



# **ERRATA TO THE DRAFT ENVIRONMENTAL IMPACT REPORT GUENOC VALLEY MIXED USE PLANNED DEVELOPMENT PROJECT**

**JUNE 2020**

LEAD AGENCY:

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



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# SUMMARY OF OVERALL CHANGES TO THE DRAFT EIR

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Revisions have been made to the text of the Draft Environmental Impact Report (EIR) subsequent to its public release in February 2020, and the revised Draft EIR is included in Volume II of the Final EIR. Corrections or clarifications have been made to update information and address comments received during the public comment period. Overall revisions and changes made to sections of the Draft EIR are summarized below. Headings correspond with section headings of the Draft EIR. Sections that did not warrant significant revisions are not discussed further.

## 1.0 INTRODUCTION

The following changes were made to Section 1.0 Introduction of the revised Draft EIR:

- Language was updated to reflect the current status of the Draft EIR and Volumes I and II of the FEIR.

## 2.0 PROJECT DESCRIPTION

The following changes were made to the Section 2.0 Project Description of the revised Draft EIR:

- Section 2.2.1 was revised to clarify areas included in the Guenoc Valley Water Rights Modification Project.
- Section 2.3.4 was revised to include additional information regarding the 2009 Guenoc Valley Water Rights Modification Project.
- Section 2.5.2.1 was revised to include a new figure (Figure 2-6L) illustrating the potential boundary of the 1,415-acre impact area of the Proposed Project.
- The acreage of the agricultural preserve combining district was corrected in Table 2-2 *Phase I Land Use Summary*.
- The name “Red Hill” was changed to “Golf Course” Estates Community in Section 2.5.2.1.
- Section 2.5.2.1 *Emergency Response and Fire Center* was revised to clarify that the SLCFPD would provide fire protection services. The Applicant would purchase initial emergency response apparatus, Station #61 would be funded by a combination of sources, and community facilities district may be applied to the Guenoc Valley site.
- The Maha Farm Upper Bohn Lake Recreation Operation Plan was added as Appendix BOHN in Section 2.5.2.1.
- Section 2.5.2.2 was revised to include a description of the Habitat Connectivity Easements, as shown in Figure 2-6 and provided in Appendix WILDLIFE.
- Total oak acreage was updated in Section 2.5.2.2.
- Section 2.5.2.3 was revised to include the establishment of roadway firebreaks and a description of the fire suppression systems.
- Section 2.5.2.4 was revised to include additional information regarding the operations of the proposed float plane dock and heliports.

- Section 2.5.2.9 *Design Guidelines* was revised to include lot development restrictions and Wildfire Defense System requirements.
- Section 2.6.1 was revised to clarify wastewater service for the Middletown Housing Site would be provided by the Lake County Sanitation District.
- Section 2.7.2 *Local Approvals*, was revised to include the potential annexation of the Guenoc Valley Site into the Lake County Sanitation District in the event that this option for wastewater service is selected.

## **3.0 ENVIRONMENTAL ANALYSIS**

### **3.1 AESTHETICS**

The following changes were made to Section 3.1 Aesthetics of the revised Draft EIR:

- The cumulative impact discussion (Impact 3.1-3) was revised to include the Guenoc Valley Water Rights Modification Project.

### **3.2 LAND USE AND AGRICULTURE**

The following changes were made to Section 3.2 Land Use and Agriculture of the revised Draft EIR:

- The cumulative impact discussion (Impact 3.2.6) was revised to include development of additional vineyards on the Guenoc Valley site.

### **3.3 AIR QUALITY**

The following changes were made to Section 3.3 Air Quality of the revised Draft EIR:

- The conclusions of Impacts 3.3-5 (expose sensitive receptors to substantial pollutant concentrations) and 3.3-6 (odors) were corrected from “Potentially” to “Less Than” Significant and mitigation measures were removed from the impact summary tables. It should be noted that these same mitigation measures are still required under other impacts.
- Language in the mitigation measures was clarified in Section 3.3.5.

### **3.4 BIOLOGICAL RESOURCES**

The following changes were made to Section 3.4 Biological Resources of the revised Draft EIR:

- A supplemental analysis of the Guenoc Valley Mixed Use Project in relation to the *Mayacamas to Berryessa (M2B) Connectivity Network Report* (M2B Study) was completed. Additional information was provided on the results of the M2B Study and potential impacts to wildlife movement pathways as a result of the Proposed Project. This resulted in the inclusion of approximately 428 acres of Habitat Connectivity Easement Areas on the Guenoc Valley Site to protect wildlife movement

pathways. The supplemental analysis is included as **Appendix WILDLIFE** in the Final EIR.

- In response to comments, a discussion has been added that acknowledges that the potential increase of domestic cats on the Guenoc Valley Site could result in predation on nesting or other special-status birds. A new mitigation measure was added to the Final EIR that requires the Home Owner's Association to encourage practices for resident to reduce the likelihood of domestic cat predation and/or establishment of feral cat colonies.
- Mitigation for impacts to oak woodlands was revised. The monitoring period for planted trees was increased from 3 years to 7 years. In-kind preservation has been added as an option for mitigation for impacts to blue oak savanna. The preservation ratio requirement for acres preserved to acres impacted has been increased from 1.5:1 to 3:1 for valley oak woodlands, and 2:1 for all other types of oak woodlands.
- Mitigation related to wildlife movement has been revised to require that residential parcel fencing be wildlife friendly
- Clarification has been added that further defines the open space requirement for development in places of use for surface water as established in the 2009 Guenoc Valley Water Rights Modification Project. It has been clarified that open space is required to be set aside as impacts occur within the area of expanded place of use. It was also clarified that areas required to be preserved as open space for development of vineyard within the places of use resulting from the 2009 Guenoc Valley Water Rights Modification Project cannot be used to offset impacts for the Proposed Project.
- Additional information has been added to the cumulative impacts discussion that describes in detail the cumulatively considerable impacts from the ongoing development approved in the 2009 Guenoc Valley Water Rights Modification Project.
- Mitigation for western pond turtle and foothill yellow-legged frog has been revised to clarify preconstruction survey protocol and appropriate avoidance measures based on the season of construction.
- It has been noted that permitting for impacts to waters of the state or U.S. may result in the purchase of mitigation bank credits or the payment of in-lieu fees.

### 3.5 CULTURAL RESOURCES

The following changes were made to Section 3.5 Cultural Resources of the revised Draft EIR:

- Language describing Traditional Cultural Properties was added to the federal regulatory section.
- Language was added to impacts and mitigation measures reaffirming avoidance and minimization of impacts to cultural resources.
- Language was added to impacts and mitigation measures reaffirming ongoing consultation with Middletown Rancheria, particularly in relation to any proposed data recovery.
- Language was added to impacts and mitigation measures suggesting adoption and/or appropriate modification to existing Unanticipated Discovery, Treatment, or Burial plans to be provided by Middletown Rancheria rather than crafting new documents.
- Language was added to impacts and mitigation measures regarding avoidance, reburial, transfer,

and laboratory studies of cultural resources.

- Language was added to impacts and mitigation measures regarding retention of a Tribal Cultural Advisor and coordination of construction monitoring involving Tribal and archaeological monitors.
- Language was added to impacts and mitigation measures stipulating that future surveys would include teams comprised of Tribal and archaeological members.

### **3.6 GEOLOGY AND SOILS**

The following changes were made to Section 3.6 Geology and Soils of the revised Draft EIR:

- Impact 3.6-6 was revised to include the Guenoc Valley Water Rights Modification Project.

### **3.7 GREENHOUSE GAS EMISSION**

The following changes were made to Section 3.7 Greenhouse Gas Emissions of the revised Draft EIR:

- Additional information on carbon sequestration and impacts from vegetation removal was added to Section 3.7.2.

### **3.8 HAZARDS AND HAZARDOUS MATERIALS**

The following changes were made to Section 3.8 Hazards and Hazardous Materials of the revised Draft EIR:

- Language was added to specify that cumulative projects, like the Guenoc Valley Water Rights Modification Project described in Section 4.2.1, are assumed to follow hazardous material regulations, which are extensively regulated by federal, state, and local agencies.

### **3.10 NOISE**

The following changes were made to Section 3.10 Noise of the revised Draft EIR:

- An aviation noise study was completed to supplement the aviation noise impact discussion and is included as Appendix Aviation in the FEIR.
- Information from Appendix Aviation was added to the impact discussion. The aviation noise study assumed the conservative estimate of two operations a day for each the Emergency Response Center Heliport and seaplane base and four operations a day for Deter Reservoir heliport:
  - -Noise contours would be limited to the immediate vicinity of the heliports and seaplane base and would not extend into the communities at Guenoc Ranch.
  - -Noise from air transportation activities at the nearest sensitive receptor would not exceed the acceptable residential level of 55 dBA CNEL established by the County General Plan.

### **3.12 PUBLIC SERVICES**



The following changes were made to Section 3.12 Public Services of the revised Draft EIR:

- Impact 3.12-3 was revised to state the Applicant would purchase initial emergency response apparatus, Station #61 would be funded by a combination of sources, and community facilities district may be applied to the Guenoc Valley site.

### **3.13 TRANSPORTATION AND TRAFFIC**

The following changes were made to Section 3.13 Transportation and Traffic of the revised Draft EIR:

- Mitigation language was clarified in Section 3.13.4.
- Mitigation Measure 3.13-5 was added for pedestrian and bicycle improvements.

### **3.14 UTILITIES**

The following changes were made to Section 3.14 Utilities of the revised Draft EIR:

- Impact 3.14-4 was revised to include the Guenoc Valley Water Rights Modification Project.

### **3.15 ENERGY**

The following changes were made to Section 3.15 Energy of the revised Draft EIR:

- Mitigation language was clarified in Section 3.15.4.

### **3.16 WILDFIRE**

The following changes were made to Section 3.16 Wildfire of the revised Draft EIR:

- Impact 3.16-5 has been revised to state applicable firebreaks along roadways shall be completed at final occupancy of each structure, including the full roadway firebreak network within each subdivision.
- Impact 3.16-6 was revised to include the Guenoc Valley Water Rights Modification Project.

## **4.0 OTHER CEQA CONSIDERATIONS**

The following changes were made to Section 4.0 Other CEQA Considerations of the revised Draft EIR:

- Section 4.2.1 was revised to include a description of the Guenoc Valley Water Rights Modification Project.
- Table 4-3 *Status of Vineyard Development Within Guenoc Valley Site POU* and Table 4-4 *Potential Vineyard Development in POU After Phase I* were added to Section 4.2.1.

## **5.0 ANALYSIS OF ALTERNATIVES**

The following changes were made to Section 5.0 Analysis of Alternatives of the revised Draft EIR:

- Section 5.5.1 was revised to state the Guenoc Valley site consists of 69 legal parcels.

## TEXT REVISIONS TO THE DRAFT EIR

Text in the revised Draft EIR (Volume II of the Final EIR) that has been deleted from the original Draft EIR has been marked as a strikeout (~~deleted text~~), while new text has been underlined (new text). Revisions and changes in the revised Draft EIR are included below. Headings correspond to section headings and page numbers of the revised Draft EIR (Volume II of the Final EIR).

### EXECUTIVE SUMMARY

#### Executive Summary, Page ES-3, 2nd paragraph after bulleted lists

As required by CEQA Guidelines Section 15126.6(e), a No Project Alternative has been evaluated. The evaluation of the No Project Alternative allows decision makers to compare the impacts of the Proposed Project against no development of the project. According to the CEQA Guidelines Section 15126.6(e)(2), the No Project Alternative shall discuss what would reasonably be expected to occur if the project were not approved. This Property consists of 69 separate legal parcels that could be developed into 69 single-family residences and related improvements. However, ~~f~~For purposes of this EIR, the No Project/No Development consists of existing conditions, with no future development on the Guenoc Valley Site. Under this alternative, existing County land use and zoning designations for the project site would remain in effect, and no development would occur. On-going agricultural activities and previously approved vineyard development would continue. The project site would remain as described in the baseline conditions setting under each issue area discussed in **Section 4.0**.

#### Executive Summary, Page ES-6, row 3.3-5

<b>3.3-5</b>	Expose sensitive receptors to substantial pollutant concentrations.	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<del>MM 3.3-1 Measures to Reduce Short-term Construction Related Emissions</del> <u>None Required</u>	LTS	LTS	LTS	LTS
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#### Executive Summary, Page ES-7, row 3.3-6

<b>3.3-6</b>	Result in other emissions (such as those leading to odors) adversely	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<del>MM 3.3-1 Measures to Reduce Short-term Construction Related Emissions</del> <u>None Required</u>	LTS	LTS	LTS	LTS
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affecting a  
substantial  
number of  
people.

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### Executive Summary, Page ES-8, row 3.4-1

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<b>3.4-1</b>	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 USFWS.	S	S	S	S	MM 3.4-1: Construction Best Management Practices MM 3.4-2: Worker Environmental Awareness Training MM 3.4-3: General Special-Status Plant Mitigation MM 3.4-4: American Badger Impacts MM 3.4-5: Ringtail Impacts MM 3.4-6: Bat Maternity Roosts and Special-Status Bat Impacts MM 3.4-7: Artificial Lighting Impacts – Construction and Operation MM 3.4-8: Special-Status Birds - Nesting MM 3.4-9: Special-Status Birds – Burrowing Owl MM 3.4-10: Western Pond Turtle Impacts - Construction MM 3.4-11: Foothill Yellow-Legged Frog	LTS	LTS	LTS	LTS
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Impacts - Construction

MM 3.4-12: Invasive  
Species Management -  
Operation

MM 3.4-13: Aquatic  
Habitat Public Signage

MM 3.4-14: Future  
Phases Biological Review

MM 3.4-21: Domestic Cat  
Predation

~~MM 3.4-15: Future Phases  
Biological Review~~

MM 3.9-1: Storm Water  
Pollution Prevention Plan

MM 3.9-2:  
Aggregate/Concrete  
Monitoring and Reporting  
Program

MM 3.10-2: Construction  
Noise Reduction

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### Executive Summary, Page ES-10, row 3.4-7

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3.4-7	Cumulative impacts to biological resources.	S	S	LTS	LTS	MM 3.4-1: Construction Best Management Practices	LTS	LTS	N/A	N/A
						MM 3.4-2: Worker Environmental Awareness Training				
						MM 3.4-3: General Special-Status Plant Mitigation				
						MM 3.4-4: American Badger Impacts				
						MM 3.4-5: Ringtail				

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Impacts

MM 3.4-6: Bat Maternity  
Roosts and Special-  
Status Bat Impacts

MM 3.4-7: Artificial  
Lighting Impacts –  
Construction and  
Operation

MM 3.4-8: Special-Status  
Birds - Nesting

MM 3.4-9: Special-Status  
Birds – Burrowing Owl

MM 3.4-10: Western Pond  
Turtle Impacts -  
Construction

MM 3.4-11: Foothill  
Yellow-Legged Frog  
Impacts - Construction

MM 3.4-12: Invasive  
Species Management -  
Operation

MM 3.4-13: Aquatic  
Habitat Public Signage

MM3.4-14: Future Phases  
Biological Review

MM 3.4-15: Impacts to  
Sensitive Habitats

MM 3.4-16: Oak Mitigation  
Plan

MM 3.4-17: Aquatic  
Resources Protection and  
Management

MM 3.4-18: Sensitive  
Habitat Impacts from  
Wildfire Clearing

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MM 3.4-19: Wildlife  
Movement - Fencing

MM 3.4-20: Wildlife  
Movement – Future  
Phases

MM 3.4-21: Domestic Cat  
Predation

### Executive Summary, Page ES-12, row 3.7-1

3.7-1	Generate greenhouse gas emissions either directly or indirectly, that may have a significant impact on the environment.	PS	PS	PS	PS	MM 3.7-1: Operational GHG Emissions	SU	SU	SU	S
						<u>MM 3.7-2: Construction GHG Emissions</u>				U
						<u>MM 3.4-16: Oak Mitigation Plan</u>				

### Executive Summary, Page ES-15, row 3.10-3

3.10-3	Traffic noise could generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of	S	N/A	<del>S</del> N/A	N/A	None Required	SU	N/A	SU	N/A
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other agencies.

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## Executive Summary, Page ES-19, row 3.13-5

3.13-5	Conflict or be inconsistent with CEQA guidelines § 15064.3, subdivision (b).	PS	PS	PS	PS	<u>MM 3.13-4: Implement a Transportation Demand Management (TDM) Program</u>	SU	SU	SU	SU
						<u>MM 3.13-5: Pay a Fair Share towards Pedestrian and Bicycle Improvements</u>				

## 1.0 INTRODUCTION

### Section 1.3.3, Page 1-4, First Full Paragraph and Line between Addresses

This Draft EIR ~~is being~~was circulated for public review and comment for a period of 45 days. During this period, the general public, organizations, and agencies ~~can submit~~submitted comments to the Lead Agency on the Draft EIR's accuracy and completeness. Release of the Draft EIR marked ~~the~~ed the beginning of a 45-day public review period pursuant to CEQA *Guidelines* Section 15105. The public ~~can~~could review the Draft EIR at the County's website at:

[www.lakecountyca.gov/Government/Directory/Community\\_Development/Planning/GuenocValley.htm](http://www.lakecountyca.gov/Government/Directory/Community_Development/Planning/GuenocValley.htm),

or at the following addresses during normal business hours:

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

Middletown Library  
21256 Washington Street  
Middletown, CA 95461

All comments regarding the Draft EIR ~~should~~were to be mailed or emailed to:

### Section 1.3.4, Page 1-4, First Full Paragraph

~~Upon completion of the public review period, a Volume I of this Final EIR will be prepared that will include~~  
written comments on the Draft EIR received during the public review period and the County's responses to

those comments. Volume I of the Final EIR will also include the Mitigation Monitoring and Reporting Plan (MMRP) prepared in accordance with Section 21081.6 of the Public Resource Code. This Volume II of the Final EIR will address any revisions to the Draft EIR made in response to public comments. The Draft EIR and Final EIR together will comprise the EIR for the Proposed Project.

#### **Section 1.4, Page 1-5, Second Bullet**

- Guenoc Water Rights Modification Project Environmental Impact Report (March 2009, SCH# 2003042171)

#### **Section 1.8, Page 1-15, Third Bullet**

- **Section 3.0, Environmental Analysis** – Describes the baseline environmental setting and provides an assessment of impacts for each issue area presented in **Section 1.6**. Each section is divided into ~~four~~five sub-sections: Introduction, Existing Environmental Setting, Regulatory Background, ~~and~~ Impacts, and Mitigation Measures.

## **2.0 PROJECT DESCRIPTION**

#### **Section 2.2.1, Page 2-5, First Full Paragraph**

Approximately 990 acres of the site ~~has~~have been planted in vineyards (with 630 acres of these planted vineyards occurring within the mitigated place of use (POU) for surface water as established by the Water Rights Modification Project), and an additional 970 acres of the site has been leased for potential vineyard expansion. Existing vineyards and areas currently leased for potential vineyard expansion ~~areas~~ are shown on **Figure 2-3**. No additional vineyards are proposed under the Proposed Project.

#### **Section 2.3.4, Page 2-11, Final Paragraph**

The 2009 Water Rights Modification Project resulted in a total POU for surface water irrigation 2,880 acres within the Guenoc Valley Site portion of the Ranch, of which 2,620 is mitigated POU. Approximately 890 acres of vineyards have currently been planted within the POU that occurs within the Guenoc Valley Site, with 630 of these acres within mitigated POU. Phase 1 of the Proposed Project would displace 360 acres of existing and approved (but not yet planted) vineyards within the POU. The remaining area of potential vineyard development in the POU is 1,720 acres, with 970 acres of this area currently leased to a third party for vineyard development (refer to Section 4.2.1 for additional details).

#### **Section 2.5, Page 2-12, Third Paragraph**

Project components would be developed over multiple phases. The first phase (Phase 1) will be constructed in the near-term (approximately the next ten years) and future phases will be built out based on market demands. **Table 2-1** provides a breakdown of the ~~permitted~~primary allowable uses within the



Guenoc Valley Site under the proposed new GVD zoning designation, and identifies land uses proposed for Phase 1 and remaining uses that could be developed under future phases.

### Section 2.5.1, Page 2-13, Table 2-1 Header and Third Row

**TABLE 2-1**  
PRIMARY PERMITTED USES

Uses	Characteristics	Total Permitted Uses with GVD (Units or Approximate Acreage)	Phase 1 (Project Level Analysis)	Future Phases (Program Level Analysis)
<b>1. Resort Facilities*</b>				
1.1 Hotels Units**	Hotel units are attached or detached hotel rooms without kitchens and include normal uses and structures related to the operation of a hotel. The combination of hotel units are spread out between five boutique hotels (Farmstead, Bohn Ridge, Trout Flat, Red Hill Golf Course, and Equestrian Lodge) in addition to the camping area and overnight staff accommodations referred to as the staff hotel or the Entourage Hotel.	400 units	(+/-) 127 resort units (area included in commercial square footage) (+/-) 50 temporary workforce units (+/-) 20 camp sites	(+/-) 200 units

### Section 2.5.2.1, Page 2-17, Bottom of First Paragraph

Figure 2-6L illustrates the boundaries of the potential 1,415-acre “footprint” or impact area within the APE. It should be noted again that the impact areas for the residential lots as shown in **Figure 2-6L** are only conceptual at this time, but would not exceed 1.5 acres as required by the Design Guidelines within the GVD zoning District.

### Section 2.5.2.1, Page 2-17, Table 2-2

**TABLE 2-2**  
PHASE 1 LAND USE SUMMARY

Proposed Land Use	Acreage (total area of lot)	Total Potential Development Area Acreage <sup>1</sup>
Commercial Resort Parcels	604	244
Resort Residential Parcels	98	48
Residential Estate Parcels	2,048	602
Golf Course Parcels	441	90 <sup>2</sup>
Accessory Uses Parcels	371	172
Roads	259	259
<b>Sub-total</b>	<b>3,821</b>	<b>1,415</b>

Designated Open Space Combining District	2,765	-
Designated Agricultural Preserve Combining District	1,983,174 <sup>3</sup>	-
Other Undeveloped Land	7,626,386	-
<b>Sub-total</b>	12,134	-
<b>Total</b>	15,955	1,415
1. Based on limits of grading for commercial and infrastructure areas, and the maximum 1.5 acres of development allowable within the residential parcels. 2. Includes grading for fairways, greens, and golf cart paths 3. Does not include areas that overlap with parcels and roads Source: SWA Group, 2019		

### Section 2.5.2.1, Page 2-31, Paragraph before Table 2-3

The project is organized into individual, clustered resort communities that preserve surrounding open space and agricultural cultivation. As illustrated in **Figure 2-7**, there are eight general planning areas within the resort: Maha Farm/Sales Center, Bohn Ridge Resort, Golf Course ~~Red Hill~~-Estates, Resort at Trout Flat, Equestrian Center, Camping Area, Spa and Wellness Center, and Accessory Uses (supporting facilities).

### Section 2.5.2.1, Page 2-31, Table 2-3 row 6

<del>Red Hill</del> <del>Resort</del> <u>Gold</u> <u>Course Estates</u>	Includes multiple restaurants with resort residential units and villas accessing the golf course	30	40	89	-
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### Section 2.5.2.1, Page 2-3 into 2-35, Final Paragraph on Page 2-34

#### Golf Course~~Red Hill~~ Estates

The Golf Course~~Red Hill~~ Estates Community would border the northern Guenoc Valley Site boundary. This community would include the Renaissance Golf Course with a practice facility, three clubhouses, the Red Hill Hotel, restaurants, and golf course maintenance facilities. Resort residential cottages would be located next to the hotel. Residential estates surround the golf course and are planned to range from approximately 1 to 55 acres. Refer to **Appendix SPOD**, pages 64-71 for further details regarding the ~~Red Hill~~Golf Course Estates Community.

### Section 2.5.2.1, Page 2-36, First Full Paragraph

The 18-hole non-returning Renaissance Golf Course and practice facility would be located within the ~~Red Hill~~Golf Course Estates Resort Community.

### Section 2.5.2.1, Page 2-36, Second Full Paragraph

The resort at Trout Flat would be located in the north-eastern portion of the Guenoc Valley Site adjacent to the ~~Red Hill~~Golf Course Estates Community.

### Section 2.5.2.1, Page 2-37, Following Second Full Paragraph

The South Lake County Fire Protection District (SLCFPD) would provide fire protection and fire suppression services to the Guenoc Valley Site and would staff the on-site emergency response and fire

center, which will ultimately become SLCFPD Station #61. The Applicant would purchase initial emergency response apparatus for use by Station #61. Station #61 would be funded by a combination of resources including property and assessment taxes, developer-paid staffing costs, ad valorem increases, and emergency response Payment in Lieu of Taxes for transient guests. SLCFPD may apply a community facilities district to the Guenoc Valley Site in order to provide services for the Proposed Project.

#### Section 2.5.2.1, Page 2-38, Paragraph before Table 2-4

Phase 1 would include approximately 865,395 SF of commercial and retail development within the Resort Communities described above and would include resort uses (reception, offices, support areas, etc), hotels units, cafes, restaurants, artisan shops, other accessory buildings, and event space including an amphitheater. Most commercial facilities would be located at the Maha Farm, including a grocery store and artisan markets. Multiple restaurants would be located within each resort planning area. Golf pro shops would be at the Renaissance golf course within the Golf Course ~~Red Hill~~ Estates Community.

#### Section 2.5.2.1, Page 2-38, Header Row of Table 2-4

	Equestrian Center & Lodge	<del>Red Hill</del> <u>Golf Course Resort</u>	Golf Course	Bohn Ridge Resort	Resort at Trout Flat	Spa & Wellness	Maha Farm	Total
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#### Section 2.5.2.1, Page 2-39, Following the First Paragraph

The Maha Farm Upper Bohn Lake Recreation Operation Plan is provided as **Appendix BOHN** in this Final EIR, Volume III. While the lake itself is located in both Lake and Napa Counties, recreation amenities and access points to the lake will be limited to Lake County. Access will be limited to kayaks, small rowboats and/or paddle boards launching from limited locations in Lake County. These locations include fixed or floating docks, beach access points, or similar. Landings will be limited and clearly marked (see Exhibit in **Appendix BOHN**). Designated landings will be limited to Lake County.

#### Section 2.5.2.1, Page 2-42, Paragraph before Section 2.5.2.2

The Proposed Project will include efforts to maintain dark skies by adopting lighting measures and thoughtful design included in the Design Guidelines located in **Appendix DG**. The Design Guidelines will ensure that lighting standards minimize lighting impacts and promote dark sky policies. The Design Guidelines requires 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. Refer to **Appendix DG** for additional requirements related to lighting and dark skies.

### **Section 2.5.2.2, Page 2-42, First Paragraph of Section 2.5.2.2**

The Proposed Project seeks to preserve the natural beauty and character of the ranch, and to that end, ~~the majority a significant portion~~ of the Guenoc Valley Site would remain as undeveloped open space. This open space would be in the form of a designated open space corridor, habitat connectivity easements, and development restrictions within residential and commercial parcels. ~~Additionally, as well as there would be~~ general open space areas not proposed for development under Phase 1; however it should be noted that these areas could be developed as vineyards or cultivated agricultural uses under the separate Water Rights Modification Project, or could be developed under future phases. The on-site trails and open space areas described below would be maintained by the development's homeowners association.

### **Section 2.5.2.2, Page 2-44, Following Third Full Paragraph**

#### **Habitat Connectivity Easements**

Approximately 400 acres of habitat connectivity easements will be designated within the site. The locations of these easements are shown on **Figure 2-6** and 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. Additional discussion of the habitat connectivity easements is provided in **Appendix WILDLIFE.**

### **Section 2.5.2.2, Page 2-44, First Line of Fourth Full Paragraph**

Approximately ~~316~~<sup>834</sup> acres of oak woodlands (including oak savanna) would be preserved within residential and commercial parcels (refer to **Appendix OAK, Attachment 2** for more detail).

### **Section 2.5.2.3, Page 2-45, First Two Paragraphs of Section 3.5.2.3**

The Guenoc Valley Site is located within a high fire hazard area as classified by the California Department of Forestry and Fire Protection (Cal Fire). Development in wildland hazard areas is required to meet certain safety and design standards such as the California Fire Code and the Lake County Community Wildfire Protection Plan requirements. Measures beyond the minimum fire safety regulations would be implemented as part of the project and are outlined in the Guenoc Valley Emergency Action and Fire Management Plan (**Revised Appendix FIRE**).

Proposed fire management facilities are shown in **Figure 2-10**, and include extensive fuel breaks along roadways and drainages, five designated temporary refuge areas (emergency gathering and protection sites), vegetation management areas, and the construction of an on-site emergency response and fire center and helipad for emergency access/transportation. At final occupancy of each structure, applicable fire breaks along roadways providing access to that structure shall be installed. Further, at the time of the recording of the last final map for each of the five subdivision groups (Bohn Ridge Subdivision, Equestrian Subdivision, Maha Farms Subdivision, Golf Estates Subdivision, and Trout Flat Subdivision), the full roadway fire break network shall be completed within that subdivision.

### **Section 2.5.2.3, Page 2-45, Last Paragraph on Page**

Fire wise landscaping techniques such as reducing fire prone vegetation within fifty feet from both edges of each proposed roadway will be managed by the HOA. This will include cutting down dead trees and removing all flammable shrubs. The understory below trees will be maintained by mowing, grazing, and manual vegetation removal; in addition, shrubs will be removed below trees. Within this zone, individual trees or tree clusters will be adequately spaced to prevent fires from quickly spreading. In addition, landscape within 300 feet of proposed commercial buildings and within 50 feet of residential buildings will be primarily native and low fuel vegetation to reduce vegetated fire risk, and exterior fire suppression systems will be required for all primary structures ~~sprinkler systems will be installed on residential buildings on dead-end drives over 0.25 miles.~~ These systems will be remote or heat-activated. During a fire, they will prevent substantial damage to primary buildings as well as nearby outdoor features. It is anticipated that each resort community would have at least 180,000 gallons of stored fire water.

### **Section 2.5.2.4, Page 2-48, Third Full Paragraph**

Air transportation/arrival to the site would be provided via a proposed helipad and float plane dock with kiosk and internal transportation services to be established at Detert Reservoir. It is anticipated that use of the average use of the float plane dock and heliport for inbound or outbound flights would be approximately 2-3 times a week would include up to four operations per day. This a conservative estimate of operations with average operations expected to be lower. However, operations may be more ~~, with more frequent use occurring during special events, such as polo field tournaments.~~ The helipad is expected to be used less frequently for travel to the site. Additionally, an emergency heliport would be centrally located at the on-site emergency response and fire center. Additional information regarding the operations of the proposed float plane dock and heliports is provided in Appendix ATTM.

### **Section 2.5.2.4, Page 2-48, Fourth Full Paragraph**

The Applicant will provide a weekday shuttle service for employees from the Middletown Housing Site to the Guenoc Valley Site. Additionally, the Applicant will offer ride-matching assistance and preferential parking for carpools. Please refer to Appendix TDM.

### **Section 2.5.2.5, Page 2-51, Second List Item**

- 2) Upper Bohn Lake Zone would include potable and non-potable water systems designed to serve the Maha Farm/Sales Center area, the Spa, Emergency Response and Fire Center and Support Services, the Golf Course ~~Red Hill~~ Estates and Renaissance Golf Course, and the Resort at Trout Flat.

### **Section 2.5.2.5, Page 2-54, Third Full Paragraph**

Seven small water recycling plants are proposed for Phase 1. These plants would be developed at the

Maha Farm, ~~Golf Course~~~~Red Hill Estates~~, Resort at Trout Flat, Central Back of House, Equestrian Center, Staff Housing, and the Camping area.

#### **Section 2.5.2.5, Page 2-57, Second to Last Paragraph**

Portions of the Guenoc Valley Site's roadways traverse hilly terrain which include steep slopes and deep gullies. These gullies, where feasible, would be bypassed with arched open bottom culverts or bridges. At smaller water crossings and in addition to piped culverts where needed, pavement sections would be designed to allow water to flow through pervious base sections so as not to create dam~~m~~med conditions behind roads, thus reducing concentrated flow throughout.

#### **Section 2.5.2.9, Page 2-63, Bulleted List**

- Lot development restrictions, including setbacks near aquatic habitat and supporting vegetation, and the appropriate impact minimization methods
- Landscaping, including open space zones, vineyards, and private landscapes
- Infrastructure, including walls, fences, gates, utilities, and site furnishings
- Circulation, including street standards, parking, vehicle access, signage and lighting
- Architecture, including residential building restrictions (height, setbacks, etc.), accessory structures, and recreational amenities
- Wildfire Defense System requirements

#### **Section 2.6.1, Page 2-68, Last Sentence of First Paragraph**

The ~~project site~~Middletown Housing Site would be generally graded to drain to the detention basins.

The South Lake County Fire Protection District (SLCFPD) and Cal Fire would also provide fire protection and fire suppression services to this site. The Callayomi County Water District (CCWD) will ~~most likely~~ supply potable water to the Middletown Housing Site, and, ~~W~~ wastewater service would be provided by the Lake County Sanitation District may be connected to which operates the Middletown wastewater treatment plant.

#### **Section 2.7.2, Page 2-75, Second Level Bullets**

- In the event that the option to form or join a public utility is selected, approval of the formation of a new Public Utility District or amendment of an existing Public Utility District boundaries for water supply, wastewater and/or electricity service within the Guenoc Valley Site
- Potential annexation of the Guenoc Valley Site into the sphere of influence boundaries of the Lake County Sanitation District
- Potential annexation of the Middletown Site into the service area boundaries of the Callayomi County Water District.

## 3.0 ENVIRONMENTAL ANALYSIS

### 3.1 AESTHETICS

#### Section 3.1.4, Page 3.1-29, First and Second Paragraphs

There has been minimal cumulative development in southwest Lake County with the exception of Middletown. The surrounding area is dominated by agriculture, wineries, and rural residences. Present and future cumulative projects in the County include vineyards, wineries, and veterinarian clinics, as described in Section 4.2.1 of this Draft EIR.

The Guenoc Valley Water Rights Modification Project, located partially within and adjacent to the Guenoc Valley Site, could result in the development of up to an additional 1,720 acres of vineyards on the Guenoc Valley Site. When combined with the 1,415-acre Phase 1 development footprint, the total area of future development within the site would be 3,135 acres, plus additional areas that may be developed under future phases of the Proposed Project. However, while the Water Rights Modification Project would alter the viewsheds on the Guenoc Valley Site, vineyard development would be consistent with the overall rural character of the project area and existing uses on the Guenoc Valley Site.

#### Section 3.1.4, Page 3.1-29, Final Sentence of Section

However, when analyzed with cumulative development, and in relation to the size of the County, the impact to aesthetics would be minimal. Therefore, cumulative impacts are **less than significant** and no mitigation is required.

### 3.2 LAND USE AND AGRICULTURE

#### Section 3.2.4, Page 3.2-31, Bottom Paragraph

In order to fully comply with the County's Right-to-Farm Ordinance, **Mitigation Measure 3.2-21** shall be implemented. This measure would ensure that all prospective buyers of residential lots within the project site are informed of the Right-to-Farm Ordinance and its legal requirements, thus ensuring that implementation of the Proposed Project would not restrict neighboring land with respect to present or future agricultural uses. **Mitigation Measure 3.2-21** also requires a description of adjacent agricultural operations so that buyers within the Proposed Project are aware of the operational aspects of agricultural uses including noise, odors, and dust.

#### Section 3.2.4, Page 3.2-33, Table 3.2-1

Table 3.2-1 PHASE 1 IMPORTANT FARMLAND				
Planning Area	Prime Farmland		Unique Farmland	
	In Phase 1 Area (ac)	Converted (ac)	In Phase 1 Area (ac)	Converted (ac)
Equestrian Center	109.2	24.3	20.1	4.1

Central Back of House	12.3	4	3.0	0
Maha Farms	0.14	0.14	51.2	18 <sup>2</sup>
Total <sup>1</sup>	121.6	28.4	74.3	22.1
<sup>1.</sup> Values may slightly differ from <b>Figure 3.2-8</b> due to rounding <del>4.2.</del> Unique Farmland occurs within 12 residential parcels within the Maha Farms planning area. Converted land assumes up to 1.5 acres may be developed within each residential parcel consistent with the Design Guidelines (12 x 1.5 = 18) ( <b>Appendix DG</b> ).				

#### Section 3.2.4, Page 3.2-39, First Paragraph

For land use compatibility, the immediate vicinity of the Guenoc Valley Site is considered the cumulative context because any incompatibility would occur primarily at the interface of different land uses. The immediate vicinity of the Guenoc Valley Site is currently a mix of rural and agricultural lands. Future developments in this area may include buildout of approximately 920 lots in the Hidden Valley community approximately a mile north of the Guenoc Valley Site, ~~as well as a~~ 380-unit senior community known as “Valley Oaks”, and the development of additional vineyards on the Guenoc Valley Site.

#### Section 3.2.4, Page 3.2-39, 2<sup>nd</sup> Paragraph

The cumulative context for agricultural land conversion would be Lake, Napa and Sonoma Counties which contain a wide range of agricultural uses, from grazing and row ~~crops~~ crops to vineyards. The geographic scope is limited based on similar soils that are found in these adjacent areas.

### 3.3 AIR QUALITY

#### Section 3.3.4, Page 3.3-22, Impact 3.3-5 Summary Table

IMPACT 3.3-5	EXPOSE SENSITIVE RECEPTORS TO SUBSTANTIAL POLLUTANT CONCENTRATIONS	
	Phase 1 (including Off-Site Workforce Housing and Infrastructure)	Future Phases
Significance with Policies and Regulations	<del>Potentially Less Than</del> Significant	<del>Potentially Less Than</del> Significant
Mitigation Measures	MM 3.3-1 <del>N/A</del>	MM 3.3-1 <del>N/A</del>
Significance After Mitigation	Less than Significant	Less than Significant

#### Section 3.3.4, Page 3.3-24, Impact 3.3-6 Summary Table

IMPACT 3.3-6	RESULT IN OTHER EMISSIONS (SUCH AS THOSE LEADING TO ODORS) ADVERSELY AFFECTING A SUBSTANTIAL NUMBER OF PEOPLE	
	Phase 1 (including Off-Site Workforce Housing and Infrastructure)	Future Phases
Significance with Policies and Regulations	<del>Potentially Significant</del> <del>Less Than</del> Significant	<del>Potentially Significant</del> <del>Less Than</del> Significant



<b>Mitigation Measures</b>	MM 3.3-1N/A	MM 3.3-1N/A
<b>Significance After Mitigation</b>	Less Than Significant	Less Than Significant

### **Section 3.3.5, Page 3.3-26, First Full Paragraph of MM 3.3-2**

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.

### **Section 3.3.5, Page 3.3-27, Third Bullet on Page**

- 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.

### **Section 3.3.5, Page 3.3-27, First Bullet under “Residential Measures”**

- ~~Provide net zero renewable electrical~~ 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. ~~This may be achieved through the use of rooftop solar or proposed on-site photovoltaic systems, or the equivalent renewable energy source. Compliance with this requirement must be demonstrated prior to issuance of occupancy permits for residential uses. It is the Proposed Project’s goal to generate enough renewable electrical energy for the project’s needs and to store and distribute throughout the site. This requires extensive regulatory review; therefore, renewable energy systems shall be required to be installed within one year of final, non-appealable regulatory approvals. Occupancy certificates may be issued and final subdivision maps may be recorded prior to issuance of these regulatory approvals provided that regulatory review is ongoing at the time.~~

### **Section 3.3.5, Page 3.3-28 through 3.3-28, First Bullet**

~~Provide net zero renewable electrical energy for the Project’s commercial/resort uses through installation of solar photovoltaic systems. This may be achieved through the use of rooftop solar or proposed on-site photovoltaic systems, or the equivalent renewable energy source.~~ 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 ~~generate~~ obtain enough renewable electrical energy for the Project’s needs and to ~~store and~~ distribute it throughout the Guenoc Valley Ssite. Therefore, renewable energy supplies shall be

~~secured and/or systems installed for each commercial structure prior to issuance of its final certificate of occupancy. This requires extensive regulatory review; therefore, renewable energy systems shall be required to be installed within one year of final, non-appealable regulatory approvals. Occupancy certificates may be issued and final subdivision maps may be recorded prior to issuance of these regulatory approvals provided that regulatory review is ongoing at the time.~~

## **3.4 BIOLOGICAL RESOURCES**

### **Section 3.4.2, Page 3.4-2, after Final Bullet**

- A review of habitat connectivity as proposed in the Guenoc Valley Mixed Use Project in relation to the *Mayacamas to Berryessa (M2B) Connectivity Network Report* (M2B 2018) prepared by Palisades Land Use Consultancy, SWA Group, and WRA, Inc. and included in **Appendix WILDLIFE**.

### **Section 3.4.2, Page 3.4-2, Last Sentence of First Full Paragraph**

Developed habitat constitutes 218.2 acres (1.~~43~~ percent) of the Guenoc Valley Site.

### **Section 3.4.2, Page 3.4-2, Third Full Paragraph**

Current ~~agricultural~~ planted lands constitute ~~1,684.6~~ 1,001.6 acres (~~6.340.2~~ percent) of the Guenoc Valley Site (990 acres of which is planted vineyards).

### **Section 3.4.2, Page 3.4-2, Final Sentence on Page**

This habitat constitutes 2,259.4 acres (~~14.33~~.7 percent) of the Guenoc Valley Site.

### **Section 3.4.2, Page 3.4-16, Final Sentence of Fourth Paragraph**

A total of 2,573.2 acres of the Guenoc Valley Site (~~16.25~~.6 percent) are comprised of leather oak chaparral.

### **Section 3.4.2, Page 3.4-17, Final Sentence of First Paragraph**

Chamise chaparral is considered a non-sensitive alliance that constitutes 987.2 acres (~~6.20~~ percent) of the Guenoc Valley Site.

### **Section 3.4.2, Page 3.4-20, Final Sentence on Page**

The foothill pine woodland alliance is considered non-sensitive and comprises 1,400.7 acres (~~8.85~~ percent) of the Guenoc Valley Site.

### **Section 3.4.2, Page 3.4-20, Second Paragraph**

Interior live oak woodland comprises 756.5 acres (~~4.86~~ percent) of the Guenoc Valley Site.

### **Section 3.4.2, Page 3.4-21, Second Paragraph of Page**

Although it is not considered a sensitive alliance by the CDFW, blue oak woodland and savanna is protected by Lake County. Blue oak woodland comprises 3,472.4 acres (21.90 percent) of the Guenoc Valley Site while blue oak savanna covers 1,238.7 acres (7.85 percent) of the Guenoc Valley Site.

### **Section 3.4.2, Page 3.4-21, Final Sentence of Fourth Full Paragraph**

Perennial and intermittent streams cover 199.3 acres (1.32 percent, 1,079.8 linear feet) of the Guenoc Valley Site.

### **Section 3.4.2, Page 3.4-22, Final Sentence of Third Paragraph**

Emergent wetlands are considered a sensitive habitat type and comprise 429.7 acres (2.76 percent) of the Guenoc Valley Site.

### **Section 3.4.2, Page 3.4-23, First Paragraph**

The Guenoc Valley Site was evaluated as part of a regional study on habitat connectivity between protected habitats within the Mayacamas mountains to the Snow Mountain-Berryessa National Monument –(M2B Study; Gray et al., 2018). This study was completed in 2018 and used connectivity modeling to identify wildlife movement corridors and to assign relative permeability levels of the region. The Guenoc Valley Site lies in the central portion of the study area and was identified as having high levels of riparian permeability with multiple potential wildlife movement corridors. The M2B Study identified four least cost pathways through the Guenoc Valley site, as well as several other pathways that may provide additional wildlife movement opportunities. Least cost pathways are those that are most suitable for wildlife movement based on habitat, topography, and other factors impacting wildlife movement. Two of these pathways cross areas near the edge of the Guenoc Valley Site, with the remaining two pathways bisecting the core of the Guenoc Valley Site.

### **Section 3.4.4, Page 3.4-39, Fourth Full Paragraph**

The Phase 1 potential development footprint area (or area of potential effects [APE]) includes the habitat areas within the Guenoc Valley Site that might be converted to commercial, residential, or resort development uses as a result of Phase 1. The potential development footprint includes the proposed limits of grading for the commercial/resort lots, roadways, and infrastructure. The APE footprint for roadways includes the grading areas and has been expanded to a minimum of 50 feet of width on either side of the roadway to encompass the potential fuel reduction zone of the road as described in **Appendix FIRE**.

### **Section 3.4.4, Page 3.4-39, Final Sentence of Fifth Full Paragraph**

Therefore, the potential development footprint area / APE conservatively includes the entirety of each residential parcel, with the exception that only one acre of oak woodlands is assumed to occur within the

potential development footprint area for residential parcels containing more than one acre of oak woodlands.

#### Section 3.4.4, Page 3.4-39, Final Sentence of Sixth Full Paragraph

For simplicity, the potential development footprint area for Phase 1 is referred to as the Phase 1 Area of Potential Effects (APE) (Figure 3.4-5 and 5a through 5i).

#### Section 3.4.4, Page 3.4-52, Summary Table for Impact 3.4-1

IMPACT 3.4-1	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 USFWS			
	Guenoc Valley Site		Other Phase 1 Areas	
	Phase 1	Future Phases	Off-Site Workforce Housing	Off-Site Infrastructure
Significance Before Mitigation	Significant	Significant	Significant	Significant
Mitigation Measures	MM 3.4-1 through MM 3.4-13; MM 3.9-1, 3.9-2; MM 3.4-21; MM 3.10-2	MM 3.4-1 through MM 3.4-14; MM 3.4-21; MM 3.9-1, 3.9-2; MM 3.10-2	MM 3.4-1 through 3.4-3, 3.4-6 through 3.4-8, 3.4-10, 3.4-11, 3.4-13; MM 3.9-1, 3.9-2; MM 3.10-2	MM 3.4-8 and 3.4-9
Significance After Mitigation	Less than Significant	Less than Significant	Less than Significant	Less than Significant

#### Section 3.4.4, Page 3.4-60, Third Paragraph

It is anticipated that occupants of new residences will have the option to own domestic animals. The number of domestic cats on the Guenoc Valley Site, if present, is extremely minimal at this time. Domestic cats are known predators of birds and can cause decreases in local bird populations. Domestic cats can also establish feral colonies that exacerbate the predation pressure on local wildlife. Dependent upon the operational level of domestic cats on the Guenoc Valley Site, domestic cat predation on local wildlife, including nesting birds may be **potentially significant**. Several studies have addressed domestic cat management to reduce hunt success and exposure of wildlife to domestic cats (NWF, 2017; Audubon, 2015; Cornell University, n.d.). Maintenance of native vegetation, as is widely encouraged in the Design Guidelines, would provide natural cover for wildlife when compared to communities developed around landscaped lawns and extreme vegetation clearing. **Mitigation Measure 3.4-21** would require the Home Owner's Association to provide residents with informational materials on the threat domestic cats pose to

local wildlife, and best practices known to significantly reduce these impacts. With incorporation of **Mitigation Measure 3.4-21**, this impact would be *less than significant*.

#### **Section 3.4.4, Page 3.4-61, Final Sentence of First Paragraph**

Therefore, those mitigation measures presented for the Phase 1 construction and operation of the Guenoc Valley Site are applicable to those impacts analyzed for future phases of development, including **Mitigation Measures 3.4-1 through 3.4-13, and 3.4-21**.

#### **Section 3.4.4, Page 3.4-66, First Paragraph**

An Oak Mitigation Plan has been prepared for the Guenoc Valley Site and discusses impacts to both individual oaks as well as oak woodland (**Appendix OAK**). Measures on maximum avoidance of oak woodland and individual oak impacts are discussed within the Oak Mitigation Plan consistent with the Oak Woodlands Protection Act and mitigation standards determined by the County. **Mitigation Measure 3.4-16** defines the minimum mitigation requirements addressed within the Oak Mitigation Plan. This includes preservation of oak woodland at a ratio of at least 34:1 acre per acre for impacts to valley oak woodland, and 2:1 acre per acre for impacts to all other types of oak woodland that result in a significant loss of canopy cover.

#### **Section 3.4.4, Page 3.4-73, First Paragraph**

Impacts to wildlife movement or nursery sites may be considered significant and substantial if a project resulted in the significant restriction of wildlife movement, alteration of a known wildlife corridor, or any adverse impact to known nursery sites. Based on mapping included within the Mayacamas to Berryessa Connectivity Network Final Report (M2B Study), the Guenoc Valley Site ~~appears to be~~ is located in an area with a described moderate existing terrestrial permeability and with moderate potential as a permeable land surface for wildlife movement (~~Pepperwood Preserve~~ Gray, 2018). Riparian permeability around the Guenoc Valley Site is classified as high. The Guenoc Valley Site is within a focal corridor of the ~~Mayacamas to Berryessa Connectivity Network~~ M2B Study.

#### **Section 3.4.4, Page 3.4-73, Second Paragraph**

The Guenoc Valley Site consists of relatively open areas interspersed within a network of agricultural roads, operations, and development. The Proposed Project would not impact an Essential Connectivity Area as defined by the California Essential Habitat Connectivity Project: A Strategy for Conserving a Connected California (Spencer, 2010). There are no known significant wildlife breeding locations within the Guenoc Valley Site. However, the Guenoc Valley Site is likely used incidentally by individuals during migratory or dispersal activities as well as for the birthing and rearing of young.

As stated in Section 3.4.2, the Guenoc Valley Site was evaluated within the M2B Study as part of a regional analysis on habitat connectivity. The M2B Study identified four least-cost terrestrial pathways through the Guenoc Valley site, as well as several other pathways that may provide additional wildlife movement

opportunities. The majority of least cost pathways are avoided by the Proposed Project, and significant portions of least cost pathways have been preserved within designated open space. ~~Based on mapping included within the Mayacamas to Berryessa Connectivity Network, the Guenoc Valley Site contains significant riparian corridor resources and moderate terrestrial permeability in general (Pepperwood Preserve, 2018).~~ Additional analysis of habitat connectivity on the Guenoc Valley Site is provided in **Appendix WILDLIFE**. This appendix assesses the Proposed Project's potential impacts to wildlife movement pathways identified on the Guenoc Valley Site and discusses methods to preserve or offer alternatives to potentially impacted corridors. As a result of this analysis, over 400 acres of Habitat Connectivity Easements will be designated within the site and are shown on Figure 2-6 in Section 2.0. Habitat Connectivity Easements prohibit development within the easement area such that associated least cost pathways are maintained with a minimum 300-foot width. The locations of these easements are shown on Figure 12 of **Appendix WILDLIFE** and generally correspond to the least cost wildlife movement pathways identified in the M2B Study.

#### **Section 3.4.4, Page 3.4-74, Second Full Paragraph**

Fencing of residential parcels is further restricted by the Design Guidelines. These development standards require residential fencing to follow wildlife friendly design by avoiding materials that are not visually detectable, avoiding use of low rails or wires, maintaining tension of wires, and avoiding use of fences with excessive height or other complete barriers.

-Therefore, the design guidelines minimize the use of fencing and minimize the need for additional fencing. **Mitigation Measure 3.4-19** further defines best practices for areas in which fencing is necessary for the safety and security of development, individuals, or livestock. Additionally, **Mitigation Measure 3.4-19** prevents complete wildlife barriers within residential communities by requiring Home Owner's Association approval for use of fencing outside of a lot's approved buildable area, and restricts this fencing such that it would not occur within 300 feet of other residential fencing.

#### **Section 3.4.4, Page 3.4-75, Second to Last Sentence of First Paragraph**

As discussed in Impact 3.4-1, impacts a result of artificial lighting are- ***potentially significant***.

#### **Section 3.4.4, Page 3.4-75, First Full Paragraph**

The requirement to preserve 2,765 acres of open space is based on mitigation required in the 2009 FEIR that outlined a method of open space preservation of 1 acre of open space preserved for every acre of vineyard developed. This preservation was to occur in tandem with development. At this time, only 1,226 acres of the expanded POU within both Lake County and Napa Counties has been developed (630 within the Guenoc Valley Site, 190 within Napa County, and 406 within Lake County but outside of the Guenoc Valley Site). The Proposed Project overlaps with an additional 270 acres within the POU, resulting in a total mitigation requirement of 1,496. Therefore, preservation of the full 2,765 acres at this time would exceed the current requirements for open space under the 2009 FEIR, and would exceed final open space

preservation requirements should acres of POU be maintained as open space within the residential parcels.

As discussed above, Habitat Connectivity Easements have been placed on 428 acres, or 2.3 percent of the Guenoc Valley Site, that will be preserved as open space as a component of the Proposed Project. These areas of open space connect significant wildlife corridors to protected habitat located off the Guenoc Valley Site.

In addition to the dedicated open space, approximately 10,365 acres the vast majority of the Guenoc Valley Site would not be impacted by Phase 1 of the Proposed Project. Of the 10,365 acres not impacted, a total of 9,516.6 acres would not be developed and would constitute general undeveloped open space areas throughout the Guenoc Valley Site. -It should be noted that some of this area, with the exception of areas identified within Habitat Connectivity Easements or the Open Space Combining District, may be developed under future phases and would be subject to additional environmental review as discussed below.

The general open space areas would constitute approximately 63.64.8 percent of the Guenoc Valley Site. Combined with dedicated open space, this results in 83.24.9 percent of the Guenoc Valley Site outside of the Phase 1 Area of Potential Effects.

#### **Section 3.4.4, Page 3.4-80, Third Paragraph**

The Open Space Combining District sets aside 2,765 acre 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 POU for surface water use within the larger Guenoc Ranch by 2,765 acres. 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 the expanded POU has been developed. Therefore, the current open space requirement per the 2009 FEIR is 1,226 acres. The Proposed Project would impact an additional 270 acres identified as a POU in the 2009 FEIR, increasing the open space requirement to 1,496 acres.

Per the terms and conditions set forth in the 2008 OSPP, a total of up to 2,765 acres minimum shall be preserved within an Open Space Preservation Area to mitigate the impacts of the Guenoc Valley Water Rights Modification Project. An Open Space Preservation Area was defined within the OSPP totaling the maximum required 2,765 acres (Appendix OSPP). The Proposed Project would result in minimal development of designated proposed open space as currently defined in the 2008 OSPP. The OSPP allows for modification of the Open Space Preservation Area for approved uses on the Guenoc Valley Site provided the goals of the OSPP are retained, and the acreage preserved is no less than 2,765 acres is commensurate to the acreage identified impacts to the POU as expanded in the 2009 FEIR. In order to comply with the 2008 OSPP, an amendment was prepared that details additional habitat proposed for inclusion within the Open Space Preservation Area (Appendix OSPP).

#### **Section 3.4.4, Page 3.4-81, Second Full Paragraph**

Because the totality of the expanded POU identified in the 2009 FEIR may not be developed, the Open Space Combining District may exceed the necessary acreage to meet the opens space preservation requirements of the 2009 FEIR. Therefore, 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 identified in the 2009 FEIR at a 1:1 ratio. As noted above, approximately 1,080 acres of development has occurred in the mitigated expanded POU to date, and Phase 1 of the Proposed Project would result an additional 270 acres of development within this POU
- 2) **Mitigation Measure 3.4-3:** 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.
- 3) **Mitigation Measure 3.4-15 and 3.4-17:** Excess acreage within the Open Space Combining District not required to offset impacts of vineyard development within the POU, or for (2) above may be used for preservation of sensitive habitats defined in these mitigation measures.

The Open Space Combining District incorporates the totality of the 2,765 acres of proposed open space in the OSPP Amendment consistent with the goals of the 2008 OSPP. As stated within **Mitigation Measures 3.4-3, 3.4-15, and 3.4-17**, only excess acreage not required to satisfy the open space mitigation requirement for vineyard development within POU may be utilized for mitigation for the Proposed Project. Should the combined mitigation for (1) through (3) above exceed the 2,765 acres identified in the OSPP Amendment, additional mitigation acres would be identified outside of the Open Space Combining District. —This constitutes a **less-than-significant** impact.

#### **Section 3.4.4, Page 3.4-84, Summary Table for Impact 3.4-7**

IMPACT 3.4-7	CUMULATIVE IMPACTS TO BIOLOGICAL RESOURCES			
	Guenoc Valley Site		Other Phase 1 Areas	
	Phase 1	Future Phases	Off-Site Workforce Housing	Off-Site Infrastructure
<b>Significance Before Mitigation</b>	Significant	Significant	Less than Significant	Less than Significant
<b>Mitigation Measures</b>	MM 3.4-1 through MM 3.4-13, 3.4-15 through 3.4-2149	MM 3.4-1 through MM 3.4-210	None necessary	None necessary
<b>Significance After Mitigation</b>	Less than Significant	Less than Significant	Less than Significant	Less than Significant



#### Section 3.4.4, Page 3.4-84, First Paragraph

As discussed in Section 4.2.1, under the 2009 Water Rights Modification Project, additional vineyard development could occur within the –Guenoc Valley Site, resulting in up to an additional 1,720 acres of vineyards within the POU (this includes areas of pre-existing POU and Expanded POU resulting from the Water Rights Modification Project). Future development of land uses that would use surface water within the POU, including vineyards, would be subject to the 2009 MMRP, which was a component of the 2009 FEIR (AES, 2009), and has been incorporated by reference into the Proposed Project (refer to Section 1.3). The 2009 FEIR concluded that construction activities had the potential to create significant impacts which could be reduced to less-than-significant levels through compliance with 2009 FEIR MMRP.

#### Section 3.4.4, Page 3.4-85, First Full Paragraph

–Development on and adjacent to the Guenoc Valley Site related to the Guenoc Water Rights Modification Project is required to avoid development in areas with special-status plants and would therefore not cumulatively contribute to impacts to special-status plants (2009 FEIR MMRP, Mitigation Measure 4.8.1). Additionally, environmental review of the Guenoc Water Rights Modification Project identified potential impacts to valley elderberry longhorn beetle, vernal pool fairy shrimp, and both FYLF and rainbow trout, which were analyzed for the potential to be impacted by reduced flow from water diversions. The Proposed Project would not result in water diversion or other impacts to these species, and therefore cumulative effects would not occur. Finally, the Guenoc Valley Water Right Modification Project was determined to have the potential to disturb nesting birds and special-status reptiles and amphibians through construction. This impact was reduced through avoidance measures to prevent significant disturbance such that take of these species would not occur. Similarly, development associated with Proposed Project would be required to implement avoidance and minimization measures that would reduce impacts to these species. Therefore, with implementation of project specific mitigation measures identified for the Guenoc Water Rights Modification Project and the Proposed Project, ~~This represents a cumulative impacts to special status species would be reduced to~~ **less-than-significant** ~~cumulative impact~~. Therefore, no additional mitigation is recommended based on the Proposed Project's cumulative contribution to special-status species impacts.

#### Section 3.4.4, Page 3.4-85, Third Full Paragraph

Environmental analysis of development on and adjacent to the Guenoc Valley Site related to the Guenoc Water Rights Modification Project identified potential impacts to vernal pools, oaks, and potentially jurisdictional habitats. The Proposed Project would not impact vernal pools. Similar to the mitigation for the Proposed Project, the Guenoc Water Rights Modification Project mitigated for impacts to oaks via preservation and replanting. **Appendix OAK** discusses the feasibility of completing oak mitigation on the Guenoc Valley Site for the Proposed Project in addition to existing oak mitigation requirements of the Water Rights Modification project. As shown within **Appendix OAK**, there is sufficient oak habitat available for preservation when accounting for existing preservation requirements combined with the maximum potential

preservation acreage needed by the Proposed Project. Additionally, the Guenoc Valley Site contains significant areas suitable for compensatory plantings of oak trees necessary to complete mitigation. Both the Proposed Project and the Guenoc Water Rights Modification Project are held to the regulatory requirement to obtain the proper permits for impacts to jurisdictional habitats such as wetlands and waters of the U.S. The Guenoc Water Rights Modification Project mitigated for these impacts through permitting from CDFW, the Regional Water Quality Control Board, the Division of Water Rights, and USACE. The Proposed Project would similarly be subject to agency review to determine the exact location and level of impacts to jurisdictional habitats that are preliminarily identified in this report. Impacts to these habitats would not occur until issuance of the appropriate permits dictating terms and conditions agreed upon by the appropriate agency for the proposed impact. Permit terms and conditions are legally binding, and the Applicant is required to adhere to such terms and conditions. ~~This represents a~~With adherence to project specific mitigation and regulatory requirements, cumulative effects to sensitive habitat types would be reduced to **-less-than-significant** cumulative impact. Therefore, no additional mitigation is recommended based on the Proposed Project's cumulative contribution to sensitive habitat impacts.

#### **Section 3.4.4, Page 3.4-86, Second Full Paragraph**

It should be noted that, while environmental review of the Guenoc Water Rights Modification Project did not reveal significant impacts to wildlife use and movement, a thorough analysis has been completed to ensure that this project, in addition to the Proposed Project, does not significantly interfere with known wildlife corridors. The M2B study was published after the environmental analysis prepared for the Guenoc Water Rights Modification Project and was therefore not analyzed at that time. **Appendix WILDLIFE** provides an in-depth analysis of wildlife movement corridors identified in the M2B study to ensure that the Guenoc Water Rights Modification Project together with the Proposed Project maintain wildlife movement pathways (see Figure 15 of **Appendix WILDLIFE**). The Guenoc Valley Site is identified in the M2B study as having significant riparian corridors and moderate terrestrial permeability. The vast majority of riparian pathways were avoided by both projects and are provided additional protection through setbacks required by project mitigation and County setback codes. This analysis additionally identified several terrestrial pathways in the vicinity of proposed development. Where these identified pathways crossed with existing or proposed vineyard approved as a component of the Guenoc Water Rights Modification Project, a least cost alternative pathway was proposed to identify corridor continuity in light of existing or approved development. Where pathways were identified near potential impact areas for the Proposed Project, pathways were either protected via lot conservation easements, or through preservation of a reasonable alternative pathway. These measures create legally-binding restrictions on development near identified corridors and are therefore considered a component of the Proposed Project design. Because there are no known significant impacts to wildlife corridors resulting from cumulatively considered projects, impacts to wildlife use and movement as a result of the Proposed Project development are **less than significant**.

#### **Section 3.4.4, Page 3.4-87, First Full Paragraph**

Cumulative projects described in **Section 4.2** are subject to the regulatory framework presented in **Section**

3.4.3. With the exception of ~~minimal~~ oak tree removal, which can only occur through the proper permitting, cumulative projects are not anticipated to conflict with local plans, policies, or regulations.

#### **Section 3.4.5, Page 3.4-87, Item (E) of MM 3.4-1**

- 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.

#### **Section 3.4.5, Page 3.4-88, Preceding Table 3.4-9**

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 CNDDB. The qualified biologist shall also report observations of special-status species identified during preconstruction surveys, if any.

#### **Section 3.4.5, Page 3.4-90, Item (2)(ii) of MM 3.4-3**

- ii) Should transplanting of individual plants be considered, the transplanting shall be ~~completed~~ overseen by a qualified biologist.

#### **Section 3.4.5, Page 3.4-92, Final Bullet of MM 3.4-7**

- 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 Pproject as possible and shall be minimized as appropriate through motion-sensitive lighting, lower intensity lights, and appropriately programmed timed lights.

#### **Section 3.4.5, Page 3.4-92, Final Sentence of Second Full Paragraph**

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. ~~The buffer shall remain in place until the biologist has determined that the nest is no longer active.~~

#### **Section 3.4.5, Page 3.4-93, Following First Paragraph of MM 3.4-10**

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 nNo 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, a pre-construction survey for western pond turtle shall be completed. 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.

#### **Section 3.4.5, Page 3.4-94, Following First Paragraph of MM 3.4-11**

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 at least 14 days prior to 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.

### **Section 3.4.5, Page 3.4-96, MM 3.4-14**

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.-

### **Section 3.4.5, Page 3.4-91 Through 3.4-96, Items (2) Through (4) of MM 3.4-15**

- 2) Areas designated for preservation shall be maximized within ~~designated open space as defined by the Open Space Preservation Area.~~ Habitat preserved within the Open Space Preservation Area shall be preserved in perpetuity. 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 Ppreservedation effort~~ in-kind habitat that occurs outside of residential lots, Habitat Connectivity Easement Areas, and the Open Space ~~Preservation Area~~Combining District shall be avoided during future phases of development. Should unavoidable impacts to in-kind habitat preservation areas ~~outside of designated open space~~ occur during future phases of construction, those impacts shall be subject to additional compensatory actions set forth in this mitigation.

### **Section 3.4.5, Page 3.4-98, MM 3.4-16**

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 34-5:1 of in-kind habitat type acreage, and 2:1 for all other types of oak woodland;
- A ~~suitable method~~requirement of at least 73 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.

### **Section 3.4.5, Page 3.4-99, Bullet 2 and 3 of MM 3.4-17**

- 20 feet from the top of bank of any intermittent-~~or ephemeral~~ 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

### **Section 3.4.5, Page 3.4-99, Second Full Paragraph**

The setback distances identified above shall be delineated by a qualified biologist with high-visibility fencing or flagging prior to any construction activities ~~occurring~~occurring within 200 feet of the aquatic habitat features.

### **Section 3.4.5, Page 3.4-99, First Bullet**

Areas designated for preservation shall be maximized within ~~designated open space~~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.

### **Section 3.4.5, Page 3.4-99, Second Bullet**

Restoration and/or enhancement of habitat shall occur within the Open Space Combining District or within Habitat Connectivity Easement Areas~~designated open space~~ as possible.

### **Section 3.4.5, Page 3.4-100, Fourth Bullet**

Alternative forms of mitigation not detailed above, such as purchase of habitat credits from an approved mitigation bank,~~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.

### **Section 3.4.5, Page 3.4-101, Final Bullet**

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.

### **Section 3.4.5, Page 3.4-101, MM 3.4-19**

~~Full perimeter fencing excluding wildlife movement~~ for residential lots exceeding two acres in size shall be prohibited unless:

- ii)i) ~~It is approved by the Home Owner's Association and designed in such a manner that it allows for wildlife to pass through; or~~

iii)ii) ~~A site-specific corridor assessment is conducted by a qualified wildlife biologist that demonstrates wildlife movement. Any recommended wildlife corridor and movement areas shall be enforced by the HOA as part of a pathway and corridor plan to be drafted at the time of such analysis. 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 slop 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.

### **Section 3.4.5, Page 3.4-102, MM 3.4-20**

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~~-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.

### **Section 3.4.5, Page 3.4-102, following MM 3.4-20**

#### **MM 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.

### **3.5 CULTURAL RESOURCES**

#### **Section 3.5.3, Page 3.5-4, 5<sup>th</sup> Full Paragraph**

##### **Traditional Cultural Properties**

A Traditional Cultural Property (TCP) is a property that is eligible for inclusion in the NRHP based on its associations with the cultural practices, traditions, beliefs, lifeways, arts, crafts, or social institutions of a living community. The cultural practices or beliefs that give a TCP its significance are, in many cases, still observed at the time a TCP is considered for inclusion in the NRHP. Because of this, it is sometimes perceived that the practices or beliefs themselves, not the property, make up the TCP. While the beliefs or practices associated with a TCP are of central importance, the NRHP does not include intangible resources. The TCP must be a physical property or place--that is, a district, site, building, structure, or object. There are no special criteria for TCPs. In order to be eligible for listing in the NRHP a TCP must still meet one of the four basic Criteria for Evaluation, as outlined in 36 CFR Part 60.4 and must retain integrity (NPS, 2012).

#### **Section 3.5.3, Page 3.5-4, Third-Second Line from Bottom**

Furthermore, under PRC 5024.1, Title 14 California Code of Regulations [CCR], Section 4852(c), a cultural resource must retain integrity to be considered eligible for the CRHRP.

#### **Section 3.5.4, Page 3.5-20, Thresholds of Significance; Third Bullet**

- Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5;
- Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5;
- ~~Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature;~~

#### **Section 3.5.4, Page 3.5-22, Fourth-Fifth Line from Top of Page**

Sites found to be eligible for inclusion on the NRHP and/or CRHR that cannot be avoided during construction, ~~must~~ may only be subjected to data recovery investigations if there are no other means to mitigate impacts, as warranted and based on best archaeological practices, prior to any ground disturbance.

#### **Section 3.5.4, Page 3.5-23 and 3.5-24, First Full Paragraph**

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 minimization of impacts to the extent feasible and 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 to be or presumed 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, and consultation with the Tribe prior to any ground disturbance, must occur as specified in Mitigation Measure 3.5-2, which requires development of a Treatment Plan in consultation with the Tribe. Implementation of **Mitigation Measures 3.5-1 and 3.5-2** would reduce impacts on known archaeological sites to a less-than-significant level.

#### **Section 3.5.4, Page 3.5-24, First Full Paragraph**

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, minimization and/or, as a last resort, data collection methods as appropriate in consultation with the Tribe. Implementation of these measures would reduce impacts on as-yet unknown archaeological resources to a less-than-significant level.

#### **Section 3.5.4, Page 3.5-24, Second Full Paragraph**

If future phases of development would impact any such resources that were eligible for the CRHR or NRHP, this would be a **potentially 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 also 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 in consultation with the Tribe, which would identify additional minimization measures to reduce impacts to any unknown resources discovered during construction activities associated with future phases. No data recovery will be permitted to tribal cultural resources without prior consultation with the Tribe. Data recovery to tribal cultural resources shall only be permitted if there are no other means of mitigation available, it shall be limited to the area of impact, and shall occur in consultation with the Middletown Rancheria. Impacts and disturbance of discovered resources will be minimized or avoided to the extent feasible. Implementation of these mitigation measures would reduce impacts on known and previously unidentified archaeological resources to a **less-than-significant** level.

#### **Section 3.5.4, Page 3.5-25, First Full Paragraph**

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 in consultation with the Tribe, which would identify additional minimization measures to 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.

#### **Section 3.5.4, Page 3.5-26, First Full Paragraph**

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. 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. Development of a Burial Treatment Plan and Unanticipated Discoveries Plan in consultation with the Tribe under Mitigation Measure 3.5-2 would also reduce impacts to Native American human remains. Adherence to these measures would reduce potential impacts to human remains to a **less-than-significant** level.

#### **Section 3.5.4, Page 3.5-26, Second Paragraph**

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. Mitigation Measure 3.5-2 requires development of Burial Treatment and Unanticipated Discoveries plans in consultation with the Tribe, and Mitigation Measure 3.5-3 requires coordination and consultation with the Tribe for future archaeological surveys. Adherence to these measures would reduce potential impacts to human remains to a **less-than-significant** level.

#### **Section 3.5.4, Page 3.5-26, Third Paragraph**

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 Measures 3.5-2 and 3.5-4** would reduce impacts to Native American burials uncovered during project construction to a less-than-significant level.

#### Section 3.5.4, Page 3.5-26, Fourth Paragraph

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 Measures 3.5-2 and 3.5-4** would reduce impacts to Native American burials uncovered during project construction to a less-than-significant level.

#### Section 3.5.4, Page 3.5-27, First Full Paragraph

California Native American prehistoric, historic, archaeological, cultural, and sacred places are essential elements in tribal cultural traditions, heritages, and identities. Because CEQA calls for a sufficient degree of analysis, tribal knowledge about the land and tribal cultural resources at issue are included in environmental assessments for projects that may have a significant impact on such tribal cultural resources (TCRs). TCRs can only be identified by members of the Native American community, thus requiring consultation under CEQA. Additionally, Section 106 of the NHPA is integral to the protection of historic properties including cultural and sacred resources and traditional cultural properties (TCPs) of significance to the Tribe.

#### Section 3.5.4, Page 3.5-28, Third Paragraph

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 known 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 measures 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.

#### Section 3.5.4, Page 3.5-29 and 3.5-30, First Full Paragraph

The history of Lake County is extensive, beginning with a Native American population that ~~entered the area thousands of years ago~~ has occupied the area since time immemorial, 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 described in Section 4.2.1 of this Draft EIR, including the Proposed Project, Hidden Valley, ~~and~~ Valley Oak subdivision, and the Guenoc Water Rights Modification Project 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 Middletown Rancheria and qualified archaeologists in the event that previously undiscovered cultural materials are encountered. Additionally, the mitigation monitoring and reporting plan (MMRP) for the 2009 Guenoc Water Rights Modification Project, which has been incorporated by reference into this EIR (refer to Section 1.3), identified numerous mitigation measures to protect and avoid known archaeological resources and TCRs within the mitigated place of use for surface water irrigation.

#### **Section 3.5.4, Page 3.5-30, Bottom Line**

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).

#### **Section 3.5.4, Page 3.5-31, First Paragraph**

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.

#### **Section 3.5.4, Page 3.5-31, Third and Fourth Paragraphs**

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, 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.

#### **Section 3.5.4, Page 3.5-31 and 3.5-32, Fifth Paragraph**

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 and avoidance measures. Only in cases where minimization or avoidance is infeasible~~Should the Phase II recommend that the site is eligible for the NRHP/CRHR, or there are no other means of mitigation, may~~ 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 minimization measures or Data Recovery has been completed.

#### **Section 3.5.4, Page 3.5-32, Bottom of First Full Paragraph**

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.

#### **Section 3.5.4, Page 3.5-32, Second and Third Full Paragraphs**

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.

### **Section 3.5.5, Page 3.5-33 through 3.5-35, MM 3.5-2**

- 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 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 ~~and-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 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, provided by the Tribe, developed in consultation with Middletown Rancheria shall be followed if Native American remains are discovered during construction;
- Maps (provided in pdf and shapefiles to the construction contractor, ~~Project Proponent~~ 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; ~~and~~
- 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 Middletown Rancheria 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, ~~Project Proponent~~ Applicant, and Middletown Rancheria shall be notified immediately. The ~~Project Proponent~~ 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.

- 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.

### **Section 3.5.5, Page 3.5-36, MM 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~~ 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 ~~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. 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.

### **Section 3.5.5, Page 3.5-36, MM 3.5-4**

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 ~~Project Proponent~~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.

## **3.6 GEOLOGY AND SOILS**

### **Section 3.6.4, Page 3.6-25, Third Paragraph**

Cumulative development in the Middletown Planning Area and Lake County would involve grading activities that would remove surface vegetation, alter topography, and potentially expose soils to greater erosion potential. The magnitude of this impact would be greatest during construction, particularly if development were to occur simultaneously with proposed developments immediately adjacent to the project boundaries, including the Hidden Valley Community~~and~~the Valley Oaks Planned Development, and the Guenoc Valley Water Rights Modification Project, as described in Section 4.2.1 of the EIR. However, implementation of the County's Grading Ordinance and use of NPDES Construction General Permit-mandated BMPs during construction would ensure the project's contribution would not be

cumulatively considerable, and the cumulative impact is **less-than-significant**.

## 3.7 GREENHOUSE GAS EMISSIONS

### Section 3.7.2, Page 3.7-3, Third Paragraph

#### **Carbon Sequestration**

Carbon sequestration is the process by which CO<sub>2</sub> is removed from the atmosphere and deposited into a carbon reservoir (e.g., vegetation). Trees and vegetation take in CO<sub>2</sub> from the atmosphere during photosynthesis, break down the CO<sub>2</sub>, store the carbon within plant parts, and release the oxygen back into the atmosphere (CARB 2020). A development that changes land use type results in potential release of sequestered carbon to the atmosphere as CO<sub>2</sub>, which would not have been released had there been no land-type change. The planting of new trees and vegetation would store new carbon as their wood mass increases via normal growth.

### Section 3.7.4, Page 3.7-9, Bottom of First Partial Paragraph

The calculation of the one-time loss of sequestered carbon was calculated using CalEEMod default values and methodology.

### Section 3.7.4, Page 3.7-10, Impact 3.7-1

Impact 3.7-1	GENERATE GREENHOUSE GAS EMISSIONS EITHER DIRECTLY OR INDIRECTLY, THAT MAY HAVE A SIGNIFICANT IMPACT ON THE ENVIRONMENT	
	Phase 1 (including Off-Site Workforce Housing and Infrastructure)	Future Phases
Significance Before Mitigation	Potentially Significant	Potentially Significant
Mitigation Measures	MM 3.7-1: Operational GHG Emissions; MM 3.7-2: <u>Construction GHG Emissions</u> ; MM 3.4-16: <u>Oak Mitigation Plan</u>	MM 3.7-1: Operational GHG Emissions; MM 3.7-2: <u>Construction GHG Emissions</u> ; MM 3.4-16: <u>Oak Mitigation Plan</u>
Significance After Mitigation	Significant and Unavoidable	Significant and Unavoidable

### Section 3.7.4, Page 3.7-11, Third Sentence of First Full Paragraph

Construction GHG emissions from the Proposed Project were estimated using the CalEEMod emissions model. Sources would include fossil fuel combustion by construction vehicles and equipment. Construction-related GHG emissions are presented in **Table 3.7-1A**.

#### Section 3.7.4, Page 3.7-11, Table 3.7-1A

**TABLE 3.7-1A**  
CONSTRUCTION GHG EMISSIONS

Construction Phase	Total Emissions (MT CO <sub>2</sub> e/year)	Amortized over 30 years (MT CO <sub>2</sub> e)
Phase 1A (2020-2023)	13,284	443
Phase 1B and 1C (2023-2030)	3,735	125
<i>Phase 1 Subtotal</i>	<i>17,019</i>	<i>568</i>
Future Phases (2030-2040)	5,490	183
<b>Total Construction Emissions</b>	<b>22,509</b>	<b>750</b>
Source: CalEEMod 2016 ( <b>Appendix AIR</b> ).		

#### Section 3.7.4, Page 3.7-11, Second and Third Paragraphs

**Mitigation Measure 3.3-1** requires the use of Tier 4 engines and Level 3 Diesel Filters, to the maximum extent feasible, to reduce criteria pollutants and DPM from construction of the Proposed Project. Implementation of **Mitigation Measure 3.3-1** would also reduce GHG emissions from construction of the Proposed Project. Therefore, compliance with this requirement is included in **Mitigation Measure 3.7-2**.

#### Land Use Change and Carbon Sequestration

The calculation of the one-time loss of sequestered carbon is the product of the converted acreage value and the carbon content value for each land use type (vegetation community). The one-time reduction in sequestration capacity from removal of trees resulting from Phase 1 was calculated at 45,510 MT CO<sub>2</sub>e, as shown in **Table 3.7-1B**. While the acreage of oak woodlands removed as a result of future phases is unknown, it is reasonable to assume that a similar number of oaks may be removed under future phases, resulting in a similar loss of carbon sequestration capacity.

#### Section 3.7.4, Page 3.7-11, Table 3.7-2B and First Full Paragraph

**TABLE 3.7-2B**  
VEGETATION REMOVAL – PHASE 1 ESTIMATED LOSS OF SEQUESTERED CARBON

<u>Vegetation Type</u>	<u>CalEEMod Vegetation Land Use Category</u>	<u>CO<sub>2</sub> Emissions Factor (MT CO<sub>2</sub>/acre)</u>	<u>Net Loss</u>	<u>Loss of Sequestered Carbon (MT CO<sub>2</sub>)</u>
<u>Forest Land</u>	<u>Trees</u>	<u>111</u>	<u>410</u>	<u>45,510</u>

As discussed above, 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, **Mitigation Measure 3.4-16** would partially offset the loss in carbon sequestration capacity by requiring the permanent conservation of oak woodland habitat and the replanting of individual oak trees.

#### **Section 3.7.4, Page 3.7-13, First and Seventh Bullets**

- The use of ~~solar~~ renewable energy to meet the project's energy demands. Under all options for electrical supply, residential demand would be met through solar in accordance with the building code. However, commercial/resort demand could be supplemented by PGE supplies under Electricity Options 1 and 2. Under Electricity Options 3 and 4 behind the meter solar would meet supply energy for all commercial facilities.
- 6. Electric fleet for the resort commercial uses (no less than 75 percent)

#### **Section 3.7.4, Page 3.7-14, First Full Paragraph**

As shown in **Table 3.7-2**, the GHG emissions resulting from operation of the Proposed Project would exceed the BAAQMD service population thresholds. Therefore, operational GHG emissions would be a **significant impact**. In addition to the project design features described above, implementation of **Mitigation Measure 3.7-1** would reduce GHG emissions during operation of the Proposed Project as shown in **Table 3.7-3**. **Mitigation Measure 3.7-1** would reduce operational GHG emissions from energy use by requiring a commitment to ~~400 percent renewable~~ zero net energy for the Proposed Project. 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. Additional measures provided below would reduce GHG emissions by requiring use of energy-efficient lightning, electric water heaters, and low-flow appliances throughout the Proposed Project. Commitment to transportation **Mitigation Measure 3.13-4** would also reduce project GHG emissions by reducing the overall mobile trips generated by the Proposed Project, as described in **Section 3.13**. However, as shown in **Table 3.7-3**, GHG emissions would remain above acceptable levels after mitigation. This would be a **significant and unavoidable** impact.

#### **Section 3.7.5, Page 3.7-16 and 3.7-17, MM 3.7-1**

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.

### ***Transportation Demand Management Measures***

Implement Mitigation Measure 3.13-4 to develop and implement a transportation demand management plan to achieve a reduction in vehicle miles traveled as a result of the Proposed Project. At a minimum these measures will include:

- Dedicate 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.
- 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.

### ***Project Wide Measures***

- 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;
- Use of drought-tolerant and native vegetation

### ***Residential Measures***

- ~~Provide net zero renewable electrical.~~ 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. This may be achieved through the use of rooftop solar or proposed on-site photovoltaic systems, or the equivalent renewable energy source. Compliance with this requirement must be demonstrated prior to issuance of occupancy permits for residential uses. ~~It is the Proposed Project's goal to generate enough renewable electrical energy for the project's needs and to store and distribute throughout the site. This requires extensive regulatory review; therefore, renewable energy systems shall be required to be installed within one year of final, non-appealable regulatory approvals. Occupancy certificates may be issued and final subdivision maps may be recorded prior to issuance of these regulatory approvals provided that regulatory review is ongoing at the time.~~
- 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.

### **Resort/Commercial Measures**

- ~~Provide net zero renewable electrical energy for the Project's commercial/resort uses through installation of solar photovoltaic systems. This may be achieved through the use of rooftop solar or proposed on-site photovoltaic systems, or the equivalent renewable energy source. 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 generate-obtain enough renewable electrical energy for the Project's needs and to store-and-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. This requires extensive regulatory review; therefore, renewable energy systems shall be required to be installed within one year of final, non-appealable regulatory approvals. Occupancy certificates may be issued and final subdivision maps may be recorded prior to issuance of these regulatory approvals provided that regulatory review is ongoing at the time.~~
- 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.

### **Section 3.7.5, Page 3.7-17, MM 3.7-2**

#### **MM 3.7-2 Construction GHG Emissions**

Implement Mitigation Measure 3.3-1 to reduce GHG emissions from construction of the Proposed Project.

- 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.

## **3.8 HAZARDS AND HAZARDOUS MATERIALS**

### **Section 3.8.4, Page 3.8-34, First Full Paragraph**

As described in **Section 4.0**, hazardous material, human health, and safety impacts are typically site-specific and not cumulative by nature. This also applies to the hazards identified for the Proposed Project, such as NOA and abandoned geothermal wells. Therefore, the cumulative setting for hazardous

materials is limited to the development areas and the area immediately surrounding these areas. The development areas are surrounded by residential and small agricultural uses as well as undeveloped, naturally vegetated land. The development of the Guenoc Valley Site, Off-Site Workforce Housing, and Off-Site Infrastructure Improvements would all involve the storage, use, disposal, and transport of hazardous materials to varying degrees during construction and, depending on the project, during operation. Impacts related to these activities are extensively regulated by federal, state, and local agencies, and it is assumed that related projects in the area, including the Guenoc Valley Water Rights Modification Project described in **Section 4.2.1**, would also comply with these hazardous materials regulations.

### 3.9 HYDROLOGY AND WATER QUALITY

#### Section 3.9.4, Page 3.9-33, Impact 3.9-2

IMPACT 3.9-2	SUBSTANTIALLY DECREASE GROUNDWATER SUPPLIES OR INTERFERE SUBSTANTIALLY WITH GROUNDWATER RECHARGE SUCH THAT THE PROJECT MAY IMPEDE SUSTAINABLE GROUNDWATER MANAGEMENT OF THE BASIN.			
	Guenoc Valley Site		Other Phase 1 Areas	
	Phase 1	Future Phases	Off-Site Workforce Housing	Off-Site Infrastructure
<b>Significance Before Mitigation</b>	Potentially Significant	Less than Significant	Less than Significant	Potentially Significant
<b>Mitigation Measures</b>	MM 3.9-3: Off-Site Groundwater Well Safe Yield Analysis and Monitoring	None Required	None Required	MM 3.9-3: Off-Site Groundwater Well Safe Yield Analysis and Monitoring
<b>Significance After Mitigation</b>	Less than Significant	N/A	N/A	Less than Significant

### 3.10 NOISE

#### Section 3.10.4, Page 3.10-23, First and Second Full Paragraphs

Air transportation and/or arrival will be provided via a proposed helipad and float plane dock with kiosk and internal transportation services to be established at Detert Reservoir. It is anticipated that the average use of the float plane dock for inbound or outbound flights would be approximately two to three times a week with more frequent use occurring during special events, such as polo field tournaments. Additionally, an emergency heliport will be centrally located at the on-site Emergency Response and Fire Center. Noise impacts from operation of the proposed helipads and float plan dock are estimated 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). All operations will occur during daytime hours between 7:00 am and 9:00 pm. As shown in Section 5.3 of **Appendix AVIATION**, noise contours from air transportation activities would be restricted to the immediate vicinity of the heliports and the seaplane base and do not extend to the communities in the vicinity of the Guenoc Ranch. -The nearest sensitive receptor to Detert Reservoir is a residential unit that is approximately 3,500 feet to the west. The floatplane noise from air transportation activities at this receptor would not exceed the acceptable residential level of 55 dBA CNEL established by the County General Plan. ~~will be dependent upon the aircraft that is landing and departing. Given the infrequent use, it is not expected that floatplane traffic would substantively change the CNEL or  $L_{eq}$  at the nearest sensitive receptors. Further, in the County Zoning Ordinance, noise exceptions are made for aircraft when subject to State and federal regulations and sensible practices are adhered. Since the nearest receptor is located approximately 3,500 feet to the west, and the inbound and outbound flights would be only two to three a week unless there is a special event, these are deemed sensible practices that would qualify for exceptions to the County Zoning Ordinance. Furthermore, before aircraft are even permitted to fly, applicable State and federal regulations concerning noise standards must be adhered to. Therefore, the floatplane dock and heliport operations would not generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan and noise ordinance, or applicable standards of other agencies. This impact is less than significant.~~

#### **Section 3.10.4, Page 3.10-27, Second Paragraph**

Air transportation and/or arrival will be provided via a proposed float plane dock to be established at Detert Reservoir. Although waterbodies for floatplane landing and takeoffs are not technically considered "airstrips", this EIR does consider whether floatplane transportation to the site would expose people residing in or working in the project area to excessive noise levels. Noise impacts from operation of the proposed helipads and float plan dock are estimated in **Appendix AVIATION**. It is anticipated that the average use of the float plane dock for inbound or outbound flights would be approximately two to three times a week with more frequent use occurring during special events, such as polo field tournaments; ~~however, to provide a conservative analysis, the noise analysis in Appendix AVIATION assumed 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).~~ Additionally, ~~an emergency heliport will be centrally located at the on-site Emergency Response and Fire Center.~~ The nearest sensitive receptor to Detert Reservoir is a residential unit that is approximately 3,500 feet to the west. The floatplane noise at this receptor will be dependent upon the aircraft that is landing and departing. As discussed in **Section 3.10.2** above, floatplane noise is greatest at takeoff and can potentially range from 65 to 92 dBA  $L_{max}$  at a distance of 1,000 feet. While single event noise from

floatplane takeoff and flyovers would be a sudden increase in noise, they would occur infrequently and would be brief in nature and therefore only constitute an occasional annoyance. Furthermore, the nearest existing sensitive receptor is separated by hilly and forested landscape that would act as a partial sound barrier. As shown in Section 5.3 of Appendix AVIATION, noise contours from air transportation activities would be restricted to the immediate vicinity of the heliports and the seaplane base and do not extend to the communities in the vicinity of the Guenoc Ranch. Regardless, depending on the flight path and trajectory of takeoffs, these single noise event levels could potentially cause sleep disturbance at the nearest receptors. This is considered a **potentially significant impact**. **Mitigation Measure 3.10-4** would limit inbound and outbound non-emergency flights to the hours of 7 a.m. to 9 p.m. to minimize the potential for adverse noise effects and sleep disturbance. With mitigation, this impact would be reduced to **less than significant**.

## 3.12 PUBLIC SERVICES

### Section 3.12.2.3, Page 3.12-10, First Partial Paragraph

The Applicant would purchase initial emergency response apparatus for use by Station #61. Multiple on-site water sources are available for fire suppression and will be supplemented with fire hydrants for first responders. The addition of on-site emergency response resources and fire management facilities would ensure that, in the event of an emergency, adequate response times would be met. Additionally, response personnel would be sourced from onsite, lessening the burden of emergency response teams from surrounding areas, including Napa County. Station #61 would be funded by a combination of resources including property and assessment taxes, developer-paid staffing costs, ad valorem increases, and emergency response Payment in Lieu of Taxes for transient guests. SLCFPD may apply a community facilities district to the Guenoc Valley Site in order to provide services for the Proposed Project. Specifically, two or three years post-development, the Developer will begin to budget approximately 200,000 dollars per year, which will roll over annually to build funds to purchase and replace emergency response equipment as needed. Prior to staffing Station #61, emergency fire response to the project site will be generated from nearby SLCFPD facilities. Approximately four years post-development, Station #61 will be staffed at all times. Approximately five years post-development, Station #61 will be staffed by SLCFPD and reported to ISO for documentation (SLCFPD, 2019c). In the event that demand for fire protection services in the district is greater than SLCFPD can provide, fire protection services would be supplemented through mutual aid from other local agencies, pursuant to the CFAA.

### Section 3.12.2.3, Page 3.12-11, Second and Third Paragraphs

The cumulative setting area for fire protection services includes the jurisdictional boundaries of the SLCFPD, and includes the growth and reasonably foreseeable County development projects listed in **Section 4.2**.

The demands for fire protection services from the SLCFPD that will arise from the approval of the Proposed

Project, in addition to the demands for services for other proposed and/or approved projects in Lake County, would increase service demands on SLCFPD.

### 3.13 TRANSPORTATION AND TRAFFIC

#### Section 3.13.4, Page 3.13-26, After Second Paragraph

State Route 428-29 at Butts Canyon Road (Intersection #7) – Installation of a three-way traffic signal with crosswalks.

#### Section 3.13.4, Page 3.13-27, Bottom of First Paragraph

Although this impact is less than significant, it should be noted that **Mitigation Measure 3.13-5** would require the Applicant pay a fair share towards pedestrian and bicycle infrastructure improvements to reduce the project's impact associated with VMT.

#### Section 3.13.4, Page 3.13-27, Impact 3.13-5

IMPACT 3.13-5	CONFLICT OR BE INCONSISTENT WITH CEQA GUIDELINES § 15064.3, SUBDIVISION (B)
Significance with Policies and Regulations	Potentially Significant
Mitigation Measures	MM 3.13-4: Implement a Transportation Demand Management (TDM) Program; and MM 3.13-5: <u>Pay a Fair Share towards Pedestrian and Bicycle Improvements</u>
Significance After Mitigation	Significant and Unavoidable

#### Section 3.13.4, Page 3.13-28, Second Paragraph

While the County does not currently have adopted CEQA thresholds for VMT analysis; the Proposed Project would not meet the recommended OPR threshold of a 15 percent reduction in per capita VMT over existing conditions. This would be a **significant impact**. The VMT generated by the Proposed Project could be reduced by implementation of the TDM program required by **Mitigation Measure 3.13-4**. Additionally, the Proposed Project includes a number of measures that would reduce VMT, including the establishment of workforce housing in proximity to the employment centers within the Guenoc Valley Site, and the provision of shuttle service for employees from the Middletown area. Further, **Mitigation Measure 3.13-5** would require the applicant to contribute towards pedestrian and bicycle facilities in the County, which could further reduce VMT. However, due to its hospitality focus and rural setting, implementation of the TDM program would not reduce the project-related VMT to 15% below the regional average. Therefore, this impact is considered **significant and unavoidable**.

#### Section 3.13.5, Page 3.13-35, MM 3.13-1

##### MM 3.13-1 Implement Improvements at SR-29 and Butts Canyon Road

Prior to issuance of grading permits for Phase 1, the Developer shall ~~enter into~~execute and deliver to Caltrans an agreement ~~with Caltrans~~ to mitigate the ~~above-identified~~ impacts to the intersection of SR-29 and Butts Canyon Road ~~as follows~~by paying to Caltrans the cost of the following:

### **Section 3.13.5, Page 3.13-36, MM 3.13-2**

#### **MM 3.13-2 Pay Fair Share towards Caltrans Intersection Improvements**

The Developer shall ~~enter into~~execute and deliver to Caltrans an agreement ~~with Caltrans~~ 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.

### **Section 3.13.5, Page 3.13-36, MM 3.13-3**

#### **MM 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.

### **Section 3.13.5, Page 3.13-36 through 3.13-38, MM 3.13-4**

#### **MM 3.13-4 Implement a Transportation Demand Management (TDM) 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 plan based on the monitoring results. The following strategies shall be identified within the ~~TD~~TDM plan to reduce the VMT generated by the Proposed Project:

- *Private Shuttle Service* – 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.

- *Carpool and Ride-Matching Assistance Program* – 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.
  
- *Preferential Parking for Carpoolers/Vanpoolers* – 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.
  
- *Dedicated Parking Spaces for Car Share Services* – ~~The management will s~~Setting aside parking spaces to be dedicated for use by car share services to serve employees. ~~This could 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 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.~~ A review of over 25 studies from Europe and the U.S. where car sharing services are available, found that in North America, on average, 20% of respondents gave up a privately owned vehicle and 40% avoided purchasing one, which results in an average of five privately owned vehicles replaced per every car sharing vehicle. However, it should be noted that this data is for residential projects and the effects, while still significant, would most likely be less for a commercial project.

- On-Site Sales of Transit Passes – 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.
- TDM Coordinator – Management shall designate a “TDM coordinator” to coordinate, monitor and publicize TDM activities. The effectiveness of providing a TDM Coordinator on automobile mode share ownership 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 not known at this time. It is assumed the applicant may instruct the management company to designate their on-site manager as the TDM coordinator.
- *Transportation and Commute Information Kiosks* - 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.
- *Tenant Performance and Lease Language – TDM Requirements* - 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.
- *Tenant/Employer Commute Program Training* - 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.
- Employee Transportation Brochure - ~~At the time of occupancy for Phase I (or at the time of hiring for later phases),~~ All employees will be provided with an Employee Transportation Brochure regarding the Commute Program. This 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.

### **Section 3.13.5, Page 3.13-38, MM 3.13-5**

#### **MM 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.

## 3.14 UTILITIES

### Section 3.14.1.3, Page 3.14-20, Second Paragraph

Because development within the Guenoc Valley Site, including development under the Proposed Project and vineyard development under the 2009 Water Rights Modification Project, would be served by an independent system, it would not contribute to cumulative effects with other developments in the area as they would be served by separate systems.

### Section 3.14.1.3, Page 3.14-42, Second Paragraph

The cumulative geographic scope for electricity, propane, and telecommunications services, as well as a list of existing, planned, proposed, approved, and reasonably foreseeable regional development projects in the vicinity of the Guenoc Valley Site and Middletown Housing Site, are included in **Section 4.2.1.**

## 3.15 ENERGY

### Section 3.15.4, Page 3.15-13, First Paragraph

As discussed in **Section 3.7**, the Proposed Project includes a number of design measures that would reduce the energy demands of the Proposed Project. These design measures, as well as additional energy conserving measures, have been incorporated into **Mitigation Measure 3.7-1**. Further, **Mitigation Measure 3.7-1** requires achievement of zero net energy residential buildings through installation of solar photovoltaic systems. Additionally, Mitigation Measure 3.7-1 requires achievement of zero net energy commercial buildings, through 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 that the proposed solar energy plus storage and microgrid systems are designed to meet the entire energy demands of the Proposed Project. These measures would result in a net zero increase in demand for electricity zero net energy, meaning that on a community-wide basis, the actual annual consumed energy will be less than or equal to the renewable generated energy utilized. Accordingly, implementation of Mitigation Measure 3.7-1 and would also reduce the annual consumption of propane.

### Section 3.15.4, Page 3.15-14, Last Paragraph

The Proposed Project is generally consistent with the Lake County General Plan and the Middletown Area Plan policies for reducing energy consumption and promoting energy efficiency. In addition to compliance with Title 24 and CalGreen Code described above, the Proposed Project is generally

consistent with the statewide energy goals and policies outlined in the 2019 IEPR to decarbonize the electricity sector through renewable energy and to move toward clean transportation through fleet electrification. Specifically, the Proposed Project would address these policies through implementation of net zero electricity demand (~~achieved through large-scale solar development~~) and commitment to a 40075 percent electric fleet. This impact would therefore be ***less than significant***.

#### **Section 3.15.4, Page 3.15-16, First Paragraph**

With regard to energy usage, the California Public Utilities Commissions' Long Term Procurement Plan (LTPP) proceedings were established to ensure a safe, reliable, and cost-effective electricity supply in California. A major component of the LTPP proceeding addresses the overall long-term need for new system reliability resources, including the adoption of system resource plans. These resource plans will allow the California Public Utilities Commission to comprehensively assess the impacts of state energy policies on the need for new resources. As discussed above, several aspects of the Proposed Project would help manage the amount and efficiency of energy consumption and would ensure that the related consumption is not inefficient, wasteful or unnecessary or place a significant demand on regional energy supplies. The large-scale development of widespread utilization of renewable energy solar energy included in the Proposed Project would result in a net zero increase in electricity demand under both Phase 1 and Future Phases. The project components would help reduce the project's overall energy demand and the project would result in less-than-significant individual impacts. Therefore, impacts to energy resources resulting from the Proposed Project, combined with other past, present, or reasonably foreseeable future projects, would not result in a cumulative impact to which the proposed project would have a cumulatively considerably contribution.

### **3.16 WILDFIRE**

#### **Section 3.16.4, Page 3.16-13 and 3.16-14, Last Paragraph**

As described above, the Guenoc Valley Site contains Moderate to Very High Fire Hazard Severity Zones as designated by Cal Fire and large portions of the site have burned in historic wildfires. By establishing residential uses and commercial resort uses within this area, the Proposed Project could expose people and structures to a significant risk of loss involving wildland fires. This is a **potentially significant** impact. As described in Section 2.5.2.3, tThe 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. These techniques include fire breaks, active landscape management, and irrigated green belt. Typical fire breaks along roads would include 50 feet of fuel reduction zone on each side of the 25 foot primary roads, totaling 125 feet of fire breaks along roads. At final occupancy of each structure, applicable fire breaks along roadways providing access to that structure shall be installed. Further, at the time of the recording of the last final map for each of the five subdivision groups (Bohn Ridge Subdivision, Equestrian Subdivision, Maha Farms Subdivision, Denniston Golf Estates Subdivision, and Trout Flat Subdivision), the full roadway fire break network shall



be completed within that subdivision. There would also be 100-foot fire breaks along particularly vulnerable areas along the Guenoc Valley Site boundary (as shown on **Figure 2-10**). Actively managed landscape areas would include year-round grazing and manual vegetation removal. Cattle, goats, and sheep would rotate throughout the Guenoc Valley Site to reduce overgrown flammable vegetation. Irrigated agricultural operations would interrupt potential wildfire movement throughout the site. Outdoor recreational amenities such as the golf course and equestrian fields would be regularly irrigated and provide an additional fire break. The reservoirs, ponds, and streams within the Guenoc Valley Site also reduce the spread of fires throughout the site. (**Appendix FIRE**)

#### **Section 3.16.4, Page 3.16-14, First Full Paragraph**

All residential and commercial buildings would have defensible space zones ranging from a radius of 50 to 100 feet depending on surrounding vegetation and slopes. Within these zones, trees and shrubs would generally be vertically and horizontally separated to reduce “ladder fuel” conditions. Landscaping will prioritize fire resistant plants and avoid those with resinous, oily, or waxy leaves. Additionally, all buildings would comply with the California Fire Code and CBC, including the use of fire resistant building materials and fire suppression systems. All residential structures would be equipped with smoke detectors, ~~fire sprinklers~~exterior fire suppression systems, window security quick-release where applicable, solid wood doors, and non-combustible metal and tempered glass doors and window in compliance with the CBC. Primary residential structures on dead-end roads that exceed 0.25 miles in length will be required to have exterior fire suppression systems as described in **Appendix FIRE**.

#### **Section 3.16.4, Page 3.16-15, First Full Paragraph**

For wildfire impact analysis, the immediate vicinity of the Guenoc Valley Site and Middletown Housing Site is considered the cumulative context because wildfires could spread from the borders of the sites. This entire region contains areas within Moderate, High and Very High Fire Hazard Severity Zones. Planned cumulative projects in the region are described in **Section 4.2.1**. Currently, the buildout of the Hidden Valley Community, ~~the and the~~ Valley Oaks Community, and the Guenoc Valley Water Rights Modification Project are the only planned projects in this region.

## **4.0 OTHER CEQA CONSIDERATIONS**

### **Section 4.2.1, Page 4-5 and 4-6, Last Bullet**

- **Guenoc Valley Water Rights Modification Project**, located in Lake and Napa Counties, partially within and adjacent to the Guenoc Valley Site. This project is described in within **Section 2.3.4**, and resulted in changes to water rights permits for both the Lake and Napa County portions of the Guenoc Ranch Property to allow for more surface water-irrigated agricultural land. As a result of this project, the approved place of use for surface water within the Ranch was expanded by 2,765 acres, bringing the total place of use for surface water irrigation within the Guenoc Valley Site to 2,880 acres. To date, a total of 890 acres of vineyards have been planted within the POU that occurs in the Guenoc Valley Site (with 630 acres in the

mitigated POU). As shown in **Table 4-3** and **Table 4-4** below, Phase 1 of the Proposed Project would result in removal of 130 acres of existing planted vineyards, and would preclude the development of an additional 270 acres of potential vineyard development within the POU. Therefore, the remaining area of potential vineyard development resulting from the Water Rights Modification Project within the Guenoc Valley Site is 1,720 acres. When combined with the 1,415-acre Phase 1 development footprint, the total area of future development within the site would be 3,135 acres, plus additional areas that may be development under future phases of the Proposed Project. All development utilizing surface water rights resulting from the 2009 Water Rights Modification Project is subject to the mitigation requirements of the 2009 Mitigation Monitoring and Reporting Plan (2009 MMRP) for that project. As noted in Section 1.3, the Final EIR for the Guenoc Water Rights Modification Project, including the 2009 MMRP, has been incorporated by reference into this EIR.

#### Section 4.2.1, Page 4-6, Tables 4-3 and 4-4

**TABLE 4-3**  
STATUS OF VINEYARD DEVELOPMENT WITHIN GUENOC VALLEY SITE POU

<u>POU Location with Guenoc Valley Site</u>	<u>Acres of Planted Vineyards in POU</u>	<u>Unplanted Acres in POU</u>	<u>Total Acres in POU</u>
<b><u>Within Phase 1 Parcel Boundaries</u></b>			
Within 1,415 acre footprint (will be removed)	130	270	400
Not in footprint (vineyard development could continue)	120	-	120
<b><u>Subtotal</u></b>	<b><u>250</u></b>	<b><u>270</u></b>	<b><u>520</u></b>
<b><u>Outside of Phase 1 Parcel Boundaries</u></b>	<b><u>640</u></b>	<b><u>1,720*</u></b>	<b><u>2,360</u></b>
<b><u>Total</u></b>	<b><u>890</u></b>	<b><u>1,990</u></b>	<b><u>2,880</u></b>
* Of this area, approximately 970 acres has been leased to a third party for vineyard development			

**TABLE 4-4**  
POTENTIAL VINEYARD DEVELOPMENT IN POU AFTER PHASE 1

	<u>Acres of Vineyards Planted</u>	<u>Acres Unplanted</u>	<u>Total Acres</u>
<b><u>Place of Use (POU) with Guenoc Valley Site</u></b>	<b><u>890</u></b>	<b><u>1,990</u></b>	<b><u>2,880</u></b>
<b><u>POU Within 1,415 acre Phase 1 footprint (removed)</u></b>	<b><u>-130</u></b>	<b><u>-270</u></b>	<b><u>-400</u></b>
<b><u>Total Potential Vineyards in POU After Phase 1</u></b>	<b><u>760</u></b>	<b><u>1,720</u></b>	<b><u>2,480</u></b>

## 5.0 ANALYSIS OF ALTERNATIVES

### Section 5.5.1, Page 5-5, Alternative A – No Project/No Build Alternative

#### *Description*

As required by CEQA *Guidelines* Section 15126.6(e), a No Project Alternative has been evaluated. The

evaluation of the No Project Alternative allows decision makers to compare the impacts of the Proposed Project against no development of the project. According to the CEQA *Guidelines* Section 15126.6(e)(2), the No Project Alternative shall discuss what would reasonably be expected to occur if the project were not approved. The Guenoc Valley Site consists of 69 separate legal parcels that could be developed into 69 single-family residences and related improvement. However, for ~~For~~ purposes of this EIR, the No Project/No Development consists of existing conditions, with no future development on the Guenoc Valley Site. Under this alternative, existing County land use and zoning designations for the project site would remain in effect, and no development would occur. Ongoing agricultural activities and previously approved vineyard development would continue.

### **Section 5.6.1, Page 5-7, Significant and Unavoidable Impacts That Would No Longer Occur**

None of the significant and unavoidable impacts identified in this EIR would occur under the No Project Alternative, including impacts associated with the Proposed Project's cumulative contribution to GHG emissions, conversion of agricultural land, aesthetics effects, and environmental effects associated with traffic noise, and traffic. Based on impact analyses, the No Project Alternative would be environmentally superior to the Proposed Project, because no environmental impacts would occur.