

Tuesday, April 14, 2020

To: State Water Resources Control Board, Division of Water Rights, Petition and Licensing Unit
Division of Water Rights, Attn Michael Meza - Michael.Meza@waterboards.ca.gov.

And: Garberville Sanitary District c/o Jennie Short - jmshort@garbervillesd.org

From: Ed Voice & Voice Family - evoice@mchsi.com

Re: PROTEST OF PETITIONS FOR CHANGE FOR WATER RIGHT LICENSE 3404 AND PERMIT 20789
(APPLICATIONS 9686 and 29981) OF GARBERVILLE SANITARY DISTRICT, SOUTH FORK EEL RIVER
IN HUMBOLDT COUNTY

To whom it may concern;

As stated in the letter sent to me from SWRCB-DWR dated February 19, 2020, it states in part:

"By letter dated February 10, 2020, Garberville Sanitary District (GSD) responded to your protest of GSD's petition to change its water right License 3404 (Application 9686) and Permit 20789 (Application 29981). Please review GSD's response to determine whether it adequately addresses your concerns and resolves the protest. If there are outstanding protest issues, the Division of Water Rights requests that you provide protest dismissal conditions for each remaining issue."

And as stated, I cannot find one response by GSD that either adequately addresses my concerns or resolves my protest. If I may, I would like to explain why.

In GSD's opening response to my protest, they stated:

"For environmental protests: Any protest based on an allegation that the proposed appropriation would not be in the public interest, would adversely affect public trust uses, or would have adverse environmental impact must be accompanied by a statement of facts supporting the allegation. No such statement of fact was provided in the protest that identified or documented specific impacts on issues such as plants, animals or fish affected, erosion, pollution, or aesthetics, etc. from the proposed action of changing GSD's place of use to include a small portion of the Southern Humboldt Community Park (SHCP). The only complaint appears to be that the extensive CEQA analysis was completed "piecemeal". There seems to be no specific environmental issue identified or any impact, the comments appear to only address the environmental process used as opposed to the outcome of the process."

And

"The deadlines for filing a challenge to the actions have expired for these Notices of Determination. Public comments were received and considered numerous times throughout

these CEQA processes prior to each lead or responsible agency's action. There were no challenges filed for any of these CEQA actions. You provided public comments into each of those public environmental review processes and had the opportunity to challenge the lead agency's decision at that time."

So lets discuss the last one first.

1. As to GSD's claim I did not challenge any of the CEQA document they listed, I would beg to differ. My public comments were my challenge. In fact, as to my public comments I submitted to the GSD 2013 Annexation IS/MND, the GSD Board felt my public comments were a threat of litigation and obtained legal counsel to advise them on what action to take, while having closed session meetings concerning my public comments not open to the public, To that end, the SHCP was left out of the GSD Annexation, just ask Jennie Short.

2. Not everyone who has submitted public comments has \$20,000 to \$30,000 just lying around to challenge every project being analyzed under CEQA whom you disagreed with. Its the point of public comments, to allow the lead agency to consider your point of view.

And as for the first comment, I was accused of not including a statement of facts supporting the allegation. nor did my protest include specific impacts on issues such as plants, animals or fish affected, erosion, pollution, or aesthetics, etc.

This one is easy to address, GSD should have read the 62 pages of attachments I included in my protest, which support my facts and make very specific statements and claims on issues concerning, i.e. plants, animals or fish affected, erosion, pollution, or aesthetics, etc.

However, in GSD's response to my protest, not once did they ever include a statement of facts supporting their own allegations!

In response #1, GSD included a partial email from Michael Richardson. What GSD neglected to include was the following first paragraph included in his email:

"The County's Environmental Impact Report for the General Plan Amendment, Zone Reclassification, Conditional Use Permit and Special Permit for the Southern Humboldt Community Park (SHCP) project (Planning Application #6111) did not consider provision for a water connection to Garberville Sanitary District (GSD). Should the water service extension be approved, the County will need to evaluate the potential environmental impacts any new discretionary project at the SHCP site in light of this change to the project description evaluated in the EIR. The EIR for the SHCP (SCH #2010092037) documents that as of 2014, the existing demand at the SHCP site was between 20,000 and 400,000 gallons per month which was provided from a combination of on-site and diversionary sources."

Now, as you can see, it makes my point and addresses one of the main issues in my protest. For

example, if it was no big deal, why did Mr. Richardson include all that pertinent information?

And at the end of GSD's response #1, they stated:

"GSD, the County Planning Department, and HLAFCo all agree that the existing CEQA analysis is sufficient and that there are no major issues that need to be resolved prior to GSD extending water service to SHCP."

So, I emailed Mr. Richardson and asked him if that was true, that the County Planning Department agreed that the existing CEQA analysis is sufficient and that there are no major issues that need to be resolved...

Mr. Richardson replied back to my email and stated, *"The Director speaks for the Planning Department"*. So I guess GSD was wrong, they should have stated Michael Richardson agreed, not the County Planning Department!

And so that's how the rest of their responses went, from #2 through #11. using baseless accusations and allegations, with no statement of fact identified. documented or referenced.

With that being said, I stand by my protest, unless the language used in the original concession or sop, that was included in the GSD 2013 Annexation IS/MND (page 25-26), between GSD and the SHCP as stated is used:

"4. The one new ¾" meter is for residential use only and is not intended to be used to serve future development on the Property contemplated by SHCP in the application for a General Plan Amendment (and associated applications for a conditional use permit, the Operational Plan, and the CEQA Initial Study Checklist as submitted to the Humboldt County Planning Department by SHCP) currently on file with the Humboldt County Planning Department."

This is my protest dismissal condition, that this wording and language be used, nothing more, nothing less.

Thank you,

Ed Voice & Voice Family