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April 30, 2005

Hand delivered, May 2, 2005

Yuba Highlands EIR
c/o Charles Thistlethwaite, AICP, Principal Planner
Department of Community Development
County of Yuba
915 8th Street, Suite 123
Marysville, CA 95901

Re: Yuba Highlands Specific Plan: Comments on Draft EIR

Rear Mr. Thistlethwaite:

Thank you for the opportunity to comment on the YHSP DEIR. These comments deal with the difficulties of financing a phased project with large upfront costs, the encroachment of Waldo Reservoir into the YHSP, the possible impacts of nearby developments authorized in the RHCS D Community Plan, and finally, the fundamental unknowns which have not been addressed concerning the water supply.

Financing. Financing is always very difficult and can sometimes be insurmountable for a development this large with costly upfront infrastructure needs, especially when it will be developed in separate smaller phases and most probably by different developers. Page 4.11-16 of the DEIR puts it rather well: "If adequately structured and timed, a Mello-Roos District can provide necessary fire protection and emergency response services once a critical mass of homes and businesses are completed to provide an adequate funding base. *However, significant short term inadequacies in the provision of services could occur prior to completion of enough development to adequately fund facilities.*" (emphasis mine). This is specifically about fire protection, but of course it also applies to all infrastructure and many services including the very high cost major infrastructure needs for water supply, pumping, transmission, treatment and distribution, wastewater collection, treatment and disposal, and both off-site and on-site roads. There is simply no easy way to incrementally increase most of these facilities to fit development phasing. Spreading the financing of these upfront costs would be considerable even if the entire 5,084 du development were done in one phase. This is a very fundamental problem. Yet the Financing Master Plan is to be done in the future on a separate environmental track. It should be in the County's best interest to establish definitely whether this development is financially feasible before this DEIR is approved. The financing plan must deal very carefully and thoroughly with phasing including a wide range of scenarios.

Waldo Dam. The Spenceville Wildlife Area was conveyed from the Federal Government to the State by the December 17, 1962, Quit Claim Deed. The Federal Government retained inundation rights below 440' elevation and tunnel rights above that. In 1997, the Yuba County Water Agency did an engineering/economic study of a Waldo Dam project, but no action was taken. The reservoir remains in the DWR Bulletin 180 and the Federal inundation and tunneling rights in the Deed are still in effect. Since I had no measuring devices or compatible mapping, the following acreages are approximate. Using the 440' high water elevation, the reservoir would encroach from the south roughly 165 acres into Neighborhoods 3 and 4. This would be about 7% of the total LDR area (2,341 acres) in the YHSP. It would take up about 125 acres of Neighborhood 4 or 29% of its area. This would be a significant reduction in the area available for residential units and would require either a reduction in units or packing more units into the remaining area. Table 3-2 and Figure 3-5 would require revision. This may cause impacts on financing and it may possibly require an amendment to the YHSP. Since it is in the Quit Claim Deed, this cannot simply be ignored and must be dealt with in the DEIR. It is interesting to note that this information was ignored in the DEIR, as I had pointed out this potential problem in my October 26, 2002, letter on scoping comments which is included in the Appendices to this DEIR.

River Highlands CSD Community Plan. There are several potential developments in the Community Plan which are near YHSP and could have impacts on it.

a. There is an LDR area adjacent to and north of Neighborhood 3. With the mapping available to me it was hard to be exact, but it is more than 300 acres. This would amount to more than 600 du's, 1,600 population, 400 acre-feet/year of water, 0.2 mgd of wastewater, and 5,000 ADT. All of these would potentially have to use the street, water, and wastewater systems of YHSP. For instance it would add about 12% to the YHSP water and wastewater systems. The DEIR does not deal with the possible impacts to YHSP.

b. The 1,400 acre area called the Specific Plan is 1.25 miles east of YHSP. It seems to be in an indefinite status at the present time. However if implemented it could add another 1800 du's, 5,000 people, 1,200 acre-feet/year of water, 0.54mgd of wastewater, and 14,000 ADT. It is even possible that it would need to use the same water supply and wastewater facilities as YHSP. The DEIR did not discuss this potentially large impact to the immediate area. The DEIR did not ascertain its status or even discuss the future possibilities such as it reverting to RR-5. The DEIR must include a discussion of this.

c. There are approximately 4,900 acres of RR-5 south of Hammonton-Smartsville Road, around 3,400 acres of which are adjacent to YHSP. These 680 du's would add another 1,800 people and 5,500 ADT. This must be discussed in the DEIR for possible impacts.

Items a,b, and c above must be considered in the DEIR, at least to the point where the extent of the impacts on YHSP can be demonstrated..

Water Supply. Obviously domestic water is absolutely fundamental to the project. Both the actual source water and the quantity available depend on the well field not

having a direct hydraulic connection to the Yuba River. Yet the DEIR puts the fundamental issue of water supply on a separate environmental track to be determined after approval of the DEIR (p.4.3-29). This means that the County Planning staff, Planning Commission, and Board are on a track to approve this DEIR without the assurance of an adequate water supply, which is crucial to having YHSP as presently constituted. Postponing this determination is not prudent and even if not technically against the law, it is not recognizing the rationale as to why there are statutes concerning this.

SB221, "Conditions of Approval and Water Availability", requires the lead agency (Yuba County) to condition approval of a subdivision of more than 500 residential units on proof of water availability. The finding must be supported by substantial evidence. SB610, "Water Supply Planning", requires that total water supplies will meet the projected demands of the project water supply rights including groundwater. The DEIR states that "It should be noted that according to CH2MHill there is presently insufficient data available to evaluate groundwater extraction effects on the Yuba River." (p.4.3-29). This is from a June, 2001, study, so it is almost five years later and the basic water supply information needed to show the project to be definitely feasible is still being postponed.

Impact 4.12.2 states that "It is critical that water supply, treatment and conveyance facilities be designed and environmental analysis concluded prior to development projects being approved so that it can be determined with certainty that these developments can be served." (p.4.12-19). MM 4.12.26 will postpone gaining this crucial information until some future time after approval of the DEIR. The following passage is unofficial since it is not part of the DEIR, but is nevertheless pertinent to this discussion. It is from a draft of PMC's proposal to do this EIR. On page 21 of the proposal, PMC's sub-consultant HydroScience Engineers states "Other details, such as ... sustainability of well water supply... are not included in the Specific Plan. It is assumed that this information will become available as development of the Specific Plan continues, or that this information can be obtained from the Specific Plan author or the applicant's public facilities engineer CH2MHill."

The DEIR ignores the possibility that there could be a hydraulic connection between the well field and the Yuba River. There is no discussion about the possibility that the well water could be jurisdictional, and be subject to the surface water permitting requirements of the State Water Resources Control Board, and thus not be allowed by the terms of the YCWA/RHCSD Agreement. There are certainly indications that this could be so. The Yuba River is unique in the depth of gravels deposited in the river bed at the Goldfields by hydraulic mining prior to the Sawyer decision, which raised the river stage elevations, which may provide the hydraulic gradient to supply adjacent groundwater aquifers. The following quotations are from "Impact Evaluation Future Groundwater Pumping from River Highlands Community Service District", CH2MHill, August 11, 2003, in the Appendices. "The 1997 groundwater contours suggest that the groundwater basin in the Yuba South Basin area is primarily recharged by accretion from the Yuba River above the Marysville gage and by..." (p.3). "The Yuba River in the vicinity of the proposed project area is a losing stream, where river stage elevations are higher than

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surrounding groundwater levels, and surface water leaks from the river into the underlying aquifer.”(p.6). “Here, the aquifer that will supply water to the project is , in part, connected to the Yuba River, in that the Yuba River provides a significant quantity of recharge to the underlying aquifer.”(p.9).

Concerning well depths and the most productive water bearing strata, “Geophysical logs show two promising water heavy zones: one within 100 feet of the surface (upper zone) and one between 140 and 220 feet (lower zone).”(p.3, CH2MHill, June, 2000, in the Appendices). The upper zone could well be river water. This could require sealing to more than 100’. The well testing was done in 1998 in a well “...finished to a depth of approximately 180feet below ground surface.”(p.6). There is no information indicating at what depths and in what quantities water was entering the well. What if most of it came from the upper zone, most likely to be surface water? Also there was no information developed from this test well for conditions below 180 feet. If the required sealing must go to a depth where production would be affected, it may require more and deeper wells. The impact on costs and the possibility of yielding a quantity less than needed for YHSP could be very serious.

In view of the preceding discussion, it is possible that the County staff, Planning Commission, and the Board could find themselves in the position of being asked to approve a 5,084 residential unit project including commercial, parks, schools, and a golf course without the assurance of an adequate water supply. Wouldn’t it be more prudent to delay this decision until the proper studies were done, rather than to approve it now and wait for future unknown results? For further comments on this, see the DEIR comment letter from the State Water Resources Control Board dated March 17,2005, which outlines their concerns about postponing the water investigations.

Conclusions. All of the foregoing discussion points to a dire lack of the fundamental information crucial to making an informed decision on this project at this time.

Sincerely,

Ralph T. Hitchcock, P.E.