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FINAL
ENVIRONMENTAL IMPACT REPORT

2035 San Benito County General Plan Update

State Clearinghouse #2011111016

PREPARED FOR

County of San Benito Planning & Building Department

June 19, 2015

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A LAND USE PLANNING & DESIGN FIRM

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1.0
INTRODUCTION

San Benito County (the "County"), acting as the lead agency, determined that the proposed 2035 San Benito General Plan (hereinafter "Project" or "General Plan") may result in significant adverse environmental effects, as defined by the California Environmental Quality Act (CEQA) Guidelines section 15064. Therefore, the County had a draft environmental impact report (Draft EIR) prepared to evaluate the potentially significant adverse environmental impacts of the project.

The Draft EIR was circulated for public review from March 7, 2013 to April 22, 2013 and public comment was received. Based on those comments, the County made significant changes to the Draft EIR, resulting in the revised Draft EIR (the "RDEIR"), which was circulated for public review and comment from March 23, 2015 to May 6, 2015. CEQA Guidelines section 15200 indicates that the purposes of the public review process include sharing expertise, disclosing agency analysis, checking for accuracy, detecting omissions, discovering public concerns, and soliciting counter proposals.

This final environmental impact report (Final EIR) has been prepared to respond to public comments received during the RDEIR public review period and to identify changes to the RDEIR, if any, that are being made in response to public comments.

CEQA Guidelines Section 15088.5(f)(1) describes the methodology and limits for responding to public comments received when both a Draft EIR is prepared and when the Draft EIR has been revised and recirculated:

> (1) When an EIR is substantially revised and the entire document is recirculated, the lead agency may require reviewers to submit new comments and, in such cases, need not respond to those comments received during the earlier circulation period. The lead agency shall advise reviewers, either in the text of the revised EIR or by an attachment

> to the revised EIR, that although part of the administrative record, the previous comments do not require a written response in the final EIR, and that new comments must be submitted for the revised EIR. The lead agency need only respond to those comments submitted in response to the recirculated revised EIR.

In light of this guidance, this Final EIR includes responses to comments submitted only on the RDEIR.

ORGANIZATION OF THE FINAL EIR

The Final EIR is organized into the following sections:

- Section 1 contains an introduction to the Final EIR.
- Section 2 contains written public comments on the RDEIR and responses to the public comments.
- Section 3 contains changes to the RDEIR.
- Section 4 contains changes to the RDEIR Summary.

2.0
COMMENTS ON THE REVISED DRAFT EIR AND RESPONSES TO COMMENTS

CEQA REQUIREMENTS

CEQA Guidelines section 15132(c) requires that the Final EIR contain a list of persons, organizations, and public agencies that have commented on the Revised Draft EIR (RDEIR). A list of the correspondence received during the public review period for the RDEIR is presented below. As explained in the RDEIR, Public Resources code 15088.5 allows the lead agency to require reviewers submit new comments when an EIR is substantially revised and the entire document is recirculated, as was done here. The County advised reviewers to submit new comments on the RDEIR and pursuant to Public Resources Code section 15088.5 need not respond to those comments received during the earlier circulation period.

CEQA Guidelines sections 15132(b) and 15132(d) require that the Final EIR contain the comments that raise significant environmental points in the review and consultation process, and written response to those comments. A copy of each correspondence received during the public review period for the RDEIR is presented on the following pages. Numbers along the margin of each comment letter identify individual comments to which a response is provided. Responses are presented immediately following each letter. Where required, revisions have been made to the text of the RDEIR based on the responses to comments. These revisions are included in Section 3.0, Changes to the RDEIR.

COMMENTS ON THE REVISED DRAFT EIR AND RESPONSES TO COMMENTS

The following correspondence was received during the 45-day public review period on the RDEIR:

Agencies:

1. Association of Monterey Bay Area Governments (AMBAG) (May 5, 2015)
2. Bureau of Land Management (BLM) (May 14, 2015) (Although received after the end of the public comment period, the County responds to these comments.)
3. Bureau of Reclamation (BOR) (May 7, 2015)
4. California Department of Conservation (DOC) (May 11, 2015) (Although received after the end of the public comment period, the County responds to these comments.)
5. California Department of Forestry and Fire Protection (CAL FIRE) (May 7, 2015)
6. California Department of Transportation (Caltrans) (May 7, 2015)
7. Council of San Benito County of Governments, the Local Transportation Authority, and the San Benito County Airport Land Use Commission (COG) (May 7, 2015)
8. Monterey Bay Unified Air Pollution Control District (MBUAPCD) (May 7, 2015)
9. Santa Clara Valley Transportation Authority (VTA) (May 7, 2015)

Organizations:

10. Sierra Club, Loma Prieta Chapter (Sierra Club) (May 6, 2015)

Individuals and Companies

11. Floriani Family Ranch (Floriani) (May 6, 2015)
12. Mark H. Johnson (Johnson) (May 15, 2015) (Although received after the end of the public comment period, the County responds to these comments.)
13. TriCal, Inc. (TriCal) (May 7, 2015)
14. Natasha Wist (Wist) (No date, 2015)

The table below summarizes the topics of significant environmental points raised in each comment letter.

Table 1 Comments Submitted and Environmental Issues

	Project Description	Introduction to the Environmental Analysis	Aesthetics	Agriculture/Forest Resources	Air Quality	Biological Resources	Historical and Cultural Resources	Geology, Soils, and Mineral Resources	Global Climate Change	Hazards and Hazardous Materials	Hydrology and Water Resources	Land Use	Noise	Population and Housing	Public Services	Recreation	Transportation and Circulation	Utilities and Service Systems	Alternatives Analysis	Required CEQA Analyses
1. AMBAG	X	X		X					X			X		X			X			
2. BLM	X		X			X	X	X		X	X					X		X		
3. BOR	X										X							X		
4. DOC				X																
5. CAL FIRE										X					X					
6. Caltrans						X						X					X			
7. COG																	X			
8. MBU-APCD					X															
9. VTA																				
10. Sierra Club	X	X		X		X			X		X								X	
11. Floriani	X			X		X						X					X		X	
12. Johnson												X								
13. TriCal	X											X								
14. Wist											X									

Source: EMC Planning Group 2015

ASSOCIATION OF MONTEREY BAY AREA GOVERNMENTS

May 5, 2015

Mr. Byron Turner
County of San Benito Planning & Building Department
3224 Southside Road
Hollister, CA 95023

Re: Revised Draft Environmental Impact Report (RDEIR) for the 2035 San Benito County General Plan Update

Dear Mr. Turner,

Thank you for the opportunity to review the RDEIR for the 2035 San Benito County General Plan Update. The following comments are offered for your consideration. 1 - 1

General Comments

In Chapter 3 (Project Description), Chapter 6 (Agriculture and Forestry), Chapter 14 (Land Use), Chapter 16 (Population and Housing) and Chapter 19 (Transportation and Circulation), AMBAG requests the following revisions:

- Page 3-3, Figure 3-1: Add the neighboring counties that surround San Benito County in this map and the page number is missing. 1 - 2
- Page 3-8, Table 3-2: Clarification ought to be made that the AMBAG region encompasses San Benito, Monterey and Santa Cruz Counties. Consider adding another row that includes the AMBAG three-county total. 1 - 3
- Page 3-22, Transportation and Infrastructure, Objective #15: Consider adding transit and not just rail corridors as a transportation mode. 1 - 4
- Page 3-22, Regional Coordination, Objective #22: Consider adding SBtCOG and AMBAG as agencies that the County of San Benito should coordinate planning efforts with. 1 - 5
- Page 3-27, Figure 3.3: The EIR maps depicting land use is confusing. Suggest revision to the scale and generalization of the land use groupings to provide more clarification. 1 - 6
- Page 6-32, Table 6-6: Please add the source for this table. 1 - 7
- Page 14-2, Figure 14.1: The EIR maps depicting land use is confusing. Suggest revision to the scale and generalization of the land use groupings to provide more clarification. 1 - 8
- Page 14-30, Policy C-3.5, Consistency with RTP: Suggest revising policy to include "transportation" policies instead of "transit" policies. 1 - 9
- Page 16-5: The text concerning AMBAG's responsibilities is incorrect. AMBAG is not a regional transportation planning agency and only is the Council of Governments for Santa Cruz and Monterey Counties. Please revise the paragraph to read: "AMBAG is the federally designated ~~regional~~ metropolitan planning organization (MPO) for the Monterey Bay Area including San Benito, Santa Cruz, and Monterey Counties. ~~It is the County's designated regional transportation planning agency,~~ AMBAG is responsible for preparing and administering state and federal transportation plans and programs for the tri-county area~~. It~~ and is also the designated Council of Governments for Santa Cruz and Monterey Counties. 1 - 10
- Page 19-17: "The CPTP (Coordinated Public Transit-Human Services Transportation Plan) for the Monterey Bay Area was approved by the Association of Monterey Bay Area Governments (AMBAG) 1 - 11

in ~~May 2008~~ October 2013 and ~~will be~~ was incorporated in the region's long-range ~~2010~~ 2035 Metropolitan Transportation Plan/Sustainable Communities Strategy." 1 - 11 cont.

Regional Growth Forecast

AMBAG adopted the 2014 Regional Growth Forecast and has engaged all of the jurisdictions within the region throughout its development process, including San Benito County. The discussion of the AMBAG 2014 Regional Growth Forecast is misrepresented in the discussion in Chapter 4 of the RDEIR. 1 - 12

- Page 4-5 references "AMBAG's more recent 2014 population forecasts" which should be changed to AMBAG's 2014 Regional Growth Forecast.
- Page 4-5 states that "First AMBAG's 2014 were derived from analysis that occurred in 2012." AMBAG's forecast update began in 2012, however, was not adopted until 2014. Analysis and the most current available data was used throughout the development process. Please revise this statement to more accurately reflect the development process. 1 - 13
- Page 4-7 states that "The Bay Area was just emerging from the depths of the recession in January 2012, about the time when their forecasts were issued." AMBAG issued the preliminary draft forecast in February 2013, not January 2012. And this was a draft forecast that was continually modified based on the most recent data until adoption in June 2014. Please correct this statement. 1- 14
- Page 4-7 states "Second, the 2012 estimates were made in the context of attempting to implement policy directives to limit increases in in-commuting from outlying counties from the Bay Area." This is untrue. AMBAG forecasts accounts for continued commuting from the AMBAG region to the Bay Area. In fact, AMBAG forecasts have historically projected higher growth increases for San Benito County than actual population counts. Additionally, AMBAG projects higher growth than the California Department of Finance projects. Please revise this section. 1 - 15
- Page 4-10, Table 4-5 inaccurately compares the 2035 employment growth forecast with our 2014 Regional Growth Forecast data. Please revise. 1 - 16
- Page 6-38, Table 6-8, please identify the location of the 8,600 jobs included in the "Jobs Generating Land Uses" will be located. 1 - 17
- Page 16-3 and Page 16-4: please clarify the data source for your 2010 and 2035 population statistics as well as the location of new jobs. 1 - 18

Regional Housing Needs Allocation

AMBAG, as the Council of Governments for Santa Cruz and Monterey Counties, prepares the Regional Housing Needs Allocation (RHNA) for only these two counties. The San Benito Council of Governments is COG for San Benito County and is responsible for preparing the RHNA for San Benito County.

The text on Page 14-7 should be updated to read, "AMBAG is the designated Metropolitan Planning Organization for the tri-county region ~~Regional Transportation Planning Agency in the County~~ and is responsible for preparing and administering state and federal transportation plans, ~~for the tri-County region (ie., Monterey, Santa Cruz, and San Benito),~~ and allocating existing and projected regional housing needs for the Monterey and Santa Cruz counties." 1 - 19

Additionally, based on the requirements of SB 375, the deadline for the County's next Housing Element is December 2015. This should be referenced in the discussion on page 16-5. 1 - 20

Moving Forward Monterey Bay 2035 (Metropolitan Transportation Plan/Sustainable Communities Strategy)

The following sections should be revised: (see track changes) 1 - 21

- Page 3-19: "SB 375 requires CARB to develop regional GHG reduction targets for passenger vehicles for 2020 and 2035 for each region covered by one of the state's 18 Metropolitan Planning Organizations (MPO). Each of California's MPOs is then required to prepare a Sustainable Communities Strategy (SCS) that demonstrates how the region will meet its GHG reduction target through integrated land use, housing, and transportation planning. Once adopted, the SCS becomes incorporated into the region's ~~Regional~~ Metropolitan Transportation Plan (~~RTP~~ MTP). The Association of Monterey Bay Area Governments (AMBAG), the MPO for the tri-county region, approved its ~~an~~ 2035 MTP/SCS in June 2014." **1 - 21 cont.**
- Page 11-8: Please update the sentence, "The County, in coordination with the Association of Monterey Bay Area Governments, will need to develop a SCS or Alternative Planning Strategy (APS) as required under SB 375 that is designed to achieve the allocated reduction target" as AMBAG has adopted an SCS that exceeded the GHG reduction targets as of June 2014. **1 - 22**
- Page 11-28: Please update the sentence to reflect that CARB establishes GHG reduction targets for each region not VMT targets. "CARB's SCS goals for the AMBAG tri-county region ~~Monterey Bay~~ MPO, includes a 0-percent-per-capita greenhouse gas emissions (GHG) reduction ~~vehicle miles travelled (VMT) reduction~~ by 2020 and a 5–percent-per-capita ~~GHG~~ reduction by 2035 (CARB 2011d) from its 2005 level." **1 - 23**
- Page 19-16: Please update the sentence below to accurately describe the project's name. "AMBAG 2035 Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS). AMBAG is the MPO (Metropolitan Planning Organization) for the Monterey Bay Area. As the MPO, AMBAG is required to produce certain documents that maintain the region's eligibility for federal transportation assistance which include the MTP/SCS. AMBAG coordinates the development of the MTP/SCS with Regional Transportation Planning Agencies (San Benito County Council of Governments, the Santa Cruz County Regional Transportation Commission and the Transportation Agency for Monterey County), transit providers (San Benito County Local Transit Authority, Monterey Salinas Transit, and Santa Cruz METRO Transit District), the Monterey Bay Unified Air Pollution Control District (MBUAPCD), state and federal governments, and organizations having interest in or responsibility for transportation planning and programming. AMBAG also coordinates transportation planning and programming activities with the three counties and eighteen local jurisdictions within the tri-County Monterey Bay Region. The MTP is the federally mandated long-range transportation plan for the Monterey Bay Area. This plan lays out a financially constrained list of transportation projects over the following 20 to 25 years that will enhance regional mobility as well as reduce greenhouse gas emissions." **1 - 24**

Regional Transportation Demand Model

On Page 19-13, please correct the sentence referring to AMBAG's comments on the model as shown below. This is incorrect and at no time has AMBAG staff, including our attorney, Mr. Don Freeman, made this statement. We do not have any documentation that supports this statement. Additionally, the San Benito model was never presented to AMBAG for discussion. The AMBAG model is the federally recognized model for transportation planning in the region. However, this does not prohibit the County of San Benito from using a different model for local planning efforts. **1 - 25**

"As of 2009, Caltrans and AMBAG have recommended that the appropriate model to use for planning decisions and traffic forecasts in San Benito County is the AMBAG model. However, AMBAG staff has confirmed that the County model can be used to identify more accurate County-level results, as long as the County model can be shown to be consistent with the RTDM (Freeman 2014)." **1 - 25 cont.**

Thank you for the opportunity to review and comment on the RDEIR. AMBAG is beginning the next update of the Regional Growth Forecast. We look forward to discussing updated data and land use information with the County of San Benito. If you have any questions, please contact Heather Adamson of my staff at (831) 264-5086 or via email at hadamson@ambag.org **1 - 26**

Sincerely,

Maura F. Twomey
Executive Director

1. Responses to Comments from the Association of Monterey Bay Area Governments

1-1. Comment noted. See Responses to Comments 1-2 through 1-26.

1-2. The commenter requests that the neighboring counties be shown on Figure 3-1 on page 3-3, and that a page number be added to the page. In response to this comment, Figure 3-1 will be revised to show neighboring counties as shown in Section 3.0, Changes to the RDEIR. The revisions do not affect conclusions reached in the RDEIR.

1-3. The commenter notes that the Association of Monterey Bay Area Governments (AMBAG) region is comprised of three counties: Santa Cruz, Monterey, and San Benito. According to the commenter, this is unclear in Table 3-2. In response to this comment, the following clarification is made to Table 3-2 on page 3-8 of the RDEIR:

Table 3-2 Regional Population Growth

AMBAG Region <u>(San Benito, Monterey, and Santa Cruz Counties)</u> and Santa Clara County, 1980-2014

Please also see Section 3.0, Changes to the RDEIR, for revisions in response to this comment. The changes do not affect conclusions reached in the RDEIR.

1-4. The commenter suggests that "transit" be added to Objective 15, which states, "Encourage future growth near existing transportation networks such as the major roadways, state highways, airports, rail corridors, and other major transportation routes." The County believes "transit" is already encompassed in the objective as worded, but to clarify, will revise it as shown below:

> Encourage future growth near existing transportation networks such as the major roadways, state highways, airports, rail corridors, <u>mass transit corridors,</u> and other major transportation routes.

Please also see Section 3.0, Changes to the RDEIR, for revisions to the text on page 3-22 of the RDEIR. The changes do not affect conclusions reached in the RDEIR.

1-5. The commenter asks the County to add SBtCOG and AMBAG to Project Objective 22 of the Project, which is to coordinate County planning efforts with those of the City of Hollister and the City of San Juan Bautista. The County wants to ensure its General Plan is coordinated with the general plans of the City of Hollister and the City of San Juan Bautista, particularly for land in those cities' spheres of influence. The County welcomes the opportunity to

coordinate with SBtCOG and AMBAG when appropriate, but since SBtCOG and AMBAG do not have jurisdiction over local land use decisions, they should not be added to Project Objective 22.

1-6. The commenter finds Figure 3-3 to be confusing because of the figure's scale and land use groupings. Figure 3-4 depicts part of what is shown on Figure 3-3 at a larger scale. The commenter does not specify what is unclear about the land use "groupings." Table 3-6 on pages 3-35 through 3-38 of the RDEIR provides additional detail about each designation.

1-7. The commenter asks that a source be added for the information in Table 6-6 on page 6-32. The source of this information is EMC Planning Group, 2014. Please also see Section 3.0, Changes to the RDEIR, for revisions to Table 6-6. The changes do not affect conclusions reached in the RDEIR.

1-8. See Response to Comment 1-6.

1-9. The commenter states the comment is about General Plan Policy C-3.5. Based on the content of the comment, we believe the commenter meant to state that the comment is about General Plan Policy C.3-9. Policy C.3-9, not Policy C.3-5, concerns consistency with the RTP. The comment is on the Project rather than the RDEIR and does not raise environmental concerns about the RDEIR. (See Response to Comment 10-4.)

1-10. The commenter requests clarifications to text on page 16-5 of the RDEIR regarding AMBAG's role. In response to this comment, the following clarifications will be made:

> AMBAG is the ~~regional~~ federally designated metropolitan planning organization (MPO) for the Monterey Bay Area including San Benito, Santa Cruz, and Monterey Counties. It is ~~the County's designated regional transportation planning agency,~~ responsible for preparing and administering state and federal transportation plans and programs for the tri-county area. It is also the designated Council of Governments for Santa Cruz and Monterey Counties.

Please also see Section 3.0, Changes to the RDEIR, for the revisions. The revisions do not affect conclusions reached in the RDEIR.

1-11. The commenter requests clarification to text on page 19-17 of the RDEIR regarding the date the Monterey Bay Coordinated Public Transit-Human Services Transportation Plan (CPTP) was approved and the title of the AMBAG document that incorporated the CPTP. In response to this comment, the following clarifications will be made:

> The CPTP for the Monterey Bay Area was approved by the Association of Monterey Bay Area Governments (AMBAG) in ~~May 2008~~ October 2013 and ~~will be~~ was incorporated in the region's long-range 2010 Metropolitan Transportation Plan/Sustainable Communities Strategy.

Please also see Section 3.0, Changes to the RDEIR, for the revisions. The revisions do not affect conclusions reached in the RDEIR.

1-12. The commenter indicates that a better description is required of AMBAG's 2014 Regional Growth Forecast in Chapter 4 of the RDEIR. In response to the comment, references to "AMBAG's more recent 2014 population forecasts" on page 4-5 of the RDEIR will be clarified to refer to AMBAG's "2014 Regional Growth Forecast." Please also see Section 3.0, Changes to the RDEIR, for the revisions. The revisions do not affect conclusions reached in the RDEIR.

1-13. The referenced RDEIR text is found on the bottom of page 4-6. AMBAG staff presented its Preliminary 2012 Regional Growth Forecast to the AMBAG Board of Directors on February 13, 2013 as an attachment to a staff report. The population forecasts adopted on June 11, 2014 are the same as those presented in February 2013. Between the 2013 staff report and those adopted in 2014, an additional 59 units were allocated to San Benito County, an additional 34 units allocated to Monterey County, and no change for Santa Cruz County. The forecast of jobs for San Benito County was reduced by 1973 jobs, and these jobs were redistributed to Monterey County which gained 1035 jobs and Santa Cruz County which gained 939 jobs, for a net change of zero for the overall region. As discussed in the RDEIR, given the job growth in Santa Clara County during this period, the County believes it is reasonable to assume higher job growth than forecasted by AMBAG.

In response to the comment, the following minor clarifications will be made on page 4-6 of the RDEIR:

> First, AMBAG's 2014 Regional Growth Forecast was ~~estimates were~~ derived from analysis that began ~~occurred~~ in 2012. Subsequent to the preparation of jobs and population forecasts in 2012 and 2013, with adoption in June 2014, the regional economy has surged, led by job gains in the San Jose and San Francisco metro areas.

Please also see Section 3.0, Changes to the RDEIR, for the revisions. The revisions do not affect conclusions reached in the RDEIR.

1-14. The commenter asks the County to clarify the date AMBAG calculated the growth reported in its 2014 Regional Growth Forecast. In response to the comment, the following clarifications will be made to the text on page 4-7 of the RDEIR:

~~The Bay Area was just emerging from the depths of the recession in January 2012, about the time when their forecasts were issued~~ AMBAG began to prepare the 2014 Regional Growth Forecast in 2012, and issued a preliminary draft in February 2013.

Please also see Section 3.0, Changes to the RDEIR, for the revisions. The revisions do not affect conclusions reached in the RDEIR.

1-15. The commenter asks for clarification of the sentence on page 4-7 of the RDEIR that states, "Second, the 2012 estimates were made in the context of attempting to implement policy directives to limit increases in-commuting from outlying counties from the Bay Area." This sentence reflects text on page 7 of the Association of Bay Area Government's Plan Bay Area, Final Forecast of Jobs, Population, and Housing, dated July 2013. That document states:

> Total potential jobs in the (San Francisco) Bay Area are provided by Center for Continuing Study of the California Economy, based on an analysis of the Bay Area's share of national jobs by job sector and the region's competitiveness in these sectors. . . . This assumption holds the rates of net in-commuting and multiple job holding constant into the future, as opposed to the increases experienced in the 80's and 90's. . . . We have assumed that this ratio holds at the 2010 level, implying the rates of net in-commuting and multiple job-holding remain constant. This implies a small increase in in-commuting and multiple job-holding from 2010 proportionate to the increase in total jobs in the region, but halts the trend of increasing rates of in-commuting into the region seen in recent decades, due to road capacity constraints and additional housing production supports within the region. This also keeps the in-commute well below 2000 levels.

As the Center for Continuing Study of the California Economy (CCSCE) also prepared forecasts for AMBAG, the County believes this view on a reduced rate of increase of in-commuting is likewise reflected in AMBAG's projections. In addition, while AMBAG's forecasts account for continued commuting from the AMBAG region to the Bay Area, the 2014 AMBAG Regional Travel Demand Model (RTDM) relies on demographic forecasts based on the Monterey Bay Area 2008 Regional Forecast and the 2010 AMBAG RTDM, which could result in decreased estimate of commuting trips.

In response to this comment, the text on page 4-7 will be revised as follows:

> Second, ~~the~~ AMBAG's~~2012~~ estimates may have relied on data reflecting ~~were made in the context of attempting to implement~~ policy directives from the Association of Bay Area Governments to limit increases in in-commuting from outlying counties to the Bay Area.

Please also see Section 3.0, Changes to the RDEIR, for the revisions. The revisions do not affect conclusions reached in the RDEIR.

1-16. The commenter states that Table 4-5 on page 4-10 of the RDEIR inaccurately compares the County's 2035 employment growth forecast with AMBAG's 2014 Regional Growth Forecast data. Table 4-5 contains only information from the County and is not a comparison of data.

1-17. The commenter would like to know the locations of the 8,600 jobs anticipated by 2035 under Scenario 2. Scenario 2 is an attempt to forecast how growth might create similar or different impacts than the proposed Project if the County were to further amend its General Plan to allow the same level of development already contemplated under the General Plan in one of the areas designated for future study. As such, it is a somewhat speculative exercise and it goes beyond the requirements of CEQA since no general plan amendment allowing such development is currently contemplated or reasonably foreseeable. For Scenario 2, the RDEIR analysis assumes net new retail, service, and office/R&D/industrial jobs will be primarily located along State Route (SR) 25, north of Hollister, and within Hollister and Hollister's sphere of influence, with a few additional jobs in and around San Juan Bautista. Agricultural jobs are assumed to be distributed proportionally to agricultural lands. In terms of the locations of job-generating land uses, this assumption was based on information and feedback developed in the process of drafting the General Plan.

1-18. The sources of data for the various statistics presented in the RDEIR on pages 16-3 and 16-4 are indicated in Chapter 2, Section 1 of the Demographic and Economic Trends Background report. The source of year 2010 population data is the U.S. Census. The location of year 2010 to 2035 net new retail, service, and office/R&D/industrial jobs assumed for the 2035 General Plan RDEIR Growth Scenario 1 is primarily in Hollister's sphere of influence, with additional jobs in Hollister and to a lesser extent San Juan Bautista. Agricultural jobs are assumed to be distributed proportionally to agricultural lands. In terms of the locations of job-generating land uses, this assumption was based on information and feedback developed in the process of drafting the General Plan.

1-19. The commenter notes that they are a metropolitan planning organization and not a regional transportation planning agency, and that the commenter allocates regional housing needs in Monterey and Santa Cruz counties only, rather than in the tri-county region. In response to the comment, the text on page 14-7 of the RDEIR will be revised as shown below:

> AMBAG is the designated Metropolitan Planning Organization for the tri-county region (Monterey, Santa Cruz, and San Benito Counties) ~~Regional Transportation Planning Agency in the County~~ and is responsible for preparing and administering state and federal transportation plans, ~~for the tri-County region (i.e., Monterey, Santa Cruz, and San Benito),~~ and allocating existing and projected regional housing needs for ~~the~~ Monterey and Santa Cruz counties.

Please also see Section 3.0, Changes to the RDEIR, for the revisions. The revisions do not affect conclusions reached in the RDEIR.

1-20. The commenter notes that the County's next Housing Element needs to be updated by December 2015. The commenter is correct. This comment does not raise environmental concerns with the RDEIR or the Project.

1-21. The commenter suggests minor clarifications to text on page 3-19 of the RDEIR to clarify that the Sustainable Communities Strategy (SCS) is incorporated into the region's Metropolitan Transportation Plan (MTP). These clarifications will be made as shown in Section 3.0, Changes to the RDEIR. The clarifications do not affect conclusions reached in the RDEIR.

1-22. The commenter suggests minor clarifications to text on page 11-8 of the RDEIR. In response to the comment, the County will make the following revisions:

> ~~The County, in coordination with t~~The Association of Monterey Bay Area Governments~~, will need to~~ developed and adopted a SCS in June 2014 ~~or Alternative Planning Strategy (APS)~~ as required under SB 375 that is designed to achieve the allocated reduction target.

Please also see Section 3.0, Changes to the RDEIR, for the revisions. The revisions do not affect conclusions reached in the RDEIR.

1-23. The commenter suggests minor clarifications to text on page 11-28 of the RDEIR. In response to the comment, the text on page 11-28 will be revised as follows:

> CARB's SCS goals for the AMBAG tri-county region ~~Monterey Bay MPO~~ includes a 0-percent-per-capita greenhouse gas emission (GHG) ~~vehicle miles travelled (VMT)~~ reduction from light-duty vehicles by 2020 and a 5 percent per capita GHG reduction by 2035 from its 2005 level (CARB 2011d).

Please also see Section 3.0, Changes to the RDEIR, for the revisions. The revisions do not affect conclusions reached in the RDEIR.

1-24. The commenter suggests that a reference to the "SCS" be added to text on page 19-16, which states the MTP is one of the documents AMBAG is required to produce for the region to obtain federal transportation funding. While the state requires AMBAG to produce a SCS as part of its MTP, the federal government does not require a SCS.

1-25. Comment noted. In response to this comment, the following changes will be made to the text on page 19-13 of the RDEIR:

> The AMBAG model is the federally recognized model for transportation planning in the region. However, according to AMBAG, ~~staff has confirmed that the~~ this does not prohibit

the County from using a different model ~~can be used to identify~~ ~~more accurate County-level results~~ for local planning efforts~~, as long as the County model can be shown to be consistent with the RTDM (Freeman 2014)~~.

Please also see Section 3.0, Changes to the RDEIR. The revisions do not affect conclusions reached in the RDEIR.

1-26. Comment noted.

United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Hollister Field Office
20 Hamilton Court
Hollister, CA 95023
Phone (831) 630-5000 Fax (831) 630-5055
http://www.blm.gov/ca/hollister

May 5, 2015

In Reply Refer to:
1610
CAC09000

RECEIVED
MAY 14 2015
SAN BENITO COUNTY
PLANNING & BUILDING
BY_____

Byron Turner
2035 General Plan Update
San Benito County Planning Department
2301 Technology Parkway
Hollister, CA 95023

Subject: Bureau of Land Management Comments to San Benito County General Plan

Dear Mr. Turner,

I have reviewed San Benito County's General Plan and wish to make the following comments and proposed edits, see attached. My comments are only general edits to improve accuracy of information regarding BLM public lands in San Benito County. 2 - 1

Sincerely,

Rick Cooper
Hollister Field Manager

BLM Hollister Field Office Annotated Comments on the San Benito County Draft General Plan - Revised Draft Environmental Impact Report (RDEIR)			
Ref. RDEIR Section, (Page Number)	**Comment**	**Recommendation**	
3.2.2 (pg. 3-2)	Description of San Benito Mountain contains minor errors. For example, San Benito Mountain is not an official wilderness area.	Suggest replacing sentence re: San Benito Mt. with the following: San Benito Mountain is situated in the Clear Creek Management Area, on public lands administered by the Bureau of Land Management (BLM). At 5,241 feet, it is the highest peak in the Diablo Mountain Range. Since 1988, BLM has managed the 1,500 acres surrounding San Benito Mountain as a Wilderness Study Area.	2 - 2
3.3 (pg. 3-5)	Typo: Incorrect spelling.	Delete: [Publically] Insert: [Publicly]	2 - 3
5.1.1 (pg. 5-4)	San Benito Mountain is not an official wilderness area.	Suggest replacing sentence re: San Benito Mt. with the following: San Benito Mountain is situated in the Clear Creek Management Area, on public lands administered by the Bureau of Land Management (BLM). At 5,241 feet, it is the highest peak in the Diablo Mountain Range. Since 1988, BLM has managed the 1,500 acres surrounding San Benito Mountain as a Wilderness Study Area.	2 - 4
8.2.3 (Table 8-3, pg. 8-48)	Description of San Benito evening primrose could be improved.	Suggest replacing sentence re: San Benito evening primrose with: The federally-threatened San Benito evening primrose is an endemic species that only occurs in serpentine soils. Known populations are limited to the stream terraces in the Clear Creek Management Area and private lands in the vicinity where serpentine soils exist.	2 - 5
9.1.1 (pg. 9-7)	Third paragraph mentions "Clear Creek Off Road Vehicle Area", but these public lands are officially referred to as Clear Creek Management Area.	Replace "Clear Creek Off Road Vehicle Area" with "Clear Creek Management Area".	2 - 6
9.1.1 (pg. 9-12)	The discussion of Clear Creek Management Area is inaccurate because it has not been updated to reflect new information since 2008. The discussion of recreational opportunities and the geologic resources of CCMA (in this section) should focus on the unique geologic setting (similar to the description of Pinnacles National Park).	Delete: [The area has historically been a popular weekend destination available to the public for a variety of recreation, including off-road highway vehicle recreation, hunting, backpacking, and sightseeing.] Insert: [The area is a popular destination for a variety of recreation opportunities, including hobby gem and mineral collection (i.e. rockhounding), hunting, hang-gliding, and scenic vehicle touring.] Delete: [However, since May 2008 many public lands have been closed to protect the public from environmental hazards.] Delete: [In 2004 the USEPA found elevated levels of airborne	2- 7

BLM Hollister Field Office Annotated Comments on the San Benito County Draft General Plan - Revised Draft Environmental Impact Report (RDEIR)			
Ref. RDEIR Section, (Page Number)	**Comment**	**Recommendation**	
		asbestos fibers present during various recreation activity surveys and clean-up activities for a Federally-listed mine within the area. As a result, the USEPA and Bureau of Land Management restrict the use of the public lands to reduce the public's exposure during dry months when there is the greatest potential to generate dust.] Insert: {EPA released the final Asbestos Exposure and Human Health Risk Assessment for CCMA in 2008. This prompted a temporary closure order for the 30,000-acre Serpentine Area of Critical Environmental Concern (ACEC). BLM released the Record of Decision and Approved Resource Management Plan for CCMA in 2014.] Insert: [Access to the Serpentine ACEC is now limited to visitors with permits in highway-licensed vehicles for day-use only. The number of permits for motorized access into the ACEC is limited to five days per year to reduce human health risks associated with exposure to naturally-occurring, airborne chrysotile asbestos fibers.]	2 - 7 cont.
10.1.1 (pg. 10-7)	The discussion of Clear Creek Management Area has not been updated to reflect new information since 2009. The Union Carbide Joe Pit Mine is the former name of the King City Asbestos Company (KCAC) mine. Union Carbide sold the mine to its employees under the name KCAC ("King City Asbestos Mine") in the 1980s, and it operated until 2001.	Delete: [Since the closure order took effect, BLM released a Draft Resources Management Plan & Draft Environmental Impact Statement in November 2009 to develop management alternatives for areas containing asbestos.] Insert: [The BLM's temporary closure was replaced by the Record of Decision and Approved Resource Management Plan for CCMA in 2014. Access to the Serpentine ACEC is now limited to visitors with permits in highway-licensed vehicles for day-use only. The number of permits for motorized access into the ACEC is limited to five days per year to reduce human health risks associated with exposure to naturally-occurring, airborne chrysotile asbestos fibers.]	2 - 8
10.1.1 (pg. 10-15)	Typo(s): multiple misspellings of abandoned mines in Clear Creek Management Area.	Correct names of misspelled mines are as follows: Jade Mill Larious Canyon	2- 9

BLM Hollister Field Office Annotated Comments on the San Benito County Draft General Plan - Revised Draft Environmental Impact Report (RDEIR)			
Ref. RDEIR Section, (Page Number)	**Comment**	**Recommendation**	
12.1.1 (pg. 12-3)	BLM reduced fire management staffing and resources available at the Hollister Field Office.	Replace current description with the following statement to reflect these changes: The Bureau of Land Management (BLM) is responsible for fire management ~~and response~~ on its approximately 105,000 acres in the County. ~~BLM staffs a hand crew and bulldozer from May to October each year.~~ BLM has a Direct Protection Agreement (DPA) with CAL FIRE for all BLM lands in the County. CAL FIRE and BLM respond to incidents on BLM property, but CAL FIRE has suppression responsibilities for BLM property ~~for initial attack only. BLM assumes responsibility in the event that a wildland fire goes to extended attack status.~~ The BLM also supports fire protection planning efforts in the County through its involvement in the BFSC, and grant funding for public education or WUI fuel reduction projects.	2 - 10
12.1.1 (pg. 12-12)	Typo and suggested correction. "Vallecitos" oil field is misspelled. While BLM administers some federal minerals in the area, the majority of the mineral estate in the Vallecitos oil field is privately owned. The Union Carbide Joe Pit Mine is the former name of the King City Asbestos Company (KCAC) mine. Union Carbide sold the mine to its employees under the name KCAC ("King City Asbestos Mine") in the 1980s, and it operated until 2001.	Suggested correction: The CalEPA/DTSC sites of interest (listed though Envirostor) include both active cleanup or land restriction status sites, the ~~BLM's~~ [Vallecitos] Oil Fields approximately 50 miles southeast of Hollister, the former Class I – Hazardous Waste Unit at the John Smith Landfill, and the [KCAC Mine] ~~Joe Asbestos Pit Union Carbide Mine~~ at the southern County boundary.	2 - 11
13.1.2 (13-14)	The paragraph discussing TMDL's could be improved.	Consider including the following information in the DREIR: BLM manages CWA 303(d)-listed impaired water bodies to (1) meet properly functioning condition (PFC) objectives relative to beneficial uses and TMDLs; and (2) Maintain stable watershed conditions and implement passive and active restoration projects to protect beneficial uses of water and meet TMDLs. In 2002, California State Water Resources Control Board listed the following streams as Clean Water Act Section 303 (d) Water Quality Limited Segments for; Clear Creek (mercury), San Benito River (fecal coliform and sedimentation), and Hernandez Reservoir (mercury). Clear Creek was previously identified as impaired by mercury on the 1998 CWA 303(d) list of impaired waterbodies. In 2004, the Central Coast Regional Water Quality Control Board	2 - 12

BLM Hollister Field Office Annotated Comments on the San Benito County Draft General Plan - Revised Draft Environmental Impact Report (RDEIR)			
Ref. RDEIR Section, (Page Number)	**Comment**	**Recommendation**	
		(CCRWCB) adopted a Total Maximum Daily Load (TMDL) for mercury in Clear Creek. The TMDL was established at 50 ng/L (0 .05 micrograms/L) for low flow conditions in Clear Creek. After the adoption of this TMDL, BLM contracted with the USGS to perform water quality measurements to comply with the TMDL. After the first three years BLM (via USGS sampling) reported to the CCRWCB that the TMDL was not being met and established a study to determine where additional mercury mine waste was located which were responsible for the failure to meet the TMDL. Two additional abandoned mercury mines were located (Staging Area #2 and Staging Area #5) these sites were remediated in 2007, since that time BLM has met the CCRWCB mercury TMDL.	2 - 12 cont.
18.1.1 (pg. 18-4)	1st partial – paragraph at the top of the page contains errors. a. CCMA is not an exception. The area is open to public visitors with permits (and provides information kiosks, restrooms, etc.). b. Curry Mountain, Coalinga Mineral Springs, and Williams Hill are <u>not</u> in San Benito County. Not even partially. The discussion of Clear Creek Management Area is inaccurate because it has not been updated to reflect new information since 2008.	Delete: [There are portions of other BLM lands within San Benito County, although they are smaller tracts of land that are not contiguous. These include Curry Mountain, Coalinga Mineral Springs, Laguna Mountain, and Williams Hill.] Delete: [The area has historically been a popular weekend destination available to the public for a variety of recreation, including off-road highway vehicle recreation, hunting, backpacking, and sightseeing.] Insert: [The area is a popular destination for a variety of recreation opportunities, including hobby gem and mineral collection (i.e. rockhounding), hunting, hang-gliding, and scenic vehicle touring.] Delete: [However, since May 2008 many public lands have been closed to protect the public from environmental hazards.] Delete: [In 2004 the USEPA found elevated levels of airborne asbestos fibers present during various recreation activity surveys and clean-up activities for a Federally-listed mine within the area. As a result, the USEPA and Bureau of Land Management restrict the use of the public lands to reduce the public's exposure during dry months when there is the greatest potential to generate dust.] Insert: {EPA released the final Asbestos Exposure and Human	2 - 13

BLM Hollister Field Office Annotated Comments on the San Benito County Draft General Plan - Revised Draft Environmental Impact Report (RDEIR)			
Ref. RDEIR Section, (Page Number)	**Comment**	**Recommendation**	
		Health Risk Assessment for CCMA in 2008. This prompted a temporary closure order for the 30,000-acre Serpentine Area of Critical Environmental Concern (ACEC). BLM released the Record of Decision and Approved Resource Management Plan for CCMA in 2014.] Insert: [Access to the Serpentine ACEC is now limited to visitors with permits in highway-licensed vehicles for day-use only. The number of permits for motorized access into the ACEC is limited to five days per year to reduce human health risks associated with exposure to naturally-occurring, airborne chrysotile asbestos fibers.]	2 - 13 cont.
18.1.1 (pg. 18-5)	The description of San Benito Mountain Natural Area contains errors. Reference to "1,500 acres of non-public land" appears to be incorrect because the 1,500 acres of public lands atop San Benito Mountain are managed as a Wilderness Study Area. There are approximately 1,500 acres of State lands in the Serpentine ACEC, but not the Natural Area.	Consider replacing with the following information: The 4,147-acre San Benito Mountain Research Natural Area (RNA) is inside the Clear Creek Serpentine Area of Critical Environmental Concern (ACEC). At 5,241 feet, San Benito Mountain is the highest peak in the Diablo Mountain Range. BLM manages 1,500 acres of public lands atop San Benito Mountain as a Wilderness Study Area until Congress determines whether it should be added to the national wilderness preservation system. San Benito Mountain is the only place in the world that supports Jeffrey pine (Pinus jeffreyi), Coulter pine (P. coulteri), and foothill pine (P. sabiniana), and incense cedar (Calocedrus decurrens) at the same location. The San Benito Mountain population of Jeffrey pine is the only population of this species in the California Coast Range south of northern Lake County (Kuchler 1977, p. 151). As such, the Jeffrey x Coulter pine hybrids around San Benito Mountain are an important natural source of genetic combinations and have been used in the past for genetic research and breeding programs. The unique forest assemblage also contains groves of incense cedars, the only incense cedars in the inner central California Coast Range. The nearest stands of incense cedars found elsewhere, are in the coastal Santa Lucia Mountains 60 miles to the west and in Napa County 175 miles to the north. The rare talus fritillary (Fritillaria falcata) occurs at only nine locations in the world and two of those,	2- 14

Ref. RDEIR Section, (Page Number)	Comment	Recommendation	
		including the largest population, occur in the understory of the San Benito Mountain Forest. These distinctions emphasize the importance of the San Benito Mountain and conservation of the biodiversity represented by the unusual genetic and species assemblages of this Research Natural Area. The BLM created the San Benito Mountain Research Natural Area to provide special resource management protection for this unique area with three management goals: 1) to ensure survival of the pine forests in the CCMA; 2) to maintain the vegetation and soil resources in as natural a condition as possible; and 3) to provide opportunities for scientific and academic research in this unique ecosystem. The area is open to public visitors with permits to enter the Serpentine ACEC.	2 - 14 cont.
18.1.1 (pg. 18-5)	Griswold Hills is <u>not</u> south of New Idria and does <u>not</u> include any official wilderness areas.	Edit paragraph as follows: The Griswold Hills consist of approximately 10,000 acres of BLM-administered [public] land located three miles south of Panoche Road ~~and the old mining town of New Idria~~. Griswold Hills ~~includes a 516-acre wilderness area containing~~ [contain] oak-grassland habitat typical of the inner coastal range. Access to the area is only by foot. A foot trail leads from a ~~public parking~~ [da y use] area and zigzags up the hillside to a ridgetop that sits at an elevation of 2,575 feet. The hills are a popular destination area for hunters seeking game birds, wild pigs, and deer. Over 100 species of birds have been recorded in the area. This area is also popular for observing spring wildflowers.	2- 15
18.1.1 (pg. 18-5)	The BLM public lands in the Tumey Hills are <u>not</u> accessible from New Idria Road. Rather, they are accessed from Panoche Road.	Combine with description of Panoche Hills and/or edit paragraph as follows: The Tumey Hills are located east of ~~New Idria Road~~ [Griswold Hills] [south of Panoche Hills] and consist of Federal lands administered by BLM. These public lands are visible from Interstate 5 in the San Joaquin Valley. BLM allows vehicle use from October to April on a network of routes and trails accessed from Panoche Road. The majority of Tumey Hills fall within Fresno County; however, a small portion of the area is within San Benito County. The bare desert hills include valleys, annual grassland, yucca, saltbrush, buckwheat, and	2 - 16

BLM Hollister Field Office Annotated Comments on the San Benito County Draft General Plan - Revised Draft Environmental Impact Report (RDEIR)			
Ref. RDEIR Section, (Page Number)	**Comment**	**Recommendation**	
		highly erodible soils.	2- 16 cont.
18.1.1 (pg. 18-5)	The description of San Justo Reservoir contains errors. San Justo Reservoir is <u>not</u> managed by BLM.	Make edits, as needed, to explain the United States Bureau of Reclamation (BOR) *<u>and the San Benito County Water District?</u>* administer the San Justo Reservoir.	2- 17
18.1.1 (pg. 18-7)	Hernandez Reservoir is <u>not</u> a County Park.	Document should clarify there is no public access or recreational use of Hernandez Reservoir.	2- 18
20.1.2 (pg. 20-23)	The paragraph discussing TMDL's could be improved.	Consider including a summary of the following information: BLM manages CWA 303(d)-listed impaired water bodies to (1) meet properly functioning condition (PFC) objectives relative to beneficial uses and TMDLs; and (2) Maintain stable watershed conditions and implement passive and active restoration projects to protect beneficial uses of water and meet TMDLs. In 2002, California State Water Resources Control Board listed the following streams as Clean Water Act Section 303 (d) Water Quality Limited Segments for; Clear Creek (mercury), San Benito River (fecal coliform and sedimentation), and Hernandez Reservoir (mercury). Clear Creek was previously identified as impaired by mercury on the 1998 CWA 303(d) list of impaired waterbodies. In 2004, the Central Coast Regional Water Quality Control Board (CCRWCB) adopted a Total Maximum Daily Load (TMDL) for mercury in Clear Creek. The TMDL was established at 50 ng/L (0 .05 micrograms/L) for low flow conditions in Clear Creek. After the adoption of this TMDL, BLM contracted with the USGS to perform water quality measurements to comply with the TMDL. After the first three years BLM (via USGS sampling) reported to the CCRWCB that the TMDL was not being met and established a study to determine where additional mercury mine waste was located which were responsible for the failure to meet the TMDL. Two additional abandoned mercury mines were located (Staging Area #2 and Staging Area #5) these sites were remediated in 2007, since that time BLM has met the CCRWCB mercury TMDL.	2- 19

BLM Hollister Field Office Annotated Comments on the San Benito County Draft General Plan - Revised Draft Environmental Impact Report (RDEIR)			
Ref. RDEIR Section, (Page Number)	**Comment**	**Recommendation**	
23.2 (pg. 23-14)	References appear to be incomplete.	As appropriate, add: U.S. BLM Clear Creek Management Area Draft RMP and EIS (2009); CCMA Proposed RMP and Final EIS (2014); and/or Record of Decision for CCMA RMP (2014).	2 - 20
App. A	Repeats errors from the document.	There are various land uses within the southern portion of San Benito County managed by the Bureau of Land Management (BLM) and the National Park Service (NPS). Both agencies administer management plans for land uses on federal lands. For example, the BLM oversees several management areas, including the Clear Creek Management Area, San Benito Mountain Natural Area, Panoche Hills, ~~San Justo Reservoir~~, Griswold Hills, and Tumey Hills. The BLM also manages several smaller tracts of land that are not contiguous with the larger management areas. These areas include ~~Curry Mountain, Coalinga Mineral Springs~~, Laguna Mountain, ~~and Williams Hill~~.	2- 21

2. Responses to Comments from Bureau of Land Management

2-1. The comment is introductory in nature and is noted for the record. The comment does not raise an environmental issue and no response is required.

2-2. The comment suggests clarifications to the RDEIR's description of San Benito Mountain on page 3-2, Section 3.2.2, of the RDEIR, which will be made as shown below:

> San Benito Mountain is situated in the Clear Creek Management Area, on public lands Administered by the Bureau of Land Management (BLM). ~~, a~~At 5,241 feet, it is the highest peak in the Diablo Mountain Range. Since 1988, BLM has managed the 1,500 acres surrounding San Benito Mountain as a Wilderness Study Area.~~Clear Creek Management Area, a United States Bureau of Land Management (BLM) wilderness area.~~

Please also see Section 3.0, Changes to the RDEIR, for revisions to the text in response to this comment. The changes do not affect conclusions reached in the RDEIR.

2-3. The commenter notes the word "publicly" is misspelled on page 3-5 of the RDEIR. This typographical error will be corrected in the Final EIR. Please see Section 3.0, Changes to the RDEIR, for the correction to the text in response to this comment. The changes do not affect conclusions reached in the RDEIR.

2-4. The commenter suggests revisions to the RDEIR's description of San Benito Mountain on page 5-4 of the RDEIR. These revisions will be made as shown below:

> San Benito Mountain is situated in the Clear Creek Management Area, on public lands Administered by the BLM. ~~, a~~At 5,241 feet, it is the highest peak in the Diablo Mountain Range. Since 1988, BLM has managed the 1,500 acres surrounding San Benito Mountain as a Wilderness Study Area.~~Clear Creek Management Area, a United States Bureau of Land Management (BLM) wilderness area.~~ On clear days the peak can be seen from the valley floor.

Please also see Section 3.0, Changes to the RDEIR, for the revisions. The revisions do not affect conclusions reached in the RDEIR.

2-5. The commenter requests additional details about the San Benito evening primrose be added to page 8-48 of the RDEIR. The detail will be added, as shown below:

> There are two federally-listed plant species known to occur in the County (San Benito evening primrose and San Joaquin woolly-threads) and four other federally-listed plant species that have the potential to occur (Monterey spineflower, robust spineflower, Santa

Cruz tarplant, and Yadon's rein orchid). The federally-threatened San Benito evening primrose is an endemic species that occurs in serpentine soils. Known populations are limited to the stream terraces in the Clear Creek Management Area and private lands in the vicinity where serpentine soils exist. ~~occurs on gravelly, serpentine terraces in chaparral, woodlands, and grasslands.~~

Please also see Section 3.0, Changes to the RDEIR, for the additions. The changes do not affect conclusions reached in the RDEIR.

2-6. The commenter seeks minor revisions in the text on page 9-7 of the RDEIR, which will be made as follows: "An archaeological reconnaissance conducted by BLM in the Clear Creek ~~Off Road Vehicle~~ Management Area identified 12 prehistoric sites." Please also see Section 3.0, Changes to the RDEIR, for these changes. The changes do not affect conclusions reached in the RDEIR.

2-7. The comment suggests additions to the text on page 9-12 of the RDEIR concerning the Clear Creek Management Area and asbestos previously detected in that area. The following changes will be made in response to this comment:

The Clear Creek Management Area is located near the San Benito-Fresno County line and covers approximately 63,000 acres. The area ~~has historically been~~is a popular weekend destination ~~available to the public~~ for a variety of recreation opportunities, including ~~off-road highway vehicle recreation~~ hobby gem and mineral collection (i.e. rockhounding), hunting, hang-gliding, and scenic vehicle touring ~~backpacking, and sightseeing~~. ~~However, since May 2008 many public lands have been closed to protect the public from environmental hazards.~~ The unique geologic area includes serpentine soils that contain naturally-occurring asbestos. ~~In 2004 the USEPA found elevated levels of airborne asbestos fibers present during various recreation activity surveys and clean-up activities for a Federally-listed mine within the area. As a result, the USEPA and Bureau of Land Management restrict the use of the public lands to reduce the public's exposure during dry months when there is the greatest potential to generate dust.~~ EPA released the final Asbestos Exposure and Human Health Risk Assessment for CCMA in 2008. This prompted a temporary closure order for the 30,000-acre Serpentine Area of Critical Environmental Concern (ACEC). BLM released the Record of Decision and Approved Resource Management Plan for CCMA in 2014. Access to Serpentine ACEC is now limited to visitors with permits in highway-licensed vehicles for day-use only. The number of permits for motorized access into the ACEC is limited to five days per year to reduce human health risks associated with exposure to naturally-occurring, airborne chrysotile asbestos fibers.

Please also see Section 3.0, Changes to the RDEIR, for these changes. The changes do not affect conclusions reached in the RDEIR.

2-8. The comment suggests clarifications concerning the Clear Creek Management Area and provides updated information concerning asbestos previously detected in that area. In response to this comment, revisions will be made to the text on page 10-7 as follows:

> The Bureau of Land Management (BLM) issued the temporary closure order on May 1, 2008, closing 30,000 acres within the Serpentine Area of Critical Environmental Concern. ~~Since the closure order took effect, BLM released a Draft Resources Management Plan & Draft Environmental Impact Statement in November 2009 to develop management alternatives for areas containing asbestos.~~ The BLM temporary closure was replaced by the Record of Decision and Approved Resource Management Plan for the CCMA in 2014. Access to the Serpentine ACEC is now limited to visitors with permits in highway-licensed vehicles for day-use only. The number of permits for motorized access into the ACEC is limited to five days per year to reduce human health risks associated with exposure to naturally-occurring, airborne chrysotile asbestos fibers. This area of elevated NOA also includes the ~~Union Carbide Joe Pit Mine~~King City Asbestos Company (KCAC) mine, a former asbestos surface mine at the southern tip of the County border.

Please also see Section 3.0, Changes to the RDEIR, for these changes. The changes do not affect conclusions reached in the RDEIR.

2-9. The commenter suggests minor revisions to the text on page 10-15 of the RDEIR. In response, the following revisions will be made: "Within the Clear Creek Management Area in the southeastern portion of the County, five abandoned mines have undergone some measure of remediation; these are the Aurora, Alpine, Jade ~~Hill~~Mill, Xanadu, and ~~Larcious~~Larious Canyon Mines (BLM RMP/EIS)." Please also see Section 3.0, Changes to the RDEIR, for these changes. The changes do not affect conclusions reached in the RDEIR.

2-10. The comment offers clarifying information concerning BLM's fire management activities and coordination with CAL FIRE. In response, the text on page 12-3 of the RDEIR will be revised as follows:

> The Bureau of Land Management (BLM) is responsible for fire management ~~and response~~ on its approximately 105,000 acres in the County. ~~BLM staffs a hand crew and bulldozer from May to October each year.~~ BLM has a Direct Protection Agreement (DPA) with CAL FIRE for all BLM lands in the County. CAL FIRE and BLM respond to incidents on BLM property, but CAL FIRE has suppression responsibilities for BLM property ~~for initial attack only. BLM assumes responsibility in the event that a wildland fire goes to extended attack status~~. The BLM also supports fire protection planning efforts in the County through its involvement in the BFSC, and grant funding for public education or WUI fuel reduction projects.

Please also see Section 3.0, Changes to the RDEIR, for these changes. The changes do not affect conclusions reached in the RDEIR concerning wildland hazards or fire facilities.

2-11. The comment points to certain minor typographical errors on page 12-12 in the RDEIR, which will be corrected as follows:

> The CalEPA/DTSC sites of interest (listed though Envirostor) include both active cleanup or land restriction status sites, the ~~BLM's Vellecitos~~ Vallecitos Oil Fields approximately 50 miles southeast of Hollister, the former Class I – Hazardous Waste Unit at the John Smith Landfill, and the ~~Joe Asbestos Pit Union Carbide~~ King City Asbestos Company Mine at the southern County boundary.

Please also see Section 3.0, Changes to the RDEIR, for revisions in response to this comment. The changes do not affect conclusions reached in the RDEIR.

2-12. The comment provides additional background information about BLM actions with respect to TMDLs in regional waterbodies, which will be incorporated into the text on page 13-13–13-14 of the RDEIR as shown below:

> . . . The streams and water bodies discussed below are identified as impaired under Section 303(d) of the CWA.
>
> BLM manages CWA 303(d)-listed impaired water bodies to (1) meet properly functioning condition (PFC) objectives relative to beneficial uses and TMDLs; and (2) maintain stable watershed conditions and implement passive and active restoration projects to protect beneficial uses of water and meet TMDLs. In 2002, California State Water Resources Control Board listed the following streams as Clean Water Act Section 303(d) Water Quality Limited Segments for: Clear Creek (mercury), San Benito River (fecal coliform and sedimentation), and Hernandez Reservoir (mercury). Clear Creek was previously identified as impairs by mercury on the 1998 CWA 303(d) list of impaired waterbodies.
>
> In 2004, the Central Coast Regional Water Quality Control Board (CCRWQCB) adopted a TMDL for mercury in Clear Creek. The TMDL was established as 50 ng/L for low flow conditions in Clear Creek. After the adoption of this TMDL, BLM contracted with the USGS to perform water quality measurements to comply with the TMDL. After the first three years BLM (via USGS sampling) reported to the CCRWQCB that the TMDL was not being met and established a study to determine where additional mercury mine waste was located which were responsible for the failure to meet the TMDL. Two additional abandoned mercury mines were located and remediated in 2007. Since that time, BLM has met the CCRWQCB mercury TMDL.

~~Past mining activities for asbestos, chromium, mercury, and other metals in the watershed of Clear Creek, in the headwaters of the San Benito River including Hernandez Reservoir, have contributed to the need for the mercury TMDL. The land use legacy effects and modern erosion factors require management, and the TMDL requires the U.S. Bureau of Land Management (BLM) to continue to control mercury-rich sediment runoff to achieve the load allocation limits for Clear Creek and restore beneficial uses of the reservoir. Remedial actions have been implemented by the BLM.~~

In addition to the water bodies that already have adopted TMDLs in place, others within San Benito County have recently been identified as 303(d) listed and needing TMDLs, including: Pacheco Creek, San Juan Creek, Tequisquita Slough, and Tres Pinos Creek. Once approved, the TMDLs may impose modifications to stormwater management, erosion control, or other measures to meet the requirements.

Please also see Section 3.0, Changes to the RDEIR, for these changes. The changes do not affect conclusions reached in the RDEIR but instead offer additional background information about the regulatory and existing settings.

2-13. The commenter suggests clarifications to the text on pages 18-3 and 18-4 of the RDEIR concerning the Clear Creek Management Area. These changes will be made, as shown below:

All of these facilities~~, with the exception of the Clear Creek Management Area,~~ are open to the public and provide information kiosks, restrooms, marked off-road vehicle and trail routes, and passive recreational activities such as wildlife viewing, hiking, hunting, and biking. As noted above, only portions of Panoche Hills and Tumey Hills fall within San Benito County. The majority of these two BLM areas are within Fresno County. ~~There are portions of other BLM lands within San Benito County, although they are smaller tracts of land that are not contiguous. These include Curry Mountain, Coalinga Mineral Springs, Laguna Mountain, and Williams Hill.~~

. . .

Clear Creek Management Area is located near the San Benito-Fresno County line and covers approximately 63,000 acres. The area ~~has historically been~~is a popular weekend destination ~~available to the public~~ for a variety of recreation opportunities, including ~~off-road highway vehicle recreation~~hobby gem and mineral collection (i.e. rockhounding), hunting, hang-gliding, and scenic vehicle touring~~backpacking, and sightseeing~~. ~~However, since May 2008 many public lands have been closed to protect the public from environmental hazards.~~ The unique geologic area includes serpentine soils that contain naturally-occurring asbestos. ~~In 2004 the USEPA found elevated levels of airborne asbestos fibers present during various recreation activity surveys and clean-up activities for~~

~~a Federally-listed mine within the area. As a result, the USEPA and Bureau of Land Management restrict the use of the public lands to reduce the public's exposure during dry months when there is the greatest potential to generate dust. EPA later completed an Asbestos Exposure and Human Health Risk Assessment in early 2008 that determined that all forms of public use on approximately half of the management area (31,000 acres) should be closed to protect public health and safety due to health risks associated with exposure to airborne asbestos.~~ The USEPA released the final Asbestos Exposure and Human Health Risk Assessment for CCMA in 2008. This prompted a temporary closure order for the 30,000-acre Serpentine Area of Critical Environmental Concern (ACEC). BLM released the Record of Decision and Approved Resource Management Plan for CCMA in 2014. Access to Serpentine ACEC is now limited to visitors with permits in highway-licensed vehicles for day-use only. The number of permits for motorized access into the ACEC is limited to five days per year to reduce human health risks associated with exposure to naturally-occurring, airborne chrysotile asbestos fibers.

Please also see Section 3.0, Changes to the RDEIR, for these changes. The changes do not affect conclusions reached in the RDEIR.

2-14. The commenter suggests clarification to text on page 18-5 of the RDEIR concerning the San Benito Mountain Natural Area. The changes will be made, as shown below:

San Benito Mountain Natural Area is located in the southern part of the San Benito County ~~and contains San Benito Mountain (5,241 feet) and approximately 1,500 acres of non-public lands. The area is closed to off-road vehicle use in order to protect the unique plant communities in the area. The area is open to hiking and hunting.~~ The 4,147-acre San Benito Mountain Research Natural Area (RNA) is inside the Clear Creek Serpentine Area of Critical Environmental Concern (ACEC).

At 5,241 feet, San Benito Mountain is the highest peak in the Diablo Mountain Range. BLM manages 1,500 acres of public lands atop San Benito Mountain as a Wilderness Study Area until Congress determines whether it should be added to the national wilderness preservation system.

San Benito Mountain is the only place in the world that supports Jeffrey pine (Pinus jeffreyi), Coulter pine (P. coulteri), and foothill pine (P. sabiniana), and incense cedar (Calocedrus decurrens) at the same location. The San Benito Mountain population of Jeffrey pine is the only population of this species in the California Coast Range south of northern Lake County (Kuchler 1977, p. 151). As such, the Jeffrey x Coulter pine hybrids around San Benito Mountain are an important natural source of genetic combinations and have been used in the past for genetic research and breeding programs. The unique forest assemblage also contains groves of incense cedars, the only incense cedars in the inner

central California Coast Range. The nearest stands of incense cedars found elsewhere, are in the coastal Santa Lucia Mountains 60 miles to the west and in Napa County 175 miles to the north. The rare talus fritillary (Fritillaria falcata) occurs at only nine locations in the world and two of those, including the largest population, occur in the understory of the San Benito Mountain Forest. These distinctions emphasize the importance of the San Benito Mountain and conservation of the biodiversity represented by the unusual genetic and species assemblages of this Research Natural Area.

The BLM created the San Benito Mountain Research Natural Area to provide special resource management protection for this unique area with three management goals: (1) to ensure survival of the pine forests in the COMA; (2) to maintain the vegetation and soil resources in as natural a condition as possible; and (3) to provide opportunities for scientific and academic research in this unique ecosystem. The area is open to public visitors with permits to enter the Serpentine ACEC.

Please also see Section 3.0, Changes to the RDEIR, for revisions incorporating this information. The changes do not affect conclusions reached in the RDEIR.

2-15. The commenter provides clarifications to the text on page 18-5 of the RDEIR concerning the Griswold Hills, which will be made as shown below:

Griswold Hills ~~includes a 516-acre wilderness area containing~~ contain oak-grassland habitat typical of the inner coastal range. Access to the area is only by foot. A foot trail leads from a ~~public parking~~ day-use area and zigzags up the hillside to a ridgetop that sits at an elevation of 2,575 feet.

Please also see Section 3.0, Changes to the RDEIR, for these changes. The changes do not affect conclusions reached in the RDEIR.

2-16. The comment provides clarifications to the text on page 18-5 of the RDEIR concerning access to the Tumey Hills, which will be incorporated as follows: "The Tumey Hills are located east of ~~New Idria Road~~ Griswold Hills south of Panoche Hills and consist of Federal lands administered by BLM." Please also see Section 3.0, Changes to the RDEIR, for these changes. The changes do not affect conclusions reached in the RDEIR.

2-17. The commenter clarifies that the San Justo Reservoir is not managed by BLM, but by the Bureau of Reclamation (BOR). Changes to the text on page 18-5 will be made as follows:

San Justo Reservoir and Recreation Area ~~(BLM)~~ (Bureau of Reclamation)

The San Justo Reservoir and Recreation Area is located off Union Road south of SR 156 and includes the San Justo Reservoir, a Bureau of Reclamation ~~BLM~~ project ~~constructed~~ that is operated by the San Benito County Water District as part of the Central Valley Project.

Please also see Section 3.0, Changes to the RDEIR, for these changes. The changes do not affect the conclusions reached in the RDEIR as to recreation.

2-18. The commenter clarifies that the Hernandez Reservoir and the land surrounding it is not a County park and recreational use of the reservoir itself is not permitted. In response to this comment, the following changes will be made to Table 18-1 on pages 18-2 and 18-3 and text on various pages in Chapter 18:

Pages 18-2–18-3, Table 18-1:

Government Entity	Acres	Total Open Space
Federal		
Pinnacles National Park	26,000	
BLM Land	~~105,403~~ 105,990	
San Justo Reservoir	383	
Land Near San Justo Reservoir	118	
Subtotal	*~~131,904~~ 132,491*	*91.8%*
State		
Bolado Park	126	
Fremont Peak State Park	244	
San Juan Bautista State Historical Park	NA	
Hollister Hills State Vehicular Recreation Area	7,100	
Buffer near Hollister Hills	1,690	
Miscellaneous State Lands	2,199	
Subtotal	*11,359*	*~~8~~7.9%*
County		
~~Hernandez Reservoir and Recreation Area~~	~~587~~	
San Benito Historical Park	33	
Veteran's Memorial Park	37	
Other	116	
Subtotal	*~~733~~ 146*	*0.~~5~~1%*
Other Agencies		

Government Entity	Acres	Total Open Space
Water Agencies	211	
School Districts	113	
Subtotal	*324*	*0.2%*
County Service Areas (CSA)		
Stonegate (Private/Gates)	5	
Hollister Ranch Estates (Public Access)	1.27	
Oak Creek Subdivision (Public Access)	1.47	
Pacheco Creek Estates (Private/Gated)	2.74	
Quail Hollow Park (Public Access)	2.73	
Rancho Larios (Private/Gated)	3.87	
Subtotal	*17.08*	*0%*
Total	**1~~1~~4,377**	**100%**

Page 18-5:

Laguna Mountain Recreation Area (BLM)

The Laguna Mountain Recreation Area encompasses 4,462-foot Laguna Mountain of the Diablo Range and is adjacent to Hernandez Reservoir. The area consists of somewhat rugged terrain with rolling hills covered in dense brush. The area's vegetation is characterized by classic chaparral habitat, oak forests, and grassy meadows. Laguna Creek flows through the area most of the year, accompanied by a series of scenic waterfalls in the Laguna Creek gorge. The recreation area features two campgrounds and three trailheads, among other recreation opportunities, including hunting, mountain biking, horseback riding, stargazing, and wildlife viewing.

Page 18-7:

~~Hernandez Reservoir~~

~~Hernandez Reservoir is located in the southern part of the County. The reservoir was constructed in the early 1960s and impounds water from San Benito River. It holds approximately 18,500 acre-feet of water for storage and flood control and has a capacity of 30,000 acre-feet. The dam is operated and maintained by the San Benito County Water District (SBCWD). Approximately 587 acres of land surround the reservoir.~~

Pages 18-23 to 18-24:

Currently, approximately ~~899~~ 475.5 acres of existing parkland serve County residents and visitors, not including federal and state parks and wildlife areas (which total over 144,~~416~~377 acres). Based on this amount, the recreation resources within the County provide approximately ~~16.2~~ 8.5 acres of parkland per 1,000 people, not including private recreational facilities within CSAs~~, some of which are private~~. ~~Thus, the County is currently exceeding its parkland standard.~~

The acreage goals under the proposed 2035 General Plan apply the same parkland standards of 5.0 acres per 1,000 people. The proposed 2035 General Plan forecasts population within the County to be 94,731 persons by 2035, or an additional 39,462 residents. This population growth would translate to a greater demand for recreational facilities. Based on this amount, a total of 474 acres of parkland would be needed to meet the goals for recreational facilities set forth in the 2035 General Plan. ~~Because the County currently provides approximately over 899 acres of County parkland, no additional parkland would be required beyond what is currently provided at County parks and recreational areas.~~ County residents and visitors also have access to approximately 144,~~416~~377 total acres of open space, recreational areas, and parkland, including federal and state park and recreation areas. ~~Additional parkland would not be needed to meet increasing demands due to a growing population.~~ ~~Yet,b~~Because much of the existing ~~park~~lands that ~~is~~ are currently available ~~is~~ are spread across both the northern and southern parts of the County and ~~is~~ not easily accessible to all County residents, particularly residents of new residential subdivisions, new parklands may be added with new subdivisons.~~communities or rural communities, over time population growth may cause accelerated deterioration of the existing recreational facilities closest to population centers from overuse.~~ Although specific project facility locations and designs are not known at this time, future park projects would be reviewed by the County on a case-by-case basis, and would be required to undergo a project-level environmental review.

Please also see Section 3.0, Changes to the RDEIR, for these changes. The changes do not affect the conclusions reached in the RDEIR as to recreation.

2-19. The comment provides additional background information concerning BLM efforts to achieve TMDLs, which will be incorporated into the text on page 13-14 of the RDEIR as follows:

BLM manages CWA 303(d)-listed impaired water bodies to (1) meet properly functioning condition (PFC) objectives relative to beneficial uses and TMDLs; and (2) maintain stable watershed conditions and implement passive and active restoration projects to protect beneficial uses of water and meet TMDLs. In 2002, California State Water Resources Control Board listed the following streams as Clean Water Act Section 303(d) Water

Quality Limited Segments for: Clear Creek (mercury), San Benito River (fecal coliform and sedimentation), and Hernandez Reservoir (mercury). Clear Creek was previously identified as impairs by mercury on the 1998 CWA 303(d) list of impaired waterbodies.

In 2004, the Central Coast Regional Water Quality Control Board (CCRWQCB) adopted a TMDL for mercury in Clear Creek. The TMDL was established as 50 ng/L for low flow conditions in Clear Creek. After the adoption of this TMDL, BLM contracted with the USGS to perform water quality measurements to comply with the TMDL. After the first three years BLM (via USGS sampling) reported to the CCRWQCB that the TMDL was not being met and established a study to determine where additional mercury mine waste was located which were responsible for the failure to meet the TMDL. Two additional abandoned mercury mines were located (Staging Area #2 and Staging Area #5). These sites were remediated in 2007. Since that time, BLM has met the CCRWQCB mercury TMDL.

~~Past mining activities for asbestos, chromium, mercury, and other metals in the watershed of Clear Creek, in the headwaters of the San Benito River including Hernandez Reservoir, have contributed to the need for the mercury TMDL. The land use legacy effects and modern erosion factors require management, and the TMDL requires the U.S. Bureau of Land Management (BLM) to continue to control mercury-rich sediment runoff to achieve the load allocation limits for Clear Creek and restore beneficial uses of the reservoir. Remedial actions have been implemented by the BLM.~~

Please also see Section 3.0, Changes to the RDEIR, for these changes. The changes do not affect conclusions reached in the RDEIR but instead offer additional background information about the regulatory and existing settings.

2-20. The commenter recommends that if the changes suggested by the commenter are added, then certain BLM documents should be added to Chapter 23 as references for the RDEIR. Since the County will make the revisions suggested by the commenter (see Responses to Comments 2-1 through 2-19), it also will add the following references to page 23-14 in Chapter 23:

United States Bureau of Land Management (BLM).

_____. 2009. Clear Creek Management Area Draft Resource Management Plan.

_____. 2009. Clear Creek Management Area Resource Management Plan Environmental Impact Statement.

_____. 2014. Clear Creek Management Area Resource Management Plan.

_____. 2014. Clear Creek Management Area Resource Management Plan Final Environmental Impact Statement.

_____. 2014. Record of Decision, Clear Creek Management Area Resource Management Plan.

Please also see Section 3.0, Changes to the RDEIR, for these changes. The changes do not affect conclusions reached in the RDEIR.

2-21. The comment recommends certain clarifying edits to the text of the Notice of Preparation (Appendix A) that reflect changes made in Responses to Comments 2-13 and 2-15. Future notices for the Final EIR and General Plan will incorporate these changes, as appropriate.

From: Yvette Nunes
Sent: Thursday, May 7, 2015 16.49
To: Byron Turner; Michael Kelly
Subject: FW: Bureau of Reclamation Comments on San Benito County General Plan Amendment

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From: Emerson, Rain [mailto:remerson@usbr.gov]
Sent: Thursday, May 07, 2015 3:53 PM
To: Yvette Nunes
Subject: Bureau of Reclamation Comments on San Benito County General Plan Amendment

Good afternoon,

Thank you for the opportunity to review and comment. Below are a few comments on the Revised Draft Environmental Impact Report for the San Benito County General Plan Amendment. If you have any questions please let me know. **3 - 1**

- Figure 3-4 North County Land Use Diagram – San Juan Reservoir should be San Justo Reservoir. **3 - 2**
- Figure 3-6 Commercial and Industrial Nodes - San Juan Reservoir should be San Justo Reservoir. **3 - 3**
- Page 13-2 bullet #4 – San Justo Reservoir is not State-owned. It is a federal facility, operated and maintained by SBCWD on behalf of the Bureau of Reclamation. **3 - 4**
- Page 20-45 second paragraph – first sentence says that CVP deliveries were reduced beginning in 2007, but the last sentence in the paragraph states 2008. Page 20-47 third paragraph uses 2007. **3 - 5**

Rain L. Emerson, M.S.
Supervisory Natural Resources Specialist
Bureau of Reclamation, South-Central California Area Office
1243 N Street, Fresno, CA 93721
Work Ph: 559-487-5196
Cell Ph: 559-353-4032

3. Responses to Comments from Bureau of Reclamation

3-1. The comment is introductory in nature and is noted for the record. The comment does not raise and environmental issue and no response is required.

3-2. The commenter notes that the name "San Juan Reservoir" shown in Figure 3-4 should be changed to "San Justo Reservoir." This correction is noted. The figure has been edited to reflect the name change. See Section 3.0, Changes to the RDEIR, for this change. The change does not affect conclusions reached in the RDEIR.

3-3. The commenter notes that the name "San Juan Reservoir" shown in Figure 3-6 should be changed to "San Justo Reservoir." This correction is noted. The figure has been edited to reflect the name change. See Section 3.0, Changes to the RDEIR, for this change. The change does not affect conclusions reached in the RDEIR.

3-4. The commenter states that in bullet #4 on page 13-2, it should be noted that the San Justo Reservoir is a federal facility that is operated and maintained by SBCWD on behalf of the Bureau of Reclamation. The reservoir is not a state-owned facility. The commenter has not accurately indicated where this information can be located. However, the County agrees that the San Justo Reservoir is a federal facility that is operated and maintained by SBCWD on behalf of the Bureau of Reclamation.

3-5. The commenter notes inconsistencies on Page 20-45 regarding the year that CVP deliveries were reduced. The correct year is 2007. The quoted year of 2008 shown in the last sentence in paragraph two has been corrected to 2007.

Please also see Section 3.0, Changes to the RDEIR, for this correction. The change does not affect conclusions reached in the RDEIR.

NATURAL RESOURCES AGENCY EDMUND G. BROWN JR., GOVERNOR

DEPARTMENT OF CONSERVATION

DIVISION OF LAND RESOURCE PROTECTION

801 K STREET • MS 18-01 • SACRAMENTO, CALIFORNIA 95814

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RECEIVED

MAY 14 2015

SAN BENITO COUNTY
PLANNING & BUILDING
BY

May 11, 2015

VIA EMAIL: GARMSTRONG@COSB.US
Mr. Gary Armstrong, Planning Director
San Benito County Planning and Building Inspection Services
2301 Technology Parkway
Hollister, CA 95023

Dear Mr. Armstrong:

SAN BENITO COUNTY 2035 GENERAL PLAN (AMENDMENT 09-42)

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the Revised Draft Environmental Impact Report (RDEIR) submitted by San Benito County for the 2035 San Benito County General Plan Update. The Division monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act and other agricultural land conservation programs. We offer the following comments and recommendations with respect to the proposed project's potential impacts on agricultural land and resources. 4-1

PROJECT DESCRIPTION

The project analyzed in the RDEIR is the proposed 2035 San Benito County General Plan (2035 General Plan), which consists of a comprehensive update of the County's current General Plan, including the continuation of many existing policies, the modification or deletion of others, and the addition of new policies. 4-2

Department Comments

The 1992 San Benito County General Plan is the starting point for reviewing agricultural impacts in the County. The RDEIR has identified significant impacts to agricultural resources and outlines the agriculture-related policies of the current plan and the specific implementing actions that are called for, especially those concerning farmland protection.

Existing Policies called for optional agricultural mitigation, defined boundaries between communities, and planning policies which would steer development away from important farmland. 4-3

Currently in the 2035 San Benito County General Plan Update; Policy LU-3.10: Agricultural Land Mitigation reads, "If new development permanently converts Prime Farmland that is Class 1 soil to non-agricultural uses, the County shall encourage project applicants to preserve up to an equal number of Prime Farmland acres (i.e. up to a 1:1 ratio) either on- or off-site. An applicant may pay mitigation fees for some or all of that mitigation as agreed in a development agreement." 4-4

4-4 cont'd

The Department recommends replacing the word "encourage" with "require". Changing this phrase would call for the applicant to take the necessary steps needed to mitigate for the loss of Prime Farmland instead of only suggesting mitigation occur. In addition, offering other mitigation options would give the applicant flexibility with regard to the nature of the project and its impacts.

4-5

In the County's deliberation of other potential mitigation options, mitigation via agricultural conservation easements can be implemented by at least two alternative approaches: the outright purchase of easements, or the donation of mitigation fees to a local, regional, or statewide organization or agency whose purpose includes the acquisition and stewardship of agricultural conservation easements. The California Council of Land Trusts (CCLT) has provided a handbook to assist local governments with implementing agricultural impact mitigation:

http://www.calandtrusts.org/wp-content/uploads/2014/03/conserving-californias-harvest-web-version-6.26.14.pdf

The California Farmland Conservancy Program (CFCP) is another source of information on the mechanisms and fees associated with conservation easements as well as their use in mitigating for agricultural land conversion. SB 1094 (Kehoe, Chapter 705, Statutes of 2012) amended Government Code § 69567 to provide additional authorization for third parties (including the CFCP) to receive funds and fulfill the CEQA lead agency's mitigation obligations. Information on the CFCP can be found at:

http://www.conservation.ca.gov/DLRP/CFCP/Pages/Index.aspx

4-6

Thank you for giving us the opportunity to comment on the proposed RDEIR for the 2035 San Benito County General Plan. Please provide this Department with notices of any future hearing dates as well as any staff reports pertaining to this project. If you have any questions regarding our comments, please contact Farl Grundy, Environmental Planner at (916) 324-7347 or via email at Farl.Grundy@conservation.ca.gov.

Sincerely,

Molly A. Penberth, Manager
Division of Land Resource Protection
Conservation Support Unit

4. Responses to Comments from California Department of Conservation

4-1. Comment noted.

4-2. The commenter correctly describes the Project.

4-3. The commenter correctly describes the 1992 San Benito County General Plan's policies for agricultural resources.

4-4. The commenter suggests that Policy LU-3.10 be modified to replace the word "encourage" with "require." This is a comment on the General Plan itself and does not suggest inadequacies with the RDEIR. See Response to Comment 10-4. The County prefers to use "encourage" to give itself the flexibility it may need to appropriately tailor mitigation for specific projects as they are presented to the County in the future.

4-5. The comment does not suggest changes or additional analysis for the RDEIR. The commenter provided links to sources of information that assist local governments with implementing agricultural conservation easements when such easements are appropriate mitigation for development impacts. Policy LU-3.10 allows an applicant to pay mitigation fees for some or all of its agricultural mitigation, which can fund agricultural conservation easements, as negotiated through a development agreement. The information in the links provided by the commenter provides useful guidance to the County when negotiating such fees.

4-6. Commented noted.

DEPARTMENT OF FORESTRY AND FIRE PROTECTION
San Benito-Monterey Unit
2221 Garden Road
Monterey, CA 93940
(831) 333-2600
Brennan Blue, Unit Chief
Website: www.fire.ca.gov

To: San Benito County

From: CAL FIRE San Benito-Monterey Unit

Re: San Benito County 2035 General Plan Revised DEIR (SCH# 2011111016)

Response and Recommendations to San Benito County 2035 General Plan Revised DEIR

The California Department of Forestry and Fire Protection has reviewed the San Benito County 2035 General Plan Revised DEIR and has the following recommendations. For future correspondence, please contact Brennan Blue, San Benito-Monterey Unit Chief. **5 - 1**

Fire Protection: Urban Fires and Response Capabilities

- Page 17-8: "Much of the County is located within State Responsibility Areas, directly protected by CAL FIRE engines responding from State owned fire stations." While this is true, with respect to vegetation (wildland) fires, it is disingenuous to list here, as the header section states, "Only structural fires are discussed in this chapter." Whit that in mind, CAL FIRE has no responsibility to respond to structural fires, regardless of SRA or LRA. This Fire Authority Having Jurisdiction (FAHJ; San Benito County Fire Department) has a legal obligation to provide all-risk fire and rescue services (fire protection, fire prevention, and emergency medical services). This also applies to the next sentence, which states, "While the County Fire Department is responsible for fighting urban and structural fires within unincorporated County…" San Benito County Fire Department is responsible for all-risk fire and rescue services, including, but not limited to, vegetation fires, hazardous materials incidents, medical aids, and traffic collisions. **5 - 2**
- Page 17-9, paragraph 3: "The Fire Department is not principally responsible for the wildland fire protection in the SRA, but responds as initial automatic aid to many of these areas." "As such, CAL FIRE often responds to wildland fires and the County provides secondary response, as needed." These two sentences are incorrect. This local FAHJ has a legal obligation to respond to all fires, including vegetation fires. While CAL FIRE also has a responsibility to respond, these are overlapping responses. It is not an automatic aid response of the county; rather, it is the county's legally obligated response, in addition to CAL FIRE's legally mandated response within its jurisdiction (SRA). **5 - 3**
- Page 17-9, paragraph 4: "CAL FIRE is a State wildland fire agency established to protect non Federal, unincorporated lands within California, and is described in detail in Chapter 12." CAL FIRE is the State wildland fire agency established to fight vegetation (wildland) fires in the SRA. **5 - 4**
- Page 17-9, paragraph 5: "The ATCFPD battalion chief provides back up chief officer coverage to the SBCFD at no charge to the County." This is incorrect. The ATCFPD battalion chief does not provide back up chief officer coverage to the SBCFD. In addition, remove the Firefighter II from the primary response engine. There are two Type I fire engines at the Aromas Station – one as reserve. **5 - 5**

Emergency Medical Services: County Emergency Systems:

- Page 17-13, paragraph 2: "Emergency transport is also provided through the Antelope Fire Station in Paicines, the Aromas Tri County Fire District located in Aromas, the Bear Valley Fire Station, also located in Paicines, the Hollister Air Attack Base, the Hollister Fire Department, the County Fire Department, the San Juan Bautista Volunteer Fire Department, and the California Department of Parks and Recreation Department in Hollister." This is incorrect. None of those entities listed is a transport provider. American Medical Response is the only emergency medical services transport provider in San Benito County. As for EMS aircraft, which is the discussion of this paragraph, these entities may assist with landing zones for air ambulance transport. **5 - 6**

Environmental Impacts:

- Per Recommended Policy PFS-1.2 (Table 17-1, page 17-22), CAL FIRE recommends that the county construct facilities and render its obligated services. These recommendations have been made in previous public meetings with the Board of Supervisors, prior to the dissolution of the cooperative agreement for fire protection. Specifically, the county shall not rely upon state facilities to meet its own legal obligations, without a cooperative agreement for fire protection. **5 - 7**
- Per Recommended Policy PFS-1.11 and -1.12 (Table 17-1, page 17-15), CAL FIRE recommends that the county also explore existing areas needing service. Further, CAL FIRE recommends that this be of the highest priority, as opposed to previous comments in the Draft EIR that suggest that new construction is not warranted (see above comments). This was originally listed as Recommended Policy PFS-13.3. **5 - 8**
- CAL FIRE recommends that the original Recommended Policy PFS-13.1 goal of meeting NFPA standards for response time and staffing levels be accepted as policy. This recommendation has been made in previous public meetings with the Board of Supervisors, prior to the dissolution of the cooperative agreement for fire protection. Further, this was in the previous version of the DEIR, and is still available online for viewing. **5 - 9**
- Per Recommended Policy PFS-13.2 (Table 17-1, page 17-26), CAL FIRE advises that an agency cannot participate in a mutual aid agreement unless it is able to reciprocate by sending assistance to other agencies. Current equipment and staffing significantly limits this, which is a detriment to both the urban and rural service areas. This recommendation has been made in previous public meetings with the Board of Supervisors, prior to the dissolution of the cooperative agreement for fire protection. **5 - 10**
- CAL FIRE recommends that the county make it a top priority to expand fire protection and emergency service in underserved areas of the county, as originally listed as Recommended Policy PFS-13.3 in the previous version of the DEIR, which is still available online for viewing. This recommendation has been made in previous public meetings with the Board of Supervisors, prior to the dissolution of the cooperative agreement for fire protection. CAL FIRE also recommends that this be consistent throughout the rest of this document, as opposed to previous statements that current service levels are adequate (see above comments). **5 - 11**
- Per Recommended Policy LU-1.7 (Table 17-1, page 17-26), CAL FIRE recommends the adoption of specific policies and ordinances that include community fire safety and fire prevention. **5 - 12**

Section 12: Hazards and Hazardous Materials

12.1.1 Environmental Setting: Wildland Fire Hazards:

- Page 12-2, paragraph 1 of section: "Aromas Tri-County Fire Department" Aromas Tri-County Fire Protection District is the title of the entity (not Fire Department). **5 - 13**
- Page 12-2, paragraph 2 of section: CAL FIRE recommends adding more than fire protection resources. Although the county's fire protection resources are woefully inadequate, it is also essential to expand upon the concept of "proper land use planning" by adopting policies and enacting ordinances to strengthen fire prevention. **5 - 14**
- Page 12-3, paragraph 1: "CAL FIRE is the State wildland fire agency designated to protect non Federal, unincorporated lands within California." CAL FIRE is the State wildland fire agency designated to fight vegetation (wildland) fires in the SRA. **5 - 15**

- Page 12-3, paragraph 2: Bureau of Land Management section regarding initial attack responsibility versus extended attack apply to National Park Service, as well (Pinnacles National Monument). **5 - 16**
- Recommended Policy HS-4.4 (Table 12-1, page 12-27) should have more information in the text narrative, to support future policies and ordinances that will enact this goal. **5 - 17**
- Recommended Policy HS-4.5 (Table 12-1, page 12-28) should also include water-wise or drought tolerant vegetation, in addition to fire-resistant. Sometimes this is referred to as fire –resistant xeriscaping. **5 - 18**

In general, please make a global change for all variation of Cal Fire, Cal Fire, CalFire, and such, to the official title of CAL FIRE. Please make a global change to all variations of Aromas Tri-County Fire or Fire Department to Aromas Tri-County Fire Protection District, the official title of the agency. Please change all conflicting recommendations and items related to existing services, facilities, equipment, personnel, and such, such that the narrative does not say that current service levels are sufficient, while the recommendations are to increase stations (from none), equipment, personnel, and such to deal with inadequate response. **5 - 19**

With respect to future development, there is insufficient information regarding fire-safe, smart construction of stand-alone communities. The document should address the need for policies and ordinances to govern proper planning, construction, and maintenance of future development, to reduce the potential hazards and risks associated with wildland fires. Vegetation setbacks and species selection, structural hardening/building composition, and avoidance of specific elements (e.g., structures at the top of draws where a chimney effect can exacerbate fire conditions) are just a few of the important elements that need addressing in county general plans. Specifically, CAL FIRE recommends that you utilize the Fire Hazard Planning document from the General Plan Technical Advice Series of the Governor's Office of Planning and Research. This is available online at http://opr.ca.gov/. **5 - 20**

General guidance for future policy is that many areas of the county are within hazardous native vegetation and the Very High Fire Hazard Severity Zone. Development within these areas may require significant efforts to reduce wildfire hazards including setbacks and fuel modification. In order to insure a fire safe project, the following items should be considered:

- Structures should have automatic fire sprinkler systems.
- A supervised fire alarm system per the requirements of the California Fire Code in an accessible location with annunciator.
- Access to and around structures to meet California Fire Code requirements
- A water supply system to supply fire hydrants and automatic fire sprinkler systems. Fire hydrant spacing is 300 feet between fire hydrants.
- Turning radius and access in and around the project site and buildings shall be designed to accommodate large fire department vehicles and their weight. **5 - 21**
- Please ensure all roadways that have medians do not exceed 1000' without a turnaround. If medians are planned greater than 1000', please provide emergency turnaround access for heavy fire equipment.
- All traffic signals on public access ways should include the installation of optical preemption devices.
- All electrically operated gates within the Project shall install emergency opening devices as approved by the FAHJ.
- Easements identified in mitigation may also be required to include maintenance of existing access to the wildland fire truck trail system.

By Jonathan Pangburn, Unit Forester
On behalf of Brennan Blue, Chief

5. Responses to Comments from the Department of Forestry and Fire Protection

5-1. This comment is an introductory statement noting that the California Department of Forestry and Fire Protection (CAL FIRE) has reviewed the RDEIR and has certain recommendations. The comment also provides contact information for future correspondence. The comment does not raise an environmental issue and no further response is required.

5-2. The comment provides clarification to the text on page 17-8 of the RDEIR as to the appropriate jurisdiction and responsibilities of the San Benito County Fire Department and CAL FIRE. The following changes are made in response to this comment:

> ~~Much of the County is located within State Responsibility Areas, directly protected by CAL FIRE engines responding from State-owned fire stations~~. ~~While t~~The County Fire Department is responsible for all-risk fire and rescue services, including, but not limited to, fighting urban and structural fires, vegetation fires, hazardous materials incidents, medical aid, and traffic collisions within ~~fighting urban and structural fires within~~ unincorporated County.~~, other f~~ Fire responsibilities are otherwise distributed among several agencies, including the Aromas Tri County Fire Department, Hollister Fire Department, and San Juan Bautista Volunteer Fire Department.

Please also see Section 3.0, Changes to the RDEIR, for changes to address this comment. The changes do not affect conclusions reached in the RDEIR.

5-3. The comment provides clarification to the text on page 17-9 as to the appropriate jurisdiction and responsibilities of the San Benito County Fire Department and CAL FIRE. The following changes are made in response to this comment:

> The Fire Department and CAL FIRE have overlapping responsibility ~~is not principally responsible~~ for ~~the~~ wildland fire protection in the SRA~~, but responds as initial automatic aid to many of these areas~~. Wildland fires can be very labor intensive and vast commitments of resources are often required. A large fire may require the fire apparatus to remain at the scene for several days, causing equipment and staffing problems within the County Fire Department. As such, CAL FIRE often responds to wildland fires~~ and the County provides secondary response, as needed~~. With the assistance of CAL FIRE and other responders, County response times have been adequate.

Also, please see Section 3.0, Changes to the RDEIR, for these changes. The changes do not affect conclusions reached in the RDEIR regarding public services impacts related to fire protection services or wildland fire hazards.

5-4. The comment provides clarification regarding the appropriate jurisdiction and responsibilities of CAL FIRE. In response, the following changes are made to the text on page 17-9 of the RDEIR: "CAL FIRE is the State wildland fire agency established to fight vegetation (wildland) fires in the State Responsibility Area~~a State wildland fire agency established to protect non Federal, unincorporated lands within California~~, and is described in detail in Chapter 12." Also, please see Section 3.0, Changes to the RDEIR, for these changes. The changes do not affect conclusions reached in the RDEIR.

5-5. The comment provides clarifying information about the role of the Aromas Tri-County Fire Protection District (ATCFPD) battalion chief and the engines in use by ATCFPD. In response, the following changes are made to the text on page 17-9:

> *Aromas Tri-County Fire Protection District~~Department.~~* The Aromas Tri County Fire Protection District (ATCFPD) provides fire protection services within its service area in San Benito, Santa Cruz, and Monterey Counties, and operates under a Cooperative Fire Protection Agreement with CAL FIRE. ATCFPD provides a constant daily minimum staffing of one Battalion Chief, one Fire Captain, and one Fire Apparatus Engineer~~, and one Firefighter II~~ on the primary response engine. The fire station is located at 492 Carpenteria Road in Aromas. It houses ~~one~~two Type I fire engines (one as reserve), one Type III fire engine, one utility pickup, and one chief's command vehicle. An additional Type III wildland engine is housed at the station and staffed seasonally with a four person crew. ~~The ATCFPD battalion chief provides back up chief officer coverage to the SBCFD at no charge to the County.~~

Also, please see Section 3.0, Changes to the RDEIR, for these changes. The changes do not affect conclusions reached in the RDEIR.

5-6. The comment offers clarifying information concerning the role of several fire stations and entities in providing emergency air transport in the County. In response, the following changes will be made to the text on page 17-13 of the RDEIR:

> There are currently no EMS aircraft based in the County. Therefore, the County has developed agreements for the use of out of County emergency medical air services from Monterey, Santa Clara, Stanislaus, and San Luis Obispo Counties. The Antelope Fire Station in Paicines, the Aromas Tri County Fire District located in Aromas, the Bear Valley Fire Station, also located in Paicines, the Hollister Air Attack Base, the Hollister Fire Department, the County Fire Department, the San Juan Bautista Volunteer Fire Department, and the California Department of Parks and Recreation Department in Hollister may assist with landing zones for air ambulance transport. ~~The County also relies on several other providers for private emergency air transport. Emergency transport is also provided through the Antelope Fire Station in Paicines, the Aromas Tri County Fire~~

~~District located in Aromas, the Bear Valley Fire Station, also located in Paicines, the Hollister Air Attack Base, the Hollister Fire Department, the County Fire Department, the San Juan Bautista Volunteer Fire Department, and the California Department of Parks and Recreation Department in Hollister.~~

Please also see Section 3.0, Changes to the RDEIR, for these changes. The changes do not affect conclusions reached in the RDEIR.

5-7. The comment references Policy PFS-1.2 (Table 17-1, page 17-22) and recommends that the County construct new fire service facilities to provide fire service within its jurisdiction. According to the commenter, the County cannot rely on state facilities without a cooperative agreement for fire protection services.

The County has current plans to construct a fire station in the northern portion of the county at Aerostar Way and Flynn Road and is considering a new fire station in the southern portion of the County. (RDEIR at p. 17-19.) As a programmatic document, the proposed General Plan does not include specific development proposals. Nonetheless, the RDEIR acknowledges that increased demand resulting from anticipated construction by 2035 under the Project may require the construction of new or expanded facilities. (See RDEIR at p. 17-31; see also General Plan Policies PFS-1.11 [requiring payment of fair-share fees to fund new facilities] and PSF-13.8 [concerning strategic location of new facilities with respect to response times].) The potential effects of constructing such facilities are incorporated in the analysis in Chapters 5-22.

The County acknowledges that it may not rely on the facilities of other agencies without an agreement. The Goals and Policies set forth in the RDEIR reflect this understanding, and also direct development in such a manner to minimize impacts to fire facilities from growth under the 2035 General Plan. For example, several goals and policies require coordination of fire and emergency services with other agencies and providers to ensure efficient service (see Policies PFS-1.2, PFS-13.2, HS-1.5 and Goal PFS-13). Other General Plan goals and policies focus on directing growth where infrastructure and public services are or will be available, and on clustering new development to make it easier for emergency responders to serve it. (See Goals LU-1, LU-4, LU-9; Policies PFS-1.10, LU-1.1, LU-1.3, LU-1.7, LU-9.1).

5-8. The commenter recommends that the County explore existing areas needing fire service and notes that Policy PFS-13.3 used to address this issue. The proposed General Plan still contains Policy PFS-13.3, which states, "[t]he County shall strive to expand fire protection and emergency service in underserved areas of the [C]ounty." The County continues to support this important policy.

5-9. The comment recommends that Policy PFS-13.1 be added to Table 17-1 on page 17-26 of the RDEIR. Policy PFS-13.1, Fire Staffing and Response Time Standards, is an environmental policy that would minimize fire hazard impacts. That policy states, "The County shall strive to maintain fire department staffing levels and response times consistent with National Fire Protection Association standards." However, response times vary depending on a variety of factors, including areas (rural versus urban), and the standards must be applied in light of these variables. In response to this comment, the policy will be added to Table 17-1. See Section 3.0, Changes to the RDEIR, for this change. The change does not affect conclusions reached in the RDEIR.

5-10. The comment asserts that the policy for the County to maintain its mutual aid agreements with other fire districts and emergency service providers as set forth in Policy PFS-13.2 is limited by the County's current equipment and staffing. See Responses to Comments 5-7 and 5-8. Through the General Plan coordination and planning strategies described above and in the RDEIR, the County is committed to improving its equipment and staffing levels (it is currently planning the construction of a fire station at Aerostar Way and Flynn Road), which will allow it to send assistance to other agencies when required pursuant to its mutual aid agreements.

5-11. The comment recommends that Policy PFS-13.3 concerning expansion of fire protection and emergency service be included in Table 17-1 on page 17-26 of the RDEIR. The County agrees that Policy PFS-13.3, which requires the County to "strive to expand fire service in underserved areas of the county," could help mitigate the General Plan's potential impact on existing public services. In response to this comment, Policy PFS-13.3 will be added to Table 17-1, as shown in Section 3.0, Changes to the RDEIR. The change does not affect conclusions reached in the RDEIR regarding public services impacts related to fire protection services.

5-12. The comment references Policy LU-1.7 regarding the development and adoption of community plans and recommends that the County adopt policies that include community fire safety and prevention. The General Plan includes several goals and policies intended to guide development and ensure that facilities and infrastructure are available for, or will be developed as part of, new development proposals. (See Goals LU-1, LU-4, LU-9 and Policies PFS-1.10, LU-1.1, LU-1.7, LU-1.3, LU-9.1.) Community plans are one tool for accomplishing this, and are adopted to cover a specific geographic area within a general plan area and are to set specific development policies and measures to implement the policies in the applicable general plan. Pursuant to Policy LU-1.7, the County will "consider the development and adoption of Community Plans." Such plans would include specific policies for the geographic area at issue that are intended to address the specific fire prevention and safety needs of that area. Community plans require a separate project-level CEQA document, which would examine the plan's potential impact on fire service and safety.

5-13. The comment clarifies that references to the "Aromas Tri County Fire Department" on pages 12-2, 17-8, and 17-9 of the RDEIR and are incorrect and should be "Aromas Tri County Fire Protection District." Please see Section 3.0, Changes to the RDEIR, for changes incorporating this revision. The changes do not affect conclusions reached in the RDEIR regarding public services impacts related to fire protection services or wildland hazards.

5-14. The comment recommends that the County adopt policies and enact ordinances to strengthen fire protection that build on "proper land use planning" to reduce the need for fire protection resources. No detail or suggestions are provided regarding what these policies or ordinances should contain. The RDEIR demonstrates that the land use planning and fire protection strategies in the General Plan adequately address fire service concerns for the General Plan Update. See Responses to Comments 5-7 and 5-8. The County has focused on using land use planning—through concentrating new development near existing development with fire and emergency facilities or in new communities with demonstrated funding or provisions for fire and emergency facilities—to ensure that the threat of wildland fires to new development is less than significant and to strengthen fire protection services. Further, the County continues to invest in its fire protection resources and is, in fact, developing plans to construct a fire station in the northern portion of the county at Aerostar Way and Flynn Road. The County also is considering a new fire station in the southern portion of the County.

5-15. The comment provides clarification regarding the appropriate jurisdiction and responsibilities of CAL FIRE. In response to this comment, the following changes will be made to the text on page 12-3 of the RDEIR: "CAL FIRE is the State wildland fire agency established to fight vegetation (wildland) fires in the State Responsibility Area~~ protect non Federal, unincorporated lands within California~~." Please also see Section 3.0, Changes to the RDEIR, for these changes. The changes do not affect conclusions reached in the RDEIR.

5-16. The comment provides that CAL FIRE has an agreement for the exchange of fire service with the National Park Service that is similar to that with the BLM and described on page 12-3. Information concerning CAL FIRE's fire services agreement with the National Park Service is will be added to page 12-3 of the RDEIR, as shown below:

> Approximately 26,000 acres of Pinnacles National Park are located in unincorporated San Benito County. The National Park Service (NPS) is responsible for fire management in Pinnacles. NPS has a Direct Protection Agreement with CAL FIRE for all NPS lands in the County. In addition, a Protection Operations Supervisor oversees the daily ranger protection operations and administers most aspects of the fire program. The park has traditionally relied on a full-time fire management officer assigned to the BLM Hollister Field office to assist with more complex fire management matters. Incident command is provided by local cooperators such as CAL FIRE or the BLM Hollister Fire Management Officer.

In addition, the following reference for this information will be added to page 23-10: "National Park Service. 2007. *Fire Management Plan, Pinnacles National Park*, http://www.nps.gov/pinn/learn/management/firemanagement.htm."

Please also see Section 3.0, Changes to the RDEIR. The changes do not affect the conclusions reached in the RDEIR regarding wildland fires or public services impacts.

5-17. The comment requests that the RDEIR include more information concerning implementation of Policy HS-4.4. In response to this comment, the following text is added to page 12-52 of the RDEIR:

> The Health and Safety Element Goal HS-4 and its supporting policies would reduce the overall safety impacts to County residents by minimizing the risk of wildland and urban fire hazards. Specifically, Policy HS-4.4 requires development in high fire hazard areas to be designed and constructed in a manner that minimizes fire hazard risks and meets all applicable State and County fire standards. This includes, but is not limited to, Fire and Smoke Safety Features of the California Building Code, and the requirements of the Fire Code. Further, as provided by Policy PFS-13.9, "[t]he County shall ensure that all proposed developments are reviewed for compliance with the California Fire Code and other applicable State laws." These Policies will help minimize risks related to loss of property from fire hazards.

Please also see Section 3.0, Changes to the RDEIR, for these changes. The changes do not affect the conclusions reached in the RDEIR.

5-18. The commenter recommends including drought tolerant plants or water-wise plants along with the fire-resistant vegetation proposed in Policy HS-4.5. This is a comment on the Project rather than the CEQA analysis. (See Response to Comment 10-4.) Policy HS-4.5 requires not only fire-resistant vegetation, but also fire breaks and vegetation clearing near structures, and fuel management plans. It is uncertain whether the drought-tolerant vegetation suggested by the commenter is also fire-resistant. To the extent certain vegetation is both fire-resistant and drought-tolerant, this vegetation would be included within the menu of possible vegetation that may be used pursuant to this policy.

5-19. The commenter notes that the references to the "Aromas Tri County Fire Department" are incorrect and should be "Aromas Tri County Fire Protection District" and that all references to Department of Forestry and Fire Protection should be shown as "CAL FIRE." See Response to Comments 5-5 and 5-13. Some of the references cited by the commenter are in quotes from the proposed General Plan, while others are part of the text of the RDEIR. Those references that are part of the text of the RDEIR and not quotes will be clarified in response to this comment as shown below:

Page 8-4, Table 8-1.

Source: CAL FIRE~~CALFIRE~~ 2014, CALVEG 2006.

Page 8-5, Figure 8-1.

Source: CAL FIRE~~CALFIRE~~ 2014, CALVEG 2006.

Page 8-48, Table 8-4.

Source: CAL FIRE~~CALFIRE~~ 2002.

Page 12-9, Figure 12-1.

Source: San Benito County Planning and Building Department 2010, California Department of Forestry and Fire Protection (CAL FIRE~~CalFIRE~~) Fire and Resource Assessment Protection Program (FRAP) 2010

Please also see Section 3.0, Changes to the RDEIR, for these revisions. The changes do not affect conclusions reached in the RDEIR regarding fire protection services.

The comment further asks for clarification to make the recommendations related to improving existing services, facilities, equipment, and personnel, consistent with the RDEIR's conclusion that the Project will not have a significant impact on fire services. In fact, it is because the Project includes goals and policies requiring funds or new facilities to serve the fire protection needs associated with development that the Project will have a less-than-significant impact on fire services. Further, under CEQA, the County cannot impose mitigation on the Project to improve baseline conditions rather than impacts caused by the Project, but for policy reasons, the County can chose to include policies that would improve baseline conditions in its General Plan. This is what the County has done. Note that the potential impacts from building additional facilities are captured in the impact statements for other resources, such as transportation, aesthetics, and global climate change. See Responses to Comments 5-7 and 5-8.

5-20. The comment states asserts that the RDEIR should address the need for policies and ordinances to address proper planning, construction, and maintenance of future development of new communities to reduce risks associated with wildland fires, and that the General Plan should include policies recommended by the Fire Hazard Planning document from the General Plan Technical Advice Series by the Governor's Office of Planning and Research.

The Fire Hazard Planning document referenced by the commenter recommends that general plans include certain policies to address wildland fire hazards, including: (1) preparation of fuel mitigation, or management, plans; (2) compliance with Public Resources Code Section 4291; (3) monitoring of plant communities for fire risk; (4) vegetation clearing; (5) and identification of preferred treatment methods. Public Resources Code Section 4291 requires landowners and tenants of properties to maintain cleared areas.

See Responses to Comments 5-14, 5-17, and 5-18. Policies HS-4.4 and HS-4.5 include policies such as those suggested in the Fire Hazard Planning document. In addition, pursuant to Policy LU-8.4(g), project applications for new communities must include a public service financing program "to ensure that upon buildout the New Community will provide or fund a full range of needed public services, including fire protection." Further, specific development proposals will be required to analyze and mitigate any potential wildland fire hazards for the specific development in a project-level CEQA document. The project-level analysis is the appropriate time to determine if vegetation setbacks, species selection, construction techniques, and other choices are appropriate to the proposed location of the new community.

5-21. The comment states that certain fire code standards and other policies intended to "insure a fire safe project" should be included in the General Plan since many areas of the County are subject to high fire risk. Please see Responses to Comments 5-17 and 5-18. At this time, the County does not know exactly where development will occur. The County will review future development proposals to ensure that they comply with all applicable fire codes and are subject to other appropriate measures if the development is proposed for an area with high fire risks.

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Serious drought
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May 7, 2015

SCH# 2011111016

Byron Turner
San Benito County Planning Department
2301 Technology Parkway
Hollister, CA 95023

Dear Mr. Turner:

COMMENTS TO SAN BENITO COUNTY 2035 DRAFT GENERAL PLAN UPDATE

Thank you for including the California Department of Transportation (Caltrans), District 5, in the process of reviewing the San Benito County 2035 Draft EIR General Plan (GP2035). The mission of Caltrans is to provide a safe, sustainable, integrated, and efficient transportation system that helps enhance California's economy and livability. We review general plan amendments, land use projects, transportation improvements, etc., to ensure consistency with state planning priorities. 6 - 1

Caltrans is encouraged to see that GP2035 includes language and policies that generally support the coordination between transportation and land use planning. Additionally, draft policies provide a good description of how transportation demand and system management, pedestrian and bicycle facilities, and transit integration can help create efficient and multi-modal street connections in San Benito County.

We also commend the effort to strengthen policies that support capacity enhancing projects which incorporate complete street and multi-modal features. Of particular note is that San Benito County has the opportunity to improve congestion on Highway 25 by working with its' partners to enhance the intra county service, possibly expanding an express service from Hollister to San Jose. 6 - 2

The following comments are based on the GP2035 documents provided, and are focused mostly from the Executive Summary, Land Use, Transportation/Circulation Elements, and Biology.

Executive Summary

1. Page 2.11 – NCR-2.9 discuss biological requirements for project applicants, mitigation monitoring plans, etc. While this does not apply to Caltrans since we already interact with resource agencies, we are glad to see this language for projects where the County is the lead agency. 6 - 3

2. Page 2.27 – HS 8.3 creates policy that no construction noise be allowed on Sundays. For Caltrans transportation projects, a typical construction start time begins on Sunday evenings in order to minimize impacts to daytime traffic operations. So, while this policy does not apply to Caltrans, we look forward to working with you during the project development process on other noise and traffic-management related issues. 6 - 4

3. Page 2.32 – TC 1a.i. provides guiding policy for SR 25 ***and SR156 widening***. Specific language for widening SR 25 from Shore Road to County Line states that it will be 'on existing alignment as a four lane freeway **OR** extend Shore Road westerly to US 101.' This language is reiterated in other locations of GP2035 sections; our response to this policy is as follows: 6 - 5

   --For clarification, the Draft Tier 1 document from Hollister to Gilroy will be for a Route Adoption, not for a 'freeway' as mentioned.

   --CEQA and NEPA analysis for highway improvement projects require that a reasonable range of alternatives be examined in the environmental document, prematurely identifying an alternative alignment without the appropriate environmental review is inconsistent with CEQA and NEPA. 6 - 6

   --Regarding the statement "or extend Shore Road," because the Shore Road extension is a feature necessary only to serve the New Communities Area, we believe that this policy should say "widening 'Highway 25 <u>and</u> Shore Road extension (if necessary)." 6 - 7

4. Page 2-33 – TC-l-a.ii states San Benito County no longer supports the widening of Highway 101 within county borders. Also, the area of Highway 101 has been removed from the circulation diagram of the EIR. While we are not clear as to the reasons behind this policy, Caltrans believes that the GP2035 should not adopt this position. Highway 101 is a very important component of the County's circulation system. Being a portion of the overall network, it should be acknowledged in the policy narratives as well as reflected on the mapping. Some issues to consider are:

   --Caltrans is the owner/operator of the state highway system; because part of our mission includes ensuring an efficient and sustainable transportation system, we are concerned with ways to improve interregional movements. Highway 101 is the main artery for the Central Coast of California to move goods, services, and people. Along with Interstate 5, it is the only complete north-south connection from Oregon to Mexico. 6 - 8

   --Caltrans system planning documents, specifically the Transportation Concept Report (TCR) for Highway 101, already include strategies for freeway conversion and access management.

   --There are development projects and growth locations at Betabel/Y and San Juan Road interchanges that will contribute to significant trips on Highway 101.

--The Association of Monterey Bay Area Governments (AMBAG) listed adding capacity in this segment as a priority in the adopted Metropolitan Transportation Plan-Sustainable Communities Strategy. 6 - 9

--Within the AMBAG region, this segment of Highway 101 has the highest Annual Average Daily Traffic (AADT) of 58,200. Projections for 2035 reach a PM peak in the northbound direction of 75-88,000 AADT.

--The Santa Clara Valley Transportation Authority has an environmental document for Highway 101 improvements that add capacity in San Benito County to the State Route 129 interchange. 6 - 10

-- The economy in San Benito County is heavily driven by freight-dependent industries. In 2008, the agriculture and farming industry provided about 1,200 jobs for about $63 million, while manufacturing provided about 3,000 jobs and $165 million (US Bureau of Economic Analysis). The vast majority of freight movement in the County is made via truck. In 2007, trucks moved about 2.4 million tons of freight amounting to 91 percent of total tonnage. Those shipments equal to $2.5 billion in value (AMBAG Central Coast Commercial Flows Study). 6 - 11

Highway 101 in San Benito County is critical to the movement of these goods. The portion of the highway near the SR 156 junction is in the top 5 of truck count locations in the entire Central Coast for 5-axle trucks (Caltrans truck counts, 2009). The Council of San Benito County Governments has recognized the significance of this and is currently partnering with key transportation agencies to assess opportunities for improved operations, safety, capacity, and efficiency on Highway 101.

Transportation and Circulation

1. Generally speaking, any plan, program, project or policy that involves the state highway system is best served with early consultation and conceptual approvals from Caltrans as well as consistency with state planning documents. 6 - 12

2. GP2035 determined impacts using a Level of Service (LOS) D for Caltrans facilities. As stated in our April 22, 2013 letter, we consider any LOS below the cusp of C/D to be deficient and not acceptable as a baseline. We endeavor to maintain this target LOS on all state-owned facilities. Our Traffic Impact Study Guidelines acknowledge that where this is not feasible the lead agency can consult with us. Caltrans requests the mitigation and analyses discussion be recomposed to reflect the accurate LOS standard for state facilities. We are also available for further discussion. 6 - 13

3. Another point in the April 22, 2013 letter that was not addressed was our request to include policy on participating in the development of improvements in Santa Clara County as it relates to the demand placed by San Benito County residents. Capturing this language in GP2035 provides opportunities to promote intra-county partnerships that aid in meeting state goals of 6 - 14

integrated and sustainable transportation systems. 6 - 14 cont.

4. Table 6-7 (LOS on State Highways) did not analyze the segment of SR 25 from Fairview Road to San Felipe Road as an Urban Street. This is inconsistent with the Highway Capacity Manual (HCM) protocols and should be addressed. (HCM 15-1) 6 - 15

5. Page 19-8 – Inter County Service. As stated in the introduction, GP2035 has a good opportunity to work with Santa Clara County partners to possibly enhance express service to Gilroy and San Jose. Creating these statements as policy are a good first step in long range planning and support the overall goals of enhancing multi-modal options for commuters. 6 - 16

6. Page 19-9 – Bicycle Facilities. This section contains definitions for bicycle facilities, however the language is not consistent with how the California Streets and Highways Code (Section 890.4) defines them. Other clarification needed includes: 6 - 17

   --A "multi-use path" connecting Tres Pinos Elementary School with the community of Tres Pinos is mentioned, but not included in the list of facilities. For clarification, it might be better to rename it as a Class 1, or provide more language on the facility. 6 - 18

   --San Benito County has a resolution for a planned multi-use path from Cagney Road to Mitchell Road along the SR 156 when it is relinquished following the four-lane express way project. Adding additional details on this intent to the GP2035 should be considered. 6 - 19

7. Page 19-13 – It is implied that AMBAG staff has accepted the use of the County's traffic forecast model for analysis. Caltrans requests documentation from AMBAG confirming technical outputs are acceptable and consistent with the region-wide model. It is our understanding that AMBAG has generally provided feedback, but has not accepted the local model as acceptable. It should be noted that future projections for the State Highway System in San Benito County will use the AMBAG travel demand model for the purposed of highway system traffic analysis. 6 - 20

8. Page 19-25 – Table 19-1 describes the location of SR 25 improvements from San Felipe Road to .5 miles north of Shore Road. As it relates to point #3 above (under Executive Summary), planning documents indicate that SR 25 needs be widened to the Santa Clara County line and not only to Shore Road. The Shore Road extension serves the needs of the New Community and should be in addition to SR 25. 6 - 21

9. Page 19-26 – In regards to the list of additional signalized intersections, please refer to point #1 in this section of comments. 6 - 22

10. Page 19-45 – We recommend expanding on the language in Policy C-1.5 to state that all new development project will be required to circulate a comprehensive traffic study which identifies project specific impacts, makes recommendation for mitigation, and contributes to the regional- 6 - 23

development impact fee program for cumulative impact mitigation. 6- 23 cont.

11. Page 19-52 – SR 25 from Shore Road to County line is listed as operating at an unacceptable LOS under the 2035 General Plan conditions. However, other policy statements have implied that widening may not be needed on this segment, and redirects attention to widening Shore Road. To help explain this inconsistency, point #8 in this section of comments applies. 6 - 24

12. Page 19-70 – Construction of New Local Roadways. It should be noted that the Shore Road extension to Highway 101 is developer driven. 6 - 25

Land Use

1. Page 14-18 – Policy LU-8.2 describes thresholds for New Communities. While this section makes mention of development that is "self-contained," this definition should expand to a reasonable degree that includes the type of components that allow the goal to be reached. Caltrans provides this comment because, while we are confident that New Communities will include necessary services (e.g., grocery, laundry, restaurants), these are not head of household type of jobs and will likely result in a work force brought in from out of the new area. This, in addition to the lack of affordable housing requirements for New Communities, could result in a double jeopardy for the transportation system in that a work force commutes *in* for service jobs and the residents commute *out* for employment centers that provide a head of household income. 6- 26

2. Page 14-19 – Policy LU 8.3b requires New Communities to provide transportation routes "AND/OR" public transit. This policy language should clearly support transit by requiring it in New Communities and not giving the "or" option. In the longer term, this policy should seize the opportunity to include other strategies such as providing modal choices, Transportation Demand Management options, and park and ride facilities to resolve cumulative issues. 6 - 27

Biology

1. Page 8-32 – Ordinance 541. In 1988 the San Benito County adopted County Code Chapter 19.19 (pursuant to Ordinance No. 541) to allow for the collection of "interim mitigation fees" from development projects and rangeland conversion occurring in the unincorporated areas. The purpose of Ordinance No. 541 "is to provide a method for financing development and implementation of a Habitat Conservation Plan (HCP) and a Section 10(a) permit under the Endangered Species Act of 1973 for the County HCP plan study area." As stated in Ordinance No. 541, mitigation fees are to be held in a trust for future use in payment of HCP development costs and habitat mitigation as identified in an HCP, once developed. Caltrans staff has worked with San Benito in years' past to implement this effort and is committed to continue to do so. 6 - 28

2. Page 8-43 – Table 8-3 Habitat Conservation Plan. The County should consider working with federal and state agencies to prepare and adopt a HCP and a Natural Community Conservation Plan (NCCP) for listed and candidate species in San Benito County to manage their habitats and ensure their long-term protection. 6 - 29

If you have any questions, or need further clarification on items discussed above, please don't hesitate to call John Olejnik at (805) 542-4751. 6 - 30

Sincerely,

Brandy K. Rider
Branch Chief, Transportation Planning – North Team
brandy.rider@dot.ca.gov

cc: AMBAG, SBtCOG, D4,
bc: Rosales, Monroy-Ochoa, Boyle

6. Responses to Comments from the California Department of Transportation

6-1. The commenter provides introductory remarks that do not raise environmental concerns. Comment noted.

6-2. The commenter commends the County for including certain policies in the General Plan and notes that the County has the opportunity to improve congestion on Highway 25 by working with its partners to enhance intra-County service, possibly by expanding express service from Hollister to San Jose. The County also supports enhancement of intra-County service to improve congestion on State Route (SR) 25, as seen by its policy decision to include Goal C-3.2 Future Connections to High Speed Rail, Goal C-3.3, Connections to Gilroy Transit Center, and Goal C-3.4. Commuter Rail in Hollister, in the proposed General Plan.

6-3. The commenter commends the County for including Policy NCR-2.9 in the General Plan. Comment noted.

6-4. As the commenter notes, the California Department of Transportation (Caltrans) it is not legally obligated to comply with the General Plan noise policies when doing work on its property. Nevertheless, mutual cooperation benefits the County and the state. The County looks forward to working with the Caltrans to protect its residents' health, safety, and welfare when Caltrans is in the process of developing projects in the County.

6-5. The commenter expresses concern about Mitigation Measure TC-1a.i, particularly language that states widening of SR 25 from Shore Road to the County line will be a four line freeway. The commenter notes "the Draft Tier 1 document from Hollister to Gilroy will be for a Route Adoption, not for a 'freeway' as mentioned." The text of the RDEIR will be revised as follows to address this comment:

> a. Construct a new alignment of State Route 25 from Shore Road to County Line ~~as a four lane freeway,~~ as identified in the Hollister to Gilroy State Route 25 Widening and Route Adoption Draft Environmental Impact Report and Tier I Draft Environmental Impact Statement (Caltrans 2010b).

See also Section 3.0, Changes to the RDEIR, for these changes. The changes do not affect the conclusions reached in the RDEIR.

The commenter also expresses concern that Mitigation Measure TC-1a.i states widening of SR 25 from Shore Road to the County line will be on the "existing alignment." Mitigation Measure TC-1a.i.1 in fact calls for a "new alignment of State Route 25 from Shore Road to the County Line." (RDEIR at p. 19-52.) See also Response to Comment 6-6.

6-6. As noted by the commenter, CEQA and NEPA require a reasonable range of alternatives to be examined in an environmental document. The County considered a reasonable range of alternatives to the proposed General Plan in the RDEIR. See Response to Comment 10-44. However, the RDEIR is not an environmental analysis for any specific highway improvement project and does not attempt to provide a project-level environmental analysis of (or examination of alternatives for) any specific highway improvements. The County agrees with the commenter's statement that any proposed alignment (existing, new, or otherwise) for the widening of SR 25 would need to be studied under relevant environmental laws and alternatives may be proposed.

6-7. The commenter believes Mitigation Measure TC-1a.i.1 should require the widening of SR 25 *and* the extension of Shore Road if necessary, rather than the widening of SR 25 *or* the extension of Shore Road. According to the traffic analysis, only one or the other is required to maintain the existing level of service on SR 25 north of Shore Road. The mitigation measure is therefore not required to specify that both improvements are necessary. As noted in the RDEIR traffic analysis, the only widening of SR 25 that would alleviate congestion is widening SR 25 all the way to U.S. 101. For the reasons stated in Response to Comment 6-21, this is not considered feasible during the timeframe of the 2035 General Plan. See Response to Comment 6-21.

6-8. According to the commenter, Caltrans owns the highway and its planning documents include strategies for improving U.S. 101. In addition, the commenter notes that development projects and growth locations at Betabel/Y and San Juan Road interchanges will contribute significant trips on U.S. 101.

Based on the traffic analysis in the RDEIR, widening of U.S. 101 within the County's borders is not needed to accommodate the growth forecast to occur by 2035. The County supports the eventual widening of Highway 101 within its borders, but has chosen to remove it from the Circulation Diagram because it is not required to accommodate the Project's traffic and because it is unfunded. This widening was also not assumed as part of the future roadway network in the CEQA analysis.

The County appreciates that Caltrans is planning for improvements along U.S. 101 within its borders and supports that effort, and did not intend to imply otherwise. In response to this comment, the following text will be added to clarify Mitigation Measure TC-1a.ii on page 19-53 of the RDEIR:

> Widening of U.S. 101 within the County's borders has not been identified as being needed <u>to achieve the desired levels of service</u> within the timeframe of the 2035 General Plan. <u>These improvements also are not fundable by the County.</u> Therefore, improvements along U.S. 101 in San Benito County and State Route 25 <u>from approximately 0.6 miles</u> north of

Shore Road to the County line are ~~not supported~~ not assumed to be included as part of the County's proposed roadway network for the purpose of assessing the implications of growth in the County and will be removed from the 2035 General Plan Circulation Diagram. San Benito County fully supports the efforts of regional and state agencies to widen of U.S. 101 and State Route 25 north of Shore Road.

See also Section 3.0, Changes to the RDEIR, for these changes. The changes do not affect the conclusions reached in the RDEIR.

The General Plan does not propose development at Betabel/Y and San Juan Road interchanges that will contribute to significant trips on Highway 101. Land Use Diagram Figure 3-3 does not show intensification of development beyond existing land uses at these locations.

6-9. The commenter notes (1) that AMBAG listed adding capacity to Highway 101 as a priority in the Metropolitan Transportation Plan/Sustainable Community Strategy (MTP/SCS) and within the AMBAG region, (2) the northern segment of Highway 101 has the highest annual average daily traffic trips (58,200), which are projected to increase by 2035, and (3) projections for 2035 reach a PM peak in the northbound direction of 75,000-88,000 AADT. See Response to Comment 6-8.

Regarding point (1), the County notes that within San Benito County, no money is allocated to widening U.S. 101 out of the $80 million identified for regionally significant constrained (fundable) projects. Appendix C of AMBAG's "Moving Forward Monterey Bay 2035 (Metropolitan Transportation Plan/Sustainable Communities Strategy)" (the "MTP/SCS") lists the regionally significant projects included in the MTP/SCS. The only constrained (fundable) project for widening U.S. 101 is in Monterey County. This project is found on page C-3, listed as MON-CT030-SL and titled "US 101-Salinas Corridor." This project is described as "Widen US 101 to 6 lanes within the existing right of way at locations where feasible." The table indicates that $52 million over the lifespan of the 20-year plan is allocated for this widening. Table C-2a beginning on page C-9 lists regionally significant unconstrained projects. No further widening of U.S. 101 in Monterey County is identified on the list. Within San Benito County, as listed on page C-10, the proposed widening of U.S. 101 from Las Aromitas-Monterey/San Benito County Line to SR 156 and from SR 156 to SR 129 are unconstrained.

Regarding point (2), the only segment of U.S. 101 that has an existing AADT two-way volume of 58,200 is from the Monterey County line to the SR 156 (East) junction. There is no fundable proposal to widen this segment. North of the SR 156 junction, however, the existing two-way AADT volume drops to 50,000 or less passing SR 129 and extending north to the Santa Clara County line and therefore no widening is required.

Regarding point (3), the commenter's comment that projections for 2035 reach a PM peak AADT of 75,000 to 88,000 in the northbound direction is incorrect. Instead, projections for 2035 on this segment reach a *two-way daily* AADT of 75,000 to 88,000.

6-10. The commenter notes the Santa Clara Valley Transportation Authority (VTA) has an environmental document for Highway 101 improvements that add capacity in the County on Highway 101 from the County line to the SR 129 interchange. See Responses to Comments 6-8 and 6-9. The County welcomes working with VTA on the widening project, but at this time lacks the ability to fund it. The project is also not needed to prevent significant traffic impacts caused by the implementation of the General Plan.

6-11. The commenter notes the County's economy is driven by freight-dependent industries and Highway 101 is critical to the movement of these goods into and out of the County and offers this as another reason for the County to support the widening of Highway 101. See Responses to Comments 6-8, 6-9, and 6-10. The County supports its freight-dependent industries, as shown by Goal C-5, to "provide the safe and efficient movement of goods to support commerce while maintaining safety and quality of life in the county" and its supporting policies. In particular, the County understands access problems faced by trucks trying to access U.S. 101 via SR 25 and SR 156, and fully supports Caltrans and the San Benito County Counsel of Governments, and VTA's efforts to improve operations, safety, capacity, and efficiency on Highway 101 as well as SR 25 and SR 156.

6-12. Comment noted.

6-13. The commenter notes that it considers any Level of Service (LOS) for Caltrans facilities below the cusp of C/D to be deficient and not acceptable as a baseline.

The County appreciates that the commenter endeavors to keep its facilities operating no lower than the cusp of LOS C/D and identified this fact in the RDEIR. (RDEIR at p. 19-22.) However, Caltrans' policy to maintain LOS C/D on its facilities is a target and not a threshold of significance. The County has adopted its own target of LOS D. In addition, the County has determined that LOS D is the proper threshold of significance for CEQA purposes for environmental review of the proposed General Plan. "CEQA grants agencies discretion to develop their own thresholds of significance." (*Save Cuyama Valley v. County of Santa Barbara* (2013) 213 Cal.App.4th 1059, 1068; see CEQA Guidelines § 15064.7(a).)

As the CEQA lead agency for the adoption of an updated General Plan, the County has considerable discretion to apply its own threshold of significance for traffic impacts within its borders. For several reasons, the County has selected LOS D as its CEQA significance threshold for transportation facilities.

First, use of LOS C or the cusp of LOS C/D as a threshold of significance for CEQA purposes may be appropriate for rural areas, but as development becomes denser in the Hollister area and in the northern parts of the County nearer the Bay Area, LOS D, which is what is typically used in more urban areas, is a more appropriate threshold of significance. For example, until recently, the Santa Clara Valley Transportation Agency (VTA) used a significance threshold of LOS D for all Congestion Management Plan (CMP) roadways and freeways within Santa Clara County, including the Caltrans-owned facilities such as U.S. 101 and SR 25 just over the County line. (VTA Transportation Impact Analysis (TIA) Guidelines (January 2009) at p. 40.) In the midst of Santa Clara County's current increase in development, however, the VTA changed its significance threshold to LOS E. (VTA TIA Guidelines (October 2014) at p. 44.) Another County neighbor, Monterey County, uses a significance threshold of LOS D to assess impacts on state highways within its borders, as well as for Monterey County roads. (Environmental Impact Report Monterey County 2007 General Plan (Sept. 2008) at p. 4.6-29.) The use of LOS D (or even LOS E) by other lead agencies, including Monterey County, indicates that LOS D is well-recognized, appropriate standard for gauging the significance of traffic impacts in areas that are urbanizing.

Second, agency coordination on road projects that cross the County line into Santa Clara County and Monterey County will be facilitated by the County using the same significance threshold as Monterey County and a significance threshold closer to that used by VTA than LOS C/D. Since the County roadways with the greatest congestion are generally near and cross into Santa Clara County, facilitating coordination with VTA is particularly important.

Third, the commenter has also acknowledged that a LOS of C/D on state facilities "may not always be feasible." (RDEIR at p. 19-22.) Here, the traffic analysis indicates that several Caltrans facilities in the County already operate at LOS D or worse and that maintaining LOS C/D is not feasible due to funding constraints.

6-14. The commenter would like to see a policy calling for the County's participation in the development of improvements in Santa Clara County as it relates to the demand from County residents. The County, as a member of the San Benito County Council of Governments, actively participates with Santa Clara County on the improvement of transportation facilities of mutual interest, including the U.S. 101 Widening Project (Monterey Road to SR 129) and the SR 152 Trade Corridor and Realignment Project.

The County agrees with the commenter's suggestion to add a policy addressing coordination with its neighbors on issues related to intra-county travel. Therefore, in response to this comment, the following text will be added to Mitigation Measure TC-1a.ii on page 19-53 of the RDEIR:

TC.1.a.ii.2. Add the following policy to the Circulation Element of the 2035 General Plan:

Policy C-1.21 Intra-County Transportation Coordination

The County supports opportunities to promote intra-county coordination that aids in meeting County, regional, or state goals to provide integrated and sustainable transportation systems.

See also Section 3.0, Changes to the RDEIR, for these changes. The changes do not affect the conclusions reached in the RDEIR.

6-15. The commenter notes that the RDEIR did not analyze the segment of SR 25 from Fairview Road to San Felipe Road as an "Urban Street," which it says is inconsistent with the Highway Capacity Manual protocols, and cites Table 6-7 as the place in the RDEIR with information about how SR 25 is analyzed. The commenter provided an incorrect table number, since Table 6-7 is about impacts to farmland. Assuming the commenter was referencing Table 19-11 (Existing LOS on State Freeways and Highways in San Benito County) or other tables with LOS information about State Freeways and Highways in Chapter 19, Footnote 2 of those tables explains, "[t]his highway segment is located in an urbanized area where traffic conditions at intersections and driveways is the primary determining factor of the overall roadway segment operations and multi-lane highway LOS methodology does not apply. See intersection LOS results." Therefore the Highway Capacity Manuals protocols were applied properly given the definition of urban streets.

6-16. Comment noted.

6-17. The commenter notes that the definitions for various bicycle facilities on page 19-9 of the RDEIR are not consistent with how the California Streets and Highways Code defines them. The brief summary of Existing and Planned Bicycle and Pedestrian Facilities on pages 19-9 and 19-10 was condensed from the "Background Report" as noted on page 19-1 of the RDEIR and uses the same definitions as provided in the Background Report. In response to this comment the following text changes will be made to clarify that the definitions in the Background report do not exactly match those in the Streets and Highways Code: "Bicycle facilities in San Benito County are classified as one of these classes . . . . These definitions deviate slightly from those found in section 890.4 of the California Streets and Highways Code." See also Section 3.0, Changes to the RDEIR, for these changes. The changes do not affect the conclusions reached in the RDEIR.

6-18. The commenter would like additional information about the multi-use path connecting the Tres Pinos Elementary School to Tres Pinos. As commenter suggests, this is a Class I facility. See Response to Comment 6-17.

6-19. The commenter asks the County to consider adding more detail to the General Plan about a planned multi-use path from Cagney Road to Mitchell Road along SR 156. This comment

does not raise environmental concerns under CEQA requiring a response. Detail about the planned multi-use path from Cagney Road to Mitchell Road along SR 156 can be found in the San Benito County Bikeway and Pedestrian Master Plan.

6-20. The commenter seeks confirmation from AMBAG that technical outputs from the County's forecast model are acceptable and consistent with the region-wide model. The commenter notes that it understands AMBAG has not accepted the local model as acceptable and the County should note that Caltrans will use the AMBAG travel demand model for highway system traffic analysis in the County. As indicated by AMBAG's comment on this RDEIR, AMBAG "does not prohibit the County of San Benito from using a different model for local planning efforts." See Comment 1-25 and Response to Comment 1-25.

The AMBAG travel demand model has been problematic for the purpose of development of future projections of use on the state highway system in the County because its output for existing conditions does not match well to actual, real-world observations of traffic conditions in the County. The Federal Highway Administration issued "Interim Guidance on the Application of Travel and Land Use Forecasting in NEPA" on March 30, 2010. Section 2.4.5 "Moving from Regional Model Output to a Project Level Forecast" is particularly relevant. In the case of the County, the sub-area validation of the AMBAG RTDM as developed for both the 2010 and 2014 versions of the model are poor based on "Peer Review" (Section 2.2.6 of FHWA Guidance). This peer review has identified many deficiencies and opportunities for improving the public release AMBAG 2014 Travel Demand Model (see "Suitability Review" prepared for the City of Hollister (December 2014)). This review indicates that the AMBAG 2014 Travel Demand Model is not sufficiently accurate for transportation planning in San Benito County, and improvements to the model are needed. Needed improvements include network corrections, land use corrections, model sensitivity tests, and addressing San Benito County General Plan land development and growth assumptions. Even with these improvements, the current AMBAG 2014 Model would not be accurate for forecasting weekday traffic volumes on local roads or design year volumes on SR 25, 129, and 156. Weekday ADT and peak hour volumes on these facilities are all higher than AADT volumes produced by the AMBAG model. Further, the AMBAG Model, which forecasts AADT volumes, is not validated for peak hour conditions. In addition, the fact that the gateway volumes forecast by the AMBAG 2014 model to/from Santa Clara and Merced and San Luis Obispo counties are fixed, and are based on the 2010 version of the AMBAG model and the associated 2008 Regional Growth Forecast, for lack of a better alternative. Thus the AMBAG 2014 model forecasts the same amount of travel through the County gateway connections to U.S. 101 regardless of whether one uses AMBAG's 2035 population forecast of 81,332 or the County's population forecast of 94,771, as used for the RDEIR analysis. The County urges Caltrans to take these factors into consideration if it attempts to use the AMBAG 2014 model for highway system traffic analysis in San Benito County.

6-21. The commenter states that planning documents indicate that SR 25 needs to be widened to the County line, not only to just north of Shore Road, and that the Shore Road extension should be in addition to SR 25 widening.

The planning documents referenced by the commenter are assumed to be the "Hollister to Gilroy State Route 25 Widening and Route Adoption Draft Environmental Impact Report and Tier I Draft Environmental Impact Statement (DEIR/DEIS)" issued for public review and comment by Caltrans in April 2010, and the subsequent Hollister to Gilroy State Route 25 Tier 1 Route Adoption DEIR/DEIS currently being finalized by Caltrans. These documents identify an alignment for the SR 25 widening project that, north of Hudner Lane, generally parallels the existing two-lane conventional highway to a point approximately 0.6 miles north of Shore Road. From approximately 0.6 miles north of Shore Road to the County line, and beyond to the railroad tracks just east of U.S. 101, the route adoption alignment departs from the existing alignment of SR 25 and follows a new alignment located northeast of the existing highway. The new alignment is intended to allow for the tie-in of the County portion of SR 25 to the proposed SR 152 Trade Corridor and Realignment Project, which is estimated to cost $848 million (Santa Clara Valley Transportation Authority VTP 2040 Table 2.3a VTP ID H18), and a portion of which is proposed to be constructed as a toll road.

The SR 152 Trade Corridor and Realignment Project proposes to use the existing two-lane alignment of SR 25 in Santa Clara County and north of Shore Road in the County as a two-lane (not four-line) frontage road for the realigned, combined SR 152/SR 25 roadway in Santa Clara County and north of Shore Road in the County. Accordingly, any improvement of SR 25 from approximately 0.6 miles north of Shore Road within the County to where it intersects U.S. 101 in Santa Clara County is tied to the planning and timeframe of the SR 152 Trade Corridor and Realignment Project, and furthermore, no widening of this portion of the existing alignment of SR 25, either in the County or in Santa Clara County, is proposed as part of the SR 152 Trade Corridor and Realignment Project. Moreover, the County does not anticipate that the SR 152 Trade Corridor and Realignment Project will be funded or completed between 2015 and 2035, which is the time horizon of the proposed General Plan. Without the SR 152 Trade Corridor and Realignment Project, widening SR 25 from north of Shore Road to the County line from two to four lanes along the existing alignment would serve little purpose because funneling four lanes of SR 25 traffic in the County to two lanes in Santa Clara County would not resolve the County's congestion issues this portion of SR 25. The lane reduction from two-lanes northbound to one lane northbound would cause traffic to backup (queue) along northbound SR 25 during the morning peak period traffic flows, significantly increasing congestion from the County line southward. Further, widening SR 25 to the County line along the existing alignment likely would involve the construction of a four-lane bridge over the Hollister Branch Line railroad track and the Pajaro River, which would be costly for a project that could worsen congestion along SR 25 north of Shore Road. Thus, only

widening SR 25 all the way to U.S. 101 would allow the County to maintain the existing LOS on SR 25 north of Shore Road with the addition of traffic attributable to the Project. For the reasons stated above, however, widening SR 25 all the way to U.S. 101 is not considered to be a viable measure for mitigating the impacts of the 2035 General Plan within the 2015 to 2035 timeframe of the Plan.

The commenter also states the Shore Road extension serves the needs of the New Community and should be in addition to widening SR 25 north of Shore Road. The extension of Shore Road to U.S. 101 is identified as a mitigation measure in the RDEIR for the Project, which does not assume the construction of a new community, because it could provide an alternate route to U.S. 101 and thus mitigate the Project's impact on SR 25 north of Shore Road.

6-22. The commenter reiterates Comment 6-12 as it relates to the list of additional signalized intersections on page 19-26 of the RDEIR. See Response to Comment 6-12. The County understands consultation and coordination with Caltrans for projects on the state highway system is required as is design approval for traffic signalization projects which require encroachment permits. It should be noted that the list of signalized intersections at the bottom of Table 19-1 on page 19-26 of the RDEIR has been previously identified on page 22 of the 2010 Traffic Impact Mitigation Fee Nexus Study for San Benito County, prepared by Willdan Financial Services, Kimley-Horn and Associates, Inc., and Urban Economics, dated March 21 2011, as being necessary to serve traffic demand. The County further understands that completion of an Intersection Control Evaluation Study will be required to examine alternatives to traffic signalization, such as the installation of a stop sign or round-about.

6-23. The commenter recommends expanding the language in Policy C-1.5 to require all new development projects to circulate a comprehensive traffic study identifying project specific impacts, mitigation measures, and appropriate contribution to the regional development impact fee program for cumulative impacts. This comment is about the General Plan, not the RDEIR. See Response to Comment 10-4. The proposed additions to Policy C-1.5 state CEQA requirements for projects with significant project-level and cumulative traffic impacts. The County will comply with CEQA when approving new development.

6-24. The commenter notes that SR 25 from Shore Road to the County line operates at unacceptable LOS in 2035, which it suggests is inconsistent with statements that widening of this segment may not be needed if Shore Road is widened. See Responses to Comments 6-7 and 6-21.

6-25. The commenter notes the Shore Road extension to Highway 101 is "developer driven." However, the proposed extension of Shore Road to U.S. 101 has been formally identified as a means to address existing traffic and growth in northern San Benito County for over 20 years. For example, the Route 152 Route Adoption and Right-of-way Preservation Tier 1 DEIR/DEIS, prepared by Caltrans dated August 1994 considered a Shore Road extension

alignment to U.S. 101 as an alternative for SR 152 (Exhibit 2.4, page 2-23, Alternatives A-2 and A-1B). The "Southern Gateway Transportation and Land Use Study," prepared by the Santa Clara Valley Transportation Authority, with participation by Caltrans, San Benito County Council of Governments, and Transportation Agency for Monterey County (TAMC), dated August 2006 identified a "New East West Route: Option A" as a six lane freeway serving both SR 152 and SR 25. Caltrans subsequently published a "System Analysis Study of Focus Routes 101, 152, and 156" in June 2008, identifying a "New E/W Route" running to a new interchange with U.S. 101 along an alignment similar to the proposed Shore Road extension as part of Scenario 4. The extension of Shore Road to U.S. 101 was also included in the San Benito County Council of Governments 2010 Regional Transportation Plan, as Administrative Modification 1 on June 16, 2011. It was also included in the first draft of the 2035 San Benito County General Plan, 2012, and the first Draft EIR, dated February 2013. The extension of Shore Road has long been considered to be a way to address traffic congestion in the northern part of the County.

6-26. This comment is about the General Plan, not the RDEIR. See Responses to Comments 10-4 and 10-5. The commenter expresses concern that new communities will result in adverse impacts on the transportation system. This concern is addressed by Policy LU-8.4(d), which requires a proposed new community to have an "Infrastructure Master Plan" that identifies public and private infrastructure needs; service district or assessment area formation details; a development phasing plan; and a strategy for the installation, operation, and ongoing maintenance of the infrastructure, including roads, required to support the new community. The Infrastructure Master Plan must be consistent with all applicable private, local, regional, state, and federal infrastructure, regulations, and programs related to transportation, as well as to sewage and wastewater treatment, water quality and quantity, drainage, parks and open space, and any other public facilities, infrastructure, and services. The Infrastructure Master Plan should result in infrastructure sufficient to handle trips coming into the area for service jobs and trips leaving the area for other types of jobs. This concern is also addressed by Policy LU-8.8, which encourages new communities to be designed to "minimize trip generation," by including among other features, "higher density residential uses near employment uses, schools, and neighborhood retail, as well as enhanced pedestrian, bicycling, and transit opportunities." Placing high-density residential near employment uses and neighborhood retail will decrease the need for people to in-commute for service jobs, as high-density residential is typically intended to be affordable to those working service jobs. In addition, by encouraging the location of residences near employment centers or transit opportunity, Policy LU-8.8 also potentially reduces the need for homeowners to out-commute for work. Policy C-1.5, which requires the County to assess fees on all new development to ensure new development pays its fair share of the costs for new and expanded transportation facilities, will also decrease potential congestion-related impacts of in- and out-commuting on surrounding transportation infrastructure.

6-27. The commenter requests that Policy LU-8.3(b) be changed such that new communities must provide public transit rather than transportation routes and/or public transit. This comment is about the General Plan, not the RDEIR. See Responses to Comments 10-4 and 10-5. The County supports transit but understands that there is not enough density to support mass transit in many areas of the County, especially prior to the construction of a new community. For this reason, Policy LU-8.3(a) states the County will not accept proposals for a new community unless it is "accessible to existing major transportation routes and corridors, such as State highways, and/or provide opportunities for public transit." For the new community itself, the County requires a specific plan that ensures "access and efficient movement by multiple modes of transportation (e.g., car, transit, bicycle, and pedestrians)." (Policy LU-8.4(c).) The County also encourages new communities to have "easy access to major transportation links, transit, and bicycle networks; a balance between jobs and housing; good internal connectivity and good connectivity to the community at large; a reduced parking footprint; a transportation demand management program; institutions such as schools within walking distance from residences; and distinct, compact, walkable neighborhoods." (Policy LU-8.5.) These features contribute to the adoption of strategies that result in new communities offering "modal choices" and transportation demand management options, as suggested by the commenter.

6-28. As the commenter notes, Ordinance No. 541 established a habitat conservation mitigation fee applicable to new development or additions that exceed 50% of existing building area in specific areas. The purpose of the fee is "to provide a method for financing development and implementation of a habitat conservation plan" in the "San Benito County habitat conservation plan study area." (Code of Ordinances, § 19.19.001.) The County continues to support the adoption of a Habitat Conservation Plan and Natural Community Conservation Plan (HCP/NCCP). See Response to Comment 10-40.

6-29. The commenter suggests the County should consider working with federal and state agencies to adopt a Habitat Conservation Plan and Natural Community Conservation Plan (HCP/NCCP). See Response to Comment 10-40. Policy NCR-2.3 commits the County to consider working with federal and state agencies to develop and adopt a HCP/NCCP.

6-30. Comment noted. This comment does not raise environmental concerns and no response is required.

May 7, 2015

Byron Turner
Interim Director of Planning
San Benito County Planning Department
2301 Technology Parkway
Hollister, CA 95023

RE: Submittal of Comments on the San Benito County Draft General Plan Update (SCH# 2011111016)

Dear Mr. Turner:

Thank you for the opportunity to comment on the San Benito County 2035 General Plan Circulation Element. We commend the County on a comprehensive approach to transportation improvements in San Benito County to meet the changing needs of the region. 7-1

The Council of San Benito County Governments (COG), the Local Transportation Authority (LTA), and the San Benito County Airport Land Use Commission (ALUC) provides the following comments as they relate to traffic, bicycle and pedestrian, public transit, and airport comments.

ROADWAYS

P. 19-4: The description of U.S. 101 should include an acknowledgement of the highway's importance as a goods movement corridor in San Benito County, supporting both the state and national economy. 7-2

P. 19-5: Please note that the Highway 25 Bypass construction was completed in 2009, not 2008. 7-3

P. 19-25: The State Route 25 Widening project as described here and elsewhere in the document includes limits from San Felipe Road to .25 miles north of Shore Road. These limits are inconsistent with COG planning, including the Draft Tier 1 Environmental Impact Statement being prepared for the Route 25 Adoption. The Draft document considers a project which extends from San Felipe Road to the San Benito/Santa Clara County line. Please explain this discrepancy between the planning efforts. 7-4

p. 19-25: Please provide additional explanation of the need for the Shore Road extension. Because Shore Road would primarily serve the New Community Area in northern San Benito County, it is unclear if the extension will be pursued without new development. Also, the document should consider the need for the State Route 25 widening north of Shore Road in addition to the Shore Road extension to maintain consistency with the 2014 Regional Transportation Plan. 7-5

p. 19-53: The Draft states that widening of U.S. 101 in San Benito County is not supported by the General Plan; however, the San Benito County 2014 Regional Transportation Plan includes a project that will widen and improve U.S. 101 from Monterey Road in Gilroy to State Route 129 in San Benito County. This project is further supported by the Santa Clara Valley Transportation 7-6

Authority in its current Regional Transportation Plan. We request that the U.S. 101 widening be considered as a potential project in the General Plan. 7-6 cont.

Table 19-19: Please confirm whether the description of "intersection signalizations or improvements" would allow for the County's consideration of roundabout construction in lieu of intersection signalization, where appropriate for the location and traffic volumes. 7-7

PUBLIC TRANSIT

1. **Page:** 19-7
   Document Heading: City of Hollister Bus Routes
   Comment: Change heading "City of Hollister Bus Routes" to "San Benito County Regional Bus Routes" 7-8

2. **Page:** 19-7-19-8
   Document Heading: City of Hollister Bus Routes
   Comment: Change all reference to "San Benito Express" to "San Benito County Express" 7-9

3. **Page:** 19-7
   Document Heading: City of Hollister Bus Routes
   Comment: Delete: "San Benito Express does not provide service on weekends" and replace with "Weekend service to the Greyhound station is provided by County Express on Saturday and Sunday from 7:40 a.m. to 6:00 p.m." 7-10

4. **Page:** 19-7 to 19-8
   Document Heading: Dial-a-Ride
   Comment: Change sentence from **"…**on weekdays between 7 AM to 6 PM and on weekends between 7 AM to 5 PM." to "…on weekdays between 6 AM to 6 PM and on weekends between 9:15 AM to 3 PM"
   In the same paragraph, change "one-half mile" to "¾ of a mile" 7-11

5. **Page:** 19-8
   Document Heading: Inter-County Service
   Comment: Change "…Monday through Friday from 4:30 AM to 8 PM" to "Monday through Friday from 5:30AM to 8:20 PM 7-12

6. **Page:** 19-8
   Document Heading: Jovenes de Antaño
   Comment: change heading "Jovenes de Antaño" to "Specialized Transportation Services" 7-13

   In the same paragraph, delete "18 years and older"

BIKEWAYS AND PEDESTRIAN

7. **Page:** 10-9
Document Heading: Bicycle Facilities
Comment: Include "In the San Benito County region, there are 13.21 miles of bicycle facilities. San Benito County's existing bikeway network consists of approximately three miles of bike lanes." prior to the first paragraph "Bicycle facilities in the County are generally concentrated in and around Hollister…" **7-14**

8. **Page:** 19-10
Document Heading: Bicycle Safety
Comment: Replace "In 2010, the SBCOG completed a Safe Routes to Schools program for bicycles." with "The Council of Governments has promoted county-wide educational programs and projects in support of bicycling and walking. Such programs include: Bike Week: Bike to School/Work Day, Walk 'N' Roll Event, Walk to School Day, Suggested Safe Routes to School Maps, Kids at the Park, Helmet Fittings, and San Benito County-wide Bike Map. **7-15**

AVIATION

9. **Page:** 19-10
Document Heading: Existing Facilities
Comment: General Comment: On June 21, 2012, the San Benito County Airport Land Use Commission (ALUC) adopted the 2012 Hollister Municipal Airport Land Use Compatibility Plan. The responsibility for implementation of ALUC-adopted compatibility plans rests with the affected local agencies, San Benito County and the City of Hollister respectively. The San Benito County Airport Land Use Commission recommends that the County of San Benito adopt the 2012 Hollister Municipal Airport Land Use Compatibility Plan into its General Plan.

Government Code Section 65302.3 establishes that each county and city affected by an airport land use compatibility plan must make its general plan and any applicable specific plans consistent with the ALUC compatibility plan within 180 days from when ALUC adopts or amends its plan. A General Plan does not need to be identical with the ALUC Compatibility Plan in order to be considered consistent with the Compatibility Plan. To meet the consistency test, a General Plan must do two things: **7-16**

- It must specifically address compatibility planning issues, either directly or through reference to a zoning ordinance or other policy document; and
- It must avoid direct conflicts with compatibility planning criteria.

Further assistance in implementing the Compatibility Plan is available in Appendix F: General Plan Consistency Checklist of the adopted 2012 Hollister Municipal Airport Land Use Compatibility Plan. The checklist is intended to assist the County and the City with modifications necessary to make their General Plans and other local policies consistent with the Compatibility Plan.

TRANSPORTATION DEMAND MANAGEMENT (TDM) PROGRAMS

10. **Page:** 19-13
Document Heading: Ridesharing
Comment: Replace "In addition, the San Benito County Ridesharing Program operates one 14-passenger vanpool that operates daily to Santa Clara County." with "The Council of Governments operates a regional commuter Vanpool Program designed to help residents reduce traffic congestion, reduce vehicles miles traveled, and improve air quality. The program consist of three 14-passenger vanpools that operates daily to Santa Clara County and Monterey County, respectively. 7-17

11. **Page:** 19-13
Document Heading: Park-and-Ride Lots
Comment: Delete "Both of these lots have bicycle locker accommodations." Local park-and-Ride lots do not bicycle parking accommodations. 7-18

REGULATORY SETTING

12. **Page:** 19-15
Document Heading: San Benito County Local Transportation Authority 7-19
Comment: Revise "The Authority administers and operates the San Benito County Express transit system" to "The Authority administers the San Benito County Express and Specialized Transportation Services transit systems."

13. **Page:** 19-17
Document Heading: San Benito County Local Transportation Authority's Short Range Transit Plan 7-20
Comment: Add the following sentence: the San Benito County local Transportation Authority is currently working on preparing the 2015 Short Range and Long Range Transit.

14. Page: 19-14
Document Heading: 19.1.2 Regulatory Setting
Comment: Consider including a discussion recent, push in state, regional, and local policies to enhance the existing transportation system while improving the environment, where applicable. Some of the laws, planning documents, and guidelines which support this shift include: 7-21

- The California Global Warming Solutions Act of 2006 (AB 32) challenges California to fight climate change through a comprehensive program reducing Greenhouse Gas emissions from virtually all sources statewide. The Act requires the California Air Resources Board (CARB) to develop regulations and market mechanisms that will cut the state's greenhouse gas emissions to 1990 levels by 2020 – a 25 percent reduction statewide.[1]

[1] California Air Resources Board

7-21 cont.

- SB 375 (Chapter 728, Statutes of 2008) directs the California Air Resources Board to set regional targets for reducing greenhouse gas emissions. The new law establishes a "bottom up" approach to ensure that cities and counties are involved in the development of regional plans to achieve those targets. SB 375 builds on the existing framework of regional planning to tie together the regional allocation of housing needs and regional transportation planning in an effort to reduce greenhouse gas (GHG) emissions from motor vehicle trips.

Consider adding the following after the "California Complete Streets Act of 2008" section on page 19-18.

7-22

The Council of San Benito County governments, the Transportation Agency for Monterey County, and the Santa Cruz County Regional Transportation Commission prepared Monterey Bay Area Complete Streets Guidebook. The Guidebook builds upon best practices from across the nation and was developed to assist local jurisdictions in planning, designing and implementing complete streets projects.

7-23

- **San Benito County Transit Design Guidelines.** The goal of the Guidelines is to provide information about the benefits of incorporating transit-friendly design in private development projects, making them able to be well served by transit, and encouraging transit use. The Guidelines are designed for use by both planners and developers as a reference tool in the preparation and review of development plans. They are consistent with adopted local transportation policies; however, they are advisory, and not regulatory, to the Cities and County of San Benito.

If you have any questions regarding this letter, please feel free to contact me at 831-637-7665.

Sincerely,

Mary Gilbert
Interim Executive Director

7. Responses to Comments from the Council of San Benito County of Governments, the Local Transportation Authority, and the San Benito County Airport Land Use Commission

7-1. The comment is an introductory statement and does not raise an environmental issue, and no further response is required.

7-2. The commenter would like the County to acknowledge U.S. 101's economic importance as a goods movement corridor in the County. This comment does not raise an environmental concern. The County acknowledges that U.S. 101 is an important transportation corridor for the movement of goods within and through the County.

7-3. The commenter notes the SR 25 bypass construction was completed in 2009 rather than 2008. In response to this comment, the following clarification will be made to page 19-5 of the RDEIR:

> State Route 25 is approximately 60 miles long within the County and is mainly a rural two-lane highway, except through the C~~c~~ity of Hollister where the road is ~~recently completed (2008) bypass has~~ 4 to 6 lanes.

Please also see Section 3.0, Changes to the RDEIR, for revisions in response to this comment. The changes do not affect conclusions reached in the RDEIR.

7-4. The commenter states the widening of SR 25 from San Felipe Road to 0.25 miles north of Shore Road, as listed in Table 19-1 and other places in the RDEIR, is inconsistent with the description of this widening in other planning documents, which include widening SR 25 to the County line. The improvement described in the General Plan contemplates widening SR 25 from San Felipe Road to approximately 0.5 miles (not 0.25 miles) north of Shore Road. The traffic analysis prepared for the General Plan indicates that widening SR 25 to the County line will not in fact alleviate traffic congestion to desired levels of service (and could worsen the congestion) and that alternative methods to address traffic on SR 25 are available. See Response to Comment 6-21.

7-5. The commenter would like additional information about the need for the Shore Road extension. See Responses to Comments 6-21, 6-25, and 9-15.

7-6. The commenter requests that the County consider widening U.S. 101 from SR 129 in the County to Monterey Road in the City of Gilroy, which is a project planned by the Santa Clara Valley Transportation Authority, as a potential County project. The General Plan does not include any particular transportation improvement as a "project." Instead, it forecasts the general level and location of transportation infrastructure necessary to serve projected

population growth within the timeframe of the Plan and contains policies intended to guide development. As explained in Response to Comment 6-8, the County supports the efforts of other agencies to widen U.S. 101. However, the widening of U.S. 101 within the County has not been identified as being needed to achieve the desired levels of service within the timeframe of the 2035 General Plan. The County also does not believe such widening of U.S. 101 is fundable within the timeframe of the 2035 General Plan. Therefore, improvements along U.S. 101 in San Benito County are not assumed to be included as part of the County's proposed roadway network for the purpose of assessing the implications of growth in the County.

7-7. The commenter asks for confirmation that the description of "intersection signalizations or improvements" would allow roundabouts in lieu of signalization where appropriate. Roundabouts would be a suitable alternative for consideration, consistent with Caltrans "Intersection Control Evaluation" standard operation procedure and policy.

7-8. The commenter requests a change to text on page 19-7 of the RDEIR, which will be made as shown below:

~~City of Hollister Bus Routes~~ San Benito County Regional Bus Routes

Please also see Section 3.0, Changes to the RDEIR, for revisions in response to this comment. The revisions do not affect conclusions reached in the RDEIR.

7-9. The commenter requests that all references to "San Benito Express" on pages 19-7 and 19-8 of the RDEIR be changed to "San Benito County Express." This change will be made. See Section 3.0, Changes to the RDEIR, for revisions in response to this comment. The revisions do not affect conclusions reached in the RDEIR.

7-10. The commenter provided updated information about the schedule of the San Benito County Express. This information will be incorporated into the RDEIR on page 19-7 as shown below:

> The San Benito County Express operates three fixed routes within Hollister: the Green, Blue, and Red lines. Buses operate between the hours of 6:20 AM to 5:40 PM Monday through Friday. San Benito County Express provides weekend (Saturday and Sunday) service to the Greyhound Station from 7:40 a.m. to 6:00 p.m. San Benito County Express does not provide service on ~~weekends or~~ major holidays (i.e., New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day).

Please also see Section 3.0, Changes to the RDEIR, for revisions in response to this comment. The revisions do not affect conclusions reached in the RDEIR.

7-11. The commenter provides clarifications to the times when Dial-a-Ride services are available. These clarifications will be incorporated into the RDEIR on pages 19-7 and 19-8 as shown below:

> The County Express Transit System provides Dial-a-Ride services to northern San Benito County, including Hollister, San Juan Bautista, and Tres Pinos, on weekdays from ~~between 7~~ 6 AM to 6 PM and on weekends ~~between 7~~ from 9:15 AM to ~~5~~ 3 PM.

Please also see Section 3.0, Changes to the RDEIR, for revisions in response to this comment. The revisions do not affect conclusions reached in the RDEIR.

7-12. The commenter provides clarifications to the times when inter-county bus services are available. These clarifications will be incorporated into the RDEIR on page 19-8 as shown below:

> Shuttle services to the Gilroy Transit Center and Gavilan Community College (school year only) operate Monday through Friday from ~~4~~5:30 AM to 8:20 PM and connects to all trains operating between Gilroy and San Jose (six per day).

Please also see Section 3.0, Changes to the RDEIR, for revisions in response to this comment. The revisions do not affect conclusions reached in the RDEIR.

7-13. The commenter provides clarifications to the background information about the County's specialized transportation services. These clarifications will be incorporated into the RDEIR on page 19-8 as shown below:

> ~~Jovenes de Antaño~~ Specialized Transportation Services
>
> Jovenes de Antano de San Benito is a non-profit organization established to encourage, develop, and administer programs to improve the general welfare of the elderly in San Benito County. It provides service to all elderly and people with disabilities ~~18 years and older~~ within San Benito County, and includes on-demand transit service, by reservation, for shopping- and medical-related trips.

Please also see Section 3.0, Changes to the RDEIR, for revisions in response to this comment. The revisions do not affect conclusions reached in the RDEIR.

7-14. The commenter suggests adding some information to the background information about the County's bicycle facilities on page 19-9 of the RDEIR. This information will be added as shown below:

> In the San Benito County region, there are 13.21 miles of bicycle facilities. The County's existing bikeway network consists of approximately three miles of bike lanes. Bicycle facilities in the County are generally concentrated in and around Hollister (refer back to Figure 3-13).

Please also see Section 3.0, Changes to the RDEIR, for revisions in response to this comment. The revisions do not affect conclusions reached in the RDEIR.

7-15. The commenter suggests adding some information to the background information about the County's bicycle safety program on page 19-10 of the RDEIR. This information will be added as shown below:

> *Bicycle and Pedestrian Safety.* Safety is a major concern of bicyclists and pedestrians, and increased education and enforcement are important tools to help promote bicycle safety. The Council of Governments has promoted County-wide educational programs and projects in support of bicycle and pedestrian safety. Such programs include: Bike Week: Bike to School/Work Day, Walk 'N' Roll Event, Walk to School Day, Suggested Safe Routes to School Maps, Kids at the Park, Helmet Fittings, and San Benito County-wide Bike Map.~~In 2010, the SBCOG completed a Safe Routes to Schools program for bicycles.~~

Please also see Section 3.0, Changes to the RDEIR, for revisions in response to this comment. The revisions do not affect conclusions reached in the RDEIR.

7-16. The commenter notes that the General Plan must be consistent with the 2012 Hollister Municipal Airport Land Use Compatibility Plan and recommends that the County adopt the 2012 Hollister Municipal Airport Land Use Compatibility Plan into the proposed General Plan. As discussed in the RDEIR at pages 12-44 through 12-49, the proposed General Plan is consistent with the 2012 Hollister Municipal Airport Land Use Compatibility Plan. Policies in the 2035 General Plan that ensure consistency with the Airport Land Use Compatibility Plan include Policy HS-7.1, Land Use Compatibility, and Policy HS-7.2, Coordination with ALUC. Policy HS-7.1 prohibits land uses within unincorporated areas that interfere with the safe operation of aircraft or that would be exposed to hazards from the operation of aircraft. Policy HS-7.2 requires the County to coordinate with the Airport Land Use Commission (ALUC) on land use planning around airports and submit development proposals for land within the airport area of influence for review by the ALUC for consistency with the Airport Land Use Compatibility Plan.

7-17. The commenter suggests clarifications to the text on page 19-13 of the RDEIR concerning ridesharing. These clarifications will be added as shown below:

> In addition, the San Benito County Council of Governments ~~Ridesharing Program~~ operates a regional commuter vanpool program that consists of ~~one~~ three 14-passenger vanpool~~s~~ that operate~~s~~ daily to Santa Clara County and Monterey County.

Please also see Section 3.0, Changes to the RDEIR, for revisions in response to this comment. The revisions do not affect conclusions reached in the RDEIR.

7-18. The commenter notes that local park-and-ride lots do not have bicycle locker accommodations. The following changes will be made to the text on page 19-13 of the RDEIR to address this comment:

> The other location is in Hollister at the intersection of Hillcrest and Memorial Drives and has 19 parking spaces. ~~Both of these lots have bicycle locker accommodations.~~

Please also see Section 3.0, Changes to the RDEIR, for revisions in response to this comment. The revisions do not affect conclusions reached in the RDEIR.

7-19. The commenter suggests revisions to text on page 19-15 of the RDEIR. The text the commenter would like to have revised appears on page 19-17 of the RDEIR. The text will be revised as follows:

> **San Benito County Local Transit Authority.** The Authority administers ~~and operates~~ the San Benito County Express and Specialized Transportation Services transit system.

Please also see Section 3.0, Changes to the RDEIR, for revisions in response to this comment. The revisions do not affect conclusions reached in the RDEIR.

7-20. The commenter suggests revisions to text on page 19-17 of the RDEIR concerning short-range transit plans. The text will be revised as follows:

> Additionally, the plan recommends a variety of changes to improve the entire County Express operation. The San Benito County Local Transportation Authority is currently working on preparing the 2015 Short-Range and Long-Range Transit Plan.

Please also see Section 3.0, Changes to the RDEIR, for revisions in response to this comment. The revisions do not affect conclusions reached in the RDEIR.

7-21. The commenter asks the County to consider including a discussion of recent state, regional, and local policies to enhance the existing transportation system while improving the environment, including the California Global Warming Solutions Act of 2006 (AB 32) and SB 375. The RDEIR discusses the AB 32 on pages 11-26 and 11-27 and SB 375 on pages 11-27 and 11-28.

7-22. The commenter asks the County to consider adding text about the Monterey Bay Area Complete Streets Guidebook. The following changes will be made to the text on page 19-18 of the RDEIR to address this request:

> Beginning January 2011, any substantive revision of the circulation element in the general plan of a California local government will include complete streets provisions. The San Benito County Council of Governments, Transportation Agency for Monterey County,

and the Santa Cruz County Regional Transportation Commission prepared the Monterey Bay Area Complete Streets Guidebook, which is an available resource for local jurisdictions planning, designing and implementing complete streets projects.

Please also see Section 3.0, Changes to the RDEIR, for revisions in response to this comment. The revisions do not affect conclusions reached in the RDEIR.

7-23. The commenter provides information about the San Benito County Transit Design Guidelines. The County appreciates the information.

MBUAPCD
Monterey Bay Unified Air Pollution Control District
Serving Monterey, San Benito, and Santa Cruz Counties

24580 Silver Cloud Court
Monterey, CA 93940
PHONE: (831) 647-9411 • FAX: (831) 647-8501

May 7, 2015

Byron Turner
Interim Director of Planning
San Benito Planning Department
2301 Technology Parkway
Hollister, CA 95023

Subject: Comments on San Benito County 2035 General Plan Revised Draft Environmental Impact Report

Dear Mr. Turner:

Thank you for providing the Monterey Bay Unified Air Pollution Control District (Air District) the opportunity to comment on the above-referenced document. The Air District commends the County for their inclusion of goals and policies to promote active transportation, transit, energy efficiency, and the commitment to develop a greenhouse gas reduction strategy as these contribute to reducing air emissions. We also support the policy HS-5.10 to reduce air pollution from wood burning. The Air District has reviewed the document and has the following comments: 8-1

- On Page 7-17, Goal AD-2:
The Air District looks forward to working in cooperation with County staff to achieve mutual benefits. For example, the Air District would like to work with County staff to ensure building permit applicants have information regarding our regulations and permit requirements which will facilitate compliance. The Air District has rules for asbestos for demolition and renovation projects that would be useful to communicate during the time building permits are reviewed. We look forward to working with you. 8-2

- On Page 7-28, AIR-1:
The on-road mobile source emissions estimates used in the Air District's Air Quality Management Plans are based on vehicle miles traveled (VMT) generated from AMBAG using the regional population projections. The Air District does not specifically use population projections to estimate emissions. Therefore, to ensure regional consistency, the Air District will continue to rely on AMBAG's regional travel modeling and VMT in preparation of future plans. We are not able to require AMBAG to use specific population projections and rely on their expertise to use appropriate population projections in the regional travel modeling. Also, as the County summarized in the first paragraph on page 7-29, the Air District expects lead agencies to work with AMBAG on updating population forecasts. For these reasons, the Air District recommends re-wording the policy to state, "The County shall encourage AMBAG to consider the County's population projections so that future Air Quality Management Plans will be consistent with the County's projections." 8-3

Please let me know if you have questions, I can be reached at aclymo@mbuapcd.org.

Best regards,

Amy Clymo
Supervising Air Quality Planner

8. Responses to Comments from the Monterey Bay Unified Air Pollution Control District

8-1. The County appreciates the commenter's review and comments.

8-2. The County looks forward to working with the Monterey Bay Unified Air Pollution Control District ("Air District") and project applicants to ensure project applicants comply with the Air District's rules and regulations. In response to this comment, the County will add the following mitigation measure to further mitigate the impacts that result from inconsistencies with the Air District's Air Quality Management Plan:

AIR-1. Add the following policies to the 2035 General Plan Health and Safety Element:

HS-5.~~9~~12 Air Quality Management Plans

The County shall encourage regional planning agencies to consider the County's population projections during the preparation of future Air Quality Management Plans.

HS-5.~~10~~13~~:~~ Reduce Air Pollution from Wood Burning

No permanently installed wood-burning devices shall be allowed in any new development, except when necessary for food preparation in a restaurant or other commercial establishment serving food.

HS-5.14: Notify Project Applicants of Air District Requirements

The County shall work with the Air District to obtain materials to give to project applicants regarding relevant information about Air District requirements.

See Section 3.0, Changes to the RDEIR, for these changes. The changes do not affect the conclusions reached in the RDEIR.

8-3. The commenter states that the Air District is unable to require AMBAG to use specific population projections and the Air District relies on AMBAG for regional travel modeling. The commenter thus asks the County to reword Mitigation Measure AIR-1 to have only AMBAG rather than all regional agencies consider the County's population projections. Regarding population projections, the County would like all regional agencies to consider using the County's projections. See Response to Comment 10-27. The County thanks the commenter for providing a supervising air quality planner's contact information and will contact that person if the County has questions.

From: Byron Turner <BTurner@cosb.us>
Sent: Friday, May 08, 2015 10:23 AM
To: 'Michael Groves'; 'Ron Sissem'
Cc: Joe Horwedel; Michael Kelly
Subject: FW: San Benito General Plan Draft EIR

From: Molseed, Roy [mailto:Roy.Molseed@VTA.ORG]
Sent: Thursday, May 07, 2015 4:54 PM
To: Byron Turner
Subject: San Benito General Plan Draft EIR

Byron,

VTA has no comments on the above document. Thanks. 9-1

Roy Molseed
VTA
(408) 321-5784

9. Responses to Comments from the Santa Clara Valley Transportation Authority

9-1. Comment noted.

Sierra Club Loma Prieta Chapter
Celebrating 80 years of protecting the planet

3921 East Bayshore Road, Suite 204, Palo Alto, CA 94303
loma.prieta.chapter@sierraclub.org
TEL - (650) 390-8411 | FAX - (650) 390-8497

Byron Turner,
Interim Director County of San Benito Planning & Building Department
2301 Technology Parkway
Hollister, CA 95023
(831) 637-5313

May 6, 2015

Dear Mr. Turner:

The Loma Prieta Chapter of the Sierra Club would like to submit the following comments regarding the Revised Draft Environmental Impact Report for the 2035 San Benito County General Plan. In 2013 the Loma Prieta Chapter of the Sierra Club and the Santa Clara Valley Audubon Society submitted a joint letter to the San Benito County Planning Department with comments regarding the Draft Environmental Impact Report (DEIR) for the General Plan. A letter was also submitted by Mr. Joseph Brecher on behalf of the Sierra Club. We will draw upon comments from both of those letters, as well as additional comments as appropriate for the 2015 RDEIR. **10- 1**

1. Introduction and Summary

While the RDEIR purports to contain expanded evaluation of impacts associated with potential distribution of new growth into New Community Study Areas described in the 2035 General Plan, we find it to be as confusing, and as insufficient in fulfilling the requirements of the California Environmental Quality Act as the previous DEIR. **10- 2**

The RDEIR identifies 21 secondary or indirect impacts of implementing the 2035 General Plan that would lead to significant adverse and unavoidable impacts. Per our following discussions, we believe that the number of significant impacts would be even higher. **10 - 3**

One of the guiding principles of the 2035 General Plan is to "Encourage new growth in existing unincorporated communities, New Communities, or clustered developments in order to preserve prime farmland and rangeland, protect natural habitats, and reduce the financial, social, and environmental impacts of urban sprawl." A predominate flaw with the document is that prime farmland and rangeland, and natural habitat will be diminished in both acreage and function, and urban sprawl will be promoted by New Communities and other growth that the General Plan is encouraging. **10 - 4**

Particularly confusing is the inclusion of two very different scenarios in the Preferred Project. One (the Hollister-Centered Growth Scenario) "envisions that the majority of new population growth would occur in the unincorporated area of the County in and around the City of Hollister SOI [sphere of influence]." The second "the New Community Study Areas Plus Hollister General Plan Growth Scenario" includes four regions of planned new communities and a large Winery/Hospitality region. The RDEIR contends that proposed policies will mitigate such that the two scenarios would be equivalent for most impacts. This contention makes no sense, particularly as the policies contain weak language such as "coordinate and cooperate," "shall encourage," "shall promote," "provide the option…to consider," but have no enforceable provisions. Clearly, the first scenario would have less impacts on wildlife habitat and agricultural land, and would likely have less impacts on traffic, air and water pollution, greenhouse gas emissions than would the creation of new communities and vineyards dispersed in the northern region of the County. **10 - 5**

The RDEIR is really nothing more than an attempt to justify and obfuscate the fact that "one of the primary purposes of the 2035 General Plan is to accommodate future urban development needs," as stated in the RDEIR. The many elusive (and probably illusory) goals and policies that are supposed to protect the County's rural character should be acknowledged for what they are – fluff and window-dressing. The inadequacy of these measures means, in turn, that the RDEIR's conclusion that many potentially significant impacts will be rendered insignificant by employing the listed mitigation measures, is mere assertion, with no basis in fact. **10 - 6**

2. <u>Many supposedly mandatory requirements and mitigation measures are set forth in terms that have no precise definition, or rely on programs to be developed later, so it is impossible to know how or whether they would be applied</u>

The County asserts that various mitigation measures will reduce the intensity of many perceived impacts to a level of insignificance. But many of these measures are so vague as to be useless, or are to be developed later, with no mechanism in place to compel the County to act. A court will not accept mitigation measures if there is "uncertainty as to whether the mitigation measures would ever be funded or implemented." *Federation of Hillside and Canyon Associations v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1261. In that case, the court invalidated an EIR for the adoption of a general plan framework (GPF) because its listed mitigation measures exhibited the same defects as those discussed below: **10 - 7**

> Although the city adopted the mitigation measures, it did not require that they be implemented as a condition of the development allowed under the GPF and made no provision to ensure that they will actually be implemented or "fully enforceable" ([Pub. Resources Code] § 21081.6(b)). We therefore conclude that there is no substantial evidence in the record to support a finding that the mitigation measures have been "required in, or incorporated into" ([Pub. Resources Code] §21081 (a)(1)) the GPF in the manner contemplated by CEQA, and the city failed to provide that the mitigation measures would actually be implemented under the GPF ([Pub. Resources Code] § 21081.6(b)).

As noted above, the RDEIR relies upon so-called "mitigation" measures to support the conclusion that various potentially significant impacts will be reduced to a level of insignificance. But those measures won't actually work or be enacted. Thus the actual severity

of the environmental damage is downplayed. This is impermissible under the law. See *San Franciscans for Reasonable Growth v. City and County of San Francisco* (1984) 151 Cal.App.3d 61, 80. The General Plan RDEIR provides no evidence, whatsoever, that the wishful thinking behind the listed mitigation measures can or will be translated into action. " [C]onclusions reached in [a] DEIR [must be] supported by complete and accurate facts and analysis. *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 741. It must set forth "the specific sources and content of the data . . . relied upon." *Citizens Assn. for Sensible Development of Bishop Area v. County of Inyo* (1985) 172 Cal.App.3d 151, 172. The terse assertions that the vague, unenforceable mitigation measures will render numerous environmental impacts insignificant fall far short of the State Supreme Court's requirement that the CEQA process must disclose "the analytic route the administrative agency traveled from evidence to action." *Topanga Assn. for a Scenic Community v. County of Los Angeles* (1974) 11 Cal.3d 506, 515. **10 - 7 cont.**

Examples of "toothless" or vague mitigation measures are:

"The County shall maintain an integrated network of open space lands that support natural resources, agricultural resources, recreation, tribal resources, wildlife habitat, water management, scenic quality, and other beneficial uses." **10 - 8**

Exactly how will this "integrated network" be established and maintained? Will there be a study delineating the network? Who will do it and pay for it? If a landowner's parcel is found to be within the "integrated network," will he or she be refused permission to develop? Would this not then be a "taking," since planning and zoning would otherwise allow development at such a site?

Stream Setback Ordinance – "Adopt a Stream Setback Ordinance to apply to new construction or development proposed in or near an existing river, stream, creek, or any other watercourse within the county, and for each class of stream or river, designate a setback between developed areas and streams sufficient to protect them from degradation, encroachment, or loss. The California Department of Fish and Wildlife recommends a no disturbance buffer of 250 feet from the highwater outside mark for waterways with riparian vegetation, and 100 feet from the highwater mark for each channel without riparian vegetation." **10 - 9**

Again, the County is urged to adopt a stream setback ordinance, with no way to assure compliance. Furthermore, the measure notes the recommendation by the California Department of Fish and Wildlife as to the width of the buffer zone, but does not require that such a width be adopted. Why not?

Conservation Easements, "The County shall support and encourage the use of conservation easements to protect open space that contains valuable natural resources." **10 - 10**

There is no mandate that such easements be purchased or standards set forth as to when they are appropriate.

"Goal NCR-1 would preserve open space lands that provide wildlife habitat and conserve natural and visual resources. To better protect the rural landscape, future urban development projects would be subject to the open space policies contained under this goal. The policies **ensure** that the existing natural topography, rural and agricultural landscapes, and open space lands seen from recognized scenic corridors are protected and not converted to developed uses." **10 - 11**

But these policies are no more than a "wish list" and certainly can't "ensure" the protection of scenic resources.

A smorgasbord of suggestions are offered to protect wildlife corridors and oak woodlands and other resources, but nothing specific is set forth. As the RDEIR candidly admits, "Since the 2035 General Plan is not a project level document, it does not include specific avoidance and minimization, nor does it list any compensatory requirement for impacts to special status species or loss of their habitats. There are no specific mechanisms identified for mitigating potential impacts to any special-status species from conversion of its habitat due to urban or agricultural development." And even with the addition of a host of noble-sounding policies, the RDEIR concedes that it cannot stem the loss of valuable biological resources: "neither the Rangeland and Agricultural land use designations, or the 2035 San Benito County General Plan policies would prevent the overall net loss of special status species or individuals within the county associated with future urban development within natural habitat areas." **10 - 12**

This is the very defect condemned by the *Federation of Hillside & Canyons* case described at the beginning of this section. Under these circumstances, that case mandates that the County "require that [mitigation measures] be implemented as a condition of the development allowed under the [general plan]." **10 - 13**

Over and over, the County is to prepare and adopt measures with no way to ensure compliance and no assurance that the adopted measures will be adequate. The CEQA Guidelines, §15126.4(a)(1)(B) forbid such a process: "Formulation of mitigation measures should not be deferred until some future time." See also *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 306-09; Oro Fino Gold Mining Corp. v. County of El Dorado (1990) 225 Cal.App.3d 872, 884.

3. <u>Some mitigation measures do nothing to alleviate the impacts they are supposed to mitigate, or actually make things *worse*</u>

a. For example, a potential significant impact is that development would "Convert …Farmland…to non-agriculture use." Supposedly to deal with this problem, Mitigation Measure AG-1c would Amend Policy LU-8.3 as follows: "The County shall only accept applications for the establishment of New Communities" if they are …"Accessible to existing major transportation routes and corridors, such as State highways." **10 - 14**

How does locating new communities near existing transportation routes stop the loss of farmlands that will be paved over by those communities?

Further, the General Plan includes new roads, some of which seem to have little purpose other than to accommodate new communities. For example the Plan includes a realignment of Highway 25 (instead of widening the existing road) and extension of Shore Road to Highway 101 in the area of a development that has been proposed (El Rancho San Benito) within one of the New Community Study Areas. Although current and expected traffic from Hollister might warrant widening of Highway 25 in the region, need for a new highway alignment is not demonstrated and the extension of Shore Road would not accommodate current traffic patterns. A policy restricting location of New Communities is meaningless if the roads are built in preparation for New Community proposals. **10 - 15**

Another example: "The overall goal [of Goal NCR-1]is to preserve and expand the county's extensive open space land, which conserves the visual resources within the open space lands." **10 - 16**

How can this be done while building hundreds of houses and paving over thousands of acres?

b. Similarly, the DEIR contains the hollow reassurance that "The Natural and Cultural **10 - 17**

Resources Element also contains policies that would minimize impacts to agriculture related to large-scale solar and wind installations. Implementation of these policies would preserve open space that could contain agricultural resources." 10 - 17 cont'd

Yet the Panoche Valley solar farm, with its massive impacts and wildlife, was approved by the Supervisors with little difficulty.

c. One of the most egregious of these weak mitigation measures involves the supposed benefit of preserving off-site lands to "make up" for the loss of land to be developed. We see this especially in Mitigation Measure AG-1b, which proposes to "Amend Policy LU-3.10 to read: "The County shall work with [other agencies] to preserve agricultural and open space lands, to develop, adopt, and maintain an agricultural mitigation program that mitigates for the loss of agricultural land by requiring project applicants to preserve farmland of an equal or greater value to that being converted at a 1:1 ratio." 10 - 18

Aside from the familiar problem that there is no way to compel the adoption of this program, the net effect of a 1:1 "preservation" of other farmland still means that the land to be developed will be lost forever. Offsite preservation can never make up for the permanent loss of agricultural land, open space, and wildlife habitat to development.

d. An example of contradictory "mitigation" deals with the perceived problem (Impact AG-2): that development would "Conflict with existing zoning for agricultural use, or the provisions of Williamson Act contracts." Incredibly enough, Mitigation Measure AG-2a would "Amend Policy LU-3.11 as follows: For parcels not operated as part of a larger farming operation, the County shall consider not renewing current Williamson Act contracts on small parcels that are not devoted to commercial agriculture." 10 - 19

It makes little sense to mitigate for the loss of agricultural lands protected under the Williamson act by not renewing contracts.

4. <u>There are 21 different impacts that are significant and which can't be mitigated</u>

The RDEIR lists significant unmitigated impacts to agricultural resources (conversion of important farmland to non-agricultural use; conflict with zoning for agriculture use or Williamson Act contracts; land use changes that result in conversion of farmland to non-agricultural uses), biological resources (loss or destruction of special status species and habitat; loss or destruction of riparian or other sensitive natural habitat), noise (development of new noise-sensitive land uses within areas subject to noise impacts; traffic noise level increases caused by development), population and housing (inducement of population growth), traffic and transportation (increase in vehicular traffic on state freeways and highways; increase in traffic on local roadway segments; increase in vehicular traffic at key intersections), and cumulative impacts to aesthetics, agricultural resources, biological resources, cultural resources, hydrology and water resources, and noise. The County simply concedes to the impacts, using this language repeatedly: "No measures in addition to proposed General Plan policies and mitigation identified in this RDEIR are available and within the jurisdiction of San Benito County to reduce the magnitude of this impact." We believe that there would also be significant unmitigated impacts to aesthetics (beyond the conceded cumulative impacts), wetlands, and wildlife corridors. 10 - 20

This provides a perfect reason why the Plan needs to be withdrawn and strengthened, so as to eliminate these many impacts.

It should also be noted that the mitigation measures mentioned in the plan do not encompass all that could be done to lessen potentially significant impacts. Many of the measures discussed in 10 - 21

Section 21 dealing with alternatives, could just as well be denoted "mitigation" and be included in the proposed general plan. **10 - 21 cont.**

5. <u>The treatment of New Community Study Areas and Wine/Hospitality Priority Area is particularly troublesome</u>

> It is axiomatic that:
> An EIR must include an accurate description of the project. *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185. "Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal's benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal (i.e., the 'no project' alternative) and weigh other alternatives in the balance. An accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR." *Save Round Valley Alliance v. County of Inyo* (2007) 157 Cal.App.4th 1437, 1448.

The treatment of the specially designated (overlay) areas in the RDEIR falls woefully short of this requirement.

Per page 3-38 "The purpose of the Wine/Hospitality Priority Area is to identify areas of the County where the wine industry and wine tourism are encouraged, while protecting the agricultural character of the area. The purpose of the New Community Study Areas is to designate areas that the County wishes to study, but not yet approve, for future growth." **10 - 22**

The discussion of what these designations mean, what their impacts would be, etc. is confusing at best.

Under CEQA, "A legally adequate EIR must produce information sufficient to permit a reasonable choice of alternatives so far as environmental aspects are concerned." [Citations.] It must contain sufficient detail to help ensure the integrity of the process of decisionmaking by precluding stubborn problems or serious criticism from being swept under the rug. [Citations.] It must reflect the analytic route the agency traveled from evidence to action." *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 733.

The overlay areas comprise a huge swath of land located at the very heart of the area with significant urbanization pressures. This region also contains a major portion of the County's high quality agricultural lands and important wildlife linkages, as well as habitat for special status species. But, aside from some dotted lands on the map, the RDEIR provides no description of the acreages involved, and we are not told how and why these areas were selected for overlay status. Indeed, there is no explanation as to why overlay areas are needed, at all. Further, it is not clear whether these areas were included in assessment of the acreages to be impacted by development.

Discussion of the Wine/Hospitality Priority (WHP) designation is particularly lacking, though its impacts to other agriculture and to natural resources could be enormous. Most of the area designated for Wine/Hospitality is on lands that are otherwise designated as rangeland. Conversion to vineyards would result in a major loss of wildlife habitat and cattle range, and, because it is an agricultural activity, might not be subject to further review under CEQA. Many vineyards are fenced to prevent use of the lands by wildlife. This would result in both loss of **10 - 23**

wildlife habitat and loss of important wildlife movement corridors. Conversion of thousands of acres of rangeland to vineyards has occurred throughout Central Coast counties, and has resulted in huge, unaddressed impacts to wildlife species and natural communities. There is no justification provided that would favor this industry and land use over others. **10 - 23 cont.**

No standards are set forth as to how development within these areas is to be processed by Staff. Instead, we are told that "any developed land uses" within the New Community Study Area (NCSA) would require a general plan amendment. So what happens to land within that area in the meantime? It is essentially being left in limbo, outside the scope of the current planning effort. The purpose of a general plan is to guide development THROUGHOUT the county, rather than leaving a significant slice of land to be planned at some unknown future date. There is no attempt to set forth exactly how much development is wanted and/or anticipated in the overlay areas or to assess what the impacts would be if these goals were fulfilled. **10 - 24**

The general plan should be amended so as to either adopt specific measures for the overlay areas, or delete the references entirely. The RDEIR claims that the scope of development in the NCSA and WHP areas can't be anticipated now, no analysis is presently feasible, and that developments within the NCSA's will require a major general plan amendment. Then what is the point of mentioning them, at all? On the other hand, if the County is determined to proceed with the concept of these special areas now, their effects must be analyzed in this EIR. "Even if a general plan amendment is treated merely as a 'first phase' with later developments having separate approvals and environmental assessments, it is apparent that an evaluation of a 'first phase-general plan amendment' must necessarily include a consideration of the larger project, i.e., the future development permitted by the amendment. Only then can the ultimate effect of the amendment upon the physical environment be addressed." *Christward Ministry v. Superior Court* (1986) 184 Cal.App.3d 180, 194. **10 - 25**

One example of the confusion created by the two "Scenarios" (with and without the special overlay areas) and nebulous status of the special areas can be found in the discussion of Global Climate Change. On page 11-57 comparison is made of vehicle miles travelled (VMT's) and greenhouse gas emissions (GHG) between the two Scenarios. The discussion makes the assumption that development under Scenario 2 will be closer to San Jose than under Scenario 1, thus will result in lower VMT's and GHG. However, several of the New Community Study Areas are not closer to San Jose, so additional undisclosed assumptions are apparently being made. This discussion apparently also assumes that policies that would provide for improved transit and increased employment opportunities within San Benito County will not be effective. **10 - 26**

6. <u>Predictions of population, housing, and growth are highly speculative, and impacts are not fully assessed</u>

The RDEIR assumes a population increase in San Benito County to 94,731 by 2035. It predicts a population increase of 36,102 people and 13,545 new housing units in unincorporated areas of the County by 2035. The sources of these numbers are highly speculative, and depend partially upon 2008, rather than more recent AMBAG projections. For its projections of job growth, it also departs from AMBAG projections, and projects a much larger growth in jobs. This is not analysis: it's wishful thinking. **10 - 27**

It is apparent that the premise of the General Plan is to promote growth, without fully assessing **10 - 28**

its impacts. The failure to make even a general attempt at assessing the effects of the full build-out allowed by the updated general plan is a fatal flaw. As the court stated in *City of Redlands v. County of San Bernardino* (2002) 96 Cal. App. 4th 398, 409:

> Even if a general plan amendment is treated merely as a "first phase" with later developments having separate approvals and environmental assessments, it is apparent that an evaluation of a "first phase-general plan amendment" must necessarily include a consideration of the larger project, i.e., the future development permitted by the amendment. Only then can the ultimate effect of the amendment upon the physical environment be addressed.

10 - 28 cont.

Furthermore, a proper analysis should incorporate a "worst-case scenario" in which full build-out occurs. See, *e.g.*, *Banning Ranch Conservancy v. City of Newport Beach* (2012) 211 Cal.App.4th 1209, 1228-1229; *Santa Monica Baykeeper v. City of Malibu* (2011) 193 Cal.App..4th 1538, 1544.

10 - 29

The assessment of impacts of full build-out on hydrology and water availability is particularly lacking. It is stated in the RDEIR (page 13-7) that "The recent multi-year drought … has resulted in groundwater declines of 10 to 20 feet within the majority of the subbasins in the San Benito Gilroy-Hollister groundwater basin. Water levels in the Bolsa subbasin appear to have dropped further between July 2014 and October 2014… If dry conditions persist, either the basin must be replenished with natural or imported water, or water demand must be decreased to prevent additional declines."

10 - 30

Despite this admitted decline in ground water in one of the New Community sites, the RDEIR contends that impacts to hydrology are not significant. Despite the ongoing statewide water shortage, the General Plan depends upon an uninterrupted source of imported water to serve the predicted growing population.

The RDEIR further states "there is no difference in the potential impacts to hydrology and water resources that would result from the two growth scenarios because the County would apply the 2035 General Plan policies, including additional policies from mitigation measures contained in the certified EIR, equally in approving development, regardless of location." The assertion that the two growth scenarios would result in equal population growth and that the location of growth would have no impact on ground water or other resources is not credible.

10 - 31

7. Impacts to Natural Resources have not been addressed adequately

a. Special Status Species: A short list of species is discussed that "are of greater conservation concern to the wildlife agencies and whose habitat usage tends to overlap with areas of development pressure…" As has been underscored by the Panoche Valley solar farm project that was approved by the County, any areas and habitats can be subject to development pressure, and all potential impacts to all special status species need to be addressed fully. No reference is given to verify that the wildlife agencies consider impacts to the shorter list of species to be of greater concern.

10 - 32

It is stated in the RDEIR that "The potential effects of the 2035 General Plan on biological resources were determined using a GIS biological data set overlain on a GIS 2035 General Plan

future land use data set." It is not clear whether the General Plan land use data set included the New Communities and Winery overlays, nor is it stated what biological data set was used. California Natural Diversity Data Base (CNDDB) contains only records of special status sightings that have been reported to that data system. Because species are not reported is not an indication that they do not occur in any given location or region. **10 - 33**

It is stated that "Artificial and unvegetated biological communities…(including agricultural land, unvegetated drainages, …) are unlikely to support special status plants." Special status plants may occur at margins or within agricultural areas, so impacts need to be considered. For instance, saline clover *(Trifolium depauperatum var. hydrophilum*), a plant thought to be extinct, was discovered in agricultural land in the northern part of the County. **10 - 34**

For California tiger salamander, California red-legged frog, steelhead, and vernal pool fairy shrimp, the RDEIR describes potential habitats in the County, including designated critical habitat, and states that "construction activities in or near these habitat areas could result in significant impacts" to the species. It needs to be made clear that impacts to any habitat of these species, whether within designated critical habitat or not, would be significant if not fully mitigated. **10 - 35**

Indirect impacts to sensitive species and their habitats should include increased mortalities from traffic, and potential introduced diseases (such as feline leukemia and canine distemper) from domestic animals. **10 - 36**

Ringtail (a Fully Protected species) is not included in the list of Special Status species potentially found in San Benito County. **10 - 37**

<u>b. Mitigation measures are inadequate:</u> Mitigation Measures BIO-1a, 1b and 1c provide for baseline biological inventory, pre-development biological resource assessment, and preparation of guidelines for biological resource assessment. While biological inventories and assessments are necessary to determine impacts and appropriate avoidance or mitigation measures, inventories and surveys are not in themselves mitigation. **10 - 38**

Mitigation Measures BIO 1c and 1d make very general statements regarding project mitigation and funding requirements. Nothing is provided in these measures beyond what is required for basic CEQA compliance. It is not specified that these measures will apply to the Wine/Hospitality (vineyard) overlay area. **10 - 39**

Mitigation Measure BIO-5 is to "prepare and adopt a Habitat Conservation Plan (HCP) and a Natural Communities Conservation Plan (NCCP) for federal and state listed and candidate species in San Benito County in order to preserve natural communities, manage listed and candidate species' habitats, and ensure long-term protection of these resources." The RDEIR contends that this mitigation measure would reduce impacts to oak woodlands and other natural communities to less than significant. We do not agree: the HCP and NCCP would not necessarily protect habitat beyond that required for listed and candidate species, and would not ensure protection of oak woodland or other natural communities. Further, no time frame is **10 - 40**

stipulated for adoption of the HCP/NCCP, so impacts could occur in the meantime. An HCP has been in the planning stages for over 25 years in this County, with no appreciable progress. **10 - 40 cont.**

c. Wildlife corridors: the RDEIR includes some discussion of riparian corridors as movement corridors for wildlife. While riparian corridors are important for animal movement, upland habitat can also be important for movement corridors or linkages, and impacts to upland areas that link large habitat blocks also need to be considered and addressed. The RDEIR concedes that "fragmentation of habitat increases stress, and thereby increases susceptibility to disease, predation, climate change, etc." This understates the importance of gene flow between metapopulations for the survival of some species, and the need for animal populations to have access to new areas, particularly in the face of habitat change due to human activity and climate change. **10 - 41**

Mitigation Measure BIO-4 is to implement MM's BIO-1a, 1b, and 1c. It is not clear why this should be listed as an additional mitigation measure. These measures, when applied on a project-by-project basis would not address the cumulative impacts that developments would have on wildlife corridors. We do not agree that impacts to wildlife movement corridors would be less than significant with the proposed mitigation measures. **10 - 42**

8. The alternatives analysis in the RDEIR is inadequate

a. Introduction. CEQA's requirements concerning alternatives have teeth. There is a "substantive mandate that public agencies refrain from approving projects for which there are feasible alternatives or mitigation measures." *Mountain Lion Foundation v. Fish & Game Comm'n.* (1997) 16 Cal.4th 105, 134. See also *Sierra Club v. State Bd. of Forestry* (1994) 7 Cal.4th 1215, 1233. And an EIR "must focus on alternatives capable of eliminating any significant adverse environmental effects or reducing them to a level of insignificance, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly." *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 733. Furthermore, "An environmentally superior alternative cannot be deemed infeasible absent evidence the additional costs or lost profits are so severe the project would become impractical." *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 736. Finally, "An EIR is required to ensure that all reasonable alternatives to proposed projects are thoroughly assessed by the responsible official." *Friends of the Eel River v. Sonoma County Water Agency* (2003) 108 Cal.App..4th 859, 872. **10 - 43**

b. The two supposed alternatives presented in the RDEIR should have been incorporated in the preferred action. The RDEIR presents only two so-called "alternatives" to the proposed 2035 general plan.[1] The first, the City-Centered Growth Alternative, would direct urban growth to the City of Hollister and discourage new development in unincorporated areas. Even better, it would eliminate the New Community Study Area and Wine/Hospitality overlay land use **10 - 44**

[1] The "no action" alternative, leaving the present plan in place, is summarily rejected, because a new plan is required under the law and the old plan, it is asserted, would allow even more rampant development than the new plan contemplates. The RDEIR maintains that the old plan lacks goals and policies designed to protect farmlands, air quality, biological resources, cultural resources, open space, and other resources. This assertion is questionable, however, since the proposed revisions excises several normative requirements now in the general plan, and replaces them with the unenforceable "goals" discussed in Section 2.

designations. The RDEIR acknowledges that this alternative "would decrease the magnitude of most anticipated environmental impacts associated with" the 2035 plan.

> "The City-Centered Growth Alternative would decrease the magnitude of most anticipated environmental impacts associated with the proposed project because urban development would be directed to the City of Hollister, and away from natural resources and important farmlands not within the City's SOI. In other words, environmental impacts would decrease in certain respects because the overall amount of growth and the density and intensity of such development in the unincorporated County would be markedly lower under this alternative. …this alternative would result in a compact and smaller development footprint and there would be fewer impacts on certain resources (e.g., agricultural resources, biological resources, aesthetic and visual resources, etc.) within the unincorporated County…the City-Centered Growth Alternative would convert less open space and important farmlands, preserve scenic resources, reduce vehicle miles traveled and related automobile emissions, convert less sensitive plant and wildlife habitat, better protect undiscovered cultural resources, minimize flood hazards, reduce the exposure of structures and people to high wildfire risk, decrease the creation of impervious surfaces and surface water runoff associated with increased urbanization, better deliver public services, and reduce impacts associated with the construction of utilities and facilities needed to serve growth. Based on the foregoing, the City-Centered Growth Alternative would result in fewer environmental effects within the unincorporated County than the proposed 2035 General Plan Update project." (page 21-18).

10 - 44 cont.

The benefits cited in the previous paragraph could be achieved with virtually no loss of the goals set forth for the 2035 plan. The RDEIR finds no conflicts with any goal, noting only that it would not "would not fully meet" three objectives. The purpose of the first one, to "Encourage new growth in existing unincorporated communities, new communities, or clustered developments" is to "preserve prime farmland and rangeland, protect natural habitats, and reduce the financial, social, and environmental impacts of urban sprawl," a goal that would be *better* served by adopting the city-centered alternative. The other two are obviously secondary considerations.

The City-Centered alternative, therefore, should certainly be adopted. As the court noted in *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 733, an alternative should be adopted if it is "capable of eliminating any significant adverse environmental effects or reducing them to a level of insignificance, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly." See also CEQA Guidelines, §15126.6(b). Furthermore, the fact that an alternative may be more expensive or less profitable is not sufficient to show that the alternative is financially infeasible. What is required is evidence that the additional costs or lost profitability are sufficiently severe as to render it impractical to proceed with the project. *Citizens of Gillette Valley v. Board of Supervisors* (1988) 197 Cal.App.3d 1167, 1181.

"Alternative" 3 would increase the minimum parcel size for agriculture zones from a maximum density of one dwelling unit per five acres to one dwelling unit per 20 acres. The purpose of the Agriculture land use designation is to maintain the productivity of agricultural land, especially prime farmland. The RDEIR asserts that this "alternative" "would decrease the magnitude of agriculture, open space, biological resource, and scenic resource impacts [because] it would substantially reduce the amount of scattered rural residential development that could occur by allowing one dwelling unit for every five acres." It would also "would also result in better and more efficient delivery of public services, since fewer residences would be located in the rural parts of the County." *Ibid*. It "would fully meet all the objectives of the proposed 2035 General

10 - 45

Plan project." .

Since this measure would have substantial benefits and not interfere with any of the stated goals of the General Plan, it obviously should be adopted. But it should not be denoted an "alternative," since that implies it would be enacted *instead of* the original general plan or the city-centered alternative. **10 - 45 cont.**

c. Analysis of levels of significance of alternatives is unrealistic. Table 21-5 "Comparison of the Environmental Merits of Each Alternative" indicates that there are no significant changes in impacts between the Preferred Project, and Alternatives 2 and 3. This assertion makes no sense, unless the analysis includes only Scenario 1 of the Preferred Project. Per table 21-5 and the paragraph from page 21-18 previously cited, a long list of project impacts is reduced with both Alternatives 2 and 3. There is no justification provided to warrant the conclusion that these improvements would be insufficient to change the level of significance of impacts. **10 - 46**

d. Other slow-growth measures should have been presented and analyzed. Despite giving lip service to preserving open space in San Benito County, thousands of acres of habitat and agricultural lands would be lost under the 2035 general plan. The DEIR should have considered lower-growth alternatives in which housing and business construction are reduced in order to lower the fevered in-migration rate posited by the AMBAG plan. As the Court noted in *Watsonville Pilots Ass'n v. City of Watsonville* (2010)183 Cal. App.4th 1059, "Given these significant environmental impacts of the project, the alternatives analysis should have included an assessment of a reduced growth alternative that would meet most of the objectives of the project but would avoid or lessen these significant environmental impacts." Among other lower-growth scenarios, the County should consider implementing the set of ten basic principles developed by the Smart Growth Network. See www.epa.gov/dced/about_sg.htm#principles. The County should also consider adopting the Ahwahnee Principles for Resource-Efficient Communities. **10 - 47**

Another alternative that should have been studied is to adopt the key provisions contained in the San Benito County Growth Control Initiative.[2] It stated: "Consistent with the countywide goal to maintain a rural atmosphere, and to direct development from environmentally hazardous areas, the vast majority of the County is identified for Agricultural Rangeland use (1 unit per 160 acres) and Agricultural Productive (1 unit per five and twenty acres). There is ample land outside areas designated Agriculture to meet County housing needs. The Land Use Element provides for areas of urban density in the Rural/Urban land use category and Areas of Special Study."

In line with this policy, the Initiative contained a number of effective means of limiting urbanization: **10 - 48**

- Section 6 added Policy 41, which imposed a limit on the number of building and placement permits issued, based on a formula that basically capped increased population at 1% per year.
- Section 7 added Policy 71, which established a Transferable Development Credits Program.
- Section 8 established a 20-acre parcel size for agricultural productive lands on the northern part of the County.
- Section 12 contained very strong provisions regarding uses in Agricultural lands. It divided the majority of the County's lands into two designations – Agricultural Productive and Agricultural Rangeland. It limited uses on such lands to a specific list

[2] It should be recalled that this measure was approved by the Board of Supervisors, although defeated in a later referendum. Therefore, it can hardly be argued that it is "infeasible," since the Board voted for it.

usually associated with agricultural activity, such as agriculture and horticulture and use by animals, and activities associated with those uses; a single family dwelling and agricultural housing; outdoor recreation, excluding major construction such as theme parks; visitor-serving structures with less than 16 units; mining; waste disposal if it is found that use of agricultural areas is imperative; limited commercial or professional uses and public and private facilities, infrastructure and utilities to serve local residents. **10 - 48 cont.**

- Section 14 added Policy 16, which contained tight restrictions designed to protect visual resources by forbidding the creation of parcels or construction of houses on ridgetops or hillslopes, unless no other configuration would be possible.
- Section 15 added Policy 7C which generally limited the maximum floor area of development to 1% of the parcel or 40,000 square feet.

All of these measures should be included in the revised general plan or, at the very least, analyzed as a viable alternative.[3]

9. Conclusion

The proposed 2035 San Benito County General Plan is deeply flawed. While claiming to preserve the rural nature of the County, it allows, indeed fosters, rampant growth that will change the nature of the county forever. The hopes that the Plan's unenforceable, feel-good policies will somehow hold this inundation at bay or effectively mitigate the impacts are not credible. It thus fails in its basic mission to alert the public to the possible disaster that awaits the county under the new plan. That failure is a violation of the law. **10 - 50**

San Benito County contains some of the last large pieces of open space and natural habitat in this region of California. The proposed general plan update encourages substantial urban development and conversion of agricultural lands and rangelands; it has designated much of north San Benito County for sprawling ranchettes and leaves thousands more acres subject to conversion to vineyards. The RDEIR does not fully disclose the extent or impact of proposed land uses, but instead gives an inaccurate impression that important resources will be protected. **10 - 51**

With the presentation of the two scenarios (Hollister-Centered Growth Scenario and the New Community Study Areas Plus Hollister General Plan Growth Scenario), the 2035 General Plan is not a "plan" so much as a discussion of possibilities. Rather than guiding future growth, it seems to provide streamlining to development in particular regions in the north part of the county without providing adequate constraints or information for meaningful analysis. **10 - 52**

These comments have set forth a large variety of ways the proposed general plan can be improved so as to lessen its likely severe environmental impacts. The CEQA Guidelines specify (14 CCR §15002) :

> CEQA requires more than merely preparing environmental documents… [W]hen an EIR shows that a project could cause substantial adverse changes in the environment, the governmental agency must respond to the information by one or more of the following methods:
> (1) Changing a proposed project;
> (2) Imposing conditions on the approval of the project;
> (3) Adopting plans or ordinances to control a broader class of projects to avoid the adverse changes; **10 - 53**

[3] The County is obligated to respond to suggestions that a smaller development footprint be used. despite its adoption of so-called mitigation measures. See *Flanders Foundation v. City of Carmel-by-the-Sea* (2012) 202 Cal.App.4th 603, 616. **10 - 49**

(4) Choosing an alternative way of meeting the same need;
(5) Disapproving the project;
(6) Finding that changes in, or alterations to, the project are not feasible.
(7) Finding that the unavoidable, significant environmental damage is acceptable as provided in Section 15093.

10 - 53 cont.

Alternative 2, the City-Centered Growth alternative, particularly if combined with Alternative 3, Increase Minimum Parcel Size for Agriculture Designation, would greatly reduce the many impacts of this project. The most obvious reason to choose the Preferred Project would be to accommodate developers, the wine industry, and other special interest groups. This is not an acceptable reason to dismiss the environmentally superior alternative.

10 - 54

The Sierra Club expects the County to *act* on these suggestions, rather than merely preparing rote responses to them. Failure to do so is a violation of the law and could subject the whole process to be overturned in court. We trust such a result can be avoided.

10 - 55

Sincerely,

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10. Responses to Comments from the Sierra Club

10-1. Comment noted. The comment appears to refer to comments previously made to prior environmental documents. Under the requirements of CEQA, only the comments made to this RDEIR will be responded to herein.

10-2. Although not required to do so by CEQA, the RDEIR evaluates two possible growth scenarios assuming the same population forecast, thus expanding the analysis from the prior DEIR, which analyzed a single growth scenario, in order to further facilitate informed decision making. See Responses to Comments 10-4 through 10-55.

10-3. Comment noted. See Responses to Comments 10-4 through 10-55.

10-4. The commenter states an opinion that the implementation of the General Plan would diminish natural habitat and farmland and promote urban sprawl. The County notes that this is not a comment on the adequacy of the RDEIR as an informative analysis under CEQA but rather is a comment about the General Plan as a policy document. Although the County is not obligated to respond to comments about policy decisions within the discretion of the Board of Supervisors in its CEQA document, it nonetheless responds that under the Government Code, the County must prepare a "comprehensive, long-term general plan for the physical development of the county." (Gov't Code § 65300.) It is the County's duty to plan for and accommodate new housing in its General Plan, as was very recently underscored by the California Supreme Court in *California Building Industry Association v. City of San Jose* (2015) ___ Cal.4th ___, Case No. S212072. In that case, the court noted the legislative declaration that "[l]ocal and state governments have a responsibility to use the powers vested in them to facilitate the improvement and development of housing to make adequate provision for the housing needs of all economic segments of the community." (See Gov't Code §§ 65580–65589.) The County cannot simply assume that all future growth will take place in the Cities of Hollister or San Juan Bautista, and does not have land use authority in those jurisdictions; it must make reasonable allowances for growth outside the urban limits.

In making those allowances, the County has broad discretion to weigh and balance competing interests in formulating development policies for its General Plan. Accordingly, the County has discretion to choose to plan for development by urbanizing some of its existing agricultural lands. This policy is not inconsistent with the goal to maintaining the rural character of the County because the General Plan guides growth in a way to minimize impacts on the most productive agricultural lands and the most sensitive biological resource areas by directing urban development away from these lands to less sensitive areas. In addition, the General Plan incorporates numerous policies designed to reduce sprawl by encouraging clustering and other

site planning techniques that foster efficient use of land. (See, e.g., LU-4.6 ["The County shall continue to encourage the clustering of residential uses and the use of creative site planning techniques to maximize preservation of agricultural land and maintain contiguous areas of open space."]; LU-4.7 ["The County shall encourage clustered residential subdivisions be designed to respect existing natural features (e.g., rivers and streams, hills and ridge lines, and substantial tree stands), and to use such features to separate clustered parcels from farming areas."].) The General Plan has additional goals and policies to prevent the loss of important prime farmland and sensitive natural habitats should growth occur in "New Communities." For example, Policy LU-8.5 encourages the design of New Communities to include habitat avoidance and conservation plans and restoration of resources such as riparian corridors. Policy LU-8.9 encourages project applicants for New Communities to use conservation techniques as an incentive to protect farmland and focus future development away from the most productive farmland. Thus, the County's approach is to discourage uncontrolled, anti-agricultural "rural ranchette" subdivision sprawl that is foreseeable in light of the projected population increases and to try to concentrate development closer to existing services and along existing transportation corridors.

In addition, the General Plan policies related to new communities are intended to prevent sprawl, which the County defines as low-density, mono-functional, car-dependent areas normally located at the edge of a more urbanized core. Policies LU-8.2 and LU-8.4 prevent the construction of new communities that are low density by encouraging new communities to have "development denser that allowed under existing residential densities, even with clustered residential incentives" and requiring new communities to "result in a more dense land use pattern than would normally be allowed under existing General Plan designations and zoning." Policies LU-8.2 and LU-8.4 also prevent new communities from being mono-functional developments by defining "New Communities" as proposals that "contain a variety of proposed uses, including residential, employment, [and] neighborhood retail," and requiring "a mix of land uses and densities." Policies LU-8.2, LU-8.4, and LU-8.5 encourage new communities to include connections to and expansion of County and regional trails, have access and efficient movement by multiple modes of transportation, including transit and "distinct, compact, walkable neighborhoods." These features, along with density, will decrease the possibility of new communities being car-dependent areas with inefficient use of land.

10-5. As the commenter notes, the RDEIR analyzes a Hollister-Centered Growth Scenario ("Scenario 1") and a New Community Study Area Plus Hollister General Plan Growth Scenario ("Scenario 2"). Scenario 1 is "the Project," meaning that it reflects the land use map and its proposed designations in the proposed General Plan. Scenario 2 was added to the analysis, although not required by CEQA, in response to requests for such analysis. For growth to occur under Scenario 2, further amendments would be required of the General Plan, amendments which are not currently proposed. The General Plan indicates four areas that the

County may decide to study further. The specific location of any new community within these areas is speculative. In addition, whether or when a project proponent will apply to develop a new community also is speculative. If a project proponent applies to amend the proposed General Plan to accommodate a new community, then the County would require the preparation of a Specific Plan and prepare an environmental document to assess any potential environmental effects attributable to that proposed change.

The RDEIR analyzes the development policies in the General Plan, which are mostly the same regardless of where growth occurs, except for the following impact areas: Agricultural and Forestry Resources, Air Quality, Global Climate Change, and Transportation and Circulation. Given that the policies would be applied equally to proposed development anywhere in the County, it is logical that the General Plan analysis provided by the RDEIR would find the impacts once the development had occurred would be similar.

The RDEIR provides a level of analysis that is commensurate with the detail provided by the Project which, as a General Plan, is a program-level document. The environmental analysis of specific projects, including the designation of a particular site as a new community, can tier from this EIR. (See 14 Cal. Code Regs. § 15152.) "Where a lead agency is using the tiering process in connection with an EIR for a large-scale planning approval, such as a *general plan* . . . the development of detailed, site-specific information may not be feasible but can be deferred, in many instances, until such time as the lead agency prepares a future environmental document in connection with a project of a more limited geographical scale. (*Id.* [emphasis added].) "Under CEQA's tiering principles, it is proper for a lead agency to use its discretion to focus a first-tier EIR on only the general plan or program, leaving project-level details to subsequent EIR's when specific projects are being considered." (*In re Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings* (2008) 43 Cal.4th 1143, 1174–1175; see also *id.* at p. 1176.) Accordingly, CEQA allows the County to defer project-level analysis of the study areas until site-specific information is known. At the time of project-level analysis, more detailed impact analysis is possible.

According to the commenter, Scenario 1 would have less severe impacts on wildlife habitat and agricultural land, and likely would have less severe impacts on traffic, air and water pollution, and greenhouse gas emissions than Scenario 2. The analysis in the RDEIR is supported by substantial evidence and this evidence indicates that, with mitigation and adherence to the General Plan's policies, impacts under Scenario 2 would, for the most part, be substantially similar to Scenario 1, although this cannot be known for certain until specific projects are proposed. As stated above, no development in any New Community Study Area could occur until the Board were to amend the general plan to designate an area for urban development. With the adoption of the currently proposed General Plan update, these study areas will remain designated predominantly for agricultural use. Site-specific/project-specific environmental review would be required when and if new projects are proposed.

10-6. The RDEIR analyzes all of County's objectives in updating its General Plan, which include adopting policies that will ensure the continued orderly growth of the County. The General Plan contains goals and many policies to protect its rural character. For example, Goal LU-3 is "to ensure the long-term preservation of the agricultural industry, agricultural support services, and rangeland resources by protecting these areas from incompatible urban uses and allowing farmers to manage their land and operations in an efficient, economically viable manner." Policies supporting this goal include Policy LU-3.1, committing the County to supporting existing farms, vineyards, and other agricultural operations, Policy LU-3.2, committing the County to protecting the integrity of existing agricultural resources, and Policy LU-3.9, committing the County to protecting the rights of operators and productive agricultural properties and ranching properties to continue their agricultural and ranching practices. Once adopted, the General Plan serves as the constitution for the County's development. Under state law, future development will have to be consistent with the General Plan to be approved. Under case law, it must be assumed that the County will comply with its General Plan policies.

The commenter further claims the inadequacy of the General Plan's measures means the RDEIR's conclusions have no basis in fact. The commenter has not offered a specific example of an error in the RDEIR's analysis of how the policies will support environmental protection. Thus no further response can be provided. See also Response to Comment 10-4.

10-7. The RDEIR complies with CEQA in setting forth a variety of mitigation measures to address significant environmental impacts. The RDEIR first points out that many impacts from future development will be mitigated through the adoption of the General Plan itself, which contains numerous goals and policies that will be applied to individual projects in the future to avoid, minimize and compensate for environmental impacts. Thus, the project is in many respects self-mitigating. (See *Gilroy Citizens for Responsible Planning v. City of Gilroy* (2006) 140 Cal.App.4th 911, 928 fn. 14.) To further mitigate potentially significant impacts, the RDEIR proposes that certain policies in the draft General Plan be modified or that new policies be added. These policy-level mitigation measures are appropriate given the programmatic nature of the project that the RDEIR analyzes. The commenter also suggests that the County will not actually follow through on implementation of these policies and therefore they cannot be presumed to be effective. But it must be assumed that the County will in fact follow through on its policies if they call for future action.

Commenter also suggests that the measures are vague and unenforceable. However, as courts have noted, "[g]eneral plans ordinarily do not state specific mandates or prohibitions. Rather, they state policies, and set forth goals"; therefore, mitigation measures which take the form of additional policies or goals to the proposed General Plan would not be expected to state specific mandates or prohibitions. (See Cal. Code Regs. § 15146.) For example, mitigation

measures for a general plan can include directives to be followed "[w]henever possible" or that are permissive such as "[t]he County *may* also require wells to be monitored in these areas to ensure that there is no degradation of the groundwater." (*Twain Harte Homeowners Ass'n, Inc. v. County of Tuolumne* (1982) 138 Cal.App.3d 664, 689 [emphasis added].)

Further, the CEQA Guidelines allow the County to prepare more detailed, site-specific information and mitigation measures when specific development proposals are considered. (14 Cal. Code Regs. § 15152(c).) Therefore, when a proposal for a specific project is received the County will review that proposal under CEQA. In addition, that proposal will be reviewed to determine if it conforms to the goals and policies in the General Plan because once the General Plan is adopted, subsequent land use decisions must be consistent with the general plan and its elements.

In addition, policy NCR-2.4 in the General Plan is specifically directed at the preservation and enhancement of wildlife corridors. See also Response to Comment 10-5.

10-8. The commenter suggests certain mitigation measures are overly vague and then discusses Policy NCR-1.1. Policy NCR-1.1 is part of the Project, and is not a mitigation measure. The commenter points out that the maintenance of an "integrated network" of open space lands as described by Policy NCR-1.1 is vague and uncertain in meaning and may be impractical. In response to this comment, the County believes Policy NCR-1.1 should be revised to address this comment and act as further mitigation for the potential loss of agricultural resources. Accordingly, the following will be added to page 6-37 as Mitigation Measure AG-1d:

> *AG-1d: Amend the following policy in the 2035 General Plan Natural and Cultural Resources Element:*
>
> *Amend Policy NCR-1.1: Maintenance ~~Integrated Network~~ of Open Space, as follows:*
>
> *The County shall support and encourage maintenance~~ain an integrated network~~ of open space lands that support natural resources, agricultural resources, recreation, tribal resources, wildlife habitat, water management, scenic quality, and other beneficial uses.*

Mitigation Measure AG-1d will be changed to Mitigation Measures AG-1e. See also Section 3.0, Changes to the RDEIR, for these changes. The changes do not affect the conclusions reached in the RDEIR. It is not necessary for the RDEIR to speculate about whether implementation of its goals and policies will result in a taking of private land, and in all events, whether a taking results can only be determined on a project-specific basis.

10-9. It is unclear which General Plan policy or RDEIR mitigation measure commenter may be referencing in this comment. The level of detail provided in the comment does not allow the County to provide a substantive response. To the extent the comment addresses text in the

prior version of the Project or the original Draft EIR, it is no longer applicable. As stated in the RDEIR, the County substantially revised the Draft EIR, resulting in the RDEIR and "need only respond to those comments submitted in response to the recirculated EIR." (14 Cal. Code Regs. § 15088.5.)

10-10. This comment addresses the General Plan and not the RDEIR. To the extent commenter is suggesting that the policy should be modified to include additional mandatory requirements, see Response to Comment 10-7 regarding the fact that policies in general plans need not contain mandates.

10-11. The commenter takes issue with how the RDEIR uses of the word "ensure" to describe the outcome of adopting the policies that support Goal NCR-1. Three policies support Goal NCR-1. The first policy, NCR-1.1, states that the County "shall support and encourage the maintenance of open space lands" that support scenic resources. The second policy, NCR-1.2, states that the County "shall support and encourage the use of conservation easements to protect open space." The third policy states that the County "shall continue to apply the Open Space Overlay District in the Zoning Ordinance." These three policies use the word "shall," which indicates that the policies to support and encourage maintenance of open space lands are mandatory. In addition, once the General Plan is adopted, all subsequent land use decisions must be consistent with the General Plan's policies. This is the basis for the RDEIR's conclusion that these policies will ensure the protection of scenic resources and the preservation of open space.

10-12. See Response to Comment 10-7.

10-13. See Response to Comment 10-7.

10-14. Mitigation Measure AG-1c does not amend Policy LU-8.3. Mitigation Measure AG-1c amends Policy NCR-6.3 as follows: "The County shall encourage the siting of energy facilities in a manner that is compatible with surrounding land uses and protects scenic <u>and agricultural</u> resources, <u>such as Prime Farmlands</u>." The comment refers to text that is part of Policy LU-8.3 and is not part of the Mitigation Measure and therefore is making a comment about the General Plan rather than the RDEIR. The policy encompassed by Policy LU-8.3 is sound because locating new development near existing transportation routes will minimize the need for new roads, which may otherwise be needed across agricultural land to access new development. New roads can also themselves be growth inducing. As such, the construction of fewer new roads will minimize loss of farmland. See Response to Comment 10-4.

10-15. See Response to Comments 6-21 and 6-25. Mitigation Measure TC-1a.i notes that with the construction of the extension of Shore Road to U.S. 101, the improvements along U.S. 101 in the County and SR 25 north of Shore Road would not be needed within the timeframe of the

2035 General Plan. Further, as the analysis in the RDEIR indicates, neither the widening and realignment of SR 25 north of Shore Road nor the extension of Shore Road to U.S. 101 is proposed to accommodate a new community. Instead, widening SR 25 on a new alignment north of Shore Road to the County line and the extension of Shore Road are identified as alternative ways to mitigate significant traffic impacts caused by the Project, i.e., Scenario 1, which does not propose growth in a new community. (See RDEIR at p. 19-54.) See also Response to Comment 10-4.

10-16. Goal NCR-1 and the General Plan's objective to plan for the orderly growth of the County are not inconsistent. The General Plan is the tool that the County uses to ensure that growth is accommodated in a manner that preserves the County's open space and promote other policies that the County has decided are important. General plans often contain competing goals and policies, however, because "[a] general plan must try to accommodate a wide range of competing interests—including those of developers, neighboring homeowners, prospective homebuyers, environmentalists, current and prospective business owners, jobseekers, taxpayers, and providers and recipients of all types of city-provided services-and to present a clear and comprehensive set of principles to guide development decisions." (*Sequoyah Hills Homeowners Assn. v. City of Oakland* (1994) 23 Cal. App. 4th 704, 719.) Courts have upheld such general plans. See also Response to Comment 10-4.

10-17. The commenter does not explain how the County's approval of a solar energy project in 2010 under the existing General Plan undermines the RDEIR's analysis of the proposed General Plan. As stated in the RDEIR, the Natural and Cultural Resources Element contains policies that would minimize but not necessarily eliminate impacts to agriculture from large-scale solar and wind installations. (See, e.g., Policy NCR-6.3 ["The County shall require the siting of energy facilities in a manner that is compatible with surrounding land uses and protects scenic resources."], Policy NCR-6.4 ["The County shall encourage in Rangeland designated areas, and may consider in other land-use designations, carefully planned and mitigated mass power production from non-fossil-fuel sources, primarily solar and wind, so long as they do not result in such major impacts as a tax burden to the County, permanent water transfers off of productive agricultural land, or health or safety risks to existing residents. In addition, these facilities should include dedications of agricultural land and habitat mitigation, measures to control erosion, and financial assurances for decommissioning."].) The County's approval of the Panoche Valley solar facility is unrelated to the proposed General Plan and the RDEIR.

10-18. The commenter questions when mitigation measure AG-1b would be implemented if adopted. This policy would take effect when the County approves an update to the General Plan and the County would be presumed to be committed to implementation of all adopted policies.

The commenter also questions whether off-site preservation of agricultural land qualifies as mitigation. The CEQA Guidelines define "mitigation" to include "[c]ompensating for the impact by replacing or providing substitute resources or environments." (14 Cal. Code Regs. § 15370(e).) In addition, *Masonite Corporation v. County of Mendocino* (2013) 218 Cal.App.4th 230 has held that agricultural conservation easements constitute legally feasible mitigation for the direct loss of prime farmland. Accordingly, off-site, compensatory mitigation is a legal way to mitigate impacts on a resource, including agricultural lands, even if it does not mitigate the loss completely.

10-19. Mitigation Measure AG-2a requires that Policy LU-3.11 be amended as follows: "For parcels not operated as part of a larger farming operation, t~~T~~he County shall consider not renewing current Williamson Act contracts on small parcels that are not devoted to commercial agriculture." Without the mitigation measure, Policy LU-3.11 as proposed in the draft General Plan would allow the County to consider not renewing Williamson Act contracts on *any* small parcel not devoted to commercial agriculture. The mitigation measure narrows the number of small parcels for which the County should consider Williamson Act cancellations to small parcels not devoted to commercial agriculture and not operated as part of a larger farming operation. Accordingly, Mitigation Measure AG-2a reduces the potential for the proposed General Plan to conflict with existing zoning for agricultural use or the provisions of Williamson Act contracts. See also Response to Comment 10-4.

10-20. The commenter points out that the RDEIR discloses significant and unavoidable impacts in a number or areas, including agricultural resources, land use, biological resources, population and housing, and for this reason suggests that the County should not approve the General Plan as written. The commenter does not suggest any specific feasible mitigation measures that are available to mitigate the significant and unavoidable impacts of the proposed General Plan, which the RDEIR properly discloses. Under CEQA, the County is not required to adopt infeasible mitigation measures or alternatives or disapprove the proposed project. If feasible mitigation measures or alternatives are not available to address one or more significant impacts, the County may nevertheless approve the project, if it determines that the project benefits out-weigh the unavoidable impacts. In this event, the County must adopt a statement of overriding considerations when it approves the project. (Pub. Resources Code § 21081(b); 14 Cal. Code Regs. § 15093.)

In addition, multiple policies within the General Plan are directed at preservation of aesthetic resources (e.g., policies NCR-8.1 through NCR-8.10), wetlands (e.g., policy NCR-2.5), and wildlife corridors (e.g., policy NCR-2.4). See also Responses to Comments 10-4 and 10-7.

10-21. The commenter is correct that alternatives and mitigation measures can be the same, which is "the reason why (aside from their joint inclusion in environmental impact reports) mitigation measures and project alternatives are always mentioned together in the alternative

rather than in the conjunctive." (See *Laurel Hills Homeowners Assn. v. City Council of the City of L.A.* (1978) 83 Cal.App.3d at p. 521 [interpreting section 21002].) Mitigation measures and alternatives both can lessen the significance of a project's environmental impacts.

10-22. Consistent with the standards for general plans and programmatic level review under CEQA, the RDEIR provides a sufficient degree of detail and stability in the Project Description for purposes of environmental review and decision-making. Through the County's multi-year process of conceptualizing and drafting the General Plan, careful consideration was given to all aspects of determining where and how future development would take place.

The General Plan includes one priority area, designated the Wine/Hospitality Priority Area, and study areas, designated New Community Study Areas. (General Plan at pp. 3-27, 4-5.) The County chose the location of the Wine/Hospitality Priority Area based on locations of existing wineries in the County, the location of the San Benito Wine Trail, and discussions with the San Benito County Winegrowers Association and other County stakeholders. The General Plan includes a figure showing the general location where the County wants to encourage the expansion of the wine industry and wine tourism, but lacks the types of details necessary for an in-depth analysis of environmental impacts from the Wine/Hospitality Priority Area. For example, the land use restrictions for the proposed combining district are currently unknown. When the County establishes a Wine/Hospitality Combining District in its Zoning Ordinance, and knows the details of the land use restrictions proposed for that district, then the County would prepare an environmental document to assess any potential environmental effects attributable to the proposed change. The identification of this area as a "priority area" does not change the underlying land use designations in the General Plan for this area or otherwise commit the County to a particular course of action with respect to that area.

New Community Study Areas are identified diagrammatically as four areas the County wishes to study for more intense development than would be typically allowed in the County. (RDEIR at p. 4-11.) These four areas were chosen for a variety of reasons, including, but not limited to, proximity to existing job centers, good access to existing transportation corridors, opportunities to provide public transit, opportunities for reducing vehicle miles traveled and traffic congestion, fewer impacts to high value agricultural land, opportunities for permanent preservation of open space, and fewer impacts to environmental resources. (General Plan at p. 3–28.) The exact location of any specific new community is speculative. In addition, whether a project proponent will submit a proposal for a new community also is speculative and whether the County would approve a General Plan amendment and Specific Plan to allow a new community is also speculative. Nevertheless, although not required by CEQA, the RDEIR analyzed one possible growth scenario ("Scenario 2") to provide an early view of what types of environmental impacts could result should the County at some point consider a new

community. This analysis was programmatic and contains a level of detail that is reasonable and consistent with the amount of information currently available in connection with any such possible future scenario. For purposes of the analysis in the RDEIR, the County assumed the new community would along the SR 25 corridor, but a new community may be proposed elsewhere. See also Responses to Comment 10-4 and 10-5.

10-23. As noted in Response to Comment 10-22, the analysis of the Wine/Hospitality Priority Area is appropriate for the level of detail of the project, which is a General Plan update, and in particular, for the Priority Area designation (which does not currently contain any land use restrictions and does not change the underlying non-urban land use designations). The environmental analysis of specific projects, including the designation of a particular site as a zoning overlay area, that are anticipated by the General Plan can tier from the EIR. (See 14 Cal. Code Regs. § 15152.) "Where a lead agency is using the tiering process in connection with an EIR for a large-scale planning approval, such as a *general plan* . . . the development of detailed, site-specific information may not be feasible but can be deferred, in many instances, until such time as the lead agency prepares a future environmental document in connection with a project of a more limited geographical scale." (*Id.* [emphasis added].) Accordingly, CEQA allows the County to defer project-level analysis of potential development in the Wine/Hospitality Priority Area and any resulting Wine/Hospitality Combining District in the Zoning Ordinance, until project-specific information is known. The potential impacts to wildlife habitat and cattle range, as well as other resources, would be studied as part of a project-level review of a change to the Zoning Ordinance or any wine/hospitality-related use that may be proposed in the future. See also Responses to Comment 10-4 and 10-5.

10-24. As noted in Response to Comment 10-22, property within the study areas is analyzed in the RDEIR based on the General Plan's land use designation for it, which is mainly Agricultural, which is not modified as a result of being within a New Community Study Area. (See Table 3-1 in the Draft General Plan for a list of the General Plan land use designations.) The analysis accounts for the reasonably foreseeable use of the land, which is the use allowed by the underlying land use designation proposed as part of the General Plan update unless and until an applicant applies for development entitlements, since New Community Study Areas do not commit the County to any particular course of action with respect to the lands that are within them. In addition, the RDEIR provides a high-level forecast of impacts should a new community be proposed and, for illustrative purposes only, assumes development near the Highway 25 corridor. If a specific development application for a new community along this corridor or elsewhere is submitted to the County, the County will fully analyze the proposal as required under CEQA. Many policies in the General Plan guide the County's decision whether to approve a proposed new community, including Policies LU-8.1 through LU-8.9. See also Responses to Comments 10-5 and 10-22.

10-25. See Responses to Comments 10-4, 10-5, 10-7, and 10-21 through 10-24.

10-26. See Response to Comment 10-22. The commenter also states the discussion of greenhouse gas emissions assumes that policies that would provide for improved transit and increased employment opportunities within San Benito County will not be effective. The commenter does not explain why the commenter inferred this from the text. The County believes the policies that provide for improved transit and increased employment opportunities in the County will be effective, as reflected in the RDEIR analysis. Nevertheless, it is reasonably foreseeable that some County residents will work in Santa Clara County. Current conditions support this prediction, as a sizable percentage of existing County residents work in Santa Clara County and the number of jobs per capita is higher in Santa Clara County than in San Benito County. Historical employment data, which is consistent with existing conditions, also supports this prediction.

10-27. The County's build-out assumptions are based on reasonable projections of the County's future population. The Draft EIR used AMBAG's 2008 population forecasts "as a guide on how to estimate demand for future development." (RDEIR at p. 4-6.) In 2014, AMBAG revised its population forecast downward, but based on evidence of recent economic trends, the County chose to use the 2008 forecast for its RDEIR analysis. AMBAG's 2014 estimates were derived from analysis that occurred in 2012 and 2013. Subsequent to the preparation of the jobs and population forecasts, the regional economy has surged, led by job gains in the San Jose and San Francisco metro areas. In January 2012, the Bay Area was just emerging from the depths of the recession. As of December 2014, the Bay Area job picture was much stronger, indicating strengthening support for housing construction and population growth. The lower AMBAG estimates also were made in the context of attempting to implement policy directives to limit increases in in-commuting from outlying counties to the Bay Area. The County believes that these policy goals may have resulted in underestimating actual population increases in the more outlying counties like San Benito County. Finally, the Board of Supervisors has looked at the population trend data and believes that, as in the past, the County will continue to grow faster than the AMBAG region as a whole and will grow close to its pre-recession rate. This determination is supported by the strong employment recovery and rapidly increasing housing prices in Santa Clara County during 2014 and thus far in 2015.

The projection in job growth is supported by substantial evidence. The County analyzed the job growth trends from 1990 to 2010 and projected that these past long-term trends would continue until 2035. (RDEIR at p. 4-8.) Looking at historic trends is a common and accepted method to create forecasts for the future. As with any long-range prediction, there is a level of uncertainty, which the RDEIR acknowledges. See also Responses to Comments 1-13, 1-15, 1-19, 1-25, 10-4 and 10-5.

10-28. The RDEIR assesses the potential environmental impacts of the proposed General Plan based on the reasonably foreseeable population and job growth in the County. CEQA does not require an EIR to analyze a "worst case scenario," such as maximum build-out to the extent permitted by law, if doing so requires speculation or would not reasonably occur. A theoretical full or maximum build out based on the land use designations in the General Plan is unrealistic, particularly because it is unsupported by forecasted demand. In addition, many sites that may have capacity for additional development under the General Plan will not foreseeably be fully developed because, among other reasons, the owners of those sites lack desire to redevelop them, or because of physical or regulatory constraints, and/or because the market is not anticipated to support that level of development. Full build-out rarely occurs even in highly urbanized areas. For these reasons, the RDEIR analyzes the development required to support the projected population growth for the County rather than what is theoretically possible under the General Plan if all development constraints and foreseeable demand were ignored. See also Responses to Comments 10-4 and 10-5.

10-29. See Response to Comment 10-28.

10-30. The commenter asserts that the RDEIR's assessment of impacts on hydrology and water availability is lacking and cites statements in RDEIR Section 13 regarding declines in water levels that have occurred during the recent multi-year drought throughout the County and in the Bolsa Subbasin. The commenter also contends that the general plan depends on an uninterrupted source of imported water to serve the predicted growing population. Impacts of the project on hydrology and water availability are included in the Water Supply Evaluation in Appendix C. The WSE includes conservative water demand estimates and considers all projected population growth in the County under the General Plan as well as water demands for anticipated institutional, commercial and agricultural water demands. The WSE concludes that water supplies are adequate to meet these water demands. The future water demands included in the WSE are conservative as they do not consider conservation measures that will likely be implemented in new development as a result of existing County and state policies or account for future regulation.

The WSE also specifically analyzes water supply in single-year and multi-year drought periods. This analysis shows that the availability of imported CVP water will be reduced during drought years. However, it is believed that sufficient groundwater is available to compensate for the reduced imported water supply during droughts without risking long-term overdraft. In addition, recycled water is anticipated to be a reliable supply and would not be reduced during drought.

The annual groundwater monitoring reports prepared by SBCWD provide hydrographs of water levels in each of the groundwater basins for the last 20 years. These hydrographs show that although water levels declines have occurred during drought periods, water levels

consistently recover following those drought periods, and water levels in all of the County subbasins, including the Bolsa subbasin, have, on average, been stable over time. SBCWD continues to monitor water levels in these basins, and continues to evaluate impacts of the current drought on the hydrology.

It should be recognized that although CVP supplies are one of the important sources of water for the County, significant decreases in the availability of CVP supplies in any one drought year or multiple drought years does not threaten the overall reliability of the County's water supply due to SBCWD's conjunctive use program and the large storage capacity of the County groundwater basins, which can be drawn upon during such periods. However, as stated in the RDEIR, the need for conservation during such drought periods is true throughout California and identified County and state policies exist to address such drought periods.

Finally, the current decline in groundwater levels in the Bolsa subbasin is consistent with the pattern over the last several decades in which those levels have declined in dry cycles and recovered in wet cycles. That pattern occurred during and after both the 1976–1977 drought and the 1987–1992 drought. The current decline does not indicate the groundwater levels in the Bolsa subbasin are declining so significantly that the groundwater supply available over the length of the General Plan will be inadequate. In addition, the amount of available and usable groundwater in the Bolsa subbasin is substantial. The Bolsa's water-bearing strata are over 1,000 feet deep in many locations. Measured water level declines during the recent drought, which range between 0 and 60 feet in Bolsa subbasin, does not indicate that implementation of the General Plan would result in significant impacts to the Bolsa's groundwater supplies.

10-31. The commenter contends that it is not credible to assert that equal application of 2035 General Plan policies and additional polices contained in the RDEIR, as applied to the two growth scenarios, would not equally address potential impacts to hydrology and water resources, such as groundwater, and avoid location-specific impacts on groundwater and other resources. The commenter also says it "is not credible" that the two growth scenarios result in the same population growth. The commenter does not say why it is "not credible" or provide any alternative forecasting assumptions that the commenter thinks would be credible. Holding the projected population the same, the RDEIR looks at whether there would be high-level differences in environmental impacts based on the location of that population growth. Scenario 1 posits growth in and around incorporated Hollister. Scenario 2 posits the same growth further north along the Highway 25 corridor. As noted previously, analysis of Scenario 2 goes beyond the mandates of CEQA because the currently proposed General Plan update would not allow Scenario 2 to be built without further study and entitlements, including a specific plan and a General Plan amendment. Although the RDEIR could speculate whether population growth will be higher in one scenario or another, there is no basis for assuming or forecasting a difference.

The WSE included as Appendix C to the RDEIR concludes that, for either growth scenario, future water supplies will meet demands in normal and drought years and that sufficient groundwater is available for urban, rural, and agricultural water demands identified in the 2035 General Plan for a total population of 94,731. The WSE provides conservative estimates of potential water demands based on per-capita growth rates which are consistent under both growth scenarios because the populations analyzed under both scenarios are the same. The locations in which growth could occur under both scenarios support this conclusion. Under both growth scenarios analyzed in the RDEIR, growth would occur in the northern portion of the County where significant groundwater resources exist and are monitored by San Benito County Water District. (See Response to Comment 10-22.) At the level of specificity at which the General Plan describes those scenarios and the RDEIR analyzes them, the fact that growth under those scenarios would occur in areas where the County's major groundwater supply exists supports the RDEIR's conclusion about the effects on groundwater. In addition, the areas in which growth would occur under both scenarios have supported significant agricultural water use as well as urban water uses, indicating that the availability of groundwater supplies in those areas. Projected future urban water demands presented in the WSE conservatively assume no conversion of agricultural land uses to urban land uses, which typically use less water per acre. They also do not consider urban water conservation measures that will be implemented as a result of state and 2035 General Plan policies for new development. As such, urban developments under either scenario could result in decreases in per capita groundwater use in comparison to current conditions.

While the RDEIR acknowledges that a significant increase in groundwater use on a local or subbasin basis could result in local groundwater declines with adverse impacts on existing wells, implementation of the General Plan's policies would address any such location-specific impacts that growth under either growth scenario might generate. For example, General Plan Policy LU-8.4 states: "The County shall require all project applicants for New Communities to provide the County with the following information: . . . . A Water Supply Assessment that demonstrates access to adequate existing and future water supply for the project." The RDEIR explains, in Table 20-2, the effect of Policy LU-8.4 as follows:

> Provides the County with a tool to determine whether development in a specific area would have adequate water supply for both existing uses and the proposed development in the service area. Confirms the importance of Water Supply Assessments, as defined in the Water Code, in documenting long-term sustainable supply before a development is approved.

General Plan Policy PFS-3.9 requires water supply assessments and source water assessments and encourages integrated regional water management plans. Policy PFS-4.2 ensures that no subdivision maps will be approved before an adequate water supply is verified as follows: "As

a condition of approval for discretionary developments, the County shall not issue approval of a final map until verification of adequate water and wastewater service . . . ." Other General Plan goals and policies also support the RDEIR's conclusion, including Goal LU-2, Policy PFS-3.4, Policy PFS-3.6, Policy PFS-3.7, and Policy PFS-3.8.

10-32. The commenter addresses a shorter list of special status species identified in the RDEIR and asks for support that such species are of greater conservation concern to the agencies. The shorter list of special status species includes those species that are listed as threatened or endangered under state or federal laws and/or their known occurrences and habitat are in areas expected to be under pressure to develop. The list was developed by the RDEIR authors based on conservation effort, including regional HCPs, in surrounding jurisdictions and consultations within the area. The commenter's statement that any area can be subject to development pressure and all potential impacts to all special status species need to be addressed fully are noted. It should also be noted that the RDEIR analyzes potential impacts to all special status species listed in Table 8-2, not just the shorter list of species identified on page 8-9 of the RDEIR. See discussion of environmental impacts to plants and wildlife found on pages 8-18 through 8-23.

10-33. The commenter asks whether the General Plan future land use data set included the New Community Study Areas or Wine/Hospitality Priority Area and what biological data sets were used for the biological analysis. The General Plan future land use data set included data corresponding to the General Plan's land use map as well as Scenario 2, which posits development along the Highway 25 corridor. Three biological data sets were used for the biological analysis: (1) United States Fish and Wildlife Service Special Status Species set, (2) the California Natural Diversity Database and California Fish and Wildlife Service Special Status Species set for San Benito County, and (3) the California Native Plant Society's Rare and Endangered Plant Inventory for San Benito County. These databases capture the areas of the County that provide potential habitat for special status species as well as locations where special status species have been seen. As the commenter notes, just because a species has not been reported in an area, that does not indicate the nonoccurrence of a species in that area. This is one reason why the RDEIR recommends Mitigation Measure BIO-1a, which would require the preparation of biological resource assessments for new development. These assessments would analyze the likelihood of species occurrence as well as provide another opportunity to identify special status species. If a new community or a wine/hospitality project were proposed, it would be subject to additional environmental review, including review of its impacts on biological resources.

10-34. The commenter asserts that impacts to special status plants within agricultural lands should be analyzed because such plants may occur at margins or within agricultural areas, and provides an example in which a special status plant was purportedly found in agricultural

lands within the County. Instances such as the one identified by the commenter will be rare. Special status plant species are not expected to be present within active agricultural areas because regular ground disturbance, including weeding, tilling, mowing and the application of pesticides associated with planting and harvesting crops would not provide suitable growing conditions to support sensitive plants under most circumstances. Site-specific analysis of the presence of special-status plants would be required for any development proposed on agricultural lands. See also Response to Comment 10-5.

10-35. The commenter points out that the sentences in the RDEIR regarding the potential of construction activities in or near "habitats" for California tiger salamander, California red-legged frog, steelhead, and vernal pool fairy shrimp are unclear because "habitats" could refer to only designated critical habitats or to all habitats for those species. "Habitats" as used in these sentences means all habitats for the species. The RDEIR concludes the General Plan may result in the loss of habitat either directly or indirectly for species identified as candidate, sensitive, or special status, which is a significant impact, and no mitigation can fully avoid the impact. For any future construction project occurring in California tiger salamander, California red-legged frog, steelhead, and vernal pool fairy shrimp habitat (regardless of whether said habitat is "designated critical habitat"), project-level impacts would need to be assessed and mitigated if significant.

In addition, potentially significant impacts to California tiger salamander, California red-legged frog, steelhead, and vernal pool fairy shrimp will also be mitigated to a level of insignificance by compliance with the requirements of section 404 of the Clean Water Act, including required consultation with U.S. Fish and Wildlife Service under the Endangered Species Act. A "condition requiring compliance with environmental regulations is a common and reasonable mitigation measure." (*North Coast Rivers Alliance v. Marin Municipal Water District Board of Directors* (2013) 216 Cal.App.4th 614, 647.) See also Response to Comment 10-5.

10-36. The commenter is correct that indirect impacts to sensitive species and their habitats include impacts from traffic (see RDEIR at pp. 8-55–8-56) and the potential for introduced diseases. In response to this comment, the following words will be added to the Final EIR, as shown below:

> Increases in human activity in and adjacent to undeveloped areas as a result of new development under the 2035 General Plan have the potential to result in the abandonment of occupied habitat by special-status animals, loss of individuals due to crushing or capture, predation of native species by domesticated animals, <u>introduction of disease by domesticated animals,</u> and degradation of sensitive vegetation including wetlands and waterways.

See also Section 3.0, Changes to the RDEIR, for these changes. The changes do not affect the conclusions reached in the RDEIR. See also Response to Comment 10-5.

10-37. The commenter noted that the ringtail cat is not included in the list of special status species potentially found in the County. In response to this comment, the ringtail cat has been added to Table 8.2 and to the analysis of impacts to special status species on page 8-23, under "Other Species," as shown below:

Table 8-1 Special-Status Species Potentially Found in San Benito County

Species	Listing		
	Federal	State	CNPS
Invertebrates			
Vernal pool fairy shrimp (*Branchinecta lynchi*)	FT		
. . .			
Mammals			
. . .			
Ringtail cat (*Bassariscus astutus*)		FP	
. . .			

Listing Status Codes:

. . . .

State (CDFW)

. . .

FP CDFW Fully Protected species under California Fish and Wildlife Code

. . .

Other Species

Several other species have been reported to the CNDDB; however, these species have no listing status, and impacts to these species would only be considered significant if the subsequent population decline was very large and/or affected the viability of the population. These include several invertebrates: California linderiella, Idria short-tailed whipscorpion, San Benito harvestman, San Joaquin dune beetle, Pinnacles shieldback katydid, Morrison's blister beetle, Pinnacles optioservus riffle beetle, Wasbauer's protodufourea bee.

In addition, several species that are not found in the County according to the CNDDB could potentially inhabit portions of the County due to suitable habitats found within the County,

and the proximity to known occurrences. These include Santa Cruz long-toed salamander (federal and state endangered), riparian woodrat (federal endangered and California species of special concern), ~~and~~ Monterey dusky-footed woodrat (California species of special concern), and the ringtail cat (California fully protected species). The Santa Cruz long-toed salamander has a very limited range, with scattered populations in a reported 11 locations around the coast of Monterey Bay in southern Santa Cruz County and the northern edge of Monterey County. The riparian woodrat is primarily found in Stanislaus and San Joaquin Counties. The Monterey dusky-footed woodrat is known from Monterey and San Luis Obispo Counties. There are no known occurrences of ringtail in the County and very few recorded occurrences statewide, but suitable habitat is present in portions of the County.

See also Section 3.0, Changes to the RDEIR, for these changes. The changes do not affect the conclusions reached in the RDEIR. See also Response to Comment 10-5.

10-38. See Response to Comment 10-7. Mitigation measures for General Plans may be worded as policies to be incorporated into that plan and can establish a legal or policy framework for later projects or approvals. (Pub. Resources Code § 21081.6(b).) Mitigation Measures BIO-1a and 1b are policies that will be incorporated into the General Plan if the County certifies the EIR and adopts the proposed General Plan. These mitigation measures establish a biological protection framework for later projects and approvals by requiring later projects to prepare biological resource assessments, where appropriate, that include specified information and demonstrate adequate funding to implement required biological mitigation and monitoring activities. Accordingly, Mitigation Measures BIO-1a and 1b are appropriate under CEQA. The commenter mentions Mitigation Measure BIO-1c, but the RDEIR does not include a "BIO-1c." See also Responses to Comments 10-5 and 10-35.

10-39. The commenter states Mitigation Measures BIO-1c and BIO-1d are too general and are unclear as to whether they apply to the Wine/Hospitality Priority Area. All the goals and policies in the General Plan as well as the mitigation measures apply to the Wine/Hospitality Priority Area. The RDEIR does not contain mitigation measures labeled "BIO-1c" or "BIO-1d." To the extent the commenter intended to comment on Mitigation Measure BIO-1b, the measure is sufficient under CEQA as explained in Responses to Comments 10-7 and 10-38.

10-40. See Response to Comment 10-4. The commenter references Mitigation Measure BIO-5. The RDEIR does not contain such a mitigation measure. According to the commenter, the mitigation measure requires adoption of a Habitat Conservation Plan and Natural Community Conservation Plan (HCP/NCCP). While no mitigation measure requires preparation of an HCP/NCCP, Policy NCR-2.3 states the County will consider working with federal and state agencies to develop and adopt a HCP/NCCP. The NCCP Act is broader than federal Endangered Species Act (ESA) and the California Endangered Species Act (CESA). The primary objective of the NCCP program is to conserve natural communities at the ecosystem

scale while accommodating compatible land uses. Oak woodlands are a type of natural community that the NCCP program seeks to conserve and would be protected by a HCP/NCCP. The commenter also correctly notes that there is no time limit in the General Plan for the County to adopt a HCP/NCCP. The RDEIR acknowledges the completion of a HCP/NCCP could take "many years," which is one reason it finds the project's impacts on sensitive natural communities would be significant.

10-41. The commenter's statement that "upland habitat can also be important for movement corridors or linkages and impacts to upland areas that link large habitat blocks also need to be considered and addressed" is noted. The commenter does not support this assertion with any evidence or additional discussion of the importance of upland habitat to movement corridors or linkages. The commenter also asserts that the RDEIR "understates the importance of gene flow between metapopulations for the survival of some species, and the need for animal populations to have access to new areas." The importance of gene flow between metapopulations for some species is noted, but the RDEIR does not understate the importance of potential upland habitat linkages for these and other species. For example, General Plan Policy NCR-2.4 specifically promotes preservation and enhancement of wildlife movement. As the commenter notes, the RDEIR identifies habitat fragmentation as a stressor that could lead to susceptibility to disease, predation, and climate change. Further, the RDEIR acknowledges that species occurring in the County "that are particularly susceptible to disruptions of movement corridors include California tiger salamander and California red-legged frog," two species that have well-documented metapopulations. For these reasons, the RDEIR identifies development as a source of fragmentation and acknowledges that there are potentially significant impacts related to the fragmentation and degradation of wildlife habitat, leading to interference with species movement, wildlife migration corridors, and nursery sites. See also Response to Comment 10-40.

10-42. As the commenter notes, Mitigation Measure BIO-4 is to implement Mitigation Measure BIO-1a, which applies equally to lessen Impact BIO-1 as Impact BIO-4. Mitigation Measure BIO-1a requires the County to require project applicants to prepare biological resource assessments for new development proposals as appropriate. The commenter states this mitigation measure will be ineffective to address the cumulative impact of new development on wildlife corridors, but does not explain why. Importantly, when future development proposals come forward, the County also would evaluate those proposals contribution to cumulative impacts on wildlife corridors as required by CEQA. See also Response to Comment 10-5.

10-43. The commenter cites several court cases that concern CEQA alternatives. The RDEIR provides a reasonable range of alternatives as required by CEQA and CEQA case law.

In addition, only potentially feasible alternatives need be considered, and potentially feasible alternatives studied in the EIR can be rejected as infeasible based on policy reasons (e.g., desirability). (*California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1001.) An environmentally superior alternative may therefore be properly rejected as infeasible, and the lead agency can approve a project with significant unmitigated impacts based on a statement of overriding considerations.

Moreover, an alternative that sought to have all future population growth in the County (or even the vast majority thereof) take place within the Cities of Hollister and/or San Juan Bautista would be inherently infeasible as (1) the County does not have land use control over those areas, and (2) the County is obligated to plan for and accommodate new housing in its General Plan, as was very recently underscored by the California Supreme Court in *California Building Industry Association v. City of San Jose* (2015) ___ Cal.4th ___, Case No. S212072. In that case, the court noted the legislative declaration that "[l]ocal and state governments have a responsibility to use the powers vested in them to facilitate the improvement and development of housing to make adequate provision for the housing needs of all economic segments of the community." (See Gov't Code §§ 65580-65589.) The County cannot simply assume that all future growth will take place in the Cities of Hollister or San Juan Bautista, and does not have land use authority in those jurisdictions; it must make reasonable allowances for growth outside the urban limits.

10-44. The commenter disagrees with the analysis of the "No Project" alternative. The analysis is accurate, correctly noting that the No Project alternative (keeping the existing General Plan) would not include any of the new goals or policies in the proposed General Plan or any mitigation measures adopted by the County if the County approves the proposed General Plan.

The commenter also states the RDEIR presents "only" two alternatives other than the No Project Alternative, which is correct. The RDEIR studied three alternatives: (1) No Project Alternative, (2) City-Centered Growth Alternative, and (3) Increase Minimum Parcel Size for Agricultural Zone Alternative. Together, these alternatives comprise a reasonable range of different ways the County could implement its development policies over the 20-year planning horizon. Analysis of every conceivable alternative is not required.

The commenter claims the City-Centered Growth Alternative should be adopted because it could achieve the project objectives as well as the proposed General Plan with decreased impacts. As the RDEIR states, the City-Centered Growth Alternative is the environmentally superior alternative. The County has discretion under CEQA to choose its preferred project and is not required to adopt the environmentally superior alternative. In choosing a preferred project, the County will make written findings regarding its choice as required by CEQA. If the County chooses the non-environmentally superior alternative, the County's findings must

include the reasons why it chose that alternative. (Pub. Resources Code § 21002; 14 Cal. Code Regs. § 15088.) See also Response to Comment 10-43.

10-45. The commenter also would like the Increase Minimum Parcel Size for Agricultural Zone Alternative to be adopted, but not as an alternative to the No Project Alternative or the City-Centered Growth Alternative. As discussed in Response to Comment 10-44, the County has discretion to choose its preferred project as long as proper findings are made. See also Responses to Comments 10-43 and 10-44.

10-46. The commenter states Table 21-5 "Comparison of the Environmental Merits of Each Alternative," is incorrect, but does not identify specific conclusions that are incorrect. The analysis in Table 21-5 is consistent with the text analyzing the project alternatives and, like the text, indicates that both the City-Centered Growth Alternative and the Increase Minimum Parcel Size for Agricultural Zone Alternative would have fewer significant impacts than the proposed General Plan.

10-47. The commenter proposes that the EIR study various permutations of a slow-growth alternative. However, every conceivable alternative is not required to be analyzed. Here, the EIR studied two slow-growth alternatives: one that would increase the minimum parcel size for agriculture zones and one that would direct almost all new development to the City of Hollister. Each of these alternatives would limit residential development in the County. (RDEIR at p. 21-20.) An EIR does not have to study multiple variations on the alternatives that it considers. See also Responses to Comments 10-4, 10-43, and 10-44.

10-48. See Response to Comment 10-47. The RDEIR does not need to consider an alternative as commenter suggests, that adopts the key provisions contained in the San Benito County Growth Control Initiative. Implementation of such an alternative is not considered feasible or capable of meeting most of the projects balanced growth objectives. An EIR need not consider an alternative whose implementation is remote and speculative because unrealistic alternatives do not contribute to useful analysis. (14 Cal. Code Regs. § 15126.6(f)(3).) Commenter's proposed alternative is unrealistic because after the Board passed the San Benito County Growth Control Initiative, the residents voted to repeal the initiative by a 69 percent margin in 2004. Given this history, it is likely that a general plan that adopted the same policies in the Growth Control Initiative would be subject to a successful voter referendum that would overturn any such general plan. See also Responses to Comments 10-43 and 10-44.

10-49. The proposed General Plan must cover the entire County; a smaller project footprint cannot be used for the proposed General Plan update. Further, Alternatives 2 and 3 propose development in a smaller area of the County than the proposed General Plan. See Responses to Comments 10-47 and 10-48.

10-50. See Responses to Comments 10-4, 10-6, 10-7, and 10-44.

10-51. See Responses to Comments 10-3, 10-4, and 10-6.

10-52. See Responses to Comments 10-5 and 10-6. Please also note that the RDEIR is not the General Plan and that only the RDEIR discusses different growth scenarios. The General Plan itself contains only one Land Use Diagram.

10-53. The commenter quotes the CEQA Guidelines (California Code of Regulations, title 14, section 15000 *et seq.*). The County has followed and will continue to follow CEQA, the CEQA Guidelines, and all other relevant principles of law when determining whether to certify the RDEIR and approve the Project.

10-54. See Responses to Comments 10-44 and 10-45.

10-55. See Responses to Comments 10-1 through 10-54. The County will consider the Sierra Club's suggestions, along with the rest of the administrative record, when deciding whether to approve the Project.

May 6, 2015

Bryon Turner, Interim Director
County of San Benito Planning & Building Department
2301 Technology Parkway
Hollister, CA 95023

SUBJECT: **Revised Draft Environmental Impact Report: *2035 San Benito County General Plan Update***

Dear Mr. Turner:

This comment letter is submitted on behalf of the Floriani Family. As you are aware, we are long-standing San Benito County land owners, having purchased our ranch nearly 40 years ago. We consider ourselves stewards of the land and are excited to see what the future holds for the County.

We commend the County for their efforts undertaken to arrive at this phase of the General Plan Update process. We know it has been a challenging and lengthy process but we feel it is an important step forward for the County and its residents and we are big supporters of the effort. **11 - 1**

As landowners in one of the areas proposed for a "New Community" land use designation (Bolsa), we wanted to make sure we spent some time and energy to be active participants in the overall process in order to help ensure we end up with a document that works for all parties. As you may be aware, in spite of countless efforts to try and grow the farming operations on our property, overall we simply don't have great farmable land due to poor soil conditions on a large portion of the property. That said, we do have some areas of good land and we continue to invest in those areas to maximize clean agricultural uses. With the help of our great farmers on-site, we have begun converting some of the areas to be certified organic crops and have even taken proactive steps to help cleanup the Pajaro River immediately adjacent to our land. That said, a large portion of our nearly 2,800 acre property does not contain a great deal of farmable acreage, so we have prepared our comments with the understanding that we need to try and preserve all of our options for the land moving forward. **11 - 2**

We hope that these questions and comments are helpful and that our perspective will be considered by the County Board of Supervisors prior to taking action on the adoption of the 2035 San Benito General Plan Update. On that note, we offer the following comments and questions for your consideration and response during preparation of the Final Environmental Impact Report (FEIR).

Chapter 3.0: Project Description and Chapter 14. Land Use: New Communities:

Our property is located within the Bolsa New Community Study Area. However, it appears the Bolsa New Community Study Area runs from our property on the northern border of the county all the way down to the outskirts of Hollister. In general, we certainly don't have any problems with that and conceptually feel that it makes sense as a normal path of progress. That said, it includes many different land owners and that is a giant area to analyze and coordinate. Therefore, we simply wanted confirmation/clarification that individual owners within this area can pursue and propose plans on their **11 - 3**

own parcels without getting consensus from all adjacent landowners. We do see several areas in the new GP where it indicates that projects can be considered on a case-by-case basis, but thought this would be worthy of clarification for us to simply understand the process. While we are big believers in consensus and in land owners working together for the greater good, we do think that may be too large of an area to coordinate and could be a major obstacle for most individual owners to overcome while contemplating opportunities to move forward. We simply request that this clarification be made in the final EIR for the benefit of all stakeholders. **11 - 3 cont.**

Chapter 6.0: Agricultural and Forestry Resources

Figure 6.3: We have reviewed this Exhibit, which is intended to show a map of the Prime Farmlands in the County. We candidly don't have any reason to believe the vast majority of the map isn't very accurate, but we can safely state having owned our 2700+ acre property for nearly 40 years that there are sections identified on our property as Prime Farmlands and of Statewide Importance that simply don't match up with the history of our farming. We would simply like to point out that on our property we see some incorrect information and we are happy to provide more information on our specific lands that may help accurately depict these areas. Please advise us what information you would like so that we can get this corrected. **11 - 4**

Mitigation Measure AG-1a; Policy LU-3.10. Suggest revision to second sentence as follows:

An applicant may pay an in lieu mitigation fee(s) for some or all of ~~that mitigation~~ the converted Prime Farmland that is designated Class 1 soils to non-agricultural uses as agreed in a development agreement. The funds collected shall be used for agricultural protection and/or affiliated programs within San Benito County. **11- 5**

Mitigation Measure AG-2b regarding Williamson Act properties. Consider adding a policy that allows for the creation of agricultural conservation easements similar to the approach taken in the County adopted Panoche Valley Solar Farm Project EIR, mitigation measure AG-2.1. **11 - 6**

Chapter 8.0: Biological Resources

Regarding Policy NCR-2.3 Habitat Conservation Plan: Given the fact that the preparation of HCPs require a considerable amount of time and effort, we feel clarification should be added stating that in-lieu of a final County adopted HCP, other measures to protect listed and candidate species shall be allowed so as not to unfairly delay a development project, be it public or private. **11 - 7**

Further, we would anticipate that future preparation of an HCP would enlist the full participation and coordination of property owners within the County. We would request that our family be included on the mailing list for future notifications of any such efforts. **11 - 8**

Regarding EIR added Policy NCR-2.8 Pre-Development Biological Resource Assessment, we recommend modifying the first sentence as follows: "The County shall require the preparation of biological resource assessments for new development proposals ~~as appropriate~~ when documented and/or suitable sensitive biological resources exist." **11 - 9**

Recommend revision to EIR added Policy NCR-2.9: Mitigation Funding and Site Protection as follows:

> The County shall require that project applicants demonstrate that adequate funding can be provided to implement all required biological mitigation and monitoring activities. Habitat preserved as part of any mitigation and monitoring plan shall be preserved through a conservation easement, deed restriction, habitat restoration and revegetation plan (HRRP), or other method to ensure that the habitat remains protected.

11 - 10

Chapter 19.0: Transportation and Circulation: ***The following comments are grouped by major topical areas of concern.***

Highway Improvements/Caltrans Coordination:

San Benito Council of Governments (COG) Transportation Impact Mitigation Fee (TIMF)

- How would Policy TC-1 and corresponding measure TC-1a.ii impact the 2011 traffic impact mitigation fee program nexus study and re-routing of traffic through the County?

11 - 11

Modeling Questions/ Methodology Assumptions:

- Is there conformity between the San Benito County General Plan and the Association of Monterey Bay Area Governments (AMBAG) Sustainable Communities Strategy (SCS) /San Benito Council of Government (COG) 2014 Regional Transportation Plan?

11 - 12

- It doesn't appear that the Draft EIR adequately addresses the new AMBAG Metropolitan Transportation Plan (MTP) and the SCS process, through which higher density infill projects would reduce travel demand.

11 - 13

- Of particular importance to our property, we would like to further understand why the Shore Road extension added to the road network? How does this impact SR 25 between US 101 and Shore Road?
- What will the future volumes be on the new extension of Shore Road from SR 25 to US 101? What would the reduction in traffic be on SR 25 between Shore Road and US 101 with this improvement?
- Furthermore, as one of the primary property owners that would be affected by the future construction of Shore Road, we would like to understand the projected timing, routing, financing, impacts, method of crossing the rail line, etc., as they relate to the construction and sizing of this roadway improvement. In any event, we would ask that our family be included in any and all analysis with respect to the County's ultimate determination of both Shore Road and any widening or lack thereof with respect to SR 25 from north of Shore Road to the County line.

11 - 14

- In the Land Use Section under Policy C-3.1: Transit-Supportive Land Use; we would like to understand how the County views the current and future uses of the rail line along our property with respect to future traffic impacts? Will this line provide public transportation and who controls the decisions for that? Is it the County, UP or other?

11 - 15

- Why does the General Plan Draft EIR not conceptually address Senate Bill (SB) 743? This Senate Bill will significantly change the manner in which transportation impacts are measured/evaluated and mitigated. How will compliance be addressed and/or achieved in the Circulation Element? Will the Final EIR address this?

11 - 16

Alternative Transportation Modes & Parking:

- The Transportation Demand Management (TDM) program identified on page 19-13 of the Draft EIR does not appear to adequately identify the tools available to reduce travel demand and reduce GHG. Additional measures would include shared parking, preferential parking for Van Pools, high occupancy vehicles, electric vehicles, hybrid vehicles, and NEV's. **11 - 17**
- Can data be provided on the use of Park and Ride Lots in the County? A policy goal could be added on improving, promoting and providing Park-and-Ride facilities. This would reduce single occupancy vehicle travel and reduce GHG and improve air quality. **11 - 18**

Chapter 21.0: Alternatives Analysis

Section 21.2.2- Alternative 2-City Centered Growth

While we understand that the EIR consultant has concluded that this alternative is the "environmentally superior" alternative within the context of issues examined in the EIR, we would caution the County that such a conclusion is obviously a bit too simplistic. Limiting development to the City Centers does not adequately take into account the County's need and/or responsibility to provide expanded opportunities for jobs, housing, education and needed social services over the life of the General Plan nor does it account for the migration and traffic impacts created by home owners who need to constantly travel out of the county for their jobs. As a County we all need to provide more and better opportunities for growth to attract smart development, better education opportunities for the children growing up in this area and more opportunities for housing and jobs right here within the borders of the County itself. **11 - 19**

Concluding Remarks:

Thank you once again for the opportunity to comment on the Revised Draft EIR. Once you have completed the Final EIR Responses to Comments, we would greatly appreciate an advance copy of the document prior to the Board of Supervisors' meeting. This will allow our family sufficient time to review the responses to determine whether or not we have any further requests for clarification prior to the Board taking any action on the proposed 2035 General Plan. That said, once again we are big supporters of your efforts and are excited to see progress being made on the plans. We appreciate the opportunity to participate in the process. Should you have any questions or would like any clarification regarding our comments, please do not hesitate to contact me at the email address and contact information provided. **11 - 20**

Sincerely,

Dan Floriani

(on behalf of the Floriani Family Ranch)

11. Responses to Comments from the Floriani Family Ranch

11-1. The County thanks the commenter for supporting the County's efforts.

11-2. Comment noted. This comment does not raise environmental concerns that require a response.

11-3. New Community Study Areas are areas where the County may want to study growth in the future; they do not change owners' property rights. Future potential projects in New Community Study Areas will be considered on a case-by-case basis. As noted in the draft General Plan, the boundaries of New Community Study Areas are soft (i.e., flexible) and could be smaller or larger. New communities are also not limited to the New Community Study Areas identified in the draft 2035 General Plan and the County would consider proposals for new communities in other parts of the County as long as the proposal is consistent with the Project's goals and policies. (See Draft 2035 General Plan at p. 3-28.) Also, as noted in Response to Comment 10-22, property within the New Community Study Areas is analyzed in the RDEIR based on the General Plan's land use designation for it, which is mainly Agricultural, which is not modified as a result of being in one of the New Community Study Areas. (See Table 3-1 in the Draft General Plan for a list of the General Plan land use designations.)

11-4. The commenter suggests that Figure 6.3 has errors but does not specify the specific changes that should be made to correct the figure. In preparing the General Plan RDEIR, the County relied on the Department of Conservation's Farmland Mapping and Monitoring Program maps, which depict the location of different kinds of farmland throughout the state. The County would appreciate any information the commenter can supply regarding the correct farmland designation of the commenter's property and will update Figure 6.3 as appropriate. Any such changes would be unlikely to affect conclusions reached in the RDEIR.

11-5. The commenter's suggestions to clarify Mitigation Measure AG-1a will be incorporated as shown (text suggested by commenter to be added to the mitigation measure is shown with a double underline):

> AG-1a. Amend the following policy in the 2035 General Plan Land Use Element:
>
> Policy LU-3.10: Agricultural Land Mitigation:
>
> If new development permanently converts Prime Farmland that is Class 1 soil to non-agricultural uses, the County shall encourage project applicants to preserve up to an equal number of Prime Farmland acres (i.e. up to a 1:1 ratio) either on- or off-site. An applicant may pay <u>an in lieu</u> mitigation fee<u>(s)</u> for some or all of ~~that mitigation~~ <u>the converted Prime</u>

Farmland that is designated Class 1 soils to non-agricultural uses as agreed in a development agreement. The funds collected shall be used for agricultural protection and/or affiliated programs within San Benito County. Further, the County shall work with the City of San Juan Bautista and the City of Hollister to encourage them to adopt a similar agricultural conversion mitigation ratio.

See also Section 3.0, Changes to the RDEIR, for revisions in response to this comment. The changes do not affect conclusions reached in the RDEIR.

11-6. Mitigation Measure AG-2b is about new Williamson Act contracts. The commenter suggests this mitigation measure be modified to include a policy that allows for the creation of agricultural conservation easements similar to Mitigation Measure AG-2.1 from the Panoche Valley Solar Farm Project EIR, which is a detailed mitigation measure to decrease agricultural impacts from the conversion of land under Williamson Act contracts to non-farm uses for that specific project. The County prefers to consider future projects on a project-by-project basis rather than incorporate a county-wide policy that specifies the appropriate mitigation when a Williamson Act contract is cancelled. See Response to Comment 10-5.

11-7. The commenter notes a HCP/NCCP could take time to adopt. As the commenter states, before adoption of a HCP/NCCP, the County will require project-specific measures to mitigate potential impacts to protected, listed, and candidate species, as well as sensitive natural communities. The process of preparing a HCP/NCCP does not preclude development of land while a plan is being considered. See Responses to Comments 10-5 and 10-40.

11-8. The County will include potentially affected property owners in outreach concerning a HCP/NCCP.

11-9. The County appreciates the commenter's suggestion to amend Mitigation Measure BIO-1a to make it applicable only "when documented and/or suitable sensitive biological resources exist." However, the County prefers to leave the mitigation measure as written to ensure that it can require project applicants with project sites that have potentially sensitive biological resources, rather than only documented resources, to complete a biological resource assessment. Such assessments may be needed to determine if suitable habitat exists that supports sensitive biological resources or may find previously undocumented resources. See Response to Comment 10-5.

11-10. The County appreciates the commenter's suggestion to amend Mitigation Measure BIO-1a to clarify that a "habitat restoration and re-vegetation plan" could an appropriate way to ensure habitat is preserved as required by a project-level mitigation measure. However, the County prefers to keep the Policy NCR-2.9 as written. A habitat restoration and re-vegetation plan is used to effectuate habitat restoration but is not in itself a land preservation instrument. See Response to Comment 10-5.

11-11. The commenter asks how Mitigation Measure TC-1a.ii will impact the 2011 Traffic Impact Mitigation Fee (TIMF) Program Nexus Study and re-routing of traffic through the County. The 2011 TIMF Program Nexus Study is currently being updated by the San Benito County Counsel of Governments (SBtCOG), and that agency will consider the General Plan, including the circulation diagram, as well as any changes to the General Plan that result from the County's adoption of mitigation measures. The commenter also asks about Policy TC-1, but there is no Policy TC-1; TC-1 is a statement of one of the County's thresholds of significance for traffic impact.

11-12. The commenter asks if the General Plan will be consistent with the Metropolitan Transportation Plan/Sustainable Community Strategy (MTP/SCS), and regional transportation plan (RTP). There is no requirement that the General Plan be consistent with the MTP/SCS as stated on page 11-28 of the RDEIR. However, in general, the General Plan and the MTP/SCS seek to achieve similar goals: efficient use of land, reduction of vehicle miles traveled, and enhancement of transit opportunities, among other things. This may be one reason an SCS should use "the most recent planning assumptions considering local general plans and other factors." (Gov. Code § 65080(b)(2)(B).)

11-13. The commenter questions whether the RDEIR adequately addressed the MTP/SCS and its goal to reduce vehicle miles traveled by supporting higher density infill development. The RDEIR discusses the SCS and its general goals. (RDEIR at pp. 11-8, 11-27–11-28.) As noted in the RDEIR, SB 375, which requires the preparation of an SCS, is one method the state has chosen to try to decrease greenhouse gas emissions from light-duty vehicles. The County understands and is concerned about the effect on climate change caused by greenhouse gas emissions. The RDEIR comprehensively analyzes the proposed General Plan's potential to increase greenhouse gas emissions and includes mitigation to lessen the impact. (RDEIR at pp. 11-34–11-69.) The proposed General Plan also has policies that encourage infill and high-density development, which may decrease greenhouse gas emissions. Such policies include Policy LU-1.2, which calls for "compact, clustered development patterns that use land efficiently," and Policy LU-1.5, which calls for "infill development on vacant and underutilized parcels to maximize use of land within existing urban areas, [and] minimize the conversion of productive agricultural land . . . ." New communities, to the extent they are allowed in the future, would also be required to be sustainably designed and developed. (See proposed General Plan Policy LU-8.5.)

SB 375 does not vest AMBAG with authority over the County's land use planning, but instead leaves local planning under the control of counties and cities. (See Response to Comment 11-12.) In addition, "nothing in [SB 375] shall require a city's or county's land use policies and regulations, including its general plan, to be consistent with the regional transportation plan or an alternative planning strategy." (Gov. Code § 65080(b)(2)(K).) Nevertheless, the County is concerned with global climate change and considered ways its land use planning could decrease its contribution to this international problem.

11-14. The commenter has concern about how the Shore Road extension will affect State Route (SR) 25 and the commenter's property. The commenter would like more information about the Shore Road extension project. The Circulation Diagram has been developed to accommodate the growth anticipated in the County by 2035. A Shore Road extension is forecast to accommodate a 2035 average daily traffic (ADT) volume of between 24,000 vehicles per day (vpd) and 31,000 vpd. The inclusion of the Shore Road extension to U.S. 101 is forecast to reduce traffic volumes on SR 25 north of Shore Road by approximately 6,000 vpd by 2035.

Details concerning timing, routing, and design of a future Shore Road extension are not currently known. Regarding funding, Circulation Element Policy C-1.4, Funding Sources, states that the County must "identify, develop, and/or maintain a variety of funding sources to implement the improvements on the Circulation Diagram prior to approving new development." Examples of funding sources to implement Policy C-1.4 include "County capital funds as available, building and traffic impact fees for new development or designated benefit areas, developer/sub-divider improvements, offers of dedication of rights-of-way, assessment/improvement districts, and gas taxes or other measures." Policy C-1.5, Mitigating Transportation Impacts, also addresses funding, stating the County "shall assess fees on all new development to ensure new development pays its fair share of the costs for new and expanded transportation facilities, as applicable, to the county, city, regional and/or state facilities." Policy C-1.9, Dedicate Rights-of-Way, also could apply to a proposed Shore Road extension. Policy C-1.9 requires project applicants "with property fronting along planned road improvements, as a condition of project approval, to dedicate right-of-way and/or construct improvements in accordance with the Circulation" when there is a nexus between the project proposal and the dedication or construction and the dedication and/or construction would be roughly proportional to the project's impacts.

11-15. The commenter asks how, under Policy C-3.1, the County views the current and future uses of the rail line along commenter's property and whether that rail line will provide public transportation. Policy C-3.1, Transit Supportive Land Uses, states the County "shall encourage transit lines, stops, and facilities in locations where land uses and density would support transit use." The County has made a policy decision, as stated in Policy C-3.4, to support efforts to extend Caltrain service from Gilroy to Hollister. Any decision about future passenger service on the Hollister branch rail line would be made by the rail operator of that line and likely would need approval from the Surface Transportation Board.

11-16. The commenter asks why the RDEIR does not address Senate Bill 743 (SB 743), notes that SB 743 will change how transportation impacts are evaluated. SB 743 was enacted in September 2013 and amended the Public Resources Code to add section 21099, which became effective on January 1, 2014. Public Resources Code section 21099 directs the Office of

Planning and Research (OPR) to "prepare, develop, and transmit to the Secretary of the Natural Resources Agency for certification and adoption proposed revisions to the guidelines adopted pursuant to Section 21083 establishing criteria for determining the significance of transportation impacts of projects within transit priority areas." (Pub. Resources Code § 21099(b)(1).) A "transit priority area" is "an area within one-half mile of a major transit stop that is existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program adopted pursuant to Section 450.216 or 450.322 of Title 23 of the Code of Federal Regulations." (Pub. Resources Code § 21099(a)(7).) The project area (the entire unincorporated County) is not a "transit priority area" within the meaning of Public Resources Code section 21099. In addition, OPR has not released final guidelines establishing criteria for determining the significance of transportation impacts of projects in transit priority areas. For future projects proposed in transit priority areas, the County will address and comply with the requirements of SB 743 and, if released by OPR, the corresponding CEQA guidelines.

11-17. The commenter states the Transportation Demand Management program on page 19-13 of the RDEIR appears to be inadequate and suggests additional measures. Page 19-13 of the RDEIR discusses the County's existing Transportation System Management Programs, which are programs for coordinating and optimizing the transportation network in the County rather than individual measures often associated with specific project proposals to decrease reliance on single-occupancy vehicles. The County supports decreasing single-occupancy vehicle trips. To that end, the County included Goal C-4, which is "to encourage alternative transportation modes to reduce the demand for vehicular trips, especially during contested commute times," in the General Plan. Policies C-4.2, Ridesharing Promotion, C-4.3, Employer Incentives, and C-4.4, San Benito County Employee Incentive Programs, either encourage or require many of the Transportation Demand Management measures suggested by the commenter.

11-18. The commenter asks for data about the County's existing park-and-ride facilities and suggests adding a policy to support park-and-ride facilities. The County has two formal park-and-ride lots, containing a total of 39 spaces. (RDEIR at p. 19-13.) The County also has an informal park-and-ride lot located along SR 25 north of Hollister, opposite the intersection with Briggs Road. The General Plan already has a policy that promotes park-and-ride facilities, Policy C-3.12, which states, "[t]he County should cooperate with the cities of Hollister and San Juan Bautista and Caltrans to establish park-and-ride facilities at appropriate locations."

11-19. The County agrees with the commenter that it must consider a complex array of issues when adopting its General Plan. The County has discretion under CEQA to choose its preferred project and is not required to adopt the environmentally superior alternative. In choosing a preferred project, the County will make written findings regarding its choice. If the County

chooses the non-environmentally superior alternative, the County's findings must include the reasons why it chose that alternative. (Pub. Resources Code § 21002; 14 Cal. Code Regs. § 15088.)

11-20. The County appreciates the commenter's support and comments. The responses to the comments on the RDEIR will be circulated to the public, including each commenter, as part of the Final EIR. The Final EIR will be accessible prior to the Board of Supervisors hearing at which the General Plan is considered.

COMMENTS ON 2035 GENERAL PLAN AND DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) FOR 2035 GENERAL PLAN (GP 2035)

I. Land Use Elements of GP 2035.

GP 2035 as currently drafted does not limit the potential commercial development at the new Commercial Thoroughfare Nodes noted in figure 3-5, table 3-1 and Appendix A. Land Use Element Section 5.2 and Figure 3-5 should specifically reference and limit new commercial thoroughfare nodes to property within 1500 linear feet from the nearest Highway 101 Off ramp specified in Section 3-5. 12-1

The Commercial Regional (CR) Land Use Designation as described on pages 3-6 of the GP 2035 Land Use Element is unnecessarily vague. Although identifying the key interstate 101 intersections within the County in Table 3-1 as depicted in Figure 3-1, such locations lack sufficient detail to determine how much property is actually allocated for the important Commercial Regional Use. 12-2

Suggested Clarification.

> ***"Property located within the four quadrants of each interstate 101 intersection within the County, as depicted on Figure 3 within a 1500 foot radius of the nearest US 101 Off Ramp, shall fall within the CR Land Use Designation."***

Land Use Goal 3-7 should include CR uses within the Visitor Serving Uses described on page 3-15 of the Land Use Element. 12-3

II. Natural and Cultural Resources Element of GP 2035.

The Natural and Cultural Resources Element (NCR) of GP 2035 should be clarified to reflect the overlapping and sometimes conflicting County policies within the newly adopted Commercial Regional ("CR") Land Use Designations set forth in GP 2035's Land Use Element. As currently drafted development setbacks set forth in the Scenic Highway District effectively prohibit the very CR development adopted in GP 2035. 12-4

NCR Policies 8.1, 8.2, 8.6 and 8.10 should cross-reference new Land Use Element Section LU-5.1 and LU-Table 3.1. These sections should provide as follows:

> ***"Those portions of the County within the new CR Land Use Designations also fall within County Scenic Roadway Areas and the Scenic Highway District set forth in the Land Use Element. In order to achieve the County policies of developing these key intersections on Interstate US 101, development and signage restrictions otherwise applicable to County Scenic Roadways shall be modified on US 101 and intersecting state Highways to allow development of these intersections. Development setbacks otherwise applicable along Scenic Roadways shall be***

12-5

inapplicable to the CR Land Use Designation. Signage sufficient to communicate the commercial development within the CR Land Use Designation, consistent with signage provided for similar intersections within adjacent Santa Clara and Monterey Counties, shall be provided on US 101 and intersecting State Highways and the County's sign ordinance shall reflect the policies set forth in this Section. 12-5 cont'd

NCR Policy 8.2 Sign Regulations within Scenic Corridors (page 5-30 of the EIR) should include the following language. 12-6

"or those otherwise serving the CR uses set forth in the Land Use Element."

NCR Policy 8.6 Regulate Building Height and Setback (page 5-31 of the EIR) should include the following: 12-7

"except for those areas within the CR Land Use Designation described in the Land Use Element."

<u>Significance of Impact</u>: The textual language in the last paragraph of EIR (page 5-35 and the first paragraph of page 5-36) should be modified to reflect that scenic resources within the CR zones will necessarily incur visual impact but that such impact will be mitigated in accordance with the development standards set forth in the Land Use Element. 12-8

12. Responses to Comments from Johnson

12-1. The commenter suggests that Land Use Policy 5.2 and Figure 3-5 should limit new commercial thoroughfare nodes to property within 1500 linear feet from the nearest U.S. 101 off-ramp. This comment is about the Project and not about the RDEIR. See Responses to Comments 10-4 and 10-5.

The General Plan designates property near U.S. 101 off-ramps as Regional Commercial, not Thoroughfare Commercial, nodes. The General Plan designates Thoroughfare Commercial nodes along thoroughfares other than U.S. 101, including state highways, because those thoroughfares are appropriate for such development. Nodes around U.S. 101 are more appropriate for Regional Commercial as defined by General Plan Policy LU-5.3. Regarding the request for a 1500-foot boundary, that specificity is normally provided in the Zoning Code. Figure 3-5 indicates the general locations of such both the Regional Commercial and Thoroughfare Commercial nodes. Appendix A of the proposed General Plan defines such nodes as places for "strategically-located concentration of development (e.g., commercial, office, industrial, residential and/or a combination thereof) at, or within a reasonable distance from, the existing and future intersections of highways, state routes and major collectors or arterials, intended to prevent the typical linear or 'strip' development in order to maintain or improve community character and to create easy access and high visibility for commercial businesses." Policies 5-2 and 5-3 further define the development appropriate at the nodes indicated on Figure 3-5. The General Plan thus conceptually and schematically defines the general location of and types of development suitable for Commercial Thoroughfare Nodes. This is adequate for General Plan purposes.

12-2. The commenter states that the Commercial Regional (CR) Land Use Designation is too vague and suggests the definition of the designation should be clarified. This comment is about the Project and not about the RDEIR. See Responses to Comments 10-4 and 10-5. The General Plan offers an adequate definition of the Commercial Regional Land Use Designation. Figure 3-5 indicates the general locations of this land use designation. The General Plan further defines this land use designation in Policy LU-5.3, Table 3-1, and Appendix A. The County would use the qualitative information in the General Plan to determine whether a proposed commercial development should be approved.

12-3. The commenter suggests that Land Use Policy LU-3.7 should include CR uses within the definition of visitor-serving uses. This comment is about the Project and not about the RDEIR. See Responses to Comments 10-4 and 10-5. Policy LU-3.7 encourages visitor-serving uses in areas designated Agriculture (e.g., wine tasting rooms, hotels, and bed and breakfast inns), especially within the Wine/Hospitality Priority Area, as long as such uses do not adversely affect the area's agricultural production. While some CR uses, such as tourist-oriented retail, could be visitor-serving uses, other CR uses, such as office, are not. Therefore, CR uses should not be added to Policy LU-3.7.

12-4. The commenter states that development setbacks in the Scenic Highway District prohibit the CR development permitted under Policy LU-5.3. This comment is about the Project and not about the RDEIR. See Responses to Comments 10-4 and 10-5 regarding comments on the proposed General Plan and perceived inconsistencies between General Plan policies. The commenter does not explain why the Scenic Highway District is inconsistent with CR development permitted under Policy LU-5.3 or explain which setback requirements raise the concern. The County does not construe the Scenic Highway District to prohibit commercial uses. Commercial uses permitted in Commercial Regional Land Use Designation, which under the General Plan "must respect the scenic character of the County," also are not inconsistent with the County's goal to protect its scenic highways. The County will clarify the Zoning Code as needed to ensure it is consistent with the proposed General Plan if the proposed General Plan is approved.

12-5. The commenter suggests revisions to draft General Plan Policies NCR-8.1, NCR-8.2, NCR-8.6, and NCR-8.10. This comment is about the Project and not about the RDEIR. The County encourages commercial uses as stated in Policies LU-5.2, LU-5.3, and LU-5.4, and also desires to enhance and preserve the attractive visual qualities of scenic vistas and corridors in the County, as stated in Goal-8 and its supporting policies, including Policies NCR-8.1, NCR-8.2, NCR-8.6, and NCR-8.10. In reviewing specific development proposals, the County may balance competing goals in the 2035 General Plan. The provisions of NCR-8.1, 8.2, 8.6 and 8.10 will not preclude appropriate development at designated Commercial Regional nodes. See Responses to Comments 10-4, 10-5, and 12-4.

12-6. See Response to Comment 12-5.

12-7. See Response to Comment 12-5.

12-8. The commenter suggests that scenic resources within the CR Land Use Designation will incur visual impacts, but such impacts will be less than significant based on the proposed General Plan's goals and policies. This comment is consistent with the RDEIR's conclusions and no changes to the RDEIR are necessary.

TriCal INC.

P.O. Box 1327
8770 Hwy. 25
Hollister, CA 95024-1327
Telephone: (831) 637-0195
Fax: (831) 637-0273

May 6th, 2015

RECEIVED

MAY 07 2015

SAN BENITO COUNTY
PLANNING & BUILDING
BY_____

Mr. Byron Turner, Interim Planning Director
San Benito County
2301 Technology Parkway
Hollister, CA, 95023

Re: General Plan Update –Agricultural Urban Buffer Policy

Dear Mr. Turner:

As a member of San Benito's Agricultural community and a member of the local Farm Bureau, TriCal, Inc. submits this letter in support of the County's efforts to update the General Plan, and with specific focus on ensuring that our agricultural heritage in San Benito County is adequately addressed and protected in the General Plan. As you realize, agriculture and agricultural uses have struggled against development encroachment and the perception of incompatibility. 13 - 1

For more than 50 years, TriCal has helped farmers in California and elsewhere produce healthy and bountiful crops that feed our nation and the world through effective methods of controlling soil-borne pests. As a result, farmers are able to maximize the productivity of farmland, while producing the safest, healthiest, most nutritious, abundant and affordable food supply that the world has ever known. Without our services, farmers would need to use much more land, water, fertilizer, pesticides, energy and labor, to attempt to feed our nation.

In the 1980's, TriCal established its headquarters in its present location in San Benito County, with the consent and approval of San Benito County Board of Supervisors, nearly 9 miles north of Hollister, 6 miles north east of San Juan Bautista and 8 miles south of Gilroy. This 27-acre facility, located at 8770 Highway 25, is in the middle of and surrounded by cattle country and row crops. This location was picked precisely by TriCal in San Benito County for its rural characteristics, open Agricultural uses, and scarcity of development of any kind. 13 - 2

As a long-term stakeholder in the County's most important industry, we strongly support land use planning consistent with principles that protect and enhance the Agricultural fabric of this County as well as strategies that support health and safety standards stated at the outset of the General Plan's Health and Safety Element (page 9-1): "One of the main strategies used by the County to maintain safety is to require distance (buffer) between known hazards and places where people live, work, and congregate." Buffers are often used to protect a variety of agricultural operations and /or agricultural uses from urban development inconsistent with those agricultural operations and/or uses. TriCal believes the buffer principles stated on the opening 13 - 3

page of the Health and Safety Element should be more specifically reflected in the policies supporting Goal HS-6. 12 - 3 (cont.)

Additionally, buffers are used to manage potential conflicts among different land uses ensuring that previously approved agricultural operations and/or uses consistent with the surrounding area are protected from proposed public and/or private development encroachment. For example, existing policies call for a buffer between new proposed residential developments and "existing" agricultural operation and/or uses which should range up to two and one-half miles in order to protect specific agricultural operations like TriCal's blending facility from development encroachment. Obviously the scale and circumstances of any existing agricultural operation will vary so the buffer principles applicable to them should allow for flexibility. 13 - 4

We also believe the buffer principle described at the outset of the Health and Safety Element is both sound public policy and consistent with the importance of agricultural support services (see Policy LU-3.6). A policy establishing an appropriate buffer would both safeguard the future of agricultural uses of this nature and support the protocols employed by agricultural business that handle the agricultural products and support services that are crucial to this County's farming interests.

Further, adopting such a policy would reinforce Policy LU-3.6, which states the County's commitment to sustaining the support services needed for a strong agricultural economy. TriCal is one such company, with both decades of operating history in San Benito County. Since coming to San Benito County thirty years ago, TriCal has grown dramatically into a world-wide, agricultural, support service, thus, making San Benito County its world-wide headquarters. Therefore, we hope that the County will adopt an updated General Plan that protects TriCal's operations here, to the benefits of its local employees, vendors and the County's tax revenues. 13 - 5

TriCal appreciates the opportunity to submit this letter to the Board, and we would be pleased to discuss the matter with any member of the Board or the County's planning team. We are available during normal business hours at the phone and address listed above.

Thank you.

Sincerely,

Dean Storkan, President

13. Responses to Comments from TriCal, Inc.

13-1. The comment is an introductory statement concerning TriCal, Inc. and its support of the County's efforts to update the General Plan. The comment states that agricultural uses have struggled against development. With respect to the "perception of incompatibility" between agricultural uses and development, please see Response to Comment 14-1. The remainder of the comment does not raise an environmental issue and no further response is required.

13-2. The comment provides further details concerning TriCal, Inc.'s operations, the benefits it provides to the agricultural community, and its physical location in the County. The comment does not raise an environmental issue and no further response is required.

13-3. The commenter suggests adding a policy under Goal HS-6 that would require buffers between known hazards and places where people live, work, and congregate, to increase the safety of people in the County. The County agrees that adding such a policy would strengthen the proposed General Plan and support the County's goal to "safeguard and protect the health and safety of people, the environment, and personal property from the potential dangers associated with a hazardous materials release." (Proposed Goal HS-6.) See Response to Comment 13-4 for the proposed policy.

13-4. Like 13-3, this comment discusses the commenter's belief in the importance of buffers between hazardous materials sites and development, and also requests that the General Plan establish specific, appropriate buffers that are flexible and account for variations in operations. The County agrees with the commenter that it is sound public policy for buffers to be used to protect facilities handling large amounts of hazardous chemicals from incompatible development of future sensitive land uses. Such a policy would further mitigate the Project's potentially significant impacts caused by locating new sensitive land uses (such as schools, day care centers, hospitals, and parks) near facilities handling hazardous materials, and would further protect future residents and other sensitive uses from the dangers posed by potential hazardous materials releases from such facilities. Accordingly, in response to this comment, new Mitigation Measure HAZ-2b, calling for adoption of new Policy HS-6.9, will be added to the RDEIR as shown below:

> <u>HAZ-2b. Add the following policy to the 2035 General Plan Public Facilities and Services Element:</u>
>
> > <u>Policy HS-6.9: Sensitive Uses near Industrial Facilities</u>
> >
> > <u>A buffer shall be maintained between new sensitive land uses (such as residential subdivisions, schools, day care centers, hospitals and parks) and commercial facilities that conduct bulk-scale receiving, unloading, handling, blending and/or loading of</u>

industrial and/or agricultural chemicals regulated as potentially hazardous by state and/or federal environmental protection agencies. For facilities that handle bulk-scale amounts of including but not limited to methyl bromide (and its replacement such as Telon and chloropicrin), the buffer shall be at least 2.5 miles. For all other commercial facilities that handle bulk-scale amounts of regulated hazardous chemicals, the appropriate buffer shall be determined on a case-by-case basis. The buffer shall be established based on the degree of hazard associated with individual industrial facilities and based on recommendations of the County Fire Marshal and Environmental Health Department. This buffer does not apply to feed and supply stores, hardware stores, gas stations or similar facilities that handle such chemicals in retail trade.

See also Section 3.0, Changes to the RDEIR. These changes do not affect the conclusions reached in the RDEIR.

13-5. The comment suggests that adding a policy requiring buffers between facilities that handle hazardous chemicals on a bulk scale would support Policy LU-3.6 and protect the commenter. The County agrees. Please see Responses to Comments 13-3 and 13-4. The remainder of the comment does not raise environmental concerns and no response is required.

To: Byron Turner

2301 Technology Parkway

Hollister, Ca. 95023

Dear Mr. Turner,

My purpose is to send you the some comments on the San Benito County General Plan revisions that will be in place until 2035.

My main question is: Does the present Environmental Impact Report do sufficient analysis for the proposed actions of the new general plan? The purpose of the general plan is to develop and conserve the county of San Benito through the year 2035. Thus two goals are stipulated: well planned development of industrial, commercial and housing land in San Benito County and conservation of our beautiful and unique natural resources. 14 -1

I am concerned that these two main goals may be in conflict. I understand that around 2500 housing units are planned at the moment and probably more in the works. I believe the Santana housing development is already under construction.

Where is the water going to come from for these houses that are not within the city limits of Hollister, are not high density and are not affordable to many of the working people who already live in Hollister? As I understand there are 3 water districts in the county, the City of Hollister, Sunnyslope and Lasco. I am not aware of any coordination between them. As of now the Sunnyslope water district which will supply Santana development with water gets 25% of its water from San Luis Reservoir and as of now has a 3 year supply according to them of reserves. Otherwise they are dependent upon well water which did require an upgraded purification system recently to remove salts land nitrates from the well water. 14 -2

Because the farmers in this area that are vitally important to the economy have been denied all San Luis Reservoir water because of the drought, they are now drilling new wells much deeper than they previously needed. The wealthiest of our farmers are able to spend mega amounts on drilling. Eventually however, the groundwater table will be depleted (as it has been in the central valley) because of the water drained from the aquifers by these mega wells. This is one reason the state is putting in a monitoring system for agricultural water use and also providing monetary assistance (from both state and federal programs) to help farmers switch to water saving irrigation and other water efficient devices. 14 -3

When questioned the Sunnyslope district said if water was scarce when the hookups for the houses were requested, they had the legal authority to deny hook ups. However, there was no legal authority to deny the drilling of wells on private land. 14 -4

According to the best scientific predictions California (and for that matter the whole southwestern part of the U.S.) is in a prolonged (perhaps 10 year perhaps 100 year) drought. Is it wise to proliferate single family housing in San Benito County rather than a well planned commercial and industrial development for the people who want jobs in Hollister so they don't have to commute for hours a day to Silicon Valley or further? Why not use our resources of trained engineers and planners to develop the City of Hollister (not suburban sprawl) for pedestrians and families who want parks and recreation centers and top quality schools. A wonderful example of such a project is the YMCA of Hollister that is superbly user friendly and affordable for all. 14 -5

In conclusion I am asking the Planning Board and the County Supervisors to take a second look at the approval of the 2035 plan and be absolutely sure the present Environmental Impact Report is up to date. Otherwise we may have a repeat of the unfortunate suit against the County that resulted in a (I believe) $250,000 fine and a cease and desist order against Citadel Oil Co. that was given the go ahead by our Board of Supervisors to start drilling and reactivating a minimum of 15 wells in the county. This was the result of an outdated EIR that the county refused to reanalyze despite a significant protest by citizens of the county. After all, folks, it is our money that is used to pay these unnecessary bills. 14 -6

Sincerely. Natasha Wist

Conservation of the

14. Responses to Comments from Natasha Wist

14-1. The comment asserts that the goals of the General Plan are to both develop and conserve the County lands, and expresses the concern that these two goals may be in conflict. The comment also states the commenter's understanding that the County currently has 2,500 housing units planned for development and that the Santana housing development is under construction.

The commenter is correct that the Santana housing development in the City of Hollister is currently under construction, and other housing developments are planned within Hollister and the County. A fundamental purpose of the Project is to balance growth and development with the preservation of agricultural lands. As provided in the RDEIR, San Benito County as a whole is expected to add approximately 39,462 new residents between 2010 and 2035. This growth is projected to occur in the County with or without the proposed General Plan, but it is the County's goal to guide growth in an orderly manner such that open space areas of the County can be preserved. Accordingly, the proposed General Plan contains numerous goals and policies that establish a framework for orderly development to accommodate the County's projected growth without encouraging additional growth so that both growth and the County's rural character can be accommodated to the extent feasible. See Responses to Comments 10-4 and 10-16.

14-2. The commenter questions where water will come from to serve new County residents and expresses concern that water supplies and use is not coordinated throughout the County. Water supply sources in the County include: water purchased and imported from the Central Valley Project (CVP) by the San Benito County Water District (SBCWD), local surface water stored in and released from SBCWD-owned and operated Hernandez and Paicines reservoirs, and local groundwater pumped from wells. As identified in the RDEIR, this portfolio of water supplies will continue to serve agricultural, industrial and residential growth within the County. Although there are over 100 water purveyors in the County, including the City of Hollister and Sunnyslope County Water District ("SSCWD") identified by the commenter, San Benito County Water District ("SBCWD") manages the water resources for the 47,000 acres of San Benito County and serves an important countywide coordination function. SBCWD is a California Special District that was formed in 1953 by the San Benito County Water Conservation and Flood Control Act. SBCWD has jurisdiction throughout San Benito County. SBCWD has an annual requirement to prepare a groundwater report. This annual report describes the groundwater conditions in the San Benito County part of the Gilroy-Hollister groundwater basin, and provides a "state of the basin" summary of groundwater levels and storage, water supplies and demands, and

management actions for the groundwater basin. SBCWD's reports have shown relatively stable groundwater conditions that fluctuate with wet and dry periods. To the extent that the Santana development would rely on groundwater, that would be consistent with much of the water supply for existing municipal and industrial uses in the County.

14-3. The commenter notes that farmers are relying more heavily on groundwater during the recent drought, and that this increase in groundwater use may deplete groundwater supplies in the County. The commenter notes that concern regarding the depletion of groundwater supplies is one of the reasons that California has enacted new laws that require greater monitoring of groundwater use and increases in conservation.

Greater reliance by farmers on local groundwater supplies during drought periods is part of the conjunctive use program that is part of the overall water supply strategy in the County under management by the SBCWD. The Water Supply Evaluation included in Appendix C of the RDEIR specifically analyzes water supply during single-year and multi-year drought periods. This analysis shows that the availability of imported CVP water will be reduced during drought years. However, the analysis also shows that sufficient groundwater is available to compensate for drought-induced decreases in imported water supplies without risking long-term overdraft. In addition, recycled water is a reliable supply and would not be reduced during drought. The County has the authority to regulate the drilling of new private wells and can prevent the installation of new wells to protect the groundwater supply.

14-4. The commenter asks if it is wise to proliferate single family housing in San Benito County given the current drought and asks that resources be used instead to develop commercial and industrial development in Hollister. The impacts of single and multi-year droughts on County water supplies are evaluated in the WSE, and show that water supplies in the County are adequate to meet projected future demands during such periods. The commenter postulates that California and the Southwestern U.S. are in a prolonged (10 year, perhaps 100 year) drought. The WSE acknowledges that California is currently in the midst of another multiple year drought (2014) that could be more severe than the multi-year dry period analyzed. The WSE goes on to state that the effects of this recent and ongoing drought have not yet fully occurred and that observation data (such as water levels, stream flow, etc.) continue to be collected and analyzed. The drought of the 2014 water year, which ended September 30, 2014, is the third driest in 119 years of record based on statewide precipitation. In response to the severity of this drought, state and federal agencies have developed an interagency drought strategy and contingency plan for 2015 operations and lessons learned from 2014, which includes the CVP project (DWR 2014). This is one example of larger scale efforts being undertaken by agencies to address the protection of adequate water supply.

The commenter also would like to see more commercial and industrial development in the City of Hollister. The County does not control the City of Hollister's land use decisions. The land use policies of the City of Hollister are outside the scope of the Project analyzed in the RDEIR.

14-5. The comment expresses concern that the analysis in the RDEIR may be outdated, but does not list any specific examples that support her concern. As stated in the RDEIR, "where necessary, information from the Background Report was updated with the best available and most current data." (RDEIR at p. 1-4.) The RDEIR is thus up-to-date and fully compliant with CEQA. Other portions of this comment about an unrelated lawsuit against a CEQA document do not raise environmental concerns with the RDEIR or Project that require a response.

3.0
CHANGES TO THE REVISED DRAFT EIR

This section contains text, tables, and graphics from the Draft EIR with changes indicated. Additions to the text are shown with underlines and deletions are shown with ~~strikethroughs~~. If text was already shown as underlined in the RDEIR or would need to be shown as underlined in the RDEIR, then additions to the text are shown with double underlines.

The text on p. 2-6–2-8 of the RDEIR is revised as follows:

AG-1: Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use (II.a).	**AG-1a:** Amend the following policy in the 2035 General Plan Land Use Element: **Policy LU-3.10 Agricultural Land Mitigation** If new development permanently converts Prime Farmland that is Class 1 soil to non-agricultural uses, the County shall encourage project applicants to preserve up to an equal number of Prime Farmland acres (i.e. up to a 1:1 ratio) either on- or off-site. An applicant may pay an in lieu mitigation fee(s) for some or all of ~~that mitigation~~ the converted Prime Farmland that is designated Class 1 soils to non-agricultural uses as agreed in a development agreement. The funds collected shall be used for agricultural protection and/or affiliated programs within San Benito County. Further, the County shall work with the City of San Juan Bautista and the City of Hollister	PS	SU

	to encourage them to adopt a similar agricultural conversion mitigation ratio.		

. . . .

	AG-1d: Amend the following policy in the 2035 General Plan Natural and Cultural Resources Element: **Policy NCR-1.1: Maintenance ~~Integrated Network~~ of Open Space** The County shall support and encourage maintenance~~ain an integrated network~~ of open space lands that support natural resources, agricultural resources, recreation, tribal resources, wildlife habitat, water management, scenic quality, and other beneficial uses.		
	~~AG-1d: Implement Mitigation Measures AG-1a through AG-1dc~~	~~PS~~	~~SU~~

. . . .

	~~AG-3b: Implement Mitigation Measures AG-1a and AG-3b~~	~~PS~~	~~SU~~

The text on p. 2-9–2-10 of the RDEIR is revised as follows:

AIR-1: Conflict with or obstruct implementation of the applicable air quality plan (III.a).	AIR-1. Add the following policies to the 2035 General Plan Health and Safety Element: HS-5.~~9~~12: Air Quality Management Plans The County shall encourage regional planning agencies to consider the County's population projections during the preparation of future Air Quality Management Plans. HS-5.~~10~~13~~:~~ Reduce Air Pollution from Wood Burning	~~PS~~	SU

	No permanently installed wood-burning devices shall be allowed in any new development, except when necessary for food preparation in a restaurant or other commercial establishment serving food. HS-5.14: Notify Project Applicants of Air District Requirements The County shall work with the Air District to obtain materials to give to project applicants regarding relevant information about Air District requirements.		
AIR-2: Violate any air quality standard as established by the US EPA or CARB, or contribute substantially to an existing or projected air quality violation, in comparison to the MBUAPCD thresholds (III.b).	~~None required.~~**AIR-2.** Implement Mitigation Measure AIR-1.	~~LS~~PS	LS
AIR-3: Result in a cumulatively considerable net increase of any criteria air pollutant for which the NCCAB is in nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors) (III.c).	~~None required.~~**AIR- 3.** Implement Mitigation Measure AIR-1.	~~LS~~PS	LS

The text on p. 2-12 of the RDEIR is revised as follows:

BIO-2: Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service. (IV.b)	. . . **BIO-2b**: Amend the following policy in the 2035 General Plan Natural and Cultural Resources Element: **Policy NCR-2.5 Mitigation for Wetland Disturbance Removal** The County shall encourage the protection of the habitat value and biological functions of oak woodlands, native grasslands, riparian and aquatic resources, and vernal pools and wetlands. The County shall require that development avoid encroachment and require buffers around ~~on wetlands~~ these habitats to the extent practicable ~~and~~. The County shall further require mitigation for any development proposals that have the potential to reduce ~~wetland~~ these habitats. Recreational trails and other features established within natural wetlands and aquatic and riparian buffer areas shall be unpaved, as long as such areas are not required to meet the Americans with Disabilities Act, located along the outside of the sensitive habitat whenever possible to minimize intrusions and maintain the integrity of the habitat. Exceptions to this action include irrigation pumps, roads and bridges, levees, docks, public boat ramps, and similar uses. In all cases where intrusions into these buffers are made, only the minimum amount of vegetation necessary to construct the feature shall be removed.	PS	SU

The text on p. 2-19 of the RDEIR is revised as follows:

HAZ-2: Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school (Viii.c).	HAZ-2a. Add the following policy to the 2035 General Plan Public Facilities and Services Element: Policy PFS-10.8: New Land Uses Near Schools The County shall prohibit the siting of new land uses or facilities that use, store, emit, treat, or dispose of large quantities of hazardous materials within one-quarter mile of an existing public or private school facility. HAZ-2b. Add the following policy to the 2035 General Plan Public Facilities and Services Element: Policy HS-6.9: Sensitive Uses near Industrial Facilities A buffer shall be maintained between new sensitive land uses (such as residential subdivisions, schools, day care centers, hospitals and parks) and commercial facilities that conduct bulk-scale receiving, unloading, handling, blending and/or loading of industrial and/or agricultural chemicals regulated as potentially hazardous by state and/or federal environmental protection agencies including but not limited to methyl bromide (and its replacement such as Telon and chloropicrin). The buffer shall be established based on the degree of hazard associated with individual industrial facilities and based on recommendations of the County Fire Marshal and Environmental Health Department. This policy does not	PS	LS

	apply to feed and supply stores, hardware stores, gas stations or similar facilities that handle such chemicals in retail trade.		

The text on p. 2-32–2-33 of the RDEIR is revised as follows:

TC-1: Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit (XVI.a), or conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the County congestion	TC-1a.i. The following improvements would be necessary to mitigate significant impacts by maintaining acceptable LOSs on all state highways and freeways under Scenario 1, and shall be reflected in the Circulation Diagram: 1. **State Route 25, Shore Road to County Line.** a. Construct new alignment of State Route 25 from Shore Road to County Line~~, as a four-lane freeway,~~ as identified in the Hollister to Gilroy State Route 25 Widening and Route Adoption Draft Environmental Impact Report and Tier I Draft Environmental Impact Statement (Caltrans 2010b); or 2. **State Route 156, Union Road to State Route 25.** Widen State Route 156 to four-lanes between Buena Vista Road and State Route 25.	PS	SU

management agency for designated roads or highways (XVI.b).	TC-1a.ii.1. The County no longer supports the widening of 101 within the County borders and the widening of State Route 25 north of Shore Road to the County line. These projects also are not necessary to mitigate significant impacts from the project under either Scenario 1 or Scenario 2, and therefore will be removed from the Circulation Diagram. Widening of U.S. 101 within the County's borders has not been identified as being needed to achieve the desired levels of service within the timeframe of the 2035 General Plan. These improvements also are not fundable by the County. Therefore, improvements along U.S. 101 in San Benito County and State Route 25 from approximately 0.6 miles north of Shore Road to the County line are ~~not supported~~ not assumed to be included as part of the County's proposed roadway network for the purpose of assessing the implications of growth in the County and will be removed from the 2035 General Plan Circulation Diagram. San Benito County fully supports the efforts of regional and state agencies to widen of U.S. 101 and State Route 25 north of Shore Road. TC.1.a.ii.2. Add the following policy to the Circulation Element of the 2035 General Plan: Policy C-1.21 Intra-County Transportation Coordination The County supports opportunities to promote intra-county coordination that aids in meeting County, regional, or state goals to provide integrated and sustainable transportation systems.		

	~~TC-1b.i. The following improvements would be necessary to mitigate significant impacts by maintaining acceptable LOSs on all state highways and freeways under Scenario 2, and shall be reflected in the Circulation Diagram:~~ ~~**1. State Route 25, Shore Road to County Line.** Implement Mitigation Measure TC-1a.1.~~ ~~**2. State Route 156, Union Road to State Route 25.** Implement Mitigation Measure TC-1a.2 or TC-1a.1.b.~~ ~~TC-1b.ii. Implement Mitigation Measure TC-1a.ii.~~	~~PS~~	~~SU~~

The text on p. 2-36 of the RDEIR is revised as follows:

	~~TC-1d. The following improvements would be necessary to mitigate significant impacts by maintaining acceptable LOSs on all local roadways under Scenario 2, and shall be reflected in the Circulation Diagram:~~ ~~**1. Hillcrest Road, Highway 25 to Clearview Drive.** Implement Mitigation Measure TC-1c.3.~~ ~~**2. Hillcrest Road, McCray Street to Highway 25 Bypass.** Restripe to provide a two-way, left-turn lane median and a dedicated left-turn lane at intersections.~~ ~~**3. Santa Ana Road, Highway 25 Bypass to Kane Drive.** Provide a raised median and dedicated left-turn lanes at intersections.~~ ~~**4. Sunnyslope Road, El Toro Drive to Fairview Road.** Implement Mitigation Measure TC-1c.17.~~	~~PS~~	~~SU~~

	~~**5. Westside Boulevard, Nash Road to 4th Street.** Implement Mitigation Measure TC-1c.18~~		

The text on p. 2-38 of the RDEIR is revised as follows:

	~~TC-1f. The following improvements would be necessary to mitigate significant intersection impacts under Scenario 2, and shall be reflected in the Circulation Diagram:~~ ~~**1. State Route 156 and Union Road**. Implement Mitigation Measure TC-1a.1.b.~~ ~~**2. San Benito Street and 4th Street**. Implement Mitigation Measure TC-1e.6.~~	~~PS~~	~~SU~~

The text on p. 2-40 of the RDEIR is revised as follows:

Aesthetics/Visual Resources	No measures in addition to proposed General Plan policies and mitigation identified in this RDEIR are available and within the jurisdiction of San Benito County to reduce the magnitude of this impact.	PS	~~SU~~CC
Agricultural Resources	No measures in addition to proposed General Plan policies and mitigation identified in this RDEIR are available and within the jurisdiction of San Benito County to reduce the magnitude of this impact.	PS	~~SU~~CC
Global Climate Change	~~None necessary.~~No measures in addition to proposed General Plan policies and mitigation identified in this RDEIR are available and within the jurisdiction of San Benito County to reduce the magnitude of this impact.	~~LS~~PS	~~LS~~CC

The text on p. 3-2 of the RDEIR is revised as follows:

San Benito Mountain is situated in the Clear Creek Management Area, on public lands Administered by the Bureau of Land Management (BLM). ~~, a~~At 5,241 feet, it is the highest peak in the Diablo Mountain Range. Since 1988, BLM has managed the 1,500 acres surrounding San Benito Mountain as a Wilderness Study Area.~~Clear Creek Management Area, a United States Bureau of Land Management (BLM) wilderness area.~~

The text on pp. 3-5 to 3-6 of the RDEIR is revised as follows:

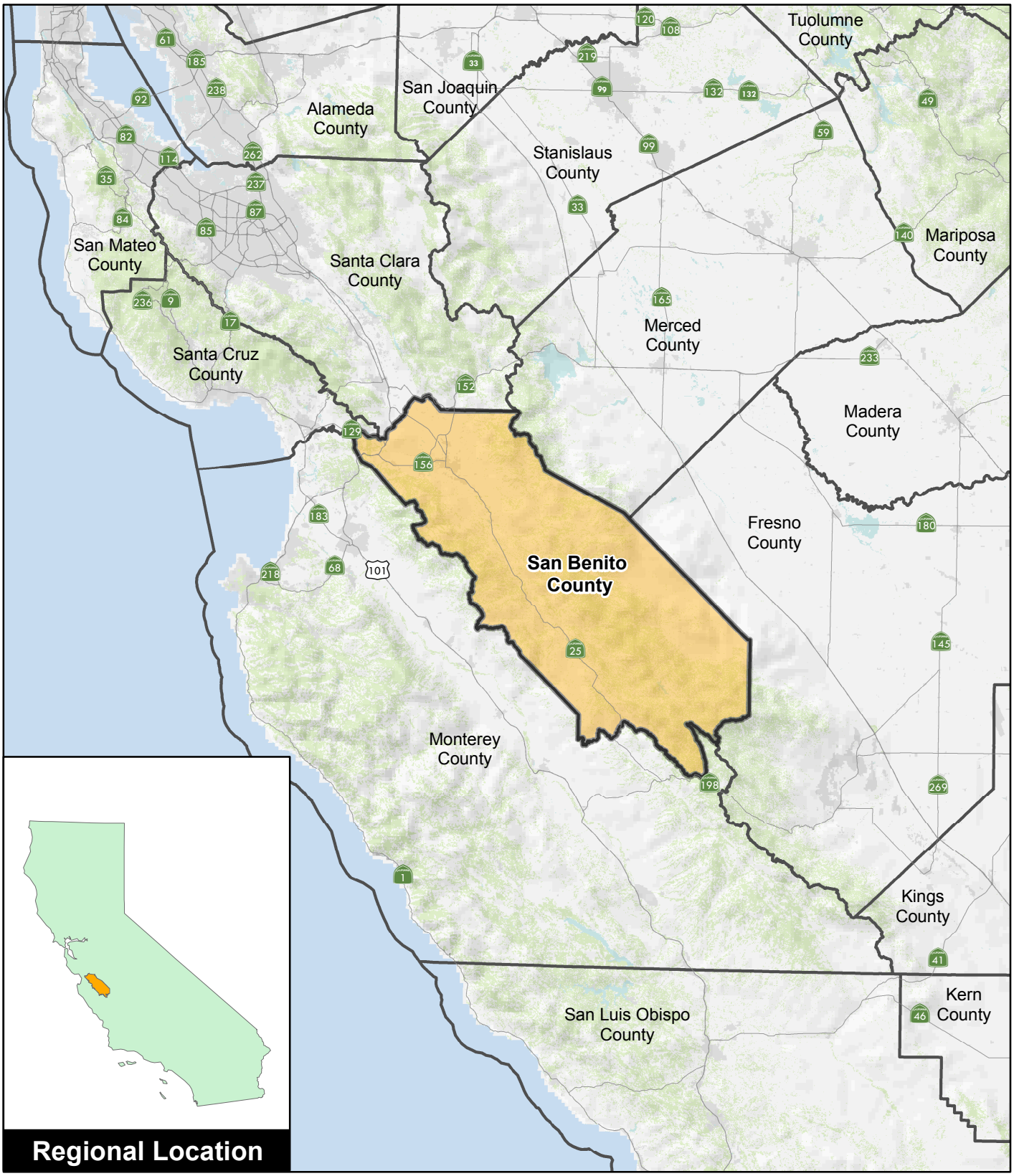
Public~~al~~ly managed lands include the Pinnacles National Park managed by the National Park Service (NPS), and the Hollister Hills State Vehicular Recreation Area and Fremont Peak State Park managed by the DPR.

The text on p. 3-8 of the RDEIR is revised as follows:

Table 3-2 Regional Population Growth

AMBAG Region (San Benito, Monterey, and Santa Cruz Counties) and Santa Clara County, 1980-2014

The figure on p. 3-3 of the RDEIR is revised as follows:



0 20 Miles

Source: San Benito County Geographic Information Systems Data, September 2011

Figure 3-1

Regional Setting

2035 San Benito County General Plan Revised DEIR

The text on p. 3-19 of the RDEIR is revised as follows:

Each of California's MPOs is then required to prepare a Sustainable Communities Strategy (SCS) that demonstrates how the region will meet its GHG reduction target through integrated land use, housing, and transportation planning. Once adopted the SCS becomes incorporated into the region's Metropolitan ~~Regional~~ Transportation Plan (M~~R~~TP). The Association of Monterey Bay Area Governments (AMBAG), the MPO for the tri-county region, approved its ~~an~~ 2035 MTP/SCS in June 2014.

The text on p. 3-22 of the RDEIR is revised as follows:

15. Encourage future growth near existing transportation networks such as the major roadways, state highways, airports, rail corridors, mass transit corridors, and other major transportation routes.

The figure on p. 3-29 of the RDEIR is revised as shown on the next page:

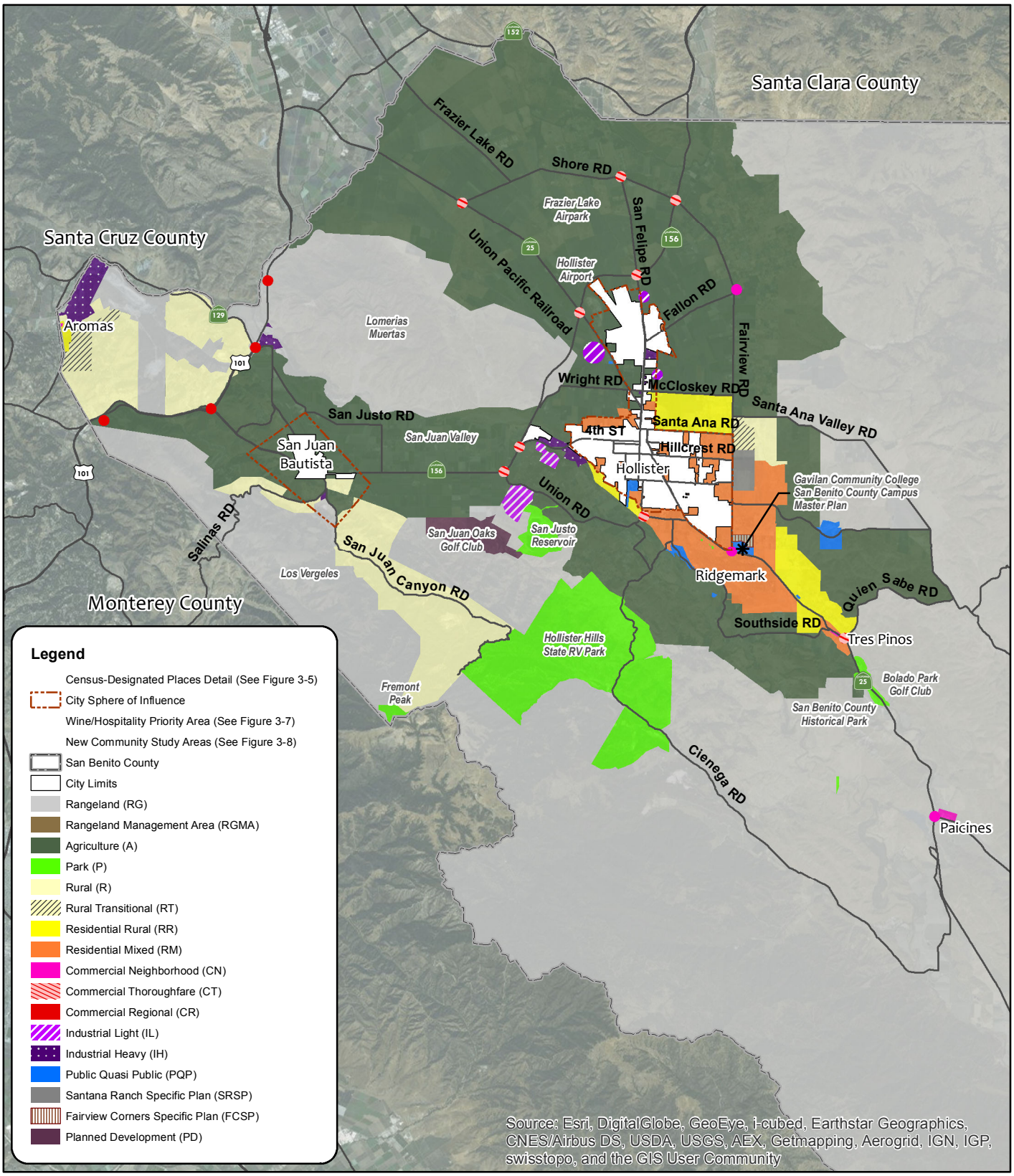


Figure 3-4

North County Land Use Diagram [GP Figure 3-2]

2035 San Benito County General Plan Revised DEIR

The figure on p. 3-33 of the RDEIR is revised as shown on the next page:

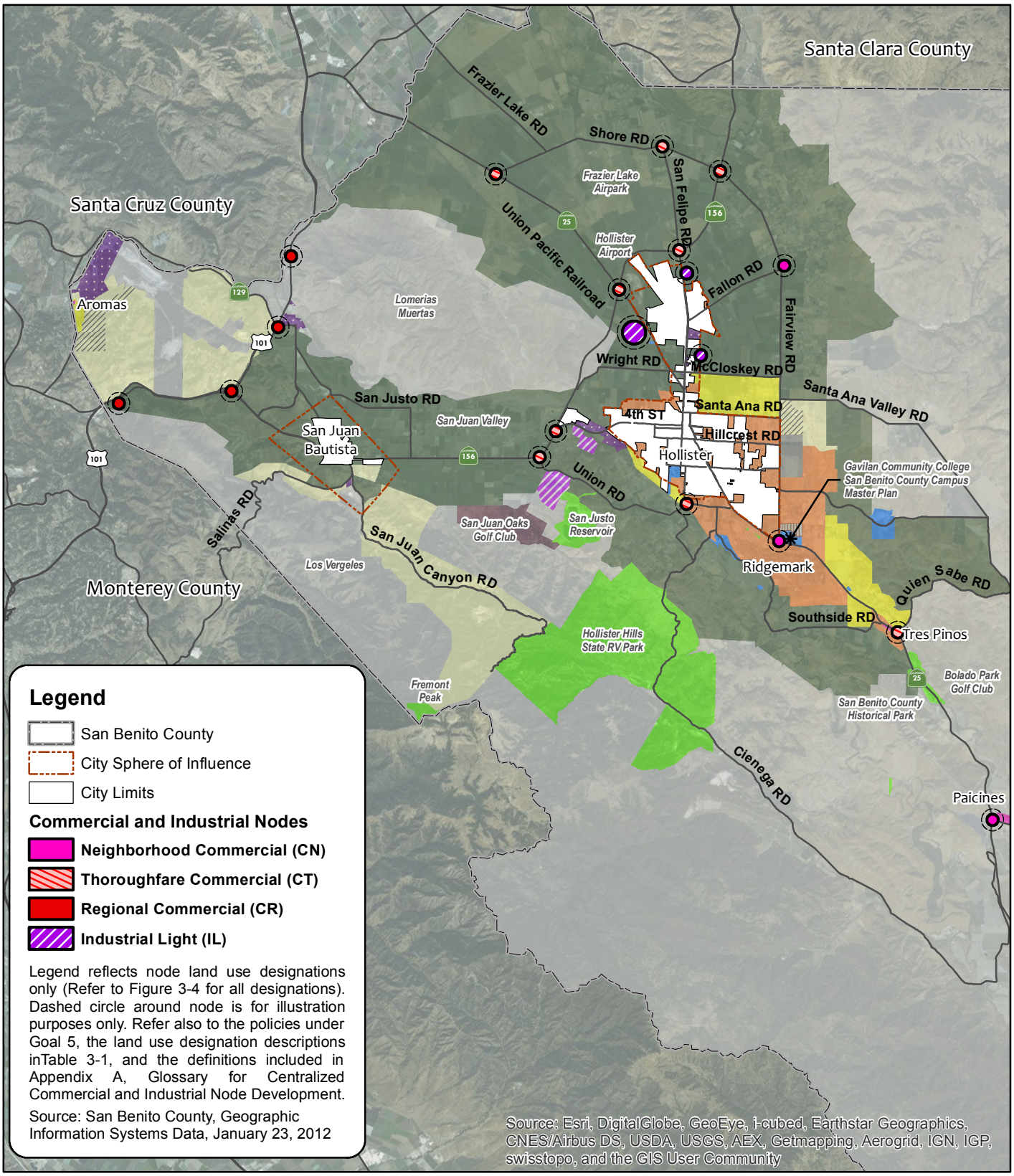


Figure 3-6

Commercial and Industrial Nodes [GP Figure 3-5]

The text on p. 4-5 of the RDEIR is revised as follows:

This reflects the Board of Supervisors' continued direction (June 23, 2009; July 24, 2014; May 6, 2014) to use conservative population estimates throughout the general plan update and environmental review purposes, rather than a lower population projection of 81,000 people in 2035 as reflected in AMBAG's ~~more recent 2014 population forecasts~~2014 Regional Growth Forecast.

The text on p. 4-6 of the RDEIR is revised as follows:

First, AMBAG's 2014 Regional Growth Forecast was ~~estimates were~~ derived from analysis that began ~~occurred~~ in 2012. Subsequent to the preparation of jobs and population forecasts in 2012 and 2013, with adoption in June 2014, the regional economy has surged, led by job gains in the San Jose and San Francisco metro areas.

The text on p. 4-7 of the RDEIR is revised as follows:

~~The Bay Area was just emerging from the depths of the recession in January 2012, about the time when their forcasts were issued~~ AMBAG began to prepare the 2014 Regional Growth Forecast in 2012, and issued a preliminary draft in February 2013.

. . .

Second, ~~the~~ AMBAG's~~2012~~ estimates may have relied on data reflecting ~~were made in the context of attempting to implement~~ policy directives from the Association of Bay Area Governments to limit increases in in-commuting from outlying counties to the Bay Area.

The text on p. 5-4 of the RDEIR is revised as follows:

San Benito Mountain is situated in the Clear Creek Management Area, on public lands Administered by the BLM. ~~, a~~At 5,241 feet, it is the highest peak in the Diablo Mountain Range. Since 1988, BLM has managed the 1,500 acres surrounding San Benito Mountain as a Wilderness Study Area.~~Clear Creek Management Area, a United States Bureau of Land Management (BLM) wilderness area.~~ On clear days the peak can be seen from the valley floor.

The text on p. 6-32 of the RDEIR is revised as follows:

Table 6-6 2035 General Plan Employment Estimates in Unincorporated County Scenario 1

Source: EMC Planning Group, 2014.

The text on p. 6-36 of the RDEIR is revised as follows:

AG-1a. Amend the following policy in the 2035 General Plan Land Use Element:

Policy LU-3.10: Agricultural Land Mitigation:

If new development permanently converts Prime Farmland that is Class 1 soil to non-agricultural uses, the County shall encourage project applicants to preserve up to an equal number of Prime Farmland acres (i.e. up to a 1:1 ratio) either on- or off-site. An applicant may pay an in lieu mitigation fee(s) for some or all of ~~that mitigation~~ the converted Prime Farmland that is designated Class 1 soils to non-agricultural uses as agreed in a development agreement. The funds collected shall be used for agricultural protection and/or affiliated programs within San Benito County. Further, the County shall work with the City of San Juan Bautista and the City of Hollister to encourage them to adopt a similar agricultural conversion mitigation ratio.

The text on p. 6-37 of the RDEIR is revised as follows:

AG-1d: Amend the following policy in the 2035 General Plan Natural and Cultural Resources Element:

Amend Policy NCR-1.1: Maintenance ~~Integrated Network~~ of Open Space, as follows:

The County shall support and encourage maintenance~~ain an integrated network~~ of open space lands that support natural resources, agricultural resources, recreation, tribal resources, wildlife habitat, water management, scenic quality, and other beneficial uses.

Implementation of Mitigation Measures AG-1a-Scenario 1 through AG-1~~c~~d-Scenario 1 would help maintain existing agricultural lands as agricultural uses.

The text on p. 7-12 of the RDEIR is revised as follows:

Inconsistency with an air quality plan can also result in cumulatively considerable~~significant~~ impacts if the emissions of a project under analysis are not accommodated in the air quality plan. The methodology described below is used to determine if the 2035 General Plan would violate these MBUAPCD CEQA checklist significance thresholds.

The text on p. 7-28–7-29 of the RDEIR is revised as follows:

Mitigation Measure:

AIR-1. Add the following policies to the 2035 General Plan Health and Safety Element:

HS-5.~~9~~12 Air Quality Management Plans

The County shall encourage regional planning agencies to consider the County's population projections during the preparation of future Air Quality Management Plans.

HS-5.~~10~~13~~:~~ Reduce Air Pollution from Wood Burning

No permanently installed wood-burning devices shall be allowed in any new development, except when necessary for food preparation in a restaurant or other commercial establishment serving food.

HS-5.14: Notify Project Applicants of Air District Requirements

The County shall work with the Air District to obtain materials to give to project applicants regarding relevant information about Air District requirements.

The text on p. 7-32 of the RDEIR is revised as follows:

Mitigation Measure:

AIR-2. Implement Mitigation Measure AIR-1.

The text on p. 7-33 of the RDEIR is revised as follows:

Mitigation Measure:

AIR-3. Implement Mitigation Measure AIR-1.

The text on p. 8-4 of the RDEIR is revised as follows:

Source: CAL FIRE~~CALFIRE~~ 2014, CALVEG 2006.

The text on p. 8-5 of the RDEIR is revised as follows:

Source: CAL FIRE~~CALFIRE~~ 2014, CALVEG 2006.

The text on p. 8-23 of the RDEIR is revised as follows:

Table 8-1 Special-Status Species Potentially Found in San Benito County

Species	Listing		
	Federal	State	CNPS
Invertebrates			
Vernal pool fairy shrimp (*Branchinecta lynchi*)	FT		
. . .			

Species	Listing		
	Federal	State	CNPS
Mammals			
. . .			
Ringtail cat (*Bassariscus astutus*)		FP	
San Joaquin kit fox (*Vulpes macrotis mutica*)	FE	ST	
. . .			

Listing Status Codes:

Federal (USFWS)

FE Listed as Endangered under the Federal Endangered Species Act
FT Listed as Threatened under the Federal Endangered Species Act
FC Candidate for listing under the Federal Endangered Species Act

State (CDFW)

SE Listed as Endangered under the California Endangered Species Act
ST Listed as Threatened under the California Endangered Species Act
SR Listed as Rare under the California Endangered Species Act
SC Candidate for listing under the California Endangered Species Act
FP CDFW Fully Protected species under California Fish and Wildlife Code
SSC CDFW Species of Special Concern

CNPS Rare Plant Ranks and Threat Code Extensions

1B Plants that are considered Rare, Threatened, or Endangered in California and elsewhere
2B Plants that are considered Rare, Threatened, or Endangered in California, but more common elsewhere
.1 Seriously endangered in California (over 80% of occurrences threatened/high degree and immediacy of threat)
.2 Fairly endangered in California (20-80% occurrences threatened)
.3 Not very threatened in California (less than 20% of occurrences threatened low degree and immediacy of threat or no current threats known)

Sources: CDFW 2014; USFWS 2014; CNPS 2014.

. . .

Other Species

Several other species have been reported to the CNDDB; however, these species have no listing status, and impacts to these species would only be considered significant if the subsequent population decline was very large and/or affected the viability of the population. These include several invertebrates: California linderiella, Idria short-tailed whipscorpion, San Benito harvestman, San Joaquin dune beetle, Pinnacles shieldback katydid, Morrison's blister beetle, Pinnacles optioservus riffle beetle, Wasbauer's protodufourea bee.

In addition, several species that are not found in the County according to the CNDDB could potentially inhabit portions of the County due to suitable habitats found within the County, and

the proximity to known occurrences. These include Santa Cruz long-toed salamander (federal and state endangered), riparian woodrat (federal endangered and California species of special concern), ~~and~~ Monterey dusky-footed woodrat (California species of special concern), and the ringtail cat (California fully protected species). The Santa Cruz long-toed salamander has a very limited range, with scattered populations in a reported 11 locations around the coast of Monterey Bay in southern Santa Cruz County and the northern edge of Monterey County. The riparian woodrat is primarily found in Stanislaus and San Joaquin Counties. The Monterey dusky-footed woodrat is known from Monterey and San Luis Obispo Counties. There are no known occurrences of ringtail cats in the County and very few recorded occurrences statewide, but suitable habitat is present in portions of the County.

The text on p. 8-48 of the RDEIR is revised as follows:

Table 8-2 Habitat Losses Estimated from Implementation of the 2035 General Plan

Habitat Impacted[1]	Total Existing Acreage[2]	Total Acreage Impacted[2,3]
Agriculture	52,627	3,085–10,486
Annual Grassland/Pasture	446,040	6,487–12,570
Aquatic	1,475	23–121
Barren/Other	537	0–214
Chaparral/Scrub (chamise-redshank chaparral, coastal scrub, mixed chaparral, sagebrush, and other shrub type)	124,156	941–1,857
Conifer Forest (Jeffrey pine, montane hardwood-conifer, Sierran mixed conifer, other conifer type)	3,537	61–65
Conifer Woodland (juniper)	850	0
Desert Scrub	258	0
Hardwood Forest (montane hardwood)	1,547	0
Hardwood Woodland (blue oak-foothill pine; eucalyptus; and blue oak, coastal oak, valley oak woodland)	248,676	3,353–1,132
Urban	9,539	749–3,086
Total	**889,224**	**18,166–26,064**

Source: CAL FIRE~~CALFIRE~~ 2002.

Notes: [1]For habitat type descriptions please see the 2010 Background Report.

[2]Data has been rounded to the nearest whole number.

[3]Range accounts for different possible growth scenarios.

There are two federally-listed plant species known to occur in the County (San Benito evening primrose and San Joaquin woolly-threads) and four other federally-listed plant species that have the potential to occur (Monterey spineflower, robust spineflower, Santa Cruz tarplant, and Yadon's rein orchid). The federally-threatened San Benito evening primrose is an endemic species that occurs in serpentine soils. Known populations are limited to the stream terraces in the Clear Creek Management Area and private lands in the vicinity where serpentine soils exist. ~~occurs on gravelly, serpentine terraces in chaparral, woodlands, and grasslands.~~

The text on p. 8-56 of the RDEIR is revised as follows:

Increases in human activity in and adjacent to undeveloped areas as a result of new development under the 2035 General Plan have the potential to result in the abandonment of occupied habitat by special-status animals, loss of individuals due to crushing or capture, predation of native species by domesticated animals, introduction of disease by domesticated animals, and degradation of sensitive vegetation including wetlands and waterways.

The text on p. 9-7 of the RDEIR is revised as follows:

An archaeological reconnaissance conducted by BLM in the Clear Creek ~~Off-Road Vehicle~~ Management Area identified 12 prehistoric sites.

The text on p. 9-12 of the RDEIR is revised as follows:

The Clear Creek Management Area is located near the San Benito-Fresno County line and covers approximately 63,000 acres. The area ~~has historically been~~is a popular weekend destination ~~available to the public for~~ for a variety of recreation opportunities, including ~~off-road highway vehicle recreation~~ hobby gem and mineral collection (i.e. rockhounding), hunting, hang-gliding, and scenic vehicle touring ~~backpacking, and sightseeing~~. ~~However, since May 2008 many public lands have been closed to protect the public from environmental hazards.~~ The unique geologic area includes serpentine soils that contain naturally-occurring asbestos. ~~In 2004 the USEPA found elevated levels of airborne asbestos fibers present during various recreation activity surveys and clean-up activities for a Federally-listed mine within the area. As a result, the USEPA and Bureau of Land Management restrict the use of the public lands to reduce the public's exposure during dry months when there is the greatest potential to generate dust.~~ EPA released the final Asbestos Exposure and Human Health Risk Assessment for CCMA in 2008. This prompted a temporary closure order for the 30,000-acre Serpentine Area of Critical Environmental Concern (ACEC). BLM released the Record of Decision and Approved Resource Management Plan for CCMA in 2014. Access to Serpentine ACEC is now limited to visitors with permits in highway-licensed vehicles for day-use only. The number of permits for motorized access into the ACEC is limited to five days per year to reduce human health risks associated with exposure to naturally-occurring, airborne chrysotile asbestos fibers.

The text on p. 10-7 of the RDEIR is revised as follows:

The Bureau of Land Management (BLM) issued the temporary closure order on May 1, 2008, closing 30,000 acres within the Serpentine Area of Critical Environmental Concern. ~~Since the closure order took effect, BLM released a Draft Resources Management Plan & Draft Environmental Impact Statement in November 2009 to develop management alternatives for areas containing asbestos.~~ The BLM temporary closure was replaced by the Record of Decision and Approved Resource Management Plan for the CCMA in 2014. Access to the Serpentine ACEC is now limited to visitors with permits in highway-licensed vehicles for day-use only. The number of permits for motorized access into the ACEC is limited to five days per year to reduce human health risks associated with exposure to naturally-occurring, airborne chrysotile asbestos fibers. This area of elevated NOA also includes the ~~Union Carbide Joe Pit Mine~~King City Asbestos Company (KCAC) mine, a former asbestos surface mine at the southern tip of the County border.

The text on p. 10-15 of the RDEIR is revised as follows:

Within the Clear Creek Management Area in the southeastern portion of the County, five abandoned mines have undergone some measure of remediation; these are the Aurora, Alpine, Jade ~~Hill~~Mill, Xanadu, and ~~Larcious~~Larious Canyon Mines (BLM RMP/EIS).

The text on p. 11-8 of the RDEIR is revised as follows:

~~The County, in coordination with t~~The Association of Monterey Bay Area Governments~~, will need to~~ developed and adopted a SCS in June 2014 ~~or Alternative Planning Strategy (APS)~~ as required under SB 375 that is designed to achieve the allocated reduction target.

The text on p. 11-28 of the RDEIR is revised as follows:

CARB's SCS goals for the AMBAG tri-county region ~~Monterey Bay MPO~~ includes a 0-percent-per-capita greenhouse gas emission (GHG) ~~vehicle miles travelled (VMT)~~ reduction from light-duty vehicles by 2020 and a 5-percent-per-captia GHG reduction by 2035 from its 2005 level (CARB 2011d).

The text on p. 12-2 of the RDEIR is revised as follows:

The discussion in Chapter 17 includes a description of each of the fire service providers primarily responsible for such fires, including the San Benito County Fire Department, the Aromas Tri County Fire District~~Department~~, the Hollister Fire Department, and the San Juan Bautista Volunteer Fire Department.

The text on p. 12-3 of the RDEIR is revised as follows:

CAL FIRE

CAL FIRE is the State wildland fire agency established to fight vegetation (wildland) fires in the State Responsibility Area ~~protect non Federal, unincorporated lands within California~~. . . .

Approximately 26,000 acres of Pinnacles National Park are located in unincorporated San Benito County. The National Park Service (NPS) is responsible for fire management in Pinnacles. NPS has a Direct Protection Agreement with CAL FIRE for all NPS lands in the County. In addition, a Protection Operations Supervisor oversees the daily ranger protection operations and administers most aspects of the fire program. The park has traditionally relied on a full-time fire management officer assigned to the BLM Hollister Field office to assist with more complex fire management matters. Incident command is provided by local cooperators such as CAL FIRE or the BLM Hollister Fire Management Officer.

Bureau of Land Management

The Bureau of Land Management (BLM) is responsible for fire management ~~and response~~ on its approximately 105,000 acres in the County. ~~BLM staffs a hand crew and bulldozer from May to October each year.~~ BLM has a Direct Protection Agreement (DPA) with CAL FIRE for all BLM lands in the County. CAL FIRE and BLM respond to incidents on BLM property, but CAL FIRE has suppression responsibilities for BLM property ~~for initial attack only. BLM assumes responsibility in the event that a wildland fire goes to extended attack status~~. The BLM also supports fire protection planning efforts in the County through its involvement in the BFSC, and grant funding for public education or WUI fuel reduction projects.

The text on p. 12-9 of the RDEIR is revised as follows:

Source: San Benito County Planning and Building Department 2010, California Department of Forestry and Fire Protection (CAL FIRE~~CalFIRE~~) Fire and Resource Assessment Protection Program (FRAP) 2010

The text on p. 12-12 of the RDEIR is revised as follows:

The CalEPA/DTSC sites of interest (listed though Envirostor) include both active cleanup or land restriction status sites, the ~~BLM's Vellecitos~~ Vallecitos Oil Fields approximately 50 miles southeast of Hollister, the former Class I – Hazardous Waste Unit at the John Smith Landfill, and the ~~Joe Asbestos Pit Union Carbide~~ King City Asbestos Company Mine at the southern County boundary.

The text on pp. 12-42–12-43 of the RDEIR is revised as follows:

HAZ-2a. Add the following policy to the 2035 General Plan Public Facilities and Services Element:

Policy PFS-10.8: New Land Uses Near Schools

The County shall prohibit the siting of new land uses or facilities that use, store, emit, treat, or dispose of large quantities of hazardous materials within one-quarter mile of an existing public or private school facility.

HAZ-2b. Add the following policy to the 2035 General Plan Public Facilities and Services Element:

Policy HS-6.9: Sensitive Uses near Industrial Facilities

A buffer shall be maintained between new sensitive land uses (such as residential subdivisions, schools, day care centers, hospitals and parks) and commercial facilities that conduct bulk-scale receiving, unloading, handling, blending and/or loading of industrial and/or agricultural chemicals regulated as potentially hazardous by state and/or federal environmental protection agencies. For facilities that handle bulk-scale amounts of including but not limited to methyl bromide (and its replacement such as Telon and chloropicrin), the buffer shall be at least 2.5 miles. For all other commercial facilities that handle bulk-scale amounts of regulated hazardous chemicals, the appropriate buffer shall be determined on a case-by-case basis. The buffer shall be established based on the degree of hazard associated with individual industrial facilities and based on recommendations of the County Fire Marshal and Environmental Health Department. This buffer does not apply to feed and supply stores, hardware stores, gas stations or similar facilities that handle such chemicals in retail trade.

The text on p. 12-52 of the RDEIR is revised as follows:

The Health and Safety Element Goal HS-4 and its supporting policies would reduce the overall safety impacts to County residents by minimizing the risk of wildland and urban fire hazards. Specifically, Policy HS-4.4 requires development in high fire hazard areas to be designed and constructed in a manner that minimizes fire hazard risks and meets all applicable State and County fire standards. This includes, but is not limited to, Fire and Smoke Safety Features of the California Building Code, and the requirements of the Fire Code. Further, as provided by Policy PFS-13.9, "[t]he County shall ensure that all proposed developments are reviewed for compliance with the California Fire Code and other applicable State laws." These Policies will help minimize risks related to loss of property from fire hazards.

The text on pp. 13-13–13-14 of the RDEIR is revised as follows:

. . . The streams and water bodies discussed below are identified as impaired under Section 303(d) of the CWA.

. . .

BLM manages CWA 303(d)-listed impaired water bodies to (1) meet properly functioning condition (PFC) objectives relative to beneficial uses and TMDLs; and (2) maintain stable watershed conditions and implement passive and active restoration projects to protect beneficial uses of water and meet TMDLs. In 2002, California State Water Resources Control Board listed the following streams as Clean Water Act Section 303(d) Water Quality Limited Segments for: Clear Creek (mercury), San Benito River (fecal coliform and sedimentation), and Hernandez Reservoir (mercury). Clear Creek was previously identified as impairs by mercury on the 1998 CWA 303(d) list of impaired waterbodies.

In 2004, the Central Coast Regional Water Quality Control Board (CCRWQCB) adopted a TMDL for mercury in Clear Creek. The TMDL was established as 50 ng/L for low flow conditions in Clear Creek. After the adoption of this TMDL, BLM contracted with the USGS to perform water quality measurements to comply with the TMDL. After the first three years BLM (via USGS sampling) reported to the CCRWQCB that the TMDL was not being met and established a study to determine where additional mercury mine waste was located which were responsible for the failure to meet the TMDL. Two additional abandoned mercury mines were located and remediated in 2007. Since that time, BLM has met the CCRWQCB mercury TMDL.

~~Past mining activities for asbestos, chromium, mercury, and other metals in the watershed of Clear Creek, in the headwaters of the San Benito River including Hernandez Reservoir, have contributed to the need for the mercury TMDL. The land use legacy effects and modern erosion factors require management, and the TMDL requires the U.S. Bureau of Land Management (BLM) to continue to control mercury rich sediment runoff to achieve the load allocation limits for Clear Creek and restore beneficial uses of the reservoir. Remedial actions have been implemented by the BLM.~~.

In addition to the water bodies that already have adopted TMDLs in place, others within San Benito County have recently been identified as 303(d) listed and needing TMDLs, including: Pacheco Creek, San Juan Creek, Tequisquita Slough, and Tres Pinos Creek. Once approved, the TMDLs may impose modifications to stormwater management, erosion control, or other measures to meet the requirements.

The text on p. 14-7 of the RDEIR is revised as follows:

AMBAG is the designated Metropolitan Planning Organization for the tri-county region (Monterey, Santa Cruz, and San Benito Counties) ~~Regional Transportation Planning Agency in the County~~ and is responsible for preparing and administering state and federal transportation plans, ~~for the tri-County region (i.e., Monterey, Santa Cruz, and San Benito),~~ and allocating existing and projected regional housing needs for ~~the~~ Monterey and Santa Cruz counties.

The text on p. 16-5 of the RDEIR is revised as follows:

AMBAG is the ~~regional~~ federally designated metropolitan planning organization (MPO) for the Monterey Bay Area including San Benito, Santa Cruz, and Monterey Counties. It is ~~the County's designated regional transportation planning agency,~~ responsible for preparing and administering state and federal transportation plans and programs for the tri-county area. It is also the designated Council of Governments for Santa Cruz and Monterey Counties.

The text on p. 17-8 of the RDEIR is revised as follows:

~~Much of the County is located within State Responsibility Areas, directly protected by CAL FIRE engines responding from State owned fire stations~~. ~~While t~~The County Fire Department is responsible for all-risk fire and rescue services, including, but not limited to, fighting urban and structural fires, vegetation fires, hazardous materials incidents, medical aid, and traffic collisions within ~~fighting urban and structural fires within~~ unincorporated County.~~, other f~~Fire responsibilities are otherwise distributed among several agencies, including the Aromas Tri County Fire Department, Hollister Fire Department, and San Juan Bautista Volunteer Fire Department.

The text on pp. 17-8–17-9 of the RDEIR is revised as follows:

While the County Fire Department is responsible for fighting urban and structural fires within unincorporated County, other fire responsibilities are distributed among several agencies including the Aromas Tri County Fire District~~Department~~, Hollister Fire Department, and San Juan Bautista Volunteer Fire Department.

. . .

Although the County does not own a fire station, it does own fire equipment, including a water tender, a Type III engine, three Type I engines (one located at the Hollister Station, one given to the San Juan Bautista Volunteer Fire Department for mutual aid, and one reserve engine), and two utility pick-up trucks.

The Fire Department and CAL FIRE have overlapping responsibility ~~is not principally responsible~~ for ~~the~~ wildland fire protection in the SRA~~, but responds as initial automatic aid to many of these areas~~. Wildland fires can be very labor intensive and vast commitments of resources are often required. A large fire may require the fire apparatus to remain at the scene for several days, causing equipment and staffing problems within the County Fire Department. As such, CAL FIRE often responds to wildland fires~~ and the County provides secondary response, as needed~~. With the assistance of CAL FIRE and other responders, County response times have been adequate.

CAL FIRE. CAL FIRE is the State wildland fire agency established to fight vegetation (wildland) fires in the State Responsibility Area ~~a State wildland fire agency established to protect non-Federal, unincorporated lands within California~~, and is described in detail in Chapter 12.

Aromas Tri-County Fire Protection District~~Department.~~ The Aromas Tri County Fire Protection District (ATCFPD) provides fire protection services within its service area in San Benito, Santa Cruz, and Monterey Counties, and operates under a Cooperative Fire Protection Agreement with CAL FIRE. ATCFPD provides a constant daily minimum staffing of one Battalion Chief, one Fire Captain, and one Fire Apparatus Engineer~~, and one Firefighter II~~ on the primary response engine. The fire station is located at 492 Carpenteria Road in Aromas. It houses ~~one~~two Type I fire engines (one as reserve), one Type III fire engine, one utility pickup, and one chief's command vehicle. An additional Type III wildland engine is housed at the station and staffed seasonally with a four person crew. ~~The ATCFPD battalion chief provides back up chief officer coverage to the SBCFD at no charge to the County.~~

The text on p. 17-13 of the RDEIR is revised as follows:

There are currently no EMS aircraft based in the County. Therefore, the County has developed agreements for the use of out of County emergency medical air services from Monterey, Santa Clara, Stanislaus, and San Luis Obispo Counties. The Antelope Fire Station in Paicines, the Aromas Tri County Fire District located in Aromas, the Bear Valley Fire Station, also located in Paicines, the Hollister Air Attack Base, the Hollister Fire Department, the County Fire Department, the San Juan Bautista Volunteer Fire Department, and the California Department of Parks and Recreation Department in Hollister may assist with landing zones for air ambulance transport. ~~The County also relies on several other providers for private emergency air transport. Emergency transport is also provided through the Antelope Fire Station in Paicines, the Aromas Tri County Fire District located in Aromas, the Bear Valley Fire Station, also located in Paicines, the Hollister Air Attack Base, the Hollister Fire Department, the County Fire Department, the San Juan Bautista Volunteer Fire Department, and the California Department of Parks and Recreation Department in Hollister.~~

The text on p. 17-26 of the RDEIR is revised as follows:

Policy PFS-13.1: Fire Staffing and Response Time Standards The County shall strive to maintain fire department staffing levels and response times consistent with National Fire Protection Association standards.	Minimizes impacts from fire hazards by promoting efficiency and maintenance of adequate service levels as set forth in the National Fire Protection Association standards.	1
Policy PFS-13.3: Protection Service Expansion The County shall strive to expand fire protection and emergency service in the underserved areas of the county.	Makes fire response more efficient in underserved areas and minimizes impacts from the need to construct or expand new facilities by locating new fire station in areas in areas of most need and that ensure minimum response times to service calls, thereby increasing service efficiency and reducing the need for additional facilities to be built or expanded.	1

The text on p. 17-30 of the RDEIR is revised as follows:

Various policies in the 2035 General Plan ensure that development in New Community Studies Areas would have adequate public infrastructure and funds for fire services and would not worsen existing response times or otherwise significantly impact fire service and facilities, including Goals LU-1, LU-4, LU-9 and Policies PFS-1.10, LU-1.1, LU-1.7, LU-1.3, LU-9.1. These Goals and Policies focus on directing growth where existing infrastructure and public services are available and clustering development, thereby increasing the efficiency and delivery of public facilities and services, and reducing the likelihood that new facilities would need to be constructed.

The text on pp. 18-2–18-3 of the RDEIR is revised as follows:

Table 18-1 Existing Park and Open Space Areas in Unincorporated County

Government Entity	Acres	Total Open Space
Federal		
Pinnacles National Park	26,000	
BLM Land	~~105,403~~ 105,990	
San Justo Reservoir	383	
Land Near San Justo Reservoir	118	
Subtotal	*~~131,904~~ 132,491*	*91.8%*
State		
Bolado Park	126	
Fremont Peak State Park	244	
San Juan Bautista State Historical Park	NA	
Hollister Hills State Vehicular Recreation Area	7,100	
Buffer near Hollister Hills	1,690	
Miscellaneous State Lands	2,199	
Subtotal	*11,359*	*~~8~~7.9%*
County		
~~Hernandez Reservoir and Recreation Area~~	~~587~~	
San Benito Historical Park	33	
Veteran's Memorial Park	37	
Other	116	
Subtotal	*~~733~~ 146*	*0.~~5~~1%*
Other Agencies		
Water Agencies	211	
School Districts	113	
Subtotal	*324*	*0.2%*

Government Entity	Acres	Total Open Space
County Service Areas (CSA)		
Stonegate (Private/Gates)	5	
Hollister Ranch Estates (Public Access)	1.27	
Oak Creek Subdivision (Public Access)	1.47	
Pacheco Creek Estates (Private/Gated)	2.74	
Quail Hollow Park (Public Access)	2.73	
Rancho Larios (Private/Gated)	3.87	
Subtotal	*17.08*	*0%*
Total	**1~~1~~4,377**	**100%**

The text on pp. 18-3–18-4 of the RDEIR is revised as follows:

All of these facilities~~, with the exception of the Clear Creek Management Area,~~ are open to the public and provide information kiosks, restrooms, marked off-road vehicle and trail routes, and passive recreational activities such as wildlife viewing, hiking, hunting, and biking. As noted above, only portions of Panoche Hills and Tumey Hills fall within San Benito County. The majority of these two BLM areas are within Fresno County. ~~There are portions of other BLM lands within San Benito County, although they are smaller tracts of land that are not contiguous. These include Curry Mountain, Coalinga Mineral Springs, Laguna Mountain, and Williams Hill.~~

. . .

Clear Creek Management Area is located near the San Benito-Fresno County line and covers approximately 63,000 acres. The area ~~has historically been~~is a popular weekend destination ~~available to the public~~ for a variety of recreation opportunities, including ~~off-road highway vehicle recreation~~hobby gem and mineral collection (i.e. rockhounding), hunting, hang-gliding, and scenic vehicle touring~~backpacking, and sightseeing~~. ~~However, since May 2008 many public lands have been closed to protect the public from environmental hazards.~~ The unique geologic area includes serpentine soils that contain naturally-occurring asbestos. ~~In 2004 the USEPA found elevated levels of airborne asbestos fibers present during various recreation activity surveys and clean-up activities for a Federally listed mine within the area. As a result, the USEPA and Bureau of Land Management restrict the use of the public lands to reduce the public's exposure during dry months when there is the greatest potential to generate dust. EPA later completed an Asbestos Exposure and Human Health Risk Assessment in early 2008 that determined that all forms of public use on approximately half of the management area (31,000 acres) should be closed to protect public health and safety due to health risks associated with exposure to airborne~~

~~asbestos.~~ The USEPA released the final Asbestos Exposure and Human Health Risk Assessment for CCMA in 2008. This prompted a temporary closure order for the 30,000-acre Serpentine Area of Critical Environmental Concern (ACEC). BLM released the Record of Decision and Approved Resource Management Plan for CCMA in 2014. Access to Serpentine ACEC is now limited to visitors with permits in highway-licensed vehicles for day-use only. The number of permits for motorized access into the ACEC is limited to five days per year to reduce human health risks associated with exposure to naturally-occurring, airborne chrysotile asbestos fibers.

The text on p. 18-5 of the RDEIR is revised as follows:

San Benito Mountain Natural Area is located in the southern part of the San Benito County ~~and contains San Benito Mountain (5,241 feet) and approximately 1,500 acres of non-public lands. The area is closed to off-road vehicle use in order to protect the unique plant communities in the area. The area is open to hiking and hunting.~~ The 4,147-acre San Benito Mountain Research Natural Area (RNA) is inside the Clear Creek Serpentine Area of Critical Environmental Concern (ACEC).

At 5,241 feet, San Benito Mountain is the highest peak in the Diablo Mountain Range. BLM manages 1,500 acres of public lands atop San Benito Mountain as a Wilderness Study Area until Congress determines whether it should be added to the national wilderness preservation system.

San Benito Mountain is the only place in the world that supports Jeffrey pine (Pinus jeffreyi), Coulter pine (P. coulteri), and foothill pine (P. sabiniana), and incense cedar (Calocedrus decurrens) at the same location. The San Benito Mountain population of Jeffrey pine is the only population of this species in the California Coast Range south of northern Lake County (Kuchler 1977, p. 151). As such, the Jeffrey x Coulter pine hybrids around San Benito Mountain are an important natural source of genetic combinations and have been used in the past for genetic research and breeding programs. The unique forest assemblage also contains groves of incense cedars, the only incense cedars in the inner central California Coast Range. The nearest stands of incense cedars found elsewhere, are in the coastal Santa Lucia Mountains 60 miles to the west and in Napa County 175 miles to the north. The rare talus fritillary (Fritillaria falcata) occurs at only nine locations in the world and two of those, including the largest population, occur in the understory of the San Benito Mountain Forest. These distinctions emphasize the importance of the San Benito Mountain and conservation of the biodiversity represented by the unusual genetic and species assemblages of this Research Natural Area.

The BLM created the San Benito Mountain Research Natural Area to provide special resource management protection for this unique area with three management goals: (1) to ensure survival of the pine forests in the COMA; (2) to maintain the vegetation and soil resources in as natural a condition as possible; and (3) to provide opportunities for scientific and academic research in this unique ecosystem. The area is open to public visitors with permits to enter the Serpentine ACEC.

. . .

Griswold Hills ~~includes a 516-acre wilderness area containing~~ contains oak-grassland habitat typical of the inner coastal range. Access to the area is only by foot. A foot trail leads from a ~~public parking~~ day-use area and zigzags up the hillside to a ridgetop that sits at an elevation of 2,575 feet.

. . .

The Tumey Hills are located east of ~~New Idria Road~~ Griswold Hills south of Panoche Hills and consist of Federal lands administered by BLM.

. . .

San Justo Reservoir and Recreation Area ~~(BLM)~~ (Bureau of Reclamation)

The San Justo Reservoir and Recreation Area is located off Union Road south of SR 156 and includes the San Justo Reservoir, a Bureau of Reclamation ~~BLM~~ project ~~constructed~~ that is operated by the San Benito County Water District as part of the Central Valley Project.

Laguna Mountain Recreation Area (BLM)

The Laguna Mountain Recreation Area encompasses 4,462-foot Laguna Mountain of the Diablo Range and is adjacent to Hernandez Reservoir. The area consists of somewhat rugged terrain with rolling hills covered in dense brush. The area's vegetation is characterized by classic chaparral habitat, oak forests, and grassy meadows. Laguna Creek flows through the area most of the year, accompanied by a series of scenic waterfalls in the Laguna Creek gorge. The recreation area features two campgrounds and three trailheads, among other recreation opportunities, including hunting, mountain biking, horseback riding, stargazing, and wildlife viewing.

The text on p. 18-7 of the RDEIR is revised as follows:

~~**Hernandez Reservoir**~~

~~Hernandez Reservoir is located in the southern part of the County. The reservoir was constructed in the early 1960s and impounds water from San Benito River. It holds approximately 18,500 acre-feet of water for storage and flood control and has a capacity of 30,000 acre-feet. The dam is operated and maintained by the San Benito County Water District (SBCWD). Approximately 587 acres of land surround the reservoir.~~

The text on pp. 18-23–18-24 of the RDEIR is revised as follows:

Currently, approximately ~~899~~ 475.5 acres of existing parkland serve County residents and visitors, not including federal and state parks and wildlife areas (which total over 144,~~416~~377 acres). Based on this amount, the recreation resources within the County provide approximately ~~16.2~~ 8.5 acres of parkland per 1,000 people, not including private recreational facilities within CSAs~~, some of which are private~~. ~~Thus, the County is currently exceeding its parkland standard.~~

The acreage goals under the proposed 2035 General Plan apply the same parkland standards of 5.0 acres per 1,000 people. The proposed 2035 General Plan forecasts population within the County to be 94,731 persons by 2035, or an additional 39,462 residents. This population growth would translate to a greater demand for recreational facilities. Based on this amount, a total of 474 acres of parkland would be needed to meet the goals for recreational facilities set forth in the 2035 General Plan. ~~Because the County currently provides approximately over 899 acres of County parkland, no additional parkland would be required beyond what is currently provided at County parks and recreational areas.~~ County residents and visitors also have access to approximately 144,~~416~~377 total acres of open space, recreational areas, and parkland, including federal and state park and recreation areas. ~~Additional parkland would not be needed to meet increasing demands due to a growing population.~~ ~~Yet,b~~Because much of the existing ~~park~~lands that ~~is~~ are currently available ~~is~~ are spread across both the northern and southern parts of the County and ~~is~~ not easily accessible to all County residents, particularly residents of new residential subdivisions, new parklands may be added with new subdivisons.~~communities or rural communities, over time population growth may cause accelerated deterioration of the existing recreational facilities closest to population centers from overuse.~~ Although specific project facility locations and designs are not known at this time, future park projects would be reviewed by the County on a case-by-case basis, and would be required to undergo a project-level environmental review.

The text on pp. 18-26 of the RDEIR is revised as follows:

Impact REC-2: Include recreational facilities or require the construction of expansion of recreational facilities which might have an adverse physical effect on the environment (XV.b).

Level of Significance: Less than significant, no mitigation required.

~~As noted above, the County has sufficient recreational facilities to accommodate planned population growth.~~ The County will continue to identify opportunities to create new parkland. New parkland may be added as part of new subdivisions or other projects and/or in coordination with other agencies. The type, size, and location of such parkland cannot be determined at this time. As new parkland is developed, the environmental effects of its construction will be evaluated in subsequent CEQA documentation that addresses potential impacts of specific projects that include parkland.

The text on p. 19-3 of the RDEIR is revised as follows:

However, AMBAG ~~staff~~ has confirmed that the County may choose to use the County model ~~can be used to identify~~ ~~more accurate County-level results~~ for local planning efforts~~, as long as the County model can be shown to be consistent with the RTDM (Freeman 2014)~~.

The text on p. 19-5 of the RDEIR is revised as follows:

State Route 25 is approximately 60 miles long within the County and is mainly a rural two-lane highway, except through the C~~c~~ity of Hollister where the road is ~~recently completed (2008) bypass has~~ 4 to 6 lanes.

The text on p. 19-7 of the RDEIR is revised as follows:

~~City of Hollister Bus Routes~~ San Benito County Regional Bus Routes

The San Benito County Express operates three fixed routes within Hollister: the Green, Blue, and Red lines. Buses operate between the hours of 6:20 AM to 5:40 PM Monday through Friday. San Benito County Express provides weekend (Saturday and Sunday) service to the Greyhound Station from 7:40 a.m. to 6:00 p.m. San Benito County Express does not provide service on ~~weekends or~~ major holidays (i.e., New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day).

The text on pp. 19-7–19-8 of the RDEIR is revised as follows:

The County Express Transit System provides Dial-a-Ride services to northern San Benito County, including Hollister, San Juan Bautista, and Tres Pinos, on weekdays from ~~between 7~~ 6 AM to 6 PM and on weekends ~~between 7~~ from 9:15 AM to ~~5~~ 3 PM.

The text on p. 19-8 of the RDEIR is revised as follows:

Shuttle services to the Gilroy Transit Center and Gavilan Community College (school year only) operate Monday through Friday from ~~4~~5:30 AM to 8:20 PM and connects to all trains operating between Gilroy and San Jose (six per day).

~~Jovenes de Antaño~~ Specialized Transportation Services

Jovenes de Antano de San Benito is a non-profit organization established to encourage, develop, and administer programs to improve the general welfare of the elderly in San Benito County. It provides service to all elderly and people with disabilities ~~18 years and older~~ within San Benito County, and includes on-demand transit service, by reservation, for shopping- and medical-related trips.

The text on p. 19-9 of the RDEIR is revised as follows:

Bicycle Facilities

Bicycle facilities in San Benito County are classified as one of these classes:

- **Class I Bikeway.** Bike paths that are physically separated from motor vehicles and feature two-way bicycle travel on a separate path.
- **Class II Bikeway.** Striped bike lanes on roadways that are marked by signage and pavement markings.
- **Class III Bikeway.** Bike routes and only have signs to help guide bicyclists on recommended routes to certain locations.

These definitions deviate slightly from those found in section 890.4 of the California Streets and Highways Code.

In the San Benito County region, there are 13.21 miles of bicycle facilities. The County's existing bikeway network consists of approximately three miles of bike lanes. Bicycle facilities in the County are generally concentrated in and around Hollister (refer back to Figure 3-13).

The text on p. 19-10 of the RDEIR is revised as follows:

Bicycle and Pedestrian Safety. Safety is a major concern of bicyclists and pedestrians, and increased education and enforcement are important tools to help promote bicycle safety. The Council of Governments has promoted County-wide educational programs and projects in support of bicycle and pedestrian safety. Such programs include: Bike Week: Bike to School/Work Day, Walk 'N' Roll Event, Walk to School Day, Suggested Safe Routes to School Maps, Kids at the Park, Helmet Fittings, and San Benito County-wide Bike Map.~~In 2010, the SBCOG completed a Safe Routes to Schools program for bicycles.~~

The text on p. 19-13 of the RDEIR is revised as follows:

The AMBAG model is the federally recognized model for transportation planning in the region. However, according to AMBAG, ~~staff has confirmed that the~~ this does not prohibit the County from using a different model ~~can be used to identify~~ ~~more accurate County level results~~ for local planning efforts~~, as long as the County model can be shown to be consistent with the RTDM (Freeman 2014)~~

. . .

In addition, the San Benito County Council of Governments ~~Ridesharing Program~~ operates a regional commuter vanpool program that consists of ~~one~~ three 14-passenger vanpools that operate~~s~~ daily to Santa Clara County and Monterey County.

. . .

The other location is in Hollister at the intersection of Hillcrest and Memorial Drives and has 19 parking spaces. ~~Both of these lots have bicycle locker accommodations.~~

The text on p. 19-17 of the RDEIR is revised as follows:

San Benito County Local Transit Authority. The Authority administers ~~and operates~~ the San Benito County Express and Specialized Transportation Services transit system.

. . .

Additionally, the plan recommends a variety of changes to improve the entire County Express operation. The San Benito County Local Transportation Authority is currently working on preparing the 2015 Short-Range and Long-Range Transit Plan.

Monterey Bay Coordinated Public Transit-Human Services Transportation Plan (CPTP). The CPTP for the Monterey Bay Area was approved by the Association of Monterey Bay Area Governments (AMBAG) in ~~May 2008~~ October 2013 and ~~will be~~ was incorporated in the region's long-range 2010 Metropolitan Transportation Plan/Sustainable Communities Strategy.

The text on p. 19-18 of the RDEIR is revised as follows:

Beginning January 2011, any substantive revision of the circulation element in the general plan of a California local government will include complete streets provisions. The San Benito County Council of Governments, Transportation Agency for Monterey County, and the Santa Cruz County Regional Transportation Commission prepared the Monterey Bay Area Complete Streets Guidebook, which is an available resource for local jurisdictions planning, designing and implementing complete streets projects.

The text on p. 19-52–19-53 of the RDEIR is revised as follows:

TC-1a.i. The following improvements would be necessary to mitigate significant impacts by maintaining acceptable LOSs on all state highways and freeways under Scenario 1, and shall be reflected in the Circulation Diagram:

1. **State Route 25, Shore Road to County Line.**

    a. Construct new alignment of State Route 25 from Shore Road to County Line~~, as a four-lane freeway,~~ as identified in the Hollister to Gilroy State Route 25 Widening and Route Adoption Draft Environmental Impact Report and Tier I Draft Environmental Impact Statement (Caltrans 2010b); or

The text on p. 19-53 of the RDEIR is revised as follows:

TC-1a.ii.1. Mitigation 1a. above is not considered feasible during the timeframe of the 2035 General Plan because of funding constraints and the fact that San Benito County does not control the portion of Highway 25 north of the County line to the point where Highway 25 joins U.S. 101 in Santa Clara County. Because of this, traffic capacity is expected to remain constrained along State Route 25 to the north of the County's northern border even with mitigation 1b. above.

Widening of U.S. 101 within the County's borders has not been identified as being needed to achieve the desired levels of service within the timeframe of the 2035 General Plan. These improvements also are not fundable by the County. Therefore, improvements along U.S. 101 in San Benito County and State Route 25 from approximately 0.6 miles north of Shore Road to the County line are ~~not supported~~ not assumed to be included as part of the County's proposed roadway network for the purpose of assessing the implications of growth in the County and will be removed from the 2035 General Plan Circulation Diagram. San Benito County fully supports the efforts of regional and state agencies to widen of U.S. 101 and State Route 25 north of Shore Road.

TC.1.a.ii.2. Add the following policy to the Circulation Element of the 2035 General Plan:

> Policy C-1.21 Intra-County Transportation Coordination
>
> The County supports opportunities to promote intra-county coordination that aids in meeting County, regional, or state goals to provide integrated and sustainable transportation systems.

. . .

The text on p. 20-45 of the RDEIR is revised as follows:

Moreover, average rainfall (11.7 inches) was slightly below the historic average of 13 inches during this period. Many of the subbasins within the San Benito Gilroy-Hollister Basin were essentially full through this period and rejecting natural recharge. These data indicate that the San Benito Gilroy-Hollister Basin can sustain a long-term pumping rate over 30,000 AFY, even with reduced CVP deliveries such as those which began in ~~2008~~2007, which will likely persist into the future.

The text on p. 22-9 of the RDEIR is revised as follows:

Plan growth forecasts would not be consistent with the assumptions used in drafting regional air quality plans, and implementation of the 2035 General Plan could not induce emissions above

MBUAPCD thresholds. Buildout of the 2035 General Plan would generate operational emissions from on-road vehicles, agricultural sources, and area sources. However, the 2035 General Plan buildout would not violate any air quality standard, contribute substantially to an existing or projected air quality violation, or result in a cumulatively considerable net increase of a criteria pollutant for which the region is non-attainment. As noted in the Air Quality chapter, the 2035 General Plan's contribution to regionally significant cumulative impacts related to air quality could be cumulatively considerable~~significant~~.

The text on p. 22-15 of the RDEIR is revised as follows:

Because improvements may not be installed, this impact would remain significant and unavoidable. No measures in addition to proposed 2035 General Plan policies and mitigation identified in this RDEIR are available and within the jurisdiction of San Benito County to reduce the magnitude of this cumulative impact. Therefore, the County's contribution to regional cumulative impacts related to traffic would be cumulatively considerable~~significant~~.

The text on p. 23-2 of the RDEIR is revised as follows:

Association of Bay Area Governments (ABAG). July 2013. *Plan Bay Area. Final Forecast of Jobs, Population, and Housing.* http://planbayarea.org/pdf/final_supplemental_reports/FINAL_PBA_Forecast_of_Jobs_Population_and_Housing.pdf

The text on p. 23-6 of the RDEIR is revised as follows:

California, State of. Department of Transportation (Caltrans).

. . .

_____. 2008. *System Analysis Study of Focus Routes 101, 152, and 156.* http://www.dot.ca.gov/dist05/planning/sys_plan_docs/system_analysis_study/sas_exec_summary.pdf

The text on p. 23-9 of the RDEIR is revised as follows:

Federal Highway Administration (FHWA). March 2010. *Interim Guidance on the Application of Travel and Land Use Forecasting in NEPA.* http://nacto.org/docs/usdg/interim_guidance_on_app_of_travel_and_land_use_forecasting_fhwa.pdf

. . .

Hollister, City of.

_____. 2014. *Suitability Review*, Federal Highway Administration, Interim Guidance on the Application of Travel and Land Use Forecasting in NEPA. Prepared by Parsons for the City of Hollister.

The text on p. 23-10 of the RDEIR is revised as follows:

Monterey County.

. . .

_____. 2008. Environmental Impact Report Monterey County 2007 General Plan. http://www.co.monterey.ca.us/planning/gpu/2007_GPU_DEIR_Sept_2008/2007_GPU_DEIR_September_2008.htm

. . .

National Park Service. 2007. *Fire Management Plan, Pinnacles National Park*, http://www.nps.gov/pinn/learn/management/firemanagement.htm.

The text on p. 23-11 of the RDEIR is revised as follows:

San Benito County.

. . .

_____. 2011e. 2010 Traffic Impact Mitigation Fee Nexus Study for San Benito County, prepared by Willdan Financial Services, Kimley-Horn and Associates, Inc., and Urban Economics. http://www.sanbenitocog.org/files/Traffic_Impact_Fee2011.pdf

The text on p. 23-13–23-14 of the RDEIR is revised as follows:

Santa Clara Valley Transportation Agency (VTA).

_____. 2014. *VTP 2040, the Long-Range Transportation Plan for Santa Clara County*. http://vtaorgcontent.s3-us-west-1.amazonaws.com/Site_Content/VTP2040_final_hi%20res_030315.pdf

_____. 2014. Transportation Impact Analysis (TIA) Guidelines.

_____. 2009. Transportation Impact Analysis (TIA) Guidelines.

_____. 2006. Southern Gateway Transportation and Land Use Study, prepared by the Santa Clara Valley Transportation Authority, with participation by Caltrans, San

Benito County Council of Governments, and Transportation Agency for Monterey County (TAMC).

The text on p. 23-14 of the RDEIR is revised as follows:

United States Bureau of Land Management (BLM).

_____. 2009. Clear Creek Management Area Draft Resource Management Plan.

_____. 2009. Clear Creek Management Area Resource Management Plan Environmental Impact Statement.

_____. 2014. Clear Creek Management Area Resource Management Plan.

_____. 2014. Clear Creek Management Area Resource Management Plan Final Environmental Impact Statement.

_____. 2014. Record of Decision, Clear Creek Management Area Resource Management Plan.

4.0
CHANGES TO THE RECIRCULATED DRAFT EIR SUMMARY

Section 3.0, Changes to the Draft Recirculated Draft EIR, identifies a number of changes and additions to mitigation measures included in the RDEIR. These changes also apply to Section 2.4, Executive Summary, of the RDEIR.

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