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*Carl P. Holm, AICP*


-----Original Message-----

**From:** LandWatch Monterey County [mailto:landwatch@mclw.org]

**Sent:** Wednesday, August 30, 2006 8:48 PM

**To:** Bauman, Lew; Knaster, Alana x5322; McKee, Charles J

**Subject:** Public Record Requests

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August 30, 2006  
Lew Bauman  
County Administrative Officer  
168 West Alisal Street  
Salinas, CA 93902

**SUBJECT: PUBLIC RECORDS REQUESTS**

Dear Mr. Bauman:

LandWatch Monterey County made a public records request on June 29, 2006. This request included a detailed list of data we are seeking for the purpose of analyzing and assessing the Draft General Plan and its Draft EIR. The request for information included questions about the assumptions, inputs and methods of analysis used by the County in preparation of the General Plan and DEIR. We requested information about the traffic model which serves, ostensibly, to accurately project the volume and impact of traffic that will result from the full build-out allowed under the fourth Draft of the General Plan Update (GPU4). It is not possible to evaluate the adequacy of the Draft EIR traffic analysis in the GPU4 EIR without these previously requested

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data.

This request is very reasonable and represents information typically provided in the technical appendix of a General Plan EIR. These data constitute the current methodological standard and are typically made available for traffic and transportation analysis, which is a CEQA requirement. Indeed, this information should have been distributed together with the DEIR released for the initiation of the review period, in order for the EIR to meet State CEQA Guidelines and Statutes. The failure to provide these data to LandWatch in a timely manner raises questions about whether the DEIR review period minimum criteria for public disclosure has been met.

22-1 Cont.

We also want to note for the record that full buildout was not used in the traffic model projections in the DEIR. This raises the significant CEQA statute issue that the EIR must describe the consequences of the proposed project, not merely a portion of the project. It appears that the traffic model results in the DEIR were derived by using AMBAG population numbers rather than build-out data.

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For this reason, we repeat the request made in our June 29 letter for the following data to be provided to the public and specifically to LandWatch under our now months old public records request:

1. The existing traffic baseline data and counts.
2. Road improvements that are used in the traffic model.
3. By traffic analysis zone, the number of allowable housing units, commercial and industrial areas and employment counts for the entire county.
4. Assumptions utilized in the projected impact analysis of major traffic development projects within cities as well as unincorporated areas. This should include traffic generating developments such as the major commercial and school development projects underway in Marina and elsewhere.
5. Assumptions utilized in allowable development and cumulative event uses projected for the wine corridor.
6. The traffic model results for each alternative studied including, for each road segment, the Level of Service and number of trips projected under the Buildout Projections in the GPU document.
7. Study prepared by a consultant for the Public Works Department regarding safety improvements and right-of-way acquisitions for River Road from Las Palmas south to Arroyo Seco.

We received from the County the report requested in item 7. In response to items 1-6, County Counsel said that the information was proprietary to AMBAG. Communication with Todd Muck, AMBAG staff, indicated that this is not the case. It is our understanding from AMBAG that the only thing proprietary concerning the AMBAG Traffic Model is the software program. We are not requesting the software, but rather the data inputs used to model the traffic and the modeling results. CEQA statutes and case law both require that sufficient scientific and technical data be provided so that the public can compare the project description in the General Plan Update to the

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technical data used to evaluate this description in the EIR. Further, there is nothing proprietary about current traffic counts, the ICU methods used to calculate levels of service, the outputs of various traffic impact scenarios, and the substantive content of the other information requested.

County Counsel further stated that if the data request related to traffic model results, the data would be available in the DEIR. In fact the DEIR does not provide the technical information necessary for reviewers to assess the model results and outputs. The failure to provide this information in the DEIR will require the delay of the start date for the EIR review process until such time as the information requested is provided.

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Appendix B to the Draft EIR, Transportation, only provides a list of constrained projects. We request that technical data supporting the traffic model conclusions be provided, and that LandWatch be given an extension to review the DEIR of 45 days from the date of receipt of such data. We are confident that a Responsible Agency such as Caltrans will require these traffic model data as well since the GPU and Draft EIR cannot be reviewed without the technical data used in the impact analysis.

22-5

Our June 29 Request also asked for the opportunity to review the library of sources used for the preparation of the GPU. No bibliography of sources has been provided in response to that request. We repeat our request for a bibliography of sources used in preparation of the GPU. At this time we expand that request to include a bibliography of sources used in preparation of the DEIR, and we reiterate our request to review the sources identified in the bibliographies.

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Sincerely,  
/S/ Chris Fitz  
Chris Fitz, Executive Director  
LandWatch Monterey County

Cc: Alana Knaster, Deputy Director, Resource Management Agency