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February 12, 2009

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Calaveras County Planning Commission
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Re: Trinitas RDEIR

Dear Planning Commissioners:

The California Oak Foundation (COF) writes with comments regarding The Ridge at Trinitas RDEIR.

Law

The project is illegal and therefore can never adequately comply with the California Environmental Quality Act (CEQA). This reality has been recognized by the courts: "*Before one brings about a potentially significant and irreversible change to the environment, an EIR must be prepared that sufficiently explores the significant environmental effects created by the project.*" (Berkeley Keep Jets Over the Bay Committee v. Board of Port Commissioners (2001) 91 Cal. App. 4th 1344, 1370-71)

Climate Change

The California Global Warming Solutions Act (2006) officially designated greenhouse gas emissions (GHG) a grave human health risk. The RDEIR disregards CEQA, Office of Planning and Research guidelines, California Attorney General opinions and Court decisions by not making a meaningful attempt to analyze or mitigate project GHG emissions. Moreover, it would be an abuse of discretion for Calaveras County to declare this project a public benefit when in fact failure to sufficiently analyze or mitigate Trinitas' direct and cumulative GHG emissions represents a demonstrable public health hazard.

Wildlife Agencies

Trinitas inappropriately proposes deferring compliance with specific US Fish and Wildlife Service and California Department of Fish and Game recommendations, substituting future consultation for RDEIR identification of project habitat effects and mitigation measures. CEQA requires the specific findings of these permitting agencies be provided in this RDEIR so that decision-makers/public may review any biological effects and proportional mitigation measures. Inexplicably, the Planning Department repeats this CEQA error:



"Shaelyn Strattan, the planner who worked on the report, said Monday that the county government simply 'lacked expertise' to analyze the state of the environment before golf course [construction] ... Strattan said she's confident that her approach is legally solid [and] that various state and local agencies must consult with Nemea and work out appropriate ways to 'repair the damage to the extent it can be repaired.'" (Stockton Record, February 2009)

Not only is Ms. Strattan's legal reasoning unsound, this opinion contradicts previous Planning Department conclusions and the Board of Supervisors CEQA decision for the Wallace Lake Estates project. Furthermore, the Planning Department admission that it lacks the capability to conduct a professional Trinitas CEQA review should raise Planning Commission concern regarding RDEIR sufficiency.

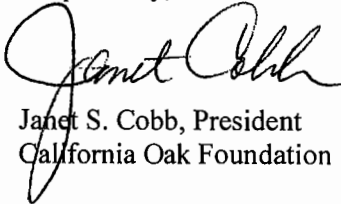
At the January 27, 2009 Board of Supervisors meeting then Community Development Agency director John Taylor recommended denial of the Wallace Lake Estates Mitigated Negative Declaration and the project. This advice was based on the applicant being unable to reach agreement with the US Fish and Wildlife Service regarding mitigation for the California tiger salamander.

Planning staff found it was inconsistent with CEQA to follow the applicant's suggestion to postpone finalizing the salamander mitigation measures and instead simply require that the developer obtain the obligatory federal permits through future deliberations. Wallace argued that Calaveras County was already requiring the project to get the necessary USFWS permits, therefore the county should approve the tentative map and leave details for protecting the salamander to subsequent applicant-Service negotiations.

The Supervisors endorsed the planning staff's Wallace Lake Estates recommendation by voting to reject the proposed environmental mitigations and send the project back to the applicant for a detailed environmental study of USFWS salamander issues. Now, the Planning Department presents Trinitas CEQA biological mitigation findings diametrically opposed to those applied for Wallace Lake. Planning officials need to explain to decision makers and the general public the change in law between January 27, 2009 and February 10, 2009 that resulted in these contradictory CEQA conclusions.

Due to the gross failure of The Ridge at Trinitas project to proceed as required by law, COF urges the Planning Commission to reject the RDEIR and to deny the project.

Respectfully,



Janet S. Cobb, President
California Oak Foundation

cc: Board of Supervisors

References

Stockton Record. February 10, 2009. Environmental impact report - *Critics tee off on Calaveras County's review of Trinitas golf course*