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September 26, 2008

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: Unavailability of Section 11 Documents of the Draft EIR

Dear Mr. Novo and Mr. Holm:

We received the County's letter dated September 17, 2008. Thank you for the copies of the CDs for the General Plan and the Draft EIR. Please note that our request for the CD of the General Plan Draft EIR was sent to Mr. Holm on September 10. This means the County took more than a week to provide any response to our request.

Our office contacted the County on September 16 to find out if four specific documents cited in Section 11 of the Draft EIR were available for review at the Planning Department front counter. We were told that the County would call back. On September 18, we received an email response from Mr. Novo. His response made no reference to our inquiry regarding the availability of the requested documents at the front counter of the Planning Department. His email provided URLs for three of the documents requested and stated the fourth document was a three page excerpt which could be faxed to our office. We requested it be faxed to our office the same day.

On September 19, we received a fax from the County. The faxed document contains (1) a cover page, (2) an inside cover page, and (3) page 23 of the document we requested. We were not provided any previous or subsequent pages. It is difficult to put into context the information on page 23 without additional pages. Is this the entire excerpt referenced by the County in Section 11 of the Draft EIR?

The URLs provided in Mr. Novo's email were also troublesome. One of them responds "Address Not Found". The other three URLs contain large files that are time consuming to download and difficult to navigate. It is challenging to find the information cited by the County in Section 11.

When trying to access the Section 11 documents from the County website, the URLs often send the reader to a homepage for the authoring organization, not the document listed by the County. From the homepage, it is difficult to locate the cited

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document. Some documents do not appear to be available to the public on the website of the organization.

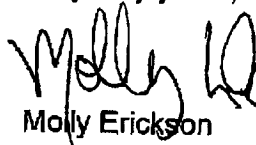
The County provides an "Accessed" date for the cited Section 11 documents. Some of the "accessed" dates listed by the County are from years ago. Our office had difficulty locating the referenced document or report for many of the documents with "accessed" dates many years ago. Can these documents currently be accessed by the public? Does the "Accessed" date serve as a disclaimer that these documents may no longer be available at the web address shown?

The online links are problematic. Under CEQA, the County should provide the documents cited in Section 11 of the Draft EIR at the front counter of the Planning Department. Although we have requested notification from the County when the documents are available, we have received no such notification to date.

Under CEQA, the 45-day public comment period starts when all the required documents are name available. Please advise us:

1. Whether the County is willing to recognize that the 45-day period for public comment has not yet started to run;
2. The date by which you will provide the required documents.

Very truly yours,



Molly Erickson

cc: Dave Potter, Supervisor, District Five  
Charles McKee, County Counsel