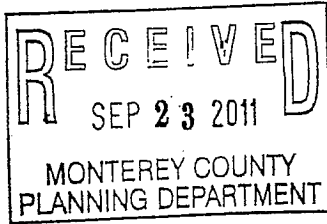


Exhibit E
Comments on Initial Study

Banker's Development Group, LLC
York Highlands
PLN100020

Board of Supervisors
October 18, 2011



Post Office Box 1876, Salinas, CA 93902
Email: LandWatch@mclw.org
Website: www.landwatch.org
Telephone: 831-759-2824
FAX: 831-759-2825

September 23, 2011

Mike Novo, Director of Planning
County of Monterey
168 West Alisal, 2nd Floor
Salinas, CA 93901
Sent by e-mail to CEQAcomments@co.monterey.ca.us

SUBJECT: SUBDIVISION OF MONTERRA RANCH; BANKER'S DEVELOPMENT GROUP; AND YORK HIGHLANDS COMBINED DEVELOPMENT PERMIT

Dear Mr. Novo:

LandWatch Monterey County has reviewed the Negative Declaration for the referenced project which includes the subdivision of Monterra Ranch, tree removal, development on slopes greater than 25%, development of new roads, and a General Plan Amendment changing the designation from Public Quasi-Public and Urban Reserve to Rural Density, 10 acres per unit and Urban Reserve. No new lots would be created. The entrance to the project across from York Road on Highway 68 which was originally approved would also be constructed.

The Initial Study claims that it is tiered on the FEIR approved in 1987, some 24 years ago.

We have the following comments:

1. It is our understanding the Planning Department is expediting approval of the proposed project ahead of other applications to minimize the County's exposure to financial loss arising from security arrangements provided for in the now-approved subdivision (i.e., part of the existing security includes deeds of trust held by the County of Monterey). These circumstances may jeopardize an objective analysis of project impacts and create a conflict of interest for the County.
- 2.. The Negative Declaration states (p. 5), "This Initial Study tiers from the Certified Monterra Ranch Subdivision EIR. The baseline for this project must consider that there are existing lots of record which can currently be built upon...The Initial Study will examine the environmental impacts from the perspective of the identified baseline." We agree that the existing 24 legal lots of record represent the baseline for land use. However, the baseline condition for other environmental issues such as traffic, water and air quality is the existing environment (CEQA Guidelines, §15125). Baseline is what actually exists on the ground.

The County's approach seriously underestimates and misrepresents the projects impacts on transportation and biological resources. See comments 4 and 6 below.

3. Project Consistency with the 2008 Air Quality Plan for the Monterey Bay Region. The Initial Study finds the project consistent (p. 7); however, no data are provided to substantiate the finding. The data and analysis should be provided, and the initial study recirculated with this information.
4. Transportation. The analysis does not compare the proposed project's impact against existing traffic levels (p. 9). These current levels are much lower than the levels evaluated in the 1987 EIR. Traffic has deteriorated significantly since 1987 when the FEIR was certified.

Additionally, while construction of the new access road at York Road and Highway 68 was included as a mitigation measure in the FEIR, its construction never took place. Its construction now could have a significant impact on traffic volumes at that intersection which have dramatically increased in the last 24 years.

The traffic analysis also fails to account for the project's cumulative impact on Highway 68 road segments and intersections. Traffic on Highway 68, as well as the engineering "solutions" to the traffic, are highly controversial.

5. Aesthetics. Design criteria included in the FEIR are identified as applicable to the proposed project (pp. 14-17).

Number 60 requires a continuous system of hiking and equestrian trails and open space linkages provided between the site and Ryan Ranch. Are these trails identified on the proposed subdivision map? What is the status of these trails? The trails are not currently open to the public.

Number 64 references the Greater Monterey Peninsula Area Plan Citizens Advisory Committee. Does this committee currently exist?

6. Biological Resources (p. 25).

Oak Woodland Habitat. While the impact analysis states the proposed project would affect about 22 acres of oak woodland, it fails to identify the number of trees to be removed. The document also states that habitat fragmentation would "slightly increase" over what was identified in the FEIR. However, as noted in earlier comments under CEQA the County's impact analysis must compare the proposed project to the existing environment, not to an hypothetical environment. The number of trees to be removed should be identified and the loss of a source of CO₂ sequestration addressed. These are important issues under CEQA.

Grassland and Coastal Scrub. The proposed project would have impacts on 21 acres of grassland. Again, the analysis failed to address impacts compared to the existing environment.

7. Hydrology and Water Quality.

The project would be served by groundwater contained in "fractured siltstone" (p. 39). The Monterey Peninsula Water Management District is currently evaluating whether

water from fractured rock formations can provide a long term water supply. The District should be consulted regarding the availability of a long-term sustainable water supply as required by the 2010 Monterey County General Plan. The mere existence of a water system is not adequate evidence of a long-term sustainable water supply.

Thank you for the opportunity to review the document.

Sincerely,

A handwritten signature in black ink, appearing to read "Amy L. White". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Amy L. White
Executive Director

LAW OFFICES OF
MICHAEL W. STAMP

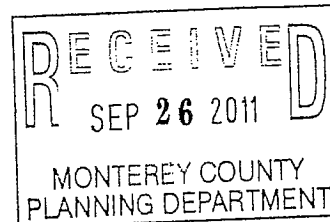
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(831) 373-1214

September 26, 2011

Mike Novo, Planning Director
Delinda Robinson, Senior Planner
County of Monterey
168 W. Alisal Street, 2d Floor
Salinas, CA 93901



Subject: Inadequate Public Review Period – York Highlands (PLN100020)

Dear Mr. Novo and Ms. Robinson:

The public review period of the proposed negative declaration for the York Highlands Combined Development Permit does not comply with CEQA's procedural mandates. The County's proposed review period runs from September 8 to September 27, 2011. That is only 19 days.

The County's proposed public review period does not satisfy the CEQA requirements because the period is less than the mandatory 20 days (CEQA Guidelines, §§ 15105(b) ["The public review period for a proposed negative declaration or mitigated negative declaration shall be not less than 20 days"], 15073(a) ["The lead agency shall provide a public review period pursuant to Section 15105 of not less than 20 days"]; see *Gilroy Citizens for Responsible Planning v. City of Gilroy* (2008) 140 Cal.App.4th 911, 922).

Very truly yours,

LAW OFFICES OF MICHAEL W. STAMP

A handwritten signature in cursive script that reads "Molly Erickson".

Molly Erickson

cc: Les Girard, Assistant County Counsel

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September 26, 2011

Mike Novo, Planning Director
Delinda Robinson, Senior Planner
County of Monterey
168 W. Alisal Street, 2d Floor
Salinas, CA 93901

Subject: Inadequate Public Review Period – York Highlands (PLN100020)

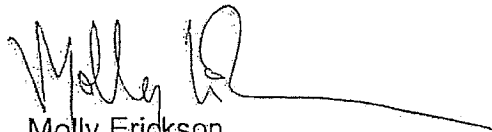
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Very truly yours,

LAW OFFICES OF MICHAEL W. STAMP


Molly Erickson

cc: Les Girard, Assistant County Counsel



MBUAPCD

Monterey Bay Unified Air Pollution Control District
Serving Monterey, San Benito, and Santa Cruz Counties

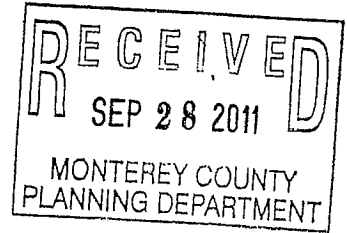
24580 Silver Cloud Court
Monterey, CA 93940

PHONE: (831) 647-9411 • FAX: (831) 647-8501

September 27, 2011

Mike Novo
Director of Planning
County of Monterey
Planning Department - Resource Management Agency
168 West Alisal St. 2nd Floor Salinas, CA 93901

Sent Electronically to:
CEQAcomments@co.monterey.ca.us
Original Sent by First Class Mail.



SUBJECT: IS/ND for York Highlands Combined Development Permit –
File Number PLN100020

Dear Mr. Novo:

The Monterey Bay Unified Air Pollution Control District submits the following comments regarding the above document:

Section III, Consistency with 2008 Air Quality Management Plan (AQMP) on Pages 6-7.

This section indicates that the project will be consistent with the AQMP. However, there is no explanation as to how the determination was made for this project. Please clarify the source or rationale for the consistency determination.

Section IV. A. 3) Air Quality on Page 8.

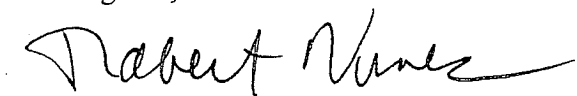
This section indicates that the proposed revisions to the development permit for the 900 acre project will reduce grading impacts by approximately 20,000 cubic yards.

Should additional mitigation be needed, the District suggests that the following best management practices for mitigating construction related fugitive dust be considered:

- Prohibit all grading activities during periods of high wind (over 15 mph)
- Limit grading to 8.2 acres per day and grading and excavation to 2.2 acres per day.
- Water graded or excavated areas at least twice daily. Frequency should be based on the type of operations, soil and wind exposure.
- Water unpaved access roads used by project vehicles at least twice per day.
- Apply non-toxic binders to exposed areas after cut and fill operations, and hydro-seed area.
- Plant vegetative ground cover in disturbed areas as soon as possible.
- Add mulch or other organic material to backfill or stockpiled soils.
- Haul trucks shall maintain at least 2' 0" of freeboard.
- Cover all trucks hauling dirt, sand, or loose materials.
- Inactive stockpiles should be covered.
- Install wheel washers at the entrance to construction sites for all exiting trucks.

Thank you for the opportunity to comment on this document.

Best regards,

A handwritten signature in black ink that reads "Robert Nunes". The signature is written in a cursive style with a long, sweeping underline.

Robert Nunes
Air Quality Planner
Planning Division