

March 7, 2011

Mayor:
CHUCK DELLA SALA

Councilmembers:
LIBBY DOWNEY
JEFF HAFFERMAN
NANCY SELFRIDGE
FRANK SOLLECITO

City Manager:
FRED MEURER

Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Subject: Comment Letter -- ASBS Special Protections (CEQA disclosure and public review process related to SCH#2011012042, General Exception to the California Ocean Plan)

Dear Ms. Townsend:

It has come to our attention that a Notice of Completion (NOC) was not filed with the Office of Planning and Research/State Clearinghouse for the State Water Resources Control Board's Program Draft Environmental Impact Report for the General Exception to the California Ocean Plan (referred to herein as "PDEIR"). In the interest of adequate public review, legal obligation, and transparency on this proposed Statewide policy, the City of Monterey requests the State Water Resources Control Board file the NOC and DPEIR with the Office of Planning and Research/State Clearinghouse and start the public review period as of the date of that filing.

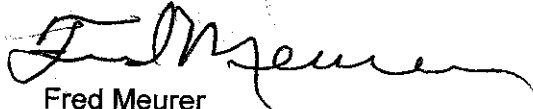
On February 28, 2011, the City of Monterey (City) inquired with the State Clearinghouse to gain clarity as to the public review period for the PDEIR. Through the course of multiple telephone conversations with State Clearinghouse staff, the City learned that no NOC or copy of the PDEIR was filed with the Clearinghouse. This conclusion was consistent with the project's status as noted on the State's CEQAnet database that day.

Per California Environmental Quality Act Guidelines Sections 15085 and 21161, a NOC is required to be filed with OPR upon completion of a Draft Environmental Impact Report for public review. Inquiries were made to SWRCB staff to clarify whether a NOC was officially filed with OPR/State Clearinghouse. To date, no conclusive information has been provided to the City to demonstrate NOC filing for this PDEIR with OPR/State Clearinghouse.

As mentioned above, we believe this project should receive public review in accordance with CEQA. As such, the City of Monterey recommends the State Water Resources Control Board file a NOC and the necessary supporting documentation to allow for a subsequent public review period as required. We also request the public be notified to this

effect. Such an approach will allow adequate notification and time for all necessary entities and stakeholders to review the proposed statewide project, assess the environmental impacts and analyses presented, and comment on the project as afforded by CEQA.

Sincerely,



Fred Meurer
City Manager

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- Ec: Fred Cohn, Assistant City Manager
Chip Rerig, Director of Planning, Engineering, and Environmental Compliance
Tom Reeves, City Engineer
- c: **Charles Hoppin**, Chair, State Water Resources Control Board, 1001 I Street, 24th Floor, Sacramento, CA 95814
Tom Howard, Executive Director SWRCB, 1001 I Street, 24th Floor, Sacramento, CA 95814
Michael Lauffer, Chief Council SWRCB, 1001 I Street, 24th Floor, Sacramento, CA 95814
Scott Morgan, Director, State Clearinghouse, Governor's Office of Planning and Research, P.O. Box 3044, Sacramento, CA 95812-3044
Bruce Fujimoto, Chief, Storm Water Program, State Water Resources Control Board, 1001 I Street, 24th Floor, Sacramento, CA 95814
Dominic Gregorio, Senior Environmental Scientist, Ocean Unit, Division of Water Quality, State Water Resources Control Board, 1001 I Street, 24th Floor, Sacramento, CA 95814
Constance S. Anderson, Environmental Scientist, ASBS Ocean Unit, State Water Resources Control Board, 1001 I Street, 24th Floor, Sacramento, CA 95814