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Protecting
California's native
flora since 1965

July 20, 2020

Lake County Board of Supervisors
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Rob.Brown@LakeCountyCA.gov
CC: guenocvalleycomments@lakecountyca.gov

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

Dear Lake County Supervisors,

These comments are submitted on behalf of the California Native Plant Society (CNPS) on the Final Environmental Impact Report (FEIR) for the proposed Guenoc Valley Mixed-Use Planned Development Project (the "Project").

CNPS is a non-profit environmental organization with 10,000 members in 35 Chapters across California and Baja California, Mexico. Our mission is to protect California's native plant heritage and preserve it for future generations through the application of science, research, education, and conservation. CNPS works closely with decision-makers, scientists, and local planners to advocate for well-informed policies, regulations, and land management practices.

Most of the state comprises the California Floristic Province, of one of 36 global biodiversity hotspots, the California Floristic Province. The California Floristic Province is significant in that it contains an abundance of species that occur nowhere else on Earth. Unfortunately, much of this diversity is threatened and in decline. Consequently, it is of utmost importance to conserve what remains of our precious biodiversity, much of which occurs on the Project site.

As it currently stands, the FEIR does not adequately address many of the impacts that will occur if the Project is built. Ata minimum, prior to making a final decision on the Guenoc Valley Mixed-Use Planned Development, we recommend the following points be addressed in order to adequately avoid and mitigate impacts to native plants and habitats, prevent human tragedy in the face of increased wildfire risk, and to stem the increasing impact from wanton greenhouse gas emissions. That said, given the fact that these concerns cannot be adequately and truly minimized and mitigated we strongly recommend that you reject this project.

I. The Surveys, Analyses of Impact, and Proposed Mitigation Are Insufficient with Respect to Rare Plants.

We have serious concerns that impacts to rare plants present on or with the potential to occur on the Project site have been analyzed inadequately in the EIR. As a result, the proposed mitigation measures are inadequate and infeasible.

A. Rare Plants Associated with Serpentine Soils

The biological resources report for the Draft EIR reported approximately 1,996 acres of serpentine soils within the Phase I Project area, or 40% of the 4,977.02 acres studied. As described in the EIR, serpentine habitats are known to host a large suite of rare and endangered plants that often only occur within these specific soil and habitat conditions. The chemistry and physical conditions of serpentine soils allows rare plants that have evolved in these conditions over millennia to successfully compete with the invasive non-native annual grasses that have overwhelmed native plants in areas of more favorable growing conditions. Even somewhat degraded serpentine habitats often host a larger percentage of native plants than non-serpentine soils. With responsible management these habitats can provide an important refugia for native plant and animal species. The EIR documents 26 special-status plant species present on the Project site and identified the potential for 81 more to occur therein. The potential for a total of 107 sensitive plant species to occur on this Project site speaks to its conservation significance. In addition, the site hosts hundreds more common native plant species and a multitude of upland and wetland habitats. This remarkable biodiversity is too important to be casually disregarded in the inadequate impacts analysis and mitigation in the EIR.

B. Phase 1 Special-Status Plant Surveys Reference Sites

The surveys for special-status plants occurred in 2017, 2018, and 2019 and were timed throughout the growing season of many of the species with the potential to occur on the Project site. That said, the EIR (Appendix BRA1 5.2, at page 28) states that "131 special-status plant species have been documented from one or more of the 7.5-minute quadrangles in the vicinity of the larger Guenoc Ranch property." The report concludes that 81 special-status plants have moderate to high potential to occur on Phase 1 of the Project. The large number of rare plants with the potential to occur on the site makes visits to reference rare plant populations to guide the timing of surveys and to ensure surveyors can accurately identify prospective species of utmost importance. The California Department of Fish and Wildlife's (CDFW) protocols for botanical surveys[1] note that "when special status plants are known to occur in the type(s) of habitat present in a project area, observe reference sites (nearby accessible occurrences of the plants) to determine whether those special status plants are identifiable at the times of year the botanical field surveys take place and to obtain a visual image of the special status plants, associated habitat, and associated natural communities." Were visits to reference sites conducted prior to surveys for rare plants? Interannual variability in growing conditions (e.g. temperature,

[1] CDFW Plant Survey Protocols

precipitation) can result in many rare plants blooming earlier or later in sequential years, and these conditions result in some species not being detectable during surveys. This means that the only way to confirm the absence of a species on the site is to document that the species was observable after visits to reference sites. In the absence of these visits there is no way to confirm the absence of a species.

C. Impacts to Special-Status Plant Species

Surveys confirmed the presence of 26 special-status plants on Phase 1 of the Project. Eight of these species are on California Rare Plant Rank (CRPR) 1B, and are considered globally rare. Of these species, *Sidalcea keckii*, is listed as endangered under the Federal Endangered Species Act (FESA), *Hesperolinon didymocarpum*, is listed as endangered under the California Endangered Species Act (CESA). Additionally, the EIR documents 18 plants on CRPR 3 or 4. The Revised EIR (pg. 3.4-54) erroneously notes that "while these plants are not considered special-status plants for the purpose of this EIR, their inherent value has been considered through the design and development of the Proposed Project." California Environmental Quality Act (CEQA) §15380(d)[2] states that "a species not included in any listing identified in subdivision (c) shall nevertheless be considered to be endangered, rare or threatened, if the species can be shown to meet the criteria." Consequently, the significance of impacts to all rare plant species must be considered and appropriate mitigation measures must be implemented.

The EIR lists the amount of acreage and number of individuals of each species that occur within Phase 1. However, the EIR fails to note how many acres and individuals of each species will be impacted directly and indirectly by construction activities. The Revised EIR (pg. 3.4-54) states that "after mitigation, impacts to special-status plants would be reduced to a less-than-significant level." This is a misleadingly conclusory statement given that the EIR fails to quantify the impacts to each species. How possibly can the EIR claim to mitigate to levels "less-than-significant" if the level of impacts has not been quantified or presented for public review? Furthermore, the Revised EIR (pg. 3.4-59) states that, "operation of Phase 1 of the proposed project within the Guenoc Valley Site would include ongoing grazing activities as vegetation management to reduce fire fuel load as part of the Wildfire Prevention Plan." Later, the document concludes that "the scattered distribution of special-status plants on the Guenoc Valley Site, and the existing and ongoing grazing activities, inclusion of grazing activities for the use of vegetative fuel reduction to reduce fire hazard would not result in long-term adverse impacts to special-status plants. This impact is therefore considered less than significant." What rationale or scientific study did the County employ to make the determination that ongoing grazing by sheep and cattle would not have a potentially significant impact on rare plant populations? Each rare plant species responds differently to disturbance and the cumulative impact of grazing regimes can result in the decline and loss of species. Is the County planning on adopting a detailed grazing monitoring and adaptive management plant that would ensure rare plant populations do not decline as a result of this impact? Stating that impacts to rare species are either less-than-significant or can be mitigated to this level does not ensure that significant

[2] CEQA 15380

impacts will not occur. In its EIR, the County must provide conclusive evidence that impacts to rare species are or can be made less-than-significant. Lastly, the EIR fails to quantify indirect impacts to rare species, which in a project of this scale are likely to be significant.

C. Mitigation Measures

The mitigation measures for impacts to special-status plants (MM 3.4-3) do not ensure that impacts will be mitigated to less than significant. Optimistically, the EIR speculates that "individual occurrences of special-status plants shall be avoided by a minimum of 20 feet when possible." As pointed out above, the EIR does not even quantify the impacts to each species. How possibly can the County assume that the avoidance of special-status plants is possible during project construction? Second, if avoidance is not possible during construction, the EIR chooses to mitigate "through transplanting or compensatory planting of in-kind species." As outlined in MM 3.4-3, compensatory plantings at a ratio of 2:1, and/or the transplantation of individual plants is not defensible, and should not be used to guarantee that rare plant impacts are mitigated to less than significant. Numerous scientific studies have called into question the success of transplanting and rare plant reintroductions/compensatory plantings including Fiedler 1991[3], Allen 1994[4], and Godefroid et al. 2011[5]. Once again, the County cannot just say that a mitigation measure will compensate for the loss of rare plants on this project site. Has the County or real party conducted trials or scientific studies to verify that these mitigation measures are feasible for the (at least) 26 rare species that will be affected by the Project? Furthermore, three years of monitoring following transplanting or compensatory planting is not enough to ensure the long-term persistence of plant populations. The EIR must include a much more detailed and rigorous set of mitigation measures to ensure that loss of rare plant populations is possible. Based on the lack of information in the EIR, it is safe to conclude that impacts to rare plant species will be significant and that these impacts will not be mitigated.

i. Mitigation Measure 3.4.3: General Special-Status Plant Mitigation

Many rare plants on the Project site are intricately linked to the habitat conditions under which they have evolved. Consequently, attempting to transplant rare species to non-suitable habitat or recreate complex serpentine plant communities that have very specialized habitat requirements outside of their natural range is highly unlikely to be successful. Avoidance of development within serpentine plant communities is the only feasible mitigation for these impacts, as described in Appendix BRA1 (6.3.2, page 57). Mitigation Measure 3.4-3 in the Final EIR does include the preference for avoidance of rare plants, when located during pre-construction surveys. However, this measure differs from the biologists' recommendation that these occurrences should be avoided altogether during project design, not when the project footprint

[3] Mitigation related transplantation… Fiedler 1991
[4] Reintroduction of endangered plants… Allen 1994
[5] How successful are plant species introductions Godefroid et al. 2001

has already approved. We highly question the ability to avoid rare plants on the site following pre-construction surveys and immediately ahead of construction crews breaking ground.

Mitigation Measure 3.4-3 goes on to describe several options if avoidance of sensitive plants is not possible. This measure states that mitigation would take place by "transplanting or compensatory planting of in-kind species." As previously described, large-scale transplantation and compensatory planting of serpentine species is highly unlikely to be successful, and we expect these attempts to be ultimately futile, based on the specific habitat requirements and natural history of these sensitive plants, and our experience with these efforts statewide. This measure also does not accurately reflect the recommendations of the biological resources report, which includes "appropriate protection assurances" for high-quality occurrences. The mitigation measure in the Final EIR does not require the developer to seek the conservation high-quality occurrences offsite (as has been required in thousands of projects statewide), but only to vaguely find transplantation locations in "suitable habitats … within designated open space as possible," without further specifying where these habitats might be, or what condition they are in.

The biological technical report also recommends prioritizing federal, state, and CNPS Rank 1B species for protection and identifies specific instructions for consultations with wildlife agencies. These recommendations have not been replicated in the mitigation measures in the FEIR.

For these reasons, any impacts to special-status plants that are not entirely avoided by project design should be considered "**significant and unavoidable**," as the success of these measures is speculative, vague, and lacking specificity. If areas outside of the Phase 1 footprint are required to mitigate impacts to rare plants, these areas should be identified and secured prior to project approval and identified in the EIR.

We also recommend that Mitigation Measure 3.4-3 be revised to accurately reflect the more protective and scientifically-based recommendations of the Project's biological consultants. Currently, this measure favors the expedited implementation of the Project over the preservation of the unique natural habitats and organisms on the project site. MM 3.4-3, as it is currently written, is unenforceable and unlikely to be implementable, resulting in a substantial and tragic loss of Lake County's and California's irreplaceable biodiversity and natural resources.

ii. Mitigation Measure 3.4-2: Worker Awareness Training

This measure should also include instruction on identifying special-status plants and vegetation types that may be present in construction areas. Please note that the biological resources report's recommendation specified "the training should include materials that describe the sensitive habitats and species present (our emphasis) and the measures that have been incorporated into the project to protect those habitats and species." We infer from this recommendation that thereport did not intend to exclude sensitive plants and habitats from this training, and instead solely focus on a limited suite of wildlife species.

iii. Mitigation Measure 3.4-18: Sensitive Habitat Impacts from Wildfire Clearing

This measure identifies six sensitive habitats that need to be avoided or addressed during fuel management. Although rare plants may be present in these habitats, additional rare plants may be found in other plant communities not addressed by this measure, and these resources should also be considered prior to fuel management efforts. Rare plant surveys, field marking and avoidance of rare species, and worker training may be necessary to avoid inadvertent removal of sensitive resources. Please see section IV (below) for more information on the potential impacts of fuel treatment on rare plants.

D. Impacts to species listed under the State and Federal Endangered Species Act

The project will result in impacts to *Hesperolinon didymocarpum* (Lake County western flax), a species listed as Endangered under CESA. Phase 1 of the Project contains 48.54 acres and 58,272 individuals of this species. How many acres and individuals of Lake County western flax will be directly and indirectly impacted by the Project? Lake County western flax was listed as endangered under CEQA due to its rarity and threats to its continued existence, and is known globally from just six occurrences. This small number of occurrences and the large population of this species on the project site leads us to be concerned that the project could represent an existential threat to this species. As is indicated by the common name of this species, it is limited in distribution to Lake County. This means that the Lake County is, in essence, a primary custodian of Lake County western flax and decisions made in your jurisdiction may decide the fate of this species.

Has the County consulted with CDFW on the project's impact with regard to this CESA-listed species? In line with its role as a responsible agency, Fish and Game Code (FGC) § 2081(b)[6] requires CDFW to issue Incidental Take Permits (ITPs) for the take of covered species. It is customary that projects, such as this, are not permitted to proceed with grading activities until an ITP is issued. State law requires CDFW to adopt measures to ensure that impacts to endangered species caused by projects like this are fully mitigated. The FGC § 2081(b)(2) states that, "impacts of the authorized take shall be minimized and fully mitigated. The measures required to meet this obligation shall be roughly proportional in extent to the impact of the authorized taking on the species." *Id.* Further, § FGC 2081(b)(3) states that, "the department shall make this determination based on the best scientific and other information that is reasonably available, and shall include consideration of the species' capability to survive and reproduce, and any adverse impacts of the taking on those abilities in light of (1) known population trends; (2) known threats to the species; and (3) reasonably foreseeable impacts on the species from other related projects and activities." What measures will the County and project proponent employ to ensure that impacts to Lake County western flax are fully mitigated, so that an ITP may be obtained? At this point in time, without a doubt, the measures included in MM 3.4-3 are insufficient to meet the ambitious standard established in the FGC.

The project will also adversely impact *Sidalcea keckii* (Keck's checkerbloom), which is listed as Endangered under FESA. Phase 1 of the project contains 26.87 acres and 6,873 individuals of

[6] Fish and Game Code 2081

this species. How many acres and individuals of Keck's checkerbloom will be directly and indirectly impacted by the project? Keck's checkerbloom is restricted to California and is known globally from approximately 50 occurrences. Has the County evaluated the need for a Biological Opinion from the USFWS for the mitigation of impacts to Keck's checkerbloom? The Project will require a Section 404 permit issued by the U.S. Army Corps of Engineers for impacts to waters of the United States. Does Keck's checkerbloom occur within jurisdictional waters that will be affected by the Project? We fully expect that the Project developer will obtain the appropriate federal permitting under the Endangered Species Act and Clean Water Act prior to construction, and the project will receive full review under the National Environmental Policy Act. In particular, we expect that the Project developer will obtain coverage for take of endangered and threatened species for the entire project footprint, including and beyond any impacted federal jurisdictional waters. Finally, the Project developer must also obtain the appropriate permit under the California Endangered Species Act through either a consistency determination or Section 2081 permit.

II. The FEIR's Vegetation Maps and Analyses of Impacts Do Not Adequately Assess the Risks Posed to Habitats, Particularly for Rare Vegetation Types.

The FEIR, in general, downplays the significance of the threats the Project poses to rare vegetation types and sensitive natural communities. The Project is a remotely-located leapfrog development, located far away from established communities such as Middletown and Hidden Valley. Moreover, development maps show that the Project will be divided into sub-communities, which will further fragment wildlife and plant habitats and lead to degradation of indigenous plant and animal communities. The Project also includes construction of a resort along Putah Creek, which will impact the habitat value of this significant and relatively undeveloped stream corridor.

The FEIR fails to mention the significance of soils and their important relationships with plants, fungi and bacteria – some of which occur only in California and nowhere else in the world. The DEIR Appendices refer to special-status and other plants with an affinity for serpentine and volcanic soils, which occur throughout the Project area: "serpentine soils harbor unique native plant assemblages that are resistant to invasion by non-native species and often support numerous special-status plants that are restricted to serpentine soils…Volcanic soils on the property may provide a similarly unique edaphic, or soil, condition that supports an atypically high diversity of native plants, including many special-status species." (DEIR Appendices, pp. 8-9).

<u>Grasslands and Wetlands</u>

The FEIR underrepresents the importance of impacts to grassland habitats on the Project site. In surveys, botanists identified 660 taxa, at least 147 of which are native and occur in grasslands. Additionally, 11.7 perennial grassland occurs on the Project site. An abundance CRPR 4 species populations were mapped in this community, particularly in seasonal wetlands. Additionally, eight acres of purple needlegrass (*Stipa pulchra*, our California State grass) grassland are located in the Phase 1 development area. California has already lost 99% of its native grasslands; the loss of eight acres of native purple needlegrass is a significant impact. Mitigation measures proposed to decrease this impact to less than significant include, "restoration, creation, and/ or

enhancement of in-kind habitat" (Revised EIR at pg. 3.4-97). The restoration and/or creation of habitat to compensate for the loss of sensitive natural communities is untested and unproven. What practical experience and scientific evidence supports the claim that this mitigation measure has a reasonable likelihood of success on the project site? Lastly, monitoring restoration areas for three years does not ensure that measures will be successful. What happens if created or restored habitat does not meet performance standards in perpetuity? In short, what guarantees that the loss of these resources will be fully mitigated?

The FEIR inaccurately designates 2,259 acres on the property as Non-native Grasslands, and thus considers impacts to these habitats "not significant." In reality, this habitat could have more appropriately been labeled Serpentine Grassland, which is a biologically valuable habitat type that is of conservation. The position of these grasslands among serpentine chaparral and the presence of Musk Brush Chaparral, a fire-prone vegetation community known to support serpentine endemic species, strongly supports that these acres have been misclassified. As a result, the significance of the impacts to these habitats should be analyzed and appropriate mitigation measures adopted to reduce impacts.

At present, the FEIR does not adequately analyze the amount of riparian and wetland habitats that will be impacted by Project activities. There is no clear map that shows rare plant populations or wetlands along with areas to be disturbed by project activities in order to enable careful analysis. Intermittent streams cover 199.3 acres and include over 969 mapped features. There are 429 acres and over 279 seasonal wetland features, but it is unclear what percentage of these sensitive habitats will be protected and what portion will be impacted. For example, Upper Bohn Lake contains significant wetlands on the perimeter, meaning that residential development should be set back from these habitats to ensure that impacts are minimized.

In short, the FEIR grossly understates the significance of grassland and wetland habitats on the Project site. This oversight should be corrected and appropriate mitigation measures should be adopted to minimize impacts.

Oak Woodlands and Chaparral

This Project more than 400 acres of oak woodland. Oak woodlands are valuable for carbon sequestration. The understory herbaceous community associated with oak woodlands should be included in the impact analysis of climate change impacts. Leather Oak Chaparral is considered non-sensitive, yet this vegetation community supports many special-status plants. The value of this habitat is not adequately addressed in the EIR.

The amount of woodland habitat that will be cleared the Project area is not represented correctly in the EIR. Development activities will remove 40-50% of oak woodlands in the Project area. Preservation of in-kind habitat will occur at a rate of 1.5:1 for woodlands and 2:1 for other sensitive habitats. However, the FEIR does not explain how "in-kind" sites will be selected and whether potential future development sites will be treated in the mitigation scheme. The FEIR should be corrected to ensure that larger percentage of the oak woodland on the site is preserved.

III. The FEIR Fails to Address the Impacts of Invasive Species.

The FEIR does not address the impacts of the spread invasive plants and disease pathogens, or the fact that nitrogen deposition favors invasive plants over native species. Invasive plants

outcompete native plants, often creating monocultures that are devoid of native biodiversity. Disease pathogens like phytophthora are a threat to California oaks and numerous other woody species and can be spread by construction activities. Mud and soil (even from plants grown in nurseries) can carry phytophthora. The FEIR fails to include best management practices to ensure that people, equipment and vehicles do not carry or introduce invasive plants and disease pathogens.

IV. The FEIR Does Not Adequately Analyze the Project's Impacts Related to Wildfires.

The FEIR fails to provide substantial evidence that hazards to people and built infrastructure from wildfire can be adequately mitigated. The following questions outline the thresholds of significance for the key issues, per the standard CEQA checklist found in Appendix G of the 2020 CEQA Guidelines[7].

A. Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires? (CEQA Guidelines Appendix G, IX.g).

The two parts of this question must be considered in an FEIR: (1) danger to humans, and (2) danger to structures. The County is required to consider both of these aspects and provide substantial evidence backing up the claims that the risks have been adequately mitigated. Here, the Project fails on all counts. **There is no evacuation analysis in the Fire section of the FEIR or the appendix, and there is no substantial evidence to support the FEIR's mitigation claims.** Simply stating that everyone can be evacuated is insufficient. In a recent lawsuit in San Diego Superior Court, which resulted in a project being decertified in part, the court noted that "fire safety measures largely consist of features that are intended to reduce the spread of fire such as using fire-resistant buildings and plants and installing fire hydrants, which have no relation to improving evacuation times. There is no evidence that the mitigation measures, including adding an extra travel lane, will be effective in the event that the sole evacuation route is blocked by fire.[8]" In other words, just because mitigation measures are consistent with the intent of the Fire Code does not mean that those measures will be sufficient to ensure that humans will be able to evacuate safely in the event of a fire[9]. Similarly, the FEIR cannot satisfy its burden of considering and mitigating the risk to both people and structures simply by pointing to its compliance with fire safety regulations. The FEIR must be amended to appropriately analyze the fire dangers posed to humans and structures and provide substantial evidence to support its mitigation measures[10].

As for property damage, scientific studies strongly suggest that the location of a home, rather than the materials it is built with, determines whether it will survive a fire. In Paradise,

[7] https://www.califaep.org/docs/2020_ceqa_book.pdf
[8] *Elfin Forest Harmony Grove Town Council v. County of San Diego San Diego Sup. Ct.*, Case No. 37-2018-00042927-CU-TT-CTL, minute order dated Feb. 20, 2020
[9] *Ibid.*
[10] *Sacramento Old City Assn. v. City Council* (1991) 229 Cal.App.3d 1011, 1027.

California, for example, "records show that only 285 homes were built on the Paradise ridge since new fire codes went into effect in 2008. A Los Angeles Times analysis of assessor records and fire surveys showed those newer structures had a 13% survival rate in the Camp fire, compared with 3% for older homes.[11]" If the sole means of preventing structure losses are to follow regulations, substantial evidence needs to be presented that this will work. The FEIR currently lacks such evidence.

In conclusion, there is no substantial evidence that mitigation measures will prevent direct and indirect impacts from wildfire to people and structures. This lack of evidence becomes doubly problematic if the current plan is used as a model for future development phases. If the current FEIR is used as a blueprint for future EIRs to streamline development permitting, the lack of adequate fire analysis (and a whole host of other analyses including those that deal with rare plants and habitats) will replicate the same issues in future development plans. Furthermore, as additional developments are designed and the numbers of people and structures in the area increase, the risks of even slower evacuation and more complicated structure protection become relevant. These additional risks do not appear to have been considered either.

> **B.** If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:
>
> > *i. Substantially impair an adopted emergency response plan or emergency evacuation plan? (CEQA Guidelines Appendix G, XX.a).*

It is worth noting that this does not cover the entire property. However, there appears to be no emergency evacuation plan, so this may not be an impact. The lack of a plan itself is an impact in itself.

> > *ii. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire? (CEQA Guidelines Appendix G, XX.b).*

Since it already appears that the project occupants are at increased risk from fires, because the risks are not mitigated by the Project design, this appears to be a significant impact.

> > *iii. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment? (CEQA Guidelines Appendix G, XX.c).*

Clearing 100-foot fire breaks and grazing to decrease fuel loads will impact the plants and animals. These impacts are likely significant and have not been adequately analyzed in the EIR. Why were these not considered comprehensively in the EIR? For example, using CNDDB

[11] Why Paradise was doomed*:* Los Angeles Times, December 30, 2018

Rarefind[12], we determined that the following CRPR 1B species occur along Butts Canyon Road, within the Project area: *Streptanthus hesperidus* (green jewelflower, reported found in FEIR), *Hesperolinon bicarpellatum* (two carpellate western flax, reported in FEIR), *Astragalus rattanii* var. *jepsonianus* (Jepson's milk vetch, not reported in FEIR) and *Harmonia hallii* (Hall's harmonia, not reported in FEIR). At least two, if not all four, of these species are likely to be impacted by fire clearance along Butts Canyon Road, as is required to lessen the fire risk for evacuees. Hall's harmonia was only determined to have a moderate likelihood of occurring on the site, despite its documentation in the CNDDB. This also suggests that botanists did not do a thorough search of public databases and likely missed rare plants present on the site during surveys. Additionally, a review of Calflora[13] database records, indicates that *Erythronium helenae* (St. Helena fawn lily, CRPR list 4.2) has been observed and collected repeatedly along Butts Canyon as well. No mention of this record was included in the EIR.

In summary, the Project puts people and structures at risk from wildfire, and destroys native plants in doing so. CNPS summarily opposes projects that destroy native habitats while also putting humans at risk from the impacts of wildfires.

V. The FEIR's Analysis of Greenhouse Gas (GHG) Emissions Is Inadequate.

The FEIR contains substantial evidence that the consequences of GHG emissions cannot be adequately mitigated. The project exceeds thresholds of significance set forth in the CEQA Guidelines in the following categories.

A. The project is likely to generate GHG emissions, both directly and indirectly, that will have a significant impact on the environment. (CEQA Guidelines Appendix G, VIII.a).

As noted in the EIR (p. 3.7-2), as of 2017, about 40 percent of GHG emissions generated in the state come from the transportation sector. As noted by the California Air Resources Board, this problem will not go away on its own. Even if vehicle sales go to 100% electric and plug-in hybrid vehicles by 2035, the remaining fleet of petroleum powered vehicles will mean that transportation will continue to emit GHGs even by 2050.

For the Project, transportation account for 79% of all greenhouse gas emissions. Absent a project redesign that radically reduces the vehicle miles traveled, the Project will make it harder, not easier, for Lake County to do its share to meet the state's goal of going carbon neutral by 2045. As the California Court of Appeal recently held, state-wide initiatives alone will not be enough for California to meet its transportation sector goals. Local actions that reduce total vehicle miles traveled are also necessary.

Furthermore, the California Court of Appeals recently ruled that the San Diego County Climate Action Plan was invalid, precisely because it accepted out-of-county carbon offsets as mitigation,

[12] CNDDB Rarefind, accessed July 20, 2020
[13] Link to Calflora record

without any guarantee that such offsets would be effective. While the San Diego County strategy was not proposed for this Project, the case demonstrates that mitigation measures that allow counties to mitigate GHG emissions on the premise that those emissions will be offset elsewhere are not sufficient unless the emission reduction is real, permanent, quantifiable, verifiable, and enforceable. Lake County cannot rely on offsets alone to meet GHG emission reduction goals[14].

> **B.** The project will conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. (CEQA Guidelines Appendix G, VIII.b).

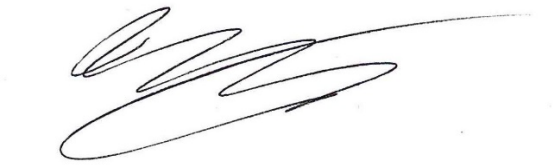
As noted in the FEIR, the project increases GHG emissions. Therefore, it runs afoul of every existing policy set forth to reduce GHG emissions. It should also be clear that the problem is a structural aspect of the project, which is far-flung sprawl development.

VI. Conclusion

This is a retro-futuristic project, designed for a projected future that no longer exists. Despite the effort that has gone into its design, is would be much better to deny the Guenoc Valley Project rather than greenlight a project will be increase GHG emission, put thousands of people at risk of wildfire, and damage rare plants and habits.

Thank you once again for the opportunity to comment on this project and please don't hesitate to contact me with any questions.

Sincerely,



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[14] *Golden Door Props. v. County of San Diego* (June 12, 2020, Nos. D075328, D075478, D075504), ___Cal.App.5th___ [2020 Cal. App. LEXIS 529]