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December 23, 2008

Via Facsimile
Alana Knaster, Assistant Director
Resource Management Agency
County of Monterey
138 West Alisal Street, 2d Floor
Salinas, CA 93901

Subject: GPU-5 Draft Environmental Impact Report, Notice of Availability

Dear Ms. Knaster:

The Open Monterey Project objects the Notice of Availability and Draft EIR materials released by the County in December 2008. Here are the facts as we understand them from County records and from County staff:

1. In December 2008, the County released an undated Notice of Availability (NOA) that stated the County had made changes to the Draft Environmental Impact Report. The NOA described Change #4 as follows: "correction of typographical errors in three maps from the General Plan."

2. With the NOA, the County released five changed General Plan maps, not three as identified in the NOA.

3. The NOA did not inform the public of what changes were made to the General Plan maps.

4. In the new EIR materials released to the public with the NOA, the County did not change the Draft EIR maps that should correspond to the changed General Plan maps. The maps are labeled differently in the General Plan and in the Draft EIR, and the public would not know that they are supposed to be the same maps.

5. In the new EIR materials released to the public with the NOA, the County did not provide any information to the public as to how the changed General Plan maps correspond, if at all, with maps in the Draft EIR.

6. The County did not include in the NOA any notice regarding any changes to maps in the Draft EIR. The NOA did not inform the public that as a result of changes to the General Plan maps, there also should be changes made to the Draft EIR maps.

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bcc: Lew Bauman

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7. Since our Office identified some of these concerns, the County has apparently made changes to some of the Draft EIR information on the County website, but has not communicated that information to the public who purchased the Draft EIR or the public who already reviewed the website after the December NOA was released. As a result of the County's changes, dates on the website are also incorrect. As one example, the Carmel Valley exhibit map states it was updated December 12, but the version currently on the website is different from, and has been materially changed from, the version available on the website on December 12. As another example, the general plan website (http://www.co.monterey.ca.us/planning/gpu/GPU_2007/gpu_2007.htm) has a link to "2007 General Plan Draft EIR (Last Updated December 5, 2008)" but when the public goes to that site (http://www.co.monterey.ca.us/planning/gpu/2007_GPU_DEIR_Sept_2008/2007_GPU_DEIR_September_2008.htm) there are records dated "December 12, 2007", some of which have been updated since December 12, but are not identified as such.

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8. In December 2008, the County sent a CD of the Draft EIR to persons who had already purchased the Draft EIR. Our Office received one of these CDs. The CD was presumably meant to contain a current, updated document. However, the CD contains a Draft EIR in which the maps were not changed or updated. The exhibits on the CD distributed to the public are not the same as the changed exhibits now available on the County website (for example, the Exhibit 3.8 on the CD shows different land use boundaries and different labels from the Exhibit 3.8 on the County website). The public has not been informed of the discrepancies, or instructed not to rely on the CD distributed by the County in December.

9. In December 2007, the Board of Supervisors reviewed the 2007 General Plan and approved it as final for purposes of environmental review.

10. In September 2008, the County released a "General Plan Errata/Addendum (September 3, 2008)". That document is available at http://www.co.monterey.ca.us/planning/gpu/GPU_2007/gpu_2007.htm. Many of the changes are material. The document does not identify who authorized or approved the "errata/addendum" materials. I understand from Mr. Holm that staff prepared the materials. The Board did not review these changes to the General Plan.

11. In December 2008, the County made material changes to five General Plan maps, including changes to boundaries of actual and/or proposed land use designations in areas involving past and proposed controversial

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land use projects. I understand from Mr. Holm that staff prepared the materials. The Board did not review these changes to the General Plan.

12. On December 19, I asked what version of the Draft EIR was provided to the State and to the public in December, including which maps and which enclosures. Today Mr. Holm referred me to you for the information about which maps and which enclosures. Mr. Holm stated that the Draft EIR was provided on a CD. If the County provided the CD to the State, it is logical to assume that the CD is the same as the one distributed to the public. As pointed out above, the Draft EIR on that CD is inaccurate, does not reflect recent changes, and analyzes a project that is materially different from the changed proposed project.

County's actions have made this process very confusing for the public. The public does not know which are current versions and which are outdated versions of the Draft EIR and General Plan. The CDs, hard copies and County website contain inconsistent versions of the Draft EIR and General Plan; the County has not disclosed changes it has made or who made the changes; records are not accurately labeled; identically titled documents are in fact different in their contents; the same versions of maps are labeled differently; and different versions of maps are labeled the same. 1

The Draft EIR public review period should not begin to run until the environmental documents are accurate, quantified, corrected, and distributed to the public who has already purchased the Draft EIR, and available to the public at large. As we stated last week, we are getting multiple calls from the public who are confused about the "revised" DEIR and the changed General Plan. These include sophisticated members of the public who carefully reviewed the first Draft EIR, and are unclear on what has changed about the current Draft EIR – and the General Plan – and how those changes happened. As we also stated, the County has not met the procedural mandates of CEQA, resulting in informational gaps that are prejudicial. We would prefer the County resolve the issues now, because the problems are precluding informed participation by the public in the CEQA process. If the County chooses to proceed with the defective materials thus far, we reserve the right to raise all these issues in the future, at every step of the proceedings.

Very truly yours,

Molly Erickson

cc: Leslie J. Girard, Assistant County Counsel