

**Comment Letters
Individuals**



CALIFORNIA WATER SERVICES COMPANY

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CALIFORNIA WATER SERVICES COMPANY

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16. The SWWP will include a water treatment plant to be built. The PWR should also include an additional 14,500 MG of SWWP water which would be pumped and when used as above it would be much available.

JOHN DORNING 4648 BUCKLEY CTR. SALINAS, CA 92006 831-442-9177

September 28, 2008

Carl Holm 168 W. Alisal St. Salinas, CA 93901

Subject: Draft EIR for 2007 General Plan

- 1. Cultivation on slopes greater than 25% should not be permitted due to erosion and damages to water quality that will occur as well as other deleterious effects.
- 2. Development should not be permitted to degrade our roads below Level "C". Development should be scaled back until milestones given in the Capital Improvement and Funding Plan (CIFF) are met.

Yours truly,

John Dorning

Monterey County Planning and Building Inspection Administration

OCT 3 2008

RECEIVED

Comments Received by/for

CHM

LET 80928.DOC

General Farm Investment Co. 1-8 47

P.O. Box 247 - Salinas, CA 93902-0047 Phone (831) 424-3723 Fax (831) 424-7812

Monterey County Planning and Building Inspection Administration

FEB 12 2009 RECEIVED

January 23, 2008

Carl Holm County of Monterey R/MA - Planning Department 168 West Alisal St. 2nd Floor Salinas Ca 93901

Dear Mr. Holm,

After reading through the DEIR for our county's latest version of the General Plan Update, I have several comments in relation to various sections of the DEIR.

First, several comments need to be made regarding the section on Climate Change/Greenhouse Gases. They need to be prefaced with a discussion of the Intergovernmental Panel on Climate Change (IPCC).

The studies done by the Intergovernmental Panel on Climate Change have been largely debunked by various scientists and scientific organizations. Of specific interest is the fact that the IPCC's modeling has been constructed using data generated by Dr. James Hansen of NASA's Goddard Institute for Space Studies. However, in regard to his claims that October of 2008 was the hottest

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October on record, it soon came to light that the data produced by NASA to make that claim, and in particular temperature records covering large areas of Russia, was mainly carried over from the previous month. NASA had used temperature records from the naturally hotter month of September and claimed they represented temperature figures in October. When NASA was confronted with this glaring error, they then attempted to compensate for the lower temperatures in Russia by claiming they had discovered a new "hotspot" in the Arctic. Despite satellite imagery clearly showing that HYPERLINK "http://www.prisonplanet.com/arctic-ice-grows-50-per-cent-in-a-year.html"Arctic sea ice had massively expanded its coverage by 30 per cent, an area the size of Germany, since summer 2007.

The figures published by Dr Hansen's institute are one of the primary sets of data used by the IPCC to promote its case for man-made global warming and they are widely quoted because they consistently show higher temperatures than other figures.

"Yet last week's latest episode is far from the first time Dr Hansen's methodology has been called in question," reports the London Telegraph. "In 2007 he was forced by Mr. Watts and Mr. McIntyre to revise his published figures for US surface temperatures, to show that the hottest decade of the 20th century was not the 1980s, as he had claimed, but the 1930s." (US meteorologist Anthony Watts and Steve McIntyre, the Canadian computer analyst who won fame for his expert debunking of the notorious "hockey stick" graph.)

This is of particular relevance to our discussion of the DEIR due to the fact that the DEIR uses the IPCC as an authoritative reference in its discussion of Greenhouse Gases (see 4.16.3.1, etc). The IPCC temperature modelling

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Included in the DEIR is, therefore, questionable at best. My own question is: why is the County accepting questionable DEIR conclusions based upon faulty premises and false data? What is the County's response to all of this?

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Furthermore, why is the DEIR descending into feeble speculation with such comments as "Large increases in global temperatures could have massive deleterious impacts on the natural and human environments"? This means comment is found at the bottom of 4.16-2 in the Climate Change section. Logic dictates that an equally feeble speculation might be made in converse of the original comment, such as - "Large increases in global temperatures could have massive positive impacts on the natural and human environments by increasing agricultural outputs, encouraging the spread of beneficial and valuable flora, and rendering many temperate and arid zones arable." My question is: if speculation is going to be made in one philosophical and/or politically-charged direction, why is not being made in the other direction as well in order to achieve speculative balance? Please update the DEIR in this regard.

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In addition, it should be pointed out that a rather unintelligent comment is made at the top of page 4.16-3 (still in Climate Change) regarding what constitutes a Greenhouse Gas (GHG) and how those are further defined. GHGs include water vapor, CO2, methane, ozone, nitrogen, nitrous oxide, etc. The section in question then goes on to say that GHGs are global pollutants. Water vapor is a global pollutant? Nitrogen is a global pollutant? We would all die - the Earth would die - without the massive amounts of water vapor and nitrogen that, incidentally, make up the majority of our Earth's atmosphere (nitrogen makes up about 80% of our atmosphere). I merely point out this beguile in order to further underscore the lack of logic and intelligence of Jones & Stokes, which, in turn, further underscores the relatively limited value of this DEIR in general.

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Continuing along the lines of feckless and reckless speculation, 4.16.3.2 is an admirable model in this regard. Among other crystal ball predictions, the section speculates that climate change could - should we discuss the implications of the word 'could'? - change increase the severity of winter storms, could increase heat-related human deaths, could raise the sea level along the California coast, etc ad nauseum. These, at best, are reckless speculation and generate a great many concerns about the intelligence of the DEIR writers, their political persuasion and their assumptions. However, my question is: why are all the speculations, if we must make speculations regarding climate change and global warming, negative? Why is there not one positive speculation? Where are the facts and studies that support the implications of the aforementioned speculation? Please elaborate and update the DEIR in this regard.

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In the Emissions Summary section of Climate Change 4.16.3.3, in the area that states that California is estimated to be the 12th to 16th (that's quite a spread in the estimates, isn't it?) largest emitter of CO2 and is responsible for approximately 2 percent of the world's CO2 emissions, it might be mature to also point out, merely for the sake of thoroughness, that greenhouse gases only make up about 3% of the atmosphere by volume - consisting of varying amounts of water vapor and clouds (about 97%), with the remainder being gases like CO2, ozone, etc. Thus, CO2 constitutes about 0.037% of the atmosphere. Therefore, to sum this up, California is responsible for about 2% of 0.037%, which works out to 0.00074%. That is obviously an enormous amount.

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In Mitigation Measure CC-3 - Promote Alternative Energy Development, why isn't nuclear power discussed? It is remarkably narrow-minded to not even

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discuss the option of nuclear power.

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In Mitigation Measure CC-4 - Promote Recycling and Waste Reduction, why is the figure 75% picked for a waste diversion goal? Where are the calculations that resulted in that particular number? Why not 85%? 85% or 93.4%?

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On page 4.16-34 of the Climate Change section, the DEIR writers admit that California Executive Order S-3-05 only applies to state agencies - NOT local governments - in terms of the goal of reducing GHG emissions by 80 percent below 1990 levels by 2050. The DEIR writers then proceed by saying "nevertheless, for this analysis, substantive reductions in emissions are assumed necessary after 2020 and 2050 in order to address cumulative GHG emissions and associated climate change effects." This is a huge assumption. Why was it assumed necessary to make this assumption? Why is the assumption being made when this order only applies to state agencies and not local governments? What is the practical alternative if this order is not necessary for Monterey County? Why was the practical alternative not stated and studied in the DEIR?

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Another question that must be answered with logic and clarity (as opposed to the vagueness with which this issue has hitherto been addressed) is that of why the DEIR deals with two different time periods: the 2050 planning horizon as well as the year 2052 (the supposed year when all land designated for development under the General Plan Update is built out). Why is the DEIR assessing potential impacts for 84 years? The General Plan is supposed to be for 20 years, not 84 years. The County will obviously do several more General Plan updates between now and 2052, so why would we be assessing impacts that should be dealt with in future General Plans? Furthermore, speculating on

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what is going to happen for the duration of 84 years descends into something akin to crystal-ball gazing. How on earth can anyone surmise what state various species, economies, populations, climate change, etc., will be in 84 years? Where are the facts that support this speculation? Where are the facts that support the assumption that planners and analysts can successfully forecast eight decades into the future? To speculate - nay, to speculate and then codify into plans and ordinances - is pure foolishness and a profligate waste of taxpayer money. Details and discussion pertaining to 2092 should be removed from the DEIR.

10
Yet another section in the DEIR that must be stricken is Mitigation Measure BIO-1.6 (page 4.6-73). This mitigation recommends that a countywide Habitat Conservation Plan (HCP) be implemented. There are many flaws with this idea, including the virtual impossibility of implementation due to astronomical costs, the fact that the measure is not supported by any facts in the record, etc. However, one other thing must be pointed out in this regard. Jones & Stokes, the preparers of this DEIR, make a great deal of money in various parts of California by selling up HCPs. For them to recommend that the County implement an HCP is a direct conflict of interest. This must be addressed.

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Another area of immense concern is in the Water Resources section, specifically the WR-1 mitigation found on page 4.3-130. In a nutshell, this verbiage calls for the inclusion of a new PS-3.16 that would implement a regional group to generate new water supply projects, management programs, agency agreements, etc. that would provide additional domestic water supplies for the Monterey Peninsula and Seaside basin. The subtext here is transferring water out-of-basin and to another area. This means lawsuits. Farming will be pillaged against urban areas, as soon as the next drought occurs that forces any

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sort of hierarchy of priority in water usage. Water taken out of Zone 2C will further exacerbate that area's ability to combat saltwater intrusion (where is the environmental analysis of this potential exacerbation?). In addition, there are a great many water problems in Zone 2C that must be dealt with before considering such things as cooperative regional supply. Furthermore, it was disappointing to see that this DEIR did not take the time and effort to explore how areas such as the Monterey Peninsula and Seaside might solve their own water problems via such things as desal plants, the proper maintenance of the Carmel River, etc. I would request that the DEIR analyze properly such options available to the Peninsula, etc., before delving into fantastical notions of cooperative regional supply ideas.

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Another issue which must be addressed with intelligence and clarity is the fact that the DEIR used incorrect AMBAG growth forecast numbers. The DEIR used numbers from 2004, even though numbers were available from 2008. This is akin to a surgeon deciding to reference his patient's bloodwork from 2 years ago as opposed to bloodwork done the day before the scheduled surgery. Any surgeon behaving like that would quickly be out of a job.

The 2004 AMBAG forecast projected a 35,123 person increase in population from 2000 to 2030 and 28,188 new jobs. In sharp and marked contrast, the 2008 forecast projects only a 13,204 person increase in population from 2000 to 2030 and 17,909 new jobs. The projected population growth from the 2008 analysis is 62% less than the 2004 analysis. Let me repeat that: 62%. Sixty-two percent.

The DEIR gives three reasons as to why it did not use the correct numbers but, instead, chose to use the false numbers.

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The AMBAG 2004 numbers were used as the basis for the regionally approved Traffic Model. Therefore, using the 2004 numbers for the DEIR will make the population and traffic assumptions consistent.

The adopted Housing Element is based on the 2004 numbers. Using the same 2004 numbers for the rest of the plan maintains internal consistency between the Housing Element and all other elements of the plan.

The 2004 numbers are higher than those of the CA Dept Finance and AMBAGs 2008 numbers. Using the higher numbers leads to more conservative results for CEQA analysis.

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Basically, these three reasons are lazy increments. Keeping the population and traffic assumptions constant in this scenario simply means they're both equally wrong. Keeping the Housing Element consistent with the rest of the elements, by having them all employ the 2004 AMBAG numbers, simply means they're all equally wrong. Using the higher numbers in order to lead to more conservative CEQA analysis results is irrelevant - the numbers are still wrong.

People working in the private sector would lose their jobs over a scenario like this. If the DEIR is going to use false numbers in this one area, heck, why not just use false numbers for the whole plan? Was that particular opinion sufficiently analyzed?

In short, and to end this all, I found the DEIR to be a peculiar mix of pessimistic speculation (pessimistic when it suited the obvious environmental bent of the writers) and positive speculation (positive when it, again, suited the obvious environmental bent of the writers). The DEIR must be rewritten in order to reflect an impartial point of view, as opposed to the biased and agenda-driven point of view of the DEIR consultants. It is imperative that the County engage in

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environmental analysis of a non-speculative and purely factual manner. I do not want my tax money being spent on speculative, agenda-driven analysis.

I trust that all my questions and concerns will be answered with thoroughness, and that the DEIR be modified accordingly. I look forward to hearing from you.

Sincerely,

Christopher Burn

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http://www.co.monterey.ca.us/planning/gis/data/Nov2007/figures/FigCA3_Chualar_Comm_Area_aerial.pdf

Dear Mr. Haber:

I received your October 22 letter today. It states that the "typo" in Figure CA3 and Exhibit 3.16 will be corrected on the Planning Department web site for the General Plan.

The errors are all on the web site. I copied the above two maps from the Planning Department web site less than five minutes ago (6 p.m. on 10/24/07). The maps are also on the non-stated LU 2.25-L.

The reason this is so important to me is that I'm aware that residents of the town of Chualar have long advocated for development on the 100 acres that are deed restricted by the settlement agreement. I think it is crucial for the County not to allow them at this point in time that their hopes are unfairly frustrated in the manner they hope for it. As your letter states, the County will make no additional comment with that settlement agreement. I believe that the County will not be able to make future interpretations of the Chualar Community Area in the manner that CEQA requires.

Yours truly, Steve Haber

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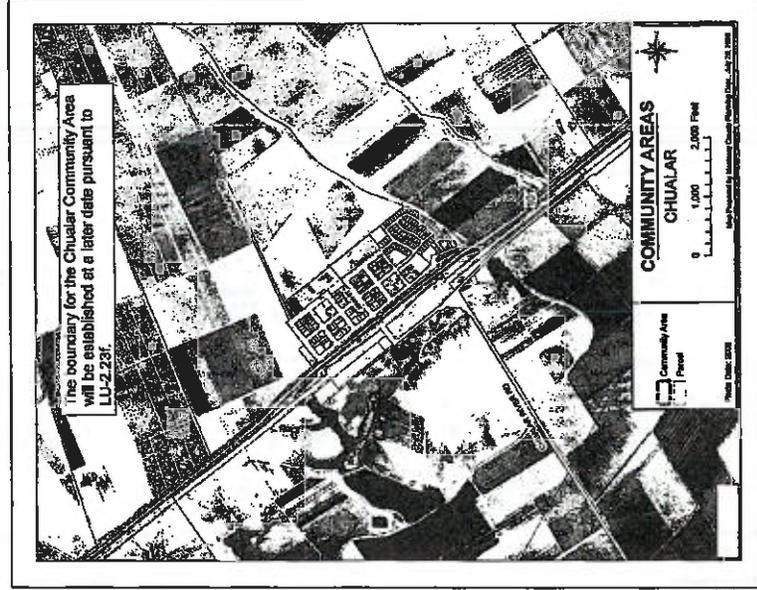


Exhibit 3.16
Chualar Community Area Aerial Map



Hahn, Carl P. x5103

From: Jane Haines [mailto:jahaines@moncy.net]

Sent: Monday, October 27, 2008 6:23 AM

To: Hahn, Carl P. x5103

Cc: McQueen, Charles J; Novo, Milka x5192; Molly Erickson

Subject: Re: Attached letter supporting my jobster with The Open Monterey Project (07/17/08) letter regarding reference documents for the DEIR for GFL-5

Dear Mr. Hahn:

I've simply given up. I received your October 24 letter on October 25 (Sunday) stating that the "County has updated that section [Section 11] of the DEIR..." Your letter provides a link to the purportedly corrected link. I went to the link cited in your letter and tried to access the two references I've discussed at length in my previous letters. Reference #25 to California and Reference #31 to the Fremont Mapping program. Both links have the same errors that were there before I complained - #25 leads to a pdf and not to the active California website and #31 leads to "Page not found." I checked your October 25 letter three times to be sure I'd correctly copied the link. I had. So I've given up on trying to get the County to correct the references. I'll submit comments on the DEIR that will include a summary of the too-many-problems I've had trying to get Section 11 corrected.

I also informed the County on two occasions about the errors in the map pertaining to the Chualar Community boundaries. I was very concerned that after receiving your October 22 response I could find no correction to the erroneous location in the references to the same-estimat policy regarding the Chualar Community Area boundaries, even though I understood your October 23 letter to mean that the correction would be made. My former client, who probably prefers that the boundaries be in one area, and some friends I have who live at Rancho Chualar, who probably prefer that the boundaries be in another location, are both unimpressed as to what the situation is. However, because I think it's the County's duty and not my duty to provide accurate and timely information to the public about the settlement agreement's application to the Chualar boundary issue, I'm not getting myself involved in that other than what I've already done. The County said it granted my requests but so far as I can tell, no corrections have been made in response to any of my concerns.

Thus, I've simply given up.

I'll submit comments on the DEIR which will include my account of the above-described events as well as my serious concerns about GFL-5's apparent disregard for the distinction between loss of jobs retained and loss of less valuable farmland.

Yours truly,
Jane Haines

On Oct 27, 2008, at 7:43 AM, Hahn, Carl P. x5103 wrote:

Ms. Haines;

Please see County reply to Mr. Stamp (COMAP), which addresses the reference matters you raise.

11/06/2008

Carl P. Hahn, AICP
Assistant Director of Planning
Monterey County Resource Management Agency
Planning Department
103 W. Alisal, 2nd Floor
Salinas, CA 93901
tel. 831.755-5103
fax 831.757-9516

-----Original Message-----
From: Jane Haines [mailto:jahaines@moncy.net]
Sent: Tue 10/21/2008 6:21 AM
To: Novo, Milka x5192
Cc: jahaines@co.monterey.ca.us; 106-Clark to the Board Everyones
Subject: Emailing: gfl5

Dear Mr. Novo:
I am writing to inform you that it is apparently impossible to review the current GPU on-line. It is not available through the County website, a matter about which I emailed the County Webmaster, and the following link leads nowhere. Please have someone call me at 875-5913 to inform me how I may find a copy of the current GPU. Thank you. Jane Haines

The message is ready to be sent with the following file or link attachments:
Shorcut to: <http://www.co.monterey.ca.us/gma/gson>

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

Carl P. Hahn, AICP
RMA - Planning Department
Assistant Director

-----Original Message-----
From: Jane Haines [mailto:jahaines@moncy.net]
Sent: Thursday, October 23, 2008 4:15 PM
To: Hahn, Carl P. x5103
Cc: McQueen, Charles J; Novo, Milka x5192; Molly Erickson; Jane Haines
Subject: Attached letter supporting my jobster with The Open Monterey Project (07/17/08) letter regarding reference documents for the DEIR for GFL-5

11/06/2008

Dear Mr. Rohm:

The attached letter explains the reasons why I join in the comments and concerns of The Opera Monterey Project stated in the 10/17/03 letter to the County. It explains that it is the cumulative effect of the more than fifty errors identified by The Opera Monterey Project added to the serious errors described in my 10/21/03 letter to Mr. Novo's assistant which, in my opinion, prevent the public and decision-makers from obtaining legally adequate information in these matters. I will mail you a hard copy this afternoon. Yours truly, Jane Haines

<1r M Shup 10-23-06.pdf>

11/06/2008

Holm, Carl P. x5103

From: Holm, Carl P. x5103
Sent: Wednesday, November 19, 2008 12:28 PM
To: Jane Haines
Cc: Alan M. Novo; Knaster, Alana x5322
Subject: RE: GPU policy A-1.12

Ms Haines:

AG-1.12 in total refers to developing a program for mitigating loss of ag lands (specifically important farmlands as mapped by the State). As a general plan policy, it sets a foundation for developing a program/ordinance later. AG-1.12 gives guidance that the program may consider a variety of measures such as easements, dedication to land trusts, fees, etc. In addition, the program may consider developing ratios depending on the value of land being lost. For example, the program may have the highest value so mitigation at 2:1 may be appropriate, for medium value prime lands but a ratio of 3:1 is required for dedicating lands of statewide importance or 4:1 for paying a fee.

Hope this helps.

Carl P. Holm, AICP
Ag. Planning Department
Assistant Director

-----Original Message-----

From: Jane Haines [mailto:enivilawebay.net]
Sent: Tuesday, November 18, 2008 12:53 PM
To: Novo, Mike x5192; Holm, Carl P. x5103; Knaster, Alana x5322
Subject: GPU policy A-1.12

Greetings:

This confirms the message I left this morning with Linda Rochemel requesting a call from a planner who can explain to me what is meant by the sentence in GPU policy A-1.12 which describes a program to mitigate for the loss of farmland acreage caused by annexation into cities. The sentence I request an explanation for refers to mitigation by "ratios" (what is meant by ratios, or "payment of fees" (does this mean that a developer could pay fees as mitigation for the conversion of farmland to other uses?)). I would appreciate hearing from someone who can explain this to me. Thank you, Jane Haines (831) 379-8913

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Monterey County
Planning and Building
Inspection Administration
OCT 29 2008
RECEIVED

Robert Hale
813 Cypress Street
Monterey, CA 93940
27 October 2008

Carli Holm, Monterey County Planning Department
RE: Comments on Draft EIR for 2007 General Plan (GPU 3)

1) Agricultural conversion of slopes over 25 percent.

I strongly oppose the elimination of the 25 percent slope limitation on agricultural land conversion for lands outside of Carmel Valley. This elimination opens up substantial acreage of generally oak woodland and chaparral to alteration. His the draft EIR estimated how much loss of current oak woodland and chaparral will be lost, estimated the visual impact change this will have on our county, estimated how much more sediment erosion and pesticide/fertilizer pollution will be introduced into our watersheds and groundwater supplies, and impacts on wildlife habitat and corridors for wildlife movement? If the EIR has not addressed these issues, then I request that the EIR analyze the impacts of slope conversion on amount of acreage potentially convertible, on the visual impacts, on the amount of erosion and pollution from expanded agricultural uses, and impacts on fragmentation of wildlife habitat and wildlife movement corridors.

The General Plan needs to preserve the current policies that have served well to limit agricultural conversion (especially to vineyards) to less sloped lands in our county with preservation of the slopes which has served our county well in preserving views while allowing expansion of grape cultivation.

2) Impacts on sensitive plants and wildlife...I strongly urge the general plan to provide better protection for the rich biological heritage and diversity of Monterey County -- BY using the Department of Fish and Game's Special Status Plant and Animal lists rather than only considering those plants and animals that have been officially listed as threatened or endangered. The Draft EIR does not address the impacts or cumulative impacts on the many sensitive plants, animals and ecological communities that Monterey County contains and must include an analysis of these impacts based on the Dept. Fish and Game Special Status Plant and Animal lists.

Thank you for your consideration,
Robert Hale

Robert Hale

02/02/2009

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Calderon, Vanessa A. x5186
From: Gerdjenewell@icf.com
Sent: Monday, February 02, 2009 4:21 PM
To: cplacourts
Cc: michaelsweaver@icf.com
Subject: Comments for DEIR Monterey County General Plan

RMA Planning, Monterey County
February 2, 2009
Comments for DEIR Monterey County General Plan
Dear Mr. Holm,

Please note all issues raised part of the E.I.R. for the General Plan. In addition to the letter and documentation forwarded on my behalf by Miles Weaver, please address the following issues and concerns outlined in the attached letters and documentation regarding the Monterey Counties Plans to develop former military training ranges within the Federal Superfund Site of Fort Ord.

Thank You
Robert Hale
889-3710

Great Deals on Dell Laptops. Starting at \$499.

Calderon, Vanessa A. x3186

From: richelshaver@ct.net
Sent: Monday, February 02, 2009 10:27 AM
To: enq@monterey.org
Subject: FW: FOCAG position paper and attachments

RE: RMA Planning, Monterey County
February 2, 2009

Comments for DEIR, Monterey County General Plan

Dear Mr. Helm,
I had a letter and documentation regarding the chemical contamination, residual effects, and some of the unexplained ordinance issues within and surrounding the Federal Superfund Site of former Fort Ord. The primary author, Mr. Lance Hutton, asked that I please forward this to you for inclusion into and consideration of this in the E.I.R. for the General Plan of Monterey County. He has some computer issues and is unable to send it himself. I will send you the information. However, if you can be reached at 314-6874, please let me know. The information is not confidential, but it is a serious environmental issue that needs consideration in land use matters in Monterey County.

Thank you,
Michelle Shaver
484-6889

Monterey County
INSPECTOR GENERAL

FEB 02 2009

RECEIVED
MILITARY TRAINING
COMMANDS STATION
10:27 AM

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02/02/2009

Fort Ord Community Advisory Group (FOCAG)
PO Box 2173
Marine, CA 93942
Email: foag@fortordca.gov
Website: www.fortordcag.org

August 12, 2008

Fort Ord Reuse Authority (FORA)
100 17th St., Building 2880
Marine, CA 93933
c/o FORA Board Members

FINAL
FOR THE ADMINISTRATIVE RECORD
Please distribute to all FORA Board Members
Position Paper 6 pp. Attachments 75 pp.

RE: FOCAG Position Paper: Environmental Contamination; Remediation and Development of Military Munitions Training Areas at Former Fort Ord; Request for a revised Base Wide ER

To whom it may concern:

The "Fort Ord Community Advisory Group is a public interest group formed to review, comment and advise on the remediation (clean-up) of the Fort Ord Army Base, Superfund Site, to ensure that human health, safety, and the environment are protected to the greatest extent possible." - Mission Statement.

The intent of this document is to inform the public and the decision makers of the potential danger of hazardous waste to human health. The FOCAG simply does not want to see anyone harmed. FORA has approved plans to allow local jurisdictions to develop residential housing and commercial spaces on many former military munitions training areas including Site 39 despite the clear history of people being harmed by such activities. Allowing people to live on top of former Military Munitions Training Areas is a recipe for disaster. There is new and significant information that justifies a new ER.

Many environmental contaminants at levels of a few parts per billion can have lifelong adverse human health effects. Most military munitions training areas have to be excavated, destroyed, or otherwise managed, etc. Attached is a list of military munitions contaminants found in the types of munitions used at Fort Ord and Site 39. This list includes the potential negative human health impacts that may result from exposure to each of the constituents. Former Military Training Areas are highly contaminated with hazardous chemicals. If you know of the potential risk, would you allow your children to live on and play in soil contaminated with the Table 1 constituents?

The extent of contamination at former Fort Ord from military munitions training and disposal is unknown. Fort Ord was used by the U.S. Army for weapons testing. Site 39 has been described as the ground zero of all U.S. Military Munitions Training Sites. Contamination is likely worse than suspected. Historically, dangerous military munitions and constituents show up in the most unlikely places. No square inch of Fort Ord can be assumed to be free or safe from dangerous ordnance and chemicals. The Besicid, Del Rey Chlor, and Monterey County parcels within Historical Site 39 have been designated for

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residential and commercial development despite the clear threat to human health. Tens of thousands of pounds of OEW/UXO have been removed from these parcels yet the Army and FORA still refuse to acknowledge the fact that these parcels were used for ordnance training. In the 1995 RUMS Site 39, ordnance inventory analysis for residential and commercial use was not included because these uses were not expected. Available future land use plan indicates that the site is not expected to be developed for residential, industrial, or commercial use." (1995 RUMS Vol. III Baseline Risk Assessment For Site 39) Site 39 was expected to be off limits to development because of the known threats to human health and safety from military munitions. Site 39 should have been categorized as one Range, due to the clear evidence of military munitions being used throughout the entire Historical Site 39, well to well.

Historical Range maps indicate that over the years as ranges were decommissioned, new ranges were opened. It appears that over time there are literally layers and overlays of ranges the extent of which is unknown.(2)

"Site 39 was used since the early 1900s for ordnance training activities. As a result, OEW, including UXO, is present at the site. OEW is defined as bombs and war heads; guided and unguided ballistic missiles; artillery, mortar, and rocket munitions; small arms ammunition; anti-personnel and anti-tank mines; demolition charges; pyrotechnics; grenades; topobombs and depth charges; contact mines or unexploded high explosives and propellants; nuclear materials, chemicals and radiological agents; and all similar or related items designed to cause damage to personnel or materials. OEW in which explosive compounds are present will be considered OEW if the concentration is sufficient to present an imminent hazard. UXO is a subset of OEW and consists of unexploded bombs, grenades, artillery shells, mortar rounds, and chemical weapons. Components or ordnance items (e.g., booby traps, fuses, igniter tubes) are also included in the UXO definition. Non-explosive materials, chemical agents, or biological agents have been found or reported to have been used at the site." (1995 RUMS Site 39)(3)

A partial list of military munitions, live and inert, found within the Seaside-4, Del Rey Oaks, and Mosses County parcels include but is not limited to the following: "fragment hand grenades M62, smoke hand grenades M18, hand grenade M10, ditch trench mortars MK1, 4.2 inch M43, 4.2 inch mortar M74, ditch trench ordnance components including M45, M46, M47, hand grenades M228, 75mm Stunnet MK1, 3 inch M28, 57mm Rocket M73, 3 inch Rocket M73, 3 inch Rocket M73, 3 inch Rocket M73, AT M1, mine AT M1, primer igniter sub M67, cartridge igniter M2, signal illumination M125, mine M28 M64, rifle grenade M77, 37mm projectile HE M66, 60mm mortar HE M43, 4.2 inch mortar, 40mm projectile M781." (USACE documents)

Seaside Parcels: "The tanks dug up and removed 43,695 specific anomalies, weighing nearly 50,000 pounds, and consisting of dets and munitions from the area. Most of the material was range debris, including 46,745 lbs; 2967 lbs were munition debris, and 292 items were identified as intentions. 5% of these munitions and explosives were too deteriorated and unsafe to remove from the site. These unsafe items were blown in place. These items included Stokes mortars and 4.2 inch mortars, plus LVARS projectiles. There

items were sanitized carefully, and when the contents could not be confirmed, the contractors called in the Army special unit that deals with chemical warfare materials (CWA). This unit examined the fact that these parcels were used for ordnance training. In the 1995 RUMS Site 39, ordnance inventory analysis for residential and commercial use was not included because these uses were not expected. Available future land use plan indicates that the site is not expected to be developed for residential, industrial, or commercial use." (1995 RUMS Vol. III Baseline Risk Assessment For Site 39) Site 39 was expected to be off limits to development because of the known threats to human health and safety from military munitions. Site 39 should have been categorized as one Range, due to the clear evidence of military munitions being used throughout the entire Historical Site 39, well to well.

Environmental contamination is now directly linked to adverse human health effects. Illness in the U.S. has reached epidemic levels likely due to lax regulation, oversight, and enforcement of environmental laws in place to protect human health, safety and the environment. Nationally, conservatively, 1 in 150 children has Autism, Asthma, Alzheimer's Disease, Diabetes, Immune System Disorders, Decentia, Cancer, Organ Diseases to list a few are at epidemic levels. Today, the U.S. public is sicker than ever before. It is time to seriously consider the cause of illness rather than treating the symptoms. What part is environmental contamination playing in this unprecedented epidemic?

Studies now show the unborn fetus, nursing mothers, infants, and children are especially vulnerable to extremely low levels of environmental contamination.

"The periods of embryonic, fetal and infant development are remarkably susceptible to environmental hazards. Toxic exposures to chemical pollutants during these windows of increased susceptibility can cause disease and disability in infants, children and across the entire span of human life. Among the effects of toxic exposures recognized in the past have been spontaneous abortion, congenital malformations, lowered birthweight and other adverse effects. These outcomes may be readily apparent. However, even subtle changes caused by chemical exposures during early development may lead to important functional deficits and increased risks of disease later in life. The timing of exposure during early life has therefore become a crucial factor to be considered in toxicological assessments." (2007 Fact Sheet)(4)(5)

In addition to munitions constituents, it is understood pesticide use was wide spread throughout military bases and in training areas. Did the Base Wide RUMS address this serious contaminant?

The FOACG has regularly raised questions, concerns, and objections to Army's and FORA's Remediation Plans to no avail. The FOACG's concerns have been ignored by Army, FORA and the Regulatory Agencies. To date, there has been no meaningful change of course or willingness to adapt the FOACG's recommendations. FORA, EPA, and DTSC failed to respond to the FOACG 3-11-08 FORA ESCA RP Letter(7) Officials have allowed CERCLA to be waived and are responsible for the abandonment of law.

There is a history of stalling on OEW/UXO Site Remediation into pie pieces and placing the pieces of information into multiple documents. Anyone looking at a single document is only given a partial picture of the extent of the potential contamination within a Site or Parcel. This makes it virtually impossible for the decision makers and the public to be fully informed. In order to make sound decisions, full disclosure of all aspects of remediation and potential contamination should be compiled in a single document for each Site or Parcel.

For Example, the Seaside Parcels 1-4 are now referred to as former small arms ranges. Soil sampling for residual contaminants has been limited to Lead, Antimony, and Copper. According to the 1995 RUMS Ranges 22, 23, 24 are shown to have included the use of 40mm grenades, hand grenades, rifle launched smoke grenades, and other ordnance. (9) It is understood Old Range 22 which runs parallel with Gen. Jim Moore Rd. was a Ordnance Range. Ordnance with an array of constituents has been discovered and removed throughout these parcels, yet testing for their constituents is not part of the soil analysis. This is a major omission of critical information. This information would have been a significant factor in the selection of the Site remedy and remedial action chosen for the Sites. The City of Seaside plans to build 4500 homes and commercial space on these Sites. Historical maps indicate these areas within historical Site 39, were military ordnance training areas prior to small arms ranges. The extensive discovery of OEW/UXO on the Seaside parcels right down to General Jim Moore Rd. supports the 1995 RUMS suspended ordnance and small arms ranges. The unwillingness to acknowledge military ordnance training occurred within the Seaside Parcels is a significant omission. The argument has been "there's no evidence this area was used for ordnance training". The fact is the entire Site 39, boundary to boundary is one big encasement of Training Areas and Ranges.

Additionally, it appears when a new cleanup document is released, often, previously discovered and removed OEW/UXO items have been omitted. It conceals the public that the results of contamination may be diminished from data manipulation. By omitting critical information the reader could get the impression the land is cleaner and safer than it really is. If the reader is given the full extent of discovered munitions, the potential contamination from their use, and the potential health risks resulting from exposure to the contamination, the wisdom of residential and commercial use would be questionable.

There should be a maintained file with a set of data that compiles all the Site specific remedial actions and findings and is updated regularly upon receipt of new information. All documents should have a running tally of all the previously discovered and removed OEW/UXO items including their constituents. It would be helpful for A reader to be able to know the total number and percentage of OEW/UXO items found to date.

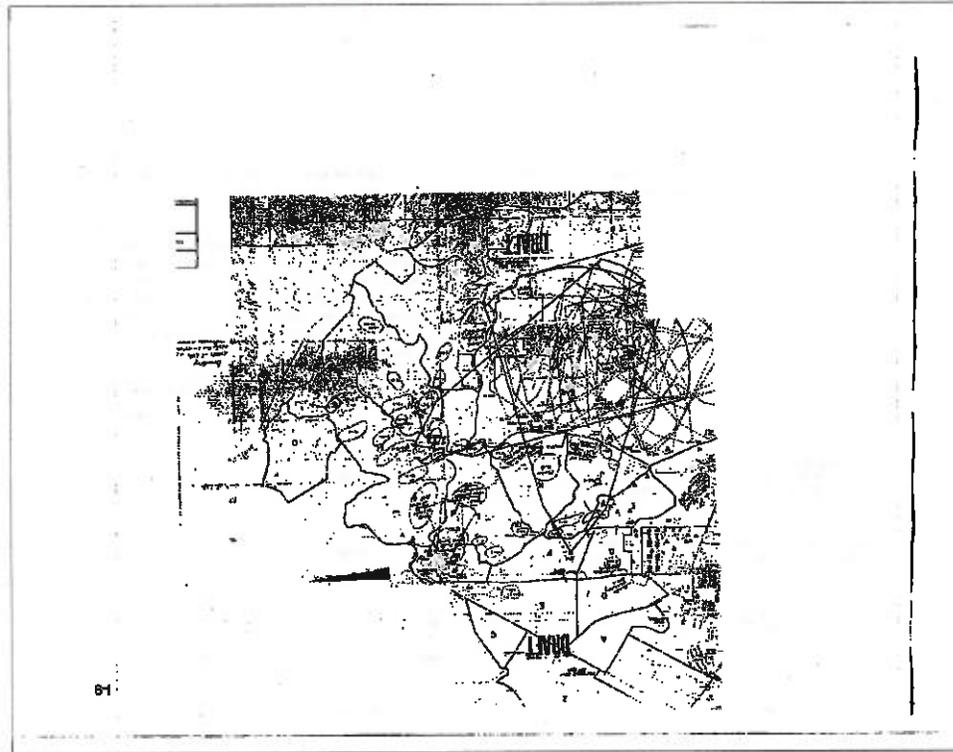
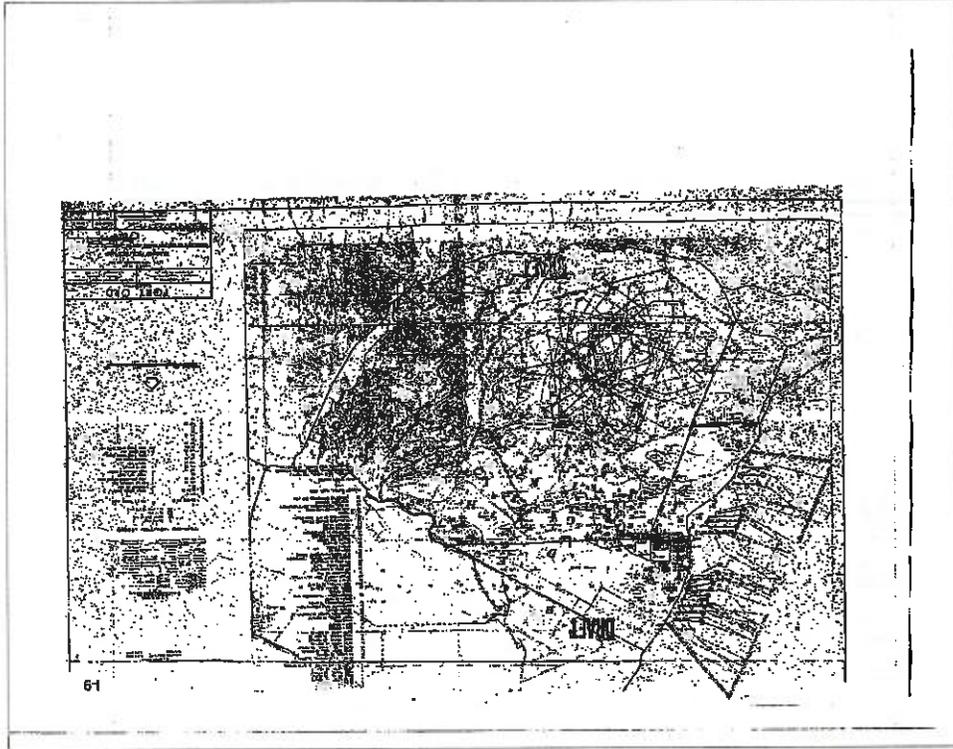
There are very serious unanswered questions with the remediation and development of former Fort Ord military training areas.

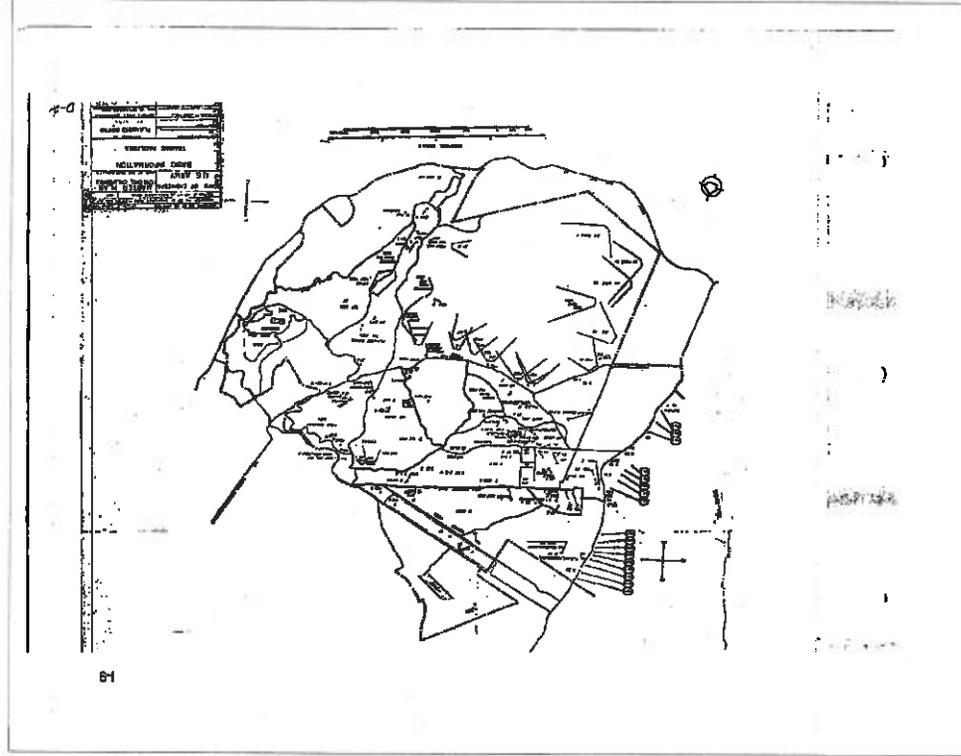
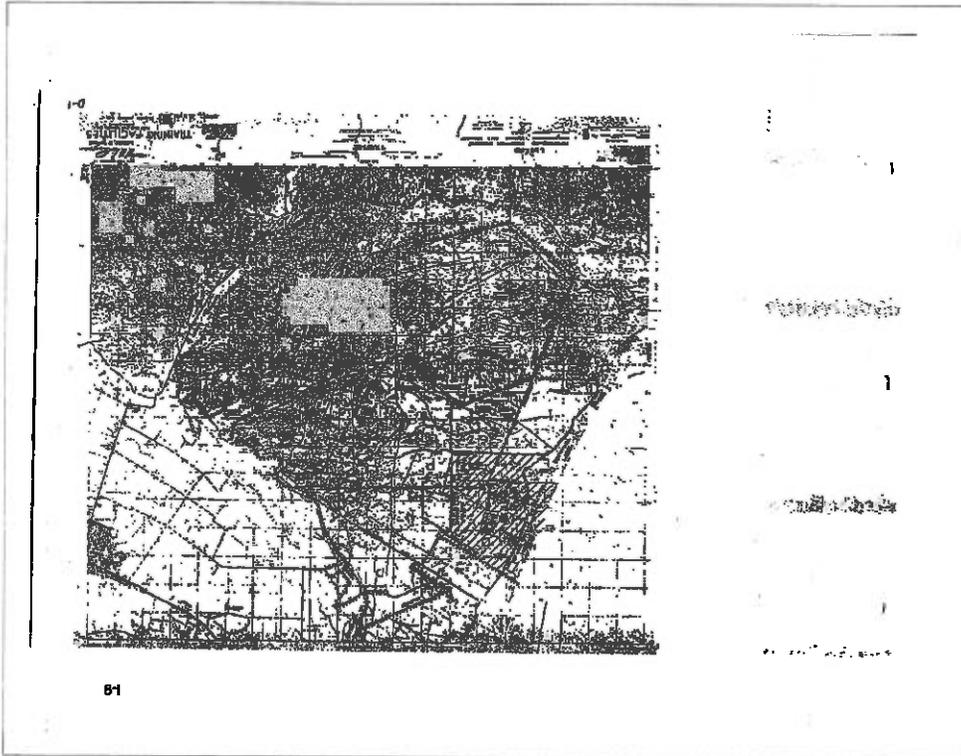
- 1) Millions of troops trained at Fort Ord. How many millions or billions of pounds of military munitions were used in the training of troops? Any estimates? If not, why not?
- 2) Of the millions or billions of pounds of military munitions used, how many pounds of their constituents were released into the environment? Any estimates? If not, why not?
- 3) Were did the residual contaminants go?
- 4) Could all the contaminants simply disappear?

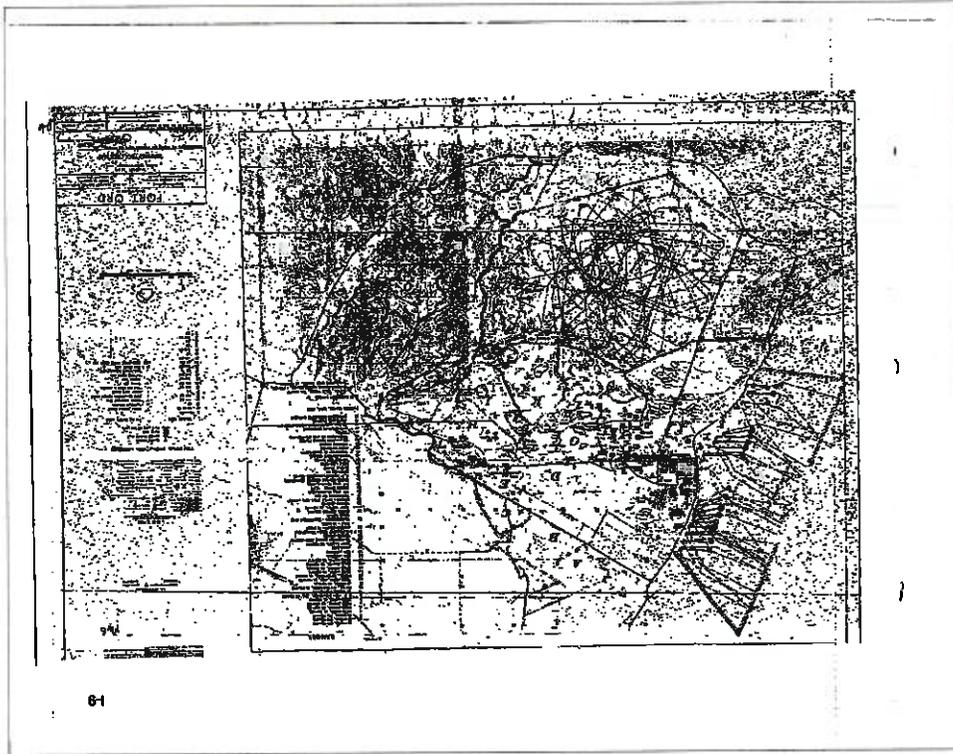
- 5) How many gallons of pesticides are suspected to have been used at Fort Ord?
- 6) Was the use of pesticides in training areas a common practice?
- 7) What types/kinds of pesticides were used at Fort Ord?
- 8) Is there testing for pesticides? If not, why not?
- 9) Does Soil analysis of ranges include every known or suspected OEW/UXO constituent used at Fort Ord? If not, why not?
- 10) Babies and toddlers commonly eat soil and other substances off the ground. Has this phenomenon been analyzed? If not, why not?
- 11) Have Mandamus Residual Levels (MRL's) been established for the constituents in the attached Military Munitions Chemicals Of Concern Table 1? If not, why not? Can an acceptable level of cleanup be known for residential or commercial use?
- 12) Is there a screening program in place to monitor for hazardous substances at Fort Ord? If not, why not? Will there be a program to monitor potential negative health impacts of children living in homes built on former training areas and ranges? If not, why not?
- 13) Pesticides is known to be a widely used substances in military munitions used at Fort Ord. Is there testing being conducted to identify the extent of Pesticides contained in former training areas and ranges? If not, why not? If yes, the remediation documents don't appear to include any discussion or analysis?
- 14) Synergism and synergistic effects of chemicals are a very important part of Risk Assessment. (10) I fear I read seeing any analysis in the Fort Ord Plus Wide RUMS Environmental Assessments? If not, why not?
- 15) In these scenarios disruption surrounding being conducted at former Fort Ord? If not, why not?

If a single person becomes ill or dies, as a result of ambitious economic development interest, the public trust will have been breached. Under no circumstance should people health be compromised for a profit. Nothing is more important than a persons well being.

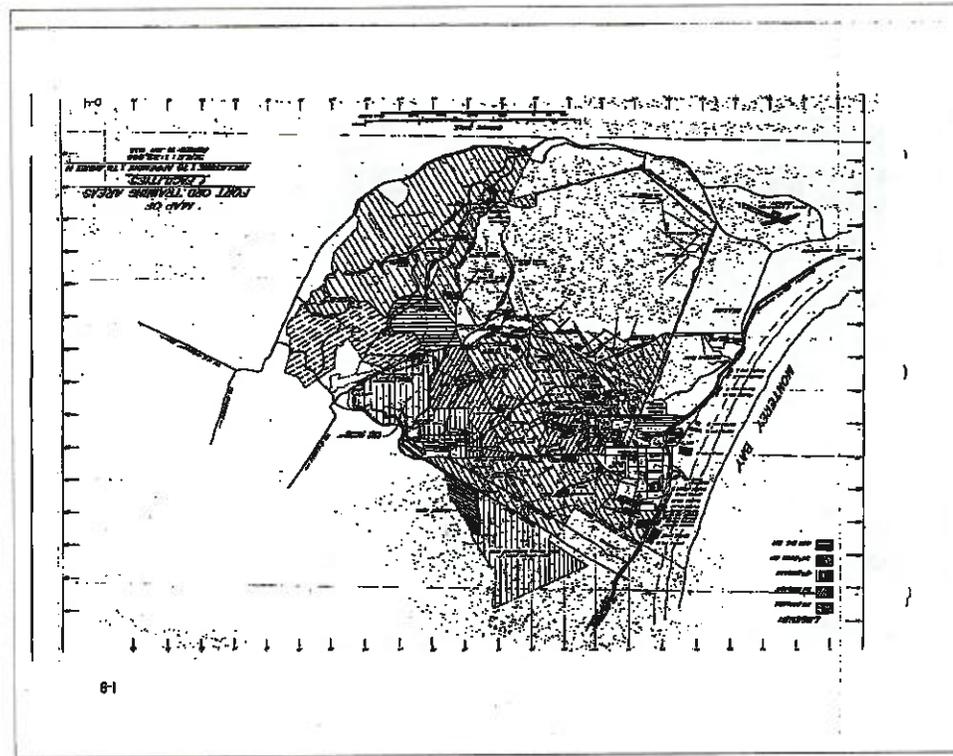
With so many unanswered questions, and in light of new and significant information on health hazards of environmental contamination, former military munitions training areas and ranges should be prohibited from being developed. Residential housing, commercial and other public uses should not be allowed due to the high probability of adverse health effects from exposure to military munitions OEW/UXO and residual contamination.



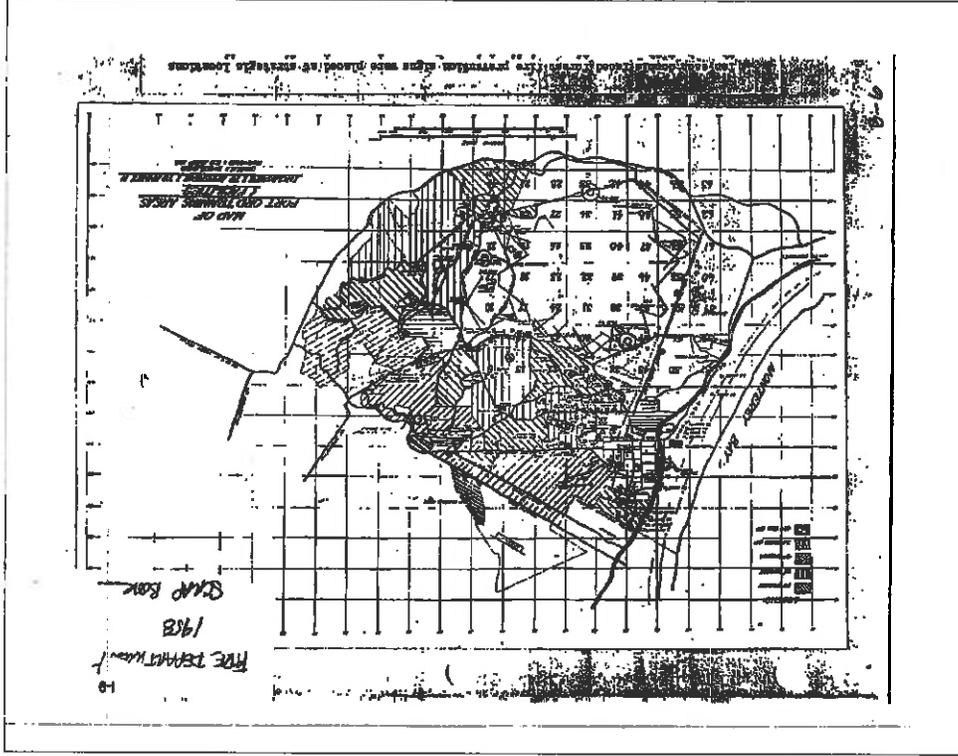




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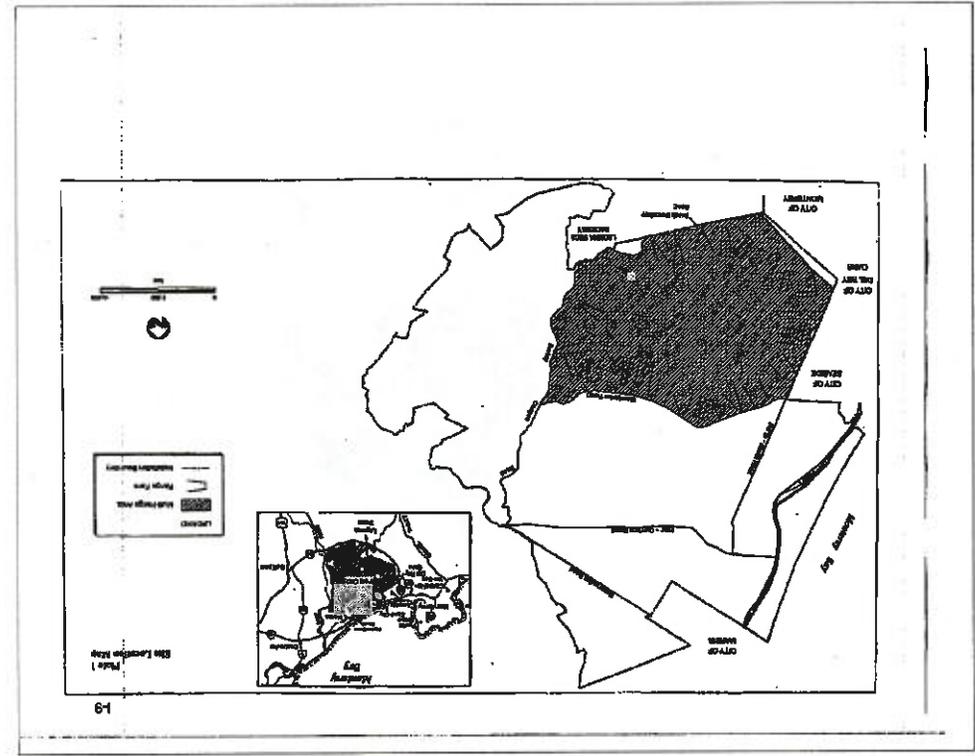
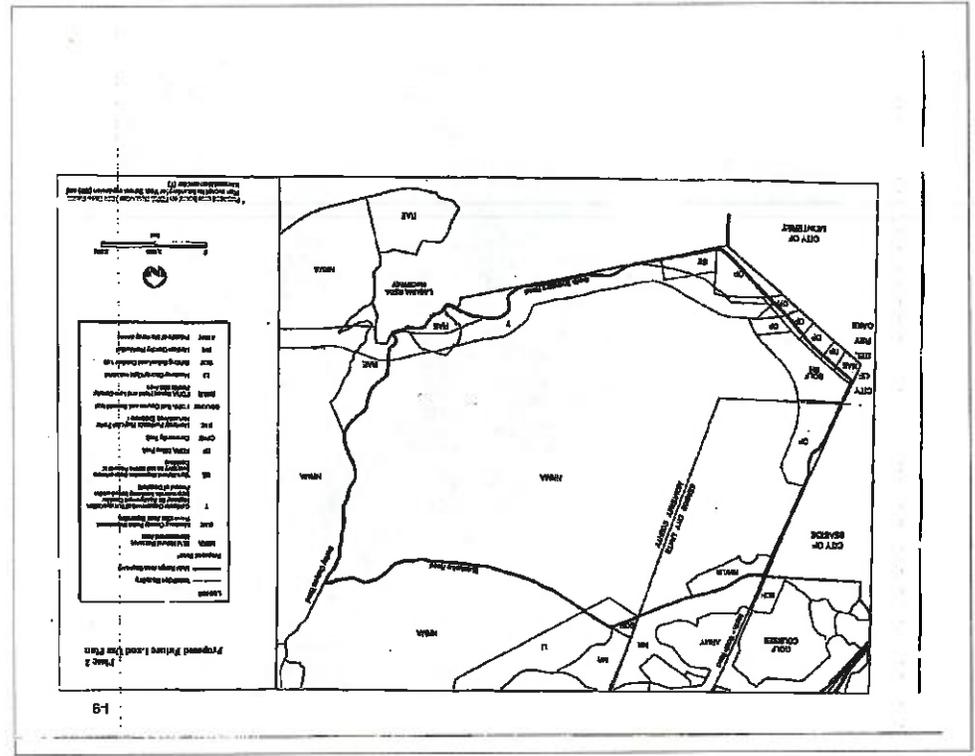


Table 2. Inventory of Structure Types and Functions - Site 28
Volume II - Finalized Investigation, Summary Report
Port Of Call, California

Structure Type	Function
8 mm round	Ball, base
10 mm round	Ball, base, armor plating
12 mm round (AK)	Ball, base, armor plating
15 mm round (AK)	Ball, base, armor plating
20 mm round	Ball, base, armor plating
25 mm round	Ball, base, armor plating
30 mm round	Ball, base, armor plating
35 mm round	Ball, base, armor plating
40 mm round	Ball, base
45 mm round	Ball, base, armor plating
50 mm round	Ball, base, armor plating
60 mm round	High explosive, white phosphorus, smoke, illumination
81 mm round	High explosive, white phosphorus, smoke, illumination
107 mm round	High explosive, white phosphorus, smoke, illumination
120 mm round (Mk)	High explosive, white phosphorus, smoke, illumination
160 mm round (Mk)	High explosive, white phosphorus, smoke, illumination
203 mm round (Mk)	High explosive, white phosphorus, smoke, illumination
228 mm round (Mk)	High explosive, white phosphorus, smoke, illumination
280 mm round (Mk)	High explosive, white phosphorus, smoke, illumination
300 mm round (Mk)	High explosive, white phosphorus, smoke, illumination
350 mm round (Mk)	High explosive, white phosphorus, smoke, illumination
400 mm round (Mk)	High explosive, white phosphorus, smoke, illumination
450 mm round (Mk)	High explosive, white phosphorus, smoke, illumination
500 mm round (Mk)	High explosive, white phosphorus, smoke, illumination
600 mm round (Mk)	High explosive, white phosphorus, smoke, illumination
800 mm round (Mk)	High explosive, white phosphorus, smoke, illumination
1000 mm round (Mk)	High explosive, white phosphorus, smoke, illumination
1200 mm round (Mk)	High explosive, white phosphorus, smoke, illumination
1500 mm round (Mk)	High explosive, white phosphorus, smoke, illumination
2000 mm round (Mk)	High explosive, white phosphorus, smoke, illumination
2500 mm round (Mk)	High explosive, white phosphorus, smoke, illumination
3000 mm round (Mk)	High explosive, white phosphorus, smoke, illumination
3500 mm round (Mk)	High explosive, white phosphorus, smoke, illumination
4000 mm round (Mk)	High explosive, white phosphorus, smoke, illumination
4500 mm round (Mk)	High explosive, white phosphorus, smoke, illumination
5000 mm round (Mk)	High explosive, white phosphorus, smoke, illumination
6000 mm round (Mk)	High explosive, white phosphorus, smoke, illumination
8000 mm round (Mk)	High explosive, white phosphorus, smoke, illumination
10000 mm round (Mk)	High explosive, white phosphorus, smoke, illumination

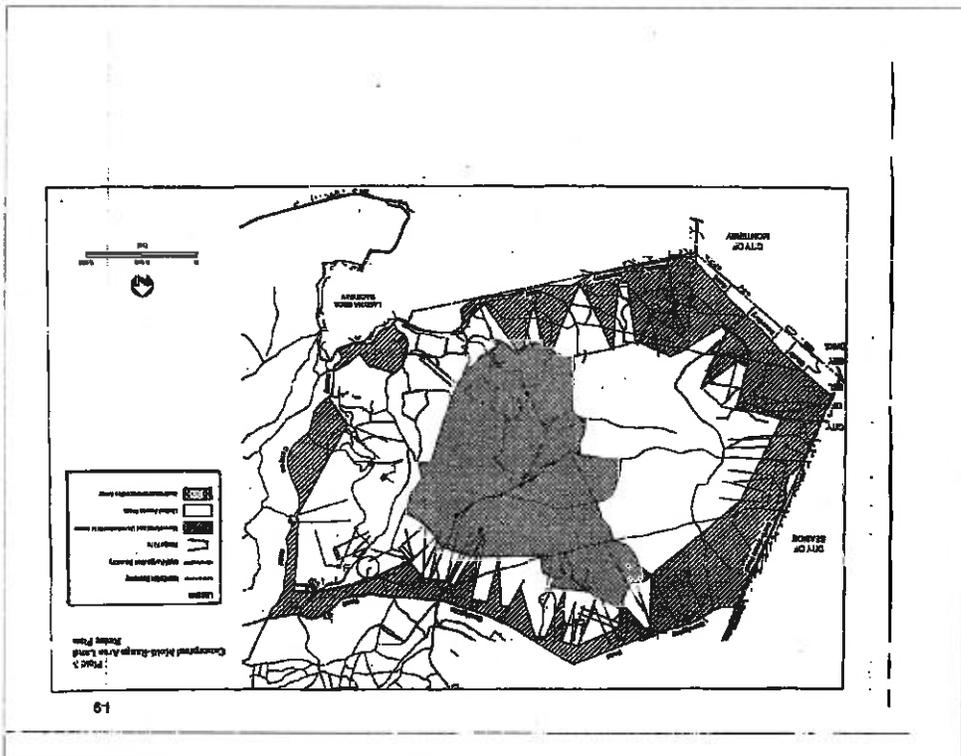


Table 2. Summary of Ordinance Types and Functions - Site 28
Volume II - Remedial Investigations, Remedial R/Fs
Fort Ord, California

Ordinance Type	Function
1.5 mm Steamflow Arming	Person Work
75 mm Firearm	High explosives, white phosphorus, smoke, illumination
100 mm Firearm	High explosives, white phosphorus, smoke, illumination
125 mm Firearm	High explosives, white phosphorus, smoke, illumination
Claymore Mine (M143)	High explosives
Anti-Tank Mine	High explosives
Demolition Mine	High explosives
1.5M Anti Tank Rocket (Munition)	TRAT
3M Anti Tank Rocket	HEAT
64 mm Round (M130)	HEAT
40 mm Mortar	HEAT
100 lb. CP Bomb	HEAT
250 lb. CP Bomb (M57A1)	High explosives
500 lb. Bomb	HEAT

Volume II
Function
Number 28, 2004

Table 2. Summary of Ordinance Types and Functions - Site 29
Volume II - Remedial Investigations, Remedial R/Fs
Fort Ord, California

Ordinance Type	Function
25 mm LAW	Person Work
60 mm LAW	HEAT
81mm LAW	HEAT, HEAT
87 mm Cannon	High explosives, white phosphorus, smoke
87 mm Recoilless Rifle	HEAT
75 mm Recoilless Rifle	HEAT
80 mm Recoilless Rifle	HEAT
100 mm Recoilless Rifle	HEAT
40 mm Recoilless Rifle	High explosives
40 mm Cannon	High explosives
40 mm Artillery	High explosives
120mm Recoilless Howitzer	High explosives
40 mm Round (M4203)	High explosives, white phosphorus, smoke
81mm Cannon	High explosives, white phosphorus

Volume II
Function
Number 29, 2004

In this report. The Army is required to report on what was done and how effective the work was in both finding and removing the Munitions and Explosives of Concern. Any problems with finding debris or Munitions and Explosives of Concern are supposed to be identified.

There are several significant findings in this report, having to do with other aspects of the Fort Ord clean up.

First, the site survey used several different pieces of equipment to locate debris and unexploded ordnance, one of which was the Schmeissel metal detector. The report notes that Parsons recommended discontinuing use of the Schmeissel at one point because it was not working out as they had hoped. We raised this issue on the Fort Ord site, that the exclusive use of a Schmeissel was not sufficient to locate more deeply buried munitions.

Second, the site survey and excavations dug up three older types of munitions or unexploded ordnance (UXO): Live projectiles, Slobin rockets and 4.2 inch mortars. All three of these have the potential to violate chemical warfare treaties. At least one other military site from WW I has these types of munitions and chemical weapons. The Army has stated in meetings that chemical weapons were not used or found on the site. The finding of Live, Slobin and 3.5 inch mortars is evidence to the contrary. These were large loads of chemicals or ordnance used on Fort Ord back in the WW I era. This issue warrants further investigation.

SUMMARY

This technical information paper is a summary of the work conducted by Parsons under contract to the Army to find and remove unexploded ordnance, munitions debris and other debris from a part of Fort Ord. The area under study is designated as MRS-SEA-1-4, containing four adjacent plots along Gen. Jim Moore Blvd and Eucalyptus Rd. through the Del Rey Oaks and Sealife areas.

The activity that this report describes is the brush clearing and then the clean-up of old munitions, waste, unexploded ordnance, debris, etc. All the waste and munitions that were left behind on the site were supposed to be identified, mapped and removed.

The MRS-SEA areas are not intended to be part of the future wildlife habitat. Therefore the wildlife protection issues are not the same as for the range areas that were burned last fall (October 2002). The cleanup plan (Fort Ord Ordnance and Explosives clean up Programmatic Work Plan) calls for manual clearing of the alrabbey using heavy cutting equipment, some digging equipment, and hand held chain saws. Approximately 70% of the clearing was done with equipment and 30% by hand (page 3-2).

The initial removal of surface Munitions and Explosives of Concern was done as a Time Critical Removal Action (Time Critical Removal Action) (explained immediately below). Following the Time Critical Removal Action, the contractor proceeded to conduct the more intensive and time-consuming geophysical investigation for clearing the area to depth.

TCRA is a Time Critical Removal Action: The Time Critical Removal Action is a clean up action that happens quickly and with little delay because the agencies recognize there is an immediate threat to human health. Time Critical Removal Action cleanups are done when an agency is cleaning up a contaminated site and discovers exposed contamination or something equally as dangerous. In the case of Fort Ord and the Munitions and Explosives of Concern, a Time Critical Removal Action cleanup is done, and was in the case of the Sealife area, when there are exposed Munitions and Explosives of Concern or dangerous debris. The location of this action also made a Time Critical Removal Action necessary because the public could readily get to the sites.

A Time Critical Removal Action cleanup is also conducted with a streamlined administrative process so that it can proceed faster to remove the threat to public health.

The Army Corps of Engineers defines a Time Critical Removal Action as: "Removal Actions where, based on the site evaluation, a determination is made that a removal is appropriate, and that less than 6 months exists before onsite removal activity must begin."

Time-Critical Removal Action

The first step was a survey of these areas and staking out the corners of the grids. After they surveyed the areas, they removed the brush, largely by cutting it with heavy equipment, but they did use some hand clearing on some parts of the site. After clearing, the contractor unexploded ordnance (UXO) teams walked the entire area to find surface debris and Munitions and Explosives of Concern. The teams used hand-held Schmeissel magnetometers to aid the visual inspection and investigation. The debris was removed; the Munitions and Explosives of Concern was identified and anything confirmed as explosive was either removed and destroyed, or blown in place. When explosives were blown in place, the item was covered with sand bags and plywood for protection.

The report summarizes the Munitions and Explosives of Concern items: 247 items were found to be Munitions and Explosives of Concern, 10 of which could not be moved because it was too dangerous (page 3-4). The other 237 items were removed to staging/off-loading areas and destroyed later. The maps of the location of each MPEC item are presented as figures 3-1 through 3-4. The contractor determined that 226 of the 247 items were in fact Munitions and Explosives of Concern, only 21 were really debris.

The Munitions and Explosives of Concern items included the following (Table 3-1, pages 3-4 and 3-5):

- Smoke grenades
- Fuzes
- Rockets, practice, various sizes
- Projectiles, practice and high explosive, various sizes

Cartridge, plastic
illumination signal

A Quality Control/Quality Assurance (QA/QC) inspection consisted of inspectors walking over 10% of the area and re-inspecting them to be certain that the visual inspection had not missed anything. The QA/QC inspection found nothing had been overlooked in the initial inspection. **Now did the QA/QC inspection find any explosive mis-identified and placed with the debris.**

TIME CRITICAL REMOVAL ACTION ITEMS AND OBSERVATIONS:

The These Critical Removal Action Inspection and removal seems to have been completed according to the specifications in the project work plan with no deviations and nothing abnormal. The results of the investigations turned up the debris and Munitions and Explosives of Concern that was expected. There are no lingering concerns over this part of the report.

The surface inspection and removal is more straightforward than the geophysical investigation because the team is looking for Munitions and Explosives of Concern and debris that is on the surface. The contractors are not (yet) looking for the buried ordnance and debris.

Non-Time-Critical Removal Action Items:

The contractors followed the surface inspection with a geophysical survey of the entire area with different types of metal detecting equipment. For the most part, they tried to use equipment that could be put behind small incisors and cover larger areas in a day. After the entire area was surveyed with geophysical survey equipment, the results were put into comparison to ground maps of the places where they found something. The specific spots and objects found are related to anomalies. The report gives maps of what equipment was used where, in pages 4-1 through 4-4.

The contractors used the following metal detectors on this project:

- EM61-30E3 – detects iron and non-iron metals; used as the primary digital survey device; is covered behind a sensor or pulled by hand
- G-15E – detects only iron containing metals; has two ways to operate
- Schaefer – hand held device that detects iron-containing metals

Once the anomalies had been mapped out, and the results entered in the computers, the contractors created maps of the anomalies, figures 4-2 through 4-80. The teams returned to confirm the presence and location of each anomaly and then remove the item. A great number and range of types of munitions and waste was found on the site during this investigation.

The teams dug up and removed 43,695 specific anomalies, weighing nearly 50,000 pounds, and consisting of debris and munitions from the area. Most of the material was range debris, weighing 46,745 lbs; 2963 lbs were munitions debris, and 292 items were identified as conditions.

32 of these munitions and explosives were too deteriorated and needs to remove from the site. These unsafe items were blown in place. These items included Shobas mortars and 4.2 inch mortars, plus Liveas projectiles. These items were scrutinized carefully, and when the concerns could not be confirmed, the contractors called in the Army special unit that deals with chemical warfare materials (CWM). This unit examined the three types of Munitions and Explosives of Concern for chemical weapons materials and found chemical nerve agents in all of them. Titanium tetrachloride was used during WW I as a smokes agent in projectiles that were fired at enemy lines to obscure sight lines and decrease visibility.

The results of the anomaly excavations that yielded Munitions and Explosives of Concern are presented in Table 4-2, with the items and descriptions of the items, the location, type of concern, number and depth. This table shows at least 9 Shobas mortars and 2 Liveas projectiles. These Munitions and Explosives of Concern items are from WW I and did contain chemical weapons materials (nerve agents considered CWM).

Permos conducted a check (QA/QC) on the geophysical survey and re- location of the items they found, in the Quality Assurance and Quality Control operations (QA/QC). They buried a number of items in the area to be sure that the survey teams would find them. This activity was largely successful, but several items were not recovered. These items were in places that are hard to find, or nearly inaccessible.

Non-Time-Critical Removal Action Items and Observations:

There were problems with the investigations intended to serve as a check on the process (QA/QC), leading the teams to repeat some surveys and to have to go back over some of the grids that had been examined or dug up. These problems have not been completely resolved and an additional review (QA/QC) should be conducted by an independent organization.

I have concerns that the quality assurance and control review (QA/QC) revealed problems that may indicate more problems remain. Some independent check on the investigation needs to be conducted.

The equipment issues are not serious, largely because they found these problems with using the Schulzhardt and took steps to correct the problem by discontinuing use.

The greatest problem may be the presence of WW I Munitions and Explosives of Concern that did contain chemical weapons materials, specifically titanium tetrachloride. The titanium tetrachloride was used as a smokes agent. The compound is toxic and can cause serious health problems. Titanium tetrachloride is highly irritating to mucous membranes and can increase the incidence of bronchitis and pneumonia. Exposure can lower ventilating capacity, and inhaled TiCl4 can actually become embedded in the lungs as titanium dioxide. Long term or acute exposure can lead to the formation of lung polyps. At room temperature TiCl4 can react with copper to form copper titanium chloride (CuTiCl4), and also readily reacts with all ketones.

Neurodevelopmental Disorders in Children Autism and ADHD

environmentalhealthtrust.org/boast/environmental/200904/ehltnewsautismadhd.html

Dr. Maria Soledad Garcia, Ph.D.
April 14, 2008

Autism, ADHD, learning disabilities, developmental delays and intellectual retardation are among the neurodevelopmental disorders that exact an enormous emotional, mental and financial toll in terms of compromised quality of life and lifelong disability. Additionally, these require special education, psychological and medical support services that drain resources and contribute to further stress on the families and communities. While it is generally accepted that the cause for these disabilities is likely to include genetic and environmental factors, for a vast majority of these disabilities, the cause remains unknown. Many factors contribute to a complex web to brain development. These include gene expression, healthy neurochemicals, factors, stress, drugs, nutrition and chemical contamination. Brain development is a long, complicated process involving cell proliferation, migration, differentiation and cell death (apoptosis). There are multiple ways by which chemicals can disrupt neurobiological development such as interfering gene expression, protein pathways¹⁰ and hypothyroidism¹¹. It is a well established fact that a child's nervous system is highly sensitive to chemical exposure commencing in an adult's pregnancy mothers¹². This is evident from the evidence of permanent brain damage in fetus of pregnant mothers¹³. Similarly, pregnant women involved in neurodegenerative diseases showed minimal signs of toxicity compared to their children who displayed effects ranging from cerebral palsy to delayed development¹⁴.

In the 1950s, Thalidomide was introduced into the market to treat morning sickness and as a sedative. It caused an epidemic of 15,000 babies worldwide with gaiting limbs and other developmental disabilities including mental retardation and autism¹⁵. Today, it is a widely accepted fact that chemicals in the environment can cause developmental disabilities in children. Even more intriguing is the fact that certain environmental agents can cause long-lasting damage to the developing brain at exposure levels that have no lasting effect in the adult.

A wide range of toxic chemicals in the environment have been associated with neurodevelopmental disabilities which affect an estimated 3-8% of the 4 million babies born each year in the United States. In a recent study published in *The Lancet*, researchers from Harvard School of Public Health and the Mount Sinai School of Medicine examined publicly available data on chemical toxicity to identify the industrial chemicals likely to damage the developing brain. The researchers compiled a list of 202 industrial chemicals that are known to be toxic to the human brain using the Hazardous Substance Data Bank of the National Library of Medicine and other data sources¹⁶. The exposure to these chemicals came from industrial accidents, occupational exposure, pesticide attempts and accidental poisonings. The authors noted that the list was not comprehensive since the number of chemicals that can cause neurotoxicity in laboratory animal test exceeds 1000. A key point highlighted in the study was the fact that even though moderate amounts of

chemicals, such as lead and mercury, were needed to cause neurological damage in young adults, only small amounts might be needed to damage the developing brains in babies, infants and young children.

It is a well known fact that certain chemicals, such as lead, mercury, PCBs, dioxins, arsenic and toluene can cause clinical and sub-clinical deficits in neurobehavioral development through injury to the fetal brain. The developing brain is extremely vulnerable to these environmental agents at doses much lower than those that affect adult brain function. Studies have shown that prenatal exposure to even relatively low levels of lead result in lifelong reductions of intellectual functions and disorders of behavior¹⁷. Polychlorinated biphenyls (PCBs) cross the placental barrier and can cause injury to the developing brain¹⁸. Organic mercury compounds such as methyl mercury are among the most potent neurotoxins causing severe developmental problems¹⁹. In view of this fact, it seems disconcerting that there is little information available on possible toxic potential for the 80,000 chemicals registered with the Environmental Protection Agency (EPA). Of the 3000 chemicals produced or imported at over 1 million pounds a year, a mere 23% have been tested for their potential to cause developmental damage²⁰.

Autism is a neurodevelopmental disorder characterized by impaired social interaction as well as verbal and non-verbal communication. There are various degrees of severity involved in this disorder. Therefore, this condition is commonly referred to as "autism spectrum disorders" or ASD which include autism, Asperger's syndrome, pervasive developmental disorders not otherwise specified (PDD-NOS) and high-functioning autism. Statistics based on data gathered in 2002 indicates that more than 550,000 children are affected by varying degrees of autism spectrum disorders (ASD). In fact, it has been reported that autism is the fastest growing developmental disability, increasing at a rate of 10 to 17 percent annually according to the Autism Society of America. While improved diagnostic measures may contribute to the perceived increase in the number of cases, it is becoming increasingly apparent that environmental neurotoxins in combination with genetic predispositions could also create adverse gene-environment interactions.

Surveys conducted in California indicate an almost 210% increase in the number of cases of autism in children over the past 10 years. There is increasing concern that certain chemicals (such as mercury, polychlorinated aromatic and pesticides) and biotic factors (such as vaccine antigens) may act synergistically to alter certain susceptibility or genetic risk factors in children with ASD. The UC Davis Center for Children's Environmental Health has established the first large scale epidemiological study to investigate the underlying causes of autism. The UC Davis researchers at the Children's Center have suggested an association between thimerosal (ethyl mercury) and immune system dysfunction in mice. In a recent study, Winchen et al. (2006) explored the possible association between ASD and environmental exposures to hazardous air pollutants in the San Francisco Bay area²¹. Based on the data from the study, the authors suggest that living in areas with higher ambient levels of HAPs, especially metals and chlorinated solvents, during pregnancy or early childhood could be associated with a moderately increased risk of autism. This study highlighted the need for more complex, etiologic studies combining exposure to multiple compounds by various pathways with genetic information to further understand the contribution of environmental exposures to the development of autism.

Another developmental disorder that affects the areas of social skills, behavior and communication is Attention Deficit Hyperactivity Disorder (ADHD). Presently, some researchers believe that there is a correlation between ASD and ADHD. It is estimated that ADHD affects approximately 4.3 million children in the US. The main characteristic that defines ADHD includes inattention, hyperactivity and impulsivity. Though almost everyone at some point in their life blurs out something inappropriate or has difficulty focusing on a task or could become forgetful, experts say that such behavior must be demonstrated to a degree that is inappropriate for that age, for a diagnosis to be made. There is mounting evidence that suggests that ADHD could be a result of simply social factors or child-rearing themes. Other factors such as environmental agents like heavy metals and organophosphates, traumatic brain injury, food additives and sugar, neurobiology and genetics have been implicated in the etiology of this condition.

Medications that seem to be most effective in treating ADHD are a class of drugs known as stimulants such as Ritalin (methylphenidate). However, there is mounting controversy over the widespread use of methylphenidate and possible life-threatening effects from its long-term use. This makes it imperative that alternative modalities be implemented for ADHD management. Nutrient deficiencies are common in ADHD; supplementation with minerals, like B vitamins (added in single), omega-3 and omega-6 essential fatty acids, flavonoids, and the essential phospholipid phosphatidylcholine (PC) can improve ADHD symptoms. In a first of its kind study, Dr. Sarah Crowne, an educator and expert in cognitive learning and clinical neuropsychologist, William Boland investigated the effect of meditation in kids with ADHD in the school setting. For the study, kids with ADHD meditated 10 minutes, twice a day. This study revealed that kids who meditated showed a 45 to 59 percent reduction in stress, anxiety and depression. These kids also showed significant improvements in organizational skills, memory, strategizing, mental flexibility, attention and impulsivity. According to Boland, teaching a child to regulate his own body and mind in response to anxiety should be the first response rather than putting them on medication.

Neurodevelopmental disorders have increased over the past 30 years and are at least partly attributed to exposure to environmental contaminants. Therefore, it becomes imperative to mitigate environmental factors that may influence disease. The impact of environmental toxins on children's health has become a major focus in the federal government resulting in establishment of eight new research centers in children's environmental health with being funded from EPA and the National Institutes of Environmental Health Sciences (NIEHS). The focus of our children are our most precious assets, our future, and we have a responsibility to protect them. We must make protection of the young both a paramount goal of public health protection. You have only one chance to develop a child.

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**FORT ORD SUPERFUND SITE
FORT ORD COMMUNITY ADVISORY GROUP
POSITION PAPER**

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3-11-08
FOR THE ADMINISTRATIVE RECORD
Head delivered to FORA 3-12-08

Fort Ord Reuse Authority (FORA)
100 12a St., Building 2480
Marina, CA 93933
c/o Mr. Stan Cook, Ms. Laura Baldwin

RE: Comments; FORA ESCA Remediation Program (RP)/ Document Control Number:
09394-07-074-001

Dear Mr. Cook and Ms. Baldwin,

Most agree the Army needs to clean up the mess it made at Fort Ord. However, under no circumstances should munitions cleanup be privatized and a waiver granted exempting substances to Environmental laws in place to protect the public health, safety, and the environment. To do so would be an abomination of due diligence and process. What is the justification for the Cowesant Deferal Request?

"Because of missing or incomplete range activity records, undetonated shells, and poor or undocumented disposal practices, no area in Site 39 can be considered clean of UXO/CEW". This statement is typical of military munitions training ranges at former Fort Ord. The proposed 1300 acres to be transferred for residential housing, commercial and other public use is highly contaminated with UXO, OEW, and military munitions contrabands.

1984 RUIFS:
"Site 39 was used since the early 1960s for ordnance training activities. As a result, CEW, including UXO, is present at the site. CEW is defined as bombs and war heads; guided and unguided ballistic missiles; artillery, mortar, and rocket ammunition; small arms ammunition; anti-personnel and anti-tank mines; demolition charges; pyrotechnics; grenades; trip mines and depth charges; conventional, unexploded high explosive and propellants; nuclear, chemical, biological and radiological agents; and all other or related items designed to cause damage to personnel or materials, OII in which explosive

FORA ESCA RP

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**FORT ORD SUPERFUND SITE
FORT ORD COMMUNITY ADVISORY GROUP
POSITION PAPER**

compounds are detected will be considered OEW if the concentration is sufficient to present an imminent hazard. UXO is a subset of OEW and consists of unexploded bombs, warheads, artillery shells, mortar rounds, and chemical weapons. Components or ordnance items (e.g., boosters, fuzes, igniter tubes) are also included in the UXO definition. Many of the UXO/OEW items listed above have been found at Site 39. Nuclear materials, chemical agents, or biological agents have been found or reported to have been used at the site.

To date only limited sampling and removal has been conducted at most of the sites part of the Remediation Program (RP). The proposed FOSET and remediation is in large part based on assumptions rather than sound scientific methodology. There is a significant difference between sampling and clearance to a prescribed depth for a particular use. CERCLA would require a revised RUIFS and ROD for this program. Since the 1994 Base Wide RUIFS, the scope of land uses have changed significantly. Many sites included in the RP were not considered for residential uses because of the exposure dangers to public health and safety from UXO, OEW, and residual contamination.(1) (2) The extent of contamination at former Fort Ord from military munitions training and disposal is unknown. Historically, dangerous military munitions and constituents show up in the most unlikely places. No square inch of former training ranges should be assumed to be free or safe from dangerous ordnance and chemicals. A example of military munitions live and inert found in parcels slated for residential development include but are not limited to the following:

Fragment hand grenades MK11, smoke hand grenades M18, hand grenade M10, 4inch trench mortars MK1, 4inch trench mortars FM, 4inch transverse components, blasting caps M6, blasting caps M7, hand grenades fuzes M228, 75mm Shrapnel MK1, 37mm L3 MK1, 75mm HE MK1, LFrens projector FM, nuclear trip flare M49, 3.5inch rocket M29, 35mm Rockets M73, 3inch Recoilless projector, activator mine AT M1, mine AT M1, primer igniter tube M57, overfills ignitron M2, signal illumination M125, mine fuzes M6A1, rifle grenade M22, 57mm projector HE M306, flash artillery M110, projectile PD M5(B)ach mortar HC, 3inch trench mortars MK1, 81mm mortar HE M43, 40mm projector M781

Because of the nature of military munitions use and cleanup, the strictest standards available, i.e. CERCLA should be implemented to the greatest extent possible. Any attempts to sidestep or circumvent this public health and environmental law must not be allowed. To do so will likely result in negative human health and environmental impacts.

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! egregious disregard of scientific study, across several agencies, regarding the environmental impacts of transiting removal, mining, processing, and diversion of scientific analysis, and manipulation of the scientific process, across several issues and agencies in regard to the Endangered Species Act;

! distortion of scientific knowledge in decisions about emergency conservation; and

! new evidence about the use of political limits tests for scientific advisory panel appointments. These new revelations put to rest any arguments offered by the administration that the cases to date have been isolated incidents involving a few bad actors.

Concern in the scientific community has continued to grow. In the months since the original UCS report, more than 4,000 scientists have signed onto the scientists' statement. Signers include 48 Nobel laureates, 62 National Medal of Science recipients, and 127 members of the National Academy of Sciences. A number of these scientists have served in multiple administrations, both Democratic and Republican, underscoring the unprecedented nature of this administration's practices and demonstrating that the issues of scientific integrity transcend partisan politics.

The United States has an impressive history of investing in and reaping the benefits of scientific research. The actions by the Bush administration threaten to undermine the morale and compromise the integrity of scientists working for and advising America's world-class governmental research institutions and agencies. Not only does the public expect and deserve government to provide it with accurate information, the government has a responsibility to ensure that policy decisions are not based on intentionally or knowingly flawed science. To do so carries serious implications for the health, safety, and environment of all Americans.

Given the lack of serious consideration and response by the administration to concerns raised by scores of prominent scientists, UCS is committed to continuing to investigate and publish to refute or distort the integrity of the scientific process—in which politics is making UCS—working with scientists across many disciplines, other organizations, and elected officials—will also seek to develop and implement solutions that will protect government scientists from retribution when they bring scientific issues to light, provide better scientific advice to Congress, strengthen the role of the Office of Science and Technology Policy, strengthen and ensure adherence to conflict of interest guidelines for federal advisory panels, and ensure full access to government scientific analysis that has not been legitimately classified for national security reasons.

Union of Concerned Scientists

Union of Concerned Scientists
www.ucsusa.org

Scientific Integrity in Policy Making Update-July 2008

Introduction

On February 18, 2004, 62 prominent scientists including Nobel laureates, National Medal of Science recipients, former senior advisors to administrations of both parties, numerous members of the National Academy of Sciences, and other well-known researchers released a statement titled *Restoring Scientific Integrity in Policy Making*. In this statement, the scientists charged the Bush administration with widespread and unprecedented "manipulation of the process through which science enters into its decisions." The scientists' statement made brief reference to specific cases that illustrate this pattern of behavior. In conjunction with this statement, the Union of Concerned Scientists (UCS) released an open letter demanding backing up the scientists' charges in its report, *Scientific Integrity in Policy Making*.

On April 2, the White House Office of Science and Technology Policy issued a statement by Director John W. Mearns III that dismissed the scientists' concerns and attempted to deflect the specific charges. In a detailed analysis released April 19, UCS reviewed each charge again, and directly addressed the administration's "concessions" concluding, "UCS stands by the findings and conclusions of our report." The UCS analysis found that the White House response failed to offer substantive evidence to support its claims. Instead, the White House document was filled with largely irrelevant information and arguments unrelated to the scientists' charges.

"The administration is dismissive of the concerns of leading scientists across the country," said Kurt Goddard, UCS board chair and emeritus professor of physics at Cornell University. "The absence of a candid and constructive response from the White House is troubling, as these issues—from childhood lead poisoning and mercury emissions to climate change and nuclear weapons—have serious consequences for public health, well-being, and national security."

Since the release of the UCS report in February, the administration has continued to undermine the integrity of science in policy making seemingly unchecked. Many scientists have spoken out about their frustration with an administration that has undermined the quality of the science that informs policy making by suppressing, distorting, or manipulating the work done by scientists at federal agencies and on scientific advisory panels. For instance, Michael Kelly, a biologist who had served at the National Oceanic and Atmospheric Administration's National Marine Fisheries Service for nine years, recently resigned his position and issued an indictment of Bush administration practices. As Kelly wrote, "I speak for many of my fellow biologists who are embarrassed and disgusted by the agency's apparent misuse of science."

This document investigates several new incidents that have surfaced since the February 2004 UCS report. These new incidents have been corroborated through in-depth interviews and internal government documents, including some documents released through the Freedom of Information Act. The cases that follow include:

1-9

"customers." Neither is an accurate description of the nature of the relationship in most cases. Treating State and local environmental agencies and officials as "customers" is therefore inappropriate. They are not our customers; they are at best our partners, but more often they are an additional class of entities and individuals that we - to all intents and purposes - regulate.

3

1-9

Synergism

Canadian Centre for Occupational Health and Safety (CCOHS)
<http://www.ccohs.ca/oshareview/chemicals/synergism.html>

What is meant by the term "synergism"?

Synergism comes from the Greek word "synergos" meaning working together. It refers to the interaction between two or more "things" when the combined effect is greater than if you added the "things" on their own (a type of "what's one plus one is greater than two" effect).

In toxicology, synergism refers to the effect caused when exposure to two or more chemicals at a time results in health effects that are greater than the sum of the effects of the individual chemicals.

When chemicals are synergistic, the potential hazards of the chemicals should be re-evaluated, taking their synergistic properties into consideration.

What are related terms?

In addition to synergism, other terms are used to define the toxicologic interactions. Additive Effect - This action occurs when the combined effect of two or more chemicals is equal to the sum of the effect of each agent given alone (they do not interact in a direct way); for example:

$$2 + 2 = 4$$

This effect is the most common when two chemicals are given together.

Potentiation - This effect results when one substance that does not normally have a toxic effect is added to another chemical, it makes the second chemical much more toxic; for example:

$$0 + 2 > 2, \text{ not just } 2$$

Antagonism - Antagonism is the opposite of synergism. It is the situation where the combined effect of two or more compounds is less toxic than the individual effects; for example:

$$4 + 6 < 10$$

Antagonistic effects are the basis of many antidotes for poisonings or for medical treatments. For example, ethyl alcohol (ethanol) can antagonize the toxic effects of methyl alcohol (methanol) by displacing it from the enzymes that oxidize the methanol.

1

In competition, a synergistic effect is the situation where the combined effect of two chemicals is much greater than the sum of the effects of each agent given alone. For example:

2 + 2 >> 4 (maybe 10 times or more)

Why does synergism occur?

While the mechanisms of synergism can change from situation to situation, most of the time there appears to be an effect on the enzymes that regulate or influence the way our bodies work.

Our bodies have enzymes that are designed to do specific "jobs". For example, there is an enzyme that helps break down alcohol - this is why we do not stay intoxicated "forever" after consuming alcohol. These enzymes normally transform (metabolize) the foreign substances (alcohol in this example) into less toxic or non-toxic substances which are eliminated out of the body.

With synergism, an enzyme function could either be inhibited (restricted) or accelerated in some way. Either way, the result is that the chemicals are either "less" or "enhanced" to cause a greater biologic effect in the body.

Civil War cannonball kills Virginia relic collector

<http://www.sacnews.com/661351337046-246041>

By STEVE SZKOTAK Associated Press Writer
Article Last Updated: 05/02/2008 07:24:17 PM PDT

Brooks White, widow of Civil War Relics collector Sam White, looks over... (AP Photo/Steve Haber) CHESTER, Va.—Like many boys in the South, Sam White got hooked on the Civil War early, digging up rusting bullets and military buttons in the abandoned earth of his hometown.

As an adult, he organized the Virginia centipede in search of war-time relics—weapons, battle flags, even military medals buried in the red clay. He sometimes put on diving gear to feel for treasures hidden in the black muck of river bottoms.

But in February, White's hobby cost him his life. A cannonball he was restoring exploded, killing him in his driveway.

More than 140 years after Lee surrendered to Grant, the cannonball was still powerful enough to send a chunk of shrapnel through the front porch of a house a quarter-mile from White's home in the leafy Richmond suburb.

White's death shook the close-knit fraternity of relic collectors and raised concerns about the dangers of other Civil War munitions that lie buried beneath old battlefields. Explosives experts said the fatal blast defied extraordinary odds.

"You can't drop these things on the ground and make them go off," said retired Col. John F. Biemeck, for many of the Army Ordnance Corps.

White, 53, was one of thousands of hobbyists who comb former battlegrounds for artifacts using metal detectors, probes, shovels and trowels.

"There just aren't many areas in the South in which battlefields aren't hoisted. They're literally under your feet," said Harry Ridgeway, a former relic hunter who has stressed a vast collection. "It's just a huge thrill to pull even a musket ball out of the ground." After growing up in Petersburg, White went to college, served on his local police force, then worked for 25 years as a deliveryman for UPS. He retired in 1998 and devoted most of his time to relic hunting.

He was an avid reader, a Civil War reenactor and an amateur historian who watched History Channel programs over and over, to the mild annoyance of his wife.

"I used to laugh at him and say, 'Why do you watch that? You know how it turned out. It's not going to be any different,'" Brooks White said.

She didn't share her husband's devotion, but she was understanding of his interest.

"I've often hunted who have this passion, they don't live that way vicariously, like if you were a sports fanatic," she said. "Finding a treasure is their touchstone, even if it's two, three bullets."

1999 EPA Position Paper Range Rule

To
Department of Defense (DoD)
Ms. Sherri W. Goodman
Deputy Under Secretary of Defense
dated April 22, 1999

EPA ISSUES AT CLOSED, TRANSFERRED, AND TRANSFERRING MILITARY RANGES
During the last several years an increasing number of issues have arisen relative to UXO, hazardous contaminants, and military range cleanup. The following represents a description of the major EPA issues or concerns along with illustrations where we have encountered these problems. This list should not be construed as exhaustive.

1. Range Assessment and Investigation

1. Range investigations often lack sufficient site-specific information. The Services and the USACE generally are not adhering to CERCLA standards and procedures for assessment and cleanup. The PAFSI, RUFPS, Remedial, and NOFA processes need to be equivalent to those specified under CERCLA and the NCT. [For example, at the Black Hills Army Depot the PAFSI did not meet the minimum requirements set by EPA for assessment. The RUFPS worksheets and all associated documents were based upon this deficient PAFSI and were also determined not to meet EPA minimum requirements. Other sites with similar issues include Savannah Army Depot, Badlands Bombing Range, Lowry Bombing Range, Fort Riebbie, Fort Meade, and the Nussendorf Ordnance Depot.]

2. There has been an increasing tendency for UXO investigations to use statistical grid sampling methods. Although statistical grid sampling may yield additional information, extrapolation of these results often lead to inappropriate decisions. The statistical grid sampling approach used by the USACE would only be appropriate if one expected a relatively uniform distribution of UXO, which is not the case at military ranges. EPA believes that in order to achieve protection of human health and the environment, UXO investigations should be based on a combination of information such as historical data (e.g., archives, photos, interviews), range use information, visual site inspections, previous detection surveys, previous Explosives and Ordnance Demolition (EOD) Unit response activities, and the resultant knowledge of impact zones and "hot spots." [For example, at the Lowry Bombing Range the USACE proposed and attempted to use the statistical sampling and extrapolation methodology. The State of Colorado has recently indicated that these methods significantly underestimated the amount of ordnance present (fired or live). Other sites that have similar issues are Savannah Army Depot, Fort Ord, Fort Riebbie, and the Nussendorf Army Depot.]

3. Military ranges generally are not designated by the Services or the USACE as areas of concern (AOC) areas when the installation is listed on the

Superfund National Priorities List (NPL). EPA believes all areas at closed, transferred, and transferring bases with known or suspected UXO are areas of concern and need to be evaluated in the CERCLA and NCT context. More recently, the Services and the USACE have unilaterally excluded UXO areas from proposed CERCLA Records of Decisions (RODs) or from RODs being implemented where UXO was included in the remedy (e.g., NAF Adak, Unalaska Army Depot). [At the Unalaska Army Depot, the Army has indicated that they will not address UXO as specified in the ROD. This decision is now in dispute resolution. At NAF Adak, the Navy has recently indicated that they do not wish to proceed with a ROD for a separate UXO operable unit. At Savannah Army Depot, the entire depot (approximately 21 square miles) was initially utilized as a firing range. Activities up to 1997 were not directed at UXO assessment and response, rather they were directed in large degree toward open burning and disposal grounds and non-explosive chemical contamination. Up to this time, UXO in potential firing areas was not included within the realm of the potential cleanup, therefore, most UXO prone or suspected areas were not considered areas of concern. In 1998, the Army tentatively agreed to evaluate several options for assessing areas known or suspected to be contaminated with UXO. The USACE has proposed to use Sitestats/Gradients which EPA believes is a very problematic analytical method (see 1b above). Other facilities that have ranges with similar issues include, but are not limited to: Jefferson Proving Ground, Lowry Bombing Range, Badlands Bombing Range, Fort Meade, Camp Bismarck, Fort Ord, Aberdeen Proving Ground, Toiyuanum Army Depot, NAF Adak, and Fort Riebbie.]

4. EPA is encouraged by DoD's recent shift to address ranges through a "risk management" strategy focusing on both range assessment and remediation for UXO and other contaminants. DoD needs to continue to develop and ultimately implement this approach through the USACE and the Services. However, despite this recent change in strategy, EPA has noted at a number of ranges the USACE continues to apply traditional sampling and risk assessment methods which often lead to premature "informed risk management decisions." Since the recent Range Rule process is heavily dependent upon accurate "informed risk management decisions," DoD needs to ensure that this revised strategy develops a more robust information system which addresses risks, and sets the stage to achieve long-term risk reduction goals. The current approach utilized by the USACE generally does not address these goals. [For example, at Fort Riebbie, the Army had proposed to submit data for a previous assessment support to UXO that had been proposed by the DoD to include a residential area. Based in large degree upon the statistical sampling, the Army would be perform only a surface clearance, even though the DDESB standards recommend much more conservative clearance for residential land use. It is important to note that in many areas where UXO clearance is not performed to the front line or sufficient depth, additional UXO is likely to surface via frost heaving or erosional processes (i.e., markers have been found to surface on a golf course). These and other UXO-related issues require the

Army develop a long-term UXO remedial strategy for this area. Other ranges with similar circumstances include Sweeney Army Depot, Lowry Bombing Range, Fort Meade, Nausomus Army Depot, Fort Ord, Jefferson Proving Ground, and Badlands Bombing Range.

3. DOD is generally not applying the best available technologies to assess and remediate UXO. In most cases, there appears to be a standard approach to default to less traditional methods known as "snag and flag". Yet, according to the USACE and others, application of these methods often results in more repetitive, slower, and less accurate UXO detections than other demonstrated technologies. DOD needs to begin using better technologies earlier to achieve the most protective level of UXO cleanup, while continuing to examine the capabilities, uncertainties, and acceptabilities of the various detection approaches. [For example, at Fort Riley the only archive clearance is proposed for areas known to be contaminated with UXO that measures would be used during excavation, the Army indicated they would only have personnel on-site with a magnetometer. At Badlands Bombing Range, the military impact area was surveyed using mag and flag but this location would have been suitable for using multiple towed array sensor methods that have yielded more reliable results at other similar locations at Badlands.]

6. In those cases where UXO investigations at ranges (or UXO sites) have been performed, the general approach has been to limit investigation to known ranges/ UXO sites only. Investigations should not be limited to within the "fence-line," especially when information suggests that UXO problems are more extensive. [Although Aberdeen Proving Ground has agreed to perform additional clearance 1/4 mile around the existing facility, no additional investigation is being performed off-site (e.g., especially in the adjacent ditches or in the Chesapeake Bay). Other sites with similar issues include the Badlands Bombing Range, Sweeney Army Depot, Toole Army Depot, Lowry Bombing Range, Jefferson Proving Ground, and NAF Adak.]

2. Non-Compliance with Regulatory Authorities

1. DDESB 6055.9 Standards for depth of clearance generally are not being followed. [For example, at Fort Riley a surface clearance is proposed for a residential area. DDESB 6055.9 Standards (chapter 12) specifies that justified depths of clearance to 10 feet should be used unless an alternative is information. As no detailed investigations have taken place over the range areas at Fort Riley, a default clearance depth of 10 feet should be used (unless bedrock is shallower). Please note that EPA's new chapter 12 is critical due to the amount of agencies safety issues. In addition, many other range situations have already been documented to have unaccommodated limited wastes (radionuclides, hazardous substances) and may present an imminent and substantial risk to human health and the environment. Other ranges with similar problems include Sweeney Army Depot, Fort Meade,

Fort Ord, Badlands Bombing Range, Lowry Bombing Range, Umatilla Army Depot, Camp Bonneville, Jefferson Proving Ground, Nausomus Ordnance Depot, Toole Army Depot, and NAF Adak.]

2. Current EPA environmental regulations, including, but not limited to, RCRA and CERCLA, are applicable, but generally are not being followed. [This is particularly relevant to the depth of clearance of UXO. Many UXO contaminated areas at closed, transferred, or transferring military ranges are: 1) not being investigated, or 2) when discovered, are not being addressed consistent with human health, environmental, or explosive safety regulations. These types of situations have been noted at many ranges including Sweeney Army Depot, Fort Meade, Fort Ord, Badlands Bombing Range, Lowry Bombing Range, Umatilla Army Depot, Camp Bonneville, Jefferson Proving Ground, Nausomus Ordnance Depot, Toole Army Depot, and NAF Adak. Other information pertinent to this issue is presented in (f) above, and 4(g) below.]

3. Communications, Coordination and Dissemination of Information Efforts by the Services and the USACE to communicate the scope, nature, and extent of UXO response activities has not always been successful. In some cases, there has been little or no effort. Regulators and the public need to be better informed during all stages of the efforts to address military ranges. The over-reliance on clean-up contractors without also seeking coordination with the regulators and other non-DOD entities. [For example, the regulations and the public have been addressed by the USACE lack of cooperation with the Black Hills Army Depot. Adequate information is not being provided to regulators and cleanup contractors. There has been no public involvement concerning UXO issues. At Fort Meade, there has been little or no public involvement concerning UXO issues. At BRAC RAB meetings only summary information is presented on the USACE activities. Neither the State, Title, or the general public have received adequate dissemination on the USACE UXO activities at Fort Meade that has BRAC and FUDS properties. Another example is with the proposed transfer of property at Fort Meade. The Army has been in the process of negotiating a transfer of UXO contaminated property with regulatory agencies have not been contacted to participate in these negotiations. Similar situations have been noted at the Badlands Bombing Range, Lowry Bombing Range, Jefferson Proving Ground, Fort Ord, and Fort Riley.]

4. Remediation Selection and Implementation

1. EPA believes some range UXO detection/clearance operations may not be appropriate for CERCLA removal or RCRA emergency situations. To further complicate matters is the Service/USACE preference to implement "CERCLA-like" accelerated actions. Some of these actions may not be consistent with CERCLA and the NCP and generally result in less regulator and public oversight/involvement. Using "time-critical/emergency responses" as the sole response paradigm should not be a default approach for the Service/USACE, especially for range problems that are well beyond the scope of small actions. [For example, at Fort Ord clearances was conducted

for several years as a time-critical removal action. Similar circumstances are noted at Jefferson Proving Ground, Unalaska Army Depot, and Fort Meade.]

2. There is a general over-reliance on institutional controls as the principal remedy component or as the only remedy to ensure protectiveness. Where employed, the institutional controls may not be adequately defined, roles and responsibilities are left unclear and ultimately they may not prevent future incidents when UXO is encountered. The Services and the USACE are not always implementing adequate access controls (e.g., fencing, posting of guards, permits, etc.) where needed. In addition, periodic inspections need to be performed at many locations where UXO has been identified, is suspected, or may have surfaced via erosion or frost heaving at previously closed areas. [For example, at NAF Adak institutional controls are supposed for use areas outside the town where UXO will generally not be disturbed, nor has the area been adequately investigated despite DoD records indicating potentially extensive UXO contamination. This appears to be a problem to lead to an increase in the population (primarily members of the Aleutian Tlingit, especially children). At Toiyahanna Army Depot, 420,000 sq ft of UXO from an air base junk yard were only signs were found and a recent closed in 1997 when 25 unexploded 31 mm shells were found and a recent removal action has found significant additional UXO. Other examples of access prohibitions have been noted at Camp Elmer (Utah), Camp Bonerville, Jefferson Proving Ground, Lowry Bombing Range, Buffalo Bombing Range, Fort Rucker, Fort Wingate, and Nonesuch Army Depot.]
3. Effective regulatory and DoD oversight is an important aspect of remedy implementation. When it is not implemented, the risk of incidental increase, [For example, the UXO from the Fort Irwin cleanup was misused for clean scrub and transported to a scrap yard for recycling (in violation of RCRA - the UXO went to a non-permitted facility without manifest). An employee was killed when he attempted to cut live UXO with welding equipment. Other examples of where better oversight was needed include, Fort Ord, Jefferson Proving Ground, and Fort Meade where UXO contaminated areas were inappropriately stated for transfer.]

- proposed transfer is to the USFWS who do not appear to have sufficient resources to address UXO contamination of this magnitude. At Jefferson Proving Ground, a portion of UXO contaminated property north of the firing line was proposed for transfer to the USFWS. The area was proposed to be used for recreational purposes, but it has not been thoroughly assessed and UXO not addressed. It has also been mentioned that the USFWS has since decided not to proceed with the transfer. At Nonesuch Land Island, although the fact-to-fact transfer has already taken place, DoD has a continuing obligation to address UXO safety issues there, as does the USFWS (i.e., to secure the property against trespassers, per the transfer agreement). Although the area is planned to be used as a wildlife refuge, it is known to be frequented by boating enthusiasts, and UXO safety issues remain because storm events and other processes (freeze/thaw) will continue to expose UXO in areas where only surface clearance has been performed. At Fort Wingate, two closed test ranges containing UXO are slated for transfer to the DOI. This land may then be re-developed for residential, commercial, open space, and subsistence farming/ranching uses. Much of these lands are proposed to be transferred to the DOI. Another example is the UXO contaminated areas transferred to the State at the Toiyahanna Army Depot.]
2. In some cases, the Services and the USACE have performed only a cursory investigation (see # 1). Based upon limited information, property has been said to be contaminated. Rather than sufficiently assessing sites and making the property safe for use or transfer, the DoD and the Services appear to be transferring the land and then waiting for others to identify problems for DoD response. [For example, DoD is contacted periodically about newly found UXO at a number of transferred sites. This has been noted at the Aberdeen Proving Ground, Raritan Arsenal, Morgan Depot, White Sands Missile Range, Lowry Bombing Range, Bickford Bombing Range, Fort Ritchie, Toiyahanna Army Depot, Fort Ord, Fort Meade (i.e., Tinjon Air Field), Jefferson Proving Ground, Raritan Arsenal, Morgan Depot, and at EPA prime sites such as the Coburn Property Site in Massachusetts. Although the EOD units have a good response record, their responses tend to be limited to the newly found UXO, with generally no further investigation performed to determine the nature and extent of any additional UXO. This EOD "house call" type follow-up cannot substitute for adequate investigations.]

The Widespread Statement on the Precautionary Principle

January 1991

The release and use of toxic substances, the application of resources, and physical alterations of the environment have had substantial unintended consequences affecting human health and the environment. Some of these concerns are high rates of learning disabilities, asthma, cancer, birth defects and species extinctions; along with global climate change, ozone depletion, and worldwide contamination with toxic substances and nuclear materials.

We believe existing environmental regulations and other decisions, particularly those based on risk assessment, have failed to protect adequately human health and the environment - the larger system of which humans are but a part.

We believe there is compelling evidence that damage to humans and the worldwide environment is of such magnitude and seriousness that new principles for conducting human activities are necessary.

While we realize that human activities may involve hazards, people must proceed more carefully than has been the case in recent history. Corporations, government entities, organizations, communities, scientists and other individuals must adopt a precautionary approach to all human endeavors.

Therefore, it is necessary to implement the Precautionary Principle: When an activity raises threats of harm to human health or the environment, precautionary measures should be taken even if some cause and effect relationships are not fully established scientifically.

In this context the proponent of an activity, rather than the public, should bear the burden of proof.

The process of applying the Precautionary Principle must be open, informed and democratic and must include potentially affected parties. It must also involve an examination of the full range of alternatives, including no action.

Participants: Dr. Nicholas Ashford, MIT; Katherine Barrett, Univ. of British Columbia; Anita Ramussen, Chicago-Kent College of Law; Dr. Robert Costanza, Univ. of Maryland; Pat O'Connor, Georgetown; Dr. Carl Crutso, Univ. of California, Riverside; Dr. Peter deFur, Virginia Commonwealth Univ.; Gordon Duvall, Attorney; Dr. Kenneth Geiser, Toxics Use Reduction Inst., Univ. of Mass., Lowell; Dr. Andrew Jordan, Centre for Social and Economic Research on the Global Environment, Univ. of East Anglia; Andrew King, United Steelworkers of America, Canadian Office; Dr. Frederick Kirschmann, Former, Stephen Letter, Center for Health, Environment and Justice; Sue Marvel, Union Inst.; Dr. Michael McConigle, Univ. of Victoria, British Columbia; Dr. Peter Montague, Environmental Research Foundation; Dr. John Peterson Myers, W. Alton Jones Foundation; Dr. Mary O'Brien, Environmental Consultant; Dr. David

Conroy, Boston Univ.; Camlyn Parfitt, Science and Environmental Health Network; Dr. Philip Regal, Univ. of Minnesota; Hon. Pamela Rorer, Massachusetts House of Representatives; Florence Robinson, Louisiana Environmental Network; Dr. Ted Schaeffer, Physicians for Social Responsibility; Ted Smith, Silicon Valley Toxics Coalition; Dr. Klaus-Richard Spatling, Alfred Wegener Institute; Barbara Dr. Straub, Scripps Institution of Oceanography; Environmental Health Coalition; Ted Tatham, Univ. of Massachusetts, Lowell; Dr. Koral and Mohita, Denmark; College; Dr. Bo Wikstrom, KEM (National Chemical Impacts), Sweden; Jozsef Warkocz, Indigenous Environmental Network;

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Infrared Flame Formulas:

- Silicon
- Potassium nitrate (KNO3)
- Caesium Nitrate (CsNO3)
- Rubidium Nitrate (RbNO3)
- Hexamethylene tetramine
- Epoxy resin

Red-Green Flame System:

- Barium nitrate
- Strontium nitrate 13
- Potassium perchlorate
- Magnesium
- Dacthlorane
- Polyvinyl acetate resin

Signal flares are smaller and faster burning than illuminating flares. Various metals are added these compositions to control the color of the flame.

Colored and White Smoke The pyrotechnic generation of smoke is almost exclusively a military device for screening and signaling. Screening smokes are generally white because black smokes are rarely sufficiently dense. Signal smokes, on the other hand, are colored so as to assure contrast and be distinct in the presence of clouds and ordinary smoke.

Venturi thermal generator type. The smoke producing material and the pyrotechnic fuel block required to volatilize the smoke material are in separate compartments. The smoke producing material is atomized and vaporized in the venturi nozzle by the hot gases formed by the burning of the fuel block.

Burning type. Burning type smoke compositions are intimate mixtures of chemicals. Smoke is produced from these mixtures by either of two methods. In the first method, a product of combustion forms the smoke or the product reacts with constituents of the atmosphere to form a smoke. In the second method, the heat of combustion of the pyrotechnic serves to volatilize a component of the mixture which then condenses to form the smoke. White phosphorus, either in bulk or in solution, is one example of the burning type of smoke generator.

Explosive dissemination type. The smoke producing material is pulverized or atomized and then vaporized, or a preground solid is dispersed by the explosion of a bursting charge. The explosive dissemination smoke generator may contain metallic chlorides which upon dispersal, hydrolyze in air. Examples are titanium, silicon, and stannic tetrachloride.

Smoke Agent Mixtures:

- White phosphorus
- Sulfur trioxide
- FB agent

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- HC mixture
- FM agent
- Crude oil

The preferred method of dispersing colored smoke involves the vaporization and condensation of a colored organic volatile dye. These dyes are mixed to the extent of about 50 percent with a fuel such as lactose (20 percent) and an oxidizer (30 percent) for which potassium chlorate is preferred.

Tracers and Flares The principal small arms application of military pyrotechnics is in tracer munitions where they serve as incendiaries, spotters, and as fire control. Two types of tracers are used. The difference between the two types is the method of tracking. The more frequently used tracer uses the light produced by the burning tracer composition for tracking. Smoke tracers leave a trail of colored smoke for tracking. Red is the flame color most often employed in tracers.

Igniter and Tracer Compositions

- Strontium peroxide
- Magnesium
- 1-138 Igniter
- Calcium resinate
- Barium peroxide
- Zinc stearate
- Tolluidine red (dye/finer)
- Strontium nitrate
- Strontium oxalate
- Potassium perchlorate
- Polyvinyl chloride

Incendiaries Two types of incendiaries are commonly used. The traditional type is a bomb containing a flammable material. These materials include thermite (a mixture of aluminum and rust), phosphorus, and isopar. In addition, the case of the bomb may be constructed of a material such as magnesium that will burn at a high temperature once ignited. Depleted uranium is used extensively in pyrotechnics which have armor piercing capabilities.

Depleted uranium (depleted in the more radioactive isotope U235, is the waste product of the uranium enrichment process. The depleted uranium is formed into projectiles that can penetrate armor because of their high density and mechanical properties. The impact of the projectile causes the uranium to form many pyrophoric fragments which can ignite fuel and munition items.

Pyrophoric Metals

- U
- Uranium
- Th
- Thorium
- Zr
- Zirconium
- Hf
- Hafnium
- Ce
- Cerium
- La
- Lanthanum

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Privatization of Superfund Cleanup Fort Ord, California

Pyrotechnic Devices

Texas Munitions are widely used in the training of US Military troops, quite possibly the single most widely used munitions in training

Constituents Not being Looked For in areas of Residential Development

Constituents not found in EPA Testing models

Table 2

Fort Ord Community Advisory Group
October 2008

Table 2. Nitriety Munitions UNIFORM Contaminates of Concern (COC's) Potential Soil Contaminants Fort Ord, California

Component	CAS No.	Recognized/Suspected Human Health Hazards
1) Lead Acids	7446-11-9	Suspicious: Carcinogen P01
2) Mercury Nitrates	68183-04-4	Neurotoxic: Neurological Toxidant P04-P09
3) Diacetyl/Hexahydro (DOPN)	87-51-0	No Health data found
4) Lead Sulphate	13186-44-3	No Health data found
5) Trinitrobenzene (TNT)	62-81-6	Suspicious: Carcinogen C01-C03
6) Polychlorinated Biphenyls (PCB's)	80012-87-6	No Health data found
7) Lead Mononitrosocarbonate (LNMN)	83717-52-8	No Health data found
8) Arsenic sulfide	13187-24-4	No Health data found
9) Zirconium	7440-67-7	No Health data found
10) Lead Oxide	1308-46-0	Neurotoxic: Carcinogen P01-C, Developmental Toxidant P04-P06, Reproductive Toxidant P04-P06
11) Gun Anilic	n/m/n/h	No Health data found
12) Tetraethyl Lead	8011-49-8	Neurotoxic: Neurological Toxidant P04-P06
13) Lead Mononitrosocarbonate	83717-52-8	Neurotoxic: Neurological Toxidant P04-P06, Reproductive Toxidant P04-P06
14) Lead Nitrosocarbonate	8884-39-0	Neurotoxic: Neurological Toxidant P04-P06
15) Lead Nitrosocarbonate	8884-39-0	Neurotoxic: Neurological Toxidant P04-P06
16) Manganese	7440-50-9	Neurotoxic: Neurological Toxidant P04-P06, Reproductive Toxidant P04-P06
17) 1,2,4-Trinitrobenzene (TNB)	8889-91-8	Neurotoxic: Neurological Toxidant P04-P06
18) Dinitrophenol Dinitro (DNDN)	8889-91-8	Neurotoxic: Neurological Toxidant P04-P06
19) 1,3,5-Trinitrobenzene (TNB)	118-52-4	No Health data found
20) Tetraethyl Lead	8011-49-8	No Health data found
21) Diacetyl/Hexahydro (DOPN)	87-51-0	No Health data found
22) Bisphenol A (BPA)	80054-61-7	No Health data found
23) Nitrobenzene (NB)	98-05-7	Suspicious: Neurological Toxidant P04-P06
24) 2,4-Dinitrophenol (DNP)	8889-91-8	Suspicious: Neurological Toxidant P04-P06, Reproductive Toxidant P04-P06, Neurotoxic: Neurological Toxidant P04-P06
25) Ammonium Perchlorate	103-74-8	Neurotoxic: Neurological Toxidant P04-P06
26) Hexamethylene	110-82-7	Suspicious: Neurological Toxidant P04-P06
27) Dichloroacetic Acid	29864-65-0	Neurotoxic: Neurological Toxidant P04-P06, Reproductive Toxidant P04-P06, Neurotoxic: Neurological Toxidant P04-P06
28) Dinitrobenzene	79085-11-9	Suspicious: Neurological Toxidant P04-P06, Reproductive Toxidant P04-P06
29) Dinitrobenzene	8889-91-8	No Health data found
30) Dinitrobenzene	13084-39-9	No Health data found

Fort Ord Community Advisory Group 2008 / Residential and Commercial Development of Former Military Training Areas

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Table 2: Military Munitions UXO/DEW Contaminates of Concern (COC) Potentially 6M Contaminates Fort Ord, California

Contaminant	Site, type, and respiratory protection (CERCLA)	Health data found
23) Toluene 1st	597-05-1	No Health data found
24) Styrene 1st	2482-93-9	No Health data found
25) Styrene 2nd	10049-70-4	MAHRES: Elevated exposure may damage the lungs, heart, liver, and kidneys and affect the nervous system.
26) Benzene 1st	71-43-2	No Health data found
27) Benzene 2nd	71-43-2	No Health data found
28) Acetone 1st	64-19-7	No Health data found
29) Acetone 2nd	64-19-7	No Health data found
30) Acetone 3rd	64-19-7	No Health data found
31) Acetone 4th	64-19-7	No Health data found
32) Acetone 5th	64-19-7	No Health data found
33) Acetone 6th	64-19-7	No Health data found
34) Acetone 7th	64-19-7	No Health data found
35) Acetone 8th	64-19-7	No Health data found
36) Acetone 9th	64-19-7	No Health data found
37) Acetone 10th	64-19-7	No Health data found
38) Acetone 11th	64-19-7	No Health data found
39) Acetone 12th	64-19-7	No Health data found
40) Acetone 13th	64-19-7	No Health data found
41) Acetone 14th	64-19-7	No Health data found
42) Acetone 15th	64-19-7	No Health data found
43) Acetone 16th	64-19-7	No Health data found
44) Acetone 17th	64-19-7	No Health data found
45) Acetone 18th	64-19-7	No Health data found
46) Acetone 19th	64-19-7	No Health data found
47) Acetone 20th	64-19-7	No Health data found
48) Acetone 21st	64-19-7	No Health data found
49) Acetone 22nd	64-19-7	No Health data found
50) Acetone 23rd	64-19-7	No Health data found
51) Acetone 24th	64-19-7	No Health data found
52) Acetone 25th	64-19-7	No Health data found
53) Acetone 26th	64-19-7	No Health data found
54) Acetone 27th	64-19-7	No Health data found
55) Acetone 28th	64-19-7	No Health data found
56) Acetone 29th	64-19-7	No Health data found
57) Acetone 30th	64-19-7	No Health data found
58) Acetone 31st	64-19-7	No Health data found
59) Acetone 32nd	64-19-7	No Health data found
60) Acetone 33rd	64-19-7	No Health data found
61) Acetone 34th	64-19-7	No Health data found
62) Acetone 35th	64-19-7	No Health data found
63) Acetone 36th	64-19-7	No Health data found
64) Acetone 37th	64-19-7	No Health data found
65) Acetone 38th	64-19-7	No Health data found
66) Acetone 39th	64-19-7	No Health data found
67) Acetone 40th	64-19-7	No Health data found
68) Acetone 41st	64-19-7	No Health data found
69) Acetone 42nd	64-19-7	No Health data found
70) Acetone 43rd	64-19-7	No Health data found
71) Acetone 44th	64-19-7	No Health data found
72) Acetone 45th	64-19-7	No Health data found
73) Acetone 46th	64-19-7	No Health data found
74) Acetone 47th	64-19-7	No Health data found
75) Acetone 48th	64-19-7	No Health data found
76) Acetone 49th	64-19-7	No Health data found
77) Acetone 50th	64-19-7	No Health data found
78) Acetone 51st	64-19-7	No Health data found
79) Acetone 52nd	64-19-7	No Health data found
80) Acetone 53rd	64-19-7	No Health data found
81) Acetone 54th	64-19-7	No Health data found
82) Acetone 55th	64-19-7	No Health data found
83) Acetone 56th	64-19-7	No Health data found
84) Acetone 57th	64-19-7	No Health data found
85) Acetone 58th	64-19-7	No Health data found
86) Acetone 59th	64-19-7	No Health data found
87) Acetone 60th	64-19-7	No Health data found
88) Acetone 61st	64-19-7	No Health data found
89) Acetone 62nd	64-19-7	No Health data found
90) Acetone 63rd	64-19-7	No Health data found
91) Acetone 64th	64-19-7	No Health data found
92) Acetone 65th	64-19-7	No Health data found
93) Acetone 66th	64-19-7	No Health data found
94) Acetone 67th	64-19-7	No Health data found
95) Acetone 68th	64-19-7	No Health data found
96) Acetone 69th	64-19-7	No Health data found
97) Acetone 70th	64-19-7	No Health data found
98) Acetone 71st	64-19-7	No Health data found
99) Acetone 72nd	64-19-7	No Health data found
100) Acetone 73rd	64-19-7	No Health data found
101) Acetone 74th	64-19-7	No Health data found
102) Acetone 75th	64-19-7	No Health data found
103) Acetone 76th	64-19-7	No Health data found
104) Acetone 77th	64-19-7	No Health data found
105) Acetone 78th	64-19-7	No Health data found
106) Acetone 79th	64-19-7	No Health data found
107) Acetone 80th	64-19-7	No Health data found
108) Acetone 81st	64-19-7	No Health data found
109) Acetone 82nd	64-19-7	No Health data found
110) Acetone 83rd	64-19-7	No Health data found
111) Acetone 84th	64-19-7	No Health data found
112) Acetone 85th	64-19-7	No Health data found
113) Acetone 86th	64-19-7	No Health data found
114) Acetone 87th	64-19-7	No Health data found
115) Acetone 88th	64-19-7	No Health data found
116) Acetone 89th	64-19-7	No Health data found
117) Acetone 90th	64-19-7	No Health data found
118) Acetone 91st	64-19-7	No Health data found
119) Acetone 92nd	64-19-7	No Health data found
120) Acetone 93rd	64-19-7	No Health data found
121) Acetone 94th	64-19-7	No Health data found
122) Acetone 95th	64-19-7	No Health data found
123) Acetone 96th	64-19-7	No Health data found
124) Acetone 97th	64-19-7	No Health data found
125) Acetone 98th	64-19-7	No Health data found
126) Acetone 99th	64-19-7	No Health data found
127) Acetone 100th	64-19-7	No Health data found

Contaminates compiled from Chapter 10: Polyhalogenated Biphenyls; Military Explosives (Chemistry) 30 September 1984

Page 1 of 2
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Monterey County
 Planning & Building
 Inspection Administration

RECEIVED
 3/15/09 3:15 PM

Calderon, Yanassa A. x6188

From: Doug and Susan Kesmick (andrea@napiipa.com)
 Sent: Monday, February 02, 2009 5:53 PM
 To: ceo@napiipa.com
 Subject: Public comment GPU 5 sent: 02/02/2009

February 2, 2009

My name is Doug Kesmick. I am a resident within the North Monterey County Planning Area. Following are brief comments regarding issues in the North Monterey County Planning Area discussed in the DEIR for the Monterey County 1982 General Plan Update.

The DEIR recommends no further subdivision of lands in the North Monterey County planning area. This policy will most likely fuel lawsuits by individuals wishing to split or subdivide within this area. Successful litigation opposing this policy would result in further growth in this resource poor area despite General Plan language. Litigation would also incur costs to Monterey County residents and developers alike, funds that would be better used providing housing for our work force. Language spelling out conditions for subdivision would be more beneficial to existing residents than the proposed ban. GPU 5 should restrict subdivision of lands in this area to only properties served by a community large water system and sanitary sewers that return flow to the existing Regional Water Reclamation facility near Marina. At the present time these utilities do not exist in the planning area, a situation that would essentially have the same result as the proposed language in GPU 5.

North County water wells are fast succumbing to excessive overdraft and septic system related nitrate loading, two of the main reasons GPU 5 enforces a no growth policy for this area. The problematic groundwater situation already negatively affects a large number of existing parcels, as many as 1, in 4 in the Granite Ridge area (per MCWRA data). Correcting this situation will financially tax local residents, creating hardship for many. A sanitary sewer and water distribution policy could facilitate movement on efforts to provide infrastructure in this area as well as provide additional sources of funding for those improvements. The people involved in the development industry tend to be the members of our society who get things done. Unfortunately, because subdivision of lands has been allowed to proceed regardless of resource shortfalls, the movers and shakers among our citizens have not applied their heightened water demand in this water short area despite data documenting the lack of a long term water supply actually impedes progress on correcting the resource deficiencies. If the ability to subdivide was predicated on the construction of community water and sanitary sewerage facilities, North County residents would be more likely to receive timely relief from groundwater quantity and quality problems. Sanitary sewers would allow zoning to take place by eliminating the minimum 1 acre lot size mandated for septic disposal. If water and sewer improvements first followed existing traffic corridors, higher density in fill could facilitate construction of affordable housing on existing vacant land and additional ancillary units on lots already built out.

The DEIR for the Monterey County General Plan Update should adopt as a goal and/or prerequisite, sanitary sewer and community large water distribution systems for further growth to occur in the North Monterey County Planning Area.

The vague language and numerous amendments growing the 1982 Monterey County General Plan resulted in litigation surrounding almost every new subdivision proposed for North Monterey County.

02/02/2009

Page 2 of 2

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GPU 5 must have concise, clear language along with some mechanisms to limit General Plan Amendments or policies proposed will continue to generate litigation at our citizens expense. Mandating sanitary sewers and community large water systems as a condition for subdividing existing lots of record in the North Monterey County Planning Area would eliminate the "surprising good" policies that, as a result of variances, exceptions and amendments, are now the 1982 General Plan.

Thank you, Doug Kasmich, Prunedale

-----Original Message-----

From: Gwilo, Henry M.
Sent: Monday, October 13, 2008 2:51 PM
To: Nolan, Carl P.; x33093; smaster, Alana x15322; Nowo, Mike x5192
Cc: 105-Clark to the Board Everyone
Subject: FH: GPU 5

For the GPU-5 comment files.

-----Original Message-----

From: Kathryn Knarf [mailto:knarf@day.net]
Sent: Sunday, October 12, 2008 11:11 AM
To: 100-District 2 (831) 755-5822
Subject: GPU 5

Dear Supervisor Ciccaglio,
Please consider my strong concerns about Millcreek and steep slope ordinances that encourage projects in Monterey County's scenic foothills. I would like you to know that I want Monterey County farms, open space and valuable resources protected from destruction. We must have a society if we destroy the environment. Please vote for the environment because everything else is temporary. Sincerely, Dan Knarf Leafwood Drive, Elderton

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02/02/2009

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February 2, 2009

Carl P. Holm, AICP
Monterey County Planning Department
163 West Alisal Street, 2nd Floor
Salinas, California 95068

Re: 2007 General Plan Draft EIR

Dear Mr. Holm:

The following comments are submitted on behalf of L & W Land Company, Inc., and Salata Ranches, Inc., which own land in the Pajaro area of Monterey County. My clients appreciate the opportunity to comment on the 2007 General Plan Draft EIR. We believe that these comments reflect concerns shared by many landowners and residents of the Pajaro community.

1. The text on page 4.2-11, and Table 4.2-9 (Change in Net Impoundment Farmland Designation) contain flawed analysis. The text and the table assert that 2,571 acres of important Farmlands will be "removed from Important Farmlands designation" through buildout of the 2007 General Plan. Neither of the sources cited for the assertion (the California Department of Conservation website and the 2007 General Plan) provides any factual basis for the asserted conclusion, or any basis to show how the number of 2,571 was derived.
2. At page 4.3-15, the DEIR asserts that flood events in the Pajaro area have "displaced thousands of persons." No authority is cited for this statement, which appears to be grossly exaggerated. Either delete the statement or provide citation to reliable authority for the statement.
3. The DEIR describes and assesses impacts for two time periods: the 2030 planning horizon (the life of the 2007 General Plan), and buildout of all land designed for development, which is estimated to be 64 years (2092). The "project" is defined as a general plan intended to guide growth and development through 2030, not 2092. It is inappropriate to speculate what development might

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Page 2

February 2, 2009

occur beyond the planning horizon because assessing potential impacts 84 years in the future is simply far too speculative to have any substance or relevance to the County decision-makers. In fact, it is more likely to confuse and mislead decision-makers in their analysis of the project before them- the 2007 General Plan. Any discussion of potential impacts beyond the planning horizon of the 2007 General Plan must be removed from the DEIR.

4. Tables 3-7, 3-8 and 3-9 are illustrative of the confusion caused by attempting to speculate about a planning horizon beyond the life of the 2007 General Plan. The text of the DEIR on pages 3-12 states that these tables are intended to reflect development projected to occur over the 2030 planning horizon and eventual buildout of the county in 2092. While the baseline (Table 3-7) is shown exclusively in acres, "new" uses (Tables 3-8 and 3-9) mix acres and units, so that a comparison is impossible. The two columns of 2030 acres ("New Commercial by 2030" and "New Industrial by 2030") in Table 3-8 add up to 310 acres, while the Total Area column shows only a total of 256 acres in the entire area. The two columns assumed to represent 2082 buildout ("New Buildout Commercial" and "New Buildout Industrial") in Table 3-9 appear to indicate an additional 160 acres (for which there is no supporting data or analysis), which would apparently bring the Total Area to 470 acres. Similar problems exist with respect to Table 3-9. It appears that the "Yachart" basis for impact analysis in the Pajaro area is off by a factor of around 45%, which is unacceptable.

5. The Water section of the DEIR contains extensive discussion regarding water constraints- both quantity and quality- in the Pajaro area, and predicts that conditions are expected to get worse before they get better. The DEIR also projects that six projects intended to resolve these constraints are sufficiently accurate that they cannot be analyzed in the DEIR. If these forecasts are accurate, the likelihood that the intensely-irrigated farmland in the Pajaro area can or will stay in active row crop production is remote. The DEIR should assess the impacts of significant areas of row croplands being removed from production due to water constraints, and analyze possible alternative land uses for these lands.

We look forward to the County's good faith, reasoned analysis in response to these comments.

¹ Compare the San Joaquin Valley where significant amounts of farmland have been taken out of production due to the unavailability of irrigation water.
² Such an alternative analysis is also justified by Policy LU-2.04 of the 2007 General Plan that designates the Pajaro Community Area as its "highest priority" farmland area. The 2007 General Plan, which "may include recommendations for Community Area boundary changes."

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February 2, 2009

Page 3

Very truly yours,

Brian Finney
Brian Finney

cc: L & W Land Company, Inc.
Salata Ranches, Inc.

I-13

30 Jan 2009

To: Monterey County Board of Supervisors
Attn: C. Holms, Asst Dir Planning Dept
HolmCPaco.monterey.ca.us
Salinas CA

From: Mr. Eddie Mitchell
70 Carlson Road
Prunedale CA 93907

Subject: Public input to the 2007 GPMIS DEIR, EIR #3000196

- A. 12 Guiding Principles
- M: Why was the Board of Supervisors (BOS) approved 12 CPU Guiding Principles missing from the DEIR?
- M: Why is the DEIR environmental analysis not calculated to the BOS approved 12 Guiding Principles so the BOS and the public can assess the environmental impacts in relation to the 12 Guiding Principles?
- N. General water impacts
- M: Page 1-1 declares that project impacts are analyzed in a general sense. Given this general analysis, why are the following "general water" considerations not addressed?
 - 1. Table showing where the new sources of water are needed to support new build-out?
 - 2. A capitalization infrastructure financing plan that supports development and delivery of new sources of water so the public and BOS can understand the magnitude of environmental impact of any new water distribution network?
 - 3. When the potential environmental impacts of housing build-out without new sources of water should a 2.5 year or 5 year drought occur during the 20-year life of the General Plan?
 - 4. What the potential environmental impacts of build-out should some percentage of new sources of water fail to materialize?
- M: In numerous places in the DEIR (such as page 4.3-17) there are comments about current water sources having suspect sustainability or significant deficit. So why does the DEIR present no probability analysis/assessment on the risks of depending upon unknown new sources of water to meet development demand?
- M: Why does the DEIR fail to present any assessment of the risk to the public should a 2-year or 5-year drought occur in the County while allowing build-out prior to required water projects (those needed to provide sustainable water) being built?
- O. San Joaquin Environmental Analysis of the Impacts Related to Water

- 5 C1: Why does this DEIR fail to address the potential environmental impacts to coastal cities and other community areas, by the General Plan establishing a public policy of allowing years of housing build-out before "new sources" of water are built?
- 6 C2: Why does this DEIR knowingly allow growth without sustainable water for years, inconsistent with the GP05 policy to "restrain development without a proven sustainable water supply...?"
- 7 C3: The primary mitigation to overcome higher water usage are "regional and coastal water projects." Why doesn't this DEIR reveal the current Castroville Seawater Intrusion Project (CSIP) water injection) has failed to halt seawater intrusion? Why does this DEIR fail to provide any empirical data to substantiate the claim that the CSIP has "allowed seawater intrusion in the area"?
- 8 C4: Why does this DEIR claim that "regional and coastal water project" mitigations will be beneficial when at pages 4.3-25 it states: "there are no documented instances of fully restoring groundwater basins to pre-intrusion levels."
- 9 C5: Regarding water supply impacts, Paragraph 1.4.2 admits, "future initiatives are not well enough known to determine that they would avoid this impact." So why doesn't this DEIR address the potential environmental impact of increased saltwater intrusion caused by additional build-out if "regional and coastal water projects" have marginal or zero impact upon allowing saltwater intrusion?
- 10 C6: Paragraph 1.4 claims that significant water resource impacts are unavoidable. This unavoidable condition is only unavoidable if development build-out is allowed prior to the establishment of reliable new sources of water or prior to proof that "regional and coastal water project" mitigations are working. So why doesn't this DEIR provide a mitigation to not allow development until new water sources are established or until the MCWMA can provide empirical proof that mitigations WR-1 and WR-2 are in fact reducing saltwater intrusion near coastal cities?
- 11 C7: Why does this DEIR fail to provide any empirical engineering evidence of ~~when~~ sustainable water benefit will accrue to any city, community area or rural centers because of the Salinas Valley Water Project?

- 12 C8: What is the empirical data that substantiates the claim on page 4.3-130 that "In the Salinas Valley the SWP will provide sufficient supply to reverse existing overdraft, and seawater intrusion problems and provide water for ~~new~~ development?" This claim ignores the SWP as the solution for all water problems in all portions of the valley through 2030. What data shows that such a broad reaching claim is even remotely possible to supply sustainable water to sites over a hundred miles away, to place up gradient like North County, and while overcoming over fifty years of the over drafting of coastal aquifers?
- 13 C9: What documented instances, from anywhere in the North American Continent or Europe, provide evidence that a project like the SWP, has re-balanced a water basin of similar sized as the Salinas Valley near an ocean and supplied benefit to far flung water demand sites?
- 14 C10: What empirical engineering evidence substantiates how new water sources from "regional and coastal water projects" such as the Salinas Valley Water Project, will ever reach the multiple new development areas in the Salinas Valley where demand is anticipated per table 4.3-9?
- 15 C11: The DEIR on page 4.3-136 reveals that the only new pipe distribution network from the SWP it to the CSIP. None goes to North County and none goes to any other location in the 155 mile long Salinas Valley. Therefore, what empirical data substantiates how the new sources of water reach and reach vertical and up-gradient locations such as North County and mid-valley cities while passing through identified aquitards sitting between the SWP source water and the demand sites?
- 16 C12: At page 4.3-136 the DEIR reports that the SWP would supply 9,700 AFY for irrigation. Why doesn't the DEIR reveal that 9,700 AFY merely matches the average annual irrigation usage of 9,700 AFY providing no new source of water for new development? Why doesn't the DEIR reveal that this action does nothing to overcome existing overdraft, it only reduces further mining of the coastal aquifer, and does not supplying any benefit to new development in the Salinas Valley out to the year 2030?
- 17 C13: Why does the DEIR fail to reveal that allowing build-out in the Salinas Valley prior to needed "new sources" of water being built and distributed, draws down the water basin four times more than the 9,700 AFY that the SWP phase-1 is injecting into the basin, thus significantly adding to saltwater intrusion and endangering the viability of coastal farms and cities?

1-13	
19	<p>C15: Table 4.3-8 shows multiple water sources polluted with pesticides and other pollutants, including the Salinas River, the old Salinas River estuary, as well as the Salinas Reclamation Canal. So why does this DEIR fail to reveal the environmental and engineering difficulties that regional and coastal water projects (such as the SWP) will have with removing pesticides so adequate quantities of potable water can be supplied to new development demand sites?</p> <p>C16: Why does this DEIR fail to reveal the decrease pesticide removal from water flowing past the Marina landfill will or does impact the SWP and the CISP?</p> <p>C17: Table 4.3-7 addresses past data on aquifer over drafting in North County. Why does this DEIR not provide an environmental analysis of the impact of expected new development on the overdraft condition? Why does the table exclude the new development impacts to overdrafting?</p> <p>C18: The DEIR identifies a number of possible unfunded projects for generating new sources of water and/or distributing new sources of water. Why does this DEIR fail to provide a risk analysis showing optimistic, most-likely, and pessimistic estimates for when these multiple projects would come on line? Such analysis is a common tool used by decision makers to assess risk of complex projects.</p> <p>C19: As structured the DEIR is following an unstated assumption that all projects for generating or distributing new sources of water will come online <u>early</u> in the life of the general plan. Why was this assumption not stated in section 3.3.1 nor evaluated for risk in the DEIR analysis.</p> <p>C20: The 1995 FUGRO report estimated that North County would run out of water in 20 years (~2015). Since the date of that report, numerous families are without water in North County and nitrate/arsenic poisoning in North County is significantly worse in still working wells (as shown in this DEIR). So why doesn't the DEIR reveal that empirical and on-site data substantiates that the North County aquifers are failing just as the FUGRO report predicted? Given this failing-aquifer/basin problem, why doesn't this DEIR report the risk to North County areas and to coastal cities caused by allowing continued build-out in the north Salinas valley area before "new sources" of water are available to North County and nearby coastal cities?</p> <p>C21: Why does this DEIR ignore the 1995 FUGRO report that sustainable water conditions in North County could only be achieved by limiting development to one residence per ten acres?</p> <p>C22: At page 4.3-121 why does this DEIR fail to state that the winery yearly water demand <u>may</u> <u>not</u> include water that is currently being</p>

1-13	
26	<p>used and may be above and beyond current usage? Why does this section of the DEIR not assess the possible environmental impacts if conversion of Williamson land does not convert as assumed?</p> <p>D. Wine Corridor <u>Missake</u> DEIR It is well known in California that Napa Valley's wine corridor stimulated a road congesting increase in traffic. Why does this DEIR fail to address the environmental impacts (green house gases, traffic congestion, and safety) from a growth in traffic in the County stimulated by the development of a Salinas Valley wine corridor?</p> <p>D2: Why does the DEIR fail to address the cumulative environmental impact of "10 full scale and 40 artisan wineries" in the wine corridor?</p> <p>E. Alternative <u>Missake</u> DEIR Why does this DEIR fail to point out that significant impacts to water could easily be avoided by first developing new sources of water along with distribution network <u>grants</u> to allowing development. Another mitigation the DEIR fails to offer is suspending development after a new water source or new water distribution network are funded and under construction. Since both of these supporting mitigations are clearly feasible why were they not presented to DGS decision makers and the public?</p> <p>F. <u>Comment: Summary</u> The above described weaknesses in this DEIR show that this analysis/report is clearly inadequate and fails to inform the public and the public of significant environmental effects in regards to potable water supply. Specifically: This DEIR identifies possible benefits from many unfunded project water projects, without revealing the risk of allowing building before any of these projects come online and before any of these projects demonstrate budgets of saltwater intrusion of adequate quantities of potable water. This DEIR presents a public policy of build houses first while hoping future water sources will come on line and future distribution networks will ever reach the new housing - without revealing the risks of such an approach. This DEIR fails to reveal that the water sources for coastal cities are placed at risk of severe saltwater poisoning by a build first public policy. Additionally, in regards to water supply impacts, this DEIR does not comply with the CEQA requirement (listed in paragraph 2.1.1) to "identify ways that environmental damage can be avoided or</p>
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significantly reduced". For example, this DEIR fails to identify or analyze any of the below listed alternatives to avoid significant impacts to water:

- Alternative 1: Allow build-out to occur once a "new source" of water for the building area has been funded.
- Alternative 2: Allow build-out to occur once a "new source" of water for the building area are under construction.
- Alternative 3: Allow build-out to occur once a "new source" of water for the building area are generating potable water.
- Alternative 4: Allowing build-out south of Soledad now while delaying build-out in north Salinas Valley until "new sources" of water are on-line generating potable water.

Since all of these sequencing mitigations are clearly feasible why were they not presented to BOS decision makers and to the public?

Eddie Mitchell
Trinidadian Resident

- | | |
|---|----|
| 1. Pg 1-3 (last) para 15 open developments but fails to identify the BOR approved for its existing developments. | 1 |
| 2. Pg 1-3 Table 1-1, restricting development without a proven sustainable water supply | 5 |
| 3. Pg 1-4 para 1.2.3 Establish the agriculture wine corridor plan to facilitate wineries along a corridor in the central and southern Salinas Valley... | 27 |
| 4. Pg 1-3 Table 1-1, Agriculture Wine Corridor Plan | 28 |
| 5. Pg 1-6 Table 1-2 Mitigations, Mitigations para 4.3 Water | 6 |
| 6. Pg 4.3-116 | |

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Monterey County
Planning Department
Inspector Adriana Lina

RECEIVED
FEB 22 2009
SALINAS PLANNING DEPARTMENT
30000 Highway 92, Salinas, CA 95074

BELAN FUREGAN
A PROFESSIONAL CONSULTANT
SPECIALIST IN LAND
USE AND PLANNING
FOUR OCEAN BOULEVARD, SUITE 1
SALINAS, CALIFORNIA 95068

February 2, 2009

Carl P. Holm, AICP
Monterey County Planning Department
188 West Alisal Street, 2nd Floor
Salinas, California 95001

HAND DELIVERED

Re: 2007 General Plan Draft EIR

Dear Mr. Holm:

The following comments are submitted on behalf on the Prietos Family and Cimil Resources, LLC, owners of commercially-zoned land at the intersection of Highway 68 and Corral de Tierra Road in the Toro Area of Monterey County. My client's property is the subject of a long-pending application for the removal of the B-3 zoning overlay (P0380074), and the approval of a combined development permit for the Corral de Tierra Village Center to serve the Toro Area community (PLN020344).

1. **Use of 2007 Time Horizon.** The DEIR describes and assesses impacts for two time periods: the 2030 planning horizon (the life of the 2007 General Plan), and buildout of all land designated for development, which is estimated to be 84 years (2082). The "project" is defined as a plan intended to guide growth and development through 2030, not 2082. It is inappropriate to speculate what development might occur beyond the planning horizon because assessing potential impacts 84 years in the future is simply far too speculative to have any substance or relevance to the County decision-makers. In fact, it is more likely to confuse and mislead decision-makers in their analysis of the project before them- the 2007 General Plan. Any discussion of potential impacts beyond the planning horizon of the 2007 General Plan must be removed from the DEIR.

2. **Toro Water Studies.** The Water chapter of the DEIR contains two discussions of groundwater conditions in the Toro area (El Toro Creek Subwatershed on page 9, and El Toro Creek Groundwater Sub-System on page 36). Both require comment and correction.

The DEIR incorrectly states: "A 2007 groundwater study (the Geosyntec report) recommended expansion of the B-8 zoning to cover the entire extent of the El Toro Primary Aquifer System." DEIR p.4.3-36. In fact, the Geosyntec report says something quite different:

"Expansion of the B-8 zoning is recommended for areas with (a) adequate and/or larger potential for groundwater production." (p. 36; emphasis added.)

The significance of this mis-statement for the Phelps/Omni property is obvious: Figure 4-14 of the Geosyntec report identifies the Phelps/Omni property as within an area containing the highest level of estimated saturated thickness (801 - 1000 feet), and the highest level of potential for groundwater production.

It is important to note that the Geosyntec report has never been the subject of a public hearing to review its accuracy or validity. And has never been subjected to peer review. However, the firm of Lindorf & Seimantel Consultants, (consulting hydrogeologists with more than thirty years of professional experience in the investigation, development, use, protection and management of ground-water resources) reviewed the Geosyntec report on behalf of Phelps/Omni. Their September 18, 2007 report identifies significant defects in the analysis and conclusions of the Geosyntec report, including the following:

- The groundwater level trend line analysis was misapplied due to inaccurate application of trend lines and resulting interpretation. The analysis and accompanying report table (Table 4-4) and trend lines overlain on groundwater elevation hydrographs presented in Appendix D are misleading and result in inaccurate evaluations of groundwater trends, which presumably led to the Report's conclusions of overdraft conditions.
- The trend lines appeared to be arbitrarily located on many hydrographs which led to an interpretation of negative sloping hydrographs. More representative trend lines...would have had some hydrographs to have relatively flat or positive slopes rather than negative slopes.
- The extrapolation of groundwater level changes over the 1960 to 2005 time period from hydrographs with limited historical data...is misleading and leads to inaccurate reporting of total groundwater elevation changes as shown in Table 4-4.
- [A] water budget or balance of the El Toro area was not presented in the Report, consequently, the Section 6 heading "Water Balance" and Figure

serve letter from the company, and currently receives and pays for services from Cal Am for the three existing the hydrographs on the Phelps/Omni property.

The only groundwater study cited in the DEIR is Geosyntec Consultants. (2007). El Toro Groundwater Study. To give an accurate analysis of groundwater conditions, in the El Toro area, the DEIR should also cite other studies commissioned by the County of Monterey which reach different conclusions.¹

- Anderson-Nichols & Co., Inc. (1981) El Toro Report - El Toro Area Groundwater Study. This report concluded that in the Lower Corral de Tierra sub-basin in which the Phelps/Omni property is located there is 89,400 acre feet of groundwater storage, annual inflows of 2,323 acre feet per year, and a demand of 1,585 acre feet per year. The conclusions of the report included the following:
 - The overall quantity and quality of the existing groundwater supply in the El Toro area are sufficient to meet the demands of both the current population and the population projected for saturated development.
 - The continuation of the existing moratorium on subdivision within the El Toro area is not warranted by existing or projected groundwater conditions.

Fugro West, Inc. (1998) Additional Hydrogeological Update - El Toro Area. "As a starting point, it is suggested that the sub area north of the trace of the Chupines fault be aggregated into a single unit...Analysis suggests that water supply for the area is likely adequate to meet build-out demand... [T]he current B-8 regulation be revised to apply only to the area south of the Chupines fault."

- Fugro West, Inc. (February 4, 1998) Letter Report to California Public Utility Commission: "The political response to the 1981 [Stanif, Gardner & Duns, Inc.] report was to place a temporary 'B-8' zoning restriction [moratorium on subdivisions] on the area, although the action was explicitly not recommended...The [1998 Fugro] report concludes that there is sufficient water in the combined northern subbasins and recommends that the moratorium be lifted in the subbasins north of the [Chupines] fault. The Ambler Park Water Company service area is entirely north of the fault, and there is no factual reason for the PUC to impose a moratorium on connections in this area."²

¹ All of which are in the possession and control of the County of Monterey.
² Where there is disagreement among experts, the EIR should summarize the main points of disagreement among the experts (Guideline Section 15161).
³ The Phelps/Omni property is in the area north of the Chupines fault, recommended to be eliminated from the B-8 restriction.
⁴ The Ambler Park Water Company has now been acquired by Cal American Water Company. The Phelps/Omni property is within the service area of this water company, but is currently not

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Page 4 November 2, 2008

6-1 are misleading. The title for Table 6-2 is misleading as it does not contain estimated annual water use; rather, it presents water use factors by selected land use categories. The total areas served by the selected land use categories are not presented; therefore, any calculation of total water use, return flow, and pumping by land use category is not possible, nor are they presented in the Report. The omission of these data prevents any comparison between recharge and other water budget components estimates and calculated change in storage.

- Table 6-5 presents "current" (1885) demand and recharge by subarea; overall, the results show a long term average surplus. The Report does not explain how there can be historical declining groundwater elevations under conditions in which there is a surplus in recharge (with the exception of the Calera Canyon subarea).
- Based on the review of the Report's analysis and interpretations, the conclusion that overdraft exists in the El Toro area is not fully supported by the findings presented in the Report...The Report's findings of overdraft, primarily on the author's interpretations of long-term historical groundwater elevation declines conflict with estimates of average recharge that are greater than historical demand.

The EIR should be revised to address these comments. We look forward to the County's good faith, reasoned responses to the foregoing comments.

Very truly yours,
Brian Finegan
Brian Finegan

cc: Eric Phelps

1-15

64

From: Nancy Pratt <nancypratt@earthlink.net>
Date: February 2, 2009 4:11:13 PM PST
Subject: Fwd: GPS Grade no more than 30%

RECEIVED
PLANNING DEPARTMENT
FEBRUARY 2 2009 4:11 PM PST

RECEIVED
2-11-09 4:11 PM

General Plan Comment Re: grade revision of more than 30%

Before making any changes in the General Plan's Grade limitations, or allowing exceptions to the plan in certain areas, please do the research on what such a decision cost Merit County in the 1990's. When the Planning Commission and Board of Supervisors allowed a variance, even though their own geologist reports from @30 years previous, made it clear a particular property should not be graded, the elected officials ignored staff. Having a world famous architect (L.M. Pei), and an extremely wealthy foundation (The Herjil Black), and a hospital, which removed research facility on aging, in the county was to much to say no to. After construction of the facility, the hill slid and caused damage to numerous homes, including displacing several families.

Please be prudent now, and save Monterey taxpayers from foreseeable lawsuits from bad decisions.

Questions I would like answers to when considering slope grading at 30% or more are:

- (1) What is the baseline for grading?
- (2) Is this grade determined at a particular point of the slope or is it an overall average?
- (3) Does landfill mitigate the grading and how would it mitigate potential land movement? (I am thinking here of not only the Novato example used above, but also the Sand City Escarpment with a sand dune that does not want to stay focused in.)

Thank you for consideration of this point in GPS.

Nancy Pratt
179 Del Mesa Canyon
Carmel CA 93923

nancypratt@earthlink.net

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Cultural Resources 4.10, Abstract 4.10.4

Paragraph two and three. Please explain in detail why all potential impacts from (mitigation) and the mitigation measures recommended by the 2007 General Plan and all potential impacts from the proposed project are not considered for implementation of the proposed project. For example, Exhibit 4.10.2 Anthropological Sensitivity shows Carmel Valley Village is not high in sensitivity, yet the 2007 General Plan proposes that Valley View Ranch along with the Carmel River be designated as a "special treatment area". Please define in detail what a "special treatment area" is and exactly how it will be handled by the Planning and Building Department.

In addition, page 4.10.5, Rowers. This paragraph lists two Rowers tracts: Eichen (Carmel Valley and Turcom) (Carmel River) where the 2007 General Plan lists Rancho Camanche Village with being developed under a special plan. Please list the reasons and state the reasons concisely with the allow a meaningful comment, such as the one in the first sentence.

Public Service Element, page 4.10.9. By reference PG-12.2 and PG-12.4 by please how environmental and economic, private property owners to submit applications for appropriate proportions to allow the state or nation register will ensure protection of existing historic resources and their locations.

The various policies referenced in the balance of page 4.10.10 Please explain exactly who will be responsible for ensuring that these policies will be met and explain how the words "encourage" and "promote" will accomplish compliance.

Please explain in detail why Gardner's Tennis Ranch, a "special treatment area" in Carmel Valley is not defined and outlined the same way as "Pacheco Wetlands on Page 4.10.10.

Page 4.10.10 Please explain why no mitigation measures beyond CEU-A are needed to preserve historic resources when the policies referenced above are not enforceable.

Page 4.10.17. Open Space and conservation element. Last paragraph: Who is responsible for "establishing procedures, advising the public" to identify sensitive areas? With whom will the County adopt a uniform set of guidelines for data recovery programs and who is responsible for monitoring these activities and who is responsible for providing the resulting secondary phases explain in detail.

Page 4.10.20 Significant Determination. Existing is included and the potential of archaeological resources. Assuming there are no other problems in the General Plan or more significant than those listed in the "special plan" - archaeological resources would not be significantly impacted. The writer

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1-16

To: Carl Heim, Assistant Director, Monterey County Planning Department
Fax: (831) 767-8518
From: Margaret Robbins
Subject: DEIR for GPU 5

Attached are my comments (18 pages) on the DEIR for GPU 5. The sections covered are: Cultural Resources, Population and Housing, Hazards and Hazardous Materials, Transportation, Carmel Valley Mosher Plan Supplemental Policies, and Executive Summary.

Margaret Robbins
Margaret Robbins, CVA Board Member
January 31, 2009

Please e-mail me at margaretnr@aol.com so I know that you have received this fax.

18 pages written this week, pages 18

Monterey County
Planning and Building
Inspection Administration
FEB 02 2009
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LINE NO.	DATE	NAME	COMMENT
18			<p>second paragraph and indicate exactly how many units would be actually needed to house 1,140 workers.</p> <p>Please explain why there is an affordable housing overlay on 40 acres in Carmel Valley and how this overlay is supposed to support 140 new units will be supplied. Please explain this connection and the study used. If developed at full potential (20 units per acre), the MCA-Valley AHO would accommodate 540 residential units on approximately 13 acres. Please explain how the "within overlaying" in the MCA-Valley area will not be made much worse by the AHO?</p>
19			

LINE NO.	DATE	NAME	COMMENT
20			<p>Section 4.12.1 Hazardous and Hazardous Materials</p> <p>Exhibit 4.12.1 Please identify the area of the Monterey Peninsula, Monterey, Carmel and a large portion of Carmel Valley are listed as "very high".</p> <p>Please explain in detail the thinking behind this statement: "All potential hazardous materials impacts from development need land use activities associated with the implementation of the 2007 General Plan would be less than significant and would not require mitigation."</p>
21			<p>Please explain why the Carmel Valley Emergency Response Plan 2004 was not included in this section. It lists numerous signs of hazardous material location in the Carmel Valley and notes throughout the report that emergency evacuation in Carmel Valley is "extremely challenging".</p>
22			<p>Please explain in detail the thinking behind this statement: The evacuation routes are designated and maintained to ensure the safe and efficient movement of people, belongings and emergency personnel including their support services during those of declared emergencies when there are only to escape routes out of Carmel Valley - Carmel Valley Road, a rural road consisting of mostly two lane and the very narrow and windy Lawrence Grade a 2-lane road. It is physically impossible to evacuate Carmel Valley within an emergency in disaster.</p>
23			<p>Please detail the evacuation routes for the AHO of MCA-Valley, the "sprinkled treatment areas" - "Monterey County Water Treatment Plant, etc. Additionally explain in detail how hundreds of thousands of people will evacuate children, the infirm and elderly with special needs, pregnant, and newborns proceeding.</p>
24			<p>Please explain what facts were used to support this statement: "The analysis assumes that the level will remain constant and future regulatory stricts will be at least as stringent as those in place now."</p>
25			<p>Please explain what facts were used to support this statement: "These outreach programs would decrease potential wildfires through education and cooperation."</p>
26			<p>Who is responsible for periodically updating the detailed scientific analysis of the hazards and risks periodically - annually or triennial?</p>
27			<p>Policy 8-14.11, Please explain in detail who are the responsible parties.</p>
28			<p>Policy 8-4.12, Who ensures the requirement that all new development will have adequate water available for fire suppression.</p>
29			

Page	Page	Page
30	31	32
33	34	35
36	37	

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30. What are the County prescribed standards and who is responsible?

31. Why is the meeting between the project applicant, planning staff, and officials only optional. Why not make it mandatory - explain the thinking behind the policy.

32. Who is responsible for checking that the relevant plans are not removed and other plans substituted after the certificate of occupancy is obtained? Explain the process in detail.

33. Explain why this only encourages the formation and does not demand the formation.

34. When will the development fees schedule be established so that new developments pay in the areas for the infrastructure needed to provide the services. Who will be responsible for collecting these fees and making sure that the infrastructure is actually built consistent with development?

35. Please explain in detail how the following policies will operate or function in Carmel Valley valley (E) limited accessway system: SCL-1, SCL-2, SCL-3, SCL-4, SCL-5, SCL-6, SCL-7, SCL-8, SCL-9, SCL-10, SCL-11, SCL-12, SCL-13, SCL-14, SCL-15, SCL-16, SCL-17, SCL-18, SCL-19, SCL-20, SCL-21, SCL-22, SCL-23, SCL-24, SCL-25, SCL-26, SCL-27, SCL-28, SCL-29, SCL-30, SCL-31, SCL-32, SCL-33, SCL-34, SCL-35, SCL-36, SCL-37, SCL-38, SCL-39, SCL-40, SCL-41, SCL-42, SCL-43, SCL-44, SCL-45, SCL-46, SCL-47, SCL-48, SCL-49, SCL-50, SCL-51, SCL-52, SCL-53, SCL-54, SCL-55, SCL-56, SCL-57, SCL-58, SCL-59, SCL-60, SCL-61, SCL-62, SCL-63, SCL-64, SCL-65, SCL-66, SCL-67, SCL-68, SCL-69, SCL-70, SCL-71, SCL-72, SCL-73, SCL-74, SCL-75, SCL-76, SCL-77, SCL-78, SCL-79, SCL-80, SCL-81, SCL-82, SCL-83, SCL-84, SCL-85, SCL-86, SCL-87, SCL-88, SCL-89, SCL-90, SCL-91, SCL-92, SCL-93, SCL-94, SCL-95, SCL-96, SCL-97, SCL-98, SCL-99, SCL-100.

36. Please describe in detail the location of the emergency road connections required by CV-1.1 and explain exactly what is meant by periodic updating.

37. Please explain detail 4.5.1.5 which states that all hazards and hazardous materials would be less than significant and would not require mitigation in relation to the constraints in Carmel Valley.

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38	39	40
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44	45	

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38. Could you please add to the table the two items that have already been addressed by the Board of Supervisors in January. It must be reviewed and approved by the Carmel Valley Blue Ribbon Traffic Committee.

39. Please indicate the exact date that the ASRP work hour traffic study was done for the Carmel Valley Traffic Improvement Program. If this study was done in July 2007 as indicated, the results are correct above actual in each of the categories in July.

40. There still has been no explanation of what makes up the figure of 1488 receiving units. Please supply a complete explanation and describe the method used to make this determination.

41. Please explain the method used in the General Plan analysis to determine that Carmel Ranchos Boulevard and Rio Road are significantly impacted. Do more any future studies on both sides of that intersection. I do not see any significant impact or change in traffic volume on any roadway. If there are any significant impacts, please explain the method used to determine this.

42. Before he retired as head of Public Works, Ron Lundquist assumed the Carmel Valley Blue Ribbon Road Committee that administers the Rio Road Extension in Carmel. He was replaced by the County just as soon as the ASRP was approved. However, there is no help in the plan that will be formally abandoned, why not? The only reason for the ASRP is that the road is used by to use the Rio Road Extension in Carmel Ranchos Boulevard is significantly impacted.

43. Please explain the impacts for three segments of Carmel Valley Road to a degree of less than significant.

44. Please explain the discrepancy between CV-2.16 (d) and (e) and CV-2.19 and CV-3.15 as to the improvements listed for the roadway and road front. The first policy indicates the work required from Road to Road and the second policy indicates the work required for the improvements and what benefits they will have.

45. Only two pending items were recommended by the Carmel Valley Blue Ribbon Road Committee in 2007. One was on the south side of Carmel Valley Road in front of the Carmel Ranchos. The other was on the north side of Carmel Valley Road in front of the Carmel Ranchos. (After the current improvement project was presented to the Road Committee, it was noted that the pending items on north side of Carmel Valley Road from Borealis to the approach at Rio Road (Rio Road Extension) and the pending item on south side of Carmel Valley Road from the approach at Rio Road (Rio Road Extension) were not included in the list of pending items. Please explain the justification for the road, the benefit, and the exact location of the two pending items - 600 mile long - between Schmitt Road and Robinson Canyon.

Tuesday, December 02, 2009 Antonio Ochoa Murguizola

PAGE 2 of 2	1-16	<p>(Commenter: Carmel Valley Master Plan Supplemental Policies)</p> <p>While the writing in this plan is tighter and the plan itself better organized, we would like to see more of the same regarding the use of the 1988 plan. We would like to see more of the same regarding the use of the 1988 plan. We would like to see more of the same regarding the use of the 1988 plan. For professional and technical review of the Supplemental Policies, for professional and technical review of the Supplemental Policies, please indicate where these can be found and the reason for the modification.</p> <ol style="list-style-type: none"> 1. The first nine pages and page number 7 first state Carmel Valley Master Plan Goals. 2. Page 8, 1.13 (CV), 2.3.2 (CV), 3.1.1, 1 (CV) 3. Page 9, 2.1.1.2 (CV), 2.1.4 (CV), 3.1.6 (CV), 3.1.7 (CV), 3.1.8 (CV) 4. Page 10, 2.1.1.6 (CV), 3.2.2.1 (CV), 4.2.2 (CV) 5. Page 11, 4.2.4 (CV) and 4.2.8 (CV) 6. Page 12, 7.4.2 7. Page 13, 7.2.2.2 (CV), is there no recent paragraph to replace the old one? 8. Page 14, 11.1.1.1 and 11.1.1.2 (CV) 9. Page 15 and 16 - Sustainability sensitive areas. The majority of these policies have been replaced by a much less stringent and less detailed policy. Please explain why? 10. Page 17, 17, and 18. Environmental Constraints. Almost 20 policies appear to have been eliminated. Please explain why - in detail. 11. Page 19 and 20. The Air and Water Quality policies appear to have been eliminated. Please explain why - in detail. 12. Page 21 and 22. General Land Use. Policies 26.1.2.1 (CV), 26.1.2.1 (CV) replaced by CV-1.1 which is much weaker 26.1.2.2 (CV), 26.1.2.3 (CV) replaced by the ninth reader (CV-1.3), 26.1.2.4 (CV), 26.1.2.5 (CV). Page 21, 26.1.2.1 (CV), 26.1.2.2 (CV), 26.1.2.3 (CV) 26.1.2.4 (CV) Page 21 and 22. Please explain why all the policies relating to the Carmel Valley Airport have been eliminated in detail. Page 22. Residential Land Use. 27.2.6 (CV) and 27.2.7
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PAGE 2 of 2	1-16	<p>Read and Rancho San Carlos Road and Leaville Road. Please explain in detail how the proposed lane could possibly work on these sections where there is an almost continuous left-hand turn lane along both these sections.</p> <p>CV-2.18 and 2.19. Please explain how it is physically possible to widen these approaches to Carmel Valley Road - Leaville widening, crossing lanes, left-hand turn lanes, etc. Highway cannot be cut into. Water and utility lines will have to be moved and installed. The proposed road will be much more one project or project in the future could provide through road layout plan. Please explain in detail why this is not just another way to 4-lane the road from the north to the Village.</p> <p>The Blue Ribbon Traffic Committee has been very vocal about approving a design of a Brookside and suggested more than what the engineers have done in the Road Report where no stop light would be needed. Please explain in detail why Development vehicle should receive traffic lights.</p> <p>Please explain in detail the benefits of a traffic light at the Grade and Carmel Valley Road. Please explain why a 4-way stop sign would not provide the same benefits as a grade separation and run-away truck lane can be constructed. In addition, please explain in detail how heavy vehicles can be encouraged from using the Grade. The Chair has told the Road Committee that this cannot be legally done.</p> <p>Please indicate for each road improvement, whether it is a safety improvement, a transportation or city improvement. Please explain why the proposed improvements are needed for the County to have a safe and healthy environment. Why the technology has been changed from Carmel Road to Highway One on file.</p> <p>In regard to the proposed changing lane on Leaville Grade, please indicate where the County now has concrete and asphalt where new driveways would be needed.</p> <p>Please have Public Works comment in detail on the new plan submitted to Neil Thompson, Public Works Traffic Engineer, at the Road Committee meeting of 1/16/08 for a run-away truck lane provided by joining the bottom section of Leaville Grade. This includes: using the present south bound lane left as the run-away truck lane, making the present north bound lane into a new south bound lane, and adding a new north bound on the right side of the grade.</p> <p>Please explain in detail why this alternative would not be superior to a 4-way stop sign or a traffic light in preventing potential deaths from a run-away truck of any size. Please complete in detail why this alternative would not be quicker and easier to complete rather than a grade separation to be built at some unknown and future date.</p>
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CVAJA in the present CVMA, emergency road construction are identified. Please explain why these present construction are not listed here. If any construction are needed, please explain exactly when they will be identified, who is responsible for maintenance, and how will this maintenance be paid for. Complete detail is required.

We will appreciate clear, urgent, and detailed responses.

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Discussion/Comment Regarding 266 Cap - Exhibit A

We support the proposed 266 cap. It is our understanding that the cap was developed by increasing approved net residential subdivisions, both total and single family dwelling and CVAJE. We would like to request that the CVMA cap be increased from 1,310 units and existing lot (p. 9) and include both new and existing lots.

To avoid confusion after CEQA is adopted, the specific projects and dwelling units that exist on approved and existing subdivisions, residential and adjusted units should be identified in a table similar to the following:

Category	Units	Source
Approved Subdivisions 1987 - 1996		
• Project 1		
• Project 2		
• Etc.		
Approved Subdivisions 1998 - 1999 to 2005		
• Project 1		
• Project 2		
• Etc.		
Approved SFRSA/adjusted lots - 1977 to 1988		
• Project 1		
• Project 2		
• Etc.		
Approved SFRSA/adjusted lots - 1999 to 2003		
• Project 1		
• Project 2		
• Etc.		
Approved SFRSA/adjusted lots and units - 2005 to 2008		
Various lots of record		
Other, if any		
Total	1310.0	
Transitions	266.0	

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-----Original Message-----
From: Richard H Rosenthal [mailto:rosenthal62@sigglobal.net]
Sent: Monday, October 20, 2008 12:28 PM
To: 'Richard H. Rosenthal' <rosenthal62@sigglobal.net>
Subject: Fw: Consent Item: Interim Ordinance 5080, 5085, 5090

Richard H. Rosenthal
Law Offices Richard H. Rosenthal
A Professional Corporation

----- On: Mon, 10/20/08, Richard H Rosenthal <rosenthal62@sigglobal.net> wrote:
From: Richard H Rosenthal <rosenthal62@sigglobal.net>
Subject: Consent Item: Interim Ordinance 5080, 5085, 5090
To: 'Richard H. Rosenthal' <rosenthal62@sigglobal.net>
Cc: "Mike Nono" <nono@co.monterey.ca.us>, "Mike Slump" <slump@stamplaw.us>, "Jan Mitchell" <janmitchell77@att.net>
Date: Monday, October 20, 2008, 12:27 PM

Dear Mike: I have reviewed the staff report on this matter and find it out of touch with the realities of what is happening on the ground.

The County does not have any water, traffic is at grid lock, and the General Plan update process is ready to break wide open. Anybody that is betting that a General Plan that includes special land use designations for certain properties, the removal of traffic triggering mechanisms in Carmel Valley, and the notion that traffic should now be measured on a 24 hour cycle, instead of peak times doesn't understand what the voters have told County officials over the last 8 years. The new General Plan also provides meaningless and ambiguous policies dealing with traffic infrastructure and build out. My reading of the General Plan is vacant of any attempt to correlate the land use element with the circulation element. Why does the County continue to give residents a deaf ear.

The Interim ordinance should be renewed and the general plan modified to take into the concerns of the citizens of the County.

Thank you,

RHE

Regards,

RHR

Richard H. Rosenthal
Law Offices Richard H. Rosenthal
A Professional Corporation

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Timothy D. Sankles
25075 Pine Hill Dr.
Carmel, CA 95923
February 1, 2009

Planning Department
Inspection Administration
733 0123

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11:30 am

Carl Hohn, Assistant Director
Monterey County Planning Department
168 W. Alisal St., 2nd Floor
Salinas, CA 95901
Fax: 831.757.5516
sc@monterey.ca.gov

Re: Comments on the DEIR for the 2007 General Plan (GPUS)
Section 4.6, Mitigation Measure TRAN-2B

Dear Mr. Hohn

Mitigation Measure TRAN-2B in the DEIR (pages 4.6-69 through 4.6-73) for the 2007 General Plan does not meet CEQA guidelines provisions, and therefore is inadequate under CEQA. Furthermore, since it consists entirely of policies to be substituted for policies already part of the 2007 General Plan (GPUS), the substitution policies of Mitigation Measure TRAN-2B (MMT2B)

- require separate environmental review themselves, which the DEIR fails to provide, and
- should meet the standards of the California General Plan Guidelines, including the requirement for internal consistency, which they fail to do.

For example,

- MMT2B's proposed substitute policies CV-2.18 and CV-2.19 (pages 4.6-71, 72 and 73 of the DEIR) both make specific reference to CVTIP, which is an existing planning document for which a DEIR has been released but for which no FEIR has been released to the public; nor has been certified or approved, and therefore Mitigation Measure TRAN-2B is inadequate under CEQA; an EIR covering these policies would have to conclude that they are inadequate (the attempt to *redefine* as being identical with MMT2B's CV-2.19 notwithstanding, since CVTIP already exists as a separate document that is acknowledged and referred to elsewhere in the DEIR)

- Carmel Valley Master Plan Supplemental Policy CV-1.1 states that "Policies relative to the Carmel Valley Area are intended to remain the rural character", but substitute policy CV-2.18 of MMT2B threatens that character and is inconsistent with CV-1.1.

The comments below are restricted to Policy CV-2.18 as it appears in MMT2B and to its predecessor policies, Policy CV-2.18 in the Carmel Valley Master Plan Supplemental Policies of GPUS, and Policy 39.3.2.1 in the Carmel Valley Master Plan (December 16, 1986, amended as of November 3, 1996) (CVMP) and supplemented by the Superior

Count Order by Judge Silver of May 4, 1987. The effect of the latter Court Order is not reflected in either the GPUS or CVMP (amended to 1996), although it should have been.

In GPUS, Policy CV-2.18 is identical with Policy 39.3.2.1 in CVMP, and part d. of the policy is ambiguous, allowing several different interpretations. Magnifying the ambiguity in an error that renders part of the policy unenforceable (not-to-let sentence in part d.). Judge Silver's 1987 clarification of the excessive sentence removed the outright error, but did not remedy all of the other ambiguities. This has produced a complex history for the policy's implementation, the record for which consists largely of annual reports called the CVMP Annual Evaluation of Traffic Volume (CVMAPEV). These are tables of average daily traffic (ADT) for a number of segments of Carmel Valley Road. For many years these reports have been based on criteria called "thresholds" for the road segments, and Policy 39.3.2.1, as clarified by the Court, states that "LOS C is the effective standard widely assumed that the stated 'thresholds' have represented the upper limit of LOS C for these segments. No clarification of the meaning of 'threshold' has accompanied the CVMAPEV until the 2008 report, recently released. The 'threshold', it turns out, are not in fact the upper limits of LOS C for all segments, but are upper limits for LOS E (1 segment), LOS D (5 segments) and LOS C (5 segments), with no threshold defined for one segment. Even now it is unclear how the LOS criteria are assigned for the various segments, and the threshold that is LOS E clearly is highly misleading because it purportedly uses a two-lane standard on a three-lane road segment.

There are still more problems with the monitoring and evaluation of traffic on Carmel Valley Road, but the comments above are sufficient to indicate that any substitute for GPUS Policy CV-2.18 needs to be crystal clear and firmly restrictive against worsening traffic on, and adjacent to, Carmel Valley Road. Any increase over the considerable existing excess of traffic over the Court- and Plan-specified standard for Carmel Valley constitutes a serious threat to the Objectives of CVMP (CVMP, page 1) and to Policy CV-1.1 of GPUS. Therefore, in order to be consistent with the rest of GPUS, the General Plan policies related to Carmel Valley traffic must fully incorporate the clear intent of CVMP Policy 39.3.2.1 to prevent "worsening of traffic conditions compared with the present conditions", a phrase that appears in CVMP 39.3.2.1, Judge Silver's 1987 ruling, and in GPUS CV-2.18.

Language Goals

- provides an ambiguous "measure" of traffic volume, namely "peak hour" without specification of the type of measurement (metric) to be used (whether: P15E, average hourly traffic, etc.)
- fails to evaluate, as part of the DEIR, the impacts of the changes in change standards that it makes from GPUS Policy CV-2.18 and CVMP Policy 39.3.2.1
- leaves open the possibility that a weaker traffic standard (that is, specifying a higher LOS rating for a given level of traffic volume) can be adopted than has been used in the past (ADT, with specified segment criteria)

- explicitly lower the existing "standard" from LOS C to LOS D on the critical segments 3, 4, 5, 6, 7 of Carmel Valley Road and thereby increases tolerance of greater impacts whenever LOS E has not yet been reached
- fails to specify, on every segment listed therein (e.g., the type of measure to be used in defining LOS ratings and fails to provide quantitative criteria for LOS ratings, thereby leaving open the possibility of lowering traffic standards
- does not provide a basis for calibration of LOS ratings for the proposed "standards" against the existing ADT values and thresholds, that is, it fails to provide a basis for comparing the proposed standards with the present and past standards actually used in the CVMAPEV
- specifies "acceptable" LOS ratings for intersections, without defining the measures (metrics) or criteria to be used
- provides no data and no studies to support the choices made for "acceptable" LOS ratings for intersections
- rules heavily on CVMP, in its description of approval conditions in part (d), which is not permissible (for reasons indicated above concerning the current status of CVMP) under CEQA
- allows, through the parenthetical use of "e.g.", the expression "prior to project-generated traffic" to be an example rather than a re-statement of intent, to mean the letter, "e.g." should be used in place of "e.g."
- is virtually certain, because of the factors listed above, to exacerbate rather than mitigate traffic impacts in Carmel Valley.

Policy objectives

- The objectives of any substitute for GPUS CV-2.18, under CEQA and the General Plan Guidelines, should be to
- establish and clearly consistent with GPUS's CV-1.1 and
- establish provision for traffic monitoring, that is well-defined in terms of location and timing on specific road segments of Carmel Valley Road and of relevant adjacent roads
- specify, as clearly and unambiguously as possible, the measurement parameters (metrics) and quantitative criteria to be used in monitoring and evaluating traffic and in reporting the results
- avoid the ambiguities inherent in the various definitions and interpretations of LOS ratings
- avoid the vulnerability of LOS ratings, like other discrete classifications, to radical changes in the standard when classification boundaries are crossed (e.g., on Carmel Valley Road, increases of as much as 100% when a single boundary is crossed, and as much as 300% when two boundaries are crossed)
- use metrics and criteria that are related in a transparent way to the relevant quantitative historical data, and are easily compared with it
- base the traffic standards on historic and currently observed data-on-the-ground

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- include criteria to provide early warning against potential permanent traffic increases, which would trigger suitable actions such as public hearings, and that are based on observed roadway performance on each road segment
- provide firm protocols against worsening traffic conditions resulting from foreseeable consequences of development
- provide protection for the construction of first single-family residences on existing legal lots of record.

The policy statement that follows has been developed to meet these criteria.

YOUR CAREFUL REVIEW AND ADOPTION OF THE POLICY PROPOSAL BELOW IS STRONGLY URGED.

Policy proposed to REPLACE MONTEZ'S CV-218 (and therefore replace SECT CV-218 and CVMP 35.3.1.1)

To implement traffic standards that will provide adequate streets and highways in Carmel Valley, the County shall conduct and implement the following:

- a) Public Works shall twice yearly (in June and October, at times when schools are in session) monitor and record average daily traffic (ADT) for the following 12 road segments:

1. Carmel Valley Road
2. East of Hobman Road
3. Holman Road to Esquiline Road
4. Ford Road to Llanes Grub
5. Llanes Grub to Robinson Canyon Road
6. Robinson Canyon Road to Schulte Road
7. Schulte Road to Rancho San Carlos Road
8. Rancho San Carlos Road to Rio Road
9. Rio Road to Carmel Rancho Boulevard
10. Carmel Rancho Boulevard to SR1
- Other Locations
11. Carmel Rancho Boulevard between Carmel Valley Road and Rio Road
12. Rio Road between its eastern terminus and SR1

- b) A yearly evaluation report (December) shall be prepared jointly by the Public Works and Planning Departments. For each of the these 12 segments in (a) above, the report shall evaluate the values of ADT obtained in this monitoring and shall report values of V/S, where V is equal to ADT and S is equal to the relevant road segment standard, as defined below under item (c).

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- c) Public hearings shall be held in January immediately following a December report in (b) above in which ADT exceeds the trigger volume (T), as defined in item (d) below, for any of the 12 segments described in (a) above.

d) The traffic volume standards and trigger volumes for the segments of Carmel Valley Road defined in (a) above, measured in ADT, shall be as follows:

Segment	Volume Standard	Trigger Measurement	Trigger Volume T	Trigger Ratio T/S
1	3,554	188	3,713	1.045
2	3,890	195	4,045	1.043
3	6,098	206	6,162	1.023
4	11,338	239	11,597	1.023
5	11,879	301	12,180	1.025
6	14,614	209	14,824	1.014
7	19,338	416	16,724	1.026
8	20,393	501	20,895	1.026
9	24,736	359	25,093	1.015
10	24,158	808	24,957	1.033
11	11,295	682	11,898	1.051
12	13,984	733	14,717	1.052

- e) During review of development applications that require a discretionary permit, a traffic analysis shall be conducted for the proposed project. If the traffic analysis for the project would result in traffic conditions that would violate the adopted (S) standards in (d), an Environmental Impact Report shall be prepared for the project. In order for the project to be approved, additional roadway improvements must be sufficient for the affected roadway segments to meet the standard in (d) upon completion of the project. A project that, according to its EIR, would result in traffic exceeding the trigger value T as described in (d) above, shall not be approved. This policy does not apply to the first single-family residence on a legal lot of record.

Notes:

1. The standards in (d) are based on the annual measurements provided in CVMP monitoring reports for the ten years from 1999 through 2006. The standard S is the average ADT during that period, and the trigger T is the average plus 0.70 standard deviation; this provides that random fluctuations in traffic probably would fall below the trigger level about 70% of the time. The trigger rate, T/S, reflects the sensitivity of the road segments to changes in traffic.
2. The purpose of the trigger and the related hearing mandate is to provide early warning of potential trends that would worsen traffic conditions significantly on Carmel Valley Road, if CVMP.
3. The rate of conventional LOS ratings is inappropriate for conditions on and near Carmel Valley Road because the conventional LOS grade levels is far too great to provide suitable standards that reflect the existing physical conditions and particular emergency access

I-18

needs of the Valley. The LOS letter scheme has not served Carmel Valley well for more than 20 years, and the presumed LOS C level has been violated, often by wide margins, on much of the road since the time when CVMP was adopted. Note that LOS C has been the County standard during that entire period, but has been violated consistently on several segments of Carmel Valley Road.

4. The policy recommended here is intended to effect the same stability in traffic conditions in Carmel Valley that were sought in the previous CVMP (1982 plus 1987 Superior Court ruling) but now taking an inventory of historic traffic data on Carmel Valley Road that was not available when the earlier Plan provisions were formulated.

5. According to the DEIR for the 2007 General Plan (p. 4.4-99):
Many of the mitigations for roadways segments are likely infeasible due to physical, topographical, and environmental constraints, as well the social and economic impacts related to the acquisition of commercial and residential property, or loss of access, and lack of community consensus for roadway capacity-enhancing projects. This construction would result in impacts to other resources, such as biological resources, air quality, noise, aesthetics and agricultural lands.

This reflects conditions present in Carmel Valley and makes clear the need for policies, like the one we propose here, that are better adapted, than is the General Plan (1982 or 2007) or CVMP Policy 39.3.2.1 (plus the Superior Court ruling) or the "mitigations" labeled CV 2.18 and 2.19 in the DEIR for the 20087 General Plan, to conditions as they exist on the ground.

Please respond fully to these comments. Please explain, in particular why Policy CV-2.18 of M&CT2B is not is formulated in such a way that it fails to meet the policy objectives listed above.

Your careful attention to this matter is much appreciated.

Yours sincerely,

Timothy D. Sanders

6

Page 1 of 1
I-18

Calderon, Vanessa A. 25/156

From: Tim Sanders [mailto:ts@my.sdsi.ca.gov]
Sent: Monday, February 02, 2009 11:13 AM
To: commenters
Subject: Fw: Comments on the DEIR for GPUS

Dear Mr. Holm:

Please accept the attached comments on the DEIR for GPUS. A signed copy of these comments is also being sent to you by fax.

Your attention to the comments is very much appreciated.

Sincerely,

Tim Sanders

02/02/2009

1-19a

February 2, 2009

Carol Holm, Assistant Director
County of Monterey Resources Management Agency
Planning Department
168 West Alisal Street, 2nd Floor
Salinas, California 93901

Email: HolmCF@co.monterey.ca.us

SENT VIA EMAIL

SUBJECT: COMMENTS ON THE DRAFT EIR FOR THE 2007 MONTEREY COUNTY GENERAL PLAN

Dear Mr. Holm:

The following comments are respectfully submitted on the subject DEIR.

INTRODUCTION

As a general comment, I find it very odd that the Draft EIR for the 2007 General Plan for Monterey County, a county so reliant on water, and with so many significant issues with respect to water, would fail to even reference the report titled *Final Report, Hydrostratigraphic Analysis of the Northern Salinas Valley*, prepared in 2004, and commissioned by the Monterey County Water Resources Agency. Hydrostratigraphy talks hydrogeologic analysis using standard methods to a higher level, using techniques used in the oil industry for years. The DEIR does reference a host of other hydrogeologic reports for the county written up to several decades ago, why not reference this recent report? Could it be that the data produced and evaluated in this report does not necessarily support the proclamation that the Salinas Valley Water Project will simultaneously halt saltwater intrusion and over-drafting of aquifers throughout the Salinas Valley Basin, even as far north as North County?

Despite the severe problems of overdraft and seawater intrusion, which have been recognized in the county for over 60 years, the problems are not only persisting, they are getting even more critical. The DEIR

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continually refers to projects in the "further analysis required", in the planning stage, a pilot test is being conducted. Type phrases as the solutions to these extremely significant problems, and cites them for mitigation of existing problems, as well as for mitigation of what would otherwise surely be a worsening of these problems as population grows, and development increases, over the next 30 years and more. These projects cited as "mitigations" at this point in time have absolutely no guarantee of ever coming to fruition, let alone actually mitigating the problems at hand. At this point in time these supposed mitigations are producing nothing but "paper water". If halting overdraft and seawater intrusion were as easy as portrayed in this DEIR, they would have been mitigated a long time ago.

My specific comments follow.

4.3 Water Resources

1. P. 4.3-15 With respect to Pajaro, the DEIR states "existing land uses within the flood zone remain at risk until flood control improvements are made. Future growth in the Pajaro community would increase the exposure of persons and property to flood hazards". Development of additional land within the Pajaro River watershed, which also includes large areas of Santa Clara and San Benito Counties, will increase the amount of runoff and increase the risk of flooding, absent serious improvements. How can such a location be designated a Community Area, and what will be done to decrease the threat to persons and property from flooding?

On-site septic system usage in North County is stated to exacerbate the poor water quality in North County by contributing to nitrate contamination. Many other contaminants - coliform bacteria, viruses, pharmaceuticals, endocrine disruptors, should also be included as degrading water quality as a result of septic system, and more importantly, septic pit usage.

2. 4.3-16 The DEIR's description of the North County aquifers appears to have some errors in more than one paragraph on this page, as well as on page 4.3-19, under Groundwater Quality.

3. P. 4.3-25 The DEIR states that "Any significant pumping of groundwater between Salinas and the coast causes seawater intrusion". Does this mean that pumping of groundwater beneath or east of Salinas does not contribute to seawater intrusion? If not, why not? If seawater intrusion is halted by raising water levels by the coast, will water levels beneath and east of Salinas rise? By what mechanism and by how much will they rise?

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4. P. 4.3-25 The DEIR states "The MCWRA formulated long-term plans to construct and operate facilities to attenuate (emphasis added) the seawater intrusion..."

5. P. 4.3-26 With respect to Salinas River Watershed, the DEIR states "The intrusion of seawater has forced all water supply wells in the affected area of the 160-foot aquifer to be re-drilled into the 400-foot aquifer..."

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6. P. 4.3-27 The DEIR states, "The North County groundwater subbasins are shown in Exhibit 4.3.7. "Subbasins" should be replaced with "subareas", and the referenced exhibit is 4.3.7, not 4.3.8."

7. P. 4.3-28 The DEIR states "High levels of arsenic that approach and exceed SDWA levels occur naturally in certain hardrock or bedrock aquifer materials in parts of Monterey County, especially in North County and along the SSES corridor..."

8. P. 4.3-40 The DEIR states "Multiple small groundwater aquifers provide potable water supply to the North County planning area..."

9. P. 4.3-40 In regards to North County waterbeds, the DEIR states, "Due to demand exceeding supply, the area has been in a state of chronic overdraft since the 1950s..."

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This characterization of the state of the groundwater in North County should alarm the County government and the MCWRA and move them to immediate action, as it sounds like a description of a third world country's water situation rather than one for the gateway to Monterey County, California, USA. Instead, residents in one of the hardest hit areas of the county, Granite Ridge, are forced to reach deep into their pockets to construct and maintain what seems like a ramshackle system, that to date has had some serious legal issues raised concerning it. Is North County going to be totally on its own in solving its water problems? We've been told repeatedly that the SVWP will raise water levels in the Salinas Valley Basin and North County will benefit (we're even paying for the SVWP), and at some time in the future wells may be drilled, and a distribution system built, to bring water to North County. Yet there is no mention of this North County water "project" in the currently proposed General Plan, which one would think should discuss any significant problems and proposed solutions if they are to take place within the next 20 years. We've repeatedly asked for hydrogeologic cross-sections from the Salinas Valley up into North County to show water levels pre- and post- SVWP implementation, being very doubtful of there being an actual benefit to North County. We've asked multiple times and never got an answer as to where these "theoretical" wells might be located. This DEIR should address these environmental issues and the project we only seem to hear about (supposed mitigation of the problem), but never see in print, namely a source of potable water for North County. What exactly are the plan and the associated schedule?

10. P. 4.3-41. The DEIR states, the PUVWA Basin Management Plan estimated that total groundwater pumping will increase to 78,000 AFY by 2040 (Pajaro Valley Water Management Agency, 2002). This exceeds sustainable yield by approximately 34,000 AFY. What is the proposed source of affordable potable water for development of Pajaro as a Community Area?

11. P. 4.3-20 In discussing common sources of contaminants to groundwater, dry cleaners are not listed. This is a serious problem elsewhere in California and in the country, and it is expected that it would also be in Monterey County.

Respectfully submitted,

William G. Theyakara, P.G., C.E.G., C.Hg.
17721 Berta Canyon Road
Prunedale, CA 93907
(831) 663-1302

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1-19b

RECEIVED
2/2/09
10:20 pm

February 2, 2009

Card Holm, Assistant Director
County of Monterey Resource Management Agency
Planning Department
168 West Alisal Street, 2nd Floor
Salinas, California 93901

Email: HolmCP@co.monterey.ca.us

SENT VIA EMAIL

SUBJECT: ADDENDUM TO PREVIOUSLY EMAILED COMMENTS ON THE DRAFT EIR FOR THE 2007 MONTEREY COUNTY GENERAL PLAN

Dear Mr. Holm:

The following comments are respectfully submitted as an addendum to the comments emailed on 2/1/09 on the subject DEIR.

4.3 Water Resources (cont.)

12. P. 4.3-15. What impacts do the findings of the Hydrostratigraphic Analysis of the Northern Salinas Valley (Kennedy/Jenks Consultants, 2004) regarding seawater intrusion have on the expected effectiveness of the Salinas River Basin Management Plan? More specifically, what impacts result from the finding that there is transfer of seawater impacted groundwater from the 180-foot aquifer to the 400-foot aquifer? As a result there will likely be seawater impact landward of the mapped front in the 400-foot aquifer, due to a thin or missing aquitard, which typically separates the 180- and 400-foot aquifers. According to Kennedy/Jenks, it is more likely that in the City of Salinas this aquifer and its production wells will be impacted by inter-aquifer flow from the Pressure 180-foot aquifer to the Pressure 400-foot aquifer similar to that observed in the Fort Ord area. Kennedy/Jenks also states "We predict that seawater in the Pressure 180-foot aquifer will impact production wells in the City of Salinas in about 14 to 16 years (assuming water elevations in the 180-foot aquifer are maintained and a downward

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hydraulic gradient with the lower aquifers does not change appreciably. (Note that the Kennedy/Jenks report was written 5 years ago (in 2004), the time frame for impact of City of Salinas wells is only 9 to 11 years away.) As the data in Kennedy/Jenks report is so crucial to the water supply of Monterey County's largest city, why was this information not presented and discussed in the General Plan or in the DEIR? Surely this scenario is a potential significant environmental impact that has not been addressed in the DEIR. The DEIR should be amended or an addendum prepared to more accurately present and assess the hydrogeology of the North Salinas Basin.

13. 4.3-16 The DEIR states, "As illustrated by the overdrift conditions, current demand exceeds supply in the major supply areas of the county, an issue also present at the time of the existing 1982 General Plan. Goals, objectives, and policies in that plan addressed the need to promote adequate, replenishable water supplies of suitable quality; to eliminate groundwater overdrafting; and to implement a program to prevent further seawater intrusion by developing supplemental sources of water for North County". These issues are the subject of exhaustive groundwater studies and basin groundwater management plans undertaken by the respective water management agencies and the County since the existing 1982 General Plan. While progress has been made by MCVRA, MFWMD, and PVMWA in halting the rate of groundwater level decline and seawater intrusion, these issues remain a significant challenge to sustainable growth based on the goal of a sustainable groundwater supply.* Are we to understand that the SWWP is the culmination of 27 years of exhaustive groundwater studies and basin groundwater management plans undertaken by the respective water management agencies and the County since the 1982 General Plan, since it is being touted as being capable of halting seawater intrusion and Salinas Valley basin overdraft? Is the SWWP really expected to result in the cessation of overdraft conditions in the East Side Subarea, thus also benefiting this subarea, and North County, with rising water levels? Is this still anticipated in spite of the hydrogeologic features identified by Kennedy/Jenks (2004) that indicate the presence of a "transition zone" and an order of magnitude lower hydraulic conductivity in the East Side Subarea as compared to the Pressure Sub Area?

Respectfully submitted,

William G. Theylskens, P.G., C.E.G., C.Hg.
17721 Berta Canyon Road
Pescadero, CA 94967
(831) 663-1902

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7-11-09 2:09 AM

RMA Planning
Mr. Carl Hehn
168 W. Alisal Street
Salinas, CA 95901
Email: carl@montereyresourcesmanagement.com
Fax: 831-995-5487 / 57-1914

Response to DEIR for the Monterey County General Plan

February 2, 2009

Dear Mr. Hehn,

Following are some concerns and observations about the DEIR for the proposed Monterey County General Plan. Can you please see that these get addressed in the Final DEIR?

1) AWCZ Agricultural Winery Corridor Plan
There is no mention of the California Alcoholic Beverage Control Agency being served in this plan. The sale, serving, and consumption of alcoholic beverages are allowed under a number of different permit types. These permits have numbers and designations. The Alcoholic Beverage Control Agency for the Tri-County Area is located in the City of Salinas. They have a staff of approximately eight. These eight people are responsible for taking applications, processing applications, issuing new permits, renewing permits, monitoring the on-site and off-site establishments that sell and/or serve alcohol, and also are responsible for enforcement. It is a very big task.
When asked, "How can your office visit the bars, liquor stores, restaurants, quick stops, grocery stores, clubs, sports venues, and other areas selling and serving alcohol in the Tri-County area?"
The answer is, "We can't!"
Enforcement is often a procedure after reports of problems occur.
There are numerous wineries of differing sizes being considered, with on-site sales of bottled wine and on-site consumption, in addition to events. The Monterey County Sheriff's Department will accompany for the one either upon when there are law enforcement issues because the permits are in unincorporated parts of Monterey County. Other than the Sheriff's Department, how will the Sheriff's Department handle the on-site sales of these wine consumption events? What about the on-site sales of these wine consumption events? Roadways have cameras. Tourists are a concern with the roadways. Add risks to several wineries and wine tastings. There will be issues.

2) Scenic Highways: The stretch of State Highway 68 between the Salinas River and the City of Salinas South Main Street boundary has been eligible for

Page 2

1-20

2 includes into the scenic Highway scenic the remainder of Highway 68 has enjoyed since September 20, 1966. Why?

3) Historical Resources appears incomplete. Possibly due to misplacement or lost files?

4) Fort Ord: Unincorporated buried ordnance and contaminated groundwater that is remaining. Shouldn't these known and proposed sites in addition to known unincorporated groundwater maps be included in the County General Plan? Especially since it involves the neighboring City of Marina and the California State University of Monterey Bay.

5) The Fort Ord Master Plan Land Use Map is contingent upon proper clean up and clearance by the United States Environmental Protection Agency, the California Department of Toxic Substances Control, California State Water Quality Control Agency, and the United States Department of the Army. Costs of clean up are estimated, however ultimate costs are unknown. The taxpayers are pleading for the job for clean up. Please note the Fort Ord Cemetery and adjacent Road and Golf Course Opportunity Records are prior aerial bombing training areas during World War 2.

6) The Fort Ord Map fails to show the adopted County Plan Lines for the Canal de Tierra Bypass.

7) The Fort Ord Open Space Recreation Map (green areas) doesn't show or mention Wolf Hill, one of the most contaminated of Unexploded Ordnance Sites. Does "successor" allow utilities to be leveled or test sites (with safety)?

8) Highway 68 Plan Lines through Fort Ord, known as the South-Year Alternative, or Highway 68 bypass. Has the Tier 1 Environmental Document been completed by California yet?

9) Topo Area Land Use map appears to have a mapping error by possibly including the residential #12 Canal de Tierra Road in the red Commercial designation?

10) Please clarify proposed adopted Level of Service D Countywide, except for Central Valley. How can there be two different Levels of service Standards in unincorporated areas of the same County? Shouldn't it all be LOS C for consistency?

11) Alternatively, please clarify that level of Service "D" is D and not a range of D that may go to D- or D-+, or anything just short of F+.

12) Regarding water, please explain how supporting a "regional solution"

12

Page 3

1-20

12

WR: I won't lead to approval of water uses in areas where there is no water. Drawing down the water tables in areas where there may some water and increasing the water where there is no water for any use will only result in the eventual dry up of the area having any water.

Thank you for the opportunity to express some of my concerns regarding the DEIR for the Monterey County General Plan.

Sincerely,

 Julie Weaver
 831-434-6539

1-21 59
Monterey County
Planning Department

Calderon, Vanessa A. 25188

From: vanessa@monterey.com
 Sent: Monday, February 12, 2009 8:38 PM
 To: Knapik, Alpha 25222; HoanC@countyofmonterey.ca.us; Novo, Michael 25188
 Subject: Comments to General Plan and General Plan EIR

*Paul and EOA
Comments 2/12/09
8:58 pm*

Dear Mr. Moles:

The language of proposed Policy CV-2.18 is confusing and therefore may be subject to board discretion. The language of the proposed policy is not clear. It is unclear what the board maintains its discretion to adopt a statement of overriding considerations in the event an EIR is prepared for a project but traffic impacts resulting from a project cannot be fully mitigated to a level of insignificance. Also, for projects that exceed certain thresholds (which are defined in CV-2.18), the County will defer approval of that project until an EIR is prepared.

We request that the General Plan EIR confirm the meaning and intent behind Policy CV-2.18, and that the language of Policy CV-2.18 be revised for clarification purposes. For example, the language of Policy CV-2.18 that reads "the board may determine whether or not it would cause" should be revised to read "it would cause" does not make sense.

Our understanding is that the County will wait on fee ordinances to address future uncertainties needs so that any future development can contribute its fair share towards those future improvements.

Thank you for your consideration.

Janqueline Zischke

cc: Mike Novo (via email novomicro.monterey.ca.us)
 Alpha Knapik (via email knapik@monterey.ca.us)
 Carl Moles (via email holmes@monterey.ca.us)

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Comment Letters
Late Letters

Feb 24 08 09:43p Sanders, T & J 831-625-4370 P-1
O-5c

Carmel Valley Association
P.O. Box 157, Carmel Valley, California 93924
www.carmelvalleyassociation.org



February 24, 2009

Monterey County Planning Commission
168 W. Alisal Street, 2nd Floor
Salinas, CA 93901

Re: DEIR for GPUS, Section 4.6, "Mitigation Measure TRAN-2B," especially Carmel Valley Master Plan, Item CV-216

Dear Chair and Members of the Planning Commission:

Established in 1949, CVA is the oldest and largest resident and homeowner association in Carmel Valley. Indeed, we are the largest civic association of any kind in Carmel Valley.

Please accept the following information, comments and request concerning "mitigation" proposed in the Transportation section of the DEIR for GPUS:

In section 4.6 (Transportation) of the DEIR for GPUS, "Mitigation Measure TRAN-2B" is environmentally inadequate and inappropriate. It is based on inadequate and substantially flawed information and would contribute environmental impacts rather than mitigate them.

We urge the Commission to reject Mitigation Measure TRAN-2B in its entirety because

- it lacks substantial evidence to support it, and
- it would worsen rather than mitigate environmental impacts of traffic in Carmel Valley under the Plan.

This request reflects problems with "Mitigation Measure TRAN-2B" that include the following:

Feb 24 09 03:40p Sanders, T & J 831-625-4370 P-2
O-5c

Missing data

Routen road segments have been omitted from Tables A, B, C of Appendix C, but appear in Tables D and E (Tables D and E are of limited relevance because they are "holdout" tables based on 2002 projections.) (See Figure 1 below.) The omitted segments are Carmel Valley Road, between the southeast end of Carmel Valley Village and State Highway 1 (21 segment), and State Route 1 between Riley Ranch Road (two intersections south of Carmel Valley Road) and Carpenter Street (two elements of the Carmel Valley Master Plan and the latter represent a part of Highway 1 that is the principal access to Carmel Valley Road and is widely known and documented to operate at substantial levels of service. These conditions render the DEIR's environmental assessment of traffic on and adjacent to Carmel Valley Road defective and inadequate. (Any claim that the CVTIP DEIR of mid-2007 is an adequate substitute for the missing data simply does not meet elementary standards of reasonableness and adequacy. For example the standards of significance are different for the two studies and in both cases are ambiguous. One result is that the contents of Table 4.6-21, *existing LOS column*, in the GPUS DEIR differ substantially from the corresponding data in Table 3.7-4.5 of the CVTIP DEIR. Besides, the CVTIP DEIR, including public comments, has never been released to the public and cannot serve as reliable or reliable reference. Also, the CVTIP DEIR does not contain an evaluation of the omitted Highway 1 traffic.)

Inadequate environmental evaluations of "mitigation"

- In the DEIR there is no quantitative evaluation of the environmental impacts of the "mitigation" in "Mitigation Measure TRAN-2B" and therefore there is no justification for the assertion (p. 4-6-70) that "These mitigation measures result in impacts to Carmel Valley Road being less than significant...." Substantial evidence, as required by CEQA, is absent.
- No study of intersections is included in the DEIR, so under CEQA the "mitigation's" provisions concerning intersections entirely lack substantial evidence to support them and are inadequate.

Misleading rationale for adopting different traffic standards on Carmel Valley Road

- It is asserted on p. 4-6-64 of the DEIR that "roadway level of service analysis for the Carmel Valley Master Plan (CVMP) area is based on peak hour ... information" is not true. The CVMP standard is explicitly expressed in ADT. On the same page it is asserted that "peak hour ... analysis ... is a more project-specific ... method" yet on p. 4-6-88 the DEIR states, "project-specific impacts ...

O-5c

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Page 24 08 031-13p Sanders, T & J 831-625-4370 P-5

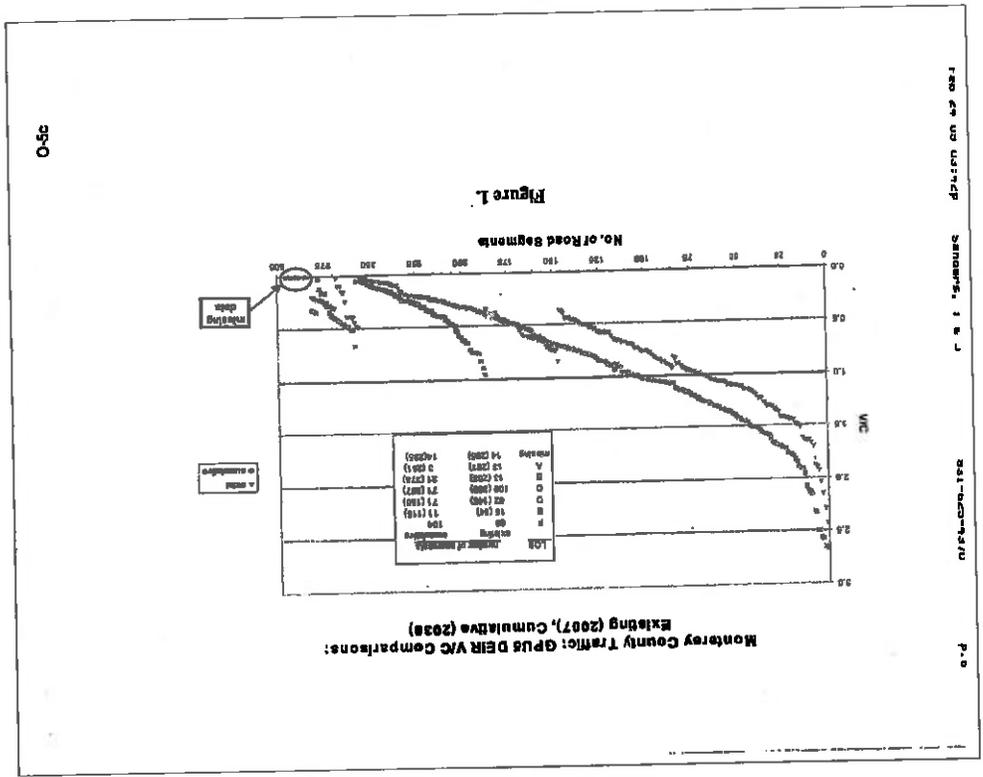
March 2010
ICF 098327

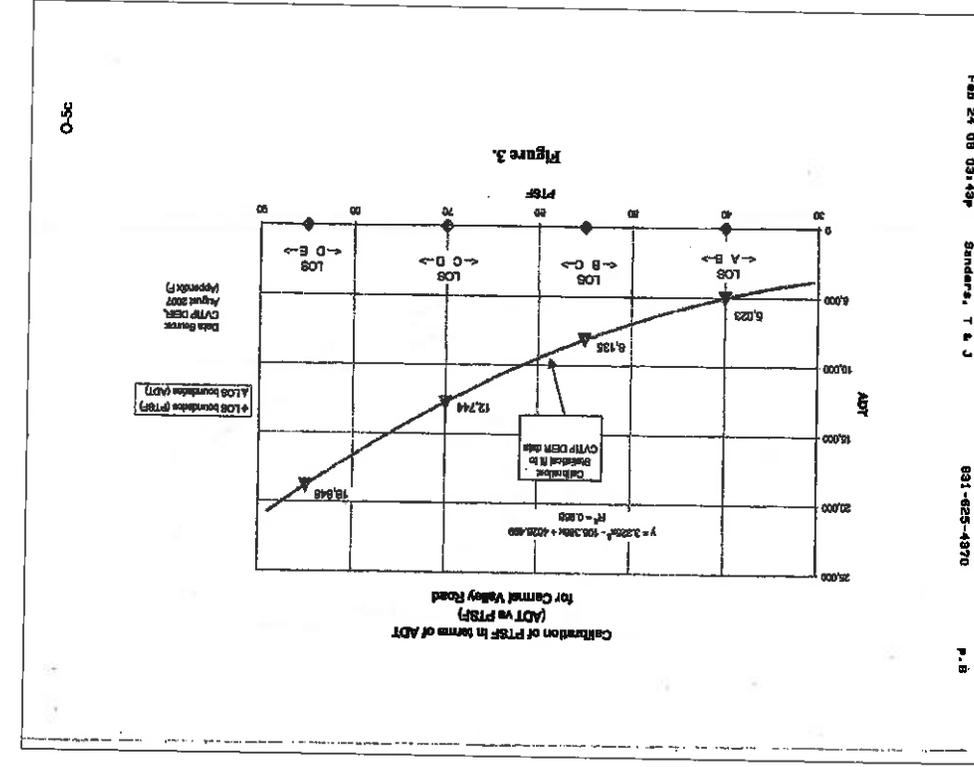
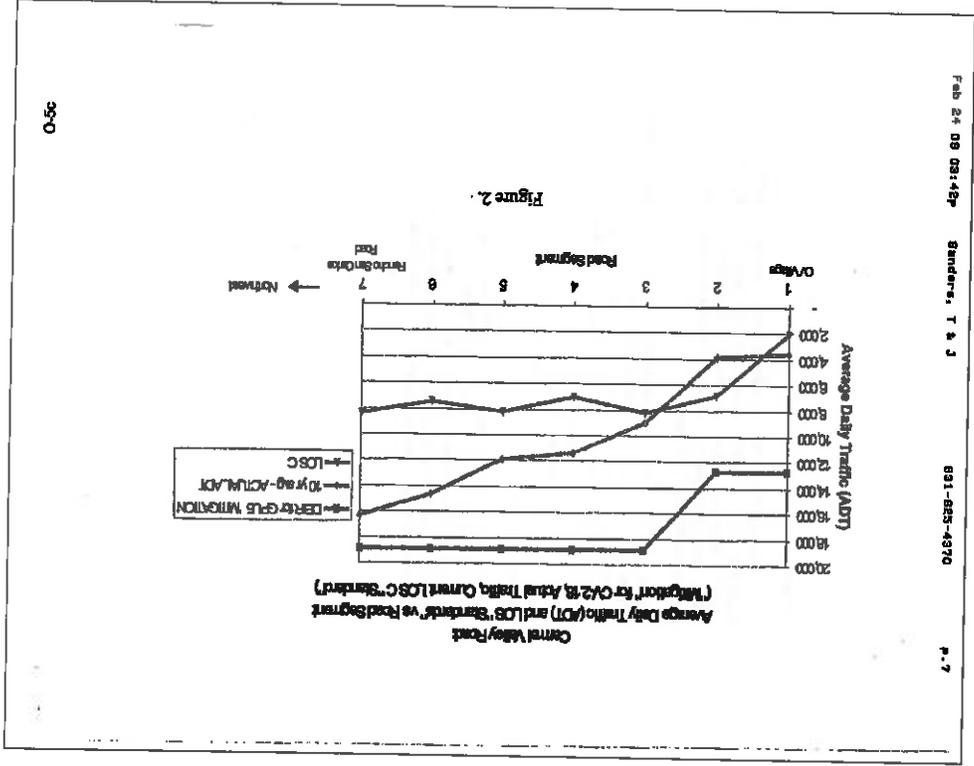
Attached Figures (See following pages)

Figure 1. Missing Data. At the lower right-hand corner of this graph are 14 data points with a V/C value of zero. These represent segments of Carrizo Valley Road and of State Highway 1, which were omitted from Tables A and C of Appendix C. The value zero on the vertical axis results from the lack of data, obviously not from an evaluation of V/C for these segments.

Figure 2. Reduction of traffic standards by "Mitigation CV-2.1B." This graph shows what the "mitigation" would do to Carrizo Valley traffic standards on seven segments of Carrizo Valley Road. The top curve shows the effective standard that would result from adopting the "mitigation", the blue curve shows the stated LOS C standard of the CVMP, and the red curve shows the actual traffic (10-yr. average CVMP annual traffic evaluations). Clearly the "mitigation" changes the roadway "standards" in a way that would permit greater environmental impacts on segments of the road that already are rated as LOS D, E and F, by one or another study.

Figure 3. Calibration of ADT against PTSE (peak hour). The curve represents ADT as a function of PTSE, with the PTSE criteria for LOS ratings shown on the horizontal axis, and with corresponding ADT values shown on the curve. The curve was obtained by quadratic regression of ADT against PTSE data from the CVIIP DEIR, which shows very high correlation between the curve and the data.





Feb 24 08 08:27p Sanders, T & J 831-828-4870 P.1

MEMORANDUM

To: Monterey County Planning Commission
168 W. Alisal Street, 2nd Floor
Salinas, CA 95068

From: Timothy D. Swales (25073 Plm 55B Dc, Carmel, CA 95023)

Date: February 23, 2009

Subject: RMA-Planning Department Recommendations for the Planning Commission Meeting of February 25, 2009 - Tabling of considerations and public hearing on motions arising from the DEIR for CPU5

I respectfully request that consideration by the Planning Commission, including public hearings, of any and all policies and policy changes recommended or requested in the DEIR for CPU5 be adjourned or postponed until after the FEIR is complete and has been released to the public.

Policies and policy changes proposed as "mitigation" in the DEIR should be considered formally by the Planning Commission, and subject to hearings, only in the context of public comments on the DEIR and responses those comments. Comments and responses are an integral part of the CEQA environmental review process and constitute part of the evidence on environmental matters required by CEQA.

Formal consideration and hearings in the absence of the information brought forward by public comments amounts to short-circuiting the environmental review process and ensuring the DEIR to be accurate and adequate. Public comments often challenge the accuracy, and should be among the evidence before the Commission when the DEIR's contents, including all mitigations and proposed policies, are taken under consideration.

There I request that action on Staff Recommendation 1) be restricted to changes proposed in the context, with "ad mitigation measures" omitted; that testimony in Recommendation 2) be restricted to changes proposed in context, that the context referred to is Recommendation 3) likewise be restricted to subject matter pertaining and not arising from the DEIR, and that the other of Recommendation 4) be identical to (4) above, as may be necessary, the public hearing on motions rise arising from the DEIR, and (b) to propose that public hearings on DEIR-related issues not occur before a future "de-escalation" until FEIR is released to the public.

Your attention to this request, which is an appeal that the intent of the CEQA process be respected and followed, is greatly appreciated.

T. D. Swales

C-104

February 2009
Deena Doshain
Holly Kiefer
Vienna Merritt-Moore
Terrence Zilo

Science Advisors
Susan Knight, Ph.D.
Hanselton, Mironidis & Associates
Arthur Partridge, Ph.D.
Forest Ecology
Human Melvin, Ph.D.

Monterey County Planning Commissioners February 23, 2009

"Why do we always have time to do it over – but never have time to do it right?"

John Tolson, MFC Professor Emeritus

You Aren't Paying Attention

How can anyone take the General Plan and its EIR seriously – when the documents don't take our laws or the world's best available environmental science seriously?

What's So Wrong

Just to give you context – though the Herald never reported it, HOPE used to overturn the last General Plan you approved. HOPE does not take on burdens lightly and we usually win.

If the "new" General Plan remains in its current massively legally inadequate condition, you will be forcing us all to court again, handing us a highly probable victory and delaying the General Plan for yet another two years – or more.

HOPE has provided you with more than 1,000 pages of the best available environmental science on impacts, alternatives and mitigations with our comments on the previous General Plan revision and EIR. California law, CEQA, admitted by the Legislature and signed by our Governor requires you to use that.

Yet – **Senator right has ignored essentially all of it.**

Not Near Enough

Half a dozen public interest groups¹ have respectfully requested the following items for some 10 years – at almost every opportunity during the several CP update revisions and some since even before the beginning of the update process.

¹ While Monterey County's Supervisors have the legal authority to adopt the most limited development allowing General Plan they want – they are also required by law (CEQA) to adopt every available mitigation for each environmental impact that the growth forcing General Plan has, and to provide the public with an objective evaluation of a reasonable range of feasible alternatives for the last CPU revision. We challenge you to pick ONE of our alternative elements from that volume and try to find a meaningful response.

² HOPE's comments apparently have their own volume for the last CPU revision. We challenge you to pick ONE of our alternative elements from that volume and try to find a meaningful response.

³ Passed in 1998, and known for helping with hundreds of environmental and democracy successes including stopping both "Dirty Harry" and "The Tumbler" **HOPE** is a non-profit, tax deductible, public interest group promoting and Monterey Peninsula's natural land, air and water energy home and public participation in government, using petitions, key education, news and other means to help the public understand and influence government.

Public Co. 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008

O-10d

Yet the new General Plan and its DEIR -

- **SHH loses everything on Bogus' and Humbug! AMBAG Population Projections'**
The General Plan needs to include an Alternative and Mitigation that determines a Carrying Capacity based on real Physical Constraints - Not on AMBAG's famously bogus forecasts.¹
- While few of us would agree on our area's Carrying Capacity, the General Plan needs to get a process in motion to determine such a limit - for this General Plan - and for the subsequent G.P. updates.
- SHH Considers No Protection for Monterey pine forests outside the Coastal Zone, even though the General Plan is required to address all locally relevant issues.²
- SHH Provides No Recognition of Short Term Noise Impacts³ or Mitigation for them
- SHH Provides No Meaningful Light Pollution Avoidance and Mitigation⁴ even though *light pollution was the November 2009 National Geographic cover story*
- SHH has No Meaningful Chemical (including Pesticide) Pollution Impact Recognition or Mitigation
- SHH Ignores our Peninsula's 10-year long *drizzles' Water Supply Emergency* - allowing more unappreciable growth.
- SHH Ignores our growing Gridlock - allowing more unappreciable growth and congestion.
- SHH provides **ONLY** "alternatives"⁵ which use AMBAG's bogus Population "forecast,"⁶ even though a General Plan is Required to address a "reasonable range of feasible alternatives"⁶ This makes the "range" of alternatives provided - Zero - contrary to CEQA's mandate.

¹ Current Valley Women's Network, Pacific Grove Neighbors, Save Our Peninsula Committee, VISION - Vision Inspiring Sanctuary and Integrity of Nature, Responsible Consumers of our Monterey Peninsula, and HOPE - Helping Our Peninsula's Environment. Letter to County Planning Commission, dated Thursday, April 19, 2006. (Noise of these groups were provided a seat at the "Refinement Group" table.)

² AMBAG, 1997 Population Forecast (page 179). See Endnotes 1 & 2.

³ Gen Code 65301, Monterey planners used precisely in government logos across Monterey County. They are highly protected as BSA. AMBAG's population forecast is not intended at Endangered species by the United Nations in 1986 and independently by the California Native Plant Society in 1994. Chinamen, Coy Almas, etc.

⁴ Impulse Noise examples - Firing Ranges, Leaf Blowers, Backhoes, Dump Trucks, Chainsaws, Car Alarms, etc. when in-operative off-the-shelf mitigation and simple laws can easily reduce this to "no" level.

⁵ Light Pollution is perhaps the only pollution that saves governments millions of dollars by its reduction, has a staggering array of money-saving off-the-shelf technologies and is widely accepted in all political climates. - See www.DarkSky.org

⁶ "Range of reasonable alternatives" standard from CEQA's Guidelines, applied by the Court in *Chicoza v. Goleta Valley v. Bd. of Supervisors County of Santa Barbara* (1990) 52 Cal.3d 553 ("Goleta II"). *Examining a*

⁷ Founded in 1998, and having with hundreds of independent and university resources including stopping both "Bury Henry" and "The Terminator" B.O.P.s in some parks, we distribute, public notices promoting our Monterey Peninsula's natural land, air, and water resources for protection in government, including education, law, administration, law, science and advocacy.

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O-10d

Examining a lower set of population numbers for at least one Alternative would result in lower environmental impacts all around and is wholly reasonable, and feasible as the only cost involved would be County General Plan staff and Environmental Impact Report consultant time.

- SHH refuses to set up a process to establish our area's Carrying Capacity as mitigation.³ If you take these reasonable concerns seriously - we will have nothing to litigate, David Dithworth, Executive Director

- AMBAG 1997 Population Forecast (pg 179) -
 - 1) Historic trends (Forecasts are notably higher than trends)
 - 2) Historic mistakes (50% overestimate for Meris in 1994)
 - 3) Alternate methodologies (Gaussian Trend extrapolation and Bottom-up forecasts)
 - 4) Consensus and comments from Forecast Technical Advisory Committee members. (e.g. Constraints ignored)

- 5) All data which conflicts with pre-determined results.
- 6) Large discrepancies (more than 10% between US and State data sources.
- 7) Making data meaningful by using graphs.
- 8) Huge, additive, cumulative Margins of Error. ("Advice exceeding 150,000 for BE of forecast for Monterey County alone)
- 9) The Self-Fulfilling Prophecy principle of forecasts unconstrained by resources such as water and roads.
- 10) Cumulative environmental impacts caused and induced by the forecasts.
- 11) Analyzing the limits to population growth by existing infrastructure.
- 12) Analysis of the Carrying Capacity of the Region, Committee Committees and cities.

³ What's wrong with current AMBAG's Forecasts?

- US Census Counts of 1990 and 2000 Show ..
- All Peninsula Cities Populations *Decreasing* -
- But AMBAG's 2004 Forecasts have All Peninsula Cities Populations *Increasing*!

Lower set of population numbers for at least one Alternative is wholly reasonable, geologically feasible and would result in lower environmental impacts all around.

- a. The maximum population of humans which will not irreversibly harm the environment of a defined area.
- b. The maximum population of a non-human species that can exist within the limits of the resources available (e.g. land area, water, food).

Founded in 1998, and having with hundreds of independent and university resources including stopping both "Bury Henry" and "The Terminator" B.O.P.s in some parks, we distribute, public notices promoting our Monterey Peninsula's natural land, air, and water resources for protection in government, including education, law, administration, law, science and advocacy.

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1-22



Carver + Schickelanz
ARCHITECTS PLANNERS
1800 3RD ST. SUITE 200
SALINAS, CA 95071

February 23, 2009

Mr. Carl Holm
RMA-Planning Services Permit Center
186 W. Alisal St.
Salinas, CA 95001
[ccqacommments@co.monterey.ca.us]

Dear Mr. Holm,

As a Director of the CPOA, I strongly support the 2209 letter Michael Caplin authored on behalf of the Big Sur Community. The General Plan's DEIR does not apply to the Coastal Zone.

Surely this was the intention of the new General Plan, as adopted January 3, 2007, which was designed to avoid conflicts with the County's four local coastal land use plans.

DEIR pages 4.1-19 and 20 state "The four adopted local coastal land use plans contained in the existing 1982 Monterey County General Plan will not be amended as part of the 2007 General Plan. The 2007 General Plan's goals and policies have been developed with the LCPs in mind and do not contain any provisions that would conflict with the four adopted local coastal plans."

The Plan expressly states the intent to not change coastal plans. "The County is not amending the Local Coastal Program as part of this 2008 General Plan. The County will review the LCP after adoption of the 2007 General Plan Update."

(emphasis added)

2007 General Plan, Introduction, section 1.5.d, page vii states that "In accordance with the State Coastal Act, this approach recognizes that the coastal zone is a distinct and valuable natural resource which requires unique planning considerations and may require different standards and policies" and must be free to vary from other portions of the Plan.

(emphasis added)

O-32

February 24, 2009

Monterey County Planning Commissioners
RMA-Planning Services Permit Center
186 W. Alisal Street, 2nd floor
Salinas, CA 95001
Via email: Rothamel.L@co.monterey.ca.us
RE: General Plan Update - PLN 070525

Dear Chairman Vinowars and Planning Committee:

Action Pejero Valley (APV) focused on land-use issues at the Pejero Valley farm in 1998 initiated by a wide variety of community members including business, government, agriculture, labor, education, artists and environmental stakeholders. Representatives from these diverse sectors came together as APV to conduct a visioning and growth management strategy process. APV facilitated community outreach activities that were wide reaching and language in multiple languages.

The outcome of the process was a Growth Management Strategy for the Pejero Valley that includes design principles, growth policies, design principles and recommendations for APV's Growth Management Strategy document. It recommends the town of Pejero shall pursue housing, retail, redevelopment and other development opportunities with a wide-range of stakeholders and is the basis for the Strategy was endorsed by a wide-range of stakeholders and is the basis for the continued success of our work as an organization facilitating long-range land use planning in the Pejero Valley.

APV's broad-based Pejero Subcommittee, who is evaluating the option of initiating a Pejero Community Plan process, supports the Monterey County General Plan designation of Pejero as a "Priority Community Plan Area." We are proud to have been a part of the work the Redevelopment Area Citizens Advisory Committee and we acknowledge the great work that has been done by the County to improve Pejero and help plan for its future.

We recognize that flood protection and infrastructure improvements are important issues facing the entire Pejero Valley. Action Pejero Valley's Pejero River Task Force is working diligently on finding a long-term solution to the Pejero River Levee Reconstruction Project. We commend the Task Force's work as yet another way that Action Pejero Valley is assisting with solutions toward a better future for Pejero.

Again, on behalf of our Pejero Subcommittee of our Growth Management Strategy Committee, we support the classification of Pejero as a Priority Community Plan Area and look forward to working with the County in the future. If you need to contact me, you can reach me at 831.786.8538 ext. 103.

Sincerely,
Lisa Robbins
Executive Director

Cc: Monterey County Board of Supervisors - via Clerk of the Board
Mayor Tom Bates, Board President, Resource Management Agency
Ald. Robert Cort, Board Member, RMA-Planning Agency
Ald. John Hernandez, Redevelopment & Housing Agency
Ald. Carlos Lopez, Board Member, RMA-Planning Agency
Carmel Health, General Manager, Monterey County Water Resource Agency

1-22



Page 2 of 2

Carver: @shiboleana

We respectfully request that the specific language (below), proposed on page 4 of the Caplin letter, be incorporated into the EIR.

"This policy shall not apply within Monterey County's coastal zone. This policy was recommended as a mitigation measure to address environmental impacts caused by the 2007 General Plan (as adopted January 3, 2007). The 2007 General Plan does not change Monterey County's Local Coastal Program, and environmental impacts in Monterey County's coastal zone were not analyzed as part of the 2007 General Plan environmental review."

"Further, maps in the DEIR must be changed to exclude coastal areas as these areas are not part of the project and are not properly included in the DEIR CEQA analysis."

Sincerely,
 Via email
 Robert M. Carver

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UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southwest Region
777 Sonoma Ave., Room 325
Santa Rosa, CA 95404-4731

October 17, 2008

In response refer to:
151416SWR2008SR00380

Monterey County
Planning and Building
Inspection Administration

Carl Holm, Assistant Director
Monterey County Planning Department
168 W. Alisal Street, 2nd Floor
Salinas, California 93901

OCT 20 2008

RECEIVED

Dear Mr. Holm:

Thank you for the opportunity to comment on the September 2008 Draft Environmental Impact Report (DEIR) for the 2007 Monterey County General Plan. NOAA's National Marine Fisheries Service (NMFS) received a notice seeking written comments on the DEIR on September 5, 2008. Our comments on the September 2008 DEIR for the 2007 Monterey County General Plan are provided below. Please also refer to our October 2, 2006, comments we provided to the Monterey County Planning Department on the County of Monterey's Draft Program Environmental Impact Report for the 2006 Monterey County General Plan.

Many rivers, streams, and creeks within Monterey County support federally-threatened South-Central California Coast (S-CCC) Distinct Population Segment (DPS) steelhead (*Oncorhynchus mykiss*; 71 FR 834). Many of these watercourses are designated as critical habitat for S-CCC steelhead (70 FR 52488). NMFS is responsible for the protection of S-CCC steelhead pursuant to the Federal Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 *et seq.*) and implementing regulations promulgated thereunder.

NMFS has determined the S-CCC steelhead DPS is suffering a significant decline in overall abundance and productivity, is becoming increasingly fragmented, and that four sub-populations have become or are nearly extirpated. These population trends in conjunction with the large scale anthropogenic influences (e.g.; water diversions, the influences of large dams, agricultural practices [including irrigation], urbanization, loss of wetlands and riparian areas, roads, grazing, gravel mining, and logging) on habitat conditions lead to the conclusion that this DPS continues to decline toward extinction. Further adverse effects to steelhead and their designated critical habitat as a result of water use are of primary concern to NMFS relative to the DEIR.

Specific comments

Page 4.3-14 refers to "the central coast steelhead", but should be changed to South-Central California Coast steelhead.



Page 4.3-78 states, "Work in Salinas River and Arroyo Seco River channels is exempted if it is covered by a (U.S. Army Corps of Engineers) 5-year regional Section 404 permit, approved by the (California Department of Fish and Game), and approved by the (Monterey County Water Resources Agency)." This sentence is incorrect. The existing 5-year regional Section 404 permit expires on October 31, 2008, and does not include any channel maintenance activities in the Arroyo Seco River. We expect the Monterey County Water Resources Agency will apply for another 5-year regional Section 404 from the U.S. Army Corps of Engineers, which will require Federal Endangered Species Act consultation between NMFS and the U.S. Army Corps of Engineers; we do not expect the Monterey County Water Resources Agency will propose to authorize channel maintenance activities in the Arroyo Seco River.

3

Page 4.3-97: We support the development and adoption of a stream setback ordinance. Setbacks must be adequate to (1) sufficiently remove harmful human activities near watercourses, and (2) prevent the need for costly and invasive human interventions in the stream ecosystem. The stream setback ordinance should apply not only to those rivers and creeks listed on page 4.3-97, but to all watercourses supporting steelhead. We would like to work with Monterey County on the development of a stream setback ordinance because local regulations affecting stream corridor health and function directly affect our ability to conserve and protect steelhead and their habitat.

4

Page 4.3-103; Area Plan Policies: Although some Area Plans have supplemental policies supporting water quality protection related to construction impacts on soil erosion and sedimentation, all Area Plans should have policies regarding construction-related soil erosion and sedimentation.

5

Page 4.9-1: The DEIR should acknowledge that NMFS has listed approximately 472 miles as designated critical habitat in Monterey County for S-CCC DPS steelhead and describe how the General Plan will avoid impacts to steelhead critical habitat.

6

Page 4.9-1: The DEIR does not address lagoons/estuaries within Monterey County. The DEIR should describe how the General Plan will avoid impacts to these important habitats.

7

Page 4.9-48: When referring to the issuance of a biological opinion, the DEIR should state that NMFS, in addition to the U.S. Fish and Wildlife Service, also issues biological opinions.

8

Page 4.9-47; Endangered Species Act: The ESA was enacted to identify species at risk of extinction, to provide a means to help such species recover, and to protect the ecosystems of which declining species are a part. Section 9 of the ESA prohibits on 'take' applies to the activities of everyone – every state, city, and county government, every business, and every citizen. Local agencies are liable under the ESA for issuing permits which result in take of federally-protected species.

9

In addition to sections 7 and 10 of the ESA, section 4(d) has rules that include a set of limits on the application of the ESA 'take' prohibitions for specific categories of activities that contribute

to the conservation of listed steelhead or adequately limit their adverse impacts. The limits can be thought of as exceptions to the 'take' prohibitions.

9

One of the limits, Limit No. 12 – Municipal, Residential, Commercial and Industrial Development and Redevelopment (MRCI), may be applicable to Monterey County. As a general matter, MRCI development (and redevelopment) has a significant potential to degrade habitat and injure or kill steelhead in a variety of ways. With appropriate safeguards, MRCI development can be specifically tailored to minimize impacts on listed fish to the extent that additional Federal protections would not be needed to conserve the listed DPS. To be approved for a limit on ESA 'take' prohibitions, a program must adequately contribute to the conservation of salmonids and meet their biological requirements. By providing limitation from take liability, NMFS encourages governments and private citizens to adjust their programs and activities to be "salmon safe". For more information, contact NMFS or see <http://www.nwr.noaa.gov/ESA-Salmon-Regulations-Permits/4d-Rules/Index.cfm>.

10

Page 4.9-55; Section 4.9.5.2: "NMFS" should be added to the end of the first two paragraphs, to read ... "or regulations, or by the CDFG, USFWS, or NMFS..."

11

Page 4.9-74: Pursuant to Mitigation Measure BIO-1.3, we recommend the County contact NMFS when proposed projects may affect steelhead or their habitat. If the project will not take or harm listed fish, then there is no need to modify the activity, or to contact NMFS. If, however, after reviewing the project, it seems likely it will take or harm listed fish, or there is uncertainty about whether take or harm may occur, the acting agency, entity, or individual should contact NMFS to seek more information on evaluating the project's impacts and determining ways to avoid harming the fish and violating the ESA.

12

Thank you again for the opportunity to comment on the DEIR and we look forward to working with the County in the future. Please contact Mr. Bill Stevens at (707) 575-6066, or via e-mail at William.Stevens@noaa.gov, if you have any questions concerning these comments.

Sincerely,



Dick Butler
Santa Rosa Area Office Supervisor
Protected Resources Division

cc: Russ Strach, NMFS, Sacramento



Monterey County

Item No.33

Board Report

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legistar File Number: 20-542

July 07, 2020

Introduced: 6/25/2020

Current Status: Agenda Ready

Version: 1

Matter Type: General Agenda Item

- a. Adopt a resolution amending Resolution No. 19-127 providing for the appointment of Business and Public Agency Representatives to the Big Sur Byway Organization;
- b. Appointment of Rick Aldinger, representing the Big Sur Chamber of Commerce, to the Big Sur Byway Organization as the Business Representative, for a term ending May 1, 2023;
- c. Appointment of John "Fin" Eifert, representing the United States Forest Service, to the Big Sur Byway Organization as a Public Agency Representative, for a term ending May 1, 2023; and
- d. Appointment of Marcos Ortega, representing California State Parks, to the Big Sur Byway Organization as a Public Agency Representative, for a term ending May 1, 2023.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Adopt a resolution amending Resolution No. 19-127 providing for the appointment of Business and Public Agency Representatives to the Big Sur Byway Organization;
- b. Appoint Rick Aldinger, representing the Big Sur Chamber of Commerce, to the Big Sur Byway Organization as the Business Representative, for a term ending May 1, 2023;
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- d. Appoint Marcos Ortega, representing California State Parks, to the Big Sur Byway Organization as a Public Agency Representative, for a term ending May 1, 2023.

SUMMARY/DISCUSSION:

On April 30, 2019, the Board of Supervisors adopted Resolution No. 19-127, which established the Big Sur Byway Organization (Master Resolution). The Organization is composed of 9 members or "representatives" consisting of: 5 Resident Representatives, 1 Business Representative, and 3 Public Agency Representatives (1 each from: U.S. Forest Service; California Department of Parks and Recreation; California Department of Transportation). A copy of the Master Resolution and its accompanying Board Report is enclosed as Attachment A.

Resolution No. 19-127 further provided for the nomination of the Resident Representatives by the 5th District Supervisor, and appointment by a majority of the full Board. While the intent was to provide for the same process for the Business and Public Agency Representatives, it was not explicit in the resolution. This amendment would provide for the appointment of all representatives to the Big Sur Byway Organization in a similar manner - nominated by the 5th District Supervisor and appointed by a majority of the Board. A proposed resolution is enclosed as Attachment B. The District 5 Supervisor has provided nominations for some of those positions on the Big Sur Byway Organization; copies of the nominations are enclosed as Attachment C.

OTHER AGENCY INVOLVEMENT:

This amendment was developed in coordination between County Counsel and RMA. District 5 provided the nominations for the Board to consider.

FINANCING:

The Big Sur Byway Organization is staffed by Caltrans so there is no impact on the County General Fund.

Funding for staff time associated with the services to be provided by the Agency to the County will come from fees collected by the RMA so there will be no impact to the current fiscal year budget. Budgets and fees for FY 2019/20 and beyond will account for any fiscal changes.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

These actions will provide for the more efficient provision of development related services to the residents of the County, thus contributing to economic development, and helping to ensure proper health and safety, and infrastructure for such development.

Mark a check to the related Board of Supervisors Strategic Initiatives

Economic Development

Administration

Health & Human Services

Infrastructure

Public Safety

Prepared by:

Leslie J. Girard, Chief Assistant County Counsel

John M. Dugan, FAICP, Deputy Director, RMA

Approved by:

Carl Holm, RMA Director

Attachments:

- A. Resolution 19-127 and Associated Board Report
- B. Draft Resolution
- C. Nominations
Board Report



Monterey County

Item No.33

Board Report

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

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July 07, 2020

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BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

These actions will provide for the more efficient provision of development related services to the residents of the County, thus contributing to economic development, and helping to ensure proper health and safety, and infrastructure for such development.

Mark a check to the related Board of Supervisors Strategic Initiatives

Economic Development

Administration

Health & Human Services

Infrastructure

Public Safety

Prepared by:

Leslie J. Girard, Chief Assistant County Counsel

John M. Dugan, FAICP, Deputy Director, RMA

Approved by:

Carl Holm, RMA Director

Attachments:

- A. Resolution 19-127 and Associated Board Report
- B. Draft Resolution
- C. Nominations
Board Report

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
 725 FRONT STREET, SUITE 300
 SANTA CRUZ, CA 95060
 PHONE: (831) 427-4889
 FAX: (831) 427-4877

S-1



Monterey County
 Planning and Building
 Inspection Administration

FEB 02 2009

February 2, 2009

RECEIVED

*faxed 2/2/09
 4:38 pm*

Carl Holm, Assistant Director
 Monterey County Planning Department
 168 West Alisal Street, 2nd Floor
 Salinas, CA 93901

Subject: Monterey County 2007 General Plan Draft EIR

Dear Mr. Holm:

Thank you for the opportunity to comment on the Draft Program Environmental Impact Report (EIR) for the Monterey County 2007 General Plan. Please note that we have previously provided comments on the earlier version of the EIR (letter of April 2, 2004), on the Notice of Preparation for the EIR for the 2006 General Plan document (letter of March 14, 2006), on the Draft EIR for the 2006 General Plan document (letter dated October 16, 2006), and on the General Plan drafts themselves, including, most recently our letter of July 25, 2006. Please continue to consider those previous comments as the County moves forward with subsequent General Plan drafts and environmental review. The purpose of this letter is not to reiterate those past comments, but rather is provide some general feedback regarding the relationship of the General Plan to the Local Coastal Program (LCP) and related CEQA documents. 1

As we have noted previously, we understand it is not the County's intent to use any part of the General Plan document as the basis for an LCP amendment or update. We further understand that any such LCP update amendments pursued by the County will be pursued separately in the future through their own planning processes. As a result, and due to ongoing budget and staffing shortfalls, we have not thoroughly reviewed the current documents, preferring instead to allot our available review time to future coastal zone documents and proposals. However, despite indications in the text that the General Plan and EIR are meant to cover only the inland portions of the County, cursory review of the EIR document indicates that a significant amount of data collection appears to have been included for the coastal zone portion of the County, and is represented in various exhibits, tables, and text throughout the document (e.g., the Biological Resources chapter shows and describes vegetation cover, special-status species, and habitats in the entire County). Although we understand the need to provide overall context in the EIR, given the County's stated position regarding the General Plan's lack of relationship to the coastal zone, we have not reviewed this information in relation to coastal zone resources and potential LCP updates and/or amendments related thereto. Please clarify if our understanding is incorrect, and the EIR/General Plan is intended to form the basis for future LCP planning. If so, we may have more comments for you. 2

**Carl Holm, Monterey County
2007 General Plan Draft EIR
February 2, 2009
Page 2**

In any event, we look forward to seeing a revised final EIR that addresses these and previous comments that we have submitted. Please contact me if you have any questions or would like to discuss our comments further.

Sincerely,



**Katie Morange
Coastal Planner**

cc: OPR Clearinghouse
AMBAG Clearinghouse



California Coastal Commission
Central Coast District Office

FAX TRANSMITTAL

DATE: 2/2/09	NUMBER OF PAGES (INCLUDING COVERSHEET): 3
PLEASE DELIVER TO: Carl Holm	FROM: Katie Morange
COMPANY:	CALIFORNIA COASTAL COMMISSION 725 Front Street, Santa Cruz, CA 95060-4508 Phone: (831) 427-4863 Fax: (831) 427-4877
PHONE NUMBER:	
FAX NUMBER: 757-9516	

Please notify sender if you do not receive a clear or complete copy of this transmittal

REGARDING:

General Plan DEIR comments

67



DEPARTMENT OF CONSERVATION

DIVISION OF LAND RESOURCE PROTECTION

S-2

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

PHONE: 916 / 324-0850 • FAX 916 / 327-3430 • TDD 916 / 324-2555 • WEBSITE conservation.ca.gov

February 2, 2009

VIA FACSIMILE (831) 757-9516

Mr. Carl Holm, Assistant Director
Monterey County Resource Management Agency
168 West Alisal Street, 2nd Floor
Salinas, CA 93901-2680

Dear Mr. Holm:

Subject: Draft Environmental Impact Report (DEIR) for the 2007 Monterey County General Plan

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the DEIR for the referenced project. 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 project's impacts on agricultural land and resources.

Project Description

The 2007 General Plan is a comprehensive update to the existing 1982 Monterey County General Plan providing goals and policies to guide future development and to preserve natural and agricultural resources from urban encroachment to 2030. The 2007 Plan covers all unincorporated portions of the County. The 2007 General Plan directs urbanization to incorporated cities and to designated Community Areas and Rural Centers. As maximum development potential is not expected to occur during the 2007 planning horizon, the Plan also provides analysis for longer-term full build out to 2092.

Important Farmlands

The DEIR states there are 236,142 acres identified as Important Farmland and 1,065,577 acres of grazing land. 763,396 acres are protected under Williamson Act contracts, Farmland Security Zone (FSZ) or other enforceable restrictions as of 2007. The DEIR does an admirable job of discussing the existing environmental setting. We suggest the following be included in the Final Environmental Impact Report (FEIR) related to changes in agricultural resources proposed by implementation of the 2007 General Plan.

The DEIR references that additional information pertaining to the Department's Important Farmland Mapping and Monitoring can be found under section 4.2.2 (see section 4.2.3.3, reference to regulatory framework). The reference is incorrect; the correct reference is 4.2.4.

Grazing lands are an important natural/agricultural resource in Monterey County. The Department suggests the FEIR include the Department's Monterey County Important Farmland Map. The 2006 Map is available at the Department's website and indicates the location of grazing lands in the County.

The Department of Conservation's mission is to balance today's needs with tomorrow's challenges and foster intelligent, sustainable, and efficient use of California's energy, land, and mineral resources.

Monterey County
Planning and Building
Inspection Administration

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2

Mr. Carl Holm, Assistant Director

February 2, 2009

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The DEIR indicates that implementation of the 2007 General Plan will result in the conversion of 2,574 acres of important farmland to urban land uses. Of this amount, 476 acres of important farmland are within incorporated cities Sphere of Influence. The DEIR states that conversion of the remaining acreage is most likely to occur in the Community Areas of Boronda, Castroville, Chualar and Pajaro. The Department recommends the FEIR include a table indicating the estimated breakdown of important farmland acreage figures per Area Plan. The table could be similar to Table 4.9-2 that indicates the approximate acreage of different vegetation types by Community Areas.

2

The Department supports the County's proposed policy to adopt and implement a program to mitigate for the loss of important farmland resulting from a change of land use designation or annexation. Until the program is established, the County may wish to consider that the California Farmland Conservancy Program is authorized to accept donations of funds if the Department of Conservation is the designated beneficiary and it agrees to use the funds for purposes of the program in a county specified by the donor.

3

Williamson Act Lands

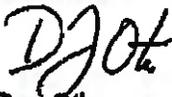
The Department recommends that the County's more restrictive Williamson Act contract terms (20-year versus 10-year) be included in the discussion of Williamson Act contracts in Section 4.2.4.1. Additionally, we recommend that Exhibit 4.2.2 be replaced with the Monterey County 2007 Williamson Act Map. The map is available from the Department website and provides a comprehensive picture of the County Williamson Act prime and nonprime lands, Farmland Security Zone lands and lands undergoing nonrenewal of the contract.

4

The DEIR states that implementation of the 2007 General Plan will result in the conversion of 6,874 acres of Williamson Act land to urban uses. The DEIR also indicates that 299 of the 6,874 acres designated for conversion, are located within the Spheres of Influence of the County's incorporated cities. The Department suggests the FEIR breakdown the 6,874 acres to the number of Williamson Act prime and nonprime acres. Additionally, the FEIR could include a table that provides readers a breakdown of where conversion of Williamson Act acreage is expected, i.e. 40 Williamson Act prime acres in the City of Castroville.

Thank you for the opportunity to comment on the DEIR. If you have questions on our comments, or require technical assistance or information on agricultural land conservation, please contact Adele Lagomarsino at 801 K Street, MS 18-01, Sacramento, California 95814; or, phone (916) 445-9411.

Sincerely,



Dan Otis
 Program Manager
 Williamson Act Program

cc: State Clearinghouse



STATE OF CALIFORNIA - THE RESOURCE AGENCY
DEPARTMENT OF FISH AND GAME

<http://www.dfg.ca.gov>
Central Region
1234 East Shaw Avenue
Fresno, California 93710
(559) 243-4005

S-3



Monterey County
Planning and Building
Inspection Administration

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February 3, 2009

Carl Holm
Resource Management Agency –
Planning Department
County of Monterey
168 West Alisal, 2nd Floor
Salinas, California 93901

Subject: Draft General Plan 2007 (DGP)
Draft Environmental Impact Report (DEIR)
SCH No. 2007121001

Dear Mr. Holm:

The Department of Fish and Game has reviewed the Monterey County Draft General Plan 2007 and the Draft Environmental Impact Report (DEIR) which addresses the adoption of the General Plan Update. We recognize this draft represents a monumental effort to update the 1982 General Plan and commend the County on its efforts to address the challenges of balancing various and competing needs into the foreseeable future. We endorse the guiding objectives of the DGP, and offer comments with the intent of supporting implementation of those objectives.

1

The Department's comments are focused on helping the County identify and conserve the unique and characteristic natural resources found throughout Monterey County. We recognize the desirability of concentrating growth into those areas where there is existing or planned infrastructure and insuring the continued viability of agricultural lands in the County. We believe both these objectives are consistent with the objective of protection of areas of important natural resources. We offer the following comments to aid in general plan implementation and protection of public trust resources.

California Environmental Quality Act (CEQA) Authority: The Department is a Trustee Agency with the responsibility under CEQA for commenting on projects that could impact fish and wildlife resources. Pursuant to Fish and Game Code Section 1802, the Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. As a Trustee Agency for fish and wildlife resources, the Department is responsible for providing, as available, biological expertise to review and comment on environmental documents and impacts arising from project activities, as those terms are used under CEQA.

2

Conserving California's Wildlife Since 1870

Carl Holm
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Habitat Connectivity: The Department supports incorporating open space goals and policies to provide for habitat connectivity between conservation lands within the County and between neighboring counties. California's Wildlife Action Plan (<http://www.dfg.ca.gov/wildlife/wap/report.html>) directs us to work with local agencies to protect large, relatively unfragmented habitat areas, wildlife corridors, and under-protected ecological community types. The Department recommends a comprehensive approach to producing a map of existing and potential open space areas and a wildlife corridor system to connect those areas.

The Western Governor's Association (WGA) recently recognized the importance of maintaining wildlife corridors and crucial wildlife habitat with a 2007 policy resolution entitled "Protecting Wildlife Migration Corridors and Crucial Wildlife Habitat in the West." The WGA 2008 "Wildlife Corridors Initiative Report" summarized the importance of open spaces and wildlife corridors: "Large, intact and functioning ecosystems, healthy fish and wildlife populations, and public access to natural landscapes contribute to the West's quality of life and economic well-being. Important wildlife movement corridors and crucial wildlife habitats within these landscapes are critical to maintaining these Western qualities". The full report can be found at (<http://www.westgov.org/wga/initiatives/corridors/index.htm>).

Development, agricultural conversion, and overuse of water resources increasingly isolate the County's open space areas and reduce their fish and wildlife habitat values. Many of the protected open space areas are too small to maintain viable isolated wildlife populations. In many cases, only the surrounding unprotected open space areas allow species to persist within the protected areas by providing larger habitat patches and corridors connecting to larger habitat patches. Maintaining species diversity within open spaces will require expanding protected areas and maintaining habitat connectivity between them. Incorporating wildlife corridors into the Conservation and Open Space Element would facilitate species conservation and, therefore, maintain the value of open space within Monterey County.

To facilitate conservation of habitat linkages, the Department recommends that the general plan include an overlay map of linkages required to maintain wildlife populations in protected areas and other important habitat patches which are likely to remain undeveloped. Without a map representing the important linkages, planning efforts are likely to slowly erode remaining habitat connectivity and result in projects with significant, unmitigated impacts. A general connectivity map can be developed without being parcel-specific. General plan policy should be developed to protect connectivity in the mapped linkages.

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Some important linkages to maintain and/or enhance include the following: Santa Lucia to Gabilan Mountains, Gabilan/Diablos to Santa Cruz Mountains, Santa Lucias to Fort Ord, and the Monterey Peninsula to Santa Lucias. The Department would be happy to work with you on mapping these linkages, identifying other important linkages, and developing effective policy for their maintenance.

3

Goal AG-4 Proposed Winery Corridors: The proposed winery corridors fall within San Joaquin kit fox range. Associated policy should include requirements to minimize habitat fragmentation. In addition to kit fox habitat connectivity, linkages are necessary to allow wildlife movement between river corridors and upland habitats, and between the Gabilan and Santa Lucia mountain ranges.

Where a project has the potential to inhibit wildlife movements, it should be designed to minimize the potential impacts to wildlife movement. To reduce crop damage and subsequent depredation permit requests to the Department, policy should require fencing to limit deer access to any new vineyards. General Plan policies should also require that any wire mesh fencing in San Joaquin kit fox range be constructed of mesh not smaller than six (6) by six (6) inches at ground level or other designs which are permeable to kit fox. General Plan policies for winery corridors should require breaks every 0.25 miles to allow passage of all wildlife where winery projects would fragment wildlife habitat.

4

Goal AG-5: Goal AG-5 promotes compatibility between agricultural uses and environmental resources, specifically soils and water quality. We support this goal and request that policies under AG-5 also promote compatibility between agricultural uses and biological resources. The DEIR identifies substantial impacts to biological resources resulting from anticipated agricultural expansion under the proposed General Plan. For example, the DEIR anticipates the loss of 7,709 acres of annual grasslands, due to development, and 7,536 acres due to agricultural conversion, with no means currently identified to compensate for San Joaquin kit fox habitat losses.

5

Goal OS-5: This proposed goal would "Conserve designated critical habitat for listed plant and animal species designated as federal or state threatened or endangered species and critical habitats designated in area plans." The Department recommends clarifying the term "critical habitat," revising this goal and subsequent policies to be consistent with the CEQA definition of "endangered, rare, or threatened species," and reevaluating the reference to area plan species lists since the area plans do not appear to contain species lists.

6

"Critical habitat" is a Federal designation applied to some Federally listed species. It applies only to Federal projects. The United States Fish and Wildlife Service (USFWS)

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has not designated critical habitat for many Federally listed species. The State has no equivalent designation for State-listed species.

While the Department supports the goal of conserving critical habitat, we note that this goal and its supporting policies seem to misinterpret "critical habitat"—applying it to State-listed species, species designated by area plans, and Federally listed species which may have no critical habitat designation. Policies OS-1.7, 1.8, 5.1, 5.17, refer to different classes of resources with "critical habitat." This may lead to confusion when policies are applied to projects. Clarification of the term "critical habitat" and revising the goals and policies to reflect the CEQA definition of "endangered, rare, or threatened," may aid in more effective general plan implementation.

The CEQA Guidelines define "endangered, rare, or threatened" in Section 15380. Since the DGP is a "project," as defined by CEQA, and an intent of CEQA is to avoid, minimize, and (as a last resort) compensate for impacts to endangered, rare, or threatened species, Goal OS-5 should be consistent with the CEQA definition. The CEQA definition includes all species listed under the State and Federal Endangered Species Acts as well as those species which meet the criteria in Section 15380(b). For example, the California Native Plant Society maintains lists of rare species which meet the criteria for CEQA consideration, but are not on State or Federal endangered species lists.

The proposed OS-5 language referring to species listed in area plans is problematic because the area plans presented in the DGP do not designate species or critical habitats to be conserved. If the area plans will contain lists, they should be consistent with the CEQA definition of "endangered, rare, or threatened" as discussed above. Species which may not meet the criteria in Section 15380(b), but are of local importance, can be included in addition to those which meet the CEQA criteria. The area plans should also recognize that the status of species will change over time; any area plan lists should not be considered static.

Policy OS-5.4: This goal relies on the USFWS to prescribe mitigation measures for projects which affect critical habitat. This may be problematic because Federal critical habitat designations apply only to Federal projects. We are unaware of any mechanism that would require the USFWS to consult on non-Federal actions which may affect critical habitat. The Department recommends developing a general plan policy which parallels the Federal Endangered Species Act critical habitat regulations by requiring the County and its applicants to develop mitigation which avoids destroying or adversely modifying critical habitat.

Carl Holm
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Mitigation Measure BIO-1.3 and Policy OS-5.6: Mitigation measure BIO-1.3 in the DEIR and policy OS-5.6 in the DEIR require biological surveys only for projects which the County determines would affect special status species or sensitive natural communities. This may lead to a biological survey requirement only when special status species are already known to occur on a project site. The Department recommends that this measure and policy be revised to require that biological surveys should be required to *determine if* projects would affect biological resources.

One reasonable trigger may be to require biological surveys when a project would disturb or remove naturally occurring (including naturalized) vegetation. Such a policy would correspond with the botanical survey guidelines developed by the Department (<http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/guideplt.pdf>). Other circumstances may also warrant biological surveys even when naturally occurring vegetation would not be disturbed or removed, such as when building demolition could result in the loss of important bat roosts and the direct "take" of bats. Adopting a general plan policy to hire biological staff may aid in determining appropriate biological studies for each project.

Requiring surveys to determine if a project would affect biological resources, rather than requiring surveys when it is already known that a project may affect biological resources, would strengthen subsequent CEQA reviews in the following ways:

- assist in determining whether projects which would normally be categorically exempt may not be exempt because of location or a reasonable possibility of a significant effect (CEQA Guidelines §15300.2 (a) and (c)); circumstances which would go undetected in the absence of biological surveys
- assist in establishing baselines for CEQA reviews as required by CEQA Guidelines Section 15125
- assist in disclosing the impacts of a project
- assist in conserving biological resources which are currently undocumented

Policy OS-5.12: This policy requires Department consultation for impacts to "Areas of Special Biological Significance" (ASBS). While we support the underlying intent to protect these areas and would participate in discussions of impacts to them, please note that these areas are designated by the State Water Resources Control Board. The extents of ASBSs do not represent the range of species and natural communities which should be addressed in CEQA analyses. As a Trustee Agency for fish and wildlife resources, the Department is responsible for providing, as available, biological expertise to review and comment on environmental documents and impacts arising from all CEQA project activities.

Carl Holm
February 3, 2009
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Affordable Housing Overlay Area for the Monterey Airport and Vicinity: The Department requests that the area identified for affordable housing near the Monterey Airport be reconsidered. The area bounded by State Route 68, Olmstead Road, Via Malpaso, and the unnamed drainage to the east is an intact coastal terrace prairie dominated by native perennial grasses. The combination of this plant community with the mima-mound topography found on-site is exceptionally rare, often associated with rare endemic plant species, and typically comprises wetlands as defined by the California State Fish and Game Commission. This particular site is known to support several endemic, special status plant species, some of which indicate seasonal wetlands in coastal prairies:

Table 1. Special-Status Plant Species Known to Occur at the Affordable Overlay Area for the Monterey Airport and Vicinity

Species	Common Name	Status
<i>Allium hickmanii</i>	Hickman's onion	CNPS 1B.2
<i>Cordylanthus rigidus</i> ssp. <i>littoralis</i>	seaside bird's beak	SE, CNPS 1B.1
<i>Piperia yadonii</i>	Yadon's piperia	FE, CNPS 1B.1
<i>Trifolium polyodon</i>	Pacific Grove clover	SR, CNPS 1B.1
<i>Trifolium buckwestiorum</i>	Santa Cruz clover	CNPS 1B.1

SE: State Endangered; FE: Federal Endangered; SR: State Rare; CNPS 1B.1: California Native Plant Society seriously endangered in California; CNPS 1B.2 fairly endangered in California.

Development of this site may require an Incidental Take Permit, pursuant to Section 2080 of Department of Fish and Game Code. For State Rare species such as Pacific Grove clover, we currently do not have a mechanism to permit "take." The Department recommends that this site be managed for its significant natural resource values instead of being targeted for housing.

Lockwood Rural Center: The proposed Lockwood Rural Center boundaries include Critical Habitat for the Federal endangered vernal pool fairy shrimp (*Branchinecta lynchi*). The proposed rural center area south of Jolon Road, and a portion of the area north of Jolon Road and west of Lockwood-Jolon Road, overlaps entirely with Critical Habitat Unit 29A as designated by the USFWS. Designating this area as a rural center for development conflicts with the proposed general plan Goal OS-5, which would "conserve designated critical habitats..." In addition, much of the overlapping area appears to contain vernal pool and swale features. Please see our other comments above regarding Goal OS-5 and the use of the term "critical habitat."

Carl Holm
February 3, 2009
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Oak Tree Replacement: The North County and Carmel area plans require 1:1 oak tree replacement with 1-gallon plantings. The remaining area plans contain no oak tree replacement policies. All the planning areas contain oak woodlands. The Department recommends an oak woodland and oak tree policy for all planning areas. Policy should be developed to minimize or avoid the net loss of oak woodlands.

Tree planting mitigation ratios are typically greater than 1:1 to compensate for tree plantings which fail to reach maturity. Allowing a 1:1 ratio will likely lead to a net loss in trees, potentially resulting in unmitigated impacts.

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In addition, tree plantings alone may not mitigate the loss of an oak woodland. Therefore, we recommend developing policy which requires replacing areas of oak woodlands when a project displaces oak woodlands. Public Resources Code (PRC) Section 21083.4 outlines the tools available to offset significant oak woodland impacts. The Department encourages general plan policy which reflects the provisions of PRC Section 21083.4. The provisions include oak woodland conservation easements, replacement tree plantings with a seven-year maintenance period, restoration of degraded oak woodlands, and contributions to the Oak Woodlands Conservation Fund. The Department is willing to provide a letter of support should the County submit a grant proposal to obtain funds to develop an oak conservation element for the general plan, oak protection ordinance, or an oak woodland management plan, pursuant to the Oak Woodlands Conservation Act.

Mitigation Measure BIO-1.2: The Department supports this measure and encourages its implementation, which would require the County to develop a conservation plan to sustain the Salinas Valley San Joaquin kit fox population. A Natural Communities Conservation Plan may be an appropriate tool for the Salinas Valley and adjoining foothills.

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Thank you for the opportunity to comment on the 2007 General Plan and DEIR. If you have any questions regarding these comments, please contact Dave Hacker, Environmental Scientist, at 3196 Higuera Street, Suite A, San Luis Obispo, California 93401, by telephone at (805) 594-8152, or email at dhacker@dfg.ca.gov.

Sincerely,

Andrew G. Gordon, PhD

for Jeffrey R. Single, PhD.
Regional Manager

cc: See Page Eight

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Carl Holm
February 3, 2009
Page 8

cc: United States Fish and
Wildlife Service
2493 Portola Road, Suite B
Ventura, California 93003

ec: Terry Palmisano
Deb Hilliard
Linda Connolly
Jeff Cann
Department of Fish and Game



FACSIMILE LEADER PAGE

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California Department of Fish and Game
Central Region
Region 4
1234 East Shaw Avenue
Fresno, California 93710

INFO (559) 243-4017

FAX (559) 243-3004

DATE: 2/3/09 PAGE 1 OF 9

TO: Carl Holm

Monterey Co. Resource Management Agency

FAX: (831) 757-9516 PHONE: (831) 755-5025

FROM: Dave Hacker

INSTRUCTIONS: Original to follow by mail.

**DEPARTMENT OF FORESTRY AND FIRE PROTECTION****San Benito-Monterey Unit**

2221 Garden Road
 Monterey, California 93940
 (831) 333-2600 FAX: (831) 333-2660
 Website: www.fire.ca.gov



January 13, 2009

Carl Holm, Assistant Director
 RMA-Planning Department
 168 West Alisal Street
 Salinas, California 93901

Dear Mr. Holm:

This letter is in response to your request for comments on the Comprehensive Update of the 1982 Monterey County General Plan. The California Department of Forestry and Fire Protection (CAL FIRE) administrative unit charged with wildland fire protection in Monterey County is known as the San Benito—Monterey Unit. CAL FIRE provides wildland fire protection to 1.3 million acres of State Responsibility Area (SRA) from seven fire stations and one conservation camp located in Monterey County. In addition to the CAL FIRE equipment located within Monterey County, there are two air tankers, an aerial command aircraft and a helicopter located in adjacent San Benito County. The state funded fire equipment located in Monterey County is sufficient to meet the stated CAL FIRE goal of controlling 95% of SRA wild fires in the first burning period.

Structural fire protection in the county (Local Responsibility Area or LRA) is the responsibility of local government and is provided by various fire protection districts and special districts, of which five have contracts with CAL FIRE to manage and staff their departments. Pebble Beach Community Services District, Cypress Fire Protection District, Carmel Highlands Fire Protection District, Aromas Tri-County Fire Protection District, and South Monterey County Fire Protection District all contract with CAL FIRE.

As I am sure you are aware, the State Board of Forestry and Fire Protection (BOF/Board) is required by the Government Code (GC) Section 65302.5 to review and make recommendations on the fire safety element of general plan updates. The review and recommendations apply to general plans with SRA (Public Resources Code 4125) or Very High Hazard Severity Zones (VHFHSZ) (GC 51175).

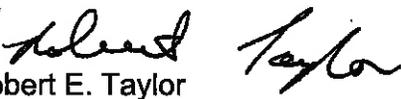
In order to assist you and your staff, I have attached a copy of the State Board of Forestry and Fire Protection General Plan Fire Safety Element Standard Recommendations. I am confident that you will find them useful in your revision process.

1

If I can be of further assistance, please do not hesitate to call.

Sincerely,

GEORGE W. HAINES
Unit Chief

By 
Robert E. Taylor
Assistant Chief

Attachment
cc: Brian Barrette
Chris Zimny

General Plan Fire Safety Element

Standard Recommendations

August 29, 2007

State Board of Forestry and Fire Protection



Contents

Purpose and Background

Methodology for Review and Recommendations

Standard List of Recommendations

Purpose and Background: The State Board of Forestry and Fire Protection (BOF/Board) is required to review and make recommendations to the fire safety element of general plan updates in accordance with Government Code (GC) §65302.5. The review and recommendations apply to those general plans with State Responsibility Area (SRA) (Public Resources Code 4125) or Very High Fire Hazard Severity Zones (VHFHSZ) (GC 51175).

The statutory requirements for the Board review and recommendations pursuant to GC 65302.5 (a)(1) and (2), and (b) are as follows:

- ® "The draft elements... to the fire safety element of a county's or a city's general plan...shall be submitted to the Board at least 90 days prior to... the adoption or amendment to the safety element of its general plan [for each county or city with SRA or VHFHSZ]."
- ® "The Board shall... review the draft or an existing safety element and report *its written* recommendations to the *planning* agency *within 60 days of its receipt of the draft or existing safety element....*"
- *Prior to adoption of* the draft element..., the Board of Supervisors... shall consider the recommendations made by the Board... If the Board of Supervisors...determines not to accept all or some of the recommendations..., " the Board of Supervisors... shall communicate in writing to the Board its reasons for not accepting the recommendations.

Methodology for Review and Recommendations: The Board has created a standard list of fire protection evaluation factors and recommendations related to these factors. The factors and recommendations provide civic planners general plan goals and policies for mitigation of fire hazard and risks. The factors and recommendations were developed using CAL FIRE technical documents and input from local fire departments.

The recommendations on the attached list are the Board's general recommendations for any entity.. Each entity should evaluate their general plan using the factors and include the appropriate recommendations from the list.

Standard List of General Plan Safety Element Recommendations

I. General Plan References and Incorporates County or Unit Fire Plan: Yes Partial No

Recommendation: Identify, reference or create (if necessary) a fire plan for the entity. Plan should incorporate the general concepts and standards from any county fire plan, fire protection agency (federal or state) fire plan, and local hazard mitigation plan.

Recommendation: Ensure fire plans incorporated by reference into the GP contain evaluations of fire hazards, assessment of assets at risk, prioritization of hazard mitigation actions, and implementation and monitoring components.

2. Land Use Mannino:

2.1 Goals and policies include mitigation of fire hazard for future development. Yes Partial No

Recommendation: Ensure the fire safe development codes used as standards for fire protection for new development in the VHFHSZ portions of the entity's jurisdiction meet or exceed statewide standards used for State Responsibility Area in 14 California Code of Regulations Section 1270 et seq.

Recommendation: Include policies and recommendations that incorporate fire safe buffers and greenbelts as part of the development planning. Ensure that land uses designated near high or very fire hazard severity zones are compatible with wildland fire protection strategies/capabilities.

2.2 Disclosure of wildland urban interface hazards including Very High Fire Hazard Severity Zones designations and Communities at Risk designations: Yes Partial No

Recommendation: Specify whether the entity has a VHFHSZ designation and include a map of the zones. Clearly indicate any area designated VHFHSZ pursuant GC 51175. Adopt CAL FIRE proposed Fire Hazard Severity Zones including model ordinance terms and conditions developed by the Office of the State Fire Marshal for establishing VHFHSZ areas.

3. Kousiino:

3.1 Incorporation of current fire safe building codes. Yes Partial No

Recommendation: Adopt the International Fire Code Council Urban Interface Model Code for new development in wildland urban interface areas in State Responsibility Areas or local Very

High Fire Hazard Severity Zones. Adopt newly proposed Title 24 CCR Midland Urban Interface Building Codes.

- 3.2 Identification of substandard fire safe housing relative to fire hazard area. Yes Partial No

Recommendation: Identify plans and actions to improve substandard housing structure conformance with contemporary fire standards in VHFHSZ or SRA. Plans and actions should include structural rehabilitation, occupancy reduction, demolition, reconstruction, community education, and community based solutions.

- 3.3 Compatibility of development, construction and building standards relative to access, flammability and fire flow. Yes Partial No

Recommendation: Ensure existing residential structures, and other "legacy" substandard residential structures, meet current fire safe ordinances pertaining to access, water flow, signing, and vegetation clearing.

- 3.4 Consideration of occupancy category effects on wildfire protection. Yes Partial No

Recommendation: Ensure risks to uniquely occupied structures, such as seasonally occupied homes, multiple dwelling structures, or other structures with unique occupancy characteristics, are considered for appropriate and unique wildfire protection needs.

- 3.5 Urban development and wildfire encroachment resistance features. Yes Partial No

Recommendation: Ensure residential housing zoning provides minimum fire safe standards, particularly in VHSZ or SRA. For example, zone designations that allow less expensive housing should conform to contemporary fire safe building and development standards.

- 3.6 Fire engineering structures (sprinklers/alarms). Yes Partial No

Recommendation: Ensure new development proposals contain specific fire protection plans, actions or referenced codes for fire engineering features for structures in VHFHSZ. Examples include codes requiring automatic sprinklers in VHFHSZ.

4. Conservation and Open Space:

- 4.1 Identification of critical natural resource values relative to fire hazard areas.
 Yes Partial No

Recommendation: Determine maximum acceptable wildfire size and initial attack suppression success rates for protection of critical natural resources.

- 4.2 Inclusion of resource management activities to enhance protection of open space (prescribed burning, fuel breaks, vegetation thinning and removal). Yes Partial No

Recommendation: Provide vegetation management fire mitigation measures that provide protection of open space natural resources, reduce fire hazards to adjacent assets, and allow for safe fire suppression tactics.

- 4.3 Mitigation for unique pest, disease and other forest health issues leading to hazardous situations. Yes Partial No

Recommendation: Establish goals and policies that address unique pest, disease, exotic species and other forest health issues in open space areas relative to reducing fire hazard.

- 4.4 Integration of open space into fire safety effectiveness. Yes Partial No

Recommendation: Establish goals and policies for reducing the wildland fire hazards within the entity's boundaries and on adjacent private wildlands, federal lands, vacant residential lots, and greenbelts. Wildland fuels should be treated in those areas to reduce the intensity of fires. Identify goals and policies for engaging adjacent wildland owners regarding hazard mitigation plans on lands with fire hazards that threaten the entity.

- 4.5 Policies for dedication, construction and maintenance of systematic fire protection improvements in open space. Yes Partial No

Recommendation: Establish goals and policies for incorporating, systematic fire protection improvements for open space. Specifics should include standards for adequate access for firefighting, fuel modifications for open space within and on the perimeter of the entity, mitigation planning with agencies managing open space, water sources for fire suppression, and other fire prevention and suppression needs.

- 4.6 Urban forestry plans relative to fire protection: Yes Partial No

Recommendation: Ensure residential areas have appropriate fire resistant landscapes and discontinuous vegetation adjacent to open space or wildland areas.

Recommendation: Evaluate and resolve existing laws and local ordinances which conflict with fire protection requirements. Examples include conflicts with vegetation hazard reduction ordinances and listed species habitat protection requirements.

5. Circulation and Access:

- 5.1 Existing and planned transportation system incorporates requirements for designs that minimize wildfire damage to natural resources and minimizes hazards to human life.

Yes Partial No

Recommendation: Incorporate adequate access for firefighting, especially for existing legacy" neighborhoods in VHFHSZ, SRA. Goals for standards for access should be consistent to those in 14 CCR 1270.

- 5.2 Adequacy of existing and future transportation system to incorporate fire infrastructure elements such as turnouts, helispots and safety zones. Yes Partial No

Recommendation: Establish goals and policies for transportation system fire infrastructure elements or otherwise reference appropriate supporting documents where these topics are addressed.

- 5.3 Adequate access to high hazard areas. Yes Partial No

Recommendation: Establish goals and policies that delineate high hazard areas, establish adequate access that meets or exceeds standards in 14 CCR 1270 for lands with no structures, and maintaining conditions of access in a suitable fashion for suppression access or public evacuation.

- 5.4 Standards for evacuation of residential areas in high hazard areas. Yes Partial No

Recommendation: Goals and policies should be established to delineate residential evacuation routes and evacuation plans in high fire hazard residential areas.

6. Hazard Mapping and Fire Safe Regulations:

- 6.1 Fire Hazard Mapping Designations Yes Partial No

Recommendation: Specify whether the entity has an official VHFHSZ designation and include a map of the zones. Clearly indicate any VHFHSZ pursuant GC 51175. Adopt CAL FIRE proposed Fire Hazard Severity Zones.

Adopt or incorporate local fire safe ordinances which meet or exceed standards similar to those in 14 CCR § 1270 for State Responsibility Area. Yes partial No

Recommendation: Establish goals and policies for specific ordinances addressing evacuation and emergency vehicle access; water supplies and fire flow; fuel modification for defensible space; and home addressing and signing.

- 6.3 Geographic specific mitigation measures for fuel modification and fire risk reduction.
 Yes Partial No

Recommendation: Establish goals and policies that identify structures that have adequate fuel modification or other features that provide adequate fire fighter safety when tactics call for protection of a specific asset (i.e. which houses are safe to protect).

- 6.4 Fuel Modification around homes. Yes Partial No

Recommendation: Establish ordinances in VHFHSZ for vegetation fire hazard reduction around structures that meet or exceed the Board of Forestry and Fire Protection's Defensible Space Guidelines, (http://www.bof.fire.ca.gov/pdfs/Copvof4291finalguideelines9_29_06.pdf) for SRA.

- 6.5 Adequacy of defense zones. Yes Partial No

Recommendation: Establish goals and policies for wildfire defense zones for emergency services including fuel breaks, back fire areas, or other staging areas that support safe fire suppression activities.

7. Emergency Services:

- 7.1 Map/description of existing emergency service facilities and areas lacking services:
 Yes Partial No

Recommendation: Include descriptions, maps, and standards for levels of emergency services. Review, develop or incorporate Local Agency Formation municipal services reviews for evaluating level of service, response times, equipments condition levels and other relevant emergency service information.

Recommendation: Incorporate goals and policies that establish emergency services consistent with state or national standards.

Recommendation: Ensure new development includes appropriate facilities to assist and support wildfire suppression.

- 7.2 Assessment and projection future emergency service needs: QD Yes Partial No

Recommendation: Establish goals and policies for new development emergency service needs and ensure appropriate levels of service are established consistent with state or national standards.

- 7.3 Adequacy of training. Yes Partial No

Recommendation: Establish goals and policies for emergency service training that meets or exceeds state or national standards.

- 7.4 Inter-fire service coordination preparedness/mutual aid and multi jurisdictional fire service agreements. Yes Partial No

Recommendation: Adopt the Standardized Emergency Management Systems for responding to large scale disasters requiring a multi-agency response. Ensure and review mutual aid and cooperative agreements with adjoining emergency service providers.

8. Post Recovery and Maintenance: The Recovery and Maintenance recommendations address an opportunity for the community and landowners to re-evaluate land uses and practices that affect future wildfire hazards and risk.

- 8.1 Reevaluate hazard conditions. Yes Partial No

Recommendation: Incorporate goals and policies that provide for reassessment of fire hazards following wildfire events. Adjust fire prevention and suppression needs commensurate for both short and long term fire protection needs. Develop bum area recovery plans that incorporate comprehensive recovery and fire safe maintenance.

- 8.2 Incorporate wildlife habitat//endangered species considerations. Yes Partial No

Recommendation: Establish goals and policies for consideration of wildlife habitat//endangered species into long term fire area recovery and protection plans.

- 8.3 Native species reintroduction. Yes Partial No

Recommendation: Incorporate native species habitat needs as part of long term fire protection and fire restoration plans.

- 8.4 Evaluation of redevelopment. Yes Partial No

Recommendation: In High and Very hazardous areas, ensure redevelopment utilizes state of the art fire resistant building standards with 100 foot set backs (when possible) to ensure adequate defensible space is maintained around structures.

- 8.5 Long term maintenance of fire hazard reduction mitigation projects Yes Partial No

Recommendation: Provide polices and goals for maintenance of fire hazard reduction projects, activities, or infrastructure.

9. Flood and Landslides: Recommendations for flood and landslides hazards, risks and vulnerabilities relative to past wildfire should be developed to mitigate potential losses to life, human assets and critical natural resources.

- 9.1 Establish flood and landslide vulnerability areas related to post wildfire conditions.
 Yes Partial No

Recommendation: Establish goals and policies that address the intersection of flood /landslide/post fire bum areas into long term public safety protection plans. These should include treatment assessment of fire related flood risk to life, methods to control storm runoff in bum areas, revegetation of bum areas, and drainage crossing debris maintenance.

10. Terrorist Preparedness and homeland security impacts on wildfire protection:

These recommendations are included to ensure that terrorist preparedness actions do not substantially increase fire risk or unduly restrict emergency response.

- 10.1 Communication channels during incidences. Yes Partial No

Recommendation: Establish goals and policies consistent with the Governor's Blue Ribbon Fire Commission of 2005 for communications and interoperability. Example goals and policies should address fire personnel capability to communicate effectively across multiple frequency bands and update and expansion of current handheld and mobile radios used on major mutual aid incidents.

- 10.2 Fire prevention barriers. Yes Partial No

Recommendation: Identify goals and policies that address vital access routes that if removed would prevent fire fighter access (bridges, dams, etc.). Develop an alternative emergency access plan for these areas.

- 10.3 *Prioritizing asset protection from fire with lack of suppression forces.* Yes Partial No

Recommendation: Identify and prioritize protection needs for assets at risk in the absence of response forces.

Recommendation: Establish fire defense zones that provide adequate fire protection without dependency on air attack.

End Standard Recommendations (version 8/29/07)



Department of Toxic Substances Control



Linda S. Adams
Secretary for
Environmental Protection

Maureen F. Gorsen, Director
8800 Cal Center Drive
Sacramento, California 95826-3200



Arnold Schwarzenegger
Governor

October 31, 2008

Mr. Carl Holm
Planning Manager
Monterey County Planning Department
168 W. Alisal Street, 2nd Floor
Salinas, California 93901

REVIEW OF THE MONTEREY COUNTY 2007 GENERAL PLAN (AMENDED) DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR), SCH #2007121001 DATED SEPTEMBER 2008

Dear Mr. Holm:

Thank you for providing the Department of Toxic Substances Control (DTSC) the opportunity to review the *Monterey County 2007 General Plan Draft Environmental Impact Report* dated September, 2008.

DTSC is the State's lead agency for the environmental cleanup and realignment of closing military bases and maintains jurisdiction over all hazardous substance and hazardous waste issues with the exception of petroleum contamination. The basis for DTSC's regulatory authority is found in California Health and Safety Code, Division 20, Chapters 6.5 (Hazardous Waste Control), Chapter 6.8 (Hazardous Substances Account Act), and California Code of Regulations, Title 22, Division 4.5.

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DTSC generally reviews the environmental documents to determine whether the proposed project could have potential impact on public health and worker safety because of the possible presence of residual chemical contaminants and/or munitions and explosives of concern (MEC).

Mr. Carl Holm
October 31, 2008
Page 2

Please ensure that any reuse planned for property on the former Fort Ord facility is consistent with the approved Fort Ord Reuse Plan dated June 1997. This is the document that the regulators use to ensure cleanup levels support reuse of various parcels.

2

The comments below were previously submitted to your agency for the 2006 General Plan DEIR. These are being resubmitted to ensure completeness of our review.

Table 1-2 Executive Summary Table, Mitigation Measure 4.3 Water Resources.

Volatile Organic Compounds and other contaminants have been found to impact the groundwater resources at numerous sites in Monterey County, and the most notable is the former Fort Ord. Although the Fort Ord and Monterey Peninsula Airport prohibition zones and the associated County Ordinance are mentioned briefly in Section 4.3 (Page 4.3-72) of the DEIR, DTSC encourages the County to research the extent of groundwater impacts that have been identified in Monterey County. For instance, the former Fort Ord drinking water wells have been impacted with low concentrations of Trichloroethene (TCE). These other organic contaminants should be added to mitigation measure Table 1-2 and other appropriate tables throughout the document. Information with respect to the status of the former Fort Ord cleanup program can be found at www.fortordcleanup.com. You can also view various Land Use Covenants for groundwater use restrictions for Fort Ord on the DTSC's web page, www.envirostor.dtsc.ca.gov

3

Section 4.3.4, Page 4.3-100 Well Competition and Adverse Well Interference.

This section describes the impacts of wells in close proximity or adjacent to each other that can be thought of as competing for the same groundwater resources. It should be noted that interference with groundwater contaminant plumes should also be avoided. If upon pumping, the cone of depression interferes with a contaminated groundwater plume, adverse effects will result.

4

Section 4.13, Hazards and Hazardous Materials. The presence of MEC has been identified in the former Fort Ord area. The MEC areas are being identified, evaluated and remediated by the Army, although DTSC feels that MEC should be listed as a hazardous material on page 4.13-2. In addition, the Army feels that reasonable and prudent actions be taken when performing intrusive activities on the former Fort Ord site. The Army recommends that construction personnel involved in intrusive activity attend MEC recognition and safety training as offered by the Army in accordance with Record of Decision, No Further Action Related to Munitions and Explosives of Concern

5

Mr. Carl Holm

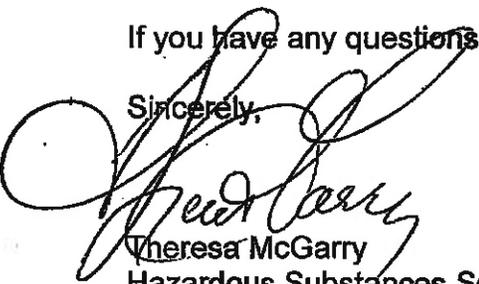
October 31, 2008

Page 3

Track 1 Sites, February 2005. The Army requires to be notified, by the landowner, prior to the start of planned intrusive activities. The link for registering for this training can be found at www.fortordcleanup.com. 5

If you have any questions, please feel free to contact me at (916) 255-3664.

Sincerely,



Theresa McGarry

Hazardous Substances Scientist

Sacramento Office

Brownfields and Environmental Restoration Program

cc: Ms. Gail Youngblood
Fort Ord BRAC Environmental Coordinator
Department of the Army
Environmental and Natural Resources
Post Office Box 5004
Presidio of Monterey, California 93944-5004

Mr. Grant Himebaugh
Regional Water Quality Control Board
Central Coast Region
895 Aerovista Place, Suite 101
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Mr. Guenther Moskat
California CEQA Tracking Center
1001 I Street, 25th Floor
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Sacramento, California 95812-0806

DEPARTMENT OF TRANSPORTATION

50 HIGUERA STREET
 SAN LUIS OBISPO, CA 93401-5415
 PHONE (805) 549-3101
 FAX (805) 549-3077
 TDD (805) 549-3259
<http://www.dot.ca.gov/dist05/>

S-6



*Flex your power!
 Be energy efficient!*

October 28, 2008

SCH#: 2007121001

Carl Holm
 County of Monterey, Resource Management Agency
 168 West Alisal Street, 2nd Floor
 Salinas, CA 93901-2680

RE: 2007 MONTEREY COUNTY GENERAL PLAN

Dear Mr. Holm:

The California Department of Transportation (Caltrans), District 5, has reviewed the 2007 General Plan Draft Environmental Impact Report and offers the following comments.

GENERAL COMMENTS

1. Caltrans supports the county's adoption of the Regional Development Impact Fee Program that originated from the Transportation Agency for Monterey County's 2005 Nexus Study, and its use for the mitigation of cumulative regional traffic impacts in Monterey County. The program is consistent with both California Environmental Quality Act (CEQA) guidelines and Caltrans objectives, assuming that project-specific impacts will continue to be addressed on a case-by-case basis to determine appropriate mitigation. Impacts to mainline transportation facilities must be considered in addition to access points. 1
2. Caltrans supports local development that is consistent with State planning priorities intended to promote equity, strengthen the economy, protect the environment, and promote public health and safety. We accomplish this by working with local jurisdictions to achieve a shared vision of how the transportation system should and can accommodate interregional and local travel and development. 2
3. Because Caltrans is responsible for the safety, operations, and maintenance of the State transportation system, our Level of Service (LOS) standards are used to determine the significance of the project's impact. We endeavor to maintain a target LOS *at the transition between LOS C and LOS D* on all State transportation facilities. In cases where a State facility is already operating at an unacceptable LOS, the Department would consider additional trips to be a potentially significant cumulative traffic impact, and they should be addressed. The methodologies used to calculate the LOS should be consistent with the methods in the current version of the *Highway Capacity Manual*. Also, some of the general assumptions that may have been used to calculate LOS for this report may be suitable for 3

- planning purposes, but should not be used for design and operations decisions (assumptions may include an average shoulder width, average frequency of driveways or turn lanes, etc.). | 3
4. The Transportation Agency for Monterey County conducts traffic counts in April and August each year, and may be coordinating their counts with the Santa Cruz County Regional Transportation Commission, the Council of San Benito County Governments, and the Association of Monterey Bay Area Governments (AMBAG). This type of data is valuable for AMBAG's regional travel demand model. If it has not already been done, AMBAG should be contacted to discuss coordinated count efforts with the County of Monterey. | 4
5. The network of Amtrak thruway buses that pass through Monterey County and connect to the intercity rail lines should be mentioned, along with their impact on regional traffic. | 5
6. We support the conclusions in the Transit Oriented Development (TOD) alternative, noting that funding for the second and third tier (Bus Rapid Transit and Light Rail) will be difficult to obtain. Furthermore, it should be noted that lower frequency and lower quality service is unlikely to yield successful TOD. The assumptions about transit system characteristics must be reviewed thoroughly before any conclusions can be drawn about regional impacts on either traffic or land development. | 6

SPECIFIC COMMENTS

1. The definition of archaeology should not be limited to prehistoric resources, and archaeological resources can be older than 10,000 years (4.10.2). | 7
2. Please include a discussion of the Salinan Indians, whose main territory is Monterey County (4.10.2.2). | 8
3. The citation of "California Register of Historic Places" should actually be "California Register of Historical Resources" (4.10.3.1). | 9
4. The second sentence of the Open Space and Conservation Element has one unclear clause: "on such matters archaeological resources." Also, the term "Native American descendants" should be replaced with "Native Americans" (4.10-17). | 10
5. Please include the proposed bicycle bridge over the Salinas River (Spreckels Boulevard/Reservation Road Bicycle Path and Bridge). | 11
6. On page 4.6-39, there is a statement suggesting that an increase in county truck volume from 12,600 to 18,600 per day would be insignificant in terms of capacity-related impacts. The potential significant impacts of such a change should be considered, noting that there are very few north-south and east-west shipping corridors in the region, and that impacts may be regional in nature. | 12

2007 Monterey County General Plan
October 28, 2008
Page 3

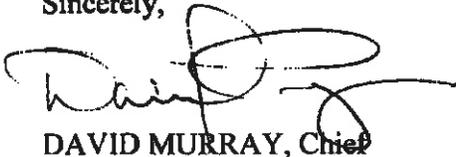
7. In reference to the above comment, we suggest a policy that encourages placement of agricultural processing, industrial and manufacturing oriented land uses adjacent to existing or probable railroad spurs, yards, and sidings. There is no discussion of the possibility of an intermodal transfer facility for freight containers on trains. Planning strategies today that align shipping modes in future years will provide opportunities to growers and shippers when the economics of increased rail use (as a business framework) and the economics of climate change and air quality requirements (in a regulatory framework) set the conditions to compel rail use. The environmental benefits of transferring freight from truck to rail can be substantial, with one full freight train eliminating 280 trucks or 1100 cars from regional roadways. The American Association of State Highway and Transportation Officials (AASHTO) *Freight-Rail Bottom Line Report*, which provides the source figure of 4 to 5 trucks per rail car, may be found at <http://freight.transportation.org> or <http://www.go21.org>.

13

District 5 staff will continue to be committed to working closely with you to achieve a shared vision of how the transportation system should and can accommodate interregional and local travel.

If you have any questions, or need further clarification on items discussed above, please do not hesitate to contact David Kuperman at (805) 549-3131 or david_kuperman@dot.ca.gov.

Sincerely,



DAVID MURRAY, Chief
District 5 North Region

cc: Nick Papadakis (AMBAG)
Debbie Hale (TAMC)

2007 Monterey County General Plan
October 28, 2008
Page 4

Bcc: Steve Price
Aileen Loe
Tim Gubbins
Gary Ruggerone
Doug Heumann
Dave Murray
Chris Shaeffer
Dan Herron
Paul McClintic
Judy Lang



ARNOLD SCHWARZENEGGER
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



CYNTHIA BRYANT
DIRECTOR

October 29, 2008

Monterey County
Planning and Building
Inspection Administration

OCT 31 2008

RECEIVED

Carl Holm
Monterey County
168 W. Alisal Street, 2nd Floor
Salinas, CA 93901-2680

Subject: 2007 Monterey County General Plan
SCH#: 2007121001

Dear Carl Holm:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on October 28, 2008, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Terry Roberts
Director, State Clearinghouse

Enclosures
cc: Resources Agency

**Document Details Report
State Clearinghouse Data Base**

SCH# 2007121001
Project Title 2007 Monterey County General Plan
Lead Agency Monterey County

Type EIR Draft EIR
Description Note: Supplement/Subsequent, Program EIR
 The General Plan serves as the blueprint for growth in unincorporated inland areas of Monterey County by designating land for various urban and non-urban uses including agricultural, commercial, industrial, residential, and public/quasi-public. GP 2007 carries over most of the policies and land use designations that composed GP 2006, with a number of key revisions. The following describes GP 2007, with items that represent a change from GP 2006 marked with an asterisk or listed under "Other GP 2007 Provisions."

Lead Agency Contact

Name Carl Holm
Agency Monterey County
Phone (916) 755-5103 **Fax**
email
Address 168 W. Alisal Street, 2nd Floor
City Salinas **State** CA **Zip** 93901-2680

Project Location

County Monterey
City Carmel-by-the-Sea
Region
Lat / Long
Cross Streets
Parcel No.

Township	Range	Section	Base
----------	-------	---------	------

Proximity to:

Highways multiple
Airports multiple
Railways multiple
Waterways multiple
Schools multiple
Land Use This is an update to the 1982 General Plan effective county-wide. Various zoning and land use designations

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Cumulative Effects; Drainage/Absorption; Economics/Jobs; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Growth Inducing; Landuse; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Septic System; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Wildlife

Reviewing Agencies Resources Agency; Department of Conservation; Department of Fish and Game, Region 4; Cal Fire; Department of Parks and Recreation; Office of Emergency Services; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 5; Department of Housing and Community Development; Air Resources Board, Transportation Projects; Regional Water Quality Control Board, Region 3; Native American Heritage Commission; Public Utilities Commission

Data Received 09/05/2008 **Start of Review** 09/05/2008 **End of Review** 10/28/2008

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-4082
(916) 657-5390 - Fax

September 12, 2008

Clear
10-28-08
e



Carl Holm
County of Monterey, Resource Management Agency
168 West Alisal Street, 2nd Floor
Salinas, CA 93901-2680

RE: SCH#2007121001 2007 Monterey County General Plan; Monterey County.

Dear Mr. Holm:

The Native American Heritage Commission (NAHC) has reviewed the Notice of Completion (NOC) referenced above. The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of an historical resource, which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA Guidelines 15064(b)). To comply with this provision the lead agency is required to assess whether the project will have an adverse impact on historical resources within the area of project effect (APE), and if so to mitigate that effect. To adequately assess and mitigate project-related impacts to archeological resources, the NAHC recommends the following actions:

- ✓ Contact the appropriate regional archaeological information Center for a record search. The record search will determine:
 - If a part or all of the area of project effect (APE) has been previously surveyed for cultural resources.
 - If any known cultural resources have already been recorded on or adjacent to the APE.
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - If a survey is required to determine whether previously unrecorded cultural resources are present.
- ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
 - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological information Center.
- ✓ Contact the Native American Heritage Commission for:
 - A Sacred Lands File Check. USGS 7.5 minute quadrangle name, township, range and section required.
 - A list of appropriate Native American contacts for consultation concerning the project site and to assist in the mitigation measures. Native American Contacts List attached.
- ✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
 - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
 - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
 - Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

Sincerely,

Katy Sanchez
Katy Sanchez
Program Analyst

CC: State Clearinghouse



STATE OF CALIFORNIA

GOVERNOR'S OFFICE of PLANNING AND RESEARCH

STATE CLEARINGHOUSE AND PLANNING UNIT



ARNOLD SCHWARZENEGGER
GOVERNOR

CYNTHIA BRYANT
DIRECTOR

November 5, 2008

Monterey County
Planning and Building
Inspection Administration

NOV 07 2008

RECEIVED

Comments rec'd on 11/6/08

Carl Holm
Monterey County
168 W. Alisal Street, 2nd Floor
Salinas, CA 93901-2680

Subject: 2007 Monterey County General Plan
SCH#: 2007121001

Dear Carl Holm:

The enclosed comment (s) on your Draft EIR was (were) received by the State Clearinghouse after the end of the state review period, which closed on October 28, 2008. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document.

The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project.

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-named project, please refer to the ten-digit State Clearinghouse number (2007121001) when contacting this office.

Sincerely,

Terry Roberts
Senior Planner, State Clearinghouse

See S-5

Enclosures
cc: Resources Agency



Department of Toxic Substances Control



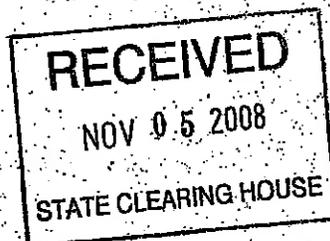
Arnold Schwarzenegger
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Secretary for
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Maureen F. Gorse, Director
8800 Cal Center Drive
Sacramento, California 95826-3200

October 31, 2008

Mr. Carl Holm
Planning Manager
Monterey County Planning Department
168 W. Alisal Street, 2nd Floor
Salinas, California 93901



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REVIEW OF THE MONTEREY COUNTY 2007 GENERAL PLAN (AMENDED) DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR), SCH #2007121001 DATED SEPTEMBER 2008

Dear Mr. Holm:

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Mr. Carl Holm
October 31, 2008
Page 2

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Section 4.3.4, Page 4.3-100 Well Competition and Adverse Well Interference.

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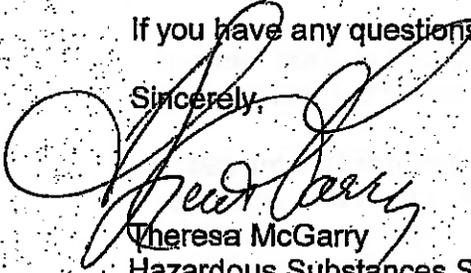
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Mr. Carl Holm
October 31, 2008
Page 3

Track 1 Sites, February 2005. The Army requires to be notified, by the landowner, prior to the start of planned intrusive activities. The link for registering for this training can be found at www.fortordcleanup.com.

If you have any questions, please feel free to contact me at (916) 255-3664.

Sincerely,



Theresa McGarry
Hazardous Substances Scientist
Sacramento Office
Brownfields and Environmental Restoration Program

cc: Ms. Gail Youngblood
Fort Ord BRAC Environmental Coordinator
Department of the Army
Environmental and Natural Resources
Post Office Box 5004
Presidio of Monterey, California 93944-5004

Mr. Grant Himebaugh
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California CEQA Tracking Center
1001 I Street, 25th Floor
Post Office Box 806
Sacramento, California 95812-0806



STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



ARNOLD SCHWARZENEGGER
GOVERNOR

CYNTHIA BRYANT
DIRECTOR

November 5, 2008

Monterey County
Planning and Building
Inspection Administration

NOV 07 2008

RECEIVED

Comments rec'd on 11/6/08

Carl Holm
Monterey County
168 W. Alisal Street, 2nd Floor
Salinas, CA 93901-2680

Subject: 2007 Monterey County General Plan
SCH#: 2007121001

Dear Carl Holm:

The enclosed comment (s) on your Draft EIR was (were) received by the State Clearinghouse after the end of the state review period, which closed on October 28, 2008. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document.

The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project.

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-named project, please refer to the ten-digit State Clearinghouse number (2007121001) when contacting this office.

Sincerely,

See S-5

Terry Roberts
Senior Planner, State Clearinghouse

Enclosures
cc: Resources Agency



Department of Toxic Substances Control



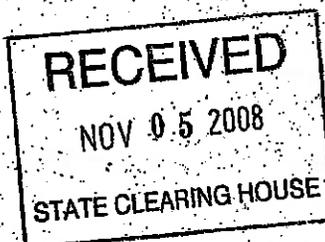
Arnold Schwarzenegger
Governor

Linda S. Adams
Secretary for
Environmental Protection

Maureen F. Gorsen, Director
8800 Cal Center Drive
Sacramento, California 95826-3200

October 31, 2008

Mr. Carl Holm
Planning Manager
Monterey County Planning Department
168 W. Alisal Street, 2nd Floor
Salinas, California 93901



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E

REVIEW OF THE MONTEREY COUNTY 2007 GENERAL PLAN (AMENDED) DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR), SCH #2007121001 DATED SEPTEMBER 2008

Dear Mr. Holm:

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Mr. Carl Holm
October 31, 2008
Page 2

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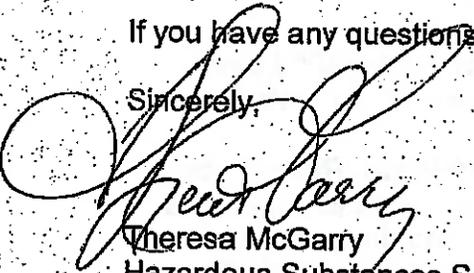
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Mr. Carl Holm
October 31, 2008
Page 3

Track 1 Sites, February 2005. The Army requires to be notified, by the landowner, prior to the start of planned intrusive activities. The link for registering for this training can be found at www.fortordcleanup.com.

If you have any questions, please feel free to contact me at (916) 255-3664.

Sincerely,



Theresa McGarry
Hazardous Substances Scientist
Sacramento Office
Brownfields and Environmental Restoration Program

cc: Ms. Gail Youngblood
Fort Ord BRAC Environmental Coordinator
Department of the Army
Environmental and Natural Resources
Post Office Box 5004
Presidio of Monterey, California 93944-5004

Mr. Grant Himebaugh
Regional Water Quality Control Board
Central Coast Region
895 Aerovista Place, Suite 101
San Luis Obispo, California 93401

Office of Planning and Research
State Clearinghouse
1400 Tenth Street
Post Office Box 3044
Sacramento, California 95812-3044

Mr. Guenther Moskat
California CEQA Tracking Center
1001 I Street, 25th Floor
Post Office Box 806
Sacramento, California 95812-0806



STATE OF CALIFORNIA

GOVERNOR'S OFFICE of PLANNING AND RESEARCH

STATE CLEARINGHOUSE AND PLANNING UNIT



ARNOLD SCHWARZENEGGER
GOVERNOR

CYNTHIA BRYANT
DIRECTOR

December 3, 2008

Carl Holm
Monterey County
168 W. Alisal Street, 2nd Floor
Salinas, CA 93901-2680

Subject: 2007 Monterey County General Plan
SCH#: 2007121001

See S-5

Dear Carl Holm:

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Sincerely,

Terry Roberts
Director, State Clearinghouse

Enclosures

cc: Resources Agency

Document Details Report
State Clearinghouse Data Base

S-8b
See S-5

SCH# 2007121001
Project Title 2007 Monterey County General Plan
Lead Agency Monterey County

Type EIR Draft EIR
Description Note: Supplement/Subsequent, Program EIR.
The General Plan serves as the blueprint for growth in unincorporated inland areas of Monterey County by designating land for various urban and non-urban uses including agricultural, commercial, industrial, residential, and public/quasi-public. GP 2007 carries over most of the policies and land use designations that composed GP 2006, with a number of key revisions. The following describes GP 2007, with items that represent a change from GP 2006 marked with an asterisk or listed under "Other GP 2007 Provisions."

Lead Agency Contact

Name Carl Holm
Agency Monterey County
Phone (916) 755-5103
email
Address 168 W. Alisal Street, 2nd Floor
City Salinas
Fax
State CA **Zip** 93901-2680

Project Location

County Monterey
City Carmel-by-the-Sea
Region
Lat / Long
Cross Streets
Parcel No.

Township	Range	Section	Base
----------	-------	---------	------

Proximity to:

Highways multiple
Airports multiple
Railways multiple
Waterways multiple
Schools multiple
Land Use This is an update to the 1982 General Plan effective county-wide. Various zoning and land use designations

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Cumulative Effects; Drainage/Absorption; Economics/Jobs; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Growth Inducing; Landuse; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Septic System; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Wildlife

Reviewing Agencies Resources Agency; Department of Conservation; Department of Fish and Game, Region 4; Cal Fire; Department of Parks and Recreation; Office of Emergency Services; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 5; Department of Housing and Community Development; Air Resources Board, Transportation Projects; Regional Water Quality Control Board, Region 3; Native American Heritage Commission; Public Utilities Commission; Department of Toxic Substances Control

Date Received 09/05/2008 **Start of Review** 09/05/2008 **End of Review** 12/02/2008

Note: Blanks in data fields result from insufficient information provided by lead agency.



Department of Toxic Substances Control

Maureen F. Gorsen, Director
8800 Cal Center Drive
Sacramento, California 95826-3200



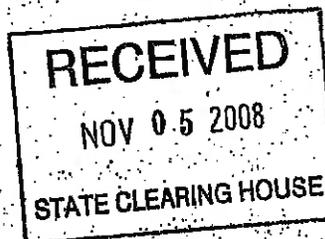
Arnold Schwarzenegger
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Linda S. Adams
Secretary for
Environmental Protection

October 31, 2008

Mr. Carl Holm
Planning Manager
Monterey County Planning Department
168 W. Alisal Street, 2nd Floor
Salinas, California 93901



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E

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Mr. Carl Holm
October 31, 2008
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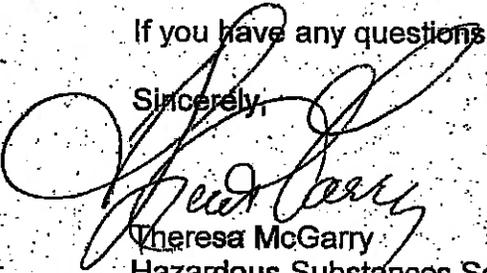
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October 31, 2008
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Hazardous Substances Scientist
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cc: Ms. Gail Youngblood
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Mr. Guenther Moskat
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Sacramento, California 95812-0806



Monterey County

Item No.37

Board Report

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legistar File Number: A 20-245

July 07, 2020

Introduced: 6/17/2020

Current Status: RMA Administration -
Consent

Version: 1

Matter Type: BoS Agreement

- a. Approve a Memorandum of Understanding (MOU) between the City of Salinas and the County of Monterey in the amount of \$204,000.00 for County to fund that portion of the East Laurel Pedestrian Improvements Project fronting County property; and
- b. Authorize the Resource Management Agency Director to sign the MOU.

RECOMMENDATIONS:

It is recommended that the Board of Supervisors:

- a. Approve a Memorandum of Understanding (MOU) between the City of Salinas and the County of Monterey in the amount of \$204,000.00 for County to fund that portion of the East Laurel Pedestrian Improvements Project fronting County property; and
- b. Authorize the Resource Management Agency Director to sign the MOU.

SUMMARY:

The City of Salinas (City) is in process of bidding their East Laurel Pedestrian Improvements Project, which is located in the City of Salinas, with a portion of the project across the County's Laurel Yard property at 855 E. Laurel Drive. The scope consists of streetlights, pedestrian lights, rehabilitation of existing path, installation of an Americans with Disabilities Act (ADA) curb ramp and extension to trail, and minor striping.

As part of the Project, the City would construct pedestrian improvements along East Laurel Drive that is owned by the County. These pedestrian improvements are part of the County's Capital Improvement Program and the County has identified funds to fund that portion of the improvements fronting County property. The proposed MOU establishes the roles and responsibilities for this collaborative project with the County contributing \$204,000 and issuing an encroachment permit to the City (no fee).

DISCUSSION:

Monterey County Resource Management Agency (RMA) staff have been collaborating with the City in the development of their proposed project to construct pedestrian improvements along East Laurel Drive (Project). The proposed pedestrian improvements extend along the frontage of County-owned land at 855 East Laurel Drive.

The City's East Laurel Pedestrian Improvements Project includes constructing streetlights, pedestrian lights, rehabilitation of existing path, installation of an Americans with Disabilities Act (ADA) curb

ramp and extension to trail, and minor striping. The City shall provide design services, bidding services, and construction management and administrative functions. In return, the County proposes to collaborate with the City on the Project's construction and issue an encroachment permit to the City (no fee) and pay for the portion on the County's property.

The City performed the environmental review (Initial Study/Mitigated Negative Declaration [IS/MND]) pursuant to the California Environmental Quality Act (CEQA) for this project. Project plans and specifications have been completed and are solicited for construction bids from construction contractors. It is anticipated that bids will be opened on June 9, 2020. The City anticipates awarding the project to the lowest responsive and responsible bidder, for construction to commence late summer 2020.

OTHER AGENCY INVOLVEMENT:

RMA has collaborated with the City staff in drafting the Agreement and developing terms for said Agreement. The Office of the County Counsel has reviewed and approved the Agreement as to form.

FINANCING:

The estimate for the cost for the County portion of the project, including administrative services and construction management, are approximately \$204,000. This project is part of the County's Capital Improvement Program (CIP), for approximately \$204,000 in Fiscal Year (FY) 2020-21. The funds for the Project were programmed into the Annual Work Program for Road Fund and sufficient appropriations are available in the Road Fund, Fund 002, Appropriation Unit RMA012, funded by Transient Occupancy Tax (TOT).

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

The Project is a pedestrian improvement project intended to increase pedestrian safety along East Laurel Drive.

- Economic Development
- Administration
- Health & Human Services
- Infrastructure
- Public Safety

Prepared by: Randell Y. Ishii, M.S., P.E., P.T.O.E., Chief of Public Works (831) 784-5647

Reviewed by: Shawne Ellerbee, Deputy Director of Administrative Services of RMA

Approved by: Carl P. Holm, AICP, RMA Director *JD for CH*

Attachments:

Attachment A -Memorandum of Understanding



Monterey County

Item No.37

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Prepared by: Randell Y. Ishii, M.S., P.E., P.T.O.E., Chief of Public Works (831) 784-5647

Reviewed by: Shawne Ellerbee, Deputy Director of Administrative Services of RMA

Approved by: Carl P. Holm, AICP, RMA Director *for CH*

Attachments:

Attachment A -Memorandum of Understanding



STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
 STATE CLEARINGHOUSE AND PLANNING UNIT



ARNOLD SCHWARZENEGGER
 GOVERNOR

CYNTHIA BRYANT
 DIRECTOR

December 3, 2008

Carl Holm
 Monterey County
 168 W. Alisal Street, 2nd Floor
 Salinas, CA 93901-2680

Subject: 2007 Monterey County General Plan
 SCH#: 2007121001

See S-5

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Sincerely,

Terry Roberts
 Director, State Clearinghouse

Enclosures
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Linda S. Adams
Secretary for
Environmental Protection

Department of Toxic Substances Control

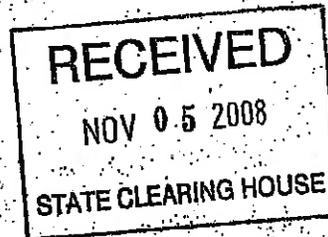
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October 31, 2008

Mr. Carl Holm
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10-28-08
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Mr. Carl Holm
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Section 4.3.4, Page 4.3-100 Well Competition and Adverse Well Interference.

This section describes the impacts of wells in close proximity or adjacent to each other that can be thought of as competing for the same groundwater resources. It should be noted that interference with groundwater contaminant plumes should also be avoided. If upon pumping, the cone of depression interferes with a contaminated groundwater plume, adverse effects will result.

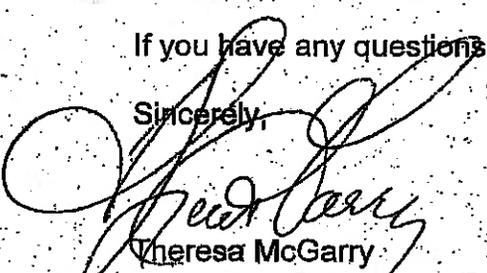
Section 4.13, Hazards and Hazardous Materials. The presence of MEC has been identified in the former Fort Ord area. The MEC areas are being identified, evaluated and remediated by the Army, although DTSC feels that MEC should be listed as a hazardous material on page 4.13-2. In addition, the Army feels that reasonable and prudent actions be taken when performing intrusive activities on the former Fort Ord site. The Army recommends that construction personnel involved in intrusive activity attend MEC recognition and safety training as offered by the Army in accordance with Record of Decision, No Further Action Related to Munitions and Explosives of Concern

Mr. Carl Holm
October 31, 2008
Page 3

Track 1 Sites, February 2005. The Army requires to be notified, by the landowner, prior to the start of planned intrusive activities. The link for registering for this training can be found at www.fortordcleanup.com.

If you have any questions, please feel free to contact me at (916) 255-3664.

Sincerely,



Theresa McGarry
Hazardous Substances Scientist
Sacramento Office
Brownfields and Environmental Restoration Program

cc: Ms. Gail Youngblood
Fort Ord BRAC Environmental Coordinator
Department of the Army
Environmental and Natural Resources
Post Office Box 5004
Presidio of Monterey, California 93944-5004

Mr. Grant Himebaugh
Regional Water Quality Control Board
Central Coast Region
895 Aerovista Place, Suite 101
San Luis Obispo, California 93401

Office of Planning and Research
State Clearinghouse
1400 Tenth Street
Post Office Box 3044
Sacramento, California 95812-3044

Mr. Guenther Moskat
California CEQA Tracking Center
1001 I Street, 25th Floor
Post Office Box 806
Sacramento, California 95812-0806



S-8c
See S-1



STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT

ARNOLD SCHWARZENEGGER
GOVERNOR

CYNTHIA BRYANT
DIRECTOR

February 5, 2009

Monterey County
Planning and Building
Inspection Administration

FEB 10 2009

RECEIVED

Carl Holm
Monterey County
168 W. Alisal Street, 2nd Floor
Salinas, CA 93901-2680

Subject: 2007 Monterey County General Plan
SCH#: 2007121001

Dear Carl Holm:

The enclosed comment (s) on your Draft EIR was (were) received by the State Clearinghouse after the end of the state review period, which closed on February 2, 2009. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document.

The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project.

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-named project, please refer to the ten-digit State Clearinghouse number (2007121001) when contacting this office.

Sincerely,

Terry Roberts
Senior Planner, State Clearinghouse

Enclosures

cc: Resources Agency

[Faint, illegible text, likely bleed-through from the reverse side of the page]



CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-1883
FAX: (831) 427-4877

S-8c
See S-1

RECEIVED
FEB 04 2009
STATE CLEARING HOUSE

See S-1
late
2-2-09
Claw

2007121001

Carl Holm, Assistant Director
Monterey County Planning Department
168 West Alisal Street, 2nd Floor
Salinas, CA 93901

Subject: Monterey County 2007 General Plan Draft EIR

Dear Mr. Holm:

Thank you for the opportunity to comment on the Draft Program Environmental Impact Report (EIR) for the Monterey County 2007 General Plan. Please note that we have previously provided comments on the earlier version of the EIR (letter of April 2, 2004), on the Notice of Preparation for the EIR for the 2006 General Plan document (letter of March 14, 2006), on the Draft EIR for the 2006 General Plan document (letter dated October 16, 2006), and on the General Plan drafts themselves, including, most recently our letter of July 25, 2006. Please continue to consider those previous comments as the County moves forward with subsequent General Plan drafts and environmental review. The purpose of this letter is not to reiterate those past comments, but rather to provide some general feedback regarding the relationship of the General Plan to the Local Coastal Program (LCP) and related CEQA documents.

As we have noted previously, we understand it is not the County's intent to use any part of the General Plan document as the basis for an LCP amendment or update. We further understand that any such LCP update amendments pursued by the County will be pursued separately in the future through their own planning processes. As a result, and due to ongoing budget and staffing shortfalls, we have not thoroughly reviewed the current documents, preferring instead to allot our available review time to future coastal zone documents and proposals. However, despite indications in the text that the General Plan and EIR are meant to cover only the inland portions of the County, cursory review of the EIR document indicates that a significant amount of data collection appears to have been included for the coastal zone portion of the County, and is represented in various exhibits, tables, and text throughout the document (e.g., the Biological Resources chapter shows and describes vegetation cover, special-status species, and habitats in the entire County). Although we understand the need to provide overall context in the EIR, given the County's stated position regarding the General Plan's lack of relationship to the coastal zone, we have not reviewed this information in relation to coastal zone resources and potential LCP updates and/or amendments related thereto. Please clarify if our understanding is incorrect, and the EIR/General Plan is intended to form the basis for future LCP planning. If so, we may have more comments for you.

In any event, we look forward to seeing a revised final EIR that addresses these and previous comments that we have submitted. Please contact me if you have any questions or would like to discuss our comments further.

Sincerely,



Katie Morange
Coastal Planner

cc: OPR Clearinghouse
AMBAG Clearinghouse



California Regional Water Quality Control Board

Central Coast Region



Linda Adams
Secretary for
Environmental
Protection

Internet Address: <http://www.swrcb.ca.gov/rwqcb3>
895 Aerovista Place, Suite 101, San Luis Obispo, California 93401
Phone (805) 549-3147 • FAX (805) 543-0397

Arnold Schwarzenegger
Governor

February 5, 2009

BY ELECTRONIC MAIL

Carl Holm
holmcp@co.monterey.ca.us
County of Monterey, Resource Management Agency
168 West Alisal Street, 2nd Floor
Salinas, CA 93901

Monterey County
Planning and Building
Inspection Administration

FEB 05 2009

RECEIVED

by e-mail 2-5-09
4:20pm

Dear Mr. Holm:

**DRAFT ENVIRONMENTAL IMPACT REPORT, 2007 MONTEREY COUNTY
GENERAL PLAN, MONTEREY COUNTY, SCH# 2007121001**

Thank you for the opportunity to review the Draft Environmental Impact Report (DEIR) for the 2007 Monterey County General Plan (General Plan). The Central Coast Regional Water Quality Control Board (Water Board) is a responsible agency under the California Environmental Quality Act (CEQA). Water Board staff understands that the project is a comprehensive update of the existing 1982 Monterey County General Plan.

General/Opening Comments

Water Board staff supports and commends Monterey County for developing the goals and policies contained within the General Plan addressing issues critical to effective watershed protection such as the development of sustainable water supplies, groundwater recharge area protection, stream setbacks, habitat protection, centralized development, water conservation and reuse, centralized wastewater treatment and recycling, and collaborative regional planning. The successful implementation of policies addressing these critical issues should effectively restore and protect water quality (i.e. help mitigate potential cumulative impacts from projected land use activities). Monterey County is on the forefront of addressing some of these critical issues.

In some cases, the DEIR does not appear to link policies within the General Plan that could be applicable to impacts as mitigation measures. Given the DEIR Executive Summary Table (1-2) is not specific regarding which General Plan goals and policies apply, and the environmental impact discussions within DEIR section 4 neglect to identify all applicable General Plan policies as mitigation measures, we must assume that all policies within the General Plan are binding mitigation measures pursuant to the DEIR. We did not attempt to identify and itemize General Plan policies as DEIR mitigation measures for each and every discussed "Issue/Impact." As such, our comments below are generally in the form of issue discussions accompanied by

California Environmental Protection Agency



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suggested modifications to or additional policies within the General Plan that should be implemented as measures to mitigate the environmental impact of General Plan implementation.

2

Sustainable Water Supply & Healthy Watershed Functions – General Comments

Water demand for the existing developed areas of Monterey County is currently not sustainable and is resulting in cumulative watershed (both surface and groundwater) impacts. This is alluded to in various portions of the DEIR Water Resources section¹. The DEIR indicates the development and implementation of new water sources, conjunctive use strategies, and conservation and reuse are required to meet future demand. However, the DEIR does not recognize that these measures along with the restoration and protection of existing water resources are required to meet existing demand in a sustainable manner. Monterey County must take more holistic approach to protect and manage its water resources. A holistic water resource management approach requires healthy watershed functions as the primary goals and includes metrics for meeting sustainable water supply demand. This holistic approach also includes a clear understanding of the interrelationships between surface and groundwater resources within and between each of the watersheds. The economic viability and environmental health of Monterey County (particularly the health of its watersheds) are intricately dependent on one another.

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Sustainable water supplies for future development can only be achieved within healthy functioning watersheds. Abundant and clean water does not exist in watersheds that do not function properly. Therefore, the goal for achieving sustainable water supplies to meet existing and future water demand should be met first and foremost through restoring and maintaining healthy watershed functions. We agree the potential impacts to water supply (surface waters and groundwater basins) are significant as a result of future growth within Monterey County. However, we are confident they are also avoidable (not unavoidable as indicated in the DEIR) should demand be met through sustainable practices and comprehensive watershed management programs that restore and maintain healthy watershed functions. The development of sustainable water supplies to meet future demand is predicated on restoring healthy watershed functions under existing developed conditions prior to placing additional demands on the already strained watersheds.

Healthy watersheds have physical and biological integrity, with conditions that are observable and measurable. Healthy watersheds meet all of the following conditions:

¹ The Seaside Aquifer and Pajaro Valley Groundwater Basin are currently in overdraft resulting in seawater intrusion and other water quality impacts associated with diminished assimilative capacity and concentration effects due to reduced aquifer volume and contaminant loading (primarily nutrients and salts). The Carmel River and Carmel River Lagoon riparian habitats are currently impacted as a result of California America Water Company's over allocation of approximately 10,730 acre-feet per year from the Carmel River which is the primary public water supply (approximately 75%) for most of the Monterey Peninsula. DEIR section 1.6.1.2 states: "The three major watersheds in the County (Salinas, Carmel and Pajaro Rivers) are all in state of overdraft." In addition, there are extensive and well documented nitrate impacts throughout the Salinas Valley.



- Rainfall surface runoff at pre-development levels;
- Watershed storage of runoff, through infiltration, recharge, baseflow, and interflow, at pre-development levels;
- Watercourse geomorphic regimes within natural ranges (stream banks are stable within natural range; sediment supply and transport within natural ranges); and
- Optimal riparian and aquatic habitats (including: stream flow, in-channel, water column, and biotic conditions).

Consequently, the restoration and maintenance of healthy watershed functions could be achieved by watershed management plans that:

- Maximize infiltration of clean storm water, and minimize runoff volume and rate;
- Protect riparian areas, wetlands, and their buffer zones;
- Minimize pollutant loading (to surface water and groundwater);
- Protect recharge areas;
- Maximize groundwater recharge (that will not result in groundwater impacts);
- Minimize and eliminate overdraft;
- Maintain surface water baseflows;
- Promote water conservation and reuse;
- Provide sufficient ongoing monitoring; and
- Provide long-term watershed protection.

The General Plan contains numerous goals and policies addressing various components of what Water Board staff would consider a comprehensive watershed management program. However, the DEIR and General Plan do not link them together as part of a long-term comprehensive watershed management strategy. The General Plan should include a clear strategy that considers healthy watershed functions as necessary to assure sustainable water supplies. The strategy should establish realistic goals that can be evaluated by measureable outcomes.

Regional Watershed Management

The water supply issues facing Monterey County require a collaborative and integrative approach to the development of sustainable water supplies. Monterey County's ongoing collaborative development and implementation of watershed management plans and groundwater management plans is discussed in section 4.3.3.2 of the DEIR and the DEIR proposes additional policies (PS-3.16, PS-3.17 and PS-3.18) under mitigation measures WR-1 and WR-2 for the collaborative development of new water supply projects. However, Water Board staff could not find any additional specific policies within the General Plan or mitigation measures within the DEIR specifically identifying regional watershed management as a priority. Water Board staff strongly supports Monterey County's current efforts in developing regional solutions to developing sustainable water supplies given they clearly identify management of the watersheds as ecosystems and not just that of a water [supply] resource.

DEIR Impact WR-3: Agricultural and resource development (i.e., limited timber harvesting and mineral resources extraction) land uses consistent with the General Plan would increase sediment and nutrients in downstream waterways and violate water quality standards. (Less-Than-Significant Impact):

To mitigate the environmental impacts of development consistent with the General Plan, the EIR should include a mitigation measure requiring Monterey County to conduct or require a third party to conduct a regional, collaborative [with San Luis Obispo County] fluvial geomorphology study of the Salinas River watershed to evaluate impacts associated with in-stream and off-channel sand and gravel mining and other activities.² This policy statement could fit in the General Plan under Mineral Resources Goal OS-2.

DEIR Impact WR-1: Residential, commercial, industrial, and public uses consistent with the 2007 General Plan would introduce additional nonpoint source pollutants to downstream surface waters, substantially degrading water quality. (Less-Than-Significant Impact):

To mitigate the environmental impacts of development consistent with the General Plan, the EIR should include a mitigation measure requiring Monterey County to add "Impacted soil and groundwater sites" to General Plan Public Services Policy PS-2.6.

DEIR Impact WR-4: Land uses and development consistent with the 2007 General Plan would exceed the capacity of existing water supplies and necessitate the acquisition of new supplies to meet expected demands (Significant and Unavoidable Impact);

DEIR Impact WR-6: Land uses and development consistent with the 2007 General Plan would increase demand on groundwater supplies in some areas; the associated increased well pumping would result in the continued decline of groundwater levels and accelerated overdraft. (Significant and Unavoidable Impact);

DEIR Impact BIO-2: Potential Adverse Effects on Sensitive Riparian Habitat, Other Sensitive Natural Communities and on Federal and State Jurisdictional Waters and Wetlands (Less Than Significant with Mitigation for 2030 Planning Horizon and Significant and Unavoidable with Mitigation for Buildout);

DEIR Impact BIO-3.1: Potential Disturbance and Loss of Native Fish and Wildlife Species Movement Corridors (Less than Significant with Mitigation for 2030 Planning Horizon and for Buildout):

To mitigate the environmental impacts of development consistent with the General Plan, the EIR should include a mitigation measure requiring Monterey County to develop a policy to continue the collaborative development and implementation of watershed

² See June 4, 2008 RWQCB letter to San Luis Obispo County Department of Planning and Building regarding: Viborg/Calkins Mitigated Negative Declaration (Conditional Use Permit ED07-082)

management plans³ and develop additional regional watershed management plans as necessary to assure healthy functioning watersheds and sustainable water supplies. All new watershed management plans or updates to existing plans shall include performance goals, metrics and monitoring specifically focused on restoring and maintaining healthy watershed functions. This policy statement could fit in the General Plan Public Services Policy statement under Water Quality and Supply Goal PS-2.

DEIR Impact WR-4, WR-6, BIO-2 and BIO-3.1:

To mitigate the environmental impacts of development consistent with the General Plan, the EIR should include a mitigation measure requiring Monterey County to develop a policy to continue the collaborative development and implementation of groundwater management plans and develop additional regional groundwater management plans as necessary to assure healthy functioning watersheds and sustainable water supplies. All new groundwater management plans or updates to existing plans shall include performance goals, metrics and monitoring specifically focused on restoring and maintaining healthy watershed functions. This policy statement could fit in the General Plan Public Services Policy statement under Water Quality and Supply Goal PS-2.

DEIR Impact WR-7: Land uses and development consistent with the 2007 General Plan would increase demand on groundwater supplies in areas currently experiencing or susceptible to saltwater intrusion. Increased groundwater pumping in certain coastal areas would result in increased saltwater intrusion. (Significant and Unavoidable Impact);

DEIR Impact WR-9: Land uses and development consistent with the 2007 General Plan would result in an increase in the number of private wells in unincorporated areas of the county. Approval of wells in these areas would result in well interference impacts. (Less-Than- Significant Impact);

DEIR Impact WR-4, WR-6, BIO-2 and BIO-3.1:

To mitigate the environmental impacts of development consistent with the General Plan, the EIR should include a mitigation measure requiring Monterey County to modify General Plan Public Services Goal PS-3.15 as follows and include a realistic near term timeline for development and implementation of the proposed guidelines:

To ensure accuracy and consistency in the evaluation of water supply availability, Monterey County Health Department, in coordination with the MCWRA, shall develop guidelines and procedures for conducting water supply assessments and determining water availability. Water supply assessments shall be based on cumulative sustainable demand required to maintain healthy watershed functions (i.e. will not result in effects

³ Salinas River Watershed Management Action Plan; Carmel River Watershed Assessment and Action Plan; Pajaro Watershed Water Quality Management Plan; Pajaro River Watershed Integrated Regional Water Management Plan; Monterey Peninsula, Carmel Bay and South Monterey Bay Integrated Regional Water Management Plan.



on instream flows necessary to support riparian vegetation, wetlands, fish, and other aquatic life, including migration potential for steelhead) and to prevent overdraft and seawater intrusion. Adequate availability and provision of water supply, treatment, and conveyance facilities shall be assured to the satisfaction of Monterey County prior to approval of final subdivision maps or any changes in the General Plan Land Use or Zoning designations.

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DEIR Impact WR-1, WR-3 and WR-9:

To mitigate the environmental impacts of development consistent with the General Plan, the EIR should include a mitigation measure requiring Monterey County to actively participate in the development and implementation of the Salinas Valley groundwater nitrate study required pursuant to Senate Bill 1, Perata (Water quality, flood control, water storage, and wildlife preservation) adopted on September 30, 2008. This policy could fit in the General Plan Public Services Policy statement under Water Quality and Supply Goal PS-2.

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General Plan Public Services Goal PS-2: Assure an adequate and safe water supply to meet the county's current and long-term needs:

To mitigate the environmental impacts of development consistent with the General Plan, the EIR should include a mitigation measure requiring Monterey County to modify General Plan Public Services Goal PS-2 in the following manner:

11

Assure healthy functioning watersheds to provide an adequate, sustainable and safe water supply to meet the county's current and long-term needs.

Groundwater

Groundwater management is an integral component of watershed management given the interrelationships between surface water and groundwater quality and quantity. The primary groundwater quality and quantity issues within Monterey County are overdraft, seawater intrusion, contaminant loading [especially nitrate and salts] and recharge area protection. Water Board staff commends Monterey County for their current regional efforts and for developing goals and policies within the General Plan that address these issues. Subsequently, our recommended mitigation measures below are generally programmatic in nature and build upon the existing General Plan policies and various regional projects currently being developed or implemented by Monterey County.

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DEIR Impact WR-1 and WR-6:

To mitigate the environmental impacts of development consistent with the General Plan, the EIR should include a mitigation measure requiring Monterey County to develop a policy requiring project applicants for new development to identify and delineate groundwater recharge areas within the hydrologic influence of the proposed project. This policy statement could fit in the General Plan Water Quality and Supply Goal PS-2.

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Monterey County should use these data to update and maintain the Hydrologic Resources Constraints and Hazards Database within Monterey County Geographic Information System (GIS) identified in General Plan Public Services Policy statement PS-2.6.

13

DEIR Impact WR-1:

To mitigate the environmental impacts of development consistent with the General Plan, the EIR should include a mitigation measure requiring Monterey County to develop an ordinance prohibiting the siting of commercial and industrial facilities producing or handling hazardous chemicals (i.e. gas stations, dry cleaners, fertilizer/herbicide/pesticide facilities, etc.) within known groundwater recharge areas or sole source [water supply] aquifers. This policy could fit in the General Plan under Water Quality and Supply Goal PS-2.

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Wastewater Management- General Comments

To mitigate the environmental impacts of development consistent with the General Plan, in addressing wastewater, the EIR should include a mitigation measure requiring Monterey County to identify, assess, document, and address requirements of the Basin Plan and other surface water and groundwater protection policies established within Monterey County. Requirements of these plans and policies should protect surface water and groundwater beneficial uses and ensure proper wastewater treatment system planning, design, construction, operation, and maintenance mechanisms.

The Basin Plan emphasizes the pursuit of regional wastewater management and includes the following Management Principle (Chapter V, Section IIIB):

"The number of waste sources and independent treatment facilities shall be minimized and the consolidated systems shall maximize their capacities for wastewater reclamation, assure efficient management of, and meet potential demand for reclaimed water."

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That principle conforms to the Basin Plan goals (Chapter IV, Section 1):

"To manage municipal and industrial wastewater disposal as part of an integrated system of fresh water supplies to achieve maximum benefit of fresh water resources for present and future beneficial uses and to achieve harmony with the natural environment, and to continually improve waste treatment systems and processes to assure consistent high quality effluent based on best economically achievable technology."

To achieve Basin Plan goals and management principles, use of onsite septic systems should be minimized where a regional wastewater system is available. To mitigate the environmental impacts of development consistent with the General Plan, the EIR should

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include a mitigation measure requiring Monterey County to consider onsite systems as temporary measures until access to a regional wastewater system is feasible.

To mitigate the environmental impacts of development for 2030 and 2092 ("Buildout") consistent with the General Plan, the EIR should include a mitigation measure requiring Monterey County to have policies that: a) strongly favor new developments being annexed into regional Monterey County wastewater treatment system service areas, connected to the nearest urban or rural center collection system, or b) require Monterey County to build a new wastewater treatment system to meet the needs of the planned development. To justify a new wastewater treatment system, the Water Board would require: a) a detailed third party evaluation indicating connection to the nearest Monterey County regional, urban, or rural center wastewater and reclamation facility is not feasible, or b) Monterey County to develop a Water Board approved Urban Area Wastewater Master Plan.

It is the joint goal of the Water Board and the Monterey County Environmental Health Division (EHD) to protect water quality and public health from impacts associated with onsite wastewater discharges (i.e., septic systems). A memorandum of understanding (MOU) between the Water Board and the EHD has historically been in effect but is in the process of renewal. This MOU defines cooperative roles for the EHD and the Water Board with respect to compliance with the purpose and intent of statewide standards, Basin Plan criteria, and applicable local regulations governing onsite wastewater systems. The Water Board intends this MOU to assist in creation of a partnership between the Water Board and the EHD to protect water quality and public health in areas where the utilization of onsite wastewater systems occur. Under the MOU, the EHD shall ensure that the siting, design, approval, installation, operation, maintenance, and monitoring of all onsite wastewater systems shall be in conformance with Basin Plan requirements.

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To mitigate the environmental impacts to groundwater and surface water of development consistent with the General Plan, the EIR should include a mitigation measure requiring Monterey County to establish a policy requiring the renewal of and adherence to the MOU between the Water Board and EHD. The MOU should be updated as needed.

To mitigate the environmental impacts of development consistent with the General Plan, the EIR should include a mitigation measure requiring Monterey County to develop and implement an onsite wastewater management plan in urbanizing areas to investigate and mitigate long-term cumulative impacts resulting from continued use of onsite wastewater systems. The plan should be a comprehensive planning tool to specify onsite wastewater system limitations to prevent groundwater or surface water degradation.

Wastewater Management - Home Owner Associations and Community Service Areas

Our records indicate that Monterey County wastewater treatment systems, reclamation, and disposal facilities operated by home owners associations (HOAs), developers, or other similar private organizations have often lead to environmental impacts, since no

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responsible party is available to address the failing wastewater systems. Highland Sanitary Association and the various Las Palmas homeowners associations are noteworthy examples. The DEIR should address this environmental impact. The General Plan Public Service policies PS-4.3 and PS-4.7 do not establish criteria specifying that these organizations be omitted as an acceptable "provider" of new wastewater systems.

To mitigate the environmental impacts to surface water and groundwater from new wastewater systems developed under the General Plan, the EIR should include a mitigation measure requiring Monterey County to adopt an enforceable regulation prohibiting HOAs, developers, or other similar private organizations from being designated service provider, unless it is infeasible for Monterey County to establish a community service area (CSA) or similar public service provider. A CSA or similar should have the ability to levy additional fees as necessary to ensure an adequate funding and management structure is in place for operation and maintenance of the wastewater systems. At a minimum, mitigation measures should include policies that require financial guarantees (e.g., performance bonds) for the operation and maintenance of the system. Such systems also must be operated by an appropriately qualified and licensed operator. Property deed restrictions may be necessary in some instances to ensure adequate long term operation and maintenance.

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Wastewater Management - Salts Management

Salts (sodium, chloride, and total dissolved solids) loading from wastewater is a major cause of groundwater quality degradation. Salty wastewater also inhibits a community's ability to recycle water. The DEIR should address this environmental impact. To mitigate the environmental impacts of development consistent with the General Plan, the EIR should include a mitigation measure requiring Monterey County to adopt an enforceable regulation requiring all brine disposal to be performed offsite at a certified brine receiving facility, or be disposed of in a manner that will not have an effect on groundwater quality. In addition, mitigation measures for salt management should include a prohibition of self-regenerating water softeners (those which discharge salt) in all new development. These mitigation measures are key to reducing the environmental impacts of wastewater discharges.

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Wastewater Management - Water Recycling

In California Water Code Section 13510, the state legislature declares, "...that the people of the state have a primary interest in the development of facilities to recycle water containing waste to supplement existing surface and underground supplies and to assist in meeting the future water requirements of the state." The Water Board strongly encourages the use of recycled water for irrigation and other non-potable uses. To this end, the EIR should include a mitigation measure requiring Monterey County to be an active participant in the implementation of the adopted State Water Resources Control Board Water Recycling Policy⁴ by:

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⁴ Currently available for public review and pending approval at the February 3, 2009 State Water Resources Control Board meeting. Information available at: http://www.swrcb.ca.gov/water_issues/programs/water_recycling_policy/index.shtml



- a. Promoting and mandating water recycling for new development projects within Monterey County's jurisdiction.
- b. Actively participating in the locally driven and controlled collaborative process for the preparation of salt and nutrient management plans for each basin/sub-basin within Monterey County, including compliance with CEQA.

DEIR Impact WR-5: Land uses and development consistent with the 2007 General Plan would increase the demand for water storage, treatment, and conveyance facilities that would have significant secondary impacts on the environment (Significant and Unavoidable Impact);

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DEIR Impact WR-8: Land uses and development consistent with the 2007 General Plan would result in sewer- and septic-related water quality impacts, including those associated with reuse of treated water and migration of septic tank leachfield wastewater effluent to groundwater that would violate water quality standards. (Less-Than- Significant Impact)

To mitigate the environmental impacts of development consistent with the General Plan, the EIR should include a mitigation measure requiring Monterey County to include conservation and recycling in General Plan Public Services Statement PS-3.9.

Wastewater Management – Grey Water Ordinance

DEIR Impact WR-4 and WR-5:

To mitigate the environmental impacts of development consistent with the General Plan, the EIR should include a mitigation measure requiring Monterey County to include a policy to develop a countywide grey water ordinance in support of General Plan Public Services Policy Statement PS-3.10.

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Wastewater Management – Sewage Disposal

DEIR Impact WR-8:

To mitigate the environmental impacts of development consistent with the General Plan, the EIR should include a mitigation measure requiring Monterey County to update its sewage disposal ordinances contained within Chapter 15.20 of Monterey County Code to be consistent with the development of onsite wastewater management plans and the most current onsite wastewater system criteria with the Basin Plan.

21

Wastewater Management - Future Connection Mandates

22

State Water Resources Control Board proposed Water Recycling Policy addresses the following topics: benefits of recycled water; mandates for its use; interagency roles; collaborative development of basin/sub-basin salt/nutrient management plans; landscape irrigation projects including streamlined permitting; groundwater recharge projects; antidegradation; emerging constituents/chemicals of emerging concern; and incentives for the use of recycled water.

General Plan Public Service policies PS-4.5 and PS-4.6 require Monterey County staff to develop criteria and provide proof of the adequacy of wastewater treatment services for new facilities. These policies do not apply the requirement to existing satellite wastewater systems for possible future connections. Continuance of existing satellite wastewater treatment systems can have cumulative impacts to surface waters and groundwater. To mitigate for the environmental impacts of development consistent with the General Plan, the EIR should include a mitigation measure requiring Monterey County to include a Public Service policy stating existing satellite wastewater treatment systems must establish a connection to regional, urban, or rural center wastewater treatment system when these systems become available.

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In addition, the mitigation measure should require adoption of an enforceable regulation requiring any new development's wastewater collection system be tied into the nearest county regional, urban, or rural center wastewater treatment facility when available, followed up by abandonment of an existing satellite system, if applicable. Monterey County should require assurances that the existing wastewater system is capable of, and agrees to accept maximum projected wastewater flows from the project at ultimate build-out. These mitigating measures are key to reducing impacts to surface water and groundwater.

Agriculture – Stream Setback

DEIR Impact BIO-2:

According to the DEIR, existing agricultural land use is not considered a significant impact on Sensitive Riparian Habitat because of General Plan policies AG-5.1 and AG-5.2. These policies support programs and policies that reduce erosion and protect surface and ground water, but they do not directly protect Sensitive Riparian Habitat, other sensitive natural communities or federal and state jurisdictional waters and wetlands. To mitigate the environmental impacts of development consistent with the General Plan, the EIR should include a mitigation measure requiring Monterey County to develop policies that explicitly ensure the compatibility of agricultural uses and riparian and aquatic habitat.

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The stream setback ordinance required as mitigation for Impact BIO-2 would be a valuable measure to protect riparian habitat. The description of the mitigation measure recommends that the ordinance apply to discretionary development and to conversion of previously uncultivated agricultural land on slopes greater than 10% for erodible soils and greater than 15% for normal soil. To mitigate the environmental impacts of development consistent with the General Plan, the ordinance should apply to newly cultivated agricultural lands and conversion of existing agricultural uses to more intensive crops that may have greater impact on the environment, such as strawberries, nursery and greenhouse crops. Intensive agriculture has a high potential to impact riparian habitats on all slopes and soil types. The ordinance should remove slope as a requirement for applicability.



Agriculture – Food Safety and Environmental Protection

DEIR Impact BIO-3.1:

Environmental issues and impacts from agricultural land use are not acknowledged and assessed in the DEIR. The impacts of irrigated agriculture on biological resources have intensified in recent years because of food safety concerns, such as potential exposure of crops to pathogens such as E. Coli and salmonella. Some produce buyers have required growers to demonstrate and document that potential vectors for these pathogens such as wildlife and domestic live stock are excluded from production fields and that there are distinct zones between cultivated production and habitats. Currently, common food safety practices include the removal of vegetated buffers, installation of wildlife exclusionary fences along corridors, removal and trimming of riparian vegetation, installation of rodent and bird poison bait stations between habitats and fields, removal of trees and non-productive vegetation from field edges, and the draining or treating of reservoirs and basins.

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To mitigate the environmental impacts of development consistent with the General Plan, the EIR should include a mitigation measure requiring Monterey County to develop supporting policies that ensure safe food supplies and protection of environmental resources. Monterey County should develop a program that coordinates food safety and environmental protection requirements for growers.

Agriculture – Pesticides and Agency Coordination

DEIR Impact WR-3:

The DEIR Impact WR-3 summary states that nutrients and sediment in downstream waterways are impacts from agricultural land uses. Pesticides should be included along with sediment and nutrients. Several water bodies in Monterey County are on the Clean Water Act Section 303(d) list for impairments from pesticides. Recent water quality monitoring data for agricultural drainages in Monterey County indicate the presence of currently applied agricultural pesticides at concentrations that have been documented to cause toxicity to aquatic species.

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Policies in the Agricultural Land Use section of the General Plan support programs and policies that protect and enhance surface and ground water resources. In addition to supporting these programs, the EIR should include a mitigation measure requiring Monterey County to develop programs with County Agricultural Commissioner and Monterey County Water Resources Agency that work directly with agriculture to protect and enhance water quality from agricultural discharges. These programs should coordinate with the Water Board Conditional Waiver for Irrigated Agriculture Program and other Water Board programs.

Hydromodification

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Increased runoff from developed areas is the key cause of other adverse water quality and beneficial use effects. Attention to maintaining the pre-development hydrograph will prevent or minimize other problems and will limit the need for other analysis and mitigation.

Projects in Monterey County may be subject to the NPDES Phase II Municipal Stormwater Permit (Permit). The Permit requires new development and significant redevelopment projects to reduce runoff volume and pollutant load to the Maximum Extent Practicable (MEP). In most cases, MEP standards are not met by conventional site layouts, construction methods, and storm water conveyance systems with "end of pipe" basins and treatment systems that do not address the changes in volume and rates of storm water runoff and urban pollutants (including thermal pollution). Low Impact Development practices meet the MEP standard and are more effective at reducing pollutants in storm water runoff, at a reasonable cost.

Low Impact Development (LID) is an alternative site design strategy that uses natural and engineered infiltration and storage techniques to control stormwater runoff where it is generated. LID practices are dispersed across a site to minimize runoff. LID serves to preserve the hydrologic and environmental functions altered by conventional stormwater management. Water Board staff considers a project that includes all of the following elements to be a "Low Impact Development" project: runoff volume control, peak runoff rate control, and flow frequency duration control.

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DEIR Impact PSU-7: Development and land use activities contemplated in the General Plan may result in the need for new or expanded stormwater drainage facilities. (Less-Than-Significant Impact);

DEIR Mitigation Measure PS-1: Policy S-3.9 - require all future developments to implement the most feasible number of Low Impact Development (LID) techniques into their stormwater management plan. The LID techniques may include, but are not limited to, grassy swales, rain gardens, bioretention cells, tree box:

Properly implemented LID is appropriate mitigation to prevent adverse water quality and beneficial use effects from runoff of developed areas, not just to decrease the need for new or expanded stormwater drainage facilities. The stated mitigation measure looks at LID on a technique (understood to be a Best Management Practice) level. To be effective, LID needs to be invoked as a design approach and implemented into the early site design and planning phases.

A development that only incorporates some LID techniques into an otherwise conventional design would not likely achieve the water quality benefit that comes from a project that is designed using LID principles. To mitigate for the environmental impacts of the General Plan, the mitigation measure should require projects to contain all of these elements. The DEIR also does not document the potential cumulative environmental impacts to watershed hydrology from existing and other planned development in the area.



DEIR Impact WR-10: Land use and development consistent with the General Plan would result in alterations to existing drainage patterns. Such changes would increase erosion, both in overland flow paths and in drainage swales and creeks. (Less-Than-Significant Impact):

The DEIR discussion for WR-10 states that development consistent with the General Plan would result in a gradual increase in impervious cover. To mitigate for the environmental impacts of development consistent with the General Plan, the EIR should include a mitigation measure requiring Monterey County to implement a policy to limit the percentage of impervious cover for developments and to examine the effect of imperviousness on a watershed scale.

Detention ponds as a mitigation approach for hydrologic changes are not sufficient because they replace only a scant fraction of the storage capacity of hillslopes that was lost, convert what was once spatially distributed subsurface runoff into a point discharge at a surface water outfall, and reduce the rate and change the location of groundwater recharge and subsequent discharge⁵. To mitigate the environmental impacts of development consistent with the General Plan, the EIR should include a mitigation measure requiring Monterey County to require, where feasible, new development to be consistent with a Low Impact Development project as described above.

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DEIR Impact WR-11: Land uses and development consistent with the General Plan would result in increases in stormwater runoff and peak discharge. Existing storm drain systems, including urban creeks and rivers, may be incapable of accommodating increased flows, potentially resulting in increased onsite or offsite flooding. (Less-Than-Significant Impact):

General Plan Safety Element Policy S-3.1 requires post-development, offsite peak flow drainage limited to pre-development peak flow drainage. While controlling the peak flow is important for flood control and stream erosion, the environmental impacts of development consistent with the General Plan altering the hydrology are not sufficiently addressed by only limiting the peak flow. If one only controls the peak, the resulting drainage can cause downstream channel erosion/modification and impact water quality and fish habitat.

Riparian and Wetland Buffers

DEIR Impact BIO-2;

DEIR Mitigation Measure BIO-1.1: Baseline Inventory of Landcover, Special Status Species Habitat, Sensitive Natural Communities, Riparian Habitat, and Wetlands in Monterey County;

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⁵ Konrad, C. &, Booth, D. (2005). Hydrologic changes in urban streams and their ecological significance. *American Fisheries Society Symposium*, 47:157-177

DEIR Mitigation Measure BIO-2.1: Stream Setback Ordinance:

The functions of riparian corridors include streambank stability, sediment reduction, and flood protection. The EIR should include a mitigation measure requiring Monterey County to complete a Riparian Corridor Study in order to develop a riparian protection ordinance for Monterey County. In addition, Monterey County should establish realistic near term timelines for the implementation of mitigation measures BIO-1.1 and BIO-2.1 regarding the identification and mapping of critical habitat and the development of a countywide stream setback ordinance. (Note: These mitigation measures are currently required to restore and protect riparian habitat under existing developed conditions.) Mitigation measure BIO-2.1 should include the following language: "Monterey County shall coordinate with the Central Coast Regional Water Quality Control Board for the development and review of the county-wide stream setback ordinance."

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The proposed mitigation measure BIO-2.1 develops a stream setback ordinance but does not address setbacks to wetlands. Wetlands are both a highly productive and sensitive resources biologically, support a great diversity of plant and animal species, provide essential habitat for a high number of special-status species and serve critical water purification and groundwater recharge functions. Development setbacks are necessary around wetlands to provide a buffer to prevent disturbance of important wildlife habitat, and to filter sediments and pollutants from disturbed areas and urban runoff. To mitigate the environmental impacts of the proposed General Plan development, in addition to the proposed Stream Setback Ordinance, Monterey County should develop an ordinance for wetland setbacks. The Greater Monterey Peninsula Plan calls for a setback to wetlands. The remainder of Monterey County should have a similar wetland setback requirement. Development should be set back a minimum distance to protect the wetland and provide an upland buffer. Larger setbacks should apply to wetlands supporting special-status species or associated with riparian systems and lands under tidal influence.

Cumulative Impacts Analysis – Water Resources**DEIR Impact CUM-2: Surface Water Quality:**

The cumulative impacts analysis does not consider the interrelationships between groundwater and surface water quantity and quality. This is likely the result of the lack of a specific framework for the development and implementation of a long term watershed management strategy as part of the General Plan.

The incremental effects of the land use related impacts and increased water supply demand on "surface water quality" is "cumulatively considerable" not "less than cumulatively considerable" as stated under CUM-2 of the Executive Summary Table (2-1) and section 6.4.3.3 of the DEIR. Existing land use conditions and water supply demand has resulted not only in well documented surface water quality impacts, but also surface water quantity related impacts. Surface water quality impacts are primarily attributable to contaminant loading (i.e. sediment, nutrients, pathogens and herbicides/pesticides, etc.) and loss of riparian habitat (buffers). Water quantity related

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habitat impacts resulting in the loss or degradation of aquatic and riparian habitat are attributable to overdraft – both surface water diversion and groundwater pumping - and loss of recharge due to impervious surfaces and storm water runoff that result in decreased surface water and subsurface base flows. By virtue of the interrelationship between groundwater and surface water quantity and quality alone, a cumulative impacts analysis end point of "cumulatively considerable" for surface water quality would be anticipated. This would be in agreement with that of the cumulative impacts analysis results for groundwater quality.

The analysis outlined in DEIR section 6.4.3.3 only considers surface water quality related impacts and suggests cumulative surface water quality impacts will be primarily mitigated via the Water Board's implementation of TMDLs and the irrigated agriculture general waiver program, along with a handful of policy statements within the General Plan. We could evaluate the appropriateness of mitigation measures if the DEIR described the Monterey County measures that will be implemented to address TMDLs. Additional General Plan policies and mitigation measures related to storm water runoff, groundwater recharge, sustainable water supply development and stream setbacks also warrant discussion within the cumulative impacts analysis. Although we anticipate measurable success in mitigating additional surface water quality impacts with these programs/policies on a project by project basis, the potential cumulative impacts of all the land use related potential water quality impacts will go unchecked without a long term watershed management strategy that links them all together.

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In addition, for a long term watershed management strategy to be effective, it needs to be based on clearly identified performance goals and metrics for achieving them that are based on the physical, chemical and biological parameters of healthy watershed functions. Only then will Monterey County be able to provide long term sustainable water supplies for projected growth.

Monterey County's sweeping authority over land use practices and water supply is the primary controlling factor in mitigating potential water quality and quantity impacts on a watershed basis above. Therefore, the collaborative development and implementation of a successful long term watershed plan lies primarily within County oversight. That responsibility cannot be considered separately from the General Plan.

Thank you for your attention to this letter. We look forward to your responses in the EIR. If you have questions, or would like to meet to discuss these comments, please contact Jennifer Epp at (805) 594-6181, or Matt Thompson at (805) 549-3159.

Sincerely,

Lisa H. McCann

for Roger W. Briggs
Executive Officer

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California Environmental Protection Agency



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Monterey County

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February 5, 2009

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UNITED STATES DEPARTMENT OF COMMERCE
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October 17, 2008

In response refer to:
151416SWR2008SR00380

Monterey County
Planning and Building
Inspection Administration

OCT 20 2008

RECEIVED

Carl Holm, Assistant Director
Monterey County Planning Department
168 W. Alisal Street, 2nd Floor
Salinas, California 93901

Dear Mr. Holm:

Thank you for the opportunity to comment on the September 2008 Draft Environmental Impact Report (DEIR) for the 2007 Monterey County General Plan. NOAA's National Marine Fisheries Service (NMFS) received a notice seeking written comments on the DEIR on September 5, 2008. Our comments on the September 2008 DEIR for the 2007 Monterey County General Plan are provided below. Please also refer to our October 2, 2006, comments we provided to the Monterey County Planning Department on the County of Monterey's Draft Program Environmental Impact Report for the 2006 Monterey County General Plan.

Many rivers, streams, and creeks within Monterey County support federally-threatened South-Central California Coast (S-CCC) Distinct Population Segment (DPS) steelhead (*Oncorhynchus mykiss*; 71 FR 834). Many of these watercourses are designated as critical habitat for S-CCC steelhead (70 FR 52488). NMFS is responsible for the protection of S-CCC steelhead pursuant to the Federal Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 *et seq.*) and implementing regulations promulgated thereunder.

NMFS has determined the S-CCC steelhead DPS is suffering a significant decline in overall abundance and productivity, is becoming increasingly fragmented, and that four sub-populations have become or are nearly extirpated. These population trends in conjunction with the large scale anthropogenic influences (e.g., water diversions, the influences of large dams, agricultural practices [including irrigation], urbanization, loss of wetlands and riparian areas, roads, grazing, gravel mining, and logging) on habitat conditions lead to the conclusion that this DPS continues to decline toward extinction. Further adverse effects to steelhead and their designated critical habitat as a result of water use are of primary concern to NMFS relative to the DEIR.

Specific comments

Page 4.3-14 refers to "the central coast steelhead", but should be changed to South-Central California Coast steelhead.



Page 4.3-78 states, "Work in Salinas River and Arroyo Seco River channels is exempted if it is covered by a (U.S. Army Corps of Engineers) 5-year regional Section 404 permit, approved by the (California Department of Fish and Game), and approved by the (Monterey County Water Resources Agency)." This sentence is incorrect. The existing 5-year regional Section 404 permit expires on October 31, 2008, and does not include any channel maintenance activities in the Arroyo Seco River. We expect the Monterey County Water Resources Agency will apply for another 5-year regional Section 404 from the U.S. Army Corps of Engineers, which will require Federal Endangered Species Act consultation between NMFS and the U.S. Army Corps of Engineers; we do not expect the Monterey County Water Resources Agency will propose to authorize channel maintenance activities in the Arroyo Seco River.

Page 4.3-97: We support the development and adoption of a stream setback ordinance. Setbacks must be adequate to (1) sufficiently remove harmful human activities near watercourses, and (2) prevent the need for costly and invasive human interventions in the stream ecosystem. The stream setback ordinance should apply not only to those rivers and creeks listed on page 4.3-97, but to all watercourses supporting steelhead. We would like to work with Monterey County on the development of a stream setback ordinance because local regulations affecting stream corridor health and function directly affect our ability to conserve and protect steelhead and their habitat.

Page 4.3-103; Area Plan Policies: Although some Area Plans have supplemental policies supporting water quality protection related to construction impacts on soil erosion and sedimentation, all Area Plans should have policies regarding construction-related soil erosion and sedimentation.

Page 4.9-1: The DEIR should acknowledge that NMFS has listed approximately 472 miles as fish designated critical habitat in Monterey County for S-CCC DPS steelhead and describe how the General Plan will avoid impacts to steelhead critical habitat.

Page 4.9-1: The DEIR does not address lagoons/estuaries within Monterey County. The DEIR should describe how the General Plan will avoid impacts to these important habitats.

Page 4.9-48: When referring to the issuance of a biological opinion, the DEIR should state that NMFS, in addition to the U.S. Fish and Wildlife Service, also issues biological opinions.

Page 4.9-47; Endangered Species Act: The ESA was enacted to identify species at risk of extinction, to provide a means to help such species recover, and to protect the ecosystems of which declining species are a part. Section 9 of the ESA prohibits on 'take' applies to the activities of everyone – every state, city, and county government, every business, and every citizen. Local agencies are liable under the ESA for issuing permits which result in take of federally-protected species.

In addition to sections 7 and 10 of the ESA, section 4(d) has rules that include a set of limits on the application of the ESA 'take' prohibitions for specific categories of activities that contribute

to the conservation of listed steelhead or adequately limit their adverse impacts. The limits can be thought of as exceptions to the 'take' prohibitions.

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One of the limits, Limit No. 12 – Municipal, Residential, Commercial and Industrial Development and Redevelopment (MRCI), may be applicable to Monterey County. As a general matter, MRCI development (and redevelopment) has a significant potential to degrade habitat and injure or kill steelhead in a variety of ways. With appropriate safeguards, MRCI development can be specifically tailored to minimize impacts on listed fish to the extent that additional Federal protections would not be needed to conserve the listed DPS. To be approved for a limit on ESA 'take' prohibitions, a program must adequately contribute to the conservation of salmonids and meet their biological requirements. By providing limitation from take liability, NMFS encourages governments and private citizens to adjust their programs and activities to be "salmon safe". For more information, contact NMFS or see <http://www.nwr.noaa.gov/ESA-Salmon-Regulations-Permits/4d-Rules/Index.cfm>.

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Page 4.9-55; Section 4.9.5.2: "NMFS" should be added to the end of the first two paragraphs, to read ... "or regulations, or by the CDFG, USFWS, or NMFS..."

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Page 4.9-74: Pursuant to Mitigation Measure BIO-1.3, we recommend the County contact NMFS when proposed projects may affect steelhead or their habitat. If the project will not take or harm listed fish, then there is no need to modify the activity, or to contact NMFS. If, however, after reviewing the project, it seems likely it will take or harm listed fish, or there is uncertainty about whether take or harm may occur, the acting agency, entity, or individual should contact NMFS to seek more information on evaluating the project's impacts and determining ways to avoid harming the fish and violating the ESA.

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Thank you again for the opportunity to comment on the DEIR and we look forward to working with the County in the future. Please contact Mr. Bill Stevens at (707) 575-6066, or via e-mail at William.Stevens@noaa.gov, if you have any questions concerning these comments.

Sincerely,



Dick Butler
Santa Rosa Area Office Supervisor
Protected Resources Division

cc: Russ Strach, NMFS, Sacramento

