Final

Initial Study/Mitigated Negative Declaration

for the

CHARTWELL SCHOOL EXPANSION PROJECT

SCH# 2025010874

Prepared for:

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Attachment A – Comment Letters

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CHAPTER 1. INTRODUCTION

1.1 Background

This document, together with the Draft Initial Study/Mitigated Negative Declaration (Draft IS/MND), constitutes the Final Initial Study/Mitigated Negative Declaration (Final IS/MND) for the Chartwell School Expansion Project (project or proposed project). The City of Seaside (City) is the lead agency for the proposed project. The Final IS/MND consists of an introduction, comment letters received during the 30-day public review period, responses to comments, and revisions to the Draft IS/MND, if deemed applicable.

1.2 Public Participation

The Draft IS/MND was prepared to inform the public of the potential environmental effects of the project and identify possible ways to minimize project-related impacts. Pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15073(a), the Draft IS/MND was circulated for a 30-day review period during which comments could be submitted. In accordance with CEQA, the Final IS/MND is included in the official public record for the Initial Study. On January 30, 2025, the Draft IS/MND was distributed for the public review period to responsible and trustee agencies, interested groups, and individuals. The review period ended on February 28, 2025. A City Planning Commission meeting is scheduled for April 23, 2025 to consider the adoption of the Final IS/MND and approval of the project.

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CHAPTER 2. RESPONSE TO COMMENTS

2.1 Introduction

This chapter includes comments received from the public and public agencies during the circulation of the Draft IS/MND. This section contains all information available to date in the public record related to the Draft IS/MND.

2.2 List of Comment Letters

The following is a list of comment letters/email comments received on the Draft IS/MND and the dates these letters were received:

Comment Letters

A. Amah Mutsun Tribal Band 2/3/2025

B. Monterey Salinas Transit District..... 2/4/2025

C. Costanoan Rumsen Carmel Tribe..... 2/25/2025

D. U.S. Fish and Wildlife Service..... 2/28/2025

2.3 Response to Comments

Each letter received on the Draft IS/MND is presented in this chapter, as identified in **Section 2.2** above. Individual comments in each letter are numbered. Correspondingly numbered responses to each comment are provided in the discussion following the comment letter.

If comments received on the Draft IS/MND raise environmental issues that required additions or deletions to the text, tables, or figures in the Draft IS/MND, a brief description of the change is provided, and the reader is directed to **Chapter 3, Revisions to the Draft IS/MND**.

The comments received on the Draft IS/MND did not result in a "substantial revision" of the IS/MND, as defined by CEQA Guidelines Section 15073.5, and the new information added to the IS/MND merely clarifies, amplifies, or makes insignificant modifications to the Draft IS/MND. No new significant impacts were identified since the commencement of the public review period that would require mitigation measures or project revisions to be added in order to reduce the effects to less than significant.

While responses to comments on a proposed IS/MND are not required by CEQA (Pub. Resources Code, § 21000 et seq.), this Response to Comments document is provided to demonstrate the City's careful consideration of the comments in compliance with CEQA. These responses provide the City's good faith, reasoned analysis on the major environmental issues raised in the comments.

Letter A: Amah Mutsun Tribal Band

Comment A-1: I, Irenne Zwierlein, am making the following formal Most Likely Descendant (MLD) Recommendations on behalf of the Amah Mutsun Tribal Band, with regards to the treatment of our ancestral remains and any and all associated grave regalia and subsurface features discovered at this location:

> **Response A-1:** The City acknowledges the commenter's authority as the MLD on behalf of the Amah Mutsun Tribal Band. This comment does not raise any issues with the analysis of the Draft IS/MND. No further response is required.

Comment A-2: Expose, analyze in the field, and remove for reburial: A complete systematic collection and/or excavation by a professional archaeologist (who meets the Standards established by the Secretary of the Interior) of any exposed Native American skeletal remains should be coordinated. The collection and/or excavation should be undertaken using standard contemporary archaeological techniques. All archaeological field work will be managed daily on site by an archaeological field director who must possess the following qualifications: a graduate degree (MA) in archaeology, along with two years of full-time professional experience and specialized training in archaeological research, administration, and management; two years of supervised field and analytic experience in North American archaeology, and has demonstrated the ability to carry research to completion within assigned schedules. The project archaeologist or his/her staff will expose any burial and grave objects in my presence as the designated Most Likely Descendant, or my appointed representative (Monitor). Should the Native Monitor not be on-site, arrive late or depart early, all burial recovery work must stop. Likewise, any archaeological work where it is suspected that human remains might be discovered a Native Monitor must be present, or work may not be undertaken. Burials in various stages of excavation shall be protected overnight, by placing standard construction metal plates over them. A metal plate must be on-site before exposure begins.

> **Response A-2:** Comment acknowledged. The Draft IS/MND includes mitigation measures for archaeological and/or tribal monitoring and treatment of human remains. **Mitigation Measure CR-1** requires the Applicant to retain a professional archaeologist on an on-call basis during ground disturbing construction activities. **Mitigation Measure CR-2** provides requirements for the incidental discovery of human remains during project construction, which requires that treatment of human remains and any associated or unassociated funerary objects discovered during any soil-disturbing activity within the project site shall complies with applicable State laws. In addition, **Mitigation Measure TCR-2** requires the School to retain a qualified archaeologist and/or tribal cultural resource monitor to provide monitoring during all ground disturbing activities. This comment does not raise any issues with the analysis of the Draft IS/MND. No further response is required.

Comment A-3: Since our Tribe believes that our ancestral dead needs to be treated with utmost respect, and since our ancestral people had been disturbed in the past and more recently by bioturbation and construction/subsurface excavation activities, I am recommending that this ancestral person, and any future findings (i.e., isolates, burials and associated assemblages), be removed from their location/gravesite. And after appropriate analysis (presented below), be reburied as close to the original cemetery or discovery location as possible, as part of our honoring ceremony. If reburial for an on site location is not possible, we will consult with the Redwood City on a suitable alternative location, where a reburial honoring ceremony will be conducted. Reburial Site must be land that has no future intentions of being developed.

> **Response A-3: Mitigation Measure CR-2** provides requirements for the incidental discovery of human remains during project construction, including procedures for identifying the MLD of potential Native American remains. The City shall work with the Native American Heritage

Commission (NAHC) to determine the most likely MLD of Native American remains as required in **Mitigation Measure CR-2**, which may include outreach to the Amah Mutsun Tribal Band. It should be noted that the City attempted to schedule a consultation with the Amah Mutsun Tribal Band prior to release of the Draft IS/MND, as described in *Section 5.2.18 Tribal Cultural Resources*. The City did not receive any responses to consultation scheduling requests from the Amah Mutsun Tribal Band during or after the 30-day consultation window mandated by Assembly Bill 52. In addition, the comment above appears to refer to a different project located in Redwood City and does not raise any issues with the analysis of the Draft IS/MND. No further response is required.

Comment A-4: I am also recommending that the land owner enter into a contractual agreement with the Amah Mutsun Tribal Band Ohlone Tribe of the San Francisco Bay Area (DBA Amah Mutsun Tribal Band Ohlone Tribe, Inc.) for a Burial and Archaeological Data Recovery Program, monitoring services, and laboratory analysis of our ancestral remains which will include a full skeletal inventory of all of the skeletal elements, AMS dating, Stable Isotope analysis, ancient DNA, as well as any artifact and faunal analysis which shall be conducted by Basin Research. Should additional ancestral Native American remains be uncovered, the same recommended treatment will be in place for any additional discoveries.

Response A-4: Comment acknowledged. The City will require the School to retain a qualified archaeologist and/or tribal cultural resource monitor to fulfill the requirements of **Mitigation Measure TCR-2**. This comment does not raise an issue with the CEQA analysis contained in the Draft IS/MND. No further response is required.

Comment A-5: The burial removal process should include, but not be limited to, the screening of any adjacent back dirt (spoils) piles located by these human remains, and the use of hand excavation methods to help remove any over burden (if necessary) down to a level to be determined in the field in order to facilitate full access to the in situ remains. The in situ remains will be exposed and removed by Amah Mutsun Tribal Band Ohlone field crew or in concert with on-site Archeological field personnel. These remains will be drawn and photographed in conjunction with on-site archaeological field staff who will document on standard archaeological excavation forms information about the burial remains and map in the grave and any subsurface features and/or artifacts. On-site Archeological field staff shall be responsible for mapping and recording the reburial location using GPS. Copies of the Reburial forms and Final Archaeological Report will be sent to Northwest Information Center, Sonoma State University, the Amah Mutsun Tribal Band Ohlone Tribe, and the Native American Heritage Commission.

Response A-5: Comment acknowledged. **Mitigation Measure CR-2** provides requirements for the incidental discovery of human remains during project construction, which requires that treatment of human remains and any associated or unassociated funerary objects discovered during any soil-disturbing activity within the project site shall complies with applicable State laws. The City would contact Amah Mutsun Tribal Band to negotiate an agreement for the treatment and reinternment of human remains and/or funerary objects in the event that the NAHC identifies the MLD as belonging to the Amah Mutsun Tribal Band, consistent with the requirements of **Mitigation Measure CR-2**. This comment does not raise an issue with the CEQA analysis contained in the Draft IS/MND. No further response is required.

Comment A-6: It is also my recommendation that all of the human remains, associated artifacts, and ecofacts be brought to a suitable lab for cleaning and sorting, and preparation for detailed skeletal inventory and analysis which will include as stated above, be conducted by qualified specialists (approved by our Tribe) in their respective field(s). Selecting small samples of human bone for AMS dating, Stable Isotope and ancient DNA. The first two studies will require minimum funding within the proposed budget and will be conducted in collaboration with the Tribe's leadership and membership. Also, if conducive a Strontium study may also be considered. The results of all analysis will be presented first to the Amah

Mutsun Tribal Band Ohlone Tribal leadership. If the results of these studies are of a positive nature and of scientific significance to our Tribe, then only with the Amah Mutsun Tribal Band Ohlone Tribe's written approval, will these results be published in the final report, otherwise will be held in confidentiality.

Response A-6: Comment acknowledged. Please refer to **Response A-5**, above. This comment does not raise an issue with the CEQA analysis contained in the Draft IS/MND. No further response is required.

Comment A-7: As part of this laboratory phase of work, I am also recommending that any isolated or complete burials be cleaned, and a complete skeletal inventory be conducted by the Amah Mutsun Tribal Band's staff Osteologist if available or by Basin Research Archaeological firm's osteological staff and associates. Any associated grave regalia and artifacts will also be cleaned, photographed, measured, and described. Amah Mutsun Tribal Band Ohlone Tribe and/or Basin Research Archaeologist and the Osteologist will each be responsible for writing a stand-alone final report that meets the standards under CEQA.

Response A-7: Comment acknowledged. **Mitigation Measure CR-1** provides criteria for when a formal Archaeological Monitoring Plan (AMP) and/or Archaeological Treatment Plan (ATP) shall be prepared in the event that significant archaeological or tribal cultural resources are found on the site. **Mitigation Measure CR-1** requires that the AMP and/or ATP be developed and implemented in consultation with any regulatory agencies and Native American tribes and tribal individuals. The City would include the Amah Mutsun Tribal Band in this process in the event that an AMP and/or ATP is required. Please also refer to **Response A-5**, above. This comment does not raise an issue with the CEQA analysis contained in the Draft IS/MND. No further response is required.

Comment A-8: These recommendations follow our Tribe's desire to learn as much as possible about our ancestral heritage that has been denied to us by the dominant society and by archaeologists working on our ancestral heritage sites within our aboriginal and historic tribal territory. In this particular case, the ancestral person may indeed date back to what archaeologists have termed the Early Bay Period. Furthermore, given this recent discovery of our ancestral burial, I recommend bagging the skeletal elements, which has been done. We shall hand excavate within the immediate vicinity of the grave where these remains were found. After thorough investigation of the area, and confirmation that no more skeletal elements are present, mechanical excavation may proceed, slowly, with shallow passes of a flat blade 2-foot bucket. An Amah Mutsun Tribal Band Native American Monitor will be required to monitor this work. Amah Mutsun Tribal Band MLD Recommendations in the event that after further investigation by hand excavating a full burial has been discovered, only after the burial has been removed and thorough investigation of the area has been conducted and confirmation that no more human remains are found, mechanical excavation may proceed, slowly, with shallow passes of a flat blade 2-foot bucket. An Amah Mutsun Tribal Band Native American Monitor will be required to monitor this work. Given the context of the fact that our ancestral burial was recovered in a previously recorded mound site, and given the sensitive location of this site, I recommend that an Amah Mutsun Tribal Band Native American Monitor be required to monitor the rest of this project. Therefore, I recommend that all subsurface demolition, any and all excavations(i.e. for utilities, etc.), and tree/plant removal activities are monitored by an Amah Mutsun Tribal Band Native American Monitor. I am recommending that an Amah Mutsun Tribal Band Native American Monitor observe any and all subsurface excavation work, placing a Native American Monitor at each piece of any excavation equipment. I also recommend that the on-site Archaeologists plot the location and depth of each additional ancestral burial, grave/isolate locus, and/or other significant subsurface features by using GPS to pinpoint various aspects of the gravesite and other feature locations on the parcel and related maps. Given the possibility of discoveries of additional subsurface Archaeological Features at this site, if further excavations of features are investigated, I am requesting a weekly Status Report from the on site Archeological field personnel on any additional findings of our

ancestral artifacts should a Amah Mutsun Tribal Band monitor not be present. Please be advised that Postings about these human remains through any and all forms of social media are unacceptable and therefore are prohibited. No photographs or video recording are allowed of our ancestral remains by the Construction Crew, anyone working at the site, or visiting the site, unless prior approval has been given by the MLD or Tribal Monitor. Lastly, I am requesting a response in writing on how work will proceed at the site, along with an updated treatment/mitigation plan. It is not our intention to hold up the progress of work at this site, we are available to begin burial recovery as soon as we are cleared to enter the site and with an approved budget.

Response A-8: Comment acknowledged. The City will require the School to retain a qualified archaeologist and/or tribal cultural resource monitor to fulfill the requirements of **Mitigation Measure TCR-2**. This comment does not raise an issue with the CEQA analysis contained in the Draft IS/MND. In addition, there are no known burial sites or previous instances of recovery of human remains on the project site, and the comment above appears to refer to a different project. No further response is required.

Letter B: Monterey-Salinas Transit District

Comment B-1: Monterey-Salinas Transit District provides public transportation throughout Monterey County and operates daily fixed-route service to the City of Seaside. MST has reviewed the Draft Initial Study/Mitigated Negative Declaration for the Chartwell School Expansion Project and would like to provide the following comments:

> **Response B-1:** The City acknowledges the commenter's authority as the primary provider of public transportation in the project area. This comment does not raise any issues with the analysis of the Draft IS/MND. No further response is required.

Comment B-2: The following correction should be made to page 100: Transit services in the project area are provided by Monterey-Salinas Transit District (MST). The bus routes operating closest to the project site include ~~Line A,~~ Line 18, and Line 17.

> **Response B-2:** The City has revised the text of the Draft IS/MND to reflect the proposed edits identified by the commenter related to bus service in the project area (see **Chapter 3. Revisions to the Draft IS/MND**). This comment does not raise any issues with the analysis of the Draft IS/MND. No further response is required.

Comment B-3: The nearest bus stops to the site are over ½ miles away and MST does not have plans to expand service to the proposed site. However, MST offers additional programs that incentivize carpooling, which can help to further reduce the project's GHG emissions from employee trips. MST has partnered with Enterprise to provide vanpooling options for commuters in Monterey County. Enterprise connects a minimum of four (4)employees, who travel to or from Monterey County, and provides them with a van or SUV. Vanpools receive up to a $450 monthly subsidy per vehicle from MST if they complete monthly ridership reports. Please visit Enterprise's website for more information on MST's vanpooling program: https://www.commutewithenterprise.com/content/commute/en/partners/montereycounty.html.

> **Response B-3:** The City acknowledges this comment. **Mitigation Measure TRA-1** requires that the School establish a vanpool program for students. The City will encourage the School to consider MST's vanpooling program as an option to fulfill this requirement of **Mitigation Measure TRA-1.** This comment does not raise any issues with the analysis of the Draft IS/MND and no further response is required.

Letter C: Costanoan Rumsen Carmel Tribe

Comment C-1: Thank you for reaching out to my tribe, We would like to set up a consultation. Please let us know some dates and times that work best for you. To get a better understanding of the project as well as request some crucial Mitigations.

Response C-1: The City circulated consultation letters for tribal outreach in accordance with Assembly Bill 52 on August 30, 2024, prior to circulation of the Draft IS/MND. This included a letter to the listed contacts of the Costanoan Rumsen Carmel Tribe. The City held a consultation call with the Costanoan Rumsen Carmel Tribe on September 25, 2024 to discuss the project. The Costanoan Rumsen Carmel Tribe provided recommendations for the project as described in *Section 5.2.18 Tribal Cultural Resources* of the Draft IS/MND. These recommendations were incorporated into **Mitigation Measures TCR-1** and **TCR-2**. The City has fulfilled consultation requirements for the project with the Costanoan Rumsen Carmel Tribe in accordance with AB 52, and no further consultation is required. While the City welcomes further input from the Costanoan Rumsen Carmel Tribe if they have any specific comments on the Draft IS/MND, this comment letter does not raise any questions about the validity of the environmental analysis contained in the Draft IS/MND. No further response is required.

Letter D: U.S. Fish and Wildlife Service

Comment D-1: We have reviewed the Notice of Intent to Adopt a Mitigated Negative Declaration for the Chartwell School Expansion Project in Monterey County (NOI; City of Seaside 2025), received on February 5, 2025, and the project's draft initial study (DD&A 2025) and biological resources report (DD&A 2023) provided on the City of Seaside's web pages. The project consists of the expansion of the existing Chartwell School campus across two phases of construction. Phase 1 consists of developing two new buildings within assessor's parcel number (APN) 031-151-022-000. Phase 2 consists of developing three new buildings and various site improvements in the new campus area on APN 031-151-061-000 and APN 031-151-061-000. The project site is located at Numma Watson Road in the City of Seaside in Monterey County, California.

> **Response D-1:** Comment acknowledged. This comment does not raise any issues with the analysis of the Draft IS/MND. No further response is required.

Comment D-2: The U.S. Fish and Wildlife Service's (Service) mission is to conserve and protect the nation's fish and wildlife resources and their habitats. To assist in meeting this mandate, the Service provides comments on public notices issued for projects that may affect those resources, especially federally listed plants and wildlife. The Service's responsibilities also include administering the Endangered Species Act of 1973, as amended (Act). Section 9 of the Act prohibits the taking of any federally listed endangered or threatened wildlife species. "Take" is defined at section 3(19) of the Act to mean "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." The Act provides for civil and criminal penalties for the unlawful taking of listed wildlife species. Such taking may be authorized by the Service in two ways: through interagency consultation for projects with Federal involvement pursuant to section 7, or through the issuance of an incidental take permit under section 10(a)(1)(B) of the Act.

The biological resources report notes that federally listed species have been documented in and adjacent to the project area and could be affected by the proposed project (DD&A 2023). We respectfully submit the comments below.

> **Response D-2:** Comment acknowledged. This comment does not raise any issues with the analysis of the Draft IS/MND. No further response is required.

Comment D-3: The Mid-Campus site plan, as depicted in Figure 4a of the Draft Initial Study for the Chartwell School Expansion Project (DD&A 2025), is outside of the survey area addressed in the biological resources report (DD&A 2023). Therefore, we are unable to provide comments on the habitat or the species that may occur within the Mid-Campus site. To provide a more complete analysis of project impacts to biological resources, biological resources information for the Mid-Campus site should also be included.

> **Response D-3:** Comment acknowledged. The Mid-Campus component of the project was not known at the time of the preparation of the biological report and subsequent biological survey. However, DD&A biologists confirmed that this component is located within a developed area that does not provide habitat for sensitive biological resources. No further response is required.

Comment D-4: The biological resources report states that there is a moderate potential for Monterey spineflower to occur within the survey area and that suitable habitat for Monterey spineflower is present within open areas of sandy habitat throughout the survey area. According to the biological resources report, the survey area contains approximately 6.5 acres of ruderal habitat with open sandy washes with little to no vegetation present. Monterey spineflower primarily grows in openings of coastal dune, dune

scrub, and chaparral in sandy soils where competition with other plant species is low. The species also occurs in other habitat types where sandy openings exist and competition is low.

The project area is located near former Fort Ord, an area that has a historical distribution of Monterey spineflower and where DD&A biologists have observed Monterey spineflower recently. There are 34 occurrences of this species in the California Natural Diversity Database (CNDDB 2025) within the areas reviewed for the biological resources report, including CNDDB occurrence number 2 that overlaps with the northeastern portion of the project area. CNDDB occurrence number 2 is a large occurrence that encompasses most of Fort Ord and was mapped according to a 1992 Army Corps of Engineers map. The occurrence data includes population numbers observed over multiple surveys between 1992 and 2016.

Despite the presence of suitable habitat within the survey area, DD&A did not observe any Monterey spineflower during the focused botanical survey on June 28, 2024. However, Monterey spineflower responds strongly to annual precipitation patterns and temperatures, sometimes resulting in large fluctuations in the number of plants visible above ground from year to year at a given location. Therefore, the lack of observations of Monterey spineflower within suitable and historical habitat within the project area does not preclude the potential for Monterey spineflower or their seedbank to be present.

The biological resources report includes mitigation measure 2 to reduce potentially significant impacts to Monterey spineflower during construction activities. This measure includes retaining a qualified biologist to conduct a focused biological survey prior to ground disturbing activities and during the Monterey spineflower blooming period. The measure states that if Monterey spineflower is not documented during the pre-construction survey, no further mitigation is required.

Due to the moderate potential for Monterey spineflower to occur, the presence of suitable habitat, and CNDDB data indicating historical habitat, we encourage you to implement mitigation measure 2 with the assumption that the project would result in direct impacts to Monterey spineflower habitat. As described in the biological resources report, this would include developing a Rare Plant Restoration Plan, prior to the start of construction upon where suitable habitat for Monterey spineflower would be impacted, and creating and maintaining habitat at 1:1 ratio.

If Monterey spineflower are documented during preconstruction surveys and cannot be avoided, we recommend including the following measures within the plan to collect seed or soil containing seedbank:

- The upper six inches of soil located in and around existing Monterey spineflower individuals within the area to be disturbed will be collected and redistributed prior to grading activities. Soil collection will occur immediately following completion of seed collection and prior to the first rainfall. The collected soil will be immediately distributed in areas of suitable habitat where Monterey spineflower does not currently exist and where no future development is likely to occur. Seed collected from the action area will be broadcast over the relocated soil, and then the receptor site will be lightly raked to cover the seed.

Response D-4: In accordance with Mitigation Measure 2 from the Biological Resource Report, DD&A conducted focused, protocol-level surveys for Monterey spineflower. As described in the memorandum from DD&A dated August 19th, 2024 (**Appendix C** of the Draft IS/MND), no Monterey spineflower were observed within the project site. While some areas of the project site contain sandy soils, these areas are small, discrete patches within the site and highly disturbed providing only marginal habitat for Monterey spineflower. Further, Monterey spineflower has not been historically documented within the project site, including surveys conducted by DD&A in 2006 and by Jones and Stokes in 1992. It is acknowledged that Monterey spineflower populations fluctuate annually; however, if seedbank is present, individuals are observed, even if the density or extent of the population fluctuates. Therefore, it was determined that Monterey spineflower, its seedbank, or

potentially suitable habitat would not be impacted by the proposed project, and no further mitigation is required.

Comment D-5: According to the biological resources report, there is a low likelihood for Monterey gilia to occur within the survey area. The survey area supports poor quality habitat and occurs above the known elevation range for Monterey gilia. However, our records from 2020 surveys document Monterey gilia populations located approximately 0.42 mile southeast of the survey area (Service, unpublished data). We recommend preconstruction surveys to include Monterey gilia during the appropriate blooming period.

Response D-5: Based on the results of the biological resources analysis and as stated in the comment, the project site does not contain suitable habitat for this species, and, therefore, Monterey gilia is unlikely to occur within the project site and would not be impacted by the proposed project. No mitigation is required.

Comment D-6: According to the biological resources report, there is a low potential for California tiger salamanders to occur within the survey area. No suitable upland habitat is present in the survey area and the closest suitable breeding habitat is over 1.24 miles from the survey area. The nearest CNDDB occurrence is approximately two miles east of the survey area, where juvenile California tiger salamanders were observed within a vernal pool (CNDDB 2025). According to our recovery plan, the Central California tiger salamander have been reported to migrate up to 1.3 miles between breeding ponds and upland habitat. Their average migration distance is up to 1,844 feet (562 meters), but they are physiologically capable of migrating up to 1.5 miles each breeding season (Service 2017).

Although we agree that there is a low probability that California tiger salamanders occur within the project area, the landscape between the survey area and the nearest CNDDB occurrence consists of undeveloped areas with limited dispersal barriers. Therefore, it could be possible that dispersing California tiger salamanders may be present within the project area, especially if small mammal burrows, which are used by salamanders as refuge sites, are observed within the project area.

Response D-6: The project site is outside of the known dispersal range for California tiger salamander; therefore, this species is unlikely to occur within the project site and would not be impacted by the proposed project. No mitigation is required.

Comment D-7: In addition to the specific recommendations provided above, we advise the applicant to contact the Service directly for further guidance regarding the steps that may be needed to ensure compliance with the Endangered Species Act for any impacts to listed species that may result from the proposed project. We can also provide additional guidance or recommendations regarding protocol surveys, avoidance and minimization measures, and appropriate compensatory mitigation.

Response D-7: Comment acknowledged. The City and School will coordinate with the Service as necessary to ensure compliance with the Endangered Species Act. This comment does not raise any issues with the analysis of the Draft IS/MND. No further response is required.

CHAPTER 3. REVISIONS TO THE DRAFT IS/MND

The following section includes revisions to the text of the Draft IS/MND, in amendment form. The revisions are presented by page number in the order that they appeared in the Draft IS/MND. A description of the edit is provided first, the original text is presented second, and the revised text is presented last.

Page 1 – List Item 5 – 2nd Sentence

Edit: The City has revised the text of this paragraph to correct the Assessor's Parcel Number (APN) reference.

Original Text: The project would include two new buildings in the mid-campus area (Phase 1) on parcel 031-151-022-000, and three new buildings and various site improvements in the new campus area (Phase 2) on parcels 031-151-061-000 and 031-151-061-000.

Revised Text: The project would include two new buildings in the mid-campus area (Phase 1) on parcel 031-151-022-000, and three new buildings and various site improvements in the new campus area (Phase 2) on parcels 031-151-060-000 and 031-151-061-000.

Page 28 – Paragraph 1 – Final Sentence

Edit: The City has revised the text to correct the section number referenced for further discussion of water availability.

Original Text: Construction of the New High School component of Phase 2 of the proposed project would be contingent on the availability of an additional 1.3 AFY of potable water (see *Section 5.19* of this IS/MND for further discussion).

Revised Text: Construction of the New High School component of Phase 2 of the proposed project would be contingent on the availability of an additional 1.3 AFY of potable water (see *Section 5.2.19* of this IS/MND for further discussion).

Page 70 – Paragraph 1 – 2nd Sentence

Edit: The City has revised the text of this paragraph to omit an erroneous reference to a past project.

Original Text: …engineering and seismic safety design requirements and guidelines contained in the Uniform Building Code and California Building Code. However, the proposed project is a water system consolidation project and does not include the addition of any new habitable structures. Additionally, the final design of the proposed project would be required to comply with the recommendations of a design-level geotechnical analysis anticipated to be required as part of the grading permit application.

Revised Text: …engineering and seismic safety design requirements and guidelines contained in the Uniform Building Code and California Building Code. Additionally, the final design of the proposed project would be required to comply with the recommendations of a design-level geotechnical analysis anticipated to be required as part of the grading permit application.

Page 100 – Paragraph 2 – 1st Sentence

Edit: The City has revised the text of this paragraph to omit the reference to MST Line A operating in the project vicinity.

Original Text: Transit services in the project area are provided by Monterey Salinas Transit (MST). The bus routes operating closest to the project site include Line A, Line 18, and Line 17.

Revised Text: Transit services in the project area are provided by Monterey Salinas Transit District (MST). The bus routes operating closest to the project site include Line 18 and Line 17.

ATTACHMENT A
COMMENT LETTERS

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Amah Mutsun Tribal Band of Mission San Juan Bautista

I, Irenne Zwierlein, am making the following formal Most Likely Descendant (MLD) Recommendations on behalf of the Amah Mutsun Tribal Band, with regards to the treatment of our ancestral remains and any and all associated grave regalia and subsurface features discovered at this location: A-1

Expose, analyze in the field, and remove for reburial: A complete systematic collection and/or excavation by a professional archaeologist (who meets the Standards established by the Secretary of the Interior) of any exposed Native American skeletal remains should be coordinated. The collection and/or excavation should be undertaken using standard contemporary archaeological techniques. All archaeological field work will be managed daily on site by an archaeological field director who must possess the following qualifications: a graduate degree (MA) in archaeology, along with two years of full-time professional experience and specialized training in archaeological research, administration, and management; two years of supervised field and analytic experience in North American archaeology, and has demonstrated the ability to carry research to completion within assigned schedules. The project archaeologist or his/her staff will expose any burial and grave objects in my presence as the designated Most Likely Descendant, or my appointed representative (Monitor). Should the Native Monitor not be on-site, arrive late or depart early, all burial recovery work must stop. Likewise, any archaeological work where it is suspected that human remains might be discovered a Native Monitor must be present, or work may not be undertaken. Burials in various stages of excavation shall be protected overnight, by placing standard construction metal plates over them. A metal plate must be on-site before exposure begins. A-2

1. Since our Tribe believes that our ancestral dead needs to be treated with utmost respect, and since our ancestral people had been disturbed in the past and more recently by bioturbation and construction/subsurface excavation activities, I am recommending that this ancestral person, and any future findings (i.e., isolates, burials and associated assemblages), be removed from their location/gravesite. And after appropriate analysis (presented below), be reburied as close to the original cemetery or discovery location as possible, as part of our honoring ceremony. If reburial for an on site location is not possible, we will consult with the Redwood City on a suitable alternative location, where a reburial honoring ceremony will be conducted. Reburial Site must be land that has no future intentions of being developed. A-3
2. I am also recommending that the land owner enter into a contractual agreement with the Amah Mutsun Tribal Band Ohlone Tribe of the San Francisco Bay Area (DBA Amah Mutsun Tribal Band Ohlone Tribe, Inc.) for a Burial and Archaeological Data Recovery Program, monitoring services, and laboratory analysis of our ancestral remains which will include a full skeletal inventory of all A-4

3030 Soda Bay Road Lakeport, CA 95453
amtbinc21@gmail.com or amahmutsuntribal@gmail.com
650-851-7489

of the skeletal elements, AMS dating, Stable Isotope analysis, ancient DNA, as well as any artifact and faunal analysis which shall be conducted by Basin Research. Should additional ancestral Native American remains be uncovered, the same recommended treatment will be in place for any additional discoveries. A-4 Con't

3. The burial removal process should include, but not be limited to, the screening of any adjacent back dirt (spoils) piles located by these human remains, and the use of hand excavation methods to help remove any over burden (if necessary) down to a level to be determined in the field in order to facilitate full access to the in situ remains. The in situ remains will be exposed and removed by Amah Mutsun Tribal Band Ohlone field crew or in concert with on-site Archeological field personnel. These remains will be drawn and photographed in conjunction with on-site archaeological field staff who will document on standard archaeological excavation forms information about the burial remains and map in the grave and any subsurface features and/or artifacts. On-site Archeological field staff shall be responsible for mapping and recording the reburial location using GPS. Copies of the Reburial forms and Final Archaeological Report will be sent to Northwest Information Center, Sonoma State University, the Amah Mutsun Tribal Band Ohlone Tribe, and the Native American Heritage Commission. A-5
4. It is also my recommendation that all of the human remains, associated artifacts, and ecofacts be brought to a suitable lab for cleaning and sorting, and preparation for detailed skeletal inventory and analysis which will include as stated above, be conducted by qualified specialists (approved by our Tribe) in their respective field(s). Selecting small samples of human bone for AMS dating, Stable Isotope and ancient DNA. The first two studies will require minimum funding within the proposed budget and will be conducted in collaboration with the Tribe's leadership and membership. Also, if conducive a Strontium study may also be considered. The results of all analysis will be presented first to the Amah Mutsun Tribal Band Ohlone Tribal leadership. If the results of these studies are of a positive nature and of scientific significance to our Tribe, then only with the Amah Mutsun Tribal Band Ohlone Tribe's written approval, will these results be published in the final report, otherwise will be held in confidentiality. A-6
5. As part of this laboratory phase of work, I am also recommending that any isolated or complete burials be cleaned, and a complete skeletal inventory be conducted by the Amah Mutsun Tribal Band's staff Osteologist if available or by Basin Research Archaeological firm's osteological staff and associates. Any associated grave regalia and artifacts will also be cleaned, photographed, measured, and described. Amah Mutsun Tribal Band Ohlone Tribe and/or Basin Research Archaeologist and the Osteologist will each be responsible for writing a stand-alone final report that meets the standards under CEQA. A-7

These recommendations follow our Tribe's desire to learn as much as possible about our ancestral heritage that has been denied to us by the dominant society and by archaeologists working on our ancestral heritage sites within our A-8

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aboriginal and historic tribal territory. In this particular case, the ancestral person may indeed date back to what archaeologists have termed the Early Bay Period. Furthermore, given this recent discovery of our ancestral burial, I recommend bagging the skeletal elements, which has been done. We shall hand excavate within the immediate vicinity of the grave where these remains were found. After thorough investigation of the area, and confirmation that no more skeletal elements are present, mechanical excavation may proceed, slowly, with shallow passes of a flat blade 2-foot bucket. An Amah Mutsun Tribal Band Native American Monitor will be required to monitor this work. Amah Mutsun Tribal Band MLD Recommendations in the event that after further investigation by hand excavating a full burial has been discovered, only after the burial has been removed and thorough investigation of the area has been conducted and confirmation that no more human remains are found, mechanical excavation may proceed, slowly, with shallow passes of a flat blade 2-foot bucket. An Amah Mutsun Tribal Band Native American Monitor will be required to monitor this work. Given the context of the fact that our ancestral burial was recovered in a previously recorded mound site, and given the sensitive location of this site , I recommend that an Amah Mutsun Tribal Band Native American Monitor be required to monitor the rest of this project. Therefore, I recommend that all subsurface demolition, any and all excavations(i.e. for utilities, etc.), and tree/plant removal activities are monitored by an Amah Mutsun Tribal Band Native American Monitor. I am recommending that an Amah Mutsun Tribal Band Native American Monitor observe any and all subsurface excavation work, placing a Native American Monitor at each piece of any excavation equipment. I also recommend that the on-site Archaeologists plot the location and depth of each additional ancestral burial, grave/isolate locus, and/or other significant subsurface features by using GPS to pinpoint various aspects of the gravesite and other feature locations on the parcel and related maps. Given the possibility of discoveries of additional subsurface Archaeological Features at this site, if further excavations of features are investigated, I am requesting a weekly Status Report from the on site Archeological field personnel on any additional findings of our ancestral artifacts should a Amah Mutsun Tribal Band monitor not be present. Please be advised that Postings about these human remains through any and all forms of social media are unacceptable and therefore are prohibited. No photographs or video recording are allowed of our ancestral remains by the Construction Crew, anyone working at the site, or visiting the site, unless prior approval has been given by the MLD or Tribal Monitor. Lastly, I am requesting a response in writing on how work will proceed at the site, along with an updated treatment/mitigation plan. It is not our intention to hold up the progress of work at this site, we are available to begin burial recovery as soon as we are cleared to enter the site and with an approved budget.

A-8
Con't

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Amah Mutsun Tribal Band of Mission San Juan Bautista

We are available to begin Monitoring work as soon as a schedule is made available to us. Should the Client or Archaeologists have any questions, please feel free to contact me.

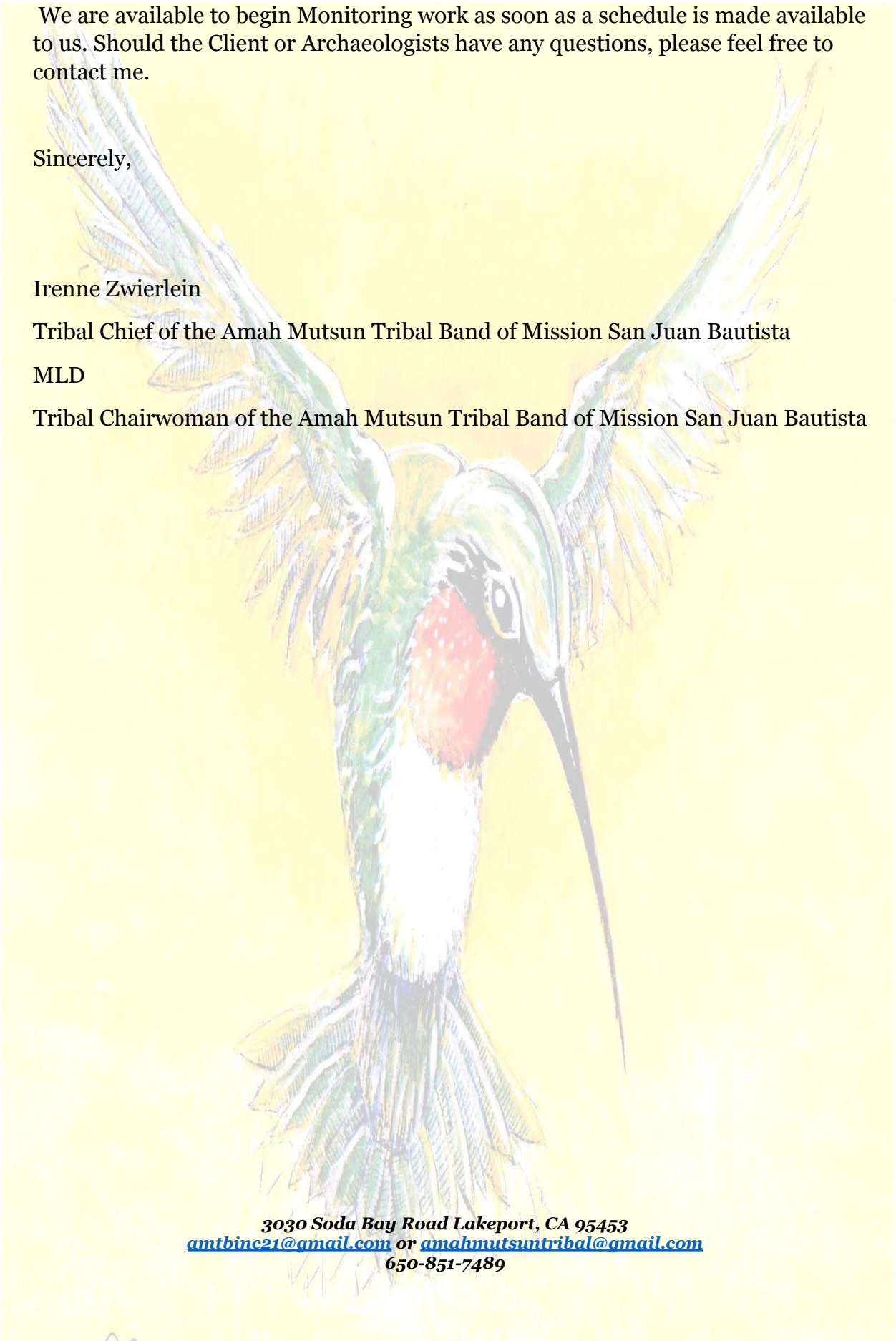
Sincerely,

Irenne Zwierlein

Tribal Chief of the Amah Mutsun Tribal Band of Mission San Juan Bautista

MLD

Tribal Chairwoman of the Amah Mutsun Tribal Band of Mission San Juan Bautista



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650-851-7489

The Amah Mutsun Tribal Band of San Juan Bautista & AMTB

Letter of Response

To whom it may concern:

It is our pride and privilege to be of service for any Native American Cultural Resource Monitoring, Consulting and/ or Sensitivity Training you may need or require. We take our Heritage and History seriously and are diligent about preserving as much of it as we can. Construction is a constant in the Bay Area and with that new discoveries are bound to happen. If you choose our services, we will gladly guide all personnel through proper procedures to safely protect and preserve: Culture, Heritage, and History.

It is highly recommended, if not previously done, to search through Sacred Lands Files (SLF) and California Historical Resource Information Systems (CHRIS) as well as reaching out to the Native American Heritage Commission (NAHC) In order to determine whether you are working in a Cultural and/ or Historic sensitivity.

If you have received any positive cultural or historic sensitivity within 1 mile of the project area here are A.M.T.B Inc's and Amah Mutsun Tribal Band of San Juan Bautista's recommendations:

- All Crews, Individuals and Personnel who will be moving any earth be Cultural Sensitivity Trained.
- A Qualified California Trained Archaeological Monitor is present during any earth movement.
- A Qualified Native American Monitor is present during any earth movement.

If further Consultation, Monitoring or Sensitivity Training is needed please feel free to contact A.M.T.B. Inc. or Myself Directly. A.M.T.B. Inc. 650-851-7747

Irenne Zwierlein

Irenne Zwierlein

2451 Tyrolean Way, Sacramento CA
95821
amtbinc21@gmail.com
(650)851-7747

Amah Mutsun Tribal Band of San Juan Bautista
&
AMTB

2451 Tyrolean Way, Sacramento CA 95821

Our rates for 2025 are

$200.00 per hour.

4 hours minimum

Cancellations not 48 hours (about 2 days) prior will be charged as a 4-hour minimum. There is a round trip mileage charge if canceled after they have traveled to site.

Anything over 8 hours a day is charged as time and a half.

Weekends are charged at time and a half.

Holidays are charged at double the time.

For fiscal year (FY) 2025, standard per diem rate of $425. ($333. lodging, $92 M&IE).

M&IE Breakdown FY 2025

M&IE Total	Continental Breakfast/ Breakfast	Lunch	Dinner	Incidental Expenses	First & Last Day of Travel
$92.00	$23.00	$26.00	$38.00	$5.00	$69.00

Beginning 2025, the standard mileage rates for the use of a car round trip (also vans, pickups or panel trucks) will be: $.70 cents per mile driven for business use or what the current federal standard is at the time.

Our Payment terms are 5 days from date on invoice.

Our Monitors are Members of the Amah Mutsun Tribal Band of Mission San Juan Bautista.

If you have any questions, please feel free to contact the A.M.T.B. Inc. at the below contact information.

Sincerely,

Irenne Zwierlein

Irenne Zwierlein

2451 Tyrolean Way, Sacramento CA 95821
amtbinc21@gmail.com

(650)851-7747

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 01/14/2025

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATIONIS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER ALLIED BROKERS INSURANCE AGCY INC 57101434 591 LYTTON AVENUE PALO ALTO CA 94301	**CONTACT NAME:** **PHONE (A/C, No, Ext):** (866) 467-8730 **FAX (A/C, No):** (888) 443-6112 E-MAIL ADDRESS:

INSURER(S) AFFORDING COVERAGE		**NAIC#**
INSURED AMTB LLC 2451 TYROLEAN WAY SACRAMENTO CA 95821-4809	**INSURER A :** Hartford Underwriters Insurance Company	30104
	INSURER B :	
	INSURER C :	
	INSURER D :	
	INSURER E :	
	INSURER F :	

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED.NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/Y YY)	LIMITS	
A	COMMERCIAL GENERAL LIABILITY [ ] CLAIMS-MADE [X] OCCUR [X] General Liability GEN'L AGGREGATE LIMIT APPLIES PER: [X] POLICY [ ] PRO-JECT [ ] LOC [ ] OTHER:			57 SBM BM9HAR	01/14/2025	01/14/2026	EACH OCCURRENCE	$1,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence)	$1,000,000
							MED EXP (Any one person)	$10,000
							PERSONAL & ADV INJURY	$1,000,000
							GENERAL AGGREGATE	$2,000,000
							PRODUCTS - COMP/OP AGG	$2,000,000
A	**AUTOMOBILE LIABILITY** [ ] ANY AUTO [ ] ALL OWNED AUTOS [ ] SCHEDULED AUTOS [X] HIRED AUTOS [X] NON-OWNED AUTOS			57 SBM BM9HAR	01/14/2025	01/14/2026	COMBINED SINGLE LIMIT (Ea accident)	$1,000,000
							BODILY INJURY (Per person)	
							BODILY INJURY (Per accident)	
							PROPERTY DAMAGE (Per accident)	
	[ ] **UMBRELLA LIAB** [ ] OCCUR [ ] **EXCESS LIAB** [ ] CLAIMS-MADE [ ] DED [ ] RETENTION $						EACH OCCURRENCE	
							AGGREGATE	
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? **Y/N** [ ] **(Mandatory in NH)** If yes, describe under DESCRIPTION OF OPERATIONS below	N/ A					[ ] PER STATUTE [ ] OTH-ER	
							E.L. EACH ACCIDENT	
							E.L. DISEASE -EA EMPLOYEE	
							E.L. DISEASE - POLICY LIMIT	

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES **(ACORD 101, Additional Remarks Schedule, may be attached if more space is required)**

The Business Liability Coverage Part includes a Blanket Additional Insured By Contract Endorsement, Form SL 30 32.

CERTIFICATE HOLDER

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Susan L. Castaneda

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February 4, 2025

Beth Rocha, Senior Planner
City of Seaside
440 Harcourt Avenue
Seaside, CA 93955

RE: Comments for Draft IS/MND for the Chartwell School Expansion Project

Dear Ms. Rocha,

Monterey-Salinas Transit District provides public transportation throughout Monterey County and operates daily fixed-route service to the City of Seaside. MST has reviewed the Draft Initial Study/Mitigated Negative Declaration for the Chartwell School Expansion Project and would like to provide the following comments: B-1

The following correction should be made to page 100: Transit services in the project area are provided by Monterey Salinas Transit District (MST). The bus routes operating closest to the project site include ~~Line A~~, Line 18, and Line 17. B-2

The nearest bus stops to the site are over ½ miles away and MST does not have plans to expand service to the proposed site. However, MST offers additional programs that incentivize carpooling, which can help to further reduce the project's GHG emissions from employee trips. MST has partnered with Enterprise to provide vanpooling options for commuters in Monterey County. Enterprise connects a minimum of four (4) employees, who travel to or from Monterey County, and provides them with a van or SUV. Vanpools receive up to a $450 monthly subsidy per vehicle from MST if they complete monthly ridership reports. Please visit Enterprise's website for more information on MST's vanpooling program: https://www.commutewithenterprise.com/content/commute/en/partners/montereycounty.html. B-3

If you have any questions about the above comments, please do not hesitate to contact me at movermeyer@mst.org or 831-264-5877.

Sincerely,

Michelle Overmeyer
Director of Planning & Innovation

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Subject: RE: Comment Received - Re: Chartwell Project Update

>>> Costanoan Rumsen Carmel Tribe CRD <crct.crd@gmail.com> 2/24/2025 8:31 PM >>>
Missix Tuxx Ka Uko,

Thank you for reaching out to my tribe, We would like to set up a consultation. Please let us know some dates and times that work best for you. To get a better understanding of the project as well as request some crucial
Mitigations. C-1

May your ancestors continue to guide you while the creator watches over you ahooo to all my relations.

Henry Munoz
Costanoan Rumsen Carmel Tribe
Cultural Resource Officer/MLD/Traditional Builder
909 254 1610

On Tue, Jan 28, 2025 at 10:12 AM Beth Rocha <BRocha@ci.seaside.ca.us> wrote:

> Hi,
> Just letting you know that the Notice of Availability/Notice of Intent to Adopt a Mitigated Negative Declaration has been posted to the city's website. All documents can be viewed here: Chartwell School Expansion Project | Seaside, CA
>
> The City encourages the public to provide written comments on the environmental document. Written comments on the Draft IS/MND will be accepted during a **30-day review period, from January 30, 2025, to February 28, 2025, at 5:00 PM.** Address all written comments to: Beth Rocha, Senior Planner, 440 Harcourt Avenue, Seaside, CA 93955. E-mail comments may be addressed to: BRocha@ci.seaside.ca.us
> Please provide comments prior to the close of the public review period, by 5 PM on February 28, 2025.
>
> Thank you,
> Beth Rocha (she/her)
> Senior Planner
> 831-899-6728
>
> Include ~ Innovate ~ Inspire

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United States Department of the Interior
U.S. FISH AND WILDLIFE SERVICE
Ecological Services
Ventura Fish and Wildlife Office
2493 Portola Road, Suite B
Ventura, California 93003

IN REPLY REFER TO:
2025-0061076

February 28, 2025

City of Seaside
Community and Economic Development
Attn: Beth Rocha, Senior Planner
440 Harcourt Avenue
Seaside, California 93955

Subject: Notice of Intent to Adopt a Mitigated Negative Declaration for the Chartwell School Expansion Project, City of Seaside, Monterey County, California

Dear Beth Rocha:

We have reviewed the Notice of Intent to Adopt a Mitigated Negative Declaration for the Chartwell School Expansion Project in Monterey County (NOI; City of Seaside 2025), received on February 5, 2025, and the project's draft initial study (DD&A 2025) and biological resources report (DD&A 2023) provided on the City of Seaside's web pages. The project consists of the expansion of the existing Chartwell School campus across two phases of construction. Phase 1 consists of developing two new buildings within assessor's parcel number (APN) 031-151-022-000. Phase 2 consists of developing three new buildings and various site improvements in the new campus area on APN 031-151-061-000 and APN 031-151-061-000. The project site is located at Numma Watson Road in the City of Seaside in Monterey County, California. D-1

The U.S. Fish and Wildlife Service's (Service) mission is to conserve and protect the nation's fish and wildlife resources and their habitats. To assist in meeting this mandate, the Service provides comments on public notices issued for projects that may affect those resources, especially federally listed plants and wildlife. The Service's responsibilities also include administering the Endangered Species Act of 1973, as amended (Act). Section 9 of the Act prohibits the taking of any federally listed endangered or threatened wildlife species. "Take" is defined at section 3(19) of the Act to mean "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." The Act provides for civil and criminal penalties for the unlawful taking of listed wildlife species. Such taking may be authorized by the Service in two ways: through interagency consultation for projects with Federal involvement pursuant to section 7, or through the issuance of an incidental take permit under section 10(a)(1)(B) of the Act. D-2

The biological resources report notes that federally listed species have been documented in and adjacent to the project area and could be affected by the proposed project (DD&A 2023). We respectfully submit the comments below. D-2 Con't

General

The Mid-Campus site plan, as depicted in Figure 4a of the Draft Initial Study for the Chartwell School Expansion Project (DD&A 2025), is outside of the survey area addressed in the biological resources report(DD&A 2023). Therefore, we are unable to provide comments on the habitat or the species that may occur within the Mid-Campus site. To provide a more complete analysis of project impacts to biological resources, biological resources information for the Mid-Campus site should also be included. D-3

Monterey spineflower (*Chorizanthe pungens* var. *pungens*):

The biological resources report states that there is a moderate potential for Monterey spineflower to occur within the survey area and that suitable habitat for Monterey spineflower is present within open areas of sandy habitat throughout the survey area. According to the biological resources report, the survey area contains approximately 6.5 acres of ruderal habitat with open sandy washes with little to no vegetation present. Monterey spineflower primarily grows in openings of coastal dune, dune scrub, and chaparral in sandy soils where competition with other plant species is low. The species also occurs in other habitat types where sandy openings exist and competition is low.

The project area is located near former Fort Ord, an area that has a historical distribution of Monterey spineflower and where DD&A biologists have observed Monterey spineflower recently. There are 34 occurrences of this species in the California Natural Diversity Database (CNDDB 2025) within the areas reviewed for the biological resources report, including CNDDB occurrence number 2 that overlaps with the northeastern portion of the project area. CNDDB occurrence number 2 is a large occurrence that encompasses most of Fort Ord and was mapped according to a 1992 Army Corps of Engineers map. The occurrence data includes population numbers observed over multiple surveys between 1992 and 2016. D-4

Despite the presence of suitable habitat within the survey area, DD&A did not observe any Monterey spineflower during the focused botanical survey on June 28, 2024. However, Monterey spineflower responds strongly to annual precipitation patterns and temperatures, sometimes resulting in large fluctuations in the number of plants visible above ground from year to year at a given location. Therefore, the lack of observations of Monterey spineflower within suitable and historical habitat within the project area does not preclude the potential for Monterey spineflower or their seedbank to be present.

The biological resources report includes mitigation measure 2 to reduce potentially significant impacts to Monterey spineflower during construction activities. This measure includes retaining a qualified biologist to conduct a focused biological survey prior to ground disturbing activities

and during the Monterey spineflower blooming period. The measure states that if Monterey spineflower is not documented during the pre-construction survey, no further mitigation is required.

Due to the moderate potential for Monterey spineflower to occur, the presence of suitable habitat, and CNDDB data indicating historical habitat, we encourage you to implement mitigation measure 2 with the assumption that the project would result in direct impacts to Monterey spineflower habitat. As described in the biological resources report, this would include developing a Rare Plant Restoration Plan, prior to the start of construction upon where suitable habitat for Monterey spineflower would be impacted, and creating and maintaining habitat at 1:1 ratio.

If Monterey spineflower are documented during preconstruction surveys and cannot be avoided, we recommend including the following measures within the plan to collect seed or soil containing seedbank:

D-4 Con't

- The upper six inches of soil located in and around existing Monterey spineflower individuals within the area to be disturbed will be collected and redistributed prior to grading activities. Soil collection will occur immediately following completion of seed collection and prior to the first rainfall. The collected soil will be immediately distributed in areas of suitable habitat where Monterey spineflower does not currently exist and where no future development is likely to occur. Seed collected from the action area will be broadcast over the relocated soil, and then the receptor site will be lightly raked to cover the seed.

Monterey gilia (*Gilia tenuiflora* ssp. *arenaria*):

According to the biological resources report, there is a low likelihood for Monterey gilia to occur within the survey area. The survey area supports poor quality habitat and occurs above the known elevation range for Monterey gilia. However, our records from 2020 surveys document Monterey gilia populations located approximately 0.42 mile southeast of the survey area (Service, unpublished data). We recommend preconstruction surveys to include Monterey gilia during the appropriate blooming period.

D-5

California tiger salamander (*Ambystoma californiense*):

According to the biological resources report, there is a low potential for California tiger salamanders to occur within the survey area. No suitable upland habitat is present in the survey area and the closest suitable breeding habitat is over 1.24 miles from the survey area. The nearest CNDDB occurrence is approximately two miles east of the survey area, where juvenile California tiger salamanders were observed within a vernal pool (CNDDB 2025). According to our recovery plan, the Central California tiger salamander have been reported to migrate up to 1.3 miles between breeding ponds and upland habitat. Their average migration distance is up to

D-6

1,844 feet (562 meters), but they are physiologically capable of migrating up to 1.5 miles each breeding season (Service 2017).

Although we agree that there is a low probability that California tiger salamanders occur within the project area, the landscape between the survey area and the nearest CNDDB occurrence consists of undeveloped areas with limited dispersal barriers. Therefore, it could be possible that dispersing California tiger salamanders may be present within the project area, especially if small mammal burrows, which are used by salamanders as refuge sites, are observed within the project area.

D-6 Con't

Recommendation

In addition to the specific recommendations provided above, we advise the applicant to contact the Service directly for further guidance regarding the steps that may be needed to ensure compliance with the Endangered Species Act for any impacts to listed species that may result from the proposed project. We can also provide additional guidance or recommendations regarding protocol surveys, avoidance and minimization measures, and appropriate compensatory mitigation.

D-7

Sincerely,

LEILANI TAKANO

Digitally signed by LEILANI TAKANO
Date: 2025.02.28 12:15:21 -08'00'

Leilani Takano
Assistant Field Supervisor

cc: California Department of Fish and Wildlife (attn: Craig Bailey)

LITERATURE CITED

[CNDDB] California Natural Diversity Database. 2025. Occurrence records for Monterey spineflower (*Chorizanthe pungens* var. *pungens*),California tiger salamander (*Ambystoma californiense*), and Monterey gilia (*Gilia tenuiflora* ssp. *arenaria*). California Department of Fish and Wildlife. Accessed February 19, 2025.

City of Seaside. 2025. Notice of Availability/Notice of Intent to Adopt a Mitigated Negative Declaration – Chartwell School Expansion Project. Community and Economic Development, Planning Division, City of Seaside, California.

[DD&A] Denise Duffy & Associates. 2023. Chartwell School Biological Resources Report. January 2023.

[DD&A] Denise Duffy & Associates. 2025. Draft Initial Study/Mitigated Negative Declaration for the Chartwell School Expansion Project. January 2025.

[Service] U.S. Fish and Wildlife Service. 2017. Recovery plan for the Central California distinct population segment of the California tiger salamander (*Ambystoma californiense*).

[Service] U.S. Fish and Wildlife Service. 2020. Monterey gilia (*Gilia tenuiflora* ssp. *arenaria*) Service-contracted biological surveys. Unpublished data.

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