

## Chapter 2

# Master Responses

### Introduction

This chapter of the FEIR contains Master Responses (MR) concerning subject areas for which multiple comments were received on the DEIR and/or the PRDEIR. The Master Responses are intended to consolidate in one discussion the responses to key issues on a single subject raised in multiple comments. Revisions made to the DEIR and/or the PRDEIR pursuant to Master Responses are included in FEIR Chapter 3. Responses to issues that fall outside of the Master Responses are addressed in FEIR Chapter 5. Where an individual response to a comment is covered by a Master Response, this is also noted in FEIR Chapters 5 through 8.

The Master Responses are listed below:

#### **General Issues (GEN)**

- MR – GEN - 1 - EIR Format
- MR – GEN - 2 - CEQA Requirements
- MR – GEN - 3 - Mitigation Monitoring

#### **Land Use (LU)**

- MR – LU - 1 - Measure A
- MR – LU - 2 - Spanish Bay Permit Conditions and Sawmill Easements
- MR – LU - 3 - Policy Consistency

#### **Biological Resources (BIO)**

- MR – BIO - 1 - Environmental Sensitive Habitat Areas (ESHAs)
- MR – BIO - 2 - Dune Habitat and Species
- MR – BIO - 3 - Wetlands

- 1                   ■       MR – BIO - 4 - Huckleberry Hill Natural Area (HHNA)
- 2                   ■       MR – BIO - 5 - Monterey Pine Forest
- 3                   ■       MR – BIO - 6 - Yadon's Piperia
- 4                   ■       MR – BIO - 7 - Bristol Curve
- 5                   ■       MR – BIO - 8 - Pacific Grove Clover
- 6                   ■       MR – BIO - 9 - Resource Management Plans

7                   **Hydrology and Water Quality (HWQ)**

- 8                   ■       MR – HWQ - 1 - Manure Management

9                   **Public Services & Utilities (PSU)**

- 10                  ■       MR – PSU - 1 - Police Services
- 11                  ■       MR – PSU - 2 - Water Supply and Demand
- 12                  ■       MR – PSU - 3 - Parks, Recreation and Open Space

13                  **Transportation and Circulation (TC)**

- 14                  ■       MR – TC - 1 - Highway 68 (Holman Highway)
- 15                  ■       MR – TC - 2 - Construction Traffic

16                  **Alternatives (ALT)**

- 17                  ■       MR – ALT - 1 - Range of Alternatives

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## General Issues (GEN)

### MR-GEN-1: EIR Format

Comments on the DEIR suggest the following concerns regarding the EIR format:

- need for a glossary;
- organization by separate applications;
- need for an index;
- level of detail in project description; and
- copies of the Sawmill easements

The Pebble Beach Company's Del Monte Forest Preservation and Development Plan (DMF/PDP or Proposed Project) consists of a number of projects that include a mix of land uses on multiple sites. Preparing the California Environmental Quality Act (CEQA) environmental document for the Proposed Project presented unique challenges with regard to the organization of the information in the document.

Among the primary objects of CEQA are the disclosure of environmental impacts resulting from a project and identification of ways to avoid or reduce environmental damage. The intent of this disclosure is to provide decision-makers with information they need to make informed decisions about potential project approval and to inform and involve the public in the environmental review process.

The format of the EIR closely follows the organization of the CEQA Initial Study Checklist, which is organized by resource area. Organization by resource area is both consistent with CEQA and reduces redundancy in the analysis of impacts. Within each resource chapter, a clearly defined set of criteria for determining the significance of the environmental impacts of the Proposed Project and a discussion of the impacts as they relate to the criteria are presented. The impact analysis includes a discussion of the project components to which the impact applies. Thus, for example, the discussion of potential impacts to water quality resulting from runoff from construction sites is presented once rather than being repeated for each project component. CEQA guidelines suggest that an EIR for complex projects should be less than 300 pages long (Guidelines section 15141). Additional supporting material for this EIR, which is lengthy, was provided in a separate volume to the EIR in order to keep the EIR to a reasonable size.

Since the reader of the EIR is usually interested in seeing what the impacts of the Proposed Project would be, the EIR was organized to put the results of the

impact analysis at the beginning of each chapter with supporting information at the end. The impact summary tables at the beginning of each resource chapter provide decision makers and the public with a concise, tabulated summary of the nature of project impacts, the level of significance of the impacts, and the project components to which the impacts apply.

CEQA requires that an EIR contain a table of contents OR an index (Guidelines section 15122). The EIR contains a detailed table of contents to assist readers in finding particular resource analyses and issues. While there may be some benefit to including an index for the EIR, the size of the EIR is such that an index would likely contain an inordinate number of page references for common terms and locations that would be of little value to the reader. A glossary is not required by CEQA. Uncommon terms were explained within the text discussion and/or have been clarified in this FEIR. Acronyms are spelled out at their first occurrence in the document and a list of acronyms is provided in Chapter 4 of this document.

The EIR contains a description of the Proposed Project components that was obtained from the project applications. CEQA requires that a project description provide sufficient detail for evaluation and review of the environmental impacts of the project (Guidelines section 15124) and that EIRs should omit unnecessary descriptions of projects and emphasize feasible mitigation measures and feasible alternatives (PRC 21003(c)). The project description in the EIR also contains information about the various project elements that was provided by the project applicant. This information includes a set of aerial photos and site plan drawings for each project element that assists the reader in identifying the location and nature of the development areas. The applications themselves are not required to be included in the EIR, however, they are available for public review at the Monterey County Planning and Building Inspection Department, Coastal Office, 2620 First Avenue, Marina, California.

Regarding the Sawmill easements, they are included as Appendix B in this document. Potential amendments to the Sawmill easements are discussed below in MR-LU-02.

## MR-GEN-2: CEQA Process

Comments were provided on the DEIR concerning the following general CEQA issues:

- Potential Revision and Recirculation of the DEIR.
- CEQA Analysis of Measure A.
- CEQA Analysis of Amendments to prior Spanish Bay Permit Conditions and Sawmill Easements.

- Availability of FEIRs Prior to County Agency Meetings.
- Subsequent Permit and Resource Management Plan Approvals.

## Potential Revision and Recirculation of the DEIR

A number of comments assert that certain analyses in the DEIR are inadequate and that part or all of the DEIR should be revised and recirculated. Specific responses about subject analysis are responded to in the Master Responses below and in specific responses in FEIR Chapters 5 and 7. Monterey County analyzed all of the comments on the DEIR and identified a number of specific issues that required revision and recirculation in accordance with CEQA Guidelines Section 15088.5. The Partial Revision of the Draft EIR (PRDEIR) was prepared and recirculated in September 2004 accordingly.

For all other comments on the DEIR, the CEQA requirements for recirculation were not met. Revisions to the DEIR are made in this FEIR where warranted pursuant to comment, but these revisions did not meet the recirculation requirement.

## CEQA Analysis of Measure A

Comments were provided on the DEIR concerning various issues regarding Measure A and CEQA. These are responded to in Master Response MR-LU-1 below.

## CEQA Analysis of Amendments to prior Spanish Bay Permit Conditions and Sawmill Easements

Comments were provided on the DEIR concerning various issues related to the prior Spanish Bay Permit Conditions and the existing conservation and scenic easements for the upper and lower Sawmill sites. These are responded to in Master Response MR-LU-2 below.

## Availability of FEIRs Prior to County Agency Meetings

A number of comments assert that the FEIR must or should be available prior to any hearing of the Land Use Advisory Committee, the Subdivision Committee, the Planning Commission, and/or the Board of Supervisors and should be made available to other agencies and the public.

The FEIR will not be complete until the responses and revisions pursuant to comments submitted on the PRDEIR are complete. The comment period for the PRDEIR ended on November 10, 2004.

The County Board of Supervisors is the County's decision-making body with the authority to approve or deny the project and will certify the Final EIR prior to approving the project. CEQA Guideline section 15090 requires that "[p]rior to approving a project the lead agency certify that: (1) The final EIR has been completed in compliance with CEQA; (2) The final EIR was presented to the decision-making body of the lead agency and that the decision-making body reviewed and considered the information contained in the final EIR prior to approving the project; and (3) The final EIR reflects the lead agency's independent judgment and analysis."

The CEQA Guidelines define "approval" to mean "the decision by a public agency which commits the agency to a definite course of action in regard to the project intended to be carried out by any person." (CEQA Guidelines section 15352.) The County Board of Supervisors is the decision-making body with the authority to certify the final EIR and subsequently "approve" the project. , The Del Monte Forest Land Use Advisory Committee (LUAC), the Subdivision Committee, and the Planning Commission decisions on this project are only advisory and do not commit the County Board of Supervisors to a definite course of action. The Board of Supervisors retains the discretion to approve, approve with conditions, or deny the project. (See CEQA Guidelines section 15356, defining a "decision-making body".) Accordingly, CEQA does not require that the LUAC, Subdivision Committee, or Planning Commission review the Final EIR prior to reviewing the project.

Although state law require that only the Board of Supervisors review and certify the final EIR the County conducted an extensive public review process of the project and its impacts on the environment. The following practical details are noted:

- LUAC - in the local Del Monte Forest Land Use Advisory Committee, composed of local residents, met in February and October 2004 concerning the DEIR and PRDEIR. The LUAC is advisory in nature and is not the certifying body for the EIR.
- Subdivision Committee –This staff advisory committee met in April 2004 to consider the DEIR and again in November 2004 to review the PDREIR and a draft version of the responses to comments on the Draft EIR.
- Planning Commission – The Planning Commission will review the final EIR on January 26, 2005 and make recommendations to the Board of Supervisors concerning potential certification.
- Board of Supervisors – the Board of Supervisors is the agency that will consider certification of the EIR and is the approving agency for County

land use permits for this project. The FEIR and the recommendations of the Planning Commission will be available to the Supervisors prior to the hearing.

- Other Agencies – CEQA requires that responses to comments provided by any public agency on the DEIR (and the PRDEIR) be provided to such agencies at least 10 days prior to certification of the FEIR. This will be done.
- Public – CEQA does not require circulation of the FEIR to members of the public prior to certification. However, the FEIR will be available on the project web site, in local libraries, and will be available for purchase in hard copy and CDROM format prior to the Planning Commission hearing on the project.

## Subsequent Permits and RMP Approvals

Comments on the DEIR requested clarification about whether site-specific permits and approval of the resource management plans are subject to environmental analysis under CEQA. This is a project-level EIR. The development plan application for the Proposed Project currently on file with the Monterey County Planning Department includes site plans, grading plans, elevation drawings, and other site details. Thus, this EIR covers all activities, potential impacts, and proposed mitigations associated with all related permit application and review processes.

CEQA does not require a separate document for every approval associated with the Project. When multiple approvals are required, the lead agency (in this case, Monterey County Planning & Building Agency) prepares a CEQA document and solicits the input of other responsible agencies. Once certified, both the lead agency and the responsible agencies utilize the same CEQA document as their compliance under CEQA for the various approvals that may be issued. Pursuant to CEQA guidelines Section 15162 (c), a supplemental or subsequent EIR is only required when substantial changes occur with respect to the circumstances under which the project is undertaken that will require major revision of a previous EIR.

Additional environmental analysis will not be required for each development site for issuance of specific project permits. Approval of building or grading permits for each development site is a ministerial process, following potential certification of this EIR and possible approval of coastal development permits.

Approval of resource management plans is discussed further in Master Response MR-BIO-9 below.

## MR-GEN-3: Mitigation Monitoring and Reporting Plan

Comments on the Draft EIR suggested the following concerns regarding Mitigation Monitoring and Reporting:

- funding for mitigation;
- implementation detail and County enforcement; and
- remedial action if mitigation not working

The Draft Mitigation Monitoring and Reporting Plan (MMRP) was made available on the project web site at the time of circulation of the DEIR. The MMRP is not part of the DEIR, the PRDEIR, nor this FEIR. CEQA requires a MMRP to be prepared and adopted at the time that a lead agency adopts findings pursuant to CEQA concerning significant effects identified in an EIR.

Monterey County procedures exceed the CEQA requirements in that draft MMRPs are made available during the circulation of DEIRs. This is done in order to increase the public's knowledge of the County's proposed monitoring process. The MMRP is proposed to be reviewed along with the environmental document by the Board of Supervisors, and approved along with the FEIR.

### Funding for Mitigation

In general, the applicant is responsible for funding the mitigation that is ultimately adopted as a condition of project approval. In certain circumstances, the applicant will only be responsible for a determined fair-share portion of a particular mitigation, as for example concerning certain traffic improvements. The responsibility for funding mitigation is identified in the MMRP and the findings, which will be prepared for this project prior to consideration of potential approvals. Where land will be transferred, as for example for the residential lots once sold, the conditions of approval that apply to that specific parcel will become the responsibility of the new owner.

### Implementation Detail and County Enforcement

A number of comments requested specific implementation detail, particularly regarding the resource management plans. A number of comments assert that there have been difficulties monitoring and enforcing prior mitigation commitments for projects within Monterey County.

Monterey County has developed the MMRP and the site-specific resource management plan oversight regime in order to promote the overall success of

mitigation. In accordance with State law, the MMRP identifies specific actions that will be taken to implement each mitigation; the County departments and other parties responsible for implementation; the schedule for implementation; and the mechanism that verifies monitoring is complete. The MMRP provides a workable “checklist” which can be used to monitor compliance with mitigations and conditions of approval as the project is developed and functions.

Additionally, third-party qualified consultants will be used to develop the site-specific resource management plan, monitor, and report the results to Monterey County.

Comments regarding resource management plans and their implementation are addressed in Master Response MR-BIO-9 below.

## Remedial Action

A number of comments requested that remedial action in the event of mitigation failure be identified now and that there be specific sanctions for non-compliance with the identified mitigation and commitments.

The draft EIR and the draft MMRP clearly identify the responsibilities for mitigation implementation. A system of oversight, reporting, review, and adaptive management has been developed through the MMRP and the RMP framework.

Mitigation measures identify performance criteria in the form of quantitative or qualitative goals, and then identify either the specific implementing measures or a range of potential feasible measure to meet the success criteria. If it is determined that a mitigation measure is not meeting the identified criteria or the overall intent of the measure, then remedial action will be required. The assignment of responsibility for specific mitigation measures is identified within the MMRP to a specific County department or agency. The overall responsibility for the implementation of the MMRP, and any necessary remedial actions, rests with the County Director of Planning & Building Inspection.

## Land Use (LU)

### MR-LU-A1: Measure A

Comments on the DEIR raised the following issues regarding Measure A:

- Timing of Measure A Certification and Project Approval
- Consequences if Measure A Not Certified
- Measure A Environmental Analysis
- Measure A Buildout vs. Existing LCP Buildout
- Was Measure A Used as the Baseline?
- Consistency of Project With Measure A

### Timing of Measure A Certification and Project Approval

Comments on the DEIR address the appropriateness of considering the Pebble Beach Company's application before the California Coastal Commission (CCC) has considered certification of Measure A and related Local Coastal Plan (LCP) amendments.

As described in the DEIR (Chapter 1.0, Introduction), the voters of Monterey County passed Measure A, the *Del Monte Forest Plan Forest Preservation and Development Limitations*, on November 7, 2000. This countywide ballot measure changed the Del Monte Forest LCP, including the LUP, zoning designations, and policies. However, Monterey County has not yet submitted Measure A to the CCC, which has jurisdiction over LCP amendments, and thus the CCC has not yet been able to review and consider certification of the changes to the LCP as codified in Measure A. Therefore, the County is facing a unique situation wherein the LCP has been changed by public referendum on the local level, but the changes have not yet certified on the State level and are thus not yet in effect.

While Measure A is not part of the Proposed Project, the applicant has designed it to be consistent with the LCP as codified by Measure A. Monterey County has chosen to complete the County review process on the applicant's project before submitting Measure A to the CCC. Because Measure A and the Proposed Project are highly similar, the County intends that the DEIR and the FEIR provide much of the environmental information for Measure A requested by CCC staff. Additional information which is specific to Measure A is also being prepared by the Monterey County Planning Department and will be available prior to Board of Supervisors review of this FEIR.

The County recognizes and the DEIR discloses that the Proposed Project is inconsistent in part with the existing LCP. The County recognizes and the DEIR discloses that the Proposed Project would be consistent with the LCP, as amended by Measure A. Thus, the County recognizes that any approval of any presently inconsistent element of the Proposed Project must be contingent upon certification of the relevant portions of Measure A that eliminate the inconsistency. This recognition will be included within findings and evidence to be adopted by the Board of Supervisors.

## Consequences if Measure A is not Certified

Comments on the DEIR requested clarification of the ramifications of CCC partial or complete denial of certification of Measure A and related LCP amendments for the Proposed Project.

As disclosed in the DEIR, a portion of the Proposed Golf Course, the New Equestrian Center, and the increase in visitor-serving units at The Lodge at Pebble Beach and The Inn at Spanish Bay are inconsistent with certain portions of the existing LCP. Impact LU-B3 (DEIR Chapter 3.1, Land Use) describes land use designation consistency with the existing ("pre-Measure A") LCP.

If Measure A is certified, the LCP document will be effectively amended and the project can proceed. If Measure A changes are not certified, then the project as a whole which had been approved by the County contingent on Measure A certification would be void. The applicant would need to amend its application to the County. Within this amendment the existing project components not consistent with the existing LCP would need to be revised, unless new LCP amendments are proposed. An amended application would require County approval and would be subject to appeal before the Coastal Commission. Any subsequent LCP amendment would require County approval and CCC certification.

If substantial changes are made in the Proposed Project following certification of this EIR that meet the requirements in CEQA Guidelines Section 15162(c), then a subsequent or supplemental EIR would be required.

At this point, it is considered speculative to evaluate the consequences of a partial certification of Measure A elements. If and when this were to occur, the County would need to evaluate the Proposed Project to identify if additional permit approval, changes in the project, or additional CEQA review would need to be conducted.

## Measure A Environmental Analysis

Comments on the DEIR question whether CEQA applies to Measure A and the timing of environmental analysis of Measure A and LCP amendments per Measure A.

Because Measure A was a ballot initiative and thus not a discretionary action by the County government, Monterey County is not legally required to conduct CEQA review on the LCP amendments within Measure A. However, the CCC staff has requested environmental data and coastal analyses of Measure A prior to consideration of certification, which is being developed by the County, and utilizes relevant environmental data contained in the DEIR and FEIR. The Measure A analysis will be submitted to the County Board of Supervisors for review and approval prior to submittal to the CCC.

## Measure A Buildout Potential Vs. Existing LCP

Comments on the DEIR request clarification of buildout potential under the current LCP versus that possible under Measure A.

Potential buildout of the Del Monte Forest under the existing LCP, based on the designated land uses and allowable densities, could result in an additional 1,078 residential units (as described in the DEIR, page 4.4-4, Lines 1-12). Measure A changes the Del Monte Forest LUP land use and CIP zoning district designations for 31 assessor's parcels owned by the Pebble Beach Company. DEIR Chapter 3.1, Land Use, states that certification of Measure A changes to the LCP by the CCC would result in:

- increase in lands designated Forest Open Space [OF] by about 217 acres;
- increase in lands designated Recreational Open Space [OR] by about 220 acres;
- decrease in lands designated residential by 440 acres with a decrease in density from medium to low, subject to other resource policies in the plan;
- increase in lands designated visitor serving by 4 acres and a potential increase in the amount of allowable visitor-serving units at The Lodge at Pebble Beach, The Inn at Spanish Bay; and
- removal of the Resource Constraint Overlay from Areas B, C, F, G, H, I, J, K, L, MNOUV, PQR, and the PBC Corporation Yard.
- For Measure A lands, residential development potential would decrease from 849 to 34 potential new lots, and additional visitor-serving units could be developed. Although comments assert that the existing LCP buildout is unrealizable due to existing environmental constraints, these

figures are the legally allowable development projections in the adopted LCP. Whether or not specific locations may or may not be physically developed or may be constrained from buildout to the maximum density allowed in the adopted LCP is a determination that would be made during permit review and any associated environmental process for a particular development.

## Was Measure A Used as Baseline?

Comments on the DEIR request clarification of the baseline used in the DEIR (Measure A vs. current LCP). Other comments suggest that the baseline should be existing conditions rather than the existing LCP.

The existing (pre-Measure A) LCP was used as the *planning* baseline by which to disclose project consistency with existing land use designations and policies in DEIR Chapter 3.1, Land Use (see page 3.1-9, Lines 35 – 38; page 3.1-10 Lines 3-5; page 3.1-11 Line 16 to 3.1-13 Line 2; page 3.1-23, Line 31 to Page 3.1-26, Line 9). Appendix D in the DEIR also provides a review of project consistency with existing LCP policies.

The DEIR found that the Proposed Project is *not* consistent with the land use designations in the existing LUP regarding a portion of the Proposed Golf Course, the New Equestrian Center, the Inn at Spanish Bay, and the Lodge at Pebble Beach, which was identified as significant impact, in absence of Measure A. The text has been reworded to identify that a condition of approval will be certification of the relevant portions of Measure A and that if these changes are not made, any County contingent approval of the New Equestrian Center would be considered null and void.

The DEIR in Chapter 3.1 and Appendix D reviews project consistency with existing LCP policies and discloses where the Proposed Project is inconsistent with the existing LCP. The policy review found that the project is consistent with existing LCP policies and can be found consistent with implementation of mitigation measures identified in the EIR. Additionally, it should be noted that Measure A changed only 4 of the 145 existing LCP policies. The policy analysis also reviews project consistency with these 4 policies as changed by Measure A.

Policy 113 in the existing LCP states that the Resource Constraints Overlay shall be removed only “when water and sewer capacity sufficient to serve such development becomes available and that highway capacity and circulation solutions have been agreed and adopted.” The DEIR and the PRDEIR document that sufficient potable water, recycled water, and sewer capacity are available to serve the Proposed Project, with the implementation of mitigation measures as outlined in DEIR Chapter 3.5 and PRDEIR Chapter P-1. Chapter 3.7 of the DEIR documents that traffic capacity is also available to serve the project. Thus, the County has determined that the resource constraints overlay can be removed relevant to the Proposed Project areas. The County’s determination in this matter

does not rest on Measure A's removal of the overlay, but with evidence contained within the EIR.

The existing LCP was also used in order to estimate *potential cumulative buildout* in the Del Monte Forest for the purposes of the cumulative impact analysis (see p.4.4-3, Line 34 – 37). As noted in the DEIR and above, the Proposed Project would result in a far lower residential buildout of applicant-owned lands but higher visitor-serving development than allowed in the existing LCP.

As to the physical baseline used to analyze environmental impacts, the DEIR utilizes the most recent available data on physical conditions on the ground to define the baseline.

## Project Consistency with Measure A

Comments on the DEIR question the consistency between the Proposed Project and the LCP changes included in Measure A. Other comments questioned the allowable visitor-serving units at the Spanish Bay Resort per Measure A zoning and requested clarifying text regarding Measure A zoning changes at the Sawmill site.

All of the Proposed Project development sites are affected by Measure A. Additionally all sites parcels affected by Measure "A" are included in the PBC development proposal, except for two sites Areas F-1 (one existing lot) and J (three existing lots). Although the Corporation Yard employee housing site land use designations were not affected by Measure "A", the Resource Constraint Overlay was removed from this site. The applicant has designed the Proposed Project to be consistent with Measure A. Monterey County considers the proposed land uses to be consistent with land uses and densities established under Measure A. With regards to visitor-serving uses, Measure A proposes a new 4-acre visitor-serving area, which is proposed for 24 visitor suites adjacent to the proposed new golf course in the Proposed Project. Measure A also eliminates LUP text and Table A references to the number of rooms at the Spanish Bay Resort and at The Pebble Beach Lodge, 270 and 161, respectively. Measure A does not change the Visitor Serving Commercial land use designation at either site, but the text removal of references to the number of visitor units could be considered as potentially allowing increased visitor serving commercial development on these sites. Expansion of visitor-serving units at these locations would only be limited by site development standards within the zoning ordinance. The Proposed Project comprises 63 new visitor-serving units at the Lodge at Pebble Beach (less 5 existing units to be demolished) and 91 new visitor-serving units at the Inn at Spanish Bay.

The Sawmill site is approximately 45 acres. Most (42 acres) are within the Coastal Zone, and are presently designated as open space forest. The portion outside the Coastal Zone (3 acres) is within the westernmost portion of the lower Sawmill and is designated for medium-density residential under the Greater

Monterey Peninsula plan. Measure A would only change the designation within the Coastal Zone from open space forest to open space recreation. This has been clarified per the revisions to the DEIR in FEIR Chapter 3.

## MR-LU-02: Spanish Bay Permit Compliance and Sawmill Easements

Comments were provided on the DEIR concerning the following issues related to the prior Spanish Bay Permit Conditions and the existing conservation and scenic easements for the upper and lower Sawmill sites:

- Amendment of Prior County Permit Conditions
- Amendment of Prior CCC Permit Conditions
- Consistency with Existing Sawmill Easements
- Conflicts between Easements and LUP Policy
- Existing Easements and the Boundary of HHNA
- The Effect of Measure A on Prior Permit Conditions

### Amendment of Prior County Permit Conditions

A number of comments suggested that the prior County permit conditions related to the Sawmill site should not be amended and the New Equestrian Center not be approved. These comments are noted.

Other comments suggested that

- the language of amendments to the prior County permits should be identified in the DEIR;
- the County findings regarding potential amendment of the prior permit conditions should be disclosed in the EIR; and
- Changing or deleting the prior permit conditions and mitigations does not reduce potential impacts of the New Equestrian Center to less than significant.

The Project Description and DEIR Chapter 3.1 identify that the County permit conditions that are requested to be deleted (Use Permit PC-5040, Conditions #8, 9, 10) are related to: grading, seeding, and revegetation of the Sawmill Site and dedication of a conservation and scenic easement for the Lower Sawmill site to Monterey County. A typo in the DEIR Project Description in reference to the

permit conditions being in DEIR Section 3.2 has been corrected to DEIR Section 3.1 as noted in FEIR Chapter 3.

The County permit conditions requested to be deleted are listed are Page 3.1-20, Line 7 through Line 27. It is stated on Page 3.1-20, Line 26 – 27 that the Proposed Project includes a request to delete County Use Permit PC-5040 conditions 8, 9, and 10. As a practical matter, the Proposed Project will also require deletion of County Use Permit Amendment PC-5405 Conditions 13 (s) and 13 (t), which are also described in the DEIR. The DEIR text has been revised (see FEIR Chapter 3) to provide the full text of these two conditions and to make it clear that the Project would also require deletion of these two prior permit conditions in order to be implemented.

The DEIR discloses that the New Equestrian Center would be inconsistent with the prior County permit conditions because it would reverse revegetation efforts, result in removal of the land from preservation, and result in tree removal (See DEIR Chapter 3.1, Page 3.1-8 to Page 3.1-9 Line 33). This loss of revegetated acreage is calculated into the impact analysis and mitigation for which additional acres of preserved land will be required to compensate for this loss. The foregone opportunity of revegetation of the Sawmill site is discussed in DEIR Chapter 3.3, Biological Resources. Mitigation for these environmental impacts is identified in the DEIR as required by CEQA. The conclusion of the DEIR is that the reasonably foreseeable environmental impacts of removing the prior County Sawmill permit conditions can be mitigated to a less than significant level.

Monterey County will prepare Project and CEQA findings, as part of the Staff Report, after considering the comments on the DEIR and the PRDEIR, and the conclusions in this FEIR. The mitigation in the DEIR (Mitigation Measure LU-A2) makes it clear that unless the County approves amendment or deletion of the relevant the prior conditions, the New Equestrian Center cannot go forward as proposed.

The impacts of locating the New Equestrian Center in the Sawmill site include those related to geology and soils, biology, hydrology and water quality, public services and utilities, aesthetics, traffic and circulation, air quality, noise, cultural resources, and cumulative impacts, all of which are disclosed in the DEIR.

Mitigation for these environmental impacts is identified in the DEIR as required by CEQA. The conclusion of the DEIR is that the reasonably foreseeable environmental impacts of removing the prior County Sawmill permit conditions can be mitigated to a less than significant level through the dedication of forest lands adjacent to the Huckleberry Hill Natural Area and a suite of resource management activities.

## Amendment of Prior CCC Permit Conditions

A number of comments suggested that the prior CCC permit conditions related to the Sawmill site should not be amended and the New Equestrian Center not be approved. These comments are noted.

Other comments suggested that:

- the language of the potential amendments to the CCC prior permit conditions should be identified in the DEIR;
- CCC draft findings regarding amendment or deletion of prior permit conditions should be disclosed in the EIR; and
- changing the prior permit conditions does not reduce potential impacts of the New Equestrian Center to less than significant.

The relevant conditions of CCC Coastal Development Permit 3-84-226 are described on page 3.1-21 Lines 6 through 29 and are related to revegetation and rehabilitation of the Upper Sawmill Quarry site, its incorporation into the Huckleberry Hill Natural Area, and dedication of a conservation easement for the HHNA and the Upper Sawmill site.

The amendments that would be needed for the New Equestrian Center to go forward were not specifically identified in the DEIR because such amendments are within the jurisdiction of the CCC and not Monterey County. The CCC is not yet evaluating any request from the applicant for amendment of its prior permit conditions. Whether or not the CCC will approve amendments or deletion of these conditions is not known at this time. The mitigation in the DEIR (Mitigation Measure LU-A2) makes it clear that unless the CCC approves amendment or deletion of the relevant the prior conditions, the New Equestrian Center cannot go forward as proposed.

The environmental impacts of removing the prior CCC permit conditions (i.e. rehabilitation of the Sawmill site and preservation as open space) are disclosed as indicated above regarding impacts of deletion prior County permit conditions. The construction and operation of the New Equestrian Center) are disclosed throughout the DEIR and mitigation for the physical environmental impacts is identified in the DEIR as required by CEQA. The conclusion of the DEIR is that the reasonably foreseeable environmental impacts of removing the prior Sawmill CCC permit conditions can be mitigated to a less than significant level.

## Consistency with Existing Sawmill Easements

A number of comments suggested that the prior Sawmill easements should not be amended and the New Equestrian Center not be approved. These comments are noted.

Comments on the DEIR also assert the following:

- The New Equestrian Center use does not meet the definition of “recreation” or the intent of the existing lower Sawmill easements and that the DEIR’s characterization of the intent of the lower Sawmill easement is correct but implies “tentativeness or lack of permanency”.
- The New Equestrian Center use does not meet the intent of the existing upper Sawmill easements and the DEIR’s characterization of the intent of the upper Sawmill easement is correct but implies “tentativeness or lack of permanency”.
- The Sawmill easements were supposed to be in perpetuity and that amendment of the easements undermines confidence in current proposed or required dedication of land as new mitigation.
- The Sawmill easements are mitigation for the original Spanish Bay Resort development and S.F.B Morse Drive and thus any changes to the easements should include replacement mitigation (i.e., dedications of open space to fulfill the intent of the original mitigation)
- The County should disclose its draft findings regarding consistency of the Proposed Project with the lower Sawmill easement.
- Changing the Sawmill easements does not reduce potential environmental impacts of the New Equestrian Center to less than significant.

## Consistency with Lower Sawmill Easement

The lower Sawmill easement is described in the easement language itself as “for the benefit of the County of Monterey....to have and hold forever.” The easement restrictions are described as in “full force and effect without possibility of termination” after the “expiration of all applicable statutes of limitations for challenging the approval of Use Permit PC-5040 and the referenced amendment thereto (PC-5405) if no actions challenging any of said approvals are then pending.”

As described in the DEIR (Chapter 3.1, Land Use), the conservation easement deed for the lower Sawmill site allows the following uses:

- B. “Restoration and revegetation of the Sawmill Borrow site and all acts and activities incidental thereto as required pursuant to Use Permit PC-5040, as amended.”
- E. “...Maintenance, repair, and use of existing fire roads, pedestrian and equestrian trails, and the development, maintenance, repair and use of new pedestrian and equestrian trails.”

F. “Use for open space and recreational purposes and scientific study and the construction, maintenance, repair and use of facilities related to maintenance and use for open space, recreational and scientific study uses...”

The conservation easement also includes the following restrictions and reservations:

- “Except as set forth in Paragraph I above, no development or use of the Sawmill Borrow Site which will or does materially alter the landscape or materially affect its preservation and use as open space shall be done or suffered”

- “The Grantor specifically...reserves the right to use and occupy the land in any manner not inconsistent with the conditions and restriction imposed herein...”

Although the lower Sawmill easement language mentions “restoration and revegetation” as an allowed use, it does not contain a specific requirements that the site be restored. Those requirements are included in the Use Permit PC-5040 as amended.

County staff is recommending that the County Board of Supervisors make a determination that the proposed activities and facilities associated with the New Equestrian Center in the lower Sawmill site meet the easement definition of allowable recreational use and allowable recreational facilities and are therefore consistent with the easement. In order to clarify this consistency staff is also recommending a formal amendment to the easement language. The permanent facilities proposed for the lower Sawmill include a permanent road and turn-around area as well as drainage and trail improvements. The temporary facilities and use would include those related to the holding of temporary equestrian events.

The mitigation in the DEIR (Mitigation Measure LU-A2) makes it clear that unless the County approves amendments and/or makes a finding of consistency with the existing easement, then the New Equestrian Center cannot be developed as proposed. Thus, for the purposes of CEQA, the potential impacts related to consistency with the existing easement are properly disclosed, and the New Equestrian Center will not be developed as proposed unless and until the County amends the easement and/or finds the use to be consistent.

The environmental impacts of potentially amending the easement or making a finding of consistency are disclosed throughout the DEIR. Mitigation for these environmental impacts is identified in the DEIR as required by CEQA. The conclusion of the DEIR is that the reasonably foreseeable environmental impacts of amending the existing easement or making a finding of consistency can be mitigated to a less than significant level.

## Consistency with Upper Sawmill Easement

As noted above the upper Sawmill was included in the easement which dedicated the HHNA. The easement refers to an area as the “Huckleberry Hill Open Space” that includes both HHNA and the Upper Sawmill despite the location of the upper Sawmill outside of the area designated by the Del Monte Forest as part of the HHNA. This easement is held by the Del Monte Forest Foundation.

The easement states that the “terms, covenants, conditions, restrictions, and reservations.....shall burden the land...as a conservation easement in perpetuity for the benefit of Grantee and the County.”

The easement states that “the primary purpose.... is the permanent preservation of natural plant and wildlife habitat within the Huckleberry Hill Open Space” and that “it is the intent of this offer that, subject to and except for the development and uses permitted or reserved by Grantor in this Offer, the Huckleberry Hill Open Space shall remain predominantly as undeveloped forest open space in substantially its natural state.”

The easement identifies that “the development and uses permitted” include the following:

- A. Open space for plant and wildlife habitat protection
- B. Management, maintenance and improvement activities for the conservation, protection and enhancement of the natural habitat.
- C. Public and private visitation and recreational uses and scientific study.
- D. The construction, maintenance, repair and use of public service and utility lines, pipes and minor transmission facilities (including those for gas, electricity, telephone, water, sewer, and cable television), and facilities for drainage and erosion and sedimentation control.
- E. The construction, maintenance, repair and use of minor structural facilities related to the maintenance or incidental use of the Huckleberry Hill Open Space for natural habitat protection and outdoor recreation.
- F. The maintenance, repair and use of existing fire roads, pedestrian and equestrian trails, and construction, maintenance, repair and use of new pedestrian and equestrian trails.
- J. Within Areas 3 and 6 as described in Exhibits “A” and “B” in addition to the development and uses described above, the construction, maintenance, repair, and use of facilities for plant propagation and general forestry activities (including facilities for firewood processing and storage) and facilities for active outdoor recreational pursuits (such as parks and picnic areas, but excluding tennis courts, off-road vehicle use or similar activities inconsistent with the primary purpose of this Offer). [Note Area 6 contains most of the upper Sawmill site].

1 K. Such future construction, development and uses as may be permitted under  
2 the Del Monte Forest LUP consistent with the primary purpose and intent to  
3 preserve and maintain the Huckleberry Hill Open space substantially as  
4 natural habitat open space under the provisions of this offer.

5 The conservation easement also includes the following reservation: “The  
6 Grantor reserves from this Offer the right to conduct and engage in ....such other  
7 development and uses as are consistent with the primary purpose and intent of  
8 this Offer.”

9 The easement may be amended by the written agreement of the Grantor (the  
10 applicant), the Grantee (the DMFF), Monterey County, and the CCC.

11 County staff is recommending that the Board of Supervisors make the necessary  
12 findings and evidence to make the determination that the proposed activities and  
13 facilities associated with the New Equestrian Center in the upper Sawmill site are  
14 consistent with the easement definition of “minor structural facilities” related to  
15 “incidental use.... for outdoor recreation” or “active outdoor recreational  
16 pursuits” allowable by the easement. This consistency would be clarified by the  
17 approval of minor amendments to the existing easement which acceptable to the  
18 holder of the easement, the Del Monte Forest Foundation. The facilities and use  
19 for the Upper Sawmill site are described in the DEIR Chapter 2.

20 This finding of consistency by the County is required by the easement language.  
21 Similarly, the CCC and the Del Monte Forest Foundation will need to make a  
22 formal determination of consistency of the Proposed Project with the easement  
23 and or approve an amendment to make it consistent.

24 The mitigation in the DEIR (Mitigation Measure LU-A2) makes it clear that  
25 unless the County , the CCC, the DMFF and the applicant reach a written  
26 agreement to approve amendments to the existing easement (or all consider the  
27 proposed use consistent with the existing easement), then the New Equestrian  
28 Center cannot be developed as proposed. Thus, for the purposes of CEQA, the  
29 potential impacts related to consistency with the existing easement are properly  
30 disclosed, and the New Equestrian Center will not be developed as proposed  
31 unless and until the County and CCC either amend the easement and/or finds the  
32 use to be consistent.

33 The environmental impacts of potentially amending the upper Sawmill easement  
34 or making a finding of consistency are disclosed throughout the DEIR.  
35 Mitigation for these environmental impacts is identified in the DEIR as required  
36 by CEQA. The conclusion of the DEIR is that the reasonably foreseeable  
37 environmental impacts of amending the existing easement or making a finding of  
38 consistency can be mitigated to a less than significant level.

## Intent of Easements to be in Perpetuity

As described above, both of the existing Sawmill easements were intended to be in perpetuity. If the County and/or the CCC were to adopt amendments to the easements allowing the New Equestrian Center to go forward, these actions would be based on findings that the Proposed Project, taken in its entirety, would fulfill the overall intent of the easements concerning the HHNA and surrounding area as well or better than the present condition. These are policy decisions. The EIR properly discloses the reasonably foreseeable physical environmental impacts of potentially implementing the New Equestrian Center at the Sawmill, which would be the practical consequence of amending one or both of these easements.

The concern over the “permanence” of new dedications proposed by the applicant or additional dedications required as mitigation is noted. As described below in the Master Response concerning Monterey Pine Forest (MR-BIO-5), additional language has been added to Mitigation Measure BIO-B1-6 to reinforce that the new dedications are permanent, irrevocable, and cannot be used for purposes that are not consistent with permanent habitat preservation.

## Replacement Mitigation

The Sawmill easements are part of the measures required as mitigation for the original Spanish Bay Resort development and the construction of S.F.B Morse Drive. Comments are correct that changes to the easements should include replacement mitigation that is adequate to address the original impacts, although some of these impacts originally occurred in areas other than the Sawmill site.

On a broad level, the relevant impacts of the original Spanish Bay Resort and the construction of S.F.B. Morse Drive were the loss of Monterey pine forest and the permanent intrusion of the new road within the HHNA. The EIR and CDP Permit 3-84-226 for the Spanish Bay project described the loss of forest as approximately 32 acres of forest including: 7 acres at the resort hotel site (native forest containing Monterey pine and coast live oak), 9 acres at the golf course site (native forest containing Monterey pine and coast live oak) 6 acres at the Sawmill site (native forest containing Monterey pine and live oak); 9-acres at the Sawmill site (disturbed formerly mined areas containing planted Monterey pine and planted Gowen cypress) and one acre for the construction of S.F.B. Morse Drive (native Monterey pine/Bishop pine forest). Mitigation described in the EIR is noted as including replanting of about 18 acres of forestland at the Sawmill site, 8 acres of forest at the Spanish Bay Resort site, and rehabilitation of 12-acres of riparian vegetation at the golf course site. The later approval of a conveyor belt to transport sand from the Sawmill site to Spanish Bay is noted as requiring minimal tree removal (19 Monterey pines and 16 live oaks). While the Spanish Bay Resort and golf course developments were noted as affecting special-status plant species, no special-status plant species were identified in the Sawmill site and S.F.B Morse Drive alignment in surveys at the time (CCC 1984; County of Monterey 1985, 1984a, 1984b, 1984c, 1984d).

Mitigation adopted by the County and the CCC for the Spanish Bay Project relevant to the Sawmill site included revegetation/rehabilitation of the entire Sawmill site, dedication of the site, and incorporation into the adjacent HHNA. Restoration efforts were made, but have only been partially successful. The dedications of the site were made. The incorporation into the HHNA was never formally conducted through an LCP Amendment and given the mixed restoration success, the site is not ecologically integrated with the surrounding forest except for the extant native forest around the perimeter of the Sawmill site.

With the implementation of the current Proposed Project, the following changes in the intent of the prior adopted mitigation for the Sawmill site would occur:

- Three acres of native forest would be removed.
- Forest restoration would not be able to be completed on about 23 acres.
- Restoration would be completed on about 5 acres of partially restored forest that would be retained within the Sawmill site.
- About 13 acres of native forest would be retained in dedication around the edge of the Sawmill site that is immediately adjacent to HHNA.
- 26 acres of the Sawmill site could not be ecologically integrated with the surrounding forest in the HHNA
- There would be an equestrian center directly adjacent to the HHNA instead of a restored forest with some recreational activity.

However, with implementation of the current Proposed Project and the required mitigation in the DEIR, the PRDEIR, and the FEIR, the following changes would also occur relevant to HHNA and the surrounding area:

- Preservation of about 143 acres (Area D, a portion of Area F-3, a forested portion of the Corporate Yard Area, most of Area F-1, Area G and H) directly adjacent to the HHNA through dedication of new conservation easements.
- Restoration of about 1.6 acres of Gowen cypress/Bishop pine in a former skeet shooting location in the HHNA.
- Funding for and implementation of resource management of HHNA and the new dedication areas.

The development of the Sawmill site for the New Equestrian Center would effectively take 26 acres out of conservation. Thus, the project would result in a net increase in preserved areas in and around HHNA of 117 acres (143 acres minus 26 acres). Figure F2-1 shows a comparison of the Huckleberry Hill Natural Area and surrounding area in terms of preservation with and without the project. The “without project” figures presume that the Sawmill site is restored as required by prior conditions and is integrated into the HHNA. The “with

project” figure presumes that the Sawmill site, Area F-3, and the Corporate Yard Employee Housing are developed as proposed, the preservation areas proposed by the applicant are dedicated, and the additional areas required as mitigation are also preserved.

It is County’s conclusion that the Proposed Project, as mitigated, would adequately mitigate not only the environmental impacts of the Proposed Project, but also the original impacts of the Spanish Bay Resort for which restoration and prior dedication of the Sawmill site were previously required. In specific, with the Proposed Project and the proposed mitigation, the overall resultant preserved area in and around HHNA will be substantially expanded and managed for sensitive resource in a manner such that the ecological values of the HHNA and surrounding area will be preserved in the long run in a manner at least equivalent to the intention of the original mitigation concerning the Sawmill site.

## Disclosure of Findings

As noted above, neither the County nor the CCC have yet to officially make findings concerning consistency with, or amendment of, the prior permit conditions or easements related to the Sawmill site. As such, they cannot be disclosed in this document.

## Easements vs. LUP Policy

Comments on the DEIR suggest that the Sawmill easements supersede LUP Policy 92.

As described in the DEIR, the intent of LUP Policy 92 and the intent of the Sawmill easements are not entirely consistent. The Sawmill easements are separate legal requirements concerning the use of the Sawmill site that are not diminished in force by LUP Policy 92. The DEIRs description of the seeming inconsistency in the DEIR was for informational purposes to describe the complexity of the context surrounding land use at the Sawmill site. The DEIR clearly discloses that the County and the CCC must either find the project consistent with or amend the easements in order for the New Equestrian Center to be implemented as proposed.

## Easements and the HHNA Boundary

Comments on the DEIR suggest that the upper Sawmill site was made part of HHNA by the prior easements.

Condition 6, 9, and 28 in CCC Permit 30-84-226 required the rehabilitation of the upper Sawmill site and its “incorporation into the HHNA”. Presumably this is why the upper Sawmill site was included in the dedication for HHNA, although the easement itself only refers to Condition 31 in County Permit PC-

5202 and CCC Permit 3-84-226 Condition 5 and never mentions Conditions 6, 9 or 28.

While it was the intent of the permit conditions and the easement to include the upper Sawmill site as part of the HHNA, a formal LCP amendment was never made to formally expand the designated HHNA. The easement itself is not an LCP amendment. Thus, the certified LCP designated boundaries of the HHNA identified in Figure 5 of the Del Monte Forest LUP were used as the HHNA boundaries that are shown on Figure 2.0-2, Development and Preservation Areas, and elsewhere in the DEIR. If and when the County proposes to formally modify the LCP to include a modified HHNA boundary and the CCC certifies that change, then the boundary will change.

## Effect of Measure A

Comments on the DEIR assert that voter approval of Measure A warrant the tradeoff between development and open space at Sawmill Gulch site. Other comments question if, in the event the CCC certifies Measure A, would the easements still apply to the New Equestrian Center.

Measure A says nothing about the Sawmill easements and therefore does not alter their legal restrictions. Measure A designates the site “Open Space Recreation.” Any proposed use of the site needs to be consistent with this designation and the restrictions of the easement. As described in Mitigation Measure LU-A2 in the DEIR unless the County and the CCC approve amendments to the existing easement and/or both make a finding of consistency with the existing easement, then the New Equestrian Center cannot be developed as proposed.

## Other Comments

One comment on the DEIR stated that the reference to the “lower” Sawmill in Mitigation Measure LU-A2 should be changed to “upper” Sawmill.

This correction is made in the Revisions in FEIR Chapter 3.

## MR-LU-03: LCP Consistency

Comments were provided on the DEIR concerning the following issues related to LCP consistency:

- Project Consistency with Existing LCP Land Use Designations

- Project Consistency with Existing LCP Policies
- Project Consistency with Coastal Zoning (Title 20) regarding camping
- Project Consistency with the Coastal Act

## Consistency with Existing LCP Land Use Designations

Comments on the DEIR assert that there are substantial inconsistencies between the Proposed Project and the existing LCP land use designations.

The comments are correct. Impact LU-B2 (DEIR Chapter 3.1, Land Use) identifies the inconsistencies between certain Proposed Project element and the Del Monte Forest LUP designations. Unless the relevant portions of Measure A are certified by the CCC, any contingent approvals would be null and void.

## Consistency with LCP Policies

Comments on the DEIR suggest that it does not address inconsistency with 1984 LCP policies. Specifically, comments raised issues regarding Policy 1 (re: parking conditions); Policies 8, 16, and 18 (re: trail restrictions); Policy 13 (re: deed restrictions and the Sawmill site); Policies 31 and 32 (re: Monterey pine forest); Policy 92 (re: the Sawmill site and easements); and Policy 124 (re: trail realignment).

CEQA Guidelines section 15125(b) requires an EIR to discuss any inconsistencies between the Proposed Project and applicable general plans and regional plans. The DEIR has met the requirements of CEQA by including DEIR Appendix D, a detailed analysis of the Project's consistency with existing LCP policies. Monterey County Planning Department staff prepared the policy consistency analysis (DEIR Appendix D). The analysis found that the project is consistent with existing LCP policies or will be consistent with mitigation outlined in the EIR. The facts and basis for judgments of consistency are disclosed in the DEIR, and the purposes of CEQA are served by this disclosure.

The following list describes specific LCP policies that were commented on during the DEIR review period:

- **Policy 1:** Policy 1 limits paved areas "to the minimum required to meet daily (not occasional) parking needs" in order to minimize site runoff, erosion, and sedimentation. Limiting the number of parking spaces at the proposed Spanish Bay Employee Housing will ensure that the impermeable footprint of the development site is minimized. The conditions of approval applied to the project will allow 110% of the parking spaces required in the Zoning Code. Additional paved areas would be excessive, resulting in increased site runoff and potential

downstream soil disturbance. With the conditions of approval, the Proposed Project would be consistent with this policy.

- **Policies 8, 16, and 18:** Policies 6, 16, and 18 address preservation of environmentally sensitive habitat areas, namely the “remnant native sand dune habitat” on Signal Hill. Policy 18 specifies that “particular attention shall be given to protection of rare and endangered plants from trampling.” Because the area between the 14<sup>th</sup> Hole green and the 15<sup>th</sup> Hole tee on the Proposed Golf Course crosses the Signal Hill Dune ESHA, all activities incompatible with the long-term maintenance of this habitat are prohibited. As stated in DEIR Appendix D, Mitigation Measure BIO-A1-1 requires that the maintenance golf trail in the vicinity be elevated and avoid the location of special status plants. The applicant’s proposal to put an at-grade golf trail through part of the ESHA is not consistent with these policies. The mitigation identified in the DEIR would make the Proposed Project consistent with these policies.

- **Policy 13:** Policy 13 states that “protection of environmentally sensitive habitats shall be provided through deed restrictions or permanent conservation or scenic easements.” Areas where conservation and scenic easements are proposed to protect ESHA as defined in Appendix A of the LUP include: Areas B, C, D, F-3, G, H, I-1, J, K, L and PQR, the Corporation Yard, and portions of the Proposed Golf Course (Area MNOUV). Additionally the wetland areas identified as ESHA in the County’s wetland assessment will be placed in conservation easements. DEIR Mitigation Measures BIO-B1-6 and BIO-B1-2[c] (DEIR Chapter 3.3, Biological Resources) require that conservation and scenic easements be held by the Del Monte Forest Foundation (DMFF) or an equivalent organization approved by Monterey County. With a finding of the project’s consistency with the Sawmill Borrow Site easements, or an amendment to these easements, the Proposed Project is consistent with this policy. See Master Response MR-LU-02 regarding the Sawmill Easements.

- **Policies 31 and 32:** Policy 31 states that “the natural forested character of the DMF shall, to the maximum extent feasible, be retained.” Policy 32 states that “where LUP objectives conflict, preference should be given to long-term protection of the forest resource.” Although the Proposed Project will result in the direct removal of 99 acres of native forest habitat, conversion of 28 acres to suburban forest, and foregone restoration of 23 acres at the Sawmill site, the Proposed Project also includes permanent preservation of 458 acres of undeveloped forest habitat and restoration of 15 acres at the Proposed Golf Course site. As stated in DEIR Appendix D, the character of the Del Monte Forest will be preserved through Mitigation Measures BIO-B1-1, BIO-B1-4, and BIO-B1-6 (DEIR Chapter 3.3, Biological Resources), which require legal dedication of preservation and conservation areas, as well as preparation of site-specific RMPs. Mitigation Measure BIO-B1-2(C), addressing cumulative impacts, also requires dedication of an additional

362 acres of undeveloped Monterey pine forest, beyond the proposed 458-acre dedication. The applicant is proposing a combination of both development and preservation on privately owned lands which are designated as developable within the County's LUP. The forest protection measures proposed by the project applicant provide significant benefits for the long-term sustainability of the forest. The Proposed Project is thus considered consistent with these policies.

■ **Policy 92:** Policy 92 identifies "certain areas [that] have been mined for silica and other minerals" as "the most suitable for more intensive development, as compared with other forested and undeveloped land." The Proposed Project includes relocation of the New Equestrian Center to the Sawmill quarry site, and development of the Proposed Golf Course on the Spyglass quarry site. As stated in DEIR Appendix D, mitigation measures under Impact BIO-B1 (DEIR Chapter 3.3, Biological Resources) mitigate for the foregone reforestation requirement on the Sawmill quarry site. See also Master Response MR-LU-02 regarding Spanish Bay Permit Compliance and Sawmill Easements. The Proposed Project is considered consistent with this policy, as mitigated.

■ **Policy 124:** Policy 124 states that "new development should be sited and designed to avoid encroachment on to designated trail routes." As stated in DEIR Appendix D, existing trail segments at the Proposed Golf Course and Residential Subdivision F-2 are proposed for realignment. Policy 124 allows for realignment of trails "generally equivalent to the original route." The Proposed Project includes approximately 2 miles of additional new and relocated trails. Although some trails will be substantially realigned, the proposed trails will connect with the existing trail system to maintain trail system continuity. The Proposed Project is considered consistent with this policy.

## Title 20 Ordinance/Camping in the Del Monte Forest

One comment suggested that the County's Title 20 Ordinance restrictions regarding camping in the Del Monte Forest should be addressed relevant to the New Equestrian Center.

Monterey County's Title 20 is the Coastal Zoning Ordinance. Certification of Measure A would change land use designations at the Sawmill site, on which the New Equestrian Center is proposed, to the Open Space Recreation (OR) designation. The OR designation allows, by conditional use permit, stables and accessory equestrian uses.

Special events (approximately 8-12 annually) at the New Equestrian Center are anticipated to host hundreds of horses and riders on-site during multi-day events. In addition to the horses, horse owners and other participants may camp and park recreational vehicles in special event parking areas adjacent to the facility.

Title 20 contains the following relevant language:

- Section 20.38.040 (F) states that Principal Uses allowed include “Primitive camping facilities (Not in DMF)”
- Section 20.35.050 (L) states that Conditional Uses Allowed (with CDP) include: “Moderate intensity recreational uses including but not limited to: tent platforms, cabins, and on-site dining facilities limited to that necessary to serve on-premises overnight guests (Not in DMF)”

These sections imply that no permanent facilities to serve overnight guests whether a permanent primitive camping area or a permanent developed campground is allowed in open-space recreation designated areas in the Del Monte Forest.

However, Title 20 also contains language which would seem to allow recreational uses not otherwise allowed with the approval of a Coastal Development Permit.<sup>1</sup>

While the applicant’s proposal is not to create permanent facilities for a primitive or a developed campground, periodic special events will likely include recreational vehicle parking/camping in association with some of these events.

Potential recreational vehicle camping for special events is considered a temporary accessory equestrian use to the New Equestrian Center that is conditionally allowed by Title 20. Permanent facilities to serve recreational vehicles are neither a part of this application nor would be approved as part of any approval.

If the New Equestrian Center is approved by the County, a *condition of approval* will include the following requirements:

- The project shall include no development of any permanent facilities to serve recreational vehicles including water, sewer, and electric hookups
- Overnight stays in the Lower Sawmill site shall be permitted only in association with special events and shall be limited to recreational vehicles only.
- Recreational vehicles shall only be allowed to be parked within designated areas that are outside of any buffers established for protection of biological resources in the Lower Sawmill Site.
- No camping on the ground, no tent camping, and no campfires will be allowed anywhere within the Sawmill site.
- No operation of outside electric generators shall be allowed by recreational vehicles during overnight stays.

<sup>1</sup> Sections 20.35.050(A), (M), and (N)

■ All recreation vehicles shall provide their own water, shall contain all of their septic waste, and shall dispose of all septic waste and trash at approved off-site facilities.

■ The maximum duration of any overnight stay in association with a special event shall be limited to the duration of the special event itself.

## Consistency with the Coastal Act

Comments on the DEIR suggest that it should address consistency with the Coastal Act itself.

The Coastal Act is implemented in the Del Monte Forest through the Del Monte Forest LUP, the Coastal Implementation Plan (Title 20 – Coastal Zoning Ordinance), and the zoning map. Analysis of consistency of the Proposed Project with the LUP policies is addressed in DEIR Appendix D as required by CEQA. After certification of a LCP, as in the case of the Del Monte Forest, potential issuance of a Coastal Development Permit is evaluated based on the standards found in the LCP.

## Biological Resources (BIO)

### MR-BIO-1: Environmental Sensitive Habitat Areas

Comments on the DEIR raised the following issues regarding Environmentally Sensitive Habitat Areas (ESHAs):

- ESHA Definition.
- ESHA Policies.
- Specific Resources as ESHA.

### ESHA Definition

Several parties assert in comment that the County has not applied the correct definition of ESHA found in the Del Monte Forest LCP and/or in the California Coastal Act and thus has not fully disclosed impacts and identified appropriate mitigation for ESHAs in the DEIR.

DEIR Appendix C, “Regulatory Setting”, of the DEIR, page C-14 (Lines 27 - 30) quoted the definition of ESHA found in Coastal Act Section 30107.5 as “*any area in which plant or animal life or their habitats are either rare or especially*

*valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities.”*

This is a general and generic definition. For areas with certified LCPS, ESHAs are usually identified during the preparation of LCPs and/or are identified on a project-specific pursuant to the definitions and procedures that are established in an LCP. An LCP consists of a Coastal Implementation Plan (CIP) and a Land Use Plan (LUP) which together define allowable uses and specific land use policies within the coastal zone. Under the California Coastal Act, a certified LCP is the implementing plan of the Coastal Act. The Del Monte Forest LCP was certified by the CCC in 1987. Once an LCP is certified, the plans, policies, designations, and other requirements within the LCP are implemented by the local jurisdictional land use authority, which in this case is Monterey County. The applicable definition of just what is an ESHA within the Del Monte Forest area is thus what is within the certified LCP or what is defined pursuant to the policies of the certified LCP.

The Coastal Implementation Plan, which is the zoning ordinance for coastal zone areas within Monterey County (Title 20 Section 20.06.440) defines ESHAs within the coastal zone within Monterey County generically as: *“Environmentally sensitive habitat means an area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and development. (See individual land use plan segment definitions for specific examples.)”* [Emphasis added]

The Coastal Implementation Plan for the Del Monte Forest (Chapter 6 of the CIP), which is the specific zoning ordinance for the Del Monte Forest defines ESHAs as follows (Title 20.147.020 (H)): *“Environmentally sensitive habitat areas are those in which plant or animal life or their habitats are rare or especially valuable due to their special role in an ecosystem. These include rare, endangered, or threatened species and their habitats; other sensitive species and habitats such as species of restricted occurrence and unique or especially valuable examples of coastal habitats; riparian corridors; rocky intertidal areas; nearshore reefs; offshore rocks and islets; kelp beds; rookeries and haul-out sites; important roosting sites; and Areas of Special Biological Significance (ASBS). In the Del Monte Forest Area, examples of terrestrial, aquatic, and riparian habitats which have been determined to be entirely or in part environmentally sensitive include: the rare Monterey cypress and endangered Gowen cypress forest communities, the endemic Monterey pine/Bishop pine association, remnants of the indigenous coastal sand dunes, riparian corridors, wetlands, and sites of rare and endangered plants and animals associated with these and other habitats.”*

The definition of ESHAs within the Del Monte Forest LUP is the same as that in the CIP, but an additional definitional note is provided on page 17 of the LUP: A complete listing is included as Appendix A of this Plan. The locations of these are shown in Figure 2. [Emphasis added]. Accordingly, DEIR Appendix C of the DEIR, page C-16 (Lines 15 - 16) reiterates the operative part of the LUP ESHA

definition correctly: “*ESHAs are identified in Figure 2 of the LUP, and a complete listing of identified ESHAs is provided in Appendix A of the LUP.*”

In this case, the certified LUP specifically identifies what is considered ESHA as what is listed in Appendix A of the LUP and shown in Figure 2 of the LUP. By default, if a biological resource or geographic area is not listed in Appendix A nor shown in Figure 2, the County does not consider it an ESHA pursuant to the definition of the Del Monte Forest LCP.

The County has applied the specific definition found in the LUP to the identification of ESHAs, impacts to these areas, mitigation, and application of LCP policies and no revision of the ESHA identification within the DEIR is needed.

Some comments, including those of the CCC staff, assert that the Del Monte Forest LCP requires ESHA to be identified based on the results of a site-specific survey. The CIP (Section 20.147.040 (A) (2) requires a biological survey for all proposed development “*located within an environmentally sensitive habitat, as shown on Figure 2 “Environmentally Sensitive Habitat Areas” contained in the Del Monte Forest LUP or other current available resource information or through the planner’s on-site investigation*” or may be located within 100 feet of an environmentally sensitive habitat and/or have the potential to negatively impact the long-term maintenance of the habitat as determined through project review. It is the County’s opinion that the CIP’s reference to use of “current available resource information” and “the planner’s on-site investigation” is intended to require biological survey of all areas that may contain, be adjacent to, or otherwise adversely affect ESHAs and not just surveys of project areas that fall within the mapped areas shown on Figure 2. The County is not of the opinion that this reference in the CIP implies that the qualified biologist conducting the survey, the project planner, nor the County staff is to identify biological resources as ESHA that are not included in the LUP list, but rather that field survey is required to identify specifically if a project site contains the ESHA resources listed in Appendix A of the LUP.

Biological surveys were conducted by the applicant’s biological consultants of the entirety of the project development and preservation sites. Their survey reports were peer reviewed by qualified Jones & Stokes biologists during the course of preparation of the DEIR. These reports, the peer review, and additional information reviewed by Jones & Stokes were used to identify biological resources in general and to identify where ESHAs meeting the LUP definition are located.

Some comments argue that the list of ESHAs in a LCP should be updated periodically using the generic definition found in the Coastal Act itself or within the CIP. While it is feasible that a local land use authority can propose changes to a certified LCP, including the definitions and policies found in a LCP related to ESHA, such changes must be adopted by the local land use authority and certified by the CCC prior to their applicability to a specific development project within a LCP area. The Coastal Act does not provide the CCC authority to

unilaterally expand or alter the definition of ESHA nor the procedures for defining ESHA that are within a previously certified LCP. The CCC may suggest to a local land use authority that this should be done; however the CCC cannot impose such a change unless the local land authority has initiated such a change through an LCP amendment and the CCC has certified such a change.

The Del Monte Forest LUP is explicit that it contains a “complete” listing of ESHAs. Thus, the County is limited from identifying anything as ESHA that is not on the LUP list, unless it first were to approve a LUP amendment changing either the local list of ESHAs or the local procedures for defining ESHAs within the Del Monte Forest and have that amendment certified by the CCC.

In areas without a certified LCP, the CCC itself is the permitting authority and the CCC applies the generic ESHA definition found within the Coastal Act on a project-specific basis. However this is not the case in the Del Monte Forest. Should Monterey County’s action on the Coastal Development Permit for this project ultimately be appealed to the CCC, the CCC has no authority to redefine ESHA within the Del Monte Forest area. The CCC’s standard of review is limited to reviewing whether or not Monterey County correctly applied the policies and requirements of the Del Monte Forest LCP (including the CIP and the LUP), including the ESHA definition and the policies related to ESHA.

The CCC staff in their comments on the DEIR takes issue with the County’s approach to defining ESHA, and asserts that the rarity of a resource, its listed status pursuant to the federal or state endangered species act, and/or its prior treatment by the CCC itself in areas lacking a certified LCP should be taken into consideration when determining ESHAs on a project-specific or location-specific basis. The CCC staff assert the definition of ESHA within the CIP is the overriding definition of ESHA. While the CCC staff is correct in that the CIP definition is open-ended, their comment fails to resolve the open-ended character of the CIP definition with the specificity found in the LUP. Since the CCC itself certified the LCP, including the specific language in the LUP related to ESHA, the CCC must be presumed to have been aware of the specific manner of defining ESHA contained within the LUP. The CCC staff has not provided any substantial evidence that Monterey County nor the CCC intended to ignore the LUP’s identification that Figure 2 and Appendix A constituted a “complete” listing of ESHAs within the Del Monte Forest.

The ESHA policies within the Del Monte Forest LCP are not the only policies that protect sensitive biological resources. Other policies within the LUP relevant to biological resources are reviewed within DEIR Appendix D Policy Consistency Review. In addition, other regulatory requirements related to biological resources are presented in DEIR Appendix C of the DEIR, “Regulatory Setting.” In addition, the DEIR evaluates the potential significant impacts to biological resources, as required by CEQA, whether or not a particular resource is identified as ESHA within the Del Monte Forest LUP. Mitigation measures are identified as required by CEQA where significant impacts are identified, regardless of whether a resource is considered ESHA.

The County respectfully disagrees with the CCC's staff's and other comments regarding the interpretation of the Del Monte Forest LCP and the LUP definition regarding ESHA within the Del Monte Forest. Since the County has properly identified ESHAs within the project area and applied the LCP policies to these ESHA areas, as well as complied with CEQA requirements for evaluation of impacts to biological resources in general, the DEIR is considered to adequately to identify ESHA areas.

The CCC staff pointed out an error in the citation of the Coastal Act definition in DEIR Chapter 3.3, "Biological Resources", page 3.3-71 and in DEIR Appendix E, page E-12. The error is corrected in FEIR Chapter 3. The deleted language was not utilized in project review to define ESHA areas. Rather, ESHA areas were identified based on field surveys applying the definition of ESHA found within the Del Monte Forest LUP.

## ESHA Policy Application

A number of comments assert that because the County, in their opinion, has not properly identified ESHAs within the project area, the County is failing to correctly apply the LUP policies relating ESHAs. ESHA definitional questions were addressed above.

If an area is properly identified as an ESHA pursuant to the Del Monte Forest LUP definition, then the LUP policies apply to that resource. Examples of ESHA areas within the project area include the Signal Hill remnant dunes in Area M and N, Huckleberry Hill Natural Area, riparian areas, and wetland areas, among others. ESHA policy consistency is analyzed in DEIR Appendix D on a policy by policy basis for its applicability to these ESHA areas.

If an area or resource is not an ESHA pursuant to the Del Monte Forest LUP definition, then the LUP policies related to ESHA do not apply. However, this does not mean that the DEIR did not analyze the project's potential effect on non-ESHA biological resources. Examples of non-ESHA biological resources analyzed in the DEIR include Monterey pine forest, Yadon's piperia, California red-legged frog, seasonal wetlands, and other resources. The policy consistency analysis in DEIR Appendix D also analyzes the applicability of non-ESHA LUP policies to the non-ESHA resources located within the project areas.

## Specific Resources as ESHA

Several parties assert that Monterey Pine Forest, in part or in whole, Yadon's piperia, and other rare species should be considered ESHA whether or not they are listed in the Del Monte Forest LCP. The applicant asserts that seacliff buckwheat is not an ESHA.

## Monterey Pine Forest

The Del Monte Forest LUP notes on page 17 that:

*“In the Del Monte Forest Area, examples of terrestrial, aquatic, and riparian habitats which have been determined to be entirely or in part environmentally sensitive include.... the endemic Monterey pine/Bishop pine association....”*

Figure 2 of the Del Monte Forest LUP, while identifying several geographic areas, such as the Huckleberry Hill Natural Area, that contain Monterey pine forest, does not identify areas of Monterey pine forest that are not contained within areas (such as remnant dunes) that are defined as ESHA for other resources.

In Appendix A of the Del Monte Forest LUP, the listing of ESHA areas, includes:

*“... Remnant coastal dunes where the natural landform is stabilized by Monterey pine forest.....”*

*“...The disjunct Bishop Pine (Pinus muricata) forest, mixed and pure stands...”*

Thus, while the Del Monte Forest LUP identifies several areas that contain Monterey pine forest as ESHA, it does not identify Monterey pine, nor Monterey pine forest as ESHA per se.

Using the definitions above, Monterey pine forest found within the project areas is only ESHA when it is within the following areas:

- **The endemic Monterey pine/Bishop pine association and the disjunct Bishop pine forest.** Bishop pine is found within three project sites (Area F-2 and F-3, and the Sawmill site). The area containing scattered Bishop pine in Area F-2 is heavily dominated by Monterey pine and is not considered to meet the definition of a Bishop pine “forest” nor a “Monterey pine/Bishop pine association” and thus is not considered ESHA. The Sawmill site contains planted Bishop pine within restoration areas that are also not considered ESHA due to their planted nature. The northern part of Area F-3 contains a forest dominated by Bishop pine and Gowen cypress with scattered Monterey pines. This area is considered ESHA as a Bishop pine “forest” as well as a “Gowen cypress community.” Mitigation is identified in the DEIR to require 100’ buffers around this ESHA in accordance with Del Monte Forest LUP policy.
- **Remnant coastal dunes.** The Signal Hill dunes contain scattered Monterey pine. The DEIR identifies this area as ESHA, including the Monterey pine located within the remnant dunes.

- **Huckleberry Hill Natural Area.** Impacts to Huckleberry Hill Natural Area and ESHA policies are applied relative to the indirect effects of increased equestrian and pedestrian use of this area

Although some comments assert that some or all of the Monterey pine forest found within the Del Monte Forest should be considered ESHA, the County has correctly applied the definition found within the Del Monte Forest LUP in concluding that Monterey pine forest in the project area is not presently designated ESHA, except in the cases noted above where it is found within an area designated ESHA for another biological resource.

Monterey pine forest is identified in the DEIR as a “sensitive vegetation community” and direct, indirect, and cumulative impacts are evaluated. Significant impacts are identified and feasible mitigation is presented for the identified significant impacts.

## Yadon’s Piperia and Other Resources

As described above, if a species or habitat is not mentioned in the Del Monte Forest LUP, is not noted on Figure 2 of the LUP, and is not included in Appendix A of the LUP, it is not considered ESHA. Project impacts to non-ESHA species such Yadon’s piperia and California red-legged frogs, as well as other threatened, endangered, or otherwise rare species are evaluated in the DEIR. Significant impacts are identified and feasible mitigation is presented for the identified significant impacts. However, since these resources are not designated ESHA by the Del Monte Forest LUP, ESHA policies do not apply. For the specifics of what is and is not ESHA within the Del Monte Forest, refer to the Del Monte Forest LUP Figure 2 and Appendix A. For the specifics of what is and is not ESHA within the project areas, refer to DEIR Chapter 3.3, “Biological Resources” and DEIR Appendix E, “Biological Setting.”

The applicant asserts that seac cliff buckwheat (*Eriogonum parvifolium*) is not ESHA as identified by the DEIR on page 3.3-7 Line 27. The Del Monte Forest LUP Appendix A identified “Pt. Lobos buckwheat (*Eriogonum parvifolium* ssp. *lucidum*) shoreline areas within Smith’s blue butterfly habitat” as a designated ESHA. According to the Integrated Taxonomic Information System (ITIS, see [www.itis.usda.gov](http://www.itis.usda.gov)), Point Lobos buckwheat is a synonym for seac cliff buckwheat which is why this is noted on page 3.3-7 of the DEIR. Point Lobos buckwheat was initially thought to be a separate subspecies or variant (ssp. or var. *lucidum*) of seac cliff buckwheat that occurs within the local area, however it is no longer recognized as a valid entity, and thus should presently be referred to as seac cliff buckwheat. The LUP’s identification of Point Lobos buckwheat as ESHA was intended to require the protection of the host plant for Smith’s blue butterfly, which is a federally endangered species. Since Point Lobos buckwheat is the same plant as seac cliff buckwheat, and seac cliff buckwheat is a host plant for Smith’s blue butterfly, it follows that seac cliff buckwheat where found within “shoreline areas within Smith’s blue butterfly habitat” meets the LUP definition and should be considered ESHA. No change in the DEIR is required.

## MR-BIO-2: Dune Habitat and Species

Comments on the DEIR raised concern regarding the following issues regarding dune habitats and dune species:

- Smith's Blue Butterfly.
- Listed plant species.
- Indirect effects.
- Golf course redesign and mitigation.
- Applicant's Comments.

These issues are responded to below.

### Smith's Blue Butterfly

Several parties assert that this species is not found in the Del Monte Forest and thus no mitigation should be required. Several parties also assert that relocation of the equestrian center should help this species.

The host plant for Smith's blue butterfly, seacliff buckwheat, is found within Area M and N, both within the proposed Signal Hill conservation area as well as within areas proposed to be used for the new golf course. While Smith's blue butterfly was not found in Area MNOUV in project surveys and has not been found in the Del Monte Forest to date, there remains a potential for the species to colonize seacliff buckwheat within Area MNOUV or in other coastal portions of the Del Monte Forest from adjacent areas. Thus mitigation is recommended in Mitigation Measure BIO-D6 in the DEIR to require pre-construction surveys for Smith's blue butterfly host plants; incorporation of host plants into restoration plans; and design of new trails to avoid host plants.

The relocation of the equestrian center to the Sawmill site will reduce the amount of equestrian traffic through the Signal Hill dunes which would reduce future impacts on the dune and on seacliff buckwheat. However, given the endangered status of the Smith's blue butterfly, the proposed mitigation is still warranted to avert a potentially significant impact.

### Listed dune plant species

One comment requested further details regarding the project's impact to listed plant species found in remnant dunes.

The five special-status species (Monterey spineflower, Menzies' wallflower, sand gilia, beach layia, Tidestrom's lupine) that have been found in the Signal Hill dune area were identified on page 3.3-7 in the DEIR. Some of these species are also found in a preservation area in Area L. These species are all federally listed as threatened or endangered and four are state-listed. The habitat characteristics, listing status, and occurrence information are also summarized in Table E-8 in DEIR Appendix E. The locations of these plant species relative to the Proposed Golf Course are shown on Figure E-19 in DEIR Appendix E. As shown in figure E-19, all of the known locations are within the proposed Signal Hill conservation area; none are found within the grading footprint of the Proposed Golf Course

The specific occurrence information about the special-status species found in the Proposed Signal Hill Conservation Area is presented in the Biological Resources of the Del Monte Forest: Coastal Dunes report prepared by Zander & Associates (Zander 2001) including larger-scale maps of the special-status plant species locations. This report is incorporated by reference as part of the project application material and is available at the Marina offices of the Monterey County Planning and Building Inspection Department for review. This information is considered an adequate baseline upon which to assess project impacts and no revision is necessary for the FEIR.

Direct and indirect impacts on these species are identified on page 3.3-7 and 3.3-8 in the DEIR. Mitigation is identified to address both direct and indirect effects to both remnant dune habitat and to special-status species that are found within the remnant dune habitat. Apart from indirect impacts, which are discussed further in the response below, additional detail is not necessary to identify project impacts to these species nor to adopt appropriate mitigation.

## Indirect effects

Several parties assert that the DEIR inadequately addresses the indirect effects and edge effects of locating the proposed new Golf Course adjacent to the remnant dune area, which contains a number of special-status plant species.

The indirect impacts of the Proposed Project on dune special-status plant species and the remnant dune habitat adjacent to the Proposed Golf Course is presented on page 3.3-8 and 3.3-9 in the DEIR contrary to the assertion of several comments that indirect impacts are not discussed in the DEIR. The DEIR notes these indirect impacts as including: pesticide and fertilizer drift, adjacent construction, excess irrigation/runoff, invasive species, and pedestrian trampling.

Specific mitigation for indirect impacts are also identified in the DEIR including: redesign of the proposed golf trail as an elevated pedestrian trail that avoids the locations of special-status species; designating the line of play within the Dune ESHA associated with Hole 16 as out of play; installation of permanent physical barriers between the edge of the golf course and all portions of the Dune ESHA; and installation of permanent physical barriers along the edge of the "Green Trail" and other portions of the Dune ESHA as necessary to prevent pedestrians

from use or creation of informal trails in the remnant dune area. Mitigation also includes specific dune species habitat management and performance criteria such as design of irrigation systems to avoid overspray, locating, dune restoration away from the perimeter of the golf course, and integration of the dune restoration and creation methods described in the EMIP (County of Monterey and Ecosynthesis 1998) into the proposed coastal dune restoration plan (Zander 2001a).

Based on comments concerned about the lack of buffer between the edge of the golf course and the remnant dune ESHA and adjacent special-status plant species, Jones & Stokes biologists conducted a field review of the proposed edge of the golf course. The DEIR proposed to protect the ESHA and special-status plants from disruption during golf course operation by use of permanent barriers and irrigation controls and redesign of the access trail. Based on the field review, the DEIR mitigation has been revised (see Chapter 3; Mitigation Measure A1-1). Specifically the following have been added: drainage, landscape, pesticide, fertilizer, and irrigation controls around the edge of the golf course adjacent to the dune ESHA area; specific monitoring of the ESHA edge; and remedial action if management practices are insufficient to avoid substantial disruption of the ESHA area, including a potential redesign to allow a buffer, if necessary.

## **Golf course redesign and mitigation**

Several parties suggest that golf course should be redesigned, that buffers should be added, and that other mitigation measures be added including the revision of the performance criteria for to non-native and invasive species.

The performance criteria for dune restoration were re-evaluated per comment. Based on this review, the performance criteria for non-native and invasive species were adjusted to promote more effective restoration. Specifically the percentage of nonnative species to be allowed was adjusted downward from 20% to 10% and the relative cover of invasive species was adjusted from a maximum of 10% to a maximum of 5%.

It is not considered feasible to ensure 0% cover of invasive species as advocated by one comment, nor necessary (if feasible) to assure complete absence of invasive non-native species to provide for restoration nor mitigation of project adverse effects.

One comment suggested that the golf course would destroy undisturbed dunes and that the course would be redesigned to avoid all dunes. As described in the DEIR, the golf course and the adjacent golf cottages are proposed to be located in an area of disturbed dunes. The dunes have been previously disturbed by sand mining, equestrian activity, a skeet shooting range, equipment and materials staging and storage unrelated to the Proposed Project. While several redesign measures are recommended as mitigation in the DEIR and above in this document, overall redesign to avoid the degraded dunes is not necessary to avoid a significant impact on remnant dunes and their resources.

Several comments advocate caution to ensure that local seed is actually used in dune restoration due to uncertainty about this issue in prior Spanish Bay restoration. The applicant's proposed dune restoration plan (Zander 2001) states that "plant material (e.g. seeds, cutting, root division, seedlings, whole plants) will be collected from on-site (Signal Hill Dune) stock." The restoration plan is part of the Proposed Project. As such, the definition of "local" as Signal Hill Dune is considered mandatory upon the applicant for the purposes of dune restoration.

Several comments assert the need for remedial mitigation if the proposed restoration and mitigation measures in the DEIR are not successful. At this point, the restoration plan and the mitigation measures are considered feasible. The required mitigation is improved by the revisions noted in this document, which should further increase the likelihood of success. Dune restoration, while sometimes difficult, has been accomplished at other locations in Monterey County, which supports the feasibility of the restoration and mitigation approach for this project. In order to assure that the restoration and monitoring effort, monitoring and remedial action has been added to the required mitigation.

## Applicant's Comments

The applicant asserts that the project will not result in the removal of coastal dune habitat and will ameliorate existing disturbance caused by informal trails through the dunes. As described in the DEIR, the golf access trail is presently routed through the remnant dune ESHA area in an area that contains special-status species. This is characterized as disturbance, not removal of habitat in the DEIR. The applicant is correct that the dune restoration plan will channel recreational users better than the baseline condition.

The applicant asserts that the dunes report (Zander 2001) already includes measures to avoid and mitigate project impacts to dunes and supported species. This is acknowledged in the DEIR; however the independent analysis of project impacts by Jones & Stokes has identified that additional measures are necessary to reduce these impacts to a less than significant level.

The applicant asserts that the golf access trail crossing a portion of the Signal Hill dune does not need to be elevated, can be designed to avoid significant impacts, that electric golf carts should be allowed (in particular to allow disabled golfers to use this trail), and that even if some impact were to occur to resources, the proposed restoration would more than mitigate for that impact. The area in question has also been determined to be ESHA in accordance with the Del Monte Forest LUP and the Coastal Act. An at-grade trail would require loss of dune habitat along the trail alignment itself if on the ground surface. In addition, pedestrian and cart transit could result in trampling of vegetation along an at-grade trail. Thus, a better means to avoid substantial disruption of the ESHA area and the special-status species is to require the golf trail to be elevated above the dunes themselves. This will limit the permanent loss of dune habitat related to an at-grade trail. Golf cart access can be provided on the elevated trail itself.

With proper design, the trail should be able to comply with any applicable requirements of the Americans with Disabilities Act.

The applicant suggests deleting reference to a “42” high fence” to allow potential use of alternative barriers such as fencing or landscaping. The DEIR (page 3.3-10 Lines 6-8 and 12-14) does not refer to a “fence”; it refers to a permanent 42-inch “barrier”. This language would allow for fencing, landscaping, or other means, if approved by the County to be used. The minimum 42-inch high standard is needed to assure that the barriers are truly effective and not only discourage but prevent unauthorized physical access.

## MR-BIO-3: Wetlands

Comments on the DEIR raised the following issues regarding Wetlands:

- Delineation of Wetlands
- Lower Sawmill Wetlands
- Other Comments
- Applicant Comments

## Delineation of Wetlands

Wetlands within project development areas were delineated by Ecosynthesis based on work conducted between 1995 and 2000, with supplementary work in 2002 and 2003. The delineation was completed in accordance with the guidelines of the 1987 U.S. Army Corps of Engineers Wetland Delineation Manual. The delineation also identified wetlands that meet the definition of wetlands in the LCP and the Coastal Act. A draft report was completed in August 2000 (Ecosynthesis 2000). The CCC reviewed the draft report and conducted a site visit. Consultation and field visits were also made with the Corps, which verified the wetland delineation for wetlands that meet the Corps definition. Additional field work and revisions to the draft report were made pursuant to technical comments of the CCC staff, particularly relevant to wetlands that may not meet the Corps definition, but do meet the Coastal Act definition. Using the results of the wetland delineation, Ecosynthesis also identified certain wetlands and a seasonal pond that meet the definition of ESHA in the Del Monte Forest LUP. The wetland delineation report was finalized in 2003 (Ecosynthesis 2003), and the results incorporated into the DEIR. The delineation report is available at the Marina offices of the Monterey County Planning & Building Inspection Department.

## Lower Sawmill Wetlands

A number of comments assert that the wetland in the Lower Sawmill site is “man-made”, due to deficiencies in drainage, and is “fake”. Most of the comments making these assertions advocate that the wetlands should be “moved”, mitigated off-site, and/or regraded to allow “full” use of the Lower Sawmill site for temporary equestrian events. Other comments assert that the wetland is not ESHA, that the wetlands should be better defined, that the proposed buffer around the wetland may not be effective, and that the wetland should be fenced.

The wetlands in the Lower Sawmill site were delineated by Ecosynthesis in 2000 and 2003 and a wetland determination report was finalized in 2003 (Ecosynthesis 2003). The delineation has been verified by the Army Corps of Engineers and the CCC staff reviewed the draft report prior it being finalized. As such, the wetlands are properly defined. Detailed mapping of the wetlands was developed as part of the delineation; this mapping is not included in the DEIR, but is included in the project files.

The Lower Sawmill site has been altered historically by sand mining, which has lowered the original ground surface well below that of the adjacent forest. The delineated wetland is in the lower elevations of the Sawmill site where drainage collects from the Lower Sawmill site. It is also possible that groundwater seepage may support the hydrologic regime of this wetland. The Lower Sawmill wetland includes a portion that is perennial (in relatively wetter years) and has long-duration surface water (within other years). This portion of the wetland was determined to meet the LUP definition of a freshwater marsh, and thus to be ESHA. The other portion of the wetland is seasonal in character, was determined to be a seasonal wetland, and thus does not meet the LUP definition of ESHA. Both parts of the wetland meet the Corps definition of a jurisdictional wetland and the Coastal Act definition of a wetland. As noted above, the Lower Sawmill site is not in an unaltered forest setting like adjacent areas, due to sand mining. In that context, the landscape is “man-made”. However, the Corps and Coastal Act definition of wetland do not exclude areas that may be altered by prior development from meeting the definition of a wetland. Moreover, wetlands provide valuable ecosystem functions such as retention of water, reduction of sediment, and habitat for wildlife that can be present regardless of whether a wetland is in an undisturbed setting or in an altered landscape. Under the Corps guidance, a wetland would not be considered jurisdictional if hydrophytic vegetation is being maintained only because of man-made wetland hydrology that would no longer exist if the activity (*e.g.* irrigation) were to be terminated. As there is no “activity” presently causing drainage on the site, this does not apply to the Lower Sawmill. The drainage presently occurring in the Lower Sawmill site is “natural” runoff from the watershed above the wetland itself.

As to suggestions to “regrade”, “move”, or mitigate these wetlands off-site, this would not be consistent with Del Monte Forest LUP Policy 27 which requires a 100-foot setback from wetlands, unless any landscape alterations are accomplished in conjunction with restoration and enhancement and unless it is

demonstrated that no significant disruption of environmentally sensitive habitat will result. While the LUP does allow for some adjustment of the width of buffers around wetlands if accompanied by restoration and enhancement, “grading” or removal of wetlands is prohibited.

The applicant has not proposed to grade or otherwise remove the Lower Sawmill wetland. The applicant’s wetland management plan proposes instead to preserve the wetland and to implement certain restoration and enhancement measures including: removal and re-alignment of existing roads and trails to allow better hydrologic connections, enhance water storage, and wildlife habitat potential; a program of erosion/sediment control; removal of invasive exotic species; and planting of native species (Wetlands Research Associates 2001).

Temporary equestrian events that will be held at the New Equestrian Center can include large numbers of horses, riders, and spectators. Equestrian or pedestrian traffic within the wetland could result in loss of hydrophytic vegetation, alteration of drainage patterns, and compaction of soil. Temporary equestrian activity adjacent to the wetland could result in soil erosion, alteration of local drainage, nutrient-laden runoff, disturbance to resources that may use the wetland, and deposition of debris. In order to avoid these impacts, the mitigation in the DEIR proposed a protective buffer zone of 100-feet around the ESHA wetland.

Review of the mitigation since the DEIR has identified that the seasonal wetland area will also require a buffer to prevent indirect effects of temporary events as well as to avoid equestrian or other access. A 25-foot buffer has been added as a revision of the DEIR mitigation. In addition, the mitigation has been revised to provide for a permanent physical barrier at the buffer edge to prevent access that might otherwise affect the wetland area (see FEIR Chapter 3 for wording of the change).

Outside of the wetland and buffer, there will remain a large flat open space in the Lower Sawmill that can be utilized for temporary equestrian events. This area measures approximately 600 feet in length by 300 to 450 feet in width and covers an approximate area of about 4 to 5 acres. This area is smaller than the available open area at the existing equestrian center; however, it is important to remember that the applicant’s conceptual temporary event plan also envisions placement of temporary bleachers on adjacent slopes around the Lower Sawmill as well as use of two sand rings in the Upper Sawmill that will be part of the New Equestrian Center itself during temporary events. Overall, the area is considered large enough to allow the hosting of equestrian events. The application calls for the number of special equestrian events to be the same as the eight to twelve special events that now occur.

## Other Comments

Comments assert that the Draft does not disclose that the permanent buildings in the Upper Sawmill site are less than 100-feet from wetlands, that seasonal

wetlands in the Spanish Bay Driving Range are not identified, that riparian areas at the New Equestrian Center are not identified, and that retrieval of golf balls will affect wetlands.

Regarding the Upper Sawmill site, on page 3.3-28, Line 25 in the DEIR clearly identifies that there are permanent improvements within 100 feet of all wetlands in the Upper Sawmill area.

Regarding the Spanish Bay Driving Range, the entire site was surveyed for potential wetlands. In specific a number of patches containing hydrophytic vegetation within the proposed driving range area were examined in detail. The soil at these locations is Baywood sands, which lacks a percolation-restricting clay layer. Because these patches drain rapidly, the hydrophytic vegetation is not supported by water table at, near, or above the surface, and these sites were determined to not meet the Corps or the Coastal Act definition of a wetland. As noted above, the wetland delineation was verified by the Corps and the CCC staff reviewed the first draft.

Regarding riparian vegetation, while there are areas of riparian vegetation within Sawmill gulch tributaries outside the Sawmill site in the HHNA, no riparian areas were identified within the site itself during the wetland delineation.

Regarding errant golf ball retrievals, all wetland areas will be designated as out of play, and only maintenance personnel will conduct ball retrieval in wetland areas.

## Applicant Comments

The applicant suggests that the DEIR incorrectly identifies grading within wetland areas, that references to particular holes are incorrect, that clear-span bridges are not needed to avoid impacts to wetlands and drainages, and that additional setting information should be added for the ESHA wetland in Area C.

Regarding grading in wetlands, the final wetland delineation report in 2003 was completed after the applicant developed its initial site plans and a number of wetland areas were added in the final report that were not included in the draft 2000 report. While the applicants plans for the Proposed Golf Course submitted to the County in 2001 show avoidance of the wetlands identified in the draft report, the 2001 plans show areas of grading encroachment into several of the wetlands added to the final 2003 report. It is possible that the applicant has subsequently altered its internal plans to avoid these wetlands; however Mitigation Measure BIO-C1-1 is required to ensure that the final design avoids all wetlands.

The reference to Hole No. 8 on page 3.3-28 Line 12 referred to the potential that the grading area for the green for Hole No. 8 and the restroom might encroach on one part of the Area A wetland. Since the applicant has not provided any updated plans to the County clearly showing avoidance of the Area A wetland,

this potential remains that grading adjacent to Hole No. 8 or the restroom may affect this wetland. The applicant's comments seem to indicate that grading for Hole No. 10 may approach near or encroach in certain wetlands. Accordingly the DEIR and mitigation is changed as presented in FEIR Chapter 3.

The applicant suggested that boardwalk-style bridges could be used instead of clear-span bridges to cross wetland areas that do not support vegetation while still maintaining hydrologic connections. This suggestion is reasonable and the mitigation measure has been revised as noted in FEIR Chapter 3.

Additional setting has also been added regarding the ESHA Wetland in Area C.

## **MR-BIO-4: Huckleberry Hill Natural Area**

Comments on the DEIR were provided concerning the following Huckleberry Hill Natural Area (HHNA) issues:

- Trail Closures.
- Trail Maintenance and Mitigation Enforcement.
- Monterey Pygmy Forest.
- Feasibility of "Weed-Free Feed"
- Invasive Species and Manure Management
- New Equestrian Center Special Events
- Environmental Education
- Other Comments

## **Trail Closures for Equestrian Use and Routing**

Numerous comments assert that there is no need for permanent closure of several single-track trails or temporary closure of other trails after storm events to mitigate impacts of increased equestrian use of the HHNA trails. Many of the comments with this point of view assert that increased equestrian use will reduce mountain bike and motorcycle use of the trails, which is illegal and currently results in erosion and vegetation disturbance. Other comments assert that increased equestrian use will reduce the need for mechanical trail maintenance and that equestrians and hikers presently adequately maintain the trails. Comments also express safety concerns about routing equestrian traffic on Congress Road, while one comment recommended routing equestrian traffic on Congress Road to avoid impacts on the single-track Blue Trail.

As described in the DEIR, the single-track segment of the Green Trail between Congress Road and Fire Road #5 and the single-track segment of the Rudd-Crawford Trail between Congress Road and Fire Road #6 are narrow, steep, cross and are adjacent to Sawmill gulch tributaries, and contain a number of special-status plant species. These trail segments cross through the heart of the S.F.B. Morse Preserve, which is probably the most sensitive biological area within HHNA. Further, the increase in equestrian trips is likely to be substantial if the New Equestrian Center is built in the Sawmill site, which is in close proximity to both of these trails.

The trails around the existing equestrian center in Area MNOUV are generally wide, lack vegetation, and contain loose soil. In contrast, the two single-track trails proposed for closure to equestrians in HHNA are narrow, contain overhanging and adjacent vegetation, and, except for stream crossings and steep areas, have mostly intact adjacent soils. Were equestrian traffic to expand by thousands of trail rides per year, it is projected that these trails would experience significant widening, erosion, vegetation disturbance, and nutrient-loading until they approximate the existing condition of the MNOUV trails.

Illegal mountain biking and motorcycle use is resulting in erosion and resource damage in HHNA; text has been added to the DEIR to note this context. As to the argument that increased equestrian use will reduce illegal mountain biking and motorcycle use and resource damage, this very well may occur and would be beneficial to the resources within HHNA. However, this would not eliminate potential adverse effects of thousands of new horse trips on narrow single-track trails. Language has been added to Mitigation Measure BIO-A5 to require additional measures to reduce illegal bicycle and motorcycle access.

As to the argument that horse traffic will reduce the need for mechanical maintenance of single-track trails, this argument presumes that the trails will be widened from their present overgrown state. Widening of the single-track trails, whether from horse traffic or from mechanical maintenance will mean a loss of native vegetation near and adjacent to the two Sawmill Gulch Tributaries within SFB Morse Preserve. Relocation of the single-track trails out of the bottom of the canyons would reduce effects on the drainages themselves and associated vegetation; however would require removal of vegetation along adjacent hillsides to accommodate a new trail segment.

Regarding existing maintenance by the applicant, PBRTA volunteers, and other community members, this is a beneficial activity that is helping to maintain the sensitive resources and habitat within HHNA today and will help in the future. However, even with maintenance, heavy equestrian activity along the two single-track segments will require, at the least, trail widening, removal of native vegetation, installation of improved stream crossings, and relocation of trail portions that are within or immediately adjacent to the creek and/or install boardwalks. It is considered environmentally preferable to maintain the trail as a single-track trail for pedestrians only. This is not an uncommon practice in open space areas that are subject to heavy use.

The recommendation for closure to equestrian traffic on two single-track trails is also consistent with the Open Space Advisory Committee forest maintenance standards for the SFB Morse Preserve, which are part of the Del Monte Forest LUP. Basic maintenance Standard II-5 states the following: “*Restrict pedestrian access, if necessary, to protect rare or endangered species in heavily visited areas from overuse.*” While not stated explicitly, it is reasonable to presume that this standard would also apply to equestrian access. This has not been necessary to date as it applies to the two trail segments in question. However, it is the conclusion of the DEIR that the introduction of potentially thousands of additional horse trips per year onto the single-track trails would result in overuse that can be avoided by closing these two trail segments to equestrian use. As noted in the DEIR, between the other designated trails and the fire roads in HHNA, there are ample trail opportunities for equestrian use.

Several comments assert that the closure of the two single-track segments would direct traffic onto Congress Road. The description of the mitigation mistakenly referred to routing of equestrian traffic onto Congress Road; Mitigation Measure BIO-A5 has been modified as presented in FEIR Chapter 3. Language has been added to the mitigation to allow for a direct connection from the New Equestrian Center to the Blue Trail and Green Trail westward. Access from other parts of HHNA to the Green Trail heading west toward Spanish Bay can be provided by use of the Blue Trail to the Green Trail. A comment was received suggesting use Congress Road and widened its shoulder instead of the using the Blue Trail for the equestrian use. While increased use of the Blue Trail will result in some trail widening, routing equestrians onto Congress Road even with a widened shoulder would be unsafe due to the narrowness of the road and the poor lines of sight. Further widening of Congress would also result in removal of forest, which would eliminate the advantage of moving from the Blue Trail.

As to the temporary closures after significant storm events, this is a prudent measure to avoid trail degradation, erosion, and sedimentation of Sawmill Gulch tributaries. These are only temporary closures that would occur sporadically and thus would not substantially reduce equestrian use. One comment suggested that temporary closures should be coordinated with PBEC and PBRTA, and this has been added to Mitigation Measure BIO-A5 as presented in FEIR Chapter 3.

## Trail Maintenance and Mitigation Enforcement

Several comments asked who would be responsible to fund trail maintenance and erosion controls and who will enforce the resource management measures. The applicant is responsible to fund all resource management measures included in the final approved site-specific resource management plan (RMP) for HHNA (and other locations). Monterey County Planning & Building Inspection Department is the oversight agency for mitigation for this project. After the site-specific resource management plan is approved, an Annual Work Plan will be prepared and then reviewed and approved by the County. Annual Monitoring Reports will be prepared and submitted to the County on progress on the Work Plan and implementation of the HHNA RMP.

## Monterey Pygmy Forest

One comment stated that no mapping of the Monterey pygmy forest within HHNA is provided where it is located adjacent to the proposed New Equestrian Center, impacts are not assessed, and the U.S. Fish and Wildlife Service (USFWS) Recovery Plans should be cited. Figure E-23 in DEIR Appendix E provides a map of the Biological Resources in Huckleberry Hill and identifies areas dominated by Gowen Cypress. Gowen Cypress is the dominant overstory in Monterey pygmy forest along with Bishop pine. The USFWS Recovery Plan recommendations regarding Gowen Cypress are noted on Page E-19, Lines 9 through 25. Impacts to Monterey pygmy forest are discussed in Impact BIO-A5, page 3.3-14 Starting at Line 5 along with other resources in HHNA.

## Feasibility of “Weed-Free Feed”

Comments assert that weed-free feed is not available locally, that this portion of Mitigation Measure BIO-A5 is infeasible, and that other mitigation in the DEIR is adequate for control of invasive species. Other comments question how such mitigation would be monitored and enforced.

Jones & Stokes staff contacted the California Department of Food and Agriculture (CDFA), and was informed that the State’s Interagency Noxious Weed Free Forage and Mulch Program has not yet been adopted (Schoenig, pers. comm.). As such, California offers no certification process for weed free feed. Thus, it is not currently feasible for local feed suppliers to provide certified weed-free feed.

Until weed free feed is available from local suppliers, trail monitoring, weed control surveys, maintenance, and rerouted equestrian trail access (as proposed in Mitigation Measure BIO-A5) are considered be sufficient to mitigate the potential impacts of increased equestrian and pedestrian use on sensitive plant communities in the HHNA to a *less than significant* level.

Once certified weed-free feed is available, monitoring of feed and hay purchases by the New Equestrian Center and environmental education for guests attending special events at the New Equestrian Center will be conducted under the site-specific RMPs for the Sawmill site.

Revisions to the DEIR regarding this requirement are noted in FEIR Chapter 3.

## Invasive Species and Manure Management

Comments express concern about invasive species and manure management.

As described in the DEIR on page 3.3-16, Lines 30 – 33, annual (or more frequent) weed control surveys and control will be required as a mitigation

measure in HHNA, which includes SFB Morse Preserve. Mitigation Measure HWQ-C3 (Page 3.4-18, line 8 – 29) requires monitoring of stream and wetland water quality for nutrients related to animal waste, and remedial action as warranted to reduce nutrient loading.

One comment asserts that horse manure in HHNA is not only a water quality concern that increased nutrient loading (particularly in the nutrient poor pygmy forest) could alter native vegetation and further introduce non-native species, and additional mitigation is necessary. The weed control requirements for the Site-Specific RMPs (see Master Response MR-BIO-9 regarding Resource Management Plans below) and those included in Mitigation Measure BIO-A5 are adequate to identify whether substantive vegetation change may be occurring and to take remedial action. Language has been added to Mitigation Measure BIO-A5 to ensure particular attention is paid during weed monitoring and control to the Monterey pygmy forest.

## **New Equestrian Center Special Events**

One comment stated that the DEIR does not include an analysis of biological effects of special events crowds on HHNA. While the analysis of impacts on HHNA from the New Equestrian Center on pages 3.3-14 through 3.3-16 did not specifically mention special events, the analysis covers both pedestrian and equestrian indirect effects including erosion, soil compaction, sedimentation, vegetation loss, and water quality. Mitigation Measure BIO-A5 includes adequate measures that would also address potential effects of pedestrian and equestrian traffic from special events. It is specifically noted in the mitigation measure (page 3.3-16, Lines 16-21) that environmental education about HHNA shall be provided to attendees at special events including measures that individuals can implement to lower their impact on sensitive resources.

## **Environmental Education**

One comment asked who would be responsible for Environmental Education of HHNA users. The applicant is responsible to ensure that this mitigation measure is implemented as part of the site-specific Resource Management Plan and annual Work Plan and Monitoring Plan for HHNA and the New Equestrian. Practically, this measure will be implemented by the applicant and the Pebble Beach Equestrian Center.

## **Other Comments**

One comment suggested that restoration of informal “social” trails will not be feasible because these trails are created by wildlife and then become used over time, particularly by bicycles. This may be occurring within HHNA. The intent of Mitigation A-5 is not to close deer paths; the intent is to close non-designated

trails to all pedestrian, equestrian, or illegal bicycle/motocross access. Where wildlife trails have been excessively widened by human use, restoration is appropriate. Where such trails have not resulted in extensive loss of native vegetation, then periodic physical barriers may be adequate to allow for natural vegetation recovery.

One comment asked whether grubs in manure from international horses that come to the New Equestrian Center might affect HHNA ecology. “Grub” is the term typically used for beetle larvae. Beetle larvae would not be expected to be carried in horse manure. Dung beetles will eat manure and lay eggs in manure (some dung beetle larvae eat the dung and others eat fly larvae also in the manure), but they find the manure after it hits the ground and are not passed through the horse’s gut. So, it is not likely that horses would be carrying beetle larvae (grubs) to Monterey. Domestic animals are a likely source of many of California’s invasive weeds. Weed seeds are carried attached to the fur or pass through the gut and deposited in manure. Horses brought to Monterey from foreign countries could be a source of new weeds. This impact is however speculative and not likely to be significant against the background of numerous other possible sources of foreign weeds. Further, weed control is a mandatory element of the Site-Specific RMPs and specifically a requirement for the New Equestrian Center and HHNA.

One comment suggested additional controls of hay at the New Equestrian Center. These have been added to the mitigation as presented in FEIR Chapter 3.

One comment requested that the exact protocol for HHNA monitoring, temporary trail closures, and periodic maintenance for erosion be included in the EIR. The detailed protocol will not be developed until the HHNA RMP is prepared because it must be integrated with all other resource management measures. The mitigation measure lays out the general performance standards that the protocol must meet; CEQA allows for implementation details to be developed at a later phase as long as the mitigation description provides reasonable evidence that the measure is feasible to address the underlying impact. The reader is referred to the Master Response concerning Resource Management Plans (MR-BIO-9).

One comment suggested increasingly protective actions if trail use impacts to special-status species or sensitive vegetation communities are identified. Mitigation Measure A-5 (as revised in FEIR Chapter 3) requires closure of the two most sensitive trails in HHNA and provides a system of monitoring and remedial action related to erosion, invasive species, nutrient loading and water quality. These measures are considered adequate to address potential indirect effects of trail use.

## MR- BIO-5: Monterey Pine Forest

Comments on the DEIR raised the following issues regarding Monterey pine forest:

- Clarification of Definitions of Terms.
- Status as a “sensitive community”
- Existing and Cumulative Conditions
- Geomorphic Surfaces
- Large-Scale vs. Small-Scale Removal
- Indirect and Edge Effects
- Preservation as Mitigation.
- Other Mitigation Measures
- Level of Significance
- Other Comments

These issues are responded to below.

## Definitions

Several comments asked for clarification of certain terms used in the DEIR analysis. The following terms are clarified for the reader:

“Undeveloped forest” or “Undeveloped Monterey pine forest” – This term is used to describe forest areas that support Monterey pine forest with naturally established, relatively undisturbed understory. Examples include Pescadero Canyon in Pebble Beach, Point Lobos State Park and Lobos Ranch. This definition is derived from the Monterey Pine Forest Ecological Assessment: Historical Distribution, Ecology and Current Status of Monterey Pine report prepared by Jones & Stokes in 1994

“Suburban forest” – This term also derives from the Jones & Stokes 1994 study and refers to areas that support a Monterey pine canopy, usually over 20% cover, with structures and yards underneath. Vegetation in the understory is usually non-native landscaping. Examples include suburban areas of Pebble Beach, Pacific Grove, and Monterey.

“Rural forest” - This term also derives from the Jones & Stokes 1994 study and refers to areas that support a Monterey pine forest, with rural development underneath. Much of the understory may be natural vegetation except around structures and roads. In some areas the understory may be cleared or highly managed. Examples include larger lot development areas of Pebble Beach, Monterey, and inland areas

“Foregone Restoration” – This term refers to the loss of opportunity to complete the restoration of the Sawmill site to forest. Permit conditions for the Spanish Bay project in the late 1980s required restoration of the Sawmill site as mitigation for loss of forest. Restoration activities were conducted including extensive tree plantings. To date, the restoration has only been partially successful at establishing a full forest community on the site. Implementation of the Proposed Project would require the removal of the prior permit conditions in order to facilitate development of a new equestrian center at the Sawmill site. In the DEIR, the area of “foregone restoration” is identified as that area in which without the project there would otherwise be an opportunity to complete the existing restoration effort.

## Status as a “Sensitive Community”

Several parties assert that Monterey pine forest is not a sensitive vegetation community because neither the tree nor the forest has been formally designated as a protected species or a protected community.

Monterey pine forest was identified as a “sensitive habitat” on page E-13 of the DEIR because the CDFG has identified it as a “natural community of special concern” on the California Natural Diversity Data Base (CNDDB); the forest provides habitat for a number of rare, threatened, and endangered plant species such as Yadon’s piperia and Monterey clover; the forest provides a variety of biological functions and values to resident and migratory wildlife species including some that are threatened and endangered. Indigenous Monterey pine forest is limited in extent (covering approximately 10,000 acres in Monterey County and about 14,000 acres overall at only three locations in California and two in Mexico) and has also been the subject of state and local concern in recent decades due to the historical loss of nearly half of the original forest extent. These factors are noted in the DEIR and no revision is necessary pursuant to this matter.

Monterey pine is on the California Native Plant Society’s List 1B, which contains plant species through to be “rare, threatened or endangered in California”, but Monterey pine is not formally listed as rare, threatened or endangered by the state or the federal government. The CNPS list is advisory in nature; presence of a species on the list does not mandate any legal protection by the local, state, or federal government. However, it is has been common practice for the last decade that CDFG recommends plants on the CNPS’s List 1B and List 2 meet the definition of “rare” for the purposes of CEQA and should be evaluated in CEQA documents. Furthermore, Monterey County, as the CEQA lead agency, concurs with CDFG that plants that are on the CNPS List 1B and 2 meet the definition of rare under CEQA guidelines Section 15380.

Monterey pine forest or Monterey pine do not meet the definition of ESHA in the Del Monte Forest LUP, as discussed separately above.

Because Monterey pine forest is a “sensitive habitat” and Monterey pine is a “rare” species for the purposes of CEQA, CEQA requires the identification of significance impacts and adoption of feasible mitigation measures that are within the jurisdiction of the lead or responsible agencies. No changes are required for the DEIR.

## Existing and Cumulative Conditions

Comments question the accuracy of the presentation of existing and cumulative conditions for Monterey pine forest including questions about how much undeveloped Monterey pine forest is extant at present, existing level of fragmentation, and current status of pitch canker.

### Undeveloped Pine Forest Extent

Monterey Pine Forest Watch submitted a map of undeveloped forest areas Monterey County that identifies approximately 8,300 acres remaining that was developed in 2003 (based on 2002 aerial imagery). The DEIR referenced a total of 9,400 acres of undeveloped Monterey pine forest based on mapping originally conducted by Jones & Stokes in 1994 (based on 1993 aerial imagery).

Jones & Stokes compared and evaluated the differences between the 1994 Jones & Stokes forest mapping and the 2003 MPFW forest mapping to determine why differences existed between the two results and which of those differences were in fact due to changes in visually observable land use between 1993 and 2002, based on aerial imagery. Jones & Stokes used the same methodology and mapping conventions used for the 1994 mapping to update the 1994 mapping (to 2002) focusing on the areas MPFW identified as changed since 1994. The Jones & Stokes review identified one location of suburban forest that was mapped incorrectly in 1994 as undeveloped Monterey pine forest and thus 37 acres were removed from the total extent of undeveloped Monterey pine forest estimated in 1994 ( $9,405 - 37 = 9,368$  acres). The review also identified seven sites (none within the project area), totaling 79 acres, wherein there was clear visual evidence of forest removal from new development between 1993 and 2002. Based on the results of the review, the updated estimated extent of undeveloped Monterey pine forest in 2002 is 9,289 acres, a reduction of approximately 79 acres from the 9,368 acres of forest that existed in 1993. Based on these estimates, the loss of undeveloped Monterey pine forest since 1993 has been about 1%.

The difference between the Jones & Stokes revised estimate for 2002 (9,300 acres) and the MPFW estimate for 2002 (8,300 acres) is accounted for by differences in the mapping materials and methods used by Jones & Stokes and MPFW including: resolution and quality of the 1993 and 2002 images; rectification between the visually rectified 1994 data set and the 2003 data set developed from a geo-rectified image; divergent mapping methods used by Jones & Stokes versus MPFW; and differences in interpretation of development within

which removal of understory vegetation is likely. A technical memorandum describing the review and results in greater detail provided in FEIR Appendix C in this document.

Revisions in the extent of undeveloped Monterey pine forest result in a slight increase in the severity of the cumulative impact of the project on Monterey pine forest, since there remains slightly less extant undeveloped pine forest in 2002 than the 1993 extent used as baseline in the DEIR due to loss of about 79 acres of forest between 1993 and 2002. Accordingly, the estimated mitigation calculation has been updated. The revised additional preservation areas comprise 362 acres. This is an increase of 140 acres from that identified in the DEIR. A portion (43 acres) of this increase is due to an error in the mitigation ratio formula used in the DEIR, which inadvertently resulted in a double-counting of 43-acres of applicant proposed preservation. The remainder of the increase is due to the change in extant forest in 1993 and 2002.

The DEIR has been revised to update the acreage of undeveloped Monterey pine forest and the revised mitigation calculation is presented in FEIR Chapter 3.

## Existing Fragmentation

The applicant asserted that much of the forest within the project sites is actually already suburban, fragmented, or otherwise impacted by roads, utilities, and facilities. DEIR Appendix E, “Biological Resource Setting” describes the forest present within development and preservation areas and notes where roads and other development are located in or adjacent to the sites. The largest forest removal areas for the project are at Area MNOUV (Proposed Golf Course). The Draft (DEIR Appendix E, Page E-36) describes that the forest in Area MNOUV is crossed by roads, trails, and adjacent to the Equestrian Center and other development. The biological resource map (Figure E-9) shows visually the presence of adjacent golf courses as well. While this forest is partially fragmented and subject to indirect effects, it is still relatively intact, and supports a number of special-status species as well as wetland areas and a seasonal pond. In addition, much of the forest has an intact understory (which is lacking in areas characterized as suburban forest). Further, the forest in Area MNOUV supports one of the largest and most dense concentrations of Yadon’s piperia known to exist. These observed conditions are substantial evidence that the forest in Area MNOUV continues to provide a variety of ecosystems functions and values that justifies its general characterization as undeveloped forest. The classification of other forest removal areas is similarly justified in that they contain relatively undisturbed understory vegetation and support sensitive and common species. Thus, the authors of the EIR disagree with the applicant’s characterization and no change in the DEIR classification of forest as undeveloped is warranted.

## Pitch Canker

Several comments assert that the DEIR does not characterize adequately the current state of pitch canker within the forest. Pitch canker is described on page E- 6 in the Biological Resource Setting. Although a site-by-site analysis of pitch canker infestation is not provided, such a level of detail is not necessary to identify project impacts or to design project mitigation. As noted in a response below, forest pests and disease, including pitch canker, were taken into account in the impact analysis and the development of the suite of mitigation.

## Geomorphic Surfaces

Certain comments criticized the DEIR for not characterizing the diversity in the forest using the prior “geomorphic surfaces” or “ecological staircase” approach that was developed by Jones & Stokes in the mid-1990s. Comments suggest that the project impact should be characterized using geomorphic surfaces and mitigation should be derived on the same basis.

In the mid-1990’s, Jones & Stokes characterized Monterey pine forest at Monterey using geomorphic surfaces as a summary of key features concerning forest qualities. The different geomorphic surfaces were associated with soils, elevation, and relationships to the coast that result in the occurrence of varied canopy and understory structures and species composition in the Monterey pine forest (Jones & Stokes 1994a, 1994b). A classification of Monterey pine forest into forest subtypes was developed wherein the canopy and understory vegetation were characterized as they vary with the different soils found on different geomorphic surfaces. This classification was then used as part of development of a conservation strategy for Monterey pine forest prepared for the CDFG (Jones & Stokes 1996). In the conservation strategy report, Monterey pine forest on different geomorphic surfaces was assigned ranks of high, moderate, or low priority for conservation based on existing extent of forest, percent loss of forest from historic extent, percent of forest in protected status, and number of sensitive species with potential to inhabit the area. Conservation priorities were then used to identify management units that were further evaluated for degree of fragmentation, management potential, and presence of priority species. The purpose of identifying conservation priorities and management units was to inform conservation on a broad regional basis. The conservation strategy was broad in nature and not necessarily designed for specific project analysis.

Early in planning for the DEIR for this project, the County considered whether or not to use the geomorphic surfaces and the conservation priorities developed in part based on the classification as part of the presentation of forest characterization, impact analysis, and mitigation development. This review considered the Jones & Stokes reports, as well as Monterey pine forest characterizations conducted by other biologists (Huffman and Associates 1994, Monterey County 1995, 1997; Zander Associates 2002). Based on this review, it was determined that while various methods exist, there is no presently accepted convention for dividing Monterey pine forest into subtypes. The DEIR noted that

natural communities rarely have definite boundaries and that boundaries of natural communities are defined on the basis of human constructs for the purpose of distinguishing different parts of the landscape.

Given that it is undisputed that undeveloped Monterey pine forest is in relatively limited distribution and that approximately half of the original forest extent has been lost historically, it was determined that the DEIR should be based on a premise that *all* patches of undeveloped Monterey pine forest should be considered sensitive and of equal importance to conservation of this resource.

A further determination was that the prior forest characterization approaches were general in nature and could not fully take into account site-specific information concerning sensitive resources found within different forest areas. By contrast, detailed resource inventories have been developed for all of the project development and preservation sites. Thus, it was determined that the DEIR could assess the project effects on individual sensitive resources within the forest on a resource-by-resource and location-by-location basis, rather than having to subsume the analysis of all forest resources within a single analysis of Monterey pine forest. Thus, the DEIR analyzes the impact not only to Monterey pine forest as a whole, but also analyzes the impact to sensitive resources one-by-one within the Monterey pine forest and within specific project areas due to the availability of specific data.

The County determined that the approach ultimately followed in the DEIR was more likely to fully disclose the impacts to Monterey pine forest and the resources dependent on the Monterey pine forest than to adopt any of the prior broad forest characterization approaches including the geomorphic surfaces approach and its associated prioritization scheme. In addition, the approach followed in the DEIR is more conservative than use of a regional prioritization scheme in that it treats all Monterey pine forest areas as sensitive and important, rather than placing a high priority on some areas and a lower priority on others. This approach was a practical determination made for the purposes of CEQA and does not represent a conclusion about the merits of any specific prior forest characterization scheme.

Two concrete examples of how the DEIR approach results in a more accurate project-level disclosure than a broad application of the geomorphic surfaces regional prioritization approach are presented below:

- Area PQR - Area PQR is underlain by marine terraces (specifically Marine Terrace 5 and 6) on the western portion and pre-quaternary shale across most of the remainder of the area with several areas underlain by granitics and alluvial deposits. The marine terrace areas were characterized as high priority in the 1996 study due to a number of priority species being associated with this type of forest. The forest on pre-quaternary shale was characterized as low priority based on the rationale that this forest type is most prevalent and a relatively large area is already in protected status. The forest on marine terraces in Area PQR does contain a significant population of Yadon's piperia, sandmat

manzanita, Hickman's onion and Hooker's manzanita. However, the forest on pre-quaternary shale in Area PQR also contains a sizeable populations of Yadon's piperia, a known location of Monterey dusty-footed woodrat, and riparian and wetland areas, which would seem to indicate that at least some of the areas on quaternary shale are also a "high" priority for conservation. The DEIR treats all of Area PQR forest as "sensitive".

- Area C – This is the forested area west of Congress Road and south of 17-Mile Drive that is proposed to be mostly developed by the applicant for a parking lot for the Inn at Spanish Bay and the Spanish Bay Driving Range. This forest is located on middle-aged dunes, which were identified as high priority in the 1996 study due to the fact that only 15% of the historic extent of this forest remains today. Resource inventories of the site have not identified any special-status plant or wildlife species as present on this site to date other than Monterey pine (which is a CNPS List 1B species). A small wetland area is located in one corner of the site that provides suitable habitat for California red-legged frogs, but no frogs were identified in this wetland during protocol surveys. An argument that could be made that since no special-status species have been found to date on this location it might be considered a lesser priority than another location that contains special-status species, despite being located on a "high priority" geomorphic surface. However, the forest in Area C is fairly intact and is part of a larger contiguous forest with Area B, the Navajo Tract, and Rip Van Winkle part that provides habitat for a wide range of common plant and animal species, which could support an argument that the site is a high priority for conservation. The DEIR identifies this forest, like all other forest within project site areas as "sensitive."

The DEIR provides a characterization of each specific forested area within the project in DEIR Appendix E, including a description of overstory and understory as well as other sensitive biological resources found within a particular area. Resource maps for each area are also provided in DEIR Appendix E. This characterization is considered an adequate description of the forest and its diversity as a basis for identification of impacts and development of mitigation in the EIR.

## Large-Scale vs. Small-Scale Removal

Several comments assert that the DEIR does not adequately describe the different impacts of large scale "clear-cutting" of forest at the Proposed Golf Course or the Spanish Bay Driving Range verses selective removal for residential development.

The DEIR identified the areas of forest removal on project development sites where forest is located within grading lines on site plans or where site plans indicate that overstory or understory removal is proposed. The grading lines are shown on the biological resource maps in DEIR Appendix E as a green line.

Thus, the EIR does not mischaracterize the wholesale removal of forest in development areas such as the Proposed Golf Course or the Spanish Bay Driving Range.

Since site plans have not been developed for the individual home sites within the new residential subdivisions, the EIR estimated the amount of direct forest removal by assuming that each home site would require the removal of 0.22 acres of forest. This number was derived from a rough estimation of the size of residential footprints within large-lot development in the Del Monte Forest. In addition, the EIR assumed that over time, residential development would result in the conversion of the remainder of the forest inside the building envelope identified on the tentative vesting maps due to landscaping, trampling, foot traffic, understory removal, development under the tree canopy, irrigation, and other residential activity. This forest “conversion” was treated the same in the EIR as forest removal because the end result would be a Monterey pine canopy, which could be converted to non-native overstory over time, and a non-native altered understory that no longer functions as an undeveloped forest. In reality, this assumption is conservative because while the forest conversion in suburban areas is a reasonably foreseeable phenomenon, it is also likely that some residential owners will leave some of the overstory and understory within their properties intact. By erring on the side of caution, however, the EIR avoids underestimating (or undermitigating) forest removal.

## Indirect and Edge Effects

Comments assert that the DEIR inadequately analyzed indirect project impacts including effects relating to increasing the amount of edge, genetic diversity, forest pests and pitch canker, pesticides and fertilizers, microclimate and macroclimate, and invasive species threats among others. Comments also suggest that larger buffers are needed as mitigation and that preservation will be of less value because of existing edge effects in some preserved areas. One comment requests additional preservation as a visual buffer for Pacific Grove areas near the Sawmill site.

Indirect effects are mentioned in the DEIR on page 3.3-18, Lines 9 through 21, including disturbance from adjacent construction, changes in soil and hydrologic conditions, increased exposure to pesticide and herbicide drift, fragmentation of remaining stands, increased susceptibility to insects and disease including pitch canker, and loss of genetic diversity. The DEIR also assesses the indirect effect of gradual conversion and loss of suburban forest over time due to the effects describe in the response above. This residential indirect effect was quantified by assuming ultimate conversion of the entire area within the building envelope. The DEIR on page 3.3-22 Lines 11 through 14 notes that indirect effect areas, apart from the residential lot building envelopes, are difficult to quantify as such effects are highly site-specific, variable, and somewhat difficult to measure. In addition, the DEIR notes where mitigation, whether applicant-proposed or additionally required, would reduce indirect effects. One example is resource management, including maintenance for invasive species. If forest removal and

development adjacent to forest would increase the potential for invasive species to colonize the understory, requiring periodic monitoring and removal of invasive species is an appropriate mitigation measure.

The DEIR also analyzed the project impacts related to use of pesticides and herbicides and changes in hydrologic conditions in Section 3.4, "Hydrology and Water Quality"

## Edge effects

"Edge" effects refer to the effects on a forest and its resources due to the increase in the amount of forest edge due to forest removal or loss and the presence of adjacent development. Some examples of edge effects that can occur due to development include: increase in sunlight and temperature, increase in wind exposure, change in humidity levels, drift of pesticides and herbicides, increase in noise levels, increase in dust (particularly adjacent to roads or construction sites), increase in potential for invasive species, trampling and disruption due to human and pet access, and other effects. The area in which these various effects extend from the forest edge toward the interior vary. The consequences of these edge effects for native vegetation can include: reduction in vegetation health, replacement of vegetation more suited to altered conditions or invasive species, change in vegetation density and associations. The consequences of edge effects for native wildlife can include: loss of cover, loss of forage species, competition from or harassment by domestic wildlife, relative increase in species accustomed to human presence (such as raccoons and crows), increased predation by species colonizing the edge area, loss of refugia and other effects.

While the DEIR does not describe all of these edge effects specifically, the authors of the biological analysis are well aware of these edge effects and considered this context when preparing the DEIR analysis and designing mitigation. It was decided that a precise quantification of edge effects for existing forest and retained forest with the Proposed Project development was not feasible. Lacking a quantifiable basis for developing mitigation, the focus of mitigation was on reducing forest loss (by reducing residential building envelopes, for example); restoring, enhancing, and sustaining forest health in areas where forest was retained next to development and would be subject to edge and other indirect effects; and preserving and managing existing and newly preserved areas to reduce indirect/edge effects resulting from existing conditions and indirect/edge effects resulting from the Proposed Project.

Indirect/edge effects were considered when developing the overall preservation mitigation calculation for cumulative effects (see page 4.4-16 Lines 7 - 12). The overall preservation mitigation scheme is based on retaining of 95% of the extant forest present as of 1993, at which time already half of the original forest had been lost. The applicant proposed 458 acres of preservation. Additional mitigation identified in the DEIR (modified in this document) would require an additional 363 acres of preservation, for a total of 821 acres, compared to net removal of approximately 123 acres, after the implementation of other mitigation

measures. The result is that applicant is required to provide preservation of nearly 7 acres of undeveloped Monterey pine forest for every acre of forest removed. Lacking formal protection in the form of binding conservation easements or public agency or private conservation ownership and resource management, some of the proposed dedication areas would likely be developed over time and/or would be subject to the indirect effects of existing and future developments. By preventing further loss greatly in excess of a 1:1 preservation-to-impact ratio and requiring resource management, the overall mitigation scheme offsets indirect effects of the Proposed Project.

One specific comment asserted that because Area I-2 is already a fragmented strip, the DEIR's conclusion that residential development in this area would make the remnant forest less resistant to indirect effects from adjacent development is a distinction that is not measurable. Though I-2 is already narrow, on a micro scale it still contains an edge and an interior that will be substantially reduced with residential development such that much of what remains will be edge. That remnant edge along the golf course will be subject to golf course indirect effects on one side and those from residential development on the other side. This is what the DEIR meant to refer to with the term "less resistant", better phrasing would be "more subject to".

A specific comment was provided that edge effects were not taken into account in the analysis of project effects at the residential subdivisions in Area F-2, Area F-3, and Area PQR. Area F-2 is surrounded by Poppy Hills Golf course on three sides and Lopez Road and the Poppy Hills clubhouse and parking lot on the fourth side, and thus is one of the most fragmented forest locations included in the project area. The site itself has a road through the middle of it and a materials handling facility. Residential development in this area will substantially complete the existing fragmentation of the extant forest and no doubt exacerbate existing edge effects. However, the DEIR analysis is based on a presumed forest loss and conversion of a total 12.4 acres at Area F-2 (see Table 3.3-1 following page 3.3-18), whereas the actual forest removal estimated for residential development is only 3.3 acres. By including the forest conversion as if it were complete loss of forest, the DEIR in effect accounts for substantial loss of forest due to potential indirect and edge effects. Further detailed analysis would not change the impact conclusion or the mitigation. At Area F-3, the analysis of forest removal and conversion uses the same methodology and the project includes dedication of a conservation area that will act as a buffer between the four residential lots and HHNA. At Area PQR, the residential analysis of forest loss is equally conservative and the project includes dedication of 233 acres of adjacent forest to preserve the resources therein. Regarding increasing buffers between Lots 1, 2, 3, and 4 and the "pine savannah" area (otherwise known as Spruance Meadow), this is a suggestion that can be accommodated by a minor revision to Mitigation Measure BIO-B1-2 to further reduce edge effects. Building envelopes for Lots 5, 6, and 7 were already adjusted in the PRDEIR to avoid losses of Yadon's piperia and further revision of the envelopes is not considered feasible.

## Genetic Diversity

The DEIR notes loss of genetic diversity as an indirect effect of forest loss due to the Proposed Project. Due to the removal of forest overstory and understory, there will be a loss of genetic material. However, in the overall development and preservation plan, areas of Monterey pine and Monterey pine forest will be retained at every development site, which allow for retention of some of the genetic resources present on site. Overall, when the applicant-proposed preservation, conservation, and resource-management areas are taken into account, nearly 81% of the forest present within the project development and preservation areas in the Del Monte Forest today will be retained, which will preserve a large portion of the genetic diversity of Monterey pine and other forest resources. In addition, where restoration is conducted for Monterey pine or other vegetation, local genetic stock is specified to be used in order to preserve genetic diversity *in situ* and to avoid genetic contamination.

## Forest Pests and Pitch Canker

Forest pests and diseases, including pitch canker are discussed in DEIR Appendix E, pg. E-6, Starting at Line 24. These were taken into account when analyzing project effects. In addition to resource management of preservation, conservation, and other retained forest, mitigation is included in the DEIR (Mitigation Measure BIO-II-1) to use removal and disposal techniques for trees infected with pitch canker following guidelines from the Pitch Canker Task Force; to use planting stock from healthy, mature local trees and include pitch canker-resistant individuals from a diverse genetic background; to assess the forest for presence of the sudden oak death pathogen and follow recommendations of the California Oak Mortality Task Force. In addition, with the substantial amount of preservation, there will be retention of a wide diversity of Monterey pine stock in multiple locations, which is an effective strategy for ensuring retention of individual trees that are resistant to present and future pests or disease.

## Pesticide and Fertilizer Use

Section 3.4, "Hydrology and Water Quality" analyzed the use of pesticides and fertilizer and the potential for indirect effects were noted in the analysis of project impacts to Monterey pine forest. As noted in the DEIR (see page 3.4-15, Starting at Line 29), the applicant's Best Management Practices (BMP) plan includes an integrated pest management program (IPM) that will govern the selection and use of pesticides, herbicides and fungicides. This BMP plan is included as an appendix to the Master Resource Management Plan (in Appendix F on the CDROM version of this document) in this document for the reader's reference and is considered part of the applicant's Proposed Project and thus the measures in the plan are considered mandatory. While pesticide and fertilizer use adjacent to retained forest could effect forest edge environments, with the implementation of the controls described in the BMP plan and other

required forest management measures, the effect of pesticide and fertilizer use is considered to be less than significant. As supporting evidence that BMPs are feasible to avoid substantial alteration of adjacent natural environments, one can examine the forest in Area MNOUV that is adjacent to the Cypress Point golf Club, where as documented in the resource maps in DEIR Appendix E Figure E-19, Monterey pine and Yadon's piperia are found nearly to the edge of the golf course. Another example is Area L, adjacent to Spyglass Hill golf course where a breeding population of California red-legged frogs is found nearly adjacent to the golf course. Neither of these examples should be taken to mean that there are no existing indirect or edge effects of current golf course use of pesticides and fertilizers nor to conclude that there won't be future indirect effects from the Proposed Golf Course. However, it is suggestive that the indirect effects have not resulted in wholesale loss of understory, vegetation, or dependent sensitive resources. With inclusion of measures contained within the applicant's BMP Plan the indirect effects will be minimized.

## Forest and Climate

Climatic effects of forest removal were not discussed in the DEIR. Comments assert that there would be microclimatic effects on the adjacent forest edge and potentially macroclimate effects on part of the Del Monte Forest or the Monterey Peninsula. One comment asserted that the DEIR did not consider climate change (e.g. global warming) in the context of cumulative impacts.

Microclimatic effects due to forest removal could occur including increased wind exposure, increased sunlight and average temperatures and reduced humidity. As noted above these indirect effects could affect extant vegetation and use of areas by wildlife. The area of these effects will vary depending on the amount and configuration of forest removal. For example, removal of a strip of forest for a road or a trail would result in far less potential for microclimate changes than wholesale removal such as at the golf course. At the golf course, the design is for a "forest" course containing forest strips between the fairways. Adjacent forest across a fairway may buffer a downwind area from wind exposure and reduce sunlight exposure during the early and late parts of the day, although wind and sun exposure will increase along the edge of the retained forest. Although these microclimatic effects are likely to occur in certain locations, they are not likely to result in any appreciable loss of forest overstory or understory along the edge of retained forest, as evidenced by the presence of intact native forest overstory and understory adjacent to golf courses throughout the Del Monte Forest. While some indirect effect would occur, with implementation of the mitigation in the DEIR, these effects are not considered to result in a significant effect overall, such that further mitigation would be required.

One comment asserted that the Proposed Project might change the climate in the Del Monte Forest or Monterey Peninsula as a whole based on the premise that the forest provides protection from wind and is "the basis of the clement weather patterns" in the area. While the forested areas in the Del Monte Forest do provide protection of immediately downwind areas, the effect of this wind buffer

is localized. The dominant force in determining Monterey Peninsula climate is the nearby ocean, which moderates temperature extremes. The ocean has higher nighttime temperatures and lower daytime temperatures than inland areas and therefore influences the coastal areas such as the Monterey Peninsula. The localized presence of forest can increase the effective precipitation in areas that receive coastal fog, such as Monterey, by fog capture, which can increase localized humidity levels. However, the net removal after mitigation of 123 acres of forest at various locations in the Del Monte Forest is unlikely to appreciably change the climate on any appreciable macro scale in terms of temperature, precipitation, or wind and is not considered a significant impact.

Regarding climate change and global warming, one comment asserts that the project will reduce the ability of Monterey pine forest and native species to adapt to ongoing climate change. Since Monterey pine and other Monterey Peninsula endemic species are adapted to particular climate conditions near the coast, such as moderate temperatures, and fog, future climate change could change the suitability of present forest areas for growth and reproduction of these species. The Del Monte Forest is already hemmed in by development within cities and by Highway 1 and there are virtually no non-forested, non-developed areas present within the Del Monte Forest to which Monterey pine could “migrate”. Thus, it is somewhat speculative to assert that Monterey pine will somehow “migrate” through the developed areas to colonize new areas beyond. At any rate, the removal of 123 acres of forest with the Proposed Project is unlikely to change the long-term response of Monterey pine or other native species to potential climate change. Further, the project as mitigated will provide for the preservation and management of nearly seven acres of forest for every acre removed including areas within the Del Monte Forest and several inland areas, which will preserve a large seed bank and genetic storehouse for future preservation of Monterey pine and native forest species.

## **Fire Suppression/Natural Regeneration Ability**

One comment asserts that the DEIR did not discuss how the project will affect Monterey pine forest by requiring more expanded fire suppression and further reduction in the natural regeneration of Monterey pine and other species. The Del Monte Forest is already substantially developed and residential and recreational development is already found throughout the planning area. As a practical matter, natural fires that may occur will always be suppressed wherever they might occur throughout the forest regardless of location. Thus, the project will not change the level of natural fire suppression, which will occur in the local area. While the Huckleberry Hill fire in 1987 may have promoted natural regeneration, as an uncontrolled fire that destroyed 31 homes, it is unrealistic to think that natural fires will ever be left to burn with or without the forest.

The applicant’s forest management plan (FMP) and ecological management plan (EMP) mention the possibility of controlled burns as a forest management method, but only if approved and under the direction of the California Department of Forestry and Fire Protection authorities. Given the precedent of

the 1987 fire, whether or not controlled burns can actually be used in the Del Monte Forest is unknown at this time. At any rate, project development, including residential development near substantial forest areas (such as Area PQR and F-3) will not substantially change the overall opportunities for use of controlled burns for management, which are likely to be limited to areas well-separated from all development in conditions wherein control measures can assure control at all times.

## Buffers

Several comments asserted the need for larger forest buffers around development due to indirect effects and additional preservation due to indirect effects at proposed preservation areas. Other comments advocated that the Sawmill site was intended as buffer between Pacific Grove, S.F.B Morse Drive and Huckleberry Hill Natural Area and should be kept as a buffer.

As noted above, indirect and edge effects exist at present along the edge of forested areas adjacent to development and the Proposed Project will result in additional indirect and edge effects. The Proposed Mitigation has increased the buffer area around certain forest resources such as areas of the Proposed Golf Course that support California red-legged frog, wetlands, and a seasonal pond. The reduction in building envelopes at residential areas effectively increases the buffer around residential development.

At the Proposed Golf Course and the Spanish Bay Driving Range, which are the areas of largest forest removal, it is not considered feasible (short of a 9-hole alternative) to provide for larger forested buffer areas than that already included in the applicant's proposed plan while meeting the applicant's project objectives of providing championship-quality golf facilities. However, other mitigation is considered effective to address both direct and indirect project effects as discussed in the DEIR.

Regarding the Sawmill site, the Spanish Bay permit conditions required the restoration of the Sawmill site to mitigate for forest removals for S.F.B. Morse Drive, sand mining, and other project development. The record is not specific that the restoration was intended specifically as a buffer between HHNA and development, although it is possible that this was contemplated at the time. It is not feasible to keep the Sawmill site as a buffer without either not providing a replacement site for the existing equestrian center or eliminating the possibility for a new 18-hole golf course in Area MNOUV. Because the upper Sawmill site is only partially vegetated and the lower Sawmill is relatively unvegetated, site development will only require the removal of 3 acres of native forest. This forest removal will not substantially alter the effective separation of S.F.B. Morse Drive from the most sensitive part of HHNA (which is the S.F.B Morse Reserve).

The City of Pacific Grove asserted that the DEIR does not address the impacts of the loss of forest at the Sawmill site to accommodate the new equestrian center and the impacts on the Del Monte Park area of Pacific Grove. The city requested

specific tree replacement counts or percentages and a buffer zone on undeveloped parcels adjacent to the City of Pacific Grove.

As described in the DEIR, Huckleberry Hill Natural Area was previously dedicated by the applicant to the Del Monte Forest Foundation in the late 1980s. This dedication includes the forest land along the southeast edge of the Del Monte Park area and already provides a buffer between this part of Pacific Grove and the Sawmill site. The current Proposed Project, as described in DEIR Chapter 2, includes dedication of the 17-acre Area D, which is the undeveloped forest area along the southwest edge of the Del Monte Park area (see Figure 2.0-2 in the DEIR) that provides a buffer between this part of Pacific Grove and the Sawmill site. Thus this neighborhood has been provided and will be provided the buffer zone requested by the City. These buffers should also obscure the visibility of the New Equestrian Center from the nearby Pacific Grove homes.

As to tree replacement counts, the DEIR describes on page 3.3-64, starting on Line 4 that the replacement ratio will be 1:1 in accordance with Del Monte Forest LUP policies. However, this is a 20-year goal, given that tree planting must be balanced with ecological considerations of forest health. Given the existing presence of buffering forest land that is dedicated or will be dedicated, specific tree plantings to provide buffers for the Del Monte Park area are not necessary.

## Value of Preservation Relative to Indirect Effects

Some comments assert that the proposed or additionally required preservation areas are somehow less valuable than the DEIR presents because they have existing indirect and edge effects and that more mitigation is required as a result. The assertion is correct in that there are probable indirect and edge effects where residential, road, golf, or other development abuts undeveloped forest areas. However, this line of reasoning would also apply to the edges of forest that the applicant proposes to remove that are presently adjacent to development. More importantly, the presence of indirect and edge effects does not mean that the forest edges in development or preservation lacks value as there are extant resources in forested areas including along the edge, though they might be somewhat diminished in comparison to forest interiors. Given the difficulty in accurately quantifying indirect effect areas, it is not considered feasible to discount the preservation area value by some factor to account for existing indirect or edge effects. Further, even if one could discount the preservation value, one would need to also discount the value of the forest edge removed in developed areas. If applied, such “discounting” would likely result in no substantial difference between a lowered “value” of forest lost and a lowered “value” of the preservation. The DEIR instead addresses the forest areas as equally sensitive, analyzes forest resource impacts wherever they occur, adopts mitigation to address indirect effects through resource management and provides for an effective ratio (nearly 7:1) that will overcompensate for direct effects to take into account indirect effects.

## Preservation as Mitigation

Comments question the efficacy, value, and appropriateness of preservation as mitigation for removal of forest. Comments questioned the value of preservation to mitigate for foregone restoration at the Sawmill site and the original Spanish Bay project forest removal. Some comments asserted that the DEIR uses the LCP as a “buildout” assumption to assign a mitigation value to preservation, whereas they assert that the value of preservation should be derived from an assessment of what buildout actually could occur in forest areas given the constraints on development and the application of the LCP policies. One comment asserts that the requirement of preservation as mitigation may constitute a “taking” under the federal Constitution. Several comments question the appropriateness of preservation outside the Del Monte Forest as a means to mitigate loss of forest within the Del Monte Forest. The applicant asserted that it should receive mitigation “credit” for prior dedication of the Huckleberry Hill Natural Area.

## Value of Preservation

The DEIR notes that the value of forest preservation (combined with required resource management) as mitigation is multi-fold and includes: 1) preventing future development and loss and further fragmentation of forest; 2) preserves the biological and genetic diversity of forest resources; 3) provides funding for resource management efforts; 4) provides forest management opportunities not available on land that is not dedicated for conservation purposes. Preservation does not recreate lost forest and the DEIR correctly discloses that the project, even as mitigated, will not result in “no net loss” of forest. Instead, the DEIR uses an overall cumulative threshold of significance to identify an overall cumulative level of forest loss that would avoid substantial adverse effects to Monterey pine forest on a regional basis. This threshold is identified as 5% of the forest that was extant in 1993. The cumulative mitigation scheme in the DEIR is designed to ensure that the Proposed Project would not contribute to a cumulative level of forest loss greater than 5%. The means to ensure that forest loss does not exceed the threshold are the avoidance, minimization, restoration, enhancement, and resource management and preservation mitigation. The preservation component is a key element in that it prevents future development in areas of undeveloped forest that might otherwise occur. By preserving forest, particularly at the ratios developed for this project, the overall project is determined not to contribute to an unsustainable cumulative loss of forest, even though the project would result in a net loss of forest (of about 123 acres).

Though some comments may disagree with the concept that preservation can mitigate for forest loss, compensation mitigation is a common practice that is utilized throughout Monterey County and across the state as mitigation for loss of sensitive communities. The effective preservation ratio used for this project (nearly 7:1) is higher than that used on prior projects in the Monterey region for Monterey pine forest (which have commonly ranged from 1:1 to 4:1). This higher ratio is due to the specific cumulative impact threshold identified in the

DEIR. Taking into account the comments on the DEIR, the County does not find any substantial evidence that the preservation mitigation approach is flawed in concept or is substantially of lower value than previously thought, and no revision of the DEIR is warranted.

## **Preservation as Mitigation for Foregone Restoration**

Regarding preservation as mitigation for foregone restoration at the Sawmill site, the DEIR treats loss of foregone restoration as if it were removal of native forest for the purposes of determining the amount of preservation mitigation required overall for cumulative impacts. The existing Sawmill restoration area, however, is only partially forested and lacks many elements of an undeveloped forest. The restoration of the Sawmill area was intended to mitigate the loss of about 10 acres of forest from the original Spanish Bay development and the building of S.F.B Morse Drive. Since the Proposed Project will remove the opportunity to complete the prior Spanish Bay mitigation, the mitigation for this project must address the original loss of forest.

The DEIR treated the lost restoration opportunity on a 23-acre area as if it were a loss of 23 acres of native forest and also included the loss of 3 acres of removed native forest at the Sawmill site for a total of 26 acres of impact resulting from the New Equestrian Center construction.

The applicant's proposed preservation areas include Area D (directly adjacent to the Sawmill site), a portion of Area F-3 (directly adjacent to HHNA), a forested portion of the Corporate Yard Area (directly adjacent to HHNA), and Area G and H (contiguous to HHNA). Mitigation would add dedication of most of Area F-1 which is also contiguous to HHNA. Together, these represent about 143 acres of new dedications around HHNA. The development of the Sawmill site for the New Equestrian Center would effectively take 32 acres out of conservation (13-acres of native forest around the site directly adjacent to HHNA will remain in dedication). Thus, the project would result in a net increase in preserved areas of 111 acres.

Today, the preserved area within HHNA (including SFB Morse) covers approximately 351 acres. Including the Sawmill area (45 acres) this total increases to 396 acres. With the project and project mitigation the overall preservation area in and around will be 507 acres. Overall, this expansion of preserved areas combined with the resource management of the preserved areas is considered adequate mitigation for the loss of native forest, foregone restoration, and the original Spanish Bay forest loss to bring the impact to a less than significant level.

## **Development Potential and Preservation Value**

Some comments assert that the DEIR overvalues preservation as mitigation because all of the preservation areas could not be actually be developed due to

environmental constraints (such as slope, rare species, etc.), LCP policies (concerning ESHA for example), lack of water supply, or other factors.

Table F2-1 shows the existing Del Monte Forest and other plan designations for areas included in the proposed and required preservation areas. As this table shows, of the total 821 acres of Monterey pine forest within new preservation lands, approximately 643 acres are currently in areas with development land use designations and 178 acres are within areas designated open space forest, presuming the pending City of Monterey General Plan Update is adopted as proposed.

CEQA requires analysis to be based on substantial evidence and evaluation of reasonably foreseeable conditions. While it is correct that environmental or other constraints may be present in the near-term to medium-term in certain parts of areas designated for development, it is reasonably foreseeable that some of these areas can be developed at some point in the future. For example, it is possible that the current water supply shortages may be remedied by plans for aquifer storage and recharge and desalination projects.

Of the areas designated Open-Space Forest, it is also important to remember that land use plans can change in time. An example is Measure A, which if certified, would change the designation of the Sawmill site from Open-Space Forest to Open-Space Recreation to facilitate a larger level of development than currently allowed in the existing LCP.

Permanent preservation of a forest areas through conservation easements can avert the potential for future land use plan and policy changes to facilitate further development within undeveloped forest provided that the easements are made permanent, irrevocable and sufficiently rigid that they cannot result in future loss of the habitats they are intended to protect.

## Is Preservation Permanent?

A number of comments questioned the effectiveness of mitigation through dedication of undeveloped forest areas through dedication of conservation easements in light of the precedent that may be set by revision or revocation of the conservation easements for the Sawmill site. CDFG requested to be added as a third-party beneficiary in proposed easement dedications.

This is an appropriate concern. As described in the DEIR, the intent of the Spanish Bay permit conditions and the conservation easements dedicated for the upper and lower sawmill was to restore the area previously disturbed by sand mining and integrate the restored forest area with the adjacent HHNA. This intent has only been partially fulfilled due to the mixed success of the restoration effort.

Obviously, if the conservation easements to be dedicated as part of this project or required as additional mitigation were to later be revoked or revised such that the

Table F2-1  
Land Use Designations in Proposed Preservation and Conservation Areas

Area	Current LUP Designation	Dedicated Forest in Development Designation	Dedicated Forest in Open Space Forest Designation	Total Dedicated Forest Area (acres)
<b>Applicant-Proposed Forest Preservation Areas</b>				
Preservation Area B	MDR/2 OF	14.1	6.2	20.3
Preservation Area D	MDR	17.1	0.0	17.1
Preservation Area G	MDR/4 OF	33.3	14.6	47.9
Preservation Area H	MDR/4 OF	27.9	25.9	53.8
Preservation Area I-1	LDR/1 MDR/2 OF	31.8	6.4	38.2
Preservation Area J	MDR/2	0.8	0.0	0.8
Preservation Area L	MDR/2	18.2	0.0	18.2
Preservation Area PQR	LDR/1 OF	145.1	88.0	233.1
Corporation Yard Preservation Area	CG/IC	6.5	0.0	6.5
<i>Subtotal</i>		<i>294.7</i>	<i>141.0</i>	<i>435.8</i>
<b>Applicant-Proposed Forest Conservation Areas</b>				
Signal Hill Conservation Area Bristol Curve Conservation Area (@Proposed Golf Course)	LDR/1 MDR/2 & 4 OR OF	6.7	0.0	6.7
Conservation Area C (@Spanish Bay Driving Range)	MDR/2	3.3	0.0	3.3
Conservation Area F-3 (@Residential Area F-3)	MDR/2	8.6	0.0	8.6
Conservation Area K	MDR/2	3.9	0.0	3.9
<i>Subtotal</i>		<i>22.6</i>	<i>0.0</i>	<i>22.6</i>
<b>Total of Applicant-Proposed Forest Dedication Areas</b>				
<b>Total</b>		<b>317.3</b>	<b>141.0</b>	<b>458.4</b>
<b>Additional Forest Dedication Areas Required as Mitigation</b>				
Area F-1	MDR/2	8.8	0.0	8.8
Area J	MDR/2	8.1	0.0	8.1
Area K (Additional Area for YP)	MDR	2.3	0.0	2.3
Old Capitol Site	P-C / R-VLD & PRO***	37.3	37.3	74.6
Portion of Aguajito Parcels	RDR 10 A/U	270.0	0.0	270.0
<i>Subtotal</i>		<i>326.4</i>	<i>37.3</i>	<i>363.7</i>
<b>Total of New Forest Dedication Areas</b>				
<b>Total</b>		<b>643.7</b>	<b>178.3</b>	<b>822.1</b>
<p>Notes:</p> <p>LDR/# = low-density residential/acres per unit minimum</p> <p>MDR/# = medium-density residential/units per acre maximum</p> <p>VSC = visitor-serving commercial</p> <p>CG = commercial/general</p> <p>IC = commercial/institutional</p> <p>OR = open space recreation</p> <p>OSF = open space forest</p> <p>RDR/10 = rural density residential/10 acres per unit minimum</p> <p>P-C = Planned community (City of Monterey)</p> <p>R-VLD = Residential - Very Low Density (2 units/acre max) (City of Monterey)</p> <p>PRO = Parks, Recreation, and Open Space (City of Monterey)</p> <p>*** = City of Monterey has a GP Update that is under consideration. The current designation for the Old Capitol site is planned community; the proposal is to change to a combination of residential and parks, recreation, and open space. It has been presumed that the GP Update is approved; if not, the dedication of Old Capitol Site would be more "valuable" than presented herein as the entire site would be designated for development. GIS delineation of the new designations was not obtained - It was assumed that about half of the forest is within the PRO and half within the R-VLD. Note that mitigation requires dedication of the entire Old Capitol site (135 acres), not just the undeveloped forested area.</p>				

natural resources within the dedicated areas were no longer protected from development, then the impacts of this Proposed Project would not be adequately mitigated.

In order to prevent any such future alteration of the new conservation easements, language was provided in Mitigation Measure BIO-B1-6 to make the easements permanent and irrevocable. After consideration of comments and further review of the identified concern, additional procedures have been added to reinforce the permanent and irrevocable nature of the new easements. These are described in the revisions to this mitigation measure in FEIR Chapter 3.

## Preservation as “Takings”?

One comment suggests that the required amount of preservation could constitute a denial of the applicant’s property rights and if so, that such mitigation could constitute an “uncompensated taking of property” under the U.S. Constitution. The comment specifically noted the U.S. Supreme Court Decision in the *Dolan v. City of Tigard* (93-518, June 24, 1994).

*Dolan v. City of Tigard* established the principal that mitigation for project impacts must 1) have a *nexus* with the underlying impact and 2) be roughly *proportional* to the level of the underlying impact in order to avoid being considered an “uncompensated taking of property” under the U.S. Constitution.

In regards to the mitigation proposed in the DEIR (as updated in this document), the applicant would be required to dedicate conservation easements and conduct resource management on approximately 821 acres of land that it owns (including 458 acres that the applicant proposed and an additional 363 acres) as mitigation for project impacts to Monterey pine forest. Preservation and resource management of extant forest is directly related to the project’s adverse direct impacts of forest removal and indirect effects resulted from forest removal and development adjacent to the forest. Thus, the mitigation satisfies the “nexus” test.

After implementation of other mitigation measures, the DEIR identifies that the Proposed Project will result in a net loss of 123 acres of forest. The ratio of forest lost to forest preserved is nearly 7:1. Habitat preservation ratios of greater than 1:1 are commonly used to compensate for loss of sensitive resources in Monterey County and throughout California. Actual ratios utilized can vary widely depending on the resource loss being mitigated, site-specific circumstances, sensitivity of the particular resource or habitat, and the methodology utilized to determine a compensation amount. Preservation by itself does not avoid a net loss of the resource as it does not result in creation of replacement habitat; thus the value of preservation, as describe above, is in providing opportunities for conservation and resource management to sustain a sensitive resource on a broader scale and to avoid development in other areas that might have adverse effects to the target resource or habitat.

The DEIR uses an overall cumulative threshold of significance of 5% of the forest that was extant in 1993. The cumulative mitigation scheme in the DEIR is designed to ensure that the Proposed Project would not contribute to a cumulative level of forest loss greater than 5%. The retention requirement (of 75% of extant forest) and the preservation ratio (2.95:1) are designed to allow for cumulative retention of 95% of the extant forest in 1993. Thus, the amount of land that the applicant would be required to retain and preserve is determined in proportion to the amount of forest that is present on the project site and the amount the project would ultimately remove. The Proposed Project's cumulative contribution is defined by the proportion of the "allowable loss" that can cumulatively occur without resulting in substantial uncertainty of the future conservation of Monterey pine forest in the Monterey region; and hence the mitigation also passes the "proportionality" test.

Because it passes the primary tests established in *Dolan v. Tigard*, the mitigation would not constitute an unconstitutional taking of property.

## Preservation Outside Del Monte Forest

Comments questioned the appropriateness of preservation of forest areas outside the Del Monte Forest as mitigation for loss of forest within the Del Monte Forest.

The Del Monte Forest is a planning distinction and the Monterey pine forest within the planning area does not constitute an ecologically separate forest. While in general, preservation of forest areas close to the areas that are removed due to development is the most appropriate mitigation, the DEIR identifies the requirement for additional preservation of areas within and outside the Del Monte Forest not to address direct impacts, but to address cumulative impacts. The area of analysis for cumulative impacts to Monterey pine forest includes the full extent of Monterey pine forest in Monterey. While some of the forested areas outside the Del Monte Forest have ecological differences from some of the forested areas within the Del Monte Forest, there are many functions and values and special-status species in common. One example is the Old Capitol Site, which is required as mitigation in the DEIR and is outside the Del Monte Forest. This site contains undeveloped Monterey pine forest and a sizeable population of Yadon's piperia and an occurrence of Hooker's Manzanita, two special-status plants that would be adversely affected by the Proposed Project. It should also be noted that with prior dedication of HHNA Pescadero Canyon and several other smaller forested areas, the applicant-proposed preservation of 458 acres of forest within the Del Monte Forest, the additional required preservation of Areas F-1 and J, there are very limited areas remaining within the forest that are not already in forest or proposed for development in the Proposed Project. Since there are no appreciable areas remaining for preservation in the Del Monte Forest and the intent of the mitigation for cumulative impacts is to address Proposed Project impacts on a regional basis, the inclusion of some preservation areas outside the Del Monte Forest is considered appropriate and to have adequate nexus to the project impacts.

## **“Credit” for Prior Dedication of HHNA**

The applicant requests mitigation “credit” for its previous dedication of Huckleberry Hill Natural Area in the late 1980s. The applicant argues that the HHNA was dedicated in conservation to “pre-mitigate” for buildout of the Del Monte Forest and the Proposed Project is part of that buildout.

The original Spanish Bay Resort project was approved by the County and the CCC in 1984 and 1985. The dedication of conservation easement for HHNA was included as Condition 31 in the County’s use permit (PC-5202) and Condition 5 of the CCC permit (3-84-226). The Del Monte Forest LUP designated HHNA as ESHA and LUP 26 required that the HHNA be dedicated at the time of the first development adjacent to State Highway 68 or within certain areas in the Del Monte Forest. The applicant made an offer to dedicate the HHNA in 1987 that was accepted by the Del Monte Forest Foundation in 1992.

Since the HHNA was previously dedicated as a condition of approval for a prior project and is presently dedicated, the County has determined that there is no remaining mitigation “credit” that could be allotted to the Proposed Project. However, the fact that the site is protected in a conservation easement was taken into account when establishing the cumulative baseline for Monterey pine forest, in that HHNA was included in the previously protected forest area total when designing mitigation for cumulative impacts of the Proposed Project.

## **Specifying Preservation Areas**

The applicant requested that the additional areas of preservation mitigation required by Mitigation Measure BIO-B1-2(C) should be allowed to come from any of the areas owned by Pebble Beach Company and not necessarily those specified in the DEIR. The additional preservation areas were selected on the basis of identifying manageable intact areas of forest within the Del Monte forest first (Areas F-1 and the existing lots in Area J) supporting rare species, then identifying manageable areas of forest outside the Del Monte Forest (Old Capitol Site and Aguajito) in order to meet the required preservation amount. The mitigation requires dedication of most of Area F-1 and Area J and all of the Old Capitol Site to avoid potential future fragmentation of these sites, to avoid other indirect effects, to allow their effective resource management, and where feasible to allow for the potential of replanting and enhancement of degraded areas (particularly at Old Capitol Site). As noted in the PRDEIR, the selection of the area to be dedicated within the Aguajito site will also be required to include the areas of Yadon’s piperia identified in 2005 surveys. Leaving the selection of any forested areas of any configuration and location within the applicant’s holdings does not ensure that the preservation areas will provide adequate mitigation value to offset the project’s contribution to cumulative impacts to Monterey pine forest or forest resources. Revisions have been added to Mitigation Measure BIO-B1-2(C) to ensure that the selection of the specific portion of the Aguajito parcels to be dedicated is done based on ensuring the mitigation value for impacts to Monterey pine forest and Yadon’s piperia (see FEIR Chapter 3 for wording).

## Other Mitigation Measure Comments

Some comments suggest that the County should adopt the CCC's Periodic Review comments as mitigation for this project. Comments question the efficacy and appropriateness of certain other mitigation measures such as tree replanting. Comments also suggest a number of alternative mitigation measures that they believe might be more effective than those proposed in the DEIR.

## CCC Periodic Review Comments on Monterey Pine Forest

The CCC, in cooperation with Monterey County, has been conducting a periodic review of Monterey County's Local Coastal Program (LCP). The California Coastal Act provides that the CCC periodically review the implementation of local coastal programs to determine whether the LCP is effectively carrying out the goals and policies of the Coastal Act. The review is focusing on implementation of the LCP and resource changes occurring in Monterey County's coastal zone since 1988, the year when the CCC certified the LCP and the County began issuing coastal development permits. In order to determine which issues to review, the CCC held a public scoping process in 2002 to solicit input from a wide range of individuals and agencies. A staff report was prepared for the CCC's March 7, 2002 meeting, where interested persons could offer suggestions for the periodic review. Based on the input received, CCC staff selected topics for further analysis. As part of the periodic review, CCC staff has been monitoring and commenting on Monterey County's 21st Century General Plan Update. An updated Staff Report was prepared in late November 2003 and draft findings were prepared in late December 2003. These are the most recent documents.

The periodic review has not been adopted by the CCC. Once adopted, the periodic review suggestions are not binding on Monterey County. Rather, they are the recommendations of the CCC staff for revisions to the LCPs within the County that the County may decide to adopt or not. The Coastal Act does not provide the CCC the authority to impose changes in an LCP without the approval of the local land use authority, once a LCP is adopted.

The CCC staff comments and other comments suggest that the recommendations in the November 2003 draft staff report and the December 2003 findings should be adopted as mitigation for the Proposed Project for Monterey pine forest. The reader is referred to the CCC's web site for a copy of the draft staff report and findings. The CCC staff's prior correspondence was attached to the CCC staff comment letter on the Proposed Project and is included in FEIR Chapter 3.

The CCC's periodic review is focused on suggested changes to the Del Monte Forest LCP, not to the Proposed Project. Nevertheless, responses to the CCC staff's latest recommendations concerning Monterey pine forest (from their latest staff report November 26, 2003) are provided below as they relate to the Proposed Project:

■ SH- 1 Adopt revised (and preferable uniform provisions for identifying and locating ESHA to ensure that ESHA protective policies apply to all ESHA. Monterey Pine Forest should generally be treated as ESHA unless site-specific circumstances and biological review show otherwise.

Response: This is a recommendation for changes in the LCP. As discussed in a prior response, Monterey County with a few exceptions does not consider Monterey pine forest to be defined as an ESHA in the Del Monte Forest. The CCC staff has recommended that the LCP be modified to allow for much of the Monterey pine forest to be delineated as ESHA; however, the LCP has not been amended at present to allow for such a delineation to occur. Until such a change were adopted by the County and certified by the CCC, Monterey County does not consider Monterey pine forest to meet the LUP definition of ESHA in the Del Monte Forest

■ SH 29.1 Protect Monterey pine habitat; consider all Monterey pine trees to be of equal significance.

Response: This recommendation primarily concerns suggested amendments to the LCP. As noted above, the DEIR treated all undeveloped Monterey pine forest areas as equally “sensitive”, which is consistent with this recommendation. One of the sub-recommendation was to require forest management plan for any removal of Monterey pine (regardless of size).

■ SH 29.2 Remaining large tracts of native Monterey pine forest should be designated as open space, including Area B, C, F-1, F-2, F-3, G, H, I-1, I-2, J, portions of Area K, Area L, portions of Area M, Area N, and undeveloped parts of Area PQR.

Response: The applicant has proposed as part of the Proposed Project to dedicate conservation easements over most of Area B, a small portion of Area C, a portion of Area F-3, all of G, all of Area H, all of Area I-1, a portion of Area J, a portion of Area K, all of Area L, and most of Area PQR. Recommended mitigation includes additional dedication of most of Area F-1 and Area J. Thus the Proposed Project includes preservation of most of the areas that the CCC staff recommends for preservation. The areas in dispute are the areas the applicant proposes for development: Area M, Area N, Area F-2, Area I-2, and a small portion of Area PQR. Impacts of Proposed Project development in these areas on Monterey pine forest are analyzed and mitigation adopted in accordance with CEQA.

■ SH 29.3 Protect Monterey pine forest habitat and mitigate unavoidable impacts by prohibiting non-resource development in ESHA, mitigating impacts to ESHA, and providing for maximum restoration and management.

Response: As noted above, Monterey County does not consider Monterey pine forest by itself to be ESHA within the Del Monte Forest and thus ESHA policies do not apply for forested areas unless another resource that fits the definition in the LUP is present. Impacts of Proposed Project development in areas of Monterey pine forest are analyzed and mitigation adopted in accordance with CEQA including feasible restoration of Monterey pine forest in one location. While “maximum restoration” might be a goal that the CCC may support, the burden under CEQA is to identify significant impacts and adopt feasible mitigation for the significant impacts. CEQA does not require and constitutional limits prohibit, requiring mitigation that lacks proportionality to the source impacts. Thus “maximum restoration” is not necessarily an applicable objective for mitigation design for the Proposed Project.

■ SH 29.4 Prepare comprehensive Monterey pine forest management plan.

Response: This is already called for as mitigation in the DEIR for project contributions to cumulative impacts (Mitigation measure BIO-B1-1 (C), page 4.4-16, Line 34) including the applicant’s contribution of support and involvement in plan development.

■ SH 29.5 Retain interim protection of Monterey pine forest areas by retaining a Resource Constraint overlay on forested parcels until the pine forest management plan is complete.

Response: The current LCP Resource Constraint Overlay on some of the project lands was adopted due to constraints in water supply, wastewater treatment capacity, and traffic. The DEIR as revised in the PRDEIR provides evidence that the project as mitigated, would not result in an increase in potable water demand, would accommodate the increase in irrigation demand, would not exceed wastewater treatment capacity (even considering Del Monte Forest buildout) and would make fair-share contributions to traffic improvements required to address traffic capacity. As the overlay does not presently contain a designated constraint relevant to Monterey pine forest, this cannot be presently applied to the Proposed Project. While the mitigation includes applicant contribution of support to the development of a pine forest management plan, the overall suite of mitigation in the DEIR is designed to avoid any project considerable contribution to cumulative impacts and delay of project development until a pine forest management plan is complete is not considered necessary to avoid significant impacts.

■ SH 29.6 Prepare guidance for evaluating Monterey pine forest.

Response: This is a recommendation for changes in the LCP. Since no guidance exists at present, this does not apply to the Proposed Project.

■ SH 29.7 Manage forests to address Monterey pine pitch canker

Response: This recommendation is already included within the resource management plans prepared by the applicant, in the required resource management included in the DEIR mitigation, and in the procedures for tree removal and replanting required as mitigation for removal of Monterey pines.

■ SH 29.8 Support comprehensive Monterey pine management

Response: In concept, this recommendation is incorporated within the requirement to prepare, fund, and implement site-specific resource management plans for all the preservation, conservation, and resource-management areas within the project area as well as for the additionally required preservation areas. While the applicant will not be responsible for management of Monterey pine forest on lands that it does not own, given the substantial forest areas within which this project will result in preservation and resource management, the Proposed Project does support of management of the resource as a whole.

## Tree Planting as Mitigation

Some comments ask how tree planting can replace the loss of entire forest areas at locations like the Spanish Bay Driving Range. The DEIR identifies the area of forest removal and the estimate number of tree removals for project development. Mitigation BIO-II-1 includes replanting of trees on a 1:1 basis over a 20-year period, where suitable to promote forest health, but it is recognized that such a large amount of tree planting may be not be favorable to forest health. The mitigation of forest loss is not solely achieved through tree replanting, but rather through a suite of measures including avoidance, minimization, restoration, enhancement, preservation, and resource management measures included in the DEIR. Where feasible, mitigation is applied on the site where the impact occurs. While on-site mitigation will not always fully replace forest values on a site-by-site basis, on an overall basis, the mitigation is considered effective to reduce the direct, indirect, and cumulative impacts to a less than significant level.

## Resource Management Plans as Mitigation

A number of comments assert that resource management plans are ineffective mitigation measures for project impacts to Monterey pine forest, in particular due to past precedents and because site-specific resource management plans for the project have not yet been adopted. These comments are addressed in the separate Master Response concerning Resource Management Plans (MR-BIO-9).

## Building Envelopes

Some comments suggested reduction in building envelopes and configuration, while the applicant asserts that the DEIR mitigation for building envelopes is more restrictive than necessary

Further reduction in lot size beyond the 0.5-acres is not considered necessary to mitigate project impacts to Monterey pine forest nor other extant resources. As described in the PRDEIR, building envelopes have been redesigned to avoid Yadon's piperia to the maximum extent feasible. As noted above, a revision to the mitigation measure concerning building envelopes has been added to require configuration of Lots 1 through 4 in Area PQR to provide a greater buffer between residential development and Spruance Meadow.

The applicant asserts that the 0.5-acre building envelope recommended as mitigation for residential development within forested areas is smaller than is necessary to mitigate project impacts, suggests a maximum of 0.75 acres would be more appropriate, and that negative easements on residential lots outside of building envelopes is too restrictive. There is a physical record within suburban areas in the Del Monte Forest that residential development can fragment forest and over time convert the native understory to a non-native one, and thus transform much of residential lots into an area that lacks much of the ecological value of undeveloped forest. A half -acre building envelope is more than ample room for residential development and would far better allow the opportunity to retain elements of natural forest within residential areas than the applicant's proposed 0.75 acres. The requirement for conservation easements is to introduce a legal requirement that makes it clear to purchasers of the residential lots that the area outside the building envelope are not allowed to be developed and are intended to retain extant native forest.

## Forest Restoration Area Within Proposed Golf Course

The applicant requests that the 15-acre restoration area within the Proposed Golf Course should be managed as part of the golf course and that a negative easement is not necessary. This implies that golf course management activity might be extended into at least the edge, if not other parts of the restoration area. Such activity is in conflict with the purpose of restoration, which is to replace a portion of the forest that will be removed to construct the golf course. No revision to the DEIR is warranted.

## Alternatives

Some comments suggest various alternatives as mitigation for impacts to Monterey pine forest including redesign or relocation of the Spanish Bay Employee Housing, relocation of the Spanish Bay Driving Range to the lower Sawmill site, a 9-hole golf course alternative at Area MNOUV and relocation of certain residential lots. These comments about alternatives are addressed in the

separate Master Response regarding alternatives (MR-ALT-1). It should be noted here, that all of these options were considered at some point during the impact analysis and during the alternative analysis. While some of the other alternatives may be feasible, they were not adopted as mitigation because other means were identified that reduce impacts to Monterey pine forest and other resources to a less than significant level.

## Level of Significance

Comments question the source and appropriateness of the five percent threshold for cumulative loss. Some comments assert it is too high or too low and some request the 5% threshold to also be applied on a more local scale of the Monterey Peninsula or the Del Monte Forest. A number of comments assert that the impacts to Monterey pine forest cannot be mitigated and that the forest will be irreparably harmed. Others thought that the applicant's proposed mitigation would more than offset the project's adverse effects.

## Cumulative Threshold of Significance

The cumulative threshold of significance was established to identify an overall cumulative level of forest loss that would avoid substantial adverse effects to Monterey pine forest on a regional basis. This threshold is identified as 5% of the forest that was extant in 1993. The cumulative mitigation scheme in the DEIR is designed to ensure that the Proposed Project would not contribute to a cumulative level of forest loss greater than 5%. By 1993, nearly half of the historical extent of undeveloped Monterey pine forest had been lost due to development (Jones & Stokes 1994a). There has been substantial concern on the part of biologists, conservation organizations, the public, and local and state agencies that an unabated continuing loss of forest may ultimately prove to be unsustainable. While several regional characterizations of Monterey pine forest have been developed (Huffman & Associates 1994, Jones & Stokes 1994a, 1994b, and 1996) and a recent study has been completed regarding genetic preservation of Monterey Pine (Rogers 2002), there is presently no consensus about how much forest should be preserved in order to effectively conserve the forest and the resources it supports for the future. Further, there is no consensus about what types of forest and which specific forest areas should be conserved.

This lack of consensus is mirrored in the comments received on the DEIR and the conclusions of prior forest assessments. Some comments advocate in essence a 0% significance threshold, in that no forest should be removed or there should be "no net loss" of forest. Some comments express concern that the 5% threshold is not based on an adopted conservation plan or a scientific determination of a minimum viable population size. The applicant asserted that the 5% threshold is too low as it would result in mitigation ratios far higher than prior precedent and ratios accepted by the CDFG and that 20% would be a more appropriate threshold. Huffman & Associates (1994) in their study, concluded that the existing preserved areas (which they identified as about 2,500 acres in 2004)

provide adequate protection of the native Monterey pine its gene pool, and its associated habitat to ensure continues sustainability into the future, along with the implementation of certain improvements in Forest Management Plans on project-specific measures, that implies an even higher threshold of significance. While Rogers (2002) provides 18 specific recommendations for in situ genetic conservation of Monterey pine, no determination of minimum viable population size or minimum area of suitable habitat is provided in her assessment. Both Huffman & Associates (1994) and Rogers (2002) addressed Monterey pine as a species and not the Monterey pine forest as a biological community.

In the Monterey Pine Forest Conservation Strategy Report, Jones & Stokes (1996) concluded at that time that it would be speculative to estimate how many acres of undeveloped Monterey pine forest should be retained to meet conservation objectives because the answer depends on the qualities of the stands that are preserved and how those stands are distributed. The 1996 report, prepared for CDFG, recommended that the development of a regional Monterey pine forest conservation plan with involvement and consensus of stakeholders, responsible agencies, and the public would be the best forum for development of a regional preserve and management plan. The development of a regional conservation plan has also been suggested by others, including researchers (Rogers 2002), public agencies (CCC 2003), and private organizations (such as the CNPS).

Unfortunately, no regional conservation plan exists at present. The DEIR is not the forum within which to design a regional preserve system or to complete such a regional plan. In absence of consensus on a conservation strategy and approach for the Monterey pine forest, the DEIR relies on the use of existing information, professional judgement, and a precautionary approach to setting of a cumulative threshold. As described in the DEIR on page 3.3-5, starting at line 32, “a conservative approach to further losses of Monterey pine forest is warranted until a regional forest conservation plan can be adopted and implemented.”

There is an argument that any net loss might have an unavoidable adverse impact on Monterey pine forest as a whole. However, none of the prior Monterey pine forest ecological assessments support the argument that any net loss of forest regardless of how small is significant. As a result, the EIR authors determined for the purposes of this EIR that the significance threshold should be some level greater than zero. With this determination, the EIR authors endeavored to identify an interim threshold, greater than zero that would be appropriately conservative such that conservation opportunities would not be lost during the time needed to develop and adopt a regional forest conservation plan.

A similar situation arose in the late 1990s in southern California concerning the conservation of the coastal sage scrub biological community in the face of rapid urbanization in Riverside, Orange, San Bernardino, and San Diego counties in undeveloped areas. A Natural Communities Conservation Plan process was initiated to promote regional conservation planning. Given the multiple jurisdictions involved and the extensive area concerned, not to mention the complexity of the issues, an interim conservation strategy was implemented

between the time of development of a general conservation plan overall and the sub-area conservation plans that would provide the ultimate detail for implementation. The interim strategy included an incidental take permit that allowed a maximum of 5% loss of coastal sage scrub within each sub-area until the actual sub-area conservation plans were adopted. Once the sub-area plans were adopted, the amount of allowable take was usually substantially higher than the interim 5%.

While the circumstances surrounding coastal sage scrub and Monterey pine forest are different, the EIR authors believe that a 5% interim loss level would be appropriately conservative for Monterey pine forest as well. The 5% threshold is identified clearly in the DEIR as only an interim goal and the EIR does not posit that the ultimate conclusion of a future conservation plan will be 5%. However, it is presumed that the future conservation plan is most likely to allow for a 5% or greater loss of extant undeveloped forest.

Given the circumstances noted above, absolute certainty regarding a quantitative threshold is not possible. However, the use of a 5% threshold is appropriately conservative given the current status of Monterey pine forest and planning for regional conservation.

As to application of the 5% threshold to a more localized scale of the Del Monte Forest, this is not considered appropriate because: 1) the threshold is meant as a cumulative threshold for the whole of the forest; 2) the Del Monte Forest is a planning distinction that does not correspond to known ecological distinctions; and 3) there is presently no consensus for the creation of sub-regional management units for Monterey pine forest.

## **Are Impacts to Monterey Pine Forest Unmitigable?**

A number of comments assert that the Proposed Project impacts cannot be mitigated and that the project would result in “irreparable harm”, that the forest loss would be “irreversible” and “irreplaceable” and that the forest will be “decimated.” At their root, these assertions are premised on the judgement that the net removal of 123 acres of Monterey pine forest and the associated direct, indirect, and cumulative impacts cannot be mitigated by restoration of 15 acres of forest, enhancement of additional areas where feasible, resource management, and preservation of 863 acres of Monterey pine forest throughout the Del Monte Forest and in several inland areas. The DEIR by contrast establishes a significance threshold of 5% (as discussed above) that is a conservative approach to analyzing overall cumulative loss, and applies a suite of mitigation to reduce the project’s potential cumulative contribution to cumulative loss to a less than significant level. While commenters may be of the opinion that any loss of forest is “irreparable” or “unmitigable”, mere opinion does not constitute substantial evidence that project forest loss would result in the threat to the survival of species dependent on the forest, loss of forest functions on a broad scale, loss of human recreational opportunities within forested areas, or substantial reduction of plant or wildlife species dependent upon the forest.

An important distinction also needs to be made relative to whether the mitigation would address cumulative impacts as a whole or the project's contribution to cumulative impacts. The mitigation in the DEIR would not mitigate the cumulative impacts of other projects that might result in loss of forest and is limited to assuring that the impact of the Proposed Project does not considerably contribute to cumulative impacts. Under CEQA, during project-level analysis, the lead agency is limited to mandating mitigation for a project's contribution to cumulative impacts and cannot require a project proponent to mitigate cumulative impacts beyond their fair-share.

The DEIR does not conclude that the project will have no adverse effect on individual forested areas for the forest as a whole. Rather, after review of all of the comments provided concerning Monterey pine forest, the County has not identified compelling evidence or argument to change the conclusion of the DEIR that the project impacts cannot be mitigated to a less than significant level, using the significant thresholds identified for this project.

## **Adequacy of Applicant's Proposed Mitigation**

A number of comments and the applicant assert that the applicant-proposed restoration, resource management, and preservation is adequate and the proposed mitigation in the DEIR is beyond what is necessary to mitigate the project impacts to a less than significant level.

The applicant asserts that the Proposed Project would "retain the natural forested character in the Del Monte Forest to the maximum extent feasible consistent with allowable development" because the existing LUP allows development of up to 891 residential units on the applicant's property whereas the Proposed Project would result in a far lower level of buildout both in terms of residential units and in terms of forest removed. As described on page 3.3-24 starting on Line 45, the proposed development would result in avoidable loss and degradation of forest and the applicant's proposals for retention, restoration, preservation, and resource management lack sufficient rigor to assure retention of the natural forested character and promote long-term protection of the forest as required by LUP Policy 31, and thus the project's direct and indirect effects are considered significant, prior to mitigation. While the applicant is correct that the Proposed Project would represent a lesser amount of buildout than nominally allowed by LUP designations for the project area, this does not mean that buildout does not result in significant effects to the Monterey pine forest. Rather, it is the County's determination that LUP Policy 31 is forward looking, in that it requires evaluation of each project proposal's direct and indirect impact on the natural forested character in the Del Monte Forest and the adoption of appropriate mitigation measures to promote long-term protection of the forest, within the context of permitted development.

As to cumulative impacts, the DEIR, as revised in this FEIR, discloses clearly the rationale as to why additional preservation is required as mitigation and why the

applicant should be required to contribute support to the development of a regional forest conservation plan.

## Other Comments

One comment asserts that the 0.22-acre forest removal assumption per lot was excessive and not in compliance with LCP policies. The lots sizes included in the proposed subdivisions range in size from about 1-acre to 2-acres, with many greater than 1.5 acres. The 0.22-acre forest removal estimate is an assumption for the purposes of characterizing potential impacts of residential development. At this time, the applicant is seeking permission to subdivide the land, not to build homes on the various lots. The purpose of the 0.22-acre assumption is to identify impacts and design appropriate mitigation. At the point that a residential owner applies for a building permit, the actual footprint of the residence and any associated tree removal would be identified. As long as that footprint and tree/forest removal area is 0.22-acre or less on average, then the impact of that activity on the residential lots will have already been addressed by mitigation adopted for this Proposed Project and no additional coastal development permit would be required for tree removal<sup>2</sup>. The applicant has already prepared a Forest Management Plan for the project areas, including the residential lots, as required by LCP policy when removal of trees > 12" is proposed and Property owners shall be subject to the requirements of the FMP as well as any applicable resource management measures adopted as part of the Proposed Project.

## Forest Values

One comment suggests that the DEIR mentions forest values but does not describe them and that description of forest values from the recent Draft General Plan Update should be mentioned in the DEIR. The Draft General Plan Update has not been adopted, and as such does not represent an adopted planning standard or policy in Monterey County, so it would be inappropriate to rely on language from that document. As to the values of the Monterey pine forest, the DEIR (DEIR Appendix E, page E-3, starting at Line 1) describes many of the plant and wildlife species that are found within and depend on the forest. The DEIR describes in detail the rare plant and wildlife species found within the Monterey pine forest. While not mentioned in the DEIR, the undeveloped forest also provides for natural flood control through infiltration and retention of rainfall and the retention of soil through vegetation on steep slopes that reduces the risk of landsliding. Forest also provides recreational opportunities and aesthetic values for both Del Monte Forest residents and visitors.

<sup>2</sup> unless removal is proposed for an endangered or landmark tree.

## DEIR Appendix E-3

The applicant noted that DEIR Appendix E-3 was missing from the DEIR text. The table intended to be placed in DEIR Appendix E-3 was inadvertently left out of the printed DEIR. The missing table is included in this document as Table F2-2. The information in the table is clarification of the specific retention areas proposed by the applicant, and does not add any substantial information nor change any conclusions or mitigation in the DEIR.

## Geographic Scope of Cumulative Effect

One comment asserts that the DEIR did not adequately address cumulative impacts on Monterey pine because it does not mention that Monterey pine are used commercially in other countries, there will be a loss of genetic diversity, and there is a reasonable likelihood of impact on forest industries in these other countries.

The focus of the DEIR analysis is on native Monterey pine and the undeveloped Monterey pine forest. The comment is correct that Monterey pine is used extensively for commercial forestry in other countries throughout the world.

As noted above, the DEIR does consider the loss of genetic diversity in the analysis of project effects on Monterey pine and Monterey pine forest. Because the project will retain nearly 81% of the Monterey pine and Monterey pine forest that is extant on the project sites today, will retain at least some Monterey pine trees on every development site, will preserve substantial areas (821 acres) of undeveloped Monterey pine forest in a wide diversity of locations and settings from Area B near the coast to the Aguajito parcels inland, and will follow recent guidelines when replanting Monterey pine over time as part of restoration and forest management efforts, the project, as mitigated is not considered to significantly reduce the genetic diversity of Monterey pine. Given this conclusion, there is no need to assess the potential impact of the Proposed Project on commercial forestry in other countries nor any associated economic impact.

## MR- BIO-6: Yadon's Piperia

The County recirculated the portion of the DEIR relating to Yadon's piperia within the partial revision to the DEIR. This PRDEIR was in response to comments on the DEIR. Comments on the DEIR and PRDEIR raised the following issues regarding Yadon's Piperia:

- ESHA Status
- Survey Methodology/Adequacy
- Definition of Habitat

**Table F2-2**  
**PBC's DMF/PDP**  
**Monterey Pine Forest**  
**Mitigation Area Summary**  
(all amounts in acres, unless otherwise noted)

Site Area	Total	Removal	Retention On-Site	Dedications	Notes
Proposed Golf Course Area (MNOUV)	116.0	63.4	45.9	6.7	Dedication Area is Bristol Curve; No dedication credit for wetlands/buffer as most of area must be retained to meet retention minimum; 2.8 acres of retention near Bristol Curve required to be dedicated
New Equestrian Center	16.2	3.2	13.1	0.0	Retainage for internal road removals can be met by retainage at the Sawmill site.
Spanish Bay Resort	1.7	0.5	1.2	0.0	
The Lodge at Pebble Beach	0.0	0.0	0.0	0.0	
Preservation Area B	20.3	0.0	0.0	20.3	Credit for all of proposed preservation area
Spanish Bay Employee Housing	4.1	2.3	1.8	0.0	
Spanish Bay Driving Range					Dedication credit reduced by additional area (1.1 acres) needed to meet retention minimum
Conservation Area C	29.1	16.9	8.8	3.3	
Preservation Area D	17.1	0.0	0.0	17.1	Credit for all of proposed preservation area
Residential Area F-2	19.5	12.4	7.1	0.0	Removal total reflects effect of reduced building envelope mitigation
Residential Area F-3	16.8	5.0	3.2	8.6	Removal total reflects effect of reduced building envelope mitigation
Preservation Area G	47.9	0.0	0.0	47.9	Credit for all of proposed preservation area
Preservation Area H	53.8	0.0	0.0	53.8	Credit for all of proposed preservation area
Preservation Area I-1	38.2	0.0	0.0	38.2	Credit for all of proposed preservation area
Residential Area I-2	18.7	9.8	9.0	0.0	Removal total reflects effect of reduced building envelope mitigation
Preservation Area J	0.8	0.0	0.0	0.8	Credit for all of proposed preservation area
Residential Area K	3.0	2.1	0.8	0.0	Removal total reflects effect of reduced building envelope mitigation
Conservation Area K	3.9	0.0	0.0	3.9	Credit for all of proposed preservation area
Preservation Area L	18.2	0.0	0.0	18.2	Credit for all of proposed preservation area
Residential Area PQR	12.8	9.4	3.5	0.0	Removal total reflects effect of reduced building envelope mitigation
Preservation Area PQR	233.1	0.0	0.0	233.1	Credit for all of proposed preservation area
Corporation Yard Preservation Area	6.5	0.0	0.0	6.5	Credit for all of proposed preservation area
Congress Road Improvements	2.0	2.0	0.0	0.0	Retainage for internal road removals can be met by retainage at the Sawmill site.
<b>Total</b>	<b>679.5</b>	<b>126.9</b>	<b>94.2</b>	<b>458.4</b>	
<b>Total Retention</b>				<b>552.6</b>	

- Indirect Effects
- Cumulative Impact
- Adequacy of transplantation and enhancement measures
- Contingencies and Remedial Actions
- Clarification of Success Criterion and Objectives
- Effectiveness of Easements as Mitigation
- Additional Preservation
- Other Comments
- Applicant's Comments

These issues are responded to below.

## ESHA Status of Yadon's Piperia

Several parties assert that areas occupied by Yadon's Piperia should be considered ESHA. These respondents are referred to the Master Response BIO-1: Environmental Sensitive Habitat Areas above wherein the County's determination is presented that Yadon's piperia is not defined as ESHA in the Del Monte Forest LUP.

## Survey Methodology/Adequacy

Comments were received questioning the accuracy of Yadon's piperia counts used in the PRDEIR analysis. The surveys conducted for Yadon's piperia in 2004 were labor-intensive, involving the flagging of individual plants. The surveys were conducted by qualified botanists during the season when Yadon's piperia is readily identifiable (April 16-June 6, 2004) (Ecosystems West 2004). Therefore, the survey methodology is in keeping with DFG and CNPS guidelines (DFG 2000, CNPS 2001). The 1996 survey involved simple estimation of numbers of individuals in a patch, and is thus likely to be less accurate. The results of the 2004 survey indicated that almost three times as many plants were present in the project area than estimated by the previous survey (Ecosystems West 2004, Allen 1996). This difference is attributed to a more rigorous and standardized survey methodology in 2004. Survey results indicated that Yadon's piperia was not expressed aboveground in some areas where it was evident in 1996, but the species was also found in 2004 in areas where it was not found in 1996. The PRDEIR does not attempt to compare the area of occupied habitat in 1996 and 2004, due to differences in methodology for defining habitat between the two surveys, or make conclusions about potential change during this period.

Some respondents stated that additional surveys for Yadon's piperia are necessary. Regarding the project sites, with the exception of the New Equestrian Center, they were surveyed in spring 2004 and thus recent quality data was used for the PRDEIR. One respondent stated that additional surveys should be conducted of the Aguajito and Old Capitol sites. Mitigation Measure BIO-D1-3 requires surveys of these sites to be conducted in 2005 and to serve as the basis for the designation of piperia preserves.

One respondent stated that Yadon's piperia is present and had been observed at the proposed site of the new equestrian center. Allen did not report Piperia in 1996 at this site nor did Vern Yadon in inventories conducted for the applicant in 2001, but the site was not included in the spring 2004 census. To ensure that any occurrences of Yadon's piperia will be avoided at the site of the proposed equestrian center, Mitigation Measure BIO-D1-1 has been revised to require a 2005 spring survey of the Sawmill site and avoidance of any Yadon's piperia identified during that survey.

## Definition of Habitat

One respondent stated that the definition of habitat used in impact analysis in the PRDEIR is inadequate, and suggests that known habitat characteristics should be used to map piperia habitat throughout the Del Monte Forest. While it would be desirable to define piperia habitat more precisely, insufficient information is available at this time. A map of potential piperia habitat based on the known requirements of piperia would include virtually all of the forest, with the exception of wetland areas, areas with dense scrub, and steep slopes. Additional data on piperia's habitat requirements will be collected in Phase I of the Piperia Plan. In the absence of these data, occupied habitat is defined based on those areas where piperia is present and surrounding 50-foot buffers. This definition is considered adequate for the impact analysis in the PRDEIR. In addition, the PRDEIR identifies potentially suitable adjacent habitat within the project area and takes this into account in the impact analysis.

## Indirect Effects

Several respondents suggested that indirect effects on piperia should be quantified as direct effects, because they would lead inevitably to declines in piperia occurrences. The PRDEIR does quantify the indirect effect area, including effects to potential (but unoccupied habitat), however, there is no evidence that indirect effects will lead to the complete loss of Yadon's piperia occurrences. In fact, the MNOUV occurrence of Yadon's piperia persists adjacent to the Cypress Point golf course, which was constructed in 1928. The MNOUV has not benefited from any management to preserve piperia but persists nearly 80 years after golf course construction, not to mention disturbance due to the existing equestrian center, residential development and roads. Similarly, there are areas of piperia adjacent to the Spyglass Hill golf course and Poppy

Hills golf course as well as residential development. While no baseline data is available to quantify the indirect effects over time of the adjacent development, the persistence of these populations does provide evidence that indirect impacts have not resulted in complete loss of adjacent piperia occurrences to date.

Piperia occurrences adjacent to proposed project development would be managed to reduce indirect impacts, as specified in Mitigation Measure BIO-D1-5. Because the available evidence does not document cases of indirect effects leading to the total loss of adjacent Yadon's piperia occurrence and supports at least some persistence of the plan in these adjacent areas, indirect effects were not quantified as direct effects (i.e. direct removal) in the PRDEIR.

## Cumulative Impact

One commenter asserted that cumulative impacts were inadequately addressed in the PRDEIR, in specific concerning Area Y. Area Y, which is not owned by the applicant, is adjacent on the west side to Area PQR. Although no surveys of Area Y have been conducted, a sizeable population may be found in Area Y given the density of Yadon's piperia in Area PQR on the property boundary. This is described on Page P7-9 in the PRDEIR, including the fact that Area Y is designated for residential subdivision in the Del Monte Forest LUP. The project is defined as contributing considerably to cumulative impacts and the suite of mitigations identified in Chapter P2 are identified as reducing the overall impact of the project's contribution to a less than significant level.

CEQA requires identification of a project's contribution to cumulative impacts and mitigation if the cumulative impact is significant and the project's contribution is considerable. That is done in the PRDEIR. However, CEQA does not require a project to mitigate for cumulative impacts that are not related to the project itself. Future subdivision of Area Y is not part of the project, and thus potential future impacts on Yadon's piperia would be the responsibility of a future applicant.

This commenter stated that an appropriate mitigation would be the preservation of Area Y. While preservation of Area Y would likely be of benefit to Yadon's piperia, the PRDEIR identifies other mitigation that is considered adequate to reduce project effects to a less than significant level. Revisions to the mitigation in this document include a contingency of additional preservation if the Piperia Plan does not meet the success criteria in 20 years; it might be possible that Area Y could be one of the potential contingency sites were this set of circumstances to occur and if Area Y remained undeveloped at that time. This is speculative at this time as no information is available of the willingness of the property owner related to potential future dedication of a conservation easement.

## Adequacy of Transplantation and Enhancement Measures

Several parties assert that transplantation and enhancement measures are not acceptable as mitigation for impacts to Yadon's piperia, because these measures are untested.

Small-scale transplantation has been conducted at the proposed golf course site by the applicant's consultant as described in the PRDEIR, and demonstrated at least short-term survivability of a significant percentage of transplants. Small-scale enhancement tests have also been conducted by Allen using enclosures to examine potential to reduce foraging pressure by deer and other herbivores. However, large-scale transplantation and enhancement has not been conducted.

Transplantation and enhancement measures for Yadon's Piperia are part of a suite of measures to mitigate impacts to a less than significant level. This suite of actions includes avoidance, minimization, and a significant amount of preservation (greater than 19% of the estimated known occupied habitat and 41% of the known total population in terms of individual plants). The DFG recognizes in its comments on the PRDEIR that Mitigation Measures BIO-D1-1 and BIO-D1-2 "address the Department's previous concerns [regarding avoidance and minimization] to the maximum extent feasible." While preservation is likely to be the next most effective approach to mitigation after avoidance and minimization, it is highly probable that some benefits for the species will result from enhancement and transplantation. The PRDEIR defines a process for development of the Piperia plan to ensure that it considers all data concerning Yadon's piperia that are available or can be collected within a reasonable time period, that adaptive management is used, and that adequate resources will be available for implementation. The specific management measures and monitoring design will require further research and input from the AMT team. Inclusion of transplantation and enhancement as mitigation measures is part of an effort to do everything that is feasible; in the event the proposed project goes forward as proposed.

One party commented that mass transplantation of piperia is unwise, likely to fail, and could displace piperia in occupied habitat. Yadon's piperia will only be transplanted to areas not presently occupied by the species in suitable habitat in Area MNOUV, reducing the risk of genetic contamination. In recognition of the need to demonstrate at least short-term feasibility of transplantation, pilot transplantation demonstration studies will be conducted in 2005 and have been added to Mitigation Measure BIO-D1-4 (see Chapter 3 for specific wording).

One party commented that the acreage available for enhancement is unknown at this time, and it is thus impossible to assess the extent to which enhancement could mitigate for proposed project impacts. While information on habitat suitable for enhancement is preliminary at this time, Table P2-5 in the PRDEIR indicates that approximately 22 acres within the Del Monte Forest, and 75 acres outside the Del Monte Forest will be enhanced under the Piperia Plan (Chapter

P2 of the PRDEIR; see also Ecosystems West 2004). Potential enhancement measures considered in these site evaluations included “control of non-native invasive plant species, restoration of roads and trails, creating access controls, directed management actions (e.g. selective vegetation/duff clearance, spot fire treatment, deer exclusion, seasonally-adjusted weed-whacking).” While the exact contribution of enhancement to the sustainability of the species cannot be calculated, it appears reasonable that enhancement of these and other areas can make a significant contribution. The DFG has commented favorably on the revised Piperia Plan’s “focus on piperia management and enhancement of existing and potentially suitable habitat.” This comment appears to indicate that the agency concurs that enhancement has the potential to mitigate impacts.

Some respondents expressed concern that the applicant’s involvement in the implementation of the Piperia Plan and in management of piperia occurrences would somehow diminish the effectiveness of the mitigation measures. These respondents are referred to Mitigation Measures BIO-D1-4 and BIO-D1-5. These mitigation measures require the involvement of the County, the AMT team, and a third-party consultant to oversee, review, and monitor the applicant’s implementation of the Piperia Plan and management piperia occurrences. This review, oversight, and monitoring efforts is independent of the applicant, and thus provides for objective review of implementation progress and success. The measures also require the applicant to fund implementation of the Piperia Plan and of piperia management until no net loss of Yadon’s piperia has been demonstrated, or for 20 years, or longer if the County determines that continued management would be necessary for survival of the piperia occurrences. If the applicant does not continue to fund these programs, the mitigation measures require a mechanism allowing “the County to impose and collect on a lien on the golf course property in the event that the Company fails to meet its funding obligations.” This contingency measure further ensures implementation of the Piperia Plan.

Several respondents commented that site-specific management plans are needed to clarify what management steps will be taken to benefit Yadon’s piperia. These respondents are referred to MR-BIO-9, which stipulates that site-specific management plans will be developed before grading permits are issued to the applicant. These plans will be available for public review and comment prior to the issuance of grading permits.

Transplantation and enhancement measures will require a significant period of time to develop, and their successful implementation is likely to depend on careful monitoring and adaptive management. Recognizing this, the County has revised Mitigation Measure BIO-D1-4 to include a contingency measure of additional enhancement and/or preservation if the enhancement and mitigation measures do not achieve a 1:1 replacement of Yadon’s piperia habitat directly impacted by the proposed project (see Chapter 3 for specific wording).

Apart from the potential benefits of enhancement and transplantation to mitigate the impacts of the proposed project, implementation of these measures will greatly increase available knowledge of the habitat requirements and ecology of

Yadon's piperia, which will facilitate management of other protected populations.

## Contingencies and Remedial Action

In response to concerns regarding the lack of contingency measures in the event that mitigation measures do not succeed, the County has revised Mitigation Measure BIO-D1-4 to include a contingency measure of additional enhancement and/or preservation if the enhancement and mitigation measures do not achieve a 1:1 replacement of Yadon's piperia habitat directly impacted by the proposed project (see Chapter 3 for specific wording). The inclusion of this contingency measure should also satisfy the respondent who expressed concern that potential impacts to piperia may be larger than estimated in the FEIR and that these impacts should be monitored and mitigated.

## Clarification of Success Criterion and Objectives

One party requested a clarification of the success criterion and the specific objectives for the Piperia Plan, as discussed in Chapter P2 of the PRDEIR.

As stated in Chapter P2, the primary success criterion for the Piperia Plan will be no net loss of Yadon's piperia. This has been clarified in revisions in this document to mean no net loss in terms of "occupied habitat" as defined in the PRDEIR. However, mitigation credit will only be provided if the "occupied habitat" is comparable to the control sites and is sustained in time. The Piperia Plan has the overall objective of replacing habitat lost due to the project by establishing or expanding populations of piperia that are comparable to existing viable piperia populations. Thus, Piperia Plan success overall is defined in terms of:

- **Area of Occupied Habitat** - Lost occupied habitat will be replaced by establishing piperia in enhancement areas.
- **Population Attributes** – Enhancement areas will have reproducing populations of Yadon's piperia comparable to control sites in terms of percent of cover, density, and percent flowering.
- **Persistence**– Populations within enhancement areas must persist during the demonstration period.

All of these elements are mandatory with all criteria required for mitigation credit.

Regarding identification of the control sites, the County and the AMT will work with the third-party consultant to select control sites during preparation of the Final Piperia Plan. Generally, control sites should be located in close proximity

to the enhancement or transplantation sites, and have similar soil and vegetation characteristics. Control sites can be better identified after the required 2005 habitat characteristics study.

## Effectiveness of Easements as Mitigation

Several comments were received expressing concern about the ability of easements and deed restrictions to effectively prevent the development of land containing occurrences of Yadon's piperia. Respondents are referred to MR-LU-02, which described that additional language has been added to Mitigation Measure BIO-B1-6 to reinforce that the new dedications are permanent, irrevocable, and cannot be used for purposes that are not consistent with permanent habitat preservation.

One respondent expressed the view that a responsible third party should hold conservation easements on areas occupied by piperia within residential subdivisions. Mitigation Measure BIO-D1-1 requires that the Del Monte Forest Foundation, or an equivalent conservation organization approved by the Director of Planning and Building Inspection Department to hold these easements.

Several respondents expressed concern about the ability and commitment of the applicant to effectively manage areas containing piperia occurrences. Mitigation Measure BIO-D1-5 requires the oversight of the County, a third-party consultant, and the AMT of the applicant's management of piperia areas. Mitigation Measure BIO-D1-4 includes a funding guarantee mechanism involving a lien on the golf course property. These measures are considered adequately rigorous to ensure fulfillment of the mitigation obligations.

## Additional Preservation

Some respondents commented that additional preservation should be required at the Old Capitol and Aguajito sites. Respondents are referred to Mitigation Measure BIO-B1-2c which requires that the entire Old Capitol site be preserved (see also MR-BIO-5 above) as mitigation for Monterey pine forest. Preserving the Old Capitol site will allow piperia populations to expand and will protect the 57 acres at the site which were identified as containing piperia in 1996 (Allen 1996).

The piperia population at Old Capitol is a good candidate to benefit from enhancement measures. Preservation of the entire Old Capitol site, together with preservation of the occupied habitat in the Aguajito site, will make an important contribution towards mitigating the impacts of the proposed project. One respondent requested clarification of the method for determining the extent and location of the Aguajito preservation area. Mitigation Measure BIO-D1-3 requires a survey for Yadon's piperia to be conducted at this site in 2005. Based

on this survey, occupied habitat areas and 50-foot buffers surrounding them will be designated as preservation areas.

## Other Comments

One respondent commented that the term “metapopulation” is used incorrectly in the DEIR. This respondent is referred to Chapter P2 of the PRDEIR, which clarified the DEIR’s description of metapopulation. The population in the Del Monte Forest may or may not be functioning as a metapopulation as noted in the PRDEIR. The impact analysis takes into account the possibility that it is, specifically in terms of the significance of project effects to the population at Area MNOUV and potential ramifications for adjacent piperia occurrences.

One respondent recommended relocation of PQR lots to areas that would not impact piperia. This respondent is referred to Mitigation Measures BIO-D1-1. This measure will result in the avoidance of direct impact to piperia in Area PQR. One respondent requested an assessment of habitat fragmentation. This respondent is referred to the discussion of indirect impacts in Chapter P2 of the PRDEIR.

## Applicant’s Comments

The applicant commented that “no net loss of Yadon’s piperia” is an onerous success criterion. The significance criterion for impacts to a special status species is that an impact is significant if it “would have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the DFG or the U.S. Fish and Wildlife Service, (USFWS) including reducing the number or restricting the range of an endangered, rare or threatened species.” This criteria was drawn from the CEQA Guidelines, Appendix G, IV.a and XVII.a. CEQA guidelines were revised in 2004 to add the word “substantially” before the word “reducing” in the text above. However, there is no need to revise the criteria to reflect this change, because it does not change the finding of significance, as the project is determined in the PRDEIR substantially reduce the number of a listed species. In order to mitigate for the reduction in number and range of Yadon’s piperia due to the proposed project, the EIR has identified feasible mitigation measures, including avoidance, minimization, expansion of occupied habitat through transplantation and enhancement, preservation of large areas of occupied habitat, and resource management of existing populations.

The applicant commented that impacts to piperia are overstated and the required mitigation is excessive. The applicant further comments that approximately 80,000 piperia individuals outside of preservation areas will be unaffected by the project, and that the project will not affect the recovery of the species. The applicant is referred to Chapter P2 of the PRDEIR for a detailed explanation of

the impact assessment and the rationale for mitigation. The numbers of individuals affected or not affected by the project, as well as the number of individuals located within areas, which the mitigation measures require to be preserved, are also discussed.

The applicant asserted that the PRDEIR requires far more preservation than that called for by CDFG and USFWS as necessary to sustain the species. The most specific reference by CDFG regarding the population needed to sustain the species is the 1996 Recovery Strategies for Six Coastal Plant Species on the Monterey Peninsula (Jones & Stokes 1996). In this report, it is identified that “retention of more than 39,000 plants within four large population centers would likely be sufficient to ensure long-term survival of a perennial species such as Yadon’s rein orchid.” In 1996, the total estimated population was about 55,000 plants, and thus this recommendation represented nearly 75% of the known population at that time. Further, the 1996 CDFG report recommended that “efforts to protect the species should be focus on these two sites”; the two sites being Area PQR and Area MNOUV. As described in the PRDEIR, if the Proposed Project were to be approved with all recommended mitigations, a total of 63% of the known population would be preserved, including the existing lands under preservation. This is less than the 75% recommended in the 1996 study.

The USFWS Final Recovery Plan for Five Plants from Monterey County (USFWS 2004) calls for protection of four large Yadon’s piperia populations on the Monterey Peninsula (as feasible), at least three populations interior of the Monterey Peninsula, and other areas in northern and southern Monterey County. The Final Recovery Plan calls for the two largest populations (Area PQR and MNOUV) to be “protected to the maximum extent feasible”, but if not feasible states that “additional protected areas may be required” on the Monterey peninsula. The applicant’s assertion that the PRDEIR requires more preservation than called for by CDFG and USFWS is thus not supported by evidence in the record. In specific, CDFG raised no objection to the amount of preservation proposed in the PRDEIR. USFWS entered no comment on the PRDEIR, however, the Final Recovery Plan calls for preservation of populations within and outside the Del Monte Forest, which is consistent with the mitigation in the PRDEIR.

The applicant commented that the piperia occurrence at the proposed golf course site is one of several in the Del Monte Forest, and impacts to this occurrence are therefore less significant. The applicant is referred to Chapter P2 of the PRDEIR for a discussion of the importance of the piperia occurrence at the golf course, which is exceptional in its large area, adjacent area of apparently suitable piperia habitat, and number of individuals, compared to other known occurrences of this species.

The applicant commented that mitigation specified by the DFG for the RA2 project is accomplished by the DMF/PDP plan. The comment is noted; however the analysis of the prior project could not take into account the current understanding of plant and was applied to a different project than that being presently considered.

The applicant comments that impacts of residential development on piperia are overstated. The applicant is referred to the detailed discussion of these impacts in Chapter P2 of the PRDEIR. Implementation of Mitigation Measures BIO-D1-1 and BIO-D1-5 will serve to minimize impacts to piperia in residential areas to the maximum extent feasible, if residential development is approved. Because the project's impact is large relatively speaking, small losses of piperia (like the 34 individuals at residential subdivisions) are of less consequence than large losses (such as at the proposed golf course); however, given the endangered status of Yadon's piperia and the limited distribution, even small losses can still be significant. More importantly, the PRDEIR mitigation is not only focused on the 34 plants found in 2004 surveys, but also the 1.4 acres of habitat affected by residential development. These areas may also support more plants than found in 2004; may be adjacent to areas that do support populations, and thus have conservation value; and/or provide opportunities to enhance populations in these areas. Focus solely on the number of plants would underestimate the importance of preserving habitat throughout the Del Monte Forest, where feasible in the context of the Proposed Project. While the number may be small (in 2004), the residential subdivisions are throughout the Del Monte Forest, and preserving these Yadon's piperia occurrences will be valuable to overall preservation by sustaining occurrences in different locations and different settings.

The applicant and an additional respondent commented that requiring conservation easements on residential lots in order to save 34 individuals is not cost effective and is onerous. In order to mitigate a large direct impact to a less than significant level, the DEIR has identified feasible measures to avoid and minimize impact that will allow project objectives to be met. While administering conservation easements for residential subdivisions that include Yadon's piperia habitat will require additional expenditure and effort, this effort is not considered onerous for two reasons. The actual placement of conservation easements on residential subdivision will not require substantial additional effort itself. In light of this and other comments regarding piperia and Monterey pine forest, management of these areas by the residential owners themselves is considered unlikely to be effective, and thus Mitigation Measure BIO-B1-4 has been revised to require direct resource management of these areas by the applicant in combination with resource management of other areas (see Chapter 3 of this document). Since resource management will be conducted throughout the Del Monte Forest, the addition of these areas within residential lots is considered an important element of reducing indirect effects and is not considered onerous.

The applicant comments that a fragmented occurrence at the golf course can be managed and will be viable. Chapter P2 of the PRDEIR acknowledges this and states that the retained population would benefit from transplantation and management at the golf course site.

The applicant comments that redesigning the golf course to avoid piperia will not result in reduced impacts to the species. Comment is noted but the PRDEIR and DEIR do not agree with this assertion. Redesign, such as included in the 9-hole golf course element of Alternatives 2 and 3, would allow for the reduction of project impacts to piperia by preserving a far larger amount of contiguous

occupied and unoccupied habitat at the location of one of the two largest known populations of the species. However, it should also be noted that redesign of the golf course is not required by any recommended mitigation measures for Yadon's piperia, as other means of mitigation have been identified as described in the PRDEIR.

The applicant comments that additional information on the history of Yadon's piperia taxonomy should be included in the FEIR. The applicant is referred to the Draft TEAM Plan (Ecosystems West 2004), which is included in the DEIR as Appendix I, which provides such additional taxonomic information.

The applicant commented that mitigation measures on the golf course, such as fencing to protect piperia occurrences and transplantation, could interfere with play. The applicant requests that transplantation and piperia management not take place in portions of the golf course that are in play. Provided that design of the golf course allows for the designation of occupied piperia areas, enhancement areas, and transplantation areas in out-of-play portions of Area MNOUV, resource management requirements are unlikely to interfere with play on the golf course. The AMT and the County, overseeing the third party consultant, will determine what specific management measures are necessary on the golf course related to piperia.

## MR-BIO-7: Bristol Curve

Comments on the DEIR were provided concerning the following Bristol Curve issues:

- Traffic impact of a proposed mitigation for Yadon's piperia to reroute traffic from the realigned Stevenson Drive to Bristol Curve.
- Noise impact of the proposed mitigation

As described in the PRDEIR, this particular mitigation for Yadon's piperia is no longer proposed. The applicant has proposed a revised Stevenson Drive realignment that provides a single entry for the residents along Bristol Curve. With implementation of this realignment, there will no longer be a through road along Bristol Curve.

Traffic along the revised Stevenson Drive will be the same as disclosed in the DEIR and impacts are considered less than significant. Traffic along the retained Bristol Curve will be less than at present due to the elimination of through traffic.

Noise levels along Bristol Curve with the revised Stevenson realignment were analyzed in the PRDEIR (see Page P5-5, starting at Line 19). While noise levels would increase due to the traffic along the revised alignment, the existing ambient noise level, and the resultant noise levels and change in noise levels are less than significant.

## MR- BIO-8: Pacific Grove Clover

Several comments questioned whether the present population of Pacific Grove clover at the existing equestrian center in Area MNOUV was greater or less than that presented in the DEIR and thus whether the proposed mitigation was appropriate to the level of impact. Several comments also questioned whether management of this species within the golf course context will actually work to preserve the local population and whether remedial action would be necessary in the event that success criteria is not met.

It should be noted that this Pacific Grove clover location is not in a pristine, undisturbed setting. As noted in the DEIR (DEIR Appendix E, Page E-23, Line 23 through 31), Pacific Grove clover is tolerant of vegetation and soil disturbance and may even benefit from it. It has been found in pastures, trails, horse, training areas, parking areas picnic grounds, abandoned roads, and under grandstands where it is subject to regular disturbance. Pacific Grove clover occurrences are found along the Monterey Peninsula Country Club Golf Course and 17-Mile Drive in areas of horse and pedestrian traffic and such disturbance does not appear to threaten these populations.

Jones and Stokes botanists conducted a reconnaissance survey of the Pacific Grove clover location at the existing equestrian center on June 22, 2004, together with botanist Vern Yadon and a botanist from Zander and Associates. While Pacific Grove clover was not readily identifiable at the time of the survey due to the lateness of the season, it was possible to identify the species based on desiccated remnants of clover plants at the site. Areas of known occurrences and potential habitat at the equestrian center were surveyed. No positive identifications of Pacific Grove clover were made at the locations of previously identified occurrences. Vern Yadon and the Zander and Associates botanist identified that the occurrence was present in recent years, though in a much smaller area than shown in the Biological Resource Map in the DEIR. A clover individual was identified in Collins Field east of the existing equestrian center that appeared to be highly similar to Pacific Grove clover. This individual was located in a patch of clover approximately 6 square feet in area. All the clover in this patch may be Pacific Grove clover, but it was not considered possible to conclusively identify individuals to the species level at the time of the survey.

From the information available, it appears possible that the occurrence at the existing equestrian center may be smaller than described in the DEIR. The DEIR was based on 1996 and 1997 surveys, which were the most recent surveys that have been reported with accurate mapping. Although, the applicant's consultants have identified that the occurrence is smaller at present, no survey reports and no survey maps have been provided to substantiate this assertion. The identification of a potential Pacific Grove clover occurrence east of the equestrian center in a new location raises the question of whether this species may be found in other parts of Collins Field. The uncertainty about the extent of the occurrence in Area MNOUV warrants an additional survey in order to identify the current extent of clover and to design appropriate mitigation. A survey should be conducted of the entire existing equestrian center and all of Collins Field in April or May 2005,

during the optimal identification period for Pacific Grove clover. The mitigation for this species has been revised to incorporate the results of the new survey as presented in FEIR Chapter 3 and to provide specific success criteria.

Comments recommended the separation of the resource management area for Pacific Grove clover from the Proposed Golf Course in order to avert indirect effects of golf course management. Because the plant has been known to thrive in disturbed settings this separation may not be necessary. The complete separation of the species from the golf course has been incorporated, if feasible, as one option into the revised mitigation measure BIO-D3 in Chapter 3 of this document. The feasibility of separation must be evaluated after the 2005 surveys have been completed. The primary concern, whether the management area is out of play or not, is to provide for sufficient delineation of the area to ensure that turf management practices (irrigation, herbicide use, seeding, mowing) are not inadvertently applied to the management area and that management of the clover area is favorable for the preservation of this occurrence.

Regarding remedial action if the success criteria for this mitigation are not met, this has been added to revised Mitigation Measure BIO-D3 in Chapter 3 of this document. The species survives in areas of a certain level of disturbance, such as that occurring along trails along 17-Mile Drive, and may require disturbance in order to persist in a particular location. Provided that the indirect effects of golf course management can be managed, it is considered feasible to create/sustain a resource management area for this species within the general context of the golf course.

## MR-BIO-9: Resource Management Plans

Comments on the DEIR were provided concerning Resource Management Plans regarding the following Issues

- Adequacy of RMPs as Mitigation
- RMP Methodology
- Invasive Species Control
- Site-Specific RMP Approval, CEQA, and Public Involvement
- Oversight, Monitoring and Remedial Action

### Adequacy of RMPs and Resource Management as Mitigation

Comments assert that RMPs developed at a later date do not provide sufficient detail to assure that impacts to biological resources will be mitigated to a less

than significant level. Other comments assert that resource management has been unsuccessful in the past and thus cannot be relied upon as mitigation for this project.

The preparation of the Master Resource Management Plan and the Site-Specific Resource Management Plans are not intended as ‘stand-alone’ mitigation. Rather, they are an organizing tool to ensure that the applicant’s proposed resource management measures as modified and supplemented by mitigation measures identified in this EIR are implemented in a cogent, comprehensive, and geographically specific manner with proper monitoring, oversight, and management. Revised Table ES-2 in Chapter 3 of this document identifies which biological resource mitigation measures are implemented through the Master RMP and Site-Specific RMPs.

The resource management measures are already identified in the applicant’s plans and the mitigation measures in the EIR. The performance criteria for resource management are also identified within these same sources. As such, the Master RMP and the SSRMPs will not identify “new” mitigation at a later date, but rather provide the implementing detail to meet the overall resource management goals and criteria that have already been identified. The SSRMPs do not thus represent “mitigation by plan” or “deferred mitigation”.

All of the applicant’s resource management plans were not included in the DEIR itself, but are considered part of the application and mandatory. The plans themselves are available at the Marina office of the Planning and Building Inspection Department. Commenters interested in reviewing the plans may do so at the County offices. The relevant requirements of the plans have been adequately described in the DEIR. The specific requirements are mandatory elements of the Master RMP and the SSRMPs.

In the DEIR, PRDEIR, and this FEIR, where a specific quantitative outcome is considered necessary to provide mitigation for this project, these are identified. These quantitative outcomes are necessary where the DEIR identifies a potential significant loss or degradation of a particular resource due to implementation of the Proposed Project. Examples include:

- Dedication Areas for Monterey Pine Forest and Yadon’s Piperia
- Monterey Pine Forest Restoration (15 acres at the golf course)
- Dune and Dune Species Restoration (dune management areas, specific % of cover, etc.)
- Gowen Cypress Restoration (1.6 acres in HHNA)
- Yadon’s Piperia Enhancement and Transplantation (no net loss)
- Pine Rose (replanting of all removed plants, as feasible)

- Monterey Pine (replanting on 1:1 basis where it would not compromise forest health)

The narrative goals identified in resource management plans and mitigation are directed at sustaining the health of forested areas, wetlands, sensitive vegetation communities, and special-status species. Where resource sustainability is the overall goal, the purpose of resource management is to avoid further degradation, reduce impairments and extant threats, but not necessarily to increase the range or extent of habitat. As such, narrative goals are appropriate at this time.

Although there have been difficulties with restoration of special-status species, as noted regarding Spanish Bay dune restoration, the record is not such that compelling evidence exists that the proposed resource management in association with this project will not ultimately be successful. In particular, the lessons from prior restoration projects are being applied in the creation of the oversight and monitoring regime for this project, which is described further below.

## **Master RMP**

The Draft Master Resource Management has been prepared, is included as Appendix A in this document, and is a synthesis of the following:

- Relevant portions of the applicant's resource management plans
- Revisions and additions to the applicant's resource plans that are required by mitigation identified in the DEIR and the PRDEIR, as revised in this FEIR including specific performance criteria
- Relevant measures from the Ecological Management Implementation Plan (EMIP) prepared by Monterey County in 1998, including specific performance criteria.
- Procedures for Preparation, Review, and Approval of the Site-Specific RMPs
- Procedures for Preparation, Review, and Approval of the Annual Work Plan
- Procedures for Preparation, Review, and Approval of the Annual Monitoring Report
- Oversight Procedures.

The Master RMP does not constitute a new or separate mitigation measure. Rather, it is a consolidation of the prior resource management measures and performance criteria from the sources noted above into a single guidance document. The Master RMP provides the direction for preparation of the Site-

Specific RMPs that will provide specific detail on implementation steps by geographic area.

### Site-Specific RMPs

The Site-Specific RMPs will be the guidance document that will direct all resource management activities for each specific preservation, conservation, and resource management area. The Site-Specific RMPs will be developed prior to the issuance of any grading permit for the Proposed Project. The Site-Specific RMPs do not constitute a new or separate mitigation measure. Rather, they are an implementing application of the resource management measures and performance criteria in the Master RMP in a geographically-specific context. Also, where the Master RMP identifies site-specific requirements, these will be further defined in the Site-Specific RMP.

Two examples of existing site-specific requirements that are included in the RMP and will be elaborated in the SSRMP are the following for the HHNA:

- The applicant's Special Status Species Report (Zander 2001b) proposes the restoration of Gowen cypress and Bishop pine within 1.6 acres in the HHNA. This requirement is included in the Master RMP. The SSRMP for HHNA will identify the specific location, monitoring locations, frequency, timing, methods, and reporting related to this activity building on the restoration methods identified in the applicant's Special Status Species Report
- Mitigation includes monitoring of vegetation composition in areas of heavy horse activity to assess the potential spread of noxious weeds in HHNA. This requirement is included in the Master RMP. The SSRMP for HHNA will identify the probable monitoring locations, the criteria for finalizing the monitoring locations, the size of the monitoring area, the monitoring parameters and methods, reporting procedures, and details on remedial actions.

As described in the Draft Mitigation Monitoring and Reporting Program (available on the project web site ([http://www.co.monterey.ca.us/pbi/major/pbc/pbc\\_main.htm](http://www.co.monterey.ca.us/pbi/major/pbc/pbc_main.htm)), the Site-Specific RMPs will be implemented through Annual Work Plans and Annual Monitoring Reports.

### Annual Work Plan

The Annual Work Plan will be the implementing mechanism for the Site-Specific RMPs and will identify the specific resource management activities proposed to be performed in the upcoming 1- or 2-year period. The site-specific RMP will establish the pacing of habitat management for the mitigation period, a minimum of 20 years. This pacing will be based upon the assumptions of project phasing

that are made at project approval. The Annual Work Plan shall be submitted annually for the first five years and every other year after the first five years. This requirement shall remain in force for a minimum duration of 20 years. The Annual Work Plan shall be completed and approved by the Monterey County Director of P&BI prior to the end of the calendar year. The first Annual Work Plan shall be submitted for approval prior to issuance of grading permits along with the site-specific RMPs.

The applicant will be responsible for all resource management efforts on applicant-owned properties and on all areas proposed for preservation or conservation and for funding the preparation of the Annual Work Plan portions relevant to these properties. The applicant shall be responsible for ensuring that the Annual Work Plan is completed by the completion dates shown for these properties.

The transfer of any of the parcels which are subject to the requirements of the RMP shall only be made if binding restrictions and/or guarantees are in effect which insure that the RMP can be implemented and that the funding for this work will continue. The Director of P&BI will need to review and approve the restrictions and/or guarantees prior to any transfer.

At a minimum, the following elements would be included in the Annual Work Plan:

- resource management actions for the upcoming period by habitat, species, and location including estimates of materials, staffing, permitting needs and cost estimates;
- a map on an aerial photograph identifying the location of all proposed activities;
- cumulative summary of previous annual requirements and actions;
- summary of effectiveness of previous actions (from the annual monitoring reports);
- progress report toward completion of SSRMP overall requirements and mitigation fulfillment; and
- a preferred schedule with notations where changes may be appropriate due to climatic or other uncontrollable circumstances.

## Annual Monitoring Report

An annual monitoring report shall be prepared by a third-party consultant approved by Monterey County that addresses resource management progress, and helps establish the annual work program actions. Monitoring reports shall include:

- monitoring activity and results;
- the type, amount, and location of resource management that occurred and the quality and success of the management actions for the target habitat, species, or location based on the monitoring results;
- evaluation of site-specific consistency with the specific success criteria contained in the SSRMPs;
- evaluation of the overall successes and deficiencies in the resource management actions to date;
- recommendations to address resource management deficiencies or to enhance success to be incorporated into the upcoming Annual Work Plan; and
- recommendations for any proposed changes in monitoring activity, methods, and implementations for the upcoming period.

A monitoring report shall be submitted for approval within 90 days of the end of upcoming calendar year. After each fifth-year report is completed, the Director of the Planning and Building Department shall report to the Board of Supervisors regarding progress of the resource management program.

As described for the Annual Work Plan, the Owners/Developers of the different subdivisions shall be responsible for funding the portion of the annual monitoring report relevant to their properties and shall be responsible for ensuring that the monitoring report is completed by the completion dates shown within.

## RMP Methodology

One comment suggests that population viability analyses (PVAs) should be conducted for every species as the basis for development of RMPs. Another comment suggests that transplantation should not be used as mitigation strategy in RMPs.

Population viability analysis (PVA) is a comprehensive analysis of the many environmental and demographic factors that affect survival of a population. As described in the DEIR, the biological resource setting (in DEIR Appendix E) and the impact analysis (in Section 3.3) was based on the available data on special-status plant and wildlife species and sensitive vegetation communities as well as the specific resource inventories prepared for the project area. As presented in DEIR Appendix E, current knowledge about status, habitat requirements, distribution and occurrence, causes of decline, existing threats and the recommendations of existing recovery plans or other conservation strategies were consulted in order to identify the current level of knowledge about special-status populations. There are draft and/or final federal recovery plans prepared for certain listed federal species that contain general population viability analyses, in that they provide criteria for delisting or downlisting that implicitly or explicitly

identify some level of overall species viability. Other ecological assessments, such as those described above concerning Monterey pine forest, also examine threats to viability. However, as in the case of Monterey pine forest, while there is general concern about the viability of this sensitive community, there is not a formal consensus (nor a formal process to create such consensus) that would provide the precision needed for a formal PVA or to complete a reserve design.

It should be noted that population viability analysis is a developing practice and when conducted, there is not always agreement among different scientists regarding conclusions of the analysis particularly when the available data quality is limited or of low quality.

While it would be preferable to have a consensus peer-reviewed analysis of the viability of all rare species that might be affected by a particular project or to inform a resource management plan, this is not considered feasible nor practical. However, the level of available information about special-status species and sensitive vegetation communities is considered an adequate information basis by which to conduct the analysis in the EIR, identify significant impacts, and by which to identify mitigation for various resources and by which to develop resource management measures and criteria.

Transplantation is mentioned generically in the Mitigation Measure (BIO-B1-1) that describes the overall intent, purpose, and framework of the Master RMP and the SSRMPs. Transplantation, direct seed transfer, and/or propagation and outplanting is proposed for the following special-status species, as described in the Master RMP:

- Yadon's piperia (Area MNOUV only) – Salvage of plants from Proposed Golf Course grading and understory removal areas and transplant into retained forested areas not containing Yadon's piperia at Area MNOUV.
- Gowen cypress/bishop Pine (HHNA) – Growth of seedlings from HHNA seed stock and outplanting. These species have been restored previously at the Sawmill site and thus their restoration within the disturbed area in HHNA is considered feasible.
- Pacific Grove clover (Area MNOUV only) – Potential direct transfer of seedbank from existing area to Pacific Grove clover management area within the Proposed Golf Course. While the EIR authors are not aware of transplantation of this particular species in prior restoration efforts, Pacific Grove clover has been grown successfully from seed in pots (J&S 1996b). Given that the species tolerates a moderate level of disturbance, restoration of this species by transferring seedbank or growth from seed is considered feasible.
- Dune special-status species (Signal Hill Dune only) – Potential direct transfer of whole plants from Signal Hill dune to restoration areas along with direct application or growth/propagation from collected seed,

cuttings, root divisions, and seedlings. Dune plants have been restored previously in other local dune settings.

- Pine Rose (Multiple Locations) – Salvage and replanting of pine rose within grading areas to other suitable locations. As a rose species, replanting of this species is considered feasible.
- Hooker’s and Sandmat Manzanita (Multiple locations) – Collection of mature fruits and seed distribution and/or propagation and outplanting within open space forest areas is proposed in the Applicant’s Special Status Species Report. Both of these species are widely used horticulturally and thus transplantation or propagation and outplanting is considered feasible.
- Hickman’s Onion (PQR and potentially elsewhere) –Proposed to be planted in the wet meadow area in Area PQR containing an existing occurrence and potentially other locations through propagation of local seed and outplanting. As an onion species, replanting of this species is considered feasible. Applicant reportedly has resource staff who are experienced in transplanting/outplanting this species (Zander 2001b).

Special-status species resource management will only be conducted under the oversight and monitoring regime established in the SSRMPs and under the Piperia Plan for Yadon’s piperia. While there have been difficulties with restoration of some special-status species in a number of instances to date, there is no compelling evidence that the measures proposed in association with this project are not feasible. However, it is likely that successful restoration will require adaptive management and adjustment in methods over time to be ultimately successful.

It should be noted that the large-scale transplantation requirement for Yadon’s piperia included in the DEIR has been scaled down to focus only on Area MNOUV due to concerns about feasibility and potential adverse effects to existing piperia populations near receiver sites.

The overall RMP structure is required to be in place for a minimum of 20 years which allows for a lengthy period in which to adapt and apply best management practices identified through resource management activities in the plan area and to achieve the overall resource management goals and performance criteria.

## **Invasive Species Control**

Several comments suggest additional measures should be included in RMPs concerning the control of invasive species including: control of all invasively-acting weeds including non-native grasses; complete eradication of non-native weeds; routine follow-up to remove resprouting plants; adequate weed staffing; monitoring by a qualified biologist; proper cleaning of clothing and equipment to

avoid spread of weed seed; worker education to avoid inadvertent removal of special-status species or sensitive vegetation.

Elimination of invasive non-native species is included in the OSAC Management Policies for protected natural areas and open space forest. Complete eradication of all non-native plant species, while desirable, may not be feasible due to the difficulty to eliminate all weed seed. However, control of invasive non-native plant species is an important element of resource management and will be a required measure for all managed areas in perpetuity that shall be funded by the applicant (or their successors in interest). Mitigation Measure BIO-B1-1 has been revised to add some of the comment suggestions and to provide additional detail regarding the weed control aspect of resource management as presented in FEIR Chapter 3.

## SSRMP Approval, CEQA, and Public Involvement

A number of comments asserted that approval of the RMPs will be a discretionary activity by Monterey County and thus additional CEQA review will be required. Several parties requested that the public be allowed to review and comment on the RMPs before they are approved by the County

As described in the Draft Mitigation and Monitoring Plan, the Site-Specific RMPs will be developed by the County Planning & Building Inspection Department (P&BI) through a third-party consultant who they will select. The funding for this consultant and the RMP development process will be borne solely by the applicant.

The SSRMPs shall be reviewed by, and input solicited from, the CDFG (DFG), CCC, the US Fish and Wildlife Service (USFWS), the Fire Protection arm of the Pebble Beach Community Service District (PBCSD), the Del Monte Forest Foundation (DMFF), Open Space Advisory Committee (OSAC) and the Monterey County Planning and Building Inspection Department [OSAC and DMFF have been added pursuant to comment]. These agencies shall have 30 days to review and comment on the plan. Comment from other organizations or from scientific experts may also be solicited. These plans shall be approved by Monterey County prior to the issuance of grading permits for the Proposed Project. This review process is considered adequate to inform the SSRMPs. Public review of the SSRMPs is not required; however, the County will consider whether or not to provide any public review of the SSRMPs at the time of their preparation.

As the SSRMPs are an implementing plan for the previously identified resource management and mitigation measures, the review is limited to ensuring that the plans correctly apply the prior strategies, principles, and criteria. The EIR prepared for the Proposed Project will serve as the CEQA document for approval of the SSRMPs by the County. As discussed in Master Response LU-GEN-1, CEQA does not require a separate document for every approval associated with the Project. When multiple approvals are required, the lead agency (in this case,

Monterey County Planning & Building Agency) prepares a CEQA document and solicits the input of other responsible agencies. Once certified, both the lead agency and the responsible agencies utilize the same CEQA document as their compliance under CEQA for the various approvals that may be issued. Pursuant to CEQA guidelines Section 15162 (c), a supplemental or subsequent EIR is only required when substantial changes occur with respect to the circumstances under which the project is undertaken that will require major revision of a previous EIR because of the new significant environmental effects, a substantial increase in the severity of previously identified effects; and/or new information of substantial importance. None of these circumstances are expected during the preparation of the SSRMPs.

## Oversight, Monitoring and Remedial Action

A number of comments request additional details concerning who would conduct oversight of the RMPs, monitoring, and how remedial action would be identified in the event that certain resource management measures prove to be ineffective. One comment asked that the Open Space Advisory Committee be involved in development of RMPs and oversight.

Monterey County Planning & Building Inspection Department will be the oversight for RMP implementation, monitoring, and any remedial action. The Annual Work Plan will be prepared by the applicant. Monitoring and the Annual Monitoring Report will be prepared by a third-party consultant under contract to Monterey County.

Similar to SSRMP review, the County will provide an opportunity for review of the Annual Work Plan and Monitoring Report by DFG, CCC, USFWS, PBCSD/CDF, The DMFF, and potentially other agencies, organizations, and scientific experts as determined necessary by the County. The reviewing parties shall have 30 days to review and comment on the plan and report. This requirement has been added to the MMRP.

Potential need for remedial action and remedial action measures will be identified by the third-party consultant during preparation of the Annual Monitoring Report, may be suggested by reviewers and/or the County. The County shall determine the need for remedial action and require remedial action as needed to be incorporated into the next Annual Work Plan and implemented in subsequent year.

## Hydrology and Water Quality (HWQ)

### MR-HWQ-1: Manure Management

Comments on the DEIR raised the following issues concerning manure management:

- Definition of Approved Disposal Facility
- Monitoring and Maintenance
- Liquid Waste Management
- Mitigation Effectiveness
- Special Events
- Storm Events
- BMP Plan Approval

## Definition of Approved Disposal Facility

Comments on the DEIR suggest that the mitigation should allow for use of manure for natural fertilizer by organic farms as an approved disposal facility.

This has been revised in the DEIR text as presented in FEIR Chapter 3.

## Monitoring and Maintenance

Comments on the DEIR assert that proposed mitigation should be expanded to include regular cleanup of the New Equestrian Center and trails.

As stated in the DEIR (Chapter 3.4, Hydrology and Water Quality), use of the New Equestrian Center could generate substantial quantities of animal wastewater and manure solids. These wastes could contain elevated levels of nutrients, inorganic salts, oxygen-demanding substances, and pathogenic organisms. BMPs established to manage manure at the New Equestrian Center, which are listed above, include daily stockpiling and disposal of manure and bedding wastes. The BMPs Plan is included in the applicant's Development Plan application by reference, and will be required to be implemented along with the Proposed Project.

Impact HWQ-C3 (DEIR Chapter 3.4, Hydrology and Water Quality) identifies that with implementation of the following measures, the impact of animal waste at the New Equestrian Center would be *less than significant*:

- Proposed drainage improvements, including detention/retention basins, buffers, and biofilters/swales;
- Wetlands mitigation (HWQ-A1-1 and HWQ-A1-2);
- Stormwater drainage infrastructure mitigation (HWQ-B1-1 and HWQ-B1-2);

- Biological resources mitigation (BIO-); and
- All measures in the BMPs Plan.

Mitigation Measure HWQ-C3-1 also requires water quality monitoring along equestrian trails, and identification of additional measures if monitoring shows a substantial increase in nutrients resulting from animal waste. The additional measures could include more frequent manure cleanup, if needed to avoid a substantial degradation of water quality.

No revisions to the DEIR are required related to comments on this issue.

It should be noted that weed control for management of HHNA is also discussed in relation to horse manure in Master Response MR-BIO-4 above and revisions of DEIR mitigation were made to enhance the effectiveness of weed control.

## Liquid Waste Management

Comments on the DEIR request that detail be provided regarding liquid waste capture and avoidance of groundwater contamination.

As stated in the DEIR (Chapter 3.4, Hydrology and Water Quality), use of the New Equestrian Center could generate substantial quantities of animal wastewater and manure solids. Ground surfaces in equine exercise areas could also become trampled and muddy during rainfall season, thereby contributing to off-site transport of sediment and other contaminants that may adversely impact the quality of the Sawmill Gulch watershed. BMPs established to manage animal wastewater at the New Equestrian Center are listed above. The BMPs Plan is included in the applicant's Development Plan application by reference, and will be required to be implemented along with the Proposed Project. Project design features including 100-ft buffers areas around ESHA wetlands, detention/retention facilities, and swales will allow for biofiltering of contaminants and liquid waste before they reach groundwater supplies.

With implementation of the measures described in Impact HWQ-C3 (DEIR Chapter 3.4, Hydrology and Water Quality), the impact of animal waste on water quality, including groundwater at the New Equestrian Center will be *less than significant*. Mitigation Measure HWQ-C3-1 also requires water quality monitoring and mitigation along equestrian trails, as necessary. No revisions to the DEIR are necessary.

## Mitigation Effectiveness

Comments on the DEIR suggest that mitigation for handling of waste products at the New Equestrian Center is "questionable" and some are "dubious" about their effectiveness.

No additional information or evidence is presented to substantiate these comments. The BMPs Plan and DEIR mitigation measures are anticipated to adequately mitigate potential water quality impacts from the New Equestrian Center.

## Special Events

Comments on the DEIR assert that it does not provide analysis of water quality effects of special events at the New Equestrian Center.

The DEIR analysis (page 3.4-16 Line 33 through page 3.4-18 Line 29) does not explicitly address special events, although the BMPs identified for operations of the New Equestrian Center could be readily applied to special events.

Additional control measures for liquid waste may be necessary during special events (approximately 8-12 annually) at the New Equestrian Center where horses are housed on-site during multi-day events. Additional requirements have been added to Mitigation Measure HWQ-C3 regarding special events including placement of bedding (i.e., shavings and/or straw) in all permanent and temporary stable facilities, including sleeping and washing areas, during special events. Bedding shall then be collected immediately following conclusion of the special event and transported to an approved disposal facility.

Revisions have been made to the impact discussion and the mitigation as presented in FEIR Chapter 3.

## Storm Conditions

Comments on the DEIR question how the project protects downstream areas from nutrient spills in severe storm conditions.

As stated in Impact HWQ-B1 (DEIR Chapter 3.4, Hydrology and Water Quality), the preliminary drainage report for the Proposed Project identifies that each development area will support its own retention storage requirements, or that downstream facilities have been or will be designed to accommodate additional runoff to increases in peak flows. Retention storage facilities will accommodate the difference between the peak 100-year post-development volume and the peak 10-year pre-development volume, per County requirements.

Mitigation Measures HWQ-B1-1 and HWQ-B1-2 require that the project applicant design and construct all drainage improvements necessary to adequately handle increased stormwater flows from the Proposed Project. In addition the BMPs plan includes measures to address manure management as discussed above and Mitigation Measure HWQ-C3 requires monitoring and remedial action concerning water quality. Surface runoff containing nutrient spills from the New Equestrian Center site is expected to be accommodated in

these retention storage facilities and to flow through the biofilters included in the drainage plan.. The combination of these measures is considered to adequately handle the potential for storm-event nutrient spills.

No revisions to the DEIR are necessary regarding this issue.

## **BMP Plan Approval**

Comments on the DEIR suggest that a Best Management Practices (BMP) Plan for equestrian waste be reviewed and approved prior to project approval.

*A Best Management Practices (BMPs) Plan for Del Monte Forest Preservation and Development Plan – Golf Course, New Equestrian Center, and Driving Range* has already been prepared for the project applicant (Questa 2003a, Questa 2003b). The BMPs Plan presents a water quality assessment and environmental management plan for the Proposed Project. The relevant portions of the BMPs Plan are included as Appendix F of this FEIR (CDROM version only) and are included in the Master RMP.

While Site-Specific RMPs will be developed for the New Equestrian Center and HHNA that will provide further details concerning manure management practices, the detail within the existing BMP plan is adequate for the purposes of evaluating whether potential water quality impacts can be mitigated to a less than significant level.

## **Public Services & Utilities (PSU)**

### **MR-PSU-1: Police Services**

Comments on the DEIR raised the following issues concerning Police Services.

- Monterey County Sheriff's Office Guidelines
- Responsibility for Funding Police Services
- Impact Analysis and Mitigation

### **Monterey County Sheriff's Office Guidelines**

Comments on the DEIR suggest that Monterey County guidelines for police coverage are inappropriate for the Del Monte Forest.

As stated in the DEIR (Chapter 3.5, Public Services and Utilities), the Monterey County Sheriff's Office strives to maintain a performance standard for police

services of one patrol officer per 1,000 population. This is the standard identified by the County Sheriff's Office during preparation of the DEIR. The Proposed Project would increase the permanent population in the Del Monte Forest by an estimated 292 residents and would increase the number of daily visitors the demand for police services. Given that the Sheriff's Office has about 23 fewer deputies less than that needed to meet the current population, the increase in population will exacerbate service levels within and without the Del Monte Forest.

## Responsibility for Funding Police Services

Comments on the DEIR assert that Monterey County is obligated to develop funding sources for police services, not the applicant. Other comments request clarification of potential funding sources imposed on existing residents

As noted above, the Proposed Project would increase the permanent population and daily visitors and thus the demand for police services. Since it is the applicant's project that will result in this increased demand, then as stated in the mitigation measure (PSU-A2) the applicant is required to make a funding allocation. This will not be a levy on existing residents. The mitigation measure has been clarified to make this explicit.

## Impact Analysis and Mitigation

The applicant suggests revisions to the impact analysis calculation, that would result in a maximum increase in visitors of less than 900/day. The applicant also asserts that the Proposed Project will have a significant positive impact on Monterey County as the County collects TOT, property, and sales taxes from the Del Monte Forest, while the applicant provides all existing security, patrol, and infrastructure maintenance. Finally, comments suggest an increase in private security services in order to maintain existing levels of service.

The DEIR analysis of potential impacts of the Proposed Project is considered adequate as the increase in demand for police services is demonstrated by evidence of increased residents and daily visitors. However, the following paragraphs discuss the specific concerns raised by comments.

DEIR Chapter 3.5, Public Services and Utilities, states that the projected increase in visitors that would increase demand for police services is roughly 1,000/day *at maximum* (emphasis added). The calculation provided by one comment estimates the projected increase in visitors at less than 900/day, which falls within the range identified by the DEIR.

Expected increases in the Transient Occupancy Tax (TOT), Property, and Sales Tax revenues to Monterey County as a result of the Proposed Project *may* be sufficient to cover the costs of additional police services. Mitigation Measure

PSU-A2, which requires cooperation between the applicant and the County to develop a funding mechanism to cover these costs, enables such calculations to be discussed and negotiated. Text has been added to clarify this point in the mitigation measure.

The applicant currently employs 72 security guards to staff the 5 entrance gates and patrol the community. The applicant's Security Department provides "good neighbor" assistance to Del Monte Forest residents, and back-up support to the Monterey County Sheriff and California Highway Patrol. The DEIR addresses potential impacts on police services provided by the County Sheriff's Office only, as these are public services.

## MR-PSU-2: Water Supply and Demand

Comments on the DEIR and PRDEIR concerning water supply and demand were made related to the following issues:

- Water Supply
- RWP Improvements (Phases I and II)
- PBC Entitlement
- Carmel River Withdrawals
- Saltwater Intrusion in Seaside Basin
- Tertiary Water in Carmel Lagoon
- Water Conservation
- Baseline
- Cumulative Impacts

A majority of DEIR comments addressing water supply and demand were directly addressed in the PRDEIR. Where this applies, the impact, mitigation measure, and/or page number has been identified in the following discussions.

## Water Supply

DEIR comments claim that Cal-Am appears unable to supply additional water to the Project without overdraft of the Carmel River. Comments allege that the Project would violate County water standards and/or "burden water supply to a catastrophic degree." As stated in the PRDEIR (page P1-13), the applicant has a remaining potable water entitlement of 355 AFY, to be supplied by Cal-Am. The estimated increased withdrawals needed to serve project demands could range

from 164 to 346 AFY, depending on scenario, which is less than PBC's entitlement. The PRDEIR water supply analysis (page P1-13) recognizes that existing development has already resulted in a level of withdrawal by Cal-Am that adversely affects biological resources in the Carmel River. As such, project mitigation requires that recycled water for irrigation of golf courses and landscaped areas be provided through Phase II Improvements to the Recycled Water Project. Implementation of the following mitigation measures will reduce potential water supply impacts due to the Proposed Project:

- **Revised Mitigation Measure PSU-D1.** The applicant shall fund or arrange to fund the RWP Phase II Improvements. Potable water and recycled water shall not be used to serve any Proposed Project developments until the Phase II improvements are operational.
- **Mitigation Measure PSU-D2.** Potable water shall not be used to meet irrigation demand of the Proposed Golf Course, the Spanish Bay Driving Range, or the New Equestrian Center.
- **Revised Mitigation Measure PSU-D3.** Should the applicant transfer more than 100 AF of its entitlement to DMF residential uses (Phase II investors), the applicant shall offset increased withdrawals from the Carmel River between June and October of wet years by one of the following options: a) fund the provision of tertiary treated water to Carmel Lagoon, b) reduce consumption of potable water, and/or c) extend recycled water lines to replace potable water use by existing development. Water supply provided by these measures shall be scaled to the net increase in summer withdrawal from the Carmel River resultant from Project plus Phase II investor use. [NOTE: full revisions to this measure described in Chapter 3].

Implementation of these mitigation would avoid increased withdrawals from the Carmel River and the Seaside Basin, avoid degradation of existing Carmel River and aquifer resources, avoid project-related curtailment of existing water system operations, and avoid project contribution to the need for development of alternative water supplies.

Both DEIR and PRDEIR comments raise concerns regarding water supply problems that may arise should Phase II improvements and entitlement sales not produce projected results. Comments question whether Phase II will supply sufficient quantity and quality of irrigation water to meet Project needs. As described in the PRDEIR (page P1-4), Phase II Improvements will address recycled water quality and quantity issues in order to meet irrigation demands in DMF and must be operational before potable or recycled water is used by the Proposed Project elements. These Phase II improvements include restoration of the Forest Lake Reservoir to provide additional storage capacity, and wastewater treatment improvement at the CAWD plant to address salinity. Forest Lake Reservoir improvements will enable Phase II to provide an estimated 420 AF of nominal storage capacity, which is estimated by CAWD to meet recycled water demand 14 out of 15 years. Implementation of Mitigation Measures PSU-D1,

PSU-D2, and revised PSU-D3, listed above, will reduce potential water supply impacts due to the Proposed Project. In particular, Measure PSU-D2 prohibits any use of potable water for turf irrigation for the Proposed Project, which is the primary water consuming action of the project.

Other DEIR comments assert that the DEIR understates impacts on water supply sources for drought conditions. The PRDEIR water supply analysis (page P1-10) addresses water demand in a very dry year, the worst-case demand equal to the highest single year golf course use in the DMF identified in a review of available water use data for the last 25 years. The series of assumptions used to build the very dry-year scenario are all on the conservative end of the scale and thus are not likely to underestimate likely irrigation demands, Drought conditions would be representative of a series of very dry years, thereby requiring rigorous implementation of all project mitigation.

Finally, comments express concern about fair treatment for access to water and emergency water plans. The Proposed Project would not impact access to water by other DMF or Monterey Peninsula users, as the project, as mitigated, would not result in a net increase in water use.

## **RWP Improvements (Phases I and II)**

Several comments, including those of the applicant, assert that the PRDEIR is unfair and in violation of agreements with public agencies by failing to give credit to PBC's funding of Phase I, which have reduced Carmel River withdrawals to the benefit of biological resources. PRDEIR CAWD/PBCSD Recycled Water Plant section (page P1-39) recognizes that PBC "has guaranteed payment of construction costs of the Project as well as any operating deficiencies." RWP Phase I supplied between 550 and 780 AFY for irrigation of golf courses, athletic fields, and other landscaped areas between 1994 and 2001. This reduction in potable water demand has reduced withdrawals from Carmel River, thereby reducing the potential impacts to biological resources from cumulative overdraft during this period and this is recognized in the analysis.

The applicant and others argue in essence that the project should not use a current baseline for assessment of impacts. As noted in the PRDEIR, the analysis was changed from that in the DEIR (which used a pre-1994 baseline) to use a current baseline in order to better disclose the impact of project withdrawals in the current context. In specific, the use of a current baseline, as done in the PRDEIR, discloses that relative to today, the project would increase withdrawals from the Carmel River and the Seaside aquifer, and that significant impacts on the environment (including impacts to Carmel River biological resources and increased salinization in the Seaside aquifer) would result without mitigation.

Both DEIR and PRDEIR comments request completion of Phase II Improvements prior to construction of project developments and/or the Proposed Golf Course. DEIR comments also recommend that funding and construction of Phase II be made part of the Project or a condition of approval. PRDEIR

Mitigation Measure PSU-D1 requires funding and operation of the RWP Phase II Improvements before any Project developments are serviced. Mitigation Measure PSU-E1 ensures provision of adequate CAWD/PBCSD and Cal-Am water distribution infrastructure in order to irrigate Project developments.

To ensure success of Phase II, DEIR comments suggest prohibiting use of potable water for irrigation on the Proposed Golf Course. One comment suggests that use of potable water for irrigation is an “impermissible waste of water.” Another comment claims that the DEIR does not clearly identify water use for the Proposed Golf Course and Driving Range. PRDEIR Impact PSU-D1 analysis describes the direct potable water demand (Table P1-1, page P1-8) and irrigation water demand (Table P1-2, page P1-9) of the Proposed Golf Course, Spanish Bay Driving Range, and New Equestrian Center. PRDEIR Mitigation Measure PSU-D2 limits the use of potable water to meet irrigation demand at the Proposed Golf Course, Spanish Bay Driving Range, and New Equestrian Center. The practical consequence of this restriction is that the applicant may be forced to conserve water, close some facilities, and/or prioritize irrigation demands to maximize efficient use of the limited amount of recycled water under very dry conditions in the event that there is insufficient recycled water for irrigation.

Several comments suggest that Mitigation Measure PSU-D1, funding and completion of Phase II Improvements, will remedy Impact PSU-E1, increased demand for water distribution facilities, and thus Mitigation Measure PSU-E1, upgrade of water infrastructure facilities, is not needed. PRDEIR Mitigation Measure PSU-E1 will assure that CAWD/PBCSD water distribution infrastructure is in place to deliver recycled water from the Phase II Improvements. Although improvements to the Forest Lake Reservoir will ensure an adequate storage supply in DMF, additional improvements to water pumps and distribution pipelines may be necessary to ensure provision of adequate recycled water supplies to irrigate project developments and the existing users of recycled water. If not, then Mitigation Measure PSU-E1 places no additional burden on the applicant.

## PBC Entitlement

Both DEIR and PRDEIR comments question whether the applicant’s entitlement constitutes a valid basis of water right. Others suggest that PBC’s entitlement agreement be updated to reflect current impacts, reclaimed water use, and buildout realities. As stated in the PRDEIR (page P1-38), MPWMD and PBC signed a Fiscal Sponsorship Agreement, which granted the applicant a dedicated water entitlement of 365 AFY of potable water in exchange for financing of the RWP Phase I. The Agreement identifies this entitlement as a vested property right and allows the applicant to allocate the water entitlement among the benefited properties. In 1994, the applicant received the entitlement of 365 AFY at the closing of the sale of bonds that funded construction of Phase I. The Agreement is available through Monterey County Planning & Building Inspection Department and MPWMD.

PRDEIR comments also question Cal-Am's legal rights to water diversions from the Carmel River, and what happens if Cal-Am can't maintain current diversions. Following discovery in 1995 that Cal-Am did not have sufficient water rights to maintain current diversions, SWRCB required Cal-Am to limit annual diversions to 11,285 AFY until full compliance with SWRCB Order WR-95-10. The SWRCB Order WR 95-10 is available on the MPWMD web site. Cal-Am has the responsibility for provision of PBC's entitlement per the Agreement described above. At this time, SWRCB has not identified that it will eliminate Cal-Am's annual diversions; current planning is being conducted for alternative water sources and/or obtaining of adequate water rights. Thus it is considered speculative to assert that Cal-Am will be precluded from providing water supplies for PBC's entitlement at this time.

Comments claim that the DEIR does not analyze prior allocation and/or enforcement of the entitlement. A comment suggests clarification regarding subtraction of entitlement sales during calculation of total water available to the project. Others suggest that limits on water transfer should be based on agreement between the applicant and MPWMD. As stated in the PRDEIR (page P1-13), the applicant has a remaining potable water entitlement of 355 AFY, to be supplied by Cal-Am. This amount has been confirmed by MPWMD. The applicant has already utilized approximately 9.9 AF of its entitlement as shown in the table below.

<b>Pebble Beach Company's Entitlement Use to Date (1994 - 2004)</b>		
<b>Description of PBC Water Entitlement Deduction</b>	<b>Year</b>	<b>AF</b>
Casa Palmero	1997	6.166
Beach and Tennis Club Remodel	2001	0.220
Bird Rock Lookout Restroom Remodel	2002	0.326
Pebble Beach Golf Links Maintenance Facility	2002	1.274
Miscellaneous Minor PBC Resort Projects	1997-2004	0.299
Pebble Beach Community Services District - Public Use Expansion	2003	0.584
Residential Uses (non-PBC)	1997-2004	1.020
<b>Total Water Allocation from PBC Water Entitlement</b>		<b>9.889</b>
Source: PBC 2004b		

Phase II Improvements will correct water quality and quantity problems in existing RWP Phase I supplies, thereby proving for full irrigated water demand by DMF golf courses and landscaped areas, reducing potable water demand of existing development, and allowing use of the applicant's remaining potable water entitlement by proposed development.

Both DEIR and PRDEIR comments request clarification of the entitlement figures in Table G.2-7 / Table G.2-6. DEIR Table G.2-7 was revised as PRDEIR

Table G.2-6, Summary of Pebble Beach Company's Original Water Entitlement By Area. It summarizes PBC's original water entitlement by property.

## Carmel River Withdrawals

DEIR comments assert that overdraft of the Carmel River is a significant, unavoidable impact, and that the DEIR should assess current withdrawal effects, effect of additional withdrawals, and effects on sensitive species and public trust resources. PRDEIR Impact BIO-Carmel River-1 (page P1-23) addresses increased withdrawals resulting in adverse effects to biological resources dependent on the Carmel River, including riparian vegetation, steelhead, California red-legged frogs, and other sensitive resources. Given that existing withdrawals are already having adverse effects on river resources, project increases in withdrawals in average, dry, and very dry years are identified likely to adversely effect biological resources dependant on the Carmel River. This is a significant impact that can be mitigated by Mitigation Measures PSU-D1, PSU-D2, and revised PSU-D3, listed above. Implementation of these mitigation would result in either no net increase of Carmel River withdrawals above baseline, or the offset of net increase (in the event of drier months of a wet year) by tertiary treated water to supplement Carmel Lagoon, additional water conservation, or use of recycled water to offset other potable water used.

In comment on the DEIR, NOAA Fisheries suggests that approval of the Project would result in degradation of Carmel River stream habitat, and may result in 'take' of a listed species. However, in response to PRDEIR revisions, both NOAA Fisheries and CDFG reverse their opinion and state that Phase II improvements and other mitigation in PRDEIR will reduce project contribution to Carmel River impacts to less than significant levels.

## Saltwater Intrusion in Seaside Basin

Comments on the PRDEIR request additional detail concerning baseline in Seaside Basin aquifer, including water quality, saltwater intrusion, and potential responses being considered. A comment suggests that the existing baseline may not be appropriate, and that the Project's impacts as compared to the Basin's "safe yield" should be evaluated. As stated in the PRDEIR (page P1-37), MPWMD has conducted a series of hydrogeological investigations to estimate the reliable long-term yield of the Seaside Basin, and set production targets to protect the basin from overpumping and/or saltwater intrusion. The MPWMD Staff Report on Discussion of Current Water Supply Issues, Including Water Credit Transfers and Status of Jurisdictional Allocations, is available from MPWMD. The MPWMD estimate of safe yield is considered an appropriate metric for use in this EIR in evaluation of project effects on the Seaside Basin.

The estimated increased withdrawals from the Seaside Basin to serve project demands are between 41 and 86 AF. Increased project-related withdrawals could

lower the water table and affect the operations of nearby Cal-Am and other supply wells. In addition, increased diversions could increase salinity intrusion into the aquifer affecting water quality, lowering available supply, and potentially affecting the ability to use existing wells. Implementation of Mitigation Measures PSU-D1, PSU-D2, and revised PSU-D3, listed above, will reduce potential water supply impacts due to the Proposed Project, including those related to the Seaside Basin.

## Tertiary Water in Carmel Lagoon

PRDEIR comments suggest that impacts of tertiary treated water on Carmel Lagoon should be analyzed further. Comments suggests that Mitigation Measure PSU-D3 be deleted as not necessary, revised to insure adequate irrigation water for golf courses, revised to allow diversion from Forest Lake Reservoir, revised to require recycled water provision only when requested by a resource agency, and/or revised to share costs with CAWD. Another PRDEIR comment requests that Mitigation Measure PSU-D3 be clarified in terms of timing, precipitation gage, and agency making determination. The PRDEIR analysis concludes that Mitigation Measure PSU-D3 is a necessary measure to offset a net increase in withdrawals from the Carmel River between June and October of a wet year. The measure been revised in Chapter 3 to allow diversion from Forest Lake Reservoir. Should this mitigation option ultimately be required, details of the tertiary discharge in terms of specific timing and amount would ultimately need to be determined by SWRCB, Central Coast RWQCB, Monterey County Environmental Health, State Department of Parks and Recreation, CDFG, the USFWS, and NOAA Fisheries during the subsequent environmental review process. The PRDEIR identifies this mitigation as feasible and the performance criteria needed to mitigate the Proposed Project's impact on water supply in the dry season of wet years. As noted in the PRDEIR, the tertiary treated water discharge mitigation could only be implemented after further environmental review and permitting.

## Water Conservation

PRDEIR comments state that conservation of potable water is preferred to release of tertiary water into Carmel Lagoon, and that conservation methods should be incorporated into project design. However, MPWMD asserts that reduction of water use by 41 AF in wet years may not be reasonable. Water conservation measures (e.g., low flow water fixtures) are incorporated into project design and construction per Title 24 of the California Code of Regulations. Should water conservation not be feasible in mitigating withdrawals from the Carmel River in wet years, Mitigation Measure PSU-D3 has been revised in the Revisions to the PRDEIR section below to require use of recycled water to supplement Carmel Lagoon levels or offset potable water use by existing development.

## Baseline

A DEIR comment suggests that impacts of the Project's water demand should be assessed based on 2002 baseline, regardless of entitlement. PRDEIR comments suggest that the existing baseline for Carmel River diversions may not be appropriate due to overdraft by Cal-Am and existing resource impacts. The PRDEIR Water Supply Analysis (page P1-12) utilizes the most recent withdrawal data available that is representative of wet, average, dry, and very dry years. Specifically, the water supply analysis focuses on Water Years 1995 to 2003, because detailed monthly data on golf course water use is available for all of the current golf courses in the Del Monte Forest during this period. The PRDEIR refers to a "2002 Baseline", which is shorthand for the existing water use patterns at the time of the Notice of Preparation for the project EIR. Because water use changes significantly based on climatic conditions, it was necessary to use multi-year data in order to prepare estimates of probable irrigation demand of the Proposed Project.

Table P1-5 illustrates the breakdown of baseline demand and project increases in withdrawals from the Carmel River and Seaside Basin for each of these years. By using existing data on withdrawals from the Carmel River and the Seaside Basin over the last ten years, the estimated demand of the project was added to the existing use to illustrate the character of the increased withdrawals. Supporting data are presented in Appendix G.4 of the PRDEIR. The impact of existing withdrawals on the Carmel River and the Seaside Basin were taken into account in the PRDEIR analysis; in specific, as both of these water supplies are presently being overdrafted, any net increase was identified as a significant impact and mitigation accordingly adopted.

DEIR comments request clarification of rainfall scenarios, and suggest that rainfall scenarios should be representative of long-term records. The PRDEIR water supply analysis (page P1-12) was updated from the DEIR to assess conditions representative of wet, average, drier than average, and very dry conditions (compared to the normal and drier than normal conditions analyzed in the DEIR). Each scenario (including description of representative years) is described in the PRDEIR, beginning page P1-9.

## Cumulative Impacts

Several DEIR comments suggest that cumulative impact of irrigated water demand in DMF will exceed the recycled water supply available through Phase II. Other DEIR comments suggest analysis of cumulative impacts of transfer and reasonably foreseeable development on the potable water supply. PRDEIR Impact PSU-D1(C) addresses cumulative plus project conditions, which would result in increased Cal-Am withdrawals from Carmel River (which exceed Cal-Am's legal rights) and result in secondary biological resource impacts, as well as result in increased Cal-Am withdrawals from the Seaside Basin (which exceed the estimated safe yields in certain years). Implementation of Mitigation

Measures PSU-D1, PSU-D2, and revised PSU-D3, listed above, will reduce project contribution to potential water supply impacts to a less than significant level.

## MR-PSU-3: Parks, Recreation and Open Space

Comments on the DEIR concerning parks, recreation, and open space were made related to the following issues:

- Impacts on the Existing Trail Network
- Removal of Collins Field
- Rip Van Winkle Open Space
- Tree Removal
- Subdivision Ordinance Compliance
- Employee Housing

### Impacts on the Existing Trail Network

This section focuses on the project's impacts on recreational trail use and access. Impact of increased trail use on the environment (biological resources, water quality, HHNA, etc.) are addressed in other Master Responses and responses to individuals comments.

Comments on the DEIR address the following issues regarding impacts to the existing trail network include:

- Public Access in General
- Trail Routing at the Proposed Golf Course
- Impact of Relocation of Equestrian Center on Trail Use
- Trail Routing and Safety at Other Locations
- Trail Access During Construction
- Regional Trail Connections
- Trail Conflicts in HHNA

The proposed realignments to various Del Monte Forest trails were shown in the DEIR (Figure 2.0-32). The applicant, in comment on the DEIR, proposed to

revise several of the proposed trails. These are shown in the revised Figure 2.0-32 included in FEIR Chapter 3. The net changes are as follows:

- F-2 to F-1 around the west side of Poppy Hills Golf Course – The applicant has decided not to propose a new trail from Area F-2 to Area F-1 around the west side of the golf course. This is not a designated trail today. The proposed trail connection between Area F-2 and Area F-1 across the golf course is still included in the Proposed Project.
- Area F-3 – The applicant has decided to move the proposed trail from the existing location further east, adjacent to the proposed Conservation Area.
- Area B – The applicant has decided not to propose the northern trail segment from the Spanish Bay employee housing to 17-Mile Drive to avoid a mid-street crossing of the road. The southern trail segments is still proposed and will provide a pedestrian crossing at the intersection of Congress and 17-Mile Drive.
- Area PQR – The applicant has decided not to propose the southwestern trail segment in Area PQR that would have connected the existing fire road along the Pescadero Drainage to the fire road located on the southwestern corner of the property.
- Clarifications – The new exhibit (revised Figure 2.0-32 in FEIR Chapter 3) clarifies where new designated trail segments proposed in Area PQR and HHNA will be located on existing dirt roads or fire roads.
- Mileage – The Proposed Project would result in a net increase in designated trail mileage of 2.4 miles (compared to 3.6 miles identified in the DEIR). Because 2.1 miles of the new trails are on existing dirt roads, the net increase in physical trail mileage is 0.3 miles.

## Public Access in General

Overall, the Proposed Project will result in an increase in the designated and physical trail mileage within the Del Monte Forest and dedication of extensive new open space. Trail realignment and extensions reunite with the rest of the trail system to maintain generally equivalent trail system quality and continuity. Access to existing open space areas is maintained and expanded. New trail segments along the Proposed Golf Course and other developed areas will be separated from nearby roadways by a landscaped buffer.

The Proposed Project, as mitigated, is considered consistent with the LCP policies concerning trails and public access, as discussed in DEIR Appendix D. LUP Policy 124 states that “New development should be sited and designed to avoid encroachment on to designated trail routes...If, due to habitat or safety constraints, development entirely outside the trail route is not feasible, the route

shall be realigned. Approved realignments shall be generally equivalent to the original route.” New development has been sited and designed to avoid encroachment onto designated trail routes, except at the Proposed Golf Course and Residential Subdivision F-2. At these locations existing trail segments have been realigned. Rerouting of trails at the Proposed Golf Course was necessary to protect equestrians and pedestrians from potential safety hazards associated with the golf course (i.e., stray balls outside of the fairway). As stated above, the Proposed Project proposes a net increase of 2.4 miles of new and relocated trails. The proposed trails will connect with the existing trail to maintain trail system continuity and access to contiguous open space.

The rest of this response addresses specific concerns about specific existing or proposed trails.

### **Trail Routing at the Proposed Golf Course**

Existing access will be modified at the Proposed Golf Course in that the two existing trails (portions of the Red and Green Trails) from the existing equestrian center heading westward through the middle of Area MNOUV would be realigned into a single perimeter trail around the east side of the Golf Course. From the corner of Portola Road and Alva Lane, this would add approximately 0.6 miles to a trail user. Rerouting of trails at the Proposed Golf Course was necessary to protect equestrians and pedestrians from potential safety hazards associated with the golf course (i.e., stray balls outside of the fairway; conflicts with golf carts). Access to the Signal Hill dune area and the coast will be maintained. Although certain individuals may find the new trail around the Proposed Golf Course to be less enjoyable than the existing trails, this is not considered a separate significant physical impact under CEQA because alternative trail routing is provided and the impacts of new trail construction on the environment are fully mitigated. The distance added is not considered significant.

Some comments suggest an additional trail around the western side of the Proposed Golf Course. However, this would place a trail in a narrow forested area between the Proposed Golf Course and Cypress Point Golf Course. In addition to safety concerns, construction of such a trail would further fragment the retained forest. Since trail access is maintained by the proposed routing around the eastern side of the Proposed Golf Course and the distance added for trail users is not significant, an additional trail on the western perimeter is not required to mitigate project impacts on the trail system.

Regarding the suggestion to open all maintenance trails within the Proposed Golf Course to equestrian users, this would create safety concerns for equestrians and golfers. The routing of the trail around the perimeter of the Proposed Golf Course will reduce potential safety concerns and conflicts. The perimeter trail would also be used as a maintenance trail for the Proposed Golf Course.

## **Impact of Relocation of Equestrian Center on Trail Use and Access to Recreation.**

Relocation of the equestrian center from the existing site would not affect public access to trails currently enjoyed by Del Monte Forest equestrians, except those noted above at the Proposed Golf Course. The location of the New Equestrian Center provides better access to a more extensive trail network (in the HHNA) than the existing site does, and would thus provide greater recreational options for those who board their horse as well as visitors who take trail rides.

Relocation of the New Equestrian Center will mean that Del Monte Forest residents who board their horse at the existing center will now need to travel to the Sawmill site. This will be more convenient for some residents and less convenient for others, depending on where they live. Given that the new center is still within the Del Monte Forest, this is overall an insignificant increase in travel time for those who board their horses to access the new facility. The relocation is not considered to result in any substantial traffic increase within Del Monte Forest, although traffic will shift in location relative to access to the New Equestrian Center. Traffic through the Del Monte Forest by visitors from outside the Del Monte Forest should be reduced slightly as the new Equestrian Center can be accessed directly from Highway 68 without using internal Del Monte Forest roads.

Some local residents board their horses at their homes near the existing center (referred to in comment as the “historic horse area”) and use it and Collins Field for horse training, cleaning, and exercising. As shown in revised Figure 2.0-32 in FEIR Chapter 3, the network of existing and relocated trails will provide equestrian access from the “historic horse area” to the New Equestrian Center. Relocation of the center and elimination of Collins Field will increase the distance these individuals would have to travel by trail or to trailer their horses to use facilities at the New Equestrian Center. The new center is located within 3 to 4 driving miles (depending on route) and within 3 to 4 trail miles. This is not considered to be a significant impact on traffic, recreational use, or access although it may be less convenient to a number of individuals. As noted above, the new center may be more convenient to other forest residents who live closer to the Sawmill site and to equestrians who live outside the Del Monte Forest.

Overall, the relocated center may be more convenient to some residents than others. However, with the Proposed Project, an equestrian center would still remain within the Del Monte Forest and the project would accommodate existing recreational demand.

## **Trail Routing and Safety at Other Locations**

The following responses are noted for comments regarding specific trail locations:

- Area F-3 – The applicant has proposed to move the existing trail further east to provide better separation from the residential lots and to connect more directly to the trail located south of Lopez Road.
- Area I-2 – The applicant proposes to move the trail segment to the northern boundary of the development area, adjacent to the Poppy Hills Golf Course.
- Area K – As a condition of approval, the applicant will be required to dedicate a trail easement binding on the future property owner(s) to ensure continuance of the existing trail segment. The trail segment may be rerouted as needed, so long as it provides access across the property.
- Congress Road Trail Crossings – Congress Road between the Sawmill site and Lopez Road is not a designated trail, although some equestrians do ride on this road. There are designated trails and fire roads within the adjacent areas that can be used as alternative routes of access to using Congress Road itself. There are two key trail crossings of Congress adjacent to the Huckleberry Hill Natural Area: the Red Trail crossing east of Forest Lake and Forest Way and the Green Trail crossing near the Sawmill site. Mitigation has been added to this document to require safety improvements where these trail cross Congress Road including a striped crossing and signage along both road approaches to the trail crossing. This improvement is noted in the revisions described above in the Master Response concerning HHNA (MR-BIO-4).
- Equestrian use/Access between HHNA and Spanish Bay – There is an existing trail (the Green/Red) trail between Congress and Spanish Bay Road. The PRDEIR addressed potential biological impacts of increased equestrian use of this trail. Mitigation A-6 in the PRDEIR has been revised (see FEIR Chapter 3) to require safety improvements where the trail crosses Congress Road, Colton Road, and Sloat Road including a striped crossing and signage along both road approaches to the crossing. The applicant will also be required to work with the Monterey Peninsula Country Club regarding trail safety along MPCC fairways. These improvements should improve trail safety over the existing condition.
- Regarding the development in area B that overlaps a dirt road that is used as a trail, the dirt road is on privately owned property and its use as a trail by others is at the discretion of the owner. In addition, a trail is proposed that would connect the proposed development in Area B to Congress Road and the Inn at Spanish Bay.

Following completion of the Proposed Project, the safety and quality of public trail access will be equivalent to current conditions, and in certain locations, improved.

## Trail Access During Construction

The equestrian center will remain operational at the existing site until the New Equestrian Center is ready for occupancy. The applicant has committed to building the New Equestrian Center prior to removal of the existing equestrian center. Thus, equestrians that board their horses at the existing equestrian center will not be significantly affected in terms of trail access or recreation opportunity.

The project applicant has committed to constructing the relocated trail around the Proposed Golf Course prior to permanent closure of existing trail segments in Area MNOUV in order to maintain access (PBC 2004a). Construction of the Proposed Golf Course will be phased over approximately 18 months. Trail riding may be occasionally disrupted or rerouted when construction activities are in the immediate vicinity of the trail and safe trail use cannot be provided. The duration of these locations will be temporary and limited.

In areas where relocated trail segments may traverse construction zones and/or truck crossing areas, the applicant will accommodate equestrian riders safely with construction signage, appropriate detours, and other standard measures (PBC 2004). Clarification of Mitigation Measure TC-G1-2 to directly address trail detours and relocations are presented in FEIR Chapter 3.

## Regional Trail Connections

The Proposed Project maintains trail access within the Del Monte Forest and to the coast and expands trail opportunities in several locations and thus is not considered to negatively affect regional trails. While connections with future regional trails might be desirable, it is not required as mitigation for project impacts. By dedicating extensive areas in conservation, future trail opportunities and connections would be more likely to occur, though this is not required as a condition of this project. As noted in Mitigation Measure BIO-D1-6, limited expansion of trails will be allowed as a use consistent with the new dedicated areas.

## Trail Conflicts in HHNA

Regarding potential for increased conflicts between horse riders and hikers in HHNA, hikers and horses already share trails throughout the Del Monte Forest and at innumerable recreational facilities across the central coast. While individual behavior can vary, a modicum of decency and patience usually resolves most such conflicts, should they arise. Further, hiking and equestrian use are compatible uses and far less likely to result in conflict than equestrian and mountain biking use on narrow trails, for example

## Removal of Collins Field

Comments on the DEIR assert that removal of Collins Field would be a tremendous loss for sports, intramural games, and other recreation activities, and thus a comparable field should be built.

Collins Field is a private facility owned by the applicant and used by local residents with the permission of the owner. It is not a public facility that the public has any implicit right to use. The applicant is under no obligation to provide “free” access to Collins Field for community use.

Although development of the Proposed Golf Course would occur on lands currently used for the Collins Field, the project applicant will retain the Lower Sawmill site at the New Equestrian Center as an open field. The applicant has stated that the lower field will provide an open space area for community use. Though in a different location, this would replace the lost recreational opportunity at Collins Field within the Del Monte Forest.

The Del Monte Forest has local beaches, dozens of miles of trails, four golf courses open to the public, and hundreds of acres of open space. With the Proposed Project it will have a fifth golf course open to the public, hundreds more acres of open space, more designated trails, and will retain an equestrian center within the Del Monte Forest including a field open to community use. This array of recreational opportunities is expansive and far higher than that available to most, if not all comparable coastal communities. In this context, the loss of Collins Field is not considered a significant impact on recreation.

## Rip Van Winkle Open Space

Comment asserts that construction of the Spanish Bay Employee Housing will remove an area presently used as a dog park adjacent to Rip Van Winkle Open Space and will remove informal trail loops.

Rip Van Winkle Open Space is a narrow open space area located between Sunset Drive and Forest Lodge Road along Congress Avenue adjacent to existing Navajo Tract Preservation Area. Operated by the City of Pacific Grove and Monterey Peninsula Regional Park District, the 20-acre parcel is used by joggers, walkers, and people who want to exercise their dogs off-leash. Construction of the Spanish Bay Employee Housing will occur to the northwest of the Rip Van Winkle Open Space and Navajo Tract, along Congress Road. The Proposed Project will not alter the Rip Van Winkle Open Space, the Navajo Tract, or any trails within these areas. Construction also will not affect access to these adjacent areas.

There are no formal designated trails within Area B, where the Spanish Bay Employee Housing will be located. The construction of employee housing will effectively remove Fire Road #11, which is utilized as a walking trail presently.

The project includes construction of a new trail from the employee housing area to 17-Mile Drive that would effectively replace Fire Road #11 as a trail. Since Fire Road #11 currently terminates mid-block on 17-Mile Drive, it is considered safer for the trail to be relocated at the intersection of 17-Mile Drive and Congress where a four-way stop will be located. This will facilitate a safer crossing of 17-Mile Drive to access trails to the beach.

The Proposed Project will also include permanent dedication of about 20 acres of forest that will increase the permanent preserved area adjacent to Rip Van Winkle Open Space and the Navajo Tract. For these reasons, the project will not have a significant impact on Rip Van Winkle Open Space, existing trails, access, walking, or dog walking.

## Tree Removal

Comment expresses concern about the impacts of tree removal on recreational use on Del Monte Forest roads and trails.

Mitigation Measure BIO-I1-1 requires incorporation of specific tree removal and replanting guidelines into the site-specific RMPs, while Mitigation Measure BIO-I1-2 requires protection of retained trees from construction disturbance.

Impacts AES-A1 and AES-B1 (DEIR Chapter 3.6, Aesthetics) address adverse visual impacts on scenic vistas, and visual degradation in development areas. The following potential visual effects of tree removal are disclosed in the DEIR:

- **Proposed Golf Course.** Construction of the Proposed Golf Course would result in the removal of Monterey pines, Coastal live oaks, and Monterey cypress. To some extent, views from places along local roadways, open spaces, and trails would be affected. However, forested buffers would be retained around the perimeter of the site and the design of the course is for a “forest” course similar to many other local golf courses. Mitigation Measure AES-B1-1 would require installation of landscaping and design features to minimize the Proposed Golf Course’s effects on views from within the Pebble Beach community.
- **New Equestrian Center.** Development of the Sawmill site for the New Equestrian Center would result in the removal of planted and native Monterey pines, Coastal live oaks, Gowen cypress, and Bishop pine. The project will retain native forest around the edge of the New Equestrian Center that will serve as a buffer between the center and surrounding trails.
- **Spanish Bay Resort.** Existing and proposed landscaping would partially screen views of the proposed buildings. A limited amount of tree removal (Monterey pines) would occur at this location. The new facilities would only be partially visible from 17-Mile Drive and would not be noticeable from existing trails along the beach.

- **Spanish Bay Driving Range.** Monterey pines and Coastal live oaks would be removed to accommodate the practice range. However, existing vegetation along the site's perimeter would largely be preserved as a scenic buffer along Congress Road, 17-Mile Drive, and Majella Drive.
- **Spanish Bay Employee Housing.** Development of this areas for residential uses would remove Monterey pines and Coast live oaks in and near Fire Road #11. Mitigation Measure AES-B1-2 would require planting of additional trees and understory vegetation on the north side of the proposed access road. New trail would be located within a forested area adjacent to the housing area. Views from other trails would not be affected.
- **Lodge at Pebble Beach.** Individual Monterey pines, coastal live oaks, and planted Monterey cypress would be removed from the site. However, the proposed development would generally appear similar to the existing Lodge at Pebble Beach facilities located on the site in terms of their scale and visual character.
- **Residential Subdivisions.** Tree removal would occur for residential development that is adjacent to some existing trails and Del Monte Forest roads. These areas would appear aesthetically no different to trail and road users than existing residential development throughout the Del Monte Forest Mitigation Measure AES-A1-2 would reduce potential impacts of the residential development on scenic vistas through design features and landscaping.
- **Corporation Yard Employee Housing.** Although minor tree removal (Monterey pines) would be conducted, the mature existing vegetation along the roadside would substantially screen views of the proposed development.

As noted in the DEIR, all potential impacts to aesthetics, including those related to trail and road users would be reduced to a *less than significant* level through implementation of proposed mitigation measures.

As to recreational use, the Proposed Project would result in a net increase in available trails, and would permanently dedicate hundreds of acres of forested open space throughout the Del Monte Forest ensuring continued availability of trails for future recreational use.

## Subdivision Ordinance Compliance

Monterey County Parks stated that the Proposed Project should be required to comply with Section 19.12.010 of the County Subdivision Ordinance via an in-lieu fee rather than dedication of at least 0.30-acre of parkland.

The reference section of the Subdivision Ordinance contains a formula for determining parkland demand of new subdivisions. When calculated for the proposed 33 residential lots, the resultant estimated demand is 0.30-acres.

The Proposed Project includes the following open space dedications:

- **Preservation Areas.** Approximately 436 acres separate from development and managed exclusively for natural resources. These areas will be dedicated by recordation of conservation easements to be held by DMFF or an equivalent organization.
- **Conservation Areas.** Approximately 56 acres within development site boundaries, but separable from development and managed for natural resources. These areas will be dedicated by recordation of conservation easements to be held by DMFF or an equivalent organization.
- **Recreation Trails.** Relocation of existing trail segments and construction of new trail segments, for a net increase of over 2 miles of new trails.
- In acknowledgement of these dedications the Parks Department has stated in their letter of March 25, 2004, “a subsequent condition of approval to satisfy the local requirement for recreational facilities would not be in the form of dedicated land, but rather a fee in lieu of land dedication.” This condition of approval is recommended to be applied to the project.

## Employee Housing

Comment requests provision of active recreation areas for the residents who will occupy the Spanish Bay and Corporate Yard employee housing areas. As shown in Figure 2.0-15, there will be an open common area in the center of the Spanish Bay Employee Housing area that can provide opportunities for active recreation. Trail connections lead from the area to the beach at Spanish Bay, which provides extensive active recreational opportunities. As shown in Figure 2.0-28, there is also a common area in the middle of the Corporate Yard Employee Housing area. There are also two trail connections leading into the adjacent HHNA and its extensive trail system. As noted above, the applicant has also stated that the lower Sawmill area will be open to community use. These are considered ample active recreational opportunities in direct proximity to the new employee housing.

## Transportation and Circulation (TC)

## MR-TC-1: Highway 68 (Holman Highway)

Comments were submitted on the DEIR related to the following issues concerning Highway 68 between Highway 1 and Pacific Grove (Holman Highway):

- Calculation of fair-share funding for Highway 68 improvements between Highway 1 and just west of the Community Hospital of Monterey Peninsula (CHOMP) intersection
- Highway 1/68 interchange operations
- Impacts and mitigation for the Highway 68/Beverly Manor intersection.
- Impacts and mitigation for the Highway 68/CHOMP intersection
- Impacts and mitigation for Highway 68/S.F.B. Morse Drive and Gate
- Impacts and mitigation for the Highway 68/Skyline Forest Drive intersection.
- Impacts and mitigation for the Highway 68/Aguaquito Drive intersection.
- Calculation of fair-share funding for regional impacts.

## Fair-Share Contribution for Highway 68 Improvements Between Highway 1 and CHOMP

A number of comments assert that the DEIR did not adequately analyze the project's impact on Highway 68 between Highway 1 and west of the Community Hospital of Monterey Peninsula (CHOMP) intersection and that mitigation should be for the project to make a fair-share fee contribution to the Highway 68 widening project described in the Caltrans Project Study Report (PSR) and current planning for this segment of Highway 68. The City of Monterey, in cooperation with Caltrans, and the County public works department is currently studying options for the widening project and the project is undergoing environmental review.

The DEIR adequately analyzed the impacts of the project to both the intersections along Highway 68 from Highway 1 to Pacific Grove and to segment operations along Highway 68. This is described in the DEIR. Mitigation was identified where impacts exceeded the significance threshold.

The project is different from many other development projects in that it already includes a major roadway improvement at the location that is most affected by project traffic. As described in the DEIR, the project includes the Phase 1B improvements to the Highway 1/68/17-Mile Drive intersection. Thus, the impact

analysis in the Draft EIR took into account both the adverse effects of adding traffic to Highway 68 and the beneficial effects of implementing Phase 1B.

In order to assess whether the applicant's funding of all of Phase 1B represents a sufficient, insufficient, or excessive project fair-share contribution to offset project traffic contributions to Highway 68 between Highway 1 and CHOMP, this document identifies the project contributions in the PSR area as described below.

Caltrans asserted in their comment that the project's fair-share contributions should be calculated using Caltrans methodology (Caltrans 2002). The Caltrans methodology is found in Appendix B of the Caltrans Guide for the preparation of Traffic Impact Studies. The Caltrans approach results in new development paying for traffic improvements based only on new cumulative development trips and excluding existing traffic.

Monterey County uses a different methodology to calculate fair-share contributions for traffic than Caltrans. The County estimates fair-share by calculating a project's percentage of baseline traffic (for direct impacts) and of cumulative traffic (for cumulative impacts) and then applying that to the costs of improvements identified to address project impacts. This approach has been applied to this project in terms of project traffic contributions to Highway 68 (in this FEIR) and to other regional Monterey County highways (in the PRDEIR). Where a project's impact is the dominant source of impact or where a project derives a substantial benefit from the improvement, then a project is identified as responsible for the full cost of the improvement. For this project, this included all of the proposed and required traffic improvements inside the Del Monte Forest.

The project's direct and cumulative contributions to traffic to Highway 68 between Highway 1 and west of the CHOMP intersection are presented in Tables F2-3, F2-4, and F2-5 below. The Proposed Project would be responsible for between two and three percent of baseline and cumulative traffic. The project's fair-share contribution (identified in Table F2-5) is identified as the percentage of baseline plus project volumes because the project contributes to intersections with current (as opposed to future) failed operations. For Highway 68 between Highway 1 and just west of the CHOMP/68 intersection, the project's overall contribution was identified as the highest percentage peak-hour increase (3.3%) at any of the three intersections within this portion of Highway 68.

A cost estimate for the applicant's proposed Phase 1B improvements to the Highway 1/Highway 68/17-Mile Drive intersection was prepared using the same methodology as the cost estimate prepared for the Highway 68 Project Study Report (PSR) (Mark Thomas 2000, Mark Thomas 2004). The estimated cost of the Phase 1B Improvements included in this project represent about 9% of the overall widening project cost. The Phase 1B improvement would provide a local access benefit to the Del Monte Forest, including to the applicant owned roads and facilities. Thus, the mitigation "value" of Phase 1B has been discounted by 25% to remove the local access benefit component. The 25% charge is based on

**Table F2-3**  
**PBC's DMF/PDP Direct Contributions to Highway 68 Intersections**  
**(Counts in total vehicles per hour/intersection)**

		Baseline		Baseline Plus Project (w/o Phase 1B)				
		Baseline LOS	V/C Ratio	LOS	V/C ratio	Project Impact (% V/C change or Trips)	Percent Increase in Total Volume or V/C change	Significant?
Highway 68/Aguaquito Road	AM Peak	C	N/A	C	N/A	38	2.5%	No
	PM Peak	F	N/A	F	N/A	60	2.8%	Yes
	Both Peaks						2.7%	
68/Highway 1 SB On-Ramp	AM Peak	D	N/A	E	N/A	42	2.7%	Yes
	PM Peak	F	N/A	F	N/A	51	3.3%	Yes
68/Highway 1 SB Off-Ramp	AM Peak	F	1.258	F	1.298	3.2%	3.2%	Yes
	PM Peak	F	1.535	F	1.581	3.0%	3.0%	Yes
68/Beverly Manor	AM Peak	F	N/A	F	N/A	50	2.0%	Yes
	PM Peak	F	N/A	F	N/A	61	2.1%	Yes
68/CHOMP	AM Peak	B	0.568	B	0.580	53	2.1%	No
	PM Peak	B	0.769	B	0.775	61	2.0%	No
AVERAGE for 68 Widening Project Area	AM Peak						2.5%	
	PM Peak						2.6%	
	Both Peaks						2.5%	
AVERAGE for 1/68	Both Peaks						3.0%	
Highway 68/Skyline Forest	AM Peak	F	N/A	F	N/A	50	2.2%	Yes
	PM Peak	F	N/A	F	N/A	61	2.2%	Yes
	Both Peaks						2.2%	

**Table F2-4**  
**PBC's DMF/PDP Cumulative Contributions to Highway 68 Intersections**  
**(Counts in total vehicles per hour/intersection)**

		Baseline		Cumulative Plus Project (w/o Phase 1B)				
	Period	Baseline LOS	V/C Ratio	LOS	V/C Ratio	Cumulative Impact (% V/C change or Trips)	Project Percent Increase in Total Volume	Significant?
Highway 68/Aguaquito Road	AM Peak	C	N/A	D	N/A	190	2.4%	Yes
	PM Peak	F	N/A	F	N/A	278	2.8%	Yes
	Both Peaks						2.6%	
68/Highway 1 SB On-Ramp	AM Peak	D	N/A	F	N/A	197	2.5%	Yes
	PM Peak	F	N/A	F	N/A	209	3.2%	Yes
68/Highway 1 SB Off-Ramp	AM Peak	F	1.258	F	1.428	13.5%	2.4%	Yes
	PM Peak	F	1.535	F	1.740	13.4%	2.6%	Yes
68/Beverly Manor	AM Peak	F	N/A	F	N/A	307	2.0%	Yes
	PM Peak	F	N/A	F	N/A	362	2.0%	Yes
68/CHOMP	AM Peak	B	0.568	B	0.638	12.3%	2.0%	No
	PM Peak	B	0.769	C	0.853	10.9%	1.9%	No
AVERAGE for 68 Widening Project Area	AM Peak						2.2%	
	PM Peak						2.5%	
	Both Peaks						2.3%	
AVERAGE for 1/68	Both Peaks						2.8%	
Highway 68/Skyline Forest	AM Peak	F	N/A	F	N/A	276	1.9%	Yes
	PM Peak	F	N/A	F	N/A	322	2.2%	Yes
	Both Peaks						2.1%	

**Table F2-5****PBC's DMF/PDP Fair-Share Contributions Related to Highway 68**

	Improvement	Estimated Cost (1)	Project Percent of Total Volume	Project Fair-Share (2)
68/Aguaquito	Acceleration Lane	\$200,000	2.8%	\$5,660
68/SR1 to west of CHOMP	68 PSR	\$13,356,711	3.2%	\$424,697
Phase 1B	Phase 1B	\$1,150,596		
Local Access Charge	Charge for Local Project Benefit (25% of Phase 1B)	\$287,649		
Phase 1B "Regional" project	Total - Local Access Charge	\$862,947		
Potential Project Credit for Funding Phase 1B	Phase 1B Potential Credit	\$438,250		
68/Skyline Forest Option A	Curb Return Radius	\$12,960	2.2%	\$289
68/Skyline Forest Option B	Northbound Right Turn Lane	\$84,455	2.2%	\$1,884
68/Skyline Forest Option C	Northbound Right Turn Acceleration Lane	\$104,650	2.2%	\$2,334
68/Skyline Forest Option D	Signal	\$200,000	2.2%	\$4,461
<b>TOTAL</b>				<b>\$10,121</b>

(1) Conceptual cost estimates for 68/Aguaquito and 68/Skyline Forest by Higgins & Associates. Cost Estimate for 68/Widening Project from PSR (Mark Thomas 2000) adjusted to Nov. 2004 dollars using Construction Cost Index from Engineering News Record. Cost estimate for Phase 1B prepared by Mark Thomas, 2000, adjusted to Nov. 2004 dollars using Construction Cost Index from Engineering News Record.

(2) Project fair-share is based on percent increase in baseline volume because the project contributes to existing intersections with failed operations. Fair-share based on highest increase in baseline volume for a peak hour. For Highway 68 Widening, fair-share is based on increase in baseline volume for AM peak hour for the Highway 1/68 SB Off-ramp intersection.

(3) The applicant may be able to apply credit incurred from their upfront funding of Phase 1B improvements to Highway 68, if the cost of the improvements ultimately exceeds the applicant's fair-share of the Highway 68 Widening project. The applicant has proposed improvements to this interchange as a part of the project. Early development of these improvements are seen by the County as an essential improvement. Credits will be calculated by the County after taking into consideration the applicant's fair share cost of the Highway 68 Widening project and fair-share cost requirements adopted for any previous project for Highway 68 improvements, consistent with the Del Monte Forest Transportation Policy Agreement, and prior permit conditions.

the percentage of the Highway 1/68 intersection volume that is entering and existing the Del Monte Forest via the 17-Mile Drive Gate. If the applicant fully funds the Phase 1B project, as proposed, this would represent mitigation costs approximately 6% in excess of the project's estimated fair-share (3%). Taking into account the local access benefit, and using the current estimates of the cost of Phase 1B and the PSR project, the applicant would be overmitigating the Proposed Project's impact within the Highway 68 widening project area by about \$420,000. The DEIR has been revised in Chapter 3 of this document to present this information.

Thus, the conclusion of the Draft EIR that the project's effect to Highway 68 is 'pre-mitigated' to less than significant is unchanged. Early development of the Phase 1B improvements are seen by the County as an essential improvement. Credit will be calculated by the County after taking into consideration the applicant's fair share cost of these improvements for this project and the fair-share cost requirements adopted for any previous project for Highway 68 improvements consistent with the 1987 Del Monte Forest Transportation Policy Agreement between the applicant and Monterey County (1987).

One comment asserted that the applicant has made other commitments to fund certain portions of the Highway 68 improvements. The EIR is limited to analyzing the project's impact on Highway 68 and adopting feasible mitigation to address the project's significant impacts and cumulative contributions. As noted above, Monterey County will review prior permit condition compliance to identify if the applicant is required to make additional contributions for the Highway 68 PSR project between Highway 1 and CHOMP in order to determine whether a credit is warranted regarding the portion of Phase 1B that is in excess of the calculated fair-share for this project.

## Highway 1/68 Intersection Operations

A number of comments questioned the appropriateness of the Phase 1B Improvements, operational safety, and suggested alternatives such as a grade-separated off-ramp (above or below Highway 68) to provide direct access from Highway 1 to the 17-Mile Drive gate,

The Phase 1B improvements are described on page 3.7-3 and 3.7-4 and Figure 3.7-2 in the DEIR. The Phase 1B project represents a stand alone project that is compatible with the ultimate widening project described in the approved Caltrans PSR document. The phased project provides independent utility to the corridor improving the Highway 68 corridor operations by improving conditions at the Highway 68 / Highway 1 intersection.

As indicated in Table 3.7-5 and 3.7-6 in the Draft EIR, improvements proposed with the Project would improve operations from LOS F to LOS D during both the morning and evening peak hours.

The proposed improvements benefit all intersection approaches at the Highway 68/Highway 1 signalized intersection. This occurs because the design gives a green light to both the critical right turning traffic exiting the Highway 1 ramp (going to Pacific Grove) and the right turning traffic exiting Pebble Beach (going toward Monterey). Today these two movements occur with separate green lights. The green light time (in seconds) allocated to the major movements under existing conditions and conditions with the road improvements are shown in the table below. As indicated in the table, the green time allocated to the primary movements through the intersection increase by at least 24 percent over existing conditions. Thus, all the major movements through the intersection benefit from the improvements.

<b>Green Light Characteristics</b>			
<b>Highway 68 / Highway 1 Intersection Operations</b>			
	Green Light Time Without the Road Improvements	Green Light Time With the Road Improvements	Increased Green Light Time as a Percentage of Existing Green Light Time
Highway 1 Off-Ramp	41 seconds	55 seconds	34 percent
Highway 68 Westbound	42 seconds	52 seconds	24 percent
Highway 68 Eastbound	37 seconds	46 seconds	24 percent
17 Mile Drive (exiting Pebble Beach)	29 seconds	60 seconds	106 percent

Source: Fehr & Peers, Intersection Analysis Worksheets for the Pebble Beach Company's Del Monte Forest Preservation and Development Plan – Draft Environmental Impact Report dated February 2004.

Traffic signals are designed to give sufficient green time to accommodate the traffic volume for each turning movement at the intersection. In the case of the Highway 1 off-ramp, green times are provided to serve both the right turning traffic to Pacific Grove and the through traffic to Pebble Beach. Because these two movements get a green light at the same time, the higher volume controls the length of green time and is considered the critical movement. As indicated in the table below the critical movement exiting the Highway 1 off-ramp is represented by traffic turning right from the off-ramp to Pacific Grove not the traffic going through the intersection to Pebble Beach, i.e., right turning traffic volume is highest. The traffic signal is designed to provide enough green light time to accommodate the greatest traffic volume on each approach. Removing traffic going through the intersection to Pebble Beach would have no effect on how much green time is needed to serve traffic from the Highway 1 off-ramp because the critical movement (highest volume) is the right turning traffic to Pacific Grove.

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<b>Cumulative Plus Project Traffic Volume Characteristics</b>		
<b>Highway 1 Off-ramp Approaching Highway 68/Highway 1 Intersection</b>		
	Right Turning Traffic Going to Pacific Grove	Through Traffic Going to Pebble Beach
AM Peak Hour	888 vehicles	573 vehicles
PM Peak Hour	935 vehicles	305 vehicles

Source: Fehr & Peers. Intersection Analysis Worksheets for the Pebble Beach Company's Del Monte Forest Preservation and Development Plan – Draft Environmental Impact Report dated February 2004.

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Red time is one factor in signal operations; however, the single most important component of how efficiently traffic moves through the intersection is the amount of green light time that is provided to each turning movement at the intersection. As noted above, the planned road improvements result in substantially more green light time for all the major traffic movements through the Highway 68 / Highway 1 intersection. Furthermore, the Highway 1 off-ramp congestion will experience a 34 percent increase in green light time. This increased green light time will reduce off-ramp congestion.

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The roadway improvements will require drivers to be in the correct lane to negotiate the intersection after the improvement. This is a condition that exists for all multi-lane roadway intersections. In the case of the Phase 1B improvement, signage well in advance of the intersection will be incorporated into the project to highlight the appropriate lanes. Caltrans will be responsible for reviewing the signage program.

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The lane assignments at the Highway 1 Gate will continue to separate visitors from residents. Solutions to this condition would be to allow all users to use any gate; thereby, slowing access for residents. The queue congestion that occurs now will not impact operations at Highway 1 / Highway 68 intersection so there is no reason to change gate operations and adversely affect resident access.

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## Highway 68/Beverly Manor

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The City of Monterey, as part of recent development approvals for CHOMP expansion, has a condition that limits the egress of Beverly Manor to right turns only. This would eliminate the need for a traffic signal at this location as identified in the DEIR in Mitigation TC-B1-2, which called for the applicant to pay a fair-share proportion to this improvement. Because improvements to the Highway 68/Beverly Manor intersection are included in the Highway 68 PSR project, a project fair share contribution (in the form of the Phase 1B)

improvements would also mitigate any project contribution to direct or cumulative impacts to this intersection. Mitigation Measure TC- B1-2 in the Draft EIR has been modified to note that funding of Phase 1B would also mitigate for project effect to the Highway 68/Beverly Manor intersection.

Several comments noted that a roundabout is being considered for the intersection of Beverly Manor and Highway 68. There are several concerns related to the roundabout its operation requires careful geometric study. Available drawings indicate that the entire Pebble Beach Highway 1 Gate access including alignment, location, and buildings could need to be relocated to accommodate the roundabout. If the Highway 1 Gate area is relocated and redesigned, substantial geometric changes could occur at the 17 Mile Drive / Sunridge Road intersection inside the gate area. The drawings also indicate a substantial retaining wall system between the gate area and the CDF fire station. The design needs to consider the relationships between vehicle conflicts within the roundabout, vertical elevation change, and signage through the roundabout. The roundabout is being considered as part of planning for the overall Highway 68 PSR project, but is not part of the Proposed Project.

## Highway 68/CHOMP

Comments suggest that the Proposed Project should provide a direct connection between CHOMP and Beverly Manor.

As noted in the Draft EIR and in the Table F2-3 and F2-5 in this document, the project does not have a significant impact on the Highway 68/CHOMP intersection and no additional mitigation is necessary. As noted above, impacts to the Highway 68 corridor are mitigated by the applicant's funding of Phase 1B.

The Community Hospital of Monterey Peninsula (CHOMP) retained Bestor Engineers to provide a detailed assessment of alternative access options to CHOMP. These studies indicated that a connection between CHOMP and Beverly Manor would directly conflict with CHOMP's delivery operations. Additionally, the area's topography, state highway constraints, and jurisdictional issues prohibited a feasible alternative access to CHOMP. Apart from these operational problems, as noted above, such a direct connection is not required to mitigate a significant effect of the Proposed Project.

## Highway 68/Skyline Forest Drive

Comments on the Draft EIR assert that signalization would be either unsafe, would not mitigate project effects as well as other improvements (such as increasing Highway 68 capacity and/or Scenic Drive bridge), would increase pass-through traffic through the Skyline Neighborhood or is not necessary to mitigate project effects.

As described in the DEIR, the project would contribute traffic to failed operations at the Highway 68/Skyline Forest Drive intersection resulting in significant impacts. As indicated in the text, the existing intersection operations operate at a level of service (LOS) of “F” as a result of the critical side street delay on Skyline Forest Drive. Existing traffic volumes at this intersection indicate that a traffic signal installation is warranted based on Caltrans Signal Warrant for Peak Hour (Warrant 11). As indicated in the DEIR (page 3.7-24) the Project would not add traffic directly to the critical side street traffic on Skyline Drive but would add traffic on Highway 68, which would contribute to delays for side-street traffic due to the lack of spacing in Highway 68 mainline traffic. Mitigation Measure TC-B1-1 (signalization) was intended to address the critical side street delay and, based on signal warrant analysis, was considered necessary whether or not the Proposed Project was developed.

Regarding safety, with proper lines of sight, signage, warning lights or other improvements, it would be possible to safely install and operate a signal at the intersection of Highway 68 and Skyline Forest Drive.

Regarding Highway 68 capacity, the Draft EIR analyzed the project’s contribution to traffic operations west of Highway 1 (see Draft EIR page 3.7-26, Lines 10 –28, and DEIR Appendix B.3, Highway 68 Corridor Analysis), and concluded that with Phase 1B, eastbound and westbound segment operations would be at an acceptable level of service of “B”. For this reason, the project’s effect on Highway 68 segment operations was identified as less than significant. Comments on the Draft EIR have not provided any evidence or data to change this conclusion. For this reason, suggested widening improvements or widening of the Scenic Drive bridge are not considered as mitigation for project effects. Instead mitigation is focused on the Skyline Forest intersection itself.

The Skyline Neighborhood Traffic Study completed in November 2003 (available on the City of Monterey website) concluded that traffic does pass through the Skyline neighborhood primarily between Skyline Forest Drive and Soledad Drive. The study further determined that a) there is no directionality for traffic passing through the neighborhood; b) traffic passing through the neighborhood is consistent throughout the study periods; c) travel time between Highway 68 and the Munras interchange was slower through the neighborhood than on Highway 68 and Highway 1. The exception is in the eastbound direction during the afternoon peak period.

These findings indicate that drivers most likely do not use the neighborhood streets to bypass congestion on Highway 68 and Highway 1 as the travel time is shorter for drivers staying on Highway 1 and Highway 68. Travel times through Highway 68 will be further improved once the Highway 68 / Highway 1 intersection improvements are complete. Traffic is most likely to have a local destination such as downtown Monterey or the Del Monte Shopping Center area because traffic passing through the neighborhood is consistent throughout the study periods of 7:00 to 9:00 AM and 4:00 to 6:00 PM. While the traffic signal (Mitigation Measure TC-B1-1) will improve access to and from Skyline Forest Drive, the improvement in accessibility is not likely to result in any additional

drivers passing through the neighborhood because these drivers generally have a local destination.

Based on Higgins & Associates review of the intersection, alternative improvements have been identified that would improve operations, but would not require signalization. These improvements, in order of increased cost include:

- increase the curb return radius at the northeast corner of the intersection;
- formalize existing lane channelization to construct a westbound Highway 68 right run lane; or
- construct a northbound right-turn acceleration lane.

These options have been added to Mitigation Measure TC-B1-1 to provide alternatives to the signalization proposed in the Draft EIR. The mitigation has been revised to require the applicant to fund a traffic study and submit it to Caltrans, Monterey County, and the City of Monterey to determine the preferred option to improve intersection function and reduce traffic delays. The applicant will be required to advance the funds necessary to construct the ultimately selected option. The County and the applicant will establish a reimbursement agreement for the amount beyond the applicant's fair-share. See FEIR Chapter 3 for wording of the revisions.

While some comments suggested that the applicant should be responsible to widen Scenic Drive bridge and/or conduct further Highway 68 widening (beyond that in the Highway 68 PSR noted above), the above mitigation measures are considered appropriate to the identified impacts and thus these other suggested measures, while potentially improving operations along Highway 68, are not considered necessary to mitigate project traffic significant impacts.

During review of comments on the DEIR, the County noted that the fair-share calculation for mitigation for impacts to Highway 68/Skyline Forest intersection were based on percent of increase in baseline traffic. The amount has been recalculated as percent of baseline plus project to make it consistent with other fair-share traffic mitigation. Revisions are presented in FEIR Chapter 3.

## Highway 68/SFB Morse Drive and Gate Operations

The DEIR provides a detailed assessment of the traffic operations through the SFB Morse Gate and at the intersection of S.F.B. Morse Drive/Highway 68. As indicated in Table 3.7-5, Table 3.7-6, Table 4.4-11, and Table 4.4-12, the referenced intersection will operate at Level of Service A with vehicle delays of less than 10 seconds through cumulative conditions with the project. This level of service represents the highest quality of traffic flow. Motorists are able to drive at their desired speeds and all motorists are served at the traffic signal.

Special event activity at the SFB Morse Gate intersection with Highway 68 was analyzed and is discussed on page 3.7-28 of the DEIR. As indicated in the study, the largest special event activity includes 40 to 60 horse transports and 300 to 400 passenger cars. These users (horse transports and passenger cars) arrive and depart throughout the event. According to the cumulative analysis, the residual capacity of the westbound left turn lane would accommodate up to 108 horse transports or 215 passenger vehicles during a single peak hour. Even if all 60 trailers arrived during a single AM peak hour there would be sufficient left turning capacity to accommodate about 120 passenger cars for the equestrian center events. This analysis is very conservative as the majority of vehicle activity is spread over several days rather than focused in a single peak hour.

The DEIR concludes that there is sufficient left turn capacity to accommodate the equestrian special event activity; however, in the absence of effective special event procedures, the left turn operations could be compromised. The Mitigation Measure TC-C2 to monitor and implement special event procedures to accommodate increased vehicle and trailer traffic is provided to insure that traffic does flow smoothly between Highway 68 and SFB Morse Drive. These procedures include special event bus transport, offsetting schedule start and end times outside peak hours of travel, and coordinating with CHP and Monterey County Sheriff as necessary to insure efficient operations.

The right-turn acceleration lane completed with the SFB Morse Gate construction was reviewed through the Caltrans Encroachment Permit process. It was during that process that Caltrans indicated that the acceleration lane be designed to meet state standards. Furthermore, the traffic signal was designed so that right turning traffic to eastbound Highway 68 would get a green signal light to separate right turning movements onto Highway 68 from eastbound traffic on Highway 68. This combination of acceleration lane and a green traffic signal allows right turning vehicles effective access to eastbound Highway 68.

Regarding the potential effect of special event traffic from the New Equestrian Traffic on the use of Highway 68 as an evacuation route for Pacific Grove, language has been added to Mitigation Measure TC-C2 to take this into consideration when developing special-event traffic procedures.

## Highway 68/Aguajito Road

The applicant asserted that the mitigation at this intersection is not warranted due to the low number of vehicles that could take advantage of the proposed acceleration lane. The applicant's traffic consultant, Fehr & Peers submitted additional data (Fehr & Peers 2004b) to support the assertion that the intersection does not have failed operations. This new data was peer reviewed by Higgins & Associates.

The DEIR described that the project would contribute traffic to failed operations at the Highway 68/Aguajito Road intersection under both baseline plus project and cumulative plus project conditions resulting in significant impacts that are

greater than the identified significance criteria. The new data indicates that the critical side-street movements would not have failed operations under the baseline plus project conditions but would have failed operations (LOS F) under cumulative plus project conditions. The proposed mitigation of an acceleration lane would reduce conflicting movements. The DEIR has been revised as shown in Chapter 3 to indicate that the project's direct impact is less than significant at this intersection, but the project's contribution to a cumulative significant impact is still considerable. Mitigation Measure TC-B1-3 is deleted accordingly and replaced by Mitigation Measure TC-B1-3 (C), which will still require a fair-share contribution. Since the significant cumulative impact will not occur for some time, the revised mitigation does not require the applicant to fund this improvement up front as indicated in the DEIR, but does require a fair-share contribution.

During review of comments on the DEIR, the County noted that the fair-share calculation for mitigation for impacts to Highway 68/Aguaquito intersection was based on percent of increase in baseline traffic. The amount has been recalculated as percent of baseline plus project to make it consistent with other fair-share traffic mitigation. The mitigation has also been revised to identify Monterey County as the fee agency (not TAMC). The mitigation also incorrectly referred to a traffic signal in one location instead of a refuge lane. Revisions are presented in FEIR Chapter 3.

## MR-TC-2: Construction Traffic

Comments were submitted on the Draft EIR concerning the following issues concerning construction traffic:

- Timing of construction activities relative to roadway improvements
- Impact on emergency response times and Robert Louis Stevenson School safety
- Safety issues related to construction vehicle traffic
- Construction hours

Construction traffic was identified in the DEIR as a potentially significant impact (TC-G1) and mitigation measures were recommended to reduce construction impacts to less than significant levels. Mitigation Measure TC-G1-2 requires the applicant to develop a set of traffic control measures prior to issuance of a construction permit. The traffic control measures would address issues such as potential congestion at the entrance to the Inn at Spanish Bay, safety at trail crossings, and timing and routing of construction vehicle trips including truck routing. As noted above in the Master Response for Parks, Recreation, and Open Space (MR-PSU-3), the mitigation measure language has been revised (see FEIR

Chapter 3) to explicitly include trail crossing considerations in the construction traffic plans.

Table 3.7-2 is not intended to be an exact predictor of traffic levels that will occur, but instead are intended to be generally representative of the kinds and variation in traffic that will occur during the construction of the various aspects of the Proposed Project.

As indicated in Table 3.7-2 in the DEIR, at the heaviest time, about 165 trucks are estimated to access the Forest each workday representing about a 1 percent change in daily inbound traffic demand at the Forest gates. The Proposed Project, after construction, is expected to increase daily inbound traffic by about 6 percent. Thus, the Proposed Project condition represents a worst-case scenario. The DEIR, Table 3.7-4, indicates that traffic within the Forest will be maintained at Level of Service C or better after project completion, indicating moderate traffic levels with average vehicle speeds near motorist-desired speed. Thus traffic levels during construction are expected to be lower than at project buildout. With LOS C conditions, emergency response time and access for RLS students would not be significantly affected, although there may be episodic minor delays when construction traffic is passing the school directly.

Construction sequencing for the Proposed Golf Course and the realignment of Stevenson Drive have not yet been determined. It is possible that Bristol Curve could be used for some construction traffic, however, this is unknown at this time. Figure 3.7-4 shows the planned construction truck routing prior to abandonment and realignment of the existing Stevenson Drive. Figure 3.7-3 shows the road changes planned for development of the Proposed Golf Course. PRDEIR Appendix E shows the latest proposed realignment of Stevenson Drive adopted pursuant to mitigation for project impacts to Yadon's piperia.

The construction schedule used in the DEIR traffic analysis was based on preliminary planning considerations. The applicant has stated that the construction schedule of 3.5 years is subject to change and may be extended over a longer period of time based upon weather, neighborhood impacts, and other factors. Additionally, the applicant commented that the construction sequencing is likely to be different from that shown in Table 3.7-1A of the DEIR, in that the improvements to the Lodge at Pebble Beach would likely occur first, followed by improvements at the Inn at Spanish Bay. The overall level of impacts is expected to remain the same as disclosed in the DEIR.

Regarding potential use of Lopez/Haul Road for construction truck routing, Lopez/Haul Road is one of the truck routes proposed for this project as shown in Figure 3.7-4. While Lopez Road/Haul Road has less residents along the route than Lopez/Congress, Haul Road is unpaved and construction access would result in greater dust generation, thus there are tradeoffs in designating one or the other as the primary egress route as suggested in comment. Haul Road will remain open to facilitate construction traffic, as long as this does not result in a conflict with prior permit conditions for the quarry site requiring eventual closure of Haul Road. The Lopez Road/Congress Road intersection and Congress Road

will be improved as part of this project. A requirement has been added to Mitigation TC-G1-4 to complete these improvements with the first 6 – 12 months of beginning project construction overall to improve safety during the remainder of construction.

The applicant also requested recognition that the Phase 1B Improvements must be approved by Caltrans and that this could hinder the ability to construct this aspect of the project within the first 6 to 12 months of overall project construction. Mitigation measure TC-G1-4 has been modified to recognize this potential while still prioritizing the completion of this improvement as soon as possible.

Regarding construction traffic hours, the DEIR requires the project to adhere to the Del Monte Forest Architectural Board Guidelines that are applied to other projects and that construction trips are limited to the hours of 9:00 am – 4:00 pm, Monday through Friday. These hours are considered reasonable to reduce impacts on traffic peak hours, while allowing reasonable construction periods. Any further reduction in allowable hours would only extend the overall duration of construction in the Del Monte Forest, which is not considered advisable.

Regarding speed controls for construction, all construction personnel will be required to comply with existing speed limits within the Del Monte Forest. This has been added to Mitigation Measure TC-G1-2.

## Master Response MR-TC-3 Regional Traffic Impacts

Comments on the PRDEIR regarding project impacts on traffic on Monterey County regional highways concerned the following issues:

- methodology for regional analysis
- impacts on State Route (SR)156
- Phase 1B Improvement and the Regional Fee Program
- impacts outside Monterey County
- projects not in Draft TAMC Regional Fee Program
- constitutionality of fair-share mitigation

These comments are responded to below.

## Methodology for Regional Analysis

The methodology for analyzing impacts on regional highways is presented in the PRDEIR on pages P4-3 and P4-4. Existing traffic is based on the volumes from

the Nexus Study for a Regional Development Impact Fee prepared by DKS Associates in May 2004. Project contributions to regional traffic were estimated using the Transportation Agency for Monterey County (TAMC) traffic model. This model was also used in the traffic analysis in the DEIR. The results of the analysis indicate that the project would have significant impacts on regional highway based on the County's significance criteria as disclosed in the PRDEIR. Within the study area, the identification of impacts is considered adequate.

## Impacts on SR156

Comments supported the adoption of mitigation for project effects on SR 156. These comments are noted.

One comment asserted that mitigation should be added concerning the impact of special events traffic on SR 156. The Proposed Project does not include any proposed increase in major special events. Equestrian events would be relocated within the Del Monte Forest, but the character and size of equestrian events is not expected to change. Similarly, the addition of an eighth golf course in the Del Monte Forest in addition to the numerous other nearby golf courses, is not expected to increase the frequency of large-scale golf-related special events over that at present. Because no increase in large-scale special events is identified, this is not considered a significant impact, and no mitigation is warranted.

One comment suggested that the project's impact to SR 156 should be mitigated by contributing to construction of a freeway between Highway 101 and Highway 1. At present, regional planning is for widening of SR 156, and mitigation adopted in the PRDEIR is for a fair-share contribution to that regionally planned project. This mitigation is adequate to address the project's contribution and alternative mitigation is not needed.

## Phase 1B Project and Regional Fee Program

TAMC commented that Phase 1B should be removed from the regional fee program if the applicant is fully funding this improvement. In comment on the PRDEIR, the applicant has noted that the cost of Phase 1B exceeds the fair-share contribution of the Proposed Project to traffic at the Highway 1/68/17-Mile Drive interchange. As described in Master Response MR-TC-1, this is correct. However, it is possible that the applicant may be responsible for other contributions to the Highway 68 PSR project due to other prior commitments or permit conditions and thus may ultimately be found to be responsible for a greater portion of this improvement. Unless a final determination is made that the applicant will be responsible for the entire cost of the improvement, it would be premature to exclude the Phase 1B project from the regional fee program, as this may leave the project underfunded.

## Impacts Outside Monterey County

While the conclusions in the PRDEIR are considered valid for the regional highways within Monterey County, given the project's location and the distance to locations outside the county, the project's contribution beyond the county's boundaries becomes speculative and difficult to estimate. Such speculative impacts are not identified as significant impacts in the PRDEIR, and mitigation is not warranted.

## Projects not in TAMC Draft Regional Fee Program

Caltrans commented that the mitigation for the Proposed Project should be to contribute a fair-share for the projects identified in the PRDEIR that are not included in the ultimate TAMC regional fee program (such as the Prunedale Improvement Project (PIP)) as well as the regional fee if and when it is adopted.

Mitigation Measure TC-B3 has been modified to clarify that if and when a regional fee program is adopted, application of a regional fee to the Proposed Project will only replace that portion of the fair-share related to projects in the regional fee program itself. If a project included in the TC-B3 calculation is not ultimately in the regional fee program, the applicant will still be responsible for a fair-share contribution. Thus, mitigation for the PIP would be independent of and due regardless of whether the regional fee program is adopted as identified in Table P4-2 Note 5.

## Constitutionality of Fair-Share Mitigation

With regard to questions of the rationale and legality of the mitigation for regional impacts, the mitigation is consistent with recent U.S. Supreme Court cases. In *Nolan v. California Coastal Commission*, the court held that development exactions are valid, so long as there is a reasonable relationship between the imposed exaction and the impact of a project. In *Dolan v. City of Tigard*, the court ruled that a jurisdiction must show that there is a "rough proportionality" between the adverse impacts of a proposed development and the exaction it wishes to impose on the developer. Mitigation Measures TC-B3 and TC-B3(C) are based on the project's impact on regional traffic as determined through analysis utilizing the County traffic model and the best available information. The mitigation measures require the developer to pay a "fair share" of the cost for improvements to impacted County highways based on the proportion of the project's contribution to traffic on impacted roadways. Therefore, there is both a reasonable relationship between the mitigation and the impact and the mitigation is proportional to the project's impact.

## Alternatives (ALT)

## MR-ALT-1: Range of Alternatives

This response concerns comments on the range of alternatives. Other individual comments regarding the alternative analysis are responded to in FEIR Chapter 5.

### Introduction

Comments on the DEIR suggested the analysis of, additional analysis of, and/or adoption of the following alternatives:

- Alternatives that would reduce the overall scale and/or scope of the project.
- Alternatives to the Proposed Golf Course in Area MNOUV that either reduce its scale, eliminate it, locate it at an off-site location or use an alternative to grass turf (artificial turf, crabgrass)
- Alternatives that would relocate the equestrian center to a site other than the Sawmill Site, make it smaller, or retain the center at its current location.
- Alternatives that would relocate the Spanish Bay Driving Range.
- Alternatives that would relocate or redesign Spanish Bay employee housing area.
- Alternatives that would reduce, cluster, or eliminate certain proposed residential subdivisions and lots.
- Alternatives that would focus on or have a stronger emphasis on resource conservation and/or preservation.
- A “Hands-Off” Alternative

### Overview of CEQA Analysis of Alternatives

The CEQA Guidelines (Section 15126.6) require that a DEIR present a reasonable range of alternatives to the Proposed Project.

*An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project.*

Additionally, one alternative considered must be a No Project alternative (CEQA

Guidelines Section 15126.6(e)).

As discussed in DEIR Chapter 5.0, oral and written comments regarding alternatives that were received during the scoping process were considered when identifying potential alternatives in the DEIR.

As noted above, CEQA requires a three-pronged test to identify the alternatives to be analyzed in an EIR:

- **Project Objectives** - Does the alternative attain most of the basic objectives of the project?
- **Feasible** - Is the alternative feasible?
- **Environmental Effect** - Would the Alternative avoid or substantially lessen a significant effect of the project

If an alternative does not satisfy these three criteria, CEQA does not require that it be analyzed.

For complex projects, such as the Proposed Project, there will be myriad of alternative permutations and combinations. CEQA does not require analysis of every conceivable alternative but rather a reasonable range of alternatives.

It is important to note that CEQA does not require that a lead agency (in this case Monterey County) adopt an alternative that passes the three-pronged test. If feasible mitigation is identified by the lead agency that will reduce project impacts to a less than significant level, a lead agency is not obligated to adopt an alternative instead. As described in the Draft EIR as revised by the PRDEIR and this FEIR, mitigation has been identified to reduce significant impacts to a less than significant level.

## Overview of DEIR Alternatives Analysis

Overall, the DEIR discusses no less than 19 different alternatives or sub-alternatives.

The project objectives are described on page 5.0-1 and 5.0-2. The significant effects of the Proposed Project are described on pages 5.0-3 and 5.0-4 and throughout the rest of the DEIR. This project has seven primary development elements: a golf course, a driving range, an equestrian center, visitor-serving units, residential subdivisions, employee housing. The supporting elements to these development elements are roadway, trail, and utility improvements.

The DEIR includes discussion of nine different alternatives (A. through H.) that did not pass one or more of the three screening criteria noted above. The rationale as to why these alternatives were not analyzed further in the DEIR are described in Tables 5.0-1 and 5.0-2 in the DEIR, which are located following page 5.0-4.

Ten distinct feasible sub-alternatives were identified with potential to reduce one

or more of the significant effects of the Proposed Project including:

- a 9-hole golf course alternative
- alternative land use at Area MNOUV
- a no-golf course alternative
- consolidation of the Employee Housing in one location
- relocation of the Spanish Bay Driving Range to the Sawmill site
- clustering residential lots in a smaller number of areas
- reduced number of residential lots
- reduced number of visitor-serving units.
- smaller equestrian center
- consolidated parking at Spanish Bay

Three action alternatives in addition to the no project alternative were assembled from these sub-alternatives. The three action alternatives were screened against the project objectives in Table 5.0-1 and in general, were found to meet most, but not all of the applicant's objectives.

The three assembled alternatives thus represent a wide range of alternatives to the project. While there may be other permutations and combinations of the various project components and alternatives to the project development elements that meet the three-pronged test noted above, CEQA does not require analysis of every conceivable alternative. The range of alternatives, including those dismissed as failing the three-pronged test and those sub-alternatives assembled into the three action alternatives are considered a reasonable range of alternatives by Monterey County.

Beyond development, the other primary element of the project is preservation and resource management. Alternatives were not developed for these project elements, because taken as a whole, dedication of areas in preservation and resource management does not result in significant impacts to the environment. The three action alternatives analyzed in the Draft EIR include alternatives that would result in greater preservation or preservation in different locations than the Proposed Project due to alternative approaches to project development elements.

## Alternatives to the Overall Scale and/or Scope of the Proposed Project

Several comments support an overall reduction in scale or scope of the Proposed Project.

The DEIR included detailed analysis of four alternatives, each of which would reduce the overall scale and scope of the Proposed Project:

- The No Project Alternative would include none of the project development elements. A variant of the No Project Alternative would be elimination of single development elements, such as elimination of the Spanish Bay Driving Range.
- Alternative 2 would reduce the size of the golf course from 18 holes to 9 holes the size of the Spanish Bay Driving Range, consolidate employee housing at the Corporate Yard, and cluster residential development further.
- Alternative 3 would also reduce the golf course to 9 holes, reduce the size of the new equestrian center, consolidate the Spanish Bay parking, reduce residential development, and reduce the number visitor-serving units.
- Alternative 4 would include a smaller development footprint on Area MNOUV, retain the existing equestrian center, relocate the Spanish Bay Driving Range to the lower Sawmill, consolidate employee housing at the Corporate Yard, and cluster residential development further.

This is considered a reasonable range of alternatives. Commenter support for reduced development alternatives is noted.

## Alternatives to the Proposed Golf Course

Comments suggested that the Proposed Golf Course be eliminated, reduced to a 9-hole expansion of Spyglass Hill, relocated to Area PQR, built on a location outside the Del Monte Forest, that the applicant should buy an existing course at Ft. Ord instead of building a new one, or the golf course should use artificial turf or crabgrass instead of grass turf.

- Alternatives 2 and 3 both contain a 9-hole expansion of Spyglass Hill instead of a new 18-hole course.
- The No Project Alternative and Alternative 4 do not include a golf course element.

An alternative that would locate a new golf course in Area PQR was evaluated in prior CEQA documents in the mid-1990s. The conclusion of these prior analyses was that a golf course in Area MNOUV would be environmentally superior to a golf course in Area PQR. This was described in the current DEIR (see Alternative B on p.5.0-31 and Alternative G on p. 5.0-33). This alternative was dismissed from further analysis because it would result in greater biological impacts than the Proposed Project.

As noted in DEIR Chapter 5, “Alternatives”, the possibility of locating the proposed golf course at sites outside of Del Monte Forest was analyzed. The off-site locations considered included the Old Capitol site, the Aguajito site, the Odello Property, and Fort Ord. All of these sites were dismissed because, among other reasons, golf course development outside the Del Monte Forest would not complement the existing PBC golf courses and facilities and the proposed facilities, which is a project objective of the applicant.

Once comment suggests additional analysis of applicant purchase of another golf course (specifically Black Horse or Bayonet at Ft. Ord) rather than construction of a new golf course in Area MNOUV. In particular, the comment asserts that this would lower environmental impact and would be feasible because the applicant currently buses people from Ft. Ord during tournaments into Pebble Beach. The comment is correct that purchase of an existing golf course would reduce biological and other environmental impacts of construction a new one. As to feasibility, the existence of a willing seller has not been examined, but for the purpose of this response, it is considered potentially feasible. However, this alternative would fail to meet a number of the overall project objectives including 1) “convert land planned for residential development to recreation”; “allow the renovation and expansion of existing priority visitor serving uses”. This alternative would also fail to meet the following specific project goals: “increasing opportunities for world-class golf”, “adding new visitor accommodations in close proximity and integrated with the overall design of the new golf course”. While CEQA does not require that an alternative meet all of a project’s objectives, it does require that it meet most. The principle failing of this off-site purchase of an existing golf course is that it would not complement existing and proposed PBC facilities within the Del Monte Forest, which is a fundamental project objective.

Regarding alternative turf suggestions, comments suggested that the DEIR should evaluate alternative golf course groundcovers including artificial turf and crabgrass, as means to reduce the project’s water, pesticide, and herbicide use.

A search of available information was conducted to identify potential precedents of their use for golf courses. One instance of an 18-hole course (Echo Basin Golf Club in Colorado, currently under construction) was identified where the entire course is being created using artificial turf. Artificial turf has also been used widely for golf course tee areas, greens, areas of heavy traffic, and driving ranges at a number of courses. No precedents were identified for using crabgrass. These alternatives are considered technically feasible, in that they can be constructed, and that one could play golf off the created surfaces. Use of artificial turf would reduce water, pesticide, and herbicide use. Maintenance of crabgrass as a playing surface might reduce these uses, although this was not examined in detail, because of the considerations below.

It is considered highly speculative that the golfing public or professional golfers would desire to come to Pebble Beach to play a course made of artificial turf or crabgrass. There is no known precedent of use of such a surface for a PGA-quality course, which is an obvious objective of the Proposed Project, and it is

highly unlikely that the PGA would approve a tour event at such a course. Pebble Beach is a world-renowned golf course destination, the world standard for championship golf is natural grass turf, not artificial turf or crabgrass, and it is a clear objective of this project to create additional golf facilities that match the quality of existing courses owned by the applicant in Pebble Beach. As such, pursuant to CEQA Guidelines Section 15126.6 (f) (3), such an alternative, being remote and speculative, does not require further consideration.

The range of alternatives to this project element analyzed in the Draft EIR is considered reasonable. Commenter support for various alternatives to the Proposed Golf Course is noted.

## Alternatives to the New Equestrian Center

Comments suggest that the existing equestrian center should remain at its current location, remain at its current location but be reduced in size, relocated to the Sawmill site but be reduced in size. One comment suggests that an alternative site to the Sawmill site should be identified in the event that prior Spanish Bay permit conditions and/or the existing easements are ultimately not amended in a manner that allows the Proposed Project to go forward.

The No Project Alternative would retain the equestrian center at its current location. Alternative 3 would restrict the New Equestrian Center to the upper or lower Sawmill site by eliminating an open field for special events. Alternative 4 would retain the equestrian center at its current location.

Regarding an alternative site for an equestrian center within the Del Monte Forest if Spanish Bay permit conditions or Sawmill easements are not amended or if Measure A is not certified relevant to the Sawmill site, no alternative site is identified that would not either (a) displace existing development, (b) displace another Proposed Project element or (c) result in loss of significant biological resources. As discussed in the Master Response above concerning the Spanish Bay permit conditions and Sawmill easements (MR-LU-2), if the new equestrian center is not ultimately built in the Sawmill site but the rest of the project goes forward, then the consequences could be that either the Proposed Golf Course is altered to allow an equestrian center to be retained on site or the equestrian center is eliminated and not replaced. Were this to happen, additional permit review and environmental review may be necessary given the changed circumstances under which the project would be implemented.

The range of alternatives to this project element analyzed in the Draft EIR is considered reasonable. Commenter support for various alternatives to the New Equestrian Center is noted.

## Alternatives to the Spanish Bay Driving Range

Comments suggest locating the new driving range and the golf academy in the lower Sawmill area in order to avoid development of Area C, not building the new driving range, and consolidating the golf academy at Area MNOUV.

- The No Project Alternative includes no new driving range and no relocation of the golf academy from Spyglass Hill where it presently is located.
- Alternative 2 would allow a smaller driving range in Area C with only one set of tees, but would require the golf academy to either remain in its current location or be located at the Proposed Golf Course.
- Alternative 3 would consolidate parking at Spanish Bay itself, which would reduce development footprint on Area C
- Alternative 4 would locate the driving range in the lower Sawmill area.

Thus, all commenter's suggested alternatives have already been analyzed in the DEIR. Commenter support for such alternatives to the Spanish Bay Driving Range is noted.

## Alternatives to the Spanish Bay Employee Housing

Comments suggest consolidating the Spanish Bay employee housing with the Corporate Yard employee housing or redesigning the employee housing complex in Area B to reduce its impact on forest and recreational trail use.

Alternatives 2 and 4 would place all new employee housing at the Corporate Yard.

As shown on the biological resource figure for Area B (see Figure E-12 in the DEIR and Figure E-12-YP in the PRDEIR), the proposed employee housing complex utilizes part of the site that is already disturbed, while avoiding removal of areas containing Yadon's piperia (based on the most recent surveys in 2004), and encroachment on the seasonal wetland area. Setbacks from Congress Road and 17-Mile Drive are required in compliance with LCP policies and to avoid significant aesthetic impacts.

As described above in the Master Response concerning Parks, Open Space, and creation (MR-PSU-03), the housing complex will eliminate Fire Road #11, but will add a new trail from the housing area to 17-Mile Drive. While the wetland in Area B is likely the result of prior excavation, it is a wetland that meets both state and federal jurisdictional definitions. Pursuant to LCP policies, this wetland is being retained, and will be enhanced as part of the wetland resource management plan proposed by the applicant. Thus the suggestion to eliminate the wetland and/or further infringe on the buffer around it and move the housing complex further westward has not been adopted as a mitigation because this would obviate the ability to retain and enhance this wetland.

While the employee housing area will alter recreational use of the existing fire road, there will remain an extensive trail network in the adjacent areas that will not be altered, and 20 additional acres of forested land will be dedicated next to the Navajo Tract and Rip Van Winkle Park. This is considered a less than significant impact on recreation and thus an alternative housing complex design was not proposed as mitigation.

The range of alternatives to this project element analyzed in the Draft EIR is considered reasonable and feasible mitigation for effects of employee housing on the forest, recreation, and aesthetics will be adopted as conditions of approval. Commenter support for alternatives to the Spanish Bay Employee Housing area is noted.

## Alternatives to the Residential Subdivisions/Lots

One comment suggested elimination of residential lots in Area F-3 and Area PQR.

- The No Project Alternative would include no new residential subdivisions.
- Alternatives 2 and 4 would eliminate one lot in Area K and one lot in Area F-3 and place them in Area F-2.
- Alternative 3 would eliminate 4 lots in Area F-2, 1 lot in Area F-3, 5 lots in Area I-2, and 3 lots in Area PQR.

While there are a myriad of possible alternatives concerning the amount and location of residential lots, the range of alternatives to this project element analyzed in the Draft EIR is considered reasonable. It should be noted that since the DEIR, the building envelopes for lots in Area F-3 and PQR (and all other residential lots) were revised in order to reduce loss of Yadon's piperia and habitat in the PRDEIR (see PRDEIR Appendix E.3). In addition, as discussed in the Master Response regarding Monterey Pine Forest (MR-BIO-5), the building envelope for certain lots in Area PQR has been adjusted to increase the buffer between these lots and the nearby Spruance Meadow area.

Commenter support for an alternative to the proposed residential subdivisions is noted.

## Resource Conservation Alternative

Comments suggest that the DEIR should have analyzed alternatives that have a stronger emphasis on resource conservation and/or preservation, an alternative project that is purely based on resource and constraint identification and avoidance, or preserve/parkland alternatives.

The project objectives include to “formally preserve large undeveloped tracts of forested open spaces”. However, there are also several specific objectives regarding the development of land within the Del Monte Forest. These objectives are noted in p. 5.0-1 in the DEIR and in Table 5.0-2.

The alternatives analyzed in detail in the DEIR included sub-alternatives that would result in more resource avoidance than the Proposed Project:

- The No Project Alternative would include none of the proposed development but also none of the proposed preservation.
- Alternative 2 would avoid and/or reduce biological impacts at Area MNOUV, Area B, Area C, Area F-3, and Area K and thus provide greater opportunities for future preservation.
- Alternative 3 would avoid and/or reduce biological impacts at Area MNOUV, the Sawmill site, Area C, Area F-2, F-3, I-2, and PQR and thus provide greater opportunities for future preservation.
- Alternative 4 would avoid and/or reduce biological impacts at Area MNOUV, the Sawmill site, Area B, Area C, Area F-3, and Area K and thus provide greater opportunities for future preservation.

When comments suggest that an alternative should be designed around more resource avoidance, they are suggesting that alternatives should be analyzed that are smaller in terms of development. The alternatives analyzed in the DEIR are considered a reasonable range of alternatives that would reduce the development scale and scope.

Developing an alternative project based solely on the avoidance of natural resources or a “preserve/parkland” alternative would preclude the achievement of the project objectives related to development. The only remaining land within the Del Monte Forest that is not occupied by existing development and are mostly lacking biological resources are areas such as part of the Corporate Yard, a portion of the Spyglass Quarry lacking dune vegetation, and small portions of the Sawmill site. It is not considered feasible to implement a development project on such limited areas that would meet most of the basic project objectives. As noted above, the CEQA Guidelines state that alternatives that would attain most of the basic objectives of the project do not require analysis in an EIR.

Some comments assert that the project should be redesigned to avoid most of Monterey pine forest or sensitive plant species and habitat based on the premise that most of these areas are ESHA pursuant to the LCP. Responses to these comments are provided in the Master Response concerning ESHA (MR-BIO-1) above. As discussed there, the DEIR correctly identified ESHA according to the Del Monte Forest LUP.

Comments that assert that alternatives should be analyzed that provide more preservation are in effect saying either that less development should be allowed or that more preservation is needed to mitigate project effects. It is important to note that the project includes preservation of hundreds of acres of land that is mostly designated for development under the existing LCP and that is not formally protected by current conservation easements. Less development alternatives were discussed above. The DEIR and the PRDEIR already identified the need for additional preservation beyond that proposed by the applicant as mitigation for impacts to Monterey pine forest and Yadon's piperia.

Overall, the range of alternatives is considered reasonable concerning conservation and preservation. Commenter support for alternatives concerning resource conservation or preservation is noted.

## The "Hands-off Management" Alternative

One comment suggests that a "hands-off management" or "leave it alone" alternative should have been evaluated in the DEIR did not identify how such an alternative would meet most of the project objectives as required by CEQA. The No Project Alternative captures the likely intent of this suggested alternative in that it includes none of the proposed development, none of the proposed resource management. However, it should be noted that the No Project Alternative also includes none of the formal preservation proposed by the applicant. Interpreting this comment more broadly, the comment appears to be asserting that resource management of natural areas should not be conducted and that nature should be left alone. While the comment asserts there is little to no evidence that resource management has ever improved ecological values, the comment cited no studies to support this point. The DEIR, the PRDEIR, this FEIR, and the supporting resource studies cited in reference constitute substantial evidence that proposed resource management can sustain existing natural areas and in certain locations can help to restore and enhance previously degraded areas. While it is correct that resource management has failed or been only partially successful in certain instances, this specific comment provides no particular evidence to ascertain why the resource management included in this Proposed Project would not work as mitigation.

Commenter support for this alternative is noted.