

17



EDC COB <edc.cob@edcgov.us>

10/23/12 BOS Agenda Item #17

1 message

Melody Lane <melodylane@calis.com>

Fri, Oct 19, 2012 at 7:47 PM

To: edc.cob@edcgov.us, Don Spear <don.spear@edcgov.us>, Terri Daly <terri.daly@edcgov.us>, Kimberly Kerr <kimberly.kerr@edcgov.us>

Cc: Jim Mitrisin <jim.mitrisin@edcgov.us>, Janelle Beland <JBELAND@parks.ca.gov>, bosfive@edcgov.us, bosone@edcgov.us, bosthree@edcgov.us, bostwo@edcgov.us, Ron Briggs <bosfour@edcgov.us>

The attached correspondence and unanswered questions are relevant to the 10/23/12 **BOS Agenda item #17—DOT Road Maintenance & Pavement Programs.**

Since **Bayne Road** and **Mt. Murphy Road** are included in the Major Maintenance Activity Summary, please post accordingly to item #17 for discussion and public record.

Melody Lane

Founder – **Compass2Truth**

Conservatives Serving God, Truth and Liberty

Democracy is two wolves and a lamb voting on what to have for dinner. Liberty is a well-armed lamb contesting the vote.

2012 OCT 22 AM 9:37
BOARD OF SUPERVISORS
EL DORADO COUNTY

LATE DISTRIBUTION
DATE 10/23/12

From: Melody Lane

Sent: Thursday, October 18, 2012 10:15 AM

To: Anne Novotny; Kimberly Kerr; Don Spear; Terri Daly

Cc: Gerri Silva; 'Sheriff DAgostini'; Roger Trout; Joe Harn; Jeremy McReynolds; Janelle Beland; Matthew Green; Scott Nakaji; Tim Becker; ParksInvestigation@doj.ca.gov; bosfive@edcgov.us; bosone@edcgov.us; bosthree@edcgov.us; bostwo@edcgov.us; 'Ron Briggs'

Subject: Bayne Road & Historic Mt. Murphy Road Improvements in Coloma

There is a lot of chatter in the news about government transparency and accountability... Per CA State Parks Director Janelle Beland's 8/23/12 message, "Our path to the future is clear. We must become more accountable, transparent, and united. We must stay true to our mission and core values. With your help, cooperation and continued support we will emerge from this as a stronger department."

Over the years Jim Ware, Tom Celio and Don Spear have been extremely evasive about the issues addressed in the attached letters. These matters have been discussed during RMAC meetings, but local resident concerns

have been routinely censored from the public minutes.

Supervisor Ron Briggs also has been totally unresponsive to these concerns since our meeting in his office on July 16, 2009.

In light of the recent **CA State Parks scandal**, would you please explain why the multiple issues concerning the Marshall Gold Discovery Park, Mt. Murphy & Bayne Roads have been routinely obfuscated or diverted?

Thanks for your consideration and timely reply.

Melody Lane

Founder – **Compass2Truth**

Conservatives Serving God, Truth and Liberty

Democracy is two wolves and a lamb voting on what to have for dinner. Liberty is a well-armed lamb contesting the vote.

From: El Dorado County [mailto:eldoradocounty@service.govdelivery.com]
Sent: Wednesday, October 17, 2012 12:18 PM
Subject: Bayne Road Improvements Complete

You are subscribed to News & Hot Topics for El Dorado County. This information has recently been updated, and is now available.

Bayne Road Improvements Complete

10/17/2012 12:00 AM PDT

FOR IMMEDIATE RELEASE
October 17, 2012

Contact: Anne Novotny
(530) 621-5931 or anne.novotny@edcgov.us

Bayne Road Improvements Complete

(Placerville, Calif.)—Drivers on Bayne Road between Coloma and Kelsey will have a smoother, safer ride with the recent completion of a chip seal paving project.

The El Dorado County Department of Transportation project included road widening, drainage culvert improvements, brush trimming and 2.54 miles of new chip seal pavement on a previously unpaved portion of the road. In addition to residential use, Bayne Road is frequently used by river rafters and kayakers because it is the shortest drive between Chili Bar and Coloma. With the completion of the project, Bayne Road is now continuously paved between Mt. Murphy Road to State Route 193.

"The work was professionally done and the DOT employees really went out of their way to accommodate local traffic," said resident Bob Day. Day praised Acting Deputy Director of Maintenance Don Spear for making "a significant effort to include Bayne Road residents in the planning process which resulted in a well executed and coordinated road improvement project."

Spear estimates the useful life of the project at 12 to 15 years. "For the long term viability of the road, it is important for drivers to stay off the shoulders and drive no faster than 20 to 25 miles per hour, or less, depending on road conditions," said Spear.

The Bayne Road improvement project was partially funded through a \$207,000 grant from the El Dorado County Air Quality Management District.

"Vehicle travel on unpaved roads creates significant amounts of dust or particulate pollution. El Dorado County currently exceeds the State standard for particulate pollution," said Dave Johnston, Air Pollution Control Officer. "The Air Quality Management District is pleased to partner with the Department of Transportation on this project as the transportation improvement also improves air quality."

Air quality engineers estimated that the Bayne Road paving project will take 274 pound per year of particulate matter out of the air.

El Dorado County has approximately 58 miles of unpaved roads. The Department of Transportation plans to apply for additional air quality grants to complete additional projects. Additional information about Department of Transportation projects is available at www.edcgov.us/DOT.

###

Melody Lane

Founder – **Compass2Truth**

Conservatives Serving God, Truth and Liberty

Home – (530) 642-1670

Democracy is two wolves and a lamb voting on what to have for dinner. Liberty is a well-armed lamb contesting the vote.

2 attachments

 **7-15-11 MGDG_DOT_EDSO.doc**
191K

 **Kerr DOT CIP-TIM Response 10-5-12.doc**
113K



COMPAS

Citizens Organized to Monitor Protect And Serve, Inc.

P.O. Box 598
Coloma, CA 95613
(530) 642-1670
melodylane@calis.com

July 15, 2011

TO: Jim Ware, Director DOT
Jeremy McReynolds, Superintendent Marshall Gold Discovery State Historic Park

CC: Sheriff John D'Agostini
Congressman Tom McClintock
Senator Ted Gaines
Assemblywoman Beth Gaines

**RE: Meeting 7/12/11 with Marshall Gold Discovery Historic State Park & DOT
Proposed Meeting with EDC Sheriff's Office**

Gentlemen,

Thank you for your time and consideration during our meeting and walking tour of Mt. Murphy on Tuesday morning. I appreciate the recap sent by Jeremy. However there remain several issues requiring further discussion and clarification highlighted below.

It was apparent during our excursion that both Mt. Murphy and Bayne Roads are degenerating into public hiking trails. This raises a valid concern about the effective utilization of property taxes to maintain county roads within our historic district. The number of times we had to get out of the path of vehicles underscored citizen concerns about safety, code and law enforcement.

The various aspects of public safety and land management that we discussed were initially broached during the 9/5/07 meeting held in the Marshall Gold Discovery Museum. With the support of Congressman Doolittle, representatives from the offices of Senator Cox, Assemblyman Gaines and CA State Parks were present. The primary purpose of our meeting was to coordinate services and improve community relations. It is significant that Supervisor Briggs, American River Conservancy, Sheriff Jeff Neves and Fire Chief Bill Holmes refused to participate in that important meeting. It's now been nearly four years without making any headway.

The topics we addressed are relevant to the River Management Advisory Committee (RMAC) and the execution of the River Management Plan (RMP). These matters are vetted at monthly meetings prior to RMAC representatives making their recommendations to the Board of Supervisors. As you've been made aware, these meetings have a long history of being very contentious. Pertinent information regarding public safety, transparency and accountability have been typically diverted, obfuscated or censored from the minutes thus depriving the public of their right-to-know. The public plays a crucial role in the RMP process; however residents have typically been intimidated and/or discouraged from participating in these public meetings where Bagley-Keene and Brown Act violations abound.

Lack of **Code and Law Enforcement** in the Coloma region is a primary concern of residents that has been frequently expressed during RMAC meetings but typically avoided. **For this reason I have copied Sheriff D'Agostini to encourage his active involvement in future meetings to address relevant issues.**

During our hike on Tuesday Jim indicated that he was not familiar with the function of RMAC. It is important to understand the RMP is a vital element of both the EDC General Plan and the Parks & Trails Master Plan.

A hard copy of the RMP may be obtained through Greg Stanton or Gerry Silva in Environmental Management, or you can refer to the RMAC website:

http://www.co.el-dorado.ca.us/Government/EMD/Rivers/River_Advisory_Committee.aspx

Note **Chapter 6 - RMP Elements** addresses the coordination of **Federal, State and local government** agencies as well as **non-government agencies** (NGOs) to fulfill the safety related elements of the RMP, specifically:

- **Bureau of Land Management**
- **Marshall Gold Discovery Historic State Park**
- **CA Dept. of Parks & Recreation**
- **EDC Sheriff's Department**
- **Department of Transportation**
- **Environmental Management**
- **Code Enforcement**
- **Planning Commission**
- **EDC Fire Protection District**
- **American River Conservancy**

DOT CONCERNS – Jim Ware

1. The December 9, 2010 Planning Commission hearing regarding Special Use Permit #S08-0018 contains material relevant to DOT, Code and Law Enforcement on Mt. Murphy. I suggest you check with Pierre Rivas in Planning. He can provide detailed documentation of incidents concerning DOT maintenance on Mt. Murphy included in my appeal to the Commission dated November 26, 2010. **You'll find that file also addresses your comments regarding Bill Center.**
2. **Residents were delighted with the 2006 improvements made to the lower portion of historic Mt. Murphy Road. The hard surface is safer, totally eliminates the dust clouds caused by increased traffic, doesn't erode into deep gullies or speed bumps, and lasts far longer than the inferior dirt & gravel composition. It stands to reason that it would be more cost efficient to utilize the superior materials especially since its durability would require less regular DOT maintenance. The cost comparison between loads of the inferior versus the superior recycled road materials would be most helpful in determining a cost efficient, long term solution for this historic icon. Thanks in advance for providing that information.**
3. Jeremy's suggestion to provide "No Parking" signs and boulders within the DOT easement on Robinson's private property still does not address the problem of frequent intrusions and damages caused by vehicles using my driveway as a turn around. I've heard a lot about what DOT *won't do*, but I'd be interested to know what the county proposes as an effective resolution to this perpetual safety & security issue?

4. I pointed out that “No Parking” Signage is also needed at the corner of Mt. Murphy & Carvers Road where hikers and CDF crews park their vehicles. After a 2009 meeting in the Marshall Gold Discovery Park Supervisor Briggs indicated he would address this matter, but for two years he’s remained unresponsive to follow up inquiries. I acknowledged the CA State Parks staffing and maintenance deficit, but isn’t it actually the responsibility of DOT to provide signs and services that are funded by our property taxes?
5. Dumping has been a regular occurrence on Mt. Murphy. The ineffectiveness of the 8” x 10” sign posted up in the tree is apparent. A common sense solution would be to remove the absurd 4’ x 4’ signs located on Cold Springs Road and Lotus Road: “Dogs worrying livestock will be shot.” I suggest strategically relocating the signs after they’ve been repainted as “No Dumping” signs on Mt. Murphy Road.
6. Jeremy’s suggestion for DOT to look into an MOU for State Parks collecting use fees along county road right of way is a hot topic that came up at the November 2010 Annual RMAC meeting held in the Gold Discovery Park Museum. It again came up at another RMAC meeting in early 2011. The concern was expressed that RMAC representatives are in collusion with State Parks to find a means to get around the failed **Proposition 21** (DMV Fees/CA Parks Maintenance). Like many other important discussions, that issue was censored from the RMAC minutes. COMPAS would appreciate being included in discussions about an MOU *prior* to submission to RMAC and the BOS.

MGDHSP – Jeremy McReynolds

The safety and security of private property surrounded by *inadequately monitored public land* is a growing concern of El Dorado County residents. Five arson fires within eight years have threatened private property owners upon historic Mt. Murphy. In the event of another emergency, of primary concern is the vital need to address ample egress on one-lane county roads that are obstructed by parked vehicles, and the safety & security issues caused by increasing tourist traffic.

1. The problems with land management and Code & Law Enforcement existed long before the budget crisis exploded in 2007. As you are aware, these issues have been perpetually minimized or evaded by RMAC and the government agencies listed on page two of this memorandum. Commissioner Walt Matthews best expressed the situation during the December 9, 2010 Planning Commission hearing, “*The Park is the problem instead of part of the solution.*” The question remains: *When will the Park appropriately respond and contribute to the necessary solutions in the Coloma region?*
2. Clarification is necessary about the funding by CA State Parks to provide “No Parking” signage and their authority to issue citations on private property. My understanding from past dialogs with law enforcement is that CA State Parks has no authority on private property; they are limited to within the MGD Park boundaries.
3. Maintaining a defensible space was addressed in my correspondence dated November 20, 2010. It was my understanding that 24 hour notice would be given by CDF & Park maintenance crews to cut the fallen trees along our mutual boundary lines. Robert indicated the branches were to be stacked and burned during the winter, yet we are well into the fire season and the opportunity to burn has long passed. What plans does the Park have to address this potential fire hazard within a reasonable time frame?

4. During our walking tour I pointed out the cut fence on the east boundary towards Dutch Creek where trespassers frequently access my property. The NE boundary in the ravine along the miner's trench is also problematic since hikers utilize that path on my property to access the vantage point above Troublemaker rapids. It has been over four years yet requests for repairs to the fence erected by American River Conservancy have not been addressed nor have the "No Trespassing" signs been replaced. What plans does the Park have to utilize volunteers or Growlersberg crews to repair fences, replace signage, and address the problem of restoring fire access on my private property at Bayne Road?
5. Brief discussion was broached about an alternate trail to discourage trespassers from private property on Mt. Murphy. However this raises several questions about the size, wording and actual placement of the signs you proposed. I'd appreciate the opportunity to discuss this further before any action is taken.
6. Environmental Management has been uncooperative in providing public information regarding the Chili Bar Conceptual Plan and its relation to the EDC Parks & Trails Master Plan. Janet Postlewait and Kate Kirsh (Foothill Assoc.) have also been unresponsive to inquiries involving the Planning Commission, Parks & Recreation and land acquisitions by American River Conservancy. Transparency, safety and encroachments are valid concerns of residents adjacent to public land and trails. An appeal is now being made for CA State Parks to be forthright and cooperative in mitigating these matters.
7. Lack of privacy, security, Code and Law Enforcement on the S. Fork American River region historically has been cause of contention at RMAC meetings. No local representation has left residents feeling disenfranchised and frustrated with the "good old boys" network that has dominated our region. Since CA State Parks, Code Enforcement and the Sheriff's Office all share responsibility in the coordination of the RMP, it would therefore be advantageous for Sheriff D'Agostini to join us in a meeting to begin mitigating solutions for our river community. In anticipation of his support, I'll contact his assistant Lora Lyons to help coordinate a meeting.
8. Last but not least, the MOU-Management Plan that you proposed segued to the topic of our conversation in the parking lot regarding AB42. As you can ascertain, the RMP appears to be a major component in this Assembly Bill. Attached are concerns involving AB42 specific to the American River Conservancy and the Marshall Gold Discovery Historic State Park. It pretty well encompasses the purpose of our meeting and focus of this memo, matters that RMAC and Supervisor Briggs have taken great pains to circumvent.

Please let me know your thoughts about coordinating a follow up meeting to discuss these issues with representatives from the offices of Congressman McClintock, Senator Gaines and Assemblywoman Gaines.

Regards,

Melody Lane

Melody Lane
President – *COMPAS, Inc.*
Citizens Organized to Monitor Protect And Serve

AB 42 (Huffman)

CA STATE PARKS

Existing law gives control of the state park system to the Department of Parks and Recreation. Existing law authorizes the department to enter into agreements with an agency of the United States, a city, county, district, or other public agency or any combination thereof, for the care, maintenance, administration, and control by a party to the agreement of lands under the jurisdiction of a party to the agreement, for the purpose of the state park system.

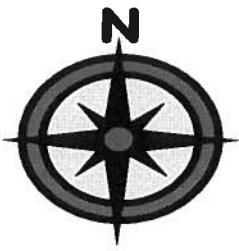
This bill would authorize the department to enter into an operating agreement for the development, improvement, restoration, care, maintenance, administration, or operation of a unit or units, or portion of a unit, of the state park system, as identified by the director, with a qualified nonprofit organization, as provided. This bill would require the operating agreement to include, among other things, a requirement that the nonprofit organization annually submit a report to the department, to be available on the Internet Web site for both the department and the nonprofit organization. The bill would require the nonprofit organization and the district superintendent for the department to hold a joint public meeting for discussion of the report.

The bill would require the department to notify a Member of the Legislature of an intention to enter into an operating agreement relating to a park in the member's district, as well as notify specified committees of the Legislature. The bill would also require the department to report to the Legislature, on a biennial basis, the status of any operating agreement.

The bill would repeal these provisions on January 1, 2019.

PUBLIC CONCERNS RE AB42:

- What type of **contract agreement** between a non-profit and the state would be created?
- How does the bill AB 42 provide for **public involvement** outside of the nonprofit?
- What **conflict of interest** considerations are provided for in AB 42?
- Is the nonprofit (s) volunteering regarding payment for work provided in such agreements? **If not who funds what?**
- Is the state looking to provide **grant money (public money) to private nonprofits?**
- The PPP's can be a very **insidious and dangerous channeling away of public ownership** of and input into our park systems. The precedent of a nonprofit essentially lobbying and making their own agenda driven decisions rather than the state agencies that the public has already paid and tasked with oversight is a potential nightmare for the public.
- **Nonprofits as private do not have the transparency or disclosure requirements of a state agency and thus black holes of accountability are further formed.**
- With the public already having paid millions, billions into propositions and bonds for conservation purposes and water conservation purposes--why doesn't the state park system utilize this public gift itself, **hire more staff--** rather than delegate it to **private parties?**
- We now have PPPs without contracts or formal agreements that are acting as state agents. **This ongoing apparent misrepresentation is confusing to the public and does not provide even the small measure of accountability that the public has from our state agencies.**



Compass2Truth

Citizens Serving God, Truth and Liberty

P.O. Box 598
Coloma, CA 95613
(530) 642-1670
melodylane@calis.com

October 9, 2012

TO: Kim Kerr, Assistant CAO
Supervisor Ron Briggs, District #4

CC: Terri Daly, CAO
Don Spear, DOT Deputy Director
Gerri Silva, Director Environmental Management
Roger Trout, Director Development Services
Board of Supervisors, Districts 1, 2, 3, & 5
Jeremy McReynolds, MGD Superintendent
Joe Harn, Auditor
Sheriff John D'Agostini

RE: DOT, CIP/TIM Fees and Parks/Recreation

Dear Ms. Kerr,

Thank you for your letter dated July 13, 2012 in reply to topics stemming from our May 23, 2012 meeting. The relevant issues were delineated in the July 15, 2011 *COMPAS* letter submitted to DOT Director Jim Ware and MGD Superintendent Jeremy McReynolds. No response was received from either Jim or Jeremy.

Although a range of issues germane to DOT *processes* were covered in your reply, there still remain several issues in need of clarification regarding *financial data*. You provided a target date of **September 1st** to respond to inquiries that were addressed over a year ago. It is now the eleventh hour; an appropriate response is long overdue.

Once again I reminded you of specific issues at the 8/28/12 BOS meeting during the discussion of Capital Improvement Projects/Traffic Impact Mitigation. You'll recall the complex topics were aptly described by Supervisor Santiago as "*information overload, black widow spiders and lots of moving parts.*" Obtaining accurate information from county representatives appeared to be a problem for everyone involved. For this reason the CIP/TIM agenda item was again deferred to sometime in October. A reply to public and written inquiries was never received.

It was recently brought to my attention that CIP/TIM Update was slipped into the September 25th BOS agenda instead of scheduled for October. Apparently decisions had already been predetermined behind closed doors in violation of the **Brown Act and Bagley-Keene Open Meeting Act**. This is information EDC citizens have the right to know and publicly participate. (See attached RMAC correspondence at the end of this document. *Note pertinent information was deliberately censored by Environmental Management from the public minutes.)

Government transparency and accountability are reoccurring phrases frequently making headlines. This recent media excerpt regarding **SB 1003** is just one example:

“Tulare County is passionate about the peoples’ right to know. Senate Bill 1003 clarifies and improves the existing Brown Act law and is a win-win for the public and local government. Had SB 1003 been in place when a lawsuit alleging Brown Act violations was filed against Tulare County, expensive, time-consuming litigation could have been avoided at a time when so many other issues demanded our attention and scarce funds.

Supporters of the new law argue it is a low-cost way for citizens to demand accountability and places the burden on the local government rather than the citizen.”

It is apparent the decision-making process in El Dorado County is exclusively geared to meeting privately with special interest groups. Public concerns are thereby obfuscated or diverted giving citizens little opportunity to assimilate piles of confusing documents and misleading information. There is a tremendous amount of inconsistency making it difficult for anyone to intelligently participate in public discussion or to make properly informed decisions.

Kim, that last statement echoes the question I posed to you during the July 17th Tax Payers Association meeting. The same issues concerning the Amador County Grand Jury findings against you appeared in the September 3rd article tucked way back on page 11 of the Mountain Democrat:

“The most direct and personal findings state that the “city manager (Kerr) for the fiscal period 2007-2011 did not demonstrate that she possessed the proper qualifications and expertise to perform the duties required for that position...the Grand Jury finds that on many occasions the city manager provided insufficient or misleading information, making it difficult or impossible for the City Council to cast intelligent votes.”

It is only reasonable that taxpayers should inquire into the appropriation of funds as well as doubt the level of your expertise to handle the job of Assistant CAO. Hopefully a similar EDC Grand Jury investigation won't be necessary.

As you know **Compass2Truth** works in affiliation with several other Watchdog organizations. Most people can't attend all the county meetings, view them on-line, or glean much information from brief meeting minutes and biased media articles. The following recap of the issues we covered in previous meetings may be of assistance in submitting your written reply for timely public dissemination:

1. There are 4 bridge projects in the Coloma-Lotus region: **Mt. Murphy Road, Bayne Road, Bassi Road and the Hwy. 49 Bridge at Lotus Road. What are the funding sources and the total dollar amounts allocated for each bridge project?**
2. Per the audio of non-agenda items during the 8/9/12 RMAC meeting, it was announced by Howard Penn that the Bassi Road Bridge is on the same schedule as the Mt. Murphy Road Bridge project. DOT never responded to my inquiry during the 8/28 BOS presentation. **Which CIP schedule is the Bassi Road Bridge allocated – 5 year or 10 year schedule?**
3. Where is funding expected to come from for the **new Mt. Murphy bridge**, how is it allocated (DOT, CalTrans and/or CA State Parks), and when is it scheduled to be completed?
4. The **Hwy 49 bridge project at Lotus Road** was not contained within any CIP/TIM documents presented 8/28/12 to the BOS. **This bridge is a significant expenditure for EDC, and at a minimum cost of \$17M, it is already generating controversy in the community. The 49 bridge is also a major component of the proposed Whitewater Park at Lotus-Henningson. That's another significant factor**

impacting CEQA, budgets, taxes, roads, and property values. It is obvious by the correspondence included at the end of this document that this project is progressing under the covert direction of County Counsel, the Chamber of Commerce, American River Conservancy and CA State Parks. It is only appropriate that Supervisor Briggs or the CAO (not CalTrans as you indicated) provide the scope and schedule of these major projects. **What is the monetary breakdown of the 49 bridge project compared to the entire Hwy 49 realignment?**

5. Another project is a rumored **bridge** connecting the recently acquired 40 acre parcel across from Lotus-Henningson Park to the Marshall Gold Discovery Park. Concerns have already been expressed about hiking trails and **easements** connecting public land segments along the entire American River corridor. **What are the financial statistics, funding sources and schedule for this particular project?**
6. Also mentioned during the 8/9 RMAC meeting was the matter of the easement "given away by Supervisor Jack Sweeney." This was made in association with the 2-lane Mt. Murphy Road Bridge project extending from New River Road to Bayne Road at Dutch Creek near the base of my property. **What easement was Dave Martinez (owner of American River Resort) referring to, and exactly which private property parcels will be affected by this new Mt. Murphy bridge project?**
7. **Which specific private properties will be impacted by easements associated with CIP/DOT/trail projects planned in the Coloma-Lotus region, how will residents be notified, and how will this affect property values?**
8. The majority of upper Mt. Murphy Road is hard-surface overlay while lower portions near the MGD Park remain dirt/gravel chipseal. Despite the annual grading & compacting process, the road is rapidly deteriorating. The reality is ADT traffic has increased creating dust and pot-holes which contribute to the poor condition of the lower section of this historic road. **Is it cost-effective to continue grading & compacting loose gravel/dirt versus utilizing a permanent hard-surface product that will require less maintenance just on the lower 1/3 mile of Mt. Murphy?**
9. Parking enforcement and collection of fines was inadequately addressed in your letter. I already understand the process. It's the tracking of \$\$ that is the issue. This was a particular concern during the **fraudulent** April Meteorite Mania when our county roads and private properties were turned into a public hiking trails and parking lots. As the American River Trail corridor is expanded from Folsom, Coloma, Chili Bar and S. Lake Tahoe privacy & parking infringements will become of greater concern to residents adjacent to public lands. This will obviously impact property values. **Is Auditor Joe Harn the appropriate authority responsible to provide current data on the actual allocation of revenues generated by the issuance of parking citations/use fees within the American River Trail corridor? What is the feasibility of an outside audit?**
10. Relevant to Jeremy McReynolds recommendation of an MOU, the Rubicon Trail arrangement between EDSO, DOT and State Parks would be a logical extension encompassing the entire American River Trail corridor. It is my understanding that an MOU is indeed in process. **Why has this info been kept from the general public?**
11. Regarding the **Fee Waiver Policy B-2 at Lotus-Henningson Park**, my audio of the June 8, 2010 BOS meeting indicates that Gayle Erbe-Hamlin was given specific direction by Supervisor Briggs to amend the policy language. I had requested that item be pulled from Consent for public discussion after it was brought up during a Tax Payers Assn. meeting. The concern was that fees were being waived for special interest groups that did not qualify under the present language of the policy. **When and who authorized the fee waivers for the 2011 & 2012 American River Music Festival held at Lotus-Henningson Park?**

12. What easements & Eminent Domain rights does the Hwy 49 Realignment Project contain, and how does it impact private property adjacent to the Marshall Gold Discovery Park and the American River Trail corridor?

13. Per this 2010 BLM & American River Conservancy Press Release, “One element of this conservation initiative has been the acquisition of 16 river front properties and the development of a 25-mile recreational trail between Folsom Lake and Highway 49 just north of Coloma. It is hoped in the near future that a trail corridor will be completed between Sutter’s Fort in downtown Sacramento and Sutter’s Mill within the Marshall Gold State Park in Coloma. With the completion of the south Fork American River Trail, 98.5% of that distance will be covered by existing recreational trail.” This brings up concerns impacting private property rights and easements along the trail corridor. In light of the recent CA State Parks scandal, what contracts/concessions does the county have with American River Conservancy and the Marshall Gold Discovery Park?

14. Which government agency oversees fund management of #14 above thus assuring proper accountability? (Refer to AB42 concerns about NGO accountability contained in the 7/15/11 COMPAS letter to Jim Ware and Jeremy McReynolds.)

The above issues are relevant to the General Plan, Land Management and Economic Development of our historic region. They consequently impact public safety and property values. However legitimate community concerns have been met with stonewalling or total silence. What else is being hidden from the public?

The real question is whether our meetings over the past 15 months with you, CAO Terri Daly, Roger Trout and the Marshall Gold Discovery Park were a deceptive ploy of government to take unfair advantage of El Dorado County citizens?

Your timely response is anticipated. If further clarification is needed, please do not hesitate to contact me.

Sincerely,

Melody Lane

Founder – Compass2Truth

Attachment

Cc: Governor Jerry Brown
Congressman Tom McClintock
Senator Ted Gaines
Assemblywoman Beth Gaines
John Laird, Natural Resources Agency
Janelle Beland, Acting CA State Parks Director
Scott Nakaji, Gold Fields Superintendent
Vern Pierson, District Attorney

From: Melody Lane [mailto:melodylane@calis.com]

Sent: Wednesday, September 12, 2012 5:21 PM

To: 'Roger Trout'; Kimberly Kerr; Gerri Silva

Cc: Terri Daly; Jim Wassner; greg.stanton@edcgov.us; Pierre Rivas; Sheriff DAgostini; Tim Becker; Jeremy McReynolds; bosfive@edcgov.us; bosone@edcgov.us; bosthree@edcgov.us; bostwo@edcgov.us; Ron Briggs

Subject: RMAC, PLANNING, PARKS & EDSO

Importance: High

Roger: I've still not received the courtesy of your written response to the attached correspondence stemming from our 8/9 meeting in your office. You indicated due dates of **8/31** and then **9/7** meanwhile assuring *no stonewalling*. What's the excuse this time?

Kim: Your reply to related DOT/Parks & Recreation issues was due **9/1**. During the 8/28 BOS CIP/TIM presentation you were reminded about specific \$ figures associated with the **4 bridge projects in the Coloma-Lotus region**. What's the delay?

Gerri: Greg Stanton has been unresponsive to similar requests for information associated with RMAC. Of particular concern is his refusal to provide the Chili Bar Master Plan presentation made by Alan Ehrgott during the special 8/12/10 RMAC meeting held in the Marshall Gold Discovery Park Museum. That portion of the public meeting was deliberately censored from the audio provided by Environmental Mgt. Noah Rucker has been equally evasive in providing information even when requested in writing.

These issues were again the subject of our 9/4 meeting in Sheriff D'Agostini's office. They're also relevant to yesterday's BOS meeting when Lt. Tim Becker justified EDSO Boating expenditures for Search & Rescue equipment.

Of growing public concern are the obvious stonewalling tactics and lack of transparency & accountability to the citizens of EDC.

The Brown Act requires 72 hour public notification. Note the **8/9/12** minutes and **9/13** RMAC meeting agenda were distributed at 4:24 PM Tuesday 9/11. That's less than 51 hours public notice prior to the 9/13 meeting.

The grossly censored and manipulated minutes by Environmental Management bear no semblance whatsoever to the audio of the 8/9 RMAC meeting.

Note these excerpts from the draft minutes:

*Dave Martinez: **The Toe-Up Cup** at went well. No incidents occurred.*

*Stephen Liles: Suggested there must be a more cost effective way to rescue **drunk stranded inner tubers** off the river by the CHP helicopter. Utilizing the rafting companies or something else would have worked (non-life threatening EMS to use outfitters). **Asked County Staff for the amount of money spent out of the River Trust Fund for public projects like the purchase of HLP, building of HLP, purchase of Chili Bar, River Shuttle Matching funds, River Management Plan update, etc.***

*Marilyn Tahl: Said that **Parks Development has moved out of DOT and that there will hopefully be progress on the Chili Bar Master Plan/Park.***

Parliamentary procedure was totally absent. It's apparent there is a different standard of conduct when I'm absent compared to highly controlled & regimented meetings when I've been present.

Forty minutes of the 80-minute meeting was spent on **non-agenda** items. Some people were allowed 8-10 minutes to speak. Howard Penn monopolized **20+ minutes** of that time. What follows is just a small sample of the topics censored from the minutes:

- The Mt. Murphy Road bridge project on same schedule as the Bassi Road bridge
- Relocation of the Mt. Murphy Rd. bridge from River Rd. to Bayne Road
- Subsequent **easements** "given away" by Jack Sweeney
- Design retro-fit going to BOS in next few weeks
- Howard Penn's meeting with Jeremy McReynolds to discuss 2 lane Mt. Murphy Bridge complications similar to the Tennessee Bridge
- CofC and CA State Parks involvement in roads, bridges & park development
- **Creation of "Recreation Districts"** (i.e. Chili Bar to Cronan Ranch, etc.) Master Plan already suggests this move; **Discussion NOT yet open to public**
- Planning and Parks want to move to this model; funding issue > lobbyists
- Discussions with Bill Center, Nate Rangle, ARC staff re: County Chamber of Commerce or American River Music responsible for contract, then contract out for provider. Set up to have another agency to come in and take over.
- **Quiet Zone** is an alcohol free zone; discussion about ARR SUP & 100 ft. buffer for "dry" campgrounds;
- Briggs to meet re: private property **exempt** from alcohol buffer zone;
- Rafters Gone Wild; no alcohol permitted at LHP
- Rigid guidelines on public comment to stakeholders;
- Delays in swift water rescue @ Troublemaker Rapids on 8/1/12; kid stuck on rock; State Parks & EDSO involved; (pictures provided in 8/1 email)
- **White Water Park @ LHP** that will be Ron Briggs' "legacy" as he leaves office in 2 years
- Won't call it a "Whitewater Park" – **deceptive language to be used**; land acquisitions on other side of park for hiking, trails, parking, access
- Ron Briggs involvement with the Rubicon & F.O.R. – **not public**
- County Counsel Lou Green's retirement will decide whether to "elevate internally" or to go outside for "fresh thinking"
- Don't focus on campground business – **avoid public eye**
- River Shuttle vans > transfer ownership back to County with amendment to contract; new language necessary.
- **Covert RMAC meetings counseled by Ron Briggs how to surreptitiously get around Brown Act**
- Govt. code prohibits RMAC from doing business outside of the county
- LAFCO - "community oriented solution" and Delphi techniques
- How much \$ spent on Chili Bar River Shuttle, HL Park & River Management Plan?
- How much of the RMF \$ is public funded?

This information is necessary to conduct meetings with constituents & our affiliates. As previously discussed, we need to move forward on 2 campground SUP revocations with the Planning Commission. It's been over 10 years since the petitions were submitted to Planning. When may we expect your responses?

Regards,

Melody Lane

Founder – **Compass2Truth**

Conservatives Serving God, Truth and Liberty

Home – (530) 642-1670

Democracy is two wolves and a lamb voting on what to have for dinner. Liberty is a well-armed lamb contesting the vote.

From: Roger Trout [<mailto:roger.trout@edcgov.us>]

Sent: Friday, August 31, 2012 3:44 PM

To: Melody Lane

Subject: Re: 9/4 SUP Meeting Confirmation

Melody,

I have the meeting on my calendar.

On a related note, the DSD written response to your questions will be delayed into next week. We had some top priority issues come up this week and we don't have the document finished. **It will be done by next Friday, Sept 7.**

On Fri, Aug 31, 2012 at 11:14 AM, Melody Lane <melodylane@calis.com> wrote:

Thanks for your cooperation in pulling together this one hour meeting on 9/4.

When: Tuesday 9/4 @ 2:00 PM

Where: Sheriff D'Agostini's office

Topic: RMAC - SUPs - Code & Law Enforcement

This meeting is specifically relevant to the RMP, Coloma Resort & American River Resort. An agenda will follow to keep us on track.

Have a terrific Labor Day weekend!

Melody Lane

Founder – **Compass2Truth**

Submitted by M. Lane

at Board Hearing of 10/23/12
#17

From: Melody Lane [mailto:melodylane@calis.com]

Sent: Wednesday, September 12, 2012 5:21 PM

To: 'Roger Trout'; Kimberly Kerr; Gerri Silva

Cc: Terri Daly; Jim Wassner; greg.stanton@edcgov.us; Pierre Rivas; Sheriff DAgostini; Tim Becker; Jeremy McReynolds; bosfive@edcgov.us; bosone@edcgov.us; bosthree@edcgov.us; bostwo@edcgov.us; Ron Briggs

Subject: RMAC, PLANNING, PARKS & EDSO

Importance: High

Roger: I've still not received the courtesy of your written response to the attached correspondence stemming from our 8/9 meeting in your office. You indicated due dates of **8/31** and then **9/7** meanwhile assuring *no stonewalling*. What's the excuse this time?

Kim: Your reply to related DOT/Parks & Recreation issues was due **9/1**. During the 8/28 BOS CIP/TIM presentation you were reminded about specific \$ figures associated with the **4 bridge projects in the Coloma-Lotus region**. What's the delay?

Gerri: Greg Stanton has been unresponsive to similar requests for information associated with RMAC. Of particular concern is his refusal to provide the Chili Bar Master Plan presentation made by Alan Ehrgott during the special 8/12/10 RMAC meeting held in the Marshall Gold Discovery Park Museum. That portion of the public meeting was deliberately censored from the audio provided by Environmental Mgt. Noah Rucker has been equally evasive in providing information even when requested in writing.

These issues were again the subject of our 9/4 meeting in Sheriff D'Agostini's office. They're also relevant to yesterday's BOS meeting when Lt. Tim Becker justified EDSO Boating expenditures for Search & Rescue equipment.

Of growing public concern are the obvious stonewalling tactics and lack of transparency & accountability to the citizens of EDC.

The Brown Act requires 72 hour public notification. Note the **8/9/12** minutes and **9/13** RMAC meeting agenda were distributed at 4:24 PM Tuesday 9/11. That's less than 51 hours public notice prior to the 9/13 meeting.

The grossly censored and manipulated minutes by Environmental Management bear no semblance whatsoever to the audio of the 8/9 RMAC meeting.

Note these excerpts from the draft minutes:

*Dave Martinez: **The Toe-Up Cup** at went well. No incidents occurred.*

*Stephen Liles: Suggested there must be a more cost effective way to rescue **drunk stranded inner tubers** off the river by the CHP helicopter. Utilizing the rafting companies or something else would have worked (non-life threatening EMS to use outfitters). **Asked County Staff for the amount of money spent out of the River Trust Fund for public projects like the purchase of HLP, building of HLP, purchase of Chili Bar, River Shuttle Matching funds, River Management Plan update, etc.***

*Marilyn Tahl: Said that **Parks Development has moved out of DOT and that there will hopefully be progress on the Chili Bar Master Plan/Park.***

Parliamentary procedure was totally absent. It's apparent there is a different standard of conduct when I'm absent compared to highly controlled & regimented meetings when I've been present.

Forty minutes of the 80-minute meeting was spent on **non-agenda** items. Some people were allowed 8-10 minutes to speak. Howard Penn monopolized **20+ minutes** of that time. **What follows is just a small sample of the topics censored from the minutes:**

- The **Mt. Murphy Road** bridge project on same schedule as the **Bassi Road bridge**
- Relocation of the Mt. Murphy Rd. bridge from River Rd. to Bayne Road
- Subsequent **easements** “given away” by Jack Sweeney
- Design retro-fit going to BOS in next few weeks
- Howard Penn’s meeting with Jeremy McReynolds to discuss 2 lane Mt. Murphy Bridge complications similar to the Tennessee Bridge
- CofC and CA State Parks involvement in **roads, bridges & park development**
- **Creation of “Recreation Districts”** (i.e. Chili Bar to Cronan Ranch, etc.) Master Plan already suggests this move; **Discussion NOT yet open to public**
- Planning and Parks want to move to this model; funding issue > lobbyists
- Discussions with Bill Center, Nate Rangle, ARC staff re: County Chamber of Commerce or American River Music responsible for contract, then contract out for provider. Set up to have another agency to come in and take over.
- **Quiet Zone** is an alcohol free zone; discussion about ARR SUP & 100 ft. buffer for “dry” campgrounds;
- Briggs to meet re: private property **exempt** from alcohol buffer zone;
- Rafters Gone Wild; no alcohol permitted at LHP
- Rigid guidelines on public comment to stakeholders;
- Delays in swift water rescue @ Troublemaker Rapids on 8/1/12; kid stuck on rock; State Parks & EDSO involved; (pictures provided in 8/1 email)
- **White Water Park @ LHP** that will be Ron Briggs’ “legacy” as he leaves office in 2 years
- Won’t call it a “Whitewater Park” – **deceptive language to be used**; land acquisitions on other side of park for hiking, trails, parking, access
- Ron Briggs involvement with the Rubicon & F.O.R. – **not public**
- County Counsel Lou Green’s retirement will decide whether to “elevate internally” or to go outside for “fresh thinking”
- Don’t focus on campground business – **avoid public eye**
- River Shuttle vans > transfer ownership back to County with amendment to contract; new language necessary.
- **Covert RMAC meetings counseled by Ron Briggs how to surreptitiously get around Brown Act**
- Govt. code prohibits RMAC from doing business outside of the county
- LAFCO - “community oriented solution” and Delphi techniques
- How much \$ spent on Chili Bar River Shuttle, HL Park & River Management Plan?
- How much of the RMF \$ is public funded?

This information is necessary to conduct meetings with constituents & our affiliates. As previously discussed, we need to move forward on 2 campground SUP revocations with the Planning Commission. **It’s been over 10 years since the petitions were submitted to Planning. When may we expect your responses?**

Regards,

Melody Lane

Founder – **Compass2Truth**

Conservatives Serving God, Truth and Liberty

Home – (530) 642-1670

Democracy is two wolves and a lamb voting on what to have for dinner. Liberty is a well-armed lamb contesting the vote.

From: Roger Trout [<mailto:roger.trout@edcgov.us>]
Sent: Friday, August 31, 2012 3:44 PM
To: Melody Lane
Subject: Re: 9/4 SUP Meeting Confirmation

Melody,

I have the meeting on my calendar.

On a related note, the DSD written response to your questions will be delayed into next week. We had some top priority issues come up this week and we don't have the document finished. **It will be done by next Friday, Sept 7.**

Roger Trout
Director Development Services Department
El Dorado County

(530) 621-5369

On Fri, Aug 31, 2012 at 11:14 AM, Melody Lane <melodylane@calis.com> wrote:

Thanks for your cooperation in pulling together this one hour meeting on 9/4.

When: Tuesday 9/4 @ 2:00 PM

Where: Sheriff D'Agostini's office

Topic: RMAC - SUPs - Code & Law Enforcement

This meeting is specifically relevant to the RMP, Coloma Resort & American River Resort. An agenda will follow to keep us on track.

Have a terrific Labor Day weekend!

Melody Lane

Founder – **Compass2Truth**

Conservatives Serving God, Truth and Liberty

Home – ([530](tel:5306421670)) 642-1670

Democracy is two wolves and a lamb voting on what to have for dinner. Liberty is a well-armed lamb contesting the vote.



Compass2Truth

Citizens Serving God, Truth and Liberty

P.O. Box 598
Coloma, CA 95613
(530) 642-1670
melodylane@calis.com

August 9, 2012

TO: Roger Trout, Director Development Services
Jim Wassner, Code Enforcement
Pierre Rivas, Principal Planner

CC: Sheriff D'Agostini
Jeremy McReynolds, Superintendent Marshall Gold Discovery Park
Gerri Silva, Director Environmental Management
Terri Daly, CAO
Kim Kerr, Asst. CAO

RE: QUIET ZONE SUPS – RMAC CODE & LAW ENFORCEMENT COORDINATION

Dear Mr. Trout,

Thank you for the opportunity to meet briefly this morning with Pierre to clarify the expectations germane to the River Management Plan (RMP) and apparent lack of Code & Law Enforcement on the S. Fork American River. Residents appreciate your cooperation in resolving increasingly frequent SUP violations exemplified during the *Toe Up Cup* event held at the American River Resort on 7/25/12.

To assist your written response I've recapped below the topics from the agenda I provided. It is also requested that you be cognizant of the *unanswered questions* contained in the 7/27 email entitled "Follow the \$\$\$" attached at the end of this correspondence.

Per our conversation, the target date for your response is **8/31/12**. Since several agencies share in the coordination of the RMP, I've cc'd appropriate departments to ensure that Quiet Zone resident concerns won't be indefinitely obfuscated or diverted as in years past.

PLANNING PETITION

Please refer to the Letter of Petition submitted to Planning on **June 4, 2002** addressing the American River Resort and the Coloma Resort (Pierre made a copy). Planning *should* already have volumes of correspondence on file related to this petition. Environmental Management should also have minutes on file from the Community Clamor Committee (I served as Secretary). This information was obliquely incorporated into subsequent RMP annual reports.

The BOS, Planning and Sheriff's Office have been kept apprised of the increasingly unmonitored amplified events and other non-compliance issues adversely impacting the environment, quality of life and property values in the **Quiet Zone** of the S. Fork American River (Section 6.2.3.1 of the RMP: Indian Creek above

Coloma to Greenwood Creek below Rivers Bend). Increased tourism coupled with economic woes and budgetary constraints creates even greater challenges to RMP obligations and legal compliance.

Appendix E1 through E5 further expounds the monitoring, reporting, and agency coordination requirements:

*The County will compile information regarding public concerns. Landowners, residents and river users will be provided with standardized comment/complaint forms (forms also will be made available at kiosks). A voicemail system also will be operated to enable comments and complaints to be registered with the County via telephone. **Comments and complaints will be distributed, as appropriate, to the County Planning Department and Sheriff's Department.***

The County will use its Geographic Information System (GIS) database to catalogue river data and management issues.

If RMP impacts on non-whitewater recreation, historic interpretation or mining are identified, County Parks will conduct focused recreation conflict/impact surveys during the following season to identify and define specific conflicts.

The County will develop and implement a system for conducting noise monitoring and reporting for noise-sensitive areas including those near campgrounds and within the Quiet Zone.

Late today I received notification of the 8/23 CANCELLED Planning Commission meeting. It is my understanding that RMAC was submitting recommendations relevant to River Use Permit revocations. You'll recall the July RMAC draft minutes that I presented during our meeting today are **deliberately obscure** about the content of those recommendations. Residents have the right to know this information in order to better equip them to intelligently participate in public meetings subject to the Brown Act.

In your response please delineate the Planning Commission revocation process that you referred to in your 7/26 voice mail message. A time-line would be most helpful.

CODE & LAW ENFORCEMENT

Real Estate law requires disclosure of all factors negatively impacting desirability and subsequent decline in property values of all neighboring residents. Per my 7/25 conversation with Sgt. Bernie Morton it was confirmed that OES is in possession of a decibel meter. However he agreed it is highly unlikely to be utilized to monitor citizen noise complaints due to the logistics, time constraints and priorities of responding EDSO staff.

*As a practical alternative to a decibel meter, the decibel chart provided by Sgt. Jim Brown cites subjective examples of sound levels to determine whether amplified music is excessive. A recent example was the 7/25 **Toe Up Cup** event. It was so excessively loud that one could simply put their hand on a window and feel the vibrations. For nearly 8 hours the noise intruded into every room of neighboring homes. It was not necessary to have a decibel meter to determine that it was unreasonably loud and out of RMP compliance.*

Sgt. Morton affirmed that he would forward documentation to Code Enforcement substantiating EDSO response to recent reports of amplified noise/gun shots/fireworks at the Coloma Resort & American River Resort. The primary concern is the common practice of EDSO to turn a blind eye and deaf ear to citizen complaints of RMP violations. Historically EDSO minimized, cited higher priorities, or deliberately refused to properly document disturbances of the peace within the Coloma-Lotus community. Educating EDSO staff about their responsibilities and legal requirements of the RMP would go a long way in mitigating these issues.

Many such events take place in the wee hours and have the potential of turning into a crisis situation impacting public safety and security of residents. The Coloma Club Brawl and multiple uncontrolled disturbances at the Coloma Resort campground over the 4th of July weekend are primary examples of SUP violations requiring code & law enforcement coordination. Must it escalate to a wildfire or crisis situation before staff appropriately responds? **Please confirm whether Planning received the appropriate aforementioned materials from Sgt. Morton pertaining to these specific incidents.**

Over the years public meetings regarding the overall enforcement into SUP/TUP violations have been the subject of heated contention. In several cases women especially were threatened and/or retaliated against for voicing their concerns.

Sheriff D'Agostini and MGD Superintendent Jeremy McReynolds have pledged their ongoing support with an emphasis on transparency and accountability to the citizens of our river region. In August 2011 we met with Sheriff D'Agostini and Jeremy McReynolds regarding RMAC and Code & Law Enforcement issues in the Coloma area. At that time I presented Sheriff D'Agostini a 12-page log of incidents commencing in 2009. Since then the spreadsheet has grown to a 17-page document. **Please advise if Planning wishes to utilize this material in its investigation into enforcement of campground SUP violations, and how far back you wish to go.**

RMAC

Personal audio recordings and substantial documentation will establish there has essentially been ***no Resident representation*** at RMAC meetings to address property owner concerns. Furthermore, the minutes have been deliberately censored and slanted primarily towards the biases of special interest groups (i.e. rafters, campgrounds, organizations & members of the Chamber of Commerce.) Their brevity leaves much to be questioned about the RMAC operations, abused privileges and recommendations made to the BOS.

Although these issues apply to all campgrounds within the Quiet Zone, this particular correspondence is focusing on the revocation of SUPs for the **American River Resort** and the **Coloma Resort** on opposite sides of Troublemaker Rapids. Both campground owners act as though they are immune to EDC laws, statutes and ordinances. As stated in earlier, the county needs to enact serious consequences for the on-going violations of the RMP and corresponding SUPs. By mitigating the issues promptly costly law suits involving county malfeasance can thus be avoided. For example:

******Note Dave Martinez is owner of the **American River Resort** and Business Representative to RMAC. Pierre is aware his business partner is attorney Tom VanNoord. This will obviously present a ***conflict of interest*** that needs to be properly addressed with County Counsel.

******Pierre Rivas is also familiar with the multiple environmental & SUP issues involving the **Coloma Resort** (modular units, DOT, noise management, RMP compliance, etc.) It is my understanding that Peter Maurer is now in charge of that file.

Please advise whether each "hot spot" will be assigned a separate project manager or whether Jim Wassner is the single point of contact from Planning. (Refer to the 2/13/08 meeting agenda held at my home. The audio recorded meeting included Jim Wassner, Supervisor Ron Briggs and a neighbor.)

SPECIAL USE PERMITS

Per conversation with Jim Wassner, the SUPs can be broken down into three categories of outdoor amplified events. All permitting processes and/or enforcement require coordination with the Sheriff's Office:

1. private residence
2. campgrounds
3. business establishments (i.e. restaurants, wineries, bed & breakfast)

As discussed, Jim Wassner looks like he's going to have a sizeable project on his hands, both short and long-term. **Please clarify the yearly number of permitted special events allowed per campground SUP.**

It is my understanding from our conversation today that the Toe Up Cup event on 7/25 did not have the necessary permits. The first & last permit was issued in 2009. **Please delineate the progressive consequences for SUP violations and, if re-occurring, whether they can be made retroactive.**

Please clarify as well whether the campground SUP renewal process takes place on an annual or as needed basis.

FOLLOW UP MEETING

Your cooperation will aid in the timely dissemination of this info to concerned citizens. As we discussed, you'll be contacted about coordinating follow up meetings with county staff.

Should you have questions or need further documentation, please do not hesitate to let me know.

Serving the community,

Melody Lane

Melody Lane
Founder – Compass2Truth
Conservatives serving God, Truth and Liberty

From: Melody Lane [mailto:melodylane@calis.com]

Sent: Friday, July 27, 2012 11:46 AM

To: Pierre Rivas; greg.stanton@edcgov.us; Sheriff DAgostini; Jim Wassner; Jeremy McReynolds; Roger Trout; Gerri Silva

Cc: Jim Byers; Tim Becker; Terri Daly; Kimberly Kerr; Scott Nakaji; Matthew Green; Dana Jorgensen; Davey, Steve; Titus, Dave; Jenna.Nielsen@asm.ca.gov; Wardley, Terry; Rocky Deal; Ross Branch; Norman Gonzales; Jaimie Morgan;

mweiser@sacbee.com; ParksInvestigation@doj.ca.gov; Bernie Morton; chovanep@edso.org; greg.stanton@edcgov.us;

bosfive@edcgov.us; bosone@edcgov.us; bosthree@edcgov.us; bostwo@edcgov.us; Ron Briggs

Subject: Follow the \$\$\$...Event at Troublemaker Rapids & the Marshall Gold Discovery State Park

Follow the \$\$\$...

Below is what the all-day ruckus was about on Wednesday at the **foot of my property**.

Excessively loud events such as this are taking place on a regular basis throughout the entire **QUIET ZONE** of the S. Fork American River in violation of the River Management Plan (RMP).

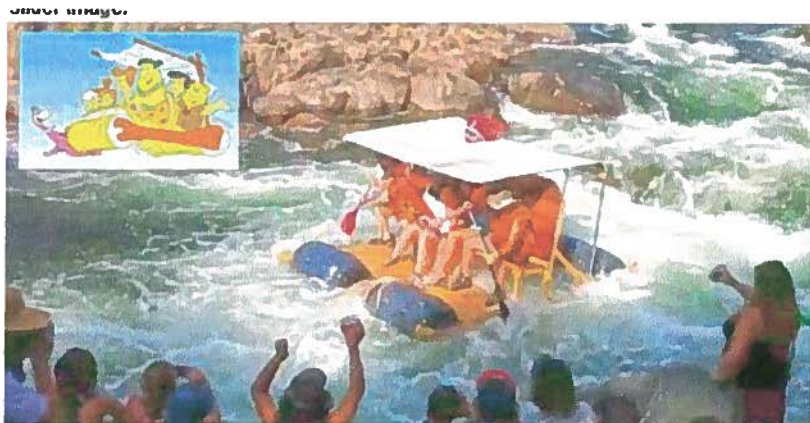
The RMAC *proposed white water park* in Coloma-Lotus is already turning our community into a Disneyland nightmare on steroids. This is a major element of the unfolding CA State Parks and Recreation scandal...

These questions remain unanswered:

- Where is the Planning file for American River Resort who hosted this event?
- What department/person(s) issued the SUP?
- What role does American River Conservancy play in the profit & control of the River Management Plan & EDC Economic Development?
- What role does Environmental Management play in the economic development of the RMP, and how does this impact residents?
- Which Supervisor(s) or county staff is empowering special interest groups & the Chamber of Commerce to manipulate the River Management Plan to their \$\$\$ benefit?
- What is the overall detrimental cost & effect of increasing such unmonitored events upon local residents' quality of life, public safety & property values?
- Why is the Board of Supervisors unresponsive to ongoing inquiries concerning RMAC operations and the MGDGP?
- Why did the EDC Grand Jury deny the 2010 **COMPAS** request for investigation into illicit RMAC operations?
- Why has county staff—especially **Code & Law Enforcement**—been evasive and/or unresponsive to citizen complaints over the past several years???
- Why is the Marshall Gold Discovery Historic State Park staff unresponsive and/or uncooperative in mitigating code & law enforcement?
- How does the MGDHSP & CA State Parks benefit from such events, and who is responsible for auditing the revenues?
- What MOUs & contracts exist between CA State Parks & NGOs such as American River Conservancy, Nature Center, Sierra Conservancy? (Refer to attached **AB 42** public concerns)
- **What are our legislators going to do about it?**

###

Flintstones on Water... Whitewater Rafting in the Stone Age (Video)



This Aint for just any Barney as the Flintstone raft makes it's way over the Troublemaker rapids.

Cris Alarcon, Placerville Newswire, July 26, 2012

The stone-age whitewater rafters were participating in an event to raise money for the Coloma-Lotus Chamber of Commerce called the Toe-Up Cup event in Coloma. The event is at the American River Resort on New River Road.

<http://www.facebook.com/photo.php?v=4036718712072>

Melody Lane

Founder – **Compass2Truth**

Conservatives Serving God, Truth and Liberty

Home – (530) 642-1670

Democracy is two wolves and a lamb voting on what to have for dinner. Liberty is a well-armed lamb contesting the vote.

EDSO, MGDGP, Planning SUP Agenda

September 4, 2012

I. RMP Subject to Brown Act – 4 Entities:

1. Federal – BLM
2. State – CA State Parks, F&G
3. Local – BOS, Planning, Env. Mgt., MGDGP
4. NGOs – ARC, Sierra Conservancy, Chamber of Commerce (AB42)

II. 3 Tiers – Planning/Code Enforcement

1. Restaurants – Coloma Club Brawl
2. Special Events – ARC Trailfest & Wakamatsu music events
3. Campgrounds
 - a) American River Resort – Toe Up Cup 7/25
 - b) Coloma Resort – Gunshots/Fireworks 7/4

III. RMAC – SUPs

1. CA State Parks
2. Environmental Management – No response from G. Stanton
3. Planning/Dev. Services – Stonewalling – Fees & Easements

IV. Code & Law Enforcement

1. Restoring Trust & Improving Community Relations
 - a) Retaliation
 - b) Media Manipulation
2. Consequences – Property Values, privacy, easements, eminent domain
3. Transparency & Accountability
 - a) MOUs
 - b) Ordinances
 - c) Documentation
 - d) Planning Commission – P&Ps (decibel meters, sound chart, software)

V. Next Steps & Follow Up Target Dates

1. EDSO & MGDGP
2. CAO-DOT/Environmental Management/Planning



COMPAS

Citizens Organized to Monitor Protect And Serve, Inc.

P.O. Box 598
Coloma, CA 95613
(530) 642-1670
melodylane@calis.com

November 26, 2010

Roger Trout
El Dorado County Planning &
Development Services Dept.
2850 Fairlane Court
Placerville, CA 95667

RE: SITECOM CELL PHONE TOWER PROJECT # S 08-0018

Dear Planning Commissioners,

One thing we all agree upon, the Coloma region is in need of improved cell phone coverage.

Please bear in mind that in accordance with CEQA Guideline 15201 public participation is an essential part of the CEQA process. Each public agency should include provisions in its CEQA procedures for wide public involvement, formal and informal, consistent with its existing activities and procedures, in order to receive and evaluate public reactions to environmental issues related to the agency's activities.

This section declares the importance of public participation as an element of the CEQA process. In *Concerned Citizens of Costa Mesa, Inc. v. 32nd District Agricultural, Assoc.* (1986) 42 Cal. 3d 929, the court emphasized that the public holds a "privileged position" in the CEQA process "based on a belief that citizens can make important contributions to environmental protection and on notions of democratic decision making."

It is vital to the democratic process to take into consideration the detrimental impacts of this project in such close proximity to my home and Park property. The *politics* of infrastructural invisibility that take shape around the antenna tree involve citizen's concerns about neighborhood aesthetics, health and property values, environmental protection of parks, corporate enterprises and artists who are challenged to conceal artificial structures upon the historic scenic landscapes.

The installation of cell towers raises fundamental questions about the control of property, whether on the ground or in the spectrum. Such controversies are useful in that they draw attention to social, economic and environmental issues.

IMPACT UPON PROPERTY VALUE

The primary consideration when purchasing a home has always been its *location*.

The panoramic views and the tranquil environment where the Gold Rush had its beginning were major factors in determining the most important financial investment I'd ever make. Access to white water recreation, the scenic beauty and historic ambiance of the Marshall Gold Discovery Historic State Park persuaded me Coloma was the spot I desired to dwell for the rest of my life. The vision I had became a reality when I purchased my home known as "Above Trouble" in 1998.

Leadership and active community involvement have always been important aspects of my life. My home was utilized to host the 2001 Gold Discovery Park Association Strategic Planning Retreat the same year I served as GDPA President. My property has also been the site of regular retreats hosting internationally famous artists, Christian evangelists and missionaries from around the globe. **Exhibit A**

The economic crisis, budget cuts, and collapsing real estate market are in the news daily. I'm sure you can empathize why the preservation of my property value and lifetime investment is of primary importance--my home is my castle and sanctuary upon Mt. Murphy.

I'm confident you're aware real estate disclosure laws require potential buyers of any negative factors impacting desirability and property values. A few factors include development plans, the close proximity of structures to a primary dwelling, obstructed views, noise problems, environmental hazards, neighborhood nuisances, fires, sex offenders, code and law enforcement problems, as well as safety, health and security problems in the region. These issues would be a concern to any homeowner as reflected in the letter submitted by a real estate professional in **Exhibit B-7**.

Coloma— and especially Mount Murphy--is rife with all the aforementioned factors. This is the primary reason **COMPAS** was established. Our mission is public safety, transparency and accountability of El Dorado County's historic and natural resources.

The **Family Hill Resident Committee** (www.movecelltower.org) is also facing a similar cell tower dilemma situated on the premises of Cold Springs Community Church, my former place of worship. I am most grateful for their support and partnership with **COMPAS**. We all agree upon the following and urge you to help us achieve a mutually satisfactory solution:

Cell towers are eye sores and will significantly impact the neighborhood aesthetics, pose long term health risks, and decreases property values. NO ONE WANTS TO LIVE NEXT TO A CELL TOWER. We are reasonable people that use cell phones and live in this modern world; we also realize and accept that cell towers are needed.

All we are asking is that the tower be placed strategically and fairly where it does not negatively effect homes, health & property values.

COMMUNITY RELATIONS

What wasn't disclosed at the time I purchased my home on historic Mt. Murphy was how the necessity for improved telecommunications and other public services would eventually become a bone of contention between my immediate neighbors on all sides—specifically the Robinsons, American River Conservancy and the Marshall Gold Discovery Historic State Park.

This excerpt from the 8/22/10 *McClatchy Washington Bureau Environmental Newsletter* reflects the dilemma residents in the Coloma region are currently facing today:

As civilization closes in on many of California's 278 state parks, legal and emotional battles are erupting up and down the Golden State. With 1.3 million acres in public hands – much of

it the most prized real estate in California – the state's parks increasingly find themselves poked at and even assaulted by outside pressures.

"As California grows, it's growing out to our (park) borders," said Roy Stearns, spokesman for the state Department of Parks and Recreation. "And lots of people see a park as an under-utilized open space instead of something that should be preserved for all time."

California originally envisioned its parks as remote havens of beauty and tranquility, establishing the first in 1902 when the state's population was about 1.5 million. More than a century later – plus another 35 million people – the demands of a growing population and 21st century technology are butting up against these scenic refuges.

Pressing against park borders – and sometimes well into them – are power poles, cell towers, sea walls, casinos, the border fence, housing developments, wineries and road projects. Conflicts have arisen with private landowners, transportation agencies, utility companies, businesses, environmentalists, park users – even outlaws.

Equally important when I purchased my home in 1998 was the sense of close community in Coloma. That sense of community ceased to exist with the acquisition of Mt. Murphy acreage that doubled the size of the Marshall Gold Discovery Historic State Park. Tensions immediately increased between local residents and the MGD Park, which as you know, plays a major role with RMAC on the Technical Advisory Committee. When Ron Briggs initially appointed me to RMAC, delegates resisted my involvement in our historic river region.

Consequently I have not been permitted access to CLNews nor have CA State Parks and Environmental Management responded to correspondence in this regard. Please refer to correspondence contained in **Exhibit B-3.**

CA State Parks, Supervisor Briggs, Environmental Management and other Technical Advisory Staff remain uncommunicative with *COMPAS* regarding community concerns that are endemic to this controversial cell tower project. Our public servants have instead fostered passive-aggressive contentions that are inconsistent with the EDC Vision Statement:

"El Dorado County will remain the leader in supporting our safe, healthy, and vibrant communities, wisely managing our natural resources, and preserving our local heritage."

ENVIRONMENTAL CONCERNS and RMP-GENERAL PLAN

Every fifth grade student learns that James Marshall's gold discovery in Coloma was the historic event that put California on the map and changed the face of our nation. Of paramount significance is the 4' x 8' sign erected at the bottom of my property in January 2007 by the American River Conservancy. **(Refer to photos - Exhibit A)** That sign is inconsistent with development plans submitted for the cell tower project upon Mt. Murphy:

**"Mt. Murphy Phase II Acquisition
...protecting...the scenic backdrop of Sutter's Mill and the Marshall Gold State Park**

Representatives for the American River Conservancy and Marshall Gold Discovery Park agreed to remove the sign by **March 1, 2008** as conveyed during an audio recorded meeting held on September 5, 2007 in the Marshall Gold Discovery Park Museum. The meeting was made at my request and coordinated with the assistance of Congressman Doolittle. Included were representatives from the offices of Senator Dave Cox, Assemblyman Ted Gaines and CA State Parks personnel.

It is significant that Supervisor Briggs, Alan Ehrgott, CDF Bill Holmes, and Sheriff Jeff Neves refused to participate in that important meeting.

The sign remains today as a permanent structure creating an **attractive nuisance** for arsonists, vandals and trespassers. Five Mt. Murphy arson fires in recent years were ignited near the proposed cell tower site or directly upon my property. Any reasonable person can appreciate the detrimental effects of these reoccurring hazards upon the safety, security and value of my home and other Mt. Murphy residents. **(See Photos Exhibit A)**

Noise associated with the traffic, frequent loitering problems and cell tower equipment are other environmental considerations close to my home. This has been a topic of many meetings including the Coloma Lotus Valley Community Association (CLVCA) and the Community Clamor Committee (CCC) which is a sub-committee of the River Management Advisory Committee (RMAC). The lack of Code or Law Enforcement in Coloma as required under the River Management Plan was the topic discussed with Ron Briggs during a meeting held in my home in February of 2008. Another meeting was held in his office in July of 2009 to mitigate these concerns **(Exhibit B-8)**.

The simulations in the photos submitted by ComSites West are deceptive as they portray an unnaturally lush green background. **It is evident that equipment and supporting structures at the selected project site would indeed stand out predominantly against the usually gold barren face of Mt. Murphy marring the scenic backdrop of the Marshall Gold Discovery.** Despite screening and shrubs, my scenic views would be significantly impacted by the lack of natural camouflage of the artificial structures towering within my direct line of vision. **(Refer to photos Exhibit A)**

Development of any sort would be contrary to the land purchase agreement made with the Mancuso's atop Mt. Murphy and referred to on the sign at the bottom of my property, "**protecting** the scenic backdrop of Sutter's Mill..."

Wireless infrastructure is a booming business. Publishing negative study results have a negative effect on the billion dollar market, and subsequently affect stock in cell phone companies. Cell companies have managed to keep the lid nailed shut on the box. The danger in these arrangements is that politics tends to take precedence over resource protection. The reticence of ComSites West, RMAC and the MGD Park to respond to requests for information raises many concerns about the influence and ethics of individuals supporting this project. The real issue at stake is compromise for financial gain.

What's really going on here?

The manner in which Tom Dougherty has conducted himself in the management of this project is very disturbing to me. In October of 2009 I received a phone call from Mr. Dougherty requesting that I meet him at the project site after hours on his way home from work. I'd initially met him on one prior occasion at the Planning Department. He stated his purpose was to do a "site inspection" of the Robinson's property.

When I met him at the site, Tom asked permission to park his truck on my property. However, rather than inspecting the Robinson's parcel, Tom proceeded to inspect trees upon my property offering his assistance with cutting branches. He then requested to see the views from my deck that would be impacted by the cell tower structures. Then he remarked, "Don't be mad at me when I submit a negative impact report to Planning." It became uncomfortably clear he had no intention whatsoever of inspecting the cell tower site as he deceptively led me to believe. I was relieved when he finally departed, however he never accomplished his stated purpose.

In December I received the following disturbing email message from Mr. Dougherty:

“You know how I feel about you as I told you when we were talking on your deck. You are a very special, strong willed, as well as a very appealing and sensual woman who I was instantly comfortable around. I pass through Coloma on my way home after work each work day.”

I question Mr. Dougherty’s assessment, “The aesthetic impacts associated with the project have been fully considered. ***As assigned and conditioned, there are no unresolved issues with the project.***” What exactly are the issues, and what—*or who*--is the “project” in question? (See Exhibit B-7)

The relationship of Planning & Development personnel with Bill Center, CA State Parks, RMAC delegates and ComSites West raises numerous questions about ***ethics and the legality*** of how these groups conduct public business. Coloma-Lotus News is accessible on www.Coloma.com. This site has been used to circulate information to the community about the cell tower project in front of my home. I’m still awaiting an explanation why I’ve been denied access to the CLNews communication network and ostracized from the community for no logical reason.

The subjects of **Open, Ethical Leadership as required by AB-1234** and **Brown or Bagley-Keene violations** were confronted in a four page letter addressed in May 2010 to the Board of Supervisors by Alfa Omega Associates, consultants to **COMPAS**. I anticipate the content will be brought up when the Grand Jury gets around to the subsequent request for investigation into RMAC operations. Congressman McClintock and Assemblyman Ted Gaines have been apprised accordingly.

On page 9 of Mr. Dougherty’s staff report, he claims ***“the aesthetic impacts associated with the project have been fully considered. As designed and conditioned, there are no unresolved issues with the project.”*** Here are a few more unresolved issues need to be addressed:

- 1) **Oak Conservation Fund Fee** - \$2,337.97. The purpose of this fee needs to be explained. Four oak trees are planned for removal to accommodate the utility trenching; remaining oaks would require pruning. Removing canopy would expose me to views of ground equipment.
- 2) **Screening**: There are no Ponderosa pines of equivalent height in the vicinity of the cell tower on Mt. Murphy. Landscape shrubs would take several years to grow and camouflage the fence slats.
- 3) **State Department of Fish & Game** - \$2,010.25 fee Code Section 711.4. Fish & Game and CA State Parks have a history of being ineffective and unresponsive to reports of shooting, poaching and other illegal activities on Mt. Murphy described on page 6 of this letter. What is the necessity to pay fees when the services obviously aren’t provided?
- 4) **Special Use Permits** - What is the reason RMAC, CA State Parks and Environmental Management have been so reticent to address **COMPAS** questions about violations of Code Enforcement and Special Use Permit violations (Policy 5.6.1.4)? ***There is no consistency, enforcement, or conformity to the RMP portion of the General Plan.***
- 5) **Noise impacts** – Policy 6.5.1.2 – This is another RMAC “biggie.” What exactly are the noise level standards of Table 6-2 referred to in the Staff report? Noise pollution and lack of enforcement is a problem in the Quiet Zone of the S. F. American River and the subject of meetings with Supervisor Briggs. Please refer to **Exhibit F**. New added equipment that creates noise is at the will and whim of the Development Services Director. This is an opened ended recipe for disaster that will pollute the desired peace & tranquility of our rural community.

- 6) **Public health, safety, and welfare** - **COMPAS** takes issue with Section 17.22.540 (A) regarding #2 of the SUP. Studies show the proposed use would indeed be detrimental and injurious in all aspects.
- 7) **Alternate sites** – Tim Miller from ComSites West has not yet responded to my inquiries about more suitable alternative sites.
- 8) **Development Standards** – The ground equipment would **NOT** be screened from existing residences by existing vegetation, link fencing or immature plantings. How do you camouflage a tower 70' above the treetops directly in my line of vision into my bedroom, office and kitchen??? **Refer to photos Exhibit A.**
- 9) **FCC** – It is a fallacy that there is inconclusive evidence about the health risk of exposure to radio frequency EMF.
- 10) **Access** – There remains a history of unresolved DOT issues with this site and an appropriate remedy to the impacts upon the safety and security of my property.
- 11) **Fire Safety** – Constructing an “access driveway and turnaround to meet the **minimum** Fire Safe standards” is insufficient to meet the needs to assure safety of Mt. Murphy residents. Refer to correspondence in **Exhibits B & E.**
- 12) **Planning Services** – Cell tower structures, slatted chain link fence, and parking areas within such close proximity of my home and against the historic backdrop of the Marshall Gold Discovery are inconsistent with the EDC vision statement, RMP/General Plan and out of character with the area. **Refer to photos in Exhibit A.**

LACK OF CODE AND LAW ENFORCEMENT

Another common concern has been the lack of Law Enforcement and CA State Park resources to properly respond to emergencies, and to staff, maintain and manage Mt. Murphy land. **The proposed cell tower site has been a frequent hangout for trespassers, poachers, dumping, arson fires and vandalism.**

Due to a lack of a proper turnaround for wayward vehicles, 3 electric gates at my driveway have been broken beyond repair. This has a detrimental impact upon my homeowners insurance and property value. There is a sampling included in this package of the long history of correspondence with the Robinsons, Park personnel, Environmental Mgt., Supervisor Briggs and DOT about the lack of road maintenance and associated problems in the vicinity of the proposed cell tower site. **Exhibits B thru F.**

Additionally, consider this excerpt from the **Sacramento Bee, July 25, 2010:**

Crime is on the rise in California's state parks, up nearly threefold in the last decade, according to Department of Parks and Recreation data analyzed by The Sacramento Bee.

Last year, 62,575 crimes were reported in the parks – or about 170 a day, compared with 65 a day in 1999 – even as crime in the rest of the state declined. Taking park use into account, crime last year reached record per-capita levels.

"It makes us feel vulnerable," said Floyd Oydegaard, owner of Columbia Booksellers, a business inside the Gold Rush-era Columbia State Historic Park near Sonora, which was hit hard last year by thieves and vandals. "It doesn't belong here."

Across the 278 state parks, crime is more common near water and in the eight off-road vehicle recreation parks. Both tend to draw large crowds and inherently risky activities. **"There are things going on in the park that we just can't catch," said Folsom park Superintendent Ted Jackson.**

Trespassing leads offenses

The most frequent state park crimes may appear benign but hint at a growing disregard for park rules. Trespassing in closed areas is the most common, increasing about 20 percent last year.

Failing to pay entry fees grew about 10 percent. Also in the top 10 were **illegal camping and fishing**, and **vehicle-related violations** such as **parking illegally or driving in restricted areas**.

Serious and violent crimes remain rare in parks, but they, too, **are on the upswing**. The parks saw 33 assaults in 1999; 87 last year. Resource crimes – attacks on the parks themselves, such as vandalism, graffiti and tree cutting – grew 17 percent last year, to 10,299 incidents.

Consider as well this FISH AND GAME excerpt from a Sac Bee article dated 11-27-10:

With the most diverse and complex environment of any state in the Lower 48, **California** has the lowest ratio of game wardens to population in all of North America. There are only 240 field-level game wardens, a result of **state budget problems** and salaries that have not kept pace with other **law enforcement** agencies...

Wardens are often the only law enforcement active in rural areas. They routinely cite and arrest people for "conventional" urban crimes from drunken driving to **drug possession** and assault. Encounters with parolees in dangerously remote locations are common.

Measuring the impact of wildlife crimes is difficult. Game wardens estimate they apprehend, optimistically, only 5 percent of the state's environmental criminals.

As another indicator, The **Bee** recently analyzed Fish and Game data to reveal that hunting violations in the state have increased 45 percent since 2007. The data covered a range of crimes, from hunting without a license to killing too many animals.

Relevant to budget cuts and decreased staffing, it is significant there is only **one (1)** Sheriff's Deputy to cover an area of over 350 square miles on the Georgetown Divide. MGD Park maintenance, safety and security obviously have become greater cause for concerns to Coloma residents resulting in the formation of **COMPAS – Citizens Organized to Monitor Protect And Serve**. The impacts of budget cuts upon all public services were revisited during the well-attended 11/15/10 Board of Supervisors meeting that lasted over 11 hours.

You will find the log of Intrusions in **Exhibit F** gives a very accurate perspective of the frequency of code and law enforcement problems associated with the segment of Mt. Murphy Road in question.

****Note in particular the incidents related to cell tower site on the Robinson's property.**

DEPARTMENT OF TRANSPORTATION

I wish to bring to your attention correspondence addressed to DOT personnel pertaining to the illegal grading of the project site on two different occasions in **June 2003** and again in **June 2009**. It is significant that DOT refuses to respond to perpetual concerns about the repeated incidents affecting the security of my property. (See **Exhibit A photos and Exhibit E**)

****Note: Correspondence from Marek Robinson in his own words about ongoing DOT problems associated with the cell tower site:**

Hi Melody,

Thanks for the email. I thought I would add a couple of comments see what you think.

1) I know the berm is an issue for you, but the lack of berm was a huge issue for us. People were partying, dumping and who knows what else. For a few years, it was just a natural turnaround and wasn't a big deal, but the last time they graded it, they made it huge and way to tempting for people to abuse. I had to get them to fix it. Sorry.

2) One of the possible solutions I discussed with DOT at the time was to close Mt. Murphy to all vehicle traffic after our parcels. This could be done through a gate and all local owners as well as emergency departments would have a key. This might also add a great "trail" to those in the park. That was the only solution I could come up with to truly resolve many of the problems on Mt. Murphy. What would you think if the road were closed?
thanks.....Marek

PEER – PUBLIC EMPLOYEES FOR ENVIRONMENTAL RESPONSIBILITY—(Exhibit G)

I am a State employee, formerly a Medical Staffing Specialist for Kaiser Permanente Hospital and a member of PEER. Karen Shambach is the California PEER Director who lives nearby in Georgetown.

The significance of the following excerpt from a 2009 *Sac Bee* article is pertinent to the cell tower project site. The article reveals the content of CA State Parks Director Ruth Coleman's 11-page legal liability memo that was leaked by Ms. Shambaugh to the public:

Further, if people enter closed parks and are injured or start fires, the state "can be held responsible for dangerous conditions," the attorneys added, even if the parkgoers were trespassing.

The memo, which was written earlier this month for state parks director Ruth Coleman and distributed to high-level parks managers, was leaked and obtained by a Sacramento-based environmental group, *Public Employees for Environmental Responsibility*, which has posted it on its Web site.

The legal headaches spelled out in the memo portray a Gordian knot of potential lawsuits.

"This shows there are no savings. It could cost taxpayers more money, so it raises the question of why are they doing this?" said Karen Schambach, California director of Public Employees for Environmental Responsibility.

Schambach said her group obtained the leaked memo from a former state parks employee. When Schambach posted it to the Web, Tara Lynch, chief legal counsel for state parks, called her and asked her to remove it, she said. She declined, citing the public interest.

Of particular interest are PEER's comments pertaining to a similar park region cell phone scenario. Take note especially to this PEER excerpt and the accompanying articles in **Exhibit G** about the health hazards related to radio frequency radiation:

Cell tower base stations emit radio frequency ("RF") radiation. High levels of RF radiation cause tissue damage and other adverse health effects. A number of scientific studies published in recent years have found that people living in close proximity to cell towers have increased rates of cancer, as well as other ill-health effects such as fatigue, headaches, dizziness, depression, sleeping disorders, difficulty in concentration, and cardiovascular problems.

In 2004, OSHA found unsafe levels of RF radiation were being emitted from the cell tower at Mt. Washburn within YNP. Exposure of park employees, visitors, and wildlife to RF radiation is one factor that must be considered in any decision to approve cell tower construction.

Contrary to Mr. Dougherty's report, there are indeed many unresolved environmental issues related to health hazards associated with RF radiation from cell towers. The evidence is far too overwhelming to include in this correspondence.

In general, all of us must keep in mind that the human body is an electrical system. Section 17.14.210(J) of the County Code states certain requirements for projects located within 1,000 feet of ***school children***.

There is indeed substantial scientific evidence that cell towers in close proximity to schools produce increased health risks such as cancer and auto-immune disorders. The rationale is that if it is unsafe 1,000 feet from a school, then all the more reason for concern the adverse effects have upon residents living 24/7 within approximately 250 feet of a cell tower. **NOT IN MY FRONT YARD!**

BOTTOM LINE: The Government, FCC and the Telecommunications Act of 1996 do not have the right or authority to make decisions about the risks that a cell tower would pose to my health, or for that matter, to make guinea pigs out of any other American citizen.

RIVER MANAGEMENT PLAN – TECHNICAL ADVISORY COMMITTEE

The Board of Supervisors and RMAC have a legal, moral and ethical responsibility to take into consideration the **residents** of our historic river community. This is necessary in order to be in compliance with CEQA, the EDC General Plan and the River Management Plan. RMAC has been grossly negligent in this regard.

Over the past two years I've personally audio recorded all of the RMAC monthly meetings and arranged to have the January 2010 meeting professionally video taped. The purpose of **COMPAS** is to share what really transpires at these meetings that the public would not otherwise be privy to. Political and financial compromises favoring special interest groups abound. It is a matter of public record that RMAC delegates have been overtly hostile regarding my presence in meetings to discourage me from participating as spokesperson for the residents of our community. This resulted in the necessity for **COMPAS** to file a Grand Jury request in July 2010 for investigation into RMAC operations, depriving the public of their right to know, and Brown and Bagley Keene Act violations.

My first notification of the cell tower project took place during the tense June 11, 2009 RMAC meeting. At that time the RMAC representatives voted unanimously to remain **neutral** on the subject. To the contrary, correspondence in the cell tower file indicates **active involvement** by RMAC representatives and TAC members Hilde Schweitzer and River Supervisor Noah Rucker-Triplett. The flurry of emails within a short period of time (July 20 – 22, 2009) indicated a coordinated effort by RMAC affiliates to unfairly influence the project decision making process. **(Exhibit C)**

I was referred by Noah Rucker to Patricia Kelly, Assistant Planner on the project. When we initially met to discuss the materials, Ms. Kelly mentioned her keen awareness of the long history of problems locating suitable cell tower sites in the Coloma valley. She was also cognizant of the strained relations that had developed between CA State Park personnel and local residents. **(Exhibit D – letter dated 6/22/09)**

Ms. Kelly was familiar with the alternate cell tower site identified by the MGD Park located directly across Hwy. 49 from North Beach. This was discussed in 2001 the year I served as President of the Gold Discovery Park Association (GDPA). GDPA minutes will reveal retired Park Superintendent Ken Simmons announced a specific 2.3 acres was targeted for purchase by CA State Parks solely for the purposes of a **cell tower**. The purpose was for the Park to maintain control of the design and position of associated cell tower structures.

A mock up of the artificial tree and proposed site was then distributed to the community via a Coloma Lotus News email. **However plans for that particular site were struck down by the community because it was inconsistent with the preservation of the historic ambiance and natural scenic environment of the Marshall Gold Discovery Historic State Park.**

IN CONCLUSION:

Please take into consideration the perspectives in the documentation and the photos I've provided. Other suggested alternative sites include those photos in **Exhibit A**:

- Mancuso's atop Mt. Murphy. Site has already been pre-approved; letter and map in **Exhibit A**.
- Kathleen and Bob Ash own Bella Vista Bed and Breakfast on the south side of the valley. They have also indicated a desire for their property to be considered for a cell tower site.
- The Monroe Ridge and the Marshall Monument have already been identified as potential cell tower sites within the Marshall Gold Discovery Park. The Park would bear the burden as well as the financial benefits, plus it would not have a detrimental effect upon residential property values.
- Neighboring mountain to the west of Marshall Grade, opposite Perry Mountain within clear view of the Coloma valley.
- The top of Tom Clemens property to the east of Dutch Creek, upon the neighboring mountains on the south side of the S. F. American River, and atop American River Resort property.

The elevation of the above suggested alternate sites would provide **far superior coverage** plus the substantial existing foliage would naturally camouflage structures having far less impact upon the scenic views of the historic backdrop to the Marshall Gold Discovery.

As a final consideration, if the Robinson's are to reap the financial benefits of a cell tower on their property, then it only stands to reason they should also bear the burden of living with the liabilities such cell structures pose. Two more suitable alternative sites on the Robinson's property are suggested that would resolve the numerous safety, security and property value issues associated with the proposed site in front of my home. (See **Exhibit A**)

Refer also to correspondence addressed to my neighbor, Bob Brockman. (**Exhibit B-6**) Mr. Brockman expressed his approval, stating publicly that he "wouldn't mind" the alternate cell tower site at the entrance to Robinson's driveway.

It would give everyone great peace of mind if you'd consider the wisdom of a more suitable location that would lessen the detrimental impact of this project upon the MGD Park and my health, home and sanctuary.

More importantly, a suitable alternative site would help tremendously to 1) heal community relations, 2) show support of **COMPAS** principles, and 3) restore trust in our local government leadership as discussed during our September 5, 2007 meeting held in the Marshall Gold Discovery Museum. It is the only sensible, ethical and responsible means to achieve those goals.

Your anticipated cooperation by contributing to a mutually equitable solution is deeply appreciated.

Sincerely,

Melody Lane

Melody Lane
President – **COMPAS, Inc.**
Citizens Organized to Monitor Protect And Serve