

James Feenan

APR 02 2024

**From:** Max Yeh <maxwyeh@gmail.com>  
**Sent:** Tuesday, April 2, 2024 12:22 PM  
**To:** pbscommissions  
**Cc:** pb@mcn.org; sf\_pjm@earthlink.net; kengio78@gmail.com; Rihan; lhatofsky@mcn.org; dbburke@mcn.org; Norman de Vall; katgio53@gmail.com; claudiab@mcn.org; daveygjones@msn.com; smaeder@mcn.org; nikolas\_stergios@hotmail.com; toddwalton@mcn.org; monicast@earthlink.net; Alan McReynolds; Rich Jung; pizzicato@pacific.net; Jary Stavely; Robert and/or Christina Aranguren; Margaret O'Rourke  
**Subject:** Fourth Public Comment

Planning & Building Services

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Dear Commissioners,

Attached please find my Fourth Public Comment on Case # U\_2023-0004.

Thank you.

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Max

**James Feenan**

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**From:** Max Yeh <maxwyeh@gmail.com>  
**Sent:** Tuesday, April 2, 2024 12:28 PM  
**To:** pbscommissions  
**Subject:** Fourth Public Comment  
**Attachments:** EveryLastDrop.docx

Mendocino County

**APR 02 2024**

Planning & Building Services

**Caution:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Commissioners,

Please find attached my Fourth Public Comment on Case # U\_2023-0004.

I apologise for having sent the previous email without the attachment.

Thank you.

--  
Max

To: Mendocino Planning Commission

From: Max Yeh

10800 Cummings Lane

Mendocino, CA 95460

Email: [maxwyeh@gmail.com](mailto:maxwyeh@gmail.com)

Date: April 2, 2024

Re: Case # U\_2023-0004

Coastal Development Use Permit

**Fourth Public Comment: Every Last Drop**

Mendocino County

APR 02 2024

Planning & Building Services

I support Margaret O'Rourke's reservations about the project (public comment received March 28, 2024), but I differ from her mitigations. I have three questions for the Commission to consider.

**Question 1:** If, as we are told, there is only enough water for 6 or 7 wells to operate at one time, why does the well-field have 12 to 13 wells (the two old wells, the converted test well, and 9 or 10 new wells)?

I suggest that the reason is that having 6 or 7 wells located far enough apart so they do not interfere with one another means that some water is left in the ground between the drawdown cones of depression around each well. Having a round-robin pumping from 12 or 13 wells means MCCSD can cover a much larger area of the aquifer and thus sweep up every last drop of water from MUSD's parcels.

MUSD, therefore, designed the well-field explicitly to deplete the local aquifer during a drought. The project intends not to be sustainable.

How, then (**Question #2**), can this self-created threat to the water system be mitigated? Following the Coast Plan, I suggest that only a pre-permit hydrological study of sufficient breadth and depth can alleviate the risks. The mitigation suggested by Ms. O'Rourke and by the MUSD Board at its June Hearing on the FSMND takes a tort approach. But the tort approach shifts the burden of proof from the applicant (as per Policy 3.8-9 of the Local Coastal Plan) to the affected parties. In the tort approach, the parties must prove that their wells were impacted by MUSD's pumping. That is not only very expensive but very difficult hydrologically to do in any individual case. The responsibility for demonstrating impacts must rest on the applicant. The applicant must reasonably show that it will not harm others before tort arises.

Why are we blindly and against the Coastal Plan putting our aquifer at risk? MUSD says it is an emergency. That leads me to **Question 3**: What kind of emergency is it?

Apparently, it isn't a lack of water since we seem to think that even in drought the water is in the ground to be taken out by 10 or 11 new wells. The applicant says that these wells will supply water for 855 residents and 2,500 tourists. That is 3,355 people, of which 74% are non-residents. The emergency, then, must be that the present system is insufficient for all the people MCCSD wants to serve during a tourist season. Would the emergency, then, disappear if the number of non-residents were reduced, say, by 50%? The answer is surely, yes. The emergency, then, looks less like a water emergency than an economic emergency for the

hospitality industry. In fact, without non-residents, there would be no emergency. We are looking at a clear case of overuse of local natural resources.

The major part ( $\frac{3}{4}$ ) of the project is to support commercial interests. This benefit for private profit, piggy-backed onto the water needs of the residents, was recognized by the MUSD at its June Hearing on the FSMND. A Board member stated that benefiting the commercial interest would increase tax revenues and finally benefit the school children.

I respectfully urge the Commission not to follow that path of reasoning. Water is not a commodity to be used by the government to balance its spending. The County, as a subdivision of the state, holds groundwater as a public trust, Using its trust in a round-about way to increase tax revenues smacks of misappropriation.