

Exhibit J

Watershed Issues

Sungnome Madrone

Re: Homan Major Subdivision

Dear Mr. Chairman and Commissioners:

I am a well known, local watershed expert with over 35 years direct experience in watershed restoration all over this county and region. One of my specialties is small water system development. I have professionally developed numerous water systems in the Luffenholtz and Mill Creek watersheds. The College Cove Creek watershed is on the north side of Mill Creeks watershed. I am currently finishing my Masters Degree at Humboldt State University this May, in Watershed Management, and my thesis is on water quality in Mill and Luffenholtz Creeks.

As a recognized expert in water and watershed issues in this area, I am stating that I disagree with County Staffs finding of no-significant impact from the Homan Major Subdivision. After reviewing the entire file, I find from my analysis of the project site conditions and developer tests that many impacts were never even considered. Failure to consider these impacts does not negate the requirement to do so and then to offer mitigations that would truly reduce any impacts to less than significant. This has not been done for many items such as water, traffic, public services, and more.

I am writing to you to state that you must deny this application as incomplete as it is currently planned. You cannot approve this project because there has been no cumulative impact analysis done of the combination of on-site or off-site impacts associated with this and other currently planned development in the area.

Water

No data has been presented to identify how continuous use of on-site wells will be maintained. The existing applicant data uses the minimum requirement for 720 gallons a day to calculate that there was enough water to support 21-27 homes (LACO statement at March 4th hearing). Rainfall data from the area show that there was a 1.2 inch rainfall on August 20 of that year with water supply testing completed by LACO in early October of 2008. DEH requires that water quantity testing must be completed during the dry season, (August 1 through September 30), by an engineer or other qualified professional. They did it several days late, not meeting the required DEH dry season testing period, in a year with a large late August rain. The reason October 1st is used is because later than that the days are getting so much shorter that the trees in the forest reduce their transpiration and thus reduce their uptake of water from their roots which makes for more water available in the ground. These are well known facts about woody plant physiology and ground water/spring functioning in our area.

This late August rainfall significantly altered the ground water basin at the Homan site, which effectively eliminated the “dry season testing” for this project, bringing into question the validity of the supply study. Further more, climate change and the unpredictability of future rainfall suggest the need to be conservative in further allocation of water supplies in this watershed. These potential effects have not been investigated and therefore have not been mitigated for. Additionally, once permitted, each parcel and set of homes can use much more than 720 gallons per day. There are no controls on this except to act conservatively and not max out development of the site. In fact CEQA requires these analysis and avoidance of the impacts.

When the county adopted the ordinance allowing Mother in Law units on many parcels it effectively parceled out some of this 21 possible supply straws that the LACO water supply analysis identified. I have estimated that a minimum of 12 new units could be added to upstream parcels. Most of these would be in the Stumptown Road area east of the Highway 101 and outside the Coastal Zone. Therefore these new units are already allowed. They would only need ministerial permits to build a house, a septic system, and a water system.

If we take LACO’s estimate of 21 straws, and reduce it by 12 for the already permitted and vested properties upstream, we are left with 9 straws. If we reduce the number of straws by 5 for the fact that the supply estimate was outside the approved period, in a wet year, which is part of a mostly normal or wet years for the past 6 years. So our 9 straws minus 5 leaves 4 straws. It is important to base any new development, such as Holman, on actual available water, even in a dry year falling at the end of a dry decade, and that coupled with climate change would suggest that the 4 straws should be cut further by say two, leaving 2 straws. I am confident that there is water for two new homes, maybe more, but there are no studies to determine this. Without the study we cannot say that there will be no significant impact. In fact we know that water is becoming more precious and it would be foolhardy to approve new development that would create water availability conflicts.

Any water source with more than four (4) service connections is a public water system and must meet CDPH State Office of Drinking Water requirements for small community water supplies. The requirements for proving adequate supply are even more rigorous for a public water system. The Homan proposal is for more than 4 hookups on two different wells. By law, the burden of proof of availability of water is on the developer and they have no such plan at this time.

Beneficial uses

College Cove Creek has been identified by the developer as being intermittent. Neighbors and other professionals that have looked at the creek in the dry season say it is perennial on the Homan property and is definitely perennial on the State Park across the street. At what point does this stream go intermittent,

even on State Park Property, because of too much water withdrawal? Two new houses or four? The developer has no studies to answer this very important question.

Septic

The septic/soils investigation may have shown that the soils and layout can support 17 individual units on this 19-acre parcel, but no cumulative impact analysis has been done of how the total build out to a possible 17 units will not pollute this shallow water table. 17 units leaching into the same water table day after day, year after year, combined with existing pollution in College Cove Creek will add pollution to the ocean in the immediate vicinity of the Trinidad ASBS. This will make it even more difficult for Trinidad to meet its cease and desist order with the State Water Board and threatens to close College Cove beach from septic pollution.

Traffic

Traffic is another concern and no studies or mitigation is proposed to deal with increased traffic at the main intersection in Trinidad at the Hwy 101 intersection. (the so-called dysfunction junction). This 7-way intersection is already dangerous, is known to the local judges as a problem area, and will get worse with the 18 units proposed by Homan.

Other Nearby Development

The Holman subdivision is not the only large development planned in the area. Just east of town there is a 680-acre development (Moss/TLLC) being illegally developed with unpermitted roads, bridges, utilities and a piecemeal 4x4 patent parcel non-subdivision process. (see attachment) This development, which the county has failed to stop to date, combined with the Homan project will have cumulative impact on traffic, ocean/ASBS pollution, water supplies, local hydrology, and public safety.

Until these cumulative impacts have been identified and analyzed, they cannot be fully evaluated and the impacts mitigated. Without this analysis and mitigation this commission cannot make the necessary findings of "no significant impact" for the Homan Project. In fact, CEQA requires the completion of an EIR when there are still significant impacts.

Yet another trigger for disapproving this project is the fact that the developer and the county have not looked at alternatives that would be less damaging to the environment. Alternatives that reduce the number of homes all designed to be

accessed from the internal existing road would reduce impacts. This would allow the critical vegetative buffer strip along Stage Coach Road and across for the State Park to be left untouched and would eliminate the need to widen Stage Coach Road. The retaining wall that would be visible from the State Park would also be eliminated by this approach.

Approving the Homan project as currently designed will leave the county vulnerable to a lawsuit that the county will lose, further stressing county budgets.

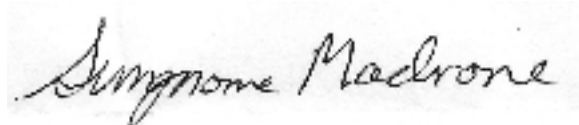
The only legal choice is to not approve this project as currently designed.

BETTER THAN FAIR ARGUMENT IF FAILURE TO LOOK

"[t]he agency should not be allowed to hide behind its failure to gather relevant data," because "CEQA places the burden of environmental investigation on government rather than on the public." Where the agency has failed to produce crucial information, "[d]eficiencies in the record may actually enlarge the scope of fair argument by lending a plausibility to a wider range of inferences." *Sundstrom v. Mendocino County* (1988) 202 Cal.App.3d 296

if a lead agency is presented with a "fair argument" that a project may have a significant effect on the environment, even after mitigation measures are implemented, the lead agency shall prepare an EIR "even though it may also be presented with other substantial evidence that the project will not have a significant effect." CEQA Guidelines, § 15064(f)(1), citing *No Oil, Inc. v. City of Los Angeles* (1974) 13 Ca 4d 68, 75. CEQA defines "substantial evidence" as including "facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts."

Sincerely,

A handwritten signature in cursive script that reads "Sungnome Madrone". The signature is written in dark ink on a light-colored background.

Sungnome Madrone