



November 11, 2008

Aurelio Salazar
~~Juan Sanchez~~, Chair

Monterey County Planning Commission
168 West Alisal Street
Salinas, CA 93902

SUBJECT: GPU5 and the DEIR

Dear Chairman ~~Sanchez~~ ^{Salazar} and Members of the Commission:

LandWatch Monterey County is still in the process of reviewing the draft environmental impact report (DEIR) for the 2007 General Plan (GPU5). While our full comments on the DEIR will be provided to the Planning Commission at a later date, we wanted to take this opportunity to provide some initial comments early in the process to help facilitate your review.

LandWatch is concerned about a number of features of GPU5 and is concerned that the County has not adequately disclosed its environmental consequences in the DEIR.

One of the issues of greatest concern to LandWatch is that GPU5 proposes to abandon the County's policy that bars new cultivation on slopes over 25%. Although the policy promises some form of discretionary permit for new cultivation on slopes over 25% or slopes that contain constraints, it postpones the identification of constrained slopes and provides no standards for allowable slope cultivation or conditions to control erosion. Similarly, the policy proposes a system of discretionary and ministerial permits for agricultural development of uncultivated soils, but it does not identify criteria for the discretionary permit or conditions to constrain development for either permit.

This new slope cultivation policy, together with the proposed exemption of routine and ongoing agricultural activities from discretionary permitting, would permit new cultivation on hundreds of thousands of acres of existing open space and habitat. Agricultural development on slopes will be spurred by these relaxed rules and by the proposed Winery Corridor, which will create incentives to substantially expand the County's viticulture industry.

The DEIR has not provided any meaningful analysis of the environmental effects of altering the existing rules to permit this kind of development. For example, in its evaluation of potential erosion and sedimentation effects, **the DEIR provides no description of the baseline conditions for erosion and sedimentation, no description of the likely location and intensity levels of slope development, and no meaningful analysis of the actual erosion and sedimentation that would result.** Instead of analysis, the DEIR simply

concludes that impacts will be less than significant based on a mechanical recitation of a list of policies that have little or no substantive content and that evince a determination to postpone any actual regulation of activities that may cause erosion and sedimentation. The policies and proposed mitigation measures postpone the formulation of specific regulations without providing performance standards or examples of measures that might be required to address impacts. **These policies and mitigation measures do not provide the substantial evidence that impacts will be less than significant that CEQA requires.**

Similarly, the DEIR fails to evaluate the impacts to biological resources from agricultural and residential development permitted under the 2007 General Plan. Once again, the DEIR's analysis consists of the recital of policies and mitigation measures that have no substantive content and simply postpone meaningful regulation. These policies call for activities, programs, or ordinances to be identified or developed later, but the policies do not contain performance standards or provide examples of these activities, programs, or ordinances. Policies calling for action by the County fail to identify responsible agencies, ensure that adequate resources will be available, specify schedules for implementation, or provide for alternative measures pending full implementation. **And many policies are not enforceable because they call for voluntary action or merely call for encouraging and supporting beneficial activities. Again, these policies cannot provide assurance that CEQA requires that impacts will be avoided, minimized, or mitigated.**

The DEIR's conclusion that there will be an adequate water supply in the Salinas Basin ignores the expansion of the viticulture industry that the DEIR encourages through its slope development policy and Winery Corridor program; and it is not based on an analysis of all competing demands for water resources. The DEIR postpones the development of criteria for determining the availability of a long term sustainable water supply for *individual* development projects, but mysteriously concludes that there will be a long term sustainable water supply in the Salinas Basin for *all* future projects taken together.

The DEIR's traffic section provides a quantitative analysis of some major roadways and admits that there is no solution to the County's traffic problems on these facilities. Despite this admitted lack of resources, the DEIR concludes on the basis of yet another recitation of vague and unenforceable policies that impacts from future individual development projects will not be significant. There is simply no way to reconcile the DEIR's conclusion that cumulative impacts from future individual development projects will be mitigated with the DEIR's admission that most of the major facilities will suffer unavoidably significant impacts.

And the DEIR ducks the most serious environmental crisis facing the planet by simply postponing the County's response to global warming for another two years.

To reiterate, one of the issues of greatest concern to LandWatch is that GPU5 proposes to abandon the County's policy that bars new cultivation on slopes over 25%. Our initial review of the DEIR makes clear that abandoning the County's current policy, in place for more than 20 years, has not been adequately reviewed. We believe that adequate review of this issue will be very expensive, will greatly delay the approval process, and will clearly call for the prohibition of new cultivation on slopes of 25% or more.


Indeed, LandWatch Monterey County believes that the failure to prohibit new cultivation on slopes of 25% or more, along with the accompanying water availability, water quality, and erosion problems compounded by the cultivation of steep slopes will threaten the viability of the Wine Corridor. Certainly, the Wine Corridor already faces serious environmental problems from the allowable residential development and accompanying traffic and air quality problems without compounding the problem by allowing new cultivation on steep slopes.

LandWatch hopes that the Planning Commission will seriously consider recommending the prohibition of steep slopes above 25%.

Again, LandWatch is preparing detailed comments on deficiencies in the DEIR and the 2007 General Plan. The County's response must be either to restrict harmful development by modifying the 2007 General Plan or to provide meaningful analysis that acknowledges the impacts of this development and then proposes all feasible mitigation.

Thank you for considering our comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chris Fitz', is written over the typed name.

Chris Fitz, Executive Director
LandWatch Monterey County