Memorandum

To: Mireya Turner, Director
Lake County Community Development Department

From: Ryan Sawyer, AICP, Project Director
Annalee Sanborn, Project Manager

Date: July 31, 2025

Subject: Guenoc Valley Mixed Use Development Project, Response to Late Comment Letter from Attorney General Dated July 25, 2025

The purpose of this memorandum is to address comments raised in the July 25, 2025 letter from the State of California Office of the Attorney General regarding the Guenoc Valley Mixed Use Development Project (Proposed Project) Environmental Impact Report (EIR; State Clearinghouse No. 2019049134) and Mitigation Monitoring and Reporting Program (MMRP). While the California Environmental Quality Act (CEQA) does not require written responses to comments received outside of the public circulation period, this memorandum is intended to clarify how the issues raised in the letter from the Attorney General have been addressed within the EIR and associated technical appendices, and to describe what changes have been incorporated into the MMRP in response to the requests in the letter. The responses below are organized according to the topics as identified in the Attorney General's letter. The updated MMRP has been submitted separately. None of the information in this response memorandum constitutes new information requiring revisions to or recirculation of the Draft Partially Revised EIR (DPREIR) or Final Partially Revised EIR (FPREIR).

Project Modifications to Reduce Wildfire Risk and GHG Impacts

Summary of Comment: *The comment requests clarification that all mitigation measures and commitments in Tables 5.1, 5.2, and 5.3 of the DPREIR are enforceable parts of the Proposed Project's MMRP. It also seeks confirmation that measures agreed to in the Settlement Agreement between the Project Applicant and the Office of the Attorney General (Settlement Agreement) affecting site design and wildfire protection are included in the Wildfire Prevention Plan (WPP), the currently proposed Specific Plan of Development (SPD) and tentative maps for Phase 1 of the Proposed Project, and in subsequent tentative maps for future phases of the Proposed Project.*

Response: The intent of the MMRP presented in the DPREIR and FPREIR was to include and make enforceable and binding all measures that have been identified through the CEQA process as mitigation, voluntarily incorporated into the Proposed Project design by the Project Applicant, or agreed to in the Settlement Agreement. Table 1 of the MMRP (consistent with Table 5-1 of the PREIR) lists the mitigation measures identified during the CEQA process in accordance with CEQA Guidelines Section 15126.4 to lessen significant impacts identified in the EIR. Table 2 of the MMRP (consistent with Table 5-2 of the PREIR) includes those measures that were included in the project description, either through project design or the Project Applicant's intended best practice to be implemented during construction or operation of the Proposed Project. These Project Commitments were added into the MMRP during the 2020 EIR process to provide clarity and transparency for how they would be implemented and monitored. Similarly, Table 3 of the MMRP (Table 5-3 of the PREIR) includes those measures that were

agreed to in the Settlement Agreement. While the Project Commitments and Settlement Agreement Measures may lessen environmental impacts or improve upon environmental conditions, they were not developed by the County during the CEQA process to reduce a significant impact. While the intent of the MMRP presented in Section 5 of both the DPREIR and FPREIR was to ensure that all measures in Tables 1, 2, and 3 were fully binding, enforceable, and monitorable by the County, the introductory text could have been clearer as to this point. Therefore, as noted above, the MMRP has been updated to more clearly identify Table 1, Table 2, and Table 3 as components of the MMRP. Additionally, because the EIR assumes as the basis for its analysis that the Project Commitments and Settlement Agreement Measures would be implemented as components of the Proposed Project, the implementation of these commitments through the MMRP is specifically identified as a condition of approval by the County in the proposed Conditions of Approval (COA) document provided as Attachment 2 to the July 24, 2025 Staff Report. These commitments have already been incorporated into the SPD, tentative maps for Phase 1, and the updated WPP submitted to the County. The COAs have been further updated and clarified to specifically state that implementation of the Settlement Agreement Measures is a required condition of the County's approval (see updated Draft COA, Term B(1)). The MMRP and COA will also ensure that the Settlement Agreement Measures would be required to be incorporated into the tentative maps for subsequent phases of the Proposed Project.

Insufficient Analysis of Potential Wildfire Scenarios

Summary of Comment: *This comment states that the DPREIR's analysis of community evacuation is inadequate because it only considers two wildfire scenarios (north–south and south–north), despite prior requests to analyze additional fire directions (east–west and west–east). The area's primary evacuation routes lie to the west, making an eastward evacuation problematic in a west-to-east fire. The EIR acknowledges that wind patterns in the region are variable and can drive fires in any direction, further emphasizing the need for a broader evacuation analysis.*

Response: The DPREIR did consider the additional scenarios requested by the commenter, but did not run detailed analysis of those scenarios because it concluded that doing so was unnecessary as the evacuation routes that would be used in these wildfire scenarios would be similar to those used in the scenarios that were analyzed in detail. As such, detailed analysis of the additional scenarios would not have resulted in any meaningful new information for members of the public or decision-makers regarding the Project's potential impacts. A Community Evacuation Analysis was prepared in January 2024 and circulated as Appendix H-1 of the July 2024 DPREIR, which included analysis of a north wind event (fire moving north to south) and south wind event (fire moving south to north), as described on page 80 of the Community Evacuation Analysis.

Based on consultation with staff from the Office of the Attorney General that occurred in 2023 on the draft Community Evacuation Analysis, the analysis of a north wind event and a south wind event was supplemented by an assessment of a scenario where Butts Canyon Road to the south of the Project Site is closed due to wildfire. The resulting evacuation with a closure of Butts Canyon Road south of the Proposed Project would be similar to the east wind event as described below. As a result, the following additional improvement was added to end of Mitigation Measure 3.16-4 and circulated in the initial July 2024 DPREIR:

> "… This measure would not apply if Butts Canyon Road were closed due to wildfire. For this condition that could occur under Scenario B, evacuating project trips would be directed to travel north on Butts Canyon Road (or via Grange Road as needed), south on SR 29 to Middletown, and then north on SR 175 (presuming that SR 29 to the south over Mt. St. Helena was also closed).

> To facilitate an evacuation under a condition when Butts Canyon Road to the south of the project is closed due to wildfire and project traffic must evacuate to the north on Butts Canyon Road, **the roundabout that will be constructed by the project applicant at the SR 29/Butts Canyon Road intersection will include a southbound bypass lane to increase intersection capacity**."

The above language has continued to be part of MM 3.16-4 in the March 2025 DPREIR, the FPREIR, and the MMRP.

Subsequently, a Wildfire Risk Assessment analyzing overall wildfire risk was prepared in January 2025 and included as Appendix M of the March 2025 DPREIR. As requested in this comment, a subsequent memorandum prepared by Fehr & Peers titled "Wildfire Risk Analysis (January 2025) and Relationship to Wildfire Evacuation Assessment" circulated as Appendix H-3 of the March 2025 DPREIR, addresses an east wind event (fire moving east to west) and a west wind event (fire moving west to east), and the relationship of those wind events to the Community Evacuation Analysis for a north wind event and a south wind event. The following is a summary of those findings.

West Wind Event (Fire Moving West to East)

As described in the March 2025 DPREIR Appendix H-3, the pathway for a west wind event was modeled as follows:

> "The projected fire pathways for a west wind event, with an ignition point west of the project site and winds blowing from west to east, could potentially result in the closure of Butts Canyon Road to the northwest of the project site and result in most evacuation trips traveling to the southeast/south on Butts Canyon Road towards Pope Valley in Napa County and beyond."

Appendix H-3 of the March 2025 DPREIR provides the following assessment of how a West Wind Event would affect evacuation routes in the study area:

> "For Wildfire Scenario A (of the Community Evacuation Analysis) with a wildfire traveling from northwest to southeast similar to the Valley Fire, the wildfire evacuation directional distribution pattern is based on 80-90 percent of project residents and hotel guests evacuating to the south on either Butts Canyon Road or State Route 29. This is a similar evacuation directional pattern that would occur as a result of the west wind event that is modeled in the *Wildfire Risk Analysis*."

East Wind Event (Fire Moving East to West)

Appendix H-3 of the March 2025 DPREIR describes the pathway for an east wind event as follows:

> "The projected fire pathways for an east wind event, with an ignition point southeast of the project site and winds blowing from east to west, could potentially result in the closure or limited use of Butts Canyon Road to the southeast of the project site and result in most evacuation trips traveling to the west/northwest on Butts Canyon Road towards State Route (SR) 29."

Appendix H-3 of the March 2025 DPREIR provides the following assessment of how an East Wind Event would affect evacuation routes in the study area.

> "For Wildfire Scenario B with a wildfire traveling from south to north similar to the LNU Lightning Complex Fire, the wildfire evacuation directional distribution pattern is based on 70-75 percent of project residents and hotel guests evacuating to the north on either Butts Canyon Road or Grange Road to State Route 29. This is a similar evacuation directional pattern that would occur as a result of the east wind event that is modeled in the *Wildfire Risk Analysis*."

Therefore, the March 2025 DPREIR adequately analyzed community evacuation for a west-wind fire event via Wildfire Scenario A and an east-wind fire via Wildfire Scenario B, with the supporting information located in Appendix H-1 (Community Evacuation Analysis) and Appendix H-3 (Wildfire Risk Analysis). Given the similarities in the evacuation routes for a west-to-east fire event and the north-to-south fire event modeled in the Community Evacuation Analysis as Wildfire Scenario A, and in the evacuation routes for an east-to-west fire event and the south-to-north fire event modeled in the community evacuation impact analysis as Wildfire Scenario B, additional analysis of west-to-east and east-to-west fire event scenarios would not be expected to result in meaningful new or additional information regarding the Proposed Project's impacts related to community evacuation.

Unsubstantiated Standards of Significance and Resulting Findings

Summary of Comment: *The DPREIR finds a 30-minute evacuation delay significant and a 15-minute delay less than significant but offers no explanation or defined threshold to justify these conclusions. This omission violates CEQA's requirement to establish and support significance thresholds with factual evidence.*

Response: The comment incorrectly asserts that the DPREIR did not identify a threshold of significance for its analysis of community evacuation impacts. It also misunderstands the discussion of evacuation time estimate (ETE) differences with and without implementation of mitigation measures. The comment interprets these differences as a quantitative threshold of significance, rather than what the analysis actually uses them as – one factor among many in addressing a qualitative threshold of significance.

As stated on page 73 of Appendix H-1 and on page 56 of the March 2025 DPREIR, the threshold of significance used in the DPREIR analysis of community evacuation impacts, which is a standard set forth in Appendix G of the CEQA Guidelines, is whether the Project would "[s]ubstantially impair an adopted emergency response plan or emergency evacuation plan." As further explained on page 73 of Appendix H-1, this qualitative threshold of significance "is applied in the context of the wildfire risk and evacuation time estimate assessments" provided in the analysis of the Proposed Project's community evacuation impacts. In other words, the quantitative evacuation time estimates are not the thresholds of significance used in the analysis, but provide context for determining whether or not the Proposed Project's impacts would be significant under the *qualitative* threshold stated above.

CEQA Guidelines Section 15064.7 grants the lead agency discretion to formulate the thresholds of significance used in an EIR. The thresholds can be based on a number of sources, including among others, the following:

- A determination by the lead agency, including reliance on the judgment of the experts who prepare the EIR;
- Thresholds of significance adopted by the lead agency;
- Performance standards adopted and implemented by regulatory agencies; or

- Standards in the initial study checklist in CEQA Guidelines Appendix G.

In this case, Lake County has not adopted any generally applicable thresholds of significance related to community evacuation impacts, and no regulatory agencies have adopted applicable performance standards. Consequently, as explained on page 73 of Appendix H-1, the CEQA Guidelines Appendix G threshold of significance used (stated above) was applied "[b]ased on consultation with Lake County staff."[1]

Many lead agencies use the standards in Appendix G as a basis for defining standards of significance in an EIR, and the Appendix G standards in some cases are qualitative rather than quantitative in nature. As one example, lead agencies frequently apply the Appendix G threshold of significance of whether a project would "result in [a] potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation," which is a qualitative threshold, in determining the significance of energy impacts, even though energy use is something that can be quantitatively estimated. Similarly, many lead agencies use the Appendix G threshold for community evacuation impacts used in the DPREIR to determine the significance of community evacuation impacts, as the County has done here.

The DPREIR, including Appendix H-1, took into account the Office of the Attorney General's guidance document, *Best Practices for Analyzing and Mitigating Wildfire Impacts of Development Projects Under the California Environmental Quality Act*, which encourages lead agencies "to develop thresholds of significance for evacuation times," which "reflect[] community-wide goals and standards." However, as explained in the DPREIR and its Appendix H-1, there are multiple factors other than evacuation time that contribute to evacuation operations, dependent on the speed and location of the fire, location of emergency responders, location of members of the community, and roadway conditions, among other highly variable factors, and a quantitative evacuation time threshold would not provide meaningful information regarding the likelihood of any given evacuation being accomplished successfully. Public safety, not time, is generally the guiding consideration for evaluating impacts related to emergency evacuation.

California fire and law enforcement agencies have integrated training, experience, and technology to assist in successful evacuations, which focus on moving persons at risk to safer areas before a wildfire encroaches on a populated area. Timeframes for moving people vary by site specifics, population, road capacities and other factors, and there is no one threshold that would be appropriate to apply to all locations.

For the above reasons, it is not surprising that there do not appear to be any lead agencies that have adopted quantitative evacuation time thresholds of significance. It is also telling that during the meet-and-confer process described in the comment letter, the Attorney General's Office was unwilling to identify a specific quantitative numerical threshold of significance appropriate for evaluating the Proposed Project's community evacuation impacts. This lack of adopted evacuation time thresholds is primarily because every location and fire scenario are unique. While it may take one community 20 minutes to evacuate safely, it is not a valid assumption to consider a 3-hour evacuation for another

[1] As documented on pages 7-10 of Appendix H-1 to the DRPEIR, preparation of the community evacuation assessment was informed by extensive consultation with Lake County staff, including the Sheriff, County Counsel, Planning Department, Public Works Department, and Department of Social Services, as well as consultation with other appropriate agencies and entities including CAL FIRE, Caltrans District 1, and the Lake Area Planning Council (Lake APC).

community as unsafe. The 3-hour evacuation potentially could be very safe, while the 20-minute evacuation may be unsafe due to the conditions and exposures along the evacuation routes. For this reason, the DPREIR used the qualitative threshold of significance for community evacuation impacts set forth in Appendix G of the CEQA Guidelines, and its evacuation time estimates were factors used to provide context for making the determination of significance under that qualitative threshold.

In sum, the DPREIR's analysis of community evacuation impacts appropriately used the qualitative threshold of significance threshold set forth in Appendix G of the CEQA findings, and neither did, nor was required to, apply a quantitative threshold.

Inadequate Mitigation Measures

Summary of Comment: *The DPREIR relies on insufficient and deferred mitigation measures to address community evacuation impacts, without explaining why these measures cannot be implemented earlier in the project timeline. Key plans—such as the traffic management plan, signage, and shuttle storage—are delayed until after construction begins or occupancy, which is inconsistent with CEQA requirements. The report also fails to justify the adequacy of these measures, despite acknowledging a 2 to 2.5 hour evacuation delay at full buildout.*

Response: The comment inaccurately states that the DPREIR Mitigation Measures 3.16-3 through 3.16-6 "were identified in the original EIR as MM 5.1 through 5.4" and "[a]lthough renumbered, the mitigation measures themselves have not changed from the previous EIR." To the contrary, MM 3.16-3 through 3.16-6 are entirely new to the DPREIR and were not identified or included in the 2020 EIR in substance, and were not renumbered from mitigation measures included in the 2020 EIR. Moreover, the 2020 EIR did not include *any* mitigation measures numbered as 5.1 through 5.4. Mitigation Measures 3.16-3 through 3.16-6 were specifically identified for the first time as the result of the new community evacuation impact analysis prepared for the DPEIR in order to comply with the writ of mandate issued by the Lake County Superior Court in 2022, subsequent to the preparation of the 2020 EIR.

Mitigation Measure 3.16-3 would require the Project Applicant to fund the administrative costs for preparation and adoption of a South Lake County Traffic Management Plan that would be adopted prior to issuance of the first certificate of occupancy. The comment argues that this measure improperly defers mitigation, and instead "should be prepared and adopted prior to Project approval and certainly prior to Project construction." Mitigation Measure 3.16-3 is intended to address the Proposed Project's *operational* impacts related to community evacuation, resulting from the Project's resident, visitor, and employee population. No members of that population would reside on the Project Site until after the issuance of the first certificate of occupancy for the Proposed Project. Therefore, there is no need for the South Lake County Traffic Management Plan required by Mitigation Measure 3.16-3 to be adopted before that time, and requiring it to be adopted earlier would unnecessarily delay development of the Proposed Project, resulting in increased construction costs. Mitigation measures that are required to be implemented at or before the time the impact begins to occur are not "deferred." Further, Mitigation Measure 3.16-3 provides specific details regarding measures that would need to be incorporated into the traffic management plan.

CEQA Guidelines Section 15126.4 (a) (1) (B) states that mitigation measures should not be deferred indefinitely:

> Formulation of mitigation measures should not be deferred until some future time. However, measures may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way.

An EIR may rely on a resource management plan as an element of mitigation as long as the agency has committed to specific performance standards that would reduce impacts to less-than-significant levels. In accordance with CEQA Guidelines, significant impact determinations and formulation of mitigation measures must occur before project approval. The details of exactly how mitigation will be achieved under the future traffic management plan can properly be determined at a later date within the confines of the plan. In *Friends of Oroville v. City of Oroville* (2013) 219 Cal.App.4th 832, the court found that an "EIR may defer the formulation of mitigation details when the lead agency commits itself to mitigation and the measures include specific performance standards or criteria that must be met for the project to proceed." The PREIR properly identifies significant impacts related to community evacuation, and requires the development of the traffic management plan, with specific performance measures, in accordance with CEQA.

The comment similarly argues that the DPREIR fails to explain why Mitigation Measure 3.16-4 (requiring the installation of variable message signs at different locations along SR 29) and Mitigation Measure 3.16-5 (requiring the design, permitting, and installation of improvements to certain signalized intersections) cannot be implemented prior to construction, rather than prior to project occupancy. Again, as the DPREIR makes clear, these measures address operational impacts of the Proposed Project, which would not begin to occur until occupancy of Phase 1. Requiring the installation of these improvements prior to the start of Project construction would again result in unnecessary delay and increased construction costs.

Additionally, the comment argues that the design of the storage area for the on-site evacuation shuttles for hotel guests required to be on-site pursuant to Mitigation Measure 3.16-6 "should be accounted for in the Project design and the environmental review now pending for the County's approval," and that "there is no explanation provided regarding why design of the measures needs to be deferred beyond this stage of review." The evacuation shuttles would be stored in surface parking yards/lots, and would need to located in relatively close proximity to the Project hotels. As such, they would necessarily be located within the Area of Potential Effect ("APE") for Phase 1 analyzed in the DPREIR, and any impacts associated with the design and location of the storage areas would be within the scope of the analysis of Phase 1 of the Proposed Project in the DPREIR. As such, specific design details for these surface yard/lot areas would not provide any meaningful information regarding the environmental impacts of the Proposed Project. Therefore, provision of such details was not necessary for the analysis in the DPREIR to be fully adequate under CEQA.

Finally, the comment states that the mitigation measures identified in the DPREIR for future phases of the Proposed Project are "not adequate," but does not provide any specific reasoning or detail as to why the commenter believes those measures to be inadequate. Nonetheless, Mitigation Measures 3.16-7 and 3.16-8 would be adequate to reduce the impacts of future phases, as analyzed at the program-level, because Mitigation Measure 3.16-7 includes performance standards for evacuation times and road capacity and a list of measures that could be used to meet those standards, and Mitigation Measure 3.16-8 would ensure that sufficient evacuation shuttles would be available for guests of hotels in future phases. Further, as the comment acknowledges, and as explained on page 65 of the March 2025 DPREIR, "[a] subsequent project-level CEQA assessment of full build-out evacuation impacts will be required prior to implementation of development beyond the Phase 1 land use program." This will

ensure that all community evacuation impacts related to future phases of the Proposed Project, which the DPREIR analyzes at the program-level, are analyzed at the time more specific details regarding those phases is available, and any further mitigation that may be necessary can be identified at that time.

Inadequate Consideration of Emergency Access as it Relates to Community Evacuation

Summary of Comment: *The DPREIR's discussion of emergency access is conclusory and lacks supporting evidence and relies on unsupported assumptions to conclude impacts are less than significant. Under CEQA, this unsubstantiated conclusion is invalid and does not meet legal requirements for substantial evidence.*

Response: The March 2025 DPREIR provides an analysis of emergency access within Impact 3.16-1 and Impact 3.16-5 (Section 3.4) and Impact 3.13-7 (Section 4.10), which are supported by the technical analyses contained in the Community Evacuation Analysis (Appendix H-1) and the Wildfire Risk Analysis (Appendix M). The topic of emergency access relates both to the community evacuation impact analysis and the "community susceptibility" portion of the wildfire risk impact analysis.

The commenter takes issue with the following statement on page 61 of the March 2025 DPREIR: *"First responders and evacuees usually travel in opposite directions and thus use opposing travel lanes, and first responders will typically arrive at the scene of an emergency or wildfire before evacuation orders are issued and congestion levels build on local roadways."* This statement was provided in the DPREIR summarizing only a few of several reasons the analysis concluded that emergency access impacts related to community evacuation would be less than significant. The Community Evacuation Analysis (Appendix H-1 to the DPREIR) further explains that the "inbound travel lane on each of the[] three on-site emergency access routes would be maintained by Project traffic management staff as directed by Emergency Response Center staff for first responders traveling to the project site from external stations" (Appendix H-1 of the March 2025 DPREIR, p. 85). The emergency access assessment included in the Community Evacuation Analysis and relied upon in the DPREIR analysis, including the statement identified by the commenter, was informed by consultation with local CAL FIRE staff[2] and review of County evacuation plans (i.e., Emergency Operations Plan and Community Wildfire Protection Plan).

The statement identified by the commenter is far from the only analysis contained within the DPREIR and Community Evacuation Analysis on the topic of emergency access. In addition to the reasons included in the statement quoted by the commenter, the conclusion that emergency access impacts related to community evacuation would be less than significant, as explained on pages 60-61 of the March 2025 DPREIR, is also supported by the following reasons:

- The Proposed Project includes an Emergency Response Center that will become Fire Station #61, which the Settlement Agreement requires to be staffed at all times with at least one individual with expertise related to wildfire and evacuation. The Emergency Response Center would be located within three miles of all new buildings within the Project site and would be able to respond to an on-site fire within about six minutes or less, consistent with NFPA 1710 industry standards.
- The Proposed Project meets and exceeds state minimum requirements for wildfire safety by incorporating a comprehensive set of measures promulgated in the WPP, including but not limited to, maintaining a 50-foot-wide fuel treatment buffer on each side of Project roadways

[2] Consultation with CAL FIRE Battalion Chief Mike Wink is documented on pages 7-9 of Appendix H-1 to the DPREIR.

that exceeds minimum Fire Safe Regulations, building a 25-foot-wide all-weather surface on all roadways, providing two emergency helipads that will provide aerial support site access points, and including new internal connector roadways to ensure there are no dead-end, non-looped road segments that exceed one mile in length.

- The fact that for emergency access and egress purposes, the Guenoc Valley Site would have a total of three evacuation and emergency access routes that connect to Butts Canyon Road and SR 29 (via Grange Road).
- County-wide roadside fuel reduction activities are ongoing along SR 29, Highway 175 and Butts Canyon Road in the vicinity of the Project Site, as guided by the 2023 Updated Lake County Community Wildfire Protection Plan, that will reduce flame intensity along primary emergency vehicle access routes and facilitate access to wildfires or emergency locations.
- Large-scale projects being undertaken by the County and Caltrans to expand SR 29, a primary wildfire evacuation route in the region, including the SR 29 Konocti Corridor Project, which will widen an 8-mile section of SR 29 from a two-lane divided highway to a four-lane expressway that will further ease traffic and improve the ability of emergency vehicles to access wildfires or other incidents in the area.

The Community Evacuation Analysis provides more detail regarding the above rationale for the conclusion that emergency access impacts related to community evacuations would be less than significant. For instance, it explains the recent actions undertaken by the County, independently from the Proposed Project, to improve baseline emergency access conditions in South Lake County and hopefully prevent the conditions that were experienced during the 2015 Valley Fire. Specifically, page 85 of the Community Evacuation Analysis (Appendix H-1 of the March 2025 DPREIR) explains that:

> Using funds from the CAL FIRE Fire Prevention Grant, the South Lake Fire Protection District recently purchased equipment and funded a crew to clear hazard vegetation 100 feet from the centerline in key areas along SR 29, Highway 175, and Butts Canyon Road – key evacuation and emergency access routes in South Lake County. The Lake County Wildfire Risk Reduction Project – Phase 1 will implement priority actions in the 2022 updated Lake County CWPP including about 45 miles of additional roadside clearance. These recent and ongoing roadside fuel reduction activities along SR 29, Highway 175 and Butts Canyon Road – in combination with the fact that all on-site roadways within the Project area will exceed the minimum California Fire Safe Regulations with a 50-foot-wide fuel treatment on each side - will significantly reduce flame intensity along primary emergency vehicle access routes in South Lake County.

Further, the Wildfire Risk Analysis (Appendix M of the March 2025 DPREIR) contains a quantitative analysis of fire response times that was generated using the ArcGIS Pro Network Analyst Program. The methodology for the fire response time (synonymous with "emergency access") analysis is summarized in Section 3.4.1 (page 55 to 56) of the March 2025 DPREIR and explained in more detail in Section 4.3.1 of Appendix M. The results of the emergency access analysis are presented graphically in Figure 5.16 of Appendix M, which shows the existing and proposed roadways on the Guenoc Valley Site with colored overlays indicating the amount of time a first responder could access each portion of the road according to the model. As further explained in Section 5.3.2 of Appendix M:

> Fire response time estimates were computed by measuring the time from the originating station to various points along the road network, both within and adjacent to the site. In the existing baseline, the site of the MGV project is first reached by firefighters between 15 and 30 minutes after departure.

As shown in Table 5.16, the analysis indicates that, with the addition of a new Emergency Response Center and improved road network and surfacing, "design features" for phase 1 of the project, response times drop to less than 5 minutes for the center of the project site, and are within 5 to 10 minutes for a majority of the site. The fringes of the site are first reached within 10 to 15 minutes. The response times for areas west of Butts Canyon Road remain unchanged.

Adjacent to the site, first response is improved from 15 to 30 minutes to within 15 minutes. The most noticeable improvement in response times outside the developed portion of the site is located east of Butts Canyon Road.

Emergency response protocols for wildfire incidents in California direct that initial fire and law enforcement resources are dispatched to the scene immediately upon report, and could arrive to the Guenoc Valley Site within 5 to 10 minutes as modeled in Appendix M (see p. 64). Evacuation orders typically are not made until these first responders arrive, perform an initial assessment of the ground conditions, and relay conditions to incident command staff. These procedures have been documented in after-action reports for Northern California wildfires, including the 2015 Valley Fire (Lake County) and the 2018 Camp Fire (Butte County), both of which found that first responders reached the affected area and assessed conditions prior to issuing evacuation orders (see Table 2-2 of Appendix H-1 for a description of the 2015 Valley Fire sequence of events). As such, the analysis contained within the March 2025 DPREIR includes substantial evidence supporting the conclusion that community evacuation impacts related to emergency access due to the Proposed Project would be less than significant.

The DPREIR Misstates Timing and Implementation of Settlement Agreement Mitigation Measures

Summary of Comment: *Table 5-3 of the DPREIR lacks detailed and accurate information on the timing and implementation of GHG measures from the Settlement Agreement, making it misleading for the public and decisionmakers. To ensure clarity and consistency, the timing details in Table 5-3 should match those in Table 5-1 and be revised to align properly with the Settlement Agreement. These issues should be addressed before the DPREIR is finalized.*

Response: The commenter has identified several Settlement Agreement Measures (which are not CEQA mitigation measures) with respect to which the MMRP could have provided more clarity regarding timing and implementation. There is no legal requirement that an MMRP be made available for public review before project approval. *Christward Ministry v. County of San Diego* (1993) 13 CA4th 31, 48. Therefore, clarifications regarding timing and implementation regarding issues raised by the commenter can be made through revising the MMRP proposed to be adopted without revising or recirculating the FPREIR or the earlier draft version of the MMRP provided therein.

Any and all measures that require construction, installation, or building as part of any Phase 1 Project component are intended to be completed during the construction phase. Consistent with measures presented elsewhere in the MMRP, verification for these measures is often tied to the County's issuance of a certificate of occupancy. The commenter has stated that several of the Project Applicant's repair and maintenance obligations related to the Settlement Agreement Measures should not become obligations of the Proposed Project's homeowners' association (HOA), and instead should remain obligations of the Project Applicant throughout the 30-year or longer operational life of the Proposed Project. The assumption of these repair and maintenance obligations by the HOA, caused by the Project Applicant through the recordation of Covenants, Conditions, and Restrictions (CC&Rs) against the

Project Site that would bind the HOA to implementing these obligations, is not contrary to the requirements of the Settlement Agreement, as by so doing, the Project Applicant would ensure that the obligations would continue to be met, even if the Project Applicant were no longer to exist as an entity at some point during the life of the Proposed Project. This reasonable approach guarantees that the repair and maintenance obligations related to those Settlement Agreement Measures would continue to be met throughout the operational life of the Proposed Project.

The following clarifications have been made to the MMRP with respect to the timing and implementation of Settlement Agreement Measures in order to provide additional clarity in response to the comment letter. The numbering below corresponds to the numbering within the comment letter:

1. Compliance with GHG Emissions Reduction Measure B.1.a (install solar photovoltaic [PV] systems) would be verified by the County at the time of first occupancy. However, the installation would occur during construction, which has been clarified in the MMRP.
2. Compliance with GHG Emissions Reduction Measure B.1.b (install battery energy storage systems) would be verified by the County at the time of first occupancy. However, the installation would occur during construction, which has been clarified in the MMRP.
3. Compliance with GHG Emissions Reduction Measure B.1.d (install electric vehicle [EV] supply equipment) would be verified by the County at the time of first occupancy. However, the installation would occur during construction, which has been clarified in the MMRP.
4. GHG Emissions Reduction Measure B.1.e requires the removal or capping of any existing natural gas infrastructure on the Guenoc Valley Site, which is inherently a construction activity and would occur during the construction phase; this has been clarified in the MMRP. The Settlement Agreement's requirement that implementation of Measure B.1.e's prohibitions on use of natural gas is to be provided for in the CC&Rs, rather than the WPP, was already addressed in the updated MMRP presented to the Planning Commission for adoption. No further clarification is required.
5. Similar to number 4, the commenter states that implementation of GHG Emissions Reduction Measure B.1.f should be provided for in the CC&Rs rather than the WPP. This was already addressed in the updated MMRP presented to the Planning Commission for adoption. No further clarification is required.
6. As discussed above, installation of the PV and battery storage required in Measure B.2.a would occur during the construction phase and be verified by the County prior to first occupancy. The MMRP has been clarified accordingly.
7. As discussed above, construction of the EV charging systems required in Measure B.2.b will occur during the construction phase, and be verified by the County prior to first occupancy. The MMRP has been clarified accordingly.
8. As discussed above, the requested update to Measure B.2.c was already addressed in the updated MMRP presented to the Planning Commission. No further clarification is required.
9. The commenter correctly notes that Measures B.1.c, B.1.g, and B.2.e merely stated "construction" timing as presented in the FPREIR. The requested updates were already addressed in the updated MMRP presented to the Planning Commission for adoption, and no further clarification is required.