

**FRAZIER PARK ESTATES
DEIR COMMENTS**

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1. INTRODUCTION 1

The Draft Environmental Impact Report (DEIR) for Frazier Park Estates is a good example of a modern and well-written DEIR. We compliment Kern County Planning for producing such a quality document. We also appreciate the large amount of supporting material, which includes various documents of considerable historical interest.

Nevertheless, as we shall try to show below, the DEIR can do nothing to repair the project itself. If implemented, this project would be an unmitigated (and unmitigable) disaster for the Mountain Communities. Thus we strongly recommend that the Board of Supervisors does not certify the EIR, and that the necessary permits are not issued.

We have tried to include some necessary background information in these comments, to make them a bit more readable to non-specialists. The DEIR

also starts its various chapters with useful introductory material. We have 14
 also included general comments which do not specifically refer to this project, 15
 but to other developments in our area as well. These general comments, 16
 which even include some thoughts on the California Environmental Quality 17
 Act (CEQA), are included because they are of relevance to the Frazier Park 18
 Estates project as well. 19

We did not have the time, or the resources, to go into a detailed analysis, or 20
 in fact any type of analysis, of the seismic situation and the impacts of the 1
 proposed project on air quality and on biological and cultural resources. 2

2. SPECIFIC PLAN AMENDMENTS 3

Both the Planning Department and Mountain Communities have invested 4
 a lot of time and effort in the Frazier Park Lebec Specific Plan (FPLSP). 5
 The impression should be avoided that modifications in the plan can be 6
 introduced simply because some developer has proposed some project. In 7
 that sense it is unfortunate to link specific plan modifications with proposals 8
 for a development in a single EIR. 9

Although the lead agency argues that the modifications are made for con- 10
 sistency with the Kern County General Plan(KCGP) it remains unclear why 11
 there were discrepancies in the first place. Although KCGP came after 12
 FPLSP, there were draft versions close to the final version around for a 13
 long time. 14

More specifically: 15

- (1) The amendments seem to relax the oak tree preservation require- 16
 ments (in particular, policy h, page 1.6 of the DEIR). 17
- (2) The amendments seem to relax the steep slope requirements in the 18
 (in particular, policy b, page 1.7 of the DEIR). 19
- (3) Policy g says that “New residential uses in fault zones shall be lim- 20
 ited to single-family housing unit”. The amendments propose to 21
 change “shall” to “should”, which weakens the requirement. 22

The FEIR should show why these modifications of the FPLSP were needed 23
and which parts of the KCGP dictate these modifications. 24

3. AESTHETICS AND GROWTH 25

3.1. **Aesthetics.** Of course, as the DEIR (section 4.1) is quick to point out, 1
beauty is in the eye of the beholder. Landscape changes will be judged 2
differently by different people, be they observers, residents, or travelers. 3

But in this case, from the point of view of aesthetics, there will not be much 4
disagreement. The recipe is well known. Massive grading on slopes, which 5
will never again return to anything like their natural state. And, where the 6
land is too flat to create the illusion of mountain living, we simply build an 7
artificial graded mountain out of dirt. The resulting “landscape”, ugly as 8
it is, is then packed with tract housing of the usual bland uniformity. The 9
result is just another version of what we can already see 25 miles to the 10
south, in the former mountainsides surrounding Castaic. 11

The project will be build at the entrance of the Mountain Communities. As 12
has been argued many times, our economic future depends on ecotourism 13
as a sensible way to use our natural resources and habitat to attract people 14
interested in exploring the environment. The gateway to all this natural 15
beauty is currently a truck stop plaza and a battery of towing companies. 16
This is not very enticing, and the proposed project would add an unattractive 17
sea of tract housing at the entrance as well. 18

The visual simulations in the DEIR (Figures 4.1-8 to 4.1-10) show a huge 19
visual impact, no matter what the DEIR says. What was a largely natural 20
environment has become largely artificial. The area will first be stripped 21
of all vegetation and then graded beyond recognition. The DEIR indicates 22
that massive grading would move approximately 6.5 million cubic yards 23
of earth, the largest grading projects in Kern County. Manufactured slopes 24
would replace some natural hillsides. The grading plan (Pages 4.5-17 and 25
further) mentions fills of up to 122 feet and cuts to flatten slopes of up to 26

160 feet. The DEIR rightly concludes that the impacts on the topography area are significant and unavoidable.

On the basis of an analysis of the viewshed of the project the DEIR concludes that there are no cumulative impacts on aesthetics. We beg to disagree. The proposed project is one of the many proposed projects that will fundamentally change the natural open space character of the area to one of urban development. Clearly, much open space will be left, but views from the freeway, signage, and traffic will all indicate that northbound travelers are leaving the open space of the National Forest and are entering the urban area of the Grapevine and the 138. It will show both northbound and southbound travelers that a new urban area is growing between Bakersfield and Castaic/Valencia. This will be abundantly clear in 25 years, but the proposed project is the first big step in that direction.

3.2. Smart or Dumb Growth. Los Angeles has typically grown by “taking over the next valley”. This policy had resulted in very serious infrastructure problems, because it is completely dependent on car traffic and a commuter life style. Sprawl increases the distance between the home and the workplace. At the same time, housing and transportation costs are now so high that all members of the family must have a full-time job. This has many serious implications. If commute times are added to the workday, then the gains that have been made in the last 100 years in decreasing working hours completely disappear. Family life and interaction with children suffers. Costs of maintaining and using an automobile increase to about \$ 15K per year, especially because gas prices will continue to increase. Spending so much time on the freeways is unhealthy and contributes to the serious air pollution problems of the region. Providing services to outlying communities, in the “next valley”, is expensive – and this is true for law enforcement, fire protection, garbage collection, health services, utilities (power and water) , and roads. Thus “leapfrog sprawl” puts strain on the infrastructure and comes at large expense to the taxpayer.

It is clear from various recent proposals that the Grapevine area, from the 138 intersection to the 99 split, is now the designated “next valley”, with

growth leapfrogging both from the north and from the south. The proposed project is one important component of this development. And we have to remember that Frazier Park Estates is “dumb growth”, because the nearest population centers are between 30 and 40 miles away from the development, which means that the average commutes will be over one hour (and increasing).

State and local authorities have been paying lip service to smart growth principles for quite some time now. When the current governor came into office in 2003 he presented himself as a champion of Smart Growth and an enemy of sprawl. For various reasons he currently is somewhat silent on the topic, but we should assume promoting smart growth is still one of the goals of his administration, if only because sprawl puts more stress on the infrastructure.

More locally, the Kern County General Plan adopts as one of its policies the promotion of Smart Growth Principles, including the following:

- (1) Mixed use developments that promote reduced vehicle trips by having residential, commercial and public uses proximate to each other;
- (2) Compact development that conserves open space, agricultural land, flood-prone areas, creeks, hillsides, ridge tops, wetlands and other natural features;
- (3) Aesthetically pleasing and unifying design features that promote a visually pleasing environment.

It is clear that the proposed development does not preserve open space, hillsides, ridge tops, and other natural features. As we argued above it is, to some extent, a matter of taste if it produces a “visually pleasing environment”. According to our taste, it does not, and we think this reflects the opinion of many of the local residents.

And although the development does include some commercial space, it will clearly not generate many jobs for the local residents, and consequently it does not promote “reduced vehicle trips”. Thus it violates at least some of the principles the State, and the KCGP, want to promote. It seems to us

that if the focus of state and local authorities is on improving infrastructure 29
 through smart growth, then this project is a step in the wrong direction. 30

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31

[1] Andres Duany, Elizabeth Plater-Zybeck, and Jeff Speck, *Suburban* 1
Nation. The Rise of Sprawl and the Decline of the American Dream, 2
 North Point Press, 2000. 3
 [2] Jennifer Wolch, Manuel Pastor Jr., and Peter Dreier (eds), *Up Against* 4
the Sprawl. Public Policy and the Making of Southern California, Uni- 5
 versity of Minnesota Press, 2004. 6

4. TRAFFIC

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The DEIR, and the Traffic Impact Study in Appendix N, concentrate on the 8
 on/off ramps at Gorman School Road and Frazier Mountain Park Road. 9
 This is to some extent appropriate, because that is where the proposed 10
 project will have its greatest impact. It is somewhat peripheral, however, 11
 to concentrate the discussion on whether we want classical off-ramps and 12
 on-ramps or a roundabout, as long as it is not decided that we actually want 13
 either one of the two. It is, of course, completely illusory to pretend that we 14
 know what traffic in the area will be like in 2015 or later. Thus any type of 15
 mitigation that is proposed is, at best, tentative. Having a project of this size 16
 approved has brought, and will continue to bring, many smaller projects to 17
 the area, all with cumulative impacts. The DEIR call this “growth induc- 18
 ing”. The problem is that no one knows how much growth will be induced. 19

Obviously, the project will have cumulative impact on traffic on the I-5, and 20
 this aspect gets relatively little attention in the DEIR. This is unfortunate. 21
 The I-5 is critical for the residents in the proposed project, and at the same 22
 time the residents in the proposed project will add to I-5 congestion. Of 23
 course CEQA concentrates on the impact the project will have on the envi- 24
 ronment, but we think it is equally important to look at the impacts that the 25
 environment, in this case the I-5, will have on the project and its residents. 26

If only because the second type of impact will partially determine the costs of the project for the taxpayer.

4.1. **The I-5.** As far as traffic on the I-5 is concerned, we know from current Caltrans projections that the stretch between SR-138 and the CA-99 intersection will go into service level F in about 15 years. Consequently, there is a proposal to add additional truck lanes in both directions in the Grapevine/Tejon corridor. These truck lanes will impact the proposed project. Kern Council of Governments (Kern COG) indicate that at least two additional lanes in both directions will be needed by 2020, for a total of ten lanes. Of course these additional lanes have only been proposed, not approved, but it is clear that one or more additional lanes are needed anyway all the way from Castaic to Kern County (costs for additional truck lanes in both directions from Lake Hughes Road to CA-99 are estimated at \$ 500M). Building extra lanes is, in many cases, only a temporary solution to relieve congestion. In fact the environmental consequences of increasing I-5 to a ten-lane freeway seem to be quite disastrous, and will obviously promote even more development in our area. As always, we can look at Santa Clarita to see our future: current plans are to widen the I-5 in that area to a sixteen-lane freeway.

Currently the I-5 is badly maintained, dangerous, and unpredictable. Truck traffic often reduces it to a four lane highway. The stretch between SR 138 and Castaic is always being repaired and never gets better. Low-level seismic activity seems to keep the road surface in constant turmoil. Trucks are battering the road surface as well. Slides are not uncommon, snowfall and ice close the freeway up to four times per year. In August 2005 there were four closures of 4-6 hours each, two for hazardous material spills, and two for fatal accidents. Since the I-5 is the only way future residents of Frazier Park Estates can get to their homes, this is an important consideration.

Because we are dealing here with a 25 mile stretch going through rugged terrain, all improvements and all future upkeep will be very expensive.

4.2. **Trucks.** There are many projects throughout the state that will impact I-5 traffic through the Grapevine and Tejon Pass. The most important of these seems to be the increased traffic and congestion at the ports of Los Angeles, Long Beach, and Oakland due to the huge increases in container shipping and the resulting truck traffic. It has been estimated by Caltrans and Kern COG that truck traffic through the Grapevine has been increasing at a much faster rate than non-truck traffic. Total traffic grows by less than 3% per year, truck traffic by 6%. Traffic from the ports is a major problem throughout the Los Angeles area, but the I-5 is especially impacted because it is virtually the only viable North-South trucking route in the state. The warehousing in Tejon Industrial Complex, and the proposed Foreign Trade Zone, will add additional truck traffic.

Just for reference: 5% yearly increase means doubling the number of trucks over 15 years. One new truck lane for the I-5 won't cut it, obviously. Also for reference: preliminary daily truck counts for 2005 on our stretch of the I-5 are at an average of 9324 trucks (7052 with 5+ axles). This is 6.5 trucks per minute going over the Tejon Pass.

As we know, trucks are dangerous – 11% of fatal traffic accidents involve trucks throughout Los Angeles County, and this percentage will surely be higher on the I-5. Trucks are destructive. One fully loaded truck has an impact on the road service equal to that of 9,000 cars. And, of course, trucks pollute. The Frazier Park Estates project will have to deal with an increasing stream of trucks passing through its front garden, and with an increasingly congested I-5.

4.3. **On Roundabouts.** It seems to us that having roundabouts instead of regular off-ramps and on-ramps will be an additional blow to the rural and environmental characteristics to our communities gateway. Roundabout may be fine and efficient in urban environments, but they do not seem to fit in naturally in this context. The main motivation for considering them seems to be to save the developer money, but we do not think that consideration should be given much weight.

More important considerations are how the roundabouts will handle truck traffic going to the Flying J and the other local truck stops, and how they will deal with our winter weather conditions.

REFERENCES

- [1] Parsons Transportation Group, *North County Combined Highway Corridors Study. SR-14, SR-138, and I-5*, MTA, Caltrans, SCAG, FHA, and others, 2004.
- [2] *Destination 2030. Regional Transportation Plan*, Kern Council of Governments, 2004.

5. WATER

5.1. Some Ancient History. In 1973, in the very first days of the CEQA process, there were two substantial developments planned in the Cuddy/-Castac area. The first was Rancho El Contendo, about 300 houses on the old Turkey Farm in Cuddy Valley. The second was Tejon Ranch Lake, one of the early and much less upscale predecessors of Tejon Mountain Village. Both projects were actively opposed by local residents and environmentalists from Bakersfield, and in the case of Rancho El Contendo the County was sued by the California Attorney General's office. It may be hard to believe, but in those early days the Board of Supervisors was paying even less attention to public comments on DEIR's than they are now. They certified the EIR, although numerous public comments pointed out serious problems with both the seismic and the water sections.

The Board of Supervisors largely ignored the comments, although they did argue that water shortages were unlikely to occur because in the past more than 100,000 turkey's were raised each year in Cuddy Valley. They also argued that they could not deny the permits, because the developer had already spend so much money. The Court of Appeals was not impressed with those arguments. The Court also felt that both in the Tejon Ranch Lake and the Rancho El Contendo case there was no comprehensive water study for the area, and such a study was needed to gauge the cumulative impacts

of the various projects. Although the Board of Supervisors, and the Kern
 County Superior Court, put up a valiant fight to support the developers and
 grant the permits, eventually both projects went away, and with the help of
 the Attorney General CEQA had done its job.

It should be emphasized that there is still no comprehensive water study for
 the mountain communities. What we have are a number of small-scale cross
 sections in time and space, usually oriented towards a particular proposed
 development. Because the Mountain Communities are completely depen-
 dent on groundwater, a comprehensive study is badly needed. This could be
 a valid way to spend off-site mitigation money for this project and related
 projects. Such a groundwater study would include historic information on
 rainfall and snowfall in our area, on streamflow in our creeks, and on the
 pumping by our local wells, because such information is obviously needed
 for a valid groundwater budget. Currently, rainfall records are sparse and
 snowfall records are non-existent. There are no well pumping records, and
 water table information is often old and always incomplete.

It seems to us that permits for large-scale development projects should not
 be issued until residents of the area have a more complete idea about current
 and future groundwater supplies.

5.2. Watersheds and Basins. In the case of Frazier Park Estates, the County
 (i.e. the developer) did not really do a new groundwater study. The Ground-
 water Study in Appendix J is what we call a meta-analysis, i.e. it combines
 results from various studies done at different places and at different points
 in time. And, most importantly, by different consultants for different clients.
 Thus Appendix J does not qualify as the groundwater study we are looking
 for. The Schmidt study (Appendix L) was presumably done for the county,
 and not for any specific developer, and it provides the most useful informa-
 tion.

First some definitions, taken from various places.

Watershed: A watershed is a geographic area draining to a common
 stream, lake or river. Watersheds are delineated by topography. To

determine the boundaries of a watershed, ask the question, “if a drop
of rain lands at a particular location, which way will it go?”

Groundwater Basin: Interconnected permeable geologic material capable of storing a significant ground-water supply surrounded by less permeable material.

Aquifer: An underground formation of rock or sediment which is saturated and sufficiently permeable to transmit suitable quantities of water to a well or spring.

Interpreting these definitions leads us to the conclusion that watersheds can contain an arbitrary number of groundwater basins (including zero). Basins can contain more than one aquifer, as long as there is a connection. Basins are generally the larger unit, and most geographical location is done in terms of basins. The aquifer is the medium in which the basin stores its water.

Some of us may prefer the definition of a watershed given by John Wesley Powell in 1890:

That area of land, a bounded hydrologic system, within which all living things are inextricably linked by their common water course and where, as humans settled, simple logic demanded that they become part of a community.

In their publication on protecting water resources with smart growth, the US/EPA discusses a long list of 75 policies that can help protecting water resources [1]. The very first policy they mention is “Conduct Watershed Planning”. This means that the watershed, in our case the Grapevine Watershed that runs from Mil Potrero to Hungry Valley and Castac¹ Lake, should be used as the planning unit. This is because, according to the definition of John Wesley Powell, in a watershed all living things are inextricably linked. In modern planning terminology this means that all significant impacts in a watershed are cumulative. EPA also discusses many other policies relevant

¹There is no such thing as Tejon Lake. The name is Castac Lake. The Chumash were there long before Robert Stine and Dennis Mullins.

to this project, such as developing a regional comprehensive plan (2), designating a special development district (4), limit development on land near public wells (11), develop in-fill sites (14), and so on.

5.3. All Those Bowls. In our area there allegedly are at least seven groundwater basins [2]. There is Mil Potrero Basin underlying Pine Mountain Club. And there are the Lockwood Valley and Hungry Valley plus Peace Valley Basins. It is unknown, and undocumented, if these basins or connected to the aquifer serving the proposed project. Clearly more pertinent are the Cuddy Valley Basin, the Cuddy Canyon Basin, and the Castac Lake Valley Basin – because they are all in the Grapevine watershed and they are all linked closely to Cuddy Creek.

It should be emphasized that DWR’s Bulletin 118 also discusses the Cuddy Ranch groundwater basin, which underlies Lake of the Woods and the parts of Lockwood Valley close to it. That basin is not mentioned in the DEIR, and impacts of the proposed project on that basin are not discussed.

Bulletin 118 is included as Appendix X of the DEIR. If we look up the Cuddy Valley, Cuddy Creek, Cuddy Ranch, and Castac Lake Valley groundwater basis, we are bitterly disappointed. We almost always find “There is not enough data to make an estimate of the groundwater budget at this time.” And this is in the 2003 version of Bulletin 118, thirty years after the Rancho El Contendo and Tejon Ranch Lake CEQA cases. There is a 1988 budget for Cuddy Valley, based on Appendix O of the DEIR, but given the development in Cuddy Valley and the number of wells that have been added in the last 20 years that budget may no longer be relevant (if it ever was relevant in the first place).

It is perhaps useful to emphasize that the distinguished consultants for the various developers in our area do not always agree with each others on the precise boundaries of basins and watersheds. Not surprisingly, the more projects come into the area, the more disagreement there is over details. Thus consultants for Tejon Ranch, Gorman Properties, and Fallingstar

homes drawn the boundaries of the groundwater basins and aquifers somewhat differently. This is partly due to the specific needs of the developer that hired the consultant, and partly due to the fact that if you look to a small area you tend to see more detail. Since the actual situation underground is undoubtedly much more complicated than each of the reports suggests, and since the empirical information is very sparse, no complete agreement can be expected. If almost all the information is missing, then different people will impute the missing information in different ways.

This also illustrates one of the basic shortcomings of CEQA, i.e. its project-oriented nature. The cumulative impacts section usually pays some attention to other proposed projects in the area, but often very little is known about these projects because they are in earlier development phases, and obviously unknown future projects cannot be taken into account at all. Developers such as Tejon Ranch Company use this aspect of CEQA to present their plans in a piecemeal fashion, in their case also using the fact that the developments are in different counties. It is of interest to the developer to show that a project stands on its own and has little or no impact on its surroundings and on nearby projects. For water this is especially important, because of the precarious nature of water supplies in the area, and the relatively strict regulations that apply.

This explains why each development that is proposed in our area seems to have its own aquifer and is thus presumably sitting on top of its private little bowl which contains enough water to sustain the project. This is also the reason why DWR's bulletin 118 tends to show a lot of separate little groundwater basins. Only localized studies of the basins have been carried out, because the studies are driven by specific developments. We have seen above that Policy 1 of EPA is to have watershed planning, which means planning on a higher level than just the individual project.

5.4. Water Rights and Groundwater. There are two types of water rights. Riparian rights apply to surface water that flows on your property. If you can show that your use of the water is reasonable and beneficial, you can take it. No permit is needed. The other rights are appropriative, and are in need of a

permit from the State Water Resources Control Board (SWRCB). Ground- 27
water is a little bit more complicated. The California Water Code distin- 28
guishes between percolating groundwater and underground stream chan- 29
nels. Normally, percolating groundwater is up for grabs. You drill a well, 30
and you take it. No SWRCB permit is needed. But for underground stream 31
channels you do need a permit, because they basically are like surface 32
streams, which happen to run underground. 1

There are several problems with the distinction between percolating ground- 2
water and underground streams. The most basic one is that the distinction 3
does not correspond with a clear-cut distinction in the real (underground) 4
world. This is argued in great and convincing detail in the 2002 Sax re- 5
port commissioned by SWRCB [3]. The report shows that it is futile to try 6
to distinguish the two forms of groundwater on the basis of physical char- 7
acteristics, and that the intent of the law is to define underground streams 8
by a operational test. If pumping groundwater in a particular location in- 9
fluences stream-flow on the surface, then that groundwater belongs to an 10
underground stream, and thus needs an SWRCB permit for appropriation. 11

The second problem, which of course follows from the first, is that devel- 12
opers pay their consultants to argue that there is no underground stream 13
channel anywhere near their project, and that all their groundwater is per- 14
colated down into the aquifer. Because otherwise they are appropriating 15
water and need a SWRCB permit. Thus the underground stream channel is 16
not a geological or hydrological concept, it is basically a planning concept 17
– if your “science” states that the groundwater you intend to use is of the 18
percolating type, then you are home free and you can pump at will. 19

As usual, there is an exception. Groundwater basins can be adjudicated. 20
There are 18 of such basins in the state, and there should be more. In that 21
case the courts regulate the distribution and allocation of the water from 22
the basin, and a Water-master is appointed to make sure the appropriation 23
is handled according to the court decisions. One possible outcome of a 24
comprehensive groundwater study for the Mountain Communities could be 25
adjudication of the basins in our area. 26

In the Frazier Park Estates project, there is another complication. The water in the Cuddy Valley and Cuddy Canyon basins comes from the surrounding mountains, and flows into Cuddy Creek. The Smith report (Appendix L of the DEIR) tells us that the water in Cuddy Creek is fully appropriated, which means that it cannot be used for any new projects. This, in the case of Frazier Park Estates, the developers asked their consultants to make sure that the “science” stated clearly that appropriation of the groundwater did not impact the flow of Cuddy Creek. This can also be read in the light of the Sax report, which actually says that even if Cuddy Creek was not fully appropriated, then pumping groundwater that influenced its streamflow would require SWRCB permits.

5.5. Local Wells. There is anecdotal evidence that various local wells have been failing because of lower water tables. This is difficult to document, because of the unregulated nature of private wells. If someone’s well goes dry, that is considered to be basically their problem and they have to deal with it. It does not get into the newspaper. It is also difficult to document long term trends in the water table, because there is no long term data, and short term data are difficult to interpret. Water levels in the wells are obviously strongly influenced by precipitation (rain and snow), and thus long-term effects may be swamped by short-time climate variations. And, as we all know, yearly climate variations can be quite dramatic in our area.

For this reasons, it is necessary to have a survey of (both private and public) well owners (as part of a comprehensive groundwater study). There are some state data bases with information about some of our local wells, but in all cases the information is incomplete and in most cases it is old. Doug Peters [4] has distilled some longitudinal information about the production of the High School well, near Frazier Park Estates, and the picture he paints is rather bleak.

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[2] *California's Groundwater*, Bulletin 118, Department of Water Resources, 2003 update. 26
27

[3] Joseph L. Sax, *Review of the Laws Establishing the SWRCB's Permitting Authority over Appropriations of Groundwater Classified as Subterranean Streams and the SWRCB's Implementation of those Laws*, Report 0-076-300-0, State Water Resources Control Board, 2002. 28
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[4] Doug Peters, *Water Falling at Development Site*, The Mountain Enterprise, March 3, 2006. 4
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6. COSTS 6

6.1. **Local Economy.** The proposed development includes a large grocery store, a retail shopping center. two fast-food restaurants, one sit-down restaurant, and a nursery. It is unclear from the DEIR what this will mean for the local economy of Frazier Park and Lebec, in particular what will happen to local shops and markets. Generally, the experience in other areas has not been good. Small local stores quickly disappear, with very serious consequences for the local communities. 7
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The DEIR sort of addresses this problem on pages 4.8-24 and 4.8-25. They consider the possibility that existing local businesses can fail because of the project, and that the space vacated by the failing local business would remain empty, thus causing urban decay. But this is not the issue. There are plenty of examples illustrating that local businesses often fail, because commuters do their shopping off the hill. To maintain,as the DEIR does, that the area is under-served and that consequently adding restaurants and a grocery store will have little impact is reckless and inconsiderate. It is certainly not supported by any empirical data. 14
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As we have said above, the Frazier Park Estates project would have negative impact on the plans to develop eco-tourism in our area. This negative impact clearly outweighs the small number of low-level jobs generated by the project. 23
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6.2. **Taxpayer Cost.** Appendix B of the DEIR estimates the annual revenues and expenditures for the Kern County general fund. Revenue is estimated at \$ 838K, expenditure at \$ 753K, so the surplus is \$ 85K. Obviously these calculations are approximate, because no one knows what will happen to the cost of services and the cost of housing in the next 5 years, let alone the next 25 years. If current trends continue, then we certainly can expect cost of services to go up, and if the housing market slows down as expected then the cost of housing, and thus the tax revenue, will go down.

Statisticians are generally never satisfied with what is given in Appendix B. This is known as a “point estimate”, with no indication of how reliable or how uncertain the estimate is. This suggest a spurious precision, while further analysis of the calculations will no doubt suggest that revenues and costs may very well be \$ 100K off. Actually, this criticism applies to much of the DEIR (and to most of the existing DEIR’s). Calculations are always presented as if there was no measurement error involved, as if the assumptions used do not introduce uncertainties, and as if the future is almost perfectly predictable. Blatant nonsense, of course. We need “interval estimates” or “error bars” in order to take the numbers seriously, and we know that our uncertainty greatly increases when we try to extrapolate into the future.

In any case, the calculations (optimistic and spurious as they may be) suggest that the Kern County is not necessarily in favor of this project, and similar projects, because they generate a large amount of tax revenues (which can then ideally be used for more worthy purposes). The County barely breaks even. But the individual tax payer loses.

6.3. **Additional Costs of Sprawl.** More seriously, of course, is that Appendix B only calculates costs for the Kern County general fund, to provide services to the residents. State or federal money needed to support the development is not included in the calculations, and of course it also comes out of the pockets of the taxpayers. There have been many calculations of the “costs of sprawl” over the years. Investment in road improvement and maintenance, in this case the I-5, is needed. Much productivity is lost by

people sitting in traffic jams. Health care costs are driven up because of air 29
 pollution problems on an near the freeways. Sprawl induces increased wa- 30
 ter and energy consumption. This type of development is only possible if 31
 there are two automobiles in the household. According to AAA, this costs 32
 the residents around \$ 12K per year, even if gas costs only \$ 2 per gallon 1
 and each car only drives 15K miles per year. And of course these 30K miles 2
 also means that each household burns 1000 gallons of fossil fuel each year, 3
 just by driving. This does not include heating and cooling costs, which will 4
 be quite high in an area which is windy, and can be very hot and very cold. 5
 And each car contributes its own weight every year in carbon dioxide to the 6
 atmosphere – more hidden costs of sprawl. 7

In this particular project, one would also have to calculate the costs (weighted 8
 by the appropriate probabilities) of a major seismic even, of the possibility 9
 that wells will go dry because groundwater resources will be depleted, and 10
 of a major fire. History has shown that all these events have a non-trivial 11
 probability of occurring, and history has also shown that private insurance 12
 only covers a small portion of the costs. In all cases, costs were covered 13
 mainly by state and federal tax money. 14

7. PLANNING 15

7.1. The County and the Experts. The DEIR illustrates how the CEQA 16
 process works. Of course CEQA is a great tool, and it has had many suc- 17
 cesses over the years [1], but we should still be clear that the process favor 18
 the developers. 19

The section that addresses issues of ground water availability, for instance, 20
 are based on the report by the Galli Group, which in turn is based on pre- 21
 vious groundwater studies done for other projects and, in most cases, for 22
 other proposed developments. Of course the Galli Group was paid by the 23
 developer to do its study – in the same way as many clinical trials are paid 24
 for by the pharmaceutical industry. This does not necessarily create dishon- 25
 esty or bias, but what it does obviously create is a conflict of interest that 26
 would not be tolerated in either an academic or a political context. 27

What the County does is mainly repeating the conclusions of the “experts”, fitting them into the CEQA templates, and coming up with appropriate mitigation measures, ideally to reduce the impacts to levels that can be called non-significant. Of course if the conclusions of the experts are not reliable or correct, then the mitigation measures may not be sufficient to attain non-significancy. And, as we see in the Frazier Park Estates DEIR, some impacts can not be mitigated at all.

It is true that the public gets to comment on the DEIR. But by the time the public gets to step up to the plate, they already have at least two strikes against them. In the first place they only have 45 days to comment, compared to the 5 years the developer and his “experts” have had to prepare their version of the “science”. Secondly, because the lead agency has effectively used the results of the developer’s “experts” in its DEIR, the public opposing the development is forced into an adversary situation with the agency, in this case the County. And this, of course, is inappropriate, because the adversary relation should be with the developer, not with the lead agency. And in the third place, the public typically does not have the resources the developer has. For the developer the EIR process is an investment, with costs that can be recuperated by actually building the project.

7.2. Planning Level and Special Districts. As we argued above, project-based planning is not appropriate for an area in which impacts are so closely linked as the Mountain Communities. At the very least, we need planning at the watershed level. Alternatively, or in addition, it would be wise to consider establishing some sort of special district [2] in our area, such as a Special Planning District, a Resource Conservation District, or a Groundwater Conservation District. This would make it possible to look at projects such as the proposed one in a more integrated and responsible way.

Even for the Frazier Park Estates project at least two counties are involved. A project such as Centennial or Newhall, which basically has statewide impacts, involves a whole string of counties, all the way up and down the I-5 corridor. For such projects, it is basically insane to leave decisions about permits to a single board of supervisors, which more often than not means to

a single county supervisor whose district the project is in. Even for Frazier 32
 Park Estates, which is much smaller than Centennial, there will be impacts 1
 for the Los Angeles and the Los Padres National Forests, for the I-5 from the 2
 Grapevine to Castaic, and for all the Mountain Communities up to Neenach, 3
 Pine Mountain Club and Lockwood Valley. We are in the Tri-County Area, 4
 and we need Tri-County Planning. 5

REFERENCES

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8. SUMMARY

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Growth may be inevitable, but there is no reason why the Mountain Com- 15
 munities should have a tenfold population increase over the next 25 years. 16
 That type of growth is malignant. 17

It is painful to have developers come into our area who do not live here and 18
 have no intention of ever living here. They buy the land, build their abom- 19
 inations, make their millions, and are never seen or heard from again. It’s 20
 not like they are doing something for the common good or even something 21
 particularly worthwhile– the number of people harmed is much larger than 22
 the number of people that benefit. The proposed project is “scorched earth 23

development”, and it should not be tolerated in biologically and environ- 24
mentally sensitive rural areas. 25

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