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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

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." 2
  - "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]

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[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

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: 2

- 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

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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.

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). 2

- Based on the review of the Report's analysis and interpretations, the conclusion that overdraft exists in the El Toro area is not fully supported by the findings presented in the Report...The Report's findings of overdraft, primarily on the author's interpretations of long-term historical groundwater elevation declines conflict with estimates of average recharge that are greater than historical demand.

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

Very truly yours,

Brian Finegan

Brian Finegan

cc: Eric Phelps