



693 E. Kern Ave.
Tulare CA 93274
May 27, 2010
559-686-6836

David Bryant, Project Planner,
Tulare County Resource Management Agency
Government Plaza
5961 South Mooney Boulevard
Visalia CA 93277

RE: Comments on the Recirculated Draft Environmental Impact Report (RDEIR) for the Tulare County General Plan 2030 Update

Dear Mr. Bryant:

The following are my observations, most of which don't seem to have been raised by other commentators on either of the drafts of the subject EIR. Thank you for your complicity in this artificial disaster that will visit calamity on your grandchildren who will be stranded in a hellish world without transportation and wondering why their elders would act so irresponsibly.

POPULATION PROJECTIONS

Estimates of the scale of a project must be made competently and transparently. RDEIR Chap. 7, p. 7-1, provides a source of historical population:

"Tulare County Association of Governments (TCAG). 2008. Table 2: Historical City/County Population Estimates, 1991-2007, with 1990 and 2000 Census Counts. Data provided by Mark Hays, TCAG Associate Regional Planner."

However, the documentation necessary to verify the numerical conclusions stated in the RDEIR are neither published in the RDEIR nor made available to the public as required by CEQA. My attempts were unsuccessful in obtaining the information as evidenced by the unanswered E-mail message below:

mahays@co.tulare.ca.us

sent 3:09 pm 20100519

Population Projection source data for GPU EIR

Mr. Hays:

I called last week for the subject information. I left a message that was followed up by Marvin Demmers. He said he would get back to me after doing some checking. I have not yet heard from

him or received the requested information. It would be helpful if this information is made available as soon as possible so that I can determine whether or not RMA should be made aware of any possible discrepancies with respect to its use of its projected growth projection figure by the public comment deadline.

--Don Manro
686-6836

RDEIR Chap. 1, p. 1-13, identifies 2 documents only that are incorporated by reference--a background report dated 2008 & the Goals & Policies Report. No document is identified for population projections.

RDEIR Chap. 2, p.2-24, identifies TCAG for population projections, but not a document for the source data. However, a page number and a date is given:

“The proposed project is based on a projected year 2030 population of 742, 970. This population estimate is based on projections provided by TCAG (TCAG, page 1, 2008) and the State Department of Finance (California Department of Finance, pages 18-19, 2007).”

The same page goes on describing what was done with the projections as well as providing references some early documents & processes presumably for mapping and modeling.

Lacking the source document that is referenced in the RDEIR but which is unavailable, and the failure to describe the method of projecting the future new growth estimated at 742,970 (page 2-24) for the year 2030, the decision-makers and public are being uninformed as to the comparative value of the annual incremental future growth with that of any past time period.

The table on the following page was constructed to obtain, by trial and error, an estimate of the average annual increase in population required to match the RDEIR's total new growth of 742,900 (page 5-2), starting with year 2007 and ending in the year 2030. The resulting rate is 2.31431%. This is roughly equivalent to but 5% larger than the 2.2% estimate in the RDEIR for the period 2000 to 2007. There is no information provided to indicate whether or not either of those rates are typical in the larger historical context, or what new trends might justify such a high rate except for the implied laissez-faire approach to new development that the GPU represents. Note that the table below extends the calculation beyond the 2030 population depicted in RDEIR Table 5-1 to illustrate that this rate would result in a county population of one million by 2043. The 2007 population would double early in 2036 (26 years from now).

DIRECT IMPACTS

The direct impacts that are considered significant and unavoidable will be worse due to the new policy promoting the creation of new cities. Therefore, the statement on RDEIR page 5-3 that fails to include the bureaucratic euphemism “Planned Community Area” (PCA) among the loca-

	A	B	C	D	E	F
1	County Growth Projection DEIR p. 5-2 is based on avg. annual increase of 2.31431%					
2						
3	year	initial population	rate/yr x initial	resulting population	annual increase	cum. increase
4						
5	2007	429000	9928.3899	438928.3899	9928.3899	9928.3899
6	2008			449086.55352	10158.16362	20086.55352
7	2009			459479.80854	10393.255017	30479.80854
8	2010			470113.59569	10633.787157	41113.59569
9	2011			480993.48165	10879.885957	51993.48165
10	2012			492125.1619	11131.680245	63125.16189
11	2013			503514.46373	11389.301834	74514.46373
12	2014			515167.34932	11652.885586	86167.34932
13	2015			527089.9188	11922.569482	98089.91879
14	2016			539288.4135	12198.4947	110288.4135
15	2017			551769.21918	12480.805682	122769.2192
16	2018			564538.8694	12769.650216	135538.8694
17	2019			577604.0489	13065.179508	148604.0489
18	2020			590971.59717	13367.548264	161971.5972
19	2021			604648.51194	13676.91477	175648.5119
20	2022			618641.95292	13993.440977	189641.9529
21	2023			632959.2455	14317.292581	203959.2455
22	2024			647607.88461	14648.639114	218607.8846
23	2025			662595.53864	14987.654034	233595.5386
24	2026			677930.05346	15334.51481	248930.0535
25	2027			693619.45648	15689.40302	264619.4565
26	2028			709671.96092	16052.504443	280671.9609
27	2029			726095.97008	16424.009159	297095.9701
28	2030			742900.08172	16804.111645	313900.0817
29	2031			760093.0926		
30	2032			777684.00306		
31	2033			795682.02171		
32	2034			814096.5703		
33	2035			832937.28864		
34	2036			852214.0396		
35	2037			871936.91434		
36	2038			892116.23755		
37	2039			912762.57284		
38	2040			933886.72834		
39	2041			955499.76229		
40	2042			977612.98883		
41	2043			1000237.984		
42						
43						
44						
45						

tions where new growth will be directed--also characterizing the GPU's intended attributes as benign--is wildly misleading. Perhaps the failure to designate any such locations on the LU Diagram is supposed to excuse such unjustified optimism. That oversight may also be intended to erroneously relegate some of the most egregious impacts of the "whole project" to the rubric of cumulative effects.

INDIRECT IMPACTS

The explanation of the significant indirect effects on p. 5-3 contains further misleading statements concerning where growth will take place as if there was no new policy allowing the creation of new urban centers:

"specific policies. . . focus new residential growth within *existing areas* that currently provide a mixture of housing, shopping and employment opportunities . . ." (Emphasis added.)

GROWTH INDUCING EFFECTS

The growth inducing impacts that are considered significant and unavoidable will also be more severe than stated due to the new cities policy. The statement on page 5-3, which claims the intent to ". . . provide a framework in which the growth can be managed in order to best suit the needs of the County and its various community plan areas . . ." will actually compound the current sprawl producing practices by setting aside additional rural areas for urban development to be approved by the county. It is not the legislative intent of CEQA to be a vehicle in which local agencies catapult propaganda that conceals their intent to appease the growth-related industries and garner short-term revenues at the cost of eventual environmental collapse.

CUMULATIVE IMPACTS

Since it is doubtful that a single certified document containing regional or areawide conditions exists to utilize for evaluating the 2030 GPU's contribution to cumulative effects, the county employed a hodgepodge of specific project informational documents whose certifications cannot be verified by the public because of their unavailability. The method actually used is more like a list. However, the projected growth within and adjacent to the Tulare County cities it lists constitutes the larger part of the project-specific impacts attributable to the GPU, and therefore, their impacts cannot be divorced from the GPU, placed in a group of other projects causing related impacts, and used to distort the discussion of cumulative effects.

The cumulative list should be revised to delete all the projects lying within Tulare County which should be depicted on the LU Diagram because they are integral components of the project area subject to the GPU program and will directly produce the project's incremental effect on the environment.

“As defined in Section 15355, a cumulative impact consists of an impact which is created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts.” (Guidelines, sec. 15130 subd. (a)(1).)

The growth related impacts occurring within the project boundaries must be considered together as producing the project’s incremental effect in order to avoid understating the severity of its incremental effect when making a determination as to whether it is cumulatively considerable. It would be illogical and confusing to do otherwise. So, the following questions must be asked:

Are the population projections contained in the listed documents counted both as project-specific growth *and* as growth attributed to other projects, or were they counted only once? If just once, then which choice--the project described by the GPU or those projects erroneously considered among those treated as “regional growth projections” in Table 5-2? Please provide the reasoning behind the choice when responding.

The peril of approving projects without adequate analyses of cumulative impacts takes the abuses of piecemeal review to a higher order of magnitude. (*Las Virgenes Homeowners Federation, Inc. v. County of Los Angeles* (1986) 177 Cal.App.3d 300, 306.)

The RDEIR's stated method of discussing cumulative effects is inadequate. CEQA requirements for what constitutes a valid planning document for utilizing a summary of projections is as follows:

“A summary of projections contained in an adopted general plan or related planning document, or in a prior environmental document which has been adopted or certified, which described or evaluated regional or areawide conditions contributing to the cumulative impact. Any such planning document shall be referenced and made available to the public at a location specified by the lead agency.” (Guidelines sec. 15130, subd. (b)(1)(B).)

Tulare County not only fails to utilize a single (one) planning document for this purpose, but contrary to the CEQA requirements, its reams of referenced document(s) that supposedly contain growth projection summaries have not been made available to the public at a specified location by the lead agency. Given that fact, neither the decision-making body nor the public can verify which planning documents have actually been adopted and/or certified as required, whether they are up to date, or whether they evaluate regional or areawide conditions.

The only such document listed in RDEIR Table 5-2, page 5-5 with which I am familiar--the GPU for the City of Tulare which, incidentally, was prepared by the same consultants that the county hired--was decertified subsequent to the granting of a writ of mandamus on April 30, 2009. (*Manro v. City of Tulare* [Tulare Co. Sup. Ct. Case No. 08-228094]; *Sierra Club v. City of Tulare* [Tulare Co. Sup. Ct. Case No. 08-228122].) The approvals were rescinded via Resolution No. 09-76, dated July 21, 2009. Since this invalidated document appears to have been utilized in the cumulative effects discussion in the RDEIR, the information utilized in the summary of projec-

tions is not authorized. The only authoritative information would have to be supplied by an outdated document--The City of Tulare 2005 General Plan Update--whose EIR was certified 17 1/2 years ago in December 1992.

An EIR should provide a reasonable explanation supporting the geographic area used in the analysis in addition to defining it. (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 721: Guidelines, sec. 15130, subd. (b)(3).)

A list or summary of projections should include projects within the region affected for common resources like valley floor agricultural soils, projects depending on the same water sources, state and federal transportation systems, the region bounded by geographic barriers to ambient air circulation, the portion of the scenic highway system in view of the Sierra Nevada, etc. While RDEIR page 5-4 suggests an approach for defining geographic limits to the discussion of various impacts, the actual discussion of each impact is void of such definitions.

Since most of the impact areas discussed in the RDEIR fail to specify the geographic limits, it is impossible to verify whether the ones employed are reasonable. And due to the fact that the documents cited in the RDEIR for basing its projections of cumulative impacts are so limited geographically, their discussion could not and does not reflect their severity.

"The discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence" (CEQA Guidelines, sec. 15130, subd. (b).)

For example, there is no indication of what geographic area is being covered in the aggregate of planning documents used to project how much farmland of various types or how much acreage under Williamson Act contracts will be affected in a reasonably defined agricultural region within which Tulare County growers and ranchers participate. In fact there *are* no projections.

There are 8 counties in the SJVAPCD, but the projections on air quality effects supposedly takes only the southern 4 into account (including Tulare County). No explanation provided.

While the record in *Kings County* contained no definitive answer to the question of whether the analysis understated the severity and significance of the cumulative air impacts, the court concluded that the omission of information rendered the EIR inadequate. The reason given is that by merely excluding such information, the burden of providing it would be unfairly placed on the public. (*Kings County, supra*, 221 Cal.App.3d at p. 724.)

The growth projections should be consistent throughout the RDEIR. Why is the distribution of population given as 85% cities and 15% unincorporated on page 5-4?

Yours truly,


Don Manro