Comment Letters
Individuals

I-1

Holm, Carl P. x5103

From: Janet B rennan [janetb@montereybay.com]
Sent: Wednesday, October 29, 2008 3:38 PM
To: Holm, Carl P. x5103
Subject: Fw: Comment on CV AHO Data

Carl - Would you forward this to Alana? It was returned indicating an incorrect address. Janet
----- Original Message -----
From: Janet B rennan
To: Alana Knaster (knastera@co.monterey.ca.us)
Sent: Wednesday, October 29, 2008 3:11 PM
Subject: Comment on CV AHO Data

Alana - I errored this morning in referencing density needed to meet the buildout number in Table 3-8. I was confusing calculations. However, the following data are confusing since buildout is not clearly identified. 3,870 is 2092 buildout, while 1481 is 2030 buildout. Janet

Buildout for the AHOs is identified on Table 3-8 as 3,870 new units; however, on page p. 4.15-15 buildout is identified as 1481 new units. 1

11/06/2008

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CALIFORNIA WATER SERVICE COMPANY
754 COMMISSION STREET • SALINAS, CA 93901-3737
(831) 757-3644 • FAX (831) 757-0497

SALINAS DISTRICT

October 27, 2008

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

Re: Monterey County General Plan Draft EIR

Dear Mr. Holm:

California Water Service Company (Cal Water) provides drinking water to many communities in the Salinas area. We have reviewed the Draft Environmental Impact Report (DEIR) for the County's General Plan, and comments in three main categories (water quality, supply, and demand projections) are provided below.

1. The DEIR should address, in more detail, the extent and degree of nitrate contamination in the basin. This will lead to a more effective plan to improve water quality. Nitrate is an acute toxic substance that has immediate adverse health effects. The following language regarding the health effects of nitrates was taken from the California Department of Public Health website: *Infants below the age of six months who drink water containing nitrate in excess of the MCL may quickly become seriously ill and, if untreated, may die because high nitrate levels can interfere with the capacity of the infant's blood to carry oxygen. Symptoms include shortness of breath and blueness of the skin. Symptoms in infants can develop rapidly, with health deteriorating over a period of days. If symptoms occur, seek medical attention immediately.* (http://www.cdph.ca.gov/certlic/drinkingwater/Documents/Notices/Tier%201%20Nitrate%20Notice.doc) 1

The following excerpt could lead to an interpretation that nitrate concentrations are not a problem because they are generally below the MCL: "A cooperative effort between the MCWRA and the USGS has found that nitrates are present in the Salinas valley basin in concentrations generally below the MCL" (Page 4.3-22). The increasing nitrate concentrations in the Salinas Valley are a completely preventable public health risk and are best addressed in any countywide long term plan. This is consistent with the MCWRA's responsibility to manage not only the quantity but also the quality of water in the basin. For many years, MCWRA has focused primarily on agricultural water needs and less on those of the urban areas.

DISTRICT OFFICES: ANTELOPE VALLEY • BAKERSFIELD • BAYSHORE • BEAR GULCH • CHICO • DIXON • EAST LOS ANGELES • KERN RIVER VALLEY • KING CITY • LIVERMORE • LOS ALTOS • MARYSVILLE • OROVILLE • RANCHO DOMINGUEZ • REDWOOD VALLEY • SALINAS • SELMA • STOCKTON • VISALIA • WESTLAKE • WILLOWS

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2. We support the development of best management practices to reduce nitrate contamination; however, we believe that such a program should be implemented county wide to improve groundwater quality. Changes to the proposed mitigation are suggested below.

Page 4.3-22: "Sufficient information is available, and initial steps have been taken, toward developing best management practices (BMPs) that will reduce the rate of nitrate contamination in the Salinas Valley basin (and other areas of the county). Nitrate contamination can be reduced by farmers through improved methods and control of fertilizer application, soil management and adoption of water conservation practices. Achieving a significant reduction of nitrate contamination will require that best management practices be effectively implemented basin-wide. Examples of programs that have been successfully implemented include North County and along Chualar Creek, where local farmers and landowners have partnered with the RCD and NRCS. Goals for reduction of nitrate contamination need to be established and implementation of best management practices needs to be routinely monitored. The major uncertainty at this time is the degree to which current levels of groundwater contamination by nitrates from agricultural fertilizers can be reduced." 2

3. Water providers in the Salinas area have experienced wide spread nitrate contamination. Loss of wells which have to be properly destroyed, purchasing land, design and construction of new replacement wells and providing ion exchange treatment are very expensive in terms capital, operations and maintenance costs. High levels of nitrate contamination have and will continue to cause urban users to pay more than what they would for non-contaminated ground water. 3

Page 4.3-23: "Treatment to remove nitrates and other contaminates remains very cost-prohibitive. For this reason, the common solution in most areas of the county is to drill a new well and deeper well with a deep seal to prevent contaminated water from entering the perforations. All of the Salinas Valley water utilities, as well as many small water systems throughout the county, have implemented this solution."

4. The loss of production capacity in wells because of groundwater contamination combined with increasing demand due to population growth is placing increased pressure on water distribution systems to meet peak demands. Cal Water has taken a proactive approach to solving future supply challenges and is preparing a long-term water supply plan to address these issues. 4

5. On page 4.3-23, the DEIR states that new wells in the Salinas Valley are typically drilled to a depth of 1,000 feet or more due to nitrate contamination. This statement is incomplete. The depth to which production wells are drilled depends on the depth of water bearing formations (aquifers) and the degree to which various aquifers in different subbasins within the Salinas Valley Groundwater basin are contaminated. Well yield 5

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goals and the hydrogeology of particular locations also determine how deep wells are drilled and what aquifers are screened for supply. Well depths range from 600 feet to more than 1,200 feet. 5

6. The Water Resources Section of the DEIR contains some confusing statements with respect to current and future water supply conditions in the Salinas Valley. Further discussion and analysis is warranted to clarify these statements. The DEIR offers the Salinas Valley Water Project (SVWP) as evidence that sufficient supplies will be available for both urban and agricultural users through 2030. For example:

Page 4.3-1: "Supply in the Salinas Valley provided by the Salinas Valley Water Project is adequate to provide new water for new development up to 2030" The DEIR does not discuss evidence to support the assertion that the SVWP will support planned urban development through 2030. Cal Water believes that additional analysis and discussion is required. Phase I of the SVWP does not provide a direct water supply for urban customers in the Salinas Valley. In addition, the DEIR does not discuss specific information and analysis for Phase 2 of the SVWP. MCWRA's goal for Phase 2 is 10,000 acre-ft/year for urban users. To further support that the SVWP Phase 2 would meet these needs requires a summation of all the projected demands to 2030 of all urban users in the Salinas Valley. A quantitative summary of their current supplies and an assessment of how much of them will be available in 2030 would be helpful. A quantitative summary of planned "realistic" new supplies would also be helpful. A determination of what can be realistically provided by Phase 2 and an allocation to various urban users should be made. Finally, a comparison of demands and supplies to determine whether there are sufficient, reliable, high quality supplies to meet projected demand would be helpful. 6

The DEIR lacks detail about the SVWP's ability to reverse overdraft and eliminate seawater intrusion in the following statements:

Page 4.3-130: "Within the Salinas Valley, the SVWP will provide sufficient supply to reverse existing overdraft and seawater intrusion problems and to provide water for new development."

Page 4.3-116: "With implementation of the SVWP and CSIP, the Salinas Valley will have sufficient supplies to 2030, and seawater intrusion will be effectively halted in the Castroville area."

However, the DEIR does not discuss supporting data, reasonable demand forecasts, or a quantitative analysis. These statements also appear contradictory to other parts of the DEIR, as seen in the following quotes.

Page 4.3-35: "Modeling undertaken by the MCWRA for the SVWP indicates that by 2030 seawater intrusion will be reduced to 2,300 AF with surface water deliveries only to the CISP. However, if an additional 14,300 AF of SVWP water is delivered outside the

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CISP, modeling indicates that seawater intrusion would be halted." The DEIR should discuss how an additional 14,300 AFY of SVWP water would be obtained, and where and to whom it would be made available.

Page 4.3-38: "These components 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."

Page 4.3-113: "Impact WR-4: Land uses and development consistent with the 2007 General Plan would exceed the capacity of existing water supplies and necessitate the acquisition of new supplies to meet expected demands (Significant and Unavoidable Impact.)"

6

7. The SVWP was originally designed as means to alleviate seawater intrusion in coastal areas caused mainly be agricultural pumping. The SVWP as it is currently being implemented (Phase 1) will use the existing Castroville Seawater Intrusion Project (CSIP) distribution system. The CSIP delivers water to agricultural customers only and is not available directly to urban users.

7

8. The DEIR claims that seawater intrusion will be halted through construction of the SVWP. However, MCWRA modeling suggests that intrusion of 2,300 AFY will still exist when the SVWP is complete. A conceptual design of a second phase of the SVWP has been discussed. Under this scenario the SVWP would divert additional instream flows during the winter months and deliver it in a newly constructed distribution system to users in the northern Salinas Valley. However, at this point the planning and design for second phase has not been initiated. It will also require another voter-approved measure for funding and is not currently part of the SVWP. Therefore, it is unclear if this additional water will be available, especially for future urban development, and the DEIR should address the implementation of the second phase.

8

9. The SVWP and CSIP are good first steps to reduce seawater intrusion; however, there are still several issues that have not been addressed. The freshwater barrier in Castroville may reduce the amount of additional sea water that intrudes into the 180 and 400 foot aquifers, but the sea water that has been and will be in these aquifers has not been addressed. It is possible that the existing seawater plume will spread as seawater contaminated wells are taken out of service, and nearby freshwater wells continue in service to draw intruded seawater into a wider area. Such a scenario would have a negative impact on the additional groundwater that is supposed to be made available by these projects.

9

10. The SVWP will provide groundwater recharge along the entire Salinas Valley during the summer months as releases are made from Nacimiento Reservoir. However, the amount of recharge projected to be provided has not been quantified or discussed in detail in the DEIR, although it claims that overdraft will be eliminated.

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CALIFORNIA WATER SERVICE COMPANY

11. For calculating future projected urban demand the DEIR uses a value of 181 gallons per capita per day (gpcpd), which was taken from the California Water Plan 2005 Update (4.3-114). The average total per capita water use for the years from 2000 to 2007 for Cal Water's Salinas District is 146 gpcpd. Our experience with smaller communities in Monterey County is that per capita water use is even lower because use is preponderantly residential and per capita use for single and multi -family residences is significantly lower than overall per capita use. By using 181 gpcpd, the DEIR is likely over projecting water demands for 2030.

11

We appreciate the opportunity to review the DEIR, and we look forward to working with you to address the serious water quality and supply issues in the county. If you have any questions regarding this letter please contact Dana Jacobson at djacobson@calwater.com or Tarrah Henrie at thenrie@calwater.com.

Sincerely,

Michael L. Jones
Assistant District Manager

Cc: Alana Knaster-Monterey County
Todd Peters-Cal Water
James Smith-Cal Water

I-3 34

David & Madeleine Clark
8145 Messick Road
Prunedale, California 93907
(831) 663-3130

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

RE: Public Comments for GPU Draft January 30, 2009

Dear Carl:

Please consider this formal objection to provisions in the most recent General Plan Update (GPU) Draft prohibiting new subdivisions in the North Monterey County area. Such stipulations are tantamount to depriving property owners, taxpayers and residents of their legal rights guaranteed by local, state and federal mandates.

If the Board of Supervisors and the County capitulates to demands brought forth by a handful of no-growth activists who rely on unsupported and erroneous information regarding North Monterey County water supplies, then the County will subject itself to lawsuits costing County taxpayers millions to defend against litigation to reverse policy that is not only illegal, but harmful to the economic vitality, infrastructure improvements and overall well being of the North Monterey County community.

To strip land owners of their equity by drawing a red line around North Monterey County to prohibit all new subdivision development is both draconian in its approach to land use, but economically detrimental to the County as a whole. Such a policy would require new (lower) property tax assessments for all parcels affected by this policy. 1

Also, the County would have to reverse and reimburse North Monterey County property owners in MCWRA Zone 2C for taxes dedicated to the rubber dam project. If no benefits are to be derived (as promised by project proponents and County administrators) by North Monterey County property owners, then taxpayers in this area are entitled to a full refund and discontinuance of MCWRA Zone 2C taxes.

As a compromise, the language for no new subdivisions in North Monterey County should be struck and replaced with language that pertains to the County as a whole; each new subdivision will be addressed on a case-by-case basis and decided by the Board of Supervisors if the project proves to be controversial. Such decisions can be appealed in a court of law, as is the current protocol for subdivision applications.

Sincerely,

Madeleine Clark

Page 1 of 1 71

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Calderon, Vanessa A. x5186

From: MJDelPiero@aol.com
Sent: Monday, February 02, 2009 5:55 AM
To: ceqacomments
Subject: Comments and Objections on the Draft Monterey County General Plan EIR

Monterey County
Planning and Building
Inspection Administration
FEB 02 2009
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read as Comments C.E.Q.A 2/2/09 5:55 am

January 31, 2009

To: Monterey County Planning Department

Dear Mr. Carl Holm:

By this letter, I hereby wish to file the following comments and objections to the Draft EIR for the "proposed" new Monterey County General Plan.

By this e-mail, I hereby submit, affirm, and adopt as my own, each and every comment, request, statement, objection, proposed mitigation, and recommendation included in or incorporated by reference in each, every, and all correspondence, letters, e-mails, or other responses regarding, criticizing, or applicable to the Draft EIR that have been submitted to the County or its representatives by each and all of the following entities:

1. All comments of The Monterey County Agricultural and Historical Lands Conservancy (the Ag Land Trust), including its demand for a full and complete comparative analysis of the 1982 General Plan's farmland preservation policies (as the "no project" alternative) as compared to the weaker, environmentally less protective policies of the draft General Plan to be included in the Draft EIR (as is mandated by CEQA regulations) before any hearings on the EIR are conducted. 1

2. All comments and objections of Land Watch of Monterey County.

Please advise me if you intend to respond to these requests. Please included this e-mail in the CEQA record for the purposes of satisfying my obligations to comment pursuant to the Cal. Public Resources Code and CEQA Guidelines.

Marc Del Piero
4062 El Bosque Drive
Pebble Beach, California
831-626-4666

02/02/2009

I-5

JOHN DOERING 464E REGENCY CIR, SALINAS, CA 93906 831-442-9197

September 28, 2008

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

Subject: Draft EIR for 2007 General Plan

1. Cultivation on slopes greater than 25% should not be permitted due to erosion and damages to water quality that will occur as well as other deleterious effects. 1

2. Development should not be permitted to degrade our roads below Level "C". Development should be scaled back until milestones given in the Capital Improvement and Funding Plan (CIFP) are met. 2

Yours truly,

Monterey County
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42

General Farm Investment Co.
P.O. Box 247 • Salinas, CA 93902-0247 • Phone (831) 424-7923 Fax (831) 424-7812

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January 23, 2009

Carl Holm
County of Monterey
RMA – Planning Department
168 West Alisal St., 2nd Floor
Salinas Ca 93901

Dear Mr. Holm,

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

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

The studies done by the Intergovernmental Panel on Climate Change have been largely debunked by various scientists and scientific organizations. Of specific interest is the fact that the IPCC's modeling has been constructed using data generated by Dr. James Hansen of NASA's Goddard Institute for Space Studies. However, in regard to his claims that October of 2008 was the hottest 1

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

The figures published by Dr Hansen's institute are one of the primary sets of data used by the IPCC to promote its case for man-made global warming and they are widely quoted because they consistently show higher temperatures than other figures. 1

"Yet last week's latest episode is far from the first time Dr Hansen's methodology has been called in question," reports the London Telegraph. "In 2007 he was forced by Mr. Watts and Mr. McIntyre to revise his published figures for US surface temperatures, to show that the hottest decade of the 20th century was not the 1990s, as he had claimed, but the 1930s." (US meteorologist Anthony Watts and Steve McIntyre, the Canadian computer analyst who won fame for his expert debunking of the notorious "hockey stick" graph.)

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

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included in the DEIR is, therefore, questionable at best. My own question is: why is the County accepting questionable DEIR conclusions based upon faulty premises and fake data? What is the County's response to all of this? 1

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

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

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Continuing along the lines of feckless and reckless speculation, 4.16.3.2 is an admirable model in this regard. Among other crystal ball predictions, this section speculates that climate change could – should we discuss the implications of the word "could"? – change increase the severity of winter storms, could increase heat-related human deaths, could raise the sea level along the California coast, etc ad nauseum. These, at best, are reckless speculation and generate a great many concerns about the intelligence of the DEIR writers, their political persuasion and their assumptions. However, my question is: why are all the speculations, if we must make speculations regarding climate change and global warming, negative? Why is there not one positive speculation? Where are the facts and studies that support the implications of the aforementioned speculation? Please elaborate and update the DEIR in this regard. 4

In the Emissions Summary section of Climate Change 4.16.3.3, in the area that states that California is estimated to be the 12th to 16th (that's quite a spread in the estimate, isn't it?) largest emitter of CO2 and is responsible for approximately 2 percent of the world's CO2 emissions, it might be mature to also point out, merely for the sake of thoroughness, that greenhouse gases only make up about 3% of the atmosphere by volume – consisting of varying amounts of water vapor and clouds (about 97%), with the remainder being gases like CO2, ozone, etc. Thus, CO2 constitutes about 0.037% of the atmosphere. Therefore, to sum this up, California is responsible for about 2% of 0.037%, which works out to 0.00074%. That is obviously an enormous amount. 5

In Mitigation Measure CC-3 – Promote Alternative Energy Development, why isn't nuclear power discussed? It is remarkably narrow-minded to not even 6

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discuss the option of nuclear power. 6

In Mitigation Measure CC-4 – Promote Recycling and Waste Reduction, why is the figure 75% picked for a waste diversion goal? Where are the calculations that resulted in that particular number? Why not 65%? 85% or 83.4%? 7

On page 4.16-34 of the Climate Change section, the DEIR writers admit that California Executive Order S-3-05 only applies to state agencies – NOT local governments – in terms of the goal of reducing GHG emissions by 80 percent below 1990 levels by 2050. The DEIR writers then proceed by saying "nevertheless, for this analysis, substantive reductions in emissions are assumed necessary after 2020 and 2030 in order to address cumulative GHG emissions and associated climate change effects." This is a huge assumption. Why was it assumed necessary to make this assumption? Why is this assumption being made when this order only applies to state agencies and not local governments? What is the practical alternative if this order is not necessary for Monterey County? Why was the practical alternative not stated and studied in the DEIR? 8

Another question that must be answered with logic and clarity (as opposed to the vagueness with which this issue has hitherto been addressed) is that of why the DEIR deals with two different time periods: the 2030 planning horizon as well as the year 2092 (the supposed year when all land designated for development under the General Plan Update is built out). Why is the DEIR assessing potential impacts for 84 years? The General Plan is supposed to be for 20 years, not 84 years. The County will obviously do several more General Plan updates between now and 2092, so why would we be assessing impacts that should be dealt with in future General Plans? Furthermore, speculating on 9

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what is going to happen for the duration of 84 years descends into something akin to crystal-ball gazing. How on earth can anyone surmise what state various species, economies, populations, climate change, etc., will be in 84 years? Where are the facts that support this speculation? Where are the facts that support the assumption that planners and analysts can successfully forecast eight decades into the future? To speculate – nay, to speculate and then codify into plans and ordinances – is pure foolishness and a profligate waste of taxpayer money. Details and discussion pertaining to 2092 should be removed from the DEIR. 9

Yet another section in the DEIR that must be stricken is Mitigation Measure BIO-1.5 (page 4.9-78). This mitigation recommends that a countywide Habitat Conservation Plan (HCP) be implemented. There are many flaws with this idea, including the virtual impossibility of implementation due to astronomical costs, the fact that the measure is not supported by any facts in the record, etc. However, one other thing must be pointed out in this regard. Jones & Stokes, the preparers of this DEIR, make a great deal of money in various parts of California by setting up HCPs. For them to recommend that the County implement an HCP is a direct conflict of interest. This must be addressed. 10

Another area of immense concern is in the Water Resources section, specifically the WR-1 mitigation found on page 4.3-130. In a nutshell, this verbiage calls for the inclusion of a new PS-3.16 that would implement a regional group to generate new water supply projects, management programs, agency agreements, etc, that would provide additional domestic water supplies for the Monterey Peninsula and Seaside basin. The subtext here is transferring water out-out-basin and to another area. This means lawsuits. Farming will be pitted against urban areas, as soon as the next drought occurs that forces any 11

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sort of hierarchy of priority in water usage. Water taken out of Zone 2C will further exacerbate that area's ability to combat saltwater intrusion (where is the environmental analysis of this potential exacerbation?). In addition, there are a great many water problems in Zone 2C that must be dealt with before considering such things as cooperative regional supply. Furthermore, it was disappointing to see that the DEIR did not take the time and effort to explore how areas such as the Monterey Peninsula and Seaside might solve their own water problems via such things as desal plants, the proper maintenance of the Carmel River, etc. I would request that the DEIR analyze properly such options available to the Peninsula, etc., before delving into fantastical notions of cooperative regional supply ideas. 11

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

The 2004 AMBAG forecast projected a 35,123 person increase in population from 2000 to 2030 and 28,198 new jobs. In sharp and marked contrast, the 2008 forecast projects only a 13,204 person increase in population from 2000 to 2030 and 17,909 new jobs. The projected population growth from the 2008 analysis is 62% less than the 2004 analysis. Let me repeat that: 62%. Sixty-two percent. 12

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

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The AMBAG 2004 numbers were used as the basis for the regionally approved Traffic Model. Therefore, using the 2004 numbers for the DEIR will make the population and traffic assumptions consistent.
The adopted Housing Element is based on the 2004 numbers. Using the same 2004 numbers for the rest of the plan maintains internal consistency between the Housing Element and all other elements of the plan.
The 2004 numbers are higher than those of the CA Dept Finance and AMBAGs 2008 numbers. Using the higher numbers leads to more conservative results for CEQA analysis.

Basically, these three reasons are lazy nonsense. Keeping the population and traffic assumptions consistent in this scenario simply means they're both equally wrong. Keeping the Housing Element consistent with the rest of the elements, by having them all employ the 2004 AMBAG numbers, simply means they're all equally wrong. Using the higher numbers in order to lead to more conservative CEQA analysis results is irrelevant – the numbers are still wrong. 12

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

In short, and to end this all, I found the DEIR to be a peculiar mix of pessimistic speculation (pessimistic when it suited the obvious environmental bent of the writers) and positive speculation (positive when it, again, suited the obvious environmental bent of the writers). The DEIR must be rewritten in order to reflect an impartial point of view, as opposed to the biased and agenda-driven point of view of the DEIR consultants. It is imperative that the County engage in 13

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environmental analysis of a non-speculative and purely factual manner. I do not want my tax money being spent on speculative, agenda-driven analysis. 13

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

Sincerely,

Christopher Bunn

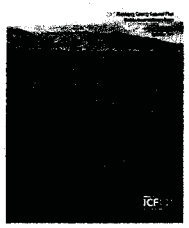
I-7a

JANE HAINES

601 OCEAN VIEW BOULEVARD APT. 1 PACIFIC GROVE, CALIFORNIA 93950

October 21, 2008

ATTENTION: Ms. Linda Rothermel
for Mr. Mike Novo, Planning Director
Monterey County Planning Dept.
County of Monterey
168 W. Alisal Street
Salinas, CA 93901



Dear Ms. Rothermel:

I am writing to request that the Draft Environmental Impact Report for GPU-5 be removed from circulation until the inaccuracies described in this letter have been corrected. I address this letter to you rather than to the Planning Director because I received an automatic reply to the e-mail I sent to Mr. Novo this morning. The reply stated that Mr. Novo will be out of his office until October 28 and therefore persons with concerns should communicate with you until that date.

First, a serious prejudicial error exists in both Figure #CA3 of the 2007 General Plan and Exhibit 3.16 of the DEIR. Both state: "The boundary for the Chualar Community Area will be established at a later date pursuant to LU-2.23f." However, GPU-5 policy in the 2007 General Plan does not contain the referenced subdivision (f) of Policy LU-2.23. My 9/2/06 comments on the 2006 Monterey County General Plan, incorporated herein by reference, explain in detail why that omission is seriously prejudicial. Until it is corrected, the many people concerned about the boundaries of the Chualar Community Area will be misled.

1

Second, Section 11 of the DEIR, reference #35, mis-cites the applicable web address of the Farmland Mapping and Monitoring Program Important Farmland Categories as http://redirect.conservation.ca.gov/DLRP/fmmp/pubs/1984-Present.xls. It took me several hours of searching today to discover that the correct citation is http:redirect.conservation.ca.gov/DLRP/fmmp/pubs/1984-Present/mnt_1984-Present.xls. Since agricultural policy AG-1.10 of the 2007 General Plan states that the Farmland Mapping and Monitoring Program Important Farmland Categories developed by the California Department of Conservation shall be used as a primary means to identify important agricultural lands in the County, the inaccurate citation to the Farmland Mapping and Monitoring Program is a far more prejudicial error than a mere typo pertaining to a less important General Plan policy.

Since the County intends that farmland preservation be an important policy for the next 20 years, as suggested by the above-shown cover of the DEIR and as stated in AG-1.10, I request that the Draft Environmental Report for the 2007 General Plan be temporarily withdrawn from circulation until the above-described serious inaccuracies are corrected.

Yours truly,

Jane Haines

Jane Haines

Copy to the County Counsel at mckeecj@co.monterey.ca.us and to the Board of Supervisors at <cttb@co.monterey.ca.us>

I-7b

Monterey County
Planning and Building
Inspection Administration

OCT 31 2008

RECEIVED

Jane Haines

601 Ocean View Blvd., Apt. 1

Pacific Grove, CA 93950

October 23, 2008
Mr. Carl Holm
Monterey County Planning Department
168 W. Alisal Street
Salinas, CA 93901

Re: The Open Monterey Project (TOMP) 10/17/08 letter regarding unavailable reference documents for GPU-5

Dear Mr. Holm:

The above-referenced letter has come to my attention and I wish to join with TOMP in requesting the County to correct the noted deficiencies in the DEIR reference documents and to extend the cutoff date for comments to begin on the date when the corrections become publicly available. This letter explains why.

Preliminarily, I want to call to your attention a letter I sent to the Planning Department on 10/21/08 regarding two serious errors in the DEIR. The first error I described will prevent the public from understanding that a settlement agreement from prior litigation concerning an agricultural conservation easement mandated by the 1982 General Plan and the Greater Salinas Area Plan will significantly affect where the boundaries of the Chualalr community area can be placed. The second error I described was a mis-citation in Section 11 of the DEIR pertaining to an important chart in the Farmland Mapping Program which took me several hours to track down. I considered both errors so prejudicial to informed public review that I requested a temporary halt to the DEIR review process until those errors are corrected. The corrections requested in my 10/21/08 letter could be carried out at the same time as the corrections that TOMP requests.

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To explain why I make this request, I will begin by discussing the first error TOMP identified in Exhibit 1 to its 10/17/08 letter. It is the citation to the Calflora website cited in the DEIR on page 4.9-3 for the following passage:

> *For example, there are almost 3,000 species of plants that occur in Monterey County according to* **Calflora** *(2008), a database of California plants. Of these, 101 plant species are considered to be rare or sensitive by the CNPS and are listed in the CNDDB (2007). (Bold added for emphasis.)*

TOMP correctly noted that the Section 11 reference 25 link to www.calfora.org, is for a .pdf document that does not provide the search stated. That is because the link is misspelled "calfora" whereas the correct spelling is "calflora." Spelled correctly as www.calflora.org, the link takes the reader to a most helpful website where I learned that there are twenty native ferns growing in the vicinity of the conservation easement discussed in my 10/21/08 letter, a fact that other reviewers of the DEIR will not learn unless they make the same kind time-consuming research that I made.

I-7b

Mr. Carl Holm
October 23, 2008
Page 2

Why is it important to correctly cite the Calflora website?

Well, although I am familiar with the Chualar area, I did not realize until I explored the Calflora website that there are twenty native ferns growing in the area of the proposed Chualar Community Area. Now that I've learned about the ferns from the Calflora website, I can submit a comment on the DEIR asking whether any of the ferns are endangered and learn the answer in the response to comments. However, if I had not independently learned the correct citation to the Calflora website, I would have assumed that the website says only that 101 plant species in Monterey County are considered to be rare and probably I would not have requested a corrected citation because neither the DEIR nor GPU-5 tips me off to the website's potential relevance to the boundaries of the Chualar Community Area.

Let me offer another example of why the County should not assume that the public will request a correct citation when an incorrect one is encountered in Section 11. Both TOMP and I identified, reference 35 in Section 11 of the DEIR mis-cites to a page that cannot be found, i.e. http://redirect.conservation.ca.gov/DLRP/fmmp/pubs/1984-Present.xls . The correct citation, which I finally found in Table 4.2-5 of the DEIR (after several hours of searching) is http:redirect.conservation.ca.gov/DLRP/fmmp/pubs/1984-Present/mnt_1984-Present.xls. That table gives a portion of the information found at the correctly cited web address, but not all.

The correct citation is to a Farmland Mapping Program chart which shows that between 2004 and 2006, 2,711 acres of Monterey County prime farmland were converted to other uses. Two thousand seven hundred and eleven acres exceeds the loss to other uses of Monterey County Farmland of Statewide Importance (1,585 acres) or Unique farmland (2,025 acres) during the same time period. Yet nowhere in either the DEIR nor in the General Plan can I find an acknowledgment of this post-2004 rate of conversion of Monterey County prime farmland.

Conversion of *prime* farmland is a serious environmental matter. Such loss has a far more adverse impact than the conversion of less valuable farmland. The California Department of Conservation terms defines "prime" farmland as having the "best" combination of desirable features:

> *Prime Farmland is land which has the best combination of physical and chemical characteristics for the production of crops. It has the soil quality, growing season, and moisture supply needed to produce sustained high yields of crops when treated and managed, including water management, according to current farming methods. Prime Farmland must have been used for the production of irrigated crops at some time during the two update cycles prior to the mapping date. It does not include publicly owned lands for which there is an adopted policy preventing agricultural use.* (http://www.conservation.ca.gov/dirp/fmmp/Documents/soil_criteria.pdf.)

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I-7b

Mr. Carl Holm
October 23, 2008
Page 3

The mis-citation in reference 35 makes it less likely that members of the public will discover the County's post-2006 trend. However, if the citation were correct, members of the public would quickly discover the post-2006 Monterey County trend on the page that the correct link leads to.

If the DEIR contained only several errors like the mis citation to the Calflora website or the Farmland Mapping Program website, I would question whether or not only several errors would warrant suspension of the comment period. But the *cumulative effect* of the scores of errors that TOMP identified, in addition to the serious mislabeling of the maps described in my October 21, 2008 letter, seem to me to be an informational inadequacy so prejudicially serious that I believe CEQA's informational requirement requires that public notice to be given of the corrected citations and that the comment period be extended in accordance with TOMP's request.

In sum, it is the *cumulative effect* of the scores of errors TOMP identified combined with the serious errors identified in my October 21 comments that cause me to join with TOMP in requesting the County to correct the noted deficiencies in the DEIR reference documents and to extend the cutoff date for comments to begin on the date when the corrections become publicly available. I request notification of whether or not the County intends to grant this request and the rationale for that decision.

Respectfully yours,

Jane Haines

Copy to the County Counsel at mckeeaj@co.monterey.ca.us and to the Board of Supervisors at <cttb@co.monterey.ca.us> and to The Open Monterey Project care of <erickson@stamplaw.us>. Hard copy to Carl Holm to follow by mail.

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I-7c

JANE HAINES

601 OCEAN VIEW BOULEVARD APT. 1 PACIFIC GROVE, CALIFORNIA 93950

Monterey County
Planning and Building
Inspection Administration
OCT 28 2008
RECEIVED

October 24, 2008
Mr. Carl Holm, AICP
Monterey County Planning Dept.
168 W. Alisal St., 2nd floor
Salinas, CA 93901

Re: Correction of my 10/23/08 letter

Dear Mr. Holm:

This is a copy of the e-mail il sent you today to correct a mistake in the letter I sent you yesterday regarding mistakes in the DEIR for GPU-5 and also to offer examples that might make help the planning staff to understand my concerns.

The mistake appears on page 3 of yesterday's letter where I speak of the post-2006 trend in the loss of Monterey County prime farmland. It should say the post-2004 trent, not the post-2006 trend.

The three attachments to this letter should be viewed side-by-side to see the critical information I found after I tracked down correct reference #35 in DEIR Section 11.

- Attachment #1 is page 4.2-6 of the DEIR containing Tables 4.2-5 and 4.2-6. The DEIR tables show the trend in loss of Monterey County prime farmland with only three reference points: 1984, 1994, and 2006. The rate of post-2004 loss cannot be determined.
- Attachment #2 is from the (corrected) reference #35 website. It breaks down Monterey County farmland conversion from 1984 to 2006 into eleven two-year intervals and states that the average annual acreage change over that 22-year period is 416 acres per year.
- Attachment #3 is also from the reference #35 website. It states that the total acreage of Monterey County prime farmland from 2004 to 2006 was 2,711 acres, which would be a post-2004 acreage change during those two years of 1,355 acres.

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In other words, the post-2004 average annual acreage loss of Monterey County prime farmland is *three times greater* than the average annual loss in the preceding twenty years. This trend is not disclosed in either GPU-5 nor in the DEIR. I learned of it only because I spent several hours tracking down the correct reference for Section 11 #35.

I will mail you a hard copy of this letter and the attachments.

Yours truly,

Jane Haines

I-7c

Table 4.2-5. Agricultural Land Use Summary

Land Use Category	Acres 1984	Acres 1994	Acres 2006	Percent Change 1984–2006 (%)
Prime Farmland	176,779	174,681	167,636	-5.2
Farmland of Statewide Importance	37,762	37,961	43,402	+14.9
Unique Farmland	10,875	13,074	25,104	+131.0
Important Farmland subtotal	**225,416**	**225,716**	**236,142**	**+4.6**
Grazing Land	1,081,510	1,080,452	1,065,577	-1.5
Agricultural Land subtotal	**1,306,926**	**1,306,168**	**1,301,719**	**-0.04**
Urban Land	42,374	47,112	55,951	+32.0
Other	765,284	761,302	757,210	-1.1
Water	6,544	6,545	6,246	-4.6
Total Land	**2,121,128**	**2,121,128**	**2,121,128**	

Sources: California Department of Conservation. Farmland Mapping and Monitoring Program. *Monterey County Historic Land Use Conversion. 1982 to Present.* Accessed: http://redirect.conservation.ca.gov/DLRP/fmmp/pubs/1984-Present/mnt_1984-Present.xls.

California Department of Conservation. Farmland Mapping and Monitoring Program. *Monterey County Important Farmland Data Availability. Land Use Conversion Table 2004–2006.* This table is available online through the Farmland Mapping and Monitoring Program: http://redirect.conservation.ca.gov/DLRP/fmmp/county_info_results.asp.

As a percentage of total land in Monterey County, agricultural uses have held constant at more than 61% for the past 20 years. While several thousand acres of agricultural land were converted to urban uses during that period, land continues to be brought into production, and, as of 2006, urban uses represent less than 3% of total land use in Monterey County. Table 4.2-6 summarizes land use as a percentage of the total area of Monterey County.

Table 4.2-6. Land Use as a Percentage of Monterey County Area

Land Use	1984	1994	2006
Important Farmland	10.6	10.6	11.1
Grazing Land	51.0	50.9	50.2
Agricultural Land total	**61.6**	**61.5**	**61.3**
Urban Land	2.0	2.2	2.6

Source: California Department of Conservation. Farmland Mapping and Monitoring Program. *Monterey County Important Farmland Data Availability. 1984-2006 Land Use Summary.* Accessed: http://redirect.conservation.ca.gov/DLRP/fmmp/pubs/1984-Present/mnt_1984-Present.xls.

Attachment # 1

I-7c

MONTEREY COUNTY

1984–2006 Land Use Summary

Farmland Mapping and Monitoring Program

CALIFORNIA DEPARTMENT OF CONSERVATION

LAND USE CATEGORY	TOTAL ACREAGE INVENTORIED 1984	1986	1988	1990	1992	1994	1996	1998	2000 (2)	2002 (3)	2004	2006	1984–2006 NET ACREAGE CHANGE	Average Annual Acreage Change
Prime Farmland	176,779	176,892	176,738	176,356	175,448	174,681	173,238	170,774	169,255	169,338	169,369	167,636	-9,1[illegible]	-416
Farmland of Statewide Importance	37,762	37,678	37,905	37,297	37,396	37,961	38,209	38,714	45,877	44,998	44,546	43,402	5,640	256
Unique Farmland	10,875	10,984	11,253	12,001	12,706	13,074	13,610	15,236	24,142	26,476	26,479	25,104	14,229	647
Farmland of Local Importance	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Important Farmland Subtotal	225,416	225,554	225,896	225,654	225,550	225,716	225,057	224,724	239,274	240,812	240,394	236,142	10,726	488
Grazing Land	1,081,510	1,081,159	1,080,857	1,080,441	1,080,482	1,080,452	1,078,186	1,076,031	1,060,663	1,057,448	1,066,538	1,065,577	-15,933	-724
Agricultural Land Subtotal	1,306,926	1,306,713	1,306,753	1,306,095	1,306,032	1,306,168	1,303,243	1,300,755	1,299,937	1,298,260	1,306,932	1,301,719	-5,207	-237
Urban and Built-Up Land	42,374	43,197	43,880	45,253	46,370	47,112	49,231	50,030	52,486	54,060	54,291	55,951	13,577	617
Other Land	765,284	764,671	763,947	763,233	762,178	761,302	762,274	764,098	762,459	762,559	753,657	757,210	-8,074	-367
Water Area	6,544	6,547	6,547	6,547	6,547	6,545	6,379	6,245	6,246	6,246	6,246	6,246	-298	-14
Total Area Inventoried	2,121,128	2,121,128	2,121,127	2,121,128	2,121,127	2,121,127	2,121,127	2,121,128	2,121,128	2,121,125	2,121,126	2,121,126	-2	-0

(1) Figures are generated from the most current version of the GIS data. Files dating from 1984 through 1992 were reprocessed with a standardized county line in the Albers Equal Area projection, an
(2) Due to the incorporation of digital soil survey data (SSURGO) in 2000, acreages for farmland, grazing and other land categories may differ from those published in the 1998–2000 Farmland C
(3) Due to the incorporation of an updated digital soil survey data (SSURGO) during this update, acreages for farmland, grazing and other land use categories may differ from those published in t

PERCENTAGE OF COUNTY INVENTORIED: 100%

Attachment # 2

I-7c

TABLE A-19
MONTEREY COUNTY
2004-2006 Land Use Conversion

CALIFORNIA DEPARTMENT OF CONSERVATION
Division of Land Resource Protection

Farmland Mapping and Monitoring Program

PART I
County Summary and Change by Land Use Category

LAND USE CATEGORY	TOTAL ACREAGE INVENTORIED 2004	2006	2004-06 ACREAGE CHANGES: ACRES LOST (-)	ACRES GAINED (+)	TOTAL ACREAGE CHANGED	NET ACREAGE CHANGED
Prime Farmland	169,369	167,636	2,711	978	3,689	-1,733
Farmland of Statewide Importance	44,546	43,402	1,585	441	2,026	-1,144
Unique Farmland	26,479	25,104	2,025	650	2,675	-1,375
Farmland of Local Importance	0	0	0	0	0	0
IMPORTANT FARMLAND SUBTOTAL	240,394	236,142	6,321	2,069	8,390	-4,252
Grazing Land	1,066,538	1,065,577	5,826	4,865	10,691	-961
AGRICULTURAL LAND SUBTOTAL	1,306,932	1,301,719	12,147	6,934	19,081	-5,213
Urban and Built-up Land	54,291	55,951	230	1,890	2,120	1,660
Other Land	753,657	757,210	2,295	5,848	8,143	3,553
Water Area	6,246	6,246	0	0	0	0
TOTAL AREA INVENTORIED	2,121,126	2,121,126	14,672	14,672	29,344	0

PART II
Land Committed to Nonagricultural Use

LAND USE CATEGORY	TOTAL ACREAGE 2006
Prime Farmland	486
Farmland of Statewide Importance	0
Unique Farmland	31
Farmland of Local Importance	0
IMPORTANT FARMLAND SUBTOTAL	517
Grazing Land	12
AGRICULTURAL LAND SUBTOTAL	529
Urban and Built-up Land	0
Other Land	383
Water Area	0
TOTAL ACREAGE REPORTED	912

PART III Land Use Conversion from 2004 to 2006

LAND USE CATEGORY		Prime Farmland	Farmland of Statewide Importance	Unique Farmland	Farmland of Local Importance	Subtotal Important Farmland	Grazing Land	Total Agricultural Land	Urban and Built-up Land	Other Land	Water Area	Total Converted To Another Use
Prime Farmland (1)(2)	to:	–	3	69	0	72	1,722	1,794	211	706	0	2,711
Farmland of Statewide Importance (1)(2)	to:	6	–	15	0	21	1,301	1,322	28	237	0	1,585
Unique Farmland (1)(2)	to:	155	18	–	0	173	1,330	1,503	18	504	0	2,025
Farmland of Local Importance	to:	0	0	0	–	0	0	0	0	0	[illegible]	0
IMPORTANT FARMLAND SUBTOTAL		161	21	84	0	266	4,353	4,619	255	1,447	0	6,321
Grazing Land (1)	to:	634	202	395	0	1,231	–	1,231	277	4,318	0	5,826
AGRICULTURAL LAND SUBTOTAL		795	223	479	0	1,497	4,353	5,850	532	5,765	0	12,147
Urban and Built-up Land (4)	to:	33	105	5	0	143	4	147	--	83	0	230
Other Land	to:	150	113	166	0	429	508	937	1,358	–	0	2,295
Water Area	to:	0	0	0	0	0	0	0	0	0	–	0
TOTAL ACREAGE CONVERTED	to:	978	441	650	0	2,069	4,865	6,934	1,890	5,848	0	14,672

(1) Conversion among irrigated agricultural categories is due to the incorporation of updated digital soil survey data (SSURGO) into the 2006 Important Farmland data. This reflects modifications made to soil mapping by the U.S. Department of Agriculture as opposed to land use conversions.
(2) Conversion to Grazing Land primarily due to land left idle for three or more update cycles and the identification of nonirrigated crop production on land formerly mapped as irrigated farmland.
(3) Conversion to Other Land primarily due to the addition of low-density housing throughout the county and the delineation of an approximately 1,500 acre oil field on the Wunpost quad.
(4) Conversion from Urban and Built-up Land due to the delineation of a portion of the King City Sanitary Sewage Treatment Plant/Wastewater Treatment Facility as irrigated pasture; and due to the use of detailed digital imagery to delineate more distinct urban boundaries.

MONTEREY COUNTY

Attachment # 3

I-7d

http://www.co.monterey.ca.us/planning/gpu/draftNov2007/figures/FigCA3_Chualar_Comm_Area-aerial.pdf

Dear Mr. Holm:

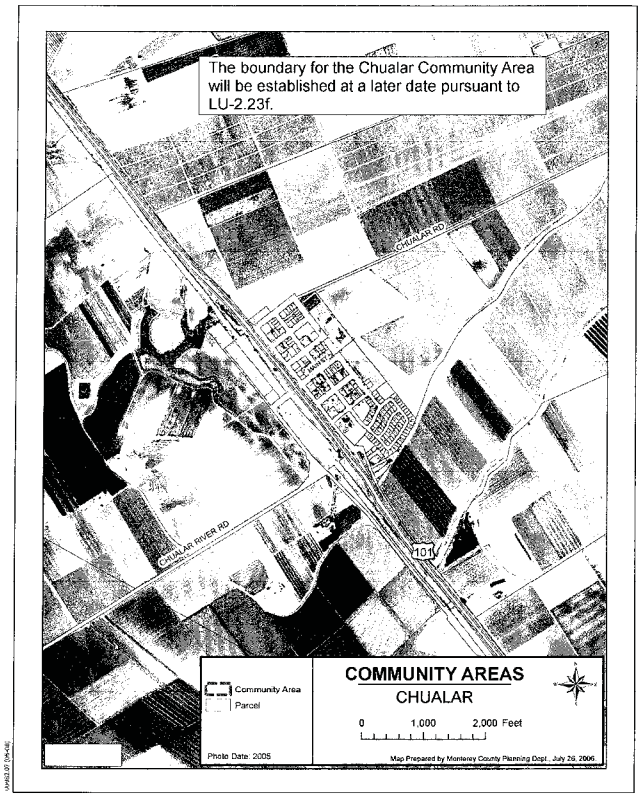
I received your October 22 letter today. It states that the "typo" in Figure CA3 and Exhibit 3.16 will be corrected on the Planning Department web site for the General Plan.

The errors are still on the web site. I copied the above two maps from the Planning Department web site less than five minutes ago (6 p.m. on 10/24/08). The maps still cite to the non-existent LU 2.23-f.

The reason this is so important to me is that I'm aware that residents of the town of Chualar have long advocated for development on the 500 acres that are deed restricted by the settlement agreement. I think it is cruel for the County not to inform them at this point in time that their hopes are unlikely to materialize in the manner they hope for it. As your letter states, the County will make its decision consistent with that settlement agreement. But that's not what I'm concerned about. I'm concerned that residents of Chualar who may have already examined the DEIR are still not informed about the future boundaries of the Chualar Community Area in the manner that CEQA requires. 1

Yours truly, Jane Haines

I-7d



ICF Jones & Stokes

Exhibit 3.16
Chualar Community Area Aerial Map

I-7e

Holm, Carl P. x5103

From: Jane Haines [envirlaw@mbay.net]
Sent: Monday, October 27, 2008 8:23 AM
To: Holm, Carl P. x5103
Cc: McKee, Charles J; Novo, Mike x5192; Molly Erickson
Subject: Re: Attached letter supporting my joinder with The Open Monterey Project 10/17/08 letter regarding reference documents for the DEIR for GPU-5

Dear Mr. Holm:

I've simply given up. I received your October 24 letter on October 25 (Saturday) stating that the "County has updated that section [Section 11] of the DEIR...." Your letter provides a link to the purportedly corrected link. I went to the link cited in your letter and tried to access the two references I've discussed at length in my previous letters: Reference #25 to Calflora and Reference #35 to the Farmland Mapping program. Both links have the same errors that were there before I complained -- #25 leads to a .pdf and not to the active Calflora website and #35 leads to "Page not found." I checked your October 25 letter three times to be sure I'd correctly copied the link. I had. So I've given up on trying to get the County to correct the references. I'll submit comments on the DEIR that will include a summary of the too-many-problems I've had trying to get Section 11 corrected.

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

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Thus, I've simply given up.

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

Yours truly,
Jane Haines

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

> Ms. Haines;
>
> Please see County reply to Mr. Stamp (TOMP), which addresses the reference matters you raise.

11/06/2008

I-7e

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

-----Original Message-----
From: Jane Haines [mailto:envirlaw@mbay.net]
Sent: Tue 10/21/2008 6:21 AM
To: Novo, Mike x5192
Cc: mckeej@co.monterey.ca.us; 105-Clerk to the Board Everyone
Subject: Emailing: gpu

Dear Mr. Novo:
I am writing to inform you that it is apparently impossible to review the current GPU on-line. It is not available through the County website, a matter about which I emailed the County Webmaster, and the following link leads nowhere. Please have someone call me at 375-5913 to inform me how I may find a copy of the current GPU. Thank you. Jane Haines

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The message is ready to be sent with the following file or link attachments:
Shortcut to: http://www.co.monterey.ca.us/rma//gpu

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

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

-----Original Message-----
From: Jane Haines [mailto:envirlaw@mbay.net]
Sent: Thursday, October 23, 2008 4:15 PM
To: Holm, Carl P. x5103
Cc: McKee, Charles J; Novo, Mike x5192; Molly Erickson; Jane Haines
Subject: Attached letter supporting my joinder with The Open Monterey Project 10/17/08 letter regarding reference documents for the DEIR for GPU-5

11/06/2008

I-7e

Dear Mr. Holm:

The attached letter explains the reasons why I join in the comments and concerns of The Open Monterey Project stated in its 10/17/08 letter to the County. It explains that it is the cumulative effect of the more than fifty errors identified by The Open Monterey Project added to the serious errors described in my 10/21/08 letter to Mr. Novo's assistant which, in my opinion, prevent the public and decision-makers from obtaining legally adequate information in these matters. I will mail you a hard copy this afternoon. Yours truly, Jane Haines

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<Ltr M Stmp 10-23-08.pdf>

11/06/2008

I-7f

Holm, Carl P. x5103

From: Holm, Carl P. x5103
Sent: Wednesday, November 19, 2008 12:28 PM
To: 'Jane Haines'
Cc: Novo, Mike x5192; Knaster, Alana x5322
Subject: RE: GPU policy A-1.12

Ms Haines:

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

Hope this helps.

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

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

Greetings:

This confirms the message I left this morning with Linda Rotharmel requesting a call from a planner who can explain to me what is meant by the sentence in GPU policy A-1.12 which describes a program to mitigate for the loss of farmland acreage caused by annexation into cities. The sentence I request an explanation for refers to mitigation by "ratios" (what is meant by "ratios"?) or "payment of fees" (does this mean that a developer could pay fees as a mitigation for the conversion of farmland to other uses?). I would appreciate hearing from someone who can explain this to me. Thank you, Jane Haines (831) 375-5913

1

1

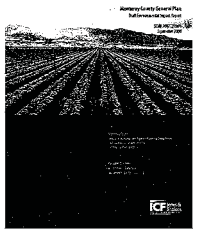
I-7g

JANE HAINES

601 OCEAN VIEW BOULEVARD APT. 1 PACIFIC GROVE, CALIFORNIA 93950

January 24, 2009

Mr. Carl Holm, Assistant Planning Director
Monterey County Planning Dept.
County of Monterey
168 W. Alisal Street
Salinas, CA 93901



Comments on the Draft Environmental Impact Report (DEIR) for General Plan Update 5 (GPU-5)

Dear Mr. Holm:

The cover of the DEIR suggests that a main objective of GPU-5 will be to protect Monterey County's prime farmland for the next twenty years. Despite the cover's appearance, the texts of GPU-5 and the DEIR obscure the reality that Monterey County has been rapidly losing prime farmland for the past twenty-five years, and that concurrent with the loss of prime farmland, Monterey County has been rapidly expanding acreage of lesser quality farmland. Moreover, GPU-5 proposes a program to mitigate for projected additional loss of farmland which fails to comply with CEQA's mandate for enforceable and measurable mitigation for specific environmental impacts. The Final EIR should distinguish the loss of prime farmland from the loss of lesser quality farmland and interpret the proposed mitigation program in such a way that it will comply with CEQA's requirement for specificity.

1

Table 4.2-5 of the DEIR shows that since 1984, Monterey County has suffered substantial losses of prime farmland concurrent with substantial gains of lesser quality farmland. Over nine thousand acres of prime farmland were converted to non-agricultural uses between 1984 and 2006. Table 4.2-5 also shows that acreage of the inferior "unique" farmland has increased in acreage by nearly fifteen thousand acres concurrent with the corresponding decrease in acreage of "prime" farmland.

"Prime" farmland is defined as "[l]and with the ***best*** combination of physical and chemical features able to sustain the long-term production of agricultural crops. These lands have the soil quality, growing season, and moisture supply needed to produce sustained high yields." (DEIR pg. 4.2-8 quoting the California *A Guide to the Farmland Mapping and Monitoring Program*, emphasis added.) By contrast, "unique" farmland is defined as "[l]and of ***less quality*** soils used for the production of the State's leading agricultural crops." (*Ibid*, emphasis added.)

The DEIR lumps together Prime farmland, Farmland of Statewide Importance, and Unique farmland and refers to them collectively as "Important Farmland." By using the collective term "important Farmland," the DEIR advances the misleading notion that Monterey County has been gaining farmland rather than losing it. While it's true that Monterey County has gained 4.6% in Important Farmland during the past twenty-six years, that figure is derived by combining a 131% increase in acreage of Unique Farmland with the 5.2% loss in acreage of Prime farmland. As shown by their respective definitions, Prime farmland is environmentally superior to lesser quality farmland. Thus, the DEIR's failure to explicitly distinguish the types of farmlands which have been lost and which have been gained misleads the reader into uninformed complacency.

The relative value between prime and non-prime farmland should be specified in Policy AG-1.12
Policy AG-1.12 describes the mitigation program for loss of important Farmland in which ratios "may" be applied in requiring greater mitigation for loss of prime land than land of lesser agricultural value. It states:

2

> 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

I-7g

> 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. Mitigation mechanisms established through this program shall be based upon a graduated value of the Important Farmland, with mitigation for loss of prime land having the highest agricultural value." GPU-5, AG-1.12

To ensure that the mitigation for the loss of prime farmland discourages the loss of this irreplaceable resource, and to provide substantial incentive for converting Unique farmland rather than Prime farmland, the last two sentences of Policy AG-1.12 should specify a ratio for mitigation as follows: "The program ~~may~~ shall include ratios and may include payment of fees, or some other mechanisms. Mitigation mechanisms established through this program shall be based upon a graduated value of the Important Farmland, with mitigation for loss of prime land ~~having the highest agricultural value~~ being approximately five times greater than mitigation for loss of Unique Farmland." The DEIR should state that GPU-5, AG-1.12 shall be so interpreted.

2

The October 9, 2006 comments by Mr. Bunn on the 2006 Monterey County General Plan are well-placed. His letter states that "easements on Important Farmland have recently gone for as much as $60,000 an acre. If that's the starting point, then affordable housing in the County is about to become even less affordable." Assuming the easements Mr. Bunn speaks of are on Prime farmland, placing the same easement on an acre of Unique Farmland would cost only one-fifth as much. The result would be to make conversion of Unique Farmland far more likely to occur in the future than the conversion of Prime Farmland. This type of specific and measurable incentive is required by CEQA.

In addition to recommending that GPU-5 be specific as to proportional mitigation requirements for loss of prime farmland as contrasted with mitigation for the loss of lesser quality farmland, I incorporate by reference my September 20, 2006 letter commenting on the DEIR for the 2006 Monterey County General Plan.

Thank you for correcting the errors in the maps and the text as they referred to the Chualar Community Area.

3

Yours truly,

Jane Haines

Jane Haines

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this is hard copy of email & comments

Monterey County
Planning and Building
Inspection Administration

OCT 29 2008

RECEIVED

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

Carl Holm, Monterey County Planning Department

RE: Comments on Draft EIR for 2007 General Plan (GPU 5)

1) Agricultural conversion of slopes over 25 percent.

I strongly oppose the elimination of the 25 percent slope limitation on agricultural land conversion for lands outside of Carmel Valley. This elimination opens up substantial acreage of generally oak woodland and chaparral to alteration. Has the draft EIR estimated how much loss of current oak woodland and chaparral will be lost?, estimated the visual impact change this will have on our county?, estimated how much more sediment erosion and pesticide/fertilizer pollution will be introduced into our watersheds and groundwater supplies?, and impacts on wildlife habitat and corridors for wildlife movement? If the EIR has not addressed these issues, then I request that the EIR analyze the impacts of slope conversion on amount of acreage potentially convertible, on the visual impacts, on the amount of erosion and pollution from expanded agricultural uses, and impacts on fragmentation of wildlife habitat and wildlife movement corridors. 1

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

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

Thank you for your consideration,

Robert Hale Robert C Hale

I-9

Calderon, Vanessa A. x5186

From: Gardenjewelltg@aol.com
Sent: Monday, February 02, 2009 4:21 PM
To: ceqacomments
Cc: michaelrweaver@att.net
Subject: Comments for DEIR Monterey County General Plan

RMA Planning, Monterey County

February 2, 2009

Comments for DEIR Monterey County General Plan

Dear Mr. Holm,

Please make all issues raised part of the E.I.R. for the General Plan.

In addition to the letter and documentation forwarded on my behalf by Mike Weaver, please address the following issues and concerns outlined in the attached letters and documentation regarding the Monterey Counties Plans to develop former military training ranges within the Federal Superfund Site of Fort Ord. 1

Thank You
Lance Houston
899-5716

02/02/2009

Calderon, Vanessa A. x5186

From: michaelrweaver@att.net
Sent: Monday, February 02, 2009 10:27 AM
To: ceqacomments
Subject: FW: FOCAG position paper and attachments

Monterey County
Planning and Building
Inspection Administration

FEB 02 2009

RECEIVED

Received as CEQA Comments 2/2/09 10:27 am

RMA Planning, Monterey County

February 2, 2009

Comments for DEIR Monterey County General Plan

Dear Mr. Holm,
Attached please find a letter and documentation regarding the chemical contamination, residual effects, and some of the unexploded ordnance issues within and surrounding the Federal Superfund Site of former Fort Ord.
The primary author, Mr. Lance Huston, asked that I please forward this to you for inclusion into and consideration of this in the E.I.R. for the General Plan of Monterey County. He has some computer issues and is unable to send it along himself by the close of comment period today. However he can be reached at 915-5574 should you have any questions. The attachment addresses serious environmental issues that need consideration in land use matters in Monterey County. 1

Thank you,
Mike Weaver
484-6859

02/02/2009

Fort Ord Community Advisory Group (FOCAG)
PO Box 2173
Monterey, CA 93942
Email: focag@fortordcag.org
Website: www.fortordcag.org

August 12, 2008

Fort Ord Reuse Authority (FORA)
100 12th St., Building 2880
Marina, CA 93933
c/o FORA Board Members

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

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

To whom it may concern;

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

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

Many environmental contaminates at levels of a few parts per billion can have lifelong adverse human health effects. Most military munitions constituents are known to be endocrine disruptors, carcinogens, mutagens, toxicants, ect.. Attached is a list of military munitions constituents found in the types of munitions used at Fort Ord and Site 39. The list includes the potential negative human health impacts that may result from exposure to each of the constituents. Former Military Training Areas are highly contaminated with hazardous chemicals.(1) If you knew of the potential risk, would you allow your children to live on and play in soil contaminated with the Table 1 constituents?

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

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

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

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

A partial list of military munitions, live and inert, found within the Seaside1-4, Del Rey Oaks, and Monterey County parcels include but is not limited to the following; "fragment hand grenades MKII , smoke hand grenades M18, hand grenade M10, 4inch trench mortars MK1, 4.2 inch mortars, 4inch trench mortars FM, 4inch trench ordnance components, blasting caps M6, blasting caps M7, hand grenade fuzes M228, 75mm Shrapnel MK1, 37mm LE MK1 , 75mm HE MK1, Livens projector FM, surface trip flare M49, 3.5inch rocket M29, 35mm Rockets M73, 3inch Hotchkiss projector, activator mine AT M1, mine AT M1, primer igniter tube M57, cartridge ignition M2, signal illumination M125, mine fuze M6A1, rifle grenade M22, 57mm projector HE M306, flash artillery M110, projectile PD M503ch mortars HC, 3inch trench mortars MK1, 81mm mortar HE M43, 4.2 inch mortars, 40mmprojector M781." (USACE documents)

Seaside Parcels; "The teams dug up and removed 43,695 specific anomalies, weighing nearly 50,000 pounds, and consisting of debris and munitions from the areas. Most of the material was range debris, totaling 46,745 lbs; 2963 lbs were munitions debris, and 292 items were identified as munitions. 52 of these munitions and explosives were too deteriorated and unsafe to remove from the site. These unsafe items were blown in place. These items included Stokes mortars and 4.2 inch mortars, plus Livens projectiles. These

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items were scrutinized carefully, and when the contents could not be confirmed, the contractors called in the Army special unit that deals with chemical warfare materials (CWM). This unit examined the three types of Munitions and Explosives of Concern for chemical weapons materials and found titanium tetrachloride in all of them. Titanium tetrachloride was used during WW I as a smoke agent in projectiles that were fired at enemy lines to obscure sight lines and decrease visibility." (Dr. Peter L. Defer Comments Draft MRS-SEA 1-4 Time Critical Removal Action 2004)(4)

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

Studies now show the unborn fetus, nursing mothers, infants, and children are especially vulnerable to extremely low levels of environmental contamination.
"The periods of embryonic, foetal and infant development are remarkably susceptible to environmental hazards. Toxic exposures to chemical pollutants during these windows of increased susceptibility can cause disease and disability in infants, children and across the entire span of human life. Among the effects of toxic exposures recognized in the past have been spontaneous abortion, congenital malformations, lowered birthweight and other adverse effects. These outcomes may be readily apparent. However, even subtle changes caused by chemical exposures during early development may lead to important functional deficits and increased risks of disease later in life. The timing of exposure during early life has therefore become a crucial factor to be considered in toxicological assessments." (2007 Faroes Statement)(5)(6)

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

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

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

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For Example; the Seaside Parcels 1-4 are now referred to as former small arms ranges. Soil sampling for residual contaminates has been limited to Lead, Antimony, and Copper. According to the 1995 RI/FS Ranges 22, 23, 24 are shown to have included the use of 40mm grenades, hand grenades, rifle launched smoke grenades, and other ordnance.(8) It is understood Old Range 22 which runs parallel with Gen. Jim Moore Rd. was a Ordnance Range. Ordnance with an array of constituents has been discovered and removed throughout these parcels yet testing for their constituents is not part of the soil analysis. This is a major omission of critical information. This information would have been a significant factor in the selection of the Site remedy and remedial action chosen for the Sites. The City of Seaside plans to build 4500 homes and commercial space on these Sites. Historical maps indicate these areas within historical Site 39, were military ordnance training areas prior to small arms ranges. The extensive discovery of OEW/UXO on the Seaside parcels right down to General Jim Moore Rd. supports the 1995 RI/FS suspected uses as military ordnance training areas. The fact is Seaside Parcels 1-4 are former military ordnance and small arms ranges. The unwillingness to acknowledge military ordnance training occurred within the Seaside Parcels is a significant omission. The argument has been "there's no evidence this area was used for ordnance training". The fact is the entire Site 39, boundary to boundary is one big enmeshment of Training Areas and Ranges.

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

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

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

1) Millions of troops trained at Fort Ord. How many millions or billions of pounds of military munitions were used in the training of troops? Any estimates? If not, why not?

2) Of the millions or billions of pounds of military munitions used, how many pounds of their constituents were released into the environment? Any estimates? If not, why not?

3) Were did the residual contaminates go?

4) Could all the contaminates simply disappear?

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5) How many gallons of pesticides are suspected to have been used at Fort Ord?

6) Was the use of pesticides in training areas a common practice?

7) What types/names of pesticides were used at Fort Ord?

8) Is there testing for pesticides? If not, why not?

9) Does Soil analysis of ranges include every known or suspected OEW/UXO constituent used at Fort Ord? If not, why not?

10) Babies and toddlers commonly eat soil and other substances off the ground. Has this phenomena been analyzed? If not, why not?

11) Have Maximum Residual Levels (MRL's) been established for the constituents in the attached Military Munitions Chemicals Of Concern Table 1? If not, why not?

12) If the extent of residual contamination and MRL's have not been established, how can an acceptable level of cleanup be know for residential or commercial use?

13) Is there a screening program in place to monitor for hazardous substances at Fort Ord? If not, why not? Will there be a program to monitor potential negative health impacts of residents living in homes built on former training areas and ranges? If not, why not?

14) Perchlorate is known to be a widely used constituent in military munitions used at Fort Ord . Is there testing being conducted to identify the extent of Perchlorate contamination in former training areas and ranges? If not, why not? If yes, the remediation documents don't appear to include any discussion or analysis.(9)

15) Synergism and synergistic effects of chemicals are a very important part of Risk Assessment.(10) I don't recall seeing any analysis in the Fort Ord Base Wide RI/FS addressing synergism. Is synergism covered in any Fort Ord Human Health Risk or Environmental Assessments? If not, why not?

16) Is there endocrine disruption screening being conducted at former Fort Ord? If not, why not?(11)

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

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

5 of 6

I-9

The Fort Ord Base Wide EIR is outdated. It is in the publics best interest to begin the new EIR process. Again we ask, when will the Scoping Session for a revised Base Wide EIR be held?

Please Provide a detailed written response to this paper and the 3-11-08 paper within 15 working days and send a copy to all FOCAG Members and the Regulators.

Sincerely,

Lance Houston
Fort Ord Community Advisory Group

Attachments;

1) Table1: Military Munitions OEW/UXO, 103 Contaminates of Concern (COC's)
2) Archive Search Report ASR; Site 39: 12 Range Maps
3) Site 39 Military Munitions; Types and Functions
4) Dr. Peter L. Defer comments; TCRA MRA SEA.1-4 Sept. 21, 2004
5) The Faroes Statement 2007
   www.ncrlc.com/1-pfd-files/faroes_statement.pdf
6) Neurodevelopmental Disorders in Children
   http://environmentalchemistry.com/yogi/environmental/200804childrenautismadhd.html
7) FOCAG Position Letter 3-11-08; FORA ESCA Remediation Program
   www.fortordcag.org/PrivateCleanup/3_13_08_FORA_ESCA_RP_Letter_final.pdf
8) Fort Ord; Site 39 Training Ranges
9) GAO 2005 Report; Perchlorate A System to Track Sampling and Cleanup / Fort Ord
   www.gao.gov/cgi-bin/getrpt?GAO-05-462
10) Synergism; Potential Synergistic effects of chemicals
    www.ccohs.ca/oshanswers/chemicals/synergism.html
11) Endocrine-Disrupting Chemicals Threaten Animal--and Human Reproduction
    www.checnet.org/HealtheHouse/education/articles-detail.asp?Main_ID=489
12) Civil War cannonball kills Virginia relic collector / ordnance can kill 150 years later
    http://www.newsweek.com/id/135153?tid=relatedcl
13) 1999 EPA Position Paper Range Rule - FOCAG Position Letter 3-13-08 attachments
    www.epa.gov/fedfac/documents/uxomemo.htm
14) 1998 Wingspread statement - FOCAG Position Letter 3-13-08 attachments
    www.rachel.org/library/getfile.cfm?ID=189

Cc. Roman Rocca, Cal DTSC
Viola Cooper, U.S. EPA, Region 9
Michael Weaver, FOCAG
Bruce Becker, FOCAG Web Smith
Debra Michelson, FORA Founder
David Dilworth, HOPE, FOCAG
Vienna Merrit Moore, FOCAG

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Table 1: Military Munitions UXO/OEW Contaminates of Concern (COC's) Potential Soil Contaminats at Fort Ord, California

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Compound	CAS No.	Recognized/Suspected Human Health Hazards
1) Bis(2-chloroethyl)ether	111-44-4	Recognized: Carcinogen P65, Suspected: Neurotoxicant HAZMAP, Respiratory Toxicant EPA-HEN,Skin or Sense Organ Toxicant EPA-HEN
2) 4-Chlorophenyl phenyl ether	7005-72-3	Listed: Hazardous Substances (Superfund) Priority Pollutants (Clean Water Act)
3) 2-Nitrophenol	88-75-5	Suspected: Cardiovascular or Blood Toxicant HAZMAP, Neurotoxicant EPA-SARA
4) 1,3-Dichlorobenzene	541-73-1	Suspected: Cardiovascular or Blood Toxicant NJ-HS, Gastrointestinal or Liver Toxicant NJ-HS, Kidney Toxicant NJ-HS, Respiratory Toxicant NJ-HS
5) Fluorene	86-73-7	Suspected: Gastrointestinal or Liver Toxicant ATSDR
6) 2,4-Dimethylphenol	105-67-9	Suspected: Cardiovascular or Blood Toxicant IRIS, Kidney Toxicant NJ-HS , Gastrointestinal or Liver Toxicant NJ-HS, Skin or Sense Organ Toxicant NJ-HS
7) 1,2-Dichlorobenzene	95-50-1	Suspected: Endocrine Toxicant RTECS, Gastrointestinal or Liver Toxicant RTECS, Immunotoxicant HAZMAP, Neurotoxicant DAN HAZMAP, Skin or Sense Organ Toxicant HAZMAP
8) Azobenzene	103-33-3	Recognized: Carcinogen P65
9) 2,4-Dichlorophenol	120-83-2	Suspected: Cardiovascular or Blood Toxicant LADO RTECS, Endocrine Toxicant JNIHS KEIT, Immunotoxicant ATSDR
10) 1,4-Dichlorobenzene	106-46-7	Recognized: Carcinogen P65, Suspected: Cardiovascular or Blood Toxicant LADO RTECS, Developmental Toxicant ATSDR JANK, Gastrointestinal or Liver Toxicant ATSDR EPA-HEN OEHHA-CREL RTECS,Kidney Toxicant KLAA OEHHA-CREL RTECS,Neurotoxicant DAN EPA-HEN OEHHA-CREL RTECS,Respiratory Toxicant OEHHA-CREL RTECS, Skin or Sense Organ Toxicant EPA-HEN LU RTECS
11) Hexachlorobenzene	118-74-1	Recognized: Carcinogen P65, Developmental Toxicant P65, Suspected: Cardiovascular or Blood Toxicant LADO RTECS, Endocrine Toxicant BKH BRUC IL-EPA JNIHS KEIT RTECS, Gastrointestinal or Liver Toxicant EPA-HEN OEHHA-CREL RTECS ZIMM, Immunotoxicant IPCS,Kidney Toxicant RTECS, Neurotoxicant HPA-SARA, Reproductive Toxicant ATSDR HPA-SARA FRAZIDR,Skin or Sense Organ Toxicant EPA-HEN
12) 4-Chloro-3-Methylphenol	59-50-7	Suspected: Immunotoxicant NAP

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

Table 1: Military Munitions UXO/OEW Contaminates of Concern (COC's) Potentiall Soil Contaminats at Fort Ord, California I-9

13) Bis(2-chloroisopropyl)ether	39638-32-9	Suspected: Carcinogen SCDM
14) Phenanthrene	85-01-8	Suspected: Respiratory Toxicant NTP-HS, Skin or Sense Organ Toxicant NTP-HS
15) 2,4,6-Trichlorophenol	88-06-2	Recognized: Carcinogen P65, Suspected: Gastrointestinal or Liver Toxicant RTECS, Respiratory Toxicant EPA-HEN
16) Uranium	7440-61-1	Recognized: Carcinogen P65-MC, Suspected: Cardiovascular or Blood Toxicant EPA-HEN Kidney Toxicant ATSDR HAZMAP LAND MERCK, Neurotoxicant DAN, Reproductive Toxicant FRAZIER, Respiratory Toxicant EPA-HEN NEME
17) Anthracene	120-12-7	Suspected: Endocrine Toxicant KEIT, Gastrointestinal or Liver Toxicant ATSDR RTECS, Skin or Sense Organ Toxicant KLAA TIMB
18) 2,4-Dinitrophenol	51-28-5	Suspected: Cardiovascular or Blood Toxicant EPA-HEN RTECS, Developmental Toxicant EPA-SARA, Gastrointestinal or Liver Toxicant EPA-HEN, Neurotoxicant EPA-HEN RTECS, Reproductive Toxicant EPA-SARA, Skin or Sense Organ Toxicant EPA-HEN LU
19) Hexachloroethane	67-72-1	Recognized: Carcinogen P65, Suspected: Developmental Toxicant EPA-SARA, Gastrointestinal or Liver Toxicant ATSDR EPA-HEN OEHHA-CREL RTECS, Kidney Toxicant OEHHA-CREL RTECS, Neurotoxicant ATSDR EPA-HEN OEHHA-CREL,
20) Dibutyl phthalate	84-74-2	Suspected: Developmental Toxicant ATSDR CERHR EPA-SARA JANK NTP-R P65-CAND, Endocrine Toxicant BKH JNHS KEIT WWF,Gastrointestinal or Liver Toxicant RTECS,Immunotoxicant HAZMAP, Kidney Toxicant RTECS, Neurotoxicant DAN RTECS, Reproductive Toxicant EPA-SARA NTP-R P65-CAND,Skin or Sense Organ Toxicant HAZMAP
21) 4-Nitrophenol	100-02-7	Suspected: Cardiovascular or Blood Toxicant HAZMAP, Neurotoxicant EPA-HEN EPA-SARA RTECS, Skin or Sense Organ Toxicant EPA-HEN RTECS
22) Nitrobenzene	98-95-3	Recognized: Carcinogen P65, Suspected: Cardiovascular or Blood Toxicant EPA-HEN HAZMAP MALA RTECS, Kidney Toxicant MERCK, Neurotoxicant EPA-HEN RTECS, Reproductive Toxicant EPA-SARA, Respiratory Toxicant OEHHA-CREL RTECS, Skin or Sense Organ Toxicant HAZMAP
23) Fluoranthene	206-44-0	Suspected: Gastrointestinal or Liver Toxicant ATSDR
24) 2-Methyl-4,6-Dinitrophenol	534-52-1	Suspected: Cardiovascular or Blood Toxicant EPA-HEN HAZMAP RTECS, Gastrointestinal or Liver Toxicant EPA-HEN RTECS,Kidney Toxicant HAZMAP,Neurotoxicant ATSDR DAN EPA-HEN RTECS,Respiratory Toxicant EPA-HEN, Skin or Sense Organ Toxicant EPA-HEN

Table 1: Military Munitions UXO/OEW Contaminates of Concern (COC's) Potentiall Soil Contaminats at Fort Ord, California I-9

25) Isophorone	78-59-1	Suspected: Carcinogen EPA-HEN IRIS OPP-CAN SCDM, Developmental Toxicant OEHHA-CREL Gastrointestinal or Liver Toxicant ATSDR OEHHA-CREL, Kidney Toxicant RTECS, Neurotoxicant EPA-HEN HAZMAP, Respiratory Toxicant EPA-HEN RTECS, Skin or Sense Organ Toxicant EPA-HEN HAZMAP RTECS
26) Pyrene	129-00-0	Suspected: Neurotoxicant RTECS, Skin or Sense Organ Toxicant RTECS
27) Pentachlorophenol	87-86-5	Recognized: Carcinogen P65, Suspected: Cardiovascular or Blood Toxicant EPA-HEN LADO RTECS, Developmental Toxicant ATSDR EPA-SARA OEHHA-CREL, Endocrine Toxicant ATSDR BRUC IL-EPA JNHS KEIT RTECS WWF, Gastrointestinal or Liver Toxicant EPA-HEN OEHHA-CREL RTECS, Immunotoxicant EPA-HEN, Kidney Toxicant EPA-HEN OEHHA-CREL, Neurotoxicant DAN EPA-HEN RTECS, Reproductive Toxicant ATSDR EPA-SARA, Respiratory Toxicant RTECS, Skin or Sense Organ Toxicant EPA-HEN HAZMAP RTECS
28) Bis(2-chloroethoxy)methane	111-91-1	Suspected: Skin or Sense Organ Toxicant NTP-HS
29) Butylbenzyl phthalate	85-68-7	Suspected: Carcinogen IRIS, Developmental Toxicant CERHR P65-CAND, Endocrine Toxicant BKH JNHS KEIT WWF, Neurotoxicant RTECS, Reproductive Toxicant CERHR
30) 1,2,4-Trichlorobenzene	120-82-1	Suspected: Carcinogen OEHHA-TCD P65-CAND, Developmental Toxicant EPA-SARA, Neurotoxicant DAN HAZMAP RTECS
31) 3,3'-D Dichlorobenzidine	91-94-1	Recognized: Carcinogen P65, Suspected: Gastrointestinal or Liver Toxicant EPA-HEN RTECS Immunotoxicant EEC HAZMAP, Kidney Toxicant RTECS, Neurotoxicant EPA-HEN, Respiratory Toxicant EPA-HEN, Skin or Sense Organ Toxicant EEC HAZMAP
32) Naphthalene	91-20-3	Recognized: Carcinogen P65, Suspected: Cardiovascular or Blood Toxicant EPA-HEN HAZMAP LADO MALA, Developmental Toxicant EPA-HEN EPA-SARA, Gastrointestinal or Liver Toxicant EPA-HEN, Neurotoxicant ATSDR DAN EPA-HEN RTECS, Respiratory Toxicant ATSDR FOTH OEHHA-CREL, Skin or Sense Organ Toxicant EPA-HEN LU RTECS
33) Benzo(a)anthracene	56-55-3	Recognized: Carcinogen P65
34) Hexachlorobutadiene	87-68-3	Suspected: Carcinogen EPA-HEN IRIS P65-CAND SCDM, Cardiovascular or Blood Toxicant RTECS, Developmental Toxicant EPA-SARA JANK, Endocrine Toxicant RTECS,Gastrointestinal or Liver Toxicant OEHHA-CREL RTECS, Kidney Toxicant ATSDR HAZMAP KLAA OEHHA-CREL RTECS STAC, Neurotoxicant DAN, Reproductive Toxicant EPA-SARA
35) Chrysene	218-01-9	Recognized: Carcinogen P65

36) 2-Chloronaphthalene	91-58-7	Listed: Hazardous Constituents (Resource Conservation and Recovery Act), Hazardous Substances (Superfund), Priority Pollutants (Clean Water Act), Lacks at least some of the data required for safety assessment
37) Bis(2-ethylhexyl)phthalate	117-81-7	Recognized: Carcinogen P65, Developmental Toxicant P65, Reproductive Toxicant P65 Suspected: Endocrine Toxicant BKH BRUC IL-EPA JNIHS KEIT WWF,Gastrointestinal or Liver Toxicant EPA-HEN OEHHA-CREL RTECS,Respiratory Toxicant OEHHA-CREL RTECS Skin or Sense Organ Toxicant RTECS
38) Dimethyl phthalate	131-11-3	Suspected: Immunotoxicant HAZMAP, Neurotoxicant DAN RTECS, Respiratory Toxicant EPA-HEN,Skin or Sense Organ Toxicant EPA-HEN HAZMAP
39) Di-n-octyl phthalate	117-84-0	Suspected: Endocrine Toxicant BRUC JNIHS, Gastrointestinal or Liver Toxicant ATSDR
40) 2,6-Dinitrotoluene	606-20-2	Recognized: Carcinogen P65, Reproductive Toxicant P65, Suspected: Cardiovascular or Blood Toxicant ATSDR RTECS, Neurotoxicant EPA-SARA
41) Benzo(b)fluoranthene	205-99-2	Recognized: Carcinogen P65
42) Acenaphthylene	208-96-8	Suspected: Respiratory Toxicant RTECS
43) Benzo(k)fluoranthene	207-08-9	Recognized: Carcinogen P65
44) Acenaptherne	83-32-9	Suspected: Gastrointestinal or Liver Toxicant ATSDR
45) Benzo(a)pyrene	50-32-8	Recognized: Carcinogen P65, Suspected: Developmental Toxicant JANK P65-PEND, Endocrine Toxicant KEIT WWF, Gastrointestinal or Liver Toxicant RTECS, Immunotoxicant IPCS, Respiratory Toxicant EPA-HEN FOTH RTECS, Skin or Sense Organ Toxicant LADO RTECS
46) 2,4-Dinitrotoluene	121-14-2	Recognized: Carcinogen P65, Reproductive Toxicant P65, Suspected: Cardiovascular or Blood Toxicant ATSDR EPA-HEN RTECS,Gastrointestinal or Liver Toxicant OEHHA-CREL , Neurotoxicant ATSDR EPA-HEN EPA-SARA OEHHA-CREL RTECS
47) Ideno(1,2,3-cc)pyrene	193-39-5	Suspected: Carcinogen EPA-IRIS, Developmental, Reproductive, Endocrine, Genotoxicity,
48) Diethyl phthalate	84-66-2	Suspected: Endocrine Toxicant JNIHS WWF, Gastrointestinal or Liver Toxicant ATSDR RTECS, Immunotoxicant HAZMAP,Neurotoxicant RTECS,Reproductive Toxicant ATSDR,Respiratory Toxicant RTECS, Skin or Sense Organ Toxicant HAZMAP RTECS

Table 1: Military Munitions UXO/OEW Contaminates of Concern (COC's) Potentiall Soil Contaminats at Fort Ord, California I-9

49) Dibenzo(a,h)anthracene	53-70-3	Recognized: Carcinogen P65, Suspected: Skin or Sense Organ Toxicant LADO
50) Benzidine	92-87-5	Recognized: Carcinogen P65, Suspected: Cardiovascular or Blood Toxicant HAZMAP, Gastrointestinal or Liver Toxicant OEHHA-CREL RTECS, Immunotoxicant IPCS, Kidney Toxicant EPA-HEN KLAA RTECS, Neurotoxicant OEHHA-CREL
51) Benzo(g,h,I)perylene	191-24-2	Listed: Hazardous Constituents (Resource Conservation and Recovery Act), Hazardous Substances (Superfund), Priority Pollutants (Clean Water Act), Lacks at least some of the data required for safety assessment
52) 4-Bromophenyl phenyl ether	101-55-3	Listed: Hazardous Constituents (Resource Conservation and Recovery Act), Hazardous Substances (Superfund), Priority Pollutants (Clean Water Act), Lacks at least some of the data required for safety assessment
53) N-Nitrosodiphenylamine	86-30-6	Recognized: Carcinogen P65, Suspected: Kidney Toxicant RTECS, Respiratory Toxicant RTECS
54) N-Nitrosodimethylamine	62-75-9	Recognized: Carcinogen P65, Suspected: Cardiovascular or Blood Toxicant EPA-HEN KLAA RTECS, Developmental Toxicant JANK, Gastrointestinal or Liver Toxicant DOSS EPA-HEN HAZMAP LADO MALA RTECS ZIMM, Immunotoxicant IPCS, Neurotoxicant RTECS, Respiratory Toxicant RTECS, Skin or Sense Organ Toxicant RTECS
55) Phenol	108-95-2	Suspected: Cardiovascular or Blood Toxicant EPA-HEN HAZMAP OEHHA-CREL RTECS, Developmental Toxicant EPA-SARA JANK,Gastrointestinal or Liver Toxicant EPA-HEN OEHHA-CREL,Kidney Toxicant OEHHA-CREL,Neurotoxicant DAN EPA-HEN OEHHA-CREL, RTECS,Reproductive Toxicant FRAZIER P65-CAND,Respiratory Toxicant EPA-HEN OEHHA-AREL RTECS,Skin or Sense Organ Toxicant EPA-HEN HAZMAP KLAA OEHHA-AREL RTECS
56) Hexachlorocyclopentadiene	77-47-4	Suspected: Developmental Toxicant EPA-SARA, Gastrointestinal or Liver Toxicant RTECS, Kidney Toxicant ATSDR RTECS,Neurotoxicant EPA-SARA ,Reproductive Toxicant EPA-SARA, Respiratory Toxicant ATSDR EPA-HEN HAZMAP OEHHA-CREL RTECS,Skin or Sense Organ Toxicant EPA-HEN HAZMAP
57) 2-Chlorophenol	95-57-8	Suspected: Neurotoxicant RTECS, Skin or Sense Organ Toxicant RTECS
58) 1-Methylnaphthalene	90-12-0	Suspected: Respiratory Toxicant ATSDR
59) Acetophenone	98-86-2	Suspected: Skin or Sense Organ Toxicant EPA-HEN

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Table 1: Military Munitions UXO/OEW Contaminates of Concern (COC's) Potentiall Soil Contaminats at Fort Ord, California

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60) Diphenylamine	122-39-4	Suspected: Cardiovascular or Blood Toxicant HAZMAP, Gastrointestinal or Liver Toxicant EPA-TRI, Immunotoxicant HAZMAP, Kidney Toxicant EPA-TRI, Neurotoxicant DAN RTECS, Respiratory Toxicant RTECS,
61) 2-Aminonaphthalene	91-59-8	Recognized: Carcinogen P65, Suspected: Cardiovascular or Blood Toxicant HAZMAP, Gastrointestinal or Liver Toxicant RTECS, Kidney Toxicant RTECS
62) 1-Nitropyrene	5522-43-0	Recognized: Carcinogen P65
63) 2,5-Diphenyloxazole (Biphenyl)	92-52-4	Suspected: Cardiovascular or Blood Toxicant RTECS, Developmental Toxicant EPA-SARA, Gastrointestinal or Liver Toxicant EPA-HEN HAZMAP RTECS, Kidney Toxicant EPA-HEN MERCK, Neuretoxicant EPA-HEN HAZMAP RTECS, Respiratory Toxicant RTECS, Skin or Sense Organ Toxicant EPA-HEN
64) 2-Nitronaphthalene	581-89-5	Suspected: Cardiovascular or Blood Toxicant HAZMAP, Gastrointestinal or Liver Toxicant RTECS, Kidney Toxicant RTECS
65) Triethylaluminum	97-93-8	6 of 8 basic tests to identify chemical hazards have not been conducted on this chemical or are not publicly available according to US EPA's 1998 hazard data availability study.
66) 2 Methylnaphthalene	91-57-6	Suspected: Respiratory Toxicant ATSDR FOTH
67) 2-Methylphenol (o-Crestol)	95-48-7	Suspected: Carcinogen IRIS, Cardiovascular or Blood Toxicant OEHHA-CREL, Endocrine Toxicant RTECS, Gastrointestinal or Liver Toxicant RTECS, Neurotoxicant ATSDR DAN EPA-SARA RTECS, Respiratory Toxicant EPA-HEN, Skin or Sense Organ Toxicant EPA-HEN RTECS
68) 3-Methylphenal (m-Crestol)	108-39-4	Suspected: Carcinogen IRIS OPP-CAN, Cardiovascular or Blood Toxicant OEHHA-CREL, Gastrointestinal or Liver Toxicant RTECS, Kidney Toxicant RTECS, Neurotoxicant DAN RTECS, Respiratory Toxicant ATSDR EPA-HEN, Skin or Sense Organ Toxicant EPA-HEN RTECS
69) 4-Methylphenal (p-Crestol)	106-44-5	Suspected: Carcinogen IRIS, Cardiovascular or Blood Toxicant OEHHA-CREL, Gastrointestinal or Liver Toxicant RTECS, Kidney Toxicant RTECS, Neurotoxicant ATSDR DAN RTECS, Respiratory Toxicant EPA-HEN, Skin or Sense Organ Toxicant EPA-HEN LADO RTECS
70) 2,4,5-Trichlorophenol	95-95-4	Suspected: Cardiovascular or Blood Toxicant LADO, Respiratory Toxicant EPA-HEN, Skin or Sense Organ Toxicant EPA-HEN
71) HMX	2691-41-0	Suspected: Gastrointestinal or Liver Toxicant ATSDR, Neurotoxicant ATSDR RTECS

Table 1: Military Munitions UXO/OEW Contaminates of Concern (COC's) Potentiall Soil Contaminats at Fort Ord, California

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72) RDX	121-82-4	Suspected: Carcinogen IRIS SCDM, Gastrointestinal or Liver Toxicant RTECS, Neurotoxicant ATSDR HAZMAP RTECS, Reproductive Toxicant ATSDR
73) 2,4,6-Trinitrotoluene (TNT)	118-96-7	Suspected: Carcinogen IRIS SCDM, Cardiovascular or Blood Toxicant HAZMAP LADO MALA RTECS STAC, Gastrointestinal or Liver Toxicant ATSDR DIPA HAZMAP LADO RTECS ZIMM,Neurotoxicant RTECS,Respiratory Toxicant RTECS,Skin or Sense Organ Toxicant LU
74) 1,3,5-Trinitrobenzine	99-35-4	Suspected: Cardiovascular or Blood Toxicant RTECS, Neurotoxicant RTECS, Respiratory Toxicant RTHCS
75) 2-Amino-4,6-Dinitrotoluene (2ADNT)	35572-78-2	Recognized: Carcinogens
76) 4-Amino-2,6-Dinitrotoluene (4ADNT)	19406-51-0	Recognized: Carcinogens
77) 1,3- Dinitrobenzine	99-65-0	Recognized: Reproductive Toxicant P65, Suspected: Cardiovascular or Blood Toxicant ATSDR HAZMAP RTECS, Gastrointestinal or Liver Toxicant DIPA MALA, Neurotoxicant DAN RTECS,Respiratory Toxicant RTECS
78) Nitroglycerin	55-63-0	Suspected: Carcinogen ORD-SF, Cardiovascular or Blood Toxicant HAZMAP KRIS LADO RTECS Gastrointestinal or Liver Toxicant RTECS, Immunotoxicant HAZMAP,Kidney Toxicant MERCK, Neurotoxicant DAN RTECS, Respiratory Toxicant RTECS,Skin or Sense Organ Toxicant HAZMAP
79) Dioxin (TCDD)	1746-01-6	Recognized: Carcinogen P65, Developmental Toxicant P65, Suspected: Cardiovascular or Blood Toxicant ATSDR EPA-HEN LADO OEHHA-CREL RTECS,Endocrine Toxicant BKH BRUC IL-EPA JNHS KEIT OEHHA-CREL RTECS WWF,Gastroiintestinal or Liver Toxicant EPA-HEN LADO OEHHA-CREL RTECS ZIMM ,Immunotoxicant ATSDR NAP,Kidney Toxicant MERCK RTECS,Neurotoxicant STAC,Reproductive Toxicant OEHHA-CREL,Respiratory Toxicant OEHHA-CREL RTECS,Skin or Sense Organ Toxicant EPA-HEN HAZMAP KLAA RTECS
80) Furan	110-00-9	Recognized: Carcinogen P65, Suspected: Cardiovascular or Blood Toxicant RTECS, Gastrointestinal or Liver Toxicant RTECS,Kidney Toxicant RTECS,Respiratory Toxicant RTECS
Other Constituents, Flash Composition, Smoke Charge, Pyrotechnics		
81) Potassium Perchlorate	7778-74-7	Suspected: Cardiovascular or Blood Toxicant MALA
82) Flaked Aluminum (Aluminum)	7429-90-5	Suspected: Cardiovascular or Blood Toxicant LADO, Neurotoxicant ATSDR DAN KLAA LU, Reproductive Toxicant FRAZIER, Respiratory Toxicant KLAA LU NRMB

Table 1: Military Munitions UXO/OEW Contaminates of Concern (COC's) Potentiall Soil Contaminats at Fort Ord, California

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83) Sulfur	7704-34-9	Listed: Registered Pesticides (Federal Insecticide, Fungicide, and Rodenticide Act) Air Contaminants (California Occupational and Safety Health Act) Lacks at least some of the data required for safety assessment
84) Pentacrythritol tetranitrate (PETN)	78-11-5	Suspected: Cardiovascular or Blood Toxicant HAZMAP, Skin or Sense Organ Toxicant RTECS
85) Magnesium Powder (Magnesium)	7439-95-4	Suspected: Respiratory Toxicant NEME
86) Sodium Nitrate	7631-99-4	Suspected: Cardiovascular or Blood Toxicant RTECS, Respiratory Toxicant RTECS
87) Barium Nitrate	10022-31-8	Suspected: Carcinogen, A poison via ingestion subcutaneous, parenteral, and intravenous routes (Toxnet)
88) Phosphorus, white	7723-14-0	Suspected: Cardiovascular or Blood Toxicant EPA-HEN RTECS, Gastrointestinal or Liver Toxicant DIPA DOSS EPA-HEN LADO MALA RTECS ZIMM,Kidney Toxicant EPA-HEN HAZMAP, Musculoskeletal Toxicant EPA-HEN, Neurotoxicant EPA-HEN RTECS,Reproductive Toxicant ATSDR EPA-SARA OEHHA-CREL,Respiratory Toxicant ATSDR EPA-HEN HAZMAP RTECS,Skin or Sense Organ Toxicant HAZMAP KLAA RTECS
89) Polyvinal Chloride	9002-86-2	Suspected: Gastrointestinal or Liver Toxicant DIPA, Respiratory Toxicant HAZMAP
90) Titanium Tetrachloride	7550-45-0	Suspected: Respiratory Toxicant ATSDR EPA-HEN HAZMAP, Skin or Sense Organ Toxicant EPA-HEN HAZMAP
Metals:		
91) Copper	7440-50-8	Suspected: Cardiovascular or Blood Toxicant HAZMAP KLAA, Developmental Toxicant EPA-SARA, Gastrointestinal or Liver Toxicant ATSDR DOSS KLAA RTECS ZIMM, Kidney Toxicant MERCK, Reproductive Toxicant EPA-SARA FRAZIER,Respiratory Toxicant NEME OEHHA-AREL OEHHA-CREL
92) Barium	7440-39-3	Suspected: Developmental Toxicant EPA-SARA, Neurotoxicant DAN, Reproductive Toxicant FRAZIER, Respiratory Toxicant NEME

Table 1: Military Munitions UXO/OEW Contaminates of Concern (COC's) Potentiall Soil Contaminats at Fort Ord, California

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93) Cadmium	7440-43-9	Recognized: Carcinogen P65, Developmental Toxicant P65, Reproductive Toxicant P65, Suspected: Cardiovascular or Blood Toxicant BENO KLAA LADO RTECS, Endocrine Toxicant IL-EPA KEIT WWF, Immunotoxicant IPCSKidney Toxicant ATSDR EPA-HEN HAZMAP KLAA LAND MERCK OEHHA-CREL RTECS STAC, Neurotoxicant DAN ,Respiratory Toxicant EPA-HEN HAZMAP NEME OEHHA-CREL RTECS
94) Lead	7439-92-1	Recognized: Carcinogen P65, Developmental Toxicant P65, Reproductive Toxicant P65, Suspected: Cardiovascular or Blood Toxicant BENO EPA-HEN HAZMAP KLAA KRIS LADO MALA STAC, Endocrine Toxicant BRUC IL-EPA KEIT WWF,Gastrointestinal or Liver Toxicant EPA-HEN RTECS STAC, Immunotoxicant IPCS,Kidney Toxicant EPA-HEN HAZMAP KLAA LAND MERCK STAC,Neurotoxicant DAN EPA-HEN EPA-SARA FELD HAZMAP KLAA LU RTECS STAC, Respiratory Toxicant NEME,Skin or Sense Organ Toxicant KLAA
95) Nickel	7440-02-0	Recognized: Carcinogen P65, Suspected: Cardiovascular or Blood Toxicant OEHHA-CREL, Developmental Toxicant EPA-SARA, Immunotoxicant EEC HAZMAP OEHHA-AREL SNCI, Kidney Toxicant KLAA, Neurotoxicant FELD, Reproductive Toxicant EPA-SARA FRAZIER JANK, Respiratory Toxicant ATSDR EPA-HEN HAZMAP KLAA LU NEME OEHHA-AREL OEHHA-CREL RTECS, Skin or Sense Organ Toxicant EEC EPA-HEN HARV HAZMAP KLAA LADO TIMB
96) Aluminum	7429-90-5	Suspected: Cardiovascular or Blood Toxicant LADO, Neurotoxicant ATSDR DAN KLAA LU, Reproductive Toxicant FRAZIER, Respiratory Toxicant KLAA LU NEME
97) Chromium	7440-47-3	Suspected: Carcinogen HAZMAP SCDM, Gastrointestinal or Liver Toxicant CARB TAC, Immunotoxicant HAZMAP, Kidney Toxicant HAZMAP KLAA MERCK, Reproductive Toxicant FRAZIER, Respiratory Toxicant HAZMAP NEME, Skin or Sense Organ Toxicant HAZMAP KLAA LADO TIMB
98) Potassium	7440-09-7	Lacks at least some of the data required for safety assessment
99) Calcium	7440-70-2	Air Contaminants (California Occupational and Safety Health Act) Lacks at least some of the data required for safety assessment
100) Mercury	7439-97-6	Recognized: Developmental Toxicant P65, Suspected: Cardiovascular or Blood Toxicant KLAA, Endocrine Toxicant IL-EPA KEIT WWF, Gastrointestinal or Liver Toxicant RTECS STAC, Immunotoxicant HAZMAP SNCI, Kidney Toxicant HAZMAP KLAA LAND MERCK STAC, Neurotoxicant ATSDR DAN EPA-HEN EPA-SARA FELD HAZMAP KLAA OEHHA-CREL RTECS STAC, Reproductive Toxicant EPA-SARA FRAZIER HAZMAP OEHHA-AREL, Respiratory Toxicant HAZMAP NEME, Skin or Sense Organ Toxicant HAZMAP KLAA RTECS
101) Zinc	7440-66-6	Suspected: Cardiovascular or Blood Toxicant ATSDR, Developmental Toxicant EPA-SARA, Immunotoxicant OEHHA-CREL, Reproductive Toxicant EPA-SARA, Respiratory Toxicant NEME OEHHA-CREL RTECS, Skin or Sense Organ Toxicant RTECS

Table 1: Military Munitions UXO/OEW Contaminates of Concern (COC's) Potentiall Soil Contaminats at Fort Ord, California

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102) Titanium Metal Powder	7440-32-6	Suspected: Respiratory Toxicant NEME
103) Antimony	7440-36-0	Suspected: Cardiovascular or Blood Toxicant BENO LADO, Neurotoxicant DAN, Reproductive Toxicant EPA-SARA FRAZIER, Respiratory Toxicant EPA-HEN NEME, Skin or Sense Organ Toxicant EPA-HEN
104) Beryllium	7440-41-7	Recognized: Carcinogen P65, Suspected: Cardiovascular or Blood Toxicant KLAA, Gastrointestinal or Liver Toxicant ATSDR DOSS LADO MALA, Immunotoxicant EEC OEHHA-CREL,Kidney Toxicant LAND, Reproductive Toxicant FRAZIER, Respiratory Toxicant EPA-HEN HAZMAP KLAA LU NEME OEHHA-CREL, Skin or Sense Organ Toxicant ESC
105) Cadium	7440-43-9	Recognized: Carcinogen P65, Developmental Toxicant P65, Reproductive Toxicant P65, Suspected: Cardiovascular or Blood Toxicant BENO KLAA LADO RTECS,Endocrine Toxicant IL-EPA KEIT WWF,Immunotoxicant IPCS,Kidney Toxicant ATSDR EPA-HEN HAZMAP KLAA LAND MERCK OEHHA CREL RTECS STAC,Neurotoxicant DAN,Respiratory Toxicant EPA-HEN HAZMAP NEME OEHHA-CREL RTECS

Most Table 1 Constituents compiled from 1994 Basewide RI/FS Vol. II Table 12

Human Health Hazard Information source: Scorecard Database http://www.scorecard.org/chemical-profiles/index.tcl

Cancer References: www.scorecard.org/health-effects/references.tcl?short_hazard_name=cancer

Developmental Toxicity References: www.scorecard.org/health-effects/references.tcl?short_hazard_name=endo

Endocrine Toxicity References: www.scorecard.org/health-effects/references.tcl?short_hazard_name=endo

Gastrointestinal or Liver Toxicity References: www.scorecard.org/health-effects/references.tcl?short_hazard_name=liver

Immunotoxicity References: www.scorecard.org/health-effects/references.tcl?short_hazard_name=immun

Kidney Toxicity References: www.scorecard.org/health-effects/references.tcl?short_hazard_name=kidn

Neurotoxicity References: www.scorecard.org/health-effects/references.tcl?short_hazard_name=neuro

Reproductive Toxicity References: www.scorecard.org/health-effects/references.tcl?short_hazard_name=repro

Skin or Sense Organ Toxicity References: www.scorecard.org/health-effects/references.tcl?short_hazard_name=skin

Respiratory Toxicants: www.scorecard.org/health-effects/explanation.tcl?short_hazard_name=resp

Cardiovascular or Blood Toxicity References: www.scorecard.org/health-effects/references.tcl?short_hazard_name=cardio

Musculoskeletal Toxicity References: www.scorecard.org/health-effects/references.tcl?short_hazard_name=musc

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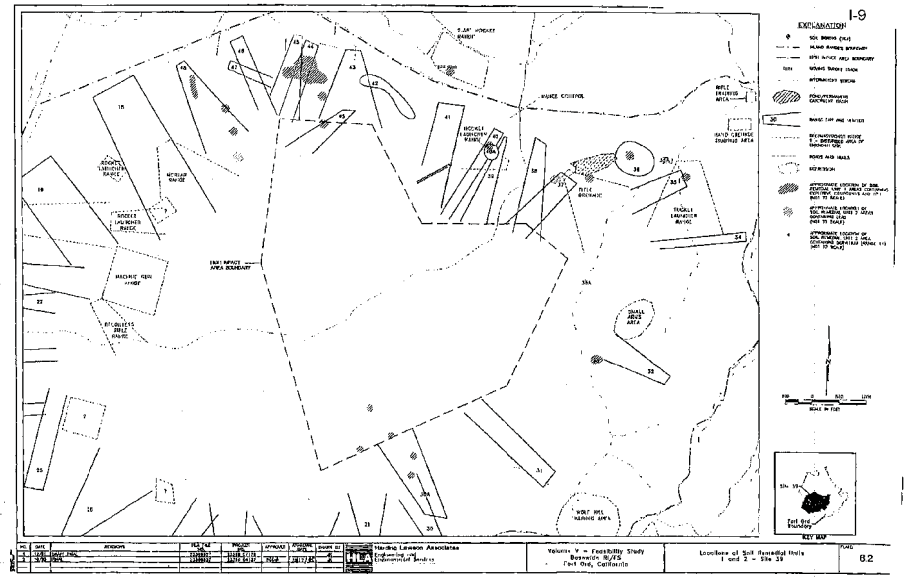
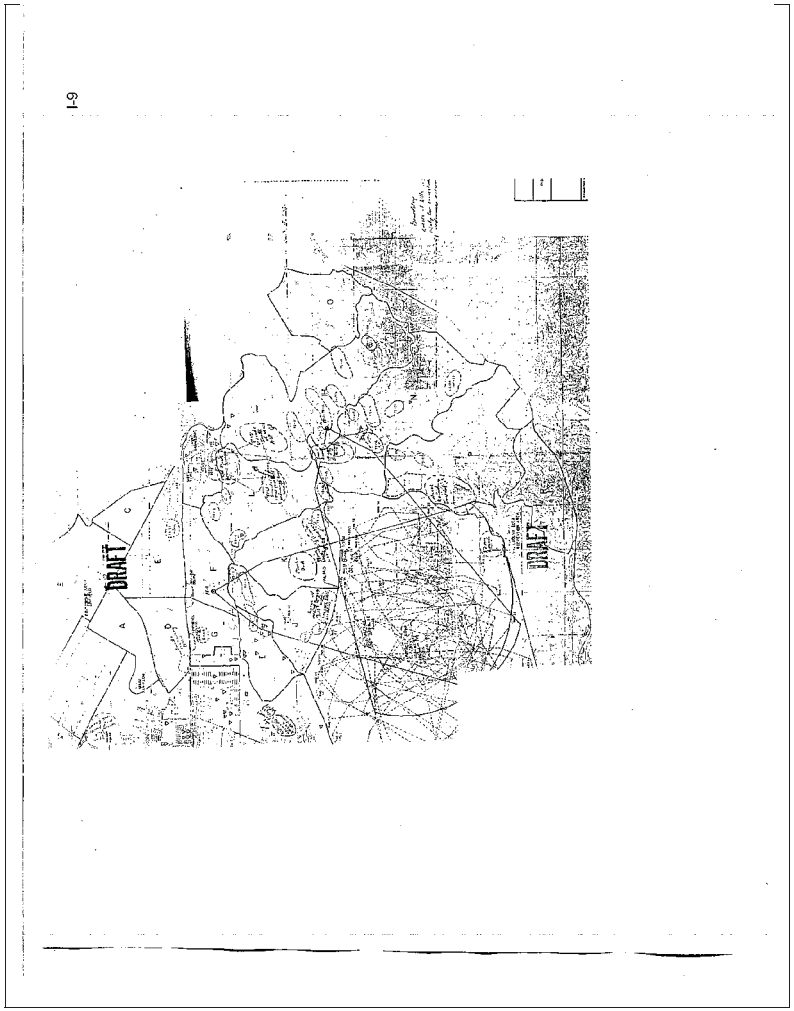
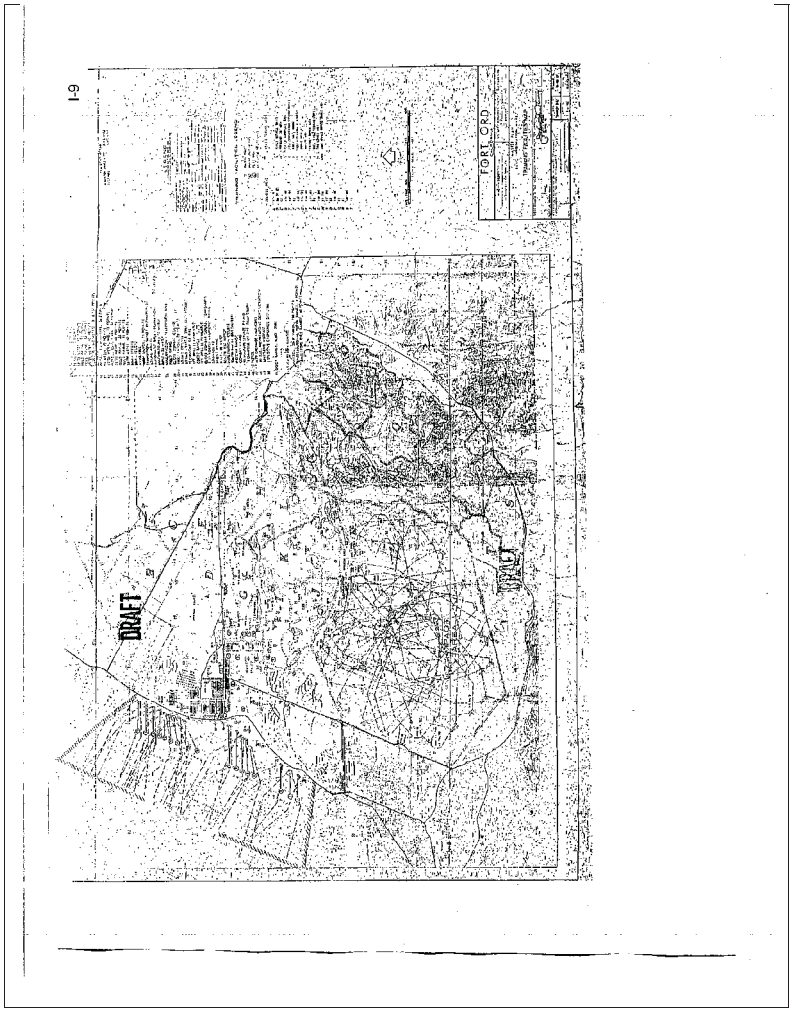
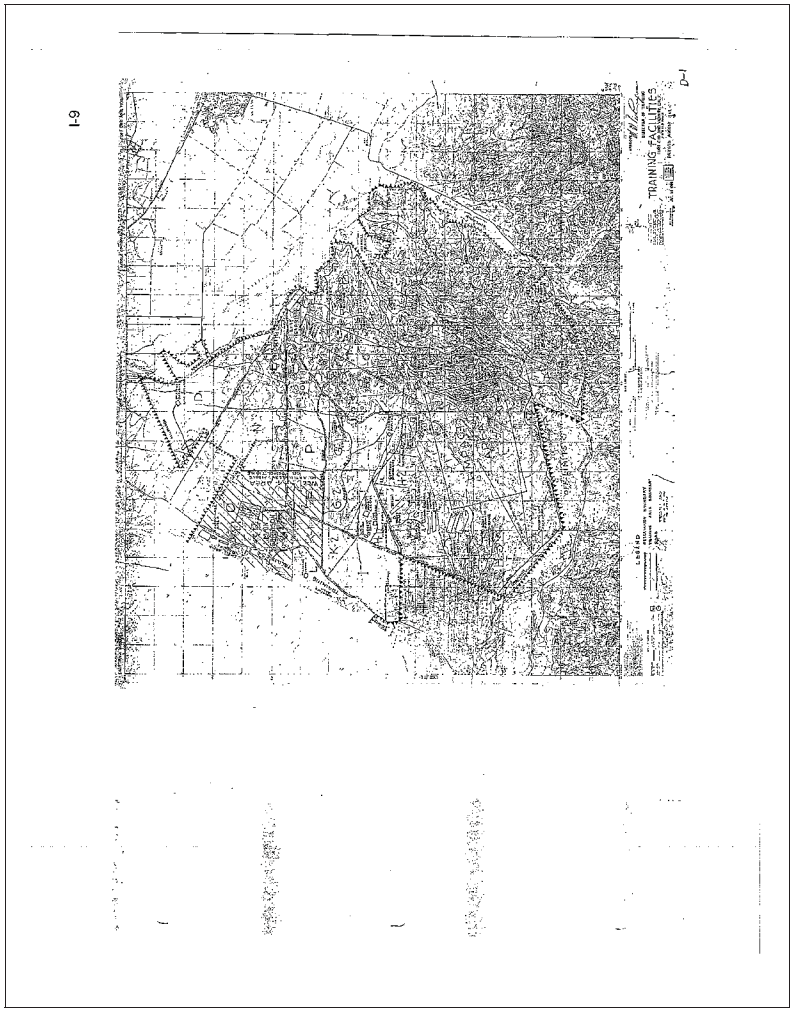




County of Monterey Resource Management
Agency, Planning Department

Comment Letters
Individuals

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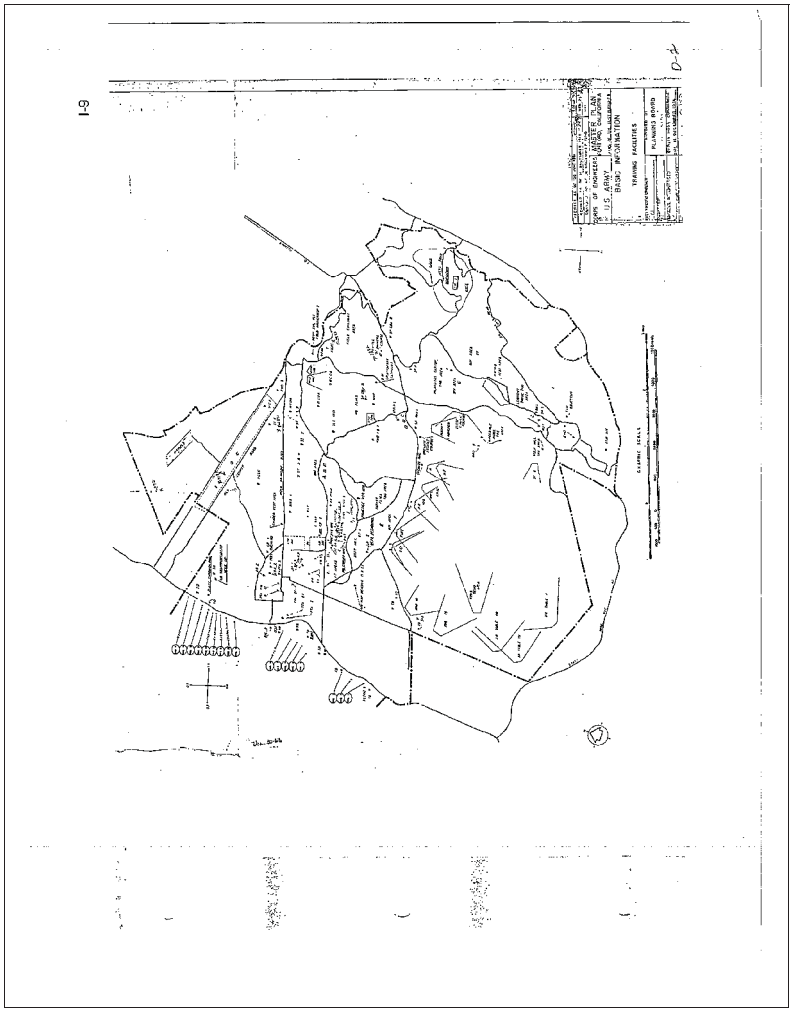
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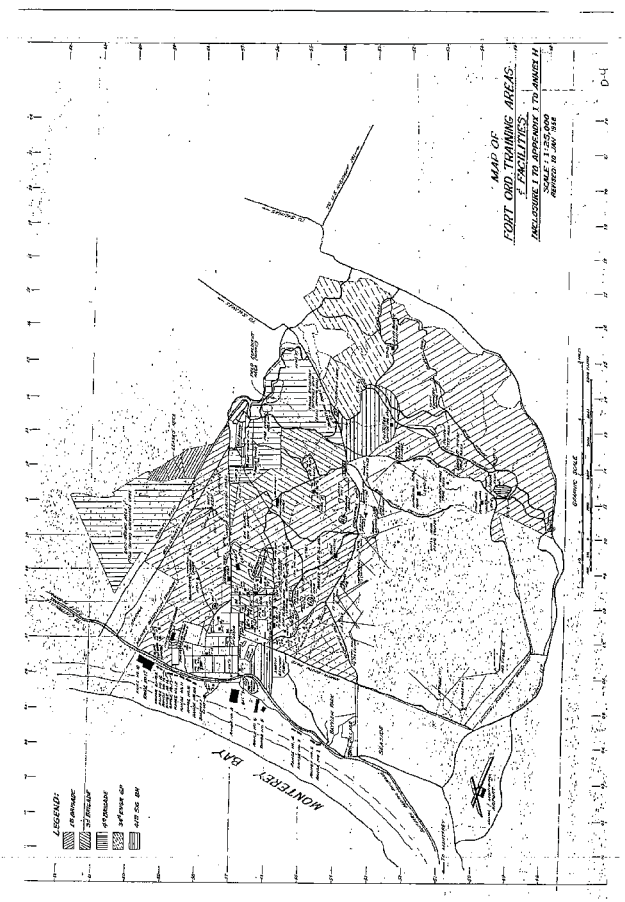
TRAINING FACILITIES

I-9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& FACILITIES
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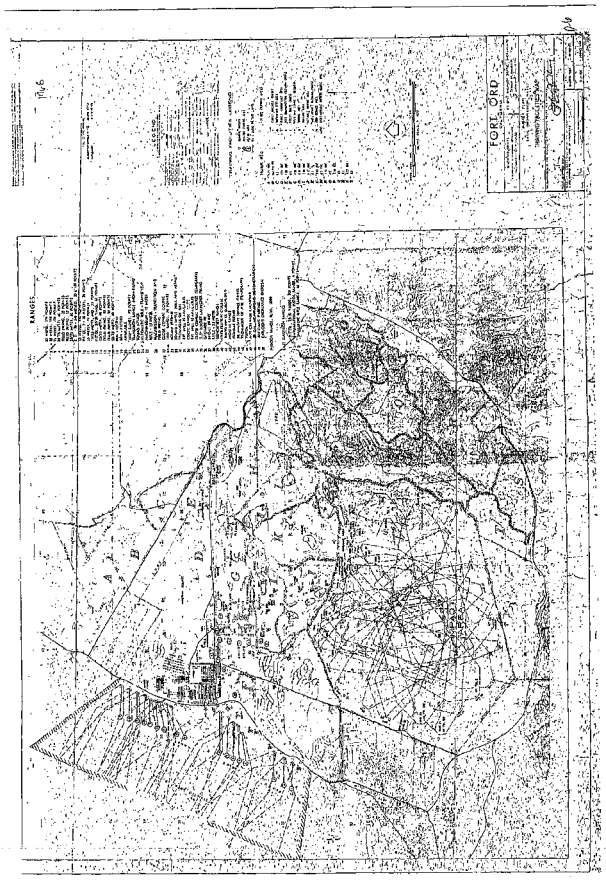
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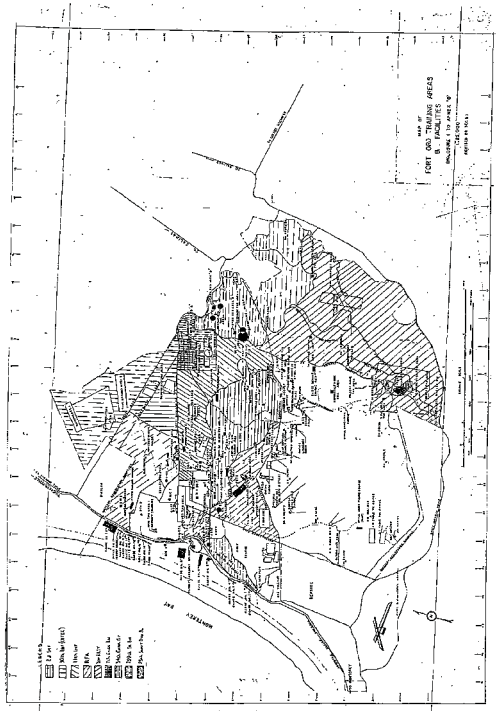
D-8



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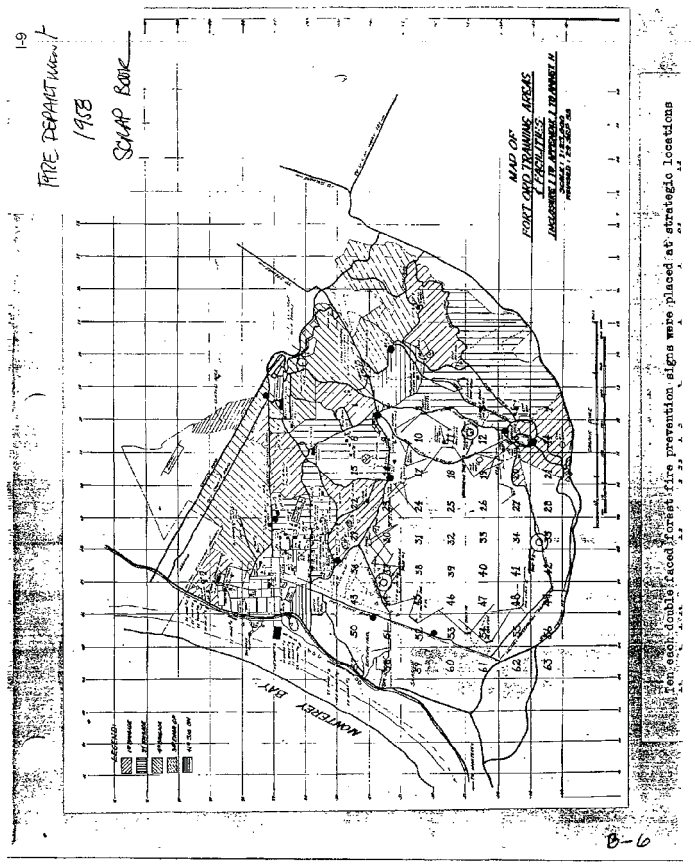
FIRE DEPARTMENT
1958
SCRAP BOOK



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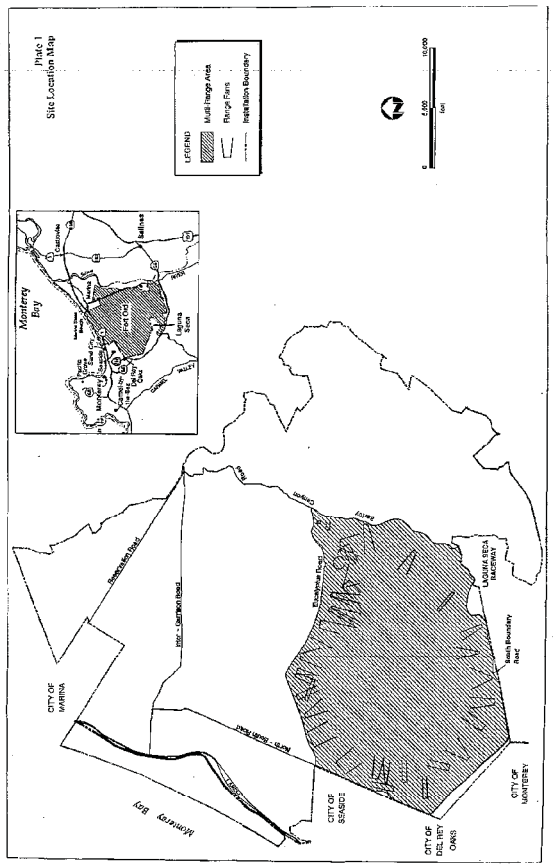
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Plate 1
Site Location Map
LEGEND
Multi Range Area
Range Fans
Installation Boundary
Monterey Bay
Salinas
Marina
Seaside
Monterey
Laguna Seca
Fort Ord
Toro Park
Reservation Road
Davis Road
Blanco Road
Crescent Ave.
Eucalyptus Road
LAGUNA SECA RACEWAY
State Route 68
State Route 1
CITY OF MARINA
CITY OF SEASIDE
CITY OF DEL REY OAKS
CITY OF MONTEREY
Monterey Bay

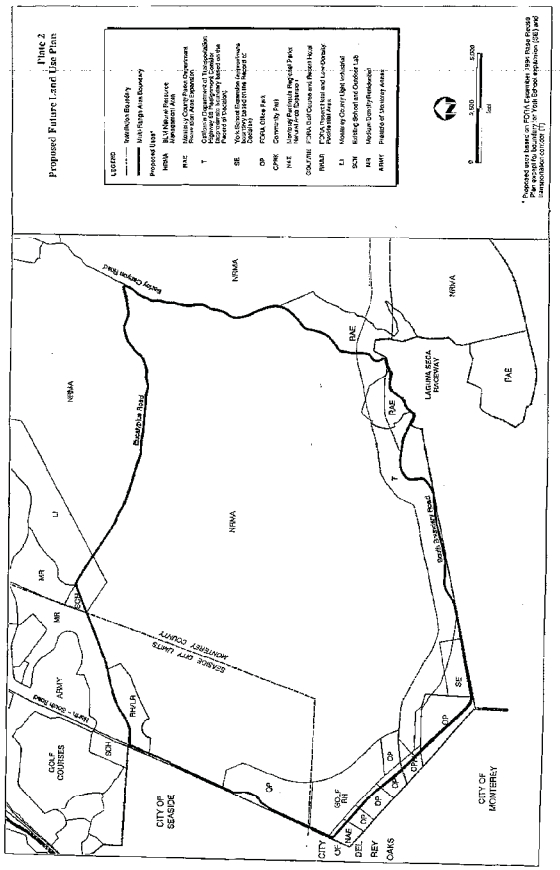
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Plate 2
Proposed Future Land Use Plan
LEGEND
Installation Boundary
Multi-Range Area Boundary
Proposed Uses*
NRMA
PAE
MR
SE
OP
CPRC
HAE
RMAD
LI
SCH
MIS
ARMY
Reservation Road
Davis Road
Blanco Road
Crescent Ave.
Eucalyptus Road
LAGUNA SECA RACEWAY
South Boundary Road
MONTEREY COUNTY
SEASIDE CITY LIMITS
North - South Road
GOLF COURSES
CITY OF SEASIDE
CITY OF DEL REY OAKS
CITY OF MONTEREY

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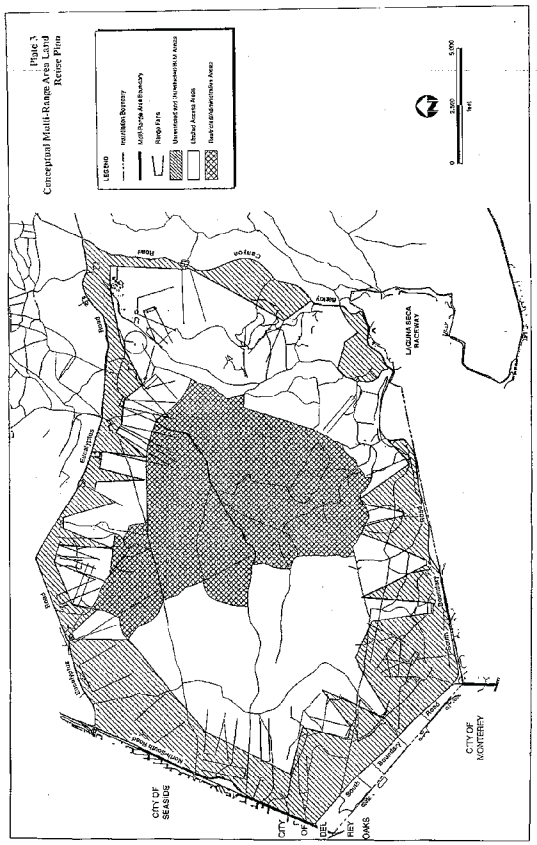

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Table 3. Summary of Ordnance Types and Functions - Site 39
Volume II - Remedial Investigation, Baseswide RI/FS
Fort Ord, California

Ordnance Type	Function
Shotgun rounds	Ball
9 mm rounds	Ball, tracer
20 mm rounds	Ball, tracer, armor piercing
5.56 mm rounds (MG)	Ball, tracer, armor piercing
7.62 mm rounds (MG)	Ball, tracer, armor piercing
.30 cal rounds	Ball, tracer, armor piercing
.50? cal rounds	Ball
.38 cal rounds	Ball
.45 cal rounds	Ball, tracer
.50 cal rounds	Ball, tracer, armor piercing
60 mm Mortar	High explosive, white phosphorous, smoke, illumination
81 mm Mortar	High explosive, white phosphorous, smoke, illumination
Stokes Mortar	High explosive, smoke
4.2" Mortar	High explosive, white phosphorous, smoke, illumination
66 mm Rocket (M74 flash)	Incendiary

Table 3. Summary of Ordnance Types and Functions - Site 39
Volume II - Remedial Investigation, Baswide RI/FS
Fort Ord, California

Ordnance Type	Function
35 mm LAW	Photo flash
66 mm LAW	HEAT
SMAW	HEAT, inert
37 mm Cannon	High explosive, armor piercing, inert
57 mm Recoilless Rifle	HEAT
75 mm Recoilless Rifle	HEAT
90 mm Recoilless Rifle	HEAT
106 mm Recoilless Rifle	HEAT
40 mm Aircraft Rounds	High explosive
40 mm Grenade	High explosive
40 mm Airburst	High explosive
Fragmentation Hand Grenade	High explosive
40 mm Round (M203)	High explosive, photo flash, inert
Rifle Grenade	High explosive, white phosphorous

Table 3. Summary of Ordnance Types and Functions - Site 39
Volume II - Remedial Investigation, Baswide RI/FS
Fort Ord, California

Ordnance Type	Function
14.5 mm Subcaliber Artillery	Photo flash
75 mm Howitzer	High explosive, white phosphorous, smoke, illumination
105 mm Howitzer	High explosive, white phosphorous, smoke, illumination
155 mm Howitzer	High explosive, white phosphorous, smoke, illumination
Claymore Mine (M18A1)	High explosive
Anti-Tank Mine	High explosive
Dragon M47	HEAT, inert
2.36" Anti Tank Rocket (Bazooka)	HEAT
3.5" Anti Tank Rocket	HEAT
84 mm Round (M136)	HEAT
Gustov Mortar	HEAT
100 lb. GP Bomb	Inert
250 lb. GP Bomb (M57A1)	High explosive
500 lb. Bomb	Inert

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Table 3. Summary of Ordnance Types and Functions - Site 39
Volume II - Remedial Investigation, Basewide RI/FS
Fort Ord, California

Ordnance Type	Function
7" Naval Rounds	High explosive, illumination
8" Naval Rounds	High explosive, illumination
Bangalore Torpedo	High explosive
Blasting Caps	High explosive
C-4	High explosive
TNT	High explosive
Military Dynamite	High explosive
Shaped Charges	High explosive
Riot Gas Projectile (M79)	Tear gas

Site 39
4 of 4

Volume II
R34694-14
November 20, 1994

Harding Lawson Associates

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Comments on

Draft
MRS-SEA.1-4
Time Critical Removal Action and Geophysical Operations (Phase 1)
Technical Information Paper
Former Fort Ord, California
July, 2004.

Prepared by Dr. Peter L. deFur
Environmental Stewardship Concepts
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September 2004

Comments prepared for the Fort Ord Administrative record

These comments were prepared at the request of the Fort Ord Environmental Justice Network (FOEJN) to provide technical comment to the Army and summarize the report on the Munitions and Explosives of Concern removal at the Seaside sites for the community. FOEJN represents the affected community in the greater Fort Ord area in the clean up of contamination and ordnance related waste.

Mention of any trade name or commercial product or company does not constitute endorsement by any individual or party that prepared or sponsored this report.

Recommendations:

1 conduct an independent quality control/ quality assurance review of the removals because of the uncertainty with finding all of the identified anomalies;
2 conduct soil sampling for chemical weapons material compounds because WW I weapons used with chemical weapons were found on the site;

Purpose of this report and this action: The report on the Time Critical Removal Action cleanup at the Seaside areas near Gen. Jim Moore Blvd is meant to summarize all of the work that was done at these sites in the period from 2002 to 2004. The work was to clear some brush, remove surface Munitions and Explosives of Concern, do a geophysical survey and then remove the buried Munitions and Explosives of Concern. All of these steps were taken and are described

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

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

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

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

Summary:

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

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

The MRS-SEA areas are not intended to be part of the future wildlife habitat. Therefore the wildlife protection issues are not the same as for the range areas that were burned last fall (October 2003). The cleanup plan (Fort Ord Ordnance and Explosives clean up Programmatic Work Plan) calls for manual clearing of the shrubbery using heavy cutting equipment, some digging equipment, and hand held chain saws. Approximately 70% of the clearing was done with equipment and 30% by hand (page 3-2).

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

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

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

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

Time-Critical Removal Action

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

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

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

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

Cartridge, practice
Illumination signal

A Quality Control/ Quality Assurance (QA/QC) inspection consisted of inspectors walking over 10% of the areas and re-inspecting them to be certain that the visual inspection had not missed anything. The QA/QC inspection found nothing had been overlooked in the initial inspection. Nor did the QA/QC inspection find any explosives mis-identified and placed with the debris.

TIME CRITICAL REMOVAL ACTION Issues and Questions:

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

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

Non Time-Critical Removal Action:

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

The contractors used the following metal detectors on this project:

EM61-MK2 – detects iron and non-iron metals; used as the primary digital survey device; is towed behind a tractor or pulled by hand
G-858- detects only iron containing metals; has two ways to operate
Schonstedt – hand held device that detects iron-containing metals

Once the anomalies had been mapped out, and the results entered in the computers, the contractors created maps of the anomalies, figures 4-5 through 4-80. The teams returned to confirm the presence and location of each anomaly and then remove the item. A great number and range of types of munitions and waste was found on the site during this investigation.

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

52 of these munitions and explosives were too deteriorated and unsafe to remove from the site. These unsafe items were blown in place. These items included Stokes mortars and 4.2 inch mortars, plus Livens projectiles. These items were scrutinized carefully, and when the contents could to be confirmed, the contractors called in the Army special unit that deals with chemical warfare materials (CWM). This unit examined the three types of Munitions and Explosives of Concern for chemical weapons materials and found titanium tetrachloride in all of them. Titanium tetrachloride was used during WW I as a smoke agent in projectiles that were fired at enemy lines to obscure sight lines and decrease visibility.

The results of the anomaly excavations that yielded Munitions and Explosives of Concern are presented in Table 4-2, with the identity and description of the item, the location, type of excavation, number and depth. The table shows at least 9 Stokes mortars and 2 Livens projectors. These Munitions and Explosives of Concern items are from WW I and did contain chemical weapons materials (smokes are considered CWM).

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

Non- Time Critical Removal Action Issues and Questions:

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

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

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

The greatest problem may be the presence of WW I Munitions and Explosives of Concern that did contain chemical weapons materials, specifically titanium tetrachloride. The titanium tetrachloride was used as a smoke agent. The compound is toxic and can cause serious health problems. Titanium tetrachloride is highly irritating to mucus membranes and can increase the instance of bronchitis and pneumonia. Exposure can lower ventilating capacity, and inhaled $TiCl_4$ can actually become embedded in the lungs as titanium dioxide. Long term or acute exposure can lead to the formation of lung polyps. At room temperature $TiCl_4$ can react with copper to form copper titanium chloride ($CuTiCl_4$), and also readily reacts with all ketones.

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The Army needs to take soil samples at the locations where the chemical weapons materials munitions were recovered and at random locations throughout the areas, sampling for chemical weapons materials, chemical weapons materials residues and metals. This sampling is needed to confirm that no chemical contamination residues remain in the soil. The community remains extremely concerned about human health effects from the contaminants at Fort Ord and the soil sampling and testing for contaminants is needed to confirm that further contamination will not add to the present health threats faced by the community.

I do think that an independent survey needs to go back over these areas and conduct an additional confirmation or QA/QC investigation. In addition, the areas where they found the WW I munitions need soil sampling to test for chemical weapons materiel.

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 Basic & Clinical Pharmacology & Toxicology

Doi: 10.1111/j.1742-7843.2007.00114.x

The Faroes Statement: Human Health Effects of Developmental Exposure to Chemicals in Our Environment

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

During 20–24 May 2007, researchers in the fields of environmental health, environmental chemistry, developmental biology, toxicology, epidemiology, nutrition and paediatrics gathered at the International Conference on Fetal Programming and Developmental Toxicity, in Tórshavn, Faroe Islands. The conference goal was to highlight new insights into the effects of prenatal and early postnatal exposure to chemical agents, and their sustained effects on the individual throughout the lifespan. The conference brought together researchers to focus on human data and the translation of laboratory results to elucidate the environmental risks to human health.

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Research State of the Art

The developing embryo and foetus are extraordinarily susceptible to perturbation of the intrauterine environment. Chemical exposures during prenatal and early postnatal life can bring about important effects on gene expression, which may predispose to disease during adolescence and adult life. Some environmental chemicals can alter gene expression by DNA methylation and chromatin remodelling. These epigenetic changes can cause lasting functional changes in specific organs and tissues and increased susceptibility to disease that may even affect successive generations.

New research on rodent models shows that developmental exposures to environmental chemicals, such as hormonally active substances (endocrine disruptors), may increase the incidence of reproductive abnormalities, metabolic disorders such as diabetes, and cancer, presumably through epigenetic mechanisms that do not involve changes to DNA sequences but which may, nevertheless, be heritable.

Prenatal exposure to diethylstilboestrol, an oestrogenic drug no longer used during pregnancy, has been shown to cause an increased risk of vaginal, uterine and breast cancer

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in human beings and animal models. In animal models, low-level developmental exposure to a plastics ingredient, bisphenol A, may increase the susceptibility to breast or prostate cancer, and prenatal exposure to vinclozoline, a common fungicide, may also promote later development of cancer. These substances are only weak carcinogens, if at all, in the adult organism but are nonetheless hazardous to the growing foetus. In addition, when exposure to a carcinogenic substance occurs during early development, the expected lifespan will exceed the normal latency period for development of the disease.

The human reproductive system is highly vulnerable to changes in the intrauterine hormonal environment. In men, there is an increase in the occurrence of testicular cancer, poor semen quality and cryptorchidism, jointly termed the testicular dysgenesis syndrome. In animals, a similar combination of outcomes is replicated by developmental exposure to certain phthalate esters. However, links between environmental chemicals and the testicular dysgenesis syndrome in human beings are still unclear, although suggestive associations have been found with maternal smoking, fertility treatment of the mother, phthalate exposure and occupational exposure to pesticides with suspected oestrogenic and anti-androgenic activity. Perinatal exposure to endocrine-disrupting chemicals, such as polychlorinated or polybrominated biphenyls or dichlorodiphenyltrichloroethane compounds, may affect puberty development and sexual maturation at adolescence. Many other environmental chemicals can cause such effects in animal models. Expression of some of these effects may be promoted by predisposing genetic traits.

The brain is particularly sensitive to toxic exposures during development, which involves a complex series of steps that must be completed in the right sequence and at the right time. Slight decrements in brain function may have serious implications for future social functioning and economic activities, even in the absence of mental retardation or obvious disease. Each neurotoxic contaminant may perhaps cause only a negligible effect, but the combination of several toxic chemicals, along with other adverse factors, such as poor nutrition, may trigger substantial decrements in brain function.

The immune system also undergoes crucial developmental maturation both before and after birth. New evidence suggests that a number of persistent and non-persistent environmental pollutants may alter the development of the immune system. Studies in a variety of species of experimental animals indicate polychlorinated biphenyls to be highly immunotoxic. While exposures of human adults show little indication of such effects, early life exposures appear capable of inducing similar aberrations in children as seen in other species. Asthma, allergic sensitization or greater susceptibility to infections may be linked to prenatal or early postnatal chemical exposures. In addition, because of multiple interactions between the immune and nervous systems, abnormal maturation of immune responsiveness may also be implicated in some neurodevelopmental disorders.

While the research on developmental toxic effects has, to date, emphasized maternal exposures and the infant environment, the possibility exists that paternal exposures may also affect the child's development. Experimental studies suggest that ionizing radiation, smoking and certain environmental chemicals may be of importance, and that some exposures may affect the health and development of children, as well as the sex ratio of the offspring.

Conclusions

Three aspects of children's health are important in conjunction with developmental toxicity risks. First, the mother's chemical body burden will be shared with her foetus or neonate, and the child may, in some instances, be exposed to larger doses relative to the body weight. Second, susceptibility to a wide range of adverse effects is increased during development, from preconception through adolescence, depending on the organ system. Third, developmental exposures to environmental chemicals can lead to life-long functional deficits and disease.

Research into the environmental influence on developmental programming of health and disease has, therefore, led to a new paradigm of toxicologic understanding. The old paradigm, developed over four centuries ago by Paracelsus, was that 'the dose makes the poison'. However, for exposures sustained during early development, another critical, but largely ignored, issue is that 'the timing makes the poison'. This extended paradigm deserves wide attention to protect the foetus and child against preventable hazards.

These insights derive in part from numerous animal studies indicating that events during the foetal and early postnatal period may be responsible for reproductive, immunological, neurobehavioural, cardiovascular and endocrine dysfunctions and diseases, including certain cancers and obesity. Some of these adverse effects have been linked to environmental chemicals at realistic human exposure levels (i.e. levels similar to those occurring from environmental sources).

Among the mechanisms involved, particular concern is raised about changes in gene expression due to altered epigenetic marking, which not only may lead to increased susceptibility to diseases later in life, but may, in some cases, also affect subsequent generations.

Most chronic disease processes are characterized by multi-causality and complexity. Understanding such processes requires a broad systems approach that focuses on integrative biology within socio-environmental contexts.

Recommendations

Studies on the aetiology of human disease need to incorporate early development and characterize appropriately the factors that determine organ functions and subsequent disease risks. Such associations can best be examined in long-term prospective studies, and existing and planned pregnancy or birth cohorts should be utilized for this purpose.

The aetiology of human disease can be better understood through cross-disciplinary approaches, translation of animal data, better exposure biomarkers and understanding individual susceptibility. Improved communication needs to be

County of Monterey Resource Management
Agency, Planning Department

Comment Letters
Individuals

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stimulated among the scientific disciplines involved and between scientists and policy-makers.

Environmental chemical exposure assessment should emphasize the time period of early development. Exposure data already routinely collected should be applied, when feasible, in epidemiological studies. In addition, cord blood, cord tissue, human milk and other biological samples should be collected for assessment of exposure biomarkers and for determination of gene expression changes.

Because human beings are exposed to numerous chemicals during development and throughout life, mixed exposures need to be considered in a life-course approach to disease. Other factors, such as nutrition, other lifestyle factors and societal environment, need to be considered for additive or interactive effects. This research should also capitalize on the ability of genetic variation and gene–environment interaction to explore the causal nature of environmental exposures with respect to health outcomes.

Risk assessment of environmental chemicals needs to take into account the susceptibility of early development and the long-term implications of adverse programming in a variety of organ systems. Although test protocols exist to assess reproductive toxicity, neurodevelopmental toxicity and immune toxicity, such tests are not routinely used, and the potential for such effects is, therefore, not necessarily considered in decisions on safety levels of environmental exposures.

The accumulated research evidence suggests that prevention efforts against toxic exposures to environmental chemicals should focus on protecting the embryo, foetus and small child as highly vulnerable populations. Given the ubiquitous exposure to many environmental chemicals, there needs to be renewed efforts to prevent harm. Healthier solutions should be researched and proposed in future work. Prevention should not await definitive evidence of causality when delays in decision-making would lead to the propagation of toxic exposures and their long-term, harmful consequences. Current procedures, therefore, need to be revised to address the need to protect the most vulnerable life stages through greater use of precautionary approaches to exposure reduction.

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Neurodevelopmental Disorders in Children

Autism and ADHD

environmentalchemistry.com/yogi/environmental/200804childrenautismadhd.html

By Mona Sethi Gupta, Ph.D.
April 14 2008

Autism, ADHD, learning disabilities, developmental delays and intellectual retardation are among the neurodevelopmental disorders that extract an enormous emotional, mental and financial toll in terms of compromised quality of life and lifelong disability. Additionally, these require special education, psychological and medical support services that drain resources and contribute to further stress on the families and communities. While it is generally accepted that the cause for these disabilities is likely to include genetic and environmental factors, for a vast majority of these disabilities, the cause remains unknown. Many factors contribute in complex ways to brain development. These include gene expression, heredity, socioeconomic factors, stress, drugs, nutrition and chemical contaminants. Brain development is a long, complicated process involving cell proliferation, migration, differentiation and cell death (apoptosis). There are multiple ways by which chemicals can disrupt neurological development such as influencing gene expression, protein pathways [1] and hypothyroidism [2]. It is a well established fact that a child's nervous system is more sensitive to chemical exposures compared to an adult nervous system. This is evident from incidence of permanent brain damage in fetus of pregnant mothers who consumed alcohol during their pregnancy resulting in fetal alcohol spectrum disorder [3]. Similarly, pregnant women involved in methylmercury disasters showed minimal signs of toxicity compared to their children who displayed effects ranging from cerebral palsy to delayed development [4].

In the 1950s, Thalidomide was introduced into the market to treat morning sickness and as a sedative. It created an epidemic of 15,000 babies worldwide with missing limbs and other developmental disabilities including mental retardation and autism [5]. Today, it is a widely accepted fact that chemicals in the environment can cause developmental disabilities in children. Even more intriguing is the fact that certain environmental agents can cause long-lasting damage to the developing brain at exposure levels that have no lasting effect in the adult.

A wide range of toxic chemicals in the environment have been associated with neurodevelopmental disabilities which affect an estimated 3-8% of the 4 million babies born each year in the Unites States. In a recent study published in The Lancet, researchers from Harvard School of Public Health and the Mount Sinai School of Medicine examined publicly available data on chemical toxicity to identify the industrial chemicals likely to damage the developing brain. The researchers compiled a list of 202 industrial chemicals that are known to be toxic to the human brain using the Hazardous Substance Data Bank of the National Library of Medicine and other data sources [6]. The exposure to these chemicals came from industrial accidents, occupational exposure, suicide attempts and accidental poisonings. The authors noted that the list was not comprehensive since the number of chemicals that can cause neurotoxicity in laboratory animal test exceeds 1000. A key point highlighted in the study was the fact that even though moderate amounts of

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

It is a well known fact that certain chemicals, such as lead, mercury, PCBs, dioxins, arsenic and toluene can cause clinical and sub-clinical deficits in neurobehavioral development through injury to the fetal brain. The developing brain is extremely vulnerable to these environmental agents at doses much lower than those that affect adult brain function. Studies have shown that prenatal exposure to even relatively low levels of lead result in lifelong reductions of intellectual functions and disorders of behavior [7]. Polychlorinated biphenyls (PCBs) cross the placental barrier and can cause injury to the developing brain [8]. Organic mercury compounds such as methyl mercury are among the most potent neurotoxins causing severe developmental problems [9]. In view of this fact, it seems disconcerting that there is little information available on possible toxic potential for the 80,000 chemicals registered with the Environmental Protection Agency (EPA). Of the 3000 chemicals produced or imported at over 1 million pounds a year, a mere 23% have been tested for their potential to cause developmental damage [10].

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

Surveys conducted in California indicate an almost 210% increase in the number of cases of autism in children over the past 10 years. There is increasing concern that certain chemicals (such as mercury, halogenated aromatics and pesticides) and biotic factors (such as vaccine antigens) may act synergistically to alter certain susceptibility or genetic risk factors to result in ASD. The UC Davis Center for Children's Environmental Health has established the first large scale epidemiological study to investigate the underlying causes of autism. The UC Davis researchers at the Children's center have suggested an association between thimerosal (ethyl mercury) and immune system dysfunction in mice. In a recent study, Windham et. al. (2006) explored the possible association between ASD and environmental exposures to hazardous air pollutants in the San Francisco Bay area [11]. Based on the data from the study, the authors suggested that living in areas with higher ambient levels of HAPs, especially metals and chlorinated solvents, during pregnancy or early childhood could be associated with a moderately increased risk of autism. This study highlighted the need for more complex etiologic studies combining exposure to multiple compounds by various pathways with genetic information to further understand the contribution of environmental exposures to the development of autism.

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Another developmental disorder that affect the areas of social skills, behavior and communication is Attention Deficit Hyperactivity Disorder (ADHD). Presently, some researchers believe that there is a correlation between ASD and ADHD. It is estimated that ADHD affects approximately 4.5 million children in the US. The main characteristics that define ADHD include inattention, hyperactivity and impulsivity. Though almost everyone at some point in their life blurts out something inappropriate or has difficulty focusing on a task or could become forgetful, experts say that such behavior must be demonstrated to a degree that is inappropriate for that age, for a diagnosis to be made. There is insufficient evidence that suggests that ADHD could be a result of simply social factors or child-rearing factors. Other factors such as environmental agents like heavy metals and organohalides, traumatic brain injury, food additives and sugar, neurobiology and genetics have been implicated in the etiology of this condition.

Medications that seem to be most effective in treating ADHD are a class of drugs known as stimulants such as Ritalin (methylphenidate). However, there is mounting controversy over the widespread use of methylphenidate and possible life-threatening effects from its long-term use. This makes it imperative that alternative modalities be implemented for ADHD management. Nutrient deficiencies are common in ADHD; supplementation with minerals, the B vitamins (added in singly), omega-3 and omega-6 essential fatty acids, flavonoids, and the essential phospholipid phosphatidylserine (PS) can improve ADHD symptoms [12]. In a first of its kind study, Dr. Sarina Grosswald, an educator and expert in cognitive learning and clinical neuropsychologist, William Stixrud investigated the effect of meditation in kids with ADHD in the school setting. For the study, kids with ADHD meditated 10 minutes, twice a day. This study revealed that kids who meditated showed a 45 to 50 percent reduction in stress, anxiety and depression. These kids also showed significant improvements in organizational skills, memory, strategizing, mental flexibility, attention and impulsivity. According to Stixrud, teaching a child to regulate his own body and mind in response to anxiety should be the first response rather than putting them on medication.

Neurodevelopmental disorders have increased over the past 30 years and are at least partly attributed to exposure to environmental contaminants. Therefore, it becomes imperative to mitigate environmental factors that may influence disease. The impact of environmental toxins on children's health has become a major focus in the federal government resulting in establishment of eight new research centers in children's environmental health with joint funding from EPA and the National Institute of Environmental Health Sciences (NIEHS). "The brains of our children are our most precious economic resource, and we haven't recognized how vulnerable they are," says Philippe Grandjean, adjunct professor at Harvard School of Public Health and the lead author of the study published in The Lancet . "We must make protection of the young brain a paramount goal of public health protection. You have only one chance to develop a brain."

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3-11-08

FOR THE ADMINISTRATIVE RECORD
Hand delivered to FORA 3-12-08

Fort Ord Reuse Authority (FORA)
100 12th St., Building 2880
Marina, CA 93933
c/o Mr. Stan Cook, Ms. Laura Baldwin

RE: Comments; FORA ESCA Remediation Program (RP) / Document Control Number: 09595-07-078-001

Dear Mr. Cook and Ms. Baldwin,

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

"Because of missing or incomplete range activity records , misdirected shots, and poor or undocumented disposal practices, no area in Site 39 can be considered clear of UXO/ OEW". This statement is typical of military munitions training ranges at former Fort Ord. The proposed 3300 acres to be transferred for residential housing, commercial and other public uses is highly contaminated with UXO, OEW, and military munitions constituents.

1994 RI/FS;
"Site 39 was used Since the early 1900s for ordinance training activities. As a result, OEW, including UXO, is present at the site. OEW is defined as bombs and war heads; guided And unguided ballistic missiles; artillery, mortar, and rocket ammunition; small arms ammunition; anti-personnel and anti-tank mines; demolition charges; pyrotechnics; grenades; torpedoes and depth charges; containerized or uncontainerized high explosives and propellants; nuclear materials; chemicals and radiological agents; and all similar or related items designed to cause damage to personnel or materials. Oil in which explosive

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

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

fragment hand grenades MKII ,smoke hand grenades M18, hand grenade M10, 4inch trench mortars MK1, 4inch trench mortars FM, 4inch trenordnance components, blasting caps M6, blasting caps M7, hand grenade fuzes M228, 75mm Shrapnel MK1 , 37mm LE MK1 , 75mm HE MK1, Livens projector FM, surface trip flare M49, 3.5inch rocket M29, 35mm Rockets M73, 3inch Hotchkiss projector, activator mine AT M1, mine AT M1, primer igniter tube M57, cartridge ignition M2, signal illumination M125, mine fuze M6A1, rifle grenade M22, 57mm projector HE M306, flash artillery M110, projectile PD M503ch mortars HC, 3inch trench mortars MK1, 81mm mortar HE M43, 40mm projector M781

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

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Historical maps indicate that over the years as ranges were decommissioned, new ranges were opened. It appears that over time there are literally layers and overlaps of ranges the extent of which is unknown. How many millions of troops trained at Fort Ord? How many millions of pounds of munitions were used at former fort Ord? Of the millions of pounds of munitions used , how many millions of pounds of constituents were released into the environment? Were did the residual contamination go?

A new previously unidentified exposure pathway to human and ecological receptors now exists. The burning of former training ranges has resulted in a new and significant threat to human health and safety. A new RI/FS should include Ash analysis for all sites burned purposely or accidentally, and the potential onsite and offsite exposure to human and ecological receptors. This new exposure and potential effects on human and ecological receptors was never analyzed in the 1994 Base Wide RI/FS.

In the Monterey Herald dated 12-05-07 Pg. B6, there was a brief account of a recent U.S. Geological Survey study of ash resulting from the Southern California wild fires. The USGS study found caustic alkali materials and elevated levels of arsenic, lead, and other metals. The studies led author said that USGS found that "rainwater runoff from burned areas may hurt eco systems, aquatic wildfire habitat and surface water quality." Has the ESCA process analyzed the data revealed in this study? If not, why not?

It appears USGS is well equipped with staff and technology to analyze potential significant negative impacts resulting from burning wild land habitat. USGS participation in analyzing burn impacts at former Fort Ord could result in significant new information that would greatly benefit the full disclosure of impacts resulting from the burning. This new significant information will greatly benefit the understanding of potential adverse impacts by the public, regulators, decision makers, Army and all those involved in the ESCA process.

If USGS is not required to analyze data at the former Fort Ord, what justification exists for this decision?

Many military munitions constituents are known endocrine disruptors, carcinogens, mutagens, ect.. Environmental contamination is reaching epidemic levels likely due to lax regulation, oversight, and enforcement of environmental laws over industry and commerce. Nationally, conservatively, 1 in 150 children has autism. Asthma, Alzheimer's Disease, cancer, to list a few are at epidemic levels. Today, the U.S. public is sicker than ever before. USGS studies show pharmaceuticals are increasingly showing up in U.S. reclaimed and drinking water supplies. Is there endocrine disruptor screening being conducted at former Fort Ord? If not, why not? Does Soil analysis of ranges include every known or suspected OEW constituent used at For Ord? If not, why not?

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The public is very concerned with the undermining of the Regulatory agencies and their current ability to protect human health, safety, and the environment. A 1999 EPA Range Rule position letter addressing Military Base Closures states; "During the last several years an increasing number of issues have arisen relative to UXO, hazardous contaminants, and military range cleanup. The following represents a description of the major EPA issues or concerns along with installations where we have encountered these problems. This list should not be construed as exhaustive." Since this EPA position letter it appears efforts are being made to circumvent the environmental laws in place to protect the public.(3)

FORA should adopt the Precautionary Principle (1998 Wingspread Statement) and apply it to the Fort Ord Reuse Plan to ensure safety for current and future generations to the greatest extent possible.(4)

Thank you for the opportunity to comment on this project. We look forward to your response to our concerns.

Sincerely,

Lance Houston
FOCAG Member

Cc.
Assemblyman John Laird
Cal DTSC, c/o Joyce Whiten and Yolanda Gaarza
U.S. EPA, Region 9, c/o Viola Cooper
Mick Weaver, FOCAG
Bruce Becker, FOCAG
Debra Mickelson
David Dilworth, HOPE

Attachments;
(1) Scientific Integrity in Policy Making Update-July 2004 Introduction / Union of Concerned Scientists / Full Repot @ www.ucsusa.org
(2) EPA - Why we need a code of professional ethics www.nteu280.org/Issues/NTEU-%20Professional%20Ethics.htm
(3) 1999 EPA letter to DoD, Range Rule www.epa.gov/fedfac/documents/uxomemo.htm
(4) 1998 Wingspread statement www.rachel.org/library/getfile.cfm?ID=189

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Union of Concerned Scientists
www.ucsusa.org

Scientific Integrity in Policy Making Update-July 2004

Introduction

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

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

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

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

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

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- egregious disregard of scientific study, across several agencies, regarding the environmental impacts of mountaintop removal mining;
- censorship and distortion of scientific analysis, and manipulation of the scientific process, across several issues and agencies in regard to the Endangered Species Act;
- distortion of scientific knowledge in decisions about emergency contraception;
- new evidence about the use of political litmus tests for scientific advisory panel appointees. These new revelations put to rest any arguments offered by the administration that the cases to date have been isolated incidents involving a few bad actors.

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

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

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

Union of Concerned Scientists

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NTEU CHAPTER 280 - U.S. ENVIRONMENTAL PROTECTION AGENCY, NATIONAL HEADQUARTERS
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WHY WE NEED A CODE OF PROFESSIONAL ETHICS

www.nteu280.org/Issues/NTEU-%20Professional%20Ethics.htm

This document is intended to explain why a code of professional ethics is needed in the EPA workplace.

8/25/99

Management Practices and Workplace Conditions of Concern Because They Create Pressure To Violate the Code of Ethics For Professionals at EPA

There are current management practices and workplace conditions at EPA condoned by some elements of management which place strong pressure on EPA professionals to violate ethical principles and practices. Several examples follow:

1. Fear by some EPA managers of political retribution from economically powerful industries that are doing things harmful to the environment is one negative condition we as professionals must deal with at EPA. Some managers fear being punished if they tell the truth and/or "do the right thing" with regard to controlling the environmental problem which that particular industry is causing. This is especially problematic when the fearful manager is at the top of an organization's chain of command. The fearful manager "chickens out," because its easier to deal with the dismay and anger of the professionals that work for him or her than to deal with the dismay and anger of higher echelon managers or of an industry with lots of money to contribute to the re-election campaigns of members of Congress and with plenty of access to those members and their staffs, and with the certainty of a sympathetic hearing.

2. It is this condition - political pressure down the chain of command - that is the source of the problem for most unethical behavior by professionals at EPA: Frightened managers pressure professionals to write assessments and analyses that appear to justify a control action which is well less than that which the real risks and real costs suggest are actually warranted.

3. There is a lack of a management process for dealing with a conflict between a professionals's analysis of an issue and Agency policy on that issue. This is a problem: 1) when facts elicited in an analysis do not support the Agency policy and the analysis is then ignored, altered or otherwise subverted by management; or 2)when the professional refuses to remain silent on the issue, and is then subjected to disciplinary sanctions.

4. Tracking and assessment of professional performance should be based on the number of assessments or analyses prepared and their quality, as judged in light of applicable professional standards, and not exclusively on the number of assessments or analyses that produced a certain prescribed result. (E.g., the performance standard should not be "number of new pesticides registered" but "number of proposed new pesticides assessed.")

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5. When work is initially assigned to a professional, the assignment must be made in such a way that it is clear that the work product is to be a complete, unconstrained analysis or assessment of the matter at issue.

6. The amount of work time and calendar time allotted to the professional assigned to do the work by the manager assigning the work must be appropriate to the importance of the results. Consideration must be given to the health and environmental risks involved, control and other costs, the complexity of the subject matter, the size of the relevant literature, and the number of experts on that subject within and outside EPA who must be consulted for a complete and balanced work product to be produced.

7. As civil servants serving the public interest, U.S. Environmental Protection Agency employees are entrusted with the responsibility of acting conscientiously to fulfill EPA's assigned mission to protect human health and the environment:

o Those in our trust include:
– The American public, including dependent minors and others not yet of voting age
– Other people throughout the world who are affected by the actions of Americans both here and abroad
– Future generations
– Other living things
– The Earth itself and its ability to sustain life.

o Those affected by our actions also include:
– Those who release pollutants into our environment
– Producers and users of toxic substances
– Those who generate, transport and dispose of hazardous wastes and other wastes and discards.

Those in this latter group are members of the "regulated community"; they are ***not*** our "customers". They are those whose behavior we must monitor, assess and enforce against environmental standards and the law.

We accept the usefulness of obtaining feedback from those in the first group regarding their satisfaction with our performance. Although some in the latter group appreciate our efforts and do their best to cooperate, many others do not. We reject the validity of assessing how "satisfied" those in the latter group are with our performance.
Every person we deal with, including those in the "the regulated community", deserve to be treated with dignity and respect. But they also need to be handled with candor as to the seriousness of any violations and their impact on the public interest. They need to be handled with firmness when they violate the law.

8. In working to fulfill its mission, EPA managers and staff rarely interact directly with the general public or with regulated firms. Instead, for most programs, EPA managers and staff work with and through State and local agencies. While in some cases the relationship between EPA and the State or Local agency is one of true partnership, more often it is not. Further, with the current focus within EPA on identifying customers and getting customer feedback, there is also a tendency to view State and local environmental agencies as our

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

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Synergism

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

What is meant by the term "synergism"?

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

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

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

What are related terms?

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

2 + 2 = 4

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

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

0 + 2 > 2, not just 2

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

4 + 6 < 10

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

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

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

Why does synergism occur?

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

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

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

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Civil War cannonball kills Virginia relic collector

http://www.newsweek.com/id/135153?tid=relatedcl

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

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

As an adult, he crisscrossed the Virginia countryside in search of wartime relics—weapons, battle flags, even artillery shells buried in the red clay. He sometimes put on diving gear to feel for treasures hidden in the black muck of river bottoms.

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

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

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

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

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

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

He was an avid reader, a Civil War raconteur and an amateur historian who watched History Channel programs over and over, to the mild annoyance of his wife.
"I used to laugh at him and say, 'Why do you watch this? You know how it turned out. It's not going to be any different,'" Brenda White said.

She didn't share her husband's devotion, but she was understanding of his interest.
"True relic hunters who have this passion, they don't live that way vicariously, like if you were a sports fanatic," she said. "Finding a treasure is their touchdown, even if it's two, three bullets."

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

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

1. **Range Assessment and Investigation**
   1. Range investigations often lack sufficient site-specific information. The Services and the USACE generally are not adhering to CERCLA standards and procedures for assessment and cleanup. The PA/SI, RI/FS, Removal, Remedial, and NOFA processes need to be equivalent to those specified under CERCLA and the NCP. [For example, at the Black Hills Army Depot the PA/SI did not meet the minimum requirements set by EPA for assessment. The RI/FS workplans and all associated documents were based upon this deficient PA/SI and were also determined not to meet EPA minimum requirements. Other sites with similar issues include Savanna Army Depot, Badlands Bombing Range, Lowry Bombing Range, Fort Ritchie, Fort Meade, and the Nansemond Ordnance Depot.]

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

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

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

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

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

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

6. In those cases where UXO investigations at ranges (or UXO sites) have been performed, the general approach has been to limit investigation to known ranges/ UXO sites only. Investigations should not be limited to within the "fenceline," especially when information suggests that UXO problems are more extensive. [Although Aberdeen Proving Ground has agreed to perform additional clearance ¼ mile around the existing facility, no additional investigation is being performed off-site (e.g., especially in the adjacent rivers or in the Chesapeake Bay). Other sites with similar issues include the Badlands Bombing Range, Savanna Army Depot, Tooele Army Depot, Lowry Bombing Range, Jefferson Proving Ground, and NAF Adak.]

2. Non-Compliance with Regulatory Authorities

1. DDESB 6055.9 Standards for depth of clearance generally are not being followed. [For example, at Fort Ritchie a surface clearance is proposed for a residential area. DDESB 6055.9 Standards (chapter 12) specifies that default depths of clearance to 10 feet should be used unless an alternative is justified and approved by the DDESB based on detailed site-specific information. As no detailed investigations have taken place over the range areas at Fort Ritchie, a default clearance depth of 10 feet should be used (unless bedrock is shallower). Please note that EPA views chapter 12 as critical due to the nature of explosives safety issues. In addition, many other range situations have already been documented to have uncontrolled listed wastes (and/or hazardous substances) and may present an imminent and substantial endangerment to human health and the environment. Other ranges with similar problems include: Savanna Army Depot, Fort Meade,

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

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

3. Communication, Coordination and Dissemination of Information

Efforts by the Services and the USACE to communicate the scope, nature, and extent of UXO response activities have not always been successful. In some cases, there has been little or no effort. Regulators and the public need to be better informed during all stages of the efforts to address military ranges. The over-reliance on time-critical response actions also tends to reduce coordination with the regulators and other non-DoD parties. [For example, the regulators and the public have been discouraged by the USACE lack of cooperation at the Black Hills Army Depot. Adequate information and answers concerning investigations and cleanup activities have not been provided to these parties. At Fort Wingate there has been little or no public involvement concerning UXO issues. At BRAC RAB meetings only cursory information is presented on the USACE activities. Neither the State, Tribes, or the general public have received sufficient documentation on the USACE UXO activities at Fort Wingate that has both BRAC and FUDS properties. Another example is with the proposed transfer of property at Fort McClellan. The Army has been in the process of negotiating a transfer of UXO contaminated property with the U.S. Fish and Wildlife Service (USFWS). It appears that State and Federal regulatory agencies have not been contacted to participate in these negotiations. Similar situations have been noted at the Badlands Bombing Range, Lowry Bombing Range, Jefferson Proving Ground, Fort Ord, and Fort Ritchie.]

4. Remedy Selection and Implementation

1. EPA believes some range UXO detection/clearance operations may not be appropriate for CERCLA removal nor RCRA emergency situations. To further complicate matters is the Service/USACE preference to implement "CERCLA-like" accelerated actions. Some of these actions may not be consistent with CERCLA and the NCP and generally result in less regulator and public oversight/involvement. Using time-critical/emergency responses as the sole response paradigm should not be a default approach for the Services/USACE, especially for range problems that are well beyond the scope of such actions. [For example, at Fort Ord clearance was conducted

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

2. There is a general over-reliance on institutional controls as the principal remedy component or as the only remedy to ensure protectiveness. Where

employed, the institutional controls may not be adequately defined, roles and responsibilities are left unclear and ultimately they may not prevent future incidents where UXO is encountered. The Services and the USACE are not always implementing adequate access controls (e.g., fencing, posting of guards, patrols, etc.) where needed. In addition, periodic inspections need to be performed at many locations where UXO has been identified, is suspected, or may have surfaced via erosion or frost heaving at previously cleared areas. [For example, at NAF Adak institutional controls are proposed for vast areas outside the town where UXO will generally not be cleared, nor has the area been adequately investigated despite DoD records indicating potentially extensive UXO contamination. This appears to be a problem because the recent reuse proposals to expand the town's uses are expected to lead to an increase in the population (primarily members of the Aleut Tribe, especially children). At Tobyhanna Army Depot, a 20,000 acre UXO area is now a State park where only signs were posted. The park was closed in 1997 when 53 unexploded 37 mm shells were found and a recent removal action has found significant additional UXO. Other examples of access problems have been noted at Camp Elliott (Tierrasanta), Camp Bonneville, Jefferson Proving Ground, Lowry Bombing Range, Badlands Bombing Range, Fort Ritchie, Fort Wingate, and Nansemond Army Depot.]

3. Effective regulatory and DoD oversight is an important aspect of remedy implementation. When it is not implemented, the risk of incidents increase. [For example, the UXO from the Fort Irwin cleanup was mistaken for clean scrap and transported to a scrap yard for recycling (in violation of RCRA – the UXO went to a non-permitted facility without manifest). An employee was killed when he attempted to cut live UXO with welding equipment. Other examples of where better oversight was needed include, Fort Ord, Jefferson Proving Ground, and Fort Meade where UXO contaminated areas were inappropriately slated for transfer.]

5. Transfer of UXO Contaminated Land

1. EPA believes DoD generally should retain ownership and/or control of UXO areas that are not yet assessed and/or cleaned up as determined by DoD, the appropriate regulatory agencies and the public (e.g., "permanently dudded" impact areas; UXO burial sites; sites not yet scheduled to be remediated). Federal land management agencies generally want DoD to complete all environmental restoration prior to any transfer to them. Present land transfer practices by DoD indicate that UXO contaminated lands continue to be transferred. [At Fort McClellan the transfer of approximately 10,000 acres of UXO contaminated land has been proposed. The area has not been adequately assessed and UXO contamination not yet addressed. The

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proposed transfer is to the USFWS who do not appear to have sufficient resources to address UXO contamination of this magnitude. At Jefferson Proving Ground, a portion of UXO contaminated property north of the firing line was proposed for transfer to the USFWS. The area was proposed to be used for recreational purposes, but it has not been thoroughly assessed and UXO not addressed. It has also been mentioned that the USFWS has since decided not to proceed with the transfer. At Nomans Land Island,

although the fed-to-fed transfer has already taken place, DoD has a continuing obligation to address UXO safety issues there, as does the USFWS (i.e., to secure the property against trespassers, per the transfer agreement). Although the area is planned to be used as a wildlife refuge, it is known to be frequented by boating enthusiasts, and UXO safety issues remain because storm events and other processes (freeze/thaw) will continue to expose UXO in areas where only surface clearance has been performed. At Fort Wingate, two closed test ranges containing UXO are slated for transfer to the DOI. The land may then be re-developed for residential, commercial, open space, and subsistence farming/ranching uses. Much of these lands are proposed to be transferred to the DOI. Another example is the UXO contaminated areas transferred to the State at the Tobyhanna Army Depot.]

2. In some cases, the Services and the USACE have performed only a cursory investigation (see # 1). Based upon limited information, property has been and is being transferred. Rather than sufficiently assessing sites and making the property safe for use or transfer, the DoD and the Services appear to be transferring the land and then waiting for others to identify problems for DoD response. [For example, DoD is contacted periodically about newly found UXO at a number of transferred sites. This has been noted at the Aberdeen Proving Ground, Raritan Arsenal, Morgan Depot, White Sands Missile Range, Lowry Bombing Range, Badlands Bombing Range, Fort Ritchie, Tobyhanna Army Depot, Fort Ord, Fort Meade (i.e.,Tipton Air Field), Jefferson Proving Ground, Raritan Arsenal, Morgan Depot, and at EPA private sites such as the Cohen Property Site in Massachusetts. Although the EOD units have a good response record, their responses tend to be limited to the newly found UXO, with generally no further investigation performed to determine the nature and extent of any additional UXO. This EOD "house call" type follow-up cannot substitute for adequate investigations.]

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The Wingspread Statement on the Precautionary Principle

January 1998

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

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

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

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

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

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

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

Participants: Dr. Nicholas Ashford, M.I.T.; Katherine Barrett, Univ. of British Columbia; Anita Bernstein, Chicago-Kent College of Law; Dr. Robert Costanza, Univ. of Maryland; Pat Costner, Greenpeace; Dr. Carl Cranor, Univ. of California, Riverside; Dr. Peter deFur, Virginia Commonwealth Univ.; Gordon Durnil, Attorney; Dr. Kenneth Geiser, Toxics Use Reduction Inst., Univ. of Mass., Lowell; Dr. Andrew Jordan, Centre for Social and Economic Research on; the Global Environment, Univ. Of East Anglia; Andrew King, United Steelworkers of America, Canadian Office; Dr. Frederick Kirschenmann, Farmer; Stephen Lester, Center for Health, Environment and Justice; Sue Maret, Union Inst.; Dr. Michael M'Gonigle, Univ. of Victoria, British Columbia; Dr. Peter Montague, Environmental Research Foundation; Dr. John Peterson Myers, W. Alton Jones Foundation; Dr. Mary O'Brien, Environmental Consultant; Dr. David

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Perchlorate Summaries

Fort Ord, CA

Facility & Location

Fort Ord is located near Monterey Bay in central California, approximately 80 miles south of San Francisco. Since 1917, the installation has served primarily as training and staging facility for infantry troops. In 1940, the 7th Infantry Division (ID) was activated, then 4th, 5th and 6th Divisions as well. In 1957, Fort Ord became a United States Army Infantry Training Center. In 1974, the 7th ID was reactivated at Fort Ord. In 1983, the 7th ID was converted to a light division, operating without heavy tanks or armor. Fort Ord was selected in 1991 for closure under the Base Realignment and Closure (BRAC) process. Troops were reassigned in 1994 when the post formally closed. Although Army personnel still operate a small portion of the post, active Army divisions are not stationed at Fort Ord.

EPA identified Fort Ord as a Superfund site in 1990 due to groundwater contamination. A Multi-Range Area (MRA) located in the south-central portion of Fort Ord is expected to have the highest density of munitions and explosives of concern such as artillery and mortar, containerized and uncontainerized explosives and propellants.

Media Sampled

The Army has tested soil at Fort Ord for perchlorate.
Soil -- The Army tested 442 samples from the Site 39 - Multi-Range Area. Of these, 41 samples detected perchlorate ranging from 13 ppb to 106 ppb. The Army also tested ten soil samples from Site 39-Range 36A. Perchlorate was not detected in any of these samples.

Appropriate Action

Not applicable

POC Information

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Created: 01-MAR-08
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These Munitions are widely used in the training of US Military troops.

Pyrotechnics are used to send signals, to illuminate areas of interest, to simulate other weapons during training, and as ignition elements for certain weapons.(1)

Pyrotechnic Devices

Military Explosives (Chemistry) 30 September 1984

UNITED STATES PYROTECHNICS; CHAPTER 10

All pyrotechnic compositions contain oxidizers and fuels. Additional ingredients present in most compositions include binding agents, retardants, and waterproofing agents. Ingredients such as smoke dyes and color intensifiers are present in the appropriate types of compositions.

Oxidizers: are substances in which anoxidizing agent is liberated at the high temperatures of the chemical reaction involved.

Fuels: include finely powdered aluminum, magnesium, metal hydrides, red phosphorus, sulfur, charcoal, boron, silicon, and suicides. The most frequently used are powdered aluminum and magnesium.

Binding agents: include resins, waxes, plastics, and oils. These materials make the finely divided particles adhere to each other when compressed into pyrotechnic items.

Retardants are materials that are used to reduce the burning rate of the fuel-oxidizing agent mixture, with a minimum effect on the color intensity of the composition.

Waterproofing agents are necessary in many pyrotechnic compositions because of the susceptibility of metallic magnesium to reaction with moisture, the reactivity of metallic aluminum with certain compounds in the presence of moisture, and the hygroscopicity of nitrates and peroxides.

Color intensifiers:
- hexachloroethane (C2Cl6)
- hexachlorobenzene (C6Cl6)
- polyvinyl chloride
- dechlorane (C1oCl12).

Smoke dyes are azo and anthraquinone dyes. These dyes provide the color in smokes used for signaling, marking, and spotting.

Flares and Signals The illumination provided by a flare is produced by both the thermal radiation from the product oxide particles and the spectral emission from excited metals.

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Infrared Flare Formulas:
- Silicon
- Potassium nitrate (KNO_3)
- Cesium Nitrate ($CsNO_3$)
- Rubidium Nitrate ($RbNO_3$)
- Hexamethylene
- tetramine
- Epoxy resin

Red-Green Flare System:
- Barium nitrate
- Strontium nitrate 13
- Potassium perchlorate
- Magnesium
- Dechlorane
- Polyvinyl acetate resin

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

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

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

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

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

Smoke Agent Mixtures:
- White phosphorus
- Sulfur trioxide
- FS agent

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- HC mixture
- FM agent
- Crude oil

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

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

Igniter and Tracer Compositions
- Strontium peroxide
- Magnesium
- 1-136 Igniter
- Calcium resinate
- Barium peroxide
- Zinc stearate
- Toluidine red (identifier)
- Strontium nitrate
- Strontium oxalate
- Potassium perchlorate
- Polyvinyl chloride

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

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

Pyrophoric Metals

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

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Pr	Praseodymium
Nd	Neodymium
Sm	Samarium
Y	Yttrium
Ti	Titanium

Delays and Fuses Delay compositions are mixtures of oxidants and powdered metals which produce very little gas during combustion.

Photoflash Compositions Photoflash compositions are the single most hazardous class of pyrotechnic mixtures. The particle size of the ingredients is so small that burning resembles an explosion. The various photoflash devices are similar, differing principally in size and the amount of delay.

Colored smokes:

Yellow:	Auramine hydrochloride
Green:	1,4-Di-p-toluidinoanthraquinone with auramine hydrochloride
Red:	1-Methylanthraquinone
Blue:	Not suitable for signaling because of excessive light scatter.

Currently used dyes:

Orange:	1-(4-Phenylazo)-2-naphthol
Yellow:	N, N-Dimethyl-p-phenylazoaniline
Blue:	1,4-Diamylaminoanthraqdinone

Black Powders Used in Pyrotechnics

Potassium nitrate
Sodium nitrate
Charcoal
Coal (semibituminous)
Sulfur

Ignition Mixtures Components

Aluminum (powdered)
Ammonium dichromate
Asphaltum
Barium chromate
Barium peroxide
Boron (amorphous)
Calcium resinate
Charcoal
Diatomaceous earth (See also superfloss)
Specular Hematite / Barshot (Fe203) (Red) CAS 14808-60-7 / 14464-46-1
Magnetite/Black Iron Oxide (Fe304) Powder from READE (Black)
Potassium nitrate
Potassium perchlorate
Laminac
Magnesium (powdered)

Sodium nitrate
Nitrocellulose
Parlon (chlorinated rubber)
Pb02 -
Paleo Bond Adhesive Pb304
Sr peroxide
Sugar
Superfloss
Titanium
Toluidine red toner
Vegetable oil
Vistanex (polyisobutylene)
Zinc Stearate
Zirconium

Referances:

1) Handbook on the Management of Ordnance and Explosives at Closed, Transferring, and Transferred Ranges and Other Sites; December 2001 www.epa.gov/fedfac/pdf/IFUXOCTTHandbook.pdf

US EPA 2002: Handbook on the Management of Ordnance and Explosives at Closed, Transferring, and Transferred Ranges and Other Sites

Chemicals Found in Pyrotechnics
Aluminum
Barium
Chromium
Hexachlorobenzene
Hexachloroethane
Iron
Magnesium
Manganese
Titanium
Tungsten
Zirconium
Boron
Carbon
Silicon
Sulfur
White Phosphorus
Zinc
Chlorates
Chromates
Dichromates
Halocarbons
Iodates
Nitrates
Oxides
Perchlorates

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Privatization of Superfund Cleanup
Fort Ord, California

Pyrotechnic Devices

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

Constituents Not being Looked For In areas of Residential Development

Constituents not found in EPA Testing models Table 2

Fort Ord Community Advisory Group
October 2008

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Table 2: Military Munitions UXO/OEW Contaminates of Concern (COC's) Potential Soil Contaminats Fort Ord, California

Compound	CAS No.	Recognized/Suspected Human Health Hazards
1) Lead Azide	13424-46-9	Suspected: Carcinogen P65
2) Mercury Fulminate	628-86-4	Recognized: Developmental Toxicant P65-MC
3) Diazodinitrophenol (DDNP)	87-31-0	No Health data found
4) Lead Styphnate	15245-44-0	No Health data found
5) Tetracene (hydrocarbon)?	92-24-0	Suspected: Carcinogen CCRIS
6) Potassium Dinitrobenzofuroxane (KDNBF)	29287-75-2	No Health data found
7) Lead Mononitroresorcinate (LMNR)	51317-24-9	No Health data found
8) Antimony sulfide	1315-04-4	No Health data found
9) Zirconium	7440-67-7	No Health data found
10) Lead dioxide	1309-60-0	Recognized: Carcinogen P65-MC, Developmental Toxicant P65-MC, Reproductive Toxicant P65-MC
11) Gum Arabic	no match	No Health data found
12) Potassium chlorate	3811-04-9	HAZMAP: Methemoglobinemia, Anemia.
13) Lead mononitroresorcinate	51317-24-9	HAZMAP: Neurotoxin, Hepatotoxin, Nephrotoxin, Reproductive Toxin
14) Nitrocellulose (BK2-W)	9004-70-0	HAZMAP: Neurotoxin,
15) Lead thiocyanate	592-87-0	HAZMAP: Neurotoxin, Hepatotoxin, Nephrotoxin, Reproductive Toxin
16) Nitrostarch	?	No Health data found
17) 1,2,4-Butanetriol Trinitrate (BTN)	6659-60-5	HAZMAP DOT listed Hazardous Materials
18) Diethyleneglycol Dinitrate (DEGN)	693-21-0	HAZMAP DOT listed Hazardous Materials, Suspected: Neurotoxicant RTECS, Respiratory Toxicant RTECS
19) Triethylene Glycoldinitrate (TEGN)	111-22-8	No Health data found
20) 1,1,1 Trimethylolethane Trinitrate (TMETN)	3032-55-1	No Health data found
21) Ethylenediamine Dinitrate (EDDN)	20829-66-7	No Health data found
22) Ethylenedinitramine (Haleite)	505-71-5	No Health data found
23) Nitroguanidine (NQ)	556-88-7	Suspected: Respiratory Toxicant RTECS
24) 2,4,6Trinitrophenylmethylnitramine (Tetryl)	479-45-8	Suspected: Immunotoxicant HAZMAP, Neurotoxicant DAN RTECS, Respiratory Toxicant HAZMAP, Skin or Sense Organ Toxicant HAZMAP RTECS
25) Ammonium Picrate	131-74-8	HAZMAP: Skin Sensitizer, Hepatotoxin
26) Hexamethylene	110-82-7	Suspected: Neurotoxicant DAN HAZMAP RTECS
27) Dechlorane	2385-85-5	Recognized: Carcinogen P65, Suspected: Endocrine Toxicant BKH EPA-SDWA IL-EPA JNIHS KEIT RTECS,Gastrointestinal or Liver Toxicant ATSDR RTECS, Kidney Toxicant MERCK
28) Sulfur trioxide	7446-11-9	Suspected: Respiratory Toxicant RTECS, Skin or Sense Organ Toxicant RTECS
29) Calcium resinate	9007-13-0	No Health data found
30) Barium peroxide	1304-29-6	New Jersey Haz. Sub. Fact Sheet: http://nj.gov/health/eoh/rtkweb/documents/fs/0190.pdf

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

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Table 2: Military Munitions UXO/OEW Contaminates of Concern (COC's) Potential Soil Contaminats Fort Ord, California

31) Zinc stearate	557-05-1	Skin, eye, and respiratory tract irritant CAMEO
32) Toluidine red	2425-85-6	No Health data found
33) Strontium nitrate	10042-76-9	NJ-HSFS: Repeated exposure may damage the lungs, heart, liver, and kidneys and affect the nervous system.
34) Strontium oxalate	814-95-9	No Health data found
35) Auramine hydrochloride (yellow)	2465-27-2	Suspected: Carcinogen CPDB, Gastrointestinal or Liver Toxicant RTECS
36) 1,4-Di-p-toluidinoanthraquinone (green)	128-80-3	No Health data found
37) 1-Methylanthraquinone (red)	954-07-4	HAZMAP: Possible Carcinogen, Hepatotoxin, Skin Sensitizer
38) 1-(4-Phenylazo)-2-naphthol (orange dye)	?	No Health data found
39) N,N-Dimethyl-p-phenylazoaniline (yel dye)	60-11-7	IARC: Possible Carcinogen, HAZMAP: Hepatotoxin, Skin Sensitizer
40) 1,4-Diamylaminoanthraqdinone (blue dye)	2648-15-3	No Health data found
41) Ammonium dichromate	7789-09-5	Recognized: Carcinogen P65-MC, Suspected: Cardiovascular or Blood Toxicant RTECS, Gastrointestinal or Liver Toxicant RTECS, Immunotoxicant EEC SNCI, Kidney Toxicant RTECS, Skin or Sense Organ Toxicant EEC
42) Asphaltum	8052-42-4	Recognized: Carcinogen P65
43) Barium chromate	10294-40-3	Recognized: Carcinogen P65-MC
44) Boron	7440-42-8	Suspected: Cardiovascular or Blood Toxicant KLAA, Developmental Toxicant ATSDR, Neurotoxicant LU, Respiratory Toxicant LU
45) Potassium nitrate	7757-79-1	HAZMAP: Methemoglobinemia
46) Laminac	?	No Health data found
47) Sodium nitrate	7631-99-4	Suspected: Cardiovascular or Blood Toxicant RTECS, Respiratory Toxicant RTECS
48) Parlon (Chlorinated rubber)	9006-03-5	EPA Pesticide Inert Ingredient
49) Superfloss	7631-86-9	No Health data found
50) Vistanex (polyisobutylene)	9003-27-4	No Health data found
51) Thorium Tu	7440-29-1	Recognized: Carcinogen P65-MC
52) Zirconium Zr	7440-67-7	Suspected: Respiratory Toxicant NEME
53) Hafnium Hf	7440-58-6	No Health data found
54) Cerium Ce	7440-45-1	Suspected: Respiratory Toxicant NEME, Dermatotoxin HAZMAP
55) Lanthanum La	7439-91-0	No Health data found
56) Praseodymium Pr	7440-10-0	No Health data found
57) Neodymium Nd	7440-00-8	No Health data found
58) Samarium Sm	7440-19-9	HAZMAP: Internal Toxicity: High
59) Yttrium Y	7440-65-5	HAZMAP: Hepatotoxin, Fibrogenic
60) Rubidium Nitrate	13126-12-0	No Health data found
61) Cesium Nitrate	7789-18-6	Substance may be toxic to blood central nervous system (CNS). Repeated or prolonged exposure to the substance can produce target organs damage.
62) Specular Hematite	14808-60-7	No Health data found
63) Magnetite	1309-38-2	No Health data found

Constituents compiled from: Chapter 10 Pyrotechnic Devices: Military Explosives (Chemistry) 30 September 1984

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

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Calderon, Vanessa A. x5186

From: Doug and Susan Kasunich [sandkas@netpipe.com]
Sent: Monday, February 02, 2009 3:53 PM
To: ceqacomments
Subject: Public comment GPU 5 sent: 02/02/2009

Monterey County
Planning and Building
Inspection Administration

FEB 17 2009

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Rec'd as CEQA Comments 2/2/09 3:53PM

February 2, 2009

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

The DEIR recommends no further subdivision of lands in the North Monterey County planning area. This policy will most likely fuel lawsuits by individuals wishing to split or subdivide within this area. Succesful litigation opposing this policy would result in further growth in this resource poor area despite General Plan language. Litigation would also incur costs to Monterey County residents and developers alike, funds that would be better used providing housing for our work force. Language spelling out conditions for subdivision would be more beneficial to existing residents than the proposed ban. GPU 5 should restrict subdivision of lands in this area to only properties served by a community large water system and sanitary sewers that return flow to the existing Regional Water Reclamation facility near Marina. At the present time these utilities do not exist in the planning area, a situation that would essentially have the same result as the proposed language in GPU 5. 1

North County water wells are fast succumbing to excessive overdraft and septic system related nitrate loading, two of the main reasons GPU 5 entertains a no growth policy for this area. The problematic groundwater situation already negatively affects a large number of existing parcels, as many as 1 in 4 in the Granite Ridge area (per MCWRA data). Correcting this situation will financially tax local residents, creating hardship for many. A sanitary sewer and water distribution policy could facilitate movement on efforts to provide infrastructure in this area as well as provide additional sources of funding for those improvements. The people involved in the development industry tend to be the members of our society who get things done. Unfortunately, because subdivision of lands has been allowed to proceed regardless of resource shortfalls, the movers and shakers among our citizenry have not applied their skills towards solving North County resource problems. Approvals for projects that increase the hardened water demand in this water short area despite data documenting the lack of a long term water supply actually impedes progress on correcting the resource deficiencies. If the ability to subdivide was predicated on the construction of community water and sanitary sewerage facilities, North County residents would be more likely to receive timely relief from groundwater quantity and quality problems. Sanitary sewers would allow rezoning to take place by eliminating the minimum 1 acre lot size mandated for septic disposal. If water and sewer improvements first followed existing traffic corridors, higher density in fill could facilitate construction of affordable housing on existing vacant land and additional auxiliary units on lots already built out. 2

The FEIR for the Monterey County General Plan Update should adopt as a goal and /or prerequisite, sanitary sewer and community large water distribution systems for further growth to occur in the North Monterey County Planning Area. 3

The vague language and numerous amendments gracing the 1982 Monterey County General Plan resulted in litigation surrounding almost every new subdivision proposed for North Monterey County. 4

02/02/2009

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GPU 5 must have concise, clear language along with some mechanism to limit General Plan Ammendments or policies proposed will continue to generate litigation at our citizens expense. Mandating sanitary sewers and community large water systems as a condition for subdividing existing lots of record in the North Monterey County Planning Area would eliminate the "anything goes" policies that, as a result of variances, exceptions and amendments, are now the 1982 General Plan. 4

Thank you, Doug Kasunich, Prunedale

02/02/2009

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-----Original Message-----
From: Gowin, Henry M.
Sent: Monday, October 13, 2008 2:51 PM
To: Holm, Carl P. x5103; Knaster, Alana x5322; Novo, Mike x5192
Cc: 105-Clerk to the Board Everyone
Subject: FW: GPU 5

For the GPU-5 comment files.

-----Original Message-----
From: Kathryn Knauf [mailto:knauf@mbay.net]
Sent: Sunday, October 12, 2008 11:11 AM
To: 100-District 2 (831) 755-5022
Subject: GPU 5

Dear Supervisor Calcagno,
Please consider my strong concerns about hillside and steep slope ordinances that encourage projects in Monterey County's scenic foothills. I would like you to know that I want Monterey County farms, open space and valuable resources protected from developer
sprawl. We won't have a society if we destroy the
environment. Please vote for the environment because everything else is temporary. Sincerely, Don Knauf Leafwood Drive, Elkhorn 1

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Monterey County
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FEB 02 2009

I-12

RECEIVED

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February 2, 2009

Carl P. Holm, AICP
Monterey County Planning Department
168 West Alisal Street, 2nd Floor
Salinas, California 93901

HAND DELIVERED

Re: 2007 General Plan Draft EIR

Dear Mr. Holm:

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

1. The text on page 4.2-11, and Table 4.2-9 (Change in Net Important Farmland Designation) contain flawed analysis. The text and the table assert that 2,571 acres of Important Farmlands will be "removed from Important Farmlands designation" through buildout of the 2007 General Plan. Neither of the sources cited for this assertion (the California Department of Conservation website and the 2007 General Plan) provides any factual basis for the asserted conclusion, or any basis to show how the number of 2,571 was derived. 1

2. At page 4.3-15, the DEIR asserts that flood events in the Pajaro area have " displaced thousands of persons." No authority is cited for this statement which appears to be grossly exaggerated. Either delete the statement or provide citation to reliable authority for the statement. 2

3. The DEIR describes and assesses impacts for two time periods: the 2030 planning horizon (the life of the 2007 General Plan), and buildout of all land designated for development, which is estimated to be 84 years (2092). The "project" is defined as a general plan intended to guide growth and development through 2030, not 2092. It is inappropriate to speculate what development might 3

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occur beyond the planning horizon because assessing potential impacts 84 years in the future is simply far too speculative to have any substance or relevance to the County decision-makers. In fact, it is more likely to confuse and mislead decision-makers in their analysis of the project before them- the 2007 General Plan. Any discussion of potential impacts beyond the planning horizon of the 2007 General Plan must be removed from the DEIR. 3

4. Tables 3-7. 3-8 and 3-9 are illustrative of the confusion caused by attempting to speculate about a planning horizon beyond the life of the 2007 General Plan. The text of the DEIR on page 3-12 states that these tables are intended to reflect development projected to occur over the 2030 planning horizon and eventual buildout of the county in 2092. While the baseline (Table 3-7) is shown exclusively in acres, "new" uses (Tables 3-8 and 3-9) mix acres and units, so that a comparison is impossible. The two columns of 2030 acres ("New Commercial by 2030" and "New Industrial by 2030") in Table 3-8 add up to 310 acres, while the Total Area column shows only a total of 256 acres in the entire area. The two columns assumed to represent 2092 buildout ("New Buildout Commercial" and "New Buildout Industrial") in Table 3-8 appear to indicate an additional 160 acres (for which there is no supporting data or analysis), which would apparently bring the Total Area to 470 acres. Similar problems exist with respect to Table 3-9. It appears that the "factual" basis for impact analysis in the Pajaro area is off by a factor of around 46%, which is unacceptable. 4

5. The Water section of the DEIR contains extensive discussion regarding water constraints- both quantity and quality- in the Pajaro area, and predicts that conditions are expected to get worse before they get better. The DEIR also projects that water projects intended to resolve these constraints are sufficiently uncertain that they cannot be analyzed in the DEIR. If these forecasts are accurate, the likelihood that the intensely-irrigated farmland in the Pajaro area can or will stay in active row crop production is remote. The DEIR should assess the impacts of significant areas of row croplands being removed from production due to water constraints[1], and analyze possible alternative land uses for these lands.[2] 5

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

[1] Compare the San Joaquin Valley where significant amounts of farmland have been taken out of production due to the unavailability of irrigation water.

[2] Such an alternative analysis is also justified by Policy LU-2.24 of the 2007 General Plan that designates the Pajaro Community Area as the "highest priority" for the preparation of a Community Plan, which "may include recommendations for Community Area boundary changes."

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Page 3 February 2, 2009

Very truly yours,

Brian Finegan

Brian Finegan

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

I-13

To: Monterey County Board of Supervisors 30 Jan 2009
Attn: C. Holms, Asst Dir Planning Dept
HolmCP@co.monterey.ca.us
Salinas CA

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

Subject: Public input to the 2007 GPU5 DEIR, PLN #3000196

A. 12 Guiding Principals

A1: Why are the Board of Supervisor (BOS) approved 12 GPU Guiding Principals missing from the DEIR?

A2: Why is the DEIR environmental analysis not correlated to the BOS approved 12 Guiding principals so the BOS and the public can assess the environmental impacts in relation to the 12 Guiding Principals?[1] 1

B. General scale impacts

B1: Page 1-1 declares that project impacts are analyzed on a general scale. Given this approach for providing environmental impact analysis, why are the following "general scale" considerations **not** addressed?

- **B1a:** A table showing where the new sources of water are needed to support new build-out?
- **B1b:** A capitalization infrastructure financing plan that supports development and delivery of new sources of water so the public and BOS can understand the magnitude of environmental impact of any new water distribution networks? 2
- **B1c:** The potential environmental impacts of housing build-out without new sources of water, should a 2.5 year or 5 year drought occur during the 20-year life of the General Plan?
- **B1d:** The potential environmental impacts of build-out should some percentage of new sources of water fail to materialize?

B2: In numerous places in the DEIR (such as page 4.3-17) there are comments about current water sources having suspect sustainability or significant overdraft. So why does the DEIR present no probability analysis/assessment on the risks of depending upon unproven new sources of water to meet development demand? 3

B4: Why does the DEIR fail to present any assessment of the risks to the public should a 2-year or 5-year drought occur in the County while allowing build-out prior to required water projects (those needed to provide sustainable water) being built? 4

C. Inadequate Environmental Analysis of the Impacts Related to Water

1

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C1: Why does this DEIR fail to address the potential environmental impacts to coastal cities and other community areas, by the General Plan establishing a public policy of **allowing** years of housing build-out before "new sources" of water are built? 5

C2: Why does this DEIR knowingly allow growth without sustainable water for years, inconsistent with the GPU5 policy to "restrains development without a proven sustainable water supply..."?[2]

C3: The primary mitigation to overcome higher water usage are "regional and coastal water projects".[5] Why doesn't this DEIR reveal the current Castroville Seawater Intrusion Project (CSIP water injection) has failed to halt seawater intrusion? Why does this DEIR fail to provide any empirical data to substantiate the claim that the CISP has "slowed seawater intrusion in the area"?[6] 6

C2: Why does this DEIR claim that "regional and coastal water project" mitigations will be beneficial when at page 4.3-25 it states: "There are no documented instances of fully restoring groundwater basins to pre-intrusion levels." 7

C4: Regarding water supply impacts, Paragraph 1.4.2 admits, "future initiatives are not well enough known to determine that they would avoid this impact." So why doesn't this DEIR address the potential environmental impact of increased saltwater intrusion caused by additional build-out if "regional and coastal water projects" have marginal or zero impact upon slowing saltwater intrusion? 8

C5: Paragraph 1.4 claims that significant water resource impacts are unavoidable. This unavoidable condition is only unavoidable if development build-out is allowed prior to the establishment of reliable new sources of water or prior to proof that "regional and coastal water project" mitigations are working. So **why doesn't** this DEIR provide a mitigation to not allow development until new water sources are established or until the MCWRA can provide empirical proof that mitigations WR-1 and WR-2 are in fact reducing saltwater intrusion near coastal cities? 9

C6: Why does this DEIR fail to provide any empirical engineering evidence of **when** sustainable water benefit will accrue to any city, community area or rural centers because of the Salinas Valley Water Project? 10

C7: Why does this DEIR claim a mitigation benefit from "regional and coastal water projects" without sizing the current and increased water draw down/demand and then **compare it** to the amount of new sources of water from those projects in each of the three watersheds? 11

2

County of Monterey Resource Management
Agency, Planning Department

Comment Letters
Individuals

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C8: What is the empirical data that substantiates the SVWP can provide the amount of new water demand summarized in table 4.3-9 (over 49,000 AFY). 12

C9: What is the empirical data that substantiates the claim on page 4.3-130 that "In the Salinas Valley the SVWP will provide sufficient supply to reverse existing overdraft and seawater intrusion problems and provide water for **new** development"? This claim anoints the SVWP as the solution for all water problems in all portions of the valley through 2030. What data shows that **such a broad reaching claim** is even remotely possible to supply sustainable water to sites over a hundred miles away, to place up gradient like North County, and while overcoming over fifty years of the over drafting of coastal aquifers? 13

C10: What documented instances, from anywhere in the North American Continent or Europe, provide evidence that a project like the SVWP, has re-balanced a water basin of similar sized as the Salinas Valley near an ocean and supplied benefit to far flung water demand sites? 14

C11: What empirical engineering evidence substantiates **how** new water sources from "regional and coastal water projects" such as the Salinas Valley Water Project, will ever **reach** the **multiple** new development areas in the Salinas Valley where demand is anticipated per table 4.3-9? 15

C12: The DEIR on page 4.3-136 reveals that the only new pipe distribution network from the SVWP it to the CISP. None goes to North County and none goes to any other location in the 155 mile long Salinas Valley. Therefore, what empirical data substantiates how the new source of water reach and reach vertical and up-gradient locations such as North County and mid-valley cities while passing through identified aquitards sitting between the SVWP source water and the demand site? 16

C13: At page 4.3-136 the DEIR reports that the SVWP would supply 9,700 AFY for irrigation. Why doesn't the DEIR reveal that 9,700 AFY merely matches the average annual irrigation usage of 9,700 AFY providing no new source of water for new development? Why doesn't the DEIR reveal that this action does nothing to overcome existing overdraft, it only reduces further mining of the coastal aquifer, and does not supplying any benefit to new development in the Salinas Valley out to the year 2030? 17

C14: Why does the DEIR fail to reveal that allowing build-out in the Salinas Valley prior to needed "new sources" of water being built and distributed, draws down the water basin four times more than the 9,700 AFY that the SVWP Phase-1 is injecting into the basin, thus significantly adding to saltwater intrusion and endangering the viability of coastal farms and cities? 18

3

C15: Table 4.3-8 shows multiple water sources polluted with pesticides and other pollutants, including the Salinas River, the old Salinas River estuary, as well as the Salinas Reclamation Canal. So why does this DEIR fail to reveal the environmental and engineering difficulties that "regional and coastal water projects" (such as the SVWP) will have with removing pesticides so adequate quantities of potable water can be supplied to new development demand sites? 19

C16: Why does this DEIR fail to reveal the degree pesticide removal from water flowing past the Marina landfill will or does impact the SVWP and the CISP? 20

C17: Table 4.3-7 addresses past data on aquifer over drafting in North County. Why does this DEIR not provide an environmental analysis of the impact of expected new development on the overdraft condition? Why does the table exclude the new development impacts to overdrafting? 21

C18: The DEIR identifies a number of possible unfunded projects for generating new sources of water and/or distributing new sources of water. Why does this DEIR fail to provide a risk analysis showing optimistic, most-likely, and pessimistic estimates for when these multiple projects would come on line? Such analysis is a common tool used by decision makers to assess risk of complex projects. 22

C19: As structured the DEIR is following an unstated assumption that all projects for generating or distributing new sources of water will come online **early** in the life of the general plan. Why was this assumption not stated in Section 3.3.1 nor evaluated for risk in the EIR analysis. 23

C20: The 1995 FUGRO report estimated that North County would run out of water in 20 years (~2015). Since the release of that report, numerous families are without water in North County and nitrate/arsenic poisoning in North County is significantly worse in still working wells (as shown in this DEIR). So why doesn't this DEIR reveal that empirical and on-site data substantiates that the North County aquifers are failing just as the FUGRO report predicted? Given this failing-aquifer/basin problem, why doesn't this DEIR report the risk to North County areas and to coastal cities caused by allowing continued build-out in the north Salinas valley area before "new sources" of water are available to North County and nearby coastal cities? 24

C21: Why does this DEIR ignore the 1995 FUGRO report that sustainable water conditions in North County could only be achieved by limiting development to one residence per ten acres? 25

C22: At page 4.3-121 why does this DEIR fail to state that the winery yearly water demand **may not** include water that is currently being 26

used and may be above and beyond current usage? Why does this section of the DEIR not assess the possible environmental impacts if conversion of Williamson land does not convert as assumed? 26

D. Wine Corridor Effects

D1: It is well known in California that Napa Valley's wine corridor stimulated a road congesting increase in traffic. Why does this DEIR fail to address the environmental impacts (green house gases, traffic congestion, and safety) from a growth in traffic in the County stimulated by the development of a Salinas Valley wine corridor?[3] 27

D2: Why does this DEIR fail to address the cumulative environmental impact of "10 full scale and 40 artisan wineries" in the wine corridor?[4] 28

E. Alternative Plans

E1: Why does this DEIR fail to point out that significant impacts to water could easily be avoided by first developing new sources of water along with distribution networks **prior** to allowing development. Another mitigation the DEIR fails to offer is sequencing development after a new water source or new water distribution networks are funded and under construction. Since both of these sequencing mitigations are clearly feasible why were they not presented to BOS decision makers and the public? 29

H. Comment Summary:

The above described weaknesses in this DEIR show that this analysis/report is clearly inadequate and fails to inform the BOS and the public of significant environmental effects in regards to potable water supply. Specifically:

This DEIR identifies possible benefits from many unfunded proposed water projects, without revealing the risk of allowing building before any of these projects come online and before any of these projects demonstrate blockage of saltwater intrusion or adequate quantities of potable water. 30

This DEIR presents a public policy of build houses first while hoping future water sources will come on line and future distribution networks will ever reach the new housing – without revealing the risks of such an approach.

This DEIR fails to reveal that the water sources for coastal cities are placed at risk of severe saltwater poisoning by a build first public policy.

Additionally, in regards to water supply impacts, this DEIR does not comply with the CEQA requirement (listed in paragraph 2.1.1) to "identify ways that environmental damage can be avoided or 31

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significantly reduced". For example, this DEIR fails to identify or analyze any of the below listed alternatives to avoid significant impacts to water:

Alternative 1: Allow build-out to occur once a "new source" of water for the building area has been funded.
Alternative 2: Allow build-out to occur once a "new source" of water for the building area are under construction.
Alternative 3: Allow build-out to occur once a "new source" of water for the building area are generating potable water.
Alternative 4: Allowing build-out south of Soledad now while delaying build-out in north Salinas Valley until "new sources" of water are on-line generating potable water. 31

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

Eddie Mitchell
Prunedale Resident

Footnotes:
1. Pg 1-3 declares 10 GPU Objectives but fails to identify the BOS approved GPU 12 Guiding Objectives. 1

2. Pg 1-3 Table 1-1, restrains development without a proven sustainable water supply 5

3. Pg 1-4 para 1.2.1 Establish the agriculture wine corridor plan to facilitate wineries along a corridor in the central and southern Salinas Valley... 27

4. Pg 1-3 Table 1-1, Agriculture Wine Corridor Plan 28

5. Pg 1-6 Table 1-2 Mitigatiions, Mitigations para 4.3 Water 6

6. Pg 4.3-116

6

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Monterey County
Planning and Building
Inspection Administration
FEB 12 2009
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February 2, 2009

Carl P. Holm, AICP
Monterey County Planning Department
168 West Alisal Street, 2nd Floor
Salinas, California 93901

HAND DELIVERED

Re: 2007 General Plan Draft EIR

Dear Mr. Holm:

The following comments are submitted on behalf on the Phelps Family and Omni Resources, LLC, owners of commercially-zoned land at the intersection of Highway 68 and Corral de Tierra Road in the Toro Area of Monterey County. My client's property is the subject of a long-pending application for the removal of the B-8 zoning overlay (PC980074), and the approval of a combined development permit for the Corral de Tierra Village Center to serve the Toro Area community (PLN020344).

1. **Use of 2092 Time Horizon.** The DEIR describes and assesses impacts for two time periods: the 2030 planning horizon (the life of the 2007 General Plan), and buildout of all land designated for development, which is estimated to be 84 years (2092). The "project" is defined as a general plan intended to guide growth and development through 2030, not 2092. It is inappropriate to speculate what development might occur beyond the planning horizon because; assessing potential impacts 84 years in the future is simply far too speculative to have any substance or relevance to the County decision-makers. In fact, it is more likely to confuse and mislead decision-makers in their analysis of the project before them- the 2007 General Plan. Any discussion of potential impacts beyond the planning horizon of the 2007 General Plan must be removed from the DEIR. 1

2. **Toro Water Studies.** The Water chapter of the DEIR contains two discussions of groundwater conditions in the Toro area (El Toro Creek Subwatershed on page 9, and El Toro Creek Groundwater Sub-Basin on page 35). Both require comment and correction. 2

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Page 2

November 2, 2009

The only groundwater study cited in the DEIR is Geosyntec Consultants. (2007). El Toro Groundwater Study. To give an accurate analysis of groundwater conditions, in the Toro Area, the DEIR should also cite other studies commissioned by the County of Monterey[1] which reach different conclusions:[2]

- Anderson-Nichols & Co., Inc. (1981) Final Report – El Toro Area Groundwater Study. This report concluded that in the Lower Corral de Tierra sub-basin (in which the Phelps/Omni property is located) there is 89,400 acre feet of groundwater storage, annual inflows of 2,323 acre feet per year, and a demand at "saturation" buildout of 738 acre feet per year, with a surplus of 1,585 acre feet per year. The conclusions of the report included the following:
  - "The overall quantity and quality of the existing groundwater supply in the El Toro area are sufficient to meet the demands of both the current population and the population projected for saturated development."
  - "The continuation of the existing moratorium on subdivision within the El Toro area is not warranted by existing or projected groundwater conditions."
- Fugro West, Inc. (1996) Additional Hydrogeologic Update – El Toro Area. "As a starting point, it is suggested that the sub areas north of the trace of the Chupines fault be aggregated into a single unit…Analysis suggests that water supply for the area is likely adequate to meet build-out demand… [T]he current B-8 regulation be revised to apply only to the area south of the Chupines fault."[3]
- Fugro West, Inc. (February 4, 1998) Letter Report to California Public Utility Commission: "The political response to the 1991 [Stahl, Gardner & Dune, Inc.] report was to place a temporary "B-8" zoning restriction (moratorium on subdivisions) on the area, although this action was explicitly not recommended…The [1996 Fugro] report concludes that there is sufficient water in the combined northern subareas and recommends that the moratorium be lifted in the subareas north of the [Chupines] fault. The Ambler Park Water Company service area is entirely north of the fault, and there is no factual reason for the PUC to impose a moratorium on connections in this area."[4]

2

[1] All of which are in the possession and control of the County of Monterey.
[2] Where there is disagreement among experts, the EIR should summarize the main points of disagreement among the experts (Guidelines Section 15151).

[3] The Phelps/Omni property is in the area north of the Chupines fault, recommended to be eliminated from the B-8 restriction.

[4] The Ambler Park Water Company has now been acquired by Cal American Water Company. The Phelps/Omni property is within the service area of this water company, has a can-and-will serve letter from the company, and currently receives and pays for service from Cal Am for the three existing fire hydrants on the Phelps/Omni property.

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Page 3

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The DEIR incorrectly states: "A 2007 groundwater study [the Geosyntec report] recommended expansion of the B-8 zoning to cover the entire extent of the El Toro Primary Aquifer System.) DEIR p.4.3-35.) In fact, the Geosyntec report says something quite different:

> "*Expansion of the B-8 zoning is recommended for areas with negligible and poor potential for groundwater production.*" (p. 36; emphasis added.)

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

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

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

2

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

- Table 6-5 presents "current" (1995) demand and recharge by subarea; overall, the results show a long term average surplus. The Report does not explain how there can be historical declining groundwater elevations under conditions in which there is a surplus in recharge (with the exception of the Calera Canyon subarea).
- Based on the review of the Report's analysis and interpretations, the conclusion that overdraft exists in the El Toro area is not fully supported by the findings presented in the Report…The Report's findings of overdraft, primarily on the author's interpretations of long-term historical groundwater elevation declines conflict with estimates of average recharge that are greater than historical demand.

2

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

Very truly yours,

Brian Finegan

Brian Finegan

cc: Eric Phelps

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I-15

Monterey County
Planning and Building
Inspection Administration

JAN 30 2009

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e-mailed 2/2/09
4:11 pm

From: Nancy Pratt <nancycoast@earthlink.net>
Date: February 2, 2009 4:11:13 PM PST
Subject: Fwd: GP5 Grade no more than 30%

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

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

1

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

Questions I would like answers to when considering slope grading at 30% or more are:
(1) What is the baseline for grading?;
(2) Is this grade determined at a particular point of the slope or is it an overall average?;
(3) Does landfill mitigate the grading and how would it mitigate potential land movement? (I am thinking here of not only the Novato example stated above, but also the Sand City Ecoresort with a sand dune that does not want to stay fenced in.)

2

Thank you for consideration of this point in GP5.

Nancy Pratt
179 Del Mesa Carmel
Carmel CA 93923

nancycoast@earthlink.net

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To: Carl Holm, Assistant Director, Monterey County Planning DEpartment
Fax: (831) 757-9516
From: Margaret Robbins
Subject: DEIR for GPU 5

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

Margaret Robbins, CVA Board Member
January 31, 2009

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

Total pages including this cover page: 18

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Cultural Resources 4.10, Abstract 4.10.1

Paragraphs two and three. Please explain in detail why all potential impacts from development and land use activities comptemplated by the 2007 General Plan and all potential cultural resource impacts for implementation of the proposed Agricultural Winery Corridor Plan would be less than significant and not require mitigation. For example, Exhibit 4.10.2 Archaeological Sensitivity shows Carmel Valley Village to rate high in sensitivity, yet The 2007 General Plan proposes that Gardner Tennis Ranch along side the Carmel River be designated as a "special treatment area". Please define in detail what a "special treatment area" is and exactly how it will be handled by the Planning and Building Department. 1

In addition, page 4.10.6 , Esselen. This paragraph lists two Esselen triblets: Excelen (Carmel Valley) and Tucutnut (Carmel River) where the 2007 General plan lists Rancho Canada Village with being developed under a specific plan. Please list the records used and the souces consulted with that allow a sweeping statement such as the one in the first sentence. 2

Public Service Element, page 4.10-2. By reference PS-12.2 and PS-12.4 by please how encouraging, but not requiring, private property owners to submit applications for appropriate properties to either the state or nation register will ensure awareness of existing historic resources and their locations. 3

The various policies referenced in the balance of page 4.10.12: Please explain exactly who will be responsible for ensuring that these policies will be met and explain how the words "encourage" and "promote" will accomplish compliance. 4

**Please explain in detail why Gardner's Tennis Ranch, a "special treatment area" in Carmel Valley
is not defined and outlined the same way as "Paraiso Hot Spings on Page 4.10.15.** 5

Page 4.10.16 Please explain why no mitigation measures beyond CUL-1 are needed to preserve historic resources when the policies referenced above are not enforceable. 6

Page 4.10.17. Open Space and conservation easement Element, last paragraph: Who is responsible for "establishing procedures, educating the public" to identify sensitive areas? When will the County adopt a uniform set of guidelines for data recovery programs and who is responsible for monitoring these guidelines and who is responsible for providing the funding needed? Please explain in detail. 7

Page 4.10.20 Significance Determination. Relating to buildout and the preservation of archeaological resources. "Assuming these (the rather toothless policies in the General Plan) or more stringent requirement remain in place" ...archeaological resources would not be significantly impacted. The writer 8

(1)

seems to assume that more stringent requirements will not be put in place. Please explain in detail why no mitigation measures beyond CUL-1 is needed. 8

Paleontological Reources, page 4.10.21 Please explain in detail where the funding will be secured to establish procedures, identify and map resources? Who is responsible for monitoring the polocoes? 9

Page 4.10-25 Policy OS-8.5. When will a Native Californian Advisory Panel be formed and in place, a who will fund this efort, and who will be responsible for seeing that this panels recommendations are adopted and followed? 10

(Note: See CV-3.13 for a really good policy. None of the policies I've referenced have any backbone)

(2)

4.15 POPULATION AND HOUSING

Table 4.15.1, Table 4.15.2 and Table 4.15-3 Do these figures include or exclude the coastal zone? For each figure that excludes the coastal zone, please show the figure that is attributable to the coastal zone. Additonally for each figure that includes the coastal zone, please state the quantity that is attributable to the coastal zone. Please exaplain why the coastal zone was excluded from the DEIR analysis and explain exactly how the additional consideration of the coastal zone affects the impact analysis. Also, for each figure that excludes the coastal zone, please identify who instructed the EIR preparer to exclude the coastal zone and for what reason. 11

Page 4.15-1 Carmel Valley is listed as one of the County's five largest unincorporated areas. Please provide the population attributed to Carmel Valley and identify the area included and identify the source of this information. Does the area include exactly what is in the Carmel Valley Master Plan? If not, please explain in detail why not? 12

Page 4.15-2. In the first paragraph, please explain in detail why there is a discrepancy in the numbers shown? 13

Table 4.15-4. Please explain why only the population of Carmel Valley Village is included, identify who instructed the Elr preparer to do this and for what reason. 14

Page 4.15-7. Please explain how the county's housing strategy for 2008 will shift from "encouraging" to "producing" actual housing units of the right type in the right place to serve identified needs when the lack of produced units says otherwise. Please identify in detail the survey or facts that were gathered to indicate what the right kind of housing is and what is the right place. I am a member of the Housing Advisory Committee who volunteered to serve on a sub-committee to work with the ag and tourism employers to produce affordable housing for these two key industries. This sub-committee was appointed by the HAC in November of 2006 and has not had one meeting! 15

Page 4.15-7. Please define in detail "ability to accomodate growth" and "above market". Page 4.15-9 Please explain why "The Commons at Rogge Road" still includes 171 units when only the 46 rental units can be called affordable. The other 125 for sale units no longer have deed restrictions that were to keep them affordable for a period of time and basically these units can be sold at market rate whatever that figure may be. 16

Page 4.15.10 Please explain in detail what progress the County has made in meeting dwelling unit allocation targets. Please include the number of units actually built. 17

Page 4.15-16 Please state the facts that underly the assumptions made in the 18

(3)

second paragraph and indicate exactly how many units would be actually needed to house 1,140 workers. 18

Please explain why there is an affordable housing overlay on 13 acres in Mid Carmel Valley and how the water to support 148 new units will be supplied. Please explain this sentence and the math used: "If developed at full potential (30 units per acre), the Mid-Valley AHO would accomodate 149 residential units on approximately 13 acres." Please explain how the "nitrate overloading" in the Mid-Valley area will not be made much worse by the AHO? 19

④

Section 4.13.1 Hazards and Hazardous Materials

Exhibit 4.13.1 Please identify the area of the Monterey Peninsula. Monterey, Carmel and a good portion of Carmel Valley are listed as "very high"! 20

Please explin in detail the thinking behind this statement: " All potential hazards and hazardous materials impacts from development and land use activities associated with the implementation of the 2007 General Plan would be less than significant and would not require mitigation." 21

Please explain why the Carmel Valley Emergency Response Plan 2004 wasw not included in this section. It lists numberous pages of hazardous material location in the Carmal Valley and notes throughout this report that emergency evcation in Carmel Valley is "seriously challenging". 22

Please explain in detail the thinking behind this statement: The evacuation routes are designated and maintained to ensure the safe and efficient movement of people, belongings and emergency personnel including their support services during times of declared emergencies when there are only to escape routes out of Carmel Valley --Carmel Valley Road, a rural road consisting of mostly two lanes and the very narrow and windy Laureles Grade a 2-lave road. It is physically imposible to evcuate Carmel Valley when an emergency is declared. 23

Please detail the evacuation routes for the AHO at Mid-Valley. the "special treatment areas" --Rancho Canad Village, Gardner's Tennis Ranch, etc. Additionally explain in detail how buildout of these projects will not subject children, the infirm and elderly with diesal fumes, silicousis, and acetelene poisoning. 24

Please explain what facts were used to suuport this statement: This analysis assumes that the trend will remain constant and future regulatory sheme will be at least as stringent as those in place now." 25

Please explain what facts were used to support this statement: "These outreach programs would decrease potential wildfires through education and cooperation". 26

Who is responsible for periodically updating the detailed scientific analysis of fire hazards and define periodically – annually or what? 27

Policy S-14.11. Please explainn in detail who are the repsonsible parties. 28

Policy s-4.13. Who oversees the requirement that all new development will have adequate water available for fire suppression. 29

⑤

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Policies S-4.24.and .25. What are the County prescribed standards and who is responsible? 30

Policy S-4.29 Why is the meeting between the project applicant, planning staff, and fire officials only optional. Why not make it mandatory --explain the thinking behind this policy. 31

Policy S-4.28 Who is responsible for checking that fire retardant plants are not removed and other plants substituted after the certificate of occupany is obtained? Explain the process in detail. 32

Cachagua Area Plan. please explain why this only encourages the formation and does not demand the formation. 33

When will the development fees schedule be established so that new development pays its fair share for the infrastructure needed to provide fire suppression. Who will be responsible for collecting these fees and making sure that the infrastructure is actually built concurrent with development? 34

Please explain in detail how the following policies will operate or function in Carmel Valley withy it's limited evacuation routes: S-5.9, 5.10. 5.11, 5.14, etc with the additon of the AHO at Mid-Valley and the special tratment areas listed previously. 35

Please descrive in detail the location pf the emergency road connections required by CV-4.4 And explain exactly what is meant by periodic updating. 36

Please explain detail 4.13.6 which states that all hazards and harardous materialss impacts would be less than significant and would not require mitigation in relation to the constraints in Carmel Valley. 37

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Traffic

Could you please add to the fine policy that Tim has drafted the following or something like it. Before the annual traffic study is presented to the Board of Supervisors in January, it must be reviewed and approved by the Carmel Valley Blue Ribbon traffic Committee. 38

Please indicate the exact date that the AM/PM peak hour traffic study was done for the Carmel Valley Traffic Improvement Program. If this study was done in July 2007 as indicated, the results are correct since school is out of session in July. 39

There still has been no explanation of was makes up the figure of 1188 housing units. Please supply a complete explanation and describe the method used to make this determination. 40

Please explain the method used in the General Plan analysis to determine that Carmel Rancho Boulevard and Rio Road are significantly impacted. Since my home office full length windows overlooks not only the intersection of these two roads but segments on both sides of that intersection, I do not see any significant impact or delay from 7am to 7pm on any weekday. If these two roads were significantly impacted I would be unable to leave my home for hours at a time. this statement in the General Plan analysis is ***not true!!!*** 41

Before he retired as head of Public Works, Ron Lundquist assured the Carmel Valley Blue Ribbon Road Committee that since the Rio Road Extension is no longer needed or necessary (see Carmel Valley Traffic Improvement DEIR), the original plan line would be abandoned by the County just as soon as GPU5 was approved. However,I see no indication that this plan line will be formally abandoned, why not? The only reason to keep the plan line would be to use the Rio Road Extension is if Carmel Rancho Boulevard is significantly impacted. 42

Significance Determination. Please explain in detail what are the mitigation measures that will improve the impacts (on three segments of Carmel Valley Road) to a degree of less than significant. 43

Please explain the discrepancy between CV-2.10 (d) and (e) and CV-2.19 and CV-2.18 as to the improvements listed for the area ending at Ford Road. The first policy extends the work required from Ford to Pilot and then goes on to require additional work east of Esquelne while the second two policies do not. Please explain in detail the exact location of the improvements and what benefit they will have. 44

Only two passing lane were recommended by the Carmel Valley Blue Ribbon Road Committee when it was originally formed. One was on the south side of Carmel Valley Road in front of September Ranch. The other was on the north side of Carmel Valley Road in front of Garland Park. (After the re-constituted September Ranch project was presented to the Road Committee, it twice voted down the passing lane on north side of Carmel Valley Road from Brookdale to the stoplight at Rancho San Carlos Road.) Please explain the justification for, the need, the benefit, and the exact location of the two passing lanes -- 1/4 mile long-- between Schutle Road and Robinson Canyon 45

Tuesday, December 02, 2008 America Online: Margaretmike

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Road and Rancho San Carlos Road and Schulte Road. Please explain in detail how the passing lanes could possibly work on these sections where there is an almost continuous left-hand turn lane along both these sections. 46

CV-2.18 and 2.19. Please explain how it is physically possible to make these improvements to Carmel Valley Road--shoulder widening, passing lanes, left-hand turn lanes, etc. Hillsides must be cut into. Water and utility lines will have to be moved and reburied. The financial cost will be such that no one project or projects in the future could provide through road impact fees. Please explain in detail why this is not just another way to 4-lane the Road from the mouth to the Village. 47

The Blue Ribbon Traffic Committee has been very vocal about opposing a stoplight at Brookdale and suggested more than once that the entrance be closer to the Red Barn where no stop light would be needed. Please explain in detail why Developers wishes should warrant traffic lights. 48

Please explain in detail the benefits of a traffic light at the Grade and Carmel Valley Road. Please explain why a 4-way stop sign would not provide the same benefit until a grade separation and run-away truck lane can be constructed. In addition, please explain in detail how heavy vehicles can be discouraged from using the Grade. The CHP has told the Road Committee that this cannot be legally done. 49

Please indicated for each road improvement whether is it safety/congestion management or capacity increasing. Please explain precisely the location of the "eastern terminus of Rio Road" and explain why the terminology has been changed from Carmel Rancho to Highway One on Rio. 50

In regard to the proposed climbing lane on Laureles Grade, please indicate exactly where the County now has easements and exactly where new easements would be needed. 51

Please have Public Works comment in detail on the new plan submitted to Neal Thompson, Public Works Traffic Engineer, at the Road Committe meeting of 1/15/09 for a run-away truck lane provided by realining the bottom section of Laureles Grade. This includes: using the present south bound lane left as the run-away truck lane, making the present north bound lane into a new south bound lane, and adding a new north bound on the right side of the grade. 52

Please explain in detail why this alternative would not be superior to a 4-way stop signor a traffic light in preventing potential deaths from a run-away truck of any size. Please exapplin in detail why this alternative would not be quicker and easier to complete rather than a grade separation to be built at some unknown and future date. 53

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Comments: Carmel Valley Master Plan Spplemental Policies

While the writing in this plan is tigher and the plan itself better organized, we would like a detailed explanation of why many sections of the 1996 plan were omitted. Please respond with a detailed explanation of why each item listed below was deleted from the Supplemental Policies. For policies that have been modified or are found elsewhere, please indicate where these can be found and the reason for the modification. 54

1. The first six pages and page number 7 that lists Carmel Valley Master Plan Goals.

2. Page 8, 1.13 (CV), 2.3.2.1(CV), 3.1.1.1 (CV)

3. Page 9, 3.1.1.3 (CV), 3.1.4 (CV), 3.1.6 (CV), 3.1.7 (CV), 3.1.9 (CV)

4. Page 10, 3.1.15 (CV), 3.2.3.1 (CV), 4.2.2 (CV)

5. Page 11, 4.2.4 (CV) and 4.2.5 (CV)

6. Page 12, 7.1.5

7. Page 13, 7.2.2.2 (CV). Is there no recent pamphlet to replace the old one?

8. Page 14, 11.1.1.1 and 11.1.1.2 (CV)

9. Page 15and 16 --Environmentally Sensitive areas. The majority of these policies have been replaced by a much less stringent and less detailed policy. Please explain why!

10. Page 16,17, and 18. Environmental Constraints. Almost 20 policies appear to have been eliminated. Please explain why --in detail.

11. Page 18 and 19. The Air and Water Quality policies appear to have been eliminated. Please explain why -- in detail.

12 Page 19 and 20. General Land Use. Policies 26.1.9.1(CV), 26.1.2.1 (CV) (replaced by CV-1.1 which is much weaker!) 26.1.22 (CV), 26.1.23 replaced by the much weaker (CV-1.3), 26.1.24 (CV), 29.1.29 (CV).

Page 21. 26.1.31 (CV), 26.1.32 (CV), 26.1.33 (CV) 26.1.34 (CV)

Page 21 and 22. Please explain why all the policies relating to the Carmel Valley Airport have been eliminated in detail.

Page 22. Residential Land Use. 27.3.6 (CV) and 27.3.7

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Page 23. Commercial Land Use. 28.1.6 (CV),8.1.7 (CV), 28.1.11 (CV), 28.1.12

Page 24. 28.1.17 (CV) and 28.1.20A

Page 25. Carmel Valley Village -- 28.1.22 (CV), 28.1.23 (CV), 28.1.24 (CV)

Page 25. Visitor Accomodations -- 28.1.26 (CV) and 28.1.27 (CV)

Page 26. Public/Quasi Public -- 31.1.4 (CV)

Page 27. Open Space--34.1.7 (CV) and 34.1.8 (CV)

Page 27,28, and 29. Transportation--37.4.1 (CV), 37.4.2 (CV), 39.2.2.3 (CV), 39.2.2.5 (CV), 39.2.5.2 (CV),
39.2.7 (CV), 39.2.8 (CV), 39.3.1.4 (CV), 39.1.5 (CV)

Pages 32,33, and 34. Public Services. 51.2.7 (CV), 51.2.8 (CV), 51.2.9 (CV), 51.2.10 (CV), 51.2.12 (CV), 51.2.13 (CV), 51.2.15 (CV)

Specific Comments on Carmel Valley Master Plan Supplemental Policies

Throughout the Supplemental Policies the word "shall" is used rather than the word "must". This includes but is not limited to the following policies: CV-1.3, CV-1.15, CV-2.1, CV-2.3, CV-2.4,CV-2.5, CV-2.6, CV-2.7, CV-2.9, CV-2.10 -a-b-c-d-e-f, CV-2.11, CV-2.13, CV-2.14, CV-2.15, CV-2.17, CV-3.2, CV-3.3 CV-3.4, CV-3.5, CV-3.7 CV-3.8, CV-3.9, CV-3.10, CV-3.11, CV-2.12, CV-3.13, CV-3.14, CV-3.17, CV-3.18, CV-4.19, CV-4.4 CV-5.3, CV-5.4, CV-5.6, CV-5.7, CV-6.1, CV-6.4. "Shall" is a request; "must" is a demand. If the objective is to make GPU 5 as clear as possible please explain why the word "must" is not substituted for "shall" in the Carmel Valley Supplemtal policies.

In the same vein, in order to be very clear, the words "must be encouraged" should replace the words "should be encouraged" in policies CV-1.17, CV-1.19, CV-1.20, and CV-1.21. Please explain why this was not done in the Supplemental Policies. Also, please explain why the words "may be required" were used rather than "must be required" in Policy CV-3.19.

CV-1.1 Please explain in detail why the words "are intended to retain a rural character" have been substituted for the goal statement in the present CVMP "to preserve the rural character" .

CV-1.2. Please define "the most appropriate portion of the property."

CV-1-5. We find the new map vary hard to read. Please explain in detail any changes between the map in the present CVMP and the new map in GPU 5.

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CV-1.5. I do not understand the second sentence. Please explain in detail.

CV-1.6. It is essential that this policy start with a well-defined base to avoid future confusion. See Exhibit A . We request that this table be completed as part of the response to our comments on the Supplemental Policies.

CV-1.10 There wil be no ordinance proposed by Housing and Redevolment for Work Force Housing until the present oversupply of units are absorbed. We suggest that the words "work force housing be eliminated until sucj an ordinance is passed by the Coard of Supervisors. In our opinion, this will eliminate confusion. Please comment in detail.

CV-1.22. Please supply along with your responses to our comments, the complete "Amended Carmel Valley Ranch Specific Plan, dated 11/3/76" and all updates. Please identify specifically what the future development increments are or may be sought. During the last expansion of this project, the attorney stated that no futher subdivision or deveolment was planned. Please explain in detail the thinking behind this new policy.

CV-1.25. Along with your responses to our comments, please supply all documents referred to in this policy. Please explain in detail why Rancho San Carlos is now designated as a special treatment area and please explain in detail any original conditions of this permit that are anticipated to be amended--focusing speifically on the 41 units of employee housing that were required as condition of approval or any potential changes in this condition.

CV-1.27. Rancho Canada Village . Please explain in detail why this is now being designated as a special treatment area. The application was presented with a specific plan. In addition, see our comment under CV-1.10 in regard to work force housing. The words work force housing should be deleted from this policy until a work force housing ordinance is approved by the Board of Supervisors.

CV-3.11. Previous reiterations of this policy have provided problems. We think a strict definition should be made between "god-planted" or "developer planted" trees. Trees planted by Developers in Subdivisions have with time created problems that are expensive to cure--roads, walkways, garages, patios, and homes disrupted by roots. Please explain why this distinction cannot be made and why it can not be made easier to remove "developer planted" trees when they become invasive.

CV-4.3. Along with your responses to our comments, please supply a copy of the Master Drainage Plan for Carmel Valley. To our knowledge such a plan does not exist. Please explain in detail, if the plan does exist, when such a fee wil be imposed, who will monitor it, and who will implement it. And provide a time line for the development of the maintenance program.

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CV-4.4. In the present CVMp, emergency road connections are identified. Please explain why these present connections are not listed here. If new connections are needed, please explain exactly when they will be identified, who is responsible for maintenance, and how will this maintenance be paid for. Complete detail is required.

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We will appreciate clear, cogent, and detailed reponses.

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Questions/Comments Regarding 266 Cap — Exhibit A

We support the proposed 266 cap. It is our understanding that the 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 existing 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 unbuild subdivisions, residential and adjunct units should be identified in a table similar to the following:

Category	Units	Source
Approved Subdivisions Unbuilt - 1987 to 1998 • Project 1 • Project 2 • Etc.		
Approved Subdivisions Unbuilt - 1998 to 2006 • Project 1 • Project 2 • Etc.		
Approved SFDS/Adjunct built - 1987 to 1998 • Project 1 • Project 2 • Etc.		
Approved SFDS/Adjunct unbuilt - 1999 to 2005 • 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	

56

13

Executive Summary Section 1, Table 1-2 (page 1-5) compared to Table 6-2 (page 6-27) in Sectio6

1. LU-2, Executive Summary states that no conflict would result from the implementation of the 2007 General Plan with the land use policies of an adopted land use plan. The Carmel Valley Master Plan has adopted Land use policies which are gutted and subverted by GPU 5. Please explain why this is less than significant in 2030 and at Buildout. 56

2. AG-2, Exceutive Summary indicates that the level of significance is less than significant after 2030 and buildout. However, on page 1-39 of the Executive Summary it states that more than 7,000 acres of Williamson Act Farmland would be coverted to non-agricultural use. Please explaiin why this is not a signifcant and unavoidable impact. 57

3. CUM-1 Agricultural Resources. Please explain in detail what is meant by Cumulative considerable. Exactly what level of significance does this indicate? 58

4. Water Resoures. We cannot find any policy requiring post-development run-off to be limited to pre-development run-off. Please explain how this will not impact water quality and please explain why this is not flagged as a significant and unavoidable impact. See WR-1, page 1-6 Executive summary. 59

5. On page 1-6, Executive Summary, WR-1 and-2 are shown as less than significant at 2030 and at Build out. However, on Table 6-2, page 37 they are listed as significant unavoidable impact on 2030 and at Build out. Please explain this decrepancy in detail. Also list exactly what "portions of the county" are impacted. On page 1-8, Excutive Summary, these two items are listed as significant and unavoidable. Please explain why the change in detail. 60

6. Page 6-27, Bio 2.3, please explain exactly what adding "considerations means" . Also under 4.9 please explain in detail how the mitigation measures listed, which do not go into effect and take no action until 2030 can be considered mitigation measures. The DEIR also finds that Mitigation Measure BIO-2.1 would reduce erosion impacts to lesws than significant. This deferred mitigation measure does not meet CEQA requirements since it does not include specifin performance standards. Please explaiin why increased erosion should not be found to be significant and unavoidable. 61

7. Executive Summary, page 1-8, WR-8 is found to be less than significant in 2030 and at Build Out. However, WR-8 is omitted from table 6-2. Please explain why. Please provide the same explanation for WR-9, WR-R-10, and WR-11 -- all of which are omitted from Tabe 6-2. 62

(14)

8. Executive Summary, page 1-9. WR-12, WR-13, and WR-14. Please define in detail a "flood hazard area". Does this mean in the 100-year flood plain? The 200-year flood plain? Does it mean the floodway where County regulations allow no building? Please explain why until 2030 building in "flood hazard areas" is found to be less than significant. Does this there will be no floods or just little floods until 2030? In both the Executive Summary and on Table 6-2 for WR-12, WR-13, and WR-14 at Build Out it is found that no mitigation is feasible since the extent and locations of future impoact are unknown. Does this mean that no mitigation will ever be required or does it mean that some mitigation may be required. Please provide insight into this reasoning. 63

9. Executive Summary, page 1-9 and-10. CUM -2 is found to be "less than" and then on the following page 'cumulatively considerable". Please select either one finding or the other. 64

10. 4.6 Transportation. Please explain why TRAN-1A appears iin the Executive Summary and does not appear on Table 6-2. 65

11. Table 6-2 TRAN-1B-a states " the standard for acceptable level of service is to be achieved by 2026". While the Executive Summary states for TRAN-1B "development would create traffic increases which would cause the LOS to exceed the LOS standard". This is found to be significant and unavoidable 2030. How can a standard fpr acceptable level of service be achieved by 2026 when it if found to be significant and unavoidable in 2030? 66

12. Explain why TRAN 1-D and -E and -F are omitted from Table 6-2 but included in the Executive Summary. 67

(15)

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13.

Transportation: TRAN1-B, TRAN1-E, TRAN3-E, TRAN3-B, TRAN4-B, TRAN4-E. In Chapter 6 but not in the Executive Summary: TRAN1B-a and TRAN 1B-b 68

The DEIR finds that project-specific impacts on county roadways would not fall below LOS D because of Circulation Element Polities. Because Policy C-1.1 allows County roads and intersections to degrade below D through the Community Plan process, GPU5 should be found to have significant and unavoidable impacts from project-specific impacts on county roadways. 69

The DEIR addresses project-specific impacts of development under "2030 cumulative plus project conditions" which is defined as GPU5 2030 buildout plus growth in cities to 2030. It finds the impact on roads to be less than significant based on GPU5 policies. Since GPU5 policies allow for a fair-share contribution to roadway improvements rather than requiring improvements concurrent with projects, the conclusion is not supportable. Further, GPU5 policies do not affect city projects which could contribute to cumulative impacts. GPU5 should be found to have significant and unavoidable impacts from project-specific impacts on county roadways . "2030 cumulative plus project conditions". 70

Air Quality: AQ-3 only. However, AQ-1 listed in Chapter 6 as significant and unavoidable but in the Exec Summary it's listed as less than significant. 71

Because GPU5 is inconsistent with the 2008 AQMP, it should be found to have a significant and unavoidable impact on regional air quality. 72

(10)

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14. Changes to Carmel Valley Road and other Roads within the Carmel Valley Master Plan are listed in the Executive Summary and Table 6-2 under mitigation measures. However no level is significance after mitigation is found in either document. Why not? Please explain in detail. Also explain in detail the source for these mitigation measures and supply in detail the rational for making these detailed changes. In addition, provide a specific time line for the construction of these changes, detail the costs of construction in today's dollars. Further, please explain how the Carmel Valley Traffic Improvement Plan works together with the General Plan Undate 5 and explain why the responses to comments made on the CVTIP have not yet been answered after 18 months. 73

15. Please explain why the following are omitted from Table 6-2:TRAN-2C,D,F and TRAN-3A, 3C, 3D, and TRAN 4A, 4C, 4F,5A,5B are omitted from Table 6-2. Provide the same detailed explanation for the ommission of AQ2,4, and 5. The same information is requested for the complete omission of Cultural Resources and PSU-1 through -7, and 4.2, 4.3. 74

The DEIR notes that cultivation on uncultivated steep slopes allowed under GPU5 could have a significant impact on biological resources. It, however, concludes (p. 4.9-76) that conversion of uncultivated agricultural lands to new farmland would not have a significant impact based on a conversion rate of 450 acres per year (1982-2006) and the assumption that cultivation would be dispersed.. Because these activities would be excluded under the proposed mitigation measures, they should be found to have a significant and unavoidable impact on biological resources. 75

The analysis does not address the 40 artisan wineries, 200 dwelling units, tasting rooms and other facilities that would be allowed in the AWCP. Because these facilities would be exempt from CEQA under GPU5 and therefore from proposed mitigation measures, they should be found to have a significant and unavoidable impact on biological resources 76

(11)

I-17

-----Original Message-----
From: Richard H Rosenthal [mailto:rrosenthal62@sbcglobal.net]
Sent: Monday, October 20, 2008 12:28 PM
To: Holm, Carl P. x5103
Subject: Fw: Consent Item: Interim Ordinance 5080, 5085, 5090

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

--- On **Mon, 10/20/08, Richard H Rosenthal** ***<rrosenthal62@sbcglobal.net>*** wrote:
From: Richard H Rosenthal <rrosenthal62@sbcglobal.net>
Subject: Consent Item: Interim Ordinance 5080, 5085, 5090
To: "Richard H. Rosenthal" <rrosenthal62@sbcglobal.net>
Cc: "Mike Novo" <novom@co.monterey.ca.us>, "Mike Stamp" <stamp@stamplaw.us>, "Jan Mitchell" <janmitchell77@hughes.net>
Date: Monday, October 20, 2008, 12:27 PM

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

The County does not have any water, traffic is at grid lock, and the General Plan update process is ready to break wide open. Anybody that is betting that a General Plan that includes special land use designations for certain properties, the removal of traffic triggering mechanisms in Carmel Valley, and the notion that traffic should now be measured on a 24 hour cycle, instead of peak times doesn't understand what the voters have told County officials over the last 8 years. The new General Plan also provides meaningless and ambiguous policies dealing with traffic infrastructure and build out. My reading of the General Plan is vacant of any attempt to correlate the land use element with the circulation element. Why does the County continue to give residents a deaf ear. 1

The Interim ordinance should be renewed and the general plan modified to take into the concerns of the citizens of the County. 2

THank you,

RHE

Regards,

RHR

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

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I-18

Timothy D. Sanders
25075 Pine Hills Dr.
Carmel, CA 93923
February 1, 2009

Monterey County
Planning and Building
Inspection Administration
FEB 02 2009
RECEIVED

Rec'd as CEQA
Comments 2/2/09
11:13 am
faxed 2/2/09
11:30 AM

Carl Holm, Assistant Director
Monterey County Planning Department
168 W. Alisal St., 2nd Floor
Salinas, CA 93901
Fax: 831.757.9516
ceqacomments@co.monterey.ca.us.

Re: Comments on the DEIR for the 2007 General Plan (GPU5)
Section 4.6, Mitigation Measure TRAN-2B

Dear Mr. Holm

Mitigation Measure TRAN-2B in the DEIR (pages 4.6-69 through 4.6-73) for the 2007 General Plan does not meet CEQA guidelines provisions, and therefore is inadequate under CEQA. Furthermore, since it consists entirely of *policies* to be substituted for policies already part of the 2007 General Plan (GPU5), the constituent policies of Mitigation Measure TRAN-2B (MMT2B)

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

For example,

- MMT2B's proposed substitute policies CV-2.18 and CV-2.19 (pages 4.6-71, 72 and 73 of the DEIR) both make specific reference to CVTIP, which is an existing planning document for which a DSEIR has been released but for which no FEIR has been released to the public, nor has been certified or approved, and therefore Mitigation Measure TRAN-2B is inadequate under CEQA; an EIR covering these policies would have to conclude that they are inadequate (the attempt to *redefine* as being identical with MMT2B's CV-2.19 notwithstanding, since CVTIP already exists as a separate document that is acknowledged and referred to elsewhere in the DEIR) 1
- Carmel Valley Master Plan Supplemental Policy CV-1.1 states that "Policies relative to the Carmel Valley Area are intended to retain the rural character", but substitute policy CV-2.18 of MMT2B threatens that character and is inconsistent with CV-1.1.

The comments below are restricted to Policy CV-2.18 as it appears in MMT2B and to its predecessor policies, Policy CV-2.18 in the Carmel Valley Master Plan Supplemental Policies of GPU5, and Policy 39.3.2.1 in the Carmel Valley Master Plan (December 16, 1986, amended as of November 3, 1996) (CVMP) and supplemented by the Superior

1

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Court Order by Judge Silver of May 4, 1987. The effect of the latter Court Order is not reflected in either the GPU5 or CVMP (amended to 1996), although it should have been.

In GPU5, Policy CV-2.18 is identical with Policy 39.3.2.1 in CVMP, and part d. of the policy is ambiguous, allowing several different interpretations. Magnifying the ambiguity is an error that renders part of the policy undecipherable (next-to-last sentence in part d.). Judge Silver's 1987 clarification of the erroneous sentence removed the outright error, but did not remedy all of the other ambiguities. This has produced a complex history for the policy's implementation, the record for which consists largely of annual reports called the "CVMP Annual Evaluation of Traffic Volume" (CVMPAETV). These are tables of average daily traffic (ADT) for a number of segments of Carmel Valley Road. For many years these reports have been based on criteria called "thresholds" for the road segments, and Policy 39.3.2.1, as clarified by the Court, states that "LOS C is the traffic standard adopted by the COUNTY in the Carmel Valley Master Plan." As a result it has been widely assumed that the stated "thresholds" have represented the upper limit of LOS C for these segments. No clarification of the meaning of "thresholds" has accompanied the CVMPAETV until the 2008 report, recently released. The "thresholds", it turns out, are not in fact the upper limits of LOS C for all segments, but are upper limits for LOS E (1 segment), LOS D (5 segments) and LOS C (5 segments), with no threshold defined for one segment. Even now it is unclear how the LOS criteria are assigned for the various segments, and the threshold that is LOS E clearly is highly misleading because it purportedly uses a two-lane standard on a four-lane road segment. 1

There are still more problems with the monitoring and evaluation of traffic on Carmel Valley Road, but the comments above are sufficient to indicate that any substitute for GPU5 Policy CV-2.18 needs to be crystal clear and firmly restrictive against worsening traffic on, and adjacent to, Carmel Valley Road. Any increase over the considerable existing excess of traffic over the Court- and Plan-specified standard for Carmel Valley constitutes a serious threat to the Objectives of CVMP (CVMP, page 1) and to Policy CV-1.1 of GPU5. Therefore, in order to be consistent with the rest of GPU5,the General Plan policies related to Carmel Valley traffic must fully incorporate the clear *intent* of CVMP Policy 39.3.2.1 to *prevent* "worsening of traffic conditions compared with the present condition", a phrase that appears in CVMP 39.3.2.1, Judge Silver's 1987 order, and in GPU5 CV-2.18.

Inadequacies

MMT2B's CV-2.18 is inadequate as a mitigation because it

- provides an ambiguous "measure" of traffic volume, namely "peak hour" without specification of the type of measurement (metric) to be used (whether PTSF, average hourly traffic, etc.)
- fails to evaluate, as part of the DEIR, the impacts of the changes in change standards that it makes from GPU5's Policy CV-2.18 and CVMP's Policy 39.3.2.1
- leaves open the possibility that a weaker traffic standard (that is, specifying a higher LOS rating for a given level of traffic volume) can be adopted than has been used in the past (ADT, with specified segment criteria)

2

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- explicitly lowers the existing "standard" from LOS C to LOS D on the critical segments 3, 4, 5, 6, 7 of Carmel Valley Road and thereby increases tolerance of greater impacts wherever LOS E has not yet been reached
- fails to specify, on every segment listed in item (a.), the type of measure to be used in defining LOS ratings and fails to provide quantitative criteria for LOS ratings, thereby leaving open the possibility of lowering traffic standards
- does not provide a basis for calibration of LOS ratings for the proposed "standards" against the existing ADT values and thresholds, that is, it fails to provide a basis for comparing the proposed standards with the present and past standards actually used in the CVMPAETV
- specifies "acceptable" LOS ratings for intersections, without defining the measures (metrics) or criteria to be used
- provides no data and no studies to support the choices made for "acceptable" LOS ratings for intersections
- relies heavily on CVTIP, in its description of approval conditions in part (d.), which is not permissible (for reasons indicated above concerning the current status of CVTIP) under CEQA
- allows, through the parenthetical use of "e.g.", the expression "prior to project-generated traffic" to be an example rather than a re-statement of intent; to mean the latter, "i.e." should be used in place of "e.g."
- is virtually certain, because of the factors listed above, to *exacerbate rather than mitigate* traffic impacts in Carmel Valley. 1

Policy objectives

The objectives of any substitution for GPU5 CV-2.18, under CEQA and the General Plan Guidelines, should be to

- be fully and clearly consistent with GPU5's CV-1.1 and
- establish provision for traffic monitoring, that is well-defined in terms of location and timing, on specific road segments of Carmel Valley Road and of relevant adjacent roads
- specify, as clearly and unambiguously as possible, the measurement parameters (metrics) and quantitative criteria to be used in monitoring and evaluating traffic and in reporting the results
- avoid the ambiguities inherent in the various definitions and interpretations of LOS ratings
- avoid the vulnerability of LOS ratings, like other discrete classifications, to radical changes in the standard when classification boundaries are crossed (e.g., on Carmel Valley Road, increases of as much as 100% when a single boundary is crossed, and as much as 300% when two boundaries are crossed)
- use metrics and criteria that are related in a transparent way to the relevant quantitative historical data, and are easily compared with it
- base the traffic standards on historic and currently observed data-on-the-ground

3

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

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

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

Policy recommended to *REPLACE* MMT2B's CV-2.18 (and therefore replace GPU5's CV-2.18 and CVMP 39.3.2.1):

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

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

Carmel Valley Road
1. East of Holman Road
2. Holman Road to Esquiline Road
3. Esquiline Road to Ford Road
4. Ford Road to Laureles Grade
5. Laureles Grade to Robinson Canyon Road
6. Robinson Canyon Road to Schulte Road
7. Schulte Road to Rancho San Carlos Road
8. Rancho San Carlos Road to Rio Road
9. Rio Road to Carmel Rancho Boulevard
10. Carmel Rancho Boulevard to SR1

Other Locations
11. Carmel Rancho Boulevard between Carmel Valley Road and Rio Road
12. Rio Road between its eastern terminus and SR1

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

1

County of Monterey Resource Management
Agency, Planning Department

Comment Letters
Individuals

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

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

segment	Volume Standard S	*Trigger Increment*	Trigger Volume T	*Trigger Ratio T/S*
1	3,554	158	3,713	1.045
2	3,880	168	4,048	1.043
3	8,956	206	9,162	1.023
4	11,338	259	11,597	1.023
5	11,879	301	12,180	1.025
6	14,614	209	14,824	1.014
7	16,308	416	16,724	1.026
8	20,393	501	20,895	1.025
9	24,735	359	25,093	1.015
10	24,158	809	24,967	1.033
11	11,295	692	11,988	1.061
12	13,984	733	14,717	1.052

1

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

Notes:
1. The standards in (d) are based on the actual measurements provided in CVMP monitoring reports for the ten years from 1999 through 2008. The standard S is the average ADT during that period, and the trigger T is the average plus 0.70 standard deviation; this provides that random fluctuations in traffic probably would fall below the trigger level about 74% of the time. The trigger ratio, T/S, reflects the sensitivity of the road segments to changes in traffic.
2. The purpose of the trigger and the related hearing mandate is to provide early warning of potential trends that would worsen traffic conditions significantly on Carmel Valley Road; it corresponds roughly to the kinds of conditions that would produce a hearing under the existing CVMP.
3. The use of conventional LOS ratings is inappropriate for conditions on and near Carmel Valley Road because the increments between LOS grade levels is far too great to provide stable standards that reflect the existing physical constraints and particular emergency access

Final Environmental Impact Report
Monterey County 2007 General Plan
7-1,322
March 2010
ICF 00982.07

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

4. The policy recommended here is intended to effect the same stability in traffic conditions in Carmel Valley that were sought in the present CVMP (1982 plus 1987 Superior Court ruling), but now using an inventory of historic traffic data on Carmel Valley Road that was not available when the earlier Plan provisions were formulated.
5. According to the DEIR for the 2007 General Plan (p. 4.6-69):

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

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

1

Please respond fully to these comments. Please explain, in particular why Policy CV-2.18 of MMT2B is not is formulated in such a way that it fails to meet the **policy objectives** listed above.

Your careful attention to this matter is much appreciated.

Yours sincerely,

Timothy D. Sanders

6

I-18

Calderon, Vanessa A. x5186

From: Tim Sanders [tds@oxy.edu]
Sent: Monday, February 02, 2009 11:13 AM
To: ceqacomments
Subject: Fw: Commets on the DEIR for GPU5

Dear Mr. Holm:

Please accept the attached comments on the DEIR for GPU5. A signed copy of these comments is also being sent to you by fax.

Your attention to the comments is very much appreciated.

Sincerely,

Tim Sanders

02/02/2009

I-19a

38

February 2, 2009

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

Email: HolmCP@co.monterey.ca.us

SENT VIA EMAIL

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

Dear Mr. Holm:

The following comments are respectfully submitted on the subject DEIR.

INTRODUCTION

As a general comment, I find it very odd that the Draft EIR for the 2007 General Plan for Monterey County, a county so reliant on water, and with so many significant issues with respect to water, would fail to *even reference* the report titled *Final Report, Hydrostratigraphic Analysis of the Northern Salinas Valley*, prepared in 2004, and commissioned by the Monterey County Water Resources Agency. Hydrostratigraphy takes hydrogeologic analysis using standard methods to a higher level, using techniques used in the oil industry for years. The DEIR does reference a host of other hydrogeologic reports for the county written up to several decades ago, why not reference this recent report? Could it be that the data produced and evaluated in this report does not necessarily support the proclamation that the Salinas Valley Water Project will simultaneously halt saltwater intrusion and over-drafting of aquifers throughout the Salinas Valley Basin, even as far north as North County? 1

Despite the severe problems of overdraft and seawater intrusion, which have been recognized in the county for over 60 years, the problems are not only persisting, they are getting even more critical. The DEIR 2

I-19a

continually refers to projects in the "further analysis required", in the planning stage, a pilot test is being conducted, - type phrases as the solutions to these extremely significant problems, and cites them for mitigation of existing problems, as well as for mitigation of what would otherwise surely be a worsening of these problems as population grows, and development increases, over the next 30 years and more. These projects cited as "mitigations" at this point in time have absolutely no guarantee of ever coming to fruition, let alone actually mitigating the problems at hand. At this point in time these supposed mitigations are producing nothing but "paper water". If halting overdraft and seawater intrusion were as easy as portrayed in this DEIR, they would have been mitigated a long time ago. 2

My specific comments follow.

4.3 Water Resources

1. P. 4.3-15 With respect to Pajaro, the DEIR states "Existing land uses within the flood zone remain at risk until flood control improvements are made. Future growth in the Pajaro community would increase the exposure of persons and property to flood hazards". Development of additional land within the Pajaro River watershed, which also includes large areas of Santa Clara and San Benito Counties, will increase the amount of runoff and increase the risk of flooding, absent serious improvements. How can such a location be designated a Community Area, and what will be done to decrease the threat to persons and property from flooding? 3

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

2. 4.3-16 The DEIR's description of the North County aquifers appears to have some errors in more than one paragraph on this page, as well as on page 4.3-19, under Groundwater Quality. 4

3. P. 4.3-25 The DEIR states that "Any significant pumping of groundwater between Salinas and the coast causes seawater intrusion". Does this mean that pumping of groundwater beneath or east of Salinas does not contribute to seawater intrusion? If not, why not? If seawater intrusion is halted by raising water levels by the coast, will water levels beneath and east of Salinas rise? By what mechanism and by how much will they rise? 5

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4. P. 4.3-25 The DEIR states "The MCWRA formulated long-term plans to construct and operate facilities to ***alleviate*** (emphasis added) the seawater intrusion problem with implementation of the Salinas River Basin Management Plan. Alleviate is defined as "to reduce or decrease". It is stated elsewhere in the DEIR that the SVWP will ***halt*** seawater intrusion. If it won't halt seawater intrusion, how much will it reduce or decrease it? As this project was sold to the public on the basis that halting seawater intrusion was the main goal of the project, if it doesn't halt it, what more would it take to achieve this goal? What about the also touted benefit of halting the overdrafting of all aquifers in the Salinas Valley watershed? If it doesn't halt overdraft and just decreases it, isn't it still overdraft? What tangible benefit(s) will the citizen's of North County see? How much can they anticipate North County water levels rising? 6

5. P. 4.3-26 With respect to Salinas River Watershed, the DEIR states "The intrusion of seawater has forced all water supply wells in the affected area of the 180-foot aquifer to be re-drilled into the 400-foot aquifer". It continues that in areas where the 400-foot aquifer has also been impacted by seawater intrusion, the Deep Zone aquifer has become a major source of water. What depth are these Deep Zone wells pumping from, and how much additional energy does it require to do this? As the deep zone water is reportedly 30,000 years old, it is stated that this water is "mined"? Isn't it true that whenever water is pumped at rates faster than it is replaced on a continuing basis that it is also considered to be mined? What is the age of the 180-foot aquifer water? What is the age of the 400-foot aquifer water? What is the age of the water held in the fractures of the granite beneath North County's Granite Ridge area? How does the age of the water correlate with the amount of time it will take for the water to be replaced via natural recharge processes? 7

C:\Documents and Settings\rotharmell\Local Settings\Temporary Internet Files\OLK10\GPU5_DEIR_COMMENTS.doc

I-19a

6. P. 4.3-27 The DEIR states, "The North County groundwater subbasins are shown in Exhibit 4.3.7". "Subbasins" should be replaced with "subareas", and the referenced exhibit is 4.3.7, not 4.3.8. 8

7. P. 4.3-28 The DEIR states "High levels of arsenic that approach and exceed SDWA levels occur naturally in certain hardrock or bedrock aquifer materials in parts of Monterey County, especially in North County and along the SR68 corridor". Is it the rock that exceeds SDWA levels or the water extracted from its pores and/or fractures? The DEIR continues, "This problem is compounded by the fact that the Environmental Protection Agency (EPA) has recently lowered the standard for drinking water form 0.050 parts per million (50 parts per billion) to 10 parts per billion to protect consumers served by public water systems from the effects of long-term or chronic exposure to arsenic...Individual private and certain small water systems may not be able to achieve these standards – even with treatment – either administratively or technically". Does this mean that people who cannot, or are not required to and don't, remove the arsenic to less than 10 ppb are destined to have increased likelihoods of related problems such as cancer until a new water source/system with acceptable levels is in place? Is further development in areas prone to this problem going to be allowed, even if there is a legal lot of record? What happens to residents whose private wells, or community water systems, cannot meet the new arsenic levels? 9

8. P. 4.3-40 The DEIR states "Multiple small groundwater aquifers provide potable water supply to the North County planning area properties". What is the source of this information, and is there a map showing the location of these "small aquifers"? 10

9. P. 4.3-40 In regards to North County watersheds, the DEIR states, "Due to demand exceeding supply, the area has been in a state of chronic overdraft since the 1950s. Groundwater extractions are estimated to be twice the average annual recharge. Resultant water supply and water quality problems include falling water levels, seawater intrusion, and extensive areas with nitrate contamination...In addition, intensive agriculture and non-sewered residents have resulted in excessive nitrogen loading that has rendered groundwater non-potable in many areas. Continued overdraft of the aquifer will continue to lower water levels and draw seawater into the basin, reducing more of the storage capacity. Continued nitrogen loading will increase nitrate ion concentrations, degrading the potability of additional domestic water supplies". 11

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I-19a

This characterization of the state of the groundwater in North County should alarm the County government and the MCWRA and move them to immediate action, as it sounds like a description of a third world country's water situation rather than one for the gateway to Monterey County, California, USA. Instead, residents in one of the hardest hit areas of the county, Granite Ridge, are forced to reach deep into their pockets to construct and maintain what seems like a ramshackle system, that to date has had some serious legal issues raised concerning it. Is North County going to be totally on its own in solving its water problems? We've been told repeatedly that the SVWP will raise water levels in the Salinas Valley Basin and North County will benefit (we're even paying for the SVWP), and at some time in the future wells may be drilled, and a distribution system built, to bring water to North County. Yet there is no mention of this North County water "project" in the currently proposed General Plan, which one would think should discuss any significant problems and proposed solutions if they are to take place within the next 20 years. We've repeatedly asked for hydrogeologic cross-sections from the Salinas Valley up into North County to show water levels pre- and post- SVWP implementation, being very doubtful of there being an actual benefit to North County. We've asked multiple times and never got an answer as to where these "theoretical" wells might be located. This DEIR should address these environmental issues and the project we only seem to hear about (supposed mitigation of the problem), but never see in print, namely a source of potable water for North County. What exactly are the plan and the associated schedule? 12

10. P. 4.3-41 The DEIR states, the PVWM Basin Management Plan estimated that total groundwater pumping will increase to 78,000 AFY by 2040 (Pajaro Valley Water Management Agency, 2002). This exceeds sustainable yield by approximately 54,000 AFY. What is the proposed source of affordable potable water for development of Pajaro as a Community Area? 13

11. P. 4.3-20 In discussing common sources of contaminants to groundwater, dry cleaners are not listed. This is a serious problem elsewhere in California and in the country, and it is expected that it would also be in Monterey County. 14

Respectfully submitted,

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

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I-19b

February 2, 2009

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

Email: HolmCP@co.monterey.ca.us

SENT VIA EMAIL

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

Dear Mr. Holm:

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

4.3 Water Resources (cont.)

12. P. 4.3-15 What impacts do the findings of the Hydrostratigraphic Analysis of the Northern Salinas Valley (Kennedy/Jenks Consultants, 2004) regarding seawater intrusion have on the expected effectiveness of the Salinas River Basin Management Plan? More specifically, what impacts result from the finding that there is transfer of seawater-impacted groundwater from the 180-foot aquifer to the 400-foot aquifer? As a result there will likely be seawater impact landward of the mapped front in the 400-foot aquifer, due to a thin or missing aquitard, which typically separates the 180- and 400-foot aquifers. According to Kennedy/Jenks, it is more likely that in the City of Salinas this aquifer and its production wells will be impacted by inter-aquifer flow from the Pressure 180-foot aquifer to the Pressure 400-foot aquifer similar to that observed in the Fort Ord area". Kennedy/Jenks also states "We predict that seawater in the Pressure 180-foot aquifer will impact production wells in the City of Salinas in about 14 to 16 years (assuming water elevations in the 180-foot aquifer are maintained and a downward 1

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hydraulic gradient with the lower aquifers does not change appreciably. (Note that since the Kennedy/Jenks report was written 5 years ago (in 2004), the time frame for impact of City of Salinas wells is only 9 to 11 years away.) As the data in Kennedy/Jenks report is so crucial to the water supply of Monterey County's largest City, why was this information not presented and discussed in the General Plan or in its DEIR? Surely this scenario is a potential significant environmental impact that has not been addressed in the DEIR. The DEIR should be amended or an addendum prepared to more accurately present and assess the hydrogeology of the North Salinas Basin. 1

13. 4.3-16 The DEIR states, *"As illustrated by the overdraft conditions, current demand exceeds supply in the major supply areas of the county, an issue also present at the time of the existing 1982 General Plan. Goals, objectives, and policies in that plan addressed the need to 'promote adequate, replenishable water supplies of suitable quality; to eliminate groundwater overdrafting; and to implement a program to prevent further seawater intrusion by developing supplemental sources of water for North County". These issues are the subject of exhaustive groundwater studies and basin groundwater management plans undertaken by the respective water management agencies and the County since the existing 1982 General Plan. While progress has been made by MCWRA, MPWMD, and PVWMA in halting the rate of groundwater level decline and seawater intrusion, these issues remain a significant challenge to sustainable growth based on the goal of a sustainable groundwater supply."* Are we to understand that the SVWP is the culmination of 27 years of exhaustive groundwater studies and basin groundwater management plans undertaken by the respective water management agencies and the County since the 1982 General Plan, since it is being touted as being capable of halting seawater intrusion and Salinas Valley basin overdraft? Is the SVWP really expected to result in the cessation of overdraft conditions in the East Side Subarea, thus also benefiting this subarea, and North County, with rising water levels? Is this still anticipated in spite of the hydrogeologic features identified by Kennedy/Jenks (2004) that indicate the presence of a "transition zone" and an order of magnitude lower hydraulic conductivity in the East Side Subarea as compared to the Pressure Sub Area? 2

Respectfully submitted,

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

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55

Planning and Building Inspection Administration

FEB 2 2009

RECEIVED

Faxed 2/2/09 2:09 am

RMA Planning
Mr. Carl Holm
168 W. Alisal Street
Salinas, CA 93901
Email: cegacomments@co.monterey.ca.us
Fax: 831-~~755-5487~~ 757-9516

Response to DEIR for the Monterey County General Plan

February 2, 2009

Dear Mr. Holm,

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

1) AWCP Agricultural Winery Corridor Plan
There is no mention of the California Alcoholic Beverage Control Agency being advised of this plan. The sale, serving, and consumption of alcoholic beverages are allowed under a number of different permit types. These permits have numbers and descriptions. The Alcoholic Beverage Control Agency for the Tri-County Area is located in the City of Salinas. They have a staff of approximately eight. These eight people are responsible for taking applications, processing applications, issuing new permits, renewing permits, monitoring the onsite and off site establishments that sell and/or serve alcohol, and also are responsible for enforcement. It is a very big task.
When asked, "How can your office visit the bars, liquor stores, restaurants, quick stops, grocery stores, clubs, sports venues, and other areas selling and serving alcohol in the Tri-County area?"
The answer is, "We can't!"
Enforcement is often a procedure after reports of problems occur. 1

There are numerous wineries of differing sizes being considered, with on site sales of bottled wine and on site consumption, in addition to events. The Monterey County Sheriff's Department will necessarily be the one called upon when there are law enforcement issues because the wineries are in unincorporated parts of Monterey County. Given the budget constraints, how will the Sheriff's Department handle the additional duties?
What safety aspects may these wineries have on the residents of these Wine Corridors and surrounding areas? Roadways have curves. Tourists are unfamiliar with the roadways. Add visits to several wineries and wine tastings There will be issues.

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

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Page 2

inclusion into the Scenic Highway status the remainder of Highway 68 has enjoyed since September 20, 1966. Why? | 2

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

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

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

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

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

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

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

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

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

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

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Page 3

WR-1 won't lead to approval of water uses in areas where there is no water. Drawing down the water tables in areas where there may some water and transporting it to areas where there is no water for new uses will only result in the eventuality of no one having any water. | 12

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

Sincerely,

Mike Weaver
831-484-6659

59

I-21

Calderon, Vanessa A. x5186

Monterey County
Planning and Building
Inspection Center

FEB 02 2009

RECEIVED

Read as CEQA
Comments 2/2/09
3:38 pm

From: jacqui@messengerlawfirm.com
Sent: Monday, February 02, 2009 3:38 PM
To: ceqacomments
Cc: Knaster, Alana x5322; HolmC@co.monterey.ca.us; Novo, Mike x5192
Subject: Comments to General Plan and General Plan EIR

Dear Mr. Holm:

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

We request that the General Plan EIR confirm the meaning and intent behind Policy CV-2.18, and that the language of Policy CV-2.18 be revised for clarification purposes. For example, the sentence in Policy CV-2.18 that reads "as for those road segments which are at LOS C, D and E, this would, at a minimum, occur when the LOS F, this would occur when it would cause" does not make sense. 1

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

Thank you for your consideration.

Jacqueline Zischke

cc: Mike Novo (via email novom@co.monterey.ca.us)
Alana Knaster (via email knastera@co.monterey.ca.us)
Carl Holm (via email holmc@co.monterey.ca.us)

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1

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Comment Letters
Late Letters

O-5c

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:

1

O-5c

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 …

2

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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

3

Feb 24 09 03:41p Sanders, T & J 831-625-4370 p.3

O-5c

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.

4

Feb 24 09 03:41p Sanders, T & J 831-625-4370 p.4

O-5c

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.

5

Feb 24 09 03:42p Sanders, T & J 831-625-4370 p.5

O-5c

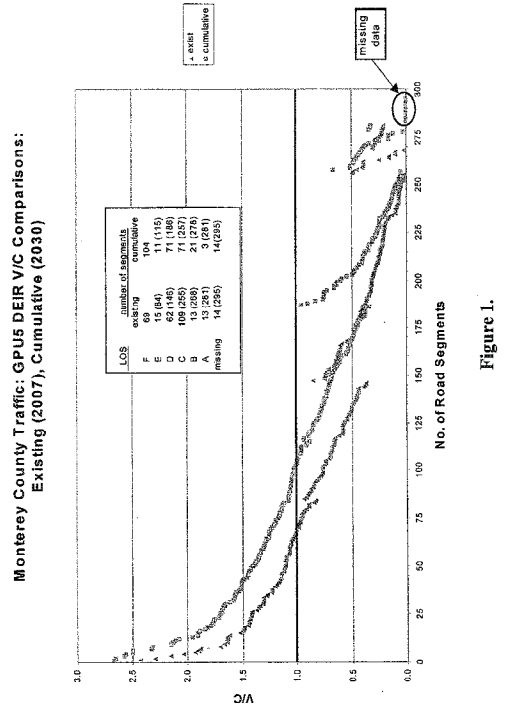

Figure 1.

Feb 24 09 03:42p Sanders, T & J 831-625-4370 p.6

O-5c

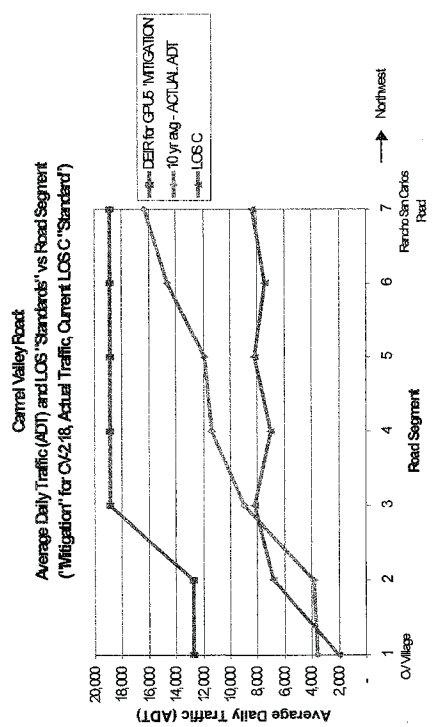

Figure 2.

O-5c

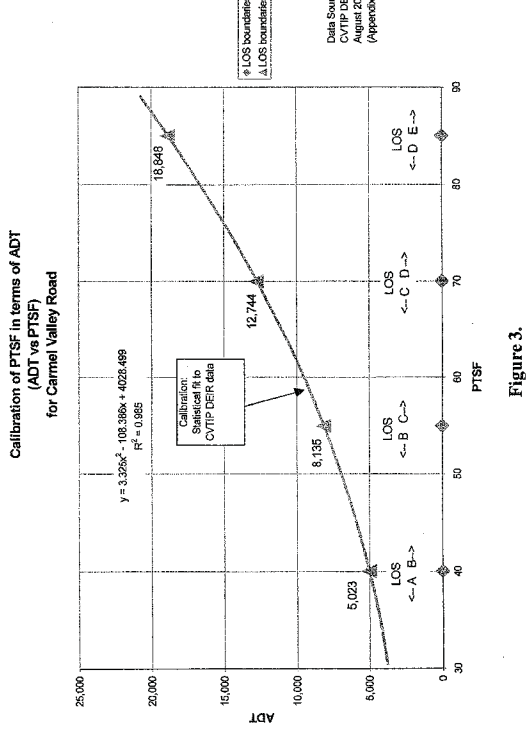

Figure 3.

Feb 24 09 03:37p Sanders, T & J 831-625-4370 p.1

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.

T. D. Sanders

O-10d

Bringing you HOPE -
Helping Our Peninsula's Environment
Box 1495, Carmel, CA 93921 Info7 at 1hope.org
831/ 624-6500 www.1hope.org

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.

O-10d

Yet the new General Plan and its DEIR --

- ***Still base everything on Bogus*** [i] ***and Harmful AMBAG Population Projections*** [4]
  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. [ii]

  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 issues** [5]

- **Still Provides No Recognition of Short Term Noise Impacts**[6] **or Mitigation for them**

- **Still Provides No Meaningful Light Pollution Avoidance and Mitigation** [7]
  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***

O-10d

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

- **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

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[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 Prophesy 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* !**

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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).

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Action Pajaro Valley

Monterey County Planning Commissioners
RMA-Planning Salinas Permit Center
168 W. Alisal Street, 2nd floor
Salinas, CA 93901
Via email: RothamelL@co.monterey.ca.us
RE: General Plan Update – PLN 070525

February 24, 2009

www.actionpajarovalley.org

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
[ceqacomments@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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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

County of Monterey Resource Management
Agency, Planning Department

Comment Letters
Late Letters

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