Jocelyn Gonzalez-Thies

From: Christina Aranguren <admin@mendomatters.org>
Sent: Thursday, April 4, 2024 11:01 AM
To: pbscommissions
Cc: Rob Fitzsimmons; Julia Krog
Subject: U_2023-0004 (MUSD).

Good morning, Commissioners;

My name is Christina Aranguren, Chair of MendoMatters. I'll be brief...

As a former Director of the Mendocino City Community Services District, I've been following this Project as best I can since it's inception. In all candor, this wasn't easy either on the Board or off of it.

If you've read our comments, then you're aware we've concerns that any approval today for a Coastal Development Use Permit is premature.

Our concern is not only with the substance of this Project, but the procedural. We urge caution. We find the Staff Report and approved FSMND insufficient. There remain ambiguities and questions.

Impacts that are not adequately considered now may be considered in future water rights complaints if groundwater is over-extracted and harm to coastal resources are challenged.

Those of you familiar with the Waterboards' administrative hearings with BlueTriton Brands, Inc. is aware of the implications of extracting from subterrranean springs.

The state agency has successfully argued that for water rights purposes, BlueTriton's spring diversions are surface water diversions, as the perennial springs would otherwise discharge from the springs.

This does not entitle a riparian water user to divert it to storage for use in the dry season or to use water on land outside of the watershed.

Water transfers are another issue which has not been considered for this Project. The SWRCB needs to find that proposed transfers will not injure any other legal user of water and will not unreasonably affect fish, wildlife, or other instream users before they approve any transfer.
In short, we are recommending that prior to approval to permit, the Commission opt instead for a short pause in this process so that a full EIR can be prepared that would better address water rights and the cumulative impacts this Project will have on coastal resources.

It is well within your legal authority to say, "We won't approve w/o an EIR. You need to do this before we will reconsider permitting the Project."

We encourage you to do so today, and thank you for the opportunity to comment.

MendoMatters commented a second time to inquire about yesterday's posting of a Memo, #12, that we were not noticed about, as well as 20 new public comment submissions that were posted moments before the meeting began, giving the Commission no time to consider them.

We ask that you please place these comments into the administrative record.