



COUNTY TO SELL BASS LAKE PARK LAND?

BLAC has obtained information that El Dorado County is in negotiations with Rescue School District to sell the school district an undetermined portion of the 41 acres of land previously proposed to be a regional park at Bass Lake.

Over the past year or so, county officials have consistently denied any knowledge of a sale of any or all of the park land, despite persistent rumors of a purported land deal between the county and the school district.

Though the El Dorado Hills Specific Plan calls for a school site near Bass Lake in Serrano's Village J, school officials have reportedly said that the district had decided that a school was not needed there, or that the land they wanted for a school there had become too expensive.

Despite all of the protestations to the contrary, the agenda for their closed session of May 24, 2005, stated that the county board of supervisors would confer with legal counsel and the Director of General Services [Keith C. Leech] as their real property negotiator "regarding the sale of real property described as a portion of Assessor's Parcel Number 115-010-10 [the 41-acre park site]. The person with whom the negotiator may negotiate is Rescue Unified School District. Instructions to negotiator will concern both price and terms of payment." The closed session agenda may be viewed on the county website. ~

CITYHOOD EFFORT CLEARS HURDLES

The large crowd that attended the Local Agency Formation Commission (LAFCO) meeting on Thursday, May 25 was rewarded by seeing the cityhood effort move forward towards certification by LAFCO.

Readers will recall that LAFCO must approve the plans for El Dorado Hills cityhood by June 8 in order for the cityhood issue to be placed on the November ballot for citizens' approval.

A number of individuals spoke during the comment periods to urge, among other things, that the new city boundaries include the business park, and that Marble Valley and Marble Mountain Community Services District be left out of the city.

In the end, the LAFCO commissioners adopted the no-island boundary map that included the business park, and left out Marble Valley and Marble Mountain Community Services District. Yet to be decided is the fate of several parcels in the Lakehills area whose owners have asked to be left out of the city limits, but delaying the decision will not materially affect LAFCO's setting of the city boundary for election purposes.

The commissioners also approved in substance the Executive Officer's Terms and Conditions for the Government Reorganization and Service Responsibilities and the Final Environmental Impact Report.

Still to be approved is a revenue neutrality agreement between the new city of El Dorado Hills and El Dorado County that would equalize their respective costs of government over a period of years. Negotiations have broken down over the county's demand for a long phase-out period and other concessions sought by the county. If no agreement is reached, LAFCO will impose an agreement on both parties. The LAFCO staff position on the impasse implies the county is trying to prolong the negotia-

tions so as to delay the cityhood vote, a charge vehemently denied by Rusty Dupray, the lame-duck supervisor that represents District One.

The next LAFCO meeting on the cityhood issue will be held on June 1 in Placerville. If LAFCO keeps up this pace, everything should be completed by June 8, which is the last date for LAFCO to approve the project for the ballot in November. ~



BOS THREATENED WITH ASBESTOS LITIGATION?

The official agenda of the closed session of the Board of Supervisors County of El Dorado on Tuesday, May 24, 2005, listed an item to discuss with legal counsel described as "Existing Litigation: Significant exposure to litigation - Asbestos in El Dorado Hills."

Does this mean that the supervisors think they may be sued over alleged lax enforcement of hazardous asbestos dust in the county? Or the fact they denied any problem existed until citizens forced them to act? Or has someone threatened legal action? Only time will tell.

Under the Brown Act, the supervisors consulting with legal counsel with respect to pending litigation is treated much like the attorney-client privilege for private individuals. So generally the BOS does not have to disclose what went on in a closed session unless a decision with respect to legal action was taken, in which case the decision must be disclosed (see Government Code 54957.1). The BOS agendas may be viewed on the El Dorado County website. ~

LOCAL GROUPS FAULT NEW ASBESTOS REGS

The Citizen's Advisory Group on naturally occurring asbestos (CAG) and the Bass Lake Action Committee (BLAC) have submitted comments criticizing as "inadequate" the new hazardous asbestos dust regulations recently unveiled by the El Dorado County Air Quality Management Department (AQMD).

The AQMD has prepared the new dust regulations in response to the public's perception that the old regulations were not controlling the dust generated by construction. The public's dissatisfaction with the status quo was demonstrated at last month's meeting where the findings of the Environmental Protection Agency tests were announced. Many of those present expressed anger that more was not being done to protect the public.

CAG is made up of members of the local community who endeavor to foster communication between regulatory agencies and the public on asbestos issues confronting El Dorado County. CAG is concerned that (1) the ordinance does not address the existing schools, public facilities, and thousands of homes already constructed in formations containing asbestos, since veins of high purity tremolite asbestos are readily accessible by the general public, including children, and the soils of many yards are laced with tremolite asbestos, (2) by referring to the 1974 soil survey map, the ordinance fails to apply to the large area where much recent construction activity has been and is taking place and that generates dust containing amphibole asbestos fibers, (3) the California Air Resources Board Test Method 435 specified by the ordinance can fail to detect amphibole asbestos fibers, which are often so small as to require the much greater magnification of electron-microscopy techniques, and has long been considered inadequate, (4) the Real Estate Transfer Disclosure Statement which would ostensibly warn potential buyers of property affected by NOA does not discriminate between chrysotile asbestos and the much more dangerous amphibole asbestos.

CAG is also concerned that the county General Plan bases some of its asbestos policies on the California Geological Survey map (Open File Report 2000-002), which fails to indicate the likely presence of NOA in certain parts of the county

where asbestos has actually been found, such as the Promontory area now under development. The lead author of the report is reportedly unhappy with the inappropriate way the map is being used.

The CAG is also critical of the county for not considering the need for grading permits for post-construction activities like landscaping and pool construction, which may lead to a release of asbestos dust. A lower threshold for a permit, and intervention by the county, are indicated to protect health of construction workers, the homeowner, and surrounding neighbors, according to CAG.

The Bass Lake Action Committee is a nonprofit neighborhood organization in the Bass Lake area of El Dorado Hills. BLAC is concerned that the revised regulations are not adequate to protect the general health of the population of the El Dorado Hills area. Specifically, BLAC commented that (1) the regulations need to deal with not only new construction, but also needs to address barren lots, swimming pool construction, and landscaping installation, all of which could generate hazardous dust, (2) the county needs to use testing methods that are more sensitive for both air and soil studies, (3) there needs to be adequate on-site supervision of construction in progress, (4) there needs to be adequate notification to neighbors of projects before project begins, such as posting the site with Proposition 65 signs, as well as prompt neighborhood notification when an asbestos deposit exposure occurs, (5) current soils maps used to locate possible asbestos deposits are obsolete and need to be updated to include the latest information on asbestos-type minerals, and (6) that site soil testing for residential construction should be as extensive as that which is used by for school sites.

The Citizen Advisory Group comments were submitted by Lance McMahan, C.E., and Alice Q. Howard, Conservation Chair, Maidu Group, Mother Lode Chapter, Sierra Club. The comments by Bass Lake Action Committee were submitted by BLAC President Kathy Prevost. ~



THE PRESIDENT'S LETTER

Hello Everyone!

Well, Summer is here at last. I feel like we had no Spring, that we just went right from cold and rain to hot weather. My plants certainly love it. This month's Bulletin is crammed with so much information, that I thought I would give over my space to the news, and save my thoughts until next month. Enjoy the Summer!

Kathy Prevost

President

Bass Lake Action Committee

EDH RESIDENTS OPPOSE HOME STORE

Stonebriar neighborhood residents have banded together to try and stop construction of a warehouse home improvement center/design center and nursery proposed to be built by the Mansour Company in Town Center West on the 150 acres at the northwest corner of White Rock and Latrobe Roads. The homeowners are reportedly concerned about traffic, noise, and pollution.

Residents say that they checked with the county planning department before they bought their homes and were told that high-intensity retail stores would not be permitted in that area of El Dorado Hills.

So it was no surprise that, at their regular meeting on May 26, the Planning commission followed the staff recommendation and rejected the project, finding the proposed project inconsistent with the Town Center West Planned Development Permit and the Design Guidelines and Development Standards for Town Center West.

It remains to be seen what the final outcome of the tug-of-war between the Mansour interests and the residents will be. ~

EL DORADO COUNTY OFFICIALS REACT TO ASBESTOS CRITICISM

Perhaps stung by recent criticism of their prior inactivity, and clearly on the defensive, county officials rushed to announce several programs to deal with the problem of naturally occurring asbestos (NOA) in the county, especially in El Dorado Hills. In a startling turnabout, county supervisors Helen Baumann and Rusty Dupray announced the establishment of a county NOA coalition, plus their intention to hire an additional ten persons to deal with dust mitigation and enforcement in El Dorado Hills.

The coalition, Be Active Community Outreach Network (BEACON), is made up of local government officials, including Baumann and Dupray, County Auditor Joe Harn, District Attorney Gary Lacy, County Sheriff Jeff Neves, county Environmental Manager Jon Morgan, Air Quality Manager Marcella McTaggart, County Counsel Lou Green, El Dorado Hills Community Services District Manager Wayne Lowery, plus representatives from the Eldorado Irrigation District, the county Health Department, and Marshall Medical Center.

Notably absent from the coalition are any representatives of the public, perhaps because the public has generally been driving the effort to bring the problem of NOA to light, and has been critical of the slow response demonstrated by the county. For example, over the last few months, county Environmental Manager Jon Morgan has appeared repeatedly on a cable television talk show, emphatically denying that any problem with NOA exists in the county, and in effect ridiculing those who say the county has an NOA problem.

It also taxes one's credulity that the county could hire a dozen new employees, and a geologist, to handle NOA enforcement. The county has been crying poor and cutting staff for years. Just recently, the county said it was too strapped for cash to set up a mosquito abatement program to protect the public from West Nile disease, and tried to raise taxes to provide the protection. The public rejected the tax, and we still have no mosquito control in El Dorado Hills.

As for enforcing the so-called stringent county NOA regulations, those new NOA regulations have come under fire for be-

ing allegedly ineffective. (See the related story on page 2) Hazardous dust mitigation in the county is currently a self-policing honor system, with developers and their hired geologists in control, which in effect allows the fox to guard the henhouse.

The questions remain as to why no members of the general public were included on the county NOA task force, and where the county will find the money to hire thirteen new employees for NOA work.

Speculation is rife as to why Rusty Dupray, Helen Baumann, and Jon Morgan suddenly saw the light and decided that NOA was a problem after all. Is their change of heart connected in any way to the recent closed session of the board of supervisors in which threatened NOA litigation in El Dorado Hills was discussed? (See related article on the front page)

Regardless of the reasons, many local residents have expressed cautious optimism that something might be finally done about the NOA problem in El Dorado County. However, the proof is in the pudding, and we will wait to see what, if anything, come of these latest initiatives by the county to ostensibly protect the public against the hazards of naturally occurring asbestos. ~



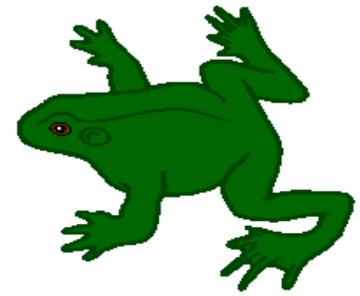
ANNOUNCEMENTS

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CHARITY FUND RAISER

The Leukemia & Lymphoma Society is holding a fund raiser at the Serrano Country Club, "Man, Woman Celebrity of 2005" on June 14, 6 to 10 p.m. Dinner, wine tasting, and a silent auction, all for a donation of just \$35.00 per person. Contact Kevin Reeves at 530-672-6624 for tickets or information.



WHERE ARE ALL THE LITTLE FROGS?

One of our readers recently wondered where all the frogs were. Last year at this time there seemed to be hundreds of little froggies crawling all over the place. So far this year they are absent. What has happened?

According to the experts at our UC Davis county extension service, when the frogs appear is weather related, and they probably are later than usual in coming out because of our late cold winter and the extended rainy season.

It appears that our own indigenous Foothill Yellow-legged Frog lives in lower elevation streams on the Sierra's western slope. When the rain-swollen streams subside in springtime, this species lays its eggs at the water's edge. The tadpoles mature rapidly as the seasonal moisture evaporates, transforming them into frogs about an inch long during July and August. The young adults seek pools in shady ravines or mountain springs in order to survive. This particular frog exhibits a chameleon-like quality in the coloring of its skin. Its color varies from reddish, yellowish or spotted. The underside and hind legs remain light yellow, from which coloring the animal gets its name.

The transformation from egg to tadpole to frog takes about 12 to 16 weeks. So depending on when the eggs were laid this year, we may see our frogs sooner or later this spring. ~

Proposition 59
Government open to the people

FINAL SETTLEMENT IN NOSTORAGE CASE

After months of negotiations, Foothill Residents for Appropriate Land Use (FRALU) have reached a final agreement with Sundance Properties regarding the design of the proposed storage facility on Green Valley Road across from Brown's Ravine in El Dorado Hills.

Readers will recall that FRALU filed a lawsuit in an attempt to stop a storage facility from being built on the site. Shortly after the lawsuit was filed, the developer filed for bankruptcy. This put the suit on temporary hold, during which time FRALU had to hire a bankruptcy attorney to protect the standing of their lawsuit. Then a new developer, Sundance Properties, acquired the parcel. Sundance was willing to work with FRALU and the community to make appropriate design changes to the project that would lessen the impact of the storage facility.

The final agreement includes reducing the square footage of the project by approximately 20%, from the original 120,000 square feet to under 100,000 square feet, the establishment of a natural landscape buffer around the property of at least 70 feet on all sides leaving existing trees to help hide the facility, grading the property so as to lower the project by 2 to 10 feet to minimize the visibility from Green Valley Road and the surrounding communities, modification of the manager's unit to resemble a nicely landscaped home, extensive landscaping all around the project, and changing the green metal roof to a natural brown shingle roof.

FRALU was also able to get neutral tan paint colors for the buildings, fencing, and the office unit. All storage units will be enclosed, there will be no outside parking storage for boats or recreational vehicles, and the facility will have signs that are tasteful and appropriate for the surroundings.

The folks from FRALU are not thrilled about having a storage facility in their community, but they feel that they have negotiated significant improvements over the original design. FRALU leaders Mark and Laura Obrochta said, "We want to thank the community again for all the support you have given this effort since the beginning, and your support of the final agreement with Sundance." ~

BLAC THANKS DAVID GLAZIER

Bass Lake Action Committee president Kathy Prevost extended a hearty thanks recently to BLAC charter member David Glazier, who has been so helpful in the past in the area of public relations, and who is now leaving that committee chair position. David may be best remembered as the moderator at BLAC's neighborhood meeting at Faith Episcopal Church, and he has been a staunch BLAC supporter over the years.

David's project management position at construction company Rudolph and Sletten has increasingly left him with little free time to devote to BLAC.

While he may not be able to be as active as before, David assured us he will remain a loyal BLAC member. "Don't worry, I'll still be around," he said firmly. ~

CORD LOSES SUIT ON PROMONTORY PARK

Citizens Organized for Responsible Development (CORD) was dealt a blow last month when their lawsuit it brought to compel the El Dorado Hills Community Services District to redraw the plans for Promontory Park was substantially denied by Judge Jerald Laslow, the judge hearing the case.

CORD organizers Guy Gertsch and Bill Majernik expressed their great disappointment and shock that the judge denied their writ. CORD had brought the suit seeking to scale back the size and scope of the lighted sports complex slated to be built on Alexandria Way across the street from their neighborhood.

In his ruling, Judge Laslow said that the park was exempt from California Environmental Quality Act because the project

was designated in a "community plan" and an Environmental Impact Report was certified for that plan. He found that the Park Master Plan is consistent with the El Dorado Hills Specific Plan. The Judge also ruled that the changes to the original park plan were not so substantial as to require a new EIR.

On the issue of the sports field lighting, Judge Laslow did say in his order that the EIR notes that implementation of mitigation measures for lighted park sport fields in community parks would result in "less than significant" impacts after mitigation. El Dorado County is supposed to review improvement plans to ensure compliance.

CORD can appeal the decision but feels that there is only a twenty to thirty percent chance of winning. CORD has 60 days to appeal. ~



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