indicates the potential to significantly affect biological resources, the project will be subject to a discretionary permit and, therefore, subject to CEQA review. This change means that artisan wineries with the potential to impact biological resources will be subject to project-level environmental review under CEQA. This is similar to the alternative suggested.

O-21k.384 The comment suggests that the EIR consider an alternative that minimizes impacts on water resources by establishing a moratorium on all further development in all overdrafted basins until additional, sustainable, adequate supplies are provided and the basin comes into "long term sustainable balance."

Although the 2007 General Plan policies under Goal PS-3 (addressing long term water supply) do not establish a moratorium on all development, they do require proof of "a long-term, sustainable water supply, both in quality and quantity, to serve the development" (except for the first residence on existing lots of record). The broad moratorium on development suggested by the comment could amount to a "regulatory takings" without compensation, in contravention of the Fifth Amendment of the U.S. Constitution. CEQA

requires mitigation measures to be "consistent with all applicable constitutional requirements." (CEQA Guidelines §15126.4(a)(4)) This is not a legally feasible alternative. See also response to comment O-21.k-168.

O-21k.385 The comment asks for clarification of the agricultural permit process proposed under the prior version of Policy OS-3.5 of the 2007 General Plan. The revisions to Policy OS-3.5 clarify that the approval of agricultural conversion of uncultivated land on steep slopes would be subject to a discretionary permit process, except under a narrow exception delineated in the revised policy. See the response to comment O-21k.375 for the text of the revised proposal, including the standards applicable to issuance of a permit and the requirements for the related management plan.

O-21k.386 See the response to comment O-21k.385.

O-21k.387 The comment states that the DEIR should analyze the environmental effects of mitigation measures that require the adoption of policies and/or ordinances. The DEIR is a program EIR or "first-tier document," which provides a broad analysis of the 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 Section 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; see also *Rio Vista Farm Bureau Center et al. v. County of Solano* (1992) 5 Cal.App.4th 351)

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, 15143, 15146, 15151, 15204) While the

County strives to provide as much detail as possible in the mitigation measures and policies, given the long-term nature of a general plan, and its geographic scope, the project should be general enough to allow a degree of flexibility in decision-making as times change. (OPR 2003, page 14) This is acceptable under CEQA. (*Koster v. County of San Joaquin* (1996) 47 Cal. App. 4th 29 ["a first-tier EIR may contain generalized mitigation criteria and policy-level alternatives"]) 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])

The DEIR analyzed the impacts of the General Plan and its policies at a programmatic level of detail. If and when future ordinances and other implementation measures are under consideration for adoption, project-level CEQA review will be provided. Until that time, the environmental impacts of such ordinances is too speculative to meaningfully analyze, and thus need not be included in the DEIR. (CEQA Guidelines, §15145) Please see Master Response 10, which discuses the level of detail for the General Plan and General Plan's EIR.

O-21k.388 The comment states that the DEIR does not analyze the impacts resulting from the ministerial permit process under GPU steep slope policies (Policy OS-3.5). GPU Policy OS-3.5 has been revised and no longer provides a ministerial permit process for proposed development on slopes between 15-24% or on slopes between 10-15% on highly erodible soils. The policy now requires discretionary permits. Please see the revisions to Policy OS-3.5 in FEIR Chapter 5, and Master Response 3, *Agricultural Growth and General Plan Agricultural Policies*.

Additionally, please see Master Response 10 which discusses the level of detail for the General Plan and General Plan's EIR.

The comment also suggests that existing policy would be a "…significant departure from current policy." Please see response to comment O-21k.2 which discusses the CEQA requirements for discussion of the existing General Plan.

O-21k.389 The comment suggests that the EIR consider prohibiting development on slopes over 25% and over 30% as a mitigation measure. It is not clear from the comment whether it refers to non-agricultural or agricultural development. The 2007 General Plan Policy OS-3.5, as revised, prohibits non-agricultural development on slopes in excess of 25%, except when certain findings can be made. The findings are similar to those required under the existing 1982 General Plan for approval of development on slopes in excess of 30%. Policy OS-3.5 as revised prohibits conversion of previously uncultivated lands to agricultural uses where the slope exceeds 25% except under a narrow exception delineated in the policy. The revisions made to Policy OS-3.5 since publication of the DEIR have effectively incorporated the recommendation of the comment. The comment that the comment's proposed mitigation would significantly reduce the impacts of GPU5 is noted.

O-21k.390 See the response to comment O-21k.345.

O-21k.391 The commenter contends that Jones & Stokes (now ICF International), the preparer of the DEIR, is biased because it has a "financial interest in multiple projects in Monterey County," and these interests create a conflict for Jones & Stokes in the preparation of the DEIR, resulting in the integrity of the DEIR being called into question.

This is not a comment on the environmental analysis in the DEIR that requires a response under CEQA; however, the fact that ICF International is under contract with other persons or entities for work in Monterey County does not create either bias or a conflict. There is

no requirement in CEQA that the preparer of an EIR not have any other business interests in the jurisdiction for which the EIR is being prepared. In addition, nothing in the Political Reform Act (Government Code section 81000 et seq.), or any other provision of law, compels a conclusion that Jones & Stokes has a conflict of interest or is biased. The commenter alleges, in particular, that the fact that ICF International has a contract for particular work with the MPWMD at the same time it prepared the DEIR creates a conflict. The mere assertion does not make it so, and there are no facts presented that show a conflict or bias. In regard to the comment's assertions about the Rancho Canada Village project, ICF International has no financial interest in the approval or denial of that project, as ICF International's contract is with Monterey County to prepare the CEQA analysis. ICF International is not under contract to the project proponent and has no expectation of future work or financial interest related to the project should it be approved or denied. The comment's hearsay report of applicant's opinion of the Rancho Canada Village EIR is not evidence of a conflict of interest or bias on the part of ICF International.

Whether or not future work related to implementation of the General Plan or mitigation might be done by ICF International or another consultant firm or other parties is not evidence of bias in the preparation of this EIR. All future awards of work for consulting firms, including ICF International, must follow the County's contracting procedures.

The County went through a very thorough review process to select the preparer for the EIR on this draft General Plan, and ICF International met the County's needs and was therefore selected. ICF International's professional involvement with the DEIR is to prepare the analysis and identify mitigations in accordance with CEQA requirements and based on the evidence identified. Under CEQA, the County as lead agency is "ultimately responsible for the adequacy and objectivity of the DEIR."

(CEQA Guidelines § 15084) Additionally, if the County certifies the FEIR, the County will have to certify that the FEIR reflects the County's independent judgment and analysis. (Public Resources Code Section 21082.1; CEQA Guidelines § 15090)

O-21k.392 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 the 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 merely clarify or amplify the analysis and do not make significant modifications. (See FEIR Chapter 4 for a list of all revisions to the DEIR.) See also Master Response 12, *Recirculation*. Therefore, recirculation is not required under CEQA. (CEQA Guidelines, §15088.5(b)) Please see responses O-21k.2 through O-21k.391 regarding commenter's specific remarks on the adequacy of the DEIR

Individuals

I-1 Brennan, Janet

I-1.1 The commenter raises questions about data pertaining to 2030 "buildout" (development to the planning horizon) and 2092 (full buildout of the General Plan)

Table 3.9 on page 3-20 of the DEIR indicates that there could be 1,481 units developed in the Affordable Housing Opportunity areas (AHOs) by 2030. Full buildout of the AHOs could equal 3,870. The discussion on page 4.15-15 of the DEIR relates to population growth through 2030.

Table 3.9 has been revised (see Chapter 4 of this FEIR) to estimate that the AHOs will have the potential to house up to 1,269 units by 2030. This is less than the number calculated in the DEIR, but does not result in a conflict with any significance determinations. Full buildout is discussed on Page 4.15-17, but does not distinguish the number for the AHOs. It provides total dwelling units, since the ability to forecast that far into the future is limited. The DEIR number is unchanged in the revised Table 3.9.

I-2 California Water Service Company

I-2.1 The commenter has indicated that the DEIR should provide more information on nitrate contamination. There are several sections in Section 4.3 of the DEIR that address groundwater contamination including pages 4.3-22 -4.3-25; Section 4.33.2, and pages 4.3-90-4.3-99. In addition, the DEIR addresses nitrate contamination from septic systems. Tables 4.3-2, 4.3-3, 4.3-8 and Exhibit 4.3-8 all contain detailed information on the extent and degree of nitrate contamination.

The County concurs that the excerpts regarding nitrate contamination levels on Page 4.3- 22 should be clarified. Please refer to Chapter 4 for the pertinent text changes.

I-2.2 The commenter has suggested changes to the text on page 4.3-23 of the DEIR (mistakenly referenced in the comment as page 4.3-22) regarding BMPs to reduce existing nitrate contamination in the Salinas Valley. The proposed General Plan Update already contains several policies that are consistent with this comment. OS-3.1 requires that BMPs be established and enforced; OS-3.2 encourages support of the projects between landholders and state and federal soil conservation and restoration program; OS□3.3 requires establishment of criteria that would be used to establish design parameters and BMPs to address soil stability, slope and water quality issues. AG-5.2 promotes policies and program to protect and enhance surface water and groundwater resources. The General Plan also includes strict provisions with respect to the reduction of nitrate contamination from septic systems including requirements for adequate infrastructure financing for new development and connections to public systems (Policy PS-4.12). Therefore, it is not necessary to make the textual change requested in the comment, and no additional policies are proposed at this time. The comment will be forwarded to the decision makers for their consideration.

I-2.3 In order to address the ongoing issue of high nitrate contamination in wells, the draft General Plan includes new infrastructure and service standards (Policy PS-1.1 and Table PS-1) for new development. Policies PS-2.2 and PS-2.5 address water and water quality testing of wells. In addition, Policy PS-3.4 requires that specific water quality and quantity criteria be developed to evaluate the adequacy of new wells. Policies PS-4.1 through PS-4.12 include measures to address wastewater management. PS-4.12 requires the development of On-site Wastewater Management Plans for areas with high concentrations of development served by individual sewage systems. The DEIR evaluates

the impact of the 2007 General Plan Update on the availability of water supply to serve existing and future demands in Impact WR-4 (Section 4.3, p. 4.3-113 – 4.3-135.)

I-2.4 Please refer to responses I-2.2 and I-2.3 above. In addition, Policy PS-3.1-3.15 provides measures for water conservation and enhancement of long-term water supplies. Policies PS-3.12 and PS-3.14 specifically address agricultural water conservation.

I-2.5 The text in the DEIR has been revised to address this comment. Please refer to Chapter 4.

I-2.6 The commenter has requested additional evidence beyond statements on Page 4.3-1 regarding how the SVWP will meet water demands in the basin to 2030. The DEIR, on Pages 4.3-32 through 4.3-35 provides additional information on the SVWP. The text (see Page 4.3-33) refers to information in the EIR/EIS for the SVWP that contains the background information, demand estimates and modeling data to support the information provided in the General Plan DEIR with respect to supply and reversal of seawater intrusion. This document was included in Section 11, *Documents, Plans, and Reports Cited*, of the DEIR.

To address some of the comment provided on the DEIR with respect to water supply/demand through 2030 and post-2030 strategies, the FEIR includes changes to Mitigation Measure WR-2 that provide a review of actual growth against projections every five years and links this review to the development of future supply alternatives. See Chapter 4 for the revised Measure WR-2.

Please also refer to Master Response 4, *Water Supply*, for additional information on water supply demand and water supply projects in the Salinas Valley Groundwater Basin.

The commenter questioned the inconsistency between statements in the DEIR that there will be a sufficient water supply in the Salinas Valley with Impact WR-4 which states that capacity will exceed supply.

WR-4 addresses Monterey County as a whole and distinguishes between the Salinas Valley Groundwater Basin and other groundwater basins (i.e., El Toro, Pajaro, Carmel Valley, Seaside). Based on an analysis of these other areas of the County, the DEIR concludes that the impact will be significant and unavoidable. WR-4 also addresses the post-2030 timeframe and for 2030 to 2092 Buildout concludes that there will not be sufficient supply. The mitigation proposed is to develop additional alternative projects and sources.

I-2.7 The commenter is correct that the CSIP project delivers water to agricultural customers only. However, the intent is to thereby to free up water for urban customers. In addition, the CSIP will provide benefits with respect to the halting of seawater intrusion.

I-2.8 Please refer to Master Response 4, *Water Supply*, for a discussion of the MCWRA modeling with respect to seawater intrusion. With respect to the comments regarding the second phase of the SWVP, the FEIR includes proposed revisions to Mitigation Measure WR-2 as mitigation for impacts beyond 2030. This measure includes requirements for initiating planning for Phase 2 by 2020 in order to have a new project on-line by 2030. In response to comments, WR-2 has been revised to track, at 5-year intervals, actual growth with projected growth against the SVWP modeling projections. The timeframe for planning phase 2 would be coordinated with information gained in the periodic review. Please refer to Chapter 4 of this FEIR.

I-2.9 Based upon all the modeling completed to date, there does not appear to be an issue with the spread of the plume. As stated on p. 4.3-130 of the DEIR, the SVWP will provide sufficient supply to reverse existing overdraft and seawater intrusion problems and to provide water for new development. The DEIR relies upon the information provided in the EIS/EIR prepared for the SVWP to support this statement, as discussed in response to comment I-13.6. The SVWP EIS/EIR reflects the results of the SVIGSIM model in its conclusions. The SVIGSIM model is well accepted as a locally calibrated simulation of the

Salinas Valley's groundwater and has been used extensively in water supply planning within the Salinas Valley. The SVIGSIM runs for the SVWP conclude that that project will reverse overdraft conditions within all basins within the Salinas Valley. To clarify a statement in the DEIR regarding the "reversal" of seawater intrusion: while existing seawater intrusion cannot be reversed to the extent that the existing line of seawater intrusion is pushed westward, the DEIR intends to say that the existing *trend* of eastward movement of that line will be halted. As noted in the SVWP EIS/EIR, additional delivery systems will be needed in order to deliver water to some parts of the Zone 2C zone of benefit. The MCWRA shall continue monitoring over time to determine success and adapt as necessary. Please refer also to Master Response 4, *Water Supply*.

I-2.10 Please refer to response I-2.6 above. The information requested is in the SVWP EIR/EIS.

I-2.11 The comment regarding overestimation of demand is noted. The 181 gallon per day (gpd) rate assumed for purposes of the general analysis provided in this EIR, as contrasted with the actual data from CWSC of 146 gpd, will become a factor in the five□year review process of actual growth against projections that will be required by Mitigation Measure WR-2 (revising Policy PS-3.18), as revised in the FEIR. This factor, in addition to the conservative growth projections utilized in the DEIR analysis may therefore suggest that the SVWP estimates regarding the ability to provide water up to 2030 are likewise conservative. The issue of the SVWP's estimates is discussed in Master Response 4, *Water Supply*, which addresses a number of the comments raised with respect to water supply.

I-3 Clark, David and Madeline

I-3.1 These comments pertain to policies included in the Draft General Plan. These comments reflect the opinions of the commenter regarding

these policies and are not comments on the adequacy or content of the EIR. The decision-makers will consider these comments during their deliberations on the Draft General Plan. No further response is necessary.

I-4 Del Piero, Marc

I-4.1 Commenter has indicated that he affirms the comments provided by the Agricultural and Historical Lands Conservancy and Land Watch Monterey County. Commenter should refer to the responses to comment letters O-1a, O-1b, and O-11a through O-11g for responses to the comments submitted by these organizations. In addition, please refer to Master Response 3 on General Plan Agricultural Policies for further discussion of the proposed project's impact on farmland.

I-5 Doering, John

I-5.1 The commenter has suggested that cultivation on slopes greater than 25% should be prohibited. Based upon comments received on the issues of erosion and water quality, proposed Policy OS-3.5 has been modified to include provisions that further restrict cultivation on slopes over 25%. Please refer to the discussion in Master Response 3 on General Plan Agricultural Policies for a discussion of the proposed changes to Policy OS-3.5. These can also be found in Chapter 5 of the FEIR.

I-5.2 The commenter is suggesting that circulation policies in the General Plan be modified regarding levels of service. These comments reflect the opinions of the commenter regarding policies of the Draft General Plan and are not substantive comments on adequacy or content of the EIR. All comments will be forwarded to the decision-makers for their consideration prior to a final decision on the proposed project.

I-6 General Farm Investment Company (C. Bunn)

I-6.1 This comment asserts that the Intergovernmental Panel on Climate Change (IPCC) evaluations of greenhouse gas emissions and climate change are based on "faulty premises" and "fake data". The comment in specific claims that the IPCC's evaluation is based on data generated by Dr. James Hanson of NASA's Goddard Institute for Space Studies (GISS) and alleges that Dr. Hansen's data is questionable due to questions about prior temperature data for October 2008, arctic ice levels, and whether the 1990s were the hottest decade in the 20th century (compared to the 1930s). Based on these concerns, the commenter questions the reliance of the EIR on data from the IPCC.

The commenter disagrees with the scientific evidence on climate change presented in the DEIR. CEQA Guidelines Section 15151states that "disagreement among experts does not make an EIR inadequate." The DEIR relies on the findings of the International Panel on Climate Change (IPCC). Contrary to the commenter's claim, the IPCC is highly respected and is the leading international body related to the issue of climate change. The IPCC is composed of leading climate scientists from around the world and was established by the United Nations Environmental Programme and the World Meteorological Organization in 1988. The panel itself is made up of more than 2,500 scientific and technical experts from more than 60 countries all over the world. The scientists are from widely divergent research fields including climatology, ecology, economics, medicine, and oceanography. The IPCC is referred to as the largest peer-reviewed scientific cooperation project in history. (California Climate Change Portal 2009)

The IPCC prepares predictions of the potential impact of the greenhouse effect according to existing climate models and peer-reviewed literature information. It reviews and assesses the most recent peer-reviewed scientific, technical and socio-economic

information produced worldwide relevant to the understanding of climate change (the IPCC itself does not conduct any research, nor does it monitor climate related data or parameters). Review is an essential part of the IPCC process, to ensure an objective and complete assessment of current information. Differing viewpoints existing within the scientific community are reflected in the IPCC reports. (Intergovernmental Panel on Climate Change 2009)

The commenter has not provided any reference to peer-reviewed scientific articles that question the conclusions in the IPCC's Fourth Assessment Report, which is the report cited in the EIR as the source of information about projected global warming and associated temperatures. Instead, the commenter references undated newspaper reporting from the London Telegraph concerning Dr. Hansen (which makes it difficult to track down the newspaper assertions and the basis for them). Further, the comment quotes two researchers (McIntyre and Watts) as disputing Dr. Hansen's data without citing the source of Mr. McIntyre's and Mr. Watts evidence.

Beginning in 1990, the IPCC has prepared a series of Assessment Reports on Climate Change. The most recent, the Fourth Assessment Report, was released in 2007. The County has relied, in part, upon the work of IPCC because it is highly regarded and scientifically sound. Other agencies relying upon the work of the IPCC include the California ARB, Natural Resources Agency, and other members of the State's Climate Action Team.

According to "The Scientific Consensus on Climate Change", *Science*, 3 December 2004, p. 1686:

> "The scientific consensus is clearly expressed in the reports of the Intergovernmental Panel on Climate Change (IPCC). Created in 1988 by the World Meteorological Organization and the United Nations Environmental Programme, IPCC's purpose is to evaluate the state of climate science as a basis for informed

policy action, primarily on the basis of peer-reviewed and published scientific literature. In its most recent assessment, IPCC states unequivocally that the consensus of scientific opinion is that Earth's climate is being affected by human activities: 'Human activities … are modifying the concentration of atmospheric constituents … that absorb or scatter radiant energy. … [M]ost of the observed warming over the last 50 years is likely to have been due to the increase in greenhouse gas concentrations' [p. 21 in (4)].

IPCC is not alone in its conclusions. In recent years, all major scientific bodies in the United States whose members' expertise bears directly on the matter have issued similar statements. For example, the National Academy of Sciences report, *Climate Change Science: An Analysis of Some Key Questions*, begins: 'Greenhouse gases are accumulating in Earth's atmosphere as a result of human activities, causing surface air temperatures and subsurface ocean temperatures to rise' [p. 1 in (5)]. The report explicitly asks whether the IPCC assessment is a fair summary of professional scientific thinking, and answers yes: 'The IPCC's conclusion that most of the observed warming of the last 50 years is likely to have been due to the increase in greenhouse gas concentrations accurately reflects the current thinking of the scientific community on this issue' [p. 3 in (5)].

Others agree. The American Meteorological Society, the American Geophysical Union), and the American Association for the Advancement of Science (AAAS) all have issued statements in recent years concluding that the evidence for human modification of climate is compelling."

The IPCC uses multiple sources of data, including those from GISS, as well as other temperature series. If the commenter is interested in examining such data it is explicitly described and fully referenced to peer-reviewed scientific research in the report cited in the EIR:

Intergovernmental Panel on Climate Change (IPCC*). Climate Change 2007: The Physical Science Basis, Summary for Policy Makers* (Working Group 1 Fourth Assessment Report) which is available on the web at: http://www.ipcc.ch/pdf/assessment-report/ar4/wg1/ar4-wg1-spm.pdf and was made available at the Monterey County Planning front counter during the public review period for the DEIR. Given that the comment presents no actual evidence countering the IPCCs conclusion that global temperatures are rising whereas the IPCC reports do, there is no reason to conclude that the IPCC's conclusions are "faulty" or "fake".

The concern about global climate change is a concern about long-term trends, not the immediate changes over a period of one year which can be subject to short-term climate variability. As described in IPCC (2007), the long-term concern about arctic ice is a documented 7 percent decline per decade in the extent of summer minimum from the early 1970s through 2005. The change over one year is not the relevant issue, but rather the long-term change is of concern. The IPCC report, unlike the only reference made by the commenter, is based solely on peer-reviewed scientific research and all information is extensively referenced as can be verified by examination of the IPCC 2007 report on the physical science basis for climate change. As such, it represents a far more reliable basis for evaluation of climate change than the claims made by this comment.

I-6.2 The commenter asserts that the link between changes in global temperatures and deleterious impacts on natural and human environments is speculative. Please see Response to I-6.1.

The conclusion in the DEIR is supported by numerous studies of the potential effects of global climate change. The State of California has undertaken an extensive interagency response to the potential adverse effects of climate change on California. This includes, among many other examples, formation of the interagency Climate Action Team, the Governor's Executive Order S-3-05 (establishing goals for

the reduction of greenhouse gas reduction in California), and the activities of the ARB to coordinate many agencies in implementing AB 32 (the California Global Warming Solutions Act of 2006).

California agencies continue to examine the potential effects of global climate change on California, methods to analyze that change, and means to reduce greenhouse gas emissions and adapt to predicted changes. These studies are too numerous to list here. For example, the California Energy Commission's Public Interest Energy Research (PIER) Program alone produced over 40 reports on issues related to climate change and greenhouse gas emissions between January and August 2009.

The comment provides no evidence or references to back up their claim for speculation. The potential for deleterious impacts on natural and human environments are well documented in the IPCC 2007 Fourth Assessment report (IPCC 2007). As described in this report, increasing atmospheric concentrations of carbon dioxide and temperature increases will result in agricultural output increases in the middle latitudes of the northern (northern U.S and Canada, for example) and southern hemisphere, but at the expense of decreasing agricultural outputs in the lower latitudes (particularly in sub-Saharan Africa) that may increase risk of hunger in a number of vulnerable countries. As to spreading "beneficial flora", it is unknown what this refers to, the above report concludes that approximately 20-30% of plant and animal species assessed so far are likely to be at an increased risk of extinction if increases in global average temperature exceed 1.5-2.5°C. This hardly indicates any purported movement of beneficial flora.

I-6.3 The commenter questions the use of the term "global pollutant" in regard to greenhouse gases such as water vapor, CO_2, nitrogen, and other common emissions.

The commenter misconstrues the use of this term in the context of global climate change. Greenhouse gases are not necessarily directly harmful to human health. Obviously, many of the so-called greenhouse gases are found naturally. However, it is their part in causing global climate change, as discussed in Section 4.16, *Climate Change* of the DEIR that raises them to the level of pollutants. The intent was not to claim that GHGs are toxic pollutants as a group. The federal Clean Air Act defines a pollutant as any compound which "contribute to, air pollution which may reasonably be anticipated to endanger public health or welfare." As discussed there, the U.S. Supreme Court ruled in *Massachusetts vs. Environmental Protection Agency et al.* 549 U.S. 497 (2007) that greenhouse gases fit within the Clean Air Act's definition of a pollutant.

In response to *Massachusetts v. Environmental Protection Agency*, on December 7, 2009. the U.S. Environmental Protection Agency (EPA) stated that: after thorough examination of the scientific evidence and careful consideration of public comments, the EPA found that GHGs threaten the public health and welfare. GHGs are the primary driver of climate change, which can lead to hotter, longer heat waves that threaten the health of the sick, poor or elderly; increases in ground-level ozone pollution linked to asthma and other respiratory illnesses. EPA also found that GHG emissions from on-road vehicles contribute to that threat. EPA's ruling can be found at: http://www.epa.gov/climatechange/endangerment.html

I-6.4 The commenter asserts that the possible environmental changes discussed in Section 4.16, *Climate Change* are "reckless speculation" and asks for the source of the information, and asks whether climate change will have any positive impacts. The comment states that commenter is concerned about EIR consultants' intelligence and political persuasions.

The reference for Section 4.16.3.2 was inadvertently not provided in this section, but has been provided in the FEIR. The reference was

actually "Scenarios of Climate Change in California: An Overview" (Climate Scenarios report), published in February 2006 (California Climate Change Center 2006). This reference was made available by the County during the DEIR review. The potential environmental changes that are expected to happen to California are well documented in the literature. Most recently, the May 2009 PIER report entitled *The Future is Now: An Update on Climate Change Science Impacts and Response Options for California* outlines the variety of adverse effects that are reasonably foreseeable as a result of global climate change. However, the science of climate change research is not so advanced as to be able to predict the particular impacts that may occur at the local level.

CEQA requires the disclosure of significant environmental effects. A significant effect is defined as "a substantial, or potentially substantial adverse change in the environment." (Public Resources Code Section 21068) Accordingly, the DEIR focuses on the potential adverse effects of global climate change.

The impacts of Climate Change on California are documented fully in "2009 California Adaptation Strategy: A Report to the Governor of the State of California". The Report, which provides information on the impacts on Public Health, Biodiversity, Ocean and Coastal Resources, Water Management, Agriculture, Forestry and Transportation and Energy Infrastructure, can be found at: http://www.energy.ca.gov/2009publications/CNRA-1000-2009-027/CNRA-1000-2009- 027-F.PDF Please also see Response I-6.1.

Thus, the presentation of the adverse effects of climate change on California and Monterey County is well supported by research and evidence in the record, whereas the commenter provides no evidence to support his claim. As such, the commenter's aspersions about the intelligence or political bias of Jones & Stokes (now ICF International) are contradicted by the demonstration that the DEIR is based on credible and substantial evidence in the record.

I-6.5 The commenter points out that California contributes only a small amount of the additional CO2 being released into the atmosphere. This comment relates to the veracity of global warming and to the level of response by California. See responses I-6.1 and I-6.2.

The comment confuses the atmospheric concentration of GHGs with the annual share (12th to 16th) of California emissions as part of global anthropogenic emissions on page 4.16-4. The comment does not make any specific assertion about the adequacy of the EIR, but is clearly trying to imply that California's emissions are too small to matter and to question where GHGs could actually cause global warming. Although GHG concentrations in the atmosphere are relatively small as the commenter notes, there is a delicate balance of these concentrations that most scientists believe has been altered by anthropogenic emissions since the Industrial Revolution. Without natural GHG emissions, the earth's average temperature would be below the freezing point of water and would make human habitation of the earth difficult (IPCC 2007a). However, anthropogenic GHG emissions can result in an excess of greenhouse gas emissions that can result in warming of the atmosphere and result changes in climate.

As the evidence for anthropogenic GHGs resulting in global warming is grounded in peer reviewed science as best summarized in the IPCC reports and the commenter provides no scientific evidence to dispute those conclusion, no further response is necessary. The commenter is referred to the IPCC 2007 report on the Physical Science basis for climate change noted above for a detailed description of the science as understood today.

I-6.6 The comment asks why nuclear power is not considered under Mitigation Measure CC-3 as part of alternative energy promotion. Licensing and approval of power plants over 50 MW is under the

jurisdiction of the California Energy Commission (CEC) and is not under the jurisdiction of Monterey County. Existing law prohibits the CEC from approving any new nuclear fission power plant until the CEC has determined that technologies exist for the reprocessing of nuclear fuel rods and the disposal of high-level nuclear waste. (Chapters 194 and 196, Statutes of 1976) The commenter is correct that nuclear power does not have operational GHG emissions associated with combustion of fossil fuels like natural gas-fired power plants and thus could be part of a strategy to reduce GHG emissions associated with electricity generation emissions. Since the County does not have the authority to pursue large-scale power plants, and state law establishes a moratorium on same, whereas it can promote small-scale alternative energy within its jurisdiction, nuclear power is not included in Mitigation Measure CC-3. Should the Board wish to consider the potential promotion of nuclear power in the future, the environmental impacts of policies to promote potential new nuclear power would need to be evaluated under CEQA.

I-6.7 The commenter asks why 75% has been recommended as a waste reduction goal in Mitigation Measure CC-4, Promote Recycling and Waste Reduction.

The 75% goal was selected as an achievable level of landfill diversion on the basis of the diversion rates of other communities. AB 479 (Chesbro), currently under consideration in the State Legislature, would set a 75% goal for diversion from landfills.

I-6.8 The comment asks why the DEIR discusses the need for additional reductions in GHG emissions beyond 2020 when the DEIR notes that Executive Order S-03-05 does not create legal mandates for local government. The commenter is correct that Executive Order S-03-05 does not create a legal requirement to comply with the 2050 targets. However, the scientific understanding of climate change science today has identified that changes of greater than 2 degrees Celsius will likely result in substantial and far-reaching climate change effects (see IPCC

2007b) and that substantial reductions on the order of 50 percent reduction of GHG emissions below 1990 global levels may be necessary to keep the temperature rise to less than 2 degrees Celsius (see IPCC 2007). In order to achieve the 50 percent reduction from 1990 levels globally, it is estimated that developed countries (U.S./Canada, Europe, Japan etc.) will need to reduce emissions to 80 percent below 1990 levels while developing countries have lesser levels of reductions (given their lesser economic ability to control GHG emissions). Thus, the reason that the DEIR discusses the period after 2020, is that further GHG reductions will be necessary in Monterey County and globally in order for the emissions in the County to not contribute considerably to GHG emissions that will result in temperature rises greater than 2 degrees Celsius.

I-6.9 The commenter asks about the need to analyze full build out in the year 2092 in light of the 20-year timeframe of the General Plan.

The County is making a good faith effort to comply with CEQA's requirement that it analyze the reasonably foreseeable impacts of development under the General Plan. Since the level of development expressed in the General Plan would theoretically reach build out in 2092, the DEIR examines (to the level reasonably possible) impacts in 2092. As described in the DEIR, the full buildout of the 2007 General Plan would not occur by 2030 (only about 28% of the total buildout is expected by 2030). Given that the General Plan can be expected to be updated long before that time, the County will adjust its analysis and policies in accordance with the conditions at that time of those updates. Where conditions have changed sufficiently to make the long-term mitigation measures identified in the DEIR infeasible or no longer pertinent, then those measures can be deleted or revised as needed.

I-6.10 The comment requests that Mitigation Measure BIO-1.5 (which calls for a Natural Communities Conservation Plan (NCCP) to be developed for the period after 2030 - not an HCP as asserted in comment) be deleted due to concerns about cost and justification as needed to

address impacts. The comment also asserts that Jones & Stokes (the consultant drafting the EIR) has a conflict of interest because it prepares conservation plans.

Habitat conservation planning is a long-established approach to comprehensively addressing impacts to species protected (or expected to qualify for protection in the future) under the federal Endangered Species Act. The Natural Communities Conservation Plan (NCCP) Act provides for a similar process under the California Endangered Species Act. An NCCP provides greater certainty for both conservation and development by establishing rules and procedures for the protection of species and habitat that are specific to the region included within the NCCP.

First, the justification for Mitigation Measure BIO-1.5 is presented in the DEIR as the lack of a comprehensive framework to provide for protection of threatened and endangered species and to prevent rare species from becoming threatened and endangered. Second, cost has not been an impediment to the development of landscape□level HCPs and NCCPs in eastern Contra Costa County, Santa Clara County, western Riverside County, and large portions of San Diego County and thus HCPs and NCCPs are not considered to be infeasible mitigation as there is evidence they have been completed in other counties. Third, the DEIR was prepared with the direct involvement and approval of Monterey County planning staff and thus all mitigations included in the EIR are those with the County staff, and in its independent judgment found to be justified under CEQA. Jones & Stokes' professional involvement with the DEIR is to prepare the analysis and identify mitigations in accordance with CEQA requirements and based on the evidence identified. Whether or not future work related to implementation of the General Plan or mitigation might be done by Jones & Stokes or another consultant firm or other parties is immaterial to the task at hand and is not evidence of bias in the preparation of this EIR. All future awards of work for consulting firms,

including Jones & Stokes, must follow the County's contracting procedures. Pursuant to Pub. Res. Code Section 21082.1 and CEQA Guidelines Section 15084(e), the EIR reflects the independent judgment of the County, not its consultants.

In response to concerns about the NCCP process, the County has revised Measure BIO-1.5 to call for preparation of a detailed conservation strategy, as opposed to a formal NCCP.

I-6.11 The commenter expresses concern over the establishment of a regional group or other process that would result in the transfer of water out-of-basin. Water taken out of Zone 2C, for example, would further exacerbate the ability to combat seawater intrusion.

Mitigation Measure WR-1 does not endorse any specific solution to water needs on the Monterey Peninsula and does specify that water transfers from Zone 2C need to be part of the solution. The comment is noted, but does not require any revision to the DEIR.

The commenter misunderstands the intent of Mitigation Measure WR-1, which is to encourage dialogue between the County and other interested entities toward the end of finding acceptable solutions to chronic water supply problems. This would not include approaches that are contrary to law, such as the transfer of water from Zone 2C which defines the zone of benefit for the assessments funding the SVWP to users outside of Zone 2C; that would reverse hard-won programs dealing with seawater intrusion; or that are otherwise unacceptable to the cooperating entities. Solutions to the water supply problems of the Monterey Peninsula are focusing on new water supplies from desalination, not on transfers of water from the Salinas Valley that is already committed to Salinas Valley activities under the Salinas Valley Water Project and limited by existing financing and other agreements.

The comment also expresses that the DEIR should have conducted its own evaluation of potential solutions to problems in the Seaside

Aquifer and the Monterey Peninsula. Please see Master Response 4 concerning water resources and Chapter 4, which has an updated summary of water demands and supply on the Monterey Peninsula. The DEIR disclosed a wide range of possible solutions to water issues on the Monterey Peninsula and described the efforts of the CPUC, MPWMD, Cal-Am, and others to promote alternative supplies and address resource challenges such as seawater intrusion. The 2007 General Plan is not a water supply project and thus the analysis in the DEIR appropriately describes water demands, water supplies, and water infrastructure projects relative to the development allowed by the General Plan.

I-6.12 The commenter disagrees with the use of 2004 AMBAG growth projections in the DEIR.

AMBAG's growth projections may vary, based on the ups and downs of the economy. The reasons for using the AMBAG projections are outlined in the DEIR Section 2.5. Using the 2004 AMBAG numbers provides a more conservative approach to determining environmental impacts. See Master Response 2, *Growth Assumptions* Utilized in the DEIR.

I-6.13 The commenter requests that the DEIR be re-written to reflect "an impartial point of view, as opposed to the biased and agenda-driven point of view of the DEIR consultants."

The DEIR reflects the independent judgment of the County, based on substantial evidence, not the single point of view of the consultants. This comment is noted but provides no evidence to support the allegations of speculation or bias on the part of the DEIR preparers. The DEIR offers an objective, and at times conservative, analysis of the potential for the General Plan to result in significant environmental impacts. This is consistent with the requirements of CEQA.

I-7a Haines, Jane (letter)

I-7a.1 The comment points out that Figure CA-3 of the draft General Plan Update and Exhibit 3.16 of the DEIR incorrectly cite to "LU-2.23(f)" as the General Plan policy that governs establishment of the boundary of the Chualar Community Area. The comment also contends that the list of references in Section 11 of the DEIR contains an incorrect web address for California Department of Conservation Farmland Mapping and Monitoring Program data. The comment claims both errors are prejudicial and requests that the DEIR be temporarily withdrawn from circulation until the errors are corrected.

Both issues were resolved following receipt of the comment. The comment is dated October 21, 2008. At that time, the comment period on the DEIR was scheduled to end on November 18, 2008. Subsequently, the County issued revisions of the DEIR, issued a new Notice of Availability, and began a new public comment period on the DEIR, beginning December 16, 2008 and ending February 2, 2009, to allow for public review of the DEIR with the revisions. The revisions consisted of: a revised Section 11 with updated citations; errata with modifications to reference citations in the text of the DEIR; a revised reference list for the Technical Supporting Data at the end of this DEIR; and corrections of typographical errors in maps. The revisions addressed both of the issues raised in the comment.

In regard to the commenter's first point, General Plan Figure CA-3 (an aerial photo) and Figure LU-4 (a map) had contained an explanatory note stating that "the boundary for the Chualar Community Area will be established at a later date pursuant to LU-2.23f." The identical figure and map, with the same explanatory note, were reproduced as Exhibits 3.6 and 3.16 of the DEIR. The policy number referenced in the explanatory note contained a typographical error; the number should have been LU-2.22(c) rather than LU-2.23f. Prior to the commencement of the new comment period in December 2008, the reference to Policy "LU-2.23f" was corrected to refer to "LU-2.22(c)" in

the explanatory note on Figure CA-3 and Figure LU-4 of the Draft General Plan. The Figures, with the reference to the corrected policy number, were among the revisions issued in December 2008, prior to the new public comment period. In addition to issuing a new Notice of Availability of the DEIR as revised on December 15, 2008, the County issued a letter to the EIR distribution list explaining that Figures CA-3 and LU-4 of the General Plan Update are identical to Exhibit 3.6 and Exhibit 3.16 of the DEIR and the corrections apply to both. A note to this effect was placed on the County website. Individuals who requested CDs of the General Plan and DEIR were mailed a CD that included both sets of changes - General Plan figures and DEIR exhibits. A notice of correction was also sent to the State Clearinghouse, and a new state agency review period was set.

Following the County's correction of the maps and figures, the commenter acknowledged the corrections and thanked the County. (See Letter I-7g, comment 3.) See Chapter 5 of the FEIR for GPU Figures LU-4 and CA-3 as corrected as described above. For corrected Exhibits 3.6 and 3.16 of the DEIR, please see the corresponding identical corrected GPU Figures LU-4 and CA-3.

In regard to the commenter's second point, prior to the start of the new public comment period on December 16, 2008, the County reviewed and updated the reference list and issued a revised Section 11 (entitled "Documents, Plans and Reports Cited (updated 12/05/08)") of the DEIR. The County began a new public comment review period for the DEIR following the issuance of the revised Section 11. The revisions to Section 11 include clarifications of the citation to which the commenter referred.

While the County does not agree that these errors were prejudicial, any informational inadequacy resulting from the typographical errors or citations was cured by the December 2008 revisions and new public comment period following the revisions. The commenter is also

referred to Master Response 12, *Recirculation*, for further discussion of EIR references.

I-7b Haines, Jane (Joining TOMP)

I-7b.1 The comment draws attention to the commenter's previous letter (comment I-7a) and joins in an October 17, 2008 request by The Open Monterey Project to correct deficiencies in the DEIR's list of references and to extend the period for public comment on the DEIR. The commenter gives examples to highlight the importance of correct citations and argues that the cumulative effect of the deficiencies in the references create an information inadequacy in the DEIR. The comment requests the County to correct the deficiencies in the references and extend the cutoff date for comments, counting from the date the corrections become publicly available. The comment is dated October 23, 2008. Subsequent to that date, the County reviewed and updated the reference list and issued a revised Section 11 (entitled "Documents, Plans and Reports Cited (updated 12/05/08)"). Following the issuance of the revised Section 11, the County began a new public comment review period which ran from December 16, 2008 through February 2, 2009. The revisions to Section 11 include clarifications of the citations to which the commenter referred. Any informational inadequacy was cured by the December 2008 revisions and new public comment period following the revisions. See also response to comment I-7a and response to the October 17, 2008 letter from The Open Monterey Project (response to comment O-21d.)

Subsequent to receiving letters regarding access to and errors in references, the County revised the reference section, provided better identification of the referenced materials, made copies available to the public, and extended the DEIR's public review period as noted above. The County has made the necessary good faith effort at full disclosure regarding the reference documents for the DEIR. Please see Master

Response 12, Recirculation, for greater detail. As noted in Master Response 12, 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.)

I-7c Haines, Jane

I-7c.1 The commenter corrects a mistake in commenter's prior letter (comment I-7b) and provides an example to support the commenter's argument that having a correct citation makes an informational difference. In the example provided, the commenter calculates that the post-2004 average annual acreage loss of Monterey County prime farmland is three times greater than the average annual loss in the preceding twenty years and contends that the DEIR does not disclose this trend. The comment is dated October 24, 2008. See responses to comments I-7a and I-7b regarding County's subsequent revision to references and new public review period following that revision.

In regard to the comment concerning trends in the loss of prime farmland, Table 4.2-7 in the DEIR (Agricultural Land Converted to Urban Uses 1992-2006) includes the data for 2004-2006 and shows that 151 acres of Important Farmland and 277 acres of grazing land were converted to urban uses. Table A-19 Attachment 3 provided by the commenter includes note 1 which reads: "Conversion among irrigated agricultural categories is due to the incorporation of updated digital soil survey data (SSURGO) into the 2006 Important Farmland data. This reflects modifications made to soil mapping by the U.S. Department of Agriculture as opposed to land use conversions". In other words, some of the change in the most recent conversion data is due to a change in methodology, not actual conversions of agricultural land. This points out one risk of using a short time frame for trend analysis, instead of a longer period. Accordingly, the trend that is discussed in the DEIR (average loss of 319 acres per year between 1992 and 2006 remains relevant to the analysis.

I-7d Haines, Jane

I-7d.1 The comment, which was sent by e-mail on October 24, 2008, states that Figure CA-3 and DEIR Exhibit 3.16 as they appear on County's website have not yet been corrected and still have the erroneous reference to policy LU 2.23f. The commenter explains that her concern is that the reference to the incorrect policy number leaves Chualar residents inadequately informed about constraints on the future boundaries of the Chualar Community Area that stem from a prior settlement agreement. General Plan Policy LU-2.22.c regarding the Chualar Community Area states that the Community Plan for Chualar must be consistent with that certain settlement agreement *in Chualar Area Concerned Citizens, et al v. County of Monterey* (Monterey County Superior Court Case No. 107519), executed on or about October 16, 2001. Subsequent to the date the County received this comment, the County corrected the policy number referenced on Figures CA-3 and

LU-4 from "LU 2.23f" to "LU-2.22c." The County also subsequently made corrections to Exhibits 3.6 and 3.16. As noted in the response to comment I-7a, the County began a new comment public period following issuance of the revisions. Therefore, the General Plan Update and DEIR adequately informed the public about the future boundaries.

I-7e Haines, Jane

I-7e.1 This comment is a series of e-mails from October 23 to 27, 2008 criticizing the County for its inadequate response to commenter's complaint about access to references listed in Section 11 of the DEIR. The October 27 e-mail also expresses concern that the County had not yet made corrections to the typographical error pertaining to Chualar Community Area boundaries which commenter had requested a week earlier.

The issues raised in this comment have been resolved. Subsequent to receipt of these e□mails, the County reviewed and updated the reference list and issued a revised Section 11 (entitled "Documents, Plans and Reports Cited (updated 12/05/08)"), corrected the policy number referenced in the map and photo explaining the Chualar Community Area boundaries, and commenced a new public comment review period on the revised DEIR which ran from December 16, 2008 through February 2, 2009. Any informational inadequacy was cured by the December 2008 revisions and a new public comment period was initiated following the revisions. See also responses to comments 1-7a, 1-7b, and 1- 7d above. The earliest of the series of e-mails in this comment transmitted the October 23, 2008 letter that is comment I-7b. See I-7b for specific response to that comment.

I-7f Haines, Jane

I-7f.1 The comment seeks explanation of proposed policy AG-1.12 of the General Plan Update and is not a comment on the EIR. The comment does not address significant environmental issues or analysis in the EIR. Under CEQA, agencies, in responding to comments, "need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR." (CEQA Guidelines § 15204)

The commenter should note that Mr. Holm of the Monterey County Planning Department responded to the e-mail on November 19, 2008 and provided an explanation of policy AG-1.12. See also Master Response 12, *Recirculation*.

I-7g Haines, Jane

I-7g.1 The comment contends that the DEIR analysis advances the misleading notion that Monterey County has been gaining rather than losing farmland because the DEIR groups together Prime Farmland, Farmland of Statewide Importance, and Unique Farmland and refers to them together as "Important Farmland." The comment requests that the FEIR distinguish the loss of Prime Farmland from the loss of lesser quality farmland.

As commenter notes, Table 4.2-5 does show that there has been a 5.2% loss of prime farmland from conversion to urban uses for the timeframe 1984-2006. Table 4.2-7 shows that there has been a total of 4,463 acres of Important Farmland and 2,153 acres of grazing land converted to urban uses during the same timeframe, even though, as noted in the text, the percent of lands in agricultural use in the County has remained constant (61%).

The DEIR also distinguishes between conversion of Important Farmland - which includes three categories in Monterey County - prime, statewide importance, and unique – and grazing land. This reflects the distinction made by the California Department of Conservation in its Farmland Mapping and Monitoring Program.

The DEIR does not understate the loss of Important Farmland to urban use and provides and impact analysis in AG-1 noting that even with mitigation, the loss would result in a significant unavoidable impact. However, because of the importance of agricultural production in Monterey County, the DEIR does point out that that the amount of land that is in production has remained relatively constant.

I-7g.2 The comment requests a revision of General Plan Policy AG-1.12 to discourage the loss of irreplaceable land, to provide an incentive for converting Unique Farmland rather than Prime Farmland, and to specify proportional mitigation requirements that distinguish between the types of land that are converted. The comment also incorporates by reference her September 20, 2006 comment letter on the DEIR for the previous version of the General Plan Update (GPU4).

The County believes that the policy as drafted provides a range of options for consideration in a program, all of which are necessary to address the loss of agricultural land. The policy specifically recognizes that not all farmland will have the same value with respect to the mitigation required. The policy intentionally did not state a percent value to distinguish prime farmland from other lands, because there may be site specific differences in the quality of the acre impacted. For example, is an acre of prime farmland that is already surrounded by urban or industrial land of the same “value” as pristine prime farmland? Location, climate, access to water, as well as many other factors will be considered as the program is developed. It is also possible that the ratio could be greater than five times.

The commenter should also note that AG-1.12 stresses the importance of purchasing conservation easements and having the easements managed by a non-profit that specializes in this type of program. The purchase of conservation easements in Monterey County has played an important role in the long-term preservation of agriculture land and reduction in encroachment by the expansion of cities into prime agricultural land.

The suggestions of the commenter will be provided to the decision-makers for their consideration.

I-7g.3 The comment acknowledges that the County corrected the errors in the maps and text as they referred to the Chualar Community Area and thanks the County. Comment is noted.

I-8 Hale, Robert

I-8.1 The draft General Plan policy on slopes is proposed for revision based upon input received at workshops conducted by the Planning Commission. Please refer to Master Responses 3, *Agricultural Growth and General Plan Agricultural Policies*, and Master Response 8, *Biological Resources*, for responses to issues raised in the comment letter, including the acreage of agricultural conversions and impacts on specific resources. These Master Responses also describe additional protections for steep slopes afforded by the proposed policy revisions.

I-8.2 The DEIR biological impact analysis (especially Impact BIO-1) specifically addresses impacts on special status species. Draft General Plan policies and DEIR mitigation measures do provide protection to non-listed special status species, as described in responses to comments O-13a, O-13b, and O-14b. As explained in the response to comment O-17.1, the County has recognized that the DEIR did not apply the definition of special status species in the glossary of the 2007 General Plan; to resolve this inconsistency, the County is proposing to eliminate this definition of special status species from the General

Plan. See Master Response 8, *Biological Resources* section 8.4 for a more detailed discussion.

I-9 Houston, Lance (Fort Ord Concerns)

I-9.1 This comment includes a letter from a representative of the Fort Ord Community Advisory Group to the Fort Ord Reuse Authority (FORA) regarding hazardous contamination on the former Fort Ord site. This letter does not directly address the proposed 2007 General Plan or the DEIR. However, to the extent the comments in this letter relate to the proposed project and/or the DEIR, they are responded to here. The County will consider all comments received on the General Plan in its deliberations prior to a final decision on adoption of the General Plan. Hazardous materials as well as the unexploded ordnance on portions of the former Fort Ord are discussed in section 4-13 of the DEIR. Under the base reuse agreement, the unexploded ordnance must be removed or otherwise disarmed before the area can be developed. Several proposed 2007 General Plan policies would reduce the potential for exposure to hazardous materials to a less than significant level. The proposed 2007 General Plan policies summarized below set forth comprehensive measures to avoid and minimize adverse impacts from potential exposure effects from routine use, transport, and disposal of hazardous materials.

Policy S-5.2 provides that the Monterey County Operational Area Emergency Operations Plan shall include general procedures to implement the nationwide National Incident Management System (NIMS), statewide Standardized Emergency Management System (SEMS), activate and operate the Operational Area Emergency Operations Center (EOC), coordinate responders, and implement other tactical response measures.

Fort Ord Master Plan Hazardous and Toxic Materials Safety Policy A-1 (Record of Decision reporting) ensures that the County monitors and

reports to the public all progress made on the remedial action Records of Decision (RA-ROD) as part of the land transfer process.

Fort Ord Master Plan Hazardous and Toxic Materials Safety Policy B-1(RA-ROD implementation) requires the County to monitor implementation procedures of the RA□ROD and work cooperatively with the U.S. Army and all contractors to ensure safe and effective removal and disposal of hazardous materials, ensure compliance with all applicable regulations and hazardous materials, and provide for the protection of the public during remediation activities.

Fort Ord Master Plan Hazardous and Toxic Materials Safety Policy B-2 (RA-ROD implementation at Fort Ord) requires that the County monitor implementation procedures of the RA-ROD and work cooperatively with the U.S. Army and all contractors and future users/operators of landfill or hazardous materials storage sites at the former Fort Ord.

Fort Ord Master Plan Hazardous and Toxic Materials Safety Policy C-1 (hazardous material management and disposal plans) ensures that the County requires hazardous material management and disposal plans for any future projects involving the use of hazardous materials.

An extensive process of remediation is currently underway at the former Fort Ord. For more information, see the U.S. Army's "Former Fort Ord Environmental Cleanup" website available at: http://www.fortordcleanup.com/.

In addition, the federal and state statutes and regulations discussed in Section 4-13 of the DEIR govern the transport, handling, storage, and disposal of hazardous wastes. Any future land uses anticipated by the 2007 General Plan would be subject to these requirements as well.

The proposed 2007 General Plan Policies identified above would avoid and minimize adverse impacts from hazardous materials. Additionally, as discussed above, federal and state statutes and regulations (including the DTSC's hazardous waste tracking authority), the

Environmental Health CUPA (covering use, storage, and disposal as described above) and local response agencies such as the ERT, are in place to reduce potential exposure to hazardous materials, their routine transport, and potential spills. Therefore, the potential for hazardous material exposure related to implementation of the 2007 General Plan is less than significant.

I-10 Kasunich, Doug and Susan

I-10.1 The commenter suggests that the proposed General Plan policy limiting further subdivision of lands in the North County will lead to litigation that would result in further growth (on the assumption that the County would lose or concede such litigation) and incur substantial public costs. The commenter suggests that instead the General Plan policies allow land subdivision upon meeting specific conditions, including a restriction on subdivisions to areas served by large community water system and sanitary sewers that flow to the Regional Water Reclamation Plant near Marina. Since these utilities do not exist in the Planning Area, the commenter suggests that this would have the same effect as the proposed policy, but at lesser legal risk.

The comment regarding potential future litigation is the opinion of the commenter, relates to the proposed policy rather than the environmental effect, and does not require a response. The policies of the proposed General Plan and objectives of the EIR are intended to guide new urbanization into the existing cities and the proposed community areas, rural centers, and affordable housing overlay zones. That will ensure that higher density will be located in areas with public services and will reduce the environmental impacts that might otherwise occur from less focused urbanization. The commenter's suggestion would be contrary to that approach in that their proposal could allow development within the county outside the designated areas, upon the provision of services. This does not foster orderly

development (which tends to reduce the environmental effects associated with sprawl) and, for that reason, is rejected.

I-10.2 The commenter suggests that this proposed policy regarding water and sanitary sewer service would lead the private sector to help solve area wide groundwater supply and quality problems. The commenter provides no evidence that the policy revision that they propose would have the desired effect. The County declines to make the suggested revision.

I-10.3 See response I-10.2.

I-10.4 The commenter opines that the General Plan must have clear language and a mechanism to limit future amendments in order to minimize litigation. This comment relates to the policies of the General Plan, not the impacts, and no response is necessary.

I-11 Knauf, Katherine (Don)

I-11.1 The commenter has suggested that the Board of Supervisors consider her concerns about development on steep slopes. In response to this and similar comments, the County is proposing to change Policy OS-3.5 in the draft General Plan. Please refer to the discussion in Master Response 3, *Agricultural Growth and General Plan Agricultural Policies*.

I-12 L&W Land Company and Sakata Ranch (prepared by Brian Finegan Attorney at Law)

I-12.1 The EIR preparer utilized the land use map from the General Plan and overlaid it on Important Farmland map. Wherever the 2007 General Plan designated non-agricultural use in Important Land, such as residential, commercial or industrial, this was identified as an impact. This equated to 2,571 acres. The EIR preparer utilized California

Department of Conservation website maps to ascertain which newly developed lands had the Important Farmland designation.

I-12.2 The commenter requests a citation for a statement on Page 4.3-15 to verify that thousands of persons had been displaced as a result of Pajaro River flooding. The appropriate citation has been added to the text. Data is also available on the web site of the Monterey County Water Resource Agency: http://www.mcwra.co.monterey.ca.us/Floodplain%20Management/Historical%20Floodin g.htm, accessed February 15, 2010. This site includes information on the numbers of persons displaced during each year that there were record floods.

I-12.3 Please refer to Master Response 2, *Growth Assumptions*, for a detailed response to concerns regarding the post 2030 timeframe.

I-12.4 The Commenter mentions confusion caused by the attempt to speculate beyond the life of the 2007 General Plan and cites data in Tables 3-8 and 3-9 of the EIR. The commenter is referred to Master Response 2, *Growth Assumptions*.

The County has reviewed these tables and notes that there are several data points that will be corrected which would change the acreage assumptions pertaining to the Pajaro Area. In particular, in Table 3-9, the number of potential units by 2030 in the Pajaro Community Area has been reduced from 259 to 222 and the amount of industrial development from 293 acres to 34. The revised tables can be found in Chapter 4 of this FEIR.

However, the impact analysis was not affected by these changes in the table, because the overall acreage did not change and the specific number for Pajaro through 2030 was not utilized. Other methods were utilized for the impact analyses (traffic, air, and noise, water and habitat). For example, the traffic impact analysis was based upon the AMBAG 2004 employment projections for 2030.

With respect to the comments regarding the speculative nature of the Post 2030 growth projections, the commenter is again referred to Master Response 2.

I-12.5 The commenter has requested an analysis of the impacts of removing row crop lands due to water constraints and a discussion of alternative land uses that might be permitted. The assumption that row crops would be removed is highly speculative. Nothing in the DEIR or in the draft 2007 General Plan policies suggests that the County will be solving the water supply problem in the Pajaro area or elsewhere by requiring removal of row croplands from production. PS 3.8 and PS-3.9 provide for coordination to address the water supply problem and development of a Capital Improvement Finance Plan. PS-3.12 provides for the development of an ordinance to identify conservation measures to reduce agricultural water demand.

Please also refer to Response to Comment L-8.1 for a description of changes to Mitigation Measure WR-1 concerning Policy PS-3.16 to address collaborative long-range planning for the Pajaro Groundwater Basin. The text of modified Mitigation Measure WR-1 can also be found in Chapter 4.

I-13 Mitchell, Eddie

I-13.1 The commenter asks why the DEIR does not include the 12 guiding principles approved by the Board of Supervisors during preparation of the General Plan Update. The 12 guiding principles are not addressed in the EIR because they are not part of the proposed 2007 General Plan Update, per direction to staff from the Board of Supervisors regarding the project description. . The EIR identifies ten objectives of the proposed project in Section 3.2.1 as required by CEQA Guidelines Section 15124. The comment does not address significant environmental issues or analysis in the EIR, and, therefore, no further

response is required. The comment will be forwarded to the decision makers for their consideration.

I-13.2 The commenter asks why the DEIR does not address "general scale" considerations related to the availability of future water supplies and water supply infrastructure. Water supply is discussed in Section 4.3 of the DEIR. Section 4.3.3.3 in particular discusses local regulations that will act to reduce the impacts of water shortages. The analysis under Impact WR-4 in Section 4.3.4.2 discusses the availability of water supply to serve existing and future demands. Impacts related to the secondary impacts of water supply infrastructure are discussed in Impact WR-5 in Section 4.3.4.2. For an additional discussion of future water supply needs, known planned infrastructure, and General Plan policies that will reduce the potential for future development to exceed water supplies, please see the Master Response 4 on Water Supply issues.

The commenter is concerned that the DEIR does not adequately consider the potential environmental impacts that would result if there are droughts, no new water sources are established, and build-out occurs in accordance with the draft General Plan. Each of the major public water suppliers in the County is required to have an Integrated Watershed Management Plan that describes the supplier's current and future water supply, projected demands, and provisions for service reductions during droughts. Watershed Management Plans that have been developed for Monterey County are discussed in Section 4.3.3.2. These plans and contingency strategies ensure that existing and future development within those areas will not exceed the water supply. The EIR provides sufficient information to enable decision makers to make a decision that takes account of environmental consequences related to water supply. "CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commentors." (CEQA Guidelines § 15204.).

The draft General Plan contains a number of policies that will greatly reduce the potential for new development within the County to exceed long-term water supplies. These policies will augment the provisions of the major water suppliers within their service areas, as well as provide a regulatory safety net outside of the service areas. Pertinent policies include PS-3.1 through PS-3.15 (see Chapter 5 of this FEIR for the text of these policies).

These proposed policies, and the ordinances that would be enacted to implement them, would apply strict water supply requirements to new development proposals. Development proposals that fail to conform to these policies would not be allowed. Therefore, future development will be required to ensure that long-term water supplies exist to serve it. In areas where there are insufficient supplies to support substantial future growth, such as the portion of the Pajaro Valley within Monterey County and Monterey Peninsula (where the Coastal Water Project may provide a new source), development would be constrained.

I-13.3 The commenter asks why the DEIR does not present probability analysis or assessment of "depending upon unproven new sources of water to meet development demand." Such analysis is not necessary. Policies PS-3.1, -3.2, -3.3, -3.4, -3.5, -3.7, -3.9, and -3.11 of the proposed General Plan (see Chapter 5 of this FEIR) greatly reduce, if not eliminate, the possibility that new development will occur without proof "that there is a long-term, sustainable water supply, both in quality and quantity, to serve the development" (Policy PS-3.1). Additionally, the EIR analyzes the availability of water supply to serve existing and future demands under Impact WR-4 in Section 4.3.4.2. The EIR addresses impacts related to the secondary impacts of water supply infrastructure in that analysis of Impact WR-5 in Section 4.3.4.2. Master Response 4, *Water Supply* includes an additional discussion of future water supply needs, known planned infrastructure, and General

Plan policies that will reduce the potential for future development to exceed water supplies.

For individual parcels, County Municipal Code Section 15.04.140 (within Chapter 15.04, Domestic Water Systems) requires that: "Every domestic water system shall provide sufficient water from the water sources and storage facilities to adequately, reliably and safely meet the maximum water demand at all times." It further requires that: "Water sources shall demonstrate reliability and capability of a long term sustained yield in accordance with the requirements of Chapter 16 of Title 22 of the California Code of Regulations."

In summary, the policies of the proposed General Plan will require new development (other than a single-family residence on an existing lot) to demonstrate the availability of a long-term, sustainable water supply in order to be approved. Owners of existing lots must demonstrate that they can reasonably extract water of sufficient quality and quantity if they intend to rely on a well source or demonstrate that they have a "can and will serve" letter from a water purveyor.

The EIR is not required to provide the "probability analysis/assessment" requested in the comment. "CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commentors" (CEQA Guidelines § 15204.). The information provided in the EIR is sufficient.

I-13.4 The commenter asks why the DEIR does not assess the risks to the public should a 2-year or 5-year drought occur in the County before required water projects are built. At this juncture, there is sufficient supply to extend through a continued drought for most areas of the County. The County is currently addressing the water supply problem in select areas of the County that have site-specific deficiencies and problems. This type of drought is not rare in California and is typically

addressed through the drought policies and conservation regulations of water suppliers and, where necessary, action by the County to mandate conservation in areas within its jurisdiction. California is currently in the third year of a drought that began in 2007. The most recent previous statewide droughts occurred in 1987-92 and 1976-77. Please see the responses to comments O-21k.39 and O-21k.40.

Water suppliers throughout the County have instituted conservation plans in response to the current drought. As examples, the Monterey Peninsula Water Management District and the California Water Company (serving Salinas) have instituted their Stage 1 water conservation rules. These limit watering and other non-essential water uses. An example of a County drought regulation can be found in Title 15.12 of the County Municipal Code (enacted in 1976) that establishes limits on water use on the Monterey Peninsula.

The policies described in response to comment I-13.2 above, limiting the approval of new development to projects that have a demonstrated long-term water supply, will avoid substantially increasing demand within those areas of the County, such as the Monterey Peninsula, where water supplies are tight.

In conclusion, there are existing regulations in place that limit development where water supplies are short, including those situations where supplies are short due to drought conditions. The EIR analyzes the availability of water supply to serve existing and future demands under Impact WR-4 in Section 4.3.4.2. Master Response 4 includes discussion of future water supply needs, known planned infrastructure, and General Plan policies that will reduce the potential for future development to exceed water supplies. The EIR is not required to provide the “assessment of the risks to the public” requested in the comment. “CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commentors” (CEQA Guidelines § 15204.). The information provided in the EIR is sufficient, and the

impact on water supply from a 2–5-year drought would be less than significant.

I-13.5 The commenter asks why the DEIR does not address "the potential environmental impacts to coastal cities and other community areas, by the General Plan establishing a public policy of allowing years of housing buildout before 'new sources' of water are built." The proposed General Plan does not propose any substantial changes to existing land use designations within the Coastal Zone. (See EIR, Sec. 4.1, Land Use.) Further, the proposed General Plan does not include any policy that would allow years of housing to be built before new sources of water are available. Please refer to Master Response 11, *Effect of GPU5 on the Local Coastal Program and Impacts to Coastal Resources*. Please see response to comment I-13.2 above, which addresses the proposed General Plan policies that would limit the approval of new development to projects that have a demonstrated long-term water supply and avoid substantially increasing demand within those areas of the County, such as the Monterey Peninsula, where water supplies are tight. The EIR analyzes the availability of water supply to serve existing and future demands under Impact WR-4 in Section 4.3.4.2. Master Response 4 includes additional discussion of future water supply needs, known planned infrastructure, and General Plan policies that will reduce the potential for future development to exceed water supplies.

On paper, the Monterey Peninsula holds the greatest potential for additional development within the Coastal Zone. However, in reality that potential is severely constrained by existing development restrictions. As discussed in Chapter 4.3 of the DEIR, the Monterey Peninsula has only limited water resources available. The Monterey Peninsula Water Management District has imposed restrictions on additional connections, including connections within the cities, because of the limited water supply. As discussed in the Master Response 4, *Water Supply* the State Water Resources Control Board has

issued a cease-and-desist order against California American Water (the major water purveyor on the Monterey Peninsula) that will eliminate over time that portion of their use of Carmel River water for which they have no permit. The cease-and-desist order's mandate is loosely linked to the availability of water from the Coastal Water Project, but is not specifically based on the operation of that project. There is no evidence that the existing restrictions on connections and water use would be eased before a new source of water is available. Nor is there any evidence of an inconsistency with the proposed General Plan's goal to restrain development without a proven sustainable water supply.

I-13.6 The commenter asserts that the CSIP has failed to halt seawater intrusion and asks that the EIR reveal that condition. The CSIP treats water received at the regional wastewater treatment plant and currently delivers the treated water to 12,800 acres of farmland in the Castroville area. This allows farmers to reduce the groundwater extraction that leads to seawater intrusion.

The CSIP is part of a joint effort by the Monterey County Regional Pollution Control Agency (MCRPCA) and the Monterey County Water Resources Agency (MCWRA) to halt seawater intrusion at the western end of the Salinas Valley groundwater basin. The CSIP will work in conjunction with the SVWP to provide surface water to area farmers, reducing their groundwater demands, and to infiltrate Salinas River water directly into the aquifer. The DEIR, on Pages 4.3-32 through 4.3-35 provides additional information on the SVWP. As discussed in the Environmental Impact Statement (EIS/EIR) prepared for the SVWP, sophisticated groundwater modeling indicates that these operations will halt seawater intrusion. The text of the DEIR for the General Plan (see Page 4.3-33) refers to information in the EIS/EIR for the SVWP that contains the background information, demand estimates and modeling data to support the information provided in the General Plan DEIR with respect to supply and reversal of seawater intrusion.

This document was included in Chapter 11, *Documents, Plans, and Reports Cited*, of the DEIR. The DEIR references that information in Chapter 4.3.

Therefore, the analysis in the DEIR is supported by substantial evidence, and no change to the DEIR is necessary.

I-13.7 The commenter asks why mitigations related to coastal water projects will be beneficial when fully restoring groundwater basins to pre-intrusion levels is undocumented.

The DEIR notes that full restoration of groundwater basins that are subject to seawater intrusion has not been documented anywhere. Full restoration would constitute actually pushing seawater intrusion out of the aquifer. Full restoration is not realistic and is not the goal of the agencies (MCRPCA and MCWRA) and their CSIP and SVWP programs. The projects are beneficial because they will halt further seawater intrusion into the groundwater aquifers at their existing levels. The General Plan update will not result in a worsening of the existing condition of seawater intrusion, as addressed in Section 4.3 of the EIR. Please refer to Master Response 4, *Water Supply* for a more detailed discussion of water issues including the CSIP and SVWP.

I-13.8 The commenter asks why the DEIR does not address the potential impact of increased saltwater intrusion caused by additional buildout. See the response to comment I-13.7.

I-13.9 The commenter asks why the DEIR does not include mitigation to not allow development until new water sources are established or until MCWRA can provide empirical proof that the mitigations are reducing seawater intrusion near coastal cities. CEQA requires mitigation of significant environmental impacts, when feasible. The mitigation measures included in the DEIR are feasible. To address some of the comment provided on the DEIR with respect to water supply/demand through 2030 and post-2030 strategies, the FEIR includes changes to Mitigation Measure WR-2 that provide a review of actual growth

against projections every five years and links this review to the development of future supply alternatives. Please also refer to Master Response 4, *Water Supply* for additional information on water supply demand and water supply projects.

Existing restrictions on development outside the General Plan process provide additional protections against development that would jeopardize local water supplies prior to the completion of additional supply projects. As discussed previously in response to comment I-13.6, modeling undertaken by the MCWRA for the SVWP indicates that the CSIP and SVWP will halt further intrusion of seawater into the Salinas Valley aquifers. As discussed in the Master Response 4 and in response to comment I-13.5, portions of the County lack adequate water supplies to support development to 2030. The Salinas Valley will have sufficient water as a result of the SVWP now in operation.

On the Monterey Peninsula, however, Cal-Am Water (the major water provider on the Peninsula) is currently diverting water from the Carmel River beyond its permitted volume for most of its supplies to existing development. See Master Response 4 regarding the water supply limitations on the Monterey Peninsula. Any substantial increase in development will not occur until additional supplies are made available. As discussed under Impact PSU-1 in Section 4.11 of the EIR and Impact WR-4 in Section 4.3 of the EIR, proposed Public Services Element Policies PS-1.1 through PS-1.6 set forth general standards for the provision of adequate public facilities.

Taking into account the existing and reasonably expected limitations on development on the Monterey Peninsula, the DEIR provides all feasible mitigation to avoid or reduce significant effects in the future.

I-13.10 The commenter asks why the DEIR does not include empirical engineering evidence of when water benefits will accrue to the urban and rural centers as a result of the SVWP. An EIR is required to provide sufficient information for decision makers to make a reasoned and

informed decision. Evidence is provided in the form of the results of the EIS/EIR prepared for the SVWP, as discussed above in response to comment I-13.6. Engineering studies will be prepared when facilities are to be installed. This provides sufficient data for the Planning Commission and Board of Supervisors to make an informed choice at the general plan level of land use decision making.

Proposed Policies PS-1.1 through -1.3 of the draft General Plan establish Adequate Public Facility and Services (APFS) standards for Community Areas and Rural Centers and require the provision of services concurrently with new development within those areas. In this way, more detailed analysis will be required prior to development, including engineering studies if necessary to provide services and establish funding mechanisms.

I-13.11 The commenter asks why the DEIR claims a mitigation benefit from future water projects "without sizing the current and increased water draw down/demand" and comparing it to the expected supply from these projects in the three watersheds. Each of the major water supply projects (Coastal Water Project, Regional Urban Water Project, and others discussed in the Master Response 4, *Water Supply*) is proceeding or will proceed under its own CEQA analysis. The purpose of these projects is to provide adequate water supplies for current and, where possible, future needs. The specific demand and supply analyses are being or will be detailed in the project-specific EIRs.

See also the Master Response 4 for clarifications on the information contained in Chapter 4.3 of the DEIR, additional discussion of future water supply needs, known planned infrastructure, and General Plan policies that will reduce the potential for future development to exceed water supplies. The Master Response summarizes the general supply and demand data for the three watersheds.

I-13.12 The commenter asks what is the empirical data that substantiates the SVWP can provide "the amount of new water demand summarized in

table 4.3-9 (over 49,000 AFY)." Table 4.3-9 of the DEIR does not say that new water demand will be 49,000 acre-feet per year. It is not clear what information the comment is referencing, and no further response is possible. Please see and response to comment I-13.13 below for information about the SVMP. Please refer to Master Response 4 for a detailed discussion of the SVWP analysis of future water demand and how it will be addressed by the implementation of the Project.

I-13.13 The commenter asks for the empirical data that substantiates the assertion in the DEIR that the SVWP will provide sufficient supply to reverse existing overdraft and provide water for new development. The DEIR relies upon the information provided in the EIS/EIR prepared for the SVWP to support this statement, as discussed in response to comment I-13.6. The SVWP EIS/EIR reflects the results of the SVIGSIM model in its conclusions. The SVIGSIM model is well accepted as a locally calibrated simulation of the Salinas Valley's groundwater and has been used extensively in water supply planning within the Salinas Valley. The SVIGSIM runs for the SVWP conclude that that project will reverse overdraft conditions within all basins within the Salinas Valley. To clarify a statement in the DEIR regarding the "reversal" of seawater intrusion: while existing seawater intrusion cannot be reversed to the extent that the existing line of seawater intrusion is pushed westward, the DEIR intends to say that the existing *trend* of eastward movement of that line will be halted. As noted in the SVWP EIS/EIR, additional delivery systems will be needed in order to deliver water to some parts of the Zone 2C zone of benefit. Please refer to Master Response 4, *Water Supply*, subsection 2.4 for further discussion of this issue.

I-13.14 The commenter asks for documentation of instances where a project like the SVMP has re-balanced a water basin similar to the Salinas Valley and supplied water demand to dispersed sites. This request is outside of the scope of this EIR. The project at hand is the proposed General Plan, not the SVWP. The DEIR relies upon the information

resulting from the SVIGSIM run for the SVWP. That is sufficient to support the conclusions of the DEIR. See also the response to comment I-13-13.

I-13.15 The commenter asks how new water from the SVWP and other sources will reach new development areas within the Salinas Valley. Proposed Policies PS-1.1 through -1.3 of the draft General Plan establish Adequate Public Facility and Services (APFS) standards for Community Areas and Rural Centers and require the provision of services concurrently with new development within those areas. Implicit in this requirement is that future development will require the installation of new water facilities (consistent with the policies under proposed Goal OS-3 of the General Plan) or the extension of existing facilities to provide service. Under these policies, new development will not occur absent the provision of adequate services. Therefore, the impacts of development within those areas will not occur absent the availability of water.

I-13.16 The commenter asks what empirical data substantiates how new water sources will reach upgradient locations such as North County and mid-valley cities. See the response to comment I-13.15. See also the Master Response 4, *Water Supply* for a discussion of initiatives currently underway outside of the General Plan update to deliver water to the North County.

I-13.17 The commenter asks why the DEIR does not state that the 9,700 acre-feet per year supplied by the SVWP will only match the average annual irrigation usage and provides no new source of water for new development, nor overcomes existing overdraft. See the Master Response 4, *Water Supply* for a discussion of the expected reduction in agricultural water demand within the Salinas Valley.

I-13.18 The commenter asks why the DEIR fails to reveal that allowing build-out prior to the availability of new water sources will result in a draw-down of the basin four times the amount the SVWP will provide. See

the Master Response 4, *Water Supply*. See also the responses to comments I-13.2 and I-13.3, above. There is no evidence that build-out would occur in advance of water availability, thereby increasing seawater intrusion and endangering farms and cities as claimed by the commenter. As noted in Section 2.5 of the DEIR, although the DEIR relies on the AMBAG 2004 growth forecasts, the updated AMBAG 2008 forecast indicates that future growth will be significantly constrained from earlier predictions. There is no basis for the commenter's assertion that buildout will occur prior to the completion of the SVWP (the SVWP is expected to go into service in 2010). Please also refer to the changes to Mitigation Measure WR-1 which will require an analysis of actual growth against projected growth. These can be found in Chapter 4 of this FEIR.

I-13.19 The commenter notes that numerous water sources are listed as impaired water bodies and asks why the DEIR allegedly fails to reveal the environmental and engineering difficulties with the regional and coastal water projects associated with the removal of pollutants. The DEIR is analyzing the proposed General Plan, not the proposed water projects now being considered by other agencies. The questions of environmental and engineering challenges are being or will be addressed in the design and CEQA processes for those projects.

I-13.20 The commenter asks why the DEIR does not reveal the degree that pesticide removal from water flowing past the Marina landfill will impact the SVWP and CSIP. Pesticide removal is a technical issue that may or may not be of importance to operation of the SVWP and CISP. Both of those projects are obligated to provide their customers with water of sufficient quality to allow its application to crops. The degree of pesticide removal and it potential impact on the SVWP or the CISP is not an impact of the proposed General Plan and, therefore, is not within the scope of this EIR.

I-13.21 The commenter asks why the DEIR does not provide an analysis of the impact of new development on the overdraft condition. See the

Master Response 4 on Water Supply for clarification of North County water issues, including overdraft. The DEIR discloses that North County is in overdraft (see Section 4.3.1) and that additional development will exacerbate that problem. However, based on the policies of the draft General Plan, development will be limited in areas where water is not yet available and will be limited to lots of record only in North County, as discussed in the analysis of Impact WR-7 in Section 4.3 of the DEIR.

I-13.22 The commenter asks why the DEIR does not include a risk analysis of the timing (i.e., optimistic, most likely, and pessimistic estimates) of completion of the proposed water projects. The DEIR identifies potential water supply projects, some of which are currently unfunded, in Section 4.3.2.4. The DEIR and the Master Response 4, *Water Supply* explain that funding is not currently available for projects that would provide water in the North County, although planning has begun on the water system for the Granite Ridge/Highland South area. With regard to the Coastal Water Project, Cal-Am is before the California Public Utilities Commission with a request to raise its water rates to recover the cost of that project. This information is sufficient to allow the County to make an informed decision about the proposed General Plan. The EIR is not required to provide the risk analysis requested in the comment. "CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commentors" (CEQA Guidelines § 15204). The information provided in the EIR is sufficient.

This EIR is prepared for the proposed General Plan, not for the potential water supply projects. See the responses to comments I-13.2 and I-13.3, above. At such time as the agencies involved should decide to proceed with those projects, those agencies will undertake engineering studies and prepare the requisite CEQA analyses, as is occurring with the Granite Ridge/Highland South water supply project.

I-12.23 The commenter asserts that the DEIR is structured on the assumption that the projects for generating and distributing new water supplies

will come on line early in the life of the General Plan and asks why this assumption is neither stated nor evaluated for risk. The DEIR properly assumes that the SVWP, which is approved, funded, and under construction, will come on line relatively early in the life of the General Plan. The Coastal Water Project is currently under consideration by the California Public Utilities Commission and is expected to be in service by 2014 according to the information in the EIR for that project. (Cal-Am Coastal Water Project, FEIR (October 2009)) The DEIR does not assume early completion for the other water supply projects.

As discussed in responses to comments I-13.2 and I-13.3, above, the proposed policies of the General Plan limit substantial future development until water can be provided concurrent with that growth. Further, as discussed in the response to comment I-13.9 and Master Response 4, *Water Supply*, existing water use restrictions on the Monterey Peninsula avoid the potential for development to proceed in advance of water availability.

I-13.24 The commenter asks why the DEIR does not reveal that North County aquifers are failing, as predicted in the 1995 FUGRO report. The 1995 FUGRO report is the *North Monterey County Hydrogeologic Study, Volume 1: Water Resources* report that has been widely used by the County and other agencies, including the California Coastal Commission, for purposes of evaluating the effects of development projects in the North County on groundwater supplies. The study estimated that the North County had an overdraft of approximately 11,700 acre-feet per year. In 2002, the MCWRA released the *North Monterey County Comprehensive Water Resources Management Plan*, which updated the overdraft estimates contained in the FUGRO report. It estimated the North County groundwater basin to have a sustainable yield of approximately 14,410 acre-feet per year, an extraction rate of 30,750 acre-feet per year, and a resultant overdraft rate of 16,430 acre-feet per year.

Chapter 4.3, *Water Resources*, of the DEIR explains that groundwater overdraft is a significant problem in the North County and that development under the draft General Plan would result in a significant, unavoidable impact on groundwater. See Master Response 4 on water supply for a comprehensive discussion of the North County water supplies by area. Master Response 4 includes additional discussions of activities that are underway that may provide additional water supplies to the area from the Coastal Water Project or the SVWP (for those portions of the North County within Zone 2C), if funding is available.

As discussed in the response to comment I-13.2, the draft General Plan includes provisions that are intended to minimize additional overdraft in the North County. In addition, for areas outside of the Rural Centers and Community Areas, the draft General Plan limits new development within the North County, Greater Salinas, and Toro Area Plans to a single-family residence and accessory building on each lot of record.

I-13.25 The commenter asks why the DEIR ignores the 1995 FUGRO reports recommendation that sustainable water conditions in the North County can be achieved by limiting development to one unit per acre.

See the response to comment I-13.25, above. The proposed General Plan would restrict new subdivisions unless a demonstrated, sustainable supply of water is available. Pursuant to Policy NC-1.5, in addition, development outside of Rural Centers and Community Areas in the North County Area Plan will be limited to a single-family residence on each lot of record, which is consistent with what the commenter has suggested.

I-13.26 The commenter asks why the DEIR allegedly fails to state that winery yearly water use may be above and beyond current usage, and why this section of the DEIR did not address the possible environmental impacts of a lesser rate of Williamson Act conversion than was assumed.

The estimate of winery water demand found in Table 4.3-11 of Section 4.3.4.2 of the DEIR reflects new demand. It is clearly labeled as an estimate of demand from the AWCP wineries – none of which currently exist. This is a rough estimate, based on the assumption that all of the wineries allowed under the AWCP would be built. Please refer to Master Response 4 for a detailed discussion and updated estimate of water demand in the AWCP.

Regarding Williamson Act conversion assumptions, the issue of the future demand for water from agriculture is not limited to lands under Williamson Act or similar land use contracts. Such lands represent a portion of the total irrigated croplands in the county. The analysis in the DEIR is based on the assumption, also found in the SVWP EIR/EIS, which overall agricultural water demand in the Salinas Valley will decrease in the future. For a further discussion of the basis for this assumption, see Master Response 4, *Water Supply*.

I-13.27 The commenter asks why the DEIR allegedly fails to address the environmental impacts that would result from increased road congestion attributable to development of the Agricultural Winery Corridor Plan (AWCP). The AWCP is a component of the proposed General Plan and was analyzed as part of the proposed project (see DEIR Sec. 3.4.6) and at the same level detail (programmatic) as the proposed General Plan. The impacts of the AWCP are examined in the DEIR's air quality and traffic analyses (see Sections 4.7, *Air Quality* and 4.6.4.3, *Transportation*). The greenhouse gas analysis in Section 4.16, *Climate Change*, of the DEIR combines the wine corridor with agricultural uses in general. The mitigation measures identified in the DEIR would reduce impacts from future development in the AWCP. Please refer to Master Response 3, which contains a discussion of traffic that will result from the implementation of the AWCP, as well as Master Response 6, *Traffic Mitigation*.

I-13.28 The commenter asks why the DEIR allegedly fails to address the cumulative environmental impact of 10 full scale and 40 artisan wineries in the wine corridor. See response to comment I-13.27, above. Potential future development within the wine corridor was included in the analyses of cumulative impacts in Section 6 of the DEIR.

I-13.29 The commenter asks why the DEIR allegedly fails to point out that significant effects to water supplies could be avoided by first developing new water sources and distribution networks before allowing development, or by sequencing development after a new water source or water distribution network is funded and under construction.

The commenter is suggesting what is essentially being proposed in the General Plan policies on public services. As discussed in the response to comment I-13.2, above, the County is proposing to adopt policies that will limit substantial new developments from proceeding until (1) the development can demonstrate that it has a sustainable long-term water supply, and (2) the water supply facilities are demonstrated to be ready for installation concurrently with the development. Please also see the Master Response 4, *Water Supply*.

Requiring installation of the water source and distribution network in advance of development, as suggested by the commenter, is not practical or feasible for reasons related to financing these public improvements. Specifically, the source and distribution network cannot be sized accurately without knowledge of the size and character of the development that it will serve. A benefit assessment district cannot be established to finance the construction and operation of the water supply facilities without that same information because the overall costs cannot be accurately estimated and parcel-by-parcel benefits cannot be allocated, as required by law. Similarly, impact fees (which are less favored for infrastructure financing

because they cannot be used for long-term operations and maintenance) must be proportional to the cost of the improvements that they are to fund and the development on which the fee is being levied. Without knowing the size of the project, the cost of the overall improvements (and therefore the amount of the impact fee) cannot be accurately estimated. Therefore, the mitigation measure suggested in the comment is not feasible.

I-13.30 The commenter reiterates his claims regarding the alleged inadequacy of the DEIR's analyses of water projects and impacts related to development in advance of those projects coming on line and demonstrable blockage of seawater intrusion. See the responses to comments I-13.1 through I-13.29, above.

I-13.31 The commenter alleges that the DEIR fails to meet CEQA's requirement to identify feasible alternatives that would avoid significant impacts to water supplies. The commenter suggests four alternatives, discussed below by number. These comments may also be construed as comments on policies in the draft General Plan and will be provided to the decision-makers for consideration. Nevertheless, a response is provided after each of these alternatives explaining why they are not being included in the EIR.

Suggested Alternative 1: allow build-out to occur once a "new source" of water for the building area has been funded.

See the response to comment I-13.29. This alternative is not feasible.

Suggested Alternative 2: allow build-out to occur once a "new source" of water for the building area is under construction.

This is essentially the approach taken under the proposed public service policies described in the response to comment I-13.2. An EIR is not required to consider every possible alternative, but rather a range of alternatives that allows decision-makers to make a reasoned choice. Because this is similar to and within the range of the proposed policies, it is not necessary to include it as a separate alternative.

Suggested Alternative 3: allow build-out to occur once a "new source" of water for the building area is generating potable water.

This is similar to the commenter's suggested Alternative 2. As a result, it is similarly within the range of the proposed policies, it is not necessary to include it as a separate alternative.

Suggested Alternative 4: allow build-out south of Soledad now, while delaying build-out in the north Salinas Valley until "new sources" are on-line generating potable water.

This alternative would allow development in six of the seven Rural Centers identified in the draft General Plan to proceed without the concurrency requirements contained in the proposed public service policies PS-1.1 through PS-1.3. As a result, this alternative would lead to greater potential for new development to exceed service capacity within the Rural Centers than would the proposed General Plan. Under CEQA Guidelines Section 15130, an EIR should analyze alternatives that substantially reduce one ore more of the project's significant effect. The commenter's suggested Alternative 4 would instead increase the impact on water supply by allowing substantial development to occur in advance of the installation of infrastructure to serve that development and would not reduce any of the significant effects of the proposed project. Therefore, this alternative is rejected as infeasible.

I-14 Phelps Family and Omni Resources (prepared by Brian Finegan Attorney at Law)

I-14.1 The commenter contends that it is inappropriate to describe and assess the environmental impacts of the General Plan through full buildout in the year 2092 primarily because such impacts are speculative, confusing and misleading.

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*, 96 Cal. App. 4th 398, 403 (2002).

Monterey County has the discretion under General Plan and CEQA law to choose to assess buildout to the year 2092 based upon its particular needs. The County's previous efforts at updating its General Plan were criticized for not adequately assessing the long-term impacts of buildout based upon the policies of the General Plan. As noted in DEIR Section 3.3.1.2, "[i]mpact analyses for 2092 will be qualitative, not quantitative, for the most part because of uncertainty over what life might be like over 84 years into the future." Where the impacts are speculative the EIR so notes, but where reasonably foreseeable, the impacts of growth to the 2092 horizon are assessed. As discussed above, the DEIR disclosed the uncertainty in the full buildout analysis, and addressed the impact at the 2030 horizon year and the year 2092 separately. This discussion is concise and not confusing or misleading.

Please also see Master Response 2, *Growth Assumptions Utilized in the DEIR*.

I-14.2 The commenter notes that only one groundwater study for the Toro area is cited in the DEIR, the *El Toro Groundwater Study* prepared by Geosyntec Consultants in 2007. The commenter contends that the

DEIR should also cite other groundwater studies performed for the area, including Anderson-Nichols & Co. (1981), Fugro West, Inc. (1996) and Fugro West, Inc. (1998). The commenter also contends that the DEIR incorrectly states that the Geosyntec report recommended that the B-8 zone be expanded to cover the entire extent of the El Toro Primary Aquifer System; that the Geosyntec report was never subject to public or peer review; and that the commenter's own expert disagrees with many of the conclusions of the Geosyntec report.

The comment cites to three studies that are 12, 14, and 29 years old. The comment does not provide the entirety of these studies, any analysis, or expert opinion to demonstrate that the assumptions and conclusions in these studies remain valid. For example, the 1981 study referenced by the comment discusses "population projected for saturated development." However, there is no discussion of whether this development is consistent with the development over the last 29 years or the development projected under the General Plan. Furthermore, the Geosyntec report cites to each of the other reports noted by the commenter (and other reports) and notes that these reports were "a key source of information" for the Geosyntec report (*See* Geosyntec report at page 4). These prior reports are cited throughout the Geosyntec report, in particular in the Water Balance chapter (Chapter 6), where they provide significant historical data. Thus there was no need for the DEIR to separately cite to them as their information was incorporated into the Geosyntec report (See also *Environmental Protection & Info Center .v California Department of Forestry and Fire Protection* (2008) 44 Cal.4th 459, 484 [holding that while there is a duty to consider comments by members of the public, however that duty does not necessarily extend to considering all of the non-project-specific secondary materials submitted in support of the comments.])

The commenter is incorrect in the assertion that the DEIR incorrectly states that the Geosyntec report recommended expansion of the B-8

overlay zone to cover the entire area of the El Toro Primary Aquifer System. The Geosyntec report clearly recommends at page 36, *Conclusions and Recommendations*, the expansion of the B-8 over the entire El Toro Primary Aquifer System if County policy does not allow overdraft conditions and mining of groundwater. The sub-recommendation is to expand the B-8 over areas with negligible or poor potential for groundwater production. The comment appears to imply that the commenter's property cannot be developed due to the groundwater issues discussed in the Geosyntec report, and by application of the B-8 overlay zone. This is not correct. The B-8 overlay zone generally precludes intensification of use, but does not prohibit all use. The commenter's property may be developed and used within the limits of the B-8 and other County regulations; at such time as the constraints leading to the application of the B-8 are addressed, an intensification of use may be permitted. Also, as discussed in Master Response 10 regarding the level of detail expected of a program EIR prepared for a general plan, the DEIR is not intended to provide a parcel specific analysis as suggested in the comment.

The alleged lack of peer review and the absence of a public hearing on the Geosyntec report do not detract either from the extensive qualifications of its authors, the report's value as an informational tool, or the value of its conclusions and recommendations. It should also be noted that the General Plan DEIR, which relies on the Geosyntec report, was the subject of County public hearings and a formal public review process, during which this comment letter was submitted and considered.

Furthermore, the September 18, 2007 study prepared for the commenter by Luhdorff & Scalmanini Consultants was not included with the comment. Without the actual report it is not possible to verify the cited information in the comment letter, nor is it possible to review the underlying assumptions or nuances of the report. The commenter asserts that the Geosyntec report (1) misapplied a groundwater trend

lines analysis, (2) trend lines were arbitrarily located, (3) extrapolation of groundwater changes from 1960 to 2005 is misleading, (4) the omission of a water budget analysis was not presented making the header misleading which prevents a comparison between recharge and other water budget component estimates and calculated change in storage, (5) the report does not explain how there can be historical declining groundwater elevation under conditions in which there is a surplus in recharge, and (6) the conclusion that overdraft exists in the El Toro area is not fully supported by the findings presented in the report. For further details please see the text of the comment.

The fact that the commenter's experts find some of the analysis and conclusions of the Geosyntec report misleading and unclear is noted. The Geosyntec report contains sufficient factual data to support its conclusions, including well monitoring data discussed in Chapters 3 and 4 of that report. The conclusions regarding overdraft are supported by the estimates of buildout based on historical data (see Chapter 6.1 of the report) and the range of potential recharge (see Chapter 6.2 of the report). The conclusion regarding a drop in groundwater levels is supported by the data in Chapter 4 of the Geosyntec report, including Figures 4-6 through 4-10.

As discussed under CEQA Guidelines Section 15151, "disagreement among experts does not make an EIR inadequate." Furthermore, the comment does not explain how this affects the DEIR's impact analysis or significance conclusions. (See CEQA Guidelines Section 15204(a))

I-15 Pratt, Nancy

I-15.1 The commenter cautions the County regarding slope development based upon a situation in Marin County where allegedly development on a slope pursuant to a variance caused a hillside failure resulting in damage to other private property. The comment is noted. The Commenter is also concerned about any specific exceptions to

General Plan policies that might be made that could result in unknown consequences. Zoning variances may be granted on a project specific, case-by-case basis, and the environmental effects of granting variances is beyond the scope of a General Plan EIR. Variances relate to the zoning ordinance – there is no provision in State Planning and Zoning Law authorizing the use of a variance relative to general plan provisions. Therefore, this is not an issue at the general plan level; such environmental effects will be analyzed on a project level, should variances be proposed. Please refer to Master Response 10 for a discussion of the programmatic nature of the DEIR and the proper scope of an EIR for a General Plan.

The DEIR has analyzed the impacts of designated areas and programs that have been provided exceptions to policies and has analyzed the impacts. Since this comment is not specific to any policy or property, no additional response can be provided. This is a comment on General Plan policy and will be provided to the Board of Supervisors for its consideration.

I-15.2 The commenter asks several questions regarding development on slopes exceeding 30%: (1) what is the "baseline" for grading; (2) is grade of a slope determined at a single point or on an average; and (3) does fill "mitigate" grading and how would it mitigate slope failure? The comment notes the eco-resort proposal in Sand City and the potential failure of sand dune slopes.

The baseline for grading is current conditions on the property. Policy OS-3.6 provides the formula for determining whether an area proposed for grading is on 30% slope. Slope is measured as "rise" (vertical distance) over "run" (horizontal distance) and thus on a flat, horizontal the slope is 0%.

Grading a slope to "fill" an area would be considered development under the policy and prohibited if the slope thresholds are exceeded. Individual projects will be required to obtain grading and building

permits, and must adhere to strict code requirements in order to develop. There are a number of factors considered in the review of proposed grading including soil type, geotechnical data, and provisions for ensuring stability after the grading has been completed. Merely placing fill back in the area excavated is not sufficient.

I-16 Robbins, Margaret

I-16.1 The commenter asks why the impacts for the Agricultural Winery Corridor Plan (AWCP) would be less than significant. The DEIR analyzes impacts related to land use under the 2007 General Plan, and adequately explains the DEIR's conclusions that the impacts would be less than significant (DEIR, Section 4.1.4.). The DEIR also adequately analyzes and explains the significance conclusions of the 2007 General Plan's impacts on cultural resources (DEIR, Section 4.10.3.7.). Impacts of the proposed AWCP are discussed throughout the DEIR (See, DEIR Sections 4.1.4.3; 4.2.5.3.). The AWCP is discussed in relation to impacts on cultural resources in DEIR Section 4.10.3.7. Please see Master Response 3 regarding general plan agricultural policies for further discussion of the AWCP. The level of detail provided in the DEIR is appropriate for an EIR on a general plan, and meets CEQA requirements in this regard. See Master Response 10*, Level of Detail for the General Plan and the General Plan EIR* for further discussion of this issue.

Special Treatment Areas (STAs) are discussed in DEIR section 3.4.10 *Special Treatment Areas*. STAs are locations designated in the County General Plan to promote specific types of development that are compatible with site constraints and surrounding land uses. The STA designation is intended to provide specific direction for future development in that area based on those site-specific considerations or constraints. The DEIR designates 17 STAs (DEIR, Section 3.4.10.). The Gardiner/Tennis Club, which is part of the Carmel Valley Master Plan, is

one of three additional locations that have been designated as "Study Areas." This means it will be analyzed to determine whether it could support a STA designation. See also response to comment O-21k.258 for a discussion of how STA designations have been applied.

I-16.2 This comment notes that native people populated the area which includes Carmel Valley. That is correct. As noted in the DEIR, the citation for this reference is Hester, Thomas R. 1978. Esselen. Pages 486–499, in R. F. Heizer (ed.), *Handbook of North American Indians, Vol. 8: California*. Smithsonian Institute. Rancho Canada Village would be included under the Carmel Valley Specific Plan.

I-16.3 It appears that this comment is referencing page 4.10-12 (not page 4.10-2) of the DEIR. Public Services Element Policies PS-12.2 through PS-12.4 will help ensure awareness of existing historic resources and their locations by encouraging voluntary applications from property owners to qualify appropriate properties on the National and/or California Register of Historical Resources. Neither federal nor California law compels property owners to apply for register status – this is a voluntary action on the part of the property owner. Private property owners would have access to regularly updated cultural resource inventories (although not site-specific records, which are not public information). Property owners would not be required to submit applications to qualify their property. However, when an application for development is submitted to the County (e.g., remodeling, additions, demolition), the County requires that the applicant retain a consultant to prepare a Phase 1 historic report for any property that is older than 50 years of age. This is consistent with the recommendations and common practice pursuant to the Department of Interior and State Historic Preservation Office guidelines.

I-16.4 These policies are designed to promote historical preservation; the County would be directly responsible implementing these policies. See the discussion in response I-16.06 below for a description of how the County will enforce the policies.

I-16.5 The commenter asked why Gardner's (sic) Tennis Ranch is not defined in the same way as Paraiso Hot Springs. The description of each STA and Study area is unique to the individual parcel as noted in I-16.01 above. STAs reflect Special Treatment Areas for developments that already exist or have already been approved (e.g., Rancho San Carlos, Butterfly Village) or provide specific direction for future development in an area based on site-specific considerations or constraints. Study Areas are designated for areas where the County desires to look further at the constraints of an area to determine if a Special Treatment Area should be established and to what extent. Changes to the description of Paraiso Hot Springs were proposed in the context of a mitigation measure to protect the cultural resources there. The mitigation measure consists of a recommended revision to the proposed Paraiso Hot Springs STA policies. No such measure and no related revision to proposed STA policies are necessary for Gardiner's Tennis Ranch.

I-16.6 The commenter states that General Plan Public Service policies are not enforceable. The General Plan itself is not a regulatory act. General Plan goals and policies are enforceable through the laws and regulations of other agencies, through implementation of County zoning, subdivision, and other ordinances, and through future County decisions on specific development projects. They are also enforceable upon discretionary projects that are subject to the requirements of CEQA. Site-specific analysis of potential historical resource impacts will take place at such time as development projects are proposed and subject to the CEQA. The commenter is referred to Master Response 10, *Level of Detail for the General Plan and the General Plan EIR* for further discussion of the enforceability of mitigation measures and policies.

The comment also asks why mitigation beyond CUL-1 is not needed in order to preserve historic resources. The commenter does not suggest

any additional measures. The 2007 General Plan policies, which would be enforced as described above, and Mitigation Measure CUL-1 would minimize adverse impacts on historical resources to the maximum extent possible such that impacts would be less than significant. (DEIR, Section 4.10.3.7.) Further analysis of potential impacts to historical resources would take place at the project level, where site-specific information will be available.

I-16.7 This comment concerns the proposed 2007 General Plan policies, but does not concern the DEIR or its adequacy. The County will consider all comments received on the General Plan in its deliberations prior to adoption of the General Plan.

The County is responsible for establishing procedures to identify the location and significance of the County's archaeological resources pursuant to Policy OS-6.2. The procedures will be adopted within a reasonable amount of time after adoption of the General Plan. During that time, development will be subject to the mitigation measures identified in the DEIR, ensuring that projects are examined for potential adverse effects on cultural resources and mitigation is adopted to minimize such effects. Efforts by historical, educational or other organizations to improve the public's recognition of the County's cultural heritage and the citizen's responsibilities for archaeological or cultural resource preservation shall be encouraged by the County. Individual development project proponents would be required to fund the analysis of the potential for impacts and any mitigation that would be required under CEQA.

I-16.8 The commenter asks why mitigation measures beyond CUL-1 are not needed. See response to comment I-16.07. For the purposes of determining the significance of buildout of the 2007 General Plan policies to the 2092 planning horizon, the DEIR assumed that General Plan policies relating to the protection of archaeological resources, or more stringent policies, would remain in place -- not the contrary, as the comment suggests. Section 4.10.3.7 of the DEIR explains that the

significance of impacts to cultural resources is being assessed in light of the policies of the General Plan that will act to reduce or avoid impacts. Because of the numerous policies specifically identified in the Impact Analysis discussions, no mitigation measures other than CUL-1 are necessary.

I-16.9 The commenter asks where funding will be found for paleontological resources and who is responsible for monitoring. These questions go to the General Plan and not the DEIR. General Plan Policies OS-7.3 and OS-7.4 (survey sensitive areas) require field surveys for paleontological resources in sensitive areas prior to approval of development. This requirement will be funded by development proponents, and will be overseen by the County. The County will aggregate the information collected in a county-wide database. This database will presumably be funded from the general fund.

I-16.10 The commenter raises questions regarding the Native Californian Advisory Panel. The questions relate to the General Plan and not the DEIR. The Panel will be formed as part of the implementation of the General Plan. The County will be responsible for implementing the policies in the General Plan unless otherwise noted. Funding may come from the County general fund or from development impact fees; the source has not yet been identified. See Master Response 10, *Level of Detail for the General Plan and the General Plan EIR*.

With regard to the enforceability of the policies and mitigation measures, see the response to comment I-16.06.

I-16.11 The commenter asks whether tables include the coastal zone. DEIR Tables 4.15-1, 4.15- 2, and 4.15-3 provide population estimates for the entire County, which includes people living in the coastal area of the County. The 2007 General Plan does not propose any changes or amendments to the Local Coastal Program, which regulates land use in the coastal zone. The DEIR analyzes the reasonably foreseeable indirect impacts of inland development on the coastal zone. (See DEIR

Sections 4.3, 4.6, 4.7, 4.8, and 4.9.) Please see the Master Response 11 which discusses the effect of the 2007 General Plan on the Coastal Zone and Master Response 2 regarding the growth assumptions used in the DEIR.

I-16.12 The commenter asks for Carmel Valley population numbers. The DEIR, Table 4.15-4, lists the unincorporated communities by population in 2000. This includes the 2000 population for Carmel Valley Village, which were 4,700. The DEIR analyzes the impacts from new growth/development. The analysis is based on the number of units that might be built to accommodate growth and is tied to land use policies, not current population. This comment does not pertain to a significant environmental issue and therefore, no further response is required. Under CEQA, lead agencies "need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR" (CEQA Guidelines, § 15204 (a).). The County will consider all comments received on the General Plan in its deliberations prior to adoption of the General Plan.

I-16.13 The commenter states that there are variations in the data on page 4.15-1. Estimates of the County's existing population and future growth vary as statisticians attempt to correct for current downward trends in the economy. This is reflected in the variations in estimates.

I-16.14 See Response I-16.12. This comment does not concern the adequacy of the DEIR. Table 4.15-4 lists the unincorporated communities by population in 2000 and is derived from Census data. The names of the communities were not chosen by the County.

I-16.15 This comment concerns the proposed 2007 General Plan policies, but does not concern the DEIR or its adequacy. California Housing Element Law (Government Code Section 65580, et seq.) requires counties and cities to provide opportunities for housing to meet the projected needs of all segments of the population. However, counties cannot

guarantee that such housing will be built, nor does California Housing Law impose such a responsibility. Housing construction is the responsibility of the private sector. The County will consider all comments received on the General Plan in its deliberations prior to adoption of the General Plan.

I-16.16 The term "accommodate" is a complicated term that includes designating the appropriate underlying zoning in the General Plan to allow different types of housing to be constructed into the future. For example, designating certain areas as high-density residential, would enable a developer to build 20+ units per acre, which theoretically would make each unit more affordable. This comment relates to a development project that is not part of the General Plan update. As such, it does not concern the DEIR or its adequacy. The reference to the Commons at Rogge Road is in reference to the County's effort to provide smaller lots and multi-family residences.

I-16.17 See Response I-16.12. This comment does not concern the adequacy of the DEIR. The progress that the County has made previously is not considered part of the baseline conditions of the project and is not relevant to the DEIR. The most recent Annual Implementation Report for the Housing Element prepared by the Monterey County Resource Management Agency Office of Housing and Redevelopment (approved February 6, 2007) indicates that the County has made progress toward meeting the dwelling unit allocation targets.

I-16.18 The comment does not concern the adequacy of the DEIR. The jobs-to-housing ratio is one job to one housing unit. This is a conservative estimate because the 2006 jobs/housing ratio for the County was 1.73 jobs to one housing unit. Using the 2006 ratios, approximately only 649 units would be needed. As stated in the DEIR, given that the typical family is supported by more than one worker (some of the full time and seasonal workers may share the same residence), and that a substantial proportion of the winery workers can be expected to be hired from existing residents (who presumably occupy existing

residences), the new housing demand from winery build-out can be expected to be substantially less than 1,140 units. Please refer to Master Response 2, *Growth Assumptions utilized in the General Plan* for a discussion of the residential development that is related to development of the AWCP.

I-16.19 This comment relates to a policy decision made by the County Planning Commission in its recommendations to the Board of Supervisors for inclusion in the Draft 2007 General Plan. The Affordable Housing Overlay is not imposed as a result of the DEIR. Rather, the General Plan provides criteria for an overlay and identifies three specific areas in the County that would be appropriate, subject to environmental review. As discussed in the water section (Section 4.3) of the DEIR, there isn't sufficient water to meet projected demand in portions of the County (primarily the North County and Monterey Peninsula) and therefore regional water projects are needed. The referenced affordable housing project would not move forward absent a demonstrable water supply. Other potential environmental impacts of the affordable housing project would be addressed in a project-level environmental review

I-16.20 The comment asks for identification of areas listed as "very high". The comment does not relate to the adequacy of the DEIR. A portion of Carmel and Carmel Valley are listed as very high. That is correct. The Monterey peninsula is depicted on Exhibit 4.13.1 in the northwest portion of the County adjacent to the Pacific Ocean.

I-16.21 The statement referenced in this comment summarizes the impacts analysis section 4.13.5.3 *Impact Analysis*. The DEIR explains, in adequate detail, the reasons for concluding that impacts resulting from hazards and hazardous materials would be less than significant (DEIR, Section 4.13.5.3.). Please see Master Response 10, *Level of Detail for the General Plan and the General Plan EIR* for further discussion of this issue.

I-16.22 The comment asks why the Carmel Valley Emergency Response Plan was not included in Section 4.13.1. The Monterey County Office of Emergency Services (OES) is responsible for initiating and coordinating disaster and emergency preparation, response, recovery, and mitigation operations within Monterey County. OES develops and maintains various emergency plans, including incident response plans for certain types of incidents and coordinated emergency response plans for certain geographical threat areas. During an emergency condition, OES is the designated lead agency and activates the Emergency Operations Center. This EIR has been prepared to analyze the potential for impacts over the entire county. Inclusion of the Carmel Valley Emergency Response Plan is not necessary to this analysis because it is not pertinent to the assessment of potential environmental impacts of the project.

I-16.23 The commenter asks for background on evacuation routes. As discussed on page 4.13-28 of the DEIR, Policy S-5.14 states that all public thoroughfares, private roads, and deeded emergency accesses shall be considered potential evacuation routes. The “Pre-designated Emergency Evacuation Routes” as well as any other route deemed appropriate to the situation may be employed during tactical situations at the discretion of the Monterey County Sheriff and/or the Incident Commander. DEIR Section 4.13.5.3 adequately explains this impact, and the reasons for concluding it would be less than significant.

I-16.24 The commenter asks for details of evacuation routes. Monterey County has designated emergency evacuation routes throughout the county. The evacuation routes are designated and maintained to ensure the safe and efficient movement of people, belongings, and emergency personnel including their support services during times of declared emergencies. These routes include U.S. 101, State highways, several numbered county roads, and various other county roads. These routes are considered “Pre□designated Emergency Evacuation

Routes" and may be deployed when necessary. These routes are listed in Table 4.13-2 of the DEIR. Evacuation routes and air quality impacts for site-specific projects will be analyzed at the project level at such time as a development proposal is presented to the County and sufficient project detail is available. At this time, there is no specific proposal for any of these sites and therefore analysis of potential impacts would be speculative. See Master Response 10, *Level of Detail for the General Plan and the General Plan EIR* for further discussion of this issue.

I-16.25 The commenter asks for background regarding stringency of regulation. The regulation of hazardous materials and wastes has grown increasingly strict over the past several decades. The assumption was made to assume that future regulations would be at least as stringent as those in place today. It does not assume that regulatory regulation would become even more stringent.

I-16.26 The commenter asks for background regarding outreach and wildfires. Promotion of educational awareness and participation between fire protection agencies and the general public about fire hazards is assumed to decrease the risk of potential wildfires. This occurs because informed residents and active education programs result in a higher rate of implementation of State "fire safe" standards for clearance of brush and other fuels from around buildings. This is the reason for public awareness campaigns undertaken by the California Department of Forestry and Fire Protection, as well as local fire agencies.

I-16.27 The commenter asks who is responsible for updates of fire hazards. The comment does not concern the adequacy of the DEIR. The California Department of Forestry and Fire Protection prepares and periodically updates maps of the Fire Hazard Severity Zones (FHSZ) for those areas of California where the state has fiscal responsibility for wildland fire protection, known as State Responsibility Areas. It similarly prepares Very High Fire Hazard Severity Zones (VHFHSZ) in

those areas where local government agencies have Local Responsibility Areas (LRA). The purpose of this is to classify lands where a very high fire hazard severity is present so that public officials are able to identify measures that will mitigate the rate of spread, and reduce the potential intensity of uncontrolled fires that threaten to destroy resources, life, or property, and to require that those measures be taken. The maps are updated by the Department, and reviewed by local agencies prior to adoption, as new information becomes available.

I-16.28 This comment concerns the proposed 2007 General Plan policies, but does not concern the DEIR or its adequacy and thus no response is provided in this document. The commenter is apparently referencing Policy S-4.11 of the General Plan. As stated clearly in that policy, the County will require new development to include fire protection measures. The measures will be reviewed and approved by the pertinent local fire protection agency.

I-16.29 See Response I-16.12. This comment concerns the proposed 2007 General Plan policies, but does not concern the DEIR or its adequacy and thus no response is provided in this document. As stated clearly in that policy, the County will require new development to comply at the building permit stage. The applicable fire district also reviews proposed new development at the building permit stage for compliance with fire suppression requirements.

I-16.30 See Response I-16.12. This comment concerns the proposed 2007 General Plan policies, but does not concern the DEIR or its adequacy and thus no response is provided in this document. The details of the County's house numbering system are not pertinent to the potential for environmental impacts.

I-16.31 See Response I-16.12. This comment concerns the proposed 2007 General Plan policies, but does not concern the DEIR or its adequacy and thus no response is provided in this document. The County will

consider all comments received on the General Plan in its deliberations prior to adoption of the General Plan.

I-16.32 See Response I-16.12. This comment concerns the proposed 2007 General Plan policies, but does not concern the DEIR or its adequacy and thus no response is provided in this document. The County will consider all comments received on the General Plan in its deliberations prior to adoption of the General Plan. Checking compliance with building requirements is the responsibility of the County RMA-Building Services Department.

I-16.33 See Response I-16.12. This comment concerns the proposed 2007 General Plan policy CACH-4.3, but does not concern the DEIR or its adequacy and thus no response is provided in this document. Further, the commenter does not explain what they are referring to by "the formation," making a considered response impossible. The County will consider all comments received on the General Plan in its deliberations prior to adoption of the General Plan.

I-16.34 See Response I-16.12. This comment concerns the proposed 2007 General Plan policies, but does not concern the DEIR or its adequacy and thus no response is provided in this document. The County will consider all comments received on the General Plan in its deliberations about finalization of the General Plan. The fees will be established in accordance with the Mitigation Fee Act (Government Code section 66000, et seq.), after the requisite "nexus" study and public hearings. Fees will be collected as development is approved. Depending upon how the Mitigation Fee Act is applied, this may be at time of building permit issuance or at the time of building occupancy. See Master Response 10, *Level of Detail for the General Plan and the General Plan EIR* for further discussion of this issue. The commenter is also referred to General Plan Policies PS-1.1 through PS□1.6, which establish requirements for concurrency with respect to providing adequate services and facilities.

I-16.35 See Response I-16.12. This comment does not concern the adequacy of the DEIR. These policies apply to new development. Evacuation routes for development projects will be analyzed on a site-specific basis as part of the project review process. Monterey County has designated emergency evacuation routes throughout the county. The evacuation routes are designated and maintained to ensure the safe and efficient movement of people, belongings, and emergency personnel including their support services during times of declared emergencies. These routes include U.S. 101, State highways, several numbered county roads, and various other county roads. These routes are considered "Pre-designated Emergency Evacuation Routes" and may be deployed when necessary. The routes are listed in Table 4.13-2 of the DEIR.

I-16.36 See Response I-16.12. This comment concerns the proposed 2007 General Plan policies, but does not concern the DEIR or its adequacy and thus no response is provided in this document. Periodically update means that updates will be done at regular intervals. The County will consider all comments received on the General Plan in its deliberations prior to adoption of the General Plan. Please see response I-16.35.

I-16.37 The commenter asks for an explanation of the conclusion relating to Hazards and Hazardous Materials. The impact analysis discussion relating to Hazards and Hazardous Materials and supporting the finding in DEIR section 4.13.6 is contained in DEIR section 4.13.5.3, and begins on page 4.13.11 of the DEIR. The conclusions relate to the potential for new development (i.e., the change from existing baseline conditions) to result in impacts in light of the policies of the General Plan. Applying the General Plan policies to the Carmel Valley will require new development to provide sufficient emergency access and escape routes. New development projects that cannot do so would be inconsistent with the General Plan and would not be approved.

I-16.38 See Response I-16.12. This comment concerns the proposed 2007 General Plan policies, but does not concern the DEIR or its adequacy and thus no response is provided in this document. The County will consider all comments received on the General Plan in its deliberations prior to adoption of the General Plan.

I-16.39 See Response I-16.12. The commenter asks for the exact date the traffic study was done. The precise date of the traffic data gathering is not pertinent to the analysis of environmental impact. The data was gathered based on standard professional practice, which includes consideration of school year traffic. According to the Carmel Valley Transportation Improvement Plan (CVTIP) Traffic Study (July 2007), the traffic counts were conducted in November, 2006.

I-16.40 The commenter asks for an explanation of the figure of 1,188 housing units, but does not provide a point of reference that would enable the County to respond.

I-16.41 The commenter requests an explanation of the method used to determine significant impacts to Carmel Rancho Boulevard and Rio Road. The commenter states that their personal experience indicates this finding is incorrect. The two referenced roadway segments were analyzed using the daily traffic volume-to-capacity ratio methodology used for the rest of the County. Based on this methodology, Rio Road (from the Carmel city limit to SR1) was found to operate at a LOS F under existing conditions, while Carmel Rancho Boulevard operates at LOS D or better. However, during the peak hours based on the Highway Capacity Manual (HCM) methodology, the intersection of Rio Road and Carmel Rancho Boulevard operates at LOS B or better under existing conditions. Under 2030 cumulative conditions and buildout Rio Road is found to operate at LOS F (from the Carmel city limits to SR1) and Carmel Rancho Boulevard operates at LOS D. The DEIR

identifies these levels of service as significant impacts under future conditions.

The comparison between existing peak hour conditions (HCM methods) and daily volume-to-capacity ratio methods, and the commenter's personal experience using these roads underscores the conservative nature of the volume to capacity ratio method using daily traffic volumes.

I-16.42 The commenter states that there is no evidence that the County is abandoning the original plan line for the extension of Rio Road as indicated by the former County Public Works Director. The abandonment of the Rio Road extension plan line is not relevant to the 2007 General Plan or the EIR. No response is required.

I-16.43 The commenter requests a description of the measures that will mitigate the significant impacts to Carmel Valley Road. The comment refers to the statement on Page 4.6-68 that 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." The three segments refer to Segments 5, 6, and 7 using the numbering system in the CVTIP traffic study.

As described on Page 4.6-68 in the DEIR and in the CVTIP traffic study, the following traffic improvements, which are all included in the current County Capital Improvement Program (CIP) Carmel Valley Road Improvement List, will mitigate Segment 5:

- Left-turn channelization on Carmel Valley Road west of Ford (those currently scheduled to be completed by 2007 are Boronda and Country Club as listed under the Monterey County CIP 2006-2012);
- Shoulder widening on Carmel Valley Road between Laureles Grade and Ford;

- Passing lanes on Carmel Valley Road in front of the proposed September Ranch development;
- Passing lanes opposite Garland Park;
- A climbing lane on Laureles Grade;
- A grade separation at Laureles Grade and Carmel Valley Road; and
- Paved turnouts, new signage, shoulder improvements and spot realignments on Laureles Grade.

Table 18 of the CVTIP traffic study shows that with the combination of above improvements, Segment 5 will operate at LOS D or better. The recommended improvements include passing lanes along Segments 6 (Robinson Canyon to Schulte Rd) and 7 (Schulte Rd to Rancho San Carlos Rd) to reduce the percent time vehicles have to follow slower vehicles, which in turn will improve the LOS to acceptable levels.

I-16.44 The commenter requests an explanation of discrepancies between Policies CV-2.10 (d) and (e) and CV-2.19 and CV-2.18 related to the improvements at the end of Ford Road.

Subdivisions (d) and (e) of Policy CV-2.10 state:

> (d) Laureles Grade to Ford Road - Shoulder improvements and widening should be undertaken here and extended to Pilot Road, and include left turn channelization at intersections as warranted.
>
> (e) East of Esquiline Road - Shoulder improvements should be undertaken at the sharper curves. Curves should be examined for spot realignment needs.

The comment states that the first policy extends the work required from Ford Road to Pilot Road and requires work east of Esqueline Road while the second two policies do not. The comment requests the exact location of the improvements. As discussed below, the sets of policies are consistent. Policy CV-2.19 provides more detail regarding

the location of improvements, but a highly detailed description is not consistent with the level expected of a program EIR.

Policy CV-2.18 refers to monitoring and level of service standards and is not relevant to recommended improvements on Carmel Valley Road. Policy CV-2.19 includes the following improvements consistent with the statements in CV-2.10: "2. Shoulder widening on Carmel Valley Road between Laureles Grade and Ford Road" and "3. Paved turnouts, new signage, shoulder improvements, and spot realignments on Laureles Grade".

I-16.45 The comment requests the justification, need, benefits and exact location of proposed passing lanes on Carmel Valley Road between Schulte and Robinson Canyon Rd. The traffic study prepared for the CVTIP analyzed existing and forecasted traffic level of service deficiencies in the Carmel Valley Master Plan area and provided the necessary improvements, in this case, passing lanes, necessary for development to proceed in accordance with those policies. A Project Study Report will be developed to assess the specific locations of the passing lanes as part of the future project implementation. The General Plan and the CVTIP are both programmatic documents that are intended to identify potential improvements that may be needed to mitigate future impacts from development that could be realized under the constraints of the adopted policies.

I-16.46 The comment questions how passing lanes would be implemented in areas where continuous left-turn lanes already exist. See response to I-16.45 above. However, it is not anticipated that passing lanes would be proposed or approved in areas where continuous left-turn lanes already exist.

I-16.47 The comment speculates that it is not physically possible to make widening improvements to Carmel Valley Road without serious impact to cut slopes and utilities and that instead this "just another way to 4-lane the Road from the mouth to the Village". Similar widening

improvements have already been completed on other segments of Carmel Valley Road and have achieved the desired result. The County recognizes the community's desire to maintain rural character and the proposed improvements should be taken at face value without reading unintended motives into the program of improvements proposed.

I-16.48 The comment questions why "developers wishes should warrant traffic signals". The General Plan and CVTIP do not propose any specific intersection signalization, but they also do not preclude the future consideration of traffic signalization. These decisions are best left to the detailed analysis of a specific traffic impact analysis and subsequent roadway design studies because the General Plan is a broad policy document. Traffic signalization is an important safety and operational design alternative which should never be excluded as a matter of policy without first undertaking a very thorough analysis based on specific circumstances.

I-16.49 The comment requests specific explanation of why traffic signalization is a more appropriate design option than 4-way stop control at the intersection of Carmel Valley Road at Laureles Grade Road. An all-way stop installation at a major intersection is usually a temporary installation until a traffic signal can be installed. Without widening for additional through lane(s), traffic would queue back from the intersection to an unacceptable distance and exceed capacity during the peak traffic hour(s). Once traffic signal warrants are met, which they have been for more than a decade at this location, intersection capacity is generally increased and average delay per vehicle decreased with a signal installation. Also, on a higher speed major collector roadway like Carmel Valley Road, it is undesirable to require through traffic to stop when no traffic exists on other movements because this creates unnecessary delay. With a traffic signal, the light will remain green on Carmel Valley Road until traffic arrives on Laureles Grade. A traffic signal would significantly reduce delays and

consequently, the overall gasoline consumption and thereby reduce our dependence on foreign oil and reduce our carbon footprint until a grade separated structure can be built. This issue has already been addressed through several meetings of the Carmel Valley Road Committee and a thorough review is available in the minutes of those meetings.

The final part of this question pertains to the portion of Policy CV-2.10 that discourages heavy vehicles from using Laureles Grade. Pursuant to the California Vehicle Code Section 35711, heavy trucks cannot be prohibited on Laureles Grade. However, the County can provide signage for alternative routes.

I-16.50 The first part of this comment requests classification of each road improvement as safety/congestion management or capacity increasing. Since most projects satisfy both of these criteria and because such classification serves no useful purpose as it pertains to the EIR, no such designation will be provided. The second part of this comment seeks clarification of the “eastern terminus of Rio Road”. The reference to the terminus of Rio Road has been clarified as being at Val Verde Drive, and this suggestion has been implemented in the revised Policy CV-2.18 in the CVMP (Chapter 5).

I-16.51 The requested information has no bearing on the General Plan EIR, a programmatic document, because it requires a degree of specificity and detailed design which is not appropriately address until design commences for a specific project. This improvement has not yet been designed and thus its specific location has not been identified. Therefore, the County has not acquired an easement or right of way for this proposed improvement. As shown in the traffic fee update (Appendix G.2 of the CVTIP, PRDEIR), the current estimated cost of this improvement is $7.1 million, but this improvement is not planned until after 2020. The design of individual projects and CEQA project-level compliance (as necessary) would occur at a later date.

I-16.52 The comment is not about the General Plan DEIR and therefore no additional response is required. The information requested has already been discussed in detail at subsequent meetings of the Carmel Valley Road Committee on March 18, 2009 and June19, 2009. A summary of this discussion is available in the minutes of these meetings.

I-16.53 This comment is not about the General Plan DEIR and therefore no additional response is required. Commenter should note that the Carmel Valley Road Committee concluded that the grade separation should incorporate features to control runaway trucks as the most desirable, albeit most expensive, solution. In the interim, increased signage and turn-outs should be investigated to allow truckers to check their brakes before descending the grade. See the response to comment I-16.52 above.

I-16.54 See Response I-16.12. This comment concerns the origin of proposed 2007 General Plan policies, but does not for the most part concern the DEIR or its adequacy and thus no response is provided in this document. Proposed policies were provided to the Board of Supervisors for consideration by the Board and were included in the Draft 2007 General Plan. The process transpired over many months and was based on input from numerous public hearings. These are policy decisions and the comments will be provided to the decision-makers for their consideration.

In some instances, the intent was to avoid duplication among elements of the General Plan and specific policies in the Area Plans. With respect to environmentally sensitive areas, there are policies in the Open Space Element OS-5.1 through OS-5.18 that address biological resources including sensitive species. The commenter is also referred to Master Response 8, Biological Resources, which includes

modifications to several of the policies in the Draft General Plan and modifications to DEIR mitigation measures.

Master Response 8 also addresses comments on a number of specific plan and animal species.

With respect to comment 54-11, air and water quality policies may be found in the Open Space Element and Public Services Element.

With respect to the Carmel Valley Airport, the airport has been closed and will no longer be operating.

The County will consider all comments received on the General Plan in its deliberations prior to adoption of the General Plan

The commenter is also referred to Master Response 10, *Level of Detail for General Plan and the General Plan EIR*.

I-16.55 See Response I-16.12. This comment concerns the proposed 2007 General Plan policies, but does not concern the DEIR or its adequacy and thus no response is provided in this document. The County will consider all comments received on the General Plan in its deliberations prior to adoption of the General Plan. The commenter has asked for documents and an analysis of documents which are not comments on the DEIR or its adequacy and thus no response is provided in this document. The reader is also referred to Master Response 10, *Level of Detail for the General Plan and the General Plan EIR* and to the response to comment I-16.54.

I-16.56 The commenter asks about the relationship between the Carmel Valley Master Plan and the General Plan Update Policy CV-1.6. The comment does not concern the adequacy of the DEIR. The 266 cap in Policy CV-1.6 was derived from an analysis of the development that has occurred under the current CVMP. The County does not believe that the table proposed by commenter should be included in the General Plan. The proposed policy was provided to the Board of Supervisors for consideration and was included in the Draft 2007 General Plan. The

process transpired over many months and was based on input from numerous public hearings. These are policy decisions and the comments will be provided to the decision-makers for their consideration.

Impact LU-2 pertains to conflicts of the proposed General Plan with other plans adopted for the purpose of avoiding environmental effects and is not intended to relate to the existing 1982 General Plan that it would replace. The source of Impact LU-2 is Appendix G of the CEQA Guidelines (as explained on page 4.1-8 of the DEIR). Appendix G is a model checklist that describes potential impacts broadly enough to be used for many types of projects. It is not specifically intended to apply to situations, such as this, where the project is the adoption of a new General Plan.

When adopted, the 2007 General Plan will represent the County's "statement of development policies," as mandated by Government Code Section 65302. It is not inconsistent with the 1982 General Plan because the 1982 General Plan will no longer be in effect upon adoption of the General Plan Update. The same is true for proposed Chapter 9-B Carmel Valley Master Plan. It would replace the current Carmel Valley Master Plan and therefore would not be inconsistent with it.

Evaluation of the proposed General Plan in light of the existing general plan, rather than against the baseline of the existing environment is contrary to CEQA. (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])

I-16.57 The commenter asks for an explanation of the impact conclusion relating to the Williamson Act. Impact AG-2 analyzes whether implementation of the 2007 General Plan would result in conflicts with existing Williamson Act Contracts (DEIR, Section 4.2.5.3.). As explained in the DEIR, this impact is not the same as the conversion of agricultural land. Conflict with existing zoning or a Williamson Act contract would occur if the 2007 General Plan would allow incompatible uses on agriculturally zoned or contracted lands. Allowing compatible uses on Williamson Act lands would not result in a conflict, nor would the termination of Williamson Act contracts in accordance with the procedures for termination set out in the Williamson Act. Implementation of the 2007 General Plan and Area Plan policies would ensure that conversion of Williamson Act farmland to nonagricultural uses is minimized to the greatest extent possible through the implementation of land use concepts such as city-centered growth, clustered development, and programs that promote the conservation of Williamson Act farmland. Any termination of Williamson Act contracts would be undertaken consistently with the provisions of the Act, which strongly discourage the cancellation of contracts before their term expires. Therefore, the impact to Williamson Act contracts (AG-2) was found to be less than significant at the 2030 and 2092 planning horizons, despite the projected overall loss of Williamson Act lands listed in section 1.4.1 of the DEIR Executive Summary.

I-16.58 The commenter asks what is meant by “cumulatively considerable” in relationship to Agricultural Resources. A discussion and explanation of the concept of cumulative impacts is found in Section 6.4 of the DEIR. As defined in State CEQA Guidelines, “a cumulative impact consists of an impact which is created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts” (CEQA Guidelines, § 15130 (a).). “‘Cumulatively

considerable' means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probably future projects" (CEQA Guidelines, § 15065 (a)(3).). A project may have an impact that is less than significant by itself, but nonetheless would result in a significant contribution to a cumulative impact.

The analysis of CUM-1 is discussed in section 6.4.3.2 of this DEIR. Past trends in Monterey County agriculture indicate that agricultural acreage will remain the same as current conditions or decrease slightly over time. Nonetheless, future conversion of Important Farmland, particularly in the Salinas Valley as its cities grow onto adjoining farmland, remains a significant unavoidable cumulative impact. While the policies of the 2007 General Plan reduce the potential for additional contributions to this impact from county actions, they will not eliminate losses. Loss of agricultural land within the County is considered a significant cumulative impact. Accordingly, although the 2007 General Plan includes policies that minimize the conversion of agricultural land as a result of development within the County, policies for city-centered growth will result in additional annexations to the cities and will result in a considerable contribution to this impact.

I-16.59 The commenter asks whether there are policies relating to post-development run-off. The following policies, as discussed in Section 4.3 of the DEIR, help to reduce run-off. The mitigation measures and policies discussed in Section 4.3 will reduce impacts to water quality to a less than significant level.

Conservation and Open Space Element Policy OS-3.3 (erosion) ensures that criteria for studies to evaluate and address through appropriate designs and BMPs geologic and hydrologic constraints and hazards conditions such as slope and soil instability, moderate and high erosion hazards, and drainage, water quality and stream stability

problems created by increased stormwater runoff shall be established for new development and changes in land use designations.

Conservation and Open Space Element Policy OS-3.5, as revised, would prohibit development on slopes that exceed 25%, except where the there is no alternative that would allow development to occur on slopes less than 25% and the proposal better achieves the resources protection policies of the County's general plan. In addition, a discretionary permit would be required for the conversion of previously uncultivated land to agricultural use on slopes from 10-15% (where soils are highly erodible), 15-25% slopes, and greater than 25% (prohibited except under specified circumstances). The permit would require a management plan to reduce erosion potential, incorporate water conservation and water quality considerations, address water demand and availability, and protect important vegetation and wildlife habitats.

Safety Element Policy S-3.7 (stormwater, erosion, and flood hazards) states that the Monterey County Water Resources Agency shall prepare a Flood Criteria or Drainage Design Manual that establishes flood plain management policies, drainage standards and criteria, stormwater detention, and erosion control and stormwater quality protection measures in order to prevent significant impacts from flooding and ensure that development does not increase flooding risk over present conditions. The manual will include, as appropriate, hydrologic and hydraulic analysis procedures, procedures to assess stream geomorphology and stability, potential development impacts on streams, and design guidelines for channel design, including biotechnical bank stabilization.

Safety Element Policy S-3.1 (flood hazards and stormwater) limits post-development, offsite peak flow drainage from the area being developed to not be greater than pre□development peak flow drainage. Onsite improvements or other methods for stormwater detention shall be required to maintain post-development, offsite,

peak flows at predevelopment levels, where appropriate, as determined by the Monterey County Water Resources Agency. Please also refer to Master Response 9, *Water Quality* for further discussion of these issues.

I-16.60 The commenter states that there are alleged inconsistencies in the Executive Summary. Executive Summary page 1-6 does show Impacts WR-1 and WR-2 as less than significant. However, Table 6-2, page 27, shows that Impacts WR-4 and WR-5 would be significant and unavoidable. The latter is not referencing Impacts WR-1 and WR-2, but rather Mitigation Measures WR-1 and WR-2. DEIR page 1-8 shows that impacts WR-6 and WR-7 would be significant and unavoidable. It does not reference Impacts WR-1 or WR-2, but rather Mitigation Measures WR-1 and WR-2.

I-16.61 The commenter raises issues regarding effectiveness of mitigation measures. The Biology Section of the DEIR, Section 4.9, discusses "add consideration" on page 4.9-87. Mitigation Measure BIO-2.3 states: "Add Considerations Regarding Riparian Habitat and Stream Flows to Criteria for Long-Term Water Supply and Well Assessment." Under Mitigation Measure BIO-2.3, criteria related to riparian habitat and stream flows would be added to Public Service Policies PS-3.3 and PS-3.4.

Mitigation measures that do not go into effect until 2030 are for impacts that are anticipated to occur after 2030. Mitigation measures that would be implemented so far in the future cannot reasonably be expected to be as detailed as mitigation measures with a nearer-term application. In situations like this, it is appropriate and adequate to defer the specifics of mitigation, 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]) Please see Master Response 10, *Level of Detail for the General Plan and the General Plan EIR* for further discussion of this issue.

Mitigation Measure BIO-2.1 is a program level mitigation measure and is also adequate under the above stated standard. Please note that Mitigation Measure BIO-2.1 is not the only mitigation measure in the DEIR that would reduce erosion impacts to a less than significant level. The Water Section of the DEIR, Section 4.3, also contains mitigation measures that reduce erosion impacts. As a whole, erosion impacts are less than significant.

I-16.62 The commenter asks for explanation of Table 6-2. Impacts WR-8 through WR-11 are not significant and unavoidable. Table 6-2 of the DEIR summarizes significant and unavoidable impacts. Therefore, those impacts are not listed.

I-16.63 The commenter asks for an explanation of the term "flood hazard area." A flood hazard area is the area located within a 100-year flood plain (See DEIR Section 4.3.). Flooding is anticipated to occur in certain areas within Monterey County. The risk of damage from flooding cannot be completely removed within areas subject to flooding. However, new development will be adequately protected from the 100-year flood (i.e., risk will be lowered to an acceptable level under the Federal Flood Insurance Program) through the implementation of the General Plan policies, the mitigation measures discussed in section 4.3 of the DEIR, and the County's floodplain ordinance.

Regarding Impacts WR-12 through WR-14 at buildout, it is difficult to know exactly where development will occur after 2030 because less information is known about development projections after 2030. Based on the County's floodplain ordinance and the Federal Flood Insurance Program, it is unlikely that development after 2030 will be subject to greater risk of flooding than contemporary development. It

is nearly certain that the General Plan will have at least one comprehensive update by 2030 that will reflect new flood policies to mitigate these impacts. As a result of this uncertainty, these impacts are conservatively determined to be significant and unavoidable.

I-16.64 The commenter asks for an explanation of Impact CUM-2. There is only one significance conclusion for Impact CUM-2 in Table1-2, and it is correctly stated as less than cumulatively considerable. State and local regulations will mitigate the 2007 General Plan's impact to surface water quality and therefore, the 2007 General Plan's contribution will not be cumulatively considerable.

I-16.65 The commenter requests an explanation of why TRAN-1A appears in the Executive Summary, but not in Table 6-2. TRAN-1A was found to be less than significant and therefore was not included in Table 6-2 (Significant and Unavoidable Impact Table).

I-16.66 The comment asks how, under Impact TRAN-1B in Table 6-2, there will be significant and unavoidable impacts when "the standard for acceptable level of service is to be achieved by 2026". Policy C-1.2 has been revised to address this comment. Please see Chapter 5 of this FEIR for the text of the policy.

The analysis in the EIR recognizes that even with adoption of a CIFP, not all of the deficient roadway's segments in Monterey County can be mitigated to less than significant within the 2030 timeframe or by buildout. Therefore, the EIR concludes that the impacts identified in TRAN-1B are significant and unavoidable.

I-16.67 Commenter asks why TRAN-1D, 1E, and 1F are omitted from Table 6-2 but included in the Executive Summary. TRAN-1D, 1E, and 1F were found to be less than significant and therefore were not included in Table 6-2 (Significant and Unavoidable Impact Table).

I-16.68 The commenter states that the DEIR should have found impacts from project-specific impacts (Tier 1) to be significant and unavoidable. 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 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."

Traffic Tier 1 is development-specific impacts, Traffic Tier 2 is impacts to the County roadway system, and Traffic Tier 3 is impacts to the regional roadway system or major roadways within incorporated cities. Each level of impact is described below.

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 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.

Impacts to the public roadway system, other than those related to gain access to the development, are considered Traffic Tier 2 and 3 impacts.

Determination of Development Impacts. CEQA sets forth a process for determining development impacts. This process may include a Traffic Impact Study (TIS). The scoping of the TIS establishes the facilities to be studied and the distance of these facilities from the proposed development. The County generally utilizes Caltrans' Guide for the Preparation of Traffic Impact Studies (2002) to determine when a TIS is required and the extent of the study. Consistent with the policies of the General Plan, new development is expected to implement the feasible mitigation measures for significant impacts.

The finding of less than significance 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 clarification of Traffic Tier 1 impacts in response to comment 38). The specific geographic areas that fall under the localized Traffic Tier 1 TIS analysis area cannot be identified in the General Plan DEIR, as they represent development proposals that are as of yet unknown. The analysis of Traffic Tier 1 impacts in the General Plan DEIR reflects an evaluation of County policy, not specific development proposals.

I-16.69 Please refer to the response to I-16.68 above.

I-16.70 Please refer to the response to I-16.68 above.

I-16.71 The comment states that Impact AQ-1 is listed as significant and unavoidable in Chapter 6 and less than significant in the Executive Summary. The DEIR Air Quality analysis and Executive Summary Table are accurate. Impact AQ-1 is a less than significant impact and should not have been included in Table 6-2. (DEIR, Section 4.7.4.2 and Table 1-2.) Table 6-2 has been revised to correct this error. See FEIR Chapter 4, Text Changes to DEIR.

I-16.72 The commenter states that the 2007 General Plan is inconsistent with the 2008 AQMP. The General Plan Update is consistent with the Monterey Bay Unified Air Pollution Control District's 2008 AQMP such

that Impact AQ-1 would be less than significant (DEIR, Section 4.7.4.2.). See Master Response 2, *Growth Assumptions Utilized in the DEIR*, section 2.5, for a complete discussion of consistency with the 2008 AQMP.

I-16.73 The comment asks why no significance finding after mitigation is made for Carmel Valley Road and other roads within the Carmel Valley Master Plan. Please refer to the responses to comments I-16.68 through I-16.70 above.

I-16.74 The commenter asks questions about why specific policies are not included in Table 6-2, Significant Unavoidable Impact Table. The policies referenced by the commenter are not in this table, because the DEIR concluded that these impacts were less than significant (either because of the proposed mitigation or because they are mitigated by proposed policies in the Draft General Plan).

I-16.75 The comment pertains to the significance conclusion for special status species with specific reference to conversion of uncultivated agricultural lands to new farmland. The commenter is referred to Master Response 8, *Biological Resources*, section 8.5.5 which further amplifies the basis of the conclusions on Page 4.9-76. The commenter is also referred to Master Response 3 which discusses the extent of future conversion.

I-16.76 The commenter indicates that the DEIR does not address impacts on biological resources from development in the AWCP. The commenter is referred to Master Response 3, *Agricultural Growth and General Plan Agricultural Policies* and Master Response 8, *Biological Resources* for a specific discussion of impacts from development in the AWCP, modifications to mitigation measures and General Plan policies that further reduce potential impacts. The modifications may also be found in Chapters 4 and 5.

I-17 Rosenthal, Richard H. (Law Offices)

I-17.1 Please see DEIR Section 4.3 for analysis of water resource impacts, FEIR Chapter 2 Master Response 4 which addresses Water Supply, DEIR Section 4.7 for analysis of Transportation impacts, and Master Response 5, *Carmel Valley Traffic*. Please also see revisions to these DEIR sections provided in FEIR Chapter 4. The comment also states that the "General Plan also provides meaningless and ambiguous policies dealing with traffic infrastructure and build out." Please see Master Response 10 which discusses the level of detail required in a General Plan and its program EIR, and how the General Plan will be implemented.

The comment also states that the "General Plan is vacant of any attempt to correlate the land use element with the circulation element." The comment provides no details or evidence to support this claim. The General Plan complies with Government Code requirements.

The comment also addresses the "Staff Report" and General Plan policy, but does not address the sufficiency of the DEIR in identifying and analyzing the possible impacts on the environment and the ways in which the significant effects of the project might be avoided or mitigated; thus, no further response is required. (See CEQA Guidelines Sections 15088 and 15204.) The County will consider all comments received on the General Plan during its deliberations prior to adoption of the General Plan.

I-17.2 The comment refers to the "Interim ordinance." It is not clear what ordinance is being referenced. This comment concerns the proposed 2007 General Plan policies, but does not address the sufficiency of the DEIR in identifying and analyzing the possible impacts on the environment and the ways in which the significant effects of the project might be avoided or mitigated and thus no further response is

provided in this document (CEQA Guidelines Sections 15088 and 15204). The County will consider all comments received on the General Plan during its deliberations prior to adoption of the General Plan.

I-18 Sanders, Timothy

I-18.1 The commenter raises questions about Mitigation Measure TRANS-2b and whether the mitigation measure is adequate to address Carmel Valley Traffic Impacts.

The commenter is referred to Master Response 5, which discusses the Carmel Valley traffic analysis and proposed mitigation measures. The commenter is also referred to Master Response 10, which discusses what is required in EIRs for a General Plan and mitigation measures for a General Plan.

The commenter also provides suggestions on policy changes. These are comments on the General Plan and not on the DEIR and shall be referred to the decisions-makers for their consideration. Master Response 5 also addresses how the proposed policies address policy objectives in the Carmel Valley Master Plan.

I-19a Theyskens, William

I-19a.1 The commenter asks why the *Final Report, Hydrostratigraphic Analysis of the Northern Salinas Valley* prepared in 2004 was not referenced in the DEIR.

This analysis was prepared by Kennedy-Jenks Consultants for the Monterey County Water Resources Agency for the purpose of providing information to augment its assessment of seawater intrusion into the pressure 180-foot and 400-foot aquifers. The report reaches a number of conclusions regarding the causes and rates of seawater intrusion into these aquifers. The report recommends that

the Monterey County Water Resources Agency undertake specific monitoring (including sampling), modeling, and mapping activities in order to improve their knowledge of the problem.

Although this information is interesting, a close reading of this report shows that it neither discusses nor accounts for the activities of the SVWP, the Castroville Seawater Intrusion Project, and the Watsonville Area Water Recycling Project (within the Pajaro River basin). Taken together, those projects are working to halt seawater intrusion by introducing fresh water into the aquifers and providing irrigation water to agricultural users to reduce groundwater use. As a result, while it describes characteristics of the aquifers and the mechanisms by which seawater intrusion occurs, the *Hydrostratigraphic Analysis of the Northern Salinas Valley* does not present a representative picture of the state of seawater intrusion. Therefore, it was not referenced in the DEIR.

I-19a.2 The commenter opines that the DEIR underestimates the "severe problems of overdraft and seawater intrusion." The commenter goes on to state that: "if halting overdraft and seawater intrusion were as easy as portrayed in this DEIR, they would have been mitigated long ago."

The DEIR discusses water supply and water quality issues extensively in Chapter 4.3, *Water Resources*. The DEIR does not state that halting overdraft or seawater intrusion is simple or easy. It includes discussions of the overdraft and seawater intrusion issues within each of the County's water basins, with emphasis on the Pajaro River, Salinas River, and Carmel River/Monterey Peninsula areas. The DEIR identifies existing and reasonably foreseeable activities that are underway to reduce overdraft and halt seawater intrusion. This includes the SVWP, Castroville Seawater Intrusion Project, and Watsonville Area Water Recycling Project (within the Pajaro River basin), as well as the proposed "Coastal Water Project" desalination facility now in permitting before the California Public Utilities

Commission (that project is prompted by the SWRCB's action against the California American Water Company to reduce reliance on the Carmel River). This is in keeping with CEQA's provisions for examining the "substantial or potentially substantial adverse change" in the environment that may result from the project. (State CEQA Guidelines Section 15382)

I-19a.3 The commenter asks why Pajaro is designated as a Community Area in light of the potential for flooding on the Pajaro River and what will be done to reduce the risk of flooding. Also, the commenter would like to see the DEIR include a wider range of contaminants in the discussion of the impacts of septic systems on groundwater quality.

Pajaro is an existing community and is designated as a Redevelopment Area. It is identified as a Community Area in the General Plan in recognition of that fact. Flood risk is moderated by the County floodplain ordinance that restrictively regulates development within designated floodplains, such as that along the Pajaro River. Development in Pajaro will be subject to the polices in PS-1 of the General Plan which among other things, requires a long-term sustainable supply of water before development can be approved. The development of the Community Area will be governed by a public process of stakeholders from the community and will be subject to preparation of an EIR. Impacts from flooding would also be considered. Note also that the General Plan requires that a Capital Improvement Financing Plan (CIFP) (PS- 1.1 and PS-3.9) be prepared to address funding for necessary infrastructure identified in the Adequate Public Facility and Services. At the point that a Community Plan is being drafted for Pajaro, the County will also examine the infrastructure needs and funding requirements for providing adequate infrastructure. Infrastructure would also be the responsibility of any developer in the community.

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.). Chapter 4.3, *Water Resources* discloses the general problems associated with groundwater quality. A detailed discussion of other contaminants is not needed in order to convey the severity of groundwater contamination in the context of a General Plan update. The DEIR provides decision-makers with a good faith analysis of the key issues sufficient to allow informed decision-making. Please see Master Response 9, *Water Quality*, for further discussion of the adequacy of the water quality analysis.

I-19a.4 The comment states that there are errors in the DEIR's description of the North County aquifer, but does not describe them. DEIR pages 4.3-16 and 4.3-19 were reviewed for accuracy. The Pajaro, Springfield Terrace, and Highlands North planning areas are part of the Pajaro Valley groundwater basin; and the Highlands South and Granite Ridge planning areas are part of the Salinas River groundwater basin. The text of page 4.3-16 has been revised accordingly in Chapter 4.

I-19a.5 The commenter asks for additional information on the effect of pumping ground water between Salinas and the coast on seawater intrusion, and whether and by how much water levels beneath and east of Salinas will rise if seawater intrusion is halted. The comment quotes the DEIR statement that "[a]ny significant amount of pumping of groundwater between Salinas and the coast causes seawater intrusion."

This DEIR statement is not intended to imply that extensive groundwater pumping beneath or east of Salinas would not contribute to seawater intrusion, generally speaking. Extensive pumping from the 180-foot and 400-foot aquifers within the Eastside or Pressure Zones could contribute to seawater intrusion to the extent that the aquifers extend the length of these zones. However, as discussed in the Master Response 4 on Water Supply, the SVWP and Castroville Seawater

Intrusion Project (CSIP) will effectively halt seawater intrusion at its current point west of Salinas once they are in full operation. The water from the SVWP and recycled water supplied to the CSIP are causing and will continue to cause groundwater levels to rise in the area.

I-19a.6 The commenter notes that the DEIR states the SVWP will alleviate seawater intrusion, as well as stating that it will halt seawater intrusion. The commenter asks which is correct. The commenter also asks whether the SVWP will halt overdraft in all of the aquifers in the Salinas Valley watershed and "what tangible benefits will the citizen's (sic) of the North County see?"

As discussed in Master Response 4, *Water Supply*, the SVWP and CSIP will effectively halt seawater intrusion at its current point west of Salinas. These projects also provide surface water to farms to reduce their reliance on groundwater, thereby reducing groundwater overdraft. As described in Chapter 4.3, *Water Resources* under Impact WR-6, the General Plan update includes a number of policies intended to reduce groundwater overdraft. Based on existing information, taken together the SVWP, Castroville Seawater Intrusion Project, proposed General Plan policies, and the mitigation measures in the DEIR are sufficient to balance water withdrawal and recharge. However, no claims are made that this will halt overdraft or result in a rise in groundwater levels in the Pajaro Valley or the Monterey Peninsula over the long-term. See Master Response 4, *Water Supply* for further discussion of seawater intrusion and groundwater overdraft issues.

I-19a.7 The commenter poses questions regarding the depth of and energy use of wells tapping the deep zone beneath the Salinas Valley; the age of water within the 180-foot, 400-foot, and Deep Zone aquifers; and the age of water beneath the Granite Ridge area. The commenter is concerned that pumping rates may exceed the rate of natural recharge.

CEQA requires an EIR to 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." (CEQA Guidelines, Section 15151.) The information requested by commenter is not necessary to informed decision making on the General Plan, nor does it contribute to the determination of significance. The DEIR discloses that overdraft exists within these aquifers and the discussion under Impact WR-6 concludes that there will be long-term impact from groundwater overdraft in the Pajaro Valley and the Monterey Peninsula over the long-term. Measures to reduce reliance on groundwater pumping and to regulate the installation of new wells contained in the proposed General Plan policies will maintain a water balance in the Salinas Valley.

I-19a.8 The commenter notes that the reference to North County groundwater subbasins should instead refer to "subareas."

Master Response 4, *Water Supply*, section 4.1 includes suggested modifications to several definitions that are responsive to this comment. The terms subbasins and subareas are considered interchangeable. These are included in Chapter 4 of the FEIR, as well as a correction to the exhibit numbers referenced here.

I-19a.9 The commenter asks whether high levels of arsenic present in bedrock in the North County exceed SDWA levels, or whether the water extracted from this formation exceeds the levels. The commenter asks whether excessive arsenic levels may lead to health problems and whether development will continue to be allowed in areas suffering from this contamination.

The DEIR states that the water pumped from arsenic-laced bedrock in portions of the North County approaches or exceeds acceptable State Drinking Water Act (SDWA) levels for arsenic (DEIR, Section 4.3.2.3.).

As explained in Section 4.3.2.3 of the DEIR, consuming water that exceeds SDWA levels over a period of time can result in health

problems. The County Environmental Health Bureau regulates all water systems with anywhere from two to 199 connections. Systems with a larger number of connections are regulated by the state. The Bureau works with system operators to assist them in meeting health regulations or to bring their systems into compliance with those regulations. Where regulations cannot be met, the Bureau issues a non-compliance notification, which can include a bottled water order or an order to obtain a legal alternative source of water, followed by a compliance order, followed by a citation, and then administrative hearings until the system is brought into compliance. A well that serves an individual home is currently not subject to regulation of water quality by the Bureau. However, Policy PS-2.5 (regulations shall be considered for water quality testing for new individual wells on a single lot of record) will establish regulations for water quality testing for new individual wells on lots of record to better inform the public of water quality.

New development involving more than one parcel and served by a well with 2 or more connections will be required to meet water quality standards by the Environmental Health Bureau. This would typically include subdivisions of two lots or more. Development of new individual wells will result in a number of new households relying on water that does not meet state standards. To an extent, this will be self-limiting in that most reasonable people buying a new home would not choose to rely on a well that fails to meet health standards for arsenic and nitrate concentrations.

The County has established the North County Regional Ad Hoc Water Committee to explore solutions to the water supply and water quality problems of North County areas, including Granite Ridge. This is discussed in Master Response 4, *Water Supply*, section 4.6.

See also Master Response 4, section 4.2.6, for a discussion of the Granite Ridge Water Supply Project that is in the planning stages. It will

be designed to supply water to the Granite Ridge and Highlands South areas.

I-19a.10 The commenter would like to know the source of information about and a map of the "multiple small groundwater aquifers" that the DEIR states provide potable water to the North County area.

The DEIR characterized water supplies in the North County as derived from small aquifers. More precisely, water in the North County is supplied by the Pajaro River groundwater basin, the Salinas River basin, and the fractured granitic rock beneath the Granite Ridge area. The Granite Ridge area does not overlay an aquifer, but rather water is stored in the fissures of the fractured granite that underlies the area.

I-20a.11 The commenter relates the DEIR's characterization of the ongoing overdraft in the North County. No response is necessary. This comment is considered in combination with comment I-19a.12 in the following response.

I-20a.12 The commenter expresses his concern that the overdraft situation in the North County is not being addressed by the County. The commenter would like the DEIR to address the environmental issues surrounding the North County water project.

The Monterey County Water Resources Agency has presented a conceptual plan for a new water supply system to serve the Granite Ridge area. The commenter is referred to Master Response 4, *Water Supply*, section 4.2.6 for a discussion of efforts relating to addressing a Granite Ridge water supply system through the Granite Ridge Water Supply Project. As discussed in Master Response 4, the County has recently directed that an EIR be prepared for the Granite Ridge Water Supply Project.

I-20a.13 The commenter notes that the Pajaro Valley Basin Management Plan estimates that groundwater pumping will exceed the basin's sustainable yield and asks what the source of "affordable potable water for development of Pajaro as a Community Area" will be. Please

see Master Response 4, *Water Supply*, for a discussion of the water supply and demand in the Pajaro Valley. Other than potentially expanding its existing recycling operations, the PVWMA does not have specific new projects underway to meet future demand. As discussed in the response to I-19a.03, a Community Plan will be prepared for the Pajaro Community Area. Identifying and providing a potable long-term supply of water is one of the key tasks in the future planning for a Pajaro Community Area.

I-21a.14 The commenter notes that dry cleaners are not identified as a common source of groundwater contamination and suggests that they be so identified. The DEIR includes dry cleaners in the list of the most common commercial and industrial users of hazardous waste (DEIR, Section 4.13.3.2.). Dry cleaning businesses that generate hazardous waste are regulated under federal, state, and local law. (See DEIR, Section 4.13.4.) In particular, the California Hazardous Waste Control Law sets standards for generators of hazardous waste, including dry cleaners, which treat, store, or dispose hazardous waste on their site (Cal. Code Regs., title 22, §§ 66260.10; 66262.10.). The DEIR concluded that Implementation of the 2007 General Plan policies and compliance with the applicable laws and regulations would ensure that the use of hazardous materials would not create adverse risks to human health or the environment and those impacts in this regard would be less than significant (DEIR, Section 4.14.5.3.).

I-19b Theyskens, Wiliam (addendum)

I-19b.1 The commenter asserts that information from the *Final Report, Hydrostratigraphic Analysis of the Northern Salinas Valley* prepared by Kennedy-Jenks Consultants for the Monterey County Water Resources Agency in 2004 relating to the mechanisms for seawater intrusion is crucial to understanding the water supply for Salinas. The comment states that transfer of seawater-impacted groundwater between the

180- and 400-foot aquifers is a potentially significant impact. The commenter requests that the DEIR be amended to include this information.

See response I-19a.1. The 2004 study examines groundwater conditions absent operation of the SVWP. The SVWP's delivery of additional water to the Salinas Riverbed, resulting in increased percolation into upstream aquifers, and its delivery of additional water to the CSIP to increase the surface water being supplied to farmlands by that system, will raise groundwater levels and increase the subsurface flow of water to the ocean. (Weeks 2009) This will effectively halt seawater intrusion.

I-19b.2 The Commenter requests clarification whether, in spite of the information in the 2004 Kennedy-Jenks analysis, the SVWP is "really expected to result in the cessation of overdraft conditions in the East Side Subarea…and North County, with rising water levels."

The SVWP results are forecasted on the basis of the sophisticated Salinas Valley groundwater model, as discussed in Master Response 4, *Water Supply*, section 4.2.2. As discussed in responses I-19a.1 and I-19a.2, the Kennedy-Jenks analysis did not account for the water supplied to the aquifers by the SVWP.

I-20 Weaver, Mike

I-20.1 The applications, permitting, and monitoring of permits associated with establishments that sell/serve alcohol were not analyzed in the EIR because the General Plan is a policy document that provides a long-term frame for growth in Monterey County. See master Response 10 regarding the appropriate level of detail in a general plan EIR. The General Plan sets forth policies guiding winery/tasting room development, but does not permit the sale of alcohol at particular wineries/tasting rooms. The permitting of specific establishments is

the responsibility of the California Alcoholic Beverage Control Board, and will occur when specific projects are proposed.

The full buildout scenario of the Agriculture and Wine Corridor Plan (AWCP) would allow the development of 40 artisan wineries, 10 full-scale wineries and 10 tasting rooms along three corridors that extend through three Planning Areas (Toro, Central Salinas Valley, and South County) and include more than 80 miles of Salinas Valley roadways. The DEIR transportation impact analysis includes a general discussion of the traffic impacts of this development. However, the General Plan does not approve any specific winery projects. The site-specific safety impacts of future individual wineries/tasting rooms will be analyzed, and mitigated if necessary, in project-specific EIRs.

I-20.2 This comment concerns the proposed 2007 General Plan policies on scenic highways, but does not concern the DEIR or its adequacy and thus no response is provided in this document. The County will consider all comments received on the General Plan in its deliberations prior to adoption of the General Plan.

SR 68 is eligible for scenic highways status from Monterey to Highway 101 near Salinas (mile post 0 to mile post 22.0). The portion of SR 68 from SR 1 to the Salinas River (mile post 4.3 to mile post 17.8) is designated as a state scenic highway.

I-20.3 Section 4.10 of the DEIR addresses cultural resources, including historic, paleontological, and archaeological resources. This section sets forth the CEQA impact analysis relating to cultural resources for the project and alternatives. It describes the methods used to determine the project's impacts and lists the thresholds used to conclude whether an impact would be significant. Measures to mitigate (e.g., avoid, minimize, rectify, reduce, eliminate, or compensate for) significant impacts accompany each impact discussion. The comment suggests the historic resources analysis

appears incomplete, but does not point to any particular omissions that can be addressed in this response.

I-20.4 Please refer to the response to comment S-5.3. These sites would not be identified in the General Plan, but would be included in the County's Resources Constraints and Hazards Database and thereby be available through the Geographic Information System (GIS) for the review of future site-specific projects. The *Fort Ord Reuse Plan* adopted by the Fort Ord Reuse Authority to guide future development of the former base provides policies for the avoidance of these hazards (See section 4.6.3, Hazardous and Toxic Waste Sites of the Base Reuse Plan). (Fort Ord Reuse Authority 1997) As the commenter themselves notes in their comment 5, the Department of Defense is responsible for cleaning up the former base before releasing it for civilian reuse. The County's adopted Fort Ord Master Plan incorporates all applicable policies and programs contained in the Reuse Plan. The Hazardous Materials and Safety section of the Fort Ord Master Plan includes specific objectives and programs aimed at ensuring that development is not adversely affected by unexploded ordinance and other hazardous materials, and that the County keeps informed of clean-up/remediation activities.

Policy PS-2.6 has been modified to address the comment. Please see Chapter 5 of this FEIR.

I-20.5 This comment describes institutional responsibilities, costs, and background information regarding the Fort Ord cleanup. It does not raise an EIR-related environmental issue requiring response.

I-20.6 The County is not familiar with a route entitled the Corral de Tierra Bypass. Assuming that the commenter is referring to the Highway 68 Bypass, the Fort Ord Map identifies the "Highway 68 ROW" corridor that is being reserved for future development of the bypass. However, this project has not been designed, nor is it on the TAMC "RTP Constrained Projects" list. Constrained projects are those which have

been identified as having sufficient funding to begin design work and, in many cases, construction. At such future time as this proposed roadway project is designed, then environmental documentation will be prepared. Without knowing the design and the actual route of this prospective road within the broad corridor shown on the Fort Ord Map, and absent any funding to carry out the project (indicating that it will not be built in the foreseeable future), environmental analysis would be premature and largely speculative.

I-20.7 The sites shown as "Open Space Recreation" on the Land Use Map for Fort Ord reflect the designations applied to them in the *Fort Ord Reuse Plan*. The existence of unexploded ordnance on the former Fort Ord is well known and well documented. For that reason, the Fort Ord Reuse Authority has entered into an Environmental Services Cooperative Agreement (ESCA) with the U.S. Army to fund remediation of ordnance sites on the former Fort Ord, including Wolf Hill. (Fort Ord Reuse Authority 2010) As part of the base reuse and realignment process, these sites must be remediated before they can be transferred from the U.S. Army and opened to public use.

The Army is anticipating transferring a portion of the Wolf Hill site that is currently a parking lot for Laguna Seca raceway to the County at a later date. The site will remain a parking lot after the transfer. It therefore, would not be designated active camping and recreation. It is the County's understanding that portions of the Wolf Hill site are scheduled for ordnance removal, pursuant to the ESCA activities.

I-20.8 This comment is a request for general information, and does not raise an EIR-related environmental issue requiring response. See also the response to comment I-20.6.

I-20.9 This comment is a request for general information, and does not raise an EIR-related environmental issue requiring response.

I-20.10 The 1982 General Plan did not include a specified LOS for County roadways. The 2007 General Plan is establishing LOS D as an

acceptable level of service for County roads and intersections. However, in recognition of unique conditions in several Area Plans and the need to allow future planning processes for Community Areas to identify the type of development that best meets the needs of a particular community, the General Plan provides different standards. There is no requirement, legal or otherwise, that the County adopt a single LOS standard for all of its area. Consistent with Government Code Section 65301, this is the approach to traffic standards that the County believes best fits its local conditions. The LOS for Carmel Valley is not LOS C. The LOS for Carmel Valley Road would be established in CV 2.18, and varies form segment to segment (as does the current standard under existing Policy 39.3.2.1). The commenter is referred to Master Response 5, Carmel valley Traffic, for a more detailed response.

I-20.11 The commenter asks for clarification regarding the application of an LOS standard. An LOS standard is a range consistent with the commonly accepted Highway Capacity Manuel of the Transportation Research Board. For the County's purposes, LOS D is LOS D. This comment is a request for general information, and does not raise an EIR-related environmental issue requiring response.

I-20.12 The specific outcome of Mitigation Measure WR-1 is not determined, and factors mentioned in the comment would be considered in developing a regional solution. Mitigation Measure WR-1 is only one part of the solution. The policies under 2007 General Plan Goals PS-1 (**Ensure That Adequate Public Facilities And Services (APFS) And The Infrastructure to Support New Development are Provided Over The Life Of This Plan**) and PS-3 (**Ensure That New Development Is Assured A Long-Term Sustainable Water Supply**) act to avoid approval of projects without water supplies. No transfer of water from one basin to another is being proposed under the 2007 General Plan, nor would such a transfer be required to comply with

mitigation Measure WR-1. Please refer to Master Response 4, *Water Supply*.

I-21 Zischke, Jacqueline

I-21.1 The commenter contends that proposed General Plan policy CV-2.18 is confusing and may be subject to differing interpretations. The commenter further requests that the DEIR confirm the meaning and intent behind the policy, and that its be revised for clarification purposes. The commenter further notes that it is her understanding that the County will work on fee ordinances to address future infrastructure needs so that future development will contribute a fair share towards future improvements.

The comment is not on the environmental analysis in the DEIR, rather a comment on a policy in the General Plan, and is therefore noted. Policy CV-2.18 has been modified by Mitigation Measure Trans 2B in the DEIR, at pages 4.6-69 through 4.6-73. Please see Master Response 5, *Carmel Valley Traffic Issues*, for a thorough discussion of how revised Policy CV-2.18 (and other CVMP Policies) will address traffic impacts in Carmel Valley. The commenter is correct that the County will work on fee ordinances to provide for a fair share payment towards future improvements, but such payments may not provide sufficient funding for some necessary improvements, for example to SR 1. Please See Master Response 5, *Carmel Valley Traffic Issues*, for a more thorough discussion of this issue.

Late Letters

Responses to the following late comment letters are found in this section:

- O-5c, Carmel Valley Association
- O-10d, Helping our Peninsula's Environment (HOPE)
- O-22, Action Pajaro Valley
- I-22, Carver, Robert

The County received several letters during the month of February, 2009 that were submitted in connection with a February 24, 2010 Planning Commission briefing on the status of the General Plan DEIR process. CEQA does not require that letters submitted after the closing date for comments be responded to individually (14 CCR 15207) The County has not provided separate responses for these letters, but has included them here in FEIR Chapter 3. A brief, general response to each letter is provided below.

Letter O-22 from Action Pajaro Valley (2-24-09) provides support for a General Plan policy. No response is required.

Letter I-22 from Robert Carver (2-23-09) has provided comments on the applicability of policies in the General Plan. Master Response 11, *Effect of GPU5 on the Local Coastal Program and Impacts to Coastal Resources*, addresses the issues raised.

Letters O-10d From **Hope** (2-23-09) and O-5c from Carmel Valley Association (2-24-09) provide comments on the impact analysis in the DEIR. The issues raised in these letters have been addressed more specifically in responses to these organizations that are contained in this Chapter and more generally in the Master Responses and responses to comments to other organizations.

The Carmel Valley Association letter requested that the Planning Commission not discuss any General Plan issues until release of the FEIR. This matter is addressed in Master Response 1, *Changes to the General Plan*.

Chapter 4

Changes to the Text of the Draft EIR

Introduction

This chapter contains revisions to the text of the DEIR for the 2007 General Plan. The text changes are intended to clarify or correct information in the DEIR in response to comments received on the document. This includes changes initiated by the County. Revisions are shown with strikethrough text for deletions (~~strikethrough~~) and underlined text for additions (<u>underline</u>). The changes appear in the order of their location in the DEIR, and are organized by chapter or major section. No text changes are being made to any sections or chapters that are not listed below.

Section 1, "Executive Summary"

Page 1-3, Table 1-1 Key Components of the 2007 General Plan. This table is revised as follows.

Table 1-1. Key Components of the 2007 General Plan

Issue Area	2007 General Plan
Elements	Land Use, Circulation, Conservation and Open Space, Safety, Public Services, Agricultural, Area and Master Plans, and Economic Development
Area Plans	North County, Greater Salinas, Central Salinas Valley, Greater Monterey Peninsula, Toro, Cachagua, and South County
Master Plans	Carmel Valley and Fort Ord
Special Treatment Areas	Identifies 17 areas within the Area Plans for further planning study
Community Areas	Boronda, Castroville, Chualar, Fort Ord, and Pajaro
Rural Centers	Bradley, Lockwood, Pine Canyon, Pleyto, River Road, San Ardo, and San Lucas
Affordable Housing Overlay	Three areas where development of high-density, affordable housing is promoted: Mid-Carmel Valley; Highway 68/Monterey Peninsula Airport; and Reservation Road/ Highway 68. Community Areas prior to adoption of a Community Plan and Rural Centers prior to the adoption of an Infrastructure and Financing Study are designated as affordable housing overlay districts (AHOs).
Services	Establishes goals and policies requiring the provision of services concurrently with new development in Community Areas, Rural Centers, and for subdivisions
Water Resources	Establishes goals and policies for water conservation, restrains development without a proven sustainable water supply, restricts water well development, and minimizes additional overdraft and seawater intrusion
Routine and Ongoing Agriculture	Exempts a number of "routine and ongoing" agricultural activities from selected policies of the 2007 General Plan Update, not including policies that minimize erosion
Agricultural Wine Corridor Plan	Establishes goals and policies supporting future development of up to 10 full-scale and 40 artisan wineries and related tourist-serving uses along Central/Arroyo Seco/River Road, Metz Road, and Jolon Road
2006–2030 horizon[1] (Unincorporated County only)	29,096 ~~135,375~~ residents 10,015 ~~48,670~~ dwelling units
2006–2092 buildout[2] (Unincorporated County only)	104,379 ~~207,424~~ residents 37,081 ~~74,573~~ dwelling units

[1] This is the 2006–2030 growth increment only. Total 2030 residents = 135,375. Total 2030 dwellings = 48,670.

[2] This is the 2006–2092 growth increment only. Total 2092 residents = 210,658. Total 2092 dwellings = 75,736.

Page 1-5, Table 1-2 Executive Summary Table. This table is revised as follows:

Table 1-2. Executive Summary Table

Issues/Impacts	Mitigation Measures	Level of Significance after Mitigation
4.1 LAND USE		
LU-1: Implementation of the 2007 General Plan would potentially result in the physical division of established communities.	No mitigation beyond the 2007 General Plan policies is necessary.	2030—Less than significant Buildout—Less than significant
LU-2: Implementation of the 2007 General Plan would potentially result in conflicts with an adopted land use plan, general plan, specific plan, local coastal program, or zoning ordinance adopted for the purpose of avoiding or mitigating an environmental effect.	No mitigation beyond the 2007 General Plan policies is necessary.	2030—Less than significant Buildout—Less than significant
LU-3: General Plan implementation would potentially conflict with an existing adopted habitat conservation or natural community conservation plan.	No mitigation beyond the 2007 General Plan policies is necessary.	2030—Less than significant Buildout—Less than significant
4.2 AGRICULTURE RESOURCES		
AG-1: Implementation of the 2007 General Plan would result in the conversion of Important Farmland to non-agricultural use.	No feasible mitigation beyond the 2007 General Plan goals and policies is available.	2030—Significant and unavoidable Buildout—Significant and unavoidable
AG-2: Implementation of the 2007 General Plan could result in conflicts with existing zoning for agricultural use or Williamson Act contracts.	No mitigation beyond the 2007 General Plan goals and policies is necessary.	2030—Less than significant Buildout—Less than significant

Issues/Impacts	Mitigation Measures	Level of Significance after Mitigation
AG-3: Implementation of the 2007 General Plan would involve other changes in the existing environment which, due to their location or nature, would result in conversion of farmland to non-agricultural use.	No feasible mitigation beyond the 2007 General Plan goals and policies is available.	2030—Significant and unavoidable Buildout—Significant and unavoidable
CUM-1: Agricultural Resources	No mitigation is feasible.	Cumulatively considerable.
4.3 WATER RESOURCES		
WR-1: Residential, commercial, industrial, and public uses consistent with the 2007 General Plan would introduce additional nonpoint source pollutants to downstream surface waters, substantially degrading water quality.	No mitigation beyond the General Plan and Area Plan goals and policies is necessary.	2030—Less than significant Buildout—Less than significant
WR-2: Land uses and development consistent with the 2007 General Plan would result in increased soil erosion and sedimentation during construction activities, substantially degrading water quality in downstream waterways.	No mitigation beyond the General Plan and Area Plan goals and policies is necessary.	2030—Less than significant Buildout—Less than significant
WR-3: Agricultural and resource development (i.e., limited timber harvesting and mineral resources extraction) land uses consistent with the 2007 General Plan would increase sediment and nutrients in downstream waterways and violate water quality standards.	**BIO-2.1:** Stream Setback Ordinance. (see Section 4.9 Biological Resources, below). No additional mitigation beyond the General Plan and Area Plan goals and policies is necessary.	2030—Less than significant Buildout—Less than significant
WR-4: Land uses and development consistent with the 2007 General Plan would exceed the capacity of existing water supplies and necessitate the acquisition of new supplies to meet expected demands	**2030** **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 <u>additional</u> ~~new~~ policy.	2030—Significant and unavoidable (in some portions of the County) Buildout—Significant and

Issues/Impacts	Mitigation Measures	Level of Significance after Mitigation
	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. **2092** **WR-1:** Support a Regional Solution for the Monterey Peninsula In Addition to the Coastal Water Project. This measure is described above. **WR-2:** Initiate Planning for Additional Supplies to the Salinas Valley The County will revise the draft 2007 General Plan to include the following additional ~~new~~ policies. PS 3.17 The County will pursue expansion of the 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	unavoidable (in some portions of the County)

Issues/Impacts	Mitigation Measures	Level of Significance after Mitigation
	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 identify~~ing~~ 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. **BIO-2.3:** Add Considerations Regarding Riparian Habitat and Stream Flows to Criteria for Long-Term Water Supply and Well Assessment. (see Section 4.9 Biological Resources, below). No additional mitigation measure is available.	
WR-5: Land uses and development consistent with the 2007 General Plan would increase the demand for water storage, treatment, and conveyance facilities that could have significant secondary impacts on the environment.	The General Plan and Area Plan goals and policies will apply. Future projects will be subject to CEQA and have specific mitigation measures. As the experience with existing large-scale water supply projects shows, impacts cannot always be mitigated to a less than significant level.	2030—Significant and unavoidable Buildout—Significant and unavoidable
WR-6: Land uses and development consistent with the 2007 General Plan would increase demand on groundwater supplies in some areas; the associated increased well pumping would result in the continued decline of groundwater levels and accelerated overdraft in portions of the county.	**2030** **WR-1**: Support a Regional Solution In Addition to the Coastal Water Project. This measure is described above. **2092** **WR-1**: Support a Regional Solution In Addition to the Coastal Water Project. This measure is described above. **WR-2**: Initiate Planning for Additional Supplies to the Salinas Valley. This measure is described above.	2030—Significant and unavoidable (in some portions of the County) Buildout—Significant and unavoidable (in some portions of the County).

Issues/Impacts	Mitigation Measures	Level of Significance after Mitigation
WR-7: Land uses and development consistent with the 2007 General Plan would increase demand on groundwater supplies in areas currently experiencing or susceptible to saltwater intrusion. Increased groundwater pumping in certain coastal areas would result in increased saltwater intrusion in some areas of the county.	**2030** **WR-1**: Support a Regional Solution In Addition to the Coastal Water Project This measure is described above. **2092** **WR-1**: Support a Regional Solution In Addition to the Coastal Water Project. This measure is described above. **WR-2**: Initiate Planning for Additional Supplies to the Salinas Valley. This measure is described above.	2030—Significant and unavoidable (in some portions of the County) Buildout—Significant and unavoidable (in some portions of the County)
WR-8: Land uses and development consistent with the 2007 General Plan would result in sewer- and septic-related water quality impacts, including those associated with reuse of treated water and migration of septic tank leachfield wastewater effluent to groundwater that would violate water quality standards.	No additional mitigation beyond the General Plan and Area Plan goals and policies is required.	2030—Less than significant Buildout—Less than significant
WR-9: Land uses and development consistent with the 2007 General Plan would result in an increase in the number of private wells in unincorporated inland areas of the county. Approval of wells in these areas would result in well interference impacts.	No mitigation beyond the General Plan and Area Plan goals and policies is necessary.	2030—Less than significant Buildout—Less than significant
WR-10: Land use and development consistent with the 2007 General Plan would result in alterations to existing drainage patterns. Such changes would increase erosion, both in overland flow paths and in drainage swales and creeks.	**2030** **BIO-2.1:** Stream Setback Ordinance. (see Section 4.9 Biological Resources, below). No additional mitigation beyond the General Plan and Area Plan goals and policies is necessary.	2030—Less than significant Buildout—Less than significant

Issues/Impacts	Mitigation Measures	Level of Significance after Mitigation
WR-11: Land uses and development consistent with the 2007 General Plan would result in increases in storm water runoff and peak discharge. Existing storm drain systems, including urban creeks and rivers, may be incapable of accommodating increased flows, potentially resulting in increased onsite or offsite flooding.	No mitigation beyond the General Plan and Area Plan goals and policies is necessary.	2030—Less than significant Buildout—Less than significant
WR-12: Land uses and development consistent with the 2007 General Plan would allow continued development in 100-year flood hazard areas.	**2030** No mitigation beyond the General Plan and Area Plan goals and policies is necessary. **2092** Extent and locations of future impact are unknown; no mitigation is feasible.	2030—Less than significant Buildout—Significant and unavoidable
WR-13: The placement of land uses and structures within Special Flood Hazard Areas would impede or redirect flood flows, resulting in secondary downstream flood damage, including bank failure.	**2030** No mitigation beyond the General Plan and Area Plan goals and policies is necessary. **2092** Extent and locations of future impact are unknown; no mitigation is feasible.	2030—Less than significant Buildout—Significant and unavoidable
WR-14: Potential failure of levees or dams would expose people and structures to inundation and result in the loss of property, increased risk, injury, or death.	**2030** No mitigation beyond the General Plan and Area Plan goals and policies is necessary. **2092** Extent and locations of future impact are unknown; no mitigation is feasible.	2030—Less than significant Buildout—Significant and unavoidable
CUM-2: Water Resources – Surface water quality:	No mitigation beyond 2007 General Plan policies is necessary.	Less than cumulatively considerable.
CUM-3: Water Resources – Groundwater Quality:	Mitigation measures WR-1 and WR-2.	Cumulatively considerable.
CUM-4: Water Resources – Indirect impacts of water supply projects.	No mitigation is feasible.	Cumulatively considerable.

Issues/Impacts	Mitigation Measures	Level of Significance after Mitigation
4.4 GEOLOGY, SOILS, AND SEISMICITY		
GEO-1: Implementation of the 2007 General Plan could expose persons and property to fault rupture hazards.	No mitigation beyond the 2007 General Plan Area Plan goals and policies is necessary.	2030—Less than significant Buildout—Less than significant
GEO-2: Land uses and development consistent with the 2007 General Plan could expose people or structures to substantial adverse seismic effects, including the risk of loss, injury, or death involving strong seismic ground shaking.	No mitigation beyond the 2007 General Plan Area Plan goals and policies is necessary.	2030—Less than significant Buildout—Less than significant
GEO-3: Land uses and development consistent with the 2007 General Plan could expose property and structures to the damaging effects of ground subsidence hazards. This kind of geologic hazard can be seismically triggered (e.g., liquefaction), caused by seasonal saturation of the soils and rock materials, or related to grading activities.	No mitigation beyond the 2007 General Plan policies is necessary.	2030—Less than significant Buildout—Less than significant
GEO-4: Land uses and development consistent with the 2007 General Plan could expose people and structures to substantial damaging effects of landslides, including the risk of loss, injury, or death from downslope earth movement that may be slow or rapidly occurring. This kind of geologic hazard is commonly caused by earthquakes, seasonal saturation of soils and rock, erosion, or grading activities.	No mitigation beyond the 2007 General Plan policies is necessary.	2030—Less than significant Buildout—Less than significant

Issues/Impacts	Mitigation Measures	Level of Significance after Mitigation
GEO-5: Erosion from activities and land uses consistent with the 2007 General Plan could result in erosion hazards.	**BIO-2.1:** Stream Setback Ordinance. (see Section 4.9 Biological Resources, below). No additional mitigation beyond the General Plan and Area Plan goals and policies is necessary.	2030—Less than significant Buildout—Less than significant
GEO-6: Land uses and development consistent with the 2007 General Plan could expose property improvements to potential adverse effects from expansive soils. Expansive soils can damage improvements, especially structures such as residential buildings, small commercial buildings, and pavements.	No mitigation beyond the 2007 General Plan policies is necessary.	2030—Less than significant Buildout—Less than significant
GEO-7: Construction of septic tanks or alternative wastewater disposal systems on soils incapable of adequately supporting such systems could damage improvements and adversely affect groundwater resources.	No mitigation beyond the 2007 General Plan policies is necessary.	2030—Less than significant Buildout—Less than significant
GEO-8: Land use activities and development consistent with the 2007 General Plan could expose persons and property to tsunami, seiche, or mudflow hazards.	No mitigation beyond the 2007 General Plan policies is necessary.	2030—Less than significant Buildout—Less than significant
4.5 MINERAL RESOURCES		
MIN-1: Implementation of the 2007 General Plan would potentially result in the loss of availability of known mineral resources of value to the region and the residents of the state.	No mitigation beyond the 2007 General Plan policies is necessary.	2030—Less than significant Buildout—Less than significant
MIN-2: Implementation of the 2007 General Plan would potentially result in the loss of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.	No mitigation beyond the 2007 General Plan policies is necessary.	2030—Less than significant Buildout—Less than significant

Issues/Impacts	Mitigation Measures	Level of Significance after Mitigation
4.6 TRANSPORTATION		
TRAN-1A: Development allowed under the 2007 General Plan would cause direct impacts on County roadways which would cause roadways to fall below the acceptable LOS standard D.	Impacts are less than significant, therefore no mitigation is necessary.	2030—Less than significant
TRAN-1B: 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.	No mitigation is feasible.	2030—Significant and unavoidable
TRAN 1-C: Growth in land uses allowed under the 2007 General Plan would increase demand for air travel at the County's four airports or increase development within the approach and departure pattern of airports.	Impacts are less than significant, therefore no mitigation is necessary.	2030—Less than significant
TRAN 1-D: Growth in land uses allowed under the 2007 General Plan could result in non-standard or hazardous designs or land uses that are incompatible with public facilities and adjoining land uses.	No additional mitigation measures beyond the 2007 General Plan are necessary.	2030—Less than significant
TRAN 1-E: Growth in land uses allowed under the 2007 General Plan would result in inadequate emergency access.	**TRAN-1E:** Revise Safety Element S-4.27 on increasing roadway connectivity to enhance emergency access. S-4.27 The County shall continue to review the procedure for proposed development, including minor and major subdivisions, and provide for an optional pre-submittal meeting between the project applicant, planning staff, and fire officials. In addition, the County shall review Community Area and Rural Center Plans, and new development proposals for roadway connectivity that provides multiple routes for emergency response vehicles. At the time of their update, Community Area and Rural Center Plans shall identify primary and secondary response routes. Secondary response routes shall be required to accommodate through traffic and may be existing roads, or may be new	2030—Significant and unavoidable

Issues/Impacts	Mitigation Measures	Level of Significance after Mitigation
	roads required as part of development proposals. The emergency route and connectivity plans shall be coordinated with the appropriate Fire District.	
TRAN 1-F: Development allowed under the 2007 General Plan could potentially conflict with adopted policies, plans, or programs supporting alternative transportation or generate pedestrian, bicycle, or transit travel demand that would not be accommodated by current pedestrian facilities, bicycle development plans, or long-range transit plans.	No additional mitigation beyond 2007 General Plan policies is necessary.	2030—Less than significant
TRAN-2A: Development allowed under the 2007 General Plan cumulatively with other development to the year 2030 would cause direct impacts on County roadways which would cause roadways to fall below the acceptable LOS standard D.	No additional mitigation beyond 2007 General Plan policies is necessary.	2030—Less than cumulatively considerable
TRAN-2B: Development of the land uses allowed under the 2007 General Plan cumulatively with development in incorporated cities and in adjacent counties would create traffic increases on County and Regional roadways which would cause the LOS to exceed the LOS D standard, or contribute traffic to County and Regional roads that exceed the LOS standard without development.	No mitigation is feasible for County and Regional roadways outside of the CVMP. **TRAN-2B:** Revise policies in the Carmel Valley Master Plan as follows: Policy CV-2.10. The following are policies regarding improvements to specific portions of Carmel Valley Road: a) Via Petra to Robinson Canyon Road. Every effort should be made to preserve its rural character by maintaining it as a 2-lane road with paved shoulders, passing lanes and left turn channelizations at intersections where warranted. b) Robinson Canyon Road to Laureles Grade. Every effort should be made to preserve its rural character by maintaining it as a 2-lane road with paved shoulders, passing lanes and left turn channelizations at intersections where warranted. c) 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.	2030—Cumulatively considerable (most of county)

Issues/Impacts	Mitigation Measures	Level of Significance after Mitigation
	d) Laureles Grade to Ford Road. Shoulder improvements and widening should be undertaken here and extended to Pilot Road, and include left turn channelization at intersections as warranted. e) East of Esquiline Road. Shoulder improvements should be undertaken at the sharper curves. Curves should be examined for spot realignment needs. f) Laureles Grade improvements. Improvements to Laureles Grade should consist of the construction of shoulder widening, spot realignments, passing lanes and/or paved turnouts. Heavy vehicles should be discouraged from using this route. Policy CV-2.12: To accommodate existing and future traffic, the following road improvements are recommended: a) Add a northbound climbing lane between Rio Road and Carmel Valley Road; b) Laureles Grade—undertake shoulder improvements, widening and spot realignment; c) Carmel Valley Road, Robinson Canyon Road to Ford Road—add left turn channelization at all intersections. Shoulder improvements should be undertaken. Policy CV-2.18: To implement traffic standards to provide adequate streets and highways in Carmel Valley, the County shall conduct and implement the following: a) Twice yearly monitoring by Public Works (in June and October) of peak hour traffic at the following 12 locations: Carmel Valley Road: ▪ East of Holman Road ▪ Holman Road to Esquiline Road ▪ Esquiline Road to Ford Road ▪ Ford Road to Laureles Grade ▪ Laureles Grade to Robinson Canyon Road ▪ Robinson Canyon Road to Schulte Road ▪ Schulte Road to Rancho San Carlos Road ▪ Rancho San Carlos Road to Rio Road ▪ Rio Road to Carmel Rancho Boulevard ▪ Carmel Rancho Boulevard to SR1	

Issues/Impacts	Mitigation Measures	Level of Significance after Mitigation

Other Locations:

- Carmel Rancho Boulevard between Carmel Valley Road and Rio Road
- Rio Road between its eastern terminus at Val Verde Drive and SR1

b) A yearly evaluation report (December) shall be prepared jointly by the Public Works and Planning Departments and shall evaluate the peak-hour level of service (LOS) for these 12 locations to indicate segments approaching a traffic volume which would lower levels of service below the LOS standards established below under CV 2-18(d).

c) Public hearings shall be held in January immediately following a December report in (b) above in which only 100 or less peak hour trips remain before an unacceptable level of service (as defined by CV 2-18(d)) would be reached for any of the 12 segments described above.

d) The traffic LOS standards (measured for peak hour conditions) for the CVMP Area shall be as follows:

- Signalized Intersections—LOS of "C" is the acceptable condition.
- Unsignalized Intersections—LOS of "F" or meeting of any traffic signal warrant are defined as unacceptable conditions
- Carmel Valley Road Segment Operations:
  - LOS of "C" for Segments 1, 2, 8, 9, and 10 is an acceptable condition;
  - LOS of "D" for Segments 3, 4, 5, 6, and 7 is an acceptable condition.

During review of development applications which require a discretionary permit, if traffic analysis of the proposed project indicates that the project would result in traffic conditions that would exceed the standards described above in CV 2-18(d) after the analysis takes into consideration the Carmel Valley Traffic Improvement Program to be funded by the Carmel Valley Road Traffic Mitigation Fee, then approval of the project shall be conditioned on the prior (e.g. prior to project-generated traffic) construction of additional roadway improvements OR an Environmental Impact Report shall be prepared for the project. Such additional roadway improvements must be sufficient, when combined with the projects programmed in the Carmel Valley Traffic Improvement Program, to allow County to find that the affected roadway segments or intersections would meet the acceptable standard upon completion of the programmed plus additional improvements. This policy does not apply to the first single-family residence on a legal lot of record.

Issues/Impacts	Mitigation Measures	Level of Significance after Mitigation
	Policy CV-2.19: Carmel Valley Traffic Improvement Program (CVTIP) a) The CVTIP shall include the following projects (unless a subsequent traffic analysis identifies that different projects are necessary to maintain the LOS standards in Policy CV-2.18(d): ▪ Left-turn channelization on Carmel Valley Road west of Ford Road; ▪ Shoulder widening on Carmel Valley Road between Laureles Grade and Ford Road; ▪ Paved turnouts, new signage, shoulder improvements, and spot realignments on Laureles Grade; ▪ Grade separation at Laureles Grade and Carmel Valley 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); ▪ Sight Distance Improvement at Dorris Road; ▪ Passing lanes in front of the proposed September Ranch development; ▪ Passing lanes opposite Garland Park; ▪ Climbing Lane on Laureles Grade; ▪ Upgrade all new road improvements within Carmel Valley Road Corridor to Class 2 bike lanes; ▪ Passing lane (1/4 mile) between Schulte Road and Robinson Canyon Road; and ▪ Passing lane (1/4 mile) between Rancho San Carlos Rd and Schulte Road. b) The County shall adopt an updated fee program to fund the CVTIP. c) All projects within the CVMP area and within the "Expanded Area" that contribute to traffic within the CVMP area shall contribute fair-share traffic impact fees to fund necessary improvements identified in the CVTIP, as updated at the time of building permit issuance. d) Where conditions are projected to approach unacceptable conditions (as defined by the monitoring and standards described above under CV 2-18(d)), the CVTIP shall be updated to plan for and fund adequate improvements to maintain acceptable conditions.	

Issues/Impacts	Mitigation Measures	Level of Significance after Mitigation
TRAN-2C: Growth in land uses allowed under the 2007 General Plan, cumulatively with development in incorporated cities and adjacent counties, would increase demand for air travel at the County's four airports or increase development within the approach and departure pattern of airports.	No additional mitigation beyond 2007 General Plan policies is necessary.	2030—Less than cumulatively considerable
TRAN-2D: Growth in land uses allowed under the 2007 General Plan, cumulatively with development in incorporated cities and adjacent counties, could result in non-standard or hazardous designs or land uses that are incompatible with public facilities and adjoining land uses.	No additional mitigation beyond 2007 General Plan policies is necessary.	2030—Less than cumulatively considerable
TRAN-2E: Growth in land uses allowed under the 2007 General Plan, cumulatively with development in incorporated cities and adjacent counties, would result in inadequate emergency access.	No additional mitigation beyond 2007 General Plan policies and Mitigation Measure TRAN-1E (described above) is available.	2030—Cumulatively considerable
TRAN-2F: Development allowed under the 2007 General Plan, cumulatively with development in incorporated cities and adjacent counties, could potentially conflict with adopted policies, plans, or programs supporting alternative transportation or generate pedestrian, bicycle, or transit travel demand that would not be accommodated by current pedestrian facilities, bicycle development plans, or long-range transit plans.	No additional mitigation beyond 2007 General Plan policies is necessary.	2030—Less than cumulatively considerable
TRAN-3A: Buildout of the 2007 General Plan would cause project-specific impacts on County roadways which would cause roadways to fall below the acceptable LOS standard D.	No mitigation is necessary.	Buildout—Less than significant

Issues/Impacts	Mitigation Measures	Level of Significance after Mitigation
TRAN-3B: Buildout of the 2007 General Plan would increase traffic on County and Regional roadways which would cause the LOS to exceed the LOS D standard, or contribute traffic to County and Regional roads that exceed the LOS standard without development.	No additional mitigation beyond 2007 General Plan policies and Mitigation Measure TRAN-2B (described above) is feasible.	Buildout—Significant and unavoidable
TRAN-3C: Buildout of the 2007 General Plan would increase demand for air travel at the County's four airports or increase development within the approach and departure pattern of airports.	No mitigation is necessary.	Buildout—Less than significant
TRAN-3D: Buildout of the 2007 General Plan would result in non-standard or hazardous designs or land uses that are incompatible with public facilities and adjoining land uses.	No additional mitigation measures beyond the 2007 General Plan are necessary.	Buildout—Less than significant
TRAN-3E: Buildout of the 2007 General Plan would result in inadequate emergency access.	No additional mitigation beyond 2007 General Plan policies and Mitigation Measure TRAN-1E (described above) is available.	Buildout—Significant and unavoidable
TRAN-3F: Buildout of the 2007 General Plan would conflict with adopted policies, plans, or programs supporting alternative transportation or generate pedestrian, bicycle, or transit travel demand that would not be accommodated by current pedestrian facilities, bicycle development plans, or long-range transit plans	No mitigation is necessary.	Buildout—Less than significant
TRAN-4A: Buildout of the 2007 General Plan cumulatively with development in incorporated cities and adjacent counties would cause project-specific impacts on County roadways which would cause roadways to fall below the acceptable LOS standard D.	No mitigation is necessary.	Buildout—Less than significant

Issues/Impacts	Mitigation Measures	Level of Significance after Mitigation
TRAN-4B: Buildout of the 2007 General Plan cumulatively with development in incorporated cities and in adjacent counties would create traffic increases on County and Regional roadways which would cause the LOS to exceed the LOS D standard, or contribute traffic to County and Regional roads that exceed the LOS standard without development.	No additional mitigation beyond 2007 General Plan policies and Mitigation Measure TRAN-2B (described above) is feasible.	Buildout—Significant and unavoidable
TRAN-4C: Buildout of the 2007 General Plan, cumulatively with development in incorporated cities and adjacent counties, would increase demand for air travel at the County's four airports or increase development within the approach and departure pattern of airports.	No mitigation is necessary.	Buildout—Less than significant
TRAN-4D: Growth in land uses allowed under the 2007 General Plan, cumulatively with development in incorporated cities and adjacent counties, would result in non-standard or hazardous designs or land uses that are incompatible with public facilities and adjoining land uses.	No additional mitigation measures beyond the 2007 General Plan are necessary.	Buildout—Less than significant
TRAN-4E: Buildout of the 2007 General Plan, cumulatively with development in incorporated cities and adjacent counties, would result in inadequate emergency access.	No additional mitigation beyond 2007 General Plan policies and Mitigation Measure TRAN-1E (described above) is available.	Buildout—Significant and unavoidable

Issues/Impacts	Mitigation Measures	Level of Significance after Mitigation
TRAN-4F: Buildout of the 2007 General Plan, cumulatively with development in incorporated cities and adjacent counties, would conflict with adopted policies, plans, or programs supporting alternative transportation or generate pedestrian, bicycle, or transit travel demand that would not be accommodated by current pedestrian facilities, bicycle development plans, or long-range transit plans.	No mitigation is necessary.	Buildout—Less than significant
TRAN-5A: Growth in land uses allowed under the 2007 General Plan to the year 2030 would create adverse impacts to County roads within the Agricultural and Winery Corridor.	**TRAN-5A:** 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. <u>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</u>	2030—Less than significant

Issues/Impacts	Mitigation Measures	Level of Significance after Mitigation
	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.	
TRAN-5B: Buildout of the 2007 General Plan would create adverse impacts to County roads within the Agricultural Winery Corridor.	No additional mitigation beyond 2007 General Plan policies and Mitigation Measure TRAN-5A (described above) is necessary.	Buildout—Less than significant
CUM-6: Transportation	Related mitigation measures are included in Section 4.6.	Cumulatively considerable
4.7 AIR QUALITY		
AQ-1: Buildout of the 2007 General Plan would conflict with applicable Air Quality Management Plans and Standards.	No mitigation beyond the 2007 General Plan policies is necessary.	2030—Less than significant Buildout—Less than significant
AQ-2: Generation of significant quantities of construction-related emissions would result in greater levels of air pollution.	**2030 and 2092** **AQ-1:** The County of Monterey will update General Plan policy OS-10.~~5~~9 as follows: OS-10.9 The County of Monterey shall require that future development implement applicable Monterey Bay Unified Air Pollution Control District control measures. Applicants for discretionary projects shall work with the Monterey Bay Unified Air Pollution Control District to incorporate feasible measures that assure that health-based standards for diesel particulate emissions are met. The County of Monterey will require that future construction operate and implement MBUAPCD PM_{10} control measures to ensure that construction-related PM_{10} emissions do not exceed the MBUAPCD's PM_{10} threshold of 82 pounds per day. The County shall implement MBUAPCD measures to address off-road mobile source and heavy-duty equipment emissions as conditions of approval for future development to ensure that construction-related NO_X emissions from non-typical construction equipment do not exceed the MBUAPCD's NO_X threshold of 137 pounds per day.~~OS-10.5. The County of Monterey will require that future construction in accordance with the 2007 implement MBUAPCD PM_{10} control measures.~~	2030—Less than significant Buildout—Less than significant

Issues/Impacts	Mitigation Measures	Level of Significance after Mitigation
	AQ-2: Implement MBUAPCD Mitigation Measures for Off-Road Mobile Source and Heavy-Duty Equipment Emissions. General Plan Policy OS-10.~~6~~9 will be revised as follows: OS-10.9 The County of Monterey shall require that future development implement applicable Monterey Bay Unified Air Pollution Control District control measures. Applicants for discretionary projects shall work with the Monterey Bay Unified Air Pollution Control District to incorporate feasible measures that assure that health-based standards for diesel particulate emissions are met. The County of Monterey will require that future construction operate and implement MBUAPCD PM_{10} control measures to ensure that construction-related PM_{10} emissions do not exceed the MBUAPCD's PM_{10} threshold of 82 pounds per day. The County shall implement MBUAPCD measures to address off-road mobile source and heavy-duty equipment emissions as conditions of approval for future development to ensure that construction-related NO_X emissions from non-typical construction equipment do not exceed the MBUAPCD's NO_X threshold of 137 pounds per day. ~~The County shall implement MBUAPCD measures to address off-road mobile source and heavy-duty equipment emissions as conditions of approval for future development.~~	
AQ-3: Net Change in Ozone Precursor (ROG and NOx) and Particulate Matter.	**2030 and 2092** **CC-2 and CC-3:** See the description of these measures under Climate Change, below. **AQ-3:** Implement MBUAPCD Mitigation Measures for Commercial, Industrial, and Institutional Land Uses (MBUAPCD 2008). The following measures will be added to General Plan Policy OS-10.10: ▪ Provide preferential carpool/vanpool parking spaces ▪ Implement a parking surcharge for single occupant vehicles ▪ Provide for shuttle/minibus service ▪ Provide bicycle storage/parking facilities and shower/locker facilities ▪ Provide onsite childcare centers ▪ Provide transit design features within the development ▪ Develop park-and-ride lots ▪ Employ a transportation/rideshare coordinator ▪ Implement a rideshare program	2030—Significant and unavoidable Buildout—Significant and unavoidable

Issues/Impacts	Mitigation Measures	Level of Significance after Mitigation
	▪ Provide incentives to employees to rideshare or take public transportation ▪ Implement compressed work schedules ▪ Implement telecommuting program **AQ-4:** Implement MBUAPCD Mitigation Measures for Residential Land Uses (MBUAPCD 2008). General Plan Policy OS-10.10 will be revised to include the following measures to address residential land use: ▪ Provide bicycle paths within major subdivisions that link to an external network ▪ Provide pedestrian facilities within major subdivisions **AQ-5:** Implement MBUAPCD Mitigation Measures for Alternative Fuels (MBUAPCD 2008). The following measures will be added to General Plan Policy OS-10.2 to address alternative fuels: ▪ Utilize electric fleet vehicles ▪ Utilize Ultra Low-Emission fleet vehicles ▪ Utilize methanol fleet vehicles ▪ Utilize liquid propane gas fleet vehicles ▪ Utilize compressed natural gas fleet vehicles	
AQ-4: Buildout of the 2007 General Plan would expose sensitive receptors to increased diesel exhaust.	**2030 and 2092** **AQ-6:** The County of Monterey shall require that construction contracts be given to those contractors who show evidence of the use of soot traps, ultra-low sulfur fuels, and other diesel engine emissions upgrades that reduce PM_{10} emissions to less than 50% of the statewide PM_{10} emissions average for comparable equipment. **AQ-7:** The following language should be included in General Plan policy OS-10.10: Ensure development~~Development~~ of new sensitive land uses (schools, hospitals, facilities for the elderly) is~~should~~ not ~~be~~ located any closer than 500 feet of a freeway carrying more than 100,000 vehicles per day.	2030—Less than significant Buildout—Less than significant

Issues/Impacts	Mitigation Measures	Level of Significance after Mitigation
AQ-5: Future traffic growth would cause increases in CO levels along County roadways.	No mitigation beyond the 2007 General Plan policies is necessary.	2030—Less than significant Buildout—Less than significant
AQ-6: Buildout of the 2007 General Plan would result in the emission of objectionable odors.	**2030 and 2092** **AQ-8:** The following measures should be added as General Plan Policy OS-10.12: OS-10.12. Provide for the proper storage and disposal of pomace resulting from winery operations. ▪ To minimize odors resulting from the storage of pomace, all residue shall be removed from the site or spread in the vineyards as a soil amendment by the winery. ▪ To prevent complaints resulting from burning of pomace, burning of pomace as a disposal method shall be prohibited. ▪ All wineries shall incorporate best management practices and technologies to prevent fugitive emissions and odors from escaping the winery during production.	2030—Less than significant Buildout—Less than significant
CUM 7: Air Quality	No mitigation is feasible.	Cumulatively considerable.
4.8 NOISE		
Impact N-1: Future development activities associated with the 2007 General Plan would result in exposure of noise sensitive land uses (i.e. persons) to traffic noise in excess of County noise standards, or substantial increases in traffic noise.	No mitigation beyond 2007 General Plan policies is necessary.	2030—Less than significant 2092—Less than significant
Impact N-2: Development activities associated with implementation of the 2007 General Plan would result in exposure of persons to excessive ground-borne vibration.	No mitigation beyond 2007 General Plan policies is necessary.	2030—Less than significant 2092—Less than significant

Issues/Impacts	Mitigation Measures	Level of Significance after Mitigation
Impact N-3: Implementation of the 2007 General Plan would create temporary, short-term noise impacts during associated construction activities.	No mitigation beyond 2007 General Plan policies is necessary.	2030—Less than significant 2092—Less than significant
Impact N-4: Implementation of the 2007 General Plan would potentially expose people residing or working near an airport to excessive noise levels.	No mitigation beyond 2007 General Plan policies is necessary.	2030—Less than significant 2092—Less than significant
Impact N-5: Implementation of the 2007 General Plan would expose people residing or working near industrial/agricultural land uses and recreational venues to excessive noise levels.	No mitigation beyond 2007 General Plan policies is necessary.	2030—Less than significant 2092—Less than significant
CUM-8: Noise	No mitigation beyond 2007 General Plan policies is necessary.	Less than cumulatively considerable.
4.9 BIOLOGICAL RESOURCES		
BIO-1: Potential Adverse Impact on Special-Status Species	**2030** *All Special Status Species—Program Level* ~~**BIO-1.1:** Baseline Inventory of Landcover, 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 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).~~ **BIO-1.2:** Salinas Valley Conservation Plan to preserve habitat for the San Joaquin kit fox in the Salinas Valley	2030—Less than significant 2092—Significant and unavoidable

Issues/Impacts	Mitigation Measures	Level of Significance after Mitigation
	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. *All Special Status Species—Project Level* **~~BIO-1.3:~~** ~~Project Level Biological Survey and Avoidance, Minimization, and Compensation for Impacts to Non-Listed Special-Status Species and Sensitive Natural Communities.~~ ~~The County shall require that any development project that could potentially impact a non-listed special status species or sensitive natural community shall be required to conduct a biological survey of the site. If non-listed 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 non-listed 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:~~ ~~(a) Development in Focused Growth Areas (Community Areas, Rural Centers and Housing Overlays~~	

Issues/Impacts	Mitigation Measures	Level of Significance after Mitigation
	~~(b) Development requiring a discretionary permit~~ ~~(c) Large scale wineries in the AWCP.~~ **2092** **BIO-1.2 ~~1.1 through BIO-1.3~~** as described above. **BIO-1.4:** By 2030, 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. ~~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.~~ 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; 3111 acres new industrial development and 10,253 acres of land converted to agriculture) the County shall initiate a General Plan Amendment process to consider the expansion of focused growth areas established by the 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 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~~ the species and habitat addressed by policy OS-5.16. **BIO-1.5:** By 2030, prepare a Comprehensive ~~County Natural Communities~~ Conservation ~~Plan~~Strategy 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,	

Issues/Impacts	Mitigation Measures	Level of Significance after Mitigation
	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**.**	
BIO-2: Potential Adverse Effects on Sensitive Riparian Habitat, Other Sensitive Natural Communities and on Federal and State Jurisdictional Waters and Wetlands	**2030** *Program Level Mitigation Measures* **~~BIO-1.1 (~~**~~as described above under Impacts to Special Status Species)~~ **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 inland portions of 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 identified riparian wildlife corridors, or compromise water quality of the relevant stream. The Stream Setback Ordinance shall apply to all discretionary development, County	2030—Less than significant 2092—Significant and unavoidable.

Issues/Impacts	Mitigation Measures	Level of Significance after Mitigation
	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. **BIO-2.2—Oak Woodlands Mitigation Program.** The County shall prepare, adopt and implement a program that allows project to mitigate the loss of oak woodlands. The program ~~would include~~ shall be consistent with California Public Resources Code Section 21083.4, and will identify a combination 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 ~~tree~~ 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), ~~payment of~~ projects shall pay a fee ~~may be made~~ to the State Oak Woodlands Conservation ~~Program~~ Fund (OWCF). Replacement of oak woodlands shall ~~be on a minimum 1:1 ratio~~ 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. **BIO-2.3:** Add Considerations Regarding Riparian Habitat and Stream Flows to Criteria for Long-Term Water Supply and Well Assessment. Public Services Policies PS-3.3 and PS-3.4 establish the criteria for proof of a long-term water supply and for evaluation and approval of new wells. The following criteria shall be added to these policies: Policy PS-3.3.i—Effects on instream 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. Policy PS-3.4.g—Effects on instream 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. 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	

Issues/Impacts	Mitigation Measures	Level of Significance after Mitigation
	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. *Project Level* Mitigation *Measure* ~~**BIO-1.3** as described above under Impacts to Special Status Species.~~ **2092** **BIO-~~1.1,~~ -1.2, ~~1.3,~~ 1.4, and 1.5** as described above under Impacts to Special Status Species. **BIO-2.1, 2.2 and 2.3** as described above.	
BIO-3.1: Potential Disturbance and Loss of Native Fish and Wildlife Species Movement Corridors	**2030** **BIO-1.2** described under Impacts to Special Status Species. **BIO-2.1** described under Impacts to Sensitive Natural Communities. **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 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 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.	2030—Less than significant 2092—Less than significant

Issues/Impacts	Mitigation Measures	Level of Significance after Mitigation
	2092 **BIO-1.2** described under Impacts to Special Status Species. ~~**BIO-1.3** described under Impacts to Special Status Species.~~ **BIO-1.4** described under Impacts to Special Status Species. **BIO-1.5** discussed under Impacts to Special Status Species. **BIO-2.1** discussed under Impacts to Sensitive Natural Communities. **BIO-3.1** discussed above.	
BIO-3.2: Potential Loss or Disturbance of Nesting Migratory Birds and Raptors	**2030** **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.	2030—Less than significant 2092—Less than significant

Issues/Impacts	Mitigation Measures	Level of Significance after Mitigation
	2092 **BIO-3.2** discussed above.	
BIO-4: Potential Loss of Protected Trees	No mitigation beyond the 2007 General Plan policies is necessary.	2030—Less than significant 2092—Less than significant
BIO-5.1: Potential Inconsistency with Adopted Conservation Plan	No mitigation beyond the 2007 General Plan policies is necessary.	2030—Less than significant 2092—Less than significant
CUM-9: Biological Resources	Mitigation measures BIO~~-1.1 to~~-1.2, 1.4, and 1.5, BIO-2.1 to 2.3, BIO-3.1 to 3.2.	Cumulatively considerable.
4.10 CULTURAL RESOURCES		
CUL-1: Development under the 2007 General Plan could potentially damage or destroy historic resources.	**CUL-1:** Policy CSV-1.1 of the Central Salinas Valley Area Plan will be revised to read: CSV-1.1 Special Treatment Area: Paraiso Hot Springs—The Paraiso Hot Springs properties shall be designated a Special Treatment Area. Recreation and visitor serving land uses for the Paraiso Hot Springs Special Treatment Area may be permitted in accordance with a general development plan and other discretionary approvals such as subdivision maps, use permits, and design approvals. The Special Treatment Area may include such uses as a lodge, individual cottages, a visitor center, recreational vehicle accommodations, restaurant, shops, stables, tennis courts, aquaculture, mineral water bottling, hiking trails, vineyards, and orchards. The plan shall address cultural resources protection, fire safety, access, sewage treatment, water quality, water quantity, drainage, and soil stability issues (APN: 418-361-004, 418-361-009, 418-381~~361~~-021, 418-381~~361~~-022).	2030—Less than significant 2092—Less than significant
CUL-2: Development under the 2007 General Plan could potentially damage or destroy archaeological resources.	**CUL-1** discussed under impacts to historic resources.	2030—Less than significant 2092—Less than significant

Issues/Impacts	Mitigation Measures	Level of Significance after Mitigation
CUL-3: Development under the 2007 General Plan could result in damage or destruction of paleontological resources.	No mitigation beyond the 2007 General Plan policies is necessary.	2030—Less than significant 2092—Less than significant
CUL-4: Buildout of the 2007 General Plan could damage or destroy burial sites.	No mitigation beyond the 2007 General Plan policies is necessary.	2030—Less than significant 2092—Less than significant
4.11 PUBLIC SERVICES AND UTILITIES		
PSU-1: Development and land use activities contemplated in the 2007 General Plan may result in the need for new or expanded fire facilities.	No mitigation beyond the 2007 General Plan policies is necessary.	2030—Less than significant Buildout—Less than significant
PSU-2: Development and land use activities contemplated in the 2007 General Plan may result in the need for new or expanded Sheriff's facilities.	No mitigation beyond the 2007 General Plan policies is necessary.	2030—Less than significant Buildout—Less than significant
PSU-3: Development and land use activities contemplated in the 2007 General Plan may result in the need for new or expanded school facilities. Future schools may affect adjoining land uses.	**2030** No mitigation beyond the 2007 General Plan policies is necessary. **2092** Specific mitigation of school operational impacts is not feasible because specific future school characteristics are unknown.	2030—Less than significant Buildout—Significant and unavoidable
PSU-4: Development and land use activities contemplated in the 2007 General Plan may result in the need for new or expanded library facilities.	No mitigation beyond the 2007 General Plan policies is necessary.	2030—Less than significant Buildout—Less than significant

Issues/Impacts	Mitigation Measures	Level of Significance after Mitigation
PSU-5: Development and land use activities contemplated in the 2007 General Plan may result in the need for new or expanded public health facilities.	No mitigation beyond the 2007 General Plan policies is necessary.	2030—Less than significant Buildout—Less than significant
PSU-6: Development and land use activities contemplated in the 2007 General Plan may create additional demands for wastewater collection and treatment, resulting in a need for new or expanded wastewater treatment facilities.	No mitigation beyond the 2007 General Plan policies and existing regulatory standards is necessary.	2030—Less than significant Buildout—Less than significant
PSU-7: Development and land use activities contemplated in the 2007 General Plan may result in the need for new or expanded stormwater drainage facilities.	**PS-1:** The County will add the following policy to the 2007 General Plan: 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.	2030—Less than significant Buildout—Less than significant
PSU-8: Development and land use activities contemplated in the 2007 General Plan may result in a need for new solid waste facilities or non-compliance with waste diversion requirements. Future solid waste facilities would have a significant effect on the environment.	**2030** No mitigation beyond the 2007 General Plan policies is necessary. **2092** **PS-2:** The County will add the following policy to the 2007 General Plan: Policy PS-5.5 The County will review its Solid Waste Management Plan on a 5-year basis and institute policies and programs as necessary to exceed the waste stream reduction requirements of the California Integrated Waste Management Act. The County will adopt requirements for wineries to undertake individual or joint composting programs to reduce the volume of their waste stream. Specific mitigation measures to reduce the impacts of future solid waste facilities are infeasible because the characteristics of those future facilities are unknown.	2030—Less than significant Buildout—Significant and unavoidable
CUM-10: Public Services and Utilities – Solid Waste	No mitigation is feasible.	Cumulatively considerable.

Issues/Impacts	Mitigation Measures	Level of Significance after Mitigation
4.12 PARKS AND RECREATION		
PAR-1: Implementation of the 2007 General Plan would result in the need for new or expanded parks and recreational facilities, which were not contemplated in the general plan.	No mitigation beyond the 2007 General Plan policies is necessary.	Less than significant
PAR-2: Population growth associated with implementation of the 2007 General Plan would potentially create additional demands on existing parks and recreational facilities, thereby resulting in the physical deterioration of such facilities.	No mitigation beyond the 2007 General Plan policies is necessary.	Less than significant
4.13 HAZARDS AND HAZARDOUS MATERIALS		
HAZ-1: New development in accordance with the 2007 General Plan would expose persons to hazardous materials from routine use, transport, or disposal of hazardous materials or the release of hazardous materials.	No mitigation beyond the 2007 General Plan policies is necessary.	Less than significant
HAZ-2: The 2007 General Plan would establish new land uses that would potentially create aviation safety hazards.	No mitigation beyond the 2007 General Plan policies is necessary.	Less than significant
HAZ-3: New development in accordance with the 2007 General Plan would increase exposure to wildland fires.	No mitigation beyond the 2007 General Plan policies is necessary.	Less than significant
HAZ-4: Development under the 2007 General Plan would establish new land uses that would interfere with the implementation of an emergency response or evacuation plan.	No mitigation beyond the 2007 General Plan policies is necessary.	Less than significant
CUM-11: Hazards – Wildfire	No mitigation is feasible.	Cumulatively considerable.

Issues/Impacts	Mitigation Measures	Level of Significance after Mitigation
4.14 AESTHETICS, LIGHT, AND GLARE		
AES-1: Implementation of the 2007 General Plan would result in a substantial adverse effects on scenic vistas.	No mitigation beyond the 2007 General Plan policies is available.	2030—Significant and unavoidable Buildout—Significant and unavoidable
AES-2: Implementation of the 2007 General Plan could result in the degradation of scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.	No mitigation beyond the 2007 General Plan policies is available.	2030—Significant and unavoidable Buildout—Significant and unavoidable
AES-3: Implementation of the 2007 General Plan would substantially degrade the existing visual character or quality of Monterey County.	No mitigation beyond the 2007 General Plan policies is available.	2030—Significant and unavoidable Buildout—Significant and unavoidable
AES-4: Implementation of the 2007 General Plan could create substantial new sources of light and glare that would adversely affect day or nighttime views in the area.	No mitigation beyond the 2007 General Plan policies is available.	Significant and unavoidable
CUM-12: Aesthetics, Light and Glare	No mitigation is feasible.	Cumulatively considerable.
4.15 POPULATION AND HOUSING		
POP-1: Implementation of the 2007 General Plan would induce population growth in unincorporated Monterey County.	No feasible mitigation beyond the 2007 General Plan goals and policies is available.	2030—Significant and unavoidable Buildout—Significant and unavoidable
POP-2: Buildout of the 2007 General Plan would result in the displacement of existing	No mitigation beyond the 2007 General Plan policies is necessary.	2030—Less than significant

Issues/Impacts	Mitigation Measures	Level of Significance after Mitigation
housing units, necessitating the construction of new housing elsewhere.		Buildout—Less than significant
POP-3: Buildout of the 2007 General Plan would result in the displacement of persons, necessitating the construction of new housing elsewhere.	No mitigation beyond the 2007 General Plan policies is necessary.	2030—Less than significant Buildout—Less than significant
CUM-13: Population and Housing	No mitigation is feasible.	Cumulatively considerable.
4.16 CLIMATE CHANGE		
CC-1: Development of the 2007 General Plan would contribute considerably to cumulative GHG emissions and global climate change as the County in 2020 would have GHG emissions greater than 72% of business-as-usual conditions.	**2030 Horizon** **CC-1a**: Modify Policy OS-10.11 regarding the Greenhouse Gas Reduction Plan Revise Policy OS-10.11 as follows: OS-10.11 Within 24 months of the adoption of the General Plan, Monterey County shall~~will~~ develop and adopt a Greenhouse Gas Reduction Plan with a target to reduce emissions by 2020 ~~to the 1990 level by 28% relative to estimated "business as usual" 2020 emissions.~~ to a level that is 15% less than 2005 emission levels. At a minimum, the Plan shall: a. establish an inventory of current (2006) GHG emissions in the County of Monterey including but not limited to residential, commercial, industrial and agricultural emissions; b. forecast GHG emissions for 2020 for County operations; c. forecast GHG emissions for areas within the jurisdictional control of the County for "business as usual" conditions; d. identify methods to reduce GHG emissions; e. quantify the reductions in GHG emissions from the identified methods; f. requirements for monitoring and reporting of GHG emissions; g. establish a schedule of actions for implementation; h. identify funding sources for implementation; and i. identify a reduction goal for the 2030 Planning Horizon. During preparation of the Greenhouse Gas Reduction Plan, the County shall also	2030—Less than cumulatively considerable Buildout—Cumulatively considerable

Issues/Impacts	Mitigation Measures	Level of Significance after Mitigation
	evaluate potential options for changes in County policies regarding land use and circulation as necessary to further achieve the 2020 and 2030 reduction goals and measures to promote urban forestry and public awareness concerning climate change. **CC-2:** Add Policy OS-10.12: Adoption of a Green Building Ordinance OS-10.12 Within 24 months of the adoption of the General Plan, the County shall adopt a Green Building Ordinance to require green building practices and materials for new civic buildings and new private residential, commercial, and industrial buildings that will include, but are not limited to, the following technologies, strategies or their functional equivalent: ▪ All new County government projects and major renovations shall meet, at a minimum, LEED-Silver standards or an equivalent rating system ▪ All new commercial buildings shall meet the requirements of~~be certified under~~ the LEED rating system for commercial buildings or an equivalent rating system. ▪ All new residential projects of 6 units or more shall meet the GreenPoint Rating System for residential buildings, or an equivalent alternate rating system. ▪ The County shall require consideration of solar building orientation, solar roofs, cool pavements, and planting of shade trees in development review of new commercial and industrial projects and new residential projects of 6 units or more. ▪ Prioritized parking within new commercial and retail areas for electric vehicles, hybrid vehicles, and alternative fuel vehicles shall be provided for new commercial and institutional developments. ▪ New commercial and industrial projects greater than 25,000 square feet shall be required to provide on-site renewable energy generation as part of their development proposal. This requirement can be met through a solar roof or other means. **CC-3:** New Policy OS-10.13—Promote Alternative Energy Development OS-10.13: The County shall use Geographic Information Systems (GIS) to map and assess local renewable resources, the electric and gas transmission and distribution system, community growth areas anticipated to require new energy services, and other data useful to deployment of renewable technologies. The County shall adopt an Alternative Energy Promotion ordinance that will: ▪ identify possible sites for production of energy using local renewable resources such as solar, wind, small hydro, and, biogas;	

Issues/Impacts	Mitigation Measures	Level of Significance after Mitigation
	▪ consider the potential need for exemption from other General Plan policies concerning visual resources, ridgeline protection, biological resources; ▪ evaluate potential land use, environmental, economic, and other constraints affecting renewable energy development; and ▪ adopt measures to protect ~~both~~ renewable energy resources, such as utility easement, right-of-way, and land set-asides as well as visual and biological resources. The County shall also complete the following: ▪ Evaluate the feasibility of Community Choice Aggregation (CCA) for the County. CCA allows cities and counties, or groups of them, to aggregate the electric loads of customers within their jurisdictions for purposes of procuring electrical services. CCA allows the community to choose what resources will serve their loads and can significantly increase renewable energy. ▪ If CCA is ultimately not pursued, the County shall evaluate the feasibility of purchasing renewable energy certificates to reduce the County's contribution to GHG emissions related to County electricity use. ▪ The County shall develop a ministerial permit process for approval of small-scale wind and solar energy systems for on-site home, small commercial, and farm use. **CC-4:** New Policy PS-5.5—Promote Recycling and Waste Reduction PS-5.5: The County shall promote waste diversion and recycling and waste energy recovery as follows: ▪ The County shall adopt a 75% waste diversion goal. ▪ The County shall support the extension of the types of recycling services offered (e.g., to include food and green waste recycling). ▪ The County shall support waste conversion and methane recovery in local landfills to generate electricity. ▪ The County shall support and require the installation of anaerobic digesters or equivalent technology for ~~winery facilities and~~ wastewater treatment facilities under County jurisdiction. **CC-5:** Adopt GHG Reduction Plan for County Operations Within 12 months of adoption of the General Plan, the County shall quantify the current and projected (2020) GHG emissions associated with County operations and adopt a GHG Reduction Plan for County Operations. The goal of the plan shall be to reduce	

Issues/Impacts	Mitigation Measures	Level of Significance after Mitigation
	GHG emissions associated with County Operations by at least 28% relative to BAU 2020 conditions. Potential elements of the County Operations GHG Reduction Plan shall include, but are not limited to, the following measures: an energy tracking and management system; energy-efficient lighting; lights-out-at-night policy; occupancy sensors; heating, cooling and ventilation system retrofits; ENERGY STAR appliances; green or reflective roofing; improved water pumping energy efficiency; central irrigation control system; energy-efficient vending machines; preference for recycled materials in purchasing; use of low or zero-emission vehicles and equipment and recycling of construction materials in new county construction; conversion of fleets (as feasible) to electric and hybrid vehicles; and solar roofs. **2092** **CC-11 ~~(Same as BIO-1.9)~~:** By 2030, 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 and vehicle miles traveled 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 natural habitat 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. **CC-12**: Greenhouse Gas Reduction Plan Requirements Beyond 2030 In parallel with the development and adoption of the 2030 General Plan, Monterey County will develop and adopt a Greenhouse Gas Reduction Plan with a target to reduce 2050 GHG emissions by 80% relative to 1990 emissions. At a minimum, the Plan shall establish an inventory of current (2030) GHG emissions in the County of Monterey; forecast GHG emissions for 2050 for County operations and areas within the jurisdictional control of the County; identify methods to reduce GHG emissions; quantify the reductions in GHG emissions from the identified methods; identify requirements for monitoring and reporting of GHG emissions; establish a schedule of actions for implementation; and identify funding sources for implementation.	

Issues/Impacts	Mitigation Measures	Level of Significance after Mitigation
CC-2: Development Allowed by the 2007 General Plan May Subject Property and Persons to Otherwise Avoidable Physical Harm in Light of Inevitable Climate Change.	**CC-13:** Develop and Integrate Climate Change Preparedness Planning for Monterey County Monterey County shall prepare and implement a Climate Change Preparedness Plan to prepare proactively for the impacts of climate change to the County's economy and natural ecosystems and to promote a climate resilient community. A useful guide to climate resiliency planning is *Preparing for Climate Change: A Guidebook for Local, Regional, and State Governments.* (The Climate Impacts Group, King County, Washington, and ICLEI—Local Governments for Sustainability 2007), which outlines the following steps: ▪ Scope the climate change impacts to major County sectors and building and maintain support among stakeholders to prepare for climate change. ▪ Establish a climate change preparedness team. ▪ Identify planning areas relevant to climate change impacts. ▪ Conduct a vulnerability assessment based on climate change projections for the region, the sensitivity of planning areas to climate change impacts, and the ability of communities to adapt to climate change impacts ▪ Conduct a risk assessment based on the consequences, magnitude, and probability of climate change impacts, as well as on an evaluation of risk tolerance and community values. ▪ Establish a vision and guiding principles for climate resilient communities and set preparedness goals in priority planning areas based on these guiding principles. ▪ Develop, select, and prioritize possible preparedness actions. ▪ Identify a list of important implementation tools ▪ Develop an understanding of how to manage risk and uncertainty in the planning effort. ▪ Develop measures of resilience, and use these to track the results of actions over time ▪ Review assumptions and other essential information to ensure that planning remains relevant to the most salient climate change impacts. ▪ Update plans regularly.	2030 and Buildout—Less than cumulatively considerable

Issues/Impacts	Mitigation Measures	Level of Significance after Mitigation
	Potential areas of emphasis for preparedness planning may include risk of wildfires, agricultural impacts, flooding and sea level rise, salt water intrusion; and health effects of increased heat and ozone, through appropriate policies and programs. Potential implementation steps could include adopting land use designations that restrict or prohibit development in areas that may be more severely impacted by climate change, e.g., areas that are at high risk of wildfire, sea level rise, or flooding; adoption of programs for the purchase or transfer of development rights in high risk areas to receiving areas of equal or greater value; and support for agricultural research on locally changing climate conditions. To be effective, preparedness planning needs to be an ongoing commitment of the County. The first plan shall be completed no later than 5 years after the adoption of the General Plan and shall be updated at least every 5 years thereafter.	
CUM-12: Climate Change	See Mitigation Measures as described in Section 4.16, *Climate Change*.	Cumulatively considerable.

Page 1-39, under 1.4.1 Agricultural Resources. The paragraph is revised as follows.

Development and land use activities contemplated by the 2007 General Plan Update would result in the conversion of productive farmland to non-agricultural use. ~~More than 5,500~~Approximately 2,571 acres of Important Farmland (as designated by the California Department of Conservation) and ~~more than 7,000~~approximately 6,784 acres of Williamson Act farmland would be converted to non-agricultural use. Note that there is overlap between Important Farmland and Williamson Act Farmland. The Williamson Act includes grazing land that is not classified as Important Farmland.

Page 1-43, Table 1-3 Summary of 2007 General Plan Alternatives. The table is revised as follows.

Table 1-3. Summary of 2007 General Plan Alternatives

Topical Area	2007 General Plan	No Project	GPU3	GPI	GPU4	TOD
Land Use	Significant	Greater	Greater	Less	Same	Greater
Agriculture Resources	Significant	Greater	Greater	Greater	Greater	Less
Water Resources	Significant	Greater	Same	~~Greater~~Same	Same	Less
Geology, Soils, and Seismicity	Less Than Significant	Greater	Greater	Less	Greater	Same
Mineral Resources	Less Than Significant	Same	Same	Same	Same	Same
Transportation	Significant	Greater	~~Greater~~Less	Less	Greater	Less
Air Quality	Significant	Greater	~~Greater~~Same	Less	Greater	Less
Greenhouse Gases	Less Than Significant	Greater	Greater	Greater	Greater	Same
Noise	Significant	Greater	Greater	Same	Greater	Greater
Biological Resources	Significant	Greater	Same	Greater	Greater	Less
Cultural Resources	Less Than Significant	Greater	Same	~~Greater~~Same	Same	Less
Public Services and Utilities	Less Than Significant	Greater	Same	~~Same~~Less	Greater	Less
Parks and Recreation	Significant	Greater	Same	Less	Greater	Same
Hazards and Hazardous Materials	Less Than Significant	Greater	Greater	Greater	Same	Less
Aesthetics, Light, and Glare	Significant	Greater	Greater	Less	Greater	Same
Population and Housing	Significant	Same	Greater	Same	Greater	Same

Notes:
GPU3 = 21st Century Monterey County General Plan, dated January 2004.
GPI = General Plan Initiative.
GPU4 = 2006 General Plan and adopted General Plan 2006.
TOD = Transit Oriented Development Alternative.

Page 1-45, under 1.6.1.2 Water Supply. The paragraph is revised as follows.

Monterey County has significant existing water constraints. The three major groundwater basins ~~watersheds~~ in the County (Salinas, Carmel, and Pajaro Rivers) are all in a state of overdraft and the Salinas and Pajaro basins are also subject to seawater intrusion. Subareas within these broader areas are also facing water supply challenges including the over drafted Seaside aquifer, and water quality and localized supply challenges in the Granite Ridge/South Highlands areas. Although initiatives are either underway or in the planning stages, except in the Salinas Valley, the initiatives will not be sufficient to provide water to support projected growth and will not stop groundwater decline within the 2030 planning horizon. Longer term, there may not be sufficient water in any of the watersheds. Sea water intrusion into underground aquifers is occurring in the upper Salinas Valley and in North County, including the Pajaro Valley. Planned or active initiatives are halting this intrusion, but that will be difficult to continue with increased demand from new growth. Given these constraints, future development and land use activities would further exacerbate these water related problems without careful planning.

Page 1-45, under 1.6.1.4 Loss of Farmland. The paragraph is revised as follows.

Development and land use activities contemplated by the 2007 General Plan could potentially result in the loss of ~~more than 5,400~~ approximately 2,571 acres of Important Farmland and approximately 6,784 ~~6,700~~ acres of Williamson Act land (much of it overlapping). The 2007 General Plan encourages development to occur first in the cities, Community Areas, and Rural Centers. The latter would require the conversion of relatively little agricultural land. However, development would also be allowed on existing lots outside of these areas (restricted to a single residence on lots of record within the North County, Greater Salinas, and Toro Area Plans). There are 4,629 existing parcels ~~lots of record~~ of varying sizes, in the unincorporated county~~,~~.

Page 1-47, second full paragraph. The paragraph is revised as follows.

"CEQA requires ~~t~~The Board of Supervisors ~~will~~ to certify the FEIR prior to adopting the proposed ~~2007~~ General Plan. (CEQA Guidelines §15090.) ~~At that time, they will~~ Also pursuant to CEQA, if the Board elects to adopt the General Plan, the Board must adopt findings regarding the disposition of each significant effect identified in the FEIR, as well as a statement of overriding considerations describing the specific benefits that outweigh the project's significant and unavoidable impacts. (CEQA Guidelines §§15091, 15093.) The Board may also reject the proposed 2007 General Plan and not certify the FEIR."

Section 2, "Introduction"

Page 2-3, under 2.1.2 Level of Detail. The third sentence of the second paragraph is revised as follows.

The County has an extensive array of agricultural lands, ~~lands devoted to mineral extraction,~~ and recreational areas, as well as small number of lands devoted to mineral extraction.

Page 2-3, Section 2.1.1. The last sentence is revised as follows.

> As mentioned above, ~~prior to approving the 2007~~ if the County elects to adopt the General Plan in its final form, the County ~~will~~ must adopt a "statement of overriding considerations" that describes the specific benefits that outweigh the significant and unavoidable impacts of the plan." (CEQA Guidelines § 15093.)

Page 2-4, first paragraph. The fifth and sixth sentences in this paragraph are revised as follows:

> ~~With some exceptions, as~~ As explained below in Section 3, the general plan will apply countywide, however it does not propose changes to the County's certified Local Coastal Program. Accordingly, the draft General Plan will not change the existing policies or propose changes in land use within the Coastal Zone. Because of the broad scope and application of the General Plan, this EIR does not take a parcel-specific view or provide a parcel-specific analysis of potential impacts resulting from the proposed 2007 General Plan.

Section 3, "Project Description"

Page 3-2. The first sentence of the second full paragraph is changed to read as follows:

> The 2007 General Plan covers all inland unincorporated portions of the County.

Page 3-8. The first sentence on the is revised as follows:

> This EIR considers AMBAG's growth projections in relation to physical constraints such as potable water supply available (Section 4.3, Water Resources~~11, Public Services and Utilities~~) and roadway capacity (Section 4.6, Transportation).

Page 3-13. Revise Table 3-5 as follows.

Table 3-5. Monterey County 2030 and Buildout-Estimated Population and Housing

Inland	2000[a]	2005[a]	2006 Adjusted[b]	AMBAG 2030[a]	GP Buildout[c]	2006–2030	2006 to Buildout	2030 to Buildout
Housing Units								
Unincorporated County	37,047	40,006	38,655	48,670	~~74,573~~ 75,736	10,015	~~35,918~~ 37,081	~~25,903~~ 27,066
Incorporated Cities[d]	92,531	98,374	101,520	138,331	~~216,040~~ 219,529	36,811	~~114,520~~ 118,009	~~77,709~~ 81,198
Total	129,578	138,380	140,175	187,001	~~290,613~~ 295,265	46,826	~~150,438~~ 155,090	~~103,612~~ 108,264
Population								
Unincorporated County[e]	100,252	110,083	106,279	135,375	~~207,424~~ 210,659	29,096	~~101,145~~ 104,379	~~72,049~~ 75,284
Incorporated Cities[f]	301,060	322,517	332,699	467,356	~~729,898~~ 741,686	134,657	~~397,199~~ 408,987	~~262,542~~ 274,330
Total	401,312	432,600	438,979	602,731	~~937,322~~ 952,345	163,752	~~498,344~~ 513,366	~~334,591~~ 349,614
Employment								
Unincorporated County[g]	68,915	73,389	70,384	97,113	~~148,798~~ 151,119	26,729	~~78,414~~ 80,735	~~55,333~~ 57,654
Incorporated Cities[f]	153,526	165,583	172,100	238,268	~~372,118~~ 378,127	66,168	~~200,018~~ 206,027	~~130,202~~ 136,211
Total	222,441	238,972	242,484	335,381	~~520,916~~ 529,246	92,897	~~278,432~~ 286,762	~~185,535~~ 193,865

Sources:

[a] Association of Monterey Bay Area Governments 2004.

[b] Scaled on 00–05 and adjusted to place TAZs for future annexations in City totals.

[c] Buildout amount for unincorporated County determined based on 2007 GP. Buildout year determined by applying unit rate of growth (417/year) in unincorporated County after 2030. Buildout year calculated as 2092 in the DEIR; with additional buildout units in FEIR forecast, buildout may occur in 2095 using unit rate of growth, but buildout year not changed in FEIR.

[d] Cities—AMBAG 2004 projection used for 2030; For buildout used 3 times County units based on AMBAG 2008 estimated City (75%)/County (25%) split.

[e] Unincorporated County—Population based on AMBAG 2030 estimate of 2.78 persons/unit for 2030 and buildout population estimates.

[f] Cities—Used AMBAG 2030 estimated 3.38 persons/unit for 2030 and buildout population estimates.

[g] County—Used AMBAG 2030 estimated 0.72 persons/job for 2030 and buildout employee estimates.

Page 3-15. Revise Table 3-6 as follows.

Table 3-6. Existing Land Use by Planning Area in Monterey County (2006—Based on Parcel Data)

	Total Area (Acres)	Residential Acres	Commercial Acres	Industrial Acres	Agricultural Acres	Resource Conservation	Public/ Quasi-Public	Other
PLANNING AREA								
Cachagua	135,269	4,119	171	40	58,518	1,719	58,891	11,811
Carmel Valley	27,798	7,048	928	10	797	3,226	2,613	13,176
Central Salinas Valley	533,580	5,115	1,001	2,821	429,538	2,660	80,605	11,840
Fort Ord	18,730 ~~0~~	4	–	–	1 ~~0~~	–	18,724	–
Greater Monterey Peninsula	79,125	4,225	2,334	40	–	20,754	34,175	17,597
Greater Salinas	92,220	2,184	274	1,407	82,749	657	1,033	3,916
North County	30,731	9,709	200	251	16,043	168	798	3,562
South County	815,645	11,230	71	103	571,211	628	205,296	27,106
Toro	48,302	6,937	114	108	26,945	2,150	5,051	6,997
Inland Subtotals	~~1,762,670~~ 1,781,400	~~50,567~~ 50,571	5,093	4,780	~~1,185,801~~ 1,185,802	31,962	~~388,462~~ 407,186	96,005
Coastal/Non-Coastal Areas	109,311	1	84	–	17	78	108,070	1,061
Total Inland County	**~~1,871,981~~ 1,890,710**	**~~50,568~~ 50,572**	**5,177**	**4,780**	**~~1,185,818~~ 1,185,819**	**32,040**	**~~496,532~~ 515,256**	**97,066**
Coastal Areas	**197,343**							
Cities	**41,055**							
Total County	**~~2,110,379~~ 2,129,108**							

Page 3-16. Revise Table 3-8 as follows.

Table 3-8. New Growth by Planning Area, Community Area and Rural Center, 2006–2030 and 2092 Buildout

Inland Areas	Total Area (Acres)	Vacant Residential Lots	Potential New Buildout Units	Potential New 2030 Units	New Buildout Commercial (Acres)	New Commercial by 2030 (Acres)	New Buildout Industrial (Acres)	New Industrial by 2030 (Acres)	Notes
CACHAGUA									
Cachagua	136,580	263	132	18	22	5	0	0	
Subtotal	136,580	263	132	18	22	5	0	0	
CARMEL VALLEY									
Carmel Valley	26,736	492	758	101	239	52	0	0	Not including housing overlay area. Policy CV-1.6 allows 266 new subdivided lots.
Carmel Mid-Valley AHO	40	0	390	~~149~~ 128	0	0	0	0	Assume approximately 13 acres of land likely for development with max 30 du/ac density.
Subtotal	26,736	492	1,148	~~251~~ 229	239	52	0	0	
CENTRAL SALINAS VALLEY									
Central Salinas Valley	545,022	357	456	61	323	70	140	~~21~~ 39	Not including cities, community areas, rural centers.
Chualar CA	350	20	1,500	~~574~~ 492	4	2	27	~~65~~ 8	Boundary TBD. Estimates based on expanding existing town by 350 acres (200 acres residential, 50 acres commercial, 25 acres industrial).
Pine Canyon RC	766	35	1,704	~~652~~ 559	5	2	0	0	
San Lucas RC	155	71	169	~~65~~ 55	2	1	32	~~77~~ 9	

Inland Areas	Total Area (Acres)	Vacant Residential Lots	Potential New Buildout Units	Potential New 2030 Units	New Buildout Commercial (Acres)	New Commercial by 2030 (Acres)	New Buildout Industrial (Acres)	New Industrial by 2030 (Acres)	Notes
Subtotal	545,022	483	3,829	~~1,352~~ 1,167	334	75	199	~~163~~ 55	
Fort Ord									
Fort Ord	19,138	0	8,610	~~3,295~~ 2,823	226	~~88~~ 86	0	0	
Subtotal	19,138	0	8,610	~~3,295~~ 2,823	226	~~88~~ 86	0	0	
Greater Monterey Peninsula									
Greater Monterey Peninsula	57,056	642	~~3,995~~ 4,011	~~534~~ 536	62	~~13~~ 14	0	0	Acreage for entire area. 2030/Buildout numbers do not include cities or housing overlay area.
Hwy 68/Airport AHO	130	1	2,550	~~976~~ 836	0	0	0	0	Assume approximately 85 acres of land likely for development with max 30 du/ac density.
Subtotal	57,056	643	~~6,545~~ 6,561	~~1,510~~ 1,372	62	~~13~~ 14	0	0	
GREATER SALINAS									
Greater Salinas	105,242	406	1,395	~~187~~ 186	~~160~~ 156	~~35~~ 34	1,528	~~226~~ 426	Acreage for planning area. 2030/Buildout numbers do not including cities and community areas~~.~~ ~~Includes~~ or Butterfly Village.
Butterfly Village	671		1,147	1,147	4	4			As approved
Boronda CA	353	116	726	~~278~~ 238	69	~~27~~ 26	96	~~231~~ 27	
Subtotal	105,242	522	~~2,121~~ 3,268	~~464~~ 1,571	229	~~62~~ 64	1,624	~~457~~ 453	Policy GS-1.13 limits development in area north of Salinas.

Inland Areas	Total Area (Acres)	Vacant Residential Lots	Potential New Buildout Units	Potential New 2030 Units	New Buildout Commercial (Acres)	New Commercial by 2030 (Acres)	New Buildout Industrial (Acres)	New Industrial by 2030 (Acres)	Notes
NORTH COUNTY									
North County	30,910	577	3,260	~~436~~ 435	~~238~~ 228	50	40	~~6~~ 11	Acreage for planning Area. 2030/Buildout numbers do not include community areas.
Pajaro CA	256	64	676	~~259~~ 222	38	15	122	~~293~~ 34	
Castroville CA	1,058	234	1,632	~~625~~ 535	0	0	344	~~827~~ 96	
Subtotal	30,910	875	5,568	~~1,319~~ 1,192	266	~~65~~ 64	506	~~1,126~~ 141	Policy NC-1.5 limits development in all North County.
SOUTH COUNTY									
South County	820,628	746	939	~~126~~ 125	77	17	8,713	~~1,290~~ 2,429	Acreage for planning area. 2030/Buildout numbers do not include rural centers.
Bradley RC	65	30	800	~~306~~ 262	3	1	0	0	
Lockwood RC	353	10	221	~~85~~ 72	131	~~51~~ 50	0	0	
Pleyto RC	441	16	160	~~61~~ 52	152	~~59~~ 58	0	0	
San Ardo RC	119	47	480	~~184~~ 157	13	5	26	~~62~~ 7	
Subtotal	820,628	849	2,600	~~761~~ 670	376	~~129~~ 131	8,739	~~1,352~~ 2,437	

Inland Areas	Total Area (Acres)	Vacant Residential Lots	Potential New Buildout Units	Potential New 2030 Units	New Buildout Commercial (Acres)	New Commercial by 2030 (Acres)	New Buildout Industrial (Acres)	New Industrial by 2030 (Acres)	Notes
TORO									
Toro	47,263	251	4,046	~~541~~ 540	41	9	90	~~13~~ 25	Acreage for planning area. 2030/buildout numbers do not include rural center or housing overlay area.
River Road RC	630	251	389	~~149~~ 128	0	0	0	0	
Hwy 68/Reservation AHO	31	0	930	~~356~~ 305	0	0	0	0	Assume all 31 acres of land likely for development with max 30 du/ac density.
Subtotal	47,263	502	5,365	~~1,046~~ 973	41	9	90	~~13~~ 25	Policy T-1.7 limits development in Highway 68 corridor.
TOTAL INLAND AREAS	**1,788,575**	**4,629**	**~~35,918~~ 37,081**	**10,015**	**1,795**	**500**	**11,158**	**3,111**	**Not including cities**

Page 3-19. Revise Table 3-9 as follows.

Table 3-9. New Growth by Type, 2006–2030 and Buildout

Inland Area	Total Area (Acres)	Vacant Residential Lots	Potential Buildout Units	Potential 2030 Units	New Buildout Commercial (Acres)	New Commercial by 2030	New Buildout Industrial (Acres)	New Industrial by 2030	Notes
COMMUNITY AREAS									
Chualar CA	350	20	1,500	~~574~~ 492	4	2	27	~~65~~ 8	Boundary TBD. Estimates based on expanding existing town by 350 acres (200 acres residential, 50 acres commercial, 25 acres industrial).
Fort Ord CA	19,138	0	8,610	~~3,295~~ 2,823	226	~~88~~ 86	0	0	Fort Ord Reuse Plan = Master Plan = CA
Boronda CA	353	116	726	~~278~~ 238	69	~~27~~ 26	96	~~231~~ 27	
Pajaro CA	256	64	676	~~259~~ 222	38	15	122	~~293~~ 34	
Castroville CA	1,058	234	1,632	~~625~~ 535	0	0	344	~~827~~ 96	
Subtotal	21,155	434	13,144	~~5,030~~ 4,310	337	~~131~~ 129	589	~~1,416~~ 164	
RURAL CENTERS									
Pine Canyon RC	766	35	1,704	~~652~~ 559	5	2	0	0	
San Lucas RC	155	71	169	~~65~~ 55	2	1	32	~~77~~ 9	
Bradley RC	65	30	800	~~306~~ 262	3	1	0	0	

Inland Area	Total Area (Acres)	Vacant Residential Lots	Potential Buildout Units	Potential 2030 Units	New Buildout Commercial (Acres)	New Commercial by 2030	New Buildout Industrial (Acres)	New Industrial by 2030	Notes
Lockwood RC	353	10	221	~~85~~ 72	131	~~51~~ 50	0	0	
Pleyto RC	441	16	160	~~61~~ 52	152	~~59~~ 58	~~26~~ 0	~~62~~ 0	
San Ardo RC	119	47	480	~~184~~ 157	13	5	~~6~~ 26	~~1~~ 7	
River Road RC	630	251	389	~~149~~ 128	0	0	0	0	
Subtotal	2,529	460	3,923	~~1,501~~ 1,286	306	~~119~~ 117	58	~~139~~ 16	
AHOs									
Carmel Mid-Valley AHO	40	0	390	~~149~~ 128	0	0	0	0	Assume approximately 13 acres of land likely for development with max 30 du/ac density.
Hwy 68/Airport AHO	130	1	2,550	~~976~~ 836	0	0	0	0	Assume approximately 85 acres of land likely for development with max 30 du/ac density.
Hwy 68/Reservation AHO	31	0	930	~~356~~ 305	0	0	0	0	Assume all 31 acres of land likely for development with max 30 du/ac density.
Subtotal	201	1	3,870	~~1,481~~ 1,269	3	~~0~~1	0	0	
BUTTERFLY VILLAGE									
Butterfly Village (BV)	671		1,147	1,147	4	4	0	0	As approved
Total of CA, RA, AHOs, and BV	~~23,885~~ 24,556	895	~~20,937~~ 22,084	8,012	~~643~~ 647	250	647	~~1,556~~ 180	

Inland Area	Total Area (Acres)	Vacant Residential Lots	Potential Buildout Units	Potential 2030 Units	New Buildout Commercial (Acres)	New Commercial by 2030	New Buildout Industrial (Acres)	New Industrial by 2030	Notes
Unincorporated Outside of CA, RA, AHOs									
Cachagua	136,580	263	132	18	22	5	0	0	
Carmel Valley	26,736	492	758	101	239	52	0	0	
Central Salinas Valley	545,022	357	456	61	323	70	140	~~21~~ 39	
Greater Monterey Peninsula	57,056	642	~~3,995~~ 4,011	534	62	~~13~~ 14	0	0	
Greater Salinas	~~105,242~~ 104,571	406	1,395	~~187~~ 186	160	~~35~~ 34	1,528	~~226~~ 426	Excludes Butterfly Village
North County	30,910	577	3,260	~~436~~ 435	228	50	40	~~6~~ 11	
South County	820,628	746	939	~~126~~ 125	77	17	8,713	~~1,290~~ 2,429	
Toro	47,263	251	4,046	~~541~~ 540	41	9	~~9~~ 90	~~13~~ 25	
Subtotal	~~1,769,437~~ 1,768,766	3,734	~~14,981~~ 14,997	2,003	1,152	250	10,511	~~1,556~~ 2,931	
INLAND AREA TOTAL	**1,793,322**	**4,629**	**~~35,918~~ 37,081**	**10,015**	**1,795**	**500**	**11,158**	**3,111**	
2030 new growth assumed in CA/RC/AHO/BV			80%	8,012	50%	250	~~50%~~ 6%	~~1,556~~ 180	
2030 new growth assumed not in CA/RC/AHO/BV			20%	2,003	50%	250	~~50%~~ 94%	~~1,556~~ 2,931	
Percent of new growth by 2030			27%	10,015	28%	500	28%	3,111	

Page 3-22. The first paragraph is revised as follows:

This EIR addresses the environmental effects associated with implementation of the 2007 General Plan. The 2007 General Plan's policies seek to provide a balanced pattern of growth that accommodates the demand for housing, employment opportunities, and public facilities and services while minimizing the adverse impacts of increased urban development. The 2007 General Plan contains general goals and policies seeking to guide future growth in the unincorporated areas and ensure that new and existing development is served with adequate public services and facilities.

Page 3-23. Revise Table 3-11 as follows:

Table 3-11. Land Use Categories

Category	Types of Uses
Residential	Includes Rural, Low-, Medium-, and High-Density Residential.
Commercial	Includes General Commercial, Light Commercial, Heavy Commercial, Neighborhood Commercial, Planned Commercial, and Visitor Accommodations/Professional Office Space.
Industrial	Includes Agricultural Industrial, Light Industrial, and Mineral Extraction.
Agricultural	Includes Farmland, Permanent Grazing, and Rural Grazing.
Resource Conservation	Includes Resource Conservation (which includes rural residential, parks and recreation facilities, and very low intensity agricultural and timber production-related facilities), Open Space, Rivers, and Water Bodies.
Public/Quasi-Public	Includes Federal, State, and locally owned lands such as National Forests, State Parks, and Regional Parks, and publicly or privately owned uses such as schools, public works facilities, and hospitals that serve the public at large.

Source: Monterey County General Plan Land Use Element 2007.

Page 3-25 is revised as follows:

As of January 2006, there were 4,629 undeveloped residential parcels in the inland portion of unincorporated Monterey County, including many large agricultural land holdings. Given the limitations on development in the North County, Greater Salinas, and Toro Area Plans and the cap on new units in the Carmel Valley Master Plan, the County estimates that up to 10,015 new residential units would be built within the unincorporated area between 2006 and the end of the 2030 planning horizon. Up to 37,081 ~~35,918~~ residential units would be built in the unincorporated areas by 2092 (full buildout) if sufficient water supply and other services are available.

Page 3-28, under "Special Treatment Areas." Add the following.

For reference, the Special Treatment Areas discussed in this section can be located in the General Plan under the following policy numbers: Butterfly Village, GS-1.1; Spence/Potter/Encinal Road, GS-1.2; Highway 68/Foster Road Area, GS-1.3; Natividad/Rogge Road, GS-1.10; and Jefferson, GS-1.12.

For locations of the Special Treatment Areas in this section, please see the General Plan, Figure LU-7.

Page 3-30, under "Special Treatment Areas." Add the following.

For reference, the Special Treatment Areas discussed in this section can be located in the General Plan under the following policy numbers: Spence/Potter/Encinal Road, GS-1.2; Paraison Hot Springs, CSV-1.1; Old Mission Union School, CSV-1.5; Lohr, CSV-1.6; Millers Lodge, CSV-1.7.

For locations of the Special Treatment Areas in this section, please see the General Plan, Figure LU-4.

Page 3-31, under "Special Treatment Areas." Add the following.

For reference, the Special Treatment Areas discussed in this section can be located in the General Plan under the following policy numbers: Rancho San Carlos, GMP-1.6; White Rock Club, GMP-1.7; San Clemente Ranch, GMP-1.8, Jefferson, GS-1.12.

For locations of the Special Treatment Areas in this section, please see the General Plan, Figure LU-5.

Page 3-32, under "3.4.5.5 Carmel Valley Master Plan." Revise the second paragraph as follows.

~~At the time of this writing~~When the DEIR was released for public review, a request to incorporate the proposed Town of Carmel Valley ~~is~~was pending before the Monterey County Local Agency Formation Commission. ~~The proposed boundaries of the Town are co-terminus with the boundaries of the Carmel Valley Master Plan, with the inclusion of the Sleepy Hollow subdivision, which is currently in the Cachagua Area Plan discussed below. Incorporation of the town would be contingent upon approval of the community's voters. Should a simple majority of the electorate the~~ The incorporation proposal was subsequently defeated in a November 2009 vote on the question~~, the new Town would assume authority over land use decisions within its boundaries~~.

Page 3-33, under "Special Treatment Areas." Add the following.

For reference, the Special Treatment Areas discussed in this section can be located in the General Plan under the following policy numbers: Carmel Valley Ranch, CV-1.22; Condon/Chugach Property, CV-1.23; Rancho San Carlos, CV-1.25; Rancho Canada Village CV-1.27.

For locations of the Special Treatment Areas in this section, please see the General Plan, Figure LU-3.

Page 3-35, under "Special Treatment Areas." Add the following.

For reference, the Special Treatment Area discussed in this section can be located in the General Plan under the following policy numbers: Greco, T-1.4.

For locations of the Special Treatment Area in this section, please see the General Plan, Figure LU-10.

Page 3-37, under "Special Treatment Areas." Add the following.

For reference, the Special Treatment Area discussed in this section can be located in the General Plan under the following policy numbers: Syndicate Camp, CACH-1.5.

For locations of the Special Treatment Area in this section, please see the General Plan, Figure LU-2.

Page 3-41, Table 3-16. Revise the table as follows.

Table 3-16. Agricultural Winery Corridor Permitting Requirements

Activity	Allowable by Right	Ministerial Permit	Administrative Permit
Artisan winery		X	
Full-Scale winery (including tasting facility and catering kitchen)			X
Tasting room (including catering kitchen)		X	
Winery-related food service facility		X	
Winery event (as many as 150 attendees)	X		
Private winery event	X		
Winery event (151 to 500 attendees)		X	
Restaurant			X
Delicatessen (at winery)			X
Inn			X
Ag- or winery-related visitor serving use		X	
Business Cluster			X
Winery residence, guest house, or employee residences		X	
Visitor Center			X

Page 3-45, second bullet under "Affordable Housing Overlays." Revise the paragraph as follows.

- Highway 68/Monterey Peninsula Airport (Exhibit 3.26). Approximately 85 acres located ~~east~~south of Highway 68, excluding areas with native Monterey pine forest.

Page 3-47, second full paragraph. Revise the paragraph as follows.

"Routine and Ongoing Agricultural Activities" are exempt from the following General Plan policies (paraphrased below) to the extent specified by those policies, except for activities that would create significant soil erosion impacts or violate adopted water quality standards:

Page 3-47, second full paragraph. Revise the fifth and sixth bulleted items as follows.

- *OS-3.5*—regulate development on steep slopes. This policy would apply to theroutine and ongoing conversion to agricultural use of previously uncultivated lands.
- *OS-3.6*—develop slope density requirements and standards for clustering development.

Section 3 Exhibits. Exhibits 3.2 and 3.2a were revised to show land uses at the Carmel Valley Ranch as they are designated in the project's specific plan. Exhibit 3.3 was amended to accurately define the wine corridors. This exhibit is located at the end of this chapter.

Section 4.1, "Land Use"

Page 4.1-2. The third paragraph is revised as follows:

The 2007 General Plan consists of policies that apply countywide throughout the unincorporated inland area and policies unique to a specific region. Countywide policiesPolicies that are applicable to the entire unincorporated inland area and are included in the Land Use Element. More focused policies that address specific regional or local issues are found in Area Plans (Monterey County 2007). As discussed below, no changes are proposed to the County's certified Local Coastal Program. So, although the proposed General Plan policies apply to all unincorporated inland areas, they do not include revisions to the adopted Local Coastal Plans.

Page 4.1-3, under "Local Coastal Program." The third paragraph is revised as follows:

As stipulated in the Coastal Act, the CCC has authority to certify land use policy in the coastal zone. CCC retains land use authority in areas of original jurisdiction and for all work below the mean high tide level. In addition, CCC has limited appeal authority over the following coastal permit applications (Monterey County Code, Chapter 20.88 Capital Improvement Program20.86 Coastal Implementation Plan [CIP]):

Page 4.1-10. Line seven is revised as follows:

Policy LU-1.19 (overlay districts) designates Community Areas, Rural Centers and Affordable Housing Overlay districts as the top priority for development in the incorporated unincorporated areas of the county.

Section 4.2, "Agriculture Resources"

Page 4.2-5, under Agricultural Land Use. The first paragraph is revised as follows:

The conservation of quality agricultural lands has sustained the economic feasibility of agriculture in Monterey County. Table 4.2-5 summarizes the various types of farmland in Monterey County, as inventoried by the California Department of Conservation's Farmland Mapping and Monitoring Program (refer to Section 4.2.44.2.2, Regulatory

Framework, for further category definitions and discussion of this program). "Important Farmland" consists of "Prime Farmland," "Farmland of Statewide Importance," "Farmland of Local Importance," and "Unique Farmland." (Department of Conservation 1994)

Page 4.2-8. Add the following statement at the end of the discussion of the Farmland Mapping and Monitoring Program.

Under the separate California Conservancy Program, the state funds acquisition of property or development rights for the purpose of protecting farmland. Donations of funds to the Department of Conservation will be used in Monterey County for the purchase of development rights if so designated by the donor. This program is available at the present time to partially mitigate for the loss of farmland to annexation and conversion.

Page 4.2-9. The first paragraph following the bullet list is revised as follows:

When a landowner enters into a Williamson Act contract with ~~the~~ a County, the land is restricted to agricultural and compatible uses for at least 10 years. Since 1968, Monterey County's contracts have been for a minimum of 20 years. Williamson Act contracts are automatically renewed annually for an additional one-year period, unless the property owner applies for non-renewal. The Williamson Act also contains limited provisions for cancellation of contracts by the Board of Supervisors and a substantial penalty for the cancellation is assessed. Non-renewal is the preferred method of ending a contract; cancellation is intended only for unusual situations (*Sierra Club v. City of Hayward* [1981] 28 Cal.3d 840). The specific findings to justify cancellation are extremely difficult to make, and contracts are rarely cancelled in Monterey County.

Page 4.2-9. The third paragraph following the bullet list is revised as follows:

In 2007, ~~763,396~~ 732,118 acres of land in Monterey County were under Williamson Act contract, ~~with an additional~~ and 31,278 acres under the more restrictive Farmland Security Zone for a total of 763,396 acres (Department of Conservation 2008c). The 763,396 acres under these enforceable restrictions represent an 11% increase over the 1991 total. Table 4.2-8 summarizes the change in Williamson Act acreage between 1991 and 2007. For the purposes of this analysis, 763,396 acres will serve as the figure used to determine impacts to Williamson Act lands.

Section 4.3, "Water Resources"

Page 4.3-3. The following text is added under Section 4.3.2, Existing Conditions before 4.3.2.1

Definitions: The following definitions are used in the analysis below:

- *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.

Page 4.3-7. The first sentence of the second bullet under Groundwater, is revised as follows:

- **180-Foot/400-Foot ~~Area~~ Subarea** (also known as the Pressure Subarea) includes approximately 84,400 acres of the lower reaches and mouth of the Salinas River, between Gonzales and Monterey Bay.

Page 4.3-8. The bullet that follows the last full paragraph is revised as follows.

- The MCWRA completed the Castroville Seawater Intrusion Project (CSIP) in 1998. This project supplies farmers~~injects~~ recycled water to take the place of withdrawals from the groundwater~~into the~~ aquifer to establish a hydraulic barrier to further seawater intrusion."

Page 4.3-10. Second sentence of second paragraph under "Seaside Area Groundwater Subbasin." Revise the sentence as follows.

No major surface water features are located within the basin. ~~Ultimately draining to the Salinas River to the north, t~~The Seaside Area groundwater basin is composed of a number of smaller subbasins.

Page 4.3-11, beginning with the fifth paragraph under Seaside Area Groundwater Subbasin, is revised as follows:

~~During 2006~~Between 1996 through 2005, a total of ~~13,400~~4,011 acre-feet per year was reported produced in wells from the Seaside aquifer on average, including ~~3,710~~ 3,695 acre-feet per year by Cal-Am and ~~1,296~~ 316 acre-feet per year by other parties (MPWMD 2006a).

~~In recent years~~Since 1995, California State Water Resources Control Board (SWRCB) regulation has limited available surface water supplies from the Carmel River, such that new water supply sources must be developed before additional regional growth can be supported (California Department of Water Resources 2005). The ~~State Water Board~~ SWRCB's Order 95-10 (discussed in detail in Section 4.3.2.5 Carmel River Conflicts, below) has limited diversion from the Carmel River in order to enforce water rights and protect fish habitat. As a result, Cal-Am has increased pumping from the Seaside Area groundwater subbasin, exceeding the sustainable yield (refer to the groundwater adjudication discussion under Section 4.3.2.5 below). The following projects ~~are underway~~ to relieve pressure on the Seaside groundwater basin are underway or in the planning stages.

- Cal-Am and MPWMD's Seaside Basin Aquifer Storage and Recovery (ASR) project that injects water collected during peak flow of the Carmel River into the Seaside

Basin aquifer. This is described in detail in Section 4.3.2.5 ("Carmel River ~~Watershed~~Conflicts").

- Cal-Am's Coastal Water Project is a proposed ~~a~~ desalination plant at the Moss Landing Power Plant (MLPP) that will supply about 11,730 AFY to allow Cal-Am to meet the SWRCB's order to reduce its reliance on the Carmel River. It, and two alternatives, are ~~is~~ under consideration by the California Public Utilities Commission. The alternatives are: (1) a slightly larger capacity desalination plant in North Marina; and (2) a "Regional Water Supply Project" that would integrate several sources including a desalination plant in North Marina and a regional water treatment plant. A DEIR has been released and a FEIR is being written for the Coastal Water Project.
- The Marina Coast Water District (MCWD) has built a new water desalination plant that has a peak capacity of 300,000 gallons per day when in operation (Marina Coast Water District 2008).
- The MPWMD currently is evaluating the feasibility of a desalination plant ~~in Sand City~~ in the area of the former Fort Ord, north of Sand City, which would take 15 million gallons per day (mgd) of saline groundwater from the coastal beachfront and produce 7.5 mgd of potable water (Monterey Peninsula Water Management District ~~2004~~, 2008).

Page 4.3-11, last paragraph is revised as follows.

The Carmel River drains a 255-square-mile watershed. Average annual runoff (from 1962 to 2006) is 78,190 acre-feet (Monterey Peninsula Water Management District 2007). Its larger tributaries include Garzas Creek, San Clemente Creek, Tularcitos Creek (with its tributaries, ~~Choppiness~~ Chupines and Rana Creeks), Pine Creek, Danish Creek, Cachagua Creek, and the Miller Fork.

Page 4.3-13, last paragraph under Carmel River Watershed is revised as follows.

An additional water supply issue in Carmel Valley is the potential unquantified impacts of increased water use and demand ~~by riparian users~~from individual wells along the Carmel River. No action by the SWRCB or the courts has evaluated the cumulative impacts on the public trust resources by individual wells ~~owners~~ since the time of the MPWMD Water Allocation Program EIR (Monterey Peninsula Water Management District 1990). ~~As the allocated water has been exhausted, an increase in claims of riparian rights has been observed.~~ It is unclear whether ~~these claims~~ additional individual wells represent ~~an~~a substantial increased demand on the water resource system and whether environmental impacts are associated with the potential increased demand. This is an existing condition and is not a result of the General Plan Update.

Page 4.3-14, first paragraph, penultimate sentence, is revised as follows.

In 2006, ~~Calm~~ Cal-Am obtained about 75% of its water from wells in the Carmel Valley basin. The remaining 25% is supplied from wells in Seaside Area basin aquifer (22%) and the Laguna Seca subarea (Monterey Peninsula Water Management District 2006).

Page 4.3-14, beginning with the second paragraph under Groundwater, is revised as follows.

The Carmel River is the primary source of recharge, constituting 85% of the net recharge. With the presence of surface water, groundwater levels recover rapidly. After water level recovery, levels range from 5 to 30 feet below the land surface. During normal years, water level fluctuations range from 5 to 15 feet while experiencing declines of up to 50 feet below land surface during droughts (California Department of Water Resources 2004g). The level of groundwater in the aquifer is influenced by pumping from wells operated by Cal-Am, as well as by evapotranspiration of riparian vegetation, seasonal infiltration, and subsurface inflows and outflows. Cal-Am is the primary urban water supplier to about 100,000 residents on the Monterey Peninsula area. In 2006, ~~Calm~~Cal-Am obtained about 75% of its water from wells in the Carmel Valley basin. The remaining 25% is supplied from wells in Seaside Area basin aquifer (22%) and the Laguna Seca subarea (Monterey Peninsula Water Management District 2006). As discussed elsewhere in this Section, Cal-Am is currently pumping in excess of its water rights and in violation of SWRCB Order 95-10, which requires it to reduce its use of Carmel River water to no more than 3,376 acre-feet annually. The SWRCB issued a cease-and-desist order on October 20, 2009 that establishes a timeframe for meeting this limit by 2016. (State Water Resources Control Board 2009)

During the dry season, pumping of wells has caused significant declines in the groundwater levels of the Carmel River groundwater basin. Because streamflow and groundwater supplies are directly linked, lowered groundwater levels diminish surface flows in the river. During normal water years, surface flow in the lower Carmel Valley becomes discontinuous or nonexistent in summer and fall. This condition has been cited as causing adverse impacts on native fish populations (most notably the South-C~~e~~entral California C~~e~~oast steelhead) and riparian habitat in the lower reaches of the river's course.

~~During 2006~~Between 1996 through 2005, an ~~total~~annual average of ~~13,400~~11,015 acre-feet of water was reported produced ~~in wells~~ from the Carmel ~~Valley aquifer~~River sources, ~~including 10,954 acre-feet~~by Cal-Am ~~and 2,435 acre-feet by other parties~~ (Monterey Peninsula Water Management District 2006a). Of this amount, an annual average of 7,639 acre-feet of water consisted of unlawful diversions in excess of the limits set by Order 95-10.

~~As described above, SWRCB regulation has limited diversion from the Carmel River and thereby affected the rate of pumping from the Seaside Area groundwater basin (refer to the groundwater adjudication discussion under Section 4.3.2.5 below). As a result of the need to meet the water demand of the Monterey Peninsula without overusing either the Carmel River or the groundwater basin, the following projects are underway or proposed.~~

- ~~Cal-Am's Coast Water Project, including a pilot desalination facility at the MLPP.~~
- ~~Cal-Am and MPWMD's Seaside Basin ASR Project, which involves diverting excess winter flows from the Carmel River for injection into the Seaside aquifer.~~
- ~~MPWMD currently is evaluating the feasibility of a desalination plant in Sand City, which would take 15 mgd of saline groundwater from the coastal beachfront and produce 7.5 mgd of potable water (Monterey Peninsula Water Management District 2004).~~

Page 4.3-14, second paragraph, last sentence, is revised as follows.

This condition has been cited as causing adverse impacts on native fish populations (most notably the ~~central coast steelhead~~ South-Central California Coast Steelhead) and riparian habitat in the lower reaches of the river's course.

Page 4.3-15, beginning with the second paragraph under North County Watersheds, the text is revised as follows.

~~The Elkhorn Slough drainage and its major tributary, Carneros Creek, extend beyond the county's eastern boundary into San Benito County.~~ The central portion of ~~the~~Elkhorn Slough's watershed includes the Elkhorn Highlands, a hilly upland area transected by several smaller valleys—all of which drain into the slough. North of Elkhorn Slough, and tributary to Elkhorn Slough, is McClosky Slough. To the south, Moro Cojo Slough, which is larger than McClosky Slough, drains a large subarea. Its brackish waters drain northward into the Elkhorn Slough near its entry to Monterey Bay. This complex system of estuaries and uplands combines to create a regionally significant constellation of diverse habitats (see Section 4.9, Biological Resources).

The major water feature north of the Elkhorn Slough watershed is the Pajaro River. Although the Pajaro River enters Monterey Bay at the tip of northern Monterey County where it forms the boundary with Santa Cruz County, ~~most~~approximately 95 percent of its large watershed extends into Santa Cruz, Santa Clara, and San Benito Counties. The Pajaro River drains an area of about 1,187 square miles, with headwaters in the Gabilan and Diablo Mountains. Near its mouth at Monterey Bay, the river flows through Watsonville, Harkins, Struve, and McClosky Sloughs in Santa Cruz County. Annual streamflow as recorded at the Chittenden gauging station averaged 124,640 AFY (Pajaro Valley Water Management Agency 2001).

The Area of Special Flood Hazard ~~Area~~ (SFHA) of the Pajaro River, as identified on the Federal Emergency Management Agency Flood Insurance Rate Maps, affects several hundred acres on both sides of the river channel. The SFHA delineates those areas with a one percent chance of flooding in any given year. It is commonly called the "100-year floodplain." Much of this area is farmland, ~~and~~however the community of Pajaro in Monterey County is located entirely within the river's SFHA. In recent years, flood events have caused tens of millions of dollars in property damage, displaced thousands of persons, and damaged significant riparian and aquatic habitat within the Pajaro River floodplain (much of which is outside Monterey County). The March 1995 flood, for example, led to the evacuation of most of the town of Pajaro's 2,500 residents. (Department of Water Resources 2003, Monterey County Water Resources Agency 2010) In 2002, a Phase 1 report for the Pajaro River Watershed Study was completed to model the hydrologic and sediment regimes in the Pajaro River watershed in order to identify flood control measures (Pajaro River Watershed Flood Prevention Agency 2002). Existing land uses within the ~~flood zone~~100-year floodplain remain at risk until flood control improvements are made. Future growth in the Pajaro community would increase the exposure of persons and property to flood hazards.

Page 4.3-16, the first paragraph under Groundwater is revised as follows.

Groundwater in the North County can be divided into five planning areas with varying hydrogeologic and water use characteristics: the Pajaro, Springfield Terrace, and Highlands North planning areas are ~~managed by PVWMA~~part of the Pajaro Valley groundwater basin; and the Highlands South and Granite Ridge planning areas are

~~managed by MCWRA~~part of the Salinas River groundwater basin (Exhibit 4.3.7). The Highlands North and South areas reflect the jurisdictional boundary between the PVWMA and the MCWRA. This jurisdictional boundary is based on hydrogeology because relatively impermeable mud fills a deep valley underlying Elkhorn Slough and acts as a barrier to groundwater movement between the Salinas and Pajaro Valleys. Local recharge in the area may flow into either the Pajaro Valley groundwater basin or the Salinas Valley groundwater basin.

Page 4.3-19, first paragraph under Salinas River Watershed is revised as follows.

Urban runoff has the potential to directly affect Salinas River waters. Urban runoff transported by the river also affects water quality in Monterey Bay. Water quality in urban runoff is not currently monitored except in the city of Salinas as part of National Pollutant Discharge Elimination System (NPDES) Phase I requirements. The City of Salinas drains to the "Reclamation Ditch" and from there to Tembladero Slough, but not to the Salinas River. See the discussion of the NPDES program under "Clean Water Act" below.

Page 4.3-19, first paragraph under North County Watersheds is revised as follows.

There is relatively little urban land use in the North County, although suburban development is extensive. Urban runoff sources are limited to the areas of commercial development and small communities at Moss Landing, Castroville, Pajaro, and Prunedale. However, because of their proximity to water bodies throughout the North County area, such as the Pajaro River, Elkhorn Slough, and creeks and sloughs tributary to Elkhorn Slough drainage system, these limited urban uses have the potential to generate significant adverse water quality impacts.

Page 4.3-22, third paragraph under Nitrate Contamination. The last sentence is revised as follows:

~~However, a cooperative effort between the MCWRA and the USGS has found that nitrates are present in the Salinas Valley basin in concentrations generally below the MCL threshold(U.S. Geological Survey 2005)~~ Refer to Table 4.3-2 Summary of Nitrate Concentration for 367 Wells in the Salinas Valley for information on variations in contamination levels in wells.

Page 4.3-23, first paragraph under Salinas Valley Watershed. The text of the last sentence is revised as follows:

New wells typically are drilled to a depth of 1000 feet or more and sealed to at least 450 feet; however, the depth to which production wells are drilled depends on the depth of water bearing formation and the degree of contamination in the subbasins. Well yield goals and hydrogeology also determine how deep wells are drilled and what aquifers are screened for supply. Well depths range from 600 feet to more than 1,200 feet.

Page 4.3-24, under Carmel River Watershed. Revise the first paragraph as follows.

In 1983, based on nitrate levels in groundwater identified in the Carmel Valley Wastewater Study~~a study~~ included in the subsequent 1986 *Carmel Valley Master Plan*, the County Board of Supervisors adopted a resolution that prohibited~~prohibits~~ further subdivision of lots within four subbasins of the Carmel River. Upon adoption of the

original *Carmel Valley Master Plan*, subdivision was allowed under a cap placed on the maximum allowable development within the planning area. In addition, discretionary permits are required of all development within the Master Plan area (Monterey County Municipal Code, Chapter 18.48). Proposed projects are analyzed in the context of the wastewater study and County standards for nitrates~~Currently, each property owner in the subbasins is restricted to development of one single-family dwelling (or equivalent)~~. The County also adopted a threshold of 25 Mg/l as the standard for the limits of nitrate concentration in the Master Plan~~basin~~. (Monterey County 2006; Monterey County Municipal Code Section 15.020.070(F)(16))

Page 4.3-25, last paragraph. The text is revised as follows:

Seawater intrusion has affected the coastal portion of the 180-Foot/400-Foot Subarea of the Salinas Valley basin since at least the 1940s. Seawater has contaminated two of the three primary producing aquifers in the coastal part of the Salinas Valley basin, the 180- and 400-foot aquifers. The MCWRA uses the California Safe Drinking Water Act, Secondary Drinking Water Standard, upper limit of 500 Mg/l for chloride as a measurement of impairment of water and, subsequently, as the basis for determining the seawater intrusion front. By 1999, seawater was estimated to affect as much as 24,019 acres overlying the 180-foot aquifer ~~(Exhibit 4.3.9)~~ in the northern Salinas Valley and 10,504 acres overlying the 400-foot aquifer. ~~(Exhibit 4.3.10).~~ The geographic location of the seawater intrusion is depicted in Exhibits 4.3.9 and 4.3.9a. Table 4.3-3 depicts the magnitude of this problem over time.

Page 4.3-27, first sentence under "North County Watersheds." The text is revised as follows:

The North County groundwater subbasins are shown in Exhibit 4.3.7~~8~~.

Page 4.3-28, first sentence of first paragraph. The text is revised as follows.

High levels of arsenic that approach and exceed SDWA levels occur naturally in certain hardrock or bedrock aquifer materials in parts of Monterey County, especially in parts of the North County and along the SR ~~1~~68 corridor. (The SR 68 corridor is the swath of land adjacent to and extended out from both sides of State Route (SR) 68. The SR 68 corridor extends from Salinas southwest to Monterey.)

Page 4.3-29, under "Water Sources." The first paragraph is revised as follows.

Monterey County derives a majority of its total water supply from groundwater storage. Groundwater is the primary source of water in the region, accounting for roughly 75% of the annual supply in 2000 (California Department of Water Resources 2005). Local ~~and some imported~~ surface water supplies make up the rest of the available water for this region. Major reservoirs are primarily used as a source of groundwater recharge supply. The two major groundwater basins in Monterey County are the Salinas Valley and the Carmel Valley basins (see Exhibits 4.3.3 and 4.3.5). Several smaller groundwater basins are located throughout the various watersheds (see Exhibit 4.3.7).

Page 4.3-31, Table 4.3-4. The table is revised as follows:

Table 4.3-4. Community Area Groundwater Basins and Water Suppliers

Community Area	Planning Area	Groundwater Basin	Management Authority	Water Supplier
Pajaro	North County	Pajaro Valley basin	PVWMA	Pajaro/Sunny Mesa Community Services District
Castroville	North County	Salinas Valley basin (180-Foot/400-Foot Subarea)	MCWRA	Castroville Water District
Boronda	Greater Salinas	Salinas Valley basin (180-Foot/400-Foot Subarea)	MCWRA	California Water Service Co., Salinas District
Chualar	Central Salinas	Salinas Valley basin (180-Foot/400-Foot Subarea)	MCWRA	Cal-Am Water Company, Monterey District
Fort Ord	Greater Monterey Peninsula	Salinas Valley basin (Seaside and Corral de Tierra Subareas)	~~W~~MPWMD (and Fort Ord Reuse Authority), ~~and~~ MCWRA, and Seaside Groundwater Basin Watermaster	Marina Coast Water District and Cal-Am
(Note: Fort Ord does not derive water from the Seaside aquifer nor is expected to in the future)				

Page 4.3-31, first paragraph. The text is revised as follows:

Monterey County also has several major wastewater recycling and desalination efforts in progress or in action. The CSIP provides approximately 19,000 AFY of recycled water to replace coastal groundwater pumping for irrigating vegetables and fruit crops. PVWMA's Watsonville Area Water Recycling Project and the associated Coastal Distribution System are similarly using recycled wastewater for injection into the aquifer and to replace groundwater supplies. The Carmel Area Wastewater District/Pebble Beach Community Services District Reclamation Project replaces approximately 700 acre-feet of potable water for golf courses and other open space in Pebble Beach with recycled water (Monterey Peninsula Water Management District 2007). MCWD has built a new water desalinization plant with a peak capacity of 300,000 gallons per day when in operation (Marina Coast Water District 2008). It is not currently operating. The MCWD is also involved in efforts to reduce seawater intrusion.

Page 4.3-33. Revise the last sentence of the first paragraph to read:

As the MCRWP became fully operational, the annual rate of seawater intrusion decreased to approximately 8,900 AFY (Monterey County Water Resources Agency 2001a); this rate of seawater intrusion is the most recent available and is being used as the baseline in this ~~S~~EIR.

Page 4.3-33, first paragraph after Table 4.3-5 is revised as follows.

MCWRA reports that in the 180-Foot/400-Foot Subarea (also known as the Pressure Zone subarea), west and north of Salinas, more than 90% of pumping occurs from the 400-foot aquifer, with 5% from the Deep Aquifer and a smaller fraction from the 180-foot aquifer. In areas east and south of Salinas in the Pressure Zone subarea, it is estimated that approximately 60% of groundwater pumping occurs from the 400-foot aquifer, while 40% occurs in the 180-foot aquifer (Monterey County Water Resources Agency 2001a). Seawater intrusion into the 180-~~100-~~ Foot/400-Foot Subarea was occurring at an annual rate of approximately 14,000 AFY prior to initiation of operations of the MCRWP (particularly the CSIP). As the MCRWP became fully operational, the annual rate of seawater intrusion decreased to approximately 8,900 AFY (Monterey County Water Resources Agency 2001a); this rate of seawater intrusion is the most recent available and is being used as the baseline in this ~~S~~EIR.

Page 4.3-34, last paragraph. The paragraph is revised as follows.

Operation of the SVWP will divert an average of 9,700 AF and up to 12,800 AF of additional Salinas River water (available from reoperation of upstream reservoirs) to the CSIP during the peak irrigation season. This will provide a total yearly average of 12,000 AF and up to 25,000 AF to the CISP for injection into the groundwater aquifer (Monterey County Water Resources Agency 2003). Modeling undertaken by the MCWRA for the SVWP indicates that by 2030 seawater intrusion will be reduced to 2,300 AF with surface water deliveries only to the CISP. However, modeling cannot be certain of the effectiveness of the SVWP beyond 2030. The model indicates that after 2030, if an additional 14,300 AF of SVWP water is delivered outside the CSIP, ~~modeling indicates that~~ seawater intrusion would be halted (Monterey County Water Resources Agency 2001a). The SVWP has been designed to meet the objectives of halting seawater intrusion and meeting water demands to 2030 through drought years through conjunctive use of surface and groundwater. Groundwater would be augmented during wet years from the SVWP, with greater reliance on surface water, and drawn upon in dry years, with less reliance on surface water. This would avoid seawater intrusion through droughts of historic length (Monterey County Water Resources Agency 2001a).

Page 4.3-35, first paragraph under "Seaside Area Groundwater Basin. The paragraph is revised as follows.

Most of the Seaside Area groundwater basin is within the incorporated cities of Marina, Monterey, Seaside, and Sand City (see Exhibit 4.3.3). No new Community Areas or Rural Centers are proposed by the 2007 General Plan in the basin. One new Affordable Housing Overlay area will be established in the Seaside basin—Mid-Hwy 68/Mid-Peninsula Airport. ~~However, inter-basin transfers of water that may be needed to meet the demands of the 2007 General Plan in neighboring basins would impact the water supply.~~

Page 4.3-36, first, second and third paragraphs. The paragraphs are revised as follows.

The Seaside Area basin is composed of a number of smaller sub-basins. MPWMD is responsible for regulation and supply of groundwater within the Seaside Area groundwater basin. The boundaries of the basin are poorly understood, particularly under Monterey Bay. Total known useable storage in the Seaside basin aquifer is about 7,500

~~6,200~~ acre-feet. Current water use within the basin is about 5,600 AFY. (Monterey Peninsula Water Management District 2007, 2008).

Because of a 1995 State Water Board Order (Order No. WR 95-10) that ruled Cal-Am did not have a legal right to roughly 70% of the surface water and groundwater it had been diverting from the Carmel River and underlying Carmel Valley Alluvial Aquifer (refer to Carmel River Conflicts), Cal-Am began drawing more water from groundwater wells within the Seaside groundwater basin. In 2006, the basin was adjudicated and a watermaster was appointed to manage the basin and bring its groundwater budget into balance. The adjudication resulted in a court-ordered physical solution to the basin's groundwater problem. The operating yield for three years beginning in 2007 for the basin as a whole was defined as 5,600 acre-feet (including 4,611 acre-feet for the coastal subareas). The judgment requires a 10% decrease in operating yield for the ~~coastal subareas~~basin every three years beginning in ~~2010~~Water Year 2009, unless replenishment supplies are secured or groundwater levels are sufficient to prevent seawater intrusion. The decreases are to continue until production reaches the "natural safe yield" of 3,000 AFY established under the judgment. The watermaster adopted the *Seaside Monitoring and Maintenance Program* in 2006, as directed by the court ~~to implement the decreases~~. (Monterey Peninsula Water Management District 2007)

Unlike the neighboring Salinas Valley basin, a major portion of the groundwater that is extracted serves urban users. MPWMD reports that the basin wide average annual storage depletion is approximately 1,540 AFY. Annual recharge is estimated to be 3,557 AFY. Based on detailed analysis of water level trends and groundwater budgets, the estimated sustainable yield of the Seaside basin under present conditions is estimated to be 2,880 AFY, but recent average water demand has been approximately 5,600 AFY (Monterey Peninsula Water Management District 2005a). The adjudication of the basin ensures that future production rates will not exceed safe yield.~~Present production rates are therefore unsustainable~~.

Page 4.3-37, first paragraph under Salinas Valley Water Project. The reference to the "100-Foot/400-Foot" aquifer is a typographical error. It should read "180-Foot/400- Foot."

Page 4.3-37, first sentence of second paragraph under Salinas Valley Water Project. The sentence is revised as follows:

The SVWP includes the delivery of water to the CSIP, which provides surface water to an area totalling~~project delivery area totals~~ about 12,000 acres. The service area of the SVWP is coterminous with Zone 2C and includes a much larger area than the CSIP. (Monterey County Water Resources Agency 2008a).

Page 4.3-38, first paragraph at the top of the page. The reference to the "100-Foot/400-Foot" aquifer is a typographical error. It should read "180-Foot/400-Foot."

Page 4.3-38, last full paragraph is revised as follows:

The Carmel Valley groundwater basin supplies a majority of potable water to the Carmel Valley Master Plan and the Greater Monterey Peninsula Area Plan properties. Water in the Carmel Valley groundwater basin is derived primarily from alluvial aquifers located along the Carmel River. The water supply wells along the Carmel River aquifer became increasingly important as water supply sources when the Carmel area continued to grow

throughout the 1970s and 1980s. The primary water supplier in the Carmel Valley basin is Cal-Am, an investor-owned public utility ~~a private water company~~ that provides water to approximately 40,000 connections within the MPWMD.

Page 4.3-39, second full paragraph. The paragraph is revised as follows.

The water supply deficit in the basin is partly a result of limited water storage capacity. Storage in the Carmel River aquifer system has always been limited because of the naturally small volume of the aquifer, while storage in the two reservoirs has become substantially diminished because of siltation. According to *California's Groundwater - Bulletin 118*, "DWR (1974) estimated the groundwater in storage in spring 1972 as 45,500 af [acre-feet], 39,300 af in fall 1972, and 52,500 af in spring 1973" within the Carmel River basin (California Department of Water Resources 2004). San Clemente and Los Padres Reservoirs, which formerly had respective storage capacities of approximately 2,260 and 3,000 acre-feet, are now estimated to have only a fraction of their original capacity (Monterey County Water Resources Agency 2003). San Clemente Reservoir is nearly silted up and is no longer used for domestic supply. Los Padres Reservoir has a remaining capacity of approximately 1,400 acre-feet.

Page 4.3-39, fourth paragraph. The paragraph is revised as follows.

The limited reservoir capacity has led Cal-Am to pump more than its allotted water right from the Carmel River to meet customer demand. As a result, Cal-Am ~~has been repeatedly~~was charged by the State Water Board with diverting water from the Carmel River and underlying Valley Alluvial Aquifer unlawfully (Order WR 95-10, as amended by Orders ~~and Order~~ WR 98-04 and 2002-0002). ~~While no additional demand within the basin, is proposed by the 2007 General Plan,~~ Ceurrent restrictions on extraction in the basin intended to protect fish in the Carmel River ~~(WR Order 2001-04 DWR)~~ under the State Water Board orders may affect adjacent groundwater basins, which must make up the loss of supply. Most recently (January 2008), the State Water Board issued a draft cease and desist order (CDO) (Order WR 2008-00XX-DWR) requiring Cal-Am to stop diverting water from the Carmel River in excess of its legal rights by reducing its unlawful diversions pursuant to a schedule to be set forth in the CDO (see the full discussion of State Water Board Orders under "Carmel River Conflicts").

Page 4.3-40, second paragraph. The paragraph is revised as follows.

The Seaside Basin ASR Project, operated jointly by Cal-Am and MPWMD, involves diverting excess winter flows from the Carmel River for injection into the Seaside aquifer, for recovery in summer months. The State Water Board ~~has~~ granted ten temporary permits to MPWMD to allow diversions of ~~2,426 acre-feet of~~ water from the Carmel River between December and May for the years 1997 through 2007. In November 2007, the State Water Board issued a permanent permit to MPWMD and Cal-Am to allow diversions of up to 2,426 acre-feet from the Carmel River between December and May. (State Water Resources Control Board 2007) Diverted water would be treated to potable drinking water standards and pumped through the Cal-Am distribution system to the Seaside groundwater basin, where it would be injected deep into the Santa Margarita Sandstone for storage and subsequent extraction. Under the proposed operational plan, the ~~M~~maximum extraction would be approximately ~~2,028~~1,500 AFY, leaving a portion of the injected water in the Seaside Basin aquifer ~~to allow for groundwater basin~~available for recovery during extended dry periods (Monterey Peninsula Water Management District 2005a).

Page 4.3-45, under Groundwater Management and Monitoring Programs. The first paragraph is revised as follows.

Management of the water supply and groundwater system must consider the limits to which water can be drawn without depleting the resource or what exceeds the safe yield. ~~The "safe yield" is defined as the annual draft of water that can be withdrawn without producing some undesirable result.~~

The following definitions are used in this analysis:

- 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 unmitigable 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 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. Chronic overdraft can lead to a depletion of

groundwater to levels in excess of the system's ability to recover, given the basin's water budget. When groundwater levels decline, they can diminish the productivity of wells altogether or necessitate that wells pump to greater depths.

This EIR relies on the concept of "long term sustainable water supply" as described above, including the concept of sustainable yield for groundwater supply sources.

Page 4.3-47, third bullet at the top of the page.

that Cal-Am would cease withdrawals of water from the San Clemente Dam and reduce diversions from production well facilities in the Carmel River during low flow periods of the year, except during an emergency (California State Water Resources Control Board Order 2002-0002~~2008~~).

Page 4.3-47, third and fourth paragraphs. The paragraphs are revised as follows.

In ~~response to this order~~addition, because of growing concerns regarding the sustainable yield of the Seaside Groundwater Basin and the threat of seawater intrusion, Cal-Am filed a lawsuit to adjudicate the pumping and storage rights of the various groundwater pumpers of the Seaside ~~basin aquifer~~Groundwater Basin~~, where there is also concern about sustainable yield~~. In a final ruling on March 27, 2006, the court directed that current pumping in the basin, i.e., 5,600 AFY, be reduced by 10% every three years unless replenishment supplies are secured. Under the ruling, Cal-Am, which is the major pumper in the basin, is responsible for approximately 92% of the reduction in pumping. ~~was required to reduce pumping on the Seaside groundwater basin by 10%, its only current alternative to drawing water from the restricted Carmel River. An additional 10% reduction would be required by 2009.~~ The ruling found that "groundwater production within the Seaside groundwater basin exceeds the Natural Safe Yield" to prevent seawater intrusion and that the solution is to reduce pumping to maintain a positive flow of fresh water into the aquifer and keep out saltwater.

As discussed above, the suit (*Cal-Am v. City of Seaside*) also resulted in a ruling that sets a safe pumping level of 5,600 AFY ~~(500 acre-feet less than the maximum pumped in recent years)~~ and created a "watermaster board" to oversee groundwater management in the Seaside basin, because a groundwater management plan was never adopted. The watermaster board includes representatives from Cal-Am, the City of Seaside, the MPWMD, the MCRWA, the City of Monterey, the City of Sand City, the City of Del Rey Oaks, coastal landowners, and Laguna Seca landowners.

Page 4.3-50, first paragraph. The paragraph is revised as follows.

The 1972 amendments to the CWA established the NPDES permit program (Section 402) to control point source discharges from industrial, municipal, and other facilities if their discharges go directly to surface waters. The 1987 amendments to the CWA created a new section of the CWA devoted to regulating stormwater or nonpoint source discharges (Section 402[p]). In 1990, the U.S. Environmental Protection Agency (U.S. EPA) promulgated regulations for permitting storm water discharges from industrial sites (including construction sites that disturb five acres or more) and from municipal separate storm sewer systems (MS4s) serving a population of 100,000 people or more. These regulations, known as the Phase I regulations, require operators of medium and large MS4s to obtain storm water permits.

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. (State Water Resources Control Board 2003) The EPA has granted California primacy in administering and enforcing the provisions of the CWA and the NPDES program through the State Water Resources Control Board (SWRCB).

Page 4.3-50, third paragraph. The paragraph is revised as follows.

The MRSWMP applies this permit (and its receiving water limitations and design standards) to the County and other signatories within specific areas designated by the MRSWMP. Designated Phase II MS4 areas in the unincorporated county include Carmel Valley; Corral de Tierra/San Benancio; Toro Park; a large area bounded by the Salinas River, Davis Road, SR 68, and the city of Salinas; a second large area southeast of San Juan Grade Road and northeast of Salinas; Pajaro and its surroundings; Castroville; and Prunedale. This includes:

- the proposed Boronda, Castroville, and Pajaro Community Areas;
- the westerly portion of the proposed Hwy. 68/Airport AHO;
- all of the Carmel Mid-Valley AHO; and
- all of the Hwy. 68/Reservation Road AHO.

It does not include any of the proposed Rural Communities.

Since 2001, the Monterey Regional Storm Water Permit Participants Group, composed of the Cities of Monterey, Carmel-by-the-Sea, Del Rey Oaks, Sand City, Seaside, Marina, and Pacific Grove; the County; and the Pebble Beach Co., have been developing a regional stormwater program for the Monterey Peninsula and surrounding areas to prepare an NPDES Phase II permit application. The MRWPCA acts as the group's administrative agent.

Consistent with the 2003 General Permit, the MRSWMP establishes six Minimum Control Measures as follows: public education and outreach; public participation/involvement; illicit discharge detection and elimination; construction site storm water runoff control; post-construction storm water management in new development and redevelopment; and pollution prevention/good housekeeping for municipal operations. The MRSWMP also includes specific Best Management Practices (BMPs) for each of these measures. Under the design standards of the General Permit, the MRSWMP will require the County to regulate storm water runoff from the following categories of projects located within the urbanized areas: single-family hillside residences; 100,000 square foot commercial developments; automobile repair shops; retail gasoline outlets; restaurants; residential subdivisions with 10 or more units; and parking lots of 5,000 square feet or with 25 or more parking spaces. Specific design requirements are set out in the General Permit for each of these categories.

Page 4.3-54. Table 4.3-8 is replaced with the following:

Table 4.3-8. Monterey County Water Bodies on the Central Coast Region's 2008 Section 303(d) List of Impaired Waters

Water Body Name	Pollutant	List Status	TMDL Due Date	2008 Changes
Alisal Creek	Chlorophyll-a	TMDL req'd.	2013	New
	Fecal coliform	TMDL req'd.	2013	Existing
	Nitrate	TMDL req'd.	2013	Existing
	Sodium	TMDL req'd.	2018	New
Alisal Slough	LDO	TMDL req'd.	2013	New
	Nitrate	TMDL req'd.	2013	New
	Sediment Toxic	TMDL req'd.	2013	New
	Unk. Toxicity	TMDL req'd.	2013	New
Arroyo Seco River	Fecal coliform	TMDL req'd.	2021	New
	Temperature	TMDL req'd.	2021	New
Bennett Slough	Chlorophyll-a	TMDL req'd.	2021	New
	LDO	TMDL req'd.	2021	New
	pH	TMDL req'd.	2021	New
Blanco Drain	Chlorpyrifos	TMDL req'd.	2013	New
	Diazinon	TMDL req'd.	2013	New
	LDO	TMDL req'd.	2013	New
	Nitrate	TMDL req'd.	2013	New
	Pesticides	TMDL req'd.	2013	Existing
	Turbidity	TMDL req'd.	2013	New
Carneros Creek	Ammonia	TMDL req'd.	2021	Existing
	Chlorophyll-a	TMDL req'd.	2021	New
	Fecal coliform	TMDL req'd.	2021	New
	LDO	TMDL req'd.	2021	New
	pH	TMDL req'd.	2021	New
	Turbidity	TMDL req'd.	2021	New
Chualar Creek	Ammonia	TMDL req'd.	2013	New
	Chlorpyrifos	TMDL req'd.	2013	New
	Diazinon	TMDL req'd.	2013	New
	E. coli	TMDL req'd.	2013	New
	Fecal coliform	TMDL req'd.	2013	New
	Nitrate	TMDL req'd.	2013	New
	pH	TMDL req'd.	2013	New
	Temperature	TMDL req'd.	2013	New
	Turbidity	TMDL req'd.	2013	New
	Unk. Toxicity	TMDL req'd.	2013	New
Elkhorn Slough	LDO	TMDL req'd.	2021	New
	Pesticides	TMDL req'd.	2021	Existing
	pH	TMDL req'd.	2021	New
	Sed/siltation	TMDL req'd.	2021	Existing
	Total coliform	TMDL req'd.	2021	New
Esperanza Creek	Nitrate	TMDL req'd.	2013	New

Water Body Name	Pollutant	List Status	TMDL Due Date	2008 Changes
Espinosa Lake	Chlorpyrifos	TMDL req'd.	2013	New
	Diazinon	TMDL req'd.	2013	New
Espinosa Slough	Ammonia	TMDL req'd.	2013	New
	Diazinon	TMDL req'd.	2013	New
	Nitrate	TMDL req'd.	2013	New
	Pesticides	TMDL req'd.	2013	Existing
	pH	TMDL req'd.	2013	New
	Priority organics	TMDL req'd.	2013	Existing
	Sed. Toxicity	TMDL req'd.	2013	New
	Turbidity	TMDL req'd.	2013	New
	Unk. toxicity	TMDL req'd.	2013	New
Gabilan Creek	Ammonia	TMDL req'd.	2013	New
	Fecal coliform	TMDL req'd.	2013	Existing
	Nitrate	TMDL req'd.	2013	Existing
	pH	TMDL req'd.	2013	New
	Sed. Toxicity	TMDL req'd.	2013	New
	Turbidity	TMDL req'd.	2013	New
	Unk. Toxicity	TMDL req'd.	2013	New
Majors Creek	Copper	TMDL req'd.	2021	New
	E. coli	TMDL req'd.	2021	New
	Lead	TMDL req'd.	2021	New
	Zinc	TMDL req'd.	2021	New
Merrit Ditch	Ammonia	TMDL req'd.	2013	New
	LDO	TMDL req'd.	2013	New
	Nitrate	TMDL req'd.	2013	New
	Sed. Toxicity	TMDL req'd.	2013	New
	Turbidity	TMDL req'd.	2013	New
	Unk. Toxicity	TMDL req'd.	2013	New
Monterey Harbor	Metals	TMDL req'd.	2021	Existing
	Sed. Toxicity	TMDL req'd.	2021	New
Morro Cojo Slough	Ammonia	TMDL req'd.	2021	Existing
	E. coli	TMDL req'd.	2021	New
	LDO	TMDL req'd.	2021	Existing
	Pesticides	TMDL req'd.	2021	Existing
	pH	TMDL req'd.	2021	New
	Sed/siltation	TMDL req'd.	2021	Existing
	Total coliform	TMDL req'd.	2021	New
Moss Landing Harbor	Chlorpyrifos	TMDL req'd.	2021	New
	Diazinon	TMDL req'd.	2021	New
	LDO	TMDL req'd.	2021	New
	Nickel	TMDL req'd.	2021	New
	Pathogens	TMDL req'd.	2021	Existing
	Pesticides	TMDL req'd.	2021	Existing
	pH	TMDL req'd.	2021	New
	Sed/siltation	TMDL req'd.	2021	Existing
	Unk. Toxicity	TMDL req'd.	2021	New

Water Body Name	Pollutant	List Status	TMDL Due Date	2008 Changes
Natividad Cr.	Ammonia	TMDL req'd.	2013	New
	E. coli	TMDL req'd.	2013	New
	LDO	TMDL req'd.	2013	New
	Nitrate	TMDL req'd.	2013	Existing
	pH	TMDL req'd.	2013	New
	Sed. Toxicity	TMDL req'd.	2013	New
	Temperature	TMDL req'd.	2013	New
	Turbidity	TMDL req'd.	2013	New
	Unk. Toxicity	TMDL req'd.	2013	New
Old Salinas River	Chlorophyll a	TMDL req'd.	2013	New
	Chlorpyrifos	TMDL req'd.	2013	New
	Diazinon	TMDL req'd.	2013	New
	E. coli	TMDL req'd.	2013	New
	Fecal coliform	TMDL req'd.	2013	New
	LDO	TMDL req'd.	2013	New
	Nitrate	TMDL req'd.	2013	New
	pH	TMDL req'd.	2013	New
	Sed. Toxicity	TMDL req'd.	2013	New
	Turbidity	TMDL req'd.	2013	New
	Unk. Toxicity	TMDL req'd.	2013	New
Old Salinas River Estuary	Ammonia	TMDL req'd.	2013	Existing
	E. coli	TMDL req'd.	2013	Existing
	LDO	TMDL req'd.	2013	Existing
	Nutrients	TMDL req'd.	2013	Existing
	Pesticides	TMDL req'd.	2013	Existing
Pajaro River	Boron	TMDL req'd.	2021	Existing
	Chlordane	TMDL req'd.	2021	New
	Chloride	TMDL req'd.	2021	New
	Chlorpyrifos	TMDL req'd.	2021	New
	DDT	TMDL req'd.	2021	New
	Dieldrin	TMDL req'd.	2021	New
	E. coli	TMDL req'd.	2011	New
	Fecal Coliform	TMDL req'd.	2011	Existing
	LDO	TMDL req'd.	2021	New
	Nitrate	Being addressed		Existing
	Nutrients	Being addressed		Existing
	PCB	TMDL req'd.	2021	New
	pH	TMDL req'd.	2021	New
	Sed/siltation	Being addressed		Existing
	Sodium	TMDL req'd.	2021	New
	Turbidity	TMDL req'd.	2021	New

Water Body Name	Pollutant	List Status	TMDL Due Date	2008 Changes
Quail Creek	Ammonia	TMDL req'd.	2013	New
	Chlorpyrifos	TMDL req'd.	2013	New
	Diazinon	TMDL req'd.	2013	New
	E. coli	TMDL req'd.	2013	New
	Fecal coliform	TMDL req'd.	2013	New
	LDO	TMDL req'd.	2013	New
	Nitrate	TMDL req'd.	2013	Existing
	Sed. Toxicity	TMDL req'd.	2013	New
	Temperature	TMDL req'd.	2013	New
	Turbidity	TMDL req'd.	2013	New
	Unk. Toxicity	TMDL req'd.	2013	New
Salinas Rec Canal	Ammonia	TMDL req'd.	2013	Existing
	Chlorpyrifos	TMDL req'd.	2013	New
	Copper	TMDL req'd.	2013	New
	Diazinon	TMDL req'd.	2013	New
	E. coli	TMDL req'd.	2013	New
	Fecal coliform	TMDL req'd.	2013	Existing
	LDO	TMDL req'd.	2013	Existing
	Nitrate	TMDL req'd.	2013	New
	Pesticides	TMDL req'd.	2013	Existing
	pH	TMDL req'd.	2013	New
	Priority organics	TMDL req'd.	2013	Existing
	Sed. Toxicity	TMDL req'd.	2013	New
	Turbidity	TMDL req'd.	2013	New
	Unk. Toxicity	TMDL req'd.	2013	New
Salinas River (lower)	Chlordane	TMDL req'd.	2013	New
	Chloride	TMDL req'd.	2018	New
	Chlorpyrifos	TMDL req'd.	2013	New
	DDT	TMDL req'd.	2013	New
	Diazinon	TMDL req'd.	2013	New
	Dieldrin	TMDL req'd.	2013	New
	TDS	TMDL req'd.	2018	New
	Toxaphene	TMDL req'd.	2013	Existing
	Turbidity	TMDL req'd.	2013	New
	Unk. Toxicity	TMDL req'd.	2013	New
Salinas River (middle)	E. coli	TMDL req'd.	2021	New
	Fecal coliform	TMDL req'd.	2021	New
	Pesticides	TMDL req'd.	2021	Existing
	pH	TMDL req'd.	2021	New
	Temperature	TMDL req'd.	2021	New
	Turbidity	TMDL req'd.	2021	New
	Unk. Toxicity	TMDL req'd.	2021	New
Salinas River (upper)	Chloride	TMDL req'd.	2021	Existing
	pH	TMDL req'd.	2021	New
	Sodium	TMDL req'd.	2021	Existing
Salinas River Lagoon (north)	Nutrients	TMDL req'd.	2013	Existing
	Pesticides	TMDL req'd.	2013	Existing
Salinas River Refuge Lagoon	pH	TMDL req'd.	2013	New
	Turbidity	TMDL req'd.	2013	New

Water Body Name	Pollutant	List Status	TMDL Due Date	2008 Changes
San Antonio River	E. coli	TMDL req'd.	2021	New
	Fecal coliform	TMDL req'd.	2021	New
San Lorenzo Creek	Boron	TMDL req'd.	2021	Existing
	Chloride	TMDL req'd.	2021	New
	Elec. Conduct.	TMDL req'd.	2021	New
	E. coli	TMDL req'd.	2021	New
	Fecal coliform	TMDL req'd.	2021	Existing
	pH	TMDL req'd.	2021	New
	Sodium	TMDL req'd.	2021	New
Santa Rita Cr.	Ammonia	TMDL req'd.	2013	New
	E. coli	TMDL req'd.	2013	New
	Fecal coliform	TMDL req'd.	2013	New
	LDO	TMDL req'd.	2013	New
	Nitrate	TMDL req'd.	2013	Existing
	Sodium	TMDL req'd.	2018	New
	Turbidity	TMDL req'd.	2013	New
Tembladero Slough	Chlorophyll	TMDL req'd.	2013	New
	Chlorpyrifos	TMDL req'd.	2013	New
	Diazinon	TMDL req'd.	2013	New
	Enterococcus	TMDL req'd.	2013	New
	E. coli	TMDL req'd.	2013	New
	Fecal Coliform	TMDL req'd.	2013	Existing
	Nitrate	TMDL req'd.	2013	New
	Nutrients	TMDL req'd.	2013	Existing
	Pesticides	TMDL req'd.	2013	Existing
	pH	TMDL req'd.	2013	New
	Sed. Toxicity	TMDL req'd.	2013	New
	Total coliform	TMDL req'd.	2013	New
	Turbidity	TMDL req'd.	2013	New
	Unk. Toxicity	TMDL req'd.	2013	New
Tularcitos Cr.	Chloride	TMDL req'd.	2021	New
	Fecal coliform	TMDL req'd.	2021	New
	Sodium	TMDL req'd.	2021	New

Source: Central Coast Regional Water Quality Control Board 2009b.

Page 4.3-65, last paragraph. The paragraph is revised as follows.

The MPWMD ~~is in~~began the process of preparing a long-term *Seaside Basin Groundwater Management Plan* following AB 3030 guidelines in March 2004. This effort was superseded by the Seaside Basin adjudication proceedings and the decision that was issued in March 2006. Other jurisdictions have typically included aspects of groundwater management in their watershed management or stormwater management plans, or refer to the *Central Coast Basin Plan*, as well as plans devoted to a particular resource, such as the Carmel or Salinas Rivers.

Page 4.3-70, under "Assembly Bill 885 Onsite Wastewater Treatment Regulations."
The second paragraph is revised as follows.

~~The draft regulations dictate that new and replaced OWTS be operated to accept and treat flows of domestic wastewater (e.g., toilet flushing, food preparation, laundry, household cleaning, and personal hygiene) and be designed to disperse effluent to subsurface soils in a manner that maximizes unsaturated zone treatment and aerobic decomposition of the effluent. The draft regulations contain performance requirements and specifications for the OWTS systems and supplemental treatment components. As of spring 2008, the draft regulations are still under consideration and public review.~~

The SWRCB initiated the formal rulemaking to implement AB 885 in November 2008. In response to public comments on the draft regulations, 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 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 pumping requirements.

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~~Alternative onsite wastewater treatment 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.~~ may be considered for ~~Repairs~~repairs to existing systems are exempt from this and existing lots of record if the requirements for a septic system cannot be met per Monterey County Code 15.20 and the Central Coast Basin Plan. The design and

operation of the alternative wastewater treatment system must conform to Monterey County Code 15.20 and the Central Coast Basin Plan.

Page 4.3-75, under Monterey Peninsula Water Management District. Insert the following paragraph after the end of the second paragraph.

The MPWMD has adopted rules that regulate the use of water within its jurisdictional boundaries. These include rules for protection of water resources and water conservation. Rule 124 concerns Carmel River Management and Regulations. This rule requires that property owners obtain a valid River Work permit issued by MPWMD for any work within the riparian corridor. Ordinance 135, adopted by the MPWMD Board on September 29, 2008, amended the MPWMD's rules for the staged water restrictions that are imposed during water emergencies when available supplies are projected to be insufficient to meet demands. The amendments were made in response to the adjudication of groundwater in the Seaside Basin and the expected outcome of the SWRCB's cease and desist order regarding CalAm's unauthorized use of water originating from the Carmel River.

Page 4.3-78. Revise the first full paragraph as follows.

Any work ~~Work~~ in the Salinas River and Arroyo Seco River channels ~~is exempted if it is covered by a USACE 5-year regional Section 404 permits, approved by the CDFG and the MCWRA.~~ would require a Section 404 permit from the U.S. Army Corps of Engineers**.** All other work requires a separate permit from state and federal ~~these~~ agencies, subject to environmental review.

P**age 4.3-91, beginning of first full paragraph.** The paragraph is revised as follows:

Development of residential, commercial (which, for the analysis of Impact WR-1, includes agricultural-related uses such as processing, support, and visitor-serving uses), and industrial land uses, as well as public facilities (e.g., roads, schools, maintenance and corporation yards, water supply, and wastewater facilities) create additional impervious surfaces and generate additional automobile use.

Page 4.3-97, Mitigation Measure BIO-2.1. The measure is revised as follows.

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 inland portions of 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 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.

Page 4.3-106, first paragraph under Significance Determination. The paragraph has been revised as follows:

For the purposes of this analysis, it was assumed that t~~T~~he policies of the 2007 General Plan would be fully implemented by 2092. It must be recognized, however, that future conditions may be altered in such a way that would prevent full implementation of the General Plan by 2092. ~~, and i~~It may also be assumed that federal and state regulatory requirements would be at least as stringent then as they are today.

Page 4.3-114, last paragraph. The paragraph has been revised as follows:

Agriculture will also place demands on raw water supplies. Based on trends in agricultural employment (AMBAG 2004; AMBAG 2008), no net expansion in overall agricultural acreage is projected for 2030 as virtually no increase in agricultural employment is forecast by AMBAG to 2030 for the county in the most recent (2008) and the immediately prior (2004) economic forecasts. The Salinas Valley Water Project EIR forecast a slight decline in agricultural water demand in the Salinas Valley for 2030 (MCWRA 2001a). ~~While~~ The amount of agricultural land use is expected to increased slightly~~remain essentially constant~~ during the 2030 planning horizon overall. However, agriculture's demands on water supplies in some areas are anticipated to increase in some areas (North County, pursuant to the projections in the Rancho Roberto FEIR, for example), while they are expected to decrease in other areas (Salinas Valley, pursuant to the SVWP FEIR, for example). Overall, agricultural water demand is expected to remain relatively stable, with a small decline, due to improvements in water use efficiency.

Page 4.3-115, Table 4.3-9. The table is replaced in its entirety with the following Tables 4.3-9a through 4.3-9h are added:

Table 4.3-9a. Monterey County 2007 Estimated New Water Demand from urban Uses and New Wineries (2030 and Beyond) Estimated and Projected 2030 Water Demand

	Potential Buildout Units	Potential 2030 Units	2030 New Population (1)	2030 New Water Demand (3)	Buildout New Population (2)	Buildout New Water Demand (3)	Notes
Salinas Groundwater Basin							
Chualar CA	1,500	492	1,429	290	4,224	856	Calculated based on population
Fort Ord CA	8,610	2,823	8,201	1,663	24,246	4,916	Calculated based on population
Boronda CA	726	238	691	140	2,044	414	Calculated based on population
Castroville CA	1,632	535	1,554	315	4,596	932	Calculated based on population
Pine Canyon RC	1,704	559	1,624	329	4,798	973	Calculated based on population
San Lucas RC	169	55	160	32	476	96	Calculated based on population
Bradley RC	800	262	761	154	2,253	457	Calculated based on population
Lockwood RC	221	72	209	42	622	126	Calculated based on population
Pleyto RC	160	52	151	31	451	91	Calculated based on population
San Ardo RC	480	157	456	92	1,352	274	Calculated based on population
River Road RC	389	128	372	75	1,095	222	Calculated based on population
Hwy 68/Reservation AHO	930	305	886	180	2,619	531	Calculated based on population
Cachagua	66	9	26	5	186	38	Assumed 50/50 split between Carmel River and Salinas watershed basins
Central Salinas Valley	456	61	177	36	1,284	260	Calculated based on population
Greater Salinas	1,395	187	542	110	3,928	796	Calculated based on population
Butterfly Village (4)	1,147	1,147	3,332	-25	3,332	-25	Based on Addendum to FEIR for project
North County (5)	1,956	262	760	154	5,508	1,117	Assumed 60/40 split between Salinas River and Pajaro River

	Potential Buildout Units	Potential 2030 Units	2030 New Population (1)	2030 New Water Demand (3)	Buildout New Population (2)	Buildout New Water Demand (3)	Notes
South County	939	125	363	74	2,644	536	Calculated based on population
Toro	4,046	540	1,569	318	11,393	2,310	Calculated based on population
Subtotal	*27,326*	*8,008*	*23,265*	*4,016*	*77,052*	*14,921*	
Wineries and Ancillary in AWCP				326		326	Assumes all 40 artisan and 10 large-scale wineries built by 2030
INLAND Unincorporated Total	**27,326**	**8,008**	**23,265**	**4,343**	**77,052**	**15,248**	
Carmel River and Seaside Aquifer							
Greater Monterey Peninsula	4,011	536	1,557	316	11,295	2,290	Calculated based on population
Carmel Mid-Valley AHO	390	128	372	75	1,098	223	Calculated based on population
Hwy 68/Airport AHO	2,550	836	2,429	492	7,181	1,456	Calculated based on population
Cachagua	66	9	26	5	186	38	Assumed 50/50 split between Salinas and Carmel River basins.
Carmel Valley	758	101	294	60	2,135	433	Calculated based on population
INLAND Unincorporated Total	**7,775**	**1,610**	**4,678**	**948**	**21,894**	**4,439**	
Pajaro Groundwater Basin							
Pajaro CA	676	222	645	131	1,904	386	
North County	1,304	174	507	103	3,672	744	New demand in N. County planning area split 60/40 between Salinas/Pajaro basins.
INLAND Unincorporated Total	**1,980**	**396**	**1,151**	**233**	**5,576**	**1,130**	

	Potential Buildout Units	Potential 2030 Units	2030 New Population (1)	2030 New Water Demand (3)	Buildout New Population (2)	Buildout New Water Demand (3)	Notes
Monterey County Unincorporated Areas							
Total	**37,081**	**10,015**	**29,094**	**5,525**	**104,522**	**20,817**	Existing Demand from MPWMD 2006a. New Demand from calculations above. Total 2030 = Existing + New Demand

Notes:

(1) Assumes persons/housing unit = 2006 to 2030 average (2.91 from DEIR Table 3-5 for unincorporated county for 2030).

(2) Assumes person/housing unit = 2006 to Buildout average (2.82 from DEIR Table 3-5 for unincorporated county for buildout horizon)

(3) Assumes per capita water use [urban applied water (including residential, commercial, industrial, and landscape uses) for Central Coast Region] of 181 gpd per California Water Plan Update 2005.

(4) Butterfly Village water demand based on Project FEIR Addendum (Monterey County, 2008b).

(5) 60/40 split based on Fugro West, Inc. 1995. North Monterey County Hydrogeologic Study. Prepared for Monterey County Water Resources Agency.

Table 4.3-9b. Water Supply and Projected Water Demand for 2030, Monterey County (acre feet)

Groundwater Basin	Salinas Valley (1,2)	Carmel River/ Seaside Aquifer (3)	Pajaro Valley (4)
Existing Demand	494,046	18,214	71,500
Projected City New Demand in 2030	29,539	3,273	(5)
Projected County New Demand in 2030	4,439	1,006	(5)
Projected Total Demand in 2030	**442,458**	**22,493**	**78,192**
Estimated 2030 Supplies (2)	443,000	22,344	72,100
Balance in 2030	542	-149	-6,092

Sources: See Tables 4.3-9c through 4.3-9h.

Notes:

1. Salinas Valley demand declines by 2030 due to reduction in agricultural demand. See Table 4.3-9c
2. Salinas Valley supply = groundwater. As discussed in text, with SVWP implementation, the expectation is that this amount can be provided without further lowering of groundwater tables or increased seawater intrusion compared to baseline levels.
3. Carmel River/Seaside Aquifer supplies is based on implementation of CWP, ASR, and several smaller projects. (See Table 4.9-4f). Excludes agricultural demand unless part of existing demand served by Cal-Am.
4. Pajaro Valley Basin includes areas of Santa Cruz County. See Table 4.3-9g for list of potential projects.
5. See Table 4.3-9g. PVWMA projections for urban growth include growth in Monterey County.

Table 4.3-9c. Salinas River Valley Estimated and Projected 2030 Water Demand

	Existing Demand	Potential Buildout Units	Potential 2030 Units	2030 New Population (1)	2030 New Water Demand (2)	2030 Total Population	2030 Total Demand	Notes
Unincorporated Urban Water Demand								
Chualar CA		1,500	492	1,429	290			Calculated based on population
Fort Ord CA		8,610	2,823	8,201	1,663			
Boronda CA		726	238	691	140			
Castroville CA		1,632	535	1,554	315			
Pine Canyon RC		1,704	559	1,624	329			
San Lucas RC		169	55	160	32			
Bradley RC		800	262	761	154			
Lockwood RC		221	72	209	42			
Pleyto RC		160	52	151	31			
San Ardo RC		480	157	456	92			
River Road RC		389	128	372	75			
Hwy 68/Reservation AHO		930	305	886	180			
Cachagua		66	9	26	5			Assumed 50/50 split between Carmel River and Salinas watershed basins
Central Salinas Valley		456	61	177	36			Calculated based on population
Greater Salinas		1,395	187	542	110			Calculated based on population
Butterfly Village (3)		1,147	1,147	3,332	-25			Based on Addendum to FEIR for project
North County (4)		1,956	262	760	154			Assumed 60/40 split between Salinas River and Pajaro River
South County		939	125	363	74			Calculated based on population

	Existing Demand	Potential Buildout Units	Potential 2030 Units	2030 New Population (1)	2030 New Water Demand (2)	2030 Total Population	2030 Total Demand	Notes
Toro		4,046	540	1,569	318			Calculated based on population
Wineries/Ancillary in AWCP					326			Assumes all 40 artisan and 10 large-scale wineries and ancillary uses built by 2030
Inland Subtotal		*27,326*	*8,008*	*23,265*	*4,343*			
North County-Coastal		585	164	477	97			Calculated based on population
Total		**27,911**	**8,172**	**23,742**	**4,439**	**135,375**		
City Urban Water Demand								
Gonzales				19,916	4,038	29,145		Calculated based on population
Greenfield				14,757	2,992	29,854		
King City				10,475	2,124	23,360		
Marina				12,185	2,470	35,357		
Salinas				66,376	13,457	213,063		
Soledad				21,987	4,458	51,634		
Total				**145,696**	**29,539**	**382,413**		
Total Urban Water Demand								
Total	**50,479**			**169,438**	**33,979**	**517,788**	**84,458**	Existing = 2005 (DEIR Table 4.3-1)
Agricultural Demand								
Agricultural Demand	443,567						358,000	Existing = 2005 average (DEIR Table 4.3-1); 2030 = from SVWP EIR.
Total	**443,567**						**358,000**	

	Existing Demand	Potential Buildout Units	Potential 2030 Units	2030 New Population (1)	2030 New Water Demand (2)	2030 Total Population	2030 Total Demand	Notes
Total Water Demand								
Total	**494,046**	**27,911**	**16,180**	**169,438**	**33,979**	**517,788**	**442,458**	2030 = Existing Urban Demand (2005) + New urban Demand (2030) + Forecasted Agricultural Demand (2030).
SVWP EIS/EIR (5)						*425,611*	*443,000*	

Sources: California Department of Water Resources, 2005 California Water Plan Update.

Fugro West, Inc. 1995. North Monterey County Hydrogeologic Study. Prepared for Monterey County Water Resources Agency. October.

Monterey County. 2008b. Addendum #2 to the Final Environmental Impact Report for the Rancho San Juan Specific Plan and HYH Property EIR, SCH No. 2002121142. July 17.

Monterey County Water Resources Agency (MCWRA). 2001. Draft Environmental Impact Report/Environmental Impact Statement for the Salinas Valley Water Project. June.

RMC, 1998. Salinas River Basin Management Plan. 2030 Land Use and Water Needs Conditions. May.

Notes: (1) Assumes persons/housing unit = 2006 to 2030 average (2.91 from Table 3-5 for unincorporated county for 2030).

(2) Per capita water use [urban applied water (including residential, commercial, industrial, and landscape uses) for Central Coast Region] = 181 gpd (CA Water Plan Update 2005), except for butterfly village.

(3) Butterfly Village water demand based on Project FEIR Addendum (Monterey County, 2008b)

(4) 60/40 split based on Fugro West, 1995.

(5) MCWRA 2001 and RMC 1998. SVWP forecast used 1995 urban water use factors which does not take into account improvement in water use efficiencies.

Table 4.3-9d. Water Demands for Salinas Valley Estimated in the 2001 Salinas Valley Water Project EIR

	Population 2030	Water Demand (AF)
Cities		
Marina	24,913	4,400
Salinas	194,407	33,722
Gonzales	14,361	7,862
Soledad (w/ prison)	33,639	7,794
Greenfield	15,027	3,374
King City	29,024	10,851
City Subtotals	311,371	68,003
County		
Castroville	7,088	1,022
Fort Ord	37,370	6,600
Pressure		3,592
Toro/Ft. Ord		1,113
East Side	49,400	3,286
Forebay		1,120
Upper Valley		1,212
North County[1]	20,382	3,039
County Subtotals	114,240	20,984
TOTAL URBAN WATER DEMAND[2]	*425,611*	*88,987*
TOTAL URBAN WATER DEMAND[3]		*85,000*
Agricultural Demand		358,000
Total Demand		**443,000**

Sources: Monterey County Water Resources Agency (MCWRA). 2001. Draft Environmental Impact Report/Environmental Impact Statement for the Salinas Valley Water Project. June 2001.
RMC, 1998. Salinas River Basin Management Plan. 2030 Land Use and Water Needs Conditions. May.
Fugro West, Inc. 1995. North Monterey County Hydrogeologic Study. Prepared for Monterey County Water Resources Agency. October.

[1] No population estimate provided for North County portion (Highlands South and Granite Ridge) in SVWP EIS/EIR. Fugro West (1995) study used to estimate forecast for 2030 units, then converted to population using 2.91/household.

[2] Total Urban water Demand shown above from RMC 1998.

[3] DEIR for SVWP used 85,000 AF total, likely reflecting minor adjustment in calculation post-1998.

Table 4.3-9e. Carmel River/Seaside Aquifer Existing and 2030 Estimated Water Demand

	Existing Demand	Potential 2030 Units	2030 New Population (1)	2030 New Water Demand (2)	2030 Total Demand	Notes
Unincorporated Inland Areas (2007 GP)						
Greater Monterey Peninsula		536	1,557	316		
Carmel Mid-Valley AHO		128	372	75		Calculated based on population.
Hwy 68/Airport AHO		836	2,429	492		Calculated based on population.
Cachagua		9	26	5		Assumed 50/50 split between Salinas and Carmel River basins.
Carmel Valley		101	294	60		Calculated based on population.
Total		**1,610**	**4,678**	**948**		Calculated based on population.
Unincorporated Coastal Areas (1982 GP)						
Carmel		63	183	37		
Del Monte Forest		34	100	20		
Total		**97**	**283**	**57**		
Cities (AMBAG 2004)						
Carmel by the Sea				288		MPWMD 2006b
Del Rey Oaks				48		MPWMD 2006b
Monterey				705		MPWMD 2006b
Pacific Grove				1,264		MPWMD 2006b
Sand City				386		MPWMD 2006b
Seaside				582		MPWMD 2006b
Total				**3,273**		

		Existing Demand	Potential 2030 Units	2030 New Population (1)	2030 New Water Demand (2)	2030 Total Demand	Notes
Total Demand							
	Total	**18,214**	**1,707**		**4,279**	**22,493**	Existing Demand from MPWMD 2006a and MPWMD 2008. New Demand from calculations above. Total 2030 = Existing + New Demand
Other 2030 Estimates							
CPUC (2009)		18,214			4,545	22,759	CPUC 2009 based on MPWMD 2006b

Sources: Department of Water Resources, 2005 California Water Plan Update.

California Public Utilities Commission, 2009. Coastal Water Project. Final Environmental Impact Report.

MPWMD, 2006a. Technical Memorandum 2006-02, Existing Water Needs of Cal-Am Customers within MPWMD boundaries and Non Cal-AM Producers Within the Seaside Groundwater Basin Adjusted for Weather Conditions During Water years 1996 through 2006. Value cited is weather - adjusted normal year demand.

MPWMD, 2006b. Existing Long-Term Water Needs by Jurisdiction Based on General Plan Buildout in Acre-Feet, May 18. As noted above totals for cities for buildout assumed to apply to 2030.

MPWMD, 2009. MPWMD 2007-2008 Mitigation Program Report.

Notes: (1) Assumed persons/unit for new to 2030 (2.91)

(2) Per capita water use [urban applied water (including residential, commercial, industrial, and landscape uses) for Central Coast Region] = 181 gpd (CA Water Plan Update 2005)

Table 4.3-9f. Existing and Future Water Supplies Carmel River/Seaside Aquifer

	Existing (2006/2007)	2015 - Existing Demands Only	2030	Source
Water Demand	**18,214**	**18,214**	**22,493**	1, 2, 3,4
Non-Cal-Am users (Carmel River – presumptive right)	3,119	3,119	3,119	2
Carmel River - Cal-Am Water Rights	3,376	3,376	3,376	5
Seaside Aquifer	2,913	2,913	2,913	6
Aquifer Storage and Recovery		920	920	5
Subtotal Existing Sources	*9,408*	*10,328*	*10,328*	
Pebble Beach Recycled Water Project			136	5
Other Water Recovery			300	5
Sand City Desalination			300	5
Coastal Water Project (CWP)		11,280	11,280	5
Total Additional Supply (with CWP)	*0*	*11,280*	*12,016*	
Total Supply (with CWP)	**9,408**	**21,608**	**22,344**	
Supply/ Demand Balance	***-8,806***	***3,394***	***-149***	
Regional Water Supply Program (RWSP), Phase 1		15,200	15,200	5
Total Additional Supply (with RWSP)	*0*	*15,200*	*15,936*	
Total Supply (with RWSP, Phase 1)	**9,408**	**25,528**	**26,264**	
Supply/Demand Balance	***-8,806***	***7,314***	***3,771***	

Sources:
(1) MPWMD, 2006a. *Technical Memorandum 2006-02, Existing Water Needs of Cal-Am Customers within MPWMD boundaries and Non Cal-AM Producers Within the Seaside Groundwater Basin Adjusted for Weather Conditions During Water years 1996 through 2006*. Value cited is weather - adjusted normal year demand.

(2) MPWMD, 2009. MPWMD 2007-2008 Mitigation Program Report. Value of 3,119 AF for WY 2007 added to demand of Cal-AM customers from reference (1).

(3) New demand for 2030 based on 2007 GP estimates in Table 4.3-9a for unincorporated county and entire buildout amount for cities from MPWMD 2006b for 2030.

(4) MPWMD, 2006b. *Existing Long-Term Water Needs by Jurisdiction Based on General Plan Buildout in Acre-Feet*, May 18. As noted above totals for cities for buildout assumed to apply to 2030.

(5) CPUC, 2009. Final EIR, Coastal Water Project, Tables 2-5 and 3-2. Total for CWP includes 380 AF additional for ASR project

(6) Adjudicated Natural Safe Yield, from Monterey Superior Court Amended Decision in California-American Water vs. City of Seaside et al, Case No. M66343, filed February 9, 2007.

Note: Although a nominal surplus (25 percent) is shown for existing demands for 2015 (with completion of ASR and CWP projects), the water demand shown is normal-year demand and does not account for dry or critically dry -year demands. Thus, this should not be considered a true surplus in to but rather, mostly a reserve for use during critical years. Of note, the CWP project is limited to replacement of existing Cal-Am supplies and does not provide water to meet new water demands. RWSP Phase 1, includes 15,200 afy to meet the immediate needs of the Monterey Peninsula, and replace a previously approved supply for part of, the former Fort Ord, within the MCWD service area. Similarly, the nominal surplus for 2030 should not be seen as excess supply but rather reserve for dry or critically dry years.

Table 4.3-9g. Existing and Future Water Supply and Demand Pajaro Groundwater Basin

	Current (2001)	2030[1]	2040
Agricultural	59,300	63,092	64,400
Urban	12,200	15,100	16,100
Total Demand	**71,500**	**78,192**	**80,500**
Coralitos Creek Diversion	-1,100	-1,100	-1,100
Other Surface Water Diversions	-1,000	-1,000	-1,000
Total Groundwater Pumping	**69,400**	**76,092**	**78,400**
Basin Sustainable Yield	48,000	48,000	48,000
Required Additional Supply	***21,400***	***28,092***	***30,400***
CVP Import Pipeline		***10,300***	***10,300***
Recycled Water		4,000	4,000
Harkins Slough		1,100	1,100
Murphy Crossing		1,600	1,600
Supplemental Wells[2]			
Coastal Distribution System[3]			
Conservation		5,000	5,000
Total Potential New Supply[4]		***22,000***	***17,000***
Total Supply	***50,100***	***72,100***	***67,100***
Supply-Demand Balance	***-21,400***	***-6,092***	***-13,400***

Source: Pajaro Valley Water Management Agency, Revised Basin Management Plan, Draft EIR, 2004, except for 2030 demand estimates, which are interpolated.

[1] 2030 estimates for demands are an interpolation between 2001 and 2040. Given the limited (255 AF - see Table 4.3-9h) estimated new demands in Monterey County by 2030 in the Pajaro groundwater basin, the urban demand future numbers noted above from PVWMA were not revised as they reasonably approximate future demands across the basin.

[2] For supply, reliability, and peaking.

[3] Facilitates delivery of water from supply projects.

[4] Excludes Pajaro-Sunny Mesa desalination project due to lack of progress on project at this time. Does not include the Monterey Regional Water Supply Program, Phase 2 which could provide water to North County.

Table 4.3-9h. Pajaro River Basin Estimated New Water Demand from New Development in Unincorporated Monterey County, 2030

	Existing Demand (2004)	Potential 2030 Units	2030 New Population (1)	2030 New Water Demand (2)	2030 Total Water Demand	Notes
Pajaro CA	--	222	645	131	131	Existing demand included in North County
North County	23,345	174	507	103	23,448	New demand in N. County planning area split 60/40 between Salinas/Pajaro basins.
INLAND Unincorporated Total	23,345	396	1,151	233	23,578	

Sources: Department of Water Resources, 2005 California Water Plan Update (for per capita use)

EMC Planning Group. 2005. Rancho Roberto Subdivision Final Environmental Impact Report. Prepared for the Monterey County Planning and Building Inspection Department. Monterey, California. January 3, 2005 (Existing Demand for North County areas within Pajaro groundwater basin).

Notes: (1) Assumed persons/unit for new to 2030 (2.91)

(2) Per capita water use [urban applied water (including residential, commercial, industrial, and landscape uses) for Central Coast Region] = 181 gpd (CA Water Plan Update 2005)

Page 4.3-117, Table 4.3-10. Table 4.3-10 has been revised as follows:

Table 4.3-10. Water Supply Issue Summary for Community Areas

Community Area	Groundwater Basin	Water Supplier	Potable Water Availability Issues
Pajaro	Pajaro Valley basin	Pajaro/Sunny Mesa Community Services District	Overdraft; seawater intrusion; nitrate and arsenic contamination
Castroville	Salinas Valley basin (180-Foot/400-Foot Subarea)	Castroville Water District	Overdraft, seawater intrusion; conversion of agricultural land
Boronda	Salinas Valley basin (180-Foot/400-Foot Subarea)	California Water Service Company, Salinas District	Overdraft; seawater intrusion into 180-foot aquifer within 1 mile of Cal-Water's closest well (diverting production)
Chualar	Salinas Valley basin (180-Foot/400-Foot Subarea)	Cal-Am Water Company, Monterey District	Overall supply severely short, but Chualar wells are managed independent of larger basins and represent small fraction of District demand
Fort Ord	Salinas Valley basin (Seaside and Corral de Tierra Subareas)	Marina Coast Water District	Seawater intrusion; supply adequate unless Fort Ord Reuse Authority growth limits lifted (imbalance of 2,548 AFY)

(Note: Fort Ord does not derive water from the Seaside aquifer, nor is expected to in the future)

Page 4.3-117, under Castroville. Revise the first paragraph as follows.

Castroville is in the 180-Foot/400-Foot Subarea of the Salinas Valley basin, where, under current conditions, any additional pumping from the local groundwater would result in further seawater intrusion. Some of Castroville's future development would be through infill and intensification of already urbanized areas within the community.

Page 4.3-118, under Chualar. Revise the paragraph as follows.

Chualar is situated in a portion of the Salinas Valley groundwater basin that receives sufficient groundwater recharge and is not subject to seawater intrusion. Past and current agricultural practices have resulted in water quality degradation of the shallow aquifers (primarily high nitrate levels); however, potable water supply is available from deeper in the aquifer system. According to Cal-Am's 2005 UWMP, Chualar is ~~one of the company's six Highway 68 corridor systems, which are~~ managed independently of the larger basin systems and represents only a small portion ~~5%~~ of Cal-Am's demand. Consequently, the area is not subject to Cal-Am's overall shortage conditions on the Monterey Peninsula. The level of growth anticipated for the proposed Community Area would not incur significant water supply impacts.

Page 4.3-118, last paragraph. Revise as follows.

Seawater intrusion forced relocation of the former Fort Ord's wells from the Main Garrison to a more inland location. However, these wells are also now at risk of seawater intrusion and therefore are not considered a sustainable source of supply to meet future water demands of the Fort Ord community. MCWD is currently drawing water from three wells in the non-sustainable Deep Zone, which, combined with the risk of further seawater intrusion from continued pumping in the 180- or 400- foot aquifers, rules out possibilities for meeting the Community Area's water demands from local groundwater sources. MCWD is the only current significant user of the Deep Aquifer. (Marina Coast Water District 2005) ~~In response,~~ MCWD ~~recently (2007)~~ constructed a reverse osmosis desalination plant to convert seawater to potable drinking water in 1996, which became operational in 1997. Due to recent rises in energy costs and the lack of need for the water, the plant is currently not in operation. (Marina Coast Water District 2008). When operating, this facility can provide up to 300,000 gallons of potable water per day.

Page 4.3-119, first full paragraph. Revise the paragraph as follows.

Potential water sources for ~~these uses~~ future water demands of the Fort Ord community include development of a new well field in the vicinity of Spreckels (where sufficient recharge occurs to preclude significant impacts) with conveyance facilities to Fort Ord; and a desalination plant proposed by Cal-Am at Moss Landing. The Fort Ord Reuse Plan identified a need to augment available potable water supply by 2,400 AFY to accommodate future development. This projection assumed the availability of an additional 6,600 AFY under an agreement with MCWRA that includes Fort Ord as a beneficiary of the SVWP. (Cal Am Coast Water Project DEIR, Section 5.1.3, *Regional Water Supply and Demand*, pp. 5-6). According to the East Garrison DSEIR, the 6,600 AFY "comes from wells developed in the Salinas Valley Groundwater Basin," that is, the MCWD's existing source. (Monterey County 2004a) 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 the regional water augmentation program. (MCWD 2005) but would not come from the Coastal Water Project, which is limited from providing water for future growth. Sources for both the 6,600 AFY and the additional 2,400 AFY remain unclear.~~uncertain, pending approval of Cal-Am's Coastal Water Project~~ In the summer of 2009, the MCWRA, MCWD, and other agencies entered an agreement to discuss some form of regional project (starting from the 'Regional Project' discussed in the FEIR for the Coastal Water Project) that could provide a more secure water supply for the Fort Ord community. These discussions are ongoing.

Page 4.3-120, Third paragraph under "Rural Centers and Development outside Focused Growth Areas". Revise paragraph as follows.

Legal lot development may occur outside the service areas of water districts, in which case it would be served by individual water wells. As noted in the setting discussion, the groundwater basins in the North County and the Seaside aquifer, as well as the Carmel Valley basin, are over drafted. ~~and future~~Future development in the North County ~~there~~ will exacerbate that significant effect. The impact of future development within the Seaside basin and Carmel Valley is restricted by the terms of adjudication of that basin, restrictions on CalAm's reliance on water from the Carmel River, as well as the existing regulatory scheme of the MPWMD, which make impacts within that area less than significant to 2030.

Page 4.3-121, Table 4.3-11. The table is replaced in its entirety with the following Table 4.3-11:

Table 4.3-11. Projected AWCP Winery and Ancillary Use Yearly Water Demand

New Wineries						
Type of Winery	Cases per winery	Number of Wineries	Cases	Water Demand per Winery (gallons)	Water Demand per winery (acre-feet)	Total Demand (acre-feet)
Artisan (25K cases per year)	25,000	40	1,000,000	580,500	2	71
Full-scale (75K cases per year)	75,000	5	375,000	1,741,500	5	27
Full-scale (175K cases per year)	175,000	2	350,000	4,063,500	12	25
Full-scale (375K cases per year)	375,000	1	375,000	8,707,500	27	27
Full-scale (750K cases per year)	750,000	1	750,000	17,415,000	53	53
Full-scale (1.5M cases per year)	1,500,000	1	1,500,000	34,830,000	107	107
Total Water Demand—all wineries (acre-feet)		50	4,350,000	67,338,000	207	310
Ancillary Uses						
Ancillary Use	Units	Size	Number	Demand per Unit	Source	Total Demand
Winery Tasting Rooms	seats	20	10	0.02	MPWMD, restaurant	4
Restaurants	seats	50	3	0.02	MPWMD, restaurant	3
Delicatessens	Square feet	1,500	5	0.0002	MPWMD, deli	2
Inns	rooms	10	8	0.1	MPWMD, hotel	8
Subtotal						17
Total Water Demand						
Total Winery and Ancillary Uses						326

Sources for Factors: Winery water demand from Napa County. No Date. Phase 1 Water Availability Analysis worksheet. Includes both process water, landscaping, and domestic use.
Ancillary use factors from MPWMD. No. Date. Non-Residential Water Release Form and Water Permit Application.

Page 4.3-125, under Carmel Valley Master Plan. Revise the fourth sentence as follows.

Water projects designed to address future growth in the Carmel Valley ~~shall~~will be supported (Policy CV-5.2). Conservation and reclamation projects ~~should~~shall be incorporated into project design (Policy CV-5.3).

Page 4.3-125, under Cachagua Area Plan. Revise the second sentence as follows.

CACH-5.1 states that the area should not be deprived of water reasonably required for the beneficial needs of its inhabitants and that water ~~should~~shall not be exported outside the planning area boundaries.

Page 4.3-126, under Significance Determination. Add the following.

Implementation of the 2007 General Plan will increase water demand for urban and other uses. Increased water demand could require additional water supply infrastructure (which is discussed below under Impact WR-5), result in groundwater overdraft (which is discussed below under Impact WR-6), or exacerbate seawater intrusion (which is discussed below under Impact WR-7). Increased water demand could also result in effects to special status species and biological resources that are water dependent including riparian vegetation, steelhead, and California red-legged frog, among others.

Page 4.3-127, second paragraph. Revise the third sentence as follows.

Policy PS-3.1 prohibits approval of new development (except for the first single family dwelling and non-habitable accessory uses on an existing lot of record) that lacks proof of sustainable water supply.

Page 4.3-127, fourth paragraph. Revise as follows.

Salinas Valley

In the Salinas Valley, the SVWP will provide sufficient additional supplies from the system's reservoirs to meet 2030 projected demands and halt further seawater intrusion. The impacts of the 2007 General Plan would be less than significant within the Salinas Valley for water supply during the 2030 planning horizon.

For the Granite Ridge/Highlands South are, impacts to water supply would be 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. The proposed Granite Ridge supply project will also assist to help address local issues.

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. 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.

Page 4.3-130, first paragraph under Mitigation Measures. The paragraph is revised as follows:

The following measure is intended to reduce impacts on the Monterey Peninsula during the 2030 planning horizon to below a level of significance. However, for the reasons discussed above and as disclosed below, while this measure will reduce the impact, it will not do so sufficiently to avoid this being a significant and unavoidable impact. However, other regulatory restrictions on water use will reduce the impact below a level of significance. There ~~there~~ are no feasible measures that would reduce the impacts of development on existing lots of record in the ~~North County and the~~ Pajaro River portion of the North County below a level of significance.

Page 4.3-130, Mitigation Measure WR-1. The measure is revised as follows.

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 additional ~~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.

Page 4.3-130, Mitigation Measures. The following measure is added above "Significance Conclusions"

Mitigation Measure BIO-2.3: Add Considerations regarding Riparian Habitat and Stream Flows to Criteria for Long-Term Water Supply and Well Assessment

Public Services Policies PS-3.3 and PS-3.4 establish the criteria for proof of a long-term water supply and for evaluation and approval of new wells. The following criteria shall be added to these policies:

- Policy PS-3.3.i—Effects on instream flows necessary to support riparian vegetation, wetlands, fish, and other aquatic life including migration potential for steelhead.
- Policy PS-3.4.g—Effects on instream flows necessary to support riparian vegetation, wetlands, fish, and other aquatic life including migration potential for steelhead.

Page 4.3-130, third paragraph under Significance Conclusion. The paragraph is revised as follows:

On the Monterey Peninsula and in the Pajaro Valley, while current planning is underway to address current problems and provide water for new development, none of the major supply projects is sufficiently developed (i.e., none are at the DEIR phase) to conclude that they will provide adequate water to address current problems and future needs. 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 in the North County, including the Pajaro Valley. Restrictions on the development of legal lots of record along the Carmel River and requirements of the adjudication of the Seaside basin, as well as the regulatory standards of the MPWMD will ensure that development of lots of record on the Monterey Peninsula will not exacerbate existing problems. General Plan Policies PS 3-1 and PS 3-3 delay discretionary development until long-term sustainable water supplies are available. Thus impacts of new water demand from development allowed by the 2007 General Plan are less than significant on water supply since the aforementioned policies will properly control demands in light of extant and future supplies. ~~, and this~~ However, due to the lack of current and future supplies to address current and future water supply shortfalls, this is considered a significant and unavoidable water supply impact (see separate discussion under Impact WR-5 below regarding water supply infrastructure) in the North County, including the Pajaro Valley.

Page 4.3-131, fourth paragraph. The paragraph is revised as follows:

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 more than estimated as needed for new post-2030 demand (~9,000 acre-feet; see Table 4.3-9a which includes raw demand of 10,905 acre-feet after 2030; when taking into account 20 percent mandated reduction, new demand would be approximately 8,724 acre-feet).

Page 4.3-132. The third full paragraph is revised as follows:

Global climate change will have some effect on future precipitation patterns in this part of California in the future. That might in turn affect available water supplies in the reservoirs at the upper end of the Salinas River. What that effect will be is unknown and is not reasonably foreseeable. The California Department of Water Resources reports that California's precipitation is on an upward trend since the 1960s, but that the yearly amount of precipitation is increasingly variable (i.e., wet years can be followed by dry years; California Department of Water Resources 2006). Present climate models do not have the precision to determine with any certainty what will be the case in Monterey County. If global climate change does adversely affect the county's water storage, the county's water supply from groundwater and surface water sources will be reduced. ~~Additional development would result in a significant and unavoidable impact should that~~

~~occur.~~ However, because it is not reasonably foreseeable given the limits of today's models any firm conclusion would be speculative.

Page 4.3-133, Mitigation Measure WR-2. The measure is revised as follows.

The County will revise the draft 2007 General Plan to include the following additional ~~new~~ policies.

PS 3.17 The County will pursue expansion of the 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 identify~~ing~~ 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.

Page 4.3-134, first sentence under "Significance Conclusion." Revise the sentence as follows.

A second phase of the Salinas Valley Water Project is feasible, according to MCWRA. (Weeks, 2009)

Page 4.3-142, under "Impacts of Water Facilities for the AWCP and Agriculture." Revise the first three paragraphs as follows.

New water supply facilities would be needed to support the artisan and full-scale wineries, to support other permitted uses, such as inns and delicatessens, and to support agriculture. These would typically be onsite wells and treatment facilities.

A portion of the water demand from these wineries and other permitted uses would be met by existing water supply. The size and type of new facilities would depend on the

size and location of the specific winery or other permitted use and the availability of existing water supplies. Where agriculture expands into new areas, new infrastructure would also be required to provide water supply.

Typically, water supply facilities for new wineries, other permitted uses or expanded agricultural activity would consist of wells, wellhead facilities, pipelines, and storage reservoirs/tanks.

Page 4.3-143, under "Salinas Valley". Insert after the first paragraph the following.

As stated above, new treatment, storage, and conveyance facilities and services would serve the Rural Centers (please see Section 3.4.9, *Rural Centers* and Exhibits 3.3 and 3.19 through 3.24 for the location of Rural Centers). While mitigation can likely address most of the significant impacts identified for these facilities, it is possible that some significant impacts may not be feasibly mitigated to a less-than-significant level, and unavoidable impacts may occur.

Page 4.3-147, first full paragraph. Revise the paragraph as follows.

Once groundwater resources have been adversely affected (i.e., lowering of groundwater levels and intrusion of seawater), recovery is more difficult. Significant groundwater declines already have occurred in many areas of the county, resulting in seawater intrusion into coastal aquifers—including both of the productive 180- and 400-foot aquifers. ~~Some groundwater level declines have occurred in the Deep Zone, and s~~Serious groundwater declines have occurred in the coastal zone of the North County area.

Page 4.3-148, second to last paragraph. Revise the first sentence as follows.

The SVWP will balance supply with ~~substantially reduce summer~~ demand for ~~on~~ groundwater resources in the Salinas Valley.

Page 4.3-152, under South County Area Plan. The paragraph is revised as follows.

South County Area Plan SC-5.1 states that new development shall not diminish the groundwater recharge capabilities in the South County Planning Area where valuable natural groundwater recharge areas, or artificial groundwater recharge projects have been identified. ~~and~~ ,SC-5.3 states that new development may not encroach on the main channels and associated floodways of the Nacimiento, San Antonio, and Salinas Rivers in order to conserve groundwater recharge, preserve riparian habitats, and protect flood flow capacity.~~each require new development to maximize groundwater recharge capabilities.~~

Page 4.3-154. Revise the first paragraph as follows.

2001). Implementation of the AWCP would depend on individual groundwater wells for its water; however, it would not substantially change the assumptions supporting the conclusions of the SVWP EIR/EIS. AWCP projects would be subject to regulation under 2007 General Plan Policies PS-3.1 (requiring proof of a long-term water supply), PS-3.4 (criteria for new wells), PS-3.5 (testing of new high-capacity wells), and PS-3.12 (conservation ordinance for agricultural use), among others. This would avoid groundwater overdraft as a result of new wineries and related facilities in the Salinas Valley during the planning period to 2030.

For the Granite Ridge/Highlands South area, impacts to overdraft would be less than significant because the 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. The Granite Ridge supply project will also assist to help address local issues. For the El Toro Creek sub-basin the impacts to overdraft will be 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.

Page 4.3-154. Revise the second and third full paragraph as follows.

Separately, the activities of Cal-Am and the MPWMDA ~~on the Monterey Peninsula, and the SVWP and~~ the Pajaro River IRWMP's projects in the ~~Salinas River and~~ Pajaro River basi~~ns would~~ are intended to increase the supply available for domestic use, increase the supply of water available for summer recharge, and reduce demand for groundwater during those periods.

Until that occurs, Policies PS-3.1 and PS-3.3 will delay discretionary development until long-term sustainable water supplies are available, Policy 3.4 will control extractions from the Carmel Valley aquifer, and small water user demands from the Seaside aquifer have been determined to be less than significant in the seaside aquifer adjudication. With implementation of General Plan policies, new water demands from development allowed by the 2007 General Plan on the Monterey Peninsula would have a less-than-significant impact on groundwater overdraft. Mitigation Measure WR-1 is proposed to ultimately facilitate the development of long-term sustainable water supplies for future growth on the Monterey Peninsula, but it is the General Plan policies that avoid the significant impact.

~~With implementation of mitigation measure MM WR-1, the Monterey Peninsula would maintain this impact at a less-than-significant level.~~

However, areas in North County, that are in the Pajaro Valley watershed, would not avoid significant and unavoidable groundwater impacts. Policies PS-3.1 and 3.3 would act to limit development within the Pajaro Community Area until a sustainable water supply can be assured. However, they would not apply to the many existing lots of record in the North County in the Pajaro basin~~those~~ areas. As described above, no comprehensive solution to provide adequate water to avoid overdraft has been established in the Monterey County portion of the North County in the Pajaro Valley.

Page 4.3-162, first and second paragraph under Significance Determination. Revise the paragraph as follows.

~~New and existing nondiscretionary land use and development entitlements would result in increased seawater intrusion associated with agricultural well development, low-density development, and urban development within the Pajaro basin and North County.~~

Policy PS 3.1 and Policy 3.3 will limit discretionary development throughout the County until long-term sustainable water supplies are available, meaning that new discretionary development will not be able to proceed if they will occur in an area without adequate planning to halt further seawater intrusion.

This impact would be less than significant in the Salinas Valley groundwater basin (including the Granite Ridge/Highlands South area) due to the ameliorating effect of the SVWP relative to the current baseline of seawater intrusion and due to General Plan policies previously noted.

Limited ~~small-scale~~ development potential in the Seaside basin (due to current restrictions on new water connections and as a result of the adjudication of the basin) would avoid ~~this~~ a significant impact on seawater intrusion ~~in the short run., and new desalination projects in the planning stages by Cal-Am and the would halt any potential intrusion during the 2030 planning horizon, avoiding this impact. However, other areas face challenges in halting seawater intrusion. Seawater intrusion will be controlled in the Salinas Valley through the SVWP to 2030.~~ Large-scale development will be limited due to the terms of the adjudication until additional water supplies are made available for future development in the Seaside aquifer. Policies PS 3-1 and PS-3-3 will delay discretionary development until long-term sustainable water supplies are available. Thus, impacts related to seawater intrusion in the Seaside aquifer will be less than significant.

Seawater intrusion is not an issue in the Carmel Valley alluvial aquifer and constraints to new water demand, per PS 3-1, 3-3, and 3-4 will address future demands such that impacts to seawater intrusion are considered less than significant. Seawater intrusion is also not an issue in the El Toro Creek sub-basin.

~~Mitigation Measure WR-1, in conjunction with the Coastal Water Project, would avoid a significant impact from seawater intrusion on the Monterey Peninsula.~~

Mitigation Measure WR-1 is proposed to ultimately facilitate the development of long-term sustainable water supplies for future growth on the Monterey Peninsula, but it is the General Plan policies that avoid the significant impact related to seawater intrusion.

~~New and existing nondiscretionary land use and development entitlements would result in increased seawater intrusion associated with agricultural well development, low-density development, and urban development within the Pajaro basin~~ portion of the~~and North County.~~

A solution for the Pajaro basin is not available. Although several 2007 General Plan policies would assist in managing wells in areas where seawater has intruded into groundwater, a feasible comprehensive solution to the Pajaro Valley seawater intrusion has not been advanced at this time.

Page 4.3-180, under "Mitigation Measures." The paragraph is revised as follows.

Implementation of the 2007 General Plan policies and Area Plan goals and policies would reduce potential impacts on water quality associated with increased erosion from alterations to drainage patterns to a less-than-significant level. In addition, Mitigation Measure BIO-2.1: Stream Setback Ordinance will require the County to develop and adopt a ~~county-wide~~ Stream Setback Ordinance to establish minimum standards for the avoidance and setbacks for new development relative to streams. This will reduce the potential for erosion along streams that might otherwise occur as a result of new development. No additional mitigation is required.

Section 4.3 Exhibits. New Exhibit 4.3-7a was added to illustrate the County's major water basins. Exhibit 4.3-8 was updated to correct its title. Exhibit 4.3-9 was amended to illustrate recent seawater intrusion maps. Exhibit 4.3-9a was added to illustrate the 400-foot aquifer seawater intrusion level. Exhibit 4.3-10 was amended to correct its title. These exhibits are at the end of this chapter.

Section 4.6, "Transportation"

Page 4.6-3, under Section 4.6.2.3 Tourism Traffic. Revise the second paragraph as follows:

> Tourism is the county's second largest industry, and the continued expansion of the tourism industry in Monterey County will further exacerbate this source of impact. Present alternatives to the automobile are not attractive to casual weekend travelers or to long-distance tourists. Although visitors comprise a high percentage of commercial airline passengers arriving at Monterey Peninsula Airport (62 percent, according to a 1996 AMBAG study), the relatively low number of airline trips in and out of the Peninsula accounts for only a very small percentage of the annual tourist volume. Monterey Salinas Transit's popular ~~Waterfront Area Visitor Express (WAVE)~~ MST Trolley service is an example of a non-impact transportation mode specifically tailored to tourist demand. Line 22 is another bus route that is tailored to tourist demand as it serves the Big Sur coastline with a limited number of daily roundtrips year-round. MST's Line 24 Carmel Valley Grapevine Express also is attractive with visitors and provides an alternative to driving between wine tasting venues while reducing congestion on Carmel Valley Road. ~~However, t~~ The increasing demand for access to Monterey County's relatively inaccessible areas such as the Big Sur coastline, along with the over-capacity conditions already in place as a result of resident and commuter traffic, may warrant~~s~~ additional measures to facilitate other modes of tourist-oriented transportation.

Page 4.6-6, Under section 4.6.2.7 Road and Highway Capacities. Revise the last sentence of the second paragraph as follows:

> The County's current standard for road performance is ~~LOS C under the~~ undefined in the 1982 General Plan and is ~~proposed to be LOS D under~~ established by Policy C-1.1 in the 2007 General Plan."

Page 4.6-9, first full paragraph. Delete the last sentence of the paragraph as follows:

> In addition, the Area Plan for Carmel Valley specifies an acceptable LOS of "C" or "D" for Carmel Valley Road depending on the roadway segment (see Impact TRAN-2B for identification of segments and associated LOS standards), as opposed to a LOS "C" that is proposed to be the acceptable level for other Carmel Valley roadways and LOS D in the remainder of the unincorporated County. ~~Integration of this analysis into the 2007 General Plan EIR allows for consistency between documents.~~

Page 4.6-10, last paragraph. Revise the last sentence as follows:

> These external networks were selected because they ~~either~~ represent the extents of the AMBAG model network for which future traffic volumes can be projected.

Page 4.6-11. The first three paragraphs under 4.6.2.8, Public Transit Services are revised as follows.

The Monterey Salinas Transit (MST) system is an inter-city and intra-city bus service. MST serves a ~~275~~ 280 square-mile area of ~~Northern~~ Monterey County, ~~and~~ Southern Santa Cruz County, and Santa Clara County. ~~providing~~ Intercity bus service is provided between Monterey-Salinas, ~~Marina and~~ Watsonville-Salinas, ~~and~~ Watsonville-Marina, Monterey-San Jose, and Salinas-King City. ~~and south from Salinas as far as King City~~. ~~Inter~~ Intra-city service is provided in Carmel, Gonzales, Greenfield, King City, Marina, Monterey, Pacific Grove, Salinas, Seaside, and Soledad. ~~Gonzales, Marina, Monterey, Pacific Grove, Salinas, and Seaside.~~ MST offers 37 routes that serve an estimated 352,000 people residing within three-quarters of a mile from ~~established routes~~ a fixed-route bus line. ~~These~~ Three MST ~~lines~~ bus routes connect with Santa Cruz Metropolitan Transit District routes ~~originating~~ at the Watsonville Transit Center. One MST route offers daily express service to cities in southern Santa Clara County as well as downtown San Jose and provides connections to Santa Clara Valley Transportation Authority (VTA) bus and light rail transit lines. This express route serves the Diridon Station in San Jose with direct connections to AMTRAK, Altamont Commuter Express (ACE), as well as CALTRAIN commuter rail service. MST's rural service is provided to Carmel Valley and to Big Sur as well as to unincorporated areas of the county such as Castroville, Prunedale, and Chualar. The MST Trolley offers locals and tourists service to popular tourist destinations within the city of Monterey.

~~MST's rural service is provided to Carmel Valley and seasonally to Big Sur. The Waterfront Area Visitor Express (WAVE) offers locals and tourists service to popular tourist destinations within the City of Monterey.~~

Monterey County's paratransit program, MST RIDES, ~~Monterey County's paratransit program~~, provides transportation service for individuals ~~who have a~~ with disabilities who are unable to use MST's regular fixed route transit services. ~~disability that prevents them from using MST's regular fixed route transit services.~~ The MST RIDES program also provides the RIDES Special Transportation (RIDES ST) service for persons living outside of the ADA-required service corridor (up to ¾-mile from any MST fixed route bus line). MST RIDES serves 14 municipalities in two counties and 10 additional communities in the unincorporated areas of Monterey County. Service coverage spans the Monterey Peninsula, ~~Carmel, Carmel Valley,~~ Salinas Valley, ~~Chualar, Gonzales, Greenfield, Soledad, King City,~~ and the Watsonville Transit Center in Santa Cruz County. As of ~~February 2006~~ October 2008, there are ~~2,145~~ 3,171 people certified as ADA Paratransit eligible within the service area. About one half of that population resides either in Monterey or Salinas. ~~or Monterey, approximately 38 percent in Salinas, and 13 percent in Monterey.~~

Page 4.6-17, under 4.6.2.11 Water Transportation. Modify the second paragraph as follows:

Nearly 25 per cent of the vessels in the Monterey Harbor have commercial uses. Moss Landing Harbor provides 620 berths. In Monterey Harbor, the ~~The~~ demand for berths exceeds the supply, and waiting periods for berths vary based on the size of the vessel. The estimated waiting periods for small vessels range from: three (3) years to five (5) years; mid-size vessels, eight (8) to ten (10) years; and up to 15 years for large vessels. Most slip sizes are readily available with little or no waiting at Moss Landing Harbor.

Page 4.6-17, under Table 4.6-10. Modify the footnote as follows:

[1] ~~The AMBAG 2000 network represents the year 2000 baseline network for which the model was validated. To reflect 2008 conditions, the 2000 network was modified to reflect completed projects on County roads.~~ The AMBAG 2004 forecast was used to estimate the total amount of growth by 2030, but the location of the growth was determined by using the 2007 General Plan to assign development to the different TAZs.

Page 4.6-33, under Significance Conclusion. Revise the paragraph as follows:

Implementation of the 2007 General Plan consistent with policies related to project-specific localized impacts (Policy C-1.4 requires circulation improvements that mitigate Tier 1 direct on-site and off-site project impacts concurrently with new development~~, 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~~) would have a less than significant impact and no mitigation is required.

Page 4.6-42, under Carmel Valley Master Plan. Revise the paragraph as follows:

The Carmel Valley Master Plan Policies 37.4.2 (CV), 38.1.4.1 (CV), 39.2.2.1 (CV) through 39.2.2.5 (CV),~~2.1, 2.3 through 2.6, and 2.13 through 2.15~~ encourage alternate modes of transportation including transit, bicycle, and pedestrian access to provide viable alternatives to driving and to reduce traffic impacts. They also consider improvements to Carmel Valley Road which would mitigate existing deficiencies and future LOS impacts. Policy 39.3.1.5 (CV) ~~2.12~~ provides recommendations for road improvements to Highway 1, Laureles Grade, and Carmel Valley Road to achieve LOS standards ~~C or LOS D~~ as specified in the plan. Policy 39.3.2.1 (CV)~~2.19~~ requires evaluation and monitoring of streets and highways to identify when to implement improvements to meet LOS standards.

Page 4.6-44, third paragraph. Revise the paragraph as follows:

~~Despite development contributions to local impacts (through project-level mitigation), county impacts (through countywide traffic impact fee) regional impacts (through regional traffic impact fee)~~ Even with implementation of project-specific mitigation measures, implementation of improvements funded through payment of a countywide impact fee,, and implementation of improvements funded through the TAMC regional impact fee, there will remain a funding shortfall for the implementation of the financially constrained capital facilities in the Regional Transportation Plan. Implementation of the mitigation listed above in conjunction with the 2007 General Plan policies, and working collaboratively with cities and regional agencies would contribute to the mitigation of roadway LOS impacts. However, 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.

Page 4.6-45, under Significance Conclusion. Revise the paragraph as follows:

Implementation of the 2007 General Plan would have a significant and unavoidable impact on County roads, and Regional roads both within and external to Monterey County. The County has developed a list of capital improvements to be included in a countywide traffic impact fee, as described above. In addition, TAMC has adopted a list

of capital improvements to be funded by their adopted Regional Traffic Impact Fee. Implementation of ~~Neither~~ the planned County ~~nor and~~ TAMC ~~projects~~ transportation improvements will not fully mitigate the impacts of the 2007 General Plan. Implementation of these improvements, however, ~~but provide~~ significantly improv~~ement to~~ County and Regional roadways ~~segments~~ beyond existing conditions and Existing plus Project Development to the Year 2030 conditions. Therefore, the impacts remain significant and unavoidable.

Page 4.6-53, under Impact of Development with Policies. Revise the first two sentences of the second paragraph as follows:

Bicycling and walkin~~g, and transit~~ are ~~less~~ attractive alternatives to the automobile for shorter local trips. Transit is attractive for longer trips when it competes in cost and convenience with the automobile, and for households that choose to own fewer or no automobiles. Further, ~~lower density~~ higher density compact and mixed-use communities have been demonstrated to encourage more trips by walking, bicycling and transit. ~~spread over a larger area is effective to serve by transit than higher density, mixed-use communities.~~

Page 4.6-56, under Significance Determination. Revise the second paragraph as follows:

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. ~~The transit-supportive~~ 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, FY 2008 through 2008). Therefore, this impact is less than significant.

Page 4.6-62, last paragraph. Revise as follows:

The General Plan daily analysis in Table 4.6-17~~4.6-16~~ shows three roads exceeding the CVMP LOS standard of "C", County Road G20 (Laureles Grade), Carmel Ranch Boulevard, and Rio Road. The General Plan analysis indicates that these roads are significantly impacted.

Page 4.6-63. Insert the following heading before the last paragraph.

Impact of Development on Regional Roads

Page 4.6-66. Insert the following heading before the last paragraph.

Impact of Development on Facilities External to Monterey County

Page 4.6-71, Mitigation Measure TRAN-2B, under Policy CV-2.18, subdivision a). Revise item 12 as follows:

12. Rio Road between its eastern terminus at Val Verde Drive and SR 1

Page 4.6-116, Mitigation Measure TRAN-5A. Revise this measure as follows.

TRAN-5A: 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.

Section 4.6 Exhibits. Exhibit 4.6-11 was revised to show the correct extent of the designated wine corridors.

Section 4.7, "Air Quality"

Page 4.7-2, under Ozone. The second and third paragraphs are revised as follows.

Ozone is a photochemical pollutant and needs volatile organic compounds (VOCs), NO_X, and sunlight to form. Therefore, VOCs and NO_X are ozone precursors. The primary sources of VOC within the planning area are on- and off-road motor vehicles, cleaning and surface coatings, solvent evaporation, landfills, petroleum production and marketing, and prescribed burning. The primary sources of NO_x are on- and off-road motor vehicles, stationary source fuel combustion, and industrial processes (MBUAPCD 2008).

According to the MBUAPCD Air Quality Management Plan, rough estimates of current NCCAB VOC emissions are approximately 70 ~~in the range of 100 to 125~~ tons per day (MBUAPCD 2008). The majority of these are thought to be produced in Monterey County's oak woodlands and coastal chaparral environments. Rough estimates of NO_x ~~are in the range of 1 to 5~~ is 81 tons per day, and are the highest during wildfire events. Significant ozone formation generally requires an adequate amount of precursors in the atmosphere and several hours in a stable atmosphere with abundant sunlight. They are emitted from various sources throughout the Basin, and to reduce ozone concentrations, their emission needs to be controlled. However, high ozone concentrations can form over large regions when emissions from motor vehicles and stationary sources are carried hundreds of miles from their places of origin. Although ozone in the stratosphere protects the earth from harmful ultraviolet radiation, high concentrations of ground-level ozone in the troposphere can adversely affect the human respiratory system and other tissues. Many respiratory ailments, as well as cardiovascular disease, are aggravated by exposure to high ozone levels. Ozone also damages natural ecosystems such as forests and foothill plant communities, as well as agricultural crops and human-made materials such as rubber, paint, and plastics. Societal costs from ozone damage include increased healthcare costs, the loss of human and animal life, accelerated replacement of industrial equipment, and reduced crop yields.

In 1997, the Environmental Protection Agency (EPA) adopted the 0.08 ppm 8-hour standard, and on ~~On April~~ June 15, 2004, the ~~Environmental Protection Agency (~~EPA designated the NCCAB as an attainment area for the 8-hour standard. The 1979 one-hour standard was then revoked one year later on June 15, 2005. On March 12, 2008, the EPA adopted a more stringent 8-hour standard of 0.075 ppm. ~~formally replaced the 1979 federal 1-hour ozone standard with a more stringent 8-hour standard (0.08 ppm, not to be exceeded) as part of the Clean Air Rules of 2004.~~ To remain consistent with the stricter federal standards, the California Air Resources Board (CARB) approved a new 8-hour ozone standard (0.070 ppm, not to be exceeded) for ozone on April 28, 2005. Additionally, CARB retained the current 1-hour-average standard for ozone (0.09 ppm) and its current ultraviolet (uv) photometry monitoring method.

Page 4.7-3, under Carbon Monoxide. The paragraph is revised as follows.

Carbon Monoxide is an odorless, colorless, toxic gas that is emitted by mobile and stationary sources as a result of incomplete combustion of hydrocarbons and other carbon-based fuels. In urban areas, automobile exhaust can cause as much as 95% of all CO emissions. At high concentrations, CO can reduce the oxygen-carrying capacity of blood and cause headaches, dizziness, unconsciousness, and death. State and federal standards for CO were not exceeded in the North Central Coast Air Basin between ~~2000~~ 2005 and ~~2005~~2007, which is the most recent three years of data. In addition, ambient CO readings in the NCCAB are low and have a history of being well within applicable standards.

Page 4.7-4, under Particulate Matter. The first paragraph is revised as follows:

Particulate matter pollution consists of very small liquid and solid particles floating in the air. Particulate matter is a mixture of materials that can include ~~smoke, soot, dust, salt, acids, and metals~~fugitive dust from unpaved roads, agricultural tilling, agricultural wind-blown fugitive dust, prescribed fires and construction dust. Particulate matter also forms when gases emitted from motor vehicles and industrial sources undergo chemical reactions in the atmosphere. Natural sources of particulates include sea spray, forest fires, volcanic debris, etc. Human-made sources include fuel combustion and industrial

processes, industrial and nonindustrial fugitive sources and transportation. PM_{10} particles are less than or equal to 10 microns in aerodynamic diameter. $PM_{2.5}$ particles are less than or equal to 2.5 microns in aerodynamic diameter and are a subset, or portion of PM_{10}.

Page 4.7-4, under Reactive Organic Gases and Volatile Organic Compounds. The first paragraph is revised as follows. The paragraphs discussing wine making, beginning with "In very brief terms…" are deleted and moved to the impact discussion on Page 4.7-16.

Hydrocarbons are organic gases that are made up of hydrogen and carbon atoms. There are several subsets of organic gases including ROGs and VOCs. ROGs are defined by state rules and regulations; VOCs are defined by federal rules and regulations. Both ROGs and VOCs are emitted from the incomplete combustion of hydrocarbons or other carbon-based fuels, or as a product of chemical processes. ~~The major sources of hydrocarbons are combustion engine exhaust, oil refineries, and oil-fueled power plants; other common sources are petroleum fuels, solvents, dry cleaning solutions, and paint (via evaporation)~~Within the NCCAB, major sources of VOCs include exhaust emissions from on-road motor vehicles, solvent evaporation, and exhaust emissions from off-road mobile sources. Wineries also contribute hydrocarbons through their fermentation activities, although winery VOC emissions represent less than 1% of the NCCAB VOC inventory.

Page 4.7-5, end of sixth paragraph.

Although we tend to think of winemaking as taking place in one spot—the winery—its steps may actually take place in different facilities. Grapes may be crushed in one facility and the juice sold to wineries. Fermented wine may be exported for blending and aging elsewhere. Wineries may also transport fermented, aged wines to off-site bottling plants~~,~~.

Page 4.7-7, under Attainment Status. Insert the following table after the second paragraph.

Table 4.7-1a. Attainment Status for the North Central Coast Air Basin – January 2009

Pollutant	State Standards	National Standards
Ozone (O_3)	**Nonattainment**[1]	Attainment[2]
Inhalable Particulates (PM_{10})	**Nonattainment**	Attainment
Fine Particulates ($PM_{2.5}$)	Attainment	Unclassified/Attainment[3]
Carbon Monoxide (CO)	Monterey Co. – Attainment San Benito Co. – Unclassified Santa Cruz Co. – Unclassified	Attainment
Nitrogen Dioxide (NO_2)	Attainment	Attainment
Sulfur Dioxide (SO_2)	Attainment	Attainment
Lead	Attainment	Unclassified/Attainment[4]

Source: Monterey Bay Unified APCD 2009a.

Note: Nonattainment pollutants are highlighted in **Bold**.

[1] Effective July 26, 2007, the ARB designated the NCCAB a nonattainment area for the State ozone standard, which was revised in 2006 to include an 8-hour standard of 0.070 ppm.

[2] On March 12, 2008, EPA adopted a new 8-hour ozone standard of 0.075 ppm, while temporarily retaining the existing 8-hour standard of 0.08 ppm. EPA is expected to issue new designations by March 2010.

[3] In 2006, the Federal 24-hour standard for $PM_{2.5}$ was revised from 65 to 35 $\mu g/m^3$. Although final designations have yet to be made, it is expected that the NCCAB will remain designated unclassified/attainment.

[4] On October 15, 2008 EPA substantially strengthened the national ambient air quality standard for lead by lowering the level of the primary standard from 1.5 $\mu g/m^3$ to 0.15 $\mu g/m^3$. Initial recommendations for designations are to be made by October 2009 with final designations by January 2012.

Page 4.7-8, under Air Quality Monitoring Data. Revise the first two paragraphs and insert the following table after the second paragraph.

The existing air quality conditions in the project study area can be characterized by monitoring data collected in the region. PM_{10}, CO, and ozone concentrations are the pollutants of greatest concentration within the MBUAPCD and, therefore, are the pollutants of most concern from the proposed project. MBUAPCD maintains the following monitoring stations in Monterey County: Carmel Valley, Salinas, and King City. It also maintains a monitoring station in nearby Watsonville in southern Santa Cruz County (MBUAPCD 2009b). Air quality monitoring data for the last three years is presented in Table ~~4.7-2~~4.7-1b for the. ~~–~~The monitoring station in Monterey County is the Salinas #3 monitoring station, located at 855 E Laurel Drive in Salinas.

As shown in Table ~~4.7-2~~4.7-1b, the Salinas #3 monitoring station has experienced no violations of the state 1- and 8-hour ozone standard and one violation of the state PM_{10} standard during the three most recent years for which data are available. In addition, there have been no violations of the state or federal CO or $PM_{2.5}$ standard for this time period. Given the proximity of the Salinas station to multiple regional pollutant sources due to mobile sources, agricultural sources, and industrial sources, it is considered representative of the most affected portion of the County. The Carmel Valley and King

City locations are representative of local conditions, but less representative of worst-case conditions than the Salinas station.

Table 4.7-1b2. Exceedances and Monitored Levels at the Salinas Air Quality Management Station 2006-2008. State and National 8-hour Ozone Standard. State 24-hour PM_{10} Standard and National $PM_{2.5}$ Standard

State 8-hour Ozone Standard and 24-hour PM10 Standard									
2006		2007		2008		3 year Totals		Design Value	
O_3	PM_{10}	O_3	PM_{10}	O_3	PM_{10}	O_3	PM_{10}	O_3	PM_{10}
0	1	0	0	0	2	0	3	0.060 ppm	57.9 ug/m3
National 8-hour Ozone Standard and 24-hour PM2.5 Standard									
2006		2007		2008		3 year Totals		Design Value	
O_3	$PM_{2.5}$	O_3	$PM_{2.5}$	O_3	$PM_{2.5}$	O_3	$PM_{2.5}$	O_3	$PM_{2.5}$
0	0	0	0	0	0	0	0	0.055 ppm	14 ug/m^3

Sources: Monterey Bay Unified APCD 2009c; Monterey Bay Unified APCD 2009d.

1) The 2008 State 8-hour ozone standard is 0.070 ppm; the National 8-hour ozone standard, adopted by EPA in 2008, is 0.075 ppm.

2) The State 24-hour PM_{10} standard is 50µg/m^3; the National 24-hour $PM_{2.5}$ standard is 35µg/m^3.

3) Many of the 2008 exceedances of the National ozone standard were affected by smoke from the 2008 California Wildfire Siege, whereby over 1,000,000 acres of wildland vegetation burned statewide including over 250,000 acres in Monterey County alone.

Page 4.7-8. The second sentence of the fifth paragraph is revised as follows:

The FCAA established National Ambient Air Quality Standards (NAAQS) that set levels of criteria pollutants that are considered the maximum safe levels of breathable ambient (background) pollutant concentration, allowing an adequate margin of safety to protect human health.

Page 4.7-9, under California Air Resources Board. The first paragraph is revised as follows.

CARB, part of the California EPA, monitors compliance with the California Clean Air Act (CCAA) and the 1989 amendments to the CCAA. Similar to the federal legislation, the CCAA sets forth ambient air quality standards and legal mandates to achieve these standards by the earliest practicable date. These standards apply to the same criteria pollutants as the FCAA, and include sulfate, visibility, hydrogen sulfide, and vinyl chloride. In addition, State law vests CARB with direct authority to regulate pollution from motor vehicles registered in California, as well as fuels and consumer products sold in the State.

Page 4.7-9, under Monterey Bay Unified Air Pollution Control District. The following description is inserted before the first paragraph.

As required by the California Clean Air Act and Amendments (FISC Section 40910 et seq.) and the Federal Clean Air Act and Amendments (42 U.S.C. Section 7401 et seq.),

the MBUAPCD is responsible for air monitoring, permitting, enforcement, long-range air quality planning, regulatory development, education and public information activities related to air pollution. California Health and Safety Code Sections 39002, et seq. and 40000, et seq. require local air districts to be the primary enforcement mechanism for controlling pollution from local business and industry. Air districts must have rules and regulations for the attainment and maintenance of federal and state ambient air standards.

Page 4.7-10. The first non-bulleted paragraph is revised as shown, as well as the fourth bullet in that list for mitigation measures for heavy-duty equipment. No changes are made to the other bullets.

The MBUAPCD sets forth the following mitigation measures for heavy duty diesel equipment:

- Undertake project during ~~non-zone~~ non-ozone season.

Page 4.7-11, under MBUAPCD Air Quality Management Plan. The first paragraph is revised as follows.

MBUAPCD is one of 35 air pollution management districts that have prepared an Air Quality Management Plan (AQMP). The MBUAPCD adopted the 2008 AQMP for the Monterey Bay region in ~~June~~ August 2008. The 2008 AQMP relies on a multi-level partnership of federal, state, regional, and local agencies, and proposes policies and measures to achieve federal and state air quality standards for improved air quality in its jurisdictional area.

Table 4.7-2 is revised as follows.

Table 4.7-2. MBUAPCD Air Quality Management Plan VOC Emissions from Wine Fermenting and Ageing

	2008(tons/day)	2008 (lbs/day)	2030(tons/day)	2030(lbs/day)
Wine Fermentation	0.1608	322	0.2877	575
Wine Ageing	0.3648	730	~~1651~~0.8257	1651
Total	0.5256	1,051	1.1134	2,227

Source: Monterey Bay Unified Air Pollution Control District. 2008b.

The following informational paragraphs are inserted after Table 4.7-2 on page 4.7-12.

SB 656 Particulate Matter Plan

This plan, developed in December 2005, outlines measures to make progress toward achieving the State particulate matter standards by reducing fugitive dust, especially along the agriculture/urban interface, as well as emissions of particulate matter from diesel exhaust through education about Best Management Practices and grant incentives.

2007 Federal Maintenance Plan

This plan describes how the federal ozone standard will be maintained in the area.

Page 4.7-12, under Rules 201. The second bullet is revised as shown here.

- New or reconstructed wineries, as defined in District Rule 207 (Review of New or Modified Sources, ~~wineries~~ with an annual production rate of less than 150,000 gallons (570 kiloliters).

Page 4.7-12, under Rules 201. The last paragraph is clarified as shown here.

In addition, ~~If the~~ a winery ~~does not fit into Rule 201, it is~~ may be subject to the MBUAPCD's Rule 417-Storage of Organic Liquids if vapor pressure and tank size met the criteria of Rule 417. Rule 417 lists the requirements and standards for the storage of organic liquids, seals, record keeping, and vapor controls.

Page 4.7-12, under 4.7.4.1. The last paragraph (beginning with "Construction-Related Emissions…") is clarified as follows.

Construction-Related Emissions (pounds per day) for non-typical construction equipment. Temporary emissions of ozone precursor emissions from typical construction equipment (i.e., scrappers, tractors, dozers, graders, loaders and rollers) have been accommodated in State- and federally required air plans (MBUAPCD 2008).

Page 4.7-15, under Significance Determination. The first paragraph is clarified as shown here.

Population growth under the 2007 General Plan is consistent with the growth projected in the MBUAPCD 2008 AQMP~~Clean Air Plan~~. Table 4.7-3 shows the housing, population, employment, and VMT data for 2000, 2030, and 2092 buildout conditions under the 2007 General Plan.

Table 4.7-3. Projected population and Daily VMT growth in Monterey County

Scenario	Housing Units	Population	Employment	Daily VMT
2000	129,571	-	222,471	8,162,834
2000 With ~~Project~~ Buildout	168,904	509,692	304,388	9,846,752
2008A	--	--	--	8,291,307
2008B	--	--	--	8,674,387
2030 With Project	143,009	437,665	253,060	8,532,513
2030 Cumulative	187,022	602,790	335,362	14,290,852
Cumulative 2092 Buildout	290,631	937,373	520,531	18,822,215

Source: Kimley-Horn (2008) for 2000, 2000 with Buildout, 2030 with Project, 2030 Cumulative, and cumulative 2092 Buildout. 2008A (2000 + unincorporated growth to 2008), 2008B (all county) calculated as described in Master Response 2 using California Department of Finance Data. 2030 with Buildout scenario in Tables 4.7-5 an d 4.7-6 uses same assumptions as 2000 with Buildout, but used 2030 emission rates.

Page 4.7-16, under Significance Determination. Beginning with the second paragraph (starting with "New wineries would result…"), the following text is inserted and revised.

New wineries would result in increased VOC emission from wine fermenting and ageing.

In very brief terms, the wine making process involves several steps including fermentation. Fermentation is the chemical process by which the natural sugars in the wine grapes are converted to alcohol through the action of yeast (either from the grape skins, or more commonly, cultured yeasts) introduced into the fermentation tank. Grapes are brought to the winery where they are passed through a destemmer-crusher that separates the grapes from their stems and breaks them open to release their juice. For white wine production, the resultant crushed grapes are then transferred to a press that separates the juice from the skins. The juice will then be transferred to fermentation tanks. For red wine, the crushed grapes (juice and skins, or "must") are sent directly to the fermentation tanks.

Fermentation occurs under temperature-controlled conditions in either stainless steel or wooden tanks. Temperature is important to the development of flavor and character. In general, white wine is fermented at a lower temperature than red wine. Red wines are generally allowed to ferment for up to 14 days. During fermentation, the nascent red wine will be circulated from time to time to prevent the skins from simply floating on top. White wine will be allowed to ferment for a week to two months.

During fermentation, the grape juice is converted to ethyl alcohol and carbon dioxide. This process also releases a number of organic compounds, including (but not limited to) volatile compounds such as aldehydes, hydrogen sulfide, and mercaptans, that will affect the flavor and aroma of the wine.

After the primary fermentation process is done, the wine may, depending on the variety of grapes, the results of the primary fermentation, and the objectives of the winemaker, be put through secondary or "malolactic" fermentation. In malolactic fermentation, bacteria are released into the wine to soften its character (removing bitterness or tartness).

At the end of the fermentation process, the resultant wine is removed from the tanks. Solids are removed from the liquid by a variety of processes. Then, the wine is transferred to barrels or other containers for aging. (Encarta 2008)

Although we tend to think of winemaking as taking place in one spot—the winery—its steps may actually take place in different facilities. Grapes may be crushed in one facility and the juice sold to wineries. Fermented wine may be exported for blending and aging elsewhere. Wineries may also transport fermented, aged wines to off-site bottling plants.

Winemaking is a complex chemical process that is as much an art as a science. Winemakers must balance innumerable natural and process-related factors to result in a wine that meets their expectations for color, aroma, and taste.

Ethanol and carbon dioxide are the primary compounds emitted during the fermentation step in the production of wines and brandy. Acetaldehyde, methyl alcohol (methanol), n-propyl alcohol, n-butyl alcohol, sec-butyl alcohol, isobutyl alcohol, isoamyl alcohol, and hydrogen sulfide also are emitted but in much smaller quantities compared to ethanol emissions. In addition, a large number of other compounds are formed during the fermentation and aging process. Selected examples of other types of compounds formed and potentially emitted during the fermentation process include a variety of acetates,

monoterpenes, higher alcohols, higher acids, aldehydes and ketones, and organ sulfides (United States Environmental Protection Agency 1995).

During the fermentation step, large quantities of CO_2 are also formed and emitted. Fugitive ethanol emissions also occur during the screening of the red wine, pressing of the pomace cap, and later during aging in oak cooperage and the bottling process. In addition, small amounts of liquefied SO_2 are often added to the grapes after harvest, to the "must" prior to fermentation, or to the wine after the fermentation is completed, as a preservative. As a result, small amounts of SO_2 emissions can occur during these steps. There is little potential for VOC emissions before the fermentation step in wine production. Except for harvesting the grapes and possibly unloading the grapes at the winery, there is essentially no potential for particulate (PM) emissions from this industry (United States Environmental Protection Agency 1995).

The health effects of hydrocarbons result from the formation of ozone and its related health effects. High levels of hydrocarbons in the atmosphere can interfere with oxygen intake by reducing the amount of available oxygen though displacement. Carcinogenic forms of hydrocarbons are considered toxic air contaminants (air toxics). There are no separate health standards for VOCs, although some are also toxic; an example is benzene, which is both a VOC and a carcinogen.

Table 4.7-4 summarizes VOC emissions under 2030 project conditions. The estimate of gallons per year is based on per-winery production from 10 full-scale and 40 artisan wineries of varying sizes.

Table 4.7-4. VOC Emissions for 2030 Conditions of 10 Full-Scale and 40 Artisan Wineries

	Emission Factor (lbs/1000 gallons)[1]	Gallons per ~~Year[2]~~Year[3] (in 1,000s)	VOC Emissions (lbs/ year)	VOC Emissions (lbs/ day)
Fermentation-Red	6.2[1]	4,141.2	25,675.4	187.4
Fermentation-White	2.5[1]	6,211.8	15,529.5	113.4
Pomace Screening-Red	0.5[2]	4,141.2	2,070.5	15.1
Pomace Press-Red	0.1[2]	4,141.2	414.12	3.0
Storage/Ageing-Red	~~0.02782~~[3]27.83[4]	4,141.2	115,250	315.8
Storage/Ageing-White	~~0.02583~~[3]25.83[4]	6,211.8	160,451	439.6
Total			**318,390.5**	**~~905.3~~1,074.2**
MBUAPCD Threshold				**137 pounds per day**

[1] Source: California Air Resources Board 2005

~~[1]~~ [2] Source: United States Environmental Protection Agency 2001

~~[2]1~~ [3] 1 case = 2.38 gallons

~~[3]~~ [4] Source: SBCAPCD 2008.

Page 4.7-19, under Agricultural Winery Corridor Plan. The paragraph is revised as follows.

~~The AWCP overlays the Toro, Central Salinas Valley, and South County Area Plans, and policies relating to air quality are applicable to the AWCP under this plan. Implementation of these policies would reduce air quality impacts~~There are no policies applicable to construction-related emissions in the AWCP ~~area~~.

Page 4.7-20, under Significance Determination. The second paragraph and mitigation are clarified as shown here.

As described above in the Regulatory Setting section, the MBUAPCD has developed an extensive PM_{10} mitigation program to control the generation of fugitive dust from ~~for~~ construction activities. ~~MBUAPCD CEQA guidelines state that regional impacts from ozone precursor emissions in equipment exhaust (NO_X and ROG) have been incorporated into the regional emissions budget.~~ Even with implementation of these measures, ~~This~~ this is a potentially significant impact because PM_{10} emissions could violate air quality thresholds. In addition, the MBUAPCD CEQA guidelines state that temporary emissions of ozone precursor emissions from typical construction equipment (i.e., scrappers, tractors, dozers, graders, loaders and rollers) have been accommodated in State- and federally required air plans (MBUAPCD 2008). However, projects with non-typical construction equipment may generate emissions not incorporated into the regional emissions budget. Although this is a potentially significant impact, the ~~Mitigation is~~mitigation required ~~to~~will reduce this impact to a level of less than significant.

Mitigation Measure AQ-1:

The County of Monterey will update General Plan policy OS-10.~~5~~9 as follows:

OS-10.9 The County of Monterey shall require that future development implement applicable Monterey Bay Unified Air Pollution Control District control measures. Applicants for discretionary projects shall work with the Monterey Bay Unified Air Pollution Control District to incorporate feasible measures that assure that health-based standards for diesel particulate emissions are met. The County of Monterey will require that future construction operate and implement MBUAPCD PM_{10} control measures to ensure that construction-related PM_{10} emissions do not exceed the MBUAPCD's PM_{10} threshold of 82 pounds per day. The County shall implement MBUAPCD measures to address off-road mobile source and heavy-duty equipment emissions as conditions of approval for future development to ensure that construction-related NO_X emissions from non-typical construction equipment do not exceed the MBUAPCD's NO_X threshold of 137 pounds per day.

Mitigation Measure AQ-2:

Implement MBUAPCD Mitigation Measures for Off-Road Mobile Source and Heavy-Duty Equipment Emissions.

General Plan Policy OS-10.~~6~~9 will be revised as follows:

OS-10.9 The County of Monterey shall require that future development implement applicable Monterey Bay Unified Air Pollution Control District control measures. Applicants for discretionary projects shall work with the Monterey Bay Unified Air Pollution Control District to incorporate feasible measures that assure that health-based

standards for diesel particulate emissions are met. The County of Monterey will require that future construction operate and implement MBUAPCD PM_{10} control measures to ensure that construction-related PM_{10} emissions do not exceed the MBUAPCD's PM_{10} threshold of 82 pounds per day. The County shall implement MBUAPCD measures to address off-road mobile source and heavy-duty equipment emissions as conditions of approval for future development to ensure that construction-related NO_X emissions from non-typical construction equipment do not exceed the MBUAPCD's NO_X threshold of 137 pounds per day. ~~The County shall implement MBUAPCD measures to address off-road mobile source and heavy-duty equipment emissions as conditions of approval for future development.~~

Page 4.7-20, under Significance Conclusion. Revise the first paragraph as follows.

In summary, ~~buildout~~ 2030 development of the 2007 General Plan would result in new development, and increased emissions would result from construction activities. Mitigation Measures AQ-1 ~~through AQ-3~~ and AQ-2 would reduce this impact to a less than significant level.

Page 4.7-21, under Significance Determination. Revise the first paragraph as follows.

Buildout of the 2007 General Plan includes increased development and roadway improvements. Construction emissions could potentially result in adverse impacts on air quality. The 2007 General Plan and Area Plan policies include measures to comply with MBUAPCD's standards and regulations regarding construction emissions. Mitigation Measures AQ-1 through ~~AQ-3~~AQ-2 are required to reduce this impact to a level of less than significant.

Page 4.7-22, under "Impact of Development with Policies." Revise the first two paragraphs as follows.

Mobile sources are sources of emissions associated with vehicle trips, and include employees, deliveries, and maintenance activities. The primary operational emissions associated with the proposed project are ozone precursors, CO, particulate matter (PM_{10} and $PM_{2.5}$), and carbon dioxide (CO_2), emitted as vehicle exhaust. Emission of ozone precursors, CO, and particulate matter for existing year (2007) and future year (2030) project conditions were calculated using the EMFAC 2007 model and traffic data provided by the 2007 General Plan traffic engineers. ~~Appendix A describes the methodology and model inputs for existing year, future year, and buildout of the 2007 General Plan.~~ (See the Technical Supporting Data at the end of the FEIR) Emissions of CO_2 are analyzed in Section 4.16, Climate Change.

Table 4.7-5 summarizes emissions associated with each project condition. Table 4.7-6 summarizes the differences in emissions between project conditions. As Table 4.7-6 indicates, implementation of the 2007 General Plan to 2030 compared to the 2008 conditions would result in net decreases in ROG, NO_X, CO, and $PM_{2.5}$ emissions, while PM_{10} emissions would increase. Vehicular emission rates are anticipated to lessen in future years due to continuing improvements in engine technology and the phasing out of older, higher-emitting vehicles. These decreases in emission rates are sufficient to offset the increases in VMT between existing and 2030 project conditions. PM_{10} emissions are shown to increase slightly with implementation of the proposed project to 2030 due to increased VMT outpacing the reductions in emission rates that would occur for future conditions relative to existing conditions. However, these increases are below the MBUAPCD threshold of 82 pounds per day.

Page 4.7-22. Table 4.7-5 is revised as follows.

Table 4.7-5. Criteria Pollutant Emissions from Mobile Sources (pounds per day)

Condition	Basis	Daily VMT	ROG	NO_X	CO	PM_{10}	$PM_{2.5}$
2000	2000 VMT at 2000 emission rates	8,162,834	13,875	37,737	225,144	~~1,656~~ 4,495	1,296
2000 With Buildout ~~Project~~	Full Buildout at 2000 emission rates	9,846,752	16,737	45,522	271,589	~~1,997~~ 5,423	1,563
2008A	2008 VMT at 2008 emission rates (Uninc. County only)	8,291,307	6,763	26,194	114,207	3,981	1,005
2008B	2008 VMT at 2008 emission rates (All County)	8,674,387	7,076	27,404	119,483	4,165	1,052
2030 With Project	2030 with project VMT at 2030 emission rates	8,532,513	1,223	4,872	26,053	~~1,072~~ 4,041	734
2030 With Buildout	Full Buildout at 2030 emission rates	9,846,752	1,411	5,622	30,066	4,663	847
2030 Cumulative	2030 cumulative VMT at 2030 emission rates	14,290,852	2,048	8,160	43,635	~~1,796~~ 6,768	1,229
~~2030~~ Cumulative Buildout	Cumulative buildout VMT at 2030 emission rates	18,822,215	2,697	10,747	57,471	~~2,365~~ 8,913	1,618

Page 4.7-23. Table 4.7-6 is revised as follows.

Table 4.7-6. Differences in Criteria Pollutant Emissions from Mobile Sources (pounds per day)

Project Condition	Basis	Yearly VMT	ROG	NO_X	CO	PM_{10}	$PM_{2.5}$
~~Existing~~		~~8,162,834~~	~~13,875~~	~~37,737~~	~~225,144~~	~~1,656~~	~~1,296~~
2030 Project Increase (>2000)	2030 With Project - 2000	369,679	-12,652	-32,865	-199,091	~~-583~~ -455	-562
2030 Project Increase (>2008)	2030 With Project – 2008A	241,206	-5,540	-21,322	-88,154	59	-272
~~2030 Cumulative~~		~~14,290,852~~	~~2,048~~	~~8,160~~	~~43,635~~	~~1,796~~	~~1,229~~
Buildout Project Increase (> 2000)	2000 with Project - 2000	1,683,918	2,862	7,785	46,445	~~342~~ 927	267
Buildout Project Increase (>2008)	2030 Buildout– 2008A	1,555,445	-5,352	-20,571	-84,141	682	-159
2030 Cumulative Change	2030 Cumulative – 2008B	5,616,465	-5,028	-19,244	-75,848	2,602	177
~~Cumulative~~ Buildout Cumulative Change	Cumulative Buildout – 2008B	~~18,822,215~~ 10,147,828	~~2,697~~ -4,379	~~10,747~~ -16,657	~~57,471~~ -62,012	~~2,365~~ 4,748	~~1,618~~ 566
MBUAPCD Thresholds			*137*	*137*	*550*	~~*N/A*~~ *82*	*N/A*

Notes: See Table 4.7- 5 for basis for different conditions.

Page 4.7-24. The following revisions are inserted in Table 4.7-7.

Table 4.7-7. VOC Emissions for Typical Single Full-Scale and Single Artisan Wineries)

	Emission Factor (lbs/1000 gallons)[1]	Gallons per Year[2]	VOC Emissions (lbs/year)	VOC Emissions (lbs/ day)
Single Artisan Winery				
Fermentation-Red	6.2[1]	23,800	147.56	1.1
Fermentation-White	2.5[1]	35,700	89.25	0.65
Storage/Ageing-Red	~~0.0278~~27.83[2]	23,800	662	1.81
Storage/Ageing-White	~~0.0258~~25.83[2]	35,700	922	2.53
Pomace Screening-Red	0.5[3]	23,800	11.9	0.09
Pomace Press-Red	0.1[3]	23,800	2.38	0.02
Total			**1,835.09**	**6.2**
Single Full-Scale Winery				
Fermentation-Red	6.2[1]	1,428,000	8,853.6	64.6
Fermentation-White	2.5[1]	2,142,000	5,355	39.1
Storage/Ageing-Red	~~0.0278~~27.83[2]	1,428,000	39,741	108.88
Storage/Ageing-White	~~0.0258~~25.83[2]	2,142,000	55,328	151.58
Pomace Screening-Red	0.5[3]	1,428,000	714	5.2
Pomace Press-Red	0.1[3]	1,428,000	142.8	1.04
Total			**110,134.4**	**370.37**
MBUAPCD Threshold				**137 lbs/day**

[1] Source: California Air Resources Board 2005

[2] Source: SBCAPCD 2008.

~~1~~[3]Source: United States Environmental Protection Agency 2001

~~2~~[4]case = 2.38 gallons

Page 4.7-26, under Agricultural Winery Corridor Plan. The paragraph is revised as follows.

~~The AWCP overlays the Toro, Central Salinas Valley, and South County Area Plans, and policies relating to air quality are applicable to the AWCP under this plan. Implementation of these policies would reduce air quality impacts~~There are no policies applicable to air quality in the AWCP ~~area~~.

Page 4.7-26, under Significance Determination. The first paragraph is revised as follows.

~~Implementation of the 2007 General Plan would result in increased emissions of criteria pollutants and VOCs.~~ Implementation of the 2007 General Plan would result in increased ~~mobile and area source emissions due to increased~~ vehicle trips and VMT, and increased development.

Page 4.7-26. The final paragraph is revised as follows.

As indicated in Table ~~4.7-5~~4.7-6, 2030 conditions (2030 With Project – 2008(A) ~~2000~~ conditions) would result in a net decrease in ROG, NO_X, CO, and $PM_{2.5}$~~, and PM_{10}~~ emissions. Vehicular emission rates are anticipated to lessen in future years due to continuing improvements in engine technology and the phasing out of older, higher-emitting vehicles. These decreases in emission rates are sufficient to offset the increases in VMT seen between 2000 and 2030 project conditions, resulting in the decreased ROG, NO_x, CO, and $PM_{2.5}$~~, and PM_{10}~~ emissions observed in Table ~~4.7-5~~4.7-6. PM_{10} emissions will increase, but would be less than the MBUAPCD daily threshold. Additionally, the 2007 General Plan and Area Plan goals and policies set forth comprehensive measures to avoid and minimize adverse impacts on air quality to the maximum extent practicable.

Page 4.7-29. The first full paragraph is revised as follows.

As seen from Table ~~4.7-5~~4.7-7, the VOC emissions from winery operations that would occur under 2030 project conditions would exceed the District's threshold of 137 pounds per day. Consequently, VOC impacts from winery operations are considered significant and unavoidable.

Page 4.7-29. The fourth paragraph under "Impact of Development with Policies" is revised as follows.

Emission factors are not currently available for future year 2092, and as such a ~~qualitative~~ quantitative analysis ~~is required for this condition~~ was conducted using 2030 emissions factors. As indicated above in Table 4.7-6, buildout of the 2007 General Plan would result in net decreases in ROG, NO_X, CO, and $PM_{2.5}$, ~~and PM_{10}~~ emissions compared to 2008 (A) conditions, but would result in increases in PM_{10} emissions above the MBUAPCD threshold. Vehicular emission rates are anticipated to lessen in future years due to continuing improvements in engine technology and the phasing out of older, higher-emitting vehicles. These decreases in emission rates c~~w~~ould likely offset the increases in VMT between existing and 2092 project conditions.

Page 4.7-33, under Mitigation Measure AQ-7. The bullet is revised as follows.

- Ensure development~~Development~~ of new sensitive land uses (schools, hospitals, facilities for the elderly) is~~should~~ not ~~be~~ located any closer than 500 feet of a freeway carrying more than 100,000 vehicles per day.

Section 4.9, "Biological Resources"

Page 4.9-4 Table 4.9-1 is replaced in its entirety as follows

Table 4.9-1. Monterey County Vegetation Communities (Estimated for 2006) (Includes Cities and Coastal Areas)

Vegetation Community	Acres
Annual Grassland	711,714
Oak Woodland	416,786
Agriculture	262,199
Baccharis Scrub	204,258
Oak Savanna	201,194
Gabilan Scrub	115,040
Urban/Non-Veg	62,284
Sparse Vegetation/Bare Soil	32,789
Mixed Conifer	25,532
Riparian/Wetland	24,891
Redwood Forest	21,734
Maritime Chaparral	12,115
Coastal prairie	9,426
Blue Oak Woodland	5,606
Saltwater Marsh	5,304
Dune Scrub	2,812
Baccharis Chaparral	2,138
Monterey Pine Forest	2,010
Eucalyptus	1,158
Golf Course	580
Coastal Scrub	512
Valley Needlegrass Grassland	392
Dune	281
Freshwater Marsh	148
Coastal Terrace Prairie	97
Native Grassland	81
Total	**2,121,082**

Methodology: No existing mapping for current vegetation coverage for the County was identified. Vegetation community acreages for 2006 were identified by comparing a 1982 base vegetation map to the 2006 FMMP maps for County using GIS with the exception of Monterey pine forest (for which a current map of Monterey pine forest extent from 2004 was used (Monterey County 2004b). The FMMP coverage was used to identify urban land and important farmland (prime, statewide importance, unique). Where the FMMP maps show grazing land, land is not presumed to be urban or to be intensive agriculture, but is presumed to be original 1982 land cover. A minimum mapping unit of 2.5 acres was used for conversions. See Figure 4.9-1 for the resultant estimated 2006 land cover, and Figures 4.9-3 through 4.9-6 for habitat conversions between 1982 and 2006.

Page 4.9-5 Table 4.9-2 is revised as follows:

Table 4.9-2. Monterey County GP 2007 Natural Communities by New Plan Areas (Estimated Extant as of 2006)

	Annual Grassland	Baccharis and Other Scrub	Coastal Prairie	Baccharis and Maritime Chaparral	Mixed Conifer	Monterey Pine Forest/ Redwood Forest	Native Grassland	Oak Woodland and Savanna	Riparian/ Wetland	Total
Community Areas										
Chualar CA										0
Fort Ord CA	3,320	356		9,805	1		460	4,005	273	18,219
Boronda CA										0
Pajaro CA	0								1	1
Castroville CA	29									29
Community Areas Subtotal	3,349	356	0	9,805	1		460	4,005	273	18,249
Rural Centers										
Pine Canyon RC	427	110			2			28		567
San Lucas RC	15									15
Bradley RC	34								0	34
Lockwood RC	92	6								97
Pleyto RC	359	33								393
San Ardo RC										0
River Road RC	171	25			14			35	26	272
Rural Centers Subtotal	1,098	173	0	0	16		0	63	26	1,377
AHOs										
Carmel Mid-Valley AHO	1									1
Hwy 68/Airport AHO	1	1	55 ~~58~~			10		5 ~~12~~		72 ~~71~~
Hwy 68/Reservation AHO	6			1						6
AHOs Subtotal	8	1 ~~0~~	55 ~~58~~	1	0	10	0	5 ~~12~~	0	79
Total of Focused Growth Areas	4,455	530 ~~529~~	55 ~~58~~	9,806	18	10	460	4,073 ~~4,080~~	299	19,705 ~~19,706~~

	Annual Grassland	Baccharis and Other Scrub	Coastal Prairie	Baccharis and Maritime Chaparral	Mixed Conifer	Monterey Pine Forest/ Redwood Forest	Native Grassland	Oak Woodland and Savanna	Riparian/ Wetland	Total
Planning Areas outside the Focused Growth Areas Designated for Development										
Areas designated for Development in Rest of Unincorporated County	89,427 ~~93,975~~	61,171 ~~63,620~~	952 ~~1,493~~	323 ~~377~~	2,238 ~~4,267~~	4,690 ~~317~~	13 ~~17~~	85,772 ~~90,613~~	3,161 ~~3,258~~	249,747 ~~257,937~~
Agricultural Wine Corridors (Note: these areas overlap with some of the Development areas in the Planning Areas)										
Central/Arroyo Seco/River Road Segment	~~4,364~~ 12,617	~~420~~ 2,755			~~45~~ 86			~~93~~ 1,379	~~1,590~~ 2,366	~~6,512~~ 19,203
Jolon Road Segment	~~10,400~~ 40,854	~~3,394~~ 0,111			~~134~~ 95			~~1,432~~ 8,912	~~281~~ 1,975	~~15,642~~ 72,147
Metz Road Segment	~~1,877~~ 5,220	~~5~~ 45			~~8~~ 24			~~11~~ 23	~~206~~ 471	~~2,106~~ 5,783
Agricultural Wine Corridor Subtotal	~~16,641~~ 58,691	~~3,819~~ 22,911	0	0	~~187~~ 405		0	~~1,536~~ 10,314	~~2,077~~ 4,812	~~24,260~~ 97,133

Methodology: No existing mapping for current vegetation coverage for the County was identified. Vegetation community acreages for 2006 were identified by comparing a 1982 base vegetation map to the 2006 FMMP maps for County using GIS. The FMMP coverage was used to identify urban land and important farmland (prime, statewide importance, unique). Where the FMMP maps show grazing land, land is not presumed to be urban or to be intensive agriculture, but is presumed to be original 1982 land cover. A minimum mapping unit of 2.5 acres was used for conversions. See Figures 4.9-17 through 4.9-~~10~~10 for habitats by plan area.

Page 4.9-40, last page of Table 4.9-5. Insert text as follows:

Common and Scientific Names	Status Fed/State	Geographic Distribution	Habitat Requirements
MAMMALS			
Big-eared kangaroo rat *Dipodomys elephantinus*	–/SSC	Restricted to the southern Gabilan Range near the Pinnacles National Monument, San Benito and Monterey Counties	Grassland and sparse chaparral habitats where it forages in open areas and nests in underground burrows
California condor *Gymnogyps californianus*	E/E	Portions of Kern, San Benito, San Luis Obispo, Monterey, Santa Barbara, Tulare, and Ventura Counties	Oak savannah, chaparral, coniferous forest and beaches. Nesting on cliffs, large rock outcrops, or large trees
Monterey dusky-footed woodrat *Neotoma fuscipes luciana*	–/SSC	Occurs throughout Monterey and northern San Luis Obispo Counties where appropriate habitat is available	Coast live oak woodland and chaparral habitats with moderate canopy cover and moderate to dense understory and abundant deadwood for nest construction
Pallid bat *Antrozous pallidus*	–/SSC	Occurs throughout California except the high Sierra from Shasta to Kern County and the northwest coast, primarily at lower and mid elevations	Occurs in a variety of habitats from desert to coniferous forest. Most closely associated with oak, yellow pine, redwood, and giant sequoia habitats in northern California and oak woodland, grassland, and desert scrub in southern California. Relies heavily on trees for roosts
Salinas pocket mouse *Perognathus inornatus psammophilus*	–/SSC	The known range extends from near Soledad to Hog Canyon in the Salinas Valley, Monterey County	Dry, open grasslands with sandy soils
San Joaquin kit fox *Vulpes macrotis mutica*	E/T	Principally occurs in the San Joaquin Valley and adjacent open foothills to the west; recent records from 17 counties extending from Kern County north to Contra Costa County	Saltbush scrub, grassland, oak, savanna, and freshwater scrub
Southern sea otter *Enhydra lutris nereis*	T/FP	California coast from Half Moon Bay to Point Conception	Hard- and soft-sediment marine habitats from the littoral zone to depths of less than 100 meters, including protected bays

Notes:

Status explanations:

Federal

E = listed as endangered under the federal Endangered Species Act.
T = listed as threatened under the federal Endangered Species Act.
PR = protected by the Bald and Golden Eagle Protection Act.
D = species that has been delisted under the Endangered Species Act.
— = no listing.

State

E = listed as endangered under the California Endangered Species Act.
T = listed as threatened under the California Endangered Species Act.
FP = fully protected under the California Fish and Game Code.
SSC = species of special concern in California.
— = no listing.

P**age 4.9-41, second paragraph under Critical Habitat.** The paragraph is revised as follows:

> The USFWS has designated critical habitat for the western snowy plover, California red-legged frog, California tiger salamander, Monterey spine flower, Santa Cruz tarplant, Yadon's rein orchid, and purple amole in Monterey County. NOAA Fisheries has designated several rivers and stream in Monterey County as critical habitat (FR 70: 52488) for the South-Central California Coast Distinct Population Segment (DPS) of steelhead (*Oncorhynchus mykiss*). These streams and rivers include those found in the Carmel River and Salinas River watersheds, along with several coastal rivers, such as the Big Sur and Little Sur Rivers (Exhibit 4.9.5)

Page 4.9-45, second to last paragraph and last paragraph. The paragraphs are revised as follows:

> Wine industry data (Monterey County Agricultural Commission 2008) was also reviewed to identify historic trends in vineyard acreage. In 1982 there were about 33,771 acres of vineyards and overall acreage had not changed by 1996 when 33,319 acres were in vineyard. Acreage rose to 45,043 acres in 2001 and then declined to 37, 116 acres by 2003 with a slight increase to 41,309 acres by 2006. The overall 2425-year trend is an average increase of about 310300 acres per year, but between 1996 and 2006, there was an annual average increase of about 800 acres per year in vineyard acreage.
>
> The analysis above of habitat conversion is used as the basis for impact analysis below of potential future agricultural conversions of habitat. Specifically, the 2425-year trend of habitat conversion from 1982 to 2006 (approximately 466450 acres per year on average) is used to estimate potential future habitat conversion in the impact analysis as more representative of long-term conditions than the last 10 years.

Page 4.9-46. Table 4.9-6 is revised to read:

Table 4.9-6. Monterey County Habitat Conversions, 1982 to 2006 (Includes Cities and Coastal Areas)

Conversion Type	Acres Converted 1982–2006	Acres Converted 1982–1996	Acres Converted 1996–2006
Habitat to Urban	**14,692**	**9,830**	**4,862**
Annual Grassland	5,370	3,179	2,191
Oak Woodland	4,896	3,538	1,358
Mixed Conifer	1,453	1,096	357
Monterey Pine Forest	566	515	51
Maritime Chaparral	474	379	95
Coastal Prairie	460	342	118
Baccharis Scrub	415	201	214
Riparian/Wetland	315	203	112
Dune	178	44	134
Oak Savanna	151	67	84
Baccharis Chaparral	111	77	34
Dune Scrub	97	60	37
Coastal Terrace Prairie	85	56	29
Coastal Scrub	60	33	27

Conversion Type	Acres Converted 1982–2006	Acres Converted 1982–1996	Acres Converted 1996–2006
Saltwater Marsh	33	32	1
Freshwater Marsh	16	8	8
Gabilan Scrub	4	0	4
Native Grassland	4	0	4
Redwood Forest	4	0	4
Habitat to Farmland	**11,185**	**2,976**	**8,209**
Annual Grassland	8,564	1,484	7,080
Oak Woodland	653	473	180
Riparian/Wetland	641	251	390
Coastal Prairie	428	219	209
Mixed Conifer	388	349	39
Baccharis Scrub	269	93	176
Gabilan Scrub	93	22	71
Oak Savanna	49	49	0
Saltwater Marsh	38	0	38
Baccharis Chaparral	33	15	18
Freshwater Marsh	21	21	0
Maritime Chaparral	8	0	8

Note: The totals for Monterey pine conversion from 1982 to 2006 in this table are based on different mapping data than shown in Exhibit 4.9-1 and used in Table 4.9-1. While a 2004 map of the current extent of Monterey pine forest is available, a 1982 map showing Monterey pine forest extant at that time is not available that uses the same conventions as the 2004 mapping of Monterey pine forest (Monterey County 2004b). Thus, the Monterey pine conversion shown in this table is based on a 1982 map which shows far less Monterey pine forest (1,800 acres) than is now thought to have existed at that time. As a result, this table understates the amount of Monterey pine forest converted from 1982 to 2006 and overstates the amount of mixed conifer, oak woodland, and grassland conversion (as areas that would now be defined as Monterey pine forest were defined as mixed conifer, oak woodland, and grassland in the 1982 vegetation map).

Page 4.9-54, under Other Local Programs. The following paragraphs are added to the end of this section.

Monterey Peninsula Water Management District

The MPWMD, pursuant to its Rule 124, requires property owners to obtain a permit from the District prior to undertaking work within the riparian area of the Carmel River. The riparian area is defined as being within 25 linear feet of the 10-year flood waterline defined by the Nolte and Associates for the 1984 Flood Insurance Study for Monterey County. Rule 124 specifically prohibits the following actions:

A. Damage, remove, alter, or otherwise injure the riverbank, riverbed, canal, or reservoir which lies within the riparian corridor of the Carmel River, or take water from any canal, ditch, flume, pipe or reservoir installed or operated by the Monterey Peninsula Water Management District.

B. Damage, remove, alter or otherwise injure any sprinkler or irrigation system installed or operated by the Monterey Peninsula Water Management District.

C. Damage, remove, alter, deface, or otherwise injure any sign, barrier, or obstruction erected by the Monterey Peninsula Water Management District upon the riverbank or riverbed of the Carmel River, or within the riparian corridor of the Carmel River.

D. Damage, remove, or otherwise injure any tree within or upon the riverbank or riverbed of the Carmel River.

E. Damage, remove, or otherwise injure native vegetation, excluding poison oak, within the riparian corridor.

F. Construct, alter, damage, or otherwise injure any dike or trail within or upon the riparian corridor.

G. Drive, ride, park or travel in a motorized vehicle upon the riverbank, riverbed, or riparian corridor of the Carmel River without a valid river access permit issued by this District.

H. Fail, willfully, to observe any sign, marker, warning, notice, or direction which restricts or closes the Carmel River, or any portion of its bed or banks, to motorized vehicles.

Page 4.9-57. Table 4.9-7 is replaced in its entirety

Table 4.9-7. Monterey County GP 2007 Estimated Impacts on Natural Vegetation Communities due to Development

Natural Community	Area of Potential Effect in Planning Areas outside Fort Ord	Estimated Area of Effect in Planning Areas outside Fort Ord	Fort Ord Potential Effects (b)	Total Effects
Annual Grassland	90,419	7,230	1,513	8,743
Baccharis and Gabilan Scrub	63,278	1,231		1,231
Baccharis Chaparral	316	25		25
Coastal Scrub	6	2		2
Coastal Prairie	952	25		25
Mixed Conifer	2,260	152		152
Maritime Chaparral	8	1	2,796	2,797
Monterey Pine Forest	4,619	247		247
Native Grassland	13	11		11
Oak Savannah and Woodland	85,814	2,045	1,505	3,550
Redwood Forest	71	1		1
Riparian and Wetland Areas	3,161	165	0	165
Total	**250,917**	**11,133**	**5,814**	**16,947**

Notes:
(a) Vegetation mapping described in Table 4.9-2 was overlayed with land use designations in the 2007 General Plan for all locations outside Fort Ord. Where the land use designation allows development (residential, commercial, industrial, public/quasi-public, etc.), the area was identified as a potential effect. Assumptions were made about percentage of conversion for each land use designation. Conversions for certain categories (medium density residential, industrial, mineral extraction) were assumed to be total (100%), whereas other categories were assumed to result in partial conversion (such as commercial assumed to convert 50% of the designated land) or very limited conversion (such as public-quasi public and rural density residential - both assumed to convert only 1% of designated land due to the large acreage in these designations). Assumptions are rough estimates only and may overstate or understate actual impacts as the exact amount of conversion on any specific parcel cannot be estimated accurately on a landscape level. Castroville acres and the Jefferson STA were not in the GIS land use layer and were added manually from the vegetation map GIS.
(b) Fort Ord impacts were identified based on unpublished data from the Fort Ord HCP. The total for Maritime Chaparral for Fort Ord includes coastal scrub as the HCP data did not disaggregate the totals.

Page 4.9-61, under Affordable Housing Districts. The third bullet is revised as follows:

The Highway 68 AHO near the Monterey Airport is mostly undeveloped and includes 55 ~~58~~ acres of coastal prairie, 5 ~~12~~ acres of oak woodland, 10 acres of Monterey pine forest and small areas of annual grassland, scrub, and previously disturbed areas. ~~The oak woodland areas may also contain areas of native Monterey pine forest.~~

Page 4.9-63, under Agriculture. The second paragraph is revised as follows:

~~Although no net expansion of agricultural acreage is forecast~~, There will ~~still~~ be expansion of agriculture onto natural lands due to the loss or agricultural lands to urban use and ~~likely~~ also due to expansion of cropland and wine growing in ~~on slopes of~~ the Salinas Valley and other locations in the County

Page 4.9-64. Table 4.9-8 is revised to read:

Table 4.9-8. Monterey County Agricultural Habitat Conversions, 2030 and Buildout (Includes Cities and Coastal Areas)

Conversion Type	Acres Converted 1982–2006	Average Annual 1982–2006	Estimated Acres converted by 2030	Estimated Acres converted by Buildout
Habitat to Farmland	**11,185**	**466 ~~447~~**	**10,253 ~~9,843~~**	**39,148 ~~37,582~~**
Annual Grassland	8,564	357~~-343~~	7,850 ~~7,536~~	29,974~~-28,775~~
Oak Woodland	653	27 ~~26~~	599 ~~575~~	2,286~~-2,194~~
Riparian/Wetland	641	27 ~~26~~	588 ~~564~~	2,244~~-2,154~~
Coastal Prairie	428	18 ~~17~~	392 ~~377~~	1,498~~-1,438~~
Mixed Conifer	388	16 ~~16~~	356~~-341~~	1,358~~-1,304~~
Baccharis Scrub	269	11	247 ~~237~~	942~~-904~~
Gabilan Scrub	93	4	85 ~~82~~	326~~-312~~
Oak Savanna	49	2	45 ~~43~~	172 ~~165~~
Saltwater Marsh	38	2	35~~-33~~	133 ~~128~~
Baccharis Chaparral	33	1	30 ~~29~~	116 ~~111~~
Freshwater Marsh	21	1	19 ~~18~~	74 ~~71~~
Maritime Chaparral	8	0	7	28 ~~27~~

Methodology: See Table 4.9-6. Forecast for 2030 and buildout based on 1982 to 2006 averages.

Page 4.9-65. The third paragraph on this page is revised to read:

The installation of new vineyards, row crops, and other actively managed agricultural uses (including routine and ongoing agriculture), mining extraction, and other activities could also result in the elimination of essential habitat for CEQA-defined special-status species. Even if the sensitive habitat is deliberately avoided at the project level, new

development and intensively managed land practices would result in fragmentation of the existing habitat and leave the CEQA-defined special-status species population at risk of extirpation (local extinction). The exact amount of habitat conversion due to agricultural expansion onto uncultivated lands is not known. Based on recent trends from 1982 to 2006 when approximately 466~~450~~ acres of habitat were converted each year on average, if this trend continued to 2030, then approximately 10,253 ~~9,850~~ acres of habitat would be converted across the County.

Page 4.9-69. The first full paragraph on this page is revised to read:

Policy OS-5.16, as revised, requires biological surveys and implementation of mitigation measures for development that would potentially disturb species or habitat that are to be protected under the terms of CEQA~~disturbed listed species or its critical habitat~~. Policy OS-5.17 requires the County to develop a program to mitigate the loss of critical habitat. Policy OS-5.18 requires all applicable federal state permitting requirements to be met before disturbing any federal or state jurisdictional areas.

Page 4.9-73, under Significance Determination. The three paragraphs in this section are revised as follows.

The definition of "special status species" in the 2007 General Plan (Glossary, p. 13) has been deleted in the revised General Plan in favor of an expanded Glossary definition of "Listed Species" and revised Policy OS-5.16, which offers protections for species identified under CEQA's mandatory finding of significance. ~~is limited to those listed under the ESA and the CESA and~~ "Ce~~C~~ritical habitat" is defined as areas designated under the ESA. 2007 General Plan Policies OS-5.1, -5.2, -5.3, -5.4, -5.12, -5.16, -5.17, and -5.18
require avoidance, minimization, and compensation of impacts to listed "special-status species". However, there is a landscape-level concern related to new discretionary development in the Salinas Valley that may occur in potential kit fox habitat that is not fully addressed by the previously~~currently~~ proposed General Plan policies. The revised General Plan includes Policy OS-5.19 that calls for development of a conservation strategy that will provide a~~There is no~~ specific mechanism for mitigating potential impacts to this species from conversion of its habitat due to discretionary development. Additionally, proposed Policies OS-5.20 (5-year reconsideration of growth areas), OS-5.21 (5-year reconsideration of species vulnerability and conservation strategy), OS-5.22 (stream setback ordinance), OS-5.23 (oak woodlands mitigation program), OS-5.24 (retention of wildlife movement corridors), and OS-5.25 (protection of migratory birds and raptors) will work individually and together to minimize impacts on what CEQA considers to be special status species. Because the ~~Given the General Plan definition of "special-status policies", the aforementioned policies in the 2007 General Plan for biological resources in the Open Space and Public Services Elements concerning "special status species" do not provide for the assessment or mitigation of impacts to species that are not listed under the FESA or CESA. While there are a number of Area Plan policies that provide for protection or mitigation of impacts to certain CEQA-defined special-status species, and the~~ policies for the protection for habitats of listed species will produce co-benefits for non-listed (but rare) other species, the 2007 General Plan, as revised, provides~~does not provide~~ a systematic approach to address impacts of development to CEQA-defined special-status species as described above in this document.

This impact is considered potentially significant. ~~because~~ However, in consideration of revised Policy OS-5.16 and new Policies OS-5.20 through OS-5.25, development under the 2007 General Plan would be required to mitigate for reduction in ~~result in reduced~~

numbers, range, and habitat quantity and quality for plant, wildlife, and fish species that are ~~considered "rare, threatened, or endangered" as defined~~covered by CEQA guidelines Section 15065~~15380 but which are not protected by the federal or state endangered species acts~~. The following mitigation measures are recommended for implementation by the County, along with Policy OS-5.16.

Page 4.9-73, under Mitigation Measures. Mitigation Measure BIO-1.1 is deleted.

~~**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).~~

Page 4.9-74. Mitigation Measure BIO-1.2 is revised as follows:

Mitigation Measure BIO-1.2: Salinas Valley Conservation 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.

Page 4.9-74. Mitigation Measure BIO-1.3 is deleted. The revisions to General Plan Policy OS-5.16 provide for site-specific analysis and mitigation of site-specific effects on at the development project level.

~~**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.~~

Page 4.9-75, under Significance Conclusion. The first two paragraphs are revised as follows:

Over 80% of the development in Monterey County within the 2030 Planning Horizon will occur in areas designated for focused growth. Discretionary permits will be required for this development as well as for any large scale residential and commercial development that might occur outside of these areas (and is subject to the ~~Subdivision~~ Development Evaluation System). The ~~Subdivision~~ Development Evaluation System under Policy LU-1.19 examines subdivisions of 5 or more lots or projects of equivalent intensity and quantitatively evaluates development in light of the policies of the General Plan and the implementing regulations, resources and infrastructure, and the overall quality of the development. This analysis includes consideration of environmental impacts and mitigation. Additionally, revised Policy OS-5.16 requires preparation of a biological study 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 (this comprises CEQA-defined special status species). When the project may adversely affect any of these species, feasible measures to reduce significant impacts to a less than significant level shall be adopted as conditions of approval. For discretionary development, implementation of the General Plan policies alone would have resulted in significant impacts to the San Joaquin kit fox ~~and to CEQA-defined special status species~~. ~~Mitigation Measure BIO-1.1 creates a biological resources inventory (including CEQA-defined special status species) that will be periodically updated.~~ Mitigation Measure BIO-1.2 would address impacts to kit fox habitat that might occur from development. ~~Mitigation Measure BIO-1.3 requires preparation of a biological report that includes measures to avoid impacts or minimize impacts to CEQA-defined special-status species for focused growth allowed under the General Plan, other large scale projects and projects requiring discretionary permits in the County.~~

These General Plan policies and mitigation measures ~~would~~ address impacts from discretionary large-scale residential, commercial, public infrastructure and agricultural development. In combination with the application of Area Plan policies targeting specific CEQA-defined special-status species, impacts to special-status species (both

listed and CEQA-defined) from discretionary development would be considered less than significant.

Page 4.9-76. The second paragraph is revised as follows:

The remaining development consists of conversion of previously uncultivated agricultural lands to new farmland. Previously uncultivated lands are those areas that have not been cultivated during the past 20 years. 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 contain CEQA-defined special-status species from indirect water quality effects. For agricultural conversions on slopes greater than 25%, Policy OS-3.5 includes requirements to address water quality, erosion and biological resources, which would reduce potential impacts to CEQA-defined special-status species and their habitat. Based on the assumption that conversion of previously uncultivated lands is not anticipated to exceed the previous 2425 year trend (1982 – 2006) in the County (approximately 466450 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.

Page 4.9-77. The discussion under "Mitigation Measures" is revised as follows:

Mitigation Measures BIO-1.21.1 through BIO-1.3 as described above.

Mitigation Measure BIO-1.4: By 2030, 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

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.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; 3111 acres new industrial development and 10,253 acres of land converted to agriculture) the County shall initiate a General Plan Amendment process to consider the expansion of focused growth areas established by the 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 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 the species and habitat addressed by policy OS-5.16.

Page 4.9-78. Mitigation Measure BIO-1.5 is revised as follows:

Mitigation Measure BIO-1.5: By 2030, prepare a Comprehensive County ~~Natural Communities~~ Conservation ~~Plan~~Strategy

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 ~~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**.**

Page 4.9-78. The first paragraph under "Significance Conclusion" is revised as follows:

Implementation of General Plan policies and Mitigation Measures BIO~~-1.1 through BIO-~~1.2, 1.4, and 1.5 would reduce impacts of buildout on CEQA-defined special-status species and their habitat to a less than significant level.

Page 4.9-81. Insert the following at the end of the "Open Space and Conservation" section:

Revised Policy OS-5.16 will require a biological study to be prepared 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. The results of the study will be used in the site-specific environmental analysis for that project.

Page 4.9-86. Revise the first paragraph under "Project Level Mitigation Measure," as follows:

~~Mitigation Measure BIO-1.1~~Revised Policy OS-5.16, as described above under Impacts to CEQA-defined special-status species, will act to mitigate this impact.

Page 4.9-86. Mitigation Measure BIO-2.1 is revised as follows:

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 inland portions of 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 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.

Page 4.9-86. Mitigation Measure BIO-2.2 is revised as follows:

Mitigation Measure BIO-2.2: Oak Woodlands Mitigation Program.

The County shall prepare, adopt and implement a program that allows project to mitigate the loss of oak woodlands. The program ~~would include~~ shall be consistent with California Public Resources Code Section 21083.4, and will identify a combination 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 ~~tree~~ 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), ~~payment of~~ projects shall pay a fee ~~may be made~~ to the State Oak Woodlands Conservation ~~Program~~ Fund (OWCF). Replacement of oak woodlands shall ~~be on a minimum 1:1 ratio~~ 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.

Page 4.9-87. Mitigation Measure BIO-2.3 is revised as follows:

Mitigation Measure BIO-2.3: Add Considerations Regarding Riparian Habitat and Stream Flows to Criteria for Long-Term Water Supply and Well Assessment.

Public Services Policies PS-3.3 and PS-3.4 establish the criteria for proof of a long-term water supply and for evaluation and approval of new wells. The following criteria shall be added to these policies:

- Policy PS-3.3.i—Effects on instream 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.
- Policy PS-3.4.g—Effects on instream 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.

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.

Page 4.9-87. Revise the first paragraph under "Project Level Mitigation Measure," as follows:

~~Mitigation Measure BIO-1.3~~Revised Policy OS-5.16, as described above under Impacts to CEQA-defined special-status species, will act to mitigate this impact.

Page 4.9-88. Revise the first paragraph under "Mitigation Measures," as follows:

Mitigation Measures BIO-~~1.1,~~ 1.2~~, 1.3~~, 1.4, and 1.5 as described above under Impacts to CEQA-defined special-status species.

Page 4.9-88. Revise the first paragraph under "Significance Conclusion," as follows:

Implementation of General Plan policies, in particular Policy OS-5.16, Mitigation Measures BIO-~~1.1 through BIO-~~1.2, 1.4 and 1.5, and Mitigation Measures BIO-2.1 through 2.3 would reduce impacts of buildout on sensitive natural communities, riparian habitat, and wetlands to a less than significant level.

Page 4.9-91. Revise the second full paragraph, as follows:

Policy OS-5.11 promotes conservation of large, continuous expanses of native trees and vegetation as the most suitable habitat for maintaining abundant and diverse wildlife. Policy OS-5.13 encourages efforts to obtain and preserve natural areas of particular biologic, scientific, or educational interest and restrict incompatible uses from

encroaching upon them. Policy OS-5.16, as revised, will require a biological study to be prepared 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. Policy OS-17 requires the County to develop a program to mitigate the loss of critical habitat.

Page 4.9-91, Safety Element. Delete this paragraph.

~~***Safety Element***~~

~~Goal S-2 and Policies S-2.1 through 2.8 address reducing development in the floodplain and reducing impacts that would occur within the floodplain.~~

Page 4.9-94, under Mitigation Measure BIO-3.1: The measure is revised as follows:

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 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.

Page 4.9-95. Revise the first paragraph, as follows:

Over 80% of the development in Monterey County within the 2030 Horizon will occur in areas designated for focused growth. Discretionary permits will be required for this development as well as for any large scale residential and commercial development that might occur outside of these areas (subject to the Subdivision Evaluation System). For discretionary development, implementation of the General Plan policies alone would have potentially resulted in significant impacts to wildlife movement corridors. Mitigation Measure BIO-3.1 requires consideration of wildlife movement for all discretionary projects. Mitigation Measure BIO-1.2 would address impacts to kit fox habitat that might occur from development and will have co-benefits for the protection of wildlife movement for other species. ~~Mitigation Measure BIO-1.3 requires preparation of a biological report that includes measures to avoid impacts or minimize impacts to CEQA-defined special-status species, which may also have some co-benefits for wildlife movement corridors.~~ Mitigation Measure BIO-2.1 would further protection riparian corridors for wildlife movement.

The biological study required pursuant to Policy OS-5.16, as revised, will identify wildlife corridors on a site-specific basis. This will enable the County to apply pertinent conditions of approval to the project.

Page 4.9-95. Revise the last paragraph, as follows:

The remaining development consists of conversion of previously uncultivated agricultural lands to new farmland. As shown in the pattern of historic conversion (see Exhibits 4.9.6, 4.9.7, 4.9.8, and 4.9.8), conversion of natural communities would be widely dispersed geographically throughout the County. Based on the assumption that conversion of previously uncultivated lands is not anticipated to exceed the previous 2425 year trend (1982 – 2006) in the County (approximately 466450 acres per year), the sporadic and discontinuous pattern of crop expansion, and the geographic distribution of agricultural operations (especially within the Salinas Valley), agricultural conversion is not considered to result in a significant impact to wildlife movement corridors.

Page 4.9-96. Delete the second paragraph under "Mitigation Measures," as follows:

~~Mitigation Measure BIO-1.3 as discussed above under Impacts to CEQA-Defined Special-Status Species.~~

Page 4.9-97, first paragraph under "Significance Conclusion." Revise the paragraph as follows:

Implementation of General Plan policies would focus growth to 2030 and Mitigation Measure BIO-1.4 would focus growth for the period after 2030. Implementation of a NCCP for the County would provide for long-term conservation needs, which to be effective, must include effective preservation of wildlife movement corridors. Mitigation Measures BIO-1.2 would address conservation needs for the San Joaquin kit fox which will produce co-benefits for wildlife movement corridors. The new Stream Setback Ordinance would further protection of riparian corridors beyond the level provided in the General Plan. ~~Mitigation Measure BIO-1.3 would~~ Policy OS-5.16, as revised, will require consideration of preservation of wildlife movement areas as part of the biological study prepared during project- review. The combined effect of these measures is to identify and plan for the long-term vitality of wildlife movement corridors in the Count and thus this impact is less than significant.

Page 4.9-98. Revise Mitigation Measure BIO-3.2 as follows:

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.

Page 4.9-104. Revise the third paragraph under "Mitigation Measures," as follows:

Mitigation Measure BIO-1.5: By 2030, prepare a Comprehensive ~~County Natural Communities~~ Conservation ~~Plan~~Strategy

Section 4.9 Exhibits. Exhibit 4.9-1 was revised to incorporate the latest mapping of Monterey pine forest extent. Exhibit 4.9-2 was updated to note the Monterey pine forest within the Highway 68/Airport AHO and the correct extent of the designated wine corridor. Exhibits 4.9-3 and 4.9-4 were updated to note the d the correct extent of the designated wine corridor. New Exhibit 4.9-5a was added to show the critical habitat for Yadon's piperia. These exhibits are at the end of this chapter.

Section 4.10, "Cultural Resources"

Page 4.10-7. Insert the following after the discussion of the Esselen peoples at the top of the page.

Salinan

The Salinan culture inhabited eastern and southern Monterey County though the precise extent of their territory is uncertain. According to mission records, their territory roughly extended in the interior from Soledad in the north to San Luis Obispo in the south and along the coast from Lucia in the north to Morro Bay in the south. Prior to European contact, the Salinan spoke a language tentatively classified as a member of the Californian branch of the Hokan language family (Hester 1978). The number of prehistoric dialects remains unknown, and because no known native speakers survive, the language is considered extinct.

The Salinan have been conventionally subdivided into two main bodies: the Antoniano or Northern of the northwest half of the range, and the Migueleno or Southern who occupied the southeastern half of the range. As the names imply, the division assumes association with either of the two Spanish missions established on Salinan lands: Mission San Antonio de Padua, established 1771, and Mission San Miguel, to the south, founded in 1797 (Hester 1978). Population estimates are based largely on mission-era documents, and estimates from neighboring groups for which more information is available. Common population estimates for the Salinan area as a whole range from 2,000 and 3,000, during the early 19th century (Kroeber 1925). All known village locations for which names are recorded occur along the Estrella, San Antonio, Salinas, and Nacimiento Rivers, along Cholame Creek to the east, and along the coast.

The Salinan dietary breadth accommodated a wide variety of animal and vegetal resources. The material culture of the Salinan reflects a broad economic and subsistence foundation. Use of the bowl mortar and pestle, as well as the mano and metate is evident, in addition to wooden and hopper mortars, and stone bowls. General-purpose tools and task-specific items such as fishhooks were crafted from materials such as shell and bone (Hester 1978). Salinan economy was based primarily on procurement and manufacture of local resources, and evidence suggests moderate amounts of local and distant trade. Contact with the Yokuts to the east and the Chumash to the south appears to have been fairly consistent in areas with common cultural boundaries. Archaeological expressions suggest the Chumash and Yokuts had influence on the Salinan, based on shared material culture and, with the Chumash, possible common ancestry. Reciprocal visits allowed groups of each nation limited access to lands and resources once considered exclusive (Hester 1978).

Limited information allows for only the broadest interpretation of Salinan social and political organization. It is not unlikely that the social and political organization of these people differed greatly from patterns observed among neighboring groups in the region. Observed in its basic structure, the primary social entity is the tribelet, composed of a single village or multiple affiliated villages. Neighbors and outsiders were considered as such with respect to the distances between the Salinan and those outside the tribelet. Similar to other Native American groups in California, there appears to be no concept of a chief, but rather a headman, whose position was most likely based on family wealth or descent but whose power may have extended over multiple villages (Harrington 1942).

Page 4.10-9, under State Historic Preservation Programs. Revise the second bullet as follows.

- California Register of Historical ~~Places~~Resources

Page 4.10-15, under Mitigation Measures. Revise Mitigation Measure CUL-1 as follows.

Policy CSV-1.1 of the Central Salinas Valley Area Plan will be revised to read:

CSV-1.1 Special Treatment Area: Paraiso Hot Springs—The Paraiso Hot Springs properties shall be designated a Special Treatment Area. Recreation and visitor serving land uses for the Paraiso Hot Springs Special Treatment Area may be permitted in accordance with a general development plan and other discretionary approvals such as subdivision maps, use permits, and design approvals. The Special Treatment Area may include such uses as a lodge, individual cottages, a visitor center, recreational vehicle accommodations, restaurant, shops, stables, tennis courts, aquaculture, mineral water bottling, hiking trails, vineyards, and orchards. The plan shall address cultural resources protection, fire safety, access, sewage treatment, water quality, water quantity, drainage, and soil stability issues (APN: 418-361-004, 418-361-009, 418-381~~361~~-021, 418-381~~361~~-022).

Page 4.10-27, under Level of Significance after Mitigation. Revise the paragraph as follows.

All impacts on cultural resources would be less than significant with implementation of the measures in the 2007 General Plan, and ~~no additional~~ mitigation measure CUL-1, as discussed under Impact CUL-1 ~~would be required~~.

Section 4.11 Public Services and Utilities

Page 4.11-5, second paragraph under "Wastewater Treatment Facilities". Revise the paragraph as follows:

> The Carmel Area Water District (CAWD) is the other regional district providing wastewater services in the county. The CAWD operates and maintains sewage collection, treatment, and disposal facilities. The District's facilities are located at the mouth of the Carmel River and serve the City of Carmel-by-the-Sea, Del Monte Forest/Pebble Beach, and portions of the Carmel Valley. The permitted wastewater treatment plant capacity is 3.04~~4.0~~ MGD (about 9.22~~1.2~~ acre-feet per day) and current demand is 2.0~~1.7~~ MGD (about 6.1~~5.2~~ acre-feet per day).

Page 4.11-6, Table 4.11-4. The table is revised as follows:

Table 4.11-4. Municipal Wastewater Disposal in Monterey County

Wastewater Treatment System	Service Area	Treatment Level	Capacity	Current Use	Remaining Capacity
Monterey Regional Water Pollution Control Agency	Del Rey Oaks, Marina, Monterey, Pacific Grove, Salinas, Sand City, Seaside	Tertiary	29.6 MGD (27.0 MGD permitted)	21 MGD	8.6 MGD
Carmel Area Wastewater District	Carmel-by-the-Sea, Pebble Beach, portions of Carmel Valley	Tertiary	4.0 MGD (3.0 MGD permitted)	2.0~~1.7~~ MGD	1.0~~2.7~~ MGD
Gonzales	Gonzales	Primary	1.3~~0.706~~ MGD	0.52~~40.35~~ MGD	0.776~~0.356~~ MGD
Greenfield	Greenfield	Primary	1.0 MGD	0.9~~0.8~~ MGD	0.1~~0.2~~ MGD
King City	King City	Secondary	3.0~~1.2~~ MGD	1.2~~0.731~~ MGD	1.8~~0.469~~ MGD
Soledad	Soledad	Secondary	5.6 MGD (4.1~~3.1~~ MGD permitted)	3.4~~2.5~~ MGD	0.7~~3.1~~ MGD

MGD = Million gallons per day.

Sources: Association of Monterey Bay Area Governments 1999; Local Agency Formation Commission of Monterey County 2006a, 2006b, 2007; Central Coast Regional Water Quality Control Board. 2006.

Page 4.11-8, last paragraph under "Water Diversion Rates". Revise the paragraph as follows:

> The State requires that each jurisdiction achieve a diversion rate of at least 50 percent. As of 2006, Monterey County ~~is~~was ~~currently~~ in compliance with this requirement.

Page 4.11-34, under Mitigation Measure PS-1. Revise the measure as follows:

PS-1: The County will add the following policy to the 2007 General Plan:

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.

Page 4.11-37, under Significance Determination. Revise the first paragraph as follows:

Implementation of the 2007 General Plan would increase solid waste generation, and therefore would consume~~require additional~~ landfill capacity and require new or expanded transfer stations and recycling facilities. As summarized in Table 4.11-5, the four active landfills located in Monterey County have adequate capacity to accommodate additional solid waste generated by implementation of the 2007 General Plan.

Section 4.13, "Hazards and Hazardous Materials"

Page 4.13-29, first paragraph. The first sentence is revised as follows.

Policies S-6.1 (emergency service availability consideration), S-6.2 (emergency service priority based on highest population), S-6.3 (establishment of Development Impact Ordinance for protection coverage and emergency services facilities), S-6.4 (Community Area development based on emergency response time), S-6.5 (~~countywide~~ fire and ambulance service-level goals), and S-6.6 (development of informational brochures regarding level of fire and ambulance service) establish specific performance standards such as staffing ratios and response times so that the County's emergency response systems are always adequate.

Page 4.13-29, second paragraph. The second sentence is revised as follows.

Policy S-6.5 establishes ~~countywide~~ service level goals for fire and ambulance/emergency service as:

Section 4.16, "Climate Change"

Page 4.16-1. Third paragraph is revised as follows:

For buildout within the County beyond the 2030 planning horizon, not all of the technology has been developed to implement reductions to meet the goals of Executive Order S-3-05, which requires reduction of GHG emissions to levels 80 percent below 1990 levels by 2050. Mitigation identified in this chapter requires continuation of the GHG Reduction Plan beyond 2030 as well as adoption of a new General Plan by 2030 that would examine options to focus growth for the period after 2030. These measures would identify feasible means along with state and federal actions that might be able to

reduce emissions to 80 percent below 1990 levels, but given that the means to effect such emissions are not known at present, buildout within the County beyond 2030 is determined to make a ~~considerably~~ considerable contribution to cumulative GHG emissions and global climate change

Page 4.16-4. The second paragraph is deleted:

~~The California Energy Commission's Inventory of California Greenhouse Gas Emissions and Sinks: 1990 to 2004 estimates that California is the second largest emitter of GHG emissions of the United States (only Texas emits more GHG). The CEC estimates that in 2004, California's gross GHG emissions were 492 million metric tons (MMT) of CO_2 equivalent (CO2E)2. The transportation sector produced approximately 41 percent of California's GHG emissions in 2004. Electric power production accounted for approximately 22 percent of emissions (including estimated emissions from out-of-state coal-fired power plants), the industrial sector contributed 21 percent of the total; agriculture and forestry contributed 8 percent, and other sectors contributed 8 percent (California Energy Commission 2006).~~

Page 4.16-5. The second paragraph is revised as follows:

An inventory of current Monterey County GHG emissions was prepared estimated on the basis of estimated vehicle miles traveled, natural gas consumption, electricity use, industrial process activity, landfill activity, fugitive methane from natural gas pipelines and ~~agricultural~~ offroad equipment use and is presented in Table 4.16-1. The methodology for preparation of the current GHG inventory is presented in the Technical Supporting Data at the end of this FEIR ~~Appendix B~~. The inventory methodology for the local community emissions~~government operations~~ is consistent with the California Climate Action Registry (CCAR) General Protocol (CCAR 2008) and The Climate Registry General Protocol (The Climate Registry 2008).

Page 4.16-5. Table 4.16-1 is revised as follows:

Table 4.16-1. Monterey County Greenhouse Gas Emissions Estimate, 2006

Source	GHG Emissions	% of Total	Notes
Vehicle Emissions	647,175	~~46%~~ 45%	Includes miles on County roads and 25% of state highway miles.
Natural Gas Consumption	190,848	~~14%~~ 13%	Residential, commercial, and industrial consumption from PG&E.
Electricity Consumption	209,103	15%	Residential, commercial, and industrial consumption from PG&E.
Industrial Processes	201,290	14%	Based on MBUAPCD inventory data.
Landfill Emissions	32,829	2%	Based on CIWMB data.
Offroad Equipment Use	152,114	11%	Based on OFFROAD model with apportionment.
Fugitive Methane from Nat. Gas Pipelines	5,417	0%	Based on California per capita average
~~Agricultural Equipment Fuel Use~~	~~113,159~~	~~8%~~	~~Based on farm acreage and state averages.~~
Total	**~~1,394,404~~ 1,438,778**	**100%**	

Source: See Technical Supporting Data at the end of this FEIR

Page 4.16-6. First paragraph, is revised as follows:

Comparing Monterey County to California, the 2006 emissions related to unincorporated Monterey County represent approximately 0.3 % of 2004 California emissions ~~(CARB has not yet released a 2006 emissions estimate~~).

Page 4.16-7. First paragraph, third line from last is revised as follows:

It cited several risks that California faces from climate change, including reduction in the state's water supply, increased air pollution creation by higher temperatures, harm to agriculture, and increase in wildfires, damage to the coastline, and economic losses caused by higher food, water, energy, and insurance prices. Further the legislature stated that technological solutions to reduce GHG emissions would stimulate California economy and provide jobs.

Page 4.16-8, under AB 32. Fifth bullet is revised as follows:

- January 2,~~1 1011~~ 2011—Adoption of GHG emission limits and reduction measures by regulation.

Page 4.16-8, under AB 32 Early Actions. First bullet is revised as follows:

- Group 1—Three new GHG-only regulations are proposed to meet the narrow legal definition of "discrete early action greenhouse gas reduction measures" in Section 38560.5 of the Health and Safety Code. These include the Governor's Low Carbon Fuel Standard, reduction of refrigerant losses from motor vehicle air conditioning maintenance, and increased methane capture from landfills. These actions are estimated to reduce GHG emissions between 13 and 26 MMT of CO_2e) annually by 2020 relative to projected BAU levels. If approved for listing by the Governing Board, these measures will be brought to hearing in the next 12 to 18 months and take legal effect by January 1, 2010.

Page 4.16-9. Second paragraph from the bottom, third line from the bottom is revised as follows:

On a per-capita basis, that means reducing annual emissions of 14 tons of carbon dioxide ~~for~~ per person in California down to about 10 tons per person by 2020. Below is a summary of the recommended reduction strategies.

Page 4.16-11. Table 4.16-2 is revised as follows:

Table 4.16-2. Summary of AB 32 Draft Scoping Plan Recommendations

Recommended Reduction Strategies	Sector	2020 Reductions ($MMTCO_2e$)
~~The Role of State Government Reduce carbon footprint Set an example~~	~~Various~~	~~1–2 (under evaluation)~~
Estimated Reductions Resulting from the Combination of Cap-and-Trade Program and Complementary Measures		
~~California Cap-and-Trade Program Linked to WCI: Emissions cap of 365 $MMTCO_2e$ covering electricity, transportation, residential/commercial and industrial sources by 2020. Shaded reductions below contribute to achieving the cap.~~		
California Light-Duty Vehicle GHG Standards · Implement Pavley standards Develop Pavley II light-duty vehicle standards	Transportation	31.7
Energy Efficiency • Building and appliance energy efficiency and conservation 32,000 GWh reduced electricity demand · 800 million therms reduced gas use • Increase Combined Heat and Power (CHP) electricity production by 30,000 GWh • Solar Water Heating (AB 1470 goal)	Electricity & Commercial and Residential	26.3~~26.4~~
Renewables Portfolio Standard (33% by 2020)	Electricity	21.3~~21.2~~
Low Carbon Fuel Standard	Transportation	15~~16.5~~
Regional Transportation-Related GHG Targets ~~High Global Warming Potential Gas Measures~~	Transportation ~~High GWP~~	5.0~~16.2~~
~~Sustainable Forests~~	~~Forests~~	~~5~~

Recommended Reduction Strategies	Sector	2020 Reductions ($MMTCO_2e$)
~~Water Sector Measures~~	~~Water~~	~~4.8~~
Vehicle Efficiency Measures	Transportation	4.5~~4.8~~
Goods Movement • Ship Electrification at Ports • System-Wide Efficiency Improvements	Transportation	3.7
Heavy/Medium Duty Vehicles • Heavy-Duty Vehicle GHG Emission Reduction (Aerodynamic Efficiency) • Medium-and Heavy-Duty Vehicle Hybridization ~~Heavy-Duty Engine Efficiency~~	Transportation	1.4~~2.5~~
Million Solar Roofs (Existing Program Target)	Electricity	2.1
Industrial Measures (for sources covered under cap-and-trade program) • Refinery Measures • Energy Efficiency and Co-benefits Audits ~~Local Government Actions and Regional GHG Targets~~	Industrial ~~Land Use and Local Government~~	0.3~~2~~
High Speed Rail	Transportation	1.0
~~Landfill Methane Control~~	~~Recycling & Waste~~	~~1~~
~~Methane Capture at Large Dairies~~	~~Agriculture~~	~~1~~
Energy Efficiency and Co-Benefits Audits for Large Industrial Sources	Industrial	0.3~~TBD~~
Additional Reductions Necessary to Achieve the Cap ~~Emissions Reduction from Capped Sectors~~		34.4~~35.2~~
Estimated Reductions from Uncapped Sources/Sectors		
High Global Warming Potential Gas Measures	High GWP	20.2
Sustainable Forests	Forests	5.0
Industrial Measures (for sources not covered under cap-and-trade program)	Oil and Gas Extraction and Transmission	1.1
Recycling and Waste (landfill methane capture)	Recycling and Waste	1
Total Reductions Counted Toward 2020 Target		**174~~169~~**

Source: California Air Resources Board 2008c~~b~~.

Notes:

(1) An emissions cap of 365 $MMTCO_2e$ covering electricity, transportation, residential/commercial and industrial sources by 2020 is adopted as part of the California Cap-and-Trade Program Linked to Western Climate Initiative.

(2) Regional Transportation-Related GHG Targets is an estimate of what may be achieved from local land use changes and is not the SB 375 regional target. The regional targets will be set separately.

Page 4.16-14 through 4.16-17. The discussion of the greenhouse gas emissions significance threshold is revised as follows:

Greenhouse Gas Emissions

AB 32 states, in part, that "Global warming poses a serious threat to the economic well-being, public health, natural resources, and the environment of California." Because global warming is the result of GHG emissions, and GHGs are emitted by innumerable sources worldwide, global climate change is clearly a significant cumulative impact. However, the global increase in GHG emissions that has occurred and will occur in the future are the result of the actions and choices of individuals, businesses, local governments, states, and nations. Thus, the analysis below should be understood as an analysis of cumulative contributions to a significant global impact.

The Governor's Office of Planning and Research (OPR) developed ~~is developing~~, and the California Resources Agency (Resources Agency) ~~will certify and~~ adopted amendments to the CEQA Guidelines ~~on or before January 1, 2010~~, pursuant to Senate Bill 97 (Dutton, 2007). These new CEQA Guidelines, which are scheduled to take effect March 18, 2010, ~~will~~ provide regulatory guidance on the analysis and mitigation of GHG emissions in CEQA documents. These guidelines specify that CEQA document should disclose the baseline GHG emissions, project GHG emissions, make a significance determination, and adopt mitigation where significant impacts are identified.

~~In the interim, OPR has released a technical advisory (*CEQA and Climate Change: Addressing Climate Change through California Environmental Quality Act (CEQA) Review*, Office of Planning and Research, June 19, 2008). OPR offers informal guidance regarding the steps lead agencies should take to address climate change in their CEQA documents. This guidance was developed in cooperation with the Resources Agency, the California Environmental Protection Agency (Cal/EPA), and the CARB. The technical advisory provides the following guidance regarding significance determination:~~

- ~~*"When assessing a project's GHG emissions, lead agencies must describe the existing environmental conditions or setting, without the project, which normally constitutes the baseline physical conditions for determining whether a project's impacts are significant.*~~
- ~~*As with any environmental impact, lead agencies must determine what constitutes a significant impact. In the absence of regulatory standards for GHG emissions or other scientific data to clearly define what constitutes a "significant impact", individual lead agencies may undertake a project-by-project analysis, consistent with available guidance and current CEQA practice.*~~
- ~~*The potential effects of a project may be individually limited but cumulatively considerable. Lead agencies should not dismiss a proposed project's direct and/or indirect climate change impacts without careful consideration, supported by substantial evidence. Documentation of available information and analysis should be provided for any project that may significantly contribute new GHG emissions, either individually or cumulatively, directly or indirectly (e.g., transportation impacts).*~~
- ~~*Although climate change is ultimately a cumulative impact, not every individual project that emits GHGs must necessarily be found to contribute to a significant cumulative impact on the environment. CEQA authorizes reliance on previously approved plans and mitigation programs that have adequately analyzed and*~~

~~*mitigated GHG emissions to a less than significant level as a means to avoid or substantially reduce the cumulative impact of a project."*~~

CEQA currently has no thresholds for GHG emissions. As described by the OPR guidelines technical advisory, in absence of established thresholds ~~regulatory guidance or standards~~, lead agencies must undertake a project-by-project analysis, consistent with available guidance and current CEQA practice. What follows is Monterey County's significance criteria framework for this EIR on the 2007 General Plan

Scientific studies (as best represented by the IPCC's periodic reports) demonstrate that climate change is already occurring due to past GHG emissions. Forecasting of future growth and related GHG emissions under "business as usual (BAU)[1] conditions indicate large increases in those GHG emissions accompanied by an increasing severity of changes in global climate. Thus, the best scientific evidence concludes that global emissions must be reduced below current levels.

On a state level, AB 32 identified that an acceptable level of GHG emissions in California 2020 is 427 million metric tons of CO_2e, which, according to the ARB AB-32 Scoping Plan (CARB 2008) is the same as 1990 GHG emissions level, is about 15%~~11%~~ less than current ~~(480 million metric tons CO_2e in 2004)~~ GHG emissions, and is about 28% less than projected 2020 BAU conditions (596 million metric tons CO_2e). Further, CARB specifically recommended that local municipalities throughout California seek to lower their emissions by 15 percent compared to current levels (CARB 2008).

Thus, on a state level, if California can achieve these reductions, California as a whole will not contribute considerably to global GHG emissions. California's emissions in 2020 will still make a cumulative contribution to global GHG emissions, but relative to current baseline emissions will be substantively reduced.

In order to achieve these GHG reductions, there will have to be widespread reductions of GHG emissions from sources in many various sectors across the California economy including in Monterey County. Some of those reductions will need to come from the existing sources of emissions in the form of changes in vehicle emissions and mileage, changes in the sources of electricity, and increases in energy efficiency by existing residential, commercial, industrial, and agricultural development as well as other measures. While County action can help to promote GHG reductions from the existing economy, existing development is not under the discretionary land use authority of the County, and thus most of these reductions will come as the result of state and federal mandates. The remainder of the necessary GHG reductions will need to come from requiring new development to have a lower carbon intensity than BAU conditions. County land use discretion can substantially influence the GHG emissions from new development.

[1] "Business as usual" (BAU) conditions are defined as population and economic growth in the future using current (2008) ~~building practices and current (2008) regulatory standards~~energy consumption averages. ~~For this EIR, reference to BAU conditions are specifically defined as including current mandatory requirements such as Title 24 (Energy Efficiency Standards), current federal vehicle mileage standards (but not California AB1493 vehicle emission standards which are not currently in force due to lack of issuance of a federal waiver), current renewable portfolio standards (RPS, SB 1078/SB107) for California regulated utilities, current County water efficiency requirements, and other existing local and state requirements~~. BAU conditions presume no improvements in energy efficiency, water efficiency, fuel efficiency beyond that existing today ~~or as required by existing (2008) statute~~. Specifically, BAU conditions do not include the GHG reduction measures included in the CARB ~~Draft~~ Scoping Plan (~~June~~December 2008) which are not yet fully enacted in statute.

In terms of determining whether GHG emissions in Monterey County will be cumulatively considerable, one has to evaluate whether Monterey County, is doing its part to ensure that California, as a whole, meets the AB 32 target. While there can and likely will be variation in how much reductions each city or county or region can realistically achieve by 2020, on the average, they must all be approximately 28~~30~~ percent compared to BAU conditions or 15 percent compared to current conditions.

Thus, the simplest measure of whether Monterey County emissions will contribute considerably to GHG emissions in 2020 is whether they are 15~~28~~ % less than ~~BAU~~ current conditions. If they are, Monterey County would not contribute considerably to state or global GHG emissions and related climate change effects. Put another way, if Monterey County emissions are greater than 85~~72~~% ~~percent~~ of ~~BAU~~current GHG emissions, then the emissions of new development allowed by the 2007 GP (along with the ongoing emissions of existing development) would contribute considerably to state and global GHG emissions and related climate change effects.

Thus, for this EIR, the 2007 GP would result in a cumulatively considerable contribution to a significant cumulative impact if:

- GHG emissions associated with unincorporated Monterey County (including the GHG emissions of Monterey County government and the GHG emissions in unincorporated part of the County) are greater than 85 ~~72~~ percent of current ~~forecasted BAU~~ GHG emissions.

The 2007 GP requires preparation of a detailed current GHG inventory and GHG forecast for the County for 2020 within 24 months of GP adoption. As discussed below, the recommended goal for the GHG reduction plan required by Policy OS-10.11 is to reduce County GHG emissions by 15~~28~~% relative to current~~BAU~~ emissions in 2020.

For the interim, this EIR will rely on the estimate of GHG emissions prepared for this EIR for 2030, adjusted to the year 2020. As discussed below, based on current estimated ~~BAU~~ emissions, the 2007 GP will result in GHG emissions that exceed the significance criteria. Mitigation measures are included accordingly. As discussed above, in the next years the State will be adopting comprehensive regulations to reduce the GHG emissions from vehicles, industry, building, and other sources. These regulations are expected to play a major part in reaching the goal of reducing currently projected 2020 emissions levels by fifteen ~~twenty-eight~~ percent.

Page 4.16-18, under Impact of Development with Policies is revised as follows:

New GHG Emissions from transportation, ~~and~~ direct and indirect energy consumption from residential, commercial, and industrial growth, landfill emissions, offroad equipment, fugitive methane from natural gas pipelines, wineries/ancillary uses in the AWCP, the Coastal Water Project, and changes in carbon stock/sequestration were estimated for the 2030 Planning Horizon for development allowed by the 2007 General Plan and are shown in Table 4.16-3. ~~Emissions associated with land use change were not estimated for the reasons discussed below.~~

Transportation Emissions

New vehicle carbon dioxide emissions will result from new residential, commercial, industrial and public service development. The results of the EMFAC2007 modeling indicate that as of 2030, vehicular traffic within the Monterey County planning area with implementation of the 2007 General Plan (without consideration of City or adjacent County growth) would increase CO_2e emissions by 73,000 ~~136,000~~ metric tons in 2030. Taking into account the adopted AB 1493 standards for GHG emissions, there could be a reduction of 11% in the carbon dioxide emissions of light duty vehicles and therefore the increased emissions for 2030 would be 68,000 ~~126,000~~ metric tons instead of 73,000 ~~136,000~~ tons.

The AB-32 Draft Scoping Plan calls for implementation of AB 1493 standards (commonly called Pavley I) for GHG emissions and a more stringent enhancement named Pavley II, which would result in a reduction in GHG emissions from passenger vehicles of 20% by 2020. In addition, the Scoping Plan includes the implementation of a Low Carbon Fuel Standard that will reduce GHG emissions from passenger vehicles by 10%. The Pavley I and II efforts and Low Carbon Fuel Standard would result in an increase in GHG emissions of 49,522 ~~109,000~~ metric tons in 2030 instead of 73,000 ~~136,000~~ tons.

Page 4.16-19. Table 4.16-3 is replaced in full as follows:

Table 4.16-3. Monterey County Greenhouse Gas Increase in Emissions, 2020 and 2030

Source	GHG Emissions (MT CO2e)	% of Total	Notes
		Business as Usual Conditions	
Vehicle Emissions	73,093	27%	Based on growth in VMT (2030 factors)
Natural Gas Consumption	26,000	10%	Residential, commercial, and industrial consumption.
Electricity Consumption	24,935	9%	Residential, commercial, and industrial consumption.
Industrial processes	51,230	19%	Based on growth in industrial employment
Landfill Emissions	8,988	3%	Based on growth in population.
Offroad Equipment Use	49,899	18%	Based on OFFROAD model with apportionment.
Fugitive Methane from Nat. Gas Pipelines	1,483	1%	Based on growth in population.
AWCP Wineries and Ancillary Uses	5,327	2%	Building energy only (transportation included above). Assumes all built by 2030.
Coastal Water Project	2,890	0%	Apportioned emissions to County based on population served.
Annualized Stock/Sequestration Loss	26,046	10%	Includes loss in sequestration and average stock loss (2006 - 2030)
Total from New Development 2030	**269,891**	100%	
Total from New Development 2020	**157,436**		Scaled based on years (+14 years to 2020/+24 years to 2030)
Total from Existing Development	1,438,776		Assumed no change since 2006.
Total for 2020	**1,596,212**		
Percent Change relative to 2006		*11%*	
Total for 2030	**1,708,667**		

Source	GHG Emissions (MT CO2e)	% of Total	Notes
With AB 1493 vehicle emissions standards and SB 1078, SB 107 RPS requirement of 20% renewable energy			
Vehicle Emissions	67,654	26%	Adjusted for Pavely 1
Natural Gas Consumption	26,000	10%	Not adjusted
Electricity Consumption	22,941	9%	Adjusted for SB 1078/SB 107 (8 percent)
Industrial processes	51,230	20%	Not adjusted for potential improvements in process efficiency.
Landfill Emissions	8,988	3%	Not adjusted for potential improvements in landfill capture.
Offroad Equipment Use	49,899	19%	Not adjusted for equipment efficiency improvement.
Fugitive Methane from Nat. Gas Pipelines	1,483	1%	Not adjusted
AWCP Wineries and Ancillary Uses	4,901	2%	Adjusted for SB 1078/SB 107 (8 percent)
Coastal Water Project	2,659	0%	Adjusted for SB 1078/SB 107 (8 percent)
Annualized Stock/Sequestration Loss	26,046	10%	Not adjusted
Total from New Development 2030	**261,799**	100%	
Total from New Development 2020	**152,716**		Scaled based on years (+14 years to 2020/+24 years to 2030)
Total from Existing Development	1,350,859		Assumes similar percentage reduction for existing development relative to BAU as estimated for new development (due to Pavely 1 and SB 1078/SB 107).
Total for 2020	**1,503,575**		
Percent Change relative to 2006		*5%*	
Percent of 2020 BAU		*94%*	
Total for 2030	**1,612,658**		

Source	GHG Emissions (MT CO2e)	% of Total	Notes
With Pavley II vehicle emissions standards, Governor's Low Carbon Fuel Standard and Draft Scoping Plan RPS goal of 33% renewable energy			
Vehicle Emissions	49,522	22%	Adjusted for AB-32 measures (Pavley 1/2, LCFS, efficiency measures, and HD/MD measures) resulting in 26.8% reduction for transportation emissions
Natural Gas Consumption	23,530	10%	Adjusted for AB-32 measures (Title 24/ Other State Energy Efficiency Improvements) resulting in 9.5% reduction for natural gas sector
Electricity Consumption	15,485	7%	Adjusted for AB-32 measures (RPS goal of 33%, Title 24/Other State Energy Efficiency Improvements, million solar roofs) resulting in total of 32.5% reduction from electricity sector.
Industrial processes	51,230	22%	Not adjusted for potential improvements in process efficiency.
Landfill Emissions	7,819	3%	Adjusted for state measure on landfills (13%)
Offroad Equipment Use	46,306	20%	Adjusted for LCFS (7.2%)
Fugitive Methane from Nat. Gas Pipelines	1,483	1%	Not adjusted
AWCP Wineries and Ancillary Uses	3,899	2%	Adjusted for AB-32 electricity and natural gas measures (26.8%)
Coastal Water Project	2,448	1%	Adjusted for RPS (15.3%)
Annualized Stock/Sequestration Loss	26,046	11%	Not adjusted
Total from New Development 2030	**227,769**	100%	
Total from New Development 2020	**132,865**		Scaled based on years (+14 years to 2020/+24 years to 2030)
Total from Existing Development	1,188,613		Assumes similar percentage reduction for existing development relative to BAU as estimated for new development due to AB-32 measures
Total for 2020	**1,321,478**		
Percent Change relative to 2006		*-8%*	
Percent of 2020 BAU		*83%*	
Total for 2030	**1,416,381**		

Source: See the Technical Supporting Data at the end of this FEIR

Page 4.16-21, under Indirect Electricity GHG Emissions as follows:

New buildings allowed by the 2007 General Plan would also consume electricity. By 2030, residential and commercial development allowed by the 2007 General Plan would result in estimated increase in annual indirect GHG emissions of 25,000 metric tons related to electricity under BAU conditions.

Taking into account the adopted SB0178/SB107 RPS standards, there could be a reduction of 8% in the GHG emissions related to electricity production by PG&E and thus the increase in indirect GHG emissions would be reduced to 23,000 metric tons. The Scoping Plan calls for an increase in RPS standards to 33%, as well as the million solar roof initiative, and improvements in energy efficiency which would result in a reduction of 32.5~~21~~% in the GHG emissions related to electricity production by PG&E and thus the increase in indirect GHG emissions would be reduced to 15,000 ~~20,000~~ metric tons.

Page 4.16-21 and 4.16-22 under Emissions Associated with Landfills is revised as follows:

Development allowed by the 2007 General Plan would result in increased generation of waste which would require disposal in a landfill, which would increase methane emissions.

Based on population data, there would be an increase of population in the unincorporated County by 27% by 2030 and by 98~~95~~% at buildout. Landfill emissions in 2006 were estimated as 33,000 metric tons of CO2e. Thus increased GHG emissions by 2030 due to new growth are estimated to be 9,000 metric tons of CO2e.

Off-Road Equipment Emissions

Off-Road equipment emissions were estimated using the CARB OFFROAD model and apportioned to the unincorporated County area and increased by approximately 57, 000 metric tons CO2e per year in 2030 compared to 2006. Offroad equipment for agriculture is included in this total

Page 4.16-22 under Agricultural Emissions is revised as follows:

Agricultural Emissions

~~Based on trends in agricultural employment (AMBAG 2004; AMBAG 2008), no net expansion in agricultural development is projected for 2030 or buildout as virtually no increase in agricultural employment is forecast by AMBAG to 2030 for the Monterey County in the most recent (2008) and the immediately prior (2004) economic forecasts. Thus, no estimate of additional agricultural emissions was made.~~

~~Traffic, electricity demand, and direct energy use for agricultural sector, including the new wineries is taking into account broadly in the calculation of vehicle emissions and of growth in electricity and direct energy use related emissions. Specific process emissions associated with new wineries were not estimated. Although emissions associated with wineries may rise compare to baseline, on a broad scale, with no increase in agricultural~~

~~employment overall, it is expected that overall, there will not be substantial changes on overall agricultural emissions.~~

On-Road Agricultural transportation emissions are included in the overall transportation emissions. Energy-related emissions associated with wineries and ancillary uses in the AWCP were specifically estimated for the new development allowed by the 2007 General Plan and total just over 5,000 metric tons CO2e per year at 2030. Offroad equipment for agriculture is included in the total for offroad equipment.

Fugitive Methane from Natural Gas Pipelines

Fugitive methane emissions associated with natural gas pipelines serving unincorporated areas were estimated by applying a per capita emissions factor from the California inventory to the unincorporated population in 2030. The estimated increase in fugitive methane emissions is 1,500 metric tons CO2e per year at 2030 compared to 2006.

Coastal Water Project

GHG emissions from the proposed Coastal Water Project were added to the inventory given that this project (or an equivalent desalination project) appears reasonably foreseeable to address current water deficits. An estimated 2,890 metric tons of CO2e per year (CPUC 2009) were added to the forecast emissions at 2030

Page 4.16-22 under Emissions Associated with Land Use Changes is revised as follows:

Emissions Associated With Land Use Changes

Development allowed by the 2007 General Plan would result in the conversion of natural vegetation and agricultural lands that would result in the loss of carbon sinks. Although there are ~~Given the~~ uncertainties associated with estimated GHG fluxes associated with natural vegetation and agricultural lands, the potential loss of carbon sinks was ~~not~~ quantified~~, but would nevertheless contribute GHG emissions along with other sources~~. Using literature values for the carbon stock and carbon sequestration value for different broad land cover types, and the estimate changes in those land cover types to 2030, a rough approximation was made of the net change in GHG fluxes associated with natural vegetation and agricultural lands. Annualizing the one-time carbon stock losses due to conversions and adding the changes in annual sequestration, land use changes would result in a net increase of 26,000 metric tons of CO2e per year. As discussed below a number of 2007 General Plan policies seek to limit the amount of natural land conversion due to urban growth.

Page 4.16-29, under Significance Determination. The second and third paragraph are revised as follows:

As shown above in Table 4.16-3, GHG emissions in Monterey County under BAU conditions would result in 2020 emissions that are 11~~10~~% higher than current (2006) GHG emissions without consideration of currently adopted programs (AB 1493 and SB 1078/SB 107). With consideration of currently adopted programs, County GHG emissions would be 5~~4~~% ~~less~~higher than current (2006) GHG emissions and would be an estimated 95~~94~~% of BAU GHG emissions. This amount exceeds the significance threshold of 85~~72~~% of current~~BAU~~ GHG emissions.

Implementation of the GHG Reduction Plan by the County could, in theory,~~would~~ reduce emissions to the significance threshold. However, preparation of the plan is at least 24 months in the future, and current policies do not provide a comprehensive framework for reducing GHG emissions in the County for discretionary development, and thus without the articulation of specific requirements for GHG reductions, the 2007 General Plan would result in a considerable contribution to cumulative GHG emissions and global climate change.

Page 4.16-30. Mitigation Measure CC-1a is revised as follows:

Mitigation Measure CC-1a: Modify Policy OS-10.11 regarding the Greenhouse Gas Reduction Plan

Revise Policy OS-10.11 as follows:

OS-10.11 Within 24 months of the adoption of the General Plan, Monterey County shall~~will~~ develop and adopt a Greenhouse Gas Reduction Plan with a target to reduce emissions by 2020 ~~by 28% relative to estimated "business as usual" 2020 emissions.~~ to a level that is 15% less than 2005 emission levels.

At a minimum the Plan shall:

a. establish an inventory of current (2006) GHG emissions in the County of Monterey including but not limited to residential, commercial, industrial and agricultural emissions;

b. forecast GHG emission for 2020 for County operations;

c. forecast GHG emissions for areas within the jurisdictional control of the County for "business as usual" conditions;

d. identify methods to reduce GHG emissions;

e. quantify the reductions in GHG emissions from the identified methods;

f. requirements for monitoring and reporting of GHG emissions;

g. establish a schedule of actions for implementation;

h. identify funding sources for implementation; and

i. identify a reduction goal for the 2030 Planning Horizon.

During preparation of the greenhouse Gas Reduction Plan, the County shall also evaluate potential options for changes in County policies regarding land use and circulation as necessary to further achieve the 2020 and 2030 reduction goals and measures to promote urban forestry and public awareness concerning climate change.

Page 4.16-30. Mitigation Measure CC-2 is revised as follows:

Mitigation Measure CC-2: Add Policy OS-10.12: Adoption of a Green Building Ordinance

OS-10.12 Within 24 months of adoption of the General Plan, the County shall adopt a Green Building Ordinance to require green building practices and materials for new civic buildings and new private residential, commercial and industrial buildings that will

include, but are not limited to, the following technologies, strategies or their functional equivalent:

- All new County government projects and major renovations shall meet, at a minimum, LEED-Silver standards or an equivalent rating system
- All new commercial buildings shall meet requirements of~~be certified under~~ the LEED rating system for commercial buildings or an equivalent rating system.
- All new residential projects of 6 units or more shall meet the Green Point Rating System for residential buildings, or an equivalent alternative rating system
- The county shall require consideration of solar building orientation, solar roofs, cool pavements, and planting of shade trees in development review of new commercial and industrial projects and new residential projects of 6 units or more.
- Prioritized parking within new commercial and retail areas for electric vehicles, hybrid vehicles and alternative fuel vehicles shall be provided for new commercial and institutional developments.
- New commercial and industrial projects greater than 25,000 square feel shall be required to provide on-site renewable energy generation as part of their development proposal. This requirement can be met through a solar roof or other means.

Page 4.16-31. Mitigation Measure CC-3 is revised to read:

CC-3: New Policy OS-10.13—Promote Alternative Energy Development

OS-10.13: The County shall use Geographic Information Systems (GIS) to map and assess local renewable resources, the electric and gas transmission and distribution system, community growth areas anticipated to require new energy services, and other data useful to deployment of renewable technologies.

The County shall adopt an Alternative Energy Promotion ordinance that will:

- identify possible sites for production of energy using local renewable resources such as solar, wind, small hydro, and, biogas;
- consider the potential need for exemption from other General Plan policies concerning visual resources, ridgeline protection, biological resources;
- evaluate potential land use, environmental, economic, and other constraints affecting renewable energy development; and
- adopt measures to protect ~~both~~ renewable energy resources, such as utility easement, right-of-way, and land set-asides as well as visual and biological resources.

The County shall also complete the following:

- Evaluate the feasibility of Community Choice Aggregation (CCA) for the County. CCA allows cities and counties, or groups of them, to aggregate the electric loads of customers within their jurisdictions for purposes of procuring electrical services. CCA allows the community to choose what resources will serve their loads and can significantly increase renewable energy.
- If CCA is ultimately not pursued, the County shall evaluate the feasibility of purchasing renewable energy certificates to reduce the County's contribution to GHG emissions related to County electricity use.

- The County shall develop a ministerial permit process for approval of small-scale wind and solar energy systems for on-site home, small commercial, and farm use.

Page 4.16-32. Mitigation Measure CC-4 is revised to read:

Mitigation Measure CC-4: New Policy PS-5.5 – Promote Recycling and Waste Reduction

PS-5.5 The County shall promote waste diversion and recycling and waste energy recovery as follows:

- The County shall adopt a 75% waste diversion goals
- The county shall support the extension of the types of recycling services offered (e.g. to include food and green waste recycling).
- The County shall support waste conversion and methane recovery in local landfills to generate electricity.
- The County shall support and require the installation of anaerobic digesters or equivalent technology for ~~winery facilities and~~ wastewater treatment facilities under County jurisdiction.

Page 4.16-32. Mitigation Measure CC-5 is revised to read:

Mitigation Measure CC-5: Adopt GHG Reduction Plan for County Operations

Within 12 months of adoption of the General Plan, the County shall quantify the current and projected (2020) GHG emissions associated with County operations and adopt a GHG Reduction Plan for County Operations. The goal of the plan shall be to reduce GHG emissions associated with County operations by at least 28% relative to BAU 2020 conditions.

Potential elements of the County Operations GHG Reduction Plan shall include, but are not limited to, the following measures or their technological or functional equivalent: an energy tracking and management system; energy-efficient lighting; lights-out-at-night policy; occupancy sensors; heating; cooling and ventilation system retrofits; ENERGY STAR appliances; green or reflective roofing; improved water pumping energy efficiency; central irrigation control systems; energy-efficient vending machines; preference for recycled materials in purchasing; use of low or zero-emission vehicles and equipment and recycling of construction materials in new county construction; conversion of fleets(as feasible) to electric and hybrid vehicles; and solar roofs.

Page 4.16-33, Significance Conclusion. The second paragraph is revised to read:

As shown above in Table 4.16-3, with consideration of currently adopted programs, County GHG emissions would be 5~~2~~% higher than current (2006) GHG emissions and would be an estimated 9~~4~~3% of BAU GHG emissions. This amount exceeds the significance threshold of 85~~72~~% of current ~~BAU~~ GHG emissions. The GHG reductions associated with full implementation of 2007 General Plan policies and the proposed mitigation have not been quantified but will be quantified during the GHG reduction planning required by Policy OS-10.11. ~~and recommended mitigation,~~

Page 4.16-34, Transportation Emissions is revised to read:

The results of the modeling indicate that at buildout (assumed to be 2092), under BAU conditions, vehicular traffic in the Monterey County planning area would result in increased CO_2e emissions related to increased VMT would be 331,000 ~~400,000~~ metric tons at buildout.

Taking into account the proposed Pavley II standards, vehicle efficiency measures and the Low Carbon Fuel Standard, there could be a reduction of 27~~30~~% in the carbon dioxide emissions of passenger vehicles compared to BAU. If Pavley II and the Low Carbon Fuel Standard are implemented as part of the ARB Draft Scoping Plan, the increased emissions would be 243,000 ~~320,000~~ metric tons compared to 331,000 ~~400,000~~ metric tons under BAU conditions.

Page 4.16-34, Direct Energy Consumption Emissions is revised to read:

New buildings would consume natural gas for heating, cooking, and other processes and other area sources. At buildout, residential, commercial and industrial development allowed by the 2007 General Plan would result in estimated new annual carbon dioxide emissions of 95~~2~~,000 metric tons.

Page 4.16-35. Table 4.16-4 is replaced in full as follows:

Table 4.16-4. Monterey County Greenhouse Gas Increase in Emissions, Buildout

Source	GHG Emissions (MT CO2e)	% of Total	Notes
		Business as Usual Conditions	
Vehicle Emissions	331,419	34%	Based on growth in VMT (2040 factors)
Natural Gas Consumption	95,289	10%	Residential, commercial, and industrial consumption.
Electricity Consumption	91,040	9%	Residential, commercial, and industrial consumption.
Industrial processes	194,226	20%	Based on growth in industrial employment
Landfill Emissions	32,242	3%	Based on growth in population.
Offroad Equipment Use	178,805	18%	Scaled from 2030 estimate based on growth in population
Fugitive Methane from Nat. Gas Pipelines	5,321	1%	Based on growth in population.
AWCP Wineries and Ancillary Uses	5,327	1%	
Coastal Water Project	2,890	0%	
Annualized Stock/Sequestration Loss	31,882	3%	Includes loss in sequestration and average stock loss (2006 - 2092)
Total from New Development	**968,441**	100%	
Total from Existing Development	1,438,776		Assumed no change since 2006.
Total	**2,407,217**		
Percent Change relative to 2006		*67%*	

Source	GHG Emissions (MT CO2e)	% of Total	Notes
With Pavley II vehicle emissions standards, Governor's Low Carbon Fuel Standard and Draft Scoping Plan RPS goal of 33% renewable energy			
Vehicle Emissions	242,599	30%	Adjusted for AB-32 measures (Pavley 1/2, LCFS, efficiency measures, and HD/MD measures) resulting in 26.8% reduction for transportation emissions
Natural Gas Consumption	86,237	10%	Adjusted for AB-32 measures (Title 24/ Other State Energy Efficiency Improvements) resulting in 9.5% reduction for natural gas sector
Electricity Consumption	61,452	7%	Adjusted for AB-32 measures (RPS goal of 33%, Title 24/Other State Energy Efficiency Improvements, million solar roofs) resulting in total of 32.5% reduction from electricity sector.
Industrial processes	194,226	24%	Not adjusted for potential improvements in process efficiency.
Landfill Emissions	28,051	3%	Adjusted for state measure on landfills (13%)
Offroad Equipment Use	165,931	20%	Adjusted for LCFS (7.2%)
Fugitive Methane from Nat. Gas Pipelines	5,321	1%	Not adjusted
AWCP Wineries and Ancillary Uses	3,899	0%	Adjusted for AB-32 electricity and natural gas measures (26.8%)
Coastal Water Project	2,448	0%	Adjusted for RPS (15.3%)
Annualized Stock/Sequestration Loss	31,882	4%	Not adjusted
Total from New Development	**822,045**	100%	
Total from Existing Development	1,194,030		Assumes similar percentage reduction for existing development relative to BAU as estimated for new development for Pavely 2, LCFS and RPS goal of 33%.
Total	**2,016,075**		
Percent Change relative to 2006		*40%*	

Source: See the Technical Supporting Data at the end of this FEIR

Page 4.16-36, Indirect Electricity GHG Emissions, is revised as follows:

New buildings would also consume electricity. At buildout, residential, commercial and industrial development allowed by the 2007 General Plan would result in estimated increase in annual indirect GHG emissions of 9189,000 metric tons related to electricity under BAU conditions.

Taking into account the proposed 33% RPS standard, the million solar roof program and energy efficiency measures in the AB 32 ~~Draft~~ Scoping Plan, there could be a reduction of 32.5~~21~~ % in the GHG emissions related to electricity production by PG&E and thus the indirect GHG emissions increase would be further reduced to 6~~7~~1,000 metric tons. It is likely that the carbon intensity of electricity generation 80 years in the future will be far lower than that resultant from full implementation of the AB 32 Scoping Plan ~~33% RPS standard~~.

Page 4.16-36, Industrial Emissions, is revised as follows:

Based on employment data, there would be an increase of industrial employment by 96% at buildout. Industrial process emissions in 2006 were estimated as 201,000 metric tons of CO2e. Thus increased GHG emissions at buildout due to new growth are estimated to be 194,000 metric tons of CO2e. A number of the proposed measures in the AB 32 Draft Scoping Plan would help to reduce industrial GHG emissions but the potential amount of reduction has not been estimated.

Off-Road Equipment Emissions

Off-Road equipment emissions were estimated using the CARB OFFROAD model and apportioned to the unincorporated County area and increase by approximately 179,000 metric tons CO2e per year at buildout compared to 2006. Offroad equipment for agriculture is included in this total

Page 4.16-36, Agricultural Emissions, is revised as follows:

While economic forecasting of agricultural employment was available for the 2030 planning horizon, the amount of expansion or contraction of the agricultural economy over 80 years in the future is unknown. Further, there are substantive uncertainties in estimating GHG emissions associated with diverse agricultural practices and crops. ~~Thus, no estimate of GHG emissions associated with potential agricultural expansion at buildout was prepared.~~ As noted above, agricultural transportation emissions are included in the overall transportation emissions. Energy-related emissions associated with wineries and ancillary uses in the AWCP were specifically estimated for the new development allowed by the 2007 General Plan and assumed to occur by 2030 (~5,000 metric tons of CO2e). Offroad equipment for agriculture is also included in the emissions estimate and totals approximately 96,000 metric tons (an increase of just over 24,000 metric tons of CO2e), and is included in the total for offroad equipment.

Fugitive Methane from Natural Gas Pipelines

Fugitive methane emissions associated with natural gas pipelines serving unincorporated areas were estimated by applying a per capita emissions factor from the California inventory to the unincorporated population. The estimated increase in fugitive methane emissions is 5,300 metric tons CO2e per year compared to 2006.

Coastal Water Project

GHG emissions from the proposed Coastal Water Project were added to the inventory given that this project (or an equivalent desalination project) appears reasonably foreseeable to address current water deficits. An estimated 2,890 metric tons of CO2e per year (CPUC 2009) were added to the forecast emissions.

Page 4.16-36, Emissions Associated with Land Use Changes, is revised as follows:

Development allowed by the 2007 General Plan through buildout would result in the conversion of natural vegetation and agricultural lands that would result in the loss of carbon sinks. Although there are ~~Given the~~ uncertainties associated with estimated GHG fluxes associated with natural vegetation and agricultural lands, the potential loss of carbon sinks was ~~not~~ quantifie~~d, but would nevertheless contribute GHG emissions along with other sources~~. Using literature values for the carbon stock and carbon sequestration value for different broad land cover types, and the estimate changes in those land cover types to buildout, a rough approximation was made of the net change in GHG fluxes associated with natural vegetation and agricultural lands. Annualizing the one-time carbon stock losses due to conversions and adding the changes in annual sequestration, land use changes would result in a net reduction of 32,000 metric tons of CO2e per year. As discussed below a number of 2007 General Plan policies seek to limit the amount of natural land conversion due to urban growth.

Page 4.16-37, Emissions Associated With Waste Processing, is revised as follows:

Development allowed by the 2007 General Plan would result in increased generation of waste which would require disposal in a landfill, which would increase methane emissions.

Based on population data, there would be an increase of population in the unincorporated County by 98~~95~~% at buildout. Landfill emissions in 2006 were estimated as 33,000 metric tons of CO2e. Thus increased GHG emissions by buildout due to new growth are estimated to be 32~~1~~,000 metric tons of CO2e.

Given the current and planned implementation of landfill gas capture and use of waste to energy technology in the future, future waste disposal may not contribute substantial amounts of methane. However, until full capture and reuse of landfill gas is achieved, there will be increased emissions associated with additional waste disposal.

Page 4.16-39, first paragraph under Sea Level Rise. Revise the second sentence, as follows:

Under the higher warming scenario, sea level is anticipated to rise ~~22 to 35~~ 39 to 55 inches by 2100.

Section 5, "Alternatives to the 2007 General Plan"

Page 5-3. Revise the first full paragraph as follows.

The estimates of new residential development to 2030 under the various alternatives are based on two sources. The 1982 General Plan, GPI, and GPU 4 alternatives' estimates reflect the February 2007 report prepared by Bay Area Economics comparing the effects of those three alternatives in anticipation of placing the GPI on the countywide ballot. The GPU3 estimate is derived from applying the historic residential growth rate (based on AMBAG forecasts) to the available land under that alternative. The TOD estimate is, by the nature of the alternative, the same as the 2007 General Plan. The estimates of residential development presented in Tables 5-1 through 5-5 have been revised since the release of the DEIR to reflect anticipated growth between 2000 and 2030. This provides a simpler comparison between the alternatives and the proposed 2007 General Plan. The comparative impact analyses in Section 5 have been updated to reflect those changes.

Page 5-7, under 5.3.1.1 Development Comparison. Revise Table 5-1 as follows.

Table 5-1. Comparison: No Project Alternative and Proposed Project to 2030

Category	Existing 1982 General Plan	2007 General Plan	Difference* (No Project vs. 2007 General Plan)
Residential	13,570 dwelling units	13,420 dwelling units	130 more dwelling units

* Difference in projected new dwelling units is based on the difference between the estimated housing units within the unincorporated County from 20002005 to 2030 for the No Project Alternative and from 20002006 to 2030 for the 2007 General Plan.

Source: Bay Area Economics. 2007. *Analysis of Monterey County General Plans and Quality of Life Initiative*. February; Association of Monterey Bay Area Governments (2004).

Page 5-13, under 5.3.2.9 Biological Resources. Revise the second paragraph as follows.

In comparison, the proposed 2007 General Plan would not substantially increase the rate of conversion of grazing land to more intensive agricultural uses. , however, the 1982 General Plan Area Plans have more restrictiveAs modified, the policy policies regarding the conversion of land on steep slopes is more restrictive than that of the 1982 Plan because it prohibits development and conversion of uncultivated land on slopes in excess of 25%, except under special circumstances (as compared to 30% for the 1982 Plan). Additional policies are proposed in the 2007 General Plan to inventory natural habitats, avoid state and federally listed wildlife species, including designated federal critical habitat, and evaluate and mitigate impacts on special status species or their critical habitat that are not included in the 1982 General Plan. The 2007 General Plan also contains a policy committing the County to develop and implement a future program for mitigating the loss of critical habitat as a result of new projects. Mitigation of losses would also be required under state and federal law. The 1982 General Plan and 2007 General Plan would be somewhat comparable on balance with respect to impacts on biological resources; however, with the imposition of the mitigation measures proposed in this EIR with respect to special status species, kit fox habitat mitigation, stream setbacks, oak woodland protection and raptor protection, the 1982 General Plan would have greater impacts to biological resources than the 2007 General Plan.

Page 5-14, under 5.3.2.11 Public Services and Utilities. Revise the first paragraph as follows.

> Implementation of the existing 1982 General Plan would result in significant~~adverse~~ impacts from new or expanded fire protection, sheriff's protection, schools, libraries, medical facilities, wastewater, and solid waste facilities. The extent of these impacts would depend upon the facilities. The 1982 General Plan does not provide for concentrating new development within the unincorporated County within Community Areas and Rural Centers. If desired levels of services were to be maintained, more facilities, albeit smaller, might be required than under the proposed 2007 General Plan. A greater number of small facilities is less cost-effective than centralized services and, for that reason, may not be practical. Domestic water supplies are limited in several areas of the County, including the Monterey Peninsula and Pajaro area. The 1982 General Plan includes policies encouraging coordination among water service providers to assure that groundwater is not over drafted, prohibiting water-consuming development in areas that do not have proven adequate water supplies, and requiring new development to connect to existing water suppliers, where feasible. The 1982 General Plan has not been effective in avoiding this significant effect.

Page 5-15, under 5.3.2.12 Parks and Recreation. Revise the second paragraph as follows.

> By comparison, the 2007 General Plan includes additional policies, including the establishment of Adequate Public Facilities and Service standards, that will be used to obtain park and recreation facilities along with residential subdivisions and require that Community Area Plans identify adequate park and recreation facility sites. These standards do not, however, establish a specific level of service for parks and recreation facilities as mandated under the Quimby Act (Government Code Section 66477), which weakens their effectiveness. The potential adverse impacts on parks and recreation from the 1982 General Plan would be the same as those of the 2007 General Plan. However, Mitigation Measure PAR-1 in this EIR would require the County to enact a general policy establishing a ratio of parks and recreation land~~for~~ acreage to population. This would strengthen the ability of the County to continue to exact parks and recreation facilities from subdivision projects and make the impacts of the 2007 General Plan less ~~1982 General Plan greater~~ than those of the ~~project~~1982 General Plan.

Page 5-18, under 5.4.1.1 Development Comparison. Revise the first paragraph and Table 5-3 as follows.

> A comparison of development potential between GPU3 and the 2007 General Plan during the 2030 planning horizon is provided in Table 5-2. In comparison to projected growth under the 2007 General Plan during the planning horizon, implementation of GPU3 would result in 255 more~~3,650 fewer~~ new dwelling units.

Table 5-2. Comparison: GPU3 and Proposed Project (2030)

Category	GPU3	2007 General Plan	Difference* (GPU3 vs. 2007 General Plan)
Residential	13,675 dwelling units	13,420~~10,015~~ dwelling units	255~~3,650~~ more dwelling units

*Difference in projected dwelling units is based on the difference between the estimated housing units within the unincorporated County from 2000~~2005~~ to 2030 for GPU3 and from 2000~~2006~~ to 2030 for the 2007 General Plan.

Source: Association of Monterey Bay Area Governments (2004).

Page 5-19, under 5.4.2 Land Use. Revise the fourth paragraph as follows.

Overall, GPU3 envisions ~~substantially~~ more growth than the 2007 General Plan and proposes to accommodate it through a variety of approaches. In terms of development potential, GPU3 would accommodate 255~~3,650~~ more new dwelling units than the 2007 General Plan. While GPU3 does contain a rigorous annexation policy that would address city-county land use conflicts, this would not fully address the land use conflicts created in the unincorporated county because of the number of Rural Communities established. In addition, GPU3-proposed amendments to the coastal zone land use plans have the potential to create land use conflicts with the Local Coastal Program. Therefore, GPU3 would have greater impacts on land use than would the 2007 General Plan.

Page 5-22, under 5.4.2.7 Air Quality. Revise the second paragraph as follows.

GPU3 would allow an estimated 255~~3,650~~ more new dwelling units by 2030 than are proposed under the 2007 General Plan. As a result, there would be less traffic congestion once roadways attained LOS C, but potential air quality impacts related to vehicular sources of emission would likely be slightly greater than what would occur under implementation of the 2007 General Plan as a result of more automobiles and presumably more vehicle miles travelled under GPU3. The potential adverse impacts on air quality from GPU3 would be slightly greater than those of the 2007 General Plan, but the difference would be so small that the impacts would be practically the same.

Page 5-22, under 5.4.2.8 Noise. Revise the first sentence in the third paragraph as follows.

GPU3 would allow for 255~~3,650~~ more dwelling units by 2030 than the 2007 General Plan.

Page 5-25, under 5.4.2.14 Aesthetics, Light, and Glare. Revise the paragraph as follows.

Implementation of GPU3 would have significant impacts on scenic vistas, scenic highways, visual character, and light and glare because of the more intense land uses envisioned under this alternative compared to the existing setting. By comparison, the 2007 General Plan would have similarly significant impacts, albeit over a smaller developable area with fewer Rural Centers. ~~Accordingly~~Because GPU3 would result in a more extensive distribution of residential development, potential impacts on aesthetics, light, and glare would be greater under GPU3 than under the 2007 General Plan.

Page 5-25, under 5.4.3 Conclusion. Revise the first paragraph as follows.

The GPU3 Alternative would be the most growth accommodating option of the alternatives, in terms of the number of development nodes, with eight Community Areas and 18 Rural Centers; more so than the 2007 General Plan. GPU3 has greater impacts on land use, agricultural resources, geology and soils, ~~transportation, air quality,~~ noise, hazardous materials, aesthetics, and population and housing than the 2007 General Plan. It has similar impacts on water resources, air quality, minerals, biological resources, cultural resources, public services, and parks and recreation. This alternative would ~~not~~ reduce ~~any of~~ the transportation impacts identified for the 2007 General Plan.

Page 5-27, under 5.5.1.1 Development Comparison. Revise the first paragraph and Table 5-3 as follows.

A comparison of development potential between GPI and the 2007 General Plan over the 2030 planning horizon is provided in Table 5-3. Development under the GPI would result in approximately 553~~5,901~~ more dwelling units than the proposed 2007 General Plan.

Table 5-3. Comparison: GPI and Proposed Project to 2030

Category	GPI	2007 General Plan	Difference (GPI vs. 2007 General Plan)
Residential	13,973 dwelling units	13,420~~10,015~~ dwelling units*	553~~5,901~~ dwelling units

*Difference in projected dwelling units is based on the difference between the estimated housing units within the unincorporated County from 2000~~2005~~ to 2030 for GPU3 and from 2000~~2006~~ to 2030 for the 2007 General Plan.

Source: Bay Area Economics. 2007. *Analysis of Monterey County General Plans and Quality of Life Initiative*. February

Page 5-29, under 5.5.1.4 Water Resources. Revise the second paragraph as follows.

All of these are significant problems that would also result from development under the 2007 General Plan. While the potential effects of the GPI would be less than those of the 2007 General Plan by virtue of the greater compactness of the urban development contemplated, the GPI lacks many of the comprehensive water resource goals and policies contained in the 2007 General Plan. ~~Moreover, there is greater~~ However, the total development under GPI to the year 2030 ~~than for GP 2007~~ is similar to that of GPU5, but with significant reliance of providing housing on lots of record throughout the unincorporated area. This would result in ~~greater~~similar impacts to water resources overall although it could be offset by the greater intensity of growth in the few community areas and cities. Taking these factors into consideration, development to the 2030 planning horizon under the GPI would have ~~a slightly greater~~ largely the same impact on water resources ~~than would~~ as the 2007 General Plan.

Page 5-32, under 5.5.1.10, Biological Resources. Revise the first paragraph as follows.

The GPI retains and strengthens the vegetation and wildlife policies contained in the existing 1982 General Plan. The key policies from the GPI's Conservation Element protecting biological resources are the following:

- Policy #22 provides, in part, that "Significant Ecological Areas (SEAs) and the wildlife they support shall be protected against any significant disruption of habitat values and only uses dependent on those resources shall be allowed within SEAs." SEAs are defined in the GPI to include "[a]ny area in which plant or animal life and their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could easily be disturbed or degraded by human activities and developments." The definition lists 29 categories of habitats that are considered SEAs.
- Policy #23 states that, with limited exceptions, "no grading, filling, land clearance or land disturbance, use of a toxic material, timber harvesting, land subdivision, or any other development or construction activity shall take place within any Significant Ecological Area (SEA)." Policy #23 makes an exception where "to prohibit such

activity would make an existing parcel unusable," and would require consideration of a use permit in any such situation.

- Policy #24 would require all new development, "even when not itself located in a Significant Ecological Area," to avoid impacts to SEAs. The Policy provides minimum setback requirements from selected SEAs.

The GPI alternative would appear to have stringent protections for biological resources. However, these GPI policies are so restrictive as to be unfeasible to implement. Under Policy #22, uses within the SEAs would be limited to activities that are resource dependent and that do not adversely affect the SEAs. Policy #23 does not provide an adequate exception to this policy because: (1) it would prohibit grant of a use permit when the project could not reduce the impact on an SEA below the level of significance, and (2) it would require meeting all federal and state permits before a County permit could be approved. By establishing a broad definition of SEA, arguably any project that would eliminate habitat or encroach on an SEA could not be mitigated below a level of significance. Consideration of federal and state permits is dependent upon the prior approval of a local permit, which creates a "Catch-22" for development permits. The County is the lead agency for permits under its jurisdiction, such as a use permit, and federal and state regulators will not act on the federal and state approvals necessary to the project until the County has granted approval. Therefore, a project cannot demonstrate that is has met "all applicable federal and state regulations," and, the County permit cannot be approved.

Policies #22 and #23 would prevent the County from providing sufficient development opportunities to meet the RHNA numbers established for the County's Housing Element and, as a result, the County would not be able to comply with Housing Element Law. The current AMBAG-assigned RHNA number for the unincorporated County is 1,554 units for the 2009-2014 housing element cycle. This number cannot be reached by essentially halting all residential development outside of the five Community Areas identified in the GPI.

Policy #24 will require substantial minimum setbacks from selected SEAs, including 300 feet from the top of the bank of perennial streams and rivers. This will apply to projects that are not otherwise within SEAs and no provision is made for exceptions to this rule. As a result, there will be properties that cannot be developed due to their proximity to SEAs.

Implementation of these policies would leave the County vulnerable to claims of "regulatory takings" under the Fifth Amendment of the U.S. Constitution. A takings occurs when a regulation eliminates all economic use of the property. In order to avoid a takings claim, the County would be obligated to pay or otherwise provide the property owner just compensation for the affected land.

Implementation of ~~Compliance with~~ these policies would be infeasible, resulting in development with significant impacts on sensitive habitats, wetlands, riparian areas, wildlife movement, and tree preservation. Conversion of grazing lands, which provide wildlife habitat, to intensive agricultural cultivation, which provides little habitat value, would continue in the flatter portions of the County. However, the GPI would prohibit new agricultural cultivation on slopes over 15%. This would also act to limit the conversion of hilly grazing land to agricultural use, thereby reducing impacts on wildlife in those areas. Additionally, the GPI policies concentrate new development in the cities and the Community Areas, thereby minimizing the conversion of habitat by urban uses. Conversion on lots of record would potentially be greater, however.

Page 5-33, under 5.5.1.11, Cultural Resources. Revise the second paragraph as follows.

The proposed policies of the 2007 General Plan, by comparison, are more protective of these resources than are the provisions of the GPI. In addition, the GPI results in the development of 553 more housing units by the year 2030 than would GPU5. Therefore, with less protective policies and a slightly greater potential for development, the GPI would have greater impacts on cultural resources as the 2007 General Plan.

Page 5-39. Revise the sixth bullet on this page as follows.

- The proposed 2007 General Plan, as revised, would prohibit development on slopes greater than 25%~~30%~~, with limited exceptions. Rather than a grading permit for agricultural conversion on slopes exceeding 25%, as in GPU4, the 2007 General Plan would require approval of a discretionary permit on slopes from 15% to 25% and over 25% with additional restrictions~~the County to develop an Agricultural Permit process~~. The 2007 General Plan requires approval of a management plan addressing resource issues~~sets out a list of criteria~~ (i.e., 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 ~~water quality and supply, biological resources, cultural resources, erosion control, drainage, and flood hazards~~) as part of the discretionary permit~~that would be weighed to establish whether the agricultural permit might be ministerial~~.

Page 5-40, under 5.6.1.2 Development Comparison. Revise Table 5-4 as follows.

Table 5-4. Comparison: GPU4 and Proposed Project (2030)

Category	GPU 4	2007 General Plan	Difference (GPU4 vs. 2007 General Plan)
Residential	16,900 dwelling units	13,420~~10,015~~ dwelling units*	3,480~~8,828~~ more dwelling units

*Difference in projected dwelling units is based on the difference between the estimated housing units within the unincorporated County from 2000~~2005~~ to 2030 for GPU3 and from 2000~~2006~~ to 2030 for the 2007 General Plan.

** Employment is based on the same time periods.

Sources: Bay Area Economics. 2007 *Analysis of Monterey County General Plans and Quality of Life Initiative*. February; AMBAG 2004.

Page 5-45. Revise the first paragraph as follows.

Additionally, GPU4 would allow more development on steeper slopes without permits than would the 2007 General Plan, since GPU5~~2007~~ includes a provision ~~governing~~ restricting development on slopes over 25% through discretionary permits ~~30% unless there are no other feasible alternatives~~. Also, the DES under GPU4 would allow approval of projects with environmental impacts whereas the "pass-fail" aspect of the DES under the 2007 General Plan would encourage denial of such projects. Therefore, potential adverse impacts on geology, soils, and seismicity from GPU4 would be greater than those of the 2007 General Plan, but would still be less than significant.

Page 5-53, under 5.7.2 Development Comparison. Revise Table 5-5 as follows.

Table 5-5. Comparison: TOD Alternative and Proposed Project (2030)

Category	TOD Alternative	2007 General Plan	Difference (TOD vs. 2007 General Plan)
Residential Target housing in Transit Nodes and Corridors (30%)	13,420~~21,666~~ dwelling units 4,026~~6,500~~ dwelling units	13,420~~21,666~~ dwelling units	0 dwelling units

Page 5-59, under 5.8 Environmentally Superior Alternative. Revise Table 5-6 as follows.

Table 5-6. Summary of 2007 General Plan Alternatives.

Topical Area	2007 General Plan	No Project	GPU3	GPI	GPU4	TOD Alternative
Land Use	Significant	Greater	Greater	Less	Same	Greater
Agriculture Resources	Significant	Greater	Greater	Greater	Greater	Less
Water Resources	Significant	Greater	Same	~~Greater~~Same	Same	Less
Geology, Soils, and Seismicity	Less Than Significant	Greater	Greater	Less	Greater	Same
Mineral Resources	Less Than Significant	Same	Same	Same	Same	Same
Transportation	Significant	Greater	~~Greater~~Less	Less	Greater	Less
Air Quality	Significant	Greater	~~Greater~~Same	Less	Greater	Less
Greenhouse Gas[1]	Less Than Significant	Greater	Greater	Greater[2]	Greater	Same
Noise	Less Than Significant[3]	Greater	Greater	Same	Greater	Greater
Biological Resources	Significant	Greater	Same	Greater	Greater	Less
Cultural Resources	Less Than Significant	Greater	Same	Greater	Same	Less
Public Services and Utilities	Less Than Significant	Greater	Same	~~Same~~Less[4]	Greater	Less
Parks and Recreation	Significant	Greater	Same	Less	Greater	Same
Hazards and Hazardous Materials	Less Than Significant	Greater	Greater	Greater	Same	Less
Aesthetics, Light, and Glare	Significant	Greater	Greater	Less	Greater	Same
Population and Housing	Significant	Same	Greater	Same	Greater	Same

Notes:

1. The 2007 General Plan and the TOD Alternative would include specific requirements for preparation and adoption of a Greenhouse Gas Reduction Plan that will require specific actions to reduce GHG emissions to 1990 levels by the year 2020. None of the other alternatives include that feature.
2. The GPI alternative will have lesser traffic and air quality impacts than the 2007 General Plan. However, it does not contain a requirement for a Greenhouse Gas Reduction Plan and will not undertake a comprehensive program to reduce GHG emissions to 1990 levels by the year 2020. Therefore, it will not meet standards for avoiding a cumulatively considerable contribution to climate change.
3. The DEIR incorrectly listed the noise impact of the 2007 General Plan as "Significant." That has been corrected in the FEIR.
4. This table incorrectly listed the impact of the GPI as the same as the 2007 General Plan. This change is made to match the text of Section 5.

Section 6, "Other CEQA Required Sections"

Page 6-14, before 6.4.3.4 Transportation. Insert the following.

Flood Hazard

As discussed in the significance determinations under Impacts WR-11 and WR-12, there are existing flood hazards within Monterey County. These comprise a significant cumulative effect. As discussed under Impacts WR-11 and WR-12, existing County floodplain regulations (Monterey County Code, Chapter 16.16, as amended October 6, 2009), as well as specific policies under the Safety Element, the Public Services Element, and the Area Plans, will avoid contributions to flood hazard as a result of the 2007 General Plan. Therefore, the 2007 General Plan will not make a considerable contribution to the existing cumulative effect.

Page 6-36. Revise the Air Quality portion of Table 6-2 as follows.

Table 6-2. Significant and Unavoidable Impact Table

Issues/Impacts	Mitigation Measures	Level of Significant after Mitigation
4.7 Air Quality		
~~Impact AQ-1: Buildout of the 2007 General Plan would conflict with applicable Air Quality Management Plans and Standards.~~		
Impact AQ-3: Net Change in Ozone Precursor (ROG and NOx) and Particulate Matter.	**2030 and 2092 Mitigation** **CC-2 and CC-3.** See these measures under Climate Change, below. **AQ-3:** Implement MBUAPCD Mitigation Measures for Commercial, Industrial, and Institutional Land Uses **AQ-4:** Implement MBUAPCD Mitigation Measures for Residential Land Uses **AQ-5:** Implement MBUAPCD Mitigation Measures for Alternative Fuels	2030 –Significant Unavoidable Impact. Buildout – Significant Unavoidable Impact.

Section 11, "References"

See Chapter 6 of the FEIR.

DEIR Appendix B, "Greenhouse Gas Emissions Inventory and Forecast Methodology"

Page B-1, GHG Inventory Methodology. Insert the following at the end of the first paragraph:

> The results of the inventory are included in tables in the Technical Supporting Data section.

Page B-1, Vehicle Emissions. Revise as follows:

> Emissions from on-road vehicle use, including heavy duty trucks and buses were quantified using average annual vehicle miles traveled (VMT) for the unincorporated areas of Monterey County. VMT data for 2006 was obtained from the California Department of Transportation (Caltrans) Highway Performance Monitoring System (HPMS) 2006 public road data (California Department of Transportation 2007) for unincorporated County roads and state highways. Modeled average traffic speeds were calculated based on daily VMT and daily vehicle hours of travel data provided by Kimley-Horn Associates (Kimley-Horn 2008). The ARB emission factor model (EMFAC2007 Version 2.3, hereafter referred to as EMFAC, CARB 2007a) was used to estimate CO2 and CH4 emissions from vehicle activity in the unincorporated areas of Monterey County for 2006. Default vehicle fleet profile for Monterey County was used in calculating GHG emissions. The temperature and relative humidity selected for modeling were 60°F and 30% respectively. All of the miles on the County roads were included and 25% of the miles on state highways (based on unincorporated County having 25% of the population of the County as a whole).

Page B-1, Table B-1. Revise as follows:

Table B-1. 2006 Electricity and Natural Gas Consumption

Fuel Type	Annual Consumption[1]
Electricity	1,008,090,911 kWh
Natural Gas	35,869,687 therms

[1] Source: Bruso~~Forney~~ pers. comm.

Page B-2, first paragraph. Revise as follows:

> Since PG&E is a member of the California Climate Action Registry, an area-specific carbon dioxide emissions factor of 456 pounds per megawatt hours (lbs/MWh) was available (Bruso pers. comm.). California Climate Action Registry emission factors for CH4 and N2O from electricity consumption were used to estimate emissions of CH4 and N2O from electricity consumption (California Climate Action Registry 2009~~2008~~). Natural gas combustion GHG emission factors for residential, commercial and industrial natural gas combustion were obtained from The California Climate Action Registry general reporting protocol (~~The~~ California Climate Action Registry 2009~~2008~~).

Page B-3, before Agricultural Equipment Fuel Use. Make the following additions before the Agricultural Equipment Fuel Use:

Off-Road Equipment Emissions

Offroad equipment emissions were estimated using the CARB OFFROAD model (CARB 2007b) for the year 2006 and apportioned to the unincorporated County area based on assumptions shown in the Technical Supporting Data (in the FEIR). All agricultural, airport ground support, construction, mining, and entertainment offroad equipment emissions were apportioned to the unincorporated area. Emissions from industrial equipment, lawn and garden equipment, light commercial, and recreational equipment were apportioned on a per capita basis.

Fugitive Methane Emissions from Natural Gas Pipelines

Fugitive methane emissions from natural gas pipelines were estimated by identifying the per capita fugitive gas emissions for the state and then apportioning them to unincorporated Monterey County on a per capita basis.

Page B-3, Agricultural Equipment Fuel Use. Delete the following text:

~~***Agricultural Equipment Fuel Use***~~

~~GHG emissions from agricultural equipment fuel use were estimated using the California Energy Commission (CEC) 2004 GHG inventory and comparing agricultural acreage for California to agricultural acreage in Monterey County. CEC estimates that in 2004, 3.86 million metric tons of CO2e were emitted as a result of agricultural use of gasoline and diesel (CEC 2006a). The ratio of Monterey County crop acreage to California crop acreage was used to apportion statewide GHG emissions from agricultural fuel use to Monterey County accordingly (United States Department of Agriculture 2006).~~

~~Additional GHG emissions from agriculture are related to fertilizer use and methane emissions from livestock. The specific nature of these emissions must be based on detailed inventory of fertilizer type and application and livestock management practices. These emissions are not included in the estimate prepared for this document but will be included in the inventory prepared per Policy OS-10.11.~~

~~On an average basis, agricultural and grazing lands in the U.S. are currently considered near neutral on an annual basis with respect to their soil carbon balance (USCCSP 2007) and thus no annual GHG emissions related to changes in soil carbon basis are included in the estimate.~~

Page B-4, Vehicle Emissions. Revise the third paragraph as follows:

Under the ARB ~~Draft~~ Scoping Plan, AB 1493, Pavley I, and a more stringent fuel efficiency standard, Pavley II, would be implemented by 2020 and would reduce GHG emissions from passenger vehicles by ~~20% in~~ 2020 (California Air Resources Board 2008a). Furthermore, a Low Carbon Fuel Standard would be required, which would reduce GHG emissions from passenger vehicles ~~by a~~ further ~~10%~~. Along with vehicle efficiency measures, the Scoping Plan measures would reduce vehicle emissions by an estimated 27 percent. ~~Other proposed regulations to reduce GHG emissions from heavy-duty vehicles were proposed but are not quantified in this analysis.~~

Page B-5, Building Natural Gas and Electricity. Revise the last two paragraphs as follows:

The Scoping Plan calls for an increase in RPS standards to 33%, which would result in a reduction of ~~21% in~~ the GHG emissions related to electricity production by PG&E. In addition, ARB Scoping Plan measures, including energy efficiency measures, the million solar roof program would also reduce electricity related emissions (CARB 2008b). The reduced GHG emissions under the Scoping Plan were estimated for 2030 and buildout using the expected 32.5%~~21%~~ reduction in GHG emissions per kWh for the combined measures.

The URBEMIS 2007(Version 9.2.4) model was used to estimate natural gas GHG emissions from increased residential, commercial, and industrial buildings in 2030 and at buildout. ~~There are currently no anticipated regulations to reduce GHG emissions from the use of natural gas in buildings.~~ AB-32 energy efficiency measures are estimated to reduce emissions in the future by approximately 9.5% compared to BAU emission levels.

Page B-5, After Landfill Emissions. The following revisions are made following the first sentence under landfill emissions:

Off-Road Equipment Emissions

Offroad equipment emissions were estimated using the CARB OFFROAD model (CARB 2007b) for the year 2030 and apportioned to the unincorporated County area based on assumptions shown in the technical supporting data (in the FEIR). All agricultural, airport ground support, construction, mining, and entertainment offroad equipment emissions were apportioned to the unincorporated area. Emissions from industrial equipment, lawn and garden equipment, light commercial, and recreational equipment were apportioned on a per capita basis.

Agricultural Emissions

~~Based on trends in agricultural employment (AMBAG 2004; AMBAG 2008), no net expansion in agricultural development is projected for 2030 as virtually no increase in agricultural employment is forecast by AMBAG to 2030 for the Monterey County in the most recent (2008) and the immediately prior (2004) economic forecasts. Thus, no estimate of additional agricultural emissions was made for 2030. For buildout, agricultural conditions are unknown and thus are not estimated.~~

On road agricultural transportation emissions are included in the overall transportation emissions. Energy-related emissions associated with wineries and ancillary uses in the AWCP were specifically estimated using energy factors from literature (Colman and Paster 2007, EIA 2008, California Climate Action Registry 2009) and from URBEMIS. Offroad equipment emissions for agricultural equipment are included in the offroad equipment totals and were estimated using CARB's OFFROAD model (CARB 2007b).

Fugitive Methane from Natural Gas Pipelines

Fugitive methane emissions associated with natural gas pipelines serving unincorporated areas were estimated by applying a per capita emissions factor from the California inventory to the unincorporated population in 2030.

Coastal Water Project

GHG emissions from the proposed Coastal Water Project EIR (CPUC 2009) were added to the inventory given that this project (or an equivalent desalination project) appears reasonably foreseeable to address current water deficits.

Page B-5 and B-6, Emissions Associated with Land Use Changes. This text is revised as follows:

As described in Chapter 4.9, *Biological Resources*, there will be three areas of net land use change by related to the development allowed by the 2007 GP: urban conversion of farmland, urban conversion of natural landcovers, and agricultural conversion of natural landcovers (dominated by annual grassland, with smaller areas of oak woodland and other vegetation communities).

Farmland net carbon balances depend on the cropping and tillage practice. Depending on the tillage practices, farming can sequester soil carbon on an annual basis or can be a net generator of carbon due to losses of soil carbon. On an average basis, agricultural and grazing lands in the U.S. are currently near neutral on an annual basis with respect to their soil carbon balance (USCCP 2007). Thus, conversion of farming land to urban land on average would not be expected to result in a loss of annual net carbon sequestration but could result in the reduction of soil carbon stock due to grading and development activities. ~~As calculation of soil carbon loss is subject to numerous uncertainties at an abstract level, it was not included in the total GHG emission estimated for the EIR. However,~~ Calculation of potential changes in carbon stock due to urban conversion of farmland will be included, as feasible, in the detailed inventory to be prepared pursuant to Policy OS -0-11.

Urban or agricultural conversion of natural landcovers would also result in the loss of the stock carbon in soils, grasses, scrub, and trees as well as the loss of the annual sequestration value of existing soils and vegetation. Where converted to urban losses, the loss in sequestration would be near total. Where converted to agricultural use, the net change in carbon sequestration would depend on the nature of the crops planted and tillage practices compared to the sequestration value of the prior natural landcover. ~~On an average basis, agricultural and grazing lands in the U.S. are currently near neutral on an annual basis with respect to their soil carbon balance. Thus, conversion of farming land to urban land on average would not be expected to result in a loss of annual net carbon sequestration but could result in the reduction of soil carbon stock due to grading and development activities. The net impact of soil erosion on carbon emissions to the atmosphere remains highly uncertain (USCCP 2007). Development is unlikely to result in the entire loss of carbon stocks. As calculation of soil carbon loss is subject to numerous uncertainties at an abstract level, it was not included in the total GHG emission estimated for the EIR. However, calculation of potential changes in carbon stock due to urban conversion of farmland will be included, as feasible, in the detailed inventory to be prepared pursuant to Policy OS 10-11.~~ Calculation of potential changes in carbon stock due to urban or agricultural conversion of natural land covers will be included, as feasible, in the detailed inventory to be prepared pursuant to Policy OS -0-11.

In order to make a rough estimate of potential changes in carbon stock and sequestration, literature values for the carbon stock and carbon sequestration value for different broad land cover types were identified (CEC, 2004; Gaman, 2008; Kroodsma and Fields, 2006; USCCCP, 2007). Then the change in those land covers to 2030 or to buildout were identified relative to 2006 based on the analysis in Section 4.9, Biological Resources. For carbon stock, the net change in stock based on land cover was estimated based on the changes in land cover. For carbon sequestration, the annual change in sequestration was estimated based on the changes in land cover. In order to derive an annual number for change in GHG flux, the change in carbon stock was annualized over either a 24-year period (for 2030) or an 86-year period (for buildout).

Page B-7 through B-8, References. The following revisions are made:

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[ADA Compliant Transcription of Original]

Chapter 5

Changes to the Draft General Plan Policies

This chapter consists of the proposed General Plan. As discussed in master Response 1, *Changes to the General Plan* in Chapter 2 of this FEIR, the draft General Plan to be considered by the Planning Commission and Board of Supervisors includes a number of revisions from the "2007 General Plan" (also known as GPU5) that was analyzed by the DEIR in late 2008. The revisions have been analyzed and any changes to the conclusions and text of the EIR have been included in Chapter 4 of this FEIR.

Proposed revisions to the draft 2007 General Plan are shown with strikethrough text for deletions (~~strikethrough~~) and underlined text for additions (~~underline~~). Policies that are being deleted in their entirety are shown in strikethrough.

The proposed General Plan is bound separately.