

1 **TO RESPONSIBLE AGENCIES AND AGENCIES WITH NATURAL RESOURCE**
2 **JURISDICTION:**

3 **A) PLEASE TAKE NOTICE**, under Public Resources Code Section 21167.7, and Code of
4 Civil Procedure Section 388, that on December 9, 2019, the CALAVERAS PLANNING
5 COALITION filed a petition for writ of mandate and complaint against the CALAVERAS
6 COUNTY BOARD OF SUPERVISORS (Board), and the COUNTY OF CALAVERAS in
7 Calaveras County Superior Court. The petition alleges that the Board violated the California
8 Environmental Quality Act (CEQA) in connection with the approval of the 2019 General Plan
9 Update (GPU) and related planning documents. The petition alleges that the Board violated
10 CEQA by
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12 (1) failing to adequately analyze, adopt, and implement mitigation measures, (2) failing to
13 analyze policy alternatives, (3) inadequately responding to public comments on the draft
14 environmental impact report (DEIR), and (4) failing to make proper findings of fact. The petition
15 also alleges that the Respondents violated land use law, by approving a general plan that is neither
16 comprehensive nor internally inconsistent. The petition also alleges that the Respondents are
17 unlawfully withholding a public record. A copy of the petition is available for review by clicking
18 on the icon at [http://calaverascap.com/12-8-19-petition-for-gpu-writ-of-mandate/editing-petition-](http://calaverascap.com/12-8-19-petition-for-gpu-writ-of-mandate/editing-petition-for-gpu-writ-draft-12-8-19-1/)
19 [for-gpu-writ-draft-12-8-19-1/](http://calaverascap.com/12-8-19-petition-for-gpu-writ-of-mandate/editing-petition-for-gpu-writ-draft-12-8-19-1/).
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23 **B) THE ATTORNEY GENERAL SHOULD ACTIVELY PARTICIPATE IN THIS CASE**
24 **BECAUSE THE INTERESTS PROTECTED BY STATE AND LOCAL AGENCIES ARE**
25 **AT RISK.**

26 **1) FIRE SAFETY**

27 This case is also about saving the lives of Californians.
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The **Board of Forestry and Fire Protection** reviewed the Draft Safety Element, and made specific recommendations for improvements to meet the state's interest in fire safety. In part because these recommendations were not taken seriously by the Board, the GPU threatens lives. Indefinitely deferring fire safety efforts, delaying emergency response funding, and making fire safety measures in new development optional threatens lives. Exempting commercial, industrial, and residential development for tourists from fire safety reviews and fire safety mitigation measures threatens lives. Allowing residential development by right on parcels no matter how dry, how fuel-laden, how windswept, and how isolated from emergency services threatens lives. All of these threats are all part of the 2019 Calaveras County General Plan Update. All of these combine to create unreasonable risks of loss of life.

It is true that there is a class of people in Calaveras County who have the money and ability to live and work where ever they wish. They can afford to choose to reduce and avoid the worst fire risks, or to bear those risks for the sake of solitude and a view. However, most of the people in Calaveras County have to take the jobs they can get, and live in the homes they can afford, where ever those may be, regardless of the risks. Often these people are parents living with young children. It is especially for the health and safety of these families that the County must establish a foundation of fire safe building and zoning codes, upon which all legitimate development is based. This is more than a matter of public safety, it is a matter of human decency. These people depend on the County to protect them from unnecessary catastrophe in accord with land use law. Calaveras County saw tens of thousands of acres burn in the Butte Fire in 2015. The State's own studies indicate that a major risk of climate change in the region is an **increase** in wildfires. The

1 Board of Forestry and Fire Protection identified what Calaveras County needed to do address
2 wildfire safety, but the County chose to defer those efforts indefinitely.

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4 How many more fires must scorch California communities, and how many more lives must be
5 lost, before the Attorney General will take action? If not here, where? If not now, when?
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7 8 **2) AGRICULTURAL LAND CONSERVATION.**

9 In comments on the DEIR, both the **Calaveras County Local Agency Formation Commission**,
10 and the **California Department of Conservation** called for specific and enforceable mitigation
11 of the impacts from agricultural land conversions through the use of conservation easements. In
12 response to those comments, County planning staff and consultants proposed changing the GPU
13 to include specific mitigation ratios to be implemented immediately upon adoption of the GPU.
14 Unfortunately, the specific conservation easement requirements were not included in the GPU.
15 Instead, the County deferred indefinitely the adoption of a long-term mitigation program for
16 agricultural land conversion impacts. In addition, the GPU does not identify priority land for
17 conservation, and does not include objectives for the long-term protection of agriculture. These
18 are required by Government Code, Section 65565. Implementation of the GPU is expected to
19 have significant impacts from the conversion of agricultural lands.
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22 23 **3) FISH AND WILDLIFE HABITAT PROTECTOIN.**

24 In comments on the DEIR, the **California Department of Fish and Wildlife** expressed concern
25 for special status species. The Department asked for mitigation measures that are “specific,
26 enforceable, and feasible actions.” The Department noted that “Mitigation measures should
27 establish performance standards” and describe when mitigation measures will be implemented,
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1 and explain why the measure is feasible.” Unfortunately, the GPU’s implementation measures to
2 address riparian setback standards and biological resources impacts, do not set interim
3 performance standards, and do not indicate when the County will get around to developing
4 performance standards for long-term application. Similarly, the GPU’s implementation measures
5 to conserve tiger salamander habitat, to conserve red-legged frog habitat, and protect migration
6 corridors do not indicate when the County intends to begin its efforts. This is a critical problem,
7 as there roughly 120 implementation programs in the GPU with no schedule for their
8 implementation. While development under the GPU will begin immediately, God only knows
9 when the impact mitigation programs will be put in place.
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12 **4) GPU IMPLIMENTATION IS EXPECTED TO SIGNIFICANTLY IMPACT**
13 **TRAFFIC, AIR QUALITY, AND CULTURAL REOURCES.**
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16 Implementation of the GPU is expected to have significant impacts on traffic, air quality and
17 cultural resources. The Petitioner hopes that the **City of Angels Camp, Caltrans, the Air**
18 **Resources Board, the Office of Historic Preservation, and the Native American Heritage**
19 **Commission** take note of this. . T
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22 **C) THE ATTORNEY GENERAL SHOULD ACTIVVELY PARTICIPATE IN THIS**
23 **CASE BECAUSE RESOURCES OF THE STATE OF CALIFORNIA ARE AT RISK.**

24 The Attorney General is empowered by law to guard the natural resources of the State of
25 California against unlawful waste and destruction. The refusal to mitigate impacts noted above
26 would justify immediate action by the Attorney General **anywhere** they were perpetrated in
27 California. But, Calaveras County is not just “anywhere.” Calaveras County is blessed with a
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1 wealth of natural resources. It has tens of thousands of acres of productive farm and rangelands.
2 It has tens of thousands of acres of productive forest lands, in both public and private holdings.
3 These lands provide habitat for the State's fish and game, and for dozens of special status species
4 in need of careful management. Flowing through watersheds in Calaveras County, are the mighty
5 Mokelumne River, the vibrant Calaveras River, and the turbulent Stanislaus Rivers, which
6 provide water and power to distant farms and to urban developments in the San Joaquin Valley
7 and in the East Bay.

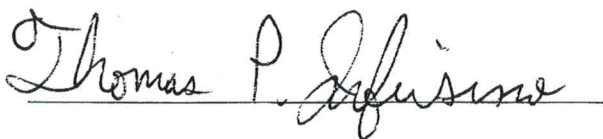
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9 Rather than conserving natural resources and preserving open space lands, implementation of
10 the Calaveras County 2019 General Plan Update is expected to have significant unmitigated
11 impacts including the conversion of farmland, the destruction of oak woodlands, and the loss of
12 habitat. This is because the County rejected measures to mitigate these impacts that are routinely
13 applied in other jurisdictions throughout California.
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16 **D) PLEASE ENCOURAGE THE ATTORNEY GENERAL TO ACTIVELY**
17 **PARTICIPATE IN THIS CASE.**

18 The Petitioner respectfully requests that the recipient of this notice follow procedures to
19 promptly alert the highest authorities at the state's Attorney General's Office of the importance
20 of this case, so that office can begin to actively participate in this case as soon as possible.
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22
23 Dated: 1/7/20

Respectfully submitted:

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26 Thomas P. Infusino
27 Attorney for Petitioner
28 Calaveras Planning Coalition

PROOF OF SERVICE BY MAIL

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2
3 THOMAS P. INTUSINO certifies and declares as follows:

4 I am over the age of 18 years, and not a party to this
5 action.

6 My address is P.O. Box 792
7 Pine Grove, CA 95665

8 which is located in the county where the mailing described
9 below took place.

10 On JANUARY 7, 2020, I deposited in the mail at
11 Pine Grove, California, a copy of the attached
12 document entitled Notice to Responsible Agencies
13 of Filed CEQA Petition

14 with postage fully prepaid, addressed to: See Attached list.
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21 I certify and declare, under penalty of perjury under the
22 laws of the State of California, that the foregoing is true
23 and correct.

24 Executed on 1/7/20, by : Thomas P. Intusino
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1 John Benoit, Executive Officer
2 Calaveras County Local Agency Formation Commission
3 P.O. Box 2694
4 Granite Bay, CA 95746

5
6 Calaveras County Air Pollution Control District
7 891 Mountain Ranch Road,
8 San Andreas, CA 95249

9
10 Calaveras County Water District
11 Post Office Box 846
12 San Andreas, California 95249

13 City of Angels
14 P.O. Box 667
15 Angels Camp, CA 95222

16
17 California Department of Fish and Wildlife, Region 2
18 Habitat Conservation Program
19 1701 Nimbus Road, Suite A
20 Rancho Cordova, CA 95670

21 California Department of Food and Agriculture
22 1220 N Street, Room 400
23 Sacramento, CA 95814
24
25
26
27
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1 California Department of Forestry and Fire Protection
2 1416 Ninth Street, Mail Stop A45
3 Sacramento, CA 95814

4
5 California Department of Parks and Recreation
6 P.O. Box 942896
7 Sacramento, CA 94296-0001

8
9 Caltrans, District 10
10 1976 Dr. Martin Luther King Jr. Blvd
11 P.O. Box 2048
12 Stockton, CA 95201

13 California Department of Conservation
14 801 K Street, MS-14-15
15 Sacramento, CA 95814

16
17 California Office of Historic Preservation
18 P.O. Box 942896
19 Sacramento, CA 94296-0001

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21 California State Water Resources Control Board
22 Division of Water Quality
23 P.O. Box 806
24 Sacramento, CA 95812-4025

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1 State Water Resources Control Board
2 Division of Drinking Water
3 1001 I Street, 24th Floor
4 Sacramento, CA 95814

5
6 California State Lands Commission
7 100 Howe Avenue, Suite 100-S
8 Sacramento, CA 95825

9
10 Central Valley Regional
11 Water Quality Control Board; Region 5
12 11020 Sun Center Drive, #200
13 Rancho Cordova, CA 95670-6114

14 California Native American Heritage Commission
15 1550 Harbor Blvd., Suite 100
16 West Sacramento, CA 95691

17
18 California Air Resources Board
19 Transportation Projects
20 1001 "I" Street
21 Sacramento, CA 95814

22
23 California Office of Emergency Services
24 3650 Schriever Avenue
25 Mather, CA 95655-4203

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