



LandWatch

monterey county

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January 26, 2004

Chairperson Lou Calcagno [Sent By Email and FAX – 831-755-5888]
Monterey County Board of Supervisors
Monterey County Courthouse
240 Church Street
Salinas, CA 93901

RE: Agenda Item S-14, January 27, 2004 – Proposed Vineyard Expansion (PLN010188)

Dear Chairperson Calcagno and Members of the Board of Supervisors:

This letter is to renew our previous comments to you, contained in a letter dated January 13, 2004, and submitted to you prior to and at your January 13, 2004 hearing.

Your staff and the Planning Commission has recommended approval of a Combined Development Permit for the construction of a 350 acre-foot irrigation reservoir, the grading of approximately 913,125 cubic yards of earthen materials, the removal of 321 oak trees, and the creation of a new vineyard on slopes in excess of 15%. Any rational person would have to agree that this kind of a project, which proposes major changes and disruptions to the physical environment, might cause a significant and adverse environmental impact. LandWatch urges you to demand the preparation of a full Environmental Impact Report, prior to taking action on this proposed vineyard development. CEQA, the California Environmental Quality Act, does not make this a “discretionary” decision. When a proposed project might cause an adverse environmental impact, CEQA requires that an EIR be prepared. There is substantial evidence before you that what is being proposed could, indeed, cause significant and adverse environmental impacts.

Often, with extremely large projects, Monterey County attempts to “short cut” the requirements of CEQA by suggesting that a Mitigated Negative Declaration can substitute for full environmental review. In the recent past, the County has taken this approach with respect to a proposed power generation facility in Pajaro, a major agricultural processing facility and office building on prime agricultural land in Spreckels, and this major earthworks project in South Monterey County, to name just a few examples. LandWatch believes that project applicants are not well served by an attempt to avoid the requirements of CEQA—and of course the public is also prejudiced. When a proposed project might cause one or more significant adverse environmental impacts, and a full EIR is required, processing times for applicants will actually be reduced if the County proceeds immediately to do the full EIR. The County and/or the applicants will also not have to pay the attorneys fees and costs of those parties who successfully challenge in court a decision that ignores the clear commandments of CEQA. Trying to shortcut the process, only to be told by a court, after litigation, that the law mandates an EIR, isn't a

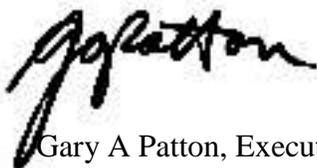
genuine “shortcut” at all. The only thing that gets cut short is the public’s ability to participate. We urge the County to change its current pattern and practice of seeking to avoid CEQA compliance. This project is the right place to begin a new approach, consistent with what CEQA in fact demands.

In addition, LandWatch notes that the current Monterey County General Plan, adopted in 1982, is not only chronologically out of date, but is now internally inconsistent and legally inadequate. This fact has been noted by the County itself.

The County must make a finding of General Plan consistency to be able to approve the proposed vineyard expansion project, and it is not able to do that in view of the inadequacy of the County’s existing General Plan. LandWatch urges the Board to take no action to approve this or any other major development project, unless and until the Board has first adopted an adequate and internally consistent General Plan.

Thank you for taking our comments into consideration.

Very truly yours,

A handwritten signature in black ink, appearing to read "G. Patton". The signature is written in a cursive, flowing style.

Gary A Patton, Executive Director
LandWatch Monterey County