

To: State Water Resources Control Board, Division of Water Rights

Attn: Michael Meza
P. O. Box 2000
Sacramento, CA 95812-2000

To: Garberville Sanitary District

Attn: Jennie Short
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Garberville, CA 95542

Subject: PROTEST OF PETITIONS FOR CHANGE FOR WATER RIGHT LICENSE 3404 AND PERMIT 20789, GARBERVILLE SANITARY DISTRICT, SOUTH FORK EEL RIVER IN HUMBOLDT COUNTY

The issues of my protest letter that were not satisfactorily addressed by Jennie Short, Consultant for GSD are written below selected sentences in my original protest letter submitted to GSD and the SWRCB on November 30th, 2019. Since I am not a CEQA lawyer nor an expert in the field of water service disputes, I have written the best I can about which issues I think were not adequately resolved by GSD.

I attended GSD meetings for the last 12 years and was on their SOI committee when they were doing their first Municipal Service Review as a new drinking water provider. I am 71 years old and have lived a few miles from Garberville for the last 32 years. Initially I was a volunteer at the SHCP Park with farm and garden projects on the property but I stopped when the Park board staged extremely loud unpermitted amplified events. They continued them despite their neighbors' requests for relief. The County finally stopped them but here we are today seeing renewed efforts to ramp up again, with the introduction of commercial water service in the form of drinking fountains, the first step in the door to the return of noise, traffic and litter.

1. “My concern about this request by GSD to serve water to the Southern Humboldt Community Park(SHCP) is that it is not about people discarding plastic water bottles on public property.”

- This issue was not addressed. It turned out that the real reason for the Park's request is to install drinking fountains in the commercially zoned areas of the Park. In other words this is cover story for creating new future water infrastructure in the Park. Plastic bottles do not constitute an emergency. A lack of drinking fountains does not constitute a crisis. SHCP's letter requesting drinking fountains is a cover story for another agenda. **Drinking fountains are future development.** This fact was not addressed. They qualify to be in the category of future development because they are new infrastructure, because they are to be added after April 25, 2017, the day the Park's EIR was certified by Humboldt County Planning Department.

2. “This Petition for change in the GSD Place of Use requests a significantly larger “island of service” than the one described in 2012-13 GSD Annexation.”

- This issue was not addressed The 2013 GSD Annexation's “island of service” annexation is five acres in size. The 2020 Out of Agency service is more than three times larger at 18 acres. Since when does a drinking fountain require over four acres of land? This was not addressed.

.3. “My concern is that piping GSD water out to all these areas of the Park creates the opportunity to use it for PF purposes without any CEQA review or mitigations to significant impacts.”

- This issue was not addressed. The use of the new drinking fountains by vendors did come up at the Sept. 18th, 2019 Humboldt LAFCo meeting when the Addendum was approved. During the meeting Jennie Short answered yes to a question from a Humboldt LAFCo board member who wanted to know if the drinking fountains would be used by vendors at events. (I have a sound recording of this) So, since events such as wine tastings, food festivals, electric bike festival, Easter egg hunts, rodeo, all with amplified music features, are already being held in the Park these new water fountains are probably going to be used at the least for filling water containers, washing dishes, washing food containers, pots and pans, which could entail dumping contaminated gray water on delicate wetland areas or species habitat. Are these areas in the Public Facility Zone exempt from CEQA? Are the pipes that will be laid out to these locations going to be passing through sensitive habitat areas? This OAS needs a normal annexation with a valid, not piecemealed CEQA that covers environmental impacts specific to this project.

4. “Strict legal enforcement wording that will hold up in court is needed to support the limits placed on the (3000 cubic ft. per month) connection.”

- GSD responded to this by providing a copy of section 5.1 of the Water Service Agreement between GSD and SHCP. The issue of how much water can be freely used was not accurately addressed. Section 5.1 states that “Any water usage on the SHCP property may not exceed two thousand (2000) cubic feet per month.”

As it turns out if you read further, it becomes clear that the real monthly allowance is (3000) cubic feet per month. *“The usage for the connection is limited to 2,000 cubic feet per month. The usage will be monitored monthly in conjunction with the reading of the meters. The SHCP will be notified each time the usage reading is in excess of the 2,000 cubic feet per month limit. The meter will be shut off if the usage is more than 1.5 times (3,000 cubic feet per month) the allowable quantity for any 2 months in a 12 month period. If the meter is shut off, the SHCP will have to petition the Board for reinstatement of service and obtain approval from LAFCo if necessary.*

Why is this loophole here? Please explain its purpose. It certainly sheds doubt on the credibility of this Agreement. The amount stated as the yearly consumption rate is based on 2000 cubic ft. per month figure when 3000 cubic ft. per month is allowed without consequences. The claim by GSD that the WSA clearly details the monthly quantity of water allowed to be used at the SHCP before the water service is turned off is not so clear. It could create legal problems and therefore fail to protect the South Fork Eel River.

5. The Application from GSD now before you contains Resolution 19-02. This is a Resolution that seems like the one that GSD offered to the Park in 2012. But it is significantly different. GSD has changed the wording in Resolution 19-02 and it does not match the original 2012 “island of service” offer which designated that the GSD water connection be for “residential use only”. The new wording blurs the boundary between residential use and commercial use of GSD water on the SHCP property. It opens the door to possibly significant impacts to the South Fork Eel River, its wildlife, its threatened aquatic species, and its stability and dependability as a drinking water source for the communities of Garberville and Redway. And yet, to

date, these impacts have not been analyzed under CEQA. The (OAS) out-of-area service connection that GSD is specifically requesting does not address these concerns.

- These issues were not addressed. The SHCP already takes over seven million gallons out of the river for agricultural use and now wants to get on track to use a lot more, using drinking fountains as a ploy to open the door to commercial development.

6. Other projects in GSD's pipeline include many more legal marijuana growers, the renovated Six Rivers Bank building on Redwood Drive, the bubble hash processing plant going in on Redwood Drive, and a lifestyle spa motel next to the Highway 101 at the north end of Garberville. These businesses are lining up for water service at a time that the Garberville Sanitary District is already using over 70 million of the 80 million gallons it is allocated yearly from the State. A complete GSD capacity study and a proper, (not a "piecemealed" addendum) CEQA is needed that accounts for all of the upcoming projects and their impacts on the South Fork Eel river before a decision is made on this change in place of use.

The fact that piecemealed Addendums are considered to be no good was never addressed or acknowledged by GSD. Banning Ranch Conservancy v. City of Newport Beach (12/12/12), "CEQA forbids 'piecemeal' review of the significant environmental impacts of a project.

HLAFCo and GSD approved a piecemealed Addendum. Neither document, GSD's I/S MND EIR or the SHCP's EIR were originally written to specifically analyze and mitigate the environmental effects of GSD's water service to the SHCP property.

Because I reject the addition of commercial public drinking fountains into the SHCP Park without full annexation and consider the service unapproved future development, my condition of dismissal is:

If GSD and SHCP will replace the current OAS application with the original offer, exactly as written, that GSD extended to SHCP in 2013 and which is printed out in full on Pages 4-6 in the GSD May 2013 I/S MND, then I will consider my protest resolved.

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