



Monterey Pine Forest Watch
P. O. Box 422
Carmel, California 93921

March 22, 2004

3/22/2004
#47

Thom McCue, Senior Planner
Monterey County Planning and Building Inspection Department
2620 First Avenue
Marina, CA 93933

Dear Mr. McCue:

Monterey Pine Forest Watch (MPFW) has been working since 1992 to educate policymakers and the public about the unique Monterey Pine Forest habitat on California's Central Coast. MPFW seeks to promote conservation of this threatened ecosystem throughout the Monterey Peninsula and in the other four native Monterey pine populations in California and Baja, Mexico. For this work we were the recipients of the Natural Areas Association (NAA) Stewardship Award for 2001. In May of 2002 we became a 501 (c) (3) non-profit organization.

Our board is diverse and experienced in the area of conservation work. Several members hold advanced degrees. Some have been educators in the natural sciences. Others have worked with agencies and/or organizations dedicated to conservation. All have been and are deeply concerned about the preservation of the threatened native Monterey Pine Forest on the Monterey Peninsula.

We appreciate this opportunity to give our comments and insights on this important development proposal for Del Monte Forest.

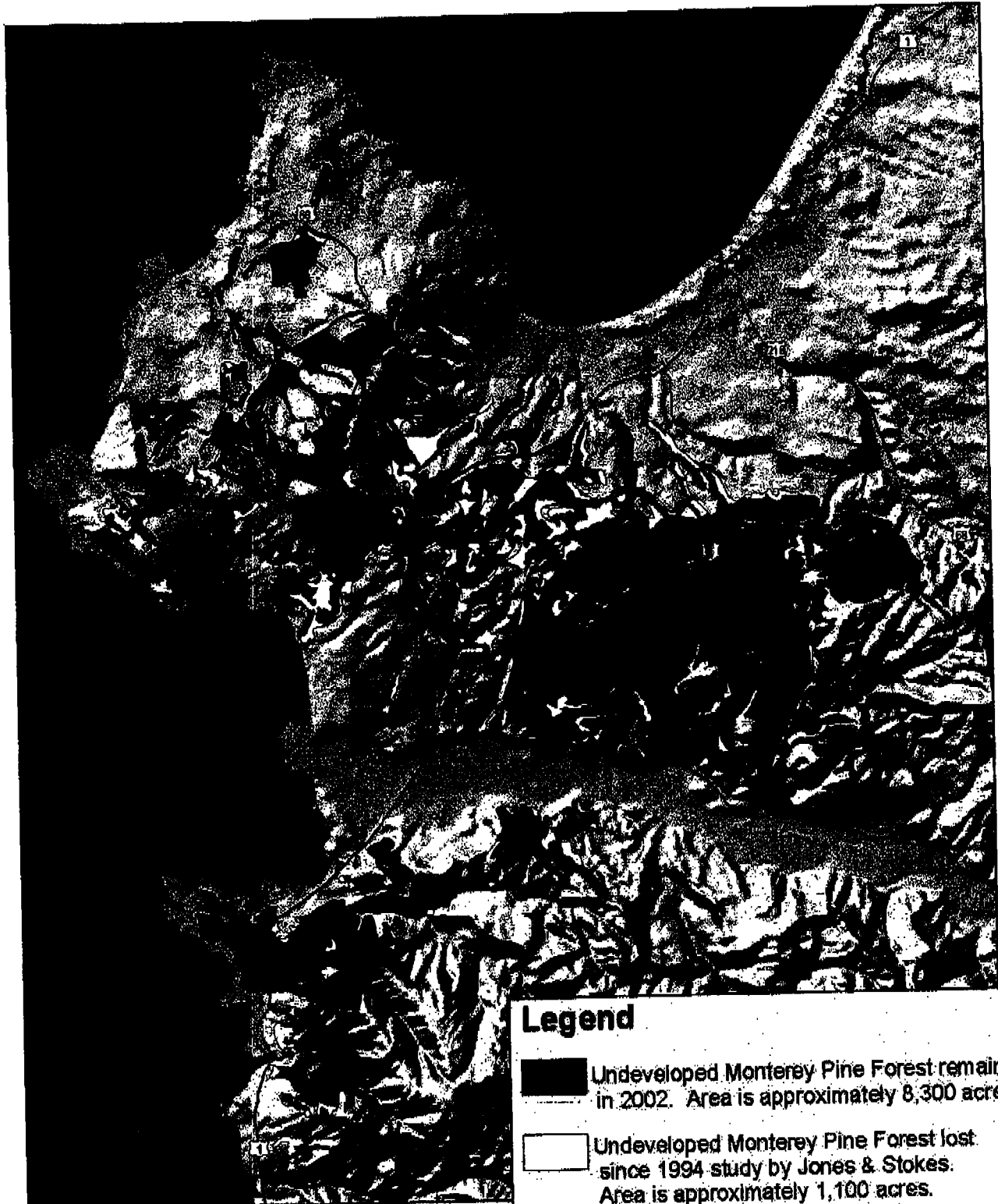
Sincerely,

Linda L. Smith

Linda L. Smith
President

PRESIDENT: LINDA L. SMITH, SECRETARY: JOYCE S. STEVENS, TREASURER: DAVID T. BATES
DIRECTORS: RITA DALESSIO, KAREN FERLITO, MARY ANN MATTHEWS, NIKKI NEDEFF, JUD VANDEVERE
Winner of the Natural Areas Association (NAA) 2001 Stewardship Award

Undeveloped Monterey Pine Forest from 1994 to 2002



Map produced in:
MPC GIS Lab
USSP CA Zone 4
NAD83
June, 2003

Data Courtesy of:
Jones & Stokes Associates, USGS, US Census and
Monterey County. An infrared aerial photo (2002),
from CDF and Dr. U. Win of CSUMB-SIVA, and county
parcel data used to update J&S Monterey pine data.

Legend

- Undeveloped Monterey Pine Forest remaining in 2002. Area is approximately 8,300 acres.
- Undeveloped Monterey Pine Forest lost since 1994 study by Jones & Stokes. Area is approximately 1,100 acres.

Note: Undeveloped Monterey Pine Forest was defined by Jones & Stokes (1994) and in 2002 study as having a natural or relatively undisturbed understory.



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Re: Draft Environmental Impact Report for Pebble Beach Company's Del Monte Forest Preservation and Development Plan...

Dear Mr. McCue:

Monterey Pine Forest Watch (MPFW) welcomes the opportunity to comment on the Draft Environmental Impact Report for Pebble Beach Company's Del Monte Forest Preservation and Development Plan. We applaud the shift from residential development to concentrated commercial and the proposed preservation of important areas of native forest. However, we believe this project in its present configuration would still have unacceptable impacts on the sensitive and diverse resources within Del Monte Forest. Notwithstanding the serious concerns MPFW enumerates below, we believe that an acceptable alternative can be configured that preserves sensitive forest resources to a greater extent than the present project while still allowing the applicant a project that would adequately meet most of its objectives.

We recognize and appreciate the enormous amount of work that is represented in this DEIR. Our concerns and questions regard the following issues:

1. The process underlying project review,
2. Significant gaps in information about the diverse resources which will be affected by the project,
3. The extent and nature of the impacts to natural resources, and
4. The adequacy of the offered mitigations to reduce impacts to a "less than significant" level.

The Process

1. We question if it is appropriate to consider this application prior to the certification of Measure A, an amendment to the 1984 Del Monte Forest

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LUP/LCP, since a number of elements of this current project, which reflect Measure A, are inconsistent with the 1984 LUP/LCP. The Coastal Commission must approve Measure A for its consistency with the California Coastal Act, and it is apparent to us, and noticeably to the Coastal Commission staff in their Draft Periodic Review of the LCP, that a number of changes are warranted to this amendment (Measure A), particularly in regard to the question of Environmentally Sensitive Habitat Areas (ESHA) pursuant to the Coastal Act, Sections 30107.5 and 30240.

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2. Because of this lapse in process we are concerned about the underlying, and we think incorrect, assumption in the DEIR that only those areas listed in the 1984 planning document meet the definition of Environmentally Sensitive Habitat Areas. The current LUP indicates that its maps and lists may need to be updated and that "decisions will accordingly be based on the new data" (pg. 4, DMF LUP). Newly updated ESHA designations, based on the presence of qualifying biological and botanical resources, will provide a clearer foundation from which to accurately assess and mitigate this proposed Del Monte Forest development project.

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Gaps in Information About the Resource

Del Monte Forest represents a unique aspect of the native Monterey Pine Forest of the Monterey area. Evolved on ancient marine terraces overlaying granite, its ecology is complex and different from the inland Monterey Pine habitat, which grows on shale soils. Del Monte Forest supports the most rare of plant associations. The remnants of this marine terrace system in Del Monte Forest are especially valuable because, in the greater Monterey Peninsula area, Monterey Pine Forest on terrace substrates has been almost totally displaced by development. Therefore it is incumbent on us all to treat the unique remnants of this rare aspect of the forest with great care. Of the approximately 5000 acres of forest that was in Del Monte Forest there only about 1800 acres that remain, most of which is fragmented by residential and recreational development. As proposed the Pebble Beach development project would have lasting effects on several unique and irreplaceable habitat areas, resulting in substantial, unmitigatable impacts to forest values.

1. We notice that information on geomorphic surfaces and the natural community ecological subtypes associated with these ancient soils are missing from the DEIR. Work done by Jones and Stokes for the California Department of Fish and Game in 1996 identified an "ecological staircase" of at least 6 ancient marine terraces on the Monterey Peninsula, each with identifiable differences as to soils, ecological associations of plants and animals and tree morphology. This information is particularly important to include in a thorough analysis of impacts associated with the proposed development, in that most of the rare, threatened or endangered species, a number of them endemic, that are found in association with Monterey Pine Forest occur predominantly on these terraces, of which only

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remnants remain undeveloped. Some of these distinct geomorphic surfaces were never extensive and only small portions of them remain. A good example occurs in Areas C and B of the proposed development project. The forest here has developed on middle-aged dunes and represents a unique forest subtype. MPFW would like to see each proposed development site assessed in light of its geomorphic composition and concomitant ecological associations.

2. Maritime chaparral represents a plant community of special concern, which is often found in association with Monterey Pine Forest. Though mentioned, the DEIR does not adequately describe this association as it is manifested within Del Monte Forest and the proposed development sites. Maritime chaparral in association with Monterey Pine Forest should be mapped in Del Monte Forest so as to see how the project would impact this increasingly rare natural plant community.

Extent of Impacts on Resources

A. MPFW is concerned that the true impacts, both direct and indirect, of this development project on the plants and wildlife of the unique forest ecosystem of Del Monte Forest have not been adequately described. In particular the significant impacts associated with a variety of well-recognized "edge effects" should be thoroughly analyzed. "Edge effects" describe impacts on ecosystems in areas that border human development. A buffer zone extending some way into the resource area is required to offset these effects. A true picture of the impacts of development depends upon such an analysis. The "edge effect" will also impact preservation areas, as the human interface with the forest imposes itself in various ways through increased pedestrian, equestrian and domesticated pet use of the forest. Because of these impacts, the stated acreage of preservation areas will be reduced, and this should be addressed in the EIR.

1. The actual destruction of Area C for a driving range and the removal of forest habitat for housing in Area B will not only fragment and diminish the integrity of a large (60 acre) area of a unique forest subtype, but the resultant "edge effect" will create further degradation of the remaining forest habitat values in the preserved portion of Area B, Rip Van Winkle Open Space and the Navajo Tract. These impacts have not been addressed.
2. The proposed Equestrian Center in the Sawmill Borrow Site, coupled with employee housing in the Corporation Yard, will create "edge effects" to the north and south of the most sensitive area of Del Monte Forest, the Huckleberry Hill Natural Habitat Area (HHNHA), a mapped and protected ESHA. Increased usage of the HHNHA and SFB Morse Preserve by equestrians, (an estimated 9125 additional equestrian trips per year within the

HHNHA), and pedestrians, along with potential impacts of domestic pets and feral cats on wildlife have not been adequately addressed in the DEIR.

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It should be noted here that the conditions of Spanish Bay development were crafted especially to protect this ESHA. The construction of the 5th gate and new access road, the removal of 9 acres of Monterey Pine Forest for construction of the resort and golf course and the mining of sand at the old Sawmill site were to be mitigated with the deeding of a conservation easement on the Huckleberry Hill Natural Habitat Area (HHNHA), the restoration of the upper quarry and its incorporation within 5 years into the HHNHA, the closing and reforestation of the Haul Road, the restoration and creation of dunes at Spanish Bay, along with a number of other acquisitions and easements. In the text of Spanish Bay conditions it states in reference to the impacts of the proposed Alternative C access road: "...while the proposed 'Alternative C' will undeniably and substantially impact a designated environmentally sensitive habitat by removing several hundred native trees of various species and eroding the essential continuity of the 'pocket wilderness', the selected alignment maintains a respectful distance from the even more sensitive central portion of the Huckleberry Hill Natural Habitat Area." (*Italics added*). In other words, the reforested Sawmill Quarry was to be a buffer between the road and the HHNHA. Now an intense use is being proposed for this buffer zone. This contradiction should be addressed in the DEIR.

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3. **Proposed housing in Area PQR will remove sensitive forest habitat and also create "edge effects" in a particularly sensitive part of this proposed preservation area, near the "pine savannas".** Impacts of both areas of proposed housing in PQR should be thoroughly analyzed for potential 'edge' impacts on Preservation Area PQR resources.
4. **Proposed housing in Areas F2 and particularly in F3, which is contiguous with the HHNHA will also create "edge effects"** not to mention the direct effect of forest removal, and this should be thoroughly analyzed.
5. The proposed construction of tees and fairways near the Signal Hill Dune ESHA are of concern for potential "edge effects" that can impact a number of protected rare and endangered plant and animal species. This impact has not received enough analysis in the DEIR.

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B. We believe that the cumulative impacts of this project on the Monterey Pine Forest should be assessed not only as it relates to the Monterey population as a whole, but more particularly as it relates to the unique stand of Monterey Pine Forest in Del Monte Forest. The DEIR identifies a 5% threshold of loss as acceptable in relation to the local population as a whole. This is, in our estimation, an inadequate and misleading yardstick to use alone, in that the ecological structure of the Del Monte Forest is different in many ways from the rest of the Monterey forest. A more thorough analysis of historical forest losses

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on the Monterey Peninsula proper and within Del Monte Forest itself should be included in the EIR in order to assess more accurately the cumulative effect of loss specific to this unique forest resource.

C. The project would require the **removal of approximately 15,400 Monterey pines and 1,769 coast live oaks**. The number of Monterey pines to be cut from the golf course alone is estimated to be approximately 9600, from the combined Areas C and B, PQR, F2 and F3 approximately 3000, with about 2000 from the Sawmill Quarry site. This, in our estimation represents a substantial loss not only of genetic diversity but also of habitat values. It will not only be trees that will be lost, but also unique habitat for wildlife, fungi insects etc. We don't believe that the DEIR has adequately described the context within which tree loss will occur. Also, though mentioned, Area C is unique in the number of oaks in the understory there. Like contiguous Area B, Rip Van Winkle Open Space and the Navajo Tract, this is a unique forest subtype, (all on middle aged dunes), making it particularly good habitat for pallid bat and other species of birds. We do not think that the **impacts of the loss of approximately 460 oaks in Areas C and B** have been adequately addressed in the DEIR.

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Adequacy of Proposed Mitigation

We are concerned that many proposed mitigation measures would be ineffective and impractical and will not mitigate the substantial impacts of this project to a less than significant level. From our experience we have seen that mitigation measures are often not implemented and if they are do not accomplish the goal they were meant to fulfill. The cost alone of maintaining the conditions of many suggested mitigations would be onerous and hard to guarantee. And certainly maintaining them in perpetuity would be especially difficult. Time goes by, people forget and economic circumstances change. We would rather see considerably more avoidance of impacts, as suggested by both CEQA and CESA.

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Numerous activities to mitigate severe impacts to Monterey Pine Forest, listed species and sensitive natural resources are noted in the DEIR, but are referenced to a diverse number of ancillary reports, papers, faxes and draft recommendations published in various documents over the past number of years. The MPFW found it confusing and inherently difficult to cross check the facts, suggestions and guarantees comprising the body of "mitigation material" included in the DEIR. This scattered body of "mitigation material" is ineffectual in demonstrating that the Del Monte Forest development project will result in less-than-significant impacts to unique natural resources in the project area.

1. MPFW notes that **Mitigation Measure BIO-B1-1 discusses the preparation of a "Master Resource Management Plan", as well as several site-specific Resource Management Plans (RMP) for the preservation and restoration areas individually described as "mitigation" for the loss of Monterey Pine Forest habitat and other natural features**. This set of RMPs **MUST** be prepared by a neutral third party consultant. However we note that the applicant has

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forwarded a summary and framework for consideration as a substitute for the "master mitigation" that will supposedly coordinate and manage all other mitigations for the proposed development project.

The RMPs are the backbone to insure the successful development and implementation of the diverse mitigation activities that the entire Pebble Beach development project is predicated on. These RMPs have not been completed, reviewed or approved. Therefore the DEIR incorrectly assumes these plans can mitigate the combined impacts of the development proposal to less-than-significant levels.

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2. **The February 2004 Draft Monterey County Planning Building Inspection Department "Condition Compliance and Mitigation Monitoring and Reporting Plan—MMRP (8.5' x 14' size) notes that one of the important conditions of project approval will be that the applicant enter into an agreement with the County insuring enforcement of the MMRP. Who will be responsible for guaranteeing the requisite budget, in perpetuity, for successfully achieving mitigations required as a condition of project approval? Who will review the monitoring statistics revealing the status of mitigation results and who will ultimately be responsible for the scientific review of mitigation activities that demonstrate compliance: If these activities are to be performed by a neutral third party, will there be opportunities for peer review and public scrutiny? We note that many of the "mitigation" areas identified for preservation will be deeded to the Del Monte Forest Foundation. Will their budget for management, monitoring and remedial work be supplemented with an annual endowment that will insure compliance with permit conditions? What methods will be employed to achieve full compliance if failure is noted, and who will ultimately be responsible to remediate unsuccessful mitigation...the Del Monte Forest Foundation or the project applicant?**

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3. **The MPFW is deeply concerned that several of the fundamental mitigation techniques that are pivotal to insuring less-than-significant impacts are unproven and experimental.**

- a. **Mitigation Measure BIO-I-1 would ostensibly mitigate the removal of approximately 15, 400 Monterey pines and 1769 coast live oaks. MPFW is alarmed by the assumption underlying this mitigation that actively planting Monterey pines within naturally functioning forest ecosystem in preservation areas is acceptable. There is no scientific justification for this assumption. Quite the contrary, there are ample reasons from an ecological and genetic perspective to be reject it. The process of natural selection is undermined by this kind of tampering. As noted in the DEIR itself, a recent report, In situ genetic conservation of Monterey pine...(Rogers 2002), recommended that native Monterey pine populations should not be allowed to become further domesticated or uncoupled from natural processes. It also recommended that further fragmentation of remaining forest areas and further losses**

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to genetic diversity should be avoided. These recommendations come from a group of scientists, forest managers and others. We believe that this mitigation measure is based on unsubstantiated and suspect science and could very well result in unforeseen adverse effects to healthy forest preservation areas. We recommend alternatively that more Monterey Pine Forest habitat be preserved in other Pebble Beach Company lands, such as Aguajito as mitigation for tree loss.

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- b. **Mitigation Measure BIO-D1-3** proposes translocation of Yadon's piperia from the golf course site to other preservation areas. This translocation proposal to mitigate for the loss of *Piperia yadonii* habitat and the take of individual *p. yadonii* plants is untested and without scientific foundation and could result in unforeseen negative effects on populations of *Piperia* in the outplanting sites. Unproven horticultural methods are not appropriate to offset the loss of federally endangered plants and their habitat. The translocation proposal was prepared in a very short time frame by ecologists acting as consultants to the applicant, and the consultants note on page E-18 that, "Although establishing new orchid populations may be feasible, it is a less certain approach than working to maintain and enhance the existing populations". MPFW would like to emphasize the CEQA requirement to avoid and minimize impacts to sensitive resources. Critical gaps in the understanding of the actual occurrences of *Piperia yadonii*, its population ecology, genetic makeup and reproductive biology necessitates a conservative approach in developing a mitigation program for the loss of key *Piperia* habitat in the Del Monte Forest. The suggested mitigation for the loss of *Piperia yadonii* via translocation and enhancement is fundamentally untested, scientifically unsound and inadequate to offset impacts to a less-than-significant level.
4. Suggested **Mitigation BIO-A5**, which proposes to mitigate potential harm to the Huckleberry Hill Natural Habitat Area ESHA, contains a number of elements that would be impractical to implement and would not adequately protect the HHNHA from adverse effects of substantially increased equestrian traffic in this ESHA. The nature of the soils and terrain are such that trails would be greatly disturbed and erosion and waste runoff would be inevitable. It is speculative to think that riders in special events would utilize weed free seed or participate in suggested consciousness raising education about the sensitivity of this ESHA. Horses are very hard on habitat and the addition of such a large number of equestrian trips through the HHNHA would have substantial unmitigated impacts on this extremely sensitive habitat. Again avoidance of these impacts by not locating the Equestrian Center at the Sawmill site is recommended.

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5. **Mitigation Measure HWQ-C3** addresses water quality issues from animal waste at the proposed Equestrian Center. We are dubious about the ability of these proposed measures to be implemented effectively. 21
6. **Mitigation Measure BIO-D8-3**, which is proposed to mitigate the impact of loss of pallid bat habitat from project development is purely speculative. There is no way to be sure that bats (and other wildlife) displaced from their habitat in Area C in particular will find new roosting habitat in the preservation areas, nor that it will be adequate to their needs. We can't be certain either that increased moist edges at the golf course will provide the food source suggested in the DEIR. 22

In summary, Monterey County must have a sound scientific basis for determining that the Pebble Beach development project will result in findings of less-than-significant impacts. The MPFW does not believe the science regarding long-term management of Monterey Pine Forest habitat and its associated unique attributes can demonstrate that the Pebble Beach project will have less-than-significant impacts to biological resources. We challenge the assertion that all impacts are fully mitigated, as suggested in the DEIR. Scientifically untested forest and rare species management suggestions cannot and should not be used as appropriate mitigation measures to offset the loss of irreplaceable habitat. Finally, it has not been demonstrated that there is an economic or legal commitment to achieving permit compliance that would insure a finding that project impacts are less-than-significant and fully mitigated. 23

Possible Alternatives

While ideally we concur with the DEIR that the No Project Alternative is the preferred alternative, in light of the extremely sensitive nature of the remaining forest habitat in Del Monte Forest, we believe that an alternative is possible that gives the Pebble Beach Company the expanded commercial and golf capacity it asks for and yet protects key sensitive forest resources to a greater extent than the present plan.

Two of the suggested alternatives, Alternatives 2 and 3, propose a nine-hole extension to Spyglass Hill Golf Course, creating a 27-hole course, an idea that we and a coalition of forest residents and local environmental groups put forward in 1996. We believe that such a golf course configuration, which leaves the Equestrian Center in its present location and avoids Yadon's piperia and seasonal wetlands to the greatest possible extent, could be designed. A driving range could possibly be located in the lower quarry site, thus avoiding adverse impacts to the sensitive large contiguous forest on middle-aged dunes in Area C, B, Rip Van Winkle Open Space and the Navajo Tract. The driving range would be sited such that the wetlands in the southwest corner of the lower quarry would be adequately buffered, and restoration, which was a condition of Spanish Bay development, would continue at the margins and in the upper quarry. Housing in sensitive Preservation Area PQR should be eliminated, as 24

should housing in Area F3. Employee housing in Area B should be resited to the most degraded portion of the site. Commercial expansion would remain the same, as would the other housing elements. Other proposed preservation areas would remain the same, and along with additional acreage at Aguajito, to mitigate the loss of Monterey pines and coast live oaks, would help mitigate the still substantial impacts of golf course development, the driving range in the Sawmill quarry and the remaining housing element.

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We have enclosed a copy of the 1996 *Conservation Strategy Report* prepared for the California Department of Fish and Game by Jones and Stokes and Associates. We have also enclosed a map prepared at the GIS Laboratory at Monterey Peninsula College. This map shows the approximate loss of Monterey Pine Forest habitat since the Conservation Strategy Report was released. This map shows that removal of Monterey Pine Forest habitat continued at an alarming rate during that 8-year period, during which approximately 1100 acres of forest habitat were lost.

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Thank you for the opportunity to comment on this project.

Sincerely,



Linda L. Smith
President

Cc: Monterey County Board of Supervisors
Monterey County Planning Commission
California Coastal Commission