

# CEQA FINDINGS AND FACTS IN SUPPORT OF FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS

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## 1.0 INTRODUCTION

### 1.1 ROLE OF THE FINDINGS

The following findings are hereby adopted by the County of Lake (County) pursuant to the requirements of the California Environmental Quality Act, California Public Resources Code (PRC) Section 21000 et seq. (CEQA), and the Guidelines for CEQA, Title 14, California Code of Regulations (CCR) Section 15000 et seq. (CEQA *Guidelines*).

These Findings and Facts in Support of Findings relate to the approval of the Guenoc Valley Mixed-Use Planned Development Project (Proposed Project). The County is the Lead Agency for the Proposed Project.

The Findings state the County's conclusions regarding the significance of the potential environmental impacts of the Proposed Project after all feasible mitigation measures have been adopted. These findings have been prepared to comply with the requirements of CEQA and the CEQA *Guidelines* and are based on information in the Draft and Final Environmental Impact Report (EIR) for the Proposed Project and on all other relevant information contained in the administrative record for the Proposed Project.

CEQA requires agencies to identify mitigation measures that would avoid or substantially lessen a project's significant impacts or potential significant impacts if such measures are feasible. The mitigation measures identified in the Final EIR mitigate the potential significant impacts of the Proposed Project, to the extent feasible, as described in the Final EIR. All mitigation measures identified in the Final EIR (as listed in Draft EIR, Executive Summary, Table ES-1 and as amended in Final EIR, Volume I, Section 4.0, Table 4-1) are incorporated as conditions of approval of the project.

By adopting the feasible mitigation measures listed in the EIR as conditions of approval where appropriate, and by establishing a Mitigation Monitoring and Reporting Program (MMRP) to ensure implementation of all mitigation measures, the County will ensure the corresponding significant impacts are avoided or reduced to the maximum extent feasible.

The Statement of Overriding Considerations explains the County's reasons for approving the Proposed Project, despite the fact that the Proposed Project will have significant and unavoidable impacts on the environment.

### 1.2 CEQA REQUIREMENTS

The EIR identifies significant effects on the environment which may occur as a result of the Proposed Project.

PRC §21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would *substantially lessen* the significant environmental effects of such projects[.]" (Emphasis added.) The same statute states that the procedures

required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will *avoid or substantially lessen* such significant effects.” (Emphasis added.) PRC §21002 goes on to state that “in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.” (PRC §21002)

The mandate and principles set forth in PRC §21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required (see PRC §21081[a]; CEQA *Guidelines* §15091[a]). Specifically, §15091 of the CEQA *Guidelines* establishes the following requirements for findings:

- a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
  - 1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR. **[This finding shall be referred to herein as “Finding (1).”]**
  - 2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. **[This finding shall be referred to herein as “Finding (2).”]**
  - 3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR. **[This finding shall be referred to herein as “Finding (3).”]**

Thus, for each significant environmental effect identified in an EIR, the approving agency must issue a written finding reaching one or more of the three permissible conclusions described above.

CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environmental impacts that would otherwise occur. Project modifications or alternatives are not required, however, where such changes are infeasible or where the responsibility for modifying the project lies with some other agency (CEQA *Guidelines*, §15091[a], [b]). PRC §21061.1 defines “feasible” to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.” CEQA *Guidelines* §15364 adds another factor: “legal” considerations. (See also *Citizens of Goleta Valley v. Board of Supervisors [Goleta II]* [1990] 52 Cal.3d 553, 574-75: concluding whether project applicant owned alternative site for project was an appropriate legal and economic factor to consider.) Moreover, judicial decisions have held “desirability” is also an appropriate consideration. (*City of Del Mar v. City of San Diego* [1982] 133 Cal.App.3d 410, 417: “‘feasibility’ under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social,

and technological factors”; *California Native Plant Society v. City of Santa Cruz* [2009] 177 Cal.App.4th 957, 998 [same].”).

With respect to a project for which significant impacts are not avoided or substantially lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project’s “benefits” rendered “acceptable” its “unavoidable adverse environmental effects.” (CEQA *Guidelines* §15093, 15043[b]; PRC §21081[b].) The California Supreme Court has stated, “[t]he wisdom of approving this or any other development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced.” (*Goleta II, supra*, 52 Cal.3d at p. 576.)

For purposes of these findings, the term “avoid” refers to the effectiveness of one or more mitigation measures in reducing an otherwise significant effect to a less-than-significant level. In contrast, the term “substantially lessen” refers to the effectiveness of such measure or measures in substantially reducing the severity of a significant effect, but not to a less-than-significant level. Although CEQA *Guidelines* §15091 requires only that approving agencies specify that a particular significant effect is “avoid[ed] or substantially lessen[ed],” these findings, for purposes of clarity, in each case specify whether the effect in question has been reduced to a less than significant level, or has simply been substantially lessened but remains potentially significant. Moreover, although §15091, read literally, does not require findings to address environmental effects that an EIR identifies as merely “potentially significant,” these findings nevertheless fully account for all such effects identified in the Final EIR.

These findings constitute the County’s best efforts to set forth the evidentiary and policy bases for its decision to approve the Proposed Project in a manner consistent with the requirements of CEQA. To the extent these findings conclude that various proposed mitigation measures outlined in the Final EIR are feasible, within its responsibility and jurisdiction, and have not been modified, superseded or withdrawn, the County hereby binds the County of Lake and Lotusland Investment Holdings, Inc. (the applicant) to implement these measures. These findings, in other words, are not merely informational, but rather constitute a binding set of obligations.

The Facts in Support of Findings, as set forth in the following sections, state the County’s reasons for making each finding and the rationale connecting the evidence to its conclusions. All records and materials constituting the record of the proceedings upon which these Findings are made are located at the County of Lake, Community Development Department, 255 N. Forbes Street, Lakeport, CA 95453.

### **1.3 SCOPE OF THE ENVIRONMENTAL ANALYSIS**

The EIR analyzes the potential significant adverse effects of the implementation of the Proposed Project. The EIR, in compliance with CEQA, is designed to inform decision-makers, other responsible agencies, and the general public of the environmental consequences of the Proposed Project.

## 1.4 ORGANIZATION

This document identifies the Findings and Facts in Support of Findings for each potentially significant impact identified in the Final EIR. Next, it summarizes the alternatives discussed in the EIR and makes findings with respect to their feasibility and whether each alternative would lessen the significant environmental effects of the Proposed Project. This document also includes a Statement of Overriding Considerations setting forth the specific reasons supporting County's actions in approving the Proposed Project despite its significant environmental impacts, and concludes with a finding on the County's independent review and analysis of the EIR. A list of documents relied on for the EIR, findings, alternatives analysis, and the County's ultimate decision on the Proposed Project is included at the end of this document as the Record of Proceedings.

## 2.0 FINDINGS AND FACTS IN SUPPORT OF FINDINGS

The following subsection lists each significant or potentially significant environmental impact by issue area in the order it appears in the Final EIR, the mitigation measures identified for each impact in the EIR, the CEQA Finding or Findings applied by the County, and the Facts in Support of each Finding. This discussion does not attempt to describe the full analysis of each environmental impact contained in the EIR. A full documentation of the environmental analysis and conclusions is in the EIR and the Record of Proceedings identified at the end of this document and incorporated herein by reference.

The County has determined that the adoption of feasible mitigation measures and alternatives incorporated into the EIR will reduce impacts to some extent, but in certain instances the impact will not be reduced to a level that is deemed "less than significant," thus these impacts remain Significant and Unavoidable. The Statement of Overriding Considerations contains additional information explaining the reasons for the County's decision to approve the Proposed Project despite the significant environmental effect that cannot be mitigated to a less-than-significant level.

## 2.1 AESTHETICS

### Impact

#### 3.1-1 **Substantially Degrade a Scenic Vista or the Existing Visual Character or Quality of Public Views of the Site and its Surroundings. If the Project is in an Urbanized Area, Conflict with Applicable Zoning and Other Regulations Governing Scenic Quality.**

##### **Guenoc Valley Site: Phase 1**

The proposed development will follow existing General Plan policies, and the proposed design guidelines will minimize visual effects by creating infrastructure that will seek to blend in with its surrounding environment and instituting modern and ecological techniques to reduce the footprint of the development. Further, the majority of the proposed development would not be visible from publically accessible vantage points as it will be screened by the topography and vegetation of the site. However, the Primary Access road Option 2 at Butts Canyon Road and along McCain Canyon would substantially change the visual character of a scenic corridor. As a result, the proposed development under Phase 1 would have a ***potentially significant impact*** on the visual character and scenic vistas along this segment of Butts Canyon Road. (Final EIR, Volume II, p. 3.1-17)

### **Guenoc Valley Site: Future Phases**

As shown in Figure 2-6, the eastern 3 miles of Butts Canyon Road extends through the proposed 2,765-acre dedicated open space area. As such, the visual character and scenic vistas in this area will remain largely unchanged under future phases of the Proposed Project. Additionally, development would be restricted within the proposed Agricultural Preserve Combining District within the Guenoc Valley and other areas of the site (refer to Section 3.2, Figure 3.2-7 for the location of the Agricultural Preserve Combining District). However, future phases could involve further development that is visible along Butts Canyon Road, a designated scenic corridor, as well as from the scenic vistas of the region that can be observed from the Langtry Winery. This is a **potentially significant impact**.

As with Phase 1, any development under future phases of the Guenoc Valley Site would adhere to the design guidelines described above. The stated objective of the proposed GVD design guidelines is to preserve the character of the landscape through landscaping, invisible infrastructure where feasible, and the design of individual architectural clusters that respond to the variety of the landscape visually and topographically. Regardless, depending on the location, scale, design, and density of the proposed development, future phases could substantially alter the visual character or scenic vistas of the site as viewed from public vantage points, from rural to urban development. The visual alteration of the Guenoc Valley Site under future phases is conservatively assumed to constitute a **significant and unavoidable impact** to the visual character and scenic views of the site.

### **Mitigation Measures**

**None Available**

### **Significance After Mitigation**

#### **Guenoc Valley Site: Phase 1**

No mitigation is available that would reduce the impacts of Primary Access Road Option 2 on Butts Canyon Road, a designated scenic corridor and open space corridor of significance. As a result, the impact of proposed development under Phase 1 would be considered **significant and unavoidable**.

#### **Guenoc Valley Site: Future Phases**

No mitigation is available that would reduce the impacts of future phases that could involve further development that is visible along Butts Canyon Road, a designated scenic corridor, as well as from the scenic vistas of the region that can be observed from the Langtry Winery. As a result, the impact of proposed development under Future Phases would be considered **significant and unavoidable**.

### **Findings**

Aesthetic impacts would remain significant under CEQA. Mitigation Measures that would reduce aesthetic impacts below significance are not available. Specific economic, legal, social, technological, or other considerations make infeasible additional mitigation measures or project alternatives identified in the Final EIR [**Finding (3)**].

## ***Facts in Support of Findings***

### **Guenoc Valley Site: Phase 1**

The Proposed Project would convert portions of rural lands within the Guenoc Valley Site into a luxury resort and rural estate community. While the majority of the site will remain undeveloped under Phase 1, the introduction of residences, commercial uses, and infrastructure in an area that is presently undeveloped would change the existing visual character of the Guenoc Valley Site. Scenic vistas in Lake County are generally described in the General Plan and related documents as views of areas such as Clear Lake, Mt. St. Helena, and The Geysers. The Guenoc Valley Site is not located in the foreground or background of any of these scenic vistas, and the Proposed Project would not have an impact on these areas.

Public views and scenic vistas of the site are limited to the views of travelers along Butts Canyon Road, as well as patrons and employees of the Langtry Winery. The majority of the proposed development would not be visible from publicly accessible vantage points as it will be screened by the topography and vegetation of the site. The only components of Phase 1 that are anticipated to be visible from these areas include: 1) the introduction of a float plane dock on Detert Reservoir; 2) the addition of the proposed new primary access road and intersection along Butts Canyon Road, as well as the addition of turning lanes at the existing secondary entrance; 3) the workforce housing south of Butts Canyon Road may be visible in the distance from Butts Canyon Road, however the majority of this development would be shielded by topography; and 4) development within the back-of-house area and a potential solar field location may be visible in the distance from the scenic vistas of the Guenoc Valley that can be observed from the Langtry Winery.

The proposed development will follow existing General Plan policies, and the proposed design guidelines will minimize visual effects by creating infrastructure that will seek to blend in with its surrounding environment and instituting modern and ecological techniques to reduce the footprint of the development. Further, the majority of the proposed development would not be visible from publically accessible vantage points as it will be screened by the topography and vegetation of the site. However, the Primary Access road Option 2 at Butts Canyon Road and along McCain Canyon would substantially change the visual character of a scenic corridor. As a result, the proposed development under Phase 1 would have a ***significant and unavoidable*** impact on the visual character and scenic vistas along this segment of Butts Canyon Road.

### **Guenoc Valley Site: Future Phases**

As with Phase 1, any development under future phases of the Guenoc Valley Site would adhere to the design guidelines described above. The stated objective of the proposed GVD design guidelines is to preserve the character of the landscape through landscaping, invisible infrastructure where feasible, and the design of individual architectural clusters that respond to the variety of the landscape visually and topographically. Regardless, depending on the location, scale, design, and density of the proposed development, future phases could substantially alter the visual character or scenic vistas of the site as viewed from public vantage points, from rural to urban development. The visual alteration of the Guenoc Valley Site under future phases is conservatively assumed to constitute a ***significant and unavoidable*** impact to the visual character and scenic views of the site.

## **Impact**

### **3.1-2 New Sources of Light or Glare.**

The proposed Off-site Workforce Housing would introduce sources of light from residences, businesses, recreational facilities, streetlights, and vehicles, all of which would increase the ambient nighttime illumination level, potentially altering nighttime views. (Final EIR, Volume II, p. 3.1-26)

## ***Mitigation Measures***

### **3.1-1 Off-Site Workforce Housing Lighting Design**

All exterior lighting shall be required to be of the fully-cut off and fully-shielded style to direct light downward (and not up or away) from the light source. The applicant shall coordinate with the County to ensure the lighting plan is consistent with the International Dark Sky Association Model Lighting Ordinance.

## ***Significance After Mitigation***

The mitigation measure described above would ensure that all project lighting be fully cut off and shielded in order to direct light downward (not up or away) from the light source. In addition, all street lighting shall be a maximum height of 14 feet. Therefore, impacts as result from lighting on the Workforce Housing Site would be **less than significant with mitigation**.

## ***Findings***

Implementation of the mitigation measure would lessen aesthetic impacts of the Proposed Project. Therefore, the County hereby finds that changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect identified in the Final EIR **[Finding (1)]**.

## ***Facts in Support of Findings***

### **Off-Site Workforce Housing**

The Middletown Housing Site is currently undeveloped and contains no light sources. Development of the Off-Site Workforce Housing would result in a substantial change in the amount of light generated and would alter nighttime views of the site. There would be additional light from residences and the community center which would increase the ambient nighttime illumination level. This additional lighting would occur in close proximity to adjacent residential areas. Lighting can be an annoyance if it spills into backyards or homes, because it can interfere with sleeping or other activities. **Mitigation Measure 3.1-1** requires that all project lighting be full cut off and shielded in order to direct light downward (not up or away) from the light source. In addition, all street lighting shall be a maximum height of 14 feet. Impacts as result from lighting on the Middletown Housing Site would be reduced to **less than significant with mitigation**.

## 2.2 LAND USE AND AGRICULTURE

### Impact

#### 3.2-2 Create Land Use Conflicts or be Incompatible with Existing or Proposed Adjacent Land Uses.

##### **Guenoc Valley Site: Phase 1 and Future Phases**

Implementation of the Proposed Project would change the character of the Guenoc Valley Site by replacement of rural lands and agriculture with residential and commercial uses, and associated infrastructure including roads, photovoltaic power stations, and other utilities. The Proposed Project could result in potential incompatibilities with agricultural uses could potentially impact the overall economic viability of continued agricultural operations (Final EIR, Volume II, p. 3.2-30)

### **Mitigation Measures**

#### 3.2-1 Right-to-Farm Disclosure

In accordance with the Lake County Code, the Applicant and/or HOA will inform prospective buyers of property, future owners, and current occupants of the project site of the County's Right-to-Farm Ordinance. This notification requirement will be included in the conditions, covenants, and restrictions (CC&Rs) for the Proposed Project. Additionally, buyers shall sign an acknowledgement of the disclosure statements once informed of the Right-to-Farm Ordinance, which shall be kept on file by an authorized agent of the Applicant and/or HOA. The notification shall include a description of adjacent agricultural operations so that buyers within the Proposed Project are aware of operational aspects of agricultural uses (e.g. noise, odors, and dust). The disclosure shall also state that operations from the agricultural equipment may routinely exceed the Lake County Noise Ordinance standards.

### **Significance After Mitigation**

The measure identified above requires a description of adjacent agricultural operations so that buyers within the Proposed Project are aware of the operational aspects of agricultural uses including noise, odors, and dust. With implementation of the feasible mitigation measures described above, the Proposed Project's impact would be ***less than significant with mitigation***.

### **Finding**

Implementation of the mitigation measure would lessen conflicts with the County's Right-to-Farm Ordinance, thus ensuring that implementation of the Proposed Project would not restrict neighboring land with respect to present or future agricultural uses. Therefore, the County hereby finds that changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect identified in the Final EIR [**Finding (1)**].

### **Facts in Support of Finding**

The determination of compatibility of land uses typically relies on the types of land uses adjacent to the Proposed Project and associated with the Proposed Project. The identification of incompatible uses occurs

if a land use is anticipated to disrupt the existing or planned use of an adjacent property. The Guenoc Valley Site is generally bordered by rural and agricultural lands.

The majority of the Guenoc Valley Site border is adjacent to undeveloped grazing land or agricultural land. It is expected that cattle grazing would continue to occur as the primary agricultural activity on adjacent lands. Adjacent areas developed with intense agricultural uses, such as vineyards, which may involve activities such as spraying of pesticides or herbicides, are located along the eastern site border with Napa County, as well as within the Guenoc Valley in the “area excluded from the project site”. Additionally, there are approximately 990 acres of vineyard development currently within the Guenoc Valley Site and another 970 acres leased for potential future vineyard development. These leased vineyard development areas within the Guenoc Valley Site would be located within the proposed GVD “Agricultural Preserve Combining District”.

Agricultural activities can produce dust, noise, and odor at levels that can cause a nuisance when close to residential areas. The introduction of commercial uses and up to 1,400 residential estates under buildout of the GVD could generate conflicts with adjacent agricultural activities, and potentially impact agricultural operations in adjacent areas either through increased complaints by residents regarding agricultural operations, which could interfere with production, or by trespass, vandalism, or theft at nearby farms due to increased population and ease of access. There would be 100 foot fire breaks along many edges of the property boundary, which would also provide a buffer from any present or future adjacent agricultural operations. Along the western Guenoc Valley Site boundary, all proposed development would be set back at least 50 feet from the Napa County line, which is currently cultivated vineyards. As stated in the Lake County Right-to-Farm Ordinance, existing and future agricultural operations may continue in a manner consistent with the underlying zoning, and impacts from agricultural land uses on non-agricultural areas shall not be considered a nuisance to the non-agricultural land use. The County has also established a grievance committee to assist with conflicts between residents and agricultural operations. Even so, potential incompatibilities with agricultural uses could potentially impact the overall economic viability of continued agricultural operations. This is considered a **potentially significant** impact.

In order to fully comply with the County’s Right-to-Farm Ordinance, **Mitigation Measure 3.2-1** shall be implemented. This measure would ensure that all prospective buyers of residential lots within the project site are informed of the Right-to-Farm Ordinance and its legal requirements, thus ensuring that implementation of the Proposed Project would not restrict neighboring land with respect to present, or future agricultural uses. **Mitigation Measure 3.2-1** also requires a description of adjacent agricultural operations so that buyers within the Proposed Project are aware of the operational aspects of agricultural uses including noise, odors, and dust. Land use conflicts with adjacent agricultural operations would be reduced to *less than significant with mitigation*.

## Impact

### **3.2-3 Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Important Farmland), As Shown on Maps Prepared Pursuant to the FMMP of the California Resources Agency, to Non-Agricultural Use.**

#### **Guenoc Valley Site: Phase 1**

Implementation of the Proposed Project Phase 1 development would convert approximately 28.44 acres of Prime Farmland, and 22.1 acres of Unique Farmlands as designated by the FMMP to non-agricultural uses. (Final EIR, Volume II, p. 3.2-33)

#### **Guenoc Valley Site: Future Phases**

Important Farmlands could be converted in future phases, but not all. For example, the Unique Farmland on the southern portion of the site is included in the proposed Open Space corridor. However, future development may convert Important Farmlands and thus the impact is **potentially significant**. (Final EIR, Volume II, p. 3.2-36)

### ***Mitigation Measures***

#### **3.2-2 Agricultural Conservation**

For every acre of prime farmland and unique farmland identified by the Farmland Mapping and Monitoring Program that is converted to non-agricultural uses, the Applicant shall place an agricultural conservation easement, deed restriction, or other form of long-term permanent protection on farmland of equivalent quality to the farmland that would be converted. This farmland shall be permanently protected and located within 100 miles of the Guenoc Valley Site. This farmland shall also have access to necessary infrastructure for farmland operations, such as roads. There shall be at least a 100 foot buffer between the easement and residential development (a smaller buffer may be utilized if determined acceptable by the agricultural commissioner).

For Phase 1, this will require that approximately 28.4 acres of Prime Farmland, and approximately 22.1 acres of Unique Farmland are permanently preserved in accordance with this mitigation measure. The acreage requirements for future phases will be based on the specific development proposals and associated area of impacted farmland. The County shall verify the precise size of impact and therefore the relative size of land to be conserved prior to approval of the associated final phased tentative maps.

### ***Significance After Mitigation***

#### **Guenoc Valley Site: Phase 1**

The measure above would reduce the impact of Important Farmland conversion. However, there would still be a net loss of Important Farmland as a result of Phase 1. Therefore, even with implementation of the feasible mitigation measure described above, the Proposed Project's impact would be **significant and unavoidable**.

#### **Guenoc Valley Site: Future Phases**

The measure above requires acre for acre conservation easements, so every acre of Prime Farmland, and Unique Farmland converted would result in the same number of acres of equivalent Important Farmland preserved somewhere else on the property or within the vicinity. With implementation of Mitigation Measure 3.2-2, impacts related to conversion of Important Farmland during future phases would be reduced but still **significant and unavoidable**.

## ***Finding***

Implementation of the mitigation measure would lessen conversion of Important Farmlands. Therefore, the County hereby finds that changes or alterations have been required in, or incorporated into the project that substantially lessen the significant environmental effect identified in the Final EIR [**Finding (1)**]. However, agricultural impacts would remain significant under CEQA. **Mitigation Measure 3.2-2** would not reduce agricultural impacts below significance. Specific economic, legal, social, technological, or other considerations make additional mitigation measures or project alternatives identified in the Final EIR infeasible [**Finding (3)**].

## ***Facts in Support of Finding***

As described in Volume II, Section 3.2 of the Final EIR, much of the Prime Farmland and Unique Farmland (collectively referred to as “Important Farmland”) within the area occurs within the Guenoc Ranch Property in the areas under separate ownership that are not a part of the Guenoc Valley Site. The Guenoc Valley Site itself contains approximately 173 acres of Prime Farmland, and 398 acres of Unique Farmland, (collectively referred to as “Important” Farmland). Of the Important Farmland within the site, approximately 121.6 acres of Prime Farmland, and 74.3 acres of Unique Farmland occurs within the Phase 1 parcel boundaries. Specifically, the Equestrian Center Community, including polo fields and residential estates, is proposed for development on a mix of Prime Farmland, and Unique Farmland. In addition, the Back of House planning area parcels contain some Prime and Unique Farmland and twelve residential estate parcels in the Maha Farm Community overlap with Unique Farmland. After accounting for the development footprint within resort/commercial parcels, and 1.5-acre lot development restrictions with residential parcels, Phase 1 development may convert approximately 28.44 acres of Prime Farmland, and 22.1 acres of Unique Farmlands as designated by the FMMP to non-agricultural uses. This is considered a ***significant impact***.

Although it is possible that this Important Farmland would be converted in its entirety, much of the farmland is within residential estate parcels, and the future owners may decide to maintain the farmland on their property. **Mitigation Measure 3.2-2** requires acre for acre long-term permanent protection on farmland of equivalent quality, so every acre of Prime Farmland, and Unique Farmland converted would result in the same number of acres of Important Farmland preserved somewhere else on the property or in the vicinity. Although **Mitigation Measure 3.2-2** would reduce the impact of Important Farmland conversion, there would still be a net loss of Important Farmland as a result of Phase 1; thus the impact is ***significant and unavoidable***.

The Guenoc Valley Site contains approximately 172.4 acres of Prime Farmland, and 398 acres of Unique Farmland, (collectively referred to as “Important” Farmland). Of the Important Farmland within the site, approximately 50.8 acres of Prime Farmland, and 323.7 acres of Unique Farmland occur outside of the Phase 1 parcel boundaries. Much of this area would be protected within the proposed GVD Agricultural Preserve Combining District. Important Farmlands could be converted in future phases, but not all. For example, the Unique Farmland on the southern portion of the site is included in the proposed Open Space corridor. However, future development may convert Important Farmlands and thus the impact is ***potentially significant***. **Mitigation Measure 3.2-2** requires acre for acre conservation easements, so every acre of Prime Farmland, and Unique Farmland converted would result in the same number of acres of equivalent Important Farmland preserved somewhere else on the property or within the vicinity. With implementation

of **Mitigation Measure 3.2-2**, impacts related to conversion of Important Farmland during future phases would be reduced but still ***significant and unavoidable***.

## **2.3 AIR QUALITY**

### **Impact**

#### **3.3-2 Generate Construction Related Emissions Resulting In A Cumulatively Considerable Net Increase Of Any Criteria Air Pollutant For Which The Project Region Is Nonattainment Under An Applicable Federal Or State Ambient Air Quality Standard.**

Implementation of all phases of the Proposed Project, including Off-Site Workforce Housing and Infrastructure, would generate construction related emissions that exceed the BAAQMD CEQA thresholds of significance for NOx. Implementation of Phase 1A would result in ROG emissions that exceed the thresholds of significance. (Final EIR, Volume II, p. 3.3-18)

### ***Mitigation Measures***

#### **3.3-1 Measures to Reduce Short-term Construction Related Emissions**

The following measures will be implemented by the Proposed Project to reduce emissions of criteria pollutants and DPM from construction.

- a) Prior to approval of Grading or Improvement Plans- (whichever occurs first) the Applicant shall submit to LCAQMD a Construction Emission/Dust Control Plan within 30 days prior to groundbreaking. The following shall be listed on the improvement plans as standard notes:
  - During construction, emissions of fugitive dust from any active operation, open storage pile, or disturbed surface area, shall be controlled so that dust does not remain visible in the atmosphere beyond the boundary line of the emission source.
  - When wind speeds result in dust emissions crossing property lines, and despite the application of dust control measures, grading and earthmoving operations shall be suspended and inactive disturbed surface areas shall be stabilized.
  - Fugitive dust generated by active operations, open storage piles, or from a disturbed surface area shall not result in such opacity as to obscure an observer's view to a degree equal to or greater than does smoke as dark or darker in shade as that designated as No. 2 on the Ringlemann Chart (or 40 percent opacity).
  - All exposed soils be watered as needed to prevent dust density as described above and in order to prevent dust from visibly exiting the property.
  - Any visible tracked out dirt on a paved road where vehicles enter and exit the work area must be removed at the end of the workday or at least one time per day. Removal shall be accomplished by using wet sweeping or a HEPA filter equipped vacuum device. Dirt from vehicles exiting the site shall be removed through the use of a gravel pad, a tire shaker, a wheel wash system, or a pavement extending for not less than 50 feet from the intersection with the paved public road.
  - All haul trucks transporting soil, sand, or other loose material offsite shall be covered.
  - All vehicle speeds on unpaved roads shall be limited to 25 mph.

- During construction the contractor shall, where feasible, utilize existing power sources (e.g., power poles) or clean fuel (i.e. gasoline, biodiesel, natural gas) generators rather than temporary diesel power generators.
  - Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points. Signs shall be posted in the designated queuing areas of the construction site to remind off-road equipment operators that idling time is limited to a maximum of 5 minutes.
- b) In conjunction with the submittal of the Construction Emission/Dust Control Plan, the prime contractor shall submit to the District a comprehensive inventory (i.e., make, model, year, emission rating) of all the heavy-duty off-road equipment (50 horsepower or greater) that will be used in aggregate of 40 or more hours for the construction project. If any new equipment is added after submission of the inventory, the prime contractor shall contact the LCAQMD prior to the new equipment being utilized. Except in the event of emergency work, when no notice shall be required, the project representative shall provide the District, at least one business day prior to the use of subject heavy-duty off road equipment with the anticipated construction timeline including start date, name and phone number of the property owner, project manager and on-site foreman. The equipment inventory shall meet the minimum requirements as specified in **MM 3.3-1c**, including the use of Tier 4 engines or better to the maximum extent feasible, and Level 3 Diesel Filters during all phases of development.
- c) To the maximum extent feasible, the contractors shall utilize Tier 4 engines or better, and Level 3 Diesel Filters during all phases of development. Compliance must be demonstrated with submittal of the equipment inventory, prior to approval of dust control plans.

### ***Significance After Mitigation***

The measures described above would ensure that the Proposed Project does not generate construction related emissions resulting in a cumulatively considerable net increase of any criteria air pollutant for which the project region is nonattainment. With implementation of the feasible mitigation measure described above, the Proposed Project's impact would be ***less than significant with mitigation***.

### ***Finding***

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR [**Finding (1)**].

### ***Facts in Support of Finding***

Construction-related activities associated with the Proposed Project would generate emissions of CAPs from site preparation (e.g., excavation, grading, and clearing), off-road equipment, material transport, rock crushing activities, generators, worker vehicles, vehicle travel on unpaved roads, paving, and application of architectural coatings. Construction-related emissions would be intermittent and temporary in nature.

A variety of heavy equipment, including trucks, scrapers, excavators, and graders, would be used to complete each phase. PM10 and PM2.5 and ozone precursors are the primary pollutants of concern resulting from operation of construction equipment, earth-moving activities, and soil hauling. ROG, NOx, SO2, CO, PM2.5, PM10, and DPM emissions would primarily be produced by diesel-fueled equipment use and earth-moving activities. Worker commute trips and other construction-related activities (application of architectural coatings, such as paint) also contribute to project-related construction emissions. The generation of dust (fugitive PM10 and PM2.5) during construction activities could adversely affect sensitive receptors and construction workers by exacerbating existing respiratory problems such as asthma. Dust can also adversely affect children and the elderly who are more susceptible to respiratory illnesses.

Effects on air quality during construction were evaluated by estimating the amount of CAPs that would be emitted over the duration of the construction period for each phase of construction.

The Proposed Project would be required to comply with all LCAQMD rules and regulations for construction, including but not limited to the following rules specifically applicable to construction related air quality impacts:

- Chapter II, Article I related to visible emissions,
- Chapter II, Article II related to particulate matter emissions,
- Chapter II, Article IV related to other emissions or contaminants,
- Chapter II, Article IV, Section 467 related to asbestos emissions control measures.
- Chapter IV, Article I, related to construction permits.

Emission levels after mitigation and compliance with LCAQMD rules are listed first, and emissions before mitigation and compliance with LCAQMD rules are shown in parentheses. Refer to Appendix AIR of the Draft EIR for CalEEMod input and output files. Construction-related air quality emissions have been compared with BAAQMD significance thresholds to determine if mitigation measures are warranted. Unmitigated emissions associated with all phases of construction would exceed the BAAQMD CEQA thresholds of significance for NOx. Additionally, unmitigated ROG emissions would exceed the thresholds of significance during construction of Phase 1A. **Mitigation Measure 3.3-1** requires that dust and construction control measures are implemented that would minimize emissions from construction activities.

As stated above, the LCAB is in attainment for all applicable federal and state ambient air quality standard for CAPs. Therefore, the Proposed Project would not generate construction related emissions resulting in a cumulatively considerable net increase of any criteria air pollutant for which the project region is nonattainment. With the implementation of **Mitigation Measure 3.3-1**, construction related emissions would be minimized. This impact is *less than significant with mitigation*.

## Impact

### **3.3-3 Generate Operational Related Emissions in a Cumulatively Considerable Net Increase of any Criteria Air Pollutant for Which the Project Region is Nonattainment Under an Applicable Federal or State Ambient Air Quality Standards.**

Implementation of all phases of the Proposed Project, including Off-Site Workforce Housing and Infrastructure, would generate operational related emissions that would exceed the BAAQMD CEQA thresholds of significance for ROG, NOx, and PM10. (Final EIR, Volume II, p. 3.3-19)

## **Mitigation Measures**

### **3.3-2 Project Measures to Reduce Operational Emissions**

Prior to the issuance of the first certificate of occupancy for the relevant portion of the project (i.e., residential or commercial), as appropriate, the Applicant shall provide documentation to the County that the following measures have been achieved. It should be noted that these measures do not apply to on-going uses within the property that are not a component of the Proposed Project, including agricultural operations conducted under third party leases.

### **Transportation Demand Management Measures**

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

- Dedicate on-site parking for shared vehicles (vanpools/carpools).
- Provide adequate, safe, convenient, and secure on-site bicycle parking and storage in the commercial portion of the project.
- Use of an electric fleet for internal transport vehicles (excluding trucks and other ranch vehicles for on-going agricultural and grazing activities) to the extent feasible (no less than 75%), including the golf course.

### **Project Wide Measures**

- Use energy-efficient lighting that will reduce indirect criteria pollutants and GHG emissions. Using energy-efficient lighting will reduce energy usage and, thus, reduce the indirect GHG emissions from the project. Energy-efficient lighting includes adaptive lighting systems or systems that achieve energy savings beyond those required by Title 24 lighting requirements to the maximum extent feasible.
- Utilize low-flow appliances and fixtures;
- Use of state-of-the-art irrigation systems that reduce water consumption including graywater systems and rainwater catchment;
- Use of drought-tolerant and native vegetation
- Low VOC paint shall be utilized for parking areas and the interiors and exteriors of the both residential and non-residential buildings.

### **Residential Measures**

- Facilitate achievement of zero net energy buildings through installation of solar photovoltaic systems consistent with the 2019 Building Energy Efficiency Standards, CCR Title 24 Part 6. Compliance with this requirement must be demonstrated prior to issuance of occupancy permits for residential uses.
- Provide electrical outlets on the outside of the homes or outlets within the garages to encourage the use of electrical landscaping equipment.
- Use water efficient landscapes and native/drought-tolerant vegetation.

- Install smart meters and programmable thermostats.
- Use energy-efficient appliances in the residences where available. These include appliances that meet USEPAs Energy Star Criteria.

### **Resort/Commercial Measures**

- Facilitate achievement of zero net energy buildings through the construction standards required under the 2019 Building Energy Efficiency Standards, CCR Title 24 Part 6 and the use of rooftop or on-site photovoltaic systems, with or without storage, or the acquisition of renewable energy or energy credits from another source, or generation onsite. Zero Net Energy shall mean that on a community-wide basis, the actual annual consumed energy will be less than or equal to the renewable generated energy utilized. It is the Project's goal to obtain enough renewable electrical energy for the Project's needs and to distribute it throughout the Guenoc Valley site. Therefore, renewable energy supplies shall be secured and/or systems installed for each commercial structure prior to issuance of its final certificate of occupancy.
- Install on-site charging units for electric vehicles consistent with parking requirements in California Green Building Standards Code Section 5.106.5.2.
- Install electric water heating instead of gas water heating for some or all of the project's hot water needs, to the extent such technology is readily available and commercially practicable.

### **Significance After Mitigation**

The measures described above reduce operational emissions by requiring a commitment to solar energy, use of low VOC paints, energy-efficient lighting, low-flow appliances, recycled-water irrigation systems, and drought tolerant vegetation. With implementation of the feasible mitigation measure described above, the Proposed Project's impact would be ***less than significant with mitigation***.

### **Finding**

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR **[Finding (1)]**.

### **Facts in Support of Finding**

Buildout of the Proposed Project would result in the generation of mobile emissions from patron, employee, and delivery vehicles and area and energy CAP emissions from the combustion of propane in boilers, stoves, heating units, and other equipment on the Guenoc Valley Site. Operational emissions including area, energy, mobile, stationary, waste and water related emissions were estimated using CalEEMod. Emission levels after mitigation are listed first, and emissions before mitigation are shown in parentheses. Refer to Appendix AIR of the Draft EIR for CalEEMod input and output files. The estimates represent annual operational emissions.

Operational air quality emissions have been compared with BAAQMD significance thresholds to determine if mitigation measures are warranted. Unmitigated emissions associated with operation would exceed the BAAQMD CEQA thresholds of significance for ROG, NO<sub>x</sub>, and PM<sub>10</sub>.

However, **Mitigation Measure 3.3-2** provides a range of actions that would reduce operational emissions by requiring a commitment to solar energy, use of low VOC paints, energy-efficient lighting, low-flow appliances, recycled-water irrigation systems, and drought tolerant vegetation. The use of solar energy would also reduce the use of generators during PG&E shutoffs and would therefore potentially reduce associated emissions. Additionally, **Mitigation Measure 3.13-4** requires implementation of a Transportation Demand Management (TDM) Program to reduce the vehicle miles traveled (VMT) generated by the Proposed Project. The trip reduction from implementation of the TDM Program would also result in a further reduction in operational emissions from the Proposed Project.

The LCAB is in attainment for all applicable federal and state ambient air quality standard for CAPs. Therefore, the Proposed Project would not generate emissions of any criteria air pollutant for which the project region is nonattainment. With the implementation of **Mitigation Measure 3.3-2**, operational related emissions would be minimized. This impact is ***less than significant with mitigation***.

## **Impact**

### **3.3-6 Result in Other Emissions (Such As Those Leading To Odors) Adversely Affecting A Substantial Number Of People.**

Implementation of all phases of the Proposed Project would result in temporary and intermittent odors at off-site sensitive receptors via diesel exhaust emissions during construction. (Final EIR, Volume II, p. 3.3-24)

## ***Mitigation Measures***

### **3.3-1 Measures to Reduce Short-term Construction Related Emissions**

**Mitigation Measure 3.3-1** is set forth in full in **Section 2.3** in relation to **Impact 3.3-1**.

## ***Significance After Mitigation***

The measure described above would reduce exposure of existing and future residents to the odors from construction-related diesel exhaust. With implementation of the feasible mitigation measures described above, the Proposed Project's impact would be ***less than significant with mitigation***.

## ***Finding***

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR [**Finding (1)**].

## ***Facts in Support of Finding***

The occurrence and severity of odor impacts depend on numerous factors, including the nature, frequency, and intensity of the source; wind speed and direction; and the presence of sensitive receptors. Although offensive odors rarely cause any physical harm, they still can be unpleasant, leading to considerable distress and often generating citizen complaints to local governments and regulatory agencies.

The Proposed Project would result in diesel exhaust emissions from on-site construction equipment during the construction phase. Diesel exhaust emissions can result in temporary and intermittent odors at off-site

sensitive receptors. These odors are generally not detectible beyond a project's property line due to the rapid deposition of diesel exhaust emissions. In addition, CARB's Diesel Reduction Plan (discussed in Section 3.3.2), recommends control measures to reduce the risks associated with DPM and achieve a goal of 85 percent reduction by 2020. Implementation of **Mitigation Measure 3.3-1** will further reduce exposure of existing and future residents to the odors from construction-related diesel exhaust. Impacts associated with construction odors are considered *less than significant with mitigation*.

## 2.4 BIOLOGICAL RESOURCES

### Impact

#### 3.4-1 Substantial Adverse Effect, Either Directly Through Habitat Modifications or Indirectly, on any Species Identified as a Candidate, Sensitive, or Special Status Species in Local or Regional Plans, Policies, or Regulations, or By CDFW or USFWS.

Implementation of Phase 1, Future Phases, and Off-Site Workforce Housing and Infrastructure construction and operation has the potential to displace special-status species and convert or degrade habitats on which they rely. (Final EIR, Volume II, p. 3.4-52)

### *Mitigation Measures*

#### Guenoc Valley Site: Phase 1

##### 3.4-1 Construction Best Management Practices

- A) Construction and staging areas shall not be larger than necessary and to the degree feasible shall be within areas otherwise scheduled for development. These areas shall be visibly demarcated prior to construction activities to prevent unnecessary impacts. Equipment shall not be kept outside established areas.
- B) Construction areas shall be kept serviceably clean. Sufficient closed bins shall be provided for trash and debris. Washout, track out, and dust control BMPs shall be implemented as necessary. Construction vehicles and equipment shall be clean and free of mud or vegetation that could introduce plant pathogens or propagules of non-native plants. This includes equipment hauled onto the site.
- C) Pets shall not be allowed within construction areas.
- D) Construction activities shall be carried out such that sensitive habitats are avoided. Materials shall not be placed where they may enter sensitive habitat, receiving waters, or a storm drain, or be subject to wind or runoff erosion and dispersion.
- E) Equipment use shall be limited to the hours from 7:00 a.m. to 7:00 p.m. to the extent possible.

##### 3.4-2 Worker Environmental Awareness Training

Construction personnel working on the Proposed Project shall be provided with an Environmental Awareness Training tailored to the location they will be working on prior to the commencement of construction work by that personnel. This training shall include materials that describe the sensitive habitats and special-status wildlife species with the potential to occur. **Table 3.4-9** dictates species for which environmental awareness training shall occur, based on location.

Topics covered shall include relevant biological information on these species, and the appropriate actions that shall be taken in the event of an occurrence. Training shall also include a description

of construction best management practices and the importance of environmentally conscious construction. Training materials shall be prepared by a qualified biologist who shall train a member of the contractor's crew to provide follow-up trainings to newly hired employees during the construction period. The qualified biologist shall attend the Environmental Awareness Training quarterly, at a minimum, to ensure that the training sufficiently covers the necessary materials. These materials may be updated as new information is available. Construction personnel shall sign a training log stating that they have received this training. Copies of this training log shall be maintained on the Guenoc Valley Site and shall be made available to inquiring agencies upon request.

**SPECIAL-STATUS SPECIES TO BE INCLUDED IN ENVIRONMENTAL AWARENESS TRAINING**

Species	Guenoc Valley Site (All Phases)	Middletown Housing Site
Pallid bat ( <i>Antrozous pallidus</i> )	X	X
Ring-tailed cat ( <i>Bassariscus astutus</i> )	X	
Townsend's big-eared bat ( <i>Corynorhinus townsendii</i> )	X	
Western red bat ( <i>Lasiurus blossevillii</i> )	X	X
American badger ( <i>Taxidea taxus</i> )	X	
Tricolored blackbird ( <i>Agelaius tricolor</i> )	X	
Grasshopper sparrow ( <i>Ammodramus savannarum</i> )	X	
Golden eagle ( <i>Aquila chrysaetos</i> )	X	
Long-eared owl ( <i>Asio otus</i> )	X	X
Burrowing owl ( <i>Athene cunicularia</i> )	X	
Northern harrier ( <i>Circus cyaneus</i> )	X	
Olive-sided flycatcher ( <i>Contopus cooperi</i> )	X	X
White-tailed kite ( <i>Elanus leucurus</i> )	X	X
American peregrine falcon ( <i>Falco peregrinus anatum</i> )	X	
Bald eagle ( <i>Haliaeetus leucocephalus</i> )	X	
Yellow-breasted chat ( <i>Icteria virens</i> )	X	X
Least bittern ( <i>Ixobrychus exilis</i> )	X	
Loggerhead shrike ( <i>Lanius ludovicianus</i> )	X	X
Purple martin ( <i>Progne subis</i> )	X	X
Yellow warbler ( <i>Setophaga [Dendroica] petechia brewsteri</i> )	X	X
Yellow-headed blackbird ( <i>Xanthocephalus xanthocephalus</i> )	X	
Western pond turtle ( <i>Actinemys marmorata</i> )	X	X
Foothill yellow-legged frog ( <i>Rana boylei</i> )	X	X

**3.4-3 General Special-Status Plant Mitigation**

A) Pre-construction botanical surveys of herb-dominated habitats (i.e. grasslands, wetlands) with the potential to support special-status plants shall be conducted within those areas scheduled for groundbreaking during one of the two appropriate identification seasons prior to ground breaking. It should be noted that surveys conducted in 2018 and 2019 for Phase 1 would meet the requirements of this measure for construction activities occurring in 2020 and through a portion of 2021, depending on the exact timeframe of construction and the potential species impacted. Pre-construction surveys of shrub or woodland dominated habitats with the potential to support special-status plants shall be surveyed within one of the four appropriate identification seasons prior to groundbreaking for each specific component of the Proposed Project. Initial vegetation clearing along proposed roadways for fire management shall also be

subject to these standards. Pre-construction surveys shall be completed by a qualified biologist during the appropriate identification period for plants with the potential to occur in the area scheduled for ground breaking. Results of the pre-construction survey shall be maintained on the Guenoc Valley Site and available to agencies upon request.

B) In the event that the results of the pre-construction special-status plant surveys identify the presence of individual special-status plants within areas identified for ground disturbance activities, one of the following measures shall be conducted.

1) Individual occurrences of special-status plants shall be avoided by a minimum of 20 feet when possible. This buffer shall be demarcated by a qualified biologist with high-visibility fencing. Where ground disturbance would occur within 100 feet upslope of occurrences of special-status plants during the wet season (October 1 through April 1), silt fencing or straw wattles shall be installed between the work area and the 20-foot setback and shall not be removed until the disturbed areas have been revegetated or otherwise stabilized.

OR

2) When avoidance of a special-status plant is not feasible, mitigation shall occur through transplanting or compensatory planting of in-kind species. Mitigation for special-status plants shall follow the general outline below.

- i. For compensatory plantings, in-kind species shall be planted at a minimum ratio of 2:1. Monitoring of mitigation activities shall be performed by a qualified biologist for a minimum of three years. The qualified biologist shall prepare an annual report on the progress of mitigation with recommended management actions. Mitigation shall be deemed complete once the qualified biologist has determined that the mitigation has achieved or exceeded 80 percent success following the minimum three years of monitoring. Additional years of monitoring and management shall occur should mitigation fail to meet success criteria.
- ii. Should transplanting of individual plants be considered, the transplanting shall be completed by a qualified biologist. Plants shall be relocated to suitable habitats and shall be within designated open space as possible. A qualified biologist shall monitor all transplanted individuals for a minimum of three years to ensure successful establishment. The qualified biologist shall prepare an annual report on the success of transplanted plants. Should transplanting fail, compensatory actions shall occur as outlined under (i).
- iii. Consultation with CDFW or USFWS shall occur as necessary, based on regulatory jurisdiction, should a special-status plant that does not have a history of successful transplantation and was not previously identified within the Phase 1 Area of Potential Effects be observed during preconstruction botanical surveys. For species with a demonstrated history of successful transplantation, then mitigation shall follow steps (i) and (ii) above.

#### **3.4-4 American Badger Impacts**

No more than 14 days before the start of ground disturbance activities on or within 200 feet of open grassland, a qualified biologist shall conduct pre-construction surveys to determine if American badger dens are present. If no dens are observed, no further mitigation is necessary. If American badger dens are determined to be present, the biologist shall monitor for activity to determine whether the den is active. If the den is determined to be occupied by a female with young, a 50-foot buffer shall be demarcated with high-visibility flagging until the qualified biologist has determined that young have matured and dispersed. No construction activities shall occur within the buffer while the den is actively supporting dependent young.

If the den is determined to be active, but a female with young is not present, CDFW shall be contacted to determine if burrow exclusion using passive measures such as one-way doors or equivalent may be utilized. Exclusion activities shall be attempted for a minimum of three days to discourage their use prior to any project-related ground disturbance. If the biologist determines that the dens have become inactive as a result of the exclusion methods, dens shall be excavated by hand to prevent them from being re-occupied during construction.

#### **3.4-5 Ringtail Impacts**

No more than 14 days before the start of ground disturbance activities within open grassland, oak woodland, or riparian forest habitat, a qualified biologist shall conduct pre-construction surveys to determine if ringtail dens are present. If no active ringtail dens are observed, no further mitigation shall be recommended. If ringtail dens with young are determined to be present within the work area, the biologist shall establish a clearly marked exclusionary buffer of no less than 50 feet with high-visibility flagging. No ground disturbance shall take place within the buffer until the biologist determines the den no longer supports dependent young.

#### **3.4-6 Bat Maternity Roosts and Special-Status Bat Impacts**

Pre-construction survey(s) for bat roosts shall be conducted no more than 14 days prior to the start of construction in locations suitable for roosts or tree removal. Surveys of potential bat roost habitat shall concentrate on large trees (DBH >12 inches) specifically looking for relevant bat use features such as loose bark or cavities, broadleaf trees in riparian woodland habitat, buildings, bridges, and cliffs/rocky outcroppings on or within 100 feet of any planned work areas.

Prior to construction on the Middletown Housing Site, foliage suitable for western red bat roosting shall also be surveyed. If no potential bat roosts are observed, no further mitigation shall be necessary. For trees proposed for removal that have been identified as potentially suitable habitat for special-status bat species, the following shall apply.

- Trees proposed for removal that have been identified as potentially suitable special-status bat habitat shall be removed using the two-day phased removal method described below:
  - On day 1, branches and small limbs not containing potential bat roost habitat (cavities, crevices, exfoliating bark, etc.) shall be removed using chainsaws only. The remainder of the tree shall be removed on day 2.

- Removal shall occur during seasonal periods of bat activity. Removal shall occur as possible outside of maternity season. The maternity roosting season for bats is approximately February 1 through September 1 (but varies due to rainfall and temperature). The best time for removal of structures that may support maternity roosting is between February 1 and April 15.

If an active maternity roost is detected, the tree(s) or structures shall be retained until after the young bats are no longer dependent on their parents for care as determined by a qualified biologist. If a special-status bat roost is observed during preconstruction surveys, appropriate avoidance or exclusion measures shall be developed in consultation with CDFW.

### **3.4-7 Artificial Lighting Impacts – Construction and Operation**

Lighting fixtures associated with the construction and operation of the Proposed Project shall be designed to ensure maximum efficiency, eliminate direct upward light, and reduce spill consistent with Design Guidelines and shall follow the general principles below:

- Site-wide lighting shall promote dark sky policies;
- Lighting along roadways, pathways, and within parking areas shall only be used to the extent necessary to guide nighttime navigation and ensure safety and security;
- Lighting shall not be placed or illuminate higher than necessary to provide efficient lighting for its intended purpose;
- Lighting shall be deliberately directed downward and away from sensitive habitat types;
- Nighttime lighting shall also be reduced to the maximum extent feasible by turning off lights from the hours of 11 p.m. to 7 a.m., unless they are essential for safety or security purposes and are properly designed and installed to reduce light spillage. Lights that must be used during these designated nighttime hours shall be dimmed in order to reduce the intensity of light projected by the project as possible and shall be minimized as appropriate through motion-sensitive lighting, lower intensity lights, and appropriately programmed timed lights.

Appropriate lighting consistent with these measures and the Proposed Project's Design Guidelines shall be adhered to for all phases of construction at project-related sites.

### **3.4-8 Special-Status Birds - Nesting**

Should any groundbreaking or construction-related work begin within the general nesting season (February 1 through August 31), a pre-construction nesting bird survey on and within 200 feet of ground-disturbing activities shall be completed by a qualified biologist no more than five days prior to the start of work. If no active nests are observed, no further mitigation shall be recommended.

If active nests are observed during the pre-construction survey, a qualified biologist shall demarcate a protective, high-visibility buffer around the nest. Buffer size shall be determined by the biologist based on species, nest location, planned disturbance footprint, and presence of any visual or auditory buffers. The qualified biologist shall also consider any species-specific plans related to acceptable nest-avoidance measures compared to anticipated disturbance levels of construction.

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

Due to the known presence of several nesting raptor species, including eagles, on the overall Guenoc Valley Site primarily outside of the APE, targeted surveys for active raptor nests shall be conducted. For construction activities planned on the Guenoc Valley Site, Middletown Housing Site, or the Off-Site Infrastructure Improvement Areas within 0.5 miles of a documented eagle or protected falcon species nest, pre-construction surveys shall be conducted in accordance with the most current guidance available from USFWS and CDFW. If a special-status raptor nest is determined to be present on or within 0.5 miles of the work area, consultation with the USFWS and/or CDFW, based on regulatory jurisdiction, shall occur and any measures recommended or required by those agencies shall be incorporated into the project design.

#### **3.4-9 Special-Status Birds – Burrowing Owl**

A pre-construction survey shall be performed by a qualified biologist prior to the start of ground-disturbing activities where suitable burrowing owl burrows (such as ground squirrel complexes) are present. The survey shall be performed according to the standards set forth by the Staff Report for Burrowing Owl Mitigation (CDFW, 2012). Pre-construction surveys shall occur no more than 14 days prior to ground disturbance. Should a burrow be observed in use by a burrowing owl, or if a burrow shows signs of use (pellets, whitewash, feathers), project activities shall be excluded within a 250-foot high-visibility buffer until the qualified biologist determines the owls are no longer present.

For active burrows within an area of impact, passive exclusion techniques, such as one-way doors, may be used to exclude burrowing owls from occupied burrows outside the nesting season or if the qualified biologist determines the burrow does not support an active nest. Once exclusion is completed and the biologist determines that the burrow is not occupied, the burrows shall be collapsed.

#### **3.4-10 Western Pond Turtle Impacts - Construction**

To the extent possible, initial ground disturbance, vegetation clearing, and associated project activities within 300 feet of ponds, reservoirs, or wetted streams where western pond turtle has been documented shall occur between July 1 and October 31 to avoid the peak nesting season and winter inactivity periods for western pond turtle.

No more than 14 days prior to the start of work within 300 feet of ponds, reservoirs, or wetted streams with the potential to support western pond turtle, a pre-construction survey for western pond turtle shall be completed. If the species is observed, the biologist shall provide measures to avoid direct impacts based on the planned work. Such measures may include a protective no-work buffer, exclusion fencing, monitoring, or coordination with CDFW if relocation is required.

#### **3.4-11 Foothill Yellow-Legged Frog Impacts - Construction**

Work within 100 feet of any wetted stream feature or associated riparian area where foothill yellow-

legged frog (FYLF) has been documented shall occur during the dry months (July 1 through October 31) as possible. Timing shall also occur outside of the FYLF breeding season (March 1 to June 30) to the extent possible.

Pre-construction surveys for FYLF within any wetted stream feature near a work area shall be conducted by a qualified biologist at least 14 days prior to the onset of construction activities. Surveys shall cover at least 500 feet upstream and 500 feet downstream of the work area for presence of all life stages. Surveys shall be conducted during the day and under optimal conditions for detecting FYLF. Additional pre-construction surveys may be required as determined by the qualified biologist. If FYLF are detected, measures to avoid the species shall be implemented. Such measures may include, but are not limited to, a protective no-work buffer, exclusion fencing, monitoring, and/or coordination with CDFW.

### **3.4-12 Invasive Species Management - Operation**

Non-native wildlife shall not be intentionally released onto the Project site, with the exception of approved stocking of fish within isolated waterbodies. In order to address the creation of bullfrog habitat as a result of the Proposed Project, a Bullfrog Management Plan shall be created. The Bullfrog Management Plan shall include the following provisions:

- Goals of the Bullfrog Management Plan;
- Identification of target areas for bullfrog management;
- Appropriate management actions designed to remove invasive bullfrogs such that an environmental benefit is achieved;
- A suitable method of monitoring, adaptive management, and reporting throughout the duration of management.

### **3.4-13 Aquatic Habitat Public Signage**

Signage at primary public access locations in proximity to western pond turtle or foothill yellow-legged frog habitat shall be posted that describes the sensitive nature of these habitat types and their importance within the Guenoc Valley Site ecosystem. Signage shall also include action items for visiting public to encourage protection of these valuable resources. This may include, but is not limited to:

- Proper collection and disposal of trash;
- Leashing of pets to prevent harassment of wildlife;
- Passive activities to enjoy wildlife without disturbing natural behavior;
- Discouragement of removal of plants or other biological resources; and
- Restrictions on allowable transportation (vehicles, bicycles, horses, etc.) near sensitive habitat.

Infrastructure shall also include waste receptacles sufficient in number and size to service public use of the Guenoc Valley Site with regular service to prevent over spilling. Removal of litter shall occur during servicing of waste receptacles.

### **3.4-21 Domestic Cat Predation**

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

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

### **3.9-1 Storm Water Pollution Prevention Plan**

**Mitigation Measure 3.9-1** is set forth in full in **Section 2.9** in relation to **Impact 3.9-1**.

### **3.9-2 Aggregate/Concrete Monitoring and Reporting Program**

**Mitigation Measure 3.9-2** is set forth in full in **Section 2.9** in relation to **Impact 3.9-1**.

### **3.10-1 Restrict Construction Times in Areas in Proximity to Sensitive Receptors**

**Mitigation Measure 3.10-1** is set forth in full in **Section 2.10** in relation to **Impact 3.10-1**.

## **Guenoc Valley Site: Future Phases**

### **3.4-1 Construction Best Management Practices**

**Mitigation Measure 3.4-1** is set forth in full above.

### **3.4-2 Worker Environmental Awareness Training**

**Mitigation Measure 3.4-2** is set forth in full above.

### **3.4-3 General Special-Status Plant Mitigation**

**Mitigation Measure 3.4-3** is set forth in full above.

### **3.4-4 American Badger Impacts**

**Mitigation Measure 3.4-4** is set forth in full above.

### **3.4-5 Ringtail Impacts**

**Mitigation Measure 3.4-5** is set forth in full above.

### **3.4-6 Bat Maternity Roosts and Special-Status Bat Impacts**

**Mitigation Measure 3.4-6** is set forth in full above.

### **3.4-7 Artificial Lighting Impacts – Construction and Operation**

**Mitigation Measure 3.4-7** is set forth in full above.

### **3.4-8 Special-Status Birds – Nesting**

**Mitigation Measure 3.4-8** is set forth in full above.

### **3.4-9 Special-Status Birds – Burrowing Owl**

**Mitigation Measure 3.4-9** is set forth in full above.

### **3.4-10 Western Pond Turtle Impacts – Construction**

**Mitigation Measure 3.4-10** is set forth in full above.

### **3.4-11 Foothill Yellow-Legged Frog Impacts – Construction**

**Mitigation Measure 3.4-11** is set forth in full above.

### **3.4-12 Invasive Species Management – Operation**

**Mitigation Measure 3.4-12** is set forth in full above.

### **3.4-13 Aquatic Habitat Public Signage**

**Mitigation Measure 3.4-13** is set forth in full above.

### **3.4-14 Future Phases Biological Review**

Following the development of sufficient information related to future phases of development and prior to any on the ground impacts, a qualified biologist shall perform an updated and detailed analysis on impacts to biological resources within the future phases Area of Potential Effect. A report detailing any necessary survey methods, results, and analysis of potential future phases impacts shall be prepared to determine the application of **Mitigation Measures 3.4-1** through **3.4-13**, **3.4-15** through **3.4-20**, **3.9-1**, **3.9-2**, and **3.10-2** to future phases, and the need for additional mitigation measure beyond those measures to reduce impacts of future phases to a less than significant level. The analysis shall be to the level of detail presented within this EIR. Additional mitigation shall be presented for those impacts determined to be significant or potentially significant following the inclusion of **Mitigation Measures 3.4-1** through **3.4-13**, **3.4-15** through **3.4-20**, **3.9-1**, **3.9-2**, and **3.10-2**. Additional mitigation shall be designed such that impacts to biological resources are reduced to less-than-significant levels and include avoidance, compensation, and monitoring similar to mitigation identified for Phase 1.

### **3.4-21 Domestic Cat Predation**

**Mitigation Measure 3.4-21** is set forth in full above.

### **3.9-1 Storm Water Pollution Prevention Plan**

**Mitigation Measure 3.9-1** is set forth in full in **Section 2.9** in relation to **Impact 3.9-1**.

### **3.9-2 Aggregate/Concrete Monitoring and Reporting Program**

**Mitigation Measure 3.9-2** is set forth in full in **Section 2.9** in relation to **Impact 3.9-1**.

### **3.10-1 Restrict Construction Times in Areas in Proximity to Sensitive Receptors**

**Mitigation Measure 3.10-1** is set forth in full in **Section 2.10** in relation to **Impact 3.10-1**.

### **Off-Site Workforce Housing**

#### **3.4-1 Construction Best Management Practices**

**Mitigation Measure 3.4-1** is set forth in full above.

- 3.4-2 Worker Environmental Awareness Training**  
Mitigation Measure 3.4-2 is set forth in full above.
- 3.4-3 General Special-Status Plant Mitigation**  
Mitigation Measure 3.4-3 is set forth in full above.
- 3.4-6 Bat Maternity Roosts and Special-Status Bat Impacts**  
Mitigation Measure 3.4-6 is set forth in full above.
- 3.4-7 Artificial Lighting Impacts – Construction and Operation**  
Mitigation Measure 3.4-7 is set forth in full above.
- 3.4-8 Special-Status Birds – Nesting**  
Mitigation Measure 3.4-8 is set forth in full above.
- 3.4-10 Western Pond Turtle Impacts – Construction**  
Mitigation Measure 3.4-10 is set forth in full above.
- 3.4-11 Foothill Yellow-Legged Frog Impacts – Construction**  
Mitigation Measure 3.4-11 is set forth in full above.
- 3.4-13 Aquatic Habitat Public Signage**  
Mitigation Measure 3.4-13 is set forth in full above.
- 3.9-1 Storm Water Pollution Prevention Plan**  
Mitigation Measure 3.9-1 is set forth in full in **Section 2.9** in relation to **Impact 3.9-1**.
- 3.9-2 Aggregate/Concrete Monitoring and Reporting Program**  
Mitigation Measure 3.9-2 is set forth in full in **Section 2.9** in relation to **Impact 3.9-1**.
- 3.10-1 Restrict Construction Times in Areas in Proximity to Sensitive Receptors**  
Mitigation Measure 3.10-1 is set forth in full in **Section 2.10** in relation to **Impact 3.10-1**.

**Off-Site Infrastructure**

- 3.4-8 Special-Status Birds – Nesting**  
Mitigation Measure 3.4-8 is set forth in full above.
- 3.4-9 Special-Status Birds – Burrowing Owl**  
Mitigation Measure 3.4-9 is set forth in full above.

***Significance After Mitigation***

The measures described above would reduce the overall potential for implementation of the Proposed Project to result in direct impacts to special-status species, or in habitat loss or degradation that could result

in significant impacts to special-status species. With implementation of the feasible mitigation measures described above, the Proposed Project's impact would be **less than significant with mitigation**.

### ***Findings***

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR [**Finding (1)**]. Implementation of some mitigation measures require agency consultation and/or approval. Therefore, similar changes or alterations addressed in **Section 2.4** are also within the responsibility and jurisdiction of another public agency. Such changes have been adopted by such other agency or can and should be adopted by such other agency [**Finding (2)**].

### ***Facts in Support of Findings***

#### ***Guenoc Valley Site – Phase 1 Construction***

The Guenoc Valley Site does not include USFWS-designated Critical Habitat or NMFS-designated Essential Fish Habitat, therefore, impacts to designated habitats would not occur. A total of 10 special-status wildlife species and nine special-status plant species have been observed on the Guenoc Valley Site. An additional 13 special-status wildlife species and 52 special-status plant species have the potential to occur on the Guenoc Valley Site, but were not observed during surveys.

#### ***Special-Status Plants***

The following special-status plants have been identified within the Phase 1 APE: Colusa layia, green jewelflower, Greene's narrow-leaved daisy, Keck's checkerbloom, Lake County western flax, and two-carpellate western flax. Other special-status plant species that have the potential to occur onsite were not observed during the bloom surveys conducted within the Phase 1 APE. Given the long timeframe for development, it is also possible for the recruitment of special-status plants to occur within the Phase 1 APE prior to construction. Implementation of **Mitigation Measure 3.4-3** would reduce impacts to special-status plants.

Under **Mitigation Measure 3.4-3**, preconstruction surveys within the appropriate identification period would determine the specific locations of special-status plants and require establishment of suitable buffers and modification of final lot development plans based on survey results. In the event that avoidance is not feasible, **Mitigation Measure 3.4-3** would require appropriate measures to offset impacts, including relocation and/or compensatory plantings within the Guenoc Valley Site. These activities would be monitored by a qualified biologist in order to ensure that transplants are successful and that replanting at a 2:1 ratio achieves a minimum 80 percent success ratio. Additionally, should special-status plants not previously identified in the Phase 1 APE be identified in botanical preconstruction surveys, agency consultation would occur as needed if the identified plant does not have a demonstrated history of successful transplantation, or does not support sufficient preservation areas on site. After mitigation, impacts to special-status plants would be reduced to a **less-than-significant level**.

As described in Section 6.0 of Appendix BRA1 and BRA2 of the Draft EIR, CNPS list 3 and list 4 plants were observed on the Guenoc Valley Site. While these plants are not considered special-status plants for

the purpose of this EIR, their inherent value has been considered through the design and development of the Proposed Project. Known occurrences of CNPS list 3 and list 4 plants have been included within designated open space and, in this way, effects on these plants have been avoided where feasible.

### ***Special-Status Mammals***

#### *American Badger*

While individual badgers typically have multiple dens for daily refuge, these dens are also used for birthing and other important activities related to raising of young. Construction activities within annual grassland could impact badgers or badger dens should they occur within an area designated for development. Destruction of active dens, especially birthing dens, has the potential to occur during habitat conversion. Destruction of an active birthing den would be a **significant** impact. **Mitigation Measure 3.4-4** requires identification of potential American badger dens in preconstruction surveys followed by appropriate agency consultation and measures in the event that an occupied den is detected. After mitigation, impacts to American badger as a result of Phase 1 construction would be reduced to **less-than-significant** levels.

#### *Ringtail*

While the majority of ringtail habitat would remain un-impacted, construction of Phase 1 of the Proposed Project could result in the destruction of suitable ringtail birthing dens. Destruction of an active birthing den would constitute a **significant** impact. **Mitigation Measure 3.4-5** requires identification of potential active ringtail dens in preconstruction surveys followed by the appropriate avoidance or removal measures. After mitigation, impacts to ringtails would be reduced to **less-than-significant** levels.

#### *Special-status Bats*

The Proposed Project additionally has the potential to impact special-status bats through direct injury or mortality should a roost tree in active use be removed during construction of Phase 1. These impacts are considered *potentially significant*. In order to address these impacts, **Mitigation Measure 3.4-6** is recommended. Implementation of **Mitigation Measure 3.4-6** would require pre-construction surveys within potential bat roost habitat as identified by a qualified biologist. Trees identified as potentially supporting day roosts by a qualified biologist would be subject to a two-day removal process that would allow any day roosting bats, should they occur, to vacate the roost. Consultation with CDFW as necessary based on the results of preconstruction surveys would further reduce impacts. Any active maternity roosts would be avoided until the end of the maternity roosting season. Implementation of **Mitigation Measure 3.4-6** would reduce impacts to special-status bats due to removal of potential roost trees to a **less-than-significant** level.

Additionally, indirect impacts from nighttime construction noise has the potential to create *potentially significant* sensory disturbance to special-status bats. Continuous loud nighttime noise has the potential to disrupt nighttime foraging activities and may displace special-status bats from foraging in areas of heavy construction. However, construction of Phase 1 would occur in multiple phases for each clustered development community. As stated above, 81.9 percent of the Guenoc Valley Site would not be developed as a result of Phase 1 construction. With implementation of **Mitigation Measure 3.10-2**, overall construction noise would be reduced through the use of mufflers, shields, shrouds, and other equipment choice and

design to reduce noise production. The area potentially subject to nighttime construction noise as a result of the Proposed Project would be much smaller than the total area scheduled for Phase 1 development, as each community would be developed in its own phase. Additionally, much of the construction activity would occur during daylight hours, outside of peak bat foraging activity. Because the Proposed Project would not significantly impact available foraging habitat, and because potential nighttime construction noise would not occur across the entirety of the Phase 1 APE at any given time, impacts to special-status bats are minimized. With implementation of **Mitigation Measure 3.10-2**, impacts would be *less than significant*.

The use of artificial lighting during nighttime bat foraging activities causes disorientation and disruption of normal feeding behavior. Excessive use of artificial nighttime lighting or high-intensity lighting has the potential to *significantly impact* special-status bats during foraging activity. Per the project design guidelines, lighting would be restricted primarily to the safety and security of visitors with minimal and restricted lighting of aesthetic features such as artwork and landscaping (Appendix DG of the Draft EIR). These features would be subject to restrictions on light type, intensity, shielding, timing, and intensity as described in the design guidelines. **Mitigation Measure 3.4-7** further reduces effects from lighting by restricting the use of lighting between 11 p.m. and 7 a.m. unless required for safety or security purposes, with specific restrictions on such safety or security lighting.

With implementation of **Mitigation Measure 3.10-2** presented in **Section 3.10.5**, and **Mitigation Measures 3.4-1, 3.4-2, 3.4-6, and 3.4-7**, impacts to special-status bats would be reduced to a *less-than-significant* level.

### ***Special-Status, Nesting, and Migratory Birds***

The Guenoc Valley Site provides suitable nesting and foraging habitat for numerous special-status birds. Bald and golden eagles protected under the Bald and Golden Eagle Protection Act, as well as other birds protected under the Migratory Bird Treaty Act, have been observed onsite. The Fish and Game code additionally provides protection to nesting birds. Results of targeted bird surveys and general survey results are included in Section 5.3 of Appendices BRA1 and BRA2 of the Draft EIR. The Phase 1 APE consists 2,897.9 acres of the approximately 16,000-acre Guenoc Valley Site. Within the Phase 1 APE, additional non-dedicated open space would be preserved through lot coverage development restrictions on residential lots as defined in the design guidelines (Appendix DG of the Draft EIR). The majority of suitable nesting and foraging on the Guenoc Valley Site would not be directly converted as a result of Phase 1 construction.

While the majority of nesting and foraging habitat on the Guenoc Valley Site would be preserved under Phase 1, nest-disturbance as a result of noise, visual disruption, or other sensory disturbance during the nesting season has the potential to result in nest destruction, abandonment, or failure. This is considered a *potentially significant* impact. Implementation of **Mitigation Measure 3.4-8** would reduce impacts related to disturbance from construction activities to special-status or nesting birds. Identification of active nests and establishment of suitable buffers protects against accidental nest destruction and reduces the likelihood that disturbance levels would result in nest abandonment, thus minimizing risks to nesting birds. As further described in **Mitigation Measure 3.4-8**, guiding documents such as recovery plans shall be reviewed during construction to ensure that active nests present at the inception of disturbance are afforded an appropriate buffer such that species-specific noise thresholds are not exceeded. Construction of the Proposed Project is not likely to result in nighttime activities and sound disruption. Additionally, noise-

reducing **Mitigation Measure 3.10-2** included in **Section 3.10.5** would reduce impacts associated with sensory disturbance from construction-related noise. Through reduction of allowable noise generation and timing of potentially disruptive sounds, nesting birds are sheltered from constant disruption and noise levels that would impact habitat within undeveloped areas. Implementation of **Mitigation Measures 3.10-1** and **3.10-2** presented within **Section 3.10.5**, and **Mitigation Measures 3.4-1**, **3.4-2**, and **3.4-8** would reduce construction noise effects on special-status birds to a *less-than-significant* level.

Use of artificial lighting during construction has the potential to adversely affect nesting and migratory birds. Artificial lighting has the potential to act as an attractant and can lead to altered behavior resulting in stranding, injury, or mortality. This is considered a *significant* impact. While the overall project is designed to preserve dark nighttime skies, **Mitigation Measure 3.4-7** would further reduce the potential impacts to special-status, migratory, and nesting birds associated with the risks of artificial lighting to less-than-significant levels. This is achieved through the reduction of potentially attractive lighting and minimizing spillage of lighting, especially into areas of sensitive habitat. Per the project design guidelines, lighting would be restricted primarily to the safety and security of visitors with minimal and restricted lighting of aesthetic features such as artwork and landscaping (Appendix DG of the Draft EIR). These features would be subject to restrictions on light type, intensity, shielding, timing, and intensity as described in the design guidelines. Implementation of **Mitigation Measure 3.4-7** would reduce lighting effects on special-status bird behavior to a *less-than-significant* level.

#### *Burrowing Owl*

In addition to special-status bird impacts analyzed above, destruction or loss of active burrowing owl burrows during construction would constitute a *significant* impact, regardless of the nesting status of the burrow. While no burrowing owls were observed during surveys related to the Proposed Project, historical observations of this species have occurred on the Guenoc Valley Site. Grasslands provide suitable burrow habitat, and burrowing animals such as ground squirrels necessary to create burrowing owl burrows were observed on the Guenoc Valley Site. Grassland habitat and agricultural habitat onsite also provide foraging opportunities for this species. Burrowing owls are well adapted to succeed in areas of disturbance or in undeveloped areas. A total of 562.1 acres (24.8 percent) of grassland habitat suitable for burrows occurs within the Phase 1 APE. Destruction or loss of active burrowing owl burrows may occur during construction would constitute a *significant* impact. **Mitigation Measure 3.4-9** requires preconstruction surveys for active burrows, buffers around active burrows, and exclusion facilitated by a qualified biologist to protect against accidental mortality for burrows within areas of impact. This minimizes impacts to burrowing owls and prevents accidental take. After mitigation, impacts to burrowing owls would be reduced to *less-than-significant* levels.

#### *Special-Status Reptiles*

The Guenoc Valley Site contains suitable habitat for western pond turtle, which was observed onsite (Figure 5 and Figure 6 of Appendix BRA1 and Appendix BRA2 of the Draft EIR). This species was observed in Bucksnot Creek, Putah Creek, and along the banks of an unnamed reservoir.

Construction in and around suitable habitat has the potential to impact western pond turtle through displacement, direct injury or mortality, or disruption of nesting, foraging, and other behaviors. While much

of the development is clustered and does not encroach on these aquatic features, impact levels to western pond turtle are still considered *potentially significant*. These impacts have the potential to occur during the construction phase of development during ground disturbance and habitat conversion. In order to reduce impacts to western pond turtle, **Mitigation Measure 3.4-10** requires preconstruction surveys to determine presence of western pond turtle within suitable habitat. Preconstruction surveys and timing construction as possible outside of peak nesting season minimizes the potential impact to individuals.

Construction personnel training required under **Mitigation Measure 3.4-2** on the identification and proper response to western pond turtle presence and coordination with a qualified biologist on necessary exclusion methods further reduces construction phase impacts and prevents accidental take. Avoidance and/or exclusion measures as needed would further reduce impacts should western pond turtle be observed within a proposed construction area. Impacts following mitigation would be *less than significant*.

Should runoff produced during the construction phase result in impaired water quality associated with western pond turtle habitat, *potentially significant* impacts to this species have the potential to occur through degradation of habitat. **Mitigation Measures 3.9-1** and **3.9-2** presented in **Section 3.9.5** would minimize potential impacts to water quality on the Guenoc Valley Site, thus minimizing potential impacts to western pond turtle habitats. Implementation of a SWPPP would require construction BMPs and inspections throughout construction to avoid production of runoff with impaired quality. Properly installed SWPPP fencing can also serve as exclusion fencing for WPT. The SWPPP would also require final site stabilization prior to closeout such that bare soil and other potential runoff-impairing issues are properly addressed. Proper monitoring and reporting of aggregate and concrete use and wash consistent with RWQCB permits would require proper production, containment, and cleanup related to these activities. With incorporation of mitigation, impacts to western pond turtle due to habitat degradation would be *less than significant*.

Implementation of **Mitigation Measures 3.4-1, 3.4-2, and 3.4-10**, and **Mitigation Measure 3.10-2** presented in **Section 3.10.5**, would reduce impacts to special-status amphibians to a *less-than-significant* level.

### ***Special-Status Amphibians***

The Guenoc Valley Site offers suitable habitat for one special-status amphibian: Foothill yellow-legged frog (FYLF). FYLF was observed on the Guenoc Valley Site along Butts Creek near McCain Creek. Similar to western pond turtle, *significant impacts* to FYLF may occur during activities located on or adjacent to suitable aquatic habitat. **Mitigation Measure 3.4-11** would reduce potential impacts to FYLF. Preconstruction surveys, implementation of avoidance and/or exclusion measures as warranted, and timing of construction as possible within the dry season minimizes the potential impact to individuals. Construction personnel training required under **Mitigation Measure 3.4-2** on the identification and proper response to FYLF presence and coordination with a qualified biologist on necessary exclusion methods further reduce construction phase impacts. Implementation of these mitigation measures would reduce impacts to FYLF as a result of habitat conversion to a *less-than-significant* level.

Should runoff produced during the construction phase result in impaired water quality associated with FYLF habitat, *potentially significant* impacts to this species have the potential to occur through degradation of habitat. **Mitigation Measures 3.9-1** and **3.9-2** presented in **Section 3.9.5** would minimize potential impacts

to water quality on the Guenoc Valley Site, thus minimizing potential impacts to FYLF habitats. As noted above for WPT, properly installed SWPPP fencing can also serve as exclusion fencing for FYLF. Implementation of a SWPPP would require construction BMPs and inspections throughout construction to avoid production of runoff with impaired quality. The SWPPP would additionally require final site stabilization prior to closeout such that bare soil and other potential runoff-impairing issues are properly addressed.

Proper monitoring and reporting of aggregate and concrete use and wash consistent with RWQCB permits would require proper production, containment, and cleanup related to these activities. With incorporation of mitigation, impacts to FYLF due to habitat degradation would be ***less than significant***.

Implementation of **Mitigation Measures 3.4-1, 3.4-2, and 3.4-11**, and **Mitigation Measure 3.10-2** presented in **Section 3.10.5**, would reduce impacts to special-status amphibians to a ***less-than-significant*** level.

### ***Invasive Species***

Creation of the Equestrian Center lagoon and other palustrine habitats has the potential to increase the presence of invasive species, specifically bullfrogs, by artificially increasing the presence of suitable habitat. Bullfrogs have been observed on and around existing manmade water features where water has been stored for use. Invasive species such as bullfrogs have the potential to outcompete and predate special-status species. This is considered a ***potentially significant*** impact. **Mitigation Measure 3.4-12** would manage for the presence of invasive species and therefore reduce the impact level to special-status species. This would represent a ***less-than-significant impact with mitigation***.

## ***Guenoc Valley Site – Phase 1 Operation***

### ***Special-Status Wildlife***

Ongoing activities on the Guenoc Valley Site also include increased human activity and recreational uses of potential special-status reptile and amphibian aquatic habitat. Due to the inherent recreational value of aquatic habitats, increased ongoing disturbance in these areas is likely to be higher than other undeveloped areas. Such an increase in activity has the potential to disturb or displace western pond turtle and FYLF at significant levels. This is considered a ***potentially significant*** impact. **Mitigation Measure 3.4-13** would be required to reduce impacts to these species. Proper signage educating the public on the value of western pond turtle and FYLF and their supporting habitat would alleviate potential long-term operational impacts.

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

Owner's Association to provide residents with informational materials on the threat domestic cats pose to local wildlife, and best practices known to significantly reduce these impacts. With incorporation of Mitigation Measure 3.4-21, this impact would be less than significant.

As discussed under Phase 1 Construction on the Guenoc Valley Site, use of artificial lighting has the potential to *significantly* and adversely affect special-status bats and birds. Therefore, those mitigation measures required to reduce impacts related to the use of construction and installation of lighting would also be required for operation of the Proposed Project. **Mitigation Measure 3.4-7** would, as discussed above, reduce impacts from the use of artificial lighting to a *less-than-significant* level.

### ***Guenoc Valley Site – Future Phases Construction and Operation***

Special-status species with the potential to occur within the Phase 1 APE have been analyzed and addressed for impacts. Habitat types observed and analyzed within the Phase 1 APE are of similar quality and type to those within the balance of the Guenoc Valley Site, which may be impacted in future phases. Special-status species with the potential to occur within the Phase 1 APE have a similar potential to occur within the balance of the Guenoc Valley Site, and may therefore be impacted in future phases.

Land use, design, and construction methods for future phases would be similar to those land uses, design, and construction methods proposed for Phase 1. Therefore, construction and operation of future phases would result in impacts similar to those described above and are therefore *potentially significant*. Future phases would additionally be subject to the same restrictions outlined in the design guidelines emphasizing the maintenance of natural resources on the Guenoc Valley Site through clustered development, restrictions on residential lot development as described in the Design Guidelines (Appendix DG of the Draft EIR), and minimization of operational disturbance to sensitive biological resources. Therefore, those mitigation measures presented for the Phase 1 construction and operation of the Guenoc Valley Site are applicable to those impacts analyzed for future phases of development, including **Mitigation Measures 3.4-1** through **3.4-13** and **3.4-21**.

However, due to the biological diversity of the Guenoc Valley Site and the potential for sensitive biological resources to occur, exact impacts from future phases of construction and operation cannot be evaluated based on a programmatic understanding of future phases of development. Through implementation of **Mitigation Measure 3.4-14**, a robust analysis of specific future phase impacts would occur.

This analysis, along with any associated mitigation tailored to future phases impacts would be incorporated into the Proposed Project. Implementation of mitigation outlined for Phase 1 of construction followed by further analysis of impacts and additional necessary mitigation would reduce impacts of future phases to a *less-than-significant* level.

### ***Middletown Housing Site – Construction***

#### ***Special-Status Plants***

Surveys of the Middletown Housing Site occurred within the appropriate identification window of potentially occurring special-status plants. Because no special-status plants were observed on the Middletown Housing Site, no impacts to special-status plants are expected to occur. However, because suitable habitat to support six special-status plants was identified on the Middletown Housing Site, establishment of special-

status plants could occur between initial biological surveys and ground disturbance. This is considered a *potentially significant* impact. Preconstruction surveys to verify presence or absence of special-status plants, followed by implementation of specific measures, as described in **Mitigation Measure 3.4-3**, would ensure that impacts to special-status plants on the Middletown Housing Site are ***less than significant***.

### ***Special-Status Wildlife***

The Middletown Housing Site contains suitable habitat for 11 special-status wildlife species. These species were analyzed and found to have the potential to occur on the Guenoc Valley Site, with impacts determined to be *potentially significant*. Should these species occur, the Proposed Project has the potential to significantly impact these species on the Middletown Housing Site in a similar manner to the description of impacts above for the Guenoc Valley Site. This includes special-status bird nest disturbance or destruction, degradation of aquatic habitat through untreated runoff, removal of potential bat roosts, and sensory disturbance to special-status bats and birds from the use of artificial lighting. Therefore, mitigation measures presented above are suitable to mitigate for impacts to special-status wildlife on both the Guenoc Valley Site and Middletown Housing Site. This includes **Mitigation Measures 3.4-1 and 3.4-2**, **Mitigation Measures 3.4-6** through **3.4-8**, and **Mitigation Measures 3.4-10** and **3.4-11**. **Mitigation Measures 3.9-1** and **3.9-2** presented in **Section 3.9.5** and **Mitigation Measure 3.10-2** presented in **Section 3.10.5** would also be required. With incorporation of these mitigation measures, impacts to special-status wildlife on the Middletown Housing Site are ***less than significant***.

### ***Off-Site Infrastructure Improvement Areas – Construction***

The Off-Site Infrastructure Improvement Areas do not contain suitable habitat for special-status species. No USFWS-designated Critical Habitat or NMFS-designated Essential Fish Habitat occurs within the Off-Site Infrastructure Improvement Area. Therefore, no impacts would occur to these resources.

While no special-status species have the potential to occur within the Off-Site Infrastructure Improvement Area, construction activity within these areas may disturb nearby nesting birds, should they occur. This would constitute a *significant impact*. Implementation of **Mitigation Measures 3.4-7** and **3.4-8** for activities in the Off-Site Infrastructure Improvement Area would reduce such impacts to a ***less-than-significant*** level.

### ***Combined Project Impacts***

In summary, the Proposed Project, including Phase 1, future phases, Off-Site Workforce Housing, and Off-Site Infrastructure Improvements, would not result in impacts to EFH or Critical Habitat, and mitigation presented above would prevent significant combined direct or indirect impacts to special-status species. Take of special-status wildlife would be prevented through avoidance and impact minimization measures. Impacts related to the Off-Site Workforce Housing and Off-Site Infrastructure Improvements with the potential to be significant would only occur during the construction phase and would be limited to indirect impacts such as nesting and/or roost disturbance and degradation of aquatic habitat. These impacts are minimized through mitigation such as setbacks, buffers, and adherence to water quality discharge requirements described above. Therefore, with mitigation presented above, the combined impact of the Proposed Project on special-status species is ***less-than-significant***.

As stated above, additional analysis of the contributing impacts of future phases on the Guenoc Valley Site

would be required under **Mitigation Measure 3.4-14** to confirm that mitigation measures presented above would be sufficient to reduce impacts to a less-than-significant level. Therefore, no additional mitigation measures are necessary as it relates to the combined Proposed Project impacts on special-status species.

## **Impact**

### **3.4-2 Substantial Adverse Effect on Any Riparian Habitat or Other Sensitive Natural Community Identified in Local or Regional Plans, Policies, Regulations, or By CDFW or USFWS.**

Implementation of Phase 1, Future Phases, and Off-Site Workforce Housing could result in indirect impacts to riparian habitat or other sensitive natural communities due to narrow buffers from development, connectivity of resources such as groundwater, non-discrete impacts such as pollution, and other project-related activities. (Final EIR, Volume II, p. 3.4-63)

## **Mitigation Measures**

### **Guenoc Valley Site: Phase 1**

#### **3.4-1 Construction Best Management Practices**

**Mitigation Measure 3.4-1** is set forth in full in **Section 2.4** in relation to **Impact 3.4-1**.

#### **3.4-15 Impacts to Sensitive Habitats**

Sensitive habitats shall be avoided to the maximum extent feasible. In areas where full avoidance of sensitive habitat types is not possible, mitigation shall occur as described below. This mitigation shall be applicable to impacts for purple needlegrass, musk-brush chaparral, white alder grove, Brewer willow thicket, Sargent cypress forest, and native grasslands:

- 1) Preservation of in-kind habitat shall occur at a minimum ratio of 2 acre:1 acre.
- 2) Areas designated for preservation shall be maximized within identified protection areas, such as sensitive habitats within Habitat Connectivity Easement Areas. Sensitive habitats within the Open Space Combining District that are not required to mitigate for impacts to POU resulting from vineyard development approved in the 2009 FEIR may be used for the purpose of this mitigation.
- 3) Preservation of in-kind habitat that occurs within residential lots shall occur only within open space prohibited from development (including landscaping and agricultural uses) by the Design Guidelines, or through the establishment of habitat easements within the residential lots. Preservation of sensitive habitat for the purposes of mitigation that occurs within deed-restricted open space shall be identified within the deed restriction and shall prohibit the development of that area identified for preservation. Preservation within deed-restrictions shall be preserved in perpetuity as a condition of the deed.
- 4) Areas that area preserved for in-kind habitat that occur outside of residential lots, Habitat Connectivity Easement Areas, and the Open Space Combining District shall be avoided during future phases of development. Should unavoidable impacts to in-kind habitat preservation areas occur during future phases of construction, those impacts shall be subject to additional compensatory actions set forth in this mitigation. Should insufficient habitat occur to offset future impacts, a

compensatory habitat restoration, enhancement, and/or creation mitigation measure shall be prepared and approved by the County prior to on the ground impacts of future development phases.

- 5) Those areas selected for preservation shall be provided on a map to the County and approved by the County.

The Applicant may additionally satisfy the 2:1 mitigation ratio through restoration, creation, and/ or enhancement of in-kind habitat. Mitigation performed through restoration, creation, or enhancement shall be monitored for a minimum of three years by a qualified biologist. The biologist shall prepare an annual report on the status of mitigation activities along with adaptive management recommendations as necessary. These reports shall be maintained by the Applicant and available to agencies upon request. Success criteria shall be as follows and shall require additional years of monitoring and management should mitigation fail to meet success criteria:

- Purple needlegrass and native grasslands shall achieve a percent native plant cover that meets or exceeds that of the habitat impacted. Non-sensitive grasslands and herb-dominated habitat types are suitable for restoration and creation activities.
- Musk-brush chaparral shall be restored in non-sensitive suitable habitat. Mitigation shall occur at a 2:1 acre ratio and shall achieve a 75 percent acreage establishment. The monitoring biologist shall consider percent cover, species composition, overall health of plantings, and other indicators when determining success of establishment.
- White alder grove and Brewer willow thicket may be restored along riparian corridors where invasive species or bank stabilization issues have occurred. Mitigation shall occur at a 2:1 acre ratio and shall achieve a 75 percent acreage enhancement. The monitoring biologist shall consider percent cover, species composition, bank stability, overall health of plantings, and other indicators when determining success of establishment.
- Sargent cypress forest shall be enhanced through the removal of competing foothill pines at an acreage ratio of 2:1 once annually for a total of five years and/or Sargent cypress trees shall be replanted at a 2:1 ratio and monitored for a total of five years. Replanting shall achieve a 75 percent success rate.

### **3.4-16 Oak Mitigation Plan**

All project activities shall be subject to compliance with the Oak Mitigation Plan, dated XX, included as **Appendix OAK** to this Final EIR. Prior to approval of final maps, the Applicant shall demonstrate compliance within the Oak Mitigation Plan related to impacts to oaks and oak woodland canopy. Prior to issuance of grading and building permits, the Applicant or applicants for grading and building permits shall demonstrate compliance with the Oak Mitigation Plan related to impacts to individual oaks, mitigation compliance, building envelope and deed restrictions. The Oak Mitigation Plan for this project addresses impacts to oaks as a result of the Proposed Project. The Oak

Mitigation Plan was prepared in accordance with the Lake County General Plan. The Oak Mitigation Plan includes the following:

- Goals of the mitigation plan;
- Method of impact identification appropriate for all phases of construction;
- Discussion on compliance with the Lake County General Plan and 2008 Oak Tree Replacement Plan;
- Proposed compensatory action suitable to meet mitigation goals;
- Success criteria for mitigation such that compensatory plantings for impacts to individual trees achieve a minimum of 80 percent success rate;
- Preservation for impacts to oak woodland, when applied, shall be no less than 1.5:1 of in-kind habitat type acreage;
- A suitable method of at least 3 years of monitoring, adaptive management, and reporting throughout the mitigation process; and
- Limitation of the total impact to oak woodlands to 1 acre on residential lots consistent with the design guidelines.

The Oak Mitigation Plan shall be subject to Lake County review and approval prior to ground disturbance.

Oaks present on the Middletown Housing Site shall be avoided. If full avoidance of oaks is not feasible, the measures in the Oak Mitigation Plan prepared for the Guenoc Valley Site shall apply. Replanting for oaks removed on the Middletown Housing Site may occur on the Middletown Housing Site or the Guenoc Valley Site.

### **3.4-17 Aquatic Resources Protection and Management**

Consistent with governing regulations and policies, the following setbacks shall be incorporated into the project design:

- 30 feet from the top of bank of perennial streams;
- 20 feet from the top of bank of any intermittent or ephemeral stream;
- 20 feet from the edge of any adjacent wetlands or the ordinary high water mark of other bodies of water (including reservoirs and lakes); or
- To the outer extent of a riparian corridor.

No setback is required or recommended for man-made stormwater or irrigation ditches. Should additional analysis of these features performed by a qualified biologist that determines larger setbacks are needed to ensure full protection of habitat based on factors such as slope, setbacks up to fifty feet may be required as possible and dictated by the conditions observed and analyzed.

The setback distances identified above shall be delineated by a qualified biologist with high-visibility fencing or flagging prior to any construction activities occurring within 200 feet of the aquatic habitat features. No construction work or equipment staging shall occur within the setbacks unless a variance or permit is authorized to allow it. Prior to impacts, consultation shall occur with USACE

and the RWQCB to determine the extent of federal and state jurisdictional wetlands and waters. A CWA Section 404 permit shall be obtained from USACE for impacts to any identified wetlands and waters subject to CWA jurisdiction, along with RWQCB state water quality certification for such permit under CWA Section 401, as necessary. An LSAA with CDFW shall be entered for those impacts to any identified streams subject to Fish and Game Code Section 1600 jurisdiction. Any necessary permits and approvals shall be obtained prior to the respective impacts for which they are required, and conditions of permits and approvals acquired for the Proposed Project shall be met. Mitigation shall occur consistent with the necessary permits and approval conditions required for the Proposed Project. Mitigation for direct impacts to aquatic habitats shall occur through a combination of habitat preservation, creation, or restoration/enhancement and shall, at a minimum, include the following:

- Should mitigation for aquatic resources occur through preservation, preservation shall occur at a minimum ratio of 2:1. Areas designated for preservation shall be maximized within designated open space, and may only occur within residential lots if preservation in perpetuity as a condition of the deed-restricted open space for the lot. Those areas selected for preservation shall be approved by the County and be subject to the compensatory actions set forth in this mitigation and necessary permit or approval conditions should future impacts to preserved habitats be identified.
- When mitigation occurs through the restoration or enhancement of habitat, mitigation shall occur at a minimum ratio of 2:1. Restoration and/or enhancement of habitat shall occur within designated open space as possible. Monitoring of mitigation activities shall be performed by a qualified biologist for a minimum of three years consistent with the terms of necessary permits. The qualified biologist shall prepare an annual report on the progress of mitigation with recommended management actions. Mitigation shall be deemed complete once the qualified biologist has determined that the success of restoration or habitat creation activities meets or exceeds 80 percent.
- When mitigation occurs through the creation of habitat, creation shall occur at a minimum ratio of 1:1. A qualified biologist shall monitor habitat creation activities on an annual basis and shall provide an annual report of these monitoring activities along with recommendations in order to ensure success of habitat creation. Following completion of habitat creation activities, a qualified biologist shall prepare an annual report on the progress of mitigation with recommended management actions.
- In cases of conflict between permit terms and measures presented herein, those permit terms and conditions shall supersede those presented within this EIR. Alternative forms of mitigation not detailed above, such as purchase of habitat credits from an approved mitigation bank, may serve to satisfy mitigating requirements to jurisdictional wetlands and waters as dictated by the appropriate permit(s).

### **3.4-18 Sensitive Habitat Impacts from Wildfire Clearing**

Sensitive habitats included below shall be avoided during removal of dead vegetation and fire fuel load reduction necessary for safety purposes in managing wildfire risk to the degree feasible. The following sensitive habitats shall be addressed in the following manner as it relates to fire management fire breaks, lop and scatter, and masticating outside of development areas:

- Purple needlegrass grasslands – This habitat does not require wildfire risk fuel reduction activities. This habitat shall be avoided to the degree feasible. Equipment and vehicles shall not be used or staged within this habitat type.
  - Musk brush chaparral – This habitat does not require wildfire risk fuel reduction activities. This habitat shall be avoided to the degree feasible. Equipment and vehicles shall not be used or staged within this habitat type.
  - White alder grove – Due to limited distribution and association with natural riparian fire breaks, this habitat type should not require ongoing wildfire risk fuel reduction activities and shall be avoided as possible. Equipment and vehicles shall not be used or staged within this habitat type. If determined necessary by safety personnel, hand-clearing of dead vegetation may occur.
  - Brewer willow thicket - Due to the limited distribution and association with natural riparian fire breaks, this habitat type does not require wildfire risk fuel reduction activities. This habitat shall be avoided to the degree feasible. Equipment and vehicles shall not be used or staged within this habitat type.
  - Sargent cypress forest – This habitat may require occasional management for wildfire risk. Due to the sensitive nature of this habitat type, hand tools shall be the only acceptable use of vegetation management. No live Sargent cypress trees shall be felled. Equipment and vehicles shall not be used or staged within this habitat type.
  - Oak woodland - This habitat may require occasional management for wildfire risk. Due to the sensitive nature of this habitat type, hand tools shall be the only acceptable use of vegetation management. Should impacts to any living oak trees occur, they shall be mitigated for as outlined within the Oak Mitigation Plan. Equipment and vehicles shall not be used or staged within this habitat type.
- Oak savanna – Cover for this habitat type is dominated by non-native annual grasses and would not likely require management for wildfire risk except limited mowing immediately adjacent to high risk fire areas such as within 50 feet of roads. Equipment use and staging may occur within areas of non-native annual grassland provided that the driplines of oaks are not impacted. Should impacts to any living oak trees occur, mitigation shall occur as outlined within the Oak Mitigation Plan.

### **3.9-1 Storm Water Pollution Prevention Plan**

**Mitigation Measure 3.9-1** is set forth in full in **Section 2.9** in relation to **Impact 3.9-1**.

### **3.9-2 Aggregate/Concrete Monitoring and Reporting Program**

**Mitigation Measure 3.9-2** is set forth in full in **Section 2.9** in relation to **Impact 3.9-1**.

## **Guenoc Valley Site: Future Phases**

### **3.4-1 Construction Best Management Practices**

**Mitigation Measure 3.4-1** is set forth in full in **Section 2.4** in relation to **Impact 3.4-1**.

#### **3.4-14 Future Phases Biological Review**

Mitigation Measure 3.4-14 is set forth in full in **Section 2.4** in relation to **Impact 3.4-1**.

#### **3.4-15 Impacts to Sensitive Habitats**

Mitigation Measure 3.4-15 is set forth in full above.

#### **3.4-16 Oak Mitigation Plan**

Mitigation Measure 3.4-16 is set forth in full above.

#### **3.4-17 Aquatic Resources Protection and Management**

Mitigation Measure 3.4-17 is set forth in full above.

#### **3.4-18 Sensitive Habitat Impacts from Wildfire Clearing**

Mitigation Measure 3.4-18 is set forth in full above.

#### **3.9-1 Storm Water Pollution Prevention Plan**

Mitigation Measure 3.9-1 is set forth in full in **Section 2.9** in relation to **Impact 3.9-1**.

#### **3.9-2 Aggregate/Concrete Monitoring and Reporting Program**

Mitigation Measure 3.9-2 is set forth in full in **Section 2.9** in relation to **Impact 3.9-1**.

#### **Off-Site Workforce Housing**

##### **3.4-1 Construction Best Management Practices**

Mitigation Measure 3.4-1 is set forth in full in **Section 2.4** in relation to **Impact 3.4-1**.

##### **3.4-15 Impacts to Sensitive Habitats**

Mitigation Measure 3.4-15 is set forth in full above.

##### **3.4-16 Oak Mitigation Plan**

Mitigation Measure 3.4-16 is set forth in full above.

##### **3.9-1 Storm Water Pollution Prevention Plan**

Mitigation Measure 3.9-1 is set forth in full in **Section 2.9** in relation to **Impact 3.9-1**.

#### ***Significance After Mitigation***

The measures described above would minimize impacts to riparian habitat or other sensitive natural communities by providing for long-term mitigation and management for sensitive habitat types. With implementation of the feasible mitigation measures described above, the Proposed Project's impact would be ***less than significant with mitigation***.

#### ***Findings***

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR **[Finding (1)]**. Implementation of some mitigation measure require agency consultation and/or approval. Therefore, similar changes or

alterations addressed in **Section 2.4** are also within the responsibility and jurisdiction of another public agency. Such changes have been adopted by such other agency or can and should be adopted by such other agency [**Finding (2)**].

### ***Facts in Support of Findings***

#### ***Guenoc Valley Site – Phase 1 Construction***

Areas within the Phase 1 APE have the potential to be directly impacted as a result of the Proposed Project, however, restrictions on residential lot development as described in the Design Guidelines (Appendix DG of the Draft EIR) and non-dedicated open space would occur throughout the Phase 1 APE. The impacts analysis presented herein assumes total conversion of habitat within the Phase 1 APE because final locations of residential structures are not yet known. Therefore, impacts analyzed here would generally exceed actual impacts of the Proposed Project. Detailed habitat sheet mapping is also included as Appendix A of Appendix BRA1 and Appendix BRA2 in the Draft EIR.

#### ***Purple Needlegrass***

Purple needlegrass grassland is considered a sensitive habitat type that has limited distribution in multiple locations on the Guenoc Valley Site. Of the 11.7 acres of purple needlegrass, 8.0 acres (68.4 percent) occurs within the Phase 1 APE. Detailed habitat sheet mapping is also included as Appendix A of Appendix BRA1 and Appendix BRA2 of the Draft EIR. Given the residential lot development restrictions within the Design Guidelines, it is not anticipated that the entirety of purple needlegrass within development areas would be removed. **Mitigation Measure 3.4-15** is recommended to ensure maximum avoidance of purple needlegrass within development areas. However, given the sensitive nature of this habitat type and its limited distribution on the Guenoc Valley Site, impacts may still be considered *potentially significant* after avoidance measures within **Mitigation Measure 3.4-15**. **Mitigation Measure 3.4-15** therefore includes provisions for compensatory habitat creation or preservation. There are no recovery plans, guiding documents, or other agency-mandated mitigation requirements for purple needlegrass grasslands. Therefore, a mitigation ratio of 2:1 has been included within **Mitigation Measure 3.4-15**. This would reduce impacts to a *less-than-significant* level by providing for long-term mitigation and management for this habitat type.

#### ***Musk-brush Chaparral***

Musk-brush chaparral is considered a sensitive habitat type that also has limited distribution on the Guenoc Valley Site. Of the 33.1 acres of musk-brush chaparral, 19.5 acres (58.9 percent) occur within the Phase 1 APE. Given the residential lot development restrictions within the Design Guidelines (Appendix DG of the Draft EIR), it is not anticipated that the entirety of musk-brush chaparral within development areas would be removed. **Mitigation Measure 3.4-15** is recommended to ensure maximum avoidance of musk-brush chaparral within development areas. However, given the sensitive nature of this habitat type and its limited distribution on the Guenoc Valley Site, impacts may still be considered *potentially significant* after avoidance measures within **Mitigation Measure 3.4-15** should impacts to musk-brush chaparral be unavoidable. **Mitigation Measure 3.4-15** includes provisions for compensatory habitat creation or preservation. There are no recovery plans, guiding documents, or other agency-mandated mitigation requirements for musk-brush chaparral. Therefore, a mitigation ratio of 2:1 has been included within **Mitigation Measure 3.4-15**.

This would reduce impacts by providing for long-term mitigation and management for this habitat type such that impacts are *less than significant*.

### ***White Alder Grove***

Phase 1 of the Proposed Project would result in minimal impacts to white alder grove (0.1 acres, 0.9 percent). This constitutes a minimal amount of white alder grove within the Guenoc Valley Site. Given the residential lot development restrictions within the Design Guidelines (Appendix DG of the Draft EIR), it is possible that this habitat would be avoided. However, **Mitigation Measure 3.4-15** is recommended to ensure maximum avoidance of this sensitive habitat type is achieved. Because this is a riparian community, any loss of this habitat type is considered *potentially significant*. Therefore, **Mitigation Measure 3.4-15** includes avoidance of existing white alder grove, and suitable compensatory habitat creation or preservation would reduce impacts by providing for long-term management for this habitat type such that impacts are *less than significant*. While there is no specific guiding mitigation required for this habitat type, these forms of mitigation are consistent with the California Wildlife Conservation Board (WCB) recommendations presented within the California Riparian Habitat Conservation Program by encouraging habitat restoration (WCB, 2018). Impacts to riparian habitat types related to permitting is discussed under Impact 3.4-3 below.

### ***Brewer Willow Thicket***

Phase 1 of the Proposed Project would result in minimal impacts to brewer willow thicket (0.04 acres, 1.1 percent). This constitutes an insignificant amount of brewer willow thicket within the Guenoc Valley Site. Given the residential lot development restrictions within the Design Guidelines (Appendix DG of the Draft EIR), it is possible that this habitat would be avoided entirely. However, **Mitigation Measure 3.4-15** is recommended in order to ensure avoidance of this sensitive habitat type is achieved. Because this is a riparian community, any loss of this habitat type is considered *potentially significant*. Therefore, **Mitigation Measure 3.4-15** includes avoidance of existing Brewer willow thicket, and suitable compensatory habitat creation or preservation would reduce impacts by providing for long-term management for this habitat type such that impacts are *less than significant*. While there is no specific guiding mitigation required for this habitat type, these forms of mitigation are consistent with the California WCB recommendations presented within the California Riparian Habitat Conservation Program by encouraging habitat restoration (WCB, 2018). Impacts to riparian habitat types related to permitting is discussed under Impact 3.4-3 below.

### ***Oak Woodland and Savanna***

Interior live oak woodland, valley oak woodland, blue oak woodland, blue oak savanna, and mixed oak woodland occur across the Guenoc Valley Site. Impacts to oak habitats on the Guenoc Valley Site have been reduced through several impact minimization measures (Appendix OAK of the Draft EIR). Acreages within the APE represent the total oak habitat within the APE. Oak habitat on the Guenoc Valley Site is considered sensitive by the Oak Woodlands Protection Act and Lake County code. Removal of individual trees or acreage loss of oak woodland constitutes a *significant impact*.

The Phase 1 APE includes 189.2 acres (25.0 percent of this habitat on the Guenoc Valley Site) of interior live oak woodland, 13.1 acres (26.6 percent of this habitat on the Guenoc Valley Site) of valley oak woodland, 599.4 acres (17.3 percent of this habitat on the Guenoc Valley Site) of blue oak woodland, and

269.5 acres (21.8 percent of this habitat on the Guenoc Valley Site) of blue oak savanna.

By restricting residential lot impacts to oaks to a maximum of one acre per lot through the Design Guidelines (Appendix DG of the Draft EIR), the maximum potential impacts to oak habitat have been reduced to a maximum of 257 acres of blue oak woodland (7.4 percent of this habitat on the Guenoc Valley Site), 146 acres of blue oak savanna (11.8 percent of this habitat on the Guenoc Valley Site), 72 acres of interior live oak (9.5 percent of this habitat on the Guenoc Valley Site), and 2 acres of valley oak woodland (4.1 percent of this habitat on the Guenoc Valley Site). These calculations represent the maximum allowable impacts to oak woodlands based on development restrictions set forth in the Design Guidelines (Appendix DG of the Draft EIR). Actual impacts are likely to be lower.

An Oak Mitigation Plan has been prepared for the Guenoc Valley Site and discusses impacts to both individual oaks as well as oak woodland (Appendix OAK of the Draft EIR). Measures on maximum avoidance of oak woodland and individual oak impacts are discussed within the Oak Mitigation Plan consistent with the Oak Woodlands Protection Act and mitigation standards determined by the County. **Mitigation Measure 3.4-16** defines the minimum mitigation requirements addressed within the Oak Mitigation Plan. This includes preservation of oak woodland at a ratio of at least 3:1 acre per acre for impacts to valley oak woodland, and 2:1 acre per acre for impacts to all other types of oak woodland that result in a significant loss of canopy cover. Additionally, compensatory plantings for individual oaks removed for which significant canopy cover is not lost would occur at a ratio determined by the diameter at breast height (dbh) of the tree removed. As per the Oak Mitigation Plan, these plantings would occur at a minimum 2:1 ratio for smaller trees removed and 5:1 for larger oaks removed and would be held to an 80 percent success criteria. Transplanting of oaks is also encouraged within the Oak Mitigation Plan described in **Mitigation Measure 3.4-16**. Transplanted and planted oaks would be monitored by a qualified biologist and subject to adaptive management to ensure success of the mitigation. Following incorporation of the Oak Mitigation Plan described in **Mitigation Measure 3.4-16** and included as Appendix OAK of the Draft EIR, impacts to oaks would be *less than significant*.

### ***Aquatic Habitats***

Aquatic habitats such as streams, ponds and reservoirs, and emergent wetlands are considered sensitive. Many of the aquatic features on the Guenoc Valley Site are manmade and utilized for the ongoing agricultural operations onsite. Construction of residential and commercial structures has the potential to overlap with sensitive aquatic habitat types. Additionally, proposed roadways would cross over or through aquatic habitats in multiple areas. Habitat crossings would consist of free span bridges or single-culvert, two-culvert, or arch culvert designs. Loss, modification, or degradation of these habitat types would be considered significant. A total of 13.1 acres (6.6 percent) of stream habitat, 7.4 acres (1.1 percent) of ponds and reservoirs, and 49.6 acres (11.5 percent) of emergent wetlands fall within the Phase 1 APE. As stated above, the Phase 1 APE defines those areas on the Guenoc Valley Site with the potential to be impacted by development and represents maximum potential impacts. Due to the anticipated avoidance of sensitive aquatic habitats, actual impacts to these habitat types would be reduced through project design.

Incorporation of **Mitigation Measure 3.4-17** would reduce impacts to these habitat types through avoidance as possible and construction setbacks to prevent impacts from nearby construction activities. Clearly defined preservation, restoration, and habitat creation mitigation would provide for appropriate goals and

long-term management to ensure the efficacy of mitigation such that impacts of the Proposed Project would be **less than significant** with mitigation. While direct impacts to these habitat types would require permitting through USACE, and CDFW, and indirect impacts (e.g., storm water) would require permitting through the RWQCB, incorporation of **Mitigation Measure 3.4-17** sets minimum mitigation standards for compensatory action exceeding a ratio of 1:1 to ensure that impacts to aquatic habitat types are reduced independent of permit terms and requirements.

**Mitigation Measure 3.4-17** addresses those recommendations related to aquatic habitat management as found in Section 6.0 of Appendices BRA1 and BRA2 of the Draft EIR.

Should runoff produced during the construction phase result in impaired water quality, impacts to these habitat types may be *significant*. **Mitigation Measures 3.9-1** and **3.9-2** presented in Section 3.9.5 of the Draft EIR serve to minimize these impacts by ensuring water quality on the Guenoc Valley Site. Final stabilization of the Guenoc Valley Site and installation of a suitable runoff treatment system for the operational activities would be a condition of the necessary permits required under **Mitigation Measures 3.9-1** and **3.9-2**, and would reduce impacts to a **less-than-significant** level. Impacts to potentially jurisdictional habitat types as it relates to permitting is discussed under Impact 3.4-3 below.

### ***Guenoc Valley Site – Phase 1 Operation***

Conversion of habitat would be restricted to the construction phase on the Guenoc Valley for Phase 1. Therefore, impacts to sensitive habitats would occur primarily during the construction period. However, due to the safety risk of wildfire, ongoing habitat management to reduce the potential for a catastrophic wildfire may occur throughout the Guenoc Valley Site. As detailed in Appendix FIRE of the Draft EIR, this would include active management primarily within the development area. Passive activities, primarily grazing of livestock, would be used outside of development areas. Should fuel load and fire hazard severity outside of the development areas pose a significant risk to human or structure safety, active management may occur, such as the removal of dead vegetation as described in Appendix FIRE of the Draft EIR. Conversion of habitat would not occur.

Clearing and vegetation removal within sensitive habitats may generate a *potentially significant* impact. Incorporation of **Mitigation Measure 3.4-18** would allow for wildfire prevention activities with minimized impacts to sensitive biological resources. Avoidance of sensitive habitat types with a limited distribution would prevent impacts to these habitat types. Restrictions against staging within sensitive habitat and restrictions on allowable equipment for use within habitat types would minimize impact while still allowing for necessary safety activities. Avoidance of sensitive habitats, maximization of passive maintenance, and restriction of the methods of necessary active maintenance would reduce impacts to a **less-than-significant** level.

### ***Guenoc Valley Site – Future Phases Construction and Operation***

Habitat types observed and analyzed within the Phase 1 parcel boundaries are of similar quality and type to those within the balance of the Guenoc Valley Site with the potential to be impacted in future phases. Construction methods, project design, and ongoing use of future phase areas would be similar to Phase 1. Therefore, potential impacts to sensitive habitat types, including purple needlegrass, musk-brush chaparral,

white alder grove, brewer willow thicket, and oak habitat resulting from future phases would be of a similar nature to those described above for Phase 1. This is a *potentially significant* impact. Future phases would be subject to the same restrictions outlined in the design guidelines emphasizing the maintenance of natural resources on the Guenoc Valley Site through clustered development, lot development restrictions, and minimization of operational disturbance to sensitive biological resources.

However, Phase 1 would not result in direct impacts to Sargent cypress forest or to Putah Creek. Sargent cypress forest is a sensitive habitat type not addressed for Phase 1 that may be impacted in future phases of development. Therefore, **Mitigation Measure 3.4-15** includes Sargent cypress forest in addition to those sensitive habitats discussed within the Phase 1 APE. Inclusion of protections for Sargent cypress forest would reduce future phases impacts on sensitive natural communities. Putah Creek represents a significant biological corridor and is a jurisdictional water. Per the design guidelines, development of future phases would selectively avoid natural corridors such as Putah Creek. Should future phases of development result in impacts to Putah Creek, agency consultation and permitting would be required, and **Mitigation Measure 3.4-17**, at a minimum, would be required to reduce impacts.

Due to the biological diversity of the Guenoc Valley Site and the varied distribution of sensitive habitat, including Putah Creek and Sargent cypress forest, exact impacts from future phases could not be evaluated based on a programmatic understanding of future phases of development. Therefore, impacts to sensitive habitat types may still be significant following incorporation of **Mitigation Measures 3.4-16** and **3.4-17**. Through implementation of **Mitigation Measure 3.4-14**, a robust analysis of specific future phase impacts would occur. This analysis, along with any associated mitigation tailored to future phases impacts would be incorporated into the Proposed Project. Implementation of mitigation outlined for Phase 1 of construction followed by further analysis of impacts and additional necessary mitigation would reduce impacts of future phases to a *less-than-significant* level.

### ***Middletown Housing Site – Construction***

The Middletown Housing Site contains multiple sensitive natural communities. Of the habitats present on the Middletown Housing Site, valley oak woodland, native grasslands, riparian scrub, and intermittent stream are considered sensitive. Direct impacts to sensitive habitat types on the Middletown Housing Site would occur to native grasslands and within the canopy of valley oak trees. Given the central location of native grasslands within the Middletown Housing Site, avoidance of native grasslands is not considered practical. While 0.7 acres is not representative of a significant proportion of native grasslands in the region of the Proposed Project, this is considered a *potentially significant* impact. The Middletown Housing Site would not provide sufficient habitat to mitigate for this loss.

Therefore, **Mitigation Measure 3.4-15** is recommended for compensatory activities on the nearby Guenoc Valley Site, which offers sufficient habitat to perform the necessary actions to reduce impacts to native grasslands to *less-than-significant* levels.

Similarly, the Middletown Housing Site may not offer sufficient habitat to perform the necessary actions to reduce impacts to individual valley oaks. Under the Oak Woodlands Protection Act and Lake County code, oak habitat is considered sensitive, and removal of trees resulting in loss of oak woodland would be considered a *significant impact*. Because so few valley oak trees occur on the Middletown Housing Site

and suitable habitat would not remain on the Middletown Housing Site for compensatory plantings, **Mitigation Measure 3.4-16** would require avoidance of valley oak trees on the Middletown Housing Site and compensatory replanting activities to the standard of the Oak Mitigation Plan prepared for the Guenoc Valley Site. It is likely that no valley oaks would be impacted as the 0.08 acres is largely under the woodland canopy. Therefore, removal and damage to driplines are likely avoidable. Avoidance of valley oaks and replanting under the Oak Mitigation Plan for unavoidable impacts would reduce potential impacts to **less-than-significant** levels.

Should construction result in runoff that impairs the riparian scrub or intermittent stream quality, the impact would be considered **significant**. **Mitigation Measure 3.9-1** presented in Section 3.9.5 of the Draft EIR would reduce these impacts to a less-than-significant level by ensuring the quality of potential runoff into the riparian and stream habitats. Implementation of a SWPPP would require construction BMPs and inspections throughout construction to avoid production of runoff with impaired quality. The SWPPP would additionally require final site stabilization prior to closeout such that bare soil and other potential runoff-impairing issues are properly addressed. With mitigation, impacts to water quality within the stream and riparian habitats are considered **less than significant**.

### ***Combined Project Impacts***

In summary, the Proposed Project, including Phase 1, future phases, Off-Site Workforce Housing, and Off-Site Infrastructure Improvements, would not result in combined impacts to sensitive habitats that would exceed the levels of impacts analyzed above. Construction and operation of the Off-Site Infrastructure Improvement Areas would not result in loss of sensitive habitat. Operation of the Middletown Housing Site and Guenoc Valley Site would similarly not result in ongoing conversion of sensitive habitats. These impacts would not appreciably contribute to overall project impacts. Impacts resulting from habitat conversion on the Guenoc Valley Site during construction, and indirect impacts from recreational use on the Guenoc Valley Site would be mitigated as described above. Mitigation presented above would prevent significant combined direct or indirect impacts to sensitive habitat types. Therefore, with mitigation presented above, the combined impact of the Proposed Project on sensitive habitat is **less-than-significant**.

As stated above, additional analysis of the contributing impacts of future phases on the Guenoc Valley Site would be required under **Mitigation Measure 3.4-14** to confirm that mitigation measures presented above would be sufficient to reduce impacts to a less-than-significant level. Therefore, no additional mitigation measures are necessary as it relates to the combined Proposed Project impacts on sensitive habitat types.

## **Impact**

### **3.4-3 Substantial Adverse Effect On State Or Federally Protected Wetlands Through Direct Removal, Filling, Hydrological Modification, Or Other Means.**

Implementation of Phase 1 and Future Phases of the Project could have a substantial adverse effect on federally protected wetlands. (Final EIR, Volume II, p. 3.4-70)

### ***Mitigation Measures***

#### **3.4-1 Construction Best Management Practices**

**Mitigation Measure 3.4-1** is set forth in full in **Section 2.4** in relation to **Impact 3.4-1**.

### **3.4-17 Aquatic Resources Protection and Management**

**Mitigation Measure 3.4-17** is set forth in full in **Section 2.2** in relation to **Impact 3.4-17**.

### **3.9-1 Storm Water Pollution Prevention Plan**

**Mitigation Measure 3.9-1** is set forth in full in **Section 2.9** in relation to **Impact 3.9-1**.

### **3.9-2 Aggregate/Concrete Monitoring and Reporting Program**

**Mitigation Measure 3.9-2** is set forth in full in **Section 2.9** in relation to **Impact 3.9-1**.

### ***Significance After Mitigation***

The measures described above would reduce indirect impacts to habitat types with the potential to be jurisdictional. With implementation of the feasible mitigation measures described above, the Proposed Project's impact would be **less than significant with mitigation**.

### ***Findings***

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR [**Finding (1)**]. Implementation of some mitigation measure require agency consultation and/or approval. Therefore, similar changes or alterations addressed in **Section 2.4** are also within the responsibility and jurisdiction of another public agency. Such changes have been adopted by such other agency or can and should be adopted by such other agency [**Finding (2)**].

### ***Facts in Support of Findings***

Impacts to state or federally protected wetlands or waters may be considered significant if a project resulted in the direct conversion of wetlands, or resulted in runoff and erosion that degrades habitat quality. Additionally, work that alters a watercourse or supporting adjacent habitat, such as a riparian community, would be considered a significant impact.

### ***Guenoc Valley Site – Phase 1 Construction***

The Guenoc Valley Site contains significant wetlands and aquatic habitat, much of which is likely jurisdictional. An Aquatic Resources Delineation Report was prepared for the majority of the Phase 1 development area (**Appendix WD**). The Aquatic Resources Delineation Report targeted those aquatic habitats occurring within and around the Phase 1 APE and did not assess aquatic habitat identified in the BRA occurring well beyond the Phase 1 APE for the potential to be jurisdictional. While consultation with USACE and RWQCB would be required to determine which of those aquatic resources present on the Guenoc Valley Site are jurisdictional, the Aquatic Resources Delineation Report identified 122.74 acres of wetlands, 10.70 acres of open waters, and 369,219 linear feet of other waters that are potentially jurisdictional based on the current regulatory framework. A total of 12.9 acres (6.5 percent) of stream habitat, and 7.4 acres (1.1 percent) of ponds and reservoirs would be impacted by the Proposed Project. Potentially minimal acreage of emergent wetlands would be directly impacted. Impacted aquatic habitats have the potential to be jurisdictional.

Construction activities filling or altering jurisdictional wetlands and waters such as road crossings, habitat conversion, and waterfront recreational development would be considered a **significant impact** and would require approval of the appropriate permits. Consultation with USACE and approval of a Jurisdictional Delineation or Preliminary Jurisdictional Delineation would be required in order to identify those aquatic habitats subject to agency jurisdiction. Impacts to these habitats would require a CWA Section 404 permit from USACE. A CWA Section 401 state water quality certification from the RWQCB would also be required. Proposed impacts to these habitat types and potentially for associated riparian vegetation would require an LSAA from CDFW. As a condition of these permits, impacts to state or federally protected wetlands must be less than significant, and mitigation would be included as a requirement of the permit. **Mitigation Measure 3.4-17** would reduce indirect impacts to habitat types with the potential to be jurisdictional. Appropriate setbacks to these habitat types would ensure that indirect impacts do not result from nearby construction activities. Additional compensatory action, consistent with necessary permit terms, would reduce impacts to jurisdictional habitats not practical to avoid. Acquisition of, and adherence to, the appropriate permits and permit terms for impacts to jurisdictional wetlands and waters would reduce direct impacts to **less-than-significant** levels.

As discussed under Impact 3.4-2, degradation of these habitat types through the production of impaired runoff would constitute a **significant impact**. **Mitigation Measures 3.9-1** and **3.9-2** presented in Section 3.9.5 of the Draft EIR would also reduce these impacts. Implementation of a SWPPP would require construction BMPs and inspections throughout construction to avoid production of runoff with impaired quality. The SWPPP would also require final site stabilization prior to closeout such that bare soil and other potential runoff-impairing issues are properly addressed. Proper monitoring and reporting of aggregate and concrete use and wash consistent with RWQCB permits would require proper production, containment, and cleanup related to these activities. Therefore, with the incorporation of mitigation described herein, impacts to state or federally protected wetlands and waters would be **less than significant**.

### ***Guenoc Valley Site – Future Phases Construction and Operation***

Habitat types associated with potential state or federal jurisdictional wetlands or waters occurring within the Phase 1 area are representative of the habitat types occurring within the future phases development area. Construction and operation of future phases would result in impacts similar to those described above and is considered a **significant impact**. Future phases would additionally be subject to the same restrictions outlined in the design guidelines emphasizing the maintenance of natural resources on the Guenoc Valley Site through clustered development, residential lot development restrictions within the Design Guidelines (Appendix DG of the Draft EIR), and minimization of operational disturbance to sensitive biological resources. Additionally, permits for impacts to jurisdictional wetlands or waters would require agency consultation, permit acquisition, and compliance with permit mitigation terms as described above. Therefore, the mitigation measures presented for the Phase 1 construction and operation of the Guenoc Valley Site, including **Mitigation Measures 3.4-17**, **3.9-1**, and **3.9-2**, are applicable to those impacts analyzed for future phases of development to reduce impacts to a **less-than-significant** level.

### ***Combined Project Impacts***

In summary, the Proposed Project, including Phase 1, future phases, Off-Site Workforce Housing, and Off-Site Infrastructure Improvements, would not result in combined impacts to potentially jurisdictional wetlands or waters that would exceed the levels of impacts analyzed above. Operation of the Proposed Project would

not result in removal, fill, or modification of wetlands or waters. Construction of the Off-Site Workforce Housing and Off-Site Infrastructure Improvement Areas would not directly impact wetlands or waters, and would implement mitigation above such that water quality standards related to discharge and indirect impacts would not be exceeded. These impacts would not appreciably contribute to overall impacts of the Proposed Project. Therefore, these activities combined with mitigated impacts from construction on the Guenoc Valley Site would not result in combined impacts such that additional mitigation would be required. Mitigation presented above would prevent significant combined direct or indirect impacts to sensitive habitat types. Therefore, with mitigation presented above, the combined impact of the Proposed Project on wetlands or waters of the U.S. or State is **less-than-significant**.

As stated above, additional analysis of the contributing impacts of Future Phases on the Guenoc Valley Site would be required under **Mitigation Measure 3.4-14** to confirm that mitigation measures presented above would be sufficient to reduce impacts to a **less-than-significant** level. Therefore, no additional mitigation measures are necessary as it relates to the combined Proposed Project impacts on wetlands or waters of the U.S. or State.

## **Impact**

### **3.4-4 Interfere Substantially with the Movement of any Native Resident or Migratory Wildlife Species or With Established Native Resident or Migratory Wildlife Corridors, or Impede the Use of Native Wildlife Nursery Sites.**

Based on mapping included within the Mayacamas to Berryessa Connectivity Network Final Report (M2B Study), the Guenoc Valley Site is located in an area with a described moderate existing terrestrial permeability and with moderate potential as a permeable land surface for wildlife movement (Gray, 2018). Riparian permeability around the Guenoc Valley Site is classified as high. The Guenoc Valley Site is within a focal corridor of the M2B Study. (Final EIR, Volume II, p. 3.7-73)

## ***Mitigation Measures***

### **Guenoc Valley Site: Phase 1**

#### **3.4-7 Artificial Lighting Impacts – Construction and Operation**

**Mitigation Measure 3.4-7** is set forth in full in **Section 2.4** in relation to **Impact 3.4-1**.

#### **3.4-19 Wildlife Movement - Fencing**

Use of fencing shall be minimized throughout the Guenoc Valley Site and shall adhere to those restrictions set forth in the Design Guidelines for all phases of development. Fencing shall not be installed for the purpose of wildlife exclusion except in the case of safety or protection of agricultural resources or residential development areas, and shall be designed to allow for continued movement of non-target species as possible. Unless approved by the Home Owner's Association or for ongoing protection of agricultural resources or property, fencing exceeding six feet in height shall not be used. Fencing materials designed for the purpose of wildlife entrapment or injury shall not be used.

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

- i) It is approved by the Home Owner's Association and designed in such a manner that it allows for wildlife to pass through; or
- ii) A site-specific corridor assessment is conducted by a qualified wildlife biologist that demonstrates wildlife movement. Any recommended wildlife corridor and movement areas shall be enforced by the HOA as part of a pathway and corridor plan to be drafted at the time of such analysis.

### **Guenoc Valley Site: Future Phases**

#### **3.4-7 Artificial Lighting Impacts – Construction and Operation**

**Mitigation Measure 3.4-7** is set forth in full in **Section 2.4** in relation to **Impact 3.4-1**.

#### **3.4-14 Future Phases Biological Review**

**Mitigation Measure 3.4-14** is set forth in full in **Section 2.4** in relation to **Impact 3.4-1**.

#### **3.4-19 Wildlife Movement - Fencing**

**Mitigation Measure 3.4-19** is set forth in full above.

#### **3.4-20 Wildlife Movement – Future Phases**

Future phases of development shall retain the clustered development design and restriction on maximum allowable residential lot development standards set forth within the Design Guidelines. Residential lots shall be restricted to an allowable development area of 1.5 acres unless further restricted by the Design Guidelines, for example, in areas of oak woodlands. Development of future phases shall avoid riparian corridors that commonly serve as wildlife passageways with development setbacks to the degree feasible, as identified in **Mitigation Measure 3.4-17**. Setbacks and sensitive habitat avoidance shall also be maximized. Prior to implementation of future phases, additional analysis on the overall impacts to wildlife movement of proposed future phases development shall be performed by a qualified biologist to the level of detail presented within this EIR, and determine the extent to which implementation of **Mitigation Measure 3.4-19** will reduce the impacts of proposed future phases development on wildlife movement. Should implementation of **Mitigation Measure 3.4-19** not reduce the impacts of proposed future phases development on wildlife movement to a less than significant level, additional mitigation shall be determined by a qualified biologist such that impacts to wildlife movement are reduced to less-than-significant levels. Such mitigation may include use of Habitat Corridor Easements or other forms of designating open space.

### ***Significance After Mitigation***

#### **Guenoc Valley Site: Phase 1**

Due to the significant preservation of open space and riparian corridors, clustering of development, and restrictions on fencing and lighting within the Design Guidelines, impacts to wildlife use and movement on the Guenoc Valley Site would be minimized. The Guenoc Valley Site was evaluated within the M2B Study as part of a regional analysis on habitat connectivity. The M2B Study identified four least-cost terrestrial pathways through the Guenoc Valley site, as well as several other pathways that may provide additional wildlife movement opportunities. The majority of least cost pathways are avoided by the Proposed Project, and significant portions of least cost pathways have been preserved within designated open space. Additional analysis of habitat connectivity on the Guenoc Valley Site is provided in Appendix WILDLIFE. This appendix assesses the Proposed Project's potential impacts to wildlife movement pathways identified on the Guenoc Valley Site and discusses methods to preserve or offer alternatives to potentially impacted corridors. As a result of this analysis, over 400 acres of Habitat Connectivity Easements will be designated within the site and are shown on Figure 2-6 in Section 2.0. Habitat Connectivity Easements prohibit development within the easement area such that associated least cost pathways are maintained with a minimum 300-foot width. The locations of these easements are shown on Figure 12 of Appendix WILDLIFE and generally correspond to the least cost wildlife movement pathways identified in the M2B Study. With implementation of **Mitigation Measures 3.4-7** and **3.4-19**, impacts would be *less than significant with mitigation*.

### **Guenoc Valley Site: Future Phases**

Parcel size and locations will determine what impacts the future phases of construction and operation may have on wildlife movement. While the Guenoc Valley Site is not within an Essential Connectivity Area (Spencer, 2010), and no unique nursery sites are known to occur on the Guenoc Valley Site, future phases of development may generate a significant impact to wildlife movement. **Mitigation Measures 3.4-7 and 3.4-19** would apply to future phases to reduce impacts. Additionally, design guidelines described in Appendix DG would further reduce impacts.

Exact impacts from future phases cannot be evaluated based on a programmatic understanding of future phases of development. Through implementation of **Mitigation Measure 3.4-14**, a robust analysis of specific future phase impacts would occur. This analysis, along with any associated mitigation tailored to future phases impacts would be incorporated into the Proposed Project. Implementation of mitigation outlined for Phase 1 of construction followed by further analysis of impacts and additional necessary mitigation would reduce impacts of future phases. However, following the conversion of habitat in Phase 1, future phases of development may result in significant loss of habitat such that wildlife movement may become impaired even with the inclusion of mitigation measures discussed above. **Mitigation Measure 3.4 20** is required for future phases of development. Additional analysis following more detailed future phases planning would be required to accurately define necessary mitigation to ensure that impacts from future phases would be *less than significant*.

### **Findings**

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR [**Finding (1)**]. Implementation of some mitigation measure require agency consultation and/or approval. Therefore, similar changes or alterations addressed in **Section 2.4** are also within the responsibility and jurisdiction of another public

agency. Such changes have been adopted by such other agency or can and should be adopted by such other agency [Finding (2)].

### ***Facts in Support of Findings***

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

### ***Guenoc Valley Site – Phase 1 Construction and Operation***

The Guenoc Valley Site consists of relatively open areas interspersed within a network of agricultural roads, operations, and development. The Proposed Project would not impact an Essential Connectivity Area (Spencer, 2010). There are no known significant wildlife breeding locations within the Guenoc Valley Site. However, the Guenoc Valley Site is likely used incidentally by individuals during migratory or dispersal activities as well as for the birthing and rearing of young. Based on mapping included within the Mayacamas to Berryessa Connectivity Network, the Guenoc Valley Site contains significant riparian corridor resources and moderate terrestrial permeability in general (Pepperwood Preserve, 2018).

### ***Fencing***

The use of fencing has the potential to result in wildlife entrapment or exclusion. High levels of fencing would restrict wildlife movement and access to undeveloped and otherwise suitable habitat. Fragmentation of habitat from fencing that resulted in impacts to wildlife movement would constitute a *potentially significant* impact. Existing fencing on the Guenoc Valley Site consists of wildlife-exclusion fencing around vineyards, road access gates, and stone, white vinyl plank, and wire fencing along Butts Canyon Road. The balance of the property utilizes fencing incidentally for purposes such as livestock containment, usually as part of grazing rotation. The Project Design Guidelines restricts allowable fencing to specific uses and styles, with an emphasis on retaining the open nature of the Guenoc Valley Site (Appendix DG of the Draft EIR).

Per the Design Guidelines, fencing is to be designed to allow for wildlife movement, with the exception of vineyard fencing, which may be designed to selectively exclude certain wildlife. Fencing used for the purpose of livestock containment would be designed to balance facilitation of wildlife movement with the need to keep domestic animals safely pastured. Fencing without demonstrated need, such as vineyard exclusion, is not to exceed six feet in height. Fencing of residential parcels is further restricted by the Design Guidelines. These development standards require residential fencing to follow wildlife friendly design by avoiding materials that are not visually detectable, avoiding use of low rails or wires, maintaining tension of wires, and avoiding use of fences with excessive height or other complete barriers. Therefore, the design guidelines minimize the use of fencing and minimize the need for additional fencing. **Mitigation Measure 3.4-19** further defines best practices for areas in which fencing is necessary for the safety and security of development, individuals, or livestock. Additionally, **Mitigation Measure 3.4-19** prevents complete wildlife

barriers within residential communities by requiring Home Owner's Association approval for use of fencing outside of a lot's approved buildable area, and restricts this fencing such that it would not occur within 300 feet of other residential fencing. This ensures that use of fencing outside of the designated buildable area is minimized and would continue to allow minimum 300-foot passageways between residential fences. Additionally, use of fencing for the purpose of inhibiting wildlife movement is prohibited. By restricting fencing locations to those areas necessary for safety and security, and restricting fencing type to avoid entrapment, injury, or exclusion of wildlife, habitat fragmentation due to fencing is reduced to a **less-than-significant** level.

### **Lighting**

Current lighting on the Guenoc Valley Site is minimal. Agricultural operations and equipment uses are typically restricted to daylight hours. Minimal residential and office use of artificial lighting also occur. An increase in artificial lighting has the potential to impact wildlife movement through stranding, disorienting, attracting, or otherwise altering natural dispersal and migratory behavior. Per the design guidelines, lighting on the site shall adhere to the Dark Skies Initiative standards (IDA, 2011). Nighttime illumination is restricted to those areas necessary for safe navigation, with minimal use for landscape and design features. Lighting would be required to emit color balanced light that is matte, shielded from spillage, and set on a timer to avoid unnecessary use. As discussed in Impact 3.4-1, impacts a result of artificial lighting are *potentially significant*. **Mitigation Measure 3.4-7** would reduce impacts to migratory wildlife as a result of lighting to a **less-than-significant** level, as described under Impact 3.4-1.

### **Open Space**

As discussed in Section 2.5.2.2 of the Draft EIR, no less than 2,765 contiguous acres would be designated as open space to comply with the requirements of the 2008 Langtry Farms Water Rights Modification Project Open Space Preservation Plan (2008 OSPP). The Guenoc Valley District (GVD) Zoning District would include an open space combining district for this open space corridor that would define allowable and restricted uses consistent with the requirements of the 2008 OSPP and the proposed OSPP Amendment, included as Appendix OSPP of the Draft EIR. The majority of the designated open space is located in the southern portion of the Guenoc Valley Site, with a corridor running through the center along Bucksnot Creek. The area proposed as open space preservation was selected on the basis of high habitat quality, known special-status plant locations, presence of sensitive habitat, and inclusion of natural corridors such as Bucksnot Creek. The OSPP amendment increases preservation of riparian corridor habitat on the Guenoc Valley Site that was identified as containing a high level of important riparian passageways. Therefore, dedicated and contiguous open space constitutes 2,765 acres, or 17.3 percent, of the Guenoc Valley Site. The requirement to preserve 2,765 acres of open space is based on mitigation required in the 2009 FEIR that outlined a method of open space preservation of 1 acre of open space preserved for every acre of vineyard developed. This preservation was to occur in tandem with development. At this time, only 630 acres of the expanded POU (within both Lake County and Napa Counties) has been developed, and the Proposed Project overlaps with an additional 360 acres within the POU, leaving 1,720 acres undeveloped. Therefore, preservation of the full 2,765 acres at this time would exceed the current requirements for open space under the 2009 FEIR, and would exceed final open space preservation requirements should acres of POU be maintained as open space within the residential parcels.

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

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

The general open space areas would constitute approximately 63.6 percent of the Guenoc Valley Site. Combined with dedicated open space, this results in 82.2 percent of the Guenoc Valley Site outside of the Phase 1 Area of Potential Effects. Restriction on maximum allowable residential lot development is also included as a provision of the project design. Residential parcels are restricted through the Design Guidelines to a maximum of 1.5 acres (Appendix DG of the Draft EIR). Large residential parcels would therefore provide an additional source of non-dedicated open space through the restriction of the buildable area. Areas on residential lots outside of the buildable area, through the Design Guidelines and implementation of **Mitigation Measure 3.4-19**, would not be developed. These areas would not be fenced or landscaped beyond necessary wildfire management activities. Because a majority of residential parcels exceed 1.5 acres in size, restrictions on allowable residential lot development would result in significant additional open space within the Phase 1 APE.

Due to the significant preservation of open space and riparian corridors, clustering of development, and restrictions on fencing and lighting within the Design Guidelines, impacts to wildlife use and movement on the Guenoc Valley Site would be minimized. With implementation **Mitigation Measures 3.4-7** and **3.4-19**, impacts would be *less than significant*.

### ***Guenoc Valley Site – Future Phases Construction and Operation***

Parcel size and locations will determine what impacts the future phases of construction and operation may have on wildlife movement. While the Guenoc Valley Site is not within an Essential Connectivity Area (Spencer, 2010), and no unique nursery sites are known to occur on the Guenoc Valley Site, future phases of development may generate a *significant impact* to wildlife movement. **Mitigation Measures 3.4-7** and **3.4-19** as discussed for Phase 1 would apply to future phases to reduce impacts. Additionally, those design guidelines described in Appendix DG of the Draft EIR would further reduce impacts.

Exact impacts from future phases cannot be evaluated based on a programmatic understanding of future phases of development. Through implementation of **Mitigation Measure 3.4-14**, a robust analysis of specific future phase impacts would occur. This analysis, along with any associated mitigation tailored to future phases impacts would be incorporated into the Proposed Project. Implementation of mitigation outlined for Phase 1 of construction followed by further analysis of impacts and additional necessary mitigation would reduce impacts of future phases. However, following the conversion of habitat in Phase 1, future phases of development may result in significant loss of habitat such that wildlife movement may become impaired even with the inclusion of mitigation measures discussed above. **Mitigation Measure 3.4-20** is required for future phases of development. Additional analysis following more detailed future phases planning would be required to accurately define necessary mitigation to ensure that Impact

3.4-6 would be *less than significant*.

### **Combined Project Impacts**

In summary, the Proposed Project, including Phase 1, future phases, Off-Site Workforce Housing, and Off-Site Infrastructure Improvements, would not result in combined impacts to wildlife movement and use of nursery sites that would exceed the levels of impacts analyzed above. Construction and operation of the Off-Site Infrastructure Improvement Areas would not result in impacts to wildlife movement or use of nursery sites and would therefore not contribute to the overall Proposed Project impact. Development on the Middletown Housing Site would occur within a previously developed area several miles from the development on the Guenoc Valley Site. These two sites are separated largely by open space. Therefore, inclusion of the Middletown Housing Site development would not further exacerbate impacts to wildlife movement and use of nursery sites when combined with development on the Guenoc Valley Site. Therefore, with mitigation presented above, the combined impact of the Proposed Project on sensitive habitat is *less-than-significant*.

As stated above, additional analysis of the contributing impacts of Future Phases on the Guenoc Valley Site would be required under **Mitigation Measure 3.4-14** to confirm that mitigation measures presented above would be sufficient to reduce impacts to a less-than-significant level. Therefore, no additional mitigation measures are necessary as it relates to the combined Proposed Project impacts on wildlife movement and use of nursery sites.

### **Impact**

#### **3.4-5 Conflict With Any Local Policies or Ordinances Protecting Biological Resources, Such as a Tree Preservation Policy or Ordinance.**

Phase 1 Proposed Project would result in *significant impacts* to oak woodland as well as individual oak trees within the Guenoc Valley Site as described in detail within **Appendix OAK of the Final EIR**. Construction of the Off-Site Workforce Housing may result in removal of fewer than ten valley oak trees. No other local policies or ordinances protecting biological resources would be impacted by the Proposed Project. (Final EIR, Volume II, p. 3.4-77)

### **Mitigation Measures**

#### **3.4-14 Nesting Migratory Birds and Other Birds of Prey**

**Mitigation Measure 3.4-14** is set forth in full in **Section 2.4** in relation to **Impact 3.4-1**.

#### **3.4-16 Oak Mitigation Plan**

**Mitigation Measure 3.4-16** is set forth in full in **Section 2.4** in relation to **Impact 3.4-2**.

### **Significance After Mitigation**

The measures described above would ensure compliance with local policies and ordinances. As detailed in **Mitigation Measure 3.4-16**, an Oak Mitigation Plan has been prepared for the Proposed Project in compliance with local policies and ordinances. With implementation of the feasible mitigation measures described above, this impact would be *less than significant with mitigation*.

## ***Findings***

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR [**Finding (1)**]. Implementation of some mitigation measure require agency consultation and/or approval. Therefore, similar changes or alterations addressed in **Section 2.4** are also within the responsibility and jurisdiction of another public agency. Such changes have been adopted by such other agency or can and should be adopted by such other agency [**Finding (2)**].

## ***Facts in Support of Findings***

Conflict with existing local policies and ordinances may be considered significant and substantial if a project resulted in construction or use of land contrary to the overall goals of an existing local regulations. Conflict with specific allowable uses or compensatory requirements may also be considered significant.

### ***Guenoc Valley Site Phase 1 – Construction and Operation***

A consistency analysis of the Proposed Project related to the Lake County General Plan determined that the Proposed Project is consistent with the biological resources element policies. This analysis is included as Appendix GPCT of the Draft EIR. Lake County Code § 30-21 provides for the protection of oak trees and prohibits activities resulting in the clearing of oak trees such that a significant effect on oak woodland would occur. The Proposed Project would result in **significant impacts** to oak woodland as well as individual oak trees within the Guenoc Valley Site as described in detail within Appendix OAK of the Draft EIR. As discussed under Impact 3.4-2 and **Mitigation Measure 3.4-16**, an Oak Mitigation Plan has been prepared for the Proposed Project in compliance with local policies and ordinances. The impact would be **less than significant** with the incorporation of **Mitigation Measure 3.4-16**.

### ***Guenoc Valley Site – Future Phases – Construction and Operation***

Construction and operation of future phases would result in impacts similar to those described above. Given the widespread nature of oak woodland habitat on the Guenoc Valley Site, it is likely that Future Phases would result in a **significant impact** to this resource as it relates to Lake County Code § 30-21. Future phases would be subject to the same restrictions outlined in the design guidelines emphasizing the maintenance of natural resources on the Guenoc Valley Site through clustered development, restriction on maximum allowable residential lot development, and minimization of operational disturbance to sensitive biological resources (Appendix DG of the Draft EIR). Lot development restrictions would similarly apply. Therefore, **Mitigation Measure 3.4-16** described for the Phase 1 construction and operation of the Guenoc Valley Site are applicable to those impacts to oaks likely to occur within future phases of development.

However, given the long timeline for development, it is possible for current policies and ordinances to be developed or altered prior to development of future phases of construction. Should ordinances and policies be updated or created in conflict with future phases of development, a **potentially significant** impact would result. Implementation of **Mitigation Measure 3.4-14** would require a review of current ordinances and policies during the project-level analysis of future phases of construction. A review of policies and ordinances and incorporation of appropriate mitigation measures to ensure compliance with new or updated ordinances or policies would reduce impacts to a **less-than-significant** level.

### ***Middletown Housing Site – Construction and Operation***

Proposed Project activities related to the Middletown Housing Site may result in impact to a small number of valley oaks. As discussed under Impact 3.4-2 and **Mitigation Measure 3.4-16**, valley oaks would be avoided when possible, and an Oak Mitigation Plan has been prepared for the Proposed Project in compliance with local policies and ordinances. Impacts on the Middletown Housing Site would not result in a significant loss of oak woodland at the County level as described in County Code, but could constitute a significant portion of oak woodland on the Middletown Housing Site, should full avoidance be impractical. Therefore, **Mitigation Measure 3.4-16** would require maximum avoidance of those valley oaks present on the Middletown Housing Site with compensatory plantings as necessary. There would be a **less-than-significant** impact with the incorporation of **Mitigation Measure 3.4-16**.

### ***Combined Project Impacts***

In summary, the Proposed Project, including Phase 1, future phases, Off-Site Workforce Housing, and Off-Site Infrastructure Improvements, would not result in combined impacts to local policies and ordinances that would exceed the levels of impacts analyzed above. Construction and operation of the Off-Site Infrastructure Improvement Areas would not result in impacts to local policies and ordinances protecting biological resources. Construction of the Middletown Housing Site may result in removal of fewer than ten valley oak trees. However, this would not significantly impact oak woodland canopy cover at the County level and would be offset through the Oak Mitigation Plan described in **Mitigation Measure 3.4-16**. These potential impacts are extremely low and would therefore not significantly contribute to additional impacts to oaks that may occur through construction of Phase 1 and Future Phases on the Guenoc Valley Site. No other local policies or ordinances protecting biological resources would be impacted by the Proposed Project. Therefore, with mitigation presented above, the combined impact of the Proposed Project on local policies and ordinances is **less-than-significant**.

As stated above, additional analysis of the contributing impacts of Future Phases on the Guenoc Valley Site would be required under **Mitigation Measure 3.4-14** to confirm that mitigation measures presented above would be sufficient to reduce impacts to a less-than-significant level. Therefore, no additional mitigation measures are necessary as it relates to the combined Proposed Project impacts on local policies and ordinances.

## **Impact**

- 3.4-6 Conflict With The Provisions of an Adopted Habitat Conservation Plan, Natural Community Conservation Plan, or Other Approved Local, Regional, or State Habitat Conservation Plan.** Implementation of the Phase 1 and Future Phases of the Proposed Project have potential to impact the Open Space Preservation Areas and the oak preservation areas. (Final EIR, Volume II, p. 3.4-79)

### ***Mitigation Measures***

#### **3.4-14 Nesting Migratory Birds and Other Birds of Prey**

**Mitigation Measure 3.4-14** is set forth in full in **Section 2.4** in relation to **Impact 3.4-1**.

### 3.4-16 Oak Mitigation Plan

Mitigation Measure 3.4-16 is set forth in full in **Section 2.4** in relation to **Impact 3.4-2**.

#### ***Significance After Mitigation***

The measures described above would ensure full compliance with the Oak Tree Replacement Plan prior to ground disturbance by identifying a minimum of 1,089 acres of oak woodland habitat in addition to requiring review of current conservation plans during the project-level analysis of future phases of construction. With implementation of the feasible mitigation measures described above, the Proposed Project's contribution to cumulative impacts to sensitive or special-status plant or fish and wildlife species and their habitat and migratory birds would be ***less than significant with mitigation***.

#### ***Findings***

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR **[Finding (1)]**. Implementation of some mitigation measure require agency consultation and/or approval. Therefore, similar changes or alterations addressed in **Section 2.4** are also within the responsibility and jurisdiction of another public agency. Such changes have been adopted by such other agency or can and should be adopted by such other agency **[Finding (2)]**.

#### ***Facts in Support of Findings***

Conflict with existing conservation plans may be considered significant and substantial if a project resulted in construction or use of land contrary to the overall goals of an existing conservation plan. Conflict with specific allowable uses or compensatory requirements may also be considered significant.

#### ***Guenoc Valley Site Phase 1 – Construction and Operation***

As discussed in **Section 3.4.1**, biological resources were evaluated on the Guenoc Valley Site during the preparation and approval process for the 2009 FEIR. The Proposed Project has the potential to impact the Open Space Preservation Area described in the 2008 OSPP required under the 2009 FEIR mitigation (AES, 2008a). The Proposed Project also has the potential to impact the oak preservation areas defined in the 2008 Oak Tree Replacement Plan that was also required under the 2009 FEIR (AES, 2009). Conflict with either of these plans would be considered a ***significant*** impact.

#### ***Oak Tree Replacement Plan***

Per the terms and conditions of the Oak Tree Replacement Plan, a minimum of 1,089 acres of oak woodland shall be preserved within those areas defined as POU within the 2009 FEIR. Therefore, the Proposed Project must not conflict with the requirement or ability to preserve 1,089 acres of oak woodland within POU to offset the vineyard development approved in the 2009 FEIR. A portion of Phase 1 development occurs within POU and would result in impacts to oak habitat. Removal of oak habitat would constitute a ***significant*** impact should the Proposed Project result in fewer than 1,089 acres of oak woodland preserved within the POU.

An Oak Mitigation Plan has been prepared for the Proposed Project and includes a discussion on oak preservation within POU consistent with the 2008 Oak Tree Replacement Plan (Appendix OAK of the Draft EIR). In addition to the Oak Mitigation Plan and the compliance discussion presented within this EIR, **Mitigation Measure 3.4-16** would ensure full compliance with the Oak Tree Replacement Plan prior to ground disturbance by identifying a minimum of 1,089 acres of oak woodland habitat within the POU. The Oak Mitigation Plan would ensure compliance with the requirements set forth in the 2008 Oak Tree Replacement Plan, thus reducing impacts to a *less-than-significant* level.

### ***Guenoc Valley Site – Future Phases Construction and Operation***

Due to the establishment of the GVD Zoning District open space combining district, future phases of development would not result in conflict with the 2008 Open Space Plan. However, development of future phases has the potential to impact oak preservation areas and oak mitigation planting required by the existing Oak Tree Replacement Plan. Should future phases of development impact oak preservation or planting areas related to the Oak Tree Replacement Plan, a *significant* impact would result. Additionally, should future phases of development conflict with oak preservation and mitigation outlined in the Oak Mitigation Plan prepared for this EIR, a *significant* impact would result. The Oak Tree Replacement Plan applies to Phase 1 as well as future phases of construction and operation. Conflict with the oak preservation areas described in APPENDIX OAK of the Draft EIR and the existing Oak Tree Replacement Plan would require additional preservation of oak woodland within the POU such that the minimum acreage preserved would be 1,089 acres. This provision is further detailed in **Mitigation Measure 3.4-16**. Compliance with the Oak Tree Replacement Plan and Oak Mitigation Plan would reduce impacts to existing conservation plans to *less-than-significant* levels.

However, given the extended timeline for development, it is possible for conservation plans to be developed or altered prior to development of future phases of construction. Should conservation plans be updated or created in conflict with future phases of development, this would constitute a *potentially significant* impact. Implementation of **Mitigation Measure 3.4-14** would require a review of current conservation plans during the project-level analysis of future phases of construction. A review of conservation plans and incorporation of appropriate mitigation measures to ensure compliance with new or updated conservation plans would reduce impacts to *less-than-significant* levels.

### ***Combined Project Impacts***

In summary, the Proposed Project, including Phase 1, future phases, Off-Site Workforce Housing, and Off-Site Infrastructure Improvements, would not result in combined impacts to existing or proposed conservation plans that would exceed the levels of impacts analyzed above. Construction and operation of the Off-Site Infrastructure Improvement Areas and Middletown Housing Site do not fall within a known approved or proposed conservation plan and would therefore not conflict with existing conservation plans. Establishment of the GVD zoning with an open space component would prevent conflict with the existing Open Space Plan for both Phase 1 and Future Phases of construction and operation on the Guenoc Valley Site. Similarly, an Oak Mitigation Plan compliant with the 2008 Oak Tree Replacement Plan and required under **Mitigation Measure 3.4-16** would prevent conflict for both Phase 1 and Future Phases of construction and operation on the Guenoc Valley Site. Therefore, the combined elements of the Proposed Project would not conflict with known or proposed conservation plans, and impacts would continue to be

less than significant.

Further analysis of the contributing impacts of future phases on the Guenoc Valley Site would be required under **Mitigation Measure 3.4-14** as discussed above and may result in additional mitigation measures to reduce impacts. This may occur should conservation plans be proposed or approved for an area including the Guenoc Valley Site following the analysis presented herein. At this time, no additional mitigation measures are necessary as it relates to the combined Proposed Project impacts on existing or proposed conservation plans.

## **Impact**

### **3.4-7 Cumulative Impacts to Biological Resources.**

Implementation of the Phase 1 and Future Phases of the Proposed Project could have cumulative impacts to ruderal habitat and utility or roadway right of ways. (Final EIR, Volume II, p. 3.4-82)

## ***Mitigation Measures***

### **Guenoc Valley Site: Phase 1**

#### **3.4-1 Construction Best Management Practices**

**Mitigation Measure 3.4-1** is set forth in full in **Section 2.4** in relation to **Impact 3.4-1**.

#### **3.4-2 Worker Environmental Awareness Training**

**Mitigation Measure 3.4-2** is set forth in full in **Section 2.4** in relation to **Impact 3.4-1**.

#### **3.4-3 General Special-Status Plant Mitigation**

**Mitigation Measure 3.4-3** is set forth in full in **Section 2.4** in relation to **Impact 3.4-1**.

#### **3.4-4 American Badger Impacts**

**Mitigation Measure 3.4-4** is set forth in full in **Section 2.4** in relation to **Impact 3.4-1**.

#### **3.4-5 Ringtail Impacts**

**Mitigation Measure 3.4-5** is set forth in full in **Section 2.4** in relation to **Impact 3.4-1**.

#### **3.4-6 Bat Maternity Roosts and Special-Status Bat Impacts**

**Mitigation Measure 3.4-6** is set forth in full in **Section 2.4** in relation to **Impact 3.4-1**.

#### **3.4-7 Artificial Lighting Impacts – Construction and Operation**

**Mitigation Measure 3.4-7** is set forth in full in **Section 2.4** in relation to **Impact 3.4-1**.

#### **3.4-8 Special-Status Birds - Nesting**

**Mitigation Measure 3.4-8** is set forth in full in **Section 2.4** in relation to **Impact 3.4-1**.

#### **3.4-9 Special Status Birds – Burrowing Owl**

**Mitigation Measure 3.4-9** is set forth in full in **Section 2.4** in relation to **Impact 3.4-1**.

- 3.4-10 Western Pond Turtle Impacts - Construction**  
Mitigation Measure 3.4-10 is set forth in full in **Section 2.4** in relation to **Impact 3.4-1**.
- 3.4-11 Foothill Yellow-Legged Frog Impacts - Construction**  
Mitigation Measure 3.4-11 is set forth in full in **Section 2.4** in relation to **Impact 3.4-1**.
- 3.4-12 Invasive Species Management - Operation**  
Mitigation Measure 3.4-12 is set forth in full in **Section 2.4** in relation to **Impact 3.4-1**.
- 3.4-13 Aquatic Habitat Public Signage**  
Mitigation Measure 3.4-13 is set forth in full in **Section 2.4** in relation to **Impact 3.4-1**.
- 3.4-15 Impacts to Sensitive Habitats**  
Mitigation Measure 3.4-15 is set forth in full in **Section 2.4** in relation to **Impact 3.4-2**.
- 3.4-16 Oak Mitigation Plan**  
Mitigation Measure 3.4-16 is set forth in full in **Section 2.4** in relation to **Impact 3.4-2**.
- 3.4-17 Aquatic Resources Protection and Management**  
Mitigation Measure 3.4-17 is set forth in full in **Section 2.4** in relation to **Impact 3.4-2**.
- 3.4-18 Sensitive Habitat Impacts from Wildfire Clearing**  
Mitigation Measure 3.4-18 is set forth in full in **Section 2.4** in relation to **Impact 3.4-2**.
- 3.4-19 Wildlife Movement – Fencing**  
Mitigation Measure 3.4-19 is set forth in full in **Section 2.4** in relation to **Impact 3.4-4**
- 3.4-20 Wildlife Movement – Future Phases**  
Mitigation Measure 3.4-20 is set forth in full in **Section 2.4** in relation to **Impact 3.4-4**
- 3.4-21 Domestic Cat Predation**  
Mitigation Measure 3.4-21 is set forth in full above in relation to **Impact 3.4-1**.
- Guenoc Valley Site: Future Phases**
- 3.4-1 Construction Best Management Practices**  
Mitigation Measure 3.4-1 is set forth in full in **Section 2.4** in relation to **Impact 3.4-1**.
- 3.4-2 Worker Environmental Awareness Training**  
Mitigation Measure 3.4-2 is set forth in full in **Section 2.4** in relation to **Impact 3.4-1**.
- 3.4-3 General Special-Status Plant Mitigation**  
Mitigation Measure 3.4-3 is set forth in full in **Section 2.4** in relation to **Impact 3.4-1**.
- 3.4-4 American Badger Impacts**  
Mitigation Measure 3.4-4 is set forth in full in **Section 2.4** in relation to **Impact 3.4-1**.

- 3.4-5 Ringtail Impacts**  
Mitigation Measure 3.4-5 is set forth in full in **Section 2.4** in relation to **Impact 3.4-1**.
- 3.4-6 Bat Maternity Roosts and Special-Status Bat Impacts**  
Mitigation Measure 3.4-6 is set forth in full in **Section 2.4** in relation to **Impact 3.4-1**.
- 3.4-7 Artificial Lighting Impacts – Construction and Operation**  
Mitigation Measure 3.4-7 is set forth in full in **Section 2.4** in relation to **Impact 3.4-1**.
- 3.4-8 Special-Status Birds - Nesting**  
Mitigation Measure 3.4-8 is set forth in full in **Section 2.4** in relation to **Impact 3.4-1**.
- 3.4-9 Special Status Birds – Burrowing Owl**  
Mitigation Measure 3.4-9 is set forth in full in **Section 2.4** in relation to **Impact 3.4-1**.
- 3.4-10 Western Pond Turtle Impacts - Construction**  
Mitigation Measure 3.4-10 is set forth in full in **Section 2.4** in relation to **Impact 3.4-1**.
- 3.4-11 Foothill Yellow-Legged Frog Impacts - Construction**  
Mitigation Measure 3.4-11 is set forth in full in **Section 2.4** in relation to **Impact 3.4-1**.
- 3.4-12 Invasive Species Management - Operation**  
Mitigation Measure 3.4-12 is set forth in full in **Section 2.4** in relation to **Impact 3.4-1**.
- 3.4-13 Aquatic Habitat Public Signage**  
Mitigation Measure 3.4-13 is set forth in full in **Section 2.4** in relation to **Impact 3.4-1**.
- 3.4-14 Nesting Migratory Birds and Other Birds of Prey**  
Mitigation Measure 3.4-14 is set forth in full in **Section 2.4** in relation to **Impact 3.4-1**.
- 3.4-15 Impacts to Sensitive Habitats**  
Mitigation Measure 3.4-15 is set forth in full in **Section 2.4** in relation to **Impact 3.4-2**.
- 3.4-16 Oak Mitigation Plan**  
Mitigation Measure 3.4-16 is set forth in full in **Section 2.4** in relation to **Impact 3.4-2**.
- 3.4-17 Aquatic Resources Protection and Management**  
Mitigation Measure 3.4-17 is set forth in full in **Section 2.4** in relation to **Impact 3.4-2**.
- 3.4-18 Sensitive Habitat Impacts from Wildfire Clearing**  
Mitigation Measure 3.4-18 is set forth in full in **Section 2.4** in relation to **Impact 3.4-2**.

### **3.4-19 Wildlife Movement – Fencing**

**Mitigation Measure 3.4-19** is set forth in full in **Section 2.4** in relation to **Impact 3.4-4**

### **3.4-20 Wildlife Movement – Future Phases**

**Mitigation Measure 3.4-20** is set forth in full in **Section 2.4** in relation to **Impact 3.4-4**

### **3.4-21 Domestic Cat Predation**

**Mitigation Measure 3.4-21** is set forth in full above in relation to **Impact 3.4-1**.

## ***Significance After Mitigation***

The measures described above would ensure additional analysis on impacts to wildlife movement be required following more detailed information on future phases planning. With implementation of the feasible mitigation measures described above, the Proposed Project's contribution to cumulative impacts to sensitive or special-status plant or fish and wildlife species and their habitat and migratory birds would be ***less than significant with mitigation.***

## ***Findings***

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR [**Finding (1)**]. Implementation of some mitigation measure require agency consultation and/or approval. Therefore, similar changes or alterations addressed in **Section 2.4** are also within the responsibility and jurisdiction of another public agency. Such changes have been adopted by such other agency or can and should be adopted by such other agency [**Finding (2)**].

## ***Facts in Support of Findings***

A significant cumulative impact to biological resources would occur if the Proposed Project, in addition to recent, ongoing, and foreseeable development, caused a cumulatively significant impact to biological resources. Potential cumulative projects in the vicinity of the Proposed Project are presented in Section 4.2. Cumulative projects consist of infrastructure development, minor recreational development, and residential build-up smaller in scale than the Proposed Project. Cumulative projects are anticipated within areas of existing development and are small and/or clustered in development. As discussed in Section 4.2.1, under the 2009 Water Rights Modification Project, additional vineyard development could occur within the Guenoc Valley Site, resulting in up to an additional 1,720 acres of vineyards within the POU. Future development of land uses that would use surface water within the POU, including vineyards, would be subject to the 2009 MMRP, which was a component of the 2009 FEIR (AES, 2009), and has been incorporated by reference into the Proposed Project (refer to Section 1.3). The 2009 FEIR concluded that construction activities had the potential to create significant impacts which could be reduced to less-than-significant levels through compliance with 2009 FEIR MMRP. Additionally, development of the Guenoc Valley Site and cumulative projects would be subject to those regulations and restrictions described in Section 3.4.3.

## ***Wildlife Use and Movement***

Known cumulative impacts are spread over a largely open and undeveloped landscape, and impacts would additionally not result in loss of ecosystem services or other biological functions common in areas of high

rural to urban development areas. Infrastructure and urban infill typically do not represent barriers to wildlife use and movement across habitat. The Proposed Project, in addition to cumulatively considered projects, would not sever known wildlife corridors and would not result in activities that would connect developed areas across open habitat. Cumulative projects under environmental review have not revealed significant impacts to wildlife corridors or nursery sites such that mitigation was deemed necessary. Because there are no known significant impacts to wildlife corridors resulting from cumulatively considered projects, impacts to wildlife use and movement as a result of the Proposed Project development are ***less than significant***.

Similar to the analysis presented for Phase 1 of development, mitigation measures applied to reduce impacts to biological resources would apply to future phases of construction. As described under **Mitigation Measure 3.4-14**, additional analysis on impacts to wildlife movement would be required following more detailed information on future phases planning. Should significant impacts to wildlife movement be identified, modification of site plans or inclusion of additional mitigation measure would be required. Biological analysis of future phases would be held to the level of detail and current CEQA thresholds and would include an analysis on cumulative impacts. This would include a current evaluation of the cumulative setting at the time of analysis. Additional mitigation measures would be implemented, if necessary, at that time in order to ensure that cumulative impacts are ***less than significant***.

## **2.5 CULTURAL RESOURCES**

### **Impact**

#### **3.5-1 Cause a Substantial Adverse Change in the Significance of a Historical or Archaeological Resource as Defined in CEQA Guidelines, Section 15064.5.**

Phase 1 and Future Phases of the Proposed Project could cause a substantial adverse change in the significance of a historical or archaeological resource as defined in CEQA Guidelines, Section 15064.5. (Final EIR, Volume II, p. 3.5-21)

### ***Mitigation Measures***

#### **3.5-1 Avoid Historical and Archaeological Resources, Apply Appropriate Mitigation**

##### **Phase 1 and Future Phase General Provisions**

All of the identified cultural resource sites shall be avoided during project construction, development, and operation activities. A shapefile database shall be transmitted to the Applicant and included in the final contract with the construction contractor to ensure that cultural resource locations are avoided. Each site shall be added to subdivision maps, and any residential properties that include cultural resources shall be deed restricted to avoid construction on or immediately adjacent to the resource. This shall be accomplished by establishing a buffer of 50 feet around the perimeter of the site and erecting a semi-permanent fence that will remain in place throughout construction. The fence shall be installed with a qualified archaeologist and tribal monitor in attendance, and shall determine the established buffer for the location. The buffer can be reduced or modified to accommodate sensitive environmental conditions, based on the assessment of the qualified archaeologist and tribal monitor or cultural advisor (see **Mitigation Measure 3.5-2**).

If construction will encroach closer than 50 feet, a qualified archaeological and tribal monitor shall be retained to monitor those activities. Should cultural resources be uncovered within the buffer, all construction in the in the immediate area shall halt until the find can be assessed for NRHP/CRHR eligibility in accordance with current professional standards using minimization measures and the provisions of the Unanticipated Discoveries Plan developed in compliance with **Mitigation Measure 3.5-2**.

### **Phase 1 Site-Specific Avoidance Strategies**

Site P-17-425 shall be incorporated into proposed buffer zones for wetlands or oak woodlands. Should ground-disturbing work be required within 50 feet of either site, a qualified professional archaeologist shall be retained to monitor construction activities. If site elements are discovered during monitoring, the archaeologist, in consultation with Middletown Rancheria, then the archeologist shall design an appropriate mitigation plan in consultation with Middletown Rancheria.

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

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

Occupation sites have an elevated potential to contain data and other values which would make them eligible for listing on the NRHP or CRHR. These sites (P-17-116, -256, -405, -411, -414, -416, -420, -421, and -2039), therefore, shall be accorded an extra degree of protection. Each of these sites shall be avoided, incorporated into open space or wetland or vegetation buffers wherever possible. The sites are presumed eligible for listing on the NRHP/CRHR and therefore shall be protected by semi-permanent construction fencing, to be maintained until construction in the vicinity has finished. Should avoidance be infeasible, these sites shall be subject to intensive Phase II evaluation in accordance with an individual Treatment Plan designed for each specific site subject to consultation with Middletown Rancheria. The primary method of mitigation will be through minimization and avoidance measures. Only in cases where minimization or avoidance is infeasible, or there are no other means of mitigation, may , a program of archaeological Data Recovery shall be implemented in accordance with current professional standards. Construction in the vicinity of the site shall not resume until Data Recovery has been completed.

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

The Back of House vineyard site is located within an active vineyard and consequently has been disturbed; further disturbance will occur when the vineyard is removed prior to Back of House construction. This site has not been evaluated for NRHP/CRHR eligibility and will be more fully disturbed during construction of the Proposed Project. A CARIDAP testing and evaluation program shall be implemented prior to any new ground-disturbing activities at this location unless different and/or additional mitigation measures are identified through consultation with the Tribe. If the site is found or presumed eligible for listing on the NRHP/CRHR, a qualified professional archaeologist shall design an appropriate Treatment Plan in consultation with Middletown Rancheria; the Treatment Plan shall include the number and size of excavation units to be completed, laboratory or in-field analyses to be performed, documentation of results, and criteria to make a final recommendation to the NRHP/CRHR, all in accordance with **Mitigation Measure 3.5-1**. Construction activities in the vicinity of the site shall not resume until mitigation has been completed.

Sites that may occur within Phase 1 development areas but which could not be relocated include: P-17-404, and -409. Accordingly, all ground disturbance proposed in areas where these sites have been previously plotted shall be monitored by a qualified archaeologist and Tribal monitor. In the event that site indicators are encountered, project-related activities shall cease and shall not resume within 50 feet of the find and the site shall be evaluated for NRHP/CRHR eligibility in accordance with the provisions of the Unanticipated Discoveries Plan unless different and/or additional mitigation measures are identified through consultation with the Tribe.

### ***Significance After Mitigation***

The measures described above would minimize potential impacts to unknown cultural resources inadvertently discovered during construction through avoidance of historical and archaeological resources. With implementation of the feasible mitigation measures described above, the Proposed Project's impact would be ***less than significant with mitigation***.

### ***Findings***

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR **[Finding (1)]**.

## ***Facts in Support of Findings***

### ***Guenoc Valley Site: Phase 1 – Project Level Analysis***

Historic-era sites within the Proposed Project include mine adits, corrals associated with the Ink Ranch, cabins, foundations, and debris scatters, and the Langtry house complex. The Lillie Langtry house complex includes the Victorian main house, seven cottages, five sheds, three barns, and a garage, all of which (except for the house) are scheduled to be demolished. While it is outside of the Phase 1 footprint, the house is located directly behind the proposed Central Back-of-House development (SPOD Land Use Floor Plan (pg.94)); architectural plans (SPOD Central Back-of-House Design (pg.92)) present modern wood and metal structures that are an extreme contrast to the late 19<sup>th</sup> century Langtry house. Therefore, a formal evaluation of the house and associated cottages, sheds, barns, and garage was completed in November 2019 (Schultz, 2019); as a result, the entire complex, including the house, was found not eligible for listing on the CRHR. Therefore, there is no impact to any elements of the Langtry house complex resulting from demolition or construction or operation of the Proposed Project.

Construction of Phase 1 structures has the potential to disturb historic foundations or rock walls at P-17-399, -406, -412, -425, -1996, -2043, and -2952 and the newly identified Bohn Hills historic debris scatter. None of these sites has been formally evaluated for association with historic events or individuals or the data values they might contain, and therefore they are considered potentially eligible for listing on the NRHP and CRHR, pending further background research to determine whether the associations specified in the NRHP or CRHR are present. Impacts to these resources are therefore potentially significant. **Mitigation Measure 3.5-1** requires that the sites be avoided during construction to the extent feasible. In the event that the sites cannot be avoided, the mitigation measure requires further archaeological investigation including additional research, additional recordation, and/or archaeological testing be conducted in order to assess NRHP/CRHR eligibility. Sites found to be eligible for inclusion on the NRHP and/or CRHR that cannot be avoided during construction, must be subjected to data recovery investigations, as warranted and based on best archaeological practices, prior to any ground disturbance. Implementation of **Mitigation Measure 3.5.1** would reduce impacts to historical resources to a less-than-significant level.

### ***Guenoc Valley Site: Future Phases – Programmatic Analysis***

There are no historical resources currently listed on the NRHP or CRHR within the Guenoc Valley Site, however, none of the known resources within the site have been formally evaluated for eligibility.

Construction of future phases of the Proposed Project, including roads, utilities, public structures, and residences has the potential to impact previously identified historical resources within the Guenoc Valley Site. Implementation of **Mitigation Measure 3.5-1** would require evaluation of site NRHP/CRHR potential and the development of avoidance or data collection methods for sites in future phases of construction. Implementation of these measures would reduce impacts on Historical Resources to a ***less-than-significant*** level.

## **Impact**

### **3.5-2 Cause A Substantial Adverse Change in the Significance of an Archaeological Resource Pursuant to § 15064.5.**

Prehistoric resources account for most of the cultural resources within the Guenoc Valley Site. These prehistoric resources have not been evaluated for their eligibility, and therefore must be presumed eligible to the NRHP/CRHR for their data potential. All Phases of the Proposed Project, including Off-Site Workforce Housing and Off-Site infrastructure, have the potential to result in impacts on these resources. (Final EIR, Volume II, p. 3.5-23)

### **Mitigation Measures**

#### **3.5-1 Avoid Historical and Archaeological Resources, Apply Appropriate Mitigation**

**Mitigation Measure 3.5-1** is set forth in full in **Section 2.5** in relation to **Impact 3.5-1**.

#### **3.5-2 Worker Awareness Training, Unanticipated Discoveries Plan, Construction Monitoring**

- 1) Tribal Cultural Advisor: Prior to initial ground disturbance, the Applicant shall retain a project Tribal Cultural Advisor designated by the Tribe, to direct all mitigation measures related to tribal cultural resources as defined by Public Resources Code 21074(a).
- 2) Worker Awareness and Sensitivity Training: Prior to the beginning of grading (including ground-clearing) or any construction (including structure relocation), a qualified professional archaeologist shall administer a cultural resources awareness and sensitivity training program to all construction workers who will be performing grading or construction work. Either a tribal representative should assist with administering the training, or the training materials should be approved by the Tribal Cultural Advisor. The program shall include a review of the types of finds that could occur, regulatory requirements, and a list of contacts (with telephone numbers) in case of accidental discoveries. The training program shall be repeated periodically as new construction workers are added to the project.
- 3) Unanticipated Discoveries Plan: Prior to project construction, a qualified professional archaeologist shall be retained to prepare an Unanticipated Discoveries Plan in consultation with Middletown Rancheria, or to update an existing Unanticipated Discoveries Plan supplied by the Tribe. At a minimum, the Unanticipated Discoveries Plan shall include:
  - Minimization of impact strategies to be agreed upon by the archaeological monitor and tribal monitor or tribal cultural advisor. Minimization measures mean:
    - Avoidance. Priority shall first be given to leaving cultural resources in place and avoidance of any further unnecessary disturbance. The highest priority is to avoid disturbance to cultural resources. All cultural resources shall be left in situ, that is, in place, in the same position in which they were discovered and shall not be removed from the discovery site until arrangements are made for reburial or transfer in accordance with the below. If leaving the resources in situ is not possible, temporary housing at a secured storage location at the discovery site mutually agreed upon by the archaeological and tribal monitor may be considered.
    - Reburial. In situations where avoidance is not feasible, priority shall next be given to immediately reburying the cultural resources in the same location as found, only deeper. In the event that the cultural resources cannot be re-buried in the same location, only deeper, then priority shall next be given to immediately re-burying the cultural resources in an appropriate location within 100 feet of their original discovery in an area that shall not be subject to future subsurface disturbances. If

for any reason immediate reburial in place, only deeper, or in an appropriate location within 100 feet of the original discovery is not feasible, then cultural resources may be re-buried in an appropriate location as determined by the Tribal Cultural Advisor in an area that shall not be subject to future subsurface disturbances.

- Transfer. In the event that avoidance and reburial above described is not feasible, cultural resources may be removed and transferred to a location designated by the Middletown Rancheria.
- Laboratory studies, scientific analysis, curation, or video recording shall only be permitted if required to assess CRHR eligibility, or if such strategies are the only means available to mitigate impacts to CRHR eligible resources. Prior to conducting any such studies, the tribal cultural advisor must be consulted. The archaeologist may draw the cultural resources for mapping purposes; however, no electronic means of recording the cultural resources shall be permitted without prior consultation with the Middletown Rancheria.
- Description of field or laboratory methods to be used to investigate Unanticipated Discoveries (also applicable to known resources that will be impacted by project construction), to include types of excavation units, screening methods, and sample collection, as appropriate;
- A list of permitted in-field analyses or laboratories to be used for specific analyses, as appropriate;
- Provisions for reburial or transfer of recovered materials, developed in consultation with Middletown Rancheria.
- Measures for documentation of results, including forwarding results to the NWIC as appropriate;
- A Burial Treatment plan, provided by the Tribe, shall be followed if Native American remains are discovered during construction;
- Maps (provided in pdf and shapefiles to the construction contractor, Applicant, and County) of areas that have not been included in a previous archaeological survey;
- Maps of known resource locations (provided in pdf and shapefiles) shall be included in any construction documents that include identification of archaeological monitoring areas, identification of sites where pre-construction archaeological testing or archaeological and tribal monitoring during construction is required, identification of appropriate buffer zones for individual site protection during construction, cease work requirements, unanticipated finds reporting requirements;
- Assessment criteria to determine NRHP/CRHR eligibility; and
- A no-collections policy will be instituted for the Proposed Project, except where a site-specific treatment plan or the Unanticipated Discoveries Plan developed in consultation with the Tribe, calls for collection of a sample of artifacts or materials and analysis.

Should any cultural resources, such as wells, foundations, or debris, or unusual amounts of bone, stone or shell, artifacts, burned or baked soils, or charcoal be encountered during ground-disturbing activities, work shall cease within 100 feet of the discovery and the Construction Contractor, Project Applicant, and Middletown Rancheria shall be notified immediately. The Applicant shall retain a qualified professional archaeologist to assess the find

in consultation with the Tribal Cultural Advisor. The Tribe must have an opportunity to inspect and determine the nature of the resource and the best course of action for avoidance, protection and/or treatment of tribal cultural resources to the extent permitted by law, should the find consist of prehistoric or historic-era materials related to Native American occupation or use of the vicinity. If the find appears to be eligible for listing on the NRHP or CRHR, or is determined to be a tribal cultural resource by the Middletown Rancheria, then the provisions of the Unanticipated Discoveries Plan shall be adhered to, which will include consultation with Middletown Rancheria for tribal cultural resources. If the find consists of historic-era materials unrelated to the Native American community, the archaeologist shall determine its significance in compliance with NHPA and CEQA criteria. If adverse effects to a cultural resource cannot be avoided, the Minimization Measures described under the requirements for the Unanticipated Discovery Plan shall be implemented to the extent feasible.

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

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

### **3.5-3 Future Phase Investigations**

Because Future Phases of work will affect areas not yet included in an archaeological study, prior to undertaking construction in any Future Phase area, the Applicant shall retain a qualified professional archaeologist to complete a cultural resources study in coordination with Middletown

Rancheria. The study shall determine whether any previous archaeological studies or cultural resources have been identified within the Future Phase development area. If no studies have been completed, or if previous study results are more than 15 years old, new studies shall be prepared including the results of background research, field surveys, identification and evaluation of resources, documentation of results, and submission of the report to Lake County and the NWIC upon completion. New surveys shall include both professional archaeologists and the Tribal Cultural Advisor (or his/her designee). These efforts shall be completed prior to ground-disturbing activities. If significant historic-era resources or significant archaeological sites are present, the development proposal shall designate the area surrounding the site as open space and the site shall be completely avoided. If avoidance is not feasible, a qualified professional archeologist shall be retained to evaluate NRHP/CRHR eligibility of the site, and, if eligible, shall design an appropriate Treatment Plan in consultation with Middletown Rancheria. The minimization measures outlined in the Unanticipated Discoveries Plan described under Mitigation Measure 3.5-2 shall be adhered to as feasible. Construction activities in the vicinity of the site shall not occur until mitigation has been completed, and the construction monitoring provisions of Mitigation Measure 3.5-2 have been implemented. Any newly identified resources uncovered during Future Phases shall be treated in accordance with **Mitigation Measure 3.5-2** requirements.

### ***Significance After Mitigation***

The measures described above require that the sites be avoided during construction to the extent feasible, and includes establishment of buffer zones and fencing to protect sites when construction occurs nearby, and requires minimization of impacts to the extent feasible and site testing where resources cannot be avoided by project construction. Additionally, mitigation requires development of a Treatment Plan in consultation with the Tribe. With implementation of the feasible mitigation measures described above, the Proposed Project's impact would be ***less than significant with mitigation***.

### ***Findings***

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR [**Finding (1)**].

### ***Facts in Support of Findings***

#### ***Guenoc Valley Site: Phase 1 – Project Level Analysis***

Prehistoric resources account for most of the cultural resources within the Guenoc Valley Site, and include the 37 sites listed in **Table 3.5-1**. These prehistoric resources have not been evaluated for their eligibility, and therefore must be presumed eligible to the NRHP/CRHR for their data potential. Impacts to these resources are therefore potentially significant. **Mitigation Measure 3.5-1** requires that the sites be avoided during construction to the extent feasible, includes establishment of buffer zones and fencing to protect sites when construction occurs nearby, and requires minimization of impacts to the extent feasible and site testing where resources cannot be avoided by project construction. Aside from archaeological investigation, different and/or additional mitigation measures will be identified through consultation with the Middletown Rancheria. Sites found or presumed eligible for inclusion on the NRHP and/or CRHR that cannot be avoided during construction, may be subjected to data recovery investigations, as warranted/based on best archaeological practices, and consultation with the Tribe must occur as specified in **Mitigation Measure**

**3.5-2**, which requires development of a Treatment Plan in consultation with the Tribe. Implementation of **Mitigation Measures 3.5-1** and **3.5-2** would reduce impacts on known archaeological sites to a **less-than-significant** level.

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

### ***Guenoc Valley Site: Future Phases – Program Level Analysis***

Portions of the Proposed Project site have not yet been surveyed for cultural resources, and may contain significant resources. Previously identified sites within the future phases APE include lithic scatters, bedrock mortars, ethnographic villages, prehistoric occupation sites, mining sites, rock walls, cabins, and historic debris scatters, as well as isolated artifacts. If future phases of development would impact any such resources that were eligible for the CRHR or NRHP, this would be a potentially significant impact. Additionally, construction of future phases of the Proposed Project, including roads, utilities, public structures, and residences, has the potential to uncover previously unidentified archaeological resources. This is also a potentially significant impact. **Mitigation Measures 3.5-1 and 3.5-3** require that appropriate studies be conducted prior to construction, that construction near known resources be monitored, and that finds made during construction be evaluated and addressed appropriately. Implementation of **Mitigation Measures 3.5-1 and 3.5-3** would require identification, evaluation and mitigation of significant impacts for future phases of construction. Additionally, **Mitigation Measure 3.5-2** would require preparation of and adherence to an Unanticipated Discoveries Plan in consultation with the Tribe, which would identify additional minimization measures to reduce impacts to any unknown resources discovered during construction activities associated with future phases. No data recovery will be permitted to tribal cultural resources without prior consultation with the Tribe. If data recovery to tribal cultural resources is required, it shall be limited to the area of impact, and shall occur in consultation with the Middletown Rancheria. Impacts and disturbance of discovered resources will be minimized or avoided to the extent feasible. Implementation of these mitigation measures would reduce impacts on known and previously unidentified archaeological resources to a **less-than-significant** level.

### ***Off-Site Workforce Housing – Project Level Analysis***

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

### **Off-Site Infrastructure Improvements – Project Level Analysis**

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

### **Impact**

#### **3.5-3 Disturb any human remains, including those interred outside of formal cemeteries**

All Phases of the Proposed Project including Off-Site Workforce Housing and Off-Site infrastructure, could disturb human remains, including those interred outside of formal cemeteries. (Final EIR, Volume II, p. 3.5-25)

### **Mitigation Measures**

#### **3.5-1 Avoid Historical and Archaeological Resources, Apply Appropriate Mitigation**

**Mitigation Measure 3.5-1** is set forth in full in **Section 2.5** in relation to **Impact 3.5-1**.

#### **3.5-4 Cease Work, Contact County Coroner**

California law recognizes the need to protect interred human remains, particularly Native American burials and items of cultural patrimony, from vandalism and inadvertent destruction. If human remains are uncovered during project construction, construction shall halt immediately within 100 feet of the find and the Lake County Coroner, County, and Applicant shall be notified. The procedures for the treatment of discovered human remains are contained in California Health and Safety Code §7050.5 and §7052 and California PRC §5097. The coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or state lands (Health and Safety Code Section 7050.5[b]). If the coroner determines that the remains are those of a Native American, he or she must contact the NAHC by phone within 24 hours of making that determination (Health and Safety Code Section 7050[c]). The County shall contact the Most Likely Descendent (MLD), as determined by the NAHC, regarding the remains. The MLD, in cooperation with the County and a qualified professional archaeologist, shall develop a plan of action to avoid or minimize significant effects to the human remains prior to resumption of ground-disturbing activities.

### **Significance After Mitigation**

The measures described above would minimize potential impacts to unknown human remains through the temporary ceasing of construction and treatment of burials in accordance with applicable sections of the PRC and Health and Safety code. With implementation of the feasible mitigation measures described above, the Proposed Project's impact would be **less than significant with mitigation**.

## **Findings**

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR [**Finding (1)**].

### **Facts in Support of Findings**

#### **Guenoc Valley Site: Phase 1 – Project Level Analysis**

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

Construction and other earthmoving activities during project implementation could also result in damage to as-yet-unknown Native American burials. If evidence of human remains is uncovered during project development, **Mitigation Measure 3.5-4** requires that all work cease within 100 feet of the find so that remains are not further damaged by equipment. **Mitigation Measure 3.5-4** reduces impacts to human remains by requiring avoidance where feasible, or appropriate study, handling, and recordation where infeasible or discovered during construction. **Mitigation Measure 3.5-4** also outlines the procedures established in the California Health and Safety Code for human remains. Development of a Burial Treatment Plan and Unanticipated Discoveries Plan in consultation with the Tribe under **Mitigation Measure 3.5-2** would also reduce impacts to Native American human remains. Adherence to these measures would reduce potential impacts to human remains to a *less-than-significant* level.

#### **Guenoc Valley Site: Future Phases – Program Level Analysis**

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

#### **Off-Site Workforce Housing – Project Level Analysis**

No archaeological sites with human remains were identified during background research or field investigations for the Off-Site Workforce Housing location. However, construction of Off-Site Worker Housing has the potential to uncover previously unidentified human remains. Implementation of **Mitigation**

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

### ***Off-Site Infrastructure Improvements – Project Level Analysis***

No archaeological resources were identified during background research or field investigations for the Off-Site Infrastructure locations. However, construction of Off-Site Infrastructure has the potential to uncover previously unidentified human remains. Implementation of **Mitigation Measures 3.5-2 and 3.5-4** would reduce impacts to Native American burials uncovered during project construction to a *less-than-significant* level.

## **Impact**

### **3.5-4 Cause A Substantial Adverse Change in the Significance of a Tribal Cultural Resource Pursuant to §21080.3.1 and §21080.3.2.**

All Phases of the Proposed Project including Off-Site Workforce Housing and Off-Site infrastructure, could disturb tribal cultural resources including resources associated with the Middletown Rancheria. (Final EIR, Volume II, p. 3.5-27)

### ***Mitigation Measures***

**3.5-1 Avoid Historical and Archaeological Resources, Apply Appropriate Mitigation**  
**Mitigation Measure 3.5-1** is set forth in full in **Section 2.5** in relation to **Impact 3.5-1**.

**3.5-2 Worker Awareness Training, Unanticipated Discoveries Plan, Construction Monitoring Mitigation**  
**Mitigation Measure 3.5-2** is set forth in full in **Section 2.5** in relation to **Impact 3.5-2**.

**3.5-3 Future Phase Investigations**  
**Mitigation Measure 3.5-3** is set forth in full in **Section 2.5** in relation to **Impact 3.5-2**.

### ***Significance After Mitigation***

The measures described above would require that Middletown Rancheria would be consulted if any new previously unknown finds are made during construction or filed investigations conducted prior to future phases. With implementation of the feasible mitigation measures described above, the Proposed Project's impact would be *less than significant with mitigation*.

### ***Findings***

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR [**Finding (1)**].

### ***Facts in Support of Findings***

California Native American prehistoric, historic, archaeological, cultural, and sacred places are essential elements in tribal cultural traditions, heritages, and identities. Because CEQA calls for a sufficient degree of analysis, tribal knowledge about the land and tribal cultural resources at issue are included in

environmental assessments for projects that may have a significant impact on such tribal cultural resources (TCRs). TCRs can only be identified by members of the Native American community, thus requiring consultation under CEQA. Additionally, Section 106 of the NHPA is integral to the protection of historic properties including cultural and sacred resources and traditional cultural properties (TCPs) of significance to the Tribe.

In 2018, Tom Origer & Associates completed a Native American contact program on behalf of the County, including sending letters to the individuals identified by the Native American Heritage Commission. There were no formal replies, however members of Middletown Rancheria accompanied Tom Origer & Associates archaeologists on surveys completed in 2018 and 2019. It is also understood that ongoing informal consultation is occurring between Tom Origer & Associates and Middletown Rancheria, as new aspects of the various project components arise.

Prior to undertaking investigation of the various Off-Site Improvements areas in 2019, AES consulted Middletown Rancheria Tribal Historic Preservation Officer Sally Peterson; Ms. Peterson stated that she was aware of ethnographic villages in the general region, but did not know of any that would be impacted by the Off-Site Improvements. When AES completed a shovel testing program for the Off-Site Well Site, a Middletown Rancheria monitor was present.

On April 24, 2019, the County emailed the NAHC and 18 individuals, advising them that a Notice of Preparation for the EIR had been prepared. A response was received from Middletown Rancheria dated May 23, 2019 which stated that there are sites of cultural, historical, and religious significance for the Tribe, and concern for sites of cultural and religious significance that are known only to the Tribe. Middletown Rancheria requested that they be included in all aspects of the project and development of the EIR. On December 13, the County again contacted Middletown in order to set a date for a meeting in January 2020. A meeting was held on February 5 and consultation is ongoing.

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

## Impact

### 3.5-5 Cumulative Impacts to Cultural and Tribal Cultural resources.

All Phases of the Proposed Project including Off-Site Workforce Housing and Off-Site infrastructure, could result in cumulative impacts to cultural and tribal cultural resources. (Final EIR, Volume II, p. 3.5-29)

### ***Mitigation Measures***

**3.5-1 Avoid Historical and Archaeological Resources, Apply Appropriate Mitigation**

Mitigation Measure 3.5-1 is set forth in full in **Section 2.5** in relation to **Impact 3.5-1**.

**3.5-2 Worker Awareness Training, Unanticipated Discoveries Plan, Construction Monitoring Mitigation**

Mitigation Measure 3.5-2 is set forth in full in **Section 2.5** in relation to **Impact 3.5-2**.

**3.5-3 Disturb any human remains, including those interred outside of formal cemeteries**

Mitigation Measure 3.5-3 is set forth in full in **Section 2.5** in relation to **Impact 3.5-2**.

**3.5-4 Cease Work, Contact County Coroner**

Mitigation Measure 3.5-4 is set forth in full in **Section 2.5** in relation to **Impact 3.5-4**.

### ***Significance After Mitigation***

The measures described above would reduce the Proposed Project's contributions to cumulative cultural resources impacts to known historical resources by ensuring that appropriate resource identification and evaluation is completed in order to identify cultural resources, and that cultural resources discovered during surveys are properly recorded and impacts mitigated. With implementation of the feasible mitigation measures described above, the Proposed Project's impact would be ***less than significant with mitigation***.

### ***Findings***

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR [**Finding (1)**].

### ***Facts in Support of Findings***

The history of Lake County is extensive, beginning with a Native American population that occupied the area since time immemorial, and moving forward to historic ranching, settlement, and mining. As a result, the Proposed Project region is known to include large numbers of a wide array of cultural resources, from Native American resource procurement areas to ethnographic village sites, ranches, cabins, mines, etc.; the fact that almost 100 resources have been found within the Proposed Project footprint testifies to the frequency of resources in Lake County. These site types are all found in contexts throughout Lake County. Cumulative projects in the region described in **Section 4.2.1** of the Draft EIR, including the Proposed Project, Hidden Valley, Valley Oak subdivision and the Guenoc Water Rights Modification Project, could result in potentially significant cumulative effects to cultural resources and TCRs. Numerous state, federal, and local laws, regulations, and ordinances seek to protect cultural resources. These would apply to development of the cumulative projects. These policies include inventory and evaluation processes and require consultation with Middletown Rancheria and qualified archaeologists in the event that previously undiscovered cultural materials are encountered. Additionally, the mitigation monitoring and reporting plan (MMRP) for the 2009 Guenoc Water Rights Modification Project, which has been incorporated by reference

into the EIR (refer to **Section 1.3**), identified numerous mitigation measures to protect and avoid known archaeological resources and TCRs within the mitigated place of use for surface water irrigation.

**Mitigation Measure 3.5-1** would reduce the Proposed Project's contributions to cumulative cultural resources impacts to known historical resources by ensuring that appropriate resource identification and evaluation is completed in order to identify cultural resources, and that cultural resources discovered during surveys are properly recorded and impacts mitigated. **Mitigation Measures 3.5-1, 3.5-2 and 3.5-3** would reduce the Proposed Project contributions to cumulative cultural resources and Tribal Cultural Resources impacts by ensuring that as-yet unknown cultural resources would be treated appropriately if found during Phase 1 construction or Future Phase development. The discovery of human remains is addressed in **Mitigation Measure 3.5-4**. Implementation of the appropriate mitigation measures would reduce impacts to cultural resources and tribal cultural resources discovered during any phase of the Proposed Project. With mitigation, the Proposed Project's contribution to cumulative impacts to historical, archaeological, and tribal cultural resources would be *less than significant*.

## 2.6 GEOLOGY AND SOILS

### Impact

#### 3.6-1 Directly or Indirectly Cause Potential Substantial Risk of Loss, Injury, or Death Due to Seismic Related Hazards.

Implementation of Phase 1, Future Phases, and Off-Site Workforce Housing could result in impacts associated with loss, injury or death from seismic related hazards. (Final EIR, Volume II, p. 3.6-17)

### Mitigation Measures

#### 3.6-1 Final Design-Level Geotechnical Report(s)

The Applicant shall submit final design-level geotechnical report(s) produced by a California Registered Civil Engineer or Geotechnical Engineer for County review and approval. The report(s) shall address and make recommendations on the following:

1. Road, pavement, and parking area design;
2. Structural foundations, including retaining wall design (if applicable);
3. Grading practices;
4. Erosion/winterization;
5. Special problems discovered onsite, (i.e., groundwater, compressive/expansive/unstable soils/liquefaction potential); and
6. Slope stability (landslides).

It is the responsibility of the Applicant to provide for engineering inspection and certification that earthwork has been performed in conformity with recommendations contained in the report.

If the geotechnical report indicates the presence of critically expansive soils or other issues that could lead to structural defects, a certification of completion of the requirements of the geotechnical report shall be submitted to the County Community Development Department prior to issuance of building permits. This certification may be completed on a lot-by-lot basis or on a Tract basis. This

shall be so noted on the Improvement Plans, in the conditions, covenants, and restrictions (CC&Rs), and on the Informational Sheet filed with the Final Subdivision Map(s). The preliminary geotechnical engineering report performed by RGH Consultants, dated May 29, 2019 and revised December 6, 2019, indicated the presence of potentially expansive soils and landslides, which must be addressed in a design-level geotechnical report. At a minimum, the following recommendations of the preliminary geotechnical engineering report shall be adhered to:

1. In general, cut and fill slopes should be designed and constructed at slope gradients of 2:1 (horizontal to vertical) or flatter, unless otherwise approved by the geotechnical engineer in specified areas. In expansive soil areas and serpentinite or highly weathered mélange bedrock, cut and fill slopes should be no steeper than 3:1. Where steeper slopes are required, retaining walls should be used unless approved by the project geotechnical engineer. Fill slopes steeper than 2:1 will require the use of geogrid to increase stability. If the owner is willing to accept on-going maintenance, steeper slopes may be constructed within roadway cutslopes on a case-by-case basis. Cutslopes up to 1:1 may be allowable in certain areas with certain remedial measures. In general, slopes within serpentinite-derived soils and Franciscan mélange or serpentinite bedrock are highly weathered and are less stable than slopes on younger and/or harder bedrock types. In addition, some of the younger volcanic bedrock formations are rubbly to agglomeritic in nature and may be prone to rockfalls or debris flows as the clayey matrix becomes saturated on steep slopes. The geotechnical engineer should review preliminary site-specific grading plans and profiles for potential slope stability concerns.

and/or

2. The proposed building envelopes must be located outside unstable areas and steep slopes in order to reduce the risks associated with slope instability. Initially, a structural setback of approximately 50-feet from unstable areas and breaks in slope of 2:1 or steeper should be established. A site-specific study by the project geotechnical engineer should finalize recommended structural setbacks.

### ***Significance After Mitigation***

The measure described above would ensure critical facilities are designed to resist collapse as specified in a geotechnical report. With the implementation of the feasible mitigation measures described above, the Proposed Project's impact would be ***less than significant with mitigation***.

### ***Findings***

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR **[Finding (1)]**. Regarding the implementation the off-site sewer improvements and related mitigation measures, such changes or alterations are also within the responsibility and jurisdiction of another public agency. Such changes have been adopted by such other agency or can and should be adopted by such other agency **[Finding (2)]**.

## ***Facts in Support of Findings***

### ***Guenoc Valley Site - Phase 1 and Future Phases***

As stated above, no active faults cross the Guenoc Valley Site and it is not within an Alquist-Priolo Fault Zone, therefore fault rupture through the site is not anticipated (Appendix GEOTECH of the Draft EIR). However, as stated in **Section 3.6.2**, there is still a risk of strong seismic shaking and consequently, seismic related hazards. The preliminary geotechnical report for the Guenoc Valley Site has identified Bohn Valley, the flat, low-lying area south of McCreary Lake, and areas in the far northeastern corner of the property as having the potential for liquefaction (Appendix GEOTECH of the Draft EIR). Additionally, seismically-induced landslides are more likely to occur on areas with previously identified unstable slopes. As discussed above, landslide areas may be present on the Guenoc Valley Site. Impacts associated with loss, injury or death from seismic related hazards on the Guenoc Valley Site are considered potentially significant.

To reduce the risk of seismic-related safety hazards to acceptable levels, the CBC requires design standards to mitigate for seismic risk in all areas of California. As discussed above, the County Building Department ensures that building plans were prepared by State licensed professionals and that they meet requirements of the CBC and local design codes. The CBC provisions are intended to reduce the potential for substantial risk of loss, injury, or death related to seismic hazards. Regular monitoring and enforcement of the CBC requirements regarding seismic and geologic safety by the County through the building permit and plan check processes will ensure that new development and construction meet all seismic and geologic safety standards, thereby protecting the public by reducing the risk of building damage or collapse. The preliminary geotechnical report concluded that it is geotechnically feasible to develop the Proposed Project as described in Section 2.5. However, this report indicates that this conclusion must be verified with detailed site-specific subsurface exploration, laboratory testing, and engineering evaluations provided in a design-level geotechnical report. A design-level geotechnical report is also required by the CBC and the County's building permit. **Mitigation Measure 3.6-1** will ensure that recommendations within the design-level geotechnical report are incorporated into the project plans. The County building permit official would ensure that all buildings comply with **Mitigation Measure 3.6-1** as part of the building permit process. Additionally, the Proposed Project would be consistent with General Plan Policy HS-2.11 and would ensure critical facilities be designed to resist collapse as specified in a geotechnical report. Compliance with the CBC, the County's building permit process, the General Plan, and implementation of **Mitigation Measure 3.6-1** would reduce potential risk related to seismic hazards to a ***less-than-significant*** level.

### ***Off-Site Workforce Housing***

The Middletown Housing Site also does not contain any active faults and it is not within an Alquist-Priolo Fault Zone, therefore fault rupture through the site is not anticipated. The risk of seismic shaking and ground related failure is similar to the Guenoc Valley Site; there is potentially weak soils and potential for liquefaction Middletown Housing Site (RGH Consultants, 2006). This finding indicates potentially significant seismic-related impacts on the Middletown Housing Site. Compliance with the CBC, the County's building permit process, the General Plan, and preparation of geotechnical report(s) as described in **Mitigation Measure 3.6-1**, would reduce potential risk related to seismic hazards to a ***less-than-significant*** level.

## **Impact**

### **3.6-3 Development on Expansive Soils or on Unstable Soils.**

Implementation of Phase 1, Future Phases, and Off-Site Workforce Housing of the Proposed Project could result in slope instability near Primary Access Road Option 1 and Primary Access Road Option 2. (Final EIR, Volume II, p. 3.6-20)

### ***Mitigation Measures***

#### **3.6-1 Final Design-Level Geotechnical Report(s)**

**Mitigation Measure 3.6-1** is set forth in full in **Section 2.6** in relation to **Impact 3.6-1**.

### ***Significance After Mitigation***

The measure described above would ensure critical facilities are designed to resist collapse as specified in a geotechnical report. With the implementation of the feasible mitigation measures described above, the Proposed Project's impact would be ***less than significant with mitigation***.

### ***Findings***

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR [**Finding (1)**].

### ***Facts in Support of Findings***

#### ***Guenoc Valley Site – Phase 1 and Future Phases***

The NRCS indicates that the soils on the Guenoc Valley Site range from low to high shrink-swell capacity (NRCS, 2019a). Shrink-swell capacity is the indicator of expansive soils. The physical forces resulting from the shrink-swell processes of soils can exert pressure on foundations and infrastructure lines, which could result in pipeline and foundation damage. RGH Consultants also encountered some expansive soils and fills during soil testing (Appendix GEOTECH of the Draft EIR). Other soil constraints on the Guenoc Valley Site include corrosivity to steel and steep slopes. Although no active landslide locations were identified within project development areas in most cases, portions of the Guenoc Valley Site would be considered susceptible to landslides due to the sloping topography. Areas near the Primary Access Road Option 1 had notable landslide deposits. Additionally, the Primary Access Road Option 2 would involve cuts into the hillside near Butts Canyon Road, which may result in slope instability.

As indicated above, **Mitigation Measure 3.6-1** requires that a site-specific geotechnical evaluation must be submitted by project developers as part of the building permit process. The geotechnical evaluation would be prepared in accordance with the CBC and would identify locations where special construction and design methods would be needed and provide recommendations for alleviating constraints due to high shrink-swell, corrosion, or other potential soils constraints in both the Guenoc Valley Site. The developer would be required to comply with the recommendations set forth in the geotechnical evaluation, pursuant to the County's building permit process. The preliminary geotechnical report recommended that any expansive soils identified in a final design geotechnical report be capped during grading and/or by utilizing foundation systems that gain support below the unstable soils or are designed to move with the soils. This report also recommended that buildings be located outside unstable areas and steep slopes with a setback of approximately 50-feet (Appendix GEOTECH of the Draft EIR). Additionally, the Proposed Project would be consistent with General Plan Policy HS-2.3 and would not develop on unconsolidated landslide debris.

With implementation of mitigation, including adherence to the recommendations in final geotechnical reports, and compliance with the County's building permit and CBC, there would be **less-than-significant** impacts related to direct or indirect risks to life or property as a result of development on expansive or unstable soils.

### ***Off-Site Workforce Housing***

The Middletown Housing Site contains soils that have a low shrink-swell potential (NRCS, 2019b). No landslides have been mapped on the site. As mentioned above, the preliminary geotechnical study prepared for the Middletown Housing Site by RGH Consultants (2006) identified potentially weak soils. However, the study concluded that it is feasible to develop the property with one and two-story residential homes and provided the following recommendations:

- Soils could be strengthened by excavating weak soils and replacing them with engineered fill or by implementing a foundation system that gains support below weak surface soils.
- Foundation support can be obtained from spread footings that bottom on the engineered fill

The Middletown Housing Site would require fill to raise the site at least two feet above the base flood elevation (see Section 2.6.1). This would be completed with engineered fill. Design-level geotechnical reports would be prepared for the development as Mitigation Measure 3.6-1. Additionally, prior to pouring concrete, building foundations would be inspected by a Building Inspector as part of the building permit process. With implementation of mitigation, including adherence to the recommendations in final geotechnical reports, and compliance with the County's building permit and CBC, there would be **less-than-significant** impacts related to direct or indirect risks to life or property as a result of development on expansive or unstable soils.

## **Impact**

### **3.6-5 Directly or Indirectly Destroy a Unique Paleontological Resource or Site Or Unique Geologic Feature.**

Implementation of All Phases of the Proposed Project, including Off-Site Workforce Housing and Off-Site infrastructure, could damage or destroy unique paleontological resources. Final EIR, Volume II, p. 3.6-23)

### ***Mitigation Measures***

#### **3.6-2 Worker Training, Cease Work, and Consult with Qualified Paleontologist**

A qualified professional paleontologist (as defined by the Society of Vertebrate Paleontology 2010) provide awareness training, in written or multi-media form for construction personnel involved in earth-moving activities. Construction personnel to be involved with earth-moving activities shall be informed that fossils could be discovered during excavation that these fossils are protected by laws, on the appearance of common fossils, and on proper notification procedures should fossils be discovered.

In the unlikely event that paleontological resources are encountered, work shall cease within 50 feet of the discovery, and the County shall be notified immediately. The Applicant shall retain a

qualified professional paleontologist (as defined by the Society of Vertebrate Paleontology 2010) to assess the significance of the find and recommend appropriate treatment measures. Recommendations shall include, but are not limited to, salvage and treatment as described by the Society of Vertebrate Paleontology (2010); this treatment shall include preparation, identification, determination of significance, and curation into a public museum. Any recommended mitigation shall be completed before construction resumes in the vicinity of the find.

### ***Significance After Mitigation***

The measure described above would provide awareness training for construction personnel involved in earth-moving activities and require all work to cease within 50 feet of the find so that fossils are not further damaged by equipment and that the qualified paleontologist be retained to assess the find. With the implementation of the feasible mitigation measures described above, the Proposed Project's impact would be ***less than significant with mitigation***.

### ***Findings***

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR [**Finding (1)**].

### ***Facts in Support of Findings***

#### ***Guenoc Valley Site – Phase 1 and Future Phases***

No specific unique paleontological or geological resources have been identified on the Guenoc Valley Site (UCMP, 2019), and much of the project geology consists of igneous rock not likely to contain fossil resources. However, paleontological specimens may exist in areas with sedimentary or metamorphic deposits, which typically are located in the lower-lying portions of the Guenoc Valley Site.

If exposed, fossils in these formations could be damaged or destroyed during site preparation similar to archaeological resources. If such resources are encountered during construction, they could be damaged, destroyed, or removed, resulting in a loss of data potential.

**Mitigation Measure 3.6-2** requires that a qualified professional paleontologist (as defined by the Society of Vertebrate Paleontology 2010) provide awareness training for construction personnel involved in earth-moving activities. If evidence of paleontological resources is uncovered during project development, **Mitigation Measure 3.6-2** requires that all work cease within 50 feet of the find so that fossils are not further damaged by equipment and that the qualified paleontologist be retained to assess the find. With mitigation, impacts to unique paleontological resources are reduced to a ***less-than-significant*** level.

### ***Off-Site Workforce Housing***

No specific unique paleontological or geological resources have been identified on the Middletown Housing Site (UCMP, 2019). As with the Guenoc Valley Site, although it is unlikely, unknown paleontological specimens may be discovered during construction and potentially damaged, which is a potentially significant impact. **Mitigation Measure 3.6-2** would reduce impacts to unique paleontological resources to a ***less-than-significant*** level.

## Impact

### 3.6-6 Cumulative Geology and Soils Impacts.

Implementation of all phases of the Proposed Project would result in an increase of the number of people living, working, and traveling through the region who would be exposed to seismic hazards or hazards associated with soil constraints. (Final EIR, Volume II, p. 3.6-24)

## Mitigation Measures

### 3.6-1 Final Design-Level Geotechnical Report(s)

**Mitigation Measure 3.6-1** is set forth in full in **Section 2.6** in relation to **Impact 3.6-1**.

### 3.6-2 Worker Training, Cease Work, and Consult with Qualified Paleontologist

**Mitigation Measure 3.6-2** is set forth in full in **Section 2.6** in relation to **Impact 3.6-5**.

## Significance After Mitigation

The measures described above would ensure critical facilities are designed to resist collapse as specified in a geotechnical report. They would also provide awareness training for construction personnel involved in earth-moving activities. With the implementation of the feasible mitigation measures described above, the Proposed Project's impact would be *less than significant with mitigation*.

## Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR [**Finding (1)**].

## Facts in Support of Findings

The context for evaluation of potential cumulative impacts on geology, soils, and seismicity is based on development in the region, including projected build out under the Middletown Area Plan and approved or potential projects in the County. However, the geologic analysis of cumulative impacts is generally site-specific, rather than cumulative in nature. For example, seismic events may damage or destroy a building, but the construction of a development project on one site will not cause any adjacent parcels to become more susceptible to seismic events, nor can a project affect local geology in such a manner as to increase risks regionally.

Cumulative development in the Middletown Planning Area and Lake County would increase the number of people living, working, and traveling through the region who would be exposed to seismic hazards or hazards associated with soil constraints (e.g., expansive soils). However, impacts associated with geologic faults, seismic hazards, and slope stability are based on existing site-specific conditions that are situated within the subsurface materials that underlay the project site. These inherent conditions are an end result of natural historical events that occur through vast periods of geologic time and are not based on cumulative development. With proper evaluation of these conditions, compliance with existing codes and standards, and implementation of **Mitigation Measure 3.6-1**, the Proposed Project's contribution to significant impacts

related to the area's geology would be **less-than-significant**. No additional mitigation for cumulative development would be required.

Cumulative development in the Middletown Planning Area and Lake County would involve grading activities that would remove surface vegetation, alter topography, and potentially expose soils to greater erosion potential. The magnitude of this impact would be greatest during construction, particularly if development were to occur simultaneously with proposed developments immediately adjacent to the project boundaries, including the Hidden Valley Community and the Valley Oaks Planned Development. However, implementation of the County's Grading Ordinance and use of NPDES Construction General Permit-mandated BMPs during construction would ensure the project's contribution would not be cumulatively considerable, and the cumulative impact is **less-than-significant**.

Paleontological resources have been recorded near the project area, and project construction could result in the damage or destruction of as-yet unknown paleontological resources. This is considered a potentially significant cumulative impact. Numerous state, federal, and local laws, regulations, and ordinances seek to protect paleontological resources. These would apply to development of the Proposed Project. Implementation of **Mitigation Measure 3.6-2** would reduce the Proposed Project's contribution to potential cumulative impact to **less-than-significant** levels.

## **2.7 GREENHOUSE GASES AND CLIMATE CHANGE**

### **Impact**

#### **3.7-1 Generate Greenhouse Gas Emissions, Either Directly or indirectly, that may have a Significant Impact on the Environment.**

Implementation of the Proposed Project could generate greenhouse gas (GHG) emissions, either directly or indirectly. (Final EIR, Volume II, p. 3.7-11)

### ***Mitigation Measures***

#### **3.7-1 Operational GHG Emissions**

Prior to the issuance of the first certificate of occupancy for the relevant portion of the project (i.e., residential or commercial), as appropriate, the Applicant shall provide documentation to the County that the following measures have been achieved. It should be noted that these measures do not apply to on-going uses within the property that are not a component of the Proposed Project, including agricultural operations conducted under third party leases.

### **Transportation Demand Management Measures**

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

- Dedicate on-site parking for shared vehicles (vanpools/carpools).
- Provide adequate, safe, convenient, and secure on-site bicycle parking and storage in the commercial portion of the project.

- Use of an electric fleet for internal transport vehicles (excluding trucks and other ranch vehicles for on-going agricultural and grazing activities) to the extent feasible (no less than 75 percent), including the golf course.

### **Project Wide Measures**

- Use energy-efficient lighting that will reduce indirect criteria pollutants and GHG emissions. Using energy-efficient lighting will reduce energy usage and, thus, reduce the indirect GHG emissions from the project. Energy-efficient lighting includes adaptive lighting systems or systems that achieve energy savings beyond those required by Title 24 lighting requirements to the maximum extent feasible.
- Utilize low-flow appliances and fixtures;
- Use of state-of-the-art irrigation systems that reduce water consumption including graywater systems and rainwater catchment;
- Use of drought-tolerant and native vegetation

### **Residential Measures**

- Facilitate achievement of zero net energy buildings through installation of solar photovoltaic systems consistent with the 2019 Building Energy Efficiency Standards, CCR Title 24 Part 6. Compliance with this requirement must be demonstrated prior to issuance of occupancy permits for residential uses.
- Provide electrical outlets on the outside of the homes or outlets within the garages to encourage the use of electrical landscaping equipment.
- Use water efficient landscapes and native/drought-tolerant vegetation.
- Install smart meters and programmable thermostats.
- Use energy-efficient appliances in the residences where available. These include appliances that meet USEPAs Energy Star Criteria.

### **Resort/Commercial Measures**

- Facilitate achievement of zero net energy buildings through the construction standards required under the 2019 Building Energy Efficiency Standards, CCR Title 24 Part 6 and the use of rooftop or on-site photovoltaic systems, with or without storage, or the acquisition of renewable energy or energy credits from another source, or generation onsite. Zero Net Energy shall mean that on a community-wide basis, the actual annual consumed energy will be less than or equal to the renewable generated energy utilized. It is the Project's goal to obtain enough renewable electrical energy for the Project's needs and to distribute it throughout the Guenoc Valley Site. Therefore, renewable energy supplies shall be secured and/or systems installed for each commercial structure prior to issuance of its final certificate of occupancy.
- Install on-site charging units for electric vehicles consistent with parking requirements in California Green Building Standards Code Section 5.106.5.2.

Install electric water heating instead of gas water heating for some or all of the project's hot water needs, to the extent such technology is readily available and commercially practicable.

### 3.7-2 Construction GHG Emissions

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

- a) To the maximum extent feasible, the contractors shall utilize Tier 4 engines or better, and Level 3 Diesel Filters during all phases of development. Compliance must be demonstrated with submittal of the equipment inventory, prior to approval of dust control plans.

### 3.4-16 Oak Mitigation Plan

**Mitigation Measure 3.4-16** is set forth in full in **Section 2.4** in relation to **Impact 3.4-1**.

### ***Significance After Mitigation***

The measures described above would reduce operational GHG emissions from energy use by requiring a commitment to 100 percent renewable energy for the Proposed Project. With mitigation, GHG emissions would remain above acceptable levels and the Proposed Project's impact would be considered ***significant and unavoidable***.

### ***Findings***

Implementation of mitigation measures would substantially lessen GHG emissions of the Proposed Project. Therefore, the County hereby finds that changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect identified in the Final EIR **[Finding (1)]**. However, GHG emissions would remain significant under CEQA. **Mitigation Measure 3.7-1** would not reduce emissions below significance. Specific economic, legal, social, technological, or other considerations make infeasible additional mitigation measures or project alternatives identified in the Final EIR **[Finding (3)]**.

### ***Facts in Support of Findings***

#### ***Construction Emissions***

Construction GHG emissions from the Proposed Project were estimated using the CalEEMod emissions model. Sources would include fossil fuel combustion by construction vehicles and equipment. Construction-related GHG emissions are presented in Table 3.7-1A. All model inputs and outputs are provided in Appendix AIR. Construction of Phase 1 is estimated to generate approximately 17,019 MT CO<sub>2</sub>e over the entire construction duration, and future phases could generate 5,490 MT CO<sub>2</sub>e over the entire construction duration. As discussed earlier, BAAQMD has not established a quantitative threshold relative to construction-related emissions. Consistent with recommendations of other air districts throughout California, and in the absence of a construction-specific significance threshold, this analysis amortizes the total construction emissions over the assumed lifetime of the Proposed Project, and adds those emissions to the operational emissions (refer to Table 3.7-2 below) (SMAQMD, 2009). Since the Proposed Project includes both residential and commercial land uses, which can range from an estimated operational life of 25 to 40 years, the analysis uses 30 years as a representative lifetime consistent with recommendations of other air districts throughout California (SMAQMD, 2009). As such, Phase 1 would result in total amortized construction emissions of 568 MT CO<sub>2</sub>e per year, and future phases could result in total amortized construction emissions of 183 MT CO<sub>2</sub>e per year.

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

### ***Land Use Change and Carbon Sequestration***

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

The threshold of significance for GHG emissions is related to the generation of GHG emissions from the Proposed Project. While the loss of carbon sequestration capacity could contribute to global change, the loss of carbon sequestration capacity does not represent project-generated GHG emissions. Nonetheless, **Mitigation Measure 3.4-16** would partially offset the loss in carbon sequestration capacity by requiring the permanent conservation of oak woodland habitat and the replanting of individual oak trees.

### ***Operational Emissions***

Operational GHG emissions associated with the Proposed Project would result from electrical and propane usage, water and wastewater transport (the energy used to pump water and wastewater to and from the project site), and solid waste generation. GHG emissions from electrical usage are generated when energy consumed on the site is generated by the electrical supplier. GHG emissions from propane are direct emissions resulting from on-site combustion for heating and other purposes. GHG emissions from water and wastewater transport are also indirect emissions resulting from the energy required to transport water from its source, and the energy required to treat wastewater and transport it to its treated discharge point. Solid waste-related emissions are generated when the increased waste generated by a project is disposed in a landfill where it decomposes, producing methane gas.

GHG emissions from electrical usage, propane combustion, mobile transportation, water and wastewater conveyance, and solid waste were estimated using the CalEEMod model. CalEEMod assumes compliance with some, but not all, applicable State-level rules and regulations regarding energy efficiency, vehicle fuel efficiency, renewable energy usage, and other GHG reduction policies. The reductions obtained from each regulation and the source of the reduction amount used in this analysis are described below.

The following State regulations have been manually incorporated in the CalEEMod inputs:

- 2016 Title 24 Energy Efficiency Standards
- Green Building Code Standards (indoor water use)
- CalRecycle Waste Diversion and Recycling Mandate (75 percent)

In addition, the Proposed Project includes a number of project design features that would reduce GHG emissions from the proposed land uses. These include but are not limited to:

- The use of renewable energy to meet the project's energy demands. Under all options for electrical supply, residential demand would be met through solar in accordance with the building code. However, commercial/resort demand could be supplemented by PGE supplies under Electricity Options 1 and 2. Under Electricity Options 3 and 4 behind the meter solar would meet supply energy for all commercial facilities.
- Recycling and reuse of all wastewater generated by commercial and resort uses, and most wastewater generated by residential uses. Recycled water would account for approximately 25% of the outdoor water supply (Appendix WW of the Draft EIR).
- The provision of workforce housing in close proximity to the proposed employment opportunities within the Guenoc Valley Site, as well as the provision of shuttles for employees would reduce vehicle miles traveled.
- The use of drought tolerant native vegetation in landscaping
- Passive site design and planning measures to minimize heating and HVAC needs
- Site design and lot layout to minimize the conversion of oak woodlands
- Electric fleet for the resort commercial uses (no less than 75 percent)
- Installation of 300 electric vehicle charging stations
- Providing on-site refuse collection bins for recyclable waste, compostable waste, and standard waste, in addition to on-site Compost and Recycling Centers.
- Site-wide lighting design shall preserve nighttime dark skies by minimizing the use of outdoor lighting. Lighting fixtures shall utilize energy-efficient lamps and motion-sensing lighting systems to minimize unnecessary nighttime lighting.

CalEEMod generally treats the above described energy and water conservation and waste diversion measures as "mitigation measures," even though they are required through regulation and components of the Proposed Project.

The GHG emissions resulting from operation of the Proposed Project would exceed the BAAQMD service population thresholds. Therefore, operational GHG emissions would be a significant impact. In addition to the project design features described above, implementation of **Mitigation Measure 3.7-1** would reduce GHG emissions during operation of the Proposed Project as shown in **Table 3.7-3. Mitigation Measure 3.7-1** would reduce operational GHG emissions from energy use by requiring a commitment to zero net energy for the Proposed Project. Zero Net Energy shall mean that on a community-wide basis, the actual annual consumed energy will be less than or equal to the renewable generated energy utilized. Additional measures provided below would reduce GHG emissions by requiring use of energy-efficient lightning, electric water heaters, and low-flow appliances throughout the Proposed Project. Commitment to transportation **Mitigation Measure 3.13-4** would also reduce project GHG emissions by reducing the overall mobile trips generated by the Proposed Project, as described in Section 3.13. However, GHG emissions would remain above acceptable levels after mitigation. This would be a **significant and unavoidable** impact.

## Impact

### 3.7-2 Conflict With an Applicable Plan, Policy, or Regulation Adopted for the Purpose of Reducing the Emissions of Greenhouse Gases.

Implementation of the Proposed Project would result in a major increase in GHG emissions above BAAQMD thresholds that would conflict with the AB 32 Scoping Plan for reducing GHG emissions. (Final EIR, Volume II, p. 3.7-16)

## Mitigation Measures

### 3.7-1 Operational GHG Emissions

**Mitigation Measure 3.7-1** is set forth in full in **Section 2.7** in relation to **Impact 3.7-1**.

## Significance After Mitigation

The measure described above would reduce operational GHG emissions from energy use by requiring a commitment to 100 percent renewable energy for the Proposed Project. With mitigation, GHG emissions would remain above acceptable levels and the Proposed Project's impact would be considered **significant and unavoidable**.

## Findings

Implementation of mitigation measures would substantially lessen GHG emissions of the Proposed Project. Therefore, the County hereby finds that changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect identified in the Final EIR **[Finding (1)]**. However, GHG emissions would remain significant under CEQA. **Mitigation Measure 3.7-1** would not reduce emissions below significance. Specific economic, legal, social, technological, or other considerations make infeasible additional mitigation measures or project alternatives identified in the Final EIR **[Finding (3)]**.

## Facts in Support of Findings

To date, Lake County has not adopted any specific GHG reduction strategies or climate action plans. However, in developing its service population GHG threshold, BAAQMD used the requirements of AB 32 in determining the level at which its threshold should be set. Consequently, since the Proposed Project would result in a major increase in GHG emissions above BAAQMD thresholds, it would conflict the AB 32 Scoping Plan for reducing GHG emissions.

Implementation of **Mitigation Measure 3.7-1** would reduce GHG emissions during operation Proposed Project operation. However, it is expected that GHG emissions would remain above acceptable levels after mitigation. This would be a **significant and unavoidable** impact.

## 2.8 HAZARDOUS AND HAZARDOUS MATERIALS

### Impact

#### 3.8-1 Create a Significant Hazard to the Public or the Environment through the Routine Transport, Use, or Disposal of Hazardous Materials.

Implementation of Phase 1 and Future Phases of the Proposed Project could create a significant hazard to the public or the environment during construction activities through the routine transport, use, or disposal of hazardous materials. (Final EIR, Volume II, p. 3.8-22)

### *Mitigation Measures*

#### 3.8-1 Hazardous Materials Best Management Practices

The following mitigation measures shall be implemented prior to the issuance of grading permits:

1. Ensure through contractual obligations that all contractors prepare hazardous materials business plans and that they transport, store, and handle construction and remediation-related hazardous materials in a manner consistent with applicable regulations and guidelines. Components of the plan include, but are not limited to, transporting and storing materials in appropriate and approved containers, maintaining required clearances, and handling materials in accordance with the applicable federal, state, and/or local regulatory agency protocols. The hazardous materials business plans shall be submitted to the Lake County Division of Environmental Health for review and approval.
2. In compliance with the Clean Water Act (CWA), a Stormwater Pollution Prevention Plan shall be prepared for construction activities. Hazardous materials control measures identified in the SWPPP shall include, but not be limited to, the following:
  - a. A spill prevention and countermeasure plan shall be developed, which identifies proper storage, collection, and disposal measures for potential pollutants (such as fuel, fertilizers, pesticides, etc.) used onsite.
  - b. Petroleum products shall be stored, handled, used, and disposed of properly in accordance with provisions of the Clean Water Act (33 USC § 1251 to 1387).
  - c. During the wet season, construction materials, including topsoil and chemicals, and quarried materials shall be stored, covered, and isolated to prevent runoff losses and contamination of surface and groundwater.
  - d. Fuel and vehicle maintenance areas shall be established away from all drainage courses and designed to control runoff.
  - e. Sanitary facilities shall be provided for construction workers.
  - f. Disposal facilities shall be provided for soil wastes, including excess asphalt during construction and demolition.
  - g. Require that at all times a supervisor or other responsible employee trained in the proper handling, use, cleanup, and disposal of all chemical materials used during construction activities shall be present onsite and provide appropriate facilities to store and isolate contaminants.
  - h. Encountered groundwater shall be removed from trenches and excavations in such a manner as to reduce potential contact with construction materials, construction personnel, surface waters, and, to the extent required by regulation or requirements, shall be disposed

of at an appropriately permitted facility such as a WWTP in accordance with the requirements of the NPDES permit.

### ***Significance After Mitigation***

The measures described above would minimize impacts from accidental hazardous materials releases through the implementation of BMPs to reduce the risk of hazardous materials releases. With implementation of the feasible mitigation measures described above, the Proposed Project's impact would be **less than significant with mitigation**.

### ***Findings***

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR [**Finding (1)**].

### ***Facts in Support of Findings***

#### ***Guenoc Valley Site: Phase 1 – Project Level Analysis***

##### ***Construction***

Hazardous materials would be used in varying amounts during construction. During grading and construction activities, it is anticipated that limited quantities of miscellaneous hazardous substances, such as gasoline, diesel fuel, hydraulic fluid, solvents, oils, and paints, would be brought onto the Guenoc Valley Site. Temporary storage units (e.g., bulk aboveground storage tanks, 55-gallon drums, sheds/trailers) would likely be used by various contractors for fueling and maintenance purposes. The transportation, and handling and transfer from one container to another of these chemicals has the potential for an accidental release. Given the size and scale of construction activities proposed under Phase 1, this is considered a potentially significant impact.

Temporary construction workforce camps along with supporting facilities (e.g. commercial kitchens) would be utilized during the development of the Guenoc Valley Site. These would likely require hazardous materials common to residential and commercial areas, such as cleaners and propane fuel. The majority of the hazardous materials that would be used within the workforce camps are expected to be minimal and would not meet the definition of a regulated hazardous waste generator under RCRA. Other hazardous materials, such as propane, could become an environmental and health risk if not properly managed, stored and/or transported.

Construction contractors would be required to comply with applicable federal and State environmental and workplace safety laws. These would ensure that construction personnel would handle hazardous materials in a consistently safe manner that would prevent accidental releases. This includes compliance with Title 49 CFR that would reduce any impacts associated with the potential for accidental release during construction or occupancy by transporters delivering hazardous materials to the project site or picking up hazardous waste. These regulations establish standards through which hazardous materials will be transported within and adjacent to the project site. Lake County's General Plan Health and Safety Element also has several polices that address the safe transportation, handling and disposal of hazardous materials in Lake County, including HS-5.1, HS-5.2, and HS-5.6 (see Appendix GPCT of the Draft EIR). In addition,

Mitigation Measure 3.8-1 requires best management practices to prevent co-mingling of construction-related hazardous substances with surface waters, including stormwater runoff.

Compliance with OSHA, Cal OSHA, and DTSC requirements for employee training and monitoring would ensure that construction workers are properly trained about hazardous materials in their work environment. The use, storage, transport, and disposal of hazardous materials is thoroughly regulated at the federal, state, and local levels to ensure public and environmental health and protection. Therefore, with mitigation and through adherence to regulatory requirements, construction of the Proposed Project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials and this impact is ***less than significant with mitigation***.

### ***Guenoc Valley Site: Future Phases – Programmatic Analysis***

As discussed in Section 2.5.3, future phases of development within the Guenoc Valley Site may include additional resort facilities, residential development, resort amenities, agriculture and essential accessory uses. Since these are additional development of components proposed in Phase 1, the discussion for Phase 1 construction and operations in relation to hazardous materials is also applicable to future phases.

### ***Construction***

Similar to Phase 1, the routine transport routine transport, use, or disposal of hazardous materials during construction activities associated with future phases would be considered a potentially significant impact. Mitigation Measure 3.8-1 would reduce this effect to ***less than significant with mitigation***.

## **Impact**

- 3.8-2 Create a Significant Hazard to The Public or the Environment through Reasonably Foreseeable Upset and Accident Conditions Involving the Release Of Hazardous Materials into the Environment or From Being Located on a Site Which is Included on a List of Hazardous Materials Sites Compiled Pursuant to Government Code §65962.5.** Implementation of all Phases of the Proposed Project could result in adverse impacts if construction activities inadvertently disperse contaminated material into the environment. (Final EIR, Volume II, p. 3.8-26)

### ***Mitigation Measures***

#### **Guenoc Valley Site: Phase 1 and Future Phases**

#### **3.8-2 Prepare a Hazardous Materials Contingency Plan**

Prior to issuance of the grading permits, the Applicant shall provide to Lake County Division of Environmental Health a site-specific hazardous materials contingency plan. The plan will describe the necessary actions that would be taken if evidence of contaminated soil or groundwater is encountered during construction. The contingency plan shall identify conditions that could indicate potential hazardous materials contamination, including soil discoloration, petroleum or chemical odors, presence of USTs, or buried building material. Compliance with the plan will be included as a requirement within all construction bid specifications.

If at any time during the course of constructing the Proposed Project evidence of soil and/or groundwater contamination with hazardous material is encountered, construction shall immediately cease and the Lake County Division of Environmental Health shall be contacted. Construction in the area affected by the contamination shall remain stopped until there is resolution of the contamination problem (through such mechanisms as soil or groundwater sampling and remediation if potentially hazardous materials are detected above threshold levels) to the satisfaction of Lake County Division of Environmental Health and CVRWQCB; construction on areas not affected by the contamination may continue during the remediation process.

The plan, and obligations to abide by and implement the plan, shall be incorporated into the construction contract specifications of the project.

### **3.8-3 Minimize Potential for Accidental Release of Hazardous Materials during Demolition**

- a) Prior to demolition of existing structures, the Applicant shall:
  - 1) Identify locations that could contain hazardous residues;
  - 2) Remove plumbing fixtures known to contain, or potentially containing, hazardous materials;
  - 3) Determine the waste classification of the debris;
  - 4) Package contaminated items and wastes; and
  - 5) Identify disposal site(s) permitted to accept such wastes. These activities will be conducted in compliance with all applicable federal, state, and local laws.
- b) Prior to demolition of existing structures, the Applicant shall provide written documentation to the County that asbestos testing and abatement, as appropriate, has occurred in compliance with applicable federal, state, and local laws.
- c) Prior to demolition of existing structures, the Applicant shall provide written documentation to the County that lead-based paint testing and abatement, as appropriate, has been completed in accordance with applicable state and local laws and regulations. Abatement shall include the removal of lead contaminated soil (considered soil with lead concentrations greater than 400 parts per million [ppm] in areas where children are likely to be present). If lead contaminated soil is to be removed, the project applicant shall submit a soil management plan to Lake County Division of Environmental Health.

### **3.8-4 Reporting Geothermal Wells**

As recommended by the Division of Oil, Gas, and Geothermal Resources (Division) within the Department of Conservation and according to the County General Plan, the following shall be performed concerning geothermal well sites for the Guenoc Valley Site and the Off-Site Infrastructure Improvement Areas:

1. The location of any known geothermal wells on the property shall be clearly identified on the project construction plans and communicated to the appropriate county recorder for inclusion in the title information of the subject real property.
2. If any unknown geothermal well(s) is/are discovered during development, the County and the Division shall be notified immediately so that the newly discovered well(s) can be incorporated into the records and investigated in order to determine proper disposal, if required. Any previously unidentified wells found during project exploration and construction work shall be communicated to the appropriate county recorder for inclusion

in the title information of the subject real property. This is to ensure that present and future property owners are aware of the wells located on the property, and the potentially significant issues associated with any improvements near geothermal wells.

3. Before work on a low or high temperature gradient well is performed, written approval from the Division in the form of an appropriate permit shall be obtained. This includes, but is not limited to, mitigating leaking fluids or gas from abandoned wells, modifications to well casings, and/or any other re- abandonment work. If any well needs to be lowered or raised (i.e. casing cut down or casing riser added) to meet the grade regulation standard of six feet below ground, a permit from the Division is required before work can start.

### **3.8-5 Asbestos Dust Mitigation Plan**

Prior to construction activities, an Asbestos Dust Mitigation Plan shall be prepared and submitted to the Lake County APCD. The Plan shall include the following components in order to reduce asbestos dust generation and meet the requirements of an asbestos dust mitigation plan as specified in Asbestos ATCM for Construction, Grading, Quarrying, and Surface Mining Operations:

- 1) Track-out prevention and control measures:
  - a. Removal of any visible track-out from a paved public road at any location where vehicles exit the construction site via wet sweeping or a HEPA filter equipped vacuum device at the end of the work day or at least once per day.
  - b. Installation of one or more of the following track-out prevention measures:
    - i. A gravel pad designed using good engineering practices to clean the tires of exiting vehicles;
    - ii. A tire shaker;
    - iii. A wheel wash system;
    - iv. Pavement extending for not less than 50 consecutive feet from the intersection with the paved public road; or
    - v. Other measure that is deemed by the Lake County APCD as effective as the measures listed above.
- 2) Active storage piles will be adequately wetted or covered with tarps.
- 3) Control for disturbed surface areas and storage piles that will remain inactive for more than seven (7) days shall have one or more of the following done:
  - a. Keep the surface adequately wetted;
  - b. Establishment and maintenance of surface crusting that is sufficient to satisfy the test in subsection (h)(6) of the Asbestos ATCM for Construction, Grading, Quarrying, and Surface Mining Operations;
  - c. Application of chemical dust suppressants or chemical stabilizers according to the manufacturers' recommendations;
  - d. Covering with tarp(s) or vegetative cover;
  - e. Installation of wind barriers of 50 percent porosity around three sides of a storage pile;
  - f. Installation of wind barriers across open areas; or
  - g. Other measure that is deemed by the Lake County APCD as effective as the measures listed above.

- 4) Control for traffic on on-site unpaved roads, parking lots, and staging areas shall include the following:
  - a. A maximum vehicle speed limit of 15 miles per hour or less; and
  - b. One or more of the following:
    - i. Watering every two hours of active operations or sufficiently often to keep the area adequately wetted;
    - ii. Applying chemical dust suppressants consistent with manufacturer's directions;
    - iii. Maintaining a gravel cover with a silt content that is less than 5 percent and asbestos content that is less than 0.25 percent, as determined using an approved asbestos bulk test method, to a depth of 3 inches on the surface being used for travel; or
    - iv. Other measure that is deemed by the Lake County APCD as effective as the measures listed above.
- 5) Control for earthmoving activities shall include one or more of the following:
  - a. Pre-wetting the ground to the depth of anticipated cuts;
  - b. Suspending grading operations when wind speeds are high enough to result in dust emissions crossing the project boundary despite the application of dust mitigation measures;
  - c. Application of water prior to any land clearing; or
  - d. Other measure that is deemed by the Lake County APCD as effective as the measures listed above.
- 6) No trucks shall be allowed to transport excavated material offsite until the following are performed:
  - a. Trucks are maintained such that no spillage can occur from holes or other openings in cargo compartments; and
  - b. Loads are adequately wetted and either:
    - i. Covered with tarps; or
    - ii. Loaded such that the material does not touch the front, back, or sides of the cargo compartment at any point less than 6 inches from the top and that no point of the load extends above the top of the cargo compartment.
- 7) Upon completion of the project, disturbed surfaces shall be stabilized using one or more of the following methods:
  - a. Establishment of a vegetative cover;
  - b. Placement of at least 3 inches of non-asbestos-containing material;
  - c. Paving;
  - d. Any other measure sufficient to prevent wind speeds of 10 miles per hour or greater from causing visible dust emissions.
- 8) If deemed applicable by Lake County APCD, an air quality testing component shall be developed and contain the following:
  - a. Type of air sampling device(s);
  - b. Siting of air sampling device(s);
  - c. Sampling duration and frequency; and
  - d. Analytical method.

### **Off-Site Workforce Housing**

#### **3.8-2 Prepare a Hazardous Materials Contingency Plan**

**Mitigation Measure 3.8-2** is set forth in full above.

### **Off-Site Infrastructure**

#### **3.8-2 Prepare a Hazardous Materials Contingency Plan**

**Mitigation Measure 3.8-2** is set forth in full above.

#### **3.8-5 Asbestos Dust Mitigation Plan**

**Mitigation Measure 3.8-5** is set forth in full above.

#### **3.8-6 Conduct Shallow Groundwater Characterization Plan for Construction of Off-Site Water Pipeline**

Prior to obtaining a dewatering permit associated with trenching activities for the off-site water pipeline in Butts Canyon Road, a Shallow Groundwater Characterization Plan will be developed in consultation with the CVRWQCB. The Shallow Groundwater Characterization Plan will outline the appropriate number of shallow groundwater samples to be collected and the analytes to be assessed in order to determine appropriate dewatering methods during pipeline construction. The results of the Shallow Groundwater Characterization Plan shall be provided to the Lake County Division of Environmental Health and CVRWQCB. Should the results indicate the presence of contaminated groundwater, an individual dewatering permit shall be obtained from the CVRWQCB, and all conditions adhered to Methods for disposal of contaminated groundwater may include but are not limited to transporting the water to an approved facility for treatment and discharge in accordance with NPDES permit requirements.

### ***Significance After Mitigation***

The measures described above would require the Applicant to prepare a hazardous material contingency plan and to comply with regulatory requirements governing the clean-up of hazardous wastes, thereby reducing the potential for negative effects that could result from construction. With implementation of the feasible mitigation measures described above, the Proposed Project's impact would be **less than significant with mitigation**.

### ***Findings***

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR [**Finding (1)**].

### ***Facts in Support of Findings***

#### ***Guenoc Valley Site: Phase 1 – Project Level Analysis***

##### ***Contaminated Soil and/or Groundwater***

There are two recorded locations within the external boundaries of the Guenoc Valley Site involving hazardous materials, both of which are associated with the Langtry Vineyards winery operations. These locations correspond to the existing winery headquarters and bottling operations, which are excluded from the Guenoc Valley Site, as well as the winery equipment storage area and operations at the proposed Back

of House planning area. The record associated with the existing winery which is not within the project site, involved co-mingling of winery wastewater with groundwater. While this site is listed on the Cortese list due to the CDO described in Section 3.8.2, the area is not within the project site and proposed area of development. Thus the Proposed Project would not involve construction activities on a site listed pursuant to Government Code Section 65962.5 (Cortese List). Furthermore, as noted above in Section 3.8.2, current groundwater monitoring related to this site indicates that the groundwater quality in this area is consistent with or better than background conditions. The other listed location is at the winery operations at the proposed Back of House area within the Guenoc Valley Site. This site is not listed on the Cortese List, and there are no records related to a release of hazardous materials that has the potential to adversely affect use of the property. Accordingly, the Langtry Vineyards winery does not pose a significant health risk to people in terms of reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

Additionally, no active hazardous materials records, apart from the Geothermal Inc. site, were found within 1.0 mile of the Guenoc Valley Site boundary. As discussed above, groundwater contamination associated with the Geothermal Inc. site on Butts Canyon Road has been shown through testing to be contained mostly within the landfill property (California Water Boards, 2019b), and ongoing monitoring and mitigation actions are being required by the CVRWQCB. Given that this site and the delineated boundaries of the associated groundwater plume is 0.75 miles west from the Guenoc Valley Site boundary, it does not pose a significant health risk to people in terms of reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

The disturbance of undocumented hazardous wastes could also result in hazards to the environment and human health. Adverse impacts could result if construction activities inadvertently disperse contaminated material into the environment. For example, if contaminated groundwater were present, dewatering activities during construction could cause contaminated groundwater to be released into downstream surface water. If soils containing PCBs were present, they could be disturbed during site grading. Potential hazards to human health include ignition of flammable liquids or vapors, inhalation of toxic vapors in confined spaces such as trenches, and skin contact with contaminated soil or water. Incorporation of standard Best Management Practices (BMPs) and coordination with regulatory agencies would reduce the potential for negative effects that could result from construction. However, because the Guenoc Valley Site could be affected by undocumented contamination that has not been characterized or remediated, this would be a potentially significant impact. Implementation of **Mitigation Measure 3.8-2** would require the Applicant to prepare a hazardous material contingency plan and to comply with regulatory requirements governing the clean-up of hazardous wastes, including removing contaminated soils and groundwater, if found, to the point where there is no unacceptable risk of exposure. Therefore, construction impacts would be considered **less than significant after mitigation**.

### ***Demolition of Structures***

Construction workers could be exposed to hazardous materials through demolition of three existing structures on the project site within the proposed back of house area. The age of the two cottage-style residences and metal pre-fabricated barn structure proposed for demolition indicates that ACMs and lead-based paints could be present in those structures. Indiscriminate and unmitigated demolition or renovation of structures containing ACMs and lead-based paint could create asbestos dust, lead paint chips, and lead

dust, which pose inhalation hazards for construction workers and the surrounding public. In addition, collection and disposal of ACMs and lead paint debris by untrained personnel could cause asbestos and lead paint dust emissions to be transported offsite, resulting in the release of hazardous material into the environment. This is considered a potentially significant impact. Mitigation Measure 3.8-3 would require documentation of project compliance with the CARB and NESHAP requirements for asbestos abatement in structures containing ACMs, as well as implementation of DTSC and Cal OSHA requirements for removing structures with lead-based paint, to prevent release into the environment. Therefore, this impact would be reduced to ***less than significant after mitigation.***

### ***Abandoned Geothermal Wells***

As discussed in **Section 3.8.2**, there are 23 plugged and abandoned shallow temperature gradient wells located within the Guenoc Valley Site. If the seals of these wells were accidentally disturbed or damaged during construction activities, it could be potentially significant environmental risk. Furthermore, if a geothermal well that was not documented was discovered, this could also be a potentially significant environmental risk if the seal was disturbed and was not reported to the appropriate authorities, such as the California Department of Conservation. **Mitigation Measure 3.8-4** would require that the abandoned wells are identified on the project construction plans and disclosed to future property owners so that they can be avoided as necessary. For an inadvertent discovery of a new well, **Mitigation Measure 3.8-4** would require that any newly discovered well is reported to the proper authorities so that safety procedures for abandonment and avoidance are followed. Therefore, this impact would be reduced to ***less than significant with mitigation.***

### ***Naturally Occurring Asbestos***

#### ***Construction***

As discussed in Section 3.6.2 and Section 3.8.2 of the Draft EIR, the Guenoc Valley Site contains NOA due to the presence of the ultramafic rock and serpentine rock/soils throughout the region. While development areas throughout the Guenoc Valley Site are located on ultramafic rock and serpentine rock/soil, Maha Farm is the only development area that was confirmed to contain small amounts of NOA (Appendix GEOTECH of the Draft EIR). However, this does not necessarily mean that NOA is only present in that area because testing was limited (Figure 5, Appendix GEOTECH of the Draft EIR). Therefore, NOA could be potentially located in any areas with ultramafic rock and serpentine rock/soils. The NOA in these areas could become airborne from soil-disrupting construction-related activities. These activities include grading and the movement of equipment, materials, and personnel in dusty environments, such as dusty roads. Airborne NOA could cause a health problem for construction workers or other personnel in the vicinity of the construction sites. Federal and State regulations are in place to prevent health risks concerning NOA. The CAA designates asbestos as a hazardous air pollutant and therefore the EPA regulates this substance. The Asbestos ATCM and the Phase I Site Plan for Construction, Grading, Quarrying, and Surface Mining Operations requires dust mitigation measures for areas of NOA and an asbestos dust mitigation plan for construction or grading operations greater than 1 acre (Section 3.8.3 of the Draft EIR). Since construction activities are proposed within areas of the site known to contain ultramafic rock and serpentine rock/soils and therefore possibly NOA, the release of airborne NOA during construction activities is considered a potentially significant impact.

The County General Plan Policy GR-2.4 states that either NOA shall be avoided where feasible or appropriate mitigation will be developed to minimize the health risks associated with NOA. In accordance with this and other applicable regulations, such as the ATCM mentioned above and the Lake County Grading Ordinance discussed in Section 3.6.3 of the Draft EIR, **Mitigation Measure 3.8-5** would require that an asbestos dust mitigation plan be developed and implemented in accordance with the Asbestos ATCM for Construction, Grading, Quarrying, and Surface Mining Operations. This plan would be submitted to the Lake County Air Pollution Control District for approval before proceeding with construction of the Proposed Project. Implementation of the plan would ensure that construction personnel are not exposed to a significant risk from airborne NOA. Therefore, this impact would be reduced to **less than significant** with mitigation.

### ***Guenoc Valley Site: Future Phases – Program Level Analysis***

As discussed in Section 2.5.3 of the Draft EIR, future phases of development at the Guenoc Valley Site could include additional resort facilities, residential development, resort amenities, agriculture and essential accessory uses. As discussed above, future phases would not involve construction activities on a site listed pursuant to Government Code Section 65962.5 (Cortese List). Similar to Phase 1, future phases could create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment from:

- 1) Potential inadvertent disturbance of undocumented contamination that has not been characterized or remediated during construction activities
- 2) Potential demolition of structures that could contain ACMs and lead-based paints
- 3) Potential upset conditions from disturbance or damage to abandoned geothermal wells
- 4) Potential release of airborne NOA during construction activities

This is a potentially significant impact. Similar to Phase 1, mitigation measures 3.8-2 through 3.8-5 would reduce this impact to **less than significant with mitigation**.

### ***Off-Site Workforce Housing – Project Level Analysis***

#### ***Contaminated Soil and Groundwater***

The records searches discussed in **Section 3.8.2** for the Middletown Housing Site did not indicate the presence of any active hazardous materials records within the project boundary. Furthermore, no active hazardous materials records were found within 1.0 mile of the project boundary. Therefore, the possibility of encountering an existing hazardous material site or causing hazardous material release due to existing conditions is improbable. However, because the Middletown Housing Site could be affected by undocumented contamination that has not been characterized or remediated, this would be a potentially significant impact. Implementation of **Mitigation Measure 3.8-2** would require the Applicant to prepare a hazardous material contingency plan and to comply with regulatory requirements governing the clean-up of hazardous wastes, including removing contaminated soils and groundwater, if found, to the point where there is no unacceptable risk of exposure. Therefore, construction impacts would be considered **less than significant after mitigation**.

### ***Off-Site Infrastructure Improvements – Project Level Analysis***

#### ***Contaminated Soil and Groundwater***

## Construction

The records searches discussed in Section 3.8.2 for the Off-Site Infrastructure Improvement Areas did not indicate the presence of any active hazardous materials records within the boundary of the optional Off-Site Infrastructure Improvement Areas, but the Geothermal Inc. record is directly adjacent to the water supply pipeline. According to the Plume Delineation Report submitted to the CVRWQCB in June of 2017, the groundwater contamination plume at the Geothermal Inc. site is contained within the boundaries of the geothermal landfill. The contaminated groundwater is approximately at the shallowest 2 feet below ground level directly beneath the landfill site (California Water Boards, 2019b). The trench that would be excavated for the pipeline would be 24-inches wide and 40-inches deep (Section 2.5.2.5 of the Draft EIR). Because the trench depth may be lower than the depth to groundwater, dewatering will be required along with the appropriate NPDES Permit. However, because the pipeline trench is relatively close to the landfill site, there is the potential the spoils from dewatering may include contaminants associated with the landfill plume, which would require appropriate treatment and discharge to prevent surface contamination. In order to ensure pipeline installation does not result in environmental contamination from potential dewatering activities, prior to obtaining a dewatering permit under the NPDES permitting process, Mitigation Measure 3.8-6 requires that shallow groundwater samples will be collected to determine if the quality allows for a general permit, or if a site-specific dewatering permit is necessary due to the results (aka contaminant levels). With the implementation of the mitigation measure, confirmation would be obtained as to the appropriate method to dispose of dewatering spoils from pipeline construction. Therefore, construction impacts would be considered ***less than significant after mitigation***.

## Existing Hazards

### *Naturally Occurring Asbestos*

As discussed in Section 3.8.2 of the Draft EIR, the Off-Site Infrastructure Improvement Areas contain NOA because of the serpentine soils throughout the region. The potential health risk from construction activities would be similar as those discussed for the Guenoc Valley Site. The release of airborne NOA during construction activities is considered a potentially significant impact. **Mitigation Measure 3.8-5** would require that an asbestos dust mitigation plan be developed and implemented in accordance with the Asbestos ATCM for Construction, Grading, Quarrying, and Surface Mining Operations. This plan would be submitted to the Lake County Air Pollution Control District for approval before proceeding with construction of the Off-Site Infrastructure Improvements. Implementation of the plan would ensure that construction personnel are not exposed to a significant risk from airborne NOA. Therefore, this impact would be reduced to ***less than significant with mitigation***.

## 2.9 HYDROLOGY AND WATER QUALITY

### Impact

#### **3.9-1 Violate Any Water Quality Standards or Waste Discharge Requirements or Otherwise Substantially Degrade Surface or Ground Water Quality.**

Implementation of all Phases of the Proposed Project could result in discharge of water produced during construction dewatering, containing construction-related contaminants that could degrade water quality and that could exceed Basin Plan if discharged directly to surface water. (Final EIR, Volume II, p. 3.9-23)

## ***Mitigation Measures***

### **Guenoc Valley Site: Phase 1**

#### **3.9-1 Storm Water Pollution Prevention Plan**

Consistent with the requirements of the State Water Resources Control Board General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order 2009-0009-DWQ), the Applicant shall undertake the proposed project in accordance with a project-specific SWPPP. The CVRWQCB, the primary agency responsible for protecting water quality within the project area, is responsible for reviewing and ensuring compliance with the SWPPP. The recommended BMPs, subject to review and approval by the CVRWQCB, include the measures listed below. However, the measures themselves may be altered, supplemented, or deleted during the CVRWQCB's review process, since the CVRWQCB has final authority over the terms of the SWPPP.

#### General Construction

- a. Schedule and sequence construction activities to minimize the areal extent and duration of site disturbance at any time.
- b. Provide work exclusion zones outside of work areas to protect vegetation and to minimize the potential for removing or injuring trees, roots, vines, shrubs, and grasses.
- c. Avoid disturbance of riparian and wetland vegetation by installing flagging and temporary fencing.
- d. Use berms, ditches, or other structures to divert natural surface runoff around construction areas.
- e. Install weed-free fiber rolls, straw-wattles, coir logs, silt fences, or other effective devices along drainage channels to prevent soils from moving into creeks.
- f. Locate stockpiles at least 50 feet from creeks, drainage channels, and drainage swales, whenever possible.
- g. Install fiber rolls, straw-wattles or silt fencing between stockpiles and creeks, drainage channels, and drainage swales.
- h. After excavating any open-cut slopes, install slope protection measures such as fiber rolls, drainage ditches, or erosion control fabrics to minimize the potential for concentrated surface runoff to cause erosion.
- i. Implement wind erosion or dust control procedures consisting of applying water or other dust palliatives as necessary to prevent or alleviate dust nuisance generated by construction activities. The contractor may choose to cover small stockpiles or areas as an alternative to applying water or other dust palliatives.
- j. Control water application rates to prevent runoff and ponding. Repair leaks from water trucks and equipment immediately.

#### Hazardous Materials

- k. Keep hazardous materials and other wastes at least 100 feet from wetlands, creeks, drainage channels, and drainage swales, whenever possible.
- l. Store hazardous materials in areas protected from rain and provide secondary containment to prevent leaks or spills from affecting water quality.
- m. Implement the following hazardous materials handling, storage, and spill response practices to reduce the possibility of adverse impacts from use or accidental spills or releases of contaminants:
  - Develop and implement strict on-site handling rules to keep construction and maintenance materials out of drainages and waterways.
  - Conduct all refueling and servicing of equipment with absorbent material or drip pans underneath to contain spilled fuel. Collect any fluid drained from machinery during servicing in leak-proof containers and deliver to an appropriate disposal or recycling facility.
  - Maintain controlled construction staging, site entrance, concrete washout, and fueling areas a minimum of 100 feet from stream channels or wetlands whenever possible to minimize accidental spills and runoff of contaminants in stormwater.
  - Prevent raw cement; concrete or concrete washings; asphalt, paint, or other coating material; oil or other petroleum products; or any other substances that could be hazardous to aquatic life from contaminating the soil or entering watercourses.

#### Dewatering and Treatment Controls

- n. Prepare a dewatering plan prior to excavation.
- o. Impound dewatering discharges in sediment retention basins or other holding facilities to settle the solids and provide treatment prior to discharge to receiving waters as necessary to meet Basin Plan water quality objectives.
- p. In order to meet the Basin Plan water quality objectives, install turbidity barriers and collect and treat drainage and runoff water from any part of the work area that has become turbid with eroded soil, silt, or clay to reduce turbidity prior to discharge to receiving waters.

#### Temporary Stream Crossings

- q. Construct temporary stream crossings using a temporary bridge with gravel approach ramps or temporary culverts backfilled with clean gravel/cobbles and topped with a gravel road base.
- r. Do not place earth and rockfill material in stream channels.
- s. Upon completion of the project, remove or stabilize temporary stream crossings with banks graded to a stable angle.

### **3.9-2 Aggregate/Concrete Monitoring and Reporting Program**

The Applicant shall undertake the proposed aggregate and concrete production facility in accordance with permit requirements of the CVRWQCB. The Applicant shall submit a Report of Waste Discharge to the CVRWQCB. The Applicant shall comply with monitoring requirements and discharge prohibitions identified by the CVRWQCB. The recommended discharge prohibitions, subject to review and approval by the CVRWQCB, include the specifications listed below.

- a. Aggregate wash water must be retained within designated operational area and may not be allowed to be percolated or disposed on land or to drainages.
- b. Aggregate wash and wastewater ponds must be lined and meet storage capacity requirements, maintain adequate freeboard, and be designed to protect ponds from inundation due to floods with a 100-year return frequency.
- c. Commingling aggregate wastewater and concrete wastewater is prohibited.
- d. Construct continuous interior asphalt or concrete berms around batch plant equipment (mixing equipment, silos, concrete drop points, conveyor belts, admixture tanks, etc.) to facilitate proper containment and cleanup of releases. Rollover or flip top curbs or dikes should be placed at ingress and egress points.
- e. Direct runoff from the paved or unpaved portion of the concrete batch plant into a sump and pipe to a lined washout area or dewatering tank.
- f. All wastewater that contains residual concrete shall only be discharged to the concrete wastewater system (e.g., primary settling basin and secondary storage pond, or engineered alternative).
- g. Washout of concrete trucks must be conducted in a designated area with drainage to the concrete wastewater system.
- h. All stockpiled wastes and products shall be managed to prevent erosion of sediment to surface water drainage courses.
- i. Collected screenings, sludge, and other solids removed from liquid wastes shall be disposed of in a manner consistent with Consolidated Regulations for Treatment, Storage, Processing, or Disposal of Solid Waste, as set forth in Title 27, CCR, Division 2, Subdivision 1, Section 20005, et seq.

## **Guenoc Valley Site: Future Phases, Off-Site Workforce Housing, and Off-Site Infrastructure**

### **3.9-1 Storm Water Pollution Prevention Plan**

**Mitigation Measure 3.10-1** is set forth in full above.

#### ***Significance After Mitigation***

The measures described above would reduce construction-related water quality impacts related to erosion and sediment and pollutant discharges in addition to reducing water quality impacts related to operation of the aggregate and concrete facility. With implementation of the feasible mitigation measures described above, the Proposed Project's impact would be **less than significant with mitigation**.

#### ***Findings***

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR **[Finding (1)]**.

## ***Facts in Support of Findings***

### ***Guenoc Valley Site and Off-site Infrastructure Improvement Areas: Phase 1 – Project Level Analysis***

#### ***Construction***

##### *General Construction and Dewatering*

Development of Phase 1 would involve the construction of roadways, buildings, parking lots, infrastructure, new homes and landscaping. Construction would take place within a development area of approximately 3,950 acres and approximately 10 million cubic yards of fill would be moved within the Guenoc Valley Site (Appendix GRADING of the Draft EIR). Construction of roads would occur in areas of steep terrain and would require numerous stream and drainage crossings.

As part of Phase 1, an off-site well may be established near the intersection of Butts Canyon Road and SR-29 to provide water for the Proposed Project. An optional water pipeline would be located along Butts Canyon Road within the public right-of-way from the well location to the project site. It is assumed that the pipeline would be constructed by excavating an open trench within or adjacent to the road.

Grading, excavation, and other construction-related activities associated with Phase 1 could cause soil erosion at an accelerated rate during storm events. Sediment from erosion could have adverse effects on receiving water quality at the project site and downstream, including Bucksnot Creek, Putah Creek and Lake Berryessa. Such effects could include increased turbidity, which could result in adverse impacts on fish and wildlife, habitat, and impaired recreation and aesthetic values. Another potential source of water quality degradation during construction activities is heavy machinery and other construction equipment. Construction equipment spills could result in the release of polluting constituents, such as heavy metals, oil, grease, and other petroleum hydrocarbons, to Bucksnot Creek, Putah Creek and other on-site channels.

During project construction, if groundwater is encountered during excavation at the construction sites, would be controlled by a system of dewatering sumps and pumps. In addition, surface runoff could collect in excavated areas, adding to the total volume of water that would need to be removed. Water produced during construction dewatering would contain sediment and may contain construction-related contaminants that could degrade water quality if the water were discharged directly to surface water. The discharge of such water could exceed Basin Plan objectives, resulting in a potentially significant impact on water quality.

The potential water quality impacts from erosion and sediment and pollutant discharge during project construction would be substantial because of the extent of construction earth moving and soil disturbance activities, and the large quantity of materials being handled and transported. Potential water quality impacts from erosion and sediment and pollutant discharge during project construction would be mitigated through the implementation of a SWPPP that contains, at a minimum, the project-specific BMPs set forth in **Mitigation Measure 3.9-1**. A SWPPP would be required for all construction-related activities on the Guenoc Valley Site and for the off-site water well and associated pipeline. Implementation of **Mitigation Measure 3.9-1**, which includes BMPs that have been demonstrated to be effective at achieving Basin Plan water quality objectives and maintaining beneficial uses, would reduce construction-related water quality impacts related to erosion and sediment and pollutant discharges to a ***less-than-significant*** level.

### *Aggregate and Concrete Production*

Approximately 10.36 million cubic yards of cut and 10.32 million cubic yards of fill will be required for development of the first phase. To facilitate the reuse of fill material onsite, a rock crushing facility will be operated on the project site north of Upper Bohn Lake where an existing rock crushing operation is located. The proposed rock crushing operation will remain in the same location and will cover approximately 20 acres. The aggregate and sand produced at the site will be stored on the site, as well as trucked to the Golf Course and the Equestrian and Polo Center where it will be stock piled for later use. Aggregate used for concrete and sand will be washed at the rock crushing facility. A new containment pit will be excavated adjacent to the crusher. Wash water will be recycled in an existing pit. After the water is washed over the aggregate or sand, it will be reclaimed into the adjacent pit and re-used for the wash operation.

Aggregate wastewater can contain mercury and high suspended solids concentrations. Mercury is a naturally occurring element that has historically been mined in the Middletown area. Mercury is toxic in all chemical forms, but methylmercury is the form that poses the highest risk to the environment due to its toxicity and ability to bioaccumulate in aquatic organisms. Methylation is the process that converts inorganic mercury into methylmercury. Studies have shown that methylation can occur in the water column and in sediment, both by biological and abiotic processes. Mercury strongly adsorbs to soil particulates. Because mercury is primarily immobilized through adsorption and sedimentation, containing aggregate wastewater in appropriately designed and maintained ponds minimizes the potential for mercury to degrade water quality (SWRCB, 2019c).

A portable concrete batch plant would be located at the rock crushing facility. The batch plant would produce concrete for use in the construction of Phase 1. Operation of the plant would generate concrete wastewater primarily from washing, rinsing, moisture management, residual waste management, and dust control activities. Other sources of concrete wastewater include truck rinsing and washing and loadout area washing. The primary constituents of concern in concrete wastewater are alkalinity (high pH), hexavalent chromium, salinity, and suspended solids. Cementitious materials such as Portland cement can increase the pH of water to 12 or more, which can be caustic and corrosive. Discharge of high pH wastewater can alter soil chemistry, degrade water quality, and if discharged to surface water, impact aquatic life. Chromium is a naturally occurring metal found in trace amounts in geologic materials like those quarried for cement. Chromium generally exists in either trivalent or hexavalent states. The hexavalent state is more toxic. Because the cement manufacturing process converts trivalent chromium to hexavalent chromium during the raw material roasting process, hexavalent chromium is also found in concrete. Salinity is a measure of dissolved solids in water. Concrete manufacturing increases salinity by dissolving soluble salts that exist in aggregate soil particles, dissolving soluble constituents that exist in Portland cement and admixtures, and through evapoconcentration of wastewater in ponds. Suspended solids are small particles that remain in suspension in water. Discharge of suspended solids to surface waters can impact wildlife habitat. Because contaminants may be adsorbed to suspended solids, controlling off-site discharges of turbid wastewater is important (SWRCB, 2019c).

Operation of the aggregate and concrete production during Phase 1 has the potential to **significantly impact** water quality from the release of mercury, chromium and wastewater with elevated pH and suspended solids. Potential water quality impacts would be mitigated through permitting requirements established by the RWQCB. It is expected that the facility would be permitted under the General WDRs for

Aggregate and/or Concrete Facilities (general order) or if the general order has not been approved, the RWQCB may permit the facility under a MRP. Regardless of the specific permitting structure, the RWQCB will set discharge prohibitions that contain, at a minimum, the project-specific stipulations set forth in **Mitigation Measure 3.9-2**. Implementation of **Mitigation Measure 3.9-2**, and other permitting requirements which would be established by the RWQCB, would reduce water quality impacts related to operation of the aggregate and concrete facility to a *less-than-significant* level.

#### *Interference with Existing Groundwater Contamination*

A former geothermal landfill, owned and monitored by PG&E, (Geothermal Inc. landfill) is located at 19020 Butts Canyon Road, between the Guenoc Valley Site boundary and the Off-Site Well Site. As discussed in **Section 3.8.2**, there is a plume of contaminated water associated with ponds formerly used to store waste from geothermal exploration. Groundwater analyses from monitoring wells have found elevated levels of boron, sulfate, chloride, and total dissolved solids. The landfill has been capped and closed and eucalyptus trees were planted to control groundwater levels. As noted in the tentative order, a Plume Delineation Report was submitted to the CVRWQCB in June of 2017. According to the report, the impacts to groundwater from the landfill is concentrated in the immediate vicinity of the closed landfill. The report also found that the plume has not grown in over two decades and that the outer-most plume boundaries have remained the same (California Water Boards, 2019b). The plume is therefore approximately 0.75 miles from the closest edge of the Guenoc Valley Site and 2.5 miles from the Off-Site Well Site. Based on the information provided in the Waste Discharge Requirements of the new tentative order (California Water Boards, 2019b) and review of the monitoring reports<sup>1</sup>, the plume is expected to stay in the vicinity of the landfill and not impact wells supplying water to the Proposed Project. As addressed under **Impact 3.9-2** below, with the implementation of **Mitigation Measure 3.9-3**, use of groundwater for the Proposed Project would not cause drawdown or depletion of groundwater supplies. Based on the sustainable operation of Project wells, distance to the former landfill, and continued monitoring by the CVRWQCB of the landfill site, operation of the wells on the Guenoc Valley Site or the Off-Site Well Site would not influence groundwater levels or movement in the vicinity of former landfill. Likewise, operation of the Guenoc Valley Site wells or the off-site well would not cause intrusion of the contaminated groundwater plume into nearby drinking water wells, including the water supply wells for the community of Middletown. Impacts associated with potential interference with existing groundwater contamination would be *less than significant*.

### ***Guenoc Valley Site: Future Phases – Programmatic Analysis***

#### ***Construction***

##### *General Construction and Dewatering*

Future phases of development would involve the construction of structures, roadways, parking lots, and infrastructure. As outlined in **Section 2.5, Table 2-1**, future phases may include approximately 200 hotel units, 300 resort residential units, 1,000 residential estate villas and 400 workforce co-housing bedroom units. Resort amenities such as outdoor entertainment, sports and recreation facilities may be expanded by up to 658 acres. Agriculture and agricultural accessory areas may be expanded by up to 48 acres, and other accessory uses may be expanded by up to 28 acres. Construction of these facilities would require grading, excavation, and other construction-related activities that could cause soil erosion at an accelerated

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<sup>1</sup> The semi-annual monitoring reports and plume delineation report are located under the Site Maps/Documents tab here: [https://geotracker.waterboards.ca.gov/profile\\_report.asp?global\\_id=L10005342355](https://geotracker.waterboards.ca.gov/profile_report.asp?global_id=L10005342355)

rate during storm events. Sediment from erosion could have adverse effects on receiving water quality at the project site and downstream, including Bucksnot Creek, Putah Creek and Lake Berryessa. Such effects could include increased turbidity, which could result in adverse impacts on fish and wildlife, habitat, and impaired recreation and aesthetic values.

Another potential source of water quality degradation during construction activities is heavy machinery and other construction equipment. Construction equipment spills could result in the release of polluting constituents, such as heavy metals, oil, grease, and other petroleum hydrocarbons, to Bucksnot Creek, Putah Creek and other on-site channels.

As described under the Phase 1 analysis, water produced during construction dewatering would contain sediment and may contain construction-related contaminants that could degrade water quality if the water were discharged directly to surface water. The discharge of such water during the construction of future phases could exceed Basin Plan objectives, resulting in a potentially significant impact on water quality.

Potential water quality impacts from erosion and sediment and pollutant discharge during project construction would be mitigated through the implementation of a SWPPP that contains, at a minimum, the project-specific BMPs set forth in **Mitigation Measure 3.9-1**. Implementation of **Mitigation Measure 3.9-1**, which includes BMPs that have been demonstrated to be effective at achieving Basin Plan water quality objectives and maintaining beneficial uses, would reduce construction-related water quality impacts related to erosion and sediment and pollutant discharges to a *less-than-significant* level.

#### *Aggregate and Concrete Production*

The proposed on-site rock crushing operation and portable concrete batch plant analyzed under Phase 1 may be used under future phases. The aggregate and concrete production may occur either at the location identified under Phase 1 or at another location on the project site. As described under Phase 1, operation of the aggregate and concrete production during future phases has the potential to **significantly impact** water quality from the release of mercury, chromium and wastewater with elevated pH and suspended solids. Potential water quality impacts would be mitigated through permitting requirements established by the RWQCB. It is expected that the facility would be permitted under the General WDRs for Aggregate and/or Concrete Facilities (general order). Consistent with the general order, the RWQCB will set discharge prohibitions that contain, at a minimum, the project-specific stipulations set forth in **Mitigation Measure 3.9-2**. Implementation of **Mitigation Measure 3.9-2**, and other permitting requirements which would be established by the RWQCB, would reduce water quality impacts related to operation of the aggregate and concrete facility to a *less-than-significant* level.

### ***Off-Site Workforce Housing – Project Level Analysis***

#### ***Construction***

Development associated with the off-site workforce housing, including the construction of single-family units and duplexes, would involve the construction of structures, roadways, landscaping, parking lots, utilities and infrastructure, which would require grading, excavation, and other construction-related activities on and off the site that could cause soil erosion at an accelerated rate during storm events. As with development of the first and future project phases, sediment from erosion could have adverse effects on receiving water quality and construction equipment spills could potentially release pollutants. Water produced during

construction dewatering would contain sediment and may contain construction-related contaminants that could degrade water quality if the water were discharged directly to surface water. The most notable water body near the Middletown Housing Site is Dry Creek, which borders the western boundary of the project site. This is a potentially significant impact. Implementation of **Mitigation Measure 3.9-1**, which includes BMPs that have been demonstrated to be effective at achieving Basin Plan water quality objectives and maintaining beneficial uses, would reduce construction-related water quality impacts related to erosion and sediment and pollutant discharges to a *less-than-significant* level.

## Impact

### 3.9-2 Substantially Decrease Groundwater Supplies or Interfere Substantially with Groundwater Recharge Such that the Project May Impede Sustainable Groundwater Management of the Basin.

Implementation of Phase 1 and of the Off-Site Infrastructure could result in a decrease to the amount of groundwater recharge. (Final EIR, Volume II, p. 3.9-33)

## Mitigation Measures

### 3.9-3 Off-Site Groundwater Well Safe Yield Analysis and Monitoring

Prior to the issuance of an encroachment permit or grading permit for installation of off-site water line along Butts Canyon Road for the use of the off-site agricultural well for water supply on the Guenoc Valley Site, the Applicant shall provide to the County an analysis that defines the safe yield. The safe yield must be set to meet the following performance criteria: avoid drawdown of groundwater beyond 300 feet of the well. The analysis must incorporate pump testing of the well, and be certified by a Registered Professional Engineer or Registered Geologist. Groundwater pumping rates and durations must be limited to the safe yield determined in the hydraulic analysis. The safe yield analysis shall identify the location of one or more monitoring wells necessary to evaluate compliance with the performance criteria. Monitoring of groundwater pumping rates and durations and groundwater levels shall be performed quarterly for the first five years of use. The Applicant shall be required to submit annual monitoring reports that provide quarterly groundwater pumping and groundwater level data to the Lake County Health Services Department for the first five years of use. In the event these reports show an impact to the groundwater levels, the Lake County Health Services Department and the applicant shall come up with a Groundwater Management Plan in coordination with a geotechnical engineer for approval by the Community Development Director.

## Significance After Mitigation

The measure described above would limit groundwater pumping to an established safe yield as determined by a Registered Professional Engineer. With implementation of the feasible mitigation measures described above, the Proposed Project's impact would be *less than significant with mitigation*.

## Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR [**Finding (1)**].

## ***Facts in Support of Findings***

### ***Guenoc Valley Site and Off-site Infrastructure Improvement Areas: Phase 1 – Project Level Analysis***

Phase 1 of the Proposed Project has the potential to impact groundwater supplies through groundwater use or by decreasing the amount of groundwater recharge. As described in **Section 2.5.2.5**, two separate water supply systems would be developed for Phase 1: a potable water system primarily used to supply all the drinking, interior, and recreation water demands features (i.e. swimming pools) and a separate non-potable water system to meet all the non-drinking water and primarily exterior water demands for irrigation, non-recreational water features (i.e. fountains and other features), fire protection water and construction related water demands. The separate water systems would be constructed within three zones; the Guenoc Valley Zone, the Upper Bohn Lake Zone, and the Camping Area Zone.

The potable water system would be supplied by a series of groundwater supply wells. Each potable water zone would have between two to four wells so that at any given time only one or two wells would be in operation, allowing the other wells to be “rested” for several months. This will allow management of the wells to avoid overdrafting the groundwater basin. The non-potable water system would be supplied by a combination of surface water from the on-site reservoirs, recycled from the on-site water recycling plants, and groundwater supply wells. Water supplies from existing on-site reservoirs are licensed with the SWRCB, Division of Water Rights and can only be used on designated place of use (POU) land within the Guenoc Valley Site.

#### ***Off-Site Groundwater Well***

As described in Section 2.5.2.5 of the Draft EIR, a groundwater well may be developed during Phase 1 to provide supplemental groundwater as a source of water for agricultural irrigation, fire protection and make up water for recreational water features and ponds. The well would be developed on property located near the intersection of Highway 29 and Butts Canyon Road. The proposed well is expected to yield flows over 1,000 gpm and would provide water to the project site via a new pipeline constructed along Butts Canyon Road. The well would be located within the Collayomi Valley Groundwater Basin. Saint Helena Creek is approximately 400 feet from the western edge of the well site, and Putah Creek is approximately 1,500 feet from the western edge of the well site.

Use of the proposed high capacity groundwater well has the potential to draw down the Collayomi Valley Groundwater Basin. Based on a review of regional studies and local well data, the groundwater basin has been characterized not as a uniform alluvium aquifer, but as a series of layers and lenses of permeable or semi-permeable materials that are partially interconnected (Wagner and Bonsignore, 2019). Accordingly, the nature and extent of the aquifer that would be utilized is not well defined and the amount of water that could be withdrawn without substantially decreasing groundwater supplies has not been determined. Operation of the proposed high capacity groundwater well has the potential to decrease groundwater levels, and impede sustainable groundwater management of the basin. This is considered to be a potentially significant impact. With implementation of **Mitigation Measures 3.9-3**, which requires limiting pumping to an established safe yield as determined by a Registered Professional Engineer and monitoring of pumping and groundwater levels, these impacts would be reduced to a ***less-than-significant*** level.

## **Impact**

### **3.9-4 In Flood Hazard, Tsunami, or Seiche Zones, Risk Release of Pollutants Due to Project Inundation.**

Implementation of Guenoc Valley Site: Phase 1, Guenoc Valley Site: Future Phases, and Off-Site Infrastructure have the potential for flooding and release of pollutants to flood waters associated with a dam failure or other flood events. (Final EIR, Volume II, p. 3.9-47)

## **Mitigation Measures**

### **Guenoc Valley Site: Phase 1 and Future Phases**

#### **3.9-4 Floodplain Analysis**

Prior to the issuance of a grading permit for any development within 1,500 feet of Bucksnot Creek or Putah Creek, the Applicant shall provide to the County a floodplain analysis certified by a Registered Professional Engineer. This analysis shall define the extent of floodwaters (floodplain) and the elevations associated with 100-year flood event within proposed development areas along these creeks. If, due to the performed analyses, the changes in the effective Floodplain Maps and Flood Insurance Studies occur, the Developer will apply for a Letter(s) of Map Revision (LOMR) with the FEMA.

#### **3.9-5 Inundation Mapping**

Prior to the issuance of a grading permit for any development within 4,000 feet of Bucksnot Creek or Putah Creek, the Applicant shall provide to the County inundation maps of Detert Reservoir (Guenoc Lake), Langtry Lake, Bordeaux Lake, Burgundy Lake and McCreary Lake dams that have been approved by DSOD.

#### **3.9-6 Incorporation of Floodplains and Dam Inundation Zones in Site Plans**

- a. All site plans submitted to the County for the review of any development within 1,500 feet of Bucksnot Creek or Putah Creek shall identify the extent of the 100-year floodplain within proposed development areas. The 100-year floodplain shown shall be as certified by a Registered Professional Engineer.
- b. All site plans submitted to the County for the review of any development within 4,000 feet of Bucksnot Creek or Putah Creek shall identify the extent of the inundation zones of Detert Reservoir (Guenoc Lake), Langtry Lake, Bordeaux Lake, Burgundy Lake and McCreary Lake dams within proposed development areas. Maximum inundation depths shall be identified on the site plans.
- c. For any facilities identified within the 100-year floodplain or inundation zone, including at the Guenoc Valley, Middletown Housing and off-site well sites, any hazardous materials or materials that may pollute flood waters such as, but not limited to fuel, oil, chemicals, pesticides, fertilizer or cleaning products, shall be adequately protected from release in flood waters or relocated out of the 100-year floodplain and inundation zone.

## **Off-Site Infrastructure**

### **3.9-6 Incorporation of Floodplains and Dam Inundation Zones in Site Plans**

**Mitigation Measure 3.10-1** is set forth in full above.

### ***Significance After Mitigation***

The measures described above would require mapping of floodplains and inundation zones and incorporation of these hazards in site plans. With implementation of the feasible mitigation measures described above, the Proposed Project's impact would be **less than significant with mitigation**.

### ***Findings***

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR [**Finding (1)**].

### ***Facts in Support of Findings***

#### ***Guenoc Valley Site and Off-site Infrastructure Improvement Areas: Phase 1 – Project Level Analysis***

Most of the Phase 1 development area is within Zone D and a smaller portion is within Zone X. While Zone X designates areas determined by FEMA to be outside of the 0.2% annual chance floodplain, Zone D designates areas where FEMA has conducted no analysis. Accordingly, FEMA has not delineated all of the floodplains that likely occur on the project site along Bucksnot Creek and Putah Creek. The portion of Bucksnot Creek between Detert Reservoir and McCreary Lake has a delineated 100-year floodplain. This floodplain extends up to 600 feet from the creek. However, downstream of McCreary Lake, the extent of floodplains along Bucksnot Creek has not been analyzed. Much of the topography along this segment is steep and therefore any associated floodplains would be very narrow. However, the area surrounding the proposed Equestrian Center is a low-lying alluvial plain. Facilities proposed to be located at the Equestrian Center include a lodge, clubhouse, arena, stables, water reclamation plant, and a surface water pump station. A water reclamation plant is also proposed west of the wilderness camp near Putah Creek in an area where flooding risks have not been analyzed by FEMA. Flooding along the smaller streams on the project site presents a lesser risk. Because of the limited catchment area of these streams, the potential for significant flooding is minor and any flooding that may occur would be directly adjacent to the streams.

The proposed off-site water well location is partly within a delineated 100-year floodplain. If the well is developed within the floodplain, the well and associated equipment could be subject to flooding.

Because the project area is not located near the coast, tsunamis do not present a hazard on the project site. While seiches have the potential to occur within reservoirs on the project site, due to the limited size of the reservoirs, any potential flooding associated with seiches would be restricted to the immediate shore of the reservoirs and would not pose a significant hazard.

The failure of a reservoir dam has the potential to result in a flooding hazard downstream. Potential hazards would be most significant along Bucksnot Creek where both Detert Reservoir and McCreary Lake hold up to 3,220 acre-feet and 2,098 acre-feet respectively. Failures of one or both dams have the potential to flood proposed developments located downstream. Failure of smaller reservoir dams within the project site, including Burgundy Lake, Bordeaux Lake, and Langtry Lake, also have the potential to flood proposed developments. With the exception of Detert Reservoir, these reservoir dams are identified by DSOD as having low downstream hazard potential. Accordingly, under SB 92, these dams currently do not require

inundation maps. Detert Reservoir is designated as having a significant downstream hazard potential and therefore an inundation map must be approved by DSOD by January 1, 2021. Development of Phase 1 will introduce facilities that will increase hazards downstream of the dams at Detert Reservoir, McCreary Lake, Burgundy Lake, Bordeaux Lake and Langtry Lake. In the past few years the Detert and Upper Bohn Dams have both had improvements permitted and constructed. The outlet pipes in the dam at Detert Reservoir were replaced in 2018, and the dam at Upper Bohn Lake is currently being raised. Both improvement projects were approved by DSOD.

While the potential for the catastrophic failure of a dam is considered remote, the introduction of proposed Phase 1 developments will increase downstream hazards including facilities that if flooded could release pollutants to flood waters. These facilities may include wastewater treatment plants and water pumping plants with associated back-up generators, fuel tanks, and chemical storage. Other facilities may include lodges, restaurants, hotel units, residential units, arenas, and stables that may contain typical hazardous materials associated with operation and maintenance such as fuels, oil, chemicals, pesticides, fertilizer or cleaning products. Likewise, development of these facilities within the 100-year floodplain could also result in the release of pollutants to flood waters during a flood event. Likewise, if development of the off-site well occurs within the 100-year floodplain, flooding could impact a back-up generator and fuel tank (if provided). The potential for the proposed facilities to release pollutants to flood waters associated with a dam failure or other flood event is considered a potentially significant impact. With implementation of **Mitigation Measures 3.9-4** through **3.9-6**, which require mapping of floodplains and inundation zones and incorporation of these hazards in site plans, these impacts would be reduced to a **less-than-significant** level.

### ***Guenoc Valley Site: Future Phases – Programmatic Analysis***

Most of the project site is within Zone D which designates areas where FEMA has conducted no analysis. A smaller portion of the project site is within Zone X, which designates areas determined by FEMA to be outside of the 0.2% annual chance floodplain. FEMA has only mapped 100-year floodplains on the project site as being along the portion of Bucksnot Creek between Detert Reservoir and McCreary Lake. However, FEMA has not analyzed flood hazards on the project site along other sections of Bucksnot Creek or along Putah Creek. As a result, the full extent of the 100-year floodplain on the project site is not known. Depending on the location of future development, facilities could be developed in areas subject to flooding. In addition, as described under the Phase 1 analysis, the failure of a reservoir dam on the project site has the potential to flood proposed developments located downstream along Bucksnot Creek and Putah Creek.

Future phases are expected to include hotel and residential units, villas, outdoor entertainment, sports and recreation facilities, commercial and retail development, agricultural production facilities, and essential support facilities. These facilities may contain typical hazardous materials associated with operation and maintenance such as fuel, oil, chemicals, pesticides, fertilizer or cleaning products. The location of future phase development is not known, but it is possible that facilities could be developed in areas subjected to flooding. The potential for the proposed facilities to release pollutants to waters associated with a dam failure or other flood event is considered a potentially significant impact. With implementation of **Mitigation Measures 3.9-4** through **3.9-6**, which require hydraulic analysis of floodplains and inundation zones, and incorporation of these hazards in site plans, these impacts would be reduced to a **less-than-significant** level.

## 2.10 NOISE

### Impact

#### 3.10-1 Construction Activities Could Generate Substantial Temporary Increases in Ambient Noise Levels in The Vicinity of the Project in Excess of Standards Established in the Local General Plan or Noise Ordinance, or Applicable Standards of Other Agencies.

Implementation of all Phases of the Proposed Project entail construction activities that would add to the noise environment in the vicinity of the Guenoc Valley Site. (Final EIR, Volume II, p. 3.10-17).

### Mitigation Measures

#### 3.10-1 Restrict Construction Times in Areas in Proximity to Sensitive Receptors

Construction activities within 1 mile of occupied residential uses not within the Guenoc Valley Site, and where feasible, all construction deliveries, shall be restricted to occur between the hours of 7:00 a.m. and 7:00 p.m.

#### 3.10-2 Construction Noise Reduction

The following measures shall be implemented to reduce impacts of construction noise:

- To reduce construction noise levels at off-site sensitive receptors as well as wildlife within the site, construction contractors shall be required to implement the following measures. These measures would be incorporated into the construction plan:
  - Equipment and trucks used for project construction shall utilize the best available noise control techniques, such as improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds.
  - Impact tools (i.e., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10-dBA. External jackets on the tools themselves shall be used, to achieve a reduction of 5-dBA. Quieter procedures will be used, such as drills rather than impact equipment.
  - Stationary noise sources shall be located as far from adjacent receptors as possible, and they will be muffled and enclosed within temporary sheds, incorporate insulation barriers, or other measures
  - Locate fixed construction equipment such as compressors and generators as far as possible from sensitive receptors. Shroud or shield all impact tools, and muffle or shield all intake and exhaust ports on power construction equipment.
- Designate a disturbance coordinator and conspicuously post this person's number around the project site and in adjacent public spaces. The disturbance coordinator shall receive all public complaints about construction noise disturbances and shall be responsible for determining the cause of the complaint, and implement any feasible measures to be taken to alleviate the problem.
- Well Drilling and Pipeline Construction Noise (Off-Site Infrastructure Improvement only):

- Noise curtains shall be utilized during drilling of the well if, at the time of well construction, homes are occupied within 1,000 feet of the well.

### ***Significance After Mitigation***

The measures described above would minimize noise impacts from construction equipment by limiting the hours of construction and by requiring equipment noise be reduced in a manner that is consistent with the County zoning ordinance. With implementation of the feasible mitigation measures described above, the Proposed Project's impact would be ***less than significant with mitigation***.

### ***Findings***

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR [**Finding (1)**].

### ***Facts in Support of Findings***

Phase 1 construction activities would add to the noise environment in the vicinity of the Guenoc Valley Site. Noise impacts resulting from construction depend on the noise generated by various pieces of construction equipment, the timing and duration of noise generating activities, and the distance between construction noise sources and noise-sensitive areas. The majority of construction activities associated with Phase 1 would take place more than a mile away from off-site sensitive receptors. Only the following construction activities would take place within a mile of sensitive receptors.

- Construction activities at the proposed Back of House area would occur within 300 feet of a residence located within the area excluded from the site, and 3,700 feet of the Langtry Winery, a commercial business (while the Lillie Langtry home is directly adjacent to this area, it is unoccupied);
- Construction of the float plane dock would occur within approximately 4,695 feet from a residence on Butts Canyon Road;
- Construction of the proposed On-Site Workforce Housing would occur within 3,200 feet of a residence located to the southwest; and
- Construction of the potential solar field location near McCreary Lake would occur within 4,000 feet of a residence.

The County zoning ordinance indicates that construction site sounds during daytime hours (defined as between 7:00 a.m. and 7:00 p.m.) may be exempted from local noise thresholds when sensible practices are adhered to.

The three closest residential receptors to the proposed Phase 1 development areas include a ranch home within 300 feet of the proposed back of house area, rural residential home located approximately 3,200 feet to the south of the proposed On-Site Workforce Housing parcel, and rural residential homes located northwest of McCreary Lake, approximately 4,000 feet from a potential solar field location. Construction noise level predictions at these receptors assumes a standard spherical spreading loss of 6 dBA per doubling of distance. The equipment noise levels in Table 3.10-8 of the Draft EIR include consideration of screening that would be provided by intervening topography that would break line of sight of the project work areas (conservatively assumed provide a minimum of 10 dBA of noise level reduction). For the

receptor closest to the construction activities, worst-case project construction equipment noise exposure is expected to range up to 70 dBA  $L_{eq}$ , which would exceed both the County daytime standard of 55 dBA hourly  $L_{eq}$  for residential uses, and nighttime standard of 45 dBA  $L_{eq}$ . Worst-case project construction equipment noise exposure at the other nearest receptors is expected to range from less than 20 dBA to approximately 54 dBA. These levels are below the County's Zoning Ordinance daytime standard of 55 dBA hourly  $L_{eq}$  for residential uses, but could exceed the nighttime standard of 45 dBA  $L_{eq}$ . Therefore, construction activities could potentially expose sensitive receptors to noise levels in excess of the applicable noise standards; this is a temporary significant impact. **Mitigation Measure 3.10-1** requires that construction activities with the potential to exceed nighttime noise standards at residential uses are limited to daytime hours of 7 a.m. to 7 p.m., consistent the requirements of the Lake County Zoning Ordinance as described above. This measure would minimize the potential for sleep disturbance and would reduce the potential for construction noise to result in a nuisance, since project construction-related noise would be less noticeable during the day due to greater ambient noise levels. Additionally, **Mitigation Measure 3.10-2** requires noise impacts from construction equipment be reduced consistent with the County zoning ordinance by requiring that measures be taken to reduce noise from construction equipment. As a result, this impact is considered to be *less than significant with mitigation*.

In addition to on-site activities, noise would be generated by the increased truck traffic on area roadways that would be transporting construction material and equipment. As discussed in Section 3.13.4 of the Draft EIR, under Impact 3.13-1, it is estimated that during the maximum peak construction period material import and export could generate approximately 150 truck trips per day. The construction personnel would be required to commute very limitedly due to the temporary construction workforce camp that would be provided onsite. Nonetheless, this would constitute an increase in noise on public roads, such as Butts Canyon Rd. and Highway 29. However, this noise increase due to increased traffic would be of a short duration, likely occur primarily during daytime hours, and truck contractors would adhere to all applicable state and federal regulations in addition to the local regulations regarding noise. For example, the County General Plan has a policy in place to reduce the impacts associated with heavy truck traffic, Policy T-1.9. As described above in Section 3.10.3 of the Draft EIR, for Policy T-1.9, the County designates roads for heavy truck traffic in a way that minimizes the impacts on sensitive land uses and residential areas. Therefore, noise impacts from short term construction related traffic would be *less than significant*.

### ***Future Phases***

Construction of future phases would add to the noise environment in the vicinity of the Guenoc Valley Site. Construction related noise sources would be similar under those described above for Phase 1. While the location of development under future phases has not been established, it is possible that construction activities may occur in closer proximity to the nearest off-site sensitive receptors, resulting in even greater noise levels. Therefore, construction activities could potentially expose sensitive receptors to noise levels in excess of the applicable noise standards; this is a potentially significant impact. **Mitigation Measure 3.10-1** requires that construction activities within the potential to exceed nighttime noise standards at residential uses are limited to daytime hours of 7 a.m. to 7 p.m., consistent the requirements of the Lake County Zoning Ordinance as described above. This measure would minimize the potential for sleep disturbance and would reduce the potential for construction noise to result in a nuisance, since project construction-related noise would be less noticeable during the day due to greater ambient noise levels. Additionally, **Mitigation Measure 3.10-2** requires noise impacts from construction equipment be reduced

consistent with the County zoning ordinance by requiring that measures be taken to reduce noise from construction equipment. As a result, this impact is considered to be ***less than significant with mitigation.***

### ***Middletown Housing Site***

Implementation of the Proposed Project would result in short-term construction activities associated with the residential development on the Middletown Housing Site. Construction related noise sources would be similar under those described in the Phase I discussion above. However, the construction would be of a substantially smaller size and therefore not generate the same degree of noise. Furthermore, unlike the Guenoc Valley Site, the Middletown Housing Site has close-by sensitive receptors, such as residential areas and schools.

As discussed in Phase 1 above, activities involved in construction would generate maximum noise levels, ranging from 55 to 90 dBA at a distance of 50 feet. The nearest sensitive receptor's property boundary borders the Middletown Housing Site boundary on the southern border. Noise levels at this receptor would exceed both the County daytime standard of 55 dBA hourly  $L_{eq}$  for residential uses, and nighttime standard of 45 dBA  $L_{eq}$ . Therefore, the increase in noise from construction could potentially expose sensitive receptors to noise levels in excess of the applicable noise standards. This constitutes a temporary significant impact. **Mitigation Measure 3.10-1** requires that construction activities within the potential to exceed nighttime noise standards at residential uses are limited to daytime hours of 7 a.m. to 7 p.m., consistent the requirements of the Lake County Zoning Ordinance as described above. This measure would minimize the potential for sleep disturbance and would reduce the potential for construction noise to result in a nuisance, since project construction-related noise would be less noticeable during the day due to greater ambient noise levels. Additionally, **Mitigation Measure 3.10-2** requires noise impacts from construction equipment be reduced consistent with the County zoning ordinance by requiring that measures be taken to reduce noise from construction equipment. As a result, this impact is considered to be ***less than significant with mitigation.***

Construction related traffic could contribute to additional noise on the local roadways in County. However, this impact would be similar to the one discussed under the Phase 1 except truck loads would be significantly less than the Guenoc Valley Site due to the reduced project size. Like the Guenoc Valley Site, all construction-related traffic would be required to adhere to applicable State, federal and local regulations, such as Policy T-1.9 from the County General Plan that would ensure that heavy truck traffic would impact residential areas and noise sensitive land uses. Therefore, noise impacts from short term construction related traffic would be ***less than significant.***

### ***Off-Site Infrastructure Improvement Areas***

Implementation of the Proposed Project could result in short-term construction activities associated with Off-Site Infrastructure Improvement Areas. These construction activities could potentially expose sensitive receptors to noise levels in excess of the applicable noise standards and/or result in a noticeable increase in ambient noise levels. Construction related noise sources would be similar under those described in the Phase I discussion above. However, the construction would be of a substantially smaller size and therefore not generate the same degree of noise. As discussed in Phase 1 above, activities involved in construction would generate maximum noise levels ranging from 55 to 90 dBA at a distance of 50 feet. The nearest sensitive receptor's property boundary borders the boundary of the Off-Site Well Site on the northern

border. Additionally, construction of the pipeline along Butts Canyon Road would occur within 100 feet of sensitive receptors along this road. The increase in noise from construction could potentially expose sensitive receptors to noise levels in excess of the applicable noise standards. This constitutes a temporary significant impact. **Mitigation Measure 3.10-1** requires that construction activities within the potential to exceed nighttime noise standards at residential uses are limited to daytime hours of 7 a.m. to 7 p.m., consistent the requirements of the Lake County Zoning Ordinance as described above. This measure would minimize the potential for sleep disturbance and would reduce the potential for construction noise to result in a nuisance, since project construction-related noise would be less noticeable during the day due to greater ambient noise levels. Additionally, **Mitigation Measure 3.10-2** requires noise impacts from construction equipment be reduced consistent with the County zoning ordinance by requiring that measures be taken to reduce noise from construction equipment. As a result, this impact is considered to be ***less than significant with mitigation.***

## **Impact**

### **3.10-2 Operational Activities Could Generate a Substantial Temporary or Permanent Increase in Ambient Noise Levels in the Vicinity of the Project in Excess of Standards Established in The Local General Plan or Noise Ordinance, or Applicable Standards of Other Agencies.**

Implementation of Future Phases of the Proposed Project could increase noise levels in resort facilities, residential development, resort amenities, agriculture, and essential accessory uses. (Final EIR, Volume II, p. 3.10-22)

## ***Mitigation Measures***

### **3.10-3 Future Phases Noise Control**

Prior to County approval of conditionally permitted uses which include more substantial exterior noise sources such as amphitheaters and event venues, a noise study shall be prepared by an acoustical engineer that identifies the necessary measures required to achieve compliance with the County's Noise Level Performance Standards at the nearest sensitive receptors. The County shall require that the measures identified in the noise study are implemented as a condition of approval of conditional use permits.

## ***Significance After Mitigation***

The measure described above would ensure acoustical sound analysis be conducted to determine the compatibility of the proposed land uses with sensitive receptors and recommendations would be adhered to. With implementation of the feasible mitigation measures described above, the Proposed Project's impact would be ***less than significant with mitigation.***

## ***Findings***

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR [**Finding (1)**].

## ***Facts in Support of Findings***

### ***Future Phases***

Similar to Phase 1, future phases of development could include increases in resort facilities, residential development, resort amenities, agriculture, and essential accessory uses. The developments could potentially constitute an almost doubling of the Guenoc Valley Site residential, recreational and commercial areas (e.g. outdoor entertainment), and new significant sources of noise could result from this. This would be a **potentially significant impact** for sensitive receptors within the range of influence for new noise sources. However, Future Phases would be obliged to follow applicable State, federal and local regulations and ordinances concerning noise. Furthermore, in accordance with **Mitigation Measure 3.10-3**, for new sources of noise located in close proximity to sensitive receptors, an acoustical sound analysis would be conducted to determine the compatibility of the proposed land uses with sensitive receptors and recommendations will be adhered to. Consequently, this impact would be reduced to ***less than significant***.

## **Impact**

### **3.10-3 Traffic Noise Could Generate a Substantial Temporary or Permanent Increase in Ambient Noise Levels in the Vicinity of the Project in Excess of Standards Established in the Local General Plan or Noise Ordinance, or Applicable Standards of Other Agencies.**

Implementation of Phase 1 and Off-Site Workforce Housing of the Proposed Project would result in an increase of average daily vehicle trip volumes on the local roadway network, causing an increase in noise levels from traffic sources along affected roadway segments. (Final EIR, Volume II, p. 3.10-26)

### ***Mitigation Measures***

**None Available**

### ***Significance After Mitigation***

There are no feasible mitigations for this impact, since access driveway openings would negate any noise reduction that could otherwise be achieved by a sound wall. As a result, the Proposed Project's impact would be considered ***significant and unavoidable***.

## ***Findings***

Traffic noise impacts would remain significant under CEQA. Mitigation measures are not feasible to reduce impacts below significance. Specific economic, legal, social, technological, or other considerations make infeasible additional mitigation measures or project alternatives identified in the Final EIR **[Finding (3)]**.

## ***Facts in Support of Findings***

### ***Phase 1 – Project Level Analysis***

Implementation of the Proposed Project would result in an increase of average daily vehicle trip (ADT) volumes on the local roadway network. The increased traffic volumes would result in an increase in noise levels from traffic sources along affected roadway segments.

Table 3.10-9 of the Draft EIR indicates that some noise sensitive receptors located along the project-area roadways within the County are currently exposed to exterior traffic noise levels exceeding the County's 55 dB L<sub>dn</sub> exterior noise level standard for residential uses under existing conditions without the Proposed Project. These receptors would continue to experience elevated exterior noise levels with implementation of the Proposed Project. Phase 1 would not result in a significant increase in traffic noise levels along the majority of potentially affected roadway segments. However, Phase 1 would cause traffic noise levels at the nearest sensitive receptors along the segment of Butts Canyon Road from SR-29 to Black Oak Hill Road to increase from an acceptable level to above the County's threshold of 55 dba.

Access to existing residential receptors located adjacent to Butts Canyon Road is provided directly from driveways extending from the roadway. Therefore, the use of noise barriers to mitigate traffic noise is not feasible because the access driveway opening would negate any noise reduction that could otherwise be achieved by a sound wall. Thus, this impact is considered ***significant and unavoidable***.

## **Impact**

### **3.10-4 Expose People Residing in or Working in the Project Area to Excessive Noise Levels as a Result of Being Located in the Vicinity of a Private Airstrip or Airport Land Use Plan.**

Noise impacts from operation of the proposed helipads and float plan dock could potentially cause sleep disturbance at the nearest receptors. (Final EIR, Volume II, p. 3.10-27)

## ***Mitigation Measures***

### **3.10-4 Restrict Aircraft and Non-Emergency Helicopter Flight Times**

Inbound and outbound flight times to and from the float dock and helicopter landing pads shall be limited to the hours of 7 a.m. to 9 p.m. every day of the week with exceptions for emergency situations only.

## ***Significance After Mitigation***

The measure described above would limit inbound and outbound non-emergency flights to the hours of 7 a.m. to 9 p.m. to minimize the potential for adverse noise effects and sleep disturbance. With implementation of the feasible mitigation measure described above, the Proposed Project's impact would be **less than significant with mitigation**.

## ***Findings***

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR [**Finding (1)**].

## ***Facts in Support of Findings***

### ***Phase 1 and Future Phases***

The Guenoc Valley Site is not located within the vicinity of an airport land use plan or within 2.0 miles of a public airport but is within approximately one mile of a private airstrip. However, it is anticipated that the airplanes used on the 7-M private airstrip are very small private planes or agricultural aircrafts because this

airstrip is not found on the FAA list of public and private facilities (FAA, n.d.). This private airstrip would not significantly expose people residing or working in the project area to excessive noise levels.

Air transportation and/or arrival will be provided via a proposed float plane dock to be established at Detert Reservoir. Although waterbodies for floatplane landing and takeoffs are not technically considered “airstrips”, this EIR does consider whether floatplane transportation to the site would expose people residing in or working in the project area to excessive noise levels. Noise impacts from operation of the proposed helipads and float plan dock are estimated in **Appendix AVIATION** of the EIR. It is anticipated that the average use of the float plane dock for inbound or outbound flights would be approximately two to three times a week with more frequent use occurring during special events, such as polo field tournaments; however, to provide a conservative analysis, the noise analysis in Appendix AVIATION assumed two operations a day (one arrival and one departure) for the Emergency Response Center Heliport, as well as two operations a day for each runway configurations of the seaplane base (one landing and one take off in each direction) and four operations at the Detert Reservoir Heliport (two take offs and landings).

The nearest sensitive receptor to Detert Reservoir is a residential unit that is approximately 3,500 feet to the west. The floatplane noise at this receptor will be dependent upon the aircraft that is landing and departing. As discussed in Section 3.10.2 above, floatplane noise is greatest at takeoff and can potentially range from 65 to 92 dBA Lmax at a distance of 1,000 feet. While single event noise from floatplane takeoff and flyovers would be a sudden increase in noise, they would occur infrequently and would be brief in nature and therefore only constitute an occasional annoyance. Furthermore, the nearest existing sensitive receptor is separated by hilly and forested landscape that would act as a partial sound barrier. As shown in Section 5.3 of Appendix AVIATION, noise contours from air transportation activities would be restricted to the immediate vicinity of the heliports and the seaplane base and do not extend to the communities in the vicinity of the Guenoc Ranch. Regardless, depending on the flight path and trajectory of takeoffs, these single noise event levels could potentially cause sleep disturbance at the nearest receptors. This is considered a potentially significant impact. **Mitigation Measure 3.10-4** would limit inbound and outbound non-emergency flights to the hours of 7 a.m. to 9 p.m. to minimize the potential for adverse noise effects and sleep disturbance. With mitigation, this impact would be reduced to ***less than significant***.

## **Impact**

### **3.10-5 Cumulative Traffic Noise Could Generate a Substantial Temporary or Permanent Increase in Ambient Noise Levels in the Vicinity of the Project in Excess of Standards Established in The Local General Plan or Noise Ordinance, or Applicable Standards of Other Agencies.**

Implementation of Phase 1, Future Phases, and Off-Site Workforce Housing would cause significant increases in traffic noise levels at the nearest sensitive receptors along the segment of Butts Canyon Road from SR-29 to the project driveways. (Final EIR, Volume II, p. 3.10-29)

## ***Mitigation Measures***

**None Available**

**Significance After Mitigation**

There are no feasible mitigations for this impact since access driveway openings would negate any noise reduction that could otherwise be achieved by a sound wall. As a result, the Proposed Project’s impact would be considered **significant and unavoidable**.

**Findings**

Traffic noise impacts would remain significant under CEQA. Mitigation measures are not feasible to reduce impacts below significance. Specific economic, legal, social, technological, or other considerations make infeasible additional mitigation measures or project alternatives identified in the Final EIR **[Finding (3)]**.

**Facts in Support of Findings**

**Phase 1 and Future Phases**

Under cumulative conditions without the Proposed Project, noise sensitive receptors located along the majority of the project-area roadways within the County are predicted to be exposed to exterior traffic noise levels exceeding the County’s 55 dB L<sub>dn</sub> exterior noise level standard for residential uses. These receptors would experience elevated exterior noise levels with implementation of the Proposed Project. The Proposed Project would cause significant increases in traffic noise levels at the nearest sensitive receptors along the segment of Butts Canyon Road from SR-29 to the project driveways.

Access to existing residential receptors located adjacent to Butts Canyon Road is provided directly from driveways extending from the roadway. Therefore, the use of noise barriers to mitigate traffic noise is not feasible because the access driveway opening would negate any noise reduction that could otherwise be achieved by a sound wall. Thus, this impact is considered **significant and unavoidable**.

**2.11 POPULATION AND HOUSING**

None.

**2.12 PUBLIC SERVICES**

None.

**2.13 TRANSPORTATION AND CIRCULATION**

**Impact**

**3.13-2 Conflict with Program, Plan, Ordinance or Policy Addressing Roadways During Operation Assuming Future Baseline Plus Project Conditions.**

Traffic generation associated with implementation of Phase 1 of the Proposed Project would cause exceedance of acceptable conditions at the intersection of SR-29 and Butts Canyon Road. (Final EIR, Volume II, p. 3.13-24)

**Mitigation Measures**

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

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

- State Route 29 at Butts Canyon Road (Intersection #7) – Installation of an intersection control improvement—roundabout or three-way traffic signal with crosswalks, depending on results of an Intersection Control Analysis (ICE).

### ***Significance After Mitigation***

The measure described above would reduce the impacts at Intersection #7 (State Route 29 at Butts Canyon Road) to a less-than-significant level. With implementation of the feasible mitigation measure described above, the Proposed Project's impact would be ***less than significant with mitigation***.

### ***Finding***

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR [**Finding (1)**]. Regarding the implementation of the related mitigation measure, such changes or alterations are also within the responsibility and jurisdiction of another public agency; California Department of Transportation (Caltrans). Such changes have been adopted by such other agency or can and should be adopted by such other agency [**Finding (2)**].

### ***Facts in Support of Finding***

All of the study intersections would continue to have acceptable conditions under the baseline plus project scenario during the weekday AM and PM peak hours with the exception of Intersection #7 (State Route 29 at Butts Canyon Road), Intersection #20 (State Route 29 at Tubbs Lane) and Intersection #21 (State Route 128 at Tubbs Lane) which would all exceed their established thresholds. At Intersections #20 and #21 in Napa County, the Proposed Project would not increase the traffic on the side street approaches by more than 10 percent at either of these intersections. Therefore, the Proposed Project's contribution to congestion at these intersections would be considered ***less than significant***.

The addition of project traffic at Intersection #7 would be considered a **significant impact** in the baseline plus project scenario. The traffic study identified the following improvements to return the LOS operations at this location to an acceptable level:

State Route 29 at Butts Canyon Road (Intersection #7) – Installation of an intersection control improvement—roundabout or three-way traffic signal with crosswalks, depending on the results of an Intersection Control Analysis (ICE).

Implementation of the above identified improvements, as required by **Mitigation Measure 3.13-1**, would reduce the impacts at Intersection #7 to a ***less-than-significant*** level in the baseline plus project scenario. Therefore, with mitigation, the Proposed Project would not conflict with applicable plans, programs, plans, ordinances, or policies addressing the circulation system.

## Impact

### 3.13-5 Conflict or be Inconsistent with CEQA Guidelines § 15064.3, Subdivision (B).

The Proposed Project would have a higher VMT per capita than the Lake County or Bay Area region averages and would not meet the recommended OPR threshold of a 15 percent reduction in per capita VMT over existing conditions. (Final EIR, Volume II, p. 3.13-27)

## Mitigation Measures

### 3.13-4 Implement a Transportation Demand Management (TDM) Program

Prior to issuance of occupancy permits for Phase 1, the Applicant shall develop and submit to the County a final Transportation Demand Management Program for the Proposed Project. The TDM plan shall identify all feasible measures to reduce the VMT per capita of the Proposed Project to below the regional average to the extent feasible. The County shall verify compliance with the plan prior to issuance of occupancy permits for the Proposed Project. Additionally, the Applicant shall undertake annual monitoring and reporting of the TDM Plan, in accordance with the Draft EIR, Section 1.4 of **Appendix TDM**. Section 1.4 of **Appendix TDM** includes provisions regarding the timing, scope, and implementation of monitoring and reporting requirements, and requires the Applicant to adjust the TDM plan based on the monitoring results. The following strategies shall be identified within the TDM plan to reduce the VMT generated by the Proposed Project:

- *Private Shuttle Service* – There are currently no plans for Lake Transit to run buses along Butts Canyon Road near the project site and the nearest bus stops are about six miles away in Middletown. While it is possible Lake Transit might consider adding a stop on Butts Canyon Road in the future to serve project employees, it is our understanding that there is no funding available for it at this time. Alternatively, the project could potentially provide a frequent direct weekday shuttle service specifically for employees during the peak morning and evening commute periods. This could operate between the project site any and off-site work force housing with a stop at the Lake Transit bus transfer point in Middletown. Please note that shuttles would need be fully accessible to passengers using wheelchairs. It is recommended the applicant also explore providing a real-time smart-phone app that tracks arrivals to make shuttle use more reliable and convenient. Shuttle service for patrons of the project has been assumed as part of this analysis. The current assumption is that regular shuttle service to and from San Francisco and Sacramento will accommodate approximately 40% of resort patrons. The management shall monitor and provide adequate shuttle headways to accommodate all employees and guests who wish to use the shuttle services.
- *Carpool and Ride-Matching Assistance Program* – Although on-site employee parking is limited, the management shall offer personalized ride-matching assistance to pair employees interested in forming commute carpools. As an enhancement, management may consider using specific services such as ZimRide, TwoGo by SAP, Enterprise RideShare, 511.org RideShare or the equivalent.
- *Preferential Parking for Carpoolers/Vanpoolers* – The management shall offer preferential carpool parking for eligible commuters. To be eligible for carpool parking, the carpool shall consist of three or more people. The number of preferential parking spaces will be based on the number of

participants in the program. The management shall monitor and provide adequate carpool spaces to meet or exceed potential demand.

- *Dedicated Parking Spaces for Car Share Services* – The management will set aside parking spaces to be dedicated for use by car share services to serve employees. This is expected to reduce parking demand and GHG emissions associated with the project by providing more flexibility for employees who otherwise utilize alternate modes. The availability of car share services within a project can potentially reduce the demand for employees to own their own cars. Car share services allow for employees to make midday trips without needing to have their own personal vehicle on site. The availability of car share services within a project can potentially reduce the demand for employees to commute by car or even own their own cars. In addition to dedicating parking spaces for car share services for employees, the management may consider dedicating additional parking spaces for car share vehicles dedicated for guest use, if demand exists. The availability of such cars makes traveling to the Project site without a personal vehicle more appealing for some guests. The management shall monitor and provide adequate car share spaces to meet or exceed potential demand.
- *On-Site Sales of Transit Passes* – The building management shall offer direct on-site sales of Lake County Transit Authority transit passes purchased and sold at a bulk group rate to employees. Although Lake Transit Authority does not currently operate transit service to the site directly, some employees who live in the greater Lake County and surrounding areas may take public transit to Middletown and then could take the private shuttle to the Project site. Offering on-site transit pass sales reduces the barrier of purchasing transit passes and provides a bulk discount to employees, further encouraging transit use as a primary commute mode.
- *TDM Coordinator* – Management shall designate a “*TDM coordinator*” to coordinate, monitor and publicize TDM activities. The effectiveness of providing a TDM Coordinator on auto mode share is uncertain but is generally seen as a supportive measure that is beneficial to implement the other TDM measures. The Project sponsor may instruct the management company to designate their on-site manager as the TDM coordinator, or they may designate someone else.
- *Transportation and Commute Information Kiosks* - An information board or kiosk will be located in a common gathering area (e.g., lobby, employee entrance, break, or lunch room). The kiosk will contain transportation information, such as Emergency Ride Home (ERH), transit schedules, bike maps, and 511 ride-matching. Information will be updated periodically by the designated TDM Coordinator.
- *Tenant Performance and Lease Language – TDM Requirements* - For all tenants, the applicant will draft lease language or side agreements that require the identification of a designated contact responsible for compliance and implementation of the TDM program.
- *Tenant/Employer Commute Program Training* - As needed and applicable, the applicant or property management will provide individual tenants of the project with initial TDM (and commute) program

training, and commute program start-up assistance. The overarching goals of this support function are to reduce commute trips for employees and assist with employee marketing and outreach.

- *Employee Transportation Brochure* - All employees will be provided with an Employee Transportation Brochure regarding the Commute Program. This brochure will include (but not be limited to) information about shuttle service, carpool parking, transit opportunities, ride-matching services, bicycle routes, and emergency rides home.

### **3.13-5 Pay a Fair Share towards Pedestrian and Bicycle Improvements**

Prior to issuance of occupancy permits for Phase 1 and future phases, the Applicant shall enter into an agreement with the Lake City/County Area Planning Council to pay a proportionate impact fee towards pedestrian and bicycle improvement projects in Lake County and Middletown.

#### ***Significance After Mitigation***

The measures described above would reduce the (vehicle miles traveled) VMT generation by implementation of the TDM program requiring the applicant to contribute towards pedestrian and bicycle facilities in the County, which could further reduce VMT. However, due to the Project's hospitality focus and rural setting, the measures would not reduce the project-related VMT to 15% below the regional average. As a result, the Proposed Project's impact would be considered ***significant and unavoidable***.

#### ***Finding***

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR **[Finding (1)]**. Regarding the implementation the off-site sewer improvements and related mitigation measures, such changes or alterations are also within the responsibility and jurisdiction of another public agency; Caltrans. Such changes have been adopted by such other agency or can and should be adopted by such other agency **[Finding (2)]**. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR **[Finding (3)]**.

#### ***Facts in Support of Finding***

Neighborhoods within various jurisdictions are expressed geographically in transportation analysis zones, or TAZs. TAZs are used in transportation planning models for transportation analysis and other planning purposes. Based on the MTC Travel Model, the Lake County regional average daily VMT per capita is estimated to be 31.1 in the year 2020 and 30.1 in the year 2040. Project residents are estimated to have similar travel behavior as other residents in the TAZ closest to a project; thus, the VMT per capita estimated by the MTC Model for the TAZ closest to a project site would represent the approximate VMT per capita that would be generated by a project.

Table 3.13-7 of the Draft EIR summarizes the 2020 and 2040 VMT for TAZ 1312, the TAZ which is closest where to the Proposed Project is located, and provides a comparison to regional and county wide averages. It is expected that, as shown for the TAZ, the Proposed Project would have a higher VMT per capita than the Lake County or Bay Area region averages under both 2020 and 2040 conditions; this is due to the rural

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

## **Impact**

### **3.13-8 Conflict with Program, Plan, Ordinance, or Policy Addressing Roadways During Under Cumulative Conditions.**

Implementation of Phase 1 and Future Phases of the Proposed Project would contribute to cumulative traffic congestion beyond acceptable conditions at four intersections on State Route 29: State Route 29 at Butts Canyon Road, State Route 29 at Spruce Grove Road South, State Route 29 at Hidden Valley Road, and State Route 29 at Hartmann. (Final EIR, Volume II, p. 3.13-29)

## ***Mitigation Measures***

### **Guenoc Valley Site: Phase 1**

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

**Mitigation Measure 3.13-1** is set forth in full in **Section 2.13** in relation to **Impact 3.13-2**.

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

The Developer shall execute and deliver to Caltrans an agreement that requires payment, or provides bonding for, a proportionate share of the construction costs of the following improvements. The timing for collection of the fees and implementation of the improvements will be at the discretion of Caltrans as the lead agency.

- State Route 29 at Hartmann Road (Intersection #5) – Expansion of the existing roundabout or other intersection control improvement, depending on the results of an Intersection Control Analysis (ICE). (required under Baseline plus Phase 1)
- State Route 29 at Spruce Grove Road South (Intersection #3) – Installation of an intersection control improvement—roundabout or three-way traffic signal with crosswalks, depending on results of an Intersection Control Analysis (ICE). (required under cumulative plus Phase 1)
- State Route 29 at Hidden Valley Road (Intersection #4) – Installation of an intersection control improvement, roundabout or four-way traffic signal with crosswalks, depending on results of an Intersection Control Analysis (ICE). (required under cumulative plus Phase 1)

### **Guenoc Valley Site: Future Phases**

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

**Mitigation Measure 3.13-1** is set forth in full in **Section 2.13** in relation to **Impact 3.13-2**.

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

**Mitigation Measure 3.13-2** is set forth in full above.

#### **3.13-3 Conduct Traffic Study and Implement Mitigation for Future Phases**

As specified in the Development Agreement, an updated Project Level traffic impact analysis shall be completed prior to approval of future Project phases to determine if future phases would conflict with adopted circulation plans and policies. Improvement measures determined for future phases shall be coordinated with applicable jurisdictional agencies as appropriate, including Lake County, Napa County, City of Calistoga, and Caltrans.

### ***Significance After Mitigation***

#### **Guenoc Valley Site: Phase 1**

The measures described above would reduce impacts at Intersection #3, #4, #5, and #7 to a less-than-significant level in the cumulative plus project phase 1 scenario. With implementation of the feasible mitigation measures described above, the Proposed Project's Phase 1 impact would be **less than significant with mitigation**.

### **Guenoc Valley Site: Future Phases**

Certain improvements that may be required under Future Phases, including improvements to intersections in Napa County, may not be within the control of the County, and future phases of the Proposed Project could cause conflicts with applicable plans, programs, plans, ordinances or policies addressing the circulation system. As a result, Future Phases of the Proposed Project's impact would be considered **significant and unavoidable**.

### ***Finding***

#### **Guenoc Valley Site: Phase 1**

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR **[Finding (1)]**. Regarding the implementation of the TDM Program and related mitigation measures, such changes or alterations are also within the responsibility and jurisdiction of another public agency; Caltrans. Such changes have been adopted by such other agency or can and should be adopted by such other agency **[Finding (2)]**.

### **Guenoc Valley Site: Future Phases**

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR **[Finding (1)]**. Regarding the

implementation of the TDM Program and related mitigation measures, such changes or alterations are also within the responsibility and jurisdiction of another public agency; Caltrans. Such changes have been adopted by such other agency or can and should be adopted by such other agency [**Finding (2)**]. Specific economic, legal, social, technological, or other considerations make infeasible additional mitigation measures or project alternatives identified in the Final EIR [**Finding (3)**].

### ***Facts in Support of Finding***

#### **Phase 1 – Project Level Analysis**

All of the signalized study intersections would continue to have acceptable conditions during the weekday AM and PM peak commute hours with the exception of Intersection #3 (State Route 29 at Spruce Grove Road South), Intersection #4 (State Route 29 at Hidden Valley Road), Intersection #5 (State Route 29 at Hartmann Road), Intersection #7 (State Route 29 at Butts Canyon Road), Intersection #20 (State Route 29 at Tubbs Lane) and Intersection #21 (State Route 128 at Tubbs Lane) which would all exceed their established thresholds. At Intersections #20 and #21 in Napa County the Proposed Project would not increase the traffic on the side street approaches by more than 10 percent at either of these intersections, and therefore the Proposed Project's contribution to congestion at these intersections would be considered less than significant.

The addition of project traffic at Intersection #7, Butts Canyon Road and SR-29, would be considered a significant impact in the cumulative plus project phase 1 scenario. Impacts to Intersection #7 were also identified in the baseline plus project scenario. Implementation of MM 3.13-1, described above, would also reduce the impacts to this intersection in the cumulative plus project phase 1 scenario to less than significant.

The addition of project traffic at Intersections #3, #4, #5 would be considered a significant impact in the cumulative plus project phase 1 scenario. The traffic study identified the following improvements to return the LOS operations at these location to an acceptable level:

State Route 29 at Spruce Grove Road South (Intersection #3) – Installation of a three-way traffic signal with crosswalks.

State Route 29 at Hidden Valley Road (Intersection #4) – Installation of a three-way traffic signal with crosswalks.

State Route 29 at Hartmann (Intersection #5) – Installation of a three-way traffic signal with crosswalks.

Implementation of the above identified improvements, as required by MM 3.13-2, would reduce the impacts at Intersection #3, #4, and #5, respectively, to a less-than-significant level in the cumulative plus project phase 1 scenario. Therefore, with mitigation, the Phase 1 would not conflict with applicable plans, programs, plans, ordinances, or policies addressing the circulation system, and impacts would be reduced to ***less than significant***.

#### **Future Phases – Program Level Analysis**

All of the signalized study intersections would continue to have acceptable conditions during the weekday AM and PM peak commute hours with the exception of Intersection #3 (State Route 29 at Spruce Grove Road South), Intersection #4 (State Route 29 at Hidden Valley Road), Intersection #5 (State Route 29 at Hartmann Road), Intersection #7 (State Route 29 at Butts Canyon Road), Intersection #20 (State Route 29 at Tubbs Lane) and Intersection #21 (State Route 128 at Tubbs Lane) which would all exceed their established thresholds.

The addition of traffic from Future Phases at Intersections #3, #4, #5, and #7 would be considered significant impacts in the cumulative plus future phases scenario. Impacts to Intersections #3, #4, #5, and #7 were also identified in the cumulative plus project phase 1 scenario. Implementation of **MM 3.13-2**, described above, would also reduce the impacts at Intersections #3, #4, and #5 to a less-than-significant level in the cumulative plus future phases scenario.

As shown in Appendix TIA of the Draft EIR, Intersection #7 would continue to experience unacceptable operations in the cumulative plus future phases scenario after implementation of **MM 3.13-1**. This would be considered a significant impact. The traffic study identified the following improvements to return the LOS operations at Intersection #7 to an acceptable level:

State Route 29 at Butts Canyon Road (Intersection #7) – Construction of an additional through lane on both State Route 29 approaches.

The addition of project traffic in the cumulative plus future phases scenario would increase the side street approaches by more than 10 percent at Intersections #20 and #21 in Napa County which would be considered a significant impact. The traffic study identified the following improvements to return the LOS operations at these locations to an acceptable level:

State Route 29 at Tubbs Lane (Intersection #20) – Installation of a three-way traffic signal with crosswalks.

State Route 128 at Tubbs Lane (Intersection #21) – Installation of a three-way traffic signal with crosswalks.

Implementation of the above identified improvements would reduce the impacts at Intersection #7, #20 and #21 in the cumulative plus future phases scenario. However, improvements to these locations cannot be guaranteed as the improvements would be outside the jurisdiction of Lake County.

Future Phases of the Proposed Project would be subject to additional environmental review in accordance with CEQA. Implementation of **MM 3.13-3** requires that traffic impact studies be prepared prior to approval of future phases and mitigation measures be developed as appropriate to address any conflicts with circulation policies resulting from future proposed development. However, because certain improvements that may be required under Future Phases, including improvements to intersections in Napa County, may not be within the control of the County, future phases of the Proposed Project could cause conflicts with applicable plans, programs, plans, ordinances or policies addressing the circulation system. This impact is considered ***significant and unavoidable***.

## 2.14 UTILITIES

None.

## 2.15 ENERGY

### Impact

#### 3.15-1 Significant Environmental Impacts Due to Wasteful, Inefficient, or Unnecessary Consumption of Energy Resources during Construction.

Implementation of Phase 1 and Future Phases of the Proposed Project could result in wasteful or inefficient use of energy during construction. (Final EIR, Volume II, p. 3.15-10)

### *Mitigation Measures*

#### 3.3-1 Measures to Reduce Short-term Construction Related Emissions

**Mitigation Measure 3.3-1** is set forth in full in **Section 2.3** in relation to **Impact 3.3-1**.

#### 3.7-1 Operational GHG Emissions

**Mitigation Measure 3.7-1** is set forth in full in **Section 2.7** in relation to **Impact 3.7-1**.

### *Significance After Mitigation*

The measures described above would reduce fuel and energy use during all stages of construction and avoid the wasteful, inefficient, or unnecessary consumption of fuel energy. With implementation of the feasible mitigation measures described above, the Proposed Project's Phase 1 impact would be ***less than significant with mitigation***.

### *Finding*

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR [**Finding (1)**].

### *Facts in Support of Finding*

#### ***Phase 1 and Future Phases – Construction Energy Requirements***

Project construction would consume energy in two primary forms: (1) fuel energy consumed by construction vehicles and equipment; and (2) bound energy in construction materials, such as asphalt, steel, concrete, pipes, and manufactured or processed materials such as lumber and glass. These are discussed below.

#### ***Energy Consumed by Construction Vehicles and Equipment***

Fossil fuels used for construction vehicles and other equipment would be used during site clearing, grading, paving, and building. Fuel consumed during construction would be temporary in nature and would not represent a significant demand on available fuel, beyond normal construction fuel usage. There are no unusual project characteristics that would necessitate the use of construction equipment that would be less energy-efficient than at comparable construction sites in the region or State.

Additionally, project-related design features and mitigation measures would provide fuel and energy reduction during construction. Overall fuel and energy reductions are difficult to quantify; however, certain air quality (Section 3.3 of the Draft EIR) emission reduction measures would also reduce fuel and electricity use during construction of the Proposed Project. As described in Section 3.3.4 of the Draft EIR, construction of the Proposed Project would use all Tier 4 Final off-road equipment to the maximum extent feasible, except for paving equipment. This would significantly reduce fuel consumption and increase energy efficiency of construction equipment. **Mitigation Measure 3.3-1** would reduce energy consumption by requiring the contractor to minimize equipment idling time. These mitigation measures would reduce fuel and energy use during all stages of construction and avoid the wasteful, inefficient, or unnecessary consumption of fuel energy. Additionally, all diesel-fueled construction vehicles would be required to meet the latest emissions standards. Therefore, construction of the Proposed Project would not result in inefficient, wasteful, or unnecessary consumption of fuel energy as it would comply with relevant standards.

## **Impact**

### **3.15-2 Significant Environmental Impacts due to Wasteful, Inefficient, or Unnecessary Consumption of Energy Resources During Operation.**

Implementation of Phase 1 and Future Phases of the Proposed Project will result in the consumption of energy, propane, and transportation fuel, which could potentially be wasteful or inefficient. (Final EIR, Volume II, p. 3.15-11)

## ***Mitigation Measures***

### **3.7-1 Operational GHG Emissions**

**Mitigation Measure 3.7-1** is set forth in full in **Section 2.7** in relation to **Impact 3.7-1**.

### **3.13-4 Implement a Transportation Demand Management (TDM) Program**

**Mitigation Measure 3.13-4** is set forth in full in **Section 2.13** in relation to **Impact 3.13-5**.

## ***Significance After Mitigation***

The measures described above would result in a net zero increase in demand for electricity, and would reduce the consumption of propane. With implementation of the feasible mitigation measures described above, the Proposed Project's Phase 1 impact would be ***less than significant with mitigation***.

## ***Finding***

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR [**Finding (1)**].

## ***Facts in Support of Finding***

### ***Phase 1 and Future Phases – Operational Phase Energy Use***

The operational phase would consume energy for multiple purposes including, but not limited to, building heating and cooling, refrigeration, lighting, electronics, office equipment, and commercial machinery (including kitchen appliances). Operational energy would also be consumed during each vehicle trip associated with these proposed uses. The following discussion of operational energy use begins with a

discussion of on-site energy use and conservation measures, which is followed by a discussion of transportation energy use and conservation.

### ***On-Site Renewable Energy Generation and Conservation Measures***

In accordance with California Energy Code Title 24, the Proposed Project would be required to meet the 2019 Building Energy Efficiency Standards for residential and non-residential construction. This includes standards for water and space heating and cooling equipment; insulation for doors, pipes, walls and ceilings; and appliances, to name a few.

The Proposed Project would also be eligible for rebates and other financial and tax incentives from the CEC, CPUC, state and federal taxing authorities, PACE program administrators, and due to the purchase of energy-efficient appliances and systems, which would also further reduce the overall operational energy demand of the Proposed Project. As described in Section 2.0 of the Draft EIR, the Proposed Project includes the implementation of ground-mounted solar arrays, energy storage, EV charging stations and micro-grids.

As discussed in Section 3.7 of the Draft EIR, the Proposed Project includes a number of design measures that would reduce the energy demands of the Proposed Project. These design measures, as well as additional energy conserving measures, have been incorporated into **Mitigation Measure 3.7-1**. Further, Mitigation Measure 3.7-1 requires achievement of zero net energy residential buildings through installation of solar photovoltaic systems. Additionally, **Mitigation Measure 3.7-1** requires achievement of zero net energy commercial buildings, through the use of rooftop or on-site photovoltaic systems, with or without storage, or the acquisition of renewable energy or energy credits from another source, or generation onsite. These measures would result in zero net energy, meaning that on a community-wide basis, the actual annual consumed energy will be less than or equal to the renewable generated energy utilized. Accordingly, implementation of **Mitigation Measure 3.7-1** would also reduce the annual measures would result in a net zero increase in demand for electricity, and would reduce the consumption of propane.

As discussed in Section 4.13 of the Draft EIR, the Proposed Project includes a number of components which result in an overall reduction in VMT. **Mitigation Measure 3.13-4** provides a menu of VMT reduction strategies that may be incorporated in the Transportation Demand Management (TDM) Program for the Proposed Project. Measures include providing EV charging stations, private shuttle services, a carpool and ride-matching assistance program, and preferential parking for carpoolers. The reduction in VMT due to implementation of the TDM program would result in a reduction in gasoline consumption.

### ***Summary of Operational Energy Consumption***

The Proposed Project will result in the consumption of energy, propane, and transportation fuel. This is a *potentially significant* impact. As discussed above, various proposed design features and mitigation measures would be implemented to ensure the more efficient use of energy resources during project operation. With mitigation, the Proposed Project would not result in the wasteful, inefficient, or unnecessary consumption of energy resources. Therefore, this impact would be considered ***less than significant with mitigation***.

## 2.16 WILDFIRE

### Impact

#### 3.16-3 **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.**

Implementation of the Proposed Project could temporarily increase fire risk during infrastructure installation. (Final EIR, Volume II, p. 3.16-11)

### ***Mitigation Measures***

#### 3.16-1 **Fire Prevention during Construction**

Any construction equipment that normally includes a spark arrester shall be equipped with an arrester in good working order. This includes, but is not limited to, vehicles, heavy equipment, and chainsaws. During construction, staging areas and areas slated for development using spark-producing equipment shall be cleared of dried vegetation or other materials that could serve as fire fuel. To the extent feasible, the contractor shall keep these areas clear of combustible materials in order to maintain a firebreak. Additionally, the following measures shall be required on the Guenoc Valley Site:

- Every work area shall have one round tip shovel, and one water type fire extinguisher accessible within 10 feet.
- Portable Fire Extinguisher rated at a minimum of 4/ABC or larger shall be in every vehicle, or piece of equipment except for privately owned vehicles.
- In general, during fire season, mowing of vegetation should be completed prior to noon.
- Hot Work shall have Fire Watch in place during and 30 minutes after.
- Persons activating 911 shall know where they are on property to give directions.
- All persons shall have access to a cell phone or radio system to activate 911.
- Persons activating 911 shall arrange an escort from the entrance at 22000 Butts Canyon Road to the location of the emergency for the first arriving emergency apparatus.
- Each construction site shall be provided with a hand held pressurized air horn such as a marine device (or similar) to alert others of an emergency.

### ***Significance After Mitigation***

The measures described above would reduce the probability of equipment accidentally igniting a fire during construction by requiring fully functioning spark arresters on appropriate equipment and requiring that vegetation be cleared prior to using spark-inducing equipment. With implementation of the feasible mitigation measures described above, the Proposed Project's impact would be ***less than significant with mitigation***.

### ***Finding***

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR **[Finding (1)]**.

## ***Facts in Support of Finding***

### ***Guenoc Valley Site Phase 1 and Future Phases***

As discussed in Section 2.5 of the Draft EIR, the Proposed Project includes installation of infrastructure such as roads, fuel breaks, wastewater collection systems, powerlines, and propane tanks. During infrastructure installation, construction equipment could temporarily increase fire risk, resulting in a potentially significant impact. Implementation of **Mitigation Measure 3.16-1** would reduce the probability of equipment accidentally igniting a fire during construction by requiring fully functioning spark arresters on appropriate equipment and requiring that vegetation be cleared prior to using spark-inducing equipment.

Operation and maintenance of infrastructure, with the exception of powerlines and propane tanks would have low impacts to the environment in terms of fire risk, because they would not be combustible or induce sparks. As discussed in Appendix FIRE of the Draft EIR, powerlines and propane tanks would be located underground, avoiding the potential for starting a fire. All infrastructure would be built according to applicable Federal and State regulations, such as, but not limited to, the Code of Federal Regulations and California Public Utility Codes for underground electrical facilities and gas lines. Furthermore, new and existing infrastructure would be properly maintained to reduce fire risk and vegetation would be managed according to the Wildfire Prevention Plan (Appendix FIRE of the Draft EIR), which would ensure that fuel levels remain low to reduce the probability of igniting a fire. The addition of new roads throughout the Guenoc Valley Site could increase fire risk by adding cars that could spark or cigarette litter. However, all primary roads would include at least 50 feet of fuel reduction zones on each side of the road, which would reduce this risk (see Appendix FIRE of the Draft EIR). Implementation of **Mitigation Measure 3.16-1**, conformance to regulatory requirements, and the Wildfire Prevention Plan would reduce the impact of fire risk from infrastructure to a ***less-than-significant*** level.

### ***Off-Site Workforce Housing***

Off-Site workforce housing would include the installation of infrastructure such as roads, powerlines, sewer lines, and water lines. Construction activities associated with the installation of this infrastructure may also cause a temporary increase in fire risk. This is a potentially significant impact. Implementation of **Mitigation Measure 3.16-1** would reduce the risk of igniting a fire during construction to less-than-significant levels. Additionally, the powerlines and gas lines would be underground to lower fire risks. This infrastructure would be build according to applicable Federal and State regulations for underground electrical facilities and gas lines. Implementation of **Mitigation Measure 3.16-1** and conformance to regulatory requirements would reduce the impact of fire risk from infrastructure to a ***less-than-significant*** level.

### ***Off-Site Infrastructure***

The off-site well and water pipeline installation may also cause a temporary increase in fire risk. This is a potentially significant impact. Implementation of **Mitigation Measure 3.16-1** would reduce the risk of igniting a fire during construction to ***less-than-significant*** levels. Operation of the well and water pipeline would not exacerbate wildfire risk.

## Impact

### 4.16-4 Expose People or Structures to Significant Risks, Including Downslope or Downstream Flooding or Landslides, as a Result of Runoff, Post-Fire Slope Instability, or Drainage Changes.

Phase 1, Future Phases, and Off-Site Workforce Housing would be developed in an area of steep slopes, that could result, during rain events after a fire, in flash flooding and mud or debris flows. (Final EIR, Volume II, p. 3.16-12)

## Mitigation Measures

### 3.16-2 Post Wildfire Emergency Response

Any construction equipment that normally includes a spark arrester shall be equipped with an arrester in good working order. This includes, but is not limited to, vehicles, heavy equipment, and chainsaws. During construction, staging areas and areas slated for development using spark-producing equipment shall be cleared of dried vegetation or other materials that could serve as fire fuel. To the extent feasible, the contractor shall keep these areas clear of combustible materials in order to maintain a firebreak. Additionally, the following measures shall be required on the Guenoc Valley Site:

- Every work area shall have one round tip shovel, and one water type fire extinguisher accessible within 10 feet.
- Portable Fire Extinguisher rated at a minimum of 4/ABC or larger shall be in every vehicle, or piece of equipment except for privately owned vehicles.
- In general, during fire season, mowing of vegetation should be completed prior to noon.
- Hot Work shall have Fire Watch in place during and 30 minutes after.
- Persons activating 911 shall know where they are on property to give directions.
- All persons shall have access to a cell phone or radio system to activate 911.
- Persons activating 911 shall arrange an escort from the entrance at 22000 Butts Canyon Road to the location of the emergency for the first arriving emergency apparatus.
- Each construction site shall be provided with a hand held pressurized air horn such as a marine device (or similar) to alert others of an emergency.

## Significance After Mitigation

The measure described above would require that after a wildfire, soil stabilization measures are implemented and included in a post wildfire emergency response plan approved by the South Lake County Fire Protection District. With implementation of the feasible mitigation measure described above, the Proposed Project's impact would be ***less than significant with mitigation***.

## Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR **[Finding (1)]**.

## ***Facts in Support of Finding***

### ***Guenoc Valley Site Phase 1 and Future Phases***

After the event of a wildfire, the environment would be altered, especially vegetation cover. Vegetation typically absorbs rainfall and holds soil in place. The elimination of vegetation can reduce the ability of the soil to absorb water and cause sediments to flow down slopes. During rain events, these landscapes are very susceptible to flash flooding and sediment can collect in channels and cause mud or debris flows, a type of landslide (NOAA, 2015). Structures are most at risk from post-fire flooding and slope instability if they are adjacent to steep slopes. The Guenoc Valley Site contains many steep slopes, (see page 10 of Appendix FIRE of the Draft EIR). The majority of the steep slopes are included in the dedicated open space area. However, some of the Phase 1 resort communities are located downslope from the steep slopes. Additionally, future phases may include the development of housing or structures downslope from steep slopes. This is a **potentially significant** impact.

**Mitigation Measure 3.16-2** will require that after a wildfire, soil stabilization measures are implemented and included in a post wildfire emergency response plan (PWERP) approved by the South Lake County Fire Protection District (SLCFPD). Furthermore, the PWERP will specifically include an action to develop a long-term recovery and restoration plan to remediate the burned areas, and thus reduce potential hazards in the future to the public and property. Implementation of **Mitigation Measure 3.16-2** will reduce the impact to a **less-than-significant** level.

### ***Off-Site Workforce Housing***

Although there are no steep slopes on the Middletown Housing Site, the property is adjacent to Dry Creek and is already subject to flood hazards. Thus, after a wildfire, there may be potentially significant impacts related to flooding or debris flows. Implementation of **Mitigation Measure 3.16-2** will ensure that a PWERP is in place to stabilize the soil and prevent risks from post-fire drainage changes. With this mitigation, the impact is **less than significant**.

## **Impact**

### **4.16-5 Expose People or Structures, Either Directly or Indirectly, to a Significant Risk of Loss, Injury or Death Involving Wildland Fires.**

Implementation of Phase 1, Future Phases, and Off-Site Workforce Housing would establish residential uses and commercial resort uses that could expose people and structures to a significant risk of loss involving wildland fires. (Final EIR, Volume II, p. 3.16-13)

### ***Mitigation Measures***

#### **3.16-2 Post Wildfire Emergency Response**

**Mitigation Measure 3.16-2** is set forth in full in **Section 2.16** in relation to **Impact 3.16-4**.

### ***Significance After Mitigation***

The measure described above would require that after a wildfire, soil stabilization measures are implemented and included in a post wildfire emergency response plan approved by the South Lake County

Fire Protection District. With implementation of the feasible mitigation measure described above, the Proposed Project's impact would be *less than significant with mitigation*.

### ***Finding***

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR [**Finding (1)**].

### ***Facts in Support of Finding***

#### ***Guenoc Valley Site Phase 1 and Future Phases***

The Guenoc Valley Site contains Moderate to Very High Fire Hazard Severity Zones as designated by Cal Fire and large portions of the site have burned in historic wildfires. By establishing residential uses and commercial resort uses within this area, the Proposed Project could expose people and structures to a significant risk of loss involving wildland fires. The Wildfire Prevention Plan (Appendix FIRE of the Draft EIR) is incorporated into the Proposed Project and includes extensive fire management techniques to significantly reduce the risk of wildfire ignition, spread, and damage. These techniques include fire breaks, active landscape management, and irrigated green belt. Typical fire breaks along roads would include 50 feet of fuel reduction zone on each side of the 25 foot primary roads, totaling 125 feet of fire breaks along roads. At final occupancy of each structure, applicable fire breaks along roadways providing access to that structure shall be installed. Further, at the time of the recording of the last final map for each of the five subdivision groups (Bohn Ridge Subdivision, Equestrian Subdivision, Maha Farms Subdivision, Denniston Golf Estates Subdivision, and Trout Flat Subdivision), the full roadway fire break network shall be completed within that subdivision. There would also be 100-foot fire breaks along particularly vulnerable areas along the Guenoc Valley Site boundary. Actively managed landscape areas would include year-round grazing and manual vegetation removal. Cattle, goats, and sheep would rotate throughout the Guenoc Valley Site to reduce overgrown flammable vegetation. Irrigated agricultural operations would interrupt potential wildfire movement throughout the site. Outdoor recreational amenities such as the golf course and equestrian fields would be regularly irrigated and provide an additional fire break. The reservoirs, ponds, and streams within the Guenoc Valley Site also reduce the spread of fires throughout the site. (Appendix FIRE of the Draft EIR)

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

The proposed on-site emergency response and fire center includes a fire station, medical supplies, and an emergency helipad. The Proposed Project also includes six Designated Meeting and Staging Areas for residents, visitors, and employees to gather for safety and assistance. Fire hydrants will be located

throughout the site and be designed to maintain a minimum of a two-hour flow. Surface water sources can also be drawn upon by fire engines or helicopter buckets in the case of a wildfire emergency.

**Mitigation Measure 3.16-2** requires the preparation of a PWERP with post-fire response measures to reduce the risk of loss, injury or death as a result of wildfires. Implementation of the Wildfire Prevention Plan (Appendix FIRE of the Draft EIR), **Mitigation Measure 3.16-2**, and the California Fire Code will reduce the risks from wildfires to *less-than-significant* levels.

### ***Off-Site Workforce Housing***

As discussed above, the Middletown Housing Site has less of a risk for wildfires than the Guenoc Valley Site. However, it is still within a Moderate Fire Hazard Severity Zone designated by Cal Fire, so there is a potentially significant risk of loss, injury or death involving wildfires. **Mitigation Measure 3.16-2** requires the preparation of a PWERP with post-fire response measures including clearing of evacuation routes and post-fire stabilization. The proposed housing would comply with the California Fire Code and CBC and include fire resistant building materials and smoke detectors. Implementation of **Mitigation Measure 3.16-2** and compliance with the California Fire Code, CBC, General Plan, and Community Wildfire Protection Plan, reduces the direct and indirect risks to structures and risk of loss, injury, or death to *less-than-significant* levels.

## **3.0 FINDINGS REGARDING MITIGATION MEASURES**

### **3.1 MITIGATION MEASURES ADOPTED**

The mitigation measures referenced herein are those identified in the Final EIR. The mitigation measures described in Section 2.0 of these findings are incorporated as conditions of approval of the project and are set forth in the MMRP.

### **3.2 IMPACTS AFTER IMPLEMENTATION OF MITIGATION MEASURES**

Except as otherwise stated in these Findings, in accordance with CEQA *Guidelines* §15092, the County finds that environmental effects of the Proposed Project will not be significant or will be mitigated to a less-than-significant level by the adopted mitigation measures. All significant environmental effects have been eliminated or substantially lessened to the extent feasible. The County has determined that any remaining significant effects on the environment that are found to be unavoidable are acceptable due to overriding considerations described in **Section 5.0**. These overriding considerations consist of specific social, and economic benefits of the project that justify its approval and outweigh its unavoidable adverse environmental effects, as more fully stated in **Section 5.0**. Except as otherwise stated in these Findings, the County finds that the mitigation measures incorporated into and imposed upon the Proposed Project will not have new significant environmental impacts that were not analyzed in the EIR.

### **3.3 RELATIONSHIP OF FINDINGS TO FINAL EIR**

These Findings are intended to summarize and describe the contents and conclusions of the Final EIR for policymakers and the public. In the event that there is any inconsistency between the descriptions of

mitigation measures in these Findings and the Final EIR, the County and/or Lotusland Investment Holdings, Inc. will implement the measures as they are described in these Findings.

## **4.0 FINDINGS REGARDING ALTERNATIVES**

### **4.1 INTRODUCTION**

PRC §21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives... which would substantially lessen the significant environmental effects of such projects.” CEQA requires an EIR to consider a reasonable range of alternatives to a proposed project or to the location of the proposed project which would “feasibly attain most of the basic objectives of the project” (CEQA *Guidelines* §15126.6[a]). CEQA *Guidelines* §15126.6(f) limits the alternatives that must be considered in the EIR to those “that would avoid or substantially lessen any of the significant effects of the project.”

Where a lead agency has determined that, even after the adoption of all feasible mitigation measures, a project as proposed will still cause one or more potentially significant adverse environmental effects that cannot be substantially lessened or avoided, the agency, prior to approving the project as mitigated, must first determine whether, with respect to such impacts, there remain any project alternatives that are both environmentally superior and feasible within the meaning of CEQA.

This section describes how the County developed the range of alternatives analyzed in the EIR, summarizes the Proposed Project’s potentially significant impacts, discusses the project objectives, and considers the merits and feasibility of each of the alternatives.

### **4.2 RANGE OF ALTERNATIVES**

Pursuant to the requirements of CEQA Guidelines Section 15126.6 and in light of the project objectives, the following alternatives to the project were identified and evaluated in the Final EIR:

- Alternative A: No Project Alternative/No Build Alternative
- Alternative B: Reduced Density, Similar Development Footprint
- Alternative C: High Density, Compact Development Footprint Alternative

The County finds that the alternatives analysis is sufficient to inform the County and the public regarding the tradeoffs between the degree to which alternatives could reduce environmental impacts and the corresponding degree to which the alternatives would hinder achievement of the project objectives and/or be infeasible. The County finds that the range of alternatives studied in the EIR reflects a reasonable analysis of various types of alternatives that would potentially be capable of reducing the environmental effects of the Proposed Project. The three alternatives analyzed in the EIR (as well as the Proposed Project) cover a comprehensive range of reasonable possibilities in support of the final action of the County.

## 4.3 DISCUSSION OF ALTERNATIVES ANALYZED IN THE EIR

### ***Discussion of Criteria for Considering Adoption of Project Alternatives***

The factors that may be considered by a lead agency in evaluating alternatives analyzed in an EIR include (1) the ability to avoid or substantially lessen potentially significant environmental impacts of the proposed project, (2) the ability to achieve project objectives, and (3) feasibility of the alternatives. Each of these considerations is discussed in more detail below as it relates to the Proposed Project.

### ***The Ability of an Alternative to Avoid or Substantially Lessen Potentially Significant Environmental Impacts***

CEQA does not require a lead agency to consider adopting project alternatives simply because they perform better than a proposed project in some respects. In considering whether to adopt a specific project alternative, CEQA requires the lead agency to determine whether the alternative has the potential to avoid or substantially lessen the proposed project's significant environmental effects (PRC §21002). The significant environmental impacts of the Proposed Project that the alternatives seek to eliminate or reduce were determined and based upon the findings contained within each technical section evaluated in the Final EIR, Volume II, Section 3.0, Environmental Analysis. Construction of the Proposed Project could result in potential short-term impacts associated with air quality, biological resources, cultural resources, geology and soils, hazardous materials, hydrology and water quality, noise, energy, and wildfire. Project design, regulatory requirements, and mitigation measures would reduce all potential short-term impacts associated with construction to a less-than-significant level. Operation and maintenance of the Proposed Project would result in potential impacts associated with aesthetics, land use and agriculture, air quality, biological resources, geology and soils, greenhouse gas (GHG) emissions, hazardous materials, hydrology and water quality, noise, transportation and traffic, and wildfire. Project design, regulatory requirements, and recommended mitigation measures would reduce most potential long-term impacts to a less than significant level. Per the EIR analysis, the following impacts were determined to be ***significant and unavoidable***:

#### **Proposed Project – Phase 1**

- 3.1-1 Aesthetics: Degrade a scenic vista or the existing visual character or quality of public views - Project Specific Impact. The visual alteration of the Guenoc Valley Site resulting from construction of the Primary Access Road Option 2 at McCain Canyon would constitute a significant and unavoidable impact to the visual character and scenic views of the site.
- 3.2-3 Agricultural Resources: Convert prime farmland, unique farmland, or farmland of statewide importance (important farmland), as shown on maps prepared pursuant to the FMMP of the California Resources Agency, to non-agricultural use. Phase 1 of the Proposed Project would convert approximately 50.5 acres of Important Farmland to non-agricultural use.
- 3.7-1 Greenhouse Gas Emissions: Generate emissions of GHGs that may have a significant impact on the environment - Cumulative Impact. Phase 1 would result in emissions of GHGs that would contribute on a cumulative level to impacts associated with climate change.
- 3.7-2 Greenhouse Gas Emissions: Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases – Cumulative impact. Phase 1 would result in a major increase in GHG emissions above BAAQMD thresholds and therefore conflict with the AB 32 Scoping Plan.

- 3.10-5 Noise: Substantial Increase in Traffic Noise – Project Specific and Cumulative Impact. The Proposed Project would cause a substantial increase in traffic related noise at sensitive receptors located along Butts Canyon Road between SR-29 and the project driveways.
- 3.13-5 Traffic: Generation of Vehicle Miles Traveled (VMT) above regional average – Project specific impact. Phase 1 would not meet the recommended OPR threshold of a 15 percent reduction in per capita VMT below the regional average.

### **Proposed Project – Future Phases**

- 3.1-1 Aesthetics: Degrade a scenic vista or the existing visual character or quality of public views - Project Specific Impact. Depending on the location, scale, design, and density of the proposed development, future phases under the proposed zoning designation of Guenoc Valley District (GVD) could substantially alter the visual character or scenic vistas of the Guenoc Valley Site as viewed from public vantage points, from rural to urban development. The visual alteration of the Guenoc Valley Site under future phases is conservatively assumed to constitute a significant and unavoidable impact to the visual character and scenic views of the site.
- 3.2-3 Agricultural Resources: Convert prime farmland, unique farmland, or farmland of statewide importance (important farmland), as shown on maps prepared pursuant to the FMMP of the California Resources Agency, to non-agricultural use. Depending on the location, future phases under the GVD could convert Important Farmland to non-agricultural use.
- 3.7-1 Greenhouse Gas Emissions: Generate emissions of GHGs that may have a significant impact on the environment – Cumulative Impact. Future phases under the GVD would result in emissions of GHGs that would contribute on a cumulative level to impacts associated with climate change.
- 3.7-2 Greenhouse Gas Emissions: Generate emissions of GHGs that may have a significant impact on the environment – Cumulative Impact. Future phases under the GVD would result in emissions of GHGs that would contribute on a cumulative level to impacts associated with climate change.
- 3.10-5 Noise: Substantial Increase in Traffic Noise – Cumulative Impact. The Proposed Project would cause a substantial increase in traffic related noise at sensitive receptors located along Butts Canyon Road between SR-29 and the project driveways.
- 3.13-5 Traffic: Generation of VMT above regional average – Project specific impact. Future Phases would not meet the recommended OPR threshold of a 15 percent reduction in per capita VMT below the regional average.
- 3.13-8 Traffic: Intersection Level of Service – Cumulative impact. Future Phases of the Proposed Project would cause the level of service at the intersection of SR 29 and Butts Canyon Road and two intersections within the County of Napa to exceed acceptable levels.

Pursuant to CEQA a lead agency may reject a project alternative that is incapable of avoiding or substantially lessening a proposed project's potentially significant and unavoidable impacts (see *Laurel Hills Homeowners Association v. City Council* [1978] 83 Cal.App.3d 515, 521). Even if a project alternative is capable of avoiding or substantially lessening one or more potentially significant and unavoidable impacts of a proposed project, if the alternative will result in other potentially significant and unavoidable impacts not caused by the proposed project, then the lead agency may determine the alternative is not environmentally superior to the proposed project and reject it on that ground.

### ***The Ability of an Alternative to Achieve Basic Project Objectives***

In evaluating the merits of alternatives analyzed in the EIR the lead agency must consider the relationship between each alternative and the project objectives. The project objectives, as provided in the Final EIR, are as follows:

- Develop a luxury international destination resort that generates financial profits for the investor.
- Propose a mix of resort, agriculture, and residential uses consistent with the Lake County General Plan policies, Zoning regulations, Middletown Area Plan, and economic development goals and policies.
- Become a “model project” of wildfire mitigation through innovative landscape management, dual purpose fire access roads, emergency action management, and animal husbandry practices with the intention to reduce the risk of fire.
- Meet Middletown Area Plan objectives by incorporating smart growth principles and low density development strategies while providing high end luxury accommodations and services.
- Provide sufficient workforce housing options and educational training programs to expand the existing high-end hospitality and construction employment opportunities within Lake County.
- Achieve a balance between the low densities consistent with a luxury resort and the project size required to be financially viable.
- Provide sufficient resort amenities to attract a diverse range of guests and residents.
- Propose a development project that is sustainable with landscape stewardship practices including native plants, mindful grading, green roofs, on-site water treatment and reuse, locally grown food and animal products, alternative energy production, and open space preservation.
- Plan for long term growth of the County with a significant fiscal contribution toward the County's community goals of new economic, employment, and housing opportunities.
- Ensure consistent and reliable electrical energy.

In determining whether to adopt or reject an environmentally superior alternative, CEQA permits a lead agency to consider the ability of an alternative to fulfill the project objectives (*Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715: decision makers may reject an alternative that does not fully satisfy the objectives associated with a proposed project; *Sierra Club v. County of Napa* (2004) 121 Cal.App.4th 1490, 1507-1508: upholding findings rejecting reduced density alternative because it met some but not all of the applicant's project objectives; *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1000–1001: court found that the lead agency was legally justified in rejecting environmentally superior alternatives because they were undesirable from a policy standpoint because they failed to achieve what the agency regarded as primary objectives of the project). Although lead agencies commonly consider the ability of an alternative to achieve the project objectives in combination with evaluating its feasibility, these are two separate although overlapping inquiries (CEQA *Guidelines* §15126.6[c]).

### ***Feasibility of Alternatives***

Under CEQA, “[f]easible’ means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors” (CEQA *Guidelines* §15364). The issue of feasibility of alternatives arises twice in the CEQA

process, once when the EIR is prepared, and again when CEQA findings are adopted. When assessing feasibility in an EIR, the EIR preparer evaluates whether an alternative is “potentially” feasible. Potentially feasible alternatives are suggestions by the EIR preparers which may or may not be adopted by lead agency decision makers. When CEQA findings are made as part of the EIR certification process, the lead agency decision-making body independently evaluates whether the alternatives are actually feasible, including whether an alternative is impractical or undesirable from a policy standpoint (*California Native Plant Society, supra*, 177 Cal.App.4th at pp. 998, 1001; *City of Del Mar, supra*, 133 Cal.App.3d at pp. 416-417). A lead agency’s determination regarding the feasibility of a project alternative must be supported by substantial evidence in the administrative record.

CEQA *Guidelines* §15126.6(f)(1) through (3) provides a discussion of factors that can be taken into account in determining the feasibility of alternatives. These factors include but are not limited to:

- Site Suitability;
- Economic Viability;
- Availability of Infrastructure;
- General Plan Consistency;
- Other Plans or Regulatory Limitations;
- Jurisdictional Boundaries;
- Property Ownership and Control;
- Ability to Ascertain Potential Impacts; and
- Remote or Speculative Nature of the Alternative.

Decision makers enjoy considerable discretion in determining whether a particular alternative set forth in an EIR, including the environmentally superior alternative, is “infeasible” and thus may be rejected without violating CEQA. As the California Supreme Court has emphasized, “[t]he wisdom of approving... any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced” (*Goleta II, supra*, 52 Cal.3d at p. 576). As stated in the concurring opinion in *California Native Plant Society v. City of Santa Cruz* (2007) 177 Cal.App.4th 957, CEQA does not require an agency to choose the environmentally superior alternative. It simply requires the agency to consider environmentally superior alternatives, explain the considerations that led it to conclude that those alternatives were infeasible, weigh those considerations against the environmental harm that the proposed project would cause, and make findings that the benefits of those considerations outweighed the harm (177 Cal.App.4th at pp. 1000-1001 [conc. opn. of Mihara, J.]).

Agency decision makers are free to reject an alternative that they consider undesirable from a policy standpoint, provided that any such decision reflects “a reasonable balancing of the relevant economic, environmental, social, and technological factors” (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 401, 417). In *City of Del Mar*, the petitioner municipality (Del Mar), in attempting to force the approval of an alternative development project less dense than what its sister city (San Diego) had proposed and approved, asserted that the respondent lead agency “ha[d] misconstrued the scope of CEQA’s infeasibility requirement” by equating “feasibility” with “desirability.” The Court of Appeal disagreed. Emphasizing that San Diego had attempted to accommodate various economic and social factors in reaching its land use decision, the court reasoned as follows: “‘feasibility ’ under CEQA encompasses ‘desirability ’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors” (*Id.* at p. 417).

The agency may also reject an environmentally superior alternative based on economic infeasibility. For example, evidence indicating that a proposed alternative would generate less tax revenue than a project as proposed is a legitimate ground for rejecting the alternative as infeasible (*Foundation for San Francisco's Architectural Heritage v. City and County of San Francisco* [1980] 106 Cal.App.3d 893, 913: noting that CEQA “specifically provides for the weighing of economic, social and ‘other’ conditions”; see also PRC §21002.1[c]). In *Foundation for San Francisco's Architectural Heritage*, which involved a challenge to a proposed retail project requiring the demolition of an existing historical structure, the respondent lead agency’s decision makers properly rejected project alternatives that called for the rehabilitation of the existing structure. The lead agency’s analysis showed that the alternatives would have generated between 15 and 50 percent less sales tax revenue for the city than would have been created by the project as proposed. This information, combined with other data regarding the economic costs of the alternatives, constituted “substantial evidence” supporting the decision makers’ finding that the alternatives were infeasible (*Id.* at pp. 913-914).

As the *Foundation for San Francisco's Architectural Heritage* decision makes clear, the broad definition of feasibility under CEQA does not limit the thought process of agency decision-makers to the question of whether a proposed alternative is infeasible due to purely financial considerations. Rather, the definition impliedly recognizes the inevitable need to allow an agency to consider the policy ramifications of their actions, while requiring them generally to strive to find means to avoid or reduce significant environmental damage where reasonably possible.

### ***Summary of Alternatives Analyzed in the EIR***

The EIR considers three alternatives (Alternatives B and C) to the Proposed Project in addition to the CEQA-required analysis of a No Project Alternative (Alternative A). A full description of the alternatives and alternative selection process is in Section 5.0 of the Final EIR. The alternatives are as follows:

#### ***Alternative A: No Project/No Build Alternative***

As required by CEQA Guidelines Section 15126.6(e), a No Project Alternative has been evaluated. The evaluation of the No Project Alternative allows decision makers to compare the impacts of the Proposed Project against no development of the project. According to the CEQA Guidelines Section 15126.6(e)(2), the No Project Alternative shall discuss what would reasonably be expected to occur if the project were not approved. For purposes of this EIR, the No Project/No Development consists of existing conditions, with no future development on the Guenoc Valley Site. Under this alternative, existing County land use and zoning designations for the project site would remain in effect, and no development would occur. Ongoing agricultural activities and previously approved vineyard development would continue.

#### ***Alternative B: Reduced Density, Similar Development Footprint***

Under the Reduced Density, Similar Development Footprint Alternative (Alternative B), open space would remain the same as the Proposed Project, but residential densities would be reduced by approximately 20 percent to 1,100 units. It is assumed that this reduction would occur over both Phase 1 and future phases. As a result, the number of units and population associated with this alternative would be less than under the Proposed Project. The acreage of all other uses, including roads, agriculture, resort structures, and

recreational and supporting facilities would be identical to the Proposed Project. The Off-Site Workforce Housing in Middletown would also remain identical to the Proposed Project.

***Alternative C: High Density, Compact Development Footprint Alternative***

Under the High Density/Compact Development Alternative (Alternative C), open space would be increased, and development areas would decrease, however, the overall number of residential units would remain the same. This would result in an increase of project density within a smaller site footprint. Both the Phase 1 and future phase development footprint would be reduced to the area of the lots within the Maha Farm and Bohn Ridge planning areas. All of the 400 hotel units would be combined into one large hotel and the 1400 residential estates and 450 resort residential units would have significantly reduced lot sizes. This would reduce the average lot size from 4.8 acres to 0.8 acres. Open space areas would increase proportionally. Many of the resort amenities would be reduced; however, the golf course would remain in its proposed location. The Off-Site Workforce Housing in Middletown would also remain identical to the Proposed Project.

***Discussion of the Merits and Feasibility of the Alternatives Analyzed in the EIR***

Based on impacts identified in the EIR, and other reasons documented below, the County finds that adoption and implementation of the Proposed Project as described in the Final EIR is the most desirable, feasible, and appropriate action and rejects the other alternatives based on consideration of the relevant factors identified herein.

***Alternative A: No Project Alternative/No Build Alternative***

***Ability of Alternative A to Substantially Reduce or Avoid Potentially Significant and Unavoidable Environmental Impacts***

Under the No Project Alternative, the Guenoc Valley Site, Middletown Housing Site, and Off-Site Improvement Sites would remain as they currently are, with no further improvements to the sites or surroundings. This alternative would eliminate the potential operational impacts of the Proposed Project including effects associated with aesthetics, land use and agriculture, air quality, biological resources, cultural resources, geology and soils, GHG emissions, hazardous materials, hydrology and water quality, noise, transportation and traffic, and wildfire, and impacts associated with proposed construction activities. The Proposed Project is generally consistent with the General Plan and Middletown Area Plan policies. Because the Middletown Area Plan Guenoc/Langtry Special Study Area incorporates projected regional growth, the No Project Alternative could divert projected growth to another location in the region, which could create additional unanticipated environmental impacts and potentially be inconsistent with Middletown Area Plan goals.

As demonstrated in the EIR, the significant and unavoidable impact associated with the Proposed Project would not occur under the No Project Alternative. Based on impact analyses, the No Project Alternative would be environmentally superior to the Proposed Project, because no environmental impacts would occur.

The No Project Alternative is environmentally superior to the Proposed Project because it avoids or substantially lessens the Proposed Project's significant and unavoidable impacts. Therefore, the County finds that the No Project Alternative is environmentally superior to the Proposed Project.

*Ability of Alternative A to Attain Project Objectives*

This alternative would not accomplish any of the basic project objectives.

For these reasons, the County finds that the No Project Alternative is incapable of achieving the Proposed Project's basic objectives. The County, therefore, rejects the No Project Alternative as a result of its inconsistency with the project objectives (*California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 991-992).

*Feasibility of Alternative A*

As discussed above, for the purposes of CEQA "feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account legal and other factors (CEQA Guidelines §15091[a][3], §15364).

Because the No Project Alternative would not require alterations to the project site or any agency approvals, adopting the No Project Alternative is ostensibly feasible.

*Conclusions Regarding the Merits and Feasibility of Alternative A*

The County finds that the failure of the No Project Alternative to achieve any project objectives demonstrates that the No Project Alternative does not warrant its approval in lieu of the Proposed Project. Therefore, the County rejects the No Project Alternative.

***Alternative B: Reduced Density, Similar Development Footprint***

*Ability of Alternative B to Substantially Reduce or Avoid Potentially Significant and Unavoidable Environmental Impacts*

The Reduced Intensity Alternative will lessen some of the Proposed Project's impacts including impacts associated with air quality, GHGs, population and housing, public services, transportation and traffic, noise, utilities and energy. The Reduced Intensity Alternative, however, would not avoid the Proposed Project's significant and unavoidable impacts; however, the extent of these impacts would be reduced under Alternative B due to the reduced amount of development and associated reduction in volume of GHG emissions, vehicle miles traveled, traffic and traffic noise, although not to a less than significant level.

No mitigation measures would be eliminated; however, Alternative B would require less mitigation for air quality, greenhouse gas emissions, and traffic due to the reduced trips.

Therefore, the County finds that the Reduced Intensity Alternative is environmentally superior to the Proposed Project because it reduces some of the Proposed Project's significant impacts.

### *Ability of Alternative B to Attain Project Objectives*

Alternative B would partially achieve some of the objectives of the Proposed Project, such as providing a mix of agricultural, resort, and residential uses and providing resort amenities to attract a range of guests. It would not meet the objective of achieving a balance in housing densities consistent with a luxury resort. In addition, as substantiated in a study provided to the County by the applicant, the residential development provides the financial basis to fund the infrastructure to serve the resort development. A substantial reduction in the amount of residential development would require a substantial reduction in the size of the resort development, making Alternative B, which would involve only a reduction in residential development, potentially infeasible.

Therefore, the County finds the Alternative is overall less capable of achieving the full scope of project objectives (*California Native Plant Society v. City of Santa Cruz* [2009] 177 Cal.App.4th 957, 991-992).

### *Feasibility of Alternative B*

As discussed above, for the purposes of CEQA “feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account legal and other factors (CEQA *Guidelines* §15091[a][3], §15364).

The Reduced Intensity Alternative would not require agency approvals in excess of those required under the Proposed Project; therefore, adopting the Reduced Intensity Alternative is ostensibly feasible.

### *Conclusions Regarding the Merits and Feasibility of Alternative B*

The County concludes that the Reduced Intensity Alternative is environmentally superior to the Proposed Project but is less capable of achieving the full array of project objectives. The Reduced Intensity Alternative would not meet the objective of achieving a balance in housing densities consistent with a luxury resort, and would not provide sufficient financial support for the infrastructure for the resort development. Therefore the financial feasibility of this alternative may be reduced. However, the environmental effects would only be marginally reduced, and this alternative would not avoid any of the significant and unavoidable impacts associated with the Proposed Project. Given that the Reduced Intensity Alternative only marginally lessens the Proposed Project’s potentially significant and unavoidable impacts and does not avoid them, and given that the Reduced Intensity Alternative would result in fewer economic benefits associated with the increase in residential population and associated property taxes and spending within the County, the County finds that the Reduced Intensity Alternative does not warrant approval in lieu of the Proposed Project. Therefore, the County rejects the Reduced Intensity Alternative.

### ***Alternative C: High Density, Compact Development Footprint Alternative***

#### *Ability of Alternative C to Substantially Reduce or Avoid Potentially Significant and Unavoidable Environmental Impacts*

The Reduced Intensity Alternative will lessen some of the Proposed Project’s impacts due to the reduced grading area and compact development, including impacts associated with aesthetics, air quality construction emissions, biological resources, cultural resources, geology and soils, GHG construction emissions, and hydrology and water quality impacts from construction. The Reduced Intensity Alternative, however, would not eliminate any of the Proposed Project’s significant and unavoidable impacts related to

Important Farmlands, greenhouse gas emissions, noise, and traffic and transportation. There would still be significant and unavoidable aesthetic impacts in Phase 1 due to construction of Primary Access Road Option 2, but the potential for significant and unavoidable impacts to scenic vistas in future phases under Alternative C would be eliminated.

Mitigation would not be required under this alternative for conversion of Prime Farmlands, but additional mitigation would be required for conversion of Unique Farmland. Due to the smaller development footprint, less mitigation would be necessary for impacts to cultural and biological resources.

Therefore, the County finds that the Reduced Intensity Alternative is environmentally superior to the Proposed Project because it reduces some of the Proposed Project's significant impacts, and eliminates one of the Proposed Project's significant and unavoidable impacts.

#### *Ability of Alternative C to Attain Project Objectives*

Alternative C would meet some of the basic objectives of the Proposed Project to minimize environmental impacts related to construction activities by utilizing existing facilities and infrastructure to the extent possible, and would create a mix of agriculture, resort, and residential uses. However, this alternative would not fully meet objectives related to the development of a luxury destination resort with sufficient amenities to attract a diverse range of guests and residents. The Applicant has submitted information indicating that they would expect price reductions for residential lots of at least 35% 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<sup>2</sup>.

Therefore, the County finds the Alternative is overall less capable of achieving the full scope of project objectives (*California Native Plant Society v. City of Santa Cruz* [2009] 177 Cal.App.4th 957, 991-992).

#### *Feasibility of Alternative C*

As discussed above, for the purposes of CEQA "feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account legal, social, and other factors (CEQA *Guidelines* §15091[a][3], §15364.)

The Reduced Intensity Alternative would not require agency approvals in excess of those required under the Proposed Project; therefore, adopting the Reduced Intensity Alternative is ostensibly feasible.

#### *Conclusions Regarding the Merits and Feasibility of Alternative C*

The County concludes that the Reduced Intensity Alternative is environmentally superior to the Proposed Project but is less capable of achieving the full array of project objectives. The Reduced 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 price reductions for residential lots of at least 35% if they are unable to offer larger estate lots, and resort amenities, which are

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<sup>2</sup> IMI Worldwide Properties, "Market Analysis of Ultra High Net Worth Resort Communities, Low-Density Development; December 5, 2019

in turn supported by the scale of homes and resort units within the community<sup>3</sup>; therefore the financial feasibility of this alternative may be reduced. However, the environmental effects would only be marginally reduced, and this alternative would not avoid the any of the significant and unavoidable impacts associated with the Proposed Project. Given that the Reduced Intensity Alternative only marginally lessens the Proposed Project's potentially significant and unavoidable impacts and does not avoid them, and given that the Reduced Intensity Alternative would result in significantly fewer economic benefits, the County finds that the Reduced Intensity Alternative does not warrant approval in lieu of the Proposed Project. Therefore, the County rejects the Reduced Intensity Alternative.

## 5.0 STATEMENT OF OVERRIDING CONSIDERATIONS

As set forth in the Findings, approval of the Proposed Project will result in a significant adverse environmental effect that cannot be avoided even with the adoption of all feasible mitigation measures. In determining whether to approve the Project, CEQA requires the County to balance the benefits of the Proposed Project, including various economic, social, and technological factors, against its significant and unavoidable environmental impacts (*See City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 401, 417). "Overriding considerations are intended to show the 'balance' the agency struck in weighing 'the benefits of a proposed project against its unavoidable environmental risks'" (*Cherry Valley Pass Acres & Neighbors v. City of Beaumont* (2010) 190 Cal.App.4th 316, 356).

This Statement of Overriding Considerations sets forth the specific reasons supporting the County's actions in approving the Proposed Project. In making this Statement of Overriding Considerations in support of the findings of fact and the project, the County has considered the information contained in the Findings and in the documents comprising the record of proceedings for the Proposed Project.

CEQA Guidelines Section 15093(a) provides the following guidance for a statement of overriding considerations:

CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."

The results of the environmental analysis on the Proposed Project are discussed in detail in the Final EIR, the Final EIR, and the Findings. As explained in above, the County has required changes or alterations to the Proposed Project, and has incorporated these as conditions of approval, to mitigate or avoid the Proposed Project's potentially significant impacts. To the extent those changes or alterations are within the responsibility or jurisdiction of the County to implement or enforce, and the County finds them to be feasible and effective, that the potentially significant impacts will be reduced to a less-than-significant level. In several instances, however, there are no feasible measures available to avoid or reduce the potential

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<sup>3</sup> IMI Worldwide Properties, "Market Analysis of Ultra High Net Worth Resort Communities, Low-Density Development; December 5, 2019

impacts to a less-than-significant level. Accordingly, as described in Section 2.0 above, the County finds that the certain impacts of the Proposed Project will remain significant and unavoidable.

The County reached the conclusions below pursuant to PRC §21081 and CEQA *Guidelines* §15093. The following statements describe the Proposed Project's benefits considered by decision makers in determining whether to adopt the Proposed Project despite its potentially significant adverse environmental effect. The County concludes that any one of the statements below is independently sufficient to justify approval of the project. The substantial evidence supporting the various benefits of the project described below can be found in the documents found in the Record of Proceedings, including the Final EIR and appendices to the Final EIR, the Staff Report to the Planning Commission and its Exhibits and Attachments.

**Statement 1: The Proposed Project increases the economic vitality of the region.**

The Proposed Project supports economic growth through the development of commercial, resort, and retail land uses and outdoor recreational amenities, including two golf courses and equestrian facilities, within the Guenoc Valley Site that would directly increase employment opportunities within the County.

Phase 1 of the Proposed Project is anticipated to employ approximately 300, year round, full time hospitality, maintenance, and administrative employees. Although some of these employees would come from the regional workforce, given the limited rural population of the area, it is possible that a significant portion would relocate from neighboring regions. To accommodate the anticipated increase in housing demand resulting from generated employment opportunities at the site, the Proposed Project includes options for both on-site housing, and off-site workforce housing within the Town of Middletown.

In addition to creating long-term employment opportunities through the proposed resort and commercial land uses, development of the Proposed Project would create hundreds of construction-related jobs, as well as jobs related to the increase in residential housing within the County, including schools, fire protection, and other public services. At the height of construction, a construction workforce of approximately 750 workers would be required, a significant portion of which would come from the local labor force.

Additionally, the Proposed Project would result in secondary or indirect economic benefits from the increase in tourism and residential housing, referred to as multiplier effects. Multiplier effects are a way of representing the larger economic effects on the local economy. The multipliers effects translate an increase in output (loosely defined as sales, less profits) into a corresponding increase in jobs and personal income. In essence, the multiplier effect represents the recycling of local spending. This recycling process creates new business opportunities.

Additionally, the Proposed Project is fiscally positive. It would increase tax revenues to the County through increased and expanded commercial activities and job-generation, enhancing the County's economic base. It would increase tax revenues to the County through increased property values, an expanded housing market, promotion of tourism, and increased and expanded commercial activities and other job-generating uses, enhancing the County's economic base. The Applicant would contribute its fair share toward the cost of transportation improvements outside of the project site (i.e., intersection improvements, utilities, and pedestrian facilities).

**Statement 2: The Proposed Project would develop a mix of resort, agriculture, and residential uses consistent with the Lake County General Plan policies, Zoning regulations, Middletown Area Plan, and County economic development goals and policies.**

The Proposed Project is generally consistent with the goals and policies in the General Plan, and would further the intention of policies that encourage resort development within the County and promote clustered development to limit land use impacts. Additionally, the General Plan includes policies for preserving open space. Phase 1 of the Proposed Project includes 2,765 acres of designated open space, 400 acres of wildlife connectivity easements, and additional open space preserved through deed-restrictions on residential parcels.

The Middletown Area Plan also emphasizes resort development and states that “resort development should be strongly supported by the County as a means to provide local jobs and create additional attractions for tourists”. The Middletown Area Plan includes the Guenoc Valley Site as a Special Study Area and states that the goal of the area is to have a mix of resort/commercial, residential, and agricultural uses. The Proposed Project would be generally consistent with the Middletown Area Plan’s goals for the land uses within the Guenoc Valley Site.

The Lake County Economic Development Plan 2016 outlines where Lake County should focus efforts to maintain a resilient economy and rebuild due to the devastating wild fires of 2015. In 2015, Lake County suffered three separate wildfires that burned approximately 171,000 acres of wild land, forest, and residential property, and resulted in the cumulative loss of 1,329 homes and damage of over 70 commercial properties. The Economic Development Plan specifically identifies the need to develop more tourist destinations, lodging, and agritourism - all of which are included in the Proposed Project plans.

The project is consistent with the goals and policies of the Lake County General Plan and the Middletown Area Plan by including resort activities, agricultural production, land stewardship, landscape preservation, outdoor recreational activities, and respect for cultural heritage and social cohesion.

**Statement 3: The Proposed Project furthers the County’s General Plan Policies related to environmental protection goals by incorporating design features and technologies that will reduce environmental impacts and benefit the region.**

The Proposed Project will utilize design strategies and state of the art technologies to address numerous environmental considerations, including:

1. Sustainable landscape stewardship practices including landscaping with native plants, and mindful grading to retain the topography of the site;
2. The use of renewable energy to meet the project’s energy demands, either through alternative energy production and/or the purchase of renewable energy
3. Recycling and reuse of all wastewater generated by commercial and resort uses, and most wastewater generated by residential uses. Recycled water would account for approximately 25% of the outdoor water supply

4. The provision of workforce housing in close proximity to the proposed employment opportunities within the Guenoc Valley Site, as well as the provision of shuttles for employees that would reduce vehicle miles traveled
5. Passive site design and planning measures to minimize heating and HVAC needs
6. Site design and lot layout to minimize the conversion of oak woodlands
7. Electric fleet for the resort commercial uses
8. Installation of 300 electric vehicle charging stations
9. Providing on-site refuse collection bins for recyclable waste, compostable waste, and standard waste, in addition to on-site Compost and Recycling Centers.
10. Site-wide lighting design shall preserve nighttime dark skies by minimizing the use of outdoor lighting. Lighting fixtures shall utilize energy-efficient lamps and motion-sensing lighting systems to minimize unnecessary nighttime lighting.
11. Wildfire Prevention Plan that reduces wildfire hazards through innovative landscape management, dual purpose fire access roads, emergency action management, and animal husbandry practices with the intention to reduce the risk of fire

**Statement 4: The Proposed Project reduces potentially significant impacts through mitigation measures incorporated into the EIR.**

With the exception of impacts listed above, all of the significant impacts of the Proposed Project will be reduced to less than significant levels by implementation of the mitigation measures recommended in these findings. Further, mitigation measures would substantially lessen the significant and unavoidable environmental impact associated with agricultural resources, GHG emissions and vehicle miles traveled. There are no other feasible mitigation measures or feasible project alternatives that will avoid, or reduce to a less-than-significant level the significant and unavoidable impact associated with GHG emissions.

## **5.1 CONCLUSION**

Having reduced many of the effects of the Proposed Project by adopting all feasible mitigation measures, and balancing the benefits of the project against the project's significant and unavoidable adverse environmental impact, the County hereby determines that the specific overriding social, and economic benefits of the project set forth above substantially outweigh the potential unavoidable adverse effects of the project on the environment. The County finds that each of the overriding considerations set forth above constitutes a separate and independent basis for finding that the benefits of the project outweigh the unavoidable adverse environmental effect, and warrants approval of the project.

In reaching this conclusion and approving the Proposed Project:

1. The County has considered the information contained in the Final EIR and fully reviewed and considered all of the public testimony, documentation, exhibits, reports, and presentations included in the record of these proceedings. The County specifically finds and determines that this Statement of Overriding Considerations is based upon and supported by substantial evidence in the record.

2. The County has carefully weighed the benefits of the Proposed Project against any adverse impacts identified in the Final EIR that could not be feasibly mitigated to a level of insignificance. While the County has required all feasible mitigation measures, some impacts remain significant.
3. This Statement of Overriding Considerations applies specifically to the impacts found to be significant and unavoidable as set forth in the Final EIR and the record of these proceedings.

## 6.0 INDEPENDENT REVIEW AND ANALYSIS

Under PRC §21082.1(c), the lead agency must: (1) independently review and analyze the EIR; (2) circulate draft documents that reflect its independent judgment; and (3) as part of the certification of an EIR, find that the EIR reflects the independent judgment of the lead agency.

In accordance with CEQA, the Board of Supervisors certifies that the EIR has been completed in compliance with CEQA. The Board of Supervisors has independently reviewed the record and the EIR prior to certifying the EIR and approving the Project. By these findings, the Board of Supervisors confirms, ratifies, and adopts the findings and conclusions of the EIR as supplemented and modified by these findings. The EIR and these findings represent the independent judgment and analysis of the County and the Board of Supervisors. The Board of Supervisors reviewed the entirety of the EIR and bases its determination on the substance of the information it contains. The Board of Supervisors certifies that the EIR is adequate to support the approval of the action that is the subject of the Resolution to which these CEQA findings are attached.

The Board of Supervisors certifies that the EIR is adequate to support approval of the action before the Board of Supervisors and as described in the EIR.

## 7.0 RECORD OF PROCEEDINGS

In accordance with PRC §21167.6(e), the record of proceedings for the EIR, findings, alternatives analysis, and ultimate decision on the Proposed Project includes the documents identified below.

- The Notice of Preparation (NOP) for the preparation of the Draft EIR;
- Public notices issued by the County in conjunction with the Proposed Project;
- All comments submitted by agencies or members of the public during the comment period on the NOP;
- The County's *Draft Environmental Impact Report for the Guenoc Valley Mixed Use Planned Development Project*, February 2020 (includes all appendices);
- The County's *Final Environmental Impact Report for the Guenoc Valley Mixed Use Planned Development Project*, June 2020 (includes all appendices and MMRP);
- Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by the County in connection with the Proposed Project;

- Any documentary or other evidence submitted to the County at such information sessions, public meetings, and public hearings;
- Any and all resolutions adopted by the County regarding the Proposed Project, and all staff reports, analyses, and summaries related to the adoption of those resolutions;
- Matters of common knowledge to the County, including, but not limited to federal, state, and local laws and regulations;
- Any documents expressly cited in these findings, in addition to those cited above; and
- Any other materials required for the record of proceedings by PRC §21167.6(e).

The documents constituting the record of proceedings are available for review by responsible agencies and interested members of the public by appointment during normal business hours at the offices of the County of Lake, Community Development Department, 255 N. Forbes Street, Lakeport, CA 95453 and at the County's website at

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