

HOPE - Helping Our Peninsula's Environment

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Forest Ecology

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Monterey County Subdivision Committee

April 8, 2004

Proposed Pebble Beach Golf Course and Mansions Would Violate County Codes - Must

Good Morning Committee Members:

HOPE believes this Committee does not have authority to approve this project this morning, nor until the project has been considerably modified in substance and procedure.

1. Cart Before the Horse I - Measure-A Must Go To Coastal Commission Before County Approves Project

HOPE agrees with the Coastal Commission where they strongly advise that Measure A be presented and considered by the Coastal Commission before the Pebble Beach Co. project goes forward for County approval. (1)

This is in part because there appears to be a **serious legal procedural problem** with the County approving the project before Measure A is adopted as law - if indeed Measure A is ever approved by the Coastal Commission.

There seems to be general agreement that --

- a. **Measure A is not law** until the Coastal Commission approves it (the County has held onto it for two and a half years), and
- b. **The PBC project needs Measure A to be law, because the PBC project is not consistent with the existing County General Plan or Local Coastal Plan,**

Beside the Planner, PB Company officials themselves, and the D-EIR freely admitting this, among other things, **Measure A would remove the B-8 Resource Constraints Overlay (a prior finding that sewage, water and natural resource protection are inadequate).**

This means that until Measure A is approved, the County cannot legally make Findings of Consistency for the proposed project with the existing adopted General Plan or the existing adopted Local Coastal Plan.

2. **Cart Before the Horse II - How can this body even begin to consider this project until the Final EIR is released?**

Resource Agency letters provide serious new information that has arisen since the D-EIR was released.

3. **Proposed Project Noise Violates County Noise Ordinance**

County Noise ordinance 2450, Section 3 (Chapter 10.60.030) prohibits operating any device producing a noise level exceeding 85 dBA at 50 feet in the unincorporated county within 2,500 feet of an occupied home.

Most of the proposed project forest destruction, most of the construction, and all of the construction delivery trucks, will be within 2,500 feet of occupied homes.

This means any the operation of the devices listed in the DEIR as equal to or exceeding 85 dBA (Crane, Paver, Scraper, Loader, Bulldozer, Jackhammer, and Trucks) would be illegal. The County cannot approve a project that violates a health or safety law.

Other devices will be used by the project but are not listed in the DEIR which substantially exceed 85 dBA include chainsaws and wood chippers.

- A chainsaw can cause noise as loud as 115 dbA. Effects of Noise on People, Eldred & von Gerike, Noise/News International, Vol 1, No. 2, 1993 June
- theA chainsaw can cause noise as loud as 130 dbA (LEAGUE FOR THE HARD OF HEARING - March 14, 2000)
- A wood chipper can exceed 110 dbA. On Feb 20, 2004 a wood chipper operating in Pebble Beach, California generated 96 dBA at 50 feet.

4. **Proposed Project Would Violate County Traffic Standards**

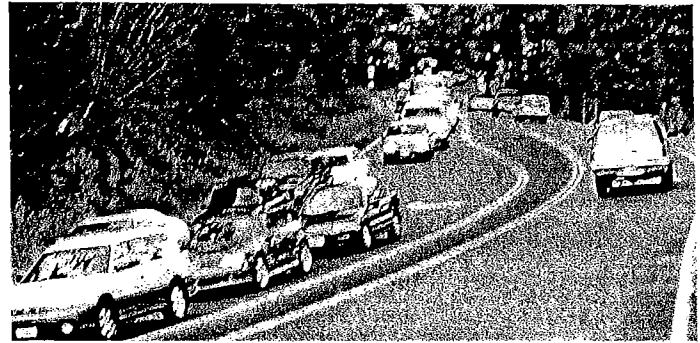
According to Cal-Trans and HOPE's own observations, the Holman Highway (Highway 68 from Highway one to Pacific Grove) is operating a gridlock - otherwise known as Level of Service (or LOS) "F".

Monterey County Public Works:

"If the Intersection is already operating at LOS F, any increase (one vehicle) in the critical movements volume to capacity ratio is considered significant."



Looking SW (away from PG)



Looking SW (towards PG)

Typical Gridlock on Holman Highway at Skyline Forest,
(October 11, 2003 3:30 pm)

5. Proposed Project Would Violate County Water Requirements

The County has resumed requiring proof of water at the start, not the end, of project - not after approval.

The Draft EIR, and the new Water Management District letter, and the Department of Fish and Game letter of warn that there will not be enough water available for this project.

- The Water Management District writes "...the proposed Phase II reclamation project may not be able to meet maximum irrigation requirements ..."
- The Department of Fish and Game writes "Cal-Am is currently under court order to reduce pumping from the system...[this restriction appears] to curtail the ability of Cal-Am to provide the additional water to this project **regardless of any legal claim** held by the applicant."

The Department of Fish and Game writes that adequate water is not available to protect imperiled species--

"Currently Cal-Am is not able to meet delivery commitments without over-pumping within the aquifer. **This over-pumping has caused adverse impacts to aquatic resources within the Carmel River system, specifically adversely impacting steelhead (*Oncorhynchus mykiss*) and California red-legged frogs (*Rana aurora draytonii*) by dewatering and reducing available habitat.**

"Based on review of the DEIR, it is clear that the **post-project water demand will require at least an additional 182 to 320 acre-feet of potable water each year.** It was noted that this may **underestimate** the actual demand because additional potable water has historically been required to supplement an inadequate supply of treated wastewater."

The DEIR presents the argument that although the new project will require additional potable

water, this new demand is "offset" by a previous reduction in demand caused by converting from potable water to treated wastewater for irrigation. However, this "offset" scenario does not include an appropriate disclosure and analysis of the increased water demands of this project on the *current* pumping regime."

6. HOPE respectfully requests this body set this project aside with the recommendation that **before** our County considers this project --

a. Measure-A be voted on by the Coastal Commission, and

b. the Final EIR be released.

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Sincerely,

David Dilworth, Executive Director

Note (1) California Coastal Commission letter on PBC D-EIR March 22, 2004

"...we recommend that the DEIR be revised to address the comments of this letter and the Commission's previous comments (see attached) and be recirculated for public review, particularly with respect to ESHA issues, and that **the County first submit the Measure A LCP amendment request to the Commission (and wait for a final action) before taking any further action on the project.**"

"... the DEIR is inadequate inasmuch as it **relies on future Commission certification of Measure A and approval of permit amendments** to address and mitigate various LCP inconsistencies and impacts due to the proposed project ..."

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"**Commission certification of Measure A and Commission and County [Coastal Development Permit] amendments should not be relied upon in this context,. Rather, these are separate processes where the outcome is both uncertain and critical to whether the proposed project can proceed, and in what form.**"

"In terms of process, we recommend that Measure A be submitted and acted on, and that the required [Coastal Development Permit] amendments be applied for and acted on, before the County further considers or acts on the proposed project."

**Typical Gridlock on Holman Highway at Skyline Forest,
(October 11, 2003 3:30 pm)**



***California Natural Resource Protection Agencies Blast
Pebble Beach Company Golf Course & Forest Destruction Development.
It's Far Too Big. Redesign and Start Over***

by David Dilworth

Many Peninsula residents and local environmental protection groups have severe concerns about the proposed Pebble Beach Company forest destruction golf course and mansion development.

New and powerful government agency letters responding to the Draft Environmental Impact Report (DEIR) provide strong support for their concerns.

Those agency letters diplomatically, exceedingly diplomatically, describe how the Monterey Peninsula's largest proposed development **must go back to the drawing board** ("...we recommend that the DEIR be revised to address the comments of this letter in be recirculated for public review particularly with respect to ESHA issues..."), so that it is significantly reduced in size and impacts because the project as proposed would cause **severe irreversible environmental damage to our priceless forest and violate several fundamental laws.**

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The Project's Top Ten Environmental Problems

The top ten concerns of the California Department of Fish and Game (DFG), California Coastal Commission (CCC), the California Water Resources Control Board (SWRCB), the Monterey Peninsula Water Management District (WD) include -

1. Ecosystems: Severe Impacts to our Imperiled Native Monterey Pine Forest (DFG & CCC)

- "...the DEIR clearly shows that severe impacts to [at least 19 rare or endangered plant species plus our native Monterey pine forest] would be expected with the proposed project." (CCC)
- "...an amazing variety and preponderance of interrelated rare and endangered species." (CCC)

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2. Deficient Physical Water Supply & Infrastructure (All Four agencies)

- "...the proposed Phase II reclamation project may not be able to meet maximum irrigation requirements ..." (Water District)
- "Cal-Am is currently under court order to reduce pumping from the system...[this restriction appears] to curtail the ability of Cal-Am to provide the additional water to this project regardless of any legal claim held by the applicant." (DFG)
- "Cal-Am has no additional water within the 11,285 afa limit to serve new development." (SWRCB)

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3. **Project Ignores how our Imperiled Native Monterey Pine Forest is strongly protected by our Coastal Act as Environmentally Sensitive Habitat Areas (CCC)**

"We don't believe the DEIR accurately frames the Environmentally Sensitive Habitat Area [ESHA] issues associated with the project and Measure A, and has mostly overlooked our previous comments in this regard." (CCC)

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4. **Project Water Pumping Harms Imperiled Carmel River Fish and Frogs (DFG)**

"The DEIR discloses [the project's] increased demand for potable water that relies on withdrawals from the Carmel River aquifer, but does not include an analysis of the impacts caused by those increased withdrawals on the public trust resources [the imperiled Steelhead salmon and California red-legged frog] in the Carmel River system."

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5. **Currently Allowed Development Significantly Overestimated.**

- "The DEIR appears to significantly overestimate the amount of development that would be "allowed" in the Del Monte Forest at build out by the LCP." (CCC)

Pebble Beach Co. (PBC) claims they can build 890 mansions with currently approved zoning. If this is so - why is PBC very quietly demanding "Certificates of Compliance" for their largest parcels? These are only needed when a landowners claim of legal lots of record has no documentation.

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6. **Imperiled Orchids - Ignored Impacts on, Defective Protection of, and Defective Transplanting Plan for Imperiled Orchids and other rare Flowers (DFG, CCC)**

- "DFG is concerned that impacts to all sensitive resources be adequately characterized."
- "DFG does not recognize [transplanting] as contributing substantially to a mitigation strategy... [so use avoidance]."

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7. **Removal of Recorded Protection Easements (DFG)**

"[The removal of environmental protection easements] undermines our confidence in the ability of an easement to provide for protection of resources in perpetuity, if in fact it can be undone at a later date."

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8. **Send "Measure A" For Approval Before the PBC Project is Heard (CCC)**

"[Measure A] must be submitted to the Commission for review and action under the Coastal Act before the PBC project could be affirmatively and finally acted on by the County."

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Coastal Commission Letter, March 22, 2004

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