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September 17, 2008

Monterey County
Planning and Building
Inspection Administration

SEP 18 2008

RECEIVED

Via Facsimile

Mike Novo, Planning Director
Carl Holm, Assistant Director of Planning
Planning Department
Resource Management Agency
County of Monterey
168 W. Alisal Street, 2d Floor
Salinas, CA 93901

Subject: GPU-5 DEIR - Unavailability of Draft EIR and Requested Documents

Dear Mr. Novo and Mr. Holm:

We have two issues regarding public access to County GPU-5 DEIR documents.

County Has Failed to Provide the Requested Draft EIR

A week ago, on September 10, 2008, our Office mailed the County a letter requesting the Draft EIR on CD and enclosing a check for \$6, the stated fee. In our experience, mail takes one day to travel between Monterey and Salinas. As of this afternoon, seven days later, we have not received the Draft EIR we requested.

The Draft EIR available online is a poor substitute because, at over 1000 pages, the document is difficult to work with, takes a long time to download, and is lost when the Internet connection fails.

Documents Relied Upon by DEIR Are Not Available to the Public

On the morning of September 16, my law clerk Jennifer Holda contacted the County to find out whether several specific documents cited in Section 11 of the DEIR were available to the public at the Planning Department front counter. Our office wanted to make sure the records were available before driving to Salinas to see them.

Ms. Holda spoke to Crystal in the call center, and provided the County with this list of the documents we wished to review:

1. California Water Plan Update 2005
2. Monterey District Urban Water Management Plan
3. Revised Draft Report, Municipal Services Review for the North County Area of Monterey County

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4. Monterey County Water Resource Agency, 2001a (as described in the DEIR)

Crystal checked with the Planning Department front counter. The front counter staff did not know what documents were available. Crystal also stated she did not know what was available at the front counter and she would personally check for the four documents requested. After the County placed our office on hold for twelve minutes, the phone line was disconnected. Ms. Holda again called the County and asked to speak to Crystal. When Crystal answered, she provided the name of an available document: the North County Area Plan for Monterey County. That document was not one of the ones requested.


Crystal then stated she would ask Lisa Harris about the documents and again placed the call on hold. After five minutes, Crystal returned and asked for Ms. Holda's name and telephone number. Crystal stated that Lisa Harris would take the list of documents and report to Carl Holm and the County would call back.

As of 4:00 p.m. today, we have not received a response from anyone at the County. We and our clients need to investigate and research the Draft EIR's claims, and in order to do so, we need access to the documents upon which the Draft EIR relies. When will the records (listed in Section 11 of the Draft EIR) be available to the public?

Under CEQA, the public review period for the Draft EIR cannot start until the documents referenced in the EIR are actually available for public review. (See CEQA Guidelines, §§ 15087, 15105.) The amended Notice of Availability dated September 11, 2008 that is currently on the County website states that the review period began September 13, 2008, and runs to October 28, 2008 (45 days). However, the documents referenced in the Draft EIR were not available on September 13 for public review, and are not available today, September 17.

The County should make the documents listed in the Draft EIR Section 11 available, then revise the notice of availability accordingly. Under CEQA, the revised notice of availability should disclose the address where all documents referenced in the EIR will be available for public review during the review period. (CEQA Guidelines, § 15087(c)(5).) Those documents should be available to the public no later than the start of the review period.

Very truly yours,


Molly Erickson

cc: Dave Potter, Supervisor, District Five