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July 8, 2003

Sally Reed, County Administrative Officer  
230 Church Street, Building #3  
Salinas, CA 93901

[Sent by Email and FAX: 831-757-5792]

RE: LandWatch Participation in "Refinement Group"

Dear Ms. Reed:

Thank you very much for your letter of July 2<sup>nd</sup>, just received today. LandWatch appreciates being invited to participate in the General Plan Refinement Group created pursuant to the Board's motion on June 24<sup>th</sup>.

I plan to be present on July 17<sup>th</sup> for the initial gathering of the Refinement Group. If this group moves forward, and if LandWatch decides to continue its participation, I will be the primary representative for LandWatch. Our Deputy Director, Chris Fitz, may serve as an "alternate" for me, if that's needed. Contact information for both of us is listed below:

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The LandWatch Board of Directors, which decides how the LandWatch staff spends its time, has not yet had a chance to discuss whether or not the Board wants LandWatch to participate in the Refinement Group process. *If* the deliberations of the Refinement Group will be conducted according to the motion adopted by the Board of Supervisors, I will certainly recommend that the LandWatch Board authorize our participation. I will *not*, however, recommend that LandWatch participate in any effort that is aimed at supplanting the public process that we have so strongly supported in connection with the General Plan Update. My letter to the Board, and my testimony on June 24<sup>th</sup>, was quite clear on this—at least I hope so.

In view of LandWatch's commitment to a public process, I am concerned about the questions posed in your July 2, 2003 letter. I will come to the meeting on July 17<sup>th</sup> prepared to listen to others, and to discuss LandWatch's views on these questions, but want to document our position now, to be as clear as possible. I would certainly appreciate it if you would provide a copy of this letter to the other organizations invited to participate in the Refinement Group, so they can be aware of our very strongly held views.

### **Why does the Refinement Group exist?**

The group exists because the Board created it, pursuant to Supervisor Calcagno's very specific, written motion. Creation of the Refinement Group clearly responded to requests made by representatives of agriculture, and others who have been most critical of the GPU so far. These groups have argued that a committee process, in which a "broad-based" group would get together to discuss the GPU outside of the "public hearing" format, could lead to "consensus" on many of the issues they are concerned about. The motion adopted by the Board gives these groups an opportunity to prove this point, and that they are truly interested in finding consensus, and that it's possible for them to agree to some broadly-supported "refinements" to the "second draft" document that the Board has now approved for further public comment and environmental review.

### **What results are expected?**

The results expected are spelled out precisely in the motion: "the purpose of this 'refinement group' is not to challenge the overall strategy and Guiding Objectives of the Plan, but to focus on specific policies where there is disagreement, and to seek to resolve them with specific recommendations for language modifications. Each invited participant will be requested to identify issues for the group to discuss."

### **What will be done with the group's results?**

Again, the motion is very specific: "The recommendations from the refinement group shall be made available to the Planning Commission (and to the Board) and released for public review and comment, so that the Planning Commission can review the recommendations of the refinement group, and any public comments on the recommendations" The recommendations from the Refinement Group, in other words, are to be directed *into* the normal public review process, and are not a *substitute* for that process.

### **What is the time frame? Is it realistic?**

The time frame is also spelled out in the motion. It is linked to the public process (and it's not completely clear how long that will take). The group is to begin its deliberations "once all of the necessary changes have been incorporated into the Plan" [#3 from the motion] and "must be completed prior to the commencement of the hearings before the Planning Commission." I, personally, DO think that this is realistic. This "refinement group" idea is either going to be productive, or not. If it is, then we'll be able to complete our work pretty promptly, because the whole idea is simply to "refine" specific policy statements, to make them more broadly

acceptable. If the group wants to get into a complete redirection of the Plan, which I suspect some may want to do (but that is NOT allowed under the motion) then we'll quickly see that, and there will be no need for more extended meetings.

### **Policy issues that LandWatch would like the group to discuss**

Since I have just received your letter, I do not currently have a complete list of issues that LandWatch would like the Refinement Group to discuss. However, I will come prepared on July 17<sup>th</sup> to provide such a list to all participants.

### **Other Comments on the Refinement Group**

I believe that the list of organizations invited to participate in the Refinement Group is highly biased in favor of organizations that have mostly stated their opposition to the current draft of the GPU. In view of the way the Board's motion was structured, however, this is probably appropriate. The Board essentially ratified the public process as it has been carried out so far, and directed that a "second draft" GPU be circulated for additional public comment and environmental review. This is exactly what LandWatch, and others who have generally supported the GPU, asked the Board to do.

In deference to those who did *not* support this direction, the Board then established the Refinement Group process, to see if it is possible, as GPU opponents have claimed, to arrive at something like "consensus" on key GPU policy language, by putting both supporters and opponents together in a non-public hearing setting. This is *not* something that LandWatch either asked for or thinks is necessary, but it's what the Board did, and I will strongly recommend that LandWatch participate in good faith in trying to accomplish that result, so long as the Refinement Group firmly adheres to the directions of the motion adopted by the Board.

I have talked to a number of persons who represent organizations that will be invited to participate in the Refinement Group. I think all of the people I've talked to are willing to participate in good faith, as LandWatch is, but only if certain things are true. Here is my own list of "only if" requirements:

1. The group MUST follow the Board's motion, including operating in the spirit of Supervisor Calcagno's remarks (the 40-acre minimum is NOT for discussion as part of the Refinement Group).
2. Also critical (and really part of the motion, but worthy of highlight), no negotiations on any of the "refinements" will begin until there is an actual "second draft" document from which to work. This group is not a group to rewrite the Plan that will be circulated to the public. Pursuant to the Board's direction, it is a group that will seek "refinements" to the policy statements in the "second draft" that are of concern to any of the participants. Therefore, it's critically important that we all work from the same "second draft" document.

3. Since the list is overbalanced in favor of those who have mostly opposed the current draft of the GPU, it's vital that there be a "critical mass" of groups that have been generally supportive of the GPU. Many persons I talked to were worried that a number of the listed organizations would decline to participate (the Big Sur Land Trust, the Elkhorn Slough Foundation, etc.). LandWatch will not want to be in a process in which there are only a very few groups that have a positive view of the GPU.
4. Every group invited will be able to put issues on the table for consideration. Again, this is specifically stated in the motion, but I want to highlight it.
5. The meetings of the Refinement Group must be open to the public--not in terms of participation, but in terms of allowing the public the opportunity to observe.
6. The process has to provide that each group will be able to consult with its membership, constituents, Board of Directors, etc., prior to final acceptance of any refinements agreed upon in group discussion.
7. Finally, it is absolutely vital that the group operate on the basis of "consensus." This is what was requested of the Board by many speakers, and this is what I believe the Board's motion contemplated. If there is any idea that the Refinement Group will seek to report out recommendations on the basis of "votes," as opposed to consensus, then LandWatch (and I believe other groups) would not want to participate.

Thanks for allowing me to outline my understandings and concerns about the Refinement Group, as the process begins. I will look forward to the meeting on July 17<sup>th</sup>.

Very truly yours,

Gary A. Patton, Executive Director  
LandWatch Monterey County

cc: LandWatch Board of Directors  
Members, Board of Supervisors  
Other Interested Persons