



FINAL ENVIRONMENTAL IMPACT REPORT

GUENOC VALLEY MIXED USE PLANNED DEVELOPMENT PROJECT

VOLUME I RESPONSE TO COMMENTS

JUNE 2020

LEAD AGENCY:

Lake County Community
Development Dept.
255 N Forbes St # 330
Lakeport, CA 95453



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Revised Appendix OSPP	Amendment to Open Space Preservation Plan
Revised Appendix SPOD	Specific Plan of Development for Phase 1
Appendix ATTM	Air Transportation Technical Memo
Appendix BOHN	Upper Bohn Lake Recreation Operation Plan
Appendix TDM	Transportation Demand Management Plan
Appendix WILDLIFE	A systematic review of habitat connectivity as proposed in the Guenoc Valley Mixed Use Project in relation to in the Mayacamas to Berryessa (M2B) Connectivity Network Report (M2B 2018)
Appendix WRA	WRA Response to comments Memorandum

1.0 INTRODUCTION

1.1 OVERVIEW

This document, in its entirety (Volumes I through III) constitutes the Final Environmental Impact Report (EIR) for the Guenoc Valley Mixed Use Planned Development Project (Proposed Project). A Final EIR is defined by Section 15362(b) of the California Environmental Quality Act (CEQA) Guidelines as "...containing the information contained in the Draft EIR, comments either verbatim or in summary received in the review process, a list of persons commenting, and the response of the Lead Agency to the comments received."

This Final EIR is composed of three volumes:

Final EIR, Volume I, Response to Comments. Volume I of the Final EIR contains this introduction (Section 1); a list of persons, organizations, and public agencies commenting on the Draft EIR (Section 2); the comments received on the Draft EIR and responses to those comments (Section 3); and the mitigation, monitoring, and reporting plan for the Proposed Project (Section 4).

Final EIR, Volume II, Revised Draft EIR. In accordance with Section 15132 and 15088(d)(1) of the CEQA Guidelines, and to facilitate review by the public, Volume II contains the full text of the Draft EIR, revised to respond to comments received during the comment period and/or as initiated by the Lead Agency. All text revisions to the Draft EIR are shown in ~~strikethrough~~ (to indicate deletions) or underline (to indicate additions).

Final EIR, Volume III, Technical Appendices. Volume III of the Final EIR contains technical appendices that provide further detail regarding the analysis performed. Volume III of the Final EIR includes changes to technical appendices made in response to comments, but without underline or strikethrough. Only appendices modified from the Draft EIR are included, as well as additional appendices.

1.2 PUBLIC REVIEW PROCESS

The Notice of Availability (NOA) for the Draft EIR was submitted to the State Clearinghouse on February 21, 2020 (SCH#2019049134). The NOA announced a 45-day comment period running from February 21, 2020 to April 7, 2020. In light of public requests for extension of the comment period, the deadline for responses was extended two weeks to April 21, 2020.

The public comment period provides an opportunity for interested public and private parties to provide input regarding the completeness and adequacy of an EIR. CEQA Guidelines Section 15151 addresses the standards by which EIR adequacy is judged:

An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed

project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure.

CEQA Guidelines Section 15204(a) encourages parties to focus comments on the “sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated.” Commenters are advised:

Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. At the same time, reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible, in light of factors such as the magnitude of the project at issue, the severity of its likely environmental impacts, and the geographic scope of the project. CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.

1.3 CHANGES TO THE PROPOSED PROJECT

The following changes have been made to the Proposed Project since the publication of the Draft EIR. The Draft EIR has been revised to reflect these changes, and comments have been responded to in **Final EIR, Volume I, Section 2.0** accordingly.

- **Planning Area Name Change:** The name of the proposed “Red Hill” planning area has been revised to “Golf Course Estates” in order to avoid any potential confusion with the previously established “Red Hills American Viticultural Area” wine growing region in Lake County.
- **Open Space Overlay Zone Boundary Changes:** The designated open space overlay zone boundary area has been shifted slightly to accommodate the Proposed Project while still satisfying existing mitigation requirements. The overall acreage of the open space overlay zone remains 2,765 acres, consistent with the area described in the Draft EIR. Please refer to **Revised Appendix OSPP**.
- **Habitat Connectivity Easements.** The Proposed Project has been revised to include approximately 400 acres of habitat connectivity easements that generally correspond to the least cost wildlife movement pathways identified in the Mayacamas to Berryessa (M2B) Connectivity Network Report (M2B Study) (Gray, 2018). These will be recorded as habitat easements on the tentative maps for the property. Refer to the description of the Habitat Connectivity Easements in the **Final EIR, Volume II, Section 2.5.2.2** and **Volume II Figure 2-6**.
- **Wildfire Response Plan Changes:** The Wildfire Response Plan has been amended to require the establishment of roadway fire breaks upon occupancy of structures (versus leaving the timing of the fire breaks to the discretion of the homeowners association) and to require primary structures to be

equipped with an exterior fire suppression system. Refer to the revised description of the Wildfire Response Plan in the **Final EIR, Volume II, Section 2.5.2.3**.

1.4 ADDITIONS AND REVISIONS TO DRAFT EIR APPENDICES

This section describes new appendices or revisions to appendices. The following appendices provided in the Draft EIR have been revised and the revised versions are included within **Final EIR, Volume III**:

- **Revised Appendix OAK** – The Oak Mitigation Plan has been revised to increase oak woodland preservation ratios to require three acres of preservation for every acre of impacts to valley oak woodland, and two acres of preservation for every acre of impacts to all other oak woodlands. The Oak Preservation Plan provided as an attachment to the Oak Mitigation Plan has been supplemented with additional preservation areas to demonstrate feasibility in attaining these higher preservation ratios. Clarification has been added to the Oak Mitigation Plan regarding the classification of oak savanna as a sub-set of oak woodland with canopy cover of oaks from 10 to 60 percent. Finally, monitoring requirements for mitigation plantings have been increased from three years to seven years.
- **Revised Appendix OSPP** – Mitigation for the 2009 Water Rights Modification Project required preservation of 2,765 contiguous acres of habitat preserved in tandem with vineyard buildout. An amendment to the proposed open space boundary was included as an attachment to the Draft EIR. Minor adjustments have been made to this boundary to accommodate the Proposed Project while still satisfying existing mitigation requirements. The revised OSPP shows only those areas required to satisfy mitigation for the 2009 Water Rights Modification Project.
- **Revised Appendix FIRE** – require the establishment of roadway fire breaks upon occupancy of structures (versus leaving the timing of the fire breaks to the discretion of the homeowners association) and to require primary structures to be equipped with an exterior fire suppression system. Additionally, this appendix includes additional discussion on wildfire response and evacuation procedures.
- **Revised Appendix DG** – The design guidelines have been revised to provide additional information on project design and allowable development characteristics. A section has been added to discuss development setbacks near aquatic habitat and supporting vegetation, and the appropriate impact minimization methods. These updates acknowledge potential permitting requirements. It is clarified that residential lots are restricted to a 1.5-acre buildout area, or 1.0 acres on lots within oak woodlands. The Wildfire Defense System is described in greater detail with 24/7 monitoring requirements. Additional restrictions on fencing within residential lots has been included to require wildlife-friendly materials and design. The updated Design Guidelines provide an emphasis on preservation of sensitive biological resources and include restrictions within areas identified as Habitat Corridor Easement Areas.
- **Revised Appendix SPOD** – Appendix SPOD has been revised to include several replacement slip sheets related to minor design modifications within the Maha Farms and Golf Course planning areas. All changes take place within the previously defined area of potential effects (APE) shown in Figures 2-6A-F of the Draft EIR.
 - Within the Maha Farms area, the residence club went from a three-story building to three separate buildings, but the theater, previously a separate building, was removed and the

function was incorporated in the lower floor of the residence club. The agricultural area decreased in size, and the grand total of the Maha Farms impact area also decreased in size. All of these changes occur within the APE.

- The golf course has undergone minor changes to reduce potential impacts to waters of the U.S. Golf maintenance facilities and clubhouse have also been reoriented due to survey data and design needs. Again, all changes occur within the APE.

The following new appendices have been added since release of the Draft EIR:

- **New Appendix ATTM - Air Transportation Technical Memo.** An Air Transportation Technical Memo has been provided to clarify information related to the operations of the float plane dock and helipads within the site. This appendix also provides information related to noise levels resulting from air travel.
- **New Appendix BOHN - Upper Bohn Lake Recreation Operation Plan.** A recreation operation plan has been prepared to further identify the recreational uses at Upper Bohn Lake, including landing, and launch locations.
- **New Appendix WILDLIFE - A systematic review of habitat connectivity as proposed in the Guenoc Valley Mixed Use Project in relation to in the Mayacamas to Berryessa (M2B) Connectivity Network Report (M2B Study).** This document evaluates wildlife movement corridors on the Guenoc Valley Site that were identified in the Mayacamas to Berryessa Connectivity Network Report (M2B Study; Gray, 2018). Appendix WILDLIFE assesses the Proposed Project's potential impacts to these wildlife movement pathways and discusses methods to preserve or offer alternatives to potentially impacted corridors. Approximately 400 acres of Habitat Connectivity Easements will be designated within the site as a result of this analysis. The locations of these easements are shown on **Final EIR, Volume II, Figure 2-6**, and generally correspond to the least cost wildlife movement pathways identified in the M2B Study.
- **New Appendix TDM - Transportation Demand Management Plan.** A Transportation Demand Management (TDM) Plan has been provided to clarify information related to the description, scope, implementation, monitoring, and reporting of the TDM strategies required by Mitigation Measure 3.13-4.
- **New Appendix WRA - WRA Response to comments Memorandum.** A technical memorandum was prepared by WRA to clarify the definition of oak habitat types used throughout the Biological Resources Assessments (Appendix BRA1 and BRA2 of the Draft EIR) and the Draft EIR. This memorandum also provides additional analysis on suitable oak preservation ratios based on scientific literature and local regulations.

1.5 RESPONSE TO COMMENTS ORGANIZATION

This Response to Comments document consists of this introduction and the sections outlined below:

Section 2.0, Comments on the Draft EIR – This section includes a list of all agencies, individuals, and organizations who submitted written comments during the public review period for the Draft EIR. The list is followed by copies of original written comments received during the public review period for the Draft EIR. Comment letters are each assigned a number, and individual comments are bracketed in the margin.

Additionally, this section includes a transcript of the spoken comments provided at the public meeting on March 12, 2020.

Section 3.0, Responses to Comments – This section provides master responses to certain issues raised in comments and individual responses to each written comment submitted during the public review period for the Draft EIR. Individual responses are keyed to the bracketed comment numbers provided in **Final EIR, Volume I, Section 2.0**.

Section 4.0, Mitigation Monitoring and Reporting Plan – This section presents the Mitigation Monitoring and Reporting Plan for the Proposed Project.

Section 5.0, References – This section provides bibliographic information for all references and resources cited within the **Final EIR, Volume I**.

2.0 COMMENTS ON THE DRAFT EIR

This section contains a list of public agencies, individuals, and organizations that provided comments during the public review period for the Draft EIR prepared for the Guenoc Valley Mixed-Use Planned Development Project and copies of the Draft EIR comments. The comment letters are organized as agency comments, organization comments, individual comments, and public hearing comments. A total of 29 written comment letters were received during the public review period, along with verbal comments provided by six individuals at the public meeting held on March 12, 2020. Comments are organized into four categories: those submitted in writing by public agencies, governmental entities, and tribal governments (A); those submitted in writing from organizations (O); those submitted in writing by individual private citizens and/or including comment cards received at the March 12, 2020, public hearing (I); and those given orally during the public meeting as recorded on the official public meeting transcript (PH)¹. In addition to category, each comment letter is assigned a unique number (e.g., A1), and then individual comments within the letters have been bracketed into specific substantive comments, that are then numbered (e.g., A1-1) for ease of reference. **Final EIR, Volume I, Section 3.0** contains responses that correspond to these numbered comments. The supporting materials and attachments submitted with some of the comments have not been included in this section to conserve space, but were considered in the comment responses. The supporting materials are considered part of the administrative record and are available for review online at the County's website: http://www.lakecountycalifornia.gov/Government/Directory/Community_Development/Planning/GuenocValley.htm and at the following address during normal business hours (8:00 A.M. to 5:00 P.M., Monday through Friday):

County of Lake
255 N. Forbes Street
Lakeport, CA 95453

The agencies, individuals, and organizations who provided comments on the Draft EIR are listed below in **Table 2-1**.

TABLE 2-1
COMMENT LETTER LOG

Comment Letter Number	Commenter	Date
Agency Comments		
A1	Mike Wink, Battalion Chief – South Lake County Fire Protection District	3/10/2020
A2	Philip Crimmins - Department of Transportation	3/11/2020
A3	John Speka - Lake Area Planning Council/Dow & Associates	4/3/2020
A4	John Benoit – Local Agency Formation Commission (LAFCo)	4/6/2020
A5	Peter Minkel - Central Valley Regional Water Quality Control Board	4/7/2020
A6	Kevin Thomas - California Department of Fish and Wildlife	4/14/2020
A7	Rex Jackman - CalTrans District 1	4/24/2020
A8	Sally Peterson - Middletown Rancheria of Pomo Indians of California	4/21/2020

¹ Only public speakers are included in this document. Full transcripts of the entire public hearing are available upon request.

Comment Letter Number	Commenter	Date
A9	John McDowell - Napa County Planning, Building and Environmental Services Department	4/21/2020
Organization Comments		
O1	Redbud Audubon Society - Roberta Lyons	2/24/2020
O2	Redbud Audubon Society - Roberta Lyons	2/24/2020
O3	Redbud Audubon Society - Roberta Lyons	3/5/2020
O4	Taylor Observatory – David Velasando	3/11/2020
O5	David Velasando	3/12/2020
O6	Roberta Lyons	3/24/2020
O7	Brenna Sullivan, Executive Director	3/27/2020
O8	Victoria Brandon, Conservation Chair	4/20/2020
O9	Janet Cobb, Executive Officer Angela Moskow	4/21/2020
O10	Roberta Lyons	4/21/2020
Individual Comments		
I1	Donna Mackiewicz	2/23/2020
I2	R. Keith Donaldson	3/11/2020
I3	Richard Mackiewicz	3/12/2020
I4	James Duncan	3/12/2020
I5	John Sullivan	3/12/2020
I6	Kurt Steir	3/12/2020
I7	Linda Diehl-Darms	3/30/2020
I8	Danielle Fay	4/2/2020
I9	Tanya Striedieck	4/2/2020
I10	Susan Knowles	4/16/2020
Public Hearing Comments		
PH1	David Velasando	3/12/2020
PH2	Dyani Bachelder	3/12/2020
PH3	Kurt Steir	3/12/2020
PH4	Donna Mackiewicz	3/12/2020
PH5	Fletcher Thorton	3/12/2020
PH6	Kurt Steil	3/12/2020

AGENCY COMMENTS

Comment Letter A1

From: Wink, Mike@CALFIRE [mailto:Mike.Wink@fire.ca.gov]

Sent: Tuesday, March 10, 2020 11:07 AM

To: Mark Roberts <Mark.Roberts@lakecountyca.gov>; David Casian <David.Casian@lakecountyca.gov>; Jack Smalley <Jack.Smalley@lakecountyca.gov>

Cc: Madelyn Martinelli <martinelli755@aol.com>; Devin Hoberg <dhoberg9999@gmail.com>; Fong, Gloria@CALFIRE <Gloria.Fong@fire.ca.gov>

Subject: [EXTERNAL]Guenoc Valley Mixed Use Project Comments 03-09-2020

Good afternoon Mr Roberts. I made myself a note that comments from the South Lake County Fire Protection District were due this week, similar to process at the end of January. Our comments from January remain unchanged, with the eight bullet point now being added. The majority of our comments are focused our financial ability to provide services to this Development in the five year goal period at South Lake County Fire Station 61.

A1-01

The South Lake County Fire Protection District / Board of Directors has been involved in this projects planning since the Development Team started work. Most all items are addressed in this plan that we have been involved in. There are some verbal conversations and plans we would like to insert into the EIR for ongoing discussion and planning for implementation for the South Lake County Fire Protection District and the Developers/Owners. Per verbal discussion and plans:

A1-02

- The Emergency Response Center will become the South Lake County Fire Protection Districts, Fire Station #61 at MAHA Guenoc Valley. The goal for this is within two to three years from now.
- In year two or three when the Emergency Response Center is complete the Developer with work with South Lake County Fire to purchase some initial Emergency Response Apparatus to get started to be placed in Station 61 for ISO rating.
- Response to the Development prior to staffing will be from other South Lake County Fire Protection facilities.
- In year two or three the Developer will start to budget apx \$200,000.00 a year for operations and equipment purchasing. The apx \$200,000.00 a year will roll over annually to build funds to purchase Emergency Response Apparatus/Equipment. This amount will continue with the roll over strategy so that equipment can be replaced as needed in the South Lake County Fire fleet of Emergency Apparatus.
- It is projected in year four we will have to start the process to have staff at Fire Station 61 - 24/7/365 to reduce response times in year five.
- It is projected in year five Station 61 will be staffed by South Lake County Fire Protection District and reported to ISO for documentation. This projection is based on occupancy, population and completion of infrastructure.
- The South Lake County Fire Protection Districts staffing will rely on funding from several sources.

A1-03

A1-04

A1-05

A1-06

A1-07

- Current APN Property Tax
- Current Direct Assessments (Measure L)
- NEW - Emergency Response PILT for transient guests
- NEW - New APN #s created by the project, and APN #s within the 21,000 project boundary will/shall be discussed with the County about all of the Fire Protection and other "ad valorem" property tax amounts to be considered for local use to provide staffing at Station 61.
- Developer paid staffing costs. Amounts that are not covered by property tax increases, ad valorem increases, and PILT increases to support the operations of the South Lake County Fire Protection District.

A1-08

- NEW Comment (03-10-2020) - The Fire District several years ago created a CFD (Community Facilities District) that is similar in concept to a Mello-Roos District. The intent of forming the CFD many years ago prior to this project concept was to give the Fire District the ability to address future development and services to be provided. The Fire Districts CFD may apply to this project in order to provide services to the project.

A1-09

Mike Wink
Battalion Chief

South Lake County Fire Protection District

21095 Hwy 175 - P.O.Box 1360

Middletown, Ca. 95461

Office: 707.987-3089 ext 1

Cell: 707.889.4225

Fax: 707.987.9478

Email Mike.Wink@fire.ca.gov Mr Roberts

DEPARTMENT OF TRANSPORTATION

DIVISION OF AERONAUTICS – M.S. #40

1120 N STREET

P. O. BOX 942874

SACRAMENTO, CA 94274-0001

PHONE (916) 654-4959

FAX (916) 653-9531

TTY 711

www.dot.ca.gov

RECEIVED

APR 3 REC'D

DPW - ADMIN.

Making Conservation
a California Way of Life.

March 30, 2020

Mr. Scott DeLeon
County of Lake
255 N. Forbes Street
Lakeport, CA 95453

Re: Draft Environmental Impact Report for the Guenoc Valley Development;
SCH#2019049134

Dear Mr. DeLeon:

The California Department of Transportation, Division of Aeronautics (Division), reviewed the above-referenced document with respect to airport-related noise and safety impacts and regional aviation land use planning issues pursuant to the California Environmental Quality Act (CEQA). The Division has technical expertise in the areas of airport operations safety and airport land use compatibility. We are a funding agency for airport projects and we have permit authority for public-use and special-use airports and heliports. The following comments are offered for your consideration.

The proposed project consists of a master planned, mixed-use resort and residential community within the 16,000 acre Guenoc Valley Ranch property in southeast Lake County. The project also proposes some smaller scale new development on two nearby sites. The project also includes three separate aviation facilities including two heliports and a seaplane base.

Each of the heliports, if constructed, might require a State Heliport Permit issued by the Division in accordance with Public Utilities Code (PUC) Section 21663. Heliports that are required by building code as an Emergency Use Facility (i.e. to be used only for emergency medical or evacuation purposes) however, are exempt from the State's heliport permit requirements. The California Code of Regulations (Airports and Heliports), Title 21, Section 3527 defines an Emergency Use Facility to be, "An area for accommodating helicopters in support of emergency public safety operations, but is not used as a heliport for any other purpose."

Among the Division's checklist of items required to be submitted prior to issuing a heliport permit, is an approved heliport plan of construction from the local jurisdiction such as the City Council or County Board of Supervisors as appropriate, in accordance with PUC section 21661.5.

The applicant should also be advised to contact the Division's Aviation Safety Officer for Lake County, Christopher Brooks, at (916) 654-5450, for assistance with the State permit

A2-01

Mr. DeLeon
March 30, 2020
Page 2

requirements. Information regarding the heliport permit process is available on-line at <https://dot.ca.gov/programs/aeronautics>

Prior to issuing a State heliport permit, the Division, as a responsible agency, must be assured that the proposal is in full compliance with CEQA. The issues of primary concern to us include heliport-related noise and safety impacts on the surrounding community. In order to determine the potential environmental impacts regarding aircraft noise and safety, the environmental documentation for the proposed heliports should at least include:

- the anticipated number of operations
- breakdown of anticipated daytime and/or nighttime use
- a noise study with heliport noise contours (55, 60, and 65dB CNEL)
- diagrams showing the proposed landing site and the approach/departure flight paths

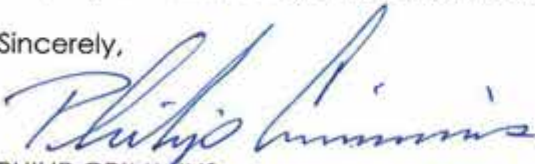
The diagrams should also depict the proximity of the proposed flight paths to any existing or proposed noise sensitive or people intensive land uses. Since the draft environmental impact report for this project does not contain this basic heliport environmental analysis and documentation, it is recommended that a separate environmental document be prepared for the heliports.

Consideration given to the issue of compatible land uses in the vicinity of the proposed heliports and seaplane base should help to relieve future conflicts between these aviation facilities and their neighbors. To ensure that the community will not be adversely impacted by aircraft operations, flight paths should avoid noise-sensitive and people intensive uses. The California Airport Land Use Planning Handbook is a resource that can be used in the preparation of environmental and permitting documents for airports and heliports. The Handbook is available on-line at:

<http://dot.ca.gov/hq/planning/aeronaut/documents/alucp/AirportLandUsePlanningHandbook.pdf>

These comments reflect the areas of concern to the Division with respect to aviation-related noise, safety, and regional land use planning issues. Thank you for the opportunity to review and comment on this proposal. If you have any questions, please contact me at (916) 654-6223, or by email at philip.crimmins@dot.ca.gov.

Sincerely,



PHILIP CRIMMINS
Aviation Environmental Specialist

c: State Clearinghouse, Lake County ALUC

A2-01
(Cont.)

From: John Speka [<mailto:spekaj@dow-associates.com>]
Sent: Monday, April 6, 2020 3:48 PM
To: Mark Roberts <Mark.Roberts@lakecountyca.gov>
Cc: 'Lisa DaveyBates' <ldaveybates@dbcteam.net>; 'Nephele Barrett' <barrettn@dow-associates.com>; 'Rymer-Burnett, Saskia@DOT' <Saskia.Rymer-Burnett@dot.ca.gov>
Subject: [EXTERNAL]Lake Area Planning Council Draft EIR Comments for the Guenoc Valley Mixed Use Planned Development Project

Mark,

Thank you for the opportunity to comment on the Draft EIR for the Guenoc Valley Mixed Use Planned Development project. As the Regional Transportation Planning Agency (RTPA) for the Lake County region, Lake Area Planning Council (APC) staff has reviewed the Project Description and Section 3.13 (Transportation and Traffic) and finds the analyses to adequately address potential impacts to the regional transportation system. Overall, the Proposed Project does not appear to conflict with the Regional Transportation Plan or other potential areas of concern for our agency.

Also, as you are aware, Lake APC is in currently in the process of preparing a Vehicle Miles Traveled (VMT) Regional Baseline Study to address new CEQA requirements stemming from Senate Bill (SB) 743 (CEQA Guidelines Section 15064.3) with respect to project related traffic impacts. However, the DEIR has successfully addressed these items in the interim, basing its findings on OPR recommended thresholds and determining project impacts to be "significant and unavoidable" in this area.

Lake APC has no further comments at this time.

John Speka
Senior Transportation Planner
Lake Area Planning Council/Dow & Associates
367 N. State Street, Suite 206
Ukiah, CA 95482
Office: 707.263.7799

Comment Letter A4

From: John Benoit [mailto:j.benoit4@icloud.com]
Sent: Tuesday, April 7, 2020 11:41 AM
To: Guenocvalleycomments - Email <Guenocvalleycomments@lakecountyca.gov>
Subject: [EXTERNAL]Lake LAFCo DEIR Comments

Attn: Mark Roberts, Principal Planner

Lake LAFCo has reviewed the DEIR for the Guenoc Valley Project and acknowledges this is a Programatic EIR and the project is largely self-mitigating. LAFCo has noticed the following regarding this DEIR.

For the most part Public Services will be provided by existing service providers and therefore, at this point LAFCo has limited jurisdiction.

Fire and EMS will be provided by the South Lake County Fire Protection District.

Wastewater to be provided by LACOSAN in both the Guenoc Valley and in Middletown housing project.

Domestic Water will be provided by a non public agency in the Guenoc Valley project. Should the State require a Public Agency, LAFCo will be providing comments specific to the provision of domestic water supply. LAFCo recognizes there will be an annexation to the Callayomi County Water District in Middletown and would like to review the environmental documentation for that project when available.

Should power be provided by a public utility, LAFCo would like to review any environmental documentation for this service.

An option for road maintenance is the establishment of a benefit zone for the Countywide County Service Area for road maintenance.

LAFCo would like to have the opportunity to review subsequent environmental reviews tying off this EIR especially for those reviews requiring an entitlement from LAFCo.

John Benoit
Executive Officer

April 7, 2020

A4-01

A4-02

A4-03

A4-04

A4-05

A4-06

A4-07



Central Valley Regional Water Quality Control Board

14 April 2020

Mark Roberts
County of Lake
255 North Forbes Street
Lakeport, CA 95453

COMMENTS TO REQUEST FOR REVIEW FOR THE NOTICE OF AVAILABILITY OF THE DRAFT ENVIRONMENTAL IMPACT REPORT, GUENOC VALLEY MIXED-USE PLANNED DEVELOPMENT PROJECT, LAKE COUNTY

Pursuant to the State Clearinghouse's 21 February 2020 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Notice of Availability for the Draft Environmental Impact Report* for the Guenoc Valley Mixed-Use Planned Development Project, located in Lake County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

I. Regulatory Setting

Basin Plan

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has

KARL E. LONGLEY SCD, P.E., CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

Guenoc Valley Mixed-Use Planned- 2 -
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adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues. For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:

http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/

Antidegradation Considerations

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Implementation Policy is available on page 74 at:

https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr_2018_05.pdf

In part it states:

Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.

This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

II. Permitting Requirements

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). For more information on the Construction General Permit, visit the State

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Water Resources Control Board website at:
http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits¹

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:
http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml

Industrial Storm Water General Permit

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ. For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACE). If a Section 404 permit is required by the USACE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements. If you have any questions regarding the Clean Water Act

¹ Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

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Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACE at (916) 557-5250.

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications. For more information on the Water Quality Certification, visit the Central Valley Water Board website at:

https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality/certification/

Waste Discharge Requirements – Discharges to Waters of the State

If USACE determines that only non-jurisdictional waters of the State (i.e., "non-federal" waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation. For more information on the Waste Discharges to Surface Water NPDES Program and WDR processes, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_surface_water/

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Projects involving excavation or fill activities impacting less than 0.2 acre or 400 linear feet of non-jurisdictional waters of the state and projects involving dredging activities impacting less than 50 cubic yards of non-jurisdictional waters of the state may be eligible for coverage under the State Water Resources Control Board Water Quality Order No. 2004-0004-DWQ (General Order 2004-0004). For more information on the General Order 2004-0004, visit the State Water Resources Control Board website at:

https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf

Dewatering Permit

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Threat General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Threat Waiver) R5-2018-0085. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage

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under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf

For more information regarding the Low Threat Waiver and the application process, visit the Central Valley Water Board website at:
https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2018-0085.pdf

Limited Threat General NPDES Permit

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Limited Threat Discharges to Surface Water* (Limited Threat General Order). A complete Notice of Intent must be submitted to the Central Valley Water Board to obtain coverage under the Limited Threat General Order. For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:

https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf

NPDES Permit

If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit. For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at: <https://www.waterboards.ca.gov/centralvalley/help/permit/>

If you have questions regarding these comments, please contact me at (916) 464-4684 or Peter.Minkel2@waterboards.ca.gov.

Original Signed By:

Peter Minkel
Engineering Geologist

cc: State Clearinghouse unit, Governor's Office of Planning and Research,
Sacramento (via email)

A5-01
(Cont.)



Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
North Central Region
1701 Nimbus Road
Rancho Cordova, CA 95670
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



April 21, 2020

Scott DeLeon
Interim Community Development Director
County of Lake
255 N. Forbes Street
Lakeport, CA 95453

Dear Mr. DeLeon:

Subject: Guenoc Valley Mixed-Use Planned Development Project
DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) SCH# 2019049134

The California Department of Fish and Wildlife (CDFW) received and reviewed a Notice of Availability of a DEIR from the County of Lake (County) for the Guenoc Valley Mixed-Use Planned Development (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish, wildlife, and their habitat. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, portions of the Project will be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

The Project proposes phased development of resort facilities including low density residential, preserved open space, neighborhood serving retail and restaurants, and several boutique hotels. The Project site is proposed on approximately 16,000 acres located in southern Lake County, approximately 2 miles southeast of Middletown and 15 miles north of Calistoga, CA. The Project would involve a General Plan amendment, creation of a new zoning district pursuant to Policy 6.3.1b of the Middletown Area Plan, rezoning, subdivision, and project-specific approvals.

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

A6-01

A6-02

A6-03

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the County in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

Lake and Streambed Alteration

Pursuant to Fish & G. Code, § 1600 et seq., notification to CDFW is required if a project proposes activities that may substantially divert or obstruct the natural flow of water; substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake. In these cases, the DEIR should propose mitigation measures to avoid, minimize, and mitigate impacts to fish and wildlife resources from these activities. The Project encompasses activities that include, but are not limited to: the installation or replacement of bridges, culverts, outfalls, grading, and riparian vegetation removal, which are subject to Notification under Section 1602 of the Fish and Game Code. CDFW recommends the DEIR clearly state that notification under Fish and Game Code 1602 is required. CDFW encourages project proponents to notify as early as possible to ensure adequate time to process future permits.

A6-04

CDFW's ability to issue Lake and Streambed Alteration Agreements in a timely manner is facilitated when the environmental document specifically describes project impacts and proposes measures to avoid, minimize, and mitigate impacts to perennial, intermittent, and ephemeral rivers, streams, and lakes, and any associated biological resources/habitats present within the project study area. The DEIR should identify impacts to fish and wildlife resources dependent on those hydrologic features and habitat types. The analysis should overlay all Project activities over the habitat types and hydrologic features to determine where and to what extent they overlap. And finally, use the overlapping areas to estimate, by habitat type, the acreages that will be temporarily and/or permanently directly, indirectly or cumulatively impacted by the proposed Project. CDFW relies on the Lead Agency environmental analysis when acting as a responsible agency when issuing a Lake or Streambed Alteration Agreement for a project.

Threatened, Endangered, Candidate Species

The Project area as shown in the DEIR includes occurrences and habitat for state listed species including the following:

Tricolored blackbird (*Agelaius tricolor*)
Bald eagle (*Haliaeetus leucocephalus*)

A6-05

If preconstruction surveys detect presence of state listed species and the Project is likely to result in "take", as defined in the Fish & G. Code, section 86, an Incidental Take Permit (ITP)(Fish & G. Code, § 2081) may be obtained prior to starting construction activities.

Fully Protected Species

The classification of Fully Protected (Fish & G. Code §§ 3511, 4700, 5050 and 5515) was the State's initial effort in the 1960's to identify and provide additional protection to those animals that were rare or faced possible extinction. Lists were created for fish, mammals, amphibians and reptiles, birds and mammals. Fully Protected species may not be taken or possessed at any time and no licenses or permits may be issued for their take except for collecting these species for necessary scientific research and relocation of the bird species for the protection of livestock.

A6-06

The DEIR states that several Fully Protected Species have been detected within the Project area including:

Ring-tailed cat (Ringtail) (*Bassariscus astutus*)
Golden eagle (*Aquila chrysaetos*)

White-tailed kite (*Elanus leucurus*)
American peregrine falcon (*Falco peregrinus anatum*)
Bald eagle (*Haliaeetus leucocephalus*)

Because of the species' status, any impact could be considered significant under CEQA. Construction noise and disturbance could result in impacts to these Fully Protected Species or their nests. Therefore, a combination of avoidance measures or design considerations can be effective in reducing impacts to the species. CDFW is not able to authorize the take of Fully Protected Species. The DEIR should describe how the Project will avoid take and coordinate with CDFW if Fully Protected Species are present.

A6-06
(Cont.)

Migratory Birds

Migratory bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) (16 U.S.C., §§ 703-712). CDFW implemented the MBTA by adopting the section 3513 of the Fish and Game Code. Fish and Game Code sections 3503, 3503.5, and 3800 provide additional protection to nongame birds, birds of prey, their nests and eggs. Potential habitat for nesting birds and birds of prey is present adjacent to the proposed Project footprint. CDFW recommends the DEIR analyze potential activities that may impact migratory and local nongame birds. Appropriate avoidance, minimization, and/or mitigation measures to reduce impact should also be included. Measures to avoid the impacts can include species-specific work windows, bird surveys, biological monitoring, installation of noise attenuation barriers, etc. As a part of the DEIR, CDFW recommends identifying any trees slated for removal and said trees be properly analyzed for potential impacts to nesting birds. Likewise, any plans for the plantings of new trees should also be included with the number and species to be planted. CDFW recommends using native California species to the greatest extent possible.

A6-07

Additionally, all measures to protect nesting birds should be performance-based. The CDFW recommends including performance-based protection measures instead of set buffers for avoiding all nests protected under the Migratory Bird Treaty Act and Fish and Game Code. Below is an example of a performance-based protection measure:

Should project activities cause the nesting migratory bird or raptor to vocalize, make defensive flights at intruders, get up from a brooding position, or fly off the nest, then increase the exclusionary buffer such that activities are far enough from the nest to stop this agitated behavior by the migratory bird or raptor. The exclusionary buffer should remain in place until the chicks have fledged, are feeding independently and are no longer dependent on the nest as determined by a qualified biologist.

Reduction of Human and Wildlife Conflict

Conflict between humans and wildlife is a growing concern in developing areas, where the conflict results in mortality of native species². CDFW suggests the following recommendations in order to reduce occurrences of human and wildlife conflict:

Wildlife Friendly Fencing

All perimeter or residential fencing that is not protecting crops, pasture, or grazing land should be constructed with wildlife friendly fencing to reduce the potential of incidental take or movement prevention. Please consult the attached paper (*A Landowner's Guide to Wildlife Friendly Fences: How to Build Fence with Wildlife in Mind*) for recommendations on construction and use of wildlife friendly fencing.

A6-08

Deer Watering and Feeding

CDFW recommends local code prevent the feeding and watering of deer. Other county communities have flourishing suburban and rural deer populations which has led to dense and diseased herds.

² A.J. Dickman, *Complexities of conflict: the importance of considering social factors for effectively resolving human-wildlife conflict* (2010)

Potential Bear Depredation

Bear and human conflict may occur in the form of nuisance bears in trash cans. CDFW recommends local code be developed and enforced for anyone who repeatedly leaves trash, pet food, bird food, or other food accessible to bears.

Potential Domestic Cat Depredation

Depredation by domestic cats is a significant issue in developments where urban and suburban areas border wildlife habitat³. Residents should be encouraged to keep domestic cats indoors to reduce their depredation of native fauna. CDFW recommends local code and enforcement be developed and enforced to encourage this behavior. Reducing the amount and duration of outdoor domestic cats is shown to correlate to a meaningful reduction in the level of depredation of fauna in urban and suburban environments⁴.

A6-08
(Cont.)

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, the DEIR should require the reporting of any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The types of information reported to CNDDDB can be found at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>. The completed form can be sent electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov and R2CEQA@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: http://www.dfg.ca.gov/biogeodata/cnddb/plants_and_animals.asp.

A6-09

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

A6-10

CONCLUSION

Pursuant to Public Resources Code §21092 and §21092.2, CDFW requests written notification of proposed actions and pending decisions regarding the proposed Project. Written notifications shall be directed to: California Department of Fish and Wildlife North Central Region, 1701 Nimbus Road, Rancho Cordova, CA 95670 or emailed to R2CEQA@wildlife.ca.gov.

A6-11

CDFW appreciates the opportunity to comment on the DEIR to assist the County in identifying and mitigating Project impacts on biological resources. CDFW personnel are available for consultation regarding biological resources and strategies to minimize and/or mitigate impacts. Questions regarding this letter or further coordination should be directed to Zach Kearns, Environmental Scientist at 916-358-1134 or zachary.kearns@wildlife.ca.gov.

Sincerely,

Kevin Thomas
Regional Manager

³ Kerrie Loyd, Sonia Hernandez, John Carroll, Kyler Abernathy, Greg Marshall, *Quantifying free-roaming domestic cat predation using animal-borne video cameras* (2013)

⁴ Wayne Linklater, Mark Farnworth, Yolanda van Heezik, Kevin Stafford, Edith MacDonald, *Prioritizing cat-owner behaviors for a campaign to reduce wildlife depredation* (2019)

Comment Letter A6

Guenoc Valley Mixed-Use Planned Development
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Attachment:

A Landowner's Guide to Wildlife Friendly Fences: How to Build Fence with Wildlife in Mind. 2012

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Office of Planning and Research, State Clearinghouse, Sacramento

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*Making Conservation
a California Way of Life.*

April 21, 2020

01-LAK-29-6.36

Guenoc Valley PD & Draft EIR

Middletown, Lake County

Mr. Mark Roberts, Principal Planner
Community Development Department
County of Lake
255 N. Forbes Street
Lakeport, CA 95453

Dear Mr. Roberts,

Thank you for giving us the opportunity to comment on the Draft Environmental Impact Report (Draft EIR, or DEIR) for the proposed Guenoc Valley Mixed-Use Planned Development Project (Proposed Project, Project) that is situated in southeast Lake County. For the purposes of this letter, in order to reduce potential confusion, we will cite the section number and page number (___ of 728) from the pdf version of the DEIR, unless a different citation is directly made.

The historic Langtry/Guenoc Valley Ranch totals about 22,000 acres, a portion of which extends into Napa County. The ranch includes a farmstead, winery (not part of the Project), equestrian center and vineyards, former golf course, a lodge/guesthouse, reservoirs and other waterbodies. In 2016 the ranch (except for the Langtry winery and Estate) was sold to the applicant. Current land uses include agriculture, ranching, open space and recreation, but the primary activity is livestock grazing. The Lake County General Plan designates the Guenoc Valley Site as Rural Lands, Rural Residential, Agriculture and Resource Conservation.

On May 23, 2019, Caltrans District 1 provided comments to Lake County for a Notice of Preparation of an Environmental Impact Report (EIR) for the proposed Guenoc Valley Development Project. We requested a Traffic Impact Analysis (TIA) to address the following issues: Potential impacts to nearby roads, State Routes and intersections; evaluation of bike and pedestrian travel; emergency access; and analysis of Vehicle Miles Traveled (VMT) for the project and region, as well as proposed VMT reduction measures. On February 24, 2020, the District received the Notice of Availability of the Draft EIR (February 21, 2020, SCH# 2019049134), with an extended time period for comments to be submitted by April 21, 2020.

Proposed Project: The Proposed Project under review consists of: (1) a master planned, mixed-use high-end destination resort and residential community within 16,000-acres of the Guenoc Valley Ranch, referred to as the Guenoc Valley Site, or Project site; (2) 12.75-acres of off-site workforce housing located in central Middletown known as the Middletown Housing Site, or Middletown site; and (3) off-site water supply well and pipeline facilities (Off-Site Improvements, or water supply facilities). The Project site and Middletown Housing sites and off-site water supply facilities are all

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located in unincorporated Lake County. The Proposed Project, which would be known as the Maha Resort Community, is outlined below.

Guenoc Valley Site (Project Site): The Project proposes General Plan and Zoning Ordinance Amendments to reclassify the 16,000-acre Guenoc Valley Site to Resort Commercial and rezone it to the Guenoc Valley District (GVD, or GV District), and the amendment also introduces new Agricultural Preserve and Open Space combining districts. The GVD would allow the development of up to 850 (combined) hotel and resort residential units; residential subdivisions comprising 1,400 residential estates (villas) that are intended for sale and private ownership; and 500 workforce co-housing bedroom units for staff. Accessory resort amenities include a spa/wellness center, sports and recreation facilities (equestrian center, golf, tennis and other activities), entertainment, commercial and retail agriculture uses; and essential accessory support uses and services. The project site is located about 4 miles east of the State Route 29 and Butts Canyon Road intersection. Primary access to the ranch is from SR 29 via Butts Canyon Road, with secondary access at Grange Road. The project site is about 3.5 miles directly east of the town of Middletown (6 miles by road) and south of the Hidden Lake residential community.

Full details of the proposed range of uses, activities, acreage and development phase of work for the Maha resort community are described in the DEIR Project Description in Section 2.0 and Table 2-1 Primary Permitted Uses (p. 64 of 728). Phase 1 will require obtaining a use permit for the General and Specific Plans of Development and approval for a phased tentative subdivision map for the development of five residential subdivisions.

Middletown Site: The Project proposes to develop a 12.75-acre Middletown Housing Site with 50 residential units of workforce housing, a community center, and green(open) space. The project would involve rezoning 3.5 acres of the site to Two-Family Residential, a tentative subdivision map to create 38 lots, and a use permit for the community center. This would create 21 single family homes on 21 lots, 29 duplex residential units on 15 lots, one lot for the community center and one green space lot. The applicant will provide a shuttle service for resident employees to the Guenoc Valley site. The property is a large interior parcel located at 21000 Santa Clara Rd, Middletown (APN 014-380-09). Access will be via a driveway at the north end of Santa Clara Road that will connect to State Route 175.

Off-Site Well Improvements: The Project proposes to develop an off-site water supply well and pipeline to provide water supply for the resort community. The off-site well and pipeline would extend along Butts Canyon Road to the Detert Reservoir. The well site is located on the southeast corner of SR 29 and Butts Canyon Road (APNs 014-430-12, -13). The DEIR identifies that a conceptual grading permit is required for the Project. As the well site is adjacent to Caltrans ROW along State Route 29 and Butts Canyon Road, any associated work or operations within Caltrans highway Right of Way will require an encroachment permit. (see below)

Phasing and CEQA:

The Draft EIR provides both a program-level EIR, to evaluate future development (buildout) and phases that could occur under the Guenoc Valley District, and a project-level EIR for Phase 1. No site plans for future phases of the Project have been developed, so the program and project level analyses

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(Cont.)

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would ensure that the Project phases are not segmented. Future phases would “tier off” the program EIR. Each phase of the Project requires project-level CEQA review for consistency of the Project plans, scope of work, mitigations, required permitting and other aspects of the Project. All development phases will require Caltrans review as a commenting agency.

Project Phase 1:

As described in the DEIR Project Description, Phase 1 of the Project proposes to: develop the first phase of the Guenoc Valley site; install the off-site water well and pipeline to provide water for the resort; and subdivide and develop the Middletown Housing site with 50 residential units for employee housing. Phase 1 of the Guenoc Valley site would develop the primary resort facilities, a portion of residential units (401 residential estate villas, 141 resort units and 177 hotel rooms), 20 camp sites, 100 on-site workforce co-housing units, and associated road, utility and other infrastructure. Details of Project land uses to be developed in Phase 1 are identified in the DEIR Project Description and Section 2.5, Table 2-1 (p. 64 of 728). Phase 1 construction is expected to start in mid-2020 and would continue for 8-10 years.

The construction of Phase 1 would be split into three sub-phases - 1A, 1B, and 1C - with Phase 1A work occurring between 2020 to 2022. Phase 1A involves building the primary resort facilities and associated infrastructure (roads, utilities, and support services).

Details of construction activities and requirements for Project phases will be included in the Developer Agreement. The construction phase will generate significant traffic from trucks and heavy equipment using state highways to supply materials to the Project sites. A traffic control plan, conditions and mitigation measures will be required to manage and protect highway facilities.

Future Project Phases:

As identified in the DEIR Project Description and Section 2.5, Table 2-1, future Project phases would develop approximately 200 hotel and 300 residential resort units (500 units), the remaining 1,000 residential estate villas and 400 workforce co-housing bedroom units (those facilities not developed in the earlier Phase 1) and associated support services and infrastructure. Recreational facilities in future phases include a mix of outdoor sports fields and indoor recreation. Future phases would expand infrastructure and services such as the emergency center, water supply, wastewater, stormwater systems and detention facilities and utilities, and other internal roads per SPOD circulation and design guidelines. Development of future phases could begin around 2030. As identified in Mitigation Measure 3.13-3 of the DEIR Transportation Section 13.3 (pdf page 594 of 728), an updated Traffic Impact Analysis will be required for future phases that will be reviewed by Caltrans.

Project Alternatives:

As required under the CEQA Guidelines Section 15126, the Draft EIR proposes a No Project Alternative (A) and two Project Alternatives (B and C), as discussed in the DEIR Section 5.0, including an analysis of Alternatives. The No Project Alternative A would continue existing ranching and agricultural activities and have no additional transportation impacts. Alternative B - Reduced Intensity, Similar Development— proposes a 20% reduction in residential units to 1,1000 units, with all other uses

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(Cont.)

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remaining the same as the Proposed Project. According to Section 5.5 Table 5-1, trip generation rates for Alternative B (p. 694 of 728) would provide an 11% reduction in VMT) and GHG, resulting from fewer residential units. Alternative C – High Density Compact Development Footprint - would combine 400 hotel units into a large hotel, reduce resort amenities, reduce the average lot size of 1,400 residential estates and 450 resort units to 0.8 acres, and increase open space. According to the DEIR, Alternative C (pdf 697 of 728) would produce similar VMT and GHG as the Proposed Project, with the number of residential units and therefore trip generation remaining about the same. The DEIR analysis comparing Alternatives B and C found Alternative B to be the environmentally superior alternative, with fewer impacts largely due the reduced scale of residential development.

A7-02
(Cont.)

As the 2010 Middletown Area Plan identifies the Guenoc Valley site as a future destination resort, Alternative A—No Project would not advance community objectives. Alternatives B or C may not result in significant reductions in vehicle trips, VMT, and GHG compared with the Project, according to DEIR analysis. Although the Project proposes twice the number of residential units as provided in the Area Plan (800), and is larger than envisioned in the Plan, the Proposed Project meets long-range community plans for the project site.

DEIR 3.13, Transportation and Traffic

DEIR 3.13: Transportation and Traffic (p.558-595 of 728), in the EIR is based on information and findings in the Traffic Impact Analysis (February, 2020, Abrams Associates). There are several components of the Traffic Impact Analysis (TIA, February 7, 2020) that we found to be insufficient, unclear, or otherwise inconsistent with methodology and practices currently supported by Caltrans. However (problems and disagreements notwithstanding), we did find the TIA to be generally sound in its overall findings and recommendations. We concur with the TIA's central findings and recommendations: that the Project will generate significant transportation impacts, and that it will require certain key measures in order to address and mitigate those impacts. Notably, the Project will be responsible for an intersection control improvement, to be completed at the intersection of State Route (SR) 29 and Butts Canyon Rd. as a condition of approval for the first phase of the Project. The project will be required to contribute a fair-share towards intersection improvements at a number of other intersections, as well as other operational improvements at a number of different locations, including improvements to transit, and non-motorized facilities.

A7-03

The analysis included 24 studied intersections (21 existing and 3 new proposed). Seven different scenarios were analyzed, with impacts and mitigation identified for each of the scenarios, based primarily on Level of Service (LOS) calculations. In addition, the analysis includes consideration of VMT, with a Transportation Demand Management Program (TDMP) recommended, to reduce VMT from the project.

MM 3.13-1: We concur with this recommendation (Implement Improvements at SR-29 and Butts Canyon Road). As stated, a mitigation agreement between the Developer and Caltrans should be in place prior to any issuance of permits for Phase 1 of the project. An Intersection Control Evaluation

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(ICE), including all signal warrants, must be completed to determine the appropriate control type and strategy for the location (SR-29/Butts Canyon Road).

A7-04
(Cont.)

MM 3.13-2: We concur with this recommendation (Pay Fair Share Towards Intersection Improvements). However, further analysis may show that mitigation efforts may be more effective if concentrated at one or two of the intersections. Any agreement between Caltrans and the Developer should give Caltrans full discretion to focus and implement the fair share fees as deemed necessary by further analysis. An ICE, including all signal warrants, must be completed to determine the appropriate control type and strategy for each of the proposed locations (SR-29/Hartmann Road, SR-29/Spruce Grove Road, and SR-29/Hidden Valley Road). Caltrans requires an ICE for each intersection impacted according to Traffic Operations Policy Directive 13-02, which establishes ICE methodology. This Directive is located at, <https://dot.ca.gov/-/media/dot-media/programs/traffic-operations/documents/f0018528-memo-ice-08-23-13.pdf>. Prioritization of all improvements will occur based on the findings of the ICE reports, as well as engineering judgement from Caltrans and County engineers.

A7-05

MM 3.13-3: We concur with this recommendation (Conduct a Traffic Study and Implement Mitigation Measures for Future Phases). However, it should be noted that commitment to do a future Traffic Impact Study, is not considered mitigation in-and-of-itself. It is essential that appropriate measures identified in the future study be required and implemented as part of future phases, based on all applicable plans and policies and traffic analysis methodologies.

A7-06

MM 3.13-4: We concur with this measure. [Implement a Transportation Demand Management Program (TDMP)]. However, the strategies listed are lacking a focus on non-vehicle modes of transportation, especially bicycles. The development's proximity to Middletown makes it a reasonable bicycling distance for employees, residents, and resort patrons. The developer should work with Lake County, Middletown, and Caltrans to implement a bicycle traffic plan and the necessary facilities, such as a dedicated bike route (See VMT Analysis section, below).

A7-07

Vehicle Miles Traveled/Non-Motorized and Active Transportation Elements

Section 3.13.4 (p. 570 of 728) The TIA notes that the County of Lake has no threshold of significance for VMT so the VMT analysis is "for information only." The County has not yet compiled the substantial evidence required to establish their own threshold of significance for VMT. However, the Governor's Office of Planning and Research has established a threshold of 15% below the regional average VMT, which is the recommended threshold for use in such cases. The assumption that no impacts could occur since no threshold has been established, is not consistent with Section 15003(f) of the CEQA Guidelines, which calls for the "fullest possible protection of the environment." The failure to use the State's VMT threshold for this TIA is inconsistent with the intent of the CEQA Guidelines. The DEIR includes considerable discussion of SB 743, as well as consideration of measures that could be considered potentially effective in reducing VMT, such as those included in 3.13-4 (noted above), as well as a number of other features and measures intended to potentially reduce VMT. In fact, the DEIR recognizes the recommended 15% threshold in the "Thresholds of Significance" section of the document

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(p.580 of 728). However, the DEIR does not cohesively propose a plan for achieving such a reduction. We recommend that the DEIR be revised to include an action plan that would identify and quantify measures included in the project aimed at reducing VMT.

A7-08
(Cont.)

It should be noted that our understanding of SB 743 indicates that the 15% reduction should be aimed at VMT from local trips and employees, not guests potentially arriving from any location in the world.

We support the proposed TDMP Measure (3.13-4), which includes the provision for employee shuttle service to off-site employee housing and to the Middletown transit center. With the project proponent's commitment to a free employee shuttle as a VMT mitigation measure, we would support a trip reduction for traffic volumes on SR 29, Butts Canyon Road and other local routes, thereby potentially reducing the need for more expensive infrastructure improvements. We also support the use of the recommended TDMP Measures to encourage carpooling for employees.

A7-09

(p. 570 of 728) The analysis in the DEIR uses the Metropolitan Transportation Commission's Travel Demand Model (MTCTDM) for the nine-county Bay Area region to estimate VMT for Lake County. Lake County is not one of the nine counties included in MTC's model and no data from Lake County is included in the regional model. The California Statewide Travel Demand Model (CSTDM) is based, in part, on a survey of Lake County residents. Caltrans is currently working with the Lake City/County Area Planning Council, the Regional Transportation Planning Agency for this region, on a project to establish baseline VMT information, forecasts, measures of effectiveness and methodology for VMT mitigation. Our preliminary findings indicate that The CSTDM is a more supportable source for VMT in the Lake County area than the MTCTDM. The CSTDM includes Total VMT, VMT per resident (per day), and other home-based measures of VMT.

A7-10

The DEIR should provide an estimate of the number of trips and VMT for employees and by resort guests, including an assessment of conditions at completion of Phase 1 and at project build-out.

We find that the projected 40% ("Private Shuttle Service," p.594 of 728) of resort patrons arriving by buses and shuttles (another 40% in private autos, "Trip Generation and Distribution" p. 572 of 728) from Sacramento and the Bay Area is not substantiated, and is probably not supportable. Additional information should be provided to substantiate and explain assumptions of how, and by how much, shuttles would reduce vehicle trips, and internal trips at the project site.

A7-11

The concept of transit passes for employee travel to and from Middletown, as well as other areas of Lake County, is encouraged. We find that while it is unlikely that Project guests will use public transit, employees and local area residents might find transit to be an affordable alternative to single-occupancy vehicles.

A7-12

The DEIR should refer to the California Air Pollution Control Officers Association (CAPCOA)'s Quantifying Greenhouse Gas Mitigation Measures, August 2010, to evaluate the extent to which the VMT and TDM mitigation measures will achieve a 15% reduction in baseline VMT that is purported to be generated by the project.

A7-13

We recommend connecting the Guenoc Valley Site (Project site) and Middletown housing site to Lake Transit Authority bus routes. Having both the Guenoc Valley Project and the Middletown worker housing site served by Lake Transit Bus Lines 2 and 3 would offer local residents and project employees

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transportation choices, thus potentially lowering VMT and GHG. Lake Transit already serves Middletown so the route would only need to be extended to the project location. (Providing transit service is consistent with smart mobility framework principles for connectivity and mobility in rural, agricultural and tourist-oriented areas.)

Providing additional workforce housing at the project could reduce employee commuting, and could result in a further potential reduction in VMT associated with the Project.

Analysis for both the Middletown worker housing and the Guenoc Project Site should consider non-automobile options including pedestrian, bicycle and access to transit. Transit stops situated at both the Middletown worker housing and the Guenoc Development site would provide alternatives to automobile use and potentially lower VMT associated with the project.

Given the Middletown Housing site and expected increases in pedestrian use generated by the Project, we recommend as Project mitigation, contributions towards pedestrian improvements in Middletown. Lake City/County Area Planning Council's (APC) Pedestrian Facility Needs Study (December, 2019: <https://secureservercdn.net/166.62.111.174/0m0.ea5.myftpupload.com/wp-content/uploads/2020/03/Lake-County-Pedestrian-Facility-Needs-Study-web.pdf>) includes Projects UC-05 and UC-06 (p. 34 of 120 in the pdf) and Projects CT-05 and CT-06 (p.44 of 120 in the pdf), identified as high priority pedestrian projects in Middletown. We recommend that the Project include a fair-share contribution towards (or outright funding of one or more of) these high priority projects, as potentially VMT-reducing measures.

The 2016 Active Transportation Plan for Lake County (<https://www.lakeapc.org/wp-content/uploads/2018/06/Final-ATP-Plan-2016.pdf>) identifies Butts Canyon Road as a proposed Class III bike facility (see proposed bikeways table in the Middletown area, page 79). Given the Project size, close biking distance from Middletown and relatively flat terrain, Butts Canyon Road should be identified and developed as a future bike route to connect the Guenoc Project site with Middletown to reduce vehicle trips. Other projects identified in the Plan, which could be funded in part or wholly as VMT mitigation for the Project include Class I bikeways on SR 175 (near the Middletown Housing site) and on St. Helena Creek Rd (from Wardlaw St. to SR 29), as well as a Class II bikeway on SR 29 near Hartmann Rd.

As potential mitigation, the Project could contribute to (or fund in full) such features as bike route mapping, wayfinding route signs, and improvements for walking and bicycle connectivity in the greater Middletown area, and/or bike-lane/ shoulder maintenance along Butts Canyon Road to encourage bike use and potentially reduce VMT.

The DEIR proposes to use an occupancy rate of 71%, based on data from Napa County in 2017. Using data from a single year is problematic, especially considering the impact of the 2017 wildfires on recreation and travel. In 2017 four of the largest, most deadly and destructive wildfires in California history ravaged the region north of the San Francisco Bay Area. These fires had a profound impact on the region, including the burning of a large part of Middletown. We recommend using Institute for Traffic Engineering (ITE) rates. (Also, the DEIR applied a 19% reduction, but the actual difference between the two rates is 17%.)

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(Cont.)

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Procedural Comments: Right of Way, Oversight, Encroachment Permits

Much of SR 29 in Lake County from the Napa/Lake County line to Lower Lake (outside of the Middletown area) is classified as access-controlled expressway. This means that the State has purchased the abutter's access rights along the highway, minimizing access in order to improve safety and operations. Due to the large scale of this Project, and the proposed improvements at multiple intersections, it is likely that right of way will need to be acquired by the applicant at many locations, including the improvements at the intersection of Butts Canyon Road and SR-29 (the right of way here is partially access controlled).

If access openings need to be modified to accommodate improvements, the changes would require District and CTC approval, and are not guaranteed. The applicant should be aware that this process can be costly, and can take up to 24 months to complete. The applicant would be responsible for obtaining this approval—including right of way engineering, design, environmental permitting, and other associated costs.

The procedures for Access Control Modification are described in Chapter 27 of the Project Development Procedures Development Manual (PDPM: <https://dot.ca.gov/programs/design/manual-project-development-procedures-manual-pdpm>). Whether a COOP Agreement or a Highway Agreement is used, Caltrans Right of Way Engineering branch (RWE) will provide specific language for insertion into the agreement to address RWE survey needs and coordination. If the project requires acquisition of right of way, it is the applicant's responsibility to obtain clear title land. The process of oversight review by RWE during the applicant's obtaining right of way is outlined in the RWE Oversight Requirements form (attach?). A complete package requesting the changes must be submitted by the applicant to Caltrans Right of Way and Encroachment Permits.

If relinquishment of any portion of Caltrans property is required as a result of the project design, all mapping, legal description and title information must be provided by the applicant and reviewed and approved by the Caltrans Headquarters Relinquishment and Vacation Coordinator before being presented to the CTC.

Pre-Application Coordination: After the project receives environmental clearance from the Lead Agency (County), it is recommended that the applicant request a pre-application meeting with Caltrans and the County to review the preliminary plans and discuss the process and coordination between all three parties. After that, the applicant would apply for an encroachment permit.

Caltrans Project Management: This Project will likely involve improvements exceeding \$1 million and would affect operations on the state highway, and as such those improvements would be considered a "complex" highway improvement project. Based on the DEIR information provided, approval would likely require a Project Study Report/Project Report, depending on the actual complexity and costs. Due to the scale of the highway improvement project, a Project Manager (PM) would be assigned once the encroachment permit application is received. The PM would be the primary point of contact between Caltrans and the applicant and coordinate oversight of the document review and construction and all deposits. The procedures for coordination with the applicant are outlined in the Caltrans Encroachment Permits Manual, Section 200 : <https://dot.ca.gov/-/media/dot-media/programs/traffic-operations/documents/encroachment-permits/chapter-2-ada.pdf> The highway improvement project

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must comply with the Project Development Procedures Manual (PDPM) and the Environmental Handbook (EH). The permit applicant is required to use the highway improvement project development procedures that Caltrans uses to do the same work.

Agreements:

- a. If the County is willing to be the applicant for the encroachment permit, a Cooperative agreement between Caltrans and the County would be required. This agreement would outline the responsibilities between the County and Caltrans. Caltrans would provide oversight at no cost. In that case, the County would be point of contact with Caltrans and responsible for preparation of the PSE package and construction management throughout the encroachment permit process.
- b. If the County is not the permit applicant a Highway Agreement between the applicant and Caltrans would be required. This agreement would outline the roles and responsibilities of Caltrans and the applicant. It will determine the required initial deposit, payment and billing methods, and identify if other agreements are/may be necessary between third parties and who will ultimately maintain the proposed improvements. As a condition of the Highway Agreement the applicant will be responsible for submitting 110% deposit to cover the cost of document management/review and construction oversight.
- c. County Coordination: The Cooperative Agreement or Highway Agreement will require an amendment of the Maintenance Agreement with the County of Lake, for the portion of the improvements (signals/roundabout legs, etc.) that serve County Roads. The amendment will need to be approved prior to issuance of the encroachment permit. Coordination with Lake County will be required throughout the approval process to make sure that they agree with the level of improvements on County roads, areas that they will need to maintain after construction and potentially any areas of relinquishment that they would need to acquire. If there are areas of relinquishment, all costs associated with mapping and agreements would be the responsibility of the applicant.

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Design Approval: The applicant will be solely responsible for providing any requested studies, and a complete set of plans, specifications and estimates that adheres to Caltrans Standards for any improvements within the Caltrans Right of Way (RW) prior to construction. The Project Manager will manage the coordination of the internal Caltrans review of the plans. Caltrans functional units will provide review of the plans and comments. Additionally, the applicant will be responsible for acquiring all necessary permits, all rights necessary for additional RW or modifications to restricted access area, acquisition of parcels, and access opening revisions (approval required through the CTC), if needed. Once Design concurs that the Plans, Specifications and Estimate (PSE) are acceptable and all other conditions are met, the Project Manager will notify the Encroachment Permit Department that the PSE package is adequate and establish the required initial deposit for construction oversight.

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Construction: During construction Caltrans would either provide oversight for the applicant's/County's Resident Engineer or assign a full time Resident Engineer. All improvements, RW, permit requirements

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need to be completed and approved before the development can utilize the highway accesses. All staff time for review and inspection throughout the process, from application through construction, would be back charged to the applicant under a Highway Agreement, based on a deposit and adjusted as necessary. No charge is assessed to the County under a Cooperative Agreement for Construction oversight.

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Closeout: Prior to closing out the Encroachment permit the applicant will be responsible for submitting as-builts (PDF and CADD), engineering records (including survey data) and completing successful transfer of any RW to Caltrans (or County), in accordance with RWE requirements and the Highway Agreement.

All work to take place within Caltrans right of way, including data collection, sign placement, construction, and other associated activities, will require a valid encroachment permit. Information regarding the encroachment permit process and requirements can be found at:

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<https://dot.ca.gov/programs/traffic-operations/ep/ep-manual>

Environmental:

The District provides the following project comments regarding cultural resources, biological resources and hydrology and drainage.

Cultural Resources:

1. Studies and Consultation. The Section 106/CEQA/AB 52 cultural studies for the Guenoc Valley Draft EIR provided in the Cultural Resources Section 3.5 appear to be on-track. The level of effort to identify Historic Properties and conduct Native American Consultation has been appropriate. The District Tribal Liaison contacted local area Tribes regarding the proposed project. The applicant and consultants have done good tribal consultation to date. We recommend that the applicant continues to work closely on tribal consultation for this project.
2. Compliance. The cultural resource compliance for this complex project is on-going and will continue throughout the life of the proposed development. The project's approach to cultural resource preservation and the proposed mitigation measures (DEIR Sec 3.5, pages 3.5-30 to 35) are consistent with current standards. The process established for this project will readily apply to proposed encroachments on the Caltrans facilities. When plans for actual encroachment are solidified, we encourage the applicant to seek environmental review prior to submitting the permit application. Coordination with the Environmental Staff for District 1 Permits unit will ensure a smooth and efficient permit approval.

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Biological Resources:

The District's review of biological resources found that no critical habitat exists within the SR 29 Right of Way. However, there are multiple historical observations mapped for California Native Plant Society (CNPS) listed plants along the SR 29 corridor. These will require CEQA environmental review if work proposed for the project would result in plant disturbance.

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The District's environmental review found that the DEIR provides a good thorough review of biological resources for the project. Staff's preliminary review identified a range of biological resources located at several road junctions adjacent to Caltrans ROW, listed below, where construction improvements for the project are likely to occur.

- SR 29 and Hidden Valley Road. Identified
- SR 29 and Grange Road
- SR 29 and Hartmann Road
- SR 29 and Butts Canyon Road

Additional information regarding the biological resources at these locations are provided in Attachment A. Prior to construction, further environmental review of biological resources will be required for the project in the area of these road junctions.

Hydrology and Drainage:

At this early stage of the project review, no details have been provided regarding potential improvements to Butts Canyon Road off State Route 29, the Middletown housing site off Route 175, or any other possible connections from Route 29 for the District to provide substantive comments on the proposed project. As the project moves from the conceptual phase, we recommend working with District Hydraulics staff on potential drainage and hydrology issues for the project. Any improvements, if constructed, will be conditioned not to affect existing drainage patterns or impede flow.

The proposed water pump station/facility at the junction of Butts Canyon Road and SR 29 will require review by District stormwater specialists and maintenance for any potential concerns regarding leaks or preventative measures that may need to be incorporated to ensure that the Caltrans ROW is not affected by the proposed work.

District 4 Comments:

Caltrans District 1 requested review of the project and Traffic Impact Analysis by District 4 as the project site borders Napa County and traffic is expected to travel from the neighboring District. The TIA also identifies intersections in Calistoga, Napa County that could be affected by the project. District 4 comments are as follows:

1. All proposed mitigations involving intersections on SR128 /Tubbs Lane and SR29 /Tubbs Lane should be coordinated with Caltrans District 4 prior to Design and Implementation. Modifications to or signalization of intersections along a State Highway System requires satisfactory completion of an Intersection Control Evaluation (ICE) policy and signal warrant analysis.
2. The counts presented for (intersections 20 and 21) North Bound SR 29 and East Bound SR 128 appear to be significantly lower than available counts from Caltrans' Inventory. If available, the District requests the counts from May 2019 for further review.
3. Necessary permits should be applied for and approved prior to construction phase, especially during the transport of heavy equipment.
4. Review and concurrence of the TIA and intersection mitigations may be necessary from the local agency (City of Calistoga) who has jurisdiction of the affected intersection.

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5. The project shall make a fair share contribution to Caltrans for the impacts made to state routes.

The applicants have done a commendable job, endeavoring to analyze, identify potential impacts, and propose appropriate mitigation for those impacts. The DEIR (and associated Appendices) is a commendable effort, containing substantial amount of information (nearly 5,000 pages). In drafting this comment letter, a strong effort was made to address all of our concerns. However, these comments should not be considered to be comprehensive in addressing all transportation-related concerns and potential impacts.

We look forward to working closely with the County, the applicants, and other commenting agencies to ensure that all impacts, to the extent feasible, are addressed appropriately. Should you have any questions or wish to discuss any of our comments, feel free to contact me.

Sincerely,



REX JACKMAN
Caltrans District 1 Branch Chief
Transportation Planning, South

Encl: Attachment A: Caltrans comments on Guenoc Valley project and Draft EIR

C:
Mr. Scott DeLeon
Director, Lake County Public Works

Ms. Lisa Davey Bates
Executive Director, Lake City/County Area Planning Council

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Attachment A – Technical and Other comments.

Biological Resources. Additional information relating to the District's review of biological resources is provided below.

1. SR 29 and Hidden Valley Road:
 - a. Removal of 2-3 oak trees may be required at the junction's SW corner.
 - b. Mapped populations of Foothill Yellow-Legged Frog (*Rana boylei*), a CDFW Species of Special Concern, are adjacent in Coyote Creek.
 - c. Jepson's Milk Vetch (*Astragalus rattani* var *jepsonianus*), a CNPS 1B.3 plant requiring CEQA review, is mapped within the ROW. This observation is from 1928.
 - d. Multiple freshwater ponds are adjacent (west) of junction.
 - e. High probability of milkweed within ROW- is an indicator of Monarch butterfly habitat. Monarch is expected to be Federally listed by December 2020.
2. SR 29 and Grange Road:
 - a. Porter's Navarretia (*Navarretia paradoxinota*), a CNPS 1B.3 plant requiring CEQA review, is mapped within the ROW. This observation is from 1946.
 - b. Jepson's Milk Vetch (*Astragalus rattani* var *jepsonianus*), a CNPS 1B.3 plant requiring CEQA review, is mapped within the ROW. This observation is from 1989.
 - c. Two-carpellate Western Flax (*Hesperolinon bicarpellatum*), a CNPS 1B.2 plant requiring CEQA review, is mapped within the ROW from PM 9.1-9.2. This observation is from 2016 and indicates the presence of serpentine soils that may include other endemic plant species.
 - d. High probability of milkweed within ROW-indicator of Monarch butterfly habitat. The Monarch is expected to be Federally listed by December 2020.
3. SR 29 and Hartmann Road:
 - a. Wetland/settling pond on East side of traffic circle.
 - b. Porter's Navarretia (*Navarretia paradoxinota*) a CNPS 1B.3 plant requiring CEQA review is mapped within the ROW. This observation is from 1946.
 - c. Congested-headed hayfield tarplant (*Hemizonia congesta* ssp. *Congesta*), a CNPS 1B.2 plant requiring CEQA review. This observation is from 1980.
 - d. High probability of milkweed within ROW-indicator of Monarch butterfly habitat. Monarch is expected to be Federally listed by December 2020.
4. SR 29 and Butts Canyon Road:
 - a. Hoary Bat and Silver Haired Bat observations mapped from 1933. The tree roosting species will require surveys prior to tree removal.
 - b. Multiple blue oaks that may be removed.
 - c. Saline clover (*Trifolium hydrophilum*) is a CNPS 1B.2 plant requiring CEQA review. This observation size 0.1 miles from junction and recorded in 1955.
 - d. West side of the junction has an historic cemetery.

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Guenoc Valley District (GVD) Proposed Regulations

1. P.3 of Appendix GVD, GVD District, Article 14, 14.62(d) Permitted Use regulations for residential development allow a residential property at the Guenoc Valley District to develop a small family home, in addition to the primary family residence, consistent with state laws for accessory dwelling units. Additional information should be provided identifying how many additional units could be developed under this scenario, and any associated (potential reductions in) VMT.
2. Appendix GVD, Article 14.9 regulations: On p.8-9 of the GVD regulations, under 14.9, Parking Requirements Table, ratios for required parking for commercial, recreation, and other land uses are provided. Notes state that bicycle parking will be provided at a 1/15 ratio—a low ratio for commercial and especially for recreational use. This low ratio seems inconsistent with sustainability and trail network elements of the project. We recommend that GVD bike parking standards identify and increase bike parking facilities and locations throughout the Guenoc Valley project site to meet Active Transportation goals and reduce vehicle trips.
3. The Guenoc site layout (Appendix – SPOD) proposes a robust circulation plan of pedestrian pathways and trails connecting areas of the development, which we support. This could be considered a VMT-reducing feature. However, the dispersed residential site layout places residences away from resort/commercial hubs and could generate additional internal vehicle trips. Additional information on trip reduction mitigations to reduce GHG emissions is requested.
4. The Specific Plan of Development (SPOD) Appendix provides a clear conceptual plan of the proposed site layout and key elements of the resort community project. Site plans show the project layout and location of major resort land uses, commercial and recreational uses, residential and employee housing areas, service areas, and circulation (roads, access, trails, parking, air facilities). The project proposes a decentralized layout for residential subdivisions, which could generate greater internal VMT and trip generation than a more compact, central layout with shops within shorter walking distance. Alternative C would potentially generate less internal VMT.
5. The Guenoc Valley Site will provide a helipad and float plane dock on Detert Reservoir to receive guests flying to the destination resort. We concur with mitigation measures relating to air travel to the site that address issues of noise and safety. However, considering the apparently claimed 20% of resort guests arriving by means other than motor vehicle, a significant percentage of air travel by resort guests and residents might access local or regional airport facilities via private or charter flights, including the project's on-site helipad and float plane facilities.

More information is needed to determine the scope of demand for trips by plane, including air facilities outside the project area. It should include the estimated number of flights, seasonally, and location of airports.

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A7-29

From: Sally Peterson [<mailto:speterson@middletownrancheria.com>]
Sent: Tuesday, April 21, 2020 4:57 PM
To: Mark Roberts <Mark.Roberts@lakecountyca.gov>; Guenocvalleycomments - Email <Guenocvalleycomments@lakecountyca.gov>
Cc: Ryan Peterson <rpeterson@middletownrancheria.com>
Subject: [EXTERNAL]Middletown Tribe Comment - Guenoc Valley DEIR

Hi Mark - Please find attached our Letter with Comment to the Draft EIR for the Guenoc Valley Ranch Mixed Use Planned Development Project, SCN 2019049134. Also, as stated in our letter, we request the County consider extending the comment period for another 14-30 days. We have been unable to engage with our Tribal Elders regarding the Project, due to the limitations of the COVID-19 pandemic, and we have been unable to finalize our Agreement for Cultural Resources Monitoring for the Project.

Thank you,
Sally

ka huējka (Thank you)
**Sally Peterson, Tribal Council Vice-Chairwoman
and Tribal Historic Preservation Officer**
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April 21, 2020

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Principal Planner
County of Lake
Community Development Department
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Via Email: Mark.Roberts@lakecountyca.gov
Via Email: guenocvalleycomments@lakecountyca.gov

Re: Comment to the DEIR of the Guenoc Valley Ranch Mixed Use Planned
Development Project, SCN. 2019049134

Dear Mr. Roberts:

The Middletown Rancheria of Pomo Indians of California ("Tribe") respectfully submits the enclosed comments to the Draft Environmental Impact Report of the above referenced Project ("DEIR") prepared by Analytical Environmental Services ("AES") for the County of Lake as lead agency ("County"). The Tribe is significantly affected by and very concerned with the Project.

The Project and its operational footprint is located on and near sacred sites and resources integral to the Tribe, its peoples and our cultural identity, including burials, residences, work areas, trails, cooking areas, hunting, gathering and ceremonial sites of traditional religious and cultural importance to the Tribe. The Project will cut into these sacred historic properties and cause irreparable harm. Middletown Rancheria has an obligation to safeguard its properties of cultural, historical, and religious significance to the Tribe.

As a general matter, we request that the County to extend the comment period of the DEIR for at least another fourteen (14) to thirty (30) days to allow for meaningful participation and input. Due to COVID-19 protection and proactive measures of the Tribe, we currently have limited access to the tribal office and records. We also have to redirect personnel and resources to respond to this. Many previously planned meetings with the Project applicant have been postponed. We are also unable to fully convene meetings with Tribal elders to address certain

issues and traditional knowledge for their health and safety. Thus, we request that the County to extend the comment period of the DEIR for at least another fourteen (14) to thirty (30) days.

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The following are our comments to the DEIR. However, due to the confidentiality and sensitivity of the matter, we only address our concerns generally here.

Comments

Sections 3.5.4 and 3.3.5 of the DEIR seeks to avoid or minimize potential adverse effects to cultural resources through further archaeological investigation including additional research, recordation, and/or archaeological testing. Archaeological preservation and mitigation methodologies are frequently used improperly in establishing performance standards for mitigation of impacts to historic properties including significant tribal cultural resources. Too often the properties having religious and cultural significance to the Tribe are assessed in terms of scientific value only. Criterion D is only one of four criteria under the NRHP and it assesses the eligibility of a historic property only in terms of its scientific value (its information potential).

While we recognize the appeal that the scientific community or others have on our historic properties and resources, the Tribe does not view these sacred properties as simply repositories of archeological data. Based on the Tribe's traditional knowledge, practice and history which have been passed down through the generations, orally and through practice, the Tribe has information of traditional cultural properties on the Project Site that are eligible for inclusion in the National Register of Historic Places ("NRHP") and California Register of Historic Resources ("CRHR"). However, we recognize that establishing National Register eligibility does not necessarily mean that the site cannot be disturbed or damaged. Thus, for purposes of this Project, the Tribe request that cultural resources be presumed eligible for NRHP/CRHC listing and that avoidance or minimization measures be adopted to protect the resources from unnecessary handling and disturbance to the extent feasible. While the Tribe reserves its right to demand restitution for damages to its traditional cultural properties, its preference is to adopt minimization measures in lieu of unnecessary handling and disturbance from archaeological investigation. At a minimum, where the mitigation measure requires further archaeological investigation including archaeological testing to assess NRHP/CRHR eligibility, we request that the Tribe be provided advance notice and an opportunity to meet and confer with to County and Project applicant before any such archaeological assessment is performed.

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Further, the Tribe maintains a fundamental objection to any data recovery with respect to tribal cultural resources without the advance consent of the Tribe. There are currently no statute or regulation that mandates data recovery. Data recovery should not be considered the sole means of mitigation for damage to historic properties including significant cultural and sacred resources of the Tribe. The Tribe requests that the County in consultation with the Tribe establish a protocol for precluding data recovery of significant tribal cultural resources where mitigation

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other than data recovery is feasible. Again, these sacred historic resources are not as simply repositories of archeological data, to be unnecessarily disturbed and studied by archaeologists.

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SECTION 3.5.4, IMPACT 3.5-2 (pp. 3.5-23 – 3.5-24)

Below is Section 3.5.4, Impact 3.5-2 at page 3.5-23 with suggested revisions shown in strikethrough and underlined text.

Guenoc Valley Site: Phase 1 – Project Level Analysis

Prehistoric resources account for most of the cultural resources within the Guenoc Valley Site, and include the 37 sites listed in Table 3.5-1. These prehistoric resources have not been evaluated for their eligibility, and therefore must be presumed eligible to the NRHP/CRHR for their data potential. Impacts to these resources are therefore potentially significant. Mitigation Measure 3.5-1 requires that the sites be avoided during construction to the extent feasible, and includes establishment of buffer zones and fencing to protect sites when construction occurs nearby and requires implementation of minimization measure ~~site testing~~ where resources cannot be avoided by project construction. Aside from archaeological investigation, different and/or additional mitigation measures will be identified through consultation with the Middletown Rancheria. Sites found or presumed to be eligible for inclusion on the NRHP and/or CRHR that cannot be avoided during construction, ~~must~~ may be subjected to data recovery investigations, as warranted/based on best archaeological practices, prior to any ground disturbance; provided no data recovery will be permitted to tribal cultural resources without prior consultation and consent of the Middletown Rancheria. Implementation of Mitigation Measure 3.5-1 would reduce impacts on known archaeological sites to a less-than-significant level. Implementation of Mitigation Measure 3.5.1 and 3.5.2 would reduce impacts to cultural resources to a less-than-significant level.

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Construction of Phase 1 structures has the potential to uncover as-yet unknown archaeological resources. If newly discovered archaeological sites are eligible for listing on the NRHP or CRHR, such impacts would be potentially significant. Adherence to the details of the Unanticipated Discoveries Plan detailed in Mitigation Measure 3.5-2 would require response to finds made during construction, the evaluation of NRHP/CRHR potential for any resources identified, and the development of avoidance or data collection methods as appropriate. Implementation of these measures would reduce impacts on as-yet unknown archaeological resources to a less-than-significant level. Different and/or additional mitigation measures will be identified through consultation with the Middletown Rancheria.

Guenoc Valley Site: Future Phases – Program Level Analysis

Portions of the Proposed Project site have not yet been surveyed for cultural resources, and may contain significant resources. Previously identified sites within the future phases

APE include lithic scatters, bedrock mortars, ethnographic villages, prehistoric occupation sites, mining sites, rock walls, cabins, and historic debris scatters, as well as isolated artifacts. If future phases of development would impact any such resources that were eligible for the CRHR or NRHP, this would be a significant impact. Additionally, construction of future phases of the Proposed Project, including roads, utilities, public structures, and residences, has the potential to uncover previously unidentified archaeological resources. This is a potentially significant impact. Mitigation Measures 3.5-1 and 3.5-3 require that appropriate studies be conducted prior to construction, that construction near known resources be monitored, and that finds made during construction be evaluated and addressed appropriately. Implementation of Mitigation Measures 3.5-1 and 3.5-3 would require identification, evaluation and mitigation of significant impacts for future phases of construction. Additionally, Mitigation Measure 3.5-2 would require preparation of and adherence to an Unanticipated Discoveries Plan, which would reduce impacts to any unknown resources discovered during construction activities associated with future phases. Implementation of these mitigation measures would reduce impacts on known and previously unidentified archaeological resources to a less than-significant level. **No data recovery will be permitted to tribal cultural resources without prior consultation and consent of the Middletown Rancheria.**

Off-Site Workforce Housing – Project Level Analysis

No archaeological resources were identified during background research or field investigations for the Off-Site Workforce Housing location. However, construction of Off-Site Worker Housing has the potential to uncover previously unidentified resources. This is a potentially significant impact. Implementation of Mitigation Measure 3.5-2 would require preparation of and adherence to an Unanticipated Discoveries Plan, which would reduce impacts to any unknown resources discovered during construction activities. Implementation of these measures would reduce impacts on previously unidentified resources to a less than-significant level. **Different and/or additional mitigation measures will be identified through consultation with the Middletown Rancheria.**

Off-Site Infrastructure Improvements – Project Level Analysis

No archaeological resources were identified during background research or field investigations for the Off-Site Infrastructure location. However, construction of Off-Site Infrastructure has the potential to uncover previously unidentified resources. This is a potentially significant impact. Implementation of Mitigation Measure 3.5-2 would require preparation of and adherence to an Unanticipated Discoveries Plan, which would reduce impacts to any unknown resources discovered during construction activities. Implementation of these measures would reduce impacts on previously unidentified resources to a less-than-significant level. **Different and/or additional mitigation measures will be identified through consultation with the Middletown Rancheria.**

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SECTION 3.5.4, IMPACT 3.5-3 (pp. 3.5-25 – 3.5-26)

Below is Section 3.5.4, Impact 3.5-3 at page 3.5-25 with suggested revisions shown in strikethrough and underlined text.

Guenoc Valley Site: Phase 1 – Project Level Analysis

Native American remains have been identified at P-17-256 and there is an elevated potential to uncover Native American remains at the three ethnographic village sites, P-17-252, -420, and -2121. Proposed Project activities near these sites could uncover remains. There is also a generally elevated potential for remains at any prehistoric occupation site including: Phase 1 sites P-17-116, -256, -405, -411, -414, -416, -and 2019. This is a potentially significant impact. Mitigation Measure 3.5-1 requires that these specific locations should be avoided through project planning and buffer zones established around each location that contains known or suspected human remains to assist in avoidance. Mitigation Measure 3.5-1 would reduce impacts to Native American burials at these sites to a less-than-significant level.

Construction and other earthmoving activities during project implementation could also result in damage to as-yet-unknown Native American burials. This is a potentially significant impact. Implementation of Mitigation Measure 3.5.2 would also reduce impacts to Native American human remains to a less-than-significant level. Different and/or additional mitigation measures will be identified through consultation with the Middletown Rancheria as appropriate. If evidence of human remains is uncovered during project development, Mitigation Measure 3.5-4 requires that all work cease within 100 feet of the find so that remains are not further damaged by equipment. Mitigation Measure 3.5-4 reduces impacts to human remains by requiring avoidance where feasible, or appropriate study, handling, and recordation where infeasible or discovered during construction. Mitigation Measure 3.5-4 also outlines the procedures established in the California Health and Safety Code for human remains. Adherence to these measures would reduce potential impacts to human remains to a less-than-significant level.

Guenoc Valley Site: Future Phases – Program Level Analysis

Portions of the Proposed Project site have not yet been surveyed for cultural resources, and may contain human remains, particularly occupation and ethnographic village sites. There is also a generally elevated potential for remains at any prehistoric occupation site including: Future Phase sites P-17-115, -252, -253, -402, -407, -418, -419, -423, -424, and -2030. This is a potentially significant impact. Mitigation Measure 3.5-1 requires that these specific locations should be avoided through project planning and buffer zones established around each location that contains known or suspected human remains to assist in avoidance. Mitigation Measure 3.5-4 provides the process to be followed in case of discovery of human remains. The application of Mitigation Measures 3.5-2 and 3.5-3 would also reduce impacts to cultural resources to a less-than-significant level.

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Adherence to these measures would reduce potential impacts to human remains to a **less-than significant** level.

Off-Site Workforce Housing – Project Level Analysis

No archaeological sites with human remains were identified during background research or field investigations for the Off-Site Workforce Housing location. However, construction of Off-Site Worker Housing has the potential to uncover previously unidentified human remains. Discovery of human remains during Off-Site Workforce Housing is a potentially significant impact. Implementation of Mitigation Measure 3.5-4 would reduce impacts to Native American burials uncovered during project construction to a less-than-significant level. **Different and/or additional mitigation measures will be identified through consultation with the Middletown Rancheria.**

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Off-Site Infrastructure Improvements – Project Level Analysis

No archaeological resources were identified during background research or field investigations for the Off-Site Infrastructure locations. However, construction of Off-Site Infrastructure has the potential to uncover previously unidentified human remains. Discovery of human remains during Off-Site Infrastructure Improvements is a potentially significant impact. Implementation of Mitigation Measure 3.5-4 would reduce impacts to Native American burials uncovered during project construction to a less-than-significant level. **Different and/or additional mitigation measures will be identified through consultation with the Middletown Rancheria.**

SECTION 3.5.4, IMPACT 3.5-4 (pp. 3.5-27 – 3.5-28)

We commend the DEIR's effort to separately address tribal cultural resources. However, we suggest the that this section also clarify that Section 106 of the National Historic Preservation Act is integral to the protection of historic properties including cultural and sacred resources and traditional cultural properties of significance to the Tribe. The Tribal Historic Preservation Office also disputes some of the statements in the second and third paragraphs of Section 3.5.4, Impact 3.5-4 at page 3.5-27 and will provide a follow up on this separately.

Below is the third paragraph of Section 3.5.4, Impact 3.5-4 at page 3.5-27 with suggested revisions shown in strikethrough and underlined text.

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[...]

On April 24, 2019, the County emailed the NAHC and 18 individuals, advising them that a Notice of Preparation for the EIR had been prepared. A response was received from Middletown Rancheria dated May 23, 2019 which stated that there are sites of cultural, historical, and religious significance for the Tribe, and concern for sites of cultural and religious significance that are known only to the Tribe. Middletown Rancheria requested that they be included in all aspects of the project and development of the EIR. On

December 13, the County again contacted Middletown in order to set a date for a meeting in January 2020. A meeting was held on February 5 and consultation is ongoing. Middletown Rancheria has stated that there are sites with significant cultural and religious meaning to the Tribe which, therefore, are TCRs. Formal AB 52 consultation has been initiated and is ongoing. Because TCRs could be impacted by the Proposed Project, this is a potentially significant impact. Mitigation Measure 3.5-1 requires avoidance of archaeological sites, which may be identified as TCRs, through establishment of buffer zones and fencing to protect sites when construction occurs nearby and requires implementation of minimization measure and provides for site testing in consultation with Middletown Rancheria where resources cannot be avoided by project construction. Additionally, Mitigation Measures 3.5-2 and 3.5-3 require that Middletown Rancheria would be consulted if any new previously unknown finds are made during construction or filed investigations conducted prior to future phases. The conclusion of formal consultation under AB 52 and the application of Mitigation Measures 3.5-1, 3.5-2 and 3.5-3 would reduce impacts to TCRs to a less-than-significant level.

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SECTION 3.5.4, IMPACT 3.5-5 (pp. 3.5-29 – 3.5-30)

Below is the first paragraph of Section 3.5.4, Impact 3.5-5 at page 3.5-29 with suggested revisions shown in strikethrough and underlined text.

The history of Lake County is extensive, beginning with a Native American population that have occupied the area since time immemorial, ~~entered the area thousands of years ago~~, and moving forward to historic ranching, settlement, and mining. As a result, the Proposed Project region is known to include large numbers of a wide array of cultural resources, from Native American resource procurement areas to ethnographic village sites, ranches, cabins, mines, etc.; the fact that almost 100 resources have been found within the Proposed Project footprint testifies to the frequency of resources in Lake County. These site types are all found in contexts throughout Lake County. Cumulative projects in the region, including the Proposed Project, Hidden Valley, and Valley Oak subdivision, could result in potentially significant cumulative effects to cultural resources and TCRs. Numerous state, federal, and local laws, regulations, and ordinances seek to protect cultural resources. These would apply to development of the cumulative projects. These policies include inventory and evaluation processes and require consultation with the Middletown Rancheria and qualified archaeologists in the event that previously undiscovered cultural materials are encountered.

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3.5.5 MITIGATION MEASURES

As a general matter, we also recommend that either "Project Proponent" or "Project applicant" be used throughout the DEIR for consistently.

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We wish to emphasize that, it is settled law that a traditional cultural property is eligible for inclusion in the National Register based on its associations with the cultural practices, traditions, beliefs, lifeways, arts, crafts, or social institutions of a living community such as a tribal community. A traditional cultural property's association with the cultural practices and beliefs of the Middletown Rancheria that are rooted in the Tribe's history, and are important in maintaining the continuing cultural identity of the Tribe is eligible for inclusion in the National Register. However, traditional cultural properties are often hard to recognize. For instance, a traditional ceremonial location may look like merely an uninhabited open space, a creek, or a stretch of river. As a result, such places may not necessarily come to light through the conduct of archeological surveys. The existence and significance of such locations can be ascertained only through reasonable and meaningful consultation with the Tribe, or through other forms of ethnographic research with participation of the Tribe. Thus, in considering the eligibility of a property, tribal consultation is critical and oral sources must be consulted and considered.

Please see related comments and discussions under the Comment section of this correspondence above.

SECTION 3.5.5, MITIGATION MEASURES MM 3.5-1

Below is Section 3.5.5, MM 3.5-1 with suggested revisions shown in strikethrough and underlined text.

MM 3.5-1 Avoid Historical and Archaeological Resources, Apply Appropriate Mitigation (Impacts 3.5-1 and 3.5-2)

Phase I and Future Phase General Provisions

All of the identified cultural resource sites shall be avoided during project construction, development, and operation activities. A shapefile database shall be transmitted to the Applicant and included in the final contract with the construction contractor to ensure that cultural resource locations are avoided. Each site shall be added to subdivision maps, and any residential properties that include cultural resources shall be deed restricted to avoid construction on or immediately adjacent to the resource. This shall be accomplished by establishing a buffer of 50 feet around the perimeter of the site and erecting a semi-permanent fence that will remain in place throughout construction. The fence shall be installed with a qualified archaeologist and tribal monitor in attendance, and shall determine the established buffer for the location. The buffer can be reduced or modified to accommodate sensitive environmental conditions, based on the assessment of the qualified archaeologist and tribal monitor.

If construction will encroach closer than 50 feet, a qualified archaeological and tribal monitor shall be retained to monitor those activities. Should cultural resources be uncovered within the buffer, all construction in the in the immediate area shall halt until

the find can be assessed by the archaeological and tribal monitor, to avoid or minimize effects to the identified resource. For the resource that cannot be avoided, the following Minimization Measures will be determined and agreed on among the archaeological and tribal monitor. Minimization Measures means:

- a. Avoidance. Priority shall first be given to leaving cultural resources in place and avoidance of any further unnecessary disturbance. The highest priority is to avoid disturbance to cultural resources. All cultural resources shall be left in situ, that is, in place, in the same position in which they were discovered and shall not be removed from the discovery site until arrangements are made for reburial or transfer in accordance with the below. If leaving the resources in situ is not possible, temporary housing at a secured storage location at the discovery site mutually agreed upon by the archaeological and tribal monitor may be considered.
- b. Reburial. In situations where avoidance is not feasible, priority shall next be given to immediately reburying the cultural resources in the same location as found, only deeper. In the event that the cultural resources cannot be reburied in the same location, only deeper, then priority shall next be given to immediately re-burying the cultural resources in an appropriate location within 100 feet of their original discovery in an area that shall not be subject to future subsurface disturbances. If for any reason immediate reburial in place, only deeper, or in an appropriate location within 100 feet of the original discovery is not feasible, then cultural resources may be re-buried in an appropriate location as determined by the Tribal Cultural Advisor in an area that shall not be subject to future subsurface disturbances.
- c. Transfer. In the event that avoidance and reburial above described is not feasible, cultural resources may be removed and transferred to a location designated by the Middletown Rancheria.
- d. No laboratory studies, scientific analysis, curation, or video recording shall be permitted for any cultural resources without the prior written consent of the Middletown Rancheria. The archaeologist may draw the cultural resources for mapping purposes; however, no electronic means of recording the cultural resources shall be permitted without the prior written consent of the Middletown Rancheria.

for NRHP/CRHR eligibility in accordance with current professional standards.

Phase 1 and Site-Specific Avoidance Strategies

Site P-17-425 shall be incorporated into proposed buffer zones for wetlands or oak woodlands. Should ground-disturbing work be required within 50 feet of either site, a qualified professional archaeologist and tribal monitor shall be retained to monitor construction activities. If site elements are discovered during monitoring, the

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archaeologist, in consultation with Middletown Rancheria, then the archeologist shall design an appropriate mitigation plan in consultation with Middletown Rancheria. To the extent feasible, for the resource that cannot be avoided, the following Minimization Measures will be determined and agreed on among the archaeological and tribal monitor. Minimization Measures means:

- e. Avoidance. Priority shall first be given to leaving cultural resources in place and avoidance of any further unnecessary disturbance. The highest priority is to avoid disturbance to cultural resources. All cultural resources shall be left in situ, that is, in place, in the same position in which they were discovered and shall not be removed from the discovery site until arrangements are made for reburial or transfer in accordance with the below. If leaving the resources in situ is not possible, temporary housing at a secured storage location at the discovery site mutually agreed upon by the archaeological and tribal monitor may be considered.
- f. Reburial. In situations where avoidance is not feasible, priority shall next be given to immediately reburying the cultural resources in the same location as found, only deeper. In the event that the cultural resources cannot be re-buried in the same location, only deeper, then priority shall next be given to immediately re-burying the cultural resources in an appropriate location within 100 feet of their original discovery in an area that shall not be subject to future subsurface disturbances. If for any reason immediate reburial in place, only deeper, or in an appropriate location within 100 feet of the original discovery is not feasible, then cultural resources may be re-buried in an appropriate location as determined by the Tribal Cultural Advisor in an area that shall not be subject to future subsurface disturbances.
- g. Transfer. In the event that avoidance and reburial above described is not feasible, cultural resources may be removed and transferred to a location designated by the Middletown Rancheria.
- h. No laboratory studies, scientific analysis, curation, or video recording shall be permitted for any cultural resources without the prior written consent of the Middletown Rancheria. The archaeologist may draw the cultural resources for mapping purposes; however, no electronic means of recording the cultural resources shall be permitted without the prior written consent of the Middletown Rancheria.

The sites designated as lithic scatters (P-17-399, 400, 401, -404, -1363, -1470, -1957, -1958, -1959, -1960, -1961, -1962, -1963, and -2027, the Back of House vineyard lithic scatter site, and the Hilltop Site) have not been evaluated for the NRHP or CRHR. They shall be avoided, incorporated into open space or wetland or vegetation buffers wherever possible. If ground-disturbing work is required within 50 feet of any of these sites, they shall be examined under the CARIDAP unless different and/or additional mitigation measures are identified through consultation with the Middletown Rancheria. For the resource that cannot be avoided, the above Minimization Measures will be

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determined and agreed on among the archaeological and tribal monitor. Analyses will be completed in the field to the extent possible.

Four other sites (P-17-417, -2035, -2038, and -2041) include lithic scatters and bedrock mortars; these sites cannot be evaluated under the CARIDAP protocol. These sites should similarly be incorporated into open space or other natural resource buffers where feasible. Should construction impacts be unavoidable, each affected site shall be investigated by a qualified archaeologist in collaboration with the Middletown Rancheria in accordance with current professional standards in order to assess eligibility to the NRHP or CRHR unless different and/or additional mitigation measures are identified through consultation with the Middletown Rancheria. For the resource that cannot be avoided, the above Minimization Measures will be determined and agreed on among the archaeological and tribal monitor.

Occupation sites have an elevated potential to contain data and other values which would make them eligible for listing on the NRHP or CRHR. These sites (P-17-116, -256, -405, -411, -414, -416, -420, -421, and -2039), therefore, shall be accorded an extra degree of protection. Each of these sites shall be avoided, incorporated into open space or wetland or vegetation buffers wherever possible. The sites are presumed eligible for listing on the NRHP/CRHR and therefore shall be protected by semi-permanent construction fencing, to be maintained until construction in the vicinity has finished. Should avoidance be infeasible, these sites shall be subject to intensive Phase II evaluation in accordance with an individual Treatment Plan designed for each specific site in-subject to consultation with Middletown Rancheria. The primary method of mitigation will be through Minimization Measures provided above. In cases where such Minimization Measures are not feasible and mitigation is not otherwise established in consultation with the Middletown Rancheria, Should the Phase II recommend that the site is eligible for the NRHP/CRHR, a program of archaeological Data Recovery shall be implemented in accordance with current professional standards. Construction in the vicinity of the site shall not resume until Data Recovery has been completed. Aside from recordation, different or additional mitigation measures should be identified through consultation with the Tribes.

Historic sites within Phase 1 impact areas, including P-17-406, -412, -1996, -2042, -2043, -2952, -2956, the Bohn Hill debris scatter, and the Ink Ranch corrals, shall be incorporated into open space or wetland or vegetation buffers wherever possible and avoided with a 15-foot fenced buffer; the fence shall remain in place until all ground-disturbing work within 50 feet of the resource has been completed. Should construction impacts to historic sites be unavoidable, the individual site shall be visited, compared to existing resource records, redocumented through resource update forms, and evaluated for the NRHP/CRHR. If eligible, appropriate treatment methods shall be included in a Treatment Plan designed in consultation with the Middletown Rancheria, which shall be implemented prior to site disturbance. Aside from recordation, additional

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mitigation measures will be identified through consultation with the Middletown Rancheria.

The Back of House vineyard site is located within an active vineyard and consequently has been disturbed; further disturbance will occur when the vineyard is removed prior to Back of House construction. This site has not been evaluated for NRHP/CRHR eligibility and will be more fully disturbed during construction of the Proposed Project. A CARIDAP testing and evaluation program shall be implemented prior to any new ground-disturbing activities at this location unless different and/or additional mitigation measures are identified through consultation with the Middletown Rancheria. If the site is found or presumed eligible for listing on the NRHP/CRHR, a qualified professional archaeologist shall design an appropriate Treatment Plan in consultation with Middletown Rancheria; the Treatment Plan shall include the number and size of excavation units to be completed, laboratory in-field analyses to be performed (if any), documentation of results, and criteria to make a final recommendation to the NRHP/CRHR or other mitigation measures. Construction activities in the vicinity of the site shall not resume until mitigation has been completed.

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Sites that may occur within Phase I development areas but which could not be relocated include: P-17-404, and -409. Accordingly, all ground disturbance proposed in areas where these sites have been previously plotted shall be monitored by a qualified archaeologist and tribal monitor. In the event that site indicators are encountered, project-related activities shall cease and shall not resume within 50 feet of the find and the site shall be evaluated for NRHP/CRHR eligibility in accordance with the provisions of the Unanticipated Discoveries Plan unless different and/or additional mitigation measures are identified through consultation with the Middletown Rancheria. A no-collections policy will be instituted for the Project, except where a site-specific treatment plan calls for collection of a sample of artifacts or materials and analysis as called for in the research design and subject to the consent of the Middletown Rancheria.

SECTION 3.5.5, MITIGATION MEASURES MM 3.5-2

Below is Section 3.5.5, MM 3.5-2 with suggested revisions shown in strikethrough and underlined text.

MM 3.5-2 Worker Awareness Training, Unanticipated Discoveries Plan, Construction Monitoring (Impacts 3.5-1, 3.5-2, and 3.5-3)

- 1) Tribal Cultural Advisor: Prior to initial ground disturbance, the Applicant shall retain a project Tribal Cultural Advisor designated by the Tribe, to direct all mitigation measures related to tribal cultural resources as defined by Public Resources Code 21074(a).

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- 2) Worker Awareness and Sensitivity Training: Prior to the beginning of grading (including ground-clearing) or any construction (including structure relocation), a qualified professional archaeologist shall administer a cultural resources awareness and sensitivity training program to all construction workers who will be performing grading or construction work. Either a tribal representative should assist with administering the training, or the training materials should be approved by the Tribal Cultural Advisor. The program shall include a review of the types of finds that could occur, regulatory requirements, and a list of contacts (with telephone numbers) in case of accidental discoveries. The training program shall be repeated periodically as new construction workers are added to the project.
- 3) Unanticipated Discoveries Plan: Prior to project construction, a qualified professional archaeologist shall be retained to prepare an Unanticipated Discoveries Plan in consultation with Middletown Rancheria unless otherwise mutually agreed upon in writing between the Applicant and the Middletown Rancheria. At a minimum, the Unanticipated Discoveries Plan if necessary shall include:
 - Description of field ~~and laboratory~~ methods to be used to investigate Unanticipated Discoveries (also applicable to known resources that will be impacted by project construction), to include types of excavation units, screening methods, and sample collection as appropriate;
 - A list of permitted in-field ~~laboratories to be used for specific~~ analyses;
 - Provisions for storage or repatriation of recovered materials, developed in consultation with Middletown Rancheria;
 - Measures for documentation of results, including forwarding results to the NWIC as appropriate;
 - A Burial Treatment plan developed in consultation with Middletown Rancheria;
 - Maps (provided in pdf and shapefiles to the construction contractor, Project Proponent, and County) of areas that have not been included in a previous archaeological survey;
 - Maps of known resource locations (provided in pdf and shapefiles) shall be included in any construction documents that include identification of archaeological monitoring areas, identification of sites where pre-construction archaeological testing or archaeological and tribal monitoring during construction is required, identification of appropriate buffer zones for individual site protection during construction, cease work requirements, unanticipated finds reporting requirements; and
 - Assessment criteria to determine NRHP/CRHR eligibility
 - A no-collections policy except with the written consent of the Middletown Rancheria.

Should any cultural resources, such as wells, foundations, or debris, or unusual amounts of bone, stone or shell, artifacts, burned or baked soils, or charcoal be encountered during ground-disturbing activities, work shall cease within 100 feet of the discovery and the Construction Contractor, Project Proponent, and Middletown

Rancheria shall be notified immediately. The Project Proponent shall retain a qualified professional archaeologist to assess the find in consultation with the Tribal Cultural Advisor. The Tribe must have an opportunity to inspect and determine the nature of the resource and the best course of action for avoidance, protection and/or treatment of tribal cultural resources to the extent permitted by law. If the find appears to be eligible for listing on the NRHP or CRHR, or is determined to be a tribal cultural resource by the Middletown Rancheria, then the provisions of the Unanticipated Discoveries Plan shall be adhered to unless otherwise mutually agreed upon in writing between the Applicant and the Middletown Rancheria. If adverse effects to a cultural resource cannot be avoided, the Minimization Measures above described shall be implemented to the extent feasible. The primary method of mitigation of tribal cultural resources will be through avoidance and Minimization Measures. In cases where such avoidance and Minimization Measures are not feasible and mitigation is not otherwise provided in consultation with the Middletown Rancheria, documentation, recordation, and formal evaluation of the resources may be the adopted mitigation as appropriate. It is assumed, based on the implementation of the procedures described herein, that neither archaeological testing nor data recovery excavations will be necessary, or warranted, in the event of a discovery. A no-collections policy will be instituted for cultural resources unless otherwise consented by the Middletown Rancheria.

- 4) Construction Monitoring: The Applicant shall retain a team of professional archaeologists and tribal monitors to implement a monitoring program to observe ~~initial~~ ground disturbing activities from the surface to sub-soil (including testing, concrete pilings, debris removal, rescrapes, punchlists, pot-holing or auguring, boring, grading, trenching, foundation work and other excavations or other ground disturbance involving the moving of dirt or rocks with heavy equipment or hand tools within the Project area), ensure that buffer areas are marked, and halt construction in the case of new discoveries. The tribal monitoring shall be supervised by the project Tribal Cultural Advisor. The duration and timing of the archaeological monitoring activities shall be determined by the lead archaeologist in consultation with the Tribal Cultural Advisor, or as The duration and timing of tribal monitoring will be determined by a cultural resources monitoring agreement between the parties. The Tribal Cultural Advisor will coordinate with the construction field supervisor to confirm where ground disturbing activities will occur and determine the location its tribal monitor would survey, monitor, spot check or remain stationary. Where feasible, the archaeological and tribal monitors will work together at the same locations. If the Tribal Cultural Advisor determines that full-time monitoring is no longer warranted, he or she may recommend that tribal monitoring be reduced to periodic spot-checking or cease entirely. Tribal monitoring would be reinstated in the event of any new or unforeseen ground disturbances.

A8-12
(Cont.)

Depending on the scope and schedule of ground disturbance activities of the Project (e.g., discoveries of cultural resources or simultaneous activities in multiple locations that requires multiple tribal monitors, etc.) additional tribal monitors may be required on-site. If additional tribal monitors are needed, the Tribe shall be provided with a minimum of three (3) business days advance notice unless otherwise agreed upon between the Tribe and applicant. The on-site tribal monitoring shall end when the ground disturbance activities are completed, or when the project Tribal Cultural Advisor has indicated that the site has a low potential for tribal cultural resources.

A8-12
(Cont.)

SECTION 3.5.5, MITIGATION MEASURES MM 3.5-3

Below is Section 3.5.5, MM 3.5-3 with suggested revisions shown in strikethrough and underlined text.

MM 3.5-3 Future Phase Investigations (Impacts 3.5-1, 3.5-2, and 3.5-3)

Because Future Phases of work will affect areas not yet included in an archaeological study, prior to undertaking construction in any Future Phase area, the Project Proponent shall retain a qualified professional archaeologist to complete a cultural resources study in coordination with the Middletown Rancheria. The study shall determine whether any previous archaeological studies or cultural resources have been identified within the Future Phase development area. If no studies have been completed, or if previous study results are more than 15 years old, new studies shall be prepared including the results of background research, field surveys, identification and evaluation of resources, documentation of results, and submission of the report to Lake County and the NWIC upon completion. The archaeologist shall survey the Future Phase area with the Tribal Cultural Advisor (or his or her designee). These efforts shall be completed prior to ground-disturbing activities. If significant historic-era resources or significant archaeological sites are present, the development proposal shall designate the area surrounding the site as open space and the site shall be completely avoided. If avoidance is not feasible, a qualified professional archeologist shall be retained to complete Phase II testing to evaluate NRHP/CRHR eligibility of the site, and, if eligible, shall design an appropriate Treatment Plan in consultation with Middletown Rancheria. In lieu of Phase II testing, the Project Proponent in consultation with the Middletown Rancheria may elect to presume NRHP/CRHR eligibility. In such event, full documentations of eligibility will generally not be required and archaeological testing will not be carried out to determine NRHP/CRHR eligibility. By treating resources as eligible under the NRHP/CRHR, archaeological test excavations and post-field analysis and research will not be necessary to document resources in the field and may only be done in consultation with the Middletown Rancheria. Once such resource is identified as eligible for the NRHP/CRHR, the effects of the development proposal on the resource may be mitigated through Minimization Measures provided above. In cases where such Minimization Measures are not feasible and mitigation is not otherwise established in consultation with the Middletown Rancheria, a qualified

A8-13

professional archeologist shall complete Phase II testing to evaluate NRHP/CRHR eligibility of the site, and, if eligible, shall design an appropriate Treatment Plan in consultation with Middletown Rancheria. Construction activities in the vicinity of the site shall not occur until mitigation has been completed and Construction Monitoring of Mitigation Measure 3.5-2 are implemented. Any newly identified resources uncovered during Future Phases shall be treated in accordance with **Mitigation Measure 3.5-2** requirements.

A8-13
(Cont.)

Based on the foregoing comments and concerns, the Tribe respectfully requests that the County modify the DEIR with the recommendations set forth in this correspondence.

Please note that we are still reviewing and preparing our comments to the archaeological reports of the Project. We will provide follow up with you and the Project applicant separately on this.

Considering the essence of time, we addressed our concerns generally. This letter does not purport to exhaustively set forth the Tribe's entire position in the above referenced matter. This letter is without prejudice to any rights and remedies of the Tribe, all of which are expressly reserved.

A8-14

Please do not hesitate to contact me at (707) 987-1307, (707) 987-1315 or email at speterson@middletownrancheria.com for questions or additional information. We look forward to hearing from you on this matter.

Respectfully,



Sally Peterson
Tribal Council Vice-Chairwoman, and
Tribal Historic Preservation Officer

Cc: THPO file# 19-04-023



A Tradition of Stewardship
A Commitment to Service

Planning, Building & Environmental Services

1195 Third Street, Suite 210
Napa, CA 94559
www.countyofnapa.org

David Morrison
Director

April 21, 2020

Mark Roberts, Principal Planner
County of Lake
255 N. Forbes Street
Lakeport, CA 95453

RE: **GUENOC VALLEY MIXED-USE PLANNED DEVELOPMENT**
Draft Environmental Impact Report Comments

Dear Mr. Roberts:

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) prepared for the Guenoc Valley Mixed-Use Planned Development in southern Lake County. Napa County offers the following comments on the DEIR:

1. Napa County Jurisdiction - Resort recreational uses, namely fishing and boating, are proposed on Upper Bohn Lake as noted on page 2-33 of the Project Description. Approximately half of Upper Bohn Lake is located within Napa County, and thus is subject to Napa County's jurisdiction. The DEIR does not identify Napa County as an agency with jurisdiction over the project. To remedy this, in lieu of identifying Napa County as a Responsible Agency, it is recommended that the DEIR project description be amended to exclude proposed resort recreational uses (or any other land uses) on the portion of Upper Bohn Lake located within Napa County. In addition, it is requested that use permit(s) conditions of approval provide a mechanism to prevent lake recreation on the portion of Upper Bohn Lake within Napa County.
2. Hydrology and Water Quality - The DEIR identifies that, due to onsite retention and treatment, there will be no net increase of stormwater leaving the project site for a 2-year 24-hour storm. Climate change impacts to this region include more severe and more frequent storms, which may surpass the capacity of the proposed retention basins and result in potentially significant flooding and downstream impacts to water quality within Napa County. The County recommends that the development meet performance standards designed to ensure peak runoff in 2-, 10-, 50-, and 100-year events following development is not greater than predevelopment conditions.
3. Transportation & Traffic - The Draft EIR identifies that project impacts to the Level of Service at the intersections of Tubbs Lane at SR-29 (Intersection #20) and Tubbs Lane at SR-128 (Intersection #21) will result in an exceedance of established thresholds, and that the cumulative plus future phase scenario results in significant impacts to these intersections. Napa County is interested in working with Lake County on exploring proposed improvements identified in the traffic study and EIR on page 3.13-34, which consist of the installation of three-way traffic signals at both intersections. However, signalization may not ultimately

A9-01

A9-02

A9-03

Guenoc Mixed-Use Planned Development
Draft Environmental Impact Report Comment Letter
April 2020

be the most suitable improvement to those intersections. Napa County supports a cost-sharing agreement for implementation of the intersection improvements, and recommends use permit(s) and tentative maps be conditioned to complete a cost-agreement with Napa County prior to commencing construction of the proposed mixed-use development such that the development is responsible for constructing the improvements and is paid back by future development for a share of the cost.

A9-03
(Cont.)

Napa County thanks you for providing an opportunity to review and comment on the DEIR. If you should have any questions regarding any of the items listed above, please feel free to contact John McDowell at 707-299-1354, or john.mcdowell@countyofnapa.org.

Sincerely,



David Morrison
Director of Planning, Building and Environmental Services

cc: Napa County Board of Supervisors
Minh Tran, Napa County CEO
Jeff Brax, Napa County Counsel
Steve Lederer, Director of Public Works

ORGANIZATION COMMENTS

Comment Letter O1

From: Roberta Lyons [<mailto:roberta.lyons@att.net>]
Sent: Monday, February 24, 2020 2:31 PM
To: Mark Roberts <Mark.Roberts@lakecountycal.gov>
Subject: [EXTERNAL]Guenoc Project

Hi Mark,

Thank you for trying to accommodate me with this. It is really difficult to try to figure out what I want to read. It takes my computer several minutes to open the appendixes, then you cannot tell from the title what you want to open (except for the Oaks one). I know it is not your fault but it is a very difficult method for concerned citizens to access this information unless they have super-fast internet and are also very tech savvy. Anyway, not your fault and you're right, I don't know how else you could do it because of the size of the file.

O1-01

I am not able to go to the March 12 meeting as I have an out-of-town commitment that day. I will write comments. Will they be read at the meeting? Or just accepted into the record? I have so many problems with this development I'm not sure where to begin; plus, I haven't read the whole EIR, so maybe things like Dark Skies and Habitat Corridors are mentioned? I don't see any evidence so far of an effort for Conservation Design in this project.

O1-02

O1-03

I'm attaching the M2B studies by Pepperwood. Have the people planning this project looked at the M2B project?

O1-04

Thank you!

Roberta Lyons

Comment Letter O2

From: Roberta Lyons [mailto:roberta.lyons@att.net]
Sent: Thursday, March 5, 2020 11:22 AM
To: Mark Roberts <Mark.Roberts@lakecountyca.gov>
Subject: [EXTERNAL]mitigation measures

Hi Mark,

Where would I find more narrative for 3.1-2 New Sources of Light or glare, which is considered LTS?

☐

O2-01

Also, 3.4-4 on Movement of wildlife. Where are the MMs for these? MM 3.4-19 Wildlife Movement (is that in the appendices?)

☐

O2-02

Thanks!

Roberta

Also, if something is considered LTS, does that mean there is no narrative about it? Or do you have to figure out what appendices it is in, which that easy.

☐

O2-03

Comment Letter O3

From: Roberta Lyons [<mailto:roberta.lyons@att.net>]
Sent: Wednesday, March 11, 2020 10:33 PM
To: Mark Roberts <Mark.Roberts@lakecountyca.gov>
Subject: [EXTERNAL]Comments

Hi Mark,

I can't come to the meeting tomorrow; I have a previous commitment in Sacramento. However, my co-chairman for Redbud Audubon's conservation committee will be there and read my letter. I'm sending it to you as well to make sure you have it for the record, although I plan on submitting more extensive and well-thought out comments before the April 7 deadline. This is a lot for the average lay person to review.

Roberta

O3-01

Redbud Audubon Society, Inc.

P.O. Box 5780 Clearlake, CA 95457

March 11, 2020

Lake County Community Development Department
255 North Forbes Street
Lakeport, CA 95453

To whom it may concern:

As Conservation Chair for the Redbud Audubon Society I'm pleased to have the opportunity to comment on the draft Environmental Impact Report (EIR) for the Guenoc Valley Mixed Use Planned Development.

We participated in the scoping meeting for this document and although some of our concerns and requests have been reviewed we still question the adequacy of the draft EIR to address these concerns. We will be submitting in-depth comments on the draft EIR by the April 7, 2020 deadline.

Our concerns during the scoping review included the importance of maintaining wildlife corridors and the issue of night glare from the development. We have other concerns that will be mentioned in our final comments. It is challenging for lay people to review these documents and Mitigation Measures and we request a more in depth "hands on," meeting with the planners, especially in regards to viewing the maps as it is difficult to do so on a regular desktop computer. We also expect that there will be several more public and community meetings in order to get thorough input from residents of Lake County.

The Maha planners seem to address the night skies issue but we are concerned about who will monitor these requirements. The wildlife corridor issue appears to be addressed by a study from 2010, (Spencer 2010). We would like to see corroboration with the recent Mayacamas To Berryessa Landscape Connectivity Network study. Also relating to this issue: leaving decisions about fencing up to a future Home Owners Association is not adequate. We expect viable habitat corridors to be identified and outlined now and built into the design of this project.

The "Estate" development idea is problematical. It lends to fragmentation and blockage of wildlife corridors. The wording that addresses the issue of wildlife passage is vague and the policies being suggested lend to unenforceable standards.

O3-02

O3-03

O3-04

O3-05

O3-06

Comment Letter O3

How will this project be monitored over the decades? Will Maha developers fund the County of Lake to ensure continued monitoring of standards outlined for the project or will it be strictly up to a Home Owners Association? This is also problematical.

O3-07

We look forward to a continuing relationship with the developers and planners of this major project. There is no doubt that it could be a positive project for Lake County and have beneficial impacts on our economy. However, it is a huge project and deserves scrutiny and public input. The developers are asking for a lot – rezoning and a general plan amendment. They appear to be sincere in their efforts to create an environmentally friendly new community and we expect that more review of our environmental concerns will occur.

O3-08

Sincerely,
Roberta Lyons
President, Redbud Audubon Society

WRITTEN COMMENT CARD

COUNTY OF LAKE - PUBLIC MEETING GUENOC VALLEY MIXED USE PLANNED DEVELOPMENT PROJECT

BOARD OF SUPERVISORS CHAMBERS 255 N. FORBES STREET, LAKEPORT CA
MARCH 12, 2020

IF YOU WOULD LIKE TO SUBMIT A WRITTEN STATEMENT, PLEASE COMPLETE THE FOLLOWING INFORMATION AND COMMENT IN THE SPACE PROVIDED BELOW. GIVE TO ATTENDANT OR DROP IN THE WRITTEN COMMENT BOX. COMMENTS MAY ALSO BE SUBMITTED BY MAIL OR EMAIL TO THE CONTACT INFORMATION PROVIDED BELOW.

WRITTEN COMMENTS ON THE DRAFT EIR MUST ARRIVE BY 5PM APRIL 7, 2020.

(Please print legibly)

Name: DAVID VELASQUEZ Organization: TAYLOR OBSERVATORY

Address: 1490 N. MAIN ST. LAKEPORT 95453

Comment: WE ARE INTERESTED IN MAKING SURE
ALL NEW DEVELOPMENTS IN LAKE COUNTY
COMPLY WITH THE DARK SKY PROCLAMATION
OF THE COUNTY AND CONTINUE TO ADDRESS
REQUIREMENTS OF THE INTERNATIONAL DARK
SKY ORGANIZATION. PLEASE COMMENT
ON THE SPECIFICS IN THE EIR.

O4-01

Please give to attendant, drop in Written Comment Box, mail to County of Lake Community Development Department, Attention: Mark Roberts, Principal Planner, 255 N. Forbes Street, Lakeport, CA 95453, or email to guenocvalleycomments@lakecountyca.gov. If emailing comments, please use "Draft EIR Comments, Guenoc Valley Mixed Use Planned Development Project" as the subject of your email.

From: Roberta Lyons [<mailto:roberta.lyons@att.net>]
Sent: Tuesday, March 24, 2020 10:19 AM
To: KS@mahaman.com
Cc: Mark Roberts <Mark.Roberts@lakecountyca.gov>; 'Victoria Brandon' <vbrandon95457@gmail.com>; Donna Mackiewicz <donnamackiewicz@gmail.com>
Subject: [EXTERNAL]Guenoc Project

Redbud Audubon Society
P.O. Box 5780 Clearlake, CA 95457

Kirsty L. Shelton, Entitlement Manager
Maha Resort and Developments

Hi Kirsty,

We plan on joining the informational public meeting you are holding this evening, but we still have some concerns that we want to communicate to you directly.

We have already made a request to Mark Roberts to extend the deadline for the comments on the Draft EIR. Redbud Audubon and the Sierra Club are requesting this given these unprecedented times. We just learned that the comment period has been extended by two weeks, but it remains to be seen if this is long enough to allow an in-person meeting.

We want to see the Maha planners and managers collaborate with the Mayacamas to Berryessa Connectivity Network (M2B) made up of the Pepperwood Preserve's Dwight Center for Conservation Science, numerous biologist and land trust representatives, concerning building landscape connectivity. This report was finished in October 2018 and we still have not received a confirmed recognition that Maha planners are aware of this study. We want to see collaboration between the M2B representatives and your planners to determine if the proposed Guenoc Mixed Used Planned Development conflicts with the recommendations of this report. This is a simple request. Everybody looks at the maps and compares the areas. I cannot make a valid comparison just by looking at your maps and M2B maps on my computer. We requested a person to person meeting with you, some maps we can make sense of and a representative from M2B who knows where the habitat corridors are outlined.

Given the gravity of your request for major and extensive entitlements, rezoning and general plan amendments, we suggest that rushing this project through during a time of crisis is not wise. I know you have been working on it for years but this Corona Virus outbreak is disrupting everyone's plans and lives.

O5-01

O5-02

O5-03

Comment Letter O5

Teleconference meetings are not sufficient. Especially in a place like Lake County where many people do not have sufficient access or knowledge to take advantage of this offer. Has it been noticed in the local papers? Even so, many people are so distracted right now they are not going to see it.

O5-3
(Cont.)

As I have commented, the issue of wildlife connectivity is huge for Redbud Audubon and the Sierra Club. From reading over the extensive documents of the draft EIR it appears there are numerous inconsistencies and loopholes in your intentions. For instance, leaving decisions up to a future HMO is not sufficient. We still question the idea of ranchette type estates spread out over hundreds of acres and question if this is true Conservation Design policy.

O5-04

This development could no doubt be a great thing for Lake County. We have no intention of opposing it per se. Given the expansive land use changes that will have great impact on our unique environment that Maha Development is requesting, this project needs the utmost scrutiny and input from all concerned parties.

O5-05

Sincerely,
Roberta Lyons
Conservation Chair, Redbud Audubon Society, Lake County
Donna Mackiewicz, co-chair.
Victoria Brandon
Sierra Club Lake Group



**Lake County
Farm Bureau**
Serving Agriculture since 1927

President Keith Brandt
1st Vice President Robert Gayaldo
2nd Vice President Daniel Suenram
Treasurer Brodie McCarthy
Executive Director Brenna Sullivan

County of Lake
Community Development Department
Attn: Mark Roberts, Principal Planner
255 N. Forbes Street
Lakeport, CA 95453
Email: guenocvalleycomments@lakecountycal.gov

March 27, 2020

Re: Guenoc Valley Mixed-Use Planned Development Draft EIR Comments

Lake County Farm Bureau appreciates the opportunity to comment on the Guenoc Valley Mixed-Use Planned Development Project Draft Environmental Impact Report. Lake County Farm Bureau (LCFB) follows policies set by the California Farm Bureau Federation in land-use and development projects. In general, LCFB is supportive of any type of project that will aid in responsible economic development for the benefit of residents in Lake County. We have a few comments, however, on certain aspects of the project.

O6-01

One of LCFB's policies is the preservation of prime farmland and Class I soils for agricultural purposes. Guenoc Valley has a mix of prime farmland and areas that are unsuitable for agriculture. Prime farmland areas in the designated project should be reserved for agricultural uses or open space. LCFB feels that sub-prime soil areas should be prioritized first in development.

Secondly, there is a proposal for the transport of water from a well on a parcel on the corner of Butts Canyon Rd. and Hwy 29 out to the project site. According to the EIR, the water will be piped approximately 6 miles from the well to Guenoc Valley. This will potentially affect Middletown's groundwater and surrounding agricultural parcels and seems like an inefficient method to provide water to the project site.

O6-02

Thirdly, there is a hotel and development area with the planned name of 'Red Hill.' Red Hills AVA is an established wine growing region in Lake County with potential for economic development and prestige among Northern California agri-tourism areas. LCFB respectfully requests that the "Red Hill" elements in the project be renamed to preserve the distinction of the Red Hills AVA, which is also located in Lake County. Because the site is out in Guenoc Valley, which is its own distinct AVA, the name is inappropriate.

O6-03

LCFB appreciates the opportunity to provide comment on Guenoc Valley Mixed-Use Planned Development Project Draft Environmental Impact Report and requests to be notified regarding any future development of this project.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brenna Sullivan'.

Brenna Sullivan
Executive Director

Sierra Club Lake Group

PO Box 415 Lower Lake, CA 95457

April 20, 2020

Mark Roberts
Community Development Department
Planning Division
255 N. Forbes Street
Lakeport, CA 95453
via email: guenocvalleycomments@lakecountycalifornia.gov

RE: Draft Environmental Impact Report Guenoc Valley Mixed-Use Planned Development Project

Dear Mr. Roberts:

Lake Group appreciates this opportunity to provide comments on the Draft Environmental Impact Report (DEIR) and our perspective on the environmental impacts of this major project. There is a great deal to admire in the project as proposed. The applicants seem to have both the capacity and the desire to create a resort community that respects the natural values of the site and that is likely to provide both direct and indirect benefits to the community, while maintaining sustainability in the long term. We have no significant concerns about the commercial components of the project, but some aspects of the proposed residential development are more questionable.

Residential density. The most troubling of these concerns is the disregard of the specific development limitations that the Middletown Area Plan (MAP) established for the Guenoc Valley, which it designates as a Special Study Area. The developers apparently have used some of the policies and objectives laid out in the MAP as a guide for their own planning, while ignoring MAP's determination that the "maximum residential development potential of the approximately 16,000 acre Langtry property is approximately 800 dwelling units." In contrast, the current application would result in an entitlement for 1400 residential units, plus another 500 units of workforce housing and 450 "resort residential" units. We question the desirability of approving such a dramatic increase in density, not only because of direct impacts to the site, but also because of possible precedents that could affect other parts of the county. At a very minimum, compelling justification for disregarding the standards of the Area Plan should be required before considering such a variance. As acknowledged in the consideration of project alternatives, increased profitability appears to be the operative consideration.

Our dismay about this issue is even greater because the DEIR analyzes only the first phase of the project (anticipated to be concluded over approximately the next 10 years) at the project level, with the remainder subject merely to a far more cursory program level review. Since only 400 residential units are proposed for the first phase the increased impacts of an additional 1000 dwellings (plus additional resort residential and workforce co-housing units) are not evaluated in detail. Although it is true that additional focussed environmental review will be required as a condition of phased permitting at a later date, but at that point the additional

O7-01

O7-02

density will have already been approved, along with new zoning categories that will supersede the dictates of the MAP.

O7-2
(Cont.)

Open Space. We support the proposed designation of sensitive riparian areas, wetlands, and some oak woodlands as permanent open space, and recommend that these protections be strengthened by placing a conservation easement on these 2765 acres. We do not however think it appropriate to categorize any part of subdivided residential lots as open space despite development restrictions limiting the areas which can be used for structures and hard scaping. It's also misleading to include "general open space areas not proposed for development under Phase 1" and thereby come to the conclusion that the "majority of the Guenoc Valley Site would remain as undeveloped open space." Since long term plans for the site include the subdivision of these undeveloped areas into 1000 residential parcels (plus other uses) their "open space" categorization has to be considered temporary.

O7-03

Wildlife connectivity and fencing. It is our understanding that the connectivity evaluation beginning on page 3.4-22 has been supplemented and strengthened by a supplemental Habitat Corridor study, and we appreciate the intent behind these actions. However, categorization of solid fencing up to six feet in height as being permeable to wildlife movement is misleading. Although most species CAN make their way through or over such a barrier if given sufficient incentive to do so, a six foot wooden or woven wire fence significantly discourages and impedes passage of animals both small and large, and widespread use is likely to result in unavoidable habitat fragmentation. Shorter, more open fencing such as four-foot post-and rail structures would avoid this impact to a marked degree, while also maintaining a visually open and natural landscape. We recommend that four-foot permeable fencing be the maximum allowed by right on residential parcels outside the 1 1/2 acre section allowed for development, with anything else requiring individual permitting.

O7-04

Water Supply and Wastewater. Several options are stated for the provision of this essential infrastructure (Section 2.52.5). It would be more appropriate to decide from the outset which option to select, and to structure environmental review accordingly. We are also specifically concerned about the proposal to construct an off-site well at a distant location in a different aquifer. The necessity for this well is unclear, since the project site seems to contain an abundance of groundwater along with established rights to onsite surface waters that should suffice to meet all anticipated needs. Tapping into a distant aquifer has the potential for adverse effects on existing users, and these impacts need to be identified and if necessary mitigated and a precondition for approval.

O7-05

Please keep us advised of any future opportunities to participate in the dialog about this project.

O7-06

Sincerely,



Victoria Brandon
Conservation Chair, Sierra Club Lake Group

CALIFORNIA WILDLIFE FOUNDATION
428 13th Street, Suite 10A
Oakland, CA 94612



WWW.CALIFORNIAWILDLIFEFOUNDATION.ORG
tel. 510.208.4436
fax 510.208.9948

April 21, 2020

Mark Roberts, Principal Planner
Community Development Department
County of Lake
255 N. Forbes Street
Lakeport, CA 95453

Transmitted via email: guenocvalleycomments@lakecountycalifornia.gov

RE: Draft Environmental Impact Report for Guenoc Valley Mixed-Use Planned Development Project

Dear Mr. Roberts:

The California Oaks program of California Wildlife Foundation (CWF/CO) works to conserve oak ecosystems because of their critical role in sequestering carbon, maintaining healthy watersheds, providing wildlife habitat, and sustaining cultural values. We applaud the County of Lake for General Plan Open Space and Conservation Policy 1.13: *The County shall support the conservation and management of oak woodland communities and their habitats.*

O8-01

CWF/CO reviewed the Draft Environmental Impact Report (DEIR) for Guenoc Valley Mixed-Use Planned Development Project. Unfortunately, the DEIR has three deficiencies that do not align with California law. The first pertains to the definition of an oak woodland, the second pertains to the establishment time for oaks planted for mitigation purposes. The third deficiency is that the DEIR does not calculate the greenhouse gas impacts of the proposed tree removals. This letter also conveys suggestions about mitigation ratios and transport of trees. Lastly, the scope of oak woodland impacts also appears to run counter to Policy 1.13, but CWF/CO will not be able to address this point until the proper analysis of oak woodland impacts is conducted.

O8-02

ERRONEOUS DEFINITION OF OAK WOODLAND

California Fish and Game Code defines oak woodlands: “*Oak woodlands* means an oak stand with a greater than 10 percent canopy cover or that may have historically supported greater than 10 percent canopy cover.” Unfortunately, the DEIR does not conform to state law. The discussion of blue oak woodland and blue oak savanna on page 3.4-20 of the DEIR uses a definition that eliminates many of the blue oak savanna and woodland habitats that should have been analyzed in the DEIR (underlined text used for emphasis):

O8-03

Although CDFW does not distinguish between blue oak woodland and savanna, blue oak habitats were mapped into two categories to facilitate impact and mitigation calculations. Areas with approximately 60 percent or less total canopy cover with less than two thirds of tree canopies touching are mapped as oak savanna. Areas with greater cover of blue oaks or a higher percentage of tree canopies touching are considered woodland.

Review of the appendices indicates that the erroneous use of the 60 percent figure was used for all oak woodland types (the quoted text below is from page 2,438, which presents page 8 of the proposed Oak Mitigation Plan) (underlined text used for emphasis):

Impacts to Oak Woodland without Significant Loss of Canopy Cover

Due to impact minimization measures presented in **Section 2.1**, the Proposed Project will likely have impacts on individual oak trees within oak woodland habitat such that the overall character and quality of the habitat is not significantly impacted. Consistent with the Biological Resources Assessment of the Guenoc Valley Site, impacts that result in a reduction in woodland canopy cover to 60 percent or less and less than 2/3 of the canopies touching would be considered conversion of habitat from oak woodland to oak savanna. In circumstances where removal of trees does not convert oak woodland to oak savanna, the following mitigation is recommended...

O8-3
(Cont.)

Discussion: The entire DEIR is based on a definition of oak woodlands that does not conform to California law. The maps presented and analysis used throughout the DEIR are flawed. As stated above, the state defines an oak woodland as “an oak stand with a greater than 10 percent canopy cover or that may have historically supported greater than 10 percent canopy cover.” The lands with greater than 10 percent oak canopy cover and less than 60 percent canopy, irrespective of whether canopies are touching, must be analyzed in the DEIR.

O8-04

MITIGATION PLAN

As noted above, the entirety of the DEIR’s analysis of oak woodlands needs to conform to the definition of oak woodlands in California Fish and Game code. There is, however, a deficiency in the mitigation plan that also needs to be corrected. The three-year monitoring period described below does not conform to state law (underlined text used for emphasis):

Oak Habitat Planting Areas

The oak replanting mitigation will be considered successful when, after three years, the tree plantings have achieved an 80 percent success rate. If additional plantings are necessary to increase the total plantings to meet the 80 percent survival rate, these seedlings will be monitored for a full 3 years to ensure success of those additional plantings. A high level of replanting success is anticipated with the use of protective measures, along with placement of the plantings in appropriate habitat.

O8-05

Oak Habitat Enhancement Areas

Oak woodland enhancement areas are deemed successful when, after three years, the tree plantings have achieved an 80 percent success rate. If additional plantings are necessary to increase the total plantings to meet the 80 percent survival rate, these seedlings will be monitored for a full 3 years to ensure success of those additional plantings. A high level of replanting success is anticipated with the use of protective measures, along with placement of the plantings in appropriate habitat.

O8-06

Discussion: Public Resources Code Section 21083.4 applies to mitigation for the removal

O8-07

of oaks that are not commercial species, which are five inches or more in diameter as measured at a point 4.5 feet (breast height) above natural grade level. One of the authorized mitigation measures is the replacement or restoration of former oak woodlands. The establishment period is seven years, not three. Senate Bill 1334 (Kuehl), which brought the conversion of oak woodlands under California Environmental Quality Act (CEQA) states: *The requirement to maintain trees in compliance with this paragraph shall terminate seven years after the trees are planted.*

O8-7
(Cont.)

Discussion of mitigation ratios: CWF/CO offers that the ratios for mitigation are weak. The approach taken in the DEIR that defines oak woodlands in a manner that does not conform to state law also is used to determine thresholds of significance that determine mitigation. Table 2 presented on page 9 of the Oak Mitigation Plan (page 2,439 of the appendices) provides different formulas, depending on whether there is “significant loss of canopy cover.” This is especially problematic for valley oak woodland. The 1.5:1 replacement ratio for “significant loss of canopy cover” cannot be considered adequate mitigation. The following provisions are from Santa Barbara’s deciduous oak protection ordinance:

- A 15:1 mitigation ratio by replacement planting, or protection of naturally occurring oak trees between six (6) inches and six (6) feet tall on the lot.
- Naturally occurring valley and blue oak seedlings/saplings, growing on the lot and between six (6) inches and six (6) feet in height that are successfully protected and nurtured may be counted as replacement (mitigation) trees under the Program.
- If planting is done using acorns, the ratio of acorns to oak trees removed shall be a minimum of forty-five (45) acorns for every protected valley oak tree removed. Up to three (3) acorns may be planted in the same hole.

O8-08

Lastly, the symbol “<” used in Table 2 for trees with dbh that is presumably above 15” appears to be a typo.

Discussion of transporting trees: The proposed mitigation relies on the transport of trees, which is a very difficult procedure, in part because of the taproots of oak trees. CWF/CO offers that many trees may not survive transport. Additionally, the Oak Mitigation Plan appears to assume that a transplanted oak would continue to provide the same ecosystem and cultural services that it did in its original location—a highly problematic proposition. Further it appears that the Oak Mitigation Plan is built on the assumption that no mitigation is necessary if oak trees are transported elsewhere. Lastly, as discussed above, the establishment period must be seven years rather than three years.

O8-09

GREENHOUSE GAS IMPACTS OF TREE REMOVALS

California law requires the greenhouse gas (GHG) impacts of proposed oak removals to be assessed. Section 3.7.4 of the DEIR lacks this analysis. Section 2.0, Impacts to Oaks, of the Oak Mitigation Plan (page 5 of the plan and page 2,435 of the appendices also does not recognize the importance of oaks in carbon sequestration. CEQA’s sole GHG focus is “the mitigation of greenhouse gas emissions or the effects of greenhouse gas emissions.” Net present value of GHG emissions forms the foundation of the state’s greenhouse reduction objectives, as well as the California Forest Protocol preservation standards. Every ton of carbon dioxide (CO₂) released into the atmosphere by oak woodland or

O8-10

forest conversion represents a measurable potential adverse environmental effect, which is covered by CEQA. Thus California requires the analysis and mitigation of greenhouse gas emissions associated with proposed oak woodland or forest conversions.

Project mitigation that is based on the preservation ("avoided conversion") of existing natural lands does not adequately mitigate GHG emissions of natural lands conversion. Existing trees, understory, and soil conserved by the mitigation, do not, suddenly, upon the protections afforded by their conservation sequester more carbon to mitigate impacted biomass GHG emission effects of the conversion. Newly planted trees take many years to sequester carbon in the soil, understory, and woody mass of the trees.

O8-10
(Cont.)

CONCLUDING THOUGHTS

The Project Objectives outlined in Section 5.2.1 of the Analysis of Alternatives (underlined text used for emphasis) include:

- Propose a mix of resort, agriculture, and residential uses consistent with the Lake County General Plan policies, Zoning regulations, Middletown Area Plan, and economic development goals and policies.
- Propose a development project that is sustainable with landscape stewardship practices including native plants, mindful grading, green roofs, on-site water treatment and reuse, locally grown food and animal products, alternative energy production, and open space preservation.

O8-11

Discussion: A key question for the County of Lake is whether the proposed project is consistent with General Plan Policy 1.13, and whether the activities that propose to move, remove trees, and plant trees described in the DEIR are the type of *open space preservation* that will result in a natural landscape that sustains cultural and habitat values and builds resilience as the climate changes.

Thank you for your consideration of our comments. We welcome your inquiry should additional input be helpful.

Sincerely,



Janet Cobb
Executive Officer
California Wildlife Foundation



Angela Moskowitz
Manager, California Oaks Coalition

Redbud Audubon Society, Inc.

POB 5780 Clearlake, CA 95457

April 21, 2020

Community Development Department Planning Division
255 N. Forbes Street
Lakeport, CA 95453

Attn: Mark Roberts, Senior Planner

Re: Draft Environmental Impact Report Guenoc Valley Mixed-Use Planned Development project

Hi Mark,

Once again we want to thank you and the planners working with the Maha development for excellent communication regarding this project. It is obvious that it could be a very positive development for Lake County and that it has been carefully planned with concern for the natural value of the area in mind. Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR).

However, it still stands that this land is basically a California wilderness, despite the vineyards and roads that are already present, it does represent a vital habitat that is slowly but surely being eaten away by development. That is why as the Conservation Committee for the Redbud Audubon Society, we must concur with Victoria Brandon, of the Sierra Club, that the residential density for this project is still excessive. It is almost double what is being recommended in the Middletown Area Plan (MAP). As Ms. Brandon points out, it could set a precedent for other areas of the County and there should at least be a "compelling justification" for disregarding the standards of the Area Plan before such a drastic variance is allowed.

It is also concerning that the DEIR only analyzes the first phase of the project with over 1500 additional units escaping detailed evaluation in the future phases. The additional density will have already been approved along with new zoning categories, superseding the dictates of MAP.

It is also inappropriate, as Brandon points out, for residential lots to be included in open space designation. Development restrictions, as time passes, often become over-looked, despite all best intentions. The "open space," category is only temporary because long term plans include

O9-01

O9-02

O9-03

O9-04

subdivision of these undeveloped areas into 1000 residential parcels or other uses. We would like to see more secure establishment of open space areas.

O9-04
(Cont.)

Another main concern of both Redbud Audubon and the Sierra Club is the issue of wildlife connectivity and fencing. This area is considered the "heart," of the Mayacamas to Berryessa wildlife connectivity corridor. Although not "totally," blocked off, the allowance of solid fencing and the constriction of the corridor in some areas remains a concern. Wildlife corridors are not necessarily "highways," where all of the animals will find their way in the same manner. Six foot high solid fencing will definitely create an impediment to mammals both large and small. We would recommend wildlife friendly fencing on all parcels except for greatly reduced areas within the parcels for such things as vegetable gardens and/or fencing immediately around a house to exclude deer.

O9-05

We look forward to continuing to work with both the Lake County Community Development Department and the Maha development group appreciate all efforts to accommodate the concerns of both the Redbud Audubon Society and the Lake Group of the Sierra Club.

Sincerely,
Roberta Lyons
Donna Mackiewicz
Conservation Committee
Redbud Audubon Society, Inc.
POB 5780
Clearlake, CA 95422
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4/21/2020

Sent via email and FedEx

County of Lake
Community Development Department
Attn: Mark Roberts, Principal Planner
255 N. Forbes Street
Lakeport, CA 95453
guenocvalleycomments@lakecountycalifornia.gov

Re: Guenoc Valley Mixed-Use Planned Development Project Draft Environmental Impact Report, SCH No. 2019049134

Dear Mr. Roberts:

These comments are submitted on behalf of the Center for Biological Diversity (the "Center") regarding the Draft Environmental Impact Report ("DEIR") for the Guenoc Valley Mixed-Use Planned Development Project ("the Project" or "Proposed Project"). The Proposed Project is anticipated to build 450 resort and 400 hotel units, luxury resort amenities, 1,400 residential estates, 500 workforce cohousing units and extensive infrastructure in an undeveloped area of Southwest Lake County. The Project will degrade the current ecosystem on the Project site as well as negatively impacting sensitive biological resources in the area surrounding the Project. In addition to the ecological damage of paving over pristine natural habitat, the Project will put people in harm's way by building in an area prone to wildfire. The Center has reviewed the DEIR closely and is concerned that the DEIR fails to adequately disclose, analyze and mitigate the Project's potentially significant impacts on biological resources, greenhouse gas ("GHG") emissions, wildfire risk and water resources, among other impacts. For these reasons, detailed below, we urge that the DEIR be revised to better analyze and avoid the Project's significant environmental impacts.

The Center is a non-profit, public interest environmental organization dedicated to the protection of native species and their habitats through science, policy, and environmental law. The Center has over 1.7 million members and online activists throughout California and the United States. The Center has worked for many years to protect imperiled plants and wildlife, open space, air and water quality, and overall quality of life for people of California, including Lake County.

O10-01

I. The Project Description Fails to Comply with CEQA

Under CEQA, a “project” is defined as “the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment . . .” (*Tuolumne County Citizens for Responsible Growth, Inc. v. City of Sonoma* (2007) 155 Cal.App.4th 1214, 1222 (citing CEQA Guidelines § 15378, subd. (a).) An “accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR.” (*Cnty. of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 193; (*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 655 (project description held unstable and misleading) [hereinafter “*San Joaquin Raptor*”].) “However, a curtailed, enigmatic or unstable project description draws a red herring across the path of public input.” (*San Joaquin Raptor*, 149 Cal.App.4th, at 655.)

An inaccurate or truncated project description is prejudicial error because it fails to “adequately apprise all interested parties of the true scope of the project.” (*See City of Santee v. Cnty. of San Diego* (1989) 214 Cal.App.3d 1438, 1454-55 [hereinafter “*City of Santee*”].) “Only through an accurate view of the project may the public and interested parties and public agencies balance the proposed project’s benefits against its environmental cost, consider appropriate mitigation measures, assess the advantages of terminating the proposal and properly weigh other alternatives.” (*San Joaquin Raptor*, 149 Cal.App.4th, at 655.)

Here, the Project Description and other sections of the DEIR present a convoluted picture of current and planned vineyards within the Project site. Readers of the DEIR are denied a clear understanding of the Project’s scope and impacts because although a significant portion of the Project site is slated to be converted to vineyards, those areas are not considered part of the Project by the DEIR. While the DEIR notes the areas of potential vineyard conversion are subject to a previous environmental analysis, the vineyard areas are still described as being within the Project site and are discussed throughout the DEIR. (DEIR at 2-5; 3.4-38.) Contrasted with areas under different ownership within the Project boundary that are explicitly “not in Project site” (DEIR at 2-18), the areas of potential vineyard conversions are included, despite the DEIR’s assertion that no additional vineyards are part of the Project (DEIR at 2-5). The 2009 FEIR did not provide specific plans or phasing for vineyard development covered by that review, so the DEIR must clearly explain how that previous project interacts with the Proposed Project.

In addition to failing to properly discuss the status of the potential vineyard areas within the POU (“Places of Use”) evaluated under a previous environmental review, the DEIR’s description of the Proposed Project is inadequate because it provides conflicting accounts of how many acres will be converted to vineyard. Failure to discuss the Project’s impacts in the context of yet-to-be-developed vineyard areas undermines the DEIR’s own impact and mitigation analysis. The the phasing of vineyard development must be established and disclosed so that the Project’s construction-related impacts can be accurately assessed. If adjacent areas are simultaneously developed under previous vineyard approvals and the Proposed Project, construction impacts are magnified, and mitigation planned without an understanding of vineyard conversion plans will likely be insufficient. These errors leave the public and decision-makers in the dark over the true scope of the Project and its effect on the environment, in violation of CEQA. (*San Joaquin Raptor*, 149 Cal.App.4th, at 655.)

O10-02

Similarly, the DEIR fails to clarify whether the potential vineyard areas, under lease by a third party, will require additional discretionary approval before construction can begin, and fails to discuss how subsequent environmental review, if needed, will interact with the DEIR's analysis. The DEIR references the 2009 FEIR for the Guenoc Water Rights Modification Project ("2009 FEIR"), which expanded the POU for surface water within the Project site. (DEIR at 2-11.) Under the 2009 FEIR, the POU was expanded to allow for up to 2,765 acres of vineyards to be planted. (See DEIR at 3.4-48.) The expanded water rights thereafter "allowing for increased cultivation of vineyards within these identified plantable lands." (2009 FEIR at 3-7.) Critically, the 2009 FEIR stated that any vineyard development within the POU would be subject to Lake County's Vineyard Regulations and Guidelines, which require a discretionary approval of a grading permit and CEQA review. (2009 FEIR at 4.2-9; see also Lake County Code § 30-26.) The DEIR states that "large portions of the Guenoc Valley Site have been converted to vineyards or are already approved for future vineyard development." (DEIR at 3.4-4.) Therefore, the DEIR must describe the need for further discretionary approval before vineyard conversions can commence, without such a disclosure, stating that new vineyards are "already approved" is misleading to the reader of the DEIR.

O10-02
(Cont.)

The approval status of potential vineyard areas within the Project site must be made clear to the public and decision-makers, as any subsequent environmental review of vineyard conversions will involve analysis of wildlife and habitat impacts that could overlap this DEIR's analysis.

The 2009 FEIR required that 2,765 acres of open space be set aside to mitigate the impact of the vineyards allowed under the expanded POU (2009 FEIR at 2-41); that open space, outlined in the Open Space Preservation Plan ("OSPP"), is discussed as a feature of this Project (DEIR at 3.4-38). As noted above, vineyard conversions within the POU will need to undergo additional CEQA review before a grading permit can be issued, and this subsequent review may require environmental mitigation beyond what was required by the 2009 FEIR. New biological resource surveys of the potential vineyard sites could uncover the presence of special status plant and wildlife species that were not present in biological resource surveys conducted over ten years ago. The efficacy of the mitigation measures proposed under both the DEIR and the 2009 FEIR depends on up-to-date biological surveys that consider the scope of *all* potential habitat and wildlife impacts within the Project site.

O10-03

Additionally, the 2009 FEIR did not analyze the greenhouse gas ("GHG") emissions impacts of clearing up well over 2,000 acres for new vineyards. Future site-specific analyses of individual vineyard projects may require mitigation that would need to take place on lands within the Project site that are already approved for development under this DEIR. In order to avoid future conflict, and to clearly present the environmental impacts to the Project site, the DEIR must clarify the status of potential vineyard conversions; and included the relevant analysis within the DEIR.

O10-04

Beyond the need for clarification on the status of vineyard projects, the DEIR must remedy internal inconsistencies concerning how many acres of land are slated to become new vineyards. The Project Description section contains a map of existing and potential vineyard

O10-05

expansion areas, noting 990 acres of currently planted vineyards, and 970 acres of potential vineyard locations. (DEIR at 2-5.) But then the Biological Resources section lists currently developed agriculture as 1,001.6 acres within the Project site (DEIR at 3.4-2), before stating that currently planted lands equal 1,681.6 acres (DEIR at 3.4-4). Further confusing the issue, the Water Supply Assessment (“WSA”) discusses amended lease lands (future project area vineyards not a part of the Project) as totaling 1,115 acres. (App. WSA at 48.) These internal inconsistencies render the DEIR misleading, undermining the public’s ability to comprehend the scope and magnitude of the Project’s impacts.

O10-05
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Lastly, the DEIR’s failure to properly discuss the relationship between the 2009 FEIR and the Proposed Project obscures the public’s ability to comprehend if the Project is satisfying CEQA’s essential requirement that environmental impacts be mitigated to the extent feasible. (Cal. Code Regs., tit. 14 [“CEQA Guidelines”] § 15126.4.) The DEIR notes that 2,765 acres “would remain” as open space, presumably acknowledging that this exact amount of acreage is already required under the 2009 FEIR. (DEIR at 2-40.) Many of the mitigation measures in the Biological Resources section require mitigation rations for impacted habitat types (see DEIR at 3.4-91), yet the DEIR fails to disclose where this mitigation will take place. As the DEIR appears to require no more open space than is already required under a previous CEQA project approval, the public can reasonably infer that the Proposed Project is essentially “double counting” mitigation. The DEIR must quantify impacts to specific habitat types, and clearly identify the amount and location of land that will be preserved in order to mitigate *this* Proposed Project’s impacts.

O10-06

II. The DEIR Fails to Adequately Describe, Analyze, and Mitigate the Project’s Impacts to Biological Resources

A. The DEIR Fails to Adequately Describe, Assess, and Mitigate Impacts to Wildlife Movement and Habitat Connectivity

Roads and development create barriers that lead to habitat loss and fragmentation, which harms native wildlife, plants, and people. As barriers to wildlife movement, poorly-planned development and roads can affect an animal’s behavior, movement patterns, reproductive success, and physiological state, which can lead to significant impacts on individual wildlife, populations, communities, landscapes, and ecosystem function (Mitsch and Wilson 1996; Trombulak and Frissell 2000; van der Ree et al. 2011; Haddad et al. 2015; Marsh and Jaeger 2015; Ceia-Hasse et al. 2018). For example, habitat fragmentation from roads and development has been shown to cause mortalities and harmful genetic isolation in mountain lions in southern California (Ernest et al. 2014; Riley et al. 2014; Vickers et al. 2015), increase local extinction risk in amphibians and reptiles (Cushman 2006; Brehme et al. 2018), cause high levels of avoidance behavior and mortality in birds and insects (Benítez-López et al. 2010; Loss et al. 2014; Kantola et al. 2019), and alter pollinator behavior and degrade habitats (Trombulak and Frissell 2000; Goverde et al. 2002; Aguilar et al. 2008). Habitat fragmentation also severely impacts plant communities. An 18-year study found that reconnected landscapes had nearly 14% more plant species compared to fragmented habitats, and that number is likely to continue to rise as time passes (Damschen et al. 2019). The authors conclude that efforts to preserve and enhance connectivity will pay off over the long-term (Damschen et al. 2019). In addition, connectivity

O10-07

between high quality habitat areas in heterogeneous landscapes is important to allow for range shifts and species migrations as climate changes (Heller and Zavaleta 2009; Cushman et al. 2013; Krosby et al. 2018). Loss of wildlife connectivity decreases biodiversity and degrades ecosystems.

The DEIR fails to adequately describe the Project area's importance in wildlife connectivity. Lake County's heterogeneous habitats that include wetlands, streams, grasslands, scrublands, woodlands, and pine forest are important for wildlife connectivity and migration at the local, regional, and continental scale. Local connectivity that links aquatic and terrestrial habitats allows various sensitive species to persist, including state-protected foothill yellow-legged frogs (*Rana boylei*) and western pond turtles (*Actinemys marmorata*). At a regional scale, medium- and large-sized mammals that occur in Lake County, such as mountain lions (*Puma concolor*), bobcats (*Lynx rufus*), gray foxes (*Urocyon cinereoargenteus*), ring-tailed cats (*Bassariscus astutus*), and mule deer (*Odocoileus hemionus*), require large patches of heterogeneous habitat to forage, seek shelter/refuge, and find mates. These species are all known to occur in the Project area. And at a global scale, Lake County is an important stop for 200-300 resident and migratory bird species within the Pacific Flyway¹, a north-south migratory corridor that extends from Alaska to Patagonia. Lake County is a critical hub for local and global biodiversity; wildlife movement and habitat connectivity must be maintained throughout the County.

In an analysis that assessed connectivity between the Mayacama Mountains to the new Snow Mountain-Berryessa National Monument, Gray et al. (2018) identified the Project area as having high terrestrial permeability and terrestrial linkage potential as well as high riparian permeability and riparian linkage potential. In addition, the Project area was identified as a priority location for connectivity important for climate change resilience (Gray et al. 2018). None of this information is presented in the DEIR, despite such information being provided by Pepperwood Preserve in comments they submitted on the Notice of Preparation (DEIR Appendix NOP).

The Project's placement will subject the surrounding open space to urban edge effects and will likely impact key, wide-ranging predators, such as mountain lions and bobcats (Crooks 2002; Riley et al. 2006; Delaney et al. 2010; Lee et al. 2012; Vickers et al. 2015), as well as smaller species with poor dispersal abilities, such as song birds, small mammals, and herpetofauna (Cushman 2006; Benítez-López et al. 2010; Kociolek et al. 2011). Limiting movement and dispersal can affect species' ability to find food, shelter, mates, and refugia after disturbances like fires or floods. Individuals can die off, populations can become isolated, sensitive species can become locally extinct, and important ecological processes like plant pollination and nutrient cycling can be lost. In addition, linkages and corridors between major core habitat areas, like the Mayacama Mountains and Snow Mountain-Berryessa National Monument, are important to allow for range shifts and species migrations as climate changes. Therefore, it is imperative that thorough analyses are conducted to determine if Project activities will affect species movement. The DEIR fails to provide sufficient details and analyses to

¹ <https://lakecounty.com/blog/bird-watching/>

warrant their conclusion that Project impacts on habitat connectivity and wildlife movement would be mitigated to less than significant.

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The DEIR fails to consider and adequately mitigate impacts to functional connectivity in the Project design and ignores the best available science. Effective, functional corridors are continuous (not fragmented by roads or other anthropogenic features), wide enough to overcome edge effects, dominated by native vegetation, and have equal or higher habitat quality than core habitat patches (Bennett et al. 1994; Brooker et al. 1999; Hilty and Merenlender 2004). However, edge effects of development and habitat degradation from the proposed Project would only result in low quality habitat that would not be able to support the area's biodiversity. Negative edge effects from human activity, traffic, lighting, noise, domestic pets, pollutants, invasive weeds, and increased fire frequency have been found to be biologically significant up to 300 meters (~1000 feet) away from development in terrestrial systems (Environmental Law Institute 2003). Yet the DEIR states that MM 3.4-19, which focuses only on fencing best practices, would reduce impacts to wildlife movement to less than significant. However, MM 3.4-19 does nothing to minimize impacts of vineyard exclusionary fencing, and only provides for 300-foot passageways between residential fences. This mitigation is insufficient and ignores the best available science.

O10-08

B. The DEIR Fails to Adequately Assess and Mitigate Impacts to Sensitive Habitats

The DEIR undercuts the value of the thousands of acres of sensitive habitats within the Project area. Below are a few examples of how the DEIR's assessments of sensitive habitats and mitigation of impacts are inadequate and ignore the best available science.

i. Oak Woodlands

The DEIR fails to adequately assess and mitigate impacts to oak woodlands, ignores the best available science, and violates California Fish and Game Code. The DEIR applies an erroneous definition of oak woodlands. According to California Fish and Game Code, oak woodlands are defined as "an oak stand with a greater than 10 percent canopy cover or that may have historically supported greater than 10 percent canopy cover." (Cal Fish & Game Code § 1361.) According to the DEIR, "Areas with approximately 60 percent or less total canopy cover with less than two thirds of tree canopies touching are mapped as oak savanna. Areas with greater cover of blue oaks or a higher percentage of tree canopies touching are considered woodland." (DEIR at 3.4-20). Thus, the DEIR does not adequately describe the extant oak woodlands in the Project area, and therefore does not adequately explain nor appropriately mitigate potential impacts to oak woodlands due to the proposed Project. In assigning an arbitrary definition of oak woodlands and oak savanna, the DEIR blatantly violates CA Fish and Game Code.

O10-09

MM 3.4-16 is unenforceable and insufficient to adequately mitigate potential impacts to oak woodlands. First, it differentiates impacts based on impacts "with significant loss of canopy cover" and impacts "without significant loss of canopy cover," though it is unclear how such categorizations are defined. If significant loss of canopy cover is determined (again, it is unclear how it would be determined), then "recommended" mitigation would include a minimum

O10-10

mitigation ratio of 1.5:1, which is grossly insufficient. California has already lost over a million acres of oak woodlands since 1950 (Bolsinger 1988), and cannot afford to inadequately mitigate further impacts. The Oak Mitigation Plan further goes on to simply state that “impacts that result in a reduction in woodland canopy cover to 60 percent or less and less than 2/3 of the canopies touching would be considered conversion of habitat from oak woodland to oak savanna” (DEIR Appendix BRA1 Oak Mitigation Plan at 8), and provides no further discussion on this. Does this suggest that no mitigation would occur if oak woodlands with more than 60% canopy cover were reduced to less than 60% land cover? This provides a convenient space for the developer to have no obligation to mitigate impacts to oaks. The plan is unclear, fails to adequately describe the oak woodlands in the Project area, and does not provide any science regarding how their proposed mitigation measures, or lack thereof, would adequately mitigate any impacts to oak woodlands, as defined by Fish and Game Code, to less than significant.

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The Oak Mitigation Plan provides “recommended” mitigation for circumstances in which there is no significant loss of canopy cover and removal of trees does not convert oak woodlands to oak savanna (using the DEIR’s definition, not the definition provided in the California Fish and Game Code), which includes replantings of 2:1 for trees with 3-15 inch-diameter at breast height (dbh) removed and 5:1 for trees with a dbh of 15 inches or greater removed. This pales in comparison to Santa Barbara County’s Deciduous Oak Tree Protection and Regeneration Ordinance, which requires a 15:1 mitigation ratio (via replacement planting or protection of naturally occurring oaks between six inches and six feet tall) for removed oak trees (County of Santa Barbara 2003). These mitigation measures for impacts to oak woodlands, as defined by California Fish and Game Code (*i.e.*, an oak stand with a greater than 10 percent canopy cover or that may have historically supported greater than 10 percent canopy cover), are grossly insufficient, unenforceable, and not based on any science. Such insufficient mitigation would not reduce impacts to oak woodlands to less than significant.

O10-11

California has already lost over a million acres of oak woodlands since 1950 (Bolsinger 1988). Oak woodlands and other wooded areas, such as pine forests, provide valuable habitat and connectivity for a wide variety of species (Bernhardt and Swiecki 2001; Lawrence et al. 2011; Jedlicka et al. 2014; Tietje et al. 2015). If this pattern of forest and woodland conversion continues, Lake County will lose irreplaceable biodiversity and ecosystem services.

Not only are oak woodlands and forests necessary to sustain the area’s unique biodiversity, they are also important for many ecosystem services that communities rely on for safety and economic stability, including water quality protection, carbon sequestration, erosion control, and soil retention (Brown and Krygier 1970; Elliot 2010; Lawrence et al. 2011; Moyle et al. 2011; Pan et al. 2011; Jedlicka et al. 2014). Reduced forest cover has been shown to result in increased runoff (*i.e.*, pollutants such as pesticides and fertilizers flowing into groundwater and surface waterways), erosion, sedimentation, and water temperatures; changes in channel morphology; decreased soil retention and fertility; and decreased terrestrial and aquatic biodiversity (Brown and Krygier 1970; Pess et al. 2002; Dahlgren et al. 2003; Houlahan and Findlay 2004; Opperman et al. 2005; Lohse et al. 2008; Elliot 2010; Lawrence et al. 2011; Moyle et al. 2011; Zhang and Hiscock 2011; Jedlicka et al. 2014). In addition, forests are an important carbon sink that can help moderate the impacts of climate change (Padilla et al. 2010; Pan et al. 2011), and some researchers argue that at a global scale, trees are linked to increased

O10-12

precipitation and water availability (Ellison et al., 2012). If the County chooses to prioritize rapid development without adequately assessing and mitigating impacts to sensitive habitats, these unique ecosystems and the invaluable services they provide to human communities will be lost.

The County can look to neighboring Napa County to see the negative impacts they're dealing with due to agricultural conversion and rural/urban development replacing much of its forests and woodlands. Poor land use management and lack of environmental oversight have led to degraded waterways from agricultural runoff, changes in flow, and increased erosion, sedimentation, and water temperatures in Napa County (Higgins 2006; Higgins 2010). These impacts are evident in the Napa River's muddy waters and the loss of native fishes that once thrived in these waters, such as Coho salmon (which have been extirpated), and steelhead trout (Higgins 2006). Contrary to industry claims that the Napa River has been delisted from the U.S. Environmental Protection Agency's 303(d) list of impaired waters, the Napa River remains a listed impaired water due to excessive sediment and nutrient pollution from historical and current land use practices, including vineyard conversions, grazing, and urbanization^{2,3}. And although the Napa River is in the process of being *considered* for possible delisting for nutrient pollution, it is not being considered for delisting for sediment pollution.

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Lake County should learn from the errors of Napa County and implement environmentally responsible land-use planning. Removing oak woodlands and forest for development without adequately assessing and mitigating potential impacts could lead to severe levels of erosion and sedimentation and reduced water equality. Reckless removal of thousands of acres of oak woodlands and forest would also ramp up climate change by releasing more carbon into the atmosphere.

ii. Aquatic Resources, Including Riparian Habitat (Woodlands and Streams), Wetlands, Ponds, and Reservoirs

The DEIR fails to adequately describe or consider the best available science when discussing the Project area's aquatic resources. The proposed Project is within the Putah Creek watershed, which drains into Lake Berryessa. As described in the DEIR, the area consists of a large network of ponds and reservoirs connected by major tributaries as well as perennial and intermittent streams. There are almost 200 acres of riparian stream habitat (if not more) as well as over 400 acres of emergent wetlands, over 650 acres of ponds and reservoirs, and over 122 acres of jurisdictional wetlands, and over 10 acres of jurisdictional open waters in the Project area. Despite the vast amount of science highlighting the importance of these aquatic resources and adjacent upland habitat to native plants and animals as well as water resources, the DEIR fails to adequately mitigate impacts to less than significant. MM 3.4-17 Aquatic Resources Protection and Management provides grossly insufficient mitigation. Setbacks of 30 feet from perennial streams and 20 feet from ephemeral streams, wetlands, ponds, lakes, and reservoirs are grossly insufficient and will not adequately mitigate impacts to these resources due to the

O10-13

² San Francisco Bay Regional Water Quality Control Board (2018) Napa River Sediment TMDL and Habitat Enhancement Plan. Available at:

https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/TMDLs/napariversedimenttmdl.html

³ San Francisco Bay Regional Water Quality Control Board (2018) Napa River Nutrient TMDL. Available at: https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/TMDLs/naparivernutrienttmdl.html

proposed Project. In addition, a setback “to the outer extent of a riparian corridor” (DEIR at 3.4-93) is unclear and does not allow the reader to understand how that would be defined or implemented. Similarly, mitigation ratios of 2:1 for preservation or restoration/enhancement and 1:1 for created habitat are insufficient and do not align with current scientific knowledge. Such mitigation should be at least 5:1 for these sensitive habitats if mitigation is preserved, restored, or enhance. However, created habitat has a much lower success rate and should therefore have a much higher mitigation ratio of at least 10:1.

O10-13
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It is estimated that 90-95% of historic riparian habitat in the state has been lost (Bowler 1989; Riparian Habitat Joint Venture 2009). Using 2002 land cover data from CalFire, the Riparian Habitat Joint Venture estimated that riparian vegetation makes up less than 0.5% of California’s total land area at about 360,000 acres (Riparian Habitat Joint Venture 2004). This is alarming because riparian habitats perform a number of biological and physical functions that benefit wildlife, plants, and humans, and loss of what little is left will have severe, harmful impacts on special-status species, overall biodiversity, and ecosystem function.

Natural riparian systems are critically important because they slow water and allow for infiltration into the ground water, while providing habitat and connectivity for rare plants and animals. Similarly, Yet the DEIR fails to adequately assess and mitigate impacts to riparian habitats, including streams and upland habitat consisting of woodlands/scrub, due to the proposed Project. The DEIR should consider the best available science and require a minimum 300-foot setback from reservoirs and ponds to protect water quality. In addition, the DEIR should implement 300-foot setbacks from perennial and intermittent streams, and wetlands (including vernal pools) that are within designated critical habitat, support or have the potential to support special-status and/or sensitive species or provide connectivity and linkages to support multiple species. If the aquatic resources are not located within designated critical habitat, do not support or have the potential to support special-status or sensitive species, and do not provide essential habitat connectivity, as determined by a qualified biologist, then a minimum 200-foot buffer should be required

O10-14

Science has shown that implementing adequate buffers throughout the catchment or watershed in addition to around the reservoir(s) is an effective strategy to keep pollutants and sedimentation out of reservoirs (Norris 1993; Whipple Jr. 1993). Researchers suggest that to reduce sedimentation and pollution in drinking water supplies a minimum 300-foot buffer should be established around reservoirs, and larger buffer zones should be established around upstream channels and tributaries closer to pollution sources (such as vineyards) of sediment and other pollutants (Nieswand et al. 1990; Norris 1993; Whipple Jr. 1993). Thus, the DEIR’s dismal setbacks of 20 to 30 feet will not adequately protect water quality from degrading due to sediment, turbidity, and other types of pollution, such as excessive nutrients (nitrogen and phosphorous) and pesticides. Larger buffer zones along streams and wetlands upstream of reservoirs would provide more stream bank stabilization, water quality protection, groundwater recharge, and flood control both locally and throughout the watershed (Nieswand et al. 1990; Norris 1993; Whipple Jr. 1993; Sabater et al. 2000; Lovell and Sullivan 2006). They would also protect communities from impacts due to climate change by buffering them from storms, minimizing impacts of floods, and providing water storage during drought (Environmental Law Institute 2008). Thus, the DEIR should require a minimum 300-foot buffer around reservoirs

with a minimum of 200- to 300-foot setbacks from streams and wetlands, depending on whether the habitat is located within designated critical habitat, supports or has the potential to support special-status and/or sensitive species, or if it provides important habitat connectivity or linkages.

In the San Francisco Bay Area, stream setbacks range between 30 – 200 feet, depending on the type of land use (*i.e.*, urban versus rural), or the quality or type of existing habitat (Robins 2002). For example, Sonoma County implements some of the more stringent setbacks, with requirements for a 200-foot buffer in the Russian River Riparian Corridor, a 100-foot buffer for flatland riparian stream corridors, and a 50-foot buffer for other riparian stream corridors⁴. Although smaller buffers may be locally adequate to alleviate water quality concerns in the short-term, they are often insufficient for wildlife (Kilgo et al., 1998; Fischer et al. 2000; Semlitsch & Bodie, 2003). Streams (perennial and intermittent), wetlands (including vernal pools), ponds, and reservoirs throughout the County support numerous special-status flora and fauna, including steelhead trout (*Oncorhynchus mykiss*), foothill yellow-legged frogs, and western pond turtles. Many species that rely on these aquatic habitats also rely on the adjacent upland habitats (*e.g.*, riparian areas along streams, and grassland habitat adjacent to wetlands). In fact, 60% of amphibian species, 16% of reptiles, 34% of birds and 12% of mammals in the Pacific Coast ecoregion (which includes Lake County) depend on riparian-stream systems for survival (Kelsey and West 1998). Many other species, including mountain lions and bobcats, often use riparian areas and natural ridgelines as migration corridors or foraging habitat (Dickson et al, 2005; Hilty & Merenlender, 2004; Jennings & Lewison, 2013; Jennings & Zeller, 2017). Additionally, fish rely on healthy upland areas to influence suitable spawning habitat (Lohse et al. 2008), and agricultural encroachment on these habitats and over-aggressive removal of riparian areas have been identified as a major driver of declines in freshwater and anadromous fish as well as California freshwater shrimp (*e.g.*, Stillwater Sciences 2002; Lohse et al. 2008; Moyle et al. 2011). Loss of biodiversity due to lack of habitat contributes to ecosystem degradation, which will diminish a multitude of ecosystem services in the long-term. Thus, to preserve the County's valuable biodiversity in these habitats, it is important to develop and implement effective buffer widths informed by the best available science.

A literature review found that recommended buffers for wildlife often far exceeded 100 meters (~325 feet), well beyond the largest buffers implemented in practice (Robins 2002). For example, Kilgo et al. (1998) recommend more than 1,600 feet of riparian buffer to sustain bird diversity. In addition, amphibians, which are considered environmental health indicators, have been found to migrate over 1,000 feet between aquatic and terrestrial habitats through multiple life stages (Semlitsch and Bodie 2003; Trenham and Shaffer 2005; Cushman 2006; Fellers and Kleeman 2007). The foothill yellow-legged frog, a state-threatened species that occurs within the proposed Project, has been observed wintering in abandoned rodent burrows and under logs as far as 100 m (or over 300 feet) from streams (Zeiner 1988). Other sensitive species known to occur in the Project area, such as western pond turtles (*Actinemys marmorata*, a candidate species under the Endangered Species Act) and California newts (*Taricha torosa*), have been found to migrate over 1,300 feet and 10,000 feet respectively from breeding ponds and streams (Trenham 1998; Semlitsch and Bodie 2003). Accommodating the more long-range dispersers is

⁴ County of Sonoma (2008) General Plan 2020. Available at: <https://sonomacounty.ca.gov/PRMD/Long-Range-Plans/General-Plan/>

vital for continued survival of species populations and/or recolonization following a local extinction (Semlitsch and Bodie 2003, Cushman 2006). In addition, more extensive buffers provide resiliency in the face of climate change-driven alterations to these habitats, which will cause shifts in species ranges and distributions (Cushman et al., 2013; Heller & Zavaleta, 2009; Warren et al., 2011). This emphasizes the need for sizeable riparian and upland buffers around streams and wetlands in Lake County, as well as connectivity corridors between heterogeneous habitats.

MM 3.4-17 is grossly insufficient and will not slow the degradation of these aquatic resources and important ecosystems and the services they provide. To protect the Project area's highly diverse ecosystems and the services they provide, the DEIR should require a minimum 300-foot setback from all perennial and intermittent streams and wetlands (including vernal pools) that are within designated critical habitat, support or have the potential to support special-status and/or sensitive species, or provide connectivity and linkages to support multiple species. If the streams or wetlands are not located within designated critical habitat, do not support or have the potential to support special-status or sensitive species, and do not provide essential habitat connectivity, as determined by a qualified biologist, then a minimum 200-foot buffer should be required. Setback for ponds and reservoirs should be 300 feet.

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iii. Chaparral, and Native Grasslands

The DEIR fails to adequately describe, assess, and mitigate impacts to chaparral and native grasslands. Chaparral hosts more rare and native California plant species than any other plant community (Halsey and Keeley 2016), and most chaparral flora have high site fidelity, meaning they do not occur in other habitats or plant communities (Quinn and Keeley 2006). Chaparral also provides habitat for numerous wildlife species, both seasonally and year-round, and as a whole it supports more species of mammals, birds, and reptiles than most California ecosystems (Quinn and Keeley 2006). Native grasslands are also important habitat for numerous native plant and animal species, and they are exceedingly rare.

In addition, chaparral ecosystems and native grasslands have been shown to store significant amounts of carbon within their vegetation and their soils, which makes them additional resources to help combat climate change (Koteen et al., 2011; Luo et al., 2007; Quideau et al., 1998). And like forests, these plant communities also provide other ecosystem services, such as soil stability, erosion control, and groundwater recharge.

O10-15

MM 3.4-15 is insufficient to adequately mitigate impacts to sensitive habitats like chaparral and native grasslands. First, it only applies to impacts to about 33 acres of musk-brush chaparral, stating that since CDFW recognizes a leather oak-musk brush provisional association as sensitive, then the DEIR will treat it as sensitive (DEIR at 3.4-16). However, the same reasoning does not apply to over 2,500 acres of leather oak chaparral. Given that serpentine soils only occupy one percent of California's land area and support 15% of all plant taxa listed as threatened or endangered (Safford et al. 2005), and leather oak chaparral occurs on serpentine soils, the DEIR should mitigate impacts to leather oak chaparral. And given that other types of chaparral host such high levels of plant and animal diversity, mitigation should extend to those as well.

Another issue is that, as mentioned previously, native grasslands are extremely rare because of over a century of conversion to non-native grasslands and development. Only 11.7 acres of purple needlegrass are located in the Project area, and the DEIR states that about 8 acres would be impacted by Phase 1 activities. Such disregard for this sensitive habitat is unacceptable.

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MM 3.4-15 only provides a 2:1 mitigation ratio for impacts to some of these sensitive habitats as in-kind preservation, restored/enhanced, or created habitat. This is insufficient and ignores the best available science. Given that these sensitive habitats host high levels of rare and native plants that likely support numerous wildlife throughout the year, impacts should be mitigated at a minimum 3:1 mitigation ratio for in-kind preservation and enhance/restored habitat and 5:1 for created habitat.

C. The DEIR Fails to Adequately Assess and Mitigate Impacts to Special-status Plants

The DEIR fails to adequately assess and mitigate the impacts to special-status plants that occur or have the potential to occur in the Project area. The proposed Project is within the California Floristic Province, one of 34 global biodiversity hotspots, named so because of the area's rich plant diversity and high levels of endemism. Special-status and rare plants occur throughout the County's diverse habitats, with a high concentration of species in chaparral/shrubland, serpentine chaparral and grasslands, oak woodlands, riparian woodlands, wetlands, and rock outcrops. According to the Biological Resources Assessment conducted for the Project (DEIR Appendix BRA1 and BRA2), WRA biologists identified 500 native vascular plant taxa within the larger Guenoc Ranch property and 131 special-status plant species in or adjacent to the property (DEIR BRA1 at 28). During reconnaissance-level surveys, 26 special-status plant species were observed in the Phase 1 Study Area, and the area was identified as having high potential to support an additional 81 special-status plant species. In addition, the large area of serpentine and volcanic substrates provides moderate to high potential for a large number of rare plants to occur (DEIR BRA1 at 28). Despite this information being provided buried in the appendix, the main text of the DEIR misleadingly states that "A total of 61 special-status plant species have the potential to occur within the Guenoc Valley Site." (DEIR at 3.4-24.) The DEIR blatantly misrepresents what the biologists reported in the Biological Resources Assessments conducted for the Project.

O10-16

MM 3.4-3 General Special-Status Plant Mitigation is insufficient to reduce impacts to special-status plants to less than significant. The DEIR ignores the guidance provided in the Biological Resource Assessment. The Biological Resource Assessment in the appendix states, "When avoidance is not feasible or practicable, species-specific mitigation should be developed that minimizes impacts and compensates for any loss of federal or state listed rare, threatened, or endangered plant occurrences through a 58 combination of enhancement (e.g., weed management and supplemental seeding within existing stands of the species in question), restoration or creation (e.g., establishment of new populations), and preservation (e.g., placement of appropriate protective assurances over existing examples of high quality occurrences)" (DEIR Appendix BRA1 at 57), yet the DEIR only provides for a blanket 2:1 mitigation ratio for any impacted special-status plant species. Because of the rarity and endangerment of many of the

O10-17

special-status plants that occur or have the potential to occur in the Project area, the DEIR should implement a minimum 5:1 mitigation ratio, with higher considerations for rarer or more protected species. Here is another example: the Biological Resource Assessment also suggests that Federal-listed, state-listed, and CNPS Rank 1 species should be prioritized for avoidance (DEIR Appendix BRA1 at 58), yet the DEIR provides no such measures. Ultimately, the DEIR downplays the magnitude of rare and special-status plant species in the Project area and inadequately mitigates potential impacts due to the Project.

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D. The DEIR Fails to Adequately Assess and Mitigate Impacts to Special-status Wildlife

The DEIR fails to provide adequate descriptions of special-status species present or potentially present in the Project area. No descriptions are provided in the main text of the DEIR, one must dig into the appendices to understand which special-status species occur where in the Project area. The DEIR needs to provide the data about the special-status species present or potentially present in the Project area and the potential impacts to those special-status species in the text of the DEIR, not bury it in an appendix. Below are a few examples in which the DEIR fails to adequately describe special-status species and adequately assess and mitigate potential impacts due to the proposed Project.

O10-18

i. *Western Pond Turtle*

The Species Account for the western pond turtle, which is provided in the Appendix, not in the main text of the DEIR, states that the western pond turtle is a “CDFW Species of Special Concern” (DEIR Appendix BRA1 at 50), but ignores the current status of the turtle’s potential for federal protections. The Center for Biological Diversity petitioned the US Fish and Wildlife Service (USFWS) to protect the western pond turtle under the Endangered Species Act in 2012 and the USFWS granted a positive 90-day finding for the turtle in 2015, determining that an Endangered Species Act listing may be warranted. (80 Fed. Reg. 19259 (April 10, 2015).) Therefore, the western pond turtle is a candidate species under the Federal Endangered Species Act.

The DEIR fails to adequately assess and mitigate the temporary impacts due to construction activities and the permanent impacts due to development and human activity to western pond turtles and the habitat they need to survive. In addition, the potential impacts to the turtle’s upland habitat are vastly underestimated in the DEIR’s proposed mitigation measures. MM 3.4-10 Western Pond Turtle Impacts – Construction states “To the extent possible, initial ground disturbance, vegetation clearing, and associated project activities within 300 feet of ponds, reservoirs, or wetted stream within 300 feet of ponds, reservoirs, or wetted streams where western pond turtle has been documented shall occur between July 1 and October 31 to avoid the peak nesting season and winter inactivity periods for western pond turtle.” This is not an enforceable mitigation measure, and it neglects areas where the turtles have the potential to occur, during nesting season or otherwise, and does nothing to mitigate the long-term impacts of the Project. In addition, it’s unclear why 300 feet was chosen as the threshold for this mitigation. The western pond turtle uses upland habitat well beyond 300 feet from aquatic habitats for nesting, overwintering, and migration, spending as much as seven months in terrestrial habitat

O10-19

(Holland 1994; Zaragoza et al. 2015). They are known to nest as far as 1,312 feet from aquatic habitat and can be found overwintering up to 1640 feet from aquatic habitat, as well as migrating over 3,280 feet (1 km). (Holland 1994; Zaragoza 2015) In addition, as western pond turtles are wary and secretive, they are likely to be disturbed by people at distances beyond 300 feet. Bury and Germano (2008) found that “most individuals rapidly depart basking sites when disturbed by either visual or auditory stimuli of people (e.g., waving an arm, shouting) at distances of over 100 m [(328 feet)].” The DEIR does not adequately describe, assess, or mitigate the short- or long-term impacts of the proposed Project.

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ii. Foothill Yellow-legged Frog

The Species Account for the foothill yellow-legged frog (FYLF), which is provided in the Appendix, not in the main text of the DEIR, ignores the current status of the frog’s potential for federal protections. The Center for Biological Diversity petitioned the US Fish and Wildlife Service (USFWS) to protect the FYLF under the federal Endangered Species Act in 2015 and the USFWS granted a positive 90-day finding for the turtle in 2015, determining that an Endangered Species Act listing may be warranted. (80 Fed. Reg. 19259 (April 10, 2015).) Therefore, the FYLF is a candidate species under the Federal Endangered Species Act.

The DEIR fails to adequately assess and mitigate impacts to FYLF and the habitat they need to survive. MM 3.4-11 only calls for lackluster mitigation in areas where FYLF has been documented, which includes no construction work within 100 feet of any wetted stream or associated feature where FYLF have been documented during the dry months “as possible” and that timing shall occur outside FYLF breeding “to the extent feasible” (DEIR at 3.4-89). This neglects areas where FYLF have the potential to occur, during breeding season or otherwise. In addition, it is unclear why 100 feet was chosen as the threshold for this mitigation. While FYLF are rarely encountered far from permanent water during breeding season and summer, during the winter FYLF have been observed in abandoned rodent burrows and under logs as far as 100 m (328 feet) from streams (Zeiner 1988) In addition, juvenile FYLF have been found up to 600 feet upslope from their natal stream channel (Twitty et al. 1967). Pre-construction surveys are insufficient and unclear; while the DEIR states a biologist will survey 500 feet upstream and downstream of the work area, it is not clear what area of upland will be surveyed along that stretch of stream. And measures to avoid the species if it is detected are vague, as they “may include, but are not limited to, a protective no-work buffer, exclusion fencing, monitoring, and/or coordination with CDFW” (DEIR at 3.4-89). Thus, the DEIR fails to adequately assess and mitigate impacts to FYLF.

O10-20

III. The EIR’s Analysis of and Mitigation for the Project’s Greenhouse Gas Emissions is Inadequate

The EIR’s analysis of the proposed Project’s GHG emissions (DEIR Section 3.7) is inadequate. The Project would result in significant amounts of GHG emissions during construction and operation of the Project. (See DEIR p. 3.7-11, Table 3.7-1 [total annual construction emissions of 22,509 MT; p. 3.7-2 total Project emissions of 44,162 MT annually].) The EIR’s approach violates CEQA’s requirement that an EIR fully analyze and attempt to

O10-21

mitigate all significant direct and indirect impacts of a project. (CEQA Guidelines § 15126.2; Pub. Res. Code § 21002.)

A. Climate Change Is a Catastrophic and Pressing Threat to California

A strong, international scientific consensus has established that human-caused climate change is causing widespread harms to human society and natural systems, and that the threats from climate change are becoming increasingly dangerous. The Intergovernmental Panel on Climate Change (“IPCC”), the leading international scientific body for the assessment of climate change, concluded in its 2014 Fifth Assessment Report that: “[w]arming of the climate system is unequivocal, and since the 1950s, many of the observed changes are unprecedented over decades to millennia. The atmosphere and ocean have warmed, the amounts of snow and ice have diminished, and sea level has risen,” and further that “[r]ecent climate changes have had widespread impacts on human and natural systems.” (IPPC 2014, p. 2) These findings were echoed in the United States’ own 2014 Third National Climate Assessment and 2017 Climate Science Special Report, prepared by scientific experts and reviewed by the National Academy of Sciences and multiple federal agencies. The Third National Climate Assessment concluded that “[m]ultiple lines of independent evidence confirm that human activities are the primary cause of the global warming of the past 50 years” (Melillo et al. 2014, p. 7) and “[i]mpacts related to climate change are already evident in many regions and are expected to become increasingly disruptive across the nation throughout this century and beyond.” (*Id.* at 10.) The 2017 Climate Science Special Report similarly concluded:

[B]ased on extensive evidence, ... it is extremely likely that human activities, especially emissions of greenhouse gases, are the dominant cause of the observed warming since the mid-20th century. For the warming over the last century, there is no convincing alternative explanation supported by the extent of the observational evidence.

In addition to warming, many other aspects of global climate are changing, primarily in response to human activities. Thousands of studies conducted by researchers around the world have documented changes in surface, atmospheric, and oceanic temperatures; melting glaciers; diminishing snow cover; shrinking sea ice; rising sea levels; ocean acidification; and increasing atmospheric water vapor.

(USGCRP 2017, p. 10.)

The U.S. National Research Council concluded that “[c]limate change is occurring, is caused largely by human activities, and poses significant risks for—and in many cases is already affecting—a broad range of human and natural systems.” (NRC 2010, p. 2.) Based on observed and expected harms from climate change, in 2009 the U.S. Environmental Protection Agency found that greenhouse gas pollution endangers the health and welfare of current and future generations. (74 Fed. Reg. 66496 (Dec. 15, 2009) [U.S. EPA, Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act; Final Rule].)

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These authoritative climate assessments decisively establish the dominant role of anthropogenic GHG emissions in driving climate change. As the Third National Climate Assessment explains: “observations unequivocally show that climate is changing and that the warming of the past 50 years is primarily due to human-induced emissions of heat-trapping gases.” (Melillo et al. 2014, p. 2; *see also id.* at 15 [Finding 1: “The global warming of the past 50 years is primarily due to human activities, predominantly the burning of fossil fuels.”].) The Assessment makes clear that “reduc[ing] the risks of some of the worst impacts of climate change” will require “aggressive and sustained greenhouse gas emission reductions” over the course of this century. (*Id.* at 13-14, 649; *see also id.* at 15 [Finding 3: “Human-induced climate change is projected to continue, and it will accelerate significantly if global emissions of heat-trapping gases continue to increase.”].)

The impacts of climate change will be felt by humans and wildlife. Climate change is increasing stress on species and ecosystems—causing changes in distribution, phenology, physiology, vital rates, genetics, ecosystem structure and processes—in addition to increasing species extinction risk. (Warren et al. 2011.) Climate-change-related local extinctions are already widespread and have occurred in hundreds of species. (Weins 2016.) Catastrophic numbers of species extinctions are projected to occur during this century if climate change continues unabated. (Thomas, et al. 2004; Maclean et al. 2011; Urban 2015.) In California, climate change will transform our climate, resulting in impacts including, but not limited to, increased temperatures and wildfires and a reduction in snowpack and precipitation levels and water availability.

Therefore, immediate and aggressive greenhouse gas emissions reductions are necessary to keep warming well below 2°C above pre-industrial levels. The IPCC Fifth Assessment Report and other expert assessments have established global carbon budgets, or the total amount of carbon that can be burned while maintaining some probability of staying below a given temperature target. According to the IPCC, total cumulative anthropogenic emissions of CO₂ must remain below about 1,000 GtCO₂ from 2011 onward for a 66 percent probability of limiting warming to 2°C above pre-industrial levels, and to 400 GtCO₂ from 2011 onward for a 66 percent probability of limiting warming to 1.5°C. (IPPC 2013, p. 25; IPPC 2014, pp. 63-64, Table 2.2.) These carbon budgets have been reduced to 850 GtCO₂ and 240 GtCO₂, respectively, from 2015 onward. (Rogeli et al. 2016, Table 2.) Given that global CO₂ emissions in 2016 alone totaled 36 GtCO₂ (Le Quéré et al. 2017), humanity is rapidly consuming the remaining carbon budget needed to avoid the worst impacts of climate change. As of early 2018, climate policies by the world’s countries would lead to an estimated 3.4°C of warming, and possibly up to 4.7°C of warming, well above the level needed to avoid the worst dangers of climate change. (Climate Action Tracker 2017.)

The United States has contributed more to climate change than any other country. The U.S. is the world’s biggest cumulative emitter of GHGs, responsible for 27 percent of cumulative global CO₂ emissions since 1850, and the U.S. is the world’s second highest emitter on an annual and per capita basis. (World Resources Institute 2014.) Nonetheless, U.S. climate policy is wholly inadequate to meet the international climate target to hold global average temperature rise to well below 2°C above pre-industrial levels to avoid the worst dangers of climate change.

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In its 2018 *Special Report on Global Warming of 1.5°C*, the Intergovernmental Panel on Climate Change (“IPCC”)—the leading international scientific body for the assessment of climate change—describes the devastating harms that would occur at 2°C warming. The report highlights the necessity of limiting warming to 1.5°C to avoid catastrophic impacts to people and life on Earth (IPCC 2018). The report also provides overwhelming evidence that climate hazards are more urgent and more severe than previously thought, and that aggressive reductions in emissions within the next decade are essential to avoid the most devastating climate change harms.

In response to inadequate action on the national level, California has taken steps through legislation and regulation to fight climate change and reduce statewide GHG emissions. Enforcement of and compliance with these measures is essential to help stabilize the climate and avoid catastrophic impacts to our environment. AB 32 mandates that California reach 1990 levels of GHG emissions by the year 2020, equivalent to approximately a 15 percent reduction from a business-as-usual projection. (Health & Saf. Code § 38550.) Based on the warning of the IPCC and leading climate scientists, Governor Brown issued an executive order in April 2015 requiring GHG emissions reductions to 40 percent below 1990 levels by 2030. (Executive Order B-30-15 (2015).) The Executive Order is line with a previous Executive Order mandating the state reduce emission levels to 80 percent below 1990 levels by 2050 in order to minimize significant climate change impacts. (Executive Order S-3-05 (2005).) In enacting SB 375, the legislature has also recognized the critical role that land use planning plays in achieving greenhouse gas emission reductions in California.

The legislature has found that failure to achieve GHG emissions reductions would be “detrimental” to California’s economy. (Health & Saf. Code § 38501(b).) In his 2015 Inaugural Address, Governor Brown reiterated his commitment to reduce greenhouse gas emissions with three new goals for the next fifteen years:

- To increase electricity derived from renewable sources to 50 percent;
- To reduce petroleum use in cars and trucks by 50 percent;
- To double the efficiency of existing buildings and make heating fuels cleaner.

(Brown 2015.) In 2018, Governor Brown issued Executive Order B-55-18, in which he declared it to be a statewide goal to “achieve carbon neutrality as soon as possible, and no later than 2045, and achieve and maintain net negative emissions thereafter.”

Although some sources of GHG emissions may appear insignificant in isolation, climate change is a problem with cumulative impacts and effects. (*Ctr. for Biological Diversity v. Nat’l Highway Traffic Safety Admin.*, (9th Cir. 2008) 538 F.3d 1172, 1217 [“the impact of greenhouse gas emissions on climate change is precisely the kind of cumulative impacts analysis” that agencies must conduct].) One source or one small project may not appear to have a significant effect on climate change, but the combined impacts of many sources can drastically damage California’s climate as a whole. Therefore, project-specific GHG emissions disclosure, analysis and mitigation is vital to California meeting its climate goals and maintaining our climate.

The impacts of climate change are already being felt by humans and wildlife. Thousands of studies conducted by researchers around the world have documented changes in surface,

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atmospheric, and oceanic temperatures; melting glaciers; diminishing snow cover; shrinking sea ice; rising sea levels; ocean acidification; and increasing atmospheric water vapor (USGCRP 2017). In California, climate change will result in impacts including, but not limited to, increased temperatures and wildfires and a reduction in snowpack and precipitation levels and water availability.

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Given the increasingly urgent need for drastic action to reduce GHG emissions, the DEIR's failure to fully disclose, analyze, mitigate, or consider alternatives to reduce the Project's significant climate change effects is all the more disappointing.

B. The DEIR Fails to Provide Enough Information About Its Emissions and Mitigation Calculations to Allow for Informed Decision-making

As a preliminary matter, the DEIR fails to provide readers with information essential to understanding its analysis of the Project's GHG emissions and therefore fails as an informational document. An EIR must disclose the "analytic route the . . . agency traveled from evidence to action. . . [and] contain analysis sufficient to allow informed decision making." (*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 404 [internal quotation marks and citations omitted].) Failure to do so deprives the public of the ability to fulfill its proper role in the CEQA process. (*Id.*)

Here, the EIR discloses that the Project would result in significant amounts of GHG emissions from construction and operation. Yet the DEIR fails entirely to explain how it arrived at these numbers, how they were calculated, what inputs were used to generate them, or what assumptions the modeling relied on to arrive at these numbers. (See DEIR p. 3.7-11, Table 3.7-1 [total annual construction emissions of 22,509 MT; p. 13.7-13, Table 3.7-2 [total Project emissions of 44,162 MT annually].) Instead, the DEIR states in passing that for construction and operational emissions, "CalEEMod inputs are provided in the CalEEMod Inputs Table included as Appendix AIR." (DEIR at 3.7-8 to -9.) Appendix AIR ("Air Quality Modeling Calculations") is an approximately 500-page list of data tables. The document does nothing to address the questions described above, nor explain to a reader how to interpret this raw data.

O10-22

Moreover, information buried in a report or appendix—such as the GHG technical appendix here—is not a substitute for a good faith reasoned analysis in the EIR itself, which is entirely lacking here. (See *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 442 [Where an agency relies on information not actually incorporated or described and referenced in the EIR, the agency has failed to proceed in the manner provided in CEQA].)

The DEIR makes the same omission with respect to the purported effectiveness of its proposed mitigation measures. The DEIR claims (although readers can discern this only by consulting and comparing two separate tables) that the mitigation measures it proposes (which are themselves inadequate—see below) will result in DEIR p. 3.7-14 (Table 3.7-3 claiming that, with mitigation, total project emissions will be reduced by 30% to 30,846 MT annually, down from 44,162 MT annually without mitigation [Table 3.7-2]). Yet, as with its "analysis" of the

Project's emissions from construction and operation, the DEIR fails entirely to disclose how it arrived at these calculations for quantifying the mitigation measures' effectiveness in reducing or avoiding GHG emissions. Mitigation measures' effectiveness and enforceability must be supported by substantial evidence in the record. *Sacramento Old City Assn. v. City Council* (1991) 229 Cal.App.3d 1011, 1027.

In short, the DEIR must justify how it arrived at its calculations of the Project's GHG emissions, and of the purported reductions in those emissions from the proposed mitigation. It cannot merely point readers to an inscrutable 500 pages of raw technical data and tables. The DEIR should be revised to include this information and recirculated so that the public can adequately review and comment on this crucial aspect of the DEIR's GHG analysis.

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C. Mitigation is Inadequate, Unenforceable, and/or Improperly Deferred

The DEIR's proposed mitigation measures are inadequate and fail to meet CEQA's requirements for mitigation. Mitigation must include concrete, specific, and enforceable actions. (*California Clean Energy Committee v. City of Woodland* (2014) 225 Cal.App.4th 173. [City's urban decay mitigation measures were inadequate under CEQA to address the impact from the development of a 234-acre regional shopping center on undeveloped agricultural land because the measures did not ensure the city would take concrete, measurable actions].) Additionally, they may not be deferred to a later date unless the EIR provides specific reasons why they cannot be developed now and provides specific performance measures to evaluate their success. (*Preserve Wild Santee v. City of Santee* (2012) 210 CA 4th 260, 281 [mitigation measures that are so undefined that their effectiveness is impossible to determine are legally inadequate].) Unfortunately, the DEIR's proposed mitigation fails to meet these standards.

The DEIR includes a single mitigation measure: Mitigation Measure 3.7-1. The DEIR misleadingly states, "Mitigation Measure 3.7-1 would reduce operational GHG emissions from energy use by requiring a commitment to 100 percent renewable energy for the Proposed Project." DEIR at 3.7-13. This is a commendable goal. Yet an examination of the actual text of Mitigation Measure 3.7-1 reveals that it contains no such requirement. Although the measure states that it will "Provide net zero renewable electrical energy for the Project's" residential and commercial uses, it does not include a binding commitment, and allows the County to issue occupancy certificates before ensuring that units are equipped with a net-zero electricity supply. It also fails to supply the standard by which the County will determine whether an electricity supply is "net-zero" with respect to carbon emissions. (See DEIR at 3.7-15 to -16.)

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The measure also incorporates by reference traffic Mitigation Measure 3.13-4, which the DEIR claims "would also reduce project GHG emissions by reducing the overall mobile trips generated by the Proposed Project." (DEIR at 3.7-13, 3.7-15.) But the measure merely calls for the future preparation of a "Transportation Demand Management (TDM)" program that "shall identify all feasible measures to reduce the VMT per capita of the Proposed Project to below the regional average to the extent feasible." (DEIR at 3.13-36.) The measure thus improperly defers mitigation to an uncertain future date, and includes no standards for enforceability or measuring

its success. (Allowing the project applicant in the future to unilaterally determine the extent it believes it is “feasible” to reduce VMT, with no oversight by the County, is not a performance standard.)

What’s more, Mitigation Measure 3.13-4 sets forth four non-binding “strategies to be identified in the TDM,” but includes no actual requirements or specific measures to be implemented. For example, one such “strategy” is “Private Shuttle Service” is described in only the most vague, aspirational terms:

[T]he project could potentially provide a frequent direct weekday shuttle service specifically for employees during the peak morning and evening commute periods. This could operate between the project site any and off-site work force housing with a stop at the Lake Transit bus transfer point in Middletown. Please note that shuttles would need be fully accessible to passengers using wheelchairs. It is recommended the applicant also explore providing a real-time smart-phone app that tracks arrivals to make shuttle use more reliable and convenient. Shuttle service for patrons of the project has been assumed as part of this analysis. The current assumption is that regular shuttle service to and from San Francisco and Sacramento will accommodate approximately 40% of resort patrons.

(DEIR at 3.13-36.) The language used to describe the other “strategies” is similarly vague, aspirational, and lacking in specifics or actual enforceable requirements.

Finally, the DEIR apparently makes no attempt to mitigate the Project’s construction-related GHG emissions, which it states will total 22,509 MT over the life of the Project. (DEIR p. 3.7-11, Table 3.7-1.)

D. The DEIR Fails to Adopt All Feasible Mitigation Measures to Reduce the Project’s GHG Impacts to Less Than Significant Levels

By proposing inadequate mitigation and then concluding that the Project’s GHG impacts are significant and unavoidable, the County has fallen short of its obligation to consider all feasible mitigation to reduce or avoid the Project’s significant impacts. (*See* Guidelines § 15126.4(a)(1); *see also* Guidelines § 15126.4(a)(1)(B) [If more than one mitigation measure is available, the EIR must discuss each and describe reasons for the measure or measures it selects.].) It is the “policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures which will avoid or substantially lessen the significant environmental effects of such projects.” (Pub. Res. Code § 21002.) Adoption of additional feasible on-site and off-site mitigation measures during construction and operation of the project would lower the project’s overall GHG emissions and contribution to climate change. The County’s failure to mandate adoption of all feasible mitigation measures allows the project off the hook and only worsens California climate crisis.

In particular, the Project fails to incorporate—and the EIR fails to consider—feasible transportation-related measures that could considerably reduce VMT, a significant source of

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GHG emissions from the Project. The California Air Pollution Control Officers Association (“CAPCOA”) has prepared a list of suggested mitigation measures to be considered by lead agencies approving projects with potentially significant GHG emissions. (CAPCOA 2010). The 2017 Scoping Plan Update also includes many feasible mitigation measures the Project can and should incorporate. (CARB 2017.) The Scoping Plan also prioritizes the use of on-site mitigation measures for GHG emissions, particularly for VMT related emissions. (CARB 2017 at 102 [“[t]o the degree a project relies on GHG mitigation measures, CARB recommends that lead agencies prioritize on-site design features that reduce emissions, especially from VMT, and direct investments in GHG reductions within the project’s region that contribute potential air quality, health, and economic co-benefits locally”].)

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IV. The DEIR Does Not Adequately Disclose or Analyze the Project’s Impacts on Water Quality and Hydrology

The Project site contains an extensive system of perennial and ephemeral streams and drainages that largely flow into Putah Creek, and then to Lake Berryessa. (DEIR at 3.9-3.) The surface water quality is inextricably linked to groundwater levels within and near the Project site, which is of particular importance since the Project relies exclusively on groundwater for its potable water supply. (App. WSA at 7.) Given that over 90% of the Project site is outside a defined groundwater basin (DEIR at 3.9-8.), it is critically important that accurate data be made available to accurately assess the quantity and quality of groundwater available to the Project. The DEIR notes that the groundwater basins that partially underlie the Project site are considered very low priority by the Department of Water Resources (“DWR”) (DEIR at 3.9-19), and goes on to state that despite limited groundwater data for the Project Area, “groundwater trends within the area can be inferred from surrounding groundwater basins which have long monitoring histories.” (App. WSA at 28.) The DEIR claims that groundwater levels in the Coyote Valley Basin (1,340 acres of Project site) “have generally been stable” (DEIR at 3.9-8) and that in the Collayomi Valley Basin (100 acres of the Project site) there is “no indication of increasing or decreasing trends in groundwater levels” (DEIR at 3.9-9).

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However, it is concerning that these assertions cite a study from 2006, leading the reader to question the assessment’s value in projecting current and future groundwater levels. Significant changes in groundwater levels could have occurred in the intervening years, particularly considering the extended drought that California experienced during that period. Therefore, updated and site-specific groundwater testing must be conducted in order to fully apprise the public and decision-makers of the hydrological impacts of the Project.

V. The DEIR Lacks an Adequate Analysis of the Project's Impacts Relating to Wildfire and Emergency Evacuation

The majority of the Project site is located in an area designated by the California Department of Forestry and Fire Protection as a “Very High” or “High” Severity Fire Hazard Zone (DEIR, Figure 3.16-2; DEIR Appx. FIRE at p. 13 [“CAL FIRE’s Fire Hazard Severity Zones rating system and map. . . situates the resort site in a moderate to very high severity zone.”]). Yet the EIR fails to adopt feasible mitigation measures and alternatives that would reduce or avoid the Project’s fire safety impacts. Among other things, the County failed to fully

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consider the likelihood that the Project would increase the chance of wildfires while simultaneously impairing evacuation routes for existing residents.

The Project site has historically been extremely susceptible to wildfire. As the draft Wildfire Protection Plan acknowledges:

A few of the more recent fires, including the Butts Fire in 2014 and the Jerusalem and Valley Fires in 2015, were large-scale fires which spread from off-site and affected large portions of the site as well as nearby properties. In particular, the Valley Fire caused wide-spread damage to the southern portion of the site, particularly along Butts Canyon Road. These affects are still visible and present today.

(DEIR Appx. FIRE, at p. 6) The County's own fire map (Exhibit 1)⁵ shows that since 2015 *a majority of the land area in Lake County has been subject to wildfire*. The Wildfire Protection Plan also discloses that *a majority of the Project site has been burned by wildfire since the 1950s, with at least 12 separate wildfires burning a portion of the Project site*. (DEIR Appx. FIRE at 6.) Additionally, the rural landscapes surrounding the Project area, which are not managed for vegetation fuel, also increase the site's wildfire risk. (DEIR Appx. FIRE at p. 14.) The property is bordered by ranches, pastures, woodlands, and forests with various levels of fire hazard severity. (*Id.*)

Given the extremely high risk of wildfire in the area, and the past history of large-scale repeated burnings at the Project site, it is doubly important that the County prepare an EIR that adequately discloses and analyzes the Project's wildfire impacts, and considers mitigation and alternatives to reduce these impacts.

A. The DEIR Fails to Acknowledge or Adequately Analyze the Increase in Fire Risk Resulting from the Project

The DEIR is deficient because it fails to acknowledge or adequately analyze the increased risk of wildfire that results from development and increasing intensity of use in high and very high wildfire zones. Indeed, the DEIR seeks to downplay this effect, claiming, implausibly, that the Project would *reduce* wildfire risk by adding a fire response center, year-round grazing, and vegetation removal. (DEIR at 3.16-10.) This conclusion is patently defective in the following ways.

- i. The DEIR ignores the abundant and mounting evidence that locating homes in high or very high wildfire areas demonstrably increases the risk of wildfire ignition*

According to a report from Governor Gavin Newsom's Office, construction of more homes in the wildland-urban interface is one of the main factors that "magnify the wildfire threat and place substantially more people and property at risk than ever before" (Governor Newsom's

⁵ Available on the County's website at:

<http://www.lakecountycalifornia.gov/Assets/Departments/Administration/Vision/1518FireMap.pdf>

Strike Force 2019). In a new scientific study, Syphard et al. (2019) found that housing and human infrastructure in fire-prone wildlands are the main drivers of fire ignitions and structure loss. This is not new information; scientists have been reporting it for many years in scientific, peer-reviewed journals, and firefighters have observed it. Yet the EIR fails to adequately assess the Project's impacts on wildfire risk by neglecting to use the best available science.

As another recent peer-reviewed study from Stanford University researchers explained, "Changing demographic factors have undoubtedly played a substantial role in community exposure and vulnerability—including the expansion of urban and suburban developments into the 'wildland-urban interface.'" (Goss et al. 2020.) In fact, development in the wildland-urban interface, like the proposed project, is responsible for the most buildings burned in California, despite less fuel. (Kramer et al. 2019.) Researchers have determined that growth in the wildland-urban interface "often results in more wildfire ignitions, putting more lives and houses at risk." (Radeloff et al. 2018.)

Sprawl developments with low/intermediate densities extending into habitats that are prone to fire have led to more frequent wildfires caused by human ignitions, and these types of developments have the highest chances of burning (Keeley et al. 1999; Keeley and Fotheringham 2003; Syphard et al. 2007; Syphard et al. 2013; Balch et al. 2017; Radeloff et al. 2018; Syphard et al. 2019). This can disrupt the natural fire regime and lead to a dangerous feedback loop of deadly fires and habitat destruction. Thus, developing housing in locations in California that currently have low or no density—such as the current Project site—dramatically *increases* the number of fires and the amount of area burned. *See* Keeley 2005; *see also* Syphard et al. 2013; Syphard et al. 2007 [stating that ninety-five percent of California's fires are caused by human activity].) Common anthropogenic causes of fire include arson/incendiary, equipment use, debris burning, smoking, vehicles, fireworks, electricity, and outdoor cooking. Additionally, structure fires can spread and initiate wildland fires.

In fact, the 2015 Valley Fire, which started in Lake County and burned large portions of the Project site (WPP at p. 6), was a human-caused ignition, caused by faulty hot-tub wiring at a house in Cobb that arced and ignited dry grass. (Karimi 2016.)⁶ The fire cost 4 lives and \$57 million to extinguish, with 76,067 acres burned and 1,955 structures destroyed. (*Id.*)

In short, a project built in a location known to have very high or high wildfire risk cannot compensate for this hazard simply through a fire-resistant design. The only way to protect human life and structures is to not build in these locations in the first place. Wildfires and the devastation they inflict will only worsen if the County continues to allow unplanned growth in high fire hazard zones. Because it fails to acknowledge the significant wildfire impacts from increased risk of human ignition as a result of the Project, the DEIR also fatally fails to mitigate them or consider alternatives to the Project that would reduce these impacts.

B. The DEIR's Reliance on the Wildfire Prevention Plan to "Reduce Wildfire Risks" to Less Than Significant Is Misplaced

⁶ The nearby 2017 Tubbs Fire, which killed 22 people and destroyed more than 5,600 structures, was similarly found to have been caused by failed electrical equipment on private property (McGough et al. 2019).

The DEIR apparently relies on a Wildfire Prevention Plan to “reduce risks in the area.” (DEIR at 3.16-10.) The plan is included as Appendix FIRE to the Draft EIR.

Among the Wildfire Protection Plan’s numerous flaws is the fact that its measures are not enforceable. For example, the draft Wildfire Protection Plan includes and relies on “Voluntary Property Boundary Fire Breaks,” which it admits are “[t]o be constructed at the discretion of the Homeowner’s Association if and when necessary.” (DEIR Appendix FIRE at p. 2.) It also identifies “*Potential Irrigated Vineyards Fire Breaks.*” (*Id.*) Fire breaks and irrigated vineyards make up 2 of the 3 pillars that constitute the Wildfire Protection Plan’s “prevention strategies.” (DEIR Appx. FIRE at p. 15.) Equally troubling, “oversight of the plan’s management, operations, and enforcement” will be in the hands of the future Homeowner’s Association. (*Id.* at p. 3.)

The plan is similarly vague and aspirational at the level of individual residential units, stating for example: “If a wildfire occurs, it poses a considerable risk to residential homes and their occupants. Homeowners *will be advised* to implement various wildfire prevention strategies.” (DEIR Appendix FIRE at p. 23.) The document then goes on to suggest “various [landscaping] strategies [that] can reduce wildfire risk where establishing a new landscape design.” (*Id.* at p. 25.) Finally, the document notes that “residential buildings will abide by” state building codes (*id.* at p. 28) and suggests “interior strategies,” such as smoke detectors, for reducing fire risk (*id.* at p. 29).

The Wildfire Protection Plan contains no data or analysis to support the EIR’s conclusions that implementing the plan will reduce wildfire risk in any meaningful way. Instead, it contains only vague discussions of measures (many of which are aspirational and unenforceable) that it claims can ameliorate wildfire risk, without making any attempt to quantify these assertions or support them with evidence. Bare conclusions, even if true, are insufficient to fulfill the informational purpose of an EIR. (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 736.) “The EIR must contain facts and analysis, not just the bare conclusions of a public agency. An agency’s opinion concerning matters within its expertise is of obvious value, but the public and decision-makers, for whom the EIR is prepared, should also have before them the basis for that opinion so as to enable them to make an independent, reasoned judgment.” (*Id.* [internal quotation marks and citation omitted].)) The failure to provide information required by CEQA in an EIR is a failure to proceed in a manner required by law. (*Save Our Peninsula Committee v. Monterey County Bd. of Supervisors* (2001) 87 Cal.App.4th 99, 118.) The error is only compounded by the Wildfire Protection Plan’s failure to address or acknowledge the increase in wildfire risk that will result from the Project’s increased potential for human ignitions.

C. The DEIR Fails to Analyze the Impact to Biological Resources from Increased Fire Risk Resulting from the Project

The DEIR also fails to account for the impact to biological resources from increased fire risk from the Project. Fires, especially the hotter and longer-burning variety that have overtaken California in recent decades, can be disastrous for plant and animal life. If native habitat fire regimes are disrupted, the habitats they provide can become degraded (Keeley 2005; Keeley 2006.) When fires occur too frequently, type conversion occurs and the native shrublands are

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replaced by non-native grasses and forbs that burn more frequently and more easily, ultimately eliminating native habitats and biodiversity while increasing fire threat over time (Keeley 2005; Keeley 2006; Syphard et al. 2009.)

Wildfires can have a long-lasting negative effect on habitat, and can impair animals' movement (Jennings 2018), mating ability, foraging, and reproductive success. (See Syphard et al. 2007 ["With more fires occurring in close proximity to human infrastructure, there may also be devastating ecological impacts if development continues to grow farther into wildland vegetation."].) This could have serious consequences for special-status species in the Project area that rely on these habitats for survival, including state and federally listed special-status species. In addition, large-scale landscape changes due to vegetation-type conversion from shifts in natural fire regimes could impact wide-ranging species like mountain lions. Thus, the EIR fails to adequately disclose, assess, and mitigate potential wildfire impacts of the Project on special-status species.

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D. The DEIR's Mitigation for the Project's Wildfire Impacts Is Inadequate

Despite the Project's significant wildfire impacts, the DEIR proposes only a single mitigation measures to reduce the Project's operational wildfire impacts (a single additional measure purports to mitigate all wildfire impacts from Project construction). (DEIR at 3.16-15 to -16.) The measure is thoroughly inadequate and fails to meet CEQA's strict requirements for mitigation.

Mitigation measures for the Project must be considered in the EIR so that the proper environmental analysis can take place. (See *Sundstrom v. Co. of Mendocino* (1988) 202 Cal.App.3d 296.) Therefore, finalized safety plans (that provide for adaptive strategies/updates), such as an evacuation plan for the Project, need to be included in the EIR to enable the public and decisionmakers to evaluate the effectiveness of the plans in avoiding, minimizing, and mitigating wildfire impacts from the proposed Project. More analyses are needed to determine appropriate mitigation measures to effectively minimize wildfire risk in natural areas where fires have historically occurred and will inevitably occur again.

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The DEIR relies on MM 3.16-2 ("Post Wildfire Emergency Response") as the sole mitigation measure to reduce Impacts 3.16-4 and 3.16-5, which involve exposure of people and structures to wildfire. Yet, the measure is toothless and virtually meaningless; it defers preparation of the plan to an uncertain date, contains no standards to guide its preparation, is not enforceable, and does not include any concrete measures that can be shown to actually reduce wildfire impacts. In short, it fails to comply with *any* of CEQA's requirements for mitigation in an EIR.

The measure provides for the future preparation of a "Post Wildfire Emergency Response Plan in the event that a wildfire has already burned the Project site. (DEIR at 3.16-16 [measure stating "After a wildfire, response measures shall include actions to minimize slope instability and installation of warning signs. . . ."]) Purporting to protect residents in the future from the effects of a *second or third* devastating wildfire is not acceptable mitigation and does not address how the Project will reduce exposure of people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires (Impact 3.16-5). Yet the DEIR

relies exclusively on MM 3.16-2 to purportedly reduce this impact to less than significant. (DEIR at ES-22.) The absurdity of relying on a *post-wildfire* impacts study to reduce the risk of exposure from wildfires before they happen is self-evident.

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E. The EIR Fails to Account for the Project's Effects on Community Safety During a Wildfire Evacuation

The County has evidently not prepared a Wildfire Evacuation Plan for the Project, nor does the EIR even appear to address the issue of wildfire evacuation in any detail. Lake County's current population is approximately ~64,000 (DEIR 3.11-1) and the DEIR estimates a total Project population of 4,070 (DEIR at 3.11-5).⁷ In other words, the Project proposes to locate an additional 6% of the current County population on the Project site. However, the DEIR makes no effort to calculate or disclose how adding a permanent population of 4,000 residents, plus additional thousands of visitors, will affect evacuation times and effectiveness for *existing residents* in the vicinity of the Project site. Error is compounded by the fact that the Project site's evacuation routes must all travel through the bottleneck of Butts Canyon Rd. (See DEIR Figure 3.13-1, 3-16-9 ["Depending on where the fire is located, people at the Guenoc Valley Site would be directed to exit the site via the primary roadways to Butts Canyon Road"].)

Yet nowhere in the DEIR does the County disclose the impacts on evacuation times from adding thousands of additional residents to the Project area, who can be expected to need to evacuate in the event that a wildfire originates in (or approaches) the Project site or its surroundings, as happened as recently as 2018. While the DEIR's threshold of significance for Impact 3-16-1 on its face addresses this issue, the DEIR's subsequent analysis, in which it applies this threshold of significance is completely devoid of facts or data and fails to answer or even acknowledge critical questions, including, but not limited to: (1) what are the pre- and post-Project expected evacuation times for residents (both Project residents and nearby affected existing residents) fleeing wildfire in the vicinity of the Project site?; (2) what will the Level of Service be for emergency egress routes from the Project vicinity in the event a wildfire-driven evacuation becomes necessary?; (3) what, if any, alternative evacuation routes will be available for residents and nearby community members in the event that Project-generated evacuation traffic makes Butts Canyon Rd. and/or Hwy 29 or 175 impassable?; (4) what effect will resident evacuation on Butts Canyon Rd. and/or Hwy 29 or 175 have on the ability and timing for first responders who are responding to wildfire in the vicinity of the Project?; (4) how residents will be notified of the need for offsite evacuation or onsite relocation?⁸; and (5) where residents will take shelter if onsite relocation is deemed advisable in a given situation.

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To the extent the EIR relies on the County's Community Evacuation Plan to account for, disclose, and mitigate the Project's impacts on evacuation times and routes in the event of a wildfire (see DEIR 3.16-8), it has failed to proceed in a manner required by law because the plan

⁷ Furthermore, it appears from Table 3.11-4 that the Project population estimates do not account for the potentially thousands of additional visitors to the Project site at any given time, which will include 850 hotel and resort residential units (DEIR at ES-1).

⁸ For example, In the deadly October 2017 Tubbs fire in Santa Rosa, efforts to warn residents of approaching flames were successful only 50% of the time. The entire warning system was fraught with malfunction. (St. John 2017.)

is not included as part of the DEIR or even with its Appendices. Data in an EIR must not only be sufficient in quantity, it must be presented in a manner calculated to adequately inform the public and decision makers, who may not be previously familiar with the details of the project. *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 442. Information scattered here and there in EIR appendices, or a report buried in an appendix, is not a substitute for ‘a good faith reasoned analysis. (*Id.*) Where an agency relies on information not actually incorporated or described and referenced in the EIR, the agency has failed to proceed in the manner provided in CEQA. (*Id.*) The EIR does not “include[] enough detail ‘to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project.’” (*Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 516. The Lake County’s Community Evacuation Plan does not contain detailed analysis responsive to the questions posed above, nor does it appear to anticipate the Project or the thousands of additional evacuees that will flood the region in the event of a wildfire due to the Project.

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Courts have readily found EIRs invalid under CEQA due to the failure to describe and analyze the wildfire evacuation risk and to evaluate these questions. *California Clean Energy Commission v. County of Placer* (Dec. 22, 2015, No. C072680) ___ Cal.App.5th ___ [2015 Cal. App. Unpub. LEXIS 9360, at *1] [included as a reference].) In *California Clean Energy Commission*, the court found an EIR for a resort expansion plan deficient because it said “nothing about the impact of the increased population density created by the Project on emergency evacuations in the event a wildfire does occur, nothing about the effect of such evacuations on access for emergency responders and suggested no mitigation measures to address any such concerns.” (*Id.* at *78.)

The public—including future residents of the Project, and existing residents nearby who will be relying on Butts Canyon Rd. for evacuation—have a right to know the full extent of the Project’s impacts on wildfire evacuation. “Omission of material necessary to informed decision-making and informed public participation is prejudicial.” (*Sierra Club v. County of Fresno*, (2018) 6 Cal.5th 502, 515.)

F. The EIR Fails to Adequately Evaluate the Project’s Cumulative Wildfire Impacts

The DEIR’s analysis of the Projects cumulative wildfire impacts is cursory and wholly inadequate. CEQA requires an EIR to analyze a project’s significant “cumulative impacts,” defined in the CEQA Guidelines as two or more individual effects, which, when considered together, are considerable or that compound or increase other environmental impacts. (CEQA Guidelines § 15355; see also § 15130(a).) The CEQA Guidelines further state that individual effects may include changes resulting from a single project or a number of separate projects, or the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable future projects. (CEQA Guidelines § 15355.)

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The purpose of analyzing cumulative environmental impacts is to assess adverse environmental change “as a whole greater than the sum of its parts.” (*Environmental Protection Information Center v. Johnson* (1985) 170 Cal.App.3d 604, 625.) Absent meaningful cumulative analysis there would be no comprehensive assessment of environmental impacts within a region

and “piecemeal development would inevitably cause havoc in virtually every aspect of the [] environment.” (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 721.) By their nature, the impacts of one individual project may not appear to have a significant, but the combined impacts of many sources can drastically affect the region’s environment. The CEQA Guidelines specifically identify wildfire risk as a likely cumulative impact, stating that EIRs “should evaluate any potentially significant direct, indirect, or cumulative environmental impacts of locating development in areas susceptible to hazardous conditions (e.g. . . . wildfire risk areas).” (CEQA Guidelines § 15126.2(a).)

Despite this requirement, the DEIR provides only a single, conclusory paragraph dismissing cumulative wildfire impacts with virtually no analysis. The DEIR acknowledges that “Development of these [other planned] projects [in the near vicinity] would introduce new people and infrastructure to the area. Increased development could potentially add more opportunities for igniting fires, more fuel, and make emergency response operations more complex.” (DEIR at 3.16-15.) Then, it concludes, without further analysis and in reliance on its own Wildfire Protection Plan and two mitigation measures that cumulative wildfire impacts from the Project will be less than significant.

A lead agency must “identify facts and analysis supporting its conclusion” that a project’s contribution to an environmental impact will be rendered less than cumulatively considerable. CEQA Guidelines § 15130(a)(3). The mere fact that the project proponent has prepared a Wildfire Prevention Plan for the Project itself does nothing to address the Newland Sierra’s cumulative wildfire impacts when considered along with the other projects proposed in the region; the document is silent about these other projects. (DEIR Appx. FIRE.) The DEIR simply gives no indication that the wildfire impacts from the cumulative projects have ever been considered collectively. Thus, the it lacks sufficient information and analyses for the public and decisionmakers to be able to evaluate the Project’s potential cumulative impacts to wildfire risk and hazard⁹ and the effectiveness of the proposed mitigation measures for the Project.

Furthermore, the geographic scope of the DEIR’s abbreviated cumulative wildfire impacts analysis appears to be tightly and impermissibly constrained. Although the DEIR’s general discussion of cumulative projects (DEIR § 4.2) describes and lists 14 projects and pending projects within a five-mile radius of the Project (DEIR at 4-4 to -7), the cumulative impacts analysis mentions only two of those projects, the Hidden Valley and Valley Oaks development projects.

Building over 1,400 residential units, along with the cumulative projects in the region units in thousands of acres of high fire hazard areas would not only create a significant impact, but would be a catastrophe in the making. In light of the devastation that wildfires have wrought this past year, it is inconceivable that the Board would consider putting County residents at even greater risk by dramatically expanding urban development in wildlands. In any case, to comply

⁹ For example, the County should, at a minimum, analyze and disclose the amount of time it would take to evacuate the entire Project under various scenarios, assuming simultaneous evacuation of existing homes in the vicinity of the Project *and anticipated future development in the vicinity*.

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with CEQA, the County must disclose the potential for increased wildfires due to the potential for increased ignitions from the Cumulative Projects and evaluate the increased risk to lives and property from these fires. Only when this analysis is undertaken will the public and decisionmakers be apprised of the real-world implications of developing new residential communities in the urban wildland interface. Largescale development in such zones also is an irresponsible use of County and state funds and resources, as significant firefighting efforts will eventually be needed when (not if) fires occur.

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VI. The DEIR Does Not Accurately Disclose or Analyze the Cumulative Impacts of the Project

CEQA defines “cumulative impacts” as “two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.” (CEQA Guidelines § 15355.) The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project “when added to other closely related past, present, and reasonably foreseeable probable future projects.” (CEQA Guidelines § 15355(b).) And while an agency is not expected to foresee the unforeseeable, it is expected to use its “best efforts to find out and disclose all that it reasonably can.” (CEQA Guidelines § 15144; see also *City of Richmond, supra*, 184 Cal.App.4th at 96; *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal. 4th 412, 428 [hereinafter “*Vineyard*”].)

The purpose of analyzing cumulative environmental impacts is to assess adverse environmental change “as a whole greater than the sum of its parts.” (*Environmental Protection Information Center v. Johnson* (1985) 170 Cal.App.3d 604, 625.) Absent meaningful cumulative analysis there would be no control of development and “piecemeal development would inevitably cause havoc in virtually every aspect of the [] environment.” (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 721.)

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Here, the DEIR fails to discuss any of the past, current or reasonably foreseeable vineyard development within the POU on the Project site, as described in the 2009 FEIR for the Guenoc Water Rights Modification Project and other County and nearby project-specific documents. If the development of these potential vineyard sites are not a part of the Project(see *supra* the discussion above regarding project description) then the cumulative impacts analysis must include the vineyard conversions within the POU in its analysis. While the DEIR does list other vineyard development projects near the Project site, such as the Wild Diamond Vineyard and Winery project that is proposed approximately 5 miles away from the Project site, it ignores vineyard conversions *on the Project site*. (DEIR at 4-7.) It is puzzling why an 80-acre vineyard and winery project would be discussed, but the thousands of acres that may be developed within the Project site boundaries would be left out of the cumulative impact analysis. The failure to disclose and analyze the impacts of non-Project vineyard development within the Project site renders the DEIR’s cumulative impacts analysis inadequate and in violation of CEQA. (CEQA Guidelines § 15355(b); see also *Vineyard* at 428.)

VII. The Alternatives Analysis in the DEIR is Inadequate and Fails to Comply with CEQA

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CEQA mandates that significant environmental damage be avoided or substantially lessened where feasible. (Pub. Res. Code § 21002; Guidelines §§ 15002(a)(3), 15021(a)(2), 15126(d).) Moreover, although “an EIR need not consider every conceivable alternative to a project . . . it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation.” (Guidelines § 15126.6(a).) Additionally, the “key to the selection of the range of alternatives is to identify alternatives that meet most of the project’s objectives but have a reduced level of environmental impacts.” (*Watsonville Pilots Assn. v. City of Watsonville* (2010) 183 Cal.App.4th 1059, 1089.) Accordingly, a rigorous analysis of reasonable alternatives to the Project must be provided to comply with this strict mandate. Unfortunately, the DEIR fails to meet this requirement on two levels: the DEIR analysis of the alternatives proposed is inadequate and the DEIR fails to include a reasonable range of alternatives.

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A. The DEIR should have analyzed a range of alternatives and included meaningful analysis of the impacts of these alternatives

The DEIR should have analyzed a wider range of alternatives. As courts have made clear, “[a] potential alternative should not be excluded from consideration merely because it would impede to some degree the attainment of the project objectives, or would be more costly.” (*Save Round Valley Alliance v. County of Inyo* (2007) 157 Cal. App. 4th 1437, 1456-57 (quotations omitted).) The DEIR only analyzed three alternatives, one of which was the no project alternative. (DEIR at 5-5-6.) Beyond the no project option, the analysis only discussed lessening density within the proposed development footprint (Alternative B), and a reduced footprint with increased densities and consolidation of facilities within that new footprint (Alternative C). (*id.*) The DEIR should have included a larger range of alternatives from which decision-makers could choose.

The DEIR improperly limited the scope of its alternative analysis. The two alternatives, excluding the no-project alternative, assessed in the DEIR present a severely limited range of changes to the Proposed Project, ignoring alternatives that minimize environmental impacts by reducing and or consolidating other land uses. The core requirement of a CEQA alternatives analysis is that a range of alternatives be selected that meet most of the project objectives while minimizing or eliminating environmental impacts. (*Watsonville Pilots Assn. v. City of Watsonville* (2010) 183 Cal.App.4th 1059, 1089.) The DEIR presents a limited “either or” comparison that demonstrates the lack of commitment to truly exploring alternatives to the Proposed Project. The DEIR should consider alternatives that not only consolidate hotel rooms, but also consolidate or eliminate resort areas so that contiguous open space can be increased. For example, removing or translocating development associated with the Bohn Ridge Resort and Equestrian Center and Lodge would dramatically lessen development impacts around Bucksnot creek, which would enhance habitat connectivity at a critical point in the Project site. (see DEIR at 2-18.) In failing consider such changes, the City “fixed” the results of the alternatives analysis and violated CEQA by including only an unreasonably narrow range of alternatives. (See *Save Round Valley Alliance v. County of Inyo* (2007) 157 Cal. App. 4th 1437, 1456-57.) Therefore, an alternative that reduces, or eliminates, the conversion of open space to vineyards is feasible and should have been identified and discussed in the DEIR.

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The DEIR should also include quantitative and meaningful comparisons between the Project's impacts and proposed alternatives' likely impacts, including analysis of estimated GHG emissions, quantified impacts to biological resources, water resources including water quality and water availability, and air quality resulting from each proposed alternative. Under CEQA, "the public agency bears the burden of affirmatively demonstrating that, notwithstanding a project's impact on the environment, the agency's approval of the proposed project followed meaningful consideration of alternatives and mitigation measures." (*Mountain Lion Foundation v. Fish & Game Com.* (1997), 16 Cal. 4th 105, 134.) The DEIR's general statements regarding these topics are insufficient. Table 5-2 of the DEIR presents an "impact comparison between the proposed project and alternatives," but this purported "comparison" only categorizes the alternative impacts as "similar" or "lesser" as compared to the proposed Project. (DEIR at 5-15.) The DEIR doesn't quantify any of the potential impacts of the alternatives considered; nor does it attempt to provide qualitative detail to the comparisons offered. These findings are conclusory and lack the necessary evidentiary support that CEQA requires. (*See Concerned Citizens of Costa Mesa, Inc. v. 32nd Dist. Agricultural Assn.* (1986) 42 Cal.3d 929, 935 ("To facilitate CEQA's informational role, the EIR must contain facts and analysis, not just the agency's bare conclusions or opinions.") The blatant lack of detail leaves decision-makers and the public in the dark, guessing how much "lesser" a given impact would be under an alternative, or whether a "similar" impact may still be an improvement over, however minor, the proposed Project.

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B. The DEIR utilizes undefined Project objectives to undermine the feasibility of an environmentally superior alternative

The DEIR relies on an undefined project objective in order to improperly reject the reduced development footprint alternative ("Alternative C"). The first objective listed in the DEIR is to "develop a luxury international destination resort that generates financial profits for the investor." (DEIR at 5-2.) There is no discussion of what constitutes a "luxury international destination," precluding meaningful analysis of whether an alternative meets this vague objective. Nor is there quantification of how much profit is needed to satisfy the objective. The DEIR concludes Alternative C "would not provide enough resort amenities or large enough lots for a financially viable luxury resort." (DEIR at 5-16.) The DEIR contains no analysis to support this finding. While it is true that alternatives can be rejected on the basis of infeasibility, an EIR must still provide the basis for such a finding. (14 Cal. Code Reg. §15126.6(c); *Citizen of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 565; *see also Center for Biological Diversity v. County of San Bernardino* (2010) 185 Cal.4th 866, 884 [an economical infeasibility analysis requires "meaningful comparative data"].) The DEIR's vague objective of creating a "luxury" resort undermines any meaningful comparison of Alternative C; and does not meet CEQA's requirements for adequately analyzing alternatives.

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VIII. Conclusion

Thank you for the opportunity to submit comments on the Draft Environmental Impact Report for the Guenoc Valley Mixed-Use Planned Development Project. We look forward to working to assure that the Project and environmental review conforms to the requirements of

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state law and to assure that all significant impacts to the environment are fully analyzed, mitigated or avoided. In light of many significant, unavoidable environmental impacts that will result from the Project, we strongly urge the Project not be approved in its current form.

Given the possibility that the Center will be required to pursue legal remedies in order to ensure that the County complies with its legal obligations including those arising under CEQA, we would like to remind the County of its duty to maintain and preserve all documents and communications that may constitute part of the "administrative record" of this proceeding. The administrative record encompasses any and all documents and communications that relate to any and all actions taken by the County with respect to the Project, and includes "pretty much everything that ever came near a proposed [project] or [] the agency's compliance with CEQA" (*County of Orange v. Superior Court* (2003) 113 Cal.App.4th 1, 8.) The administrative record further includes all correspondence, emails, and text messages sent to or received by the County's representatives or employees, that relate to the Project, including any correspondence, emails, and text messages sent between the County's representatives or employees and the Applicant's representatives or employees. Maintenance and preservation of the administrative record requires that, *inter alia*, the County (1) suspend all data destruction policies; and (2) preserve all relevant hardware unless an exact replica of each file is made.

Please add the Center to your notice list for all future updates to the Project and do not hesitate to contact the Center with any questions at the number or email listed below.

Sincerely,



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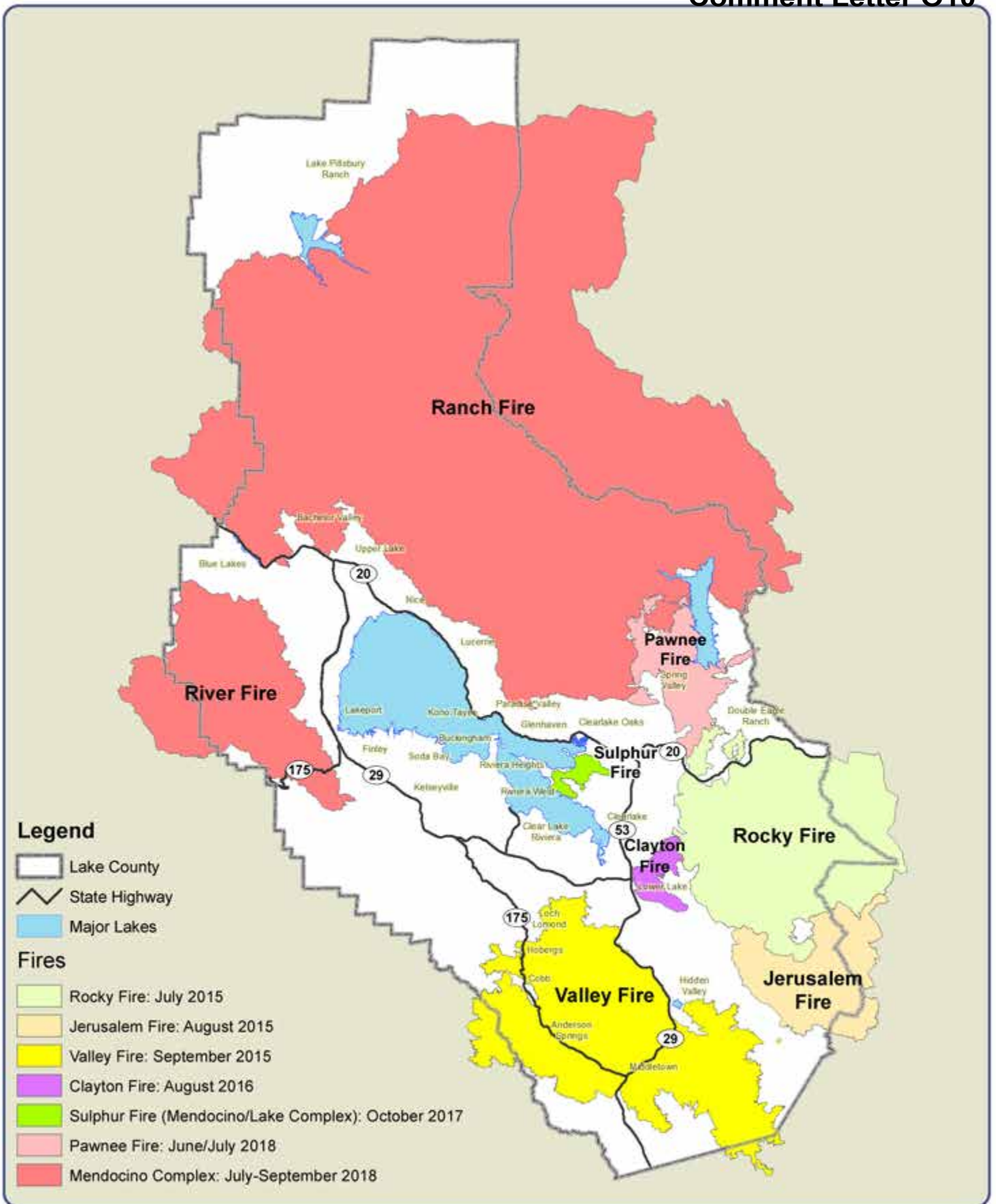
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Exhibit 1

2015-2018 Lake County Fire Map



INDIVIDUAL COMMENTS

Comment Letter I1

From: Donna Mackiewicz [<mailto:donnamackiewicz@gmail.com>]
Sent: Sunday, February 23, 2020 7:55 PM
To: CDD - Email <CDD@lakecountycal.gov>
Subject: [EXTERNAL]Guenoc Development

Hello,

I wish to submit this to someone involved in the proposed Guenoc Mixed Use Plan development plan and how to submit my comments into the record.

Thank you for your time by the way. I am new to Lake County and learning the personnel and departments still.

I could not find the complete list of Watch-listed or Endangered Species or those of Concern - could you direct me to the page in the documents?

One of the reasons we chose Lake County was the very important Night Sky Initiative the County Board of Supervisors passed in support of lighting ordinances consistent with Dark Sky Certification as a Dark Sky Community for the county. I cannot find this mentioned and should be addressed in the reports.

The five-acre tracts for homes seem like a terrible fit for the great needs in wildlife corridors. I'd like to recommend planners read Doug Tallamy's newest book, [Bringing Nature Home: How You Can Sustain Wildlife with Native Plants, Updated and Expanded](#). I have requested this book for the library system and planners should keep it at their desks. I'd like to also recommend Christopher Duerksen's research. He has written several books on creating Nature-friendly communities and is a valuable resource for inputs.

The mitigation for the oaks also seems very minimal with not much thought, planning, monitoring about the future of the oaks replaced, removed, displaced and transplanted being taken into consideration.

I look forward to hearing from someone. Lake County is so beautiful with precious natural features. The future of Lake County depends on taking proper care of the oak woodlands and nature corridors.

Thank you for your time,

Donna Mackiewicz

576 Surf Ln - 1612, Clearlake Oaks, CA 95423

[email:donnamackiewicz@gmail.com](mailto:donnamackiewicz@gmail.com)

I1-01

I1-02

I1-03

I1-04

I1-05

Comment Letter I2

From: R. Keith Donaldson [<mailto:donaldson.keith@icloud.com>]
Sent: Wednesday, March 11, 2020 9:42 AM
To: Guenocvalleycomments - Email <Guenocvalleycomments@lakecountyca.gov>
Subject: [EXTERNAL]Water

Where will all the water come from, this is a huge impact on this area?
Sent from my iPhone



I2-01

WRITTEN COMMENT CARD

COUNTY OF LAKE - PUBLIC MEETING GUENOC VALLEY MIXED USE PLANNED DEVELOPMENT PROJECT

BOARD OF SUPERVISORS CHAMBERS 255 N. FORBES STREET, LAKEPORT CA
MARCH 12, 2020

IF YOU WOULD LIKE TO SUBMIT A WRITTEN STATEMENT, PLEASE COMPLETE THE FOLLOWING INFORMATION AND COMMENT IN THE SPACE PROVIDED BELOW. GIVE TO ATTENDANT OR DROP IN THE WRITTEN COMMENT BOX. COMMENTS MAY ALSO BE SUBMITTED BY MAIL OR EMAIL TO THE CONTACT INFORMATION PROVIDED BELOW.

WRITTEN COMMENTS ON THE DRAFT EIR MUST ARRIVE BY 5PM APRIL 7, 2020.

(Please print legibly)

Name: RICHARD MACKIEWICZ Organization: NINE

Address: 576 SORF LANE CLEARLAKE OAKS, 95423

Comment: PLEASE CONSIDER FOR PLANS:

1. DARK-SKY INITIATIVE - USE OF
NIGHT-FRIENDLY LIGHTING

2. USE OF NATIVE PLANTS AS MUCH AS
POSSIBLE FOR LANDSCAPING THANKS!

I3-01

I3-02

Please give to attendant, drop in Written Comment Box, mail to County of Lake Community Development Department, Attention: Mark Roberts, Principal Planner, 255 N. Forbes Street, Lakeport, CA 95453, or email to guenocvalleycomments@lakecountyca.gov. If emailing comments, please use "Draft EIR Comments, Guenoc Valley Mixed Use Planned Development Project" as the subject of your email.

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WRITTEN COMMENTS ON THE DRAFT EIR MUST ARRIVE BY 5PM APRIL 7, 2020.

(Please print legibly)

Name: JAMES DUNCAN Organization: RESIDENT, MIDDLETOWN

Address: 20771 BIG CANYON RD

Comment: IF THERE IS CONCERN ABOUT TRAFFIC ON

BUTTS CANYON RD, WOULD YOU EVER CONSIDER

PUTTING WORKFORCE HOUSING ON YOUR PROJECT

PROPERTY? MIGHT HELP. THANKS.

Please give to attendant, drop in Written Comment Box, mail to County of Lake Community Development Department, Attention: Mark Roberts, Principal Planner, 255 N. Forbes Street, Lakeport, CA 95453, or email to guenocvalleycomments@lakecountyca.gov. If emailing comments, please use "Draft EIR Comments, Guenoc Valley Mixed Use Planned Development Project" as the subject of your email.

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WRITTEN COMMENTS ON THE DRAFT EIR MUST ARRIVE BY 5PM APRIL 7, 2020.

(Please print legibly)

Name: JOHN SULLIVAN Organization: CITIZEN

Address: 21350 ST. HELENA CREEK RD - MIDDLETOWN

Comment: 1. WORKER HOUSING - DENSITY IS INCONSISTENT WITH MIDDLETOWN AREA PLAN. THE PLANNED DEVP'T. IS IN A SMALL-RANCH AREA, WITH PARCELS OF 2-5 ACRES. WATER USAGE MAY TAX CALLA-YO MI WATER DISTRICT'S ABILITY TO PROVIDE IT. SUGGEST RELOCATING PROJECT TO A SITE CLOSER TO INTERSECTION OF HWY 175 & HWY 29.

I5-01

2. WELL WATER: CAN PROJECT GUARANTEE THAT ANY WELLS DUG WILL NOT AFFECT EXISTING WELLS, BOTH IN TERMS OF WATER QUALITY & AVAILABILITY OF WATER IN AQUIFER AT PRESENT WELL DEPTHS.

I5-02

Please give to attendant, drop in Written Comment Box, mail to County of Lake Community Development Department, Attention: Mark Roberts, Principal Planner, 255 N. Forbes Street, Lakeport, CA 95453, or email to guenocvalleycomments@lakecountyca.gov. If emailing comments, please use "Draft EIR Comments, Guenoc Valley Mixed Use Planned Development Project" as the subject of your email.

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WRITTEN COMMENTS ON THE DRAFT EIR MUST ARRIVE BY 5PM APRIL 7, 2020.

(Please print legibly)

Name: KURT STEIL Organization: _____

Address: _____

Comment: _____

Please give to attendant, drop in Written Comment Box, mail to County of Lake Community Development Department, Attention: Mark Roberts, Principal Planner, 255 N. Forbes Street, Lakeport, CA 95453, or email to guenocvalleycomments@lakecountyca.gov. If emailing comments, please use "Draft EIR Comments, Guenoc Valley Mixed Use Planned Development Project" as the subject of your email.

Comment Letter I7

From: Linda Darms <pinkywink05@gmail.com>

Sent: Monday, March 30, 2020 4:14 PM

To: guenocvalleycomments@lakecountycalifornia.gov; kshelton@mahadevelopments.com

Cc: Moke Simon; Tracy Craig; robert.busby@waterboards.ca.gov; Brad.Shelton@waterboards.ca.gov;

Sally Peterson; MATH; ccwdhamner@att.net; [Celcia.aguiar-](mailto:Celcia.aguiar-curry@asm.ca.gov)

curry@asm.ca.gov; senator.mcguire@senate.ca.gov; Onorato, Brad

Subject: Comments Re The EIR Guenoc Valley Mixed-Use Planned Development Project

Hi Rob:

My name is Linda Diehl-Darms and attached are my comments regarding the EIR for the Guenoc Valley Mixed-Use Planned Development Project.



I7-01

Linda Diehl-Darms

707-355-4747

March 30, 2020

County of Lake
Attn: Mark Roberts, Principal Planner
255 N. Forbes Street
Lakeport, CA 95453

Email: guenocvalleycomments@lakecountyca.gov

RE: EIR Guenoc Valley Mixed-Use Planned Development Project

To Whom It May Concern:

My name is Linda Diehl-Darms and I live in Middletown. Before I go further, I believe this project to be a great benefit to the economics of Lake County and particularly South Lake County. From the presentations that I have attended, it is apparent that this developer is mindful of the environment and has the intent of making the least amount of environmental impact possible.

I have concerns regarding the proposed option in the project's EIR regarding using a well on the corner of Butts Canyon Rd. and Hwy 29 for additional water needs. I have two major concerns:

- 1) The impact on the Middletown area aquifer; and
- 2) The existing mitigated geothermal waste site owned by PG&E that has waste in the groundwater directly under the site and a known plume of waste in the groundwater heading west toward Middletown. The site is being monitored by the Regional Water Quality Control Board through monitoring wells to track movement and to check the constituents.

In the last two years, agricultural wells for vineyards have been dug in the Middletown basin. It is too early to tell the aquifer impact of these wells on residential wells and the Callayomi Water District wells (provides water to Middletown Area Residents).

The proposed well on the corner of Butts Canyon Rd. and Hwy 29 is well known by those who are longtime residents as a very good well that produces a thousand plus gallons a minute. There are those who believe that this well will never dry up. In my opinion, there is only so much water available and it is unknown where the tipping point is to reducing the available water in the aquifer.

In a public meeting held by MATH in December 2019, we were given an update by Kristy Shelton regarding the Guenoc Valley Project. At that time, we were told that the purposed well on the corner of Butts Canyon and Hwy 29 was not going to be used as the wells that have been dug on the property for the development are producing an adequate supply of water to cover the project. I called Kristy and spoke with her directly the end of February 2020 to confirm what I had understood from the December meeting and she reassured me that this was true. She did say that if it was found that this well was needed, the water would be used for agricultural purposes. Water usage for

17-02

17-03

17-04

17-05

Comment Letter I7

agriculture can be extremely high depending on the crop(s) and acreage of the crops being watered.

I7-05
(Cont.)

If this well is used, it will also create an issue with Middletown's watershed, which has the potential of moving the waste from the PG&E Geothermal Waste Site toward private wells to the west. The Guenoc Valley project is located in another watershed. Taking water from one watershed and adding it to another watershed will create a push-pull affect - Raising the groundwater levels of Guenoc watershed and lowering the groundwater levels of the Middletown watershed. This action is of significant concern as the geothermal waste that is in the groundwater heading west toward Middletown will experience a pushing of groundwater from the east as groundwater level is increased and a pulling of water from the west as the groundwater level decreases.

I7-06

Before geothermal waste could reach Middletown, it would hit private wells in line between Middletown and the site. I have attended numerous meetings regarding the geothermal waste site on Butts Canyon Road and each time the constituents in the groundwater that the waste sits in are said to not be of major concern; however, I still maintain that if that were true, then why does it need to be monitored and why is it being overseen by the Regional Water Quality Control Board. I have heard PG&E representative's state in meetings that the plume has not significantly moved, yet attached is a map showing that it has spread and it is up for interpretation what would be considered significant. This movement has occurred over time (the last map of movement that I have seen is 2013 as attached) and it does not take into account the recently drilled agricultural wells for the vineyards that are located in the Middletown basin nor, obviously, the proposed possible well draw tied to the Guenoc Valley Project. It may be wise to ask PG&E for an updated map of waste movement as the map attached is seven years old.

I7-07

Who is held accountable should the aquifer be negatively impacted and as a result residential and Callayomi Water District wells no longer can sustain water levels?

I7-08

Who is held accountable should the ground in the Middletown area begin to sink because the water table has dropped? This is happening in the San Joaquin valley as a direct result of water table drops.

I7-09

Who is held accountable should the geothermal waste in the groundwater hit a private well? If there is concern enough by the Regional Water Quality Control Board to monitor the waste, then one can only assume that drinking the water from a private well that becomes contaminated with the geothermal waste constituents is unacceptable.

I7-10

Respectfully submitted,

Linda Diehl-Darms
Concerned Middletown Resident
707-355-4747

2013 Map of Waste Movement Geothermal Mitigated Waste Site – Butts Canyon Road
(Taken directly from a PG&E public presentation July 29, 2019)



- ■ ■ Approximate line of boron concentration of 0.7 mg/L, 1994
- ■ ■ Approximate line of boron concentration of 0.7 mg/L, 2006
- ■ ■ Approximate line of boron concentration of 0.7 mg/L, 2013

Groundwater plume stable, not migrating away from site and has remained similar in size for over 20 years

Comment Letter I8

From: Danielle Fay [<mailto:daniellefay@ymail.com>]

Sent: Thursday, April 2, 2020 8:48 AM

To: Guenocvalleycomments - Email <Guenocvalleycomments@lakecountyca.gov>

Cc: Danielle Fay <daniellefay@ymail.com>

Subject: [EXTERNAL]Concerns down stream from Guenoc Valley Project

To whom it may concern,

I am a resident of a rural community on the outskirts of Napa County .
We live in a community called Berryessa Estates consisting of about 200 homes on the Putah Creek.

Largely this community loves living out here for the nature and beautiful surrounding.

The Guenoc Valley project is so vast I cant see how it will not impact this neighborhood which lies just downstream.
The wildlife in Putah creek is rare and vast. Otters, Salamanders, Eagles, Trout, Bears, Water Fowl and the list goes on.

Please explain to us How will this project not gravely impact our water source as well as the animals that rely on it.
Much of this water will be diverted to thousands of acres of vineyards . That amount of agriculture could dry up our waterways that we enjoy in the hot summer months for recreation and enjoyment.
Not mentioning the chemicals used on the grapes getting into our water and the disturbing of the rock during excavation that would contaminate our drinking water.

All of these things need to be considered beyond just the proposed economic boost that the project talks about creating for the locals in the area. A project like this could be very good for promoting jobs and resources in this area there is no doubt about that. But the proposed scale is so emmense that it is quite overwhelming . Several hotels? Hundreds of residences. Thousands of acres of vineyards? where is this water coming from in this dry high valley?

I look forward to your response

Thank you for you time,

Danielle Fay
2196 Stagecoach Canyon Road
Pope Valley , CA
94567

I8-01

I8-02

I8-03

I8-04

Comment Letter I9

From: Tanya Striedieck [mailto:stargar@sonic.net]
Sent: Thursday, April 2, 2020 11:13 PM
To: Guenocvalleycomments - Email <Guenocvalleycomments@lakecountyca.gov>
Cc: Moke Simon <Moke.Simon@lakecountyca.gov>
Subject: [EXTERNAL]Proposed well

I am against any well in Middletown to be used to pipe water all they way to Guenoc. If they do not have sufficient water on site then they need to down scale their plans. No robbing the residents of Middletown of their water for a playground for the super rich!

Tanya Striedieck
POBox 1429, 21286 Washington St
Middletown

Sent from my iPad
Tanya Striedieck

I9-01

Comment Letter I10

Susan Knowles
P.O. Box 764
Middletown, Ca. 95461

Planning Department,

I am writing in regard to the GUENOC VALLEY PROJECT. I am very opposed to the possibility of piping water from the "OFF SITE WELL SITE" (APN 014-430-13;-12) to the "GUENOC VALLEY SITE"

I10-01

I am also concerned about the "MIDDLETOWN HOUSING SITE" located on Santa Clara in Middletown. (APN 014-380-09)

I10-02

Both my opposition and concern are based on WATER.

The Middletown site is going to greatly impact the water usage in the Middletown area. We do not have enough water storage capacity as it is. I would hope that if they are granted the permits to build in Middletown and use the water from the "OFF SITE WELL SITE" that the plans include a holding tank for water storage for all of Middletown.

I10-03

As for the "OFF SITE WELL SITE" possibly pumping water to the "GUENOC VALLEY SITE" I am VERY opposed. The project should have to use the water from the site or property of construction. If there isn't enough water there, they should have to scale down. Their build at Guenoc Valley should not cause Middletown residents the fear of no water.

I attended a meeting in July 2019 at Middletown Community Center for MATH regarding the Geothermal Inc. Landfill Facility on Butts Canyon Rd.. The first thing I want to make clear from that meeting is that the Water Quality Control Board representative that was present stated "there isn't a lot of water around here." He also said that the possibility of ground water level changes might shift the wastes dumped in the ground but they were unable to say for certain. Those two things alone should weigh heavy in your decision.

I10-04

I do have concerns regarding ground water usage and realize you cannot stop growth, but Water usage must be considered. Middletown Ground water is all the population has to draw from. There aren't any lakes or dams that feed our water supply. The Middletown area recently had several wells dug for New vineyard use, I have attended meetings and expressed my concern regarding Water at those meetings also.

I10-05

I ask that you think long and hard before issuing all permits for this project. I have lived here 60 plus years and hope many generations to come will be able to say the same, but they will need WATER.

Respectfully,

Susan Knowles

PUBLIC HEARING COMMENTS

1 Thursday, March 12, 2020

2 1:47 p.m.

3 ---oOo---

4 DAVID VELASQUEZ: Mine will be short. My name
5 is David Velasquez. I am here representing Taylor
6 Observatory, and I was gratified to see some of the
7 comments addressing the dark sky community, because
8 that's something that we've been working towards for
9 Lake County, as part of the eco tourism emphasis, as
10 well as just overall environmental quality for Lake
11 County. We want to try and maintain the rural aspect as
12 much as we can.

13 I was a little bit -- well, one specific thing
14 I'd like to see -- I think I might have seen some
15 reference to it in the large document -- was the use of
16 cool light, cool lighting versus just the downward
17 reflecting, which is all good, and the use of motion
18 sensing and so on, that's all really good. But to help
19 us comply with the International Dark Sky Community
20 requirements, if we can look at trying to require that
21 lighting be limited to -- or lighting be specified as a
22 3,000-degree Kelvin, that tends to be the standard for
23 good lighting, and it's good for security and everything
24 else, but it also helps with the dark sky.

25 The only other comment I wanted to make is,

PH1-01

PH1-02

1 the comments about glaring light were considered, in
2 spite of everything you said, it was considered less
3 than significant. My question is: What's going -- how
4 do you make the decision whether something is
5 significant or less than significant when writing that
6 EIR?

7 DYANI BACHELDER: Good afternoon. My name is
8 Dyani Bachelder. My question is about my community,
9 which is Middletown. So, when you say "work force
10 housing," is this big development going to hire locally,
11 so the people who are going to be living in this work
12 force housing, who gets the community center, obviously,
13 they are going to be employees, correct, of the big
14 development? I'm asking that question. Or is it open
15 to any Middletown resident?

16 SUPERVISOR SUENRAM: Yeah, this is just a
17 public comment period where we are just speaking.

18 MS. DYANI BACHELDER: Okay. So --

19 SUPERVISOR SUENRAM: You know, your
20 concerns -- we want to hear your concerns.

21 MS. DYANI BACHELDER: Okay. That's my
22 concern, and that's a big concern, because it is in my
23 community. And thank you; this is my first time.

24 So, I would like to know, I mean, and I would
25 like more information to make sure the residents who are

PH1-02
(Cont.)

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2 spite of everything you said, it was considered less
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22 concern, and that's a big concern, because it is in my
23 community. And thank you; this is my first time.

24 So, I would like to know, I mean, and I would
25 like more information to make sure the residents who are

PH2-01

PH2-02

1 living in this new development, are also locally
2 employed. That's my concern. And when you mention a
3 community center, I would like to know -- that's my
4 concern, too -- is it open to the whole community?
5 Because that's what you're calling it. Thank you.
6 Thank you for clarifying that.

7 DONNA MACKIEWICZ: Hello. My name is Donna
8 Mackiewicz, and I'm a representative of Redbud Audubon
9 Society, and I have prepared a little statement. As
10 representative for the Redbud Audubon Society, I am
11 pleased to have the opportunity to comment.

12 We participated in the scoping meeting for
13 this document, and although some of our concerns and
14 requests have been reviewed, we still question the
15 adequacy of the draft EIR to address these concerns. We
16 were submitting in-depth comments -- oh. We will be
17 submitting in-depth comments before the April 7th
18 deadline.

19 Our concerns during the scoping review
20 included the importance of maintaining wildlife
21 corridors and the issue of night glare, which has just
22 been mentioned. We have other concerns.

23 The Maha planners seem to address the night
24 skies issues, but we are concerned about who will
25 monitor these requirements and also about the wording

PH2-02
(Cont.)

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21 corridors and the issue of night glare, which has just
22 been mentioned. We have other concerns.

23 The Maha planners seem to address the night
24 skies issues, but we are concerned about who will
25 monitor these requirements and also about the wording

PH3-01

1 such as, "As much as possible," instead of just stating,
2 "This is a requirement."

3 The wildlife corridor issue appears to be
4 addressed by a study from 2010. We would like to see
5 corroboration with the recent Mayacams to Berryessa
6 Landscape Connectivity Network study. And also relating
7 to this issue, leaving decisions about fencing up to the
8 future homeowners association is not adequate. We
9 expect viable habitat corridors to be identified and
10 outlined now and then built into the design of this
11 project.

12 The Estate development idea is problematic.
13 It leads to fragmentation and blockage of wildlife
14 corridors. The wording that addresses the issue of
15 wildlife passage is vague, and the policies being
16 suggested lend to unenforceable standards. How will
17 this project be monitored over the decades? And will
18 the Maha developers fund the County of Lake to ensure
19 continuing monitor of standards outlined for the
20 project, or will it strictly be up to the homeowners
21 associations? This could be problematic.

22 We look forward to continuing our relationship
23 with the developers and planners of this major project.
24 There is no doubt that it could be a positive project
25 for Lake County and have beneficial impacts on our

PH3-01
(Cont.)

1 economy. However, it's a huge project and deserves
2 scrutiny and public input. The developers are asking
3 for a lot -- rezoning and a general plan amendment.
4 They appear to be sincere in their efforts to create an
5 environmentally friendly community, and we expect more
6 review of our environmental concerns will occur.

7 And this was written by Roberta Lyons, the
8 president of Redbud Audubon Society.

9 And thank you very much.

10 SUPERVISOR SUENRAM: Thank you.

11 DONNA MACKIEWICZ: I've just moved here, and
12 Lake County has so many beautiful treasures. You
13 probably are used to it all, but it's really wonderful.

14 VICTORIA BRANDON: I'm Victoria Brandon,
15 representing the Lake County Sierra Club. We are going
16 to be submitting a letter, so I haven't had a chance to
17 look at this whole document in detail yet. So, this is
18 just touching a couple of points that occurred to us
19 right away.

20 There is a whole lot to like about this
21 project. I think it's obviously going to be done first
22 class. I like all the green impacts, the farm-to-table
23 incorporation, all the respect for the landscape. All
24 that's wonderful. But there is, what seems to me, a
25 glaring inconsistency with the area plan that I found

PH3-01
(Cont.)

1 economy. However, it's a huge project and deserves
2 scrutiny and public input. The developers are asking
3 for a lot -- rezoning and a general plan amendment.
4 They appear to be sincere in their efforts to create an
5 environmentally friendly community, and we expect more
6 review of our environmental concerns will occur.

7 And this was written by Roberta Lyons, the
8 president of Redbud Audubon Society.

9 And thank you very much.

10 SUPERVISOR SUENRAM: Thank you.

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21 project. I think it's obviously going to be done first
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23 incorporation, all the respect for the landscape. All
24 that's wonderful. But there is, what seems to me, a
25 glaring inconsistency with the area plan that I found

PH4-01

1 quite troubling. The original Lake County 2008 General
2 Plan called for a maximum of 450 dwelling units on this
3 property in the Guenoc Valley, which is almost entirely
4 this single property. And in the preparation of the
5 Middletown area plan, which was a process that the whole
6 community was involved in for years and was hammered
7 out, with great difficulty at times, it was identified
8 that it would be possible to increase this density by
9 clustering development, avoiding places with high
10 landslide risk, mitigating the wildfire risk, and so
11 forth, to 800 dwelling units, and now we've got 1,400.
12 This is a really significant increase in density on the
13 site. And I think it's something that has to be
14 addressed. Of course, legally speaking, this becomes
15 mitigated completely by just rezoning the property, but
16 whether this is appropriate for an area plan that was
17 prepared with such a high degree of community input,
18 without also going back to the community and
19 readdressing this, I really question whether that's an
20 appropriate thing to do.

21 I also want to express support for the
22 concerns about wildlife connectivity that the Redbud
23 Audubon has already identified. We are going to be
24 identifying some specifics in that, too. A lot of it
25 comes from, when this was first proposed, even in

PH4-01
(Cont.)

1 concept, years ago, before this property owner came
2 forward with these, as I said, very admirable in many
3 respects, specific plans, the assumption seemed to be,
4 certainly on the part of my organization, that it would
5 be kind of village style, that there would be clustered
6 little villages of residential development, and which
7 would give the opportunity in such a large acreage to
8 preserve a tremendous amount of open space and natural
9 habitat and connectivity with other wildlands.

10 Instead, the development of the residential
11 component into multi-acre estate lots loses a lot of
12 that advantage, not only in the immediate loss of
13 wildlife connectivity but in the fact that it requires
14 much more extensive development for bringing in
15 infrastructure, utilities going to be underground, and
16 from a wildfire perspective, that's wonderful, but for a
17 ground disturbance aspect, it's got problems attached to
18 it, especially in connection with cultural resources,
19 which I'm sure all of those -- those -- that underground
20 is going to be done with a tribal monitor on site and
21 archeologists handy for dealing with it and so forth,
22 but even so, there's a lot of problems with that. And
23 it seems to me a lot of this could be avoided by going
24 to smaller lots in more closely -- more closely
25 clustered and allowing a larger area of wild space to be

PH4-01
(Cont.)

1 preserved.

2 Also, I've got a little quote that I just
3 reminded myself of today on my way over here, from the
4 Middletown area plan, again, saying that the general
5 objective for residential uses, in accordance with smart
6 growth principles, including walkable communities. And
7 the residential component here, with all of these houses
8 on the multi-acre lots, is not going to create walkable
9 communities. Maybe golf cart rideable communities,
10 horseback rideable, but not -- not walkable village
11 style, which is what we all had in mind in the first
12 place.

13 Going to have lots of additional comments,
14 specifically in our letter, but as I say, this -- we are
15 also going to be commenting on some of the things we
16 think is good here, because there is a great deal that
17 is, and I hope we'll be able, as the comment opportunity
18 evolves and the EIR is refined and the preparation of
19 the final, to take the -- preserve the best while
20 addressing some of the issues that are of concern.

21 Thank you.

22 SUPERVISOR SUENRAM: Thank you. I would like
23 to remind the public here, as well as anybody who is
24 listening live or may be listening at a later point,
25 that we have until April 7th to address any of these

PH4-01
(Cont.)

1 issues that you may have with any of the points that
2 have been brought up now or any other points you may
3 want to address. So, to build on some of Victoria's
4 thoughts on that.

5 FLETCHER THORNTON: My name is Fletcher
6 Thornton. I'm a citizen, and I live in Middletown.
7 I -- we've watched this project for many years now, from
8 our first meeting in Lower Lake at the old library, I
9 think it was, just sitting around talking to -- to this.
10 I think everyone in the Middletown area recognizes this
11 as being a positive addition for South county. It's
12 going to be a tremendous boost to Middletown and to the
13 county as a whole. Along the way, we are going to have
14 some negative things before we get to all the positive.
15 That's just natural. You know, we are going to have
16 trucks running up and down the road. We are going to
17 have noise. We are going to have this, we are going to
18 have that. But we have to look at it in the big
19 picture. You know, in five years, this will not only
20 create income for the county and significant income for
21 the county, but it will help all the contractors, all
22 the people who live in Middletown. One time at the town
23 hall a guy asked me, he says, "Well, they are not going
24 to hire anybody from around here. They are going to
25 bring in everybody."

PH5-01

1 I said, "They are going to hire a lot of
2 people." I said, "People don't buy a home on this kind
3 of a project and pay the kind of money they are going to
4 pay and mow their own lawns, fix their own roofs, do
5 their plumbing and all that." So, it's going to be a
6 tremendous benefit for the work force in Middletown. As
7 a matter of fact, I'm not sure right now we have that
8 work force that could handle it if this thing was built.
9 So, I would hope that everyone that looks at this and
10 tries to find negative, will look beyond the negative
11 and think about how positive it's going to be down the
12 road. Sometimes that's tough to do, because we want to
13 be a little negative. We want to point out what you've
14 done wrong. "You didn't answer this, you didn't answer
15 that."

16 Well, I've been associated with this group,
17 even though I am not now nor have I ever been an
18 employee of Maha, Lotusland, Guenoc, or Langtry. I was
19 accused of being an employee of Dollar General when that
20 thing came up, so...because I said that the zoning was
21 right, we should have let 'em build it, so...and I was
22 attacked in the parking lot of the library by a lady.
23 So, I'm careful about that. I don't work for them. I
24 know them. I know some of them very well. And if I
25 could assure the residents of Middletown of anything, I

PH5-01
(Cont.)

1 would assure them that this is a first-class operation,
2 beginning to end. I watched 'em. They are out there
3 digging giant oak trees out and transplanting 'em.
4 Nobody in their right mind would do that, that wants to
5 hurt the land, you know. So, I watched them. And I
6 would ask anybody that wants to get involved or wants to
7 comment, that they take time to listen and to ask
8 questions and then listen to the answer, more
9 importantly, because you'll find that this is a
10 first-class outfit. And I'm looking forward to them
11 doing this project. I just hope -- I'm 81 years old,
12 and I hope I live long enough to see the end of it or at
13 least the middle of it.

14 So, thank you very much for your time, and
15 thank you for the opportunity to speak.

16 SUPERVISOR HESS: Thanks, Fletcher.

17 KURT STEIL: Good afternoon. My name is Kurt
18 Steil. I am a property owner that -- I own property
19 close to the potential off-site well that they are
20 discussing. I think that the project is phenomenal. I
21 think it's a great project. I've got no issues with the
22 project. In full disclosure, the Maha group did
23 approach me to purchase a parcel that I own right next
24 to it for -- for the potential for water, and we were in
25 talks, and I -- my main concern was, I have -- I don't

PH5-01
(Cont.)

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23 approach me to purchase a parcel that I own right next
24 to it for -- for the potential for water, and we were in
25 talks, and I -- my main concern was, I have -- I don't

PH6-01

1 think any of you were around when we did the water ski
2 project, but we have the water ski lake there. And my
3 main concern was that we would have enough water to keep
4 in the lake, and I told the Maha group that that was my
5 main concern. I didn't care if I sold the property or
6 not. It was really all about the water. When I say the
7 EIR, and I saw that they were proposing to use the 37
8 acres on the corner of 29 and Butts Canyon Road, I was a
9 little bit concerned. Again, if the water needs can be
10 mitigated, I don't have an issue, but when we proposed
11 the water ski lake, we were required to do pump tests,
12 monitor all of the surrounding wells, and so forth. So,
13 I'm hoping that they would be held to the same
14 standards. My concern, again, is, I mean, the -- and I
15 don't know the exact numbers, but I did some rough math,
16 and it looked like they were going to be getting
17 approximately six billion gallons of water out of that
18 aquifer, and it concerns me that it's not proportional.
19 It's not as though they have a 5,000-acre parcel that
20 they are taking the water from. I mean, it's a 37-acre
21 parcel, and taking that type of water concerns me.
22 Again, if it's -- if it doesn't become an issue, and the
23 hydrologists show me, then I'm not going to have a
24 concern with it.

25 And another concern -- or not concern, but a

PH6-01
(Cont.)

PH6-02

PH6-03

1 comment is, they were saying that they had sufficient
2 water on site, which is great, because I had heard that
3 they were drilling some wells and getting some pretty
4 good water out of there. My question would be: Why
5 would they need an off-site well if they have sufficient
6 water on site?

7 The other question is: Is there a closer
8 aquifer that they could tap into, versus the one six
9 miles away? Again, originally, they were talking with
10 me about water. I didn't have a problem with it, but I
11 did have a problem with the amount of water.

12 I think those are all my comments.

13 SUPERVISOR SUENRAM: Thank you.

14 KURT STEIL: Thank you.

15 SUPERVISOR SUENRAM: Anybody else? Okay.
16 Mark? Are we done? Is that how this goes?

17 MARK ROBERTS: That would conclude the
18 commenting meeting, correct, if no one else wishes to --

19 SUPERVISOR SUENRAM: I'll ask one more time --

20 MARK ROBERTS: -- make any comments.

21 SUPERVISOR SUENRAM: -- is there anybody else
22 who wishes to speak right now?

23 Okay. All right. We are going to close the
24 public comment on this, and as I said, we are not making
25 any recommendations or doing any votes on this.

PH6-03
(Cont.)

PH6-04

3.0 RESPONSE TO COMMENTS

INTRODUCTION

This section lists the comments received on the Draft Environmental Impact Report (EIR), and responds to each comment. The supporting materials and attachments submitted with some of the comments have not been included in this chapter to conserve space, but were considered in the comment responses. The supporting materials are considered part of the administrative record and are available for review online at the County's website:

http://www.lakecountyca.gov/Government/Directory/Community_Development/Planning/GuenocValley.htm

and at the following address during normal business hours:

County of Lake
255 N. Forbes Street
Lakeport, CA 95453

Responses to each of the individual comments raised during the Draft EIR public review period are provided in **Sections 3.1, 3.2, 3.3, and 3.4**. Where the sections in the Draft EIR have been revised in response to comments, the nature and the location of the modification is identified in the response. The Revised Draft EIR is provided in **Volume II** of this **Final EIR**.

Where a comment does not raise an environmental issue but, for example, expresses the subjective opinion of the commenter concerning the merits of the Proposed Project, the comment is noted but no additional response is provided. Comments that are outside the scope of California Environmental Quality Act (CEQA) review will be forwarded to the decision-makers for consideration when deciding whether to approve or deny the Proposed Project.

3.1 RESPONSE TO AGENCY COMMENTS

A1 – MIKE WINK, BATTALION CHIEF OF SOUTH LAKE COUNTY FIRE PROTECTION DISTRICT

Response to Comment A1-01

Comment noted. Refer to **Responses to Comments A1-2** through **A1-9** below.

Response to Comment A1-02

The South Lake County Fire Protection District's (SLCFPD) comments have been included in the **Final EIR, Volume 1, Section 2.0** as letter A1. This comment is consistent with the description of the proposed on-site emergency response facility described in the Draft EIR, Section 3.12.2.3, Impact 3.12-3.

Response to Comment A1-03

The **Final EIR, Volume II, Section 2.5.2.1** and **Section 3.12.2.3, Impact 3.12-3** have been revised to describe that the Applicant will work with SLCFPD to purchase initial emergency response apparatus for placement in Station #61 for ISO rating.

Response to Comment A1-04

This comment is consistent with the description of the proposed on-site emergency response facility described in the Draft EIR, Section 3.12.2.3, Impact 3.12-3.

Response to Comment A1-05

This comment is consistent with the description of the proposed on-site emergency response facility described in the Draft EIR, Section 3.12.2.3, Impact 3.12-3.

Response to Comment A1-06

This comment is consistent with the description of the proposed on-site emergency response facility described in the Draft EIR, Section 3.12.2.3, Impact 3.12-3.

Response to Comment A1-07

This comment is consistent with the description of the proposed on-site emergency response facility described in the Draft EIR, Section 3.12.2.3, Impact 3.12-3.

Response to Comment A1-08

The **Final EIR, Volume II, Section 2.5.2.1** and **Section 3.12.2.3, Impact 3.12-3** have been revised to describe the funding sources for the emergency response facilities included in the Proposed Project.

Response to Comment A1-09

The **Final EIR, Volume II, Section 3.12.2.3, Impact 3.12-3** has been revised to describe the potential application of a community facilities district to facilitate the operation of the proposed emergency response facilities.

A2 – PHILIP CRIMMINS, AVIATION ENVIRONMENTAL SPECIALIST – DEPARTMENT OF TRANSPORTATION

RESPONSE TO COMMENT A2-01

As described in Section 2.5.2 of the Draft EIR, the Proposed Project includes the development a heliport and seaplane base for resort guest, in addition to an emergency heliport. The locations of the proposed aerial site access and emergency helipad were shown in Figure 2-11 of the Draft EIR, and a description of the proposed operations, including the anticipated number of operations, were provided in Section 2.5.2.4 of the Draft EIR. The environmental effects of the heliport and seaplane base were addressed throughout the Draft EIR, including an analysis of noise impacts in Section 3.10 from air travel and aircraft landing and departure events. As stated therein, nighttime noise resulting from air travel was determined to be a potentially significant impact, so Mitigation Measure 3.10-4 of the Draft EIR was identified to restrict aircraft landing and takeoff times to between 7:00 A.M. and 9:00 P.M.

In response to this comment, supplemental information related to air transportation has been provided in an Air Transportation Technical Memo included in **Appendix AVIATION** of the Final EIR, Volume III. Additionally, the **Final EIR, Volume II, Section 2.5.2.4** and **Section 3.10.4, Impact 3.10-2** have been revised to provide additional information related to aircraft operations and noise impacts. As described in **Appendix AVIATION**, the anticipated number of operations conservatively include two operations a day (one arrival and one departure) for the Emergency Response Center Heliport, as well as two operations a day for each runway configurations of the seaplane base (one landing and one take off in each direction) and four operations at the Detert Reservoir Heliport (two take offs and landings). Noise contours for the seaplane base and heliports are also provided in Section 5.3 of **Appendix AVIATION**. As indicated in **Impact 3.10-2** of the Final EIR, noise generated by the proposed aviation activities would not exceed applicable County noise standards, resulting in a less-than-significant impact.

Appendix AVIATION also includes proposed landing site design, in accordance with Federal Aviation Administration guidelines, and proposed flight paths, in consideration of regional air traffic patterns, for all aviation activities.

A3 – JOHN SPEKA, SENIOR TRANSPORTATION PLANNER– LAKE AREA PLANNING COUNCIL/DOW & ASSOCIATES

Response to Comment A3-01

Comment noted. The commenter affirms that analysis related to transportation and traffic found in Section 3.13 of the Draft EIR adequately addresses potential impacts to the regional transportation system.

A4 – JOHN BENOIT, EXECUTIVE OFFICER – LAFCO

Response to Comment A4-01

This comment is consistent with the general approach of analysis presented in the Draft EIR.

Response to Comment A4-02

This comment is consistent with the description of anticipated fire and emergency medical service providers described in Section 3.12.2 of the Draft EIR.

Response to Comment A4-03

While it is accurate that the Lake County Sanitation District (referred to by the commenter as LACOSAN) would provide wastewater service to the Middletown Housing Site, the EIR evaluates multiple options for the wastewater system at the Guenoc Valley Site. As described in Section 2.5.2.5 of the Draft EIR, "Given the independent cluster development and remote location of the Guenoc Valley Site, the applicant proposes to develop an independent water and wastewater system to serve the proposed development... The new water/wastewater system would either be owned and operated by a newly established private utility, or would be sold to and operated by an existing utility company or district."

Response to Comment A4-04

The EIR evaluates multiple options for the domestic water system at the Guenoc Valley Site. As described in Section 2.5.2.5 of the Draft EIR, "Given the independent cluster development and remote location of the Guenoc Valley Site, the applicant proposes to develop an independent water and wastewater system to serve the proposed development... The new water/wastewater system would either be owned and operated by a newly established private utility, or would be sold to and operated by an existing utility company or district."

As described for Impact 3.14-1 in the Draft EIR, water service to the Middletown Housing Site would be provided by the Callayomi County Water District. Annexation of the Middletown Housing Site into the Callayomi County Water District is a component of the Proposed Project and has been fully addressed in the Draft EIR. Also, see the Will Serve letter from the Callayomi County Water District in **Appendix CCWD** of the Draft EIR.

Section 2.7.2 of the Draft EIR indicated that LAFCO is a responsible agency for the Proposed Project, and that the Draft EIR is the environmental document intended to address LAFCO actions, including approvals associated with the annexation into an existing utility district, or the formation of a new utility district for water supply, wastewater and/or electricity service within the Guenoc Valley Site, as well as annexation of the Middletown Site into the service area boundaries of the Callayomi County Water District. The **Final EIR, Volume II, Section 2.7.2** has been revised to further clarify that LAFCO approvals may include potential amendments to the service areas of existing public utilities in order to accommodate the Proposed Project.

Response to Comment A4-05

The provision of electrical service by a newly formed public utility is evaluated as an option in the Draft EIR. Refer to **Response to Comment A4-04** that clarifies that LAFCO's approval of this option is addressed in the Draft EIR. As described above, Section 2.7.2 of the Draft EIR indicated that LAFCO is a responsible agency for the Proposed Project, and that the EIR is the environmental document intended to address LAFCO actions.

Response to Comment A4-06

Comment noted.

Response to Comment A4-07

Comment noted. Any subsequent CEQA environmental review documents prepared for actions requiring LAFCO approval will be sent to LAFCO for review. Refer to **Response to Comment A4-04** regarding LAFCO approvals addressed in this Final EIR.

A5 – PETER MINKEL, ENGINEERING GEOLOGIST– CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD

Response to Comment A5-01

The comments are noted. The Proposed Project would be required to comply with all permitting requirements of the Central Valley Regional Water Quality Control Board (CVRWQCB). Potential impacts to both surface and groundwater quality were addressed in Section 3.9.4 of the Draft EIR. Anticipated permits and approvals required from the CVRWQCB and State Water Resources Control Board are listed in Section 2.7 of the Draft EIR and include: 1) Clean Water Act Section 401 Water Quality Certification prior to placement of fill in waters of the U.S and State; 2) approval of coverage under the National Pollutant Discharge Elimination System (NPDES) Construction General Permit; 3) Master Reclamation Permit that regulates the re-use of recycled water from the proposed on-site water reclamation plants; 4) approval of the Water System Plan and Operation and Maintenance Plan prior to the startup and commissioning of the new water systems; and 5) domestic water supply permit for operation of the public water systems within the Guenoc Valley Site. Additionally, Section 3.9 of the Draft EIR clarified that CVRWQCB construction dewatering permit requirements must be adhered to, and Section 3.9.5 requires that operation of the proposed aggregate and concrete production facility must comply with permit requirements of the CVRWQCB.

A6 – ZACH KEARNS, ENVIRONMENTAL SCIENTIST– CA DEPARTMENT OF FISH AND WILDLIFE

Response to Comment A6-01

Comment noted. The California Department of Fish and Wildlife (CDFW) may be required to carry out or approve aspects of the Proposed Project through the exercise of CDFW regulatory authority under the California Fish and Game Code.

Response to Comment A6-02

Comment noted. Section 1.3.1 of the Draft EIR identified CDFW as both a Trustee and Responsible Agency for the Proposed Project.

Response to Comment A6-03

Comment noted. This commenter's summary of the Proposed Project is consistent with the description presented in the Draft EIR, Section 2.0.

Response to Comment A6-04

Section 3.4.3 of the Draft EIR acknowledges CDFW's role in administering Section 1600 et seq. of the California Fish and Game Code. As discussed under Impact 3.4-2 and 3.4-3 within Section 3.4.4 of the Draft EIR, the Proposed Project would result in impacts to sensitive habitat types, including those potentially subject to a Lake or Streambed Alteration Agreement (LSAA). In addition to direct conversion of habitat, the Draft EIR identifies roadway crossings through aquatic habitat that may be subject to an LSAA. Habitat crossings would consist of free span bridges or single-culvert, two-culvert, or arch culvert designs, as described within the Draft EIR.

Project features with the potential to be subject to an LSAA are confined to the Guenoc Valley Site. Figure 3.4-5 of the Draft EIR shows habitat types within the Area of Potential Effects. It was calculated that the Proposed Project could result in impacts of up to 13.1 acres of stream habitat, 7.4 acres of ponds and reservoirs, and 49.6 acres of emergent wetlands. As noted within Section 3.4.4 of the Draft EIR, final building locations of residential houses would be placed to minimize impacts to these habitats.

Mitigation Measure 3.4-17 as presented within Section 3.4.5 of the Draft EIR includes a provision requiring appropriate project notification to CDFW and acquisition of an LSAA as needed prior to impact-inducing activities commencing. Project notification would include a complete description of project activities and impacts required by CDFW in order to facilitate acquisition of the LSAA. Specifically, Mitigation Measure 3.4-17 states, "An LSAA with CDFW shall be entered for those impacts to any identified streams subject to Fish and Game Code Section 1600 jurisdiction. Any necessary permits and approvals shall be obtained prior to the respective impacts for which they are required, and conditions of permits and approvals acquired for the Proposed Project shall be met. Mitigation shall occur consistent with the necessary permits and approval conditions required for the Proposed Project."

Response to Comment A6-05

Section 3.4.3 of the Draft EIR acknowledges that a species afforded protection under the California Endangered Species Act cannot be "taken" without the appropriate permit. Two Biological Resource Assessments (BRA) were prepared for the totality of the Guenoc Valley Site, and a separate BRA was prepared for the Middletown Housing Site. These documents are included as Appendix BRA1, Appendix BRA2, and Appendix BRA-Middletown to the Draft EIR. It was determined that the Guenoc Valley Site provides suitable nesting and foraging habitat for tricolored blackbird and bald eagle. Table 3.4-2 of the Draft EIR summarizes special-status species with the potential to occur on the Guenoc Valley Site, and notes that bald eagles were observed both nesting and foraging on the Guenoc Valley Site. Tricolor

blackbirds were not observed, but have a high potential to occur on the Guenoc Valley Site.

Potential impacts to tricolored blackbird and bald eagle are discussed under Impact 3.4-1 of Section 3.4.4 of the Draft EIR. Mitigation Measures 3.4-7 and 3.4-8, address impacts to special-status birds and would prevent take. Per Mitigation Measure 3.4-8, CDFW would be consulted in instances where active bald eagle nests are identified during nesting bird surveys in order to ensure that avoidance measures are sufficient to prevent take. Additionally, Mitigation Measure 3.4-2 would require environmental awareness training to educate construction staff on special-status species with the potential to be impacted by construction, and how to appropriately respond to prevent take. This mitigation measure has been revised per **Comment A6-7** below to require construction staff to be trained on nesting bird behavioral indicators that suggest an inadequate nest buffer. Because the Proposed Project would not result in take of tricolored blackbird or bald eagle, no Incidental Take Permit is necessary.

Response to Comment A6-06

Section 3.4.3 of the Draft EIR acknowledges that a species designated as “fully protected” by CDFW cannot be “taken” without the appropriate permit. As noted by the commenter, permits allowing for take of fully protect species are only issued for scientific research or livestock protection. Two BRAs were prepared for the totality of the Guenoc Valley Site, and a separate BRA was prepared for the Middletown Housing Site. These documents are included as Appendix BRA1, Appendix BRA2, and Appendix BRA-Middletown to the Draft EIR. It was determined that the Guenoc Valley Site provides suitable nesting and foraging habitat for golden eagles, white-tailed kite, American peregrine falcon, and bald eagle. The Guenoc Valley Site also provides suitable foraging and denning habitat for ringtails. Table 3.4-2 of the Draft EIR summarizes special-status species with the potential to occur on the Guenoc Valley Site, and notes that white-tailed kite was observed foraging, American peregrine falcon was observed nesting, and golden and bald eagles were observed both nesting and foraging on the Guenoc Valley Site. Ringtails were not observed, but have a moderate potential to occur.

Potential impacts to fully protected birds and ringtails are discussed under Impact 3.4-1 of Section 3.4.4 of the Draft EIR. Mitigation Measure 3.4-5 addresses impacts to ringtails and would prevent take of this species. Mitigation Measures 3.4-7 and 3.4-8, address impacts to special-status birds and would prevent take of fully protected birds. CDFW would be consulted in instances where active raptor nests are identified during nesting bird surveys in order to ensure that avoidance measures are sufficient to prevent take. Additionally, Mitigation Measure 3.4-2 would require environmental awareness training to educate construction staff on special-status species with the potential to be impacted by construction, and how to appropriately respond to prevent take. This mitigation measure has been revised per **Comment A6-7** below to require construction staff to be trained on nesting bird behavioral indicators that suggest an inadequate nest buffer. Therefore, the Proposed Project would not result in take of ringtails or fully protected birds.

Response to Comment A6-07

Section 3.4.3 of the Draft EIR acknowledges federal and State protections for migratory and nesting birds and their nests. Impacts to migratory birds, nesting birds, and nests are included under Impact 3.4-1 of Section 3.4.4 of the Draft EIR. Mitigation Measures 3.4-7 and 3.4-8, address impacts to special-status birds and would prevent take of fully protected birds. Per Mitigation Measure 3.4-8, CDFW would be consulted

in instances where active raptor nests are identified during nesting bird surveys in order to ensure that avoidance measures are sufficient to prevent take. As suggested by the commenter, Mitigation Measure 3.4-8 has been revised to clarify that a nest may only be determined inactive if the qualified biologist determines that the nest has failed or that chicks have fledged, are feeding independently, and are no longer dependent on the nest.

Response to Comment A6-08

The commenter expresses concerns over proposed allowable fencing on the Guenoc Valley Site. Project Design Guidelines have been updated to include fencing design restrictions within the Guenoc Valley Zoning District (**Revised Appendix DG**). The Design Guidelines, as a component of the Guenoc Valley Zoning District, restrict allowable development within the Guenoc Valley Site. As a component of Mitigation Measure 3.4-19, and as an element of the zoning regulations, components of Design Guidelines are required to be adhered to for Phase 1 and Future Phases of development.

Updates to the Design Guidelines include further restrictions and clarifications on allowable fencing within residential parcels. Guiding standards for fencing outside of residential parcels is largely unchanged from the Design Guidelines presented as Appendix DG of the Draft EIR. In addition to restrictive measures presented in Mitigation Measure 3.4-19 of the Draft EIR, the following additional restrictions have been included in the Design Guidelines related to residential parcels and are considered a component of the Proposed Project:

“Fencing design and materials shall generally be visually permeable and preserve views from roadways, pathways, commercial buildings, and nearby residential parcels. Examples of appropriate materials include various farm and wildlife friendly fencing systems, including wooden post & rail fencing and wooden or metal post & appropriately spaced wire fencing to facilitate safe wildlife passage. Residential fencing shall follow wildlife friendly fencing guidelines to increase site permeability and reduce resistance for wildlife movement and minimize features that are dangerous to animals. Examples are excessive height, lower rails or wire that is too low or too closely spaced, poorly maintained fences with loose wires, designs that are difficult for animals to see or that create a complete barrier.”

Additionally, habitat corridors, identified by a previous study, have been mapped on the Guenoc Valley Site (Gray, 2018). Where residential parcels overlap with these areas, a Habitat Corridor Easement has been offered within the parcels to further restrict development in these areas. Fencing within these areas is largely discouraged and limited to minimal use of wildlife-permeable fencing. Wildlife permeable fencing allows for wildlife movement by placement of wire and rails such that lower rails are not so low as to preclude movement of species reliant upon crossing under low rails. Similarly, top rails must be low enough to allow for species to jump over the fencing. Guidelines for developing wildlife friendly fencing has been tailored to *A Landowner's Guide to Wildlife Friendly Fences: How to Build Fence with Wildlife in Mind* (MFWP, 2012).

As stated within Section 3.4.4 of the Draft EIR, “Based on Appendix G of the CEQA Guidelines, an impact to biological resources is considered significant if implementation of the Proposed Project would:

- Have a substantial adverse effect, either directly through habitat modifications or indirectly, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or U.S. Fish & Wildlife Service (USFWS);
- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by CDFW or USFWS;
- Have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological modification, or other means;
 - Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites;
 - Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
 - Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan.”

The commenter additionally states concerns over the potential for the Proposed Project to result in feeding and watering of deer and increased conflict between humans and bears. While feeding and watering of deer may contribute to herd density and may have a negative correlation with herd health, this would not exceed a threshold of significance as defined by CEQA. Deer on the Guenoc Valley Site are not considered special-status and this relationship would not exceed any of the above thresholds. Similarly, while development of residences within bear habitat may lead to increased interactions between humans and bears, analysis of this relationship is outside of the scope of CEQA. Bears on the Guenoc Valley Site are not considered special-status and this relationship would not exceed any of the above thresholds.

The commenter recommends encouraging residents to keep domestic cats indoors. In response to concerns over domestic cat predation on birds, which may include special-status birds, **Mitigation Measure 3.4-21** has been included in the Final EIR. It is acknowledged that domestic cats have the potential to prey on nesting or other special-status birds. Therefore, **Mitigation Measure 3.4-21**, as included in the Final EIR, has been added as follows:

“The Home Owner’s Association shall distribute to new residents informational resources on domestic cat predation on wildlife and methods to prevent such predation. These recommendations may include, but are not limited to:

- Encouraging cat owners to keep cats indoor as possible;
- Encouraging all residents to remove domestic cat attractants such as outdoor food bowls and uncovered trash;
- Affixing bells to collars;
- Having cats spayed or neutered to prevent establishment of feral colonies; and
- Ensuring backyard bird feeders are not accessible to cats.”

Response to Comment A6-09

Mitigation Measure 3.4-2 has been revised per **Comment A6-9** to require reporting to the California Natural Diversity Database for observations of special-status species during pre-construction surveys or throughout construction.

Response to Comment A6-10

Comment noted. Upon completion of the Notice of Determination, the Lead Agency will provide payment of filing fees as consistent with California Fish and Game Code § 713.

Response to Comment A6-11

Comment noted. As requested, CDFW will be notified of proposed actions and decisions regarding the Proposed Project.

A7 – REX JACKMAN, CALTRANS DISTRICT 1 BRANCH CHIEF– CALTRANS DISTRICT 1

Response to Comment A7-01

Comment noted. A Traffic Impact Analysis was completed on February 7, 2020 by Abrams Associates Traffic Engineering, Inc. The study examined nearby roads, State routes and intersections, bike and pedestrian paths, emergency access, in addition to vehicle miles traveled. Please refer to Appendix TIA of the Draft EIR.

Response to Comment A7-02

Comment noted. Please see **Volume II, Final EIR, Section 2.0 Project Description** for revisions to the Project Description.

Response to Comment A7-03

This comment is consistent with the analysis presented in the Draft EIR. The Traffic Impact Analysis prepared for the Proposed Project (found in Appendix TIA of the Draft EIR) determined that the Proposed Project would generate significant transportation impacts that will require various mitigation measures to address such impacts. Mitigation measures associated with transportation and traffic impacts from the Proposed Project can be found in Section 3.13.5 of the Draft EIR.

Response to Comment A7-04

Comment noted. The commenter concurs with the recommendation of Mitigation Measure 3.13-1 for the implementation of improvements at the intersection of SR-29 and Butts Canyon Road.

Response to Comment A7-05

Comment noted. The commenter concurs with the recommendation of Mitigation Measure 3.13-2 for fair share payment towards intersection improvements at SR-29 and Hartmann Road, SR-29 and Spruce Grove

Road South, and SR-29 and Hidden Valley Road. As noted in Mitigation Measure 3.13-2, any agreement for payment of fair share fees between the Developer and the California Department of Transportation (Caltrans) shall give Caltrans full discretion for the timing and implementation of improvements.

Response to Comment A7-06

Comment noted. The commenter concurs with the recommendation of Mitigation Measure 3.13-3 for the additional traffic impact analyses to be completed prior to approval of future phases. As noted in Mitigation Measure 3.13-3, improvement measures determined for future phases shall be implemented, in coordination with applicable jurisdictional agencies, to reduce transportation and traffic impacts from future phases.

Response to Comment A7-07

Comment noted. The commenter concurs with the recommendation of Mitigation Measure 3.13-4 for the implementation of a Transportation Demand Management (TDM) Program for the Proposed Project. The draft TDM Program has been provided as a new appendix in the Final EIR. Please refer to the **Final EIR, Volume III, Appendix TDM**. As required by Mitigation Measure 3.13-4, the draft TDM Program contains several strategies related to non-vehicle modes of transportation. These strategies include providing on-site bicycle parking and storage and off-road bicycle trails. Additionally, the TDM strategies would provide employees with informational brochures and training regarding bicycle routes and amenities.

Response to Comment A7-08

At the time of preparation of the Draft EIR, vehicle miles traveled (VMT) analysis under CEQA was not required as the newly adopted CEQA Guidelines gave jurisdictions until June 2020 to analyze VMT. Nonetheless, impacts to VMT from the Proposed Project were fully analyzed and included in Section 3.13.4 of the Draft EIR. Pages 3.13-27 and 3.13-28 of the Draft EIR present the analysis and findings of VMT and specifically address project impacts relative to the recommended California Office of Planning and Research (OPR) thresholds of significance for VMT.

As discussed in the Draft EIR, the Proposed Project would not meet the recommended OPR threshold of a 15 percent reduction in per capita VMT over existing conditions. Although the Proposed Project includes a variety of measures to reduce VMT, included in the TDM Plan (Mitigation Measure 3.13-4), it is not feasible for the Proposed Project to meet the OPR thresholds of significance for VMT due to the remote nature and setting of the Proposed Project. Accordingly, impacts from VMT are correctly identified in the Draft EIR as significant and unavoidable.

Response to Comment A7-09

The commenter concurs with the implementation of employee shuttles and carpool programs included in the proposed TDM Program as effective VMT mitigation. As identified in Table 3.13-4 of the Draft EIR, employee trips from the Middletown Housing Site were reduced by 40 percent to account for the free employee shuttle required by Mitigation Measure 3.13-4. Therefore, the level of service analysis and

associated mitigation recommendations is already reflective of the reduction in trips resulting from the use of employee shuttles and carpool programs.

Response to Comment A7-10

The estimated number of trips generated by the Proposed Project, including trips from employees and resort guests, is presented in Table 3.13-4 of the Draft EIR. Trip generation calculations for the future phases of the Proposed Project are shown in Table 3.13-5 of the Draft EIR. As described in Section 3.13.4 of the Draft EIR, methods to reliably estimate project-specific VMT do not exist, therefore VMT estimates typically depend on area wide travel demand models.

The commenter is correct in that the VMT analysis found in the Draft EIR used the Metropolitan Transportation Commission (MTC) Travel Model to estimate VMT for the Proposed Project. The MTC Travel Model does not include VMT data for Lake County. However, the Transportation Analysis Zone (TAZ) used to estimate project VMT is located approximately four miles southeast of the project site in rural Napa County. Given the proximity and similar geographic setting, it is reasonable to assume that the residents of the project site would exhibit similar travel behavior as the residents in the TAZ closest to the project site. Therefore, TAZ 1312 was determined to be an appropriate estimate of project VMT.

The California Statewide Travel Demand Model (CSTDm) is maintained by the Caltrans Demand Modeling and Simulation Branch in the Division of Transportation Planning. This branch of Caltrans works closely with regional agencies such as MTC on VMT modeling and it is understood that the MTC model is a more accurate, further refined, Bay Area specific model that actually incorporates data from the CSTDm, and therefore would most likely provide more accurate VMT forecasts for the project region.

Response to Comment A7-11

Given the remote nature of the Guenoc Valley Site and the robust shuttle service required by Mitigation Measure 3.13-4, the assumption of 40 percent of patrons arriving via private auto is reasonable and appropriate.

As part of the required TDM Program, the Applicant will provide regular private shuttle service to and from both San Francisco and Sacramento international airports. Mitigation Measure 3.13-4 has been revised in the Final EIR to include monitoring and reporting requirements which require the Applicant to actively monitor use of the shuttle service and provide adequate shuttle headways to accommodate all employees and guests who wish to use the shuttle services. The Proposed Project sponsor shall monitor daily one-way vehicle trips for the project site, and shall compare these vehicle trips to the aggregate daily one-way vehicle trips anticipated based on the trip generation rates contained within the Draft EIR. If it is determined that the shuttle service is not achieving the reduction goal, the Applicant shall adjust the TDM Program, in consultation with County staff, to ensure adequate trip and VMT reductions are implemented.

Additionally, Mitigation Measure 3.13-4 and the TDM Program provided in **Appendix TDM** specifies that the Applicant will implement the use of an electric fleet of vehicles (excluding ranch vehicles for on-going agricultural and grazing activities) for internal transport to the extent feasible (no less than 75 percent), including the golf course. This fleet will be available on-demand for guests to access all land uses on the

site without the need for a personal vehicle (e.g., a guest could call a car from the concierge to take them from their hotel to a restaurant or spa). This measure is intended to encourage use of the resort shuttles and to reduce the need for personal vehicles. The management will be required to monitor electric vehicle use and provide an adequate fleet size to meet or exceed potential demand.

Response to Comment A7-12

The commenter encourages the use of transit passes for employee travel to and from Middletown and around Lake County. As shown in Mitigation Measure 3.13-4 and Appendix TDM, the building management shall offer direct on-site sales of transit passes purchased and sold at a bulk group rate.

Response to Comment A7-13

The quantification of potential reductions in trip generation from the TDM mitigation measures listed in Mitigation Measure 3.13-4 are presented in Table 1. The estimated trip reductions associated with the TDM strategies are based on research compiled in a document entitled Quantifying Greenhouse Gas Mitigation Measures (California Air Pollution Control Officers Association [CAPCOA], August 2010). This report is a resource for local agencies to quantify the benefit, in terms of reduced travel demand, of implementing various TDM strategies. The effectiveness of some of the recommended strategies (i.e., TDM coordinator and on-site sales of transit passes) cannot be quantified based on available data so no reductions were applied to the trip generation to account for these factors. It is estimated that with the implementation of the strategies described in Mitigation Measure 3.13-4, the vehicle trip generation from the Proposed Project would be reduced by about 15 percent. However, as described in Impact 3.13-5 of the Draft EIR, it is not feasible for the Proposed Project to meet the OPR thresholds of significance for VMT due to the remote nature and setting of the Proposed Project. Accordingly, impacts from VMT are correctly identified in the Draft EIR as significant and unavoidable.

Additionally, it should be noted that the CAPCOA trip reduction methodology, which focuses on greenhouse gas (GHG) reductions, differs from standard ITE trip reduction assumptions. The CAPCOA trip reduction methodology for private shuttle service is based only on the implementation of employee shuttle service, and do not account for shuttles serving a residential project. Therefore, the trip reductions presented below are not representative of the trip reductions used in the traffic analysis for the Proposed Project.

Table 1
Proposed TDM Program Components and Estimated Trip Reductions

TDM Strategy	Responsible Party	Estimated Trip Reduction ¹
Workforce Housing	Management	1%
Limit Parking Supply	Management	2%
Private Shuttle Service	Management	5%
Carpool Program and Preferential Parking	Management	2%
Designate Spaces for Car Share Services	Management	1%
On-Site Sales of Transit Passes	Management	Unknown
TDM Coordinator	Management	Unknown
TDM Marketing and Education	Management	4%
Total Reduction in Trip Generation		15%
Note: ¹ Based on research compiled in the document <i>Quantifying Greenhouse Gas Mitigation Measures</i> (California Air Pollution Control Officers Association, August 2010).		

Response to Comment A7-14

While it is possible that the Lake Transit Authority could consider adding a stop on Butts Canyon Road in the future to serve project employees, there is no known funding available at this time for such an improvement. Therefore, Mitigation Measure 3.13-4 requires that the Applicant implement private shuttle service between the project site and off-site work force housing, with a stop at the Lake Transit bus transfer point in Middletown. Implementation of this measure would reduce VMT and acclimated GHG emissions from the Proposed Project and would be consistent with smart mobility principles by promoting connectivity and mobility in rural and tourist-oriented areas.

As discussed above, Mitigation Measure 3.13-4 includes a variety of measure to promote non-vehicle modes of transportation, including on-site bicycle parking and storage and off-road bicycle trails. The **Final EIR, Volume II, Section 3.13.5** has been revised to include **Mitigation Measure 3.13-5**, which requires the Applicant enter into an agreement with Lake City/County Area Planning Council to pay a fair share towards pedestrian and bicycle improvement projects in Lake County and Middletown.

Response to Comment A7-15

As stated in footnote 3 of Table 3.13-4, included in the Draft EIR, Section 3.13, "The ITE trip generation rates are based on surveys of hotels that were reported to have an average occupancy rate of 88%. Based on data from the analytics firm STR, in Napa County the average hotel occupancy rate in 2017 was 71%. For this analysis it was assumed there would be similar occupancy levels for the Proposed Project. Therefore, based on the forecast occupancy rates a 19% reduction was applied to the ITE trip generation results." Additional data from 2018 shows there was a significant rebound in the hotel market, as per data included in an article from the Napa Valley Register entitled "*Napa hotel room revenue tops \$426.8 million*"

in 2018 - a record" (Napa Valley Register, 2019). This data from 2018 indicates the room rates rose, and the occupancy levels remained constant at 71%.

Given the unique characteristics of the Proposed Project as a resort destination and the similar setting to Napa County, it was determined that Napa County occupancy rates would be more appropriate for the Proposed Project than standard ITE rates. This is because the hotels used to develop the ITE rate were located in urban and suburban areas, and are therefore not representative of the Proposed Project, located in a rural/destination area. It should also be noted that the national average hotel occupancy is 66 percent, which is a far lower occupancy rate lower than ITE occupancy rate of 88 percent (Marcus & Millichap Research Services, 2019). Accordingly, it was determined that that use of the Napa County occupancy rate of 71 percent was appropriate for the Proposed Project.

While the difference between *occupancy* rates from hotels in Napa County and those used by ITE is 17 percent, a 19 percent reduction in the ITE *trip generation* rate would be representative of a hotel with an occupancy rate 71 percent, equivalent to that of Napa County. Therefore, the use of a 19 percent trip reduction to account for forecast occupancy rate of the Proposed Project is appropriate.

Response to Comment A7-16

Comment noted. Proposed traffic mitigation measures on State transportation facilities associated with the Proposed Project will be subject to applicable permits, approval, and oversight by Caltrans and the California Transportation Commission (CTC). This is consistent with the required permits and approvals described in Section 2.7 of the Draft EIR.

Response to Comment A7-17

Comment noted. Proposed traffic mitigation measures on State transportation facilities associated with the Proposed Project will be subject to applicable permits, approval, and oversight by Caltrans and the CTC. This is consistent with the required permits and approvals described in Section 2.7 of the Draft EIR.

Response to Comment A7-18

Comment noted. Proposed traffic mitigation measures on State transportation facilities associated with the Proposed Project will be subject to applicable permits, approval, and oversight by Caltrans and the CTC. This is consistent with the required permits and approvals described in Section 2.7 of the Draft EIR.

Response to Comment A7-19

Comment noted. Proposed traffic mitigation measures on state transportation facilities associated with the Proposed Project will be subject to applicable permits, approval, and oversight by Caltrans and the CTC. This is consistent with the required permits and approvals described in Section 2.7 of the Draft EIR.

Response to Comment A7-20

Comments noted. Proposed traffic mitigation measures on State transportation facilities associated with the Proposed Project will be subject to Caltrans environmental review procedures.

The commenter expresses the opinion that the cultural review provided in the Draft EIR is thorough. Section 3.13.3 of the Draft EIR acknowledges that permitting for roadway improvements would be required. Terms and conditions of these permits, including those related to additional cultural review, would be adhered to.

Response to Comment A7-21

Comments noted. Proposed traffic mitigation measures on State transportation facilities associated with the Proposed Project will be subject to Caltrans environmental review procedures.

The commenter expresses the opinion that the biological review provided in the Draft EIR is thorough. The commenter provides information on historical observations of plants along several roadways and notes that additional biological review will be required for work within these areas. As noted in Mitigation Measure 3.4-3 as presented within Section 3.4.5 of the Draft EIR, pre-construction biological surveys would occur within impact areas prior to ground disturbance to identify impacts to special-status plants. Section 3.13.3 of the Draft EIR acknowledges that permitting for roadway improvements would be required. Terms and conditions of these permits, including those related to additional biological review, would be adhered to.

Response to Comment A7-22

Comments noted. Proposed traffic mitigation measures on State transportation facilities associated with the Proposed Project will be subject to applicable permits, approval, and oversight by Caltrans, including applicable requirements related to hydrology and drainage. The proposed off-site well and associated pipeline would not involve construction activities within Caltrans right-of-way, nor would these facilities alter existing site elevations; therefore, drainage patterns within Caltrans ROW would not be affected by the proposed off-site well and pipeline.

Response to Comment A7-23

As shown in Section 3.13.4 of the Draft EIR, the intersections of SR-29 at Tubbs Lane and SR-128 at Tubbs Lane would only be impacted during the future phases of the Proposed Project. Mitigation Measure 3.13-3 of the Draft EIR requires an updated traffic impact analysis be prepared prior to approval of future phases of the Proposed Project. Additionally, all improvement measures identified for future phases shall be coordinated with applicable jurisdictional agencies as appropriate, including Lake County, Napa County, City of Calistoga, and Caltrans. Any improvement measures identified for future phases on State transportation facilities will be subject to applicable permits, approval, and oversight by Caltrans.

All traffic counts used in the traffic analysis for the Proposed Project, including traffic counts for Intersection 20 and 21, can be found in the Transportation Impact Analysis Technical Appendix located in **Appendix TIA** of the Draft EIR.

Response to Comment A7-24

Comments noted. Proposed traffic mitigation measures on State transportation facilities associated with the Proposed Project will be subject to applicable permits, approval, and oversight by Caltrans, including Caltrans environmental review procedures.

The commenter provides information on historical observations of plants along several roadways and notes that additional biological review will be required for work within these areas. Section 3.13.3 of the Draft EIR acknowledges that permitting for roadway improvements would be required. Terms and conditions of these permits, including those related to additional biological review, would be adhered to.

Response to Comment A7-25

The trip generation for the Proposed Project (shown in **Table 3.13-5**) represents full buildout of the Guenoc Valley Site according to the proposed Guenoc Valley District (GVD) zoning regulations. As indicated by Mitigation 3.13-3, an updated traffic impact analysis shall be completed prior to approval of future Proposed Project phases to determine if future phases, including development of single-family residences with accessory dwelling units, would conflict with adopted circulation plans and policies. Additionally, improvement measures determined for development of future phases shall be coordinated with applicable jurisdictional agencies as appropriate, including Lake County, Napa County and Caltrans.

Response to Comment A7-26

Mitigation Measure 3.13-4 includes a requirement to provide adequate, safe, convenient, and secure on-site bicycle parking and storage throughout the project site. According to Appendix GVD, bicycle parking shall be provided at a minimum rate of one space per 15 vehicle parking spaces. This correlates to a minimum requirement of 50 bicycle parking spaces for Phase 1 of the Proposed Project. Additionally, Mitigation Measure 4.13-4 specifies that the management shall monitor and provide adequate bicycle parking spaces to meet or exceed potential demand. Therefore, if additional bicycle parking is determined to be necessary, the TDM plan found in **Appendix TDM** will be adjusted to require that adequate bicycle parking is provided.

Response to Comment A7-27

According to Mitigation Measure 3.13-4 of the Draft EIR, the Applicant will implement the use of an electric fleet of resort vehicles (excluding trucks and other ranch vehicles) for internal transport to the extent feasible (no less than 75 percent), including the golf course. This fleet will be available on-demand for guests to access all land uses on the site without the need for a personal vehicle (e.g., a guest could call a car from the concierge to take them from their hotel to a restaurant or spa). This measure will help to reduce overall VMT and vehicle trips. The management shall monitor and provide an adequate fleet size to meet or exceed potential demand. Additional information regarding trip reduction measures can be found in **Appendix TDM** of the Final EIR.

Response to Comment A7-28

Refer to **Response to Comment A7-27**. As described in Section 5.6.3 of the Draft EIR, Alternative C would generate the same number of trips as the Proposed Project due to the same number of residential units.

While Alternative C would result in a more compact development footprint than the Proposed Project, it is expected that Alternative C would result in similar internal VMT as the Proposed Project due to implementation of the electric fleet, as described in Mitigation Measure 3.13-4.

Response to Comment A7-29

Refer to **Response to Comment A2-01**. **Appendix AVIATION** includes supplemental information regarding the anticipated number of air travel operations, timing, and location of landing areas.

A8 – SALLY PETERSON, TRIBAL COUNCIL VICE-CHAIRWOMAN– MIDDLETOWN RANCHERIA OF POMO INDIANS OF CA

Response to Comment A8-01

Comment noted. County staff responded to the request to extend the comment period for the Draft EIR in an email to the Middletown Rancheria of Pomo Indians (Tribe or Commenter) on May 24, 2020 stating that because the comment period for the Draft EIR had been previously extended, further extensions would not be granted; however, the County will continue government to government consultation with the Tribe in accordance with Assembly Bill (AB) 52.

Response to Comment A8-02

Comment noted. Please see responses to specific concerns raised in **Comments A8-4** through **A8-14** below. These responses take into consideration not only the information submitted by the Tribe in its letter, but also information and clarifications provided by the Tribe during a follow up meeting held between representatives of the County and Tribe in accordance with AB 52.

Response to Comment A8-03

Comment noted. See **Response to Comment A8-01** regarding extension of the comment period.

Response to Comment A8-04

Impacts to cultural resources, including tribal cultural resources were addressed in Impact 3.5-4 of the Draft EIR, and mitigation measures to avoid or minimize effects to these resources were provided in Section 3.5.5 of the Draft EIR. Section 3.5.3 of the Draft EIR provides a definition of Traditional Cultural Resources (TCR) under California Public Resources Code (PRC) 21074 and describes the four criteria for eligibility to the National Register of Historic Places (NRHP) and California Register of Historical Resources (CRHR).

It is understood that traditional and archaeological values are not the same; the Draft EIR was prepared with the information available at the time and therefore focused on the archaeology of the area. Traditional cultural values are assessed differently from archaeological values, therefore the EIR attempts to reconcile both the requirements for identification and treatment of TCRs/Traditional Cultural Properties (TCP) and the requirements for assessment and treatment of archaeological resources under applicable regulations, including the National Historic Preservation Act, AB 52, and the California PRC. This is particularly addressed in the mitigation measures, which focus on developing and implementing avoidance, minimization, monitoring, and treatment measures developed through the consultation process, or adapting

burial and unanticipated discoveries plans that have already received Tribal approval. It is presumed that the Tribe does not wish to identify specific TCRs that are outside the Proposed Project footprint, but that Tribal review of project plans and maps have resulted in any design changes the Tribe feels necessary to avoid undisclosed resources.

Presumption of CRHR eligibility of resources can occur to the extent that a resource can be completely avoided; however, if a resource cannot be avoided, then CEQA Guidelines Section 15064.5(c) requires that the site's CRHR eligibility be determined, either through archaeological or other means:

"When a project will impact an archaeological site, a lead agency shall first determine whether the site is an historical resource, as defined in [CEQA Guidelines Section 15064.5] subdivision (a)." CEQA Guidelines Section 15064.5(c)

Paragraph 1 of Draft EIR Mitigation Measure 3.5-1 specifically requires avoidance of all known resources, suggesting several site-specific avoidance strategies and calling for a 50-foot buffer around the perimeter of each known resource. Mitigation Measure 3.5-1 also requires that shapefiles of known resources be transmitted to the Applicant and included in the final contract with the construction contractor to ensure that cultural resource locations are identified, fenced off, and avoided; fence installation is to proceed with a qualified archaeologist and tribal monitor in attendance, who shall determine the established buffer for the location in allowance for localized conditions. The mitigation goes on to require monitoring when construction must encroach within the buffer zone. Mitigation Measure 3.5-2 requires that a Tribal Cultural Advisor be retained and that an Unanticipated Discoveries Plan be developed in consultation with the Tribe, or adopted from an existing agreement, and requires the presence of a team of archaeologists and Tribal monitors during construction; these measures are intended to add protections and ensure that minimization and avoidance measures are carried through the construction process.

The Commenter requests that the Tribe be provided advance notice and opportunity to meet with the County and Project Applicant prior to initiation of any archaeological investigations. Compliance with this request will be automatic and continuous throughout the process of developing or adopting extant Treatment, Unanticipated Discovery, or Burial plans, as well as through the presence of Tribal monitors onsite during construction and the continuation of AB 52 consultation in accordance with Mitigation Measures 3.5-2 and 3.5-3.

Response to Comment A8-05

Comment noted. The County understands the Tribe's goals of minimization and avoidance of impacts to TCRs/TCPs, and avoiding the need for data recovery. However, that may not always be feasible, particularly if a site is encountered during construction and impacts cannot be minimized or avoided. Draft EIR Mitigation Measure 3.5-2 requires that in the event of discovery of a resource during construction, construction will halt in the vicinity, the Tribe will be notified immediately, and the procedures of the Unanticipated Discovery Plan will apply, which will be developed in consultation with the Tribe.

As stated under **Response to Comment A8-04**, CEQA Guidelines Section 15064.5(c) requires that the archaeological significance of a resource be determined under PRC 5024.1 if it is going to be impacted by a project.

Section 3.5.4 of the Draft EIR defined the thresholds of significance to cultural resources consistent with CEQA Guidelines Appendix G. As stated therein, a “significant” impact to cultural resources would occur if the project would cause a substantial adverse change in the significance a tribal cultural resource pursuant to Sections 21080.3.1 and 21080.3.2, or would cause a substantial adverse change in the significance of a historical or archaeological resource as defined in Section 15064.5. CEQA Guidelines Section 15064.5 states that “historical resources” include, but are not limited to, those resources eligible for listing on the CRHR. Therefore, if a resource is eligible to the CRHR under PRC 5024.1, and the data potential will be impacted by project activities, then this would be considered a significant impact that must be mitigated. CEQA Guidelines Section 15126.4(b)(3)(C) provides a protocol for situations where data recovery through excavation may be the only feasible mitigation of impacts:

“Public agencies should, whenever feasible, seek to avoid damaging effects on any historical resource of an archaeological nature. The following factors shall be considered and discussed in an EIR for a project involving such an archaeological site...When data recovery through excavation is the only feasible mitigation, a data recovery plan, which makes provision for adequately recovering the scientifically consequential information from and about the historical resource, shall be prepared and adopted prior to any excavation being undertaken. Such studies shall be deposited with the California Historical Resources Regional Information Center”.

The specifics of how that is achieved (e.g., methods of analysis that are non-destructive, or minimally destructive) would be developed in consultation with the Tribe during the development of the Unanticipated Discoveries Plan as required by the Draft EIR Mitigation Measure 3.5-2. In response to Tribe’s comments, Mitigation Measure 3.5-2 has been further revised to require that preservation in place is the preferred manner of mitigating impacts to archaeological sites when feasible; if avoidance is not feasible, then treatment plans will prioritize mitigation strategies that avoid the need for data recovery when feasible according to applicable requirements. Refer to the **Final EIR, Volume II, Section 3.5.5, Mitigation Measure 3.5-2**.

Response to Comment A8-06

The commenters suggested revisions to the discussion of potential impacts to archaeological resources have been incorporated to the extent appropriate into the **Final EIR, Volume II, Section 3.5.4, Impact 3.5-2**. See **Response to Comment A8-04** regarding procedures related to data recovery. Should data recovery be the only means of acceptable mitigation under CEQA, then the consent of the Tribe need not be obtained prior to data recovery, it being understood that all other means of acceptable mitigation would have already been considered with the Tribe.. Furthermore, the Final EIR acknowledges that data recovery will be avoided to the extent feasible, and that any necessary data recovery would occur prior to construction and only in consultation with the Tribe.

Response to Comment A8-07

The commenters suggested revisions to the discussion of potential impacts to human remains have been incorporated into the **Final EIR, Volume II, Section 3.5.4, Impact 3.5-3**. Specifically, it has been acknowledged that impacts to human remains would also be reduced through the implementation of Mitigation Measure 3.5-2, which requires development of Burial Treatment and Unanticipated Discoveries plans in consultation with the Tribe, and Mitigation Measure 3.5-3, which requires coordination and consultation with the Tribe for future archaeological surveys.

Response to Comment A8-08

A discussion of the Section 106 of the National Historic Preservation Act (Section 106) protections for TCPs has been added to the **Final EIR, Volume II, Section 3.5.3, Regulatory Context**, and **Section 3.5.4, Impact 3.5-4**. Additionally, **Impact 3.5-4** has been revised as suggested in this comment to clarify that Mitigation Measure 3.5-1 provides for minimization of impacts to TCRs.

Response to Comment A8-09

The commenter's suggested revisions to the discussion of potential cumulative impacts to cultural resources have been incorporated into the **Final EIR, Volume II, Section 3.5.4, Impact 3.5-5**.

Response to Comment A8-10

The term "Project Proponent" has been changed to "Applicant" throughout the Final EIR, Volume II.

Draft EIR Section 3.5.3 – Regulatory Context, includes sections addressing TCPs and TCRs which both make clear that these resources may not be visible to the eyes of the investigator and are instead based in Tribal tradition, knowledge, or customs and must be identified by cultural practitioners. To help address this issue and ensure impacts to TCPs and TCRs are avoided or minimized, Mitigation Measures 3.5-1, 3.5-2, and 3.5-3 require ongoing Tribal consultation and participation in cultural resource monitoring, devising minimization measures, developing the Unanticipated, Treatment, and Burial plans and Future Phase investigations.

Response to Comment A8-11

As requested in the comment, "tribal monitor" has been added to the requirement for an archaeological monitor at the end of the first paragraph of Mitigation Measure 3.5-1 and at the beginning of the paragraph specifically addressing Site P-17-425. Refer to the **Final EIR, Volume II, Section 3.5.5, Mitigation Measure 3.5-1**.

The Commenter's suggestion that avoidance should be the first priority for known resources is already a requirement of Mitigation Measure 3.5-1.

The Commenters specific suggestions regarding procedures in the event of discovery of resources during construction, including reburial, transfer of resources, laboratory studies, and recordation methods, have been incorporated into Mitigation Measures 3.5-2 and 3.5-3 as appropriate, with some adjustments to

account for CEQA requirements related to assessment of eligibility (CEQA Guidelines Section 15064.5(c)) or mitigation for impacts to resources eligible to the CRHR (CEQA Guidelines Section 15126.4(b)(3)(C)). References to Mitigation Measures 3.5-2 and 3.5-3 have been added to Mitigation Measure 3.5-1 for clarity, and to avoid redundancy. Additionally, the requirement for reburial within 100 feet has been incorporated as “within 100 feet if practical,” given that specific conditions may prevent this. Refer to the **Final EIR, Volume II, Section 3.5.5, Mitigation Measures 3.5-2 and 3.5-3**.

Response to Comment A8-12

The Commenters specific suggestions have been incorporated into Mitigation Measure 3.5-2 as appropriate, with some adjustments to account for CEQA requirements related to assessment of eligibility (CEQA Guidelines Section 15064.5(c)) or mitigation for impacts to resources eligible to the CRHR (CEQA Guidelines Section 15126.4(b)(3)(C)) (see **Response to Comment A8-05**). Additionally, some suggested changes have been omitted to avoid redundancy. Refer to the **Final EIR, Volume II, Section 3.5.5, Mitigation Measure 3.5-2**. The County understands that the Tribe will present a Burial Treatment Plan that has already received Tribal approval, for consideration and incorporation into the construction monitoring and response processes or through a Cultural Resources Monitoring Agreement with the Applicant.

Response to Comment A8-13

The Commenters specific suggestions have been incorporated into Mitigation Measure 3.5-3 as appropriate. It should be noted that this mitigation measure only requires testing and evaluation of NRHP/CRHR eligibility if the resource cannot be avoided (in other words, if the resource will be impacted to a certain degree). Refer to **Response to Comment A8-04** regarding presuming eligibility of resources; as noted therein, this approach can only be applied if impacts to the resource can be avoided. Therefore, Mitigation Measure 3.5-3 prioritizes the avoidance of known resources, as the most effective way to reduce the potential need for Phase II evaluation or data recovery. Refer to the **Final EIR, Volume II, Section 3.5.5, Mitigation Measure 3.5-3**.

Response to Comment A8-14

Comment noted. Please refer to **Responses to Comments A8-1 through A8-13** above.

A9 – JOHN McDOWELL– NAPA COUNTY PLANNING, BUILDING AND ENVIRONMENTAL SERVICES DEPARTMENT

Response to Comment A9-01

Comment noted. The Final EIR has been revised to clarify that recreational uses would not take place within the Napa County portion of Upper Bohn Lake. Please refer to the **Final EIR, Volume II, Section 2.5.2.1, Water Features and Lagoons**. Additionally, the Final EIR, Volume III, includes a new **Appendix BOHN - Maha Farm Upper Bohn Lake Recreation Operation Plan**. As shown therein, recreational landings will be limited to Lake County and clearly marked, and signage will be posted to reinforce that recreational landings and recreational activities are prohibited along the Napa County shoreline of the lake.

Implementation of Maha Farm Upper Bohn Lake Recreation Operation Plan will be incorporated as a condition of project approval.

Response to Comment A9-02

As described in Section 2.5.2.6 of the Draft EIR, the Proposed Project is designed according to the Bay Area Stormwater Management Agencies Association (BASMAA) guidelines, which have been adopted by Napa County and other neighboring counties and comply with State and federal NPDES requirements. Per the BASMAA guidelines, stormwater drainage areas would be routed through self-retaining areas, bioretention areas, or self-treating areas so there would be no net increase of stormwater leaving the site for the 2-year, 24-hour storm. The 2-year, 24-hour storm is used as the design criteria to comply with the hydromodification standard identified for the region in the State's Phase II Small Municipal Separate Storm Sewer System (MS4) Program. Designing to the 10-, 50-, or 100-year storm events is not required by State or federal regulations which have been enacted to protect downstream water quality and to minimize flooding impacts. Furthermore, the selection of a specific storm as the design criteria does not eliminate the ability to address changes in storm frequency and intensity due to climate change. Prior to development, Lake County would review grading and drainage plans for each phase of development. Determination of the volume of precipitation associated with the 2-year, 24-hour storm event would be based on the climate data available at the time. Approval of grading and drainage plans would be subject to consistency with Phase II MS4 requirements and County development standards. The incorporation of Low Impact Development (LID) design (including use of self-retaining and bioretention areas) to retain 2-year 24-hour events storm would ensure that downstream water quality and flooding impacts would be less than significant.

Response to Comment A9-03

As shown in Section 3.13.4 of the Draft EIR, the intersections of SR-29 at Tubbs Lane and SR-128 at Tubbs Lane would only be impacted during the future phases of the Proposed Project. Mitigation Measure 3.13-3 of the Draft EIR requires an updated traffic impact analysis be prepared prior to approval of future phases of the Proposed Project. Additionally, all improvement measures identified for future phases shall be coordinated with applicable jurisdictional agencies as appropriate, including Lake County, Napa County and Caltrans.

3.2 RESPONSE TO ORGANIZATION COMMENTS

O1 – REDBUD AUDUBON SOCIETY - ROBERTA LYONS

Response to Comment O1-01

Comment noted. An electronic copy of the Draft EIR was e-mailed to the commenter to address this individual's internet access issues.

Response to Comment O1-02

Commenter's written comments were received at the March 12, 2020 public hearing. They were both submitted in person and read aloud. Please see Comment Letter O3 and Public Hearing PH3.

Response to Comment O1-03

Dark skies are mentioned throughout the Draft EIR. Please refer to the Draft EIR Section 2.5.2.1 (Lighting) for a discussion of dark sky measures incorporated into the Proposed Project, and Section 3.1.4, Impact 3.1-2 for a discussion of lighting impacts associated with the project and compliance with dark sky initiatives. Additionally, the Draft EIR, Section 3.4.4, Impacts 3.4-1 and 3.4-4 described the impacts of lighting to wildlife, and required the implementation of Mitigation Measure 3.4-7, which enforces the implementation of dark sky policies as a mitigation requirement.

Please refer to **Response to Comment O3-05** regarding habitat corridors. The subsequent comment provided by the commenter expands on the request for more information on habitat connectivity and wildlife movement. Please refer to the **Response to Comment O1-04** for a complete response to the preliminary concern raised in this comment that is further expressed in the following comment.

In regards to conservation design, as stated in the Design Guidelines located in Appendix DG of the Draft EIR, “[t]he vision for the GVD is grounded in high-quality design that exists in harmony with the natural environment of the diverse landscape of the Guenoc Valley and surrounding landscape. The concept of “listening to the land” dictated and resulted in the creation of an exclusive and innovative low-impact development connected to nature. The vision prioritizes the character of the site through landscaping, invisible infrastructure where feasible, and the design of individual architectural clusters that respond to the variety of the landscape visually and topographically.” Please refer to the Draft EIR Appendix DG for additional design guidelines pertaining to conservation design to be implemented by the Proposed Project.

Response to Comment O1-04

An analysis of wildlife movement and habitat connectivity was provided in the Draft EIR, Section 3.4.4, under Impact 3.4-4. The commenter requested additional analysis on the Proposed Project’s impacts to wildlife movement pathways identified in the Mayacamas to Berryessa Connectivity Network Study (M2B study; Gray, 2018). In response to this comment, an analysis was conducted, and it was determined that the Guenoc Valley Site is located within a focal corridor of the M2B study. A preliminary review of the M2B study was performed and presented within the analysis. Final development plans and Design Guidelines have provided sufficient information to ensure that wildlife corridors are preserved throughout the Guenoc Valley Site. Specifically, the analysis provides for the voluntary establishment of additional habitat corridors within the Guenoc Valley Site to connect movement pathways identified on the Guenoc Valley Site with offsite routes identified in the M2B study. This analysis was performed and is included as new **Appendix WILDLIFE**.

O2 – REDBUD AUDUBON SOCIETY - ROBERTA LYONS

Response to Comment O2-01

The Draft EIR, Section 1.0, Introduction, Sub-Section 1.8 Report Organization, provided an explanation of the report organization. Additionally, the Draft EIR Table of Contents provided an outline of the Draft EIR chapters and associated page numbers. Impact 3.1-2 relating to lighting and glare effects was discussed

in the Draft EIR Section 3.0 Environmental Analysis, Sub-Section 3.1, Aesthetics, Sub-Section 3.1.4, Impacts of the Draft EIR.

Response to Comment O2-02

All impacts and mitigation measures relating to biological resources were located in the Draft EIR, Section 3.4 Biological Resources, subsection 3.4.4 Impacts (pages 3.4-52 through 3.4-83), and subsection 3.4.5 Mitigation Measures (pages 3.4-84 through 3.4-96 of the Draft EIR). Specific mitigation measures relating to wildlife movement were identified as Mitigation Measure 3.4-19 Wildlife Movement – Fencing and Mitigation Measure 3.4-20 Wildlife Movement – Future Phases.

Response to Comment O2-03

The environmental consequences of the Proposed Project were described in the Draft EIR, Section 3.0, Environmental Analysis. This chapter discusses all impacts associated with the Proposed Project, including those impacts determined to be less than significant, and provides an explanation of how those findings were made.

O3 – REDBUD AUDUBON SOCIETY - ROBERTA LYONS

Response to Comment O3-01

Comment noted.

Response to Comment O3-02

The Draft EIR was prepared pursuant to the in compliance with the CEQA (PRC Section 21000-21178), and the CEQA Guidelines (California Code of Regulations [CCR], Title 14). As stated in Draft EIR, Section 1.1, an “EIR is an informational document that assesses potential environmental impacts of a proposed project, as well as identifies mitigation measures and alternatives to the proposed project that could reduce or avoid adverse environmental impacts.” As described in Section 1.2, and EIR is defined as “focusing primarily on the changes in the environment that would result from the development project” (CEQA Guidelines Section 15161). As further stated in Section 15161, a project-specific EIR “shall examine all phases of the project including planning, construction, and operation.” A project-specific analysis was prepared for Phase 1 of the Proposed Project because the proposed Specific Plan of Development for Phase 1 (Appendix SPOD of the Draft EIR) and associated studies and reports, contained information necessary to perform such an analysis.

These principles were applied to guide the design and siting criteria for the project alternatives. Relevant regulatory requirements and recommended mitigation measures were described in Section 5.0 of the Draft EIR.

Response to Comment O3-03

In addition to the scoping meetings held on May 15, 2019, public hearings will be held before the Planning Commission and the Board of Supervisors. At each of these meetings, input from the public will be heard

by the Commission or the Board.

In response to the commenter's request to view maps at the County offices, public documents were made available at the County offices as described on page 1-4 of the Draft EIR. All figures in the electronic files made available on the County's website were made such that zooming in on details on a computer or other electronic devices was possible and details were viewable by such methods.

Regarding the commenter's concerns regarding the importance of maintaining wildlife corridors, please refer to **Response to Comment A6-08** related to fencing of the project site and wildlife movement accommodations. More information is provided in this response.

An analysis of wildlife movement and habitat connectivity was provided in the Draft EIR, Section 3.4.4, under Impact 3.4-4. This analysis determined that the Guenoc Valley Site is located within a focal corridor identified in the Mayacamas to Berryessa Connectivity Network Study (M2B study). A preliminary review of the M2B study was performed and presented within the analysis. Since the issuance of the Draft EIR, a supplementary assessment of wildlife corridors, including those identified in the M2B study, has been conducted and is provided in the **Final EIR, Volume III, Appendix WILDLIFE**.

The Guenoc Valley Site was identified as having high levels of riparian permeability. The M2B Study additionally identified four least cost terrestrial pathways through the Guenoc Valley Site, as well as several other pathways that may provide additional wildlife movement opportunities. Two of these pathways cross areas near the edge of the Guenoc Valley Site and are not impacted by Phase 1. Two additional pathways bisect the majority of the Guenoc Valley Site and are the focus of the analysis. The M2B analysis is a regional scale study that did not account for certain existing barriers to transit, particularly for large mammals, as no formal on-the-ground assessment of proposed pathways were conducted on the Guenoc Valley Site for the M2B study. For example, the assessment provided in **Appendix WILDLIFE** accounts for impacts from vineyards not accounted for within the M2B study that fall within areas the M2B study identified as potential movement pathways.

The M2B study identified several least cost pathways that cross the Guenoc Valley Site. Least cost pathways are those that provide the most suitable dispersion routes for wildlife movement and is based on an understanding of a variety of factors including wildlife species present, site topography, habitat type and quality, and surrounding land uses. The majority of least cost pathways are protected by the Proposed Project, and significant portions of least cost pathways have been preserved within designated open space. In a few instances where a least cost pathway overlapped partially with proposed development, **Appendix WILDLIFE** provides methods of preventing impacts to wildlife movement. In most instances least cost pathways could be slightly modified to maintain the integrity of wildlife movement. In cases where project design allowed, a Habitat Connectivity Easement has been proposed as part of the project to preserve the least cost pathways and connect to offsite pathways. Habitat Connectivity Easements prohibit development within the easement area such that associated least cost pathways are primarily maintained with a 300-foot width. As a result of this analysis, approximately 400 acres of Habitat Connectivity Easements has been designated within the Guenoc Valley Site to ensure long-term protection of identified wildlife movement corridors; these Habitat Connectivity Easements and are shown in the **Final EIR, Volume II, Section 2.0 Figure 2-6**, as well as Figure 12 of **Appendix WILDLIFE**.

Assistance with wildlife movement and identification of pathway alternatives was performed by WRA, a biological team that performed the biological surveys on the Guenoc Valley Site. Overall, it was determined

that the least cost pathways identified in the M2B study will remain protected, and that the Proposed Project will protect certain areas that otherwise could have been developed or vineyard and thus created barriers to wildlife passage. This modification would not constitute a significant impact under CEQA because it would not restrict gene flow at level considered significant by CEQA, nor would it prevent wildlife from accessing a core habitat type (**Final EIR, Volume III, Appendix WILDLIFE**).

Response to Comment O3-04

The Design Guidelines, provided in Appendix DG of the Draft EIR, require that the Proposed Project incorporate site-wide lighting design practices, including but not limited to, the use of shielded or hooded lighting fixtures and LED lightbulbs, the adoption of mindful placement practices, implementation of motion activated lighting at night, and the use of energy efficient outdoor lighting technologies.

It would be up to the County of Lake to enforce and confirm conformance with guidelines in regards to night skies as laid out in the Design Guidelines located in the Appendix DG of the Draft EIR. As stated in Appendix DG, "Each future building permit submittal shall be reviewed for conformance with these Design Guidelines at time of submittal with the County of Lake. Conformance and completeness shall be assessed and verified by the development team or managing party of the Resort. Conformance to standards established for the Resort are subject to the qualifications set forth in the Development Agreement." Additionally, the Proposed Project would implement Mitigation Measure 3.4-7 as described in Section 3.4.5 of the Draft EIR, which would ensure its conformity with the Design Guidelines in regards to artificial lighting.

Response to Comment O3-05

A preliminary review of the M2B study was performed and presented in Section 3.4.4 of the Draft EIR. In response to comments requesting additional analysis on wildlife movement pathways identified in the M2B study a supplemental analysis has been completed and is included as **Appendix WILDLIFE** of the **Final EIR, Volume III**. As a result of this analysis, the Proposed Project has been revised to include 400 acres of Habitat Connectivity Easements to ensure that significant wildlife corridors are preserved throughout the Guenoc Valley Site. Please refer to the **Response to Comment O3-03** for the results of this analysis and Proposed Project design modifications. Wildlife corridors have been outlined, and protective measures around these features have been incorporated into the project design. Please refer to the **Response to Comment A6-08** regarding fencing on the Guenoc Valley Site.

Response to Comment O3-06

A preliminary review of the M2B study was performed and presented in Section 3.4.4 of the Draft EIR. In response to comments requesting additional analysis on wildlife movement pathways identified in the M2B study a supplemental analysis has been completed and is included as **Appendix WILDLIFE**. Please refer to the **Response to Comment O3-03** for the results of this analysis and resulting project design modifications. Wildlife corridors have been outlined, and protective measures around these features have been incorporated into the project design.

As a component of this Final EIR, a Mitigation, Monitoring, and Reporting Plan (MMRP) has been prepared and is included as **Section 4.0** of this document. The MMRP identifies those entities responsible for

implementation and monitoring of mitigation measures presented within this Final EIR. Components of the project design intended to protect wildlife corridors are ensured through property easements or long term preservation within Recorded Restrictions. Property easements limit allowable development, and additional restrictions under the GVD, as a zoning district, are enforceable by the County and will be recorded on the Final Map.

Response to Comment O3-07

An MMRP is included in this **Final EIR, Volume I, Section 4.0**. The MMRP provides details regarding the timing and implementation of proposed mitigation measures to ensure these measures are enforced throughout construction and operation of the Proposed Project. (see **Tables 4-1 of Final EIR, Volume I, Section 4.0**).

As described in **Final EIR, Volume I, Section 4.0**, a number of entities have been assigned monitoring responsibilities under the MMRP. All monitoring actions, once completed, would be reported (in writing) to the Lake County staff, which would maintain mitigation monitoring records for the Proposed Project. The MMRP will be considered by the County in conjunction with review and approval of the project, and will be adopted as a part of the CEQA process and project approval. Mitigation measures, where appropriate, will be made Conditions of Approval of the Proposed Project. Therefore, each mitigation measure is fully enforceable by the County.

Response to Comment O3-08

Comment noted. The primary purpose of CEQA is to allow for public review and to disclose any significant or potentially significant environmental effects of a project. The County has provided the public with multiple opportunities for review and input throughout the CEQA environmental review process, including the 30-day scoping comment period announced with issuance of the Notice of Preparation on April 24, 2019 date, two public scoping meetings, the Draft EIR review period, which was extended from 45 days to 60 days, and a public meeting during the Draft EIR review period. Through adherence to the CEQA process, the Lead Agency has provided multiple opportunities for public “scrutiny” and input, which will be considered by the County decision makers.

O4 – TAYLOR OBSERVATORY – DAVID VELASANDO

Response to Comment O4-01

General lighting information pertaining to the Proposed Project is described in Section 2.5.2.1 within the project description of the Draft EIR and additional information has been provided in **Volume II** of the Final EIR.

The commenter expresses support for compliance with the International Dark Sky Association Model Lighting Ordinance. As noted on page 3.1-12 of the Draft EIR, “Lake County has started the application process to be an International Dark Sky Community. The International Dark-Sky Association (IDA) is a non-profit organization that is dedicated to combating light pollution and promoting stargazing. Cities and counties can apply to IDA to be designated as an International Dark Sky Community, which involves adopting outdoor lighting ordinances and educating residents. The County still needs to retrofit the zoning

ordinance lighting requirements but the County Board of Supervisors has issued a proclamation declaring the County's intent to change light pollution legislation. The application process to become an International Dark Sky Community will likely take a few more years." The Proposed Project will be required to conform to Lake County codes and regulations.

Section 2.5.2.1 in the project description of the Draft EIR describes proposed lighting. The Design Guidelines, located in Appendix DG of the Draft EIR, ensure that lighting standards minimize lighting impacts and promote dark sky policies. The Design Guidelines require that the Proposed Project incorporate site-wide lighting design practices, including but not limited to, the use of shielded or hooded lighting fixtures and LED lightbulbs, the adoption of mindful placement practices, implementation of motion activated lighting at night, and the use of energy efficient outdoor lighting technologies.

The potential for project-related lighting impacts and compliance with dark sky initiatives was addressed in the Draft EIR Section 3.2.4, Impact 3.2-1:

"As required by the proposed GVD design guidelines (described in Section 2.5.2.9 and included in Appendix DG), site-wide lighting design shall preserve nighttime dark skies in accordance with the Dark Sky Initiative adopted by the County and California Building Codes. The use of outdoor lighting will be minimized and selectively used to illuminate and differentiate outdoor areas; guide nighttime navigation along roadway and pathway corridors; direct access to resort, residential, and building entries; highlight signage and address markers; and improve safety and security. The fewest possible fixtures shall be used to meet these needs."

Please refer to Draft EIR Section 3.2.4, Impact 3.1-2 for the key requirements of design guidelines that would reduce light spillover and adverse effects to nighttime skies. Additionally, the Proposed Project would be compliant with Lake County Zoning Ordinance Section 41.8 General Performance Standards which require that "[a]ll exterior lighting accessory to any use shall be hooded, shielded or opaque. No unobstructed beam of light shall be directed beyond any exterior property line."

Additionally, the Middletown Housing Site would implement Mitigation Measure 3.1-1, located in Section 3.1.5 of the Draft EIR, which states, "[a]ll exterior lighting shall be required to be of the fully-cut off and fully-shielded style to direct light downward (and not up or away) from the light source. The Applicant shall coordinate with the County to ensure the lighting plan is consistent with the International Dark Sky Association Model Lighting Ordinance."

O5 – REDBUD AUDUBON SOCIETY – ROBERTA LYONS

Response to Comment O5-01

The comment period for the Draft EIR is stipulated by PRC Section 21083, which states that, notice [of the availability of a draft EIR] shall be posted in the office of the county clerk of each county in which the project will be located for a period of at least 30 days. The Notice of Availability (NOA) was submitted to the State Clearinghouse (SCH) on February 21, 2020 and assigned the SCH number 2019049134. The Lead Agency

announced the publication of the Draft EIR in the Lake County News with publication of the NOA on February 21, 2020 for a duration of 45 days.

In response to Covid-19 and public requests, the original comment period was extended for an additional two weeks to April 21, 2020 for a total of 60 days. Notification of the comment period extension was posted to the County's website, emailed, and mailed to interested parties on March 24, 2020. Thus, the Draft EIR comment period and the comment period extension are consistent and exceed the PRC statute requirements. No additional extension is warranted.

Response to Comment O5-02

A preliminary review of the M2B study was performed and presented in Section 3.4.4 of the Draft EIR based on the project designs known at the time of the Draft EIR analysis. In response to comments requesting additional analysis on wildlife movement pathways identified in the M2B study a supplemental analysis has been completed and is included as **Appendix WILDLIFE**. Please refer to the **Response to Comment O3-03** for the results of this analysis and resulting project design modifications. Wildlife corridors have been mapped, and protective measures around these features have been incorporated into the project design.

In response to the commenter's request to hold additional meetings with the Applicant, public documents were made available at the County offices as described on page 1-4 of the Draft EIR. All figures in the electronic files made available on the County's website were made such that zooming in on details on a computer or other electronic devices was possible and details were viewable by such methods. It is the County's understanding that in response to this request, the Applicant held a follow up meeting with the commenter to share information and review mapping.

Response to Comment O5-03

Comment noted. Please refer to **Comment O5-1** above.

Response to Comment O5-04

The commenter expresses concerns over the project design, mitigation, and enforceability. As a component of this Final EIR, an MMRP has been prepared and is included as **Section 4.0** of this document. The MMRP identifies those entities responsible for implementation and monitoring of mitigation measures presented within this Final EIR. Components of the project design intended to protect biological resources are ensured through property easements and/or components of the GVD Zoning District. Property easements limit allowable development, and additional restrictions under the GVD, as a zoning district, are enforceable by the County.

The commenter states that habitat connectivity is an important issue. Please refer to the **Response to Comment O3-03** for additional information on habitat connectivity. The commenter does not raise a specific environmental concern, therefore no further response is required.

Response to Comment O5-05

Comment noted. Please refer to **Comment O3-8** regarding public input throughout the CEQA process.

O6 – LAKE COUNTY FARM BUREAU –BRENNA SULLIVAN, EXECUTIVE DIRECTOR

Response to Comment O6-01

The commenter requests prime farmland within the project area be reserved for agricultural uses and/or open space, and that areas with sub-prime soils should be prioritized for development.

Impacts associated with conversion of prime farmland as a result of the Proposed Project were discussed in the Draft EIR, Section 3.2, Land Use and Agriculture, Impact 3.2-3. As stated therein and shown in Figure 3.2-1 of the Draft EIR, the majority of the prime farmland within the Guenoc Ranch Property occurs in the areas under separate ownership that are not a part of the Guenoc Valley Site. The Guenoc Valley Site itself contains approximately 173 acres of Prime Farmland, and 398 acres of Unique Farmland (collectively referred to as “Important” Farmland) as designated by the California Farmland Mapping and Monitoring Program. Of the Important Farmland within the site, approximately 121.6 acres of Prime Farmland, and 74.3 acres of Unique Farmland occurs within the Phase 1 parcel boundaries. As shown in **Table 3.2-1**, Phase 1 development may convert approximately 28.44 acres of Prime Farmland, and 22.1 acres of Unique Farmlands to non-agricultural uses. Additionally, future phases could convert prime farmland, although much of this area would be protected within the proposed GVD Agricultural Preserve Combining District. Conversion of this prime farmland was identified as a significant impact in the Draft EIR. Mitigation Measure 3.2-2 requires acre for acre long-term permanent protection on farmland of equivalent quality, so every acre of Prime Farmland, and Unique Farmland converted would result in the same number of acres of Important Farmland preserved somewhere else on the property or in the vicinity. Although Mitigation Measure 3.2-2 would reduce the impact of Important Farmland conversion, there would still be a net loss of Important Farmland; thus the impact was determined to be significant and unavoidable.

Response to Comment O6-02

As described in Section 2.5.2.5 of the Draft EIR, if necessary, the off-site well (located near the intersection of Butts Canyon Road and SR-29) would be used as a primary source of non-potable water to supply irrigation, fire protection and make up water for water features and ponds. The EIR has identified mitigation (Mitigation Measure 3.9-3) to ensure that operation of the off-site well (if used) would not draw down groundwater beyond 300 feet of the well. This would protect surrounding wells and the Collayomi Valley Groundwater Basin from adverse impacts.

Response to Comment O6-03

Comment noted. The name of the proposed “Red Hill” development area has been revised to “Denniston Golf Estates” in order to avoid any potential confusion with the previously established “Red Hills AVA” wine growing region in Lake County.

07 – SIERRA CLUB LAKE GROUP–VICTORIA BRANDON, CONSERVATION CHAIR

Response to Comment 07-01

The Proposed Project includes an amendment to the existing General Plan and zoning designations for the Guenoc Valley Site that would allow more residential development than currently allowed under applicable land use regulations and envisioned in the Middletown Area Plan (MAP). The impacts of this increase in allowable development and residential units above what was envisioned in the MAP are evaluated throughout the EIR. Impacts specifically resulting from an increase in population and housing were addressed in the Draft EIR, Section 3.11 (Population and Housing), Impact 3.11-1. Although the Phase 1 residential construction is well within the current MAP capacity, buildout of the residential uses within the Guenoc Valley Site under the Proposed Project, including Phase 1 combined with Future Phases, could result in a population increase of 3,849 residents, which is almost double what would be expected under the existing General Plan and Middletown Area Plan for the Guenoc Valley Site.

Although the MAP describes the current maximum overall residential capacity for the Guenoc Valley Site as 800 units, it suggests that increased residential development could be considered “if such additional development were deemed necessary to support a major resort development, and were designed and scaled to be subordinate to the resort.”

As stated in the Draft EIR, Section 3.2 Land Use and Agriculture, the Lake County General Plan contains goals and policies related to land use and agricultural resources. The land use goals encourage economic and social growth, housing need accommodation, commercial and industrial development, and character/scale preservation. The Proposed Project is consistent with Policies such as LU-2.1, LU-2.4, LU-6.8, LU-6.12, LU-7.16, and OSC-6.12.

Should the County decision makers elect to approve the proposed general plan and zoning amendments, the justification will be provided in the Findings and Facts and Statement of Overriding Considerations, as required by CEQA Guidelines Sections 15091 and 15093. CEQA Guidelines Section 15093 “requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project.”

Response to Comment 07-02

The commenter is correct that the Draft EIR analyzes the first phase of the project at a project level of detail and the later phases at a program level of analysis. This is specifically described on page 1-1 of the Draft EIR. As noted on page 1-1, “The Draft EIR analyzes the effects of the proposed General Plan amendment and rezoning of the Guenoc Valley Site to GVD on a programmatic level.” For approvals of projects that consist only of amendments to a general plan and rezoning, the appropriate level of analysis in an EIR would be a program EIR, as sufficient knowledge of the details of future projects would not be known. As stated in CEQA Guidelines Section 15146, “the degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity which is described in the EIR.”

In the case of the Proposed Project, in addition to the General Plan amendment and rezoning, Phase 1 of the project that would be built under the proposed General Plan amendment and rezoning has been

formulated to a project level of detail, and the EIR therefore is able to provide a project-level analysis of the impacts of Phase 1.

The commenter expresses concern that the General Plan amendment and rezoning could be approved now, and that when environmental review of future phases of the project, that “density will have already been approved.” However, as noted in the Draft EIR on page 1-1, a full analysis of the environmental effects of the General Plan amendment and rezoning is presented at the appropriate (program) level of analysis in the EIR.

Response to Comment O7-03

The commenter expresses their opinion that a conservation easement should be placed on the proposed open space areas. This comment is directed at an element of the Proposed Project, and will be considered by the decision makers during their consideration of the project. As described in Section 2.5.2.2 of the Draft EIR, “The open space corridor is proposed to be designated as an open space combining district within the GVD, and thus the restriction of allowable uses in this area consistent with the OSPP [Appendix OSPP of the Draft EIR] will be deed restricted and in separate parcels and enforceable by Lake County.”

In addition, it should be noted that 2,765 acres of the open space areas designated in the Project were set aside in order to satisfy the requirements of the 2009 FEIR, which expanded the water rights for the overall Ranch to allow vineyard development. That 2009 FEIR required that up to 2,765 acres of land be put into permanent open space as mitigation on an acre-for-acre basis for the vineyard entitlements approved within the then-proposed mitigated place of use (“Proposed Mitigated POU”) for the surface water. The mitigation did not require the open space to be placed into permanent protection all at once, but rather provided that the permanent protection would be instituted gradually, on an acre-for-acre basis as the vineyard was planted. To date, of the total vineyards planted within place of use areas, 1,226 acres have been planted within the Proposed Mitigated Place of Use (630 in the Guenoc Valley Site, 190 in Napa, and 406 in the areas not a part of the site in Lake County). In addition, the Proposed Project will impact an addition 270 acres of land within the Proposed Mitigated Place of Use. Thus, upon approval of the Project, 1,496 acres of open space would need to be placed into permanent protection within the greater 2,765 acre area designated as open space. As additional land within the POU is developed, the 2009 FEIR requires that equivalent acreage of land within the designated open space area be put into permanent protection. Should the entirety of the 2,765 acre of vineyard permitted within the Proposed Mitigated Place of Use not be built, then any remaining designated open space area may be used as mitigation for future development on the Ranch.

The commenter states their opinion that the deed restricted areas on residential lots should not be called open space. The EIR analyzes the effects of the project as proposed, and the effects of the Proposed Project were considered based on the proposed development and restrictions on development, without regard to whether these areas are called open space.

The commenter states the “general open space areas not proposed for development under Phase 1” mentioned in Section 2.5.2.2 of the Draft EIR should not be referred to as open space since these areas may be developed in the future. The EIR analyzes the effects of the project as proposed, and the effects of

the Proposed Project were considered based on the proposed development and restrictions on development, without regard to whether these areas are called open space.

The EIR generally refers to the areas outside of the Phase 1 boundary to be “general undeveloped open space/rural landscapes.” As stated in the Draft EIR Section 2.5.2.2 (General Open Space/ Rural Landscapes): “In addition to the dedicated open space (designated corridor and deed-restricted within residential) there would also be general undeveloped open space/rural landscapes areas in between the resort communities throughout the Guenoc Valley Site, *although it should be noted that some of this area may be developed under Future Phases.*” Therefore, the EIR does acknowledge that these areas may be developed under future phases and does not inappropriately characterize these areas as permanent open space.

Response to Comment O7-04

The commenter notes that a supplemental analysis has been completed related to habitat connectivity and wildlife movement corridors. Please refer to the **Response to Comment O3-03** for details on the results of this analysis and the inclusion of Habitat Connectivity Easements as a component of the Proposed Project.

Specifically, the Applicant has proposed to establish an additional 400 +/- acres of Habitat Connectivity Easements to provide wildlife pathways throughout the Guenoc Valley Site and to connect with offsite wildlife pathways identified in the M2B study. In addition to the habitat easements running through the Open Space Combining District, the Applicant has added additional Habitat Connectivity Easements northwest of the Open Space Combining District. Additional information on this is provided in **Response to Comment O3-03**.

The use of six-foot wildlife exclusionary fencing will be allowed on the Guenoc Valley Site only for the protection of agricultural land use or for the security of infrastructure such as utility infrastructure. Project Design guidelines that define allowable fencing in the Guenoc Valley Zoning District have been updated and are considered part of the project design (**Revised Appendix DG**). Please refer to **Response to Comment A6-08** related to fencing of the project site and wildlife movement accommodations.

Response to Comment O7-05

Section 2.5.2.5 of the Draft EIR identifies the water sources that would be utilized for potable water, irrigation, and fire protection. The EIR provides a thorough evaluation of all the potential water supply sources. While it is expected that on-site surface and groundwater sources would provide adequate supply for proposed development at the Guenoc Valley Site, if necessary, an off-site well (located near the intersection of Butts Canyon Road and SR-29) would be used as a primary source of non-potable water to supply irrigation, fire protection and make up water for water features and ponds. The EIR has identified mitigation (Mitigation Measure 3.9-3) to ensure that operation of the off-site well (if used) would not draw down groundwater beyond 300 feet of the well. This would protect surrounding wells and the Collayomi Valley Groundwater Basin from adverse impacts.

Response to Comment O7-06

Comment noted. The Sierra Club Lake Group has been added to the Proposed Project mailing list and will be notified of any public participation opportunities. Notices will also be published in the local newspaper and the Project website will be updated. For current information regarding the Guenoc Valley Project, please visit:

http://www.lakecountyca.gov/Government/Directory/Community_Development/Planning/GuenocValley.htm.

O8 – CA WILDLIFE FOUNDATION/CALIFORNIA OAKS—JANET COBB, EXECUTIVE OFFICER ANGELA MOSKOW

Response to Comment O8-01

Comment noted.

Response to Comment O8-02

Comment noted. Please refer to **Response to Comments O8-03** through **O8-11** below.

Response to Comment O8-03

The commenter refers to the definition of oak woodlands as presented in California Fish and Game Code (Division 2, Ch 4, Article 3.5; Oak Woodlands Conservation Act). Use of this definition for the Proposed Project is not appropriate, as this definition applies only to activities falling within the scope of the Oak Woodlands Conservation Act. Activities under this article are limited to specific types of projects such as those seeking monies from the Oak Woodlands Conservation Fund for the creation of oak preservation areas such as conservation banks. The Proposed Project does not meet the requirements to be considered an activity as detailed within the Oak Woodlands Conservation Act. Therefore, the definition of oak woodlands provided by the Oak Woodlands Conservation Act does not apply to the Proposed Project.

It should be noted, however, that oak woodlands as defined within Section 3.4 of the Draft EIR is largely consistent with the definition of oak woodland as presented within the Oak Woodlands Conservation Act. A technical memorandum was prepared by WRA to clarify the definition of oak habitat types used throughout the Biological Resources Assessment and Draft EIR (**Appendix WRA**). As stated within this memo, blue oak savanna is a sub-category of blue oak woodland characterized by a lower density of blue oaks when compared to high-density blue oak woodland. Blue oak savanna, as a type of blue oak woodland, was defined to include areas where habitat consisted of 10 to 60 percent oak canopy cover. Use of this threshold is based upon a wide variety of literature surrounding classification of oak woodland, as presented within **Appendix WRA**, and captures the minimum canopy cover threshold as defined within the Oak Woodlands Conservation Act.

The purpose of designating blue oak savanna as a sub-set of blue oak woodland is to ensure proper mitigation of impacts. Providing a blanket term of oak woodland for areas 10 percent to 100 percent oak cover would have allowed for preservation of relatively low-density oak woodland as mitigation for impacts to high-density oak woodland. Under the classification presented within the BRA and Draft EIR, impacts to oak woodlands with canopy cover 60 percent or greater cannot be offset through preservation of oak woodlands with less than 60 percent canopy cover.

Response to Comment O8-04

Please refer to the **Response to Comments O8-03** and **O8-05** for responses to the comment regarding the definition of oak woodlands.

Response to Comment O8-05

Please refer to the **Response to Comment O8-03** for a response to the comment regarding the definition of oak woodlands. As noted in the **Response to Comment O8-03**, the commenter is incorrect in stating that the Draft EIR must comply with the definition of oak woodland as presented within the Oak Woodlands Conservation Act. While the Proposed Project's method of classifying oak woodlands is largely consistent with the Oak Woodlands Conservation Act definition of oak woodlands, the Proposed Project is not subject to this definition. Classification of oak woodlands occurred utilizing the most appropriate scientific methods based on the project site and conditions observed during biological surveys as described within Appendix BRA1 and BRA2 of the Draft EIR, and clarified within **Appendix WRA** of this document.

In response to this comment, the monitoring period for replacement tree plantings as presented within the Oak Mitigation Plan (Appendix OAK of the Draft EIR) and Mitigation Measure 3.4-16 as presented within Section 3.4.5 of the Draft EIR has been extended to seven years.

Response to Comment O8-06

In **Response to Comment O8-05**, the monitoring period for replacement tree plantings as presented within the Oak Mitigation Plan (Appendix OAK of the Draft EIR) and Mitigation Measure 3.4-16 as presented within Section 3.4.5 of the Draft EIR has been extended to seven years.

Response to Comment O8-07

In **Response to Comment O8-05**, the monitoring period for replacement tree plantings as presented within the Oak Mitigation Plan (Appendix OAK of the Draft EIR) and Mitigation Measure 3.4-16 as presented within Section 3.4.5 of the Draft EIR has been extended to seven years. Additionally, minimum diameter at breast height (dbh) of oak trees requiring mitigation is 3 inches, which is below the minimum five inches dbh requiring mitigation under Public Resources Code Section 21083.4 as cited by the commenter.

Response to Comment O8-08

A technical memorandum was prepared by WRA to provide additional information on appropriate mitigation ratios for oak woodland preservation (**Appendix WRA**). As stated within this memo, a variety of sources were reviewed that take into account the location, quality of habitat observed, and guiding local policies. This memo determined that a 2:1 ratio of acres preserved to acres impacted is a suitable ratio to offset impacts. Due to the additional value and limited distribution of valley oaks, the ratio for this habitat type has been increased to 3:1. Therefore, the preservation ratios as presented within the Oak Mitigation Plan (Appendix OAK of the Draft EIR) and Mitigation Measure 3.4-16 as presented within Section 3.4.5 of the Draft EIR have been increased to 3:1 for valley oaks, and 2:1 for all other oak woodlands, including oak savanna.

In response to the commenter's concerns regarding the definition of oak woodland, mitigation presented within the Oak Mitigation Plan (Appendix OAK of the Draft EIR) and Mitigation Measure 3.4-16 as presented within Section 3.4.5 of the Draft EIR has been revised to note that mitigation in the form of preservation is acceptable for blue oak savanna as a sub-set of blue oak woodland. This provision requires preservation for blue oak savanna to occur only within other areas defined as blue oak savanna in order to ensure that preserved habitat is of the same quality as impacted habitat.

The commenter correctly notes that Table 2 of the Oak Mitigation Plan (Appendix Oak of the Draft EIR) contains a typo. Use of the symbol "<" has been corrected to ">."

Response to Comment O8-09

The commenter states concerns over the use of transplanting of oak trees. Transplanting of oaks has occurred on the Guenoc Valley Site for years. Monitoring of transplanted trees has shown that this method can be very successful on the Guenoc Valley Site when done properly.

It is incorrect to state that transplanting trees avoids mitigation. The Oak Preservation Plan clearly states that, "Transplanted trees will be monitored as outlined in Section 5.0. Should a transplanted tree fail, replanting as outlined in Section 2.2 will occur." Transplanting of mature trees offers the applicant the unique opportunity to preserve a mature tree rather than removing and replacing a healthy tree that has the potential to be effectively preserved through transplanting. Mitigation presented requires monitoring to ensure the success of transplanting and is subject to adaptive management recommendations presented by a qualified biologist in the annual reports required within the Oak Mitigation Plan.

Transplanted oak trees would remain within the Guenoc Valley Site. Due to the difficulty of transporting mature trees long distances, these trees would be planted as close to their source location as possible. Therefore, mitigation for any losses in ecosystem services or cultural significance would occur in close proximity to impacts. Because transplanting would prevent direct mortality of trees, and plantings would occur in the vicinity of impacts, no loss of cultural or biological services would occur related to the individual tree.

PRC Section 21083.4 applies only to those trees planted for the purpose of mitigation and does not apply to transplanting of trees. Therefore, the seven-year requirement of this regulation does not apply to oaks

transplanted. The required three years of monitoring has been retained within the Oak Mitigation Plan (Appendix OAK of the Draft EIR).

Response to Comment O8-10

The air quality and GHG emissions estimates, provided in Appendix AIR of the Draft EIR, include estimates of the one-time change in carbon sequestration capacity due to vegetation land change from the Proposed Project. Consistent with the impacts to oak woodlands described in Section 3.4.4 of the Draft EIR, the GHG emissions estimates assumed that 477 acres of oak woodlands would be converted as a result of the Proposed Project, including 331 acres of dense oak woodlands and 146 acres of less dense oak woodlands referred to as oak savanna. To account for the sparse canopy in the 146 acres of oak savanna sub-type of oak woodlands, the total acreage of oak woodland conversion was input as 410 acres in the California Emissions Estimator Model Version 2013.2 (CalEEMod). As noted in Appendix AIR of the Draft EIR, the one-time loss of carbon sequestration resulting from this loss of habitat type would be 45,510 metric tons of carbon dioxide equivalents.

As discussed in Section 3.7.4 of the Draft EIR, the threshold of significance for GHG emissions is related to the generation of GHG emissions from the Proposed Project. While the loss of carbon sequestration capacity could contribute to global change, the loss of carbon sequestration capacity does not represent project-generated GHG emissions. Nonetheless, this loss would be partially off-set through the implementation of Mitigation Measure 3.4-17, which requires the permanent conservation of oak woodland habitat at a 2:1 or 3:1 (for valley oak) ratio, and replanting of individual trees at ratios of 3:1 or 5:1 (depending on the diameter at breast height of the tree removed).

The discussion of GHG impacts, presented in Section 3.7 of the Final EIR, has been revised to include discussion of impacts from the Proposed Project on carbon sequestration capacity. Several mitigation measures were identified in **Section 3.7.5** to reduce GHG emissions from the Proposed Project. Additionally, Mitigation Measure 3.4-17, included in **Section 3.4.5** of the Final EIR, requires compliance with the Oak Mitigation Plan to partially offset the loss in carbon sequestration capacity from the Proposed Project. As discussed in Section 3.7.4 of the Draft EIR, GHG emissions from the Proposed Project would remain above acceptable levels after implementation of all feasible mitigation; therefore this impact is significant and unavoidable.

Response to Comment O8-11

As stated in Appendix GPCT of the Draft EIR, the County has determined that the Proposed Project is consistent with General Plan Policy OSC-1.13. The Proposed Project maximizes avoidance of oaks through intentional design, incorporation into landscape, development restrictions, and cluster of development. The Oak Mitigation Plan (Appendix OAK) supports the conservation and management of oak woodland communities and their habitats consistent with Policy OSC-1.13.

O9 – REDBUD AUDUBON SOCIETY – ROBERTA LYONS

Response to Comment O9-01

Comment noted.

Response to Comment O9-02

Refer to **Response to Comment O7-01** regarding the proposed increase in residential density above what is recommended in the Middletown Area Plan. The commenter states their opinion that the project as proposed should not be approved. This comment does not raise any specific issues regarding the adequacy of the environmental analysis ; therefore, no further response is required. However, this comment and will be considered by the decision makers during their consideration of the Proposed Project.

Response to Comment O9-03

Please see **Response to Comment O7-02** regarding the program level analysis of future phases within the EIR.

Response to Comment O9-04

The commenter states that they would like a “more secure establishment” of open space areas. Please see **Response to Comment O7-03** for a response to this comment and a more detailed description of the protocol described in the 2009 FEIR whereby up to 2,765 acres of open space area are to be placed into permanent protection as the vineyard authorized by that FEIR is developed in the Proposed Mitigated POU. Also, please see **Response to Comment O3-03** regarding the establishment of 400 acres of Habitat Connectivity Easements.

Response to Comment O9-05

The use of six-foot wildlife exclusionary fencing is allowable on the Guenoc Valley Site only for the protection of agricultural land use or for the security of infrastructure such as utility infrastructure. Project Design guidelines that define allowable fencing in the Guenoc Valley Zoning District have been updated and are considered part of the project design. Please refer to the **Response to Comment A6-08** regarding fencing on the Guenoc Valley Site.

A preliminary review of the M2B study was performed and presented in Section 3.4.4 of the Draft EIR based on Phase 1 of development. In response to comments requesting additional analysis on wildlife movement pathways identified in the M2B study a supplemental analysis has been completed and is included as **Appendix WILDLIFE** . This analysis was performed and is included as New **Appendix WILDLIFE**. Please refer to the **Response to Comment O3-03** for the results of this analysis and resulting project design modifications. Wildlife corridors have been outlined, and protective measures around these features have been incorporated into the project design.

O10 – CENTER FOR BIOLOGICAL DIVERSITY – ROSS MIDDLEMISS

Response to Comment O10-01

Comment noted. Please refer to **Response to Comments O10-02** through **O10-38** below pertaining to biological resources, GHG emissions, wildfire, and water resources. Impacts to these resources have been adequately analyzed throughout the EIR.

Response to Comment O10-02

The relationship between the vineyard development analyzed in the 2009 Water Rights EIR and the Proposed Project analyzed in the Final EIR is clearly defined in the Draft EIR.

The Draft EIR, Section 1.4, explained that the Guenoc Water Rights Modification Project EIR (March 2009, SCH# 2003042171) has been incorporated by reference into this Final EIR, and provided a general overview of the water rights modification project. An additional summary and description of approved and planted vineyard development was provided in the Draft EIR Section 2.2.1 (Existing Uses), and the Water Rights Project EIR was described again in Section 2.3.4.

As stated on page 2-5 of the Draft EIR, “approximately 990 acres of the project site is currently planted in vineyards, and an additional 970 acres of the site has been leased to a third party for potential vineyard expansion. Existing vineyards and areas leased for vineyard development are shown on **Figure 2-3**. No additional vineyards are proposed under the Proposed Project.” It is true that previously approved vineyard areas are located within the boundaries of the Guenoc Valley Site and Phase 1 parcels, but, as clearly presented on **Figure 2-3**, it is very clear where the existing and approved but not yet planted vineyards are located and that they are not a part of the Proposed Project. Additional detail has been provided in the Final EIR to clarify the status of vineyard development and to illustrate the locations where previously approved vineyard development overlaps the boundaries of the Phase 1 parcels. Please refer to the **Final EIR, Volume II, Section 2.2.1** (Existing Uses), **Section 2.3.4** (Previous Environmental Analysis Guenoc Water Rights Project), and **Section 4.2.1** (Cumulative Context). As stated therein, the proposed development areas under Phase 1 would displace 400 acres of existing or approved but not yet planted vineyards within the place of use (“POU”) for surface water irrigation as defined in the 2009 FEIR. This leaves an additional 1,720 acres of vineyard that was approved pursuant to the 2009 FEIR but has not yet been planted within the Guenoc Valley Site (this 1,720-acre area occurs throughout the Proposed Mitigated POU, as well as the pre-existing POU).

The commenter notes that the cumulative impacts analysis in the EIR should take into account the development of the vineyards planned and analyzed in the 2009 Water Rights EIR. The 2009 Guenoc Water Rights Modification Project and the associated change in the POU for surface water was been factored into the analysis within the Draft EIR as an existing/baseline condition (see for example Draft EIR Section 1.4 [Previous Environmental Review and Incorporation by Reference], and 2.3.4 [Previous Environmental Analysis - Guenoc Water Rights Modification Project]). Further clarification of the cumulative impacts of the potential vineyard development in combination with the Proposed Project has been provided in the **Final EIR, Volume II, Section 4.2.1** (Cumulative Context), and added to the cumulative impact discussions in **Section 3.0** (Environmental Analysis). No new significant cumulative effects beyond those described in the Draft EIR were identified.

The commenter states that “the phasing of vineyard development must be established and disclosed so that the Project’s construction-related impacts can be accurately assessed.” No information is available on phasing of vineyard development beyond that described in the Draft EIR. Vineyard development is not a part of the Proposed Project, and it would be speculative to try to forecast decisions made by landowners

and business owners regarding when and how much vineyard development may occur in the future. According to CEQA Guidelines Section 15064(d)(3), an indirect physical change is to be considered only if that change is a reasonably foreseeable impact that may be caused by the project. A change that is speculative or unlikely to occur is not reasonably foreseeable.

The commenter questions the language on page 3.4-4 of the Draft EIR, where it is stated that vineyards have been “already approved.” In response to this comment, the following clarifications have been made in the text of the Draft EIR.

Agricultural

Large portions of the Guenoc Valley Site have been converted to vineyards or are already approved for irrigation for future vineyard development. Areas of existing vineyards, as well as areas with active clearing, planting, and other viticulture/agricultural creation activities, were mapped as agricultural areas. Vegetation in this area not considered sensitive and is dominated by grape vines with little to no understory.

Current agricultural lands constitute 1,001.6 acres (6.3 percent) of the Guenoc Valley Site (990 acres of which is planted vineyards). Additional land is approved for irrigation for vineyard creation as a result of the Guenoc Water Rights Modification Project described in Section 2.3.4. This acreage represents only those areas currently in agricultural use at the time of biological surveys.

It should be noted that agricultural uses, including the development of vineyards, are by-right/permitted uses under the existing zoning designations within the Guenoc Valley Site and depending on the amount of grading may not be subject to additional discretionary approvals and associated CEQA review.

Response to Comment O10-03

The commenter’s statement that the Draft EIR on page 3.4-38 discussed the 2,765 acres of open space as a feature of the Proposed Project is not accurate. The Draft EIR at page 3.4-38 acknowledges that the 2,765 acres of open space is a requirement of the 2009 Water Rights Modification Project, and in fact discusses this area under the heading of “Guenoc Water Rights Modification Project Mitigation Plans (MMRP).”

The commenter appears to question the impact assessment and mitigation measures of the 2009 Water Rights EIR. That document was certified in 2009 and is not under review at this time. The commenter suggests that the vineyard areas be surveyed as a part of this EIR. As stated in **Response to Comment O10-02**, approximately 400 acres of the Phase 1 parcel boundaries would overlap existing or already approved vineyards lands within the POU as entitled pursuant to the 2009 Water Rights Modification Project. These areas of “overlap” have been subject to recent biological surveys completed in 2018 and 2019 associated with the Proposed Project. The refined habitat types in those areas are presented in Figures 3.4-1 and 3.4-5 and Appendices BRA1 and BRA2 of the Draft EIR. Areas associated with the Water Rights Modification Project that do not overlap the Phase 1 development areas would not be impacted as a result of Phase 1, and thus there is no need to survey those areas for biological resources to support the project-level analysis of Phase 1 provided in this Final EIR. To the extent future phases of

the Proposed Project may overlap the POU areas associated with the 2009 Water Rights Modification Project, those areas will be subject to additional environmental review and biological surveys in support of project specific approvals for future phases.

Additionally, the MMRP for the 2009 Water Rights Modification Project requires that pre-construction surveys be conducted prior to vineyard development in Mitigated POU areas. Pre-construction surveys are required for vineyard development under the 2009 Water Rights Modification Project in order to identify special-status plants, nesting birds, active burrowing owl burrows, active American badger dens, elderberry shrubs, and oaks. Mitigation would occur as outlined in the MMRP in order to reduce impacts to these resources, if present. The 2009 Water Rights Modification Project EIR was certified and determined that impacts to biological resources were less than significant following the inclusion of mitigation, such as the measures requiring preconstruction surveys. Therefore, future development subject to the MMRP for the 2009 Water Rights Modification Project would be less than significant to biological resources as analyzed within the 2009 Water Rights Modification Project EIR.

Further clarification of the cumulative impacts of the potential vineyard development in combination with the Proposed Project has been provided in the **Final EIR, Volume II, Section 4.2.1** (Cumulative Context), and added to the cumulative impact discussions in **Section 3.0** (Environmental Analysis). No new significant cumulative effects beyond those described in the Draft EIR were identified.

Response to Comment O10-04

The commenter questions the impact assessment of the 2009 Water Rights EIR, stating that it did not address GHG emissions. That document was certified in 2009 and is not under review at this time. Clearing vegetation involved in vineyard conversions would not be a part of the Proposed Project analyzed in this EIR. Refer to **Response to Comment O10-02** regarding the status of potential vineyard development projects within the Guenoc Valley Site, and cumulative impacts associated with the Proposed Project in combination with the Guenoc Water Rights Modification Project.

Response to Comment O10-05

Additional detail has been provided in the Final EIR to clarify the status of vineyard development and to illustrate the locations where previously approved vineyard development overlaps the boundaries of the Phase 1 parcels. Please refer to the **Final EIR, Volume II, Section 2.2.1** (Existing Uses), **Section 2.3.4** (Previously Environmental Analysis Guenoc Water Rights Project), and **Section 4.2.1** (Cumulative Context).

The statement within Section 2.2.1 of the Draft EIR that approximately 990 acres of vineyards is currently planted within the Guenoc Valley Site is correct. However, this statement has been clarified to note that 890 acres of these planted vineyards occur within the place of use for surface water as established by the 2009 Water Rights Modification Project, with 630 occurring within the mitigated and expanded place of use identified in the 2009 Water Rights Modification Project. Additionally, the **Final EIR, Volume II, Section 2.3.4** has been clarified to note that while 970 acres have been leased for potential future vineyard development, the total acreage of potential additional vineyard development within the POU outside of the

Phase 1 area is up to 1,720 acres for surface water irrigated agriculture within POU out of a total POU area of 2,880 acres within the Guenoc Valley Site (this 2,880-acre total POU area includes the Proposed Mitigated POU that was added as a result of the 2009 Water Rights Modification Project as well as pre-existing POU).

Please note that, as stated within Section 3.4.2 of the Draft EIR, “Areas of existing vineyards, as well as areas with active clearing, planting, and other viticulture/agricultural creation activities, were mapped as agricultural areas.” Because Section 3.4.2 includes areas of other agricultural use in addition to planted vineyard, this acreage exceeds the acreage value when considering just existing vineyards on the Guenoc Valley Site. Therefore, the statement that there are 1,001.6 acres of agricultural areas within the site on page 3.4-2 of the Draft EIR is correct, as it includes the 990 acres of planted vineyards as well as areas being actively used for agricultural production (which includes agricultural equipment and potentially active livestock grazing pastures). The statement on page 3.4-4 of the Draft EIR that there are 1,681.6 acres of agricultural land was incorrect, as it included areas not within the Guenoc Valley Site. This number, in addition to the stated percentage of cover on the Guenoc Valley Site, has been corrected to be consistent with the habitat table. Please refer to the **Final EIR, Volume II, Section 3.4**, page 3.4-4.

Within the Draft EIR Appendix WSA, the statement that there are 1,115 acres of lands leased for future vineyard development that are not a part of the project was in error. This statement should have said that there are 1,720 acres of land within POU eligible for future vineyard development consistent with Section 2.2.1 of the Draft EIR, 970 acres of which are in a long-term lease. This additional vineyard acreage, if planted, will rely on surface water rights already approved pursuant to the 2009 FEIR.

Response to Comment O10-06

Please refer to the **Response to Comment O10-02** regarding consideration of the 2009 Water Rights Modification Project in the EIR, and the potential for cumulative effects.

The discussion on open space on the Guenoc Valley Site presented under Impact 3.4-6 of the Draft EIR has been revised to clarify the open space requirements of the 2009 FEIR mitigation. The Open Space Combining District sets aside 2,765 acres of open space within the Guenoc Valley Site. This area may be used to satisfy the requirements of the 2009 Final EIR for the Guenoc Water Rights 2009 FEIR. The Guenoc Valley Water Rights Modification Project expanded the place of use for surface water (POU) within the larger Guenoc Ranch by 2,765 acres (Mitigated Expanded POU). Per the 2009 FEIR, open space is required to be set aside as POU development occurs and impacts are identified. To date, approximately 1,226 acres of POU have been developed. Therefore, the current open space requirement per the 2009 FEIR is 1,226 acres. The Proposed Project would impact 270 additional acres identified as a POU in the 2009 FEIR and would increase the open space requirement to 1,496 acres.

The boundaries of the Open Space Combining District were chosen to incorporate special-status plant locations, sensitive habitat, and other important biological resources. **Table 3-1** shows sensitive habitats other than oak woodlands within the Open Space Combining District.

TABLE 3-1
SENSITIVE HABITATS WITHIN OPEN SPACE COMBINING DISTRICT

Habitat Type	Acres within Open Space Combining District
Brewer willow thickets	2.7
Purple needlegrass grasslands	0.3
Rock outcrop	9.5
White alder grove	10.6
Wetlands	47.1
Streams	63.1
Reservoirs	1.5
Total	134.8

The 2,765-acre open space area can be used to satisfy the following mitigation requirements:

- 1) 2009 FEIR Mitigation Measure 4.8.8: Mitigation for Conversion of Open Space in the Mitigated Expanded POU: As noted above, approximately 1,226 acres of development has occurred in the Mitigated Expanded POU to date, and Phase 1 of the Proposed Project would result in up to an additional 270 acres of development within the Mitigation Expanded POU. These impacts require one acre of open space to be dedicated for every acre of POU developed.
- 2) Mitigation Measure 3.4-3 (of this Final EIR): General Special Status Plant Mitigation. Excess acreage within the Open Space Combining District not required to offset impacts of vineyard development within the POU, or for (3) below may be used for preservation of special-status plants as needed.
- 3) Mitigation Measure 3.4-15 and 3.4-17 (of this Final EIR): Excess acreage within the Open Space Combining District not utilized to offset impacts of vineyard development within the POU, or for (2) above may be used for preservation of sensitive habitats.

Should mitigation requirements exceed the 2,765 acres open space preservation area, then additional open space areas must be identified. Mitigation Measures 3.4-15 and 3.4-17 have been revised to clarify this information. This revision also acknowledges the addition of the proposed Habitat Connectivity Easements discussed in greater detail in **Response to Comment O3-03**. Proposed Habitat Connectivity Easements are now shown on **Figure 2-6 of the Final EIR, Volume II, Section 2.0**, and will add over 400 acres of preserved open space for the preservation of habitat and wildlife movement. **Appendix WILDLIFE** and the addition of Habitat Connectivity Easements have been included as a component of the Proposed Project in response to commenter concerns over wildlife movement and open space.

The Draft EIR does quantify impacts in the impact analysis in Section 3.4, Biological Resources. For example, on page 3.4-63 of the Draft EIR, it states, “of the 11.7 acres of purple needlegrass, 8.0 acres (68.4 percent) occurs within the Phase 1 APE as shown on Figure 3.4-2. Such quantitative assessments are provided for each species and habitat type.”

Figure 3.4-2 of the Draft EIR illustrates those sensitive habitat types that fall within the Phase 1 Area of Potential Effects defined in Table 3.4-6. Figure 3.4-1 and Table 3.4-1 of the Draft EIR illustrate habitat types

throughout the entire Guenoc Valley Site. In order to ensure that existing open space defined in the 2008 OSPP is not considered a suitable location for mitigation in the form of preservation, Mitigation Measure 3.4-15 has been revised (refer to the **Final EIR, Volume II, Section 3.4.5, Mitigation Measure 3.4-16**). Mitigation Measure 3.4-15 as revised requires the full 2:1 preservation ratio to be achieved outside of lands required to meet mitigation under the 2009 EIR, while still noting the value of prioritizing the inclusion of sensitive habitats within the revised OSPP. Note that the designated open space is still considered a suitable location for habitat restoration and planting of oaks or special-status plants as needed.

Response to Comment O10-07

It should be noted that Figure 2-11 of the Draft EIR shows traffic circulation routes and shows that a significant number of roadways proposed will be improvements to the existing network of 72 miles of farm roads. The Draft EIR recognizes that improvements and increased traffic along these roadways would occur during operation of the Proposed Project. A preliminary review of the M2B study and consistency with the Proposed Project was performed and was presented in Section 3.4.4 of the Draft EIR, Impact 3.4-4. In response to comments requesting additional analysis on wildlife movement pathways identified in the M2B study, a supplemental analysis has been completed and is included as **Appendix WILDLIFE**. Please refer to **Response to Comment O3-03** regarding habitat connectivity.

Impact 3.4-4 in the Draft EIR discusses impacts to wildlife movement. As described in this Section 3.4.4 of the Draft EIR under Impact 3.4-4, existing designated open space on the Guenoc Valley Site defined in the 2008 Open Space Preservation Plan provides opportunities for wildlife movement between regionally important protected areas for the mammalian species listed in the comment. As required by Mitigation Measure 3.4-17 presented within Section 3.4.5, additional connectivity will be maintained throughout the Guenoc Valley Site through the setbacks from aquatic features. These setbacks provide habitat for less regionally mobile species such as western pond turtle and foothill yellow-legged frog. In defining the amended designated open space required by the 2009 Water Rights Modification Project, significant riparian corridors were added. The open space and riparian setbacks will also minimize impacts to ringtail, which are highly mobile species that have not been documented on the Guenoc Valley Site, but may occur there (Appendix BRA1 and BRA2 of the Draft EIR).

Information provided by the commenter about Lake County's importance as a stopover on the Pacific Flyway is nonspecific to the Guenoc Valley Site and is not particularly relevant because the most significant portions of Lake County that serve as stopover points on the Pacific Flyway, in particular Clear Lake, which is not within the Guenoc Valley Site. While the Guenoc Valley Site is relatively large, the Pacific Flyway is about as wide as the state of California (USFWS, 2020). Furthermore, the Proposed Project does not propose modification of waterbodies in such a way that would make them significantly less useful as stopover points for migratory birds.

Since the issuance of the Draft EIR, a supplementary assessment of wildlife corridors, including those identified in the M2B study, has been conducted and is provided in the **Final EIR, Volume III, Appendix WILDLIFE**. The findings of this study indicate that the Proposed Project maintains a large proportion of the terrestrial and riparian permeability and in particular, least cost pathways are maintained. The M2B analysis is a regional scale study that did not account for certain existing barriers to transit, particularly for large mammals, as no formal on-the-ground assessment of proposed pathways were conducted on the Guenoc

Valley Site for the M2B study. For example, the assessment provided in Appendix WILDLIFE accounted for vineyards existing prior to the M2B study that fall within areas the M2B study identified as potential movement pathways. Additional open space areas, as further discussed in the **Response to Comments O10-06** and **O3-03**, have also been included on the Guenoc Valley Site using the M2B Study to avoid identified least cost pathways and preferentially select future open space areas (**Final EIR, Volume III, Appendix WILDLIFE**).

Response to Comment O10-08

Please refer to the **Response to Comment O3-03** related to habitat connectivity and the **Response to Comment O10-06** regarding designated open space.

A review of the citations provided determined revealed that the commenter provided citations that largely did not consider the species, locality, and habitat present on the Guenoc Valley Site. The following includes a summary of the scientific literature cited by the commenter.

- Bennett et al. (1994) relates to the response of chipmunks to fencerows in agrarian Canada.
- Brooker et al. (1999) studies only two sedentary, habitat-specific bird species in Australia that do not have the potential to occur on the Guenoc Valley Site: blue-breasted fairy-wren, and white-browed babbler.
- Hilty and Merenlender (2004) relates to wildlife corridors in Sonoma County, which is in the regional vicinity of the Guenoc Valley Site. This paper determined that riparian corridors provided the most important corridor to predatory mammals crossing habitat fragmented by vineyard development. The Proposed Project preserves the significant riparian corridors on the Guenoc Valley Site and adheres to Lake County's aquatic habitat setbacks. ELI (2003) provides a guide for local governments in determining appropriate wetland buffers. The Proposed Project is consisted with aquatic habitat feature setbacks set forth by Lake County Code, as required under Mitigation Measure 3.4-17 of the Draft EIR.

The analysis provided in the Draft EIR is based on the species with the potential to occur on the Guenoc Valley Site, and an understanding of the existing habitat quality as observed through multiple biological surveys of the Guenoc Valley Site. Information on the methods and results of biological surveys completed on the Guenoc Valley Site are summarized in Section 3.4.2 of the Draft EIR.

Response to Comment O10-09

Impact 3.4-2 of the Draft EIR provides an analysis of impacts to habitats that meet the definition of "sensitive" under CEQA. Note that fewer than 600 acres of sensitive habitat falls within the Area of Potential effects, which is far below the thousands of acres implied by the commenter.

Please refer to the **Response to Comment O8-03** regarding the definition of oak woodlands.

Response to Comment O10-10

As a component of this Final EIR, an MMRP has been prepared. The MMRP identifies those entities responsible for enforcement of the various mitigation measures presented within this Final EIR. The MMRP is legally binding and is included as **Section 4.0** of this document. Components of the project design intended to protect biological resources are ensured through recorded restrictions on the tentative maps. Property easements limit allowable development, and are enforceable by the County via the Final Map process.

The commenter is incorrect in stating that a significant loss of canopy cover is not defined. As stated within Appendix OAK of the Draft EIR and quoted by the commenter, “impacts that result in a reduction in woodland canopy cover to 60 percent or less and less than 2/3 of the canopies touching would be considered conversion of habitat from oak woodland to oak savanna.” Table 2 of the Oak Mitigation Plan summarizes mitigation by impact type. For each type of oak woodland (blue oak, live oak, valley oak), a significant loss of canopy cover requires preservation of in-kind habitat, discussed in greater detail below.

A technical memorandum was prepared by WRA to provide additional information on appropriate mitigation ratios for oak woodland preservation as well as the definition of oak woodland (**Appendix WRA**). As stated within this memo, a variety of sources were reviewed that take into account the location, quality of habitat observed, and guiding policies. This memo determined that a 2:1 ratio of acres preserved to acres impacted is a suitable ratio to offset impacts. Due to the additional value and limited distribution of valley oaks, the ratio for this habitat type has been increased to 3:1. Therefore, the preservation ratios as presented within the Oak Mitigation Plan (Appendix OAK of the Draft EIR) and Mitigation Measure 3.4-16 as presented within Section 3.4.5 of the Draft EIR have been increased to 3:1 for valley oaks, and 2:1 for all other oak woodlands.

Note that the Oak Mitigation Plan has been revised to clarify that blue oak savanna is a subset of blue oak woodland. Use of the designation of blue oak savanna was done to ensure that lower density blue oak woodlands are not used for preservation when impacts occur in woodlands with higher densities of oak cover. Preservation of in-kind blue oak savanna has been included as an acceptable option for mitigation in **Response to Comment O8-08**.

Response to Comment O10-11

Please refer to the **Response to Comment O8-03** regarding the definition of oak woodland. Please refer to the **Response to Comment O8-08** regarding oak woodland mitigation ratios.

Response to Comment O10-12

The commenter notes several biological functions performed by woodland habitats. It should be noted that trees within riparian areas are largely avoided through aquatic habitat setbacks outlined in Mitigation Measure 3.4-17 of the Draft EIR. An analysis on soil stability and water quality is included in Section 3.6 and 3.9 of the Draft EIR, respectively. An analysis on the quality of groundwater and other aquatic resources is included in Section 3.9 of the Draft EIR. The commenter expresses the opinion that conversion of woodland habitat in Napa County has contributed to environmental impacts. The commenter refers to

“reckless removal of thousands of acres of oak woodlands and forests.” It should be noted that Appendix OAK of the Draft EIR describes impacts to oak woodlands of up to a maximum 477 acres, not the thousands of acres claimed by the commenter. Over 100 acres of the 447 acres occur within proposed roadway alignments where impacts are potentially largely avoidable through careful road design. These impacts are mitigated through requirements in both Appendix Oak and Mitigation Measure 3.4-16. Additionally, it is anticipated that the full extent of oak woodlands within potential development areas would not be developed, as final siting of residential structures are encouraged to avoid oak habitat.

Response to Comment O10-13

Habitat acreages on the Guenoc Valley Site are shown in Table 3.4-1 presented within Section 3.4.2 of the Draft EIR. The commenter is incorrect in stating that the Guenoc Valley Site contains 200 acres of riparian habitat. The Guenoc Valley Site contains approximately 200 acres of streams and drainages, including agricultural drainages that lack riparian vegetation, as presented in Table 3.4-1 of the Draft EIR. As further discussed in Section 3.4.2 of the Draft EIR, and in Appendix BRA1 and BRA2 of the Draft EIR, riparian habitat on the project site includes areas of valley oak woodland, brewer willow thicket, and white alder groves. These habitats total 63.8 acres. The commenter is correct in stating that the Guenoc Valley Site supports over 400 acres of emergent wetlands, and over 650 acres of ponds and reservoirs. The full extent of jurisdictional wetlands or waters of the U.S. or state can only be determined by the U.S. Army Corps of Engineers and the Regional Water Quality Control Board, respectively.

Mitigation presented within Section 3.4.5 of the Draft EIR includes defined success criteria to ensure that habitat restoration and creation activities fully mitigate for impacts. Because completion of mitigation is contingent upon success criteria such as vegetative cover and plant survivability, it is ensured that mitigating activities are successful before being deemed complete. Increasing the ratio of required mitigation does not effectively guarantee offset of impacts as success criteria determines the final level of mitigation. Simply requiring mitigation to occur at high ratios with no scientific basis would not serve to ensure mitigation. Rather, a set mitigation ratio with monitoring, adaptive management, and minimum success criteria, as presented within the Draft EIR, serves to effectively offset impacts.

Use of setbacks to the outer edge of riparian habitat ensures that sensitive riparian vegetation is protected. For example, under Mitigation Measure 3.4-17, a setback is required 20 feet from the top of bank of any intermittent stream, consistent with Lake County Code. However, should an intermittent stream display a riparian corridor wider than 20 feet from the top of bank, Mitigation Measure 3.4-17 would require setbacks to extended to the edge of riparian vegetation. Thus, setbacks for aquatic habitat would be equal to setbacks required by Lake County code, or to the edge of riparian vegetation, whichever is greater.

Response to Comment O10-14

Impact 3.4-2 describes impacts to sensitive habitat types, including riparian habitat. The Guenoc Valley Site contains approximately 200 acres of streams and drainages, including agricultural drainages that lack riparian vegetation, as presented in Table 3.4-1 of the Draft EIR. As further discussed in this section and in Appendix BRA1 and BRA2 of the Draft EIR, riparian habitat on the project site includes areas of valley oak woodland, brewer willow thicket, and white alder groves. These habitats total 63.8 acres. Of those habitats

described as riparian communities, only 2.2 acres of these habitats may be converted by development on the Guenoc Valley Site. Individual cases where limited native riparian vegetation is removed for roadway crossings would be subject to a CDFW LSAA as noted within Section 4.3.5 of the Draft EIR.

Inclusion of anadromous fish and California freshwater shrimp in the commenter's discussion implies that steelhead trout and other anadromous fish and California freshwater shrimp are present on the Guenoc Valley Site or would be potentially affected by the Proposed Project. Anadromous fish, including steelhead, are not present on the Guenoc Valley Site and vicinity due to barriers to anadromy created by Lake Berryessa (CalFish, 2020). California freshwater shrimp do not occur in Lake County, much less the Guenoc Valley Site (USFWS, 2017).

The commenter, with the first five references in the fifth paragraph of **Comment O10-14** cites the following scientific literature, which is summarized below.

- Kilgo et al. is a study about migratory birds in hardwood forests of South Carolina. The species that were studied do not occur in the Guenoc Valley Site.
- Simlitsch and Bodie 2003 is a study that reviewed literature for 65 species of amphibians and reptiles, only three of them occurring in California, and only one of them occurring on the Guenoc Valley Site. The overwhelming majority of this data is for species that occur in much more humid landscapes than the Guenoc Valley Site, including some tropical areas, which extends the biological capacity for distance transit for these species.
- Fellers and Kleeman 2007 is a study on California red-legged frog, a species with a particularly large dispersal capability, which does not occur on the Guenoc Valley Site and is not documented to occur in Lake County.
- Trenham and Shaffer 2005 is a study on California tiger salamanders, a species with a particularly large dispersal capability which does not occur on the Guenoc Valley Site or even in Lake County.
- Cushman 2006 is a study of habitat fragmentation on amphibians. It is a review paper. None of the species considered in the review occur in Lake County.

While the statements that the commenter makes may be true for a given species within a specific context, they generally do not apply within the context of the Proposed Project and Lake County on the whole. The analysis provided in the Draft EIR is based on the species with the potential to occur on the Guenoc Valley Site, and an understanding of the existing habitat quality as observed through multiple biological surveys of the Guenoc Valley Site. Information on the methods and results of biological surveys completed on the Guenoc Valley Site are summarized in Section 3.4.2 of the Draft EIR.

The commenter states concerns that impacts to foothill yellow-legged frog would be considered impacts to a special-status species. While foothill yellow-legged frog is listed under the California Endangered Species Act (CESA) as threatened in some areas, it has been determined that the north coast populations, which represent a distinct evolutionary clade, do not warrant any listing under CESA (CDFW, 2020). As such, the foothill yellow-legged frog populations on the Guenoc Valley Site are not State-threatened.

The commenter implies that designated critical habitat is a concern on the Guenoc Valley Site, but no designated critical habitat exists on the Guenoc Valley Site, as stated within Section 3.4 of the Draft EIR and under Impact 3.4-1 as presented within Section 3.4.4 of the Draft EIR.

The commenter indicates that “Bay Area setbacks range from 30-200 feet” and provides context for the higher end being the Russian River Riparian Corridor. The Russian River Riparian Corridor, which is protected in Sonoma County by a 200-foot buffer, supports many State and federally listed animal species and critical habitats. These include economically significant runs of salmonid fishes. In contrast, the Guenoc Valley Site, including Putah Creek (the largest stream on the Guenoc Valley Site) does not contain any federally listed animal species, contains no designated critical habitat, and the only State-listed animal species with potential to occur are birds (Appendix BRA1 and BRA2 of the Draft EIR), which are not likely to be directly impacted by the Proposed Project due to avoidance measures discussed in Impact 3.4-2 of the Draft EIR. Additionally, the majority of the perennial and intermittent streams in the Area of Potential Effects have narrow riparian zones because of the well-drained soils and high prevalence of surface rock (refer to Appendix BIO1 and BIO2 of the Draft EIR). Because of this, western pond turtles and foothill yellow-legged frog (both of which are CDFW species of special concern) are more restricted in their ability to move far from streams because of a higher probability of desiccation and lower probability of finding adequate refuge relative to other parts of their range.

Setbacks recommended by the commenter, including the 300-foot reservoir buffer, is not based on local research near the Guenoc Valley Site or the wildlife species that may occur there. Buffers for aquatic habitat required for the Proposed Project are therefore consistent with Lake County Code and protective of those species with the potential to occur on the Guenoc Valley Site and the conditions observed on the ground by qualified biologists. Similarly, wildlife connectivity analysis was based on the environmental context of the Guenoc Valley Site and species with potential to occur and be impacted by the Proposed Project. This includes a full consistency analysis with the M2B study as outlined in the **Response to Comment O3-03**, which has been expanded in response to commenter concerns regarding habitat connectivity and wildlife movement.

Response to Comment O10-15

Impact 3.4-2 within Section 3.4.5 of the Draft EIR addresses impacts to sensitive habitats. Thresholds of significance related to biological resources are included within Section 3.4.4 of the Draft EIR. As stated within this section, an impact is considered significant if a project would, “Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by CDFW or USFWS.” Table 3.4-6 within Section 3.4.4 of the Draft EIR lists habitats within the Area of Potential effects and denotes which of these habitats are sensitive.

Chaparral habitat on the Guenoc Valley Site, with the exception of musk-brush chaparral, is not considered a sensitive habitat type pursuant the threshold of significance listed above. Potential impacts to musk-brush chaparral are addressed by Mitigation Measure 3.4-15. The commenter is incorrect in stating that 33 acres of musk-brush chaparral (the full extent of this habitat type on the Guenoc Valley Site) would be converted by the Proposed Project. Rather, 19.5 acres of this habitat fall within a potential development area, as explained under Impact 3.4-2 of the Draft EIR. Should special-status plants occur within impacted chaparral

habitat, mitigation would occur as outlined in Mitigation Measure 3.4-3. Significant chaparral, including serpentine soils, occurs within the designated open space and would be sufficient for special-status plant mitigation as necessary. The Draft EIR determined that, with mitigation, impacts to sensitive chaparral habitat and special-status species are less than significant. Because the Draft EIR addresses impacts to sensitive chaparral habitat and special status plants with the potential to occur within chaparral habitat, no further response is needed.

Native grasslands are similarly discussed as a sensitive habitat under Impact 3.4-2 within Section 3.4.5 of the Draft EIR. This habitat type is mitigated under Mitigation Measure 3.4-15. Please refer to Impact 3.4-1 of the Draft EIR for a complete analysis of impacts to special-status species as defined by CEQA. The commenter is once again incorrect in referencing the Draft EIR by stating that all 8 acres of purple needlegrass within the potential development areas would be converted. As stated within the Draft EIR, “Given the residential lot development restrictions within the Design Guidelines, it is not anticipated that the entirety of purple needlegrass within development areas would be removed. Mitigation Measure 3.4-15 is recommended to ensure maximum avoidance of purple needlegrass within development areas.” This mitigation requires that needlegrass be avoided as possible during final residential lot sale and development. Given the limited distribution of purple needlegrass on the Guenoc Valley Site, it is likely that the majority of impacts to this habitat would be avoided, however the Draft EIR presents mitigation for any level of impact to this habitat type. The Draft EIR determined that, with mitigation, impacts to sensitive native grasslands are less than significant. Because the Draft EIR addresses impacts to sensitive native grasslands habitat, no further response is needed.

Leather oak chaparral is not considered a sensitive habitat as described above. Presence of serpentine soils does not qualify this habitat type as sensitive. Significant portions of this habitat type are not impacted by construction or are held within designated open space and provide sufficient habitat should mitigation for special-status plants relying on serpentine habitat be observed within an impact area and subject to Mitigation Measure 3.4-3 of the Draft EIR.

The commenter expresses the opinion that mitigation ratios are insufficient and suggests mitigation at ratios of 3:1 and 5:1. However, no reasoning is given to support the claim that mitigation ratios are insufficient, and no supporting information is provided for recommended mitigation ratios.

Response to Comment O10-16

A definition of “special-status” for the purposes of the Draft EIR is provided within Section 3.4.2 of the Draft EIR. The botanical components of Appendix BRA1 and Appendix BRA2 include observations of vascular plants, regardless of status. Additionally, Appendix BRA1 and Appendix BRA2 include the California Native Plant Society’s California Rare Plant Rank (CRPR) List 3 and 4 in the definition of “special-status.” Individual counties have the authority to require an analysis of CRPR List 3 and 4 under CEQA. Lake County does not require this. Therefore, the Draft EIR does not include CRPR List 3 and 4 plants identified in Appendix BRA1 and Appendix BRA2. The Draft EIR therefore does not misrepresent the information provided in the BRAs. Rather, the Draft EIR considers only those species that qualify as special-status and require analysis under CEQA. The Draft EIR acknowledges this and states:

“As described in Section 6.0 of **Appendix BRA1** and **BRA2**, CNPS [California Native Plant Society] list 3 and list 4 plants were observed on the Guenoc Valley Site. While these plants are not considered special-status plants for the purpose of this EIR, their inherent value has been considered through the design and development of the Proposed Project. Known occurrences of CNPS list 3 and list 4 plants have been included within designated open space and, in this way, effects on these plants have been avoided where feasible.”

Response to Comment O10-17

The commenter expressed the belief that special-status plant mitigation is insufficient and should occur at a 5:1 ratio. Mitigation Measure 3.4-3 presented within Section 3.4.5 of the Draft EIR includes defined success criteria to ensure that habitat restoration and creation activities fully mitigate for impacts. Because completion of mitigation is contingent upon success criteria, it is ensured that mitigating activities are successful before being deemed complete. Increasing the ratio of required mitigation does not effectively guarantee offset of impacts as success criteria determines the final level of mitigation. Simply requiring mitigation to occur at high ratios with no scientific basis would not serve to ensure mitigation. Rather, a set mitigation ratio with monitoring, adaptive management, and minimum success criteria, as presented within the Draft EIR, serve to effectively offset impacts.

The commenter additionally expresses the opinion that Mitigation Measure 3.4-3 conflicts with Appendix BRA1 and Appendix BRA2 of the Draft EIR regarding special-status plant mitigation. Appendix BRA1 and Appendix BRA2 recommend a separate mitigation plan for each special-status plant species within the Area of Potential Effects. However, sufficient information to develop appropriate mitigation based on the species of plants impacted, and the level of impact was determined in the preparation of the Draft EIR. Therefore, specific mitigating ratios and success criteria are included within the Draft EIR, rather than in a future mitigation plan. Mitigation for impacts to special-status plants includes multi-year monitoring, reporting, and adaptive management requirements. Additionally, it should be noted that Mitigation Measure 3.4-3 of the Draft EIR requires consultation with CDFW and/or USFWS to identify proper mitigation should a special-status plant lacking a demonstrated history of successful transplanting be identified within an impact area. Because the Draft EIR was able to identify species-specific impacts and suitable mitigation, no further mitigation plans are necessary.

The commenter is incorrect when stating that the Draft EIR is inconsistent with the BRA regarding avoidance of CNPS List 1 species. CNPS List one species are considered special-status for the purpose of the Draft EIR. Per Mitigation Measure 3.4-3 of the Draft EIR, “Individual occurrences of special-status plants shall be avoided by a minimum of 20 feet when possible.” As shown within Figure 3.4-3 of the Draft EIR, significant areas with identified special-status plants have been avoided through project design. Additional avoidance would occur through preconstruction surveys and conscientious siting of residential structures. In addition to the avoidance measure quoted above, the updated Design Guidelines included as **Revised Appendix DG** state, “A landscape plan shall be prepared for each parcel or groups of parcels to specifically address protection and enhancement of special status plants, native grasslands and chaparral communities.”

Response to Comment O10-18

The commenter expresses the opinion that the Draft EIR Appendix BRA1 and Appendix BRA2 are not part of the Draft EIR. However, all of the appendices to the Draft EIR are part of the EIR, and were published by the County on the County's website to make it easy for readers to refer to the appendices. CEQA Guidelines Section 15147 states as follows:

15147. TECHNICAL DETAIL

The information contained in an EIR shall include summarized technical data, maps, plot plans, diagrams, and similar relevant information sufficient to permit full assessment of significant environmental impacts by reviewing agencies and members of the public. Placement of highly technical and specialized analysis and data in the body of an EIR should be avoided through inclusion of supporting information and analyses as appendices to the main body of the EIR. Appendices to the EIR may be prepared in volumes separate from the basic EIR document, but shall be readily available for public examination and shall be submitted to all clearinghouses which assist in public review.

The commenter states that the Draft EIR does not identify or describe special-status wildlife species that were observed or may occur on the Guenoc Valley Site. However, Table 3.4-2 of the Draft EIR provides a list of special-status wildlife and with the potential to occur on the Guenoc Valley Site and additionally provides information on whether the species was observed or whether the species had a high or moderate potential to occur. Section 3.4.2 refers to the appropriate section of Appendix BRA1 and Appendix BRA2 for reviewers wishing to read a description on the life history of each individual species.

Response to Comment O10-19 and O10-20

The commenter asserts that western pond turtle and foothill yellow-legged frog are candidate species under the federal Endangered Species Act and not adequately assessed in the Draft EIR or supporting documents. Both western pond turtle and foothill yellow-legged frog are under review to become candidates for listing under the federal Endangered Species Act. Neither have been moved to candidacy as suggested by the commenter.

With respect to assessing the potential for future protections, this is done for candidates, not species under review. However, in these two instances, the likely outcome of the review for both species is that the populations in the vicinity of the Guenoc Valley Site do not warrant listing because there have not been declines sufficient to warrant listing the evolutionary significant units (the federal term for distinctive population) that occur in the vicinity of the Guenoc Valley Site. In the case of foothill yellow-legged frog, this would be consistent with the recent and thorough assessment performed by the CDFW during that species candidacy for listing under the CESA summarized in the **Response to Comment O10-14**. In the case of western pond turtle, the majority of the decline of this species has occurred in the southern population, which is considered by many to be a separate species.

Neither western pond turtle nor foothill yellow-legged frog within the geographic area of the Guenoc Valley Site are listed under the CESA or the federal Endangered Species Act. As such, prohibitions of take for

these species do not exist, and the level of consideration under CEQA is largely based on precedent. Both these species are species of special concern (a list administered by the California Department of Fish and Game, known as CDFW), as noted within Section 3.4.2 of the Draft EIR. CEQA's threshold for significant impacts does not quantify the measures needed for consideration of species of special concern, but CDFW has the opportunity to comment on measures provided during the CEQA process and during the issuance of permits related to areas under its jurisdiction. Based on precedent established on a variety of projects over the course of many years, the measures in the Draft EIR were developed to provide a level of protection typically applied to these species. For example, western pond turtle is most typically evaluated for activities that occur within 300 feet of potentially occupied aquatic features. This is based on studies that indicate that most pond turtle nests are laid within about 300 feet of aquatic features. The CDFW publication, California Amphibian and Reptile Species of Special Concern (Thompson et al., 2016), stipulates that the majority of nests are laid within 100 meters of water, based on numerous studies. Measures are also designed to avoid incurring unnecessarily onerous costs or environmental damage associated with overly prescriptive mitigation measures that would not actually protect western pond turtles and foothill yellow-legged frogs.

In response to this comment, Mitigation Measures 3.4-10 and 3.4-11 have been revised to clarify the methodology for western pond turtle and foothill yellow-legged frog pre-construction surveys. Additional specifications on appropriate avoidance and exclusion within buffer areas has been added to **Mitigation Measures 3.4-10** and **3.4-11**.

Response to Comment O10-21

Comment noted. The commenter provides background information on climate change. This information is consistent with the Environmental Setting (Section 3.7.2) and Regulatory Context (Section 3.7.3) found in Section 3.7 of the Draft EIR.

Response to Comment O10-22

The commenter claims that the Draft EIR fails to provide explanation, methodology, inputs, and assumptions used to estimate the GHG emissions from the Proposed Project. This characterization of the information presented in Section 3.7 of the Draft EIR is not accurate. Section 3.7.4 of the Draft EIR provides a detailed discussion of the methodology used to estimate GHG emissions from both construction and operation of the Proposed Project.

As noted in Section 3.7.4 of the Draft EIR, construction and operational GHG emissions were estimated using the CalEEMod air quality model. CalEEMod is a comprehensive tool for quantifying air quality and GHG emissions from land use projects located throughout California. Additionally, CalEEMod has been approved by the California Air Resources Board (CARB) for use in CEQA documents. The information presented in Appendix AIR of the Draft EIR includes all inputs and assumptions used in the CalEEMod modeling, as well as the emissions estimates for each phase of the Proposed Project. While the commenter notes that Appendix AIR contains 500 pages of data tables, the first 24 pages in this appendix, which is referenced as the "CalEEMod Inputs Tables" presents a concise summary of the inputs and assumptions used in the emissions modeling. These assumptions are based on the description of the Proposed Project

as provided in Section 2.0, Project Description, as well as the Construction Plan included in Appendix CP of the Draft EIR.

The information provided in Appendix AIR is accurately described and referenced throughout the Draft EIR, and the inclusion of this information in no way represents a deficiency of the Draft EIR.

Response to Comment O10-23

Mitigation Measure 3.7-1 of the Draft EIR describes a range of measures that would reduce operational GHG emissions from the Proposed Project. The **Final EIR, Volume II, Section 3.7** has been revised to clarify that Zero Net Energy shall mean that on a community-wide basis, the actual annual consumed energy will be less than or equal to the renewable generated energy utilized. Additionally, **Mitigation Measure 3.7-1** has been revised to clarify the timing and commitment to renewable energy. As described in the **Final EIR, Volume II, Section 3.7.5**, electrical supply for residential uses of the Proposed Project shall be provided through installation of solar photovoltaic systems consistent with the 2019 Building Energy Efficiency Standards, and compliance with this requirement must be demonstrated prior to issuance of building permits for residential uses. Additionally, renewable energy supplies shall be secured and/or systems installed for each commercial structure of the Proposed Project prior to issuance of its final certificate of occupancy. Therefore, this Mitigation Measure is adequate and enforceable.

In support of Mitigation Measure 3.14-4, a TDM Program for the Proposed Project is included in **Appendix TDM** of the Final EIR. The TDM Program includes specific strategies to reduce VMT generated by the Proposed Project. Additionally, **Mitigation Measure 3.14-4** has been revised to required ongoing monitoring and reporting of the TDM Program to assess the effectiveness of the Plan. Therefore, this Mitigation Measure is adequate and enforceable.

Mitigation Measure 3.3-1, included in the Draft EIR, requires that construction of the Proposed Project utilize Tier 4 engines and Level 3 Diesel Filters during all phases of development, to the maximum extent feasible. Implementation of Mitigation Measure 3.3-1 would also reduce GHG emissions from construction of the Proposed Project. **Section 3.7.5** of the Final EIR has been revised to require implementation of Mitigation Measure 3.3-1 to reduce GHG emissions from construction of the Proposed Project.

Response to Comment O10-24

Refer to **Response to Comment O10-23**. A TDM Program for the Proposed Project is included in **Appendix TDM** of the Final EIR. The TDM Program includes specific strategies to reduce VMT generated by the Proposed Project. Additionally, **Mitigation Measure 3.14-4** has been revised to required annual monitoring and reporting of the TDM Program to assess the effectiveness of the Plan.

The mitigation measures included in CalEEMod are based on the CAPCOA's Quantifying Greenhouse Gas Mitigation Measures Quantifying Greenhouse (CAPCOA), August 2010. Refer to **Response to Comment A7-13** for quantification of trip reductions related the TDM measures included in Mitigation Measure 3.14-4. The Proposed Project includes all feasible VMT mitigation measures identified in the CARB's 2017 scoping plan including: on-site workforce housing, limited parking supply, private shuttle service, on-site bicycle parking and storage, preferential parking for carpoolers/vanpoolers, dedicated parking for car share

service, and on-site sales of transit passes. Additionally, the Proposed Project does not rely on any of the above mitigation measures to reduce GHG emissions to a less-than-significant level. As discussed in Section 3.7.4 of the Draft EIR, GHG emissions from the Proposed Project are identified as significant an unavoidable after mitigation.

Response to Comment O10-25

As described by the commenter, the Draft EIR summarizes available information on the state of local groundwater basins. However, the Draft EIR does not rely on historic data for the analysis of impacts. A Water Supply Assessment (WSA; Appendix WSA) was prepared to evaluate the sustainability of the groundwater supply. As described in Section 3.9.4 of the Draft EIR, the WSA modeled future groundwater conditions based on site-specific conditions using the Basin Characterization Model (BCM) of California developed by the U.S. Geological Survey. Recognizing that climate change presents the potential to alter water availability in the future, the groundwater availability analysis uses BCM outputs for a “hot and low rainfall” scenario developed in a recent study of climate change vulnerability in northern San Francisco Bay Area counties. BCM outputs resulting from the “hot and low rainfall” scenario represent the largest departure from recent, observed climate conditions out of six future scenarios evaluated for the northern Bay Area counties. For the “hot and low rainfall” scenario, mid-century averages (i.e., 2040 to 2069) include a 21 percent reduction in average annual precipitation, an 11 percent increase in minimum monthly winter temperatures, and an 8 percent increase in the maximum monthly summer temperatures. The evaluation of future groundwater availability presented in the WSA and EIR incorporates the “hot and low rainfall” scenario. As presented in Section 3.9.4 of the Draft EIR, the water supply is projected to result in surpluses into the foreseeable future without causing overdraft of groundwater supplies.

Response to Comment O10-26

The Draft EIR contains a Wildfire section (Section 3.16) that fully assesses the impacts of the Proposed Project related to Wildfire. As described in that section, the proposed “Wildfire Prevention Plan” (Appendix FIRE) is incorporated into the Proposed Project and includes extensive fire management techniques to significantly reduce the risk of wildfire ignition, spread, and damage.”. In addition, two mitigation measures are identified in the Draft EIR to reduce impacts related to wildfire. Impacts related to evacuation in a wildfire are addressed in Impact 3.16-1. In the impact analysis, the provisions of the Wildfire Prevention Plan regarding evacuation and how these provisions adequately reduce the potential impact to a less than significant level are described in detail. No mitigation is identified because the Wildfire Prevention Plan adequately reduces the impact. As discussed in **Final EIR, Volume I, Section 1.3** of this response to comments document, the Wildfire Prevention Plan has been revised to require the establishment of roadway fire breaks upon occupancy of structures (versus leaving the timing of the fire breaks to the discretion of the Homeowners Association [HOA]) and to require primary structures to be equipped with an exterior fire suppression system. Refer to the revised description of the Wildfire Response Plan in the **Final EIR, Volume II, Section 2.5.2.3**, and to **Volume III, Revised Appendix FIRE**.

Response to Comment O10-27

Please see the **Response to Comment O10-26** for a summary of how the Draft EIR includes detailed analysis of wildfire impacts. The commenter states that “the only way to protect human life and structures

is to not build in these locations in the first place.” The No Project alternative is considered in the Draft EIR. The risk of human ignition of wildfires is considered in Impact 3.16-5 and addressed in the Wildfire Prevention Plan (Appendix FIRE of the Draft EIR).

Response to Comment O10-28

As noted in the **Response to Comment O10-26**, the proposed Wildfire Prevention Plan (Appendix FIRE) is incorporated into the Proposed Project. The plan describes how the Proposed Project has been designed to reduce and address fire risks, as well as identifying actions and measures to be taken during project implementation. The plan is a substantial document, providing the basis for its conclusions and how the plan was formulated in pages 1-14, and its elements in the remainder of the 35-page document. Implementation of the plan by the HOA is consistent with the project plans, where the overall development, following approval by the County, will be managed by the HOA. The HOA will have enforcement authority through the covenants, conditions, and restrictions. As discussed in **Final EIR, Volume I, Section 1.3**, the Wildfire Prevention Plan has been revised to require the establishment of roadway fire breaks upon occupancy of structures (versus leaving the timing of the fire breaks to the discretion of the HOA) and to require primary structures to be equipped with an exterior fire suppression system. Refer to the revised description of the Wildfire Response Plan in the **Final EIR, Volume II, Section 2.5.2.3**, and to **Volume III, Revised Appendix FIRE**. Further, it should be noted that the Wildfire Prevention Plan was prepared in coordination with CalFire and SLCFPD. Implementation of the Wildfire Prevention Plan (Revised Appendix FIRE of the Final EIR) will be made a condition of project approval, and therefore will be enforceable by the County.

Response to Comment O10-29

Effects of changes in wildfire frequency and intensity on biological resources, including habitat, are acknowledged in the discussion of effects related to climate change on page 3.7-3 of the Draft EIR. Effects of measures to reduce wildfires, such as vegetation clearing, are addressed in the Draft EIR in Impact 3.4-1. The risk of human ignition of wildfires is considered in Impact 3.16-5 and addressed in the Wildfire Prevention Plan (Appendix FIRE). Because the Proposed Project would not result in significant impacts associated with wildfire ignition, additional discussion regarding the indirect consequences of wildfire on biological habitats is not warranted.

Response to Comment O10-30

As noted in the **Response to Comment O10-26**, the proposed “Wildfire Prevention Plan (Appendix FIRE) is incorporated into the Proposed Project and includes extensive fire management techniques to significantly reduce the risk of wildfire ignition, spread, and damage.” In addition, two mitigation measures are identified in the Draft EIR to reduce impacts related to wildfire. Impacts related to evacuation in a wildfire are addressed in Impact 3.16-1. In the impact analysis, the provisions of the Wildfire Prevention Plan regarding evacuation and how these provisions adequately reduce the potential impact to a less than significant level are described in detail. No mitigation is identified because the Wildfire Prevention Plan adequately reduces the impact.

Regarding the commenter's statements that the mitigation on page 3.16-15 to 16 of the Draft EIR is inadequate, the Wildfire Prevention Plan, which is incorporated into the Proposed Project, serves to reduce potential impacts related to wildfire. The Draft EIR discusses how the Wildfire Prevention Plan accomplishes this on pages 3.16-9 through 3.16-14, identifying specific elements of the plan and describing how they service to reduce wildfire risk and impacts of wildfire. Mitigation Measures 3.16-1 and 3.6-2 are identified to reduce the residual impact after implementation of the Wildfire Prevention Plan. These mitigation measures alone would not be adequate, as the commenter notes. However, the commenter is incorrect that these mitigation measures are all that is relied on to ensure that the impact will be less than significant, as described in this response to that comment.

Regarding evacuation plans, the Proposed Project occurs in the context of existing planned responses to emergencies, including wildfires. Existing evacuation plans that include the project site are specifically described with relation to the project in a number of places in the Draft EIR, especially in the discussion of Impact 3.16-1 on pages 3.16-8 and 3.16-9.

Response to Comment O10-31

Regarding the commenter's question "what are the pre- and post-Project expected evacuation times for residents (both Project residents and nearby affected existing residents) fleeing wildfire in the vicinity of the Project site," evacuation times would vary based on a large number of factors, including day of the week, time of day, the fire's location, behavior, winds, and terrain. While the County has performed extensive planning for wildfire safety and evacuation, it has not projected evacuation times, due to the number of variables.

Regarding the commenter's question "what will the Level of Service be for emergency egress routes from the Project vicinity in the event a wildfire-driven evacuation becomes necessary," Level of Service is a measure of congestion at intersections. Existing and future levels of service on roadways serving the project are presented in Tables 3.13-6 and 3-13-8 of the Draft EIR. While levels of service, generally evaluated at peak commute hour, would not be likely to be relevant in a rural area during a wildfire emergency, as shown on these tables, levels of service at project intersections on evacuation routes would generally be acceptable.

Regarding the commenter's question "what, if any, alternative evacuation routes will be available for residents and nearby community members in the event that Proposed Project-generated evacuation traffic makes Butts Canyon Rd. and/or Hwy 29 or 175 impassable", as noted on page 3.16-7 of the Draft EIR, the Lake County Wildfire Protection Plan provides an evacuation route map (<http://www.lakecountycalifornia.gov/Assets/County+Site/Fire+Safe+Council/cwpp/Evacuation.jpg>). This map shows all of the existing and potential evacuation routes serving the county and the project site. The Wildfire Prevention Plan for the Proposed Project includes plans for determining whether evacuation routes are unsafe, and designated meeting locations.

Regarding the commenter's question "what effect will resident evacuation on Butts Canyon Rd. and/or Hwy 29 or 175 have on the ability and timing for first responders who are responding to wildfire in the vicinity of the Project," evacuation in the event of a wildfire is managed by the Lake County Sheriff's Department in coordination with other emergency responders through the Emergency Services agency.

Regarding the commenter's question "how residents will be notified of the need for offsite evacuation or onsite relocation," on page 32 of the Wildfire Prevention Plan, it states "Emergency Notification Siren System: Located throughout the resort, the siren system will alert people to a wildfire emergency and announce updated information and directions. Opt-out Communication System: All residents, visitors, and employees will be enrolled in an opt-out phone-based communication system, such as Nixle, to receive emergency notifications. This system will supplement the site-wide emergency siren system to ensure that everyone is alerted of important emergency information and updates."

Regarding the commenter's question "where would residents take shelter if on-site relocation is deemed advisable", on page 3.16-8 of the Draft EIR, it states that "depending on where the fire is located, people at the Guenoc Valley Site would be directed to exit the site via the primary roadways to Butts Canyon Road or as a last resort would shelter in place at the six Designated Meeting and Staging Areas." These meeting and staging areas are designated in the Wildfire Prevention Plan on page 33.

The commenter states that the "County's Community Evacuation Plan" should have been included in the Draft EIR. There is no reference to a "Community Evacuation Plan" on page 3.16-8 of the Draft EIR as stated by the commenter. The Draft EIR does discuss consistency of the Proposed Project with the Lake County Community Wildfire Protection Plan, a County plan and public document available for reference on the County's website at <http://www.lakecountyca.gov/Government/Boards/lcfsc/LCCWPP.htm>.

Response to Comment O10-32

The geographic scope used for analysis of cumulative wildfire impacts is described in the first paragraph on page 3.16-15 of the Draft EIR, along with the basis for the determination of that geographic scope – based on the spread of fires at the borders of the project site. As the commenter notes, the Draft EIR assesses reduction in impacts related to wildfire with implementation of the proposed Wildfire Prevention Plan that is a part of the Proposed Project. As noted in **Response to Comment O10-28**, implementation of the Wildfire Prevention Plan will be made a condition of project approval, and therefore will be enforceable by the County. The commenter mischaracterizes the analysis in Impact 3.16-6. The reasons for the conclusion that implementation of the Wildfire Prevention Plan and Mitigation Measures 3.16-1 and 3.16-2 will reduce the Proposed Project's contribution to a cumulative impact such that the cumulative impact would be less than significant are explicitly stated:

"The Proposed Project will implement the Wildfire Prevention Plan and Mitigation Measures 3.16-1 and 3.16-2 in order to reduce its potential for starting and exacerbating wildfires. Furthermore, these measures will ensure a thorough emergency response, safe evacuation routes, and the competent management of direct (e.g. smoke inhalation) and indirect effects associated with a wildfire (e.g. erosion). Because of the discussed factors, the Proposed Project in combination with future projects in the region will not create a significant impact."

The commenter states that the Proposed Project should have considered "the Newland Sierra's cumulative wildfire impacts when considered along with the other projects proposed in the region." However, the Newland Sierra project is in San Diego County and has no relevance to this EIR.

The commenter states that the Proposed Project is “an irresponsible use of County and state funds and resources.” This comment will be considered by the decision makers in their consideration of the Proposed Project. No further response is required in the EIR.

Response to Comment O10-33

Please see **Response to Comment O10-02**. As noted therein, further clarification of the cumulative impacts of the potential vineyard development in combination with the Proposed Project has been provided in the **Final EIR, Volume II, Section 4.2.1** (Cumulative Context), and added to the cumulative impact discussions in **Section 3.0** (Environmental Analysis). No new significant cumulative effects beyond those described in the Draft EIR were identified.

Response to Comment O10-34

In this comment the commenter generally states their opinion that the alternatives analysis in the Draft EIR is inadequate. Please see **Responses to Comments O10-35, O10-36, and O10-37** for responses to the commenter’s specific comments regarding alternatives.

Response to Comment O10-35

The commenter states their opinion that the range of alternatives considered in the Draft EIR was too narrow. As stated on page 5-4 of the Draft EIR, “In accordance with the alternatives analysis requirements of CEQA, two alternative projects and a no project alternative were identified and analyzed. Each alternative was chosen based on its ability to potentially reduce one or more environmental impacts, while still achieving some of the project objectives.” As stated in CEQA Guidelines Section 15126.6 “An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation.”

The commenter suggests two alternatives for consideration that were not considered in the Draft EIR:

- “removing or translocating development associated with the Bohn Ridge Resort and Equestrian Center and Lodge.”

The commenter suggests that an alternative that did not have development in this planning area would reduce impacts “around Bucksnot Creek, which would enhance habitat connectivity at a critical point in the project site.” As part of the analysis presented under Impact 3.4-4 within Section 3.4.4 of the Draft EIR, an adjustment was made to the boundary of dedicated open space on the Guenoc Valley Site. As noted within this analysis, “The majority of the designated open space is located in the southern portion of the Guenoc Valley Site, with a corridor running through the center along Bucksnot Creek. The area proposed as open space preservation was selected on the basis of high habitat quality, known special-status plant locations, presence of sensitive habitat, and inclusion of natural corridors such as Bucksnot Creek.” Therefore, the designated open space on the Guenoc Valley Site already contains the corridor provided by Bucksnot Creek. Additionally, Mitigation Measure 3.4-17 as presented in Section 3.4.5 of the Draft EIR requires setbacks to aquatic habitat equal to setbacks required under Lake County code, or the edge of associated

riparian habitat, whichever is greater. For additional information on protection of identified wildlife corridors, please refer to the **Response to Comment O3-03**. Because the majority of the Bucksnot Creek corridor is preserved, setbacks are provided to other aquatic and riparian habitat, and identified wildlife movement pathways are preserved within the Guenoc Valley Site, the Draft EIR determined that this impact is less than significant with inclusion of mitigation.

- “an alternative that reduces, or eliminates, the conversion of open space to vineyards is feasible and should have been identified and discussed in the DEIR.”

As described in detail in the Draft EIR, for example on page 2-5, “no additional vineyards are proposed under the Proposed Project.” The Proposed Project does not involve conversion of open space to vineyards. Please see the **Response to Comment O10-02**. Therefore, there could not be a project alternative that reduces or eliminates conversion of open space to vineyards.

Response to Comment O10-36

As described on page 5-1 of the Draft EIR, “the purpose of the alternative analysis, according to CEQA Guidelines Section 15126.6(a), is to describe a range of reasonable alternative projects that could feasibly attain most of the objectives of the Proposed Project and to evaluate the comparative merits of the alternatives.” CEQA Guidelines Section 15126.6(d) further states:

- (d) Evaluation of alternatives. The EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project. A matrix displaying the major characteristics and significant environmental effects of each alternative may be used to summarize the comparison. If an alternative would cause one or more significant effects in addition to those that would be caused by the project as proposed, the significant effects of the alternative shall be discussed, but in less detail than the significant effects of the project as proposed.

As noted in CEQA Guidelines Section 15126.6(d), the analysis of the significant effects of alternatives need not be at the same level of detail as of the project. Quantification of impacts, as requested by the commenter, is not required for compliance with the requirements of CEQA. The comparative level of analysis provided in the Draft EIR, summarized in Table 5-2 of the Draft EIR, provides the decision makers with the level of detail required to make a determination whether there are alternatives that would reduce impacts associated with the Proposed Project.

Response to Comment O10-37

The commenter states that the Draft EIR rejects Alternative C for not meeting one of the Proposed Project objectives. This is incorrect. Alternative C was analyzed in the Draft EIR and was not rejected. The commenter is referring to Table 5-3 in Section 5.0 of the Draft EIR, which compares the alternative considered in the Draft EIR, Alternative A, No Project; Alternative B, Reduced Density, Similar Development Footprint; and Alternative C, High Density, Compact Development Footprint, to the project objectives. Each of the objectives is addressed separately. No alternatives are rejected based on this table, which is partially

the basis for the determination of the Environmentally Superior Alternative in Section 5.7. The Draft EIR concludes that Alternative C is the Environmentally Superior Alternative.

Regarding the Commenters Statement that the term “luxury international destination” resort needs to be defined, this term is self-evident. It implies high quality accommodations designed to promote international tourism. The Merriam Webster dictionary provides the following definitions:

- *Luxury: a condition of abundance or great ease and comfort;*
- *International: reaching beyond national boundaries*
- *Resort: a place designed to provide recreation, entertainment, and accommodation especially to vacationers; a community or establishment whose purpose or main industry is catering to vacationers*
-

Response to Comment O10-38

The Draft EIR and Final EIR were prepared in compliance with CEQA, PRC Sections 21000-21178 and the CEQA Guidelines (CCR Title 14). The Lead Agency has kept administrative records of all documents and communications related to the Proposed Project. The Center for Biological Diversity has been added to the Proposed Project mailing list. For additional information regarding the Proposed Project, please visit: http://www.lakecountyca.gov/Government/Directory/Community_Development/Planning/GuenocValley.htm.

3.3 RESPONSE TO INDIVIDUAL COMMENTS

I1 – DONNA MACKIEWICZ

Response to Comment I1-01

Comments received and submitted for project record. The endangered species listings are located in Appendices BRA1, BRA 2, and BRA-Middletown of the Draft EIR.

Response to Comment I1-02

Compliance with Dark Sky policies was addressed in the Draft EIR. Please refer to **Response to Comment O4-01**.

Response to Comment I1-03

Comment noted.

Response to Comment I1-04

The commenter expresses the opinion that the oak mitigation is insufficient but fails to provide specific concerns on the matter. As described in the responses to **Comments O8-6** and **O8-8**, mitigation preservation ratios have been increased, and the monitoring period for oak plantings has been increased.

Please refer to those responses to comments and Appendix WRA for additional information explaining those mitigation ratios presented within the Draft EIR and Oak Mitigation Plan.

Response to Comment I1-05

Comment noted, please refer to **Response to Comments I1-01** through **I1-04** above.

I2 – R. KEITH DONALDSON

Response to Comment I2-01

As described in Section 2.5.2.5 of the Draft EIR, potable water for the Guenoc Valley Site would be sourced from on-site wells. Non-potable water (for irrigation, non-recreational water features, fire protection water and construction related water demands) would be provided by a combination of surface water and groundwater on the Guenoc Valley Site. Recycled water produced by proposed on-site water recycling plants would also be used for non-potable uses. Water supply for the Middletown Housing Site would be provided by the Collayomi County Water District. Section 3.9 of the Draft EIR provides an evaluation of impacts on groundwater supplies. As presented in the Draft EIR, the proposed water supply is projected to result in surpluses into the foreseeable future without causing overdraft of groundwater supplies.

I3 – RICHARD MACKIEWICZ

Response to Comment I3-01

Compliance with Dark Sky policies was addressed in the Draft EIR. Please refer to **Response to Comment O4-01**.

Response to Comment I3-02

The commenter expresses the desire to see use of native plants on the Guenoc Valley Site. As stated within the Design Guidelines, the overall development is intended to blend in with the natural landscape and utilize natural features found on the project site for incorporation into landscaping and architecture. The Design Guidelines, which guide allowable development within the Guenoc Valley Zoning District state;

“A landscape plan shall be prepared for each parcel or groups of parcels to specifically address protection and enhancement of special status plants, native grasslands and chaparral communities... The landscape design should prioritize the use of plants which are native or well-adapted to the local northern California climate and setting. To the extent feasible native species which may be rare or endangered elsewhere shall be used for new landscaping, particularly endemic species cultivated at the Guenoc Valley nursery including a variety wildflowers, grasses, shrubs and trees. Native species will expand and enhance the existing landscape and become important food sources and habitat for native birds, butterflies and wildlife. As much as possible, selected plantings shall be drought-tolerant and require limited irrigation, fertilization, and maintenance. Appendix A provides a recommended residential planting palette list. Non-native invasive species shall be

avoided; in addition, planting designs shall avoid using tree species with invasive root systems near utility lines and paving.”

I4 – JAMES DUNCAN

Response to Comment I4-01

The commenter suggests workforce housing. As described in Section 2.5 of the Draft EIR, the Proposed Project includes two options for long-term workforce housing. Option 1 would include both on- and off-site workforce housing units, with 35 housing units located on the project site and 50 housing units located at the Middletown Housing Site. Option 2 would include only 50 housing units located at the Middletown Housing Site. The analysis of transportation and traffic impacts, located in Section 3.13 of the Draft EIR, evaluated long-term workforce housing Option 1 as this variant of the Proposed Project would result in higher trip generation.

I5 – JOHN SULLIVAN

Response to Comment I5-01

The commenter states that the project’s density is not consistent with the Middletown Area Plan. The Middletown Housing Site is zoned Single-Family Residential and designated Low Density Residential in the General Plan. As discussed in Section 3.2 of the Draft EIR, the proposed Off-Site Workforce Housing consists of single-family residential homes near the borders of the Middletown Housing Site with duplex housing in the center. The Proposed Project includes re-zoning of approximately 3.5 acres in the center of the Middletown Housing Site from Single-Family Residential to Two-Family Residential. This is the area containing the proposed duplexes. The Two-Family Residential district would allow for duplexes with a maximum permitted density of one unit per 4,000 SF. The proposed duplexes would have a density of approximately one unit per 4,261 SF, which is consistent with the zoning ordinance. The other approximately 9.25 acres would remain zoned as Single-Family Residential. The single-family homes would be consistent with the maximum permitted density of one unit per 6,000 acres. With the County’s approval of General Plan Amendment, Zoning ordinance amendments, and amendment to the Middletown Area Plan Special Study Map, the Proposed Project would not conflict with applicable land use policies.

Regarding the commenter’s concerns regarding water supply, as described in the analysis of Impact 3.9-2 of the Draft SEIR under Off-Site Workforce Housing – Project Level Analysis (Water Supply), “water supply for the Middletown Housing Site would be provided by the Callayomi County Water District ... CCWD has indicated the ability to serve the project without any additional improvements to the water supply and distribution system.” Please refer to Appendix CCWD of the Draft EIR for a water supply analysis for the Middletown Housing Site.

Response to Comment I5-02

Section 3.9 of the Draft EIR provides an evaluation of impacts on groundwater supplies. As presented in the Draft EIR, the proposed water supply is projected to result in surpluses into the foreseeable future without causing overdraft of groundwater supplies. In addition, Mitigation Measure 3.9-3 would specifically ensure that operation of the off-site well (located near the intersection of Butts Canyon Road and SR-29),

if used, would not draw down groundwater beyond 300 feet of the well. This would protect surrounding wells and the Collayomi Valley Groundwater Basin from adverse impacts.

I6 – KURT STEIR

Response to Comment I6-01

No comment received, comment card left blank aside from name.

I7 – LINDA DIEHL-DARMS

Response to Comment I7-01

Comment noted.

Response to Comment I7-02

The comment is noted. Please see **Responses to Comments I7-3 through I7-10** below.

Response to Comment I7-03

The commenter suggests that the groundwater plume associated with the former geothermal landfill at 19020 Butts Canyon Road, which is currently owned by Pacific Gas & Electric (PG&E), is moving toward Middletown. However, as described in Section 3.8.2 of the Draft EIR, the impacts to groundwater from the former geothermal landfill (geothermal waste site) are concentrated in the immediate vicinity of the closed landfill and the plume has not grown or moved in over two decades. The latest water quality monitoring report provided by PG&E (ERM-West, Inc., 2020¹) supports past characterization of the extent of groundwater contamination at the site. Specifically, the boron concentration maps provided in the 2020 report (Draft EIR Figures 15 and 16, based on 2019 data) are similar in extent as the boron concentration map (based on 1994, 2006 and 2013 data) provided by the commenter.

Response to Comment I7-04

Comment noted.

Response to Comment I7-05

As described in Section 2.5.2.5 of the Draft EIR, if necessary, the off-site well (located near the intersection of Butts Canyon Road and SR-29) would be used as a primary source of non-potable water to supply irrigation, fire protection and make up water for water features and ponds. The EIR has identified mitigation (Mitigation Measure 3.9-3) to ensure that operation of the off-site well (if used) would not draw down

¹ ERM-West, Inc. completed this supplemental report on January 15, 2020 to present the results of surface water and groundwater monitoring conducted at the former Geothermal Inc. Landfill Site in accordance with the California Regional Water Quality Control Board – Central Valley Region Cleanup and Abatement Order No. R5-2002-0204 (2002) and Monitoring and Reporting Program No. R5-2002-0204. The report can be viewed at: https://documents.geotracker.waterboards.ca.gov/esi/uploads/geo_report/6280116200/L10005342355.PDF

groundwater beyond 300 feet of the well. This would protect surrounding wells and the Collayomi Valley Groundwater Basin from adverse impacts.

Response to Comment I7-06

As described in Section 3.9.4 of the Draft EIR, the contamination plume at the former geothermal landfill ("PG&E Geothermal Waste Site") is 0.75 miles west of the Guenoc Valley Site project boundary and 2.5 miles from the Off-Site Well Site. Based upon the analysis provided in the Draft EIR (including the Water Supply Assessment provided as Appendix WSA), the use of groundwater for the Proposed Project would not cause drawdown or depletion of groundwater supplies. In addition, Mitigation Measure 3.9-3 would specifically ensure that operation of the off-site well (if used) would not draw down groundwater beyond 300 feet of the well. Based on the sustainable operation of Proposed Project wells and distance to the former landfill, operation of the wells on the Guenoc Valley Site or the Off-Site Well Site would not influence groundwater levels or movement in the vicinity of former landfill. Therefore, operation of the Guenoc Valley Site wells or the off-site well would not cause intrusion of the contaminated groundwater plume into nearby drinking water wells or the water supply wells for the community of Middletown.

Response to Comment I7-07

Please see **Response to Comment I7-03** regarding the extent of the groundwater plume associated with the former geothermal landfill.

Response to Comment I7-08

An MMRP, which includes mitigation measures intended to reduce potential impacts from the project, is included in this **Final EIR, Volume I, Section 4.0**. The MMRP provides details regarding the timing and implementation of proposed mitigation measures to ensure these measures are enforced throughout construction and operation of the Proposed Project. (see **Table 4-1** of **Final EIR, Volume I, Section 4.0**). Each mitigation measure is fully enforceable by the County.

Response to Comment I7-09

Comment noted. Please refer to **Comment I7-8** above.

Response to Comment I7-10

A variety of federal and State regulations hold polluters responsible for cleanup and monitoring efforts. Where possible, the parties responsible for the release of hazardous materials into groundwater are typically required to bear the cost of remediation.

I8 – DANIELLE FAY

Response to Comment I8-01

Comment noted.

Response to Comment I8-02

As described in Section 2.5.2.6 of the Draft EIR, the Proposed Project is designed according to the BASMAA guidelines, which have been adopted by Napa County and other neighboring counties and comply with State and federal NPDES requirements. Per the BASMAA guidelines, stormwater drainage areas would be routed through self-retaining areas, bioretention areas, or self-treating areas so there would be no net increase of stormwater leaving the site for the 2-year, 24-hour storm. The incorporation of these LID design feature would ensure that there would be no net increase of stormwater leaving the site for the 2-year 24-hour storm, and would ensure that downstream water quality and flooding impacts would be less than significant.

Response to Comment I8-03

As described in Section 2.2.1 of the Draft EIR, approximately 990 acres of the Guenoc Valley Site has been planted in vineyards and an additional 940 acres of the site has been leased for potential vineyard expansion. No additional vineyards are proposed under the Proposed Project. The WSA (Appendix WSA of the Draft EIR) completed for the Proposed Project analyzed the sustainability of the water supply (including surface water and groundwater). The analysis included the proposed land uses along with the existing and potential future vineyards. As presented in Section 3.9 of the Draft EIR, the proposed water supply is projected to result in surpluses into the foreseeable future without adversely impacting surface or groundwater availability.

As noted above, the Proposed Project does not include the development of vineyards. The potential water quality impacts associated with the disturbance of rock and other earthmoving activities during construction were analyzed in the Draft EIR. As described in Section 3.9 of the Draft EIR, potential water quality impacts from erosion and sediment and pollutant discharge during project construction would be mitigated through the implementation of a Stormwater Pollution Prevention Plan that contains, at a minimum, the project-specific Best Management Practices set forth in Mitigation Measure 3.9-1. Additionally, potential water quality impacts associated with the operation of the proposed aggregate and concrete production facilities would be mitigated through permitting requirements established by the Regional Water Quality Control Board (RWQCB). The RWQCB will set discharge prohibitions that contain, at a minimum, the project-specific stipulations set forth in Mitigation Measure 3.9-2. Implementation of these measures would reduce construction-related water quality impacts related to erosion and sediment and pollutant discharges to a less-than-significant level.

Response to Comment I8-04

As described in Section 2.5 of the Draft EIR, the Proposed Project includes the development of five boutique hotels (up to 838 hotel and resort units), up to 1,401 residential units and up to 500 workforce bedrooms on the Guenoc Valley Site. No vineyards are proposed. As described in Section 2.5.2.5 of the Draft EIR, potable water for the Guenoc Valley Site would be sourced from on-site wells. Non-potable water (for irrigation, non-recreational water features, fire protection and construction related water demands) would be provided by a combination of surface water and groundwater on the Guenoc Valley Site. Recycled water produced by proposed on-site water recycling plants would also be used for non-potable uses. Water supply for the Middletown Housing Site would be provided by the Callayomi County Water District. Section

3.9 of the Draft EIR provides an evaluation of impacts on groundwater supplies. As presented in the Draft EIR, the proposed water supply is projected to result in surpluses into the foreseeable future without causing overdraft of groundwater supplies.

I9 – TANYA STRIEDIECK

Response to Comment I9-01

As described in Section 2.5.2.5 of the Draft EIR, if necessary, the off-site well (located near the intersection of Butts Canyon Road and SR-29) would be used as a primary source of non-potable water to supply irrigation, fire protection, and makeup water for water features and ponds. The EIR has identified mitigation (Mitigation Measure 3.9-3) to ensure that operation of the off-site well (if used) would not draw down groundwater beyond 300 feet of the well. This would protect surrounding wells and the Collayomi Valley Groundwater Basin from adverse impacts.

I10 – SUSAN KNOWLES

Response to Comment I10-01

Comment noted.

Response to Comment I10-02

Comment noted.

Response to Comment I10-03

The comment is noted. As described in Section 2.5 of the Draft EIR, the water supply for the Middletown Housing Site would be provided by the Callayomi County Water District. As described in Section 3.14.3 of the Draft EIR, the Callayomi County Water District has determined that existing storage is adequate and no additional storage reservoirs would be required to serve the Proposed Project.

As described in Section 2.5.2.5 of the Draft EIR, if necessary, the off-site well (located near the intersection of Butts Canyon Road and SR-29) would be used as a primary source of non-potable water to supply irrigation, fire protection, and makeup water for water features and ponds. The EIR has identified mitigation (Mitigation Measure 3.9-3) to ensure that operation of the off-site well (if used) would not draw down groundwater beyond 300 feet of the well. This would protect surrounding wells and the Collayomi Valley Groundwater Basin from adverse impacts.

Response to Comment I10-04

The comment is noted. As described in Section 3.9.4 of the Draft EIR, the contamination plume at the former geothermal landfill is 0.75 miles west of the Guenoc Valley Site project boundary and 2.5 miles from the Off-Site Well Site. Based upon the analysis provided in the EIR (including the Water Supply Assessment provided as Appendix WSA), the use of groundwater for the Proposed Project would not cause drawdown or depletion of groundwater supplies. In addition, Mitigation Measure 3.9-3 would specifically ensure that operation of the off-site well (if used) would not draw down groundwater beyond 300 feet of the well. Based

on the sustainable operation of Proposed Project wells and distance to the former landfill, operation of the wells on the Guenoc Valley Site or the Off-Site Well Site would not influence groundwater levels or movement in the vicinity of former landfill. Likewise, operation of the Guenoc Valley Site wells or the off-site well would not cause intrusion of the contaminated groundwater plume into nearby drinking water wells, including the water supply wells for the community of Middletown.

Response to Comment I10-05

Comment noted.

3.4 RESPONSE TO PUBLIC HEARING COMMENTS

PH1 – DAVID VELASANDO

Response to Comments PH1-01 and PH1-02

The commenter notes that the Draft EIR addresses lighting and draws attention to the Dark Sky Initiative in which the County is participating. Please refer to **Response to Comment 04-01**. The commenter asks whether lighting can be limited or specified as 3,000-degree Kelvin. 3000K LED lighting is a recommendation of the International Dark-Sky Association. As noted on page 3.1-12 of the Draft EIR, “Lake County has started the application process to be an International Dark Sky Community. The International Dark-Sky Association (IDA) is a non-profit organization that is dedicated to combating light pollution and promoting stargazing. Cities and counties can apply to IDA to be designated as an International Dark Sky Community, which involves adopting outdoor lighting ordinances and educating residents. The County still needs to retrofit the zoning ordinance lighting requirements but the County Board of Supervisors has issued a proclamation declaring the County’s intent to change light pollution legislation. The application process to become an International Dark Sky Community will likely take a few more years.” The Proposed Project will be required to conform to Lake County codes and regulations. While 3000K LED lighting is a recommended type of lighting for dark skies at this time, such a specific requirement is not required in order to ensure that the Proposed Project would have a less than significant impact. Additionally, given the long buildout time for the Proposed Project, it may be that better lighting will become available by the time of construction. Compliance with the County’s requirements at the time of construction will ensure that the Proposed Project will reduce lighting effects.

PH2 – DYANI BACHELDER

Responses to Comments PH2-01

The commenter asks questions about details of the Proposed Project: 1) would workers be hired locally, and 2) would the community center be open to the public. Whether workers would be hired locally is not related to the environmental effects of the Proposed Project, and no response is required in the Final EIR. However, the workforce housing is intended to house people working at the Proposed Project. Regarding the community center/clubhouse at the Middletown Housing Site, this is intended to serve residents at this location.

Response to Comment PH2-02

Please refer to **Response to Comment PH2-01** above.

PH3 – DONNA MACKIEWICZ

Response to Comment PH3-01

Comment noted. Please refer to **Comment Letter O3** and subsequent **Response to Comments O3-02** through **O3-08** regarding wildlife corridors, night glare, mitigation enforcement, wildlife connectivity, and estate development.

PH4 – VICTORIA BRANDON

Response to Comment PH4-01

Comment noted. Please refer to **Comment Letter O7** and subsequent **Response to Comments O7-01** through **O7-04** regarding land use designation, zoning, and wildlife connectivity.

PH5 – FLETCHER THORNTON

Response to Comment PH5-01

Comment noted. The commenter expressed support for the Proposed Project.

PH6 – KURT STEIR

Response to Comment PH6-01

Section 2.5.2.5 of the Draft EIR identifies the water sources that would be utilized for potable water, irrigation, and fire protection. The Draft EIR provides a thorough evaluation of all the potential water supply sources. While it is expected that on-site surface and groundwater sources would provide adequate supply for proposed development at the Guenoc Valley Site, if necessary, an off-site well (located near the intersection of Butts Canyon Road and SR-29) would be used as a primary source of non-potable water to supply irrigation, fire protection and make up water for water features and ponds. The EIR has identified mitigation (Mitigation Measure 3.9-3) to ensure that operation of the off-site well (if used) would not draw down groundwater beyond 300 feet of the well. This mitigation measure includes pump testing of the well and a hydraulic analysis that defines the safe yield. The mitigation measure requires that groundwater pumping be limited to the safe yield and monitored. Monitoring of groundwater levels in one or more monitoring wells would also be required. Implementation of this mitigation measure would protect surrounding wells and the Collayomi Valley Groundwater Basin from adverse impacts.

Response to Comment PH6-02

Please refer to **Response to Comment PH3-01** above.

Response to Comment PH6-03

Please refer to **Response to Comment PH3-01** above.

Response to Comment PH6-04

As noted in Section 3.9.2 of the Draft EIR, the Guenoc Valley Site lies partly within the Coyote Valley and Collayomi Valley Groundwater Basin. Groundwater wells developed on the Guenoc Valley Site would supply all of the potable water and some of the non-potable water for the Proposed Project. Existing surface water entitlements would also provide water for non-potable uses.

4.0 MITIGATION MONITORING AND REPORTING PLAN

4.1 INTRODUCTION

The California Environmental Quality Act (CEQA) requires that a Lead Agency establish a program to report on and monitor measures adopted as part of the environmental review process to mitigate or avoid significant effects on the environment. This Mitigation Monitoring and Reporting Plan (MMRP) is designed to ensure that the mitigation measures identified in the Environmental Impact Report (EIR) for the Guenoc Valley Mixed Use Planned Development Project (Proposed Project) are fully implemented. The MMRP, as presented in **Table 4-1**, describes the implementation and timing of mitigation responsibilities and standards, and verification of compliance for the mitigation measures identified in the Draft EIR.

Table 4-1 presents all applicable requirements of the recommended mitigation measures and is organized in the same order as the contents of the EIR, by topic. Monitoring responsibilities have been distributed between the County and the Applicant under this MMRP. All monitoring actions, once completed, would be reported (in writing) to Lake County staff, which would maintain mitigation monitoring records for the Proposed Project.

The components of the MMRP table are described below.

- **Mitigation Measure:** The mitigation measures are taken verbatim from the Draft EIR or, when a revision has been made, from the Final EIR. Mitigation measures are assigned the same number as in the EIR.
- **Implementation and Timing:** Identifies the timing for the implementation of each action.
- **Responsibility for Implementation:** Identifies the authority responsible for implementing the mitigation measure.
- **Responsibility for Monitoring:** Identifies the authority responsible for monitoring implementation of the mitigation measure.

TABLE 4-1
MITIGATION MONITORING AND REPORTING PLAN

Mitigation Measure		Implementation and Timing	Responsible for Implementing	Responsibility for Monitoring
3.1	Aesthetics			
3.1-1	Off-Site Workforce Housing Lighting Design All exterior lighting shall be required to be of the fully-cut off and fully-shielded style to direct light downward (and not up or away) from the light source. The applicant shall coordinate with the County to ensure the lighting plan is consistent with the International Dark Sky Association Model Lighting Ordinance.	Lighting plans consistent with these requirements shall be submitted to County prior to approval of building permit. (Use Permit COA)	Applicant	County
3.2	Land Use and Agriculture			
3.2-1	Right-to-Farm Disclosure In accordance with the Lake County Code, the Applicant and/or HOA will inform prospective buyers of property, future owners, and current occupants of the project site of the County's Right-to-Farm Ordinance. This notification requirement will be included in the conditions, covenants, and restrictions (CC&Rs) for the Proposed Project. Additionally, buyers shall sign an acknowledgement of the disclosure statements once informed of the Right-to-Farm Ordinance, which shall be kept on file by an authorized agent of the Applicant and/or HOA. The notification shall include a description of adjacent agricultural operations so that buyers within the Proposed Project are aware of operational aspects of agricultural uses (e.g. noise, odors, and dust). The disclosure shall also state that operations from the agricultural equipment may routinely exceed the Lake County Noise Ordinance standards.	Applicant to put note on Final Maps. County to require note to be recorded with Final Maps.	Applicant/County	County
3.2-2	Agricultural Conservation For every acre of prime farmland and unique farmland identified by the Farmland Mapping and Monitoring Program that is converted to non-agricultural uses, the Applicant shall place an agricultural conservation easement, deed restriction, or other form of long-term permanent protection on farmland of equivalent quality to the farmland that would be converted. This farmland shall be permanently protected and located within 100 miles of the Guenoc Valley Site. This farmland shall also have access to necessary infrastructure for farmland operations, such as roads. There shall be at least a 100 foot buffer between the easement and residential development (a smaller buffer may be utilized if determined acceptable by the agricultural commissioner). For Phase 1, this will require that approximately 28.4 acres of Prime Farmland, and approximately 22.1 acres of Unique Farmland are permanently preserved in accordance with this mitigation measure. The acreage requirements for future phases will be based on the specific development proposals and associated area of impacted farmland. The County shall verify the precise size of impact and therefore the relative size of land to be conserved prior to approval of the associated final phased tentative maps.	Applicant to record agricultural conservation easement, deed restriction, or other form of long-term permanent protection on farmland as required by County prior to submittal of Final Maps, and provide proof recordation with submittal of Final Maps.	Applicant/County	County

4.0 Mitigation Monitoring and Reporting Plan

Mitigation Measure		Implementation and Timing	Responsible for Implementing	Responsibility for Monitoring
3.3	Air Quality			
3.3-1	Measures to Reduce Short-term Construction Related Emissions The following measures will be implemented by the Proposed Project to reduce emissions of criteria pollutants and DPM from construction. a) Prior to approval of Grading or Improvement Plans- (whichever occurs first) the Applicant shall submit to LCAQMD a Construction Emission/Dust Control Plan within 30 days prior to groundbreaking. The following shall be listed on the improvement plans as standard notes: • During construction, emissions of fugitive dust from any active operation, open storage pile, or disturbed surface area, shall be controlled so that dust does not remain visible in the atmosphere beyond the boundary line of the emission source. • When wind speeds result in dust emissions crossing property lines, and despite the application of dust control measures, grading and earthmoving operations shall be suspended and inactive disturbed surface areas shall be stabilized. • Fugitive dust generated by active operations, open storage piles, or from a disturbed surface area shall not result in such opacity as to obscure an observer's view to a degree equal to or greater than does smoke as dark or darker in shade as that designated as No. 2 on the Ringlemann Chart (or 40 percent opacity). • All exposed soils be watered as needed to prevent dust density as described above and in order to prevent dust from visibly exiting the property. • Any visible tracked out dirt on a paved road where vehicles enter and exit the work area must be removed at the end of the workday or at least one time per day. Removal shall be accomplished by using wet sweeping or a HEPA filter equipped vacuum device. Dirt from vehicles exiting the site shall be removed through the use of a gravel pad, a tire shaker, a wheel wash system, or a pavement extending for not less than 50 feet from the intersection with the paved public road. • All haul trucks transporting soil, sand, or other loose material offsite shall be covered. • All vehicle speeds on unpaved roads shall be limited to 25 mph. • During construction the contractor shall, where feasible, utilize existing power sources (e.g., power poles) or clean fuel (i.e. gasoline, biodiesel, natural gas) generators rather than temporary diesel power generators. • Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points. Signs shall be posted in the designated queuing areas of the construction site to remind off-road equipment operators that idling time is limited to a maximum of 5 minutes. b) In conjunction with the submittal of the Construction Emission/Dust Control Plan, the prime contractor shall submit to the District a comprehensive inventory (i.e.,	Applicant submit to LCAQMD a Construction Emission/Dust Control Plan and other information conforming to this Mitigation Measure within 30 days prior to groundbreaking. County to review prior to issuing Grading or Improvement Plans- (whichever occurs first). (Use Permit COA)	Applicant	County

4.0 Mitigation Monitoring and Reporting Plan

Mitigation Measure	Implementation and Timing	Responsible for Implementing	Responsibility for Monitoring
make, model, year, emission rating) of all the heavy-duty off-road equipment (50 horsepower or greater) that will be used in aggregate of 40 or more hours for the construction project. If any new equipment is added after submission of the inventory, the prime contractor shall contact the LCAQMD prior to the new equipment being utilized. Except in the event of emergency work, when no notice shall be required, the project representative shall provide the District, at least one business day prior to the use of subject heavy-duty off road equipment with the anticipated construction timeline including start date, name and phone number of the property owner, project manager and on-site foreman. The equipment inventory shall meet the minimum requirements as specified in MM 3.3-1c, including the use of Tier 4 engines or better to the maximum extent feasible, and Level 3 Diesel Filters during all phases of development. c) To the maximum extent feasible, the contractors shall utilize Tier 4 engines or better, and Level 3 Diesel Filters during all phases of development. Compliance must be demonstrated with submittal of the equipment inventory, prior to approval of dust control plans.			
3.3-2 Project Measures to Reduce Operational Emissions Prior to the issuance of the first certificate of occupancy for the relevant portion of the project (i.e., residential or commercial), as appropriate, the Applicant shall provide documentation to the County that the following measures have been achieved. It should be noted that these measures do not apply to on-going uses within the property that are not a component of the Proposed Project, including agricultural operations conducted under third party leases. <u>Transportation Demand Management Measures</u> Implement MM 3.13-4 to develop and implement a Transportation Demand Management (TDM) Program to achieve a reduction in vehicle miles traveled (VMT) as a result of the Proposed Project. At a minimum these measures will include: • Dedicated on-site parking for shared vehicles (vanpools/carpools); • Adequate, safe, convenient, and secure on-site bicycle parking and storage in the commercial portion of the project; and • Use of an electric fleet for internal transport vehicles (excluding trucks and other ranch vehicles for on-going agricultural and grazing activities) to the extent feasible (no less than 75%), including the golf course. <u>Project Wide Measures</u> • Use energy-efficient lighting that will reduce indirect criteria pollutants and greenhouse gas (GHG) emissions. Using energy-efficient lighting will reduce energy usage and, thus, reduce the indirect GHG emissions from the Proposed Project. Energy-efficient lighting includes adaptive lighting systems or systems that achieve energy savings beyond those required by Title 24 lighting requirements to the maximum extent feasible. • Utilize low-flow appliances and fixtures;	Applicant to prepare TDM Program compliant with this Mitigation Measure and submit to County. County to review and approve prior to issuance of the first certificate of occupancy. (Use Permit COA) Lighting plans consistent with these requirements shall be submitted to County prior to approval of building permit. (Use Permit COA) Improvement Plans consistent with these requirements shall be submitted to County prior to approval of Final Maps. (TM COA)	Applicant	County

4.0 Mitigation Monitoring and Reporting Plan

Mitigation Measure	Implementation and Timing	Responsible for Implementing	Responsibility for Monitoring
- Use of state-of-the-art irrigation systems that reduce water consumption including graywater systems and rainwater catchment. - Use of drought-tolerant and native vegetation. - Low volatile organic compound paint shall be utilized for parking areas and the interiors and exteriors of the both residential and non-residential buildings.			
<u>Residential Measures</u>			
- Facilitate achievement of zero net energy buildings through installation of solar photovoltaic systems consistent with the 2019 Building Energy Efficiency Standards, CCR Title 24 Part 6. Compliance with this requirement must be demonstrated prior to issuance of occupancy permits for residential uses. - Provide electrical outlets on the outside of the homes or outlets within the garages to encourage the use of electrical landscaping equipment. - Use water efficient landscapes and native/drought-tolerant vegetation. - Install smart meters and programmable thermostats. - Use energy-efficient appliances in the residences where available. These include appliances that meet U.S. Environmental Protection Agency (USEPA) Energy Star Criteria.			
<u>Resort/Commercial Measures</u>			
- Facilitate achievement of zero net energy buildings through the construction standards required under the 2019 Building Energy Efficiency Standards, CCR Title 24 Part 6 and the use of rooftop or on-site photovoltaic systems, with or without storage, or the acquisition of renewable energy or energy credits from another source, or generation onsite. Zero Net Energy shall mean that on a community-wide basis, the actual annual consumed energy will be less than or equal to the renewable generated energy utilized. It is the Project's goal to obtain enough renewable electrical energy for the Project's needs and to distribute it throughout the Guenoc Valley Site. Therefore, renewable energy supplies shall be secured and/or systems installed for each commercial structure prior to issuance of its final certificate of occupancy. - Install on-site charging units for electric vehicles consistent with parking requirements in California Green Building Standards Code Section 5.106.5.2. - Install electric water heating instead of gas water heating for some or all of the project's hot water needs, to the extent such technology is readily available and commercially practicable.			

4.0 Mitigation Monitoring and Reporting Plan

Mitigation Measure		Implementation and Timing	Responsible for Implementing	Responsibility for Monitoring
3.4	Biological Resources			
3.4-1	Construction Best Management Practices (BMP)			
	A) Construction and staging areas shall not be larger than necessary and to the degree feasible shall be within areas otherwise scheduled for development. These areas shall be visibly demarcated prior to construction activities to prevent unnecessary impacts. Equipment shall not be kept outside established areas.	The applicant shall include these requirements in construction contracts. (Use Permit COA)	Applicant	County
	B) Construction areas shall be kept serviceably clean. Sufficient closed bins shall be provided for trash and debris. Washout, track out, and dust control BMPs shall be implemented as necessary. Construction vehicles and equipment shall be clean and free of mud or vegetation that could introduce plant pathogens or propagules of non native plants. This includes equipment hauled onto the site.			
	C) Pets shall not be allowed within construction areas.			
	D) Construction activities shall be carried out such that sensitive habitats are avoided. Materials shall not be placed where they may enter sensitive habitat, receiving waters, or a storm drain, or be subject to wind or runoff erosion and dispersion.			
	E) Equipment use shall be limited to the hours from 7:00 a.m. to 7:00 p.m. to the extent possible. Exceptions may be made if approved by the County for situations where a longer construction schedule would alleviate the potential for adverse environmental effects.			

4.0 Mitigation Monitoring and Reporting Plan

Mitigation Measure	Implementation and Timing	Responsible for Implementing	Responsibility for Monitoring
3.4-2 Worker Environmental Awareness Training Construction personnel working on the Proposed Project shall be provided with an Environmental Awareness Training tailored to the location they will be working on prior to the commencement of construction work by that personnel. This training shall include materials that describe the sensitive habitats and special status wildlife species with the potential to occur. Table 3.4-9 in Final EIR, Volume II, Section 3.4 dictates species for which environmental awareness training shall occur, based on location. Topics covered shall include relevant biological information on these species, and the appropriate actions that shall be taken in the event of an occurrence. Training shall also include a description of construction best management practices and the importance of environmentally conscious construction. Training materials shall be prepared by a qualified biologist who shall train a member of the contractor's crew to provide follow-up trainings to newly hired employees during the construction period. The qualified biologist shall attend the Environmental Awareness Training quarterly, at a minimum, to ensure that the training sufficiently covers the necessary materials. These materials may be updated as new information is available. Construction personnel shall sign a training log stating that they have received this training. Copies of this training log shall be maintained on the Guenoc Valley Site and shall be made available to inquiring agencies upon request. Construction personnel will also be trained to identify nesting bird behavior that indicates construction activities are causing a significant disturbance to nesting birds. This behavior includes vocalizing, making defensive flights at intruders, getting up from a brooding position, or flying off the nest. Should these behaviors be identified, construction workers will be trained to halt work in the vicinity of the nest until a qualified biologist determines a suitable nest buffer. Should a special-status species be observed by construction personnel, the qualified biologist will verify the observation and report the observation to CNDDDB. The qualified biologist shall also report observations of special-status species identified during preconstruction surveys, if any.	The applicant shall include these requirements in construction contracts. (Use Permit COA)	Applicant	County

3.4-3 General Special-Status Plant Mitigation

- A) Pre-construction botanical surveys of herb-dominated habitats (i.e. grasslands, wetlands) with the potential to support special-status plants shall be conducted within those areas scheduled for groundbreaking during one of the two appropriate identification seasons prior to ground breaking. It should be noted that surveys conducted in 2018 and 2019 for Phase 1 would meet the requirements of this measure for construction activities occurring in 2020 and through a portion of 2021, depending on the exact timeframe of construction and the potential species impacted. Pre-construction surveys of shrub or woodland dominated habitats with the potential to support special-status plants shall be surveyed within one of the four appropriate identification seasons prior to groundbreaking for each specific component of the Proposed Project. Initial vegetation clearing along proposed roadways for fire management shall also be subject to these standards. Pre-construction surveys shall be completed by a qualified biologist during the appropriate identification period for plants with the potential to occur in the area scheduled for ground breaking. Results of the pre-construction survey shall be maintained on the Guenoc Valley Site and available to agencies upon request.
- B) In the event that the results of the pre-construction special-status plant surveys identify the presence of individual special-status plants within areas identified for ground disturbance activities, one of the following measures shall be conducted.

- 1) Individual occurrences of special-status plants shall be avoided by a minimum of 20 feet when possible. This buffer shall be demarcated by a qualified biologist with high-visibility fencing. Where ground disturbance would occur within 100 feet upslope of occurrences of special-status plants during the wet season (October 1 through April 1), silt fencing or straw wattles shall be installed between the work area and the 20-foot setback and shall not be removed until the disturbed areas have been revegetated or otherwise stabilized.

OR

- 2) When avoidance of a special-status plant is not feasible, mitigation shall occur through transplanting or compensatory planting of in-kind species. Mitigation for special-status plants shall follow the general outline below.
 - i. For compensatory plantings, in-kind species shall be planted at a minimum ratio of 2:1. Monitoring of mitigation activities shall be performed by a qualified biologist for a minimum of three years. The qualified biologist shall prepare an annual report on the progress of mitigation with recommended management actions. Mitigation shall be deemed complete once the qualified biologist has determined that the mitigation has achieved or exceeded 80 percent success following the minimum three years of monitoring. Additional years of monitoring and management shall occur should mitigation fail to meet success criteria.
 - ii. Should transplanting of individual plants be considered, the transplanting shall be overseen by a qualified biologist. Plants shall be relocated to suitable habitats and shall be within designated open space as possible. A qualified biologist shall monitor all transplanted

The applicant shall perform pre-construction surveys prior to ground breaking as described in Mitigation Measure 3.4-3, and implement mitigation for identified species within one year of identification and prior to occupancy. The County shall verify implementation of mitigation prior to issuance of certificates of occupancy. (Use Permit COA)

Applicant

County

4.0 Mitigation Monitoring and Reporting Plan

Mitigation Measure	Implementation and Timing	Responsible for Implementing	Responsibility for Monitoring
iii. individuals for a minimum of three years to ensure successful establishment. The qualified biologist shall prepare an annual report on the success of transplanted plants. Should transplanting fail, compensatory actions shall occur as outlined under (i). iii. Consultation with CDFW or USFWS shall occur as necessary, based on regulatory jurisdiction, should a special-status plant that does not have a history of successful transplantation and was not previously identified within the Phase 1 Area of Potential Effects be observed during preconstruction botanical surveys. For species with a demonstrated history of successful transplantation, then mitigation shall follow steps (i) and (ii) above.			

4.0 Mitigation Monitoring and Reporting Plan

	Mitigation Measure	Implementation and Timing	Responsible for Implementing	Responsibility for Monitoring
3.4-4	American Badger Impacts No more than 14 days before the start of ground disturbance activities on or within 200 feet of open grassland, a qualified biologist shall conduct pre-construction surveys to determine if American badger dens are present. If no dens are observed, no further mitigation is necessary. If American badger dens are determined to be present, the biologist shall monitor for activity to determine whether the den is active. If the den is determined to be occupied by a female with young, a 50-foot buffer shall be demarcated with high-visibility flagging until the qualified biologist has determined that young have matured and dispersed. No construction activities shall occur within the buffer while the den is actively supporting dependent young. If the den is determined to be active, but a female with young is not present, CDFW shall be contacted to determine if burrow exclusion using passive measures such as one way doors or equivalent may be utilized. Exclusion activities shall be attempted for a minimum of three days to discourage their use prior to any project-related ground disturbance. If the biologist determines that the dens have become inactive as a result of the exclusion methods, dens shall be excavated by hand to prevent them from being re occupied during construction.	The applicant shall perform pre-construction surveys the start of ground disturbance activities on or within 200 feet of open grassland as described in Mitigation Measure 3.4-4, and implement avoidance measures if required as described in Mitigation Measure 3.4-4. The applicant shall include these requirements in construction contracts. (Use Permit COA)	Applicant	County
3.4-5	Ringtail Impacts No more than 14 days before the start of ground disturbance activities within open grassland, oak woodland, or riparian forest habitat, a qualified biologist shall conduct pre construction surveys to determine if ringtail dens are present. If no active ringtail dens are observed, no further mitigation shall be recommended. If ringtail dens with young are determined to be present within the work area, the biologist shall establish a clearly marked exclusionary buffer of no less than 50 feet with high-visibility flagging. No ground disturbance shall take place within the buffer until the biologist determines the den no longer supports dependent young.	The applicant shall perform pre-construction surveys as described in Mitigation Measure 3.4-5 no more than 14 days before the start of ground disturbance activities within open grassland, oak woodland, or riparian forest habitat, and implement avoidance measures if required. The applicant shall include these requirements in construction contracts. (Use Permit COA)	Applicant	County

4.0 Mitigation Monitoring and Reporting Plan

Mitigation Measure	Implementation and Timing	Responsible for Implementing	Responsibility for Monitoring
3.4-6 Bat Maternity Roosts and Special-Status Bat Impacts Pre-construction survey(s) for bat roosts shall be conducted no more than 14 days prior to the start of construction in locations suitable for roosts or tree removal. Surveys of potential bat roost habitat shall concentrate on large trees (DBH >12 inches) specifically looking for relevant bat use features such as loose bark or cavities, broadleaf trees in riparian woodland habitat, buildings, bridges, and cliffs/rocky outcroppings on or within 100 feet of any planned work areas. Prior to construction on the Middletown Housing Site, foliage suitable for western red bat roosting shall also be surveyed. If no potential bat roosts are observed, no further mitigation shall be necessary. For trees proposed for removal that have been identified as potentially suitable habitat for special-status bat species, the following shall apply. Trees proposed for removal that have been identified as potentially suitable special-status bat habitat shall be removed using the two-day phased removal method described below: On day 1, branches and small limbs not containing potential bat roost habitat (cavities, crevices, exfoliating bark, etc.) shall be removed using chainsaws only. The remainder of the tree shall be removed on day 2. Removal shall occur during seasonal periods of bat activity. Removal shall occur as possible outside of maternity season. The maternity roosting season for bats is approximately February 1 through September 1 (but varies due to rainfall and temperature). The best time for removal of structures that may support maternity roosting is between February 1 and April 15. If an active maternity roost is detected, the tree(s) or structures shall be retained until after the young bats are no longer dependent on their parents for care as determined by a qualified biologist. If a special-status bat roost is observed during preconstruction surveys, appropriate avoidance or exclusion measures shall be developed in consultation with CDFW.	The applicant shall perform pre-construction surveys as described in Mitigation Measure 3.4-6 no more than 14 days prior to the start of construction in locations suitable for roosts or tree removal, and implement avoidance measures as described in Mitigation Measure 3.4-6 if required. The applicant shall include these requirements in construction contracts. (Use Permit COA)	Applicant	County

4.0 Mitigation Monitoring and Reporting Plan

	Mitigation Measure	Implementation and Timing	Responsible for Implementing	Responsibility for Monitoring
3.4-7	Artificial Lighting Impacts – Construction and Operation Lighting fixtures associated with the construction and operation of the Proposed Project shall be designed to ensure maximum efficiency, eliminate direct upward light, and reduce spill consistent with Design Guidelines and shall follow the general principles below: - Site-wide lighting shall promote dark sky policies; - Lighting along roadways, pathways, and within parking areas shall only be used to the extent necessary to guide nighttime navigation and ensure safety and security; - Lighting shall be not be placed or illuminate higher than necessary to provide efficient lighting for its intended purpose; - Lighting shall be deliberately directed downward and away from sensitive habitat types; - Nighttime lighting shall also be reduced to the maximum extent feasible by turning off lights from the hours of 11 p.m. to 7 a.m., unless they are essential for safety or security purposes and are properly designed and installed to reduce light spillage. Lights that must be used during these designated nighttime hours shall be dimmed in order to reduce the intensity of light projected by the Proposed Project as possible and shall be minimized as appropriate through motion-sensitive lighting, lower intensity lights, and appropriately programmed timed lights. Appropriate lighting consistent with these measures and the Proposed Project's Design Guidelines shall be adhered to for all phases of construction at project-related sites.	Lighting plans consistent with these requirements shall be submitted to County prior to approval of building permits. (Use Permit COA)	Applicant	County
3.4-8	Special-Status Birds - Nesting Should any groundbreaking or construction-related work begin within the general nesting season (February 1 through August 31), a pre-construction nesting bird survey on and within 200 feet of ground-disturbing activities shall be completed by a qualified biologist no more than five days prior to the start of work. If no active nests are observed, no further mitigation shall be recommended. If active nests are observed during the pre-construction survey, a qualified biologist shall demarcate a protective, high-visibility buffer around the nest. Buffer size shall be determined by the biologist based on species, nest location, planned disturbance footprint, and presence of any visual or auditory buffers. The qualified biologist shall also consider any species-specific plans related to acceptable nest-avoidance measures compared to anticipated disturbance levels of construction. The exclusionary buffer shall remain in place until the chicks have fledged, are feeding independently and are no longer dependent on the nest as determined by a qualified biologist. Due to the known presence of several nesting raptor species, including eagles, on the overall Guenoc Valley Site primarily outside of the APE, targeted surveys for active raptor nests shall be conducted. For construction activities planned on the Guenoc Valley Site, Middletown Housing Site, or the Off-Site Infrastructure Improvement Areas	Should any groundbreaking or construction-related work begin within the general nesting season (February 1 through August 31), the applicant shall perform a pre-construction nesting bird survey on and within 200 feet of ground-disturbing activities as described in Mitigation Measure 3.4-8 no more than 5 days prior to the start of work, and implement avoidance measures as described in Mitigation Measure 3.4-8 if required. The applicant shall include these requirements in construction contracts. (Use Permit COA)	Applicant	County

4.0 Mitigation Monitoring and Reporting Plan

Mitigation Measure	Implementation and Timing	Responsible for Implementing	Responsibility for Monitoring
within 0.5 miles of a documented eagle or protected falcon species nest, pre-construction surveys shall be conducted in accordance with the most current guidance available from USFWS and CDFW. If a special-status raptor nest is determined to be present on or within 0.5 miles of the work area, consultation with the USFWS and/or CDFW, based on regulatory jurisdiction, shall occur and any measures recommended or required by those agencies shall be incorporated into the project design.			
3.4-9 Special-Status Birds – Burrowing Owl A pre-construction survey shall be performed by a qualified biologist prior to the start of ground disturbing activities where suitable burrowing owl burrows (such as ground squirrel complexes) are present. The survey shall be performed according to the standards set forth by the Staff Report for Burrowing Owl Mitigation (CDFW, 2012). Pre-construction surveys shall occur no more than 14 days prior to ground disturbance. Should a burrow be observed in use by a burrowing owl, or if a burrow shows signs of use (pellets, whitewash, feathers), project activities shall be excluded within a 250-foot high-visibility buffer until the qualified biologist determines the owls are no longer present. For active burrows within an area of impact, passive exclusion techniques, such as one way doors, may be used to exclude burrowing owls from occupied burrows outside the nesting season or if the qualified biologist determines the burrow does not support an active nest. Once exclusion is completed and the biologist determines that the burrow is not occupied, the burrows shall be collapsed.	The applicant shall perform a pre-construction survey as described in Mitigation Measure 3.4-9 no more than 14 days prior to ground disturbance, and implement avoidance measures as described in Mitigation Measure 3.4-9 if required. The applicant shall include these requirements in construction contracts. (Use Permit COA)	Applicant/County	County

4.0 Mitigation Monitoring and Reporting Plan

Mitigation Measure	Implementation and Timing	Responsible for Implementing	Responsibility for Monitoring
3.4-10 Western Pond Turtle Impacts – Construction To the extent possible, initial ground disturbance, vegetation clearing, and associated project activities within 300 feet of ponds, reservoirs, or wetted streams where western pond turtle has been documented shall occur between July 1 and October 31 to avoid the peak nesting season and winter inactivity periods for western pond turtle. If work must occur within 300 feet of potentially occupied aquatic habitat between November 1 and June 31, a qualified biologist will conduct a preconstruction survey and identify areas with potential to support nesting or occupation by overwintering turtles, as applicable, depending on the season. These specific areas will be avoided if feasible. If these areas cannot be avoided, a qualified biologist will monitor their initial disturbance and relocate any pond turtles or turtle eggs that are uncovered or install an exclusion fence around the area, whichever is determined to be the best option to ensure survival of the turtle via discretion of the qualified biologist. If relocation is deemed appropriate, the qualified biologist will coordinate with CDFW to develop the relocation strategy. During the active period and outside of peak nesting (July 1 to October 31), a pre-construction survey for western pond turtle shall be completed by a qualified biologist no more than 14 days prior to the start of work within 300 feet of ponds, reservoirs, or wetted streams with the potential to support western pond turtle. If the species is observed, the biologist shall provide measures to avoid direct impacts based on the planned work. Such measures may include a protective no-work buffer, exclusion fencing, monitoring, or coordination with CDFW if relocation is required. These measures shall be implemented in the following manner: • If a no-work buffer of 300 feet is feasible, it shall be applied and no work shall occur within it. • If a no-work buffer of 300 feet is not feasible, work may occur with an on-site biological monitor, or after the installation of an exclusion fence facilitated by the qualified biologist that encircles areas with potential to support pond turtles or otherwise prevents pond turtles from entering the impact area. Exclusionary fence shall be constructed of silt fence no lower than 24 inches in height and the bottom edge will be buried or otherwise secured to the ground to prevent turtles from crossing go under it. A qualified biologist will inspect the exclusion fence after its installation. • If a pond turtle would be reasonably expected to incur injury from project work, a qualified biologist may relocate a pond turtle after coordinating with CDFW.	The applicant shall schedule initial ground disturbance per in Mitigation Measure 3.4-10. If such a schedule is not possible, the applicant shall perform a pre-construction survey as described in Mitigation Measure 3.4-10 no more than 14 days prior to the start of work within 300 feet of ponds, reservoirs, or wetted streams with the potential to support western pond turtle, and implement avoidance measures as described in Mitigation Measure 3.4-10 if required. The applicant shall include these requirements in construction contracts. The applicant shall include all of these requirements in construction contracts. (Use Permit COA)	Applicant/County	County

4.0 Mitigation Monitoring and Reporting Plan

Mitigation Measure	Implementation and Timing	Responsible for Implementing	Responsibility for Monitoring
3.4-11 Foothill Yellow-Legged Frog Impacts – Construction Work within 100 feet of any wetted stream feature or associated riparian area where foothill yellow-legged frog (FYLF) has been documented shall occur during the dry months (July 1 through October 31) as possible. Timing shall also occur outside of the FYLF breeding season (March 1 to June 30) to the extent possible. If work must occur between October 31 and June 30, a monitor shall be present, or FYLF shall be excluded from active work areas by an exclusionary fence that is at least 24 inches tall and has a no-climb barrier installed along the top. Prior to commencement of work, a qualified biologist will inspect the fence and work area to ensure proper installation and clearance of FYLF. Pre-construction surveys for FYLF within any wetted stream feature near a work area shall be conducted by a qualified biologist within 5 days of the onset of construction activities. Surveys shall cover between left and right bankfull at least 500 feet upstream and 500 feet downstream of the work area for presence of all life stages. Surveys shall extend up to 30 feet above bankfull within 100 feet of work areas when suitable, accessible habitat is present. Surveys shall be conducted during the day and under optimal conditions for detecting FYLF. Additional pre construction surveys may be required as determined by the qualified biologist. If FYLF are detected, measures to avoid the species shall be implemented. Such measures may include, but are not limited to, a protective no-work buffer, exclusion fencing, monitoring, and/or coordination with CDFW. These measures shall be implemented in the following manner: ▪ If a work area is within 100 feet of a perennial or intermittent stream with potential to support FYLF and work must occur between November 1 and March 1, a monitor will be present during work and will ensure that no FYLF are harmed by project work. If FYLF are located during preconstruction surveys within 500 feet of a work area that is within 30 feet of a wetted stream between March 1 and July 1, a monitor will be present during work. If FYLF are located within 100 feet of a work area that is located within 30 feet of a stream between July 1 and November 1, a monitor will be present. Any FYLF detected will be avoided by construction activities by at least 50 feet unless the monitor is positioned between the FYLF and the construction activity. ▪ Work areas can optionally be enclosed with exclusion fence as described above and no monitoring would be required. ▪ If a FYLF is found to be in a work area and cannot be avoided, the qualified biologist will coordinate with CDFW to develop an acceptable relocation strategy.	The applicant shall schedule work within 100 feet of any wetted stream feature or associated riparian area where foothill yellow-legged frog (FYLF) has been documented per in Mitigation Measure 3.4-11. If such a schedule is not possible, the applicant shall perform a pre-construction survey as described in Mitigation Measure 3.4-11 no at least 14 days prior to the onset of construction activities, and implement avoidance measures as described in Mitigation Measure 3.4-10 if required. The applicant shall include these requirements in construction contracts. The applicant shall include all of these requirements in construction contracts. (Use Permit COA)	Applicant/County	County

4.0 Mitigation Monitoring and Reporting Plan

	Mitigation Measure	Implementation and Timing	Responsible for Implementing	Responsibility for Monitoring
3.4-12	Invasive Species Management – Operation Non-native wildlife shall not be intentionally released onto the Project site, with the exception of approved stocking of fish within isolated waterbodies. In order to address the creation of bullfrog habitat as a result of the Proposed Project, a Bullfrog Management Plan shall be created. The Bullfrog Management Plan shall include the following provisions: • Goals of the Bullfrog Management Plan; • Identification of target areas for bullfrog management; • Appropriate management actions designed to remove invasive bullfrogs such that an environmental benefit is achieved; • A suitable method of monitoring, adaptive management, and reporting throughout the duration of management.	The applicant shall prepare a Bullfrog Management Plan that meets the requirements of Mitigation Measure 3.4-12 and submit to the County for review prior to issuance of the first grading plans. (Use Permit COA) The applicant shall ensure that implementation of the Bullfrog Management Plan and restrictions on the release of non-wildlife are included in the CC&Rs and is the responsibility of the HOA. (TM COA)	Applicant	County
3.4-13	Aquatic Habitat Public Signage Signage at primary public access locations in proximity to western pond turtle or foothill yellow-legged frog habitat shall be posted that describes the sensitive nature of these habitat types and their importance within the Guenoc Valley Site ecosystem. Signage shall also include action items for visiting public to encourage protection of these valuable resources. This may include, but is not limited to: • Proper collection and disposal of trash; • Leashing of pets to prevent harassment of wildlife; • Passive activities to enjoy wildlife without disturbing natural behavior; • Discouragement of removal of plants or other biological resources; and • Restrictions on allowable transportation (vehicles, bicycles, horses, etc.) near sensitive habitat. Infrastructure shall also include waste receptacles sufficient in number and size to service public use of the Guenoc Valley Site with regular service to prevent over spilling. Removal of litter shall occur during servicing of waste receptacles.	Signage shall be installed prior to issuance of the first occupancy permit. (Use Permit COA) Maintenance of signage shall be the responsibility of the HOA, and this shall be included in the CC&Rs. (TM COA)	Applicant	County

4.0 Mitigation Monitoring and Reporting Plan

Mitigation Measure	Implementation and Timing	Responsible for Implementing	Responsibility for Monitoring
3.4-14 Future Phases Biological Review Following the development of sufficient information related to future phases of development and prior to any on the ground impacts, a qualified biologist shall perform an updated and detailed analysis on impacts to biological resources within the future phases Area of Potential Effect. A report detailing any necessary survey methods, results, and analysis of potential future phases impacts shall be prepared to determine the application of Mitigation Measures 3.4-1 through 3.4-13, 3.4-15 through 3.4-21, 3.9-1, 3.9-2, and 3.10-2 to future phases, and the need for additional mitigation measures beyond those measures to reduce impacts of future phases to a less than significant level. The analysis shall be to the level of detail presented within this EIR. Additional mitigation shall be presented for those impacts determined to be significant or potentially significant following the inclusion of Mitigation Measures 3.4-1 through 3.4-13, 3.4-15 through 3.4-21, 3.9-1, 3.9-2, and 3.10-2. Additional mitigation shall be designed such that impacts to biological resources are reduced to less-than-significant levels and include avoidance, compensation, and monitoring similar to mitigation identified for Phase 1.	Applicant shall include in application for SPOD for future phases. County will ensure that this mitigation is implemented prior to approval of SPODs for future phases.	Applicant/County	County

3.4-15 Impacts to Sensitive Habitats

Sensitive habitats shall be avoided to the maximum extent feasible. In areas where full avoidance of sensitive habitat types is not possible, mitigation shall occur as described below. This mitigation shall be applicable to impacts for purple needlegrass, musk-brush chaparral, white alder grove, Brewer willow thicket, Sargent cypress forest, and native grasslands:

- 1) Preservation of in-kind habitat shall occur at a minimum ratio of 2 acre:1 acre.
- 2) Areas designated for preservation shall be maximized within identified protection areas, such as sensitive habitats within Habitat Connectivity Easement Areas. Sensitive habitats within the Open Space Combining District that are not required to mitigate for impacts to POU resulting from vineyard development approved in the 2009 FEIR may be used for the purpose of this mitigation.
- 3) Preservation of in-kind habitat that occurs within residential lots shall occur only within open space prohibited from development (including landscaping and agricultural uses) by the Design Guidelines, or through the establishment of habitat easements within the residential lots. Preservation of sensitive habitat for the purposes of mitigation that occurs within deed-restricted open space shall be identified within the deed restriction and shall prohibit the development of that area identified for preservation. Preservation within deed-restrictions shall be preserved in perpetuity as a condition of the deed.
- 4) Areas that area preserved for in-kind habitat that occur outside of residential lots, Habitat Connectivity Easement Areas, and the Open Space Combining District shall be avoided during future phases of development. Should unavoidable impacts to in-kind habitat preservation areas occur during future phases of construction, those impacts shall be subject to additional compensatory actions set forth in this mitigation. Should insufficient habitat occur to offset future impacts, a compensatory habitat restoration, enhancement, and/or creation mitigation measure shall be prepared and approved by the County prior to on the ground impacts of future development phases.
- 5) Those areas selected for preservation shall be provided on a map to the County and approved by the County.

The Applicant may additionally satisfy the 2:1 mitigation ratio through restoration, creation, and/ or enhancement of in-kind habitat. Mitigation performed through restoration, creation, or enhancement shall be monitored for a minimum of three years by a qualified biologist. The biologist shall prepare an annual report on the status of mitigation activities along with adaptive management recommendations as necessary. These reports shall be maintained by the Applicant and available to agencies upon request. Success criteria shall be as follows and shall require additional years of monitoring and management should mitigation fail to meet success criteria:

- Purple needlegrass and native grasslands shall achieve a percent native plant cover that meets or exceeds that of the habitat impacted. Non-sensitive grasslands and herb-dominated habitat types are suitable for restoration and creation activities.
- Musk-brush chaparral shall be restored in non-sensitive suitable habitat. Mitigation shall occur at a 2:1 acre ratio and shall achieve a 75 percent acreage establishment. The monitoring biologist shall consider percent cover, species

The applicant shall ensure that sensitive habitats are avoided as described in Mitigation Measure 3.4-15, and where avoidance is not feasible, implement mitigation described in Mitigation Measure 3.4-15. (Use Permit and TM COAs)The County shall review and approve mitigations prior to on the ground impacts of future development phases.

Applicant/County

County

4.0 Mitigation Monitoring and Reporting Plan

Mitigation Measure	Implementation and Timing	Responsible for Implementing	Responsibility for Monitoring
composition, overall health of plantings, and other indicators when determining success of establishment. ▪ White alder grove and Brewer willow thicket may be restored along riparian corridors where invasive species or bank stabilization issues have occurred. Mitigation shall occur at a 2:1 acre ratio and shall achieve a 75 percent acreage enhancement. The monitoring biologist shall consider percent cover, species composition, bank stability, overall health of plantings, and other indicators when determining success of establishment. ▪ Sargent cypress forest shall be enhanced through the removal of competing foothill pines at an acreage ratio of 2:1 once annually for a total of five years and/or Sargent cypress trees shall be replanted at a 2:1 ratio and monitored for a total of five years. Replanting shall achieve a 75 percent success rate.			

4.0 Mitigation Monitoring and Reporting Plan

	Mitigation Measure	Implementation and Timing	Responsible for Implementing	Responsibility for Monitoring
3.4-16 Oak Mitigation Plan	All All project activities shall be subject to compliance with the Oak Mitigation Plan, dated June 2020, included as Appendix OAK to this Final EIR. Prior to approval of final maps, the Applicant shall demonstrate compliance within the Oak Mitigation Plan related to impacts to oaks and oak woodland canopy. Prior to issuance of grading and building permits, the Applicant or applicants for grading and building permits shall demonstrate compliance with the Oak Mitigation Plan related to impacts to oaks, mitigation compliance, building envelope and deed restrictions. The Oak Mitigation Plan for this project addresses impacts to oaks as a result of the Proposed Project. The Oak Mitigation Plan was prepared in accordance with the Lake County General Plan. The Oak Mitigation Plan includes the following: ▪ Goals of the mitigation plan; ▪ Method of impact identification appropriate for all phases of construction; ▪ Discussion on compliance with the Lake County General Plan and 2008 Oak Tree Replacement Plan per the 2009 FEIR; ▪ Proposed compensatory action suitable to meet mitigation goals; ▪ Compensatory planting ratios of 2:1 for smaller trees and 5:1 for larger trees; ▪ Success criteria for mitigation such that compensatory plantings for impacts to individual trees achieve a minimum of 80 percent success rate; ▪ Preservation for impacts to valley oak woodland, when applied, shall be no less than 3:1 of in-kind habitat type acreage, and 2:1 for all other types of oak woodland; ▪ A requirement of at least 7 years of monitoring, adaptive management, and reporting throughout the mitigation process; and ▪ Limitation of the total impact to oak woodlands to 1 acre on residential lots consistent with the design guidelines. The Oak Mitigation Plan shall be subject to Lake County review and approval prior to ground disturbance. Oaks present on the Middletown Housing Site shall be avoided. If full avoidance of oaks is not feasible, the measures in the Oak Mitigation Plan prepared for the Guenoc Valley Site shall apply. Replanting for oaks removed on the Middletown Housing Site may occur on the Middletown Housing Site or the Guenoc Valley Site.	Prior to approval of final maps, the Applicant shall demonstrate compliance within the Oak Mitigation Plan related to impacts to oaks and oak woodland canopy. (TM COA) Prior to issuance of grading and building permits, the Applicant or applicants for grading and building permits shall demonstrate compliance with the Oak Mitigation Plan related to impacts to individual oaks, mitigation compliance, building envelope and deed restrictions. (Use Permit COA)	Applicant	County
3.4-17 Aquatic Resources Protection and Management	Consistent with governing regulations and policies, the following setbacks shall be incorporated into the project design: ▪ 30 feet from the top of bank of perennial streams; ▪ 20 feet from the top of bank of any intermittent stream; ▪ 20 feet from the edge of any adjacent wetlands or the ordinary high water mark of ephemeral streams or other bodies of water (including reservoirs and lakes); or ▪ To the outer extent of a riparian corridor. No setback is required or recommended for man-made stormwater or irrigation ditches.	Setbacks are incorporated into the Design Guidelines and shall be administered by the HOA. The County will review compliance prior to issuance of building permits. Flagging shall be installed as described in Mitigation Measure 3.4-17. The applicant shall include all of these requirements in construction contracts. (Use Permit COA)	Applicant	County

Mitigation Measure	Implementation and Timing	Responsible for Implementing	Responsibility for Monitoring
Should additional analysis of these features performed by a qualified biologist that determines larger setbacks are needed to ensure full protection of habitat based on factors such as slope, setbacks up to fifty feet may be required as possible and dictated by the conditions observed and analyzed. The setback distances identified above shall be delineated by a qualified biologist with high-visibility fencing or flagging prior to any construction activities occurring within 200 feet of the aquatic habitat features. No construction work or equipment staging shall occur within the setbacks unless a variance or permit is authorized to allow it. Prior to impacts, consultation shall occur with USACE and the RWQCB to determine the extent of federal and state jurisdictional wetlands and waters. A CWA Section 404 permit shall be obtained from USACE for impacts to any identified wetlands and waters subject to CWA jurisdiction, along with RWQCB state water quality certification for such permit under CWA Section 401, as necessary. An LSAA with CDFW shall be entered for those impacts to any identified streams subject to Fish and Game Code Section 1600 jurisdiction. Any necessary permits and approvals shall be obtained prior to the respective impacts for which they are required, and conditions of permits and approvals acquired for the Proposed Project shall be met. Mitigation shall occur consistent with the necessary permits and approval conditions required for the Proposed Project. Mitigation for direct impacts to aquatic habitats shall occur through a combination of habitat preservation, creation, or restoration/enhancement and shall, at a minimum, include the following: ▪ Should mitigation for aquatic resources occur through preservation, preservation shall occur at a minimum ratio of 2:1. Areas designated for preservation shall be maximized within the Open Space Combining District or within Habitat Connectivity Easement Areas, and may only occur within residential lots if preservation in perpetuity as a condition of the deed-restricted open space for the lot. Those areas selected for preservation shall be approved by the County and be subject to the compensatory actions set forth in this mitigation and necessary permit or approval conditions should future impacts to preserved habitats be identified. ▪ When mitigation occurs through the restoration or enhancement of habitat, mitigation shall occur at a minimum ratio of 2:1. Restoration and/or enhancement of habitat shall occur within the Open Space Combining District or within Habitat Connectivity Easement Areas as possible. Monitoring of mitigation activities shall be performed by a qualified biologist for a minimum of three years consistent with the terms of necessary permits. The qualified biologist shall prepare an annual report on the progress of mitigation with recommended management actions. Mitigation shall be deemed complete once the qualified biologist has determined that the success of restoration or habitat creation activities meets or exceeds 80 percent. ▪ When mitigation occurs through the creation of habitat, creation shall occur at a minimum ratio of 1:1. A qualified biologist shall monitor habitat creation activities on an annual basis and shall provide an annual report of these monitoring activities along with recommendations in order to ensure success of habitat creation.			

4.0 Mitigation Monitoring and Reporting Plan

Mitigation Measure	Implementation and Timing	Responsible for Implementing	Responsibility for Monitoring
Following completion of habitat creation activities, a qualified biologist shall prepare an annual report on the progress of mitigation with recommended management actions. ▪ In cases of conflict between permit terms and measures presented herein, those permit terms and conditions shall supersede those presented within this EIR. Alternative forms of mitigation not detailed above may serve to satisfy mitigating requirements to jurisdictional wetlands and waters as dictated by the appropriate permit(s). Alternative forms of mitigation include purchase of habitat credits from an approved mitigation bank at a ratio not less than 2:1, or payment of in-lieu fees as set by the appropriate agency.			

4.0 Mitigation Monitoring and Reporting Plan

Mitigation Measure	Implementation and Timing	Responsible for Implementing	Responsibility for Monitoring
3.4-18 Sensitive Habitat Impacts from Wildfire Clearing Sensitive habitats included below shall be avoided during removal of dead vegetation and fire fuel load reduction necessary for safety purposes in managing wildfire risk to the degree feasible. The following sensitive habitats shall be addressed in the following manner as it relates to fire management fire breaks, lop and scatter, and masticating outside of development areas: • Purple needlegrass grasslands – This habitat does not require wildfire risk fuel reduction activities. This habitat shall be avoided to the degree feasible. Equipment and vehicles shall not be used or staged within this habitat type. • Musk brush chaparral – This habitat does not require wildfire risk fuel reduction activities. This habitat shall be avoided to the degree feasible. Equipment and vehicles shall not be used or staged within this habitat type. • White alder grove – Due to limited distribution and association with natural riparian fire breaks, this habitat type should not require ongoing wildfire risk fuel reduction activities and shall be avoided as possible. Equipment and vehicles shall not be used or staged within this habitat type. If determined necessary by safety personnel, hand-clearing of dead vegetation may occur. • Brewer willow thicket - Due to the limited distribution and association with natural riparian fire breaks, this habitat type does not require wildfire risk fuel reduction activities. This habitat shall be avoided to the degree feasible. Equipment and vehicles shall not be used or staged within this habitat type. • Sargent cypress forest – This habitat may require occasional management for wildfire risk. Due to the sensitive nature of this habitat type, hand tools shall be the only acceptable use of vegetation management. No live Sargent cypress trees shall be felled. Equipment and vehicles shall not be used or staged within this habitat type. • Oak woodland - This habitat may require occasional management for wildfire risk. Due to the sensitive nature of this habitat type, hand tools or grazing shall be the only acceptable use of vegetation management. Should impacts to any living oak trees occur, they shall be mitigated for as outlined within the Oak Mitigation Plan. Equipment and vehicles shall not be used or staged within this habitat type. • Oak savanna – Cover for this habitat type is dominated by non-native annual grasses and would not likely require management for wildfire risk except limited grazing or mowing immediately adjacent to high risk fire areas such as within 50 feet of roads. Equipment use and staging may occur within areas of non-native annual grassland provided that the driplines of oaks are not impacted. Should impacts to any living oak trees occur, mitigation shall occur as outlined within the Oak Mitigation Plan.	The applicant shall ensure compliance with Mitigation Measure 3.4-18. Applicant to incorporate these measures into the Wildfire Prevention Plan and obtain County approval of revised Wildfire Prevention Plan prior to approval of Grading or Improvement Plans- (whichever occurs first). The applicant shall include these requirements in construction contracts. The applicant shall include all of these requirements in construction contracts. (Use Permit COA)	Applicant/County	County

4.0 Mitigation Monitoring and Reporting Plan

Mitigation Measure	Implementation and Timing	Responsible for Implementing	Responsibility for Monitoring
3.4-19 Wildlife Movement – Fencing Use of fencing shall be minimized throughout the Guenoc Valley Site and shall adhere to those restrictions set forth in the Design Guidelines for all phases of development. Fencing shall not be installed for the purpose of wildlife exclusion except in the case of safety or protection of agricultural resources or residential development areas, and shall be designed to allow for continued movement of non-target species as possible. Unless approved by the Home Owner’s Association or for ongoing protection of agricultural resources or property, fencing exceeding six feet in height shall not be used. Fencing materials designed for the purpose of wildlife entrapment or injury shall not be used. Full perimeter fencing for residential lots exceeding two acres in size shall be prohibited unless consistent with the following wildlife-friendly fencing measures: - Fencing shall be reasonably visible to travelling wildlife to prevent collision with fencing, - Fencing shall not include low rails or wires that would prevent smaller dispersing animals from passing, - Fencing shall not present a top rail clearance exceeding six feet, and shall not exceed four feet when possible. Clearance height shall consider the ground slope approaching the fence such that the height of a jump required to clear the fence from the downslope side does not exceed six feet, and - Materials that entangle or otherwise entrap wildlife, such as loose wire, top or bottom barbed wires, shall be prohibited..	Fencing requirements are incorporated into the Design Guidelines and shall be administered by the HOA. The County will review compliance prior to issuance of building permits. The applicant shall include all of these requirements in construction contracts. (Use Permit COA)		
3.4-20 Wildlife Movement – Future Phases Future phases of development shall retain the clustered development design and restriction on maximum allowable residential lot development standards set forth within the Design Guidelines. Residential lots shall be restricted to an allowable development area of 1.5 acres unless further restricted by the Design Guidelines, for example, in areas of oak woodlands. Development of future phases shall avoid riparian corridors that commonly serve as wildlife passageways with development setbacks to the degree feasible, as identified in Mitigation Measure 3.4-17. Setbacks and sensitive habitat avoidance shall also be maximized. Prior to implementation of future phases, additional analysis on the overall impacts to wildlife movement of proposed future phases development shall be performed by a qualified biologist to the level of detail presented within this EIR, and determine the extent to which implementation of Mitigation Measure 3.4-19 will reduce the impacts of proposed future phases development on wildlife movement. Should implementation of Mitigation Measure 3.4-19 not reduce the impacts of proposed future phases development on wildlife movement to a less than significant level, additional mitigation shall be determined by a qualified biologist such that impacts to wildlife movement are reduced to less-than-significant levels. Such mitigation may include use of Habitat Corridor Easements or other forms of designating open space.	Applicant shall include in application for SPOD for future phases. County will ensure that this mitigation is implemented prior to approval of SPODs for future phases.	Applicant/County	County

4.0 Mitigation Monitoring and Reporting Plan

	Mitigation Measure	Implementation and Timing	Responsible for Implementing	Responsibility for Monitoring
3.4-21	Domestic Cat Predation The Home Owner's Association shall distribute to new residents informational resources on domestic cat predation on wildlife and methods to prevent such predation. These recommendations may include, but are not limited to: • Encouraging cat owners to keep cats indoor as possible; • Encouraging all residents to remove domestic cat attractants such as outdoor food bowls and uncovered trash; • Affixing bells to collars; • Having cats spayed or neutered to prevent establishment of feral colonies; and • Ensuring backyard bird feeders are not accessible to cats.	HOA shall prepare educational materials to provide to future homeowners prior to occupancy. Ongoing implementation of this mitigation shall be handled by the HOA.	Applicant	County
3.5	Cultural Resources			
3.5-1	Avoid Historical and Archaeological Resources, Apply Appropriate Mitigation Phase 1 and Future Phase General Provisions All of the identified cultural resource sites shall be avoided during project construction, development, and operation activities. A shapefile database shall be transmitted to the Applicant and included in the final contract with the construction contractor to ensure that cultural resource locations are avoided. Each site shall be added to subdivision maps, and any residential properties that include cultural resources shall be deed restricted to avoid construction on or immediately adjacent to the resource. This shall be accomplished by establishing a buffer of 50 feet around the perimeter of the site and erecting a semi-permanent fence that will remain in place throughout construction. The fence shall be installed with a qualified archaeologist and tribal monitor in attendance, and shall determine the established buffer for the location. The buffer can be reduced or modified to accommodate sensitive environmental conditions, based on the assessment of the qualified archaeologist and tribal monitor or cultural advisor (see Mitigation Measure 3.5-2). If construction will encroach closer than 50 feet, a qualified archaeological and tribal monitor shall be retained to monitor those activities. Should cultural resources be uncovered within the buffer, all construction in the in the immediate area shall halt until the find can be assessed for NRHP/CRHR eligibility in accordance with current professional standards using minimization measures and the provisions of the Unanticipated Discoveries Plan developed in compliance with Mitigation Measure 3.5-2. <u>Phase 1 Site-Specific Avoidance Strategies</u> Site P-17-425 shall be incorporated into proposed buffer zones for wetlands or oak woodlands. Should ground-disturbing work be required within 50 feet of either site, a qualified professional archaeologist shall be retained to monitor construction activities. If site elements are discovered during monitoring, the archaeologist, in consultation with Middletown Rancheria, then the archeologist shall design an appropriate mitigation plan in consultation with Middletown Rancheria. The sites designated as lithic scatters (P-17-399, 400, 401, -404, -1363, -1470, -1957, -	The applicant shall implement surveys, avoidance and monitoring as described in Mitigation Measure 3.5-1. The applicant shall include all of these requirements in construction contracts. (Use Permit COA) The applicant will delineate areas as described in Mitigation Measure 3.5-1 for deed restrictions on all final maps. (TM COA)	Applicant	County

4.0 Mitigation Monitoring and Reporting Plan

Mitigation Measure	Implementation and Timing	Responsible for Implementing	Responsibility for Monitoring
1958, -1959, -1960, -1961, -1962, -1963, and -2027, the Back of House vineyard lithic scatter site, and the Hilltop Site) have not been evaluated for the NRHP or CRHR. They shall be avoided and/or incorporated into open space or wetland or vegetation buffers wherever possible. If ground-disturbing work is required within 50 feet of any of these sites, they shall be examined under the CARIDAP unless different and/or additional mitigation measures are identified through consultation with the Tribe. Analyses shall be completed in the field to the extent possible. Four other sites (P-17-417, -2035, -2038, and -2041) include lithic scatters and bedrock mortars; these sites cannot be evaluated under the CARIDAP protocol. These sites should similarly be incorporated into open space or other natural resource buffers where feasible. Should construction impacts be unavoidable, each affected site shall be investigated by a qualified archaeologist in collaboration with the Tribe accordance with current professional standards in order to assess eligibility to the NRHP or CRHR unless different and/or additional mitigation measures are identified through consultation with the Tribe. For resources that cannot be avoided, site-specific minimization and mitigation measures will be developed in consultation between the archaeologist and Tribal monitor. Occupation sites have an elevated potential to contain data and other values which would make them eligible for listing on the NRHP or CRHR. These sites (P-17-116, -256, -405, -411, -414, -416, -420, -421, and -2039), therefore, shall be accorded an extra degree of protection. Each of these sites shall be avoided, incorporated into open space or wetland or vegetation buffers wherever possible. The sites are presumed eligible for listing on the NRHP/CRHR and therefore shall be protected by semi-permanent construction fencing, to be maintained until construction in the vicinity has finished. Should avoidance be infeasible, these sites shall be subject to intensive Phase II evaluation in accordance with an individual Treatment Plan designed for each specific site subject to consultation with Middletown Rancheria. The primary method of mitigation will be through minimization and avoidance measures. Only in cases where minimization or avoidance is infeasible, or there are no other means of mitigation, may a program of archaeological Data Recovery be implemented in accordance with current professional standards. Construction in the vicinity of the site shall not resume until minimization measures or Data Recovery has been completed. Historic sites within Phase 1 impact areas, including P-17-406, -412, -1996, -2042, -2043, -2952, -2956, the Bohn Hill debris scatter, and the Ink Ranch corrals, shall be incorporated into open space or wetland or vegetation buffers wherever possible and avoided with a 15-foot fenced buffer; the fence shall remain in place until all ground-disturbing work within 50 feet of the resource has been completed. Should construction impacts to historic sites be unavoidable, the individual site shall be visited, compared to existing resource records, re-documented through resource update forms, and evaluated for the NRHP/CRHR. If eligible, appropriate treatment methods shall be included in a Treatment Plan designed in consultation with the Tribe, which shall be implemented prior to site disturbance.			

Mitigation Measure	Implementation and Timing	Responsible for Implementing	Responsibility for Monitoring
The Back of House vineyard site is located within an active vineyard and consequently has been disturbed; further disturbance will occur when the vineyard is removed prior to Back of House construction. This site has not been evaluated for NRHP/CRHR eligibility and will be more fully disturbed during construction of the Proposed Project. A CARIDAP testing and evaluation program shall be implemented prior to any new ground-disturbing activities at this location unless different and/or additional mitigation measures are identified through consultation with the Tribe. If the site is found or presumed eligible for listing on the NRHP/CRHR, a qualified professional archaeologist shall design an appropriate Treatment Plan in consultation with Middletown Rancheria; the Treatment Plan shall include the number and size of excavation units to be completed, laboratory or in-field analyses to be performed, documentation of results, and criteria to make a final recommendation to the NRHP/CRHR, all in accordance with Mitigation Measure 3.5-1. Construction activities in the vicinity of the site shall not resume until mitigation has been completed. Sites that may occur within Phase 1 development areas but which could not be relocated include: P-17-404, and -409. Accordingly, all ground disturbance proposed in areas where these sites have been previously plotted shall be monitored by a qualified archaeologist and Tribal monitor. In the event that site indicators are encountered, project-related activities shall cease and shall not resume within 50 feet of the find and the site shall be evaluated for NRHP/CRHR eligibility in accordance with the provisions of the Unanticipated Discoveries Plan unless different and/or additional mitigation measures are identified through consultation with the Tribe.			
3.5-2 Worker Awareness Training, Unanticipated Discoveries Plan, Construction Monitoring 1) Tribal Cultural Advisor: Prior to initial ground disturbance, the Applicant shall retain a project Tribal Cultural Advisor designated by the Tribe, to direct all mitigation measures related to tribal cultural resources as defined by Public Resources Code 21074(a). 2) Worker Awareness and Sensitivity Training: Prior to the beginning of grading (including ground-clearing) or any construction (including structure relocation), a qualified professional archaeologist shall administer a cultural resources awareness and sensitivity training program to all construction workers who will be performing grading or construction work. Either a tribal representative should assist with administering the training, or the training materials should be approved by the Tribal Cultural Advisor. The program shall include a review of the types of finds that could occur, regulatory requirements, and a list of contacts (with telephone numbers) in case of accidental discoveries. The training program shall be repeated periodically as new construction workers are added to the project. 3) Unanticipated Discoveries Plan: Prior to project construction, a qualified professional archaeologist shall be retained to prepare an Unanticipated Discoveries Plan in consultation with Middletown Rancheria, or to update an	The applicant shall implement monitoring and other actions as described in Mitigation Measure 3.5-2. The applicant shall include all of these requirements in construction contracts. (Use Permit COA)	Applicant	County

Mitigation Measure	Implementation and Timing	Responsible for Implementing	Responsibility for Monitoring
existing Unanticipated Discoveries Plan supplied by the Tribe. At a minimum, the Unanticipated Discoveries Plan shall include: - Minimization of impact strategies to be agreed upon by the archaeological monitor and tribal monitor or tribal cultural advisor. Minimization measures mean: - Avoidance. Priority shall first be given to leaving cultural resources in place and avoidance of any further unnecessary disturbance. The highest priority is to avoid disturbance to cultural resources. All cultural resources shall be left in situ, that is, in place, in the same position in which they were discovered and shall not be removed from the discovery site until arrangements are made for reburial or transfer in accordance with the below. If leaving the resources in situ is not possible, temporary housing at a secured storage location at the discovery site mutually agreed upon by the archaeological and tribal monitor may be considered. - Reburial. In situations where avoidance is not feasible, priority shall next be given to immediately reburying the cultural resources in the same location as found, only deeper. In the event that the cultural resources cannot be re-buried in the same location, only deeper, then priority shall next be given to immediately re-burying the cultural resources in an appropriate location within 100 feet of their original discovery in an area that shall not be subject to future subsurface disturbances. If for any reason immediate reburial in place, only deeper, or in an appropriate location within 100 feet of the original discovery is not feasible, then cultural resources may be re-buried in an appropriate location as determined by the Tribal Cultural Advisor in an area that shall not be subject to future subsurface disturbances. - Transfer. In the event that avoidance and reburial above described is not feasible, cultural resources may be removed and transferred to a location designated by the Middletown Rancheria. - Laboratory studies, scientific analysis, curation, or video recording shall only be permitted if required to assess CRHR eligibility, or if such strategies are the only means available to mitigate impacts to CRHR eligible resources. Prior to conducting any such studies, the tribal cultural advisor must be consulted. The archaeologist may draw the cultural resources for mapping purposes; however, no electronic means of recording the cultural resources shall be permitted without prior consultation with the Middletown Rancheria. - Description of field or laboratory methods to be used to investigate Unanticipated Discoveries (also applicable to known resources that will be impacted by project construction), to include types of excavation units, screening methods, and sample collection, as appropriate; - A list of permitted in-field analyses or laboratories to be used for specific analyses, as appropriate; - Provisions for reburial or transfer of recovered materials, developed in consultation with Middletown Rancheria.			

4.0 Mitigation Monitoring and Reporting Plan

Mitigation Measure	Implementation and Timing	Responsible for Implementing	Responsibility for Monitoring
- Measures for documentation of results, including forwarding results to the NWIC as appropriate; - A Burial Treatment plan, provided by the Tribe, shall be followed if Native American remains are discovered during construction; - Maps (provided in pdf and shapefiles to the construction contractor, Applicant, and County) of areas that have not been included in a previous archaeological survey; - Maps of known resource locations (provided in pdf and shapefiles) shall be included in any construction documents that include identification of archaeological monitoring areas, identification of sites where pre-construction archaeological testing or archaeological and tribal monitoring during construction is required, identification of appropriate buffer zones for individual site protection during construction, cease work requirements, unanticipated finds reporting requirements; - Assessment criteria to determine NRHP/CRHR eligibility; and - A no-collections policy will be instituted for the Proposed Project, except where a site-specific treatment plan or the Unanticipated Discoveries Plan developed in consultation with the Tribe, calls for collection of a sample of artifacts or materials and analysis. Should any cultural resources, such as wells, foundations, or debris, or unusual amounts of bone, stone or shell, artifacts, burned or baked soils, or charcoal be encountered during ground-disturbing activities, work shall cease within 100 feet of the discovery and the Construction Contractor, Applicant, and Middletown Rancheria shall be notified immediately. The Applicant shall retain a qualified professional archaeologist to assess the find in consultation with the Tribal Cultural Advisor. The Tribe must have an opportunity to inspect and determine the nature of the resource and the best course of action for avoidance, protection and/or treatment of tribal cultural resources to the extent permitted by law, should the find consist of prehistoric or historic-era materials related to Native American occupation or use of the vicinity. If the find appears to be eligible for listing on the NRHP or CRHR, or is determined to be a tribal cultural resource by the Middletown Rancheria, then the provisions of the Unanticipated Discoveries Plan shall be adhered to, which will include consultation with Middletown Rancheria for tribal cultural resources. If the find consists of historic-era materials unrelated to the Native American community, the archaeologist shall determine its significance in compliance with NHPA and CEQA criteria. If adverse effects to a cultural resource cannot be avoided, the Minimization Measures described under the requirements for the Unanticipated Discovery Plan shall be implemented to the extent feasible. 4) Construction Monitoring: The Applicant shall retain a team of professional archaeologists and tribal monitors to implement a monitoring program to observe initial ground disturbing activities from the surface to sub-soil (including testing, concrete pilings, debris removal, rescrapes, punchlists, pot-holing or auguring, boring, grading, trenching, foundation work and other excavations or other ground disturbance involving the moving of dirt or rocks with heavy equipment or hand tools within the Project area), ensure that buffer areas are marked, and halt construction in the case of new discoveries. The tribal monitoring shall be supervised by the project Tribal Cultural Advisor. The duration and timing of the archaeological			

Mitigation Measure	Implementation and Timing	Responsible for Implementing	Responsibility for Monitoring
monitoring activities shall be determined by the lead archaeologist in consultation with the Tribal Cultural Advisor. The duration and timing of tribal monitoring will be determined by a cultural resources monitoring agreement between the parties. The Tribal Cultural Advisor will coordinate with the construction field supervisor to confirm where ground disturbing activities will occur and determine the location its tribal monitor would survey, monitor, spot-check or remain stationary. Where feasible, the archaeological and tribal monitors will work together at the same locations. If the Tribal Cultural Advisor determines that full-time monitoring is no longer warranted, he or she may recommend that tribal monitoring be reduced to periodic spot-checking or cease entirely. Tribal monitoring would be reinstated in the event of any new or unforeseen ground disturbances. Depending on the scope and schedule of ground disturbance activities of the Project (e.g., discoveries of cultural resources or simultaneous activities in multiple locations that requires multiple tribal monitors, etc.) additional tribal monitors may be required on-site. If additional tribal monitors are needed, the Tribe shall be provided with a minimum of three (3) business days advance notice unless otherwise agreed upon between the Tribe and applicant. The on-site tribal monitoring shall end when the ground disturbance activities are completed, or when the project Tribal Cultural Advisor has indicated that the site has a low potential for tribal cultural resources.			
3.5-3 Future Phase Investigations Because Future Phases of work will affect areas not yet included in an archaeological study, prior to undertaking construction in any Future Phase area, the Applicant shall retain a qualified professional archaeologist to complete a cultural resources study in coordination with Middletown Rancheria. The study shall determine whether any previous archaeological studies or cultural resources have been identified within the Future Phase development area. If no studies have been completed, or if previous study results are more than 15 years old, new studies shall be prepared including the results of background research, field surveys, identification and evaluation of resources, documentation of results, and submission of the report to Lake County and the NWIC upon completion. New surveys shall include both professional archaeologists and the Tribal Cultural Advisor (or his/her designee). These efforts shall be completed prior to ground-disturbing activities. If significant historic-era resources or significant archaeological sites are present, the development proposal shall designate the area surrounding the site as open space and the site shall be completely avoided. If avoidance is not feasible, a qualified professional archeologist shall be retained to evaluate NRHP/CRHR eligibility of the site, and, if eligible, shall design an appropriate Treatment Plan in consultation with Middletown Rancheria. The minimization measures outlined in the Unanticipated Discoveries Plan described under Mitigation Measure 3.5-2 shall be adhered to as feasible. Construction activities in the vicinity of the site shall not occur until mitigation has been completed, and the construction monitoring provisions of Mitigation Measure 3.5-2 have been implemented. Any newly identified resources uncovered during Future Phases shall be treated in accordance with Mitigation Measure 3.5-2 requirements.	Applicant shall include in application for SPOD for future phases. County will ensure that this mitigation is implemented prior to approval of SPODs for future phases.	Applicant/County	County

4.0 Mitigation Monitoring and Reporting Plan

Mitigation Measure	Implementation and Timing	Responsible for Implementing	Responsibility for Monitoring
3.5-4 Cease Work, Contact County Coroner California law recognizes the need to protect interred human remains, particularly Native American burials and items of cultural patrimony, from vandalism and inadvertent destruction. If human remains are uncovered during project construction, construction shall halt immediately within 100 feet of the find and the Lake County Coroner, County, and the Applicant shall be notified. The procedures for the treatment of discovered human remains are contained in California Health and Safety Code §7050.5 and §7052 and California PRC §5097. The coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or state lands (Health and Safety Code Section 7050.5[b]). If the coroner determines that the remains are those of a Native American, he or she must contact the NAHC by phone within 24 hours of making that determination (Health and Safety Code Section 7050[c]). The County shall contact the Most Likely Descendent (MLD), as determined by the NAHC, regarding the remains. The MLD, in cooperation with the County and a qualified professional archaeologist, shall develop a plan of action to avoid or minimize significant effects to the human remains prior to resumption of ground-disturbing activities.	The applicant shall implement monitoring and other actions as described in Mitigation Measure 3.5-4. The applicant shall include all of these requirements in construction contracts. (Use Permit COA)	Applicant/County	County
3.6 Geology and Soils			
3.6-1 Final Design-Level Geotechnical Report(s) The Applicant shall submit final design-level geotechnical report(s) produced by a California Registered Civil Engineer or Geotechnical Engineer for County review and approval. The report(s) shall address and make recommendations on the following: 1. Road, pavement, and parking area design; 2. Structural foundations, including retaining wall design (if applicable); 3. Grading practices; 4. Erosion/winterization; 5. Special problems discovered onsite, (e.g., groundwater, compressive/expansive/unstable soils/liquefaction potential); and 6. Slope stability (landslides). It is the responsibility of the Applicant to provide for engineering inspection and certification that earthwork has been performed in conformity with recommendations contained in the report. If the geotechnical report indicates the presence of critically expansive soils or other issues that could lead to structural defects, a certification of completion of the requirements of the geotechnical report shall be submitted to the County Community Development Department prior to issuance of building permits. This certification may be completed on a lot-by-lot basis or on a tract basis. This shall be so noted on the Improvement Plans, in the CC&Rs, and on the Informational Sheet filed with the Final Subdivision Map(s). The preliminary geotechnical engineering report performed by RGH Consultants, dated May 29, 2019 and revised December 6, 2019, indicated the	The applicant shall prepare reports and take actions as described in Mitigation Measure 3.6-1. The applicant shall include all of these requirements in construction contracts. (Use Permit COA)	Applicant	County

4.0 Mitigation Monitoring and Reporting Plan

Mitigation Measure	Implementation and Timing	Responsible for Implementing	Responsibility for Monitoring
presence of potentially expansive soils and landslides, which must be addressed in a design-level geotechnical report. At a minimum, the following recommendations of the preliminary geotechnical engineering report shall be adhered to: 1. In general, cut and fill slopes should be designed and constructed at slope gradients of 2:1 (horizontal to vertical) or flatter, unless otherwise approved by the geotechnical engineer in specified areas. In expansive soil areas and serpentinite or highly weathered mélange bedrock, cut and fill slopes should be no steeper than 3:1. Where steeper slopes are required, retaining walls should be used unless approved by the project geotechnical engineer. Fill slopes steeper than 2:1 will require the use of geogrid to increase stability. If the owner is willing to accept ongoing maintenance, steeper slopes may be constructed within roadway cutslopes on a case-by-case basis. Cutslopes up to 1:1 may be allowable in certain areas with certain remedial measures. In general, slopes within serpentinite-derived soils and Franciscan mélange or serpentinite bedrock are highly weathered and are less stable than slopes on younger and/or harder bedrock types. In addition, some of the younger volcanic bedrock formations are rubbly to agglomeritic in nature and may be prone to rockfalls or debris flows as the clayey matrix becomes saturated on steep slopes. The geotechnical engineer should review preliminary site-specific grading plans and profiles for potential slope stability concerns. and/or 2. The proposed building envelopes must be located outside unstable areas and steep slopes in order to reduce the risks associated with slope instability. Initially, a structural setback of approximately 50 feet from unstable areas and breaks in slope of 2:1 or steeper should be established. A site-specific study by the project geotechnical engineer should finalize recommended structural setbacks.			
3.6-2 Worker Training, Cease Work, and Consult with Qualified Paleontologist A qualified professional paleontologist (as defined by the Society of Vertebrate Paleontology, 2010) provide awareness training, in written or multi-media form for construction personnel involved in earth-moving activities. Construction personnel to be involved with earth-moving activities shall be informed that fossils could be discovered during excavation that these fossils are protected by laws, on the appearance of common fossils, and on proper notification procedures should fossils be discovered. In the unlikely event that paleontological resources are encountered, work shall cease within 50 feet of the discovery, and the County shall be notified immediately. The Applicant shall retain a qualified professional paleontologist (as defined by the Society of Vertebrate Paleontology, 2010) to assess the significance of the find and recommend appropriate treatment measures. Recommendations shall include, but are not limited to, salvage and treatment as described by the Society of Vertebrate Paleontology (2010); this treatment shall include preparation, identification, determination of significance, and	The applicant shall implement monitoring and other actions as described in Mitigation Measure 3.6-2. The applicant shall include all of these requirements in construction contracts. (Use Permit COA)	Applicant/County	County

4.0 Mitigation Monitoring and Reporting Plan

Mitigation Measure	Implementation and Timing	Responsible for Implementing	Responsibility for Monitoring
curation into a public museum. Any recommended mitigation shall be completed before construction resumes in the vicinity of the find.			
3.7 Greenhouse Gases and Climate Change			
3.7-1 Operational GHG Emissions Prior to the issuance of the first certificate of occupancy for the relevant portion of the project (i.e., residential or commercial), as appropriate, the Applicant shall provide documentation to the County that the following measures have been achieved. It should be noted that these measures do not apply to on-going uses within the property that are not a component of the Proposed Project, including agricultural operations conducted under third party leases. <u>Transportation Demand Management Measures</u> Implement MM 3.13-4 to develop and implement a TDM Program to achieve a reduction in VMT as a result of the Proposed Project. At a minimum these measures will include: • Dedicated on-site parking for shared vehicles (vanpools/carpools); • Provide adequate, safe, convenient, and secure on-site bicycle parking and storage in the commercial portion of the project; and • Use of an electric fleet for internal transport vehicles (excluding trucks and other ranch vehicles for on-going agricultural and grazing activities) to the extent feasible (no less than 75 percent), including the golf course. <u>Project Wide Measures</u> • Use energy-efficient lighting that will reduce indirect criteria pollutants and GHG emissions. Using energy-efficient lighting will reduce energy usage and, thus, reduce the indirect GHG emissions from the project. Energy-efficient lighting includes adaptive lighting systems or systems that achieve energy savings beyond those required by Title 24 lighting requirements to the maximum extent feasible. • Utilize low-flow appliances and fixtures; • Use of state-of-the-art irrigation systems that reduce water consumption including graywater systems and rainwater catchment; and • Use of drought-tolerant and native vegetation. <u>Residential Measures</u> • Facilitate achievement of zero net energy buildings through installation of solar photovoltaic systems consistent with the 2019 Building Energy Efficiency Standards, CCR Title 24 Part 6. Compliance with this requirement must be demonstrated prior to issuance of occupancy permits for residential uses.	Applicant to prepare TDM Program compliant with this Mitigation Measure and submit to County. County to review and approve prior to issuance of the first certificate of occupancy. (Use Permit COA) Lighting plans consistent with these requirements shall be submitted to County prior to approval of building permit. (Use Permit COA) Improvement Plans consistent with these requirements shall be submitted to County prior to approval of Final Maps. (TM COA)	Applicant/County	County

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Mitigation Measure	Implementation and Timing	Responsible for Implementing	Responsibility for Monitoring
- Provide electrical outlets on the outside of the homes or outlets within the garages to encourage the use of electrical landscaping equipment. - Use water efficient landscapes and native/drought-tolerant vegetation. - Install smart meters and programmable thermostats. - Use energy-efficient appliances in the residences where available. These include appliances that meet USEPAs Energy Star Criteria.			
<u>Resort/Commercial Measures</u>			
- Facilitate achievement of zero net energy buildings through the construction standards required under the 2019 Building Energy Efficiency Standards, CCR Title 24 Part 6 and the use of rooftop or on-site photovoltaic systems, with or without storage, or the acquisition of renewable energy or energy credits from another source, or generation onsite. Zero Net Energy shall mean that on a community-wide basis, the actual annual consumed energy will be less than or equal to the renewable generated energy utilized. It is the Project's goal to obtain enough renewable electrical energy for the Project's needs and to distribute it throughout the Guenoc Valley Site. Therefore, renewable energy supplies shall be secured and/or systems installed for each commercial structure prior to issuance of its final certificate of occupancy. - Install on-site charging units for electric vehicles consistent with parking requirements in California Green Building Standards Code Section 5.106.5.2. - Install electric water heating instead of gas water heating for some or all of the project's hot water needs, to the extent such technology is readily available and commercially practicable.			
3.7-2 Construction GHG Emissions Implement Mitigation Measure 3.3-1 to reduce GHG emissions from construction of the Proposed Project. a) To the maximum extent feasible, the contractors shall utilize Tier 4 engines or better, and Level 3 Diesel Filters during all phases of development. Compliance must be demonstrated with submittal of the equipment inventory, prior to approval of dust control plans.	Applicant submit to LCAQMD a Construction Emission/Dust Control Plan and other information conforming to this Mitigation Measure within 30 days prior to groundbreaking. County to review prior to issuing Grading or Improvement Plans- (whichever occurs first). (Use Permit COA)	Applicant	County
3.8 Hazardous Materials			
3.8-1 Hazardous Materials Best Management Practices The following mitigation measures shall be implemented prior to the issuance of grading permits: 1) Ensure through contractual obligations that all contractors prepare hazardous materials business plans and that they transport, store, and handle construction and remediation-related hazardous materials in a manner consistent with applicable regulations and guidelines. Components of the plan include, but are not limited to,	The applicant shall implement monitoring and other actions, and obtain permits as described in Mitigation Measure 3.8-1 prior to issuance of grading permits and during construction. The applicant shall include all of these	Applicant	County

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Mitigation Measure	Implementation and Timing	Responsible for Implementing	Responsibility for Monitoring
transporting and storing materials in appropriate and approved containers, maintaining required clearances, and handling materials in accordance with the applicable federal, State, and/or local regulatory agency protocols. The hazardous materials business plans shall be submitted to the Lake County Division of Environmental Health for review and approval. 2) In compliance with the CWA, a Stormwater Pollution Prevention Plan (SWPPP) shall be prepared for construction activities. Hazardous materials control measures identified in the SWPPP shall include, but not be limited to, the following: a. A spill prevention and countermeasure plan shall be developed, which identifies proper storage, collection, and disposal measures for potential pollutants (such as fuel, fertilizers, pesticides, etc.) used onsite. b. Petroleum products shall be stored, handled, used, and disposed of properly in accordance with provisions of the CWA (33 USC § 1251 to 1387). c. During the wet season, construction materials, including topsoil and chemicals, and quarried materials shall be stored, covered, and isolated to prevent runoff losses and contamination of surface and groundwater. d. Fuel and vehicle maintenance areas shall be established away from all drainage courses and designed to control runoff. e. Sanitary facilities shall be provided for construction workers. f. Disposal facilities shall be provided for soil wastes, including excess asphalt during construction and demolition. g. Require that at all times a supervisor or other responsible employee trained in the proper handling, use, cleanup, and disposal of all chemical materials used during construction activities shall be present onsite and provide appropriate facilities to store and isolate contaminants. h. Encountered groundwater shall be removed from trenches and excavations in such a manner as to reduce potential contact with construction materials, construction personnel, surface waters, and, to the extent required by regulation or requirements, shall be disposed of at an appropriately permitted facility such as a wastewater treatment plant in accordance with the requirements of the National Pollutant Discharge Elimination System (NPDES) permit.	requirements in construction contracts. (Use Permit COA)		
3.8-2 Prepare a Hazardous Materials Contingency Plan Prior to issuance of the grading permits, the Applicant shall provide to Lake County Division of Environmental Health a site-specific hazardous materials contingency plan. The plan will describe the necessary actions that would be taken if evidence of contaminated soil or groundwater is encountered during construction. The contingency plan shall identify conditions that could indicate potential hazardous materials contamination, including soil discoloration, petroleum or chemical odors, presence of underground storage tanks, or buried building material. Compliance with the plan will be included as a requirement within all construction bid specifications.	The applicant shall prepare a site-specific hazardous materials contingency plan, implement monitoring and other actions, and obtain permits as described in Mitigation Measure 3.8-2 prior to issuance of grading permits and during construction. The applicant shall include all of these requirements in construction contracts. (Use Permit COA)	Applicant/County	County

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Mitigation Measure	Implementation and Timing	Responsible for Implementing	Responsibility for Monitoring
If at any time during the course of constructing the Proposed Project evidence of soil and/or groundwater contamination with hazardous material is encountered, construction shall immediately cease and the Lake County Division of Environmental Health shall be contacted. Construction in the area affected by the contamination shall remain stopped until there is resolution of the contamination problem (through such mechanisms as soil or groundwater sampling and remediation if potentially hazardous materials are detected above threshold levels) to the satisfaction of Lake County Division of Environmental Health and Central Valley Regional Water Quality Control Board (CVRWQCB); construction on areas not affected by the contamination may continue during the remediation process. The plan, and obligations to abide by and implement the plan, shall be incorporated into the construction contract specifications of the project.			
3.8-3 Minimize Potential for Accidental Release of Hazardous Materials during Demolition a) Prior to demolition of existing structures, the Applicant shall: 1) Identify locations that could contain hazardous residues; 2) Remove plumbing fixtures known to contain, or potentially containing, hazardous materials; 3) Determine the waste classification of the debris; 4) Package contaminated items and wastes; and 5) Identify disposal site(s) permitted to accept such wastes. These activities will be conducted in compliance with all applicable federal, state, and local laws. b) Prior to demolition of existing structures, the Applicant shall provide written documentation to the County that asbestos testing and abatement, as appropriate, has occurred in compliance with applicable federal, State, and local laws. c) Prior to demolition of existing structures, the Applicant shall provide written documentation to the County that lead-based paint testing and abatement, as appropriate, has been completed in accordance with applicable State and local laws and regulations. Abatement shall include the removal of lead-contaminated soil (considered soil with lead concentrations greater than 400 parts per million in areas where children are likely to be present). If lead-contaminated soil is to be removed, the Applicant shall submit a soil management plan to Lake County Division of Environmental Health.	The applicant shall implement Mitigation Measure 3.8-3 prior to issuance of grading permits and during construction. The applicant shall include all of these requirements in construction contracts. (Use Permit COA)	County	County
3.8-4 Reporting Geothermal Wells As recommended by the Division of Oil, Gas, and Geothermal Resources (Division) within the Department of Conservation and according to the County General Plan, the following shall be performed concerning geothermal well sites for the Guenoc Valley Site and the Off-Site Infrastructure Improvement Areas: 1) The location of any known geothermal wells on the property shall be clearly identified on the project construction plans and communicated to the appropriate County recorder for inclusion in the title information of the subject real property.	The applicant shall implement Mitigation Measure 3.8-4 prior to issuance of grading permits and during construction. The applicant shall include all of these requirements in construction contracts. (Use Permit COA)	County	County

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Mitigation Measure	Implementation and Timing	Responsible for Implementing	Responsibility for Monitoring
2) If any unknown geothermal well(s) is/are discovered during development, the County and the Division shall be notified immediately so that the newly discovered well(s) can be incorporated into the records and investigated in order to determine proper disposal, if required. Any previously unidentified wells found during project exploration and construction work shall be communicated to the appropriate County recorder for inclusion in the title information of the subject real property. This is to ensure that present and future property owners are aware of the wells located on the property, and the potentially significant issues associated with any improvements near geothermal wells. 3) Before work on a low or high temperature gradient well is performed, written approval from the Division in the form of an appropriate permit shall be obtained. This includes, but is not limited to, mitigating leaking fluids or gas from abandoned wells, modifications to well casings, and/or any other re- abandonment work. If any well needs to be lowered or raised (i.e., casing cut down or casing riser added) to meet the grade regulation standard of 6 feet below ground, a permit from the Division is required before work can start.			
3.8-5 Asbestos Dust Mitigation Plan Prior to construction activities, an Asbestos Dust Mitigation Plan shall be prepared and submitted to the Lake County APCD. The Plan shall include the following components in order to reduce asbestos dust generation and meet the requirements of an asbestos dust mitigation plan as specified in Asbestos Airborne Toxic Control Measures (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations: 1) Track-out prevention and control measures: a) Removal of any visible track-out from a paved public road at any location where vehicles exit the construction site via wet sweeping or a HEPA filter equipped vacuum device at the end of the work day or at least once per day. b) Installation of one or more of the following track-out prevention measures: i. A gravel pad designed using good engineering practices to clean the tires of exiting vehicles; ii. A tire shaker; iii. A wheel wash system; iv. Pavement extending for not less than 50 consecutive feet from the intersection with the paved public road; or v. Other measure that is deemed by the Lake County APCD as effective as the measures listed above. 2) Active storage piles will be adequately wetted or covered with tarps. 3) Control for disturbed surface areas and storage piles that will remain inactive for more than seven (7) days shall have one or more of the following done: a) Keep the surface adequately wetted; b) Establishment and maintenance of surface crusting that is sufficient to satisfy the test in subsection (h)(6) of the Asbestos ATCM for Construction, Grading, Quarrying, and Surface Mining Operations;	The applicant shall prepare and implement an Asbestos Dust Mitigation Plan is described in Mitigation Measure 3.8-5 prior to issuance of grading permits and during construction. The applicant shall include all of these requirements in construction contracts. (Use Permit COA)	Applicant	County

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c) Application of chemical dust suppressants or chemical stabilizers according to the manufacturers' recommendations; d) Covering with tarp(s) or vegetative cover; e) Installation of wind barriers of 50 percent porosity around three sides of a storage pile; f) Installation of wind barriers across open areas; or g) Other measure that is deemed by the Lake County APCD as effective as the measures listed above.			
4) Control for traffic on on-site unpaved roads, parking lots, and staging areas shall include the following:			
1) A maximum vehicle speed limit of 15 mph or less; and 2) One or more of the following: i. Watering every two hours of active operations or sufficiently often to keep the area adequately wetted; ii. Applying chemical dust suppressants consistent with manufacturer's directions; iii. Maintaining a gravel cover with a silt content that is less than 5 percent and asbestos content that is less than 0.25 percent, as determined using an approved asbestos bulk test method, to a depth of 3 inches on the surface being used for travel; or iv. Other measure that is deemed by the Lake County APCD as effective as the measures listed above.			
5) Control for earthmoving activities shall include one or more of the following:			
a) Pre-wetting the ground to the depth of anticipated cuts; b) Suspending grading operations when wind speeds are high enough to result in dust emissions crossing the project boundary despite the application of dust mitigation measures; c) Application of water prior to any land clearing; or d) d. Other measure that is deemed by the Lake County APCD as effective as the measures listed above.			
6) No trucks shall be allowed to transport excavated material offsite until the following are performed:			
a) Trucks are maintained such that no spillage can occur from holes or other openings in cargo compartments; and b) Loads are adequately wetted and either: i. Covered with tarps; or ii. Loaded such that the material does not touch the front, back, or sides of the cargo compartment at any point less than 6 inches from the top and that no point of the load extends above the top of the cargo compartment.			

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7) Upon completion of the Proposed Project, disturbed surfaces shall be stabilized using one or more of the following methods: a) Establishment of a vegetative cover; b) Placement of at least 3 inches of non-asbestos-containing material; c) Paving; d) Any other measure sufficient to prevent wind speeds of 10 mph or greater from causing visible dust emissions. 8) If deemed applicable by Lake County APCD, an air quality testing component shall be developed and contain the following: a) Type of air sampling device(s); b) Siting of air sampling device(s); c) Sampling duration and frequency; and d) Analytical method.			
3.8-6 Conduct Shallow Groundwater Characterization Plan for Construction of Off-Site Water Pipeline Prior to obtaining a dewatering permit associated with trenching activities for the off-site water pipeline in Butts Canyon Road, a Shallow Groundwater Characterization Plan will be developed in consultation with the CVRWQCB. The Shallow Groundwater Characterization Plan will outline the appropriate number of shallow groundwater samples to be collected and the analytes to be assessed in order to determine appropriate dewatering methods during pipeline construction. The results of the Shallow Groundwater Characterization Plan shall be provided to the Lake County Division of Environmental Health and CVRWQCB. Should the results indicate the presence of contaminated groundwater, an individual dewatering permit shall be obtained from the CVRWQCB, and all conditions adhered to Methods for disposal of contaminated groundwater may include but are not limited to transporting the water to an approved facility for treatment and discharge in accordance with NPDES permit requirements.	Prior to obtaining a dewatering permit associated with trenching activities for the off-site water pipeline in Butts Canyon Road, the applicant shall prepare and implement a Shallow Groundwater Characterization Plan will be developed in consultation with the CVRWQCB is described in Mitigation Measure 3.8-6. The applicant shall include all of these requirements in construction contracts. (Use Permit COA)	Applicant	County
3.9 Hydrology and Water Quality			
3.9-1 Storm Water Pollution Prevention Plan Consistent with the requirements of the State Water Resources Control Board General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order 2009-0009-DWQ), the Applicant shall undertake the Proposed Project in accordance with a project-specific SWPPP. The CVRWQCB, the primary agency responsible for protecting water quality within the project area, is responsible for reviewing and ensuring compliance with the SWPPP. The recommended BMPs, subject to review and approval by the CVRWQCB, include the measures listed below. However, the measures themselves may be altered, supplemented, or deleted during the CVRWQCB's review process, since the CVRWQCB has final authority over the terms of the SWPPP.	The applicant shall obtain a project-specific SWPPP prior to ground disturbing activities and provide the County with verification of compliance with the permit. (Use Permit COA)	County	County
<u>General Construction</u>			

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a. Schedule and sequence construction activities to minimize the areal extent and duration of site disturbance at any time. b. Provide work exclusion zones outside of work areas to protect vegetation and to minimize the potential for removing or injuring trees, roots, vines, shrubs, and grasses. c. Avoid disturbance of riparian and wetland vegetation by installing flagging and temporary fencing. d. Use berms, ditches, or other structures to divert natural surface runoff around construction areas. e. Install weed-free fiber rolls, straw-wattles, coir logs, silt fences, or other effective devices along drainage channels to prevent soils from moving into creeks. f. Locate stockpiles at least 50 feet from creeks, drainage channels, and drainage swales, whenever possible. g. Install fiber rolls, straw-wattles, or silt fencing between stockpiles and creeks, drainage channels, and drainage swales. h. After excavating any open-cut slopes, install slope protection measures such as fiber rolls, drainage ditches, or erosion control fabrics to minimize the potential for concentrated surface runoff to cause erosion. i. Implement wind erosion or dust control procedures consisting of applying water or other dust palliatives as necessary to prevent or alleviate dust nuisance generated by construction activities. The contractor may choose to cover small stockpiles or areas as an alternative to applying water or other dust palliatives. j. Control water application rates to prevent runoff and ponding. Repair leaks from water trucks and equipment immediately.			
<u>Hazardous Materials</u>			
k. Keep hazardous materials and other wastes at least 100 feet from wetlands, creeks, drainage channels, and drainage swales, whenever possible. l. Store hazardous materials in areas protected from rain and provide secondary containment to prevent leaks or spills from affecting water quality. m. Implement the following hazardous materials handling, storage, and spill response practices to reduce the possibility of adverse impacts from use or accidental spills or releases of contaminants: • Develop and implement strict on-site handling rules to keep construction and maintenance materials out of drainages and waterways. • Conduct all refueling and servicing of equipment with absorbent material or drip pans underneath to contain spilled fuel. Collect any fluid drained from machinery during servicing in leak-proof containers and deliver to an appropriate disposal or recycling facility. • Maintain controlled construction staging, site entrance, concrete washout, and fueling areas a minimum of 100 feet from stream channels or wetlands			

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whenever possible to minimize accidental spills and runoff of contaminants in stormwater. Prevent raw cement; concrete, or concrete washings; asphalt, paint, or other coating material; oil or other petroleum products; or any other substances that could be hazardous to aquatic life from contaminating the soil or entering watercourses.			
<u>Dewatering and Treatment Controls</u> n. Prepare a dewatering plan prior to excavation. o. Impound dewatering discharges in sediment retention basins or other holding facilities to settle the solids and provide treatment prior to discharge to receiving waters as necessary to meet Basin Plan water quality objectives. p. In order to meet the Basin Plan water quality objectives, install turbidity barriers and collect and treat drainage and runoff water from any part of the work area that has become turbid with eroded soil, silt, or clay to reduce turbidity prior to discharge to receiving waters.			
<u>Temporary Stream Crossings</u> q. Construct temporary stream crossings using a temporary bridge with gravel approach ramps or temporary culverts backfilled with clean gravel/cobbles and topped with a gravel road base. r. Do not place earth and rockfill material in stream channels. s. Upon completion of the Proposed Project, remove or stabilize temporary stream crossings with banks graded to a stable angle.			
3.9-2 Aggregate/ Concrete Monitoring and Reporting Program The Applicant shall undertake the proposed aggregate and concrete production facility in accordance with permit requirements of the CVRWQCB. The Applicant shall submit a Report of Waste Discharge to the CVRWQCB. The Applicant shall comply with monitoring requirements and discharge prohibitions identified by the CVRWQCB. The recommended discharge prohibitions, subject to review and approval by the CVRWQCB, include the specifications listed below. a. Aggregate wash water must be retained within designated operational area and may not be allowed to be percolated or disposed on land or to drainages. b. Aggregate wash and wastewater ponds must be lined and meet storage capacity requirements, maintain adequate freeboard, and be designed to protect ponds from inundation due to floods with a 100-year return frequency. c. Commingling aggregate wastewater and concrete wastewater is prohibited. d. Construct continuous interior asphalt or concrete berms around batch plant equipment (mixing equipment, silos, concrete drop points, conveyor belts, admixture	The applicant shall obtain a project-specific SWPPP prior to ground disturbing activities and provide the County with verification of compliance with the permit. (Use Permit COA)	County	County

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tanks, etc.) to facilitate proper containment and cleanup of releases. Rollover or flip top curbs or dikes should be placed at ingress and egress points. e. Direct runoff from the paved or unpaved portion of the concrete batch plant into a sump and pipe to a lined washout area or dewatering tank. f. All wastewater that contains residual concrete shall only be discharged to the concrete wastewater system (e.g., primary settling basin and secondary storage pond, or engineered alternative). g. Washout of concrete trucks must be conducted in a designated area with drainage to the concrete wastewater system. h. All stockpiled wastes and products shall be managed to prevent erosion of sediment to surface water drainage courses. i. Collected screenings, sludge, and other solids removed from liquid wastes shall be disposed of in a manner consistent with Consolidated Regulations for Treatment, Storage, Processing, or Disposal of Solid Waste, as set forth in Title 27, CCR, Division 2, Subdivision 1, Section 20005, et seq.			
3.9-3 Off-Site Groundwater Well Safe Yield Analysis and Monitoring Prior to the issuance of an encroachment permit or grading permit for installation of off-site water line along Butts Canyon Road for the use of the off-site agricultural well for water supply on the Guenoc Valley Site, the Applicant shall provide to the County an analysis that defines the safe yield. The safe yield must be set to meet the following performance criteria: avoid drawdown of groundwater beyond 300 feet of the well. The analysis must incorporate pump testing of the well, and be certified by a Registered Professional Engineer or Registered Geologist. Groundwater pumping rates and durations must be limited to the safe yield determined in the hydraulic analysis. The safe yield analysis shall identify the location of one or more monitoring wells necessary to evaluate compliance with the performance criteria. Monitoring of groundwater pumping rates and durations and groundwater levels shall be performed quarterly for the first five years of use. The Applicant shall be required to submit annual monitoring reports that provide quarterly groundwater pumping and groundwater level data to the Lake County Health Services Department for the first five years of use. In the event these reports show an impact to the groundwater levels, the Lake County Health Services Department and the Applicant shall develop a Groundwater Management Plan in coordination with a geotechnical engineer for approval by the Community Development Director.	Prior to the issuance of an encroachment permit or grading permit for installation of off site water line along Butts Canyon Road for the use of the off-site agricultural well for water supply on the Guenoc Valley Site, the Applicant shall provide to the County an analysis that defines the safe yield as described in Mitigation Measure 3.9-3 and submit required monitoring reports as well as cooperate with the County to prepare a Groundwater Management Plan as described in Mitigation Measure 3.9-3. (Use Permit COA)	Applicant/County	County
3.9-4 Floodplain Analysis Prior to the issuance of a grading permit for any development within 1,500 feet of Bucksnot Creek or Putah Creek, the Applicant shall provide to the County a floodplain analysis certified by a Registered Professional Engineer. This analysis shall define the extent of floodwaters (floodplain) and the elevations associated with 100-year flood event within proposed development areas along these creeks. If, due to the performed analyses, the changes in the effective Floodplain Maps and Flood Insurance Studies occur, the Developer will apply for a Letter(s) of Map Revision with the Federal Emergency Management Agency.	The Applicant shall provide to the County a floodplain analysis meeting the requirements of this Mitigation Measure with applications for any grading permit for development within 1,500 feet of Bucksnot Creek or Putah Creek, along with Letter(s) of Map Revision with the Federal Emergency Management Agency	Applicant	County

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3.9-5 Inundation Mapping Prior to the issuance of a grading permit for any development within 4,000 feet of Bucksnot Creek or Putah Creek, the Applicant shall provide to the County inundation maps of Detert Reservoir (Guenoc Lake), Langtry Lake, Bordeaux Lake, Burgundy Lake, and McCreary Lake dams that have been approved by Division of Safety of Dams.	if required. (Use Permit COA) The Applicant shall provide to the County inundation maps of Detert Reservoir (Guenoc Lake), Langtry Lake, Bordeaux Lake, Burgundy Lake, and McCreary Lake dams that have been approved by DSOD with applications for any grading permit for development within 4,000 feet of Bucksnot Creek or Putah Creek. (Use Permit COA)	Applicant	County
3.9-6 Incorporation of Floodplains and Dam Inundation Zones in Site Plans a. All site plans submitted to the County for the review of any development within 1,500 feet of Bucksnot Creek or Putah Creek shall identify the extent of the 100-year floodplain within proposed development areas. The 100-year floodplain shown shall be as certified by a Registered Professional Engineer. b. All site plans submitted to the County for the review of any development within 4,000 feet of Bucksnot Creek or Putah Creek shall identify the extent of the inundation zones of Detert Reservoir (Guenoc Lake), Langtry Lake, Bordeaux Lake, Burgundy Lake, and McCreary Lake dams within proposed development areas. Maximum inundation depths shall be identified on the site plans. c. For any facilities identified within the 100-year floodplain or inundation zone, including at the Guenoc Valley, Middletown Housing, and off-site well sites, any hazardous materials or materials that may pollute flood waters such as, but not limited to fuel, oil, chemicals, pesticides, fertilizer, or cleaning products, shall be adequately protected from release in flood waters or relocated out of the 100-year floodplain and inundation zone.	Applicant to prepare site plans meeting the requirements of this Mitigation Measure and submit to County with applications for development as described in this Mitigation Measure. County to review and make determinations and require appropriate conditions of approval prior to any approvals of such conditionally permitted uses. (Use Permit COA)	Applicant/County	County
3.10 Noise			
3.10-1 Restrict Construction Times in Areas in Proximity to Sensitive Receptors Construction activities within 1 mile of occupied residential uses not within the Guenoc Valley Site, and where feasible, all construction deliveries, shall be restricted to occur between the hours of 7:00 A.M. and 7:00 P.M.	County to incorporate this restriction into the Conditions of Approval of the project. Applicant to add these requirements to construction contracts. (Use Permit COA)	Applicant/County	County
3.10-2 Construction Noise Reduction The following measures shall be implemented to reduce impacts of construction noise. To reduce construction noise levels at off-site sensitive receptors as well as wildlife within the site, construction contractors shall be required to implement the following measures. These measures would be incorporated into the construction plan:	County to incorporate this restriction into the Conditions of Approval of the project. Applicant to add these requirements to construction contracts. (Use Permit COA)	Applicant/County	County

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- Equipment and trucks used for project construction shall utilize the best available noise control techniques, such as improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds. - Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used, to achieve a reduction of 5 dBA. Quieter procedures will be used, such as drills rather than impact equipment. - Stationary noise sources shall be located as far from adjacent receptors as possible, and they will be muffled and enclosed within temporary sheds, incorporate insulation barriers, or other measures. - Locate fixed construction equipment such as compressors and generators as far as possible from sensitive receptors. Shroud or shield all impact tools, and muffle or shield all intake and exhaust ports on power construction equipment. - Designate a disturbance coordinator and conspicuously post this person's number around the project site and in adjacent public spaces. The disturbance coordinator shall receive all public complaints about construction noise disturbances and shall be responsible for determining the cause of the complaint, and implement any feasible measures to be taken to alleviate the problem. - Well Drilling and Pipeline Construction Noise (Off-Site Infrastructure Improvement only): - Noise curtains shall be utilized during drilling of the well if, at the time of well construction, homes are occupied within 1,000 feet of the well.			
3.10-3 Future Phases Noise Control Prior to County approval of conditionally permitted uses which include more substantial exterior noise sources such as amphitheaters and event venues, a noise study shall be prepared by an acoustical engineer that identifies the necessary measures required to achieve compliance with the County's Noise Level Performance Standards at the nearest sensitive receptors. The County shall require that the measures identified in the noise study are implemented as a condition of approval of conditional use permits.	] (Use Permit COA)	Applicant/County	County
3.10-4 Restrict Aircraft and Non-Emergency Helicopter Flight Times Inbound and outbound flight times to and from the float dock and helicopter landing pads shall be limited to the hours of 7 A.M. to 7 P.M. every day of the week with exceptions for emergency situations only.	County to incorporate this restriction into the Conditions of Approval of the project. (Use Permit COA)	County	County

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3.13	Transportation			
3.13-1	Implement Improvements at SR-29 and Butts Canyon Road Prior to issuance of grading permits for Phase 1, the Developer shall execute and deliver to Caltrans an agreement to mitigate the impacts to the intersection of SR-29 and Butts Canyon Road by paying to Caltrans the cost of the following: State Route 29 at Butts Canyon Road (Intersection #7) – Installation of an intersection control improvement—roundabout or three-way traffic signal with crosswalks, depending on results of an Intersection Control Analysis (ICE).	Applicant to enter into an agreement with Caltrans that meets the requirements of this Mitigation Measure prior to issuance of grading permits for Phase 1. (Use Permit COA)	Applicant	County
3.13-2	Pay Fair Share towards Lake County Intersection Improvements The Developer shall execute and deliver to Caltrans an agreement that requires payment, or provides bonding for, a proportionate share of the construction costs of the following improvements. The timing for collection of the fees and implementation of the improvements will be at the discretion of Caltrans as the lead agency. - State Route 29 at Hartmann Road (Intersection #5) – Expansion of the existing roundabout or other intersection control improvement, depending on the results of an Intersection Control Analysis (ICE; required under Baseline plus Phase 1). - SR-29 at Spruce Grove Road South (Intersection #3) – Installation of an intersection control improvement—roundabout or three-way traffic signal with crosswalks, depending on results of an ICE (required under cumulative plus Phase 1). - SR-29 at Hidden Valley Road (Intersection #4) – Installation of an intersection control improvement, roundabout or four-way traffic signal with crosswalks, depending on results of an ICE (required under cumulative plus Phase 1).	Applicant to enter into an agreement with Caltrans that meets the requirements of this Mitigation Measure prior to recordation of Final Maps. (TM COA)	Applicant	County
3.13-3	Conduct Traffic Study and Implement Mitigation for Future Phases As specified in the Development Agreement, an updated Project Level traffic impact analysis shall be completed prior to approval of future Project phases to determine if future phases would conflict with adopted circulation plans and policies. Improvement measures determined for future phases shall be coordinated with applicable jurisdictional agencies as appropriate, including Lake County, Napa County, City of Calistoga, and Caltrans.	Applicant to prepare updated project-level traffic impact analysis and submit to County with applications for future phases. County to review and make determinations/coordinate with other agencies prior to any approvals of future phases.	Applicant/County	County
3.13-4	Implement a Transportation Demand Management Program Prior to issuance of occupancy permits for Phase 1, the Applicant shall develop and submit to the County a final Transportation Demand Management Program for the Proposed Project. The TDM plan shall identify all feasible measures to reduce the VMT per capita of the Proposed Project to below the regional average to the extent feasible. The County shall verify compliance with the plan prior to issuance of occupancy permits for the Proposed Project. Additionally, the Applicant shall undertake annual monitoring and reporting of the TDM Plan, in accordance with Section 1.4 of Appendix TDM. Section 1.4 of Appendix TDM includes provisions regarding the timing, scope, and implementation of monitoring and reporting requirements, and requires the Applicant to adjust the TDM	Applicant to prepare TDM Program compliant with this Mitigation Measure and submit to County. County to review and approve prior to issuance of the first certificate of occupancy. (Use Permit COA)	Applicant	County

Mitigation Measure	Implementation and Timing	Responsible for Implementing	Responsibility for Monitoring
plan based on the monitoring results. The following strategies shall be identified within the TDM plan to reduce the VMT generated by the Proposed Project: ▪ <i>Private Shuttle Service</i> – There are currently no plans for Lake Transit to run buses along Butts Canyon Road near the project site and the nearest bus stops are about six miles away in Middletown. While it is possible Lake Transit might consider adding a stop on Butts Canyon Road in the future to serve project employees, it is our understanding that there is no funding available for it at this time. Alternatively, the project could potentially provide a frequent direct weekday shuttle service specifically for employees during the peak morning and evening commute periods. This could operate between the project site any and off-site work force housing with a stop at the Lake Transit bus transfer point in Middletown. Please note that shuttles would need be fully accessible to passengers using wheelchairs. It is recommended the applicant also explore providing a real-time smart-phone app that tracks arrivals to make shuttle use more reliable and convenient. Shuttle service for patrons of the project has been assumed as part of this analysis. The current assumption is that regular shuttle service to and from San Francisco and Sacramento will accommodate approximately 40% of resort patrons. The management shall monitor and provide adequate shuttle headways to accommodate all employees and guests who wish to use the shuttle services. ▪ <i>Carpool and Ride-Matching Assistance Program</i> – Although on-site employee parking is limited, the management shall offer personalized ride-matching assistance to pair employees interested in forming commute carpools. As an enhancement, management may consider using specific services such as ZimRide, TwoGo by SAP, Enterprise RideShare, 511.org RideShare or the equivalent. ▪ <i>Preferential Parking for Carpoolers/Vanpoolers</i> – The management shall offer preferential carpool parking for eligible commuters. To be eligible for carpool parking, the carpool shall consist of three or more people. The number of preferential parking spaces will be based on the number of participants in the program. The management shall monitor and provide adequate carpool spaces to meet or exceed potential demand. ▪ <i>Dedicated Parking Spaces for Car Share Services</i> – The management will set aside parking spaces to be dedicated for use by car share services to serve employees. This is expected to reduce parking demand and GHG emissions associated with the project by providing more flexibility for employees who otherwise utilize alternate modes. The availability of car share services within a project can potentially reduce the demand for employees to own their own cars. Car share services allow for employees to make midday trips without needing to have their own personal vehicle on site. The availability of car share services within a project can potentially reduce the demand for employees to commute by			

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car or even own their own cars. In addition to dedicating parking spaces for car share services for employees, the management may consider dedicating additional parking spaces for car share vehicles dedicated for guest use, if demand exists. The availability of such cars makes traveling to the Project site without a personal vehicle more appealing for some guests. The management shall monitor and provide adequate car share spaces to meet or exceed potential demand. ▪ <i>On-Site Sales of Transit Passes</i> – The building management shall offer direct on-site sales of Lake County Transit Authority transit passes purchased and sold at a bulk group rate to employees. Although Lake Transit Authority does not currently operate transit service to the site directly, some employees who live in the greater Lake County and surrounding areas may take public transit to Middletown and then could take the private shuttle to the Project site. Offering on-site transit pass sales reduces the barrier of purchasing transit passes and provides a bulk discount to employees, further encouraging transit use as a primary commute mode. ▪ <i>TDM Coordinator</i> – Management shall designate a “TDM coordinator” to coordinate, monitor and publicize TDM activities. The effectiveness of providing a TDM Coordinator on auto mode share is uncertain but is generally seen as a supportive measure that is beneficial to implement the other TDM measures. The Project sponsor may instruct the management company to designate their on-site manager as the TDM coordinator, or they may designate someone else. ▪ <i>Transportation and Commute Information Kiosks</i> - An information board or kiosk will be located in a common gathering area (e.g., lobby, employee entrance, break, or lunch room). The kiosk will contain transportation information, such as Emergency Ride Home (ERH), transit schedules, bike maps, and 511 ride-matching. Information will be updated periodically by the designated TDM Coordinator. ▪ <i>Tenant Performance and Lease Language – TDM Requirements</i> - For all tenants, the applicant will draft lease language or side agreements that require the identification of a designated contact responsible for compliance and implementation of the TDM program. ▪ <i>Tenant/Employer Commute Program Training</i> - As needed and applicable, the applicant or property management will provide individual tenants of the project with initial TDM (and commute) program training, and commute program start-up assistance. The overarching goals of this support function are to reduce commute trips for employees and assist with employee marketing and outreach. ▪ <i>Employee Transportation Brochure</i> - All employees will be provided with an Employee Transportation Brochure regarding the Commute Program. This			

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brochure will include (but not be limited to) information about shuttle service, carpool parking, transit opportunities, ride-matching services, bicycle routes, and emergency rides home.			
3.13-5 Pay a Fair Share towards Pedestrian and Bicycle Improvements Prior to issuance of occupancy permits for Phase 1 and future phases, the Applicant shall enter into an agreement with the Lake City/County Area Planning Council to pay a proportionate impact fee towards pedestrian and bicycle improvement projects in Lake County and Middletown.	Applicant to enter into an agreement with Lake City/County Area Planning Council that meets the requirements of this Mitigation Measure prior to issuance of the first certificate of occupancy. (Use Permit COA)	Applicant/ Lake City/County Area Planning Council	County
3.16 Wildfire			
3.16-1 Fire Prevention during Construction Any construction equipment that normally includes a spark arrester shall be equipped with an arrester in good working order. This includes, but is not limited to, vehicles, heavy equipment, and chainsaws. During construction, staging areas and areas slated for development using spark-producing equipment shall be cleared of dried vegetation or other materials that could serve as fire fuel. To the extent feasible, the contractor shall keep these areas clear of combustible materials in order to maintain a firebreak. Additionally, the following measures shall be required on the Guenoc Valley Site: • Every work area shall have one round tip shovel, and one water type fire extinguisher accessible within 10 feet. • Portable Fire Extinguisher rated at a minimum of 4/ABC or larger shall be in every vehicle, or piece of equipment except for privately owned vehicles. • In general, during fire season, mowing of vegetation should be completed prior to noon. • Hot Work shall have Fire Watch in place during and 30 minutes after. • Persons activating 911 shall know where they are on property to give directions. • All persons shall have access to a cell phone or radio system to activate 911. • Persons activating 911 shall arrange an escort from the entrance at 22000 Butts Canyon Road to the location of the emergency for the first arriving emergency apparatus. • Each construction site shall be provided with a hand held pressurized air horn such as a marine device (or similar) to alert others of an emergency.	Applicant to incorporate these measures into the Wildfire Prevention Plan and obtain County approval of revised Wildfire Prevention Plan prior to approval of Grading or Improvement Plans- (whichever occurs first). Wildfire Prevention Plan shall be issued to every contractor and construction crew. (Use Permit COA)	Applicant/County	County

4.0 Mitigation Monitoring and Reporting Plan

Mitigation Measure	Implementation and Timing	Responsible for Implementing	Responsibility for Monitoring
3.16-2 Post-Wildfire Emergency Response After a wildfire, response measures shall include actions to minimize slope instability and installation of warning signs. Immediate actions may include identifying impending threats to safety and property, checking all culverts to ensure proper drainage and installing erosion control mats and fiber rolls around steep areas. There shall also be long-term recovery and restoration actions to rehabilitate burned areas that have the potential to impact safety and property. The post wildfire emergency response plan (PWERP) will also include standards for a five-year long-term recovery and restoration plan to rehabilitate any burned areas that have the potential to impact safety and property. These measures could include restoring burned habitat, reforestation, mulching, and treating noxious weed infestations. This would be prepared by a qualified personnel with burned area restoration expertise and in coordination with and to the approval of the Lake County Department of Environmental Health.	Applicant to incorporate these measures into the Wildfire Prevention Plan and obtain County approval of revised Wildfire Prevention Plan prior to approval of Grading or Improvement Plans- (whichever occurs first). (Use Permit COA)	Applicant/County	County

5.0 REFERENCES

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