



AUGUST 16, 2021

HONORABLE MAYOR AND CITY COUNCIL MEMBERS

I am here to present the Tehachapi-Cumming County Water District's (TCCWD) comments on the certification of the Final EIR and Tract Map approval for the proposed Sage Ranch Development. My comments fall into four general categories: (1) TCCWD's regional water supply and management role, (2) failure to communicate with TCCWD, (3) objections to the EIR, WSA, and approval, and (4) closing comments.

A. TCCWD's REGIONAL WATER ROLE

1. TCCWD is a regional agency serving customers throughout our 415 square mile service area. Our boundaries extend from Keene to Sand Canyon. Our customers range from small residential users to large agricultural and industrial users and include four public water agencies (Bear Valley Springs CSD, City of Tehachapi, Golden Hills CSD, and Stallion Springs CSD).
2. Our tasks include ensuring adequate supplies of both groundwater and imported surface water.
 - a. We manage groundwater as the Court-appointed Watermaster for the adjudicated Tehachapi, Brite, and Cummings basins.
 - b. We manage surface water as a member unit of the Kern County Water Agency. KCWA holds contracts for imported State Water Project water.
3. We are responsible to manage these supplies to meet the needs of the approximately 40,000 people and varied commercial and industrial interests within our district.
4. TCCWD has performed these functions successfully for over 50 years.

B. FAILURE TO COMMUNICATE

1. Neither the City nor the Consultants preparing the EIR and WSA consulted with the District prior to publishing the draft EIR and supporting documents.
2. When the District provided preliminary comments on the Draft EIR and supporting WSA, we were assured that the District would be provided with a draft response and opportunity to consult. We waited more than one year. We were not provided with draft responses in advance or an opportunity to consult.
3. Our Attorney, Andrea Matarazzo of the Pioneer Law Group, recently provided 27 pages of comments and objections to the revised EIR and WSA. Again, we were not provided with any written response to her comments or consulted.
4. We are in the midst of the worst drought in recorded history. There is no indication of how long it may last. Severe curtailments of current deliveries are being considered.
5. My Board, and myself as the GM, are deeply disturbed by the haphazard manner in which the City, its consultants, and the applicant have ignored the single most important aspect of this project - the water supply and its potential impact on the environment and other water users in the Basin.

6. Given the complete lack of cooperation, we find ourselves standing before this Council and objecting to the Project.

C. OBJECTIONS TO ADEQUACY OF EIR, WSA AND PROPOSED FINDINGS

1. The City and the Project Applicant have a duty to ensure an adequate water supply for the Project. Paper water is not sufficient, as outlined in Ms. Matarazzo's comments.
2. The EIR and WSA fail to demonstrate an adequate water supply.
3. Attached to the Staff Report as Attachment N is an August 11, 2021 letter from Jeff Ciachurski purporting to contribute 262.5 Acre-Feet (175 AF pumping allocation) to the City "as required to satisfy Sage Ranch's contribution to the project." The letter was not presented to or considered by the Planning Commission and raises several new issues:
 - a. It is unclear whether the the City has accepted the Applicant's offer of contribution. If the offer is not an enforceable commitment then it is a meaningless gesture.
 - b. The offer is not discussed or considered in the Staff Report as posted on the City's website.
 - c. The offer of new water is not discussed or considered in the EIR or WSA as posted on the City's website.
 - d. It is unclear how the additional water impacts or satisfies the proposed Mitigation Measures.
 - e. The offer does not satisfy the estimated project demand of 350 AF and the source of the remaining supply and potential environmental impacts associated with the alternate supply remains unclear.
 - f. The offer is not mentioned in the Resolutions, Ordinance, or Conditions of Approval.
4. Proposed Ordinance, Condition of Approval No. 16: TCCWD does not and will not provide reclaimed water or potable water.

D. CLOSING COMMENTS

1. Attachment M to the Staff Report is an email from Jeff Ciachurski, which contains a number of unfounded, inflammatory statements relating to the District, its Directors and Staff. The accusations are false and do not deserve further response.
2. The Sage Ranch project will increase the water connections in the City by more than 30%. When coupled with previously approved developments and lots, the City will have entitled enough potential lots to increase the number of connections (and the number of residents of the city) by approximately 50%. All of this increased demand is slated to occur without any increase in the City's available water supply.
3. The Sage Ranch project will have significant adverse direct, indirect, and cumulative impacts on the environment and the availability of water supplies for other users, both within the City and within the much larger remainder of our district.
 - a. This will exacerbate shortages and adversely impact the basin and all of our existing customers, including the existing residents of the City of Tehachapi.
4. The City's superficial and inaccurate evaluation of the Sage Ranch project reflects inadequate analysis and mitigation of water supply impacts under CEQA, the Water Code, and the Government Code.

5. TCCWD will take all action necessary to ensure that the impacts of all proposed developments on the environment and the water supplies of all existing customers of the entire district are fully analyzed and considered prior to committing our customer's valuable and scarce water supplies to this or any other future development.
6. We respectfully request that the Council NOT certify the the Final EIR for the Sage Ranch Project, NOT adopt the Sage Ranch Ordinance, and NOT approve tentative tract map 7366, and instead direct staff to revise and recirculate the EIR and WSA after addressing TCCWD's comments and concerns.
7. I have provided copies of these comments to the City Clerk to be included in the public record.

TEHACHAPI-CUMMINGS COUNTY WATER DISTRICT

A handwritten signature in blue ink, appearing to read 'T Neisler', with a stylized flourish at the end.

Thomas P. Neisler
General Manager