I-203 Michael Hunsaker

Comment Letter I-203

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HAND DELIVERED

Re: Comments on proposed Newland Sierra project DEIR
State Clearing House (SCH) Number: 2015021036

Dear Ms. Smith,

Thank you for the opportunity to comment on the Newland Sierra Project DEIR. This project is a particular challenge for many reasons. As to the DEIR, a few opening remarks are appropriate. I-203-1

1. I have never seen such a large DEIR. Most large projects are 300-500 pages. For an 8,000+ page DEIR to be considered with so many complex issues, the issue of exhaustion of administrative options becomes a key factor as much more time is needed to adequately address all the issues in a comprehensive manner with far too little time for adequate analysis. I-203-2

2. The document is both unwieldy and constantly refers to external documents. The length of the document and the non-inclusion adds considerably to the time require to properly analyze. I-203-3

3. The DEIR frequently draws conclusions where key evidence is missing or just wrong. I-203-4

4. The burden of proof is on the project proponent and giving anyone the benefit of the doubt must go to the opposition unless clear preponderance of evidence directs otherwise. Moreover, evidence on both sides must be carefully weighed. I-203-5

5. All EIR's under CEQA must address the future of the project and its impacts on the community and the environment. The current legislative frenzy of new building subsidies and shortcuts given developers and their investors must take into account. The new leeway given to them increases their impact on the environment and the chances of oversights. This leeway will go well past reasonable environmental and community limits if not carefully weighed. I-203-6

6. One of the key environmental issues is the cumulative effects of growth inducement which CEQA requires to be analyzed. Another is the limits of environmentally sound policies. Still another is the evolving changes that will reasonably impact a much different future making previous projections and policies obsolete. I-203-7

SANDAG Population Limitations

As the project is in the County, I am primarily concerned with the effects on the North County Twin Oaks region and the Vallecitos Water District, the San Marcos Unified School District and the I-15 corridor. Two of the key concerns are hyper-development in these analysis areas and the environmental limitations that SANDAG established in its Master Plan with its ultimate build-out computations. In particular the SANDAG document established the Vallecitos Water District (VWD) would be entirely built out at around 130,000 in 2050. It projected and reasonable and sustainable 1.5% population growth consistent with Smart Growth and the ability of a community to manage the growth with required infrastructure - a formidable challenge even after the temporary building pause after the Great Recession and the existing difficulties to replace existing failing infrastructure much less build additional, more expensive expansions. I-203-8

Unfortunately, the magnitude of the recent hyper-construction has outstripped the reasonable growth rates that SANDAG had established. The Newland Sierra DEIR meticulously lists the different projects in the vicinity of the project, but fails to address the magnitude of the cumulative effect. In San Marcos, approximately 20 citizens expressed their dismay and concern for their schools stating that they were worried about the 7,000 new homes going into the City of San Marcos alone. The DEIR does not express the true impact of this accelerated building. San Diego average home density is 2.83 according to the US Census Bureau. The 2.3 figure used in the DEIR is not supported by evidence. Moreover, the Census indicates that the national average of occupancy of single family dwellings (SFDs) is higher and rising because of cost and the increase of multi-generational occupancy of homes and the increased costs of homes. Thus a SFD nationally trends to 3.1 residents per SFD and 2.0 per apartment. Using the County average of 2.83, with the 7,000 new homes in San Marcos and the addition of just the 2,135 units proposed by Newland Sierra, the additional new development now being completed just for this project and the City of San Marcos is (7,000+2,135) or 9,135 for a total population growth of 9,135 x 2.83 or 25,852 over the next three years. This is a torrid average build out of 8,617 per year. I-203-9

The SANDAG growth rate is reasonable and environmentally sound. This average population was projected by the VWD, the San Marcos Unified School District (SMUSD) and the City of San Marcos was for a sustainable and manageable growth. These entities nominally based their infrastructure plans on these projections, but the Great Recession paused infrastructure I-203-10

development as well as housing. As infrastructure is woefully inadequate and failing, the impact of new development needs on top of this inventory of failing and inadequate utilities and community services cannot be ignored.

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SANDAG's lapses in good governance and infamous failure to disclose proposed tax shortfalls in its notorious new sales tax proposal (Measure A) has tarnished not only its reputation, but all local governing bodies. Most agencies have decried this lapse of transparency and the alleged cover-ups as it degrades the trust of the citizenry that any new tax money will be spent as advertised and that it will go towards their welfare and not Special Interests. Given the failure of the SANDAG supported Measure A even with the general support of citizens to minimize congestion from inadequate freeways and pot-holed streets, the already present (and increasing) distrust of government to deliver as promised has accelerated as a result of this political debacle.

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Further many citizens have complained bitterly when developer fees supposedly collected to mitigate environmental impacts are diverted to other uses leaving the neighbors with heavily impacted communities. Adding injury on top of injury on top of injury, they are increasingly asked to bear the cost of the infrastructure for the benefit of new developments and their investors on top of their own. Proponents of hyper-development denigrate these residents as NIMBY's when all the citizens really desire is that their governing bodies follow precepts of Smart Growth planning, Prop. 218 fairness, adequate schools, elimination of congestion, and that environmental impact mitigation requirements are followed. North County residents have long pointed out that political promises of law enforcement, road improvements, Smart Growth planning, and unfair taxes are being ignored; hence, citizens are less than enthusiastic when even a hint of violations of good governance is present. Politicians complaints against SANDAG's failings increasing citizen reluctance to support new taxes are well founded, but these complaints ignore root causes from their own broken promises.

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Adding to the fallout of the SANDAG scandal is the desire of large cities to alter the structure of SANDAG so that a handful of the largest cities have increased authority for controlling the distribution of funds. Specifically under the proposed plan, 100% of tax distributions will be controlled by just four out of 21 cities. These same cities have ambitious building plans with massive attendant infrastructure costs. They also have major challenges from the inadequacies of their roads, water, schools, etc. With limited tax revenues, the reasonable expectation is that the money from the State will not significantly be spent on North County needs even though they will be heavily taxed. A major legal precept is that any individual person, organization or agency will do what is in their own best interest.

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To counter the probable worsening of the infrastructure existing shortfalls with such a sizeable project as Newland Sierra and the social injustice that results from infrastructure and environmental deterioration, the following reasonable precautions are needed: I-203-15

1. All developer fees must be adequate to meet all the needs for new infrastructure. I-203-16
2. All promised mitigation factors be built before any development begins. I-203-17
3. No changes are allowed in the final project plans. The ill-defined authorities of County project managers to "solve problems" under the "Red Tape Reduction" legislation of the County be strictly defined. I-203-18
4. All ambiguities and inadequately supported assertions and conclusions in the DEIR are eliminated in the final EIR. As this is a monumental task for citizens and County Staff for an 8,000+ document with so many flaws and unique challenges, the DEIR should be completely redone and recirculated with significantly increased time for complete and thorough examination. I-203-19

The "Red Tape Reduction" measures passed by the County have major difficulties in its construction and implementation. One of the worst is the allowance for "bonuses" to be awarded to the government project managers with unlimited and vague "problem solving" authority is not constitutionally sound. Further, the "bonuses" are based on the project manager meeting the developer's schedule. Thus a developer places the government agent under monetary duress to solve problems. If the developer were to pay that money directly, it would constitute an illegal bribe. However, the developer can pressure the project manager by defining the nature of problems which affects their schedule and allows the developer to change the schedule at their discretion and use public money for this purpose. Clearly, using public money to pressure a government agent for personal gain is inappropriate and two wrongs do not make a right. If ever there was a case requiring clarification, definition and public scrutiny of potential over reaches by government officials to please developer needs at public expense, this is it. I-203-20

Schools

I have served on three school Citizen Bond Oversight Committees as the taxpayer association representative including the San Marcos Unified School District (SMUSD) where most of the school capacity for this project will be impacted. The SMUSD according to various sources is heavily overcrowded. Estimates of overcrowding have ranged from half to all 15 of the District's schools (one of which is yet to open). In discussions with the top Staff, I have learned that indeed all the schools are overcrowded including the one to be opened. I-203-21

Allegedly, the Twin Oaks Elementary School might have 135 openings, but given the recent over development, that is unlikely. In any case with all the cumulative building, at least one new high I-203-22

school and two middle schools are needed. However, there is no available land sufficient to build a new High School. The area required for each type of school is defined by the Department of Architects in its specification "

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Adding to the difficulty is that new projects are paying less than 50% of the cost of new school development using an inadequate State funding formula. Under this formula, the State is supposed to provide half of the cost of new school funding (Level 2 funding). If the State is not in the position to provide its share of the funding, then the full cost of new development is to bear the entire cost (Level 3). The State has promised that it will provide new funding through a future bond issue. The Governor declined to push a new bond measure, but indicated that it would in the indefinite future. As such, Level 2 developer fees will remain in place. Given the delay, that means the community will ultimately be required to pick up more than 50% given the high inflation rate for construction and the evolving more expensive standards being imposed by the Department of Architects. Most of these raised standards came just after the last round of school bonds and absorbed a significant share of the taxpayer approved school construction.

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Like SANDAG, the funds raising measure was inadequate to fulfill more than a portion of the promises. Proponents for the SMUSD Prop. K bond measure had issued a paper which included seven pages of promised improvements. After nearly all of the available bond money was spent, the improvements actually done would easily fit on one page. Overpromising is a substantial political sin which has reached considerable proportions. This school board then aggravated the new school development shortfall by accepting an unusually low ratio of new school population per new home. This figure was about 60% of the generally accepted and historically validated ratios. Thus the school board set new development requirements too low and seriously undercharged developers to the detriment of the community and especially to the children.

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Aggravating the school overcrowding crisis is delayed action when the problem of overcrowding became abundantly clear. It has failed to react in a timely manner at correcting the inadequate fees and the faulty school population ratio. If the delay is allowed to run until the ultimate build out is achieved then the problem is the politically expedite of overtaxing the residents as the developers take their profits and leave financial and school havoc in their wake.

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Note that the developers are legally and ethically bound to seek maximum profits for their investors. They must ask for as much as they can get. The clear faults lie with the irresponsible actions of politicians who provided special and often illegal subsidies to inflate development profits. Belated recognition of the supremely obvious problems of inadequate funding and fair distributions of benefits of tax dollars is a failing of the political system.

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All the new development (including Newland Sierra) will require at least one new high school. But the State requires at least a suitable 40 acre lot for a new high school. Such a lot does not exist and the money is inadequate in any case. One of the many broken promises of Prop. K proponents were that the heavily impacted Mission Heights High School would not be overcrowded. But most of the money was spent on renovating an old high school rather than building a needed new one. The Mission Hills High School was putting in new portable class rooms even as the old high school renovations were underway. Over 88% of the construction money was spent on project near massive high density developments along Rancho Santa Fe Road on the opposite side of the District from the Newland Sierra project. All new high school students will have to go to that already overcrowded school. A K-8 charter school would hardly be adequate. I-203-27

The current school boundaries which clearly show that existing facilities are a good distance from all facilities and even further from the renovated and least impacted schools. Not only does this mean that they will overcrowd the most impacted schools, parents must transport their children over considerable distance to do so resulting in more GHG production. There are no acceptable walking, mass transit or biking options for these children. All road and GHG analyses must consider the school access problems so blightly ignored in the DEIR. I-203-28

It is not an irresponsible "NIMBY" objection to want adequate schools for our children with safe transportation access and a cleaner environment. In this case, the project should not be approved if only for our children's sakes. There is no possible mitigation unless the inadequate fees are stopped and clawed back. As politicians are often loathe doing so, they must say no and expeditiously and responsibly stopping the bleeding. All General Plans' EIR's must be updated when existing conditions are significantly changed. They all must be updated even though the festering and obvious problems have been (and still are) ignored. I-203-29 I-203-30

Roads

The question of roads is a much debated topic of which there is considerable lack of solid, relevant analysis. In fact, much of current policies are inconsistent and even self defeating. Further, the Newland Sierra project has unique traffic challenges requiring further consideration. I-203-31

Much of the road issues with Newland Sierra concern traffic and congestion. To measure congestion, Level of Service (LOS) is the most common metric. The State has been pushing Vehicle Miles Travelled (VMT) as a Green House Gas (GHG) metric. However, in the case of Newland Sierra, both metrics fail to address the major issues. Specifically, both metrics fail to consider the effects of increased frequency of gridlock aggravated by increased traffic. I-203-32

Traffic analysis of LOS considers the length of time to get into or through intersections. The levels vary from A (no time added from an intersection) to F (unacceptable time required on average). The designation of "F" stops short of identifying or quantifying the fact that some intersection waits go well beyond the minimum "F" level. Further, by its methodology LOS studies do not consider the influence of traffic disruptions from accidents, fire emergencies, truck spills, construction, etc. As the LOS is essentially capped, it does not consider the increased probability and sensitivity of a road to gridlock. VMT is entirely insensitive to gridlock considerations. Moreover, as traffic is increased, the amount of disruption and the extent that the gridlock spreads is ignored. Yet every motorist knows the consequences of gridlock and the increasing frequency and severity of the disruptions from congestion.

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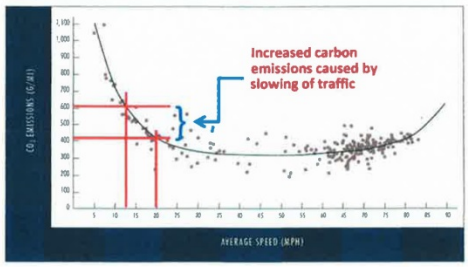
Below is a graph of the GHG production of average cars versus vehicle speed. VMT does not address the issue of either speed or gridlock. LOS provides only the barest relation to true GHG production covering at best only normal idle time creation. And most analyses ignore them.



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GHG studies fail to consider the severe consequences on GHG of calming. Traffic calming is supposed to produce safer conditions. However, the calming is produced by introducing more traffic hazards and the expectation that drivers will slow down in response to the added hazards. The added GHG of such measures are omitted from GHG. Roundabouts are particularly dangerous to pedestrians and bicyclists even though they slow intersections from 30-35 mph to around 15 increasing GHG by over 50%. Forgotten in these studies is the coming increasing magnitude of Cap and Trade "fees". This can be an oppressive tax for Greedy Government. The State can raise the "reserve" price of permits at any moment. It has an unstated, but large, motivation in promoting GHG production - to increase taxes. One of the most effective means of increasing GHG production is to create congestion and gridlock as most GHG are from automobiles - excluding water vapor. Thus we have the contradictory statements that roundabouts, reduced number of lanes, and intermixing pedestrians and bicyclists with cars are both safer and environmentally friendly when they are in fact neither. Citizens have expressed a

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greater interest in implementing more environmental friendly free flowing roads and increasing the safety of bikers and pedestrians than their governments.

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That does not mean that both LOS and VMT metrics should not be analyzed, but they do not clearly address and quantify the major road issues of a heavily impacted road such as Deer Springs and the increasingly congested I15 intersection.

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The Newland Sierra project has unique and significant GHG and traffic congestion problems than most developments with its reliance on Deer Springs Road and Interstate 15. The heavily impacted 2-lane road gridlocks at the slightest disturbance. An accident here does not allow any attractive alternate routes. The narrow road does not even permit ready means for small vehicles to turn around. In any case, expanding the road down to Deer Springs will be inadequate; the remaining two lane section of N. Twin Oaks Valley Road will become a chokepoint and will actually increase congestion from the merging traffic (and increase accidents). While proposals have been to turn Deer Springs Road (and Twin Oaks) into a four lane highway with bike lanes, these proposals are speculative given the current financial restraints on all California budgets and the political fallout of the eminent domain. These improvements need to be fully installed before the Newland Project goes forward.

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The clear alternative is to evaluate gridlock and congestion is from experience. CALTRANS data for I15 gridlock can be easily accessed and analyzed using typical traffic flow rates correlated with the backed up traffic that resulted. The average time to clear accidents and the number of cars and their slow pickup of speeds can be easily determined using only a spreadsheet. The increase of GHG can become a simple calculation from a graph like the one above.

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The Deer Springs/I15 interchange is another challenge. The interchange is a complex design problem having two frontage roads paralleling the Interstate and considerable cross traffic to access the I15 on ramps. The close proximity of the interchange to the ARCO station, the Deer Springs Mobile Home Park, the rocky narrow passes for Deer Spring and Mountain Meadow roads, and the entrance to the Newland Sierra property provide substantial design restraints as shown by the Google satellite image below.

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Conventional clover leaf design would obviously almost certainly require eminent domain taking of the Mobile Home Park and the ARCO station. It might even extend to the Fire station to the south and the cell towers to the north. The design of the new interchange will entail considerable excavation of the area, costs, and a lengthy construction period.

CALTRANS reportedly has two design alternatives under consideration for the final decision "promised" "soon". Newland Sierra has had years to address this issue and the design should have been completed well ahead of the DEIR and rightly needs to be incorporated in it as well as the final EIR. Its absence would an open invitation for litigation as it has a material impact on the traffic and community. The DEIR should be redone including the final intersection design. This action will eliminate any perception that the DEIR was rushed to avoid addressing a significant issue.

Fire Issues

I will be touching on Fire implications at several points in this comment letter. At this point, seven issues will be discussed.

I have chosen to live in semi-rural areas for over three decades in this area and Ramona. In Ramona, I had three fires set by an arsonist immediately behind my home. He was suspected setting over 400 fires in and around Ramona before getting caught. I vividly remember walking my dogs in a recent burnt out area. The wild brush burnt almost entirely. Only scattered black skeletons of woody plants remained and a thick carpet of black ash. When I reached the top of the hill, I was startled to see myself surrounded by unmoving vultures perched on the skeletons closely watching me and the dogs. It was unnerving and a close reminder of the deaths that fires create. I was close to evacuation on two other occasions saved by a skillful tanker drop on one fire and a fortuitous last minute change of wind direction during the huge Animal Park fire. The fire at that point had roared up canyons filled by decades of unburnt fuel reaching a speed

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of over 30 mph at some points. When I lived in nearby Vista, kids playing with matches started a fire on the hillside behind our house. A neighborhood fireman, several other neighbors and myself attempted to knock down the fire. Each time the flames touched a bush we called greasewood, the whole plant burst into flame in a matter of seconds. While I fought the fire with a shovel, a bush burst into flame about three feet away from me. I had to retreat because of the intense heat and suffered second degree burns of my face even though the flames never got closer than two feet. We were unable to stop the fire which in two minutes had expanded to a fifty foot front and was picking up speed going up the hillside. At best we keep it from nearing our homes. Fortunately we had a good firebreak and a clear path for a water tanker with seasoned firemen to beat down the fire.

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These experiences are ones that everyone who lives in rural areas has a keen appreciation. We live out here for the wildlife, the quietude, the ability to raise our small crops and breed animals and the friendly neighbors who come from all walks of life. The life largely free of crime and safe for our children. But, Fire is an every present concern.

From these experiences, several lessons can be drawn.

First, the rural areas with a large buildup fuel and mountainous terrain are attractors for both arsonists and unintentional men-made fires. Newland Sierra has both and the added visitors in and around the area will practically insure a major fire. Fire protection is vital. After the recent, Cocos fire, the Fire Department noted that fire was inevitable in our area - the area where I live and the Newland Sierra project.

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Second, fire access to the West side of development is critical where steep terrain and ample fuel is present. The inability of heavy fire trucks to reach this area makes the near presence of a fire station on the east side immaterial. Even the West side does not have good coverage for fire started along the freeway. That happened just weeks ago which halted traffic in both directions for over five miles. A layered defense of partially cleared brush may not be sufficient in this area. Complicating the situation are the winds that blow alongside of the mountains and up the passes.

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Third, fire extinguisher systems inside homes are of little use in brush wildfires where homes are primarily set ablaze by sparks setting fires under eaves.

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Fourth, wildfires create extensive smoke. Housing for seniors sensitive to smoke is to be situated on the outskirts of the project putting the residents to smoke and panic at the greatest risk. They are also the ones least able to vacate the area.

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Fifth, evacuation will be impossible unless the interchange and the Deer Springs Road are expanded first. Any other path is ripe for loss of life.

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Sixth, Fire Departments are often presented two situations in rural areas subject to wildfires. When the areas are sparsely developed, evacuation is often no problem as the access to main roads which are often free flowing. In the second case, new large developments in rural areas often have only one viable evacuation option resulting from topographic restraints. Shelter in place is the only option. Paradoxically (but logically) even more developments in these areas actually improve fire survivability as fuel areas are eliminated. In the case of Newland the topography is bad, the fuel areas will be largely untouched, and the main roads (Twin Oaks and Deer Springs) will immediately go into gridlock as evidenced in the Cocos fire where miles of traffic were stalled for hours. Virtually all Fire analyses only concern the ability for residents to get to the exit point of the development and do not consider the ability of the exits to be clear for evacuation to safer areas away from the fires. Clearly this limited analysis would ignore a major problem for this development and must be completely analyzed with a good emergency traffic control plan. If the roads are not expanded before the development is started and a fire in the meantime, the liability of the County would be substantial. I-203-52

Seventh, code enforcement in this area of the County is notoriously lax. Even in the much more developed area of the San Marcos Cocos fires where enforcement is much better, suburban homes were still threatened by inadequately cleared fire breaks. A regular and frequent inspection of the Newland Sierra fire breaks by the nearby Fire station personnel would be a prudent measure. Additionally, regular pressure and flow inspections would also be advisable. I-203-53

I have not had time enough to examine the effects of fire breaks and trails on animal migration patterns, but suggest that it be examined closely. I-203-54

Noise

As the County is well aware, rural residents such as myself have prized the quiet of the country. If fact, cities have recently increased allowable noise levels making the country all that more prized. This peace is threatened by road traffic, lengthy construction and noisy excavation and rock crushing and the topography. Twin Oaks Valley is a valley and the project site goes through a mountain pass. Noise echoes off the surrounding valleys. The cannons of Camp Pendleton regularly reverberate in the area. I live just off Twin Oaks Valley Road. I-203-55

The traffic along Twin Oaks now is such that it is increasingly difficult to sleep at 6:30 AM from the increased truck traffic and even the noise from the automobile as early commuters speed to beat the main flow of commuters. I am unaware of any analysis that has been done to consider this source of noise. Typically, studies concentrate on just traffic peak hours. They do not consider the early morning trucks and the sharp disruption of the quiet only achieved in the rural communities. Moreover, trucks often pass by in the early and late hours down Deer Springs and then up the impacted Buena Creek Road. A simple time graph of noise will easily I-203-56

uncover this problem. A steady background noise is not nearly as jarring as a speeding motorcycle at 2 AM. The police coverage in this area is thin given the small number of police units. Speeding will be a bigger problem and needs to be studies more carefully. I-203-57

With the noise echoing topography of the narrow valley, even noise screens will likely to be impractical mitigation. I-203-58

Note that if Twin Oaks is expanded and straightened, speeding and their noise and safety hazards will be encouraged. More extensive studies of noise, speeding and safety issues should be included in any suitably comprehensive EIR. I-203-59

Water Limitations

One of the greatest limits to growth in the West is water. Control of water is control of the land - and the entire economy. Historically, nowhere has the element of greed and insider dealing in water more pervasive than in California. Further, land without water is worthless. Valuable land with water that is denied water becomes worthless and desolate. I-203-60

We have just entered into what hydrologists project will be an extended drought based on geological evidence. We have luxuriated and grown prosperous in the wettest Century of the last 12,000 years. Droughts cycles for California typically extend over 100-year cycles of alternating wet and dry Centuries. The DEIR only considers the bland and unsupported statement that its water and sewer needs will be met by the Vallecitos Water District (VWD).

Yet the VWD is the only water district in the State whose 2015 Urban Master Water Plan (UMWP) determines that even without considering the extended effects of a Century long serious drought it does NOT have sufficient water even if it receives rain as heavy as the past wet Century. The effects of climate change are also predicted I-203-61

The UMWP further states that the VWD shortfall be met with undefined water restrictions. Thus water will be denied to existing to present residents and transferred to new developments. Most citizens consider this process as "stealing their water". In fact, water is a long established legal vital property right. Any impairment will likely result in serious litigation particularly as the shortage is likely to be far worse than the study admits.

The shortages will be far worse for reasons given in the UMWP. Namely, the population growth data used for this projection will be given in the upcoming updating of the VWD general MWP. Namely it will show a sudden increase of approximately over 30% over the next three years will produce over shortages of over 30%. The build out impact for schools will be felt even worse for water supplies and sewer capacity. The VWD will be nearly at the 2050 ultimate build out in just over three years with no significant new water except for overly expensive water reclamation I-203-62

and sewer capacity. The release of the new MWP is over a year behind schedule. Without access to the new population growth data and the overdue MWP, the severity of the water shortage and the magnitude of the legal issues cannot be ascertained. The MWP must be completed and a complete analysis made on the effects of the Newland Sierra Project to the greatest environmental challenge to San Diego is properly released and reviewed.

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While the data used in the UMWP is discoverable and subject to the FIA, my two verbal requests to the Board have been ignored. I will be filing a formal written request for the ability to view and copy the data. The county should do so also and incorporate it in a recirculated DEIR.

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As bad as the VWD UMWP predicts, the actual situation of the present residents of this area is almost certainly much more dire than these computations. At this point I wish to explore the following topics:

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1. It does not address the more water inefficient and wasteful developments already in the pipeline. Even if the Newland project is as water efficient as it promises, there is simply no more water to give without severe damage to the community and the environment. Any alternatives to the project should include an option to wait before doing any development on the property until the water supply and consumption situations and improved.

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2. The salient issue of water quality and the probability of the project to consume far more than indicated in its WSA analysis is not addressed at all.

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3. The DEIR and the VWD UMWP do not cover the ability of new developments to gain capacity apparently below cost and more than they need.

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4. The VWD has many exemptions to rationing throwing exaggerated burdens on home owners. This development can exploit special considerations that will be devastating

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5. Existing water supplies are not drought resistant and will inevitably be cut back severely as the drought returns.

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6. Every new development reduces the sustainability of a community's needed water drought reserve.

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The first item I will address is the likelihood of a severe drought supply problem that is unique to the VWD. The VWD presently gets about 24% of its water from the Olivenhain Urban Water District. This potable water is surplus potable water produced by that District. However, by the VWD's own repeated admissions this water is not a drought proof source. Olivenhain can immediately shut off that supply at will. In a drought, that supply will disappear. Thus a 20% shortage from either a drought or over building will become a 44% shortage as Olivenhain withdraws that water to cover for its own shortfalls.

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The VWD gets the majority of its water from the San Diego County Water Authority (SDCWA). Presently, 68% of its water comes from the Colorado River. During the recent drought, the State was on the verge of losing 20% of its river water as neighboring states were nearing crisis conditions. Note however, the loss is 20% statewide but that water almost entirely goes to just San Diego and Los Angeles Counties. Thus a statewide loss of 20% will produce a much larger loss in our County. The rains spared us temporarily, but the River is about 30% overdrawn in even a wet year. As a result the water levels in the River reservoirs have been dropping steadily and Mexico is demanding and will receive more water in the future which likely comes increasingly from California. In fact the dangerously low Lake Mead Reservoir reached historic low levels. It supplies over 90% of the water for Las Vegas. Any further drops will be catastrophic.

While the rains did provide a temporary respite, the cutbacks are coming with the certainty of climate change. Any long range environmental document must consider this inevitability. While negotiations presently publicly dwell on minimal 3-8% cutbacks, the overdrawing of the River and its reservoirs will dictate at least 20% in the future.

A technical problem virtually unknown to the general public is water quality soon to have serious consequences on the lives of all low and middle income citizens. I subscribe to 34 different water agencies for their notices, workshops and publications. Many are heavily concerned with water quality. The following discussion may appear to be tedious and superfluous, but it figures in three highly important areas of which one is the possible setup of two monopolies through deliberate lowering of the quality of water to existing ratepayers and the transfer of high quality water to others at less than cost. One potential monopoly can bring in revenue of over 1.5 billion dollars per year and take up virtually every drop of water available to the VWD.

The public is aware of the manmade disaster in Flynt, but have little idea how this came about because of financial disasters leading to poor judgments in maintaining water quality. In Flynt's case, there were problems with lead poisoning of their water. However, there were subtler reasons for the extent of the disaster - the simple lack of phosphate added to their water. Many of their pipes are steel, not lead. Steel pipes need to have a constantly renewed protective coating of iron phosphate to avoid corrosion. This protection is accomplished by adding a small amount of inexpensive phosphate to the water. The phosphate required in Flynt cost only $140 per day. As yet there has been no accounting for the reason this vital process was stopped and the pipe failures accelerated. Water quality matters.

For Southern California the most important water quality metric is the concentration of Total Dissolved Solids (TDS). In much of the technical literature all dissolved minerals including common salt are termed salinity confusing a casual reading. The most sensitive component of the environment are plants. A plant's roots are essentially much more mineralized and saltier than the soil around them. This makes the roots "drier" than the soil. Water (along with soluble nutrients) is sucked up out of the soil. Technically this is per Chatelier's Principle. The nutrients

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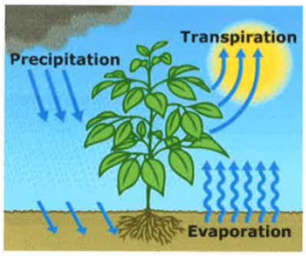
and water are then absorbed by the sap. Water in the leaves evaporate and the dry leaves suck up the water and nutrients from the sap allowing photosynthesis to function and growth to happen. This process is called transpiration and consumes 95% of all water taken in by the roots. If the soil is too impermeable and/or too salty (high TDS), the roots cannot absorb water from the ground and the plants die. Adding salt to make soil infertile was an ancient way to destroy enemies as it would commonly take decades for the salt to be washed (leached) out of the soil by fresh rain. TDS levels above 700–850 milligrams per liter produce losses from agriculture (ref.: US Department of the Interior, 1994).

For agriculture irrigation efficiency, evapotranspiration is the most important factor. When water is applied to a field, in addition to the transpiration uptake by the crops, water consumption is increased by evaporation. The combination of evaporation and transpiration is evapotranspiration. Evaporation can include the irrigation channels between the crop rows. Both processes (evaporation and transpiration) are sped up by high temperature, low humidity and wind. Newland Sierra is subject all three.



In the case of Southern California, the River supports 15% of the entire nation's agriculture. Unfortunately the land it passes through is eroding rock - which produced the Grand Canyon. It also loses water and gains contaminants along its passage producing increasing concentration levels of TDS. Unfortunately, California is at the end of the supply chain and suffers from the highest TDS levels.

Water hardness is the primarily the result of the dissolved salt, calcium and magnesium hydroxides, and calcium carbonates. In the geologic past, rivers carried hard water minerals to the sea which precipitate out onto the sea floor forming soft limestone layers. The saltiness of the sea is primarily from the salt flowing into it from ancient volcanic rock. Moreover, much of the rock along the River was once seafloor. Consequently the rock contains large deposits of limestone which easily erode. Salt deposits (such as the famed Salt Bed flats of Utah) are

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considerable in size and number in the watershed from the evaporated sea water. According to the extensive studies done on the River, 47% of the TDS is from this natural source. The remaining 53% is from primarily from irrigation runoff (37%), mining, inadequate waste treatment (chiefly from dish and clothes washers) and some from industrial operations. The irrigation contribution is primarily from plowing the land unearthing and "mobilizing" more of the natural contaminants, pesticides and fertilizer.

The Colorado River TDS has been a problem for farmers for years. Starting in Sixties intense efforts were to lower man-made TDS. A program was initiated in 1974 to address the issue and has resulted in reducing man-made TDS by almost 20% to date. One of the elements involved the constructed of a desalting plant near the California border. These efforts addressed low hanging fruit and further reductions will cost considerably more with less effectiveness.

Unfortunately, the TDS concentrations are increased by drought. Normally rain water flushes the salt from the river bottom and the erosion products from the mountains and dilutes them to acceptable levels. During a drought there is less water to dilute the salt and the water consequently is saltier and harder. Desalinization and reservoir programs have been in effect for decades to stabilize concentrations. This issue is evaluated every two years as part of a detailed study of the condition of the river by the Department of the Interior. Below is a graph of salinity before and after a reservoir program was put in place. Under this program during rainy seasons surplus rain water is stored. When there is dry weather, more of the reservoir water is released to control the TDS. The added water dilutes the TDS during dry spells to more tolerable levels as shown dramatically in the graph. In the past, four dry years were followed by a very wet year; so, the reservoir dilution scheme has worked well. Note that if dry years continue as expected the TDS fluctuations can increase again by 100% as such storage in rainy years becomes impossible.

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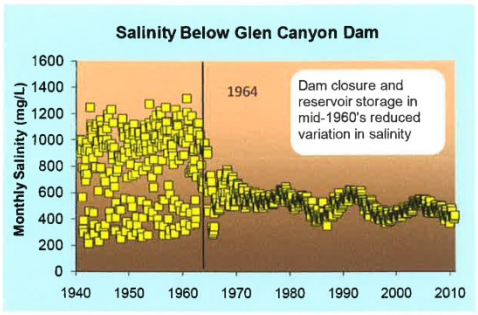
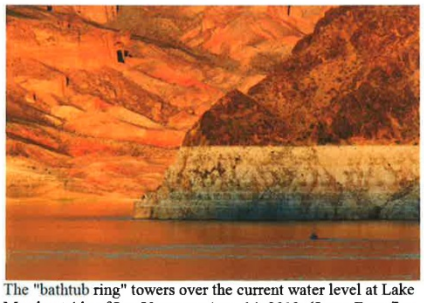


However as the drought has continued (the worst in 1,200 years) there is less water available for dilution. Although the most recent year was above average, it produced less than normal "makeup" rainfall amount - insufficient to make up for a single year of the ten-year drought.



The "bathtub ring" towers over the current water level at Lake Mead outside of Las Vegas on Aug. 14, 2013. (Jason Bean/Las Vegas Review-Journal)

The water in the reservoirs has been drawn down primarily for new urban development, particularly in the important Lake Mead reservoir. Other more toxic elements are also accumulating as well as the TDS including selenium, boron, perchlorates, sodium, etc. For the reservoirs, maintaining TDS levels requires drawing down the reservoirs' reserves. Moreover, the US has a responsibility to provide water to Mexico to flush out its accumulated salts and even provide usable water. But this requirement had been largely neglected so that some of the River's beds in Mexico dried up completely. Hence the belated controversial release of San

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Diego reservoir water to Mexico at the height of the drought. The picture below shows water travelling through the desert. [The pulse is the blue water at the top of the picture. Note the white alkali and salt deposits.] Lake Mead capacity even after the above average rainy year is down to 39%. As the toxins concentrations rise, the last 10-20% of the water is unusable for either potable or agricultural use and/or is below the level of intake ports. When a reservoir is drawn down to these levels they become "dead pools".

The cracked-dry bed of the Almaden Reservoir in San Jose, California Photo: AP

The water in the reservoirs is overstated in that not all the water stored belongs to the US. Around 2010, an earthquake in Mexico damaged water storage in Mexico. The US and Mexico agreed that the water that would normally be taken by Mexico would be temporarily stored in US reservoirs. The damage repair is virtually complete and water deliveries will begin soon. A complication factor is that the US has agreed to desalinate the water to low levels of 115 mg/L, about five times better than what is provided to VWD ratepayers.

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Note the dry reservoir in the picture above. The white powder is not only alkali and salt. It also contains a virulent fungus which is the cause of 'Valley Fever" in the Central Valley. There is no cure for this disease and dust storms around dry sections of Mono Lake are creating health concerns as the fungus is being spread in neighboring communities. If proper environmental actions are taken, dry reservoirs represent an opportunity to dredge out the contaminants that accumulate and remove the fungus, heavy metals, salt and alkali. The reservoirs could also gain slightly more capacity. The best approach may be to mix the concentrates in concrete as coal ash is done encapsulating the toxins. Dumping it in landfills is not a good option or even in agriculture use for fertilizer as it "mobilizes" the concentrated solids.

TDS buildup is a well known problem for farmers who must have fresh, purer water to leach out the accumulated salt and minerals in piping, water ways, and the soil. But pure water is becoming scarce threatening the viability of large scale agriculture in California. Below is a snapshot of the latest water quality report for the VWD. On page 5, the TDS concentration limit is noted as 1,000 ppm. Even after a moderately wet season this year, the test levels show the concentration varying from 591-650 ppm. Only the desalinized water treated from the Twin Oaks Valley Water Treatment Plant is reasonable - 182 which are from minerals added to the water to make desalinized water palatable as distilled water tastes like dust (it is so pure it sucks out the salts and saliva out of the mouth). Note however, this factor is measured only once a year. Depending on the timing of sample, TDS measurements can vary widely in a drought year. The report lacks vital information from the inadequate testing.

With the resumption of drought, TDS issues increase throughout the State. We also rely significantly on State Water Project water from the Delta. In the past, the County gets Delta water which has in the past has been much higher quality mountain rain water than from the Colorado River. But even this water become getting more saline as the water flows have dropped by both lack of mountain rain and extra demands from the drought. Salt intrusions barriers are consequently being installed nominally to prevent contaminating the beds of sensitive wetlands, but the larger purpose to farmers is to protect their water supply. In a good year, the water from Delta though the State Water Project is high quality and pure. But in a drought, that supply is reduced and the salinity of Colorado River water threatens to increase.

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Water and Agriculture

The Newland Sierra DEIR goes to great lengths to note that agriculture will not be a significant part of this development if at all. From p. 4-9 of the DEIR:

> Although the Site may have the potential to become a viable agricultural operation over the long term [sic], this potential has significant limitations and risk. The Site has substantial limitations for agricultural productivity. Only a small portion of the Site (15 percent) has potential for intensive agricultural

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production with minimal to no opportunity for expansion over time. Substantial portions of the Site are either inaccessible or are too rocky to be productive. Small-plot-intensive farming would likely have the highest returns; however, this form of farming requires suitable soils and has a high water demand. As indicated in the Agricultural Alternative Study (Appendix GG), although wine grapes and oil olives could potentially be profitable in the long-term on this Site, returns would not be realized for 20 to 30 years. The capital investment required to establish these types of operations is considered high risk and sensitive to market and weather fluctuations and the rising cost of water.

The DEIR is correct in its assessment in many respects as well as the exhaustive and thorough analysis in Appendix GG. Water and soil issues are substantial barriers. It is also correct in later pointing out that a serious disease is present. Most small farms in the VWD are barely surviving. Most crops yield product that brings a price of $1-9 per pound and thin margins. A $.20 per unit increase in cost threatens most small farms with extinction even with their production of high-value organic farming.

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Unfortunately, the analysis is incomplete concerning future agricultural possibilities and becoming irrelevant. On Jan. 1, 2018, Marijuana cultivation will become legal in the state. It completely changes the economics of agriculture. Marijuana yields from $1,000 to 2,500 a pound on the streets. The sharp increase in value even makes water consumption costs insignificant. However, marijuana has been an environmental and water disaster for the State and will be particularly in San Diego County as examined later.

Historically, when water is scarce to most, water hungry plants become more valuable and those with cheap water will grow the most valuable crop - which in turn produces waste and unsustainable agriculture. This chain of events unfolded dramatically as a result of the flawed Monterey Accord and the growing of almonds in the most recent drought emergency - to be repeated soon as the climate continues to evolve to dryer conditions.

California would not be California without those who have figured out that the control of the market will depend on getting control of the water. Indeed the marijuana draft regulations require that those receiving cultivation licenses must prove they have a legal right to the considerable amount of water this crop requires.

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Weed is a Weed

Marijuana is aptly termed to be a weed. It can grow explosively as with any other weed with the right mixture of fresh water and sunlight and minimal nutrients. For sunlight with the optimum daylight/night hours for flowering, the best land for outdoor cultivation is largely limited to regions around the 35 parallel - namely Los Angeles and San Diego Counties. It is actually a better place to grow marijuana than the jungles of Mexico.

As already noted transpiration is the mechanism that enables plant growth. For rapid growth, water consumption rates must be high. In the desert, plants will sprout from seeds literally overnight after a rain storm. However they grow best in well drained soil. Well drained soil prevents drowning the plant (insufficient oxygen intake with the sudden plethora of water) and the ability for rain to leach salt and alkali from the soil. In addition weeds thrive on rain water's acidic content. As the rain passes through the air, it absorbs carbon dioxide and grows acidic with a weak carbolic acid. The carbon content adds to the minimum amount of nutrient needed for growth. [This process is not destructive acid rain which involves rain water reacting with sulfur dioxide gas from coal combustion. This gas reacts with rain to form sulfurous or even sulfuric acid which is indeed poisonous.] Ideally, the pH of water for marijuana is in the weakly acidic range of 4.5-6.5. Distilled water is neutral with a pH of 7.0. With TDS, most of San Diego water is in the pH range of 8. In the VWD, it is over 8. The plant is sensitive to TDS. For optimum growth the TDS must be carefully controlled to a low level.

Greenhouse cannabis growers regularly use Reverse Osmosis (desalinization) to get rid of the TDS which simplifies acidification and liquid fertilization. The VWD owns a substantial share of the Carlsbad desalinized water which comprises 27% of its total water supply.

How Much Water Does a Marijuana Plant Need? Two different rules of thumb have been advanced on how to judge the water requirements of marijuana growing. One holds that the water requirements are 1 gallon of water per day for every pound of plant or 4-6 pounds per day per plant. Another measure used by law enforcement is 6 to 8 gallons per day per plant. The two estimates are not contradictory as they relate to the two different methods of growing. The first measure is from experiences in growing marijuana in greenhouses. The plants are modest in size - typically 4 to 6 pounds each. The second rule of thumb is based on law enforcement experiences and the wide spread damage to watersheds and outdoor growing. In greenhouses plants are crowded together and are smaller than outdoor growths. Further, evaporation losses are minimal in greenhouses. For the outdoor varieties, they are larger increasing the transpiration demand while open air exposure increases the evaporation losses. Thus outdoors both consumption elements of evapotranspiration are increased.

The usual Law Enforcement estimates are on the low side for outdoor cultivation in Southern California from the drier climate. Most illegal outdoor cultivation estimates are based on experiences in national forests in the northern part of California where there is more rain, temperatures are cooler, and the average humidity is higher. The trees also add both cooling shade and some level of camouflage. In San Diego, with legal cultivation, the plants are larger and high densities will reduce evaporation losses (and increase profits). Note the height, size and densities pictures of the plants shown below in police photos of a tropical grow site.

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For San Diego plant production, soil is not an issue. Plants are grown in pots with a drip line as shown in the pictures below from existing nearby North County outdoor nurseries.

Several studies have been made on water consumption in Mediterranean climates such as what we have in San Diego. The most pertinent on planting density I have found is "Impact of Plant Density on Yield of Hemp (Cannabis sativa L.) in a Mediterranean Semi-arid Environment" by F. Garcia-Tejero, et. al. in the *Journal of Agricultural Science Technology* (2014), Vol. 16, pp. 887-895. The closely related hemp plant consumes less water that the drug variety making higher density still more profitable for reduced evaporation losses. The unequivocal result was that the maximum density tested (40,000 plants per ha^{-1}) was best. That comes to 16,000 plants per acre. Assuming a conservative 8 gallons per plant considering our drier climate and the wind conditions on top and on the sides of this project's mountainous terrain, those factors come to an astonishing 108,000 gallons of water per day per acre. Scaling back to 90,000 is more realistic as extra room is required for maintenance space and drip lines. The size and density issues are best illustrated police photos on a raid of a tropical grow site. Clearly, the low ball indoor nursery figures are somewhat not illustrative of what can happen when profit rules the implementation and not the community welfare. These densities and plant sizes can be easily grown with potted plants and drip irrigation.

In the VWD region, average water consumption is for conventional crops 120 gpd/acre in low density agriculture and 1,500 gpd/acre for intensive cultivation. Marijuana growth can easily exceed 60 times the present intensive levels.

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The Newland Sierra project site has 378 acres to be rezoned as fuel modification areas. If this area alone is grow high density marijuana, the annual water consumption would be 90,000 x 378 or 34,020,000 gallons per day (34 Mgd). Note that 34 Mgd equals 34*365 or 12,410 million gallons per year. The significance of the fire fuel modification zones is that such zones cannot be denied water for any reason for irrigation. It would be exempt from all rationing ("restrictions"). The rest of the ratepayers would have to be "restricted" to make up the difference. The present desalinized water production for the VWD is just over 1,140 million gallons of water per year. The entire VWD water supplies currently amount to 4,200 million gallons per year. The most supposedly available in 2020 is 6,194 million gallons. Thus unless marijuana cultivation is excluded from the Newland Sierra and most of the VWD, an epic water disaster will result. Already nurseries along Twin Oaks are rapidly installing heavy chain link fences and security cameras. While crime and marijuana have a long history, I have not heard of any significant thievery of organic vegetables and flowers justifying such security expenses.

Obviously, these computed figures are outrageously high. But they point out vividly that any marijuana in a district with too little water for its present population cannot support marijuana farming.

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How much money can be made? In Pueblo, Colorado, the largest marijuana grower in the state produces an average of $22,000,000/acre per year with a single crop per year. At present 1,468 acres can be planted in the VWD. An additional 378 acres will be added with the Newland Sierra (which will never be subjected to rationing). As 50% cutbacks will likely be incurred with the next drought resumption, only land with special exemptions will survive. For the Newland Sierra project if it is approved as is with its fuel modification exemptions, the annual revenue will be well in excess of 378 acres x $22,000,000/acre per year x 2 crops per year = $ 16,000,000,000 per year. With a conservative profit margin of 20%, the annual profits will be $300,000,000. Newland Sierra could easily become a marijuana powerhouse with a minor revenue producing housing development attached.

This calculation result is again outrageous, but it illustrates the potentials for profit and their corrosive and corrupting influence on government. The SANDAG debacle must be kept in mind. Before the Medicinal Marijuana proposition was passed, the State performed an in-depth review analysis of the then existing illegal cannabis industry. It estimated that the then existing market was for $14,000,000,000 - twice the size of the next highest legal crop. The report also stated that California alone could supply 75% of the entire nation's demand. In fact, California growers and government are already noting the surplus of cannabis available on the illegal and legal markets. But they are already quite comfortable with competing with other states given their superior growing weather in the southern half of the state. Note further the industry expects California cannabis production to be about 10,000,000 pounds of final product. State

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consumption is pegged at 2,000,000. There is a serious oversupply already. The licensing will require considerable extra policing as 80% of the production will not disappear. The policing will more than consume any tax money not even considering the medical issues of addiction. The net effect is to increase crime, community costs and retail monopolies.

Note that indoor cultivation is expensive. Many greenhouses in addition to the power hungry use of RO desalination use special grow lamps to provide the optimum light and heat. Disposal of the lamps is a known environmental hazard and the considerable electric power consumption produces its share of Green House Gasses. Outdoor cultivation in San Diego will indeed have considerable economic advantages over any other area in the United States allowing a small group of "legal" growers to monopolize the market if it has the area and the water.

Licenses will have to be based on water. With water in short supply, the licenses will be few and granted to only those with special water rights attained with political influence, purchase of precious water rights or legislative negligence. Given that marijuana growing today is mostly illegal, most of the illegal operations will remain illegal.

National Forest Service Law Enforcement has used satellite imagery and computer graphics to show the extent of damage that outdoor cultivation can produce. The image below shows a major grow region in the Sanoma County. They pinpoint the locations of extensive illegal operations including the renowned Salmon Creek watershed. This watershed is known for its prized strains of marijuana. Three of the four watersheds were drained completely dry during the recent drought. In the area it was actually more profitable to steal water than growing marijuana. Toxic fertilizers destroyed creeks and drained into the rivers.

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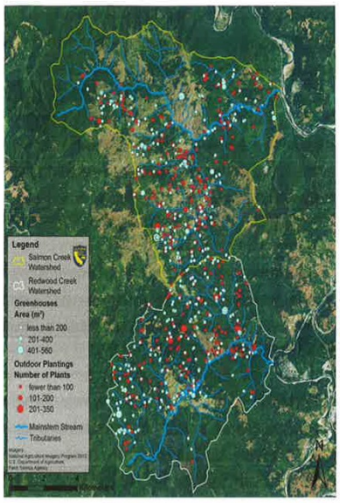

This is a map by Law Enforcement of grow sites in Sonoma County. It is the site of four rivers. Three of these rivers tributaries are entirely drained by illegal marijuana growing. The Law Enforcement (U.S. Department of Agriculture and the DEA) efforts are severely limited. In the image below, the few illegal sites raided are marked in red; the other illegal sites are in yellowish green.

Salmon River is known for its high quality marijuana grown from large plants and the loss of three complete river tributaries and toxic fertilization.

Salmon Creek Open Nursery

Salmon Creek tributary drained dry and fouled.

More sunlight is needed at peak flower producing times during a second growing season. In greenhouses, these are provided special solar lamps with high power consumption and toxic bulb disposal issues. If outdoor lighting is used to promote marijuana production in open nurseries the entire valley will be lit up at night along with security lights to protect against rippers. This situation produces light pollution.

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Another environmental problem little publicized is the need for highly toxic rodent pesticides. The Newland Sierra project area is riddled with rabbits, mice and rats. These would eat cannabis flowers and gnaw on water outlets. Toxin control in an uncontrolled area can be easily abused. The area also is rife with many varieties of fungus.

The project cannot be allowed to grow marijuana commercially at all in this property and this prohibition must be specifically spelled out in any final approval. It should also be noted how absurd it would be to plant a resinous, burnable crop in a fire protection zone.

These comments are not to imply that Newland Sierra has expressed any intentions of growing marijuana in this area and has professed a strong desire to be environmentally and community friendly development. However, two considerations must be kept in mind. First, Newland Sierra has indicated its desire to lease this land to commercial growers. The most likely crop would be marijuana as supported by the DEIR analysis. Second, one must assume legally that one must be expected to do whatever is in their best interest. Growing marijuana would be exceedingly profitable and legal in the State. Unless that possibility is specifically eliminated, it is a distinct and credible outcome. Note that if marijuana is grown at this site, security fences will have to be built around the entire project and the development converted to a gated community. The danger to its residents and the surrounding community will increase. Fencing will also destroy animal migration paths.

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Also concerning water are three worrisome policies of the VWD on new water capacity issues. First, developers with multi-family included in a phase are allowed to purchase capacity as soon as a project is approved. This means water can be purchased before there is any building permit. Without any building plans, the VWD cannot determine whether the purchaser is buying too little or too much of the dwindling capacity it has. Second, even when building plans are available, the purchaser is required to purchase a minimum amount, but is not limited as to how much extra it can purchase. Third, larger meters have high peak flow capacity well beyond average consumption rates. Thus some developers of multi-family could cheat on the capacity fees by utilizing the peaking capabilities. Without a formal plan check and no public analysis provided in approvals, the VWD system has deep flaws that can be exploited. Adding to the issue are the growing deficits of accounts for both water capacity and waste treatment capacity accounts. A few years ago, the deficit largely from undercharging amounted to $4.3 M. Now it has grown to over $13 M and expected by the VWD Staff to go to $25 M - if their estimates prove more accurate than SANDAG. Then the stated plan is to catch up by passing a bond that will be largely paid by other ratepayers. If the financing is done properly with a fixed interest bond, the finance charges will add an additional $50 M. These will be repaid from regressive Ready to Serve water charges and sewer charges. Thus a $25 M shortfall in capacity fees

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becomes an improper windfall to developers/investors as a three times burden on existing and future residents.

The lack of a definite phase definition and the exact water connections to be sought makes the project inadequately defined. Water and sewer demands can pose a challenge if not carefully planned in coordination with the unreleased and year-overdue Master Water Plan. Blasting, grading and excavation schedules cannot be defined. In fact, if key infrastructure segments are not scheduled early on, they may never be built. These schedules are key and their lack is a major impediment to the public's ability to judge the impacts of the project.

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Final comments

The public has not been given sufficient time to adequately study, research and compose properly evidence all the apparent flaws and omissions in the DEIR. In fact, I have many other comments I wanted to make and more comprehensive proofing and editing, but time ran out. Further, the DEIR has major gaps and unsupported conclusions and positions. Given these restraints, the DEIR fails it primary function. Thus it should be redone, corrected and recirculated with considerably additional time. As such it invites litigation and substantial environmental harm and the often used defense of failure to employ all administrative remedies is moot.

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Note further, that I am an advocate for citizen ownership of their own residents. The overall design is one that has been well executed and considerable effort has been made to make it community friendly; however, it is simply not the right place for such a project. Despite all the considerable efforts that can be made, the location, topography and rural setting are probably insurmountable barriers which render the project unsuitable. For the project is to go forward, considerably more effort is required to render the shortcomings bearable and sustainable.

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Best regards,

Michael Hunsaker

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