

Notice of Preparation

Notice of Preparation

To: Trustee and Responsible Agencies/All Interested Persons

From: County of Monterey – Housing and Community Development

1441 Schilling Place, South 2nd Floor

Salinas, CA 93901

(Address)

(Address)

Subject: Notice of Preparation of a Supplemental Draft Environmental Impact Report

The County of Monterey will be the Lead Agency and will prepare a Supplemental Draft Environmental Impact Report (EIR) for the project identified below. We need to know the views of your agency as to the scope and content of the environmental information which is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency will need to use the Supplemental Draft EIR prepared by our agency when considering your permit or other approval for the project.

The proposed project description, location, and the potential environmental effects are contained in the attached materials. Due to the time limits mandated by State law, your response must be sent at the earliest possible date but not later than 30 days after receipt of this notice.

A public scoping meeting will be held via Zoom Webinar on **July 25, 2022, from 1:00-2:00pm**. The Zoom Webinar may be joined via the following methods:

Join from a PC, Mac, iPad, iPhone or Android device:

Please use this URL to join. <https://montereycty.zoom.us/j/96249605619>

Or join by phone:

Dial: 1-669-900-6833

Webinar ID: 931 1080 8964

Password: 706767

Please send any responses to Erik Lundquist, ACIP, Director of Housing & Community Development at the address shown above or CEQAcomments@co.monterey.ca.us or call (831) 755-5154. Please give a name for a contact in your agency.

Project Title: Harper Canyon (Encina Hills) Subdivision [PLN000696]

Project Applicant, if any: Harper Canyon Realty LLC, 313 S Main St Ste D, Salinas CA 93901

Date July 14, 2022

Signature 

Title: Director of Housing & Community Development

Telephone: (831) 755- 5154

Reference: California Code of Regulations, Title 14, (CEQA Guidelines) Sections 15082(a), 15103, 15375.

Harper Canyon Subdivision Supplemental Draft EIR Notice of Preparation

PROJECT LOCATION AND SETTING

The Harper Canyon Subdivision (proposed project) is a 17-lot subdivision on 164 acres, with one 180-acre remainder parcel in Monterey County. The proposed project is located along the State Route 68 corridor of Monterey County off San Benancio Road. The regional location is shown in **Figure 1, Regional Location**, and the project site is shown in **Figure 2, Project Location**.

The terrain is varied with elevations ranging from 340 feet in the northern portion to approximately 1,020 feet in the southeastern portion of the proposed project site. Slopes within the proposed project site are variable and range from 0-30% grades. Existing improvements onsite include dirt roads and trails. The proposed project site is composed of annual grasslands, coast live oak woodlands and savannas, coastal scrub, and maritime chaparral. The proposed project site contains natural drainages and springs that feed El Toro Creek and the Salinas River which are located north and northeast of the proposed project site, respectively.

GENERAL PLAN LAND USE DESIGNATION AND ZONING

The proposed project site is located in the Toro Area Land Use Plan. The proposed project site is comprised of Assessor Parcel Numbers (APNs) 416-611-001-000 and 416-611-002-000. As described in the *Harper Canyon Subdivision Final Environmental Impact Report [SCH#2003071157]*, the Monterey County General Plan designates these parcels as “Rural Density Residential,” with a small portion of the proposed project site designated as “Low Density Residential.” Monterey County Zoning has both parcels zoned as “Rural Density Residential” with a “Design Control District.”

PROJECT OVERVIEW

Background

The application for the proposed project was deemed complete by the County of Monterey on November 22, 2002. An initial study was prepared to evaluate the environmental effects of the proposed project in July 2003. The initial study was circulated for a 30-day public review before going before the Monterey County Planning Commission who directed staff to proceed with an EIR. A Draft EIR (DEIR) was prepared and distributed for review in October 2008. Upon review of the DEIR, County staff determined that significant new information existed, and issues raised during the public review period were to be addressed. As such, County staff request a recirculation of relevant portions of the DEIR pursuant to CEQA Guidelines §15088.5. The Recirculated DEIR was prepared by PMC in December 2009, and the Final Environmental Impact Report in 2013 for the Harper Canyon Subdivision.

The Monterey County Board of Supervisors certified the Harper Canyon Subdivision EIR and approved the proposed project on April 7, 2015. This certification and approval came after public testimony stated that the proposed project would severely degrade a regionally significant wildlife corridor between Toro Regional Park and Fort Ord National Monument (BOS Res. 14-075). To address concerns related to biological resources, a Condition Compliance and Mitigation Monitoring and Reporting Plan was subsequently prepared in accordance with Monterey County regulations and incorporated a requirement to develop a Wildlife Corridor Plan to facilitate wildlife movement and preserve wildlife corridors. The conditions of the Condition Compliance and

Mitigation Monitoring Report Plan sufficiently met the criteria of California Government Code Sec. 66474 (Subdivision Map Act) and Monterey County Code Title 19 (BOS Draft Resolution April 2015). Project documents can be accessed at: <https://www.co.monterey.ca.us/government/departments-a-h/housing-community-development/planning-services/current-major-projects/harper-canyon-encina-hills-subdivision-eir>.

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.

Project Description

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.

RESPONSIBLE AGENCIES

For the purposes of CEQA, the term “responsible agency” includes all public agencies other than the lead agency which have discretionary approval power over the project (CEQA Guidelines Section 15381). Discretionary approval power may include such actions as issuance of a permit, authorization, or easement needed to complete some aspect of a project. The County of Monterey as the lead agency, has approval authority and responsibility for considering the environmental effects of the proposed project as a whole.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

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.

PUBLIC SCOPING MEETING

Monterey County Housing and Community Development (HCD) will hold a public scoping meeting for the proposed project. This meeting will be held on July 25, 2022. The scoping meeting will include a description of the proposed project and the environmental review process. The primary goal of the scoping meeting is to obtain the public’s input on the Supplemental Draft EIR analysis for the proposed project. Responsible agencies and members of the public are invited to attend and provide input on the scope of the Supplemental Draft EIR.

Date and Time: July 25, 2022, at 1:00-2:00pm

Zoom Info: The public may also join this meeting using Zoom by visiting the web address <https://montereycty.zoom.us/j/93110808964?pwd=QUtiQUdISktuWEFLNm0zMmhRQ3BxUT09> or dialing one of the following telephone numbers: +1 408 638 0968 US (San Jose) or +1 669 900 6833 US (San Jose). To access the meeting, please enter the Webinar ID and Passcode below.
Webinar ID: 931 1080 8964
Password: 706767

COMMENTS ON THE SCOPE OF THE SUPPLEMENTAL EIR

Pursuant to CEQA Guidelines §15083 the NOP will be circulated for public review and comment for a period of 30 days beginning **July 15, 2022**. Monterey County HCD welcomes all comments regarding the potential environmental impacts of the proposed project to wildlife corridors, as relevant to the Supplemental Draft EIR. All comments will be considered in the preparation of the Supplemental Draft EIR. **Written comments will be accepted by Monterey County through 5:00 P.M. on August 15, 2022.**

You may submit comments in a variety of ways: (1) by U.S. mail; (2) by electronic mail (e-mail); or (3) by attending the public scoping meeting and submitting verbal comments at that time.

Comments provided by email should include “**Harper Canyon Subdivision Supplemental Draft EIR NOP Scoping Comments**” in the subject line, and the name and physical address of the commenter should be contained in the body of the email.

Please send all comments via mail to:

ATTN: Erik Lundquist, AICP
Director of Housing & Community Development
Monterey County HCD
1441 Schilling Place 2nd Floor
Salinas, California 93901

OR via email to:

Erik Lundquist, ACIP
Director of Housing & Community Development
CEQAcomments@co.monterey.ca.us

An emailed document should contain the name of the person or entity submitting the comment and contact information such as a phone number, mailing address and/or email address and include any and all attachments referenced in the email. To ensure a complete and accurate record, we request that you also provide a follow-up hard copy to the name and address listed above. If you do not wish to send a follow-up hard copy, then please send a second email requesting confirmation of receipt of comments with enough information to confirm that the entire document was received. If you do not receive email confirmation of receipt of comments, then please submit a hard copy of your comments to ensure inclusion in the environmental record or contact Agency to ensure the Agency has received your comments.

Your views and comments on how the proposed project may affect the wildlife corridors are welcomed and will be used to identify the range of action, alternatives, mitigation measures, and significant effects to be analyzed in depth in the Supplemental Draft EIR. Please contact Erik Lundquist, ACIP, Director of Housing & Community Development at lundquiste@co.monterey.ca.us or call (831) 755-5154. if you have any questions about the environmental review process for the proposed project.