

Bringing you HOPE -
Helping Our Peninsula's Environment
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Trustees 2009

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Monterey County Planning Commissioners

February 23, 2009

**“Why do we always have time to do it over –
 but never have time to do it right?”**

-John Tolson, MPC Professor Emeritus

You Aren't Paying Attention

How can anyone take the General Plan and its EIR seriously -- when the documents don't take our laws or the world's best available environmental science seriously? ¹

We're Serious

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

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

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

Yet – County staff has ignored essentially all of it. ²

Not New Requests

Half a dozen public interest groups ³ have respectfully requested the following items for some 10 years – at almost every opportunity during the several GP update revisions and some since even before the beginning of the update process.

¹ While Monterey County's Supervisors have the legal authority to adopt the most giant development allowing General Plan they want -- they are also required by law (CEQA) to adopt every feasible mitigation for each environmental impact that the growth forcing General Plan causes, and to provide the public with an objective evaluation of a reasonable range of feasible alternatives to that Plan.

² HOPE's comments apparently have their own volume for the last GPU revision. We challenge you to pick any one of our substantive comments from that volume and try to find a meaningful response.

Founded in 1998, and known for helping with hundreds of environmental and democracy successes including stopping both "Dirty Harry" and "The Terminator," H.O.P.E. is a non-profit, tax deductible, public interest group protecting our Monterey Peninsula's natural land, air, and water ecosystems and public participation in government, using science, law, education, news alerts and advocacy.

Yet the new General Plan and its DEIR --

- Still base everything on Bogusⁱ and Harmful AMBAG Population Projections⁴
The General Plan needs to include an Alternative and Mitigation that determines a Carrying Capacity based on real Physical Constraints – Not on AMBAG’s famously bogus forecasts.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 issues⁵
- Still Provides No Recognition of Short Term Noise Impacts⁶ or Mitigation for them
- Still Provides No Meaningful Light Pollution Avoidance and Mitigation⁷ even though light pollution was the November 2008 National Geographic cover story
- Still have No Meaningful Chemical (including Pesticide) Pollution Impact Recognition or Mitigation
- Still Ignores our Peninsula’s 10-year long physical Water Supply Emergency – allowing more unsupportable growth.
- Still Ignores our growing Gridlock - allowing more unsupportable growth and congestion.
- Still provides ONLY "alternatives" which use AMBAG's bogus Population "forecast," even though a General Plan is Required to address a “reasonable range of feasible alternatives”⁸ This makes the “range” of alternatives provided - **Zero** – contrary to CEQA’s mandate.

³ Carmel Valley Women's Network, Pacific Grove Neighbors, Save Our Peninsula Committee, VISION - Vision Inspiring Sanctity and Integrity of Nature, Responsible Consumers of our Monterey Peninsula, and HOPE - Helping Our Peninsula's Environment. Letter to County Planning Commission, dated Thursday, August 19, 2004. (None of these groups were provided a seat at the “Refinement Group” table.)

⁴ AMBAG’s 1997 Adopted Population Forecast (page 179). See Endnotes 1 & 2.

⁵ Gov Code 65301(c). **Monterey pines** are used proudly in government logos across Monterey County. They are highly protected as ESHA when in the Coastal Zone – yet wholly unprotected when merely across the street from the Coastal Zone. **Monterey pine forest was declared an Endangered species by the United Nations in 1986 and independently by the California Native Plant Society in 1992.**

⁶ Impulse Noise examples -- Firing Ranges, Leaf Blowers, Barking Dogs, Chainsaws, Car Alarms, etc.

⁷ Light Pollution – So un-professionally addressed and mitigated it requires an Overriding Consideration vote, when in-expensive off-the-shelf mitigation and simple laws can easily reduce this to “no significant impacts.” Light Pollution is perhaps the only pollution that **saves governments millions of dollars by its reduction**, has a staggering array of money-saving off-the-shelf technologies and is widely accepted in all political climates. -- See www.DarkSky.org

⁸ "Range of reasonable alternatives" standard from CEQAs Guidelines, applied by the Court in Citizens of Goleta Valley v. Bd. of Supervisors County of Santa Barbara (1990) 52 Cal.3d 553 ("Goleta II"). ***Examining a Founded in 1998, and known for helping with hundreds of environmental and democracy successes including stopping both “Dirty Harry” and “The Terminator,” H.O.P.E. is a non-profit, tax deductible, public interest group protecting our Monterey Peninsula's natural land, air, and water ecosystems and public participation in government, using science, law, education, news alerts and advocacy.***

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

- **Still refuses to set up a process to establish our area's Carrying Capacity as mitigation.⁹**

If you take these reasonable concerns seriously – we will have nothing to litigate,

David Dilworth, Executive Director

ⁱ **AMBAG 1997 Population Forecast (pg 179) --**

“The AMBAG Population Forecast process and the Draft Forecast have ignored:

- 1) Historic trends. (Forecasts are notably higher than trends)
- 2) Historic mistakes. (30% overestimate for Marina in 1994)
- 3) Alternate methodologies. (Genuine Trend extrapolation and Bottom-up forecasts)
- 4) Concerns and comments from Forecast Technical Advisory Committee members.
(e.g. Constraints ignored)
- 5) **All data which conflicts with pre-determined results.**
- 6) Large discrepancies (more than 10%) between US and State data sources.
- 7) Making data meaningful by using graphs.
- 8) Huge, additive, cumulative Margins of Error.
(Variance exceeding 150,000 for life of forecast for Monterey County alone)
- 9) The Self-Fulfilling Prophecy principle of forecasts unconstrained by resources such as water and roads.
- 10) Cumulative Environmental impacts *caused* and induced by the forecasts.
- 11) Analyzing the limits to population growth by existing infrastructure!
- 12) Analysis of the Carrying Capacity of the Region, Counties Communities and cities.”

ⁱⁱ **What's wrong with current AMBAG's Forecasts ?**

US Census Counts of 1990 and 2000 Show --

- **All Peninsula Cities Populations Dropping –**
- **But AMBAG's 2003/4 Forecasts have All Peninsula Cities Populations Increasing !**

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

⁹ Carrying Capacity --

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

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