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11/11/16

John Osborne, Senior Planner
Contra Costa County
Department of Conservation & Development
30 Muir Road
Martinez, CA 94553
John.Oborne@dcd.cccounty.us (transmitted by email)

RE: Comments on the RDEIR for the Tassajara Parks Project
(County File Numbers GP07-0009, RZ09-3212, SD10-9280, DP10-3008)

Dear Sir:

My name is Tom Infusino and I am writing on behalf of the Calaveras Planning Coalition (CPC). The CPC is a group of community organizations and individuals who want a healthy and sustainable future for Calaveras County. We believe that public participation is critical to a successful planning process. United behind eleven land use and development principles, we seek to balance the conservation of local agricultural, natural and historic resources, with the need to provide jobs, housing, safety, and services.

As you know, the Tassajara Parks Project is a 125-unit residential subdivision proposed outside the Urban Limit Line. Contra Costa County currently designates the project area as Agricultural Lands, and zones it A-80, Exclusive Agricultural District. The project's water will come from either EBMUD water conservation, or from a contract for up to 100 acre-feet of water per year from the Calaveras Public Utility District's Schaads Reservoir in Calaveras County.

The CPC has been actively involved in Calaveras County regional and inter-regional water supply issues for 8 years. From 2008 to 2009, we worked in a collaborative effort with stakeholders organized by Calaveras County Water District to draft a water element for Calaveras County. From 2008 through 2012, the CPC actively encouraged EBMUD to look to water supply alternatives other than raising the dam at Pardee Reservoir on the Mokelumne River. From 2011 to 2013 we worked with EDMUD and local stakeholders on the Mokelumne-Amador- Calaveras Integrated Regional Water Management Plan. From 2013 to 2015, we worked with stakeholders, including EBMUD and San Joaquin County, to complete the MokeWISE Plan to guide future investments in resource conservation and development in the Mokelumne River Watershed. Our efforts in these activities can be reviewed on our website www.calaverascap.com.

1) Please re-notice and circulate your RDEIR for a 45-day public comment period in Calaveras County.

The California Environmental Quality Act (CEQA) directs the lead agency to notice that a DEIR is available for public comment in the areas affected by the project. (Public Resources Code, 21092, subd. (b)(3); CEQA Guidelines, 15087, subd (a)(1).) This is done by publication in a newspaper, or posting of the property, or direct mail to adjacent landowners. Did Contra Costa County use any of these methods to notify people living in the Calaveras Public Utilities District (CPUD) regarding the availability of the Tassajara Parks Project DEIR and RDEIR? This is an EIR for a development that proposes to use CPUD water, and thus it affects the people in this area. Did Contra Costa County use any of the methods to notify people in neighboring Amador County who also use the Mokelumne River for recreation and consumptive water supplies? We at the CPC did not see any such notice, and only found out about the RDEIR by chance. We were shocked that after all our work on water issues in Calaveras County over the last eight years we did not receive notices of the Tassajara Parks Project DEIR and RDEIR. We also observe that no library in Amador or Calaveras County is listed among the libraries where a hard copy of the RDEIR has been made available for public review. (NOA, 9/29/16, p. 5.)

Please re-notice the availability of the RDEIR for a new 45-day public review period, and distribute that notice prominently in Calaveras County and Amador County. Please consider holding an evening hearing in Calaveras County to take input on this RDEIR.

2) To the areas of controversy listed in the EIR, please add that the project proposes to take the water of a Calaveras County utility district to promote economic development outside the district service area and outside of Calaveras County.

An EIR shall contain a brief summary that identifies the areas of controversy and the issues to be resolved. (CEQA Guidelines, sec. 15123.) This is important to ensure that critical environmental issues are not swept under the rug. The executive summary of the RDEIR does not mention the controversy associated with a single development in Contra Costa County seeking to take water from Calaveras Public Utility District to support residential development outside the district and outside Calaveras County. Merely listing “Water Supply” as a potentially controversial issue in the RDEIR is far too vague to alert people to the actual concerns. I assure you that this attempt at an extra-jurisdictional water grab is controversial now, and will be more so when more people in Calaveras County find out about it. Please add this to the list of controversies in the Final EIR.

3) Add to the environmental setting discussion of the RDEIR the necessary background information on the water source and the district it is intended to serve.

The description of the local and regional environmental setting must be sufficient to provide an understanding of the significant effects of the proposed project and its alternatives. The DEIR must discuss any inconsistencies between the proposed project and existing general plans and regional plans. (CEQA Guidelines, sec. 15125.) An EIR must describe the physical conditions and environmental resources within the project site and in the project vicinity, and evaluate all potential effects on those physical conditions and resources. (*County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 952 [91 Cal.Rptr.2d 66].) The project area cannot be so narrowly defined that it necessarily eliminates a portion of the affected environmental setting. (*Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184.)

The RDEIR indicates that the proposed water source is the Calaveras Public Utility District, but it does not provide the context needed to evaluate the impacts of CPUD serving the proposed development from Schaads Reservoir. **The existing physical setting includes a water delivery system from Schaads Reservoir that is in great disrepair.** The level of disrepair is such that water losses from using the existing system could result in levels of water waste precluded by the California Constitution. Please disclose this in the Final EIR.

Furthermore, **the existing setting includes many approved but undeveloped residential lots in the CPUD service area. In addition to these approved lots, both the current and proposed Calaveras County General Plan land use designation maps create capacity for additional commercial, industrial, and residential development in the CPUD service area.** The existing setting needs to identify the numbers of such lots, and the likely water demand from their development. Only then can the impact on Calaveras County associated with the water removed for the Tassajara Parks Project be evaluated. Calaveras County is depending on new development in the CPUD service area to improve the aesthetics of local downtowns, to improve the efficient use of water resources, to finance traffic congestion relief projects, and to reduce the need for people to commute to work, among other environmental benefits. Please amend the Final EIR to include the aforementioned environmental setting information.

4) Disclose the improvements needed to the water distribution system from Schaads Reservoir, and their potential impacts.

An accurate and complete project description is necessary to fully evaluate the project's potential environmental impacts. (*El Dorado County Taxpayers for Quality Growth v. County of El Dorado* (App. 3 Dist. 2004) 122 Cal.App.4th 1591.) A description of the project is an indispensable component of a valid environmental impact report under CEQA. (*Western Placer Citizens for an Agricultural and Rural Environment v. County of Placer* (App. 3 Dist. 2006) 144 Cal.App.4th 890.)

If the proposed project includes fixing the water distribution system from Schaads Reservoir, please add that to the project description in the Final EIR. If repair of this system would have its own environmental impacts, please disclose those in the Final EIR

5) Identify the costs of the water distribution system, and demonstrate how they are feasible in the context of the project costs as a whole.

Economic changes may be used to evaluate the feasibility of mitigation measure and alternatives. (CEQA Guidelines, sec. 15131, subd. (c).) If the proposed project or one of its mitigation measures includes improvements to the water distribution system from Schaads Reservoir, please identify the costs of these system improvements and demonstrate that the proposed project remains financially feasible.

6) Disclose the resource impact associated with water being transported to the Bay Area for a single use.

The environmental effects that must be considered in an EIR include direct and indirect effects, short and long-term effects, physical changes in an area, potential health and safety problems, changes in ecological systems, changes in population distribution and concentration, changes in land use, effects on public services, and effects on natural resources including water, scenic beauty, etc. (CEQA Guidelines, sec. 15126.2, subd. (a).) A County must be informed of the environmental consequences of tapping a water source to serve future development. (*Napa Citizens for Honest Government v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 373.)

When water is used in Calaveras County, it is also reused and/or returned to the hydrologic system for others to use. Effluent from septic systems is filtered by the soil and returned to groundwater and surface water supplies. Effluent from wastewater treatment plants is used to irrigate golf courses and rangelands. Water that makes its way back to the hydrologic system is available for others to use for consumptive and non-consumptive uses. The same water may be subject to several uses and reuses as it makes its way down stream.

However, when water is shipped directly to the East Bay and used for one residential use before being flushed out to sea, the many interim beneficial uses noted above are lost. To supply these uses takes additional water and additional diversion and storage facilities, with their own environmental impacts. Please disclose this environmental harm in the Final EIR.

7) Evaluate the project's water demand in context of the cumulative demand in the CPUD.

A cumulative impacts analysis must take into account the environmental impacts of not only projects that are already approved, but also proposed projects undergoing environmental review. (*San Franciscans for Reasonable Growth v. City and County of San Francisco* (1st Dist. 1984) 151 Cal.App.3d 61.)

The discussion of cumulative impacts must either "list past, present, and reasonably anticipated future projects producing related or cumulative impacts" or provide "A summary of projections

contained in an adopted general plan or related planning document which described or evaluated regional or areawide conditions." Then it must summarize their "expected environmental effects" and "examine reasonable, feasible options for mitigating or avoiding the project's contribution to any significant cumulative effects." (CEQA Guidelines, sec. 15130.)

As noted above, **the cumulative impact of Tassajara Parks and buildout of the existing land use map in the CPUD service area must be evaluated together. This is necessary to determine if CPUD can serve both the Tassajara Parks Project and the development consistent with the Calaveras County General Plan.** Please include this analysis in the Final EIR.

8) The use of EBMUD water conservation solely to service new development is contrary to the position of the MokeWISE environmental stakeholders.

One possible water source for the Tassajara Parks Project is from EBMUD water conservation. Throughout the discussions of water conservation at MokeWISE, the environmental stakeholders repeatedly conditioned their support for water conservation projects on the availability of some of that water for in-stream uses and environmental restoration. As a MokeWISE environmental stakeholder, we at the CPC want Contra Costa County to be aware that requiring a developer to pay for water conservation for only so much water as a development may need, is not consistent with the water conservation principles we advocated at MokeWISE. **We strongly encourage you to condition such projects to fund offsets at 1.5 to 2 times their water demand, so that substantial conservation project yields can be allocated to in-stream uses and environmental restoration.**

9) Please respect that Calaveras County is entitled to a brighter future of its own.

The Mokelumne River flows through the public and private forests and rangelands of Amador and Calaveras counties. Nevertheless, one unpleasant artifact of our history is that East Bay MUD's water rights to the Mokelumne River dwarf those of the area of origin counties.

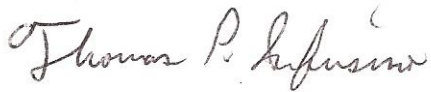
Given this dramatically unequal distribution of water, we could understand how you could come to the conclusion that Calaveras County exists merely as a colony to supply natural resources for the East Bay. Let me assure you that Calaveras County is not your colony. Just like Contra Costa County, Calaveras County is home to good people with their own aspirations for sustainable recreational, agricultural, residential, and economic development. Based upon the aforementioned unequal distribution of the water, we hope that you will understand our perspective, that the good people of Calaveras County have already sacrificed enough water for the benefit of the Bay Area economy.

We encourage Contra Costa County to work with the ample supplies of the Contra Costa County Water District and EBMUD to effectively meet the water needs of your future developments. We strongly suggest that you discourage your local developers from seeking to take from

Calaveras County the limited waters we retain for local recreational, agricultural, residential, and economic development. We respect your desire for a brighter future. We ask you to respect ours.

Please send the CPC a copy of the Final EIR and any future CEQA notices to the postal and email addresses above.

Sincerely,

A handwritten signature in cursive script that reads "Thomas P. Infusino".

Thomas P. Infusino, Facilitator
Calaveras Planning Coalition

cc. Contra Costa County Board of Supervisors
Peter Maurer, Calaveras County Planning Director
Chris Wright, Calaveras County District 2 Supervisor
Jack Garamendi, Calaveras County District 2 Supervisor Elect
Cliff Edson, Calaveras County District 1 Supervisor
Gary Toffaneli, Calaveras County District 1 Supervisor Elect
Peter Martin, Calaveras County Water District
Donna Leatherman, CPUD
Richard Sykes, EBMUD
Felicia Marcus, Chair, State Water Resources Control Board