June 4, 2018

Charles Pooler, City Planner
City of Sand City
1 Pendergrass Way
Sand City, CA 93955

SUBJECT: South of Tioga Project Final Environmental Impact Report

Dear Mr. Pooler:

On behalf of the Monterey Bay Chapter of the California Native Plant Society (CNPS), I would like to register our comments regarding portions of the Final Environmental Impact Report that are inadequate. As described in the Biological Resources section of the FEIR, proposed activities pertaining to the conservation and mitigation for special status plant species will not adequately offset the direct, indirect or cumulative impacts of the proposed project on *Gilia tenuiflora* ssp. *arenaria* (Monterey Gilia - Federally Endangered, State Threatened and CNPS Rare Plant Rank 1B.2), *Chorizanthe pungens* var. *pungens* (Monterey Spineflower - Federally Threatened and CNPS Rare Plant Rank 1B2), or *Eriogonum parvifolium* (Seacliff Buckwheat), the host plant for *Euphilotes enoptes smithi* (Smith’s Blue Butterfly - Federally Endangered). I previously registered the Monterey Bay Chapter’s concern during the Public Hearing held May 15, 2018, at the Sand City City Hall.

Undeveloped Dune Scrub south of Tioga Avenue supports one of the largest and most robust coastal populations of Monterey Gilia and Monterey Spineflower throughout their limited ranges around Monterey Bay. In particular, the Monterey Gilia density and distribution in the area south of Tioga Avenue serves as a meta-population for this endangered plant. I have personally observed thousands of individual Monterey Gilia plants in the undeveloped habitat between Highway 1, Tioga Avenue, Scott Street, the Merle Street right-of-way, and the footprint of the proposed development.

The Monterey Bay Chapter of CNPS has serious concerns regarding direct, indirect, and cumulative significant impacts to all special status species noted above. We find the FEIR’s provisions for mitigation are unacceptable because they will not provide adequate protection for the special status species. Specifically:

1. The FEIR does not include provisions to protect any of the adjoining undeveloped Dune Scrub habitat areas that support all three of the special status plants during construction of the proposed development. Construction traffic, including heavy equipment, materials delivery, and vehicular and foot access by construction personnel has not been addressed. During construction, unrestricted access from any point of ingress or egress to the undeveloped Dune
Scrub supporting the meta-population will significantly degrade the habitat and may cause take of Federally-listed species. This has not been addressed in the FEIR or adequately mitigated.

2. The lack of protection of the undeveloped Dune Scrub before, during and after construction of the proposed project will also result in indirect, significant impacts and potential take of Federally protected species. CNPS strongly disagrees with the FEIR Response #4 to comment letter #5. On page 2-28 of the FEIR, the text reads, “Project mitigation must be in proportion to the proposed project’s impacts; size is usually a ratio of impact area to conserved area...”. The expanded size of the conserved mitigation area does not address the potentially enormous impacts to the adjacent undeveloped Dune Scrub habitat, or the Monterey Gilia meta-population that will result from concentrating hundreds of new Sand City residents in a relatively small project footprint on the landscape. The proposed project aims to construct over 400 new units close to the beach and nearby amenities. Hundreds of new residents and their pets and guests will be able to roam freely over the adjoining, privately owned meta-population site, to the detriment of the special status plant species. The proposal to mitigate potential habitat degradation from tremendous increase in population pressure by constructing roped pathways, or by conserving 1-acre of land in perpetuity is inadequate.

3. The conservation of Dune Scrub habitat in small, disjunct patches in the project footprint will not alleviate cumulative pressure on the sensitive status species in the dune habitat south of Tioga Avenue. Fragmented populations of plants and wildlife that are protected, when adjoining meta-populations are not protected, will not lead to the long-term recovery or conservation of these species.

4. The 5-year monitoring period proposed for the conserved plant populations in the project mitigation areas is not long enough to verify mitigation success. Population density and distribution trends can not be adequately analyzed during 5-year time-frames, especially when annual plants like Monterey Gilia and Monterey Spineflower are present. CNPS policy recommends a monitoring program appropriate for the plants impacted by proposed development, complete with the full reporting and public access information noted in the FEIR. We request that the FEIR reflect CNPS policy and include regular monitoring over a 15-year period, not only the proposed mitigation area described in the FEIR, but also the meta-population of Monterey Gilia and associated Monterey Spineflower and Seacliff Buckwheat in the undeveloped Dune Scrub adjacent to the project site.

5. The amount of the endowment promised for monitoring and reporting is not specified and a budget to support these activities must also be part of the public record to ensure the amount is sufficient to accomplish what is described in the FEIR.

6. The Monterey Bay Chapter of CNPS applauds the proposal to develop a Habitat Conservation Plan in association with the California Department of Fish and Wildlife and the US Fish and Wildlife Service, however this plan must be developed and in-place before construction begins on the South of Tioga development project. Initiating construction before
the ratification of this Plan may result in unnecessary and unpermitted take of Federally protected species.

7. CNPS encourages the City of Sand City to work with the proponents of the South of Tioga development project and all neighboring landowners to conserve and protect all of the currently undeveloped parcels in the Dune Scrub habitat area south of Tioga Avenue. The area encompassed by this undeveloped acreage is an appropriate size to preserve the functional ecology of the Dune Scrub habitat that supports a meta-population of the Federally Endangered Monterey Gilia and Monterey spineflower. Incorporating this potential Open Space Preserve into a regular maintenance program will ensure proper stewardship and management of the biologically unique natural resources still supported in the City limits.

The lack of habitat protection, or habitat conservation in the undeveloped habitat south of Tioga Avenue will result in unmitigated, significant direct, indirect and cumulative impacts to sensitive status species.

Thank you for the opportunity to outline the Monterey Bay Chapter's serious concerns regarding special status plants and their long-term population viability, which is seriously threatened by the South of Tioga development project as currently proposed.

Sincerely,

Nikki Nedeff
President, Monterey Bay Chapter CNPS

cc: Monterey Bay Chapter Board of Directors
    Brandon Sanderson, CDFW
    Leilani Takano, USFWS
    David Magney, CNPS Rare Plant Program Manager