

Summary for Electronic Document Submittal

Lead agencies may include 15 copies of this document when submitting electronic copies of Environmental Impact Reports, Negative Declarations, Mitigated Negative Declarations, or Notices of Preparation to the State Clearinghouse (SCH). The SCH also accepts other summaries, such as EIR Executive Summaries prepared pursuant to CEQA Guidelines Section 15123. Please include one copy of the Notice of Completion Form (NOC) with your submission and attach the summary to each electronic copy of the document.

SCH# 2003071157

Project Title: Harper Canyon (Encina Hills) Subdivision

Lead Agency: County of Monterey Housing & Community Development - Planning

Contact Name: Erik V. Lundquist, Director

Email: lundquiste@co.monterey.ca.us Phone Number: (831) 755-5154

Project Location: North of San Benancio Road, approximately 0.8 miles east of Highway 68, Salinas Monterey

City County

Project Description (Proposed actions, location, and/or consequences).

The Supplemental Draft EIR will examine wildlife movement between the Fort Ord National Monument, Santa Lucia Ranges, and Toro Creek via under-crossing of State Route 68, overpasses along Portola Drive, and local/onsite drainages and culverts and will include the review of previous research, including but not limited to, the Central Coast Connectivity Project and the 2008 WRA Environmental Consultants memorandum developed for the Ferrini Ranch EIR [SCH2005091055]. In response to the court of appeal ruling, the document will focus solely on analyzing the wildlife corridors in the vicinity of the proposed project and will evaluate the potential impacts the proposed project may have on these corridors. The Supplemental Draft EIR will identify, where necessary, mitigation to avoid, eliminate, or reduce impacts to a less than significant level, where feasible.

Identify the project's significant or potentially significant effects and briefly describe any proposed mitigation measures that would reduce or avoid that effect.

Pursuant to CEQA Guidelines (Guidelines §15163) a Supplemental Draft EIR will be prepared to evaluate the potential physical and environmental impacts of the proposed project on wildlife corridors. The Supplemental Draft EIR will identify mitigation that avoids, eliminates, or reduces impact to a less than significant level, where feasible. It is anticipated that the County will rely on the Draft EIR and SEIR for subsequent project phases and development as deemed appropriate and consistent with the requirements of CEQA by the County as the Lead Agency.

If applicable, describe any of the project's areas of controversy known to the Lead Agency, including issues raised by agencies and the public.

The 2015 Board of Supervisor's decision was challenged and ultimately resulted in the Sixth District Court of Appeal's opinion that the EIR lacked analysis concerning the proposed project's potential impacts to the Toro Creek wildlife corridor (*Landwatch Monterey et al. v. County of Monterey et al., Case No. H046932*). As a response to the court of appeal ruling, a supplemental draft EIR was requested to evaluate the proposed project's potential impacts on the wildlife corridors in the vicinity of the proposed project site.

On December 3, 2018, the Superior Court issued its Final Statement of Decision and Ruling on Remedy in the case. The County and applicant appealed the Superior Court’s judgement and argued that substantial evidence supported the County’s determinations regarding impacts to wildlife corridors. On March 29, 2021, the Court of Appeal issued its opinion (Opinion) agreeing with the trial court’s conclusion that the FEIR’s analysis of the impacts on wildlife corridors was deficient and not supported by substantial evidence. The Court of Appeal remanded the matter to the trial court with directions to vacate its original order and issue a new writ of mandate ordering the Court to vacate Resolution No. 15-084 and to vacate the Board’s approval and certification of the EIR for the project only as it relates to wildlife corridor issues.

On July 1, 2021, the Superior Court issued its Second Amended Judgment Granting Peremptory Writ of Mandate, and Second Amended Peremptory Writ of Mandate which requires the Board to:

1. Rescind portions of Resolution No. 15-084 certifying the FEIR, adopting the findings, approving the Combined Development Permit, and adopting the Mitigation Monitoring and Reporting Plan for the project only to the extent they are dependent on wildlife corridor issues.
2. Suspend any and all activities related to the project except the preparation, circulation, and consideration under CEQA of a legally adequate EIR with regard to the wildlife corridor issues discussed in the opinion.
3. Before taking any further action on the project, comply with CEQA by the preparation, circulation and consideration of a legally adequate EIR with regard to the wildlife corridor issues discussed in the opinion.
4. Make and file a return to this writ within 60 days of taking such action, setting forth what it has done to comply.

As of August 24, 2021, the Board passed and adopted Resolution No. 21-151 which incorporates the Second Amended Peremptory Writ of Mandate issued by the Superior Court.

Provide a list of responsible or trustee agencies for the project.

Caltrans
California Regional Water Quality Control Board
California Department of Fish and Wildlife