

LAW OFFICES OF
MICHAEL W. STAMP

Facsimile
(831) 373-0242

479 Pacific Street, Suite 1
Monterey, California 93940

Telephone
(831) 373-1214

February 2, 2009

Carl Holm, Assistant Director of Planning
Planning Department
County of Monterey
168 W. Alisal Street, Second Floor
Salinas, CA 93901

Subject: Comments on Draft Environmental Impact Report for GPU5

Dear Mr. Holm:

These comments are submitted on behalf of The Open Monterey Project. The Open Monterey Project is an association that works toward transparency and accountability of government. The Open Monterey Project has been active in County land use issues for over five years.

1

The Open Monterey Project joins in the comments of other groups, including those of Landwatch Monterey County, the Sierra Club, and the Carmel Valley Association.

GENERAL COMMENTS AND REQUESTS

A fundamental informational problem with the DEIR is it fails to provide a side-by-side comparison of the proposed GPU5 with (1) the existing 1982 General Plan, or (2) the current on-the-ground conditions. As a result, the DEIR never clarifies what changes it is analyzing – because in order to analyze proposed changes, you have to know what the change is to. Instead, the DEIR approaches the GPU5 analysis as if in a vacuum. If you determine that either is the baseline, then the EIR analysis must compare the GPU5 to that baseline.

2

The Draft EIR is very difficult to understand because it fails to provide a cognizable comparison of the 1982 General Plan with the proposed GPU5 plan. The DEIR should include a side-by-side comparison of the current policy as compared with the proposed policy. Such a comparison should have been provided for the EIR preparer's reference, and it should be provided to the public. That is the only way the public can start to comprehend the impacts of going from one plan to the other. The omission is a serious informational gap that is prejudicial to the public.

Are any of the impacts of or mitigations for the GPU5 affected in any way, or dependent upon, any fee-based mitigation, such as payment into a traffic fund, the establishment, funding of, or support for any preserve or parklands, or other payments in lieu of actual mitigation on site? If so, please identify each such fee-based mechanism and describe in detail all environmental review (with citations to the

3

The Open Monterey Project – Comments on Draft EIR for GPU5
February 2, 2009
Page 2

underlying documentation) that has been conducted in regard to such a mechanism or mitigation. In addition, for each such mechanism, please state when the mechanism and its fees were last reviewed by the County, and whether the mechanism is in fact a legal and environmentally sufficient mitigation.

3

Are any of the impacts of or mitigations for the GPU5 affected in any way, or dependent upon, a program, policy, code section, or regulation of the County that the County has not enforced fully or been able to enforce fully at any time in the last ten years? If so, please identify each such program, policy, code section, or regulation, and describe the lack of enforcement and, if any, lack of funding for full enforcement.

4

Please note that many of our comments and questions are preceded by a citation to the DEIR. In many cases, that citation is presented to assist the EIR preparer by providing a reference for the issues or statement that underlies the comment or question. The citation is not intended to limit the comment or the response.

If information requested by us is located in another part of the DEIR, please provide the specific reference to the DEIR page and DEIR subsection heading (in other words, do not merely provide a chapter or section heading, because the chapter may be 200 pages long).

5

If information requested by us is in a listed reference document, please provide the name of the reference document, the DEIR page on which that document is listed as a reference document, and the specific page and subsection heading of the document because many of the reference documents are hundreds of pages long.

If information requested by us is not found in the DEIR or a reference document, please provide the information and the source document by title, author, year, and page number.

Some of these comments possibly were addressed by the purported changes and additions made by the County to the EIR and the General Plan document. Those changes and additions to the EIR and the General Plan document; these changes were made by the County in December 2008 or in other documents. Those changes and additions were not clear, and were confusing. Further, the changes create inconsistencies with other EIR and General Plan materials (for example, the new Carmel Valley map creates inconsistencies with the greater Monterey Peninsula map). If any of your responses refer to the December 2008 changes and additions, please be specific as to the document on which you rely and the manner in which you believe the changed or added materials supports your response.

6

The entire discussion in the DEIR is very hard to follow and verify because the DEIR usually does not identify by number which GPU5 policies are being analyzed or

7

The Open Monterey Project – Comments on Draft EIR for GPU5
February 2, 2009
Page 3

discussed. In other words, for any given analysis, the DEIR does not clarify which proposed 2007 General Plan policies it is analyzing. That omission makes it nearly impossible for the public to be able to review the analysis and compare it to the proposed project.

As one example of this omission, see the DEIR Alternatives analysis. The DEIR freely compares the alternatives to the project, without specifying which policies of the alternative it is comparing with which policies of the proposed project. The DEIR should be revised to include specific references to policies by number (or by chapter, where appropriate), so the public can understand exactly what is being discussed and whether the discussion is adequate. Then the revised DEIR should be recirculated.

As an example of a paragraph that due to its failure to cite to specific policies is made impossible to adequately review, see page 5-9:

The 2007 General Plan contains more specific policies intended to channel development into existing cities, Community Areas, and Rural Centers, in that order. The policies of the 2007 General Plan would focus growth into higher density Community Areas as the first tier for new development, with subsequent growth in Rural Centers (second tier for new development). The 2007 General Plan also provides for agricultural buffers and identifies specific criteria by which to establish those buffers, but does not require that all buffers be permanent or dedicated in perpetuity. Other policies state that agriculture is to be the “the top land use priority for guiding future economic development on agricultural lands” and require the County to establish a program that requires mitigation for the conversion of important farmland that is to be annexed to cities, with specified exceptions. The 2007 General Plan also establishes policies intended to avoid regulatory constraints on “routine and ongoing agricultural activities.” This is meant to encourage continued agricultural activities. Along this line, the ACWP would authorize wineries within its boundaries that would enhance tourism and provide additional income to wine grape growers.

In the discussion cited above, there is no reason that the DEIR analysis could not have identified the policies by number or chapter. Please respond. The effect of the DEIR omission means that adequate public review is extremely difficult, and reasonable and meaningful public review has been thwarted.

The Open Monterey Project – Comments on Draft EIR for GPU5
February 2, 2009
Page 4

As a further example of how the environmental review documents are confusing, difficult to read and difficult to understand, the CD distributed by the County contains both the GPU5 and the DEIR. However the, figures, tables, and exhibits and appendices listed on the menu displaying the contents of the CD are jumbled together in one long list. The public has no way of knowing what is in each file without opening it. Even then, in many cases, the open file does not identify in which document – DEIR or GPU5 – it belongs, or where in the document the figure, exhibit or table belongs. (See Exhibit A, files on GPU5/DEIR CD distributed by County to public.)

The organization of the DEIR is internally inconsistent, confusing and impossible to review and understand. For example, in the alternative discussion, the format varies. Development Comparison is a major subheading in some alternatives and minor in others. Each alternative is identified by the number five followed by the number of the alternative, e.g., 5.3 to 5.7. The analysis is then further divided numerically. However, the numbering of the analysis of each alternative is inconsistent. For example, population and housing is section 16 of alternative 5.5 (General Plan Initiative), but section 15 of alternative 5.6 (GPU4), and section 14 of alternative 5.7 (Transit-Oriented Development).

The DEIR tables are poorly formatted. Numbers should be justified so they line up with other numbers in the column. This basic formatting is important to make the information accessible to the public.

The DEIR's inconsistent organization is continually off-putting, and confounding to even the most diligent reviewer. For example, headings and subheadings are not accurate, information is not correctly organized under the appropriate subheadings, and within the same discussion category different areas are treated differently.

The DEIR frequently reviews the GPU5 text out of order (instead of in the order of appearance in the GPU5), requiring the public to search the GPU5 for the appropriate text, without guidance. For example, in its review of water quality impacts, the DEIR reviews the Area Plans in a different order from that in the GPU5 (see pp. 4.3-94 and -95).

The DEIR does not have an adequate table of contents. The subheadings of each chapter of the DEIR are variously delineated (capitalized, bold, underlined, italicized, etc.), but not presented in a way to assist the public review the document. These headings are confusing and misguide the public. For example, the water discussion is over 200 pages, including figures, with headings and subheadings on almost every page. To find a section, the public must hunt through pages and pages of information in each chapter without a guide. It is very difficult for the public to find specific information in the DEIR. The DEIR should provide a table of contents for each chapter which includes every heading, subheading, page numbers and a numeric reference. Forcing the public to sort through hundreds of pages of information to find a

The Open Monterey Project – Comments on Draft EIR for GPU5
February 2, 2009
Page 5

subsection is extremely cumbersome and prevents meaningful review. The DEIR should be recirculated to include a clearly labeled table of contents as described.

The September 3, 2008 document entitled 2008 General Plan Update Errata/Addendum released with the Draft EIR claims that on the first page that it contains typographical errors, narrative data and mitigation measures. However, it contains for more than that which it does not disclose. For example, on page 7 are two proposed land use designation changes. These designations have been proposed by County staff without authority from the Board of Supervisors that they be included in GPU5. Please explain how these came to be included, what the standards were for inclusion, whether any person was denied their request to have their land use designation included in the GPU5 errata, and how the County notified the public that the public was able to apply for inclusion for GPU5 without Board review. Please state the Planning Commission and Board of Supervisors meeting dates where these land use designation changes were considered, the direction of those bodies, and whether the Planning Commission or Board of Supervisors approved the inclusion of these two requests in the GPU5. Please identify where in the GPU5 and DEIR text, maps and figures of these two requests are disclosed to the public. Please also identify where in the Draft EIR the impacts of these two requests are analyzed and considered.

7

The Draft EIR and the 2007 General Plan are very confusing and poorly organized. These two documents contain approximately 1760 pages of information. The General Plan is very difficult to use as a reference and the DEIR is very difficult to review, due to the issues identified elsewhere in this letter and by other commenters. In the DEIR, page numbers, tables, and figures are not understandably labeled and headings are missing in places. These organizational problems add to the difficulty of understanding the inadequate analysis in the DEIR.

In December 2008, the County released a six-page document titled "Updates to citations in text and errata related to citations (December 2007)." That document's own title has an error, because it is incorrectly dated 2007 instead of 2008. The rest of the "updates and errata" is similarly filled with errors. For example, in directing the public to corrections of DEIR errors, the document in over a hundred different entries adds an extraneous zero to various DEIR section numbers, for example referring to section "4.03" although "4.03" does not exist. It appears to mean section "4.3."

The updated (December 2008) Section 11 reference list provides links that the public cannot access, and the Citation and Text Errata does not provide the missing information. Some Section 11 reference documents are listed as only "Available on the web," but the links provided by the County do not work. For example, document 141, "Hydrogeologic Investigation of the Salinas Valley Basin in the Vicinity of Ford Ord and Marina, Salinas Valley, California. Final Report" says that it is "Available on the web." It is not available at the web address provided in Section 11. That URL says "404 Not Found." For another example, the link to the "2003b. Housing Element. Adopted

8

The Open Monterey Project – Comments on Draft EIR for GPU5
 February 2, 2009
 Page 6

November 4, 2003. In 2007 General Plan” says “The page cannot be found.” Reference documents 209, 210, and 211 tell the reader to “type in the particular amphibian or reptile species of interest to access information about that species.” We want to know the specific information used by the EIR preparer. The public should not have to guess what search criteria were used and try to replicate the search. Please address this issue.

8

The DEIR repeatedly refers to uses or projects as “discretionary.” Projects are not discretionary; permits and approvals are. Please clarify and correct. Also, the DEIR repeatedly fails to clarify what it means by “discretionary” – by whom, and on what basis? For example, is the term “discretionary” used to refer to permits under the GPU5, or under the County Code, or under CEQA, or something else? Please be specific.

9

As a general rule, our comments on “2030 Planning Horizon” analyses apply equally to “Buildout” analyses, and vice versa, unless otherwise specified.

10

The Figure S-2, 100 Year Floodplain, shows black lines where rivers should be. The only legend for black lines is “Major Road.” On the map there is no distinction between river and major roads.

11

A critical and fundamental error throughout the DEIR is the failure to adequately state, describe, investigate, and critically analyze the issue of development on steep slopes. The DEIR is missing the maps that would show how the proposed change in steep slope development would affect specific areas. It also fails to quantify the number of acres in each part of the County that would be affected, and it fails to provide a baseline and an adequate measurement or assessment of impacts. It also fails to identify the specific losses of different species and biological resources such as the oaks woodlands, animal habitat and corridors, and cumulative impacts on species. This is a critical issue affecting an enormous and highly important area of land throughout the County, and marks a dramatic deviation from existing policies and on the ground conditions. The DEIR minimizes the magnitude of the issue and its impacts and fails to understand or accurately inform the public of the issue and its impacts.

12

By failing to provide sufficient information and critical analysis, the DEIR overlooks site-specific and cumulative impacts in essentially every area of the DEIR. We highlight some of those areas later in this comment letter, and those comments are illustrative and not exhaustive. Areas where the steep slope information, investigation, and analysis render the DEIR grossly inaccurate or incomplete include but are not limited to project summary (1.2), key components (1-3, table 1-1), summary of environmental impacts (1.3), areas of controversy (1.6.1), project description (section 3), each of the impacts discussed in Chapter 4, including water supply, traffic congestion, biological resources, aesthetics, climate change, and light and glare. Similarly inadequate are the discussions in Section 1 as to history of the general plan

13

update (controversy surrounding steep slope development), existing land use patterns, baseline, alternatives, geology, soils and seismicity, air quality, noise, open space, and climate change. The same failures are present in the description and analysis of mitigation measures, the significant impacts listed, the growth inducement factors, and the cumulative impacts. The same failures are highlighted by the DEIR's approach to the impact analysis, typified by the remarks in 2.5, pages 2-7 to 2-9. The mechanisms of the General Plan to allow such increased development (ministerial, discretionary, or other types of approvals and changes in standards) are not identified, explained, investigated or considered.

13

Another fundamental error is the failure to consider the cumulative impacts of the GPU5 that would result from the proposed changes to the Local Coastal Plan to make it consistent with the proposed GPU5. The amendments to the LCP are envisioned and planned now. The consideration of these cumulative impacts at this stage is essential under CEQA. If you disagree, please provide authority for your position.

14

Executive Summary

1.4.1, p. 1-39

What overlap is there in the Important Farmland and Williamson Act farmland? The discussion is vague and unclear as to how many total acres are affected. Please describe exactly how many acres or each, how many acres "overlap" (fall into both categories), and how many total acres are affected? Please describe with specificity the source(s) for each figure.

The numbers at 1.4.1 on page 1-39 are inconsistent with numbers used later in the DEIR for the Williamson Act information. Please explain the research and methodology used to determine your answer, identify the reference used to determine your answer, and provide your calculations.

15

Please explain whether all the "Williamson Act farmland" is active farmland or includes open space. Please explain whether all of the acreage is under a Williamson Act contract, how much acreage is under Agricultural Preservation and how much acreage is under Farmland Security Zone, why the two are combined under a single "Williamson Act" designation, and whether and how this changes the DEIR analysis. Please provide your data, as well as the sources for the data so the public can verify it.

Please describe in detail where the EIR preparer obtained the information on Williamson Act lands, because when our Office tried to view a Williamson Act contract, the County Planning Department did not know where the Williamson Act contracts were kept, and could not find them in County records. The County eventually asked the property owner to provide the County with a copy of the contract (see County files for Lehman/Eaton application PLN050371, Cachagua land use area, Carmel Valley).

1.4.2, p. 1-39

The first sentence refers to "significant impacts to groundwater resources." What is meant by the subsequent sentence "the Salinas Valley Water Project avoids this impact in the Salinas Valley"? The first sentence uses the plural "impacts", the second uses the singular "impact." Please describe exactly which impacts are referenced. Explain why the second sentence is to only one impact, and which one.

In the sentence "the Salinas Valley Water Project avoids this impact in the Salinas Valley," the statement is not true, because the SVWP is not a water supply project. The County has repeatedly stated that the SVWP is to provide water to decrease the impact of seawater intrusion due to overpumping. The intent is not to supply new water, meaning a new supply that can be used or relied upon for new development. If you disagree, please describe with specificity the sources on which you rely, and explain why they supersede the County statements cited.

In the above quoted sentence, exactly what physical area is meant by the phrase "the Salinas Valley"? Please provide a map with outlines. This is a significant issue: the entire DEIR seems to be confused about water basin boundaries and groundwater supply sources, and the DEIR makes sweeping claims apparently based on the DEIR confusion and inconsistent references. What most people refer to as the Salinas Valley is different from the Salinas Valley basin, or aquifer, but the DEIR does not seem to understand that important distinction. This issue should be clarified throughout the DEIR. See other comments on this topic, as well.

The EIR preparer does not understand the County watersheds and water areas and subareas. The DEIR discussion omits the North County water subareas that are not in the Pajaro basin. Those subareas will not receive any benefit from the SVWP because they are uphill from the Salinas Valley aquifer. Please address in detail, and do not respond with a conclusory reference to another document. The County documentation shows that the SVWP benefit to these areas may be zero. Curtis Weeks has admitted that without a distribution system (unplanned and unfunded), the SVWP will not benefit these areas. The GPU5 growth will exacerbate the existing overdraft in these areas.

As to the Salinas Valley in general, the SVWP will not change the available water supply because the SVWP is not a water supply project. It is a seawater intrusion project. Accordingly, the DEIR claim that "the Salinas Valley Water Project avoids this impact in the Salinas Valley" is incorrect and should be corrected.

The incorrect claim that "the Salinas Valley Water Project avoids this impact in the Salinas Valley" should apply only to the 2030 planning horizon (see the SVWP EIR), but the EIR is vague on this point. The sentence should be clarified.

The discussion omits the Seaside basin, on which thousands of residences and businesses rely. That basin is being overdrafted, and moratoria are in place on development in some subareas. For years, the County has inaccurately predicted and inaccurately analyzed the amount of water demanded by subdivisions, as County records show. Please include, discuss, and explain.

16

1.5.4, p. 1-41

The description of this project is inconsistent and biased. To be consistent with the description of General Plan Initiative Alternative, the description should state that General Plan 4 was "drafted by the County" and that it was placed on the ballot by referendum, and "considered and defeated by voters on the June 2007 ballot."

Table 1-3, p. 1-43

17

The notes should be numbered. The description for GPU4 is "2006 General Plan and adopted General Plan 2006" – what does that mean? The previous page 1-41 states that the GPU4 was adopted by the Board of Supervisors in January 2007.

1.6.1.2, p. 1-45

The DEIR reference to initiatives being "underway or in the planning stages" is overly vague and as a result the analysis is very unclear. For each watershed, please be specific about which "initiatives" are "underway or in the planning stages." Please address whether the initiative is permitted, funded, adopted, subject to legal challenge under CEQA, subject to other regulatory approval, and/or controversial. The DEIR should give an objective estimate of when the "underway" initiatives will be fully operational, and analyze the short term impacts that will occur before that time, and the long-term impacts that will occur if the "planned" initiatives are never operational. These issues are important because this DEIR summary omits critical information and repeatedly misrepresents the state of the County water supplies.

18

The DEIR incorrectly represents the Salinas Valley has enough water to support project growth until 2030. That is true only if the EIR considers mining the water source to be acceptable. The Salinas Valley basin is overdrafted. Merely having water in the aquifer does not mean the supply is sustainable. The EIR should acknowledge Salinas Valley supply is being overdrafted, and the growth will perpetuate or worsen the overdraft. The SVWP will not solve the water supply overdraft, as County Water Resources Agency admits. If you disagree, please be very specific as to your references and provide your analysis.

The DEIR once again is flawed because it omits reference to the North County subareas that are not in the Pajaro basin, and to the Seaside basin. Both these areas

19

are overdrafted, and have significant water supply and/or water quality issues, as County records show.

As to the Pajaro Valley, please describe the planned or active initiatives that “are halting” seawater intrusion. Please be specific as to the status and the funding as of the date of your response.

1.6.1.4

The EIR discussion under 1.4.1 on p. 1-39 is of “more than 5,500 acres of Important Farmland . . . and more than 7,000 acres of Williamson Act farmland” with “overlap.” The numbers stated here are “more than 5,400 acres of Important Farmland and 6,700 acres of Williamson Act land (much of it overlapping).” Please state where each of the numbers came from, how they were calculated, how much of the two categories are overlapping, how many total acres are impacted, clarify which numbers are accurate, and make the DEIR internally consistent. Please state whether “Williamson Act farmland” includes contractually protected agricultural preserve and/or farmland security zone land.

Please explain exactly how the 4,629 lots of record were calculated, and the zoning of those lots, and whether residences can be built on every one of those lots. The numbers look wrong.

The last sentence ends with a comma, and appears to be a partial sentence. Please clarify.

1.6.1.5

The first sentence states that development “would occur in areas that contain sensitive plant and animal species, riparian areas, and wetlands.” Why does the second sentence use the qualified “could” to describe impacts? If those areas are converted, the loss or degradation would be certain. Please correct the DEIR. If you disagree, please explain in detail why development in those sensitive areas would not cause certain loss.

Please describe the research, assumptions, methodology, calculations, and analysis that support the EIR conclusion that the loss or degradation would not be certain. Please also provide the research, assumptions, methodology, calculations, and analysis that support the conclusion that the loss or degradation would be certain.

1.7

The County has a biased and preconceived notion of what happens in the public review process. At this early stage, the County is apparently so certain that the EIR is

acceptable that the County is convinced that the Board of Supervisors will certify the Final EIR. The EIR also reveals that the County is also convinced that the overriding considerations exist and outweigh the significant and unavoidable impacts. This is more continued County arrogance. The County is being very obvious in its disdain for the public review process, and for public comments that may show the GPU5 to be environmentally unacceptable. In fact, the Board may reject the Final EIR and refuse to certify it. The EIR should correct its statements, and state the law under CEQA. The Board has discretion to reject the EIR. The Board may also reject the GPU5 without certifying the EIR. 25

1.8

The County has admitted that the CV Traffic Plan EIR is on hold pending this General Plan DEIR. Jones & Stokes knows that already, because J&S is preparing the CV Traffic Plan EIR. However, J&S failed to list it on page 1-48. Please address and respond in detail. 26

Introduction

2.1.1

Please state the sources relied on for the statement “most general plan EIRs identify significant and unavoidable impacts,” and please list those EIRs. 27

Please see comments above regarding the EIR’s inappropriate and biased presumption that the County will adopt a statement of overriding considerations in order to approve this project. 28

2.1.2

Please describe what is meant by the statement that the County has “an extensive array of . . . lands devoted to mineral extraction.” We are confused by the statement because we are aware of only a small number of such lands, which is very different from the claimed “extensive array.” If there is an “extensive array” it would lead to a different environmental analysis, but without knowing which lands the DEIR refers, we cannot ask informed questions. Please list the lands by site, the acreage of each site, and the mineral(s) being extracted, and recirculate the DEIR. 29

2.1.3

Please tell us which information from the GPU4 Final EIR has been used in this GPU5 EIR. This information is lacking, and is important because it would inform the public as to the currency of this GPU5 analysis and the change in policy and impacts. As to the GPU4 EIR information that was used for this EIR, have all the references 30

been disclosed to the public during this public review period? Please identify where those disclosures are made, or provide them.

30

2.2.1

Please provide the “list of extensive contacts made during the consultation period” for the Draft EIR. The DEIR states that they are available to the public. Please also provide all of the state and local agencies that the County consulted with through the CEQA process. The DEIR states that this information is available. For each agency, please provide the name of agency, the individuals that the County consulted and the information gleaned.

31

Project Description

3.1

Please explain whether unincorporated land in the coastal zone would be subject to the GPU5. This section specifically states that the “2007 General Plan covers all unincorporated portions of the County.” (P. 3-2) Earlier GPU versions included significant updates to the coastal land use plans (p. 3-3). Does GPU5 include any changes to the coastal land use plans? If so, please state the specific changes. The GPU5 indicates that it covers the 12 planning areas (inland and coastal), and three area plans (including plans that include coastal areas).

The GPU5 statement is this:

The County is not amending the Local Coastal Program as part of this 2006 General Plan. The County will review the LCP after adoption of the 2007 General Plan Update. If any of the goals, policies, and standards of the 2006 General Plan are to be incorporated into the LCP, such proposals would be subject to all appropriate public review procedures, including noticed public hearings, separate action by the County Board of Supervisors, and submission of major LCP amendments to the Coastal Commission for certification. (2007 Monterey County General Plan, p. vi.)

32

Why is this discussion not in the DEIR? What implications does the GPU5 two-step approach have? What goals, policies, and standards of the 2007 General Plan have been identified as those that should be incorporated into the LCP? What if the GPU5 is adopted and LCP amendments are necessary, but the Coastal Commission does not certify those amendments? What environmental implications does that have for the coast and for the inland areas? Why does the GPU5 apparently distinguish, as here, between “major amendments” which would be submitted to the CCC, and other

things that might not be “major amendments”? How would the latter changes be implemented?

It appears that the two references in this quoted excerpt to the “2006 General Plan” are incorrect and should refer to the 2007 General Plan. If not, please clarify.

Given “the unique planning considerations” of the coastal zone that “may require different standards and policies than may apply in the non-coastal areas of the County” (GPU5, p. viii), has the County identified any county-wide GPU5 standards or policies that should not apply in the coastal zone? If so, what are they, and where in the coast should they not apply? How does that information affect the environmental analysis? Does the environmental analysis take into consideration the impact on the coastal zones by GPU5, or does the environmental analysis avoid discussion of impacts of GPU5 on the coastal zone? Please be specific, and provide authority for your response.

32

It is misleading for the DEIR to imply that there might not be amendments to the LCP as a result of the GPU5 (e.g., “if any of the goals, policies, and standards of the 2006 General Plan are to be incorporated into the LCP. . .” [Emphasis added]). That is inconsistent with GPU5, which mandates that such amendments “shall” take place. E.g., “To the extent that the Castroville Community Area is located in the coastal zone, that portion of the Community Area shall require an amendment to the Local Coastal Program certified by the California Coastal Commission as part of the Community Plan process.” (GPU5, LU-2.22.) The DEIR should be corrected to present the facts and processes accurately, then the DEIR should be recirculated.

Amendments to the coastal area guidelines are a known and foreseeable future action. They should be addressed in this analysis.

3.2.1

The DEIR makes a confusing statement that the “complexity of the general plan . . . requires that it meet all of the following objectives in order to be effective. . .” Please explain what is meant by that sentence. Assuming it is adopted and implemented, the general plan is presumed to be “effective” no matter what it says or what objectives it does or does not meet. The sentence must mean something else, and we would appreciate a clarification.

33

Please explain how establishing an Agricultural Winery Corridor Plan (AWCP) is necessary to make the general plan effective. If in the future the Board (or the voters by initiative) reject the AWCP as an element of the general plan, but approve the other elements, there would be no AWCP. In that case, the general plan would still be effective, correct, without the AWCP? Please respond in detail, because the issue of project objectives is critical to the analysis of the alternatives and the mitigations.

34

As a general question, what is the authority for the AWCP relative to the General Plan? Please clarify whether the AWCP is the equivalent of an area plan, or an overlay, or something else.

The County proposes to exempt the AWCP development from further CEQA review, once the GPU5 EIR is approved. In order to do that, this EIR must provide a project-level review of the AWCP development. However, there is no such project-level review here. The EIR fails as an informational document. The failure is prejudicial, because it prevents the decision makers and public from understanding the impacts of the AWCP development before that development is approved.

34

3.2.2

If the County's Housing Element is good for 2003-2007, as claimed here, or even 2002-2008, why is the element not being updated now, in 2009? Given the County's current focus on planning, efficiency goals, the importance of inter-relationships of the planning and environmental issues, and the remarkable and ongoing changes to the housing market in 2007-2008, the Housing Element update should be done now, in conjunction with the GPU5.

35

Is there a draft version of the Housing Element update?

Are any amendments to the existing Housing Elements necessary to achieve internal consistency? If so, please explain in detail.

What is the functional difference between the Area Plans and the Master Plans in the GPU5, assuming they will be adopted? The GPU5 states the two Master Plans will be treated differently: The CVMP as the area plan within an area plan, and the Fort Ord Master Plan as a Community plan within the area plan. Please explain all the differences, and the planning and environmental impacts of each.

36

WATER RESOURCES

The DEIR discussion of water resources is entirely inadequate under CEQA. As one example, the DEIR fails to adequately investigate or quantify the demand or the supply, both in the regions and in the County as a whole.

37

Cumulative Impacts

The DEIR fails to identify, include, evaluate or assess water resources impacts on coastal zone, even though it is known that after approval of the General Plan, the County intends to apply to amend LCP to match the General Plan. These cumulative impacts must be included in this EIR analysis.

38

Drought

The EIR fails to investigate and present information as to drought. Drought is a known and regular event in California and in this County. Last week, California officials announced that the state is on the edge of what may be the worse drought in history.

Drought decreases County water supplies, and also increases water demands on those same depleted resources. The EIR should analyze the impacts of GPU5 on drought scenarios: severe yearly drought, and multi-year drought cycles. The analysis should include impacts on water resources, biology, wastewater, land use, and all other appropriate categories.

39

Salinas Valley Water Project

Because the EIR relies on the SVWP to reduce impacts of the GPU5, the EIR should review the effectiveness of the SVWP in drought scenarios. During times of drought, the SVWP would likely have a much lower level of beneficial impacts, to the extent the SVWP has any beneficial impacts at all. Drought impacts water supplies in several ways. For example, lower precipitation levels directly reduce the amount of recharge to the aquifers. In some North County subbasins, rainfall is the only recharge to the aquifers. In the Salinas Valley, rainfall both recharges the aquifers and refills the reservoirs. Lower precipitation means less water in the reservoirs, which means less water to release into the Salinas River. In the Salinas Valley, approximately half of the total basin recharge is from stream recharge. The EIR should investigate and report the impacts of a multi-year drought on the ability of the County to obtain the projected results from the SVWP, and whether the SVWP would have sufficient stored water to meet the instream Salinas River flows required by the resource agencies.

As to any expansion of the SVWP system, the 2001 SVWP EIR estimates the expansion as over \$40 million. There is no funding and no design or planning of an expansion. To put the \$40 million figure in context, the SVWP *project* costs are approximately three times the original 2001 estimate, even after significant reductions in project scope due to cost concerns. Using that as a guide, that would put the cost of expansion at \$120 million, after undefined reductions to the scope (and therefore effects) of the expansion.

40

To the extent that the EIR asserts that North County basins are in the Salinas basin and therefore benefit from the SVWP, please specify the source(s) and page(s) for that assertion. That assertion is not supported by the technical information in the County's possession. Highlands North and Granite Ridge are upland from the Salinas Valley basin. Their water sources are limited aquifers that are recharged by rainfall. The Salinas Valley aquifer does not provide water to those higher-elevation subbasins.

In response, to the extent the EIR points to statements in the SVWP EIR, the Montgomery Watson report, or other SVWP reports, please be specific, and investigate the source for the statements. The SVWP EIR and the Montgomery Watson report made conclusory statements about how the North County received a "benefit" but there was no reasonable explanation, and no supporting technical data from North County. The claim that North County received a "benefit" from operation of the reservoirs or similar river-related activities was designed to support the effort to expand the claimed "zone of benefit" for Proposition 218 (tax funding) purposes. By including North County in the SVWP funding zone, the County was able to assess North County property owners at the highest tax rate, and to bring in a huge amount of funding for the SVWP. In other words, the County had an incentive to claim that North County received some (but possibly zero) benefit from the Salinas River, and to overlook the lack of technical data supporting the claim. To the extent that you rely on maps of purported "zones of benefit" in your response, please make sure the map is legible, and the boundaries of the "zones" clearly defined relative to the boundaries of the North County subbasins.

The Montgomery Watson report's assertion that some North County areas received a "0-5%" benefit from the operation of the reservoirs is unreliable because the report did not cite to any data that supported that conclusion. Our Office has performed extensive research of all the SVWP files available at the MCWRA. The data underlying the report did not include any wells in the North County area. That omission means that there was no technical data to support a conclusion that the North County area benefitted from the operation of the reservoirs. That unsupported conclusion was, in turn, the basis for the conclusion that the SVWP would provide a benefit to the North County area. Please investigate whether the North County would receive any benefit from the SVWP, and describe the steps and results of your analysis. To the extent that the EIR preparer relies on the "0-5%" conclusion of Montgomery Watson, please evaluate the possibility that the impact is 0%, and please quantify what a "0-5%" benefit actually means to the North County aquifers.

To the extent that mitigations or impacts are evaluated based upon the presence of the Salinas Valley Water Project, please discuss whether Proposition 218 has been complied with in regard to all pertinent aspects of that Project, and whether any of the voter approval provisions of California law and the California Constitution affect in any way the feasibility, effectiveness, or applicability of the SVWP under this DEIR.

The EIR should analyze the consistency of the GPU5 with the policies adopted in the SVWP EIR. For example, the SVWP EIR (p. 3-86) included the following statement adopted by the County:

The MCWRA will work with Monterey County and the cities and communities within the County to encourage maximum use of water conservation practices in new development,

including the use of ultra low-flow water fixtures and drought-tolerant/low water demanding landscaping.

The County requires some compliance with these goals at project approval, but rarely enforces them after the conditions of approval have been signed off. To carry out the policies of the County, the EIR should consider a mitigation that requires deed restrictions on all new development requiring the use of ultra low-flow water fixtures (including toilets, showerheads, dishwashers, and washing machines) and drought-tolerant/low water demanding landscaping.

The EIR fails to analyze the GPU5 policies relative to the SVWP EIR concerns about the growth-inducing impacts of the SVWP that would cause increased development. The County then adopted the policy (SVWP EIR at p. 3-86) that the County “should aggressively implement general plan policies and other zoning ordinances and programs that result in reducing potential environmental impacts, including impacts to agriculture [and] water use. . . . These are reasonable requests that would help reduce potential impacts from land use conversion.” The concerns about increased development and land use conversion are borne out by the proposed GPU5 policies that induce such development and at the same time rely on the SVWP as mitigation for the development’s increased water demands. Please investigate, analyze, and respond.

40

The SVWP is intended to relieve additional seawater intrusion. The SVWP does not provide additional sustainable supply. The Salinas Valley is being overpumped to the tune of tens of thousands of acre feet. In order to create additional (new) water for development, the County first must reduce pumping to a sustainable level, or create new water or conserve water so that the pumping level becomes sustainable. Sustainable means that the basin is in balance: the amount being pumped does not exceed the amount of recharge. The SVWP does not provide sufficient new water to bring the basin into balance. The DEIR repeatedly and incorrectly claims that the SVWP will provide “new water for new development.” (See, e.g., p. 4.3-1.) Please respond in detail, and provide the specific citations (reference names and pages) that you rely on.

As to the Monterey Peninsula, the DEIR is inaccurate, and makes unsupported assumptions. The assumption that “the Cal Am seawater desalination plant is permitted and operational by 2015 as currently expected” is not reasonable. The Draft EIR has not even been released for that project, which is expected to be very controversial and have significant impacts. Those impacts are not identified or considered in this GPU5 DEIR. Further, the basis for the assumption is not provided. Further, the Cal Am plant is intended to provide water to relieve Order 95-10 as against Cal Am’s pumping from the Carmel River. The plant would not provide water for growth for the County or for the cities. If you disagree, please be specific, and cite to supporting documents and pages thereof.

41

The Open Monterey Project – Comments on Draft EIR for GPU5
 February 2, 2009
 Page 18

Please provide all support, including investigation and quantified detailed amount of supply and demand, to support the DEIR claim that “supply on the Monterey Peninsula will be adequate to meet current demand.” (p. 4.3-1) 41

The DEIR also fails to identify and adequately address the pending draft cease and desist order (CDO) from the State Water Resources Control Board, or the impacts of the expected final CDO.

There is no evidence that the SVWP will “halt seawater intrusion” with certainty. That is the intent, but the results are uncertain. The DEIR should not rely on the SVWP halting seawater intrusion at any particular time, because the SVWP is not built, not operational, and not fully funded. In the meantime, the current conditions are that seawater intrusion is increasing. The SVWP EIR states that the benefits of the SVWP will not occur until the entire SVWP is fully operational. That will be many years away, if ever. As the description of the SVWP on p. 4.3-9 shows, the SVWP is not a water supply project. 42

The Seaside Area groundwater subbasin does not drain to the Salinas River to the north. The DEIR provides no citation for this claim at page 4.3-10. The Seaside Area drains into the Monterey Bay at a location much farther south than the Salinas River. 43

The discussion of North County watersheds (P. 4.3-14 to -16) is fatally flawed because it fails to mention that all five subareas are in severe and pervasive overdraft, as documented by Fugro in 1995, and there are no projects to address the overdraft. 44

Granite Ridge is outside the PVWMA jurisdictional boundary. Please describe in detail what actions the PVWMA is taking about Granite Ridge, as the DEIR claims. 45

The discussion of the Salinas Valley watershed and the North County areas fail to adequately disclose the extent and severity of seawater intrusion, so the description of current conditions is inadequate. This information and maps are available at the MCWRA, and should be included. 46

The discussions of the current conditions in each watershed should include known pumping, known capacity, known recharge, and a discussion and quantification of sustainability. The DEIR does not provide this information, although much of it is available and in County files. As provided, the DEIR (4.3.3.2.2) is inconsistent in its treatment and discussion of each watershed. 47

The DEIR fails to assess existing entitlements, overlying users' rights and riparian users' rights. The DEIR fails to identify or discuss the problems of the Fort Ord water supply, especially in light of the proposed Fort Ord development in GPU5. 48

The DEIR should consider mitigations that require better agricultural management practices for all agricultural operations, specifically mitigations designed to reduce erosion and sedimentation impacts. (P. 4.3-21.)

48

The DEIR should consider mitigations that require all irrigation ditches to be lined, to decrease the impacts of those ditches on erosion and sedimentation, and decrease the County costs of maintenance. (P. 4.3-21.)

The DEIR discussion of Carmel Valley should address the increasing numbers of vineyards in the Valley, and the moving around of large amounts of dirt without permits. The County currently does not require a permit for the dumping of dirt. Examples of this are the County's failure to require disclosure of receiving sites for graded materials, and the County records regarding the multiple dirt piles in the mouth of the Valley, including in the flood plain.

49

As to Nitrate contamination, the DEIR should consider a mitigation that prohibits the use of synthetic fertilizers that contain nitrogen that in turn breaks down to nitrate (see p. 4.3-22). An alternative mitigation would be to require a steady reduction of use of synthetic fertilizers to a specific amount that is less each year, with a mandatory zero use by the end of the 10th year. These mitigations would reduce the impact of increased agriculture, and would have significant benefits to the watershed, the habitat, and wildlife that depends on the water including endangered fish.

50

Please identify the four subbasins of the Carmel River in which subdivisions are prohibited, and provide the specific reference and page for that claim (p. 4.3-24). The DEIR fails to provide a reference citation, as it fails to do for the majority of its statements.

51

For the discussion of North County at page 4.3-25, please identify exactly which watersheds, subbasins are included. Please identify any that are excluded. Because the DEIR refers to North County inconsistently, it is important to determine what the DEIR means here. The DEIR should disclose the number of known wells in North County that are not part of a known water system, and the water quality in those wells. Why was that information not included?

52

The current maps of seawater intrusion should be included in the DEIR. They are prepared by the MCWRA and in the County's possession. The maps (see Exhibits 4.3.9, 4.3.11) date from before 2004, according to its legend. That is not only sloppy, under CEQA it is a failure to disclose pertinent information about current on-the-ground conditions.

53

Please explain the DEIR statement that seawater intrusion "may be reversed to some degree" (p. 4.3-25). Please be specific. This claim is not consistent with general

54

scientific understanding. Please provide your specific references, including page citations.

54

Exhibit 4.3.8 is very out of date, and shows 1998 nitrate contamination. The EIR preparer has an obligation to investigate and seek out current information.

55

Exhibit 4.2.10 is unclear what it means or what data it contains. Please explain the title "Water intrusion at 400-Foot Aquifer, Salinas Valley Groundwater Basin."

There is no DEIR map or exhibit that shows the seawater intrusion in the 400-foot aquifer.

56

Table 4.3-3 is outdated and inadequate. The data is from 1999, which is ten years ago. Please update and provide current numbers, and base your revised analysis on the current data.

Please investigate and discuss how many wells are in the Deep Zone (p. 4.3-26), who owns/controls those wells, who is consuming that water, and how much water is being withdrawn yearly from the Deep Zone. Also, what are the GPU5 policies as to the Deep Zone? The current pumping from the Deep Zone should be identified as an unsustainable and irreversible commitment of resources under CEQA.

To reduce unsustainable pumping of a very limited and irreplaceable resource, the DEIR should consider a mitigation prohibiting all new wells in the Deep Zone. The DEIR should also consider a mitigation limiting and reducing to zero the pumping of the Deep Zone over time.

57

The DEIR's environmental description of water resources fails to describe the Deep Zone. Please correct.

The DEIR inappropriately relies on a 1998 EIR prepared by Jones & Stokes, the same EIR preparer for this GPU5 DEIR. Jones & Stokes has an obligation to seek out and disclose the current information, and should not rely on its own 11-year old report that in turn relied on much earlier data. The DEIR should make a reasonable effort to determine whether there is evidence of seawater intrusion in the Carmel River aquifer.

58

Please describe what the DEIR means by "substantial seawater intrusion problems" (p. 4.3-27). That is a conclusory unsupported statement. It also fails to define "substantial" which may not have the same meaning as "significant" under CEQA. The existence of any seawater intrusion should be disclosed, because the Seaside Basin is being overpumped at an unsustainable level.

59

The DEIR should give the Seaside basin its own heading, and not incorrectly lump it together with the Carmel River watershed (p. 4.3-27). This is another example

of why each section needs a table of contents listing all headings and subheadings and page numbers, and each subheading needs a numeric reference. 59

The reference to Exhibit 4.3.8 is incorrect (p. 4.3-27), and should be to another exhibit. 60

The discussion at 4.3.-27 of seawater intrusion of North County watersheds is inadequate because it ignores the seawater intrusion at Highlands South, and fails to discuss the magnitude of the problem. The discussion also fails to discuss the rate of seawater intrusion, and what is currently known about its severity, from County records. 61

Exhibit 4.3.11 “Seawater Intrusion at North County Groundwater Subareas” fails as an informational document because it does not show the groundwater subareas. Further, the information on it is outdated because it is from 1993, and the seawater graphics are wrong because they are inconsistent with current data and with the information on Exhibit 4.3.9 (which is itself outdated). 61

What and where is the “SR 168 corridor” described on p. 4.3-28? 62

The discussion of arsenic contamination at the top of page 4.3-28 is outdated because it addresses, as if happening in the future, a standard that took effect January 23, 2006, over three years ago (See “water systems . . . must comply with this standard as of January 23, 2006. Individual private and certain small water systems may not be able to achieve these standards . . .”). This is another example of where the DEIR fails to reveal when the EIR preparer did not do current investigation, but instead copied language verbatim from an old EIR or environmental report and pretended like it was applicable in 2009, without disclosing that the investigation was not current or that the language was plagiarized. The current situation should be investigated, and whether private and small water systems have been able to meet the standards should be disclosed, and if not, the challenges and obstacles should be disclosed and addressed. 63

What is the implication of the Fort Ord groundwater contamination for potable water supplies? Are there any wells near the contaminated areas, and if so, who do the wells supply, and what magnitude is the current and reasonably anticipated future demand? Please investigate and explain. 64

4.3.2.4

Please describe what the DEIR means by “available water supply.” Do you include all wet water? Do you include contaminated water? Do you consider an overpumped aquifer which still has plenty of water but is being pumped more than is being recharged, is that an “available water supply”? The DEIR should correct its misleading language, and clarify when it means merely “available” as in “present,” or “available” as in “not in overdraft, and can be pumped without creating or increasing an 65

overdraft.” These are critical differences in meaning, but the DEIR terms do not address these issues, or use terms precisely. The DEIR’s vagueness here and throughout the DEIR is an pervasive problem.

65

The DEIR claims as follows (at p. 4.3-28 and 29):

For management purposes, the long-term objective is to ensure that these two variables are held in balance, and that demand does not exceed supply for a prolonged period.

Who made the decision that this is a long term objective? Whose objective is it? Why is the source, date, and page of the reference citation not provided? Further, how was this objective selected over other more environmentally sensitive objectives? What other objectives were considered, before this one was chosen? What does "in balance" mean? If it means anything other than "equally in balance" please quantify your response in objective, measurable terms. What does "demand" mean? What does "supply" mean? If it means anything other than "recharge" please quantify your response in objective, measurable terms. What does "a prolonged period" mean? Who defined this term? Please define in objective, measurable terms. Because this "management objective" is critical to the GPU5 and the EIR analysis, clear and reviewable definitions are essential. As it is, the EIR analysis relies upon this objective without explanation of its meaning or a definition of key terms. Because the meaning is unexplained and undefined, the EIR analysis is subjective, and the EIR fails to meet the informational mandate of CEQA.

66

Was the following objective considered:

For management purposes, the short-term and long-term objectives are to ensure that these two variables are held in equal balance, and that pumping of an aquifer does not ever exceed safe yield, defined as objectively measurable recharge to that aquifer.

If not, why not? That is a much more reasonable objective, with fewer impacts. What are the impacts of choosing this objective (immediately above) over the one cited in the DEIR? Where does the DEIR analyze the impacts of choosing the objective in the DEIR? Please describe in full.

Does Marina Coast Water District have authority over water resources or water management issues? Please be specific. The DEIR places MCWD in the discussion of "Agencies that manage water resources" but then describes it solely as a water supplier (p. 4.3-29). Please explain. There are hundreds of water suppliers in the County, but those are different from water resource managers. Does MCWD regulate private and public water suppliers?

67

Please identify and map the "imported surface water supplies" that are a source of water for the County. Please be specific. This is new information, but there is no supporting citation or reference. Other County documents state that no water is imported into the County. Please address this inconsistency.

68

The DEIR reference to Exhibit 4.3.7 for its claim that "several smaller groundwater basins" is inaccurate, because the exhibit shows only the north county subbasins, and does not show others such as the Seaside or El Toro Creek watersheds, although the DEIR specifically mentioned them earlier. Please correct and explain.

69

The discussion at page 4.3-30 regarding the 1982 General Plan goals, policies and objectives sounds eerily like the meaningless and ineffective platitudes and placebos presented in the 2007 General Plan and the proposed mitigations in this DEIR. The County did not get it right in the 1982 plan, and there is nothing that inspires any confidence that the 2007 Plan (and this weak DEIR) will be any better. Please explain why the public should once again place its confidence when it is not deserved.

70

Please quantify exactly what "progress has been made by MCWRA, MPWMD, and PVWMA in halting the rate of groundwater level decline and seawater intrusion." (P. 4.3-30.) The progress has been mostly on paper, and very little in reality. Please focus your response in quantifying actual on-the-ground verifiable results in the water supply.

71

The DEIR statement that "these issues remain a significant challenge to sustainable growth based on the goal of a sustainable groundwater supply" (p. 4.3-30) is a huge understatement. Please explain whether you use the term "sustainable growth" as distinct from "sustainable groundwater supply."

72

Why are the water suppliers for the five Community Areas given special attention in Table 4.3-4? Please explain why those areas are called out.

73

As to Table 4.3-4, how much of the Fort Ord Area will be supplied from Seaside and how much from Corral de Tierra? Please address whether the Seaside Basin adjudication affected the reliance on this future supply, and if so, how.

74

The reference to MPWMD appears to be incorrectly stated. Also, please explain how the Fort Ord Reuse Authority is a management authority when it is not listed in the DEIR's preceding list of County water resource managers.

75

The DEIR implies that the MCWD's desalination plant is operating. Please clarify the status and the current production, and a description of challenges and obstacles.

76

The DEIR's claim at page 4.3-32 that one new AHO (Reservation Road/Hwy 68) will be established in the Salinas Valley watershed is inconsistent with its claim elsewhere that the Seaside Basin is in the Salinas Valley watershed. In which basin is the Monterey Airport AHO located?

77

The DEIR's affirmative claims about the Toro watershed are inconsistent with MCWRA documents that should show a large amount of scientific uncertainty around the relationship of the Toro watershed to the Salinas Valley basin. Please investigate and address, and explain how it affects your analysis. Please disclose your investigative efforts and steps.

78

Does the Deep Zone start at 2,000 feet below land surface? The DEIR states the location ambiguously at page 4.3-32.

79

At the time of your response, is the 2005 extraction data the most recent available for the Salinas Valley? The EIR preparer has a duty to seek out and investigate and disclose the most current data.

80

As to Table 4.3-5, please correlate extraction data with rainfall, to provide perspective for the variations.

81

What is the "180-Foot/400-Foot Subarea north of Salinas" (p. 4.3-33)? That is not an accepted or commonly used subarea name. Please explain, and provide a map of its geographic boundary. The SVWP EIR (e.g., Figure 3.2) refers to the areas north of Salinas as "East Side" and south of Salinas as "Pressure."

82

The DEIR repeatedly incorrectly calls this aquifer "100-Foot/400-Foot" (the third or fourth such error in this chapter is at p. 4.3-38). Please correct the errors.

83

When did the MCWRP become fully operational? The DEIR omits this important information, which is important to show the reliability of the data. The cited rate of seawater intrusion dates from 2001, and is based on data from before 2001. What is the most current available information about seawater intrusion? Where is it worse, where has it improved? How is the rate measured? Please explain.

84

Why does the DEIR state that a figure will be used "as a baseline in this SEIR" (p. 4.3-33). Baseline for what? The use of the term baseline, as well as the incorrect reference to SEIR, appears to be another example of plagiarism, when the DEIR preparer lifted another document's language wholesale, without attribution or citation.

85

The bottom paragraph on page 4.3-33 states:

MCWRA indicates that without the SVWP and the associated development of additional water supplies to

86

The Open Monterey Project – Comments on Draft EIR for GPU5
 February 2, 2009
 Page 25

augment existing groundwater supplies, both existing and future water needs (year 2030 and buildout) would result in further basin overdraft and seawater intrusion. The technical background reports incorporated by reference into the Draft Environmental Impact Report/Environmental Impact Statement for the Salinas Valley Water Project (Monterey County Water Resources Agency 2001a) demonstrate that basin overdraft, if left unchanged, is estimated to produce approximately 10,300 AFY of seawater intrusion and 14,000 AFY of storage depletion in 2030.

The first sentence of this paragraph is misleading because it implies that the MCWRA has developed “associated additional water supplies,” which it has not.

86

The information in the second sentence as to 10,300 AFY is inconsistent with the information in the first paragraph on page 4.3-33 that the annual rate of seawater intrusion in 2001 was 8,900 AFY. Both references cite to MCWRA 2001a. Please identify to which specific “technical background reports” this DEIR refers, including chapter and page citations. At 10,300 AFY, in 2030 is the amount of seawater intrusion 10,300 AFY x 30 years = 309,000 AF? Does that mean 309,000 AF of the Salinas Basin capacity would be lost to seawater? If not, please explain.

Please explain what is meant by “storage depletion” in the last sentence. How does “storage depletion” relate to capacity? How does it relate to availability of potable water? How does it relate to unsustainable pumping (i.e., pumping in excess of natural recharge)?

The DEIR makes the conclusory statement that the project “remains valid” when a 2007 baseline is substituted (page 4.3-34). Please show your calculations to support your conclusion. Further, please show your “2007 baseline” which is not disclosed. Please update all figures in all charts and tables to reflect the most current data available.

87

Table 4.3-6 data is inconsistent with the information on Table 4.3-5. Please explain. For example, Table 4.3-5 shows 1995 pumping (agricultural and urban combined) as 504,512 AF, Table 4.3-6 shows 1995 pumping at 463,000 AF. Please review each figure in the tables for accuracy. What is meant by the figure for “Basin Overdraft does not include Seawater Intrusion”? What does that mean, and how is it calculated? Why is seawater intrusion not included, because it is a direct result of basin overdraft?

88

What are the specific reasons and assumptions behind MCWRA’s projection for a decrease in annual groundwater agricultural pumping to 358,000 by 2030 (p. 4.3-34)?

89

Please explain in detail the specific reasons and assumptions behind MCWRA's projection for an increase in annual groundwater urban pumping to 85,000 by 2030 (p. 4.3-34)?

89

Please explain the last sentence on page 4.3-34 about the CSIP providing for injection into the groundwater aquifer. Please direct us to a project description of CSIP in the DEIR that includes injection.

90

Please explain what is meant by the delivery of "an additional 14,300 AF of SVWP water . . . outside the CSIP" (p. 4.3-35)? What does it mean to refer to SVWP water outside the CSIP? Please provide specific examples, and describe whether there is the storage or holding capacity for 14,300 AF, how and where it would be delivered, and to whom.

91

While no new planning areas are planned for El Toro Creek basin, is not the Fort Ord/Hwy. 68/Reservation Rd. AHO in the area that would receive water from the El Toro watershed? Is the term "El Toro Creek basin" new? The SVWP EIR referred to the same area as the "Corral de Tierra area". Please explain, and show any differences on a map.

92

What is the support for the statement that "increase withdrawals in these [overdrafted] areas would result in significant impacts" (p. 4.3-35)? Please be specific in your response, either to policy, law, or CEQA thresholds applicable to Monterey County. Please provide the name of the reference document(s) and page citations.

93

In some places the DEIR refers to Seaside as subbasin and in others as a basin (as here, p. 4.3-35). Please explain which term is accurate, what the difference is, and correct the incorrect terms and the map (see e.g., Exhibit 4.3.3).

94

Why is Monterey not included in the list of incorporated cities in which the Seaside Area groundwater basin is located?

95

What does the last sentence on p. 4.3-35 mean? It states:

However, inter-basin transfers of water that may be needed to meet the demands of the 2007 General Plan in neighboring basins would impact the water supply.

Which water supply? Which interbasin transfers, to be specific? What would the impacts be? If the interbasin transfers may be needed, then the impacts and cumulative effects should be investigated and analyzed now. The Monterey area currently gets water from the Carmel watershed, but that watershed is under a SWRCB Order and a pending CDO. That source does not seem a likely source of water.

96

The Open Monterey Project – Comments on Draft EIR for GPU5
 February 2, 2009
 Page 27

What is the significance of the “basinwide average annual storage depletion” figure? (P. 4.3-36.) How does that figure relate to the annual recharge, and to sustainable yield?

97

The DEIR should not use misleading terms. The MCWRA projects that are intended to “reverse the long-term trend of seawater intrusion and groundwater declines in the Salinas Basin” really will only decrease the rate of intrusion and decrease the rate of decline – it will not reverse seawater intrusion or reverse the decline. The DEIR repeats this misleading description in multiple places (e.g., p. 4.3-37).

98

As to the CSIP, has the CSIP allowed groundwater levels in the 180/400 foot aquifers to recover? Please provide quantified information as to levels from the 1998 CSIP completion to present day.

99

Please describe what is meant by the statement “reverse the landward groundwater gradient” (p. 4.3-37). The statement is confusing.

100

The statement that “studies have established that the primary solution for controlling seawater intrusion and overdraft in the Salinas Valley is by relieving pumping stresses in the aquifers in the 100-Foot/400-Foot and East Side Subareas” is a platitude. It is obvious that a way to control overdraft of the aquifer is to stop pumping the aquifer. The County went for a solution that involves more infrastructure, rather than better management practices, conservation, uses, reuse, and sustainability, all of which would have “relieved pumping stresses in the aquifers,” as well.

101

What is meant by the “SVWP project delivery area” (p. 4.3-37)? It is unclear what this term means. Please be specific, cite the reference pages relied upon, and show the area on a map. Because the EIR analysis relies so heavily on the SVWP, this information should be accurately described.

102

What is meant exactly by the SVWP goal of “providing adequate water supply to meet existing and future (2030) water demand on a sustainable basis”? The goal is not to stop the overpumping. Please define the terms “adequate water supply” and “sustainable basis,” as used here. The SVWP effects are small components in a basin that will continue to be overdrafted. What is “adequate” or “sustainable” about that?

103

The SVWP does not provide a new supply for new demands. It merely tries to mitigate the results (seawater intrusion, agriculture needs during summer) of the existing overpumping. Please confirm. If you disagree, please provide specific references and pages that support your assertions.

Please provide a specific page reference for the DEIR statement that “Changes in the Nacimiento and San Antonio Dam operations under the SVWP will allow for

104

planned releases to recharge into the Salinas Valley groundwater basin (Monterey County Water Resources Agency 2008a)."

104

What is the reference for the statement that the SVWP is not "sufficient to meet water demand through the year 2030" (p. 4.3-38)? Please provide the page and citation. Water demand now and through 2030 is and will be unsustainable, with or without the SVWP. Why suggest that the SVWP changes that? Please be specific in your response, and provide quantified responses and specific page/citations in support.

105

The DEIR variously claims that the SVWP will "reverse the trend" of seawater intrusion and that the SVWP will "halt seawater intrusion" entirely. In fact, the County documents show that at best seawater intrusion will be slowed by SVWP, with no other components. No other components are planned or funded at this time. Please respond.

106

What is meant by the statement at page 4.3-38 that "With the SVWP, benefits would be distributed more uniformly throughout the Salinas Valley." What benefits, and what does "more uniformly" mean exactly? Please show the claimed benefits on a map, give examples of benefits, and provide specific support for your response. This sentence conflicts with the one preceding it.

107

There is no expanded distribution system or expanded deliveries either planned or funded. See p. 4.3-38. Please address this obstacles. The SVWP cost three times more than planned, even after it was severely cut back due to financial concerns. And the project cost does not include the high costs of the two successful legal challenges to the Prop. 218 funding mechanism.

There is strong evidence that there will be organized resistance to further projects due to the cost. Under the County's approach, the coastal water users are paying far more than agricultural users, although agricultural use is the primary cause of seawater intrusion and overdraft.

108

Exactly what would an "expanded distribution system and expanded deliveries" look like? Please explain in detail, including showing on a map and describing from an infrastructure standpoint.

The restoration of the low flows in the river during the summer season is to provide water for agricultural use, and because the resource agencies required it as a condition/mitigation for the SVWP. It is questionable whether the reservoirs have sufficient storage and water available for the flows required by the resource agencies over time. Please quantify and respond in detail.

109

It is misleading for the DEIR to claim on page 4.3-38 that

110

The CSIP and SVWP, along with increased urban and agricultural water conservation efforts, are expected to help bring the Salinas River basin into hydrologic balance.

Hydrologic balance means the same amount of extraction as recharge, correct? Each of these four efforts are expected to contribute some small amount to the effort, but as planned to date all four efforts combined will fall far short of the goal: balance. Please respond. If you disagree, please quantify the amount of imbalance, the expected gain to the aquifer of CSIP and SVWP, and the specific urban and agricultural conservation efforts that you claim will result in hydrologic balance. There is no adopted or even firm plan to achieve balance, and no funding for anything beyond what is currently being built.

110

The DEIR should admit that hydrologic balance will take far more work and hard decisions and major funding, which in these times are unlikely to happen soon.

As to the Carmel River Watershed, why is the proposed Special Treatment Area at the mouth of Carmel Valley not mentioned, or the one in Carmel Valley Village? They would place new demand on the overpumped aquifer. The EIR preparer, Jones & Stokes, is familiar with the mouth project because it has already prepared a Draft EIR on the proposed Rancho Canada Village project; that DEIR was rejected by the applicant as inadequate under CEQA.

111

Cal Am does not "provide water to the MPWMD" as the DEIR claims (p. 4.3-38).

112

What is the AF storage in the Carmel River alluvial aquifer? The DEIR describes it as "small" without quantifying it. What is the safe yield of the aquifer?

113

As to the Coastal Water Project (p. 4.3-40), please describe how much of the proposed 11,730 AFY would go to urban users, and how much would be injected into the Seaside basin? Would that injection affect the Seaside basin adjudication, or the available water to users or pumpers?

114

Of the 11,730, how much would go to offset the Order 95-10, and how much would be available for growth (new development), and would that growth be in the cities or in the County (and therefore subject to the proposed general plan)? Please quantify your responses.

The DEIR is incorrect in its description of the North County planning area. That area includes two North County subbasins that are not part of the east side subarea (Highlands South, Granite Ridge). As you can tell from the names (ridge, highlands), the land is of higher elevation and not part of an alluvial aquifer, like the Salinas basin. The ridge and highlands have water supplies that are upland aquifers. Those upland aquifers in turn shed water to lower levels, such as the Salinas Valley aquifer.

115

The Open Monterey Project – Comments on Draft EIR for GPU5
 February 2, 2009
 Page 30

Highlands South and Granite Ridge do not get their groundwater from the Salinas Basin or the Salinas River. They will not benefit from the SVWP.

The MCWRA has repeatedly represented that the SVWP will benefit the North County area because the SVWP will presumably increase the Salinas Valley aquifer, which means that less water will run off the uplands aquifers into the Salinas Valley aquifer. Please investigate these statements, which are not supported by technical data. What is the height of the North County aquifers relative to the Salinas Valley Aquifer? Where are the boundaries between the aquifers, and how are those boundaries determined? How many feet higher would the Salinas Valley Aquifer have to rise up in order to affect the runoff from the North County aquifers? When, if ever, will that happen as a result of the SVWP that is underway, and how would that be objectively determined? In your response, please do not rely on conclusory statements. Please support your response with specific references to technical reports and data.

115

The DEIR should not lift its information from a 2004 draft EIR that was never adopted (p. 4.3-41). The information it repeats from that document is outdated: "Normeo" does not exist any more in North County; other large systems do.

116

How many of the 40% of parcels in North County are served by private wells? How many are undeveloped? This information is important because of the proposed policies in the GPU5 for North County.

117

What does the DEIR mean by the claim that North County has "relatively low precipitation compares to some of the highland areas"? Please be specific, and provide examples of ranges of precipitation in different areas.

118

The information at the bottom of page 4.3-41 and all of page 4.3-42 is very out of date. PVWMA is not exploring importation from the Central Valley Project, which, by the way, has no water to spare. PVWMA is exploring bankruptcy instead.

119

What is the current status of the Phase 1 and Phase 2 of the pipeline from the Watsonville Area Water Recycling project? What is the water delivery rate for each region? According to the DEIR, Phase 2 was to be completed 8 months ago.

120

Why is the discussion on Pajaro Sunny Mesa CSD placed under Pajaro, and not North County in general?

121

What is meant by the category "other North County"? Is this supposed to mean the subareas in Monterey County that are not in the Pajaro watershed? The first paragraph indicates that is the intention. But the second paragraph goes astray by discussing the Rancho Roberto subdivision, which is located in the Pajaro watershed. Does the FEIR address all of North County recharge column, or specific subareas, or one or both of the watersheds? The inclusion of this information is confusing and

122

The Open Monterey Project – Comments on Draft EIR for GPU5
 February 2, 2009
 Page 31

misleading. There is no page citation to the FEIR as required under CEQA, so it is very difficult for the public to determine this information on its own. Further, the huge cited range of recharge volume – from 5500 AFY to 9275 AFY -- and questionable in its usefulness to this DEIR, especially without knowing the boundaries involved. Please explain and rewrite.

122

What is meant by the last sentence on page 4.3-43 – is it that the 1982 Plan would exceed the amount of development allowed by the proposed GPU5? The word “overstate” is unclear.

123

As to Table 4.3-7 on page 4.3-44, what are the most current figures available?

124

The DEIR fails to mention the current and ongoing County moratorium on development in the Carmel Highlands due to water quality concerns.

125

Is the definition of “safe yield” on page 4.3-45 the same as, consistent with, or inconsistent with “sustainable yield”? The provided definition -- “the annual draft of water that can be withdrawn without producing some undesirable result” -- is decidedly subjective, and is not a workable standard under CEQA. From where did this definition come? Please be specific, and provide page citations. Who decides what is “undesirable,” or when it becomes undesirable? Safe yield is typically defined as consistent with sustainable yield. Please discuss and respond. Note the Seaside Basin adjudication use and application of “safe yield.”

126

Please define “water budget” as used here.

127

As to 4.3.2.5 Carmel River Conflicts, Cal Am did not file an adjudication action in response to the SWRCB order. It filed it as a pre-emptive strike against the MPWMD, which was attempting to facilitate a cooperative approach by all pumpers to alleviate the overpumping of the Seaside Basin, which the MPWMD had identified as a concern in the early 2000s.

128

As to page 4.3-63, Alco’s authority over water has changed in recent years due to its bankruptcy filing and other issues. Please confirm whether the DEIR statement is still accurate.

129

The discussion on 4.3-48 and 4.3-88 appears to have been copied wholesale from another document. The mere recitation of facts does not provide perspective or guidance, and the purpose or use of these 40 pages is not clear. Please explain.

130

It would have been far more helpful if the DEIR had spent only 10 pages doing a side-by-side comparison of the water resource policies of the 1982 General Plan and the proposed GPU5. As it is, the reader is left wondering why the extensive discussion

131

of current County ordinances, which can be changed if they are inconsistent with the new Plan.

131

As to each of the County ordinances and regulations cited on these 40 pages, please explain whether it is consistent with or inconsistent with the GPU5 policies or goals, and if so, how. Will the 1982 grading policies change under the GPU5, and if so, how? Will Chapter 15, or 16 or Chapter 19 have to be amended to reflect GPU5 policies? Will Chapter 20 or Chapter 21 have to be amended? If so, how and why? For each code section, please show the current language, as well as the likely post-GPU5 language, and identify the GPU5 policies and goals (by number and page) that apply to the topic.

132

Also identify the proposed mitigations that would apply to that topic.

133

4.3.4 Project Impacts

Who determined that these criteria would be used for determining the significance of impacts to water resources? The Board of Supervisors has not adopted these standards, we believe. What other criteria were considered? In recent and pending EIRs, the County has used various different criteria for determining the significance of impacts related to water resources. Why are the County EIR standards not constant? What are the impacts of customizing different thresholds on a per-project basis, instead of a County-wide standard? Please address in general, and specifically as to water resources, if your response is different for that. Given the serious condition of our County's water supplies, and the significant unavoidable impacts of this project on water, the standards used to evaluate the impacts are critical, and shape the analysis.

134

4.3.4.2 Impact Analysis

Why does the discussion of water quality degradation ignore the impacts of special treatment areas? (See, e.g., third paragraph of 4.3-91.) The development of those areas is foreseeable, and in at least one instance known first-hand by the EIR preparer (Jones & Stokes prepared the Draft EIR for the subdivision proposed for the STA at the mouth of Carmel Valley.)

135

The discussion of water quality degradation inadequately addresses the impacts of groundwater quality on habitats and special status species. The same problem recurs elsewhere in the DEIR discussion of water quality issues.

136

It appears that the Impact WR-1 does not include agricultural uses. The impact lists only "residential, commercial, industrial, and public uses." If it had included agriculture it would have simply said "uses" without describing them. Agricultural impacts appear to not be included due to the header stating "urban runoff." We cannot

137

The Open Monterey Project – Comments on Draft EIR for GPU5
 February 2, 2009
 Page 33

find where the DEIR analyzed the water quality impacts from agricultural runoff, which is a critical analysis. Given the magnitude of agricultural development in this County, and the increases in agricultural development that would be authorized by the proposed GPU5 (including steep slopes, and Routine and Ongoing practices), this is a critical impact and issue that should be quantified and discussed. Please state where that analysis can be found. The lack of a table of contents for each chapter makes it impossible to find where that section might be. This Water Resources chapter is over 200 pages long, including figures, and poorly organized.

137

At the bottom of page 3.3-91 and the top of page 4.3-92, the DEIR makes an unsupported conclusion about coastal development. The DEIR fails to describe the areas it is describing or quantify the amount of development. Which are "the majority of coastal streams" that "would experience relatively less adverse changes"? Please list them. What is "relatively less adverse changes" mean? "Less adverse" than what, and by what measurements and assumptions? What is defined as a "coastal stream" a category that would seem to include Pajaro? Which coastal streams (presumably, the minority, according to the DEIR) would have impacts, what impacts are they, and how are those impacts quantified? How can the DEIR make conclusions about "coastal communities" and "coastal streams" without identifying them, and why does the DEIR address land in the coastal zone?

138

Please identify exactly which "surface water features" in the Salinas Valley "may experience continued loading of pollutants from urban runoff" (p. 4.3-92)? Which water features would experience *additional* loading, which is the issue, not continued loading? Please quantify the amount of loading in each case. What are the impacts of that additional loading, as well as the cumulative effects on top of the existing loading.

139

The DEIR evaluation of the proposed GPU5 policies is superficial and disingenuous. The majority of the plan policies have no accountability, no metrics, no performance standards, no enforcement teeth, no timeline, no deadline, and no consequences for failure to complete. (E.g., support existing programs, establish criteria for hydrology studies to evaluate issue, encourage the voluntary preparation of a plan, develop a program, cooperate with federal, state and local agencies, "may include inventive programs that encourage owners to voluntarily" take action.) Given these flaws, the DEIR cannot assume, as it does, that the policies will be effective.

140

The DEIR also fails to explore the weaknesses of the plan policies, or to acknowledge that the success is uncertain and doubtful, if not outright unlikely. For example, the DEIR merely recites GS-1.8, without investigating or analyzing the effectiveness of the policy. For example, the policy does not include residential uses, and the phrase "if feasible" is not defined, which means that it will not ever get done unless it is purely voluntary. The DEIR analysis of GS-1.8 is similarly flawed.

The Open Monterey Project – Comments on Draft EIR for GPU5
 February 2, 2009
 Page 34

The DEIR analyses of several proposed policies fails to explore the implications of the policies' use of the term "should" which is generally considered not mandatory. Because "should" is permissive, the DEIR's use of the term "mandatory" to describe the policy is misleading to the public. See, e.g., GS 3.1 at p. 4.3-95. In another example, where the proposed policy uses the word "should", the DEIR incorrectly claims that the policy "prohibits" the action. See, e.g., CV-2.9 at 4.3-96. Please review each policy and correct the DEIR analyses, and identify each time in the DEIR when a policy is not mandatory.

140

To compound these errors, the DEIR fails to quantify the amount of potential impacts to water quality. The DEIR then makes the unsupported conclusion that the impacts would be less than significant. However, because the DEIR failed to quantify the impacts – which it acknowledged would "substantially degrad[e] water quality" (on page 4.3-90) – and failed to investigate or discuss the effectiveness of the plan's policies that might mitigate those impacts, then the conclusion is not merited. Please investigate and revise.

141

As to Mitigation Measure BIO-2.1, is there a current setback requirement? Why does the DEIR assume, without support, that the proposed Stream Setback Ordinance will have greater setbacks than currently exist? There is no such guarantee. The assumption that the new Ordinance will be beneficial would be valid only if the new setbacks will be (1) mandatory, (2) not waivable or adjustable by a variance, and (3) guaranteed to be larger than the current minimum setbacks. Please modify the mitigation measure to include these three elements.

142

Please explain what is meant by the proposed Stream Setback Ordinance to apply only to discretionary development and only to some conversion of previously uncultivated agricultural land. Why should it not apply to all development? What are the impacts of limiting its application? Please compare that to the current requirements for stream setback, and discuss what kind and how much development could take place without complying with the proposed ordinance. Please modify the mitigation measure to state that it shall apply to all development.

As a general comment, the DEIR does not appear to include or analyze the issue that the vast majority of the GPU5 policies do not have deadlines or timelines, and there is no guarantee that any of them would be implemented by any certain date. The DEIR fails to address the very real possibility that the pro-development GPU5 policies may go into effect long before any or all of the environmental protection policies are partially or fully implemented. There is no requirement that the environmental protection policies be executed or implemented or funded prior to 2030.

143

The DEIR should consider a mitigation that requires all GPU5 policies, maps, GIS programs, studies and similar implementation to be fully funded, both for administration and enforcement.

144

The Open Monterey Project – Comments on Draft EIR for GPU5
 February 2, 2009
 Page 35

The DEIR should consider a related mitigation that requires all GPU5 policies, maps, GIS programs, studies and similar implementation steps contain deadlines or timelines, with strict limitations on development before those policies are fully implemented or executed.

144

Please investigate, discuss, and disclose all assumptions or metrics. The DEIR should consider a mitigation that requires completion, execution, and implementation of all environmental protection policies prior to any development being approved under the proposed Plan.

Where is the support for the repeated DEIR statement that “the policies of the 2007 General Plan would be fully implemented by 2092”? Please be specific, and provide citations to page numbers.

145

Impact WR-2 (“water quality in downstream waterways”) uses different language from WR-1 (“downstream surface waters”). What is the difference between “downstream waterways” and “downstream surface waters”? Why does the DEIR not explain the difference? If there is no difference, the DEIR should use consistent terms.

146

Impact WR-2 includes agriculture-related uses (p. 4.3-99) even though agriculture is not included in Impact WR-1. Please explain.

147

Please describe with specificity to what “existing County development regulations” the DEIR refers (p. 4.3-99). If those regulations are anything other than the 1982 General Plan, please explain why they are being mentioned here, because the new GPU5 will control in the future, and County ordinances and rules will adjust to the new General Plan.

In the previous reference the DEIR may mean Chapter 16.12, which is part of the County Code, which will have to be amended to reflect the new General Plan policies. Therefore, it cannot be relied upon here to mitigate any GPU5 policies. Therefore, the DEIR inappropriately relies on the Code to reduce impacts of plan policies (e.g., p. 4.3-100, “impacts resulting from . . . The 2007 General Plan would be reduced by compliance with the existing County grading and erosion control requirements”). Please explain and correct.

148

As a comment on the entire DEIR in general, and on the Water Resource chapter in particular, the DEIR identifies impacts in general, non-quantified terms lacking support, then lists the GPU5 policies, and then makes a conclusion. As a general rule, there is no description of the specific conditions, no analysis of the impacts of the policies, and no independent measurements or standards to support the DEIR conclusion that there will not be significant impacts. Please correct each of these errors. There are too many examples to list here; we provide one below.

149

As an example (and there are many), look to the DEIR Water Resources chapter discussion of Impact WR-2, Construction-Related Soil Erosion and Sedimentation “substantially degrading water quality in downstream waterways.” (P. 4.3-99.) The discussion lists “impact of development with policies” in vague and general terms; then recites, almost verbatim, proposed policies from the GPU5, Area Plan, and Community Areas (none of which have any timelines for completion); then makes a “significance determination” that asserts that “existing County, state and federal requirements, proposed policies of the 2007 General Plan” and other public programs

would substantially reduce the extent of erosion and sedimentation from most construction activities on gentle slopes and where an erosion control plan is required. Additionally, establishment of permits for development on steeper slopes, including an agricultural conversion permit process, in part to identify development and design techniques for erosion control and slope stabilization, would further reduce potential erosion and sedimentation impacts from 2007 General Plan implementation.

(P. 4.3-105.) However, the DEIR never analyzes how, or to what extent, or by what measurement, the requirements “would substantially reduce” the impacts. Remarkably, the DEIR interprets, also without support or analysis, “the establishment of permits for development on steeper slopes “to have only a single effect: “further reduce potential erosion and sedimentation impacts from 2007 General Plan implementation.” By not analyzing the policy (OS-3.5) and by misinterpreting it, the DEIR misses the point: policy OS-3.5 is a major change in policy from the 1982 General Plan; OS-3.5 would allow a huge amount of new development where it is not currently allowed (and has not ever been); and has significant unavoidable impacts.

There are many problems with this approach, which does not comply with CEQA. The DEIR does not investigate, quantify, or locate the amount of slopes that would be newly allowed to be developed under this new policy OS-3.5. The DEIR does not present this information in a map format, or try to figure out how many tens of thousands of acres would be affected. The DEIR fails to look critically at the broad language that would allow an exception to the purported prohibition on 30%+ slope development – that exception may be granted merely upon substantial evidence. The DEIR fails to explain what “substantial evidence” means, which is key to understanding the issues. The DEIR fails to recognize that the policy does not require the reduction in the size of a development in order to remove the development from the 30%+ slope. The DEIR fails to address the problem that the policy is internally inconsistent, applying by its own language both to slopes of “30% and greater” and of “greater than 30%. The DEIR fails to investigate and disclose how much land might be eligible for the Agricultural Permit process which would exempt conversion of land for agricultural purposes of previously uncultivated land in excess of 25%, or what the impacts would

be of allowing this conversion on a ministerial basis. The DEIR does not even attempt to define or investigate what criteria would or should be used to establish such ministerial permits. The DEIR fails to investigate or disclose the impacts of exempting all Routine and Ongoing Agricultural Activities from the lax permit requirements of OS-3.5.

149

Despite its failure to investigate all of these issues, the DEIR, without analysis and without any reliable quantification, concludes that this policy “would further reduce potential erosion and sedimentation impacts from 2007 General Plan implementation.” (Page 4.3-105.) This superficial approach does not comply with CEQA. As this example shows, and as other examples throughout the DEIR confirm, the entire DEIR fails as an informational document. It should be rewritten and reissued.

As is typical of many of these examples in the DEIR, the DEIR section on water quality impacts then addresses “mitigation measures” by stating “no mitigation is required” because the GPU5 Plan policies and Area Plan policies and goals would reduce impacts to a less-than-significant level (p. 4.3-106). It then states its “significance conclusion” of less than significant. Not once does the DEIR refer back to the significance threshold or criteria, or look critically at the overall cumulative impacts.

150

Why is agricultural and resource development (p. 4.3-107) placed under the section of “Construction-Related Soil Erosion and Sedimentation”? Please define “agricultural and resource development” (Impact WR-3) as compared to “land uses and development” (Impact WR-2). From the limited information provided, the categories appear to overlap.

151

In order to reduce contaminants in runoff, the DEIR should consider a mitigation of prohibiting the use of agrochemicals by commercial agricultural operations. (See pp. 4.3-107 and -108.) As an alternative mitigation, the DEIR should consider amortizing the use of agrochemicals over time, with a mandatory reduction over a set time frame, resulting in zero use by a specific date before 2030.

Please explain the DEIR statement that “Future vineyard plantings . . . may be an indirect result of the AWCP” (p. 4.3-108). Please explain the causation, and the investigation into any estimates of such future plantings. Please investigate and disclose the kinds of impacts that may result from this cumulative impact and from the encouragement and support provided by the AWCP for such future action.

152

Please provide the references (including section and page) for the claim (at p. 4.3-107) that

153

Very few agricultural land uses require discretionary or ministerial permits from the County.

On page 4.3-108, this statement appears:

2007 General Plan Policies

The County does not regulate agricultural cultivation in most areas; currently, uncultivated land conversion is regulated only in the Elkhorn Slough (North County coastal) area. However, new cultivation on slopes greater than 30% is subject to a grading permit with associated conditions, such as development and implementation of erosion control plans. The County also relies on the educational outreach programs of other agencies

153

Are these 2007 General Plan policies, as claimed? There is no citation to the Plan. If so, exactly where are they to be found? The statements sound more like current policies and plans, not the proposed plan.

The DEIR review of Impact WR-3 follows the same superficial pattern described above for Impact WR-2. After an inadequate summary of impacts (pp. 4.3-107 to 4.3-108), without describing the quantity, extent, location, or nature of specific impacts, the DEIR lists GPU5 policies that it thinks applies, then Area Plan policies that “also support water quality protection” and state and federal regulations (pp. 4.3-108 to 4.3-111), none of which are adequately addresses. The DEIR then makes the conclusory and unsupported statement that the “overall impacts will be less than significant with implementation of 2007 General Plan policies” and “no mitigation is required.” (P. 4.3-112.)

The DEIR is wrong: the proposed GPU5 policies will have significant unmitigated effects on water quality. Again, the DEIR makes the fatal error of assuming that all environmental protection policies will be fully implemented and binding before any development under the GPU5 takes place. It also incorrectly assumes that all policies and programs will be fully funded, both for administration and enforcement.

154

Further, the DEIR also makes the fatal error of assuming that “Goal AG-3 and its policies” support water quality protection (see the subsequent discussion at p. 4.3-109, stating that certain Area Plan policies “also support water quality protection”), when in reality they will harm the environment with significant and severe impacts because they are pro-development, and because they limit and restrict the County’s authority in the future to protect the environment.

“Goal AG-3 and its policies” include:

**GOAL AG-3: ASSURE THAT THE COUNTY'S LAND USE
 POLICIES DO NOT INAPPROPRIATELY LIMIT OR**

CONSTRAIN "ROUTINE AND ONGOING AGRICULTURAL ACTIVITIES"

Policies

AG-3.1 "Routine and Ongoing Agricultural Activities" shall be allowed pursuant to the policies in this plan. Activities that may have significant impacts are subject to a greater level of review.

AG-3.2 In order to encourage the continuation and economic viability of the agricultural industry, the County shall work with the agricultural industry and state and federal agencies to streamline permit procedures for "Routine and Ongoing Agricultural Activities" as enumerated in policy.

AG-3.3 In lands with a Farmlands, Permanent Grazing, or Rural Grazing land use designation, farming and ranching activities that are "Routine and Ongoing Agricultural Activities" should be exempted from the General Plan policies listed below to the extent specified in those policies except for activities that create significant soil erosion impacts or violate adopted water quality standards. The County shall, after consultation with the Agricultural Commissioner and with appropriate review by the Agricultural Advisory Committee, establish by ordinance a list of "Routine and Ongoing Agricultural Activities" that can, in harmony with General Plan goals and in accordance with State and Federal law, be exempted from the listed General Plan policies as described. Activities to be considered for inclusion in the list of "Routine and Ongoing Agricultural Activities" may include, but are not limited to:

- a. pasture and rangeland management;**
- b. conversion of agricultural land to other agricultural uses;**
- c. preparation of product for market, and delivery of product to market;**
- d. planting, harvesting, cultivation, tillage, selection, rotation, irrigation, fallowing, and all soil preparation activities;**
- e. raising of livestock, poultry, fur bearing animals, dairying, or fish;**
- f. maintenance of sediment basins, stock ponds, irrigation and tail water return systems, stream bank and grade stabilization, water retention and pumping facilities, erosion control and surface drainage activities;**

- g. maintenance of farm access roads, trails, and parking facilities;
 - h. fencing, corrals, animal handling facilities;
 - i. greenhouses, sheds, storage and outbuildings;
 - j. Emergency activity that protects the health and safety of the general public.
- “Routine and Ongoing Agricultural Activities” are exempt from the following General Plan policies to the extent specified by those policies: C-5.3 (Scenic Highway Corridors), C-5.4 (Scenic Highway Corridors), OS-1.9 (views), OS-1.12 (scenic routes), OS-3.5 (slope), OS-3.6 (erosive soils), OS-5.4 (native vegetation), OS-6.3 (archaeological), OS-7.3 (paleontological), OS-8.3 (burial sites), OS-10.8 (air quality), S-2.3 (floodplain). Further modifications may be made in Area Plans as part of this process. . . .

These policies will have many impacts, none of which are adequately analyzed in the DEIR. If these activities are to be exempt from the specified policies, the DEIR should carefully research and disclose the potential environmental impacts now. There are many questions and issues. For example, as to Goal AG-3, there is no definition of the terms “inappropriately limit or constrain.” It is the County’s discretionary authority that is at issue, and that authority should not be forfeited, which the goal requires. Who will create the standards by which the County’s action will be measured for violation of this policy?

154

As to Policy AG-3.1, the routine and ongoing agricultural activities are mandated to be allowed. The DEIR fails to investigate the impacts of that mandatory act, which is a prohibition – or at minimum a limitation -- on the County’s police powers. There are innumerable possible actions by the County that would violate this policy. For example, if the County limited or placed conditions on a routine and ongoing agricultural activity, in order to protect the environment, would it be violating the policy? In apparent internal contradiction, the second sentence of Policy AG-3.1 indicates that some activities “may have” a greater level of review. But there are no policy statements as to who would determine whether an activity “may have significant impacts,” or when that determination would take place, or what “greater level of review” would be permissible.

Further, the EIR analysis of Policy AG-3.1 is fatally flawed because there is no project level CEQA review at this stage, and because there are no limits to the impacts that the authorized uses may have, once exempted. There are no standards to measure the impacts, or to remediate environmental harm caused by such uses. There are no limits to the impacts of these uses on an individual or cumulative basis. If multiple CAFOs (Concentrated/Confined Animal Feeding Operations) are developed, as

the policy would allow, there could be significant impacts, but no accountability under County ordinances or under CEQA. Please address.

As to Policy AG-3.3, who will determine which "activities that create significant soil erosion impacts or violate adopted water quality standards," how will that determination be made, at what stage in the process, and how will the public know about it in order to challenge the decision? What CEQA review would there be of individual "routine and ongoing agricultural activities"?

154

The discussion of water quality impacts also fails to address the cumulative impacts of the policies. Where the development increases over time, and the water quality decreases, a new use may have a more harmful effect than an earlier use of the same nature. Policy AG-3.1 fails to consider the possibility that a project have individually less than significant impacts but cumulatively significant impacts.

Potable Water Supply (p. 4.3-113)

Impact WR-4

Please explain how GPU5 policy measures are designed to maintain a long-term, sustainable supply" (p. 4.3-114). Please define "long-term" and "sustainable supply." The terminology used is critically important, because the public and decision makers need to have a shared understanding of what the terms mean. The DEIR uses terms inconsistently, which makes it impossible to rely on as an informational document.

Please explain whether the development and population growth discussed in this section include the coastal zone, and if not, why not. That development and growth should be quantified and included in the cumulative impact analysis, because it is foreseeable and expected.

155

The DEIR states that "Sustainable water supply requires a comprehensive water budget . . ." Please explain what this sentence means. Please define in detail "comprehensive water budget" and give examples, using numbers, of such a budget as used in Monterey County. Does the County have an adopted "comprehensive water budget" now? Does any water supplier or agency in the County? If so, please identify it by name and date, so the public can review them.

The DEIR states that a sustainable water supply requires "planning and management contingencies, in the event that water supplies are interrupted from natural or manmade emergencies." Please explain how "increased demand from progressive development outpacing supply" is considered an "emergency water supply shortage." Where progressive development outpaces supply, that does not seem to be an "emergency" but instead a failure to plan effectively. For good managers,

development should not ever outpace supply. Such development should not be allowed or approved in the first instance. Sadly, that is the “emergency” situation that much of Monterey County finds itself now, largely due to the County’s failure to plan effectively. The proposed plan, and the DEIR analysis, continue that pattern.

155

Does the 27% increase in population include the coastal zone?

156

What research and investigation did the EIR preparer do to determine whether the 181 gpd Central Coast average in the year 2000 (p. 4.3-114) is accurate in 2009 for the areas of Monterey County that are subject to growth? Given the circumstances of our tourist economy and large transient population not included in the per capita totals, along with other factors, this figure does not seem accurate. Did the EIR preparer consult with water suppliers and districts in the County to determine actual County averages? If so, with whom did you consult, and what data did you receive, and why was it not included in the analysis? There is a lot of County-specific information on water demand that was not considered by the EIR preparer. The 181 gpd figure is inconsistent with water estimates for adopted and currently pending EIRs for North County, South County, Highway 68 corridor, greater Salinas Valley, and the unincorporated Monterey Peninsula including Carmel Valley. The EIR preparer should research these issues and revise its water estimates based on current information. For example, the Pasadera EIR made residential demand estimates that were too low, as shown by actual consumption figures. As another example, a pending EIR for North County uses an estimate of 0.8 AFY for lots of between 1 and 10 acres, and the water expert was only willing to use that 0.8 AFY estimate if the lots are deed-restricted to not exceed that amount. As another example, the EIR estimate for the September Ranch project residential lots was rejected by the court as too low.

157

Also, the 181 gpd figure does not adequately account for commercial, industrial, and agricultural demand. The EIR should adequately research and disclose water demand estimates for all development that would be allowed under the proposed GPU5.

The DEIR assumption that there will be “no net expansion in overall agricultural acreage” (p. 4.3-114) cannot stand. What investigation and research did the EIR preparer do to correlate agricultural employment with agricultural acreage? Did the EIR preparer research the extent to which technological improvements, or the changing labor market, or other factors, affected the agricultural employment figures? Please describe your research and disclose your data.

158

Further, this “no net expansion” assumption is inconsistent with the statements elsewhere in the DEIR that the policies in the GPU5 will encourage the expansion of agriculture (see, e.g., steep slope agricultural conversion policies, routine and ongoing agricultural exemptions, and more). Despite its inconsistent assertions, the DEIR fails

to investigate or quantify either the expected conversions of agricultural land to other development, or the expected expansion of agricultural land due to GPU5 policies.

158

Table 4.3-9 (p. 4.3-115)

This table is filled with errors and is unreliable. It is also very difficult, if not impossible, to understand the data, for a combination of reasons.

- A. The notes are not numbered.
- B. The formatting makes it difficult to read and compare the numbers (in a table, the numbers should all be right justified so they line up).
- C. The subtotals are not indicated clearly. They should be set apart, underlined, or similar.
- D. What is the "persons/housing unit - AMBAG 2030 average" figure? Where that information can be found in the references, including page numbers? That information should be in the table.
- E. What is the "person/housing unit average from 2007 GP estimates" figure? Where that information can be found in the references, including page numbers? That information should be in the table.
- F. See previous comment about the 181 gpd average, which is not an accurate measure. Because these figures are broken down by subarea, community area, rural centers, AHOs, and water managers, the EIR preparer should obtain from water managers more accurate averages for more accurate projections.
- G. Why are these inland totals only, as implied by the "INLAND AREA TOTAL" on p. 4.3-118? The coastal zone has existing population and development that uses water, and should be included. The coastal zone also will have foreseeable additional growth, based on the expected and planned amendments to the LCPs to reflect the new GPU5 policies. The table should be revised to include this information.
- H. The table assign the Hwy 68/Airport AHO to the Seaside Aquifer, where elsewhere the DEIR calls the Seaside basin a subset of the Salinas Valley aquifer. Please clarify and make the DEIR internally consistent.
- I. The AWCP projection is grossly understated. It fails to include the water required for all the other uses allowed in the AWCP (visitor serving, hotels, special events, residential, commercial, etc.) or for the AWCP-

159

caused indirect result of more vineyards, which have significant water demand. (Also see comments elsewhere in this letter on this topic.)

- J. The last four rows appears to be subtotals by water manager. These rows omit the North County subbasins that do not obtain water from the Salinas Valley aquifer. Each of these subbasins are already in severe overdraft. The pumping levels are not now sustainable, and have not been for many years. The long-term harm to the subbasins has not been quantified.
- K. The assumptions regarding persons/housing unit should be investigated for analysis of whether the assumptions make sense for the five proposed community areas, rural centers, and AHOs. Available data shows that the average in some of those areas is higher than the average County-wide figures apparently used.
- L. The calculations to arrive at the "outside of CA, RA, AHOs" totals are not provided. Please provide those figures and calculations, as well as all assumptions, including, for example, assumptions regarding number of lots, lot sizes, and persons/housing unit. To the extent that the EIR preparer considered the differences between the basins and subbasins, and/or used different figures or calculations for different basins and subbasins, please present those with an explanation. If the EIR preparer did not consider differences, please explain why not, given the available data showing significant differences.
- M. The table does not include significant additional water demand that would be caused by development consistent with the proposed GPU5. For example, the new policies allowing development of steep slopes would result in conversion of non-irrigated land to vineyards, which have significant water demand requirements. This additional demand (from vineyards and other development consistent with GPU5 policies) should be investigated and quantified. Please disclose all your steps to investigate, and please disclose all assumptions made in your analysis.

Table 4.3-9 should be revised. Further, it is only part of the analysis. The DEIR ignores the cumulative impacts of the proposed project. The DEIR fails to include a table that shows projected demand in addition to existing demand in each basin and subbasin.

The Open Monterey Project – Comments on Draft EIR for GPU5
February 2, 2009
Page 45

DEIR Claims regarding SVWP being a "Water Supply Project"

The repeated statements about the SVWP being a water supply project that will ensure sufficient supplies to 2030 are dead wrong. See e.g., 4.3 Water Resources pages 35, 37, 38, 118, 120, 127, 130, 148, 154, and 158.

An *objective* of the SVWP was to provide water for growth, but there is no proof that the SVWP will actually provide that supply, if ever. If you disagree, please be specific in your response, and provide specific citations to references, including chapter and page.

The Salinas Valley groundwater basin has been overpumped since at least the 1950s. The overpumping has harmed the aquifer in numerous ways. Until the basin is balanced – i.e., until the pumping does not exceed the recharge that reaches the aquifer – there should be no new development allowed. The SVWP will not bring the basin into balance – even if the SVWP has all the benefits it is projected to have, which is highly uncertain and unproven, the Salinas River basin will continue to be overpumped by the tens of thousands of acre feet every year. The DEIR fails to investigate or assess this important issue.

All DEIR claims that the SVWP will reduce impacts of increased demand cannot stand because the SVWP is not operational, and the County has repeatedly stated that the SVWP results cannot be obtained, if at all, until all components are fully operable. As of now, the components are not built, operable, or fully funded. Even once built, the amount of water recharged to the aquifer will not be verifiable or accountable. And such recharge is not new supply, in any event. As to the CSIP, the benefits of that project are that the coastal agricultural users would not further pump from the coastal zone. The CSIP (the rubber dam component of the SVWP) does not affect the quantity of inland pumping, or the overall overdraft in the Salinas Valley basin.

Therefore, the SVWP cannot be relied upon to reduce the impacts of the proposed project. If the GPU5 policies are effective immediately upon adoption, and the full implementation of the SVWP lags behind, then the GPU5 will cause short-term impacts that have not been identified or quantified. Those impacts will last at least until the SVWP is fully implemented. And, because the SVWP is not a water supply project, those impacts will last far past the SVWP's implementation.

The SVWP EIR states that the SVWP anticipated future agricultural water demand, but the EIR analyzed that demand at a level significantly lower than the one in this GPU5 DEIR. Further, that projection was an estimate only, and did not take into account drought years and drought cycles.

The problem pervades the DEIR. Please correct each of the DEIR claims regarding the effectiveness of the SVWP, and revise the DEIR analysis.

The DEIR should consider a mitigation that new development cannot be considered by the County until the SVWP is fully operational and its beneficial impacts, if any, to the Salinas Valley aquifer are quantified and verified.

160

DEIR Claims regarding SVWP and Seawater Intrusion

The DEIR repeatedly claims that the SVWP will avoid further lowering of water levels in the aquifer and further seawater intrusion, even with projected growth (see, e.g., DEIR pp. 4.3-118 (Castroville and Boronda discussions), as two examples of the many such claims). Those claims are inconsistent with the SVWP EIR.

The SVWP EIR states “with all components included, the project halts seawater intrusion under current water demand hydrologic conditions, and may not (without additional expansions as explained in the EIR/IS) halt seawater intrusion under 2030 conditions.” (SVWP Final EIR, p. 2-107.) This conclusion is repeated several times: “the hydrologic modeling performed to evaluate the SVWP indicates that the proposed project may not fully halt future (2030) seawater intrusion” (*ibid.*); “given the dynamics of the hydrologic system, the uncertainties of whether future demands will equal the projected 2030 demand, and the limitations of modeling, it cannot be known whether or to what extent seawater intrusion would actually occur in 2030” (*ibid.*); “if seawater intrusion continues in the future due to increased groundwater pumping demand in the coastal areas” (*id.*, p. 3-1). The SVWP EIR admits that “modeling indicates seawater intrusion may be 2,200 AFY with surface water deliveries only to the CSIP area” (*id.*, p. 3-23). “Surface water deliveries only to the CSIP area” is what is planned, and no other distribution is planned, adopted or funded.

161

The SVWP admits that according to its model, “[t]he delivery of 9,700 AFY of Salinas River water [via the SVWP rubber dam diversion component], coupled with recycled water already generated or planned to be delivered in the CSIP area (13,300 AFY), . . . would halt seawater intrusion based on 1995 demand.” (SVWP EIR, p. 3-23, underlining added.)

Further, the SVWP EIR admits, in a key statement, that “any additional water needs within an intruded groundwater basin would exacerbate seawater intrusion.” (SVWP Draft EIR, p. 7-7.)

The problem pervades the DEIR. Please correct each of the DEIR's claims regarding the effectiveness of the SVWP, and revise the DEIR analysis. This EIR should investigate the possible impacts of the GPU5 policies given the uncertain abilities or results of the SVWP. This EIR should also investigate and find out the actual delivery of the other “recycled water already generated or planned to be delivered in the CSIP area” to determine whether the SVWP assumptions are supported by the actual current facts in 2009, and/or projected to be fulfilled in the

future, and with what uncertainties, funding, and time frames. This information should be disclosed and discussed.

161

Table 4.3-10 (p. 4.3-117)

- A. Table 4.3-10 omits the North County subareas that are within the Salinas watershed. Those North County areas are in dire straits, and some residents are trucking in water because their wells have gone dry.
- B. As to Pajaro and North County, the table fails to disclose that water quality issues are a serious concern, specifically arsenic and nitrates, to the extent that major water system wells have been abandoned due to contamination.
- C. As to Chualar, please explain what is meant by the DEIR statement that "Chualar wells are independent of larger basins and represent small fraction of District demand." Where is the evidence that Chualar wells are independent of larger basins? Chualar is in the middle of the Salinas Valley basin, as the DEIR admits.
- D. As to Chualar, what is the relevance of the claims or (1) the purported independence of the wells, and (2) the small fraction of District demand? The DEIR implies that these facts somehow reduce the overall impact, even through the "Overall supply [is] severely short." Please explain and discuss.

162

As to the discussion of the Pajaro Community Area, please define what "substantial" increase in water use means. Please be specific, give a couple of numeric examples, and list the criteria and standards for determining a "substantial increase."

Also, please explain what the DEIR means by asserting that "Future growth in the Community Area cannot proceed without significant groundwater impacts unless new supplies are secured." (P. 4.3-117.) Is that a policy of the GPU5, and if so, where is it? Is that a conclusion of the DEIR, and if so, where is the analysis? What level of "new supplies" is required before future growth can proceed without significant groundwater impacts? The DEIR should investigate and discuss this issue.

163

Please explain and provide specific support for the DEIR assertion on page. 4.3-118 that:

With operation of the SVWP, CSIP, and/or other measures, anticipated withdrawals from the 180-Foot/400-Foot subarea to meet water demands of the Castroville Community Area

164

would avoid further lowering of water levels in the aquifer and further seawater intrusion.

The SVWP and CSIP do not add new supplies to the Salinas Valley basin, on which the Castroville area relies. What are the "other measures" alluded to here? Please be specific. Please quantify the new demand of the CA and specify the location of the proposed water supply, and compare that to the seawater intrusion map showing seawater under Castroville. The addition of new demand to an already overdrafted basin will cause a further lowering of water levels and further seawater intrusion. If you disagree, please explain your response thoroughly, provide figures of all relevant supply and demand, disclose your assumptions, and cite to specific references, including pages and dates.

164

As to the Boronda development (p. 4.3-118), the conclusion as to the SVWP effect is incorrect. See our comments elsewhere on the SVWP and seawater intrusion claims. Also, if the SVWP is not completed before any of the Boronda development takes place, what are the short-term effects on water?

165

As to the Chualar development, please correct the reference to Highway 68 corridor. Please explain how the Chualar system is "managed independently" from the Salinas Valley basin. Please explain what the DEIR means when it asserts that the water demand "would not incur significant water supply impacts." Please define "significant" in qualitative and quantitative terms. The Salinas Valley basin is in overdraft, and increased pumping would cause increased harm, which is significant harm to the overdrafted resource, given that "any additional water needs within an intruded groundwater basin would exacerbate seawater intrusion." (SVWP Draft EIR, p. 7-7.)

166

Please describe the extent to which the SVWP EIR anticipated or projected supplying water for future growth, and whether that included the proposed Community Areas, AHOS, Rural Centers, Special Treatment Areas, AWCP, and other development. Please cite to the specific pages on the DEIR where such consideration was given in the SVWP EIR analysis. Please compare the DEIR analysis of projected future water use to that in the SVWP EIR, and provide specific pages.

167

As a general water resources comment, to mitigate cumulative harm caused by this project, the EIR should consider a mitigation prohibiting all development on existing lots of record that increases water use in an overdrafted basin, until such time as the basin is being pumped at a level not greater than its recharge.

168

As to Fort Ord, why do the Marina Coast Water District withdrawals from the Deep Zone "rule out possibilities for meeting the new demand from local groundwater sources" (p. 4.3-119)? Please explain in detail. What difference does it make whether

169

the pumping is from the nonsustainable Deep Zone, or from the overdrafted Salinas Valley aquifer?

169

Please investigate and report the status of the Marina Coast Water District desalination plant. Is it operating, and at what level? What are the uncertainties around and the funding of the plant? Why does the DEIR qualify its discussion to the plant as “when operating”? How frequently does it operate, for what period of time, and at what delivery levels?

170

In the second paragraph on page 4.3-119, to what does “these uses” refer? It is unclear throughout the Fort Ord discussion when the DEIR is discussing the proposed Community Area demand, when it is discussing the current or future projected Fort Ord demand, and when both. Please explain and be specific.

171

Please explain how Fort Ord can be a “beneficiary of the SVWP,” when the SVWP does not create new water. Please explain where in the references it is shown that there is 6,600 AFY of SVWP water that is produced and/or assigned to Fort Ord. Please explain why the DEIR ties the 6,600 AFY (which the preceding DEIR sentence connects to the SVWP) directly with the “approval of Cal Am’s Coastal Water Project,” which does not include water for growth or for non-Peninsula needs. The DEIR analysis is wrong and misleading.

As Cal Am, the proponent of the Coastal Water Project, asserts in its official Coastal Water Project website, the CWP is intended to replace the water Cal Am overpumps from the Carmel and Seaside aquifers, not to provide new water for the Peninsula, or any water for any other location. The DEIR fails to present the information and data as to the CWP’s projected AFY production and the purposes to which CWP’s desalination water would be put.

Here is information from Cal Am’s website on the Coastal Water Project:

172

“Q: Will the Coastal Water Project result in increased growth and development?
Since it is a replacement water only project, the Coastal Water Project will not result in increased growth and development. At 11,730 AFY, the Coastal Water Project will replace 10,730 AFY historically diverted from the Carmel Valley Aquifer and 1,000 AFY historically pumped from the Seaside Basin.” (Source: Cal Am’s official CWP website, http://www.coastalwaterproject.com/inc_faqs.asp#growth)

The DEIR’s concludes (at p. 4.3-119) that

future water supply to meet the demands of proposed land uses at Fort Ord is not readily obtainable without resulting in substantial depletion of groundwater supplies and further seawater intrusion.

Please explain the inconsistency between the conclusion above and this DEIR statement:

Despite lack of certainty over supply, the MCWD's UWMP (2005) forecasts that the District's service area will have sufficient water available to meet expected demands through 2025 with surplus . . .

How can MCWD forecast "sufficient water available . . . with surplus" in the face of unsustainable Deep Zone pumping and Fort Ord's wells risk of seawater intrusion, in addition to the FORA assumption of the availability of the additional 6,600 AFY? What does "sufficient water available" mean, exactly? Does it include pumping from an aquifer whose overall pumping exceeds its recharge? Does it include pumping from the Deep Zone? Which conclusion is this EIR relying upon, and why? This EIR preparer should investigate the conflicting claims, and present the data to the public for review.

172

Please explain how the provision for water to new growth in the Seaside aquifer and the Carmel River Basin "will be dependant on the Monterey Peninsula regional supply projects discussed above" (p. 4.3-119), given the information cited above that the Cal Am CWP does not include water for growth. If you mean other "water supply projects" identified, none of those contain water for Peninsula growth either, except for the regional water project that is in the very early stages of planning, is already very controversial from an environmental impacts standpoint, and is unfunded.

Please describe exactly what "adequate supply will be provided [to the Highway 68/Reservation Rd AHO] by the SVWP," and how it will be provided. As stated elsewhere in these comments, the SVWP does not include water for residential growth, and its impact analysis likely underestimated projected agricultural water demand and therefore cannot be relied upon.

173

As to the conclusory statement that "adequate supply [for the Rural Centers] will be provided with completion of the SVWP" (p. 4.3-120), please address the short-term and long-term impacts in light of comments elsewhere in this letter that the SVWP is not a water supply project, and may not be fully operational before the GPU5 policies are adopted. Please provide specific citations to references and pages that support your response.

As to the DEIR discussion of "development outside focused growth areas," at page 4.3-120, why does the DEIR assume that all legal lot development would be from

174

The Open Monterey Project – Comments on Draft EIR for GPU5
 February 2, 2009
 Page 52

wells? Some areas, such as Big Sur, rely on surface water diversions. The DEIR should quantify and consider the impact of additional water well development for legal lot development.

174

In the second paragraph, please explain what is meant by “future development [in North County and the Seaside aquifer] will exacerbate that significant effect.” The discussion ignores the Carmel and Salinas basins, which are overdrafted.

175

The DEIR should consider a mitigation preventing all new subdivisions in all overdrafted areas (including the Salinas Valley) until the basin is in balance, meaning that the pumping does not exceed the recharge.

176

The DEIR should consider a mitigation preventing development of lots of record in overdrafted basins until the basin is in balance, meaning that the pumping does not exceed the recharge.

Table 4.3-11 is inaccurate. The West Yost report and figures are distinguishable from the conditions in Monterey County. For example, as to the DEIR’s assumption that 7 gallons of water are used to produce one gallon of wine (DEIR, p. 4.3-120), there is no support of the application of that hypothetical use to Monterey County. The cited support, the 2005 West Yost report, rejected that figure because it determined that in Napa Valley the actual water use by wineries was higher. Also, according to the comments presented on this DEIR by the Sierra Club, the calculations of water usage – even using the too-low figure – significantly underestimate the actual likely water demand.

177

There is no proposed limit or cap to the actual consumption of the wineries, so the estimates are unenforceable, and can be exceeded with impunity. The DEIR should consider an enforceable limit to actual water consumption by each winery. There is no requirement for any of the AWCP uses to meter their usage or report their usage to the County, so the information is verifiable by the public. The DEIR should consider such a requirement as mitigation.

178

The EIR preparer should gather data and analyze the current and future water demands of vineyards and wineries in Monterey County, given the soils, locations, microclimates, intensity and density of vineyards. Future crop water demands should be estimated, including assumptions about denser vine spacing in the future. Potential land use conversion of slopes to vineyards should be investigated. This is critical technical information, which the DEIR here ignores, apparently preferring to make unfounded generalizations about vineyards and wineries.

179

The additional demand for other uses allowed by the AWCP is not estimated. The DEIR’s conclusory statement that the other uses “would have less demand than the wineries” (p. 4.3-121) is unsupported and unreasonable. The water demand should

180

be estimated in good faith. Please investigate and provide good faith estimates of water demand by other uses, and disclose all your assumptions.

180

As a general comment on the proposed AWCP, the EIR fails to research or provide an accurate estimate of the AWCP impacts. Neither the GPU5 nor the EIR proposes any limit on the amount of development within the AWCP, other than the number of a few types of development within the AWCP (e.g., wineries, inns, residences). There are no limits as to maximum square footage of allowed uses, number of rooms, number of parking spaces, size of parking lots, number of ancillary uses, size of ancillary uses, and no limits to other scales of development. Further, there are no limits on impacts to water, lighting, traffic, biology, and other impacts. This is a serious informational failure of the EIR. Because the GPU5 proposes to exempt the AWCP uses from further CEQA review, this EIR should provide a project level review of these issues.

181

The DEIR admits that the AWCP water needs may include current agricultural water. The DEIR calculates that 60-86 AF is part of existing demand within the AWCP. However, the DEIR fails to acknowledge clearly that additional use may not be offset by existing demand, and the resulting impacts under those circumstances.

182

The DEIR claims that “With implementation of the SVWP, water supply is available to serve new uses in the corridor. As noted in Impact WR-5 below, new distribution pipelines will be necessary.” As pointed out elsewhere in this letter, SVWP does not free up supply, it, at most, merely reduces some of the overpumping. Please explain the DEIR conclusion that water supply is “available.” What water supply, and how much is “available”? What does “available” mean? Does it mean that the overpumped water supply is available? What are the impacts of new pumping and/or new uses in an overdrafted basin like Salinas?

183

Also, please explain what is meant by “new distribution pipelines will be necessary,” where those pipelines would go, and their impacts.

184

The discussion of 2007 General Plan policies (4.3-122 to 4.3-126) is superficial. It fails to investigate the actual or likely effectiveness of the proposed policies.

185

The DEIR fails to evaluate the impacts of policy PS-3.2, which would allow credits for reduction of historical water use. The likely impacts of that policy is to increase water demand, because property owners will want to increase their current usage in order to maximize the amount of credit they could obtain in the future under PS-3.2. This reaction has been observed in this County, as County records show, and owners who wish to develop their property in the future have been advised to increase their water usage now, to set the stage for future “credits.” The increased water use may not have a beneficial impact, and would cause harmful impacts to overdrafted aquifers.

186

Given the overdrafted nature of the Salinas Valley basin, please investigate the impact of CSV-5.2. Does it mean that such uses would not be allowed until the basin is in balance, meaning that pumping does not exceed recharge? Please explain in detail.

187

The DEIR frequently mischaracterizes proposed GPU5 policies, thereby misleading the public. For example, the DEIR claims that Policy CV-5.2 states that “water projects designed to address future growth in the Carmel Valley shall be supported” (p. 4.3-125, underlining added). That is not what the policy says, which is: “Water projects designed to address future growth in the Carmel Valley may be supported” (GPU5, p. CVMP-12, underlying added). There is frequent confusion by the DEIR of the use of “should” versus “shall,” and as a result the DEIR often mischaracterizes the proposed policies. (See, e.g., the DEIR discussion of policy CV-5.3 [DEIR p. 4.3-125 “should”, instead of “shall” at GPU5, p. CVMP-12]; and policy CACH-5.1 [policy has one “should” and one “shall” (p. CACH-5), but DEIR converts to two “shoulds” (p. 4.3-125)]; and F. These errors are prejudicial, because it misleads the public into thinking that the policies are mandatory when they are not, or vice versa. It is also prejudicial because the effect of a non-mandatory policy is far from certain. Unless the decision maker is correctly informed whether a policy is mandatory or permissive, the decision maker may not have an accurate understanding of its effects. And to the extent that there is an analysis of the policy in the DEIR, it is unclear whether that analysis is based on the actual policy or on the DEIR’s version of the policy. There are far too many examples of these errors to list here.

188

The DEIR also frequently misleads by providing only part of a proposed policy. For example, it refers only to the environmental-protection part of Policy PS-3.1 (p. 4.3-127), and omits the growth-enabling exception that is part of the policy.

189

The DEIR should review each of its policy descriptions for accuracy, and should quote directly wherever possible. The DEIR’s failure to quote directly misleads the reader and causes fatal flaws in the DEIR analysis. Even where the DEIR quotes verbatim, it generally does not use quotation marks, which might reassure the reader that it is a direct quote. Many policies are quoted accurately, so the reader is lulled into a false sense that the DEIR is accurate, when it is not. The entire DEIR should be revised in accordance with these comments.

190

The DEIR merely lists the policies, and appears – without stating its assumption – to assume positive results that “will reduce the need for additional water supplies.” (P. 4.3-127). But the DEIR fails to quantify the additional demand accurately, and entirely fails to quantify the purported reduction of demand by the policies.

As a general comment, the DEIR significance determination on this impact fails to reference or apply the significance thresholds presented at the beginning of the chapter.

191

The Open Monterey Project – Comments on Draft EIR for GPU5
 February 2, 2009
 Page 55

The Significance Determination states “In the Salinas Valley, water supply projects are being built or are in the permitting stage that will meet demands to 2030 without resulting in overdraft.” (P. 4.3-127) Please identify which projects are referred to here, their status, and when they are expected to be operating at full capacity. Because they are not yet operating, and will likely not be operating at capacity before the GPU5 is adopted, they cannot be relied upon. Please address the resulting impacts. See other similar comments elsewhere in this letter. This DEIR also fails to assess the environmental impacts of those projects in its cumulative impacts assessment.

192

As to the Monterey Peninsula, the DEIR significance determination is generally accurate (although unquantified) as to long-term water supplies, but fails to investigate or discuss short term impacts, which are also significant and unavoidable.

193

Please explain what is meant by “the SVWP will provide sufficient additional supplies from the system’s reservoirs to meet 2030 projected demands and halt further seawater intrusion.” (P. 4.3-127.) That statement is inconsistent with the SVWP DEIR.

194

The DEIR is incorrect in its assertion as follows:

Once in place, the Coastal Water Project desalination plant and the full implementation of the Aquifer Storage and Recovery project . . . will [sic] solve the existing supply problem and enable Fort Ord allotments to be met, but whether the CPUC will permit a desalination plant of sufficient capacity to serve additional growth is unknown at this time.

195

The CWP will not do what the DEIR claims. The CWP will not provide water for growth. See comments elsewhere in this letter. Further, the DEIR fails to acknowledge the uncertainty of the CWP, and the impacts before the CWP is “in place,” if ever.

As to the regional supply program under discussion by the self-named “Water for Monterey County Coalition,” that project is not final, very uncertain, unfunded, and is just beginning the environmental review process as an alternative to another project. The “Coalition” is informal, and describes itself as a “monthly dialogue group” (<http://www.waterformontereycounty.org/about.php>). Further, no agency has stepped forward to be the proponent of any project being discussed by the group.

196

Further, on January 30, 2009, the Draft EIR was released for the Coastal Water Project and the Water for Monterey County regional project. That Draft EIR lists multiple very significant unresolved issues and areas of controversy which must be overcome for any of the projects to succeed. The unresolved issues include (1) Relationships and working agreements between agencies involved in the Regional

197

The Open Monterey Project – Comments on Draft EIR for GPU5
 February 2, 2009
 Page 56

Project need to be developed and formalized, and (2) The Future of Once Through Cooling (OTC) at Moss Landing is uncertain. The Areas of Controversy include (1) Use of the Salinas Valley groundwater for use on the Monterey Peninsula, (2) Appropriate use of recycled water and recycled water infrastructure: (whether to support agriculture or urban irrigation uses, how the recycled water is used, who has rights to use or deliver it, and what facilities are used for its delivery); (3) Public versus Private ownership of a desalination facility in Monterey County (by County ordinance, private companies cannot own a desalination project. Cal Am is a private utility); (4) Provision of replacement water (or water for existing uses only) versus water for approved growth (The Coastal Water Project, the North Marina Project and Phase 1 of the Regional Project all provide water for existing uses only. The Phase 2 Regional Project includes supplies to meet the needs of approved growth. While any water supply project in Monterey County is controversial, a project that includes water for growth, may be very controversial). (Source: http://www.cwp-eir.com/downloads/Vol1_CalAm%20DEIR/0_ex-summary.pdf.)

197

Given all these issues and obstacles, the GPU5 EIR should revise its analysis and correct its incorrect and/or conclusory statements about the CWP and the regional project proposed by the Water for Monterey County. Further, these disclosures in the CWP DEIR are further proof that the proposed GPU5 EIR mitigation measures MM WR-1 and WR-2 are ineffective, uncertain, and speculative.

Please explain in detail your calculations of 1,134 vacant residential lots in the CVMP and GMPP, and your assumptions. Does it include coastal zone data? As to each EIR figure of vacant residential lots, please describe the calculations, the sources, and the assumptions, including coastal zone figures. Please also list vacant non-residential lots.

198

Why does the DEIR not consider single family residences to be “discretionary development” (p. 4.3-128)? Please define “discretionary.” See comments elsewhere on the DEIR’s use of the term.

199

As to Pajaro Valley, please provide the status of each of the PVWMA water supply efforts listed on p. 4.3-128.

200

Please explain in detail your calculations of 1,134 vacant residential lots in the North County Plan, and your assumptions. Does it include coastal zone data?

201

The DEIR discussion of Pajaro Valley significance determination inconsistently references Pajaro Valley basin and North County. Please review, and make sure the correct term is used each time. There is no DEIR significance determination as to the North County subbasins that are in the Salinas Valley watershed, Highlands South and Granite Ridge. Please investigate, quantify and explain.

202

Mitigation Measures (p. 4.3-130)

Proposed mitigation measure WR-1 is as follows:

WR-1: Support a Regional Solution for the Monterey Peninsula in addition to the Coastal Water Project.

This mitigation measure is ineffective, speculative, uncertain, and cannot be objectively measured. It is no more than a panacea. It does not ensure results. Please respond. Even the DEIR admits that it merely "puts the County on record as supporting a regional solution (but not necessarily those currently proposed)." Please explain exactly how MM WR-1 will reduce impacts on the Monterey Peninsulas during the 2030 planning horizon to below a level of significance. For each and every other place in the DEIR where this MM WR-1 is proposed as mitigation, please identify and explain exactly how MM WR-1 will reduce any impact in any tangible way. Please quantify each of your responses, and provide the calculations and data to support it.

The DEIR also proposes a change to the proposed Plan:

The County will revise the draft 2007 General Plan to include the following new policy:

PS-3.16. The County will participate in the Water for Monterey County Coalition, or similar regional group, for the purpose of identifying and supporting a variety of new water supply projects, water management programs, and multiple agency agreements that will provide additional domestic water supplies for the Monterey Peninsula and Seaside basin, while continuing to protect the Salinas and Pajaro River groundwater basins from saltwater intrusion. The County's general objective, while recognizing that timeframes will be dependent upon the dynamics of the regional group, will be to complete the cooperative planning of these water supply alternatives within five years of adoption of the General Plan and to implement the selected alternatives within five years after that time.

Please describe whether the EIR preparer has the authority to make changes to the project, such as adding policies to the General Plan. Please explain why this is not a mitigation, and why all mitigations were not written as new Plan policies.

Has the EIR preparer ever attended a meeting of the Water for Monterey County Coalition? We think not. Please also explain whether the County would be the lead agency on the projects, as implied.

Proposed Policy PS-3.16 is ineffective, speculative, and uncertain. There is no evidence that participating in a group and having general objectives will be effective or have certain results. Further, see comments elsewhere in this letter on issues of controversy and issues to be resolved, as identified by the Coastal Water Project Draft EIR issued January 30, 2009.

This proposed new policy appears to take away from the County's discretionary authority, and to bind the Board of Supervisors to (1) implement unidentified projects (2) selected by an unofficial group of which the County would be in the minority (3) within a specific timeframe, (4) regardless of environmental impacts or the political will of the Board or of the voters. Please respond.

203

In addition, the policy is completely unrealistic given the amount of time the County spent in planning and (still) implementing the SVWP, and the time spent by other public agencies in the County on their water supply projects. All of this information is available to the County.

Significance Conclusion (p. 4.3-130)

As to the DEIR Significance Conclusion (p. 4.3-130), please explain, in quantitative terms, how "Implementation of the 2007 General Plan would increase demand for water in portions of the county beyond available supply." Which portions of the County, exactly? What does the ambiguous term "available supply" mean, exactly? Please see questions on this term elsewhere in these comments.

As to the Salinas Valley, the DEIR asserts:

Within the Salinas Valley, the SVWP will provide sufficient supply to reverse existing overdraft and seawater intrusion problems and to provide water for new development. No new or expanded water entitlements are contemplated to meet demand to 2030, and thus this is considered a less-than-significant water supply impact.

204

The claims as to the SVWP are incorrect. Please see comments elsewhere in this letter. Please address how that changes the EIR analysis here. If you disagree that the claims are incorrect, please provide specific citation to references that unequivocally support your claim. In any event, even if the SVWP did what the DEIR claims, which it does not, the DEIR fails to adequately investigate and disclose the short term impacts that will happen before all components of the SVWP are fully operational, but after the GPU5 policies are adopted.

Please explain what is meant by “No new or expanded water entitlements are contemplated to meet demand to 2030.” Please explain exactly what “new or expanded water entitlements” means here, and on what this assumption is based.

205

The DEIR assertion is also incorrect because it ignores the North County subareas of Highlands South and Granite Ridge, both of which are overdrafted, and in some cases, gone dry. The DEIR does not address the increased demand under GPU5 on the existing overdraft in those subareas.

206

As to the Monterey Peninsula and Pajaro Valley, why does the DEIR define major supply projects to be “sufficiently developed” when they “are at the Draft EIR phase”? Please explain what “sufficiently developed” means, in measurable standards and criteria. Does it include political support, or confirmed and reliable funding?

207

Please quantify to what extent the proposed Plan policies will “constrain” development, and to what extent the policies will allow or enable development. Please define “constrain” as used in this DEIR.

208

Please define what you mean by “non-discretionary development on legal lots of record”. Please define what you mean by “non-discretionary development.” Please explain if “non-discretionary development” includes development in overdrafted basins.

209

Please describe how the development of legal lots of record will exacerbate existing water supply problems. (P. 4.3-130.) Please quantify those impacts.

As to Buildout (p. 4.3-131), please show the calculations and assumptions used to arrive at the determination there would be 36,000 more dwellings within the unincorporated County areas than in 2006. Please clarify whether coastal zone is included in that calculation. If so, how many dwellings it is projected to contain, and whether the calculations and assumptions are the same, and if not please include.

210

Please explain in detail the DEIR claim that

The SVWP has the capacity to provide additional water to the Salinas Valley with expansion of the distribution system, capture of additional flows through changes in operational management of the dams, and continued trends of per capita conservation.

211

Please explain what is meant by “capacity,” as well as the costs and the funding for the various steps provided, and the planning and CEQA review status of each one.

The Open Monterey Project – Comments on Draft EIR for GPU5
 February 2, 2009
 Page 60

Please explain why the DEIR assumes that significant reductions in agricultural water use is the same as significant reductions in agriculture. Please provide support for your response, including citations to specific pages.

212

The DEIR fails to address the impacts of climate change on seawater intrusion, other than in the most general terms (p. 4.3-133). The discussion is inadequate. Please investigate and provide the best information available as to the impacts, including on coastal aquifers.

213

Where is the DEIR analysis of climate change impacts on water resources under the 2030 planning scenario? The analysis is missing. There is sufficient technical information to make an effort to gather and disclose the information available.

Please list “the policies of the 2007 General Plan” that are referenced on lines 8 and 9 of page 4.3-133.

214

Mitigation Measure WR-2, “Initiate Planning for Additional Supplies to the Salinas Valley” (p. 4.3-133), is another ineffective and speculative mitigation measure. It contains no measurable achievement standards, no enforcement, no goals, and no timelines. It cannot reduce the impacts as claimed. We object to it here, and to every time it is proposed as a mitigation in this EIR. Please explain exactly why the DEIR concludes that it will reduce the impacts of GPU5 development and climate change in the Salinas Valley to less than significant.

215

Again, please explain under what authority the EIR preparer can make changes to the project itself, as it does in proposing new Plan policies PS-3.17, PS-3.18, PS-3.3i and PS-3.4g. These are not mitigations to reduce the effect of the project; they are changes to the project itself. Why did the EIR preparer not propose that all mitigation measures be actually included as policies in the Plan? Why were some changes proposed as mitigations, and others as new Plan policies? What is the different effect of each one?

216

The proposed new PS policies have similar problems to those identified elsewhere in these comments, including: they commit the County to a specific course of action without any awareness of the environmental impacts, funding, or other options; they are ineffective (“convene a working group”); etc.

Where is the MCWRA conclusion that the SVWP second phase is “feasible”? Please provide the specific reference and page numbers. What does “feasible” mean in this context? Does it mean planned and funded?

217

The DEIR significance conclusion analysis again omits any discussion of the North County subbasins that are not in the Pajaro Basin. These subbasins are uphill

218

from the SVWP, and will not receive any benefit from the SVWP because water does not flow uphill.

218

Impact WR-5 (P. 4.3-135)

For water storage, treatment, and conveyance facilities in the proposed Winery Corridor, please describe whether they would be allowed without further CEQA review under the proposed AWCP. It appears they would be exempt. Please be specific in your response, and cite to the supporting authority.

219

The discussion of Impacts of regional Supply Project (4.3-135) is fatally flawed because it is overly vague, and as to many projects, the DEIR fails to quantify the amount of impacts, or water supplied, or region served, or area-specific challenges or issues that may cause the “secondary impacts” to be significant.

220

The DEIR fails to identify the location of the Rural Centers as the Salinas Valley (p. 4.3-141), and to discuss the impacts of secondary effects. The Rural Centers are not mentioned in the Significance Determination of the Salinas Valley (4.3-143). Given that all of them are in the Salinas Valley, and they may all need infrastructure, the error is prejudicial.

221

The discussion of “Impacts of Water Facilities for the AWCP and Agriculture” (p. 4.3-142) ignores the need for facilities to support the winery-related and other uses that would be allowed in the Winery Corridor. The DEIR failed to identify or quantify the water needs of these uses, and compounds its omission here.

222

The DEIR previously had discussed the possibility that some of the Winery Corridor demand would be met by transfers from the prior use of the land. However, here, the DEIR takes that possibility as fact, without support. In this discussion, what does it mean by “existing supplies”? Does “existing supplies” include the overdrafted Salinas Valley Basin? If so, why?

223

The DEIR should consider a mitigation that would prohibit new non-essential uses of water in the Salinas Basin until it is brought into balance.

224

The DEIR acknowledges that “Where agriculture expands into new areas, new infrastructure would also be required to provide water supply.” (P. 4.3-142.) The DEIR also acknowledges elsewhere that the proposed GPU5 policies, such as the increased ability to develop on steep slopes, may allow more vineyards to be developed. Elsewhere the DEIR acknowledges that the Winery Corridor may indirectly encourage more vineyards. Given all that, the DEIR’s failure to make a reasonable investigation into the amount of water required by vineyards and other uses under the GPU5 policies is a prejudicial informational gap. The failure to investigate the amount of water needed leads to another informational gap: the failure to determine the amount, nature, and

225

from the SVWP, and will not receive any benefit from the SVWP because water does not flow uphill.

Impact WR-5 (P. 4.3-135)

For water storage, treatment, and conveyance facilities in the proposed Winery Corridor, please describe whether they would be allowed without further CEQA review under the proposed AWCP. It appears they would be exempt. Please be specific in your response, and cite to the supporting authority.

The discussion of Impacts of regional Supply Project (4.3-135) is fatally flawed because it is overly vague, and as to many projects, the DEIR fails to quantify the amount of impacts, or water supplied, or region served, or area-specific challenges or issues that may cause the “secondary impacts” to be significant.

The DEIR fails to identify the location of the Rural Centers as the Salinas Valley (p. 4.3-141), and to discuss the impacts of secondary effects. The Rural Centers are not mentioned in the Significance Determination of the Salinas Valley (4.3-143). Given that all of them are in the Salinas Valley, and they may all need infrastructure, the error is prejudicial.

The discussion of “Impacts of Water Facilities for the AWCP and Agriculture” (p. 4.3-142) ignores the need for facilities to support the winery-related and other uses that would be allowed in the Winery Corridor. The DEIR failed to identify or quantify the water needs of these uses, and compounds its omission here.

The DEIR previously had discussed the possibility that some of the Winery Corridor demand would be met by transfers from the prior use of the land. However, here, the DEIR takes that possibility as fact, without support. In this discussion, what does it mean by “existing supplies”? Does “existing supplies” include the overdrafted Salinas Valley Basin? If so, why?

The DEIR should consider a mitigation that would prohibit new non-essential uses of water in the Salinas Basin until it is brought into balance.

The DEIR acknowledges that “Where agriculture expands into new areas, new infrastructure would also be required to provide water supply.” (P. 4.3-142.) The DEIR also acknowledges elsewhere that the proposed GPU5 policies, such as the increased ability to develop on steep slopes, may allow more vineyards to be developed. Elsewhere the DEIR acknowledges that the Winery Corridor may indirectly encourage more vineyards. Given all that, the DEIR’s failure to make a reasonable investigation into the amount of water required by vineyards and other uses under the GPU5 policies is a prejudicial informational gap. The failure to investigate the amount of water needed leads to another informational gap: the failure to determine the amount, nature, and

location of new infrastructure required to provide water supply to these new uses. As a result of these failures, the DEIR is not able to assess the significance of these impacts.

225

Significance Determination

Please explain in detail the DEIR claim that “New potable supplies for growth up to the 2030 planning horizon will come from the SVWP for the Salinas Valley” (p. 4.3-143). Please consider the comments elsewhere in this letter regarding the SVWP’s lack of accountability, timelines, or verified effectiveness. Please provide references to the technical support for your response, including page numbers.

226

Mitigation Measures (p. 4.3-144)

Please list by number the “numerous policies in the General Plan that address impacts from construction and operation of new infrastructure.” The public should not have to hunt through the 1270-page proposed GPU5 looking for them, or guess what the DEIR refers.

The DEIR claims that

In many cases, the application of 2007 General Plan policies and the mitigation in this EIR would reduce secondary impacts of water supply infrastructure to a less-than-significant level.

227

What is a “case” – is it a project, or a type of impact? Please explain how the DEIR determined how many total cases there would be and in how “many” of those cases this would be the result, what kind of cases, and where those projects would be located. Please explain in detail how the DEIR came to this conclusion, given the very vague analysis that precedes it.

Impact WR-6 – Continued Decline of Groundwater Levels and Accelerated Overdraft

The DEIR states, at page 4.3-146 and -147,

Ultimately, the sustainability of groundwater supplies requires that the volume of water cumulatively drawn from an aquifer not exceed the volume of groundwater recharge. Typically, this balance needs to occur over a period of years, recognizing that periodic drought conditions and years of abundant rainfall are a part of the normal California weather pattern. As mentioned previously, there has been substantial historical overdraft of most of the county’s major aquifers.

228

The Open Monterey Project – Comments on Draft EIR for GPU5
 February 2, 2009
 Page 63

Please explain the DEIR's use of the word "ultimately." Does not the principle recited – the sustainability of groundwater – require that the principle apply at all times, not just "ultimately"?

How many years is meant by the phrase "this balance needs to occur over a period of years"? Please quantify, and provide technical support for your response, including page numbers.

The following discussion is exactly what is happening in the County now:

If a water balance is not achieved and maintained over the long term, groundwater levels will continue to drop, resulting in the need to lower pumps, deepen wells, or drill new wells. Over time, groundwater supplies would be further depleted and local aquifers may no longer be a dependable source of water.

228

The EIR should acknowledge that today much of the County's groundwater resources have been adversely affected (i.e., lowering of groundwater levels and intrusion of seawater), and for that reason, recovery is more difficult, and all that more urgent because it has been going on uncorrected for so long.

For the first time, the DEIR states on page 4.3-147 that "Some groundwater level declines have occurred in the Deep Zone" which the DEIR describes elsewhere as ancient and unsustainable water that is not being recharged. Please explain where these declines have occurred, quantify the declines, and which management agency has been allowing it to happen.

229

The EIR should consider a mitigation prohibiting extractions from the Deep Zone due to its unsustainable nature.

230

The DEIR misleads the public in saying that only "many" aquifers are in overdraft (p. 4.3-147). Please discuss which of the County's aquifers are not in overdraft, list them by name and location, and show them on a map. For those aquifers, please disclose the current known or estimated pumping, and the current known or estimated recharge, in AFY.

231

Please explain in detail the DEIR claim that "The SVWP will substantially reduce summer demand on groundwater resources in the Salinas Valley." (P. 4.3-148.) Please explain how, quantify the claimed "substantial" reduction, quantify the pre-SVWP summer demand with the post-SVWP summer demand, and identify where the reduced pumping will take place. Please support your responses with specific technical references, including page numbers. Recall that the SVWP will not be effective until all

232

components are fully operational, which is many years away. Please reconsider the claim.

232

As to the DEIR claim that

The SVWP, in conjunction with the Monterey County Water Recycling Projects, is expected to meet both urban and agricultural water needs in the Salinas Valley to 2030. (Monterey County Water Resources Agency 2001.)

233

Please explain how, and provide a table comparing the urban and agricultural water needs in the DEIR and in the SVWP EIR (the cited source). Please add in the water demand that was omitted from this DEIR which we address elsewhere in these comments, such as the increased vineyard demand and the non-winery AWCP development. Please support your responses with specific technical references, including page numbers.

Please describe in detail the CSIP efforts to "inject recycled water into its underlying aquifer in order to halt seawater intrusion in the Castroville area." (P. 4.3-149.) Please quantify the current amounts of injected water, and the projected amounts, and what the timeline is. Please support your responses with specific technical references, including page numbers.

234

Following the pattern identified earlier in this letter, the DEIR merely lists the GPU5 policies that it thinks might apply to the impacts, without assessing their effectiveness or timeliness. This is a fatal flaw in the DEIR, which is intended to be an informational document.

Some of the policies are advisory, and are not effective. For example, PS-2.2 states that the Water Resources Agency shall assure adequate monitoring of wells in those areas experiencing rapid growth provided adequate funding mechanisms for monitoring are established." (P. 4.3-149.) The policy fails to define "rapid growth" or provide any direction as to its meaning, so it is impossible to quantify its effectiveness because its application is unclear. Even more fundamentally, the policy uses qualifiers to avoid effectiveness and accountability. Specifically, the policy's use of the undefined adjective "adequate" to modify monitoring, as well as the key phrase "provided adequate funding mechanisms for monitoring are established," mean that it is impossible to rely on this policy to reduce impacts. If there are no "adequate funding mechanisms" established by the County, then the County never has to "assure adequate monitoring of wells." This type of ineffective policy is typical of the County, whose mandatory programs have not been adequately funded or implemented for many years.

235

The Open Monterey Project – Comments on Draft EIR for GPU5
 February 2, 2009
 Page 65

This section also continues the DEIR pattern is mischaracterizing the proposed GPU and Area Plan policies. For example, the DEIR paraphrases the policies SC-5.1 and SC-5.3 as “each requir[ing] new development to maximize groundwater recharge capabilities.” (P. 4.3-152). That is not what the policies say – neither uses the term “maximize groundwater recharge,” which carries specific implications. One policy states that development “shall not diminish groundwater recharge” and the other that development may not encroach on certain areas “in order to conserve groundwater recharge.” See our comments elsewhere in this letter on this pervasive problem.

235

This EIR should investigate whether the agricultural water demand will decrease with time as a result of changes in crops, specifically the assumption that vineyards will replace row crops. This past assumption (in the SVWP) appears no longer accurate in light of the proposed GPU5 policy to allow increased agricultural conversion of native steep slopes. This proposed policy would open up previously undevelopable land to vineyards, while row crops would continue to be cultivated on the valley floor. The increased availability of tens of thousands of acres of steep slopes (the EIR fails to quantify the amount) to vineyards would mean increased use of water, without a corresponding reduction as theorized by the SVWP EIR. Does that change the analysis, and if so, how? Please address in detail, and provide supporting technical references, including page numbers. Please also provide the specific page citations to the SVWP EIR on which the DEIR relies (see bottom of p. 4.3-153).

236

Please explain the DEIR significant determination that AWCP implementation would not substantially change the assumptions supporting the conclusion of the SVWP EIR/IS (p. 4.3-154). Please state all the assumptions and conclusions referenced here, and provide page numbers for them in the SVWP EIR/EIS.

237

Please describe what is meant by “AWCP policies will be subject to regulation” when the GPU5 proposes that the facilities be exempt from CEQA review and possibly discretionary review? Please explain in detail, and give examples. Please provide support references for your response, including page numbers.

238

We disagree with the significance determination and conclusion as to the Salinas Valley, for the reasons provided elsewhere on this issue.

We repeat our earlier comments regarding proposed MM WR-1, which is used repeatedly in this chapter.

Please identify the reference document and page in which “The MCWRA has opined that further actions can extend the supply available from the Salinas River system by 10,000 AFY.” (P. 4.3-155.) Please identify the technical documentation (and specific pages thereof) that support that MCWRA opinion.

239

Please provide the analysis behind the DEIR conclusion that “This [extension of supply by 10,000 AFY] would avoid increased overdraft.” Without an analysis of additional demand at buildout, on what basis does the DEIR conclude that 10,000 AFY will address it? Please provide specific calculations, and the assumptions underlying your response.

240

Please identify the reference document and page in which the MCWRA has opined that “a second phase of the Salinas Valley Water Project is feasible.” (P. 4.3-156.) Please identify the technical documentation (and specific pages thereof) that support that MCWRA opinion.

241

The significance conclusion (p. 4.3-156) again omits the Highlands South and Granite Ridge subbasins from the discussion, without explanation. There is no information that the SVWP Phase 2 would reach to the upper reaches of the Salinas Valley watershed, where these subbasins are located, or if so, that the amount of water would offset the then-existing overdraft in each basin.

242

The analysis of Impacts WR-7 through WR-14 follow the pattern described earlier in this letter: prejudicial informational errors, flawed (or absent) analyses, a continuing failure to quantify impacts and mitigations, failure to apply threshold standards adequately, and unsupported statements and conclusions.

243

Impact WR-7 (p. 4.3-157)

Because Policy PS-3.6 applies only to prohibit wells in known areas of saltwater intrusion, the EIR should consider a mitigation that prohibits wells within one mile of known seawater intrusion, or a similar measure to prevent the further exacerbation of seawater intrusion.

The significance conclusion as to the Salinas River basin (p. 4.3-163) is unsupported. (See comments elsewhere in this letter as to the SVWP effectiveness.) The conclusion should be “significant and unavoidable impacts.”

244

As to the significance conclusion for the Seaside basin, the DEIR inappropriately relies on the proposed desalination projects that, as of the writing of the DEIR, were not even at the Draft EIR stage. Elsewhere, the DEIR appropriately rejected those uncertain and unfunded conceptual desalination plants as reliable ways to reduce significant impacts, and should do so here, as well. The conclusion should be “significant and unavoidable impacts.”

Impact WR-8 (p. 4.3-165)

Please explain how the GPU5 policies would be applied in specific locations. For example, would any GPU5 policies (and if so, which ones) have prevented the

245

existing water quality problems caused by wastewater disposal in North County and in the Carmel Highlands?

245

Impact WR-10 (p. 4.3-173) – Increased Runoff and Streambank Erosion

The DEIR analysis fails to adequately assess the impact of the policy OS-3.5 that would allow and enable steep slope development, as well as denuding of and irrigation of steep slopes. This policy would allow development that causes increased runoff and erosion on tens of thousands of acres that were protected from development under the 1982 General Plan.

The DEIR analysis also fails to investigate or disclose whether any of the AWCP development or Routine and Ongoing Agricultural activities would be exempt from any of the policies that protect runoff and erosion. If any of those is exempt from CEQA review and County planning review, then the protective policies would not reduce any significant impacts those actions would have. Please discuss, and provide specific technical references for your response, including page numbers.

246

As to the significance determination (at p. 4.3-180), please explain how current ordinance requirements and practices are relevant to GPU5, because once GPU5 is adopted the ordinances and practices may change because they are subordinate to the general plan. Please explain exactly which ordinances and practices are relied upon, discuss the potential changes to them, and providing supporting documentation as to why they can be relied upon in this EIR analysis.

As to the significance conclusion, the EIR cannot rely on Policy S-3.7 (preparation of a flood criteria or drainage design manual) to reduce impacts because there is no timeline for implementation of that policy. The EIR must analyze the ability of existing ordinances and policies (which should be specified) to reduce the impacts until such time as S-3.7 is completed and adopted by the County. The conclusion should be reconsidered based on this analysis.

Impact WR-12 (p. 4.3-187) - Development in 100-Year Flood Hazard Areas

The DEIR analysis addresses only the Pajaro River flooding, and not the recent Carmel River flooding. The analysis should be more comprehensive.

The discussion of Policy OS-3.5 (p. 4.3-188) appears to be misplaced. The DEIR mischaracterizes the policy (another example of these pervasive problem). The policy allows development of slopes; we cannot find a reference to “floodplain” in it.

247

The EIR should consider a mitigation that prohibits new residential development within the 100-Year hazard areas.

Why does the County propose placing a Community Area in Pajaro, which the DEIR identified as a flood plain with past severe floods in recent history? At least one of the proposed Special Treatment Areas is in a flood plain, as well. To reduce the impacts on siltation, public services, hazards, and other impacts, the DEIR should consider an alternative that does not have any Community Areas, Special Treatment Areas, or AHOs in flood plains.

If the Rancho Canada Village subdivision would require earth moving, as currently proposed, that action would increase erosion sedimentation. Please consider an alternative location for the STA currently proposed for the mouth of the Carmel Valley.

247

The EIR preparer fails to disclose a potential conflict of interest as to floodplain analyses: Jones & Stokes is also preparing the EIR for the Rancho Canada Village project, which is a residential project in the 100-year floodplain.

The DEIR fails to disclose the fact that Monterey County water suppliers are committing and/or transferring water obtained from wells in Monterey County to locations outside of Monterey County. For example, County records indicate that Aromas Water District is sending water pumped from North County to San Benito County. The EIR should investigate and evaluate the impacts of this action. The EIR should consider a mitigation that prohibits sending water obtained from a well in the County to a location outside the County.

Water Resource mitigations

The DEIR is fatally flawed because it never attempts to quantify the water supply solutions needed that would mitigate the water resource impacts of the proposed Plan to less than significant. The proposed mitigations are equally flawed because they do not quantify the new water that would be produced by the mitigations. As a result, there is no way to estimate the effectiveness of the mitigations.

248

The DEIR should consider the following two mitigations that address water demand.

Greywater Systems in New Construction or Major Renovations

One General Plan mitigation measure that needs to be added to the water section is to adopt a policy requiring greywater systems to be installed in all new residential dwellings and major renovations of all construction types. The goal of such a policy is to conserve water, especially given region's dwindling water sources and the proposed rate increases that are intended to fund past management mistakes and future projects (e.g., the 126% rate increase by California American Water Company to

249

support failed past practices (dam removal due to failure to adequately manage the dam over many years) and future desalination proposal).

249

Water Conservation

Most residents and business are currently conserving water. However, there is much more that can be done. Within the proposed development areas, there continues to be a wide disparity between the highest and lowest users.

If water conservation efforts were targeted at the highest users the greatest results can be achieved. These users should pay much higher rates and have strong disincentives to limit their use to levels appropriate for their household or business size. Widespread use of drip irrigation systems, rain sensitive timers, nozzles, and low flow devices can be encouraged through direct neighborhood marketing efforts.

250

Additionally, replanting programs should be developed and promoted to encourage property owners to move away from existing lawns and water-intensive ornamental plantings. The incentives should ensure that the conversion of landscape is permanent and enforceable. Programs that encourage converting lawns to edible plantings or drought tolerant gardens have been undertaken throughout more arid areas of the United States. One program in Las Vegas notes that "lawns may be a luxury we can't afford" and pays homeowners \$1.50 per square foot to remove their lawns and put in climate-friendly landscapes.

LAND USE

The analysis of LU-2.35 is unclear. The GPU5 text states that "This policy does not apply in the Coastal Zone." Does that mean that policies (a), (b) and ©) do not apply in the Coastal Zone, or only policy (c) does not apply? Which option did the DEIR analyze, and why?

The figures apparently do not include land use in the coastal zone. Instead, the figures leave the coastal zone as undefined (see, e.g., Exhibit 3.4, North County Are Plan Land Use Map, showing land use in detail, except showing much of North County as plain white, without showing actual land uses). The DEIR should present actual on-the-ground conditions, and should be recirculated with that information. Unless the information is presented and analyzed, it is unclear to the public what impacts are being analyzed. It is not enough to say that the issue is addressed in the appropriate LCP, because (1) the information is omitted from this DEIR which fails as an informational document, (2) the GPU5 states that it will result in amendments to the LCP, and the environmental impacts must be assessed at the earliest possible stage (which would be now), otherwise the CEQA analysis would be piecemealed.

251

Castroville Community Plan:

The DEIR should consider a mitigation to eliminate the newly zoned parcels in the Coastal Zone. That mitigation would reduce the environmental impacts.

252

3.3.1

Potable water supply is not discussed under section 4.11, as the DEIR claims. Please correct the reference.

253

Table 3-1. 3-3, 3-4, and 3-5 are very confusing. Do the unincorporated County figures include coastal areas? Please address whether those areas should they be included for the purposes of this DEIR analysis. If adopted, the GPU5 includes or will include the Coastal areas once the LCPs are amended, so the Coastal areas should be included. On the other hand, the GPU5 and the DEIR variously imply that the coastal areas are not included, or some may not be, so why would the coastal figures be included in statistics? Please respond.

254

3.3.1.2

For projecting a rate of growth, the DEIR's use of the figure of "417 building permits for residents per year" makes no sense. This statistic is also used to calculate part of Table 3-5 (see note c).

- Where did this information come from?
- How many years were used to arrive at this statistic of 417 building permits per year?
- How many of those building permits were for single family residences, versus building permits for remodels, rebuilds, or multi-family developments? What impacts does this information have on the DEIR analysis?
- Please provide the correct number, describe it accurately, and explain your math to get to the projected buildout date.

255

With the increasing tendency toward mixed use, the buildout date may be much sooner than anticipated. The DEIR should discuss and provide that analysis. Because mixed use developments tend to be on property not zoned residential, the use of a baseline figure of residential lots would make no sense in the necessary calculation. Please provide your data, a corrected analysis, and the methodology used to arrive at it. Is the DEIR's projected rate of growth different under this analysis?

On Table 3-5, please explain what note (b) means. It does not make sense that 2006 numbers should be “adjusted . . . for future annexations” because 2006 is already passed. You either have the number or you don’t, and you know whether annexations have taken place. The 2006 number should be the actual number, or the 00-05 number extrapolated one year. If any, it is future extrapolated numbers (not past numbers) that should reflect annexations. Please describe the methodology used to arrive at the 2006 numbers, and show your work.

On Table 3-5, note (b), please identify and quantify each of the “future annexations” that were used to arrive at the result. Please list all assumptions for your data and calculations. As written, the term is too vague for the public to review for accuracy. The 2006 numbers are far too important to the DEIR analysis to be hidden from public scrutiny, as the DEIR does.

255

On Table 3-5, please explain why note (c) applies the unit rate of growth (shown as 417/year, see above comments) only after 2030, and not before. If it were applied for 2006-2030, how does the analysis change? Why is that method not used?

On Table 3-5, the assumptions for note (d) appear to be incorrect. As to the City/County split, the assumptions fail to consider the increasingly built out nature of County cities, especially on the Peninsula where water is scarce and has severely constrained residential growth. The assumptions also fail to consider the increasing growth in the County, where the County decision makers do not protect their overdrafted water sources with, for example, the vigor of the Monterey Peninsula Water Management District. Please respond.

If the coastal areas are not included, is the AMBAG estimated 75/25 split still accurate, or is the split different?

Table 3-6 makes no sense. What and who is the source for this data? The table says “based on parcel data” -- what does that mean, where is the data kept, and how often is it updated? Does the table represent actual existing land use or existing zoning or something else? Does it account for parcels with multiple legal lots of record, and if so, how? The GPU5 does not include a category of “Other” (see Table 3-11) which is the seventh category in Table 3-6 to describe land use. In Table 3-6, “Other” land use is significant. For example, 47% in Carmel valley and 22% in Greater Monterey Peninsula was “Other” land use. The DEIR tables should be internally consistent, or describe the differences. The DEIR analysis is confusing because the public does not know in which of the six GPU5 categories the “other” should be placed. Please respond, include the omitted data, show your calculations, and state your assumptions in creating this table.

256

Why is the Fort Ord Planning Area shown as "0" acres?

The Open Monterey Project – Comments on Draft EIR for GPU5
 February 2, 2009
 Page 72

What are the “coastal/non-coastal areas”? That category makes no sense to the reader. Exactly what and where is the single residential acre in the coastal/non-coastal area? Why – and how – are the coastal areas’ acreage provided separately from the planning areas’ acreage? The planning areas include the coastal areas. How much coastal area is in each planning area?

256

Table 3-7 is also hard to understand. Is it a table of existing land use for the proposed community areas and rural centers? Why is the Fort Ord acreage provided here, inconsistent with Table 3-6?

257

Table 3-8 is very hard to understand. What is it trying to say? It fails as an informational document. Where did the numbers in Table 3-8 come from? Please describe your assumptions, and show your data and calculations to arrive at each number. As shown from the comments below, many of the figures in the table do not make sense. Who prepared the table, using what source?

- Do the “unit” counts include second units where permissible? If not, why are second units not included? Please explain.
- For Cachagua, where will the 22 acres of new commercial development (or even the five acres by 2030) be located?
- Why is the analysis of special treatment areas not included in this table? For example, the three STAs in Carmel Valley (mouth of the Valley, airport, and Village (Gardiner)) are not listed. They should be included in the discussion of new growth in Carmel Valley.
- In Carmel Valley, where are the new 52 acres of commercial development (by 2030) going to be located? Where will the new 239 acres of commercial development (by buildout) be located?
- For Fort Ord, where are the 88, then 226 acres of new commercial going to be located? In your response, please point the reader to the DEIR analyses of that new development’s impacts.
- For North County, if there are 577 vacant residential lots, and GPU5 will limit growth to one residence per residential lot, how can there be 3,260 units at buildout? Where will the 238 acres of new commercial development by 2030 be located? In your response, please point the reader to the DEIR analyses of that new development’s impacts.
- The apparent division of area into “inland” and “coastal” does not make sense because some of the land being discussed in the “inland” category is located in the coastal zone, and the estimated future acreage can only

258

be achieved if the LCP is amended to allow for the projected growth. For example, the Castroville Community Area is partially located in the coastal zone, and that is where the vast majority of the new development is planned. (See LU-8.) What are the meanings of “inland” and “coastal” as used in the DEIR?

258

These are reasonable questions. If there is insufficient acreage for the estimated expansions within each area, either under existing zoning or the proposed GPU5, why are the estimates made at all, and on what basis? If there is insufficient acreage under either the current plans or under the proposed GPU5, what are the impacts of changing it?

3.4.5.2

What does the sentence mean that “residential development rights created by subdivision are to be dedicated to the County or a qualified non-provide conservation organization”? What could the County do with residential development rights dedicated to it? Could the rights be used elsewhere in the County? These foreseeable future steps should be discussed and their impacts addressed.

259

What is a “visitor farm” (p. 3-28)? Please be specific, and explain why the term is relevant to the DEIR.

260

The DEIR is supposed to analyze environmental impacts of a project, not be a blatant sales job for the project. The entire paragraph under 3.4, with the exception of the first sentence, should be stricken from the DEIR because it is unacceptable advocacy for the project, and it is conclusory. It violates the requirements of CEQA.

261

3.4.1

The conclusion that the GPU5 “does not apply to coastal areas” (p. 3-23) should be explained in detail. The confusion over this issue is addressed elsewhere. Please provide sources for the conclusion. The application of GPU5 policies to the Coastal Areas is a known and reasonably foreseeable future action, and a direct result of GPU5. A clarification of GPU5 to the coastal areas should be provided. The DEIR should analyze the impacts of GPU5 to the coastal areas.

262

Table 3-11 includes only six categories.

As to Table 3-11, it is unclear why the uses listed in the “Types of Uses” column are capitalized. Do they have a specific definition because they are capitalized? The source document is shown as the Land Use Element, but the uses are not capitalized in that Element so we are confused by the inconsistent presentation. Please explain. Also, the list omits pertinent GPU5 information for some categories. For example, LU-

263

2.35 states that resource conservation includes primarily rural residential or agricultural areas. The entry for “Resource Conservation” in Table 3-11 does not mention that this category could include residential or commercial uses, which could change the analysis or understanding of that land use category. Please correct and make the entire table complete and accurate.

263

3.4.5 Countywide Land Use

The DEIR claims “the following discussion provides a description of each Area Plan” but the following descriptions describe the physical boundaries of the plan, the cities and communities within it, and geographic features (with one exception, described below). The DEIR merely describes the land area that is covered by each plan – it does not describe the plan itself, as the DEIR claims.

The DEIR fails to describe adequately what the GPU5 would do to the Area Plans. The DEIR should disclose this issue and discuss it, because the GPU5 policies would have different environmental impacts and timing depending on it. Would the GPU5 modify the area plans directly? Would a separate process be followed to amend the Area plans to reflect new GPU5 policies?

264

In the same way, the DEIR fails to describe adequately what the GPU5 would do to the coastal areas. The DEIR should disclose this issue and discuss it, because the GPU5 policies would have different environmental impacts and timing depending on it.

If, as the DEIR claims, the GPU5 will not apply to coastal areas, then the GPU5 is a stripped-down and inadequate version of the general plan that is intended to apply county-wide (after implementation/incorporation into the area plans and coastal areas) and should be analyzed countywide. The County’s current approach is a piecemeal approach to the general plan, and as a result the CEQA analysis is inadequate because it cannot assess the whole of the action.

Table 3-12

What does the note mean? The data and the inadequate note are confusing. Please explain the differences in how the parcel data categorizes use. Please explain the differences in how the acreage is determined. Please explain why the parcel data does not match the information in Table 3-12. Please identify which DEIR table contains the “parcel data described above” referenced in the note.

265

Why does Table 3-12 include an “other category” while Table 3-11 does not? The discussion of this issue is important because “Other” is a significant percentage of some areas, as described in our comments above.

What is “the entire General Plan planning area” referenced on p. 3-25? Does it include the coastal area? If not, why not? The unincorporated coastal areas will be subject to the GPU5 policies and programs promptly, or as soon as the LCP is amended to incorporate them. Logically, the coastal areas should be considered part of the General Plan planning area. Please explain the how the coastal areas and population were included in the DEIR analysis. Please be specific, and identify every place in the DEIR where the coastal areas were included in the DEIR analysis.

Table 3-13

See comments above regarding the 2006 estimate, which also apply here. Please respond. The note is ambiguous in its reference to it “not including areas within the incorporated cities.” According to the previous page (3-24) there are unincorporated islands that are “within incorporated cities.” Please explain whether the population figure includes or excludes Urban Reserve areas. Please correct the ambiguous note.

266

Why does the County not acknowledge the limitations on development in the Highway 68 area due to the overdrafted Seaside Basin? That would change the assumptions and estimates.

What does the DEIR mean by the term “sufficient water supply”? As used in the GPU5 and in the DEIR, please define it in detail, and identify the source(s) for the response, including page numbers of the sources. Does the term mean that the growth would not cause any new environmental impacts, or could exacerbate an existing overdraft but the County would still approve the project, or what exactly? The standard of “sufficient water supply” is a critical issue for the County, and how it is defined makes a big difference. It is a subjective and ambiguous term.

3.4.5.3

The Paraiso Hot Springs STA would allow “mineral water bottling” (p. 3-30). Where is the analysis of that proposed use? The DEIR analysis should include water demand, impact on the overdrafted Salinas Valley Aquifer, the precedent-setting nature of exporting water out of the basin, and cumulative impacts. This issue should not be deferred to the project-level EIR, because under CEQA the policy decision in the GPU5 to allow mineral water bottling is when the analysis should be done: at the earliest possible stage. The DEIR should consider the following mitigation: prohibiting mineral water bottling, or limiting it to a very low amount after it is proven scientifically to not have an effect on any aquifer relied on for on-site uses.

267

The Old Mission School STA description is odd because it omits any public hearing or public review process for the facilities. Would not the facilities project be a project under CEQA? Please explain.

268

The Lohr STA description is markedly different from the other STA descriptions because it does not state what uses are proposed for the STA. Without that information in the project description, the public cannot comment on the STA or its impacts.

268

3.4.5.4

What is the DEIR's purpose behind listing specific "distinct geographic features" or "distinct geographic areas"? The DEIR describes this issue differently for the Greater Monterey Peninsula than for the other area plans. The other plan descriptions address specific geographic features. Instead, the Greater Monterey Peninsula discussion seems to throw random names of areas onto a list, which is confusing, and indicates that the EIR preparer does not understand the area and is hazarding guesses about it. Please address.

The "distinct areas" are *demographic* areas more than geographic. What were the criteria for listing distinct features within each area plan? Who chose which features were to be listed? What is the importance and impact to the DEIR of choosing one type of distinct area over another?

Why does the DEIR separately identify some "distinct geographic areas" but not others that are equally distinct, such as the Highway 68 corridor and slopes, or Jack's Peak, or outer Carmel Valley/Cachagua, or others? What is meant by the odd reference to "Aguajito" as a distinct geographical reference? In our experience, Aguajito is not a reference that is understood by persons who have lived on the Monterey Peninsula for generations. Aguajito is a road which goes from the flatlands to Jack's Peak and emerges on Carmel Hill. In what way is the Monterey Peninsula Country Club a distinct geographic region? It is no more distinct than other inland portions of Pebble Beach, which is omitted from the list of "distinct geographic areas."

269

On the other hand, true distinct geographical areas are entirely omitted, like the Carmel River, the ridge between Highway 68 and Carmel Valley, specific aspects of Carmel Valley, etc.

This comment applies to the entire project description: The DEIR descriptions of and references to the Special Treatment Areas are unintelligible. The DEIR does not list the STAs by number. However, the maps refer to them by number only.

The individual DEIR project descriptions do not refer to each STA by number. Instead, the DEIR refers to each project by name only (for example, "White Rock Club"). This is confusing for the public, because the GPU5 describes the STAs by policy number. Each time the DEIR discusses an STA, the DEIR should identify the proposed GPU5 policy number, the name, and the map location.

Further, if the public wants to see the GPU5 policies that are being analyzed in the DEIR the public has no guidance where to find the reference to the STA in the GPU5. The DEIR does not refer to GPU5 policies that it is relying on for the project description. If the public eventually tracks down the relevant GPU5 policies, that information does not help much, because the hunt for information is not over until the public can find the specific location on a map.

For example, in searching the GPU5 for the White Rock Club, the public eventually may find it as GMP-1.7. But the public still does not know the location of the White Rock Club. So the public turns to the appropriate map in the DEIR: Exhibit 3.7, Greater Monterey Peninsula Area Plan Land Use Map. But on that map, there is no mention of the White Rock Club, or GMP-1.7.

In other words, it is impossible to determine where the specific STA is located.

Similar problems exist in throughout the project description, and makes it impossible for the public to understand which treatment area is being discussed, what the different ST references mean, which land use or area plan policy is being relied on. For example, the Exhibit 3.8 identifies multiple areas with an “ST” in a circle, and identifies them only by CV-1.22, 1.23, 1.35, 1.26, 1.27, 1.28, and others, but there is no list of what each of those numbers mean, and the numbers do not appear in the DEIR project description.

The DEIR does not even state where they are to be found in the GPU5 (after some effort to search the CD of the GPU5 electronically, those numbers cannot be found).

To make matters worse, the DEIR exhibits (maps) do not match the General Plan policies. For example, Exhibit 3.7 (Greater Monterey Peninsula Area Plan Land Use Map) identifies an area as GMP-1.16, another as GMP 1.17, and another as GMP 1.18. However, in the GPU5, the GMP supplemental policies are identified as GMP-1.1 through GMP-1.9. In an electronic search of the GPU5, there were no results for GMP-1.16, GMP 1.17, or GMP 1.18. To what are those references? Please explain.

Each of the maps should have a legend, explaining what is on each map. The DEIR is incomprehensible because the maps cannot be understood by the public.

3.4.5.5

Regarding the Rancho Canada Village STA, the DEIR description of the project (p. 3-33) is inconsistent with the GPU5 maps (Exhibit 3.7, Greater Monterey Peninsula Area Plan Land Use Map, and Exhibit 3.8, Carmel Valley Master Plan Land Use Map, including detail). The maps shows the STA to encompass a far greater land area than that described in the DEIR. The maps also shows the STA as extending to and

269

270

271

272

including Highway One and encompassing a large residential and industrial area, all of which is omitted from the DEIR project description. Please clarify the correct STA boundaries, and provide maps large enough to show the boundaries clearly.

Also, regarding the Rancho Canada Village STA, what the map shows as “industrial” (pink) is actually in commercial land use (shopping centers at the mouth of the Valley). Is the map “industrial” designation correct?

272

In general, where a verbal description differs from a depiction on a map, which version controls? Please respond separately as to the DEIR and as to the GPU5.

Why are study areas not included in the project descriptions of the area plans? The study areas have the potential to change the areas significantly, but the DEIR ignores them.

273

Why are all areas designated as Special Treatment areas by the “ST” in a white circle not described in the discussion of each area plan? Please answer as to each area plan.

274

As one example, there are several special treatment areas proposed for Carmel Valley that are not even mentioned in the project description discussion of the Carmel valley master Plan area (pp. 3-32 and 3-33). Please explain. Do you think that those special treatment areas will not have environmental impacts? What is the impact on the DEIR analysis of omitting those areas from the project description?

275

3.4.5.8

The description of the Syndicate camp appears to be current as of 1994, 14 years ago. That does not meet CEQA’s requirement of the current, on-the-ground conditions.

276

3.4.6

The project description of the AWCP is confusing. Are there any limitations on the size of the single family residence, guesthouse, and three employee housing units? Are there any limitations on the use or ownership of any of the residential units? What does it mean that “each winery would be allowed a single-family residence, a guesthouse, and as many as three employee housing units”? Could the employee units be sold or rented to non-employees? If so, does the traffic analysis discuss those impacts? Where would those residential units have to be located – on the same parcel as the winery, or on a parcel under the same ownership as the winery, or within a certain distance, or what? In other words, would the development be clustered, or spread out, or managed in any way?

277

Where is the DEIR analysis of the land use impacts of these residential units?

How many visitor centers would be allowed? Is there any size limitation to the centers?

Are there any restrictions on the eight new inns that would be allowed? Could they be Holiday Inns with 250 rooms and complete amenities (pool, restaurant, large parking lot, etc.)?

The text discussion on p. 3-40 is very confusing. We cannot tell what it means. It is one of the few instances where the DEIR discusses process and implementation of proposed GPU5 policies. Why is the process and implementation not discussed for other GPU5 policies?

What does "some type of discretionary permit" mean (p. 3-40)? What is the meaning and impact of the qualification "some type" to discretionary permits?

277

The proposal to exempt artisan wineries, full-scale wineries, inns, and residences from CEQA has far-reaching implications. Please discuss in full. Does the proposal have any precedent within the County?

Please identify all places in the EIR where the impacts of the exemptions identified above are discussed, and list each reference document used as part of the EIR analysis.

By exempting artisan wineries, full-scale wineries, inns, and residences from CEQA, there will be no further public review of those projects. The public would be excluded from any further review under CEQA. If it is to be relied upon to enable such a policy, this EIR should provide a project-level discussion of the projects that would be allowed under the policy. However, this DEIR does not provide an adequate project-level discussion.

Table 3-16

Would every winery (artisan and full-scale) be allowed "by right" to have private events such as weddings, meetings, conferences, and parties? If so, that should be explained, and the impacts analyzed (for example, to water, traffic, etc.), which they are not. To mitigate the impacts, the DEIR should consider a mitigation prohibiting or limiting such private events, using quantitative measures that are enforceable and ensure that impacts are mitigated, not qualitative measures that are subject to interpretation.

278

Are administrative permits subject to CEQA review under County rules? This issue should be disclosed, and the impacts of that information should be fully discussed, given how much they would be used here.

What does “ag- or winery-related visitor serving use” mean? It is not described in the AWCP project description. Would it include any of the following uses: (1) a gas station; (2) a motel; (3) a McDonald's; (4) a water park with an agricultural or vineyard theme; (5) a hotel/conference center that offers local wine tasting, (6) a golf course, (7) a spa resort, (8) water features such as fountains or ponds, (9) a mini-mart, (10) a car rental business (including a large parking lot for rental cars)? For each response, please identify (a) the specific policy(ies) in the GPU5 that would control the use, and (b) the DEIR analysis on which you rely. We cannot find in the DEIR an adequate discussion of the potential kinds of uses that would serve as an “ag- or winery-related visitor serving use”, or the impacts of allowing those uses without further CEQA review. In your response, please define the actual use that is being proposed, including existing GPU5 limitations on that use, and mitigations proposed by the DEIR to mitigate the impacts of the use(s).

278

Visitor centers are not listed in the Table 3-16, but are described in the text. Please be specific as to what would be allowed, and please define the actual use that is being proposed, including limitations on that use. Please make the language of the text and table internally consistent.

Would the proposed “visitor centers” be exempt from CEQA? We do not see any limitations on the size or nature of those centers.

Would “ag- or winery-related visitor serving uses” be exempt from CEQA? Neither the text nor the table address that issue.

3.4.10 Special Treatment Areas

The listed areas appear to be missing multiple STAs and Study Areas. For example, the former Carmel Valley Airport are is missing from the list, even though it is clearly identified on Exhibit 3.8 as an “ST with the designation CV-1.27. We should not have to identify all the missing areas. Please provide a complete list.

279

3.4.11

The Airport/Hwy 68 site is not east of Highway 68 – it is south.

280

Exhibit 3.7 - Greater Monterey Peninsula Area Plan Land Use Map

On the Monterey Area Detail, what is the meaning of the orange color with grey diagonal lines across it (shown on the left of Detail)? What is the meaning of the beige

281

color area with diagonal grey lines? There is no definition in the legend of grey diagonal lines. The grey lines is clearly distinct from the black lines, as can be shown from the black horizontal lines on the same Detail. The black diagonal lines are shown as Urban Reserve, but the diagonal lines are definitely not black. Please explain and clarify and redraw the map as necessary.

281

Olmsted Road is misspelled.

Would the housing be required to be permanently affordable? If not, what are the impacts of allowing the houses to not be affordable after a period of time? After the cessation of the affordable period, what kind of development would be allowed on those parcels?

3.4.12 -- Routine and Ongoing Agriculture

Will the ordinance establishing the list of Routing and Ongoing Agricultural Activities be subject to CEQA? Would CAFOs be allowed? Would the raising of fish be allowed, even if it affected the natural habitat or threatened species?

The discussion including the bullet points on the bottom half of page 3-47 because the DEIR does not make clear that it is paraphrasing the bulleted policies identified by number. The DEIR does not quote the policies. In several cases, the DEIR paraphrase is inaccurate or misleading. Please quote the policies in quotes, so the public knows what is the underlying GPU5 policy and what is the DEIR discussion. As written, it is unclear.

What "agricultural and processing facilities or facilities governed by the AWCP" (p. 3-47) would otherwise qualify as routine and ongoing?

282

What does "steep slopes" mean (p. 3-47)? Please be specific, quantifying the steepness and the slope acreage.

Where is the DEIR analysis of the proposed exemption of Routine and Ongoing Agricultural Activities from policy "OS-3.5 -- regulate development on steep slopes"? In your response, please provide citations to specific page and section numbers. This is a critical issue that would have significant adverse impacts. The DEIR addresses the issue and impacts inadequately.

The discussion of OS-3.5 is an example of where the DEIR discussion is misleading and confusing. The DEIR states, after bullet OS-3.5, "This would apply to routine and ongoing conversion of previously uncultivated lands."

- What does that sentence mean? It is ambiguous -- does it refer to the policy OS-3.5, or the exemption, or what?

- What does “this” refer to? Please define and clarify.
- What does “routine and ongoing conversion” mean? Please define and clarify.

282

Exhibit 3.15 – Chualar Community Area Aerial Map

The map states that the boundary will be established at a later date pursuant to LU-2.23f. There is no policy LU-2.23f. Policy 2.23 states that “Community Areas shall be designed to achieve a sustainable, balanced, and integrated community” using some very general parameters that are listed. The policy is for the design of Community areas, not for the location and boundaries. The location and boundaries must be chosen first, before the area can be designed. The DEIR has not – and cannot – analyze the impacts of a development that is of unknown size, unknown location, unknown purpose, unknown uses, and unknown intensity. The public has been left out of the process. If the boundary is established later, that will result in a piecemeal impact analysis, which CEQA prohibits. Please respond in detail.

283

Does the GPU5 propose to prioritize uses for the County’s limited water resources? For example, among agricultural, residential, commercial, and environmental needs for water, does the GPU5 present a hierarchy as to which need(s) should receive water ahead of other need(s)?

The EIR should consider a mitigation that prioritizes all new water to be applied first to eliminating the overdraft in the appropriate basin (for example, the basin that is the source of the new water), and then either to eliminating the overdraft in adjacent basins, or to new development. The EIR should consider another mitigation that prioritizes new development that would be eligible for new water that becomes available after the basin overdraft is addressed (in other words, after the basin pumping does not exceed recharge).

SOLID WASTE AND WASTEWATER

The Draft EIR’s analysis of solid waste and wastewater is incomplete and inadequate. The DEIR conclusion that there will be less than significant impacts is based on generalizations that do not adequately take into account water quality, and actual potential development which would require additional wastewater and solid waste treatment.

284

Waste Diversion State Compliance

The DEIR states that waste diversion rates “have fluctuated and have begun to drop in recent years.” According to the DEIR, the waste diversion rate in 2006 was 50 percent. (P. 4.11-8.) This is not current information. The DEIR conclusion – that Monterey County is *currently* in compliance with the State requirement that each jurisdiction achieve a waste diversion of at least 50 percent – is contradictory to statements made in the DEIR. This data was current in 2006, it is now 2009. If rates had begun to drop, and Monterey County was barely at compliance in 2006, the conclusion stated is not supported. Please provide the reference documents that were relied upon to make this conclusion and all analysis which led to this conclusion. Please also investigate and disclose the current rate of waste diversion for Monterey County and all analysis of the impacts of decreased waste diversion.

285

According to the DEIR, future generation of solid waste would result in non-compliance with State requirements. The DEIR states that “outreach efforts associated with recycling and waste diversion programs are being implemented.” (P. 4.11-8.) Please explain what “outreach efforts” are being implemented, the source of this information, and what impacts the efforts have had. Please describe the specific programs, the impacts these have had. Please provide the individual “outreach efforts” that have had an impact on State compliance and whether it was a positive or negative impact. For the efforts that have not had an impact on State compliance, please explain in detail all mitigation measures in the DEIR which will positively impact Monterey County’s compliance rate, and how those mitigations will be measurable and publicly accountable.

Wastewater

The sources listed in the hard copy of the DEIR released by the County are inconsistent with the County’s updated list of Section 11 reference documents. This inconsistency makes it very difficult to understand the DEIR wastewater analysis. Due to the inconsistencies, the existence and the accuracy of the data used in the DEIR cannot be verified by the public. This information is necessary for the public to understand the EIR preparer’s analysis, investigation, research and conclusions.

286

For example, Table 4.11-4 Municipal Wastewater Disposal in Monterey County in the hard copy of the DEIR states its source as the “Association of Monterey Bay Area Governments 1999.” The updated Section 11 list of reference documents does not list this document as a reference used in the DEIR. The Citation and Text Errata document added December 6, 2008 does not provide any explanation for the source of the data either.

What is the document that is the reference described as "Association of Monterey Bay Area Governments 1999?" Where do the statistics used in the DEIR come from? The public should be able to confirm that this is the actual data provided by the source and to confirm that the data is accurate. As presented, that is impossible for the public to do.

Please explain why the DEIR does not use current data that accurately reflects current conditions. If the data in Table 4.11-4 is accurate and true of current on-the-ground conditions, please describe all research, investigation and analysis which led to this conclusion. Please provide current statistics and the impacts that the proposed Plan will have on the current on-the-ground conditions.

The DEIR does not comply with CEQA Guidelines section 15148 which states that the "EIR shall cite all documents used in its preparation including, where possible, the page and section number of any technical reports which were used as the basis for any statements in the EIR." The DEIR cites multiple technical documents in the Section 11 references, but does not specify in Section 11 or the DEIR what information was relied upon. It is very difficult for the public to guess what information the EIR preparer used and to verify that this information is accurate and reliable. For example, on page 4.11-28, the DEIR cites to "Monterey County Environmental Health Department *Subsurface Disposal System Design Criteria*–1/18/08." The DEIR does not cite to the page or section number of this many page document. In fact, the Section 11 reference link for this source says "The page cannot be found." The Citation and Text Errata did not have information about the source of the data, or the data. There are many additional sources with this same issue. The public cannot access the data relied upon in the DEIR, or the analysis the EIR preparers used to reach their conclusion. Please provide in detail the actual sources for all data presented in the tables of the DEIR and the location of the sources. Please be specific.

The data in the DEIR cannot be verified for accuracy without the actual source used. The DEIR fails to identify many of its sources. As one example, on page 4.11.2.6, the DEIR states "The wastewater treatment plant capacity is 4.0 MGD (about 1.2 acre-feet per day) and current demand is 1.7 MGD (about 5.2 acre-feet per day)." Please provide the sources for this statement. According to the DEIR, wastewater treatment plant capacity exceeds current demand. Therefore, the DEIR's conclusion that wastewater will have a less-than-significant impact is not supported by the DEIR's own analysis. Please investigate and respond in detail.

Agricultural Wine Corridor Plan

Waste Water

The DEIR states that the Agricultural Wine Corridor Plan (AWCP) would eventually result in 40 new artisan and 10 new full-scale wineries by 2030. The DEIR fails to adequately consider, quantify and analyze of the wastewater production impacts.

The DEIR fails to adequately analyze the potential impacts of the wine corridor residential, industrial and commercial development and its effects on wastewater treatment needs. A general conclusion that new treatment facilities will be needed may be true, but is not adequate. Please provide specific information about planned treatment facilities for the AWCP, including location and infrastructure. Please describe the specific impacts of both residential, industrial and commercial wastewater. Please provide a quantitative analysis supported by accurate data with specific references to source documents. If, after investigation, the EIR preparer determines that no accurate data is available, please discuss the reason for the omission of this critical information and the documents the EIR preparers analyzed to reach this conclusion. Because this is the only time that the AWCP will be required to undergo complete CEQA review, it is necessary investigate and analyze the specific impacts of additional treatment facilities now.

288

The DEIR does not quantify daily disposal rates “because they depend on the level of wine production.” What research led to this conclusion? What documents were relied upon? What levels of wine production were analyzed to determine that daily disposal rates could not be quantified? Why cannot the DEIR provide a reasonable range of disposal rates based on its research? Please respond.

The DEIR states that, “In all cases, disposal of these volumes of wastewater would require engineered wastewater treatment systems.” However, the DEIR does not provide any potential impacts, describe or analyze the impacts of additional engineered treatment systems in the AWCP. The projected future development, diversion needs and impacts, including cumulative impacts, should be analyzed now.

Solid Waste

The solid waste expected to be generated by the AWCP cannot be analyzed until accurate data is used, which the DEIR has not done. Table 4.11-5 in the DEIR is not accurate. It does not account for actual potential productivity, and therefore, a conclusion that there is adequate landfill capacity to meet the short-term and long-term needs of the wine-related facilities is not supported. Please identify and quantify the individual “short-term” and “long-term” needs for the AWCP. Please describe all research and analysis used to determine the short-term and long-term needs of the

289

ACWP. Please also provide the DEIR's analysis solid waste impacts for the residential and commercial development in the AWCP.

289

Exactly what are the wastewater impacts? The DEIR does not provide quantitative analysis of them. Please describe the impacts of water quality and availability on wastewater. Please provide the reference documents and the complete analysis done with respect wastewater impacts in the AWCP.

The DEIR states that several Area Plan supplemental policies address wastewater. Please provide specific information as to how these plans address this issue, citing the specific Plan policies, and how they vary. The DEIR's conclusion that specific environmental impacts cannot be determined with any certainty, and are only addressed at a general level of detail, is inadequate. The DEIR should make a reasonable effort to analyze specific impacts. How was a significance determination made by the DEIR when impacts were analyzed only at a general level? Again, what are the specific future impacts?

290

The DEIR fails to discuss the impacts on biological resources. For example, the DEIR concludes that "Assuming that they will be located in Community Areas or Rural Centers, they would have a limited potential to adversely affect biological resources." What maps, data, research and analysis is this assumption based on? Please be specific in your response. The DEIR does not analyze the specific biological impacts created by additional development and associated facilities. Quantitative analysis of the issues and resulting impacts is critical. The DEIR cannot provide adequate mitigation measures if it fails to adequately analyze and assess the impacts.

291

The DEIR makes the conclusion that prospective winery-related wastewater treatment facility sites would be likely to have "low habitat value." Please define the term "low habitat value" because it is confusing. Please provide the research and analysis this definition is based upon. Please provide all sources for this DEIR conclusion as to facility sites, show locations on the map that would be available with certainty for wastewater treatment facility sites, and provide all support for the claim that these sites would have low habitat value today, in 2009. Further, even if something is "likely" that may mean less than 50% chance. The DEIR fails to adequately investigate this siting issue, or to research and disclose potential impacts.

292

In its Significance Determination, the DEIR fails to adequately discuss CEQA compliance for wastewater impacts. The DEIR avoids this discussion and instead makes blanket statements. The DEIR states that "expansion of a treatment plant would have to minimize impacts through the CEQA compliance." (P. 4.11-31.) Because this is the only time that the AWCP will undergo CEQA review, the specific impacts must be analyzed now. Expansion of a treatment plan cannot be left for future discussion. Please describe the research, investigation, and mitigations proposed in the DEIR

293

which specifically address this issue. We cannot find adequate research, investigation, or mitigations.

293

The wastewater production described in Table 4.11-7 does not account for the likely increase in production exceeding DEIR statistics. The DEIR's estimation of what would be expected appears to be inaccurate because the DEIR makes assumptions about wastewater production. The DEIR concludes that wastewater will have a "Less-Than-Significant-Impact," but the data is incomplete and the analysis is unreliable. Please describe the investigation of accurate statistical information for this table, provide the sources of this data and all analysis done to create this table. The DEIR does not provide a quantitative analysis to reach its "Less Than Significant Impact" conclusion. The data should account for variance and address the future range of impacts that wastewater and treatment plans will have.

294

CLIMATE CHANGE

4.16.5.3 – Impact Analysis: Contribution to Global Climate Change.

The DEIR analysis of environmental impacts is incomplete and inadequate because it makes assumptions unsupported by evidence and conclusions based on those assumptions.

295

Agricultural Emissions (page 4.16-22)

The DEIR analysis of agricultural emissions does not adequately consider additional agricultural emissions in Monterey County for 2030 and buildout. The reason given in the DEIR for not considering additional agricultural emissions is that no expansion in agricultural development is projected because no additional agricultural employment is forecast. The DEIR does not explain why or in how trends in agricultural employment correlate to agricultural development. Please explain. Please see comments elsewhere in this letter on this issue, relative to vineyard expansion. For example, the increased acreage made available to agriculture under new GPU5 policies, as well as more relaxed toward routine and ongoing agricultural activities, will lead to additional agricultural development.

296

The DEIR provides no supporting research and makes an assumption that agricultural employment is a reliable indicator of agricultural development. The DEIR does not explain why it used agricultural employment to project agricultural development, what other means were available to project development and why they were not chosen. Please provide all sources, investigation, research and analysis that the DEIR used in reaching the conclusion that agricultural employment is a reliable indicator of agricultural development. Please explain what other data, means and methods were available to project agricultural development and why they were not chosen.

Further, agricultural development can expand and associated GHG emissions can increase without a corresponding increase in agricultural acreage. Please provide support for the statement of “no change” for agriculture on page 4.16-19 due to the assumption that there will be “no overall change in agricultural acreage” is inaccurate.

The DEIR does not explain how it would quantify and qualify agricultural emissions resulting from agricultural development. The DEIR attempts to avoid answering this question by making the unsupported and possibly incorrect assumption that there will be no increase in agricultural emissions due to lack of agricultural employment or development. The public needs to know how the DEIR will effectively analyze agricultural emissions' environmental impact on Monterey County environment. Please investigate, redo the analysis, and present your data, findings, assumptions and conclusions.

The DEIR does not explain the method(s) used in determining the amount of agricultural emissions from a particular development project. Please explain those methods and supporting your explanation with your research, analysis, and sources, including page numbers.

The DEIR's statement that no new agricultural development is projected is not consistent with its statement in a different section of the DEIR that the Agricultural Wine Corridor Plan (AWCP) would eventually result in 40 new artisan and 10 new full-scale wineries by 2030, and that the AWCP may encourage new vineyards. Please explain why the DEIR did not consider the projected increase in the number of wineries in the AWCP in its conclusion that no new agricultural development is projected. The DEIR also did not consider the AWCP-related vineyard development, as described in the DEIR, or the new policies on steep slope development, agricultural conversion, and routine and on going agricultural exemptions. Please consider and analyze the environmental impact of the agricultural emissions that will result from these wineries and other agricultural development.

The DEIR's statement that “traffic, electricity demand, and direct energy use for agricultural sector, including the new wineries is taking [sic] into account broadly in the calculation of vehicle emissions and of growth in electricity and direct energy use related emissions” is unclear in how agricultural-related emissions were quantified and qualitatively factored into the broad picture. Please explain the process the DEIR used to quantify agricultural-related emissions so as to then be able to take them into account “broadly” in calculating emissions. Please state the specific amounts of agricultural-related emissions that were identified and quantified, and incorporated into the broad picture.

Emissions Associated with Land Use Changes (page 4.16-22)

The statement in the DEIR that “Development allowed by the 2007 General Plan would result in the conversion of natural vegetation and agricultural lands that would result in the loss of carbon sinks” is unclear. Please explain to what uses natural lands, agricultural lands, or both, will be converted, and identify the locations of the lands so converted. Please provide specific citations to the GPU5 where it discusses conversion of specific parcels of land. If the GPU5 does not discuss locations of land conversion, please provide a detailed analysis of the effect on Monterey County’s environment resulting from such a lack of specific provisions, and the likely locations.

The DEIR states that “Given the uncertainties associated with estimated GHG fluxes associated with natural vegetation and agricultural lands, the potential loss of carbon sinks was not qualified, but would nevertheless contribute GHG emissions along with other sources.” This statement seems contradictory as “estimated GHG fluxes” connotes that an estimate of the high and low possible fluctuations exists, but the DEIR has dismissed discussing these figures due to unexplained “uncertainties.” Please explain why there are “uncertainties associated with estimated GHG fluxes associated with natural vegetation and agricultural lands,” and quantify and evaluate the uncertainties.

297

Please provide the “estimated GHG fluxes.” Please estimate the potential loss of carbon sinks as a result of the GPU5 (such as by creating “best-case” and “worst case” scenarios) and analyze the loss of these sinks on Monterey County’s environment. The DEIR should make a good faith investigation and estimate of the loss of carbon sinks. This investigation should include calculations of the loss of vegetation due to GPU5 policies, including GPU5 Policy OS-3.5 and the AWCP.

PUBLIC SERVICES

Table PS-1

This table fails to define “long term water supply” and the DEIR fails to investigate or point out the possible impacts that may result from the failure to define the term. The DEIR should propose a mitigation that defines the term “long term water supply” in quantifiable terms, including objective measurements and standards. That term is inconsistent with the terms used in Public Service policies; the DEIR fails to investigate this issue, the various interpretations, or the impacts of the inconsistency.

298

As a general comment on a significant issue that the DEIR fails to identify or discuss, the DEIR fails to investigate the various phrases and terms used by GPU5 policies regarding water supply. The GPU5 and Area Plan policies are very inconsistent, and not determined. For example, the Central Salinas Valley Area Plan policy CSV-5.2 uses the term “safe, long-tem yields” without defining the term. That is

a different term than “long-term water supply” and many similar terms used elsewhere in the GPU5 and Area Plans. The Salinas Valley policy qualifies the policy, by adding “safe, long-term yields” the following “where such yields can be determined.” The DEIR fails to understand these important terminology implications, or the impacts thereof, because it mischaracterizes policy CSV-5.2 as allowing uses “only if it can be proven that they . . . would not overdraft existing groundwater supplies” (p. 4.3-125). That is not at all what the policy says. The DEIR in many places misleads the public by inaccurate use and/or understanding of key terms.

298

Table PS-2

It is not clear where Table PS-2 is incorporated into any GPU5 policy, or where the DEIR analyzes it or the associated policy. Please explain.

299

Also, the DEIR does not investigate why a project with an existing or available water connection would be allowed to drill a well, given the policies that encourage coordination and consolidation of water systems and pumping (e.g., PS-2.1, 2.3.). Additionally, the DEIR fails to investigate the definitions of “available” and “unavailable” mean, or to propose a mitigation that defines those terms.

AGRICULTURE

Goal AG-4

The DEIR fails to adequately assess or investigate the impacts of Goal AG-4 and policy AG-4.1, which requires the County to support “the development of a fully integrated wine industry.” This policy mandates the County’s support, and places no limits on that support. That is problematic: if the County turns down, limits, or places conditions on a permit for a vineyard or a wine tasting room or a winery, would the County be violating policy AG-4? If the County places restrictions on the steep slope cultivation permit process for ag conversion, or discourages development of a vineyard due to environmental concerns, would the County be violating policy AG-4?

300

The DEIR should consider a mitigation that eliminates policy AG-4. As an alternate mitigation, the mandatory effect of the policy should be limited or qualified to allow the County its full discretionary authority.

PARKS

The proposed policies called “Adequate Public Facilities and Service standards, that will be used to obtain park and recreation facilities along with residential subdivisions and require that Community Area Plans identify adequate park and recreation facility sites” do not establish a specific level of service for parks and recreation facilities. This omission means there are no metrics to measure their

301

effectiveness, and they may not be effective at all, or at a very low level. The DEIR analysis should present measurable objective standards, and be revised accordingly. The DEIR should consider a mitigation that establishes specific levels of service for parks and recreation facilities.

301

ALTERNATIVES

The entire Alternatives analysis is inadequate under CEQA. As one example, the analysis chooses to weight some policies over others without describing the standards by which the policies are measured in the DEIR, without quantifying their effects, and using arbitrary and conclusory statements. As another example, because the project analysis is inadequate, the Alternatives analysis does not adequately -- and cannot -- compare the project's impacts with the alternatives' impacts.

302

The DEIR paraphrases the legal requirements of CEQA Guidelines section 15126.6 in section 5.1, thereby changing the language of section 15126.6 and imposing different tests than those precisely stated in the Guidelines. Why was that done, and what impact did it have on the subsequent analysis of alternatives? The DEIR should consistently apply the correct tests in the Guidelines.

The DEIR has an inadequate discussion of the inconsistency and tension between the two "project objectives" listed at 5-1 and 5-2:

- Provide direction for growth that . . . preserves as much of the County's scenic and environmental resources as possible
- Establish the AWCP to facilitate the development of wineries along a corridor in the central and southern Salinas Valley to achieve a balance between the wine-grape production and wine processing capacity within the County.

303

These two objectives have the potential to be at odds with each other, but the DEIR fails to address how the different alternatives meet one policy but not another.

The TOD (Transportation Oriented alternative) is confusingly described. What basic plan does it modify – the GPU5 or one of the four alternatives? The text does not state which one. There is mention of a "third tier" development plan, but no statement as to what the first tier and second tier are. It mentions Community Areas and AHOs, but those elements exist in several of the alternatives. There is no accurate description of this alternative.

304

In 5.3.2.1, what does the last sentence of the first paragraph mean? What impacts would be "significant and unavoidable" and what does the modifier, "Overall" mean in this context?

305

The conclusion of the third paragraph of that same section (one five-line sentence) lacks any underlying analysis. See pages 5-8 and 5-9. In that section, why does the DEIR state that “land use conflicts” “have greater impacts on land use . . . “? What is meant by “impacts” in that analysis?

306

5.3 – 1982 General Plan (No Project Alternative)

On what basis did the EIR conclude that “the ACWP would authorize wineries within its boundaries that would enhance tourism and provide additional income to wine grape growers” (p. 5-9)? This is an unsupported conclusory statement. There is no evidence that the ACWP would provide additional income to growers, who presumably are already selling their grapes.

307

The 5.3.2.2 discussion at pp. 5-9 and 5-10 is not understandable, and makes conclusory statements. On what basis did the EIR conclude that “the 1982 General Plan would have greater impacts on agricultural lands than the General Plan 2007”? The discussion does not necessarily lead to that conclusion. The discussion states that the 1982 General Plan will have lesser impacts on agricultural lands than the General Plan 2007 in some areas, and more in some areas. The DEIR fails to quantify the differing impacts, or explain how it ranked the differing impacts and arrives at its conclusion cited above.

For example, the DEIR acknowledges that “The 2007 General Plan . . . does not require that all [agricultural] buffers be permanent or dedicated in perpetuity” (p. 5-6) but then fails to analyze the impacts of that limited policy. If the benefits of the policy are not permanent, then what effect does that have on the environment, and on the DEIR analysis?

308

When the DEIR concludes that the 1982 General Plan has a “stronger buffer policy” than the 2007 General Plan Update, what are the effects of the comparative buffer policies? How much acreage is affected by the weaker buffer policy of the 2007 General Plan Update when the two plans are compared? Please quantify the impacts in terms of the amount of land, the location of the land, the present uses and future uses under a weakened buffer, and the impacts that are likely to be created by increasing development in areas currently protected under what the DEIR acknowledges to be “permanent buffers” under the existing plan.

The analysis at 5.3.2.3, the water resources impacts comparison of the 1982 General Plan with the 2007 General Plan, does not appear to address the proposed steep slope policies of the GPU5. This is an example of how the DEIR's failure to identify the policies under discussion leads to a confusing DEIR analysis.

309

Due to this material omission, the public cannot tell whether – or why – the analysis of specific policies such as allowing agricultural development of steep slopes

was omitted. Here, the failure to include them in the discussion is fatal, because the proposed policies would allow slope development that is not allowed by the 1982 General Plan. Those new policies would have severe adverse environmental impacts on water demand for agricultural development, soil erosion and sedimentation from agricultural activities, and water quality (e.g., pesticides and other toxics used in agricultural activities), both on site and on buffer properties, as well as in the larger surrounding communities. Those issues were not included or considered in the analysis, which should be revised, and the conclusion changed to reflect these impacts.

309

Additionally, the analysis at 5.3.2.3 fails to identify or discuss the impacts of the water supply mitigation measures proposed by the DEIR for GPU5. These impacts are significant and adverse, and may change the conclusions as to the comparison of the project and its alternative.

310

Under section 5.3.2.6, the analysis contemplates that LOS D would be adopted “as the standard for maximum allowable congestion within the County.” In that section, you do not identify the current LOS, or explain how dropping the LOS to D either lessens or decreases traffic or improves transportation throughout the County.

311

The discussion under 5.3.2.9 is very unclear. It is unclear whether the 2007 General Plan has similar policies as the 1982 General Plan that “encourage the conservation and maintenance of native plant communities near new development and promote the conservation of large contiguous areas of native vegetation to provide wildlife habitat . . . [and] careful planning of areas that are of value to wildlife to maintain that habitat.” Without that disclosure, and without the resulting analysis, the DEIR is not analyzing the actual impacts and is ignoring critical information.

312

In 5.3.2.9, the discussion of the addition of development on steep slopes throughout the County under the 2007 General Plan is grossly inadequate. In discussing grazing land, the DEIR throws in (but does not investigate, analyze or discuss) the existing “more restrictive policies” on steep slope conversion. How many acres of land could be developed solely as a result of “steep slope conversion” under the 2007 General Plan? Where is that land located (specifically)? What biological resources exist on those lands, and what is the cumulative impact upon biological resources?

313

As to 5.3.2.11 Public Services and Utilities, the EIR discussion is confusing. For example, it has a 14-line paragraph on the 1982 General Plan which addresses many issues, including these statements:

The 1982 General Plan includes policies encouraging coordination among water service providers to assure that groundwater is not overdrafted, prohibiting water-consuming development in areas that do not have proven adequate

314

water supplies, and requiring new development to connect to existing water suppliers, where feasible. The 1982 General Plan has not been effective in avoiding this significant effect.

That 14-line paragraph is followed by a single-sentence paragraph on the GPU5:

The 2007 General Plan, in comparison, would result in the same impacts from new or expanded services and infrastructure.

The single-sentence analysis of GPU5 omits a meaningful comparison of the 1982 Plan policies and issues described above (see indented quotation above). Those issues should be addressed in the DEIR comparison of alternatives.

314

What is "this significant effect" as referred to in the 14-line paragraph quoted above? We cannot figure out what is meant. The conclusion is very important, because it appears to refer to the effects of the failures of 1982 General Plan policies as to water, and the resulting current overdrafted and poorly managed water supplies we currently have. Critically, the DEIR fails to distinguish how the GPU5 policies, which are equally toothless and illusory, will be any more effective than the 1982 General Plan policies.

Following the single-sentence paragraph on GPU5, the DEIR goes on to discuss the potable water supply, but the discussion is misplaced – that discussion belongs under Water Resources, along with the indented quotation above. The DEIR confuses the difference between the natural resource (water) and the infrastructure necessary to deliver it (public services and utilities). As a result, the DEIR discussion is incomplete and incoherent.

The discussion fails to address the significant impacts of additional public services and utilities mandated by the DEIR water supply mitigations. Water projects of the magnitude necessary to meet the mitigation descriptions would have significant impacts, none of which are addressed here. If those were adequately analyzed, the 2007 Plan may have more adverse impacts.

315

As to the policies cited in the 5.3.2.11, please specifically cite (by page and policy number) each of the 1982 Plan and GPU5 policies that are relied upon by the DEIR. Without specific references, the DEIR discussion is slippery and unaccountable, and fails to meet the informational requirements of CEQA. It makes the comparison impossible to verify.

316

At 5.3.2.12, the DEIR makes a conclusory statement that "the No Project Alternative would not provide adequate levels of new parks." Please provide all information and analysis that led to that conclusion, which is not accurate. The 1982

317

General Plan could provide adequate levels of new parks, and there is no evidence that leads inexorably to the opposite conclusion. 317

The DEIR conclusion at p. 5-17 is that

The No Project Alternative does not meet any of the objectives of the 2007 General Plan because it maintains the existing 1982 General Plan and does not update its policies or land use map to account for changing economic conditions, land use patterns, socioeconomic changes, or technological advancements. 318

Please describe specifically how the GPU5 "account[s] for changing economic conditions, . . . socioeconomic changes, or technological advancements," and how and why those parameters were used for the comparison and conclusion here. Please explain how these criteria are evaluated under the CEQA Guidelines.

The analysis fails to address the fact that steep slopes would be developable under GPU5 whereas such development was prohibited under 1982 Plan. The new GPU5 policy would have significant impacts on land use, water, biology, and other areas. The impacts analysis is missing from the alternatives analysis. 319

Section 5.4 – GPU3 Alternative

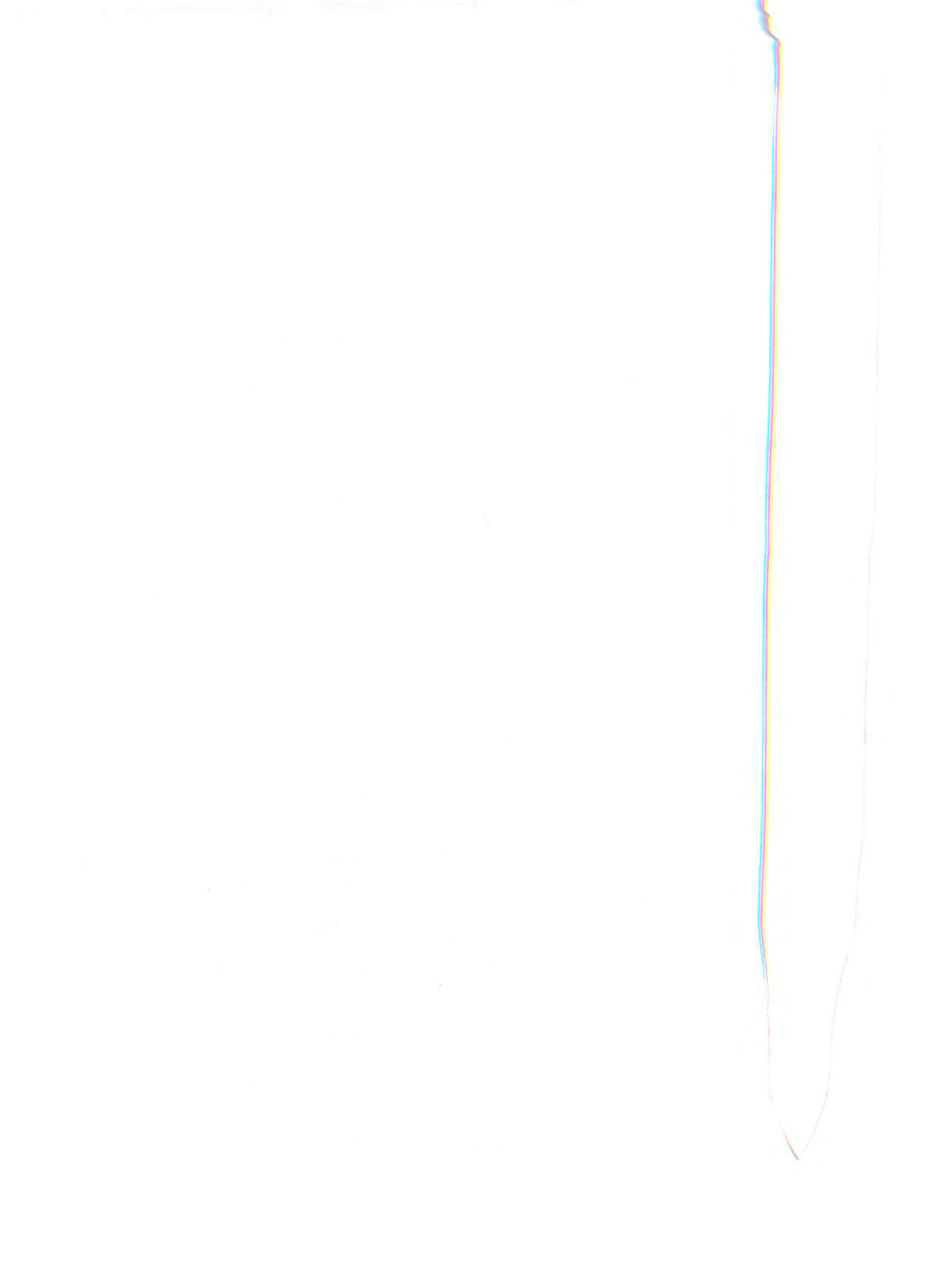
Under 5.4.1, the discussion fails to discuss adequately the critical difference as to several issues, including water, steep slopes, and biology. 320

Please explain exactly what references to tiers and phases mean. 321

The discussion is also confusing as to the County areas that would be affected. The GPU3 would affect the coastal zone. The DEIR analysis should discuss whether the GPU5 would affect the coastal zone, either directly or indirectly? This is an unclear issue mentioned elsewhere in these comments – whether the GPU5 includes the coastal zone in its figures, numbers, analysis of the Plan impacts, or cumulative impacts. The discussion here is equally vague. In 5.4.1.1, Table 5-2, does the number of dwelling units cited for each category include or exclude the Coastal Zone? Until this is clarified, the numbers are meaningless and the public cannot review the information. 322

The discussion of Water Resources under 5.4.2.3 is another example of how the Plan policies are compared with an alternative, and conclusions are made without quantifying impacts or defining the standards for the conclusion. The DEIR states: 323

GPU3 would prohibit development in 100-year flood plains, establish a Comprehensive Integrated Water Management



Plan, require long-term water supplies for new development, and expand the Watershed Permit Coordination Program. GPU3 also has strong policies protecting water resources in the Coastal Areas. GPU3 shares with the 2007 General Plan an increased demand on groundwater resources and potential for exacerbating overdraft conditions. It is unlikely that these policies would be sufficient to solve the water supply and overdraft problems identified in this EIR and therefore, GPU 3 would have a significant and unavoidable impact.

The 2007 General Plan policies, with the exception of the long-term sustainable water requirement, are less stringent. However, the proposed 2007 General Plan would restrict development in floodplains, limits development where there is no long-term sustainable water supply, and would establish groundwater overdraft monitoring systems.

323

The DEIR goes on to conclude that the water impacts of the GPU3 and GPU5 would be "similar." That conclusion is not supported, because the DEIR admits that the GPU3 policies were strong policies protecting the coastal area water resources (whereas none are mentioned to the GPU5), and that the GPU3 policies are more stringent. The few GPU5 policies mentioned appear to be the same as those in the GPU3. In fact, GPU3 appears to be stronger: it would prohibit floodplain development while GPU5 would merely restrict it; GPU3 would require long term water supplies for new development while GPU5 would merely limit development which did not have a long term supply. Therefore, it appears that the GPU5 impacts will be more severe than GPU3.

Also, the analysis fails to address the impacts on water resources of GPU5 policy allowing development of steep slopes, which is not mentioned in GPU3. Please address in detail.

324

As to 5.4.2.4, the conclusion is unsupported. There is no evidence that the GPU3 policies as to community areas and rural centers would place more people in areas of hazards than the GPU5. There is no evidence where those hazards are located, or whether they are near the community areas or rural centers.

325

Additionally, the discussion fails to analyze the erosion potential created by the GPU5 proposed steep slope development. That erosion potential may far outweigh the GPU3 impacts, but the DEIR fails to identify, analyze, or quantify it here or in the rest of the DEIR.

326

Why does the analysis mention the County erosion control ordinance under both the GPU3 and GPU5 discussions? Elsewhere, the DEIR does not discuss existing ordinances. Why does it do so here?

326

Under 5.4.2.5, the DEIR discusses “southern Salinas Valley and South County.” What is the difference between those areas? Please explain. According to GPU5 Figure LU#9, Southern Salinas Valley is south county.

327

What GPU3 policies would affect mineral resource production? Please be specific. Why would rock or mineral quarries also not be affected? Why were quarries not addressed? Why are GPU5 policies on mineral resource not identified for comparison? An alternatives discussion should compare the two projects being compared, not hold one project up, make a conclusory statement, and end the discussion, without any analysis of the comparable impacts of the other project, which is what the DEIR does here.

328

Please explain why the DEIR concluded that “extensive road widening” would be needed under GPU3. Please describe what investigation was performed prior to making this conclusion. Was the amount of road widening quantified? What about mitigations involving carpools, public transportation, alternative transportation, requiring residential development within walking distance to jobs, and other steps? Those would have reduced the amount of road widening needed, and reduced the indirect impacts.

329

It is not “reasonable to conclude that potential adverse indirect impacts from GPU3 would be greater to those of the 2007 General Plan because the former would allow more residential development in more places,” because there is no analysis of where the residential development would be. If the development were more spread out, then it is possible there would be fewer traffic impacts because the impacts would be dispersed over a larger area. Once again, the DEIR makes a conclusory statement without bothering to investigate or disclose the quantitative information.

330

As to 5.4.2.9, the DEIR fails to compare the steep slope policies of GPU5 with GPU3. The steep slope policies would have significant adverse unmitigated impacts on biology, as discussed elsewhere in these comments and in the comments of environmental organizations, but there is no comparison here. The evidence indicates that the GPU3 impacts on biology would be less than those of GPU5, especially if the slope development were considered.

331

Further, there is no evidence that the CEQA process would mitigate impacts from individual development projects under the GPU5, because the GPU5 exempts huge swaths of land from further CEQA review – but allows extensive development on them – in the proposed Wine Corridor. There may be sensitive habitat and flora and fauna and wildlife corridors in the Wine Corridor, but the CEQA process would never be used to make any analysis of that acreage. The DEIR should quantify the amount of

332

acreage that the Wine Corridor would exempt from further CEQA review, and how much maximum development on that land would be permitted without CEQA review. It should provide a baseline analysis and it should quantify the impacts. If the same development were proposed under the GPU3, the development would be subject to CEQA review, including an investigation and analysis of the habitat and other biological issues.

332

The DEIR should use consistent terminology in comparing the project with the alternatives. As an example, in 5.4.2.10, the DEIR concludes that the GPU3 “would avoid a significant effect” while GPU5 “would have a less-than-significant effect” on cultural resources. What if the difference between “avoiding a significant effect” and “a less-than-significant effect”? The DEIR should explain the terms, and clarify its meaning. What is the implication of using different standards? The issue is which have fewer impacts, and the DEIR's analysis does not provide the necessary investigation or information to support its conclusion.

333

Why does the comparison invoke “CEQA and state law”? CEQA and state law would be the same for either the proposed project or the alternative, so the inclusion is meaningless and potentially misleading. Please address, and please delete the references to CEQA and state law.

334

Additionally, why does the comparison invoke the adopted Historic Preservation Plan Ordinance? Presumably the GPU3 would have been implemented under the same Plan and Ordinance, but the DEIR did not credit it. If both were treated equally does the analysis change? Please provide your research and complete response.

335

As to 5.4.2.11, the conclusion that the public services and utilities “will probably be built within the cities, Community Areas, and Rural Centers that they would serve” fails to acknowledge the massive water supply projects that would be necessary under GPU5.

336

5.5 – GPI Alternative

Table 5-3 does not make sense, because the difference between 13,973 and 10,015 is not 5901. Please explain. In accordance with CEQA Guideline 15148, please identify on which page(s) of the source document this information is found. Is there a difference in dwelling units authorized by the two plans? In other words, does not one focus more on denser development, while the other is more spread out? This is important because different kinds of development have different impacts, which are neither investigated nor discussed in the DEIR.

337

As to the second sentence on page 5-28, for each part of the analysis that is based on the February 2008 BAE report, please identify the page(s) of that report, in accordance with CEQA Guideline 15148.

338

As to 5.5.1.2, exactly what potential is there for the Coastal Commission to determine that the GPI land use element is inconsistent with the Coastal Act? Please provide your investigation and data regarding this issue, and point to the specific General Plan policies that might be inconsistent.

339

The 5.5.1.3 analysis of Agriculture Resources is flawed because it avoids any investigation or analysis of where and how growth would occur in the cities. Instead, it makes unsupported assumptions about expansion and density in order to arrive at its conclusion. There is no evidence that the cities would have to expand their boundaries in order to accommodate increased growth. There is also no indication that density of 9 units per acre are necessary. If the cities plan wisely and increase the density in the appropriate areas, then the cities can provide affordable housing that is densely planned and convenient to jobs or alternative modes of transportation. The DEIR failed to look at the policies of the cities' general plans, and to make a reasonable investigation of options. Please describe all of your assumptions, and the other reasonably possible assumptions that would or could change your analysis.

340

Please provide all support for your claim that in the Salinas Valley "there is sufficient water supply to serve projected growth to 2030." Where you reference specific sources, please provide the page numbers. To the contrary, the Salinas Valley aquifer is overdrafted. The supply is being unsustainably pumped, and further pumping will exacerbate the seawater intrusion and other existing water quality and quantity problems. Capacity is different from "sufficient water supply." Please explain your definition of "sufficient water supply" as used here, and describe all investigation you made into this issue.

341

Please provide the support for your conclusory statement that community and rural centers are generally less productive lands and grazing lands. Please quantify your response, and provide the sources for your data.

342

There is no data to support the DEIR conclusions that

development under the GPI and under the 2007 General Plan would result in similar levels of conversion and significant effects on agricultural land. GPI would have greater indirect effects on productive agricultural lands based upon the potential growth that would result in cities.

343

Please provide all the measurements and investigations made into these issues, and the criteria used by the DEIR to determine "similar", "greater," or "lesser" impacts.. The DEIR fails to provide the data, so its conclusions are unsupported. The public cannot adequately review the DEIR analysis and concluding until this information and

344

the DEIR assumptions about cities' growth are provided. This is an informational gap that prejudices the public's ability to review and comment on the DEIR. 344

Would the erosion control ordinance not remain in place under GPU5? If so, why even mention it here? 345

Please describe with specific references to the policy number, the water resources goals and policies in the GPU5 to which this analysis refers. The policies and goals are generally vague, and they have unavoidable adverse impacts on water resources, as this DEIR acknowledges. Why does the DEIR think they are environmentally preferable to the GPI? 346

Please explain why the GPI's policy of providing housing on lots of record in the unincorporated area would have greater impacts to water resources than the GPU5. In your response, please provide your data and the assumptions made about the quantification of water demand. 347

Please describe in detail how the GPI's impacts to water resources could be offset by the greater intensity of growth in the community areas and cities. This conclusory statement in the DEIR is not supported or explained, and the amount of offset is not quantified. Please provide the reference documents on which you rely, and the page numbers. 348

Further, if the GPI prohibits development without long term water supply, then there would not be increased adverse impacts to the water supply. Specifically what are the GPI policies on this point? Please explain why the DEIR did not include this in its comparison or analysis. 349

Please explain the metrics and standards used by the DEIR to conclude that the GPI would have a "slightly greater impact on water resources than" the GPU5. 350

Also, the water resources comparison analysis fails to consider differences of the water impacts caused by the steep slope development that would be permitted by GPU5, which could mean extensive water resources used for vineyards and steep-slope development. GPI would not allow this steep-slope development, and would in fact prohibit new agricultural development over slopes greater than 15%. The DEIR hides this important plan difference under 5.5.1.5 "Geology, Soils and Seismicity" but it has significant implications for other issues like water and biology. 351

Consideration of the relevant issues discussed above and in other public comments would lead to a finding that the CPI would have less impacts on water resources than GPU5. 352

The Open Monterey Project – Comments on Draft EIR for GPU5
 February 2, 2009
 Page 101

The 5.5.1.7 Transportation analysis of the GPI alternative is also biased. The fact of traffic levels increasing does not necessitate a conclusion that there will be a significant effect. Because GPI would require concurrency of infrastructure, the increased traffic levels would be mitigated by the plan policies to a less than significant effect. The GPU5 has a goal of LOS D, which would be a far greater effect overall.

353

Please explain the conclusion on page 5-31 that there would be "sprawl of development on lots of record." Please provide a map showing undeveloped lots of record. Without that map, the public does not have the data to adequately review this unsupported conclusion.

354

As to 5.5.1.9 Noise, please explain what measurements you used to quantify (1) the difference in the number of growth centers, and (2) the intensity of growth of the more compact areas. Did you quantify the amount of noise in each? If so, please provide the metrics of your investigation. Please include all your assumptions in reaching your conclusion, and the citations to the reference and pages that support your assumptions and data.

355

The analysis of 5.5.1.10 Biological Resources is deeply flawed. It fails to acknowledge that the GPI's prohibition on conversion of hilly land to agricultural use would also reduce impacts on flora and habitats and wildlife corridors. Further without an analysis for the resources that exist on existing buildable lots of record, the conclusion that they contain potential special status species is speculative. Has the DEIR researched where potential special status species exist? It should, because this is a critical issue, given the valuable and sensitive resources in the unincorporated County. The DEIR should first obtain a documented understanding of the baseline for special status species, habitat, and corridors, and then map it carefully throughout the County. Only then, with a valid basis for comparison, should the DEIR attempt to compare the proposed Plan with others.

356

Please describe all assumptions and calculations used to arrive at the unsupported statement that "conversion on lots of record would potentially be greater" under the GPI (p. 5-32). Conversely, would not conversion of lots of record potentially be less under the GPI? Please provide your investigation into that possibility, and the data you found, and the specific source documents you researched.

357

Please also provide the same information requested in the previous paragraph for your conclusion that "there would likely be less development on lots of record that contain potential special status species up to the 2030 time frame under GP 2007" (p. 5-32).

358

Please identify exactly which "mitigation measures proposed in this EIR for protection of biological resources" you refer at page 5-32 and 5-33.

359

This is yet another example of the DEIR's failure to refer adequately to the very project it is supposed to evaluate. The DEIR should refer to policies and mitigations with specificity, by number. Instead, virtually every time the DEIR makes a general unspecified reference to policies or plans, which means the public has to hunt through the poorly organized Plan. And the public's attempt to track down the vaguely referenced policies and mitigation is made almost impossible because the online and CD version of the GPU5 Plan (and the DEIR) can be searched only by opening up each section, searching it, closing it, then opening up another section, searching it, closing it, and so on.

360

If the DEIR is referring to the mitigations requiring an inventory of special status flora and fauna, that mitigation is illusory because there is no deadline for completion, no penalty for inaccuracy, and there is no limit to the amount of development that can happen before the inventories are complete. Please respond in detail. One approach would be to craft the mitigation to place a moratoria on all development until the inventories are complete. That would make the mitigations more effective. Please respond. Also, please state where the funding for the inventories will come from. If the mitigation is not funded, it would not be an effective mitigation. And if the mitigation is not timely relative to the development it ostensibly should control, it would not be an effective mitigation, either.

361

As to 5.1.1.11, please explain why the development of housing units is relevant to the analysis. Also, the DEIR fails to acknowledge that the Winery Corridor development would be exempt from CEQA review. That development could have significant impact on paleontological resources and Native American burial sites, but the impacts would not be known because there would not be CEQA review. CEQA review of projects in these areas would exist under the GPI; therefore, the GPI would have less impacts than that GPU5.

362

As to 5.5.1.13 Parks and Recreation, please provide the quantified data that supports the DEIR conclusion that "The area of future concentrated development in the unincorporated area is smaller under the GPI than under the 2007 General Plan." While this is true numerically (fewer designated development areas), what is the actual unincorporated developable acreage difference between the plans?

363

As to 5.5.1.14, please discuss how wildland fire protection is largely the state's responsibility. Please discuss what difference County policy would have in this area.

364

As to 5.5.1.15 Aesthetics, Light and Glare, the DEIR fails to include the additional impacts that would be caused by the extensive industrial, commercial and residential development allowed under the proposed Winery Corridor. Those impacts would mean the GPU5 has far more impacts than the GPI, which does not include the corridor policies.

365

The 5.5.2 Conclusion has a discussion of “future employment grown and economic growth.” Please discuss why this is relevant to the DEIR discussion of alternatives.

366

5.6 – GPU4 Alternative

The fourth bullet point under 5.6.1.1 should be clarified that the policy on conversion of land would apply only to Carmel Valley.

367

What are the consequences if, after adopting the general plan,

- the Greenhouse Gas Reduction Plan was not adopted within 24 months?
- the Capital Improvement and Financing Plan was not adopted within 18 months?

368

Please be specific in your response, and provide specific citation to the GPU5 to support your response. If there are no consequences, or ineffective consequences, then why are they mentioned? What are the impacts of the DEIR’s considering them as effective policies, when in fact they are not?

What is a “non-discretionary commercial use”? See p. 5-39. Why would it be exempt from the concurrency requirement? What if the commercial use was a very large office building? The DEIR should explain this issue in full, and the impacts of the proposed policy.

369

As to Table 5-4 in section 5.6.1.2, should not the first asterisk refer to the GPU4? Also, why is there a second note designated by two asterisks? Two asterisks do not appear in the table. Also, the difference between the first and second columns is not the third column, and the difference cannot be explained away by using development permits, which the DEIR explains elsewhere are not at that rate. Please explain the figures in detail.

370

As to 5.6.2.2., please see our comments much earlier in this letter regarding the terms and clarification of “Williamson Act” lands. Later in the section, the DEIR refer to “Williamson Act contract” lands.

371

As to 5.6.2.3, if GPU4 would require “proof of availability of a “long-term, sustainable water supply, both in quality and quantity” to serve the development” (p 5-43), then why and how does the DEIR conclude it would have would have “a significant impact on water resources, primarily from its contribution to the existing severe cumulative effect on limited groundwater supplies and overdraft conditions.” (P. 5-43.) Please be specific in your response, and provide references to the documents and pages on which you rely. It would appear that requiring proof of availability” as

372

The Open Monterey Project – Comments on Draft EIR for GPU5
 February 2, 2009
 Page 104

described would prohibit any development that added to the cumulative effects as described.

372

What is meant by the GPU5 policy that increased water demand would be “tempered” by Peninsula water restrictions? (P. 5-44.) Please explain in detail, and how and whether the water impacts would actually be any different in the long run. The DEIR uses the same “tempered” description of water use when the DEIR assumes that “policies requiring evaluation and approval of the adequacy of all new wells” would “temper[]” an “incremental increase in f [sic] water use (5-44.) Please quantify how water use is tempered in your analysis.

373

Exactly where in GPU5 is the policy restricting development on slopes over 30% “unless there are no other feasible alternatives” (p.. 5-45)? Please explain what is meant by “feasible alternatives” and provide specific, quantified examples, and supporting references for your response.

374

As to the GPU4 policies regarding slopes, and the GPU5 policies regarding slopes, what is the side-by-side comparison and what are the different amounts of acreage that would be affected by the two sets of policies? Where are these sites? What is the baseline level of development at these sites? How does the level of increase permitted by the 2007 General Plan compare to the outcome with each of the alternatives? How can the DEIR analyze and weigh the different impacts of the policies without having this data? See pp. 5-44 and 5-45, for example.

375

As to 5.6.2.6, the discussion of “nondiscretionary commercial development” appears to mean “ministerial commercial development, as ministerial is defined under CEQA.” Please clarify what commercial development would be made ministerial under GPU5. Would it include the extensive and unquantified commercial development in the winery corridor? Would it include agricultural development on slopes of 30% or greater, under some circumstances? If yes in either case, what are the impacts of the non-concurrency requirement, and where is the DEIR analysis of those impacts? The public does not know how to interpret the phrase, “ministerial commercial development” within the context of this DEIR, and there is no agreed-upon meaning of that phrase in this context. Specific data is required.

376

Under 5.6.2.9 Biological Resources, the DEIR fails to discuss the different steep slope policies of the two plans, and compare their impacts. This analysis might change the conclusion.

377

As to 5.6.2.14 Aesthetics, Light and Glare, the DEIR fails to identify or discuss the impacts of the extensive commercial, industrial, and residential uses that would be allowed in the proposed winery Corridor, in addition to the wineries. How would that change the conclusion, and by what metrics?

378

Please clarify whether a winery would be considered an industrial use under County codes and under the GPU5.

379

5.7 TOD Alternative

Under 5.7.2, Table 5-5, why is the number of 2007 General Plan dwelling units in 2030 so much larger (21,666) than the same entry in the comparable tables for the other alternatives (10,015)? This larger figure, if accurate, raises questions as to each of the impacts. Also, please clarify whether the 6,500 units of target housing is a subset of or additional to the 21,666 units.

380

As to 5.7.3.3, why does the DEIR keep referring to the grading ordinance? Other County ordinances are equally important with regard to the impacts of development, such as the subdivision ordinance, and health and safety regulations, but those are largely ignored by the DEIR.

381

Other Reasonable Alternatives

The DEIR fails to suggest an alternative that is similar to the proposed GPU5 except that it would prohibit any intensification of steep slope development over the levels allowed in the 1982 General Plan. That would avoid many of the impacts of the proposed additional development of steep slopes.

382

The DEIR fails to suggest an alternative plan that is similar to the proposed GPU5 except that it would not include a winery corridor, or would include one to a far lesser intensity and with the requirement that all development undergo project level CEQA review. That would avoid many of the impacts of the proposed winery corridor. Both those alternatives are reasonable and should be considered.

383

The DEIR should also consider an alternative that minimizes that impacts on water resources such as prohibiting all further development in all overdrafted basins until additional, sustainable, adequate supplies are provided. This alternative would contemplate that as each basin comes into long term sustainable balance that the development moratorium would be lifted as to that basin only.

384

Steep Slopes

As to the GPU5 policy that would set up an Agricultural Permit process. The GPU5 “sets out a list of criteria (i.e., water quality and supply, biological resources, cultural resources, erosion control, drainage, and flood hazards) that would be weighed to establish whether the agricultural permit might be ministerial.” (P. 5-39.) Please describe who will weigh the criteria, and using what standards and measurements, and what accountability there would be for those applications, regardless of whether they are determined to be ministerial or discretionary.

385

Further, if the permit process is to allow any currently discretionary approvals to be demoted to ministerial status, then this DEIR should evaluate the project and cumulative impacts of that new policy, which would be a significant change from the situation on the ground in Monterey County.

386

OTHER MITIGATIONS AND POLICIES

The General Plan and the DEIR proposes numerous mitigations that require the adoption of policies and/or ordinances. Each of these known future policies/ordinances would be subject to CEQA should be evaluated in this document – at the earliest possible stage -- as to their impacts. The DEIR fails to do so adequately.

387

As to the proposed GPU5 steep slope policies, the DEIR fails to investigate the impacts of making the permits ministerial. For all GPU5 policies that propose to create a process for ministerial permits or administrative permits, or to exempt a process or permits from further CEQA review, the EIR must do an evaluation under CEQA of such a program or policy, because it would be a significant departure from current policy. The DEIR fails to provide the adequate review required under CEQA.

388

The DEIR should consider a mitigation of prohibiting development on slopes over 25%. That would significantly reduce the impacts of GPU5. The DEIR should also consider a mitigation that prohibits development on slopes over 30%.

389

Under GPU5, would the County's existing Erosion Control Ordinance be affected or changed? That is not made clear.

390

CONFLICTS

Based on their contracts with the County of Monterey and the Monterey Peninsula Water Management District (MPWMD), Jones & Stokes, preparers of the Draft EIR, have a financial interest in multiple projects in Monterey County that they purport to analyze in an unbiased manner, including the current Draft EIR for the General Plan.

Currently, active Jones & Stokes projects in Monterey County include contracts with the County for (a) the EIR on the 2007 General Plan for at least \$444,962, (b) a subsequent EIR for the Carmel Valley Master Plan for over \$342,169, and (c) preparation of the Rancho Canada Subdivision EIR for \$398,508. Each of these projects is directly related and will have significant impacts on the issues now under public review in this GPU5 DEIR. In total, Jones & Stokes contracts with agencies in Monterey County total more than 1.5 million dollars. Jones & Stokes multiple financial interest in County land use project creates conflict of interests that cannot be denied. For example, the approval of the proposed Rancho Canada Subdivision is heavily dependent on the successful adoption of the proposed 2007 General Plan (see Carmel

391

Valley land use map). The draft EIR prepared by Jones and Stokes in 2008 received such strong public comments on its inadequacy that the document was rejected by the developer. Additionally, Jones & Stokes has an ongoing contract with MPWMD for more than \$2,000,000 for the MPWMD Water Supply Project, which presents further conflicts and obstacles to an unbiased analysis of the 2007 General Plan. The terms of the contracts with the County and with the MPWMD require Jones & Stokes to provide documentation of any potential conflict of interest. With both agencies, the conflict is apparent, but Jones & Stokes has failed to disclose its financial interests in the other projects. Jones and & Stokes' financial interests significantly impairs its ability to provide balanced, unbiased consulting services for the Draft EIR, and calls into public question the integrity of the CEQA documentation.

391

CONCLUSION

Thank you for the opportunity to comment. Based on these comments and those provided by other members of the public and by agencies, it is clear that the DEIR should be rewritten and recirculated in its entirety. The current draft is inadequate under CEQA.

392

Very truly yours,

Law Office of Michael W. Stamp



By: Molly Erickson

Attachment: Exhibit A (7 pp.)

Dec 12 2008 (E:)

File Edit View Favorites Tools Help

Back Search Folders

CD Writing Tasks

Write these files to CD

File and Folder Tasks

Publish this folder to the Web
Share this folder

Other Places

My Computer
My Documents
Shared Documents
My Network Places

Details

Dec 12 2008 (E:)
CD Drive
File System: CDFS
Free Space: 81.5 MB
Total Size: 680 MB

Name	Size	Type	Date Modified	Keywords
Files Currently on the CD				
00_TitlePage_Vol1	10 KB	Adobe Acrobat Doc...	12/12/2008 11:14 AM	
00_TitlePage_Vol2	10 KB	Adobe Acrobat Doc...	12/12/2008 11:14 AM	
00A_ChapterTitles	26 KB	Adobe Acrobat Doc...	12/12/2008 11:14 AM	
00B_Title_TOChanges_11-0...	31 KB	Adobe Acrobat Doc...	12/12/2008 11:14 AM	
00C-Introduction_11-06-07.doc	43 KB	Adobe Acrobat Doc...	12/12/2008 11:14 AM	
01_TOC	51 KB	Adobe Acrobat Doc...	12/12/2008 11:14 AM	
01-LandUseElement_11-06-07	130 KB	Adobe Acrobat Doc...	12/12/2008 11:14 AM	
02-CirculationElement_11-06-07	60 KB	Adobe Acrobat Doc...	12/12/2008 11:14 AM	
03-Conservation-OpenSpaceEl...	93 KB	Adobe Acrobat Doc...	12/12/2008 11:14 AM	
04-SafetyElement_11-06-07	324 KB	Adobe Acrobat Doc...	12/12/2008 11:14 AM	
05-PublicServiceElement_11-0...	111 KB	Adobe Acrobat Doc...	12/12/2008 11:14 AM	
06-AgricultureElement_11-06-07	45 KB	Adobe Acrobat Doc...	12/12/2008 11:14 AM	
07-EconomicDevelopmentEle...	21 KB	Adobe Acrobat Doc...	12/12/2008 11:14 AM	
09A-CachaguaAP_11-06-07	37 KB	Adobe Acrobat Doc...	12/12/2008 11:14 AM	
09B-CVMP_11-06-07	73 KB	Adobe Acrobat Doc...	12/12/2008 11:14 AM	
09C-CentralSalinasValleyAP_1...	36 KB	Adobe Acrobat Doc...	12/12/2008 11:14 AM	
09D-GMP_AP_11-06-07	48 KB	Adobe Acrobat Doc...	12/12/2008 11:14 AM	
09E-FortOrdMasterPlan_11-0...	250 KB	Adobe Acrobat Doc...	12/12/2008 11:14 AM	
09F-GreaterSalinasAP_11-06-07	50 KB	Adobe Acrobat Doc...	12/12/2008 11:14 AM	
09G-NorthCountyAP_11-06-07	29 KB	Adobe Acrobat Doc...	12/12/2008 11:14 AM	
09H-SouthCountyAP_11-06-07	19 KB	Adobe Acrobat Doc...	12/12/2008 11:14 AM	
09I-ToroAP_11-06-07	30 KB	Adobe Acrobat Doc...	12/12/2008 11:14 AM	
10-HousingElementAdopted	1,840 KB	Adobe Acrobat Doc...	12/12/2008 11:14 AM	
10J-AWCP_Nov 2007_changes	98 KB	Adobe Acrobat Doc...	12/12/2008 11:14 AM	
11-Glossary_Nov 2007	78 KB	Adobe Acrobat Doc...	12/12/2008 11:14 AM	
Appendix_A_NOP_2007_GP	3,694 KB	Adobe Acrobat Doc...	12/12/2008 11:14 AM	
Appendix_B_Climate_083008	130 KB	Adobe Acrobat Doc...	12/12/2008 11:14 AM	
Appendix_B_Errata_Climate_...	52 KB	Adobe Acrobat Doc...	12/12/2008 11:14 AM	
Appendix_C_Traffic_Data	268 KB	Adobe Acrobat Doc...	12/12/2008 11:14 AM	
Cover_110607_Draft	6,007 KB	Adobe Acrobat Doc...	12/12/2008 11:14 AM	
DEIR_Cover_Vol1	218 KB	Adobe Acrobat Doc...	12/12/2008 11:14 AM	
DEIR_Cover_Vol2	217 KB	Adobe Acrobat Doc...	12/12/2008 11:14 AM	

221 objects

EXHIBIT A p1 of 1

Dec 12 2008 (E:)

File Edit View Favorites Tools Help

Back Search Folders

CD Writing Tasks

Write these files to CD

File and Folder Tasks

Publish this folder to the Web
Share this folder

Other Places

My Computer
My Documents
Shared Documents
My Network Places

Details

Dec 12 2008 (E:)
CD Drive
File System: CDFS
Free Space: 81.5 MB
Total Size: 680 MB

Name	Size	Type	Date Modified	Keywords
Cover_110607_Draft	6,007 KB	Adobe Acrobat Doc...	12/12/2008 11:14 AM	
DEIR_Cover_Vol1	218 KB	Adobe Acrobat Doc...	12/12/2008 11:14 AM	
DEIR_Cover_Vol2	217 KB	Adobe Acrobat Doc...	12/12/2008 11:14 AM	
Exh_1-1_Regional-Location-Map	4,139 KB	Adobe Acrobat Doc...	12/12/2008 11:14 AM	
Exh_3-1_AreaPlanMap	634 KB	Adobe Acrobat Doc...	12/12/2008 11:14 AM	
Exh_3-2_LandUse	174 KB	Adobe Acrobat Doc...	12/12/2008 11:14 AM	
Exh_3-2a_LandUse_NorthCo	528 KB	Adobe Acrobat Doc...	12/12/2008 11:14 AM	
Exh_3-2b_LandUse_SalinasVl...	1,613 KB	Adobe Acrobat Doc...	12/12/2008 11:14 AM	
Exh_3-2c_LandUse_SalinasVl...	1,630 KB	Adobe Acrobat Doc...	12/12/2008 11:14 AM	
Exh_3-3_PlanAreas	756 KB	Adobe Acrobat Doc...	12/12/2008 11:14 AM	
Exh_3-4_NorthCounty-AP_LU...	3,308 KB	Adobe Acrobat Doc...	12/12/2008 11:14 AM	
Exh_3-5_GreaterSalinas-AP_L...	3,058 KB	Adobe Acrobat Doc...	12/12/2008 11:14 AM	
Exh_3-6_CentralSalinasValley...	2,884 KB	Adobe Acrobat Doc...	12/12/2008 11:14 AM	
Exh_3-7_GreaterMontereyPe...	3,867 KB	Adobe Acrobat Doc...	12/12/2008 11:14 AM	
Exh_3-8_CarmelValley-MP_LU...	3,778 KB	Adobe Acrobat Doc...	12/12/2008 11:14 AM	
Exh_3-9_FortOrd-MP_LU-Map	1,230 KB	Adobe Acrobat Doc...	12/12/2008 11:14 AM	
Exh_3-10_Toro-AP_LU-Map	2,684 KB	Adobe Acrobat Doc...	12/12/2008 11:14 AM	
Exh_3-11_Cachagua-AP_LU-...	2,202 KB	Adobe Acrobat Doc...	12/12/2008 11:14 AM	
Exh_3-12_SouthCounty-AP_L...	2,840 KB	Adobe Acrobat Doc...	12/12/2008 11:14 AM	
Exh_3-13_AWCP_Area	1,091 KB	Adobe Acrobat Doc...	12/12/2008 11:14 AM	
Exh_3-14_Boronda_CA_Aeria...	5,182 KB	Adobe Acrobat Doc...	12/12/2008 11:14 AM	
Exh_3-15_Castroville_CA_Ae...	5,511 KB	Adobe Acrobat Doc...	12/12/2008 11:15 AM	
Exh_3-16_Chualar_CA_Aerial...	4,975 KB	Adobe Acrobat Doc...	12/12/2008 11:15 AM	
Exh_3-17_FortOrd_CA_Aerial...	6,511 KB	Adobe Acrobat Doc...	12/12/2008 11:15 AM	
Exh_3-18_Pajaro_CA_AerialMap	5,058 KB	Adobe Acrobat Doc...	12/12/2008 11:15 AM	
Exh_3-19_Bradley_RC_Aerial...	5,122 KB	Adobe Acrobat Doc...	12/12/2008 11:15 AM	
Exh_3-20_RiverRoad_RC_Ae...	5,994 KB	Adobe Acrobat Doc...	12/12/2008 11:15 AM	
Exh_3-21_Lockwood_RC_Aeri...	5,768 KB	Adobe Acrobat Doc...	12/12/2008 11:15 AM	
Exh_3-22_SanArdo_RC_Aeria...	5,061 KB	Adobe Acrobat Doc...	12/12/2008 11:15 AM	
Exh_3-23_PineCanyon_RC_A...	6,448 KB	Adobe Acrobat Doc...	12/12/2008 11:15 AM	
Exh_3-24_Pleyto_RC_AerialMap	5,915 KB	Adobe Acrobat Doc...	12/12/2008 11:15 AM	
Exh_3-25_SanLucas_RC_Aeri...	5,518 KB	Adobe Acrobat Doc...	12/12/2008 11:15 AM	
Exh_3-26_AHO_Mid-Valley	5,328 KB	Adobe Acrobat Doc...	12/12/2008 11:15 AM	
Exh_3-27_AHO_MontereyAir...	4,738 KB	Adobe Acrobat Doc...	12/12/2008 11:15 AM	

221 objects

EXHIBIT A p. 2 of 7

CD Writing Tasks

- Write these files to CD

File and Folder Tasks

- Publish this folder to the Web
- Share this folder

Other Places

- My Computer
- My Documents
- Shared Documents
- My Network Places

Details

Dec 12 2008 (E:)
 CD Drive
 File System: CDFS
 Free Space: 81.5 MB
 Total Size: 680 MB

Name	Size	Type	Date Modified	Keywords
Exh_3-28_AHO_Hwy68-and-...	4,332 KB	Adobe Acrobat Doc...	12/12/2008 11:15 AM	
Exh_4-2-1_ImportantFarmland	739 KB	Adobe Acrobat Doc...	12/12/2008 11:15 AM	
Exh_4-2-2_WilliamsonActLand	750 KB	Adobe Acrobat Doc...	12/12/2008 11:15 AM	
Exh_4-3-1_MontereyCounty...	3,750 KB	Adobe Acrobat Doc...	12/12/2008 11:15 AM	
Exh_4-3-2_SalinasValleyWate...	3,163 KB	Adobe Acrobat Doc...	12/12/2008 11:15 AM	
Exh_4-3-3_SalinasValleyGWB...	3,680 KB	Adobe Acrobat Doc...	12/12/2008 11:15 AM	
Exh_4-3-4_CarmelRiverWater...	2,951 KB	Adobe Acrobat Doc...	12/12/2008 11:15 AM	
Exh_4-3-5_CarmelRiverGWBasin	3,042 KB	Adobe Acrobat Doc...	12/12/2008 11:15 AM	
Exh_4-3-6_NorthCountyWate...	3,786 KB	Adobe Acrobat Doc...	12/12/2008 11:15 AM	
Exh_4-3-7_NorthCountyGWS...	9,975 KB	Adobe Acrobat Doc...	12/12/2008 11:15 AM	
Exh_4-3-8_1998-NitrateConc...	13,426 KB	Adobe Acrobat Doc...	12/12/2008 11:15 AM	
Exh_4-3-9_SWIntrusion-180-...	16,905 KB	Adobe Acrobat Doc...	12/12/2008 11:15 AM	
Exh_4-3-10_SWIntrusion-400...	10,631 KB	Adobe Acrobat Doc...	12/12/2008 11:15 AM	
Exh_4-3-11_SWIntrusion-Nor...	17,429 KB	Adobe Acrobat Doc...	12/12/2008 11:15 AM	
Exh_4-3-12_DistrictMap_Wat...	761 KB	Adobe Acrobat Doc...	12/12/2008 11:15 AM	
Exh_4-3-13_FEMA-Floodplains	6,121 KB	Adobe Acrobat Doc...	12/12/2008 11:15 AM	
Exh_4-3-14_ImpairedWaterB...	10,733 KB	Adobe Acrobat Doc...	12/12/2008 11:15 AM	
Exh_4-4-1_RegionalFaults	677 KB	Adobe Acrobat Doc...	12/12/2008 11:15 AM	
Exh_4-4-2_GroundShakingHa...	7,556 KB	Adobe Acrobat Doc...	12/12/2008 11:15 AM	
Exh_4-4-3_RelativeLiquefact...	7,911 KB	Adobe Acrobat Doc...	12/12/2008 11:15 AM	
Exh_4-4-4_EarthquakeInduce...	7,333 KB	Adobe Acrobat Doc...	12/12/2008 11:15 AM	
Exh_4-4-5_SoilErosionHazards	9,114 KB	Adobe Acrobat Doc...	12/12/2008 11:16 AM	
Exh_4-5-1_MineralResources	6,910 KB	Adobe Acrobat Doc...	12/12/2008 11:16 AM	
Exh_4-5-2_AbandonedMines	10,297 KB	Adobe Acrobat Doc...	12/12/2008 11:16 AM	
Exh_4-6-1_Existing_Roadways	633 KB	Adobe Acrobat Doc...	12/12/2008 11:16 AM	
Exh_4-6-2_Existing_Condition...	421 KB	Adobe Acrobat Doc...	12/12/2008 11:16 AM	
Exh_4-6-3_Transit_Options	901 KB	Adobe Acrobat Doc...	12/12/2008 11:16 AM	
Exh_4-6-4_Passenger_Rail_S...	544 KB	Adobe Acrobat Doc...	12/12/2008 11:16 AM	
Exh_4-6-5_Existing_Bikeways	584 KB	Adobe Acrobat Doc...	12/12/2008 11:16 AM	
Exh_4-6-6_Study_Area_Netw...	560 KB	Adobe Acrobat Doc...	12/12/2008 11:16 AM	
Exh_4-6-7_Existing_Plus_Proj...	428 KB	Adobe Acrobat Doc...	12/12/2008 11:16 AM	
Exh_4-6-8_2030_Cumul_Plus...	432 KB	Adobe Acrobat Doc...	12/12/2008 11:16 AM	
Exh_4-6-9_Existing_Plus_Proj...	609 KB	Adobe Acrobat Doc...	12/12/2008 11:16 AM	



CD Writing Tasks

Write these files to CD

File and Folder Tasks

Publish this folder to the Web
Share this folder

Other Places

My Computer
My Documents
Shared Documents
My Network Places

Details

Dec 12 2008 (E:)
CD Drive
File System: CDFS
Free Space: 81.5 MB
Total Size: 680 MB

Name	Size	Type	Date Modified	Keywords
Exh_4-6-4_Passenger_Rail_S...	544 KB	Adobe Acrobat Doc...	12/12/2008 11:16 AM	
Exh_4-6-5_Existing_Bikeways	584 KB	Adobe Acrobat Doc...	12/12/2008 11:16 AM	
Exh_4-6-6_Study_Area_Netw...	560 KB	Adobe Acrobat Doc...	12/12/2008 11:16 AM	
Exh_4-6-7_Existing_Plus_Proj...	428 KB	Adobe Acrobat Doc...	12/12/2008 11:16 AM	
Exh_4-6-8_2030_Cumul_Plus...	432 KB	Adobe Acrobat Doc...	12/12/2008 11:16 AM	
Exh_4-6-9_Existing_Plus_Proj...	609 KB	Adobe Acrobat Doc...	12/12/2008 11:16 AM	
Exh_4-6-10_Buildout_Cumul_...	622 KB	Adobe Acrobat Doc...	12/12/2008 11:16 AM	
Exh_4-6-11_Agriculture_and_...	588 KB	Adobe Acrobat Doc...	12/12/2008 11:16 AM	
Exh_4-8-1_ExistingNoiseCont...	4,978 KB	Adobe Acrobat Doc...	12/12/2008 11:16 AM	
Exh_4-8-2a_ExistingNoiseCon...	4,023 KB	Adobe Acrobat Doc...	12/12/2008 11:16 AM	
Exh_4-8-2b_ExistingNoiseCon...	4,356 KB	Adobe Acrobat Doc...	12/12/2008 11:16 AM	
Exh_4-8-3a_ExistingNoiseCon...	4,015 KB	Adobe Acrobat Doc...	12/12/2008 11:16 AM	
Exh_4-8-3b_ExistingNoiseCon...	3,991 KB	Adobe Acrobat Doc...	12/12/2008 11:16 AM	
Exh_4-8-3c_ExistingNoiseCon...	4,072 KB	Adobe Acrobat Doc...	12/12/2008 11:16 AM	
Exh_4-8-3d_ExistingNoiseCon...	4,354 KB	Adobe Acrobat Doc...	12/12/2008 11:16 AM	
Exh_4-8-3e_ExistingNoiseCon...	4,165 KB	Adobe Acrobat Doc...	12/12/2008 11:16 AM	
Exh_4-8-4_FTA-Vibe	126 KB	Adobe Acrobat Doc...	12/12/2008 11:16 AM	
Exh_4-9-1_GP2007_Habitat-...	6,991 KB	Adobe Acrobat Doc...	12/12/2008 11:16 AM	
Exh_4-9-2_GP2007_Habitat-...	1,239 KB	Adobe Acrobat Doc...	12/12/2008 11:16 AM	
Exh_4-9-3_GP2007_Habitat-S...	1,604 KB	Adobe Acrobat Doc...	12/12/2008 11:16 AM	
Exh_4-9-4_GP2007_Habitat-S...	1,634 KB	Adobe Acrobat Doc...	12/12/2008 11:16 AM	
Exh_4-9-5_CriticalHabitat-Co...	1,859 KB	Adobe Acrobat Doc...	12/12/2008 11:16 AM	
Exh_4-9-6_Conversion_County	2,070 KB	Adobe Acrobat Doc...	12/12/2008 11:16 AM	
Exh_4-9-7_Conversion_NorthCo	1,455 KB	Adobe Acrobat Doc...	12/12/2008 11:16 AM	
Exh_4-9-8_Conversion_Salina...	1,479 KB	Adobe Acrobat Doc...	12/12/2008 11:16 AM	
Exh_4-9-9_Conversion_Salina...	1,533 KB	Adobe Acrobat Doc...	12/12/2008 11:16 AM	
Exh_4-10-1_PalentologicalRe...	4,545 KB	Adobe Acrobat Doc...	12/12/2008 11:16 AM	
Exh_4-10-2_ArchaeologicalSe...	9,003 KB	Adobe Acrobat Doc...	12/12/2008 11:16 AM	
Exh_4-10-3_HistoricResources	4,477 KB	Adobe Acrobat Doc...	12/12/2008 11:16 AM	
Exh_4-11-1_FireProtectionAg...	10,697 KB	Adobe Acrobat Doc...	12/12/2008 11:16 AM	
Exh_4-11-2_SchoolDistricts	5,828 KB	Adobe Acrobat Doc...	12/12/2008 11:16 AM	
Exh_4-12-1_Parks-OpenSpace	5,329 KB	Adobe Acrobat Doc...	12/12/2008 11:16 AM	
Exh_4-13-1_FireHazard	1,613 KB	Adobe Acrobat Doc...	12/12/2008 11:16 AM	
Exh_4-14-1_VisualResourceA	7,420 KB	Adobe Acrobat Doc...	12/12/2008 11:16 AM	



CD Writing Tasks

Write these files to CD

File and Folder Tasks

Publish this folder to the Web
Share this folder

Other Places

My Computer
My Documents
Shared Documents
My Network Places

Details

Dec 12 2008 (E:)
CD Drive
File System: CDFS
Free Space: 81.5 MB
Total Size: 680 MB

Table with columns: Name, Size, Type, Date Modified, Keywords. Lists various Adobe Acrobat PDF files such as Exh_4-14-2_ScenidHwyCorrs-..., Fig1_FtOrd_Land_Use_Plan-rev, Fig1-County-9-06, etc.

CD Writing Tasks

Write these files to CD

File and Folder Tasks

Publish this folder to the Web
Share this folder

Other Places

My Computer
My Documents
Shared Documents
My Network Places

Details

Dec 12 2008 (E:)
CD Drive
File System: CDFS
Free Space: 81.5 MB
Total Size: 680 MB

Table with columns: Name, Size, Type, Date Modified, Keywords. Lists various Adobe Acrobat PDF files such as Fig_C-2_Proposed Traffic Imp..., Fig_S-2_100_Year_Floodplain, etc.

CD Writing Tasks

- Write these files to CD

File and Folder Tasks

- Publish this folder to the Web
- Share this folder

Other Places

- My Computer
- My Documents
- Shared Documents
- My Network Places

Details

Dec 12 2008 (E:)
 CD Drive
 File System: CDFS
 Free Space: 81.5 MB
 Total Size: 680 MB

Name	Size	Type	Date Modified	Keywords
FigRC7_San_Lucas_Rur_Cen-...	6,241 KB	Adobe Acrobat Doc...	12/12/2008 11:17 AM	
GPU_Errata_090308	40 KB	Adobe Acrobat Doc...	12/12/2008 11:17 AM	
MOC0_2007GP_EIR_Citations...	44 KB	Adobe Acrobat Doc...	12/12/2008 11:17 AM	
Notice_of_Availability_DEIR	56 KB	Adobe Acrobat Doc...	12/12/2008 11:17 AM	
Notice_of_Completion	31 KB	Adobe Acrobat Doc...	12/12/2008 11:17 AM	
Sec_01_ExecSumm	247 KB	Adobe Acrobat Doc...	12/12/2008 11:17 AM	
Sec_02_Introduction	56 KB	Adobe Acrobat Doc...	12/12/2008 11:17 AM	
Sec_03_ProjDescription	169 KB	Adobe Acrobat Doc...	12/12/2008 11:17 AM	
Sec_04-00_EnvImpacts	31 KB	Adobe Acrobat Doc...	12/12/2008 11:17 AM	
Sec_04-01_LandUse	104 KB	Adobe Acrobat Doc...	12/12/2008 11:17 AM	
Sec_04-02_Agricultural	105 KB	Adobe Acrobat Doc...	12/12/2008 11:17 AM	
Sec_04-03_Water	635 KB	Adobe Acrobat Doc...	12/12/2008 11:17 AM	
Sec_04-04_Geology-Soils-Seis...	278 KB	Adobe Acrobat Doc...	12/12/2008 11:17 AM	
Sec_04-05_Minerals	88 KB	Adobe Acrobat Doc...	12/12/2008 11:17 AM	
Sec_04-06_Transportation	391 KB	Adobe Acrobat Doc...	12/12/2008 11:17 AM	
Sec_04-07_AirQuality	142 KB	Adobe Acrobat Doc...	12/12/2008 11:17 AM	
Sec_04-08_Noise	122 KB	Adobe Acrobat Doc...	12/12/2008 11:17 AM	
Sec_04-09_BiologicalResources	405 KB	Adobe Acrobat Doc...	12/12/2008 11:17 AM	
Sec_04-10_Cultural	115 KB	Adobe Acrobat Doc...	12/12/2008 11:17 AM	
Sec_04-11_PS-Utilities	148 KB	Adobe Acrobat Doc...	12/12/2008 11:17 AM	
Sec_04-12_Parks-Rec-OpenS...	121 KB	Adobe Acrobat Doc...	12/12/2008 11:17 AM	
Sec_04-13_HazMat	125 KB	Adobe Acrobat Doc...	12/12/2008 11:17 AM	
Sec_04-14_Aesthetics	159 KB	Adobe Acrobat Doc...	12/12/2008 11:17 AM	
Sec_04-15_Population-Housing	162 KB	Adobe Acrobat Doc...	12/12/2008 11:17 AM	
Sec_04-16_Climate	154 KB	Adobe Acrobat Doc...	12/12/2008 11:17 AM	
Sec_05_Alternatives	218 KB	Adobe Acrobat Doc...	12/12/2008 11:17 AM	
Sec_06_Other_CEQA	150 KB	Adobe Acrobat Doc...	12/12/2008 11:17 AM	
Sec_07_Persons_Consulted	10 KB	Adobe Acrobat Doc...	12/12/2008 11:17 AM	
Sec_08_List_of_Preparers	11 KB	Adobe Acrobat Doc...	12/12/2008 11:17 AM	
Sec_09_Acros	21 KB	Adobe Acrobat Doc...	12/12/2008 11:17 AM	
Sec_10_Glossary	83 KB	Adobe Acrobat Doc...	12/12/2008 11:17 AM	
Sec_11_References	90 KB	Adobe Acrobat Doc...	12/12/2008 11:14 AM	