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MEMORANDUM

TO: Scott DeLeon, Planning Director, Community Development Department, Lake County

FROM: Ryan Sawyer, AES

DATE: 7/16/2020

RE: Response to Comments on the Guenoc Final EIR

This memorandum contains responses to various comment letters submitted following release of the Final EIR, and also responds to several comments received at the Board of Supervisors Hearing. This memorandum includes several attachments, as follows:

Attachment A – Bracketed Comment Letters
Attachment B – Exhibits from Applicant:
Emergency Evacuation Plan Routes
Distance from Fire Station

DOJ - CALIFORNIA DEPARTMENT OF JUSTICE COMMENT LETTER, JULY 6, 2020

Response to Comment DOJ -01

Contrary to this comment, the Final EIR does acknowledge and state that the Proposed Project would result in impacts associated with increased risk of wildfire ignition. The **Final EIR, Volume II, Section 3.16.4** states:

> The Guenoc Valley Site contains Moderate to Very High Fire Hazard Severity Zones as designated by CalFire 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.

In response to this comment letter and to clarify the Proposed Project's potential to increase wildfire ignitions, additional detail has been added to the Final EIR to further describe the extent and severity of this potentially significant impact. Furthermore, the Mitigation Monitoring and Reporting Plan has been updated to list the various project commitments above and beyond code requirements, including the implementation of recommended measures within the Wildfire Prevention Plan and the new commitment to provide a

Wildfire Evacuation Plan to all project residents and guests. The Wildfire Evacuation Plan will be prepared in cooperation with and approved by CalFire, the South Lake County Fire Protection District, and the Lake County Sheriff Department. Please refer to the **EIR Errata**, edits to **Volume II, Section 3.16.4** and **Volume I, Section 4.2**.

It should be noted that the Wildfire Prevention Plan is not a mitigation measure required by the EIR, but rather is a component of the Proposed Project. Therefore, an analysis of wildfire ignition impacts following implementation of the Wildfire Prevention Plan is appropriate. The effectiveness of the Wildfire Prevention Plan is described throughout the EIR. This plan was developed in consultation with CalFire and the Lake County Fire Protection District.

The commenter pointed out that land use decisions, such as housing density are particularly impactful regarding wildfire risk, arguing that the low density of the Proposed Project could lead to an increased wildfire risk. While research shows that high density development tends to reduce wildfire risk due to less available flammable vegetation and can more easily be defended with fewer resources, the Proposed Project was specifically designed with wildfire prevention in mind, incorporating fire breaks, underground electrical lines, an on-site CalFire response center, an adequate wildfire water supply and suppression system, and enforced defensible space maintenance. These components and commitments of the Proposed Project would eliminate wildfire risks normally associated with low density development. As previously mentioned, edits have been made to **Section 3.16.4** of the Final EIR to clarify this point.

A recent published article titled "*Historical Patterns of Wildfire Ignition Sources in California Ecosystems"* [1] notes a variety of factors that may have played a role in historical patterns of wildfire ignition and spread: population density, infrastructure development, fire-prevention success, fire-suppression effectiveness, vegetation-management practices, climate, and possibly record-keeping accuracy.[2] Many of the anthropogenic causes of wildfire ignition (arson, smoking, children playing with fire, catalytic converters in vehicles) have declined markedly in recent decades due to increased fire education, a decline in smoking, improved vegetation treatment along roadways, and modern vehicle technology. However, the article notes that one significant anthropogenic source of ignition has not declined in recent decades and leads to substantial wildfire spread—electrical powerlines. The authors suggest that "wiring these corridors with underground power could minimize the problem. However, utility companies have shown a reluctance to accept this solution."[3]

Project components outlined in the Wildfire Prevention Plan, including the establishment of 100-foot firebreaks along all project roads, and the undergrounding of existing and proposed electrical utilities within the site, would eliminated two of the most significant causes of wildfire ignition.

[1] Keeley, J., Syphard A., *Historical Patterns of Wildfire Ignition Sources in California Ecosystems*, INTERNATIONAL JOURNAL OF WILDLAND FIRE, 2018, 27, 781-799.
[2] *Id.* at 794.
[3] *Id.*

As noted in an article cited by the commenter[4], low density developments may have a number of features that increase the risk of wildfires, such as natural vegetation in proximity to structures and difficulty of firefighter access. However, the Project design features mitigate these added risk factors associated with low density development. Specifically, the project design features that eliminate the added risk factors associated with low density development include:

- Measures / Features to Reduce Wildfire Ignition Risk Reduction and the Uncontrolled Spread of Wildfire:
    - Fire Breaks. The Proposed Project includes fire breaks to be established and maintained along all roadway corridors as well as vulnerable property boundary edges, as depicted on Figure 2-10 of the Final EIR. Fire prone vegetation will be removed/reduced within fifty feet from both edges of each proposed roadway, including cutting down dead trees and removing all flammable shrubs. The understory below trees will be maintained by mowing, year-round 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. These fire breaks would serve to not only slow or stop the spread of wildfire, but would also reduce the risk of wildfire ignition from sparks or discarded cigarettes along project roadways.
    - Fuel Management Strategies. Landscapes will be actively managed to reduce fire risk. Grazing will primarily take place within the site's undeveloped rural landscapes; where feasible and permissible, grazing may also be used to manage landscapes within resort, residential, and facility parcels as well as within vineyards. In areas that are infeasible to graze, flammable vegetation will be manually addressed through mowing, trimming, cutting, and brush removal. Existing ranch roads may be used to access more remote areas for active management practices.
    - Defensible Space Around Buildings. Landscaping within 300 feet of proposed commercial buildings and within 50 feet of residential buildings must be native and low fuel vegetation to reduce vegetated fire risk. Compliance with defensible space requirements will be managed by the homeowner association and not left to the discretion of individual property owners, and therefore compliance will be higher than would occur under a typical subdivision development;
    - Undergrounding existing PG&E infrastructure within the site, and proposed electrical and propane infrastructure. As stated in Impact 3.14-8, the Proposed Project would underground approximately 18 miles of existing overhead PG&E electrical infrastructure lines, removing a current risk of wildfire ignition within the site. Additionally, all proposed electrical infrastructure would be located in underground trenches. Similar to the strategy of undergrounding power lines, gas propane tanks will be undergrounded throughout the resort.
- Fire Resistant Building Strategies:
    - Project construction will adhere to most recent Building Code requirements related to fire resistant materials and hardening. New construction within the Site will be less vulnerable

[4] Syphard, A.D, Bar Massada A, Butsic V, Keeley, J.E, Land Use Planning and Wildfire: Development Policies Influence Future Probability of Housing Loss (Aug. 2013) PLOS ONE 8(8): e71708. https://doi.org/10.1371/journal.pone.0071708

to fire, as the incorporation of modern fire-resistant materials and design based on emerging fire science makes homes more wildfire-resilient[5]. Class A rated roofs, fire resistant eaves and overhangs, non-combustible building vents, and fire-resistant deck materials will be incorporated into building design to address wildfire safety, as stated in the Wildfire Prevention Plan and **Table 4.2** of the MMRP.

- All exterior structures to include sprinklers. Exterior fire suppression systems will be required for all primary structures. These systems will be remote or heat-activated. Exterior fire suppression systems shall be fully autonomous in the event power is cut/shut off, allowing the activation to be fully operational at all times without intervention or activation. During a fire, they will prevent substantial damage to primary buildings as well as nearby outdoor features, and as a result will slow the spread of wildfire within the Site.
- Fire hydrants distributed throughout the site. As shown on page 31 of the Wildfire Prevention Plan, the Project proposes a network of fire hydrants throughout the development. The combination of fire hydrants and exterior sprinklers distinguishes the Project from the typical sprawl of low-density projects. Unlike those developments, the Proposed Project has a safe, reliable and easily accessible supply of water for fire suppression purposes.

- Early Detection / Response Measures:
  - On-site Emergency Response Center / Fire Station. The Proposed Project involves construction of an on-site emergency response and fire center, which would reduce the response time for emergency vehicles to respond to incidents within the site and surrounding area. All of the proposed lots under Phase 1 would be within a five-mile drive radius of the proposed Emergency Response Center. According to the Insurance Services Office (ISO), being within a 5-mile drive distance of a fire station and within 1000-feet of a fire hydrant, is one criterion for reduced fire insurance rates, indicating a lower risk for development to be impacted by a wildfire.[6]
  - Camera on top of Mountain. As part of the project intent to increase early warning systems for the Guenoc Valley and surrounding landscapes, the Project will install at least one high definition fire camera at a high point within the site to be managed by CalFire. These cameras have been installed at various mountain tops within the County and are used to improve the ability of CalFire and fire districts to effectively manage available resources to respond to a fire. Currently there are no cameras installed within the Guenoc Valley Site. The proposed camera will improve early fire detection capabilities in the areas within and surrounding the site.
  - 24 / 7 security patrols. The project would include 24-hour security patrol. These patrols would aid in early fire detection and response as they would have access to emergency radios and notification systems and would alert the ERC in the event that a wildfire is detected.
- Evacuation Procedures, Emergency Access and Response:
  - Evacuation Routes and Plan: Attachment B shows the evacuation routes for the site, including three access points on Butts Canyon Road, and a fourth alternative emergency

[5] University of California. 2020. Preparing Your Home. Wildfire-Resilient Homes Overview. Available online at: https://ucanr.edu/sites/fire/Prepare/Building/.

[6] Lake LAFCO. 2007. Fire Municipal Service Review and Sphere of Influence Part 2. October 19, 2007. Available online at: https://www.lakelafco.org/adopted-service-reviews-and-spheres-of-influence.html.

access and evacuation route via Grange Road. Creation of a Wildfire Evacuation Plan for the Proposed Project is listed as a Project Commitment in the Mitigation Monitoring and Reporting Plan (see **Final EIR, Volume I, Section 4.2**). The Wildfire Evacuation Plan will identify and describe the emergency meeting areas, evacuation and emergency egress routes and procedures in the event of a wildfire emergency, and will serve as an educational tool for the project employees, residents and guests. The evacuation plan would allow for orderly evacuation of the site that would not impede emergency responders from travelling and responding to fires, thereby exacerbating wildfire risks.

- Early Warning Systems:
  - A Fire siren shall be placed within the Project Site that shall work in conjunction with the multiple early warning systems
  - Interior Fire alarm systems shall be connected to the Project security systems
  - Joint trench design will include a hard-wired communication system for all residences
  - Each residence or guest unit will communicate with the security system when occupied for emergency evacuation communication purposes
- Designated Meeting and Staging Areas: The Proposed Project includes six Designated Meeting and Staging Areas for residents, visitors, and employees to gather for safety and assistance.
- Roadway construction and adherence to code. Roadway design will adhere to CAL FIRE fire protection standards, as well as local Plans, to ensure emergency access. This would include design requirements such as roadways that can handle the weight of fully loaded fire equipment, roads that are not excessively steep, and roads that are looped or provide double-access to provide escape routes. Adherence to code will also ensure that emergency access can be maintained simultaneously with vehicles evacuating the site.
- Intersection Improvements. As a requirement of the traffic mitigation measures identified in Section 3.13.5 of the Final EIR, the Proposed Project will implement improvements at State Route 29, which is a major evacuation route in the County, as well as fund a fair share towards Caltrans intersection improvements. These traffic mitigation measures could possibly decrease response time in a wildfire emergency.

The Proposed Project was specifically designed to eliminate wildfire risks normally associated with low density development in wildland areas. Academic studies that research wildfire spread between lower vs. higher density development compare standard development projects. The Proposed Project, which is designed with project elements that go above and beyond code requirements, including fire breaks, defensable space around buildings, an extensive vegetation management plan, and on-site fire station, is not representative of a typical development project and does not have the same level of risk as usual subdivisions.

Response to Comment DOJ -02

The commenter expressed concern that the Wildfire Prevention Plan may be insufficient to reduce wildfire risk due to vague and unenforceable language. Implementation of the Wildfire Prevention Plan is a component of the Proposed Project and thus its implementation is required as a condition of project approval (General condition #1: The use hereby permitted shall substantially conform to the Project

Submittal and Application Packet, Site Plans and all requirements in the Final Environmental Impact Report (EIR)…). To clarify this point, the Mitigation Monitoring and Reporting Plan has been revised to list certain project commitments above and beyond code requirements, including adoption of recommended measures within the Wildfire Prevention Plan. Please refer to the **EIR Errata, Attachment A**. Furthermore, fire breaks, landscaping, and defensible space on both private and community spaces would be managed and enforced by the development's homeowner association to ensure defensible space zones are maintained incompliance with the design guidelines.

Response to Comment DOJ -03

As stated in **Mitigation Measure 3.4-18**, sensitive habitats shall be avoided during removal of dead vegetation to the degree feasible. All listed sensitive habitats do not require wildfire risk reduction activities, with the exception of the Sargent cypress forest and the oak woodland, both of which may require occasional management for wildfire risk. However, as stated in **Mitigation Measure 3.4-18**, if it is determined that sensitive habitat must be removed for fire safety needs, the use of hand tools for vegetation management would be acceptable. Therefore, protection of sensitive habitat would not impede efforts to remove potentially flammable vegetation to reduce wildfire risk.

Proposed vegetation removal is discussed in the Wildfire Prevention Plan. The amount of vegetation to be removed would depend on the total defensible space needed, which is calculated based on the general property slope and type of vegetation coverage (see Pages 23 and 24 of the Wildfire Prevention Plan). Please note, as stated in **Response to Comment DOJ-02** above, recommended measures within the Wildfire Prevention Plan have been added to the Mitigation Monitoring and Reporting Plan as Project Commitments. Please refer to the **EIR Errata, Attachment A**.

Response to Comment DOJ-04

The comment states that the FEIR does not adequately analyze the fire risks associated with Alternative C and that this alternative might not have the risk of wildfire associated with lower density developments such as the Project.

Refer to response to comment DOJ-01 regarding the analysis of wildfire risk associated with the Proposed Project. As explained therein, although lower density subdivisions can have a greater risk of wildfires than clustered subdivisions, that is not necessarily the case with the Proposed Project, where the Project design incorporates features and systems that eliminate the differences (in terms of wildfire risks) between high density and lower density developments. Additionally, higher density residential developments have a greater potential for house-to-house ignition if fire-resistant construction methods and stringent defensible space requirements are not met.[7] Therefore, the conclusion in the EIR that the wildfire risks between Alternative C and the Proposed Project are similar is valid.

Further, as stated in the Findings of Fact and Statement of Overrides, the Applicant has submitted information indicating that they would expect significant price reductions for residential lots if they are unable

[7] University of California Agriculture and Natural Resources (UC ANR). 2020. Building to Coexist with Fire: Community Risk Reduction Measures for New Development in California. Available online at: https://anrcatalog.ucanr.edu/pdf/8680.pdf.

to offer larger estate lots, and resort amenities, which are in turn supported by the scale of homes and resort units within the community. Therefore, the extensive wildfire prevention and response measures outlined in the Wildfire Prevention Plan and other project commitments outlined in Table 4-2 of the MMRP (refer to **EIR Errata**) may be economically infeasible under Alternative C.

Response to Comment DOJ-05

The Findings of Fact and Statement of Overriding Consideration has been supplemented to provide additional detail and justification related to the rejection of Alternative C, including a citation to an updated economic feasibility analysis recently submitted to the County by the Applicant. As stated therein:

> The County concludes that the High Density Alternative (Alternative C) would eliminate the significant and unavoidable aesthetics impact resulting from development of future phases, but would fail to eliminate all other significant and unavoidable impacts of the Project, would only marginally reduce other impacts, if at all, and also is less capable of achieving the full array of project objectives. The High Density Intensity Alternative would not meet the objective of achieving a balance in housing densities consistent with a luxury resort. Specifically, the Applicant has submitted information indicating that they would expect significant price reductions for residential lots of at least 35-75% if they are unable to offer larger estate lots, and resort amenities, which are in turn supported by the scale of homes and resort units within the community[8]; therefore the financial feasibility of this alternative may be reduced. As a result, the Alternative would not be able to meet the Project objectives regarding provision of amenities and services to the same degree as the Proposed Project, and would result in fewer economic benefits associated with an increase in residential population and associated property taxes and spending within the County. For each of these reasons, each of which is independently sufficient, the County finds that specific economic, legal, social, technological, or other considerations make infeasible Alternative C and that the High Density Alternative does not warrant approval in lieu of the Proposed Project. Therefore, the County rejects the High Density Alternative.

Response to Comment DOJ-06

The Applicant has submitted several exhibits in response to this comment, included as Attachment B to this response to comments document. These exhibits include an evacuation plan map showing the emergency evacuation routes within the site and emergency access points, along with an additional exhibit illustrating the distance of proposed development to the on-site fire station.

Further, as discussed above, the MMRP has been revised to include project commitments related to wildfire, including a new commitment to prepare a Wildfire Emergency Evacuation Plan and maps as follows:

[8] IMI Worldwide Properties, "Market Analysis of Ultra High Net Worth Resort Communities, Low-Density Development; July 8, 2020

- An Emergency Evacuation Plan shall be provided to all residents, guests, and employees that identifies and describes emergency meeting areas, routes for safe egress, and protocol for fire safety. The plan shall be prepared consistent with the contents and information provided in the South Lake County Emergency Plan, and shall be provided to all guests that enter the property and posted within guest rooms. In addition, signage shall be installed for emergency meeting areas. The Wildfire Evacuation Plan must be prepared in cooperation with and approved by CalFire, the South Lake County Fire Protection District and the Lake County Sheriff Department.
- Establish a separate Road Network plan for Emergency Personnel Ingress & Egress that notes the roads dedicated only for emergency access occasions during interim construction and development.

Implementation of the project commitments is a condition of project approval will be monitored as part of the MMRP. And finally, the Final EIR has been supplemented to include additional analysis related to evacuation procedures. Please refer to the **EIR Errata** Document.

The commenter indicates that the EIR does not evacuate whether the roadway system within the site is adequate to accommodate the evacuation of residents while simultaneously allowing for emergency access. As noted on page 3.13-29 of the Final EIR, Volume II:

> Sufficient emergency access is determined by factors such as number of access points, roadway width, and proximity to fire stations. The land use plan for the Proposed Project would include three entrances on Butts Canyon Road. All lane widths within the Proposed Project would meet the minimum width that can accommodate an emergency vehicle; therefore, the width of the internal roadways would be adequate. In addition, with the proposed mitigations the addition of traffic from project traffic would not result in any significant changes to emergency vehicle response times in the area. Therefore, development of the Proposed Project would have less-than-significant impacts regarding emergency vehicle access.

All of the proposed project roadways would be 20' wide, enabling the passage of evacuating residents and incoming emergency vehicles. As shown in Attachment B, there are three driveways leading out onto Butts Canyon Road: an existing ranch road; an existing winery road; and a new road over two miles to the south at McCain Canyon Road. In addition, Grange Road, which extends from Highway 29 to the neighboring properties to the north, can be utilized by emergency vehicles for additional access, and can also be utilized as an alternate evacuation route. And, because there will be a fire station and Emergency Response Center on site, first responders will already be present during any emergency situation.

Furthermore, standards promulgated by the National Fire Protection Association that establish the number of means of access required for land developments indicate that for residential areas, the required number of access routes for projects with 101-600 households is two, and with over 600 households is three.[9] Thus, with three access points for ingress and egress, the Project is in compliance with this standard. Further, a

[9] *See* NFPA 1141, Table 5.1.4.1(a).

fourth emergency access and evacuation only driveway will be provided via existing ranch roads that connect to Grange Road located near the northwestern boundary of the site that would connect to SR-29.

Although the intersection of Butts Canyon Road and Highway 29 would operate at a level of service F with the addition of project related traffic, Mitigation Measure 3.13-1 requires the applicant to enter into an agreement with Caltrans, prior to issuance of any Project permits, for construction of a signal or roundabout at this location. As shown in Tables A1 and A2 of the Traffic Impact Analysis (Appendix TIA of the Draft EIR), all study area intersections would operate acceptably with the implementation of proposed traffic mitigation measures, including the intersection of Butts Canyon Road and SR-29.

Regarding the proposed on-site gathering places onsite. These gatherings are intended to facilitate orderly evacuation from the property in the event such is required. Residents and visitors who meet at these sites will be provided with instruction from staff and emergency personnel regarding the best means of evacuation.

Response to Comment DOJ-07

The commenter raises issues associated with road standards and dead-end road limitations.

The Project site is in a State Responsibility Area, which means the site is subject to the road standards outlined by the State's Fire Safe Regulations. The SRA Fire Safe Regulations (14 CCR § 1270.04), which were adopted in 1991, state that a local ordinance that is the same or more stringent than the state SRA Fire Safe Regulations applies instead of the state Regulations if the Board of Forestry and Fire Protection certifies the local ordinance as having the same practical effect as the state regulations.
The Lake County Fire Protection Standards ordinance was adopted in the 1970's and 1980's. Section 17-70 (adopted in 1972) allows for waivers or exceptions to the standards, and states: The terms of these Fire Protection Standards shall apply uniformly throughout the County of Lake to every subdivision or other residential development of land, except where conditions of water availability, topography or conditions of native vegetation are such that in the judgment of the responsible fire fighting agency the terms may be waived in greater or lesser degree consistent with protection of life and property. Lake County's administrative procedure is to verify that a project's road either meet the standards or demonstrate the same overall practical effect. The County does not utilize a formal exception application process but rather reviews the proposed road to ensure that the proposal meets the requirements or the "same practical effect" standard. Where a road begins with smaller parcels and progresses to larger parcels, the County measures the dead-end length against the size of the parcels served by that dead-end.

During the application process, the County and SLCFPD worked with the applicant to determine that length, width, slope and other aspects of the road network would allow for safe ingress and egress by visitors and residents, both on a day-to-day basis and in an emergency situation.

Condition of tentative map approval #6 requires that "Prior to recordation of the final maps, the interior roads shall be designed and constructed in accordance with the standards compiled and stated within the project's Development Agreement, which references Lake County Road, CalFire and AASHTO standards. Any revisions of these standards will require approval from the Department of Public Works through alternative design standards or a "deviation".

CBD - CENTER FOR BIOLOGICAL DIVERSITY, COMMENT LETTER, JULY 6, 2020

Response to Comment CBD-01

The Guenoc Valley Mixed-Use Project EIR prepared for the Proposed Project provides a thorough summary of the environmental impacts associated with the Proposed Project in full compliance with the California Environmental Quality Act (CEQA, Public Resources Code [PRC] §§21000-21178), and the CEQA *Guidelines* (California Code of Regulations [CCR], Title 14). The EIR was prepared by Analytical Environmental Services (AES), under the oversight of Lake County staff. AES has been in business since 2001, and has prepared over 1,000 environmental compliance documents for projects of varying magnitude and complexity to completion for an array of cities, counties, public agencies, and private firms. The conclusions of the EIR are based on factual scientific evidence, and are supported by the professional judgement and opinions of multiple technical experts, including, but not limited to 1) Ryan Sawyer, AES Vice President, and Environmental Scientist with more than 13 years of professional experience in the field of CEQA compliance. Ms. Sawyer has successfully managed and authored dozens of EIRs for various county, city, district, and state lead agencies. 2) Pete Bontadelli, Director of Biology and Permitting with over 30 years of experience working in environmental public policy. Mr. Bontadelli was a former Director of California Department of Fish and Wildlife. And 3) Sally Zeff, Project Director with over 30 years of experience in environmental consulting, management, permitting, mining consulting, and planning consulting. Ms. Zeff is a Certified Planner, American Institute of Certified Planners (AICP), No 6100. Additionally, the analysis in the EIR is supported by numerous technical studies prepared by highly qualified technical sub-consultants that are experts in the field, including:

- **WRA Environmental Consultants (WRA)** prepared the Phase 1 Biological Resources Assessment (Draft EIR, Appendix BRA1), Future Phases Biological Resources Assessment (Draft EIR, Appendix BRA2), Middletown Middletown Housing Site Biological Resources Assessment (Draft EIR, Appendix BRA), Aquatic Resource Delineation Report – Guenoc Valley Site (Draft EIR, Appendix WD), Middletown Wetland Delineation Middletown Housing Site (Draft EIR, Appendix WD-Middletown), and the Systematic review of habitat connectivity as proposed in the Guenoc Valley Mixed Use Project in relation to in the Mayacamas to Berryessa (M2B) Connectivity Network Report (M2B 2018) (Final EIR, Volume III, Appendix WILDLIFE) for the Proposed Project. Mike Josselyn, Senior Wetland Consultant, is an expert in the field of environmental consulting and wetland ecology. He participated as the lead biologist in numerous conservation plans and wetland mitigation and restoration projects. Mr. Josselyn's work includes publication of over 50 scientific articles and several books. Prior to his work with WRA, Mr. Josselyn worked as a Professor of Biology for over 20 years at San Francisco State University. Mr. Josselyn teaches the 40-hour Wetland Delineator Certification course and has consulted on international, federal, and state environmental matters with various agencies. Matt Richmond, Associate Principal, is trained and experienced in wetland delineation procedures and permitting required under Section 404 of the Clean Water Act, Section 10 of the Rivers and Harbors Act, and the California Coastal Act. Mr. Richmond has conducted numerous wetland delineations and managed permit applications, including Army Corps of Engineers Nationwide Permits, Regional Water Quality Control Board Water Quality Certifications, and California Department of Fish and Wildlife Streambed Alteration Agreements. In addition, he has conducted a wide variety of Coastal Act wetland delineations in

the California Coastal Zone. Mr. Richmond received a B.S. in Biology from Humboldt State University where he focused on plant and dune ecology and works in the Conservation Strategies department at WRA, where he oversees the entitlement and management of mitigation and conservation banks as well as single user mitigation projects. He has extensive protocol-level rare plant survey and vegetation classification/mapping experience in a variety of California habitats including North Coast coniferous forest, coast redwood forest, pygmy forest, closed-cone coniferous forest, coastal prairie, coastal scrub, coastal dune, serpentine, grassland, oak woodland, riparian, and coastal salt marsh. Additionally, Mr. Richmond is experienced in surveying and managing for numerous federally listed wildlife species including: California red-legged frog, salt marsh harvest mouse, Ridgeway's rail, marbled murrelet, northern spotted owl, Point Arena mountain beaver, and Behren's silverspot butterfly.

- **Saxelby Acoustics LLC (Saxelby)** prepared the Traffic Noise Memorandum (Draft EIR, Appendix NOISE) for the Proposed Project. Saxelby Acoustics was formed in 2017 by Luke Saxelby. Mr. Saxelby is a board certified member of the Institute of Noise Control Engineering (INCE) and has been providing acoustic services to clients for 17 years. Prior to establishing Saxelby Acoustics, Mr. Saxelby worked in the positions of Senior Consultant and Vice President at J.C. Brennan & Associates, Inc. based in Auburn, California from 2006 to 2017. Saxelby Acoustics provides consulting services in acoustical design, noise control engineering, and vibration isolation to clients throughout the United States. Mr. Saxelby has been practicing acoustic and noise control engineering for the past 15 years and is a Board Certified member of the Institute of Noise Control Engineering (INCE). He is an expert in the requirements of the California Environmental Quality Act (CEQA) relating to noise impacts and has been involved in the preparation of hundreds of noise studies, including CEQA Environmental Impact Reports (EIR) and Mitigated Negative Declarations (MND). He is also a recognized expert witness in issues relating to building acoustics and noise control and has given testimony on various legal projects including construction defect claims and CEQA litigation.
- **Abrams Associates Traffic Engineering, Inc. (Abrams)** prepared the Traffic Impact Analysis (Draft EIR, Appendix TIA) for the Proposed Project. Abrams specializes in traffic engineering and transportation planning and has over 30 years of experience in providing traffic engineering services for a wide variety of projects. Mr. Abrams has over 18 years of experience in traffic engineering and transportation planning, and has prepared hundreds of traffic impact studies for both large and small projects. He is a specialist in the review of CEQA and NEPA legal issues as they relate to traffic and transportation. Mr. Abrams also has a broad range of traffic engineering experience that includes many complex studies of public transportation, construction traffic control, pedestrian and bicycle analyses, accident analyses, and development of transportation systems management (TSM) programs.
- **Fehr and Peers** prepared the Transportation Demand Management Plan (Final EIR, Volume III, Appendix TDM) for the Proposed Project. Fehr and Peers, as a firm, has over 35 year of experience specializing in transportation progress. Mike Hawkins, a senior transportation engineer/planner at Fehr & Peers has served as project manager on a wide variety of projects, from large-scale transportation impact studies that require the most advanced, state-of-the-practice analysis techniques, to transportation demand management studies that focus on creative ways to reduce vehicle miles traveled. Mr. Hawkins has also been the technical leader on many challenging, high-profile projects throughout San Francisco, Napa, and San Mateo Counties.

- **Sherwood Design Engineers (Sherwood)** prepared the Earthwork Plan (Draft EIR, Appendix GRADING), Stormwater Design Report Middletown (Draft EIR, Appendix STORMMID), Stormwater Design Report (Draft EIR, Appendix SW), Water Demand Technical Memo and Water Infrastructure Plan (Draft EIR, Appendix WATER), and Wastewater Feasibility Study (Draft EIR, Appendix WW), for the Proposed Project. Peter Haase, Principal, is a Registered Professional Civil Engineer in the State of California with over 35 years of processional experience in the field of civil, environmental, and water resources engineering and international development in the water, sanitation, and hygiene sector. Mr. Haase, has completed a broad range of engineering design and planning studies throughout California and in an expert in ecological engineering and constructed wetland treatment systems.
- **Luhdorff & Scalmanini (LS)** prepared the Water Supply Assessment, (Draft EIR, Appendix WSA) for the Proposed Project. LS was founded in 1980, by Eugene E. Luhdorff Jr. and Joseph C. Scalmanini. Both Mr. Luhdorff and Mr. Scalmanini received the prestigious Lifetime Achievement Award bestowed by the Groundwater Resources Association of California (GRA). This award is presented to individuals who are pioneers in their field of expertise and demonstrate exemplary contributions to the groundwater industry. The firm's president, Vicki Kretsinger Grabert, was GRA's founding president (1992-1993), and served on the GRA's board of directors until 2014, and continues to serve as an Emeritus Director. As a firm, LS has over 40 years of experience working on groundwater issues in the state of California.
- **Wagner & Bonsignore Consulting Civil Engineers (Wagner & Bonsignore)** prepared the Estimate of Water Availability for Proposed Vineyard and Maha Resort Developments on the Langtry Farms Property in Guenoc Valley Memorandum (reference cited in the Draft EIR, Appendix WSA) for the Proposed Project. Wagner & Bonsignore have extensive experience in the field of general civil engineering and consulting services related to water resources management and water right analysis. The firm's areas of expertise include regulatory permit administration, hydrologic studies, groundwater and surface water adjudications, general engineering design of water storage and conveyance facilities, and litigation support. Nicholas F. Bonsignore is a principal of the firm of Wagner & Bonsignore, Consulting Civil Engineers, with over 34 years' experience in water resources engineering. Mr. Bonsignore's specific areas of practice include acquisition and administration of appropriative water rights pursuant to Title 23 of the California Code of Regulations; hydrologic analyses in connection with water availability studies and water diversion projects; and design of water diversion, storage and conveyance facilities including pipelines, pump stations, and dams and reservoirs. Mr. Bonsignore provides consulting services to a wide variety of public and private sector clients including water districts, private water companies, large and small corporate-owned entities, attorneys, and small proprietors and individuals. He has represented clients before the California State Water Resources Control Board, Division of Water Rights, concerning acquisition, modification, and licensure of appropriative water rights; coordination of environmental processing to address California Environmental Quality Act requirements; and monitoring and annual reporting of water diversion and use. Mr. Bonsignore has designed numerous water storage reservoirs, vineyard irrigation and frost protection systems, and erosion control plans. He has also designed and/or supervised the construction, modification, or repair of over 20 earthen dams under the jurisdiction of the California Division of Safety of Dams.

The County and AES coordinated throughout the preparation of the EIR to ensure that the methodology and assumptions used in the analysis would not only satisfy CEQA, but provide the County with the level

of detail needed to make an informed decision on the Proposed Project. Consultation included numerous, sometimes weekly, conference calls and countless emails, as well as the County's thorough review of administrative drafts of the EIR. The administrative drafts of the EIR were not only reviewed by the Community Development Department, relevant sections were also reviewed by other departments and legal counsel to ensure accuracy and completeness.

Responsible Agencies and permitting agencies, including but not limited to the California Department of Fish and Wildlife (CDFW), Central Valley Regional Water Quality Control Board (CVRWCB), State Water Resources Control Board (SWRCB), Lake County Air Pollution Control District (Lake County APCD), Lake County Sherriff's Department, CalFire, Lake County Farm Bureau, Lake County Local Agency Formation Commission (LAFCO), South Lake County Fire Protection District (SLCFPD), and Callayomi County Water District were consulted throughout the CEQA process. Coordination meetings, conference calls and/or written communications were held with all of the agencies listed above, and relevant sections of the administrative draft EIR were also sent to Lake County APCD, Sheriff's Department, CalFire, and SLCFPD prior to public release of the document. AES and the County consulted directly with the resource agencies to resolve any questions or concerns during their review of not only the administrative draft EIR, but the public Draft EIR as well.

The Final EIR, consisting of over 1,000 pages, including 282 pages of responses to comments, takes a very hard look at the potential for impacts to occur as a result of the project. Thus, the potential for environmental impacts resulting from the project has been thoroughly vetted through the CEQA review process.

Compliant with CEQA *Guidelines* §15151, the EIR provides a sufficient degree of analysis to provide decision makers with the necessary information to determine the environmental consequences of the Proposed Project. CEQA *Guidelines* §15151 also states:

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

The EIR identifies all less-than-significant, potentially significant, significant, and significant and unavoidable impacts of the Proposed Project. For those impacts determined to be potentially significant, significant, or significant and unavoidable, feasible mitigation measures and feasible project alternatives are recommended and analyzed for their ability to reduce project impacts to less-than-significant levels.

Response to Comment CBD-02

The commenter states that the mitigation ratios provided for impacts to sensitive habitats are insufficient and that success criteria are inadequate to ensure completion of mitigation. The Final EIR provides for the options of preservation, restoration, or creation of in-kind at a minimum ratio of two acres preserved for every acre of impact in Section 3.4.5 of Volume II, Revised EIR. This mitigation measure has been revised to note that preservation of existing sensitive habitats is the preferred method of mitigation.

The commenter expresses additional concerns over the adequacy of defined success criteria. A summary of success criteria and adequacy is provided by habitat type below.

- Purple needlegrass: The Final EIR restricts restoration and creation activities to non-sensitive grasslands and herb-dominated communities to ensure that mitigation efforts are within areas suitable for grasslands and would not impact additional sensitive habitats. Mitigation would not be deemed complete until mitigation resulted in a percent native plant cover that meets or exceeds that of impacted habitat.

  Because mitigation is required to be "in-kind," the habitat restoration and creation activities would be held to the definition of purple needlegrass based on the methodology used in identifying this habitat type. This habitat type was determined to be sensitive based on CDFW's Vegetation Classification and Mapping Program. This Program sets forth proper survey methods and habitat classifications in the *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities*. In order to meet the requirement of "in-kind" mitigation, monitoring surveys would be performed in accordance with this protocol, and the resulting mitigation area must meet the definition of purple needlegrass. Because presence or absence of wildlife species does not dictate vegetation classification, collection of this data is not required per the mitigation. Based on this classification, purple needlegrass must display the following characteristics[10]:

  - *Nassella pulchra*: greater than 5 percent absolute cover as a characteristic to dominant species in the herbaceous layer.
  - *Nassella pulchra*: usually greater than 10 percent relative cover of the herbaceous layer.
  - *Nassella pulchra* or *Nassella cernua*: present in the herbaceous layer with at least 2 percent absolute cover.
  - *Nassella pulchra* or other *Nassella sp.* have a clear presence with greater than 5 percent absolute cover in the herbaceous layer.
  - *Nassella cernua*: greater than 30 percent relative cover in the herbaceous layer as a characteristic grass.
  - *Melica californica* and/or *Nassella pulchra*: greater than 30 percent relative cover in the herbaceous layer. Other species including *Achnatherum lemmonii*, *Avena spp.*, *Bromus spp.*, *Hemizonia congesta*, *Lolium perenne*, *Plantago erecta*, and/or *P. lanceolata* may intermix as dominant, co-dominant or characteristic taxa in associations of this alliance
  - *Melica torreyana*: greater than 30 percent relative cover in the herbaceous layer with an emphasis on presence in areas of serpentine soils

  Please note that this habitat type falls within the needle grass – melic grassland alliance, and has been described to the level of association in the Final EIR. The needle grass – melic grassland alliance is not considered a sensitive habitat type by CDFW, however, the Final EIR acknowledges

[10] California Native Plant Society (CNPS), 2020. A Manual of California Vegetation, Online Edition. http://vegetation.cnps.org/alliance/536. Accessed July 2020.

the importance of native grasslands and identifies this sensitive association. This generally exceeds the level of specificity required in identifying and mitigating impacts under CEQA as associations are considered a sub-set of alliances, or habitat types. Therefore, mitigation presented in the Final EIR provides mitigation for this association above and beyond what is generally required for impacts to sensitive habitats based on CDFW's sensitivity ranking system.

- Musk-brush chaparral: A small portion of the Guenoc Valley Site contained areas of serpentine soils dominated by *Ceanothus jepsonii*, which did not precisely fit into a habitat category described in the literature. This habitat was determined to be sensitive as it most closely resembles a leather oak – musk brush provisional association, which is a sensitive association. This generally exceeds the level of specificity required in identifying and mitigating impacts under CEQA as associations are considered a sub-set of alliances, or habitat types. Therefore, mitigation presented in the Final EIR provides mitigation for this association above and beyond what is generally required for impacts to sensitive habitats based on CDFW's sensitivity ranking system.

  Because mitigation in required to be "in-kind," the habitat restoration and creation activities would be held to the definition of musk-brush chaparral based on the methodology used in identifying this habitat type. Therefore, this habitat type would display serpentine soils dominated by *Ceanothus jepsonii*, with minimal to no tree cover, and an herbaceous layer that is sparse to dense.

- White alder grove: The Final EIR restricts restoration and creation activities to riparian areas exhibiting invasive vegetation encroachment or bank stabilization issues and would not impact additional sensitive habitats. Mitigation would not be deemed complete until mitigation resulted in success of 75 percent of the mitigation area.

  Because mitigation is required to be "in-kind," the habitat restoration and creation activities would be held to the definition of white alder grove based on the methodology used in identifying this habitat type. This habitat type was determined to be sensitive based on CDFW's Vegetation Classification and Mapping Program. This Program sets forth proper survey methods and habitat classifications in the *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities*. In order to meet the requirement of "in-kind" mitigation, monitoring surveys would be performed in accordance with this protocol, and the resulting mitigation area must meet the definition of white alder grove. Because presence or absence of wildlife species does not dictate vegetation classification, collection of this data is not required per the mitigation. Based on this classification, white alder groves must display the following characteristics[11]:

  - *Alnus rhombifolia*: greater than 30 percent relative cover in the tree canopy
  - *Alnus rhombifolia*: greater than 5 percent absolute cover in the tree canopy; dominant plants are mature trees

[11] California Native Plant Society (CNPS), 2020. A Manual of California Vegetation, Online Edition. http://vegetation.cnps.org/alliance/13. Accessed July 2020.

- *Alnus rhombifolia*: greater than 50 percent relative cover in the tree canopy; it does not co-dominate with conifers
- *Alnus rhombifolia*: comprises greater than 10 percent absolute cover in the tree canopy; *Salix sp.* cover in the understory may be significantly higher than *A. rhombifolia* but *Quercus lobata* is less than 5 percent cover

Please note that this alliance is not by itself considered a sensitive habitat type by CDFW, however, the Final EIR acknowledges the importance of riparian-type habitats and provides mitigation for this habitat type as a riparian vegetative community, which exceeds the level of mitigation required solely by the methods presented in *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities.*

The qualified biologist would also consider establishment of species and may extend the management and monitoring should environmental indicators such as plant health demonstrate that, even though vegetative cover qualifies the area as Brewer willow thicket, the vegetation is not sufficiently established to be deemed complete.

- Brewer willow thicket: The Final EIR restricts restoration and creation activities to riparian areas exhibiting invasive vegetation encroachment or bank stabilization issues and would not impact additional sensitive habitats. Mitigation would not be deemed complete until mitigation resulted in success of 75 percent of the mitigation area.

  Because mitigation is required to be "in-kind," the habitat restoration and creation activities would be held to the definition of Brewer willow thickets based on the methodology used in identifying this habitat type. This habitat type was determined to be sensitive based on CDFW's Vegetation Classification and Mapping Program. This Program sets forth proper survey methods and habitat classifications in the *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities*. In order to meet the requirement of "in-kind" mitigation, monitoring surveys would be performed in accordance with this protocol, and the resulting mitigation area must meet the definition of Brewer willow thicket. Because presence or absence of wildlife species does not dictate vegetation classification, collection of this data is not required per the mitigation. Based on this classification, Brewer willow thickets must display the following characteristics[12]:

  - *Salix breweri*: greater than 50 percent relative cover in the shrub layer.
  - Shrub canopy is open to intermittent. Herbaceous layer is open.

  The qualified biologist would also consider establishment of species and may extend the management and monitoring should environmental indicators such as plant health demonstrate that, even though vegetative cover qualifies the area as Brewer willow thicket, the vegetation is not sufficiently established to be deemed complete.

[12] California Native Plant Society (CNPS), 2020. A Manual of California Vegetation, Online Edition. http://vegetation.cnps.org/alliance/276. Accessed July 2020.

- Sargent cypress forest: The Final EIR identifies that Sargent cypress forests, as described by *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities* are those areas with stands of *Callitropsis sargentii* achieving a tree canopy cover of 50 percent or greater[13]. On the Guenoc Valley Site, this tree competes with non-sensitive foothill pines. Therefore, enhancement through removal of competing foothill pines within two acres for every acre impacted is required once annually for five years in order to enhance this habitat type. Alternatively, replanting at a 2:1 ratio with 5 years of monitoring and a minimum 75 percent success rate was identified as an alternative form of mitigation.

- Native grasslands: A portion of the Middletown Housing Site was identified as having native grasslands. Please refer to the summary for purple needlegrass above for a discussion on native grass mitigation.

- Aquatic habitat: The Final EIR recognizes the importance of aquatic habitat and considers these habitats to be sensitive. Additionally, these habitats have the potential to be jurisdictional and subject to permitting for impacts. Therefore, mitigation ratios presented within the Final EIR are minimum standards subject to the final permitting requirements for the Proposed Project. A preliminary delineation of aquatic resources on the Guenoc Valley Site determined that the majority of aquatic features are interconnected in a hydrological network. The full extent of waters of the U.S. or state can only be determined by the U.S. Army Corps of Engineers and the Regional Water Quality Control Board. These jurisdictional agencies have had the opportunity to comment on the Draft EIR and will set the mitigation terms and conditions within the permits required for construction of the Proposed Project.

The commenter states that preservation should be considered the mitigation method priority. The goal of the Final EIR is to prioritize the preservation of existing sensitive habitats. As presented within Mitigation Measure 3.4-15 presented within Section 3.4.5 of Volume II of the Final EIR, preservation is presented as the leading mitigation option, noting that "The Applicant may additionally satisfy the 2:1 mitigation ratio through restoration, creation, and/ or enhancement of in-kind habitat." To clarify, Mitigation Measure 3.4-15 has been revised to state that use of preservation to satisfy the 2:1 mitigation ratio shall be maximized.

The Final EIR includes long-term and annual monitoring and reporting of habitat restoration and creation areas with adaptive management provisions to ensure success of mitigation. While mitigation would not be deemed complete until establishment of vegetation and achievement of in-kind activities as described above, a minimum five years of monitoring requirements have been included to Mitigation Measure 3.4-15 and 3.4-17. The use of "in-kind" has been defined within Mitigation Measure 3.4-15.

A mitigation ratio of 2:1 generally serves to offset project impacts. Regarding restoration, creation, and enhancement; for each acre of sensitive habitat impacted, two acres of habitat would be restored, created, and/or enhanced. A 75 percent success rate would mean that, following completion of mitigation, a

[13] California Native Plant Society (CNPS), 2020. A Manual of California Vegetation, Online Edition. http://vegetation.cnps.org/alliance/26. Accessed July 2020.

minimum net of 1.5 acres would be fully restored, created, or enhanced. Use of a 2:1 mitigation ratio has been deemed acceptable throughout Lake County on various previous projects.

The use of "other indicators" when defining key monitoring items allows for the qualified biologist to recommend adaptive management techniques based on conditions on the ground at the time of monitoring surveys. While vegetative communities are described by the plants present within a given area, the mitigation allows for the qualified biologist to present adaptive management techniques that are based on a holistic evaluation of a restoration area rather than being confined to the strict definition of habitat types as discussed above, which generally only considers percent cover by species.

The commenter additionally questions if the overall level of impacts is minimized through avoidance. As stated within Mitigation Measure 3.4-15 (Section 3.4.5 of Volume II, Revised EIR), "Sensitive habitats shall be avoided to the maximum extent feasible. In areas where full avoidance of sensitive habitat types is not possible, mitigation shall occur as described below." Therefore, the Final EIR prioritizes avoidance of impacts and provides mitigation for impacts that cannot be avoided. Because final placement of residential housing units will not be known until after the sale of individual lots, the full extent of avoided sensitive habitats is not known.

Response to Comment CBD-03

Riparian habitats often display high levels of biodiversity and can serve as suitable habitat for a variety of species. On the Guenoc Valley Site, the following riparian habitats were identified: valley oak woodland, brewer willow thicket, and white alder groves. These habitats are considered to be sensitive habitats by the Final EIR. This comment is similar to Comment O10-13 and O10-14 provided by the commenter on the Draft EIR. As noted in the Response to Comments within Volume I of the Final EIR, "Inclusion of anadromous fish and California freshwater shrimp in the commenter's discussion implies that steelhead trout and other anadromous fish and California freshwater shrimp are present on the Guenoc Valley Site or would be potentially affected by the Proposed Project. Anadromous fish, including steelhead, are not present on the Guenoc Valley Site and vicinity due to barriers to anadromy created by Lake Berryessa[14]. California freshwater shrimp do not occur in Lake County, much less the Guenoc Valley Site."[15]

The commenter additionally states that the Final EIR disregards the commenter's previous comments on the Draft EIR and quotes the following statement from the Final EIR, "While the statements that the commenter makes may be true for a given species within a specific context, they generally do not apply within the context of the Proposed Project and Lake County on the whole. (FEIR at 3-49)." This response is directly tied to claims made by the commenter related to wildlife movement that were based on scientific literature that largely did not include species with the potential to occur on the Project Site. The Final EIR acknowledges that the literature cited may provide valuable information in the appropriate context, but that analysis and mitigation related to wildlife movement from impacts of the Proposed Project should be based on species that may actually occur on the Guenoc Valley Site.

[14] CalFish, 2020. California Fish Passage Assessment Database. Available online at: https://www.calfish.org/ProgramsData/HabitatandBarriers/CaliforniaFishPassageAssessmentDatabase.aspx.
[15] USFWS, 2017. California Freshwater Shrimp Species Information. Available online at: https://www.fws.gov/sacramento/es_species/Accounts/Invertebrates/ca_freshwater-shrimp/.

The Final EIR acknowledges that the Guenoc Valley Site is in an area that has been previously identified as having high riparian permeability. It should be noted that terrestrial permeability was analyzed to be moderate. This comment is similar to Comment O10-13 provided by the commenter on the Draft EIR, and provides the same incorrect aquatic habitat acreages and statements regarding jurisdictional habitat as the precious comment letter. As stated in the response to Comment O10-13 within Volume I of the Final EIR, "Habitat acreages on the Guenoc Valley Site are shown in Table 3.4-1 presented within Section 3.4.2 of the Draft EIR. The commenter is incorrect in stating that the Guenoc Valley Site contains 200 acres of riparian habitat. The Guenoc Valley Site contains approximately 200 acres of streams and drainages, including agricultural drainages that lack riparian vegetation, as presented in Table 3.4-1 of the Draft EIR. As further discussed in Section 3.4.2 of the Draft EIR, and in Appendix BRA1 and BRA2 of the Draft EIR, riparian habitat on the project site includes areas of valley oak woodland, brewer willow thicket, and white alder groves. These habitats total 63.8 acres. The commenter is correct in stating that the Guenoc Valley Site supports over 400 acres of emergent wetlands, and over 650 acres of ponds and reservoirs. The full extent of jurisdictional wetlands or waters of the U.S. or state can only be determined by the U.S. Army Corps of Engineers and the Regional Water Quality Control Board, respectively."

It is incorrect to state that the Final EIR relies solely on County setback requirements to protect riparian habitat. As stated in the response to Comment O10-13 in Volume I of the Final EIR, "Use of setbacks to the outer edge of riparian habitat ensures that sensitive riparian vegetation is protected. For example, under Mitigation Measure 3.4-17, a setback is required 20 feet from the top of bank of any intermittent stream, consistent with Lake County Code. However, should an intermittent stream display a riparian corridor wider than 20 feet from the top of bank, Mitigation Measure 3.4-17 would require setbacks to extended to the edge of riparian vegetation. Thus, setbacks for aquatic habitat would be equal to setbacks required by Lake County code, or to the edge of riparian vegetation, whichever is greater." The vast majority of riparian habitat on the Guenoc Valley Site (96.6 percent) falls outside of the Area of Potential Effects. Note that there are no vernal pools on the Guenoc Valley Site.

It is incorrect to state that the Final EIR dismisses the previous study of wildlife movement and habitat connectivity on the Guenoc Valley Site. This citation (Gray et al. 2018 of the comment letter) is referred to as the "Mayacamas to Berryessa Study," or the "M2B Study" in Section 3.4 of the Draft EIR. In response to public comments on the Draft EIR, additional analysis on the data provided in the M2B Study was completed. Please refer to the response to Comment A6-08 and Comment O3-03 within Volume I of the Final EIR for a complete description of this supplemental analysis, and resulting revisions to the Draft EIR.

It should be noted that a significant portion of the natural riparian habitat and high-quality aquatic habitat on the Guenoc Valley Site would be preserved through dedicated open space, Habitat Connectivity Easements, and other development restrictions. In general, these protections would provide setbacks from development that greatly exceed the requirements set forth in Mitigation Measure 3.4-17 found within Section 3.4.5 of Volume II of the Final EIR. Setting a blanket setback requirement would result in unnecessary protections of lower-quality habitat, such as agricultural drainages with no supporting riparian vegetation. The Final EIR therefore targets high-quality aquatic habitat for preservation and provides additional protections to aquatic habitat within the Area of Potential Effects.

Response to Comment CBD-04

The commenter provides documentation of maximum dispersal capability of FYLF and WPT as they did in their comments on the Draft EIR. Species of special concern, including foothill yellow-legged frog (FYLF) and western pond turtle (WPT), are considered in the CEQA process (and in permits issued by the CDFW, at their discretion), though individuals and habitat for these species is not explicitly protected, as they are not listed under the California Endangered Species Act (CESA) of Federal Endangered Species Act. Both the Draft EIR and the Final EIR evaluated the potential impacts to both FYLF and WPT and determined that impacts to individuals could arise from construction activities, and that these impacts may be potentially significant under CEQA, if not mitigated. In order to mitigate these impacts to a less than significant level, the Final EIR has developed measures to minimize impacts during construction, including preconstruction surveys that extend beyond the impact footprint to ensure that if FYLF or WPT are in the area, they are avoided. These measures are included as Mitigation Measure 3.4-10 and 3.4-11 are presented within Section 3.4.5 of Volume II of the Final EIR. In response to the Center for Biological Diversity's comment on the Draft EIR, these mitigation measures were refined to better detail survey protocols for both FYLF and WPT to ensure that impacts to these species are minimized. The FYLF surveys and timing of mitigation are designed based on generally accepted methods for the species in parts of its range where it is CESA-listed, though the clade on the Guenoc Valley Site is not CESA-listed. The WPT surveys are based on commonly used methods for identifying and mitigating impacts to this species throughout its range, and meet or exceed precedence. As such, the measures prescribed in the FEIR meet or exceed the requirements to avoid significant impacts to FYLF and WPT.

Setbacks

In the case of the Guenoc Valley Site, most of the intermittent and ephemeral streams are small and have very narrow or non-existent riparian zones. As observed during extensive biological surveys of the Guenoc Valley Site, the majority of the ephemeral streams do not support any riparian vegetation, because they are not inundated long enough, and generally carry water only immediately after a rain event. As a result, the 20-foot minimum setback prescribed for ephemeral streams is conservative. Similarly, most of the intermittent streams have narrow or absent riparian areas and as such, the prescribed setback is appropriate. However, should an intermittent stream display a riparian corridor wider than 20 feet from the top of bank, Mitigation Measure 3.4-17 as presented within Section 3.4.5 of Volume II of the Final EIR would require setbacks to extended to the edge of riparian vegetation. Thus, setbacks for aquatic habitat would be equal to setbacks required by Lake County code, or to the edge of riparian vegetation, whichever is greater. A larger, 30-foot minimum setback is prescribed for perennial streams. Though perennial streams on the Guenoc Valley Site often have riparian zones, they are narrow in comparison to streams of equal size in more coastal areas, or compared to places with more well-developed soils. Therefore, the 30-foot setback is sufficient to protect them. Please note that the setbacks prescribed in the FEIR are minimums. The majority of perennial streams, which have relatively higher habitat function for semi-aquatic special-status species, such as FYLF and WPT, are avoided by much greater distances due to the design of the open space, which is preferentially designed around these habitats. Additionally, the vast majority of riparian habitat on the Guenoc Valley Site falls outside of the Area of Potential Effects, except during protective, exclusionary activities during construction.

Setbacks prescribed in the FEIR meet precedent for the aquatic habitats in Lake County. These setbacks consider the conditions on the ground where they are applied, and are designed to preserve the ecological

function of habitats. These setbacks provide a protective buffer between habitats and potential impacts of the Proposed Project. The setbacks prescribed in the FEIR have been reviewed by a team of local biologists who have extensive experience assessing the natural resources both in the region and at the Guenoc Valley Site. The assessments performed by these biologists have been reviewed and commented on (if desired) by the applicable responsible agencies who also have extensive experience in the region. These experienced, local biologists and regulators are familiar with the CEQA process and understand the thresholds of significance that are applied through CEQA. The Final EIR's determinations of significance and the mitigation measures contained therein represent the consensus of dozens of local experts and years of study of the Guenoc Valley Site.

Please note that, through project design and mitigation, that the Proposed Project includes significant areas of open space that are designed to allow for wildlife movement and minimize impacts in areas of impact. Therefore, it is not anticipated that FYLF and WPT will be fully excluded or entirely prohibited from dispersal even within the Area of Potential Effects.

Response to Comment CBD-05

The commenter states that surveys were insufficient to detect presence of California red-legged frog (CRLF), that the Guenoc Valley Site is within the current and historical range of this species, and that there are several recorded observations of CRLF in Lake County. A review of the two sources provided by the commenter show no historical occurrences of CRLF on the Guenoc Valley Site, and show a current habitat distribution that does not include the Guenoc Valley Site[16]. A total of four CRLF observations were noted within Lake County in the years 1945, 1959, and 1961 and were retained as museum specimens that were identified following collection. Reasons why these data are not included within the California Fish and Wildlife's California Natural Diversity Database are unknown, as this database generally includes this type of data. The Final EIR does not consider four observations within the County in excess of 50 years ago to be indicative of the species current potential to occur on the Guenoc Valley Site.

Despite the lack of current evidence that CRLF may occur on the Guenoc Valley Site, the Biological Resources Assessments completed for the Proposed Project (Appendix BRA1 and BRA2 of the Draft EIR) surveyed for this species and analyzed the quality of potential habitat to determine the potential for occurrence. It was noted that aquatic habitats on the Guenoc Valley Site were "infested with invasive American bullfrogs and sport fishes, including largemouth and smallmouth bass, bluegill, and green sunfish. Additionally signal-band crayfish were also observed in several of the habitats. Red swamp crayfish were observed in at least one area. The presence and density of these invasive aquatic species was determined to preclude the presence of CRLF from inhabiting the surveyed aquatic habitats." Because the Guenoc Valley Site is outside of the current range of this species, and because aquatic habitat on the Guenoc Valley Site is not suitable for this species, it was determined that there was no potential for CRLF to occur. Therefore, protocol level surveys to establish presence or absence of this species were not warranted, and requiring over 500-foot habitat buffers for this species is not necessary.

[16] AmphibiaWeb, 2020. AmphibiaWeb BerkleyMapper, University of California, Berkeley. Available online at: https://amphibiaweb.org/cgi/amphib_query?where-genus=Rana&where-species=draytonii&account=amphibiaweb. Accessed July 2020.

Response to Comment CBD-06

The commenter suggests that the 20 to 30 foot setbacks would be insufficient to maintain water quality such that habitat surrounding aquatic resources would be degraded and would significantly impact the Pacific Flyway. Please note that the setbacks afforded by Mitigation Measure 3.4-17 are not the only mitigation proposed to ensure water quality on the Guenoc Valley Site. Mitigation Measures 3.9-1 and 3.9-2 included in Section 3.9.5 of Volume II of the Final EIR provide additional protections to surface water quality. Impact 3.9.1 of Section 3.9.4 of Volume II of the Final EIR analyzes the Proposed Project's potential to degrade surface and ground water quality. It was determined that the Proposed Project would not significantly degrade surface or ground water quality with the inclusion of mitigation. The commenter fails to identify what aspect of the Proposed Project would lead to degraded water quality, therefore a more specific response cannot be provided. Additionally, the Pacific Flyway is approximated to cover nearly 1.3 million square miles, of 832,000,000 acres.

Please refer to the response to **Comment CBD-04** regarding setbacks. The commenter states that the open space mitigation ratio should exceed 1:1. The requirement to preserve one acre of open space for every acre of impact is not a component of the Proposed Project. This mitigation is found as Mitigation Measure 4.8.8 within the Mitigation, Monitoring, and Reporting Program in the 2009 Final EIR for the Guenoc Valley Water Rights Modification Project. This mitigation is part of an approved and ongoing project separate and apart from the Proposed Project. Mitigation related to the Guenoc Valley Water Rights Modification Project is not under analysis. Please refer to Impact 3.4-4 within Section 3.4.5 of Volume II of the Final EIR for a discussion on the Proposed Project's impacts to open space and wildlife movement pathways.

The Open Space Plan was developed as a component of mitigation required within the Mitigation, Monitoring, and Reporting Program in the 2009 Final EIR for the Guenoc Valley Water Rights Modification Project. It is therefore an existing and approved plan, the requirements of which are not subject to analysis for the Proposed Project. The amendment to the Open Space Plan identifies those areas where the Proposed Project was in conflict with the existing Open Space Plan and provides an amendment to the open space boundaries to prevent the Proposed Project from conflicting with the Open Space Plan. Please refer to the Amendment to the Open Space Plan (Revised Appendix OSPP in Volume III of the Final EIR) for a complete discussion on the Proposed Project's consistency with the Open Space Plan. The Amendment to the Open Space Plan identifies 2,765 acres of open space available for preservation and identifies sensitive biological resources that were not included within the previous open space area, such as a large portion of Bucksnort Creek and its associated riparian corridor, sensitive habitats, and special-status plants.

The Project was analyzed for potentially significant impacts as required by CEQA, using the threshold criteria presented therein. The Final EIR did not determine that edge effects from the would render the proposed wildlife movement pathways unusable based on the types of wildlife found on the site, the existing condition of the site, the relatively low density of the proposed development, and the large proportion of dedicated open space, un-impacted open space, and preserved areas. Note that, in areas where identified pathways occurin proximity to development, that such development would consist of low-density impacts with minimal use of fencing that is subject to the wildlife-friendly requirements outlined in Mitigation Measure 3.4-19 included in Section 3.4.5 of Volume II of the Final EIR. During the comment period, concerns about

wildlife connectivity were raised. In response to comments requesting additional information on habitat connectivity, the Final EIR included a supplemental study of habitat connectivity, and refined existing mitigation measures to further minimize the impact of the Proposed Project on wildlife corridors. This study was included as Appendix WILDLIFE within Volume III of the Final EIR and relied on the Gray *et al* study (referenced in supporting documents as the M2B Study). This attachment provided a Geographic Information Systems analysis of the habitat connectivity in the region, describing and prioritizing conservation of linkages between significant protected habitat areas. The supplemental study confirmed that the Proposed Project's effect on wildlife connectivity was less than significant. However, this study also identified opportunities for the Proposed Project to further minimize Phase 1 and Future Phases impacts on wildlife connectivity. As a result, the design guidelines developed measures to facilitate the inclusion of these areas into habitat connectivity easements. These additive features are prescribed in the FEIR and are designed to maintain or enhance permeability of the site for all species of wildlife, with a particular emphasis on maintaining regional connectivity.

Response to Comment CBD-07

The Final EIR acknowledges that, while many of the proposed roadways occur along existing farm roads, the increase in use along these road would generate additional noise. Table 3.10-9 presented within Section 3.10.4 in Volume II of the Final EIR identifies the increase in noise projected as a result of the Proposed Project along roadways beyond the Guenoc Valley Site. The source cited by the commenter identified the effects of producing simulated roadway noise within an area devoid of roadways. The Proposed Project differs from this study in that the roadways are largely existing. However, the study noted that an increase of 11 dB when compared to ambient noise levels produced the observed effects for metrics analyzed along what the study referred to as the "phantom road." As shown within Table 3.10-9 presented within Section 3.10.4 in Volume II of the Final EIR, increases from baseline roadway noise would generally be less than 1 dB, and would reach a maximum increase of 4.8 dB.

Within the Project Site, existing roadways are largely utilized by agricultural equipment, trucks, and construction equipment for ongoing construction operations. These road are generally utilized daily from dawn until dusk. Existing roadways are gravel and would be improved and paved as part of the Proposed Project. Table 3.10-1 and Table 3.10-8 presented within Section 3.10 of Volume II of the Final EIR outline common noise levels and typical construction equipment noise. Ongoing construction and agricultural operations utilize several pieces of equipment represented in Table 3.10-8 as well as similar equipment. Commercial area heavy traffic is approximately 60 dB(A) at 300 ft, which would exceed traffic levels and noise production of rural residential roads proposed on the Project Site. Use of heavy equipment on the Guenoc Valley Site exceeds the noise levels that roadways would produce when considering dB(A) at 300 feet. Heavy equipment travelling along roadways within the Guenoc Valley Site already produce significant roadway noise, and use of this equipment elsewhere on the Project Site exceeds projected roadway noise levels resulting from the Proposed Project. Additionally, the Proposed Project would result in paving of existing farm roads. Paving of gravel roads generally decreases roadway noise production[17] and contains

[17] Transportation Research Board (TRB), 2010. Research on Motor Transport Produced Noise on Gravel and Asphalt Roads. Available online at: https://trid.trb.org/view/987183. Accessed July 2020.

features that can minimize traffic sound production[18]. Therefore, proposed roadways on the Guenoc Valley Site consist largely of existing graveled road that are already subject to ongoing and daily use by heavy machinery.

It should additionally be noted that the study location in the literature cited was within the Boise River Wildlife Management Area where traffic noise would be considered a novel impact within a several mile radius. Comparing a novel impact to an increase in an existing impact is not an accurate representation of the Proposed Project. Because roadways are largely existing, would be improved through paving, and are currently subject to use by vehicles louder than passenger vehicles, roadway noise resulting from the Proposed Project would not be a new or significant impact.

Similarly, ongoing use of roadways by agricultural and construction equipment produce an existing source of vehicle headlight lighting. Additionally, the Final EIR addresses the potential for artificial lighting to impact biological resources. Please refer to Section 3.4.4 of Volume II of the Final EIR for an analysis of impacts and discussion on project design guidelines. Please refer to Mitigation Measure 3.4-7, which addresses artificial lighting impacts specifically.

Full citations of preliminary research cited by the commenter were not provided. A search of the scientific literature was performed, and the following summarizes the likely sources cited by the commenter:

- Shilling 2020 – While no published article is available with the title cited in the comment letter, a similar paper was published by this author in June 2020 that studies the effects of increased roadway use on utilization of wildlife road crossings[19]. While the Proposed Project does not proposed wildlife crossings, this report identified a threshold of 10,000 trips within a single day causing significant reduced use of wildlife crossings. Table 3.13-4 within Section 3.13.4 of Volume II of the Final EIR identifies projected average daily trips caused by implementation of the Proposed Project. Combined on and off site daily trip generation is less than 7,000 and would therefore be well below 10,000 daily trips for any given stretch or roadway.
- Vickers 2020 – This article discusses the use of wildlife crossings by mountain lions over four major highways. The Proposed Project would not result in the construction of highways or wildlife crossings infrastructure on the Guenoc Valley Site. Please refer to Section 3.13 of Volume II of the Final EIR for a complete description of traffic circulation on the Guenoc Valley Site. Note that a majority of main roadways on the Guenoc Valley Site would be improved existing agricultural roads.

Please refer to response to **Comment CBD-06** for concerns related to edge effects.

[18] Sheng, 2015. Energy, Environment and Green Building Materials: Proceedings of the 2014 International Conference on Energy, Environment and Green Building Materials.

[19] Shilling, 2020. Understanding Wildlife Behavioral Responses to Traffic Noise and Light to Improve Mitigation Planning. Available online at: https://escholarship.org/content/qt5qd8z1fb/qt5qd8z1fb.pdf?t=qbnokm. Accessed July, 2020.

Response to Comment CBD-08

Please refer to the responses to **Comment CBD-04** and **Comment CBD-06** related to edge effects and setbacks.

Response to Comment CBD-09

Corridor redundancy offers traveling or dispersing individuals options when traversing the physical landscape. Because a precise understanding of the progression of climate change and potential resulting changes to the environment cannot be exactly anticipated, corridor redundancy may also serve to protect against future landscape changes. However, the commenter is incorrect in stating that the Proposed Project does not provide for corridor redundancy. As stated in the Final EIR Volume I in response to Comment O3-03, "The M2B study identified several least cost pathways that cross the Guenoc Valley Site. Least cost pathways are those that provide the most suitable dispersion routes for wildlife movement and is based on an understanding of a variety of factors including wildlife species present, site topography, habitat type and quality, and surrounding land uses. The majority of least cost pathways are protected by the Proposed Project, and significant portions of least cost pathways have been preserved within designated open space. In a few instances where a least cost pathway overlapped partially with proposed development, **Appendix WILDLIFE** provides methods of preventing impacts to wildlife movement. In most instances least cost pathways could be slightly modified to maintain the integrity of wildlife movement. In cases where project design allowed, a Habitat Connectivity Easement has been proposed as part of the project to preserve the least cost pathways and connect to offsite pathways. Habitat Connectivity Easements prohibit development within the easement area such that associated lease cost pathways are primarily maintained with a 300-foot width. As a result of this analysis, approximately 400 acres of Habitat Connectivity Easements has been designated within the Guenoc Valley Site to ensure long-term protection of identified wildlife movement corridors; these Habitat Connectivity Easements and are shown in the **Final EIR, Volume II, Section 2.0 Figure 2-6,** as well as Figure 12 of **Appendix WILDLIFE**."

Please refer to the response to **Comment CBD-08** related to edge effects. Appendix Wildlife within Section III of the Final EIR identifies four least cost terrestrial pathways that are included within the M2B study. Two of these pathways generally run north to south and cross near the edge of the Guenoc Valley Site and are protected through Habitat Conservation Easements. One of these pathways crosses the heart of the Guenoc Valley Site and generally runs north to south. This pathway is protected through dedication of the Open Space Combining District and Habitat Conservation Easements. A final least cost pathway was identified and generally runs east to west. This pathway is similarly protected through dedication of the Open Space Combining District and Habitat Conservation Easements. Additionally, the Proposed Project identifies a fifth terrestrial pathway that follows a significant portion of Bucksnort Creek and converges with a least cost pathway. Please refer to Impact 3.4-4 within Section 3.4.4 of Volume II of the Final EIR for a complete discussion on additional open space and wildlife movement.

Response to Comment CBD-10

The commenter states that the Final EIR fails to acknowledge western bumble bee and provide mitigation for this species. As noted by the commenter, the Guenoc Valley Site is within this species "historical distribution." A search was performed of the California Department of Fish and Wildlife's California Natural Diversity Database. Western bumble bee has not been observed within 50 miles of the Guenoc Valley Site

since 1986 (CNDDB MAPNDX 98466). The source cited by the commenter (Xerces Society, 2018) states, "In California, *B. o. occidentalis* populations are largely restricted to high elevation sites in the Sierra Nevada (Xerces Society 2012), though there have been a couple of observation of this species on the northern California coast (Xerces Society et al. 2017)."

Section 3.0 of Volume II, Revised EIR identifies the environmental setting and definition of baseline. The baseline date for the Proposed Project is April 2019. At this point, western bumble bee had not been observed within 50 miles of the Guenoc Valley Site in over 30 years. Therefore, absence of western bumble bee from the Guenoc Valley Site is considered part of the environmental setting. Section 3.4.2 of Volume II, Revised EIR identifies those special-status species with the potential to occur on the Project Site. The Guenoc Valley Site is outside of the range of western bumble bee when considering the baseline date. Because western bumble bee does not have the potential to occur on the Project Site based on the current range and mobility of this species, no further analysis on this species is necessary, and no mitigation is warranted for the Proposed Project.

Response to Comment CBD-11

Refer to response to Comments CBD-12 through CBD-22 below. Implementation of Mitigation Measure 3.7-1 would reduce GHG emissions from the Proposed Project; however, it is expected that GHG emissions would remain above acceptable levels after mitigation. Accordingly, this impact was identified as significant and unavoidable after mitigation.

Response to Comment CBD-12

As described in response to Comment O10-22 on the Draft EIR, Section 3.7 of the Draft EIR provides the information essential to understanding the analysis of GHG emissions from the Proposed Project. Section 3.7.4 of the Draft EIR provides a detailed discussion of the methodology used to estimate GHG emissions from both construction and operation of the Proposed Project. As noted in response to Comment O10-22 on the Draft EIR and in Section 3.7.4 of the Draft EIR, GHG emissions from the Proposed Project were quantified using the CalEEMod air quality model. Additionally, GHG emissions reductions associated with the mitigation measures specified in Section 3.7.5 of the Draft EIR were quantified using the CalEEMod air quality model. The mitigation measures included in CalEEMod are based on the California Air Pollution Officers Association's (CAPCOA) Quantifying Greenhouse Gas Mitigation Measures Quantifying Greenhouse (CAPCOA), August 2010. CalEEMod is a comprehensive tool, developed for CAPCOA in collaboration with the California Air Districts, for quantifying air quality and GHG emissions from land use projects located throughout California. It should be noted that CalEEMod has been approved by the California Air Resources Board (CARB) for use in CEQA documents.

Section 3.7.4 of the Draft EIR also provides a detailed discussion of the assumptions used in the emissions modeling based on the description of the Proposed Project as provided in Section 2.0, Project Description, as well as the Construction Plan included in Appendix CP of the Draft EIR. Additionally, Appendix AIR of the Draft EIR, contained a table, entitled California Emissions Estimator Model (CalEEMod) Inputs, that listed all of the inputs in the model and provided an explanation of their source, as well as CalEEMod output files, and spreadsheets illustrating how stationary source emissions were calculated. In this way, sufficient

information was included within the EIR to allow for meaningful review of the project's environmental impacts.

Response to Comment CBD-13

Refer to response to **Comment CBD-12**.

Response to Comment CBD-14

As described in in Impact 3.7-2 of the Final EIR, the Proposed Project's exceedance of quantitative GHG thresholds would conflict with the statewide goals for GHG emission reductions. Implementation of Mitigation Measure 3.7-1 would reduce GHG emissions from the Proposed Project; however, it is expected that GHG emissions would remain above acceptable levels after mitigation. Accordingly, this impact was identified as significant and unavoidable after mitigation.

The commenter provides background regulatory information on climate change consistent with the Regulatory Context (Section 3.7.3) found in Section 3.7 of the Draft EIR.

Response to Comment CBD-15

As discussed in Impact 3.13-5, the EIR concluded that the Proposed Project would not meet the recommended OPR threshold of a 15 percent reduction in per capita VMT over existing conditions. Although the EIR includes robust mitigation requirements to reduce VMT, included in the TDM Plan (Mitigation Measure 3.13-4), it is not feasible for the Proposed Project to meet the OPR thresholds of significance for VMT (15% below the regional average) due to the remote nature and setting of the Proposed Project. Accordingly, impacts from VMT are correctly identified in the Draft EIR as significant and unavoidable.

The conclusion that the Proposed Project would not meet a 15% per capita VMT reduction is mainly an acknowledgement that the extensive set of transportation demand management (TDM) measures proposed by the project and required by Mitigation Measure 3.13-4 cannot be conclusively proven to be sufficient to achieve the desired reduction. This is not to say that the proposed TDM plan wouldn't significantly reduce the VMT associated with the Proposed Project or allow the Proposed Project to meet the VMT reduction goals. The establishment of employee housing in proximity to the site and proposed shuttle services for both employees and guests could substantially reduce the project's VMT per capita. Given the average VMT per capita in Lake County is already relatively high (31.1 miles per capita in comparison to 15 miles per capita in many Bay Area counties), it is entirely possible the proposed workforce housing, shuttle service, and dial-a-ride service in combination with other TDM measures could allow the Proposed Project to achieve a 15% reduction below the average VMT in the County.

As described in the revised TDM Plan, included in the **Final EIR Errata Attachment B**, implementation of Mitigation Measure 3.13-4 is expected to reduce vehicle trips and VMT from the Proposed Project by up to 20%. Additionally, Mitigation Measure 3.13-4 has been revised to require that the TDM plan achieve a minimum reduction in VMT of 15% below the project VMT predicted in the EIR.

Response to Comment CBD-16

As described in Section 3.13.4 of the Draft EIR, the trip generation estimates for the Proposed Project included reductions for implementation of the employee shuttle as described in Section 2.5.2.4 and Appendix TDM of the Final EIR. Therefore, the "unmitigated" mobile GHG emissions shown in Table 3.7-2 already account for the emissions reductions that would be achieved through implementation of the employee shuttle. Additionally, the development of workforce housing in proximity to the project will also reduce vehicle miles traveled, but has also already been factored into the trip generation estimates. Therefore the "unmitigated" project emissions already factor in these VMT reducing features, which is why a reduction is not shown under the "mitigated" table. VMT and associated emission reductions from additional components on the TDM Plan, including the Carpool and Ride-Matching Assistance Program, Preferential Parking for Carpoolers/Vanpoolers, and Dedicated Parking Spaces for Car Share Services cannot be accurately calculated in CalEEMod; therefore, the EIR conservatively does not assume any emission reductions from these mitigation requirements. Mitigation Measure 3.13-4 has been revised to require that the TDM plan achieve a minimum reduction in VMT of 15% below the project VMT predicted in the EIR. As shown in Table 1 of the revised TDM Plan, included in the **Final EIR Errata Attachment B**, implementation of Mitigation Measure 3.13-4 is expected to reduce vehicle trips and VMT from the Proposed Project by up to 20%.

Response to Comment CBD-17

Refer to Responses to Comments CBD-18 through 20 below.

Response to Comment CBD-18

1) *Comment: The Project does not commit to funding, expanding, or improving transit options that would connect the Project to Middletown and Clearlake*

As described in Section 2.5.2 of the Draft EIR, employee shuttle service is included as part of the Proposed Project. Implementation of the shuttle service would reduce VMT and associated GHG emissions from the Proposed Project and would be consistent with smart mobility principles by promoting connectivity and mobility in rural and tourist-oriented areas. Mitigation Measure 3.13-4 has been revised to require free on-call dial-a-ride transportation service connecting the Guenoc Valley Site and community of Middletown, and also including connections to regional transit services. The service shall be made available to the general public within a 15 mile radius of the site, in addition to employees, patrons, and residents of the Proposed Project.

2) *Comment: Provision states that "Alternatively, the project could potentially provide a frequent direct weekday shuttle service specifically for employees," but does not require it.*

Section 1.3.3 of the TDM Plan states that "Alternatively, the Project will provide a frequent direct weekday shuttle service specifically for employees during the peak morning and evening commute periods." Therefore this is a requirement of the TDM plan. The language of Mitigation Measure 3.13-4 has also been corrected to require the establishment of a shuttle service, versus implying that is only an option.

3) *Nor does the provision require any transit options for Project site residents (as opposed to guests or employees).*

As noted above, Mitigation Measure 3.13-4 has been revised to require free on-call dial-a-ride transportation service connecting the Guenoc Valley Site and community of Middletown, and also including connections to regional transit services. The service shall be made available to the general public within a 15 mile radius of the site, in addition to employees, patrons, and residents of the Proposed Project.

Response to Comment CBD-19

As described in Mitigation Measure 4.13-4 and Appendix TDM, the TDM plan includes the designation of a TDM coordinator to coordinate, monitor and publicize TDM activities. While not directly related to VMT reductions, the TDM coordinator is key feature of the monitoring and reporting requirements of the TDM plan. As described in Appendix TDM, the TDM Coordinator shall collect data and prepare and submit monitoring reports to the County staff.

Implementation of the TDM Plan, including the strategies described therein, is a mitigation requirement. The performance criteria for the TDM plan is to reduce VMT to the extent feasible. In response to this comment, Mitigation Measure 3.13-4 has been revised to require that the TDM plan achieve a minimum reduction in VMT of 15% below the project VMT predicted in the EIR. This would be accomplished through implementation of the revised TDM plan, included in the **Final EIR Errata Attachment B**.
As described in Response to Comment A7-13 on the Draft EIR, it was estimated that, with the implementation of the strategies described in Mitigation Measure 3.13-4, the vehicle trip generation from the Proposed Project could be reduced by up to 15 percent. As shown in the revised TDM Plan, implementation of Mitigation Measure 3.13-4 is expected to reduce vehicle trips and VMT from the Proposed Project by up to 20%. Additionally, the Applicant will evaluate the TDM Plan during further buildout, and convene with Lake County and other key stakeholders to evaluate the effectiveness of the TDM strategies implemented to date. If the Proposed Project is found to be falling short of the TDM goals at a particular checkpoint, the Applicant will work with Lake County to consider adjustments to TDM strategies or new measures to achieve the goal.

Response to Comment CBD-20

As described above, Mitigation Measure 3.13-4 had been revised to include the goal of reducing the project's average VMT by 15%. As shown in Table 1 of the revised TDM Plan, included in the **Final EIR Errata Attachment B**, implementation of Mitigation Measure 3.13-4 is expected to reduce vehicle trips and VMT from the Proposed Project by up to 20%. The EIR's conclusion that the project would not meet a 15% VMT reduction below the regional average is mainly an acknowledgement that there is a lack of data and adopted standards available to show the TDM measures proposed by the project would achieve the desired reduction.

Committing to transit options:
As described in the Final EIR, Volume I, Section 3.0, Response to Comment A7-14, Mitigation Measure 3.13-4 requires that the Applicant implement private shuttle service between the project site and off-site work force housing, with a stop at the Lake Transit bus transfer point in Middletown. Thus this private

shuttle service would provide a direct and possibly more convenient option for employees to access the site that would effectively replace the need for public transit to the site. Additionally, Mitigation Measure 3.13-4 has been revised to require free on-call dial-a-ride transportation service connecting the Guenoc Valley Site and community of Middletown, and also including connections to regional transit services. The service shall be made available to the general public within a 15 mile radius of the site, in addition to employees, patrons, and residents of the Proposed Project.

Implementation of these measure would reduce VMT and acclimated GHG emissions from the Proposed Project and would be consistent with smart mobility principles by promoting connectivity and mobility in rural and tourist-oriented areas. These measures would accomplish the same reduction in VMT as the addition of transit stop, and likely would result in a greater reduction since the dial a ride and shuttles would be more convenient services. Additionally, as described in Response to Comment A7-27, Mitigation Measure 3.13-4 requires implementation of an electric fleet of resort vehicles (excluding trucks and other ranch vehicles) for internal transport to the extent feasible (no less than 75 percent). Implementation of this measure would further reduce VMT and acclimated GHG emissions from transportation activities internally within the project site. Accordingly, no additional mitigation is warranted under CEQA.

Committing to a hard limit on the total number of available parking spots on site and committing a fixed minimum ratio (for example, at least one third) of those sites to being restricted to use by rideshare/carpool/EV vehicles.

The number of parking spaces will be provided based on Lake County Code. As stated in Mitigation Measure 3.14-4 and Section 1.3.5 of the TDM Plan: The number of preferential parking spaces [for carpool/vanpool parking] will be based on the number of participants in the program. The management shall monitor and provide adequate carpool/vanpool spaces to meet or exceed potential demand.

Incorporate Affordable Housing into the Project, and Provide Increased On-Site Workforce Housing to Reduce Employee Commuting.

The incorporation of affordable housing within the project site would not be consistent with the project objectives to develop the property into a resort. The establishment of workforce housing is already a component of the Proposed Project. Refer to the Final EIR, Volume II, pages 2-37 and 2-38. The conditions of approval of the project require that the project is carried out as described in the EIR. Therefore, the establishment of workforce housing is not merely an "optional" component, but rather a requirement. Additionally, the establishment of workforce housing has been identified as a "project commitment" in Table 4-2 of the Mitigation Monitoring and Reporting Plan. Refer to the **Final EIR Errata Attachment B**.

Increased Diversity of Non-Residential and Commercial Uses on-site.

As described in Section 2.5.2.1 of the Final EIR, Phase I of the Proposed Project includes approximately 865,395 SF of commercial and retail development. Proposed commercial and retail uses include locally-serving cafes, restaurants, grocery stores, and artisan shops with goal of creating a sustainable community. The Proposed Project also includes extensive agriculture facilities, orchards, and farmers markets, as well as a Community Supported Agriculture program so residents could opt to pay a subscription fee to get various locally-produced agricultural products.

In addition to the diversity of land uses incorporated into the Proposed Project, Mitigation Measure 3.13-4 requires implementation of an electric fleet of resort vehicles (excluding trucks and other ranch vehicles)

for internal transport to the extent feasible (no less than 75 percent), including the golf course. This fleet will be available on-demand for guests and residents to access all land uses on the site without the need for a personal vehicle (e.g., a guest could call a car from the concierge to take them from their hotel to a restaurant or spa). This measure will help to further reduce overall VMT and vehicle trips to the greatest extent feasible.

Response to Comment CBD-21

Comment noted. As shown in the Final EIR, Volume II, Table 3.7-3, project GHG emissions are above the BAAQMD recommended service population thresholds. The table below converts the service population thresholds to metric tons per year based on the service population of the Proposed Project. Additionally, the table illustrates the difference between the total project emissions and the thresholds.

OPERATIONAL GHG EMISSIONS - MITIGATED

Category	Year 2022	Year 2030		
	Phase 1	Phase 1	Future Phases	Total All Phases
	MT CO_2e per year			
Total Project Emissions	20,806	18,973	11,873	30,846
Service Population (Residents + Employees[1])	*1,580*	*1,580*	*2,990*	*4,570*
Service Population Project Emissions	*13.2*	*12.0*	*4.0*	*6.7*
BAAQMD Threshold (MT CO_2e/SP)[2]	4.6	2.6	2.6	2.6
BAAQMD Service Pop Threshold Converted to total MT CO_2e[3] per year	7,268	4,108	7,774	11,882
Total Annual Project Emissions Above Threshold	**13,538**	**14,865**	**4,099**	**18,964**

Notes:
1. Service population for Phase 1 includes both the project population increase from Phase 1 residential units and workforce housing, plus the 300 employment positions that would be generated. Service population for Future Phases includes the estimated population increase from future phases residential units and workforce housing, plus an estimated 200 employment positions.
2. 2030 service population threshold adjusted to account for 2017 Scoping Plan Update 40% Reduction Goal by 2030.
3. Calculated by multiplying the service population threshold by the service population of the project.

Source: CalEEMod 2016(**Appendix AIR**).

Mitigation Measure 3.7-2 of the EIR has been revised to include the purchase of GHG offset credits from a CARB approved registry equivalent to the amounts shown in the above table as needed to meet the 2030 thresholds. This will include the purchase of 14,865 CARB approved credits for Phase 1 and 4,099 credits for future phases. However, because there is a limited supply of "verifiable, reliable, real" carbon offsets currently, and there is no way to ensure that adequate offset credits will be available throughout the life of the Proposed Project, particularly in light of the significant number of projects throughout the state of California that are similarly relying on purchase of offsets to mitigate GHG emissions. The availability of offsets is outside the control of the Applicant. Thus, purchase of offsets for the life of the Proposed Project is not guaranteed to occur, and therefore cannot be considered feasible. Therefore, GHG emissions from the Proposed Project are still considered significant and unavoidable.

Response to Comment CBD-22

The TDM Plan, included as Appendix TDM to the Final EIR, was provided to further clarify the implementation, monitoring, and reporting of measures required by Mitigation Measure 3.13-4, which was included as a mitigation measure in the Draft EIR. The inclusion of the TDM plan in the Final EIR, providing clarifying information regarding previously identified mitigation measures, does not constitute significant new information requiring recirculation of the EIR. Additionally, no changes were made to impact findings as a result of the inclusion of Appendix TDM in the Final EIR.

Response to Comment CBD-23

Please refer to the responses to **Comment CBD-04** and **Comment CBD-06** related to edge effects and setbacks. Note that the reservoirs on the Guenoc Valley Site are not proposed for use as drinking water.

Response to Comment CBD-24

The commenter suggests that the Final EIR and Appendix Water Supply Analysis (Appendix WSA), of the Draft EIR, are internally inconsistent and do not adequately address the long-term sufficiency of surface water entitlements that would supply the project. Please refer to the **Response to Comment CBD-25** related to specific quantities of surface water.

Contrary to the commenter's suggestion, the Final EIR and Appendix WSA of the Draft EIR acknowledge that climate change will impact the water supply for the Proposed Project. As identified in Section 3.14.1 of Volume II of the Final EIR, the evaluation of the long-term sufficiency of the Proposed Project's groundwater supply addresses climate change. Appendix WSA of the Draft EIR modeled groundwater conditions using the Basin Characterization Model (BCM) of California developed by the U.S. Geological Survey. Recognizing that climate change presents the potential to alter water availability in the future, the groundwater water availability analysis uses BCM outputs for a "hot and low rainfall" scenario developed in a recent study of climate change vulnerability in northern San Francisco Bay Area counties. For the "hot and low rainfall" scenario, mid-century averages (i.e., 2040 to 2069) include a 21% reduction in average annual precipitation, an 11% increase in minimum monthly winter temperatures, and an 8% increase in the maximum monthly summer temperatures. The evaluation of future groundwater availability incorporates the "hot and low rainfall" scenario.

Diminished surface water availability is accounted for using records of diversion and use under the recent prolonged drought that ended in 2016. These records provide the best available data on surface water availability for the Proposed Project, particularly during dry and very dry years which may become more frequent in the future. Specifically, the records account for uses that occurred during the recent drought and the available water remaining in the reservoirs that would have been available to meet additional demands such as the future non-potable demands within Places of Use described in Appendix WSA of the Draft EIR.

As shown in Table 3.9-6 of Volume II of the Final EIR, even accounting for diminished groundwater and surface water supplies that would occur as the result of droughts and climate change, the water supply for the Proposed Project is expected to exceed demand during all dry year scenarios through 2040.

Response to Comment CBD-25

While the commenter suggests that the Final EIR and Appendix WSA of the Draft EIR are base the analysis of surface water supplies on the assumption that the maximum amount that can be appropriated under existing permits will be available throughout the 20-year planning horizon, the Final EIR and Appendix WSA of the Draft EIR address the availability of future surface water supplies under normal, critical/very dry year, and multiple dry year scenarios. Projections of surface water availability in the multiple dry year and critical/very dry year scenarios presented in Appendix WSA of the Draft EIR are not based on the maximum diversions permitted under appropriative water rights. Instead, Appendix WSA of the Draft EIR relies on water supply data collected during the most recent drought at the reservoirs that would supply the Proposed Project (see Draft EIR, Appendix WSA, pp 36 – 37). This approach accounts for the use of water that supplied existing uses during the drought and the amount of surface water remaining in storage at the end of the water year which were available for use. Importantly, the multiple dry year and critical/very dry year scenarios also implicitly account for reservoir losses that occurred in those years by considering both metered uses and the volume of water remaining in storage at the end of those drought years. The projections conservatively assume that no water would be available for diversion and use through riparian water rights, which have averaged 560 acre-feet per year from 1999 through 2018 according to Wagner & Bonsignore Consulting Civil Engineers, a Corporation[20] (see Draft EIR, Appendix WSA, pp 39).

While the commenter suggests that Appendix WSA of the Draft EIR does not clearly demonstrate the historic yearly diversions under the existing permits, Appendix WSA of the Draft EIR presents available historic surface water diversions and uses under appropriative water rights for 2009 through 2018, in Appendix A of Appendix WSA of the Draft EIR, and summarizes those data in Section 4.2 of Appendix WSA of the Draft EIR. Riparian diversion amounts are summarized in the Estimate of Water Availability for Proposed Vineyard and Maha Resort Developments on the Langtry Farms Property in Guenoc Valley Memorandum (Water Availability Memorandum) by Wagner & Bonsignore[21]. The average of riparian diversions from 1999 through 2018 is provided on page 39 of Appendix WSA of the Draft EIR.

Whereas the commenter suggests that the analysis of non-potable water supplies has inconsistent figures on the amount of water lost from reservoirs, Appendix WSA of the Draft EIR provides a thorough evaluation of reservoir losses based on 28 years of data. The surface water availability in normal water years presented in Appendix WSA of the Draft EIR, including the estimate of 1,770 AFY of evaporative losses, is based on the Water Availability Memorandum.[22] In the Water Availability Memorandum, Wagner & Bonsignore estimate the total supply of surface water available for diversion and use under existing water rights, accounting for existing appropriative water rights, claimed riparian water rights, and evaporation rates observed at an evaporation gage located at Lake Berryessa (Markley Cove) near the project site. Appendix WSA of the Draft EIR utilizes the surface water availability presented in the Water Availability Memorandum after excluding the availability of water and evaporative losses from the Big Basin Reservoir (also known as Napa Valley Reservoir), which supplies water for uses outside of the project area.

[20] Wagner and Bonsignore, 2019. Memorandum, Review of Groundwater Regulatory Issues 20740 S. State Highway 29 (Lake Co. APN 014-430-009) and 20830 S. State Highway 29 (APN 014-430-007) Middletown, Lake County, California. Accessed May 2019.
[21] Wagner and Bonsignore, 2019. Memorandum, Review of Groundwater Regulatory Issues 20740 S. State Highway 29 (Lake Co. APN 014-430-009) and 20830 S. State Highway 29 (APN 014-430-007) Middletown, Lake County, California. Accessed May 2019.
[22] *Id.*

The evaporative losses estimated in the Water Availability Memorandum reflects 28-year average pan evaporation rates during the April through October irrigation season measured at the Markley Cove gage.[23] The evaporation rate was estimated for the reservoirs proposed to supply the Project and adjacent uses based on the surface area of each reservoir.

The estimated normal year evaporation losses (1,770 acre-feet) of surface water stored in reservoirs that would supply the Proposed Project, is presented in Appendix WSA of the Draft EIR, as part of the consideration of normal water year surface water availability because it represents the best available information for anticipated losses of water stored in Project reservoirs.

The reservoir loss amounts shown in Table 4-4 of Appendix WSA of the Draft EIR, are derived from records of diversion and use of water stored in Project reservoirs. Complete records of those diversions and uses of water are provided in the Draft EIR, Appendix WSA. The reservoir loss amounts shown in Table 4-4 of Appendix WSA of the Draft EIR, are calculated from measured water level elevation changes in the project reservoirs and metered withdrawals of water for beneficial uses. The reservoir losses shown in Table 4-4 of Appendix WSA of the Draft EIR, were not directly measured, rather they are calculated as the difference between the total measured volumetric storage changes in the reservoirs and the metered withdrawals from the reservoirs. The calculated losses shown in Table 4-4 of Appendix WSA of the Draft EIR, may exceed actual losses in years prior to 2016, when withdrawals from several reservoirs were not fully metered, as noted in Appendix A of Appendix WSA of the Draft EIR. Given this limitation, Appendix WSA of the Draft EIR applies the estimate of 1,770 acre-feet of evaporation losses, using measured long-term evaporation rates, to project surface water availability in the normal water year scenario.

While the commenter has used the data supplies in the Final EIR to suggest that average reservoir loss between 2011 and 2018 is 2,827 acre-feet per year, as described above, calculated reservoir losses using incomplete metered use data available prior to 2016 creates a likelihood of overestimating losses. The average losses indicated by the commenter based on data presented in Table 4-5 of Appendix WSA of the Draft EIR, are generally consistent with losses shown in Table 4-4 Appendix WSA of the Draft EIR, with the exception of water year 2018. As noted in Appendix A of Appendix WSA of the Draft EIR, Detert Reservoir was drained in 2018 to facilitate outlet repairs. Therefore, the losses calculated for that year as the difference between measured reservoir storage and metered withdrawals includes flows released to facilitate repair work and not evaporation or seepage losses. Notably, even if the higher rate of losses indicated in Table 4-4 of Appendix WSA of the Draft EIR is applied (i.e., the average of losses from 2009 – 2018 of 2,545 acre-feet per year) the available surface water supply to meet demands in Places of Use in the normal year scenario would be 6,615 acre-feet. (8,600 acre-feet of permitted withdrawals less 2,545 acre-feet of reservoir losses plus 560 acre-feet of riparian diversions). These normal year supplies would still represent surpluses compared to the projected demands for non-potable water within Places of Use through 2040.

The reservoir usage and carryover storage data presented in Table 4-5 of Appendix WSA of the Draft EIR were referenced for the projection of multiple dry year and critical/very dry year surface water availability as experienced during recent drought conditions. These records provide the best available data on surface water availability for the Proposed Project, particularly during multiple dry years and very dry years. This

[23] *Id.*

approach accounts for the use of water that supplied existing uses during the drought and the amount of surface water remaining in storage at the end of the water year that was also available for use. Importantly, these scenarios also implicitly account for reservoir losses that occurred in those years by considering both metered uses and the volume of water remaining in storage at the end of those drought years. The projections conservatively assume that no water would be available for diversion and use through riparian water rights, which have averaged 560 acre-feet per year from 1999 through 2018[24], see pp 39 of Appendix WSA of the Draft EIR.

As shown in Table 3.9-6 of Volume II of the Final EIR, even accounting for diminished groundwater and surface water supplies that would occur as the result of droughts and climate change, the water supply for the Proposed Project is expected to exceed demand during all dry year scenarios through 2040. Contrary to the commenter's suggestion, there is projected to be a surplus of non-potable surface supplies within Places of Use, and additional groundwater supplies would not be required supplement surface water sources to meet non-potable demand within the Places of Use. The amount of groundwater proposed to be used to meet potable and non-potable demand for the Proposed Project has been identified and thoroughly evaluated within the Final EIR and Appendix WSA of the Draft EIR.

Response to Comment CBD-26

Contrary to this comment, the Final EIR does acknowledge and state that the Proposed Project would result in impacts associated with increased risk of wildfire ignition. To clarify the Proposed Project's potential to increase wildfire ignitions as compared to existing conditions on the Project Site, additional detail has been added to the Final EIR to further describe the extent and severity of this potentially significant impact. Please refer to **Response to Comments DOJ-01** and **DOJ-02**.

There is no evidence to suggest that the Proposed Project would impair evacuation routes for existing residents. On the contrary, roadway improvement payments stated in **Mitigation Measure 3.13-2** would improve sections of State Route 29, which could consequently decrease emergency response time and improve evacuation routes in a wildfire emergency. The **Final EIR, Volume II, Section 3.16.4** has been updated to clarify this point (refer to **EIR Errata**, edits to **Volume II, Section 3.16.4)**. Additionally, the Mitigation Monitoring and Reporting Plan has been updated to include the Project commitment of a Wildfire Evacuation Plan. The Wildfire Evacuation Plan will identify and describe the emergency meeting areas, evacuation and emergency egress routes and procedures in the event of a wildfire emergency, and will serve as an educational tool for the project employees, residents and guests. The evacuation plan would allow for orderly evacuation of the site that would not impede emergency responders from travelling and responding to fires, thereby exacerbating wildfire risks (see **EIR Errata, Attachment A**).

Response to Comment CBD-27

Refer to **Response to Comments DOJ-01 and DOJ-02**. Although **Mitigation Measure 3.16-2** is the only mitigation measure to reduce the Project's *operational* wildfire impacts, the Wildfire Prevention Plan, which will be implemented as part of the Proposed Project, addresses all other potential operational wildfire

[24] Wagner and Bonsignore, 2019. Memorandum, Review of Groundwater Regulatory Issues 20740 S. State Highway 29 (Lake Co. APN 014-430-009) and 20830 S. State Highway 29 (APN 014-430-007) Middletown, Lake County, California. Accessed May 2019.

impacts. The Wildfire Prevention Plan is not a mitigation measure required by the EIR, but rather is a component of the Proposed Project. Therefore, an analysis of wildfire ignition impacts following implementation of the Wildfire Prevention Plan is appropriate. The effectiveness of the Wildfire Prevention Plan is described throughout the EIR. This plan was developed in consultation by CalFire and the Lake County Fire Protection District. To clarify the fact that the Wildfire Prevention Plan will reduce the Project's operational impacts and that measures within the Plan will be enforceable, implementation of the recommended measures within the Wildfire Prevention Plan have been added as Project Commitments within the Mitigation Monitoring and Reporting Plan. For example, the Wildfire Prevention Plan states that "As an overall defense strategy, 100-foot-wide fire breaks could also be established and maintained at select vulnerable areas of the property boundary. … (Pg. 16)". This recommended measure has been changed to read "… property boundary fire breaks shall be installed." See the **EIR Errata, Attachment A**.

The commenter expresses concern that the Wildfire Prevention Plan is absent from the Conditions of Approval. However, the first requirement in the Conditions of Approval that the project "shall substantially conform to the Project Submittal and Application Packet, Site Plans, and all requirements in the Final Environmental Impact Report (EIR)"; this includes the Wildfire Prevention Plan, as the Plan is a component of the Proposed Project.

Response to Comment CBD-28

The commenter expresses concern that an altered fire regime on the Guenoc Valley Site leading to an increase in fire frequency would negatively impact biological resources. Please note that the fire regime on the Guenoc Valley Site is within an area where fire risk is monitored and managed. Wildfires on and in the vicinity of the Guenoc Valley Site are artificially suppressed to protect property and human life. Therefore, a natural fire regime has not existed on the Guenoc Valley Site since well before the environmental baseline date. Please refer to **Response to Comment DOJ-01** and **DOJ-02** to changes made to the FEIR regarding wildfire impacts. As discussed therein, with the incorporation of the Wildfire Prevention Plan, project commitments and mitigation measures, the Proposed Project would not result in a significant increase in the risk of wildfire; therefore, any negative impacts to biological resources resulting from increased frequency of wildfires would not occur.

Response to Comment CBD-29

The Wildfire Prevention Plan provides an analysis and mapping of wildfire risk factors, to include vegetation, wind patterns (regional and local), topography, aspect, and severity zones. Wildfires are naturally unpredictable and fire behavior modelling is not foolproof. Sufficient data is included in the Wildfire Prevention Plan, which was developed in consultation with CalFire and the Lake County Fire Protection District, to anticipate which areas of the Project Site are more or less susceptible to wildfire, and to describe the wildfire risks within the site as needed to develop appropriate mitigation measures. The use of modeling software to ascertain estimates such as fire spread rate or flame length are not mandatory for CEQA analysis.

Response to Comment CBD-30

Please refer **Response to Comment DOJ-06** regarding wildfire evacuation.

The commenter notes that the Lake County Community Wildfire Prevention Plan was prepared in August 2009 and does not anticipate the Project or account for additional evacuees. However, the Lake County Community Wildfire Prevention Plan states that "Updated emergency response information is a basic component of an effective response strategy. Lake County has the capacity to manage and maintain this information within its Information Technology Department. Local and federal agencies need to ensure that their information is continually updated with the county." Furthermore, the 2020 Draft Emergency Operation Plan published by the Lake County Sheriff's Office states that the document will be updated bi-annually to ensure that plan elements are valid and current. Due to the scale of development, the Proposed Project's service area will eventually be included in future editions of both the Emergency Lake County Community Wildfire Prevention Plan and the Lake County Sheriff's Office Emergency Operation Plan.

Response to Comment CBD-31

The statement in the discussion of **Impact 3.16-6** that "…the Proposed Project in combination with future projects in the region will not create a significant impact" is accurate. The commenter notes that analysis of the Proposed Project's individual impacts alone, and not other projects in the vicinity is not sufficient for a cumulative analysis. However, the Final EIR for the Guenoc Valley Mixed-Use Planned Development Project is not responsible for conducting a CEQA-level analysis for other future projects in the region. Future development projects would be held to CEQA standards, meaning that any project implemented in the surrounding Project area would have to adhere to applicable State and local regulations with respect to fire zone designation, and individually assess and mitigate potentially significant impacts related to building in the present and future environmental conditions that are conducive to starting and exacerbating wildfires. Furthermore, **Impact 3.16-6** of the Final EIR has been updated to clarify that the Proposed Project's service area would eventually be included in future editions of both the Emergency Lake County Community Wildfire Prevention Plan and the Lake County Sheriff's Office Emergency Operation Plan, which would ensure that the Proposed Project is included in future County emergency response planning.

Response to Comment CBD-32

Please refer to Response to Comment **DOJ-01** and **DOJ-06**.

CNPS - CALIFORNIA NATIVE PLANT SOCIETY COMMENT LETTER, JULY 7, 2020

Response to Comment CNPS-01

Sheet mapping of the various habitat types on the Guenoc Valley Site are provided within Appendix BRA1 and BRA2 of Volume III of the Final EIR. The text of the EIR provides an overview sheet of the Guenoc Valley Site in Figure 3.4-1, sheet mapping of sensitive habitats within the Area of Potential Effects in Figure 3.4-2, and locations of special-status plants in Figure 3.4-3. Impacts 3.4-2 and 3.4-3 presented within Section 3.4.4 of Volume II of the Final EIR identifies impacts to sensitive habitats, including riparian habitats. Mapping of habitats and analysis of impacts were based upon thorough analysis of condition s on the Guenoc Valley Site observed in multiple biological surveys. Data were displayed in the figures using Geographic Information Systems layers and therefore do not change from one figure to the next. Please refer to Appendix BRA1 and BRA2 of Volume III of the Final EIR for more information on survey methodology. The commenter expresses the opinion that sensitive habitats are not adequately evaluated for impacts but does not provide a specific reason for this claim. Therefore, no further response is required.

Response to Comment CNPS-02

Special-status plants surveys conducted by WRA were floristic in nature and covered 4,977 acres and spanned multiple years (2017, 2018, 2019) and multiple months including March, April, May, June, August, and September. These surveys targeted the Area of Potential Effects and did not include targeted botanical surveys of areas outside of places with the potential to be impacted. This allowed for surveys to identify special status plants with the potential to occur on the Guenoc Valley Site within their appropriate identification period. Additionally, during the course of the preliminary wetland delineation effort (2016-2019 and covered March, April, May, June, July, August, and September - also conducted primarily by the same individuals who conducted the special status plant surveys), all plant taxa observed were recorded. WRA botanists observed over 660 taxa during the course of the special status plant surveys. The two lead project botanists are California Native Plant Society Certified Consulting Botanists, and all of the surveyors have years of experience and familiarly with the regional flora. As per the Mitigation Measure 3.4-3 presented within Section 3.4.5 of Volume II of the Final EIR, a full season of special status plant surveys will be conducted within areas of impact prior to construction and would cover areas that may have changed since existing surveys or were not subject to protocol-level surveys.

Response to Comment CNPS-03

As stated within Mitigation Measure 3.4-3 within Section 3.4.5 of Volume II o the Final EIR, "Consultation with CDFW or USFWS shall occur as necessary, based on regulatory jurisdiction, should a special-status plant that does not have a history of successful transplantation and was not previously identified within the Phase 1 Area of Potential Effects be observed during preconstruction botanical surveys. For species with a demonstrated history of successful transplantation, then mitigation shall follow steps (i) and (ii) above." The Final EIR, therefore, identifies those special-status plants with the potential to be impacted and identifies appropriate mitigation for potential impacts. The FEIR additionally acknowledges that special-status plants that were not observed during botanical surveys have the potential to establish within an impact area. Given that the mitigating needs of any such plants may differ based on the species, agency consultation is required should a special-status plant be observed that may not achieve the success criteria required using the methods outlined in the Final EIR. Based on the known species with the potential to be impacted, utilization of transplanting with monitoring by a qualified biologist, or compensatory plantings with monitoring, reporting, and additional plantings should plantings fail. This mitigation measure clearly identifies a 2:1 planting ratio, three years of monitoring by a qualified biologist, a minimum 80 percent success rate following three years of monitoring, and the planting of additional compensatory plantings in the event that a plant fails.

Response to Comment CNPS-04

The commenter is incorrect that the public has been excluded from the review and comment process. The County has provided the public with multiple opportunities for review and input throughout the CEQA environmental review process, including the 30-day scoping comment period announced with issuance of the Notice of Preparation on April 24, 2019 date, two public scoping meetings, the Draft EIR review period, which was extended from the required 45 days to 60 days, and a public meeting during the Draft EIR review period. Public hearing notice for the Planning Commission was published according to the County and state

requirements, as was the public hearing notice for the Board of Supervisors hearing. There is no public comment period required by CEQA for a Final EIR.

Information on how to virtually attend the public hearings was provided in the hearing notices and on the County's website, including in the meetings and hearings page, where public meeting information is always posted. A substantial number of people attended both the Planning Commission and Board of Supervisors hearings via Zoom, and many of those people made comments. While the means of public engagement were not the traditional means of people in the chambers, given the public health emergency faced by the County, the state and the nation, the noticing and availability of public engagement were substantial and met the legal requirements.

Response to Comment CNPS-05

A small portion of the Guenoc Valley Site contained areas of serpentine soils dominated by *Ceanothus jepsonii*, which did not precisely fit into a habitat category described in the literature. This habitat was determined to be sensitive as it most closely resembles a leather oak – musk brush provisional association, which is a sensitive association. This generally exceeds the level of specificity required in identifying and mitigating impacts under CEQA as associations are considered a sub-set of alliances, or habitat types. Therefore, mitigation presented in the Final EIR provides mitigation for this association above and beyond what is generally required for impacts to sensitive habitats based on CDFW's sensitivity ranking system. Habitats are generally described using those habitats included on CDFW's list of Natural Communities. However, this list is not exhaustive of all habitat types present within the state of California, and additions are proposed to this list as more information on vegetative communities throughout the state become available. Therefore, these lists may be modified by the surveying biologist based on actual conditions in the field. The Final EIR conservatively treats musk-brush chaparral as a sensitive habitat type and requires in-kind mitigation. Therefore, the Final EIR seeks to best define and mitigate for impacts to sensitive habitats by acknowledging that this habitat type does not meet the definition of a specific vegetative community described in the literature and treating it as sensitive. Inappropriate classification of this habitat type would have served to mislead the public and would not have resulted in proper mitigation for this habitat type.

Similarly, rock outcrops are largely devoid of vegetation, as described within Section 4.3.2 of Volume II of the Final EIR. Therefore, there is no appropriate vegetative community by which to define this habitat type. CDFW uses the term "rock outcrop" to describe habitat[25], as does neighboring Napa County's vegetation mapping program[26]. Please note that nearly 80 percent of rock outcrops are outside of the Area of Potential Effects.

[25] CDFW, 2020. Sitewide search of wildlife.ca.gov occurrences of "rock outcrop." Available online at: https://wildlife.ca.gov/Search-Results?q=rock%20outcrop. Accessed July 2020.

[26] Thorne et al., 2004. A Vegetation Map of Napa County Using the Manual of California Vegetation Classification and Its Comparison to Other Digital Vegetation Maps. Available online at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=14660&inline. Accessed July 2020.

Please note that the California Department of Fish and Wildlife's Natural Communities List is not exhaustive of all habitats present within the state, and is updated as new communities are better described. For example, there are currently 30 alliances pending addition to the Natural Communities List.

SCLG – SIERRA CLUB LAKE GROUP COMMENT LETTER, JULY 5, 2020

Response to Comment SCLG-01

In this comment, the commenter notes that the organization has previously submitted comments, and that the organization supports features of the project. No new comment on the EIR is provided, and therefore no response is provided.

Response to Comment SCLG-02

The commenter notes that the organization has previously submitted comments regarding the application of General Plan policies as amended in 2011 to the proposed project, and the project's consistency with those policies, and suggest that the solution to this issue is to reduce the number of residential entitlements. This comment is not directed at the EIR, and the issue of this General Plan policy was addressed by the County staff in its staff report to the Planning Commission for the continued hearing on June 25, 2020.

Response to Comment SCLG-03

The commenter states that the addition of a change to General Plan Land Use Policy LU 6.12 should be evaluated in the EIR and the Draft EIR recirculated. The change to General Plan Land Use Policy LU 6.1 recommended by Staff would remove the restriction on the ratio of housing to commercial only for the Special Study Areas of the Middletown Area Plan. Of the three Special Study Areas of the Middletown Area Plan, only the Langry/Guenoc Special Study Area is identified in the Middletown Area Plan for Resort Commercial uses. The effect of the General Plan land use policy amendment for the Project Site would be to allow the redesignation, rezoning, and development of the project as proposed, which is evaluated in detail in the EIR. No further environmental analysis is required. The commenter asks about the potential impacts "elsewhere in the Middletown planning area". The only other area in the Middletown planning area affected by the General Plan land use policy amendment is the portion of the Guenoc Ranch not a part of the proposed project. For this land area, the effect would be that, should the landowner decide to apply for a General Plan amendment and rezone, the amount of housing that the County could approve would not be restricted by ratio as it would be in other areas of the County. However, a General Plan amendment and rezone for these lands have not been requested as a part of the current project, and should such an application be made in the future, the County's action on that application would be a project under CEQA and require analysis of the environmental effects of that project at that time. It would be speculative to evaluate impacts of an amendment to the current land use designations and zoning applied to lands not a part of the project, and therefore would not be required in the EIR for the current project.

Additionally, to clarify that the geographic scope of the changes of Land use Policy 6.12 would only apply to the Guenoc Valley Special Study area, proposed section 6.12.3 has been adjusted as follows:

> "The provisions of LU-6.12.1 and 6.12.2 shall not apply to the Langtry/Guenoc Special Study Area of the Middletown Area Plan."

The list of required approvals for the project has been amended in the Final EIR to include the proposed amendment to General Plan Policy LU 6.12.