

Table 4

Component Forecast for SUHSD Students Living in Alisal Feeder District

Students Living Outside Major New Housing Developments

GRADE	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
7	657	614	618	613	620	672	665	665	665	665
8	623	611	568	572	567	574	628	619	619	619
9	604	570	558	515	519	514	521	573	566	566
10	554	561	527	515	472	476	471	478	530	523
11	492	489	496	462	450	407	411	406	413	465
12	492	428	425	432	398	386	343	347	342	349
7-8 Total	1,280	1,225	1,186	1,185	1,187	1,246	1,291	1,283		
9-12 Total	2,142	2,048	2,006	1,924	1,839	1,783	1,746	1,804	1,850	1,902

Students from New Housing: Creekbridge and Williams Ranch

GRADE	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
7	327	327	327	327	327	327	327	327	327	327
8	310	349	349	349	349	349	349	349	349	349
9	392	363	402	402	402	402	402	402	402	402
10	350	390	361	400	400	400	400	400	400	400
11	351	346	386	357	396	396	396	396	396	396
12	324	343	338	378	349	388	388	388	388	388
7-8 Total	637	676	676	676	676	676	676	676	676	676
9-12 Total	1,417	1,442	1,487	1,537	1,547	1,586	1,586	1,586	1,586	1,586

Students from Monte Bella

GRADE	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
7	28	34	39	45	50	56	62	62	62	62
8	22	26	31	35	40	44	48	48	48	48
9	38	46	53	61	68	76	84	84	84	84
10	33	40	46	53	59	66	73	73	73	73
11	29	35	41	46	52	58	64	64	64	64
12	32	38	45	51	58	64	70	70	70	70
7-8 Total	50	60	70	80	90	100	110	110	110	110
9-12 Total	132	158	185	211	238	264	290	290	290	290

Sum

GRADE	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
7	1,012	975	984	984	998	1,055	1,053	1,053	1,053	1,053
8	955	986	948	956	955	967	1,023	1,016	1,016	1,016
9	1,034	979	1,013	978	990	992	1,007	1,059	1,051	1,051
10	937	991	934	968	931	942	943	951	1,003	995
11	872	870	923	865	898	861	871	865	873	925
12	848	809	808	861	805	838	801	806	800	808
7-8 Total	1,967	1,961	1,932	1,941	1,953	2,022	2,077	2,069	2,069	2,069
9-12 Total	3,691	3,648	3,678	3,672	3,624	3,633	3,622	3,680	3,727	3,779

Santa Rita Union School District

Chart 17 shows the overall enrollments by school level for Santa Rita Union School District (SRUSD). Santa Rita's K-6 enrollments have been remarkably stable considering that Harden Ranch was constructed during the late 1990s. The middle school enrollment pattern is quite different from the elementary one, and levels are higher than what we would expect, even in an area with housing growth. Santa Rita's middle school enrollments increased substantially between 1994 and 2004. Enrollments declined after 2004, partly because housing construction had ended and no doubt partly for the same reason that SCSD and Alisal enrollments declined. High school enrollment trends appear to be lagged a few years behind the middle school trends, with enrollments continuing to increase to date.

The elementary enrollment pattern here is rather puzzling. Perhaps SRUSD reduced the number of inter-district transfer students to make room for the Harden Ranch students. This would explain why elementary enrollments remained flat over time.

Chart 17

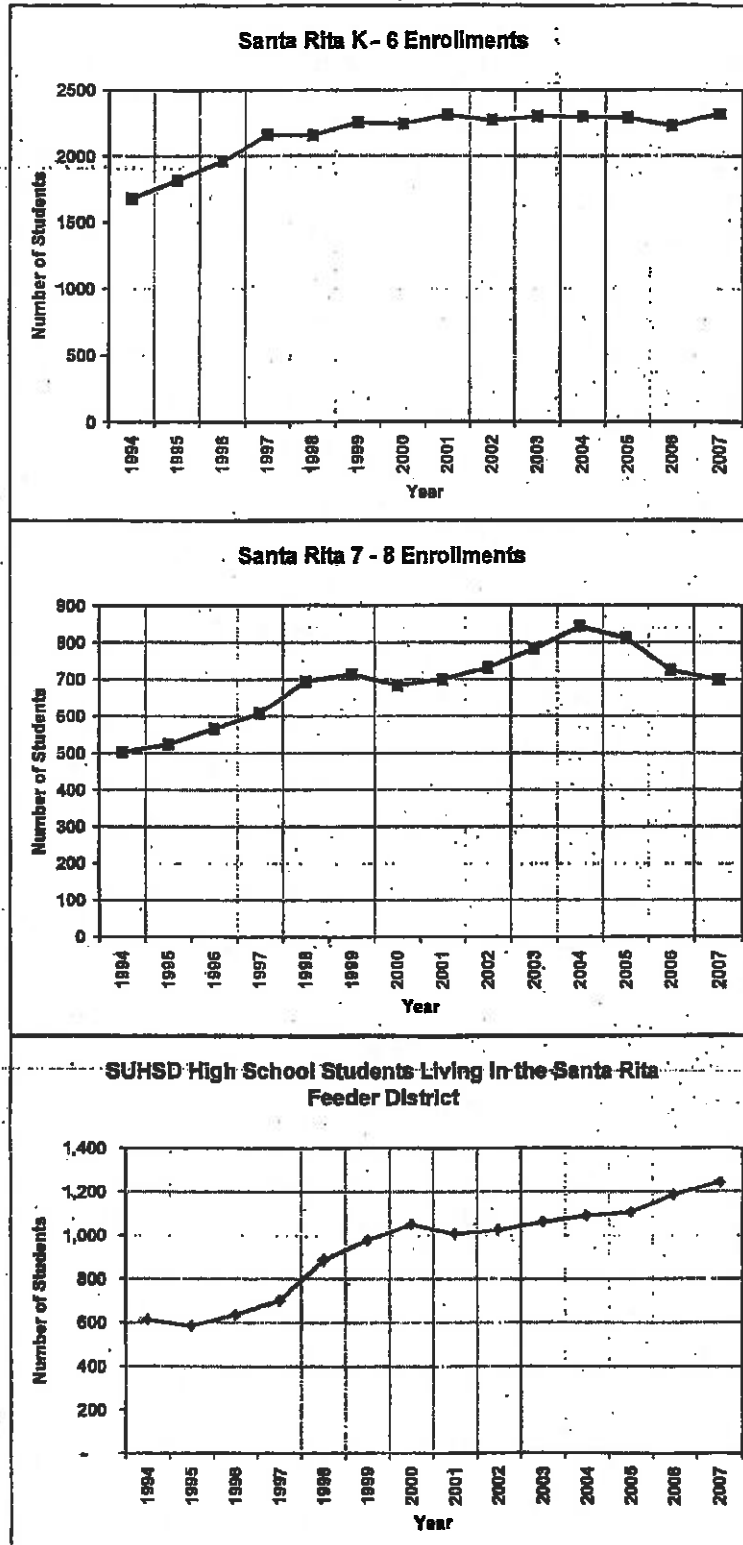


Chart 18 shows the numbers of SUHSD middle and high school students living in major developments (Harden Ranch) and in older housing within this elementary feeder. Once we separate students living in the large developments, we see that since the late 1990s, enrollments have actually been quite stable in the rest of the student population. Virtually all of the enrollment growth is from Harden Ranch. The fact that enrollments outside the large development areas are fairly stable is another excellent illustration (as with Alisal) of why we measure students from new and older housing separately. In this case, the students from new housing disguised enrollment trends in the older housing.

Chart 18

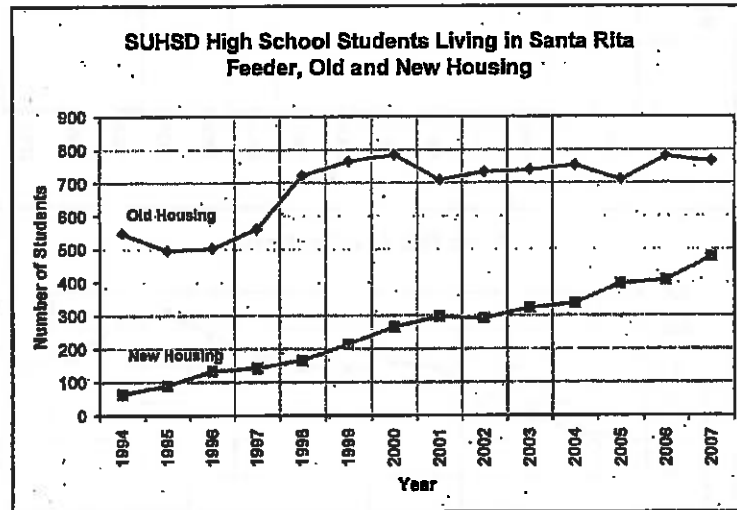


Chart 19 shows SRUSD kindergarten enrollments, which have been fairly stable since the late 1990s, despite the construction of Harden Ranch.

Chart 19

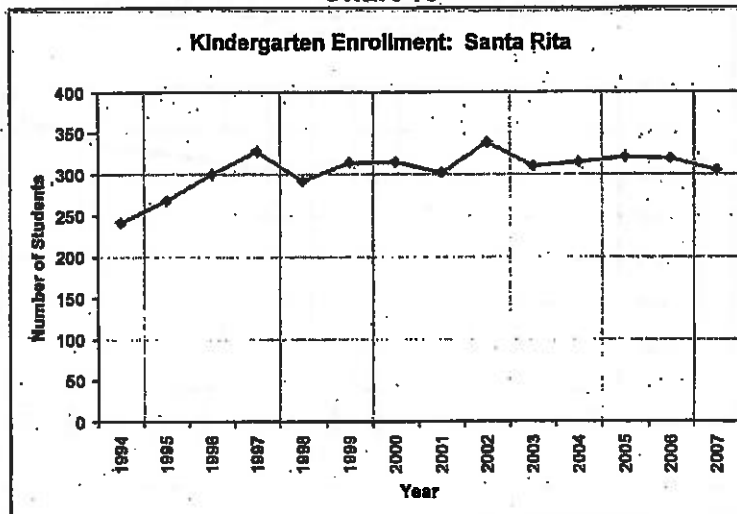


Chart 20 shows the aggregated grade progressions for Santa Rita. Students in kindergarten through seventh grades are compared with students in first through eighth grades the following year. These ratios are a measure of the change in cohort size as students progressed to the next grade. The grade progressions are usually most affected by migration into or out of the District, by transfers between public and private schools, and by changes in the number of inter-district transfer students. These data include the effects of migration as a result of new students entering from Harden Ranch. As a result, the grade progressions prior to 2004 are inflated by the students from Harden Ranch and should not be used to forecast future enrollments.

Chart 20

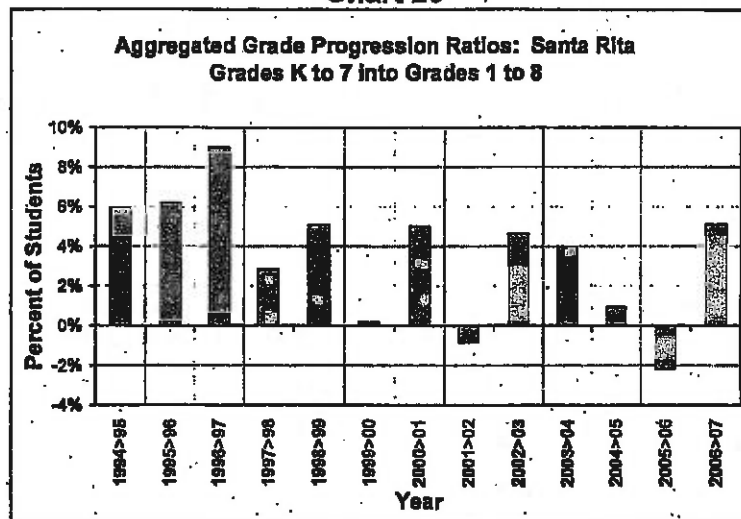
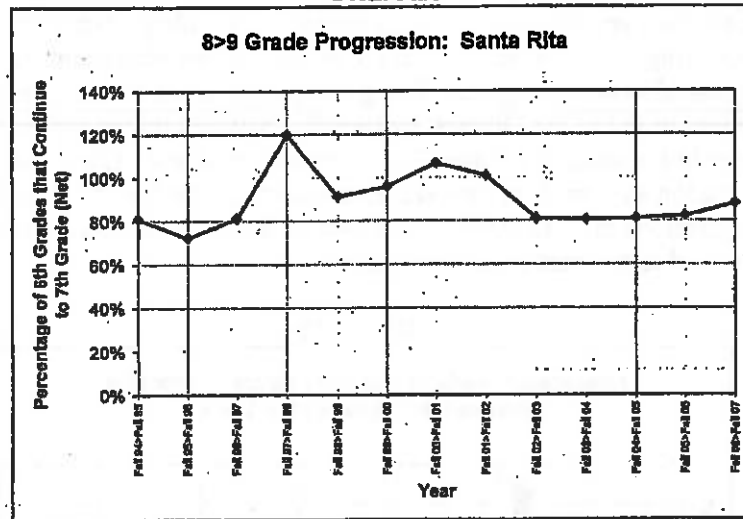


Chart 21 shows the eighth-to-ninth grade progression over time. This grade progression compares students in Santa Rita's eighth grade class with the following year's SUHSD ninth graders living in the Santa Rita feeder district. The rate of progression has been about 80 percent for the last five years. Prior to 2004, the grade progression was quite high, probably as a result of new students entering the community to live in Harden Ranch homes.

Chart 21



Components of Forecast of SUHSD Students Living in SRUSD

As with Alisal, the past and future housing growth complicates the forecast model for students living in Santa Rita. We forecast three different groups in Santa Rita:

1. Students living in the existing large developments (Harden Ranch),
2. Students anticipated in future housing developments, and
3. Students in the rest of the student body.

Forecast of Students Living in Harden Ranch

Harden Ranch is completely built out at this time. Enrollments have been increasing, despite the fact that most of the housing was completed by 2004. Sometimes the average age of students in housing increases over time because families with younger children are slightly more likely to buy new housing. If this is the case, and many original owners remain in their homes, high school enrollments peak in about 10 years. If, in fact, this is happening in Harden Ranch, then high school enrollments are probably peaking now, since most of this development was built between eight and 13 years ago.

We categorized enrollments in Harden Ranch by the year units were built. We found that many of its subdivisions built at different times had an unusual enrollment increase in the last three years. These simultaneous increases suggest that the recent (2004 through 2007) increase in Harden Ranch enrollments is a "period effect." Period effects are events limited to a particular time period, with an exogenous cause such as a change in the economy, and are probably not related to the age of housing. In this case, enrollments are likely to remain at their current level, or perhaps to continue to increase.

It is not clear how to forecast future enrollments from this area. If there is an aging effect, enrollments are likely to start declining within the next few years. If there is no aging effect, we ought to assume that enrollments will remain at their current level. Our

Medium forecast assumes that Harden Ranch enrollments will remain stable at 476 students.

Forecast of Students from Future Housing

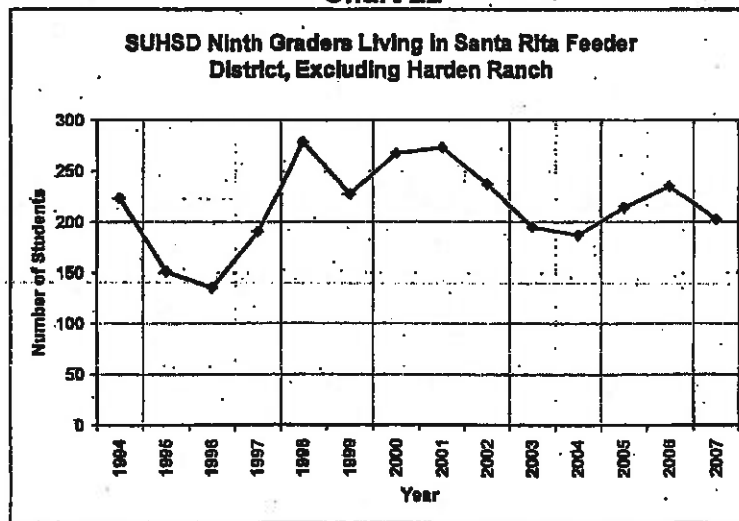
Within the foreseeable future, there is one smaller project in this feeder district, The Commons at Rogge Road. It will consist of 171 affordable housing units, with at least some occupancy by fall 2008. We expect 43 high school students to be enrolled in SUHSD schools (.25 students per unit) when the project is completed.

Rancho San Juan is also in the Santa Rita area, but it is currently under litigation, and we assume that it will not be built within the next 10 years. Although we did not include this development in our forecasts, the District should monitor plans for its construction.

Forecast of Students in Older Housing

To forecast students in Santa Rita's older housing (outside Harden Ranch), we use a cohort survival method but must first forecast the size of the ninth grade class. Forecasting the ninth grade class is challenging, however.¹² Chart 22 shows the ninth grade class in Santa Rita outside Harden Ranch. Note that enrollments have fluctuated quite a bit over time, but the long-term average (215 students) is close to the size of the current ninth grade class (202 students). We use the long-term average to forecast future ninth grade classes. The most recent set of grade progressions is used to forecast the remainder of the grades.

Chart 22



Total Forecast of SUHSD Students Living in SRUSD

Table 5 shows the enrollment forecast for each student component. Overall, forecasted enrollments are quite stable, increasing only as a result of future housing construction.

¹² We cannot base SUHSD's ninth grade class on Santa Rita's eighth grade class because part of Santa Rita's eighth grade class lives in Harden Ranch. Our component model requires counts of students who live outside Harden Ranch.

Note, however, that this forecast assumes that future Harden Ranch enrollments will be stable, given that construction has been completed. This is our most uncertain assumption.

Table 5

Component Forecast for SUHSD Students Living in Santa Rita Feeder District										
Students Living Outside Major New Housing Developments										
GRADE	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
9	202	215	215	215	215	215	215	215	215	215
10	210	177	190	190	190	190	190	190	190	190
11	193	208	175	188	188	188	188	188	188	188
12	160	178	193	160	173	173	173	173	173	173
9-12 Total	765	778	774	754	767	767	767	767	767	767
Students from New Housing: Harden Ranch										
GRADE	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
9	122	122	122	122	122	122	122	122	122	122
10	124	124	124	124	124	124	124	124	124	124
11	106	106	106	106	106	106	106	106	106	106
12	124	124	124	124	124	124	124	124	124	124
9-12 Total	476	476	476	476	476	476	476	476	476	476
Students from Future Housing (Commons at Rogge Road)										
GRADE	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
9		5	11	11	11	11	11	11	11	11
10		5	11	11	11	11	11	11	11	11
11		5	11	11	11	11	11	11	11	11
12		5	10	10	10	10	10	10	10	10
9-12 Total	0	20	43	43	43	43	43	43	43	43
Sum										
GRADE	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
9	324	342	348	348	348	348	348	348	348	348
10	334	306	325	325	325	325	325	325	325	325
11	299	319	292	305	305	305	305	305	305	305
12	284	307	327	294	307	307	307	307	307	307
9-12 Total	1,241	1,274	1,293	1,273	1,286	1,286	1,286	1,286	1,286	1,286

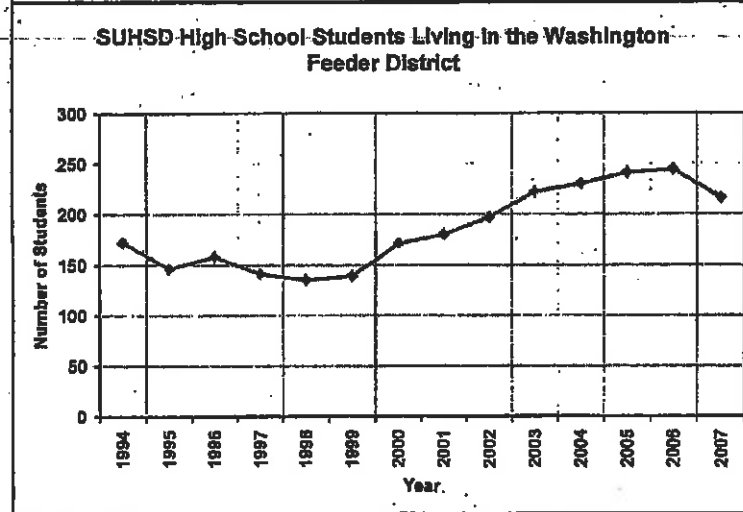
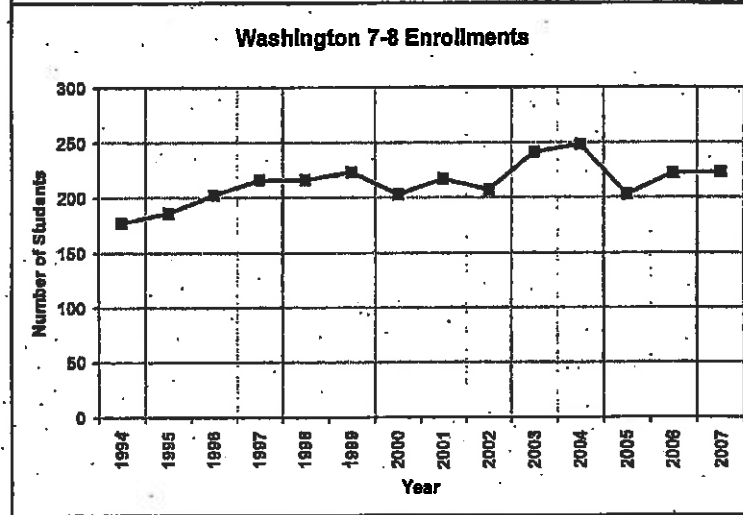
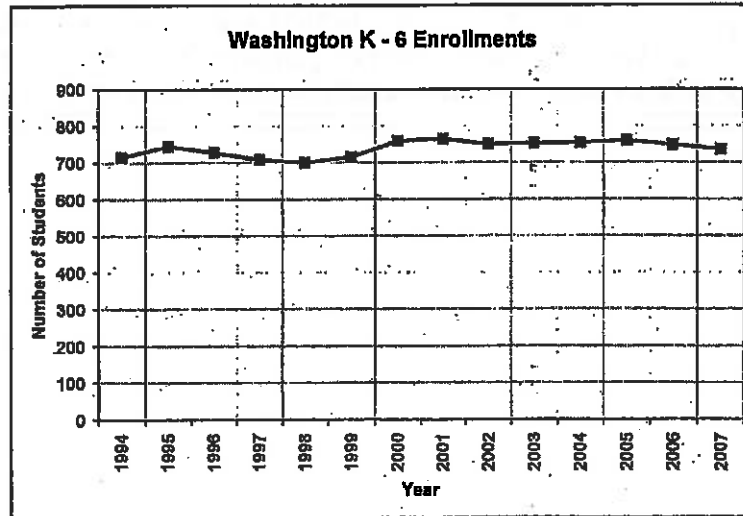
Washington Union School District

Relatively few students attending SUHSD schools live in Washington Union (WUSD). Thus, although there may be substantial changes in Washington's elementary enrollments, there will be little enrollment impact for SUHSD.

Chart 23 shows overall enrollment trends by school level in WUSD. Elementary enrollments have been fairly stable since 1994, as have middle school enrollments (grades 7 and 8), though there are more annual fluctuations (random variations) because of the smaller population base. In contrast, the number of high school students living in

the area has increased substantially. Between 1999 and 2006, high school enrollments increased 81 percent, or about 100 students. In 2007, high school enrollments declined. As with Santa Rita, these facts suggest that the aggregated feeder enrollments are not a good indicator of future high school enrollments from the elementary school district.

Chart 23



Although there has been some housing growth in Washington Union, relatively few SUSHD students live in the newer homes. We have the addresses of housing units for which developer fees were paid between July 2000 and February 2007. A total of 86 homes were built in Washington Union, and in fall 2007, only nine SUHSD students lived in those units (Table 6). Thus, housing construction in this feeder has had little impact on SUHSD enrollments, both because there are no large developments and because high school student yields from new homes there are low.

Table 6

Feeder	Housing Type	Number of Units	Number of Students		Student Yield	
			7th and 8th graders	9th-12th graders	7th and 8th graders	9th-12th graders
Alisal	MFU	285	21	60	0.08	0.23
	SFU	1,285	169	371	0.13	0.29
	Total	1,530	190	431	0.12	0.28
Salinas City	MFU	13	3	8	0.23	0.62
	SFU	66	9	20	0.14	0.30
	Total	79	12	28	0.15	0.35
Santa Rita	SFU	354	5	102		0.29
	MFU	0				
	Total	354	5	102		0.29
Spreckels	SFU	66	0	11		0.17
	MFU	0				
	Total	66	0	11		0.17
Washington Union	SFU	86	0	9		0.10
	MFU	0				
	Total	86	0	9		0.10

Chart 24 shows WUSD kindergarten enrollments. As with K-8 enrollments, kindergarten enrollments have been fairly stable over time.

Chart 24

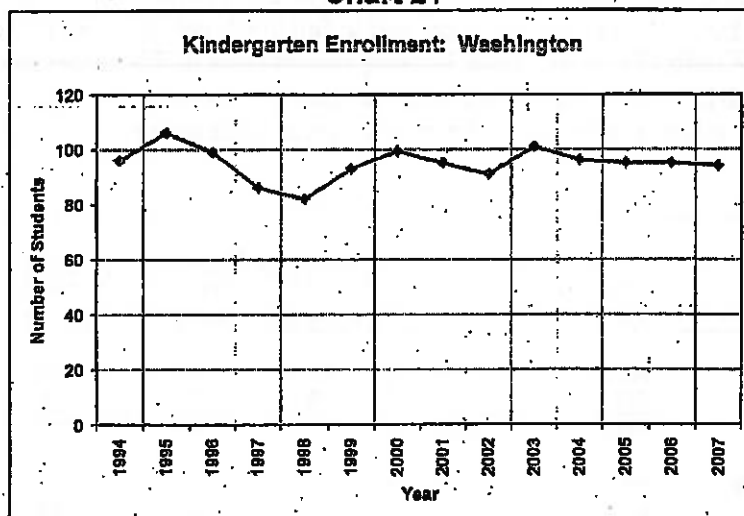
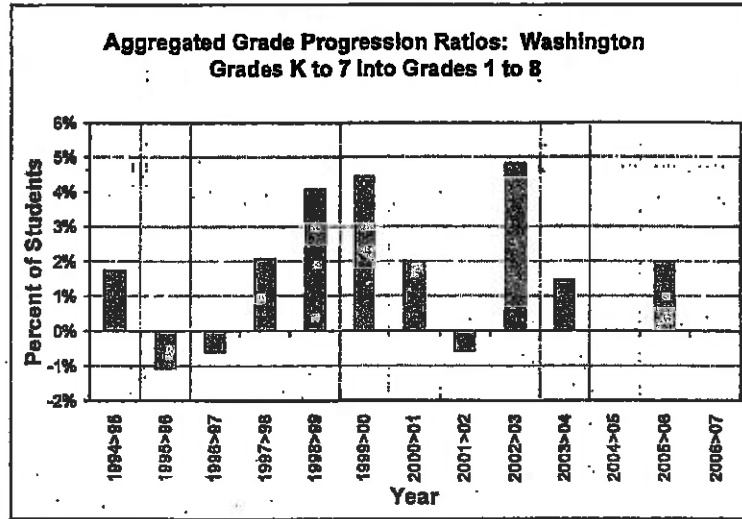


Chart 25 shows the aggregated grade progressions for Washington Union. Students in kindergarten through seventh grade are compared with students first through eighth grades the following year. These ratios measure the percentage change in cohort size as students progressed to the next grade. Grade progressions are usually most affected by migration into or out of the district and by transfers between public and private schools. The aggregated grade progressions show a net gain of students in the elementary grades. However, in the most recent year, the grade progression was close to zero, meaning that the same number of students left as entered Washington Union between fall 2006 and fall 2007.

We used a standard cohort survival method for forecasting enrollments in Washington Union. The key assumption concerns the set of grade progressions used in the forecast, and we used the average grade progressions for the entire 13-year period.

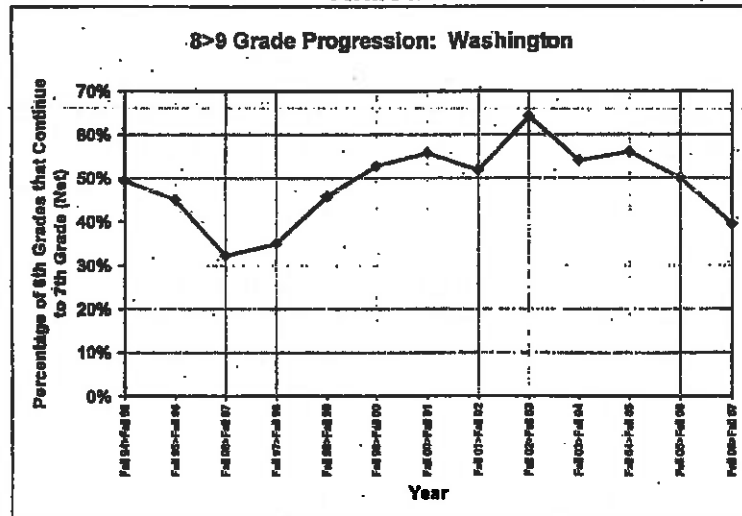
Chart 25



Note that the historical grade progressions include the effects of housing growth; therefore, some new housing is assumed the forecast model. Since some new housing was built in the last three years, the model implicitly assumes this will continue.

Chart 26 shows the eighth-to-ninth grade progression over time. This compares students in Washington Union's eighth grade class with the following year's SUHSD ninth graders living in the Washington feeder district. The rate has varied widely, between about 30 and 60 percent. The overall average grade progression is 49 percent, and we use this in the forecast model.

Chart 26



Total Forecast of SUHSD Students Living in WUSD

Unlike Alisal and Santa Rita, we forecasted SUHSD students living in the Washington Union district without separating students into new and older housing categories. Washington Union enrollments have little impact on SUHSD enrollments, and the effect of new housing on SUHSD enrollments has been minimal.

Table 7 shows the enrollment forecast for Washington Union. As mentioned above, the forecast model uses the average grade progressions of the history. The forecast indicates that SUHSD enrollments from this area will remain fairly constant or decline slightly.

Table 7

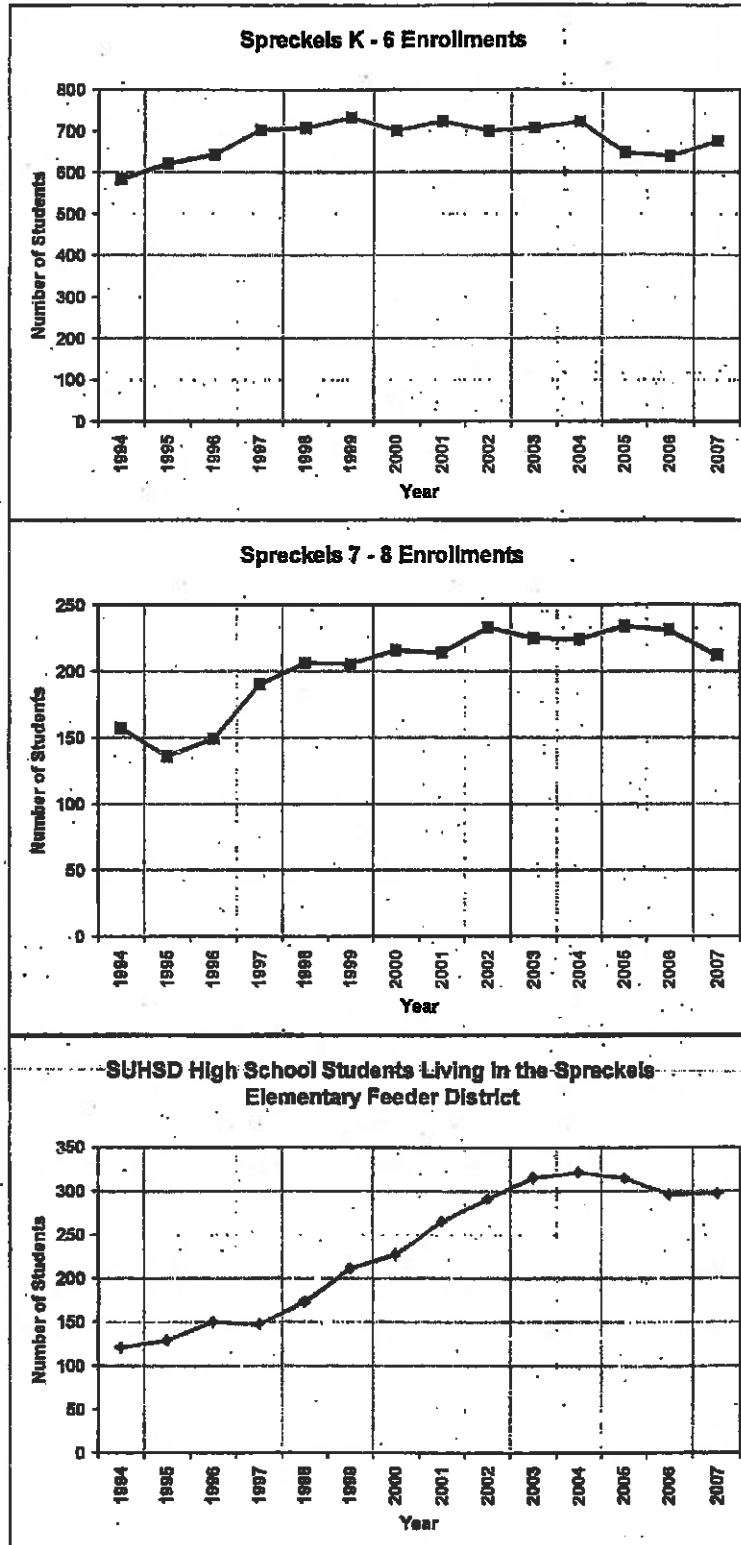
Washington Union Feeder Area Forecast, Using Grade Progression Ratios										
GRADE	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
K	94									
1	96	98								
2	100	99	101							
3	105	102	101	103						
4	112	110	107	106	108					
5	113	116	115	111	110	113				
6	116	116	119	117	114	112	115			
7	108	113	112	116	114	110	109	112		
8	115	104	108	108	111	110	106	105	108	
9	41	56	50	53	52	54	53	51	51	52
10	55	40	54	49	51	51	52	51	50	49
11	69	53	39	53	47	49	49	51	50	48
12	51	62	48	35	47	43	45	45	46	45
9 to 12	216	211	191	189	198	197	199	198	197	195

Spreckels Union School District

Chart 27 shows overall enrollments by school level for Spreckels Union School District. Since 1997, elementary and middle school enrollments have been quite stable. In contrast, the number of students from Spreckels that attend SUHSD more than doubled between 1997 and 2004: from 147 to 321 students. After 2004, enrollments declined. In fall 2007, 297 SUHSD high school students lived in Spreckels Union.

As in Santa Rita and Washington school districts, elementary enrollments were stable while high school enrollments increased. This suggests that the aggregated feeder enrollments may not be a good indicator of future high school enrollments. But, as with Washington, the numerical effect of Spreckels enrollments on SUHSD enrollments is small.

Chart 27



Although there has been housing growth in Spreckels Union, there are relatively few SUHSD students living in new homes. We have the addresses of housing units for which developer fees were paid between July 2000 and February 2007. A total of 66 homes were built in Spreckels Union, and in fall 2007, only 11 SUHSD students lived in them (Table 6). Thus, housing construction in this feeder area has had little impact on SUHSD enrollments, both because there are no large developments and because high school student yields from new homes are low.

Chart 28 shows kindergarten enrollments. As with K-8 enrollments, kindergarten enrollments have annual fluctuations (between 80 and 100 students), but the underlying trend seems stable.

Chart 28

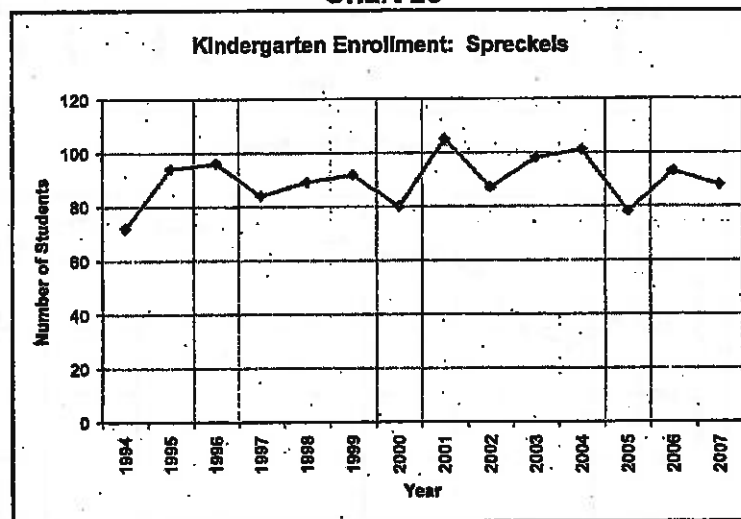
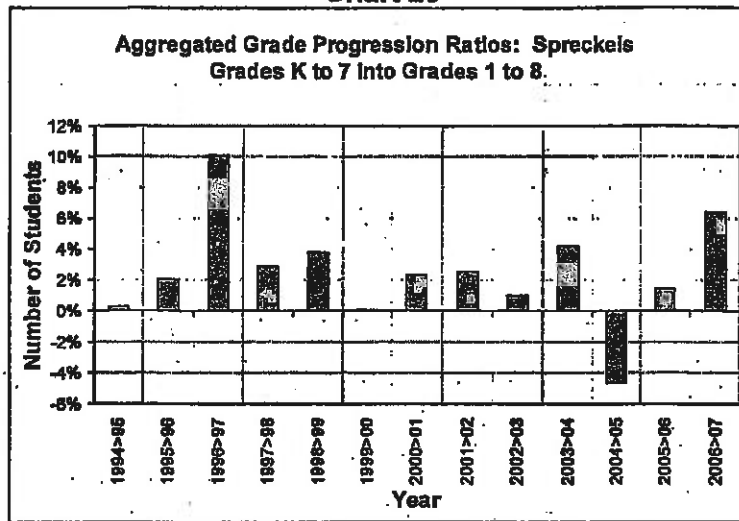


Chart 29 shows the aggregated grade progressions for Spreckels Union Elementary. The number of students in kindergarten through seventh grades is compared with the number of students in first through eighth grades the following year. These ratios measure the percentage change in cohort size as students progressed to the next grade. The grade progressions are usually most affected by migration into or out of the District and by transfers between public and private schools. The aggregated grade progressions show a net increase of students in the elementary grades.

We used a standard cohort survival method for forecasting enrollments in Spreckels Union. The set of grade progressions used in the forecast model is the key assumption needed in the forecast. We used the average grade progressions of the last 13 years.

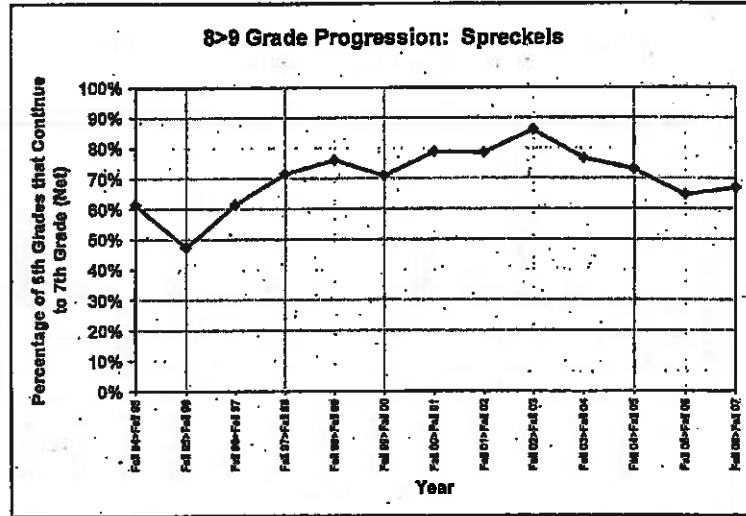
Chart 29



Note that the historical grade progressions include the effects of housing growth; therefore, some new housing assumed in the forecast model.

Chart 30 shows the eighth-to-ninth grade progression over time. This grade progression compares students in Spreckels' eighth grade class with SUHSD ninth graders living in the Spreckels district. The percentage has changed a lot over time and is at least partly responsible for the shift in high school enrollments. In the mid-1990s, the percentage of Spreckels eighth graders entering SUHSD as ninth graders was similar to Washington Union's, at about 50 percent. During the late 1990s through 2003, the percentage grew and reached 87 percent. This change corresponds to the increase in high school students from the area. During the last four years, however, the rate dropped. In the most recent year, the eighth-to-ninth grade progression was 68 percent. The entire 13-year average is 70 percent, which is used in the forecast model.

Chart 30



Forecast of SUHSD Students Living in SUSD

We use a standard cohort survival model for forecasting SUHSD enrollments from Spreckels Union. We started with Spreckels Union students by grade, aged each cohort, and applied the 13-year average grade progression rates. Table 8 shows the resulting enrollment forecast. Enrollments may rise slightly, but otherwise are quite stable.

Table 8

GRADE	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
K	93	88									
1	83	108	95								
2	98	80	109	96							
3	92	107	83	113	100						
4	88	87	108	84	114	101					
5	86	92	89	110	86	117	103				
6	99	114	97	94	116	90	123	108			
7	113	101	116	99	95	118	92	125	110		
8	118	111	99	114	97	94	116	90	123	108	
9	75	79	78	70	80	68	66	82	63	86	76
10	71	76	76	75	67	77	65	63	78	61	83
11	86	66	69	69	69	61	70	60	58	72	58
12	64	76	62	65	65	64	57	66	56	54	67
9 to 12	296	297	285	279	281	271	259	271	256	273	282

SUHSD Forecast for All Feeder Areas Combined Outside the FGAs and West Boronda

Without housing construction in the Future Growth Areas (FGAs), West Boronda, and Rancho San Juan, the combined forecast for SUHSD shows about a 150-student increase in middle school enrollments by 2016, while high school enrollments show a decline of almost 270.

Table 9 shows the enrollment forecast for all of SUHSD, excluding the major developments.

Table 9 Forecast Excluding Major Developments

Middle School Enrollments										
	Actual	Forecast								
	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Salinas City	1,938	1,942	1,941	1,923	1,866	1,843	1,903	1,967	1,989	1,989
Alisal	1,967	1,961	1,932	1,941	1,953	2,022	2,077	2,069	2,069	2,069
Inter-District Transfer	92	92	92	92	92	92	92	92	92	92
Total	3,997	3,995	3,965	3,956	3,911	3,958	4,072	4,128	4,150	4,150
High School Enrollments										
	Actual	Forecast								
	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Salinas City	3,997	3,924	3,807	3,775	3,723	3,697	3,627	3,586	3,589	3,630
Alisal	3,691	3,648	3,678	3,672	3,624	3,633	3,622	3,680	3,727	3,779
Santa Rita	1,241	1,274	1,293	1,273	1,286	1,286	1,286	1,286	1,286	1,286
Washington	216	211	191	189	198	197	199	198	197	195
Spreckels	297	285	279	281	271	259	271	256	273	282
Graves	4	4	4	4	4	4	4	4	4	4
Lagunita	6	7	8	5	7	6	6	8	7	7
Inter-District Transfer	104	104	104	104	104	104	104	104	104	104
Total	9,556	9,458	9,364	9,302	9,216	9,186	9,119	9,123	9,187	9,287

Forecast of Enrollments from FGAs and West Boronda

We understand that the Future Growth Areas (FGAs) will contain 11,500 housing units, and the timing of construction is uncertain. Shown below are three different scenarios for the timing of these developments:

- 1 The most optimistic scenario assumes that occupancy begins in 2011 and the project takes 10 years to complete. This timeframe implies 1,150 units built per year, much greater than the historical rate in Salinas.
- 2 The Medium scenario assumes occupancy begins in 2015 and takes 15 years to complete.

- 3 The most pessimistic scenario assumes that the housing is built beyond our forecast period.

The West Boronda development, slated for 600 units, is farther along and its timing seems more certain. Occupancy is expected to begin in 2011, and will take approximately 10 years to complete.¹³

Table 10 includes students from the West Boronda development as well as the various scenarios for the FGAs. (The pessimistic forecast assumes no development and hence no enrollments from any new major development.) In both the optimistic and Medium forecasts, 3,025 high school students result, along with 1,033 middle school students, but in the optimistic forecast the results are reached in 2020, ten years before the Medium forecast enrollment total reaches this level.

The forecast assumes a student yield of .25 for high school students and .125 for middle school students. Also, it is assumed that about two-thirds of students living in the FGAs will live within the Alisal Union School District, and thus will have some impact on the middle school enrollments.

¹³ According to Jerry Hernandez, Monterey County Housing and Redevelopment Office.

Table 10

Forecasts for the Future Growth Areas And Boronda

Optimistic Forecast for Future Growth Areas						
Year	# Units Built in FGAs	# Units Built in Boronda	Annual High School Enrollment	Cumulative Enrollment	Annual Middle School Enrollments	Cumulative middle school enrollments
2011	1150	60	303	303	103	103
2012	1150	60	303	605	103	207
2013	1150	60	303	908	103	310
2014	1150	60	303	1210	103	413
2015	1150	60	303	1513	103	517
2016	1150	60	303	1815	103	620
2017	1150	60	303	2118	103	723
2018	1150	60	303	2420	103	827
2019	1150	60	303	2723	103	930
2020	1150	60	303	3025	103	1033

Medium Forecast for Future Growth Areas						
Year	# Units Built in FGAs	# Units Built in Boronda	Annual High School Enrollment	Cumulative Enrollment	Annual Middle School Enrollments	Cumulative middle school enrollments
2011		60	15	15	8	8
2012		60	15	30	8	15
2013		60	15	45	8	23
2014		60	15	60	8	30
2015	767	60	207	267	71	101
2016	767	60	207	473	71	173
2017	767	60	207	680	71	244
2018	767	60	207	887	71	316
2019	767	60	207	1093	71	387
2020	767	60	207	1300	71	458
2021	767		192	1492	64	522
2022	767		192	1683	64	586
2023	767		192	1875	64	650
2024	767		192	2067	64	714
2025	767		192	2258	64	778
2026	767		192	2450	64	842
2027	767		192	2642	64	906
2028	767		192	2833	64	969
2029	767		192	3025	64	1033

Combined Forecast

In this section, we combine the forecast from the FGAs with the forecast outside the FGAs. For the areas outside the FGAs, our forecast extends only through 2016. We use 2016 enrollment numbers for years after 2016. Table 11 shows the combined forecast. If the FGAs are developed, middle school enrollments eventually (by 2020 in the optimistic

forecast) reach 5,184 students, while high school enrollments eventually reach 12,312 students.

Note that the pessimistic scenario assumes no development in the FGAs and the forecasts are the same as shown in Table 9.

**Table 11
Combined Enrollment Forecast for SUHSD**

Middle School Enrollments		Optimistic Forecast																						
Actual		2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029
3,997	Non-FGA Areas	3,995	3,965	3,955	3,956	4,014	4,164	4,362	4,542	4,567	4,770	4,974	5,080	5,184	5,184	5,184	5,184	5,184	5,184	5,184	5,184	5,184	5,184	5,184
0	FGA and Boronda	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3,997	Total	3,995	3,965	3,955	3,956	4,014	4,164	4,362	4,542	4,567	4,770	4,974	5,080	5,184	5,184	5,184	5,184	5,184	5,184	5,184	5,184	5,184	5,184	5,184
High School Enrollments		Optimistic Forecast																						
Actual		2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029
9,458	Non-FGA Areas	9,458	9,364	9,302	9,216	9,166	9,119	9,123	9,123	9,123	9,123	9,123	9,123	9,123	9,123	9,123	9,123	9,123	9,123	9,123	9,123	9,123	9,123	9,123
0	FGA and Boronda	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
9,458	Total	9,458	9,364	9,302	9,216	9,166	9,119	9,123	9,123	9,123	9,123	9,123	9,123	9,123	9,123	9,123	9,123	9,123	9,123	9,123	9,123	9,123	9,123	9,123
Middle School Enrollments		Medium Forecast																						
Actual		2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029
3,997	Non-FGA Areas	3,995	3,965	3,955	3,956	4,014	4,164	4,362	4,542	4,567	4,770	4,974	5,080	5,184	5,184	5,184	5,184	5,184	5,184	5,184	5,184	5,184	5,184	5,184
0	FGA and Boronda	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3,997	Total	3,995	3,965	3,955	3,956	4,014	4,164	4,362	4,542	4,567	4,770	4,974	5,080	5,184	5,184	5,184	5,184	5,184	5,184	5,184	5,184	5,184	5,184	5,184
High School Enrollments		Medium Forecast																						
Actual		2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029
9,458	Non-FGA Areas	9,458	9,364	9,302	9,216	9,166	9,119	9,123	9,123	9,123	9,123	9,123	9,123	9,123	9,123	9,123	9,123	9,123	9,123	9,123	9,123	9,123	9,123	9,123
0	FGA and Boronda	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
9,458	Total	9,458	9,364	9,302	9,216	9,166	9,119	9,123	9,123	9,123	9,123	9,123	9,123	9,123	9,123	9,123	9,123	9,123	9,123	9,123	9,123	9,123	9,123	9,123
Middle School Enrollments		Pessimistic Forecast																						
Actual		2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029
3,997	Non-FGA Areas	3,995	3,965	3,955	3,956	4,014	4,164	4,362	4,542	4,567	4,770	4,974	5,080	5,184	5,184	5,184	5,184	5,184	5,184	5,184	5,184	5,184	5,184	5,184
0	FGA and Boronda	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3,997	Total	3,995	3,965	3,955	3,956	4,014	4,164	4,362	4,542	4,567	4,770	4,974	5,080	5,184	5,184	5,184	5,184	5,184	5,184	5,184	5,184	5,184	5,184	5,184
High School Enrollments		Pessimistic Forecast																						
Actual		2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029
9,458	Non-FGA Areas	9,458	9,364	9,302	9,216	9,166	9,119	9,123	9,123	9,123	9,123	9,123	9,123	9,123	9,123	9,123	9,123	9,123	9,123	9,123	9,123	9,123	9,123	9,123
0	FGA and Boronda	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
9,458	Total	9,458	9,364	9,302	9,216	9,166	9,119	9,123	9,123	9,123	9,123	9,123	9,123	9,123	9,123	9,123	9,123	9,123	9,123	9,123	9,123	9,123	9,123	9,123



Regional Transportation Planning Agency • Congestion Management Planning
Local Transportation Commission • Monterey County Service Authority for Freeways & Expressways

October 27, 2008

Ms. Alana Knaster
Planning Manager
County of Monterey
Government Center
168 West Alisal Street, 2nd Floor
Salinas, California 93901

**SUBJECT: Comments on the Draft Environmental Impact Report for the
County of Monterey 2007 General Plan Update**

Alana
Dear Ms. Knaster:

The Transportation Agency for Monterey County is the Regional Transportation Planning Agency and Congestion Management Agency for Monterey County. Transportation Agency staff has reviewed the proposed Draft Environmental Impact Report for the County of Monterey 2007 General Plan Update.

The proposed project consists of a comprehensive update of the existing 1982 County General Plan and will establish the general pattern of land use and adopted goals and policies to guide the County in future land use decision-making, including, but not limited to, setting a development pattern centered on cities, Community Areas, and Rural Centers; providing infrastructure to serve new development concurrently with that development; and conserving sensitive natural areas.

Transportation Agency staff appreciates the County's coordination and discussion of this document early in the process and offers the following comments for your consideration:

Analysis Scenarios

Cumulative Conditions

- The draft report indicates that the transportation network analyzed under analysis scenarios Cumulative 2030, Cumulative 2030 Prior Land Use, and Cumulative Buildout includes seventeen proposed improvements to the roadway network that are set to receive funding from our agency's regional development impact fee program. Please note that full funding and construction of these projects by 2030 is dependent on funding in addition to the partial funding provided by the fee program. The passage of the proposed Measure Z initiative by the voters of Monterey County together with State and Federal funds would complete the funding for the majority of

the projects. Absent this additional source of local transportation funding, which would also be used to secure State and federal matching funds, the project delivery schedule for some of these improvements, such as the Highway 156 – U.S. 101 interchange project, would need to be pushed out beyond 2030. Ultimately, if this were to occur, the roadway network assumed in the cumulative analysis scenarios may not be fully completed until after the Year 2030, if at all, which would result in some of the studied segments and intersections to experience lower Level of Service standards than depicted in the report.

Impacts TRAN-1A, 2A, 3A, & 4A

Project-Specific Impacts

- With exceptions for some community areas, the Transportation Agency supports the use of Level of Service standard D, a measurement of roadway volume-to-capacity, as the threshold for impact mitigation from new development. This standard level is a cost effective method for gauging the scope of needed roadway improvements and also helps to encourage the use of alternative forms of transportation, such as transit, carpooling, and bicycle travel.
- As a means of providing mitigation for project-specific impacts from new development to meet the Level of Service D threshold, the Transportation Agency supports fair-share contributions towards identified improvements or for the project applicant to construct the improvement concurrently with the proposed development.
- The Transportation Agency also supports the policies related to the requirement of new development to design public facilities to accommodate pedestrians, bicycles, and transit as a means of reducing the impacts from vehicle traffic. Please see enclosed for our agency's *Principles for Community Development* for recommendations on implementing these policies and accommodating alternative transportation in new development. Further discussion of alternative transportation is provided under our agency's comments to draft report sections TRAN-1F through 5F (Alternative Transportation).

Impacts TRAN-1B, 2B, 3B, & 4B

County & Regional Roadway Impacts

- Page 4.6-45 of the draft report notes that: *The County and the Transportation Agency are planning to implement Traffic Impact Fees to fund improvement projects, but the amount of the fees are limited for affordability and total fee burden reasons.*

The Transportation Agency's Regional Development Impact Fee program has been adopted by all the cities plus the County Board of Supervisors and went into effect on August 27, 2008. The amount of the regional fees are not limited for affordability or based on the burden that the cost of mitigation places on development, but are dictated by the cost of the improvement projects that the program funds and the amount of vehicle trips generated by new development that is forecasted in the County. In the event that a specific development type generates fewer trips than is assumed in the fee program, such as with affordable housing, the amount of the fees

can be reduced to more accurately reflect the development's level of impacts. In this manner, each new development will contribute its proportionate share in fees towards the improvement project costs, fully mitigating its cumulative transportation impacts under the California Environmental Quality Act.

- The Transportation Agency supports and appreciates the County's commitment to work with our agency and other local jurisdictions to improve congestion through the coordination of regional and countywide traffic impact fees and the development of the Regional Transportation Plan. Our agency is currently in the process of developing an update to the Regional Transportation Plan in coordination with the Association of Monterey Bay Area Governments, the Santa Cruz County Regional Transportation Commission, and the San Benito Council of Governments. As our agency progresses on the updated plan, we will work collaboratively with the local agencies and seek input from County staff.
- Our agency also supports that County requires impacts to regional transportation facilities to be mitigated through the Regional Development Impact Fee program. Participation by County staff in stakeholder meetings during the development of the regional fee program was helpful in shaping a comprehensive and equitable program and the County's continued support in mitigating cumulative impacts through the regional fee program is appreciated.
- Area Plan Policies for the North County and Greater Salinas areas make note of a bypass of Highway 101 north of Salinas being provided to provide additional highway capacity and improve access. The Prunedale Bypass project, as these policies seem to describe, is not likely to be constructed by the Year 2030 cumulative analysis scope and should not be included as part of the analyzed transportation network. To address issues of capacity and access in the North County and Greater Salinas areas, our agency is proposing the construction of the Westside Bypass from Boronda Road to Davis Road, the Eastside Connector from an upgraded Harris Road interchange to Williams Road, widening Highway 156, and frontage roads along Highway 101 from south Salinas to Soledad.

4

Impacts TRAN-1F, 2F, 3F, & 4F *Alternative Transportation*

- Page 4.6-53 of the draft report states that: *Bicycling, walking, and transit are less attractive alternatives to the automobile when greater distances are involved. Further, lower density development spread over a larger is effective to serve by transit than higher density, mixed-use communities.*

While increases in travel distances tend to result in the selection of automobiles over alternative modes of transportation, higher density and mixed-use communities are better suited to service with transit and attract bicycle and pedestrian trips over lower density development. This statement should be revised to reflect the positive impact that high density development has on encouraging the use of alternative modes of transportation.

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- The Transportation Agency supports accommodation of alternative forms of transportation (rail, bus transit, bicycle and pedestrian transportation), both through the design of transportation facilities, and through the design and orientation of land uses. As such, our agency supports the County's proposed policies to encourage alternative modes of travel by providing increased transit service, pedestrian and bicycle infrastructure, compact and mixed-use development, requirements for site designs that support transportation choice, and ensuring that new developments provide multimodal facilities.
- The draft report notes that, where appropriate and sufficient right-of-way is available, that bicycle paths shall be separated from major roads and highways. Our agency also encourages and recommends the inclusion of on-street bike lanes in the construction of new major arterials and collectors with an average daily traffic greater than 3,000 or with a speed limit in excess of 30 miles per hour, to reduce vehicle-bicycle conflicts at intersection crossings and improve safety for bicyclists making turning movements through intersections.
- The draft report should address the need for new roadways on the interior of developments to be designed to accommodate bicycles with adequate pavement for bike travel, with specific dimensions clearly identified, particularly along major arterials.
- A premium should be placed on safe and accessible pedestrian access to development sites from intersections and crosswalks, sidewalks, and bicycle facilities. Our agency recommends that the draft report address issues of pedestrian travel, access, and safety. Our agency supports proper striping requirements at all pedestrian crosswalks to clearly identify areas of pedestrian travel and ensure safe transitions for vehicles and pedestrians. Consideration in the draft report should also be given to supporting the inclusion of intelligent crosswalks, which provide flashing notification lights when a pedestrian enters the crosswalk to increase visibility and alert drivers of their presence. New developments should be required to be designed with American Disability Act-compliant sidewalks that connect to external facilities, provide access to transit stops, and to not include the use of cul-de-sacs without a cut-through for pedestrian travel.
- In addition, The Transportation Agency recommends that implementation of bicycle facility-related policies encourage new developments to install public bicycle racks and lockers. Adequate lighting at these locations to improve safety and visibility should be provided by the development. The Transportation Agency encourages project developers to apply for our Bicycle Protection Program, which provides grant funding for bicycle parking facilities (racks and lockers) for local businesses, governments, and school districts.
- Our agency supports the concentration of new development along major transportation corridors and near incorporated cities to make transit services more feasible. The draft report should also indicate a preference for working early in the development process with Monterey-Salinas Transit to ensure that transit access and facilities are properly planned and provided. New development should also be

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required to utilize Monterey-Salinas Transit's *Designing for Transit* Guideline Manual as a resource for accommodating transit service at new development sites.

5

Alternatives to the 2007 General Plan
Transit-Oriented Development Alternative

- As previously noted, the Transportation Agency supports the efforts presented in the 2007 General Plan to increase the use of public transportation and enhance Monterey-Salinas Transit's areas of operations and infrastructure. In addition to this, the proposed Transit-Oriented Development alternative is consistent with our agency's plans to encourage and support a combination of increased fixed-route bus service, commuter and passenger rail, express bus services, and bus rapid transit. Implementation of this alternative, with designated Transit-Oriented Development nodes located in Castroville, Pajaro, former Fort Ord, and the Route 68 corridor, may require our agency to modify the initial planning and funding assumptions for some of the regional transportation improvement projects in the regional fee and *Investment Plan* programs. Our agency requests that if this alternative is selected that the County work collaboratively with our agency to ensure consistency of implementation with our plans and programs for the regional transportation network.

6

Climate Change
Land Use and Circulation

- The draft report describes how development and other activities associated with 2007 General Plan would contribute to global climate change. The Transportation Agency supports the policies identified in the 2007 General Plan for land use, circulation, and open space conservation to help reduce greenhouse gas emissions. Related to the policies outlined in the draft report, Senate Bill 375 (Transportation, Land Use, and the California Environmental Quality Act) provides a path for better planning by providing incentives for locating new developments in a manner that reduces vehicle miles traveled. The bill requires the regional governing bodies in each of the state's major metropolitan areas to adopt, as part of their regional transportation plan, a "sustainable community strategy" that will meet the region's target for reducing greenhouse gas emissions. Our agency encourages the County to coordinate its efforts and policies that address climate change with the Association of Monterey Bay Area Governments and its currently underway Blueprint Planning process, which is the basis for the Monterey County "sustainable community strategy".

7

Thank you for the opportunity to review this document. If you have any questions, please contact Michael Zeller of my staff at (831) 775-0903.

Sincerely,



Debra L. Hale
Executive Director

CC: Dave Murray, California Department of Transportation (Caltrans) District 5
Paul Greenway, Monterey County Department of Public Works

Letter to Ms. Alana Knaster
October 23, 2008

Carl Sedoryk, Monterey-Salinas Transit
Nicholas Papadakis, AMBAG
Ed Kendig, Monterey Bay Unified Air Pollution Control District

Enclosures: Transportation-Related Principles for Community Development
Alternative Measures

Transportation Agency for Monterey County Transportation-Related Principles for Community Development

Mission

The Transportation Agency for Monterey County aims to develop and maintain a multi-modal transportation system that enhances the mobility, safety, access, environmental quality, and economic activities in Monterey County.

The purpose of the following set of principles is to reduce future impacts to Monterey County's regional transportation system, reduce the cost of transportation infrastructure, and improve the Transportation Agency's ability to meet Monterey County's regional transportation needs. Our agency recommends that new land use development in the county adhere to the following set of principles, which emphasize developing a land use pattern that is supportive of non-single occupant auto modes of transportation so as to maximize the carrying-capacity of Monterey County's existing regional transportation infrastructure.

1. Land Use



- ❖ 1.a Encourage mixed use developments to accommodate short trips by non-auto modes
- ❖ 1.b Encourage growth in areas where transportation infrastructure exists or is most cost-effective to extend
- ❖ 1.c Encourage a balance of employment and housing to reduce regional commute demands
- ❖ 1.d Encourage higher residential densities in core areas or around transit stops to support regular transit service throughout the region
- ❖ 1.e Encourage land use jurisdictions to utilize the Caltrans Traffic Impact Studies Guide or develop traffic impact study guidelines of their own when analyzing the impacts of growth on the regional transportation system
- ❖ 1.f Require new development to pay for its proportional impact to the transportation system, preferably via regional and local fee programs, or on-street project construction

2. Street Network Design

- ❖ 2.a Provide an interconnected street system for new development to facilitate short trips by non-auto modes of transportation using the following features:
 - 2.a.1 Provide a grid-based street network
 - 2.a.2 Encourage short block lengths in new development
 - 2.a.3 Discourage cul-de-sac streets in new development unless they incorporate pedestrian and bike easements that reduce trip lengths
- ❖ 2.b Incorporate traffic calming features into the street network to slow the flow of traffic and enhance the pedestrian environment:
 - 2.b.1 Provide curb bulb-outs at intersections to reduce the length of pedestrian crossings
 - 2.b.2 Allow on street parking to slow the flow of cars and create pedestrian/auto buffer
 - 2.b.3 Provide landscaped buffers between pedestrians and motorized traffic and provide pedestrian-scale street lighting no more than 15 feet high

- ❖ 2.e Design streets to accommodate all modes of transportation
 - 2.e.1 Incorporate sidewalks and bicycle lanes into new street construction
 - 2.e.2 Accommodate safe bicycle travel by providing on-street bicycle lanes and routes instead of separated bicycle paths
 - 2.e.3 Incorporate bus pullouts, transit stops, transit shelters and other transit amenities to serve new development according to the MST Designing for Transit Handbook

3. Site Design

- ❖ 3.a Orient buildings to face the street in new development to improve access for pedestrians from sidewalks
- ❖ 3.b Incorporate residential uses over commercial uses in commercial areas to encourage trips by foot, bike, or transit and improve access by each of these modes
- ❖ 3.b Incorporate reduced building setbacks, especially in commercial areas, to reduce the length of pedestrian trips and facilitate easy access
- ❖ 3.c Locate on-site parking to the rear of structures or underground
- ❖ 3.d Provide pedestrian facilities connecting building entrances with the street where parking is not provided to the rear of structures to enhance pedestrian access and safety
- ❖ 3.f Incorporate bicycle storage facilities into site plans to accommodate access by bicyclists

4. Transportation Demand Management

- ❖ 4.a Encourage telecommuting in non-residential development as a traffic mitigation measure
- ❖ 4.b Encourage flexible work schedules for employees as a traffic mitigation measure
- ❖ 4.c Encourage employers to utilize available rideshare programs or create their own
- ❖ 4.d Encourage employers to offer transit incentives to employees to mitigate traffic impacts
- ❖ 4.e Provide preferential carpool or vanpool parking in non-residential developments
- ❖ 4.e Encourage large employers to offer child care facilities as resources allow and encourage all employers to provide information on nearby child care resources
- ❖ 4.f Locate child care facilities near employment centers

SAMPLES OF ALTERNATIVE MEASURES

1. Provide ridesharing, public transportation and nearby licensed child care facility information to tenants/buyers as part of move-in materials.
2. Print transit information on promotional materials.
3. Install bicycle amenities, such as bicycle racks and bicycle lanes.
4. Provide bus pullouts, pedestrian access, transit stops, shelters and amenities as part of the site plan.
5. Provide locked and secure transportation information centers or kiosks with bus route/schedule information, in common areas.
6. Provide pedestrian facilities linking transit stops and common areas.
7. Provide resources for site amenities that reduce vehicular trip making.
8. Park-and-ride facilities.
9. On-site childcare facilities.
10. Shuttle bus service, bus pools or improved transit service as part of the development.
11. Facilities to encourage telecommuting.
12. Pedestrian and bicycle system improvements.
13. Transit oriented design and/or pedestrian oriented design.
14. Provide preferential carpool/vanpool parking spaces.
15. Implement a parking surcharge for single occupant vehicles.
16. Provide shower/locker facilities.
17. Employ or appoint a transportation/rideshare coordinator.
18. Implement a rideshare program.
19. Provide incentives for employees to rideshare or take public transportation.
20. Implement compressed work schedules.

SAMPLES OF STREET AND ROAD IMPROVEMENTS

1. Safety improvements
2. Traffic signal improvements.
3. Traffic signals.
4. Turning or auxiliary lanes.
5. Add travel lanes.
6. Improve highway interchange.
7. Construct interchange.
8. Construct new street or road.

Monterey County
Planning and Building
Inspection Administration



Ag Land Trust

P.O. Box 1731
Salinas, CA 93902
tel. 831.422.5868
fax. 831.758.6053

OCT 28 2008

RECEIVED

October 27, 2008

Mike Novo
Planning Dept.
168 W. Alisal St.
2nd Floor
Salinas, CA 93901

Dear Mike:

We have received a copy of the correspondence sent to Monterey County by Molly Erickson on behalf of the Open Monterey Project. We hereby agree and reiterate her comments and respectfully request that the public comment period for the GPU-5 Environmental Impact Report be extended in order to allow full public review of the documents that have previously not been available.

Respectfully,

Brian Rianda
Managing Director
Ag Land Trust



Ag Land Trust

P.O. Box 1731
Salinas, CA 93902
tel. 831.422.5868
fax. 831.758.6053

RECEIVED
MONTEREY COUNTY

2009 JAN 30 PM 2:44

CLERK OF THE BOARD

MD DEPUTY
Hand Delivered to C & B

January 30, 2009

To: Monterey County Board of Supervisors
Mike Novo, Director of Planning

Attn: Carl Holm

Gentlepersons:

On behalf of the Ag Land Trust, formerly the Monterey County Agricultural and Historic Land Conservancy, and our Board of Directors, individually and collectively, we hereby reiterate our concern and objections to the inadequacy and insufficiency of the most recent version of the Draft Environmental Impact Report (EIR) for the proposed Monterey County General Plan.

1

Attached herewith are our continuing and repeated letters and correspondence to Monterey County dating back to 2003 wherein we have repeatedly requested that each, every, and all of the 1982 General Plan policies related to the identification, preservation, protection, and expansion of Monterey County prime and productive farmlands be included in the new General Plan. Further, we have requested (in our attached letter to Jones and Stokes dated February 14, 2008) for "a full, complete, and detailed analysis of each and every policy...to determine which are the environmentally superior alternatives as mandated by CEQA." We did not receive the courtesy of a response to this or our previous letters, correspondence, or public testimony before the Board of Supervisors and ask that the detailed and legally required environmental review addressing our concerns be prepared and circulated pursuant to CEQA requirements before the Planning Commission and the Board of Supervisors.

2

As we have in the past, we have attached our objections and correspondence to this letter and we make these prior documents a part of this objection letter.

Our concern is simply that the proposed revised policies in the proposed General Plan are significantly weaker than the 1982 General Plan policies that have protected our prime and productive agricultural land for nearly 30 years. This weakening and "backsliding" of the proposed General Plan policies will result in far greater and currently (in the Draft EIR) unevaluated or mitigated permanent and far greater losses of prime and productive agricultural lands. Additionally, we are concerned that the policies as written will lead to: 1. increased urbanization; 2. increases in runoff and surface water pollution; 3. increased air pollution without mitigation or offset; 4. severely increased traffic on county and state highways and roads.

3

The loss of farmland (because the proposed EIR and General Plan reduces protections of the resource [prime and productive agricultural lands] upon which Monterey County agribusiness

4

depends) has not been evaluated in the EIR. The environmentally superior alternative that results from the mandated side-by-side comparison of the 1982 General Plan policies with the proposed new policies is not in the Draft EIR. We are concerned that the Draft EIR lacks this analysis because the County knows that the proposed "new policies" are "watered down" and far less protective of Monterey County's agricultural resources than the current, time-tested farmland preservation and protection policies in the 1982 General Plan.

4

We request that the analysis that we have repeatedly requested since 2007 be included in the Draft EIR before any public hearings on the current, legally deficient draft are held. We ask that all of the 1982 policies be included in the new Monterey County General Plan to guarantee the future preservation of our farmlands, including our prime farmlands unique farmlands, and lands of "statewide" and "local" importance as defined in the 1982 General Plan.

5

Respectfully,



Virginia Jameson
Conservation and Development Analyst
Ag Land Trust

Attachments: Exhibits 1-7 (made a part hereof)

Ag Land Trust
Formerly The
Monterey County Agricultural and Historic Land Conservancy
P.O. Box 1731, Salinas, CA 93902

February 14, 2008

Mr. Terry Rivasplata
Jones and Stokes
2600 V. St
Sacramento Ca 95818

Monterey County
Planning and Building
Inspection Administration

JAN 30 2009

RECEIVED

Re: Monterey County General Plan and EIR

Dear Mr. Rivasplata,

Enclosed is a letter presented to the Monterey County Board of Supervisors in December of 2007. I understand that you are responsible for preparing the EIR for the Monterey County General Plan, and therefore I would like to direct and reiterate a request to you that the proposed EIR for GPU-5 include **"a full, complete, and detailed analysis of each and every policy affecting farmland and farmland preservation in the 1982 General Plan be evaluated and compared to the proposed policies in the draft plan (GPU-5) to determine which are the environmentally superior alternatives as mandated by CEQA."** as referenced in paragraph seven of the enclosed letter addressed to the Monterey County Board of Supervisors dated December 7, 2007.

6

As you know, failure to prepare a full and complete alternatives analysis would cause the Environmental Impact Report to be fatally flawed. Both the Board of Supervisors and all of the residents of Monterey County have a right to know what the environmentally superior alternatives are for farmland preservation in Monterey County. The public needs to know if the policies and requirements for the protection of Monterey Counties farmlands are stronger in the existing 1982 General Plan than in the "watered-down" versions in the draft 2005 plan. Further, the EIR must disclose in detail precise and enforceable mitigation measures to mitigate the irreparable loss of the rare and unique prime farmlands of Monterey County. These all must be addressed in the draft EIR to comply with the statutory and administrative requirements of CEQA.

7

If you have any questions or comments, please do not hesitate to contact our office at 831.422.5868. Thank you for your attention to this matter.

Sincerely,

Virginia Jameson
Conservation and Development Analyst
Ag Land Trust,
Formerly the Monterey County Agricultural and Historic Land Conservancy

Monterey County Agricultural and Historic Land Conservancy
P.O. Box 1731, Salinas, CA 93902

December 7, 2007

Monterey County
Planning and Building
Inspection Administration

To: Monterey County Board of Supervisors
Mr. Charles McKee, County Counsel
Mr. Michael Novo, Director of Planning

JAN 30 2008

RECEIVED

From: Monterey County Agricultural and Historic Lands Conservancy (MCAHLC)

Re: Refinement Group late submissions for General Plan proposed changes

MCAHLC believes that the proposed changes that are herewith attached are inappropriate to include in the proposed General Plan. We oppose their inclusion. Besides the fact that these proposed changes have never been seen by anyone except the "Refinement Group" before this week, and, in large part, appear to have been solely initiated by that group for the benefit of its supporters, we believe that any consideration of these proposed changes without full hearings before both the Planning Commission and then the Board of Supervisors, before the NOP for the EIR is issued, would make a mockery and a sham of the GPU process of the past six months.

1. Specifically, the proposed change to LU-1.a arbitrarily and without any environmental, infrastructure, or resource justification exempts from the DES review thousands of units of apartments, rentals, and mixed use projects from the evaluation system. No analysis of water use, traffic congestion, or potential wastewater pollution to groundwater resources would be required of these projects if the proposed changes are adopted. No mitigations would or could be required of the developers. The authors of this proposal appear to be trying to re-write CEQA, as well as the administrative regulations of the Regional Water Quality Control Board, the California Department of Public Health, and the Monterey County Health Code, to avoid their obligations to pay for the adverse impacts of their projects on the communities of Monterey County. This proposal is reminiscent of the minor subdivision in the 1980's by Mr. Brian Finegan for the Holly Hills developers to put a residential subdivision on the lands reserved for the Highway 101 Bypass.

2. The proposed change in C-1.1 again is an attempt to avoid the Board's legal CEQA obligation and mandated duty to mitigated traffic impacts, even if the developers are building affordable housing. **The roads of Monterey County are shared by all people of all economic strata, and the risks to their lives and safety from excessive, unmitigated traffic cavalierly approved by local government is an adverse impact on all of the residents of Monterey County.** The proposed arbitrary exemption, without justification of any kind, for the AHO Districts places the Board of Supervisors in the position illegally abdicating its obligations under the California Resources Code to

mitigate the adverse impacts of development and the traffic it generates. The Board has this legal duty to all of the county's residents, regardless of whether or not a developer or his lawyer is politically or personally favored by the Board collectively or individually, to either require all developers to pay for mitigations or to not build their projects.

Concluding that a "Declaration of Overriding Consideration," as this policy implies, is your only solution and memorializing this in the General Plan is a violation of CEQA and a failure of the process of protecting the safety of the families of Monterey County.

3. The proposed changes in PS-4.a appear to be trying to dilute water quality protection policies of the Regional water Quality Control Board, the California Department of Public Health, and even existing provisions of the Monterey County Health Code. This policy needs to be entirely re-written to reflect the current advanced status of the legal regulations, policies, and protections of water quality of and by state agencies. Proliferation of hundreds of septic tanks in a Rural Center, in lieu of connecting a regional sewer, guarantees knowing, continued, and increased pollution to public drinking water supplies, capricious threats to public health, and unmitigatable adverse impacts. This is particularly a problem along the proposed River Road Rural Center. Further developers must be required to dedicate a minimum of three (3) times the required usable acreage for wastewater disposal for disposal from a package sewer treatment plant to avoid the type of grave water quality problem created at Las Palmas Ranch when the developers' attorney, on behalf of his clients, failed to set aside adequate disposal areas thereby costing the County and the residents hundreds of thousands of dollars in repairs. This complies with recent RWQCB staff recommendations for similar projects.

4. We strongly oppose the proposed changes in AG-1.3, proposed section(c). The proposed language is an attempt to avoid the statutory and administrative legal requirements of the California Environmental Quality Act. Further, it weakens this farmland protection policy to the point of making it meaningless and violates the requirements CEQA. CEQA requires a full and complete environmental review at the earliest possible time in a multiple stage development project. Local county supervisors are not allowed to re-write state law on behalf of special interests. Further, MCAHLC believes that serious equal protection and potential discrimination issues appear to be created in AG-1.6 and AG-1.7 as proposed.

Further, MCAHLC believes that the proposed agricultural land preservation policies in the proposed general plan are far more weak and far less enforceable than the policies of the 1982 General Plan that we requested that your Board re-adopt at your last hearing. We hereby request that, in the proposed EIR for GPU-5, a full, complete, and detailed analysis of each and every policy affecting farmland and farmland preservation in the 1982 General Plan be evaluated and compared to the proposed policies in the draft plan to determine which are the environmentally superior alternatives as mandated by CEQA. As you know, failure to fully complete this alternatives analysis to determine the environmentally superior alternative will cause the EIR to be fatally and legally flawed.

5. We oppose the proposed changes in AG-1.12. There is no justification for trying to exempt undisclosed projects from the general policies of the plan and of CEQA. Further, many aspects of the Salinas General Plan are now in dispute, particularly the available water supply for appropriators whose claims may be adverse to farmers and overlying land owners. It is illegal to try to ratify that plan simply by referencing it in the County General Plan. It must be subjected to a full subsequent EIR pursuant to the CEQA guidelines.

6. MCAHLC opposes GS-1.a, NC-1.a, and T-1.a. Setting deadlines in the General Plan is an invitation for developer's attorneys to sue the county. Further, this appears to be a thinly veiled effort to bind the hands of future Boards. After millions of dollars of judgments and settlement payments in 2007, we believe that the Board of Supervisors should avoid any further public criticism by not accepting these proposed policies that could be characterized as the "full employment act for litigation attorneys".

Respectfully,

Brian Rianda

MONTEREY COUNTY AGRICULTURAL AND HISTORIC LAND
CONSERVANCY

P.O. Box 1731, Salinas CA 93902

Email: brian@rianda.com

www.aglandconservancy.org

Phone: 831-422-3484

Fax: 831-758-0460

Monterey County
Planning and Building
Inspection Administration

Mr. Michael Novo,
Monterey County Director of Planning

JAN 30 2009

RECEIVED

Dear Mr. Novo:

The Monterey County Agricultural and Historic Lands Conservancy hereby respectfully proposes and submits the following recommended findings and policies to be included in the new Monterey County General Plan. These findings and policies, many of which are part of the adopted 1982 General Plan policies which have been in effect for over 25 years, are expressly to continue the agricultural lands preservation and protection policies that have guided the established county policy of preserving farmlands as the irreplaceable resource upon which the county's largest industry depends. As you know, in the last few years, a brighter light has been shining on agricultural land preservation from the Federal Government down to local governments.

1. FINDINGS TO BE INCLUDED IN THE LAND USE ELEMENT OF THE GENERAL PLAN

Agricultural Lands

The County of Monterey has vigilantly maintained and strongly enforced policies of agricultural land protection, preservation, and expansion for generations, due to the recognition that our county's largest industry, our largest employer, and greatest source of income and economic opportunities for our residents is solely dependant on the protection and preservation of our unusually productive, rare, and limited agricultural soils. To protect and enhance the sustained production and diversity of our agricultural industry, and to preserve and expand agricultural employment and economic opportunities for the residents of Monterey County, the policies of the preservation, protection, and expansion of our limited agricultural lands shall be sustained, enhanced, and perpetuated. Further, Monterey County shall identify the extent and locations of agricultural lands in the County and devise and implement regulations and techniques which will be effective in preserving and enhancing these lands. (1982 Gen. Plan Sec. 4.1). Monterey County agricultural lands include the sub-categories of farmlands, rural grazing lands, and permanent grazing lands.

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Farmlands. The farmlands sub-category shall include those farmlands designated by the California Department of Conservation and the United States Department of Agriculture as prime, of statewide importance, unique, or of local importance. The minimum parcel size for these farmlands shall be 40 acres. Rural and permanent grazing lands are those which, according to the California Department of Conservation and USDA, display a high or moderate degree of capability/ suitability for grazing of livestock.

Rural Grazing Lands. This land use sub-category is applied to grazing lands which are located in the County's developing areas, which are not restricted by a 20-year Williamson Act contract. In rural grazing areas, minimum parcel sizes shall range from a 10-acre minimum to a 160-acre minimum, but they shall not be less than the existing zoning designation on the date of adoption of this General Plan. Clustering of residential uses shall be encouraged provided that total site density shall not exceed that allowed by the appropriate rural grazing land use category. Density for clustering shall be numerically consistent with minimum lot size; e.g., in an area which is designated rural grazing lands with a 10-acre minimum, allowable density shall be 10 acres per unit. As a condition of clustered residential development approval, the developer shall be required to enter into a permanent restriction (agricultural conservation easement) to ensure continued grazing use on those portions of the property not developed for residential use.

Permanent Grazing Lands. This land use sub-category is applied to those portions of the County in which exclusive grazing use is to be preserved, enhanced, and expanded. On permanent grazing lands, minimum parcel sizes shall be 40 acres and larger, but they shall not be less than the existing zoning designation on the date of adoption of this General Plan. Only when they are clearly an accessory use to the exclusive agricultural use of the property, residential units may be developed at a density of 40 acres or more per unit. Subdivision of land may be allowed only for agricultural purposes, for farm labor housing, or in order to create a building site for immediate family members and spouses. The division of property to create a one-acre minimum building site may be considered by the County if the division is to accommodate housing for members of the immediate family of the property owner who earn their livelihood from grazing use of the family land immediately contiguous to the parcel being created by subdivision. Such subdivision shall be conditioned by deed restriction to allow for the exclusive occupancy by immediate family members and their spouses. Likewise, another condition shall require the parcel to be an accessory use to the ranch in question or to an adjoining ranch, providing the residence is accessory to the adjoining agricultural use and is occupied exclusively by immediate family owners and spouses of the owners or lessees who are agricultural workers.

Lands within the permanent grazing lands sub-category may be merged with adjacent lands which are involved in active grazing operations.

Implementation Policies

1. (4.1.1) The Important Farmlands Inventory definitions, used by the USDA and the California Department of Conservation and accepted by various County agencies; shall be used to identify important agricultural lands in the County.
2. (4.1.2) The County shall establish, preserve, protect, and maintain agricultural zoning districts on prime farmlands, farmlands of statewide importance, unique farmlands, and farmlands of local importance.
3. (4.1.3) All farmlands designated as prime, of statewide importance, unique, or of local importance shall be protected from incompatible uses on adjacent lands. Loss of such lands through permanent conversion to other uses shall be mitigated pursuant to the policies of this plan.
4. (4.2) Identify agricultural lands which are used for grazing and related purposes and preserve and enhance these agricultural resources in Monterey County.
5. (4.2.1) The County shall establish, maintain, and preserve agricultural zoning districts for grazing and related purposes.
6. (30.0.1) The County shall prevent non-agricultural uses which could interfere with the potential of normal agricultural operations on viable farmlands designated as prime, of statewide importance, unique, or of local importance.
7. (30.0.2) The County shall require that permanent, well- defined buffer areas (agricultural conservation easements) be provided and dedicated as part of new non-agricultural development proposals which are located adjacent to agricultural land uses on viable farm lands designated as prime, of statewide importance, unique, or of local importance. These buffer areas shall be dedicated in perpetuity, shall be of sufficient size both to protect agriculture from the impacts of incompatible development and to mitigate the loss of agricultural land, jobs, and agricultural productivity to the county.
8. (30.0.3) The County shall allow division of viable farmland designated as prime, of statewide importance, unique, or of local importance only for exclusive agricultural purposes, when demonstrated not to be detrimental to the agricultural viability of adjoining parcels.
9. (30.0.4) The County shall make every effort to preserve, enhance, and expand viable agricultural land uses on farmland designated as prime, of statewide importance, unique,

or of local importance through application of "agricultural" land use designations and encouragement of large lot agricultural zoning.

10. (ADDED) To further advance the policies of this General Plan, the County shall support the creation, expansion, and sustainment of private, nonprofit land trusts and conservation organizations to receive, by voluntary donation or purchase, development rights on any lands to be preserved for the protection and expansion of agriculture, or as open space, within Monterey County.

11. (30.0.5) The County shall support other policies that provide tax and economic incentives which will enhance competitive capabilities of farms and ranches, thereby insuring long-term preservation, enhancement, and expansion of viable agricultural lands. Examples of these policies and programs shall include the following:

- Cooperation with the Monterey County Agricultural and Historic Lands Conservancy, or other similar agricultural land trusts, to facilitate the voluntary preservation of agricultural lands, as defined by these policies, by land owners through the donation of fee title or the dedication of agricultural conservation easements to promote the policies of the General Plan.
- Use of voluntary restriction to agricultural uses upon agricultural lands by owners through the use of tax incentives, the purchase or contributions of land or conservation easements, or other appropriate techniques.
- Use and expansion of Williamson Act Contracts.

12. (30.0.6) Greenhouses, mushroom farms, and similar agriculture enterprises that are not on-site soil dependent or which degrade soil capabilities shall not be located on the County's prime farmlands and farmlands of statewide importance. This policy shall not limit uses accessory to soil dependent uses.

2. POLICIES TO BE INCLUDED IN THE OPEN SPACE ELEMENT OF THE GENERAL PLAN

1. (1.1) The County shall designate open space where its use will preserve, conserve, and maintain the natural resources, agricultural lands, and physical features of Monterey County.

2. (1.1.1) Open space land use designations shall be used, as needed for compliance with the goals, objectives, and policies of this Plan.

3. (1.1.3) Landowners shall be encouraged voluntarily to restrict the development potential of property through grants of conservation easements, Williamson Act contracts, or other appropriate protections in areas designated for open space uses such as agriculture and resource conservation.

4. (3.1.2) The County shall support and encourage existing special district, state, and federal soil conservation and restoration programs within its borders.

5. (3.1.3) Determinations of soil suitability for particular land uses shall be made according to the definitions in the General Plan, the USDA Soil Survey of Monterey County, and the California Department of Conservation Farmland Mapping and Monitoring Program.

6. (5.1) The County shall protect and preserve watersheds and recharge areas, particularly those critical for the preservation and sustainment of agriculture and the replenishment of reservoirs and aquifers.

7. (26.1.1) In order to preserve its open space and rural character, the County shall encourage the voluntary restriction of development through dedication of scenic or agricultural conservation easements, transfer of development rights, and other appropriate techniques.

8. (34.1.5) Open space areas shall be designated on the perimeter of all development undertaken by the County or cities, particularly if such development encroaches upon agricultural lands..

9. (34.1.6) The County, in coordinated efforts with other public agencies, shall require that all development projects undertaken by public agencies affecting the policies or land use designations of this General Plan include a permanent open space buffer or agricultural conservation easement area on the perimeter of the project site to mitigate for the loss of agricultural land and open space.

10. (34.1.7) The County shall support the creation, expansion, and sustainment of private, nonprofit land trusts and conservation organizations to receive, by voluntary donation or purchase, development rights on any lands to be preserved as open space.

(NEW)

**3. FINDINGS AND POLICIES REGARDING LOSS OF FARMLAND
MITIGATION TO BE INCLUDED IN THE LAND USE ELEMENT OF THE
GENERAL PLAN**

Findings:

The Board of Supervisors finds and determines that agriculture is the single largest industry in Monterey County, that it directly and indirectly employs more residents than any other industry, and that the county's economic well-being is dependant upon the sustained and enhanced production of agricultural commodities. The Board also finds that agriculture is wholly dependent upon the rare and irreplaceable farmlands of Monterey County. The Board of Supervisors finds that agricultural lands, including prime farmlands (lands of national importance), farmlands of statewide importance, unique farmlands, and farmlands of local importance, as defined and mapped by the California Department of Conservation and USDA, and based upon the criteria used by the Natural Resources Conservation Service, are rare and limited natural and economic resources that are of great importance and value to the citizenry and job base of Monterey County, to the state's and county's economy, and to its future well being.

The loss of these lands, and the loss of agricultural productivity, jobs, and economic and societal values related thereto, through permanent conversion of these lands to urban development requires significant mitigation to protect the agricultural industry, farmlands, productivity, workers, and jobs upon which the economic welfare of the county depends.

Mitigation Policy:

Any discretionary action, approval, authorization, or permit by the county that results, or potentially results, in the change of use, conversion, or loss of agricultural lands or their agricultural productivity, which are located in agricultural, resources conservation, or open space land use classifications of this General Plan, shall be conditioned and required to mitigate the loss of that agricultural land, its productivity, and the loss of agricultural jobs and economic activities resultant therefrom.

The required mitigation, in the form of permanently dedicated agricultural land conservation easements or dedicated fee title upon agricultural land of equal or greater productivity value than the lands converted, changed, or lost, shall be, at a minimum, required on the following ratios:

1. Loss of prime farmlands/lands of national importance- 3 acres for every acre lost or converted
2. Loss of Agricultural Lands of Statewide Importance- 2.5 acres for every 1 acre lost or converted
3. Unique farmlands and Lands of Local Importance- 1 acre for every 1 acre lost or converted
4. These easements or lands may be held by the county or by a non-profit agricultural land trust or a conservancy.

Thank you for your consideration and please do not hesitate to call if you have any questions or comments.

Sincerely,
Monterey County Agricultural and Historic Land Conservancy, Inc.

Richard Nutter, President

Cc: Board of Supervisors
Alana Knaster
Wayne Tanda
Lew Bauman
Charles McKee

Monterey County Agricultural and Historic Land Conservancy
P.O. Box 1731, Salinas, CA 93902

September 30, 2007

Michael Novo
Monterey County Director of Planning

Re: Last week's meeting

Dear Mr. Novo:

Thank you for taking the time to meet with us regarding the agricultural policies of the 1982 General Plan. As was indicated at the meeting, these policies have been in full force and effect for the past 25 years and have guided the county's decisions regarding farmlands in the Salinas and Pajaro Valleys. Further, in 25 years, these policies have never been successfully challenged because they are clear, enforceable, and redundant in such a manner as to leave no room for interpretation or ambiguity. Additionally, any proposed changes or "watering down" in these policies, and the significant adverse impacts and consequences on farmland, water resources, agricultural enterprises, development patterns, and air quality resulting therefrom, will necessitate new, detailed, and revised environmental review in an EIR.

As was pointed out at the meeting, the renewal of these policies, and their specific criteria and enforceable standards, is of grave importance to MCAHLC, the landowners, and farmers who have participated since 1982 in executing conservation easements and securing the preservation of nearly 20,000 acres of prime farmland and grazing lands in our county. Further, re-adoption of these existing policies will avoid environmental disputes and conflicts.

As you know, Supervisor Calcagno, at an earlier meeting in August, asked one of our board members, Marc Del Piero, to identify the agricultural/open space/conservation protection and preservation policies from the existing general plan that needed to be included into the new plan. He did that and his letter is attached as part of this letter. Based on the comments and direction received from Sups. Calcagno and Salinas at our meeting last week, I am herewith attaching and including as part of this request that letter and attachments prepared by Marc that were distributed to the supervisors, Wayne Tanda, and you. These are the policies that we want continued as part of the new general plan, as they have been for the past 25 years.

MCAHLC hereby requests that all of these existing policies, and their criteria and standards, be specifically included and adopted into the new general plan so as to guarantee the sustained enforceability and continuity of the important county agricultural land preservation policies.

Monterey County
Planning and Building
Inspection Administration

JAN 30 2008

RECEIVED

Respectfully,

Brian Rianda

**cc. Alana Knaster, Fernando Armenta, Louis R. Calcagno, Simon Salinas, Jerry Smith,
Dave Potter**

Marc J. Del Piero
Attorney at Law

Specializing in
Environmental & Natural Resources Law

4062 El Bosque Drive
Pebble Beach, CA 93953-3011

(831) 626-4666 Telephone/Fax
mjdel Piero@uol.com
Monterey County
Planning and Building
Inspection Administration

TO: Supervisor Louls Calcagno

FROM: Marc Del Piero

JAN 30 2009

RECEIVED

RE: Agricultural Land Preservation Policies in the 1982 General Plan

During our last meeting with Sherwood Darington and Brian Rianda, you asked if I would identify for you the farmland preservation policies that I wrote into the 1982 General Plan. I have gone through the 1982 General Plan and attached are the set of policies that the Board of Supervisor adopted to implement the farmland preservation policies that were the underpinnings of the Land Use Element of the 1982 Plan. These policies are intended to be reciprocal, "overlapping", and work together to insure that no loopholes could be used to undermine the Board's intent to preserve our county's irreplaceable agricultural resources.

It may be appropriate for you to ask that your staff confirm that these policies and their specific language are all included in the new General Plan. If they are not all in the Plan, they should ALL be put into the New General Plan. Many have tried to change the language to "water down" the enforceability of these policies. None of these policies was successfully challenged in the 25 year history of the 1982 Plan because their mandates and language are clear, unambiguous, easily described and implemented by staff, and redundant (so no one can claim that there is some alternate meanings to the express language and intent of the policies).

I hope that this will help you to guarantee the future preservation of farmland in our county.

Aug. 28, 2007

Deliver to:
Dick, Sherwood, Brian, Kelly

To: MARK

O-1b

From: Sherwood

GOALS AND POLICIES AGRICULTURE

GENERAL AGRICULTURE

GOAL AG-1

Protection, Preservation, Expansion, and

PROMOTE THE LONG-TERM/ CONSERVATION OF PRODUCTIVE AND POTENTIALLY PRODUCTIVE AGRICULTURAL LAND.

Policies

AG-1.1

Land uses that would interfere with routine and ongoing agricultural operations on viable farmlands designated as ~~statewide~~ *of statewide importance, local, or of local importance* shall be prohibited.

AG-1.2

The following criteria shall be used to establish agricultural buffers to protect existing agricultural operations:

- a. Factors to consider include the type of non-agricultural use proposed, site conditions and anticipated agricultural practices. Other factors include weather patterns, crop type, machinery and pesticide use, existence of topographical features, trees and shrubs, and possible development of landscape berm to separate the non-agricultural use from the existing agricultural use.
- b. Drainage, shading, vegetation, and erosion control shall be considered in the establishment of an agricultural buffer area and be made beneficial to the adjacent agricultural use.
- c. Buffers shall be designed to comply with applicable state and local laws regulating school buffers, pesticide setbacks, and other controls.
- d. Agricultural buffers and/or easements shall be provided from the proposed new use and not from the adjacent agricultural land ~~unless by mutual agreement between the two landowners. (Delete)~~
- e. Agricultural buffers are designed to be used for the purposes and manner described in this policy and for no other purposes unless agreed to by abutting landowners.
- f. Buffer maintenance will be the responsibility of the underlying fee title owner *and shall be enforced by the County of Monterey*
- g. ~~Buffers are not meant to be permanent and will be terminated once the underlying reason for the buffer no longer exists.~~ *Some* Delete
- h. ~~The Agricultural Advisory Committee shall review and recommend changes to established buffer zones.~~ Delete

AG-1.3

Subdivision of Important Farmland (as mapped by the California Department of Conservation Farmland Mapping and Monitoring Program) and designated by the County as "Farmland" shall be allowed only for exclusive agricultural

O-1b

- AG-1.10 The Farmland Mapping and Monitoring Program (FMMP) Important Farmland Categories developed by the California Department of Conservation shall be used as ~~one~~ means to identify important agricultural lands in the County.
- AG-1.11 ^{The} Permits for agriculture activities will be integrated with applicable permit coordination (streamlining) programs.
- AG-1.12 The County shall prepare, adopt and implement a program that requires projects involving a change of land use designation resulting in the loss of Important Farmland (as mapped by the California Department of Conservation Farmland Mapping and Monitoring Program) or involving land to be annexed to an incorporated area, in consultation with the cities to mitigate the loss of Important Farmland resulting from annexation, to mitigate the loss of that acreage. The program may include ratios, payment of fees, or some other mechanisms. Until such time as the program has been established, the County shall consult and cooperate with the cities so that projects shall mitigate the loss of Important Farmland on an individual basis as much as is feasible as determined by the Board of Supervisors. The acreage in a project or annexation that is to be utilized for inclusionary housing shall not be subject to this mitigation policy. A Community Plan or Rural Center Plan that includes a mitigation program shall not be subject to this policy. This policy would not apply to annexations covered by the 2006 Greater Salinas Area Memorandum of Understanding (MOU) between the County of Monterey and the City of Salinas.

AGRICULTURAL SUPPORT USES

GOAL AG-2

PROVIDE OPPORTUNITIES TO RETAIN, DEVELOP AND EXPAND THOSE AGRICULTURE-RELATED ENTERPRISES AND AGRICULTURAL SUPPORT USES ESSENTIAL TO THE CONTINUING VIABILITY OF THE AGRICULTURAL INDUSTRY.

Policies

- AG-2.1 Agricultural support facilities such as coolers, cold storage, warehouses, parking lots, greenhouses, temporary and permanent worker housing and offices, processing equipment and facilities, loading docks, workshops established to serve on-site and/or off-site farming and ranching activities shall be considered compatible and appropriate uses in the Farmlands, Permanent Grazing, and Rural Grazing land use designations. The County shall establish an ordinance that determines which uses require a discretionary permit.
- AG-2.2 The establishment and retention of a broad range of agricultural support businesses and services to enhance the full development potential of the agricultural industry in the County shall be encouraged and supported.

GOALS, OBJECTIVES, AND POLICIES

FOR NATURAL RESOURCES

OPEN SPACE CONSERVATION

1 GOAL

TO RETAIN THE CHARACTER AND NATURAL BEAUTY OF MONTEREY COUNTY BY THE PRESERVATION, CONSERVATION, AND MAINTENANCE OF OPEN SPACE WITHIN CONSTITUTIONAL CONSTRAINTS.

Objective

- * 1.1 Designate open space where its use will preserve, conserve, and maintain the natural resources and physical features of Monterey County.

Policies

- * 1.1.1 Open space land use designations shall be used, as needed for compliance with the goals, objectives, and policies of this Plan.
- 1.1.2 Open space land use designations shall be used as needed to preserve the physical and natural features contributing to the County's outstanding natural beauty.
- * 1.1.3 Landowners shall be encouraged voluntarily to restrict the development potential of property through grants of conservation easements, Williamson Act contracts, or other appropriate protections in areas designated for open space uses such as agriculture and resource conservation.

GEOLOGY, MINERALS, AND SOILS

2 GOAL

TO PROVIDE FOR THE CONSERVATION, UTILIZATION, AND DEVELOPMENT OF THE COUNTY'S MINERAL RESOURCES IN KEEPING WITH SOUND CONSERVATION PRACTICES AND TECHNIQUES.

Objective

- 2.1 Protect potentially significant mineral deposits and mining operations from encroachment by incompatible land uses, in accordance with established land use priorities.

Policies

- 2.1.1 The County shall work in conjunction with the State Division of Mines and Geology to inventory lands containing valuable mineral deposits and identify on-

Objective

- 2.2 Protect existing mining operations, including idle and reserve properties from encroachment by incompatible land uses, in accordance with established land use priorities.

Policies

- 2.2.1 Existing mining operations shall be inventoried and off-site incompatible land uses identified.
- 2.2.2 The County shall designate land use categories which will protect existing mining operations from incompatible land uses.

Objective

- 2.3 Provide for mineral extraction in keeping with sound conservation practices and for the reclamation of the extraction site to a condition consistent with the surrounding natural landscape and environmental setting.

Policies

- 2.3.1 A mining and reclamation plan shall be required for all proposed mineral extraction operations.
- 2.3.2 Mining operators shall be required to furnish the County with all information needed to make an environmental assessment of the proposed mineral extraction operation.

Objective

- 2.4 Support efforts to conserve raw mineral resources through recycling.

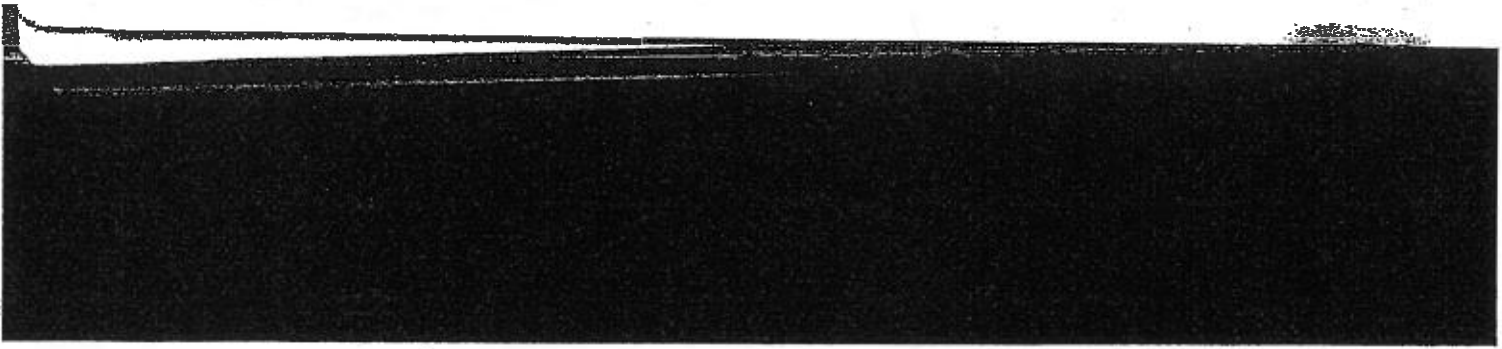
3 GOAL

TO PROMOTE THE CONSERVATION OF SOILS AS A VALUABLE NATURAL RESOURCE.

Objective



- 3.1 Establish procedures for the prevention of soil erosion and the repairing of erosion damage in critical areas on both public and private lands.



Policies

3.1.1

Erosion control procedures shall be established and enforced for all private and public construction and grading projects.



3.1.2

The County shall support and encourage existing special district, state, and federal soil conservation and restoration programs within its borders.



3.1.3

In the absence of more detailed site specific studies, determinations of soil suitability for particular land uses shall be made according to the Soil Conservation Service's Soil Survey of Monterey County *or Dept. of Conservation mapping and the California Dept. of Conservation Farmland Mapping and Monitoring Program.*

Objective

3.2

The prevailing slope of the land shall be used as an additional criterion in evaluating land use activities.

Policies

3.2.1

A slope map shall be produced to identify areas in the County where slope poses severe constraints for particular land uses.

3.2.2

Lands having a prevailing slope above 30% shall require adequate special erosion control and construction techniques.

3.2.3

Lands having a high erosion potential as identified in the Soil Survey shall require adequate erosion control methods for agricultural uses.

3.2.4

Except in areas designated as medium or high density residential or in areas designated as commercial or industrial where residential use may be allowed, the following formula shall be used in the calculation of maximum possible residential density for individual parcels based upon slope:

- o Those portions of parcels with cross-slope of between zero and 19.9 percent shall be assigned 1 building site per each 1 acre.
- o Those portions of parcels with a cross-slope of between 20 and 29.9 percent shall be assigned 1 building site per each 2 acres.
- o Those portions of parcels with a cross-slope of 30 percent or greater shall be assigned zero building sites.
- o The density for a particular parcel shall be computed by determining the cross-slope of the various portions of the parcel applying the assigned densities listed above according to the percent of cross-slope and by adding the densities derived from this process. The maximum density derived by the procedure shall be used as one of the factors in final determination of the actual density that shall be allowed on a parcel.

Where an entire parcel would not be developable because of plan policies, an extremely low density of development should be allowed.



4

GOAL

TO PRESERVE AND ENHANCE ALL VIABLE AGRICULTURAL LANDS.

Objective



4.1

Identify the extent and locations of important agricultural lands in the County and devise regulations and techniques which will be effective in preserving and enhancing these lands.

Policies



4.1.1

The Important Farmlands Inventory, developed by the USDA Soil Conservation Service and the California Department of Conservation and accepted by various County agencies, shall be used to identify important agricultural lands in the County.



4.1.2

The County shall establish agricultural zoning districts on prime farmlands, farmlands of statewide importance, unique farmlands, and farmlands of local importance.



4.1.3

All farmlands designated as prime, of statewide importance, unique, or of local importance shall be protected from incompatible uses on adjacent lands.

Objective



4.2

Identify agricultural lands which are used for grazing and related purposes and preserve and enhance this agricultural resource in Monterey County.

Policy



4.2.1

The County shall establish agricultural zoning districts for grazing and related purposes.

WATER RESOURCES

5

GOALS

TO CONSERVE AND ENHANCE THE WATER SUPPLIES IN THE COUNTY AND ADEQUATELY PLAN FOR THE DEVELOPMENT AND PROTECTION OF THESE RESOURCES AND THEIR RELATED RESOURCES FOR FUTURE GENERATIONS.

Objective



5.1

Protect and preserve watersheds and recharge areas, particularly those critical for the replenishment of reservoirs and aquifers.

- 26.1.5 The County shall designate future land uses in a manner which will achieve compatibility with adjacent uses.
- 26.1.6 Development which preserves and enhances the County's scenic qualities shall be encouraged.
- 26.1.7 Where appropriate, the County shall develop standards and/or procedures to control development siting, design, and landscaping.
- 26.1.8 Development in scenic road and highway corridors shall be governed by policies located in the transportation section of this General Plan.
- 26.1.9 In order to preserve the County's scenic and rural character, ridgeline development shall not be allowed unless a special permit is first obtained. Such permit shall only be granted upon findings being made that the development as conditioned by permit will not create a substantially adverse visual impact when viewed from a common public viewing area. New subdivisions shall avoid lot configurations which create building sites that will constitute ridge-line development. Siting of new development visible from private viewing areas, may be taken into consideration during the subdivision process.
- 26.1.10 The County shall prohibit development on slopes greater than 30%. It is the general policy of the County to require dedication of scenic easement on a slope of 30% or greater. Upon application, an exception to allow development on slopes of 30% or greater may be granted at a noticed public hearing by the approving authority for discretionary permits or by the Planning Commission for building and grading permits. The exception may be granted if one or both of the following findings are made, based upon substantial evidence:
- A) There is no alternative which would allow development to occur on slopes of less than 30% or,
 - B) the proposed development better achieves the resource protection objectives and policies contained in the Monterey County General Plan, accompanying Area Plans and Land Use Plans, and all applicable master plans.
- 26.1.11 The County shall encourage clustering in all development projects, where appropriate.
- * 26.1.12 In order to preserve its open space and rural character, the County shall encourage the voluntary restriction of development through dedication of scenic or conservation easements, transfer of development rights and other appropriate techniques.
- * 26.1.13 The County shall encourage infilling on vacant non- agricultural lands within existing developed areas and shall encourage new development within designated urban service areas. Infilling development shall be compatible with surrounding existing development.

Policies

- 29.3.1 Industrially designated areas shall be compatible with surrounding land uses.
- 29.3.2 The County shall designate an amount of industrial land sufficient to meet foreseeable industrial needs.
- 29.3.3 The County shall discourage the conversion of designated vacant industrial lands to other permanent land uses.
- 29.3.4 In designating industrial areas, the County shall consider the proximity of other compatible land uses which have similar levels of utility and service requirements.

AGRICULTURAL

***30 GOAL**

TO PROTECT ALL VIABLE FARMLANDS DESIGNATED AS PRIME, OF STATEWIDE IMPORTANCE, UNIQUE, OR OF LOCAL IMPORTANCE FROM CONVERSION TO AND ENCROACHMENT OF NON-AGRICULTURAL USES.

Policies

- * 30.0.1 The County shall prevent non-agricultural uses which could interfere with the potential of normal agricultural operations on viable farmlands designated as prime, of statewide importance, unique, or of local importance. *
- * 30.0.2 The County shall require that permanent, well- defined buffer areas be provided as part of new non-agricultural development proposals which are located adjacent to agricultural land uses on viable farm lands designated as prime, of statewide importance, unique, or of local importance. These buffer areas shall be dedicated in perpetuity, shall be of sufficient size to protect agriculture from the impacts of incompatible development and to mitigate against the effects of agricultural operations on adjacent land uses, and shall be credited as open space.
- * 30.0.3 The County shall allow division of viable farmland designated as prime, of statewide importance, unique, or of local importance only for exclusive agricultural purposes, when demonstrated not to be detrimental to the agricultural viability of adjoining parcels.
- * 30.0.4 The County shall make every effort to preserve, enhance, and expand viable agricultural land uses on farmland designated as prime, of statewide importance, unique, or of local importance through application of "agricultural" land use designations and encouragement of large lot agricultural zoning.

30.0.5

The County shall support other policies that provide tax and economic incentives which will enhance competitive capabilities of farms and ranches, thereby insuring long-term preservation, enhancement, and expansion of viable agricultural lands. Examples of these policies and programs may include the following:

- o establishment of a program to purchase and lease back agricultural lands near urban or developing areas for continued agricultural use.
- o use of voluntary restriction to agricultural uses through contributions of conservation easements or other appropriate techniques.
- o use of Williamson Act Contracts.

30.0.6

Greenhouses, mushroom farms, and similar agriculture enterprises that are not on-site soil dependent or which degrade soil capabilities shall not be located on the County's prime farmlands and farmlands of statewide importance. This policy shall not limit uses accessory to soil dependent uses.

30.0.7

Where it can be demonstrated to enhance agricultural operations in areas designated for agricultural land use, farm labor housing may be considered subject to appropriate health, environmental, and growth management policy review. Farm labor housing projects shall be located to minimize the conversion of viable agricultural lands and shall be consistent with the nature of the surrounding land uses.

31 GOAL

TO ENCOURAGE FUTURE DEVELOPMENT ONLY IN THOSE AREAS WHERE THERE IS PROVISION FOR AN ADEQUATE LEVEL OF PUBLIC SERVICES AND FACILITIES.

Objective

Ensure coordinated, on-going planning for public services and facilities.

Policies

31.1.1

The County shall designate for future development only those areas which have adequate public services and facilities available or will provide them within

32 GOAL

TO ENCOURAGE FUTURE DEVELOPMENT ONLY IN THOSE AREAS WHERE THERE IS PROVISION FOR AN ADEQUATE LEVEL OF PUBLIC SERVICES AND FACILITIES.

Objective

32.1

Establishment of a program to purchase and lease back agricultural lands near urban or developing areas for continued agricultural use.

32.1.1

Use of voluntary restriction to agricultural uses through contributions of conservation easements or other appropriate techniques.

32.1.2

Greenhouses, mushroom farms, and similar agriculture enterprises that are not on-site soil dependent or which degrade soil capabilities shall not be located on the County's prime farmlands and farmlands of statewide importance. This policy shall not limit uses accessory to soil dependent uses.

32.1.3

Where it can be demonstrated to enhance agricultural operations in areas designated for agricultural land use, farm labor housing may be considered subject to appropriate health, environmental, and growth management policy review. Farm labor housing projects shall be located to minimize the conversion of viable agricultural lands and shall be consistent with the nature of the surrounding land uses.

33 GOAL

TO ENCOURAGE FUTURE DEVELOPMENT ONLY IN THOSE AREAS WHERE THERE IS PROVISION FOR AN ADEQUATE LEVEL OF PUBLIC SERVICES AND FACILITIES.

Objective

33.1

Ensure coordinated, on-going planning for public services and facilities.

Policies

33.1.1

The County shall designate for future development only those areas which have adequate public services and facilities available or will provide them within

33.1.2

OPEN SPACE

34 **GOAL**

TO ENCOURAGE THE PROVISION OF OPEN SPACE LANDS AS PART OF ALL TYPES OF DEVELOPMENT INCLUDING RESIDENTIAL, COMMERCIAL, INDUSTRIAL, AND PUBLIC.

Objective

34.1 Ensure that open space needs are met through operation of the planning process.

Policies

34.1.1 The County shall encourage clustering of all types of development, where appropriate, in order to allow for a portion of each project site to be dedicated as permanent open space.

34.1.2 The County shall allow on-site development density credit for developable lands placed in permanent open space as part of a development project approval. Use of on-site development density credit will be allowed only if environmental and health factors permit.

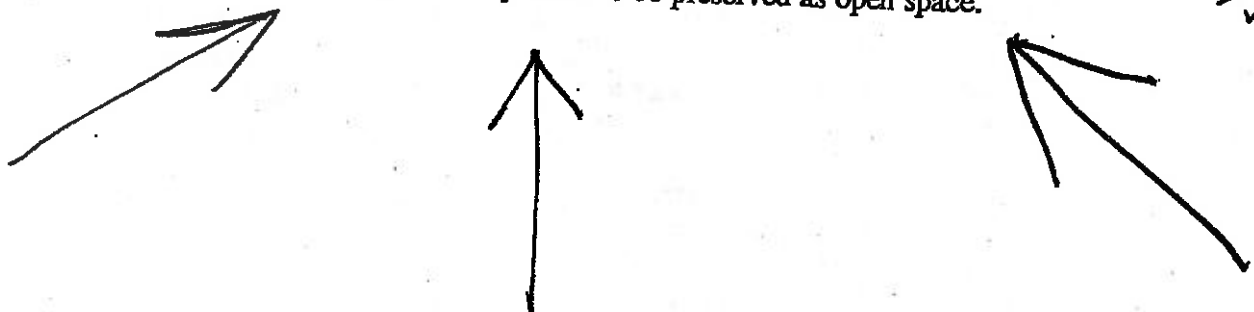
34.1.3 Wherever possible, open space lands provided as part of a development project should be integrated into an areawide open space network.

34.1.4 Open space areas should be used as a buffer between land uses of different types and/or intensities.

* 34.1.5 Open space areas shall be designated, wherever possible, on the perimeter of all development under taken by the County.

* 34.1.6 The County, in coordinated efforts with other public agencies, shall urge that all development projects undertaken by public agencies include an open space buffer area on the perimeter of the project site.

* 34.1.7 The County shall support the creation of private, nonprofit land trusts and conservation organizations to receive by voluntary donation or purchase, development rights on any lands to be preserved as open space. *



UPDATE INDEX #8

MONTEREY COUNTY GENERAL PLAN

ADD POLICIES 1.1.3, 4.1, 26.12.12, 27.3.4, 30.0.5, 34.1.7 AND 40.2.2

ADDED DECEMBER 4, 1984

GENERAL PLAN AMENDMENTS

1.1.3 Landowners shall be encouraged voluntarily to restrict the development potential of property through grants of conservation easements, Williamson Act contracts, or other appropriate protections in areas designated for open space uses such as agriculture and resource conservation.

* 4.1 Identify the extent and locations of important agricultural lands in the County and devise regulations and techniques which will be effective in preserving and enhancing these lands.

* 26.1.12 In order to preserve its open space and rural character, the County shall encourage the voluntary restriction of development through dedication of scenic or conservation easements, transfer or development rights and other appropriate techniques.

* 27.3.4 In areas designated for agricultural uses where development of legally subdivided land would promote incompatible residential development, the County shall solicit and encourage the voluntary donation of conservation easements or other development restrictions to the County or to a qualified private nonprofit organization in order to preserve the agricultural use of the land.

* * 30.0.5 The County shall support other policies that provide tax and economic incentives which will enhance competitive capabilities of farms and ranches, thereby insuring long-term preservation, enhancement, and expansion of viable agricultural lands. Examples of these policies and programs may include the following:

- o establishment of a program to purchase and lease back agricultural lands near urban or developing areas for continued agricultural use.
- o use of voluntary restriction to agricultural uses through contributions of conservation easements or other appropriate techniques.
- o use of Williamson Act Contracts.

34.1.7

The County shall support the creation of private, nonprofit land trusts and conservation organizations to receive by voluntary donation or purchase, development rights on any lands to be preserved as open space.

40.2.2

Land use controls shall be applied or retained to protect the scenic corridor and to encourage sensitive selection of sites and open space preservation. Where land is designated for development at a density which, should diminish scenic quality, the landowner shall be encouraged to voluntarily decitate a senic easements to protect scenic corridor.

UPDATE INDEX #22

MONTEREY COUNTY GENERAL PLAN

AMEND GENERAL PLAN TO ADD "COMPREHENSIVE PLANNED USE" OVERLAY

MARCH 30, 1993

Amend General Plan - "LAND USE PLAN PHILOSOPHY/AGRICULTURAL AND RESOURCE CONSERVATION"

* Rural Grazing. Rural grazing lands are designated in South County west of Lockwood, near Pleyto Road, and northeast of San Antonio Reservoir; at Reliz Canyon southwest of Greenfield; in the Arroyo Seco area; at Chualar Canyon; in portions of the upper Corral de Tierra; and in area south of Carmel Valley of Schulte Road and at Rancho San Carlos.

~~Rancho San Carlos may be considered for development of a "rural village." Allowable uses for Rancho San Carlos may consist of residential, visitor accommodation, community shopping, and recreational uses on approximately 2,500 acres. The balance of approximately 17,500 acres should be retained in grazing, recreational, and resource conservation.~~

* Permanent Grazing. The plan designates permanent grazing lands in the easterly and southeasterly portions of the County; in some areas west of the Salinas Valley; in portions of the Toro area; north and south of the Carmel Valley and northeast of the Carmel Valley Village; in the Cachagua area; and south of the Pajaro Valley.

Resource Conservation

* Resource conservation is shown on the land use plan in the North County water shortage area near Highway 101; along Highway 68 between the City of Monterey and the Toro area; in the Toro area off River Road, in the center of the Corral de Tierra/San Benancio Road "loop," and south of Toro Regional Park; in some portions of the Gabilan foothills east of the Salinas Valley; south of the Carmel Valley and northeast of Carmel Valley Village; and Rancho San Carlos subject to Comprehensive Planned Use Policies. Application of the resource conservation category in conjunction with the urban reserve overlay adjacent to incorporated cities is intended to encourage annexation prior to any intensive property development.

Commercial

This category applies to areas which are suitable for the development of retail and service commercial uses, including visitor accommodation and professional office uses. In general, building intensity for commercial areas shall conform to standards which limit building height to a maximum of 35 feet and lot coverage to a maximum of 50 percent, excluding parking and landscaping requirements. It is anticipated that further detailed implementation and possible modification of these standards will be undertaken at the area plan and zoning implementation phases.

Industrial

This land use category applies to areas designated for the development of suitable types of manufacturing (with emphasis on agriculturally-related manufacturing), research, mineral extraction, and processing operations. In general, building intensity for industrial areas shall conform to standards which limit building height to a maximum range of 35 feet to 75 feet and lot coverage to a maximum of 50 percent, excluding parking and landscaping requirements. It is anticipated that further detailed implementation and possible modification of these standards will be undertaken at the area plan and zoning implementation phases.

Agricultural

This category includes the sub-categories of farmlands, rural grazing lands, and permanent grazing lands.


Farmlands. The farmlands sub-category includes those farmlands designated by the USDA Soil Conservation Service as prime, of statewide importance, unique, or of local importance. The minimum parcel size for these farmlands shall be 40 acres.

Rural and permanent grazing lands are those which, according to the USDA Soil Conservation Service, display a high or moderate degree of capability/ suitability for grazing of livestock.


Rural Grazing Lands. This land use sub-category is applied to grazing lands which are located in the County's developing areas, which are not restricted by a 20-year Williamson Act contract, and on which the County intends to allow mixed residential and agricultural land uses.

In rural grazing areas, minimum parcel sizes shall range from a 10-acre minimum to a 160-acre minimum, but they shall not be less than the existing zoning designation on the date of adoption of this General Plan. The local area plan citizens advisory committees shall recommend the appropriate rural grazing land lot sizes for their communities, but they shall not be less than the existing zoning designation on the date of adoption of this General Plan.

Clustering of residential uses shall be encouraged provided that total site density shall not exceed that allowed by the appropriate rural grazing land use category. Density for clustering shall be numerically consistent with minimum lot size; e.g., in an area which is designated rural grazing lands with a 10-acre minimum, allowable density shall be 10 acres per unit. As a condition of clustered residential development approval, the developer shall be required to enter into a permanent restriction to ensure continued grazing use on those portions of the property not developed for residential use.

 Permanent Grazing Lands. This land use sub-category is applied to those portions of the County in which exclusive grazing use is to be preserved, enhanced, and expanded.

On permanent grazing lands, minimum parcel sizes shall be 40 acres and larger, but they shall not be less than the existing zoning designation on the date of adoption of this General Plan. The local area plan citizens advisory committees shall recommend the appropriate permanent grazing land lot sizes for their communities, but they shall not be less than 40 acres nor shall they be less than the existing zoning designation on the date of adoption of this General Plan.


 Only when they are clearly an accessory use to the exclusive agricultural use of the property, residential units may be developed at a density of 40 acres or more per unit.


Subdivision of land may be allowed only for agricultural purposes, for farm labor housing, or in order to create a building site for immediate family members and spouses.

The division of property to create a one-acre minimum building site may be considered by the County if the division is to accommodate housing for members of the immediate family of the property owner who earn their livelihood from grazing use of the family land immediately contiguous to the parcel being created by subdivision. Such subdivision shall be conditioned to allow for the exclusive occupancy by immediate family members and their spouses. Likewise, another condition shall require the parcel to be an accessory use to the ranch in question or to an adjoining ranch, providing the residence is accessory to the adjoining agricultural use and is occupied exclusively by immediate family owners and spouses of the owners or lessors.

Lands within the permanent grazing lands sub-category may be merged with adjacent lands which are involved in active grazing operations.

Resource Conservation

 This category is intended to ensure conservation of a wide variety of the County's resources while allowing for some limited use of these properties. Typical of lands included in this category are watershed areas, riparian habitats, scenic resources, and lands which are generally remote, have steep slopes, or are inaccessible. This category also includes the floodways of the County's major rivers as well as its major water bodies. Uses in resource conservation areas must be in keeping with the conservation intent of this category. For example, allowed uses may include grazing and other agricultural uses, passive recreation such as camping, riding, and hiking, and timber harvesting conducted under an approved forest management plan.

 Minimum parcel size in resource conservation areas shall range from a 10-acre minimum to a 160-acre minimum but they shall not be less than the existing zoning designation on the date of adoption of this General Plan. The local area citizens advisory committees shall recommend the appropriate resource conservation lot sizes for their communities, but they shall not be less than the existing zoning designation on the date of adoption of this General Plan. Residential uses are not a primary use in this category and will be allowed only if the applicant can demonstrate that conservation values are not compromised. Density for residential uses, if allowed, shall range from 10 acres or more per unit to 160 acres or more per unit.

**MONTEREY COUNTY AGRICULTURAL AND
HISTORICAL LAND CONSERVANCY**

P.O. Box 1731, Salinas CA 93902

22 August 2006

Cosme Padilla, Chair
Monterey County Planning Commission
240 Church Street
Salinas, California 93901

Monterey County
Planning and Building
Inspection Administration

JAN 30 2009

RECEIVED

RE: *Consideration for Agricultural Conservation in the GPU4*

Dear Chairman Padilla and Commissioners,

The Monterey County Agricultural & Historical Conservancy, Inc. has existed in Monterey County for the past twenty-five years to protect and preserve the county's most valuable agricultural lands. In the County's 1982 General Plan, agricultural protection was addressed in many ways (e.g. Goal #30). The 1982 General Plan policy 30.0.5 directed the County's support for tax and economic incentives with the intent for such a policy to lead to long-term preservation.

It is our position Monterey County General Plan GPU4 does not address long-term agricultural preservation adequately enough. The closest GPU4 comes to such preservation is policy AG-1.5:

"AG-1.5 Policies that provide tax and economic incentives to enhance the competitive capabilities of farms and ranches, thereby insuring long-term conservation, enhancement, and expansion of viable agricultural lands shall be supported. Examples of these policies and programs include but are not limited to:

- a. *Establishment of a program to purchase and lease back agricultural lands near urban or developing areas for continued agricultural use.*
- b. *Payment of fees as mitigation for the loss of farmland to other uses.*
- c. *Voluntary restrictions to agricultural uses through contributions of onsite or off-site conservation easements or other appropriate techniques.*
- d. *Williamson Act Contracts*
- e. *Transfer of development rights.*
(Root: GP policy 30.0.5)"

GPU4 needs direction more than is proposed in AG-1.5. We ask that your commission consider the importance of agricultural conservation and the need to give specific direction (in the form of land replacement mitigation). To that end, mitigation for the loss of agricultural land should be required on the following ratios:

- 1. Loss of agricultural lands of national importance – 3:1**
- 2. Loss of agricultural lands of Statewide importance – 2.5:1**
- 3. Local and Unique farmlands – 1:1**

The determination of the importance should use the Natural Resource Conservation Service criteria to determine the importance of the ag land in question. These criteria are not, in our estimation, foreboding or restrictive on development, but do offer a reasonable resolution to the desire for development versus the need to conserve the viability of the County's agricultural lands. Please include all of the 1982 policies into the proposed draft plan. We are happy to discuss these issues with you and the full commission and look forward to favorable consideration of our request.

Sincerely,

**Brian Rianda, Managing Director
MCAHLC, Inc.**

Monterey County Agricultural and Historic Land Conservancy

P.O. Box 1731, Salinas, CA 93902

July 2, 2003

Monterey County
Planning and Building
Inspection Administration

JAN 30 2009

RECEIVED

Mr. Scott Hennessey, Director
Monterey County Planning and Building Inspection Department
County Courthouse
Alisal and Church Streets
Salinas, CA. 93901

RE: Farmland Preservation Policies for the New General Plan

Dear Mr. Hennessey:

As you know, the Monterey County Agricultural and Historic Land Conservancy was organized in 1984 specifically to help facilitate the preservation, protection, and enhancement of Monterey County's invaluable farmlands. These policies and language come from the adopted 1982 Monterey County General Plan. The protection of farmers and farmland through the use of voluntary conservation easements is our primary objective.

Under the current, existing Monterey County General Plan policies adopted and approved in 1982 by the Board of Supervisors, the County encouraged the creation of our Conservancy to help farmers to have options available to them to preserve their farms and ranches and to preserve the natural resources (farmlands) upon which our billion-dollar agricultural industry is based. Those County policies also mandated the preservation of "prime farmlands", "farmlands of statewide importance", "unique farmlands", and "farmlands of local importance" in the 1982 General Plan in multiple specific sections. Further, permanent "buffer" easements to preserve farmlands have also been conditions on new developments mandated by the 1982 General Plan for the past 20 years. We ask that all of these existing 1982 farmland policies and open space policies related to farmland be fully incorporated and included in the new General Plan that your department in preparing.

MCAHLC and our volunteer Board of Directors have worked for over two decades to help landowners and farmers to have an option to avoid having to sell their invaluable farmlands for development. We have worked closely with Congressman Farr, the United States Department of Agriculture, the California Department of Food and Agriculture, and the California Department of Conservation to advance their well known policies of preserving our nation's farmlands. Additionally, we have worked cooperatively with the County to advance its adopted policies of farmland preservation and protection. Our numerous voluntary farmland conservation easements, totaling thousands of acres that we have preserved, have caused Monterey County to be recognized nationally as being at the

forefront of preserving irreplaceable farmlands and limiting the devastating urban sprawl that has decimated agricultural counties like Santa Clara County, Orange County, Los Angeles County, and Riverside County.

We intend to continue our efforts. We believe the existing 1982 General Plan policies should be preserved and should not be modified. Only these mandatory policies have prevented uncontrolled sprawl across the Salinas Valley for the last 20 years.



Please include all of the existing 1982 General Plan policies related to the preservation, protection, and enhancement of our agricultural lands into the new General Plan that you are preparing. We stand ready and will be happy to help in this process in any way that you deem appropriate. Please contact us at the appropriate time as your process progresses.

Respectfully,

Sherwood Darington
Managing Director



Alliance of Monterey Area Preservationists

RECEIVED

FEB 02 2009

MONTEREY COUNTY
PLANNING & BUILDING
INSPECTION DEPT.

Board of Directors
Mike Dawson, President
Mary Hill, Treasurer
Anne Bell, Secretary
James Bryant
Ken Hinshaw
Judi Lehman
Judy MacClelland
Mark Norris
Carrol Patterson
Kris Quist
Nancy Runyon

February 2, 2009

Carl Holm
County of Monterey Planning
168 W Alisal St, 2nd Floor
Salinas, CA 93901

RE: Comments on the DEIR for the 2007 General Plan Update

Dear Sir:

Our President's Committee for Review of the DEIR was pleased by the obvious desire to preserve our historical resources that was demonstrated by the General Plan and DEIR. We were struck by the depth and breadth of the goals and policies in the General Plan, and by the efforts of the DEIR to use CEQA and best practices to mitigate for any negative effects on historic resources.

Several of our members have commented on how pleased they were with the addition of Mitigation Measure CUL-1.

An additional comment on the DEIR, Page 4.10-21, Mitigation Measures states "No mitigation beyond the 2007 General Plan policies, as modified by Mitigation Measure CUL-1, is necessary." There is a conflict with 4.10.4, Level of Significance After Mitigation, which states "All impacts on cultural resources would be less than significant with implementation of the measures in the 2007 General Plan, and no additional mitigation would be required." 4.10.4 should include language including Mitigation Measure CUL-1 in order to be complete.

Thanks for the opportunity to comment on the DEIR, and thanks in advance for the opportunity to work with the County of Monterey on preservation in the future.

Mike Dawson, President of AMAP

AMAP, a 501(c)3 corporation dedicated to the appreciation and preservation of the Monterey Area's historic assets for public benefit, supports activities that interpret and share our rich cultural heritage with residents and visitors and encourages them to be advocates for ideas that contribute to the understanding of our cultural, ethnic, artistic, & architectural legacy.
Post Office Box 2752, Monterey CA 93942 831-646-8142 mike@dawsonmonterey.com

Calderon, Vanessa A. x5186

From: Mary Ann Matthews [mmatthews2@comcast.net]
Sent: Monday, February 02, 2009 5:00 PM
To: ceqacomment
Cc: Carol Leneve; Rosemary Donlon
Subject: GPU 5 Comments by CNPS

Monterey County
Planning and Building
Inspection Administration

FEB 02 2009

RECEIVED

Rec'd as CEQA
Comments 2/2/09
5:00 pm

Feb. 2, 2009

Mike Novo, Acting Planning Director
RMA-Planning, Salinas Permit Center
168 West Alisal St., 2nd Floor
Salinas, CA 93901

Subject: Draft Environmental Impact Report (DEIR) for GPU 5

Dear Mr. Novo:

The Monterey Bay Chapter of CNPS would like to submit the following comments on what has become known as GPU5: We are deeply concerned that in many cases this document is claimed to have fewer impacts than the 1982 General Plan, which is certainly to be expected because of the additional constraints that are recognized by today's planners. However, the actuality is that this document, in almost all cases with which we are familiar having to do with the protection of sensitive habitat, would increase the environmental impacts and worsen the quality of life for our citizens. Because of the loosening of standards in many areas, the impacts on biological resources, our chief concern, would be unacceptably increased. The generally appropriate goals cited under General Land Use in GPU5 appear to be based largely on GP82, but the detailed policies to carry them out actually create incentives to sprawl, promoting serious impacts particularly on biological resources. Open Space policies focus on protection of scenic views rather than on biological resources, and policies are proposed that would seriously weaken protection of our county's plant and animal resources.

1

For example, the policy on native plants is extremely inadequate if not legally defective in limiting protection of plants to those listed by the State or Federal agencies as threatened or endangered. CEQA requires consideration of all species identified as sensitive or special status species in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Services. We urge you to return to the much sounder policies of GP82. The language should state that "Qualified scientists' shall be consulted and appropriate measures shall be taken to protect rare and endangered plant species and their habitat."

2

The policy on development has been severely weakened from the GP82 policy. We urge retention of the latter policy, which states: "Development shall be carefully planned in, or adjacent to, areas containing limited or threatened plant communities, and shall provide for the conservation and maintenance of the plant communities."

3

The document states "Landowners and developers shall be encouraged to preserve the integrity of existing terrain and native vegetation in visually sensitive areas such as hillsides, ridges, and watersheds. Routine and ongoing agriculture shall be exempt from this policy." The latter activities should be carefully spelled out, as some types of ag activities can be very destructive of hillsides, ridges, and watersheds, and must not be given a blank check.

4

We strongly support the policy encouraging the use of drought-tolerant native plants and urge that lawns be specifically minimized by using drought-tolerant native and native-compatible groundcovers.

5

The list of routine and ongoing agricultural activities that may be exempt from GPU5 policies also includes other activities that could be harmful to the public health and welfare. These include conversion of previously uncultivated rangeland to cultivated agricultural use (which should not be allowed on slopes over 25% because of recognized problems with erosion, loss of important wildlife habitat, loss of oak woodlands, increased use of water and chemical inputs, etc.; fumigating and other pest control activities; and streambank alterations. We urge that these areas specifically not be included in exempted activities. Even allowing conversion with a permit gives carte blanche to environmentally destructive actions, particularly in view of the new protections afforded oak woodland by state law (AB 32) and the impact on climate change.

6

The policy (CV 6.2) stating that rural agriculture in Carmel Valley should be encouraged, "except on slopes of 25% or greater or where it would require the conversion of extensive removal of existing native vegetation. This policy does not clearly prohibit conversion of uncultivated vegetation to agriculture on slopes above 25%. The existing policy prohibiting conversion of uncultivated slopes in excess of 25% should be retained for the reasons listed above and should be applied to other erosion-prone areas of the county. We are also very concerned about the promotion of Winery Corridor Plans when no standards have been developed to assure the protection of sensitive plants, wildlife, and their habitats. The importance of preserving critical wildlife corridors should be clearly spelled out in this document.

7

The native Monterey Pine Forest is a sensitive biological resource that at the present time does not even have the protection accorded much less threatened species such as redwoods, oaks, and madrones, which all have special protections in the Monterey Co. Tree Ordinance. It is a serious oversight that the Monterey pine (*Pinus radiata*) is not protected in either the Carmel Valley Area Plan, the Greater Monterey Peninsula Area Plan or the overall General Plan. Some years ago when scientists became alarmed by the spread of pitch canker and urged that healthy Monterey pine should be preserved, CNPS and other groups asked Supervisor Dave Potter to propose an ordinance to protect the native trees. He responded that the time to do that would be during the GP update. We and others have repeatedly asked that this be done, but this issue has been ignored.

8

The policy listing criteria for mines and quarries in the Carmel River watershed needs to be refined. Because of the severe erosion problems that the Carmel River has had over the years, mines and quarries can no longer be justified in the Carmel River watershed because of the severe environmental damage they cause. This policy should also apply to other areas of the county.

9

The list of protected trees should also include the Monterey Pine Forest. The protected habitats list should include the Monterey Pine Forest.

10

The policy stating that new development that causes a drawdown of the aquifer shall be designed in a manner so that it does not threaten natural vegetation should be altered. Drawing down the aquifer is likely to harm or kill riparian vegetation that keeps the river banks from eroding away in high water. It is prohibited by the MPWMD. The State Water Resources Control Board has already determined that the Carmel River is overpumped by over 10,000 acre feet per year. The policy should be deleted or revised as follows: "New development is prohibited that would draw down the Carmel River aquifer."

11

Please retain the wording in the 1982 GMPAP "In order to preserve scenic and rural character, ridgeline development shall not be allowed unless a special permit is first obtained."

12

We understand that the Planning Commission is currently discussing these issues. We would appreciate it very much if you would be kind enough to see that the commissioners receive a copy of these comments. Thank you for your consideration. We are sending this by email to meet the deadline but will submit the comments on our letterhead.

Sincerely yours,

Mary Ann Matthews, Conservation Chair
Monterey Bay Chapter, CNPS

Oaks

California Oak Foundation

Our mission is to protect and perpetuate native oak woodlands

O-4

BOARD OF DIRECTORS

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October 22, 2008

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

Re: GPU5

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Charles Warren
Richard Wilson

Dear Mr. Holm:

The California Oak Foundation (COF) writes with General Plan Update DEIR (GPU5) comments regarding Monterey County oak woodlands planning analysis covering 425,000 acres. COF has identified several errors of omission and commission in the GPU5 biological resources and air quality analyses.

Background: On a county basis, Monterey County's oak woodlands are the most diverse and biologically valuable in California. Where other county's privately owned oak woodlands are generally dominated by a single oak species, Monterey County is home to hundreds of thousands of woodland acres almost equally divided between blue oaks and coast live oaks. Centrally located in the state, Monterey County's adjacent inland blue/coastal live oak habitats serve hundreds of resident and migratory wildlife species, including dozens of GPU5-listed special status species. Concurrently, these Monterey County oak woodlands presently store an estimated 4.8 million metric tons of carbon dioxide (CO₂) and will continue to capture atmospheric CO₂ unless converted to non-forest use. (Oaks 2040)

Biological Resources

DEIR: "Future development anticipated by the 2007 General Plan would be consistent with local tree ordinances ... This impact is less than significant." (DEIR at 4.9-2)

Comment: Section 4.9.4.2, State Regulatory review fails to reference Public Resources Code (PRC) §21083.4 or recognize that aspects of the current Monterey County tree ordinance conflict with California Environmental Quality Act (CEQA) law. This DEIR deficiency raises substantial issues regarding GPU5 legal sufficiency.

DEIR: "The overall 25-year trend is an average [vineyard] increase of about 300 acres per year, but between 1996 and 2006, there was an annual average increase of about 800 acres per year in vineyard acreage Specifically, the 25-year trend of habitat conversion from 1982 to 2006 (approximately 450 acres per year on average) is used to estimate potential future habitat conversion in the impact analysis as more representative of long-term conditions than the last 10 years Spatial analysis of the vineyard development indicated that most of the recent vineyard expansion is at the valley edges and upslope." (DEIR at 4.9-45, 46, 63)

TECHNICAL ADVISORS

Roger Boddasert
Ron Cowan
Rosemary Dagit
Rob Gross
Walter Mark
Doug McCreary
Norm Pillsbury
Malcolm Sproul
Rick Standiford



Comment: GPU5 is specious claiming that future agricultural trends are reflected by pre-1996 data. Between 1982-1995 vineyard acreage didn't increase. All vineyard conversion increases for the 25-year period occurred between 1996-2006, demonstrating the expansive appetite of Monterey County's contemporary viticulture industry. GPU5 vineyard acreage conversion figures also don't account for permanent oak habitat impacts from the many failed vineyards that bulldozed oak woodlands to create their impermanent bounty. The GPU5 habitat conversion rate projection for agriculture should be 1,125 acres per year, not 450 acres annually. This revised yearly rate accurately represents the 11,250 acres of natural resources subject to vineyard conversions between 1996-2006. (DEIR at 4.9-45)

3

It is deceptive for GPU5 to use dated data to dilute the relevant annual habitat conversion rate to vineyards in forecasting 2030 buildout impacts. Moreover, the DEIR expressly acknowledges that future vineyard conversions will be concentrated in areas where oak woodlands are copious. GPU5's departure from current GP steep slope policies implemented under Title 21 will make huge swaths of previously protected oak-studded hillsides available for cultivation.

DEIR: *"The County shall prepare, adopt and implement a program that allows projects to mitigate the loss of oak woodlands. The program would include ratios for replacement, payment of fees to mitigate the loss or direct replacement for the loss of oak woodlands and monitoring for compliance. The program would identify criteria for suitable donor sites. Mitigation for the loss of oak tree woodlands may be either on-site or off-site. The program would allow payment to a local fund established by the County. Until such time as the County program is implemented, payment of a fee may be made to the State Oak Woodlands Conservation Program. Replacement of oak woodlands shall be on a minimum 1:1 ratio."* (DEIR at 4.9-86)

Comment: Project mitigation contributions to the state Oak Woodlands Conservation Fund (OWCF) should stipulate that these funds shall be returned to Monterey County in the form of purchased local oak woodlands.

4

Mitigating oak woodland effects with an OWCF replacement contribution *equivalent in acreage and ecological function* to the oak resources impacted sufficiently addresses both wildlife habitat impacts and CO₂ biological emission impacts (see attached). A proportional contribution to the OWCF mitigates two ecological impacts with one mitigation measure and this mitigation standard is easily understood by all interested parties. Furthermore, OWCF mitigation moneys will be leveraged with other Wildlife Conservation Board funds to return more bang for the buck when the mitigation contributions come back to Monterey County. It is very unlikely that Monterey County has the wherewithal to devise an alternative Oak Woodlands Mitigation Program that provides equal compliance with CEQA, ease of use and effective local application of biological mitigation measures.

Climate Change

DEIR: *"Development allowed by the 2007 General Plan would result in the conversion of natural vegetation and agricultural lands that would result in the loss of carbon sinks. Given the uncertainties associated with estimated GHG fluxes associated with natural vegetation and agricultural lands, the potential loss of carbon sinks was not quantified, but would nevertheless contribute GHG emissions along with other sources. As discussed below a number of 2007 General Plan policies seek to limit the amount of natural land conversion due to urban growth."* (DEIR at 4.16-22)

Comment: GPU5 disregards CEQA, the opinions of the California Attorney General and recent court decisions by failing to make a meaningful attempt to analyze or mitigate CO₂ emissions due to the conversion of oak woodlands to non-forest use. The analytic tools and specific methodology for measuring oak woodlands carbon sequestration or release are described in the California Air Resources Board's Forest Protocol. No imaginary "GHG flux" uncertainties are associated with CARB's scientific standards for measuring oak woodland CO₂ emissions. GPU5 urban growth policies that lessen CO₂ impacts by conserving open space do nothing to mitigate CO₂ emissions due to a land-use change that

5

results in the loss of oak woodlands carbon storage capacity and CO₂ releases from the burning of oak fuelwood.

In determining CEQA significant effects to oak woodlands, both wildlife impacts and CO₂ emission impacts must be considered for mitigated negative declarations and environmental impact reports. These dual oak woodland impacts, plus Monterey County's diminutive three (3) oak tree CEQA trigger, result in a very low threshold for determining MND or EIR significant woodland effects and the need for proportional mitigation measures. Notably, agricultural activities and cities *are* exempt from PRC §21083.4 mitigation requirements but the conversion of oak woodlands to vineyards or urban growth *aren't* excused from CEQA CO₂ analysis and mitigation.

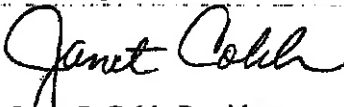
COF strongly disagrees with the Table 4.9-7 and Table 4.9-8 estimates that only 6,300 acres of oak woodlands and oak savannas may be converted to other land uses by 2030. COF's peer-reviewed Oaks 2040 survey calculates that Monterey County has 24,000 acres of oak woodlands potentially at risk of development by 2040, with development defined as greater than 32 housing units per square mile. Oaks 2040 at risk projections don't include Monterey County oak resource conversion figures due to vineyard expansions.

Summary

- GPU5 fails to recognize Public Resources Code §21083.4.
- GPU5 deliberately minimizes the potential significant effects to Monterey County's uniquely valuable blue/coast live/valley oak resources from agriculture and development conversions.
- GPU5 must explain the necessity for abandoning the current General Plan/Title 21 steep slope restrictions in light of the low GPU5 agriculture and development buildout projections.
- GPU5 fails to make a good faith effort to analyze substantial oak woodland CO₂ emissions related to climate change.
- GPU5 must directly state that Mitigation Measure BIO-2.2 requires 1:1 replacement with oak woodlands equivalent in acreage and ecological function to those woodlands impacted.

Until the cited GPU5 oak woodlands analysis and CEQA inconsistencies are adequately addressed, the California Oak Foundation objects to GPU5 approval and adoption of the DEIR.

Sincerely,



Janet S. Cobb, President
California Oak Foundation

attachment

References

East-West Forestry Associates (Gaman and Firman 2006). Oaks 2040: The Status and Future of Oaks in California (www.californiaoaks.org/2040.html). Published by the California Oak Foundation.

East-West Forestry Associates (Gaman 2008). Oaks 2040: Carbon Resources in California Oak Woodlands (www.californiaoaks.org/2040.html). Published by the California Oak Foundation.

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



Since 1949

October 22, 2008

Fernando Armenta, Chair
County of Monterey
168 W. Alisal Street, 1st Floor
Salinas, CA 93901

Missing Documents for GPU-5 DEIR Review

Dear Chair Armenta and Members of the Board of Supervisors,

Established in 1949 and with 800 dues-paying members, the Carmel Valley Association (CVA) is the oldest and largest residents association in Carmel Valley. CVA has been reviewing the Draft EIR for GPU-5. We have been diligent in our efforts, but have been unable to locate certain reference documents listed in the DEIR section 11 through the County-provided links and documents.

When we contacted The Open Monterey Project about this problem, we learned that they had, on October 17, 2008, advised the County of this problem. Even with this notification, we note that the referenced documents remain unavailable.

This letter is to advise you that, without the referenced documents, and whatever other documents are determined to be missing from the DEIR, CVA will not be able to complete its review of the DEIR in the remaining time allotted.

Accordingly, we urge you to immediately make these documents and all other required documents available, that you notify us of their availability, and that you provide us with at least the forty-five day minimum time required from the date of such availability and notice to review the DEIR, as required by the California Environmental Quality Act.

We thank you for your consideration of this request.

Sincerely,

A handwritten signature in blue ink, appearing to read "Glenn E. Robinson".

Glenn E. Robinson
President Emeritus
Carmel Valley Association

FEB 02 2009

RECEIVED

Need as CEQA
Comments 2/1/09
11:10 pm

Carl Holm,
RMA Planning
Salinas Permit Center
168 W. Alisal St. 2nd Floor,
Salinas, CA 93901

GENERAL COMMENTS ON 2007 GENERAL PLAN AND DEIR

Dear Mr. Holm:

The Carmel Valley Association (CVA) has reviewed GPU5, the DEIR and the proposed Carmel Valley Master Plan. Our comments follow:

At the outset, we note that GPU5 and the DEIR were not drafted to enable reviewers' easy access to comparable sections: Tracking the DEIR'S comments through multiple GPU5 sections became a frustrating and time consuming exercise. Considering also the initial forty-five (45) day review period, was it the intent of the County, or Jones and Stokes, or both, to not provide a readable DEIR and to not provide sufficient time for review, so that the documents flaws exposed would not be exposed?

1

For example, there are numerous occasions in which mitigation of a significant environmental impact is "accomplished" by referencing a law or ordinance *that does not exist, or by changing the definition of a word or phrase*. When no mitigating law or ordinance exists, why was it this fact not highlighted in the DEIR? How can an absent, theoretical law or ordinance be used to mitigate substantial environmental impacts?

Are these theoretical laws and ordinances meant to come into being through passage of the General Plan? If so, is the County attempting to avoid the established legislation process by legislating through the General Plan? Is there established precedent that supports legislating through a general plan? If so, please reference the precedents, and explain how they apply to GPU5.

2

If, however, the Plan and its DEIR is based upon the claim that these laws and ordinances will come into being, please explain how a planning document can commit in advance the votes of Members of the Board of Supervisors? If GPU5 cannot dictate the future votes of Supervisors, explain how every mitigation, based upon nonexistent laws or ordinances, is valid.

When one compares the language used in the DEIR, it often does not conform to the language used in GPU5. Words like "shall" and "should," for example, sometimes were substituted one for another. Please explain the reasons for all such word substitutions between GPU5 and the DEIR, and how each such word change has impacted the DEIR.

3

The first goal of the CVMP is to "preserve the *rural* character of Carmel Valley." The DEIR, however, changed this definition, claiming that the 1986 CVMP was established to "preserve the *semi-rural* character" of Carmel Valley. Is it not deceptive and against the purpose of the DEIR not to inform the public that the planning goals and objectives for an entire area have

4

been changed?

4

Moreover, changing the "rural" definition of Carmel Valley seemingly has been used to mask the DEIR'S finding that additional traffic on Carmel Valley Road has been "mitigated." Is this alleged "mitigation" based upon the DEIR'S defining down the meaning of "C" and "D" road segments? If no, explain why different road standard definitions apply to different parts of the County. Is this use of different road standard definitions not discriminatory, and prohibited by law? If yes, explain how changing road standard definitions mitigate increased traffic on the road?

5

Generally, the DEIR does not meet the standards of technical and scientific competence, nor of direct and objective analysis and reporting required by CEQA guidelines. For example, CEQA Guidelines 15064a1, 15064b, 15063a3, 15384a, 15151, and 15084e, are all violated in one way or another in the DEIR. Please explain for each subsection why the scientific standards of the CEQA guidelines were not used, and use them where required.

6

COMMENTS ON INDIVIDUAL SECTIONS OF THE DEIR

**Comments on § 4.16 (Climate Change)
Of the DEIR
For the 2007 General Plan (GPU5)**

Introductory Summary

The Plan itself lacks a section climate change, and on greenhouse gas (GHG) emission in particular. Various events since the passage of AB 32 in 2006 make it clear that the single provision in the Plan addressing climate change (OS-10.11) is insufficient. This section of the DEIR attempts to address that insufficiency with a series of policy recommendations in the form of "mitigations."

The proposed "mitigations" are in effect an attempt at legislation through the back door, using the EIR as a mechanism for remedying a substantial legislative omission.

Policy OS-10.11 itself simply requires "development of a detailed GHG inventory and adoption of a GHG reduction plan" and contains no provisions for establishing County GHG reduction goals nor for developing measures to achieve those goals. AB 32 provides overall State-mandated objectives toward which every county must contribute and the 2007 General Plan does not reflect the contributions required from Monterey County.

7

Adopting a series of "mitigations" in the DEIR in order to address an entire planning category missing from the Plan does not remedy the deficiency. Whether the mitigations would be

included in the Plan is unknown. The "mitigations" taken as a whole should be reviewed and incorporated into a suitable set of policy statements that should constitute a coherent unit. An environmental impact report that evaluates the entire climate change element then should be undertaken. The need for subjecting the DEIR's "mitigations" to the full planning process is especially evident in the comments below, which show that the proposed "mitigations" themselves are inadequate.

7

Please explain why Section 4.16 of the DEIR at its outset does not confront directly this defect in the Plan, stating clearly the inadequacy of OS-10.11 and indicating that an additional section of the Plan should be developed and subjected to the usual planning process, including environmental review and comment.

The regulatory mandates quoted in the DEIR, and the data cited, are not reflected fully and accurately in the significance determinations and conclusions. The reasonable inference to be drawn from the data, examined in the light of State mandates used as standards of significance, is that adverse environmental impacts of the Plan (including cumulative) would be considerable under all scenarios examined. Please explain why "less than significant" or "less than considerable" was used as a determination of significance, or as significance conclusion, anywhere in this document, given the data provided.

8

Detailed discussion

Overall

1. The "no new development, no GHG reduction" scenario (not covered in the DEIR) shows the magnitude of the task for the Plan with respect to climate change. In this scenario new development is discontinued and GHG emission continues as currently. This scenario should have been considered in the DEIR. (The analysis is slightly complicated by the fact that three different values for current County GHG emissions are given in the DEIR, namely 492 MMT, 484 MMT (p. 4.16-4) and 480 MMT (p. 4.16-16); as a result we consider the full range from 480 to 492 MMT; the 1990 level is taken to be 427 MMT (p. 4.16-16).) The ratios of existing GHG to the 1990 mandated level for 2020 and the 80% of 1990 mandated level for 2050 are as follows, respectively:

Existing/1990	1.12 – 1.15	(12% to 15% in excess)
Existing/(80% of 1990)	1.41 – 1.44	(41% to 44% in excess)

9

A "no new development, full GHG reduction" scenario, meaning that the GHG reductions listed in Table 4.16-3 are implemented but with no new development, produces instead the following:

Existing, full GHG reduction/1990	0.93 – 0.94	(4% to 7% below)
Existing, full GHG reduction /(80% of 1990)	1.17 – 1.19	(17% to 19% in excess)

Thus there would be room for new development to 2020, by perhaps as much as 7% of existing capacity if all GHG emission-reduction mechanisms were in place right now, which clearly is not the case. (Note that development-permissive biases in the data in the DEIR analysis may be

biased by this order of magnitude, and therefore there may be no room for development. See item 48. below, for example.) Moreover, the Plan apparently allows about 8.5% new development by 2020, so even in the wholly unrealistic scenario of having GHG emission defenses fully implemented at present, efforts at reducing GHG emissions to the State mandate by 2020 would be overwhelmed by the Plan's development allowances. The situation gets substantially worse after 2020, so meeting the regulatory requirements under the 2007 General Plan is impossible.

Furthermore, the GHG emission estimates probably are underestimates. The analysis lacks, for example, the effects of loss of carbon dioxide sinks; and it ignores potential energy consumption for water production through desalination. Also, the basis used in the DEIR for establishing the 1990 standards appears likely to be biased (as discussed below), and some policy changes from the current plan to the 2007 Plan are likely to be GHG emission-inducing (again, see below).

The point is that just the task of reducing existing GHG emissions to State mandated levels, even with little further development, would be very difficult and, as a practical matter, highly unlikely to be accomplished. Clearly, ongoing development at the level allowed by the Plan would increase the problem enormously. Please give a full explanation of why this obvious kind of analysis, based on existing development alone, was not provided in the DEIR.

2. There is no quantitative or qualitative evidence in the entire section on climate change that indicates that the criteria for adequate environmental protection plausibly can be met by the Plan or by the Plan plus proposed "mitigations." Please explain in detail the justification for assertions in the DEIR that contradict this assessment (e.g., in the Abstract and in the final "Significance Conclusion" – see comments on those below).

3. Generally speaking, aside from accumulating data, the DEIR does not meet the standards of technical and scientific competence, nor of direct and objective analysis and reporting set out in CEQA guidelines. (See, for example, CEQA Guidelines 15064a1, 15064b, 15063a3, 15384a, 15151, and 15084e, all of which are violated in one way or another in this DEIR.) The comments that follow, though extensive, are far from exhaustive in their examination of inadequacies in the report. Please explain why the CEQA Guidelines were not fully respected, with special emphasis on matters of technical, scientific and reportorial competence and integrity, in the preparation and completion of this DEIR.

4.16.1

4. The Abstract (section 4.16.1) does not adequately or accurately reflect the actual content of the remainder of section 4.16. Indeed it is inconsistent with, and contradicts, both the analysis and certain of the conclusions of the section; it is highly misleading. Please explain why such inconsistencies and contradictions are included in the DEIR -- why, for example, the abstract says "the County's contribution [to GHG emissions] would be less than considerable in 2020" (next-to-last sentence, 2nd paragraph, p.4.16-1) whereas the impact analysis of section 4.15.5.3 states contradictorily that "Development of the 2007 General Plan would contribute considerably to GHG emissions and global climate change [in 2020]" (top of p. 4.16-18).

5. The material in the second paragraph contains assertions that are highly speculative, as indicated by, for instance, the statements that “mitigation measures are described in this section to further inform the GHG Reduction Plan and to begin to implement reduction strategies,” that “By 2012 the state’s regulations will be fully enacted” and that “[By 2012] the framework will be in place to achieve substantial GHG emission reductions by 2020 that will be consistent with overall state goals,” followed by “As ... efforts proceed ... the County’s contribution would be less than considerable” (emphases added). Please describe what provisions exist in the Plan that serve insure that

- (1) the indicated mitigation measures actually would be adopted,
- (2) “informing” the GHG Reduction Plan would rigorously require the necessary actions,
- (3) “beginning to implement ... strategies” provides sufficient imperative to achieve required goals,
- (4) necessary future enactments by the State will occur in the time specified, and
- (5) a “framework” for “substantial reductions” and “efforts” meets CEQA requirements for specificity and feasibility.

Further, given the degree of uncertainty implied by each of these several questions, please explain why the firm claim that “the County’s contribution would be less than considerable” ought to be regarded as credible. Finally, why is this indefiniteness not stated clearly and distinctly, and why is the need for mitigation not emphasized as a specific and fundamental defect in the Plan?

6. The “mitigations” proposed in the DEIR generally recommend further study and deferral to the outcomes of actions presumed to occur subsequent to their adoption. (For example, they include establishing an inventory; undertaking new forecasting efforts; [determining requirements for] monitoring and reporting; identifying certain methods, funding and goals; and quantifying; adopting as-yet-non-existent ordinances; promoting activities; evaluating and quantifying certain information; developing further planning efforts; etc.). Therefore they are inadequate as mitigations according to CEQA. Please explain why the proposed “mitigations” of absent policies should be considered adequate under CEQA guidelines.

7. On page 4.16-1, third paragraph, line three, the phrase “which requires, by 2050, reduction” should replace the phrase “which requires reduction” – that is, the 2050 deadline should be inserted. Why isn’t the regulatory and planning timeline shown clearly and in tabular form so that the reader can understand easily the various constraints they impose, and can discern why certain dates show up persistently in the report? The rationale for the latter must be inferred by the reader from evidence scattered throughout section 4.16 and other parts of the report. This is important to understanding the report.

8. Apparently the deadline scheme goes something like this:

- 1990 – baseline year for GHG emissions from S-3-05
- 2000 – a second baseline year from S-3-05
- 2010 – year for instituting AB 32 regulation, and a deadline in S-3-05
- 2020 – a deadline year in S-3-05
- 2030 – planning horizon for General Plan
- 2040 – population estimate of 59 M (section 4.16.3.2, last paragraph)
- 2050 – a deadline year in S-3-05.

Is this correct in its essentials and is it adequate for understanding the roles of these years in the DEIR? If not, please provide a correct tabulation. Please explain why this degree of clarity was not made available to the public in the DEIR.

15

9. Apparently the scheme for calculating quantities used later in section 4.16 is approximately the following:

- Use 2006 (and 2004) GHG inventory data and AMBAG population projections to extrapolate to 2030 (plan horizon) GHG levels
- Use this 2030 estimates as a baseline for all further calculations
- Extrapolate backwards, using 2030 estimates, to 2020 and earlier in order to assess compliance with regulatory levels
- Extrapolate forward, again using 2030 estimates, in order to assess compliance with 2050 regulatory levels (S-3-05) and estimate buildout levels

16

Please indicate whether this is an essentially correct interpretation of the method used. If it is not, please give a correct description and explain it.

10. On page 4.16-1, third paragraph, line seven and following, the statement “along with state and federal actions might be able” (emphasis added) indicates a high degree of uncertainty about the effectiveness of the proposed mitigations, and on line nine “the means to effect such emissions are not known at this time” confirms that uncertainty. It is emphasized again in the fourth paragraph on that page: “The extent of such change ... is not fully understood at present.” This should have been dealt with directly in the Plan, the range of consequences of the relevant uncertainties should have been assessed in the Plan, and firm provisions should be included to avoid the most adverse consequences of the uncertainties. Please explain why a clearer, more principled and understandable approach to the critical matter of uncertainties and related issues was not used in the DEIR.

17

11. Please clarify what the bases are for future GHG emission reduction standards (e.g., the reduction to 2000 levels and 1990 levels as in Executive Order S-3-05, but all other relevant levels as well). (See third paragraph, p. 4.16-1; Exec. Order S 3-05, p. 4.16-7). Are these standards based on absolute levels observed in 2000 and 1990, or are they per-capita, or per-unit-of-economic output or other relative levels that would rise with increases in population, economic activity or both, or with other changes? Failure to be specific about this could result in very substantial planning errors.

18

12. On p.4.16-1, third paragraph, penultimate line, “considerably” should read “considerable” instead. Please make the correction.

19

13. The “mitigation” referred to in paragraph four on p. 4.15-1 speaks of “development and implementation of a Climate Change Preparedness Plan for the County starting within 5 years of adoption” which, given the rapidity with which evidence for climate change and its magnitude is gathering, is far too late and creates far too slow a process to meet probable needs. Please explain why a more urgent planning effort is not called for, especially in the light of the high potential for underestimating climate change. The rate of accumulation of data is accelerating, and evidence is growing that change (in particular global warming trends) may be occurring faster than earlier anticipated. (Some uncertainties are narrowing and shifting toward

20

more serious rather than less serious consequences, with newer data appearing to be centered on more rapid and more extensive changes.) Please respond to these concerns.

20

14. Whatever one may conclude concerning climate change itself, the statement at the top of p. 4.16-2 asserting “new development will be more resilient to these inevitable changes and would avoid subjecting persons or property to otherwise avoidable additional harm” is highly speculative and inappropriate. There is nothing in the Plan to support such a conclusion. The Plan at present does not include plausible “adaptation” to climate change, nor are there any clear provisions to “integrate into County planning” any such “adaptation,” as the numerous “mitigations” listed in 4.16 clearly demonstrate. The “mitigations” do not support the statement. Please explain why such a non-objective, speculative and biased assessment of future events, unsupported by currently available evidence, is included in the DEIR.

21

4.16.3.2

15. Several of the impacts listed here (p. 4.16-2) have special relevance to human habitation in Monterey County. Around Monterey Bay and the river estuaries, rising sea levels should be anticipated; extreme heat would be expected to affect humans in the agricultural valleys; increases in peak stream flows and flooding would follow from more severe winter storms, with special consequences for the County’s critically important rivers and watersheds; changes in growing season conditions would have major effects on agriculture. Why is there no discussion of the relative importance of these issues, including, of course, the relative uncertainties involved?

22

16. Is the estimate of population growth (in the final paragraph of this section) based on linear or exponential (compound interest) growth? For planning purposes over the span of climate change regulations this makes a considerable difference. For example, the annual population growth in 2050 would be 1,218,000 under the exponential assumption and only 781,000 under the linear assumption. Please clarify, and provide data showing quantitatively how the population growth projections are made, and, aside from other contingencies, how they would affect prospects for meeting existing and proposed GHG standards. Please describe why the particular populations assumptions that were used were the ones chosen.

23

17. The 2050 estimates of annual population growth above assume that the 34 M initial population is for the year 2008 (the year of this report) although the CEC document from which the data was taken was dated 2005. It is impossible to know, from the information given, whether the 34 M was an extrapolation from 2000 census data to 2004 or 2005, or to 2008. Neither is the extrapolation to 2040 described. Since the method used in this DEIR for estimating GHG emissions appears to be highly population-sensitive (both with respect to sources of GHG and to their effect on County residents), the differences may have significant effects in the “out years”, specifically 2040 in this Please clarify the basis for estimating population, and please clarify quantitatively the sensitivity of GHG emission extrapolations to population estimates, and do the same with respect to the effects of GHG emissions.

24

4.16.3.3

18. Please clarify the basis for the estimate that California is the “12th to 16th largest emitter of CO₂.” Is that among all nations? Per unit of land area? Per capita? Does this refer to

25

specifically anthropogenic emissions? The utility of the claim is questionable without specification of the basis. The relevant assertion here appears to be that about 2% or 1/50th of the earth's anthropogenic (?) CO₂ emissions occur within California. Or is it really GHG emissions as measured in MMT of CO₂E? These numbers help convey the local importance of the issue, but they should be precise enough to be both credible and meaningful. Please provide enough information to support both the credibility and meaningfulness of the numbers.

25

19. Paragraphs two and three (p. 4.16-4) appear to report the same kinds of data from two different sources (CEC and CARB), which differ slightly from one another. Please explain the differences and indicate why they are not shown more clearly, as for example in tabular form, or with a single set of composite (e.g., average) data to be used in the DEIR.

26

20. Please clarify the meaning of "for the local government operations" in paragraph two on p. 4.16-5. Does this refer to GHG-emitting operations under local government jurisdictions, or to the method of assessing GHG inventories by local governments, or to something else?

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21. The column labeled "GHG Emissions" in Table 16.4-1 does not show any units. Do the numbers refer to metric tons of CO₂E emissions? If that is so, this would indicate that the County emits between 0.283% and 0.288% of California GHG. Is this correct? Please provide the correct units, and specify clearly the approximate percentage or fraction of California emissions. This is important because of the numerous references to California data, generally expressed in MMT.

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22. Top of page 4.16-6, line 3: Should "2006" read "2007" instead?

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4.16.4.1

23. Please interpret the acronym "NEPA."

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24. Please scan all of section 4.16 for acronyms and "terms of art" and be sure that all of them are included in the report's list of acronyms and glossary. Several from this section in fact are not included. Please provide complete lists.

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4.16.4.2

25. On p. 4.16-7, first paragraph, third line from last, should "water energy" read "water, energy" instead? If not, to what does the phrase refer? Please respond.

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26. On p. 4.16-7, third paragraph, end of second line, shouldn't "would reduce" read "would, if met, reduce" instead? Please respond.

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27. On p. 4.16-7, fourth paragraph, fifth line, the sentence beginning "Since the California rules ... " is a non sequitur. Without further information or assumptions it does not follow logically that

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because GHG standards that are more effective at reducing GHGs than are CAFÉ standards, then GHG standards necessarily are better at increasing fuel efficiency. "Since" is the troublesome word; this refers to correlation, not necessarily to a cause. The data

- evidently do support such a conclusion, so the sentence should be modified. For example, it would be correct if the word "since" at the beginning of the sentence were dropped, and in the third line from the bottom of the paragraph "program, they also" were replaced by "program, and they also." Please correct the error. | 35
- 28.** On p. 4.16-8, fifth bullet, "January 1; 1010" should read "January 1, 2010" instead. Please make the correction. | 36
- 29.** On p. 4.16-8, last paragraph and top of next page, reference is made to reductions in GHG emissions "relative to projected levels." Does this mean relative to otherwise-projected levels? Is it relative to BAU levels? Please be precise. | 37
- 30.** On p. 4.16-9, second paragraph from the bottom, third line from the bottom, should "carbon dioxide for person" read "carbon dioxide per person" instead? | 38
- 31.** Presumably Table 4.16-2 refers to 2020 reductions for the State of California but it is nowhere made explicit that it is for the State rather than for the County. Please insert in the table's caption a clear indication that the numbers refer to California, not Monterey County, reductions, or explain why this presumption is incorrect and give the correct interpretation). | 39
- 32.** Since the DEIR is for a Monterey County Plan, a column in Table 4.16-2 indicating suitable estimates of the County's share of the reductions should be shown, or else a separate table should be prepared showing these estimates. Please explain why such tabulated estimates of 2020 reductions for the County are not included, and please correct the omission. This may require assumptions such as County/State proportionality, but reasonable estimates can be made with fairly simple assumptions; for example, per capita estimated reductions are given on p. 4.16-9 and this approach could serve as a basis for County/State comparisons. | 40
- 33.** Incidentally, are the goals established in S-3-05 and in AB 32 fixed levels (referred to 1990), or are they allowed to slip in accordance with BAU or some other standard of change? Please explain in detail, and cite specific authorities to support your assertion. | 41
- 34.** "Shaded reductions" are not included in Table 4.16-2 table even though they are promised in the second entry line. Please correct the omission. | 44
- 35.** Please explain how the "emissions cap of 365 MMTCO₂E" asserted in the second entry line of Table 4.16-2 is obtained, and how it is related quantitatively to the different estimates for 2004 GHG emissions on p. 4.16-4, of 484 and 492 MMTCO₂E of GHG, and of 480 at the top of p. 4.16-16. Without this information it is difficult and perhaps impossible to correlate and evaluate other GHG emission estimates provided throughout section 4.16. | 45
- 36.** Simple addition of the quantities in the 2020 Reductions column of Table 4.16-2 yields a total of 175.1, not 169. Please explain in detail why the latter figure is used. | 46

37. In Table 4.16-2 the category “Additional ... Sectors” is a very vague yet accounts for more than 20% of the total reductions claimed. Please explain this, and include a definition of “Additional ... Sectors”.

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4.16.4.4

38. For the 2nd bullet item (p. 4.16-13), please provide the total electricity consumption from which the approximate 686,000 kwh reduction is being achieved. What is the fraction of consumption this retrofit program represents? Also, please provide a conversion factor that can be used to convert this reduction from kwh electrical consumption to MMTCO₂E.

48

39. How effective, quantitatively, in terms of MMTCO₂E reductions and of percentage reduction, are the programs indicated in bullet items 4 and 5 on p. 4.16-13? It is inadequate (often useless) to quote isolated numbers without context and without comparative baselines. This and the matter discussed just above (referring to the second bullet item on the page) are critical to any quantitative assessment of current efforts toward GHG reduction. They may seem relatively trivial but nevertheless serve as initial stages of significant effort. (They are the only items in this subsection containing potentially useful quantitative information.)

49

4.16.5.2

40. Please describe in detail how the figures at the top of p. 4.16-16 for the State of California are obtained, namely

- 1990, 2020 – 427 MMTCO₂E
- 2004 – 480 MMTCO₂E
- 2020 – 596 MMTCO₂E BAU

In particular, please indicate the methods of extrapolation (e.g., linear or exponential) used and the basis for extrapolated estimates (i.e., the base time from which extrapolations are taken, the proxy used – such as population or economic growth assumptions – and the data source for the GHG emissions assumed at the base time, being explicit about the character of the underlying assumptions). Probably this can be done in a simple tabular or quasi-tabular form that is easy to read. Also please indicate the relationship of these figures and their sources to the values and sources given on p. 4.16-4, near the bottom of the page.

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41. The key word in the second paragraph on p.4.16-16 is “if” and that word should begin the paragraph in order to give it proper emphasis. Please delete the first four words in the paragraph, namely “Thus, on a state level,” or explain convincingly why they should not be dropped.

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42. In the fifth paragraph on p. 4.16-16, fourth line from the bottom, please delete the word “percent” since the % symbol appears just ahead of it.

52

4.16.5.3

43. Presumably the data in the column labeled “GHG Emissions” in Table 4.16-3 are measured in MMTCO₂E, but no units are shown for the column. Is this presumption correct? Please correct the table by showing the appropriate units.

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44. No 1990 benchmark figure for GHG emissions (measured in MMT CO₂E) is provided for Monterey County in the DEIR. Please provide this critical number, cite relevant authority for it, and indicate how it is obtained from other data (e.g., a percentage of another specified datum, such as in the same ratio to current Monterey County emissions as the Statewide ratio, or 89% -- see top of p. 4.16-16). Alternatively, direct our attention to its location in this DEIR document.

54

45. Where is it stated in the relevant regulatory (or quasi-regulatory) documents that the proper significance criteria are to be measured relative to BAU conditions? Both S-3-05 and AB 32 (as stated and discussed in the DEIR) appear to establish that the criteria should be determined in terms of actual 1990 conditions, not BAU conditions. That is the plain meaning of S-3-05 and AB 32 as reported in the DEIR. That is, please explain the use of BAU conditions in determining significance of impact, and provide references to regulatory authority for this choice.

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46. Use of BAU conditions interposes two additional extrapolations into the calculations, namely, one to estimate State BAU from current conditions, and another to estimate County BAU from current conditions. There is no reason to expect the extrapolations to be strictly proportional. Therefore the "simplest measure of whether GHG emissions in Monterey County will be cumulatively considerable" is not to use BAU estimates, but rather is to use the plain meaning of "1990 levels" as determined by State regulatory agencies. Please explain why use of the additional BAU extrapolations is preferred in this DEIR to using the plain meaning of the regulations to estimate the significance of impacts. (If it is claimed that they lead to essentially the same results, please explain why the simpler basis for comparison -- the "plain meaning version -- is not preferred.) Please provide the "plain meaning" results.

56

47. Three different values for California's 2004 GHG emissions are reported in this DEIR, namely 492, 484 and 480 MMT, as noted above. The sources of these numbers are cited as CEC, CARB, and none, respectively. If the 1990 level acceptable (by CARB, guessing from the context) is 427 MMT, this is 86.9%, 88.2% or 89.0% of 2004 levels, depending on which "current level" is chosen. Please explain why the value of 480 MMT is chosen as baseline rather than either of the others, especially given that there is no citation in the DEIR for source of this number. It is noteworthy that this apparently arbitrary choice effectively minimizes the reduction of GHG emissions required to reach "no significant impact" levels, and biases the conclusions by as much as 2.4%. Please respond to this observation.

57

48. Accepting the plain meaning of the language in the DEIR concerning S-3-05 and AB 32, and accepting that the base level for "current" Monterey County GHG emissions is 1.394 MMT CO₂E (Table 4.16-3, "Total for Existing Development", assuming that the units used in the GHG Emissions column are T CO₂E), the GHG emissions goal for 2020 for Monterey County should be 1.210, 1.230 or 1.240 MMT, depending on which 2004 CA baseline (see preceding paragraph) is used. Monterey County GHG emissions for 2020, with all GHG restrictions in place, are 1.282 MMT according to Table 4.16-3. This is 3.3% above the most development-tolerant of the three 2020 goals and therefore must be regarded as considerable and unavoidable. At the 2030 Plan horizon, County GHG emissions would be 1.371 MMT CO₂E or about 11% above the 2020 threshold and would be more considerable and

58

unavoidable without further Countywide restrictions on GHG emissions that exceed prospective State standards. (Note that these conclusions do not utilize nor depend in any way on BAU.) Please explain fully, in light of this, the conclusion at the top of p. 4.16-18 that the Plan's contribution to climate change would be "mitigated to less than considerable", when the mitigations offered are largely conjectural and are not accompanied by any analysis of their capacity to reduced GHG emissions.

58

49. The use of "business as usual" (BAU) data is interesting and potentially useful for general comparison, but BAU is inappropriate for use in assessing significance of impact. The only proper basis, given the State mandates, is 1990 GHG emission levels for 2020 (and 80% of 1990 levels for 2050). The introduction of the auxiliary BAU variable in assessing significance is not helpful and can cause unnecessary confusion. Since BAU is used in no context other than significance assessment, the utility of its role in section 4.16 is unclear. Please explain the functional role of BAU in the GHG analysis, and describe why it was introduced. Explain also why BAU was used as the standard against which significance was measured in the DEIR.

59

50. The DEIR's "current" Monterey County GHG estimates apparently are based on 2006 data, and "current" California GHG estimates appear to be based on 2004 data (although varying slightly and from different sources). Please explain why there is no evident reconciliation of this difference in baselines, and why the County data is not extrapolated backwards by the two years to produce approximately equivalent baselines. Failure to do this creates a slight bias against the size of reduction of GHG needed to meet probable emissions requirements, and slight biases may produce important consequences (see, for example, item 1. above).

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51. What matters for planning purposes (Table 4.16-3) is "percent excess over 1990," not "percent change from 2006" as recorded in the table. The baseline year in the regulations for GHG limits is 1990. While there is nothing wrong with including the 2006 information in the table, the reader should be directed immediately to comparisons with the 1990-based goals. In particular the key comparison is excess over the 1990 limit, and that percentage or ratio should appear prominently. Please explain why the key quantity -- percent excess of 2020 emissions over 1990-based goals, or ratio of 2020 GHG emissions to 1990-based goals -- was omitted from the table. Depending on the 2004 State baseline chosen, the percentages of 2020 GPU levels for GHG emissions above 1990 levels are 24% - 27% for development according to BAU, 16% - 19% for the next higher level of GHG reduction measures, and 3% - 6% for the most vigorous measures shown in the table. For the 2030 Plan horizon these percentages are, respectively, 32% - 36%, 24% - 26% and 11% - 13%. This information should have been displayed clearly and prominently. Please explain why these principal data were not included in Table 4.16-3 or in an additional table for easy access to the reader.

61

52. Please explain why the significance criteria shown as bulleted items on p. 4.16-16 and 4.16-17 are expressed in terms of BAU conditions instead of in terms of the 1990 level of emissions as specified in S-3-05 and AB 32, which are the effective regulatory criteria. There is no evident justification for this choice as opposed to use of 1990 estimates of GHG emission levels, and the choice complicates understanding of the criteria being applied, thus reducing clarity. This may significantly affect one's understanding of the ability of the Plan's provisions

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and of the proposed "mitigations" to meet State regulatory requirements. Please provide a table showing a direct quantitative comparison between the significance standard as expressed in BAU and as expressed in the straightforward 1990 standards.

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4.16.5.3

53. The 2020 and 2030 GHG emission levels in Impact CC1 should be expressed directly and naturally in terms of the 1990 baseline specified by S-3-05 and AB 32 (namely, by their ratio to the 1990 level specified in those documents) rather than in terms of BAU (i.e., 72% of BAU for 2020). Indeed, for clarity they should be displayed in tabular form. Please explain why they are not.

63

54. Under the heading "Significance Conclusions" (page 4.16-33) it is erroneously stated that OS-10.11 "requires ... adoption of a Greenhouse Reduction Plan" whereas in fact it only promises to develop such a plan; it does not actually require even the plan's development since the word "shall" is absent, and in addition, developing a plan is not the same as adopting one. In its entirety, the policy reads as follows:

OS-10.11 Within 24 months of the adoption of the General Plan, Monterey County will develop a Greenhouse Gas Reduction Plan to reduce emissions by 2020 to the 1990 level. At a minimum, said Plan will:

- a. Establish an inventory of current emissions in the County of Monterey; and
- b. Include an inventory of emissions as of 1990.

64

Note that, according to the Plan, even the minimal task of accumulating inventories need not occur until 2011 or later, which is less than a decade from the State deadline for reduction to 1990 GHG emissions. Given the degree to which the Plan, under the most rigorous measures included in Table 4.16-3, would fail to reach the 1990 levels, the two-year delay built into OS-10.11, along with its lack of mandatory action, indicate that the Plan is wholly inadequate with respect to GHG emissions and climate change.

In light of this, please explain how "implementation of the GHG Reduction Plan by the County would reduce emissions to the significance threshold," as stated in the last paragraph on p. 4.16-29. This is an entirely speculative assertion for which no evidence exists, much less quantitative evidence, as is demonstrated by the remainder of the paragraph. Please explain what justifies its presence in the DEIR.

55. In the penultimate paragraph on p. 4.6-29 a significance criterion again is stated in terms of a percentage of 2020 BAU GHG emissions rather than in terms of the 2020 ratio to (or percentage above) 1990 emissions. As stated above, this reduces the clarity of the results. Please give a compelling justification for this approach.

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56. Since the prospective removal of CO₂ sinks is not quantified in the DEIR (p. 4.16-22), and since an increase in CO₂ sinks is highly unlikely, it is probable that the report's estimates of GHG emissions are underestimates by unknown amounts. The lone suggestion that such amounts may not be large is based on the proposition that "General Plan policies seek to limit the amount of natural land conversion due to urban growth," which could be supported only if

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such policies are rigorously carried out. Please provide evidence that rigorous enforcement of these policies is to be expected and that the evidence is supported by past and current practice.

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57. Further, please explain why the quantities used to establish whether significance criteria are met are not as expressed as quantities greater than (>) the calculated estimates (e.g., in Table 4.16-3, bottom, "Total for 2020 >1,281,828"), given the uncertainties and general biases toward low estimates (resulting from, for example, unquantified -- and therefore unaccounted for -- loss of sinks, as above). That is, why is there not a prominent acknowledgement of these systematic biases, in the statements and discussions of significance determinations and conclusions?

67

58. Changes in County policy represented by this Plan (relative to the current 1982 plan) are likely to affect GHG emissions and should have been acknowledged under the heading "Impact of Development with Policies." Current emissions are based on conditions existing under the current Plan, so all changes in policy from the present General Plan to the 2007 Plan represent effects imposed by the latter. For example, the lowering of roadway level-of-service standard from LOS C to LOS D clearly is a traffic-inducing change (by permitting greater development) and has implications for GHG emissions, which should have been analyzed. While this is a report on the 2007 Plan and not explicitly its on predecessor, the LOS standard has significant implications, and at a minimum, the relative effects of adopting LOS D rather than the current standard of LOS C should have been examined quantitatively with respect to GHG emissions. (This is an important example of how legislation through DEIR "mitigation" should be unacceptable.) Please explain whether and why this change, and other potential GHG emission-inducing policy changes from the current Plan to the 2007 Plan, were ignored.

68

59. The various "mitigations" proposed on pp. 4.16-30 - 33 constitute a legislative package that goes well beyond the appropriate realm of mitigations to specific impacts. They require careful study in the context of the legal and existing State legislative framework, including current developments in CEQA and recent court settlements concerning AB-32 (including that with San Bernardino County). The capacity of the proposed mitigations to accomplish the objectives laid out in the Significance Determination and Significance Conclusion is questionable, but deserves investigation. Have you consulted the settlement between the State and the County of San Bernardino concerning climate change? Have you made inquiries of the State Attorney General's Office, and other agencies that Office suggests, concerning what minimum requirements concerning climate change ought to appear in a general plan? Have you consulted current CEQA requirements and guidelines in this area? Please explain why such an extensive legislative burden is appropriately relegated to "mitigations" in a DEIR. We request a response to each of these questions.

69

60. The proposed "mitigations" are in the form of proposals for further study and deferral of action, and even deferral to further proposed legislation, and thus appear to be inadequate as mitigations under CEQA. As "mitigations" do CC-1a, CC-2, CC-3, CC-4 (PS-5.5), CC-11, CC-12, CC-2 and CC-13 meet CEQA requirements? Please respond and explain.

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61. Additional consideration of specific defensive measures against the consequences of climate change (e.g., protection against potential increases in flooding and against potential

71

increases in frequency or length of drought) should be included in section 4.16. In particular, evaluation of the effectiveness of policies with respect to adaptations to climate change, rather than mere listing of them, is needed in certain of the material under "2007 General Plan Policies" on p.4.16-22 to -29. The discussions on p. 4.16-39ff broach these subjects, but they need to be taken more seriously in General Plan policies that are focused on the 2030 planning horizon, and even in evaluating the effectiveness of the 2020 deadlines. Please explain why these matters (including those listed in the second from last paragraph on p. 4.16-43) are not examined more completely and are not included in the determinations of significance for 2020 and 2030 earlier in the DEIR.

71

62. On p. 4.16-29, last paragraph, the Significance Determination states that "Implementation of the GHG Reduction Plan by the County would reduce emissions to the significance threshold." And yet later it says, "without the articulation of specific requirements for GHG reductions, the 2007 General Plan would result in a considerable contribution to cumulative GHG emissions and global climate change." These statements are directly contradictory, the former being false (the GHG reduction plan does not exist and certainly could not do what is asserted), and the latter is correct. How is one to make sense of a DEIR that contains such extraordinary contradictions? Please explain why the document's conclusions in general should be regarded as credible or even plausible in view of this.

72

63. The DEIR's claims, at the bottom of p. 4.16-33, intended to support the conclusion of a "less than considerable" Monterey County contribution to GHG emissions "at 2020" is entirely conjectural, and even if it were true (unlikely) it flies in the face of the quantitative evidence in the DEIR itself (see above). Please explain why this conclusion should not be rejected? Why is the phrase "without the articulation of specific requirements for GHG reductions", which appeared in the Determination, excluded from the Conclusion? Please respond fully. Is your answer that the "mitigations" are responsible for the change between the Determination and the Conclusion? If so, please describe in quantitative detail how the "mitigations" in fact "articulate specific requirements" that provide substantial evidence justifying the change from determination to conclusion.

73

64. The total buildout GHG emission levels in Table 4.16-4 exceed the announced 2050 California criteria by from 122% to 127% for BAU conditions, and by 88% to 93% for the circumstance in which the State GHG emission-limiting policy tools are in place. (The ranges of percentages here arise from differences in assumed values for 2004 emissions presented in the DEIR, and therefore for the 1990 emission criteria.) When buildout would be reached, even the most restrictive of the conditions now contemplated are likely to be deemed entirely inadequate, so at best the then-existing criteria would be nearly certain to be exceeded by huge margins. The "Significance Determination" on p. 4.16-42 does not sufficiently recognize the magnitude of the discrepancy between the 2050 mandates and buildout conditions, and contains highly dubious claim that

74

"Implementation of the GHG Reduction Plan by the County would reduce the emissions to the significance threshold."

What substantial evidence is provided in the DEIR or in the Plan to support this claim? How is it possible for a "GHG Reduction Plan" -- that has not been formulated let alone adopted as part of the General Plan, and that contains no actionable quantitative provisions in any case --

to “reduce the emissions to the significance threshold”? Have you noticed that the only elements specified in the “GHG Reduction Plan” are to establish current and 1990 inventories of GHG emissions for the County? What provisions assure that the quantitative “significance threshold” would be met? Please respond in full to these questions.

74

65. The “Significance Conclusion” on p. 4.16-44 contains the wholly unsupported and implausible assertion that

“With implementation of the policies in the Climate Change Preparedness Plan over time, new development will be resilient to these inevitable changes and would avoid additional physical harm to persons and property resultant from climate change effects. Thus, with mitigation, the 2007 General Plan would not make a considerable contribution to a cumulative impact related to adaptation to climate change effects.”

This is strictly conjecture, with no evidence whatsoever presented to support its highly optimistic assumptions. The best that can be said is that it is unreasonable to attempt extrapolation to buildout and expect it to be realistic, but in any case the barriers to successful implementation of the Plan within the likely limits on GHG emission required at buildout should be expected to be extremely high if not insurmountable. In fact there is no “Climate Change Preparedness Plan” and the speculation that “new development will be resilient to these inevitable changes and would avoid additional physical harm” utterly lacks substantive evidence. Not only is it devoid of “scientific” character of the sort encouraged and expected by CEQA, the statement is not reasonable under any criteria. Its only connection with scientific characterization is in the realm of science fiction. Please explain why such irresponsible language appears in this document. Include a discussion of why the false implications that (1) a Climate Change Preparedness Plan exists, and that (2) it contains explicit policies, and that (3) these nonexistent policies would “be resilient to ... inevitable [climate] changes and would avoid ... physical harm” are contained in the “Significance Conclusion.” Please respond in full.

75

Special general remarks

66. Criteria for evaluating public comments. In some instances, responses to critical public comments concerning EIRs have been dismissive of the content of the criticism because the analysis used in the comment differs from that of the EIR or is claimed to be “unconventional” in some respect. That, of course, is a wholly inappropriate and unacceptable response. The issue is not the “conventionality” of a comment or its analysis, but rather is its credibility on grounds of available evidence, relevant scientific criteria and logical coherence. Please confirm explicitly that the latter are the standards that are applied in your responses.

76

67. The possibility of a practical and realistic Plan meeting CEQA and the concerns expressed above. Note that a practical, realistic planning document, responding directly to the criticisms above is possible and in fact is demanded by current circumstances. It would consist of a positive active program of GHG emission monitoring requirements and with specific time-based quantitative emission milestones and well-defined monitoring criteria. Please explain why a positive program of action, acceptable under CEQA, was not recommended, and further study and delay were advocated, when the DEIR already contains significant evidence and data.

77

- a. Waiting periods of months and years, as in OS-10.11 and the "mitigations," is not acceptable; specific action should be underway upon adoption. The County already should have actively begun the program even before adoption because it is a necessary part of conducting County business even before the Plan is in effect. Please explain why lengthy delays were deemed adequate in the DEIR, in the face of (1) stringent State requirements, (2) growing evidence of a need for direct action, (3) increasing availability of relevant data, and (4) concerted parallel GHG evaluation efforts throughout the State which could be used as potential models for action and sources of information.
- b. The program should start immediately (even before Plan approval) based initially on the data collected for this DEIR as well as data already assembled by the County, with provisions for timely updating in order to meet State mandates. It would link the enabling of development quantitatively to the meeting of quantitative emission milestones, and the latter would be tied to the phasing of GHG emission objectives over the life of the Plan. Regular updating can minimize inadequacies and uncertainties in the available data and evidence and improve the rigor of the program. Initial ambiguities in this case are not so great as to provide and excuse for further delay. Please explain why firm recommendations for immediate implementation, based on current data, were not made as part of the mitigation program of the DEIR.
- c. Since this will need to be done all across the State, Monterey County need not produce such a program in isolation, developing it "from scratch." In effect, the State climate change mandates not only promote but require this kind of response, with such indefinite terms as "should", "will" and "encourage" obviated entirely in the Plan, in favor of imperatives such as "shall" and "require". (In this last respect, the "mitigations" come close to meeting the need for firmness of intention.)
- d. The County should indeed pursue vigorously many if not all of the study and organization objectives stated in the DEIR's "mitigations" but many of these should be directives to the agencies responsible for implementing the Plan, not elements of the Plan itself. Please explain why a clear distinction between appropriate Plan provisions, on the one hand, and agency directives (supplementary to the Plan), on the other, was not made in the DEIR's "mitigations."

77

Concluding Summary

The first thing to note is that all four of the categories examined in this section for impact significance should receive "considerable and unavoidable" significance conclusions. That is what the evidence supports. There are no grounds in the DEIR for a less severe conclusion. The quantitative information available in the document is quite clear on that, and there is no substantial evidence of any kind presented to refute this assessment.

78

It is unfortunate that unsupported determinations and conclusions appeared in the document, since they raise serious questions about the manner in which the EIR process has been conducted.

Reviewing and commenting on Section 4.16 of the DEIR is especially awkward because there is no section in the Plan on climate change to which the DEIR is a response. The critical defect therefore is in the Plan, and thus the DEIR is a response to an almost total absence of relevant plan content (the only exception being the paltry single policy entry OS-10.11). The DEIR should be an evaluation of the substance of Plan policies (such as the material provided as "mitigations" in the DEIR but that are absent in the Plan itself). The effect of the DEIR then, is to be an attempt at legislation by mitigation, an entirely unsatisfactory process that flies in the face of the obvious intent of CEQA.

The matter of climate change is extraordinarily important in planning, and must be confronted in spite of the serious challenges it presents. It should be treated with civic integrity and with a high degree of respect for scientific perspectives and criteria, and should be executed with technical competence.

78

There is much analysis in Section 4.16 that can serve as a foundation for preparing a suitable climate change section in the Plan itself. Our comments are directed toward improving the quality, reliability, clarity and readability of such a section when it is developed.

In its current form, however, section 4.16 on climate change is highly deficient and misleading, and this part of the DEIR should be rejected. Please respond to this conclusion.

**Comments On Section 4.6 (Transportation)
Of the DEIR
For the 2007 General Plan Update (GPU5)**

Some of the detailed comments below may appear to be duplicative, but each serves a particular purpose and should be read carefully. Because it is important that the discussion be accurate, CVA requests that the EIR preparer respond to each question separately and not combine the responses to several questions into a single response (which likely would lead to inadequate responses to individual questions). We have reviewed the DEIR in detail. Because the transportation and traffic section of the DEIR is confusing and inadequate on several levels there is a multitude of questions that must be raised. Each of our questions and comments is raised for a specific purpose. We ask that the effort put into the responses respect the time and resources put into the review of the DEIR by members of the Carmel Valley Association.

80

Initial General Comments

The environmental impacts of the 2007 General Plan with respect to traffic levels of service and emergency access (Section 4.6) are stated as "significant and unavoidable" in all four categories of study (impacts TRAN-1B,E; TRAN-2B,E; TRAN-3B,E and TRAN-4B,E, covering "existing plus project" and "cumulative plus project", both for the 2030 planning horizon and for the buildout horizon).

81

We agree that these determinations and conclusions are implied by the data provided in the

DEIR. This means that the 2007 General Plan would unavoidably cause significant and irreversible degradation of roadway levels of service (traffic significantly in excess of capacity) on roadways in the County, and would unavoidably cause degradation in access to emergency services for County citizens.

81

However, the analysis provided in the DEIR underestimates the level of service deterioration in several ways. This underestimation arises from a variety of flaws in the study that need to be addressed. The degree of environmental impact, as well as the existence of impact, is important, and the actual degree of impact is significantly greater than the DEIR discloses in many cases. In our judgment, and based on our research for this and other projects, and our review of this and other EIRs, and our familiarity with the County road system, reporting the extent of impact is an extremely important component of an environmental impact report because it provides decision-makers with information needed to take appropriate action, and also because it is part of the evidence required to establish the significance of impacts. Deficiencies in the DEIR relevant to the underestimation of impacts therefore require comment and deserve response.

82

Many omissions, errors and other defects are listed below, with requests for specific responses. Several types of problems with the document are especially troublesome, including the following:

- A. No analysis is provided in the DEIR for County roadway intersection levels of service. Only road segment performance is analyzed, yet many County intersections already operate at deficient and marginal levels, according to County records. At a minimum this omission should be directly addressed and a rationale for it should be provided. Please explain why this was not done. Please provide an appropriate analysis of intersections, disclosure of current operational levels, and investigate and analyze impacts of the proposed project, including cumulative impacts. For all such analyses, please identify the source of your data, the date and title of the reference documents relied upon, and the method of investigation. Also, please show your assumptions and calculations.
- B. With respect to the determinations and conclusions in the DEIR that describe "project-specific impacts" (TRAN-1A, TRAN-2A, TRAN-3A, TRAN4-A), we understand the notion that such impacts would be self-curing if three conditions are met: (1) impacts are adequately studied and accurately assessed, (2) LOS standards are fully enforced and (3) supposed "mitigation measures" actually ensure that roadway performance "does not degrade below the level without development." However, the existing roadway performance data and the County's record for preventing degradation of roadway performance (which may account for much of the existing performance data) do not inspire confidence. Current roadway levels of service provide strong evidence that one or more of the three conditions for self-curing projects were absent in many past projects. This record is part of existing on-the-ground conditions. In many instances, the County has failed to adequately study and assess impacts, LOS standards have not been enforced or have been adjusted downward, and mitigation measures do not provide metrics for review and have not been tracked for effectiveness. Further, the analysis ignores the availability of findings of overriding consideration to approve

83

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- projects that have significant unmitigated traffic impacts. Please explain why the DEIR assessment of “less than significant” for project-specific impacts was not accompanied by a caveat such as “contingent upon accurate assessment of project impacts, full enforcement of standards and full mitigation to prevent degradation of roadway performance” to reflect the effect of past and present circumstances on the potential effectiveness of the Plan. The DEIR should consider a mitigation that mandates the three conditions be met prior to project implementation. Please respond.
- C. In this connection, the effects of numerous development projects are evident in the 2030 Existing plus Project traffic scenario and especially in the Cumulative plus Project scenario. According to the DEIR, the growth in traffic in these scenarios arises from AMBAG growth forecasts, which would represent the Plan’s generation of housing and businesses, which would give rise to individual projects, which in turn would produce increases in traffic (please confirm). Since all project-specific impacts are treated in the EIR as self-curing and are presumed always to have less than significant impacts, the considerable and unavoidable traffic growth in the County that the DEIR reports for 2030 would not be possible. Thus project-specific impacts should be considered “unknown” rather than “less than significant.” Also, the system of mitigations contemplated in the DEIR should be re-examined in order to establish a system that does not lead to the very substantial increases in traffic on substandard roads that occur in this Plan. Please explain why project-specific impacts, taken consistently to be individually “less than significant” in the DEIR because of the self-curing character of the process, nevertheless produce the “significant and unavoidable” cumulative traffic impacts indicated for 2030, with two thirds of vehicles traveling on substandard roads (see below). Further, the DEIR should address the significant project-specific impacts due to the County’s failure to implement adequately CEQA and traffic standards and provide ongoing accountability.
- D. Full assessment and discussion of the Plan’s actual impact on traffic does not appear in the DEIR. The number of road segments at or below a given LOS category, which is a count of the number of sites where impacts occur, does not measure the impact itself. The DEIR fails to identify or discuss this important analytical point, or how its avoidance of this quantitative analysis affects the DEIR conclusions. The number of vehicles traveling on roads at LOS F, for example, is the traffic impact occurring on those roads. This information is available in the data provided in the DEIR appendices but is not used in the DEIR’s analysis. While 25% of the 286 road segments for which data is available in Appendix C are at LOS F currently, they carry 44% of the traffic. If LOS E and F together both are considered substandard, 30% of the segments are substandard, but the traffic on those segments is 52% of the total. In other words, more than half the traffic currently is traveling on substandard roads according to the Plan’s standard of LOS D. Why is the already-high proportion of traffic on substandard roadways not acknowledged or discussed in the DEIR’s consideration of existing conditions? The DEIR ignores the on-the-ground conditions and therefore fails to adequately analyze the project impacts.
- E. Similarly, analysis of the data provided in Appendix C shows that at the 2030 Plan horizon 41% of the road segments are projected to be substandard, but 68% of the traffic – more than two-thirds -- would be traveling on substandard roads. (See Figures 1-3, at the end of these comments on Section 4.6, for graphical representations of the

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- impacts of traffic based directly on V/C listed the segment entries in Tables A and C of Appendix C.) Why is this exceptionally high proportion of traffic that is projected to be traveling on substandard roadways in 2030 not acknowledged or discussed? The DEIR should disclose and discuss these impacts. 87
- F. Also in this connection, note that according to the data in Appendix C the total existing ADT for the county is 71% of total existing road capacity, and the total 2030 cumulative ADT is 93% of 2030 capacity in the cumulative road capacity. That is, if traffic were distributed evenly across County roadways, traffic now is at 71% of road capacity, and by 2030 would be at 93%. This is a remarkable change that is not disclosed, investigated or analyzed in the DEIR text. Since this represents total ADT and total capacity with no correlation between where the traffic exists and where the capacity is located, the 93% figure is exceptionally high and is cause for serious and cautionary comment. It indicates that the County as a whole would receive an unacceptable collective rating of LOS E or a barely "passing" very low D. Please explain why this circumstance is not mentioned in the DEIR. Please investigate, discuss, and provide site-specific information as to these impacts. 88
- G. The existing LOS standard for Monterey County is LOS C (Monterey County General Plan, 1982 (updated), p. 130), so comparisons of existing LOS values with those projected for 2030 (and beyond) should include accounting of the effects of this change. By the current standard of LOS C, 52% of road segments are at substandard LOS D, E or F, and 71% of traffic is traveling on substandard road segments. If that standard were continued in the next General Plan, 66% of road segments would, in 2030, be substandard, and the traffic on them would be 83% of total traffic. That is to say, if current standards were maintained, in 2030 more than four-fifths of the County's traffic would be traveling on roadways viewed as inadequate. Because the 2007 General Plan proposes to reduce the acceptable standard to LOS D, the same roadways that are now at LOS D (and are unacceptable) would be measured under a different standard under the proposed Plan, and thereby become acceptable. The DEIR fails to adequately identify or discuss these impacts, and the changed paper standards that would apply to the same roadways. Please explain why these effects of the change in LOS standard are not acknowledged or discussed in the assessments of Section 4.6, and supply a full analysis and discussion. 89
- H. The change in LOS standard has actual physical effects, and its evaluation should be included in the DEIR. Note for example, that "impacts to roadway LOS ... would be identified in [environmental] studies and ... development would be fully responsible If a roadway already falls below the County's LOS standard, then the development is required to mitigate" (DEIR, p. 4-6.33). Changes in LOS standard have environmental impacts that must be identified, quantified, and mitigated. Under the proposed Plan change in standards, 71 of 286 road segments (see Table C of Appendix C), or about 25%, carrying about 15% of the traffic would be eliminated from the requirement that significant impacts be mitigated. Please explain why in the DEIR no mention is made of the proposed Plan's change of County standard from LOS C to LOS D, and no attempt is made to account for its environmental impact. This is a huge informational gap. The undeniable impacts of this change would affect every driver and passenger in the County. 90
- I. The "No Project scenario" is the 1982 General Plan, which includes LOS C as the 91

existing and 2030 standard. It is not at all clear what assumptions were used for "No Project". Because the assumptions that are used control the outcome of the analysis, please list all assumptions for the No Project alternative. The 1982 Plan is more specific with respect to traffic standards than is implied by the phrase "acceptable level of service" on the first page of Section 5.3.2.6. (See p. 129, bottom, of the 1982 Plan). The DEIR reference to Table 4.6-24 in Sect. 5.3.2.6 appears to be incorrect, and suggests a lack of thoroughness in the No Project analysis. Please fix the table. The less speculative 2030 horizon appears to be absent in the No Project analysis, but the text states that "the LOS impacts of buildout of the 2007 General Plan would be greater than those of the 1982 General Plan." That unsupported conclusion contradicts the claim that the 1982 plan would have greater environmental impacts as compared to the 2007 General Plan on transportation. As to the transportation comparisons made in Section 5.3.2.6 and in Section 5.3, please list all your assumptions, describe your investigation and consideration of impacts, and show your calculations. The DEIR should include the quantitative traffic impact analysis of the project and the No Project alternative.

92

- J. LOS standards are only vaguely defined in the proposed Plan, and the DEIR fails to use a consistent interpretation of LOS (different for Carmel Valley) in evaluating the Plan's impacts. In particular Carmel Valley is given an interpretation distinctly different from the rest of the County. Several options are available as measurement parameters, including V/C (using ADT), PTSF, vehicle density (vehicles per mile per lane), peak hour traffic (using direct traffic count or PTSF), etc. However, the parameter -- or specific type of measure -- used to identify or evaluate LOS often is not clearly specified in the DEIR (for example "peak hour" is ambiguous as to the specific measurement parameter used). The DEIR should consider a mitigation that requires a uniform, well-defined standard for LOS for the entire County. In particular, please explain why the V/C and related data are omitted from Tables A, B, and C of Appendix C for most of Carmel Valley Road (G16) and several segments of SR-1. Please supply this missing data. If different measurements (metrics) are required, please in each case explain clearly the specific reason, specify the measurements used, and provide specific quantitative criteria for determining LOS letter descriptions. Without this it is impossible for lead agencies to exercise the informed judgment required by CEQA, and for the public to assess an EIR and its impact evaluations.

93

- K. Complete tables of quantitative criteria corresponding to LOS letter-grades should be provided both in the Plan and in the DEIR for each type of measure (ADT, PTSF, etc.) actually used. This is not done. The DEIR does not comment on the Plan's omission in this respect, or on the resulting inability of the DEIR to adequately assess and analyze the impacts. The DEIR should specify and reveal to the public both the type of LOS measure to be used (e.g., ADT, PTSF) and the quantitative criteria for each of the various LOS "grades" (A, B, C, D, E, F). The DEIR's deviations from the explicitly adopted Countywide standard(s) should be explained and described for any special circumstances (as in the case of Carmel Valley Road) in additional supplementary discussion, not as a replacement for descriptions using the standard for non-Carmel Valley areas. Variations from a uniform standard are, in themselves, environmental effects because physical consequences are contingent on the standards (required mitigations and improvements, etc.). The DEIR should investigate and comment

94

- critically on the Plan's failure to provide a clear quantitatively usable standard for LOS, and analyze and disclose the informational gap resulting from that failure. Please respond fully. 94
- L. According to the tables in Appendix C, the same V/C values correspond to different LOS letter grades, depending on the character of a road segment. Please confirm this or clarify this issue. However, the reader is given no guide to the correspondence or correlation between V/C values and LOS grades for different roadway types. The DEIR fails to provide understandable tables of quantitative criteria for each LOS grade within each type of measurement used. Please provide such tables. 95
- M. Please explain why the very wide ranges of V/C values in Appendix C occur for a single LOS category. For example, in Table C there are V/C values as low as 0.3425 for LOS D and as high as 0.956 for LOS C; LOS B has V/C values as high as 0.667. Are these errors or are these accurate? If they are accurate, please explain the cause and reason for the range, providing specific on-the-ground examples for the high and low end of the range, as well as all the analysis. If errors are involved, please supply corrected tables. 96
- N. Emergency service access is a critical component of traffic impact. Although this is discussed in the DEIR for some scenarios (except project-specific impacts), and although the relevant impacts in each scenario are given as "significant and unavoidable", the accompanying DEIR analysis does not investigate or disclose the relationship or comparison of emergency service delivery areas to areas of heavy traffic impacts. This relationship has a strong connection with real response times. The specific locations of traffic congestion are highly relevant to emergency service access. The degree of significance of impacts to emergency service access resulting from traffic congestion can be determined only by disclosure and knowledge of these linkages. Emergency access standards, including response times, should be determined within each local emergency service area, and the impacts of traffic on such access should be evaluated within those areas. The DEIR should give a countywide summary evaluation of environmental impacts on emergency access, and also identify specifically where (geographically) deficiencies are significant or especially high and therefore significant or especially dangerous. Please respond fully to these concerns, and provide a map of the congested areas of the County and the emergency service areas. On the map, please identify the impacts likely to result from the proposed Plan. 97
- O. Many of the proposed "mitigations" do not mitigate or relieve adverse impacts of the Plan. For example, one mitigation clearly is an exacerbation rather than reduction of impact (p.4.6-71) because it produces a weaker LOS standard on certain road segments (see below). More generally the "mitigations" offered do not appear to reduce impacts reliably or accountably and therefore do not distinguish significance conclusions from significance determinations. In the DEIR there is little or no quantitative evaluation of the efficacy of the proposed mitigations. For each of the "mitigations" proposed, please investigate, and provide for each a quantitative analysis of its prospective efficacy, given County budget limitations, staff limitations, and historic failure to follow through or implement EIR mitigations. 98
- P. The proposed mitigations generally are extensive and complex policy proposals, and appear in some cases to be attempts at legislating rather than to be efforts to mitigate traffic impacts effectively. Please describe how the proposed policies would actually 99

mitigate traffic potentially caused or induced by the Plan. Please be as specific as possible, and explain in ways the general public would understand. The general public would be directly impacted by the traffic; the general public should be respected with a reasonable and clear explanation of the traffic mitigations. What are the impacts of each of the "mitigations"? Those impacts must be analyzed and presented in this DEIR, but we cannot find the discussion thereof. Please respond fully and accurately, and explain in laymen's terms, where possible

100

- Q. The DEIR's ambiguity in the definition of LOS is exploited egregiously in the discussion with respect to Carmel Valley Road, where application of substantially weaker LOS criteria are used in the DEIR's analysis, and are proposed to be adopted for the Carmel Valley Master Plan (CVMP) Area, than for elsewhere. The assertions made in DEIR to support this change in standards, or difference in interpretation (viz., peak-hour as opposed to ADT V/C, PTSF as opposed to traffic count), are (1) "because the CVMP policies establish LOS standards based on peak hour" (p.4.6-9), and (2) "because it is a more project-specific and accurate method of analysis," and "at the project-specific or small planning area level of analysis" the alternative measure "should be used to overcome inaccuracies and impact over-estimation characteristic of daily V/C Ratio analysis." (p. 4.6-61f) The first assertion is factually false. (See CVMP, Policy 39.3.2.1, where ADT is specifically indicated.) The second assertion indicates that both inaccuracy and impact over-estimation are acceptable for the rest of the County. Neither assertion justifies the less restrictive, more development-permissive LOS standard of analysis used by the DEIR in Carmel Valley than is used for the rest of the County. In brief, according to the DEIR, LOS means something quite different in Carmel Valley than in other parts of the County, and this LOS grades to signify lower service levels in Carmel Valley than elsewhere. This is a patently discriminatory analytical procedure; it renders meaningless, from the perspective of impact reporting, the claim implicit in Policy C-1.1 that in the 2007 General Plan the County would impose definite LOS standards. Please respond. In sum, with respect to the DEIR itself, this means that a greater level of environmental impact would be allowed in the Carmel Valley Master Plan area than the supposed LOS C standard would imply. Worse still, its "justification" is based on a false assertion. This is not what CEQA permits in the selection and definition of significance criteria. Please explain why the decision was made to apply different LOS standards in the CVMP area. Please give details on how the standards were determined. What sources did you rely on to make the choices? On what persons did you rely in making those choices? Who made the choices? Please give a full and candid picture of how this decision occurred. The DEIR analysis should be revised to disclose with specificity the LOS standards that are used in each discussion. Any differences should be fully disclosed and the rationales for them presented. The impacts of choosing each LOS standard should be investigated, quantified, and discussed.

101

- R. Entries for critical segments of Carmel Valley Road are conspicuously absent from Tables A, B and C of Appendix C, although those segments are present in Tables D and E. (Compare, for example, the segments of County Road G16 in Tables D and E of Appendix C with those in Tables A, B and C of the same appendix.) Also, entries for the segments of State Route 1 between Carpenter Street and Riley Ranch Road are missing from the same tables. Notably these are segments that interact strongly with

102

Carmel Valley Road. Between Ocean Avenue and Carmel Valley Road, SR-1 operates currently at LOS F, while between Carmel Valley Road and Rio Road it operates at LOS E (Table 4.6-4), both well below the County standard even under the proposed General Plan. Two critical intersections of SR-1 involving the segments north of Carmel Valley Road have been reported in County records to operate currently at LOS E or F, but intersection information is not provided in the DEIR. Please explain fully and candidly why certain road segments and related data present in Tables C and D of Appendix C were absent in table A, B and C of the appendix. Please supply the missing data, and provide complete tables with entries for all the road segments (that are listed in the presumably complete Tables D and E of Appendix C). Please revise your analysis to include this data.

102

- S. Most road segments on Carmel Valley Road currently operate at much lower LOS than the DEIR asserts (e.g., in Table 4.6-5), according to County ADT data and DEIR road capacity data. (See relevant portions of Tables D and E of Appendix C, Tables 4.6-5, 18 and 21, for example, where the related data can be found, although some calculation is required.) Existing V/C ratios are at LOS F for 3 of 10 segments (4 of 11 using the Appendix listing of segments), two more are at LOS E, three are at LOS D, and only two are at or below the LOS standards assigned to them, when one uses the DEIR's road segment capacity data for Carmel Valley Road (as given in Appendix C, tables D and E), together with 2007 Carmel Valley Road ADT data from the County. These deficiencies would have been apparent if Appendix C had been complete and had County standards been applied uniformly. The data gap creates an informational gap in the DEIR. Nowhere in the DEIR are these omissions and uneven application mentioned or discussed. (Segment capacities used in these calculations are from Tables D and E of Appendix C because the relevant entries are missing from Table A; but had capacities been available in Table A they would have been no larger than those in Tables D and E, and therefore the LOS would have been no better than those just listed.) Please explain (1) these differences, discrepancies, and omissions in the DEIR, and (2) their relationship with the on-the-ground circumstances in general and (3) the DEIR's analysis itself, in full detail. Please provide the omitted information and apply the same standards consistently, or clearly disclose and explain the rationale for different standards. Then please present the revised analysis to the public for review.

103

- T. The extraordinary special attention given to Carmel Valley Road in the DEIR strongly suggests intent to weaken road segment standards there, with the specific further intent of undermining Board of Supervisors Resolution 02-024, which restricts local subdivision development. This is a wholly inappropriate use of the DEIR and raises serious questions about the objectivity and independence of the document, which is required to meet CEQA standards. This concern is heightened by the presence of obviously deceptive devices used in the DEIR "analysis" of Carmel Valley Road traffic. Please explain how, why and by whom it was decided that the DEIR provide this special attention to Carmel Valley Road. Please explain how, why and by whom the decision was made to pay insufficient attention to levels of service on SR-1 and other connecting roadways at and near the Mouth of the Valley. Please identify by name, title and date the sources that were researched and relied on in making each of these decisions. Who from the public, and which County employees, provided information that influenced this decision?

104

- U. Throughout the DEIR discussion of transportation and traffic, the conclusion “significant and unavoidable” is virtually always accompanied by DEIR language that indicates inadequate financing (e.g., “funding shortfall”) as a principal reason in arriving at the conclusion. The insufficiency of development fees to underwrite current and emerging needs for roadway improvements is abundantly clear in this DEIR, and it is also clear that the situation will become exponentially worse with the continuation of new development without a dramatic transformation in monitoring and funding. Financing traffic improvements with development fees has become, effectively, a Ponzi scheme, with fees from each new development used to fund obligations incurred from previous development, with the term “mitigation” disguising the character of the transaction. Ponzi schemes always fail in the long run, and failure of this one has, and will have, major consequences for the people of Monterey County. Yet the cumulative effect and significance of the “funding shortfalls” acknowledged in the DEIR is not addressed in the report. Please describe the on-the-ground situation, with the information to date as to past traffic mitigations and their effectiveness. Also, please provide an analysis, general and approximate but quantitative, of the long-term (to 2030, and to buildout) behavior of the road maintenance and improvement funding process in light of the financial needs created by the plan. The analysis should reflect the current financial reality.
- V. Finally, the poor organization and arrangements of sub-section headings in this section of the DEIR demands comment. The document is exceptionally difficult to follow and to read. Headings of subsections do not have fonts proportional to their organizational functions, and material that belongs in some subsections appears in others. The great bulk – roughly three fourths – of the principal discussion appears in section 4.6.3.5, and the subsets of material in that section are not segmented in a logical, clearly visible way; they lack clear delineation by way of informative, appropriately ranked (by font size and character if not by number) titles. It is insulting to decision-makers and members of the public to be forced to find their way back and forth through such a welter of forward- and backward-referenced technical material with such poor guideposts. Please explain why such an inappropriate format was adopted, and comment on how it should be improved. Please revise and correct the section, reorganizing the materials, and responding to the comments by our organization and by other members of the public, and re-issue the DEIR for public review.

These facts are sufficient to demonstrate that the DEIR is significantly defective. In all cases we have found, the environmental impacts of the 2007 General Plan are more adverse, that is to say more damaging, than the conclusions in the DEIR. Because the impacts are more significantly adverse than the DEIR reports, the conclusions “significant and unavoidable” arrived at in the DEIR are fully warranted. For that reason, any temptation to regard them as marginally rather than fully justified should be resisted and should require a new environmental impact report in which all of the comments provided here are completely accounted for. This DEIR does not meet CEQA requirements, including those of adequacy, accuracy, objectivity, and sufficiency of quantitative analysis. This DEIR does not properly evaluate the environmental consequences of adopting the 2007 General Plan. Please respond directly and fully.

The comments below provide an extensive but not exhaustive catalogue of these and other defects in the DEIR, and include requests for direct and full responses.

107

Detailed Comments

1. The purpose of policy C-1.1 of the 2007 General Plan is to designate the “acceptable level of service [LOS] for County roads and intersections,” yet this DEIR evaluates service levels only for roadway segments and does not assess intersection LOS at all. Intersection behavior often is critical to the quality of service on a roadway, and some EIRs focus heavily on intersection characteristics and their LOS values. Evaluation of environmental impacts on roadway intersections in Monterey County should be included in this DEIR. In places where the segment data is not provided either (e.g., SR-1 near Carmel), there is no roadway data at all for 2030, yet both segment and intersection performance may be very poor (as is true for the example given) and the relevant road deficiencies are not in the record. This exclusion of intersection effects on circulation renders the DEIR defective and inadequate. Please respond fully, address the identified problems in detail, and provide the information and correct the analysis, or provide clear rationale for the DEIR’s omissions.

108

2. On p. 4.6-6, the second sentence of the second paragraph states that “LOS is a qualitative term” and the third states that “The LOS categories and their pairing with specific ranges of volume-to-capacity ranges are a matter of convention” But the DEIR relies entirely on the quantitative “conventions” in reporting LOS, which unfortunately are not stated explicitly in the report. Failure to include these critical data in the DEIR prevents evaluation, by County decision-makers and the public and alike, of DEIR assertions concerning LOS. Please provide the full quantitative description and all “conventions” for each LOS category used in preparing the DEIR, including a tabular summary of the criteria used to distinguish between LOS A and B, between LOS Band C, between LOS C and D, between LOS D and E, and between LOS E and F as used at any place in this DEIR. (A quick look at Appendix C demonstrates that this should not be hard to construct and probably could be fit onto a single page or less.) The DEIR is a legally required document for providing the general public and decision-makers with the information required for making careful judgments; these data are critical to understanding its meaning and are easy to make available in the DEIR. Why is this quantitative information not provided already in the DEIR itself? (See, for example, CEQA Guidelines 15147, especially “relevant information sufficient to permit full assessment ... by ... members of the public.”) Please respond to this question directly and fully.

109

3. Please explain why the change from a roadway standard of LOS C in the existing General Plan to LOS D in the proposed General Plan is not considered in this DEIR to be either a “direct physical change” or as causing “reasonably foreseeable indirect changes” in the environment (CEQA Guidelines, 15064d). The existing condition for the County is a standard of LOS C. Why are not all comparisons with existing conditions made against the LOS C (existing standard) so that the DEIR would assess the actual environmental effect of adopting the new and different standards of the 2007 General Plan? Please respond directly and in detail. Why is this change of standards not discussed in quantitative detail in section 4.6 of the DEIR, and why is the effect of the change not considered explicitly in all determinations and

110

conclusions that involve existing conditions? All comparisons should be with existing conditions (which include the LOS C standard), and the DEIR should adequately assess the impacts. Also, please explain why the switch from LOS C standard to LOS D standard is not included in the criteria for determining significance. Please provide comparisons that fully correct these omissions.

110

4. LOS criteria supplied in the DEIR are not consistent with the corresponding criteria used by the Department of Public Works (see and compare, for example, the nearly constant segment capacities for Carmel Valley Road shown on p. D-10 or E-37 of Appendix C of the DEIR, with the "threshold" data, which vary widely from segment to segment, in CVMP Annual Evaluation Of Traffic Volume, 2007). Why do these discrepancies exist? Which criteria were controlling, and why? Which criteria should be controlling? What is the protocol for resolving such inconsistencies? Why are the discrepancies not discussed in the DEIR, and why is a resolution of the differences not described? Please respond in accurate detail, discuss the issue fully, and propose a suitable resolution to the discrepancies. Please provide cogent justification for your response. Please investigate and analyze the impacts of each decision to use one criterion in the place of another.

111

5. Given the discrepancies mentioned in the previous paragraph please describe exactly how the references listed on p. 4.6-9 (specifically: "a recent draft traffic analysis of the CVMP and the Carmel Valley Transportation Program was available (CVMP Traffic Study, July 2007)") were utilized in preparing the DEIR. Please describe specifically how the CVMP annual evaluations of traffic were relied upon in preparing the DEIR. To what extent was the CVTIP study relied upon? If the latter was relied upon, page references in the DEIR should have been provided to the public because of the length of the document, and important tables should have been reproduced. Why was this not done? The DSEIR for the CVTIP had been prepared well before this 2007 General Plan DEIR was prepared, and public comments on the DSEIR for CVTIP also had been submitted and were available at that time. Were these documents consulted in developing this DEIR? If so, please describe the investigation, research of the documents and their impacts on the analysis of the DEIR. If they were not, why were they not? Please respond fully to all of these questions. Also, we understand from the County that the DEIR on the CVMP traffic plan is "on hold" pending the outcome of this GPU-5 DEIR or perhaps the GPU5 itself. Is this true? And if so, please explain all the reasons it is on hold, and what kinds of effects the EIR for the GPU5, or the GPU5 itself, will have on the traffic plan. Please give full details.

112

6. Table 4.6-5 (p. 4.6-10) does not show the data on which the LOS assignments are based, nor does it show which of several available parameters are used to assess peak hour service. Because of this informational gap, no independent evaluation of the LOS assignments is possible. Please provide this missing information, revise the analysis, and show your work. Furthermore, there is no explanation why only one segment of SR-1 (Carpenter St. to Ocean Ave.), disjoined from Carmel Valley Road, is included in the table. Please explain why the DEIR makes this distinction. The LOS value cited for the relevant segment of SR-1 is at substantial variance from the existing LOS for that segment provided in Table 4.6-21 (p. 4.6-81ff). Please explain all investigatory efforts, research and analysis for this data. Please address the contradiction between the two tables and correct the corresponding defects. (It is

113

not sufficient to note that different standards were used in the Table 4.6-5 and in Table 4.6-21. Please reconcile the data and provide the criteria used to do so.) In other words: Please describe all research, investigation, analysis and reference documents used for the content of Table 4.6-5. That is, please provide the evidence and criteria on which the LOS grades for Carmel Valley Road in Table 4.6-5 are based, and correct or revise the table to accurately reflect on-the-ground conditions. Note that the relevant data for Carmel Valley Road are missing from tables A, B and C of Appendix C, and the pertinent criteria for LOS given in tables D and E of Appendix C differ from those in the CVMP Annual Evaluation of Traffic Volume for all recent years. Please explain why this situation exists in the DEIR. Please provide the missing data and redo the analysis, showing your work. The public cannot verify that the data and analysis are accurate without access to the data used in the DEIR.

113

7. Westbound Carmel Valley Road is contiguous with northbound SR-1 at their intersection; there is no entrance or exit for those lanes at the intersection. Yet the existing LOS reported in Table 4.6-5 for the relevant lanes of Carmel Valley Road is A/B and for SR-1 the existing LOS in Table 6.4-22 for SR-1 is reported as F. Both roadways are two lanes in the relevant directions. The DEIR data is inconsistent and contradictory. Please provide all data and analysis for this significant discrepancy. Please provide the accurate information, redo the analysis, and show your work.

114

8. According to the DEIR (Table 4.6-21, "Existing Conditions" column), several segments of SR-1 and other County roads (Rio Road, Ocean Avenue, Carpenter Street) in the general neighborhood of the SR-1/Carmel Valley Road intersection currently operate at LOS F and are firmly beyond the threshold for LOS F. This is a critical issue with respect to the environmental impacts from further development affecting Carmel Valley, especially in the western portion of the Valley, since nearly all such traffic passes through the Mouth of the Valley and through intersections affecting these segments. Please explain why implementation of the Plan would not cause "significant and unavoidable" impacts on these segments that would amount to essentially the same impacts for most roads accessed through the Mouth of the Valley. Based on the data and our members' daily experience with these roads, we believe that the Plan would cause significant unavoidable impacts on these segments. Please provide all investigation, research, the analysis for the DEIR's conclusion, and whether there was any contradictory evidence, and if so, why that contradictory evidence was discounted or ignored.

115

9. The discussion of Carmel Valley Area Plan is confusingly interposed in the section on 2030 Cumulative plus Project impacts (beginning on p. 4.6-59), with a general discussion pages 4.6-62 and 63, a table on p. 4.6-64, but then an abrupt, unannounced return to countywide matters, regional roadways in particular, at the bottom of p. 4.6-64. Carmel Valley appears next in a single sentence at the end of the last paragraph of the "significance determination" on p. 4.6-68, with a return in the next paragraph to countywide matters. But all of the extensive mitigations offered are only for Carmel Valley specifically. Moreover, the material on Carmel Valley is itself confusing and contradictory (see below). The peculiar organization of this section is especially detrimental to the capacity of the DEIR to serve its intended function. Due to the confusing DEIR presentation we cannot tell when the DEIR is addressing solely Carmel Valley issues and when it is discussing Countywide issues. Please explain, in full detail, why this confusing manner of "integrating" Carmel Valley into the

116

report was adopted. Please revise the section on 2030 Cumulative plus Project impacts to give a clear, balanced, and accurate representation of (a) 2030 conditions in the County, (b) Carmel Valley, and (c) Carmel Valley's relation to the County-wide conditions.

116

10. Using (1) the roadway capacities specified in Tables D and E of Appendix C for Carmel Valley Road segments 1-10 (as described on p. 4.6-62, and including the division of segment 5 into two parts in Tables D and E of Appendix C), and (2) CVMP annual County traffic evaluations for 2007, one finds that segments 5, 7 and 8 would be operating currently at LOS F, segment 6 would be more than 96% of LOS F, and segment 4 would be at more than 92% of LOS F. Note that this is LOS F, not LOS D (proposed County standard) nor LOS C (Carmel Valley and current County standard). This also means that segments 4 and 6 would be near the upper limits of LOS E, well beyond either CVMP or County standards. In fact, segments 7 and 8 are far beyond the LOS F threshold. On Table 4.6-21 on page 4.6-81, the DEIR presents similar results in the columns labeled "Existing Conditions"; the slight differences between Table 4.6-21 and the results mentioned above apparently come from using ADT data from a different annual or semiannual CVMP measurement. (See Table 1.) Please confirm this. Thus eight of the ten segments violate LOS C already, some by very wide margins. Please explain why this is not noted and discussed in the DEIR. Please explain and resolve the various discrepancies. Also please discuss in full detail why, with reference to the 2007 General Plan's policies and the DEIR's V/C criteria as they are applied to the rest of the County, this significant issue was not discussed. The information should have been discussed and analyzed to conclude that adverse environmental impact that is significant and unavoidable would result from further development, and in particular residential subdivision development, in the CVMP plan area.

117

Table 1. Existing LOS for Carmel Valley Road using the DEIR's V/C Criteria. See accompanying text.

Segment	2007 ADT	DEIR appendix C D-10, E-37 level E cap.	2007 data		Table 4.6-21	
			V/C	LOS - using DEIR criteria	V/C	LOS - using DEIR criteria
1	3,431	11,680	0.2938	C		
2	4,024	11,680	0.3445	C		
3	8,628	11,680	0.7387	D	0.7450	D
4	10,816	11,680	0.9260	E-	0.9330	E
5a	11,844	11,680	1.0140	F	0.9460	E
5b	11,844	11,680	1.0140	F	1.0060	F
6	14,070	14,600	0.9637	E--	1.0100	F
7	15,767	11,680	1.3499	F	1.4340	F
8	20,166	14,600	1.3812	F	1.3050	F
9	23,800	30,900	0.7702	D	0.7020	D
10	23,837	30,900	0.7714	D	0.8330	D

[Notes on the table: (1) "DEIR criteria" refers to road capacities shown in Tables D and E of Appendix C. (2) Segments 5a and 5b appear because entries listed in Appendix C pp. D-10, E-37 differ from those on p. 4.6-62. (3) There are no entries in the last two columns for segments 1 and 2 because Table 4.6-21 had no entries with that data. (4) E- and E-- appear in the 2007 LOS column because segments 4 and 6 are very close to LOS F. (5) Using the most recent 4-year averages of ADT measurements places segment 6 within just 20 ADT of LOS F.]

30

11. There are stark differences between the data in item 10 above and in Table 1 on one hand, and those in Table 4.6-5 on the other. For each difference, please discuss fully this difference, and explain why it exists. Please describe your investigation, research and analysis for the significant differences among the data used in different places in the DEIR. Please explain and describe particularly the relationships among these differences on one hand, and on the other, the ambiguity of the LOS standard proposed in the General Plan (C-1.1 ff), which does not specify either a quantitative parameter (e.g., ADT, PTSF, density, peak hour volumes) or the quantitative level-of-performance criteria to be used in evaluating LOS.

118

12. The reference (p. 4.6-62, last paragraph) to Table 4.6-16 should have been to Table 4.6-17. This was difficult to ascertain because of the peculiar arrangement of material in this section. Please confirm or correct this interpretation.

119

13. The last paragraph on p. 4.6-62, (concerning Carmel Valley and referring to Table 4.6-16 (sic – see item 12 above)) states that “these roads are significantly impacted”, but this is not acknowledged in the “significance determination” on p. 4.6-68. Of the three roads described in the last paragraph on page 4.6-62, only Laureles Grade Rd. is included in the “mitigation measures ... proposed in the CVMP Traffic study (sic)” and even for it no capacity-increasing measure that would reduce V/C is proposed. Therefore the “mitigation measures” in the CVTIP DSEIR (if that is the intended reference) could not reduce the impacts on the three segments in question. Please clarify whether the reference to the CVMP Traffic study should have been to the CVTIP DSEIR. Please explain the DEIR’s conclusion that impacts on Carmel Valley Road could be considered “less than significant” given the issues raised in these comments. Please include in the discussion the other issues raised above and below in these comments that bear on impact significance on Carmel Valley Road and connected roadways.

120

14. In Table 4.6-18 the 2030 Cumulative plus Project segments of Carmel Valley Road from Laureles Grade Rd. to Rancho San Carlos Rd. are shown as LOS E, yet in the Existing Conditions column of Table 4.6-21 these segments are shown as LOS F (except for the partial segment from Laureles Grade Rd. to Miramonte Rd., which is given as LOS E). Further, the segment From Rancho San Carlos Rd. to Rio Rd. is shown as A/B in Table 4.6-18 for the 2030 horizon, yet existing LOS for that segment is given as F according to Table 4.6-21. Why? Please explain in detail. The DEIR suggests that the 2007 General Plan would have the effect of reducing LOS for certain segments, which is wholly inconsistent with available accurate data. Please describe your analysis of the environmental impacts in the face of such discrepancies and contradictory evidence in the DEIR. Please provide specific analysis of this issue and the data relied upon. We are deeply concerned that different standards (by way of different measures of traffic) were used in the DEIR. It is apparent that the preparation of the DEIR was not properly coordinated with County data, and that discrepancies between County evaluations and DEIR evaluations were not examined and resolved. Please provide an accurate,

121

complete, and more coherent assessment of segment performance for Carmel Valley Road that does not contain such anomalies, and include your investigation efforts, research and analysis explaining inconsistencies and discrepancies, and describing the methods and criteria used to resolve them.

121

15. Since the existing LOS standard for Monterey County is LOS C, an additional column should appear in Table A of Appendix C (which displays "Existing Conditions") showing the V/C ratio that defines the transition from LOS C to LOS D for each segment. This is needed in order to correctly identify currently existing conditions. (Alternatively an additional table with this information could be provided.) Why was this not done? Please describe the investigation and analysis done in the existing DEIR for this issue, and discuss the impacts of the omission of the currently prevailing limit of LOS D capacities. The information in the DEIR is misleading. Please provide this data in full.

122

16. Please explain why references to the appropriate table entries in Appendix C are not provided wherever data from them are used in the body of section 4.6 (or elsewhere). The tables provide important explanatory data. The DEIR should provide specific page citations and should indicate where the data are used. The reader should be directed to the relevant tabulations wherever explicit use of them occurs. Please provide the indicated and requested references where relevant. Without them the DEIR is confusing, and contains informational gaps.

123

17. The semiannual CVMP traffic study is distinct from and inconsistent with the Carmel Valley Traffic Improvement Program. Additionally, the document entitled "Carmel Valley Transportation Improvement Program" (pp. 9, 61 and 97) does not exist. Please clarify the precise names and documents being referenced. Without knowing what you are referring, we cannot adequately comment. On this point, the DEIR is confusing for several reasons. Presumably the "Carmel Valley Transportation Improvement Program" refers to the Carmel Valley Traffic Improvement Program Draft Subsequent Environmental Impact Report (CVTIP DSEIR), and presumably the annual "CVMP Annual Evaluation of Traffic Volume" based on semiannual measurements of ADT and often called the CVMP traffic study, was not relied upon at all for the DEIR, nor was a separate document called the "Carmel Valley Traffic Improvement Program" (not the DSEIR). Please explain how members of the public and County decision-makers could reliably evaluate the assertions made in the DEIR when the source references, such as these, are unclear, incorrect and/or missing. The public should not have to expend personal time and effort, paid and unpaid, to locate the source information when it is inadequately referenced.

124

18. The DEIR incorrectly and misleadingly states, on p.4.6-9, that "CVMP policies establish LOS standards based on peak hour (CV-2.18-d)." The current policy is 39.3.2.1 of the 1986 (rev. 1996) Carmel Valley Master Plan, and the term "peak hour" does not occur in that policy or in any subsequent draft. In fact, the standards are stated explicitly in terms of ADT. Moreover, Policy CV-2.18 of the proposed 2007 General Plan is identical with 39.3.2.1 and therefore also does not contain the term "peak hour" and also states standards in terms of ADT. The proposed mitigation on p. 4.6-71 of the DEIR does include the term peak hour, but obviously it is not adopted policy and cannot be considered an appropriate source for the

125

assertion. This important matter is described inaccurately and misleadingly. Please provide a copy of the CVMP plan relied on for GPU-5 DEIR preparation; our organization would like to inspect all of the documents relied on to determine the accuracy of the claim. Please provide an accurate and clear definition of the term "peak hour" as used in the DEIR. Please clarify the term's use with relation to the actual Carmel Valley Master Plan, and confirm that the term does not appear therein. Please explain how, why and by whom the decision was made to include the assertion that "CVMP policies establish LOS standards based on peak hour." Please revise the DEIR.

126

19. On p. 4.6-9 the following sentence (which appears twice on the page) is unclear in its meaning and its intent: "Integration of this analysis into the 2007 General Plan EIR allows for consistency between documents." What is meant by this sentence, in plain English? Precisely to what does "this analysis" refer? Why is "allows for consistency" used in preference to a more assertive expression such as "would provide necessary consistency"? If it means "that the roadway standards for Carmel Valley should be clarified and made internally consistent, and should then be integrated with the rest of the General Plan in such a way that the Plan is a coherent whole, with the intended distinctions in standards described accurately and understandably," please say so. How would "this analysis" be integrated into the 2007 GP EIR? What would the "integration" look like, and who will do it? What impacts will the "integration of this analysis" have on the EIR and on the environment? Please address, clarify and respond to this issue. The intended goal and use of the DEIR should be stated directly and explicitly. If the goal intended by the DEIR is as stated above ("that the roadway ... understandably"), it has not been met, and has not been analyzed in the DEIR. If this meaning is not the one intended, then the desired interpretation should be stated without ambiguity. Please provide a clear statement of the DEIR's intended meaning and the analysis and research documents used to reach the DEIR's meaning.

127

20. Also on p.4.6-9 the following sentence appears in the next-to-last paragraph: "Two performance measures are used in the CVMP analysis; two-lane roadways are analyzed based on [(1) PTSF or] percentage of time vehicles must travel in groups behind slower vehicles due to inability to pass, while four-lane roadways are analyzed based on the [(2)] density of vehicles [or passenger cars per mile per lane], or how closely vehicles travel together making it difficult to change lanes or pass." This misrepresents the actual situation in several ways. (1) The annual CVMP evaluation is confused here with the CVTIP DSEIR. Please clarify. (2) The latter, not the CVMP annual study, uses the two different techniques for evaluating two-lane and four-lane roadways. (3) The CVMP evaluation, however, uses comparison of semiannual measurement of ADT on road segments with "thresholds" for those segments. It also reports certain peak-hour data that is not used in the threshold analysis. It uses a single type of measurement, namely ADT, on all segments, 4-lane as well as 2-lane; ADT indeed is the same measurement type used for the rest of the County in the DEIR. Please explain clearly and accurately the several different issues that have been confounded in the discussion on p. 4.6-9 - the distinct studies and the different metrics used for evaluating traffic levels. Also please clarify the meaning intended by the EIR preparer and significance of the discussion and analysis of the four paragraphs on Carmel Valley on p. 4.6-9 and the top of p. 4.6-10. They are confusing, and because we cannot discern what they mean, we cannot comment on them.

128

21. Please explain why there are 10 segments of Carmel Valley Road described on p. 4.6-62 – 63 (Table 4.6-18), but there are 12 segments on pp. D-10 and E-37 of Appendix C. Also, please explain why, in Table 4.6-18 and Appendix C, divisions into segments are different for some parts of the road, making comparison between the text and Appendices confusing, and making adequate review impossible. (This has nothing to do with segments 11 and 12 in the annual CVMP traffic volume evaluations; those segments are not included in the material referred to above.) Why are these differences not mentioned, explained and resolved in a clear and understandable way in the DEIR? Please respond by explaining in detail and resolving the differences and ambiguities, and remove the confusion caused by them. Please present the corrected information, and revise the analysis.

129

22. Why are entries for the western portion of Carmel Valley Road (Carmel Valley Village and west to SR-1) missing from Appendix C, Tables A, B, and C (existing, existing plus project, and cumulative conditions)? Please provide all data, research and analysis used to prepare these sections. These entries are significant. Please provide them for public review, providing also sufficient public availability, and notice of their availability as required by CEQA. For this reason and for the reason of the many other missing and incorrect data, the entire DEIR should be corrected, revised, and recirculated for public comment.

130

23. The presence of "Existing Conditions" data for Carmel Valley Road in Table 4.6-21 confirms that the V/C data relevant to Carmel Valley was present in the DEIR's source material, and could have been included in Table A of Appendix C. Did the originating versions of Tables A, B and C of Appendix C contain the Carmel Valley Road (and nearby) data that was deleted for the published version of the DEIR? It appears that was the case. Please describe in detail and with full candor whether such a deletion occurred, why it occurred, and how the decision to delete was arrived at. Please describe all investigatory efforts, research, and analysis for this omission, including the identities of persons consulted and persons relied upon. Please confirm this was a purposeful omission. Please revise the DEIR data to include this information in all relevant places, and revise the analysis based on the more complete and accurate information.

131

24. Please identify all other discrepancies that exist among DEIR tables and text relating to Carmel Valley Road (G16), Laureles Grade Road (G20), Robinson Canyon Road, Rio Road, Esquiline Road, Carmel Rancho Boulevard, and SR-1 between Carpenter Street and Riley Ranch Road. Because critically important information on Carmel Valley Road is missing in the DEIR, and because the information that is included has been managed and presented inconsistently and ambiguously in the DEIR, all data related to Carmel Valley Road and to its "tributary" roads is suspect, and should be re-examined, corrected where necessary, and restated properly so that it can be reviewed and assessed understandably by members of the public, and by planners and County decision-makers whose role is to serve as the citizenry's agents and proxies. Please respond fully and provide all missing data (see above), and revise the DEIR analysis. Please describe your investigative efforts (both prior to release of the DEIR, and after public comments on the DEIR are received) to confirm that the data is complete and accurate.

131

25. The DEIR represents the independent judgment of the “lead agency,” and the lead agency has sent the DEIR out for public review; the lead agency is responsible for the adequacy and objectivity of the DEIR (CEQA Guidelines, 15084c). Please describe the way in which this responsibility will be exercised subsequently (after the public comment period) with respect to inadequacies observed in this DEIR and reported in the comments, as well as with respect to inadequacies in the 2007 General Plan that are reflected in the DEIR’s proposed “mitigations.” Also, please indicate how and when members of the public will be informed of this exercise of responsibility in a way that will satisfy all CEQA requirements.

132

26. Table 4.6-11 contains year 2000 data, and 2030 and buildout projections, but does not contain corresponding 2008 projections (from the 2000 data). Thus it does not contain “existing” data and conditions, which should be the essential basis for comparison between future and current conditions. The DEIR should include an additional column with the 2008 projections, which easily can be found elsewhere or extrapolated from 2000 data on the basis of simple stated assumptions. Please explain this omission (which is misleading) and provide the appropriate comparative (2008) data.

133

27. Data in the third and fourth columns in Table 4.6-11 of the DEIR appear to have been interchanged, leading to erroneous interpretations. Please investigate and correct this, and check the data elsewhere in the table to insure that it does not contain further errors. Please describe the investigation, research and analysis done to compile this table. Please provide the names of all reference documents used to create the table.

134

28. The absence of “methodology or measure of performance used to determine level of service” (section 4.6.3.4, p. 4.6-29) in the General Plan is not described in the DEIR as a significant defect in the Plan. What are the environmental impacts of the absence of such “methodology or measure”? As a mitigation, the DEIR should propose a methodology or measure of performance, which would reduce the impacts. This omission of analysis in the DEIR means that determination of significance of impact is left vague and indeed arbitrary because there is no clear quantitative LOS standard in any part of the Plan. Any one of several combinations of methods and measures of performance should be utilized to define LOS letter values. This already has happened, as is demonstrated comments above. The DEIR itself, not the Plan, defines the LOS values that appear in the DEIR. Thus the standards themselves, both method and measures of performance, are established and evaluated by the DEIR. To understand the significance of this, consider that policy 39.3.2.1 of the CVMP does specify that the “yearly evaluation report ... would compare average daily traffic (ADT) counts with service volumes for levels of service.” The service volumes are established as “the level of service ... (as defined in the Keith Higgins Traffic Report which is part of ... the Environmental Impact Report ... for the ... “CVMP”).” So the CVMP uses quantitative ADT data specified in an existing EIR to determine the criteria for acceptability. The CVMP itself – the Plan, not a subsequent evaluation of traffic – determines the character of the measurements to be made (ADT) and, by reference, the quantitative “acceptable level” (otherwise known subsequently as the “triggers” or “thresholds”) against which future measurements are to be evaluated. This illustrates the principle of embedding in the General Plan a proper basis for planning, monitoring and evaluation that is capable of being responsive to CEQA requirements. It is apparent that the drafters of the General Plan did not fully understand,

135

appreciate, or identify the broad ambiguity in the meanings of LOS letter grades by themselves. Please discuss this in detail, clarify the ambiguity, and explain how specific measures will address the corresponding defect in the General Plan, and specify what methods and measurement criteria would be adequate and appropriate in prescribing clear, unambiguous and enforceable mitigations.

135

29. To explain and understand the considerable difference between LOS "standards" provided by different methods and different criteria, consider the following: Table 2 (of this document) shows existing LOS letter values for Carmel Valley Road segments using the ADT and V/C method used in the DEIR for all of Monterey County except Carmel Valley Road, compared with the 2030 cumulative plus project data using the "peak hour" method used only for Carmel Valley Road and reported on p. 4.6-63 of the DEIR. The next-to-last column should have worse letter grades by a wide margin. However, for all but one segment the LOS letter value given in that column (evaluated by the method for Carmel Valley Road) is better for the more congested 2030 Cumulative plus Project scenario than that for the existing V/C LOS value (evaluated by the method used for the rest of the County). In other words, the method used to define LOS in the DEIR for Carmel Valley simply is more permissive of development than is the V/C standard used for the rest of the County. Thus the choice of "peak hour" method is not a matter of choosing a "more accurate" measure of LOS for Carmel Valley as implied in the DEIR; rather it is a matter of choosing a more lax and development-accommodating "standard" for Carmel Valley. What exactly does the term "impact over-estimation" mean, in plain English? The term "impact over-estimation" (p. 4.6-62) is an obvious circumlocution for impact-permissive, there being no way to provide "more accurate" estimation, since the choices of LOS measurement and quantitative criteria themselves are used to define impacts! Please respond by explaining in candid detail why the implicit meaning of LOS (the original CVMP and Countywide V/C, ADT standard) is circumvented in the DEIR for Carmel Valley Road by using a more development-permissive measure. Please address, discuss and provide site-specific information for the measures and standards used to analyze this issue. Please provide statutory and case law authority for the measures and standards used in this DEIR.

136

Table 2. Comparison of LOS for Carmel Valley Road using different measures for LOS.

segment	Existing		2030 cumulative + project	
	2007 CVMP data	Table 4.6-21	Table 4.6-18	
	EXISTING LOS - DEIR COUNTY criteria	EXISTING LOS - DEIR COUNTY criteria	2030 LOS - Special CV area criteria	peak hour measure
1	C		C	PTSF ?
2	C		C	PTSF ?
3	[D]	D	D	PTSF ?
4	E-	E	D	PTSF ?
5a	F	E	E	PTSF ?
5b	F	F	E	PTSF ?
6	E-	F	E	PTSF ?
7	F	F	E	PTSF ?

36

30. The DEIR engages in logically fallacious and technically unsound argument by using the DEIR-determined combination of LOS measures and quantitative criteria to define environmental impact, and then selecting a different combination of measure and criteria to evaluate "measured" LOS, and therefore impact. (For instance: On p.4.6-29 under "4.6.3.4 Criteria for Determining for Significance" the DEIR says "For analysis of the General Plan, the level of service (LOS) for roadway segments is based on the ratio of projected daily traffic volume to the capacity of the roadway (V/C Ratio)." This determination is repeated at the end of the same paragraph: "For the analysis of the General Plan, the analysis is based on daily traffic volumes." But on p. 4.6-9 it says "The roadway level of service analysis for the Carmel Valley Master Plan (CVMP) area is based on peak hour (AM and PM peak) information." On p. 4.6-20 it says "the V/C Ratio planning measure is a good indicator of expected peak hour traffic congestion." And so on, with "justifications" going from one measure to another and back again -- as between V/C and "peak hour", which itself is ambiguous -- all of them selected by the DEIR itself -- and only the qualitative "LOS D" specified by the General Plan.) Using these maneuvers, the DEIR effectively chooses its conclusions, within wide constraints allowed by the different choices of data sets, by selecting which sorts of data to report and in which context to report them. The DEIR's significance determinations and conclusions fail to meet elementary technical and scientific standards of credibility, which require external and well-defined and fixed standards against which to measure performance. The criteria are not consistent, and the measurements are not consistent. Neither are they explained to the public coherently, nor are the impacts of choosing one measure or criterion over another measure or criterion described or explained. This makes the DEIR impossible to review and comment on. The DEIR should not be deemed to meet CEQA requirements based on these flaws. Please respond.

137

31. In this connection, note the huge discrepancy in the DEIR in LOS values between Table 4.6-5 representing "existing conditions", and the entries in Table 4.6-21 for Carmel Valley Road, under "Existing Conditions" (e.g., AB/BB vs. F between Rio Road and Rancho San Carlos Road). This is a result of the DEIR's pretense that LOS by itself is a "standard"; instead it is, as indicated above, many standards, depending on specific assumptions

138

concerning the measure to be used and the quantitative criteria adopted. This is another example of how the logical fallacy in the DEIR of comparing impact defined by one technique with measurements using another leads to nonsensical and technically impermissible results. This approach is misleading. The DEIR should explain why this misleading approach was adopted. The DEIR should describe where else in the DEIR similarly misleading or deceptive practices were used. Each instance should be disclosed and corrected for consistency.

138

32. In line with the preceding paragraph, Policy C-1.1 of the General Plan fails to adequately specify an acceptable level of service for County roads and intersections because it does not define LOS D specifically in terms of measures of service level (e.g., ADT, PTSF, peak volume during specific time periods, or other measure) nor, of course, does it specify quantitative values for whatever measure is to be used. Furthermore, by allowing lower LOS for unspecified reasons and with unspecified limits (is LOS F acceptable in some cases -- which would mean effectively no limit to roadway degradation?) "through the Community Plan process," it abandons General Plan control of what could be critical County road segments and intersections. Please explain why these serious deficiencies in Policy C-1.1 and its potential environmental impacts are not addressed directly and clearly in the DEIR, and mitigations not proposed. A mitigation should be to define each LOS specifically in terms of measures of service level and to specify quantitative values for each measure to be used. A further mitigation would be to limit allowing lower LOS to specified reasons and with specified limits.

139

33. The DEIR's significance criteria (section 4.6.3.4) for roadway level of service (LOS) are ill-defined and therefore are inadequate as thresholds of significance for several reasons, including the following: First, as noted above, in the General Plan neither the measures (metrics) used nor the quantitative standards for acceptability are defined adequately in order for the public to understand clearly what level of development would exceed General Plan criteria; the thresholds of significance are embedded in the DEIR, not in the General Plan. Put another way, the DEIR evaluates whether its own choices of impact definitions are met, not whether the General Plan's specifications are met. It is the General Plan, not the DEIR that produces the impact. That is, the DEIR is not evaluating against "the County's adopted standard of LOS D" (bottom of p. 4.6-29); instead the DEIR is evaluating against the DEIR's own interpretation of that standard. The County easily could have, and should have, adopted a clear and meaningful set of standards, but this did not happen. Please explain why not, and describe the effects of the decision to not adopt clear and meaningful standards. The DEIR should address the impacts of the General Plan, not create new impact definitions to analyze in the DEIR. Second, also noted above, the exception allowing community plans to adopt a level of service below LOS D through a "community plan process" (whose definition we have not been able to locate at the time of writing) leaves considerable ambiguity in the potential significance of the impact of County traffic growth in and near "community areas". Please explain exactly what a "community plan process" is and how that process will be evaluated under CEQA. Please give examples. A proposed mitigation for the impacts of this exception is necessary. Third, in some tables of Appendix C certain road segments are omitted, and in other tables the tabulated LOS E capacity values (V/C ratios) differ significantly from those used in other County documents (e.g., the CVMP annual evaluations for Carmel Valley Road). These omissions and inconsistencies raise the question whether the capacity values in the table

140

are consistent throughout the DEIR as well as consistent with other County traffic evaluations. Please explain and resolve the inconsistencies and omissions. Fourth, with specific reference to Carmel Valley, threshold capacity values for V/C at LOS C should be included in Appendix C for roads and road segments. The ambiguities in the DEIR are confusing. The DEIR does not provide accurate definitions of quantitative LOS standards, and therefore the significance criteria are not defined in a way that is fully independent from choices made in the DEIR itself. To help obviate such circumstances, CEQA encourages public agencies "to develop and publish thresholds of significance" which are "identifiable quantitative, qualitative or performance level[s]" (emphasis added), but this has not been done in this case. The lack of adequate basis in the General Plan for significance criteria (that is, an absence of adequately specified County thresholds of significance) was not discussed adequately and in detail in the DEIR. The DEIR should provide specific and firm recommendations for modifications that would mitigate this problem. Please explain why the County has not developed and published thresholds of significance that are identifiable quantitative performance levels with clear qualitative descriptions. The absence thereof make this DEIR analysis very slippery, ambiguous, and subjective.

140

34. On page 4.6-31 the DEIR states that "Under 2007 General Plan policies new development is required to mitigate project-specific local impacts to maintain the County's LOS standard," but evidence from past experience and County records does not support the notion that the mere existence of such policies, without clearly specified restrictions, remedies and penalties for failure to comply, would be reliable barriers against significant adverse effects. Past degradation of County roads in the wake of development projects, in spite of the existing LOS C standard has continued. The General Plan, in response, proposes a reduction of standard to LOS D, effectively confirming the phenomenon. According to Table A (existing conditions) of Appendix C (aside from those segments of Carmel Valley Road and SR-1 that were omitted), around 52% of County roadway segments fall below the current standard of LOS C, 30% are at E or below, and 25% are at F. In terms of the more effective measure of impact, the vehicles on roads below the LOS C standard currently is 70%, while at E or below it is 52%, and at F it is 44%. County records show that reliance on policies and mitigations that are not backed by solid enforcement, or metrics that are verifiable by the public, has not worked to guard effectively against significant adverse environmental effects. These impacts of these failed or ineffective policies and mitigations are significant. Why has the DEIR not included an assessment of evidence concerning the effectiveness and timeliness of implementation of "mitigations" imposed on past projects in the County? If mitigations are relied upon to avoid significant adverse environmental impacts, there should be an assessment in the DEIR of the performance of the County's past mitigations at achieving the maintenance or reduction of LOS intended by the mitigation. Please provide all investigation, research and analysis for this issue. Please cite specifically the documents relied upon for your response, and the research undertaken of County records to determine success of past policies and required mitigations. The DEIR should consider mitigation measures that provide for accountability, funding, and implementation of the LOS standards described in the General Plan. The DEIR should acknowledge and disclose the reality of the on-the-ground conditions. As a result, the DEIR should ensure that the mitigations proposed in the General Plan are enforced and effective. At this stage, the DEIR fails to do so. Please respond in full.

141

35. Please respond in particular to the potential impacts of the following in affecting environmental outcomes: (1) the exceptions in Policy C-1.3, (2) the delay implicit (18 months) in C-1.2, (3) the additional delay (12 months) in C-1.11, (4) the delays or inadequacies that typically accompany "fair-share payment" options, and (5) ambiguities that this combination of policies engender. The DEIR fails to address them adequately. These items in the General Plan actually are not policies, but are provisions and mandates to create policies. Approval of projects with as-yet-unspecified policy conditions presents special problems and has environmental impacts that should be addressed directly in the DEIR. This was not done. Please provide explanatory details where the DEIR addresses this issue. Please cite specific examples and propose mitigations in the DEIR for each issue raised above. Please provide all research, analysis and reference documents for your conclusions, and explain why the DEIR ignored these important circumstances.

142

36. The claim implicit in the significance determination on p.4.6-32 and the significance conclusion on p. 4.6-33, that Plan policies, including those listed on p. 4.6-31f, would be adequate to forestall significant adverse environmental impacts is highly speculative in the absence of evidential support. Evidence should include comparison of pre-project and post-project LOS values (using a consistent and well-defined LOS standard) for projects that have been completed during the last 20 years; delay times between project completion and mitigation implementation, together with the number of mitigations or conditions not yet implemented; comparison of the numbers of vehicles currently traveling on roads with LOS A-C with those currently traveling on roads with LOS D-F using a consistent V/C criterion (given that LOS C is the current standard, and LOS D-F represents below-standard and therefore the failure to maintain the standard); similarly, comparison of LOS A-C traffic V/C with LOS A-D traffic V/C to show the immediate effect of dropping the standard from LOS C to LOS D by demonstrating directly the environmental impact of the change in LOS standard (the difference, divided by LOS A-C traffic, would represent the proportional impact); etc. The provisions of CEQA prohibit speculation and conjecture. The significance determination and conclusion on pp. 4.6-31 to 32 should not be accepted without accurate and understandable evidence to support them. Please describe your investigation and analysis for your conclusions, and describe in detail the process by which you reached your conclusions.

143

37. Similar determinations and conclusions claiming less-than-significant impacts, relying exclusively or almost exclusively on Plan policies as rationale, also occur elsewhere in the DEIR. Please explain why they should be accepted without additional substantial evidential support. Please provide all evidence of investigation, research and analysis for each determination that a less-than-significant impact exists. Please provide the documents relied upon to reach each conclusion.

144

38. Please explain and discuss cogently the reliance of the last paragraph of p. 4.6-31 on traffic impact fees to achieve the equivalent of concurrent road improvements. Provide your research, data, and analysis, based on past County experience, concerning the period of delay, and the likelihood of delay, between project construction and implementation of relevant road improvements when the traffic impact fee is used as an alternative to concurrent construction. Please provide all evidence that supports this conclusion. If there is any contradictory evidence, please provide it and explain the impact of this evidence on the conclusion made. Include an

145

itemization of all projects that in the past have paid the fees levied on the project but for which the relevant needed roadway improvements still have not yet been implemented.

145

39. In the significance determination that includes the top of p. 4.6-33, several clauses require explanation or further definition and clarification, which include:

- “impacts to roadway LOS and project access would be identified”
- “development would be fully responsible for ... mitigation ... or for its fair share of the mitigation”
- “if a roadway already falls below the County’s LOS standard, then the development is required to mitigate ... so that ... the roadway does not degrade beyond the level without development.”

Based on experience, our personal observations concerning these matters include:

- EIRs sometimes fail to identify significant impacts to roadway LOS, which explains why 52% of County road segments listed in Appendix C do not meet current LOS standards, and 30% (and higher percentages of vehicles traveling on those segments) do not currently meet the proposed lower standards. The DEIR should propose a mitigation based on current on-the-ground conditions to address this issue so that LOS standards are met.
- It is not made clear in the Plan how meeting this responsibility would be assured in full. Existing evidence in County records show that often compliance does not occur spontaneously without responsible enforcement action taken by the County.
- Engaging in development where roads already are inadequate creates greater impacts than where roads are adequate, and that therefore mitigations which include accountability, funding, and implementation are necessary to improve degraded roadways to County standards before further development is allowed in such locations. Restoration, not just resistance to further degradation should be the County’s aim when and where standards, especially proposed standards, have been violated. The cumulative effect of past neglect and proposed development should be considered together in assessing significant environmental impact.

146

Please respond in detail to each of these observations and the corresponding clauses from the DEIR, and include consideration of the County’s past failure to maintain road standards. The DEIR should consider County records in its analysis of the issues raised above and should propose mitigations that will ensure that the General Plan policies are implemented within a specific time frame, with accountability for all parties, and specify the funding necessary to do so, and the current status of that funding.

40. The significance conclusion on p. 4.6-33 includes a parenthetical statement that is inaccurate because the fair-share payment does not assure concurrent mitigation. Please respond, providing all investigation, analysis and calculations for this statement.

147

41. Please describe in detail the environmental impacts of the matters raised in the two preceding Comments affect the significance conclusion on p. 4.6-33. Please provide all research, analysis and quantitative data used to reach the determination.

148

42. In the diagram, Exhibit 4.6-7, almost all of Carmel Valley Road is missing (along with Carmel River). Please provide all analysis done to create this diagram. Please include the

149

name of the person who prepared the diagram, and explain the glaring omissions. Also discuss fully whether this omission is connected in any way with the missing Carmel Valley Road data in Tables A, B and C of Appendix C. The omission of significant data impairs the ability of the public to verify the accuracy of the statements made in the DEIR. Please correct the exhibits.

149

43. Because of the flaws in the DEIR analysis, including those described above, the conclusion that project-specific impacts would be less than significant is not credible or accurate. The significance determination and the significance conclusion should be reconsidered based on accurate, quantitative data. The DEIR should take explicitly into account the analytical inadequacies pointed out here and elsewhere. In particular, please explain and account for the very large 2030 cumulative impacts in the absence of project-specific impacts. Please provide all research, investigation and analysis performed for the 2030 impacts. The DEIR should analyze the less-than-significant determination and conclusion taking into account actual on-the-ground conditions. Please provide fully all evidence used to reach these conclusions, including analysis performed and calculations relied upon.

150

44. Under Impact TRAN-1B on p. 4.6-33, the word "exceed" (appearing twice) should be replaced by "fall below" in order to be unambiguous, correct and consistent with more general usage. This incongruity appears elsewhere in section 4.6, and a consistent usage should be adopted for the entire section of the EIR. Please correct these errors, or explain why it is deemed appropriate not to correct them. Please clarify the definition of the word "exceed" in each context in which it is used. Please employ a consistent expression for use in describing "degradation to below the standard," which is what is meant.

151

45. On p. 4.6-42, under the heading Carmel Valley Master Plan, it is stated that policies "2.13 through 2.15 encourage alternate modes" but there is nothing in 2.13 or 2.14 that refers to alternative transportation. Please explain the inclusion of these policies under the alternative transportation rubric, or correct the references and allow the public time to respond.

152

46. On p. 4.6-43, CVMP policy 2.15 (CV-2.15) is claimed to "support consideration for a ... climbing lane on Laureles Grade", but the policy does not do so. Please explain why policy CV-2.15 is incorrectly described and correct the reference or description. If the EIR preparers believe this to be accurate, please provide all data, which supports this statement.

153

47. On p. 4.6-42 the DEIR mischaracterizes policy C-2.1, stating that it "encourages establishing safety standards" whereas the policy makes no mention of safety. Taken together with the matters discussed in the two preceding comments above, this pattern of errors suggests that there may be more such mischaracterizations. Please review descriptions of Plan policies throughout the DEIR text to insure that policies are correctly characterized, and please correct them where they are mistaken. Please provide a list of all incorrectly cited policies and specify the inaccuracies for each.

154

48. The third paragraph on p. 4.6-44 does not make sense as it stands. Perhaps "Despite development contributions to roadway improvement funding as a result of fees generated by

155

project-specific” should replace “Despite development contributions to” Please respond by providing a sentence with the intended meaning.

156

49. The next-to-last sentence, under Significance Conclusion on p. 4.6-45, requires a second reading because it is confusing and ambiguous. If the word “but” were replaced by “even though” the logical flow of the paragraph would be more sensible. Please respond by providing a replacement sentence that would be more appropriate logically and convey the meaning intended.

157

50. Under Impact TRAN 1-C there is no mention of the interaction between roadway traffic and the airport, even though it is well known that airport vehicle traffic can have very significant impacts on the efficacy of air transportation, especially with respect to delays and waiting times arising from road or parking congestion. Why are questions concerning the adequacy of airport and nearby parking and traffic management facilities not evaluated either here or in the other roadway discussions in the DEIR? This omission is especially significant given the emphasis on tourist air traffic potentially generated by the Agricultural and Wine Corridor. Population growth in general also would likely increase air traffic to and from the area, and therefore would increase airport-associated road traffic. Even given the adequacy of the airport for passenger traffic as large as that in 1978, nearby commercial development and other events since then, including highway traffic changes on SR-68, and on SR-218, would have an effect on vehicle-serving facilities at and near the airport. Please respond in detail, providing assessments of the vehicle traffic/airport interaction not only for this section of the DEIR, but wherever appropriate throughout the DEIR. Please provide all analysis for this issue and explain the impacts arising because of this issue. Please also provide mitigation that provides for the impacts of future commercial development at or near the airport.

158

51. The determinative sentence in the Significance Determination for Roadway Hazards (p. 4.6-49f) is “The 2007 General Plan also has policies to limit incompatible land uses.” However, there is no evaluation of the policies’ impacts, or the adequacy of those policies to prevent significant adverse environmental effects. The presence of policies, without assessment of their efficacy, is inadequate basis for making such a determination. Please explain what evidence was used by the EIR preparer, beyond the mere existence of cited Plan policies without reference to their specific capacities to limit adverse impacts, to support the determination. Please assess whether or not, and specifically how, existing policies have prevented current significant roadway hazards or incompatible land uses from occurring, and explain how this information bears on arriving at the significance determination and the significance conclusion for roadway hazards. Please cite specific examples. Please alter the determination and/or conclusion; which should be based on the additional information, and explain the analysis, investigation and research performed. How effectively will the policies limit incompatible land uses? Exactly which policies are those? Please be specific, citing the policy number and Plan page.

159

52. On p. 4.6-51, under Land Use Element, fourth line, “Police 1.9” should read “Policy 1.9” The same misspelling occurs on pp. 4.6-19, 56, 78, 93 and 108.

160

53. Under the Emergency Access heading, on pp. 4.6-50 through 53, there is no reference to Public Service policies and specifications related to them; these would include provisions that are critical to emergency access standards. In particular, Table PS-1 contains adjacent columns showing emergency response times and "road intersection service." In many cases (1) the response times are exceptionally long, (2) the entries do not distinguish among the different emergency services, and (3) the table includes notations that indicate substantial relaxation of the stated standards under a significant range of circumstances. In effect, various policies affecting safety and emergency access are in conflict with other policies, including land use and circulation policies. When the conflicts are confronted in the Plan they generally are resolved in opposition to emergency access and safety needs. Although the paragraph under "Land Use Element" does mention this situation, the specific relevant Public Service policies should have been cited, in order to clarify the basis for the significance determination and the significance conclusion. There is clear bias toward relaxed safety and emergency standards in the DEIR. Safety and emergency standards are critical issues, and because of the bias the public cannot rely on the analysis in the DEIR for accurate and complete information. The DEIR should enforce the safety and emergency standards with specific mitigations that address the issues raised here. Please respond fully.

161

54. In this same connection, examination of Table PS-1 reveals that the table refers only to roadway intersections in connection with emergency services, and road segment performance is excluded, whereas the DEIR text studies only road segments and excludes intersections. Thus the analysis of traffic in section 4.6 provides no basis for evaluating impacts of traffic on emergency access that accord with Table PS-1. Both the table and the DEIR should have analyzed both intersections and road segments in order to provide adequate environmental assessment. Please explain why this issue was not addressed. Accurate and complete analysis should be presented in the DEIR for all existing road conditions.

162

55. In the Emergency Access discussion, primary emphasis is given to the ability of emergency vehicles to reach the sites of emergency need. This is a critical safety concern and represents the highest frequency of incidents, but evacuation capacities also are critically important and represent potentially higher levels of threat to large numbers of people and much property. Evacuation from Tsunamis is mentioned, but more likely threats requiring evacuation are wildfire, flooding and earthquake, which are ignored in the DEIR and which may require different strategies than escape from Tsunamis. Please explain this deficiency, and please address the issues involved. Even though the General Plan does not include the coastal zone, evacuation from tsunamis affects inland areas. Inland facilities, for example, must provide traffic capacities for evacuation and accommodations for evacuees.

163

56. The emergency access policy discussed on p. 4.6-52 with reference to the Carmel Valley Master Plan (CV-4.4) is, by itself, inadequate to the situation pertaining in the Valley. More general evacuation issues need to be addressed, given the long, narrow principal access route, the many dead-end side roads, and the confining effects of the narrow, deep valley. Why was this not addressed explicitly? Please respond and provide a complete analysis of all evacuation routes, the obstacles associated with each route, and a proposed plan that incorporates all of these issues.

164

57. On p. 4.6-56, beginning the second paragraph under Significance Determination, the statement, "The land uses allowed under the General Plan, if consistent with policy, would increase the need for transit service with concentrations of development in existing transit-served corridors, community areas, and near incorporated cities," is critically important and analysis of this issue and its impacts should be included prominently in other land-use and roadway traffic sections of the DEIR. The DEIR should analyze this issue and its impacts, and the full analysis should be included in the DEIR, where the information should play a role in the relevant evaluations (land use, roadways, public services, etc.). Please respond fully, addressing this issue.

165

58. After the first sentence of the second paragraph under Significance Determination on p. 4-56, there is a sentence fragment that should be deleted: "The transit-supportive". Please delete this fragment.

166

59. The critical clause preceding "therefore", in the Significance Determination on p. 4.6-56, is "The increase in demand for transit service is consistent with MST's strategic goals of increasing transit ridership, expanding service, and introducing new services" This, combined with the first sentence in that paragraph, clearly demonstrates the need for a mitigation that places conditions on development that depend on the meeting of MST's strategic goals. Please explain why such mitigation was not proposed, and consider it now.

167

60. Since the kind of mitigation just described was not included, there is no provision for "ensuring development conforms to County policies and design standards, and are consistent with the goals and strategies of MST, the County's transit service provider" (p. 4.6-53, Significance Conclusion). As a result, the "less than significant impact" does not logically follow. Please review this incomplete analysis and respond cogently and thoroughly. Please provide your investigation and research into this issue.

168

61. On p. 4.6-57, third paragraph under Year 2030 Cumulative plus Project, the appearance of "No Project scenario" serves as a reminder that data for this scenario should be based on LOS C as the Countywide standard, since "No Project" means not adopting the 2007 General Plan and instead retaining the current standards. Was this done in producing the "No Project scenario"? Please respond directly, and if LOS C was not retained, explain why, and please revise the DEIR analysis to include retaining LOS C.

169

62. On p. 4.6-58, under the 2007 General Plan Policies subheading, under "Project-Specific Impacts of the Development under 2030 Cumulative plus Project Conditions," the text says "The policies ... apply to the Existing Plus Project Buildout scenario," which is completely out of place. What does this mean? Please explain and clarify the meaning of this paragraph, and explain what analysis it is intended to provide.

170

63. The Significance Determination and Significance Conclusion on pp. 4.6-56 and -58 are essentially identical with those on p. 4.6-32f, with most of the text being word-for-word. As a result, all the observations and comments made above for p. 4.6-33 (see item 38 and subsequent items) apply here. In particular, issues raised above in these comments about the adequacy of the basis for the determinations and conclusions apply here also. The

171

determination and conclusion do not reflect the available facts. Evidence is even stronger here because cumulative effects are well known to be generally greater than isolated project (program) effects; that is why CEQA requires a separate analysis. Please analyze the significance determination and conclusion on pp. 4.6-58f, taking into account all the relevant issues raised above (e.g., as in items 36 and those that follow), and also provide a more analytical examination and description of the differences between cumulative and single-project contributions to environmental impacts.

171

64. According to Appendix C, ADT on a few road segments decreases under cumulative conditions, whereas on most segments it increases. (See for example SR-1 south of Riley Ranch Road.) Please explain why this occurs and provide the analysis, research and investigation for that conclusion in the DEIR. If incorrect, please correct and revise the DEIR analysis.

172

65. The assertions on p. 4.6-61 that “the roadway level of service analysis for the Carmel Valley Master Plan (CVMP) area is based on peak hour (AM and PM peak) information” and “the CVMP policies establish LOS standards based on peak hour (CV-2.18-d)” have two fundamental flaws and are highly misleading. First, they are factually incorrect, as review of existing CVMP policy 39.3.2.1 clearly demonstrates, and the many annual CVMP County traffic evaluations for Carmel Valley Road confirm. Second, the reference to policy CV-2.18(d) is grossly misleading, because in the proposed 2007 General Plan, the policy labeled CV-2.18(d) is identical with policy 39.3.2.1(d) of the present plan, which contradicts the assertions. If the EIR preparer asserts that this reference is to the DEIR’s mitigation policy labeled CV-2.18(d), that is incorrect because that policy is distinctly different from the others and is crafted to reflect choices made in the DEIR, not the policy in either the existing CVMP nor in the proposed 2007 General Plan. This cannot be conceived as anything but a purposeful deception. Please explain these misstatements in the DEIR and describe how they became part of the DEIR. Please identify all persons with whom this matter was discussed by the preparer of this report, and indicate on what communications the preparer relied for making the assertions in question.

173

66. No evidence is supplied anywhere in the DEIR or its appendices to support the claims that “the peak hour as opposed to the daily analysis ... is a more project-specific and accurate method of analysis” or that “at the project-specific or small planning area level of analysis, a peak hour operational analysis should be used to overcome the inaccuracies and impact over-estimation characteristic of daily V/C Ratio analysis.” (What this really says is that the peak-hour technique used here is a less stringent and more permissive standard than V/C using ADT; there is no standard of “accuracy” available, nor of “impact over-estimation,” since impact estimation is simply the LOS measure itself and the numerical estimations selected. This argument is entirely circular. And it is argument, not analysis. Furthermore, the claim implies that “inaccuracy” and “impact over-estimation” would be adequate for the rest of the County.) There are no data provided in the DEIR by which to make comparisons among relevant quantitative LOS criteria that would justify such statements. Please explain fully and cogently the deviation from Countywide LOS technique and specific standards (ADT and V/C) for Carmel Valley. Recall that CEQA requires that an EIR “shall include ... relevant information sufficient to permit full assessment of environmental impacts by reviewing agencies and

174

members of the public." That has not been accomplished in this DEIR. Among other things, no V/C ratios should have been omitted from Appendix C, including those for segments of Carmel Valley Road and of SR-1, and other areas. Please explain why the plain meaning of CEQA was not respected in producing this DEIR. The DEIR should use the CEQA guidelines to prepare its analysis.

174

67. A full-fledged analysis of the CVMP area (such as the one on pp. 4.6-61 –4.6-63 under "2030 Cumulative plus Project") was not included in each of the five scenarios (or conditions) for which the five tables are provided in Appendix C. If such an analysis is warranted for "cumulative conditions" it is warranted for "existing", "existing plus project", etc. Please respond, and explain, clearly, fully, candidly and straightforwardly the assumptions made in the DEIR relevant to analysis of the CVMP area and vicinity (e.g., SR-1). Please identify all persons, not employed by the consultant, upon whom those making the relevant decisions relied.

175

68. Why is it that "the modeling for these traffic studies assumed a higher amount of development in the CVMP area in 2030 than the analysis of the rest of the County under the 2030 Cumulative plus Project scenario" (p.4.6-62)? Please explain in exact detail why this assumption was adopted, given Carmel Valley's various vulnerabilities to roadway degradation and inadequate emergency services, among other issues. Include in this explanation specific account of the relation of this matter to the foregoing observations concerning the Carmel Valley Master Plan, including the adoption of an interpretation of LOS that is different from that for the rest of the County. What are the impacts of that assumption, or of using a different assumption? Who made that assumption, and on what grounds?

176

69. Where did the number 1,188 for new housing units in the CVMP area (p. 4.6-63) come from? The current status of a housing cap has been highly controversial; County officials and staff repeatedly have failed to provide a firm and reliable accounting of available unbuilt housing capacity in spite of many requests. Please provide a full accounting of the origin of this numerical assumption, including a clear provenance for the data.

177

70. The fourth line from the bottom of the next-to-last paragraph of p. 4.6-62 includes reference to Table 4.6-17, but apparently it should be to Table 4.6-18.

178

71. The next-to-last sentence of the next-to-last paragraph on p.4.6-62 fails to point out that according to Table 4.6-4 the existing LOS for SR-1 is LOS F between Carmel Valley Road and Ocean Avenue, and LOS E between Carmel Valley Road and Rio Road, using the Countywide ADT standards. Please respond fully and address this issue.

179

72. 73. The following apparently gratuitous and astounding statement concerning CVMP conditions appears on p. 4.6-68, under "Significance Determination" for 2030 Cumulative plus Project (Impact TRAN-2B): "Within the CVMP, three segments of Carmel Valley Road are projected to exceed LOS standards, but mitigation measures are proposed in the CVMP Traffic study [sic] to improve these impacts to less than significant." First, according to Table 4.6-21, four of 10 segments of Carmel Valley Road currently are at LOS F, two are at LOS E, and four are at LOS D. The standard for Carmel Valley Road nominally is supposed to be C. (There is

180

considerable confusion and controversy about the standard, but a clarification by the Superior Court in 1987, and still in effect, states "LOS C is the traffic standard adopted by COUNTY in the Carmel Valley Master Plan.") Please describe how the proposed mitigations would turn back the clock and return these segments to LOS levels below the values specified in the current CVMP (policy 39.3.2.1) in order to accommodate cumulative 2030 traffic, and assuming that to be possible, please indicate further how this mitigative time machine could return them all the way back to LOS C! Second, presumably "the CVMP Traffic study" refers to the DSEIR for the Carmel Valley Traffic Improvement Program (CVTIP) of 2006, which contains many flaws that have been noted in public comments on the DSEIR. The FEIR for the CVTIP still has not been released, and cannot be depended upon as a source of mitigations, especially ones as miraculous as these. Please explain how this invocation of mitigations from another document, which has not yet been fully vetted, approved or adopted, can be regarded as adequate under CEQA. Third, in light of all this, please explain how the impact of "2030 cumulative plus project" development in Carmel Valley could possibly be regarded as "less than significant" even if unusually generous funding were available! Please explain this "determination" with particular reference to all the different LOS interpretations used in the CVMP area, as discussed in the foregoing paragraphs and pages, including Tables 1 and 2 above, and in the related text.

180

73. Material on Carmel Valley Road was inserted in the midst of material on "2030 Cumulative plus Project" to the extent that most of the discussion under "2030 Cumulative plus Project" is really about CVMP, with more general text and tables about the County as a whole scattered here and there. The information should be reorganized because it is confusing. The DEIR's "mitigation measures" listed at the bottom of p. 4.6-68 and top of 4.6-69 apparently refer to countywide matters, whereas the text farther down p. 4.6-69 clearly is focused on Carmel Valley in particular. Please confirm this. In the midst of the page the following statement is especially relevant to the CVMP and describes the situation there with clarity, but is not specifically identified with Carmel Valley: "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." The paragraph that follows on the same page, though less lucid; implies that traffic improvement funding from development fees would be hopelessly outpaced by projected development so that the cost of mitigations required by the development could not be met. This, too, is directly relevant to the CVMP area. Taken together, these fully support the determination and the conclusion that the impact of the Plan would be significant and unavoidable. But it is difficult to reconcile this with the assertion quoted in the paragraph just above this one, implying that under "cumulative plus project conditions" help would be on the way in the form of "mitigation measures ... proposed in the CVMP Traffic study (sic) to improve these impacts to less than significant." Please help us to understand the cognitive dissonance this engenders by explaining and clarifying how all this fits together rationally, and include the impacts of current on-the-ground conditions and how they relate to the specific data used to perform this analysis. Please describe all investigatory efforts made by the EIR preparer and all sources relied upon to reach each conclusion.

181

74. The only actual "mitigating" effect contained in the version of Policy CV-2.10 proposed as a mitigation (p. 4.6-69f) is the addition to item c) in the original policy (CVMP supplement policies for the 2007 General Plan, Policy CV-2.10) of the sentence, "An interim improvement of an all-way stop or stop signal is allowable during the period necessary to secure funding for the grade separation." Please explain why this simple addition by itself was not described as the mitigation. Restating the entire of Policy CV-2.10, buries the actual change in a rather long, many-part policy, thereby effectively hiding the effect of the "mitigation" -- the actual change -- amidst a clutter of other language. The DEIR makes this confusing and misleading to the public.

182

75. In the proposed "mitigation" Policy CV-2.12 (p. 4.6-70) the only change (aside from a mislabeling of the items a-c and erroneous punctuation) is a change of wording from "Widen Highway One to four lanes between Ocean Avenue and Rio Road" to "Add a northbound climbing lane between Rio Road and Carmel Valley Road." These two wordings lead to the same result. Was this "mitigation" added to give the appearance of providing a mechanism for further traffic relief when in fact there was none? Please confirm that this mitigation does not actually mitigate the situation or change its meaning. Please explain why this "mitigation" was proposed, and explain what substantive difference the change of wording would have effected. Please respond explicitly to the issues raised here.

183

76. The discussion above demonstrates that the re-interpretation of the old Policy 39.3.2.1 offered by the proposed "mitigation" labeled Policy CV-2.18 (p.4.6-71f) is inadequate because (1) it lacks substantive definition of LOS values in terms of a specific parameter (e.g., V/C) and quantitative criteria, (2) it fails to specify segment capacities, and (3) it relies heavily on the CVTIP for which an FEIR has not been released and for which the DSEIR was substantively faulty, so that (a) no FEIR has been certified, (b) the CTIP has not been approved, and (c) the CVTIP has not been adopted. This last renders the "mitigation" inadequate by CEQA standards because of its conjectural dependence on future discretionary events, and therefore is unacceptable. Please explain in full detail and full candor why this highly flawed "mitigation" was proposed in the DEIR, what the process of formulating it was, and how the decision to include it was arrived at. Please identify all individuals, other than those employed by the preparer of the report text, with whom the decision to include this "mitigation" was discussed. Please specify fully the character and content of all communications involved in such discussions.

184

77. The proposed mitigation policy CV-2.18 on p. 4.6-71f is not mitigative! It would in fact increase traffic impacts of development if implemented because it would lower the LOS standard for Carmel Valley Road (making it more development-permissive), as indicated in Table 2 above! A revision of the original CVMP policy 39.3.2.1 is desirable, but this mischievously formulated version is wholly inappropriate and unacceptable by any reasonable standards. A proper revision should be prepared for the Carmel Valley Road Committee by a subcommittee consisting primarily of Carmel Valley residents, and after approval the revision should be submitted to the Carmel Valley Land Use Advisory Committee for comment and advice. After that it should be incorporated in the Plan as part of the CVMP supplement to the

185

Plan. Any revision should have the following features to avoid the pitfalls already discussed in these comments: (1) The LOS standard should continue to be based on V/C, using ADT for V and stated segment capacities for C. This would eliminate the difference between the basis for County LOS grade definitions and those for Carmel Valley. (2) Quantitative road segment capacities should be stated explicitly in the CVMP, subject to annual revision in accordance with actual increases in segment capacity resulting from roadway improvements. (3) The correspondence between V/C values and LOS letter grades should be stated explicitly in the CVMP, thus giving LOS a definitive quantitative meaning with which the biannual monitoring and annual reports can be compared. The V/C LOS standards to be applied to each segment should be stated explicitly. Alternatively, and preferably, LOS letter grades would be supplanted by stated numerical V/C standards for each segment. (4) The annual reports should show the year's V/C (and letter grades, if used) for each segment, insuring that the reports are clearly readable and understandable by the general public. (5) Intersection delays should be included in the report for intersections known to be problematic, as determined annually by the Carmel Valley Road Committee. (6) The basis for evaluation of intersection monitoring results should be LOS grades defined by a table in the policy that sets out the correspondence between quantitative intersection figures of merit (e.g., delay times) and the letter grades. (7) Determination of acceptable LOS values (and grades, if used) should be made, at the time of revision of the policy, by the subcommittee of the Roads Committee charged with formulating the revision. This, if properly executed, would provide genuine mitigation. Please explain why such an approach to revision of the policy was not proposed as a "mitigation," given that its elements address the actual problems that exist and need to be dealt with concerning Carmel Valley Road, and would obviate rather than exacerbate the defects inherent the current Plan's policy 39.3.2.1 and in the present DEIR.

185

78. Proposed mitigation policy CV-2.19 (p. 4.6-72f), item a), is almost identical with the components of the CVTIP (the exceptions being the addition of sub-item a5, and the deletion of the 4th bullet point on p. 2-10 of the CVTIP). The CVTIP, as pointed out elsewhere in these comments, was evaluated in a DSEIR, which was commented upon by the public, but no FEIR has been certified or released and the CVTIP has not been approved or adopted. Therefore inclusion of its functional components in the mitigation amounts to a submission of the General Plan to further study that is yet to be accomplished. The mitigation is inadequate by CEQA standards. More to the point is that the provisions of the entire policy should receive the approval of the Carmel Valley Roads Committee before being adopted; once that has occurred, then item a) might be adequate as a mitigation under CEQA. However, items b) – d) are problematic and would need extensive revision before the policy would be adequate. Among other things, the financing of road improvements in the Plan is dependent on provisions that are indefinite and subject to further review and study. The "mitigation" is inadequate under CEQA. Please explain why this "mitigation" should be considered adequate under CEQA, being specific and providing CEQA provisions that substantially support the explanation. Please provide all research and analysis for this assertion and all contradictory evidence. For all contradictory evidence, please explain why the contradictory evidence was discounted or ignored.

186

79. No evidence whatsoever is provided in the DEIR that supports the assertions of the second paragraph under Significance Conclusion on p. 4.6-73. (1) The claim of the first

187

sentence presumes that the CVTIP is accurate, and reliable, and a matter of existing policy. The first two of these are strongly and cogently disputed in public comments on the DSEIR for the CVTIP, and the third is false. (2) The mitigation measures referred to in the paragraph lack evidence supporting their efficacy, and the formulation of the "mitigations" is based on a combination of (a) data that does not meet reasonable technical standards and (b) assertions that are unsupported and implausible. (See examples above.) (3) Utterly ignored in the claims made in the paragraph are existing conditions that already fail LOS criteria. This part of the DEIR is under the heading "2030 cumulative plus project conditions", and these conditions include the impact of "a higher amount of development in the CVMP area than the analysis of the rest of the County" (p. 4.6-22). (4) In view of the foregoing, the statement that the "mitigation measures result in impacts for Carmel Valley Road being less than significant" (emphasis added) requires almost complete suspension of one's rational faculties! Please, please explain why the content of the DEIR paragraph in question, given the actual evidence available, is in the least credible – or even plausible. Please confirm this is the DEIR's intended meaning. Please provide all analysis for these assumptions given the on-the-ground conditions

187

80. The words "fee" or "fees" occur 50 times in the DEIR, and of these 12 refer directly to a "fee program" identified on p. 4.6-23 as "specified in 2007 General Plan Policy C-1.8." The fee program specified in that policy does not now exist, and would not be developed until as much as 18 months after the General Plan itself were adopted. Policy C-1.2 also should have been cited in this context, and the fact that the "Capital Improvement and Financing Plans" specified in that policy also do not now exist, are not funded, and also would not be developed and adopted until as much as 18 months after Plan adoption. Any and all mitigations dependent on such fees and relying on these Plan policies thus do not meet CEQA requirements for adequacy because the effect of the policy provisions is to submit them to further study and review. Please explain why this was not made clear in the DEIR and why the significant impacts were not discussed adequately. Please provide the full analysis and discussion, including research sources and methods.

188

81. Please explain why the heavy dependence of the 2007 General Plan, and of the proposed "mitigations" in the DEIR, on traffic impact fees (generally fees levied on development) does not result in an inexorable growth-inducing impact. A principal source of revenue to meet roadway needs generated by development, in this scheme, becomes more development, which produces a well-known cycle of excessive development in which traffic capacity tends to fall increasingly behind. In the response, please include a discussion of the meaning and implications of the sentence (pp. 4.6-45, 69, 103) "The County and regional fee programs will continuously be updated, adding additional priority projects to the programs as initial projects are completed, but the rate of project completion will not be able to outpace the rate of development growth." Please specify how, when, and with what funding the County intends to update these programs and propose an adequate mitigation that includes all of these things.

189

82. The Significance Conclusion on p. 4.6-73 appears to be carefully crafted to defy clear interpretation and understanding. It is confusing and misleading. First, it is under the rubric "2030 Cumulative plus Project" yet it refers to "buildout of the 2007 General Plan" (first

190

sentence). Does the conclusion “significant and unavoidable” in the first paragraph refer to cumulative plus project development or to buildout? Please respond. Second, does the “less than significant” conclusion in the second paragraph – aside from its obvious contradiction to any reasonable interpretation of standards for Carmel Valley Road in the context of the DEIR, as discussed above – refer to all of Carmel Valley Road except segment 2 (which is assigned LOS C on p. 4.6.62, but D in Table 4.6-18 and thus matches the “drop from LOS C ... to LOS D”)? Or is it segment 3 that is excluded (at LOS D in both places, but is the segment central to Carmel Valley Village)? Or is segment 4 excluded, (at LOS D in both places, adjacent to the central Village, but winding, with difficult sight lines and generally regarded as dangerous)? Please respond. Third, does “lack of feasible mitigation consistent with the rural character of Carmel Valley to maintain the higher standard” in the second paragraph refer only to whichever segment(s) above are intended to be excluded, in spite of the overwhelming evidence that “feasible mitigations” are lacking for most other segments as well? Please respond. Fourth, given the numerous (23) road segments that would move from lower higher LOS to LOS F listed in Table 4.6-19, why are only two segments (or three or four, depending on the interpretation of the second paragraph) – neither (or none) of them included in the table – given the entire attention devoted to specific roadway segments? Please respond. Fifth, is the statement “as this is mostly an existing problem, there are limitations on the use of new development fees to pay to correct an existing problem” a reliable and uniformly applied predictor of the use of development fees in implementing traffic mitigations? Is it used selectively? Has it been, and will it be, employed rigorously for development and improvements on Carmel Valley Road? Please respond to all and clarify. Sixth, is the intended interpretation of this (somewhat involved) Significance Conclusion as follows: under “2030 Cumulative plus Project” conditions all “County and Roadway Level of Service Impacts” are “considerable and unavoidable” except most segments of Carmel Valley Road (that is, all but one or two or three, depending on the interpretation of the second paragraph), for which the impacts are “less than significant”? Please respond. Please clarify fully the meaning of this Significance Conclusion, and provide clear, evidence-based quantitative justification for this meaning, using technically and logically supportable arguments.

190

83. The issues and questions raised above are broadly applicable also to buildout conditions, whether project-specific, existing plus project buildout, or buildout cumulative plus project. Details may differ, but the general issues remain, including obscuration, illogical argument, technical errors, omissions, failure to comply with CEQA provisions, etc. As an example, consider the text on page 4.6-97:

Impact of Development in the Carmel Valley Area Plan

The traffic analysis of the CVMP and the Carmel Valley Transportation Improvement Program used to present impacts of the General Plan on 2030 Cumulative Projects did not evaluate impacts of buildout of the General Plan to the year 2092. Therefore, roadway segments within the Carmel Valley Master Plan area are analyzed using the daily level of service methodology used to analyze other roadways in the County. These segments are included in Table 4.6-XX above and Table 4.6-YY below.

191

Table 4.6-25 presents the Regional roadway segments operating at LOS E or LOS F under 2030 Cumulative plus Project conditions. Exhibit 4.6.10 presents the segment LOS graphically. A detailed table showing the volume, the volume to capacity ratio and the resulting LOS for each Regional roadway segment is included in the Appendix.

(This is followed by two more paragraphs under the same heading that contribute nothing useful to the points that will be made below.)

First, the initial sentence contains no significant information since one would not expect in any case that buildout would be included in a discussion about impacts on "2030 Cumulative plus Project", given that buildout here is defined to occur 62 years after 2030. Second, the second sentence is a non sequitur – its substance has no logical connection with the previous sentence -- so that the word "therefore" is entirely misleading. Third, the measure used to evaluate LOS on Carmel Valley Road segments is suddenly and arbitrarily switched to V/C measurements using ADT data ("the daily level of service methodology used to analyze other roadways in the County"). It is also confusing and misleading. In previous parts of section 4.6 the LOS for Carmel Valley Road (and only there or for adjacent segments) were analyzed using "peak hour" measurements –PTSF (according to the CVTIP, from which the data presumably was obtained) – rather than using the rest of the County's V/C measurements. Fourth, in the last sentence of the first paragraph the placeholders XX and YY in the table labels were not replaced with the actual table numbers; this is a sign of a hurriedly (sloppily?) prepared report that was not properly reviewed by the consultant or by County staff. (A similar error occurs on p. 4.6-52 for Mitigation Measure TRAN1-E.) Fifth, the next paragraphs were entirely about the County as a whole, not specifically about Carmel Valley Road, even though they appear under the heading "Impact of Development in the Carmel Valley Area Plan", which actually is an incorrect heading ("Area Plan" should be "Master Plan"). This again confuses and misleads the public. This is but an illustration of the many flaws of the DEIR, often compounded in a single paragraph or under a single heading. Given these and additional errors, please explain why the DEIR should be regarded as a reliable assessment of environmental impacts throughout Monterey County. Also, address the selective, inconsistent, incoherent and misleading treatment of Carmel Valley in the report. It should be regarded as seriously impairing the integrity of the general process of preparing the DEIR and of the results.

191

Summary and Final Comments

As indicated at the outset, this list is not exhaustive, and does not cover all of the errors and inadequate characteristics of section 4.6 of the DEIR. However, it does demonstrate that this DEIR is not reliable as a full assessment of environmental impact to be expected (particularly on County roadways) from the implementation of the 2007 General Plan. The function of a Plan, among other things, is to prevent, to the extent possible, adverse effects from future development; and the purpose of an EIR guided by CEQA, is to assist in fulfilling that function by assuring that the probable effects of future development activities are carefully and systematically examined. This DEIR, however, has the effect of evading the clear intent of CEQA in a variety of ways, through a combination of distractions, misdirections, misleading

192

statements, errors, obfuscations, and violations of simple logic.

Distractions include the very poor organization of the document, with headings that are not parallel in font size and are sometimes difficult to interpret, and failure to describe for the reader the scheme for labeling the impacts (TRAN-NX, N=1-4, X=A-F), as well as the strangely arranged interspersing of Carmel Valley material in the text (as where Carmel Valley material appears “unannounced,” without separate heading, and without logical connection to other matters under discussion on pages 4.6-9 and 4.6-10; elsewhere in the report it is sometimes difficult to tell whether a paragraph is about Carmel Valley or the County as a whole. The insertions of Carmel Valley material also misdirects the reader, making it difficult to tell how to find relevant supporting narrative or data concerning either Monterey County or Carmel Valley or the wider region; the placement of Table 4.6-6 is a minor but indicative example. Another example of misdirection is the reference to Appendix C as a presumably reliable compendium of roadway segment data, when in fact critical data on Carmel Valley Road (surprise!) and SR-1 near Carmel Valley are absent from those tables. Still another is the inclusion on p. 4.6-69f of lengthy “mitigation policies” in which only one sentence is added to an existing policy, and another sentence is changed with no apparent change in meaning. An early example of a misleading statement, and an omen of things to come (there are many other examples provided above!), is the claim on p. 4.6-9 that “CVMP policies establish LOS standards based on peak hour” measurements, which simply is false. Errors include the foregoing, but also include the exchange of two columns in Table 4.6-11, and in Table 4.6-21 the final tree entries are at LOS F, not D as advertised. Obfuscations include the deletion of significant material from Appendix C, failure to specify clearly the types of standards and quantitative criteria for peak hour measurements used for Carmel Valley Road, failure to specify the relationship between letter LOS values and quantitative V/C criteria, the attempt to alter the meaning of Carmel Valley LOS grades in the proposed CV-2.18, and using (or creating?) the term “impact over-estimation” to describe standards less development-permissive than desired. They include also concluding a summarizing paragraph headed “Project- specific ...” with a sentence specifying “significant and unavoidable” cumulative impacts when the project-specific development is claimed to be “less than significant” (the first bulleted item on p. 4.6-1); the next bulleted item is headed “Cumulative Level ...”, which enhances the sense of confusion that engages the reader at this point. Failed logic includes the claim that one definition of LOS measures and quantitative metrics is “more accurate” than another, and the associated use of one set of criteria to define standards and another set to evaluate whether they are being met. Add to this the many instances of carelessness such as using words with evidently opposite meaning “exceed” and “fall below” to imply the same thing (as in various IMPACT TRAN-... statements), and it is evident that the document can only be considered highly deficient. All of these errors in the DEIR cause confusion and are misleading to the public.

These are only a few instances, which sketch the outlines of the complicated, distorted and obviously not pretty picture faced by a reader of the DEIR.

Given the array of deficiencies in the DEIR, and given the quite evident selective bias toward accomplishing certain development objectives in Carmel Valley, rather than providing in the DEIR the kind of fully objective, independent evaluation of environmental consequences,

based on evidence and on scientifically and technically respectable assessment that CEQA requires, this DEIR serves only to identify some of the critically important significant environmental impacts that would be unavoidable if the 2007 General Plan were adopted, but does not fully analyze their extent and the degree of damage.

Inappropriate objectives, sloppiness, possible incompetence and apparent deviousness all seem to have infected the process of developing this report. It lacks the kind of integrity intended by CEQA and deserved by citizens of Monterey County and of California.

Nevertheless, the significance conclusions in the DEIR concerning traffic and emergency access make it abundantly clear that the Plan in its present form is not safe for the County, and is not adequate without major changes that would substantially reduce traffic and emergency access impacts.

Figures and Captions

for Comments On Section 4.6 (Transportation). Of the DEIR for the 2007 General Plan Update (GPU5)

The three figures that follow show graphically the comparison between "Existing Conditions" and "2030 Cumulative Conditions" for Monterey County traffic as reported in Tables A and C of Appendix C to the DEIR. These conditions correspond to the two most realistic scenarios represented in the DEIR and provide the best basis for determining the significance of impacts of the 2008 General Plan.

Captions

Figure 1 compares existing (green) V/C values, distributed across the 281 road segments for which relevant data is included in Appendices A and C, with 2030 cumulative (red) V/C values distributed along the same segments. The data is organized by the sequence of LOS letter grades, from LOS F on the left and LOS A on the right. The decrease in V/C values from left to right is not monotonic because there are discontinuities in the data where letter grades shift from one to the next. The numbers of segments with each letter grade are shown in box above the data points, with cumulative totals given in parentheses. An overall characterization of the comparative data is given by the observation that sum of all ADT for existing traffic is 71.4% of the sum of existing roadway capacity, and the sum of ADT for 2030 cumulative traffic is 92.7% of 2030 cumulative roadway capacity.

193

Figure 2 compares the proportions (fractions) of existing (green) traffic with the portion of 2030 cumulative (red) traffic on roadways with LOS less than or equal to certain letter grades. From left to right, the three categories are LOS F, LOS E and F, and LOS D, E and F. Numerical proportions are shown at the top of each bar. The bars representing LOS E and F show relative impact from vehicles on substandard roads if the LOS D standard is adopted. The bars representing LOS D, E and F show the relative impact according to the current LOS C standard. The difference is the impact that actually will occur but will be ignored under the proposed standard.

Figure 3 shows the proportions (fractions) of existing (green) and 2030 cumulative (red) V/C values in each of the six LOS categories F, E, D, C, B, A. The numerical values of the proportions are given above the bars.

**Monterey County Traffic: GPU5 DEIR VIC Comparisons:
Existing, Plan, Cumulative**

193

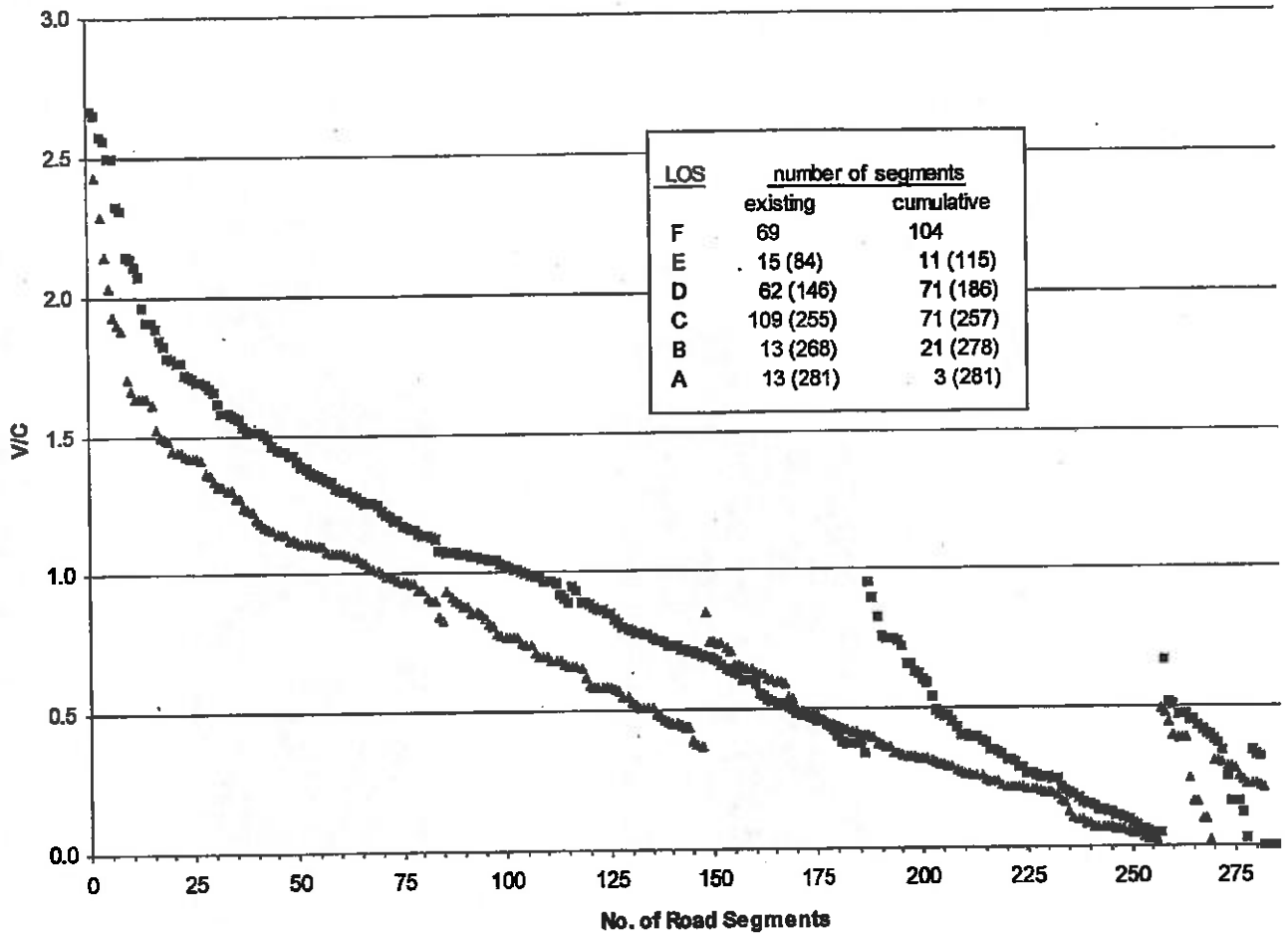


Figure 1

**Monterey County Traffic:
DEIR for GPU5: fraction of traffic on road segments at low LOS**

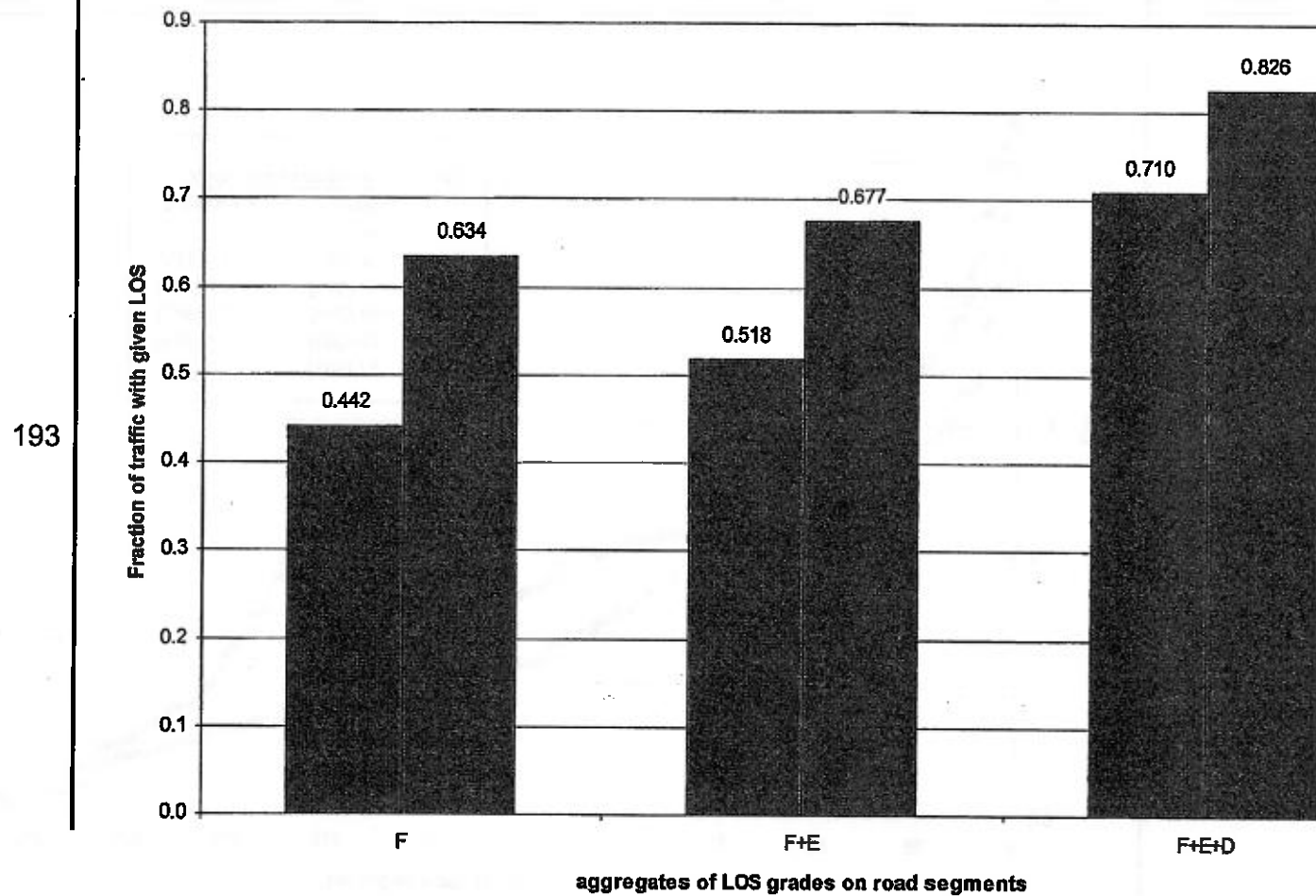
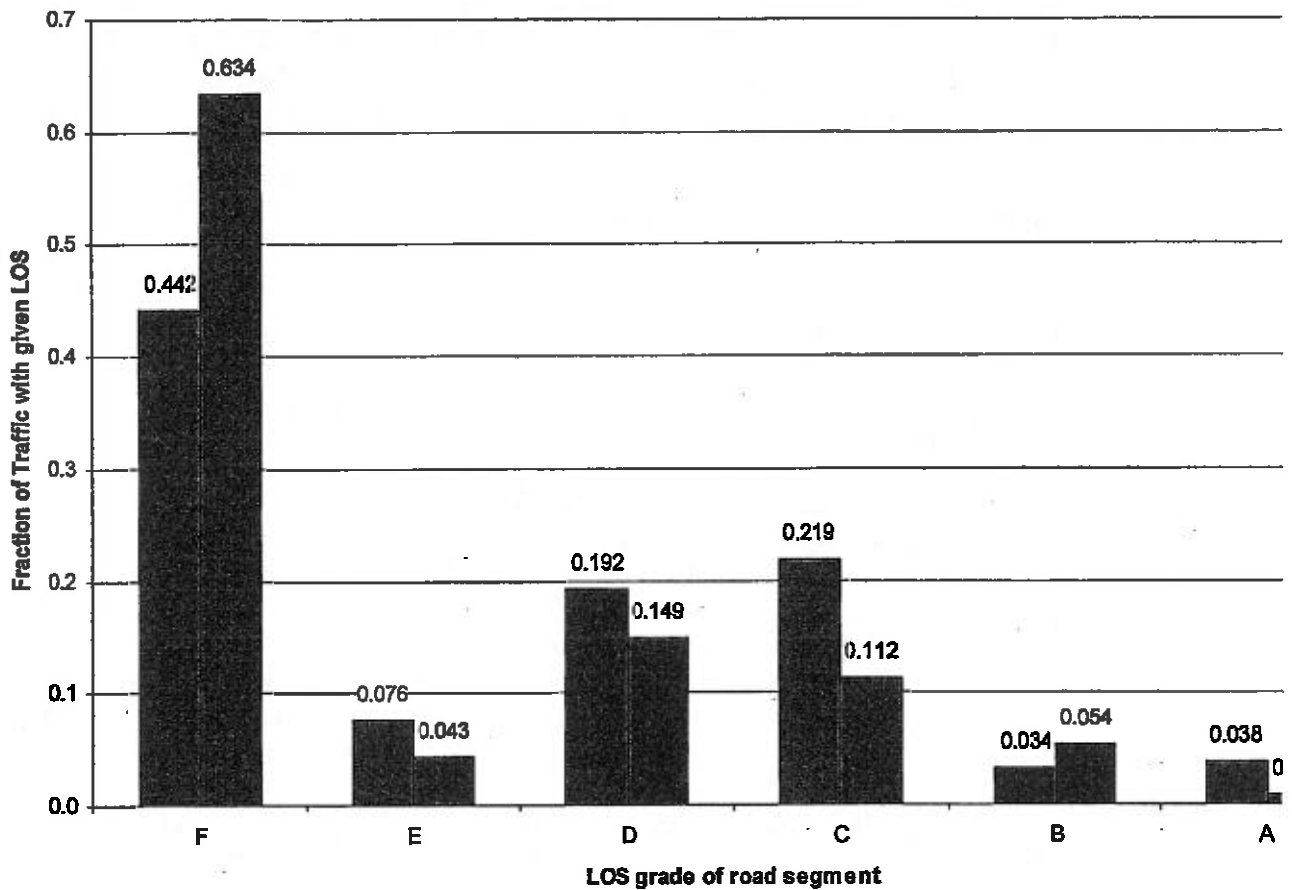


Figure 2

Monterey County Traffic:
DEIR for GPU5: fraction of traffic on road segments at given LOS



193

Figure 3

**Comments on Section 4.3 (Water Resources)
Of the DEIR
For the 2007 General Plan Update (GPU-5)**

4.3 Water Resources (4.3-1)

The section begins, "This section of the EIR discusses water and its importance as a fundamental component of the environment, beginning with an overview of the current physical characteristics of Monterey County's surface- and groundwater systems. Water

194

supply and demand for human consumption and associated infrastructure is also discussed.”

1. (p.4.3-1). The section provides no more than a superficial discussion of water in Monterey County, and is totally inadequate in addressing the water impacts generated by GPU-5. It avoids addressing the most difficult questions regarding water in terms of current shortages, achieving sustainability for the current level of use, and options to provide for future growth. Water – effectively developed and managed -- is absolutely necessary for the future of Monterey County. Please address the hard questions the county faces in specific detail -- including current shortages, future impacts, mitigations, responsibilities, and alternate outcomes.

194

The following comments are directed at those portions of the DEIR section 4.3 that particularly affect the Carmel Valley.

4.3.1 Abstract (p.4.3-1)

2. (p.4.3-1). Under Water Supply, DEIR states that, “Supply on the Monterey Peninsula will be adequate for current use ... assuming that the CalAm seawater desalination plant is permitted and operational by 2015.” This statement appears incredible, considering:

- a. The yet-to-be-determined feasibility of the proposed solution
- b. The proposed volume of water of 12,500 AFY to be desalinated
- c. The known water rights and claims exceeding this amount
- d. Legal measures restricting the transfer of water from one water basin to another
- e. The current practice of converting overlying rights to water for agricultural, industrial and recreational use to new residential and commercial development -- which is an expansion of use during seasonal and drought caused low water supply periods
- f. The continued reliance on the Carmel River Aquifer by CalAm in times of “water emergencies” when wells in other aquifers fail to deliver, and during frequent periods of area-wide drought

195

How is this conclusion possible given the known facts?

- a. The SWRCB 95-10 Ruling that we are in overdraft of the Carmel River Basin, and decisions by the Seaside Water Master and the MPWMD regarding supplies from the Seaside Basin
- b. The proposed draft Cease and Desist Order
- c. The known current demand

Please provide the arithmetic behind current use, approved plans, overlying claims, and known supply for the Carmel Valley and Seaside aquifers during normal and drought years, along with all needed discussion to support your conclusion of “adequate for current use.”

- 3. (p.4.3-1). "... assuming ... desalination plant ... operational by 2015..." This statement appears to be a giant leap of faith, considering:
 - a. The EIR for the proposed CalAm plant is already 2 years behind previously published schedules
 - b. The 2007 Federal Court Ruling, "Riverkeeper II," which may rule out use of power plant cooling water altogether in the near future
 - c. Experience with construction and operation of other California desal plants to date, such as Carlsbad, does not support this timetable or its optimism

195

Given the extreme environmental sensitivity of Monterey Bay and the political environment, a 2015 completion date and reaching a production rate of 12,500 AFY by that date surely appears unachievable. Please provide facts and thorough discussion to support your assumption that a desal plant will be producing 12,500 AFY of potable water by 2015.

4.3.2.2 Monterey County Watersheds

Seaside Area Groundwater Subbasin

- 4. (p.4.3-10). DEIR does not address issue of increased demand from overlying claims – a real factor in the Seaside Basin just as is in the Carmel River Basin. Why are these claims not addressed? Please quantify and include this data in your calculations, discussion and conclusions of future demand and supply issues.

196

Carmel River Watershed

- 5. (p.4.3-13). DEIR states, "As the allocated water has been exhausted ... claims of riparian rights have been observed ..." These rights have been acknowledged and enumerated in Table 13 of the SWRCB 95-10 ruling. Why aren't these rights specifically identified and evaluated? Please quantify and include this data in your calculations, discussion and conclusions of future demand and supply issues.

197

Groundwater Management and Monitoring Management Programs

- 6. (p.4.3-45). Why are the potential for subsidence and collapse of the aquifer not included among the dangers of over drafting? Both have occurred in California and much of the West. A discussion of the feasibility and limits to injection and groundwater recovery projects would also be appropriate here, given the potential problems and complexity of successfully injecting and mixing foreign water into groundwater basins. Please expand.

198

4.3.3 Regulatory Framework

7. (p.4.3.48). The DEIR mentions the complex nature of water laws, regulations and agencies, over-lapping responsibilities, etc. Why are the outright contradictions in water laws and water policies not discussed? For example, the existence of water rights exceeding available supply? Or the conversion of water rights for agricultural, industrial or recreational use to rights for domestic use? Please also address the effects of routine non-compliance and non-enforcement of regulations – particularly regulations regarding grading, run-off, discharge of material into seasonal streambeds, hard-surfacing and channeling of surface water. Please also address the inadequacies of current development laws – for example the thresholds of 500 units in SB 610 and SB 221 leading developers to propose more developments just below these thresholds. Please expand on this discussion and the implications for future development and government planning for adequate water supplies.

199

Potable Water Supply

Impact WR-4

8. Table 4.3-9 (p.4.3-115). Why does this table not include the proposed Monterey Bay Shores Resort Development in Sand City, with claimed water rights of 149 AFY from the depleted Seaside Aquifer, and to be served by CalAm in the amount of 90 AFY?

200

9. (p.4.3-125). How does the Carmel Valley Master Plan integrate with GPU-5 with regard to water issues? Will it be fully enforceable as previously written without re-adoption? Please discuss.

201

10. Significance Determination, Monterey Peninsula (pp.4.3-127-128). “Coastal Water Project ... will solve the existing supply problem ...” Discussion does not include the current practice of converting overlying water rights for agricultural, industrial and recreational use to water for new commercial and residential use, which creates water “on paper” but no new water for actual development. How does GPU-5 “...constrain(s) discretionary development until long-term water supplies are secured.” As claimed here? How does GPU-5 constrain such developments as Monterey Bay Shores Eco-Resort and Rancho Canada Village?

202

There are major differences between water uses such as using brackish well water to wash sand and well water for irrigating a golf course (where much water is pumped seasonally, and much returns to the aquifer it was pumped from) – and treated water for year-around residential use, followed by transfer of that valuable wastewater to other locales. Such conversions of non-residential water to water for residential development and the potential loss of wastewater from the groundwater basin which produced it are not addressed by GPU-5, or by the DEIR. Please address this potable and non-potable water supply relationship problem fully, and discuss possible mitigations.

- discussion for the mid-valley AHO is 149 units. In other recent documents, the County has provided figures of 212 and 1,044 remaining undeveloped legal lots of record in the CVMP area. CV 1.11 allows for greater densities in excess of build out quota. Is the Condon/Chugach STA subdivision (CV 1.23) counted against the buildout quota? All these contradictory figures cannot be correct. Please do all necessary and appropriate research to provide absolute clarity on the remaining undeveloped legal lots of record, how many units those lots can generate, how many new parcels are allowed under GPU-5, how many units those new parcels can generate, and how many units the AHO at mid-valley can generate. What is the real build out number in Carmel Valley, and exactly what constitutes it? Please be clear and specific. 206
- We find no adequate analysis of the impacts in Carmel Valley of all the cumulative development noted above, especially pertaining to traffic. Please do all necessary and appropriate research on these cumulative impacts, including the already approved, but not fully built projects in Carmel Valley (for example, Rancho San Carlos subdivision, September Ranch subdivision, the third 'anchor store' at Crossroads, the Gamboa assisted living facility (Carmel Cottages), etc.). 207
 - Four STAs are identified in Carmel Valley (Rancho Canada, Rancho San Carlos, Carmel Valley Ranch, and Condon/Chugach), and one Study Area-cum-STA (Gardiner), yet there is no analysis of STA in the land use discussion, no adequate project description, and no analysis of the current, on-the-ground conditions for these STAs. There is not even a definition of what constitutes a STA. Please provide a detailed analysis of exactly what constitutes an STA in terms of land use, and provide adequate descriptions of the projects accommodated by this designation, and the current conditions on the project sites. 208
 - How is the Rancho Canada STA consistent with the goals of GPU-5, especially with regard to flooding? Most of the STA is located in the 100-year flood plain, and all of it is located in the 200-year floodplain (now the widely recommended benchmark for planning in California)? Encouraging relatively intensive growth in and around the flood plain of the Carmel River appears to contradict many of the General Plan's goals. 209
 - On Exhibits 3.2 and 3.2a (Land Use Designations) there is a prominent black "master plan" designation in the vicinity of Carmel Valley Ranch. Please explain what this means. CVR has a specific plan, not its own "master plan," so this is confusing. 210
 - Corrected Exhibit 3.8 shows that all or part of the Special Treatment Area for Rancho Canada Village is in the 100 year flood plain, but GPU-5 language on this STA says only those areas outside the flood plain can be developed. Why this discrepancy? Why does the corrected Exhibit 3.8 STA for Rancho Canada Village clearly include areas in the flood plain, all the way down to and across the Carmel River? Why is it not limited to those parts (if any) of Rancho Canada Village that are above the flood plain? 211

- Please explain why Exhibits 3.7 and 3.8 show the already built commercial areas of the Crossroads, much of Carmel Rancho and the Barnyard, and the Brinton's complex as zoned "planned commercial" instead of "commercial". 212
 - Please confirm that the designation of the airport as a STA in Exhibit 3.8 was a mistake and that the corrected Exhibit 3.8 that does not show the airport as a STA is correct. 213
 - Please explain why the Safeway complex at mid-valley appears as zoned "planned commercial" not "commercial". 214
 - Exhibit 3.26 shows the AHO at mid-valley bisecting at least 15 parcels. How can an AHO apply to only part of a parcel? 214
 - Page 4.1-3 incorrectly says that the 1986 CVMP was established to "preserve the semi-rural character" of Carmel Valley. In fact, the first goal of the CVMP is to "preserve the rural character of Carmel Valley." Did your confusion over the important distinction between "semi-rural" and "rural" when it comes to Carmel Valley at all impact your analysis? If so, how? If the answer is "no" please provide satisfactory evidence. 215
 - Where is the analysis for impacts in Carmel Valley? There is virtually no significant discussion of environmental impacts from GPU-5 in Carmel Valley, and thus very little for us to comment upon in the DEIR. The dearth of pertinent information about potential impacts in Carmel Valley means that this DEIR has failed as an informational document. 216
- PUBLIC SERVICES AND UTILITIES**
- Virtually all of Carmel Valley is on septic with few residents served by wastewater treatment plants. At the same time, Carmel Valley has become home to numerous artisan wineries that produce 90,000 gallons per year of wastewater (Table 4.11-7). In addition, the increase in residential subdivision noted in GPU-5 will add more wastewater discharge to Carmel Valley. What are the expected environmental impacts in Carmel Valley from this increase in wastewater production? What will be the health impacts? 217
 - Page 4.11-35 notes the potential for much greater impermeable surfaces due to development that would result in greater runoff. What are the flooding implications in the Carmel River watershed of the increased impermeable surfaces, given potential buildout? 218
 - The CVMP requires that post-development runoff be no greater than pre-development runoff. Please explain how it is possible for there to be no net increase in runoff in 219

Carmel Valley given the level of future growth (and impermeable surfaces) called for in GPU-5?	219
<ul style="list-style-type: none"> In addition to the impermeable surfaces of current and future developments under GPU-5 that result in greater water runoff, related construction also impacts water runoff, including the channelization of runoff, increased water and sewer hook-ups, and changes to the floodway. While any one project may be found to have 'less than significant impacts' and other impacts may be found to be unavoidable, the real environmental issue is all their cumulative impacts. When it comes to water runoff and flooding in Carmel Valley, what are the expected cumulative impacts of current and expected development under GPU-5? And what are your recommended remedies to fix these cumulative runoff and flooding problems? 	220
<ul style="list-style-type: none"> The Rancho Canada STA is expected to lead to a significant introduction of new impermeable surfaces along the Carmel River in areas that have historically flooded. What will be the likely environmental impacts in the mouth of Carmel Valley of the Rancho Canada STA with regard to increased storm runoff as a result? 	221
EXECUTIVE SUMMARY	
<ul style="list-style-type: none"> On what basis in LOS D now considered the acceptable standard for segments 3-7 of Carmel Valley Road? The stated and historical LOS for Carmel Valley Road is "C". When and how did this LOS standard change? 	222
<ul style="list-style-type: none"> Many of the "unavoidable" impacts are indeed avoidable, if a smaller project is done. We note the GPI has much reduced environmental impacts, especially regarding land use (development), traffic, and air pollution, by comparison to GPU-5. Why is the larger project considered preferable? 	222
PROJECT DESCRIPTION	
<ul style="list-style-type: none"> 3.4.5.5 incorrectly says the proposed boundaries for an incorporated Town of Carmel Valley are the CVMP with the inclusion of Sleepy Hollow. Neither the proposal nor LAFCO staff recommendations include Sleepy Hollow. The Sleepy Hollow HOA has asked to be included within the Town's boundaries. Please correct. 	223
<ul style="list-style-type: none"> Page 3-33 notes that the Rancho Canada STA must include a minimum of 50% affordable/workforce housing. Is the 50% affordable/workforce housing to be in perpetuity? 	224
<ul style="list-style-type: none"> Page 3-33 notes the limitation of 266 new lots within Carmel Valley. Does this figure include the lots created under the four STAs and the one Study Area, or is it in addition to these lots? 	225

- Can the “density bonuses” for AHOs noted on page 3-46 increase the mid-valley AHO unit buildout above 390 units? If so, by how many units more? Have you examined the impacts of this increased number?

226

Sincerely,

The Carmel Valley Association

Tim Sanders

Todd Norgaard

Glenn Robinson

John Dalessio

MEMORANDUM

December 8, 2008

To: Supervisor Dave Potter
 From: Ad Hoc Group from Carmel Valley Road Committee (Margaret Robbins, Janet Brennan, Tim Sanders, Glenn Robinson)

SUBJ: DEIR for GPU5 pertaining to Carmel Valley Traffic Issues

1. **Background.** On October 29, 2008, the Carmel Valley Blue Ribbon Road Committee met under your chairmanship to discuss the DEIR/GPU5 implications for Carmel Valley, including the potential lifting of the subdivision moratorium (BOS Resolution 02-024). Because of the considerable public interest in these issues, you asked that the four of us constitute an ad hoc group to summarize the public's concerns and questions, and to meet with you regarding them. This memorandum summarizes those issues, asks for clarifications where the DEIR is unclear, and recommends policy direction for your consideration. 1
2. **Buildout numbers/266 cap.** Future development will have a direct impact on traffic levels in Carmel Valley, yet we find inconsistencies in the buildout numbers for Carmel Valley analyzed in the DEIR. It is our understanding that the 266 cap was developed by subtracting approved and unbuilt subdivisions, built and unbuilt single family dwelling and adjunct units, and vacant lots of record from the CVMP cap of 1,310 units and lots (p. 9 CVMP). We would like to confirm that the 266 cap is consistent with the overall cap of 1,310 and includes both units and existing lots. To avoid confusion after GPU5 is adopted, the specific projects and dwelling units that constitute approved and unbuilt subdivisions, residential and adjunct units should be identified in a table similar such as that found in Appendix 1. We ask that you direct county staff to complete the table in Appendix 1. Regarding the 2092 buildout number of 1,148 new units, we understand how the 390 new units for the Carmel Mid-Valley AHO were derived. However, we do not understand how 758 new units were calculated given the cap in the CVMP of 266 new units/lots. Please explain. 2
3. **Missing Traffic Data.** The DEIR is missing important traffic data from Carmel Valley that are essential to drawing sound conclusions. These data are available for other parts of Monterey County. Please provide the following data: full data for all segments of County Road G16 (Carmel Valley Road) from SR-1 to Via Los Tulares, and for SR-1 from Carpenter Street to Riley Ranch Road, all of which are missing from Tables A, B and C of Appendix C (Traffic). 3
4. **Unclear LOS Standard.** The CVMP sets the LOS standard at "C." Judge Richard Silver ruled clearly in 1987 that CVMP 39.3.2.1 sets the LOS at C: "COUNTY acknowledged and agreed to the clarification [that] LOS C is the traffic standard adopted by the 4

COUNTY in the Carmel Valley Master Plan. It is a goal to be achieved over the life of the plan." [emphasis in original]. GPU5 also establishes the LOS standard at "C" (CV-2.12). Yet, the DEIR establishes LOS lower than C as a standard. Why? The DEIR is also internally inconsistent in identifying LOS by segment, and is inconsistent with other county studies of LOS in Carmel Valley, including the CVTIP. Please see Appendix 2 as an example of this inconsistency. Lowering the LOS standard has the added disadvantage of allowing even greater levels of traffic in the future. For example, if an ADT standard is changed from LOS C to LOS D, the change creates an opening for a 50% increase in traffic; from D to E creates an opening for a 100% increase; from C to E creates a 300% opening. Please see Appendix 3 for an example on Segment 7 of increased traffic potential due to declining LOS standards.

5. **Different Standard Used for Carmel Valley.** Circulation studies for the rest of Monterey County use the ADT standard for measuring actual LOS levels. Only in Carmel Valley is the peak hour PTSF (percent of time spent following) used. Why? The argument given on page 4.6-9 of the DEIR is both factually incorrect (i.e., ADT is explicitly the standard used in the CVMP) and misleading (e.g., conflation of different items in the annual CVR monitoring reports and the CVTIP). Use of the peak hour PTSF standard lessens traffic impacts by comparisons to the ADT standard (in the bureaucratic language of the DEIR, it "overcomes ... impact over-estimation"), thus making it appear that Carmel Valley's traffic is relatively less than it actually is, by comparison to the rest of the county.
6. **BOSR 02-024 and Capacity Improvements on Highway One.** BOSR 02-024 is explicit that the subdivision moratorium may be lifted only after "the construction of capacity-increasing improvements to State Highway 1 between its intersections with Carmel Valley Road and Morse Drive. . ." No such capacity-increasing improvements have been built and none will be built under GPU5. Yet, GPU5 and its DEIR essentially ignore BOSR 02-024 and its conditions for removal in the development plans for Carmel Valley. Why? The conditions imposed by BOSR 02-024 should be centrally featured in both documents.
7. **Policy Considerations.** It is the sense of our group that the following recommendations are widely shared in Carmel Valley, reflect the wishes of our community, and should be made clear by Board action.
 - That a single, permanent traffic standard of LOS C be established for Carmel Valley Road in clear, unequivocal terms. In reporting by the County, LOS C values should be reported quantitatively as well as by letter grade; the quantitative measure should be ADT/LOS C, where LOS C refers to the numerical upper bound of ADT in the LOS C category; this ratio will be ≤ 1 if the LOS C criterion is met, > 1 if not.
 - That ADT be used as the appropriate choice of measurement of LOS.
 - That when a segment of Carmel Valley Road drops below LOS C, then development beyond existing legal lots of record in that segment area should cease until mitigations are put in place that result in an LOS of C. We believe that in some cases mitigations may be inconsistent with

preserving the rural nature of Carmel Valley and thus undesirable. Those decisions should be made on a case-by-case basis in consultation with the Carmel Valley Road Committee and the Carmel Valley Land Use Advisory Committee.

- That Board Resolution 02-024 be enshrined as permanent policy.
- That all policies in the CVMP, including those related to Carmel Valley Road, should reflect the principal planning function of *preventing* the overloading of infrastructure facilities. The difficulty and costs of recovery from overburdened facilities far exceed those of prevention, and should be avoided.

7

7. Thank you.

APPENDIX 1: BUILD OUT NUMBERS FOR CARMEL VALLEY
(Please have staff complete)

Category	Units	Source
Approved Subdivisions Unbuilt - 1987 to 1998 <ul style="list-style-type: none"> • Project 1 • Project 2 • Etc. 		
Approved Subdivisions Unbuilt - 1998 to 2006 <ul style="list-style-type: none"> • Project 1 • Project 2 • Etc. 		
Approved SFDS/Adjunct built - 1987 to 1998 <ul style="list-style-type: none"> • Project 1 • Project 2 • Etc. 		
Approved SFDS/Adjunct unbuilt - 1999 to 2005 <ul style="list-style-type: none"> • Project 1 • Project 2 • Etc. 		
Approved SFDS/Adjunct built and unbuilt - 2006 to 2008		
Vacant lots of record		
Other, if any		
Total		
Cap	1310.0	
Remaining	266.0	

APPENDIX 2: INCONSISTENT LOS FOR CARMEL VALLEY ROAD

The following table illustrates, through a few recent examples, the difficulties in making sense of the meaning of LOS as variously interpreted and reported. DEIR here refers to the GPU5 DEIR, and TIPDSEIR refers to the Traffic Improvement Program DSEIR.

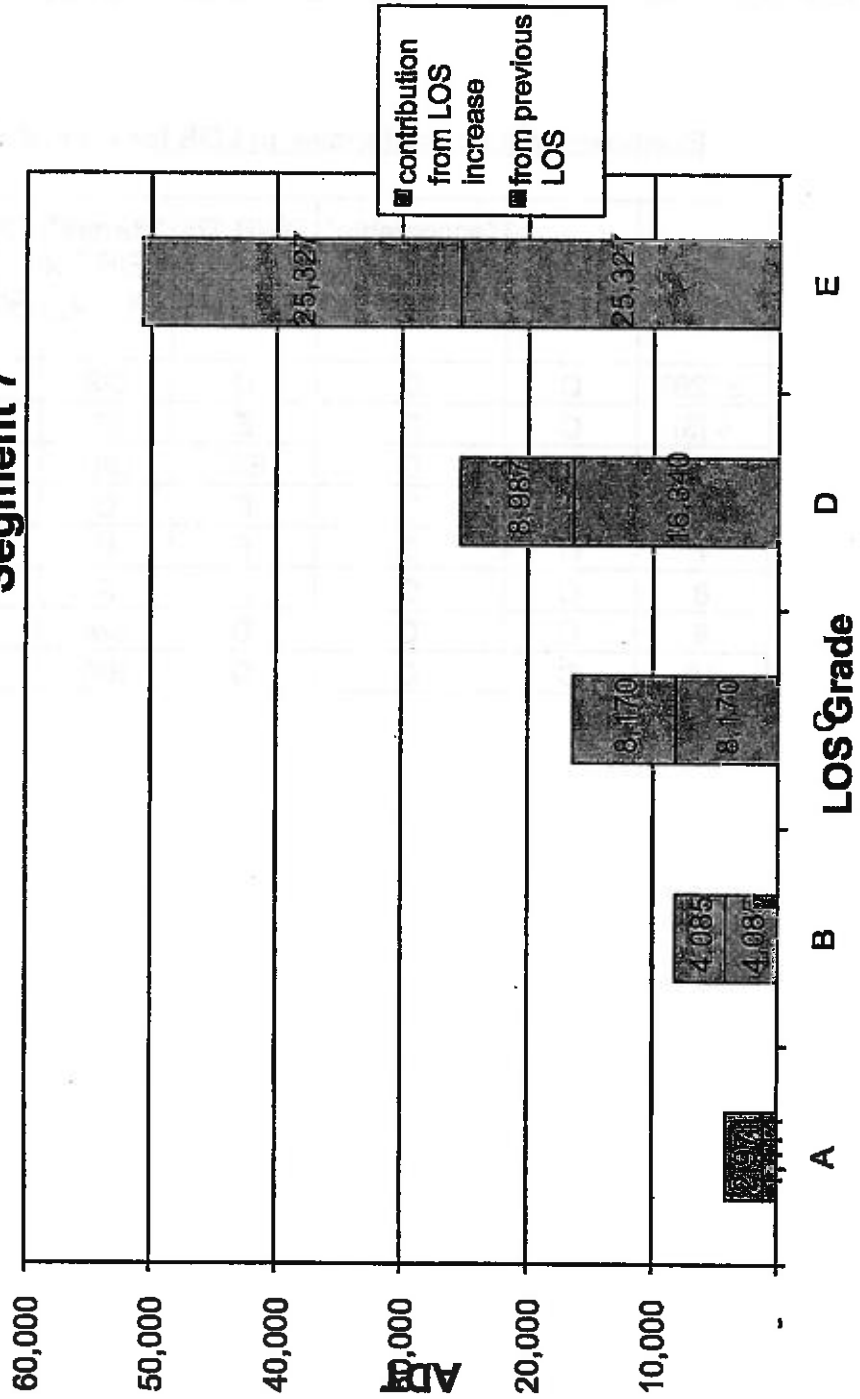
Examples of Inconsistencies in LOS for Carmel Valley Road

CVR segment	CVMP standard	"acceptable" DEIR p. 4.6-62	DEIR Tbl 4.6-21, "Existing"	"current" DEIR Tbl 4.6-5	TIPDSEIR Tbl 6 Append F	CVMP monitor 3-yr avg
3 [2B]	C	D	D	C/B	C/B	
4 [3]	C	D	E	C	C	C--
5	C	D	E/F	D/C	D	C-
6	C	D	F	D	D	C-
7	C	D	F	D	D	D
8	C	C	F	A	A	B
9	C	C	D	B/A	B/A	B
10	C	C	D	B/A	B/A	B

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APPENDIX 3: EXTENT OF EXPOSURE TO GREATER TRAFFIC BY LOWERING THE LOS STANDARD (SEGMENT 7).

Contributions to ADT from Increasing LOS Segment 7



AD HOC CARMEL VALLEY TRAFFIC COMMITTEE

January 30, 2009

Monterey County
Planning and Building
Inspection Administration

Mike Novo
County of Monterey
Salinas, CA
Via electronic mail: novom@co.monterey.ca.us

FEB 03 2009

RECEIVED

Rec'd e-mail
2/2/09

Dear Mr. Novo,

1. **Background.** On October 29, 2008, the Carmel Valley Blue Ribbon Road Committee met under the chairmanship of Supervisor Dave Potter to discuss the DEIR/GPU5 implications for Carmel Valley, including the potential lifting of the subdivision moratorium (BOS Resolution 02-024). Because of the considerable public interest in these issues, Supervisor Potter asked that the four of us constitute an ad hoc group to summarize the public's concerns and questions, and to meet with Supervisor Potter regarding them. On December 8, 2008, we met with Supervisor Potter and County Staff to discuss these issues. Supervisor Potter and staff recommended that we memorialize our concerns as a response to the DEIR of GPU-5. The following is our response. We ask that you respond to each of these issues by doing all necessary and appropriate research to answer each concern fully and clearly. Thank you.
2. **Buildout numbers/266 cap.** Future development will have a direct impact on traffic levels in Carmel Valley, yet we find inconsistencies in the buildout numbers for Carmel Valley analyzed in the DEIR. It is our understanding that the 266 cap was developed by subtracting approved and unbuilt subdivisions, built and unbuilt single family dwelling and adjunct units, and vacant lots of record from the CVMP cap of 1,310 units and lots (p. 9 CVMP). We would like to confirm that the 266 cap is consistent with the overall cap of 1,310 and includes both units and existing lots. To avoid confusion after GPU5 is adopted, the specific projects and dwelling units that constitute approved and unbuilt subdivisions, residential and adjunct units should be identified in a table similar such as that found in Appendix 1. Regarding the 2092 buildout number of 1,148 new units, we understand how the 390 new units for the Carmel Mid-Valley AHO were derived. However, we do not understand how 758 new units were calculated given the cap in the CVMP of 266 new units/lots. Please explain.
3. **Missing Traffic Data.** The DEIR is missing important traffic data from Carmel Valley that are essential to drawing sound conclusions. These data are available for other parts of Monterey County. Please explain why the following data are missing and please provide them: full data for all segments of County Road G16 (Carmel Valley Road) from SR-1 to Via Los Tulares, and for SR-1 from Carpenter Street to Riley Ranch Road, all of which are missing from Tables A, B and C of Appendix C (Traffic).

11:27 AM

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4. **Unclear LOS Standard.** The CVMP sets the LOS standard at "C." Judge Richard Silver ruled clearly in 1987 that CVMP 39.3.2.1 sets the LOS at C: "COUNTY acknowledged and agreed to the clarification [that] LOS C is the traffic standard adopted by the COUNTY in the Carmel Valley Master Plan. It is a goal to be achieved over the life of the plan." [*emphasis in original*]. GPU5 also establishes the LOS standard at "C" (CV-2.12). Yet, the DEIR establishes LOS lower than C as a standard. Why? The DEIR is also internally inconsistent in identifying LOS by segment, and is inconsistent with other county studies of LOS in Carmel Valley, including the CVTIP. Please see Appendix 2 as an example of this inconsistency. Please explain these inconsistencies. Lowering the LOS standard has the added disadvantage of allowing even greater levels of traffic in the future. For example, if an ADT standard is changed from LOS C to LOS D, the change creates an opening for a 50% increase in traffic; from D to E creates an opening for a 100% increase; from C to E creates a 300% opening. Please see Appendix 3 for an example on Segment 7 of increased traffic potential due to declining LOS standards. Please explain if this is correct and, if so, what the full impacts on Carmel Valley will be from this diminished LOS. 4
5. **Different Standard Used for Carmel Valley.** Circulation studies for the rest of Monterey County use the ADT standard for measuring actual LOS levels. Only in Carmel Valley is the peak hour PTSF (percent of time spent following) used. Why? The argument given on page 4.6-9 of the DEIR is both factually incorrect (i.e., ADT is explicitly the standard used in the CVMP) and misleading (e.g., conflation of different items in the annual CVR monitoring reports and the CVTIP). Is this correct, and, if so, what are the full impact on Carmel Valley? Use of the peak hour PTSF standard lessens traffic impacts by comparisons to the ADT standard (in the bureaucratic language of the DEIR, it "overcomes ... impact over-estimation"), thus making it appear that Carmel Valley's traffic is relatively less than it actually is, by comparison to the rest of the county. Is this correct? If the ADT standard is used instead, what will be the full impacts on Carmel Valley? Please provide these data. 5
6. **BOSR 02-024 and Capacity Improvements on Highway One.** BOSR 02-024 is explicit that the subdivision moratorium may be lifted only after "the construction of capacity-increasing improvements to State Highway 1 between its intersections with Carmel Valley Road and Morse Drive. . ." No such capacity-increasing improvements have been built and none will be built under GPU5. Yet, GPU5 and its DEIR essentially ignore BOSR 02-024 and its conditions for removal in the development plans for Carmel Valley. Why? The conditions imposed by BOSR 02-024 should be centrally featured in both documents. Please recalculate the full traffic impacts on Carmel Valley if BOSR 02-024 remains in place for the duration of the General Plan. Please explain why BOSR 02-024 is noted only marginally in the DEIR as though it may not be around during the life of the General Plan. 6
7. **Policy Considerations.** It is the sense of our group that the following recommendations are widely shared in Carmel Valley, reflect the wishes of our community, and should be made clear by Board action. Please comment on each of these recommendations and explain their impacts if adopted in the General Plan. 7

- That a single, permanent traffic standard of LOS C be established for Carmel Valley Road in clear, unequivocal terms. In reporting by the County, LOS C values should be reported quantitatively as well as by letter grade; the quantitative measure should be ADT/LOS C, where LOS C refers to the numerical upper bound of ADT in the LOS C category; this ratio will be ≤ 1 if the LOS C criterion is met, >1 if not.
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- That Board Resolution 02-024 be enshrined as permanent policy.
- That all policies in the CVMP, including those related to Carmel Valley Road, should reflect the principal planning function of *preventing* the overloading of infrastructure facilities. The difficulty and costs of recovery from overburdened facilities far exceed those of prevention, and should be avoided.

7

Thank you.

Sincerely,

Janet Brennan
Margaret Robbins
Glenn Robinson
Tim Sanders

APPENDIX 1: BUILD OUT NUMBERS FOR CARMEL VALLEY

CATEGORY	UNITS	SOURCE
Approved Subdivisions Unbuilt – 1987-1998	140	p. 231 Land Use Forecasting methodology, CV Traffic Study
Approved Subdivisions Unbuilt -- 1998-2006	152	p. 231
Approved SFDS/Adjunct unbuilt – 1987-1998	379.5	Table 5, CV Traffic Study
Approved SFDS/Adjunct Unbuilt	75.5	p. 231, Table 4
Vacant lots of record/other	38.5	
Total	1044.0	
Cap	1310.0	
Remaining	266	
<i>Please correct any errors in this chart and cite your source.</i>		

2

APPENDIX 2: INCONSISTENT LOS FOR CARMEL VALLEY ROAD

The following table illustrates, through a few recent examples, the difficulties in making sense of the meaning of LOS as variously interpreted and reported. DEIR here refers to the GPU5 DEIR, and TIPDSEIR refers to the Traffic Improvement Program DSEIR. Please correct any errors in this chart.

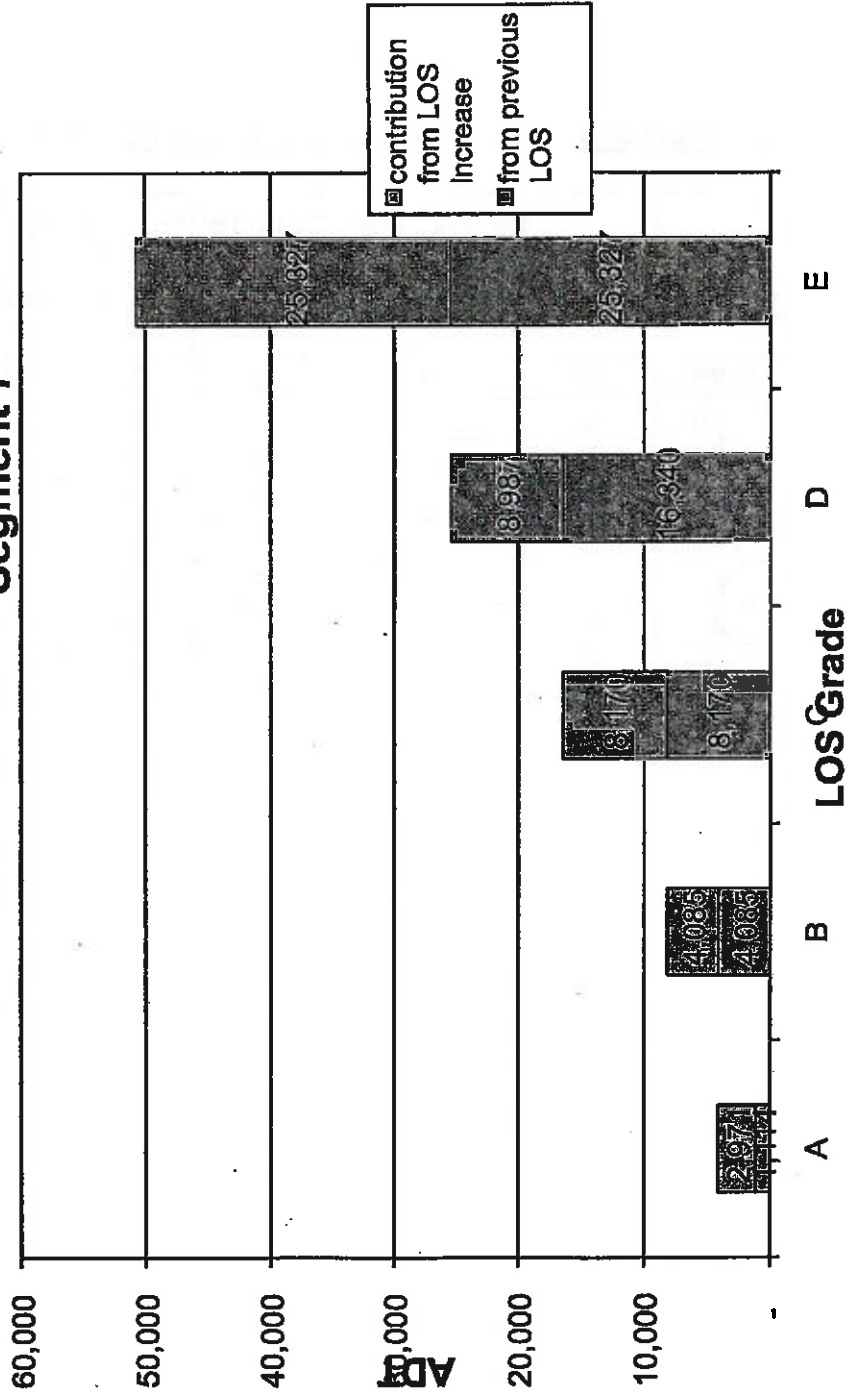
Examples of Inconsistencies in LOS for Carmel Valley Road

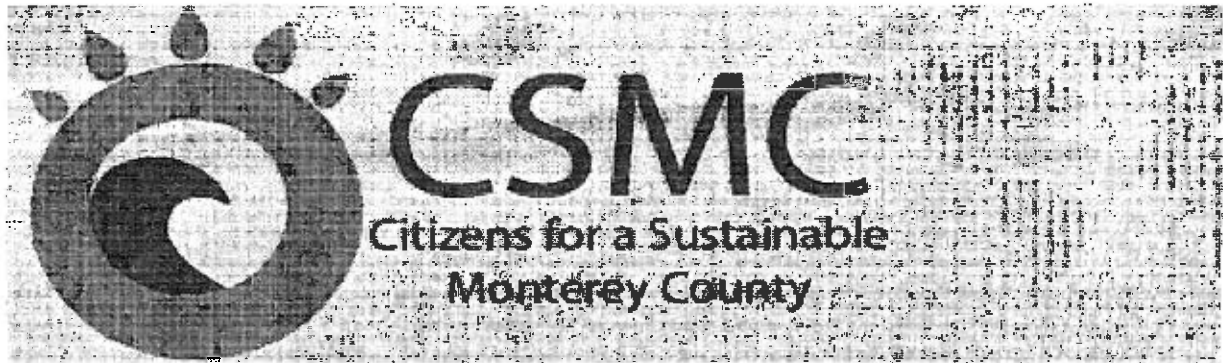
CVR segment	CVMP standard	"acceptable" DEIR p. 4.6-62	DEIR Tbl 4.6-21, "Existing"	"current" DEIR Tbl 4.6-5	TIPDSEIR Tbl 6 Append F	CVMP monitor 3-yr avg
3 [2B]	C	D	D	C/B	C/B	
4 [3]	C	D	E	C	C	C-
5	C	D	E/F	D/C	D	C-
6	C	D	F	D	D	C-
7	C	D	F	D	D	D
8	C	C	F	A	A	B
9	C	C	D	B/A	B/A	B
10	C	C	D	B/A	B/A	B

2

APPENDIX 3: EXTENT OF EXPOSURE TO GREATER TRAFFIC BY LOWERING THE LOS STANDARD (SEGMENT 7).

**Contributions to ADT from Increasing LOS
Segment 7**





Ruth Smith
President
Citizens for a Sustainable Monterey County
PO Box 4060
Monterey, CA 93940

Monterey County
Planning and Building
Inspection Administration

FEB 02 2009

RECEIVED
Rec'd as CEQA
Comments 2/1/09
5:42 pm

February 1, 2009

Carl Holm and Monterey County Board of Supervisors
County of Monterey
Planning Salinas Permit Center
168 West Alisal Street
Salinas, CA 93901

Re: Draft Environmental Impact Report (DEIR) for General Plan Update 5 (GPU 5).

Dear Mr. Holm, and Supervisors Calcagno, Salinas, Armenta, Parker, and Potter,

Citizens for a Sustainable Monterey County (CSMC) has reviewed the Draft Environmental Impact Report (DEIR) for the proposed General Plan Update (GPU) 5 and submits this letter as our formal comment on this matter.

The DEIR identifies significant and unavoidable impacts on agriculture, aesthetics, traffic, and water supply and water quality with implementation of the proposed General Plan. For all areas in which significant and unavoidable impact has been identified, CSMC strongly disagrees with the determination. The impacts are not unavoidable. Please see the specifics of our concerns below.

Global Warming. The DEIR fails to consider impacts of accelerated global warming, and is thus inconsistent with State Law. The State of California has committed to the following emissions reduction targets pursuant to AB32:

- to 2000 levels by 2010 (11% below business as usual)
- to 1990 levels by 2020 (25% below business as usual)
- 80% below 1990 levels by 2050.

How has Monterey County acknowledged the intent of AB32 and SB375 in its proposed GPU 5?
What will be the increase in greenhouse gas emissions resulting from the proposed plan compared to 1990 levels?

Traffic. The DEIR identifies traffic at Level of Service (LOS) E and F as significant and unavoidable. Increasing traffic congestion without adequate mitigation is inconsistent with California emissions reductions targets. You will find that increased walkable transit oriented development (TOD) would reduce the impact to a less than significant level.

The alternatives proposed in the DEIR have not adequately considered infill development and land use consistent with SB375. TOD maximizes infrastructure efficiency, primarily through daily transportation support infrastructure, with a focus on pedestrians, bicycles, scooters, and public transit. TOD minimizes single occupant vehicle trips by making

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WWW.SustainableMontereyCounty.ORG

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walkable design for pedestrians a priority, and emphasizing collector transport with quality high-density development with a mix of uses within walking distance of a centrally-located train and/or public transport station. It also maximizes the reduction of vehicle miles traveled. Unnecessary peak hour vehicle miles traveled as identified in the DEIR would result in negative air quality and climate change impacts that are in non-compliance with AB32 and SB375.

3

What is the residential unit capacity of infill development within County boundaries?
How many proposed residential units could be replaced by infill development?
Is the number of units enough to offset housing requirements?
What is the correlated effect on LOS for the roadways and intersections currently in exceedance of the threshold?

4

Agriculture. The Draft EIR identifies the loss of Important Farmland and Williamson Act land as a significant and unavoidable impact. However, the impact may be avoided by implementing land use consistent with SB375 and limiting additional housing units to the amount required to accommodate population increase minus the mean annual available housing units averaged over the past four years. (see also Transportation above)
How many acres of Important Farmland and Williamson Act land could infill development protect from conversion to non-agricultural uses?

5

By how many acres could the unavoidable impact to agricultural resources be lessened?

Water. Future growth anticipated by the 2006 General Plan would result in significant impacts to water quality and groundwater resources. Erosion associated with agricultural activities would result in sediment loading of streams and rivers, resulting in degraded water quality. Increased demands for potable water associated with future urban development may result in the exacerbation of existing groundwater overdraft and seawater intrusion problems. The use of ground- and surface-water for potable consumption could be reduced to a less than significant impact by considering some effective proven sanitary means for offsetting home water demand. Impacts would be substantially lessened by implementing rainwater catchment policy and limiting landscape watering to food-bearing plants only. Appropriate landscaping would maximize use of plants adapted for our region and climate zone, and should comprise greater than half of vegetation. In support, please review *Position Paper: Sustainable Water Management*, prepared by our affiliate Sustainable Pacific Grove in May 2008, downloadable at www.sustainablepgg.org/sus_water.php.

6

By what percentage could water demand be reduced through implementation of simple water conservation devices, water catchment, and appropriate landscaping?

Thank you for your attention to the above matters.

We look forward to your response, and following this project through to consistency with State law.

Best regards,

Ruth Smith
President

Cc: CSMC Board of Directors
Sustainable Carmel Valley
Big Sur Power Down
Sustainable Pacific Grove
Monterey Green Action
Sustainable Seaside
Sustainable Salinas

Calderon, Vanessa A. x5186

From: Megan Tolbert [m_tolbert2003@yahoo.com]
Sent: Sunday, February 01, 2009 5:42 PM
To: ceqacomment
Cc: Ruth Smith; Mark Folsom; Larry Telles; Robert Frischmuth; megan@montereygreenaction.com; Mark Folsom; George Wilson; Pierre & Virginia Chomat
Subject: Comment Letter on DEIR for GPU5 from CSMC

To Monterey County, Mr. Carl Holm, and the Monterey County Board of Supervisors,

Please find attached a comment letter on the Draft EIR for the proposed General Plan Update 5, submitted by Citizens for a Sustainable Monterey County.

Thank you,

Megan Tolbert
Vice President, CSMC
Director, Monterey Green Action

Monterey County
Planning and Building
Inspection Administration

FEB 07 2009

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rec'd as CEQA
comments 2/1/09
5:42 pm

Monterey County
Planning and Building
Inspection Administration

FEB 02 2009

CPOA

Coast
Property
Owners
Association

2/2/09

Carl P. Holm, AICP
168 W. Alisal Street, 2nd Floor
Salinas, CA, 93901

Via email to: holmcp@co.monterey.ca.us and ceqacomment@co.monterey.ca.us

RECEIVED

rec'd e-mail

2/2/09

4:36 pm

Public comment by the Coast Property Owners Association on the Draft EIR
for Monterey County's 2007 General Plan.

Butch Kronlund
President

Lisa Kleissner
Secretary

Pam Peck
Treasurer

Directors
Ned Callihan
Michael Caplin
Robert Carver
Richard Costigan
Jeannie Ford
Michael Gilson
Patte Kronlund
Richard Ravich

Director
Emeritus
Anita Alan

SUMMARY OF ISSUES

- 1. Mitigation policies in the Draft Environmental Impact Report (DEIR) for the 2007 General Plan (Plan) must be changed to say they do not apply in the coastal zone, with an explanation why. | 1
- 2. The DEIR finds environmental impacts and proposes new Plan policies to mitigate them, but the impacts and mitigations are not supported by substantial factual evidence as required by the California Environmental Quality Act (CEQA), so must be deleted or modified accordingly. | 2
- 3. The DEIR misstates the ability of County plans to affect federal land use and must be changed to avoid missing opportunities to do so. | 3

DETAILED DISCUSSION

- 1. Mitigation policies in the DEIR must be changed to say they do not apply in the coastal zone, with an explanation why.

As adopted January 3, 2007, the Plan was designed to avoid conflicts with the County's four local coastal land use plans.¹ The Plan expressly states the intent to not change coastal plans.² | 4

The Plan also states that coastal plans "may require different standards and policies" and must be free to vary from other portions of the Plan.³

¹ "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." (DEIR pages 4.1-19 and 20.)

² 2007 General Plan, Introduction, section 1.5.d., pages vi and viii. For example, "The County is not amending the Local Coastal Program as part of this 2006 General Plan. The County will review the LCP after adoption of the 2007 General Plan Update." (Underline added.)

³ "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 than may apply in the non-coastal areas of the County." (2007 General Plan, Introduction, section 1.5.d., page viii; underline added.)

The DEIR acknowledges the Plan's intent by stating that the DEIR will not change the County's coastal plans, that it did not analyze environmental impacts in coastal areas, and by describing the "project" analyzed by the DEIR as the County's general plan excluding coastal plans. For example:

The 2007 General Plan does not propose any changes to the LCP [Monterey County's Local Coastal Program]. Accordingly, these plans and land use patterns will not be analyzed in this EIR.... Any changes or updates made to these plans once the 2007 General Plan is adopted would require environmental review independent of this EIR. (DEIR, Project Description, at page 3-42; underline added.)

However, the DEIR then proposes new county-wide policies as mitigation measures.⁴ If included in the Plan as written, the DEIR's mitigation policies would expressly or impliedly apply in the coastal zone, which would not comply with CEQA, the Coastal Act, and Government Code general-plan statutes, for a number of reasons including:

- a. CEQA requires that determinations of significant impacts and related mitigation measures be based on substantial evidence in the record,⁵ and that the substantial evidence be based on facts.⁶ However, the DEIR did not analyze environmental impacts in the coastal zone.⁷ The DEIR does not provide fact-based substantial evidence showing that the Plan would result in significant impacts in the coastal zone, nor does it provide such evidence to show that DEIR mitigation policies are needed in the coastal zone to reduce impacts in the coastal zone.
- b. Monterey County's coastal land use plans are part of the Plan, and are therefore required by state general-plan law to be consistent with it.⁸ As adopted on January 3, 2007, the Plan was carefully crafted to avoid conflicts with coastal plans (see footnote

⁴ All DEIR mitigation policies would implicitly apply county-wide if adopted, and some expressly provide so. For example, Mitigation Measure BIO-2.1, reads in part, "The county shall develop and adopt a county-wide Stream Setback Ordinance ... [which] shall apply to all discretionary development within the County ..." (Underline added.) Coastal permits are discretionary permits.

Another express example, assuming DEIR mitigation BIO-1.5 contains a typographical error, it proposes a Comprehensive County Natural Communities Conservation Plan be prepared for all unincorporated areas.

⁵ "The lead agency shall determine whether a project may have a significant effect on the environment based on substantial evidence in light of the whole record." (PRC section 21082.2(a).)

⁶ CEQA/PRC section 21082.2(c) "Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts."

⁷ "The 2007 General Plan does not propose any changes to the LCP [Monterey County's Local Coastal Program]. Accordingly, these plans and land use patterns will not be analyzed in this EIR ... Any changes or updates made to these plans once the 2007 General Plan is adopted would require environmental review independent of this EIR." (DEIR, Project Description, page 3-42; underline added.)

⁸ "Pursuant to Public Resources Code §30108.5 and §30108.55, a coastal land use plan is incorporated into the community's general plan, therefore it must be consistent with the rest of the plan." (*State of California General Plan Guidelines, 2003*, page 176; underline added.)

"In construing the provisions of this article, the Legislature intends that the general plan and elements and parts thereof comprise an integrated, internally consistent and compatible statement of policies for the adopting agency." (Government Code section 65300.5.)

1). However, DEIR mitigation policies are new policies that would conflict with coastal plans if applied county-wide (including the coastal zone). Moreover, DEIR mitigation policies would literally threaten lives and property if applied in the Big Sur coastal area.⁹

- c. As discussed above, Monterey County's Local Coastal Program will be reviewed for updating and amending after the Plan is completed (see footnote 2). The Coastal Act provides procedures for amending coastal plans.¹⁰ The Coastal Act's amendment process is subject to the act's provisions to maximize public participation in decisions affecting coastal planning.¹¹ CEQA provides that where there is a conflict between the Coastal Act and CEQA, the Coastal Act shall control.¹²

As discussed above, if DEIR mitigation policies are included in the Plan, and applied county-wide (including the coastal zone), general plan law will require that coastal land use plans be changed to be consistent with the DEIR's mitigation policies.

This would negate the Coastal Act's process for amending coastal plans (see footnote 9), and preclude the opportunity for the public to have meaningful input into the coastal planning process as required by the Coastal Act (see footnote 10). Policies in coastal plans would effectively be decided by the DEIR consultant outside the coastal-plan amendment process, before public hearings on coastal plans, and without environmental review or consideration of impacts on special communities or other factors considered during the Coastal Act's coastal-plan amendment process.

- d. The DEIR fails to recognize that all coastal permits are discretionary permits, leading to conflicting statements in the DEIR and Plan policies should DEIR mitigation policies be adopted and apply in the coastal zone.¹³ State general plan law precludes

⁹ The DEIR proposes treating numerous unlisted species and plant communities as if they are listed as threatened or endangered under state and federal endangered species acts. Such treatment for species and plant communities for which the DEIR does not substantiate the need for protection, would preclude or discourage creation of defensible space and wildfire fuel reduction in wildland/urban interface areas in Big Sur, areas that are overgrown and in need of wildfire-fuel reduction (in part due to other imprudent policies). This overgrowth threatens lives and property in the event of wildfire.

¹⁰ See, Coastal Act/Public Resources Code, section 30514.

¹¹ "The Legislature further finds and declares that the public has a right to fully participate in decisions affecting coastal planning, conservation and development; that achievement of sound coastal conservation and development is dependent upon public understanding and support; and that the continuing planning and implementation of programs for coastal conservation and development should include the widest opportunity for public participation." (Coastal Act/PRC, section 30006)

¹² "To the extent of any inconsistency or conflict between the provisions of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000)) and the provisions of this division [CEQA], the provisions of Division 20 (commencing with Section 30000) shall control." (CEQA/PRC section 21174.)

¹³ For example, following are two statements from the DEIR's significance analysis that conflict due to the DEIR's use of the term "discretionary development." DEIR pages 4.9-75 and 4.9-76 respectively (underline added): 1) "For discretionary development, implementation of the General Plan policies alone would have resulted in significant impacts to the San Joaquin kit fox and to CEQA-defined special status species," and, 2) "Legal lot development without subdivision would result in conversion of habitat, but would have highly dispersed effects on CEQA-defined special status species and their habitat that on a landscape level is also considered less than significant."

In the coastal zone – the first statement says that development on existing lots would cause significant impacts (this because all coastal development permits are discretionary permits, even for a single

conflicting provisions in general plans (see footnote 8, paragraph 2).

Every policy change proposed by the DEIR that does not expressly limit its application to areas outside the coastal zone must include the following statement in the policy, clarifying that it does not apply in the coastal zone, with an explanation why (in order that the rationale is not lost to institutional memory over time):

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.

4

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. The Plan's maps were carefully composed to exclude coastal areas (for example, see 2007 General Plan Figure LU1, Land Use, Coast (Non-coastal)), but the DEIR improperly includes coastal areas in DEIR maps (for example, Exhibit 4.9-1).

Tables in the DEIR must also be changed to exclude references to coastal areas, as coastal areas are not included in the project the DEIR is supposed to analyze (for example, Tables 4.9-1 and 4.9-5 must be changed to remove references to the Big Sur coastal area or to species and plant communities that occur only in the Big Sur coastal area in Monterey County).

Without changing the DEIR to remove references to coastal areas, and changing its mitigation policies to clearly state they do not apply in the coastal zone, the Plan would: violate CEQA requirements that environmental impacts and measures to mitigate them be based upon fact-based substantial evidence in the record; not conform with state general plan consistency requirements; negate Coastal Act provisions on amending coastal plans and its mandate to maximize public participation in that process; and, literally threaten lives and property in overgrown coastal areas like Big Sur.

In addition to the foregoing, Big Sur's unique topography, large-lot zoning, viewshed protections, limits on subdivisions, public land ownership, and other considerations were not included in the DEIR analysis. Applying the DEIR's rationale and mitigation policies in the Big Sur area simply does not make sense.

2. The DEIR finds environmental impacts and proposes new Plan policies to mitigate them, but the impacts and mitigations are not supported by substantial factual evidence as required by the California Environmental Quality Act (CEQA) so must be deleted or modified accordingly.

5

CPOA supports public comment on the DEIR submitted by the Monterey County Farm Bureau and the Plan for the People (attached). Those comments object to new Plan policies proposed by the DEIR as mitigation for impacts to species and plant communities without a

residence on an existing parcel); the second statement says that the same development on existing lots would not cause significant impacts. Similar misuse of "discretionary development," and "discretionary permit" causes conflicts throughout the DEIR, and would in the Plan if DEIR mitigation policies are made applicable in the coastal zone.

substantial factual showing of the impacts or need for the mitigations.

The DEIR proposes that the Plan's definition for "special status species" be greatly expanded to include numerous unlisted species and plant groupings. The DEIR proposes a new definition for this expanded class of vegetation that it proposes to treat like species that have been listed pursuant to the state or federal endangered species acts. The DEIR calls its new definition, "CEQA-defined special-status species." However, CEQA does not define "special status species," does not require the definition, and does not use the term "special status species."

The DEIR apparently assumes that plant groupings such as plant communities can readily be identified by experts, like a species can be identified; however, that assumption is mistaken.

For example, the DEIR lists "maritime chaparral" as a plant community that should be included in its definition of "CEQA-defined special-status species." However, even the Coastal Commission acknowledges that the maritime chaparral plant community is so ambiguously defined its identification is subject to the "vacillation of personal opinion," even by experts.¹⁴

Given that experts cannot agree on what or where the maritime chaparral plant community is, one wonders how the DEIR consultants decided there are 12,597 acres of the maritime chaparral plant community in Monterey County, or 9,805 acres in the Fort Ord community area,¹⁵ and how they decided precisely how many acres there are of other plant communities.

Neither CEQA nor the California or federal endangered species acts extend protection to plant communities or other plant groupings, apparently for good reason.

The DEIR references a database on the California Department of Fish and Game's website, as if it justifies extending protection to "sensitive communities" and "natural communities."¹⁶ However, although the database can be found on the CDFG website, the information in the database is not generated solely by the CDFG.

Rather, the database is overseen by a non-profit organization, Nature Serve, an offshoot of the non-profit Nature Conservancy.¹⁷ Listing in this database is not subject to the rigorous listing requirements set out in the California and federal endangered species acts. Similarly, the inventory in the California Natural Diversity Database includes information prepared by the California Native Plant Society, another nonprofit organization.¹⁸

¹⁴ "Dr. Taylor stated that in the United States, nomenclature of plant communities has by professional practice been an informal process He stated that the syntaxonomy of maritime chaparral has not been formally studied, hence arguments as to the identity of a particular stand of chaparral as either falling within or without such a category is subject to the vacillation of personal opinion." (Coastal Staff's restatement of a Commission expert's opinion in Foster Revised Findings, A-3-MCO-06-018, p. 21, last par. (<http://documents.coastal.ca.gov/reports/2008/1/Th16a-1-2008.pdf>); underline added.)

¹⁵ For example, see Tables 4.9-1 on DEIR page 4.9-4 and 4.9-2 on page 4.9-5.

¹⁶ For example, see the introduction to Table 4.9-3 on DEIR page 4.9-7.

¹⁷ See, http://www.dfg.ca.gov/biogeodata/cnddb/cnddb_info.asp

¹⁸ See, <http://cnps.org/cnps/rareplants/cnddb.php>

Extending protection to plant groupings and species listed on these web sites, when they are not listed in Title 50 Code of Federal Regulations or Title 14 California Code of Regulations, avoids the due process provided by the statutory listing processes. Landowners could be subject to restrictions on land use without rational basis. Plant communities and species may have been included on these lists due to a request by a non-profit's donor, or for other reasons unconnected with the need for protection.

5

The DEIR must use the definition for "special status species" provided in the Plan's Glossary, and must reanalyze all related findings of significant impacts and need for mitigation consistent with the definition in the Plan.

3. The DEIR misstates the ability of County plans to affect federal land use and must be changed to avoid missing opportunities to do so.

The DEIR states that the County cannot exercise jurisdiction over federal lands.¹⁹ However, though technically correct, that statement is misleading. The County can exercise control over federal lands to the extent the federal government has ceded such control to the county.

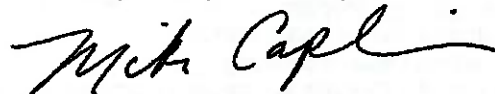
One such opportunity is provided by the Healthy Forests Restoration Act of 2003. There, Congress provided that "communities at risk" surrounding federal land managed by the US Forest Service and the Bureau of Land Management can provide a measure of control over such federal lands with regard to the way firebreaks are maintained and wildfire fuels are managed, on the federal land. The vehicle for exerting this measure of control over federal land use is adoption of a "Community Wildfire Protection Plan." Monterey County is a required signatory to a CWPP for communities in unincorporated Monterey County.

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Also, the federal Coastal Zone Management Act provides that federal agencies must act consistent with adopted coastal plans that are approved by the National Oceanic and Atmospheric Administration. Monterey County's current coastal Land Use Plans are such plans, and federal agencies like the US Forest Service must act consistent with them, with certain exceptions. One coastal staff person has described the process of obtaining a "consistency determination" by a federal agency as very much like the process for obtaining a coastal permit.

Other federal law may subject federal agencies and federal land to a level of control by the County. Rather than dismissing these opportunities, the DEIR should be changed to acknowledge that there are now means by which the county can exert a measure of control over federal lands, and that additions means may become available in the future. Mitigation policies (such as BIO-1.1) should be modified to remove language that dismisses the possibility of County control over federal lands (should it be included in the Plan).

Respectfully submitted,



Michael Caplin
Director

¹⁹ For example, "Lands within unincorporated areas that are owned by the federal government ... are not subject to County jurisdiction." (DEIR page 3-2.)

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October 24, 2008

Monterey County Board of Supervisors
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Re: *Unavailable Reference Documents for GPU5 DEIR*

Dear Chair Armenta and Supervisors:

I am writing on behalf of our client, Friends, Artists, and Neighbors of Elkhorn Slough ("FANS"). We are concerned that numerous documents referenced in the draft environmental impact report ("DEIR") for General Plan Update 5 ("GPU5") have been unavailable for public review. The attached letter from Molly Erickson lists dozens of documents referenced in the GPU5 DEIR that were either inaccessible or incomplete at the time the DEIR was released. Upon review, we have encountered many of the same problems documented by Ms. Erickson. CEQA requires the County to make all documents referenced in a DEIR available for public review. (CEQA Guidelines, § 15087, subd. (c)(5).) Without complete and accurate information, the public is unable to provide meaningful review and comment on the GPU5 DEIR. Confirming the adequacy of all documents referenced in the DEIR is a time-consuming task that should not be the burden of each individual reviewing the DEIR. Accordingly, we request that we be informed of all documents, and their contents, that have been made available to the public for the first time since the beginning of the public comment period for the GPU5 DEIR. In order to provide sufficient time to review and comment on the DEIR, including any newly released documents, we request that the public review and comment period for the DEIR begin anew once all referenced documents are made available to the public in adequate form.

Thank you for your attention to this matter,

/s/ Jason R. Flanders
On Behalf of FANS

cc: Charles McKee, County Counsel, mckeej@co.monterey.ca.us
Mike Novo, Planning Director, novom@co.monterey.ca.us

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Monterey County
Planning and Building
Inspection Administration

February 2, 2009

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e-mail 2/2/09

11:53 am

Re: *Comments to Monterey County 2007 General Plan and Draft Environmental Impact Report, SCH# 2007121001*

Dear Mr. Holm:

On behalf of Friends, Artists, and Neighbors of Elkhorn Slough ("FANS"), please accept the following comments and concerns regarding the Monterey County 2007 General Plan ("GPU5") and Draft Environmental Impact Report ("DEIR").

I. CHANGES IN AGRICULTURAL USE SHOULD REQUIRE ENVIRONMENTAL REVIEW.

GPU 5 allows for changes in agricultural use operations without further environmental review. The DEIR states:

The County will, after consultation with the Agricultural Commissioner and with appropriate review by the Agricultural Advisory Committee, establish by ordinance a list of "Routine and Ongoing Agricultural Activities" that will be allowed without discretionary permits. These may include, but are not limited to: . . . Conversion of agricultural land to other agricultural uses . . . "Routine and Ongoing Agricultural Activities" are exempt from [specified] General Plan . . . , except for activities that would create significant soil erosion impacts or violate adopted water quality standards

(DEIR 3-46 to 3-47.) The DEIR concludes that the environmental impact of this policy would be less-than-significant, but, the DEIR fails to actually evaluate the potentially significant environmental impacts that conversion of agricultural land from one agricultural use to another agricultural use could have. For example, such conversion could result in: a significantly increased water demand, by changing the type of crop grown; or increased runoff or erosion in areas within the Elkhorn Slough watershed of North Monterey County. These activities could have significant environmental impacts, including potential impacts to listed species, but the DEIR fails to discuss such impacts, and fails to include criteria for consideration of such impacts

Carl Holm
 2007 General Plan, DEIR
 February 2, 2009
 Page 2 of 22

in the formulation of the "Routine and Ongoing Agricultural Activities" ordinance. The DEIR does state that such uses would not be permitted to "create significant soil erosion impacts or violate adopted water quality standards," but the DEIR fails to describe how the County would review or monitor these changes in agricultural operations in order to evaluate whether any significant soil erosion or water quality impacts could occur. 1

II. WATER RESOURCES

A. THE DEIR'S WATER QUALITY ANALYSIS IS CIRCULAR AND INCONSISTENT.

The DEIR says that project impacts to water quality would be significant if the project would result in the violation of any water quality standard or regulation. (DEIR 4.3-89 to 4.3-90.) The DEIR discusses the project's impacts as being potentially significant, but concludes that the existence of relevant local, state, and federal water quality standards and regulations would necessarily render the project's impacts to water quality to less-than-significant levels. (DEIR 4.3-97; see also DEIR 4.3-105.) This analysis is circular. The threshold of significance cannot act as the significance conclusion itself. This bare conclusion fails to explain how local, state, and federal regulations will reduce the project's admittedly significant impacts to less than significant levels.

The DEIR provides a similarly circular and contradictory analysis for water quality impacts from agricultural operations, stating that "land uses consistent with the 2007 General Plan would increase sediment and nutrients in downstream waterways and violate water quality standards." (DEIR 4.3-107.) Then, the DEIR concludes that "overall impacts will be less than significant with implementation of 2007 General Plan policies." (DEIR 4.3-112.) If land uses "consistent with the 2007 General Plan would . . . violate water quality standards," how do the General Plan policies themselves avoid a violation of water quality standards? 2

Similarly, the DEIR admits that "Land uses and development consistent with the 2007 General Plan would result in increased soil erosion and sedimentation during construction activities, substantially degrading water quality in downstream waterways." (DEIR 4.3-90.) Again, the DEIR concludes that applicable General Plan policies would result in the project having a less-than-significant impact to water quality. This analysis contradicts itself. The EIR states that development *consistent* with the General Plan would "substantially degrade[e] water quality," and then claims that the General Plan policies would avoid substantial degradation of water quality. While the use might be consistent with these General Plan policies the EIR must describe the impact of the consistent use on the existing environment, and then describe how policies within the General Plan conditioning the use will reduce or avoid the identified significant adverse impact.

B. THE DEIR FAILS TO ADEQUATELY DESCRIBE OR MITIGATE THE PROJECT'S SIGNIFICANT EROSION IMPACTS.

The DEIR relies in part on "existing County, state, and federal requirements; proposed policies of the 2007 General Plan; and existing central coast RWQCB regulatory initiatives, such as the 3

Carl Holm
2007 General Plan, DEIR
February 2, 2009
Page 3 of 22

WML, NPDES Phase II stormwater, and TMDL programs, [to] substantially reduce the extent of erosion and sedimentation from most construction activities on gentle slopes and where an erosion control plan is required." (DEIR 4.3-105.) However, as discussed in section III.D of this comment, below, these regulations and policies do not reduce erosion from project construction to less-than-significant levels, because these regulations are as of yet undeveloped, would not apply to all potentially significant activities, and lack specific performance standards or mitigation measures that would bind development to reduce project specific impacts to less-than-significant levels.

The DEIR also cites several General Plan policies to avoid impacts from soil erosion but these policies, individually, and collectively, fail to minimize or avoid this significant adverse impact, because all purported mitigations defer the development of binding, specific performance standards, to some future date.

The General Plan's Open Space Element, Policies OS-3.1 through 3.8, all defer development of avoidance and mitigation standards for soil erosion to some unknown future time. For example, OS-3.3 states that "Criteria for studies to evaluate and address . . . soil instability, moderate and high erosion hazards . . . shall be established for new development and changes in land use designations. Routine and on-going agricultural uses shall be exempt from this policy except where there are highly erodible soils." This policy fails to offer any guidance as to what the criteria should include, and fails to impose any binding standards, merely requiring the County to "evaluate and address" erosion. Nothing in this policy requires the County to avoid or mitigate soil erosion impacts to less-than-significant levels.

Policy OS-3.5 requires, for activities on slopes from 15-25%, a ministerial permit that "addresses" erosion on "highly erodible soils." (DEIR 4.3-109.) This vague language contains no performance standards or binding requirements, and therefore does not commit the County to avoiding significant impacts to soil erosion. The General Plan also requires a permit for development on slopes greater than 25%, but this permit also imposes no binding standards. (DEIR 4.3-101.) Rather, the permit requires the applicant to "evaluate" alternatives, "identify" erosion control techniques, and "minimize" development that poses a "substantial risk to public health or safety." Nothing in this permit process *requires* the implementation of binding standards that would assuredly minimize impacts to soil erosion to a less-than-significant level, unless the project would otherwise present a "substantial risk to public health or safety." However, neither the General Plan nor the EIR explain the criteria for determining whether a project would present a "substantial risk to public health or safety," nor whether significant individual and/or cumulative soil erosion impacts could occur without presenting a "substantial risk to public health or safety."

Further, the General Plan would allow for development on slopes greater than 30%, and the General Plan again fails to establish standards to avoid or minimize the impacts of development on such steep slopes. Policy OS-3.7 requires the Monterey County Water Resources Agency to prepare a manual that will include, among other things, erosion control measures. However, neither the General Plan nor the DEIR identify what specific standards this manual will impose, nor when such standards will be implemented.

The DEIR relies heavily on General Plan Policy OS 3.9, which states:

The County will develop a Program that will address the potential cumulative hydrologic impacts of the conversion of hillside rangeland areas to cultivated croplands. The Program will be designed to address off-site soil erosion, increased runoff-related stream stability impacts and/or potential violation of adopted water quality standards. The County should convene a committee comprised of county staff, technical experts, and stakeholders to develop the Program, including implementation recommendations.

(DEIR 4.3-105.) Again, however, this policy fails to mitigate project impacts to less-than-significant levels because the policy fails to establish any performance standards or other requirements that would necessarily *ensure* that cumulative erosion impacts are reduced to less-than-significant levels. The policy merely requires the County to “address” such impacts, but does not require the County to reduce them to less-than-significant levels. Under CEQA, “[w]hen the success of mitigation is uncertain, an agency cannot reasonably determine that significant effects will not occur.”¹

The DEIR also states that “[a]n Agricultural Permit shall recognize unique grading criteria for agricultural purposes and the process shall include criteria when a discretionary permit is required.” (DEIR 4.3-101.) This policy provides no guidance on the potentially significant erosion impacts of the General Plan, failing to provide any information about what criteria would be used to determine whether the permit should be ministerial or discretionary, and, if discretionary, what standards would be used to determine whether impacts are significant, and what types of mitigation measures would be required.

The DEIR references Timber Harvest Plans (“THP”) as mitigating potentially significant erosion impacts. (DEIR 4.3-111.) However, a THP may permit significant and unavoidable impacts to soil erosion to occur through its certified functional equivalency program, and therefore cannot be said to necessarily reduce project impacts to less-than-significant levels. Similarly, the DEIR relies on the Surface Mining and Reclamation Act (“SMARA”) to mitigate impacts to soil erosion caused by mining activities, yet the DEIR fails to show exactly how SMARA *requires* mitigation of impacts to less-than-significant levels.

C. THE DEIR FAILS TO EVALUATE WATER QUALITY IMPACTS TO MONTEREY BAY.

The DEIR acknowledges that most, if not all, Project impacts to stream water quality will eventually drain into Monterey Bay. For example, the DEIR states:

- “the Salinas River empties into Monterey Bay” (DEIR 4.3-6.)

¹ Remy, Thomas, Moose, Manley, Guide to the California Environmental Quality Act, at 426, citing *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 306-308.

- “Much of the runoff from the Salinas River either evaporates or discharges into Monterey Bay during the wet season.” (DEIR 4.3-7.)
- “Urban runoff, often called “stormwater pollution,” is difficult to prevent because this nonpoint source pollution is spread throughout the watershed. Any deposits of natural (sediment) and human-made pollutants (e.g., oils, pesticides, and heavy metals) in these areas are flushed by rainwater, landscape irrigation, and other means down storm drains and directly into streams, rivers, or Monterey Bay. This problem becomes worse with population growth and urbanization because such activities alter natural hydrologic processes.” (DEIR 4.3-18 to 4.3-19.)
- “Urban runoff has the potential to directly affect Salinas River waters. Urban runoff transported by the river also affects water quality in Monterey Bay.” (DEIR 4.3-19.)
- “[Nitrate] remains in the soil or enters the groundwater with subsequent irrigation or is flushed into irrigation drainage ditches to join other nitrate-laden waters flowing toward creeks, rivers and estuaries, and eventually into Monterey Bay.” (DEIR 4.3-22.)

However, despite acknowledging that most if not all water pollution caused by the General Plan would eventually impact Monterey Bay, the DEIR fails to assess the significance of this direct, indirect, and cumulative impact. The DEIR does list a number of plans that pertain to Monterey Bay water quality. However, the DEIR fails to provide sufficient detail to understand the specific goals and requirements of these plans, and the DEIR fails to assess whether development under the General Plan would be consistent with these plans. For example:

The DEIR states that “[t]he *Salinas River Watershed Management Action Plan* . . . outlines the watershed characteristics and management actions recommended to control point source and nonpoint source pollution within the Salinas River watershed.” (DEIR 4.3-61.) What policies does this Plan include? Does this Plan impose enforceable restrictions on discharges? Would the General Plan development be consistent with the goals of this Plan? Would consistency with this Plan ensure that General Plan impacts to Monterey Bay will be less than significant?

The DEIR states that “[t]he [Monterey Bay National Marine Sanctuary] is a federally protected marine area offshore of the central coast, encompassing 5,322 square miles of ocean and 276 miles of shoreline, from Marin County to San Luis Obispo County. . . . In October 2006, the Monterey Bay National Marine Sanctuary (MBNMS) released a comprehensive watershed management and ecosystem plan, the *Big Sur Coastal Ecosystem Action Plan*, as part of the MBNMS draft management plan (Monterey Bay National Marine Sanctuary 2006).” Again, this statement provides no information about regulations that would protect the water quality of Monterey Bay, and fails to consider whether the planned General Plan development and infrastructure would complement, be consistent with, or implement recommendations within these plans.

Carl Holm
 2007 General Plan, DEIR
 February 2, 2009
 Page 6 of 22

The DEIR states, "[i]n 1992, eight federal, state, and local agencies signed a memorandum of agreement with the MBNMS to develop collaboratively a Water Quality Protection Program (WQPP) for the MBNMS and its watersheds. The WQPP is now a partnership of 25 federal, state, and local agencies, as well as public and private groups. Four detailed plans have been completed as part of the WQPP: the *Urban Runoff Plan*, *Marinas and Boating Plan*, *Water Quality Monitoring Plan*, and *Agriculture and Rural Lands Plan*." (DEIR 4.3-87.) The DEIR discusses these plans individually, but again fails to indicate (1) the precise mandatory restrictions (if any) that each plan will place on General Plan development, or (2) what specific impacts to Monterey Bay could occur from General Plan development that is consistent or inconsistent with these Plans. (DEIR 4.3-87 to 4.3-88.)

4

The DEIR must be revised and recirculated to inform the public and decision-makers of the potentially significant impacts that development under the General Plan could have upon Monterey Bay. The DEIR contains no information regarding the anticipated types or amounts of pollutants that will reach Monterey Bay as a result of development under the General Plan, nor does the DEIR evaluate the significance of this obvious impact. The DEIR asserts that coastal streams will suffer less pollution than inland streams (DEIR 4.3-92), yet the DEIR contains considerable evidence showing that upstream pollutants will accumulate and pollute downstream waters. Without evaluating this impact in the DEIR, the DEIR is "so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded." (CEQA Guidelines, § 15088.5; *Mountain Lion Coalition v. California Fish and Game Commission* (1989) 214 Cal.App.3d 1043.)

D. THE DEIR RELIES ON INCOMPLETE FEDERAL POLICIES.

The DEIR relies on National Pollutant Discharge Elimination System (NPDES) phase II to mitigate runoff impacts, yet the DEIR offers no standards for any minimization measures to achieve. Instead, the DEIR states:

Designated Phase II MS4 areas in the unincorporated county include Carmel Valley; Corral de Tierra/San Benancio; Toro Park; a large area bounded by the Salinas River, Davis Road, SR 68, and the city of Salinas; a second large area southeast of San Juan Grade Road and northeast of Salinas; Pajaro and its surroundings; Castroville; and Prunedale. Since 2001, the Monterey Regional Storm Water Permit Participants Group, composed of the Cities of Monterey, Carmel-by-the-Sea, Del Rey Oaks, Sand City, Seaside, Marina, and Pacific Grove; the County; and the Pebble Beach Co., have been developing a regional stormwater program for the Monterey Peninsula and surrounding areas to prepare an NPDES Phase II permit application. The MRWPCA acts as the group's administrative agent.

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When will this permit program be complete? What specific impacts will this permit mitigate? The DEIR does not say. (DEIR 4.3-50.) With these plans only in a developmental phase, it is completely uncertain whether the plans will necessarily mitigate significant impacts of the General Plan buildout to less-than-significant levels.

The DEIR lists waterways in the County that are designated "impaired." DEIR table 4.3-8.) However, TMDLs have not been completed for many of these impaired waterways. (DEIR 4.3-54.) Development under the General Plan will continue to pollute these already impaired waterways, resulting in a significant impact. (DEIR 4.3-90.) The DEIR fails to demonstrate any binding requirement to prevent this impact. The DEIR does show that the completion date for establishing some TMDLs (i.e., Alisal Creek, Galiban Creek, Monterey Harbor, Moro Cojo Slough, Moss Landing Harbor, Old Salinas River Estuary, Salinas Reclamation Canal, Salinas River (lower), Salinas River Lagoon, and Tembladero Slough) was 2006-2007. (DEIR 4.3-54.) Have those TMDLs been completed, and, if so, what limits do they set for future authorized activities to comply with?

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The DEIR's significance conclusions rely on the federal TMDL program to mitigate agricultural impacts to water quality, yet the DEIR acknowledges that few TMDLs have been established, despite the existence of many impaired watersheds. (DEIR 4.3-105, 108, 111.)

E. THE DEIR FAILS TO FULLY DESCRIBE OR MITIGATE THE PROJECT'S SIGNIFICANT IMPACTS TO GROUNDWATER.

i. SALINAS VALLEY

The DEIR fails to adequately evaluate the Project's potentially significant impacts to groundwater within the Salinas Valley. Specifically, the DEIR's discussion of the Salinas Valley Water Project ("SVWP") fails to follow the principles recently articulated by the California Supreme Court in *Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* for evaluation of water supply impacts of a proposed land-use project:

First, CEQA's informational purposes are not satisfied by an EIR that simply ignores or assumes a solution to the problem of supplying water to a proposed land use project. Decision makers must, under the law, be presented with sufficient facts to "evaluate the pros and cons of supplying the amount of water that the [project] will need." [Citation.]

6

Second, an adequate environmental impact analysis for a large project, to be built and occupied over a number of years, cannot be limited to the water supply for the first stage or the first few years. While proper tiering of environmental review allows an agency to defer analysis of certain details of later phases of long-term linked or complex projects until those phases are up for approval, CEQA's demand for meaningful information "is not satisfied by simply stating information will be provided in the future." [Citation.] . . . An EIR evaluating a planned land use project must assume that all phases of the project will eventually be built and will need water, and must analyze, to the extent reasonably possible, the impacts of providing water to the entire proposed project. [Citation.]

Third, the future water supplies identified and analyzed must bear a likelihood of

actually proving available; speculative sources and unrealistic allocations ("paper water") are insufficient bases for decisionmaking under CEQA. [Citation.] An EIR for a land use project must address the impacts of *likely* future water sources, and the EIR's discussion must include a reasoned analysis of the circumstances affecting the likelihood of the water's availability. [Citation.]

Finally, where, despite a full discussion, it is impossible to confidently determine that anticipated future water sources will be available, CEQA requires some discussion of possible replacement sources or alternatives to use of the anticipated water, and of the environmental consequences of those contingencies. [Citation.] The law's informational demands may not be met, in this context, simply by providing that future development will not proceed if the anticipated water supply fails to materialize. But when an EIR makes a sincere and reasoned attempt to analyze the water sources the project is likely to use, but acknowledges the remaining uncertainty, a measure for curtailing development if the intended sources fail to materialize may play a role in the impact analysis. [Citation.]

The ultimate question under CEQA, moreover, is not whether an EIR establishes a likely source of water, but whether it adequately addresses the reasonably foreseeable *impacts* of supplying water to the project. If the uncertainties inherent in long-term land use and water planning make it impossible to confidently identify the future water sources, an EIR may satisfy CEQA if it acknowledges the degree of uncertainty involved, discusses the reasonably foreseeable alternatives-including alternative water sources and the option of curtailing the development if sufficient water is not available for later phases-and discloses the significant foreseeable environmental effects of each alternative, as well as mitigation measures to minimize each adverse impact. [Citation.] In approving a project based on an EIR that takes this approach, however, the agency would also have to make, as appropriate to the circumstances, any findings CEQA requires regarding incorporated mitigation measures, infeasibility of mitigation, and overriding benefits of the project. [Citation.]

(Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova (2007) 40 Cal.4th 412, 430-432). The County's DEIR for the GPU fails to satisfy the principles articulated above by the California Supreme Court in *Vineyard Area Citizens*.

The DEIR admits that short- and long-term groundwater demands of the Project would exceed the existing available surface and groundwater supplies, leading to lost aquifer storage and further saline intrusion, but the DEIR asserts that these significant impacts will be avoided through implementation of the SVWP. However, the DEIR fails to provide sufficient information about the SVWP to meaningfully apprise the public and decision-makers of the pros and cons of relying on the SVWP as a water source for buildout of GPU5. The DEIR fails to acknowledge the uncertainties faced for multiple phases of the SVWP, fails to specifically identify all water sources relied on by the SVWP, fails to evaluate the water sources that would be necessary to meet Project demands if the full and complete implementation of the SVWP does

Carl Holm
 2007 General Plan, DEIR
 February 2, 2009
 Page 9 of 22

not occur, and fails to assess the significant impacts to the groundwater basin that would occur without the full and complete implementation of the SVWP as it is described in the DEIR. Moreover, the DEIR fails to include binding mitigation measures capable of ensuring that the Project's impacts will necessarily be mitigated to less-than-significant levels. (See Pub. Resources Code, § 21081.6, subd. (b); *Federation of Hillside and Canyon Associations v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1260-1262.)

The DEIR fails to articulate each planned source of water for the SVWP. First, the DEIR fails to inform the public exactly what water diversion rights Monterey County Water Resources Agency ("MCWRA") and Monterey Regional Water Pollution Control Agency ("MRWPCA") do have for the SVWP, and what water rights must still be acquired. The DEIR indicates that "Operation of the SVWP will divert an average of 9,700 AF and up to 12,800 AF of additional Salinas River water (available from reoperation of upstream reservoirs) to the CSIP [Castroville Seawater Intrusion Project] during the peak irrigation season," resulting in "up to 25,000 AF to the CSIP [sic] for injection into the groundwater aquifer." However, DEIR then goes on to state that only "if an additional 14,300 AF of SVWP water is delivered outside the CSIP" would future seawater intrusion be prevented. (DEIR 4.3-34 to 4.3-35.) The DEIR fails to explain the source of this 14,300 AF of water, and fails to discuss what uncertainties, if any, the SVWP faces in delivering up to 25,000 AF to the CSIP. Since the DEIR relies on yearly averages, what impacts will the Project have when SVWP water arrives in below average years, or multiple consecutive below average years? If seawater intrusion increases during dry years, can the aquifer recover simply through in-lieu recharge in wet years? The DEIR indicates that once groundwater quality is compromised, recovery becomes more difficult, but the DEIR fails to provide any discussion of such impacts.

The DEIR also relies on uncertain and incomplete components of the SVWP to avoid long-term groundwater impacts:

[C]omponents of the project are believed sufficient to halt seawater intrusion in the short term but may not be sufficient to meet water demand through the year 2030. Modeling conducted for the SVWP EIR/EIS determined that groundwater levels would be raised to varying degrees in all four sub-basins of the Salinas Valley groundwater basin (100-Foot/400-Foot, East Side, Forebay, and Upper Valley Subareas) due to decreased pumping and increased recharge along the Salinas River (Monterey County Water Resources Agency 2001). With the SVWP, benefits would be distributed more uniformly throughout the Salinas Valley. An expanded distribution system and expanded deliveries would be necessary to halt seawater intrusion in the long term. This subsequent phase would consist of an additional pipeline extending southeast of the existing CSIP service area, as well as other improvements. The pipeline and its impacts are discussed in concept in the SVWP EIR/EIS, but it has not yet been planned in detail.

(DEIR 4.3-38.) Thus, the DEIR states that the SVWP will not prevent seawater intrusion into the aquifer that would be caused by buildout water demand of the General Plan, unless future

conceptual phases of the SVWP are built. The DEIR, however, provides almost no information about such future phases, except a general reference to a pipeline evaluated in the SVWP EIR.

To adequately inform the public and decision-makers about the pros and cons of relying on future phases of the SVWP to mitigate or avoid the significant adverse groundwater impacts of development authorized by GPU5, the DEIR must provide more information as to what actual phases of the SVWP must still be designed and approved, what uncertainties these future phases entail, and what alternative water sources GPU5 buildout would rely on if some or all future SVWP phases are not realized. (See *Vineyard Area Citizens, supra*, 40 Cal.4th at 430-432.) Where the success of mitigation measures is uncertain, the lead agency should consider this impact to be significant and unmitigated. (See *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359, 1394-1395; *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 306-307; *Sacramento Old City Assn. v. City Council* (1991) 229 Cal.App.3d 1011, 1028-1029 [if mitigation measures are uncertain, the lead agency "should treat the impacts in question as being significant at the time of project approval."]) However, the DEIR fails to provide this information, and provides no possible assurances that any future SVWP phases will be built. Instead, the GPU5 DEIR concludes that the Project's impacts to groundwater would be less-than-significant in the Salinas Valley, relying on complete implementation of the SVWP, including these conceptual future phases.

The DEIR does propose mitigation measures in an attempt to reduce this uncertainty, but the mitigation measures themselves lack any substantive requirements to ensure that long-term impacts will in fact be mitigated to less-than-significant levels. The DEIR provides:

The following mitigation measures would reduce impacts in the Salinas Valley and Monterey Peninsula. . . .

WR-1: Support a Regional Solution for the Monterey Peninsula in addition to the Coastal Water Project

This measure is described above.

WR-2: Initiate Planning for Additional Supplies to the Salinas Valley

The County will revise the draft 2007 General Plan to include the following new policies:

PS-3.17. The County will pursue expansion of the SVWP by initiating investigations of the capacity for the Salinas River water storage and distribution system to be further expanded. This shall also include investigations of expanded conjunctive use, use of recycled water for groundwater recharge and seawater intrusion barrier, and changes in operations of the reservoirs. The County's overall objective is to have an expansion planned and in service by 2030.

PS-3.18. The County will convene and coordinate a working group made up of the Salinas Valley cities, the MCWRA [Monterey County Water Resources Agency], and other affected entities for the purpose of identifying new water supply projects, water management programs, and multiple agency agreements that will provide additional domestic water supplies for the Salinas Valley. These may include, but not be limited to, expanded conjunctive use programs, further improvements to the upriver reservoirs, additional pipelines to provide more efficient distribution, and expanded use of recycled water to reinforce the hydraulic barrier against seawater intrusion. The County's objective will be to complete the cooperative planning of these water supply alternatives by 2020 and have projects online by 2030.

...

Significance Conclusion

A second phase of the Salinas Valley Water Project is feasible, according to MCWRA. From a water supply point of view, implementation of Mitigation Measures WR-2 would mitigate the water supply impact in the Salinas Valley of 2007 General Plan buildout to a less-than-significant level (see separate discussion of water supply infrastructure under Impact WR-5 below).

(DEIR 4.3-134.) These mitigation measures are wholly inadequate to ensure a new long-term SVWP supply to meet Project demands without adversely impacting groundwater. Whether or not a new water source is ultimately acquired is wholly speculative. Rather than imposing binding standards to ensure that water demands do not exceed sustainable supply, these mitigation measures merely require the County to engage in investigation, conceptual plans, objectives, and working groups. Reliance on future studies and reports is an impermissible deferral of mitigation measures under CEQA.

6

The DEIR fails to identify any specific potential water sources, or to evaluate what impacts new future diversions would cause to such sources. Thus, the DEIR fails to inform the public of the potentially significant groundwater impacts of the Project, and fails to impose binding mitigation measures to necessarily reduce such impacts to less-than-significant levels. (See *Vineyard Area Citizens, supra*, 40 Cal.4th at 430-432; *Gentry, supra*, 36 Cal.App.4th 1359, 1394-1395.)

In addition, the DEIR's evaluation of infrastructure impacts reveals that the SVWP may not prevent seawater intrusion into the aquifer. Discussing the necessary future pipelines to deliver water for the SVWP, the DEIR states:

The diversion structure would be constructed near the current point where the CSIP pipeline crosses the Salinas River. The pipeline has sufficient capacity to deliver project water to the CSIP area also. Hydrologic modeling shows that the project may not halt seawater intrusion in the long-term future (year 2030). *If this were to occur*, additional distribution capacity will be created in a new pipeline and water would be delivered outside the CSIP area to ensure project objectives are met and seawater intrusion is halted.

Carl Holm
2007 General Plan, DEIR
February 2, 2009
Page 12 of 22

(DEIR 4.3-136 [emphasis added].) The DEIR implies that any expansion of the SVWP would *only* happen “if [seawater intrusion in the long-term future] were to occur.” Thus, the planned mitigation of seawater intrusion would not occur until *after* the significant adverse and irreversible impact to groundwater has occurred. Moreover, the DEIR provides no concrete discussion of where any pipeline would be located, nor where any additional water diversions would come from. Therefore, the DEIR must consider the Project’s impacts to long-term seawater intrusion to be significant and unavoidable, since conceptual SVWP expansions may only occur after additional seawater intrusion takes place, and no binding plans to construct all necessary future SVWP components exist.

The SVWP EIR is eight years old, and did not evaluate the County’s long-term water demands against the presently-existing environmental conditions. The following public comments on the SVWP EIR need to be addressed, before the County relies on the out-dated SVWP EIR:

The Salinas Valley Water Project EIR/EIS significantly underestimated 2030 population growth in the Salinas Valley Cities and excluded growth considerations in all unincorporated communities except Castroville. (Attachment 5) Instead of an urban population in the Salinas Valley of 355,829, AMBAG forecasts an urban population of 416,427 (including the EIR/EIS assumption for Castroville). This is an underestimate of almost 61,000 urban water users. Furthermore, it does not include any of the unincorporated towns in the Salinas Valley, which according to the 2000 census, totaled more than 20,000 urban water users. (Attachment 6) Clearly, the Salinas Valley Water Project EIR/EIS underestimated urban demand and urban population by more than 80,000 residents.

Nor does the EIR/EIS contemplate the water impacts of a rapidly expanding wine industry or the 500 million square feet of industrial and commercial space allowed in the County’s unincorporated areas under the 2006 General Plan. According to a June 2007 San Francisco Chronicle story, modern vineyards plant 2500 vines per acre and use 100 to 200 gallons of water per vine per season, or 250,000 gallons of water per acre. (Attachment 7) According to the “Survey of Water Use in the California Food Processing Industry,” processing those grapes uses an average of 1000 – 1250 gallons of water per ton of grapes processed. (Attachment 8)

(See June 19, 2007 comments of Julie Engell, attached hereto (with highlights in attachments) and fully incorporated herein by reference.)

The SVWP has yet to be completed. Cost increases that have occurred since the SVWP EIR, and which continue to occur, make the actual implementation date of the SVWP questionable. The GPU5 EIR has failed to evaluate the environmental consequences if the SVWP is delayed or not completed. What additional hurdles does the SVWP face for full implementation, and when will each permitting and construction component be completed? In response to the cost overruns

Carl Holm
 2007 General Plan, DEIR
 February 2, 2009
 Page 13 of 22

has the SVWP project design been changed since completion of the EIR for that project? If so, what components of the SVWP plan are different, and how do these changes modify the conclusions in the SVWP EIR?

Finally, the Highlands North and South sub-basins are connected to and up gradient from the Salinas Valley Aquifer. (North Monterey County Hydrogeologic Study – Critical Issues Report and Interim Management Plan, May 1996, Final, Fugro West, Inc., page 3.)

[Although] Groundwater is readily available within this subarea, [] the aggregate pumping is contributing to chronic storage depletion. Storage depletion is resulting in falling water levels and seawater intrusion.

(Fugro West, *supra*, page 3.) As long as the Salinas Basin is over-drafted, groundwater will continue to flow from the elevated Highlands South sub-basin down into the Salinas Aquifer, leading to significant and adverse impacts to the Highlands South subarea. The DEIR must analyze the environmental consequences of the continuing groundwater depletion in the Salinas sub-basin, which affects groundwater levels at Highlands North and South.

ii. NORTH COUNTY

The DEIR states that “[t]here are an estimated 577 vacant residential lots in the North County Plan area. The 2007 General Plan proposes to limit development in the North County to a single residence on each such lot. GPU5 also proposes to relieve new single family residential development from the requirement to demonstrate a sustainable water supply prior to development under Policy PS-3.1. Development of any portion of these existing lots of record by 2030 will exacerbate current problems. (DEIR 4.3-129.) Nevertheless, while recognizing this significant adverse impact on the existing groundwater supply, the DEIR fails to evaluate any mitigation measures or project alternatives to reduce or avoid this impact.

Further, the DEIR states that, “[a]lthough Monterey County has mandatory programs (water conservation ordinances) for urban water conservation—for instance, its low-flush toilet requirement for new development and retrofit program for certain types of remodeling projects—community education, outreach, and program enforcement have not been adequately funded. . . . More also can be done to achieve increased agricultural water conservation through increased outreach, education, and coordination efforts by the County and by increased enforcement of existing agricultural water conservation regulations. This would require fully funding a water conservation program and providing adequate staff resources.” (DEIR 4.3-148.) Therefore, the EIR should propose a feasible water conservation program to reduce or avoid the impact of new single family residential development on existing legal lots on the overdrafted ground water supply.

Public Services Element Policy PS-2.2 (groundwater quality and groundwater monitoring) requires the Water Resources Agency to assure adequate monitoring of wells in those areas experiencing rapid growth. (DEIR 4.3-149.) Historically, County agencies have lacked funds

Carl Holm
2007 General Plan, DEIR
February 2, 2009
Page 14 of 22

and personnel to complete adequate monitoring: what specific funds will be available to ensure that all necessary monitoring occurs?

The DEIR acknowledges that new development will create impervious surfaces that will reduce and alter groundwater recharge:

Public Services Element Policy PS-2.9 mandates that the County use discretionary permits to manage the construction of impervious surfaces in important groundwater recharge areas.

(DEIR 4.3-149.) However, this policy provides no instructions on how construction of impervious surfaces in important recharge areas will be managed.

Policy PS-3.2 of the Public Services Element allows credits for projects that significantly reduce the historical water use in order to allow for additional development. (DEIR 4.3-123.) The DEIR fails to explain the anticipated water savings with urban conversion of agricultural uses. First, the creation of urban demand creates a fixed, unavoidable demand, whereas agricultural demands can lie fallow during a drought. Second, where groundwater exists in a state of overdraft, such credits should not be issued until the overdraft is corrected. Any water demand reduction by a project should first be applied to eliminating overdraft. Only after the overdraft is corrected should a project be able to take credits for reduction in groundwater demand, since any demand contributing to overdraft is a significant adverse impact on the existing over-utilized groundwater supply.

The DEIR relies on future ordinances to mitigate the project's significant impacts to groundwater. But, the DEIR and General Plan fail to provide sufficient information for the interested public to understand how such future rules will mitigate the project's impacts to less-than-significant levels. The DEIR notes that "Public Services Element Policy PS-3.12 requires the County to establish an ordinance identifying conservation measures that reduce agricultural water demand," and "Public Services Element Policy PS-3.13 mandates establishment of an ordinance identifying urban conservation measures that reduce potable water demand." (DEIR 4.3-150.) These ordinances merely require the County to "identify" conservation measures, but such policies cannot be relied on to *require* that conservation measures be imposed. Similarly, "Public Services Element Policy PS-4.4 encourages the use of reclaimed wastewater for groundwater recharge." (DEIR 4.3-150.) Given the County's difficulties in securing reliable water sources, the General Plan and DEIR must do more than merely "encourage" such recharge, to reduce impacts to groundwater to less-than-significant levels.

"The North County Area Plan Policy NC-5.1 requires new development to maximize groundwater recharge capabilities. North County Area Plan Policy NC-5.2 (surface and groundwater water supply) states that water development projects that can offer a viable water supply to water-deficient areas in North County shall be a high priority." (DEIR 4.3-152.) The General Plan and DEIR should consider implementing such a policy/mitigation measure, in order to conserve long-term groundwater resources county-wide. Instead, GPU5 proposes "Public Services Element Policy PS-2.8[, which] requires that all projects be designed to maintain or

Carl Holm
 2007 General Plan, DEIR
 February 2, 2009
 Page 15 of 22

increase the site's predevelopment absorption of rainfall (minimize runoff) and to recharge groundwater where appropriate." (DEIR 4.3-158.) The benefits of this policy are unclear. Will PS-2.8 minimize or maintain recharge rates? And, what criteria will be used to determine whether maintaining absorption rates, or recharging groundwater, is "appropriate"?

The DEIR states:

Outside the PVWMA jurisdictional area, new agricultural wells also can be brought into production with few restrictions on groundwater pumpage (other than on well construction standards and usage reporting requirements). Larger development projects on individual or new small community system wells would be subject to issuance of discretionary permits and thus CEQA review, which would provide a means for addressing the potential for saltwater intrusion and the application of appropriate use restrictions. However, smaller projects in conformance with the land use plan and zoning code would likely not require discretionary review and approval.

(DEIR 4.3-158.) The DEIR is unclear what "smaller projects" it refers to. Moreover, CEQA review alone does not prohibit significant and unavoidable impacts for "larger" projects. Because the DEIR finds short term and long term impacts to groundwater basins to be significant, the DEIR should require discretionary approvals for new groundwater uses. Also, the General Plan should prohibit new large pumps that create significant and adverse impacts to groundwater quality, quantity, or adversely impact adjacent pumps.

The DEIR's discussion of well-interference states:

Generally, however, development of individual parcels on lots of record, including small businesses and residences, if consistent with the General Plan and Zoning Code, do not require discretionary approval and typically would not be required to conduct pump tests or hydrogeologic studies.

(DEIR 4.3-171.) Because single-lot development under the General Plan may potentially result in significant well-interference, the DEIR inappropriately concludes that impacts to well interference will be less-than-significant. The DEIR should have evaluated the feasibility of creating a discretionary permit process for all new wells that would evaluate a new well's potential to interfere with existing wells.

General Plan Policy PS-3.5 requires that,

Where pump tests or hydrogeologic studies show the potential for significant adverse well interference, the County shall require that the well be relocated or otherwise mitigated to avoid significant well interference.

Carl Holm
 2007 General Plan, DEIR
 February 2, 2009
 Page 16 of 22

(DEIR 4.3-172.) Under this policy, when would well interference be considered to be significant? Will such wells be permitted if relocation or mitigation is not feasible to reduce the interference to a less-than-significant level?

Proposed Policy PS-3.6 of the Public Services Element "requires the County and all applicable water management agencies" to prohibit the drilling or operation of any new wells in known areas of saltwater intrusion "until such time as a program has been approved and funded that would minimize or avoid expansion of saltwater intrusion into useable groundwater supplies in that area." (DEIR 4.3-159) This program does not prevent seawater intrusion, because it permits uses that would merely "minimize" (but not stop) the *increase* of seawater intrusion, rather than only permitting projects that would "avoid" expansion of seawater intrusion. The cumulative impact of projects that could be authorized consistent with this policy creates a potentially significantly increase of seawater intrusion.

The DEIR concludes that development on existing lots of record will result in a significant and unavoidable impact to groundwater:

In the Pajaro Valley, this impact is considered significant and unavoidable due to the lack of an established feasible comprehensive solution to address existing seawater intrusion as well as future water demands.

(DEIR 4.3-163; DEIR 4.3-129). However, the DEIR fails to describe the actual physical changes that will occur as a result of this significant impact. For example, how much will seawater intrusion progress into the groundwater supply? What is the anticipated rate of overdraft? The DEIR indicates that once groundwater quality is compromised, recovery becomes more difficult. Will the seawater intrusion caused by the development on existing lots of record authorized by the General Plan make recovery of the groundwater sub-basin more difficult? The DEIR must make some attempt to describe the physical impacts to the environment, including the degree and location of the impacts. (See *Vineyard Area Citizens, supra*, 40 Cal.4th at p. 430-432.)

Finally, recent news articles indicate that a proposed \$28 million water pipeline for the Granite Ridge area has been postponed indefinitely. Does this change in water supply infrastructure change the DEIR's assumptions and evaluation of short- and long-term Project impacts to groundwater in this area?

F. THE DEIR FAILS TO ADEQUATELY EVALUATE WASTEWATER IMPACTS.

The DEIR acknowledges that wastewater disposal by privately owned treatment facilities, and by individual septic systems, may result in significant impacts to groundwater. (DEIR 4.3-165.) The DEIR concludes that the GPU5 policies would mitigate these impacts to less-than-significant levels. However, the General Plan policies on which the DEIR relies fail to impose concrete and tangible restrictions on future development that would ensure that no significant adverse impacts to the existing environment will occur. For example, the DEIR states:

A number of these policies discourage the use of individual septic systems in favor of community systems that are subject to a higher level of regulatory supervision.

(DEIR 4.3-166.) However, merely discouraging the use of septic systems does not ensure the development of community systems. PS-2.6 requires the creation of maps of areas containing hazards and development constraints, but this policy includes no stated restrictions on development. Policies PS-4.1 through PS-4.4 do not provide any water quality restrictions relevant to privately owned treatment facilities, or septic disposal. Policies PS-4.5 and PS-4.6 discourage such development, but *do* permit individual, private septic disposal when connection to an existing regional facility is not feasible. The General Plan and the DEIR do not indicate when or where such connections would not be feasible, or what the impacts will be in those areas when individual, private septic systems are allowed to proliferate.

Policies PS-4.7 and PS-4.8 defer formulation of specific performance standards for new wastewater facilities until after project approval. These policies provide criteria that “may” apply to new development, including the financial capability of owners to operate, maintain, repair, or remediate discharge, of a facility. These policies need to be mandatory to ensure that significant impacts are avoided. In addition, these policies do not specify what water quality standards apply to new individual septic or wastewater treatment systems.

8

PS-4.9 does impose Regional Water Quality Control Board Standards, but this only applies to new subdivisions or zone changes. This policy does not cover new wastewater facilities, permitted under the General Plan, independent of new subdivisions or zone changes, nor does this policy address septic disposal.

PS-4.10 requires the County to develop a future management system “consistent with” AB885 and RWQCB requirements, but the DEIR does not explain whether “consistent with” means identical to, and does not describe what restrictions these policies entail. PS-4.11 merely encourages upgrades to tertiary treatment levels. PS-4.12 requires the future formulation and adoption of “On-site Wastewater Management Plans” (“OWMP”) for areas with high concentrations of development that are served primarily by individual sewage systems such as North County and Carmel Valley,” but neither the General Plan nor the DEIR offer any relevant performance standards or timeframe for this policy. (DEIR 4.3-167 to 4.3-169.)

III. THE DEIR FAILS TO DESCRIBE AND MITIGATE ALL SIGNIFICANT IMPACTS TO BIOLOGICAL RESOURCES.

The DEIR cites to GPU5 land use policies 1.1 through 1.9 as mitigating a development project’s significant adverse impacts to biological resources; yet, none of these policies actually impose any mandatory requirements to directly protect special-status plant and animal species. (DEIR 4.9-67.) The voluntary and indirect benefits to biological resources that these policies provide may not necessarily mitigate developmental impacts to less-than-significant levels, because there is no mandatory requirement that they be applied.

9

Carl Holm
2007 General Plan, DEIR
February 2, 2009
Page 18 of 22

The DEIR references GPU5 open space policy OS-3.5 applicable to development on steep slopes. (DEIR 4.9-67.) This policy, however, as described above in section II.B of this comment, fails to impose meaningful standards that ensure project impacts to soil erosion and stream sedimentation will be less-than-significant. Moreover, this policy makes no mention of impacts to special status species.

The DEIR references additional open space policies in GPU5, but the actual protection offered by these policies is unclear. Policy OS-4.1 "stipulates that Federal and state designated native marine fresh water plant and animal species be protected." The DEIR fails to explain how these freshwater species will be protected. Also, this policy only applies to fresh water species, and offers no protection for anadromous species or Monterey Bay.

Proposed Policies OS-5.1 through OS-5.5 merely encourage or promote protection of biological resources. These policies do not direct county agencies to protect these resources; and, these policies do not ensure mitigation or avoidance to less-than-significant levels. For example,

Policy OS-5.3 stipulates that development be carefully planned to provide for the conservation and maintenance of plant and animal communities or species listed by state or federal agencies for protection.

Does this policy require all development impacts to special status plant or animal species to be mitigated to less-than-significant levels? Interpreting this policy in the context of the other GPU5 policies, which permit significant and unavoidable impacts to biological resources, a project applicant may argue that OS-5.3 does not require all impacts to be mitigated to less-than-significant levels.

Policy OS 5.12 merely requires consultation with CDFG. The policy is silent about implementing any mitigation measures proposed by CDFG. (DEIR 4.9-69.) The DEIR states,

Policy OS-5.16 requires biological surveys and implementation of mitigation measures for development that would potentially disturb listed species or its critical habitat.

(DEIR 4.9-69.) This policy does not require that such mitigation measures reduce impacts to less-than-significant levels, and fails to address projects where mitigation measures necessary to reduce impacts to less-than-significant levels are infeasible. Therefore, the DEIR is wrong to conclude that projects under the GPU5 would necessarily have less-than-significant impacts to biological species. Similarly, policy OS 5.17 requires the County to develop a program to mitigate the loss of critical habitat. Deferring the development of this program to a future time, without prescribed goals and performance standards, does not show that impacts to critical habitat will be mitigated to less-than-significant levels.

The DEIR states that the General Plan requires avoidance of impacts to state or federally listed species. (DEIR 4.9-97.) In turn, General Plan policy OS-5.4 requires that:

Carl Holm
2007 General Plan, DEIR
February 2, 2009
Page 19 of 22

Development shall avoid impacts to State and federally listed plant and animal species and designated critical habitat for federally listed species. Measures may include but are not limited to:

- a. clustering lots for development to avoid designated critical habitat areas,
- b. dedications of permanent conservation easements; or
- c. other appropriate means.

Where new development cannot avoid critical habitat, consultation with United States Fish and Wildlife Services (USFWS) may be required and impacts may be mitigated by expanding the resource elsewhere on-site or within close proximity off-site. Final mitigation requirements would be determined by USFWS.

Thus, Policy OS-5.4 permits development that would impact state and federally listed plant and animal species and designated critical habitat. The Policy merely requires that, "[w]here new development cannot avoid critical habitat," consultation "may" be required and impacts "may" be mitigated. The DEIR may not simply rely on USFWS to mitigate all project impacts to less-than-significant levels. (See *Citizens for Quality Growth v. City of Mt. Shasta* (1988) 198 Cal.App.3d 433, 442 [holding that "[e]ach public agency is required to comply with CEQA and meet its responsibilities, including evaluating mitigation measures"].) The General Plan Policy itself expressly allows significant and unavoidable impacts to occur, and therefore cannot conclude that all project impacts permitted by GPU5 will be less-than-significant.

9

The DEIR relies on the "Region 3 Conditional Agriculture Waiver Program" to mitigate or avoid agricultural water quality impacts to sensitive species downstream. (DEIR 4.9-75.) However, the DEIR fails to describe exactly how this program will necessarily avoid such impacts. The DEIR says that the waiver program requires farmers to complete 15 hours of educational training within three years of obtaining this waiver, and to "develop farm water quality management plans that address, at a minimum, irrigation management, nutrient management, pesticide management, and erosion control, and implementing management practices identified in their plans." (DEIR 4.9-52.) This educational and management program makes no mention of special status species, and the DEIR fails to explain what performance standards will be imposed by this program, or how such benefits will ensure that significant impacts, and cumulative impacts, to aquatic species will be avoided.

In addition, mitigation measure BIO-2.3 should be strengthened to impose requirements that minimize impacts to instream flows to less-than-significant levels. Instead, the mitigation measure as proposed merely requires the County to consider, but not to minimize, such impacts. (DEIR 4.9-87.) Mere consideration of the issue does not mitigate the impact.

In sum, none of these General Plan policies, taken individually or collectively, require that all development impacts to special status plant or animal species be mitigated to less-than-significant levels prior to approval of any project consistent with the 2007 General Plan. Thus, the DEIR inaccurately concludes that "2007 General Plan Policies OS-5.1, -5.2, -5.3, -5.4, -5.12,

Carl Holm
2007 General Plan, DEIR
February 2, 2009
Page 20 of 22

-5.16, -5.17, and -5.18 require avoidance, minimization, and compensation of impacts to listed 'special status species'."

Because these policies address state and federal listed species, but do not necessarily cover all "special status" species as defined by CEQA, the DEIR proposes mitigation measure MMBio-1.3, which states:

The County shall require that any development project that could potentially impact a CEQA-defined special status species or sensitive natural community shall be required to conduct a biological survey of the site. If CEQA-defined special-status species or sensitive natural communities are found on the site, the project biologist shall recommend measures necessary to avoid, minimize, and/or compensate for identified impacts to CEQA-defined special-status species and sensitive natural communities. An ordinance establishing minimum standards for a biological report shall be enacted.

(DEIR 4.9-74.) This mitigation measure fails to mitigate impacts to less-than-significant levels, because it requires only the identification and recommendation of mitigation measures necessary to avoid or minimize impacts to less-than-significant levels, but *does not* require projects to actually *implement* the recommended measures. (DEIR 4.9-74.) Moreover, there is no reason to believe that every biological survey will be able to identify feasible mitigation measures that will necessarily mitigate project impacts to less than-significant-levels. Therefore, the DEIR is wrong to conclude that biological impacts of development consistent with GPU5 would necessarily be less-than-significant. Further, the DEIR erroneously concludes that:

These mitigation measures would address impacts from discretionary large scale residential, commercial, public infrastructure and agricultural development. In combination with the application of Area Plan policies targeting specific CEQA-defined special-status species, impacts to special status species (both listed and CEQA-defined) from discretionary development would be considered less than significant.

(DEIR 4.9-75.) However, like the General Plan policies, and the DEIR's proposed mitigation measures, the Area Plan policies also fail to impose binding standards to avoid all significant impacts to special status species. Therefore, the DEIR is wrong to conclude that projects permitted under GPU5, including application of all relevant Area Plans, would necessarily have less-than-significant impacts to special status species. For example, the DEIR's discussion of the North County Area Plan states, in its entirety:

Policy NC-3.3 prioritizes conservation of North County's native vegetation in order to retain the viability of threatened or limited vegetative communities and animal habitats and preserve rare, endangered, and endemic plants for scientific study. Policy NC-3.4 discourages removal of healthy, native oak and madrone trees and requires a permit for the removal of any of these trees with a trunk diameter in excess of six inches at breast height. Trees removed must be replaced

at a 1:1 ratio using nursery-grown trees of the same species that are a minimum of one gallon in size. Policy NC-3.5 promotes the preservation of critical habitat areas as open space.

(DEIR 4.9-72) Encouraging and promoting the avoidance of impacts to special status species and habitat does not ensure that significant impacts will be avoided. As to the required replacement of native oak and madrone trees, the DEIR fails to provide evidence that replacement at a 1:1 ratio with one gallon trees, necessarily mitigates the quality of removed trees to less-than-significant levels, in every case.

Future development authorized by 2007 General Plan could result in the removal of significant tree species, including oak, madrone, redwood, fir, elder, laurel, cottonwood, and sycamore trees. The DEIR notes that policy OS-5.10 requires the establishment of a permit process for tree removal, but this policy contains no standards to regulate tree removal, nor any standards for determining the feasibility of mitigation. (DEIR 4.9-100.)

Despite the DEIR's claim to the contrary, the policies in GPU5 relating to tree removal and preservation are not consistent with the County's existing tree preservation ordinance. The County's existing ordinance contains specific requirements for removal of oak, madrone, and redwood trees within each Area Plan area (see Monterey County Code, § 16.60, et seq), while the General Plan leaves the formulation of specific guidelines to a future date. If future guidelines authorized by GPU5 have less specific preservation requirements than the current ordinance, the guidelines authorized by the General Plan would supersede the existing ordinance. The GPU5 DEIR has failed to evaluate the environmental consequences of providing fewer protections for existing tree species protected by the current tree preservation ordinance.

Mitigation measure BIO-3.2 requires vegetation removal to avoid the nesting season, but does not mitigate the loss of potential nesting habitat, when nests are not active. (DEIR 4.9-98.) Nevertheless, the removal of vegetation that could provide nesting for migratory birds or raptors would be a potentially significant impact to the range of such species. Therefore, the General Plan and the DEIR should propose mitigation measures to avoid or offset this significant impact.

The DEIR asserts,

Legal lot development without subdivision would result in conversion of habitat, but would have highly dispersed effects on CEQA-defined special status species and their habitat that on a landscape level is also considered less than significant.

(DEIR 4.9-76.) What evidence does the DEIR base this conclusion on? Has the DEIR undertaken an inventory of legal lots, considering their size and whether they comprise any portion of significant habitat for special status species? This evidence is not presented in the DEIR's analysis.

Similarly, the DEIR claims that development authorized by the 2007 General Plan will not result in significant impacts to special status species, because the DEIR assumes that development will

Carl Holm
2007 General Plan, DEIR
February 2, 2009
Page 22 of 22

be sporadic. However, this assumption overlooks two things. First, individual development consistent with the proposed General Plan may, alone, have a significant impact on special status species. As the DEIR admits, "development under the 2007 General Plan would result in reduced range, quality and extent of sensitive natural communities." (DEIR 4.9-85.) Second, the cumulative impact of development consistent with the General Plan may be cumulatively considerable. The DEIR may not simply conclude that all impacts to special status species, and their habitat, will be less-than-significant because development under the General Plan would be sporadic. Instead, the DEIR should map areas of biological concern, consider the likelihood of development in and around those areas, and consider whether General Plan policies and DEIR mitigation measures would or would not allow for a significant adverse impact to sensitive species.

9

IV. THE RESOURCE CONSERVATION DESIGNATION SHOULD NOT PERMIT TIMBER OPERATIONS.

The 2008 General Plan errata adds "timber operations" as a permitted use for the "resource conservation" designation in the General Plan. However, this use conflicts with the stated purposes of the resource conservation designation, which applies to "areas with sensitive resources and areas planned for resource enhancement," which are "envisioned to create important open space amenities for the entire community." Removal of live timber does not create an open space amenity, nor enhance a sensitive resource. The General Plan's designation of timber operations as resource conservation is internally inconsistent and creates potentially significant environmental impacts to open space and/or sensitive biological resources.

10

V. CONCLUSION

For each of the foregoing reasons, FANS respectfully requests that the County provide the significant additional information necessary to fully evaluate the proposed General Plan's significant and adverse environmental impacts on the existing environment, and recirculate the revised GPU5 DEIR for public review and comment.

11

Sincerely,

/s/ Jason Flanders
On behalf of FANS

ATTACHMENT

June 19, 2007

Julie Engell, Chair
Rancho San Juan Opposition Coalition
15040 Charter Oak Blvd.
Prunedale, CA 93907

Dave Potter, Chair
And Monterey County Board of Supervisors Members
County of Monterey
Salinas, CA 93901

RE: Item S-11 – Salinas Valley Water Project Assessment Increases

Since 2003, North County residents have invested in a water project that has made our lives worse instead of better. Despite four years of being un-permitted, un-built and un-proven, the Salinas Valley Water Project has been used by the County to rationalize subdivision throughout the unincorporated Salinas Valley.

North County's water supply has been threatened for decades. Continued subdivision only makes things worse. Some residents are completely out of water, many are being warned by the Environmental Health Department to locate an "alternative water supply." But there is no affordable alternative supply.

Subdivision continues. Our crisis worsens while we pay for paper water. Today you're considering charging us more.

I'm here to ask you to reject the proposed rate increases for Zone 2C until you hold a public hearing to inform the public about the true status of the Salinas Valley Water Project.

Today's staff report did not include information we requested several weeks ago when this item was pulled off the consent agenda. Once again we need to know the following:

- What changes have been made to the project, by whom and for whose benefit
- Why is a project that differs significantly from the project approved by voters moving forward without any public review or environmental review
- Why has the project cost doubled from the project cost approved by voters
- Who will pay those doubled costs
- When will the project receive final permits
- When will the project be built and put into operation
- What mechanisms are in place to prevent growth from outstripping the project's capacity
- When, if ever, will North County residents receive benefit from a water project we pay the highest assessments to construct

Until you and the public have a thorough understanding of all these issues, you should not consider increasing our assessments for the Salinas Valley Water Project. Furthermore, you should follow the advice of Curtis Weeks in a staff report dated December 9, 2003, recommending that until additional follow-on projects are developed growth in the Salinas Highlands "should not be intensified." (Attachment 1)

Among these "follow-on projects" is a distribution system the project's EIR/EIS identified as necessary by 2030 for the north end of the valley. At that time the cost to construct such a distribution system was estimated at \$42.8 million. However, the distribution system was not included in the Salinas Valley Water Project and has not been presented to or approved by voters. Since 2003, the cost of that system has almost doubled.

Additionally, in NOAA's Draft Biological Opinion, the agency makes it clear that expansion for direct distribution is not being permitted and may not be permitted in the future.

"As currently proposed, maximum rate of diversion will be 85 cubic feet per second (cfs). The diversion facility will be built to support future expansion to a diversion rate of 135 cfs. Future diversion rates above 85cfs were not considered by NMFS in this opinion, because the flow prescription to minimize project impacts and benefit steelhead was jointly developed by MCWRA and NMFS based on an assumed maximum diversion rate of 85 cfs." (Attachment 2)

The project has been significantly modified by agricultural interests concerned about the quality of the water diverted from the Salinas River for irrigation. (Attachment 3) This was not a concern agriculture expressed when they supported a project that would only directly benefit some coastal farmers. It was not a concern they expressed when they supported a weighted vote for a project designed to cost North County, including residential water users, the most. Now they want to change the project without including the public and without further environmental review. Finally, although North County residential water users are paying for uncertain and indirect benefits of the project, the Farm Bureau in a letter dated February 28, 2003, expressed concern that project "water could be diverted to urban uses." (Attachment 4)

Apparently urban water users in North Monterey County are expected to pay four to six times more for the project than agricultural water users do up valley, but we shouldn't expect the direct benefits of a distribution system that the project's own EIR/EIS identified as necessary.

While we wait for that distribution system that the Farm Bureau opposes and NOAA may not permit, there is no mechanism to prevent the project's capacity from being outstripped. The Salinas Valley Water Project EIR/EIS significantly

underestimated 2030 population growth in the Salinas Valley Cities and excluded growth considerations in all unincorporated communities except Castroville. (Attachment 5) Instead of an urban population in the Salinas Valley of 355,829, AMBAG forecasts an urban population of 416,427 (including the EIR/EIS assumption for Castroville). This is an underestimate of almost 61,000 urban water users. Furthermore, it does not include any of the unincorporated towns in the Salinas Valley, which according to the 2000 census, totaled more than 20,000 urban water users. (Attachment 6) Clearly, the Salinas Valley Water Project EIR/EIS underestimated urban demand and urban population by more than 80,000 residents.

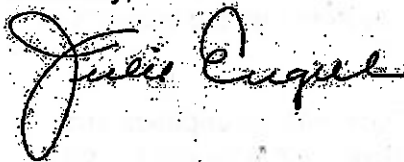
Nor does the EIR/EIS contemplate the water impacts of a rapidly expanding wine industry or the 500 million square feet of industrial and commercial space allowed in the County's unincorporated areas under the 2006 General Plan. According to a June 2007 San Francisco Chronicle story, modern vineyards plant 2500 vines per acre and use 100 to 200 gallons of water per vine per season, or 250,000 gallons of water per acre. (Attachment 7) According to the "Survey of Water Use in the California Food Processing Industry," processing those grapes uses an average of 1000 – 1250 gallons of water per ton of grapes processed. (Attachment 8)

The residents of North Monterey County are paying the highest rates for a project we have every reason to conclude will never benefit us. Worse, it is causing us actual harm. It is used consistently to approve subdivision, like Rancho San Juan, that further endangers our already-threatened water supplies. Please remember that you certified the EIR for the 2006 General Plan. Here's what it said about the Salinas Valley Water Project and Rancho San Juan. (Attachment 9)

"Because of these current constraints, in the absence of additional methods for bringing supplemental water supply to the site, above and beyond the indirect and uncertain benefits of the SVWP, development of the Rancho San Juan Community Area will....substantially deplete groundwater supplies, resulting in a net deficit in aquifer volume and lowering the local groundwater table, and create water demands that exceed water supply available for existing resources."

We are the "existing resources" and we're paying the most for the SVWP. It is only right that we know what we're paying for.

Sincerely,



Julie Engell, Chair
Rancho San Juan Opposition Coalition

ATTACHMENT 1
BOARD OF SUPERVISORS OF THE
MONTEREY COUNTY WATER RESOURCES AGENCY

MEETING: December 9, 2003	AGENDA NO.:
SUBJECT: Receive report describing the formation of the Monterey County Water Resources Agency Zone 2C and its impacts on long-term water supply for the Salinas Highlands Area of North County.	
DEPARTMENT: Water Resources Agency	

RECOMMENDATION:

It is recommended that the Board of Supervisors of the Monterey County Water Resources Agency (Agency) take the following actions:

Receive report describing the formation of the Monterey County Water Resources Agency Zone 2C and its impacts on long-term water supply for the Salinas Highlands Area of North County.

SUMMARY:

The Salinas Highlands Area (also known as Highlands South and Granite Ridge subareas of the North County Hydrogeologic Area) was included in the formation of the Agency Zone 2C due to its hydrogeologic connection with the Salinas Valley Ground Water Basin (Basin). Runoff and percolating ground water from this area become part of the overall supply of ground water within the Basin and are positively impacted by the existing operation of the Nacimiento and San Antonio Reservoirs and the proposed Salinas Valley Water Project (SVWP).

The implications are that the Salinas Highlands area will have a long-term water supply for the future. Even though the hydrologic analysis that defines the formation of the Agency Zone 2C indicates the entire Basin will be balanced with the implementation of the SVWP, it is likely that additional focused projects will be necessary in the future to solve specific localized water supply issues.

DISCUSSION:

In today's California post-Proposition 218 legislative setting, if the County, or County Department wishes to build a project, it is first necessary to determine which parcels of land would benefit from the proposed project. If a parcel were to receive benefit from the proposed project, it would then be charged with a proportional amount of the project's cost that is commensurate to the amount of benefit received from the proposed project. The project may move forward only if the project is approved by a popular vote weighted by the same proportion of benefit.

During the development of the SVWP and Proposition 218 process, a review of the Basin geology and hydrology was necessary to evaluate the amount of special benefit received by parcels overlying the Basin. This review of the geology and hydrology of the Basin verified that the Highlands South and portions of the Granite Ridge subareas were in hydrologic connection with the Basin. As part of

a previous analysis (Agency Historic Benefits Analysis - 1997), this area was shown to receive benefit from years of reservoir operation.

The benefit comes from the alluvial soils in the Salinas Highlands area that are in connection with the soils in the East Side and Pressure subareas of the Basin; in short, water that runs off or percolates into the soil moves from the Salinas Highlands area towards the Basin. As the operation of the SVWP increases the ground water table in the East Side and Pressure subareas, there will be less of a gradient for water to move from the Salinas Highlands area to the Basin, thus allowing more water to remain in storage in the Salinas Highlands area.

It will take time to build up storage in the Basin. Implementation of the SVWP will not immediately solve all water supply issues of the Salinas Highlands area. During this time, the Agency is committed to the planning of additional follow-on projects that will springboard from the foundation developed from the SVWP. Localized projects that will augment natural supplies will facilitate improved water supply option for the North County area. Until such a time, it is recommended that growth should not be intensified.

The Agency is currently searching for additional resources to plan follow-on projects for increased water supplies in Monterey County. The Agency is initiating work on a "Monterey County Integrated Water Management Plan" that will provide a regional planning tool for water management into the future. This plan will provide the forum necessary to propose, evaluate, and coordinate water supply project options for the future.

OTHER AGENCY INVOLVEMENT:

County Counsel has reviewed this report as to form.

FINANCING:


Curtis V. Weeks
General Manager

12/2/03
Date

Attachments:

Enclosure

ATTACHMENT 1 BIOLOGICAL OPINION

ACTION AGENCY: U.S. Army Corps of Engineers, San Francisco District

ACTION: Monterey County Water Resources Agency, Salinas Valley Water Project in Monterey County, California

CONSULTATION CONDUCTED BY: National Marine Fisheries Service, Southwest Region

FILE NUMBER: SWR/2003/2080
(Admin. No.: 151422 SWR/2003SR8711)

DATE ISSUED: JUL 28 2006

I. INTRODUCTION

Section 7 of the Endangered Species Act (ESA) of 1973, as amended, requires Federal agencies to insure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of threatened or endangered species or destroy or adversely modify critical habitat. The section 7 regulations define "jeopardize the continued existence of" as "to engage in an action that reasonably would be expected, directly or indirectly, to reduce appreciably the likelihood of both the survival and recovery of a listed species in the wild by reducing the reproduction, numbers, or distribution of that species." The regulatory definition of critical habitat has been invalidated by Federal courts. This biological opinion does not rely on the regulatory definition of "destruction or adverse modification" of critical habitat at 50 CFR §402.02. Instead, we have relied upon the statutory provisions of the ESA to complete the following analysis with respect to critical habitat (NMFS 2005a).

The National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NMFS) is conducting a formal consultation with the U.S. Army Corps of Engineers (Corps) on the issuance of a permit to the Monterey County Water Resources Agency (MCWRA). MCWRA proposes to control seawater intrusion and to improve the efficiency of water delivery in the Salinas Valley, primarily for agriculture, through the construction of the Salinas River Diversion Facility (SRDF) and changes to the operation of Nacimiento and San Antonio dams. This diversion facility and operational changes, collectively, are known as the Salinas Valley Water Project (SVWP). The SVWP may adversely affect South Central California Coast (SCCC) steelhead (*Oncorhynchus mykiss*) protected as threatened under the ESA and its designated critical habitat, and, therefore, requires a formal consultation pursuant to section 7(a)(2) of the ESA.

D.S. Fryer 2/16/06 - Groundwater

and San Antonio reservoirs and modifying the Nacimiento Dam spillway. Also, the SVWP would offset current groundwater pumping in some areas of the coastal Basin by installing a seasonal river diversion facility with a small dam and diversion structure to impound and distribute increased spring, summer, and early fall reservoir releases (reoperated aquifer conservation releases) to provide surface water deliveries for irrigation. The SVWP does not provide a new source of water for the Basin, rather it will release less stored water in the fall and winter and release more stored water during the late spring and early fall - a period with historically low precipitation.

All of the activities proposed by MCWRA, if undertaken, may affect ESA-listed species or designated critical habitat. Some of the activities proposed by MCWRA will require a discretionary CWA section 404 permit from a Federal agency - the Corps. Therefore, the Corps is consulting with NMFS to insure that issuance and implementation of the Corps permit is not likely to jeopardize the continued existence of ESA-listed species or result in the destruction or adverse modification of designated critical habitat. MCWRA has proposed some actions which, although they do not require Federal permits, are interrelated or interdependent to the Corps permitted activities. Interrelated activities are activities that are part of a larger action and depend on the larger action for their justification. Interdependent activities are activities that have no independent utility apart from the action under consultation. Interdependent and interrelated activities are analyzed under section 7 of the ESA along with the Federal action. These Federal and nonfederal activities are described in the following subsections.

1. Corps Permitted Activities

MCWRA proposes to install a surface water diversion facility with a small dam and intake structure, fish bypass facilities, a pump station, and a pipeline connection to the Castroville Seawater Intrusion Project (CSIP) system, collectively called the SRDF. The SRDF will be located at river mile 4.8. When the Salinas River lagoon is closed to the ocean and the lagoon is above approximately 2.0 feet (ft) water surface elevation, standing water will be present at the downstream side of the diversion dam of the SRDF. The SRDF will operate seasonally from April 1 through October 31, if enough surface water is available. As currently proposed, maximum rate of diversion will be 85 cubic feet per second (cfs). The diversion facility will be built to support future expansion to a diversion rate of 135 cfs. Future diversion rates above 85 cfs were not considered by NMFS in this opinion, because the flow prescription to minimize project impacts and benefit steelhead was jointly developed by MCWRA and NMFS based on an assumed maximum diversion rate of 85 cfs. With this assumption, the average diversion of the SRDF will be about 9,700 AF per year (AFY).

The proposed dam will be built with pneumatically controlled interlocking steel gates that will span the width of the Salinas River. The height of the spillway gate will be controlled by inflatable bladders. The foundation of the dam will be set at an elevation slightly below the existing river bed and will be constructed of reinforced concrete with vinyl coated sheet piles driven at the upstream and downstream ends. When in operation, the dam will maintain the upstream water surface elevation of the impoundment within an operating range of approximately 5.0 to 9.0 ft elevation. The total operational storage volume of the impoundment within this range is approximately 108 AF.

ATTACHMENT 3

MONTEREY COUNTY WATER RESOURCES AGENCY BOARD OF DIRECTORS

MEETING DATE:	April 23, 2007	AGENDA ITEM:	
AGENDA TITLE:	APPROVE THE SALINAS VALLEY WATER PROJECT (SVWP) CONSTRUCTION IMPLEMENTATION PLAN AND DIRECT STAFF TO COMPLETE THE IDENTIFIED TASKS.		
	Consent ()	Action (X)	Information ()
SUBMITTED BY: PHONE:	Manuel L. Quezada 755-4860	PREPARED BY: PHONE:	Manuel L. Quezada 755-4860
DEADLINE FOR BOARD ACTION:	April 23, 2007		

RECOMMENDED BOARD ACTION:

Approve the Salinas Valley Water Project (SVWP) Construction Implementation Plan and direct staff to complete the identified tasks.

PRIOR RELEVANT BOARD ACTION:

The Board of Directors approved the original Professional Service Agreement(s) for design services for the Nacimiento Dam Spillway Modification Project and the Salinas River Dropson Facility Project, along with several contract amendments.

DISCUSSION:

Nacimiento Dam Spillway Modification Project

Recently, the Agency submitted the 100% design submittal to both the Federal Energy Regulatory Commission (FERC) and State Division of Safety of Dams (DSOD) for their review. Both represent the main regulatory agencies that must give final construction approvals and provide inspection during the actual construction. All other permits have been obtained or will be obtained (such as a traffic control plan and NEDES Permit compliance) by the contractor.

The following tasks have been identified as part of the SVWP Construction Implementation Plan and are to be completed prior to distribution of construction bid documents:

1. Implement FERC and DSOD's comments on the 100% design submittal, granting tentative construction approval, pending the final design from Obermeyer. This step will allow bid documents to be distributed to qualified construction contractors.
2. Enter into a Pre-Purchase Agreement with Obermeyer, Inc. to complete the performance specification, design, acquisition of raw materials, and establishment of a manufacturing and cost payment schedule for the Obermeyer Gate (rubber dam).
3. Distribute a Statement of Qualifications to be completed by prospective construction contractors. The Agency and its consultant will review and evaluate each submittal and determine those contractors which are qualified and not qualified. Those deemed qualified

will receive the construction bid documents to complete and submit back to the Agency for consideration.

4. Hire a Construction Manager to assist in the review and evaluation of bid submittals, providing a recommendation to the Agency, and manage the selected construction contractor and overall construction activities.

Salinas River Diversion Facility Project

The following tasks have been identified as part of the SWWP Construction Implementation Plan for the Salinas River Diversion Facility project and are to be completed prior to distribution of construction bid documents:

1. Obtain permits: Federal Endangered Species Act Biological Opinions from the National Marine Fisheries Service and U.S. Fish and Wildlife Service; Clean Water Act Section 404 permit to construct and National Environmental Policy Act Record of Decision from the U.S. Army Corps of Engineers; Change in Point of Diversion permit from the State Water Resources Control Board; Clean Water Act Section 401 Water Quality Certification from the Regional Water Quality Control Board; California Department of Fish and Game Stream Alteration Agreement; Administrative Permit from Monterey County Planning Department.
2. Complete 60% and 90% design plans and specifications.
3. Enter into a Pre-Purchase Agreement with Obermeyer, Inc. to complete the performance specification, design, acquisition of raw materials, and establishment of a manufacturing and cost payment schedule for the inflatable gate (dam).
4. Complete 100% design plans and specifications and implement DSOD final comments on the 100% design submittal, granting tentative construction approval. This step will allow bid documents to be distributed to qualified construction contractors.
5. Distribute a Statement of Qualifications to be completed by prospective construction contractors. The Agency and its consultant will review and evaluate each submittal and determine those contractors which are qualified and not qualified. Those deemed qualified will receive the construction bid documents to complete and submit back to the Agency for consideration.
6. Hire a Construction Manager to assist in the review and evaluation of bid submittals, providing a recommendation to the Agency, and manage the selected construction contractor and overall construction activities.
7. Issue construction bid documents, receive construction bids, determine low responsive, responsible bidder and award construction contract.
8. Issue Notice to Proceed to construction contractor.

Salinas Valley Water Project - Financing Plan
 Funding sources for construction of the SVWP:

(in million of dollars)

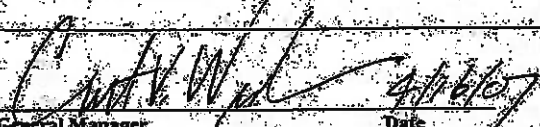
Short-term Loan (Bridge Financing)	\$10.6
A short-term loan from the County of Monterey is anticipated to be available by the summer of 2007 as bridge financing until the revenue for carrying a new debt issue is confirmed.	
Proposition 50 Grant	\$5.5
Funding from Propositions 50 is projected to be available for use in the spring of 2008.	
Bonds	\$16.9
A bonding issue will be in place and the proceeds available for use by January-March of 2008 depending on cash flow requirements.	
Assessment revenue received during 24 months of construction	\$2.2
Total Construction Funding	\$34.6

Estimated Costs During Construction

Salinas River Diversion Facility	\$18.6
Spillway Modification	\$11.3
Total Estimated Construction Costs	\$29.9
Estimated First Half Year of O&M Costs	\$0.6
Loan Origination Costs (2% Advisor, Underwriter, Counsel)	\$0.3
Capitalized Interest (27 Months)	\$2.6
Interest Earned During Construction	\$(1.3)
Net Interest	\$1.3
Principal Payments During Construction	\$0.4
Estimated Costs to be Financed	\$32.5

Diversion Facility Operations and Maintenance (O&M)

The annual estimated cost of O&M is \$1.5 million. This translates into potential Water Delivery charges of approximately \$7.00/Acre Foot of water delivered. A Proposition 218 process will be required to implement the Water Delivery Charges for O&M. The Proposition 218 process should be completed in 2008. Operations and maintenance costs on the CSIP could be reduced by as much as \$300,000 annually depending on the pumping requirements for groundwater.

FINANCIAL IMPACT:	YES (X) Exact amount unknown: NO ()
FUNDING SOURCE:	1. Zone 2C, Roads 278 and 279 in FYs 06-07 and 07-08.
COMMITTEE REVIEW AND RECOMMENDATION:	1. BIP Committee received an update on the construction implementation plan.
ATTACHMENTS:	1. Bid Order
APPROVED:	 General Manager Date

ATTACHMENT 4

FEB 26 2003



Monterey County Farm Bureau

Mailing address: P. O. Box 1449, Salinas, California 93902, USA

Street address: 931 Blanco Circle, Salinas, California 93901, USA

Telephone 831/751-3100 - E-Mail McCoFB@redshft.com - FAX 831/751-3167

Visit our website at www.MontereyCountyFarmBureau.org

February 19, 2003

Board of Directors
 Monterey County Water Resources Agency
 P.O. Box 903
 Salinas, Ca 93902

Subject: Salinas Valley Water Project

Dear MCWRA Directors:

Monterey County Farm Bureau requests that the Monterey County Water Resources Agency provide answers to two questions regarding the Salinas Valley Water Project, about the benefit relative to assessment for certain landowners and about the protection of water distribution for the Castroville Seawater Intrusion Project.

Benefit relative to assessment

We ask that the Agency work with our members, Eastside and upper Pressure Area landowners, to answer their questions about the amount of benefit they receive in relation to their assessments under the Salinas Valley Water Project.

We believe it is important to resolve these questions because:

- It protects the interests of landowners.
- It promotes support for the Salinas Valley Water Project.
- It enhances the credibility of MCWRA.
- It reduces the likelihood of legal challenges to the Project.

The Agency should be prepared to demonstrate how assessments are supported by evidence of benefit. If benefit cannot clearly be demonstrated, the Agency should be prepared to reach an agreement or adjustment satisfactory to the affected landowners.

We ask this on behalf of our members, the farmers and ranchers throughout Monterey County, who include Eastside and upper Pressure Area landowners. All of us who have endorsed the Salinas Valley Water Project extended our support on the understanding that the property owners will share the cost in proportion to the benefit each receives. We could not, in good conscience, support a project that benefits some landowners at the expense of others. All of us need to be reassured that the distribution of assessments is equitable or that, if it is subsequently found not to be equitable, some satisfactory remedy is offered.

The Agency crafted a system of zones of benefit to allocate Project costs. It may be impractical to expect a perfect correlation between benefit and assessment for every property. However, we believe there is reason for some Eastside and upper Pressure Area landowners to question the proportionality of benefit to assessment.

For many landowners, the receipt of the Project ballot with accompanying information and the availability of the associated engineering report is their first opportunity to analyze how the Project's benefits and assessment relate to their properties. The Agency should expect questions to arise. At the same time, the Agency should expect to resolve those questions with answers or remedies.

Farm Bureau applauds MCWRA General Manager Curtis Weeks for his commitment to work with the landowners to find a resolution to their concerns.

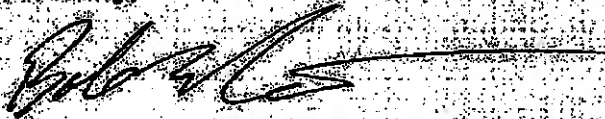
We support the letter of comment on this same subject that was filed by the Salinas Valley Water Coalition on February 7.

Water distribution to CSIP

We ask the Agency to provide assurances that the water distributed from the Salinas Valley Water Project to the Castroville Seawater Intrusion Project is protected for its intended use, agricultural irrigation. We are worried that the intended use could change over time and that the water could be diverted to urban uses. This question was raised when The Californian reported on February 8, 2003, that (Bob) Meyer and (Alex) Hulanicki said the project is only the first phase of a three-pronged plan to fix the region's water supply. Later projects would build distribution systems to bring new surface water to the cities of Salinas and Marina.

We ask that Monterey County Water Resources Agency take steps to resolve landowner questions and that the Agency inform Farm Bureau and other interested groups about the steps it is taking. We also ask that Agency to provide reassurances about the intended use of water from the Salinas Valley Water Project.

Sincerely,



Bob Martin
President

Cc: Supervisor Butch Lindley
Curtis Weeks, General Manager, MCWRA
Board of Directors, SVWC
Kevin Pearcy
Bill Hammond

ATTACHMENT

beyond the AMBAG 2020 forecasts for either Fort Ord or Marina. This is because MCWRA has existing agreements with each of the U.S. Army (for Fort Ord) and the Marina Coast Water District (which serves Marina) providing for use of fixed amounts of water from the basin into the future, irrespective of growth within those areas. Nevertheless, to the degree that this water could facilitate growth, these communities are included in this analysis. Figure 3-1 on page 3-2 of this EIR/EIS depicts the locations of each of these communities.

Table 7-1
Population Growth Projections For Communities Within the
Salinas Valley: 1995-2030

City/Community ¹	1995 ²	2020 ³	2030 ⁴	Percent Change: 1997-2030 (average annual % change)
Salinas	119,643	170,059	194,407	63% (1.3%)
King City	9,479	25,389	29,024	206% (5.9%)
Greenfield	4,951	13,145	15,027	68% (1.9%)
Castroville ⁵	5,700	6,200	7,088	24% (0.6%)
Soledad (does not include prisons)	9,018	14,555	16,639	83% (2.4%)
California State Prisons near Soledad	6,433	17,000	17,000	164% (3.7%)
Gonzales	5,972	12,562	14,361	140% (4%)
Fort Ord	6,225	37,370 ⁶	37,370 ⁶	600% (17%) ⁷
Marina	17,528	24,913 ⁸	24,913 ⁸	42% (1.2%)
Total	188,949 ⁹	321,193	355,829	88% (2.5%)

Source: AMBAG, 1997; MCWRA, 1998.

¹ Includes growth forecasted in the spheres of influence of each city.

² Source: AMBAG 1997 (estimated population).

³ Source: AMBAG 1997 (forecasted population).

⁴ Source: MCWRA staff calculations, 1998 (forecasted population), except for Fort Ord and Marina for 2030 (see 6 and 8 below).

⁵ Census Tract 104.

⁶ Represents population based on the MCWRA's and United States Army's contract with Fort Ord to allow 6,600 AFY of water to be taken from the Salinas River Basin. Includes all residences, including 10,000 students at C.S.U. Monterey Bay. Source: Fort Ord Reuse Plan (1997).

⁷ The population on Fort Ord in 1990, prior to its closure as a military facility, was 28,591. The 37,370 population for 2030 represents an increase of 31% over the 1990 total.

⁸ This represents the total growth that would be supported by the 4,400 AFY that MCWRA has contracted for Marina Coast Water District's use from the Salinas River Basin. Total population in Marina is forecasted by AMBAG to be 46,607 by the year 2020.

⁹ Totals differ slightly (approximately 2%) from AMBAG projections for Zone 2/ZA due to EIR reliance on water use factors for both Fort Ord and Marina.

2004 AMBA BUDGET POPULATION HOUSING UNIT AND EMPLOYMENT FORECASTS
ATTACHMENT C

TABLE 4
2004 AMBA BUDGET POPULATION HOUSING UNIT & EMPLOYMENT FORECASTS
MONTEREY COUNTY

	CARMEL	DEL REY OAKS	GONZALES	GREENFIELD	KING CITY	MARINA	MONTEREY	PACIFIC GROVE	SEASIDE	SAND CITY	SEASIDE	SOLEDAD	UNION CITY MO CO	TOTAL
EMPLOYMENT 2000	2,300	616	1,743	1,746	8,294	5,567	42,448	8,323	64,238	2,331	8,906	5,186	88,876	222,444
EMPLOYMENT 2005	2,922	646	4,834	1,864	8,992	6,894	45,327	8,578	71,253	2,498	7,025	6,075	90,889	236,972
EMPLOYMENT 2010	3,898	665	22,983	3,483	10,368	7,274	47,486	8,618	81,972	2,863	7,686	7,242	73,434	256,125
EMPLOYMENT 2016	4,714	783	3,432	4,262	11,801	8,863	48,716	9,002	66,840	2,809	8,776	6,007	78,714	274,799
EMPLOYMENT 2020	2,781	774	8,231	6,040	12,235	10,038	61,893	9,338	97,527	3,125	9,998	8,771	69,094	293,381
EMPLOYMENT 2025	2,841	868	8,706	6,376	13,106	12,943	64,470	9,475	98,444	3,282	11,879	8,614	80,604	318,385
EMPLOYMENT 2030	2,920	959	9,204	6,812	14,038	15,248	65,086	9,581	101,200	3,313	13,076	10,456	81,113	343,384
HOUSING UNITS 2000	3,361	680	17,206	2,984	8,885	7,100	33,473	6,009	39,288	798	10,306	2,684	37,087	128,576
HOUSING UNITS 2005	3,942	690	27,091	3,292	9,231	8,823	33,516	6,038	44,411	818	10,909	3,085	40,006	148,280
HOUSING UNITS 2010	3,345	660	28,811	4,327	11,759	11,759	33,516	6,038	44,411	818	10,909	3,085	39,718	151,944
HOUSING UNITS 2016	3,345	680	33,836	5,070	12,600	12,600	33,516	6,038	44,411	818	10,909	3,085	42,704	161,255
HOUSING UNITS 2020	3,342	680	33,886	5,812	13,400	13,400	33,516	6,038	44,411	818	10,909	3,085	45,685	170,830
HOUSING UNITS 2025	3,342	690	35,190	6,423	14,198	14,198	33,516	6,038	44,411	818	10,909	3,085	47,180	179,832
HOUSING UNITS 2030	3,342	690	36,416	7,038	15,038	15,038	33,516	6,038	44,411	818	10,909	3,085	48,870	187,001
POPULATION 2000	4,081	4,890	6,935	12,383	14,038	18,483	28,974	15,822	143,876	261	33,097	22,634	100,232	401,912
POPULATION 2005	4,085	4,892	8,228	13,097	12,895	23,172	29,093	15,822	146,987	261	34,271	23,947	110,033	432,900
POPULATION 2010	3,947	1,894	12,443	18,822	15,844	20,857	28,824	15,038	189,711	370	34,938	25,413	106,489	468,947
POPULATION 2016	3,804	1,898	16,672	21,570	17,438	32,459	28,824	14,933	174,787	365	34,871	25,838	104,776	497,867
POPULATION 2020	3,903	1,977	18,791	24,812	19,031	34,882	29,451	14,933	169,134	365	36,855	26,408	109,087	527,088
POPULATION 2025	3,823	1,968	22,066	27,185	21,577	37,050	29,646	14,976	189,749	367	38,002	26,548	129,721	564,008
POPULATION 2030	3,845	1,958	23,743	29,884	23,850	38,327	29,848	15,079	216,043	368	38,748	27,054	139,978	602,223

Adopted by the AMBA Board of Directors on 4-14-04

2000 CENSUS
 CARMEL 13,25
 DEL REY OAKS 1,482
 GONZALES 1,414
 GREENFIELD 1,414
 KING CITY 1,414
 MARINA 1,414
 MONTEREY 1,414
 PACIFIC GROVE 1,414
 SEASIDE 1,414
 SAND CITY 1,414
 SEASIDE 1,414
 SOLEDAD 1,414
 UNION CITY MO CO 1,414
 TOTAL 13,25

ATTACHMENT 7 Activist's Corner

Northern California River Watch Activist's Blog

Archive for the 'Groundwater' Category

« Previous Entries

News Conference of SCWA's Mandatory Conservation

Sunday, June 17th, 2007

KCBS-TV has posted the entire SCWA 6/14 news conference on Mandatory Conservation Orders at

http://kbs5.com/environment/local_story_164203446.html

33 minutes and 35 seconds of unedited pure delight with all the details you've been waiting for.

The adjacent posted broadcast news clip also has an interview with Nick Frey, (Grapegrower's Assoc.)

No mention of dry farmed (non-irrigated) grapegrowing practices, tho

No mention of restrictions on building, either.

Grab your popcorn and s-park and enjoy.

David Keller

Posted in Streams and Wetlands, Waste Discharge, Groundwater | No Comments »

Turning Water into Wine

Tuesday, June 12th, 2007

To water grapevines or not—the roots of the wine industry's next great controversy

Alice Feiring, Special to The Chronicle June 2007

For years, I took the New World's thirst for vineyard irrigation for granted. I believed what I was told: Napa Valley was a desert and needed its 100 to 200 gallons of water per vine per season.

I never realized how complex an issue water was until I visited northern Oregon's Willamette Valley, where I noticed black irrigation pipes snaking through the vineyards. The region gets 40 inches of rain annually, double the oft-quoted number necessary to grow wine grapes without delivering any extra water to the vineyard. I accepted the need for water in California and even more so in desert-like eastern Washington. But the Willamette Valley?

<http://www.ncriverwatch.org/wordpress/category/groundwater/>

6/8/2007

In the best vineyards of Europe, the practice of dry farming — relying solely on natural precipitation to water grapevines — is almost universally accepted. Yet in the New World, irrigation is now viewed as essential to the wine industry's survival. And what began as a novel innovation — drip irrigation — has become standard practice, such that throwing dry farming into a viticulture conversation is like pitching a lit match into a brittle summer forest. Who knew that something as simple as watering plants could be so, well, hot?

Here's one reason why: California is anticipating drought conditions this year. Most vintners who do farm aren't worried; they've seen it before and have gotten through just fine. But some, like Kunde's Steve Thomas, acknowledge that the future of viticulture will have to be sensitive to water shortages. With global warming, drought-tolerant practices are likely to become a way of life.

"We're going to have to start to think of it. It's got to be coming down the road," Thomas says.

Whether adding water or withholding it, water management is a crucial aspect of wine-grape growing, and drip irrigation can be found in about 70 percent of the state's 471,000 acres of wine grapes.

Originally, the preferred watering method was flood irrigation, in which parcels of vineyard were deluged with water. According to Peter H. Gleick, president of the Pacific Institute in Oakland, which studies global water issues, flooding was quite wasteful, using 20 percent more water than the current technology. It was replaced by drip irrigation, a method that applies water in drops to each individual vine, which was devised more than a century ago but refined by Israeli researchers after World War II. Drip irrigation arrived in California in the 1970s.

And it was finally in place when the devastating vine louse, phylloxera, hit the state in the late 1980s. Large swaths of California vineyards were replanted. One key decision during replanting was to ditch the drought-resistant rootstock most of the state was planted on — phylloxera-resistant St. George's as well as the popular hybrid AxR1, which had been thought to fend off phylloxera but turned out to be vulnerable.

They were replaced with riparian rootstock — water-loving stuff. Roots that previously had to dig deep now hung out close to the ground — and that's where University of California Davis viticulture and enology professor Larry E. Williams likes them.

"If you're a grape grower, you want to have that vine dependent on what you do so you can manipulate them," says Williams, whose academic work focuses on irrigation management. Williams further explained: "Since the vine is getting most of its water from the drip system, then a grape grower has greater control on how much the vine gets water."

The other objective for replanting was to mirror the density in Bordeaux and Burgundy, up to 2,500 vines per acre instead of the previous status quo of 450. Vines competed for the soil's water and prompted the need for 100 to 200 gallons of water per vine per season — each vine typically produces two to four bottles of quality wine per year. Though water consumption in California rose as a result, replanting helped revive the state's fine wine industry, and the practices became standard.

But not all vintners are convinced. In Oregon, the Deep Roots Coalition views irrigation as an unnecessary, terroir-occluding manipulation.

"When Oregon's wine pioneers ... planted the first vinifera wine grapes in the north Willamette Valley, they understood that with the abundant rainfall and careful attention to timely cultivation of the soil,

1993 Food Industry Environmental Conference

ATTACHMENT B**SURVEY OF WATER USE IN THE CALIFORNIA FOOD PROCESSING INDUSTRY**

Jatil B. Mammapperuma
Project Engineer
California Institute of Food and Agricultural Research
Department of Food Science and Technology
University of California
Davis, California, 95616

E. D. Yates
Senior Vice President
California League of Food Processors
660 J Street, Suite 290
Sacramento, California, 95814

R. Paul Singh
Professor of Food Engineering
Department of Agricultural Engineering
University of California, Davis
Davis, California, 95616

ABSTRACT

Recent droughts in California and increased awareness of pollution from processing plants has revived the interest in water management in the food industry. To assess the opportunities for improved water management, a survey of water use within the food processing industry in California was conducted. The survey included mailing a questionnaire to 453 food processing plants.

The requested information included quantity and cost of fresh water supply and wastewater disposal, seasonal water use pattern, commodity specific statistics for quantity and quality of water use, and treatment plant rates. A total of 71 plants responded to the survey. Responses from product groups were: fruit and vegetable (52), wine and beverages (9), seafood (4), meat (3), dairy (2), and oils (1).

The total water use by the responding industries was 12 billion gallons per year. The total cost was \$18 million of which 23% was for fresh water supply and 77% was for wastewater disposal. There were 3 plants spending over one million dollars for water annually. More than half of the plants spent over \$1000 per million gallons of water while 15 plants exceeded \$5000 per million gallons of water. At these costs, membrane treatment of wastewater for reuse becomes an attractive alternative. Cost of freshwater supply and wastewater disposal varied widely among plants.

Specific water consumption rates of tomato, peach, olive and wine industries were found to be 890, 2830, 7250, and 1320 gallons per ton of raw materials processed. The variation within each sector was high. These water consumption rates were significantly lower than the rates reported in earlier surveys.

1993 Food Industry Environmental Conference

Six responses were received from the wine industry. The specific water use in wine production ranged from 625 to 2800 gallons per ton of grapes and the median was 1000-1250. None of the wine makers provided data on BOD or TSS in wastewater.

The peach industry also provided six responses. The specific water use ranged from 1800 to 4900 gallons per ton of peaches and the median was 2700-2900. The BOD was reported by only four plants and the values were 9, 38, 41 and 67 lb per ton of peaches. The TSS was reported by the same four plants and the values were 4, 10, 12, and 18.16 per ton of peaches.

The olive industry provided four responses with data on specific water use and effluent strength. The reported values of flow were 3000, 7100, 8400 and 10400 gallons per ton of olives. Only two plants provided data on BOD and suspended solids. The values were 63 and 90 lb of BOD and 5 and 28 lb of TSS per ton of olives.

Another 24 plants provided specific water use and effluent strength data on 22 different products ranging from apple sauce to zucchini. Table 3 is a complete listing of these data.

Water Agency Rates

There were 38 food plants that obtained fresh water from 29 water agencies. The rate structure of these water agencies differed widely. Most water agencies had a service charge that varied with the size of the meter from about \$5.00 per month for a half-inch meter to about \$200 per month for 12-inch meter. The rate for quantity of water use was usually in multiple steps. The unit of water use and the steps were in million gallons, hundred cubic feet, and acre feet. Exact comparison of charges was made difficult by these discrepancies.

However, an approximate comparison done using the rate at the highest quantity step is presented in Table 4 for 10 water agencies. These rates do not include service charges. This table indicates the wide differences in rates that exist among the water agencies. The rate structure of some agencies penalized the high users with higher rates while some others rewarded the high users with lower rates.

Table 5. Fresh Water Rates in Some California Communities

Community	Price of Water \$ per million gallons
Turlock	160.00
Orcutt	250.00
Modesto	433.50
Hollister	784.00
King City	823.00
Oroville	1038.00
Los Angeles	1132.00
Santa Rosa	1570.00
Santa Cruz	1805.00
San Jose	1925.00

ATTACHMENT 9

Rancho San Juan

As noted in the Existing Conditions section, the RSI is within an area (the Eastside Area I of the Salinas basin) that is subject to chronic water level declines due to overpumping (groundwater extractions in excess of aquifer recharge). While the SVWP is expected to reduce seawater intrusion in the Pressure Area, it is not anticipated that it will offset the chronic groundwater level declines in the Eastside Area. While the seawater intrusion impact may be mitigated, continued depletion of water supply in the Eastside Area as a result of a net deficit in water use would remain a potentially significant impact.

The effect of development at Rancho San Juan will be to establish long-term conditions for overdraft and continued decline of water levels in the Eastside Area through urban uses. The Final Adopted Rancho San Juan Specific Plan provides for up to 1,147 dwelling units, approximately 1 acre of commercial development, a 202-acre golf course, 71 golf villas, 12 acres of park, and 141 acres of conservation open space. The Plan estimates that the projected development demands of 488 AFY will adequately be met on-site by the facilities (two wells connected to Cal Water's system, two 400,000-gallon storage tanks, and reclaimed wastewater used for irrigation). However, this is based on projections for the Specific Plan area only. It does not include the expansion area and associated development proposed as part of the Rancho San Juan Community Area. Development of these areas would result in additional water demand. All of the area's current 265 acres of agricultural land use would be converted to commercial, residential, and public/quasi-public acreage (221 acres, 165 acres, and 129 acres, respectively). While this would allow some offset of future water use through land conversion, the net water budget would still likely be in deficit. Development of the proposed Expansion Area at less than urban densities will not reduce the problem, since residential water consumption rates tend to increase with decreasing density, typically due to large area landscaping (the largest increment of water consumption related to residential land use is for irrigation of landscaped areas), a potential impact that can be controlled with water conservation and strict landscape irrigation restrictions.

Because of these current constraints, in the absence of additional methods for bringing supplemental water supply to the site, above and beyond the indirect and uncertain benefits of the SVWP, development of the Rancho San Juan Community Area will result in impacts directly related to significance thresholds. It will substantially deplete groundwater supplies, resulting in a net deficit in aquifer volume and lowering of the local groundwater table, and create water demands that exceed water supply available for existing resources.

Urbanization of Rancho San Juan would necessitate facilities for conveyance, storage, and distribution to the Community Area. Construction of these new facilities may result in environmental impacts that cannot be evaluated until site-specific plans are reviewed in conjunction with the Community Plan.

Chualar

Chualar is situated in a portion of the Salinas Basin that receives sufficient groundwater recharge and is not subject to seawater intrusion. Past and current agricultural practices have resulted in water quality degradation of the shallow aquifers (primarily high nitrate); however, potable water supply is available from deeper in the aquifer system. According to Cal-Am's UWMP, Chualar is one of the company's six Highway 68 Corridor systems, which are managed independently of the larger basin systems and represent only 5 percent of the District's demand. Consequently, the area is not subject to the District's overall shortage conditions. The level of growth anticipated for the proposed Community Area will not incur significant water supply impacts.

Calderon, Vanessa A. x5186

From: Kimberly Smith [KSmith@kenyonyeates.com]
Sent: Monday, February 02, 2009 11:53 AM
To: ceqacommments
Subject: Monterey County General Plan Update 5 DEIR Comments

Attached please find comments submitted on behalf of Friends, Artists, and Neighbors of Elkhorn Slough regarding the Monterey County 2007 General Plan and Draft Environmental Impact Report.

Sincerely,

Kimberly Smith
Legal Assistant



2001 N Street, Suite 100
Sacramento, CA 95811
Telephone: (916) 609-5000
Facsimile: (916) 609-5001
ksmith@kenyonyeates.com

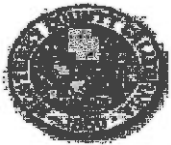
Calderon, Vanessa A. x5186

From: Calderon, Vanessa A. x5186
Sent: Monday, February 02, 2009 5:34 PM
To: 'KSmith@kenyonyeates.com'
Subject: RE: CEQA Comment Email

Good Evening Kimberly,

The attachments for this CEQA Comment could not be opened...please resend.

Thank you,

Vanessa A. Calderon O.A. III - Administrative Permits Clerk	
	<i>County of Monterey Resource Management Agency Planning Department 831-755-5186 (w) 831-757-9516(fax) CalderonVA@co.monterey.ca.us</i>

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

From: Kimberly Smith [mailto:KSmith@kenyonyeates.com]
Sent: Monday, February 02, 2009 11:53 AM
To: ceqacommentments
Subject: Monterey County General Plan Update 5 DEIR Comments

Attached please find comments submitted on behalf of Friends, Artists, and Neighbors of Elkhorn Slough regarding the Monterey County 2007 General Plan and Draft Environmental Impact Report.

Sincerely,

Kimberly Smith
Legal Assistant



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Sacramento, CA 95811
Telephone: (916) 609-5000
Facsimile: (916) 609-5001

ksmith@kenyonyeates.com

Calderon, Vanessa A. x5186

From: Kimberly Smith [KSmith@kenyonyeates.com]
Sent: Tuesday, February 03, 2009 8:58 AM
To: Calderon, Vanessa A. x5186
Subject: Monterey County 2007 General Plan Update DEIR Comments

Hi Vanessa,

Thanks for letting me know that you couldn't open the attachment. Hopefully you have more luck with this one. We also sent our comment letter Federal Express, addressed to Mr. Holm, with priority delivery. It should be there by 10:30 a.m. this morning.

Sincerely,

Kimberly Smith
Legal Assistant



2001 N Street, Suite 100
Sacramento, CA 95811
Telephone: (916) 609-5000
Facsimile: (916) 609-5001
ksmith@kenyonyeates.com

HOPE - Helping Our Peninsula's Environment
Box 1495, Carmel, CA 93921 Info7@1hope.org
831/ 624-6500 www.1hope.org

Monterey County
Planning and Building
Inspection Administration

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Vienna Merritt-
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- Hazardous
Materials &
Pesticides
Dr. Arthur Partridge,
PhD.
Forest Ecology

FEB 07 2009

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February 2, 2009 Comments
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4:05pm

Monterey County Supervisors
Monterey County Planning Commission
Monterey County General Plan Staff

Comments on --

The Proposed Monterey County General Plan Update and Draft Environmental Impact Report are Extremely and Legally Incomplete

HOPE opposes the current General Plan and its EIR's --

1. Use of wildly inflated population numbers as growth goals.
2. Requiring 3 new 4-lane freeways to our Monterey Peninsula AND encouraging Gridlock
3. Failure to Include "Habitat Restoration and Species Recovery" as Goals.
4. Entirely Avoiding Monterey Pine Forest, and Wildlife and Habitat Protection beyond what is already required by federal and state law.
5. Avoiding Meaningful Avoidance, Alternatives and Mitigations to the Massive and Preventable Pollution our County Suffers from Chemicals including 10 Million Pounds of Pesticides Each Year; and Light and Noise Pollution.

A specific General Plan policy HOPE objects to is:

The fundamental assumption that the General Plan should accommodate the inflated population growth numbers handed down by the State Department of Health Services, Department of Finance, and AMBAG and support tens of thousands of new houses and the indirect loss of tens of thousands of acres of land.

We cannot find a specific policy that mentions this fundamental assumption that all other policy choices are built upon, although it is clearly described on page 1-4 of the Executive Summary.

A. The population of all cities on the Monterey Peninsula and the nearby unincorporated areas are going down. Yet the General Plan accepts accommodating population numbers that increase in all of those areas.

Founded in 1998, H.O.P.E. is a non-profit, tax deductible, public interest group protecting our Monterey Peninsula's natural land, air, and water ecosystems and public participation in government, using science, law, education, news alerts and advocacy.

B. The County has the choice to reject these numbers and lose the trivial amount (a few million dollars) of development funding as a result of that choice – just as Santa Cruz has chosen to do for at least 10 years.

HOPE's primary mission is to protect our natural environment. Population growth leads to a cumulative increase and synergetic increases in every form of environmental impact by allowing an increase in human activity. Without population growth – merely stable population numbers, we can begin restoring the harmed and lost habitats for our neighbors who have lived here for millennia before we showed up.

Population growth forces new roads or freeways which increase potential for –

- logging, mining and development;
- directly change the hydrology of slopes and stream channels,
- increase natural resource exporting,
- increase air pollution (including plant harming dust) and
- water pollution (heavy metals from gasoline additives),
- decrease stream health,
- create noise,
- increase impermeable surface area,
- increase soil compaction,
- increase erosion and landslides,
- fragment wildlands,
- increase poaching and legal hunting and fishing,
- cut animal migration paths,
- cause massive numbers of deaths of wildlife called "roadkill" (especially for amphibians),
- modify animal behaviour (home range movement, altered movement patterns, decreased reproductive success, and decreased escape response),
- increase invasion of destructive non-native plants, insects and microorganisms;
- and divide human communities.

What we need instead is Down-zoning.

Downzoning by half or three-quarters is not a Constitutional Taking¹

The reduction in density so that the County will not accommodate any more growth and will cut back on population until it reaches an amount sustainable with the natural resources (such as water, forests and wildlife habitat) available.

¹ Downzoning By Half - Diminishing The Value Of Property By 50% Is Insufficient To Demonstrate A Taking - Thus Constitutional - Concrete Pipe, Inc. vs. Construction Laborers Pension Trust (1993)

In a post-Lucas case, the US Supreme Court returns to traditional Penn Central three-part formula and reaffirms that mere diminution in property value (in this instance, nearly 50%) does not amount to a taking. The Court expressly distinguished the generally applicable three-part test from the limited Lucas test, which applies only in cases involving the complete "destruction" of the economically viable use of real property. The Court held that Concrete Pipe's required 46% pay-out to withdraw from a multi-employer pension plan was not a taking. The nearly 50% property diminution fell far short of the complete destruction of economically viable use of the property.

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Please also refer to our article on how to create affordable housing without new buildings.

Roads & Freeways and "Circulation" - Creation of new and increasing capacity of existing roadways.

HOPE opposes Policies increasing roadway capacity.

Essentially all traffic experts agree there is overwhelming evidence that --

You Can't Pave Your Way Out Of Congestion.

Specifically HOPE opposes --

1. Widening of State Route 156 to four-lane
2. Construction of State Route 68 4-lane bypass
3. Widening of State Route One to four lanes (Castroville the Santa Cruz County)

Increasing roads to alleviate congestion is like loosening your belt to cure obesity.

HOPE's primary mission is to protect our natural environment. Roads can lead to every form of environmental impact by allowing any kind of human activity into formerly inaccessible natural areas.

New roads or freeways can allow population growth, increase potential for logging, mining and development; directly change the hydrology of slopes and stream channels, increase natural resource exporting, increase air pollution (including plant harming dust) and water pollution (heavy metals from gasoline additives), decrease stream health, and create noise, increase impermeable surface area, increase soil compaction, increase erosion and landslides, fragment wildlands, increase poaching and legal hunting and fishing, cut animal migration paths, cause massive numbers of deaths of wildlife called "roadkill" (especially for amphibians), increase wildlife hunting and poaching, modify animal behaviour (home range movement, altered movement patterns, decreased reproductive success, and decreased escape response), increase invasion of destructive non-native plants, insects and microorganisms; and divide human communities.

Habitat Restoration

The specific Goal is:

Missing!

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|2

3

4

The Conservation element should include as a Goal to "Restore the natural phenomena to a safely sustainable state." Nothing in the proposed Goals suggests an intent to improve the native habitat that we have harmed.

We need to at least have the goal to help our County environmental crisis recover from the massive damage we have caused.

Why was "Restoring the natural phenomena to a safely sustainable state" not included in the Goals?

The Conservation Element gives only an appearance of imperiled species protection because it provides serious loopholes that any halfway competent developer could drive an army of bulldozers through and chainsaw away the rest.

Wholly Inadequate Monterey Pine Forest, Wildlife and Habitat Protection

1. The specific policy is:

Missing!

Just like in 2004 and earlier drafts.

We must begin with the facts that here in Monterey County –

- We have seriously endangered some 82 local animal species (e.g. Condors, Sea Otters), plus 19 trees and plants which lived here for millenia before we arrived,
- There is something seriously wrong with the magnificent dark green cloak that protects and beautifies our Peninsula, warms us in the winter and cools us in the summer - our Monterey Pine Forest,
- Our Carmel River and its biggest animals are dying; and we are enduring an official water supply emergency began in 1998,
- Our Peninsula is infested with Gridlocked Highways,
- Our County agricultural system spreads 10 million pounds of deadly pesticides every year,
- Yet County officials keep approving more water guzzling golf courses, more habitat destroying subdivisions, roads and mansions and encouraging pesticide dependent agriculture as though nothing is wrong !

They do this in large part because Monterey County staff has been unable to find a single Significant Environmental Impact since 1985, and that same staff has not done any actual or meaningful Mitigation of genuine serious impacts.

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Since 1985 no matter how much harm a project has done to imperiled species, overpumped watershed and aquifers, added to gridlock or air and water pollution,

- No Monterey County Development EIR has found a Significant Environmental Impact !

* Is there any evidence that this has changed or will change?

B. Monterey County Mitigation is non-existent, so worthless that a Superior Court had to order new procedures to force the County to Monitor its own mitigation measures on a dozen projects. All the other projects remain un-monitored and un-mitigated.

* Is there any evidence that this has changed or will change?

Forty nine (49) animal species living in Monterey County are facing extinction to the point of needing official protection by Federal and State laws because Monterey County has utterly failed to protect them in any meaningful way.

HOPE's primary mission is to protect our natural environment. We are intensely interested in protecting wild animals, their habitats and the food chain they need in order to survive for the next few hundreds of years.

The Conservation Element begins with --

"The County's intent is not to alter existing regional, State or Federal laws and regulations..."

It should read **"The County's intent is to not provide a drop more protection than required by existing State or Federal laws and regulations, which in Monterey County are essentially not enforced."**

GP Allows destruction of critical habitat by paying fees. OS-5.17

"OS-5.17 The County shall prepare, adopt, and implement a program that allows projects to mitigate the loss of critical habitat. The program may include ratios, payment of fees..."

* What will force the County to meaningfully and actually protect those critical habitats with the fees?

* What will prevent (not minimize) the County from hiring only those environmental impact "experts" who have not been able to find any Significant Environmental Impacts? (e.g. Biostitutes etc.)

OS 5.17 "any mitigation measures recommended in the report, shall be used as a basis for CEQA documentation"

* What level of protection will the Mitigation measures be required to use? Avoidance of harm to the species?

The GP provides only the absolute minimum treatment (not protection) for imperiled species.

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Only for those species that have had "critical habitat" forced by courts and then only "promotes" protection – it does not require them.

6

Monterey Pine Forest – Left Unprotected

For background – The native Monterey pine forest covered by this DGP and DEIR has absolutely no legal protection in Monterey County – none, nada, zero, zip,! Even though the EIR recognizes they are highly imperiled (G1 and S1 – page 4.9-7)²

- Huge areas of Monterey pine in this area (millions of pounds of trees) have been cut down without permits or penalty by PG&E.³

This General Plan does not provide any protection for the tree or its habitat - in fact the documents seem to take pains to avoid any protection for the tree and its habitat.

Exhibit 4.9.1 For the past 5 versions of this General Plan update HOPE has given the County at least 5 copies of up to date Monterey pine forest range maps - always acknowledged by staff - but the map remains not updated to include the almost untouched native Jeffers forest in Pescadero Canyon.

7

EIR: In the Open Space intro there is no mention of Monterey pine Radiata or Point Lobos even though it is widely referred to as the "Jewell of State Park System"

Exhibit 4.9.5 "Critical habitat" is missing the FESA protected Yadon's Rein Orchid – which is almost fully native Monterey pine forest.

It would be very useful to the public, elected officials, developers and future planners so why can't you include a map of the range of the species covered by CEQA in the DEIR - particularly the native Monterey pine forest? The GIS maps used to exist in the original General Plan files in early 2001.

4.9-15 states "Several rare plants occur in the Monterey pine forest, including Monterey manzanita, Yadon's rein orchid, Gowen cypress (*Cupressus goveniana* ssp. *goveniana*), Monterey cypress (*Cupressus macrocarpa*) and Monterey Pine itself."

² Pinus Radiata (Monterey pine) was listed by the United Nations FAO in 1986 as an Endangered tree, BEFORE the species and its habitat became threatened by Pine Pitch Canker (*Fusarium subglutinans*).

³ April 1999 PG&E has probably destroyed over a million tons of Monterey pines in at least 3 different recent events in three different places on the Peninsula. There was Monterey pine destruction opposite Del Monte Center in 1997, next there was front page Herald coverage of the Monterey pine destruction at the Aguajito stables, and now this recent outrage near Carpenter street – just across the Highway from the Coastal Zone.

Please add "Several rare and ESA protected animals inhabit the native Monterey pine forest including the California red-legged frog."

4.9-93 states "*Piperia yadonii* "Coastal bluff scrub, closed-cone coniferous forest, maritime chaparral, on sandy soils

Since "*Piperia yadonii* is almost dependent upon Monterey pine forest for habitat (more than 95% of known occurrences are in Monterey pine forest), please change this to read "Closed-cone coniferous forest (overwhelmingly Monterey pine), Coastal bluff scrub, maritime chaparral, on sandy soils."

- Mitigation Measure HOPE-1: Downzoning areas with critical habitat by half or three-quarters to reduce the amount of development allowable. Downzoning by half or three-quarters is not a Constitutional Taking⁴ and can cost as little as the price of creating a zoning ordinance.

HOPE proposes the following mitigation measures to meaningfully potentially reduce direct development impacts of BIO-1 to less than significant.

- Mitigation Measure HOPE-2: Downzoning areas with sensitive species (as used by the DEIR) by half or three-quarters to reduce the amount of development allowable. As noted above - downzoning by half or three-quarters is not a Constitutional Taking.
- Mitigation Measure HOPE-3: Avoid development in areas with critical habitat.
- Mitigation Measure HOPE-4: Avoid development in areas with habitat for sensitive species (as used by the DEIR).

"The 2007 General Plan policies do not sufficiently guide the implementation of future development so as to ensure avoidance, minimization, and/or compensation for impacts to sensitive natural communities. Thus impacts to sensitive natural communities are considered significant." (pg 4.9-85)

⁴ DOWNZONING BY HALF - DIMINISHING THE VALUE OF PROPERTY BY 50% IS INSUFFICIENT TO DEMONSTRATE A TAKING - THUS CONSTITUTIONAL

Concrete Pipe, Inc. vs. Construction Laborers Pension Trust (1993)

In a post-Lucas case, Supreme Court returns to traditional Penn Central three-part formula and reaffirms that mere diminution in property value (in this instance, nearly 50%) does not amount to a taking. The Court expressly distinguished the generally applicable three-part test from the limited Lucas test, which applies only in cases involving the complete "destruction" of the economically viable use of real property. The Court held that Concrete Pipe's required 46% pay-out to withdraw from a multi-employer pension plan was not a taking. The nearly 50% property diminution fell far short of the complete destruction of economically viable use of the property.

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This says it all. This admits there are significant impacts to native habitats.

But then, even though there are no mitigation measures provided to protect the imperiled Monterey pine forest until at least 2030 – it then makes the wholly baseless conclusion –

“Implementation of General Plan policies, Mitigation Measures BIO-1.1 through BIO-1.5, and Mitigation Measures BIO-2.1 through 2.3 would reduce impacts of buildout on sensitive natural communities, riparian habitat, and wetlands to a less than significant level !”

This is beyond non-professional. It defies logic.

Since the EIR admits there will be significant impacts to sensitive natural communities including the Monterey pine forest (pg 4.9-85) and no mitigation measures provided to protect the imperiled Monterey pine forest until at least 2030 – please explain how this is possible?

Why is BIO-1-3 limited to Development in Focused Growth Areas (Community Areas, Rural Centers and Housing Overlays, Development requiring a discretionary permit, Large scale wineries in the AWCP – rather than applied to the entire county? The impacts described are not limited to those types of projects.

- Remember - Huge areas of Monterey pine in this area (millions of pounds of trees) were cut down without permits or penalty by PG&E in the 1990s. PG&E did not need a Discretionary permit.

This would leave Monterey pine forest un-protected by this Measure directly contrary to the claim - “Implementation of General Plan policies and Mitigation Measures BIO-1.1 through BIO-1.5 would reduce impacts of buildout on CEQA-defined special-status species and their habitat to a less than significant level.”

Since Measure BIO-1-3 *leaves Monterey pine forest wholly un-protected* how can the potentially huge impacts to the legally unprotect native Monterey pine forest be ‘less than significant?’ (BIO-1 and 4 are only inventories, Bio-2 is only about kit-foxes and BIO-5 won’t be complete until at least 2030.)

QUANTIFICATION OF BASELINES AND IMPACTS:

1a. Please clearly identify by NAME and describe each of the objective (non-subjective) CRITERIA used to determine the impact significance of the loss of BIOMASS of Monterey pines in kilograms or pounds. This impact appears to be potentially significant.

This is a very different environmental impacts than the loss of numbers of trees or acres of trees. There can be more than 200,000 seedlings per acre of native Monterey pine forest that in total weigh less than a single mature Monterey pine. A single Monterey pine can weigh 10,000 pounds of 5 tons. An acre of native Monterey pine forest can support 200-500 mature Monterey pines.

1b. If no objective criteria are used please state that clearly.

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2. If no objective criteria are used please clearly describe how the threshold of significance chosen is scientifically testable, repeatable, falsifiable, credible and defensible.
- 3a. Please state the NAME of the MEASUREMENT UNITS (numbers) used to determine the significance for EACH criteria.
- 3b. Please quote the definition used.
4. If no measurement units are used please state that clearly.
- 5a. Please state the METHOD of measurement used to determine the significance for each criteria.
- 5b. If no method of measurement was used please state that clearly for each criteria and explain thoroughly how the data was obtained.
6. Please quantify the existing or current BASELINE measurement (level) for each criteria.
7. Please state its MARGIN of ERROR or a confidence level and whether the MARGIN of ERROR is measured or assumed.
8. Please state the VARIANCE or fluctuation, assumed or expected for each of the criteria listed above.
9. Please state the variance's MARGINS of ERROR or confidence level.
10. Please state whether this MARGIN of ERROR is measured or assumed.
11. If an average is used, please state which kind of average.
12. Please state the most extreme values which could be encountered.
13. Please describe and quantify which criteria and ASSUMPTIONS the Impact Significance predictions are most SENSITIVE.
14. Please analyze and quantify how sensitive those predictions are to reasonably foreseeable varying criteria and assumptions.
15. Please provide a graph of HISTORICAL measurements.
16. Please quantify the length of time this impact would last.
17. Please quantify how this impact would vary over that time period. Please use a graph for clarity.

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18. Please state the THRESHOLD number at which the impact changes from significant to less-than-significant and the clear rationale for that number.

19. Please provide the MARGIN of ERROR used (in percent and absolute amount) for measuring the Significance THRESHOLD Level.

20s. Please state whether this MARGIN of ERROR is measured or assumed.

20b. If no margin of error is used please state that clearly.

21. Please disclose all threshold numbers at which the impact changes from LEGAL to ILLEGAL for ALL related and potentially relevant local, state and federal laws.

22. Some Impacts increase in a LINEAR RELATIONSHIP with increasing input, other impacts have complex non-linear relationships.

Please provide a graph that shows whether the relationship is linear or otherwise - when at and near the significance threshold values.

23. Please quantify the total PERCENT MAXIMUM CHANGE, to which the IMPACT could raise or lower the baseline number and its MARGIN of ERROR or confidence levels.

24. Please state whether the MARGIN of ERROR is measured or assumed.

25. Please state whether this total PERCENT maximum change is an AVERAGE amount, a worst case expected or a best case expected.

26. Please quantify the ABSOLUTE MAXIMUM AMOUNT, to which the impact would raise or lower the baseline number and its MARGIN of ERROR or confidence levels.

27. Please state whether the MARGIN of ERROR is measured or assumed.

28. Please state whether this total maximum change amount is an AVERAGE amount, a worst case expected or a best case expected.

29. Please list all potential CUMULATIVE impacts related to this one.

30 Please describe all potential CUMULATIVE impacts related to this one.

31. Please quantify all potential CUMULATIVE impacts related to this one.

32. Please list, describe and quantify all potential compound and synergetic impacts.

33. Please list, describe and quantify all Construction impacts related to this one.

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34. Please list, describe and quantify all Growth impacts related to this one.
35. Please list, describe and quantify all Indirect impacts related to this one.
36. Please list and quantify every OTHER IMPACT - this impact or mitigation could increase.
37. Please describe the EXISTING USABLE limit of the RESOURCE this impact affects.
38. Please state the METHOD of measurement used to determine the limit of the RESOURCE this impact affects.
39. Please describe the MARGIN of ERROR or confidence level used to measure how much of this resource is left.
40. Please state whether the margin of error is measured or assumed.
41. Please quantify what is the maximum amount (in AMOUNT of existing) of this resource that can be lost and still be restored.
42. Please quantify what is the MAXIMUM amount (in PERCENTAGE of existing) of this resource that can be LOST and still be restored.
43. Please name each EXPERT who prepared and reviewed this impact.
44. Please cite each expert's training, and peer reviewed, validly published articles specific to this impact.
45. Please provide AVOIDANCE MITIGATION for this impact.
46. Please provide the reverse of this impact as Mitigation.
47. Please provide an ALTERNATIVE which avoids this impact.
48. Please list all other studies initiated by the applicant related to this impact, including subject matter breadth, author's names and dates and where they can be examined.

Process -

1. We request that - the evidence and materials in the administrative record for the 2004 General Plan be made a part of all hearings and considered.

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2. Two Criteria for Determining Significance Missing (4.9.5.2)

You are missing two critical thresholds – the loss of a single individual of a protected species, and the loss of a quarter acre of their habitat. While these are mentioned in passing on page 4.9-79 it should be included in the bulleted list of thresholds.

Death of a Single Individual of a Listed Species is a Significant CEQA Impact

- The loss or death of a single individual of a protected species must have a Finding of Significant Impact as required by CEQA Section 15065(a).

"15065. Mandatory Findings of Significance"⁵

"A lead agency shall find that a project may have a significant effect on the environment and thereby require an EIR to be prepared for the project where any of the following conditions occur:"

"(a) The project has the potential to ... reduce the number (or restrict the range) of an endangered, rare or threatened species, ..."

"Reduce the number" means the loss of a single individual (e.g. from 500 to 499).

- The loss of as little as a quarter of an acre of habitat a single individual of a listed species must have a Finding of Significant Impact under CEQA Section 15065.

"Since a finding of significance under the Environmental Quality Act is required if [the] range of a single rare or endangered plant is restricted by a proposed development, information regarding existence of additional, previously unidentified, rare plant species merely affected magnitude of the impact of the proposed development, and a subsequent or supplemental environmental impact report would have to examine affected plant populations as part of its evaluation of the environmental impact. West's Ann.Cal.Pub.Res.Code § 21152, §21166"

- Mira Monte Homeowners v. San Buenaventura Cty. Etc. 165 Cal.App.3d 357; 212 Cal.Rptr. 127 (Cal.App.2 Dist. 1985)

EIR: Golf Courses are open space !?!

⁵ CEQA Guidelines 15065. Mandatory Findings of Significance (as of Apr 3, 2003)

A lead agency shall find that a project may have a significant effect on the environment and thereby require an EIR to be prepared for the project where any of the following conditions occur:

- (a) The project has the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish and wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of an endangered, rare or threatened species, or eliminate important examples of the major periods of California history or prehistory.

"Under the State Guidelines, outdoor recreational land use is also considered open space, thus based on the definition golf courses are considered open space."

-pg 9 of OS EIR

Stop that.

Golf Courses are wildly different from the common understanding of Open Space.

They are made with almost completely non-native materials and vegetation and drowned in thousands of pounds of pesticides, fertilizers and emergency drinking water that should be used for humans.

Please create a new category for Golf Courses (e.g. "Intensely Modified Outdoor Recreation Areas") so no one can confuse them with genuine wildlands or habitat.

9

Calderon, Vanessa A. x5186

From: David Dilworth [David8@1hope.org]
Sent: Monday, February 02, 2009 4:05 PM
To: ceqacommments
Subject: GP_09 CEQA Questions



GPLAN09.PDF (69
KB)

Attached is a letter from HOPE on the Proposed 2009 General Plan and DEIR We object to the DEIR and have suggestions for improving the GP. -David

HOPE - Helping Our Peninsula's Environment

Box 1495, Carmel, CA 939 Info7@1hope.org
831/624-6500 www.1hope.org

Monterey County
Planning and Building
Inspection Administration

Trustees 2009
Dena Ibrahim
Holly Kiefer
Ed Leeper
Vienna Merritt-Moore
Terrence Zito

Planning Commission
Monterey County

February 2, 2009

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Comments
2/2/09
4:31pm

Founding Trustees
Terrence Zito
Darby Worth
Ed Leeper
Robert W. Campbell
David Dilworth

D-GP Noise Element Needs Impulse Policies

Good day Commissioners and Staff,

The General Plan Still does not Recognize Momentary Noises.

- Gunshots at shooting ranges, Car Alarms, Dog barking,
- Boom Box Cars, Leaf Blowers, and Non-emergency Car Honking

These transient, or recurring momentary noises generate the vast majority of complaints. Not merely complaints about noise, complaints to police departments about anything.

Science Advisors
Dr. Hank Medwin, PhD
- Acoustics
Dr. Susan Kegley, PhD
- Hazardous Materials &
Pesticides
Dr. Arthur Partridge, PhD.
Forest Ecology

Yet the General Plan COMPLETELY avoids mentioning, regulating or prohibiting them.

Car Alarms, Dog barking, Gunshots at shooting ranges, Boom Box Cars, Leaf Blowers, and Non-emergency Car Honking and others are all very intrusive transient noises that must be avoided or mitigated.

It would be hard to imagine what more we could do to bring this to your atten O-10a

- We have given you probably the world's most up-to date research on the real harm of noise - the World Health Organization's Review of Noise.
- We have made available to you, for free, one of the world's top acoustics experts, Dr. Herman Medwin, Ph.D.

All of this has been ignored.

So, to provide you with a small legal push - the attached Noise Element has Findings that reflect the best available Noise Science. Because of those findings, most of the remainder of the Element is required as mitigation for noise existing in Monterey County - and which could arise from development provided for by the D-GP.

We respectfully request you explain why, if any, you disagree with any of the Findings and provide references for such disputes; and we want you to use the element as feasible mitigation.

Thank you,
-David Dilworth, Executive Director

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Noise (Free) Element for Monterey County's General Plan

By David J. Dilworth (with assistance from Herman Medwin, Ph.D.)

Informed Consent Noise Policy

This Noise Prevention Policy or General Plan Element is intended to be painless for Monterey county to merely plug into the General Plan with virtually no editing.

You may notice that this Element has three improvements over typical Noise control laws:

1. It is aimed at what appears in the "ear of the beholder" in addition to what is caused by the noisy activity,
2. It includes limits on inaudible noise, and
3. It allows noise pollution, but only when consent is given by all affected parties.

Noise Goal

The purpose of this noise element is to restore and maintain (your jurisdiction's¹) overall and specific quiet healthful environment and natural aesthetics; to eliminate harmful and disturbing man-made unwanted sound, known as noise, in and adjacent to (our jurisdiction).

Noise Findings

1. This Plan agrees with the World Health Organization in recognizing that noise is not merely a nuisance, it is a "serious health hazard." Noise levels and types can cause harm as well as annoyance, and even death to humans and wildlife, and can interfere with individual and community activities and harm property and reduce its value.
 - a. **Damage:** Continuous or transient noise at and above 75 dBA at the ear of the listener can cause hearing damage;
 - b. **Annoying and Significant:** Noise above 55 dBA can be annoying and the U.S. EPA considers it a significant impact;
 - c. **Conversation Blocking:** Noise levels of 50 dBA barely permits intelligible conversation; and
 - d. **Inaudible Harm:** Inaudible low frequency infrasound and high frequency ultrasonic noise can cause biological and property damage.
2. This Plan recognizes that relative levels of noise intrusion compared to the existing noise levels, are sometimes more important than absolute noise levels.

For example 50 dBA can be annoying or harmful in a quiet natural area - a park, a

trail, rural areas, or at a beach, but unnoticed in town. Thus it is important to measure existing sound level baselines rather than time averaged man-made noise levels, which may be too high already.

3. This Plan recognizes that harm and complaints are more often caused by actual short duration maximum noise levels rather than calculated average noise levels.
4. This Plan recognizes each Californian's inalienable Right to Safety.
5. This Plan recognizes the California legislature's determination to take all action necessary to provide the people of this state with enjoyment of aesthetic, and natural environmental qualities, and freedom from excessive noise.
6. This Plan recognizes that there is no right to pollute, harm or annoy others.
7. This Plan recognizes the fundamental rights of each individual --
 - a. To be fully informed of a harmful action before it occurs, and
 - b. To deny consent.

Quiet Restoration and Protection Actions

1. Within one year of adoption of this Plan and updated at least yearly -
 - a. A complete inventory shall be prepared of -
 - I. All areas of natural sound, and
 - II. Noise sources of all existing man-made activities experiencing transient and continuous noise of at least 45 dBA; and Physical measurements shall be taken, as opposed to estimates or computer models, and maps shall be prepared of natural sound levels in all public areas and legally accessible private lands, and of continuous and repeating transient maximum noise levels for all noise sources in the updated inventory of noise levels of all man-made activities including, but not limited to --

Air Conditioners, Amplified Music, Barking Dogs, Chainsaws & Wood Chippers, Construction Vehicles, Construction Power Tools & Equipment, Generators, Industrial Fans, Industrial Engines, Leaf Blowers, Lawn Mowers, Portable Radios, Power Transformers, Public Address Systems, Public Fields or Stadiums (e.g. Football, Baseball, Soccer), Racing Tracks, Rock Quarries, Theaters, Vehicles, Weapon use (including Firing Ranges and Hunting), Aircraft, Busses, Cars, Neighborhood traffic, Traffic near Parks, Car Music, Event Traffic, Idling Busses, & Trucks, Motorcycles, Street Sweepers, Trucks, Garbage Trucks, Rockets, Spacecraft and Trains.

- b. The measurements shall separately measure and map all noise locations in our jurisdiction, and sound levels, for --

I. The Maximum Instantaneous Noise levels,**II. Noise Durations,****III. CNEL (if required by law), and****IV. The dBA difference of an area's average natural sound level to that of the man-made intruding noise level at the time of the intrusion.**

2. To prevent harm, annoyance and activity interference by noise, no activity, existing or proposed, is permitted, except to alleviate an emergency, which can cause any transient or continuous noise exceeding --
 - a. Noise levels of 55 dBA on any party unwilling or unable to give their consent.
 - b. Natural sound levels by 5 dBA, where any alternative exists.

For example: Truck routes can be specified and truck speed limits can be lower than for other vehicles. An alternative to idling a bus or a truck is to require the motor to be turned off. An alternative to a 117 dBA chainsaw - is the use of an axe which only causes 55 dBA maximum.

3. To adequately warn people consenting to sound levels exceeding 55 dBA about the potential harm to their health, prior to the noise activity, each person whose consent is required must be given a readable copy of a true declaration clearly describing maximum noise levels and durations, and all potential harms to their health from the activity. Consent is only valid when a copy of the declaration is signed by the party affected by the noise. Proxy signatures are not valid.
4. To eliminate outside noises which adversely affect our area, (our jurisdiction e.g. Carmel or Monterey County) shall encourage avoidance and alternatives to all agencies and jurisdictions which have control over those noisy activities.
5. This Plan is intended to reflect the best available science. Whenever significantly improved information, alternatives, methods and equipment become available all policy related to this subject shall be updated within one year.
6. At all times (the jurisdiction e.g. Carmel or Monterey County) shall provide adequate resources to fully enforce this element and employ at least one full-time safety officer trained in noise detection and enforcement and noise free alternatives.
7. Compliance shall be encouraged with meaningful substantial fines collected, equal to the yearly cost of the noise making equipment by each responsible party for violations of each provision of this policy. Such fines shall be wholly applied to providing non-noisy alternatives and noise monitoring.
8. When successful enforcement of this ordinance is brought and accomplished by any person or entity other than the District Attorney the successful plaintiff shall be awarded \$5,000 civil penalty from defendant and any other fees and costs deemed appropriate by the court including those awarded pursuant to (California Code of Civil Procedure Section 1021.5)²

831 / 624-6500 P.O. Box 1495, Carmel, CA 93921

Calderon, Vanessa A. x5186

From: David Dilworth [David8@1hope.org]
Sent: Monday, February 02, 2009 4:31 PM
To: ceqacommments
Subject: HOPE: GP Noise Element Replacement



Impulse309.pdf (26 KB)



NOISLMNT09.pdf (18 KB)

Because the GP does not have a required Noise Inventory we are providing you with a Replacement Noise Element.

HOPE - Helping Our Peninsula's Environment
 Box 1495, Carmel, CA 93921 Info7@lhope.org
 831/ 624-6500 www.lhope.org

Monterey County
 Planning and Building
 Inspection Administration

FEB 02 2009

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*mid CEQA
 comments*

February 2, 2009 2/2/09

4:58 pm

Monterey County Supervisors
 Monterey County Planning Commission
 Monterey County General Plan Staff

The Proposed Monterey County General Plan Update and Draft Environmental Impact Report

HOPE provides the following information related to the General Plan and its EIR -

1. **Based on the best available science - Findings on the actual impacts of pesticide use.**
 * We respectfully request a response for each Finding if the County agrees or disagrees with each individual Finding and why.
2. **A Chemical Pollution Element to be evaluated and used as feasible mitigation for the unfettered use of pesticides in Monterey County.**
3. **A map of the Present and historic range of native Monterey pine forest - to be incorporated into the GP GIS Vegetation maps.**
4. **A map of California red-legged-frog occurrences in Pebble Beach's native Monterey pine forest.**
5. **Based on the best available science - Findings on the actual impacts of light pollution.**
 * We respectfully request a response for each Finding if the County agrees or disagrees with each individual Finding and why.
6. **A Light Pollution Element to be evaluated and used as feasible mitigation to minimize the light pollution in Monterey County.**

Thank you.

Trustees 2009

- Dena Ibrahim
- Holly Kiefer
- Vienna Merritt-Moore
- Terrence Zito

Founding Trustees

- Terrence Zito
- Darby Worth
- Ed Leeper
- Robert W. Campbell
- David Dilworth

Science Advisors

Dr. Hank Medwin, PhD

- Acoustics

Dr. Susan Kegley, PhD

- Hazardous
 Materials &
 Pesticides

Dr. Arthur Partridge, PhD.

Forest Ecology

1

Pesticide Safety Element for Monterey County General Plan

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Informed Consent Pesticide Safety Policy

This Plan is intended to be Goal and Policy level work that guides preparation of a Pesticide Control Ordinance or a Code by defining the scope and limits of what they must address. It is not intended as a Pesticide Ordinance or a Code, though parts of it could be used for that.

This model Pesticide Safety Element has four improvements over typical Pesticide control laws:

1. It uses the best available science provided by the World Health Organization, the US Center for Disease Control, and the US-Environmental Protection Agency.
2. It controls what appears in the "nose of the beholder" in addition to what is emitted by the pesticide user,
3. It recognizes "invisible" and long-term pesticide impacts, and
4. It allows pesticide use, but only when fully informed consent is given by all potentially affected parties.

Pesticide Safety Goal

The purpose of this Pesticide Safety Element is to restore and maintain (our jurisdiction's¹) overall natural and healthful environment; to eliminate harmful and annoying unwanted pesticides in and adjacent to (our jurisdiction).

Pesticide Safety Findings

1. This Plan recognizes that pesticides are designed, created and used with the explicit intent to kill living creatures and other life. Pesticides are considered potential "weapons of mass destruction" by the U.S. government because they can cause harm, nuisance, annoyance, death and could even cause population extinction of humans and wildlife. They can interfere with individual and community activities, cause adverse health effects and harm property and reduce its value.
 - a. **Significant Ecological Impacts:** Pesticides are known to have unintentionally killed humans and millions of animals including livestock and many individuals of imperiled species officially recognized by endangered species laws including the Piping Plover;
 - b. **Significant Pesticide Damage:** Pesticides can cause cancer, chronic toxicity, teratogen effects, mutagenic effects, central nervous system effects, cardiovascular effects, kidney damage, liver damage, peripheral nervous system effects, immunological effects, gastrointestinal effects, reproductive effects, embryotoxicity, lung and respiratory effects, endocrine effects, blood cell disorders, damage to skin and eyes, skeletal damage, allergic sensitization and death;

- c. **Significant Harmful Nuisance:** Pesticides can interfere with health and cause work absence due to effects including – breathing difficulty, nausea, vomiting, diarrhea, convulsions, coughing, abdominal pain, blurred vision, dizziness, disequilibrium, disorientation, skin rashes, fever, chills, weakness, exhaustion, fatigue, headaches, memory loss, loss of sequential thinking, anxiety, voice loss, hearing loss, irregular heartbeat, and loss of consciousness;
 - d. **Harm at Undetectable Exposures:** Pesticides exposures below the level of detection can cause biological and property damage which may not be discovered for years or generations;
 - e. **Harm at Distance:** Pesticides are known to have caused damage up to 50 miles from where they were applied, and regularly cause damage at two to three miles from where they were applied.
 - f. **Backlash:** Pesticides have caused pesticide resistance in pests including insects, mites, weeds and fungi.
 - g. **Pesticides harm and kill beneficial species including pollinators and pest predators insects such as the Syrphid fly, a predator of the Lettuce aphid.**
 - h. **Expensive Benefits Overstated:** Pesticides cost farmers about \$4 per pound and up to \$800 per acre; some nine million pounds of pesticide active ingredients are applied in Monterey County each year, yet more U.S. crops are lost to pests, before and after harvest (~37%) than before widespread pesticide use arose in the 1940's (~31%).
 - i. **The International Food Policy Institute estimates the environmental, health and social costs of pesticide use in the U.S. at \$100-\$200 billion per year, or \$5-10 in damages for every dollar spent on pesticides.**
 - j. **Alternative Pest control practices could halve the use of chemical pesticides on 40 major U.S. crops without reducing crop yields. Indonesia cut pesticide use on rice by 65% and yields increased by 15%. Sweden cut pesticide use in half with virtually no decrease in harvest.**
 - k. **A 50% cut in U.S. pesticide use would raise average income for farmers about 9% and only raise retail food prices by about 0.2%.**
2. **This Plan recognizes that synergistic and cumulative pesticide exposures can be more harmful than a single pesticide exposure.**

For example a one-time application of pesticide in a non-agricultural area may have few obvious health effects, but synergistic and cumulative pesticide intrusion exposures can exceed thresholds of harm and significance.

- 3. **This Plan recognizes that harm and complaints are often caused by short duration maximum pesticide concentrations rather than lower-level but more common-place pesticide exposures.**
- 4. **This Plan recognizes that pesticide harm and complaints are caused by actual exposures rather than a calculated, modeled, or estimated average pesticide concentration level.**

5. This Plan recognizes each Californian's Inalienable Constitutional Right to Safety.
6. This Plan recognizes that there is no right to pollute or cause harm.
7. This Plan recognizes the fundamental rights of each individual –
 - a. To be fully informed of a personally harmful action before it occurs, and
 - b. To refuse consent.

Pesticide-Free Restoration and Protection Actions

1. Within one year of adoption of this Plan and updated at least yearly -
 - a. **Use Inventory:** A complete inventory and map shall be prepared of all specific pesticides used, all locations of use, and maximum amounts used in the County; and
 - b. **Environmental Concentration Inventory:** Physical measurements shall be taken, as opposed to estimates or computer models, of maximum transient pesticide concentrations in air and water for each gas or liquid sprayed pesticide application in the inventory.

Except for disinfectants, for each application of gaseous or liquid sprayed pesticide the measurements shall separately electronically record, measure and map for all pesticide use locations in our (jurisdiction) for each specific pesticide --

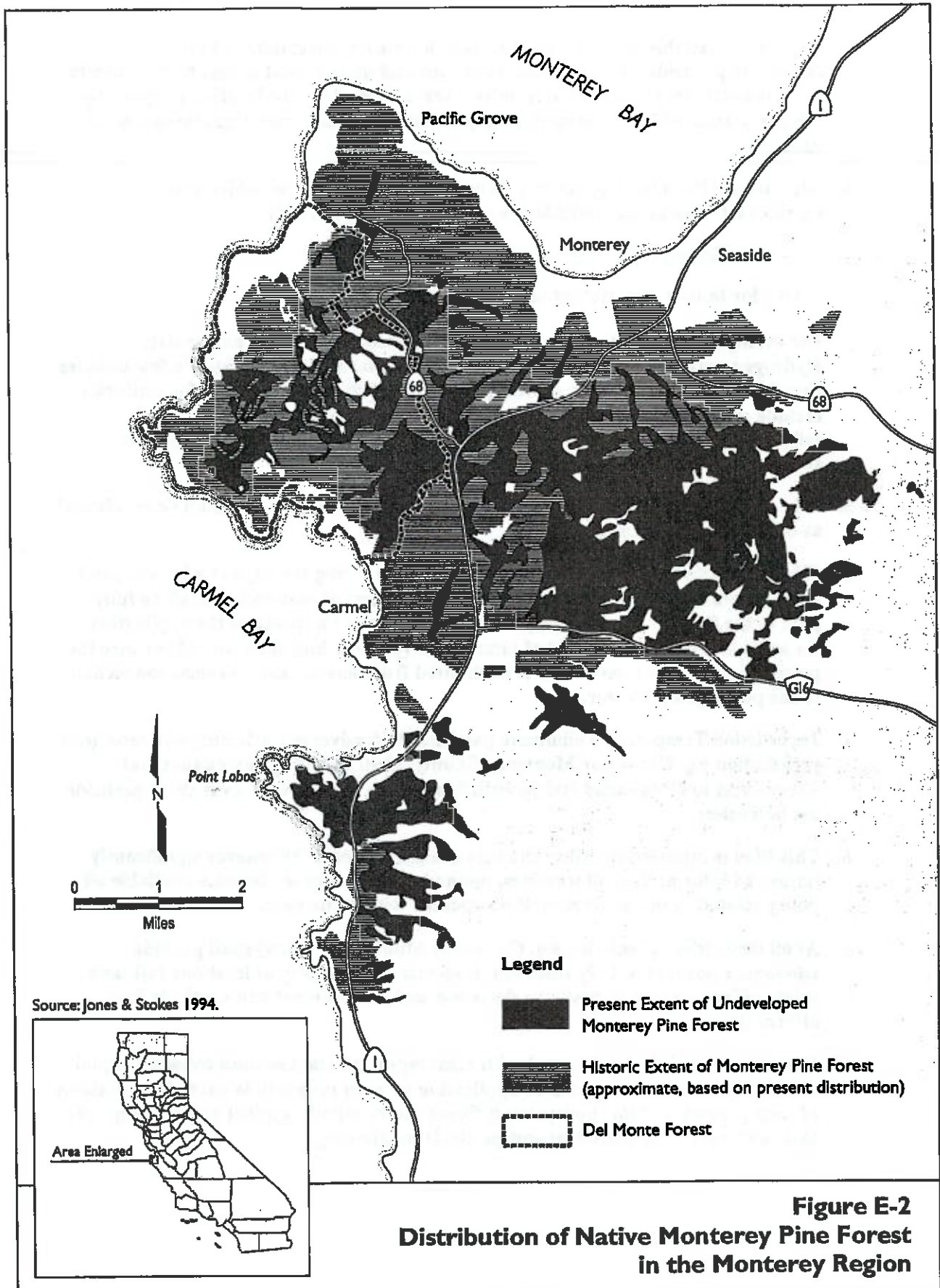
- I. The maximum instantaneous pesticide concentrations at all downwind property lines before, during and after each application,
 - II. The duration until pesticide concentrations are no longer detectable at any downwind property lines.
 - III. Monitoring and measurements shall be designed and operated to capture actual peak pesticide concentrations.
 - IV. If this inventory and mapping remains incomplete after one year, no pesticide application for any property may exceed half of the least number and smallest applications at that property in the previous five years.
- c. All inventory and maps and all information they are based upon shall be permanently retained.
2. **Use Requires Informed Consent:** To prevent pesticide trespass, harm, nuisance, annoyance and activity interference to humans, wildlife and property, no activity, existing or proposed, is permitted which can cause any pesticide contact with any party unwilling or unable to give their consent.
 3. **Fully Informed Consent:** To adequately warn people about the potential harms to their health, prior to any pesticide use, each person whose consent is required, must

be given a readable copy of a true declaration clearly describing all intended maximum pesticide use, times and durations and all potential harms to their health from the activity. Consent is only valid when a copy of the declaration is signed by the party affected by the potential for pesticide trespass. Proxy signatures are not valid.

4. **Alternatives Prohibit Exemptions:** When no alternatives exist which are significantly less-toxic, pesticide use may be allowed, but only --
 - a. to alleviate an emergency, and
 - b. for indoor disinfectant use.

For example: Steam wands can be used to kill weeds and leaves only water. Hydrogen peroxide disinfectants degrade into water and oxygen after a few minutes. Feasible alternatives to agricultural pesticides which have been used for centuries include crop rotation, cover crops, timed planting, crop residue tillage, land fallowing, field flooding, and use of native biota control such as ladybugs and spiders.

5. When pesticide application received the required consent the use shall be monitored as described in Section 1(b) above.
6. (The jurisdiction) will provide free pesticide monitoring for anyone who asks, and provide public education about this service. The cost of monitoring shall be fully paid to the (jurisdiction) by the pesticide applicator in advance of the application. To avoid any financial conflict of interest the (jurisdiction) shall provide or hire the pesticide monitoring party who is prohibited from having any financial connection to the pesticide applicator.
7. **Jurisdiction Trespass:** To eliminate pesticide drift adversely affecting our area, (our jurisdiction e.g. Carmel or Monterey County) shall encourage avoidance and alternatives to all agencies and jurisdictions which have control over those pesticide use activities.
8. This Plan is intended to reflect the best available science. Whenever significantly improved information, alternatives, methods and equipment become available all policy related to this subject shall be updated within one year.
9. At all times (the jurisdiction e.g. Carmel or Monterey County) shall provide adequate resources to fully enforce this element and employ at least one full-time safety officer trained in pesticide detection and enforcement and pesticide free alternatives.
10. Compliance shall be encouraged with meaningful substantial fines collected, equal to the yearly cost of the pesticide application by each responsible party for violations of each provision of this policy. Such fines shall be wholly applied to providing non-toxic alternatives to pesticides and pesticide monitoring.



Source: Jones & Stokes 1994.



Figure E-2
Distribution of Native Monterey Pine Forest
in the Monterey Region

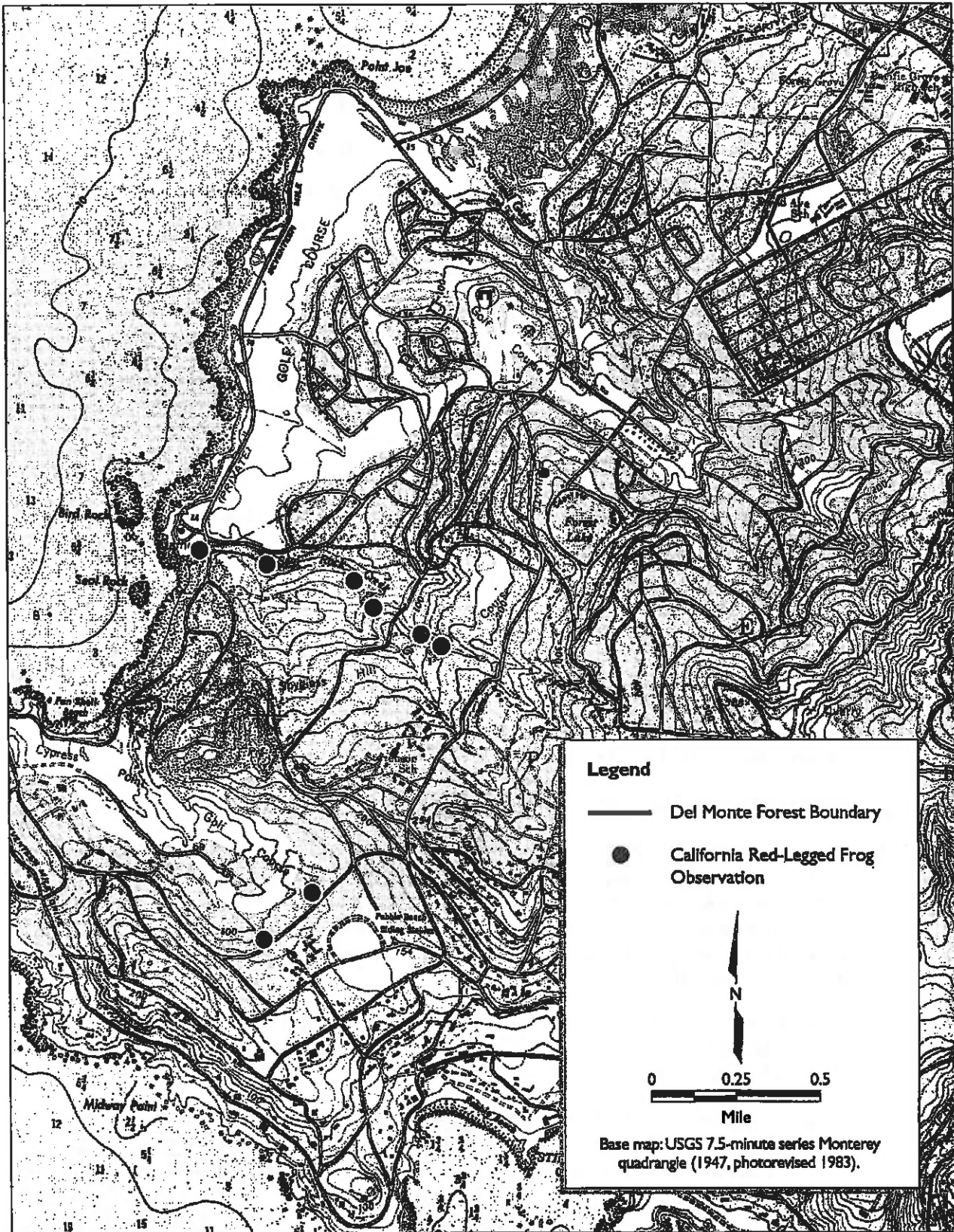


Figure E-7
Known Distribution of California Red-Legged Frog
on the Monterey Peninsula

Model Light Pollution and Radiation Safety Element for Monterey County's General Plan

Copyright 2004 Helping Our Peninsula's Environment

Informed Consent Light and Radiation Pollution Safety Policy

Light & Radiation Pollution Prevention is not yet an Element separately required from Safety, but if it is easy enough for cities and counties to merely plug on in they might do so.

If you review our companion Model Noise Element you may see that it is almost identical in concept to this element. Noise Elements however, are required by California law.

You may notice that this Element has four improvements over typical light pollution laws:

1. It employs the best available science,
2. it includes limits on invisible radiation,
3. it is aimed at what appears in the "eye of the beholder" rather than what is emitted by the source of light or radiation, and
4. it allows light and radiation pollution if approval is given by all affected parties.

Light Pollution and Radiation Free Goal

The purpose of this light pollution and radiation prevention element is to restore and maintain healthful environment free of unwanted radiation, light pollution and sky glare; to eliminate harmful and annoying man-made unwanted light pollution and radiation caused in, and coming into Monterey County.

Light Pollution and Radiation Free Findings

1. This Plan recognizes that light and radiation pollution is not merely a nuisance, it can be a serious health hazard. Light pollution and radiation levels and types can easily cause vision and skin damage, annoyance, sleep interference, deep tissue biological damage and even death to humans and wildlife. It can interfere with individual and community activities including astronomical research, and harm property and reduce its value.
 - a. **Damage:** Continuous or transient light or radiation at and above a light intensity of 20 candelas per square centimeter (cd/cm^2) can cause optical and other biological damage;
 - b. **Annoying and Significant:** Direct Nighttime Light Pollution greater than 0.01 lux can be a significant impact and interfere with sleep; Direct Daytime Light Pollution above 10 candelas per sq. cm can be a significant impact and cause annoyance;
 - c. **Starlight Blocking:** Sky Glare levels of 0.001 lux barely permits star gazing; and

- d. **Invisible Harm:** Invisible low frequency infrared, microwaves and radio waves; and high frequency ultraviolet, x-rays and gamma rays can cause serious biological and property damage including death. Cell phone radiation can interfere with radio astronomy.
2. This Plan recognizes that relative levels of light or radiation intrusion compared to the existing light or radiation levels, are sometimes more important than absolute light and radiation levels.

For example 0.01 lux can be annoying or harmful in a dark natural area - a park, a trail, rural areas, or at a beach, but unnoticed downtown. Thus it is important to measure existing light and radiation level baselines rather than time averaged man-made light and radiation levels, which may be too high already.

3. This Plan recognizes that harm and complaints are more often caused by actual short duration maximum light and radiation levels rather than calculated average light and radiation levels.
4. This Plan recognizes that there can be significant long term energy cost savings by reducing or eliminating wholly unnecessary glare and light pollution.
5. This Plan recognizes each Californian's inalienable Right to Safety.
6. This Plan recognizes the fundamental rights of each individual --
1. To be fully informed of a harmful action before it occurs, and
 2. To deny consent.

Light Pollution and Radiation Prevention Actions

1. Within one year of adoption of this Plan and updated at least yearly -
 - a. A complete inventory shall be prepared of -
 - I. All areas of natural nighttime light and radiation, and
 - II. Light pollution and radiation sources of all existing man-made activities experiencing transient and continuous nighttime light and radiation of at least 0.01 lux; and
 - b. Physical measurements shall be taken, as opposed to estimates or computer models, and maps shall be prepared of natural light and radiation levels in all public areas and legally accessible private lands, and of continuous and repeating transient maximum light and radiation levels for all light and radiation sources in the updated inventory of light and radiation levels of all man-made activities.

The measurements shall separately measure and map all light and radiation locations in our jurisdiction, and light and radiation levels, for --

- I. The Maximum Instantaneous man-made light and radiation levels and their durations, and

II. The difference of an area's average natural light and radiation level to that of the man-made intruding light and radiation level at the time of the intrusion in lux.

- 2. To prevent interference with star gazing and astronomy- no activity, existing or proposed, is permitted which can cause any transient or continuous light or radiation directed skyward.**

For example: Light and radiation shielding can completely prevent all direct light from causing skyward glare and radio astronomy interference by cell phones. Use of low reflectance materials can greatly reduce and minimize the amount of indirect lighting and radiation causing skyward glare.

- 3. The only exceptions to section 2 are --**

- a. Aircraft landing lighting,**
- b. Temporary lighting for alleviation of an Emergency, and**
- c. Telescope adjustments.**

- 4. To prevent light trespass, radiation trespass, biological harm, property harm, annoyance and activity interference, no activity, existing or proposed, is permitted which can cause, on any party unwilling or unable to give their consent, any transient or continuous light or radiation of --**

- a. Visible Light levels exceeding 0.01 lux per square cm.**
- b. Natural light levels exceeding 0.01 lux, where any alternative exists.**

For example: Light shielding can completely prevent all direct light from leaving a property boundary. Use of materials allowing no more than 10% reflectance can greatly reduce and minimize the amount of reflected lighting leaving a property boundary.

- c. Any amount of Gamma Ray Radiation,**
- d. Any amount of X-ray Radiation,**
- e. Any amount of Ultraviolet Radiation**
- f. (Infrared Radiation > 1 watt / cm²)**
- g. Any amount of Microwave Radiation**
- h. (Radiowave Radiation > 1 watt / cm²)**

- 5. The only exceptions to section 4a and 4b are --**

- a. Temporary lighting for alleviation of an Emergency, and**
- b. Temporary Holiday lighting.**

- 6. To adequately warn people consenting to lighting levels exceeding 0.01 lux and and radiation levels exceeding 5 watts / cm² about the potential harm to their health,**

each person giving consent must sign, and be given a copy of, a declaration clearly describing all potential maximum energy and durations of the lighting and harms to their health from the light or radiation causing activity.

7. To eliminate light and radiation coming in from outside which adversely affect our area, (our jurisdiction e.g. Carmel or Monterey County) shall encourage avoidance and alternatives to all those agencies and jurisdictions which have control over those light pollution and radiation activities.
8. This Plan is intended to reflect the best available science and current conditions. As new information becomes available all policy related to this subject shall be updated immediately.
9. At all times (the jurisdiction e.g. Carmel or Monterey County) shall provide adequate resources to fully enforce this element and employ at least one full-time safety officer trained in light pollution and radiation detection and enforcement and light pollution free and radiationless alternatives.
10. Compliance shall be encouraged with meaningful substantial fines collected, equal to the yearly cost of the light or radiation making equipment by each responsible party for violations of each provision of this policy. Such fines shall be wholly applied to providing light pollution and radiationless alternatives and light pollution and radiation monitoring.

831 / 624-6500 P.O. Box 1495, Carmel, CA 93921

Calderon, Vanessa A. x5186

From: David Dilworth [David8@1hope.org]
Sent: Monday, February 02, 2009 4:58 PM
To: ceqacomments
Subject: HOPE: GP Pesticide Safety and Light Pollution Elements

O-11a

LandWatch

monterey county

Post Office Box 1876
Salinas, CA 93902-1876
Salinas Phone: 831-422-9390
Monterey Phone: 831-375-3752
Website: www.landwatch.org
Email: landwatch@mckw.org
Fax: 831-422-9391



September 16, 2008

Attention: Monterey County Planning Department

Regarding: documents referenced in Draft EIR for GPU-5

To Whom It May Concern:

LandWatch Monterey County is reviewing the Draft Environmental Impact Report for GPU-5. As part of that review, we need access to the documents referenced in the DEIR. A list of these documents can be found in Section 11 of the DEIR.

I was at the County planning department counter on the mornings of Friday, September 12th and Monday, September 15th. I asked to see the documents listed in Section 11 of the DEIR for GPU-5. The counter staff did not know what documents I was referring to and kept trying to give me the DEIR or a copy of GPU-5. After much explaining on my part, the documents listed in Section 11 of the DEIR were not available and none were given to me. I was not told when they would be available. I gave my contact information to Carl Holm's assistant with a promise that I would be notified when I could view these documents. As of today, I have not been notified. I am very interested in viewing the records and I hope they are made available to me soon.

Sincerely,

Amy L. White

Associate Director, LandWatch Monterey County

Monterey County
Planning and Building
Inspection Administration

SEP 16 2008

RECEIVED

September 18, 2008

By Fax & U.S. Mail

Mike Novo
Monterey County Planning Department
168 W. Alisal Street, 2nd Floor
Salinas, CA 93901
Fax: (831) 757-9516

**Re: Draft EIR, 2007 Monterey County General Plan
(SCH# 2007121001)**

Dear Mr. Novo:

On behalf of our client, LandWatch Monterey County, I write to reiterate LandWatch's request that the County of Monterey provide it with access to the documents listed in Section 11 of the Draft EIR for the 2007 Monterey County General Plan, "Documents, Plans, and Reports Cited." All of these documents are referenced in the Draft EIR. Accordingly, this request is made pursuant to the County's obligation under CEQA to make all supporting studies and materials referenced in the EIR available to the public. Public Resources Code, § 21092(b)(1). The request is also made pursuant to the Public Records Act. Gov. Code, § 6250.

Please be aware that LandWatch has been diligently trying to obtain copies of these documents for the past week. On September 11, 2008, LandWatch Associate Director Amy White e-mailed Carl Holm of the Planning Department to request access to these documents, and to advise him that she intended to review them on Friday, September 12, 2008. When Ms. White appeared at the County offices the next day, the Planning Department did not produce them. When Ms. White returned on Monday, September 15, 2008, Planning Staff presented here with 4 binders that contained none of the requested documents.

Ms. White then wrote the Planning Department on September 16, 2008 to request access to the documents. When she returned to County offices on Thursday, September 18, 2008, she was presented with only 21 of the over 200 documents referenced in Section 11. Mr. Holm advised her that many of the documents might be available on-line, but acknowledged that no information was included in the EIR to assist the public in obtaining access to these documents.

LandWatch's inability to review the referenced documents, many of which are voluminous technical reports that are critical to the EIR's conclusions, makes it impossible to participate meaningfully in the public comment process. In view of the County's delay in providing access to these documents, LandWatch requests that the County extend the public comment deadline by the number of days that elapse between Ms. White's September 11, 2008 request for access to copies of the documents, and the date on which copies of all documents referenced in Section 11 are made available for public review at a prescribed location.

In addition to the documents referenced in Section 11, LandWatch also requests access to the traffic studies and source documents referenced in Section 4.6. We note that the draft EIR does not reference an Appendix containing the traffic study. However, the tables in the traffic section reference sources including Kimberly-Horn & Associates, Inc. and DKS Associates. We ask that the County make available each traffic study or source document referenced in Section 4.6, including the sources referenced in Tables 4.6.1, 4, 5, 6, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, and 29.

Please contact me to advise me when LandWatch may have access to copies of these documents.

Yours sincerely,

M. R. WOLFE & ASSOCIATES, P.C.



John H. Farrow

JHF:ms

m|r|wolfe
 & associates, p.c.
 attorneys-at-law

September 18, 2008

Monterey County
 Planning and Building
 Inspection Administration

SEP 23 2008

RECEIVED
 3:22 pm

Carl Holm
 Monterey County Planning Department
 168 W. Alisal Street, 2nd Floor
 Salinas, CA 93901
 Fax: (831) 757-9516

Re: **Draft EIR, 2007 Monterey County General Plan
 (SCH# 2007121001)**

Dear Mr. Holm:

On behalf of our client, LandWatch Monterey County, I write to request access to the documents listed below. All of these documents are referenced in the Draft EIR. Accordingly, this request is made pursuant to the City's obligation under CEQA to make all supporting studies and materials referenced in the EIR available to the public. Public Resources Code, § 21092(b)(1). The request is also made pursuant to the Public Records Act. Gov. Code, § 6250.

Please provide us with access to the following documents:

1. The source document identified at Table 4.7-3, Projected population and VMT Growth in Monterey County (Kimberly-Horn (2008)).
2. "Appendix A" referenced at page 4.7-22, which "describes the methodology and model inputs" for the criteria pollutant emissions calculations. In this regard, please note that the DEIR table of Contents identifies Appendix A as the Notice of Preparation. Thus, there must be either an error in designation or two Appendices A.
3. The source document used to prepare Table 4.7-5, Criteria Pollutant Emissions from Mobile Sources. Note that the "Appendix A" requested above, describing "the methodology and model inputs" for the criteria pollutant emissions calculations, may or may not contain the EMFAC or URBEMIS model runs themselves. Please produce the output from the model runs used to calculate criteria pollutants.

Please contact me to advise me when LandWatch may have access to copies of these documents.

Yours sincerely,

M. R. WOLFE & ASSOCIATES, P.C.



John H. Farrow

JHF:ms

m|r|wolfe
& associates, p.c.
attorneys-at-law

September 23, 2008

Monterey County
Planning and Building
Inspection Administration

SEP 25 2008

RECEIVED
Rec'd for on 9/23/08

Mike Novo
Monterey County Planning Department
168 W. Alisal Street, 2nd Floor
Salinas, CA 93901
Fax: (831) 757-9516

Re: **Draft EIR, 2007 Monterey County General Plan
(SCH# 2007121001)**

Dear Mr. Novo:

On behalf of our client, LandWatch Monterey County, I write to request that the County of Monterey fully comply with its obligation under CEQA to make available to the public all of the supporting studies and materials referenced in the draft EIR for the 2007 Monterey County General Plan ("DEIR"). See Public Resources Code, § 21092(b)(1).

Since September 12, 2008 when the DEIR was first released, LandWatch has repeatedly sought access to copies of the documents identified in Section 11 of the DEIR, as we detailed in letters dated September 16, 2008 and September 18, 2008. On September 18, LandWatch requested access to copies of the traffic source documents referenced in Section 4.6 of the DEIR, which were not referenced in Section 11 or provided in an appendix as is customary. On September 22, LandWatch requested copies of the air quality source documents referenced in Section and 4.7 of the DEIR, which, contrary to the text of the DEIR, are not in fact included in an appendix to the DEIR.

On September 23, the County's planning staff provided access to 22 of the 248 documents cited in Section 11. Staff provided partial copies of 9 other documents. Staff then provided a revised version of Section 11 to Amy White of LandWatch, numbering the referenced documents and providing URLs for a number of the documents for which the Section 11 had not previously provided URLs.

However, the County has still not yet provided hard copy or internet access to at least 48 documents referenced in Section 11. We are willing to accept URLs that actually permit us to access the document relied upon in the DEIR, but a number of the URLs do not do so. For example, the URL for document number 4, AMBAG's 2006 Travel Demand Forecasting Model, leads to Google search results for "Travel Demand Forecasting Model," not to AMBAG's model. URL's provided by the County for other

documents lead to sites that require the public to order and pay for documents, e.g., documents 38-40, California Department of Conservation reports. Other URLs lead to subsequent versions of documents cited in the DEIR, e.g., document 47, California Department of Finance reports. In effect, the County has still failed to make more than 50 of the documents referenced in Section 11 available as is required under CEQA.

Finally, the County has simply not responded to LandWatch's request for access to the documents that are referenced in the traffic and air quality sections.

Accordingly, we reiterate our request that the County provide LandWatch with access to copies of *all* of the requested documents.

Until the County has met its obligation to make all of the documents available, LandWatch will be deprived of the opportunity to participate meaningfully in the public comment period. Thus, LandWatch reiterates its request that the County extend the public comment period so that there are at least 45 days for public review after the County makes all of the documents available.

Please contact me to make arrangements for access to the documents and to confirm that the County will extend the public comment deadline.

Yours sincerely,

M. R. WOLFE & ASSOCIATES, P.C.



John H. Farrow

JHF:ms

cc: Amy L. White

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



Since 1949

February 24, 2009

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

Re: DEIR for GPU5, Section 4.6, "Mitigation Measure TRAN-2B," especially
Carmel Valley Master Plan, item CV-2.18

Dear Chair and Members of the Planning Commission:

Established in 1949, CVA is the oldest and largest resident and homeowners 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 "mitigations" proposed in the Transportation section of the DEIR for GPU5:

In section 4.6 (Transportation) of the DEIR for GPU5, "Mitigation Measure TRAN-2B" is environmentally inadequate and inappropriate. It is based on inadequate and substantially flawed information and would exacerbate 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:

Missing data

Fourteen 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 "buildout" tables based on 2092 projections.) (See Figure 1 below.) The omitted segments are Carmel Valley Road, between the southeast end of Carmel Valley Village and State Highway 1 (11 segments), and State Route 1 between Riley Ranch Road (two intersections south of Carmel Valley Road) and Carpenter Street (two intersections north of Carmel Valley Road) – three segments. The former are critical 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 substandard levels of service. These omissions 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 GPU5 DEIR differ substantially from the corresponding data in Tables 3.7-4,5 of the CVTIP DEIR. Besides, the CVTIP FEIR, including public comments, has never been released to the public and cannot serve as suitable or reliable reference. Also, the CVTIP DEIR does not contain an evaluation of the omitted Highway 1 traffic.)

Inadequate environmental evaluation of "mitigations"

- In the DEIR there is *no* quantitative evaluation of the environmental impacts of the "mitigations" in "Mitigation Measure TRAN-2B" and therefore there is *no* justification for the assertion (p. 4.6-73) 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. 4.6-33 the DEIR states, "project-specific impacts ...

- would have a less than significant impact and no mitigation is required" and therefore this feature of the "peak hour" approach is irrelevant.
- The assertion in the same sentence that "the peak-hour ... analysis .. is ... a ... more accurate method" is meaningless because the "standards" being used are ambiguous and do not specify what it is that would be "more accurately" measured. For example, the DEIR's effective definition of environmental impact of traffic is incorrect in that it is a measure of the number of sites (number of roadway segments) of impacts and not of impacts themselves (e.g. V/C on a segment) and there is no basis for establishing rational criteria for "accuracy" of impact, LOS or significance (all of which are implicated) under these conditions
 - The further assertion that "peak hour operational analysis [would] ... overcome the inaccuracies and impact over-estimation characteristic of the V/C Ratio analysis" is not supported by any evidence in the DEIR. What is meant here by "over-estimation"? What criteria are used in the DEIR to establish when an estimation is "accurate"?

"Peak hour" not a well-define traffic standard

- In some cases peak-hour simply is taken to be a specified fraction of average daily traffic (ADT) (8% to 11% for each peak hour, AM or PM, appear to be typical). Thus "peak hour" is not necessarily distinct from ADT.
- Percentage of time spent following (PTSF) standards have the advantage of being independent of roadway capacity (for 2-lane roads) but have the disadvantage of depending on speed and vehicle spacing. Thus, for impacts that depend on numbers of vehicles passing a given point per unit time (e.g., residents, local businesses, drivers trying to get on or off a road segment), PSFT is not a well-defined or desirable basis for a standard.
- The meanings of LOS ratings are quite different for PTSF and ADT. However, if there is an approximate equivalence of the two on specified road segments, a calibration of ADT with respect to PTSF is possible. This is the case on Carmel Valley Road, based on the data in the CVTIP DEIR. (See Figure 3 below.) The calibration shows that the use of PTSF very substantially relaxes LOS ratings on Carmel Valley Road, raising the ADT standard by more than 15% above the existing "thresholds" on the most heavily traveled segments and by much more on other segments. (See Figure 2 below.)

"Mitigation CV-2.18" would not mitigate, but would *exacerbate* environmental impact on Carmel Valley Road and on nearby Highway 1

- Calibration of ADT against PTSF shows conclusively that the proposed "mitigation" would lower the traffic standard on Carmel Valley Road and would severely reduce control over roadway adequacy. It would be permissive

of development that the current Plan provision was intended to restrict and therefore would violate the existing Plan.

- The proposed "mitigation" would violate Goals 1 and 6 of the current Plan, and Policy CV-1.1 of GPU5.
- Traffic on already-substandard segments and at already-substandard intersections of Highway 1 inevitably would be increased by the "mitigation" and therefore would cause greater impacts than would retention of current policies and related practices.
- The "standard" for unsignalized intersections, which constitute the vast majority of intersections on Carmel Valley Road and throughout the Valley, is LOS F – that is, no standard at all – in the "mitigation". This clearly removes any control over intersection levels of service.

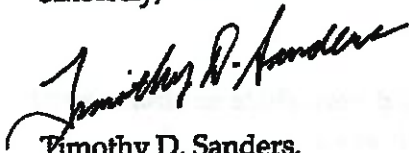
"Mitigation CV-2.19" entirely lacks environmental analysis in the DEIR to support it

- No quantitative data is provided in the DEIR to demonstrate the specific need nor the effectiveness of the provision as a "mitigation"; substantial evidence that it would reduce environmental impact is absent.
- A CVTIP DEIR, evaluating the environmental impacts of almost all the content of this provision, was released more than a year and a half ago, but the FEIR including public comments and responses still has not been released; these relevant and critical facts were not revealed in the GPU5 DEIR and therefore it is inadequate as an environmental analysis.

In general, none of the proposed mitigations has received adequate environmental review, and all should be given a full and public evaluation before being considered for adoption. Clearly, in our judgment, they should be rejected in their present form. (See Carmel Valley Association's comments on the DEIR for GPU5.)

Your careful attention to this is much appreciated.

Sincerely,



Timothy D. Sanders,
Vice President

Attached: Three figures and descriptions.

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 Carmel 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-2.18." This graph shows what the "mitigation" would do to Carmel Valley traffic standards on seven segments of Carmel 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 "standard" in a way that would permit greater environmental impacts on segments of the road that already are rated at LOS D, E and F, by one or another study.

Figure 3. Calibration of ADT against PTSF (peak hour). The curve represents ADT as a function of PTSF, with the PTSF 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 PTSF data from the CVTIP DEIR, which shows very high correlation between the curve and the data.

**Monterey County Traffic: GPU5 DEIR V/C Comparisons:
Existing (2007), Cumulative (2030)**

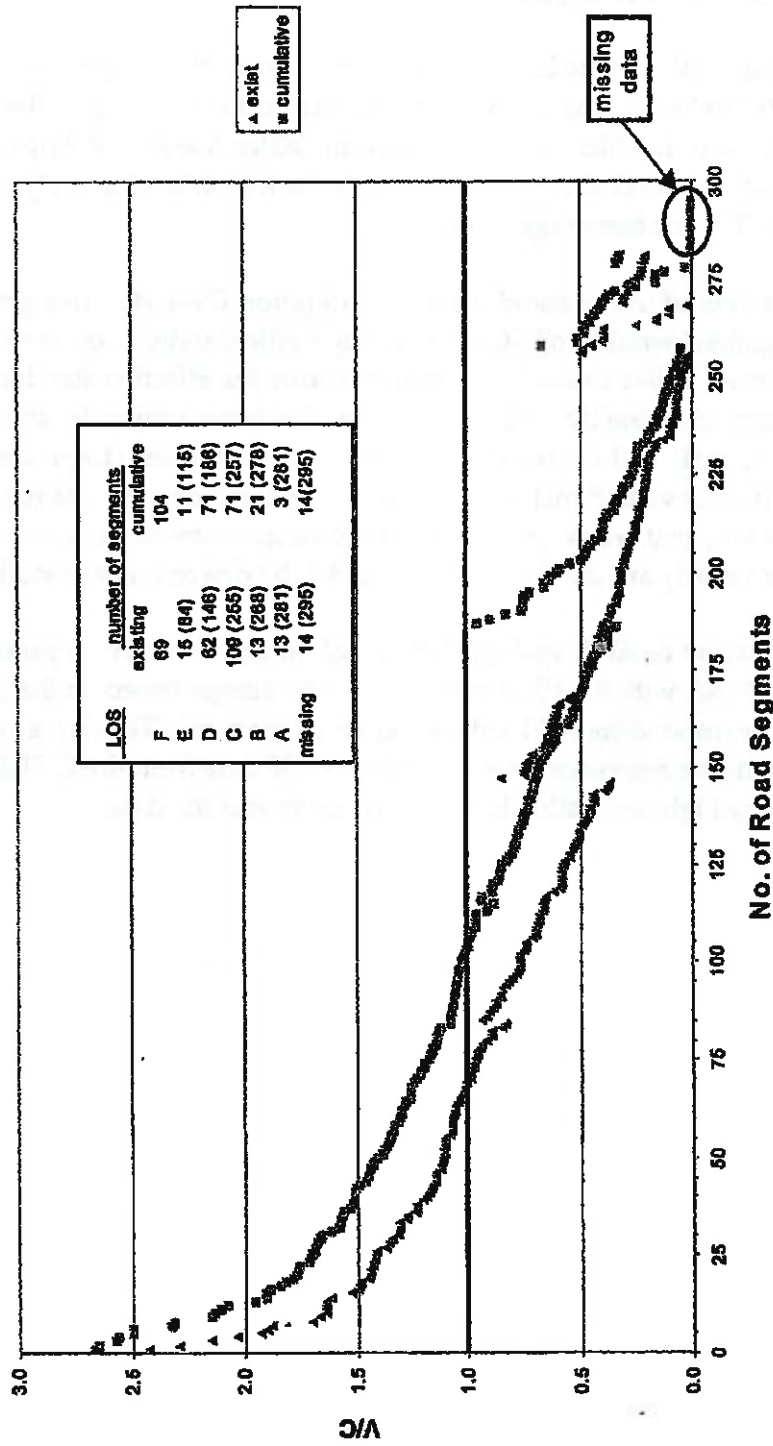


Figure 1.

Carmel Valley Road Average Daily Traffic (ADT) and LOS "Standards" vs Road Segment ("Mitigation" for CV-218, Actual Traffic, Current LOS C "Standard")

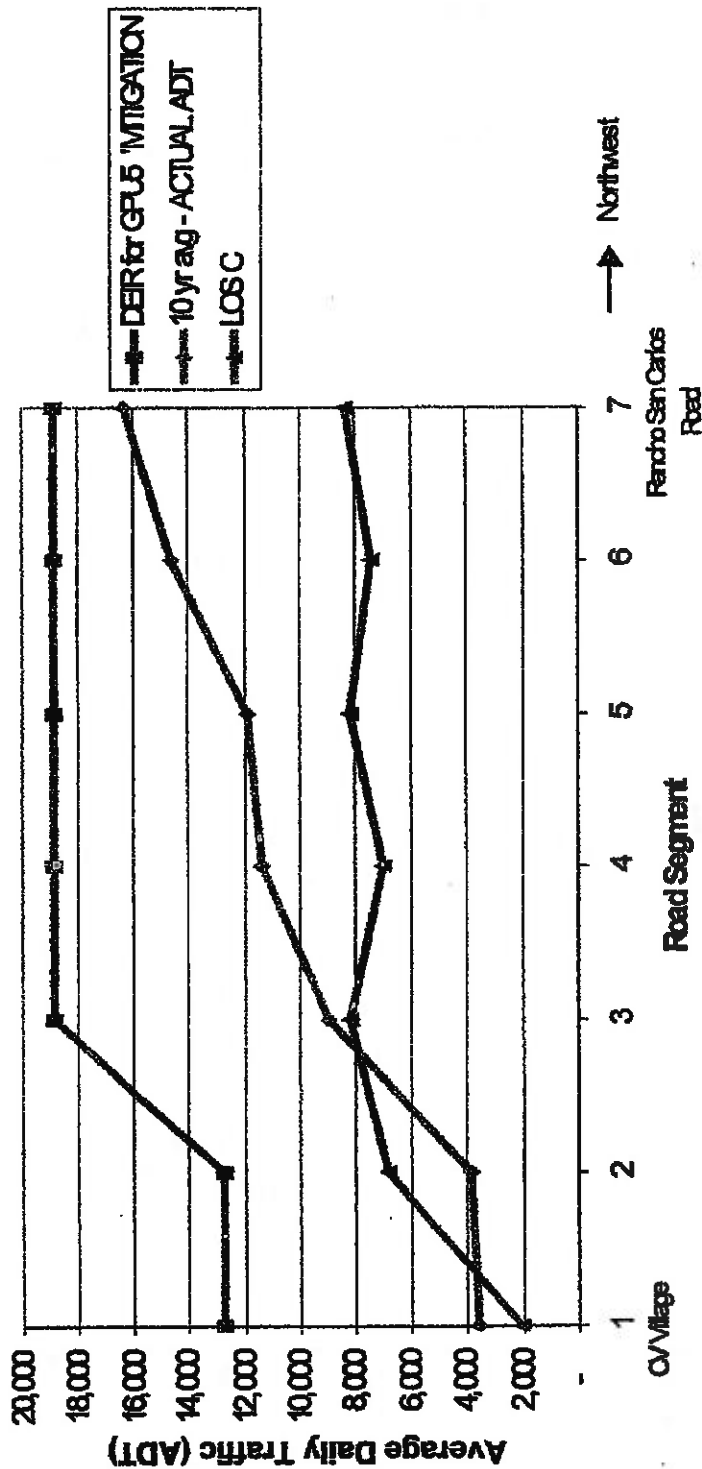


Figure 2.

Calibration of PTSF In terms of ADT (ADT vs PTSF) for Carmel Valley Road

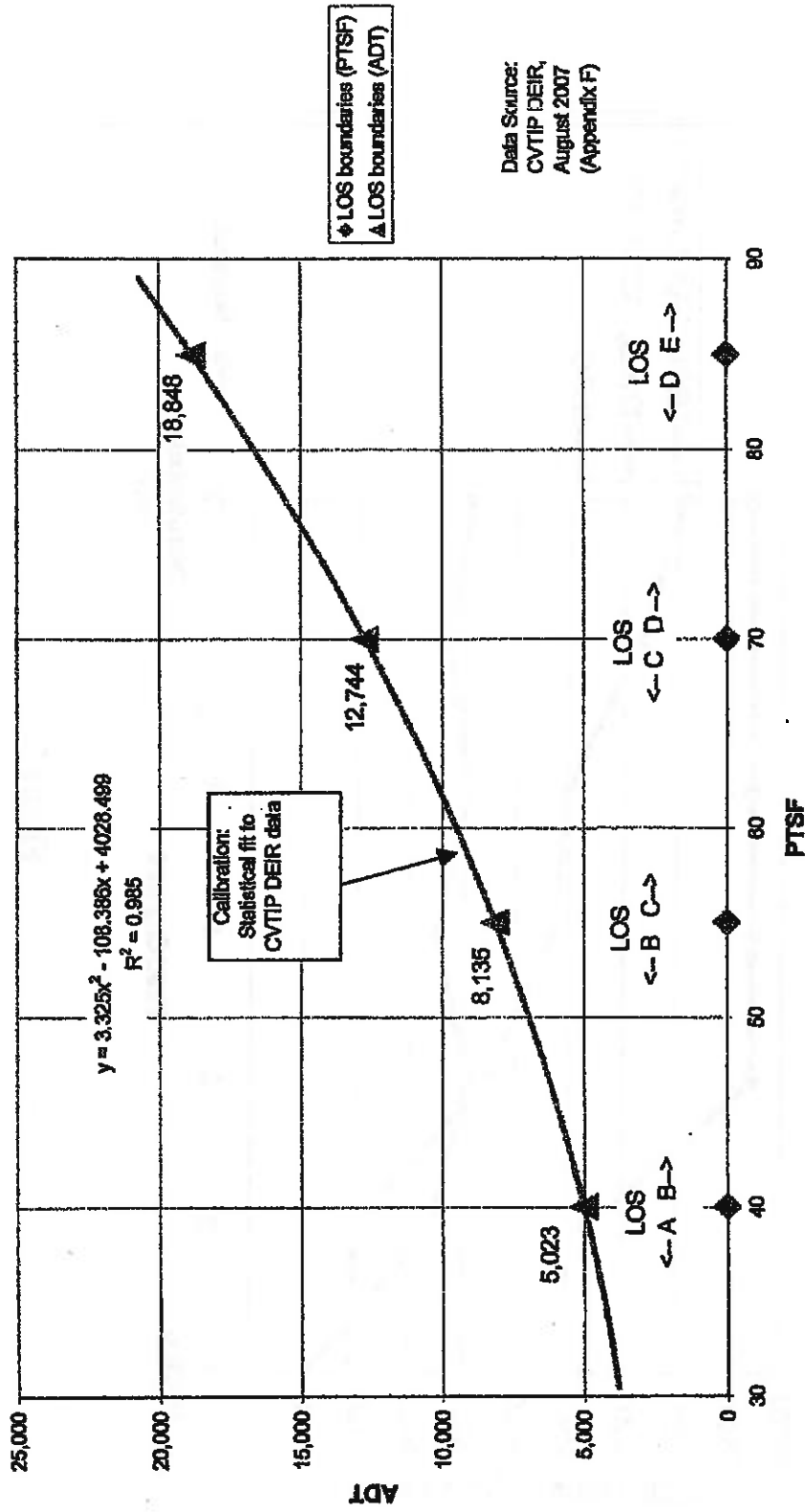


Figure 3.

MEMORANDUM

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

From: Timothy D. Sanders (25075 Pine Hills Dr., Carmel, CA 93923)

Date: February 23, 2009

Subject: RMA-Planning Department Recommendations for the Planning Commission Meeting of February 25, 2009 – Tabling of consideration and public hearing on matters arising from the DEIR for GPU5

I respectfully request that consideration by the Planning Commission, including public hearing, of any and *all* policies and policy changes recommended or suggested in the DEIR for GPU5 be tabled or not opened until after the FEIR is complete and has been released to the public.

Policies and policy changes proposed as “mitigations” 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 assuming the DEIR to be accurate and adequate. Public comments often challenge that assumption, and should be among the evidence before the Commission when the DEIR’s contents, including all mitigations and proposed policies, are taken under consideration.

Thus I request that action on Staff Recommendation 1) be restricted to changes proposed in the errata, with “and mitigation measures” omitted; that testimony in Recommendation 2) be restricted to changes proposed in errata; that the matters referred to in Recommendation 3) likewise be restricted to subject matter predating and not arising from the DEIR; and that the effect of Recommendation 4) be modified to (a) continue, as may be necessary, the public hearing on matters not arising from the DEIR, and (b) to propose that public hearings on DEIR-related issues not occur before a future “date uncertain 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.



Bringing you HOPE -
Helping Our Peninsula's Environment
 Box 1495, Carmel, CA 93921 info7 at 1hope.org
 831/ 624-6500 www.1hope.org

Trustees 2009

Dena Ibrahim
 Holly Kiefer
 Vienna Merritt-Moore
 Terrence Zito

Science Advisors

Susan Kegley, Ph.D.
 - *Hazardous Materials & Pesticides*
 Arthur Partridge, Ph.D.
Forest Ecology
 Herman Medwin, Ph.D.
 - *Acoustics*

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, MPC 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? ¹

We're Serious

Just to give you context – though the Herald never reported it, HOPE sued to overturn the last General Plan you approved. HOPE does not take on lawsuits 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, adopted by the Legislature and signed by our Governor requires you to use that –

Yet – County staff has ignored essentially all of it. ²

Not New Requests

Half a dozen public interest groups ³ have respectfully requested the following items for some 10 years – at almost every opportunity during the several GP 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 giant development allowing General Plan they want -- they are also required by law (CEQA) to adopt every feasible mitigation for each environmental impact that the growth forcing General Plan causes, and to provide the public with an objective evaluation of a reasonable range of feasible alternatives to that Plan.

² HOPE's comments apparently have their own volume for the last GPU revision. We challenge you to pick *any one* of our substantive comments from that volume and try to find a meaningful response.

Founded in 1998, and known for helping with hundreds of environmental and democracy successes including stopping both "Dirty Harry" and "The Terminator," H.O.P.E. is a non-profit, tax deductible, public interest group protecting our Monterey Peninsula's natural land, air, and water ecosystems and public participation in government, using science, law, education, news alerts and advocacy.

Yet the new General Plan and its DEIR --

- **Still base everything on Bogus¹ and Harmful AMBAG Population Projections⁴**
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.¹¹

- **While few of us would agree on our area’s Carrying Capacity, the General Plan needs to set a process in motion to determine such a limit – for this General Plan – and for the subsequent GP updates.**

- **Still Contains No Protection for Monterey pine forests outside the Coastal Zone, even though the General Plan is required to address all locally relevant issues⁵**

- **Still Provides No Recognition of Short Term Noise Impacts⁶ or Mitigation for them**

- **Still Provides No Meaningful Light Pollution Avoidance and Mitigation⁷**
even though light pollution was the November 2008 National Geographic cover story

- **Still have No Meaningful Chemical (including Pesticide) Pollution Impact Recognition or Mitigation**

- **Still Ignores our Peninsula’s 10-year long physical Water Supply Emergency – allowing more unsupportable growth.**

- **Still Ignores our growing Gridlock - allowing more unsupportable growth and congestion.**

- **Still provides ONLY "alternatives" which use AMBAG's bogus Population "forecast,"**
even though a General Plan is Required to address a “reasonable range of feasible alternatives”⁸
This makes the “range” of alternatives provided - **Zero** – contrary to CEQA’s mandate.

³ Carmel Valley Women's Network, Pacific Grove Neighbors, Save Our Peninsula Committee, VISION - Vision Inspiring Sanctity and Integrity of Nature, Responsible Consumers of our Monterey Peninsula, and HOPE - Helping Our Peninsula's Environment. Letter to County Planning Commission, dated Thursday, August 19, 2004. (None of these groups were provided a seat at the “Refinement Group” table.)

⁴ AMBAG’s 1997 Adopted Population Forecast (page 179). See Endnotes 1 & 2.

⁵ Gov Code 65301(c). **Monterey pines** are used proudly in government logos across Monterey County. They are highly protected as ESHA when in the Coastal Zone – yet wholly unprotected when merely across the street from the Coastal Zone. **Monterey pine forest was declared an Endangered species by the United Nations in 1986 and independently by the California Native Plant Society in 1992.**

⁶ Impulse Noise examples -- Firing Ranges, Leaf Blowers, Barking Dogs, Chainsaws, Car Alarms, etc.

⁷ Light Pollution – So un-professionally addressed and mitigated it requires an Overriding Consideration vote, when in-expensive off-the-shelf mitigation and simple laws can easily reduce this to “no significant impacts.” 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

⁸ “Range of reasonable alternatives” standard from CEQAs Guidelines, applied by the Court in *Citizens of Goleta Valley v. Bd. of Supervisors County of Santa Barbara* (1990) 52 Cal.3d 553 (“Goleta II”). ***Examining a*** Founded in 1998, and known for helping with hundreds of environmental and democracy successes including stopping both “Dirty Harry” and “The Terminator,” ***H.O.P.E.*** is a non-profit, tax deductible, public interest group protecting our Monterey Peninsula's natural land, air, and water ecosystems and public participation in government, using science, law, education, news alerts and advocacy.

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.

- Still refuses to set up a process to establish our area's Carrying Capacity as mitigation.⁹

If you take these reasonable concerns seriously – we will have nothing to litigate,

David Dilworth, Executive Director

ⁱ **AMBAG 1997 Population Forecast (pg 179) –**

“The AMBAG Population Forecast process and the Draft Forecast have ignored:

- 1) Historic trends. (Forecasts are notably higher than trends)
- 2) Historic mistakes. (30% overestimate for Marina in 1994)
- 3) Alternate methodologies. (Genuine Trend extrapolation and Bottom-up forecasts)
- 4) Concerns 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.
(Variance exceeding 150,000 for life 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, Counties Communities and cities.”

ⁱⁱ **What's wrong with current AMBAG's Forecasts ?**

US Census Counts of 1990 and 2000 Show --

- **All Peninsula Cities Populations Dropping –**
- **But AMBAG's 2003/4 Forecasts have All Peninsula Cities Populations Increasing !**

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

⁹ Carrying Capacity --

- 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 known for helping with hundreds of environmental and democracy successes including stopping both “Dirty Harry” and “The Terminator,” H.O.P.E. is a non-profit, tax deductible, public interest group protecting our Monterey Peninsula's natural land, air, and water ecosystems and public participation in government, using science, law, education, news alerts and advocacy.



Monterey County Planning Commissioners
 RMA-Planning Salinas Permit Center
 168 W. Alisal Street, 2nd floor
 Salinas, CA 93901
 Via email: Rotharmell@co.monterey.ca.us
 RE: General Plan Update – PLN 070525

February 24, 2009

Juntos, Planeando Nuestro Futuro • Together, Planning Our Future

www.actionpajarovalley.org

Carlos Palacios, Co-Chairman
 City of Watsonville
 Mark Myers, Co-Chairman
 Grunsky Law Offices
 Lisa L. Dobbins, Executive Director

Advisory Council

Agriculture:
 *Miles Reiter, Driscoll Strawberry & Associates
 Sam Earnshaw, Community Alliance with Family Farmers

Farmland:
 *Darlene Din, Santa Cruz County Farm Bureau
 *Diane Cooley, Farmland Owner

Business:
 *Mark Myers, Grunsky Law Offices
 Jerry Beyersdorff, Pajaro Valley Chamber of Commerce

Commerce:
 *Mike Machado, SC County Business Council
 *Jorge Reguerin, Santa Cruz County Bank
 *William Ow, Ow Family Trust
 *Al Walters, Certified Public Accountant

Community:
 Luis Alejo, La Raza Lawyers Assoc. of Santa Cruz County
 La Manzana Family Resource Center
 Randy Reppas, West Marine
 Lois Robin, Pajaro Valley Ohlone Indian Council
 Willy Elliot McCrae, Second Harvest Food Bank
 *Sr. Rosa Dolores Rodriguez, St. Vincent de Paul Society
 *Dobie Jenkins, Freedom Neighbors
 *Chuck Carter

Cultural:
 Pajaro Valley Arts Council

Education:
 *Rachel Mayo, Cabrillo College – Watsonville Campus
 Rhea DeHart, Former PVUSD Trustee
 Faris Sabbah, PVUSD Migrant Education

Environment:
 *Bob Culbertson, Watsonville Wetlands Watch
 Jim Van Houten, River Advocates
 Jim Rider, Santa Cruz County Land Trust

Health Care:
 Salud Para La Gente

Housing:
 *Gretchen Reegenhardt, Cal. Rural Legal Assist.

Labor:
 *Amy Newell, Monterey Bay Central Labor Council

Monterey County:
 Lou Calcagno, Monterey County Supervisor
 *Jerry Hernandez, Monterey County Redevelopment & Housing Agency

Housing Agency:
 Diane Young, Together in Pajaro/Young's Tires

Real Estate:
 Dana Sales, David Lyng Real Estate

Santa Cruz County:
 Tom Burus, Santa Cruz County Planning Director
 Tony Campos, Santa Cruz County Supervisor
 *Ellen Pirie, Santa Cruz County Supervisor

Seniors:
 *Betty Bobeda, Bay Village

Transportation:
 Sandra Coley, Pajaro Valley Transportation Mgmt. Assoc.

Water Supply:
 *Dennis Osmer, PV Water Mgmt Board
 Dave Kegebein, PV Water Management Agency

Watsonville City:
 *Carlos Palacios, City Manager

* = Board of Directors

Dear Chairman Vandevere and Planning Commissioners,

Action Pajaro Valley (APV), focused on land-use issues in the Pajaro Valley, formed in 1998 initiated by a wide variety of community interests including business, government, agriculture, labor, education, health and environmental stakeholders. Representatives from these diverse interests came together as APV conducted a visioning and growth management strategy process. APV facilitated community outreach activities that were wide reaching and bilingual in nature throughout the Pajaro Valley.

The outcome of the process was a Growth Management Strategy for the Pajaro Valley that includes designated communities, growth policies, design principles and recommendations for implementation. One of the designated communities is the town of Pajaro. In APV's Growth Management Strategy document it recommends the following; "In conjunction with the Monterey County General Plan update process, the town of Pajaro shall pursue housing infill, redevelopment and expansion opportunities with a range of product types." APV's Growth Management 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 Pajaro Valley.

APV's broad-based Pajaro Subcommittee, who is evaluating the option of initiating a Pajaro Community Plan process, supports the Monterey County General Plan designation of Pajaro 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 Pajaro and help plan for its future.

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

Again, on behalf of our Pajaro Subcommittee of our Growth Management Strategy Committee, we support the classification of Pajaro 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 8536 ext. 103.

Sincerely,

Lisa Dobbins
 Executive Director

Cc: Monterey County Board of Supervisors- via Clerk of the Board
 Wayne Tanda and Alana Knaster, Resource Management Agency
 Mike Novo and Carl Holm, RMA-Planning Agency
 Jim Cook and Jerry Hernandez, Redevelopment & Housing Agency
 Curtis Weeks, General Manager, Monterey County Water Resource Agency

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February 23, 2009

Mr. Carl Holm
 RMA-Planning Salinas Permit Center
 168 W. Alisal St.
 2nd Floor
 Salinas CA 93901
 [ceqacomment@co.monterey.ca.us]

Dear Mr. Holm,

As a Director of the CPOA, I strongly support the 2/2/09 letter Michael Caplin authored on behalf of the Big Sur Community re: 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. 2007 General Plan, Introduction, section 1.5.d., pages vi and viii. "The County is **not amending** the Local Coastal Program as part of this 2006 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 viii 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.)

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Page 2 of 2

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