

P-4

October 11, 2004

Thom McCue, Planner
Monterey County Planning & Building Inspection Department
2620 1st Avenue
Marina, Ca. 99933

Dear Thom :

I wish to submit the following comments on the RDEIR.

3.3 Biological Resources :

Protection of the a natural resource such as Yadon's Piperia cannot be assured without professional monitoring and strict adherence to policies in the operative Land Use Plan. The mitigation calls for funding and identifying a long term plan. This must include a responsible agency or firm to carry out such a plan and be answerable for failure to do so.

3.5 Public Services and Utilities :

D Water Demand

The recognition that the Project would increase water demand for potable and recycled water and would result in increased withdrawals from the Carmel River and the Seaside Basin aquifers relative to the current baseline is a welcome admission that the "entitlement water" is in reality a new demand on the water source. Mitigation measures require that the RWP Phase 11 improvements shall be funded by the applicant and completed before any Project developments are served. Does this stricture include development dependent on the purchase of the applicant's water sale, presently 120 af but subject to potential increase? And will that sale be deducted from water needed for the project? As noted in my earlier comments , there was a discrepancy in numbers between the original entitlement of 360af and the proposed project use of 286.8af plus the available water to be sold to fund RWPl. This must be addressed to assure that the water sold be subtracted from the water available to the project. D3 addresses , but does not identify the source of the potential overdraft.

E Infrastructure Capacity :

E.1 requires the applicant to evaluate the capacity of CAWD/PBCSD and or Cal-Am's distribution infrastructure to deliver recycled water for existing and project irrigation use and potable water needed for irrigation of project areas in the event of RWP interruption. Evaluation is a non-operative term. The applicant must guarantee capacity to qualify as a mitigation.

Finally, in light of the Coastal Commission's staff Update recommendation that the native Monterey Pine Forest must be designated ESHA, this issue must be readdressed. To ignore the enormous loss of forest land intrinsic to this project would invalidate the entire FEIR.

Respectfully,

Janice M. O'Brien
Janice M. O'Brien, Member DMFLUAC

DEC