

P-12

LAW OFFICES
RICHARD H. ROSENTHAL
A PROFESSIONAL CORPORATION

27880 DORRIS DRIVE, SUITE 110, CARMEL, CA 93923
P.O. BOX 1021, CARMEL VALLEY, CA 93924
(831) 625-5193
FAX (831) 625-0470

9 November, 2004

36411LL8.doc

VIA FACSIMILE 384-3261 and e-mail mccuet@co.monterey.ca.us

Thomas A. McCue
Senior Planner
Monterey County Planning & Building Department
Coastal Office
2620 1st Avenue
Marina, CA 93933

Re: PLN 010254, 010341, 040160

Dear Mr. McCue:

The Partially Recirculated Draft Environmental Impact Report (PRDEIR) does not discuss nor reference the County's settlement in case number M 51217 entitled *Save Our Peninsula Committee, et al. vs. County of Monterey, et al.*, Monterey County Superior Court. This settlement required the County to prepare a stand-alone environmental impact report on water saving mechanisms. Water saving mechanisms are broadly defined. The settlement prohibits the County to issue any entitlement that relies upon a water saving mechanism as its source of water supply.

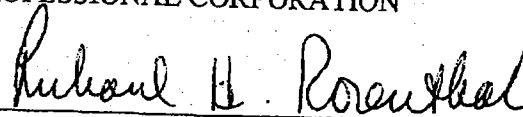
The PRDEIR should discuss the Settlement Agreement and whether or not it applies to the subject project.

If you have any questions or would further like to discuss the matter, please feel free to call.

Sincerely,

LAW OFFICES RICHARD H. ROSENTHAL
A PROFESSIONAL CORPORATION

BY:


RICHARD H. ROSENTHAL, On Behalf
Of Save Our Peninsula Committee

RHR/cd

cc: Thomas Jamison

FOR U.S. MAIL DELIVERY: P.O. BOX 1021, CARMEL VALLEY, CA 93924
FOR EXPRESS MAIL DELIVERY: 27880 DORRIS DRIVE, SUITE 110, CARMEL, CA 93923