

Salinas Valley Water Coalition



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Transmitted via Facsimile

County of Monterey
General Plan Update Office
150 Cayuga Street
Suite 9
Salinas, Ca 93901

15 May, 2002

Re: Draft General Plan Environmental Impact Report

Dear Sirs;

The Salinas Valley Water Coalition (Coalition) appreciates the opportunity to comment on Monterey County's (County) Draft Environmental Impact Report (DEIR) for their proposed General Plan Update. The Coalition understands the importance of the General Plan --- once adopted it will become the blueprint for the County development for the next twenty years. It will be the constitution to guide in the 'right' direction. Let us say upfront that we, along with many other groups and individuals, have found the draft General Plan confusing and difficult to review and analyze. The DEIR is equally as confusing and difficult to review – and particularly given the short period of time the County has allowed for this review.

The proposed General Plan Update is the subject of appropriate CEQA review that allows for public participation and comment. The DEIR is the vehicle by which this takes place. Public participation is an essential part of the CEQA process. The County has a responsibility to provide for wide public involvement, formal and informal, consistent with its existing activities and procedures, in order to receive and evaluate public reactions to environmental issues related to the proposed activities. The Coalition believes that to date the County has been unwilling to commit to a level of public scrutiny needed along with public participation for the DEIR. To date there has been **one three-hour public hearing** on the DEIR. We strongly believe this has not been adequate and that it is thorough public participation that makes a difference in the end results.

The Salinas Valley Water Coalition supports full environmental review of the General Plan and its various components. This document is a "program EIR" and requires several subsequent actions to implement the policies of the General Plan. Many of these subsequent actions are significant and therefore, it is difficult to fully understand **all** of the potential impacts of the proposed General Plan. After all, the proposed policies of the General Plan and the manner in which they are implemented, will be the heart of the "blueprint" for the County. This is one of the reasons we believe the document is seriously flawed and do not believe allows the decision-makers to be fully-informed when making their decision.

Some of the subsequent environmental actions needed to fully understand the impacts are: implementation of the proposed circulation plan; adoption and implementation of Master Plans for Flood Control/Storm Drains, Wastewater Treatment, Water Supply, Fire Protection and other

public services; Adoption and implementation of a Comprehensive Integrated Water Management Plan; Adoption and implementation of Community Plans for Community Areas and Infrastructure and Financing Studies in Rural Centers; City annexation of all or part of designated City Growth Areas. **These are significant actions with the potential of significant impacts.** How can we the public, and you the decision-makers, be fully informed regarding the impacts of the proposed policies until **full environmental review has been completed?** We do not believe it is possible.

There is significant controversy surrounding the Draft General Plan Update and the manner in which the proposed policies will be implemented. Until we have a document that truly represents a community plan, we will have failed. We stress the need for the County to consider the adverse impacts to the individual landowners and the various regions of the valley associated with the project components and the measures necessary to mitigate these identified adverse impacts. It is important that the public is informed through the appropriate CEQA documents, as to the specific project components, the manner in which they will be operated and managed to meet the project goals, the adverse environmental and economic impacts associated with them, as well as the mitigation measures necessary to avoid or reduce, significant adverse impacts, and the cost of this mitigation. The DEIR does not adequately address these matters.

Once the General Plan is adopted it will become the blueprint for the County for the next twenty years. The Planning Commission and the public are entitled to an adequate review process of the draft General Plan and the draft EIR. Let's work together to provide the best Plan possible for our community.

We offer the following comments specific to the Draft Environmental Impact Report:

- 1. The document is flawed for many reasons. Specifically, it appears that your *Water Supply and Demand* section is based on outdated information and documentation. This section fails to discuss the *Historical Benefit Analysis (HBA)* completed by Monterey County Water Resources Agency in 1999/2000. The HBA documents the benefits received by various lands from the operation of the two Salinas Valley reservoirs, and documents that substantial benefit has been received in the Pressure and Eastside Areas – contrary to the statements made in the DEIR for the General Plan Update.**

This DEIR makes the statement that there “has been an uneven distribution of benefits throughout the Valley. The Forebay Area and Upper Valley Areas have enjoyed relatively large benefits from the San Antonio and Nacimiento reservoirs that would have been shared equally with the Pressure and East Side Areas if the intended transfer facilities had been built.” This statement is based on outdated information and could serve to undo the substantial progress made in the Salinas Valley these last five years. However, it does provide substantiation the seriousness of the flaws within the DEIR.

- 2. The DEIR discussion on the Carmel River Water Basin is also based on flawed information. The DEIR discussed “Plan B” in a way that leads the reader to believe it is being implemented. Plan B has NOT been finalized, nor has there been any environmental review of it. Plan B has not been adopted. This is one more way that the DEIR is flawed and is a disservice to the community.**
- 3. The DEIR appears to focus on regulation and restriction rather than actual projects – particularly with regards to the various water projects. The County should not be in**

the business of “allocat[ing] water usage”, but rather it should be in the business of developing projects to meet the needs of the community, while protecting and recognizing the individual private property rights – including water rights.

4. **The Draft EIR discusses the vital role of the Arroyo Seco River Corridor to “regional wildlife mobility”, and requires the County to develop an Arroyo Seco Corridor plan to ensure that the corridor remains sufficiently permeable to wildlife movement – with the goal of preserving the natural habitat. There is no discussion of the adverse impacts such a plan may have the agricultural lands within this area. According to CEQA impacts to prime ag land are considered adverse impacts. The DEIR fails to adequately inform the decision-makers of these impacts. The decision-makers must be adequately informed of all of the impacts so they may make an informed decision.**

The Salinas Valley Water Coalition has been an active participant in working with the Monterey County Water Resources Agency to develop and implement policies that provide for a solution to the water problems within the Salinas Valley Basin. Our support of the Agency has been based on the belief that the Agency and the County is committed to developing a program that will be cost-effective, reasonable, hydrologically sound and equitable to landowners in all portions of the Salinas Valley.

After careful review, we find that the draft General Plan does not consider the progress made these last years pertaining to the Salinas Valley water problems & issues. **In fact, the Draft General Plan could change all of the progress made over the last 5 years -- it could totally derail the progress and move the County and all landowners into a water rights adjudication.** This is something many of us have worked very hard to avoid.

document exhibited leadership and focused on solving our problems.

Policy PS-3.2 Annual Production Reports of Overdrafted Areas

This policy requires reporting of annual well production in all overdrafted areas. This could include the Salinas Valley as the draft Plan does not state which areas within the County are currently in overdraft. This policy would require all wells to be metered and the metered records to be provided to the County.

The Salinas Valley Water Coalition fought the County on this very issue about 10 years ago. The end result of that court battle essentially provided for an annual reporting of water usage, but that the method of calculating that usage could be based on electrical usage records. Our lawsuit was based on CEQA and the County’s failure to prepare and identify the potential adverse environmental impacts that would be associated with mandatory metering.

Also, the accompanying draft EIR for this General Plan Update does not address the environmental impacts of metering -- the same defect that led to the court overturning the previous meter ordinance. Most important, because the draft EIR recognizes that the groundwater problem in the Salinas Valley is a distribution problem, and not a supply problem, there is no reason to require meters. Crop data and continuing to report using electrical records should provide sufficient information on groundwater usage.

Policy PS-3.12 Private Well Construction

Under this policy, construction of private wells would require environmental review in overdrafted areas or areas with known water quality problems.

This policy does not identify the “overdrafted areas” or “areas with known water quality problems”. What types of “water quality” problems are being considered? The policy as proposed could require extensive CEQA documents (including EIR’s) for many new and replacement wells, including small domestic single user wells and agricultural wells. Landowners would incur significant costs to have these documents prepared, there would be significant delays before new permits would be issued, and some applications for new or replacement wells could be denied. **What is the basis for requiring environmental review of all wells? Again, there should be the development of standards and criteria as to which wells could trigger CEQA, and thereby eliminating the review of all wells.**

Conclusion: The overall defect with all of these proposed policies is that neither the Draft General Plan nor the draft EIR identify any water-resource problems that need to be addressed. It is impossible to determine whether or not the proposed policies are prudent, or even legal, until the problems that these proposed policies are supposed to address are identified and there is an explanation of what is necessary to solve these problems. Imposing unwieldy restrictions on landowners as proposed in the draft General Plan is without basis and in many instances, the County does not have the authority to do that which they are attempting to impose.

Unfortunately this is a General Plan that is not in the best interest of the public it is meant to serve. It does not plan but rather proposes to implement great restrictions on the landowners within the County --- many of which are considered a taking of private property rights. The County and the public would be better served if the General Plan were developed in a way that protected private property rights. The Salinas Valley Water Coalition is committed to working with the County to develop a General Plan that will do this. We are committed to finding a solution and hope that the County is as well.

We respectfully state that the DEIR is inadequate and must be changed to adequately evaluate the impacts to the agricultural community and the potential impacts to the community and quality of life.

Thank you for your consideration of our comments,



**Nancy Isakson, Consultant
For Ralph Riva, Chair Salinas Valley Water Coalition**