

# CALAVERAS COUNTY DRAFT GENERAL PLAN

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SCH# 2017012043

## FINAL ENVIRONMENTAL IMPACT REPORT

PREPARED FOR  
CALAVERAS COUNTY



APRIL 2019

PREPARED BY



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# **Final Environmental Impact Report Calaveras County Draft General Plan**

SCH # 2017012043

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April 2019

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## 1. INTRODUCTION AND LIST OF COMMENTERS

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# 1

## INTRODUCTION AND LIST OF COMMENTERS

### 1.1 INTRODUCTION

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This Final Environmental Impact Report (EIR) contains agency, group, and individual comments received during the public review period of the Calaveras County Draft General Plan Draft EIR. This document has been prepared by Calaveras County, as Lead Agency, in accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, Section 15132. The Introduction and List of Commenters chapter of the Final EIR discusses the background of the Draft EIR, purpose of the Final EIR, identifies the comment letters received on the Draft EIR, and provides an overview of the Final EIR's organization.

### 1.2 BACKGROUND

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In accordance with CEQA, the County of Calaveras used the following methods to solicit public input on the Draft EIR: a Notice of Preparation (NOP) for the Draft EIR was released for a 30-day review from January 18, 2017 to February 16, 2017. In addition, a public scoping meeting was held on January 30, 2017 to solicit public comments regarding the scope of the Draft EIR. A Notice of Availability (NOA) of the Draft EIR was distributed and the Draft EIR was sent to the State Clearinghouse for distribution for the 45-day public review period from June 29, 2018 through August 13, 2018. Copies of the document were made available at the Calaveras County Planning Department at 891 Mountain Ranch Road, San Andreas, CA, as well as the San Andreas Central Library and the County's website at: <http://planning.calaverasgov.us/GP-Update/CEQA>.

The Draft EIR identified the proposed project's potential impacts and required feasible mitigation measures that would be required to reduce the identified potential impacts. The following environmental analysis chapters are contained in the Calaveras County Draft General Plan Draft EIR:

- Aesthetics;
- Agricultural, Forest, and Mineral Resources
- Air Quality and Greenhouse Gas Emissions;
- Biological Resources;
- Cultural and Tribal Cultural Resources;
- Geology, Soils, and Seismicity;
- Hazards and Hazardous Materials;
- Hydrology and Water Quality;
- Land Use and Planning;
- Noise and Vibration;
- Population and Housing;
- Public Services and Utilities; and
- Transportation and Circulation.

### **1.3 PURPOSE OF THE FINAL EIR**

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Under CEQA Guidelines, Section 15132, the Final EIR shall consist of:

1. The Draft EIR or a revision of the Draft.
2. Comments and recommendations received on the Draft EIR.
3. A list of persons, organizations, and public agencies commenting on the Draft EIR.
4. The responses to significant environmental points raised in the review process.
5. Any other information added by the Lead Agency.

As required by CEQA Guidelines, Section 15090(a)(1)-(3), a Lead Agency must make the following three determinations in certifying a Final EIR:

1. The Final EIR has been completed in compliance with CEQA.
2. The Final EIR was presented to the decision-making body of the Lead Agency, and the decision-making body reviewed and considered the information in the Final EIR prior to approving the project.
3. The Final EIR reflects the Lead Agency's independent judgment and analysis.

Under CEQA Guidelines, Section 15091, a public agency shall not approve or carry out a project for which an EIR has been certified that identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings (Findings of Fact) for each of those significant effects. Findings of Fact must be accompanied by a brief explanation of the rationale for each finding supported by substantial evidence in the record. The Findings of Fact are included in a separate document that will be considered for adoption by the County's decision-makers.

In addition, pursuant to CEQA Guidelines, Section 15093(b), when a Lead Agency approves a project that would result in significant and unavoidable impacts, the agency must state in writing the reasons supporting the action (Statement of Overriding Considerations). The Statement of Overriding Considerations shall be supported by substantial evidence. Here, the proposed project would result in significant and unavoidable impacts to Aesthetics; Agricultural, Forest, and Mineral Resources; Air Quality and Greenhouse Gas Emissions; Biological Resources; Cultural Resources; Hazards and Hazardous Materials; Noise and Vibration; Population and Housing; Public Services and Utilities; and Transportation and Circulation. Thus, a Statement of Overriding Considerations must be adopted if the project is approved. The Statement of Overriding Considerations is included in a separate document that will be considered for adoption by the County's decision-makers.

### **1.4 LIST OF COMMENTERS**

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The County of Calaveras received 35 comment letters during the public comment period on the Draft EIR for the proposed project. In addition, the County received four letters after the close of the public review period. The comment letters were authored by the following agencies, groups, and individuals:

**Agencies**

- Letter 1..... Amy Augustine, City of Angels Camp
- Letter 2..... John Benoit, Calaveras Local Agency Formation Commission
- Letter 3..... Monique Wilber, California Department of Conservation
- Letter 4 (Late)..... Tina Bartlett, California Department of Fish and Wildlife
- Letter 5..... Gregoria Ponce, California Department of Transportation
- Letter 6..... Ken Snyder, San Andreas Fire Protection District

**Groups**

- Letter 7 (Late)..... Robert Garamendi, Calaveras County Agriculture Coalition
- Letter 8..... Ed Langan, Calaveras County Republican Central Committee
- Letter 9..... Albert Segalla, Calaveras County Taxpayers Association
- Letter 10..... Tom Infusino, Calaveras Planning Coalition
- Letter 11..... Various Authors, Calaveras Planning Coalition
- Letter 12..... Scott Thayer, Castle & Cooke
- Letter 13..... Christopher Nagano, Center for Biological Diversity
- Letter 14..... John Buckley, Central Sierra Environmental Resource Center
- Letter 15..... Peter Broderick, Shute, Mihaly, & Weinberger  
(on behalf of Central Sierra Environmental Resource Center)
- Letter 16..... Cedric Twilight, Sierra Pacific Industries

**Individuals**

- Letter 17..... Benson, Jessica
- Letter 18..... Blood, Richard (August 12, 2018)
- Letter 19..... Blood, Richard (August 13, 2018)
- Letter 20..... Brunker, Robert G.
- Letter 21 (Late)..... Childress, Jane and Ty
- Letter 22..... Crane, Marti
- Letter 23..... Eggleston, Emmett
- Letter 24..... Galli, Elaine
- Letter 25..... Gibson, John
- Letter 26 (Late)..... Gordo, Patricia
- Letter 27..... Hix, Thomas
- Letter 28..... Lambie, Catherine
- Letter 29..... Long, Gordon
- Letter 30..... Mayer, Darla
- Letter 31..... Mayer, Greg
- Letter 32..... Pitto, Joel
- Letter 33..... Sarvis, Penny
- Letter 34..... Sweet, David
- Letter 35..... Techel, Joyce (August 3, 2018)
- Letter 36..... Techel, Joyce (August 4, 2018)



Letter 37..... Vera, Robert  
Letter 38..... Wittke, Trevor  
Letter 39..... Woodbury, Chuck

In addition, verbal comments were provided during the July 31, 2018 public hearing by members of the public. The verbal comments from the Draft EIR public comment hearing have been summarized and are included as Letter 40.

Letter 40..... Summary of Verbal Comments: Draft EIR Public Hearing (July 31, 2018)

## **1.5 ORGANIZATION OF THE FINAL EIR**

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The Final EIR is organized into the following chapters:

### **1. Introduction and List of Commenters**

Chapter 1 provides an introduction and overview of the Final EIR, describing the background and organization of the document. Chapter 1 also provides a list of commenters who submitted letters in response to the Draft EIR.

### **2. Responses to Comments**

Chapter 2 presents the comment letters received and responses to each comment, as well as Master Responses used to address topics that reoccur in multiple comments. Each comment letter received has been numbered at the top and bracketed to indicate how the letter has been divided into individual comments. Each comment is given a number with the letter number appearing first, followed by the comment number. For example, the first comment in Letter 1 would have the following format: 1-1.

### **3. Revisions to the Draft EIR Text**

Chapter 3 summarizes changes made to the Draft EIR text either in response to comment letters or other clarifications/amplifications of the analysis in the Draft EIR that do not change the intent of the analysis or effectiveness of mitigation measures.

### **4. Mitigation Monitoring and Reporting Program**

CEQA Guidelines, Section 15097, requires lead agencies to adopt a program for monitoring the mitigation measures required to avoid the significant environmental impacts of a project. The intent of the Mitigation Monitoring and Reporting Program is to ensure implementation of the mitigation measures identified within the EIR for the Draft General Plan. However, as discussed in further detail in Chapter 4, of this EIR, following adoption of this EIR, all mitigation included in this EIR will be implemented through updates to the Draft General Plan prior to approval of the Draft General Plan. Because all mitigation included in this EIR will be implemented through adoption of the Draft General Plan, further monitoring and reporting for mitigation would not be necessary.

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## 2. RESPONSES TO COMMENTS

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## 2

## RESPONSES TO COMMENTS

### 2.0 INTRODUCTION

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This chapter contains responses to each of the comment letters submitted regarding the Calaveras County Draft General Plan Draft EIR.

### 2.1 RESPONSES TO COMMENTS

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Each bracketed comment letter presented in this chapter is followed by numbered responses to each individual bracketed comment. The responses amplify or clarify information provided in the Draft EIR and/or refer the reader to the appropriate place in the document where the requested information can be found. Comments that are not directly related to environmental issues (e.g., opinions on the merits of the project that are unrelated to its environmental impacts) are either discussed or noted for the record, as appropriate. Where revisions to the Draft EIR text are required in response to the comments, such revisions are noted in the response to the comment, and are also listed in Chapter 3 of this Final EIR. Because the Draft EIR already includes text in double-underlined and ~~strike-through~~ format in some areas, all new changes to the Draft EIR text proposed as part of the Final EIR are shown in a red font color, with new text double underlined and deleted text ~~struck through~~. In some instances, new text to the Draft EIR includes revisions to policies or implementation measures of the Draft General Plan as mitigation measure(s). In order to clearly delineate such revisions, the revisions to the policies or implementation measures of the Draft General Plan are shown as double underlined and bold and ~~struck through and bold~~.

A number of commenters suggest changes to policies and/or implementation measures of the Draft General Plan that are not intended or necessary to be included as mitigation measure(s) in the EIR; however, the County has agreed to consider some of the changes, as noted throughout this chapter. Such changes to the Draft General Plan policies and/or implementation measures are staff-initiated and are not required to be addressed within the EIR. Nonetheless, the County has decided to include such changes in the Final EIR, where applicable in response to comments, for informational or for clarification purposes only. None of the staff-initiated changes to the Draft General Plan policies and/or implementation measures would affect the analysis or conclusions within the EIR. Where such changes are presented in the Final EIR, the changes are shown in a blue font color, with new text double underlined and deleted text ~~struck through~~.

The changes to the analysis contained in the Draft EIR represent only minor clarifications/amplifications and do not constitute significant new information. In accordance with CEQA Guidelines, Section 15088.5, recirculation of the Draft EIR is not required.

## 2.2 MASTER RESPONSES

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The following responses are provided in order to address topics which were raised by multiple commenters.

### **Master Response #1: Timelines for Policies and Implementation Measures**

As noted in the Office of Planning and Research (OPR) General Plan Guidelines, after a General Plan has been adopted, Government Code section 65400(a)(2)(A) requires the planning agency to provide an annual report to their legislative body, OPR, and Department of Housing and Community Development (HCD) on the status of the plan and progress in its implementation. The report must detail progress in meeting the jurisdiction's share of regional housing needs determined pursuant to Government Code section 65584 and local efforts to remove governmental constraints to the maintenance, improvement, and development of housing pursuant to Government Code section 65583(c)(3). The annual progress report must be provided to the legislative body, OPR, and HCD on or before April 1 of each year. Jurisdictions must report on a calendar-year basis (January 1 through December 31).

Compliance with the aforementioned reporting requirements would help to ensure that the policies and implementation measures (IMs) included in the Draft General Plan would be implemented in a timely fashion. Furthermore, inclusion of specific, inflexible timeframes for implementation within General Plan policies and IMs can limit the functionality of the General Plan and be overly burdensome on future development. The OPR General Plan Guidelines do not require that the policies or other measures in a General Plan include timeframes for implementation.

### **Master Response #2: Specificity of Policies and Implementation Measures**

The Draft General Plan is intended to guide growth and development over the next twenty years. The future often includes unforeseeable events. The Draft General Plan, therefore, will be a document that guides rather than dictates the County's future. Adjustments to the General Plan may be necessary to accommodate changes in economic conditions, population growth, or demographics, consistent with the General Plan's Vision Statement and Guiding Principles.

As stated in pertinent part in Chapter 9 of the OPR General Plan Guidelines, "Measures should be specific enough to implement the goals of the general plan, while maintaining enough adaptability to allow flexibility in implementation throughout the timeline of the general plan." In addition, CCR Section 15146(b) states the following regarding the specificity of an EIR:

An EIR on a project such as the adoption or amendment of a comprehensive zoning ordinance or a local general plan should focus on the secondary effects that can be expected to follow from the adoption, or amendment, but the EIR need not be as detailed as an EIR on the specific construction projects that might follow.

More specific policies and measures may help to function as jurisdiction-level mitigation that, when applied to future projects consistent with the general plan, might help avoid the need to

prepare EIRs rather than negative declarations. However, cities and counties face a challenge in attempting to simultaneously avoid potential significant environmental impacts that could be caused by unknown, future development, while at the same time avoiding the creation of general plan policy language that either (a) sets unrealistic expectations about future levels of environmental protection or (b) denies decision-makers the ability to deal with changing or unanticipated future conditions. The objectives of the County in developing the Draft General Plan include providing flexibility in meeting the needs in the County and allowing for diverse economic growth. Thus, in some instances, the County has elected to include flexibility within the policies and IMs within the Draft General Plan.

### **Master Response #3: Use of Policies and Implementation Measures as Mitigation**

A number of commenters questioned the use of policies and IMs as mitigation for significant environmental impacts. This approach, however, is expressly allowed under CEQA. Public Resources Code section 21081.6, subdivision (b), provides that a “public agency shall provide that measures to mitigate or avoid significant effects on the environment are fully enforceable through permit conditions, agreements, or other measures.” Subdivision (b) goes on to state that, “in the case of the adoption of a plan,” this may be accomplished “by incorporating the mitigation measures into the plan[.]” (Pub. Resources Code, § 21081.6, subd. (b); see also CEQA Guidelines, § 15126.4, subd. (a)(2) [in the case of the adoption of a plan, “mitigation measures can be incorporated into the plan”].) Accordingly, here, the EIR proposes mitigation measures as policies and/or implementation measures, so that they can be incorporated directly into the General Plan. This will ensure that the measures are fully enforceable and is consistent with the approach that is typically used in EIRs for General Plans and General Plan Updates.

### **Master Response #4: Community Plans**

The Draft General Plan is intended to supersede adopted community plans within the County. Components of revised community plans that are unique to specific communities are incorporated into the Community Plan Element of the Draft General Plan. Many of the policies that were in the draft community plans developed over the past several years with much community input were incorporated as General Plan policies applicable to the entire county. Specifically, as noted on page 3-12 of the Draft EIR, the Community Plan Element of the Draft General Plan provides policy for the following new Community Plan Areas: Glencoe, Mokelumne Hill, Mountain Ranch, Paloma, Railroad Flat, Rancho Calaveras, San Andreas, Sheep Ranch, West Point, and Wilseyville. A small number of communities within the County have been working on draft community plans which have not yet been adopted and are currently undergoing revision. It is the County’s intent that after adoption of the Draft General Plan, any additional community plans that are adopted at a later date (including the Valley Springs Community Plan) would be incorporated into the Draft General Plan. However, it would not be feasible for the Draft General Plan to incorporate incomplete community plans, given that such plans have not been sufficiently vetted.

Furthermore, some of the County’s adopted community plans, such as the 1998 Avery-Hathaway Pines Community Plan, are sufficiently outdated such that the County has chosen to omit the plans from the Draft General Plan. For such communities, the countywide goals, policies, and

IMs included in the Draft General Plan would replace the existing community plans. Based on the above, existing community plans are not considered in the existing setting or baseline analyzed in the Draft EIR.

### **Master Response #5: Agricultural Easements and Buffers**

As discussed on page 4.2-3 of the Draft EIR, at the time the Draft EIR was prepared, important farmland mapping data for Calaveras County was not available, and the County had not yet been included in the Farmland Mapping and Monitoring Program (FMMP). Therefore, the full extent of Prime Farmland, Unique Farmland, and Farmland of Statewide Importance within the County was not known. In the absence of such data, feasible mitigation was not available to reduce potential impacts related to conversion of agricultural land to non-agricultural uses. Since the publication of the Draft EIR, the U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) has released new soil maps and data for the County, including data relating to land capability classifications and Storie index ratings, which is necessary to evaluate the suitability of soils for agricultural uses. However, the FMMP has not yet released mapping data for the County. The County has agreed to consider inclusion of the following revision to Draft General Plan IM RP-E prior to adoption:

#### Mitigation Measure(s)

~~Implementation of the following mitigation measures would reduce the above impact associated with the conversion of agricultural land to non-agricultural use. Nonetheless, even with mitigation, feasible mitigation measures do not exist beyond the goals and policies included in the Draft General Plan. Therefore, the impact would remain significant and unavoidable.~~

~~4.2-1(a) IM RP-E of the Draft General Plan shall be revised as follows:~~

~~IM RP-1E Mitigation for **Resource Production Land** Agricultural Land Conversions – Establish mitigation alternatives for the conversion of resource production land to nonresource production uses. In addition, the County shall establish mitigation program guidelines for conversion of agricultural lands, regardless of General Plan land use designations. The mitigation program guidelines shall provide for mitigation of agricultural land conversion at a 1:1 ratio, either by direct acquisition of a conservation easement or an alternative method of mitigation, including, but not limited to, purchase of banked mitigation credits. For the purpose of mitigation, “agricultural land” shall be defined as follows:~~

- ~~• If the California Department of Conservation Farmland Mapping and Monitoring Program (FMMP) has published official mapping data for Calaveras County, 1:1 mitigation shall be provided for Prime Farmland, Unique Farmland, and Farmland of Statewide~~

Importance, as defined by the U.S. Department of Agriculture (USDA) land inventory and monitoring criteria, as modified for California.

- Consistent with Public Resource Code Section 21060.1(b), in areas of the County where EMMP official mapping data is not available, 1:1 mitigation shall be provided for land that meets the requirements of “prime agricultural land” as defined in paragraph (1), (2), (3), or (4) of subdivision (c) of Section 51201 of the Government Code.

In the interim, the County will utilize the Calaveras County Agricultural Coalition Resource Production Lands Mitigation Program Guidelines, prepared November 8, 2011 (Appendix B).

The forgoing revisions add changes to implementation measure IM RP-E as mitigation; however, the change does not affect the conclusions of the Draft EIR.

## **Master Response #6: General Plan Policies and Implementation Measures Related to Greenhouse Gas Emissions**

As noted in Chapter 8 of the OPR General Plan Guidelines, a GHG emissions reduction plan can be either a stand-alone Climate Action Plan (CAP) or directly part of the general plan. The CEQA Guidelines recognize either approach (14 CCR Section 15183.5). In the case of the Draft General Plan, the County has chosen to include policies and IMs that would require preparation of a GHG reduction plan subsequent to approval of the Draft General Plan. The specific thresholds and reduction strategies within the plan would be required to comply with the standards established in CCR Section 15183.5(b), as stated herein:

Plans for the Reduction of Greenhouse Gas Emissions. Public agencies may choose to analyze and mitigate significant greenhouse gas emissions in a plan for the reduction of greenhouse gas emissions or similar document. A plan to reduce greenhouse gas emissions may be used in a cumulative impacts analysis as set forth below. Pursuant to sections 15064(h)(3) and 15130(d), a lead agency may determine that a project's incremental contribution to a cumulative effect is not cumulatively considerable if the project complies with the requirements in a previously adopted plan or mitigation program under specified circumstances.

- (1) Plan Elements. A plan for the reduction of greenhouse gas emissions should:
  - (A) Quantify greenhouse gas emissions, both existing and projected over a specified time period, resulting from activities within a defined geographic area;
  - (B) Establish a level, based on substantial evidence, below which the contribution to greenhouse gas emissions from activities covered by the plan would not be cumulatively considerable;
  - (C) Identify and analyze the greenhouse gas emissions resulting from specific actions or categories of actions anticipated within the geographic area;

- (D) Specify measures or a group of measures, including performance standards, that substantial evidence demonstrates, if implemented on a project-by-project basis, would collectively achieve the specified emissions level;
  - (E) Establish a mechanism to monitor the plan's progress toward achieving the level and to require amendment if the plan is not achieving specified levels;
  - (F) Be adopted in a public process following environmental review.
- (2) Use with Later Activities. A plan for the reduction of greenhouse gas emissions, once adopted following certification of an EIR or adoption of an environmental document, may be used in the cumulative impacts analysis of later projects. An environmental document that relies on a greenhouse gas reduction plan for a cumulative impacts analysis must identify those requirements specified in the plan that apply to the project, and, if those requirements are not otherwise binding and enforceable, incorporate those requirements as mitigation measures applicable to the project. If there is substantial evidence that the effects of a particular project may be cumulatively considerable notwithstanding the project's compliance with the specified requirements in the plan for the reduction of greenhouse gas emissions, an EIR must be prepared for the project.

In addition to the requirements listed above, the Draft General Plan includes specific policies and IMs that could be used within the GHG Reduction Plan required by IM COS-5C to reduce GHG emissions from existing and proposed developments. As noted on page 4.3-40 of the Draft EIR, Policy COS 4.5 encourages new development to retain mature trees to allow for continued carbon sequestration within the trees. Furthermore, the use of alternative energy sources, such as photovoltaic systems would reduce energy related emissions from buildout of the County, and would be encouraged by the changes to the County's development standards and zoning ordinance discussed in IM COS-5E.

Based on the above, the County has determined that the goals, policies, and IMs included in the Draft General Plan are sufficient to ensure that GHG emissions associated with future development would be reduced to the maximum extent feasible.

### **Master Response #7: Cumulative Analysis**

As defined in Section 15355 of the CEQA Guidelines, "cumulative impacts" refers to two or more individual effects which, when considered together, are considerable, compound, or increase other environmental impacts. The individual effects may be changes resulting from a single project or a number of separate projects. The cumulative impact from several projects is the change in the environment that results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects.

The proposed Draft General Plan anticipates development across a large geographical area over a long period of time (buildout 2035). Because buildout of the Draft General Plan would result in combined environmental effects from a broad range of individual development projects, the analysis presented in the Draft EIR is inherently cumulative. A list of present, past, and probable future projects producing related impacts to resources is not feasible, as the Draft EIR is a program-level document, written to discuss a series of actions, rather than an individual action.



The Draft EIR identifies broad impacts and provides mitigation measures that would need to be implemented with future projects.

Furthermore, as noted on page 5-3 of the Draft EIR, impacts associated with buildout of the Draft General Plan in combination with other projects outside of the County would not create a substantial difference in the analyses and conclusions included throughout this EIR. For issues related to air quality, GHG emissions, and water quality, for which buildout of the Draft General Plan could result in environmental effects beyond the geographic boundaries of the County, the future development within the County would be regulated by Trustee Agencies such as Calaveras County Air Pollution Control District (CCAPCD), CDFW, and the Regional Water Quality Control Board, each of which have standards designed to address regional impacts. With regard to cumulative traffic issues, the Calaveras County travel demand forecasting (TDF) model used to model the Market-Level Year 2035 and General Plan Buildout (Growth Beyond 2035) growth scenarios accounts for traffic from vehicles travelling between Calaveras County and other neighboring counties. Growth assumptions for the neighboring Alpine and Amador counties relied on the UPlan growth model, similar to the UPlan growth assumptions for Calaveras County. Overall, the discussion of traffic impacts provided in the Draft EIR accounts for cumulative growth beyond the borders of the County, including projected growth in all neighboring counties. Because the analysis presented in the Draft EIR regarding traffic noise, air quality, and GHG emissions relied on the same traffic modeling data, such analyses also account for cumulative growth.

Similar to the Draft General Plan, growth within the neighboring Amador and Tuolumne counties is focused within existing community areas to discourage sprawl and preserve rural areas.<sup>1</sup> As such, cumulative development within such counties is not anticipated to result in direct growth effects within Calaveras County.

Thus, the analysis of cumulative impacts presented in the Draft EIR is adequate under CEQA.

## **2.3 RESPONSES TO WRITTEN COMMENT LETTERS**

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The following is a compilation of all letters received by the County during the 45-day public comment period. Each letter has been considered by the County and addressed, according to CEQA Guidelines §15088, prior to approval of this Final EIR.

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<sup>1</sup> County of Amador. *Amador County General Plan Final Environmental Impact Report* [pg. 3-4]. July 19, 2016  
Tuolumne County. *Tuolumne County General Plan Update Project Draft Environmental Impact Report* [pg. 2-4]. January 3, 2019.

Letter 1



PLANNING DEPARTMENT

CITY OF ANGELS PO Box 667, 200 B Monte Verda Street, Angels Camp, CA 95222 P: (209) 736-1346 F: (209) 736-9048

August 13, 2018

Peter Maurer, Planning Director  
Calaveras County Planning Department  
891 Mountain Ranch Road  
San Andreas, CA 95249

VIA E-MAIL TO: [pmaurer@co.calaveras.ca.us](mailto:pmaurer@co.calaveras.ca.us)

RE: Calaveras County General Plan Draft EIR

Dear Peter:

On behalf of the City of Angels Camp, I offer the following comments regarding the Draft EIR for the Calaveras County General Plan:

**Air Quality:**

For the following implementation measure, please amend as follows:

1-1

*IM COS-5B GHG Baseline for Calaveras County. Undertake a greenhouse gas (GHG) emissions inventory to establish baseline levels of GHGs generated from all major emission sources in the County, including those in the City of Angels, consistent with the requirements of Assembly Bill 32 (California Global Warming Solutions Act of 2006) and SB 32.*

The City of Angels would like to work collaboratively with Calaveras County on this program.

**Cultural Resources:**

Dependent upon the timing of your Final EIR and General Plan adoption, the County may wish to consider amending the following language to recognize that, possibly in September 2018, it is anticipated that the California Valley Miwok Tribe (based in Sheep Ranch) will become a federally recognized tribe within Calaveras County. The tribal contact is Lawrence Wilson who may be reached at (209) 304-2307 or by fax at (209) 293-3179. He has indicated to the City of Angels that the tribe will request consultations pursuant to AB52.

1-2

*Pg. 4.5-26 Furthermore, pursuant to pursuant to Public Resources Code § 21080.3.1, Calaveras County has provided formal notification to tribes requesting consultation under AB 52, including the Buena Vista Rancheria of Me-Wuk Indians, the Calaveras Band of Mi-Wuk Indians, and the Ione Band of Miwok. Responses requesting consultation were not received within the 30-day response period, which ended June 1, 2017.*

**Mineral Resources:**

For the following implementation measure, please amend as follows:

1-3

*IM RP-4A County Code – Amend the County Code to:*

- Address the use and development of geothermal resources
- Update the ME combining zone district to be consistent with the State's mineral classification scheme.

Letter 1  
Cont'd



PLANNING DEPARTMENT

CITY OF ANGELS PO Box 667, 200 B Monte Verda Street, Angels Camp, CA 95222 P: (209) 736-1346 F: (209) 736-9048

1-3  
Cont'd

- Clarify that a conditional use permit is required for all surface and subsurface mining activity unless specifically exempted pursuant to Section 17.56.040 (or equivalent), and that conditions will be imposed as necessary to protect mineral resources.
- Include notification procedures for designating mineral reserve areas.
- Continue to use the ME Combining Zone to designate existing permitted and grandfathered mining operations, to identify lands with commercial mineral potential and to allow owners of land containing commercially valuable mineral resources to apply for mineral extraction permits.
- Address changes to state law and regulations from the State Mining and Geology Board.
- Require consultation with the City of Angels prior to designating new mineral reserve areas or approving any new mining operations within the City of Angels' area of interest (as defined in the City of Angels General Plan).
- Recognize that large mining operations may be incompatible with existing and/or planned land uses in or adjacent to the City of Angels by apply the following minimum standards, or their equivalent, as established in the Angels Camp General Plan Program 4.A.f.
  - ✓ The site has been classified by the California Geological Survey as a Mineral Resource Zone (MRZ-2a or MRZ-2b) under the State Classification System; and
  - ✓ The property does not have over 25% of its area zoned as an urban level residential zoning district (i.e., allowing one acre or less), or over 25% of its area designated as HDR, MDR, SFR, ER, HC, C, CC, SC, SP, P or PR by the City of Angels General Plan; and
  - ✓ There are no concentrations of 20 acres or more of property designated by the City of Angels General Plan as HDR, MDR, SFR, ER, HC, C, CC, SC, SP, P or PR by the General Plan within 600 feet of the property; and
  - ✓ There are no high occupancy structures (i.e., those accommodating more than six persons) such as schools, health care facilities, skilled nursing facilities, residential care homes, hotels or motels within 600 feet of the site.

A Notice of Action shall be recorded on those lands meeting the preceding criteria in conjunction with establishing the Mineral Preserve (MPZ) combining district (or equivalent) on qualifying properties.

**Transportation:**

The City of Angels appreciates the County's recognition of the alternative levels of service allowed for City roadways as reflected in the Angels Camp General Plan in the following implementation measure. However, to avoid the necessity for amending both the City of Angels General Plan and Calaveras County General Plan should these LOS standards be changed by the City, and to avoid cross-jurisdictional conflicts, please amend as follows:

1-4

Policy C 2.2 Road impacts created by new development shall not reduce the minimum level of service (LOS) below D for roadways and intersections in Community Areas (as indicated on the General Plan Land Use Diagram – Figure LU-1) and in the City of Angels or below LOS C on County-maintained roadways outside

Letter 1  
Cont'd



PLANNING DEPARTMENT

CITY OF ANGELS PO Box 667, 200 B Monte Verda Street, Angels Camp, CA 95222 P: (209) 736-1346 F: (209) 736-9048

1-4  
Cont'd

of Community Areas and outside the City of Angels. The County shall allow for the following exceptions on County-maintained roadways and on Caltrans-maintained roadways outside the City of Angels, except as specified below, assuming that roadway safety is addressed consistent with Policy CIR 2.1.

- SR 26 from the San Joaquin County line to Silver Rapids Road – LOS D is acceptable to the County.
- ~~SR 4 from Vallecito Road to Kurt Drive – LOS D is acceptable to the County.~~
- SR 4 from Lakemont Drive to Henry Drive – LOS D is acceptable to the County.
- SR 4 from Henry Drive to Sierra Parkway – LOS D is acceptable to the County.
- SR 12 from SR 26 to SR 49 – LOS D is acceptable to the County.
- SR 49 from Pool Station Road to Gold Oak Road – LOS D is acceptable to the County. SR 49 from Gold Oak Road to Mountain Ranch Road – LOS D is acceptable to the County.
- ~~SR 49 from Dog Town Road to SR 4 (W) – LOS D is acceptable to the County.~~
- ~~SR 49 from SR 4 (W) to Murphy's Grade Road – LOS D is acceptable to the County.~~
- ~~SR 49 from Stanislaus Avenue to Mark Twain Road – LOS D is acceptable to the County.~~
- ~~SR 49 from Mark Twain Road to Bret Harte Road – LOS D is acceptable to the County.~~
- ~~SR 49 from Bret Harte Road to SR 4 (S) Vallecito Road – LOS D is acceptable to the County.~~
- SR 49 from SR 4 (S) Vallecito Road the southern City of Angels City Limits to Tuolumne County Line – LOS D is acceptable to the County.

LOS along SR 49 and 4 through the City of Angels Camp shall be in accordance with the standards established in the Angels Camp General Plan (Implementation Programs 3.A.e and 3.A.f), as may be amended.

Additional exceptions to this policy may be allowed by the Board of Supervisors on a case-by-case basis for roadways located outside the City of Angels Camp, where reducing the level of service would result in a clear public benefit in furtherance of public health, safety, and welfare. Exceptions to the LOS standards may include, but are not limited to, the following circumstances:

- Improvements necessary to achieve the LOS standard result in significant impacts to a unique historical resource;
- Improvements necessary to achieve the LOS standard result in impacts to a sensitive environmental area; or
- Improvements necessary to achieve the LOS standard would prohibit or significantly impair the County's implementation of bicycle and pedestrian facilities or adversely impact areas of historic significance. (IM C-2A and C-2B)

Land Use

1-5

And, finally, the following Calaveras County General Plan Land Use Implementation Program is acceptable in its current form; however, the following might more accurately reflect coordination efforts between the City and County as it may relate to other future planning efforts (e.g., housing, inter-jurisdictional recreational trails):

LU 6.3 Provide coordinated planning with the City of Angels Camp and within the City of Angels Camp Sphere of Influence and Area of Interest to coordinate the effective provision of infrastructure and services and promote regional planning goals.

**Letter 1  
Cont'd**



**PLANNING DEPARTMENT**

CITY OF ANGELS PO Box 667, 200 B Monte Verda Street, Angels Camp, CA 95222 P: (209) 736-1346 F: (209) 736-9048

Thank you for the opportunity to provide input on this important project. The City looks forward to working collaboratively with Calaveras County. Please call me if you have any questions or require additional information.

Sincerely,

A handwritten signature in blue ink, appearing to read "Amy Augustine".

Amy Augustine, AICP  
City Planner, City of Angels

cc: Melissa Eads, City Administrator

**LETTER 1: AMY AUGUSTINE, CITY OF ANGELS CAMP**

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**Response to Comment 1-1**

The comment does not address the adequacy of the Draft EIR, but recommends a change to an IM in the Draft General Plan. In response to the commenter's concerns, page 4.3-43 in Chapter 4.3 of the Draft EIR is hereby revised as follows for consideration by the decision-makers:

4.3-4(b) *IM COS-5B of the Draft General Plan shall be revised as follows:*

*IM COS-5B GHG Baseline for Calaveras County. Undertake a greenhouse gas (GHG) emissions inventory to establish baseline levels of GHGs generated from all major emission sources in the County, including those in the City of Angels Camp, consistent with the requirements of Assembly Bill 32 (California Global Warming Solutions Act of 2006) and SB 32.*

The above revisions do not change the analysis or conclusions of the Draft EIR.

**Response to Comment 1-2**

As of September 2018, the California Valley Miwok Tribe became federally recognized in Calaveras County. As stated in Assembly Bill 52, the lead agency is required to consult with Native American tribes traditionally and culturally affiliated with the geographic area, if the tribe requested to the lead agency, in writing, to be informed by the lead agency of proposed projects in that geographic area. The County has not received written request from the California Valley Miwok Tribe to be consulted to date; however, upon receipt of such a letter, the California Valley Miwok Tribe would be added to future notification. Because the tribe had not yet notified the County at the time of release of the Draft EIR, the County has not conflicted with the requirements of AB 52.

**Response to Comment 1-3**

The comment does not address the adequacy of the Draft EIR. The comment requests that consultation with the City of Angels occur prior to designating new mineral reserve areas within the City's Area of Influence, but the addition to the policy is not necessary because the County already consults with the City of Angels in such instances as a standard practice.

**Response to Comment 1-4**

The comment does not address the adequacy of the Draft EIR, but recommends a change to a policy in the Draft General Plan. In response to the commenter's concerns, page 4.13-27 of the Draft EIR is hereby revised as follows for consideration by the decision-makers. It should be noted that not all the changes proposed by the commenter were incorporated based on inconsistency with policy direction given by the Board of Supervisors.

4.13-2

Policy C 2.2 in the Draft General Plan shall be revised as follows:

Policy C 2.2 Road impacts created by new development shall not reduce the minimum level of service (LOS) below D for roadways and intersections in Community Areas (as indicated on the General Plan Land Use Diagram – Figure LU-1) and in the City of Angels Camp or below LOS C on County-maintained roadways outside of Community Areas and the City of Angels Camp. The County shall allow for the following exceptions on County-maintained roadways and on Caltrans-maintained roadways, except as specified below, assuming that roadway safety is addressed consistent with Policy CIR 2.1.

- SR 26 from the San Joaquin County line to Silver Rapids Road – LOS D is acceptable to the County.
- SR 4 from Vallecito Road to Kurt Drive – LOS D is acceptable to the County.
- SR 4 from Lakemont Drive to Henry Drive – LOS D is acceptable to the County.
- SR 4 from Henry Drive to Sierra Parkway – LOS D is acceptable to the County.
- SR 12 from SR 26 to SR 49 – LOS D is acceptable to the County.
- SR 49 from Pool Station Road to Gold Oak Road – LOS D is acceptable to the County.
- SR 49 from Gold Oak Road to Mountain Ranch Road – LOS D is acceptable to the County.
- SR 49 from Dog Town Road to SR 4 (W) – LOS D is acceptable to the County.
- SR 49 from SR 4 (W) to Murphy's Grade Road – LOS D is acceptable to the County.
- SR 49 from Stanislaus Avenue to Mark Twain Road – LOS D is acceptable to the County.
- SR 49 from Mark Twain Road to Bret Harte Road – LOS D is acceptable to the County.
- SR 49 from Bret Harte Road to SR 4 (S) Vallecito Road – LOS D is acceptable to the County.
- SR 49 from SR 4 (S) Vallecito Road the southern City of Angels limits to Tuolumne County Line – LOS D is acceptable to the County.

*Additional exceptions to this policy may be allowed by the Board of Supervisors on a case-by-case basis, for roadways outside of the City of Angels Camp, where*

*reducing the level of service would result in a clear public benefit in furtherance of public health, safety, and welfare. Exceptions to the LOS standards may include, but are not limited to, the following circumstances:*

- *Improvements necessary to achieve the LOS standard result in significant impacts to a unique historical resource;*
- *Improvements necessary to achieve the LOS standard result in impacts to a sensitive environmental area; or*
- *Improvements necessary to achieve the LOS standard would prohibit or significantly impair the County's implementation of bicycle and pedestrian facilities or adversely impact areas of historic significance. (IM C-2A and C-2B).*

The above revisions do not change the analysis or conclusions of the Draft EIR.

### **Response to Comment 1-5**

The comment recommends a change to a policy in the Draft General Plan. In response to the commenter's concerns, the County has agreed to consider inclusion of the following revision to Draft General Plan Policy LU 6.3 prior to adoption:

Policy LU 6.3      Provide coordinated planning with the City of Angels Camp and within the City of Angels Camp Sphere of Influence [and Area of Interest](#) to coordinate the effective provision of infrastructure and services [and promote regional planning goals.](#)

In the event that the above revision is approved by the County, the conclusions presented in the Draft EIR would not change.



**Letter 2**

**Calaveras Local Agency Formation Commission**  
**John Benoit, Executive Officer**  
**P.O Box 2694 Granite Bay, Calif 95746**  
**(209) 754-6511 [johnbenoit@surewest.net](mailto:johnbenoit@surewest.net)**

July 18, 2018

Calaveras County Department of Planning and Building  
Peter Maurer, Director of Planning and Building  
891 Mountain Ranch Road  
San Andreas, CA 95249

RECEIVED  
JUL 20 2018  
Calaveras County  
Planning Department

Attn: Peter Maurer, Planning Director

**SUBJECT: Response for the County of Calaveras General Plan Draft  
Environmental Impact Report (DEIR)**

Dear Mr. Maurer,

2-1

Thank you for informing LAFCo about the DEIR for the County's General Plan. It is the policy of Calaveras LAFCo to actively participate in the development of Environmental Documents where LAFCo is or may be a Responsible Agency as required in Section 15096 of the CEQA guidelines or in this case, when the County is preparing a General Plan. LAFCo is concerned with the orderly provision of urban services throughout the County and that the services required for any subsequent development be provided by an established service provider to the extent feasible and that the service provider has and maintains adequate funding for the services provided.

2-2

As you are aware, LAFCo continues its effort to prepare Municipal Service Reviews and Spheres of Influence throughout the County as required by state law. If feasible, LAFCo intends to use the County's General Plan EIR as its environmental document for upcoming Sphere of Influence updates rather than preparing a new environmental document each time LAFCo adopts an updated Sphere of Influence. Please provide language in the "Purposes and of the EIR" section of the DEIR that LAFCO will be using the final EIR for upcoming Sphere of Influence updates. Likewise, other agencies such as the local Air Pollution Control Agency and the Transportation Commission may use the EIR in their role as a responsible agency. Note that there should be a discussion of LAFCo under the regulatory context section (4.9.3) on page 4.9-2 of the DEIR.

Depending upon the ability of a service district to provide services (as well as other factors) a Sphere of Influence update to include the territory in the General Plan map attached in the DEIR may not be feasible in the near term. The environmental documentation needs to also disclose any potential environmental impacts associated with a larger or updated Sphere of Influence. Of particular importance to LAFCO is a service district's ability to provide water and wastewater services. These areas should be thoroughly discussed to the extent feasible in the EIR. Since this is a programmatic EIR, LAFCO may wish to prepare a supplemental document should additional

**Letter 2  
Cont'd**

environmental documentation be required at the time LAFCO updates various Spheres of Influence.

LAFCo has comments regarding the following.

Resource Production:

2-3

Impact 4.2.1 Impacts related to conversion of Prime Farmland and no mitigation measures are found feasible. The county may wish to establish a mitigation measure whereby 1 for 2-acre (or adopt another formula) for land conservation easements as a mitigation measure.

LAFCo prepared numerous comments regarding the Resource Conservation Element (RCE) in a memo dated March 2, 2016. These comments were not included in the final draft RCE. Please consider the following as mitigation in the EIR:

2-4

- a. *Require a 300 to 500 foot buffer (on lands within the development project) from the boundary of an adjacent agricultural use. When the buffer is not feasible, require an easement as suggested in (c) below.*
- b. *Require a combination of a lesser buffer, tall masonry fencing and tree planting along the boundary to mitigate impacts of noise, dust, trespass, and pesticide/herbicide overspray. Such a proposal must be supported by the Farm Bureau, County Agricultural Commissioner or other recognized authority as adequate to mitigate impacts.*
- c. *Require agricultural land mitigation agreements through the purchase of agricultural easements with a 1 to 2-acre conversion ratio on lands having equal agricultural value and risk of conversion as the lands proposed to be converted from agricultural to urban uses.*
- d. *Alternatively, the County could consider a trigger mechanism or threshold to know when an agricultural conversion mitigation program is needed. e.g. the following: "If agricultural land conversion rates increase significantly, the Board of Supervisors shall consider the adoption of a farmland conversion mitigation program".*

Land Use:

2-5

While the County amended its former policy as follows:

"LU 5.3 Provide comprehensive, coordinated planning with the City of Angels Camp and within the City of Angels Camp Sphere of Influence to ensure that land use and development proposals considered by the City do not conflict with long-term plans of the County and vice versa"

**Letter 2  
Cont'd**

**2-5  
Cont'd**

TO:

"LU 6.3 Provide coordinated planning with the City of Angels Camp and within the City of Angels Camp Sphere of Influence to coordinate the effective provision of infrastructure and services".

Neither policy is sufficient to prohibit inefficient and unorderly growth and development and suggests the policy expressed by LAFCo in its March 2, 2016 letter, as follows

*"Within the Sphere of Influence (as defined in Gov. Code, Section 56076) of the City of Angels Camp, any development proposals and entitlements shall first be referred to the City for possible annexation and development within the City.*

Adoption of this policy or a mitigation measure would go far to ensure efficient and orderly development within the City's Sphere of Influence by perhaps requiring development to be permitted by the City rather than the County in its sphere area.

Public Services:

**2-6**

Page 4.12.27 The Utica Power Authority (UPA) has a new name: the Utica Water and Power Agency (UWPA).

**2-7**

General Comment: LAFCo has been in the process of updating Spheres of Influence for Water and Wastewater Agencies continuously since the adoption of the Municipal Service Review (MSR) in 2012, the latest being the Calaveras County Water District Sphere which was updated in July 2017. LAFCo is also currently in the process of updating information from the 2012 Water and Wastewater MSR. LAFCo has also been continuously updating MSR information for County Service Areas, Community Services Districts and the Mark Twain Healthcare District

Thank you for the opportunity to comment. Please forward a copy of the final GPEIR to LAFCO.

Sincerely,



John Benoit  
Executive Officer, Local Agency Formation Commission

**LETTER 2: JOHN BENOIT, CALAVERAS LOCAL AGENCY FORMATION COMMISSION**

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**Response to Comment 2-1**

The comment does not address the adequacy of the Draft EIR. The comment has been forwarded to decision-makers for their consideration.

**Response to Comment 2-2**

Adoption of the Draft General Plan would not expand or modify the current Calaveras County Sphere of Influence. Thus, the Draft EIR does not analyze the potential environmental effects associated with a larger or updated Sphere of Influence, and adoption of an updated Sphere of Influence by the Local Agency Formation Commission (LAFCo) would not be required as part of the EIR process. For areas currently located within unincorporated Calaveras County that would experience growth and development under buildout of the Draft General Plan, Chapter 4.12, Public Services and Utilities, of the Draft EIR includes a program-level analysis of the ability of existing service providers to accommodate increased demands.

Given that the EIR may be used by LAFCo for future Sphere of Influence updates, page 1-2 of Chapter 1, Introduction, of the Draft EIR has been revised as follows:

The EIR is an informational document that appries decision makers and the general public of the potential significant environmental effects of a proposed project. An EIR must describe a reasonable range of feasible alternatives to the project and identify possible means to minimize the significant effects. The lead agency, Calaveras County, is required to consider the information in the EIR, along with any other available information, in deciding whether to approve the Draft General Plan. The basic requirements for an EIR include discussions of the environmental setting, environmental impacts, mitigation measures, alternatives, growth-inducing impacts, and cumulative impacts.

[It should be noted that the Calaveras Local Agency Formation Commission \(LAFCo\) may rely on this EIR as an environmental document for the adoption of future Sphere of Influence updates within the County.](#)

The foregoing revisions to the Draft EIR are for clarification purposes only and do not change the conclusions of the Draft EIR.

**Response to Comment 2-3**

See Master Response #5. It should be noted that the commenter appears to recommend a higher mitigation ratio for conversion of agricultural lands than the 1:1 mitigation ratio provided in IM RP-1E. Requiring a higher 2:1 mitigation ratio could place an undue burden on new development and unnecessarily limit new development within the County. Therefore, County staff has determined that a 1:1 ratio is most appropriate for the specific needs of the County.

## Response to Comment 2-4

The comment recommends a change to an IM in the Draft General Plan regarding agricultural buffers. In response to the commenter's concerns, page 4.2-22 of the Draft EIR is hereby revised as follows for consideration by the decision-makers:

### Mitigation Measure(s)

~~Implementation of the following mitigation measures would reduce the above impact associated with the conversion of agricultural land to non-agricultural use. Nonetheless, even with mitigation, easible mitigation measures do not exist beyond the goals and policies included in the Draft General Plan. Therefore,~~ the impact would remain *significant and unavoidable*.

~~4.2-1(b) IM RP-1A of the Draft General Plan shall be revised as follows:~~

~~IM RP-1A County Code Amendments – Amend the County Code to:~~

- ~~• Incorporate guidelines and standards for the development and maintenance of setbacks or other measures designed to minimize conflicts between activities conducted on Resource Production Lands and the encroachment of incompatible uses.~~
- ~~• Establish minimum parcel size standards for new lots to be created adjacent to Resource Production Lands.~~
- ~~• Incorporate guidelines for residential development on Resource Production Lands.~~
- ~~• Expand the types of agricultural tourism and other compatible non-traditional activities allowed on Resource Production Lands to enhance their economic viability.~~
- ~~• Require a 300 foot to 500 foot buffer (on lands within the development area) from the boundary of an adjacent agricultural use. If such a buffer is deemed infeasible by the County, require a combination of a lesser buffer, tall fencing, and tree plantings along the boundary to limit adverse effects related to noise, dust, trespass, and pesticide/herbicide overspray. Such a proposal must be supported by the Agriculture Advisory Committee, County Agricultural Commissioner, or other recognized authority.~~

The forgoing revisions do not affect the conclusions of the Draft EIR. With regard to the commenter's concerns about mitigation for conversion of agricultural lands, please see Master Response #5, as well as Response to Comment 2-4 above.

## Response to Comment 2-5

The comment recommends a change to an IM in the Draft General Plan. In order to strengthen such standards, the County has agreed to consider the following revisions to Draft General Plan Policy LU 6.3 prior to adoption:

Policy LU 6.3 Provide coordinated planning with the City of Angels Camp and within the City of Angels Camp Sphere of Influence to coordinate the effective provision of infrastructure and services.

IM LU-6A Coordination with Angels Camp – Within the Sphere of Influence of the City of Angels Camp, any development proposals and entitlements shall first be referred to the City for possible annexation and development within the City.

In the event that the above revision is approved by the County, the conclusions presented in the Draft EIR would not change. Impact 4.9-2 from the Draft EIR would remain less than significant.

### **Response to Comment 2-6**

Page 4.12-27 of the Draft EIR is hereby revised as follows to reflect the Utica Water & Power Authority's recent name change.

#### Utica ~~Water and~~ Power Authority

The Utica ~~Water and~~ Power Authority (UWPA) was formed in December 1995 as a joint powers authority (JPA) whose members at that time were the City of Angels Camp, CCWD and Union Public Utility District (UPUD). As a JPA, UWPA is not under the jurisdiction of LAFCo. The JPA was formed to manage a water conveyance and hydroelectric power system that PG&E was in the process of selling to CCWD at the time of UWPA formation.

Note the forgoing revisions included changes to the abbreviation of Utica Water and Power Authority. The revisions to text are for clarification purposes only and do not affect the conclusions of the Draft EIR.

### **Response to Comment 2-7**

The comment provides general information regarding LAFCo's recent Sphere of Influence updates and updates to information from the 2012 Municipal Service Review. The comment does not address the adequacy of the Draft EIR.

## Letter 3



State of California • Natural Resources Agency  
Department of Conservation  
**Division of Land Resource Protection**  
801 K Street • MS 14-15  
Sacramento, CA 95814  
(916) 324-0850 • FAX (916) 327-3430

Edmund G. Brown Jr., *Governor*  
Clayton Haas, *Acting Director*

August 9, 2018

**VIA EMAIL: [PMAURER@CO.CALAVERAS.CA.US](mailto:PMAURER@CO.CALAVERAS.CA.US)**

Mr. Peter Maurer, Planning Director  
Calaveras County Planning Department  
891 Mountain Ranch Road  
San Andreas, CA 95249

Dear Mr. Maurer:

DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE CALAVERAS COUNTY  
DRAFT GENERAL PLAN UPDATE, SCH# 2017012043

3-1 The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the Draft Environmental Impact Report for the Calaveras County General Plan Update (Project). The Division monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act and other agricultural land conservation programs. We offer the following comments and recommendations with respect to the proposed project's potential impacts on agricultural land and resources.

Project Description

The proposed project consists of an update of the County's General Plan. The Draft General Plan is intended to reflect the community's expressions of quality of life and community values, satisfy the mandates of State law, and serve as the basis for community decision-making regarding the designations of land uses and the allocation of resources.

Department Comments

3-2 Although direct conversion of agricultural land is often an unavoidable impact under CEQA analysis, mitigation measures must be considered. In some cases, the argument is made that mitigation cannot reduce impacts to below the level of significance because agricultural land will still be converted by the project, and therefore, mitigation is not required. However, reduction to a level below significance is not a criterion for mitigation under CEQA. Rather, the criterion is feasible mitigation that lessens a project's impacts.

All mitigation measures that are potentially feasible should be considered. A measure brought to the attention of the Lead Agency should not be left out unless it is infeasible based on its elements. The Department suggests that the County consider the adoption of an agricultural land mitigation program that will effectively mitigate the conversion of agricultural land.

**Letter 3  
Cont'd**

Mr. Peter Maurer  
August 9, 2018  
Page 2

3-3

Agricultural Mitigation Program

Agricultural conservation easements are an available mitigation tool that the County should consider. The Department highlights easements as a mitigation tool because of their acceptance and use by lead agencies as an appropriate mitigation measure under CEQA and because they follow an established rationale similar to that of wildlife habitat mitigation.

Programs that establish agricultural conservation easements and in-lieu fees for mitigation banking are most effective at conserving comparable quality agricultural land when the easement requirements or fees are determined concurrent with project approval. Should significant time elapse between initial approval and the applicant's receipt of a building or grading permit, conflict may arise over the agricultural quality or value of the land being converted.

3-4

Mitigation via agricultural conservation easements can be implemented by at least two alternative approaches: the outright purchase of easements or the donation of mitigation fees to a local, regional, or statewide organization or agency whose purpose includes the acquisition and stewardship of agricultural conservation easements. The conversion of agricultural land should be deemed an impact of at least regional significance. Hence, the search for replacement lands should not be limited strictly to lands within the project's surrounding area.

A source that has proven helpful for regional and statewide agricultural mitigation banks is the California Council of Land Trusts. They provide helpful insight into farmland mitigation policies and implementation strategies, including a guidebook with model policies and a model local ordinance. The guidebook can be found at:

<http://www.calandtrusts.org/resources/conserving-californias-harvest/>

Another source is the Division's California Farmland Conservancy Program (CFCP), which has participated in bringing about conservation easements throughout the State of California involving many California land trusts. Any other feasible mitigation measures should also be considered.

3-5

Conclusion

Thank you for giving us the opportunity to comment on the Draft Environmental Impact Report for the Calaveras County Draft General Plan Update. Please provide this Department with notices of any future hearing dates as well as any staff reports pertaining to this project. If you have any questions regarding our comments, please contact Farl Grundy, Environmental Planner at (916) 324-7347 or via email at [Farl.Grundy@conservation.ca.gov](mailto:Farl.Grundy@conservation.ca.gov).

Sincerely,



Monique Wilber  
Conservation Program Support Supervisor



**LETTER 3: MONIQUE WILBER, CALIFORNIA DEPARTMENT OF CONSERVATION**

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**Response to Comment 3-1**

The comment is introductory and does not address the adequacy of the Draft EIR.

**Response to Comment 3-2**

The commenter's suggestion with regard to an agricultural land mitigation program is addressed by the requirements of IM RP-1E. Please see Master Response #5.

**Response to Comment 3-3**

The comment provides an overview of programs that establish agricultural conservation easements and in-lieu fees for mitigation banking, but does not specifically address the adequacy of the Draft EIR. The requirements of IM RP-1E, as discussed under Master Response #5, are generally consistent with the programs referenced by the commenter.

**Response to Comment 3-4**

The comment discusses potential mitigation options related to conversion of agricultural land, but does not specifically address the adequacy of the Draft EIR. The requirements of IM RP-1E, as discussed under Master Response #5, are generally consistent with the programs referenced by the commenter. Additional mitigation for conversion of agricultural land beyond the requirements of IM RP-1E is not feasible.

**Response to Comment 3-5**

The comment is a concluding remark. The Department of Conservation will be notified of any hearing dates, as well as staff reports pertaining to the project.

Letter 4



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
North Central Region  
1701 Nimbus Road  
Rancho Cordova, CA 95670  
www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor  
CHARLTON H. BONHAM, Director



Governor's Office of Planning & Research

August 13, 2018

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8/13/18  
E*

AUG 13 2018

STATE CLEARINGHOUSE

Peter Maurer  
Planning Director  
Calaveras County  
891 Mountain Ranch Road  
San Andreas, CA, 95249

Dear Mr. Maurer:

Calaveras County Draft General Plan (PROJECT)  
DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR)  
SCH# 2017012043

The California Department of Fish and Wildlife (CDFW) received and reviewed a Draft Environmental Impact Report (DEIR) from Calaveras County for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup> CDFW previously submitted comments in response to the Notice of Preparation of the DEIR.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

4-1

**CDFW ROLE**

CDFW is California's **Trustee Agency** for fish and wildlife resources, and holds those resources in trust by statute for all the people of the State. (Fish and Game Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish and Game Code, § 1600 et seq.) Likewise, to the extent implementation of

<sup>1</sup> CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

**Letter 4  
Cont'd**

Mr. Maurer  
Calaveras County Draft General Plan DEIR  
August 13, 2018  
Page 2

the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish and Game Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code will be required.

**PROJECT DESCRIPTION SUMMARY**

The Project site is located in Calaveras County, which encompasses approximately 662,791 acres. Watersheds within the County include the Mokelumne River watershed at the County's northern border, the Stanislaus River and Lower San Joaquin River watersheds at the County's southern/southwestern border, and the Calaveras River watershed in the north-central portion of the County.

The Project consists of an update to the existing 1995 General Plan. The Project is intended to guide growth and development within the county through the year 2035. The project includes a general plan land use map, buildout projections, and a total of eight elements: Land Use, Circulation, Resource Production, Conservation and Open Space, Noise, Safety, Public Facilities and Services, and Community Plan. If the determination is made that buildout of the General Plan will result in impacts to the environment, the DEIR will identify appropriate feasible mitigation measures to ensure that the necessary improvements are implemented over the course of the next 18 years.

**ENVIRONMENTAL SETTING**

To identify a correct environmental baseline, the DEIR should include a complete and current analysis of the presence of endangered, threatened, candidate, and locally unique species. CEQA guidelines § 15125, subdivision (c) requires lead agencies to provide special emphasis to sensitive habitats and any biological resources that are rare or unique to the area. This includes, but is not limited to vernal pools, streambeds, riparian habitats, and open grasslands that are known to be present within the Project boundaries or its vicinity. CDFW recommends that the environmental documentation identify natural habitats and provide a discussion of how the proposed Project will affect their function and value.

CDFW recommends that the California Natural Diversity Database (CNDDDB), as well as previous studies performed in the area, and other species databases, be consulted to assess the potential presence of sensitive species and habitats. Recent surveys for the different species that have the potential to be present within the project limits and its vicinity shall be included within the DEIR. Additionally, species-specific surveys should be conducted in order to ascertain the presence of species with the potential to be directly or indirectly impacted. CDFW recommends the lead agency rely on survey and monitoring protocols and guidelines available at: <https://www.wildlife.ca.gov/Conservation/Survey-Protocols>.

**IMPACT ASSESSMENT AND MITIGATION MEASURES**

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- 4-4 Based on habitat assessments and survey results, the DEIR should clearly identify and describe all short-term, long-term, permanent, or temporary impacts to biological resources under CDFW's jurisdiction, including all direct and foreseeable indirect impacts caused by the proposed Project. The DEIR should define the threshold of significance for each impact and describe the criteria used to determine whether the impacts are significant (CEQA Guidelines, § 15064, subd. (f)).
- 4-5 CDFW recommends that the DEIR must demonstrate that the significant environmental impacts of the Project were adequately investigated and discussed and it must permit the significant effects of the Project to be considered in the full environmental context. CDFW also recommends that the environmental documentation provide scientifically supported discussion regarding adequate avoidance, minimization, and/or mitigation measures to address the project's significant impacts upon fish and wildlife and their habitat. For individual projects, mitigation must be roughly proportional to the level of impacts, including cumulative impacts, in accordance with the provisions of CEQA (Guidelines Section 15126.4(a)(4)(B), 15064, 15065, and 16355). In order for mitigation measures to be effective, they must be specific, enforceable, and feasible actions that will improve environmental conditions.
- 4-6
- 4-7 Although Policy COS 3.1 states that new development shall use site planning techniques, including buffers and setbacks, and encourage clustering of development to protect sensitive biological resources, some of the population growth is anticipated to occur outside of the existing communities, throughout the rural areas of the County. Direct impacts to riparian habitat, lone chaparral, and other sensitive habitats include removal of these habitats during development/construction of projects, or indirect impacts from adjacent development that affects the health and vigor of these communities. Indirect impacts to these communities also include habitat degradation caused by the introduction of invasive plant species or deposition of sediments caused by land grading and manipulation. CDFW is concerned that the proposed Project may result in direct, indirect and cumulative adverse impacts to environmental and Public Trust resources within the Project area. The Project area may be impacted by reducing riparian and terrestrial habitats, including habitats for sensitive species and could result in the direct "take" of State-listed species.
- 4-8 CDFW recommends that the DEIR should include a list of present, past, and probable future projects producing related impacts to resources under CDFW's jurisdiction or shall include a summary of the projections contained in an adopted local, regional, or statewide plan, that consider conditions contributing to a cumulative effect. The cumulative analysis shall include impact analysis of vegetation and habitat reductions within the area and their potential cumulative effects.
- 4-9 Mitigation measures should establish performance standards to evaluate the success of the proposed mitigation, provide a range of options to achieve the performance standards, and must commit the lead agency to successful completion of the mitigation. Mitigation measures should also describe when the mitigation measure will be implemented, and explain why the measure is feasible.

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- 4-10 CDFW recommends that the environmental document include measures that are enforceable and do not defer the details of the mitigation to the future.
- Threatened, Endangered, Candidate Species, and Species of Special Concern*
- The Project area, as shown in the Draft General Plan includes habitat for State, and/or federally listed species, such as but not limited to; Southern long-toed salamander (*Ambystoma macrodactylum*), pallid bat (*Antrozous pallidus*), Red hills cryptantha (*Cryptantha spithamaea*), Stanislaus monkeyflower (*Erythranthe marmorata*), American peregrine falcon (*Falco peregrinus*), forked hare-leaf (*Lagophylla dichotoma*), Congdon's lomatium (*Lomatium congdonii*), Patterson's navarretia (*Navarretia paradoxiclara*), steelhead - Central Valley DPS (*Oncorhynchus mykiss irideus*), Holzinger's orthotrichum (*Orthotrichum holzingeri*), Sierra Nevada yellow-legged frog (*Rana sierra*), tongue-leaf copper moss (*Scopelophila cataractae*), California tiger salamander (*Ambystoma californiense*) and great gray owl (*Strix nebulosa*).
- 4-11 Species-specific surveys should be conducted on a per project basis in order to ascertain the presence of species where habitat is present within the Project area. CDFW recommends that the lead agency require survey protocols previously approved by CDFW and that an assessment for rare plants and rare natural communities follow CDFW's 2018 Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities. The guidance document is available here: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>.
- Species Scoping*
- Please be aware that the CNDDDB is a positive-occurrence database. The majority of private lands have not been surveyed for special-status species, and thus, will not be accurately represented by the CNDDDB. Species presence/absence and any potentially significant impact is best determined by field verification.
- 4-12 *Great Gray Owl (Strix nebulosa) (GGO)*
- The State endangered great gray owl (*Strix nebulosa*) (GGO) is not included on any list in the DEIR, however is known to exist in "Coniferous Forest", "Hardwood Forest and Woodland Communities" (foothill and oak woodland), and "wet meadow" habitat types.
- Recent survey efforts for the GGO have shown that the species exist in areas outside of current range maps, and are associated with lower elevation areas that exhibit favorable habitat characteristics. The CNDDDB records show GGO occurrence's in the neighboring counties of El Dorado and Tuolumne, which contain similar habitat types and elevation profiles to Calaveras County. Additionally, CDFW has knowledge of the GGO nesting on private property in Amador and Calaveras counties. Key nesting habitat characteristics include mid- or late- succession forests, particularly with large snags greater than 24 inches diameter at breast height (dbh); decadent, large black oaks located near grass-forb

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↑ foraging areas, suitable nesting habitat located within 300 yards of meadows or open foraging areas.

In order to avoid significant impacts, as well as provide protection and appropriate mitigation for the GGO, CDFW recommends the DEIR be revised to accurately disclose which potential habitat types (as described in the DEIR) may have presence of GGO.

*Migratory Birds and Birds of Prey*

**4-13**

Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) (16 U.S.C., §§ 703-712). CDFW implemented the MBTA by adopting the Fish and Game Code section 3513. Fish and Game Code sections 3503, 3503.5 and 3800 provide additional protection to nongame birds, birds of prey, their nests and eggs. Potential habitat for nesting birds and birds of prey is present within the project area.

CDFW recommends that the proposed Project should disclose all potential activities that may incur a direct or indirect take to nongame nesting birds, including but not limited to raptors or "fully protected" birds, within the Draft General Plan Area. Appropriate avoidance, minimization, and/or mitigation measures to avoid take must be included in the DEIR. Measures to avoid the impacts should include species-specific work windows, biological monitoring, installation of noise attenuation barriers, etc.

*Evaluating Impacts to Locally Significant Bat Roosting Sites*

**4-14**

Some roost sites for local bat populations may be considered by CDFW to be a significant biological resource. Impacts to these roosting sites may significantly limit this resource. The Project area as shown in the Draft General Plan may contain locally significant bat roosting sites such as but not limited to trees, caves, barns, houses, tunnels, and bridges used for multiple life history roles. In general, when a bat roost site will be lost or modified during a project, CDFW recommends the following including "Guidelines for defining biologically important bat roosts" (Neubaum, Navo, & Siemers, 2017) or other similar guidelines for identifying roost sites of biological importance; and recommends avoiding any significant roosts or proposing site specific mitigation measures. Examples may include but are not limited to:

- Conducting pre-project surveys or monitoring, usually over the course of spring, summer, fall, and winter (and possibly for two or more years) to determine which bat species are using the site. Multiple survey visits are necessary because different species may use a particular roost only during certain seasons (maternity, hibernation, dispersal, migration). Further, multiple visits within a season may be necessary to ensure intermittent use is observed. Due to year-to-year variation in use, multiple years of surveys may also be necessary.

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- Using exclusionary devices installed and timed appropriately before a maternal roost site is developed. Improper timing of installation of exclusionary devices can trap non-volant bats inside a structure and their mother cannot return to nurse them once she flies out of the device.
- Ensuring that replacement roost structures (bat houses, other structures, or crevices incorporated into bridge design) are designed to accommodate the bat species they are intended for.
- Replacement roost structures should be in place for a minimum of one full year prior to implementing the project. The replacement structures should be monitored to document bat use. Ideally, the project would not be implemented unless and until replacement roost structures on site are documented to be acceptable and used by the bat species of interest.

A project activity that results in the loss or modification of an original roost structure should be implemented outside the critical hibernation and maternity seasons.

**4-15**

*Watercourses and Wetlands*

The extent of CDFW discretionary areas differ from other agencies such as the U.S. Army Corps of Engineers or the Regional Water Quality Control Board Applications. Under CDFW's authority per Fish and Game Code section 1600, these areas include all perennial, intermittent, and ephemeral rivers, streams, and lakes, including ponds and drainages, in the State and any habitats supported by these features such as wetlands and riparian habitats.

**4-16**

The DEIR should identify all Project activities subject to Fish and Game Code section 1602. These areas include all perennial, intermittent, and ephemeral rivers, streams, and lakes, including ponds and drainages, in the State and any habitats supported by these features such as wetlands and riparian habitats. The DEIR should include a delineation of lakes, streams, and associated habitat that will be temporarily and/or permanently impacted by the proposed Project including an estimate of the impact to each habitat type. If Project activities are subject to Fish and Game Code section 1602 within the General Plan Area, the EIR should identify any potential impacts to these resources and propose mitigation measures to avoid, minimize, and mitigate impacts to these resources.

Notification to the CDFW may be required pursuant to Fish and Game Code section 1602 if the Project proposes to: divert, obstruct, or change the natural flow or the bed, channel or bank of any river, stream, or lake; use material from a streambed; or result in the disposal or deposition of debris, waste, or other material where it may pass into any river, stream, or lake.

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4-16  
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CDFW recommends the DEIR be revised, to provide clear guidance as to the requirements to comply with Fish and Game Code section 1600 et. seq, and how compliance will support the mitigation measures related to the DEIR and proposed ordinance. Additionally, CDFW stresses the importance of providing complete information within the Notification regarding all Project related activities, including but not limited to: the entire scope of the intended land use; physical features present; the proximity of the project activities, regardless of footprint, to any lake, pond, or stream; lentic and lotic geomorphology; and species-specific concerns.

4-17

**CUMULATIVE IMPACTS**

The DEIR does not provide a cumulative impact assessment to natural resources and therefore does not adequately determine whether the approval of the Calaveras Draft General Plan poses significant cumulative impacts. The lead agency should consider the Project's cumulative impacts to natural resources, including present, past, and probable future projects producing related impacts to these resources.

CDFW recommends that the lead agency should consider impacts on vegetation and habitat reductions within the area and their potential cumulative effects, prior to approving each project. The DEIR should incorporate mitigation performance standards that would reduce the significant impacts as expected.

4-18

**ENVIRONMENTAL DATA**

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database, which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB data submission survey form can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be mailed electronically to CNDDDB at the following email address: [CNDDDB@wildlife.ca.gov](mailto:CNDDDB@wildlife.ca.gov). The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

4-19

**FILING FEES**

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying Project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish and Game Code, § 711.4; Pub. Resources Code, § 21089.)

**CONCLUSION**



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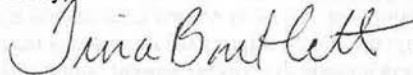
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Pursuant to Public Resources Code §21092 and §21092.2, CDFW requests written notification of proposed actions and pending decisions regarding the proposed Project. Written notifications shall be directed to the address listed in the header of this letter.

CDFW appreciates the opportunity to comment on the DEIR to assist in identifying and mitigating Project impacts on biological resources. CDFW personnel are available for consultation regarding biological resources and strategies to minimize impacts. Questions regarding this letter or further coordination should be directed to Michael Shun, Environmental Scientist at (916) 767-8444 or michael.shun@wildlife.ca.gov.

Sincerely,



Tina Bartlett  
Regional Manager

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Kursten Sheridan, kursten.sheridan@wildlife.ca.gov  
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*Department of Fish and Wildlife*

State Clearinghouse, state.clearinghouse@opr.ca.gov  
*Office of Planning and Research*

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**Literature Cited**

Neubaum DJ, Navo KW, Siemers JL. 2017. Guidelines for defining biologically important bat roosts: a case study from Colorado. *Journal of Fish and Wildlife Management* 8(1):272–282; e1944-687X. doi:10.3996/102015-JFWM-107

**LETTER 4: TINA BARTLETT, CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE**

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**Response to Comment 4-1**

The comment is introductory and explains the role of the California Department of Fish and Wildlife (CDFW), as well as gives a description of the proposed project. The comment does not address the adequacy of the Draft EIR.

**Response to Comment 4-2**

Chapter 4.4, Biological Resources, of the Draft EIR addresses the presence of endangered, threatened, and all other special-status species in the area. Specifically, the Draft EIR lists all special-status wildlife species with potential to occur within the County in Tables 4.4-2 and 4.4-3 beginning on page 4.4-18 in Chapter 4.4 of the Draft EIR. In addition, a discussion of habitat types and sensitive plant communities present in Calaveras County is presented on page 4.4-2 through 4.4-17.

The proposed project's potential to impact special-status species and natural habitats is discussed in the Impacts and Mitigation Measures section of Chapter 4.4, beginning on page 4.4-30.

**Response to Comment 4-3**

As discussed on page 4.4-30 in Chapter 4.4 of the Draft EIR, the California Natural Diversity Database (CNDDDB) and previous studies were used as part of the data collected for the analysis of biological resources. As stated on page 4.4-30:

Data used for this analysis include Geographic Information Systems (GIS) layers provided by Calaveras County, aerial photographs, topographic maps, the CNDDDB and the CNPS online Inventory of Rare, Threatened, and Endangered Plants of California. Other data on biological resources were collected from numerous sources, including relevant literature, maps of natural resources, and data on special status species and sensitive habitat information obtained from the CDFW and the USFWS' Critical Habitat maps. Finally, Monk & Associate's knowledge of biological resources in Calaveras County from recent past project-level field work and analysis in the County was also applied to assess expected impacts from future development.

**Response to Comment 4-4**

Chapter 4.4 of the Draft EIR addresses all short-term, long-term, permanent and temporary impacts to biological resources under CDFW's jurisdiction as a result of the proposed project. Section 4.4.4, Impacts and Mitigation Measures, of Chapter 4.4, beginning on page 4.4-29, describes the standards of significance used, and the method of analysis used to determine significance of impacts, as well as all potential impacts to biological resources as a result of the proposed project.

### **Response to Comment 4-5**

The Draft EIR investigates and discusses the significant environmental impacts of the project throughout Chapters 4.1 through 4.13, the Draft EIR investigates and discusses the significant effects of the project in the full environmental context. A summary of impacts is provided in Table 2-1 on pages 2-5 through 2-52 of the Executive Summary chapter of the Draft EIR.

### **Response to Comment 4-6**

The Draft EIR provides scientifically supported discussion regarding adequate avoidance, minimization, and mitigation measures to address the project's significant impacts upon fish and wildlife throughout the document. Table 2-1 in Chapter 2, Executive Summary, of the Draft EIR lists all of the mitigation measures required throughout the Draft EIR. Each measure is proportional to the level of impact in accordance with CEQA.

### **Response to Comment 4-7**

As the Draft EIR is a program-level document assessing the proposed land uses in future County development, individual projects would be assessed on a project to project basis. To the extent feasible, the Draft EIR analyses broad potential direct and indirect impacts to sensitive natural communities that could occur as a result of future development within the County. Page 4.4-36 of the Draft EIR includes an overview of such impacts.

At such time in the future that specific project applications are submitted to the County, additional review would occur and any modifications needed to any future plans would be required at that time. All the Draft General Plan elements include goals and policies carefully drafted to guide successful implementation of the Draft General Plan and the County's overall vision for development. Impact on disturbance of riparian habitat, Ione chaparral, and other sensitive habitats would be assessed at that time.

Sensitive habitats would be protected under multiple policies set forth in the Draft General Plan. Several mitigation requirements are provided by the Draft General Plan which would specifically prevent invasive species from impacting sensitive habitats. Policy COS 3.7 and IM COS-4G, included on page 4.4-37 and 4.4-38 in Chapter 4.4, Biological Resources, are written as follows:

- |                |   |
|----------------|---|
| Policy COS 3.7 | Support efforts to eradicate invasive species and encourage practices that reduce their spread. (IM COS-4G).  |
| IM COS-4G      | Invasive Species. Coordinate with state and Federal agencies and programs and other organizations to control the spread of invasive species. Work to secure funding where available to support these efforts. |

In addition, as discussed on page 4.4-22 in Chapter 4.4 of the Draft EIR, the Draft General Plan is subject to regulations in the Federal Endangered Species Act (FESA), which includes Section 9. Section 9 prohibits the "take" of any fish or wildlife species listed under FESA as endangered.

#### **Response to Comment 4-8**

Please see Master Response #7. The analysis of cumulative impacts to biological resources presented in the Draft EIR reflects full buildout of the Draft General Plan and, thus, includes present, past, and probable future projects within the County.

#### **Response to Comment 4-9**

Where applicable, the mitigation measures included in the Draft EIR provide performance standards. For example, IM COS-4L, as revised by Mitigation Measure 4.4-5(b), states that creek corridors should shall be preserved in undeveloped open spaces or under conservation easements as creek corridors provide linear wildlife corridors through the County. Thus, the performance standard for IM COS-4L would be the preservation of creek corridors within undeveloped open spaces or through easements. See Master Response #1.

#### **Response to Comment 4-10**

A biological assessment was conducted for the Draft General Plan by Monk and Associates, which determined the species of concern known to be found in the project vicinity. The Draft EIR addresses special status species in Chapter 4.4, Biological Resources, and specifically lists special status wildlife with potential to occur within the County in Table 4.4-3 of the Draft EIR. The comment is stating State and/or federally listed species shown in the Draft General Plan and does not address the adequacy of the Draft EIR. The analysis provided throughout Chapter 4.4 is programmatic and not project specific. Thus, while Calaveras County contains habitat suitable for multiple special-status species, only the relevant species known to be found in the area were assessed in the Draft EIR. Some species were not included in Table 4.4-3 because they are not known to be found in the area.

#### **Response to Comment 4-11**

Mitigation Measures 4.4-1(a), 4.4-1(b), and 4.4-1(c) in the Draft EIR, as well as Policy COS 3.3 in the Draft General Plan, require new development conduct surveys and Biology reports that identify and mitigate impacts to special-status wildlife habitat, rare plant habitats, wetlands, and other jurisdictional waters consistent with state and federal regulations. Additionally, CNDDDB was used in conjunction with other methods of analysis, including Geographic Information Systems layers, aerial photographs, topographic maps, and the CNPS online Inventory of Rare, Threatened, and Endangered Plants of California for analysis in the Draft EIR and General Plan.

#### **Response to Comment 4-12**

While CDFW has reported great gray owls to be nesting in Amador and Calaveras counties, the records have not yet been added to the CNDDDB. Based on the new information, the great gray owl has been added to the Draft EIR's table of special-status species. The following revision to text has been made in Table 4.4-3, on page 4.4-21 in Chapter 4.4, Biological Resources:

<b>Table 4.4-3 Special-Status Wildlife with Potential to Occur within the County</b>		
Common and Scientific Name	Fed / State / Other Status <sup>1</sup>	Habitat Requirements
<b>Birds</b>		
Bald eagle <i>Haliaeetus leucocephalus</i>	-- / CE / --	Ocean shorelines, lake margins, and river courses for both nesting and wintering. Most nests within one miles of water.
Northern goshawk <i>Accipiter gentilis</i>	-- / CSC / --	In summer, within and in vicinity of coniferous forest. Uses old nests and maintains alternate sites. Usually nests on north slopes, near water, red fir, lodgepole pine, Jeffery pine, and aspens are typical nest trees,
Tricolored blackbird <i>Agelaius tricolor</i>	-- / CSC / --	Colonial nester in dense cattails, tules, brambles or other dense vegetation. Requires open water, dense vegetation, and open grassy areas for foraging.
<u>Great gray owl</u> <u><i>Strix nebulosa</i></u>	<u>-- / CE / --</u>	<u>Resident of mixed conifer or red fir forest habitat, in or on edge of meadows. Require large diameter snags in a forest with high canopy closure, which provide a cool sub-canopy microclimate.</u>
Notes: <sup>1</sup> FT = Federal Threatened; FE = Federal Endangered; FPE = Federal Proposed Endangered; FPT = Federal Proposed Threatened; FC = Federal Candidate; FPD = Federally Proposed for delisting CE = California Endangered; CT = California Threatened; CR = California Rare; CC = California Candidate; CSC = California Species of Special Concern; FP = Fully Protected; WL = Watch List. Not protected pursuant to CEQA.		
<i>Source: Monk &amp; Associates. Calaveras County Draft General Plan EIR Biological Resources March 15,2017.</i>		

The above revision to text does not alter the analysis or conclusions provided in the Draft EIR. The presence of the great grey owl will be considered in future evaluations of development applications.

### Response to Comment 4-13

See Master Response #3.

The proposed project is a General Plan that does not involve direct construction in a specific project area. However, the Draft EIR addresses the Federal Migratory Bird Treaty Act (MBTA) on page 4.4-23 in Chapter 4.4 of the Draft EIR. The General Plan would require projects adhere to the MBTA. Additionally, Mitigation Measure 4.4-1(a), IM COS-4H requires development to evaluate potential impacts to biological resources and minimize, avoid, and/or mitigate significant impacts related to raptors, their nests, eggs, and young, as well as birds protected under the federal MBTA.

### Response to Comment 4-14

The comment recommends a change to a policy in the Draft General Plan. In response to the commenter’s concerns, page 4.4-36 of the Draft EIR is hereby revised as follows for consideration by the decision-makers:

4.4-1(d) The following new implementation measure shall be added to the Draft General Plan:

IM COS-4O Prior to the removal of potential bat roosting sites, a pre-project survey shall be conducted by a qualified biologist to determine which bat species are using the site.

Should bat species be found present on-site, feasible mitigation shall be required, such as installing exclusionary devices at the instruction of a qualified biologist and/or construction of replacement roost structures, including bat houses, other structures, or crevices incorporated into bridge design. Replacement roost structures should be monitored to document bat use.

The above revision adds an additional implementation measure, but does not change the conclusions presented in the Draft EIR.

#### **Response to Comment 4-15**

The comment states the areas under authority of CDFW per Fish and Game Code section 1600, and the County recognizes that the extent of CDFW discretionary areas differ from other agencies, listed under Fish and Game Code section 1600. The comment does not pertain to the adequacy of the Draft EIR.

#### **Response to Comment 4-16**

The Draft EIR discusses mitigation measures pursuant to the requirements of section 1602. Mitigation Measure 4.4-4(a) includes IM-COS 4K, which provides that, if project plans call for impacting a stream channel (anything with a defined bed, bank, or channel), or within the driplines of associated riparian canopy, the County shall require the project applicant to contact the CDFW to determine if the project requires a California Fish and Game Code section 1602 permit (i.e., a Streambed Alteration Agreement).

#### **Response to Comment 4-17**

See Master Responses #3 and #7.

The scope of the Draft EIR is inherently cumulative as it does not assess just a single project. Rather, the Draft EIR analyzes cumulative impacts associated with all future development that could occur under buildout of the Draft General Plan. In addition to the program-level analysis presented in the Draft EIR, impacts on vegetation and habitats would be assessed on a project level basis. Mitigation Measures 4.4-5(a) and 4.4-5(b) would specifically encourage habitat preservation and enhancement to be compatible with wildlife species found on parcels slated for development. Additionally, IM COS-4B in the Draft General Plan requires written guidelines

establishing mitigation measures acceptable to Calaveras County be available to applicants or a qualified biologist in order to create a standard of biological resource preservation. Implementation of the Draft General Plan would require projects to adhere to listed mitigation requirements, as well as be subject to individual CEQA review. Additional cumulative impacts to specific biological resources would not occur beyond the cumulative impacts analyzed in the Draft EIR.

**Response to Comment 4-18**

Comment noted. Future site-specific surveys would be required to report findings per Public Resources Code, § 21003, subd. (e). The comment does not address the adequacy of the Draft EIR.

**Response to Comment 4-19**

The County has been made aware of fees applicable to the project, and would submit them upon filing of the Notice of Determination, pursuant to CDFW requirements.

**Response to Comment 4-20**

The comment is a conclusion statement. The County will notify the CDFW of any proposed actions and pending decisions.



Letter 5

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN JR., Governor

**DEPARTMENT OF TRANSPORTATION**  
DISTRICT 10  
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*Making Conservation  
a California Way of Life.*

August 13, 2018

**10-CAL-VAR-VAR  
Calaveras County  
Draft General Plan and  
Draft EIR  
SCH # 2017012043**

Mr. Peter Maurer  
Calaveras County Planning Department  
891 Mountain Ranch Road  
San Andreas, CA 95249

Dear Mr. Maurer:

5-1

The California Department of Transportation (Caltrans) appreciates the opportunity to review the Draft Calaveras County General Plan (Plan) and Draft Environmental Impact Report (EIR). The Plan represents the County's vision for the future of Calaveras County setting goals and policies to guide County growth and development. Our comments address both the Plan and the EIR.

Caltrans applauds the use of policies guiding the Plan to create more livable communities with increased transportation choices and reduced traffic impacts.

**Land use policies:**

5-2

Caltrans support all community policies related to developing town centers, concentrating in-fill or commercial development in town center and for the development of walking paths in town centers, and developing hiking, bicycling and equestrian trails for recreational use as presented in Chapter 4.9.

Job growth within the County may reduce the jobs/housing imbalance and the accompanying vehicle miles traveled. This current imbalance means a portion of the labor force commutes to jobs outside of the County. Calaveras County has the highest home-based work vehicle miles traveled per capita, compared to seven neighboring counties. Caltrans supports inclusions of the following land use policies within the General Plan Update:

LU-1 Development of mixed use communities providing for a wide range of residential, commercial, visitor-serving and job-generating uses that facilitate their development as independent communities.

LU 5.5 Revitalize existing community centers by encouraging a mixed-use concentration of

*"Provide a safe, sustainable, integrated and efficient transportation system  
to enhance California's economy and livability"*

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Mr. Maurer  
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retail, entertainment, arts, housing and services to support job and economic growth (IM LU-2A, LU-2B, LU-2C and LU-5D).

**Summary of Transportation Impacts and Mitigation Measures document:**

**5-2  
Cont'd**

Regarding Transportation and Circulation Impact 4.13-2, in recognition of significant impacts related to measures of effectiveness for the performance of Caltrans-maintained roadways under the Market-Level 2035 growth scenario or the General Plan Buildout (Growth Beyond 2035), Caltrans supports Policy C2.2 that allows the "Board of Supervisors to reduce a roadways LOS on a case-by-case base to ensure, in part a project does not prohibit or significantly impair the County's implementation of bicycle and pedestrian facilities..."

**5-3**

The Summary of Impacts and Mitigation Measures table does not include reference to Conflict with an Applicable Plan, Ordinance or Policy Establishing Measures of Effectiveness for the Performance of the Circulation System Taking into Account All Modes of Transportation (Impact 3) as it relates to Transportation and Circulation Impacts. However, the TIA does include reference to Impact 3. This appears to be an omission error. The discussion of Impact 3 in the TIA includes several proposed policies that support smart mobility, active transportation, complete streets, etc. Caltrans encourages the project lead to include the discussion of Impact 3 in the Summary of Impacts and Mitigation Measures table.

**5-4**

Caltrans supports the following policies listed in relation to Impact 3 and would encourage the prioritization of these policies in future implementation of the General Plan: Goal C-3; Policy C 3.1; Policy C 3.2; Policy C 3.3; Policy C 3.4; Policy C 3.5; Policy C 3.6; Goal C 5; Policy C 5.1; Policy C 5.2; Policy C 5.3; Implementation Measure C-1A (Complete Streets); Implementation Measure C-1C (Transportation Alternatives in Impact Fees); Implementation Measure C-2B (Transportation Impact Study Guidelines); Implementation Measure C-3A (Park-and-Ride Facilities); Implementation Measure C-3B (Transit Planning); Implementation Measure C-3C (Transit Stops); and Implementation Measure C-5A (Bicycle and Pedestrian Plans).

**5-5**

Section 4.13-12 should stipulate that level of service thresholds for Caltrans highways in District 10 are determined by whether the highway is on the Interregional Route System (IRRS). Routes on the IRRS have a minimum LOS standard of C in rural areas and D in urban environments. Routes not on the IRRS have a minimum standard of D regardless of context.

**5-6**

Caltrans reviewed section 4.13-6 and noticed the automobile collision data from SWTIERS is incorrect for years 2013 and 2014. In addition, SWTIERS collision data from 2015 and 2016 has been produced but has not been provided in this report.

**5-7**

Transit no longer has the gold line active to serve Delta College. Please remove from Section 4.13-8 of the report.

*"Provide a safe, sustainable, integrated and efficient transportation system  
to enhance California's economy and livability"*

**Letter 5  
Cont'd**

Mr. Maurer  
August 13, 2018  
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**Appendix G- Transportation Impact Analysis Report:**

**5-8**

Regarding Chapter 2 Existing Conditions, provide maps of routes identified in the Public Transportation section; and of proposed Bicycle and Pedestrian Circulation as proposed in the 2015 Calaveras County Regional Bicycle, Pedestrian and Safe Routes to School Master Plan.

**5-9**

Regarding Chapter 3 Impact Analysis, consider applying potential trip reduction factors associated with current Public Transportation service and Bicycle and Pedestrian Circulation; and proposed future expansion of Public Transportation service and facilities serving Bicycle and Pedestrian Circulation. In Figure 4- Roadway Expansion to Serve Market-Level Growth Through 2035, consider creating a new map, or adding proposed future expansion of Public Transportation service and facilities serving Bicycle and Pedestrian Circulation to the current map.

**5-10**

Caltrans is aware that many sections of the State Route, under market level year 2035 will be considered LOS D as acceptable to Calaveras County. However, Table 6 on page 28 shows some sections improving to LOS C and the TIA does not indicate what mitigations will be done to improve LOS. Similar improvement is shown on page 29 Table 7 (General Plan Buildout) with no proposed mitigations listed. Please explain how the existing LOS will improve to a LOS C and what mitigations will translate as the required improvements. Section 4.13-15 states the Vehicle Miles Traveled (VMT) would decrease for Calaveras with General Plan Buildout but it doesn't indicate what mitigations will be done to achieve this improvement.

**5-11**

Potential improvements on Foundry Lane and Angels Oaks Roadway Extension Project in Angels Camp near SR 4/49 should be included in the EIR as this project will bring development and effect local traffic circulation in Angels Camps.

**General Comments**

**5-12**

Caltrans believes the County could benefit if this General Plan update addresses SB 743-related policy such as identifying any areas eligible to receive streamlining for VMT analysis (transit priority areas), VMT thresholds for land use projects, support for land use development and transportation projects that minimize vehicle miles traveled, and support for identifying transportation demand management measures and other mechanisms to reduce or mitigate vehicle miles traveled. It is suggested that Calaveras County work with the Regional Transportation Planning Agency, Caltrans, and other interested parties on technical aspects of SB 743 implementation such as VMT calculation and analysis, as well as potential programmatic measures to mitigate vehicle miles traveled on a county-wide basis. Note that SB 743 implementation work is eligible for funding by Caltrans Planning Grants <http://www.dot.ca.gov/hq/tpp/grants.html>.

**5-13**

Draft CEQA regulation indicates a statewide implementation date of July 1, 2020 (not January 1, 2020). Prior to that date, Lead Agencies may opt-in to using VMT per capita within CEQA transportation analysis.

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**Letter 5  
Cont'd**

Mr. Maurer  
August 13, 2018  
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**5-14**

The Governor's Office of Planning and Research updated the November 2017 Technical Advisory, releasing a revised one in April 2018 in Volume I Page 4.13-10. It is noted that Calaveras County will utilize VMT with CEQA analysis when new guidelines are adopted in Volume I Page C-1-2. Caltrans supports Calaveras County's overview of VMT in preparation of coming changes to CEQA transportation analysis as stated in Volume I Page 4.13-15.

If you have any questions or would like to discuss these comments, please contact me at (209) 948-7325 (e-mail: [gregoria.ponce@dot.ca.gov](mailto:gregoria.ponce@dot.ca.gov))

Sincerely,



GREGORIA PONCE, Chief  
Chief, Office of Rural Planning

c: Matt Boyer Interim Director, Calaveras County Public Works  
Amber Collins, Calaveras Council of Governments  
State Clearinghouse

*"Provide a safe, sustainable, integrated and efficient transportation system  
to enhance California's economy and livability"*

**LETTER 5: GREGORIA PONCE, CALIFORNIA DEPARTMENT OF TRANSPORTATION**

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**Response to Comment 5-1**

The comment is introductory and does not address the adequacy of the Draft EIR.

**Response to Comment 5-2**

The commenter's support of the policies is acknowledged.

**Response to Comment 5-3**

The comment suggests that Impact 3, as analyzed in the Transportation Impact Analysis (TIA), is not included in the Draft EIR, but in fact, the conflict with applicable plans, ordinances, or policies taking into account all modes of transportation is presented in Impact 4.13-5 of the Draft EIR.

**Response to Comment 5-4**

The commenter's support of the policies is acknowledged.

**Response to Comment 5-5**

Based on the comment, the following text revision is made on page 4.13-12:

For Caltrans roadways, acceptable LOS is defined by the applicable State Highway System Transportation Concept Report. For SR 4, SR 12, and SR 49, LOS C is considered acceptable. For SR 26, LOS D is considered acceptable. For Caltrans highways in District 10, the level of service thresholds are determined by whether the highway is on the Interregional Route System (IRRS). Routes on the IRRS have a minimum LOS standard of C in rural areas and D in urban environments. Routes not on the IRRS have a minimum standard of D regardless of context.

The foregoing revisions to text are for clarification purposes only and do not change the analysis or conclusions provided in the Draft EIR.

**Response to Comment 5-6**

The data provided in the Draft EIR came directly from the 2017 Calaveras Regional Transportation Plan (RTP). Assuming the RTP is correct, the data presented is accurate for the period reported and is consistent with other data documenting baseline conditions. Therefore, traffic consultants Fehr & Peers recommend the data reported in the Draft EIR remain unchanged.

### **Response to Comment 5-7**

Based on the comment, the following text revision is made on page 4.13-9 in Chapter 4.13 of the Draft EIR:

The Saturday Hopper provides service on Saturdays with one round-trip service Valley Springs, San Andreas, the City of Angels Camp, Murphys, and Arnold with 90-minute headways. ~~In addition, the Delta Gold Line provides service serves San Andreas, Valley Springs, La Contenta Plaza, and Stockton with stops at Kaiser Permanente or St. Joseph's Medical Center. Service hours are 7:00 AM and 6:00 PM.~~

The text revision does not change the analysis nor the conclusions in the Draft EIR.

### **Response to Comment 5-8**

The Draft EIR discusses safe routes to school on page 4.13-35 of the Transportation and Circulation chapter. Policy C 5.3 would require new residential development occurring under the Draft General Plan to incorporate safe routes to school consistent with the Calaveras County Regional Bicycle, Pedestrian and Safe Routes to School Master Plan. The traffic analysis consultants did not include a map incorporating routes because the incorporation of bicycle and pedestrian routes would be subject to analysis and development on a project-level basis and would be shown on site specific plans.

### **Response to Comment 5-9**

Trip rates used throughout Chapter 4.13, Transportation and Circulation, were assumed to be worst case scenario in order to provide a conservative assumption of impacts related to the proposed project; therefore, did not take into account reductions for alternative transportation. Information regarding planned transit, bicycle, and pedestrian improvements is provided in the Calaveras County Regional Bicycle, Pedestrian and Safe Routes to School Master Plan.

### **Response to Comment 5-10**

Table 4.13-6 on page 4.13-22 in the Transportation and Circulation chapter shows that several roadways in the County would be reduced from LOS C to LOS D at Market-Level Year 2035 circumstances. Transportation improvements, which are part of the proposed project, are shown on Figure 4.13-4 on page 4.13-18 of the Draft EIR. Implementation of the Draft General Plan would create roadway expansions and improvements that would benefit the County's currently underperforming intersections, as listed in Table 4.13-7 on page 4.13-25.

### **Response to Comment 5-11**

Potential improvements related to Foundry Lane and the Angels Oaks Roadway Extension project were included (along with land use growth) in the future year modeling conducted as part of the Transportation Impact Analysis prepared for the Draft General Plan. Because both future

improvements are located in the City of Angels Camp, neither improvement is shown in Figure 4.13-4 of the Draft EIR.

**Response to Comment 5-12**

The Draft EIR discusses Senate Bill 743 on page 4.13-10 in Chapter 4.13 of the Draft EIR. The General Plan Update has not established significance thresholds for CEQA analysis of future projects. The comment does not address the adequacy of the Draft EIR, but the County has acknowledged the suggestion and intends to work with Caltrans on the technical aspects of SB 743.

**Response to Comment 5-13**

Based on the comment, the following text revision is made to page 4.13-10 in Chapter 4.13 of the Draft EIR:

The updated CEQA Guidelines will apply prospectively only, and would not affect projects that have already commenced environmental review. Statewide application of the new section would not be required until ~~January~~July 1, 2020, although public agencies could immediately apply the new Guidelines once adopted.

The text amendment does not alter the analysis of the Draft EIR.

**Response to Comment 5-14**

The comment supports Calaveras County’s overview of VMT in preparation of coming changes to CEQA transportation analysis, but the comment does not pertain to the adequacy of the Draft EIR.

Letter 6

RECEIVED

AUG 10 2018

Calaveras County  
Planning Department

To: Director Peter Maurer, Calaveras County Planning Department

From: San Andreas Fire Protection District

Re: June 2018 Draft Environmental Impact Report

6-1

The Draft Environmental Impact Report released on June 29 correctly states that the growth proposed in the general plan would have a significant impact on fire services. The report specifically cites the need for new fire facilities (4.12-2). However the report notes that goals and policies in the General Plan go beyond the infrastructure issue to also call for adequate services in the future (Goal PF 1) and for county leaders to "Ensure that discretionary actions involving new development will not result in a reduction below established thresholds for levels of service." (Policy PF 1.1 and Policy S 1.3). Policy PF 1.3 goes on to say that "New development shall pay its fair share" to provide adequate services, including fire and emergency response services.

The "fair share" policy above should also apply to governmental facilities.

6-2

Because San Andreas is the county government seat, San Andreas Fire Protection District is disproportionately impacted by countywide growth when that growth results in expansion of government facilities. In the recent past, San Andreas has seen the construction of a new jail and sheriff's office complex and a new courthouse. San Andreas Fire Protection District is responsible to provide fire and emergency service to these facilities but does not receive any additional revenue to make the service possible. In addition to the county government seat, San Andreas Fire Protection District also is home to a publicly owned hospital, several schools including a high school, a California Department of Forestry and Fire Protection complex, local offices for the Department of Motor Vehicles and the California Highway Patrol, two water utility headquarters and a sanitary district with its offices and treatment plant. None of these public entities pays tax revenue to support the fire district. The fire district's budgeted revenue for the 2018-19 fiscal year is \$235,000. In effect, the district's taxpayers, whose average income and property values are lower than for residents elsewhere in the county, are subsidizing fire protection service for the government infrastructure that serves the entire county.

6-3

The District urges two changes to the Implementation Measures intended to mitigate the impacts on public safety and public facilities:

- 1) IM PF-1B says that leaders will "Review options and adopt methods for maintaining the level of service above minimum thresholds to ensure long-term stability and reduce the potential for degradation of services to existing residents and business in the county." That seems overly vague. The district



**Letter 6  
Cont'd**

**6-3**  
**Cont'd**

recommends that the words "Review options and adopt methods" should be replaced with "Establish revenue streams."

**6-4**

2) IM PF-4C refers to "Law Enforcement and Emergency Services" but does not specifically list fire protection. The district recommends amending this to state "Law Enforcement, Fire Protection and Emergency Services."

**6-5**

The reality is that the past growth of government facilities in San Andreas has already degraded service levels in San Andreas Fire Protection District by forcing the district to spread its existing resources among growing demands. The Environmental Impact Report should acknowledge this fact and the need for the county government to provide an appropriate revenue stream to maintain service levels.

Sincerely,



Ken Snyder, Chairman  
San Andreas Fire Protection District Board of Directors

**LETTER 6: KEN SNYDER, SAN ANDREAS FIRE PROTECTION DISTRICT**

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**Response to Comment 6-1**

The comment provides an introductory statement and does not address the adequacy of the Draft EIR.

**Response to Comment 6-2**

The establishment of fees for fire districts is the responsibility of the individual fire districts, although approval of a fee is subject to approval by the County Board of Supervisors. The County does not have control over the operations of State agencies within the County and the fire district boundaries. While the district and the County may work together to develop an appropriate fee in the future, the establishment of such fees is subject to specified procedures under State law and is not controlled by the Draft General Plan or the Draft EIR.

**Response to Comment 6-3**

The San Andreas Fire Protection District does not receive funding directly from the County. As such, the County does not intend to require establishment and provision of new revenue streams for an independent special district.

**Response to Comment 6-4**

The comment recommends a change to an IM in the Draft General Plan. In response to the commenter's concerns, page 4.12-89 of the Draft EIR is hereby revised as follows for consideration by the decision-makers:

4.12-1(a) *Implementation Measure PF-4D of the Draft General Plan shall be revised as follows:*

*IM PF-4D      Emergency Communications. Install facilities that create or enhance voice and data communications between law enforcement and emergency service providers and between emergency responders and the public. The County shall consider the environmental sensitivity as well as the efficacy of the sites chosen for installation of new emergency communications facilities. Whenever possible, sites that are less environmentally sensitive shall be selected for placement of new emergency communications facilities.*

4.12-1(b) *Implementation Measure PF-4C of the Draft General Plan shall be revised as follows:*

IM PF-4C      Funding Law Enforcement and Emergency Services. Establish a development impact fee to fund capital costs and operations of law enforcement, fire protection

communications, and emergency services to serve new development and maintain existing levels of service.

The foregoing revisions do not affect the conclusions of the Draft EIR.

**Response to Comment 6-5**

Please see Response to Comment 6-2 above.

## Letter 7

August 13, 2018

RECEIVED

AUG 14 2018

Peter Maurer, Planning Director  
Calaveras County Planning Department  
891 Mountain Ranch Road  
San Andreas, CA 95249

Calaveras County  
Planning Department

RE: Draft General Plan DEIR

Dear Mr. Maurer:

As you know, the Calaveras County Agriculture Coalition work for several years to develop what is now titled the Agriculture, Forestry and Mineral Resource Element of the Draft General Plan. In spite of the changes made by the Planning Commission, this effort stands out as positive step forward for the future of our county.

7-1

Section 4.21 of the DEIR addresses the issue of impacts related to the conversion of agricultural lands to non-agricultural uses. The Mitigation Measure(s) section of this report concludes that feasible mitigation measures do not exist beyond goals and policies and therefore impact would remain significant and unavoidable.

IM RP-1D Significance Criteria for Resource Production Land Conversion - establishes the need to develop consistent methodology for evaluating the impact of resource production land conversion to non-agricultural uses. It goes on to say that the GPU would utilize the Calaveras County Agricultural Coalition's "Resource Production Lands Mitigation Program Guidelines" in the interim.

7-2

IM RP-1E Mitigation for Resource Production Land Conversions – Establish mitigation alternative for the conversion of resource production land to nonresource production uses.

The Calaveras County Agricultural Coalition included in the draft Agriculture, Forestry and Mineral Element Appendix A and Appendix B.

7-3

The purpose and Intent of **Appendix A "Resource Production Land Conversion Guidelines"**, is to aid in evaluating proposed amendments to the General Plan and/or Community Plans that would allow the conversion of Resource Production Lands to a primary use other than agriculture, forestry or mineral use. These guidelines are to ensure that potentially significant negative effects on resource production lands are quantitatively and consistently considered in the environmental review process for conversions.

7-4

The purpose and intent of **Appendix B "Resource Production Lands Mitigation Program"**, is to aid in mitigating the loss of Resource Production Lands in the unincorporated areas of Calaveras County. This program requires the conservation of Resource Production Lands by providing a 2:1 ratio to the amount of Resource Production Lands proposed for conversion. This program is designed to utilize various mitigation methods as a means of mitigating the loss of Resource Production Lands and establish standards for the acquisition and long-term oversight of various mitigation methods.

**Letter 7  
Cont'd**

7-5

By incorporating both **Appendix A** and **Appendix B** into the General Plan Update, there would be feasible mitigation measures in place that would address the significant and unavoidable impacts of the conversion of Resource Production Lands to nonresource production uses. The implementation of the conversion guidelines and the mitigation program guidelines is critical to the future protection of resource production lands, the county's economic future and our rural landscape.

I have attached a copy of Appendix A and Appendix B for your review.

Thank you.

Robert Garamendi



**Letter 7  
Cont'd**

**APPENDIX A**

**AGRICULTURAL, FORSTRY AND MINERAL ELEMENT  
CALAVERAS COUNTY GENERAL PLAN**

**RESOURCE PRODUCTION LAND CONVERSION  
GUIDELINES**

11-8-11 Calaveras Co. Agriculture Coalition

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## Letter 7 Cont'd

### **Purpose and Intent:**

The purpose of the Resource Production Lands Conversion Guidelines is to aid in evaluating proposed amendments to the General Plan and/or Community Plans that would allow the conversion of Resource Production Lands to a primary use other than agriculture, forestry or mineral use. The Resource Production Lands Conversion Guidelines are to ensure that potentially significant negative effects on Resource Production Lands are quantitatively and consistently considered in the environmental review process for conversions.

### **Applicability:**

These conversion guidelines shall apply to any development project requiring a General Plan amendment from Resource Production Lands to a non-agricultural, non-forestry or non-mineral land use designation.

### **Conversion Consequences:**

The direct and indirect effects, as well as the cumulative effects, of the proposed conversion of Resource Production Lands shall be fully evaluated and mitigated.

### **Conversion Considerations:**

In evaluating the consequences of a proposed amendment, the following factors shall be considered:

1. General Plan designation.
2. Adjoining uses.
3. Proposed method of sewage treatment.
4. Availability of water.
5. Transportation infrastructure.
6. Public utilities.
7. Fire and police protection and other public services.
8. Impacts on air and water quality, wildlife habitat, endangered species and sensitive lands.
9. Other factors that may aid in the evaluation process.

### **Conversion Criteria:**

Proposed amendments to the General Plan that would allow the conversion of Resource Production Lands to other land use designations shall be approved only if the Board of Supervisors makes ALL of the following findings:

1. The proposal is consistent with the goals and policies of the General Plan.
2. The conversion is in the public interest and the public benefit substantially outweigh the objectives of the Agriculture, Forestry and Mineral Element.
3. Other feasible alternative sites that are proximate, suitable and available in the area already designated for the proposed uses have been considered.
4. Approval of the conversion proposal shall not result in the discontinuous pattern of residential or non-agricultural, non-forestry or non-mineral development.
5. The conversion is not likely to result in the removal of adjacent lands from resource based uses.

**Letter 7  
Cont'd**

6. The proposed project is designed to minimize conflict and will not interfere with resource based operations on surrounding Resource Production Lands or adversely affect water supplies for resource based uses.
7. Adequate and necessary public services and facilities are available or will be made available as a result of the development.
8. The design of the proposed project has incorporated all reasonable measures as determined during the CEQA review process to mitigate impacts to Resource Production Lands.



**Letter 7  
Cont'd**

**APPENDIX B**

**AGRICULTURE, FORESTRY AND MINERAL ELEMENT**

**CALAVERAS COUNTY GENERAL PLAN**

**RESOURCE PRODUCTION LANDS MITIGATION  
PROGRAM GUIDELINES**

11-8-11 Calaveras Co. Agriculture Coalition

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## Letter 7 Cont'd

### **Purpose and Intent:**

The purpose of the Resource Production Lands Mitigation Program (RPLMP) is to aid in mitigating the loss of Resource Production Lands in the unincorporated areas of Calaveras County. The RPLMP requires the conservation of Resource Production Lands by providing a 2:1 ratio to the amount of Resource Production Lands proposed for conversion. The RPLMP is designed to utilize conservation easements, as well as alternative mitigation methods, as a means of mitigating the loss of Resource Production Lands.

The intent of these guidelines is to establish standards for the acquisition and long-term oversight of conservation easements and alternative mitigation methods secured in accordance with the RPLMP.

### **Applicability:**

These guidelines shall apply to any development project requiring a General Plan amendment from Resource Production Lands designation to a residential or other non-resource based land use designation of the Calaveras County General Plan. The acreage required for mitigation consideration shall be equal to the entire overall size of the parcel(s) subject to the land use designation amendment. I.E. Mitigation is required for the entire land area to be amended, not just the area proposed for development.

### **Definitions:**

#### **Agricultural Conservation Easement:**

An easement over Resource Production Lands for the purpose of restricting its use to agriculture or forestry consistent with these guidelines and General Plan policies. The interest granted pursuant to an agricultural conservation easement is an interest in land which is less than fee simple. Agricultural conservation easements acquired in accordance with these guidelines shall be established in perpetuity (or shall be permanently protected from future development via enforceable deed restriction), and shall minimize any restrictions on current or future customary agricultural husbandry or forestry practices.

#### **Building Envelope:**

An area delineated by the agricultural conservation easement within which existing structures and uses may remain or future structures and uses are allowed.

#### **Conversion:**

A use of land requiring a General Plan Amendment.

#### **Development Interest:**

The property owner, developer, proponent, and/or sponsor of a discretionary development project subject to these guidelines.

## Letter 7 Cont'd

### Land Trust:

A private not for profit organization whose mission in whole or part is to conserve and protect resource production/agricultural lands through acquisition of land and/or administration of conservation easement agreements. Land trusts such as the Mother Lode Land Trust or other approved land trusts that meet the above definition shall be utilized to hold individual conservation easements under the RPLMP.

### Legal Parcel:

A portion of land separated from another parcel or portion of land in accordance with the Subdivision Map Act. A separate Assessor's Parcel Number alone shall not constitute a legal parcel.

### Resource Mitigation Land:

Resource Production Lands encumbered by an agricultural conservation easement or other conservation mechanism acceptable to the County. Resource Production Lands is used synonymously with agricultural, forest or mineral land in these guidelines.

### Resource Production Lands:

Resource Production Lands include any one of the following:

- A. Lands currently under Williamson Act contract (i.e. agricultural preserve lands).
- B. Lands under cultivation for crop production, as defined in Calaveras County Code Section 17.06.0132-Agricultural Operation.
- C. Lands used for grazing purposes, as defined in Calaveras County Code Section 17.06.0132 – Agricultural Operations.
- D. Lands that are currently designated or zoned for agricultural uses.
- E. Lands that are currently designated or zoned as forestry or timber production.
- F. Lands that are currently designated or zoned as mineral resource or mineral resource extraction.
- G. Lands that have been identified as containing deposits of minerals that are of economic value. (Refer to the "Mines and Mineral Resources of Calaveras County" County Report #2 from the Department of Conservation, Division of Mines and Geology.)
- H. Lands that are currently zoned "Unclassified" and meet the criteria as set forth herein.
- I. Lands that have historically supported agricultural, timber or mineral resource production.
- J. For lands that are fallow or lands that require a more comprehensive assessment, a determination of their potential as Resource Production Lands should be made on a case by case basis utilizing the following criteria:
  - 1) Suitability of soils for different types of crops and/or forage production
  - 2) Slope, drainage and vegetation cover
  - 3) Parcel size

## Letter 7 Cont'd

- 4) Water resources availability (district water, well water, spring water, riparian water, dry land production)
  - 5) Surrounding resource production lands
  - 6) Surrounding protected resource lands (Williamson Act contracted lands, public parks, forests, and watersheds, and lands restricted by agricultural, wildlife habitat, open space, or other natural resource easements)
  - 7) Geologic make up and mineral content
- K. A determination by the Board of Supervisors that the lands should be designated as Resource Production Lands rather than another type of land use designation.
- L. Landowners may petition the Board of Supervisors for inclusion of their land into Timber Production Zone (TPZ) pursuant to Government Code 51113.

### **Methods of Mitigation:**

Resource Production Lands mitigation at a 2:1 ratio shall be satisfied by using one of the following techniques:

- 1) Resource Production Lands mitigation shall be satisfied by direct acquisition of a conservation easement or an alternative method of mitigation, including but not limited to purchase of banked mitigation credits as set forth in these guidelines. Payment of an in-lieu mitigation fee may be authorized by the Board of Supervisors if the development interest can show a diligent effort to obtain a conservation easement, an alternative method of mitigation or that banked mitigation credits have been made without success. The Board of Supervisors may consider the following facts in making a decision regarding a request for payment of an in-lieu fee including but not limited to; a showing of multiple good faith offers to purchase an easement, alternative mitigation methods or banked mitigation credits having been declined by the seller(s). Refer to description of Mitigation Credit Banking below. It shall be the development interest's sole responsibility to obtain the required easement or provide for an alternative mitigation method.
- 2) Alternative Resource Production Lands Conservation Methods – It is understood that alternative mitigation methods other than agricultural conservation easements may provide a more viable means for mitigating the conversion of resource production land to non-resource based uses. These guidelines recognize that a number of alternative mitigation methods and incentives should be considered when mitigation is required. These alternative mitigation methods include, but are not limited to the transfer of development rights (TDRs), coupled with density bonuses and long-term conservation leases. Alternative methods may be authorized by the Board of Supervisors provided the land will remain in resource production use consistent with these guidelines. Any request for consideration of an alternative Resource Production Land Conservation Method shall be reviewed by the Agricultural Advisory Committee for consistency with these guidelines and recommendations made to the Planning Commission prior to a decision by the Board of Supervisors.

## Letter 7 Cont'd

### **Direct Acquisition (In-Kind Acquisition):**

- 1) The conservation easements or alternative mitigation methods herein described shall be administered and maintained by a land trust upon which is mutually agreed by the County and land owner.
- 2) The Planning Commission with input from the Agricultural Advisory Committee shall review each resource land conservation mitigation acquisition for consistency with these guidelines. The Planning Commission shall make a formal recommendation to the Board of Supervisors for their consideration.
- 3) The location and characteristics of the resource mitigation land shall comply with the provisions of these guidelines.
- 4) The development interest shall pay an administrative fee equal to cover the costs of administering, monitoring and enforcing the agricultural land conservation mitigation measures. The fee amount shall be determined by the Land Trust and approved by the Board of Supervisors.

### **In - Lieu Fees:**

The payment of an in-lieu fee shall be utilized solely for mitigation in Calaveras County and subject to the following provisions:

- 1) The in-lieu fee shall be determined case-by-case in consultation with the land trust approved by the Board of Supervisors. In no case shall the in-lieu fee be less than 60% of the average per acre price for five (5) comparable land sales in Calaveras County.
- 2) The in-lieu fee shall include the costs of managing the easement or lands under alternative mitigation methods, including the cost of administering, monitoring and enforcing the farmland conservation easement, and a five percent (5%) endowment of the cost of the easement, and the payment of the estimated transaction costs associated with acquiring the easement. The costs shall be approved by the Board of Supervisors based on information relating to the costs provided by the land trust.
- 3) The Planning Commission with input from the Agricultural Advisory Committee shall review the final in-lieu fee proposal for consistency with these guidelines. The Commission shall make a formal recommendation to the Board of Supervisors for final approval.

### **Use of In-lieu Fees:**

In-lieu fees shall be administered by the land trust in fulfillment of its programmatic responsibilities. These responsibilities cover, without exception, acquiring interests in land and administering, monitoring and enforcing the agricultural conservation easement or other alternative mitigation method designed to conserve the resource production land

## Letter 7 Cont'd

for resource land mitigation purposes. The location and characteristics of agricultural mitigation land shall comply with the provisions of these guidelines.

### **Mitigation Credit Banking:**

Mitigation credits may be banked and utilized in accordance with the following provisions:

- 1) Purpose - The purpose of establishing a method of banking mitigation credits is to equalize the imbalance between the acreage size of resource production land suitable, and available, for purchase of resource land conservation easements and the amount of acreage required to meet a 2:1 ratio.
- 2) Process - The Board of Supervisors may approve banking of mitigation credits on the acreage in excess of the 2:1 ratio required for mitigation of the original project. The mitigation credits shall be held by the individual or entity purchasing the resource conservation easement.
- 3) Credit Value - Each acre in excess of the required 2:1 ratio for mitigation may be utilized at a 2:1 ratio to satisfy the mitigation requirements of another development.
- 4) Negotiations - Negotiations to purchase mitigation credits shall not involve the County and shall be subject to free market values. The County Planning Department shall make available a contact list of individuals or entities with banked mitigation credits on record. The sale of banked mitigation credits shall not alter the terms of the original resource land conservation easement which generated the mitigation credits.
- 5) Authorization - The Board of Supervisors shall accept purchased mitigation credits upon receipt of a sales agreement.
- 6) Records - The County Planning Department shall maintain a record of banked and purchased mitigation credits to ensure the Resource Production Lands Mitigation Program is maintained whole and reported in the Annual Report of Agriculture.

### **Resource Production Mitigation Lands:** Locations and characteristics:

- 1) Location – Resource mitigation land shall be:
  - A) Located in Calaveras County;
  - B) Designated Resource Production Lands by the Calaveras County General Plan;
  - C) Within consistent zoning districts applicable to Resource Production Lands
  - D) Resource Production Lands must be mitigated with equal or higher quality resource land. Alternatives may be considered when equal or higher quality land cannot be reasonably obtained.

## Letter 7 Cont'd

- E) Mitigation under these guidelines shall not be required for the conversion of Resource Production Lands that have been identified within a Community Plan, the City of Angels Sphere of Influence or the General Plan for future residential or commercial development. These same lands should not be utilized as mitigation lands to satisfy the requirements under these guidelines without the approval of the Board of Supervisors or the City of Angels City Council, as the case may be. This exception shall apply only to those lands that have been indentified for future residential, commercial or industrial development within the Community Plans, City of Angels Sphere of Influence or the General Plan at the time of the adoption of the new General Plan Update by the Board of Supervisors.
  - F) Located outside the City of Angels adopted Sphere of Influence if the mitigation method is in perpetuity.
- 2) Allowable Uses – Resource Mitigation Land shall be in conformance with the compatible zoning district. Any legal nonconforming use of the property shall be abandoned prior to execution of the conservation easement and shall not be allowed to reestablish except as authorized within a building envelope. The type of resource related activity allowed on mitigation land shall be specified as part of the mitigation document and shall not be less restrictive than the restrictions set forth in the applicable consistent zoning districts.
  - 3) Soil Quality - The resource mitigation land shall be of equal or better soil quality than the resource land whose use is being changed to non-resource uses.
  - 4) Water Supply - The resource mitigation land shall have an adequate water supply to support the resource uses or activities on the land. The water rights on the resource mitigation land shall be protected in the resource land conservation easement.
  - 5) Previous Encumbrances - Land already effectively encumbered by a conservation easement may not be eligible to qualify as resource mitigation land. Lands under a Williamson Act contract or forest lands zoned TPZ are eligible to participate in the Resource Production Lands Mitigation Program.
  - 6) Subsequent Encumbrances- Lands encumbered as resource mitigation land shall not be subject to future encumbrances that limit resource based activities and operations, except as specified in these guidelines under “Stacking of Conservation Easements”.

**Final Approval/General Plan Amendments:**

A General Plan amendment shall not be effective until execution of any of the necessary legal instruments, payment of fees or fulfilling of those conditions/requirements as specified by these guidelines.

## Letter 7 Cont'd

### **Legal Instruments for Encumbering Resource Mitigation Land:**

Requirement - To qualify as an instrument encumbering the land for resource land mitigation:

- 1) All owners and record of interest of the resource mitigation land shall execute the instrument;
- 2) The instrument shall be in recordable form and contain an accurate legal description of the resource mitigation land;
- 3) The instrument shall prohibit any activity which impairs or diminishes the permitted or historical resource uses of the resource mitigation land;
- 4) The instrument shall protect the existing water rights and retain them with the resource mitigation land;
- 5) The interest in the resource mitigation land shall be held in trust by the land trust;
- 6) The land trust or County shall not sell, lease, or convey any interest in the resource mitigation land except for compatible resource based uses;
- 7) If the land trust ceases to exist, the duty to hold, administer, monitor, and enforce the interest shall pass to the County to be retained until a qualified land trust mutually agreed upon between the County and land owner is selected.

### **Monitoring, Enforcing, and Reporting:**

- 1) Monitoring and Enforcing - The land trust shall monitor all lands under resource mitigation acquired in accordance with these guidelines and shall review and monitor the implementation of all management and maintenance plans for these mitigation areas. It shall also enforce compliance with the terms of the conservation easement or resource mitigation instruments.
- 2) Reporting by the land trust - Annually, beginning one year after the adoption of this chapter, the land trust shall provide to the County Planning Director an annual report delineating the activities undertaken pursuant to the requirements of these guidelines and assessment of these activities. The report(s) shall describe the status of all lands and easements acquired in accordance with these guidelines, including a summary of all enforcement actions.

### **Stacking of Conservation Easements:**

Stacking of easements for both habitat conservation and/or species mitigation on top of a resource production land conservation easement granted in accordance with these guidelines may be allowed if approved by the Board of Supervisors provided the habitat needs of the species addressed by the habitat conservation easement or species mitigation can be protected and maintained in combination with the permitted resource based uses and activities of the land.



**Letter 7  
Cont'd**

The Planning Commission, with input from the Agricultural Advisory Committee, shall review all stacking proposals to ensure the stacking will not be incompatible with the maintenance and preservation of resource based activities and operations. The Planning Commission shall make a recommendation to the Board of Supervisors.

**LETTER 7: ROBERT GARAMENDI, CALAVERAS COUNTY AGRICULTURE COALITION**

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**Response to Comment 7-1**

The comment is an introductory statement and a summary of conclusions that do not specifically address the adequacy of the DEIR.

**Response to Comment 7-2**

See Master Response #5.

**Response to Comment 7-3**

The comment summarizes the contents of Appendix A to the Agriculture, Forestry and Mineral Element of the Draft General Plan, but does not specifically address the adequacy of the Draft EIR.

**Response to Comment 7-4**

The referenced document has not been included in the Draft General Plan. Please see Master Response #5 regarding mitigation for conversion of agricultural lands.

**Response to Comment 7-5**

Impact 4.2-2 of the Draft EIR specifically relates to the potential for buildout of the Draft General Plan to result in the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use, or result in changes to the existing environment which, due to their location or nature, could individually or cumulatively result in loss of Farmland to non-agricultural use. The potential exists for the County to include existing Farmland not protected as Resource Production land or Working Lands; thus, Impact 4.2-2 would remain significant and unavoidable. Please see Master Response #5 regarding added mitigation for conversion of agricultural lands. IM RP-1E, as modified per Master Response #5, incorporates elements of Appendix B as applicable. However, while Appendix B is specific to conversion of Resource Production Lands, IM RP-1E applies to all Prime Farmland, Unique Farmland, and Farmland of Statewide Importance within the County. Additional mitigation for conversion of agricultural land beyond the requirements of IM RP-1E is not feasible. Requiring a higher 2:1 mitigation ratio consistent with Appendix B could place an undue burden on new development and unnecessarily limit new development within the County. Therefore, Appendix B has not been included in the Draft General Plan.

**Appendix A and Appendix B**

The appendices to the letter are for informational purposes and to provide the decision-makers information on potential mitigation. Master Response #5 provides additional mitigation for conversion of agricultural lands.

## Letter 8

Calaveras County Republican Central Committee (CCRCC)

August 12, 2018

Mr. Peter Maurer, Planning Director

Dear Mr. Maurer;

RECEIVED

AUG 13 2018

Calaveras County  
Planning Department

8-1

**Introduction and Establishing Value:** Calaveras County is a rural Sierra Foothill and Mountainous County with a substantial historic value. This historic value is the foundation and our future, it provides us with a definition and a guide to where we are going. Calaveras County in itself is a park, a wilderness playground setting for residents to enjoy and properly manage through our Government entities so that Suburban and Urban folks as well as world travelers can come to play, enjoy and educate themselves on our rural country lifestyle and the renowned historic past we inherited, along with our pristine backcountry and wilderness trails, lakes, rivers and streams that provide some of the most pure water available in California. Our core values are low population, clean air, pristine water and forest land to be enjoyed by all!

**The Challenge Before Us:** Today with the State's mandated General Plan and the "project required" Draft EIR, our California Legislature is attempting to put forward a One-Size- Fits-All plan for every community in California. In our county this "State Central Plan concept" will not work! Calaveras will remain a low population density County, therefore we will continue to be a sanctuary for travelers and city dwellers so they may experience the pristine outdoor lifestyle, adventure and historic elements and traditions Calaveras has to offer. The Tourism industry in Calaveras County is a huge part of our present and our future with our paralleling Wine, Ag and Adventure industries. We are fierce believers in property rights as long as they do not adversely affect our neighbors lifestyle, and we see no need to consider the urban "Complete Streets" or "High Density Residential Housing" into our future plans. Those are city concepts that do not belong and will not work in our foothill communities.

**The Draft EIR** appears more like "Central Plan" instructions than a project Environmental Impact Report. We view this as a concerning extension of an EIR's purpose and responsibility. We find this intrusion and the control factor to our County's General Plan concerning. We note that under Article 5, Authority for and Scope of General Plans, California Code Section 65300.7 states:

*"The Legislature finds that the diversity of the state's communities and their residents requires planning agencies and legislative bodies to implement this article in ways that accommodate local conditions and circumstances, while meeting its minimum requirements." (italics mine)*

8-2

**Disadvantaged Rural County:** We must remove each and every item in the Draft EIR that is not mandatory to a Disadvantaged Rural County.

8-3

**New High Density Residential Development:** We must remove this connotation from the Draft EIR and any mention of it in our County General Plan.

8-4

**CCRCC further believes:** The general plan should be general and flexible in nature, Calaveras residents and the Planning Commission have established the purpose of the General Plan to act as a **Guide** not a **Blueprint**.

**Future Growth and Development:** No one can predict precise growth, development or future expansion looking out 10 or 20 years. Therefore, the ground rules must be flexible allowing each future project to be graded and viewed independently on merit, need and fit with the resources available.

The CCRP believes that a general plan should be general in nature and flexible enough to accommodate future projects to allow for reasonable growth. With this in mind we have reviewed the elements in the **General Plan EIR** and are giving our comments pertaining to the DEIR.

## Letter 8 Cont'd

8-5

The Draft EIR appears more like instructions for a "Central Plan" than a project Environmental Impact Report. This is a concerning extension of an EIR's purpose and responsibility. We find this intrusion and controlling factor to our County's General Plan concerning, after all the County General Plan is not in itself a "Project" but, has been labeled as such in State legislation for the specific purpose to force implementation of unnecessary language, implementations and restrictions.

The residents have demanded that the central focus be Personal Property Rights that do not interfere with our neighbor's rights to a peaceful existence and that Property Rights and Flexibility are the central themes of our General Plan.

8-6

There is absolutely no need to reference "New High Density Residential Development" in Towns throughout Calaveras County — this concept in itself carries a very anti-rural way of life connotation. This will not occur in our county, therefore, all references to "New High Density Residential Development" and the likes must be struck from this Draft-EIR.

**Refer to Summary of Impacts and Mitigation Measures to review our comments.**

#### 4.1 Aesthetics

8-7

**Mitigation Measure(s) -- Less than Significant - None Required.** We agree as most of the concerns outlined are subjective, project specific, as a project may increase a scenic view or enhance a scenic setting. However, there are two exception that must be struck or re-stated.

First exception is: **Policy COS 6.1 Work with community organizations and special districts to develop park and active recreation facilities, striving to provide a minimum of 3 acres of local park land for every 1,000 County residents. (IM COS - 7A, COS - 7B, COS - 7C and COS - 7G)**

Calaveras is a playground. Therefore, the need to create parks per policy COS 6.1 is not necessary. Communities have established and will establish the necessary parks as they see fit.

8-8

Second exception is: **Policy 4.1 - 2 (a) Implementation Measure PF - 4D of the Draft General Plan shall be revised as follows:**

**IM PF - 4D** Emergency Communications. Install facilities that create or enhance voice and data communications between law enforcement and emergency service providers and between emergency responders and the public. The County shall consider the environmental sensitivity as well as the efficacy of the sites chosen for installation of new emergency communications facilities. Whenever possible, sites that are less environmentally sensitive shall be selected for placement of new emergency communications facilities.

Public Safety always trumps environmental concerns: Cellular, radio and transmissions towers must be placed at their most efficient and effective positions -- communications in the foothills must be improved, this is a paramount public safety issue.

8-9

#### 4.2 Agriculture, Forest & Mineral Resources

**Mitigation Measure(s) -- Less than Significant - None Required.** We agree, however our current healthy forestry plans are being challenged due to the tremendous fires attacking the foothills and forest lands in our State. The revisioning on protecting our forest resources and watershed is changing the method/process/thinking and will require heavy forestry and watershed operations to insure healthier and safer forest lands. This course correction creates jobs and economic development as well as increases our ground and surface waters — all critically important to our environment.

8-10

#### 4.3 Air Quality and Greenhouse Gas Emissions

**Things to consider:**

Letter 8  
Cont'd

8-10 Cont'd	<p>Calaveras County has not completed a GHG Reduction Plan to establish baseline levels of GHGs. Without this study how can we determine if there is Significant impacts based on the Draft General Plan?</p> <p>This EIR analysis is based on a population growth, at build out in 2035, of 111,527 residents. A more current analysis is being used in our County done by the Department of Finance DOF with an estimated increase in population by 2035 of just 54,912 which is more accurate considering today's population trends in Calaveras County. Air Quality and GHG impacts must be evaluated with the correct population numbers, reducing the impacts.</p> <hr/> <p><b>Materials taken from the EIR analysis:</b></p>
8-11	<p><b>Page 4.3-1</b> Relatively few sources of air quality emissions are located within the County. However, air quality impacts occur through the transport of air quality pollutants from the more developed Central Valley to the County. Therefore, while sources of emissions within the County may be limited, the overwhelming transport of emissions from outside of the County into the County can negatively impact air quality within the County. The most visible impacts to air quality originating within the CCAPCD jurisdiction is a result of open burning of vegetation related to property owners, industrial activities, and state agencies.</p> <hr/>
8-12	<p><b>Page 4.3 -15</b> Importantly, the Introduction section of the CARB Handbook clarifies that the guidelines are strictly advisory, recognizing that: "[l]and use decisions are a local government responsibility. The Air Resources Board Handbook is advisory and these recommendations do not establish regulatory standards of any kind." CARB recognizes that there may be land use objectives as well as meteorological and other site-specific conditions that need to be considered by a governmental jurisdiction relative to the general recommended setbacks, specifically stating, "[t]hese recommendations are advisory. Land use agencies have to balance other considerations, including housing and transportation needs, economic development priorities, and other quality of life issues" (CARB 2005).</p> <p>Based on the above statements, Calaveras County needs to do a thorough analysis prior to determining any <b>Significant Impact</b> to the environment.</p> <hr/>
8-13	<p><b>4.7 Hazards and Hazardous Materials</b></p> <p><b>4.7-7</b> Have grave concerns about the language added to policy S 3.2 since 89% of Calaveras County was classified as being in a high or very high fire risk zone because of the rural nature of our county. Does this mean that it will become impossible to build in our county in the future? This needs to be taken into consideration.</p> <p><b>Policy S 3.2</b> - Ensure that <i>The County shall review applications</i> for new development, including essential public facilities, <i>to ensure that new development</i> complies with adopted fire codes and standards for fire protection. <i>Application review for new developments which would be located in moderate, high, and very high fire hazard severity zones shall include a consistency check to ensure that the proposed project conforms with the standards of Title 24, Wildland Urban Interface Building Codes, and Title 14 of the California Code of Regulations 1270, as well as assessing potential hazards related to slope, prevailing wind patterns, and the potential for post-fire hazards. (IM S-3A)</i></p> <hr/>
8-14	<p><b>4.8 Hydrology and water Quality</b></p> <p><b>Mitigation Measure(s) -- Less than Significant - None Required.</b> <i>We agree, however, our Water, Watershed, Streams, Creeks, Rivers, Lakes and Reservoir's must be protected. Calaveras is a source county for water and the responsibility that comes with that is tremendous. Therefore, we must protect and administer the proper best practice care when determining development or agricultural use of land that may affect ground or surface water.</i></p> <hr/>
8-15	<p><b>4.9 Land Use and Planning Element</b></p>

## Letter 8 Cont'd

8-15 Cont'd	<p>4.9-1 Agree with the EIR findings of Less than Significant Mitigation Measures – none required</p> <p>4.9-2 Agree with the EIR findings of Less than Significant Mitigation Measures – none required</p> <p>The Draft General Plan <i>Land Use Element</i> should stand as written.</p>
8-16	<p><b>4.10 Noise and Vibration</b></p> <p>4.10-1 While we agree that noise along State route corridors will increase with an increased volume of traffic, we do not agree that there is no feasible mitigation. CalTrans can mitigate the noise by resurfacing the roads under its jurisdiction and control with rubberized asphalt. The result is quieter and longer lasting pavement, good use of old rubber tires, less greenhouse gas emissions, and safer conditions for the people who repave the road.</p> <p>4.10-3 To protect historic structures and existing buildings, change Policy N 1.14 from "The County shall limit the use of heavy-duty vibration-generating construction equipment ..." to "The County shall prohibit the use of heavy-duty vibration-generating construction equipment ..." Additionally, the County should require all construction activities using heavy-duty vibration-generating construction equipment to take place during daylight hours if homes or businesses are close to the work site of heavy-duty vibration-generating equipment.</p>
8-17	<p><b>4.11 Population and Housing</b></p> <p>4.11-2 We found no narrative in the General Plan Update to suggest that development associated with the Draft General Plan would displace existing housing or people. Single family houses are the primary dwelling unit norm in the County. High density urban type multifamily and or multistory housing is no more appropriate in the rural area of Calaveras County than a cattle ranch would be in the middle of a city, such as Sacramento or San Francisco.</p>
8-18	<p><b>4.12 Public Services and Utilities</b></p> <p>4.12-1 Do not agree with the EIR findings of Significant: A significant effect on the environment is unknown until the project is proposed. This is not needed since an EIR would need to be done on any new project brought forward.</p>
8-19	<p><b>IM PF-4D</b> Should not add the language: <u>The County shall consider the environmental sensitivity as well as the efficacy of the sites chosen for installation of new emergency communications facilities. Whenever possible, sites that are less environmentally sensitive shall be selected for placement of new emergency communications facilities.</u></p>
8-20	<p>4.12-2 Do not agree with the EIR finding of Significant: A significant effect on the environment is unknown until the project is proposed. This is not needed since an EIR would need to be done on any new project brought forward.</p> <p><b>Policy S 1.7</b> Should not add language: <u>The County shall consider the environmental sensitivity as well as the efficacy of the sites chosen for new fire protection facilities. Whenever possible, sites that are less environmentally sensitive shall be selected for development of new fire protection facilities, and, where feasible, existing facilities shall be upgraded to increase the efficacy of fire protection service without the need for the construction of new facilities.</u> Safety trumps the environmental sensitivity.</p> <p>4.12-4, 4.12-5, 4.12-6, 4.12-9, 4.2-10 Do not agree with the EIR finding of Significant: For the same reasons stated in 4.12-1 A significant effect on the environment is unknown until the project is proposed. This is not needed since an EIR would need to be done on any new project brought forward.</p> <p>The Draft General Plan <i>Public Facilities &amp; Services Element</i> should stand as written.</p>
	<p><b>4.13 Transportation and Circulation</b></p>

**Letter 8  
Cont'd**

**8-21**

4.13-1 We do not agree that Policy C 1.1, incorporate the concept of Complete Streets for planning transportation and development, will support Goal C-1 on roads under State jurisdiction, ownership and control where the speed limit is above 30 mph and paved shoulders vary in width from a few inches to a foot or two. It will conflict with the California requirement for motor vehicles to keep a distance of at least 3 ft from a bicyclist. Widening State roads in Calaveras County to safely accommodate pedestrians and bicyclists would be very costly. The benefit to cost ratio would probably not allow the use of state or federal funds.

Policy C 1.3, prioritize funding and construction of projects that reduce vehicle miles traveled, does not support Goal C-1. In a rural county, maintaining a good level of service, which includes better speed and less stops, supports Goal C-1. Maintenance of the pavement, repair of bridges and culverts, and providing passing lanes on two lane roads should be top priority for funding. A good level of service allows residents to reach a doctor quickly in an emergency, to get to the fire quickly in order to extinguish it while it is still small, and to get to work or school on time. Reducing vehicle miles traveled does nothing to provide for the safe and efficient movement of people and goods.

4.13-2. We agree with the revision for the LOS on State Routes.

We will appreciate your thoughtful consideration of our comments and recommendations.

Respectfully,

Ed Langan

First Vice Chair, Communications

CCRCC

**LETTER 8: ED LANGAN, CALAVERAS COUNTY REPUBLICAN CENTRAL COMMITTEE**

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**Response to Comment 8-1**

The comment begins with an introduction about Calaveras County that does not pertain to the adequacy of the Draft EIR. The comment goes on to discuss the Draft EIR appearing as a “central plan.” Under CEQA Guidelines, several types of EIRs exist, and this Draft EIR was prepared as a program-level EIR, under Section 15168. A program-level analysis allows for exhaustive consideration of effects and alternatives beyond the format typically set for an individual action, consideration of cumulative impacts, and a broad effect on applicable policy. Additionally, on page 3-4 of Chapter 3, Project Description, the Draft EIR states the following:

The overarching objective of a General Plan is to guide a jurisdiction’s growth over a long-term planning horizon, in a manner consistent with the community’s vision for the long-term physical form and development of the jurisdiction. The Draft General Plan is intended to reflect the community’s expressions of quality of life and community values; satisfy the mandates of state law; and serve as the basis for community decision-making regarding the designations of land uses and the allocation of resources [...]

In guiding growth and development, the Draft General Plan recognizes that Calaveras County is made up of small communities, each with its own unique character, surrounded by agricultural lands, working forests, wildlands, and large expanses of publicly managed forest and recreation lands. In guiding the County’s future, the Draft General Plan seeks to promote economic prosperity, protect property rights, and enhance Calaveras County’s unique blend of its productive resources and innovative economic pursuits for all to live in, work among, and enjoy.

The analysis of the Draft EIR is in keeping with CEQA regulations.

**Response to Comment 8-2**

The Draft EIR analyzes the Draft General Plan, which encompasses the whole County. In regards to a disadvantaged community, CEQA does not require alternative analysis for disadvantaged communities. The only requirements by CEQA, in accordance with AB 2447 Section 21099.50, is that the lead agency call at least one scoping meeting to hear comments on projects to site, expand, or intensify industrial or equivalent land use within a disadvantaged community or within one-half mile of a disadvantaged community. A scoping meeting was held on January 30, 2017. CEQA does not require that analysis of an EIR be any different based on presence of disadvantaged communities.

**Response to Comment 8-3**

The comment does not address the adequacy of the Draft EIR. The suggestion to remove high density residential development from the Land Use Plan will be forwarded to the decision-makers for their consideration.



**Response to Comment 8-4**

The commenter states that the General Plan should be general and flexible while acting as a guide, not a blueprint. However, this statement does not address the adequacy of the Draft EIR.

**Response to Comment 8-5**

The Draft EIR analyzes the impacts of the proposed Draft General Plan. The overarching objective of a General Plan is to guide a jurisdiction’s growth over a long-term planning horizon, in a manner consistent with the community’s vision for the long-term physical form and development of the jurisdiction. The Draft EIR is an informational document that appraises decision-makers and the general public of the potential significant environmental effects of a proposed project. For the purposes of CEQA, the term “project” was used to refer to the whole of an action. However, specifically, this Draft EIR was prepared as a program-level EIR, as allowed by CEQA Guidelines Section 15168. CEQA requires the preparation of a program-level EIR to discuss a series of actions, rather than an individual action, that can be characterized as one large project. The Draft EIR identified broad impacts and provides mitigation measures that would need to be implemented with future applications under the Draft General Plan.

Additionally, an objective of the Draft General Plan is to focus on personal property rights, as stated on page 3-4 of the Project Description chapter:

The Calaveras County Draft General Plan is designed to protect the rights of property owners, maintaining those rights granted by the U.S. and State of California Constitutions. The Plan acknowledges the fundamental importance of property rights. The intent of the Plan is to balance such rights with goals and policies that are required by the State and desired by the residents of the County.

**Response to Comment 8-6**

See Response to Comment 8-3.

**Response to Comment 8-7**

The comment requests the removal of policies, but does not address the adequacy of the Draft EIR. The comment will be forwarded to the decision-makers for their consideration.

**Response to Comment 8-8**

The safety of the community is a priority of the County. As the policy states, when it is feasible and equivalently useful, emergency communications will be installed where less environmentally sensitive conditions exist. The Draft General Plan considers the current communication system within the County deficient, and provides many goals and policies to support the improvement of emergency communication. The following is stated on page 4.12-90 in Chapter 4.12 of the Draft EIR:

The County identifies that such communication technology improvements are needed for emergency response and non-emergency communication throughout the County, and Goal PF 7, Goal 7.6, IM PF-1D, and IM PF-4D encourage the co-location of such infrastructure, which would help the County achieve effective communications.

**Response to Comment 8-9**

The comment does not address the adequacy of the Draft EIR.

**Response to Comment 8-10**

See Master Response #6.

At the time the GHG reduction plan is prepared, the most up to date population data will be used.

**Response to Comment 8-11**

The comment is quoting text from the Draft EIR on page 4.3-1 and does not address the adequacy of the Draft EIR.

**Response to Comment 8-12**

The analysis of the impact of the project to air quality included a comprehensive calculation of predicted criteria air pollutants using a statewide model designed to provide a uniform platform for governmental agencies, land use planners, and environmental professionals to quantify air quality emissions from land use projects. Sources of criteria pollutants within the County include mobile and stationary sources. Thus, a thorough programmatic analysis was performed.

**Response to Comment 8-13**

The Draft General Plan incorporates many policies and goals that take precaution of development of the County in fire zones. The multitude of policies and goals include minimizing vulnerability to natural and man-made hazards, identifying risk-reduced areas to build utilities, developmental review by CalFire, professional fire planning experts, and requirements of property owners to maintain properties. The County has taken measures necessary to reduce fire zone risks. In regards to Policy S 3.2, the language ensures that development will be reviewed to CalFire and State standards, and reduce the fire risk to the greatest extent possible.

**Response to Comment 8-14**

The comment agrees with the finding of impacts related to Hydrology and Water Quality. The Draft General Plan includes many policies that would protect the quality of water in the County. Policy IM COS-3B requires best management practices when reviewing and planning grading and drainage. Additionally, Policy COS 2.2 Protects the County's surface and ground water resources and watersheds from uses that could adversely impact water quality. The Draft General Plan creates goals and policies to ensure ground and surface water quality is protected.

**Response to Comment 8-15**

The commenter agrees with the findings of Impacts 4.9-1 and 4.9-2.

**Response to Comment 8-16**

Caltrans mitigation would be dependent on approval by the agency. The Draft General Plan includes goals, policies, and IMs that limit noise disturbance. Feasible measures are not available Countywide. Individual projects may mitigate as feasible. Potential mitigation includes sound walls, additional construction measures, or site plan redesign. However, because project-level details are not available, the noise impact cannot be assessed overall.

As stated on page 4.10-28 in Chapter 4.10 of the Draft EIR, excessive vibration is mitigated to a less than significant level with implementation of Policy N 1.14. Table 4.10-12 lists typical vibration levels produced by construction equipment. According to the Caltrans Transportation and Construction Vibration Guidance Manual, most of the predicted peak particle volumes produced by construction equipment are either slightly perceptible or distinctly perceptible, with vibratory compactors being the only possible source of strongly perceptible vibration. Detectable vibration levels produced by construction equipment would only occur between 7:00 AM and 6:00 PM per Section 9.02.060 of the Calaveras County Code of Ordinances.

**Response to Comment 8-17**

Comments provided express opinion regarding high density housing. However, the comment does not address the adequacy of the Draft EIR.

**Response to Comment 8-18**

While future projects will need to assess their potential impact to police services, the Draft EIR addresses the potential impact of the full buildout of the Draft General Plan at a program-level. Thus, the significant and unavoidable conclusion is warranted.

**Response to Comment 8-19**

Comment noted. See Response to Comment 8-8.

**Response to Comment 8-20**

See Responses to Comments 8-8 and 8-18.

**Response to Comment 8-21**

The comment provides opinion regarding Policy C 1.1 and does not address the adequacy of the Draft EIR. The comment will be forwarded to the decision-makers for their consideration.

## Letter 9

**From:** Al Segalla  
**To:** [Peter Maurer](#)  
**Subject:** COMMERCIAL:CCTA Comments on General Plan DEIR  
**Date:** Monday, August 13, 2018 2:31:59 PM

*The Calaveras County Taxpayer Association has been involved in the General Plan Update process.*

*We believe it to be important that the plan protect the rights of the property owner as specified in the Fifth and Fourteenth Amendments to the US Constitution and Article One, Section One, of the California Constitution.*

*Within reason, this suggests property owners are responsible for planning use of their property and government is responsible for planning the use of it's property such as roads and infrastructure.*

*This means the General Plan must be general in scope and open to accommodating the wishes of the property owners while protecting the rights of other property owners and the public.*

Albert J. Segalla, President  
Calaveras County Taxpayers Association  
3253 Arrowhead Street  
Copperopolis, CA 95228  
(209) 785-1491  
[alsegalla1@gmail.com](mailto:alsegalla1@gmail.com)  
[www.CalaverasTaxpayers.org](http://www.CalaverasTaxpayers.org)  
[Join Us!!](#)

9-1

**LETTER 9: ALBERT SEGALLA, CALAVERAS COUNTY TAXPAYERS ASSOCIATION**

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**Response to Comment 9-1**

The comment does not address the adequacy of the Draft EIR.

**Letter 10**

*County Copy*

**RECEIVED**

**JUL 31 2018**

Testimony on the General Plan Draft EIR, 7-31-18

Tom Infusino, Calaveras Planning Coalition.

**Calaveras County  
Planning Department**

**10-1**

The DEIR is flawed in many ways. The CPC will provide more detailed comments on the DEIR in writing by the August 13 deadline.

According to the DEIR, the plan will have 25 significant and unavoidable impacts on traffic, fire safety, water delivery, sewer capacity, agricultural lands, oak woodlands, historic resources, noise, air quality, and wildlife habitat. The plan is expected to make the County worse in 25 different ways. The good news is that you still have time to amend your plan to grasp the opportunity to make Calaveras County a better place.

**10-2**

- About 2500 working-age people in Calaveras County do not have a high school diploma or GED. Is it any wonder why they are having a hard time finding a job? The State of California has money for County library literacy programs to help these men and women to get their GED, and to start to build a pattern of success in their lives. Let's get that money, and use it to build a smarter and more productive workforce.

- Calaveras County's per-capita retail sales revenue is half the California average. The Small Business Administration has technical assistance and low-interest loans to start or expand a small business, and to recover a business damaged in a natural disaster. Let's get that money, and help our businesses thrive.

- The California Department of Housing and Community Development not only has funds to help seniors maintain their homes, it also has funds to help us produce housing affordable to working singles and working families. Let's get that money, so that those who collect their pay checks here, can also live here, spend their money here, and pay their sales tax here.

**10-2  
Cont'd**

-The California Department of Water Resources again has state bond funds available for disadvantaged communities to maintain and to improve water and sewer infrastructure. Let's get that money so that our communities have the infrastructure to survive and to grow, without such <sup>large</sup> ~~high~~ rate increases.

-The State of California has grant programs to help us adapt our transportation system to address climate change. Let's get that money and be prepared for a future with cleaner vehicles and greater evacuation needs.

- The State just passed a \$3 billion park bond. Let's get that money to make Calaveras County an even better place for people to come to recreate.

-The State of California has a program to fund habitat acquisition so that vulnerable wildlife populations will survive climate change. Let's get that money so that we can have both economic development and viable ecosystems.

- The USDA has over 30 programs providing loans, grants and technical assistance to rural communities to improve their economic viability, and thereby maintain their agricultural and forest lands in future production. Let's get that money, so farms and ranches can thrive.

If you put these actions into your plan, then we won't have 25 significant impacts from your plan. If you put these actions into your plan, together we will build a future you will be proud to have as your legacy.

The glass has been half full in Calaveras County for too long. The economic glass is only half full. Its time to fill the glass. The public safety glass is only half full. Its time to full the glass. The education glass is only half full. Its time to fill the glass. The environmental glass is only half full. Its time to fill the glass.

Thank you, good night, and God bless.

**Letter 10**  
**Cont'd**

**LETTER 10: TOM INFUSINO, CALAVERAS PLANNING COALITION**

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**Response to Comment 10-1**

The significant and unavoidable impacts of the project are discussed in the Draft EIR pursuant to CEQA Guidelines §15126.2[b]. The analysis throughout the Draft EIR is program-level and assumes eventual full buildout of the General Plan Land Use Map. At such time in the future that specific project applications are submitted to the County, additional review would occur and any modifications needed to any future plans would be required at that time.

**Response to Comment 10-2**

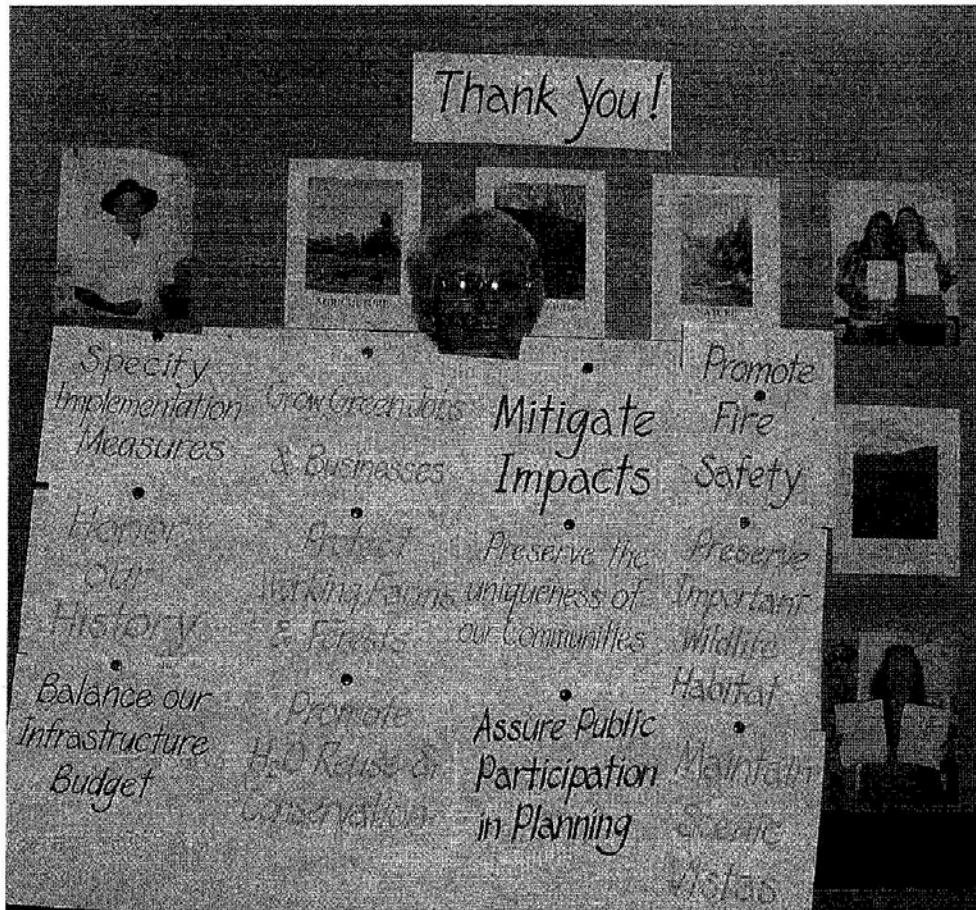
Economic or social change by itself is not considered a significant impact on the environment, pursuant to CEQA Guidelines Section 15382. Thus, the commenter's suggestions regarding education, expansion of small businesses, and affordable housing are not applicable to the Draft EIR.

The commenter suggests seeking funding for various programs related to water and sewer infrastructure, transportation improvements, park improvements, and acquisition of habitat for vulnerable wildlife populations. Each of the aforementioned issue areas is evaluated in the Draft EIR. IM PF-1E from the Draft General Plan already requires adoption and implementation of a capital facilities plan to assist in prioritizing necessary infrastructure improvements consistent with the general plan, securing grant funding, providing ongoing maintenance, assessing the adequacy of existing facilities, and budgeting for new public facilities. In addition, as discussed on page 4.4-32 of the Draft EIR, IM COS-4C provides for preparation of a countywide habitat conservation plan for certain amphibian species. IM COS-4F supports efforts to identify and acquire high value biological resource areas from willing sellers on private lands for mitigating impacts to biological resources. With regard to mitigation for conversion of agricultural land, please see Master Response #5.



**Letter 11**

**Comments on the Draft EIR for the  
Draft Calaveras County General Plan**



**Submitted by  
The Calaveras Planning Coalition  
August 13, 2018**

**Letter 11  
Cont'd**

8-13-18

Dear Peter,

Together we can draft a  
general plan to preserve housing  
value and freedom of movement,  
to protect the peace and safety  
of communities; to defend our  
forest, range, and recreational  
lands, and to restore economic  
opportunity. Call if you are  
interested.

Sincerely,

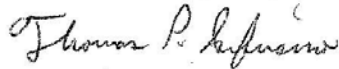
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**Letter 11  
Cont'd**

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References

**Letter 11  
Cont'd**

Chapter 1-Introduction

**CHAPTER 1 - INTRODUCTION**

**1.2 Project Description**

P. 1-1. The DEIR States that, "The Draft General Plan is intended to reflect the community's expression of quality of live and community values."

In the Final EIR please flesh out the purposes of the general plan. A general plan is expected to serve as an "effective guide for orderly growth and development, preservation and conservation of open-space land and natural resources, and the efficient expenditure of public funds relating to the subjects addressed in the general plan." (Government Code, sec. 65400.) Completing a general plan provides "an opportunity for each city and county to coordinate its local budget planning and local planning for federal and state program activities, such as community development, with the local land use planning process." (Gov. Code, sec. 65300.9.) In other words, a general plan is a chance for a County to grasp opportunities to improve the lives of its people, the productivity of its working landscapes, the integrity of its wildlife habitat, the efficiency of its resource use, and the vitality of its economy. A general plan is a time for a County government to look at what is not working as well as it could, and put in place the mechanisms to make it work better.

11-1

P. 1-1, paragraph 3. The DEIR makes statements about estimated buildout of the project, using descriptions and terms that are inaccurate and misleading. The terms below do not accurately represent the proposed land use map buildout and ensuing environmental impact. Please replace them in this section and throughout the final EIR.

1) "Accommodate" is not accurate, & is misleading. Use "allow" instead. The DEIR says, "...estimated buildout...*could accommodate* a population of 117,045 persons..." The word "accommodate" is inaccurate and gives the wrong idea. "Accommodate" usually means "to have the room or capacity for" and "to hold comfortably without crowding." Calaveras County **does not** have the room and capacity in roads, water, or services for 117,000 people, and **cannot** hold that many comfortably without crowding. Accommodate is the wrong word. The Land Use Map might **allow** this amount of population on paper, but the county *could not accommodate* that population comfortably. An accurate phrase would be "...estimated buildout **could allow** a population of 117,045 persons..." **Please change "accommodate" to "allow."**

2) "Carrying capacity" is not accurate, & is misleading. Use "lot-yield analysis" or "build-out analysis" instead. The DEIR states, "*The buildout estimate is known as "carrying capacity" and represents how much development could potentially occur within the County over the life of the Draft General Plan based on the...Land Use Map.*" Common usage of "carrying capacity" in ecology, geography, and biology **does not** mean the greatest number that "could potentially occur." That is "holding capacity." "Carrying capacity" means the

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## Letter 11 Cont'd

Chapter 1-Introduction

**largest number the environment can support sustainably. It is the maximum number that a given environment can support indefinitely without detrimental effects or environmental degradation.** The DEIR is clear *there will be detrimental effects if buildout of 117,045 persons occurs.* **Please do not say that this buildout estimate is the County's "carrying capacity"—it is not.** Use a term that is accurate, used commonly in urban and conservation planning, and appropriately represents that build-out is just an estimate of potential development the land use map could allow. See "Build-out" on Wikipedia <https://en.wikipedia.org/wiki/Build-out> and "Build-out Analysis" on ConservationTools.org <https://conservationtools.org/guides/42-build-out-analysis>.

**Please replace "carrying capacity" with "lot-yield analysis" as in, "The build-out estimate is known as "lot-yield analysis" and represents how much development could potentially occur..." Or, simply use "build-out analysis" alone, as in "The build-out analysis represents how much development could potentially occur..." Please replace the inaccurate term "carrying capacity" with "lot-yield analysis" or "build-out analysis."**

P. 1-1. The DEIR provides a buildout population of 117,045 people.

This population estimate is far lower than maximum buildout of the land use designations. Some land use designations are estimated to build out at 10%, 20%, 30% or 50%. (DEIR Table 3-1.) What is the basis for the buildout estimate? Has the County calculated the average buildout of past land use categories? What factors were used to reduce the maximum buildout under the land use designation to achieve this lower population estimate? What is the substantial evidence in the record that supports this buildout number? When making mathematical calculations in the Final EIR, please show your work in the FEIR appendices.

This is a critical issue. Many of the impacts of the general plan at buildout will be a function of the number of people and their activities (e.g. driving, consuming water, making sewage, making noise, living in homes, etc.) If the buildout population is underestimated, then the impacts will be underestimated throughout the DEIR, making it a useless document to inform the public and decisionmakers. An accurate project description is essential in an EIR, and is an accurate impact baseline. "When an EIR omits relevant baseline environmental information, the agency cannot make an informed assessment of the project's impacts. (*County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 952 [91 Cal.Rptr.2d 66].) Due to these errors, the EIR failed its informational purpose under CEQA." (*Communities for a better Environment v City of Richmond*, (2010) 184 Cal.App.4th 70, 89.) "This failure to clearly and conspicuously identify the baseline assumptions for purposes of describing the existing environmental setting further degraded the usefulness of the EIR and contributed to its inadequacy as an informational document. Accordingly, we hold that in any new EIR prepared in connection with this proposed Project, the baseline must not be obscured, but must be plainly identified in the EIR." (*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 659.)

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**Letter 11**  
**Cont'd**

Chapter 1-Introduction

**1.3 Purpose of the EIR**

P. 1-2. The DEIR states, "As provided in the CEQA Guidelines, public agencies are charged with the duty to avoid or minimize environmental damage where feasible. The public agency has an obligation to balance a variety of public objectives, including economic, environmental, and social issues."

This paragraph confuses the issues by putting two CEQA functions together that do not belong together. As written, this paragraph makes it sound like the County can balance competing public objectives when deciding whether or not to adopt feasible mitigation measures. This is not the case.

Any determination that a mitigation measure or alternative is infeasible must be supported by substantial evidence in the record. As we stated in our scoping comment, please do not waste our tax dollars trying to prove that mitigation measures successfully implemented in similar County's throughout California are mysteriously infeasible in Calaveras County. Instead, overcome any barriers to feasibility (real or imagined) and make Calaveras County a better place to live. That would comply with both the letter and the spirit of CEQA.

A mitigation measure is feasible if it is "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, sec. 15364.)

Once the mitigation measures is determined to be feasible, then the County must adopt it to reduce a significant impact of the project. The County has an absolute duty to avoid or minimize the general plan updates potential for significant environmental damage wherever feasible. (CEQA Guidelines, sec. 15091-15092.) There may be some economic costs, and some of the objectives of the project may not be fully realized. It does not matter. If the mitigation is feasible, it must be done. The dominant political party may not like doing the mitigation. It does not matter. If the mitigation is feasible, it must be done. By passing CEQA, California chose to make some sacrifices so that the future will have economic prosperity, ecological diversity, and environmental health. Any local government that abrogates its mitigation responsibility is abusing its discretion by not proceeding in accord with the law.

It is essential to make this clear to the decisionmakers when they review the general plan update again. When the Planning Commission reviewed the 2014 Draft General Plan, it repeatedly deleted feasible mandatory policies designed to protect the environment, or converted them into optional policies. The Commission clearly believed it had the discretion to avoid mandatory impact mitigation by balancing "a variety of public objectives, including economic, environmental, and social issues." Neither planning staff nor the general plan consultant made it clear to the Planning Commission that they do not have this discretion under CEQA. The result is a plan that lacks the feasible measures to reduce significant impacts. The result is now a DEIR that is improperly claiming that optional policies in the general plan count as mitigation. They do not. (*California Clean Energy Committee v. City of Woodland* (2014) 225 Cal.App.4th 173, 199 [A mitigation measure is inadequate when it does not commit the agency to mitigate the impact].)

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**Letter 11  
Cont'd**

Chapter 1-Introduction

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This error in judgment cannot be repeated, and must be corrected. It is paramount that the FEIR make it clear to the Planning Commission and the Board of Supervisors that they must adopt feasible mitigation measures, and that those measures must commit the county to take action to reduce potentially significant impacts.

Only AFTER the adoption of the feasible mitigation measures can a public agency balance the residual harm to the environment against a variety of public objectives, when deciding whether or not to approve the project. (CEQA Guidelines, sec. 15093.) Only after all the least harmful feasible alternative has been selected, and the feasible measures to mitigate significant impacts to a level of insignificance have been adopted; only then can the County weigh the residual impacts against the benefits of the projects to determine whether or not to adopt the project. First we protect the environment as much as feasible, then the balancing takes place.

In the Final EIR, please modify this paragraph to correct the ambiguity.

P. 1-2. Note that an EIR is not merely an informational document to be considered by decisionmakers, which does not limit their discretion to adopt the project. CEQA does dictate the County's decision in part. CEQA requires that the County adopt feasible mitigation measures to avoid or reduce potentially significant impacts. The County cannot adopt the project if there is another feasible alternative that can accomplish most of the project goals while substantially reducing the impacts. Please note this in this section of the Final EIR. While it is noted elsewhere in the DEIR, not mentioning it here implies that the County has more authority to ignore mitigation measures and alternatives than it does.

**11-4**

P. 1-2. The fact that the EIR is a program level document is not an excuse for subjective analyses based upon conjecture, without reference to maps and data. (*California Clean Energy Committee v. City of Woodland* (2014) 225 Cal.App.4th 173, 200 [Use of a Program EIR and tiering "does not excuse the lead agency from adequately analyzing reasonably foreseeable significant environmental effects of the projects and does not justify deferring such analysis to a later tier EIR or negative declaration"]; *Cleveland National Forest Foundation v. San Diego Association of Governments* (2017) 17 Cal.App.5th 413, 426 [All EIS, including program EIRs, "must cover the same general content" and provide "decisionmakers with sufficient analysis to intelligently consider the environmental consequences of the project"].)

Throughout our comments we identify instances in which the analyses do not identify necessary evidence to substantiate the conclusions. In the Final EIR, please provide this information necessary for decisionmakers and the public to effectively participate in this process.

The County has gone to great expense to develop a GIS system that can be queried to produce the analyses needed to inform this process. Unfortunately, the County alone has

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Cont'd**

Chapter 1-Introduction

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Cont'd**

control over who has access to that data, and who can order queries of it. CEQA is a process in which the County is obligated to disclose what it can in good faith. Do not attempt to hide the problems. Instead, share the information so that we can all work together to solve our problems.

**11-5**

P. 1-2. The PEIR is not “inherently cumulative.” Traffic on highways come from outside Counties. Impacts on forests, wildlife, and watersheds include cumulative impacts from public lands administered by BLM and Forest Service on thousands of acres. These outside activities are combined with development under the general plan to assess cumulative impacts. In the Final EIR, please make this correction.

**11-6**

P. 1-3. “significant” and “major” environmental issues.” When responding to comments on the DEIR, please do not claim that people’s proposed mitigation measures do not address “major” or “significant” environmental issues. The issues addressed in the DEIR are all major environmental issues.

**11-7**

P. 1-3. The description of the EIR process does not explain for the decisionmakers and the public of the responsibility the lead agency has to adopt feasible mitigation measures, and to adopt a feasible alternative that reduces impacts. These are among the most basic purposes of the CEQA process. (CEQA Guidelines, sec. 15002.) The reason the County completes the EIR is to identify these ways to achieve its objectives with less impact on the environment. Some of the County Supervisors may not like that duty, but is their legal obligation nonetheless, and we expect them to abide by it. It is worth noting that, the draft community plans from many of the communities included requirements that project impacts be fully mitigated. This is an expectation of many communities in Calaveras County. In the past, when a project has jumped the gun and been constructed without environmental review, the cry from the community was for an EIR, and for impact mitigation. When projects have raised issues in the past, it has been because they did not mitigate their impacts. In the Final EIR, please make this duty clear.

P. 1-4: We disagree that some of the impacts listed as such are in fact unavoidable. Throughout our comments we explain why and propose mitigation measures. We disagree that other impacts are insignificant, and propose mitigation measures. Please include these measures in the final EIR. Please do not trump up excuses why they are infeasible. We hope that the BOS will adopt these.



**Letter 11  
Cont'd**

Chapter 2 – Executive Summary

**Chapter 2 – Executive Summary**

11-8

**(1) The DEIR Executive Summary is missing a list of controversies.**

The Executive Summary is supposed to include a list of “Areas of controversy known to the lead agency including issues raised by agencies and the public.” (CEQA Guidelines, sec. 15123.) The DEIR does not include such a list.

The County must list the controversies that remain from the General Plan Update process; especially those relevant to the environmental impacts of the plan. This is a good list from which to start.

-The Planning Commission’s 2015 change of the 2008 overall plan objectives, to justify weakening or eliminating provisions to protect the environment, remains a controversy.

-The dominance of optional policies in the general plan that result in a vague project description, prevent accurate impact assessment, prevent their use as impact mitigation measures, and that preclude their use as fair and uniform development standards.

-The County’s refusal to include many quantified standards and measureable objectives that would reduce plan impacts remains a controversy. (See Calaveras Planning Coalition, *Comments on the Calaveras County 2014 Draft General Plan*, pp. CL-3 & CL-4.)

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-The County deferring developing impact mitigation indefinitely for many impacts remains a controversy. (See Calaveras Planning Coalition, *Comments on the Calaveras County 2014 Draft General Plan*, March 2015, p. CL-2; Calaveras Planning Coalition, *Scoping Comments in response to the Notice of Preparation for the Calaveras County General Plan Update Environmental Impact Report*, February 2107, p. 1-13.)

-The County eliminating the water element, the energy element, and the appendices to the Ag. Element that would implement the general plan and reduce its impacts remains a controversy. (See CPC, *Comments in Response to Request for General Plan Input*, August 2013, Section 5 ; Calaveras Planning Coalition, *Comments on the Calaveras County 2014 Draft General Plan*, March 2015, p. CL-3; CPC, *Scoping Comments*, February 2017, p. 2.1-11; and comments on the 2014 Draft General Plan by Bob Garamendi.)

- The County refusing public access to the Mintier Draft General Plan remains a controversy. (Calaveras Planning Coalition, *Scoping Comments in response to the Notice of Preparation for the Calaveras County General Plan Update Environmental Impact Report*, February 2107, p. 1-15 to 1-16.)

- The County refusing to consider any feasible policy alternative to reduce the impacts of the plan is now a controversy. (Calaveras Planning Coalition, *Scoping Comments in response to the Notice of Preparation for the Calaveras County General Plan Update Environmental Impact Report*, February 2107, p. 1-15 to 1-18.)

-The County leaving out community plans, especially the provisions that would implement the general plan and reduce its impacts, in the areas with the great development potential under the draft general plan including Valley Springs and

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**Letter 11  
Cont'd**

Chapter 2 – Executive Summary

**11-9  
Cont'd**

Copperopolis, remains a controversy. Many people who submitted comments on the Draft General Plan in 2015 requested that community plans be included for Valley Springs, Copperopolis, and along the Highway 4 corridor.

- Specifically, the exclusion of the Valley Springs Community Plan from the Draft General Plan. This well-known community plan controversy was not mentioned in the DEIR. The Valley Springs Community Plan (VSCP) should have been included in the General Plan Update, but has not been, due to 12 years of ongoing controversy. The Valley Springs community and community activists began work to update their community plan in 2006. Years of public meetings were held, a \$250,000 grant was obtained from Caltrans, and CCOG and Calaveras County staff became involved in the community plan update. This resulted in controversy and divisions in the community, but two final draft Valley Springs Community Plan updates were completed and provided to the Calaveras County Planning Department in 2010. Subsequently, no leadership was provided by the County to bring the community together, move the plan forward, and resolve controversies and conflicts.

In 2016, community members finally stepped forward to try to work out a compromise VSCP. They worked with the Planning Department and the previous Valley Springs supervisor to blend the two draft community plan documents to create a document that represented the interests of all parties. The Planning Director then summarized and condensed this draft “blended” document, in preparation for a January 2017 Planning Commission public hearing on the proposed VSCP, to be followed by VSCP insertion into the Community Plan Element of the General Plan update.

Unfortunately, this effort to move the Valley Springs Community Plan forward was derailed by the current county area supervisor. The Valley Springs Community Plan was pulled from the planning commission agenda on January 26, 2017 (see Exhibit 2-1, Minutes for the Planning Commission Meeting of January 26, 2017). Nothing has been done about the VSCP since then.

This Valley Springs Community Plan controversy has led to its exclusion from the General Plan update, and lack of evaluation of impacts to the Valley Springs area in the DEIR. This was pointed out in DEIR scoping comments but has not been addressed. Please list this controversy, and the continued refusal to address or evaluate this exclusion of the VSCP in the Draft General Plan, as a controversy in the Executive Summary of the final EIR.

This is an important checklist for the Supervisors to use to ensure that stubborn issues do not get overlooked. Please include this list of controversies in the Final EIR.

**Letter 11  
Cont'd**

Chapter 2 – Executive Summary

11-10

**2) The DEIR Executive Summary is not highlighting the County's differences of opinion with agencies.**

An EIR executive summary should summarize the main points of disagreement among experts. (CEQA Guidelines, sec. 15151.) This includes instances in which issues of controversy are raised by commenting agencies. (CEQA Guidelines, sec. 15123, subd. (b)(2); *Banning Ranch Conservancy v. City of Newport Beach* (2017) 2 Cal.5<sup>th</sup> 918, 940.) For example:

During comments on the Draft General Plan, Calaveras LAFCO suggested many measures to reduce what LAFCO considered as the potentially significant impacts of the general plan, to resources under LAFCO jurisdiction. LAFCO suggested broadly defining agricultural lands, and mitigating potential impacts to them using buffers and conservation easements. (John Benoit, Letter from LAFCO, March 18, 2105, pp. 1-2.) LAFCO suggested that the County adopt a public facility impact mitigation fee. (John Benoit, Letter from LAFCO, March 18, 2105, p. 3.) LAFCO recommended a policy to reduce pollution from septic systems. (John Benoit, Letter from LAFCO, March 18, 2105, p. 4.) LAFCO also had many recommendations to reduce the impacts of the general plan on public safety. (John Benoit, Letter from LAFCO, November 21, 2016.) The County did not accept all of these recommendations. Please disclose this and explain why in the Executive Summary of Final EIR, and in the relevant impact sections.

In addition, CalFire provided a critique of the Safety Element, and a list of tasks to reduce the impacts of the general plan on wildland fire safety. (Kevin Lindo, *Calaveras County Safety Element Assessment Review*, May 20, 2015.) The County did not agree with all of these tasks and did not complete some. Please disclose this and explain why in the Executive Summary of Final EIR, and in the section evaluating fire safety.

In addition, Zerrall McDaniel, President of the Board of Education for the Calaveras Unified School District, provided school-related policies to reduce the potential impacts of the general plan. (Zerrall McDaniel, Attachment to 3/20/15) Did the County fail to accept any of these suggestions? If the County did not accept some of these suggestion, please disclose this and explain why in the Executive Summary of the Final EIR, and in and the section on public facility impacts.

Has the County ignored the impact mitigation advice of other commenting agencies? If so, please disclose this and explain why in the executive summary of the Final EIR.

People deserve to know when the County is ignoring the advice of the experts, and why the County is ignoring the advice of the experts; to the detriment of the health, safety, and wellbeing of the good people of Calaveras County.

11-11

**(3) Many of the listed mitigation measures do not qualify as mitigation.**

As required, the Executive Summary lists the potentially significant impacts of development under the proposed general plan, as well as a list of proposed "mitigation measures." (CEQA Guidelines, sec. 15123, subd. (b)(1).) However, many of the listed proposed mitigation measures are optional policies, and therefore do not qualify as mitigation measures under CEQA. (CEQA Guidelines, sec. 15126.4, subd. (a)(2); *Federation of Hillside & Canyon Associations v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1260 - 1261 [A mitigation measure must be required

2-3

**Letter 11  
Cont'd**

Chapter 2 – Executive Summary

and enforceable so that it is not adopted and then disregarded].) The County proposes as mitigation measures, a number of policies and programs that do not commit the County to reduce or avoid significant environmental impacts. The following list of such policies and programs do not qualify as mitigation measures.

Policy COS 4.10 Should proposed developments within the County be anticipated to result in potential impacts related to the emission of criteria air pollutants, the County shall consider imposing mitigation measures provided in the CCAPCD's Guidelines for Assessing and Mitigating Air Quality Impacts of Land Use Projects.

Policy COS 4.14 The County shall investigate the potential use of woody biomass generated through forest management, such as thinning and defensible space clearing, for the generation of renewable energy.

IM COS-4I At the County's discretion, for development that is subject to a discretionary entitlement and subject to environmental review under the CEQA, the County shall require project applicants to enlist the services of a qualified biologist to evaluate a proposed project's impact on special status species as defined above and determine what avoidance measures or mitigation measures are warranted to offset or mitigate these impacts to the extent feasible.

IM COS-4J At the County's discretion, development that is subject to a discretionary entitlement and subject to CEQA review shall be required to evaluate potential impacts to sensitive and significant communities using the methodologies identified below and shall require mitigation for potentially significant and significant impacts.

Policy COS 3.9 Encourage development to be compatible with wildlife movement.

IM COS-4L The County shall work with applicants to encourage preservation or enhancement of upland habitat for wildlife species to the maximum extent feasible on parcels slated for development containing suitable habitat (e.g. areas used for foraging, breeding, dispersal, etc.). Habitat preservation and enhancement shall be encouraged throughout the County in a way that promotes regional connectivity of open space habitats. The County shall work with applicants to encourage development to be compatible with wildlife movement. Mitigation measures may include installing wildlife friendly fencing or lighting to minimize interference with wildlife movement. Creek corridors should be preserved in undeveloped open spaces or under conservation easements as creek corridors provide linear wildlife corridors through the County. Similarly, if open spaces are to be preserved within developed areas, they should have connectivity to/with other dedicated or undevelopable open space lands to the extent possible.

IM PF-1D Facilitate Joint Use and Facility Co-Location. Coordinate with facility and service providers to facilitate colocation of parks, schools, police, fire, libraries, community centers and other community facilities to support community interaction, enhance neighborhood identity, support joint use, and leverage resources. The County shall consider the environmental benefits of facilitating joint use and facility co-location when evaluating the expansion of public service facilities.

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**Letter 11  
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Chapter 2 – Executive Summary

**11-11  
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Similarly, many implementation measures (IM's) in the plan identify mitigation tasks, but provide no time frame within which the task is to be accomplished. Since the County can defer these IM's indefinitely, these IM's are not enforceable and do not qualify as mitigation measures.

The good people of Calaveras County deserve straight talk. When it comes to impact mitigation measures, the County needs to say yes when it means yes, and no when it means no. People deserve to know when the County will protect the environment, and when the County will not protect the environment. In the Final EIR do not claim that optional policies are impact mitigation measures.

**Letter 11  
Cont'd**

Chapter 3 – Project Description

**CHAPTER 3 - PROJECT DESCRIPTION**

11-12

**3.4 Project Components**

**Buildout Projections**

**Misleading/inaccurate terms**

Pg. 3.5. As requested in comments on the DEIR Introduction, please replace misleading term “accommodate” with “allow”, and replace inaccurate term “carrying capacity” with “build-out analysis”, or “lot-yield analysis.” Those DEIR terms are not correct and are misleading. They do not accurately describe proposed land use map buildout projections and ensuing environmental impact.

**Substantial evidence is needed to support the low buildout projections.**

11-13

P. 3-5. Please provide the data and evidence used to conclude that land use designations would ultimately build out at percentages of 50% or less. The current land use plan is from 1996, and was basically a tune up of the 1982 plan. Thus, the County has been using the 1982 plan, as amended, for 36 years. After 36 years, the proposed plan would likely have a greater buildout of its land use designations. The EIR should also evaluate the potential impacts of buildout at or near the maximum allowed. (*San Joaquin Raptor Rescue Center v. County of Merced* 149 Cal.App.4th 645, 665-666 [An EIR must evaluate the impacts on roads of at or near the maximum allowed level of production].)

Furthermore, there is nothing in the general plan that limits the development under the general plan land use designations to these low buildout levels. Thus, the EIR could be grossly underestimating the impacts of buildout of the proposed general plan. An EIR’s impact analyses must be based upon substantial evidence, not conjecture.

If the County insists on only evaluating the impacts of these low buildout levels, then it needs to add policy limitations to coincide with that low buildout level. For example, the County could track buildout on an annual basis. If any of the land use designations exceed the buildout estimates, the County should begin a CEQA process to determine if the General Plan DEIR needs to be updated. In the interim, development of that land use designation should be suspended to avoid unevaluated impacts.

11-14

**Data Conflicts & Discrepancies in DEIR**

**1) Discrepancies in County Acreage; Errors in Table 3-1, 3-2, and 3-3 and/or DEIR text?**

There are large discrepancies between different figures in the DEIR and in referenced documents. The Introduction states “**County encompasses 662,791 acres**” (pg.1-1). The Project Description Table 3-1 states “**Existing Total County Acreage - 482,568**” (pg. 3-7). One of these figures has to be wrong, or one is not labeled correctly. Is Table 3-1 total

3-1

Letter 11  
Cont'd

Chapter 3 – Project Description

11-14  
Cont'd

acreage perhaps counting only private land, not total acreage of the County? Or is this total counting just residential land? The text on page 3-6 *does* say Table 3-1 represents “all **residential** land use areas in the County, excluding lands within the City of Angels Camp city limits.” **If residential is what Table 3-1 represents, please change “Existing Total County Acreage” to “Existing Total County Residential Acreage.”**

When the “Existing Total County Acreage 482, 568 is added to the non-jurisdictional lands 154,803, the total is 637,371; still short of the County total of 662,791.

11-15

**2) Discrepancies in Additional Units & Additional Population; Errors in Table 3-1, 3-2, and 3-3 and/or General Plan Land Use Element text?**

Table 3-2 and Table 3-3 show “**Additional Population**” at **71,567** and “**Additional Units**” at **19,979** (after buildout percentage reductions). **This conflicts** with the General Plan Land Use Element November 2015 (a “Source” listed for Table 3-1). The Land Use Element states, “As a result of these [percentage] reductions, a more likely buildout scenario is approximately **23,000 new units**. At the current census rate of 2.41 persons per household, this could accommodate over **56,000 new residents** (pg LU3). This is a large discrepancy, both in additional units and population figures. **Please reconcile these discrepancies between the Land Use Element text and DEIR figures, regarding additional units and population projections.**

11-16

**3) Conflict in Total Population figures; Errors in DEIR text or Table?**

The text describing Table 3-2 (pg 3-6) says, “As shown in the table, buildout of the Draft General Plan would accommodate approximately **111,527 persons...**” but **117,045** is the actual figure in the table. **Please correct or explain the discrepancy in these two population figures, which are supposed to be identical.**

11-17

**4) Conflict or Errors in Tables Regarding Inclusion/Exclusion of Angels Camp?**

**Table 3-1 excludes Angels Camp, and Table 3-2 and Table 3-3 include Angels Camp** in units and population figures. **Yet the Total Units and Total Population figures, 48,567 and 117,045, are identical in all 3 Tables. How can this be, with Angels Camp not included in one table and included in the other two?** Please correct or explain how Angels Camp can both be in and out of three tables, yet the tables have identical figures.

11-18

Errors in numbers impact projections for estimated buildout, estimated population, and estimated new residential units. Errors in numbers can impact significance of environmental impacts and analysis. The above discrepancies and conflicts in data and projections must be corrected in the Final EIR. (*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 655 -657 [An inconsistent project description makes an EIR insufficient as an informational document amounting to a prejudicial abuse of discretion].)

**Vague Project Description**

Following the Planning Commission editing of the 2014 Draft General Plan, the hallmark of the plan became its pervasive lack of commitment in its policies. What many

**Letter 11  
Cont'd**

Chapter 3 – Project Description

**11-18  
Cont'd**

considered a bug in the plan, the Planning Commission hailed as a key feature of the plan. “Providing flexibility” became an objective of the plan.

The problem is that so much of the plan is optional that it defies accurate impact analysis. If most of the impacting policies in the proposed general plan are implemented, and most of the impact reducing policies are not, then the plan will have devastating impacts. On the other hand, if few of the impacting policies fully implemented, and most of the impact reducing policies are fully implemented, then the plan could have minimal impacts. The project description is simply not sufficiently clear and stable to allow for meaningful environmental review. (*Communities for a better Environment v City of Richmond*, (2010) 184 Cal.App.4th 70, 89 [An EIR with an obscure project description fails as an informational document].) In the Final EIR, the County should make unequivocal commitments to reduce impacts, so that the plan will include the requisite mitigation measures. (*Sierra Club v. County of San Diego* (2014) 231 Cal.App.4th 1152, 1173 [Mitigation measures must be incorporated into a plan].)



**Letter 11  
Cont'd**

Section 4.1 Aesthetics



*Home at Mokelumne Hill*

**SECTION 4.1 AESTHETICS**

**General--Referenced Documents**

“The EIR shall cite all documents used in its preparation including, where possible, the page and section number of any technical reports which were used as the basis for any statements in the EIR.” (CEQA Guidelines, sec. 15148.)

We looked for documents cited in 4.1 Aesthetics and found most, but could not find two:

1) Page 4.1-1, National Park Service. *Guidelines for the Treatment of Cultural Landscapes*. Updated 2007. We found a web page of that name based on a 1996 document *Guidelines for Treatment of Cultural Landscapes*, but no actual document was posted, and there was no mention of a 2007 update. The website has no page numbers, and the site is not searchable--just a collection of web pages.

2) Page 4.1-16, Federal Highway Administration. *Visual Impact Assessment for Highway Projects*. 1988. (found 1981 version online; found 2015 “Guidelines for...” online)

**11-19**

4.1-1

**Letter 11  
Cont'd**

Section 4.1 Aesthetics

11-19  
cont'd

We requested the above documents from County Planning. On July 31, Planning sent the FHA Visual Impact Assessment; but “Raney is still trying to track down the NPS document.” If “National Park Service. *Guidelines for the Treatment of Cultural Landscapes*. Updated 2007” is not made available to the public during the review period, then the Draft EIR was not really made fully available for review during the comment period, and the County has abused its discretion by not proceeding in accordance with the law. **As of August 8, 2018, the National Park Service document still has not been made available. The entire Aesthetics assessment and impact analysis of Rural Character seems to be based on this NPS document. In addition, our request for an extension of the comment period was not accepted.**

11-20

**Other documents cited in 4.1 Aesthetics had no page or section number referenced.** Most of these documents were over 100 pages, and we could not find what part of the document was used as a basis for DEIR statements. Listed below are documents cited without any referenced page number or section. **In the Final EIR, please provide a citation to the page and section the DEIR is referencing in the following documents:**

Page 4.1-1

1 Ebbetts Pass Scenic Byway Association. *2013 Corridor Management Plan, Ebbetts Pass National Scenic Byway*. November 2013.

3 National Park Service. *Guidelines for the Treatment of Cultural Landscapes*. Updated 2007.

Page 4.1-6

4 Sierra Business Council. *Planning for Prosperity: Building Successful Communities in the Sierra Nevada*. 1997.

Page 4.1-16

6 Federal Highway Administration. *Visual Impact Assessment for Highway Projects*. 1988.

7 United States Department of Agriculture, Forest Service. *Landscape Aesthetics, A Handbook for Scenery Management*. December 1995.

11-21

**4.1.1 Introduction**

On page 4.1-1, the Introduction states that **Aesthetics chapter impact analysis of existing visual and aesthetic resources, and the visual character and quality of the Calaveras County project area is based on information drawn from only three documents** (one of which was not available for public review, the NPS document cited above).

*The following impact analysis is based on information drawn from the Ebbetts Pass National Scenic Byway Corridor Management Plan,<sup>1</sup> the California Department of Transportation (Caltrans),<sup>2</sup> and the National Park Service (NPS).<sup>3</sup>*

The three documents listed—a Scenic Byway plan, a CalTrans Scenic Highway map, and a National Park Service landscape treatment guideline—focus on only certain types of areas of the county: areas along scenic highways, and areas considered a “cultural landscape” by the National Park Service. This seems like a **very limited knowledge base**

4.1-2

**Letter 11  
Cont'd**

Section 4.1 Aesthetics

11-21  
Cont'd

to inform an environmental description and aesthetic analysis of the entire land area of Calaveras County. **If there were more documents or reports that informed the 4.1 Aesthetics section impact analysis, please list those documents in the final EIR.**

**4.1.2 Existing Environmental Setting**

**Scenic Highways**

11-22

On page 4.1-1, the first paragraph acknowledges the 24-mile section of State Route 4 (SR 4) in Calaveras County *east* of Arnold as a Scenic Highway. It also acknowledges that SR 49 is an “eligible State Scenic Highway.” But it doesn’t mention here that **the 21-mile stretch of SR 4 west of Arnold is also designated an “Eligible State Scenic Highway”**, as shown on the Calaveras County map in the California Scenic Highway Mapping System cited in the DEIR (page 4.1-1). This western section of SR 4 is also acknowledged later in Aesthetics as an eligible State Scenic Highway road section, and that impacts to scenic resources within such potential scenic highways would be considered significant:

“While the undesignated portion of SR 4 and the entirety of SR 49 within the County are not protected at the same levels as the officially designated portion of SR 4, **both roadways have the potential to be designated as official State Scenic Highways in the future.** For the purposes of this EIR, **impacts to scenic resources within such roadways would be considered significant.**” (pg 4.1-17)

It is important to **include mention of this eligible section of SR 4 in addition to SR 49, as this affects existing setting impact analysis. Please correct the roadway omission and include the 21-mile section of SR 4 (west of Arnold to Angels Camp) as an Eligible State Scenic Highway, both in this first paragraph, and also list and describe State Route 4, along with State Route 49 (pg.4.1-6), separately, under the Scenic Highways section.**

**Rural Character**

11-23

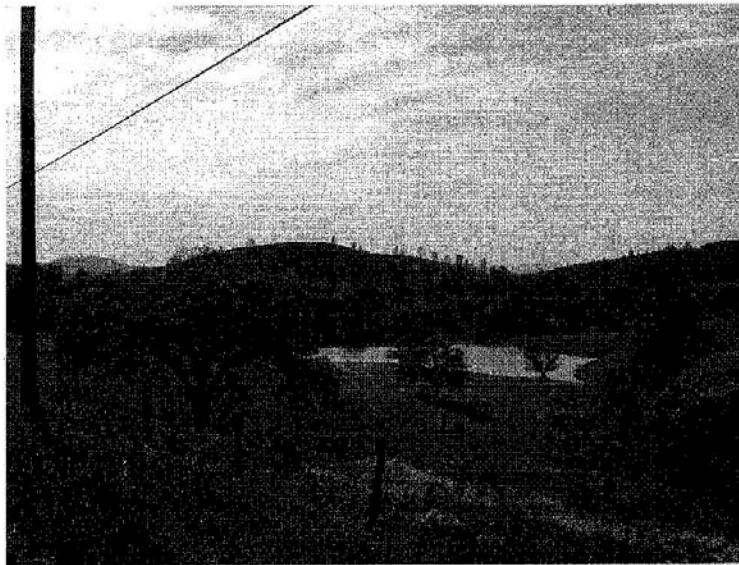
On page 4.1-6, first paragraph, the DEIR cites a Sierra Business Council report recommendation for “safe guarding rural character...by maintaining clear edges”, as a first principle for sound development. We agree. But then the DEIR doesn’t seem to know what rural character is. The DEIR says, “A question arising from this principle, however, concerns the precise nature of the “rural character” being safeguarded.”

The rest of this section on Rural Character (from page 4.1-6 to 4.1-11) attempts to define and describe “rural character” in Calaveras County, based on the concept “cultural landscape, as used by the NPS.” The DEIR concludes that what “NPS describes as “historic vernacular landscapes” could define “at least three rural cultural landscapes within Calaveras County”: ranching landscapes, mining landscapes, and forest landscapes. This conclusion is not based on evidence or basis that we could find.

4.1-3

**Letter 11  
Cont'd**

Section 4.1 Aesthetics



**11-24**

**First**, the NPS Guidelines (National Park Service. *Guidelines for the Treatment of Cultural Landscapes*. Updated 2007) was not made available for public review, so we were not able to fully read and understand the basis for the DEIR's conclusion of three cultural landscapes for Calaveras County. Please include the NPS Guidelines, and what sections and pages were used, in the final EIR.



*Forest in the Mokelumne River Canyon*

4.1-4

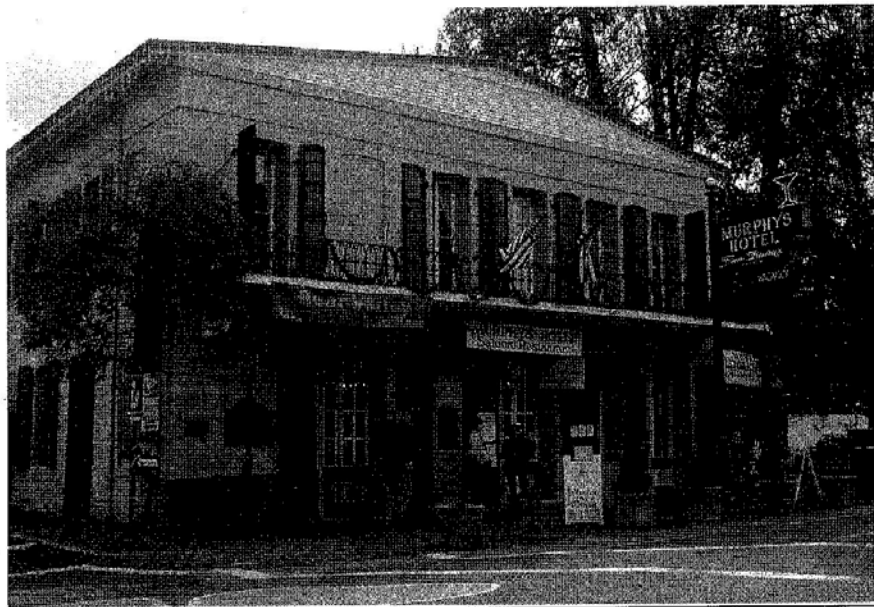
**Letter 11  
Cont'd**

Section 4.1 Aesthetics

Second, we think the conclusion of *three landscapes for Calaveras is too narrow*. We would like to see the three “historic vernacular landscapes” of ranching, mining, and forest landscapes expanded to include other major land areas of Calaveras County that fit into none of those three categories, but that people here would certainly consider to be part of our “historic rural character.” Please add at least two more “historic and rural cultural” landscapes that represent Rural Character for Calaveras County:

- 1) Historic Community Landscapes
- 2) Rural Residential Landscapes

11-25



*Downtown Murphys*

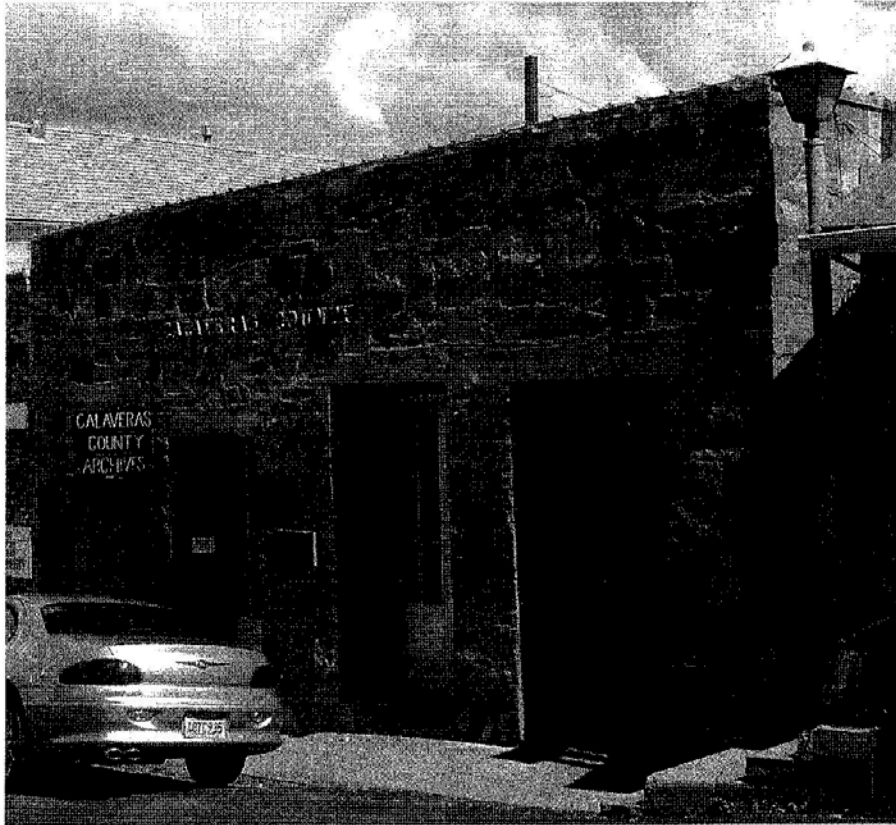
Historic Communities and rural small towns are part of the heart and soul of Calaveras County. Historic communities appear first in the Draft General Plan Vision Statement, “The **historical character of the county’s communities**...will create a high quality of life for residents and a remarkable and memorable experience for visitors to the county.” The “**history of the Gold Rush era will be alive in the culture of distinctive communities**” and “**preserve the character of historic communities**” is prominently featured throughout the plan’s Guiding Principles (DEIR 4.9-5 and 6). There is often no “clear edge” between rural historic towns and country, as they sprang up, evolved, moved, and adapted as history changed. But historic communities and rural small towns are an essential part of Calaveras County’s Rural Character.

4.1-5

**Letter 11**

**Cont'd**

Section 4.1 Aesthetics



**11-25  
Cont'd**

Rural Residential areas are also “the cultural character” of our rural areas, and are historic. Many cabins, second homes, and scattered, remote, larger-lot subdivisions were built in rural, foothill, and forested areas of Calaveras County back in the 40’s, 50’s, and 60’s, and were expanded in the 70’s and 80’s. People in Calaveras have lived in these rural residential areas for many years, and consider them part of their “rural character”, defending them fiercely from commercialization, urbanization, sidewalks, street lighting, road expansions, woodland and forest clear cutting, light pollution—things that they believe destroy “rural character.” People that live in these areas do not live in a ranching, forest, or mining landscape (as described in this DEIR section), and would not consider themselves to be living in a community or town either (in fact, they are usually strongly opposed to the very idea of being included in a Community Area).

Rural Historic Community and Rural Residential landscapes share many of the same visual and physical characteristics of ranching, mining, and forest landscapes, but do not fit into those categories. Any discussion of Aesthetics of Calaveras County must include the aesthetics of historic communities and of rural residential landscapes. Aesthetic

4.1-6

**Letter 11  
Cont'd**

Section 4.1 Aesthetics

**11-25  
Cont'd**

analysis of impacts of the General Plan Project cannot be complete without including these important areas. Please expand the Rural Character discussion, description, and Aesthetics EIR analysis to include Calaveras County **Historic Community Landscapes and Rural Residential Landscapes.**

**11-26**

On page 4.1-9, the DEIR describes Forest Landscapes. This section seems *incomplete*, as it only talks about public forest lands. Forest landscapes on private lands are not mentioned at all. Calaveras County has thousands and thousands of acres of forest lands that are privately owned by SPI and other private owners. There needs to be more discussion of existing *private* forest lands, type of vegetation, wildlife, elevation, and other features.

**11-27**

Additionally, **as of August 8, 2018, the National Park Service document *Guidelines for the Treatment of Cultural Landscapes* Updated 2007 still has not been made available for the public to review. The entire Aesthetics assessment and impact analysis of Rural Character seems to be based on this NPS document. Since this document was not made available to the public during the review period, the full DEIR has not really been circulated for comment, and the County has abused its discretion by failing to proceed as required by law.**

**11-28**

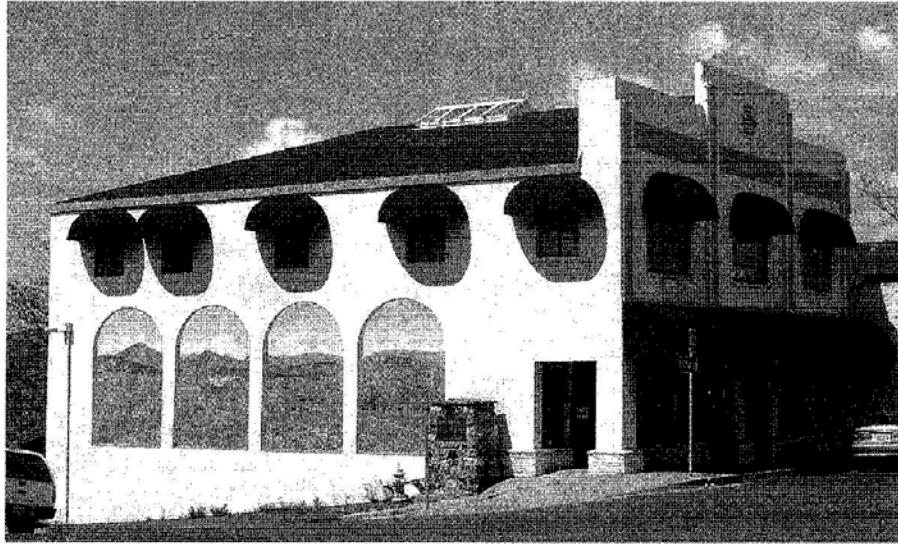
**Community Character**

This section is puzzling, as there is NO discussion of the aesthetics of our communities—**there is no discussion of or description of existing Community visual character**. In the DEIR, only “objective” facts are given about populations, elevations, relationship to highways, and commuters. Where is a description of the distinct visual characteristics of our communities? Where is a description of their scenic qualities and value? **How can Aesthetics analysis of impacts occur or be complete without even *describing the aesthetic and visual character of our communities, much less potential impacts?* In the final EIR, include a thorough discussion and description of the existing visual character, quality, and scenic value of Calaveras County’s distinct communities.**

4.1-7

**Letter 11  
Cont'd**

Section 4.1 Aesthetics



*Downtown San Andreas*

**4.1.3 Regulatory Context**

**Local Regulation**

1988 Ebbetts Pass Highway Special Plan

11-29

On page 4.1-15, this Special Plan is briefly discussed. Will this Special Plan remain in the new draft General Plan? In the Land Use Element (pg 4.9-3), the Ebbetts Pass Highway Special Plan is listed as one of nine existing Community Plans that are part of the current 1996 Calaveras County General Plan. But the Ebbetts Pass Highway Special Plan is not included in the GPU draft Community Plan Element, so one assumes it will be rescinded, along with four others. **Is the Ebbetts Pass Highway Special Plan also to be rescinded on adoption of the new General Plan?** If so, how/ will this affect Aesthetic impacts to the Plan area, especially the California Scenic Highway area?

Other Existing Community Plans

11-30

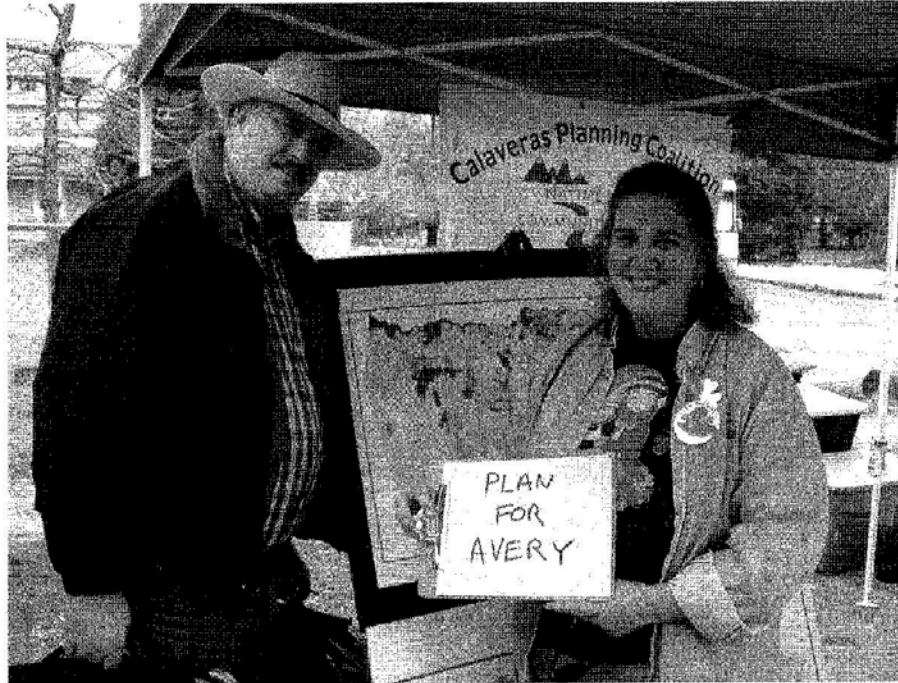
Many community plans **to be rescinded** and not replaced are also on the Highway 4 corridor (Arnold, Avery, and Murphys community plans). The entire upper Highway 4 corridor above SR 49 is either an existing or eligible Scenic Highway, and should be examined and analyzed as a whole, for potential aesthetic impacts to scenic resources within a State Scenic Highway due to lack of community plans and policies. The Goals, Policies, and Implementation Measures of the Land Use Element aiming to protect unique scenic resources and community character will not be as effective in communities that have lost their unique community plans and policies.

4.1-8



**Letter 11  
Cont'd**

Section 4.1 Aesthetics



11-30  
Cont'd

Shouldn't *all* existing Community Plans in Calaveras County be included here in the Local Regulation regulatory section? They are all existing legal documents with goals, policies, and programs guiding land use and development in their communities, including aesthetics, but *all* existing plan text will be rescinded upon adoption of the new general plan project. What will be the impact on aesthetics from the rescission of all existing community plans? The new Community Planning Element includes some policies from the old plans, but has no implementation measures. **The final EIR should include and review all existing community plans for goals, policies, and programs intended to protect local aesthetic resources from impacts of future development. The final EIR should then list these existing community protections, analyze and determine the impact of rescission of these documents on the scenic resources and existing visual character of Calaveras County, and provide mitigation measures.**

11-31

Calaveras County Code of Ordinances

On page 4.1-15, the DEIR says "the Calaveras County Code of Ordinances includes numerous standards relating to aesthetic resources." We beg to differ. There are **not enough standards in county code regulating visual character, and the standards that are there are inadequate. When we ask for better standards we are turned down.** There is only one "design guidelines" for **one** community in the entire county. Many standards relating to visual character in county code are inadequate, limited, or not enforced.

4.1-9

**Letter 11  
Cont'd**

Section 4.1 Aesthetics

11-32

Requirements to shield and direct lighting do not apply to single-family residential, residential subdivisions, or rural areas. Requirements for commercial buildings are not enforced (photos of new Dollar General store in Valley Springs with illegal lighting and glare are on file at the Planning Department). We have requested a more comprehensive county lighting ordinance update for years. Nothing has happened.

We have ugly billboards along our highways; we have nighttime glare from neighbors' lights shining into our eyes, and we have light pollution from towns and developments getting worse each year, ruining our dark skies. We see ugly unscreened RV storage areas and patched metal sheet fencing from our highways; we see heritage oaks and oak woodlands removed; we see hillsides graded and scarred; we see sediment from grading spoiling our streams.

When we point out problems with Aesthetics and standards, submit photos, and ask for better standards and mitigations for projects, we are told these photos "exhibit visual character similar to other uses... within the County. As such, inclusion of mitigation within the context of CEQA is not considered necessary or appropriate in light of existing visual conditions within the County."<sup>1</sup> **There is existing regulatory failure of County Code to protect the visual character of the county or mitigate aesthetics impacts of new development. Please note this in the final EIR.** (*Friends of the Eel River v. Sonoma County Water Agency* (2003) 108 Cal.App.4<sup>th</sup> 859, 874 [In the environmental setting, the agency must divulge harm to the environment caused by current and past mismanagement].)

**4.1.4 Impacts and Mitigation Measures.**

**Standards of Significance**

11-33

On page 4.1-15, criteria used to determine if a project impact is significant to aesthetic resources are listed, but these criteria and thresholds of significance can be increased. CEQA supports the use of local standards of significance when there are local resources that are of critical importance, or that are already severely impacted (like over-crowded lakes, traffic jammed streets, a half-burned forest, etc.). (CEQA Guidelines, sec. 15064, subd. (b); *Gray v. County of Madera* (2008) 167 Cal.App.4<sup>th</sup> 1099, 1123 [Thresholds of significance for cumulative impacts may have to be lower when the existing environmental setting is already degraded to substandard levels].) Calaveras County meets these increased local criteria standards of significance in numerous ways.

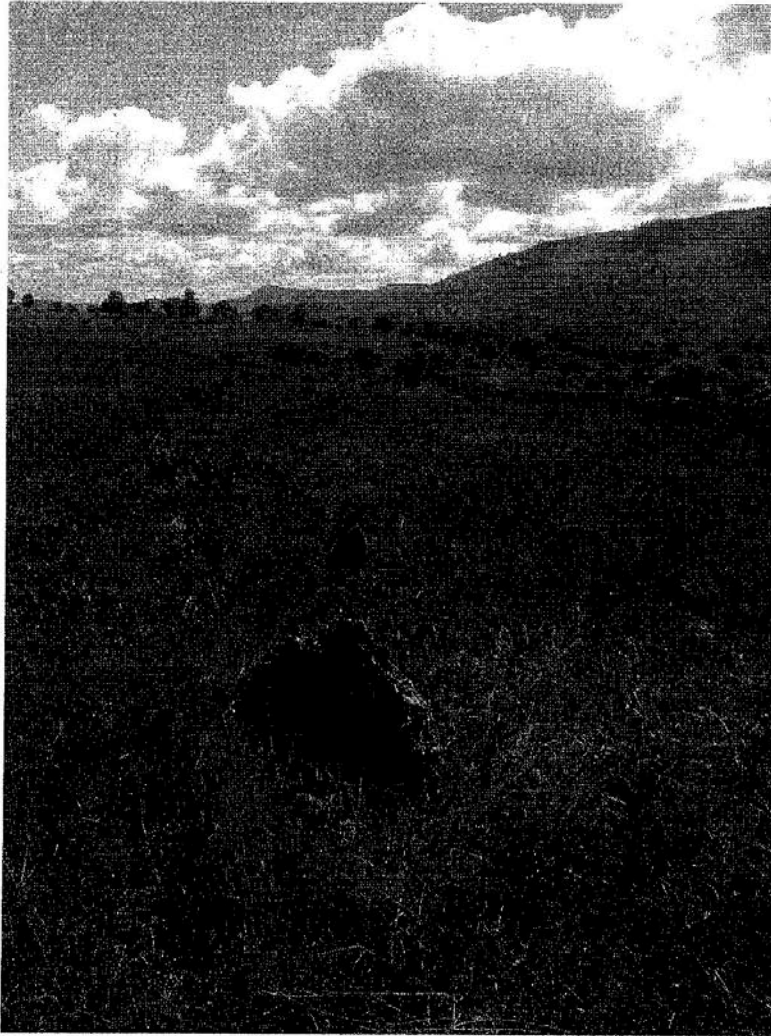
We have many local resources of critical aesthetic importance that are not acknowledged or considered in usual standards or the general plan, such as Castle Rock and Valley Springs Peak in Valley Springs. There are many other local county aesthetic resources of critical importance too numerous to list here. The Butte Fire burned over 70,000 acres in 2015, and severely impacted the county's aesthetic resources and value. This burn area is

<sup>1</sup> Calaveras County Final EIR, Medical Cannabis Cultivation and Commerce Ordinance Project. September 2017. [Page 2-106]

**Letter 11  
Cont'd**

Section 4.1 Aesthetics

a critical area of the county, but we see no acknowledgment of this existing severe impact to aesthetics in the DEIR.



**11-33  
Cont'd**

Most areas of our county have existing high quality visual character that residents wish to preserve, and that are beautiful and scenic. There are a few pockets of existing visual blight, but we do not wish to be held to usual CEQA standards of “existing visual character” and then be punished for some existing visual blight in some limited areas due to lack of county standards and enforcement. We want to preserve the high-quality scenic and visual character we DO have. We do not want to be told we can’t do this because there is already bad stuff out there, “existing visual conditions.” That’s like saying you

4.1-11

**Letter 11  
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Section 4.1 Aesthetics

- 11-33  
Cont'd
- already live in a slum, so there is no expectation or requirement for any future project to mitigate negative impacts or raise standards or look any better than your existing slum. This approach is not acceptable.
- As quoted in the previous section, we have been told that our photos of some instances of visual blight “exhibit visual character similar to other uses... within the County. As such, inclusion of mitigation within the context of CEQA is not considered necessary or appropriate in light of existing visual conditions within the County.” We do not accept that just because there are some existing negative aesthetic conditions in the county, that this is acceptable, and that there is nothing to be done.
- Calaveras County needs stricter local Standards of Significance than are used in the DEIR, in order to protect critical local aesthetic resources, and to give greater protection to areas of the county that have already had severe impacts to aesthetic resources.**
- Method of Analysis**
- 11-34
- As stated previously in these Aesthetic comments, **the two key documents cited in this section** (Federal Highway Administration. *Visual Impact Assessment for Highway Projects*. 1988 and United States Department of Agriculture, Forest Service. *Landscape Aesthetics, A Handbook for Scenery Management*. December 1995) **do not reference which section or page numbers they use.** On page 4.1-16, the DEIR states, “Together, both sources provide the **key analytical framework** and guide the visual impact assessment process for the Draft General Plan.” The two documents contain 240 pages. We have no idea where to look for the “key analytical framework” used to guide this Aesthetics visual impact assessment. **Provide specific section and pages of cited key Aesthetic analysis documents in the final DEIR.**
- \*\*\*\*\*
- Impacts and Mitigation Measures**
- 11-35
- We disagree with the DEIR’s discussion of Draft General Plan impacts related to visual and aesthetic resources (pgs. 4.1-16 through 4.1-24).
- We strongly disagree with Aesthetics conclusion 4.1-1 “less than significant” impacts from the Draft General Plan Project to scenic vistas and scenic resources along a scenic highway.** The policies and programs cited from the Draft General Plan intended to protect the County’s aesthetic resources from future development are inadequate, ineffective, and unenforceable. They will not ensure that negative impacts on Aesthetics from future development will not occur. Without strong policies and programs, new development and buildout of the Draft General Plan will have negative impacts on aesthetics, scenic vistas, and scenic resources in Calaveras County, including along scenic and potential scenic State highways.
- 11-36
- 1) Policy LU 4.1 sounds good, but its three implementation programs, IM LU-4A, LU-

4.1-12

Letter 11  
Cont'd

Section 4.1 Aesthetics

11-36  
Cont'd

4C, and LU-4F, propose to “Adopt” a landscape ordinance, “Adopt” community design guidelines, and “Update” county code for signage. **None of these future implementations commit the County to adopt from list feasible mitigation measures, to meet any standard, by any time frames or deadlines. Thus these policies are unenforceable and do not qualify as mitigation measures.** (*Cleveland National Forest Foundation v. San Diego Association of Governments* (2017) 17 Cal.App.5th 413, 443 [Lead agency cannot defer mitigation without committing to meet performance standards]; *Gray v. County of Madera* (2008) 167 Cal.App.4th 1099, 1118-1119 [A lead agency cannot defer selecting mitigation measures without first identifying feasible mitigation measures]; *California Clean Energy Committee v. City of Woodland* (2014) 225 Cal.App.4th 173, 195-196 [A promise to complete a future study after project approval, without identifying any specific mitigation measures, or providing mitigation standards, is inadequate mitigation].) Furthermore, there is no explanation of why these ordinances, guidelines, and code sections could not have been drafted during this 11-year general plan update. (*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 670-671 [Mitigation deferral is improper unless there is a reason for the deferral and mitigation performance standards are set forth]; *Communities for a better Environment v City of Richmond* (2010) 184 Cal.App.4th 70, 95 [The time to formulate mitigation measures is during the EIR process, before final project approval].)

11-37

2) Policy LU-5.3 is weak and meaningless. “Recognize” scenic resources as strong economic generators, and “encourage” retention is vague. The only implementation measure for this is IM LU-5D, Special Events, to “Review” the Zoning Ordinance for the purpose of “streamline permitting for Special Events.” Again, there is no time frame. Not only is this **unenforceable**, we see **no clear connection between streamlining special events and retaining scenic resources.**

11-38

3) Policy COS 5.1, COS 5.2, and COS 5.3 contain vague words and phrases like “Encourage” conservation, and “consider” scenic qualities. These words are weak, are not clear direction, and **require no action.** All three policies use the same two implementation measures, IM COS-6A and COS-6B, which propose to “Review and amend” county code to incorporate flexible development standards, and to “Formulate guidelines” for hillside and hilltop construction. These are both worthy goals, but again, **IM COS-6A and COS-6B do not commit to reducing an aesthetic impact, and contain no time frames or deadlines, so are unenforceable and do not qualify as mitigation measures.**

11-39

4) IM COS-7F Corridor Plans is not connected to a Policy—what policy is this measure implementing? The language of the measure is also vague, “Participate” in “corridor planning efforts” to “identify opportunities for...recreational facilities...and achieving other General Plan goals and policies (e.g....conserving scenic vistas...). Participate when? What corridor planning efforts? What policies? Again, no time frame, no clarity. **This is so vague as to be nearly meaningless, much less an enforceable mitigation measure.**

4.1-13

Letter 11  
Cont'd

Section 4.1 Aesthetics

11-39  
Cont'd

Without **stronger** policies and **enforceable** programs, new development and buildout of the Draft General Plan will have negative impacts on aesthetics, scenic vistas, and scenic resources in Calaveras County, including along scenic and potentially scenic State highways. **Add more mitigations and strengthen implementations for Aesthetics in the final EIR.**

**We strongly disagree with Aesthetics conclusions 4.1-2 “significant and unavoidable” impacts from the Draft General Plan Project to existing visual character.** We agree that buildout of the Draft General Plan would introduce new buildings and population to currently undeveloped areas, but we disagree that impacts from buildout *must be* significant and unavoidable. Goals, policies, and programs in the Draft *could* significantly minimize these changes to our rural aesthetic character—if *they were made stronger*. The policies and programs listed in this section are vague and non-committal, not strong and enforceable. **With the strengthening of the Draft policies and programs, and with the addition of more mitigation measures, there could be significant avoidance and reduction in impacts to visual character.**

11-40

There have been many feasible and effective mitigation measures proposed to the County and general plan consultants by interested citizens over the 11+ years of the County general plan update. On page 10 of their 2008 Issues and Opportunities Report, Mintier and Associates stated that, “The GPU can create policies and implementation programs that can protect community identity, and historic and cultural resources.” We believe the 2011 Mintier Draft General Plan contained many effective policies and mitigation measures, but the County abandoned it, and started over with a new consultant and general plan in 2012. Since then, the public has continued to request the Mintier document, continued to support a strong general plan update, and continued to make suggestions for effective mitigation measures, including in recent February 2017 NOP scoping comments for this EIR. But public suggestions for additional and stronger mitigations have NOT been acknowledged, discussed, or used in this DEIR. There has been no explanation for this, or why they weren’t even considered. (*Sierra Club v. County of San Diego* (2014) 231 Cal.App.4th 1152, 1175-1176 [It is an abuse of discretion to reject alternatives or mitigation measures that would reduce adverse impacts without supporting substantial evidence]; *Sierra Club v. County of San Diego* (2014) 231 Cal.App.4th 1152, 1173 [When provided examples of mitigation measures implemented elsewhere, and agency must either implement them or explain why not].)

**Please pay attention to all suggestions to strengthen the Draft General Plan document the County has received over the last 11 years. Strengthening draft implementation programs, and adopting additional mitigation measures that have been suggested could go a very long way to reducing “significant and unavoidable impacts.”**

11-41

**We strongly disagree with Aesthetics conclusion 4.1-3 “less than significant” impacts from the Draft General Plan Project from creation of new sources of substantial light and glare or adverse affects on nighttime views in the area (pg. 4.1-**

4.1-14

**Letter 11  
Cont'd**

Section 4.1 Aesthetics

23). Policies and programs in the Draft General Plan intended to protect the County's aesthetic resources from development impacts due to new sources of light and glare are inadequate and unenforceable. Existing county regulations in Title 17 are not effective (as described previously in these comments under lighting problems in Calaveras County Code of Ordinances) and are non-existent for new residential development. Local citizens have been asking for light shielding on new residential developments for many years, but there is nothing in County Code that requires this, so the county won't put Conditions on a residential project. They rarely even address light glare or pollution in CEQA documents, so we have to fight for light shielding on a project-by-project, hearing-by-hearing basis, hoping the owner/applicant will voluntarily agree. Sometimes they do, as in the Las Tres Marias Estates project hearing, where citizens advocated for lighting standards. Even some planning commissioners thought something should be done, but only the owner, Luis San Bartolome, was able to do anything by volunteering to put lighting standards in his future Homeowner Association (HOA documents)<sup>2</sup>. We have been advocating at the Planning Commission for a dark skies lighting ordinance since 2008.

**11-41  
Cont'd**

Without strong general plan policies and programs, new sources of light and glare will continue to adversely affect day and nighttime views, and new development will continue to have negative impacts on aesthetics and visual character of Calaveras County.

There are only two policies and programs in the Draft General Plan that mention light or lighting, and they are inadequate and unenforceable:

1) Policy LU 4.3 mentions design "addressing potential impacts from...lighting", but the only program to implement anything to do with lighting is IMLU-4F Signage, which says "Update the Calaveras County Code...should address...minimizing sign-lighting..." This program is **limited to new sign lighting**, it says *should* not *shall*, and there is **no time frame** given to update the code. **Policy LU 4.3 and its program are ineffective and unenforceable.**

2) Policy LU 4.10 "Retain the rural nature of the county's communities and dark skies by controlling light pollution (glare, light trespass, and night sky glow). (IM LU-4B)" IM LU-4B "Adopt a dark sky ordinance that addresses excessive light spillage and glare on adjacent properties and protection of the rural night sky." The policy is a good start, but the implementation "**Adopt a dark sky ordinance**" has **no time frame** for adoption and no deadline. **IM LU-4B is unenforceable. A dark sky lighting ordinance may never happen. We fear a county Lighting Ordinance will never happen.**

**11-42**

**Conclusion**

The Draft General Plan suffers from a lack of quantified standards and measurable objectives. There is deferment of development impact mitigations indefinitely. The Land

<sup>2</sup> Summary Minutes for Planning Commission Meeting May 19, 2011. [pgs. 2-4] See attached file: PC\_110519m.pdf

**Letter 11  
Cont'd**

Section 4.1 Aesthetics

11-42  
Cont'd

Use Element and Conservation and Open Space Element "Implementation Measures" referenced are nebulous and meaningless, as they do not commit the county to reduce aesthetic impacts by any objective standard or deadline, and are unenforceable. New sources of light and glare will continue to adversely affect day and nighttime views. New development will continue to have negative impacts on aesthetics and visual character of Calaveras County. Impacts to Aesthetics WILL be significant without effective mitigations, which neither the Draft General Plan nor the DEIR offers.

**Policy COS 6.1** (page 4.1-21)

**Revise Policy COS 6.1; add an Implementation Program.**

11-43

Add Calaveras County Parks & Recreation Committee (CCPRC) to Policy text as an additional entity to work with (see below revised text). The CCPRC was formed by the County in 2008, and is referenced in Calaveras County Code Chapter/section 16.24.040, "At the time of the approval of the final or parcel map, the CDD, **with the recommendation from the Calaveras County parks and recreation commission**, shall submit to the board of supervisors for approval, a plan for use, specifying how, when, and where it will use the land or fees, or both, to develop park or recreational facilities to serve the residents of the county."

The CCPRC has been active for years working on Calaveras County parks and recreation needs; they helped create this exact county code section; they created the Calaveras County Parks and Recreation Plan, and they managed State Prop 40 park revenues from the California State Park & Recreation Department for the County. There are now new Prop 68 State revenue sources available for park & recreation. The CCPRC is the County entity set up to recommend where these funds could be spent in Calaveras County. The CCPRC needs to be included in the general plan update.

**Revised Policy COS 6.1**

11-44

Work with **the Calaveras County Parks & Recreation Committee**, community organizations and special districts to develop park and active recreation facilities, striving to provide a minimum of 3 acres of local park land for every 1,000 County residents. (IM COS-7A, COS-7B, COS-7C and COS-7G)

**Add Implementation Measure:**

"The County shall support and pursue efforts to provide funding for local community parks, recreation, trails development, and expansion, using available funding sources, such as California State Parks & Recreation programs and grants, and other opportunities available."

4.1-16



## Letter 11 Cont'd

### Section 4.2 Agriculture



#### SECTION 4.2 AGRICULTURAL, FOREST, AND MINERAL RESOURCES

##### 4.2.1 - Introduction

11-45

In the introduction, the DEIR lists three documents used in the agricultural impact analysis. The CPC submitted numerous additional resources agricultural impact mitigation in comments on the Draft General Plan and in scoping comments. Please use those reference materials in the Final EIR.

In the introduction, the DEIR indicates that it will evaluate the impacts of the general plan buildout. It is not enough to merely evaluate the impacts of buildout of the general plan as mapped. The general plan policies also determine the ease or difficulty of amending the general

4.2-1

**Letter 11  
Cont'd**

Section 4.2 Agriculture

**11-45  
Cont'd**

plan map to convert additional agricultural lands to other developed uses. Stronger policies limiting the conversions of agricultural lands can mitigate this impact. For example, Figure 4.2-1 maps agricultural land currently in Williamson Act Preserves that is in non-renewal status. The General Plan Background Report indicates that there are 7,534 acres in non-renewal status in 2012. (Calaveras County, General Plan Background Report, 12/18/14, Table AG-4, p. 28.) Please put this number in the existing setting section of the Final EIR.

As we pointed out in our comments on the 2014 Draft General Plan, it is likely that these non-renewal lands will seek conversion to other developed uses. (CPC. Comments on the Calaveras County 2014 Draft General Plan, March 20, 2015, p. RPEC-2.) In the Final EIR, please evaluate the potential agricultural land conversion impact of having minimal limits on the conversion of agricultural lands, and having no established programs and/or standards to mitigate such project impacts. Also note the ease of converting these lands to developed uses that are by right or ministerial, for which no impact mitigation is required.

**4.2.2 - Existing Environmental Setting**

P. 4.2-2 The DEIR states, "With the exception of a slight increase in 2014, the amount of farmland in the County has remained relatively consistent between 2012 and 2015, as shown below in Table 4.2-2."

However, this is far too short a time frame to demonstrate the conversion of farmland to other developed uses over time. A longer time frame is needed to establish agricultural production trends, put the potential impacts of a long-term general plan into perspective, and to evaluate the cumulative impacts of agricultural land conversion over time. As noted in the Background Volume of the December 2014 Draft General Plan, between 2004 and 20012, 59,839 acres of farmland were put out of production (or nearly 7,500 acres per year) and 23,756 acres of rangeland were put out of production (or nearly 3,000 acres per year). (See Calaveras County, General Plan Background Report, 12/18/2014, Table AG-5 Agricultural Trends – Acreage, p. 30.)

**11-46**

Please put these numbers in the Final EIR. The Final EIR must reflect a good faith effort at full disclosure. The Final EIR cannot be merely a list of cherry-picked data that makes impacts appear minimal. (*Cleveland National Forest Foundation v. San Diego Association of Governments* (2017) 17 Cal.App.5th 413, 439-440 [A Program EIR must disclose the known baseline level of impacts that it reasonably can, as they may escape analysis later]; *Communities for a better Environment v City of Richmond* (2010) 184 Cal.App.4th 70, 89 [An EIR that omits relevant baseline information fails in its informational purpose under CEQA]; *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 659 [An EIR is informationally inadequate if it does not clearly and conspicuously identify baseline assumptions].)

4.2-2

**Letter 11  
Cont'd**

Section 4.2 Agriculture

- What is particularly disturbing is that we asked the County to include longer term data when we commented on the draft environmental setting sections distributed for public comment in 2013. (CPC, Comments on the Calaveras County General Plan Update Environmental Impact Report Existing Setting Section Preliminary Draft, March 2013, p. 7.) Please do the public that is commenting on your draft documents the courtesy of prompt and efficient correction. We should not have to ask twice.
- 11-47** In the final EIR, identify the causes of these reductions in productive acres, and the amount attributable to conversion to other developed uses. Unless we know the causes of these impacts, we cannot identify the appropriate mitigation.
- What information does the county have on changing demand and costs for services (e.g. roads, utility) provided as the existing agricultural land is converted into other uses over time? Please include this in the Final EIR. Increased demand for services can result in the need for new infrastructure which has an impact on the environment. (CEQA Guidelines, sec. 15131, subd. (a).)
- 11-48** P. 4.2-5 Table 4.2-5 reports four years of timber production in order to establish a trend. Since the new General Plan is intended to guide the county to 2035, the trending data should be long enough to match such a term. For example, the General Plan Background Report notes a fairly constant amount of land in timber production since 1999, with a reduction in harvest and revenue since the 2008 housing market crash. (Calaveras County, General Plan Background Report, 12/18/14, p. 33.)
- What data has the county collected in regards to the increased length of fire season and the severity of forest fires and how this affects timber production trends in the future? Has the county compared the effect on the timber industry in other jurisdictions in similar situations? If not, please do so and include the results in the FEIR.
- 11-49** Also, under the Mining Resources section of 4.2.2 Existing Environmental Settings, no mineral production data was included. Please include this in the Final EIR.
- P. 4.2-11 Asbestos. The conversion of mineral lands to other uses could result in otherwise undisturbed asbestos-bearing rock being graded for development under conditions in which the asbestos emissions are less controlled than in mineral production. Please note this potential impact of the conversion of mineral lands to developed use in the Final EIR.

4.2-3

**Letter 11  
Cont'd**

Section 4.2 Agriculture

**4.2.3 - Regulatory Context**

P. 4.2-12 The DEIR identifies as part of the existing setting, the “Regulatory Context”. This section identifies part of the “carrot” (some tax incentives) and the “stick” (regulations) associated with “the carrot and the stick” approach to regulation.

However, missing from the DEIR is any mention of the many other incentives provided by federal and state governments, private foundations, and that can be provided by local governments. In the post-regulatory era, these incentive programs are an important part of the context in which regulation operates. As such, they provide a huge opportunity for local governments to soften the blow of regulation, and to feasibly mitigate the impacts of general plan buildout.

**11-50**

In addition, these incentives provide the opportunity to fund programs for long-term preservation of agricultural and forest lands, as well as the products and ecosystem services they provide. Failing to provide this information in the DEIR fails to inform the decision makers and the public regarding ways to feasibly fund future impact mitigation and resource conservation programs.

For example, the USDA has over 30 programs providing loans, grants and technical assistance to rural communities to improve their economic viability, and thereby maintain their agricultural and forest lands in future production. (Exhibit 4.2-1 - USDA Rural Development, Catalog of Loans, Grants and Technical Assistance.) These include grants for value-added producers, for energy efficiency, for community facilities, for water supply and waste water treatment, for broadband services, and for workforce housing. By actively participating in these grant programs, the County can help keep Calaveras County agriculture productive and competitive in the 21st century, so that owners will keep their lands in production rather than converting them to developed uses. Please disclose this in the Regulatory Context section of the Final EIR.

**11-51**

P. 4.2-12 to P. 4.2-14 The list of state regulatory requirements in this section leaves out critical regulations that must be disclosed to the decision makers and the public for them to understand the need to mitigate impacts and to include programs to protect agricultural lands in the General Plan Update. CEQA requires that significant impacts to agricultural lands be feasibly mitigated at the project level. General Plan law requires an open space element and an open space action plan that include measures to protect open space, including agricultural lands, whenever feasible. (Gov. Code, Sec. 65560 et seq.) Please include this in the FEIR.

**11-52**

P. 4.2-14 This section describes the California Forest Practice Act. In the Final EIR, please disclose in this section that the law provides the opportunity for County governments to propose special timber harvesting rules to address special needs within the county. The Board of Forestry

4.2-4

**Letter 11  
Cont'd**

Section 4.2 Agriculture

**11-52  
Cont'd**

has the authority to accept or reject those rules. This may provide an opportunity for the County to mitigate impacts from private forestry operations.

**4.2.4 - Impacts and Mitigation Measures**

**11-53**

P. 4.2-15 The list of potential impacts from the standard CEQA environmental checklist is only a start of identifying environmental impact standards of significance. Quantified thresholds are needed to evaluate the significance of impacts, and to identify when mitigation has sufficiently reduced impacts to a level that is less than significant. Please include these in the Final EIR. (*Gray v. County of Madera* (2008) 167 Cal.App.4th 1099, 1123 [A “bare conclusion” regarding the threshold of significance, in the absence of analysis, does not satisfy the requirement that the EIR serve as an informational document].)

P 4.2-17 “Agricultural lands provide a variety of important functions and generate a wide variety of benefits to the residents of Calaveras County. For example, agricultural lands produce commodities that generate various economic benefits (in the form of local jobs and revenue), contribute to the aesthetic value of an area (i.e., greenbelts or transition zones), and create a variety of foraging habitats for wildlife species. In addition, the conversion of agricultural land has hydrological implications, as loss of farmland changes the existing watershed and may reduce groundwater recharge areas.”

Please mention this in the “Existing Setting” part of this chapter.

**11-54**

P. 4.2-17 “Development occurring under buildout of the Draft General Plan could potentially eliminate or modify important agricultural resources. In addition, buildout could result in fragmentation of existing agricultural areas. Fragmentation of existing agricultural lands may increase nuisance effects resulting from urban expansion into agricultural areas—also known as “edge effects.” Edge effects include, but are not limited to, noise (from farm equipment and crop dusting), dust, odors, and drift of agricultural chemicals. From the agricultural perspective, conflicts with urban development include restrictions on the use of agricultural chemicals, complaints regarding noise and dust, trespass, vandalism, and damage from domestic animals (such as dogs). Such conflicts may increase costs to the agricultural operation, and combined with rising land values for residential development, encourage the additional conversion of additional farmland to urban uses. “

While this is a nice description of the potential impacts of the general plan, it neither quantifies these impacts nor depicts them on the map. Which changes to the land use map may result in fragmentation of agricultural land? Which changes in the land use designations may have an

4.2-5

**Letter 11  
Cont'd**

Section 4.2 Agriculture

**11-54  
Cont'd**

adverse “edge effect”? Unless decision makers and the public know where these problem changes are, we can’t consider ways to reduce their impacts. Please locate these problem areas on a map in the Final EIR.

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P. 4.2-18 “Instead, this EIR focuses on potential impacts associated with conversion of agricultural, forest, and mineral resources that would not be protected by the Resource Production or Working Lands designations in the Draft General Plan.”

This analysis leaves out the potential under the general plan for the conversion of lands initially included in the Resource Production or Working Lands designation, but that are allowed to be converted, without specified impact mitigation, under the terms of the general plan and the zoning ordinance. Mere inclusion in the Resource Production or Working Lands designation, in the absence of some other protection, does not guaranty the long-term protection of agricultural and forest lands.

**11-55  
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As previously pointed out, over the years, many agricultural lands have been converted to developed uses. In many circumstances, development approvals are not on lands initially designated for developed use under the 1996 General Plan, but are the result of general plan amendments from natural resource lands to developed lands. This is a foreseeable impact of the General Plan Update that does little to restrict these impacts and does not specify mitigation for these impacts.

Thus, in the Existing Setting Section of the Final EIR, identify the proportion of past agricultural land conversion that are a result of general plan amendments, and the proportion of total development that resulted from the conversion of agricultural land. In the Impacts and Mitigation Section, the Final EIR should consider the impacts if a similar proportion of total development in the future resulted from similar general plan amendments. Then, the Final EIR should consider ways to mitigate that impact. To fail to do so would be to ignore the most likely means of conversion of agricultural and forestry land to developed uses as a result of the General Plan Update. CEQA is violated when an EIR contains no discussion of a potentially significant environmental consideration. (*California Clean Energy Committee v. City of Woodland* (2014), 225 Cal.App.4th 173, 213.)

**11-56**

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P. 4.2-18 “The Draft General Plan includes policies and associated programs that are intended to retain agricultural lands within the County. The Land Use Element of the Draft General Plan includes the following goals, policies, and implementation measures (IMs) related to protection of agricultural, forest, and mineral resources:”

The Final EIR needs to explain to decision makers and the public that the County is not legally bound by the broad goals in the general plan, nor by policy or implementation measures that are optional rather than mandatory. As a result, the goals and optional provisions of the general plan

4.2-6

**Letter 11  
Cont'd**

Section 4.2 Agriculture

listed below in the EIR cannot be relied upon as mitigation measures. If this is not made clear to the public and decision makers, they may get the incorrect impression that these general plan provisions provide more legal protection for agricultural and forestry resources than is the case.

For example, the existing provisions in the draft general plan were all in place at the time the Planning Commission decided to designate an additional 5,000 acres of agricultural land for developed land uses in 2016. Thus, those policies did not effectively protect those agricultural lands from being made available for developed uses.

In addition, non-mandatory provisions of the General Plan do not qualify as mitigation measures. (CEQA Guidelines, sec. 15126.4, subd. (a)(2).) This makes this EIR confusing. CEQA requires an EIR to distinguish between mitigation measures that are part of the proposed project, and those that are still under consideration by the Lead Agency. (CEQA Guidelines, sec. 15126, subd. (a)(1)(A).) Instead, this EIR lists provisions of the proposed general plan "intended to retain agricultural lands." This list is a mix of mandatory mitigation measures, and optional non-mitigation measures. In the Final EIR, the County needs to eliminate this confusion. The best way is to convert optional policies to mandatory ones to make them mitigation measures.

The Final EIR should also consider the impacts on agricultural lands as a result of by-right and ministerial approvals that do not get reduced by impact mitigation, and that are not required to comply with the General Plan. Without this evaluation, there is no way for the public or the decision makers to determine if the proposed general plan needs to include policy directing that some of these by-right or ministerial approvals be changed to discretionary, or have agricultural land impact mitigations built into them. CEQA is violated when an EIR contains no discussion of a potentially significant environmental consideration. (*California Clean Energy Committee v. City of Woodland* (2014), 225 Cal.App.4th 173, 213.)

**11-56  
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P. 4.2-18 "IM LU-2A Title 17 of the Calaveras County Code – Update the Zoning Ordinance, Title 17 for consistency with the General Plan." What portions of the County Code are not consistent with the new General Plan, and will have to be amended to become consistent? What agricultural, forest or mineral related impacts may result while development continues under the obsolete code? Are there ways to mitigate these impacts by restricting certain developments pending the update of the code, or by identifying interim standards in the general plan that will apply to such development pending the code update?

**11-57**

Amendment of Title 17 to make it consistent with the General Plan is not specific enough an implementation to qualify as a mitigation measure. In the Final EIR, explain what specific aspects of Title 17 will be amended to reduce conversion impacts on agricultural, forest, and mineral lands. Title 17 could just as well be amended to increase conversion of these lands, consistent with the property rights objectives of the General Plan.

4.2-7

**Letter 11  
Cont'd**

Section 4.2 Agriculture

P. 4.2-18 "Policy RP 1.1 Limit the intrusion and encroachment of incompatible uses that may affect Resource Production Lands. (IM RP-1A, RP-1B, RP-1C, RP-1D and RP-1E)

"Policy RP 1.2 Require newly created or lot line adjusted parcels adjoining Resource Production Lands be of adequate size and compatibly zoned to minimize potential conflict between the uses or potential uses on Resource Production Lands. (IM RP-1A, RP-1B, RP-1D and RP-1E)"

**11-58**

What are the compatible uses adjacent to Resource Production Lands, and what are the incompatible uses? Unless these are defined, the decision makers and the public cannot determine the effectiveness of these policies in reducing impacts, and the need to improve their effectiveness. A general plan is expected to be clear and not vague.

What is the appropriate size of lots for incompatible uses adjacent to Resource Production Lands? Unless investors know, they cannot properly participate in the market. Unless decision makers and the public know, they cannot be sure that the policy will be effective, or whether it needs clarification. A general plan is expected to have such standards, and there is nothing that prevents their use. (Gov. Code, sec.65302.)

P. 4.2-19 "Policy RP 1.3 Buffer resource production lands through setbacks or other measures to prevent non-compatible uses from impacting resource production uses. (IM RP-1A, RP-1B, RP-1D and RP-1E)"

**11-59**

What are appropriate setbacks to prevent impact to resource production areas? What other measures would be used to prevent impact from incompatible uses? Please include these in the Final EIR.

P. 4.2-19 "Policy RP 1.7 Provide for the protection of resource production operations and activities and their economic viability. (IP RP-1A, RP-1B, RP-1D and RP-1E)"

This is too vague. Please include specific actions to be taken for the protection of resource production operations in the Final EIR.

P. 4.2-19 "Goal RP- 2 Long term viability and economic productivity of agricultural lands and resources within the County recognizing their economic, aesthetic, cultural, and other values."

4.2-8



**Letter 11  
Cont'd**

Section 4.2 Agriculture

**11-60**

With approximately 7,500 acres of farmland and 3,000 acres of rangeland dropping out of production per year between 2004 and 2012 (as noted in the Background Volume of the December 2014 Draft General Plan), it would be appropriate to recognize the need to stop the bleeding of agricultural lands when declaring the long-term viability and economic productivity of agricultural lands as a goal.

P. 4.2-19 "Policy RP 2.7 Solar energy installations shall be compatible with agricultural activities and such facilities shall not be located on prime agricultural land and shall not reduce the production of the primary agricultural product(s). (IM RP-2A)"

Is one solar panel running a pump a solar energy installation? Please provide a clear definition of "solar energy installations" in the Final EIR.

**11-61**

P. 4.2-26 "Policy RP 3.1 Continue supporting landowner participation in the CalFire Forest Legacy Program, USDA Forest Legacy Program, the California Forest Improvement Program, and other long term forest conservation programs. (IM RP-3A)"

Please include how landowner participation in these forest conservation programs is supported in the Final EIR.

P. 4.2-26 "Policy RP 3.3 Recognize and encourage the well-managed use of timber resources for multiple beneficial purposes. (IM RP-1A)"

This policy is too vague. Please include specifics on how the well-managed use of timber resources will be recognized and encouraged in the Final EIR.

**11-62**

P.4.2-22 "Mitigation Measure(s)

"Feasible mitigation measures do not exist beyond the goals and policies included in the Draft General Plan. Therefore, the impact would remain significant and unavoidable."

The Calaveras Planning Coalition provided comments on the 2014 Draft General Plan. Those comments recommended including the Calaveras Ag. Coalition's agricultural and forest land conversion guidelines, mitigation guidelines, and interim setback standards in the General Plan.

4.2-9

## Letter 11 Cont'd

### Section 4.2 Agriculture

11-62  
Cont'd

(CPC, Comments on the Calaveras County 2014 Draft General Plan, March 20, 2015, p. RPEC-5.)

The CPC also submitted scoping comments. Those scoping comments identified agricultural land conservation tools and listed other jurisdictions that are using them. These tools are feasible means to mitigate the potential impacts of agricultural land conversion. (CPC, Scoping Comments in Response to the NOP for the General Plan Update DEIR, 2/16/17, pp. 2.1-11 to 2.1-15.)

Attached to those comments we provided agricultural policies and elements from El Dorado, Monterey, Mariposa, Marin, Napa, Placer, Sacramento, Stanislaus, and Yolo Counties; and a summary of their use of mitigation ratios, minimum parcel sizes, specific setbacks, agricultural land conversion limitations, and conservation easement funding opportunities.

If you persist in rejecting these common place mitigation measures, please provide substantial evidence in the Final EIR demonstrating that they are infeasible. (*Sierra Club v. County of San Diego* (2014) 231 Cal.App.4th 1152, 1175-1176 [It is an abuse of discretion to reject alternatives or mitigation measures that would reduce adverse impacts without supporting substantial evidence]; *Masonite Corp. v. County of Mendocino* (2013) 218 Cal.App.4th 230, 238-241 [Agricultural land conservation easements are legally feasible mitigation measures for the conversion of agricultural land to other developed uses].) It is unbelievable that the DEIR dismisses all of these proven mitigation options with a one-sentence bald assertion that they are all infeasible. (*Sierra Club v. County of San Diego* (2014) 231 Cal.App.4th 1152, 1173 [When provided examples of mitigation measures implemented elsewhere, and agency must either implement them or explain why not].)

As we said in our scoping comments, we strongly encourage the County to gather proponents and opponents of the Agricultural Element to work out goals, policies and implementation measures that all can support.

4.2-10

**Letter 11  
Cont'd**

Section 4.2 Agriculture



All eyes on you!

4.2-11

**Letter 11  
Cont'd**

Section 4.3 Greenhouse Gas Emissions

**COMMENTS ON GREENHOUSE GAS EMISSIONS IN THE GENERAL PLAN DEIR**

**CHAPTER 1: INTRODUCTION**

1.7 Comments Received on the Notice of Preparation

It is noted that “various contributors” submitted comments from the Calaveras Planning Coalition. For **Air Quality and Greenhouse Gas Emissions** (*c.f.* Section 4.3), on p. 1-5, among the following were noted:

11-63

- Cumulative impacts due to greenhouse gas (GHG) emissions
- Incorporation of California Air Resources Board measures to mitigate for greenhouse gasses
- Mitigation for GHG emission from future development should be integrated with general plan programs to implement AB 32, SB 32, and SB 375
- Total vehicle miles travelled within the County considered as a contributor to GHG emissions

All of the above were indeed noted in the scoping comments. However, the primary concern in those comments, expressed in the following, is not noted or addressed in the DEIR:

**The EIR process can greatly strengthen the General Plan by requiring that there be specific implementation steps, monitoring methods, and naming of accountable personnel positions for achieving the stated goals. Otherwise, the Plan remains largely at the level of intentions.** (p. 2.2-1)

In some cases the agency of government accountable for GHG measures is noted. But nowhere are there specific implementation steps, interim objectives, actual monitoring methods, or timelines for accomplishment identified. In these regards, the DEIR is not an improvement or enhancement to the General Plan Update.

**CHAPTER 4: AIR QUALITY AND GREENHOUSE GAS EMISSIONS**

**4.3.2 EXISTING ENVIRONMENTAL SETTING**

11-64

4.3-27 GHG EMISSIONS

4.3-27 Method of Analysis

The DEIR references “the CCAPCD’s *Guidelines for Assessing and Mitigating Air Quality Impacts of Land Use Projects*” as the basis for analyzing the GP’s GHG emissions impacts. There is no information given as to how to access that document, in order to see how it is being applied. Please provide specific referral information for that document in the Final EIR.

11-65

In the next paragraph, another basis of analysis is cited: “The long term...GHG emissions from buildout of the Draft General Plan were estimated using the California Emissions Estimator Model (CalEEMod) software version 2016.3.2 – a statewide model designed to provide a

4.3-1

Letter 11  
Cont'd

Section 4.3 Greenhouse Gas Emissions

11-65  
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uniform platform...to quantify air quality emissions, including GHG emissions, from land use projects.” The figures from that modeling are presented in Appendix C. It is unclear how these figures relate, if at all, to analysis via the CCAPCD’s “Guidelines.” In the Final EIR please explain the relationship between the model and the guidelines.

The CalEEMod figures presented are based on an assumption of buildout by 2035, and a population of 111,527 by that date (p.4.3 -28). It appears, although it is unclear, that the analytic tool was applied in a per capita way to that population figure. The big unknown throughout the DEIR, because it has not been established by the County yet, is what the current baseline GHG levels are. So the starting point, above which the added population will increase emissions, is an unknown. The figures presented are simply a product of computer modeling.

11-66

In addition, the 111,527 population buildout figure is less than the buildout population of 117,045 referenced for the project description and alternatives section of the DEIR. (DEIR, Chapter 3, Table 3-2, p. 3-7; Chapter 6, Table 6-1, p. 6-13.) In the Final EIR please make the project description consistent throughout the EIR. (*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 655 -657 [An inconsistent project description makes an EIR insufficient as an informational document amounting to a prejudicial abuse of discretion]; *Communities for a Better Environment v City of Richmond*, (2010) 184 Cal.App.4th 70, 89 [An EIR with an obscure project description fails as an informational document].)

Following the reference to CalEEMod projections, the DEIR (4.3-28) then says, “In addition to estimating potential future emissions that could occur under buildout of the draft General Plan, emissions from existing development within the County were considered....Emissions estimation [via USEPA] is known as the National Emissions Inventory (NEI)....” The NEI figures are also in the DEIR Appendix C.

The NEI includes emissions that the CalEEMod does not - specifically, volatile organic compounds from vegetation and emissions from wildfires or controlled burns (4.3-29). In order that that information might be included, the NEI estimates were added to the CalEEMod figures for buildout. The NEI estimates are not, however, projections into the future; they are calculations of existing levels taken every three years, the most recent one available for the DEIR being 2014. It is not clear in what way they were added to the overall projections.

Moreover, it is difficult to discern GHG emissions from the NEI figures in Appendix C, as they do not specifically note CO2 or methane emissions. Also, the figures for the different gasses noted are presented simply as gross amounts. They are not measured against any standard or desired level. So it is not clear how they translate into useful information for the County.

In the Final EIR please explain the use of the NEI numbers.

11-67

**4.3-4 Generation of GHG emissions, either directly or indirectly, that may have a significant impact on the environment and/or a conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs (i.e. emission reductions required by AB 32 and SB 32). Based on the analysis below, even with mitigation, the impact is significant and unavoidable.**

4.3-2

Letter 11  
Cont'd

Section 4.3 Greenhouse Gas Emissions

The County has no current GHG Baseline Inventory and no Emissions Reduction Plan. "In the absence of an adopted GHG Reduction Plan..., the potential operational GHG emissions related to buildout of the Draft General Plan have been estimated and compared to the per capita emissions targets established in the 2017 [ARB] Scoping Plan." (4.3-41)

11-67  
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The need to develop GHG baseline data has been apparent since the earliest state greenhouse gas directives over a decade ago. It has also been apparent that a general plan EIR would need GHG baseline data since the general plan update began in 2007. (*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 659 [An EIR is informationally inadequate if it does not clearly and conspicuously identify baseline assumptions]; *Communities for a better Environment v City of Richmond* (2010) 184 Cal.App.4th 70, 89 [An EIR that omits relevant baseline information fails in its informational purpose under CEQA].) In the Final EIR please present an argument, based upon substantial evidence, that explains why it was infeasible for the County to complete a baseline inventory over the last decade. (*Cleveland National Forest Foundation v. San Diego Association of Governments* (2017) 17 Cal.App.5th 413, 440-441 [A lead agency needs substantial evidence, not merely bald assertions, that it is infeasible to provide more impact information in a Program EIR].)

Executive Order No. S-3-05 requires a County to maintain a constant rate of GHG reductions after 2020 (*Sierra Club v. County of San Diego* (2014) 231 Cal.App.4th 1152, 1175.) Without the baseline inventory, it is impossible to determine if the County will be meeting this requirement under the general plan update. Thus, lack of a baseline inventory interferes with informed decisionmaking and public participation. Approval of the Final EIR in the absence of a baseline inventory would be an abuse of discretion.

As noted above, how the different models have been used to arrive at the DEIR's figures is unclear. But the figures presented make noncompliance very clear.

11-68

CARB has identified that statewide emissions targets for 2030 and 2050 are 6 metric tons of CO<sub>2</sub> per capita, and 2 MTCO<sub>2</sub> per capita, respectively. The DEIR estimates Calaveras per capita emissions at 11.78 MTCO<sub>2</sub> in 2030, and 11.35 MTCO<sub>2</sub> in 2050. It is not stated why the 2050 figure, assuming continued buildout, would be slightly lower. (Chart, 4.3-42)

The conclusion, p. 4.3-41: "Because buildout of the County would exceed the CARB's per capita emission targets implementation of the Draft General Plan would be considered to conflict with the goals of SB 32 and contribute to a *significant* impact related to GHG emissions."

The figures make clear the need for goals, policies and **specific implementation commitments** in the DEIR and General Plan for reducing GHG emissions. And those commitments can actually be **continued** via the General Plan, not just initiated. Like all jurisdictions, Calaveras County is responsible to implement AB 32 and SB 32, General Plan or not. It can begin now. The DEIR can provide guidance.

4.3-3

**Letter 11  
Cont'd**

Section 4.3 Greenhouse Gas Emissions

**BACKGROUND AND SETTING**

11-69

The DEIR points out that: SB 375, (Chapter 728, Statutes of 2008) links greenhouse gas reduction to land use planning, transportation planning, and affordable housing. (p. COS-6) Calaveras County is not subject to SB 395 because it is not a Metropolitan Planning Organization. However, the DEIR points out, "...as a part of the environmental review of this plan, air quality and greenhouse gas emission impacts must be addressed."

The DEIR goes on to say that "Development of a Sustainable Community Strategy (SCS) is a primary tool to identify and achieve greenhouse gas reduction goals." Yet an SCS is not mentioned as a policy proposal to achieve compliance with state standards. In the Final EIR, please evaluate this proposed mitigation measure

Also, policies and implementations are not broken out into the areas of land use, transportation planning, and affordable housing/building. In the Final EIR, please do this to make the document rapidly understood by decisionmakers and the public.

**GOALS AND POLICIES**

The General Plan presents one goal with regard to greenhouse gases:

COS-4B: Greenhouse gas emissions associated with vehicular travel, electric power generation, and energy use in compliance with applicable state goals and standards.

Recommended that it read: Greenhouse gas emissions in compliance with state goals and standards.

11-70

This allows the goal to cover a complete range of policies. As it stands, policies COS 4.5, COS 4.6 and COS 4.7 do not fall into the categories in the goal as stated in the General Plan.

COS 4.4 Develop and adopt a comprehensive strategy to assist in achieving emission reduction goals of AB 32. (IM COS-5B, COS-5C and COS-5D)

COS 4.5 Encourage retention of existing mature trees in landscaping for new development, consistent with fire protection needs, to facilitate carbon sequestration. (IM LU-4A and LU-4C)

COS 4.6 Encourage alternatives to open burning of yard debris and construction clearing. (IM COS-2E and COS-5D)

COS 4.7 Encourage energy conserving construction techniques and the use of alternative energy sources. (IM COS-5E)

COS 4.8 Encourage the use and installation of alternative energy generating systems, including solar, wind, bio fuel, and other systems, in new development and in retrofitting existing structures. (IM COS-2E and COS-5E)

4.3-4

**Letter 11  
Cont'd**

Section 4.3 Greenhouse Gas Emissions

11-71

These existing provisions of the General Plan Update do not qualify as mitigation measures.

COS 4.4 calls for the future adoption of a GHG reduction strategy without specifying a list of feasible mitigation measures, and without a commitment to achieve an objective standard. This does not meet the standards for deferred mitigation. (*Cleveland National Forest Foundation v. San Diego Association of Governments* (2017) 17 Cal.App.5th 413, 443 [Lead agency cannot defer mitigation without committing to meet performance standards]; *California Clean Energy Committee v. City of Woodland* (2014) 225 Cal.App.4th 173, 195-196 [A promise to complete a future study after project approval, without identifying any specific mitigation measures, or providing mitigation standards, is inadequate mitigation]; *Communities for a better Environment v City of Richmond* (2010) 184 Cal.App.4th 70, 92-93 [A greenhouse gas mitigation plan violates CEQA when it includes a generalize mitigation goal, vaguely described mitigation measures, unquantified emission reduction estimates, and no objective criteria for measuring the success of the mitigation]; *Gray v. County of Madera* (2008) 167 Cal.App.4th 1099, 1118-1119 [A lead agency cannot defer selecting mitigation measures without first identifying feasible mitigation measures].)

Given that the County has dragged its feet, and failed to make a serious effort to contribute to greenhouse gas reduction over the last decade, there is no more time to waste. Adopt some basic GHG reduction efforts WITH the general plan, before the development and its impacts occur. (*Communities for a better Environment v City of Richmond* (2010) 184 Cal.App.4th 70, 95 [The time to formulate mitigation measures is during the EIR process, before final project approval]; *POET, LLC v. State Air Resources Board* (2013) 218 Cal.App.4th 681, 736-740 [Mitigation cannot be deferred past the start of project activity that causes the adverse environmental impact].)

COS 4.5, 4.6, 4.7, and 4.8 all begin with the non-mandatory verb “Encourage”, which does not commit the County to do anything that will result in any level of GHG emission reduction with any certainty. This is not mitigation. (CEQA Guidelines, sec. 15126.4, subd. (a) (2).)

In the Final EIR, please modify COS 4.4 to 4.8 so that they qualify as mitigation measures.

11-72

**4.3.4 IMPACTS AND MITIGATION MEASURES**

In the Draft General Plan, the Implementation Measures for the policies provide little direction for implementation.

Mitigation for greenhouse gas emission must be timely set forth, with complete and relevant information, in an accountable arena. (*Communities for a better Environment v City of Richmond* (2010) 184 Cal.App.4th 70, 96.) The final selection of specific mitigation measures may be deferred when the lead agency has evaluated the impact, identified feasible mitigation measures, and has committed to mitigating those impacts. (*City of Maywood v. Los Angeles Unified School District* (2012) 208 Cal.App.4th 362, 412) Mitigation deferral requires not merely a generalized

4.3-5



**Letter 11  
Cont'd**

Section 4.3 Greenhouse Gas Emissions

goal, but “objective performance criteria for measuring whether the mitigation goal will be achieved.” (*POET, LLC v. State Air Resources Board* (2013) 218 Cal.App.4th 681, 736-740.)

At a minimum, the implementation measures should include a timeline, suggested mitigation method(s), quantitative reduction estimates, interim steps, reporting requirements, a commitment to achieve objective performance criteria, and responsible officials or offices. The measures do indicate the responsible entities, but other specifics are lacking.

For example, to implement policy 4.4:

COS-5B reads: Undertake a greenhouse gas (GHG) emissions inventory to establish baseline levels of GHGs generated from all major emissions sources in the County consistent with the requirements of Assembly Bill 32 (California Global Warming Solutions Act of 2006).

The Air Pollution Control District and Planning Department are identified as the responsible entities

**11-72  
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We suggest: The Calaveras County Air Pollution Control Board shall undertake a greenhouse gas emissions inventory for the County, using evaluation tools provided by the Air Resources Board via its Local Government Toolbox (ARB website). The inventory shall commence no later than January, 2019, and be completed no later than December, 2019. The CCAPCB shall make an interim report to the Board of Supervisors and the public six months after commencing the project, and a final report at its conclusion. The inventory will be kept updated and reported out every six months. Since the DEIR is written anticipating buildout, the baseline shall be expressed in per capita data; that will be the only way to evaluate that the Emissions Reduction Plan (COS-5C) is being effective.

As to IM-COS 5C, the same criteria for specificity would apply. The DEIR can propose specific strategies and actions that might be considered as part of the Emissions Reduction Plan. For example, the DEIR lists a variety of measures that the CCAPCD already uses to mitigate for other gasses and pollutants (p. 4.3-24). Many of these would help to mitigate GHGs: alternatives to open burning, traffic controls during construction, limits on wood-burning appliances, application of Tier 1 emission standards for vehicles. Given projected buildout, the County could greatly moderate emissions by adopting CAIGreen Code Tier 1 or Tier 2 provisions in its building codes (4.3-22).

The Policies and Implementation Measures could also be organized under the categories mentioned in the Background and Setting: land use, transportation, and housing/building.

**11-73**

For example, under land use:

Policy: The County shall encourage the development of businesses that rely on environmentally sustainable products and services, such as renewable energy, green building, water conservation, and waste management and recycling.

4.3-6

**Letter 11**  
**Cont'd**

Section 4.3 Greenhouse Gas Emissions

**11-73**  
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Implementations: Within one year of the adoption of this General Plan, the County shall establish and publish standards of environmental sustainability in each of these areas.

The County shall fast-track planning approvals for businesses that meet or exceed these standards.

Note: the DEIR proposes adding this policy to the General Plan:

COS 4.10: Should proposed developments within the County be anticipated to result in potential impacts related to the emission of criteria air pollutants, the County shall consider imposing mitigation measures provided in the CCAPCD's Guidelines for Assessing and Mitigating Air Quality Impacts of Land Use Projects.

No implementation measure is proposed.

Recommend this instead: The County shall evaluate proposed developments to determine whether they will emit criteria air pollutants, including GHGs, to a degree exceeding standards the County will publish within six months of the General Plan's adoption.

Implementation: The County will impose upon developments exceeding those standards mitigation measures provided in the CCAPCD's Guidelines for Assessing and Mitigating Air Quality Impacts of Land Use Projects.

For example, under transportation:

Policy: The County shall encourage efforts to reduce emissions from vehicle use.

Implementations: The County shall purchase lower-emission and/or electric vehicles when replacing fleet vehicles.

Within six months of the adoption of the general Plan the County will set standards for inclusion of bicycle and pedestrian routes in all proposed developments.

Note: The DEIR proposes adding this policy to the General Plan:

COS 4.9: The County shall continue to support emissions reductions programs such as the Carl Moyer Program, and find methods of incentivizing the replacement or retrofit of small emissions sources throughout the County, such as the replacement of existing wood stoves with EPA Phase II certified appliances, and the installation of new replacement engines or technologies to reduce emissions from off-road and on-road engines within the County.

There are no Implementation Measures proposed for this policy.

Two possible measures:

The County shall set numerical yearly goals for participation of residents in the Carl Moyer Program.

4.3-7

**Letter 11  
Cont'd**

Section 4.3 Greenhouse Gas Emissions

Within a year of the adoption of the General Plan, the Planning Department will prepare a public report on methods of incentivizing the replacements and retrofits and sources of funding to underwrite them.

For example, under housing/building:

Policy: The County shall encourage new development to incorporate green building practices.

Implementations: The County shall ensure that all new or renovated County-owned buildings are energy-efficient and meet, at a minimum, LEED Silver or equivalent standard.

The County shall incorporate into its building codes, over five years from the date of adoption of this General Plan, requirements bringing new buildings up to CalGreen Tier 1 standards.

The ARB website lists a wide variety of funding sources and opportunities to assist localities to implement GHG programs.

**ALTERNATIVES**

In terms of greenhouse gas emissions, the order of preference of alternatives is clear.

The No Project Alternative with full buildout would yield the most greenhouse gas emissions because the buildout would not be concentrated and therefore involve more vehicle traffic, which is a major source of emissions. Plus the 1996 Plan does not include green building provisions.

The Rural Character Protection Alternative, by concentrating development, would result in fewer GHG emissions than the No Project Alternative.

The Department of Finance Alternative is most preferable, because project buildout would be less than half of what is projected in the other alternatives. The numbers would allow the County to make thoughtful decisions about growth, and therefore about the quality of the environment and of the life of its residents.

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**11-74**

## Letter 11 Cont'd

### Section 4.5 Cultural and Tribal Cultural Resources

#### Section 4.5 Cultural and Tribal Cultural Resources

1) 4.5.3 Regulatory Context, State Regulations. The Public Resources Code, Section 21083.2(a) indicates that if the lead agency determines that the project may have a significant effect on unique archaeological resources, then the environmental impact report shall address the issue of those resources. This would include adopting feasible mitigation measures to reduce potentially significant impacts.

However, on page 4.5-16, the DEIR indicates merely that “CEQA requires lead agencies to carefully consider the potential effects of a project on historical resources.” Again, why is it so hard for the DEIR to disclose to the public and decisionmakers that CEQA requires more than the “consideration” of potentially significant impacts?

If an impact is potentially significant, then the County is obligated to adopt feasible mitigation measures to reduce or avoid the impact. Once the mitigation measures is determined to be feasible, then the County must adopt it to reduce a significant impact of the project. The County has an absolute duty to avoid or minimize the general plan updates potential for significant environmental damage wherever feasible. (CEQA Guidelines, sec. 15091-15092.) There may be some economic costs, and some of the objectives of the project may not be fully realized. It does not matter. If the mitigation is feasible, it must be done. The dominant political party may not like doing the mitigation. It does not matter. If the mitigation is feasible, it must be done. That is the choice that we have made in California by passing CEQA. This mitigation requirement is in sharp contrast to the federal law, the National Environmental Policy Act (NEPA), which only requires federal agencies to consider mitigating impacts after completing an environmental impact statement. Any local government that abrogates its mitigation responsibility is abusing its discretion by not proceeding in accord with the law.

It is essential to make this clear to the decisionmakers when they review the general plan update again. When the Planning Commission reviewed the 2014 Draft General Plan, it repeatedly deleted feasible mandatory policies designed to protect the environment, or converted them into optional policies. The Commission clearly believed it had the discretion to avoid mandatory impact mitigation by balancing “a variety of public objectives, including economic, environmental, and social issues.” Neither planning staff nor the general plan consultant made it clear to the Planning Commission that they do not have this discretion under CEQA. The result is a plan that lacks the feasible measures to reduce significant impacts. The result is now a DEIR that is improperly claiming that optional policies in the general plan count as mitigation. They do not. (*California Clean Energy Committee v. City of Woodland* (2014) 225 Cal.App.4th 173, 199 [A mitigation measure is inadequate when it does not commit the agency to mitigate the impact].)

This error in judgment cannot be repeated, and must be corrected. It is paramount that throughout the document the FEIR makes it clear to the Planning Commission and the Board of Supervisors that they must adopt feasible mitigation measures, and that those measures must commit the county to take action to reduce potentially significant impacts.

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**Letter 11  
Cont'd**

Section 4.5 Cultural and Tribal Cultural Resources

11-76

2) 4.5.3 Regulatory Context, Federal Regulations Section 106. Section 106 of the NHPA requires Federal agencies to take into account the effects of their undertakings on historic properties and affords the Advisory Council on Historic Preservation a reasonable opportunity to comment on such undertakings.

Develop under the General Plan Update may involve the use of federal funds to expand roadways, replace bridges, develop affordable housing, and promote rural economic development. Each of these federal undertakings could affect historic properties. Has the DEIR been circulated to the Advisory Council on Historic Preservation for comment? If not, please do. In the Final EIR please disclose their comments if any.

11-77

3) 4.5.4 Impacts and Mitigation Measures, Standards of Significance, Historical Resources. The NRHP requires consideration of significance of any structure over 45 years old. Also referenced under impacts or mitigation measure 4.5-1 "Furthermore, as noted above, the NRHP requires consideration of significance of any structure over 45 years old. While existing historic structures currently over 45 years old have been identified in this EIR, other structures within the County will likely age into historical significance by the horizon year (2035) of the Draft General Plan."

Do these standards apply to private homes or neighborhoods? If they do, how would future development affect those structures and those communities? Please explain this in the Final EIR.

4) Thank you for including the mitigation measures outlined in 4.5-1(a) and 4.5-1(b) as well as 4.5-2.

11-78

5) There appears to be a minor error in mitigation measure 4.5-2. It currently reads as follows:

4.5-2 *Implementation Measure IM COS-8A of the Draft General Plan shall be revised as follows:*

*IM COS-8A Identify Native American Resource Sensitivity Areas – Update the County's Archaeological Sensitivity Map in cooperation with local Native American archaeology and history representatives to assist planners in determining when cultural resource surveys shall be required in conjunction with the environmental review process. The County shall consult the updated Archaeological Sensitivity Map, in addition to other existing cultural resources information (e.g. pre- 1950 USGS topographic quadrangle maps, official townsite maps, Sanborn Insurance Maps, GIS database) in conjunction with the environmental review*

4.5-2

**Letter 11  
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Section 4.5 Cultural and Tribal Cultural Resources

11-78  
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process for all discretionary approvals to identify sensitive areas and resources. If such cultural resources information indicates that sensitive areas and/or resources are likely to occur within the subject area, site-specific cultural resources shall be required, at the applicant's expense.

Perhaps the last sentence should say, "If such cultural resources information indicates that sensitive areas and/or resources are likely to occur within the subject area, site-specific cultural resources surveys and/or treatment plans shall be required, at the applicant's expense."

Please make this correction in the Final EIR.

6) More than one comments on the 2014 Draft General Plan asked for the adoption of specific general plan programs to mitigate impacts on historical and cultural resources as recommended by local expert in the field, Julia Costello. The CPC provided one of those comments. (CPC, Comments on the Calaveras 2014 Draft General Plan, 3/20/15, p.COSC-14, Attachment COSC-4.) Our comments, and those of others, are posted on your website. The attachment can be downloaded from our website if you have lost track of it. ([www.calaverascap.com](http://www.calaverascap.com)) Her comments stated:

**"Protect our Historic Resources**

11-79

"Julia G. Costello

"Virtually every account of Calaveras County's assets – economic and aesthetic – places historic resources -- charming gold rush towns, rolling ranch landscapes, picturesque historic homes, mining history, and nearly 10,000 years of Native American presence -- near the top of the list. However, Calaveras County is woefully deficient in instituting programs that will help protect and enhance these vulnerable resources. We have no official inventory of important buildings and sites, no control over new construction design in historic areas, and no procedure for reviewing proposed demolition of historic buildings. The list goes on. In brief: while we in Calaveras are eager to promote our historic assets, we are doing little to protect them.

"In full disclosure, Judith Marvin (historian and Murphys resident) and I (Julia Costello, archaeologist and Mokelumne Hill resident) have operated our cultural resources firm Foothill Resources for over thirty years. Our professions involve identifying and evaluating archaeological sites, historic buildings, and historic districts throughout California, primarily for state and federal agencies such as Caltrans, the US Forest Service, and the National Park Service but also for numerous county and city governments. We work with many smart and dedicated public servants who want to identify and protect their heritage sites. It has been discouraging to see our home-town historic resources treated with such little regard. Judith and I have contributed extensive comments on all drafts of the General Plan since 2006 and have been gratified to see many of our suggestions incorporated in various versions.

4.5-3

**Letter 11  
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Section 4.5 Cultural and Tribal Cultural Resources

<p><b>11-79                  Cont'd</b></p>	<p>“We propose that these be added to the admirable list of “Cultural Resources Programs” found on page COS 19 of Chapter 6 (COS-6A-6F) which address identification of areas important to Native Americans, mandate professional standards in identifying and carrying our cultural resource studies, and provide a process for addressing archaeological remains found during construction. These are all long overdue and we applaud the Planning Department for including them. In addition, we believe that the following programs should also be added to this list:</p>
<p><b>11-80</b></p>	<p>“1. <i>Establish a County Register of Historic Resources</i>                  This official register would guide heritage tourism in the County, serve as a baseline to track cumulative effects of projects, and facilitate consideration of demolition requests (which would be faster and less costly to developer). Incentives for registration include use of the Mills Act (reducing property taxes for eligible properties) and use of the California Historical Building Code. Preliminary inventories have already been completed for Mokelumne Hill, San Andreas, Murphys, Copperopolis, and Angels Camp.</p>
<p><b>11-81</b></p>	<p>“2. <i>Provide Contractors the option of using the California State Historical Building Code for buildings 75 years of age and older.</i>                   The California Historical Building Code (CHBC) provides alternate building regulations for the preservation and restoration of qualified historic buildings. Until Calaveras County establishes its own Register of Historic Resources (see No. 2 above), this proposed program would formally allow restoration work on historic buildings to follow these history-sensitive regulations.</p>
<p><b>11-82</b></p>	<p>“3. <i>Adopt and implement the Mills Act</i>                  This state-wide program allows property-tax relief benefits for the maintenance and restoration of historic buildings. The program can be applied to Historic Districts, neighborhoods where historic preservation is to be encouraged, or individually recognized historic buildings.</p>
<p><b>11-83</b></p>	<p>“4. <i>Require a cultural resource study prior to demolition of buildings 75 years of age or older.</i>                  Fifty years is the time established by both Federal and California laws for assessing a building’s historical merit; 75 years seems more appropriate for our Mother Lode communities. These evaluations would be carried out by qualified professionals, and would prevent the inadvertent loss of important community icons.</p>
<p><b>11-84</b></p>	<p>“5. <i>Establish County-wide design review guidelines for all new commercial construction projects in areas with concentrations of historic buildings.</i>                  Tourism has been identified as one of our leading economic forces and new construction should be architecturally compatible. People are coming to see our historic Mother Lode towns and landscapes and new development can be sympathetic to this setting. Mokelumne Hill’s <i>Design Review Guidelines</i> could be used as a model.</p>

**Letter 11  
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Section 4.5 Cultural and Tribal Cultural Resources

11-85

“6. *Require that the developer be responsible for curation of artifacts recovered from a County-mandated study.*

This would require that archiving of important archaeological remains excavated as part of a project’s pre-construction studies be borne by the developer. This is a standard requirement for Federal and State projects and without it the cost of long-term preservation of significant artifacts would fall on the County.

11-86

“7. *Develop and adopt a Cultural Resource Management ordinance.*

County statutes and mandates related to cultural resources would be consolidated under one heading, making procedures easier to identify and implement. Included here would be the proposed programs COS-6A-6F, as well as those identified above.

“These are all programs long established in most counties in California; they are not extraordinary or expensive. Inclusion of them in the General Plan acknowledges that our cultural resources are important to us, and that these are worthy goals to work for.”

In the Final EIR, please discuss these proposed mitigation measures in the body of the EIR. Either adopt these measures, or explain, based upon substantial evidence in the record, why they are infeasible. (*Sierra Club v. County of San Diego* (2014) 231 Cal.App.4th 1152, 1175-1176 [It is an abuse of discretion to reject, without supporting substantial evidence, alternatives or mitigation measures that would reduce adverse impacts]; *Sierra Club v. County of San Diego* (2014) 231 Cal.App.4th 1152, 1173 [When provided examples of mitigation measures implemented elsewhere, and agency must either implement them or explain why not].)

11-87

7) The EIR makes the general and bald assertion that, “Additional mitigation beyond the requirements identified above are not feasible to require at this point in the planning process. Therefore, the above impact would remain significant and unavoidable.”

The DEIR is exactly the “point in the planning process” when additional mitigation measures are identified and evaluated. (CEQA Guidelines, sec. 15126.4; *POET, LLC v. State Air Resources Board* (2013) 218 Cal.App.4th 681, 736-740 [Mitigation cannot be deferred past the start of project activity that causes the adverse environmental impact]; *Cleveland National Forest Foundation v. San Diego Association of Governments* (2017) 17 Cal.App.5th 413, 440-441 [A lead agency needs substantial evidence, not merely bald assertions, that it is infeasible to provide more impact information in a Program EIR]; *Cleveland National Forest Foundation v. San Diego Association of Governments* (2017) 17 Cal.App.5th 413, 426 [All EIRs, including program EIRs, “must cover the same general content” and provide “decisionmakers with sufficient analysis to intelligently consider the environmental consequences of the project”]; *Masonite Corp. v. County of Mendocino* (2013) 218 Cal.App.4th 230, 241-242 [An EIR must address comments proposing mitigation and give reasons for rejecting such proposals].)

“Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts.” (Guidelines, § 15151.)  
“[M]ajor environmental issues raised when the lead agency’s position is at variance with

4.5-5



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Section 4.5 Cultural and Tribal Cultural Resources

recommendations and objections raised in the comments must be addressed in detail.”  
(Guidelines, § 15088, subd. (c).)

(Banning Ranch Conservancy v. City of Newport Beach (2017) 2 Cal.5th 918, 940.)

[W]here comments from responsible experts or sister agencies disclose new or conflicting data or opinions that cause concern that the agency may not have fully evaluated the project and its alternatives, these comments may not simply be ignored. There must be good faith, reasoned analysis in response.’” (People v. County of Kern (1974) 39 Cal.App.3d 830, 841-842; accord, Concerned Citizens of Costa Mesa, Inc. v. 32nd Dist. Agricultural Assn. (1986) 42 Cal.3d 929, 935 (Concerned Citizens).) Rather than sweep disagreements under the rug, the City must fairly present them in its EIR.

(Banning Ranch Conservancy v. City of Newport Beach (2017) 2 Cal.5th 918, 940-941)

In the Final EIR, please explain, based upon substantial evidence in the record, why it is not feasible for the County to consider mitigation proposed by experts and the public in comments on the DEIR.

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4.5-6

**Letter 11  
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Section 4.7 – Hazards and Hazardous Materials

**Section 4.7 – Hazards and Hazardous Materials**

**4.7.1 INTRODUCTION**

**Introduction 4.7-1**

One concern about the proposed general plan and DEIR is the way the introduction to chapter 4.7 regarding hazards and hazardous material does not accurately describe the contents of the chapter. It states that it specifically describes potential effects on human health that could result from soil contamination or from exposure to hazardous materials related to future development and industrial activity. A more accurate description would be to say: This chapter presents a list of currently existing fire and man-made hazards currently existing in the county followed by a discussion of federal, state and local regulations, impacts and mitigation measures, with footnotes pointing to information from the EPA related to health effects due to exposure to Polychlorinated Biphenyls (PCBs), asbestos, radon and lead based paint.

11-88

**In the Final EIR, I request that the county adopt a better description of what is addressed in that chapter.**

**Also, in the Final EIR, include a definition of what is considered a hazard such as the following from the DEIR for Tuolumne County:**

**Hazardous Materials:**

The federal government defines a hazardous material as a substance that is toxic, flammable/ignitable, reactive, or corrosive. Extremely hazardous materials are substances that show high or chronic toxicity, carcinogenic, bioaccumulative properties, persistence in the environment, or that are water reactive. Improper use, storage, transport, and disposal of hazardous materials and waste may result in harm to humans, surface and groundwater degradation, air pollution, fire, and explosion. The risk of hazardous material exposure can come from a range of sources; these may include household uses, agricultural/commercial/industrial uses, transportation and disposal.

**4.7.2 EXISTING ENVIRONMENTAL SETTING**

**Airport Hazards**

11-89

There is a table in the Tuolumne County EIR that shows compatible land uses around airports. I request that that our Final EIR include such a table to make it clear what will or will not be allowed.

4.7-1

**Letter 11  
Cont'd**

Section 4.7 – Hazards and Hazardous Materials

**Table 4.8-1. Airport Land Use Compatibility Zones**

**Zone Location Prohibited Uses**

*A*

*Runway Protection Zone or Within*

*Building Restriction Line*

- All structures except ones required by aeronautical function*
- Assemblages of people*
- Objects exceeding FAR Part 77 height limits*
- Aboveground bulk storage of hazardous materials*
- Hazards to flight*

*B1*

*Approach/Departure Zone and*

*Adjacent to Runway*

- Children's schools, day care centers, libraries*
- Hospitals, nursing homes*
- Highly noise-sensitive uses (e.g., outdoor theaters)*
- Above ground bulk storage of hazardous materials*
- Hazards to flight*

*B2*

*Extended Approach/Departure*

*Zone*

*C Common Traffic Pattern*

- Children's schools, day care centers, libraries*
- Hospitals, nursing homes*
- Hazards to flight*

*Source: Tuolumne County Airport Land Use Compatibility*

**11-89  
Cont'd**

**Letter 11  
Cont'd**

Section 4.7 – Hazards and Hazardous Materials

**Fire Hazards 4.7-2**

There is an inadequate discussion of how fire protection is provided and how it can be improved, like adopting the Service Level Stabilization Plan. Here is an example from the DEIR for Tuolumne County:

11-90

*Fire protection in Tuolumne County is provided through a cooperative fire protection services approach. CAL FIRE provides administrative and operational services through a fire protection agreement to the County of Tuolumne, the Jamestown Fire Protection District, and the Groveland Community Services District. Other local fire agencies in Tuolumne County include the Tuolumne Fire District, Columbia Fire Protection District, Mi-Wuk Sugar Pine Fire Protection District, Strawberry Fire Protection District, and Twain Harte Community Services District. The Tuolumne County Fire Department (TCFD) adopted the Service Level Stabilization Plan in 1992 to address fire protection needs in the service area. The plan provides guidance for the development of fire services through acquisition of fire stations, apparatus and equipment, and the provision of personnel and support services. Additionally, the CAL FIRE Strategic Fire Plan for the Tuolumne/Calaveras Unit helps to plan fire prevention, protection, and suppression strategies and the Emergency Services Plan for Tuolumne County describes organizational responses to typical emergency situations in Tuolumne County, including fire Groveland Community Services District.*

In the Final EIR, I request that Calaveras County include plans to improve fire prevention and services.

**Human-Made Hazards 4.7-2**

**The language is remiss or vague about responsibilities of purchasers or developers of commercial, industrial, or agricultural property. I request that the following language be included in the Final EIR:**

11-91

*Federal and state environmental laws provide that all property owners be required to pay for cleanup, when necessary, of contamination by hazardous materials on or originating from their land. Because of the potential liability, purchasers or developers of commercial, industrial, or agricultural property should perform environmental assessments before development or purchase. In addition to being liable for cleanup, the owner can be responsible for toxic effects on human health, and measures should be taken to avoid exposing people to hazardous materials.*

This language will prevent commercial or industrial businesses from moving forward on projects without first performing environmental assessments, as occurred in 2015 when an asphalt plant was allowed to come into a residential neighborhood with no notice, no EIR and no conditions. This caused a year and a half of upheaval and division in the community when residents objected.

4.7-3

## Letter 11 Cont'd

### Section 4.7 – Hazards and Hazardous Materials

Part of being friendly to businesses is to give them clear guidelines of what is required to comply with our general plan.

#### Hazardous Materials Transport 4.7-2

##### Transportation of Hazardous Materials:

There is missing information as to which federal and state departments regulate transportation of hazardous materials, their responsibilities and how authority is delegated to various state and local agencies. The following information taken from the DEIR for Tuolumne County is much more complete.

*Both the USEPA and the United States Department of Transportation (DOT) regulate the overall transportation of hazardous waste and material, including transport via highway and rail. The USEPA administers permitting, tracking, reporting, and operations requirements established by the RCRA. DOT regulates the transportation of hazardous materials through implementation of the Hazardous Materials Transportation Act. This Act administers container design, and labeling and driver training requirements. These established regulations are intended to track and manage the safe interstate transportation of hazardous materials and waste. Transportation of hazardous materials on highways falls under federal legislation; however, authority is delegated to various state and local agencies that are focused on specific aspects of hazardous materials and transportation. The Hazardous Waste Control Act establishes the California Department of Health Services (DHS) as the lead agency in charge of the implementation of the RCRA program. State and local agencies such as the CHP, State of California Department of Transportation (Caltrans), and the City and County Fire Departments are responsible for the enforcement of state and federal regulations and responding to hazardous materials transporting emergencies. The CHP establishes state and federal hazardous material truck routes and has lead responsibility over hazardous material spills on state highways.*

Please include such language in the Final EIR.

C

#### Underground Storage Tanks (UST): 4.7-4

Information as to the method and frequency of monitoring USTs should be included in the Final EIR as well as the following:

*The State Water Resources Control Board regulates spills, leaks, investigation, and cleanup sites and maintains an online database, GeoTracker, to provide access to environmental data (State*

*Water Resources Control Board). The GeoTracker database tracks regulatory data about leaking underground storage tank (LUST) sites, fuel pipelines, and public drinking water supplies and presents it in a geographic information system format.*

4.7-4

11-92

**Letter 11  
Cont'd**

Section 4.7 – Hazards and Hazardous Materials

**Landfills 4.7-4**

There is no discussion of reduction of toxic household waste or any database system to track information on solid waste facilities, operations and disposal sites etc. I want to know if Calaveras County intends to implement such a system, and if not, why not. Explain this in the Final EIR. Here is how Tuolumne County addresses this issue and the issue of Solid Waste Information System.

11-93

*Household Products: By far the most common hazardous materials are those found or used in the home. Waste oil is a common hazardous material that is often improperly disposed of and can contaminate surface water through runoff. Other household hazardous wastes (used paint, pesticides, cleaning products and other chemicals) are common and often improperly stored in garages and homes throughout the community. Tuolumne County adopted the Household Hazardous Waste Element of the Tuolumne County Integrated Waste Management Plan to reduce the amount of household hazardous waste generated within Tuolumne County through reuse and recycling, to divert household hazardous waste from landfills, to promote alternatives to toxic household products, and to educate the public regarding household hazardous materials.*

*CalRecycle's searchable Solid Waste Information System (SWIS) database was completed for the County. The SWIS database tracks regulatory information on solid waste facilities, operations, and disposal sites throughout the State of California. The database includes information on landfills, transfer stations, material recovery facilities, composting sites, transformation facilities, waste tire sites, and closed disposal sites. The database tracks regulatory information regarding the site location, owner, operator, the facility type, operational status, regulatory enforcement records, and inspections.*

**4.7.3 REGULATORY CONTEXT pg 4.7-7**

Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) pg 4.7-8

11-94

There is no discussion of Preliminary Remediation Goals (PRGs) in chapter 4.7. The following has been taken from the DEIR for Tuolumne County. I want to see this issue addressed in Calaveras County in the Final EIR .

Regulatory agencies such as the USEPA, Department of Toxic Substance Control, and Department of Environmental Health Hazard Assessment set forth guidelines that list at what point concentrations of certain contaminants pose a risk to human health. The USEPA combines current toxicity values of contaminants with exposure factors to estimate the maximum concentration of a contaminant that can be in environmental media before it is a risk to human

4.7-5

**Letter 11  
Cont'd**

Section 4.7 – Hazards and Hazardous Materials

health. These concentrations set forth by the USEPA are termed Preliminary Remediation Goals (PRGs) for various pollutants in soil, air, and tap water. PRG concentrations can be used to screen pollutants in environmental media, trigger further investigation, and provide an initial cleanup goal. PRGs for soil contamination have been developed for industrial sites and residential sites. Residential PRGs are more conservative and take into account the possibility of the contaminated environmental media coming into contact with sensitive receptor sites such as nurseries and schools. PRGs consider exposure to pollutants by means of ingestion, dermal contact, and inhalation, but do not consider impacts to groundwater.

**Groundwater Contamination:**

Tuolumne County provides the Primary maximum contaminant levels (MCLs) to refer to when groundwater is affected with contaminants. The following is how Tuolumne County addresses this issue:

*Both the USEPA and the California DHS regulate the concentration of various chemicals in drinking water. The California DHS thresholds are generally stricter than the USEPA thresholds. Primary maximum contaminant levels (MCLs) are established for a number of chemical and radioactive contaminants (Title 22, Division 4, Chapter 15 California Code of Regulations). MCLs are often used by regulatory agencies to determine cleanup standards when groundwater is affected with contaminants.*

In the Final EIR, I request that Calaveras County commit to using this measurement for cleanup standards.

**Brownfield sites: 4.7-8 added as part of CERCLA**

Calaveras County's discussion of Brownfields as it relates to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), focuses on the fiscal aspect of unrecovered response costs incurred by the United States and windfall liens up to the amounts not to exceed the increase attributable to the response action at the sale or other disposition of the property. Below is a fuller description of Brownfield sites from the DEIR from Tuolumne County:

*Brownfield sites are areas with actual or perceived contamination and that may have potential for redevelopment or reuse. Brownfields are often former industrial facilities that were once the source of jobs and economic benefits to the community, but lie abandoned due to fears about contamination and potential liability. The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, was enacted by Congress on December 11, 1980. This law created a tax on the chemical and petroleum industries and provided broad Federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. Over five years, \$1.6 billion was collected and the tax went into a fund for cleaning up abandoned or uncontrolled hazardous waste sites. CERCLA was amended in January of 2002 with passage of*

11-94  
Cont'd

11-95

4.7-6

**Letter 11  
Cont'd**

Section 4.7 – Hazards and Hazardous Materials

11-95  
Cont'd

*the Small Business Liability Relief and Brownfields Revitalization Act. This Act provides some relief for small businesses from liability under CERCLA. It authorizes \$200 million per fiscal year through 2006 to provide financial assistance for brownfield revitalization. CERCLA also facilitated a revision of the National Contingency Plan (NCP), which provides the guidelines and procedures needed to respond to releases and threatened releases of hazardous substances, pollutants, or contaminants. The NCP also established the generation of the USEPA's National Priorities List (NPL), a list of all the sites with known releases or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States.*

Please include such an explanation in the Final EIR.

**State Regulations 4.7-10**

After listing the applicable state and local laws, there is a statement “Within Cal-EPA, the Department of Toxic Substances Control (DTSC) has primary responsibility, with delegation of enforcement to local jurisdictions that enter into agreements with the state agency for the management of hazardous materials” etc.

Add the agreements with the local jurisdictions.

**Unified Program**

11-96

On page 10 of 4.7, there is a discussion of the Certified Unified Program Agencies that is confusing. It is unclear how the entirety of Calaveras County rather than a specific agency or department can be a CUPA. Although it is stated that Calaveras County is a CUPA, which was assessed by Cal-EPA as having “No deficiencies observed,” there is no mention of when or how often the assessments are made. A better description of CUPA from the Tuolumne County DEIR is as follows:

*Pursuant to SB 1082 (1993), the State of California adopted regulations to consolidate six hazardous materials management programs under a single, local agency, known as the Certified Unified Program Agency (CUPA). In addition to conducting annual facility inspections, the Hazardous Materials Program is involved with hazardous materials emergency response, investigation of the illegal disposal of hazardous waste, public complaints, and storm water illicit discharge inspections. In January 1997, the Tuolumne County Environmental Health Division of the Community Resources Agency was designated as the CUPA by the Secretary of the California Environmental Protection Agency (CalEPA) for Tuolumne County. Accordingly, it is the Environmental Health's Division responsibility to prevent public health hazards in the community and to ensure the safety of water and food. The Environmental Health Division (EHD) coordinates activities with federal, state, and regional agencies when planning programs*

4.7-7



**Letter 11  
Cont'd**

Section 4.7 – Hazards and Hazardous Materials

*that deal with the control of toxic materials, housing conditions, nuisance complaints, protection of food and water supply, public bathing areas, and sewage and solid waste.*

Please include such an explanation in the Final EIR.

**11-96  
Cont'd**

**Emergency Response to Hazardous Materials Incidents**

In the Final EIR, please add a description of the local government emergency response plans.

**4.7.4 IMPACTS AND MITIGATION MEASURES**

P. 4.7-26. In the Final EIR appendices, please provide a copy the Airport Land Use Compatibility Plan.

P. 4.7 – 27. In the Final EIR appendices, a copy of the Local Hazard Mitigation Plan should be provided.

4.7-8

**Letter 11  
Cont'd**

Section 4.9 Land Use and Planning

**SECTION 4.9 LAND USE AND PLANNING**

**4.9.1 Introduction**

**11-97**

On page 4.9-1, the Introduction incorrectly lists a document used to prepare this chapter as, "the Calaveras County General Plan. Adopted October 2016." This is incorrect, and should say Calaveras County **DRAFT** General Plan. Our existing General Plan dates back to 1996. Additionally, **the existing Calaveras County General Plan document should also be listed as a reference document here**, as quoted in the first paragraph, "the EIR shall discuss any **inconsistencies** between the proposed project and **applicable general plans...**" There are also statements later in Section 4.9 regarding conflict and inconsistency with the existing general plan, our "**applicable land use plan.**"

**4.9.2 Existing Environmental Setting**

**11-98**

**Regional Setting**

On page 4.9-1, the DEIR states, "Calaveras County is currently home to approximately **41,587 persons.**" This figure *conflicts* with other Calaveras population figures in the DEIR, including the figure in Population & Housing, supposed to be the most recent: **45,207 in 2016** (pg. 4.11-1). Current figure on DOF website is "**44,609 as of July 2017.**" **Where does "41,587 persons" come from???** Please cite source. (CEQA Guidelines, sec. 15148.)

**Community Plans**

**11-99**

On page 4.9-1 and 2, eight existing adopted community plans are listed. These community plans are part of the current Calaveras County General Plan. The EIR needs to make clear in the Existing Environmental Setting section that these eight plans will be going away--*they will no longer exist upon adoption of the Draft General Plan.* **Please add a sentence in the final EIR acknowledging this fact, "These eight community plans will be rescinded upon adoption of a new Calaveras County General Plan."** It is impermissible to sweep this controversial issue under the rug. (*Banning Ranch Conservancy v. City of Newport Beach* (2017) 2 Cal.5th 918, 940-941)

**This section should contain additional background information on draft community plans that the County has in its possession—plans for Copperopolis and Valley Springs.** The County and area residents have worked on both plans for close to 20 years, have received grant funding, held public meetings, and worked with CCOG and County departments to create draft community plan documents that the County has in its possession.

4.9-1

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Cont'd**

Section 4.9 Land Use and Planning

According to the Calaveras County General Plan Evaluation, October 12, 2006, when talking about existing adopted community plans, it states, **“In addition the County has produced the following draft Community Plan: Copperopolis Community Plan - Working Draft (August 26, 2005).”** A few years later, a revised draft Copperopolis Community Plan was submitted to the County, which then held many public meetings in Copperopolis in 2012. **The County has a least two draft Copperopolis Community Plans; this information should be included in the EIR.**

In Valley Springs, community residents tried for years to get the County to update their ancient 1975 plan text, to no avail. A community group formed in 2005 to help update the community plan, MyValleySprings.com. They held community meetings and obtained grant funding from CalTrans so that the Calaveras Council of Governments (CCOG) had funds to work with the County and consultants to update the community plan. This was completed, and a final draft Valley Springs Community Plan was submitted to the County by CCOG in October 2010. A separate group submitted a Citizens Committee Valley Springs Community Plan to the County in September 2010. **The County has a least two draft updated Valley Springs Community Plans; this information should be included in the EIR.**

*These two Valley Springs plans were later merged and condensed, in order for a Valley Springs section to be included in the Community Planning Element of the General Plan update. A draft version was created by the Planning Department, and was ready for a public hearing at the Planning Commission Hearing on January 26, 2017. This was listed on the January 26 Planning Commission Meeting Agenda, “4. General Plan Update: Addition of a Valley Springs section to the Community Planning Element of the Draft General Plan and to provide a recommendation to the Board of Supervisors. (Peter Maurer, Planning Director). The January 26, 2017 Planning Commission Staff Report<sup>1</sup> contains a summary of the community plan’s background, and the Valley Springs Section of the Community Planning Element. Unfortunately, at the last minute, the Valley Springs plan was pulled from the agenda, and “continued to a date uncertain.”<sup>2</sup> **This Valley Springs Community Plan section of the Community Planning Element for the Draft General Plan remains on the shelf at the Planning Department.***

**The above information about existing revised/ updated/ new final draft Community Plans for Valley Springs and Copperopolis needs to be included in the EIR as Existing Settings background under Community Plans.**

**4.9.3 Regulatory Context**

On page 4.9-2, the DEIR says, *“The following discussion contains a summary review of regulatory controls pertaining to land use and planning, including State, regional, and local regulations and ordinances. Specific federal regulations do not directly pertain to land use and planning of an area.”* We believe this last sentence is inaccurate.

<sup>1</sup> See attached file PC Staff Report\_Community Planning Element Valley Springs section 1-26-17.pdf  
<sup>2</sup> From Planning Commission Minutes for Jan. 26, 2017. See attached file PC\_17126m.pdf

11-99  
Cont'd

11-100

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Section 4.9 Land Use and Planning  
Cont'd

11-100  
Cont'd

**Federal Regulations.** Federal/ State regulations are part of the Calaveras River Habitat Conservation Plan (HCP), which directly pertains to and may impact land use and planning in western Calaveras County. Land development can impact fisheries health and fish passage through the Calaveras River. The Stockton East Water District (SEWD) and FISHBIO personnel have been working with state and federal agencies and the National Marine Fisheries Service (NMFS) for many years to develop a habitat conservation plan (HCP) to manage resident rainbow and steelhead trout in the Calaveras River, as per the 'Calaveras River Habitat Conservation Plan Presentation' 2007<sup>3</sup>, and 2018 Stockton East and FISHBIO website information<sup>4</sup>. **Over 11 miles of the lower Calaveras River lie in Calaveras County, extending east up to New Hogan Reservoir, where fish are now returning and spawning. The HCP management of trout could potentially conflict with land use and planning and the Draft General Plan. For the final EIR, please add the heading "Federal Regulations" under Regulatory Context, and investigate and describe the status of the Calaveras River Habitat Conservation Plan for trout management.**

**State Regulations**

On page 4.9-2, this section does not mention recent State legislation on the Mokelumne River, passed June 27, 2018, that is relevant to land use and planning. **In the final EIR, address the recent listing of the Mokelumne River as a California State Wild and Scenic River. There are regulations and restrictions on land uses in areas adjacent to the river.**

11-101

Additionally, the Regulatory Context section makes no mention of **LAFCO, the Local Agency Formation Commission**, required by the State to monitor and plan for the orderly provision of water, sewer, fire, and other services for development throughout Calaveras County, and to oversee service provider Spheres of Influence. **In the final EIR, address LAFCO under Regulatory Context.**

**Local Regulations**

On page 4.9-4, the DEIR states "The following are the local regulations relevant to land use and planning", but then only lists and discusses three local regulations. We believe at least four other Local Regulations and Plans relevant to land use and planning have been incorrectly omitted by the DEIR. As per the draft Land Use Element, **Relationship to**

11-102

<sup>3</sup> The Calaveras River Watershed Stewardship Group. *Calaveras River Habitat Conservation Plan Presentation*. 2007. See attached file Calaveras River Habitat Conservation Plan Presentation\_2007.pdf. Accessed 8/6/18. Available at: <http://www.calaveras-river.com/Calaveras%20River%20Habitat%20Conservation%20Plan%20Presentation.pdf>

<sup>4</sup> Stockton East Water District History - Managing the Calaveras Resource. Available at: <http://sewd.net/history/>. Calaveras River Habitat Conservation Plan, FISHBIO. Available at: <https://fishbio.com/projects/calaveras-river-habitat-conservation-plan>. Accessed August 6, 2018. See attached file Calaveras River HCP Info Sources\_08\_06\_18\_LU Exhibit.doc

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Section 4.9.Land Use and Planning

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Cont'd

**Other Plans and Documents** section, "In addition to the General Plan, the following documents guide or regulate land uses in Calaveras County: **Zoning (Title 17)...Specific Plans...Airport Land Use Compatibility Plan...Integrated Waste Management Plan-Countywide Siting Element**" (pg LU13). Additionally, **Existing Adopted Community Plans** should be included and addressed.

Below are local regulations we believe are either *inadequately* discussed, or *have been left out altogether*. **These regulations and plans need to be included and thoroughly discussed in Local Regulations, and subsequently acknowledged and analyzed in Impacts and Mitigations 4.9-2 for land use conflicts or inconsistencies with the Draft General Plan.**

Calaveras County Zoning Ordinance

11-103

On page 4.9-4, the statement "California planning and development law requires zoning in all counties...to be consistent with their adopted general plans" does not acknowledge the fact that old *Calaveras County zoning is NOT always consistent with our existing General Plan, and that the County's existing zoning WON'T be consistent with the proposed Draft General Plan*. This has been acknowledged and discussed by the county Planning Director and Planning Commission, and is reflected in the addition of the draft Land Use Element Implementation Measure **LU-2A Title 17 of the Calaveras County Code Update the Zoning Ordinance, Title 17 for consistency with the General Plan**. **Many existing and draft General Plan land use designations and uses conflict with underlying county zoning and our current zoning ordinance. Please acknowledge this in the EIR in the Local Regulations section, and address this conflict in Evaluation of Impacts and Mitigation Measures.**

Specific Plans

11-104

The County currently has two Specific Plans, Oak Canyon Ranch and Saddle Creek. These have "unique land use designations, goals, policies, and implementation programs intended to implement the General Plan and provide detailed guidance on the long term development of these two areas." **Have these Specific Plans been reviewed for conflicts and consistency with the new Draft General Plan project? Please include, discuss, and analyze these Specific Plans in the final EIR, including in Impacts and Mitigations 4.9-2 for land use conflicts or inconsistencies with the Draft General Plan.**

Airport Land Use Compatibility Plan

11-105

The Airport Land Use Compatibility Plan (ALUCP) is an adopted plan. **"State law requires that the County...modify the general plan...to be consistent with the ALUCP.** (pg. LU13). **Has the ALUCP been reviewed for conflicts and consistency with the proposed new Draft General Plan project?** Draft policies and programs in the Land Use Element only address *future* review and implementation *of the ALUCP* for consistency. *No one seems to have currently reviewed the Draft General Plan for*

4.9-4

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Section 4.9 Land Use and Planning

11-105  
Cont'd

consistency with the ALUCP. Please include and discuss the ALUCP in the final EIR. Please analyze the Draft General Plan for consistency with the ALUCP, including under Impacts and Mitigations 4.9-2, to review the ALUCP for land use conflicts or inconsistencies with the Draft General Plan.

11-106

Integrated Waste Management Plan-Countywide Siting Element

Waste disposal facilities are designated in the Countywide Siting Element of the County's Integrated Waste Management Plan; **State law requires the General Plan to identify these waste disposal sites** (pg. LU13), as there is a potential for land use conflicts. The Draft General Plan Land Use Map identifies locations of the (generic) land use designation, "Public/ Institutional", but this designation includes innocuous uses such as schools and libraries, and *does not specifically identify any waste disposal facility sites*. This is required by State law in order to avoid land use conflicts. **Please include and discuss the County Waste Management Plan and Countywide Siting Element in the final EIR. Please analyze the Draft General Plan for consistency and conflicts with the Plan and existing waste disposal facilities locations. Please specifically identify the location of existing waste disposal sites in the Draft General Plan and Land Use Map. Include the Waste Management Plan under Impacts and Mitigations 4.9-2, for review for land use conflicts or inconsistencies with the Draft General Plan.**

11-107

Existing Adopted Community Plans

Existing adopted Community Plans are "local regulations relevant to land use and planning." All existing Community Plans in Calaveras County should be included here in the Local Regulation regulatory section. They are existing legal documents guiding land use and development in local communities, adopted to avoid negative land use impacts of development on those communities. All existing community plan text will be rescinded upon adoption of the new general plan project. **The final EIR should acknowledge and discuss all existing Calaveras County community plans in the Local Regulation section.** (*Communities for a better Environment v City of Richmond* (2010) 184 Cal.App.4<sup>th</sup> 70, 89 [An EIR that omits relevant baseline information fails in its informational purpose under CEQA].)

**The final EIR should review all existing community plans for mandatory policies in each of the community plans that mitigate impacts of development that may not be mitigated by the general plan due to its "optional" mitigation goals, policies, and programs. The final EIR should then list these existing community plan mitigations, and then analyze and determine the impact of rescission of these documents. Include review and analysis under both Impacts and Mitigations 4.9-1 and 4.9-2, for potential impact to established communities, and for potential impacts and land use conflicts or inconsistencies with the Draft General Plan.**

4.9-5

## Letter 11 Cont'd

### Section 4.9 Land Use and Planning

#### 4.9.4 Impacts and Mitigation Measures

##### Standards of Significance

On page 4.9-5, part of the second environmental land use and planning impact question was omitted. **Please add back in CEQA text in bold below that was left out:**  
“Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (**including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance**) adopted for the purpose of avoiding or mitigating an environmental effect?”

On page 4.9-5, the third environmental impact question was not answered:  
“*Conflict with any applicable habitat conservation plan or natural community conservation plan?*”

**This question was not answered by the DEIR**, instead telling the reader to refer to the Biological Resources chapter. The question was not answered or adequately addressed in Biological Resources either—information is missing about an applicable habitat conservation plan (HCP). **The question needs to be answered here in Land Use and Planning**, and also answered and addressed in Biological Resources. **Information is missing about the Calaveras River Habitat Conservation Plan** (see above comments under **4.9.3 Regulatory Context, Federal Regulations**). (*Communities for a Better Environment v City of Richmond* (2010) 184 Cal.App.4th 70, 89 [An EIR that omits relevant baseline information fails in its informational purpose under CEQA].)

11-108

First, *this HCP question needs to be addressed here*, in Section 4.9 Land Use and Planning (as per CEQA Guidelines Appendix D). Second, as noted previously in these section comments, **there IS a federal/state Habitat Conservation Plan (HCP) for the Calaveras River**. The Stockton East Water District (SEWD) has been working with state and federal agencies and the National Marine Fisheries Service (NMFS) for many years to develop a habitat conservation plan (HCP) to manage resident rainbow and steelhead trout in the Calaveras River (see previous HCP comments and attachments in this Land Use Section 4.9 under 4.9.3 Regulatory Context). **Over 11 miles of the lower Calaveras River lies in Calaveras County, and extends up to New Hogan Reservoir, where fish are now returning and spawning. The HCP management of trout could potentially conflict with or be impacted by land use and planning and the Draft General Plan. For the final EIR, please investigate the status of the Calaveras River HCP for trout management. Please include and answer the CEQA question, whether the HCP conflicts with the Draft General Plan.** (*California Clean Energy Committee v. City of Woodland* (2014), 225 Cal.App.4th 173, 213; [CEQA is violated when an EIR contains no discussion of a potentially significant environmental consideration].)

4.9-6

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Cont'd**

Section 4.9 Land Use and Planning

**Impacts and Mitigation Measures**

On page 4.9-5, the DEIR states “The following discussion of land use and planning impacts is based on implementation of the proposed project...” Despite this statement, **the entire impact analysis section of Land Use and Planning lists NO Implementation Measures for goals or policies, and discusses NO specific land use mitigation measures to reduce impacts.** The EIR lists draft land use goals and policies, but *does not explain how they will be implemented.* Other sections of the DEIR list Implementation Measures in the Draft General Plan that carry out the Goals and Policies of that section. Why was this ignored in Land Use and Planning?

The DEIR cannot assume “something” unnamed will implement goals and policies! The EIR cannot assume there are implementation measures in the Land Use Element to implement goals and policies and reduce impacts of the proposed project. The DEIR has not demonstrated any connection between specific goals and policies, and what might implement them. The EIR must connect and list implementation measures with goals and policies. ((*Sierra Club v. County of San Diego* (2014) 231 Cal.App.4th 1152, 1173 [Mitigation measures must be incorporated into a plan]; *Federation of Hillside & Canyon Associations v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1260 – 1261 [Mitigation measures must be implemented, and not merely adopted and then neglected or disregarded].)

HOW CAN ANY DEIR ANALYSIS OR CONCLUSION ABOUT THE SIGNIFICANCE OF LAND USE AND PLANNING IMPACTS OF THE PROPOSED PROJECT BE REACHED WITHOUT ANY DIRECT CONNECTION TO IMPLEMENTATION MEASURES THAT MAY REDUCE IMPACTS? Please explain this in the Final EIR.

\*\*\*The entire 4.9.4 Impacts and Mitigation Measures section of Land Use and Planning **must be re-done, listing specific and effective, measurable Implementation Measures that will carry out Goals and Policies in order to reduce impacts of the Proposed Project. It is impossible to evaluate the adequacy of the DEIR’s analysis of Land Use and Planning without this being done.** (*Gray v. County of Madera* (2008) 167 Cal.App.4th 1099, 1116-1118 [A lead agency must have substantial evidence that mitigation is feasible and will be effective].)

**4.9-1 The proposed project would not physically divide an established community. “Based on the analysis below, the impact is less than significant.”**

On page 4.9-5 through -15, the DEIR discusses this issue, and then makes a finding of “less than significant impacts” on the potential to physically divide an established community. But the DEIR conclusion is based on *assumed implementation* of policies in the Land Use Element and Community Plan Element, without naming or even

4.9-7

11-109  
Cont'd

11-110



## Letter 11 Cont'd

### Section 4.9 Land Use and Planning

acknowledging there *may or may not be implementation measures there*. The administrative record must contain substantial evidence supporting the County's that the measures will mitigate the impacts. "A clearly inadequate or unsupported study is entitled to no judicial deference." (*Laurel Heights Improvement Association of San Francisco v. Regents of the University of California* (1988) 47 Cal.3d 376, 422 & 409 fn. 12.)

In the final EIR, please provide the basis of **this assumption of no impacts? There are no implementation measures listed or discussed here in the DEIR. The Community Plan Element also contains no implementation measures.**

*"The primary objective of the Land Use Element and Community Plan Element of the Draft General Plan is to maintain and enhance the established communities in the County, as well as implement the Calaveras County Draft General Plan vision statement and guiding principles. Implementing the policies included in the Land Use Element and Community Plan Element would focus development in and around the existing communities, and would prevent the physical division of an established community. Therefore, impacts related to the potential to divide established communities would be less than significant."*(pg. 4.9-15)

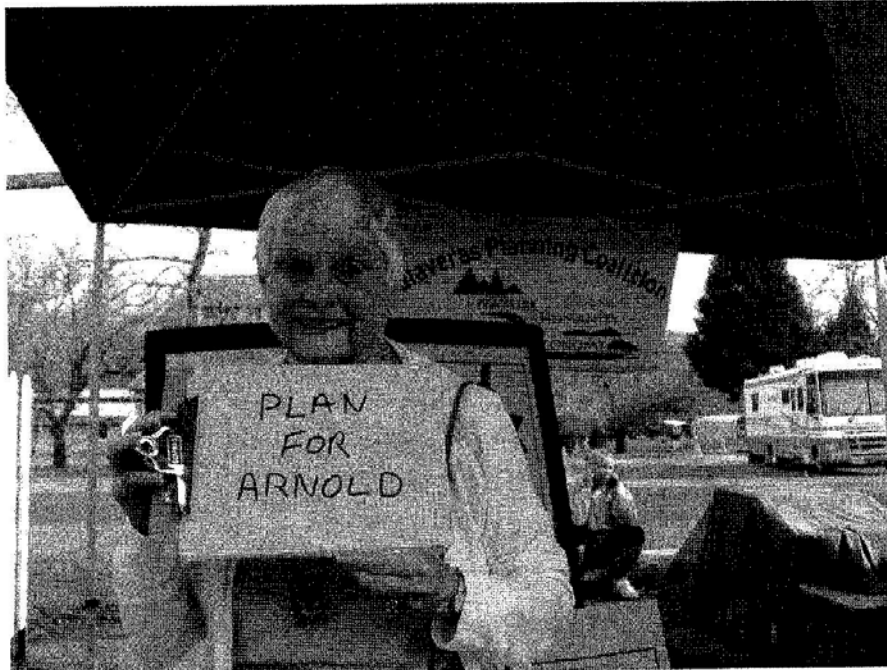
Implementation Measures Needed for 4.9-1

As the DEIR itself states, "*implementing the policies...would prevent the physical division of an established community.*" But without Implementation Measures, you have no evidence of implementation of policies and goals, and no reduction of impacts to communities. **In the final EIR, list all Implementation Programs and Measures that will reduce impacts of the Project on established communities. It is impossible to evaluate the adequacy of the DEIR's analysis of Land Use and Planning 4.9-1 without this being done.**

11-110  
Cont'd

4.9-8

Section 4.9 Land Use and Planning



Community Plan Element

11-111

The Community Plan Element section of 4.9-1 analysis, on pages 4.9-7 through 15, lacks adequate environmental analysis. There are inconsistencies, omissions, and information deficiencies:

- *The DEIR does not address or analyze environmental impacts of draft general plan development on the communities and community plans **not** included in the Community Plan Element of the Draft General Plan, including the two largest towns in Calaveras County with the most development pressures and potential impacts, Valley Springs and Copperopolis.*

11-112

- *The DEIR does not address the lack of **any** implementation measures for community plans in the Community Plan Element.*

11-113

- *The DEIR is vague and unclear on basic community plan background information, which community plans were not analyzed and why, the extent of analysis, and more. See more below.*

11-114

**Community plans have been controversial** in Calaveras County over the years, going back to the 1980's. People in Valley Springs have been asking for an update of their 1975 community plan text for over 40 years—"Things have changed!"—but the County has never managed to do so. More basic background information is needed, both in the

4.9-9

Letter 11  
Cont'd

Section 4.9 Land Use and Planning

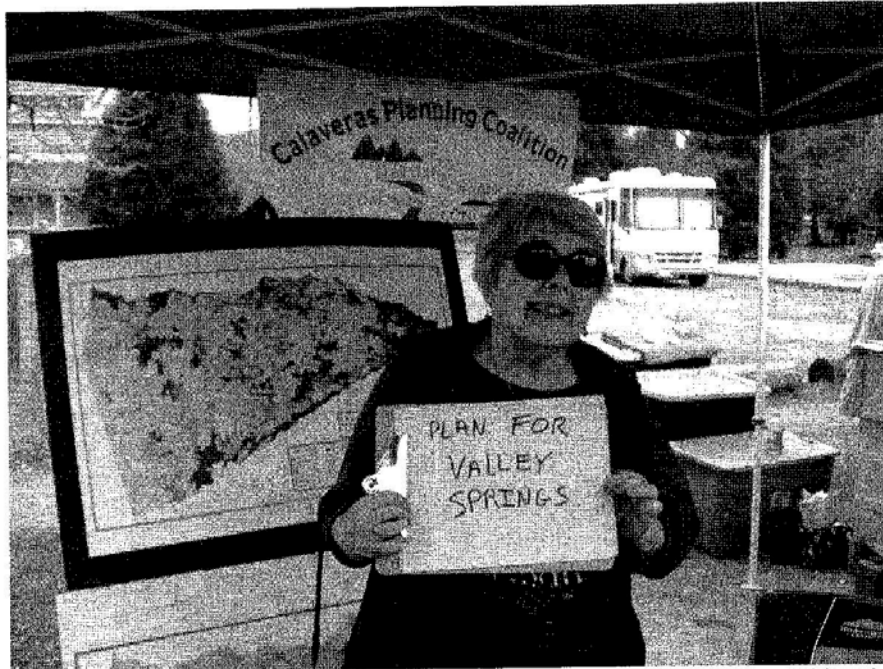
11-114  
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General Plan and in EIR discussion. **Please include this information:** which Calaveras County community plans were updated and included, which were updated and not included (and why not), which were newly developed and included, which were newly developed but not included (and why not), exactly which community plans will be included in the General Plan and which will not, and exactly which ones will be rescinded and abandoned upon adoption of the new General Plan *with no replacement goals, policies, or implementation*. **This information is important to community residents. (See attached petition) Most people are not even aware that they are losing their existing community plan altogether, or that it has been changed, or that years of effort to update or create new community plans are being ignored.**

11-115

Impacts to existing communities not included in the Community Plan Element are not even addressed here, much less mitigated by this element's goals and policies. Adequate DEIR analysis of impacts to established communities from eliminating existing Community Plan policies and programs without replacement cannot occur without adequate information. This is a potentially significant impact. CEQA is violated when an EIR contains no discussion of a potentially significant environmental consideration. (*California Clean Energy Committee v. City of Woodland* (2014), 225 Cal.App.4th 173, 213.)

11-116



To be able to discuss potential physical impacts on existing established communities, the

4.9-10

## Letter 11 Cont'd

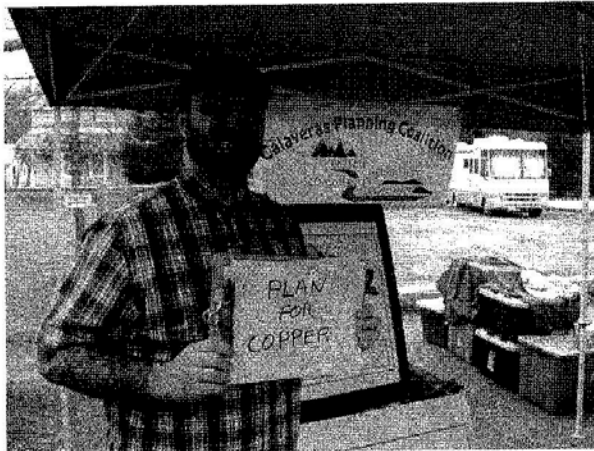
### Section 4.9 Land Use and Planning

DEIR basis for environmental analysis must be informed by all the facts, about all communities, not just ones briefly summarized in the Community Plan Element. (*Communities for a better Environment v City of Richmond* (2010) 184 Cal.App.4<sup>th</sup> 70, 89 [An EIR that omits relevant baseline information fails in its informational purpose under CEQA].) Any lack of community information in the GPU must be stated clearly in the EIR. No conclusion of “less than significant impacts” to dividing established communities, like Valley Springs, Copperopolis, and communities on the Highway 4 corridor, can be reached without including these communities in this Element of the draft General Plan.

11-116  
Cont'd

**The DEIR does not look at those existing community plan policies and programs which were adopted to guide development in those communities and to mitigate environmental impacts of development, but that will be rescinded and abandoned. What are the potential significant impacts of this action? The final EIR should review ALL existing community plans for mandatory policies in each community plan that mitigate impacts of development that may not be mitigated by the general plan due to its “optional” mitigation goals, policies, and programs. The final EIR should then list these existing mandatory community plan mitigations, and then analyze and determine the impact of rescission of these documents. Include existing community plans’ review and analysis under both Impacts and Mitigations 4.9-1 and 4.9-2, for potential impact to established communities, and for potential impacts and land use conflicts or inconsistencies with the Draft General Plan.**

For example, Planning looked at 2005 development proposals in the Valley Springs area like the Spring Valley Ponte Ranch, and responded to applicants that the proposals are not consistent with the existing Valley Springs Community Plan, so **the 2005 project applicants need to wait until the community plan is updated. They are still waiting. No major development in Valley Springs can happen because our community plan is over 40 years old and no one knows what the community wants now.**



4.9-11

**Letter 11  
Cont'd**

Section 4.9 Land Use and Planning

11-117

**Also, if the County is eliminating community plan provisions adopted to mitigate the impacts of development, then the County must make a finding to justify the elimination of the measure.** Mitigation measures adopted when a project is approved may be changed or deleted, but only if the agency states a legitimate reason for making the changes, and the reason is supported by substantial evidence. (*Napa Citizens for Honest Government v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 359.) **In the Final EIR, determine if any of the community plan policies are mitigation measures. If so, provide a justification for the elimination of any such policy, based upon substantial evidence in the record.**

These controversial community plan issues have been raised and discussed with the County many times, and have been pointed out to General Plan consultants in EIR Scoping Comments. There were many suggestions made. These comments seem to have been ignored. The Valley Springs and Copperopolis communities are the largest and fastest-growing communities in Calaveras County. Ignoring them in the draft General Plan is unacceptable. Ignoring any Calaveras County communities in DEIR environmental analysis and conclusions about impacts to existing communities is inadequate and unacceptable.

11-118

**4.9-2 Conflict, or create an inconsistency, with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. Based on the analysis below, the impact is less than significant.**

On page 4.9-2, the DEIR states, "Other than the existing General Plan, Calaveras County **currently does not have any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.**" **This statement is incorrect.** There are many other adopted land use plans and regulations besides the General Plan that are applicable, and should have been analyzed for conflict, inconsistencies, and compatibility. See previous comments in this Land Use and Planning Section, under Local Regulations, "In addition to the General Plan, the following documents guide or regulate land uses in Calaveras County: **Zoning (Title 17)...Specific Plans...Airport Land Use Compatibility Plan...Integrated Waste Management Plan-Countywide Siting Element**" (pg LU13). Additionally, **all Existing Adopted Community Plans** should be included and addressed." The Calaveras County Community Wildfire Protection Plan seeks to avoid or mitigate the environmental harm from fires associated with development in the urban wildland interface. .

Impacts and conflicts/inconsistencies from ALL applicable land use plans and regulations need to be included and analyzed. A special focus should be the **four existing, adopted Community Plans that will be rescinded and will not be replaced** upon adoption of the Draft General Plan: Arnold, Avery-Hathaway Pines, Murphys-Douglas Flat, and Valley Springs. The final EIR needs to include/analyze impacts from all applicable land use plans and regulations.

4.9-12

Letter 11

Section 4.9 Land Use and Planning **Cont'd**

**A. Airport Plan**

11-119

The Calaveras County Airport Land Use Compatibility Plan (ALUCP) IS an applicable land use plan adopted for the **purpose of preventing conflicts** between airport development and proposed land uses in the vicinity. On page 4.9-3 the plan is discussed briefly, and the DEIR says, “Calaveras County and jurisdictions with land use authority over areas within the AIA [Airport Influence Area] **are expected to incorporate certain criteria and procedural policies from the ALUCP into their General Plan and Zoning Ordinances** in an effort to ensure that future land use development would be compatible with long-term airport operations.” Has this been done? We can find nothing in this DEIR environmental analysis addressing whether the ALUCP has been reviewed for consistency with the Draft General Plan, or whether any ALUCP policies or criteria have been incorporated. **The Airport Plan has been left out of this environmental analysis completely.**

The only mention of the Airport Plan we found was in Land Use Element Implementation Programs. But Implementation Measure LU-3A below is a proposed *future* effort with no time commitment, and does nothing to tell us *now* or ensure *now* that the 2016 Draft General Plan is *compatible to the existing 2010 Airport Land Use Compatibility Plan*, as required by State law.

**LU-3A Airport**

On an on-going basis, review the general plan, including land use designations surrounding the airport for consistency with the Airport Land Use Compatibility Plan.

Implements: Policy LU 3.3

Responsible Entity: Planning and Public Works Departments

**B. Calaveras County Zoning Ordinance**

11-120

The County Zoning Ordinance is a **land use regulation adopted for the purpose of avoiding or mitigating an environmental effect**, so must also be analyzed for potential conflicts and inconsistencies with the Draft General Plan. **The Zoning Ordinance has not been analyzed.** On page 4.9-4, the statement “California planning and development law requires zoning in all counties...to be consistent with their adopted general plans” reinforces the need to analyze potential conflicts. **Many existing and proposed draft land use designations and uses conflict with or are inconsistent with underlying county zoning and our current zoning ordinance. Please acknowledge this in the Final EIR and evaluate impacts and mitigation measures.**

These zoning and land use inconsistencies have been acknowledged and discussed by the county Planning Director and Planning Commission. This is reflected in Land Use Element Implementation Measure LU-2A **Title 17 of the Calaveras County Code Update the Zoning Ordinance, Title 17 for consistency with the General Plan.** But **LU-2A Implementation Measure is a proposed future effort, with no time commitment, and does nothing to address now whether the 2016 Draft General Plan is compatible to the County Zoning Ordinance, or if impacts are significant.**

4.9-13

Letter 11  
Cont'd

Section 4.9 Land Use and Planning

**C. Specific Plans**

11-121

The County currently has two Specific Plans, Oak Canyon Ranch and Saddle Creek, which contain “unique land use designations, goals, policies, and implementation programs intended to implement the General Plan and provide detailed guidance on the long term development of these two areas.” These Specific Plans must be acknowledged and analyzed. **Please include, discuss, and analyze these two Specific Plans in the final EIR in Impacts and Mitigations 4.9-2 for land use conflicts or inconsistencies with the Draft General Plan.**

**D. Integrated Waste Management Plan-Countywide Siting Element**

11-122

Waste disposal facilities are designated in the Countywide Siting Element of the County’s Integrated Waste Management Plan. **State law requires the General Plan to identify these waste disposal sites (pg. LU13), as there is a potential for land use conflicts. The Countywide Siting Element designating waste disposal sites is an applicable land use plan or policy necessary for the General Plan to consider in avoiding conflicts in land use, and must be acknowledged and analyzed for consistency of waste disposal facilities with land uses in the Draft General Plan. The Draft General Plan Land Use Map identifies locations of the (generic) land use designation, “Public/Institutional”, but this designation includes innocuous uses such as schools and libraries, and does not specifically identify any waste disposal facility sites. This is required by State law in order to avoid land use conflicts. Please include and discuss the County Waste Management Plan and Countywide Siting Element in the final EIR, and analyze the Draft General Plan for consistency and conflicts with the Plan and existing waste disposal facilities locations. Please specifically identify the location of existing waste disposal sites in the Draft General Plan and Land Use Map. Include the Waste Management Plan under Impacts and Mitigations 4.9-2, for review for land use conflicts or inconsistencies with the Draft General Plan.**

**E. Existing Adopted Community Plans to be Rescinded and Not Replaced**

11-123

All existing adopted Community Plans have land use policies intended to give direction on community development and avoid or mitigate negative impacts of development to their communities—in other words, “adopted for the purpose of avoiding or mitigating an environmental effect.” **All existing adopted Calaveras County Community Plans will be rescinded upon adoption of the Draft General Plan. Some of these community plans will have new goals and policies (but no implementation programs) in the Draft General Plan Community Plan Element; other plans will not be included in the Community Plan Element and will have no goals, policies, or programs remaining.**

**The final EIR should review ALL existing community plans for mandatory policies in each community plan that mitigate impacts of development that may not be mitigated by the general plan due to its “optional” mitigation goals, policies, and programs. The final EIR should then list these existing mandatory community plan mitigations, and then analyze and determine the impact of rescission of these documents. Include existing community plans’ review and analysis under both**

4.9-14

Letter 11  
Cont'd

Section 4.9 Land Use and Planning

**Impacts and Mitigations 4.9-1 and 4.9-2, for potential impact to established communities, and for potential impacts and land use conflicts or inconsistencies with the Draft General Plan.**

11-124

The existing Arnold, Avery-Hathaway Pines, Murphys-Douglas Flat, and Valley Springs Community Plans will be rescinded upon adoption of the Draft General Plan, and will no longer exist in any form at all, not even a summary, condensed version, because none of them have been included in the Community Plan Element. This complete abandonment of four Calaveras County General Plan Community Plans is in direct conflict with the land use mitigation purpose of those adopted community plans. They guide future development and help protect unique community resources and historical character from potential impacts of development. These community plans help inform planners and decision-makers when considering proposed development, general plan amendments, permit modifications, and zoning changes in the community plan areas. For example, the existing adopted 1974 Valley Springs Community Plan will be abandoned and rescinded upon adoption of the proposed Draft General Plan. This existing plan, albeit old, has goals and policies that have been in place for over 40 years, but that will now be ignored in the Draft general plan update. These policies directed the location of single family residents, multifamily developments, and commercial growth. The density and intensity of development rationally varied depending upon access to public water and sewer. **The Final EIR must acknowledge the direct conflict and creation of inconsistency by completely abandoning four adopted community plans in the Draft General Plan, with no community-specific land use and development replacement goals, policies, or programs.**

*AS EXAMPLES OF MANDATORY COMMUNITY PLAN POLICIES USED TO GUIDE DEVELOPMENT*, just recently, **policies and implementation measures in the Avery-Hathaway Pines Community Plan were cited twice by the Planning Department to support their recommendation to the Planning Commission, in two different project applications (2016-016 Zoning Amendment for Greenberg 7/12/18, and 2016-18 MOP for West 3/8/18).**

11-125

In Greenberg, Planning's verbal reason for rezoning from C2-PD to M4-PD was, "*There are a number of policies and implementation measures in the Avery-Hathaway Community Plan that recommend the PD overlay*" as mitigation and environmental protection. The Planning Commission Staff Report reads, "*The community plan further singles out the exact location of the subject parcel, stating that Commercial Way 'terminates in an isolated area suitable for light industrial and automotive service activities.' Implementation Measure 10-2 of the Community Plan requires all industrial property to have a Planned Development combining zone in order to 'encourage design of industrial development that is compatible with adjacent land uses.'*" *Due to this implementation measure, in order to fully comply with the General Plan, the subject parcel will retain the PD combining zone, being rezoned to M4-PD rather than simply M4.*"<sup>5</sup>

<sup>5</sup> Planning Commission Staff Report. 2016-016 ZA for Matthew Greenburg [pg.4]. July 12, 2018. See file attached: 2016-016 Greenberg Staff Report 7-12-18.pdf

4.9-15



## Letter 11 Cont'd

### Section 4.9 Land Use and Planning

11-125  
Cont'd

In West, one of Planning's reasons for supporting the owner's road Modification to Existing Permit and allowing an exception to road-widening requirements was a section of the Avery-Hathaway Pines Community Plan that granted latitude in the disposition of interior roads. The Planning Commission Staff Report reads, "**The parcel is located within the Avery-Hathaway Pines Community Plan. This community plan states under the Land Use Element, Streets and Parking section: "Commercial Way, because of its isolated location, neither intrudes on the rural aspects of the scenic corridor nor impacts its traffic patterns. Because of its seclusion and the particular demands of its manufacturing and service operations, the owners and/or operators of these properties should be granted latitude in the disposition of interior roads and parking areas, subject to adequate screening of the complex from Highway 4."**"<sup>6</sup>

The Avery-Hathaway Pines Community Plan effectively and clearly guided development in both of these project applications by providing specific mandatory or location-specific policies to address future growth in its area. There are also mandatory policies in other existing community plans that will be abandoned by the Draft General Plan. This is a direct conflict, and the draft general plan does not fix this, as it contains no mandatory implementation programs for community plans. A Community Plan is an "applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect."

#### Further Review of Additional Plans, Policies, and Regulations Needed for 4.9-2

11-126

Because of the *above missing land use plans and policies and regulations* that have not been considered or reviewed in 4.9-2, and their potential conflicts and impacts with the Draft General Plan, **further Review of relevant, additional Plans, Policies, and Regulations is needed for 4.9-2 before any possible conclusion such as "impact is less than significant" can be made. Further review and possible Mitigation Measures will be needed for 4.9-2 in the final EIR.**

#### Conflict and Inconsistency Within the Draft General Plan Itself

11-127

In the Land Use Element section Land Uses there is a description of land use designations and the Land Use Diagram (General Plan Land Use Map). "Community Areas" are described and defined, and an explanation given why specific areas of the county are suited to be included within Community Areas—they are more appropriate for high-intensity development. The text makes clear that these areas have boundaries, and that **Community Area boundaries are intended to be specific:**

"The Land Use Diagram also identifies areas of the county as a "Community Area". **These areas identify the regions of the County where higher intensity land uses and higher density residential uses are most suited, based on infrastructure availability, reduced physical constraints, and existing development patterns. The boundaries of the Community**

<sup>6</sup> Planning Commission Staff Report. 2016-018 MEP for West [pg.4]. March 8, 2018. See file attached: 2016-018 West Staff Report 3-8-18.pdf

## Letter 11 Cont'd

### Section 4.9 Land Use and Planning

Areas are intended to be specific, since some policies differentiate between being within or outside of the Community Area.” (pg. LU5, emphasis added)

Some policies in the Land Use Element directly *conflict with and are inconsistent with* the above Land Uses direction, explanation and expectation for boundaries of Community Areas. **Policy LU 1.2 and Policy LU 3.4 conflict with the Land Use purpose of focusing development and growth within Community Area boundaries.**

**LU 1.2** Support growth in **and around** existing communities while protecting and enhancing community and neighborhood character.

**LU 3.4** Infrastructure such as water and sewer and high capacity roads shall be encouraged within existing developed areas, **areas contiguous to existing communities**, areas where future development is **anticipated** by the General Plan as reflected in the General Plan land use map, existing, **non-contiguous** communities, and/or where essential to public health and safety. (IM LU-3C)

11-128

**Policy LU 1.2 supporting growth “around” communities directly conflicts with Land Use direction to have “specific” boundaries, and clear direction that there is a *difference* “between being within or outside” community areas.** Policy LU 1.2 needs to say “**Direct** growth **to within** existing communities...” There need to be effective implementation *requirements* directing development and growth TO, NOT AROUND, existing communities, to avoid impacts and conflicts with surrounding incompatible land uses, and to protect natural resource lands & open space. Policies need to be put back in with buildout criteria, restricting the expansion of Community Areas without findings by the Board of Supervisors that additional land is necessary to accommodate growth.

**Policy LU 3.4 also conflicts with Land Use direction. It blurs community area boundaries by encouraging infrastructure in areas outside of community areas.**

**Policy LU 1.2 and Policy LU 3.4 conflict and are inconsistent with the Land Use purpose of focusing development and growth within Community Area boundaries, and need to be revised.**

#### **False Conclusion Due to Lack of Any Implementation Measures in 4.9-2**

*“As a result, should the Calaveras County Board of Supervisors vote to approve the Draft General Plan, the proposed project would further strengthen and expand the environmental protection policies and would not conflict or create an inconsistency, with any existing applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. Therefore, the implementation of the draft goals and policies above would result in a less-than-significant impact.”* (pg. 4.9-20)

11-129

**As the DEIR itself states, “implementation of the draft goals and policies” would result in a less-than-significant impact. But the 4.9-2 section lists NO Implementation Measures for the draft Goals and Policies listed. The DEIR CANNOT conclude there are less-than-significant impacts **without any evidence** or analysis of impact mitigation measures and implementation. (*Gray v. County of Madera* (2008) 167 Cal.App.4th 1099,**

4.9-17

**Letter 11  
Cont'd**

Section 4.9 Land Use and Planning

11-129  
Cont'd

1116-1118 [A lead agency must have substantial evidence that mitigation is feasible and will be effective].) Without implementation of goals and policies, you have NO mitigations for impacts, so cannot state "less-than-significant."

**Implementation Measures Needed for 4.9-2**

11-130

As the DEIR itself states, "*implementation*" could result in less-than-significant impacts. But without Implementation Measures, you have no evidence of implementation of policies and goals, and no evidence of continued consistency, or of continued compatibility, with all existing applicable land use plans, policies, and regulations adopted to avoid or mitigate environmental impacts.

**In the final EIR, list all Implementation Programs and Measures that "would further strengthen and expand the environmental protection policies and would not conflict or create an inconsistency, with any existing applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect." It is impossible to evaluate the adequacy of the DEIR's analysis of Land Use and Planning 4.9-2 without Implementation Measures being provided and analyzed.**

\*\*\*\*\*

**Suggested Additional Policies and Mitigation Measures to Reduce Impacts of Development**

11-131

**Please add the following Implementation Program as a Mitigation Measure, to be included in both 4.9-1 and 4.9-2 mitigations and the Land Use Element, in order to lessen potentially significant impacts to existing communities whose adopted, revised, or draft community plans and policies would be rescinded or abandoned entirely in the Draft General Plan:**

**Land Use Implementation Program  
Measures: Community Character and Design**

**Add: LU-4I Existing, Updated, and Draft Community Plans**

Existing adopted, existing draft-updated, and existing draft-new community plan documents are included in the general plan in "General Plan Reference Documents" as "placeholders", to help inform planners and developers about existing community and historical character, unique local natural and scenic resources, community history, and specific community policies to guide development and protect the community, until those community plans can be revised, updated, and adopted. These community plans are referred to in the Community Plan Element as "Placeholders until those community plans can be revised and adopted."

4.9-18

## Letter 11 Cont'd

### Section 4.9 Land Use and Planning

11-131  
Cont'd

- 1) **Include the existing adopted Arnold, Avery-Hathaway Pines, Murphys-Douglas Flat, and Valley Springs Community Plans as "Reference Documents."**
- 2) **Include all revised and updated draft Valley Springs Community Plan (VSCP) update documents as "Reference Documents."** Include the 2010 CCOG VSCP Plan, the 2010 Citizen Committee VSCP Plan, and the 2017 Planning Department blended/condensed version of the Valley Springs Plan for the Community Plan Element.
- 3) **Include all draft Copperopolis Community plan documents as "Reference documents"**

Implements: Goal LU-4 and Policies LU 4.1, 4.2, 4.3, 4.4, 4.5, 4.6, 4.7

11-132

**Other suggested Policies and Programs to Add as Mitigations:**

11-133

11-134

11-135

11-136

11-137

11-138

11-139

- Maintain parcel sizes outside of community growth boundaries large enough to sustain viable agriculture and discourage conversion to non-agricultural home sites
- Prohibit division of agricultural land for non-agricultural uses
- Require that the subdivision of agricultural lands shall only be allowed upon demonstration that long-term productivity on each parcel created would be enhanced as a result of the subdivision.
- Urban growth boundaries around county unincorporated communities with findings required for expansion.
- Clustering programs to preserve the best farmland, rangeland, and forestland, with conservation easements required on remainders, and 2:1 mitigation for all unavoidable conversions.
- Create and adopt an agricultural land and forestland conversion mitigation program and ordinance. Require compensation for loss of agricultural lands, including farm and rangeland, and forest lands. Establish appropriate mitigation ratios for the program or utilize a graduated mitigation mechanism. The mitigation ratio shall be a minimum of at least 2:1 (2 acres of farmland/rangeland/forestland protected through mitigation with land of equivalent value for each acre converted.) The program shall not present regulatory barriers to agritourism, agricultural services, and agricultural processing or uses compatible with timber harvest where such uses are permitted and where they are sited to avoid the best farmland/forestland. The program, where feasible, shall also establish mitigation within the agricultural/forestlands area where the conversion occurs as a preferred strategy. The program shall include a fee option and shall provide an exemption for farmworker housing, again ideally sited off of the best farmland and rangeland.
- Establish a resource mitigation overlay district within the zoning ordinance to encourage, site and permit mitigation banks
- Development shall avoid, minimize and mitigate impacts to rare and special status species and critical habitat to the maximum extent feasible. Measures may include, but are not limited to:

- Clustering lots to avoid habitat areas and wildlife corridors
- Dedications of permanent conservation easements;
- Purchase of development rights from willing sellers; and
- Other appropriate means.

\*\*\*\*\*

**Letter 11  
Cont'd**

Section 4.9 Land Use and Planning

**Compatible.**

1) Land Use Element Implementation Measure title “**Compatible Land Uses**” makes no sense. The purpose of the IM is to protect an existing land use from a new, *dissimilar and incompatible use, not a compatible use*. **Change “Compatible” to “Dissimilar Land Uses.”**

**LU-4H Compatible Dissimilar Land Uses**

Adopt standards for buffers, landscape setbacks, walls, berms, building setbacks or similar techniques to reduce the impact on existing land uses from dissimilar land uses.  
Implements: Policies LU 4.3 and LU 4.7

11-140

**2) Compatible.** The word “compatible” is a generic, general term, and is used at least eight times in Land Use Goals and Policies without being defined or explained (pgs LU16-18). Different people have different opinions on what's compatible or not, and why. For example, some people think the new Dollar General, AutoZone, and O'Reilly's store buildings in downtown Valley Springs are *incompatible* with the community's character, but others think they're just fine in a commercial area, even though there is an older residential home on a large rural lot adjacent and across the street. Is an asphalt plant “*compatible*” next to a public recreation area, a river and drinking water source, and with trucks driving through a quiet residential area? In Valley Springs, at the Hogan Quarry, there were greatly differing opinions on this compatibility, causing a year of controversy and legal battles between the County, the public, and the owner. “Compatible” needs to be spelled out or defined in the General Plan—some standards given for interpretation. There are no implementation measures here or anywhere in General Plan that explain how to interpret whether something is compatible. **Without being clear about the meaning and application of the word compatible in the general plan, the county will have more controversies about whether proposed land uses, designs, and development are compatible or not.**

\*\*\*\*\*

**Lack of Implementation Measures**

There are no Implementation Measures listed or analyzed in the Land Use and Planning chapter of the DEIR.

11-141

**An EIR must distinguish between mitigation measures that are part of the project, and those additional mitigation measures that are still under consideration by the lead agency. (CEQA Guidelines, sec. 15126.4, subd. (a)(1)(A).**

In most sections of the DEIR, the DEIR identifies a list of Draft General Plan policies and programs that it claims will reduce the impacts of the project. In the Land Use and Planning Section 4.9, no implementation programs are listed—the DEIR *assumes* policies will be implemented by unnamed programs. But we believe that we should probably look in the Land Use Element for whatever programs they have in mind, so we looked at policies and programs there.

**Letter 11  
Cont'd**

Section 4.9 Land Use and Planning

11-141  
Cont'd

- **Create Design Review Guidelines** for all Community Plan areas;
- **List Implementation Measures** in general plan elements that are relevant and would implement community plan policies;
- **Create “Placeholders”** for all Community Plans *left out* of the Community Planning Element by including all those existing adopted, draft revised, and draft new community plan documents in the general plan Reference section, and refer to those plans by name in the Community Planning Element as “Placeholders until community plans can be updated, revised, and adopted.”

**B. Land Use Element Policies & Programs That Are Not Mitigations:**

a. Implementation Measures with Missing Timelines (mitigation deferred indefinitely)

Missing time frames: LU-1A, LU-2A, LU-2B, LU-2C, LU-2D, LU-2E, LU-3A, LU-4A, LU-4B, LU-4C, LU-4D, LU-4E, LU-4F, LU-4G, LU-4H, LU-5A, LU-5B, LU-5C, LU-5D, LU-5F, and LU-5G.

The Implementation Measures above have no timeframes for completion. This means they can be postponed indefinitely. Proposed actions, such as will “Provide, Amend, Review, Update, Create, Establish, Adopt, Revise”, sound good but are meaningless without any time frame or commitment. Without a time frame, there can be no accountability or enforcement. Common county government issues such as lack of staffing, funding, topic interest, or political bias on controversial issues can easily lead to intended mitigations being deferred indefinitely.

Suggested effective Implementation Measures: Provide objectives, timelines, and potential funding sources for all of the above implementation measures.

b. Implementation Measures with Optional or Vague Wording (no commitment to mitigation)

LU 1.2, LU 1.3, LU 1.5, LU 2.1, LU 3.4, LU 4.4, LU 4.9, LU 5.1, LU 5.2, LU 5.3, LU 5.4, LU 5.5, LU 5.7, LU 5.8, LU 5.9, LU 6.1, LU-3C, LU-5B, LU-5D, LU-5E, and LU-5F.

The above Policies and Implementation Measures have vague or optional wording of actions to be taken. Proposed actions such as “Support, Encourage, Respect, Facilitate, Work with, Recognize, Coordinate, Evaluate, and Seek” sound good, but have no real meaning or commitment to actually do anything specific. They are not actual, effective mitigations.

Suggested effective Policies and Implementation Measures: Provide clear, mandatory, language with enforceable policies and implementation programs.

11-142

4.9-22

Letter 11  
Cont'd

Section 4.9 Land Use and Planning

11-142  
Cont'd

In the Final EIR please list all implementations for Land Use and Planning Goals and Policies. Separate this list into two parts. Part one, is the list of *actual* mitigation measures in the plan that *commit* the County to reduce impacts. Part two, is the list of other *optional* policies and programs in the plan that *may or may not get implemented* to reduce impacts. It is important that the DEIR help people to understand the difference between actual mitigation measures which commit the County to protect the environment, and optional measures which may or may not protect the environment. This is an essential part of a good faith effort at full disclosure.

**Policies and implementation programs that do not commit to reduce impacts are not mitigation measures.**

11-143

CEQA requires that mitigation measures be enforceable commitments to reduce or avoid significant environmental impacts. (*Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439, 445; CEQA Guidelines, sec. 15126.4, subd. (a)(2).) “The purpose of these requirements is to ensure that feasible mitigation measures will actually be implemented as a condition of development, and not merely adopted and then neglected or disregarded.” (*Federation of Hillside & Canyon Associations v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1260 - 1261.)

The County’s draft General Plan proposes as mitigation measures, a number of policies and implementation programs that **are not enforceable or do not commit** the County to reduce or avoid significant environmental impacts.

Draft Calaveras County General Plan text that **requires no commitment by the County is meaningless**. Terms like “Shall consider...may include...should be considered...should [anything]...will work with...will facilitate...will coordinate with...will encourage...to the extent practicable...support efforts... investigate...encourage...at the County’s discretion...may include...should be...” are not enforceable mitigations. **Mitigation measures must include terms like “shall require”, and other REAL commitments, to be enforceable.**

11-144

**Deferred mitigation without a commitment to achieve an objective standard by a certain deadline is not mitigation.**

The selection of mitigation measures may be deferred to a specific deadline provided that there is a list of feasible mitigation options, and a specific mitigation standard to achieve. (*Sacramento Old City Association v. City Council of Sacramento* (1991) 229 Cal.App.3d 1011, 1028-1029; *Gray v. County of Madera* (2008) 167 Cal.App.4th 1099, 1118-1119.) “Numerous cases illustrate that reliance on tentative plans for future mitigation after completion of the CEQA process significantly undermines CEQA’s goals of full disclosure and informed decision making; and consequently, these mitigation plans have been overturned on judicial review as constituting improper deferral of environmental assessment.” (*Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 92-93.)

4.9-23

**Letter 11  
Cont'd**

Section 4.9 Land Use and Planning

**11-144  
Cont'd**

Some draft General Plan implementation measures claimed as mitigation measures defer impact mitigation to sometime in the future. However, some of these implementation measures do not include a list of feasible mitigation measures from which to choose, an objective standard to achieve, and/or a **time frame** within which the task is to be implemented and accomplished in order to reduce impacts. Thus, these do not qualify as mitigation measures under CEQA.

In the Final EIR, clearly distinguish between the actual mitigation measures which commit the County to protect the environment, and the optional or indefinitely deferred measures which may or may not protect the environment. This is an essential part of a good faith effort at full disclosure.

Feasible, meaningful mitigation measures for clear policies on development must be identified and provided.

4.9-24



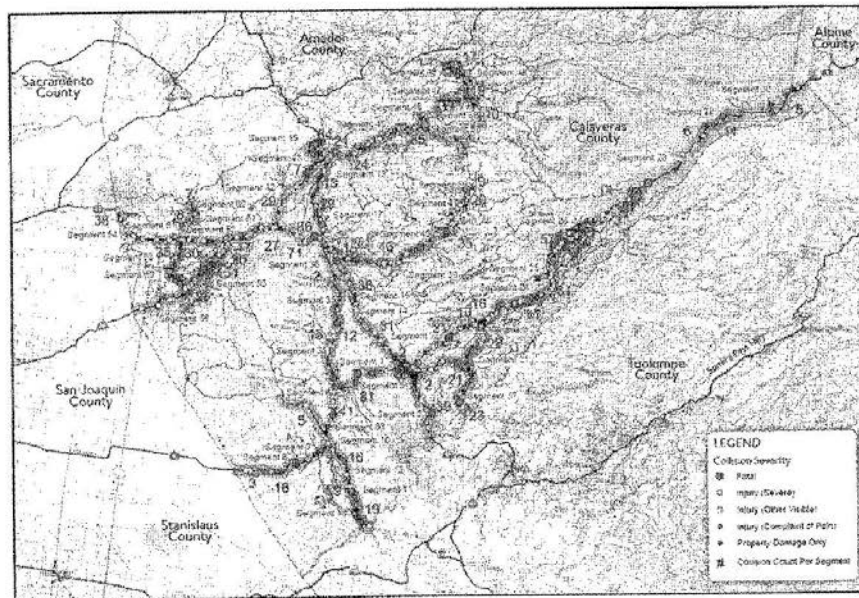
# Letter 11 Cont'd

## Section 4.13 Transportation and Circulation

### SECTION 4.13 TRANSPORTATION AND CIRCULATION

7/31/2016

calaveras\_oro.jpg (1078x800)



Calaveras County Collisions

[http://www.safaricomcountyroads.com/ptcode/0777/08/07781956/calaveras\\_oro.jpg](http://www.safaricomcountyroads.com/ptcode/0777/08/07781956/calaveras_oro.jpg)

111

*The above map locates 1647 traffic accidents between 2011-2016*

**“ACCIDENT RATES ARE A MEASURE OF THE LEVEL OF SAFETY ON COUNTY ROADS. We can no longer accept failure to fund our roads.”**

4.13-1

**Letter 11  
Cont'd**

Section 4.13 Transportation and Circulation

4.13.1 INTRODUCTION

11-145

The first sentence in this paragraph states “The Transportation and Circulation chapter of the EIR evaluates key circulation systems within Calaveras County and analyzes future traffic conditions associated with buildout of the Draft General Plan.”

The use of the words evaluates and analyzes leads a reader to expect a clear and concise picture of any available information related to our road system here in Calaveras County, so that any person trying to plan new project, housing or business, would be able to learn if they can or cannot move forward with a project and have the level of infrastructure needed.

In the Final EIR, please include the additional detailed information we provide below to assist EIR readers understand the transportation impacts likely to result from development under the general plan update.

**Section 4.13.2 EXISTING ENVIRONMENTAL SETTING**

11-146

P. 4.13-2 Roadway System. This section lists the State Highways in Calaveras County.

Calaveras County has used State Highways as county roads for over 40 years. Caltrans has continually told county representatives how unproductive this is. (See **Exhibit 1- Caltrans Officials Admonish County for Lack of Road Planning, Sierra Sentinel, April 12, 1990.**)

The population went from 14,000 to 45,000 in that time frame. Two lane county roads with no shoulders or drainage and with limited safety features are no longer adequate. To successfully attract businesses and jobs, we need to direct new growth to areas where road infrastructure is in place and funded.

The following news article, (**Exhibit 2- Millions in Road Projects on hold, Calaveras Enterprise, May 30, 2014**) will demonstrate why road funding is a “broken process” in Calaveras County.

**County officials reported this week that the county’s inability to move forward on the projects jeopardizes future federal funding for other projects here and raises the prospect that the county might have to repay as much as \$740,619 in federal grant funding that it has already spent.**

4.13-2

**Letter 11  
Cont'd**

Section 4.13 Transportation and Circulation

11-146  
Cont'd

**The biggest problem: the county does not have the approximately \$10 million needed to pay its share to finish the projects. As a result, it will likely never receive almost \$57 million in federal funding.**

**A grim-faced Calaveras Board of Supervisors voted unanimously Tuesday to “deobligate” funding for projects.**

**“I sit here very embarrassed,” said Board of Supervisors Chairwoman Debbie Ponte. Ponte noted that although the board over the years had approved the various projects, members were caught unaware that the county had bitten off more projects than it could deliver.**

**She said the way the county government manages its road funding is a “broken process.”**

In the Final EIR, please make a good faith effort to disclose this roadway funding problem, as it may contribute to traffic congestion from buildout under the proposed general plan.

11-147

Page 4.13-4 Transportation System Improvements. This paragraph of the DEIR’s existing environmental setting section speaks only in general terms about roadway funding, but does not provide the critical details about the existing setting that will affect traffic impacts from general plan buildout.

According to Draft 2017 RTP, the CCOG expects to fund the first \$337 million in road projects, but not the other \$363 million in projects. (Draft 2017 RTP, p. 68.) The numbers get worse when you look at local capital improvement projects needed to serve additional growth. The CCOG expects to fund only the first \$35 million of local capital projects, and not the last \$196 million of such projects. In addition, the Draft Calaveras County General Plan’s Circulation Element keeps roadway level of service standards in place, and only allows very limited exceptions. (Draft Circulation Element, Policy 2.2) Thus, it is reasonable to conclude that these severe limits to transportation infrastructure funding will also limit local development and population growth. We strongly encourage the Draft Calaveras County General Plan to prominently include this information in the information in the introductory section in the circulation element.

In the Final EIR, please make a good faith effort to fully disclose these and other roadway funding constraints, as they may contribute to traffic congestion from buildout under the proposed general plan. (*Cleveland National Forest Foundation v. San Diego Association of Governments* (2017) 17 Cal.App.5th 413, 439-440 [A Program EIR must disclose the known

4.13-3

## Letter 11 Cont'd

### Section 4.13 Transportation and Circulation

baseline level of impacts that it reasonably can, as they may escape analysis later]; *Communities for a better Environment v City of Richmond* (2010) 184 Cal.App.4<sup>th</sup> 70, 89 [An EIR that omits relevant baseline information fails in its informational purpose under CEQA]; *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4<sup>th</sup> 645, 659 [An EIR is informationally inadequate if it does not clearly and conspicuously identify baseline assumptions].)

11-147  
Cont'd

The DEIR states, "The primary source of funds for improvements to County roads is the Road Impact Mitigation (RIM) fee program and three benefit basin fees." These fee programs are obviously not adequate to meet the county roads need. They are also not adequate to generate the matching funds to make our funding requests from the state and federal sources more successful. Is Calaveras County going to continue their journey down the river of denial regarding the \$196 million in unfunded capital road projects? Does the General Plan and DEIR reflect which roads, slated for improvement, are on the unfunded projects lists in the 2017 RTP? Will the CCOG be consulted to coordinate those projects for future funding? Please reply to these questions in the Final EIR. We don't want to pave the Sierras, but we do need safe roads for residents, tourists, commercial pursuits, pedestrians, and alternative travelers, and hopefully be able to avoid becoming Sonora!

Page 4.13-4 , under heading, "Transportation System Improvements, final sentence- " Where a development project impacts existing roads or where new roads are necessary to mitigate project impacts, road improvements or construction MAY BE required as conditions of project approval." "May be" is too vague, and not acceptable. If there is anything this DEIR should be unambiguous about, it is this statement. Please change the statement to read WILL BE required...

11-148

Page 4.13-4 pertaining to Transportation System Improvements, from February 16, 2017 Caltrans letter, "The Draft Environmental Impact Report (DEIR) for the Plan should evaluate whether planned circulation improvements with funding are identified to mitigate the level of service (LOS) impacts of the County's projected growth. If insufficient funding is available through existing traffic fees and regional transportation funds, new development in the County needs to help fund transportation improvements to mitigate the growth of the County. CEQA requires that the lead agency

4.13-4

Letter 11  
Cont'd

Section 4.13 Transportation and Circulation

**implement feasible mitigation measures to reduce the severity of any significant and unavoidable impacts of the Plan.**

11-148  
Cont'd

It is important to understand the history of traffic impact mitigation fees in Calaveras County to appreciate the extreme need for the County to adopt Caltrans' proposed mitigation. Citizens have been suing Calaveras County over ill-conceived land use and transportation decisions, off and on, for the last 33 years, during which time the population has grown from 13,000 to 45,000+. (*Neighborhood Action Group v. County of Calaveras* (1984) 156 Cal.App.3d 1176; *Concerned Citizens of Calaveras County v. Board of Supervisors* (1985) 166 Cal.App.3d 90.) Why take legal action? During the 80s and 90s Calaveras was one of the fastest growing counties in the state of California, but the development was being allowed almost totally with Negative Declarations, no EIRs. After exhausting every other option, the citizens had to turn to the courts. In those days the Board of Supervisors would say, "If you don't like the decisions, sue us." So that is what we started to do. After a 6 year effort to get Road Impact Mitigation Fees (RIM) collected in Calaveras, in 2004, legal action finally forced the County to start collecting RIM Fees. The fees were not adequate, but RIM fees allowed the County to accumulate funds to be used as matching funds for grant requests. In the Final EIR, please include as a mitigation measure, the need to complete a new nexus study, to set a new RIM fee that charges developers the legal maximum fair share traffic impact mitigation fee.

One weakness of the fair share fee program is that not all road users are paying their fair share fee. In the Final EIR, identify any other "fair shares" that need to be captured, and identify mitigation measure so that the funding for necessary roads can be complete.

11-149

Page 4.13-4, under heading Road Maintenance, "County- and State-maintained roads receive funding for general road maintenance (including snow removal), from a variety of sources including gas taxes, vehicle license fees, transient occupancy taxes, and property taxes." **County- and State-maintained roads receive only PARTIAL OR SOME funding. If there was adequate funding from this "variety of sources", there wouldn't be \$122 million in unfunded County road maintenance projects. (COG, 2017 RTP, Table 5.2(b), p. 72.) It is like we are all ignoring the 800 lb. gorilla in our home. In the Final EIR, please make a good faith effort to fully disclose this important, that can influence traffic congestion and traffic accidents rate impacts from buildout of the proposed general plan.**

11-150

Page 4.13-5, under Common Traffic Analysis Terms:

4.13-5

Letter 11  
Cont'd

Section 4.13 Transportation and Circulation

- LOS C has stable operating conditions, but the operation of individual users is substantially affected by the interaction with others in the traffic stream;
- LOS D represents high-density, but stable flow. Users experience severe restriction in speed and freedom to maneuver, with poor levels of comfort and convenience.

11-150  
Cont'd

Now LOS D is "acceptable." Are we on a slippery slope here? Instead of pursuing appropriate funding we just keep lowering our expectations. Will this approach attract businesses?

The definition of LOS D is misleading when applied as a standard. It is important to disclose in the final EIR, that establishing LOS D as an acceptable standard for some roads means that development will be allowed to push roadways all the way to the brink of D, just below the beginning of LOS E. Please make a good faith effort to fully disclose this in the Final EIR.

Page 14.3-6 Traffic Safety. Table 4.13-3 provides a table of accidents from 2010 to 2014. This is very useful. Please add to the Final EIR the above is a map of the accidents on Calaveras roads from 2011 to 2016. (Exhibit 3-Safer Tri-County Roads Map covers 2011 to 2016 [http://www.safertricityroads.com/uploads/8/7/7/8/87781356/calaveras\\_orig.jpg](http://www.safertricityroads.com/uploads/8/7/7/8/87781356/calaveras_orig.jpg)) This helps to identify problem sites in each Supervisor District and community. This helps to inform choices to increase land use densities and intensities in locations with already high accident rates.

11-151

A total of 1,647 accidents are noted ranging from fatalities, severe injury, visible injury, injury with complaint of pain to property damage only. ACCIDENT RATES ARE A MEASURE OF THE LEVEL OF SAFETY ON COUNTY ROADS. We can no longer accept failure to fund our roads.

"According to Butzler, the number of fatalities has doubled so far this year. In 2016, there were 10 fatal collisions. With about a month left in 2017, the CHP has responded to 19 fatal incidents in which 20 people have lost their lives." (See Exhibit 4- Fatality rate doubles in Calaveras County, Calaveras Enterprise, November 30, 2018) In the Final EIR, please make a good faith effort to disclose this aspect of traffic safety exiting setting.

In the Final EIR, add to the existing setting section a discussion of public perception of the

4.13-6

**Letter 11  
Cont'd**

Section 4.13 Transportation and Circulation

11-151  
Cont'd

existing roadway conditions. This will inform the choice of thresholds of significance, as existing adverse impacts suggest lower thresholds of significance. (*Gray v. County of Madera* (2008) 167 Cal.App.4th 1099, 1123 [Thresholds of significance for cumulative impacts may have to be lower when the existing environmental setting is already degraded to substandard levels].) It will also help with selection of the appropriate impact mitigation path.

This next article is indicative of public perception and existing environmental setting on local roadways:

**Bottleneck: traffic woes in central Valley Springs**

Published July 31, 2018 at 04:59PM  
By Guy McCarthy The Union Democrat @GuyMcCarthy

[for Valley Springs photos visit: <https://www.uniondemocrat.com/localnews/6417331-151/bottleneck-traffic-woes-in-central-valley-springs> ]

11-152

Bottleneck traffic jams occur most weekday mornings in Valley Springs, especially during the school year, as Calaveras County workers and high school students head to San Andreas, and parents jockey for position on streets without sidewalks leading to Valley Springs Elementary. Matthew Thomas is co-owner of Gold Line Barber Shop on Highway 12 just southwest of the junction with Highway 26 in Valley Springs, the town's main intersection causing so many traffic issues.

"There's an alarming lack of infrastructure that's had catastrophic effects on local transportation," Thomas said as he trimmed a customer Tuesday afternoon in his shop. "What we've had here is an explosion in population and businesses that isn't supported by roads out here."

**Growing pains**

Valley Springs is an unincorporated community between New Hogan, Pardee and Comanche reservoirs, west of San Andreas. The 2010 census estimated there were more than 3,500 residents. Thomas estimates the greater Valley Springs area is now home to as many as 15,000 to 20,000 people.

Daniel Twigden, waiting for his turn in a barber chair, said he's lived in Valley Springs about six years and, in that time, there's been significant residential development.

4.13-7

## Letter 11 Cont'd

### Section 4.13 Transportation and Circulation

“That would mean more taxes, but I don’t see the infrastructure to match it,” Twigden said. “You see evidence of demand, because there are franchises like Dollar General and AutoZone moving in here. They wouldn’t come if they didn’t see the growth and future growth coming. But I haven’t seen road works here other than the four-way stop signs, about a year and a half ago.”

Thomas compared the four-way stop signs at Highways 12 and 26 to “the Dutch boy with his thumb in the dike.”

Twigden said it was “like robbing Peter to pay Paul, just creating another bottleneck in the same place.”

#### Traffic backs up

Ben Stopper, a candidate for Calaveras County District 5 supervisor who’s lived in nearby Rancho Calaveras since 2011, said the only public transportation serving Valley Springs he’s aware of are Calaveras Transit buses.

About 7 a.m. on weekdays at the 12-26 junction in central Valley Springs, when everyone’s going to work or trying to get their kids to school, or both, traffic backs up south on Highway 26, sometimes a half-mile or more all the way to a subdivision of recently built homes called Gold Creek Estates, Stopper said Tuesday, standing outside Good Friends Chinese Restaurant just north of the 12-26 junction.

“We’ve been pushing for a safe schools plan for a long time,” Stopper said. “The traffic backs up, and there are no sidewalks for the kids walking to school.”

#### Lack of planning

Mike Ford was also waiting to get in a barber chair Tuesday at Gold Line. He said he’s lived in the Valley Springs area since 1984 and believes “Infrastructure here sucks.” Elected supervisors have failed Calaveras County for a long time, and there’s been a no-growth, keep-industry-out, good-old-boys network for decades, Ford said. Rural property owners, including cattle ranchers, sold their land to developers, but no one has led the way with infrastructure like roads to support all the new homes and businesses.

“We have major highways running through our rural, residential areas,” Thomas said. “The number of vehicle-on-vehicle accidents illustrates the problem. It almost feels like every week I

11-152  
Cont'd

4.13-8



## Letter 11 Cont'd

### Section 4.13 Transportation and Circulation

hear about another fatal accident out here. In our residential neighborhoods, a lot of children walk along the highways to get to school. These intersections are deadly.”

Every morning, Thomas said, it’s “like a drag race” with so many people driving fast up the hill to get to Mokelumne Hill and San Andreas.

The Valley Springs area needs more regulated traffic to break up the speed zones, Thomas said, and make the roads safer.

Employees at Valley Springs Elementary referred questions Tuesday to Tessie Reeder, the transportation supervisor with Calaveras Unified School District . She was not available to comment.

#### Focus on town center

People with the Calaveras Council of Governments know there are issues in Valley Springs. They are recruiting individuals to apply for appointment to an advisory committee for the agency’s Valley Springs Town Center Connectivity Plan.

According to staff with the Calaveras Council of Governments, also known as CCOG, the council and Calaveras County have received a \$219,112 state transportation planning grant to undertake a “complete streets capital infrastructure plan” for Valley Springs.

Staff with CCOG say the Valley Springs Town Center Connectivity Plan is intended to provide for community-level planning to develop conceptual street-level transportation improvements that build on what’s already been spent on Highway 26 and the 12-26 junction in Valley Springs. They want to include “community aesthetic” in the plan, and provide “safe travel options for residents and students to schools and community centers.”

Partners in the project include Calaveras Unified School District , Caltrans, the California Highway Patrol, Calaveras County , CCOG and the Valley Springs community.

The advisory committee for the Valley Springs Town Center Connectivity Plan will be asked to produce a project website, other public outreach materials, summaries of outreach and input, as well as progress reports and expenditure reports.

Applications to be considered for appointment to the are Valley Springs Town Center Connectivity Plan advisory committee are due by Aug. 17.

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Cont'd

4.13-9

**Letter 11  
Cont'd**

Section 4.13 Transportation and Circulation

11-152  
Cont'd

Calaveras Council of Governments was formed in January 1998 under a joint powers agreement. It is the regional transportation planning agency for Calaveras County and Angels Camp, the only incorporated town in the county.

The council has seven members — two county supervisors, two Angels Camp councilmembers, and three members selected from the public at large. They generally meet the first Wednesday of each month at the Calaveras County Government Center on Mountain Ranch Road in San Andreas.

Current CCOG members are citizens John Gomes, Justin Catalano and Tim Muetterties, Gary Tofanelli, District 1 supervisor, Dennis Mills, District 4 supervisor, and Angels Camp councilmembers Amanda Folendorf and Linda Hermann.

Contact Guy McCarthy at gmccarthy@uniondemocrat.com or 588-4585. Follow him on Twitter at @GuyMcCarthy.

(<https://www.uniondemocrat.com/localnews/6417331-151/bottleneck-traffic-woes-in-central-valley-springs>)

11-153

Page 4.13-11 Guides and Plans for Operating Conditions of Caltrans Facilities

In the Final EIR, please display the operating condition guidelines (e.g. LOS) for the state facilities listed here. This is important information that could influence the threshold of significance and the path to impact mitigation.

11-154

Page 4.13-13, under heading **Issues Not Discussed Further,**

“With a population less than 50,000, Calaveras County does not meet the minimum population threshold for an urbanized area that would **require** the County to establish a Congestion Management Agency and to prepare a Congestion Management Program. Therefore, none of the roadway segments in Calaveras County are subject to standards of a Congestion Management Program. **It should be noted that future population growth occurring under buildout of the Draft General Plan would likely result in a total Countywide population of greater than 50,000. However, given that the County does not have a Congestion Management Program, consistency with such cannot be evaluated at this time.**”

4.13-10

Letter 11  
Cont'd

Section 4.13 Transportation and Circulation

11-154  
Cont'd

**Impacts related to the above issue are not further analyzed or discussed in this EIR chapter.** (Emphasis added)

On the Calaveras County website the population listed is 44,828 (2015).

The Suburban Website listing Population Demographics for Calaveras County, California 2017, 2018 listed 45,578. (<https://suburbanstats.org/population/california/how-many-people-live-in-calaveras-county>)

Calaveras County was required to institute a Storm Water Grading Ordinance with a population below 50,000, when the threshold for such an ordinance was a population of 100,000. This occurred because during heavy development there were sediment issues in rivers and streams that were a serious concern to the authorities at the state level.

Given the existing lack of funding to meet current and future road maintenance and improvements, and given that there are many approved, unbuilt subdivisions that will probably be built if the economy continues to improve; and given that there are already 13 segments that are degraded down to LOS D – all on State Highway Segments depended upon for regional and statewide transportation; there is a crying need to adopt feasible measures to mitigate significant traffic congestion impacts. Congestion Management Plans are a feasible mitigation, as they are routinely conducted by local governments throughout the State of California (including neighboring San Joaquin County, see Exhibit 8). (*Sierra Club v. County of San Diego* (2014) 231 Cal.App.4th 1152, 1173 [When provided examples of mitigation measures implemented elsewhere, and agency must either implement them or explain why not].)

11-155

The fact that a congestion management plan is not yet required by the Congestion Management Act, is not relevant. The question is, Can Calaveras County feasible complete a Congestion Management Plan during the next 20 years leading to the reduction in traffic congestion impacts from general plan buildout? Is it feasible to complete the plan and reap congestion management benefits prior to the County reaching the 50,000 in population threshold? It is important to implement impact mitigation BEFORE the significant impacts result from development under the proposed general plan. (*POET, LLC v. State Air Resources Board* (2013) 218 Cal.App.4th 681, 736-740 [Mitigation cannot be deferred past the start of project activity that causes the adverse environmental impact].)

We want the County to prepare and deal with the existing and resulting congestion. **This DEIR does not adequately justify delaying discussion of a Congestion Management Program (CMP). Why isn't it appropriate to list a CMP as a Policy with a stated time line, to allow**

4.13-11

**Letter 11  
Cont'd**

Section 4.13 Transportation and Circulation

11-155  
Cont'd

CCOG time to do the work to get the program in place? Please respond to this recommendation in the Final EIR.

The excerpt below offers justification for a CMP.

**2018 Regional Congestion Management Program San Joaquin Council of Governments**

1 Chapter 1 Introduction 1.1 PROGRAM BACKGROUND

In June, 1990 California voters approved legislation which increased funding for California's transportation system. With the passage of Proposition 111 there were new requirements for the transportation planning process that requires urbanized counties, such as San Joaquin County, to prepare, adopt, and biennially update a Congestion Management Program (CMP).

As the designated Congestion Management Agency (CMA) for San Joaquin County, the San Joaquin Council of Governments (SJCOG) is required to maintain the state-mandated CMP for San Joaquin County. For most CMA's, implementation of the state CMP requirements also implements the federal Congestion Management System (CMS) planning requirements. The objective of the CMS/CMP is to ensure that new land uses are developed in tandem with the necessary transportation improvements by coordinating the land use, air quality, and transportation planning processes.

The Measure K Renewal Ordinance, approved by San Joaquin County voters in November 2006, required SJCOG to have in place and be fully implementing a regional CMP by January 1, 2008 (referred hereafter as the RCMP). The 2012 RCMP updated SJCOG's RCMP process to comply with state and federal requirements by developing methods and guidelines to streamline the congestion management process and facilitate program implementation via automation and web based applications. It also achieved greater consistency with current state law by integrating the SJCOG CMP process with SJCOG's other transportation planning and programming functions. This in turn, enhanced SJCOG's ability to satisfy the federal Congestion Management System (CMS) requirements as proscribed by FHWA's federal certification review process. The 2016 RCMP further refined SJCOG's RCMP process by better capturing the benefits and products developed as part of the 2012 RCMP update and better synced the RCMP with the Regional Transportation Impact Fee (RTIF) program.

Final Draft- San Joaquin County Regional Congestion Management Program, April 2018

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4.13-12

**Letter 11  
Cont'd**

Section 4.13 Transportation and Circulation

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Cont'd

(<https://www.sicog.org/DocumentCenter/View/3804/2018-Regional-Congestion-Management-Program---Final-Draft> )

**What are the differences between a Congestion Management Program and Transportation Impact Study Guidelines (IM C-2B)?**

Page 4.13-16 & 4.13-22 Conflicts with approved plans.

11-157

In 2017, Calaveras COG adopted a new Regional Transportation Plan. (See Exhibit 6) The CPC comments on that plan identify conflicts between the 2017 RTP and the Draft General Plan that may result in environmental impacts. (See Exhibit 6) In the Final EIR, please identify mitigation measures to resolve these conflicts.

11-158

Page 4.13-27, under **Mitigation Measures, Policy C 2.2**, 13 county road segments are listed as exceptions to the LOS C required operating level.

- SR 26 from the San Joaquin County line to Silver Rapids Road-LOS D is acceptable to the County.
- SR 4 from Vallecito Road to Kurt Drive-LOS D is acceptable to the County.
- SR 4 from Lakemont Drive to Henry Drive-LOS D is acceptable to the County.
- SR 4 from Henry Drive to Sierra Parkway- LOS D is acceptable to the County.
- SR 12 from SR 26 to SR 49 – LOS D is acceptable to the County.
- SR 49 from Pool Station Road to Gold Strike Road- LOS D is acceptable to the County.
- SR 49 from Gold Oak Road to Mountain Ranch Road- LOS D is acceptable to the County.
- SR 49 from Dog Town Road to SR 4 (W)- LOS D is acceptable to the County.
- SR 49 from SR 4 (W) to Murphys Grade Road – LOS D is acceptable to the County.
- SR 49 from Stanislaus Avenue to Mark Twain Road –LOS D is acceptable to the County.

4.13-13

**Letter 11  
Cont'd**

Section 4.13 Transportation and Circulation

11-158  
Cont'd

- SR 49 from Mark Twain Road to Bret Harte Road – LOS D is acceptable to the County.
- SR 49 Bret Harte Road to SR 4 (S) Vallecito Road- LOS D is acceptable to the County.
- SR 49 from SR 4 (S) Vallecito Road to Tuolumne County Line – LOS D is acceptable to the County.

11-159

As depicted in Table 4.13-2, the range of traffic on a Major Two Lane Highway under LOS D goes from 935 to 1554 peak hour trips. Thus, although the County may insist on allowing roads to breach LOS C, the County need not raise the LOS to the entire range of LOS D. Page 4.13-24 notes that many of the State Highways will only slightly surpass LOS D (by 40 to 80 peak hour trips) at general plan buildout, and the maximum exceedance is 150 peak hour trips.

In the Final EIR, rather than moving the LOS Standards to LOS D for 13 State Highway segments, consider raising the LOS to a specified peak trip amount WITHIN LOS D (e.g. 1100 peak hour trips), so that drivers will not unnecessarily experience near LOS E conditions.

In the Final EIR, for roadways that exceed LOS C by 80 or fewer peak hour trips, please consider modifications to the Land Use Map in those areas to reduce the trip generation at general plan buildout. This is a way to actually mitigate the traffic.

Pages 4.13-31 to 4.13-32

11-160

**IM S-3G Coordinated Fire Prevention and Response Planning Efforts.**

....."Coordination efforts should include evaluations of proposed road improvements in the County's Circulation Element and Regional Transportation Plan that may improve emergency evacuation routes. Support may be in the form of hosting a strategic planning session for emergency response personnel and planners. Coordination may also be achieved in the form of sharing GIS database layers and fire modeling data.

As these comments are being written, there are about 19 very large fires burning in California, 33,000 firefighters from a wide area are fighting the blazes, and yes, there have been fatalities. The hills in a wide area are obscured by smoke and warnings have been distributed to the residents to be mindful of the effects of the smoke. We are almost 3 years out from the Butte Fire, but the County and the fire victims are far from recovered. It is very difficult to read the words may, or may be, or should, when talking about how this county is going to do a better job in the

4.13-14

**Letter 11  
Cont'd**

Section 4.13 Transportation and Circulation

**future when it is faced with the next huge fire or storm event. Please make a more definitive statement here. Suggestion, "will".**

11-161

Although this measure is a positive step forward, IM S-3G defers mitigation efforts but does not commit the County to achieve any level of impact mitigation, thus it is not a valid mitigation measure. (*Cleveland National Forest Foundation v. San Diego Association of Governments* (2017) 17 Cal.App.5th 413, 443 [Lead agency cannot defer mitigation without committing to meet performance standards]; *California Clean Energy Committee v. City of Woodland* (2014) 225 Cal.App.4th 173, 197, 199 [A promise to prepare a plan in the future, without any commitment to mitigate the impact, is an inadequate mitigation measure under CEQA].) In addition, there is no explanation why this coordination did not happen over the last 12 years of this planning process, so that concrete mitigation measures would now be available for adoption. (*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 670-671 [Mitigation deferral is improper unless there is a reason for the deferral and mitigation performance standards are set forth]; *Communities for a better Environment v City of Richmond* (2010) 184 Cal.App.4th 70, 95 [The time to formulate mitigation measures is during the EIR process, before final project approval].) Please make this a more definite effort with specified tasks and outcomes.

11-162

IM S-3V Evacuation Routes. ....**IF** a Battalion Evacuation Plan is prepared as recommended in the Calaveras County Community Wildfire Protection Plan.

**DO NOT USE THE WORD " IF " IN THIS INSTANCE—NOT ACCEPTABLE! Please use "WHEN" instead.**

11-163

Page 4.13-33

Regarding Policy C 3.1, Policy C 3.2, Policy C 3.3 and possibly Policy C 3.4. and Policy C 3.6, **Will these transit related policies still be accurate as presented in this DEIR, given that, as reported on March 9, 2018, in the Calaveras Enterprise, "County relinquishes control of the public transit system.?"** (Exhibit 5) See excerpt below:

4.13-15

**Letter 11  
Cont'd**

Section 4.13 Transportation and Circulation

11-163  
Cont'd

"City and county lawmakers have entered into an agreement with the Calaveras Council of Governments (CCOG) to allow the agency to take over management of the county's transit program.

The agreement will allow both county and Angels Camp representatives to have a say in the program through a Joint Powers Authority board, but will relieve the county of its burden of managing the system, said Amber Collins, executive director of CCOG."

**The citizens of Calaveras County are fortunate to have a transit system. It is very positive that CCOG will be managing the operation of the transit.**

Page 4.13-34

**IM C-2B Transportation Alternatives in Impact Fees**

**Consider transit capital improvements and non-auto travel improvements necessary to serve new development in impact fee programs to fund public transportation infrastructure, park-and-ride lots, and bicycle and pedestrian facilities associated with the new development.**

This was a recommendation of Caltrans on page two of its response to the NOP.

11-164

"Caltrans recommends that the DEIR consider the need to review traffic impact fee programs and their associated capital improvement programs to ensure that the cumulative impacts of development are adequately mitigated. Incorporating active transportation, goods movement, and transit facilities into the fee programs would help improve funding of Complete Streets and provide improved transportation choices to reduce reliance on private vehicles. Upon implementation of anticipated SB 743 CEQA Guidelines changes, these change might also act to mitigate vehicle miles traveled (VMT) impacts."

**Again, while this is a positive step forward, it is not mitigation. "Consider" is not acceptable. Suggest "Identify". (California Clean Energy Committee v. City of Woodland (2014) 225 Cal.App.4th 173, 197, 199 [A promise to prepare a plan in the future, without any commitment to mitigate the impact, is an inadequate mitigation measure under CEQA]; California Clean Energy Committee v. City of Woodland (2014) 225 Cal.App.4th 173, 198-199**

4.13-16



**Letter 11  
Cont'd**

Section 4.13 Transportation and Circulation

11-164  
Cont'd

[Deferral of a fair share fee mitigation program is invalid when there is no evidence it would be practical and the lead agency as not committed to creating the plan.]

Page 4.13-35

**IM C-3A Park-and-Ride Facilities –**

**As funding allows, designate and implement appropriate “Park and Ride” facilities, and promote ridesharing programs.**

11-165

**“As funding allows” isn’t going to cut it. If growth is allowed, these impacts need to be planned for and a legal funding mechanism developed.** In the Final EIR identify the funding need in dollars annually, the available funding sources, efforts that will be made on an annual basis to secure those funds, targets for the number and locations of park and ride facilities (e.g. one in each Supervisor district), list the feasible means of promoting ridesharing, and the number of means that will be selected in the future. (*City of Maywood v. Los Angeles Unified School District* (2012) 208 Cal.App.4th 362, 412 [Selection of specific mitigation measures may be deferred when the lead agency has evaluated the impact, identified feasible mitigation measures, and has committed to mitigating those impacts].)

**IM C-5A Bicycle and Pedestrian Plans**

**This plan will have to be more than updated, isn’t there a formal procedure to accept this plan, involving the Board of Supervisors that must take place?**

11-166

Caltrans also proposed this mitigation measures on page 2 of its comments on the NOP.

“The DEIR should consider whether policies requiring discretionary approval including identification and mitigation of project-specific impacts for commercial, industrial, and high-density residential projects generating in excess of an appropriate threshold of vehicle trips would be a feasible way to reduce the severity of any significant and unavoidable transportation impacts of the Plan.”

4.13-17

**Letter 11  
Cont'd**

Section 4.13 Transportation and Circulation

**Please consider this impact mitigation measure in the Final EIR. If you do not accept it, please explain why, based upon substantial evidence, the measure is infeasible.** (Banning Ranch Conservancy v. City of Newport Beach (2017) 2 Cal.5th 918, 94[“[M]ajor environmental issues raised when the lead agency's position is at variance with recommendations and objections raised in the comments must be addressed in detail.” (Guidelines, § 15088, subd. (c).)]; *Sierra Club v. County of San Diego* (2014) 231 Cal.App.4th 1152, 1175-1176 [It is an abuse of discretion to reject alternatives or mitigation measures that would reduce adverse impacts without supporting substantial evidence].)

**Exhibits:**

**Exhibit 1-** Caltrans Officials Admonish County For Lack of Road Planning, Sierra Sentinel, April 12, 1990

11-166  
Cont'd

**Caltrans Officials Admonish County For Lack of Road Planning**

Patty Shires, Editor

Sierra Sentinel News-April 12, 1990

Arnold, California

Obviously and visibly frustrated, Caltrans officials bluntly told Planning Commissioners on April 5 that all developments being approved by the county are impacting the highways and Caltrans has no money to improve roads.

Of specific concern was the rapid growth taking place along Highway 26. District 10 Permit Engineer John Gagliano told Commissioners that he is “really concerned about what’s happening.” He said Caltrans is seeing more and more development front on the highway and the roads will soon no longer have the ability to carry the increased traffic load. “We’re concerned and you ought to be concerned,” he declared.

Another Caltrans representative Gene Coleman displayed some maps to illustrate the problems caused by approving developments with small lots fronting on Highway 26. Even 40 acre and

4.13-18

## Letter 11 Cont'd

### Section 4.13 Transportation and Circulation

large parcels fronting the highway will eventually become a problem because these lots can be broken down again and again into smaller parcels.

Gagliano explained that the county is approving subdivisions on the highway without requiring dedication of right of way and this will “create a helluva lot of congestion when built out.” He said, “I can tell you Caltrans is doing no planning” because there is no money to purchase right of way. Besides, Caltrans has taken the attitude that the county can take care of the problem because they are allowing the development to occur. He added, “the problem you are creating—you’ll live with.”

He stressed that someone needs to analyze the future impacts and plan facilities to take care of the traffic. He pointed out that road improvements take a long time in coming to fruition and mentioned that Oakdale and Livingstone bypasses still haven’t been built after 25 years.

Bob Ikeda, Assistant Chief Traffic Engineer, was critical of the county for failing to notify Caltrans on rezoning applications and commercial development.

Planning Director Danny Mao promptly replied, “that’s not true.” He noted that all rezoning applications go to various agencies, including Caltrans. However, if property is already zoned commercial or industrial, then no notice is sent.

Ikeda said that no other county operates this way and intimated that Calaveras is the only county that doesn’t cooperate. Mao explained that property already zoned needs nothing but a building permit which is why Caltrans is not advised. If the property accesses onto the highway, then the owner must apply for a Caltrans encroachment permit. He suggested that Caltrans submit a plan and the Planning Department will then advise applicants of Caltrans requirements.

Ikeda differed with Mao, stating that developers take advantage of the situation.

Mao insisted the county is doing nothing different from any other county. On rezoning and use permits, the county is required, by law, to notify Caltrans and other affected agencies which have 21 days to respond. After 21 days the county is not obligated to accept the recommendations (and this has occurred in some instances).

Gagliano predicts that Highway 26 will soon become like East Sonora which has so many accesses and so much traffic that no one can enter the highway. He emphasized, “if you don’t act, it’s going to be too late.”

Planning Commission Chairman Rosemary Faulkner explained that the county requires dedication of rights of way and setbacks for county roads, but there are no such

4.13-19

## Letter 11 Cont'd

### Section 4.13 Transportation and Circulation

guidelines from Caltrans and the Commission has no jurisdiction to require right of way for state highway absent such criteria.

Gagliano stressed, "You have to start talking to us more." He admitted cooperation has been much better in the last year, but there is still a need for improvement in communications. He explained that Caltrans has developed a Precise Plan for Highway 26, but the county has taken no action to adopt the plan and now Gold-Creek Estates has been reactivated which is posing another problem. He added, "the inaction is causing problems."

The precise Plan, released last spring, involves setting right of way boundaries, as appropriate, to aid the county in protecting right of way for widening Highway 26 from two lanes and realigning the existing route to meet present day highway standards.

The Plan was initiated in response to substantial planned development to provide for appropriate setback distances. The Plan consists of two alternatives which differ from each other only at the easternmost end where Highway 26 ties into Route 12. Caltrans and county staff met in May, 1989, and all involved approved of the alternatives as approved and recommended that development of both alternatives continue.

Caltrans staff finalized the geometrics in early July and presented final layouts to county staff on July 14. It was decided that the county would pursue the selection and approval of an alternative through their own processes.

Mao recalled that Public Works Director Ted Pederson had some concerns about the width of right of way which Caltrans proposed. He believes Pederson sent a letter to Caltrans relative to those concerns; however, there has been no agreement on the best alignment.

Marty Price of Public Works explained that there is a conflict between private rights and public needs which needs to be resolved. He considered it "unfortunate" that a stalemate exists and agreed that both parties need to exert more effort to work together to resolve these issues which will make the Commission's job easier.

District 3 Commissioner Dick Stites inquired about the status of the request of Caltrans, regarding Thousand Hills, that no approval be given which adds to the traffic volume until certain provisions are made to mitigate the increased traffic. He also queried how provisions can be made to ensure that roads, impacted by development, will be improved.

Ikeda replied, "by working together."

4.13-20

## Letter 11 Cont'd

### Section 4.13 Transportation and Circulation

Mao reported that consultants are presently preparing an environmental impact report and have hired very competent traffic engineers to perform the studies and analysis. He did not, however, know the status of the project at this time.

Mao suggested that the textbook principle be applied in the real world. Ideally, he said, Caltrans could design highways with the necessary right of way and notify the county of the recommendations. The county could then inform developers, in approving maps, that no building can take place within the right of way. They could request frontage roads parallel with the highway with accesses every half mile or mile. He concurred that the county doesn't want Highway 26 like a street. However, until Caltrans develops some policies or standards, the county legally can't tie up property.

Faulkner repeated that the Commission does not have jurisdiction over state highways.

Gagliano explained that once development is approved, Caltrans must allow access to each parcel which will eventually entail significant cross traffic. He noted that the Precise Plan calls for eight foot shoulders which he doesn't believe are adequate for the future. The county has contended that 80 to 100 feet of right of way is too wide but Gagliano speculated that it may not be wide enough in the future in light of Mao's concept of parallel roads.

Gagliano informed the Commission that Stockton's plan was just released and they contend that eight lanes on Interstate 5 and Highway 99 are not enough while this county is saying 100 feet is too much.

District 1 commissioner Frank Wibiral threw the ball back at Caltrans by asking how long the state has been working on the matter; when Caltrans expects to answer the county's letter and whether a schedule for meeting has been set.

Gatgliano explained that the county is saying the state wants too much right of way and the state is saying they think more is needed.

Wibiral replied, "let's not think, let's do, let's get together" and he asked "are we going to set a meeting?"

Ikeda noted that Pederson was meeting with Caltrans engineers that day.

Gagliano explained that the issue cannot be resolved until such time as the county determines that amount of traffic at buildout.

4.13-21

## Letter 11 Cont'd

### Section 4.13 Transportation and Circulation

Wibiral took exception to the state insinuating that the county has become stagnant. In his opinion, he was hearing the state saying they were washing their hands and putting it totally in the county's lap. He suggested that maybe the county and state should get politicians involved to obtain more funding.

Gagliano agreed that the political arena might be the best solution to the problems. He said the state used to put in highway systems to support traffic but that has changed. He added, "If I didn't care, I wouldn't be here." He also advised the Commission that the ballot measure to raise the gas tax nine cents will not benefit Highway 26 at all as the routes it will fund have already been named.

District 4 Commissioner Dick Barger implied that the state might have more funds if there was better management. He was critical of Caltrans sending eight guys and a pickup to patch the road while only one guy works and the other seven lean on a shovel.

Gagliano suggested that he contact the local superintendent when he sees incidents of this nature.

Explaining that she was not being critical, Faulkner said she didn't understand how the situation at La Contenta was allowed to happen. There's a commercial complex and nursery on one side and shopping center across the street and now Gold Creek Estates and yet no left turn pocket was required. She asked, "was it our fault or your fault?"

Gagliano said the state was upset over this but the real estate office circumvented Caltrans by using a side street for access. He said the county was notified that this type of thing was not helping the situation and ends up causing serious problems but it was approved.

Mao explained that if traffic uses the main highway for access then a Caltrans encroachment is required but not when access is from a county road.

Ikeda stated that any project that impacts the highway should require a left turn lane whether or not access is directly from a county road.

A committee, composed of Stites and Wibiral, was set up to meet with Caltrans.

**Exhibit 2- Millions in Road Projects on Hold, Calaveras Enterprise, May 30, 2014**

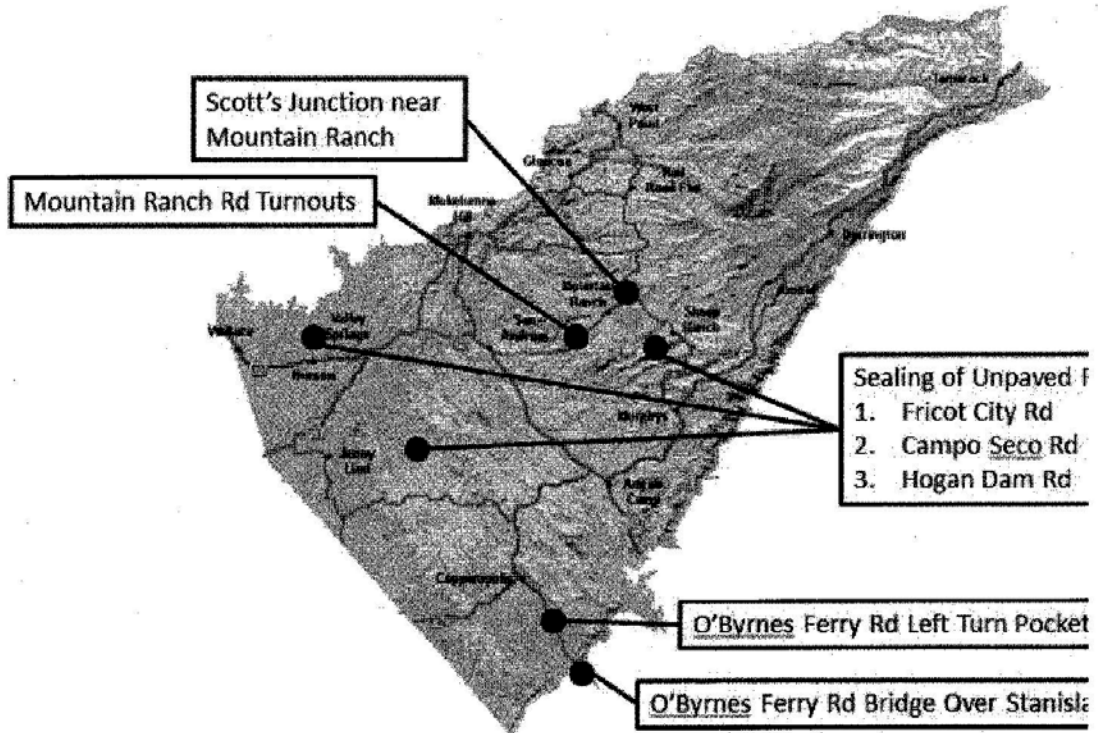
**Millions in road projects on hold**

4.13-22

## Letter 11 Cont'd

### Section 4.13 Transportation and Circulation

Posted: Friday, May 30, 2014 / Calaveras Enterprise/ Dana Nichols



#### Millions in road projects on hold

Major projects including a \$62 million bridge near Copperopolis may never be built after county leaders determined they were unable to come up with local dollars to match federal grants.

*County may have to return \$740,000*

Progress is stalled on more than \$68 million in road projects in Calaveras County, including a crucial replacement of an aging bridge linking the Copperopolis area to neighboring Tuolumne County.

4.13-23

## Letter 11 Cont'd

### Section 4.13 Transportation and Circulation

County officials reported this week that the county's inability to move forward on the projects jeopardizes future federal funding for other projects here and raises the prospect that the county might have to repay as much as \$740,619 in federal grant funding that it has already spent.

The biggest problem: the county does not have the approximately \$10 million needed to pay its share to finish the projects. As a result, it will likely never receive almost \$57 million in federal funding.

A grim-faced Calaveras Board of Supervisors voted unanimously Tuesday to "deobligate" funding for projects.

"I sit here very embarrassed," said Board of Supervisors Chairwoman Debbie Ponte. Ponte noted that although the board over the years had approved the various projects, members were caught unaware that the county had bitten off more projects than it could deliver.

She said the way the county government manages its road funding is a "broken process."

At least some of the affected projects may never be built, or at least won't be built as currently designed. The largest is a planned \$62 million replacement for the bridge where O'Byrnes Ferry Road crosses the Stanislaus River on the east end of Lake Tulloch.

The other projects that are now dead – or at least in limbo due to the funding problems – are a left turn pocket planned for O'Byrnes Ferry Road in Copperopolis, improvements including a school bus stop at Scotts Junction where Sheep Ranch Road meets Mountain Ranch Road, turnouts on Mountain Ranch Road, and the asphalt paving of several gravel roads.

Interim Public Works Department Director Mike Miller said he's preparing a list of policies that could make such debacles less likely. Among them would be the requirement that the county government set aside funding for its match when it accepts a grant.

Miller said another policy he will propose is separating the ongoing road maintenance fund from the fund used for capital improvements, such as new bridges and road improvements. In the past, when money flowed more freely, county managers at times shifted money between uses to make a local match or complete a project.

Robert Pachinger, the interim Calaveras County surveyor and an engineer in the Public Works Department, said during a report on the issue that at times, the same funds were listed as local matches for more than one grant-funded project.

4.13-24



## Letter 11 Cont'd

### Section 4.13 Transportation and Circulation

When progress on projects slows, California Department of Transportation officials who oversee the use of federal highway funds will check on them. If it appears that a local government can't finish a project then it will be put on a "red flag" list, Pachinger said.

Being on a red flag list means that the local government will be unable to get more grant funding until the problem is resolved. One way to resolve the red flag is to terminate – or "deobligate" – the project and return any grant money already spent.

Tuesday's vote was, in essence, a judgment that it was better to cut county losses while it was on the hook to return only \$740,619 than to continue with projects that would require more than \$10 million in local funds.

Pachinger and Miller said they are working with state highway officials to determine whether county work on the design phase of several of the projects can be deemed "complete," which would mean that the funds used for the purpose would not have to be returned. That would also mean the county has designs ready should funding come available in the future.

In addition to the money the county may have to return, it has also already spent \$765,514 in local funds on the five projects, money that has been effectively wasted if the designs are never used and the projects never built.

Miller said that this week's action addresses all the "red flags" of which he is aware. But he said there are other struggling projects that could draw scrutiny and be red flagged. The county is in the midst of efforts to replace or repair more than a dozen bridges, and Miller is scheduled soon to return to the board of supervisors to report on those projects.

Some other recent projects narrowly escaped red flag status. One was the Jenny Lind Elementary School Safe Routes to School project. That project created a sidewalk on a section of Highway 26 near the school.

That project faced numerous delays, in part because of disputes between county and school leaders on how to proceed. Supervisor Cliff Edson asked Miller if the Jenny Lind project had been at risk of a red flag.

"Yes, it was," Miller said.

Miller said Jenny Lind was completed, in part, because the California Department of Transportation wanted it to succeed and worked with county leaders to resolve problems.

4.13-25

## Letter 11 Cont'd

### Section 4.13 Transportation and Circulation

The magnitude of the projects that didn't get rescued from red flag status came as a shock to some at Tuesday's Board of Supervisors meeting. Dave Haley, a vice president for the Castle and Cooke development company, said that failing to replace the existing O'Byrnes Ferry Bridge is a blow to the entire Copperopolis area.

"To date, there have been many traffic deaths on the bridge," Haley said.

Not everyone saw the cancellation of the projects as bad news.

Cynthia Sanchez of Mountain Ranch thanked the board for killing the Mountain Ranch Road turnouts project. That project, designed to create turnouts to allow a place for slow vehicles to get off the road, faced opposition from some area residents who either felt the design would fail to address safety issues or who didn't want it to cause damage to an American Indian burial ground.

"We, the community, have been fighting this project for several years," Sanchez said.

Pachinger, during his report, referred to the controversy over the turnouts.

"We have been mired in an environmental process," Pachinger said of work related to the burial ground.

Pachinger said the extra environmental studies both delayed the project and increased costs – both factors in the eventual decision to de-obligate its funding. The county government had already spent \$365,014 in local funding and \$134,986 in federal grant funding on the turnouts project.

The entire project was expected to cost \$1.9 million, including an additional \$684,986 in local funding. If the county had another \$149,851 available, however, it could finish the design phase, thus creating a "shovel ready" project that would be eligible should grant funding become available again.

The history of the five projects varies. Some, like the O'Byrnes Ferry Bridge, were approved almost a decade ago, long before the economic downturn of 2008 dried up funding. The most recent was the Scott's Junction proposal, which was approved in 2012.

It is clear that by 2013, Public Works staff was aware that the projects were in trouble. Former Public Works Director Tom Garcia, who departed the agency in January for a job in Temecula, had already notified the California Department of Transportation, that Calaveras County was de-obligating funding for three of the projects.

4.13-26

**Letter 11  
Cont'd**

Section 4.13 Transportation and Circulation

Under broad power that the Board of Supervisors had granted the Public Works director to manage capital projects, Garcia was able “deobligate” or cancel the projects on his own. One likely fallout of this week’s events is that supervisors will revisit whether they want a department director to have that much power.

According to the staff report, county Public Works engineers concluded that they’d best get “explicit board concurrence” for the termination of all the projects. In part, that’s because the board would have to cope anyway with the financial impact.

The county government already has an \$8 million structural deficit in its general fund. While the road funds that might be used to repay the federal grants are a separate account, their loss also represents real pain for county residents.

The understated Public Works staff report said that if road maintenance funds that the county receives from the state gas tax are used to repay the grants, it will “detrimentally affect the department’s ability to function.”

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**Exhibit 3-Safer Tri-County Roads Map covers 2011 to 2016**

[http://www.safertricityroads.com/uploads/8/7/7/8/87781356/calaveras\\_orig.jpg](http://www.safertricityroads.com/uploads/8/7/7/8/87781356/calaveras_orig.jpg)

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**Exhibit 4- Fatality rate doubles in Calaveras County,  
Calaveras Enterprise, Nov. 30, 2017**

**Fatality rate doubles in  
Calaveras County**

Car crashes claim more lives

By Sean P. Thomas [Sean@calaverasenterprise.com](mailto:Sean@calaverasenterprise.com) / Nov 30, 2017

4.13-27

## Letter 11 Cont'd

### Section 4.13 Transportation and Circulation

Three people – an infant and two women – died in car crashes over a four-day period beginning on Thanksgiving evening, bringing the 2017 total of roadways deaths to 20, according the California Highway Patrol.

Sarah Rae Rohde, 27, of Copperopolis, her 19-month-old daughter, Arianna Harris, and Brenda McCann, 65, of Valley Springs, died in separate incidents over the holiday weekend.

On Thanksgiving evening, Rohde was driving west on Highway 4, west of Holiday Mine Road at 55-60 mph with two passengers, a 1-year-old girl and a 4-year-old boy. At the same time, a black bear entered the highway. The vehicle struck the bear, sending it through the windshield of the vehicle.

The driver and a the young girl were killed and the 4-year-old boy was flown to the University of California, Davis, Medical Center for treatment of minor injuries.

Just three days later on Monday, McCann was involved in a three-car crash near Valley Springs.

Mark Linnerman, 29, of Modesto was driving a 2005 Ford west on Highway 26, west of Vista del Lago Drive, the CHP said. At the same time, Wade McCann was driving a 1998 Jeep in front of Linnerman. According to a press release, McCann stopped to make a left turn onto a frontage road that runs parallel to Highway 26, which Linnerman failed to recognize, and the vehicles collided.

The force of the impact sent McCann's Jeep into the eastbound lane, where it was stuck by a 2014 Ford F150 pickup driven by Rudi Leon, 44, of Valley Springs.

4.13-28

## Letter 11 Cont'd

### Section 4.13 Transportation and Circulation

Brenda McCann was riding in the front passenger seat of the 1998 Jeep and was transported to the Mark Twain Medical Center, where she was pronounced deceased. Highway 26 was subsequently blocked for an hour and 20 minutes.

No arrests were made and drugs or alcohol are not believed to be factors in either of the collisions over the weekend.

The Valley Springs incident is still under investigation, according to the CHP.

Unfortunately for the California Highway Patrol, fatal collisions are becoming far too common in Calaveras County. CHP San Andreas Public Information Officer Tobias Butzler said that this year, the number of fatalities has "skyrocketed."

According to Butzler, the number of fatalities has doubled so far this year. In 2016, there were 10 fatal collisions. With about a month left in 2017, the CHP has responded to 19 fatal incidents in which 20 people have lost their lives.

The reasons are unknown, Butzler said. He and CHP lieutenants have racked their brains trying to find common themes to the fatalities, but so far, no commonalities have been discovered.

"We have had everything from bear collisions to people with toxic levels of methamphetamine in their system riding motorcycles," said Butzler. "That will always end poorly."

Highway patrol officials have discussed whether they need to focus on certain areas of the county or if they need to hone in on specific indicators.

4.13-29

**Letter 11  
Cont'd**

Section 4.13 Transportation and Circulation

Despite the CHP's best plans, they will not be able to catch everyone. Butzler called the Thanksgiving incident a rarity. He said that while animal-versus-vehicle collisions are more common in Calaveras County than in other areas, it's rare for bears to travel down the hill as far as the black bear was on Thanksgiving evening.

"That is one that is almost unavoidable," said Butzler. "Black bear. Black pavement."

According to a study by the University of California, Davis, Road Ecology Center, 135 black bears factored into incidents in 2016. That number was dwarfed by 6,119 deer and 377 coyotes involved in crashes. Elk, mountain lions and wild pigs were under 50 collisions a year. However, only five of the total collisions recorded in the study resulted in fatalities.

The Valley Springs incident is a different story, Butzler said. Unlike the black bear incident, the crash in Valley Springs was the result of human error, of which CHP must investigate.

"The fatality we had last night, someone was doing something wrong, and it is our job to figure out who that was," Butzler said.

"The overwhelming majority of collisions, someone was driving improperly and doing something wrong," he said.


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**Exhibit 5- County relinquishes control of public transit,  
Calaveras Enterprise, March 9, 2018**

4.13-30

**Letter 11  
Cont'd**

Section 4.13 Transportation and Circulation



## County relinquishes control of public transit system

By Jason Cowan [Jason@Calaverasenterprise.com](mailto:Jason@Calaverasenterprise.com) / Mar 9, 2018

City and county lawmakers have entered into an agreement with the Calaveras Council of Governments (CCOG) to allow the agency to take over management of the county's transit program.

The agreement will allow both county and Angels Camp representatives to have a say in the program through a Joint Powers Authority board, but will relieve the county of its burden of managing the system, said Amber Collins, executive director of CCOG.

The overall goal is to meet the community's needs, consolidate staff services and maximize the use of state and federal funding to meet transit demands, according to Collins.

Up to this point, the transit program has been funded primarily from the county's budget.

Funded by a \$1 million allocation, the county has had to lend the transit program money to make up for operational shortfalls as the Calaveras County Public Works Department managed day-to-day operations.

Calaveras County Administrative Officer Tim Lutz said the program has failed to meet the 10 percent fare box revenue mark needed to sustain the program. Though 90 percent of monies to fund public transit come from state and federal agencies, the fares

4.13-31

## Letter 11 Cont'd

### Section 4.13 Transportation and Circulation

paid by passengers have only brought in enough to cover about 7 percent to 9 percent of the overall expense.

When the program falls behind in revenue generation, the debt increases. The county has had to loan the transit system money from the General Fund over the past three years because it has struggled to collect sufficient revenues. The program is eventually able to pay off the debt, but falls back into a hole the following year.

Last summer, Collins said the county paid transit \$300,000 out of the General Fund for operating costs.

Service execution, meaning fixed-route services or flexible transportation, as well as low ridership have been common issues with the transit system in recent years. Last year, a service line that took passengers from San Andreas to Stockton was discontinued after a year and a half because it did not reach adequate ridership numbers.

A change in management structure and organizational leadership was needed, said Collins. Transit needs to be someone's full time job, she added, referring to a change from the way the Public Works department managed the program alongside all of its other responsibilities in the county.

"It was really a small piece of what Public Works does," she said. "They struggled because they have not had that management support or leadership required to make the transit system successful."

The JPA removes all direct financial liability the county had for the program. The \$1 million or so the county budgeted for transit in 2018 will become available for other uses.

4.13-32



## Letter 11 Cont'd

### Section 4.13 Transportation and Circulation

The CCOG will contract with an outside entity to handle day-to-day operations, just like the Public Works department did.

The expectation of the parties is that the CCOG will be able to streamline the processes for obtaining federal and state funds to run the program, Collins said. The agency has experience obtaining funds earmarked for specific purposes, and can fulfill requirements needed to properly spend the money.

"We cannot depend on the General Fund," said Collins. "We have to budget accordingly, make sure we have a set reserve for three months operating, make sure we collect revenues."

In relinquishing authority over the program, the county and the city of Angels Camp, which did not have as much of a say in the program before the JPA, will designate two representatives each to sit on the JPA board. Three citizen representatives will be elected to sit alongside city and county board members.

It may be too soon to say whether officials will change the schedule of transit operations in the near term. Collins said officials intend to spend the next year "thoroughly" reviewing transit services and could anticipate some changes either to the route structure or the way the services are provided.

Calaveras Transit currently operates routes from Rail Road Flat to Jackson; West Point through Mountain Ranch to San Andreas; Valley Springs to Columbia College; and Copperopolis to Arnold, among others. Collins said ridership is higher in those areas where the most residents dependent upon transit services.

4.13-33

**Letter 11  
Cont'd**

Section 4.13 Transportation and Circulation

Areas like West Point and Copperopolis, where populations are dispersed, have been difficult to serve, she said.

The county's transit program is among the few resources available for public transportation in Calaveras County. Online listings show the nearest hub for any kind of public transit or ridesharing services is in Stockton or Modesto.

The few taxi or limousine drivers in the county are based in Murphys and Copperopolis.

**Exhibit 6, COG 2017 RTP and Appendix (attached in data file)**

**Exhibit 7, CPC comment on 2017 RTP (attached in data file)**

**Exhibit 8, San Joaquin County, 2016 Congestion Management Plan (attached in data File)**

4.13-34

**Letter 11  
Cont'd**

Chapter 6 - Alternatives

**CHAPTER 6 - ALTERNATIVES ANALYSIS**

**6.2 Purpose of Alternatives**

**Significant Impacts Identified in the EIR**

On pages 6-3 and 6-4, there are glaring omissions and self-contradictions in text and bullet points:

11-167

1) Page 6-3. The following issue areas of environmental impacts of the Draft General Plan are **incorrectly described** as “less than significant with mitigation incorporated.”

- **Biological Resources**
- **Cultural Resources**

“Less than significant with mitigation incorporated” directly contradicts Table 6-3 (pg 6-26) listing “Significant and Unavoidable” for Biological Resources and Cultural Resources; directly contradicts Table 2-1 “SU” after mitigation (pp 2-15 through 2-42); and directly contradicts the Biological and Cultural Chapter conclusions in this DEIR, “significant and unavoidable” (see Chapter 4.4 Biological Resources pp 30-49, and Chapter 4.5 Cultural pp 21-27). **Correct and move Biological Resources and Cultural Resources to the next section, and list all impacts that are “significant and unavoidable.”**

11-168

2) Page 6-4. **Noise.** Impacts listed for Noise are not complete, as per Chapter 4.10 impact listings (pp 17-33). Please include **all** impacts, as shown below in bold type:

**Noise.** Impacts related to the following were identified as significant and unavoidable: exposure of persons to or generation of transportation noise levels **and non-transportation noise levels** in excess of standards established in the Draft General Plan or the County’s Noise Ordinance; and creation of a substantial permanent increase **and substantial temporary or periodic increase** in ambient noise levels in the County above levels existing without implementation of the Draft General Plan.

**6.3 Selection and Analysis of Alternatives**

**Alternatives Considered in this EIR**

11-169

An EIR “must consider a reasonable range of potentially feasible alternatives”, even if they “would impede to some degree the attainment of project objectives, or would be more costly.” An alternative that is potentially feasible must be discussed in depth in the EIR. (*Save Round Valley Alliance v. County of Inyo* (2007) 157 Cal.App.4th 1437.) A decision approving an EIR that “dismissively rejects” a feasible alternative precludes informed decisionmaking and public participation, and is therefore prejudicial. (*North Coast Rivers Alliance v. Kawamura* 243 Cal.App.4th 647 (2015) 670-671.) D

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Chapter 6 - Alternatives

11-169  
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On page 6-5, the DEIR lists criteria for the selection and elimination of alternatives to the project. There are three alternatives considered and evaluated, and the first is the No Project Alternative, required by CEQA. The texts of the other two general plan alternatives are *identical* to the text of the Proposed Project. The action alternatives only differ in their Land Use Map. *None of the DEIR's action alternatives include policy options*, only alternative conceptual land use maps. (*Habitat & Watershed Caretakers v. City of Santa Cruz* (2013) 213 Cal.App.4th 1277, 1304-1305 [Failure to analyze any action alternatives does not comply with CEQA].)

11-170

The public has suggested other alternatives to the County for the General Plan Update, including the Mintier Draft General Plan, an Alternative Community Plan Element, and more alternatives, but these were not acknowledged or discussed in the DEIR. An EIR should "identify any alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process and briefly explain the reasons underlying the lead agency's determination." (CEQA Guidelines, sec. 15126.6, subd. (c); *Save Round Valley Alliance v. County of Inyo* (2007) 157 Cal.App.4th 1437 [A lead agency must explain why a suggested alternative is rejected as either unable to be accomplished, not satisfying the goals of the project, or not advantages to the environment.]; *California Clean Energy Committee v. City of Woodland* (2014) 225 Cal.App.4th 173, 205-206, [In rejecting an alternative the agency must disclose the analytic route it traveled from substantial evidence to action].) If the County persists in refusing to consider any policy alternatives in the Final EIR, please explain why they are infeasible, based upon substantial evidence in the record. Please reference this evidence and make it available to the public.

11-171

The County calls the General Plan DEIR a program EIR. A program EIR is supposed to allow "the lead agency to consider broad policy alternatives and program-wide mitigation measures at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts." (CEQA Guidelines, sec. 15168; *In re Bay-Delta* (2008) 43 Cal.4th 1143, 1169-1170.) In sharp contrast to this guideline, the County has absolutely refused to consider any policy variation among the action alternatives in its Program DEIR. This suppression of alternative views is contrary to the CEQA requirement to evaluate the comparative merits of a range of reasonable alternatives, to foster informed decisionmaking and public participation. (CEQA Guidelines, sec. 15126.6, subd. (a).) Without any policy differences among the action alternative to the proposed general plan, the EIR will not have a reasonable range of alternatives.

11-172

**Mintier Alternative.** The DEIR's action alternatives have no policy options. In contrast, **the 2011 Mintier Draft General Plan contains alternative policies and programs that may potentially avoid or substantially lessen the many "significant and unavoidable" project impacts.** The County spent nearly a million dollars and six years coming up with the Mintier Draft General Plan, yet the County did not consider it as a policy alternative to the General Plan. Why not? The public has been requesting this plan

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Cont'd**

Chapter 6 - Alternatives

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Cont'd

be made available to examine for years. **The Mintier-Harnish General Plan draft was substantially complete when an administrative draft was submitted to the County in 2011<sup>1</sup>.** It reflects years of public input and values of the community, includes draft General Plan goals & policies, and identifies specific implementation programs<sup>2</sup>. Consistent with CEQA, “the discussion of alternatives *shall focus* on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.” (CEQA Guidelines, sec. 15126.6 subd. (b) (1).)

**Consider, analyze, and discuss the Mintier Draft General Plan Alternative in the final EIR, and give reasons why it is feasible or not.** If the County has “lost” its copy of the 2011 Mintier-Harnish Draft General Plan for Calaveras County, the MintierHarnish firm in Sacramento will be happy to supply it.

11-173



**Community Plan Element Alternative** This alternative was proposed during scoping comments. Please see DEIR Appendix B, Calaveras Planning Coalition Scoping Comments (pgs 2.3-10, 11, 12) for full comments and reasons for a Community Plan

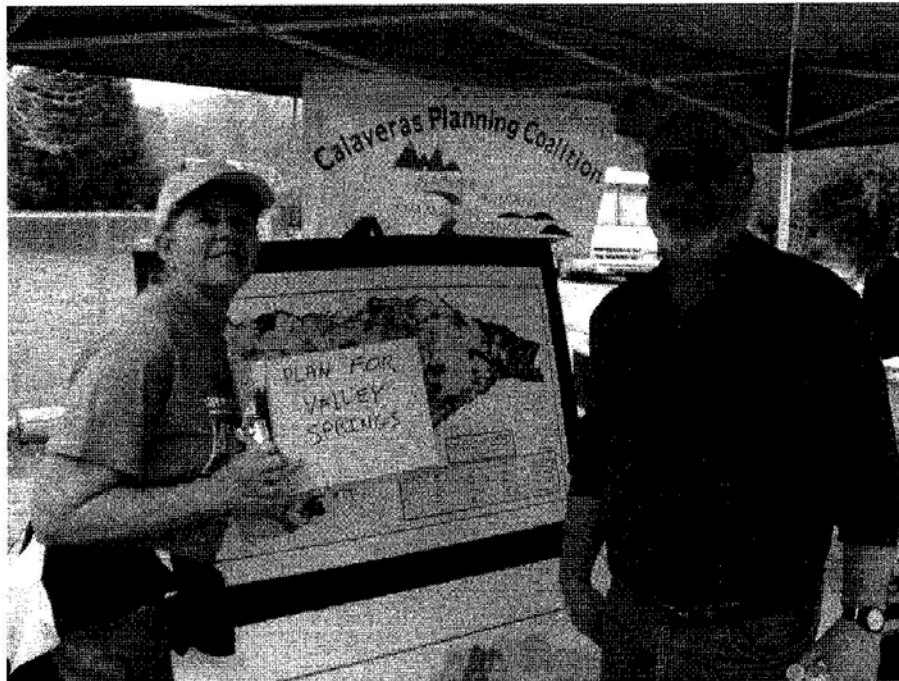
<sup>1</sup> Letter from Mintier-Harnish, December 11, 2012. See attached file, MH Response to 11-13-2012 BOS mtg.pdf.

<sup>2</sup> Calaveras County 2035 General Plan Introduction, Administrative Review Draft, December 2010. See attached file CalGPU\_2035GP\_AD2\_P1\_Introduction\_working draft.pdf.

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### Chapter 6 - Alternatives

Element Alternative (CPE). A **Community Plan Element Alternative would include the Draft General Plan's currently-excluded communities of Arnold, Avery-Hathaway Pines, Copperopolis, Murphys-Douglas Flat, and Valley Springs.** Excluding these major existing Calaveras County communities from the General Plan and Community Element will create **potentially significant negative impacts to these communities from future development.** The CPE Alternative, as proposed, also **would have actual implementation programs for community goals and policies,** unlike the Draft General Plan Community Element.



11-173  
Cont'd

**Valley Springs is the largest and fastest-growing area in Calaveras County, and should not be left out of the General Plan update.** Reasons to include Valley Springs policy documents in an alternative Community Plan Element:

- **Support for inclusion of Valley Springs in the General Plan Update and EIR has already been given** by the Calaveras Planning Commission, Calaveras Board of Supervisors, and Planning Director Maurer (CPC Scoping pg. 2.3-11).
- **Valley Springs is unique** due to its most westerly location, lowest elevation, proximity to jobs in other counties, scenic resources, major highways, increasing population, increasing traffic, and greater development pressures
- **Unique community needs, natural resources, and historic characteristics are not addressed or protected in the Draft General Plan.** Impacts of future development will be significant and negative without adequate protections and

6-4

## Letter 11 Cont'd

### Chapter 6 - Alternatives

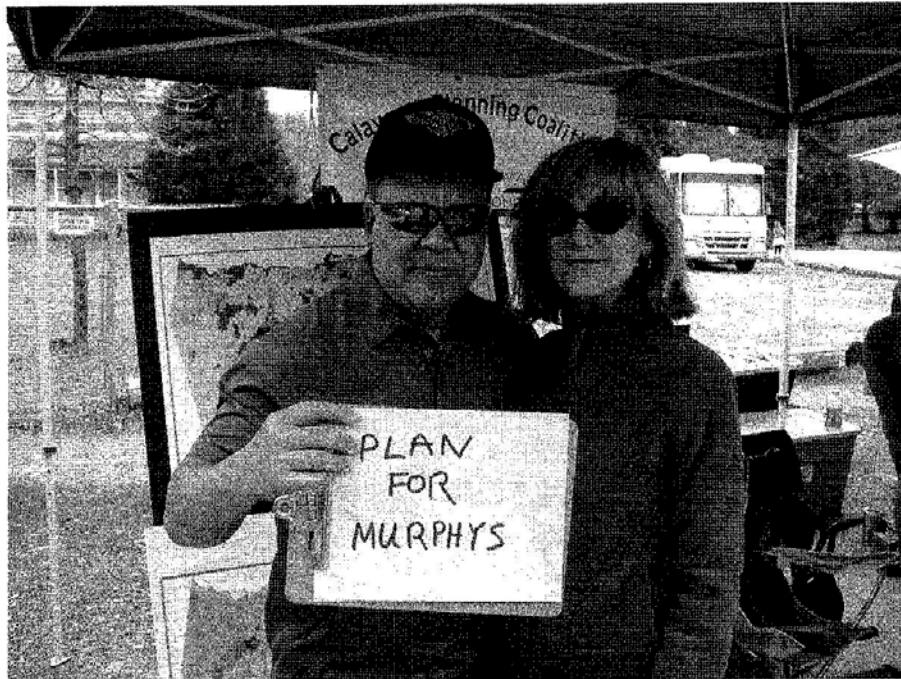
11-173  
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mitigations. **Specific community policies already written in the Valley Springs Community Plan could address its unique development pressures, reduce impacts, and increase opportunities**

- **The Valley Springs Community Plan is ready.** Two draft community plan update documents have already been combined and condensed into a draft Valley Springs Community Plan and Policies section<sup>3</sup> for the Community Planning Element.

**Consider, analyze, and discuss the Community Plan Element Alternative in the final EIR. Give reasons why this is feasible or not.**

11-174



**No-Growth Alternative.** An additional Alternative has been asked for by the public and should be discussed as feasible or not: a “**No-Growth Alternative**” (July 31, 2018, General Plan Draft EIR Public Comment Meeting, speaker 13, Antonie Wurster; see video or transcription). The reasons given were (to paraphrase): “Calaveras County is mostly rural and elderly, we don’t have many jobs, there won’t be any growth here if people can’t have lawns because of (limited) water, and because there is a high fire danger; **there might actually be NO growth to 2035 or maybe 1/2%, that’s what we**

<sup>3</sup> Planning Commission Staff Report for January 26, 2017. See file: PC Staff Report, Community Planning Element Valley Springs section 1-26-17.pdf

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Chapter 6 - Alternatives

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Cont'd

may be looking at, and there should be a no-growth alternative.” Please address this suggested No-Growth Alternative in the EIR and discuss its feasibility.

**DOF Projections Alternative**

Thank you for considering, analyzing, and discussing the DOF Projections Alternative. We believe the population of Calaveras County will **not** be increasing to over 100,000 within the project horizon, and in fact may actually **decrease**. We need to plan for a much smaller population increase than the Proposed Project does.

*The DOF Projections Alternative reduces significant project impacts, while still meeting basic project objectives. On page 6-12 on, the alternative is described as limiting anticipated growth to slightly less than half of buildout under the proposed Draft General Plan, and as a result, **there are ten environmental Issue Areas in which the DOF Alternative has “Fewer” environmental impacts than the Proposed Project.** NO environmental issue areas are identified in which the DOF Alternative has “Greater” impacts than the Proposed Project, unlike the Rural Character Alternative.*

11-175

Also, the DOF Projections Alternative brings the general plan much more in line with the population projections used by Calaveras COG for the 2017 Regional Transportation Plan, and the CCWD Urban Water Management Plan.

We have read the DEIR explanation about altering the Land Use Map to limit anticipated growth in the DOF Alternative, but find it unclear exactly how and where changes to land use designations on the county land use map would be done to limit growth to the extent proposed. Please explain in more detail, select a sample area of the County, and alter the land use map to show how this proposal could work to reduce development potential by over 50%. Analyze the DOF Projections Alternative in more detail in the final EIR as to how and where changes would be implemented through the Land Use Map and land use designations, giving map examples. There needs to be sufficient information about the alternatives to allow the decisionmakers to make a rational choice. (*Save Round Valley Alliance v. County of Inyo* (2007) 157 Cal.App.4<sup>th</sup> 1437 [A decision to approve an alternative analysis based upon the “barest of facts,” and “vague and unsupported conclusions,” precluded informed decisionmaking and public participation, and was therefore an abuse of discretion.])

11-176

**Rural Character Protection Alternative**

One of the alternatives considered in the DEIR is the **misnomer “Rural Character Protection Alternative”** (this should be called the “Rural Town Conversion to City”, or “Stack and Pack” Alternative). We don’t understand why this alternative was even created, and we do not consider it feasible. On page 6-18, the DEIR explains that under this alternative “anticipated buildout remains the same compared to the proposed Draft General Plan; however, development would be intensified and residential densities would



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Chapter 6 - Alternatives

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increase near community areas and town centers.” On page 6-5, in the first paragraph, “factors that may be used to eliminate alternatives” include “inability to avoid significant environmental impacts.” **With this alternative, there is no reduction in buildout potential from the Proposed Project, and there are even “Greater” significant and unavoidable environmental impacts compared to the Proposed Project, in three issue areas—Noise and Vibration, Population and Housing, and Transportation and Circulation** (Table 6-3, pg 6-26). *Why was buildout potential not reduced at all for this alternative? In NOP scoping comments, individuals and organizations<sup>4</sup> asked for a Rural Character MODERATE Growth Alternative—an alternative that would allow far less development than the Draft GPU, but would allow more development than DOF projections. **Planning an alternative for the same unrealistic population of 117,045 as the Draft General Plan is absurd.** And then moving and concentrating an unnamed amount of development and density into existing towns and community centers, causing even greater negative environmental impacts, is a recipe for disaster.*

Again, the lack of a land use map for this map-based alternative makes it difficult to picture. The description calls for increasing densities in the RTA and RTB designations. However, the vast majority of the RTA and RTB lands are already subdivided and partially built out. It is hard to picture where the increased densities would be allowed, and where they would actually result in new and denser development. It is not clear what level of density would be allowed in the community centers and what the development would look like. Would it be two and three stories? Would it be attached units? Would it be mixed use? Also, there is no list of the communities considered to have sufficient water and sewer capacity to serve the increased density. There needs to be sufficient information about the alternative to allow the decisionmakers to make a rational choice. (*Save Round Valley Alliance v. County of Inyo* (2007) 157 Cal.App.4<sup>th</sup> 1437 [A decision to approve an alternative analysis based upon the “barest of facts,” and “vague and unsupported conclusions,” precluded informed decisionmaking and public participation, and was therefore an abuse of discretion.])

11-177

In Section 4.11 Population and Housing (pg 4.11-2), the DEIR recognizes that **the most recent February 2017 California Department of Finance (DOF) population projections for Calaveras County for 2035, the general plan horizon year, are even lower than their 2012 projections—numbers have been reduced from 55,541 to 47,851 population.** See the Population Projections Table 4.11-2 below.

Population Projections

The California DOF produces population projections for all counties in the State, including Calaveras County. Table 4.11-2 below shows the DOF’s most recent population projections for Calaveras County, including the incorporated City of Angels Camp, for 2020 through 2035. <sup>3</sup>

**Table 4.11-2  
Population Projections for Calaveras County**

Year	Population
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<sup>4</sup> Shute, Mihaly & Weinberger letter on behalf of CSERC, Notice of Preparation of EIR for Proposed Calaveras County General Plan Update. February 8, 2017.

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### Chapter 6 - Alternatives

2020	45,162
2025	46,143
2030	47,129
2035	47,851

Source: California Department of Finance, 2017.

In fact, on page 4.11-1, the DEIR *acknowledges* that Calaveras County's population has actually been declining, "Between 2010 and 2016, the population slightly declined to 45,207."

Calaveras County population is projected to *decrease in the future*. There is a very recent population forecast that the final DEIR and General Plan should review and include as reference, the California Department of Transportation's California County-Level Economic Forecast 2017 – 2050.<sup>5</sup> In this report, based on DOF figures, Calaveras County is considered a "Vulnerable County", and its population is projected to decrease through the year 2050, lowering to a population of 42,132 for 2035, the general plan horizon year.

"For the group of counties that have been identified as economically vulnerable, the combined population will have declined by nearly four percent by 2050, relative to the level that prevailed in 2016." [see pages xiii-xvii for complete discussion]

"There are now more Calaveras County residents in the retirement cohort (people over age 65) than in the young professional group (people age 25 to 44). This has been the main contributor to the natural decrease, and over the next few decades, the age structure will become even more heavily weighted towards the retirement cohort. Over the forecast period, the population of Calaveras County is expected to continue to decline, placing the county at serious risk of economic stagnation." [see pages 17-20 for Calaveras County discussion]

Based on these recent reports and population projections, there is no way the county's population will grow to over 100,000 within the general plan horizon. These new, lower population projections, and the actual decline in Calaveras County's population, reinforce the absurdity of planning for a population of over 100,000 in 2035, as the Rural Character Protection Alternative does.

**The Rural Character Protection Alternative is not a feasible alternative:**

- 1) It does not reduce buildout potential of the Proposed Project;
- 2) By increasing density and intensity of development in existing communities, it actually has "Greater" environmental impacts than the Proposed Project in at least three significant environmental issue areas: Noise and Vibration, Population and Housing, and Transportation and Circulation.

<sup>5</sup> California Department of Transportation. *California County-Level Economic Forecast 2017 – 2050*. September 2017. [pgs xiii-xvii and pgs 17-20]. Accessed July 25, 2018. Available at: [http://www.dot.ca.gov/hq/tpp/offices/eab/socio\\_economic\\_files/2017/FullReport2017.pdf](http://www.dot.ca.gov/hq/tpp/offices/eab/socio_economic_files/2017/FullReport2017.pdf)

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Chapter 6 - Alternatives

- 11-178  
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- 3) In addition, by *encouraging the transformation of Calaveras County rural small towns with historic character into higher-density small cities*, **the "Rural" alternative does not meet Project Objectives:**
- 11-179
- a) It does not meet Project Objective "9. Preserve the *character of historic communities within the County.*" (pg 6-3);
- 11-180
- b) It does not follow or help support the Draft General Plan Vision Statement, "*The historical character of the county's communities...will create a high quality of life for residents and a remarkable and memorable experience for visitors to the county.*" (pg. 4.9-5);
- 11-181
- c) It does not follow the Draft General Plan 'Community Development' Guiding Principle, "*The history of the Gold Rush era will be alive in the culture of distinctive communities that provide a high quality of life for generations of residents. The General Plan and the County values its heritage and the unique qualities of its individual communities. Community Plans, as developed by the local residents, will help preserve the character of historic communities and foster economic growth, delivery of services, and provision of infrastructure.*" (page 4.9-6).
- 11-182
- The Rural Character Protection Alternative would *not* preserve the character of historic communities; it would lead to a *loss of rural community and historic character in our Rural Small Towns.*** By moving a large (yet unnamed) portion of future population to community centers, development there would be greatly intensified. As the DEIR acknowledges, within communities, "new developments would be built at an increased density, potentially at greater building heights." Much larger areas of higher-density residential densities would be allowed and encouraged in our small community areas and towns. *People and existing housing could be displaced, including historic homes, and the character of the town could change.* As the DEIR explains, "because less land would be available for housing, **impacts related to displacement of existing people or housing would be slightly greater** under the Rural Character Protection Alternative. Overall, population and housing impacts would be greater under the Rural Character Protection Alternative compared to the proposed project."
- 11-183
- Our existing low-density small communities, small, older or historic homes, and lots with "rural character" will be transformed into high-density towns and small cities. This is not what county residents want. We do not want our small towns to turn into Stocktons. This alternative would have a very negative impact on Calaveras County rural community character, historic communities, rural small towns, and rural values.** The Rural Character Protection Alternative is **not** a feasible alternative. **Either remove the Rural Character Protection Alternative altogether, or do some serious reductions in buildout potential and population to be realistic and "Moderate", as requested, and to reduce "Greater" significant environmental impacts than the Proposed Project.**

## Letter 11 Cont'd

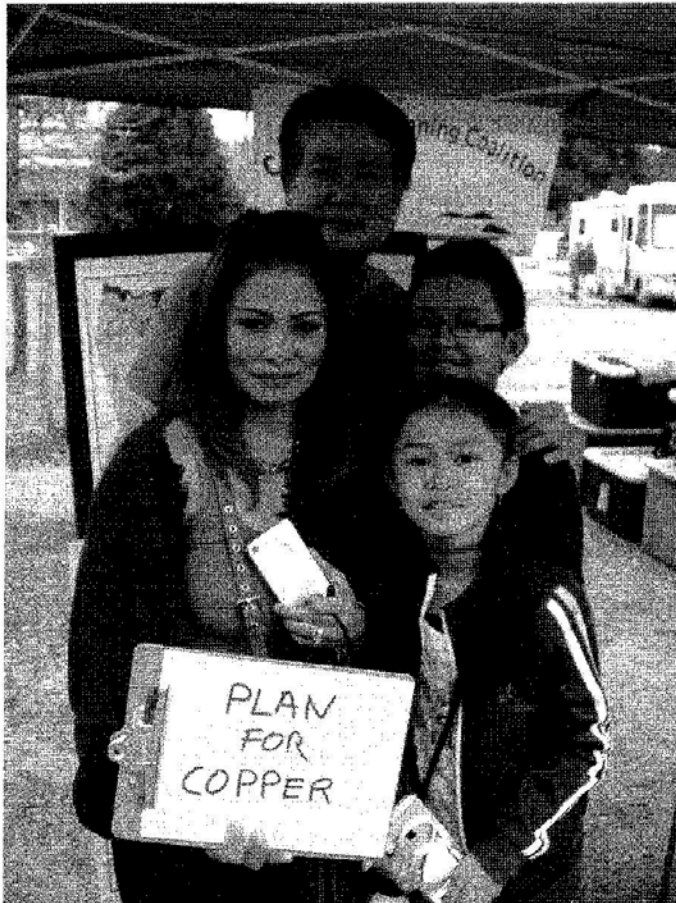
### Chapter 6 - Alternatives

#### 6.4 Environmentally Superior Alternative

11-184

We do ask for additional Alternatives to be considered in the final EIR, but we agree that, *out of the alternatives considered in this DEIR, “the DOF Projections Alternative would be considered the Environmentally Superior Alternative.”* The DOF Projections Alternative has the fewest environmental impacts as a result of project implementation, and it still provides opportunities to achieve the project objectives.

The last sentence in this section, “the DOF Projections Alternative would still result in the same significant and unavoidable impacts identified in this EIR for the proposed project” is misleading, as it implies the DOF alternative would result in “the same” impacts as the proposed project. The *issue areas* of impacts are the same, but *the impacts themselves are not*—impacts are *reduced in intensity*, and impacts are *fewer*. **Please rewrite and correct the last sentence. Thank you.**



6-10

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Cont'd**

Chapter 7 - References

**CHAPTER 7 – REFERENCES**

An EIR is supposed to be written so that decisionmakers and the public can rapidly understand the document. (CEQA Guidelines, sec. 15140; (*Banning Ranch Conservancy v. City of Newport Beach* (2017) 2 Cal. 5th 918, 941 [The DEIR must present data in a manner calculated to inform the public and decisionmakers, not “buried in an appendix.”].) This is especially important, when as in this case, the DEIR is evaluating a general plan that will have 25 significant adverse impacts that may persist for decades across an entire County, and the public review period is only 45 days. To assist in this rapid understanding of the document, section 15148 of the CEQA Guidelines indicates that, “The EIR shall cite all documents used in its preparation including, where possible, the page and section number of any technical reports which were used as the basis for any statements in the EIR.”

It is clear that some of the EIR authors are aware of how this is done. For example, it was done correctly in the footnote on page 4.1-14. However, there are no page references in 2 footnotes later in that same section on page 4.1-16.

Similarly, Section 4.12 (Public Services and Utilities) also fails to provide page citations with technical references in two footnotes on pages 4.12-11 and 4.12-28.

Section 4.8 (Hydrology and Water Quality) fails to provide page citations with technical references in a whopping 6 footnote on pages 4.8.-3, 4.8-5, 4.8-6, 4.8-8, and 4.8-19

Not to be outdone, Section 4.3 (Air Quality and Greenhouse Gas Emission) fails to provide page citations to technical report references with 7 footnotes on pages 4.3-13, 4.3-15, 4.3-23, 4.3-27, and 4.3-29. (See attached.)

The purpose of an EIR is to inform decisionmakers and public participation. Thwarting public participation is a prejudicial abuse of discretion. (*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 672 [The decision to approve an EIR with an inadequate project description precludes informed decisionmaking and public participation and is therefore a prejudicial abuse of discretion.]) Failing to provide page citations to lengthy technical reports places an undue burden on the public trying to review a two inch thick DEIR in 45 days. This was highly prejudicial, as the unnecessary burden of aimlessly wandering through voluminous documents to fact check the DEIR caused CPC to have to skip commenting on the air quality and water quality impact sections during the 45-day comment period. The County has prejudicially abused its discretion by failing to proceed as required by law, to the detriment of the public's participation in the CEQA process.

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DRAFT EIR  
CALAVERAS COUNTY DRAFT GENERAL PLAN  
JUNE 2018

In addition to the communities listed in Table 4.1-1, other communities exist within Calaveras County that the U.S. Census Bureau has not designated as official census places. Among the undesignated places are rural hamlets (e.g., Cave City or Campo Seco), housing developments adjacent to other towns (e.g., Douglas Flat or Hathaway Pines), and dispersed rural communities (e.g., Paloma and Sheep Ranch). Individual neighborhoods within larger Calaveras County towns such as Arnold, Copperopolis, the incorporated city of Angels Camp, and others may in some cases self-identify as distinct communities.

### 4.1.3 REGULATORY CONTEXT

Specific federal regulations do not directly pertain to the visual quality of an area. However, the following State and local regulations provide a framework for evaluation of aesthetic resources within the County.

#### State Regulations

The following State program is applicable to the proposed project.

##### California Scenic Highway Program

The goal of the California Scenic Highway Program is to preserve and enhance the natural beauty of California.<sup>5</sup> The State Scenic Highway System includes a list of highways that are either eligible for designation as Scenic Highways or have been so designated. Both eligible highways and officially designated State Scenic Highways are identified in Section 263 et seq. of the California Streets and Highways Code. Roadways designated as State Scenic Highways are protected under CEQA.

#### Local Regulations

The following local goals and policies are applicable to the proposed project.

##### 2013 Ebbetts Pass National Scenic Byway Corridor Management Plan

An Ebbetts Pass National Scenic Byway Corridor Management Plan (CMP) was originally adopted in 2004 and was updated in 2013. The CMP provides the vision, goals, and management recommendations for protecting and enhancing the Ebbetts Pass National Scenic Byway. The CMP is designed to provide guidance to federal, state, and local agencies, private landowners, and interested businesses in showcasing the scenery, historical significance, and extensive recreation opportunities present along the route.

The Ebbetts Pass Scenic Byway Association, is the local management organization for the Ebbetts Pass National Scenic Byway. The group was formed in 2006 to implement preservation and enhancement programs to protect the scenic and recreational resource. The updated CMP acts as the guiding document for the Association.

<sup>5</sup> California Department of Transportation. *Scenic Highway Guidelines* [pg. 2]. October 2008.

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DRAFT EIR  
CALAVERAS COUNTY DRAFT GENERAL PLAN  
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### Method of Analysis

The section below gives full consideration to the implementation of the Draft General Plan and acknowledges the physical changes to the existing setting. Impacts to the existing environment of the project area are to be determined by the contrast between the site's visual setting before and after buildout of the Draft General Plan. In addition, the following analysis utilizes a methodology based upon a Federal Highway Administration (FHWA) publication, *Visual Impact Assessment for Highway Projects*, as well as a USFS publication, *Landscape Aesthetics*.<sup>6,7</sup> Together, both sources provide the key analytical framework and guide the visual impact assessment process for the Draft General Plan. The visual quality of aesthetic resources within the County are assessed based on the following criteria:

- Vividness — the visual interest and memorability provided by landscape components;
- Intactness — the visual integrity of the natural and human-built landscape and freedom of the landscape from encroaching elements; and
- Unity — the visual coherence and order of the landscape.

The following discussions include an assessment of the anticipated changes in visual quality, evaluating such changes with respect to anticipated viewer response. The standards of significance listed above are used to delineate the significance of any anticipated visual or aesthetic alterations that would occur as a result of buildout of the Draft General Plan.

### Impacts and Mitigation Measures

The following discussion of impacts related to visual resources is based on buildout of the Draft General Plan in comparison to existing conditions and the standards of significance presented above.

#### 4.1-1 Substantial adverse effect on a scenic vista, or substantial damage to scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway. Based on the analysis below, the impact is *less-than-significant*.

Buildout of the Draft General Plan would result in population growth within County as well as development of previously undeveloped areas. Such growth and development has the potential to affect scenic vistas, natural resources, and resources within State Scenic Highways.

The sole scenic vista identified by the County consists of the Ebbetts Pass National Scenic Byway. As noted previously, the Byway is covered by the 2013 CMP, which provides guidance for maintaining and managing the Byway. It should be noted, however, that the 2013 CMP does not provide regulations or restrictions. Similarly, while the 1988 Special

<sup>6</sup> Federal Highway Administration. *Visual Impact Assessment for Highway Projects*. 1988.  
<sup>7</sup> United States Department of Agriculture, Forest Service. *Landscape Aesthetics, A Handbook for Scenery Management*. December 1995.

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potential of a gas. The common indicator for GHG is expressed in terms of metric tons of CO<sub>2</sub> equivalents (MTCO<sub>2e</sub>).

**Climate Change in California**

Uncertainties exist as to exactly what the climate changes will be in various local areas of the South. According to the Intergovernmental Panel on Climate Change's Working Group II Report, *Climate Change 2007: Impacts, Adaptation and Vulnerability*,<sup>5</sup> as well as the California Natural Resources Agency's report *Safeguarding California: Reducing Climate Risk*<sup>6</sup> climate change impacts to California may include:

- Increasing evaporation;
- Rearrangement of ecosystems as species and ecosystems shift northward and to higher elevations;
- Increased frequency, duration, and intensity of conditions conducive to air pollution formation (particularly ozone);
- Changes to statewide precipitation patterns including diminishing Sierra snowpack, which is anticipated to decline by 70 percent to 90 percent, threatening the State's water supply;
- Increased average surface temperatures and more frequent heat waves;
- Increased growing season and increased growth rates of weeds, insect pests and pathogens;
- Inundation by sea level rise, and exacerbated shoreline erosion; and
- Increased incidents and severity of wildfire events and expansion of the range and increased frequency of pest outbreaks.

The foregoing environmental impacts would have far reaching and interconnected consequences for Calaveras County.

**4.3.3 REGULATORY CONTEXT**

Air quality is monitored and regulated through the efforts of various international, federal, State, and local government agencies. Agencies work jointly and individually to improve air quality through legislation, regulations, planning, policy-making, education, and a variety of programs. The agencies responsible for regulating and improving the air quality within the project area are discussed below.

**Federal Regulations**

The most prominent federal regulation is the FCAA, which is implemented and enforced by the USEPA.

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<sup>5</sup> Intergovernmental Panel on Climate Change. *Climate Change 2007: Impacts, Adaptation, and Vulnerability*. 2007.  
<sup>6</sup> California Natural Resources Agency. *Safeguarding California: 2018 Update*. January 2018.



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Local air pollution control districts have been granted explicit authority to adopt and implement transportation controls. The CARB, California's air quality management agency, regulates and oversees the activities of county air pollution control districts and regional air quality management districts. The CARB regulates local air quality indirectly using State standards and vehicle emission standards, by conducting research activities, and through planning and coordinating activities. In addition, the CARB has primary responsibility in California to develop and implement air pollution control plans designed to achieve and maintain the NAAQS established by the USEPA. Furthermore, the CARB is charged with developing rules and regulations to cap and reduce GHG emissions.

### Air Quality and Land Use Handbook

CARB's *Air Quality and Land Use Handbook: A Community Health Perspective* (CARB Handbook) addresses the importance of considering health risk issues when siting sensitive land uses, including residential development, in the vicinity of intensive air pollutant emission sources including freeways or high-traffic roads, distribution centers, ports, petroleum refineries, chrome plating operations, dry cleaners, and gasoline dispensing facilities.<sup>8</sup> The CARB Handbook draws upon studies evaluating the health effects of traffic traveling on major interstate highways in metropolitan California centers within Los Angeles (I-405 and I-710), the San Francisco Bay, and San Diego areas. The recommendations identified by CARB, including siting residential uses a minimum distance of 500 feet from freeways or other high-traffic roadways, are consistent with those adopted by the State of California for location of new schools. Specifically, the CARB Handbook recommends, "Avoid siting new sensitive land uses within 500 feet of a freeway, urban roads with 100,000 vehicles/day, or rural roads with 50,000 vehicles/day" (CARB 2005).

Importantly, the Introduction section of the CARB Handbook clarifies that the guidelines are strictly advisory, recognizing that: "[I]and use decisions are a local government responsibility. The Air Resources Board Handbook is advisory and these recommendations do not establish regulatory standards of any kind." CARB recognizes that there may be land use objectives as well as meteorological and other site-specific conditions that need to be considered by a governmental jurisdiction relative to the general recommended setbacks, specifically stating, "[t]hese recommendations are advisory. Land use agencies have to balance other considerations, including housing and transportation needs, economic development priorities, and other quality of life issues" (CARB 2005).

### *Assembly Bill 1807*

Assembly Bill (AB) 1807, enacted in September 1983, sets forth a procedure for the identification and control of TACs in California. CARB is responsible for the identification and control of TACs, except pesticide use, which is regulated by the California Department of Pesticide Regulation.

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<sup>8</sup> California Air Resources Board. *Air Quality and Land Use Handbook: A Community Health Perspective*. April 2005.

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### Local

Regulations from the applicable Calaveras County agencies are presented below.

### CCAPCD

Air Quality in Calaveras County is protected by the CCAPCD. The primary goal of the CCAPCD is to protect public health by managing the County's air quality, and achieving or maintaining NAAQS and CAAQS. Air quality management is achieved through public education and enforcement of rules and regulations. The CCAPCD promulgates and enforces rules and regulations, and enforces the CARB's Air Toxic Control Measures.

The CCAPCD permits and inspects stationary sources of air pollution. Stationary sources subject to CCAPCD regulation include gasoline dispensing facilities (gas stations), rock quarries, paint spray booths, and diesel generators greater than 50 break horsepower. The district disseminates burn day information from the CARB and issues burn permits for areas greater than five acres.

The CCAPCD and CARB rules and regulations most relevant to the Draft General Plan include, but are not limited to:

- Rule 202 – Visible Emissions;
- Rule 205 – Nuisance;
- Rule 207 – Particulate Matter;
- Rule 210 – Specific Contaminants;
- Regulation III – Open Burning;
- Regulation IV – Authority to Construct Regulations;
- Regulation V – Permit to Operate Regulations; and
- Regulation IX – Air Toxics Control Measures.

### *Assessing Impacts from Land Use Projects*

The CCAPCD maintains guidelines for the assessment of land use projects within the County. The guidelines present expectations and methodologies for project analysis based on a project's compliance with the CCAPCD's SIPs. The multi-step project analysis process includes project screening, estimation of emissions, comparison of estimated project emissions to the CCAPCD's emissions thresholds, and selection of mitigation measures.<sup>15</sup>

The CCAPCD provides standard mitigation measures that may be applied to projects found to exceed district mass emissions thresholds. The standard mitigation measures are divided into several categories as presented below:

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<sup>15</sup> Calaveras County Air Pollution Control District. *Guidelines for Assessing and Mitigating Air Quality Impacts of Land Use Projects*.

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thresholds would present a conservative analysis for the proposed project. Therefore, in the absence of other applicable emissions thresholds, the estimated emissions under buildout of the Draft General Plan will be compared to the CCAPCD's thresholds of significance presented in Table 4.3-6.

### GHG Emissions

The CCAPCD has not adopted thresholds of significance for the analysis of GHG emissions related to implementation of a proposed project. However, as discussed above, the 2017 Scoping Plan identifies per capita emissions rates that may be used in local planning for the assessment of GHG emissions. As discussed in the 2017 Scoping Plan, if a plan results in annual per capita emissions of no more than six MTCO<sub>2e</sub> by the year 2030 and no more than two MTCO<sub>2e</sub> by the year 2050, the proposed plan would be considered in compliance with all adopted State requirements for the reduction of GHG emissions. Such State requirements include AB 32, SB 32, and related executive orders discussed above.<sup>16</sup>

### Method of Analysis

The analysis protocol and guidance provided by the CCAPCD's *Guidelines for Assessing and Mitigating Air Quality Impacts of Land Use Projects* was used to analyze the proposed project's air quality and GHG emissions impacts. Where potentially significant air quality or GHG emissions impacts are identified, mitigation measures are required that would reduce or eliminate the impact.

Build-out of the Draft General Plan would include short-term construction related emissions as well as long-term operational emissions. Although potential impacts from construction activity are qualitatively considered in this EIR, the uncertainty of construction activity related to buildout of the Draft General Plan prohibits the quantification of such emissions. Operational emissions related to build-out of the Draft General Plan are subject to some uncertainty; however, a sufficient amount of information exists related to land use estimates for build-out of the Draft General Plan that long-term operational criteria pollutant and GHG emissions from various sources may be estimated. The long-term operational criteria pollutant and GHG emissions from buildout of the Draft General Plan were estimated using the California Emissions Estimator Model (CalEEMod) software version 2016.3.2 - a statewide model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify air quality emissions, including GHG emissions, from land use projects. The model applies inherent default values for various land uses, including trip generation rates based on the ITE Manual, vehicle mix, trip length, water use, solid waste generation, etc. However, where project-specific data was available, such data was input into the model. It should be noted that for the purposes of air quality and GHG emissions assessment, buildout of the Draft General Plan was assumed to occur by 2035. Assuming that buildout would occur by 2035 allows for a conservative analysis of potential emissions from all potential development within the County under the Draft General Plan. Therefore, if buildout of the entire County does not occur by 2035, the actual Countywide emissions would be less severe than the emissions analyzed in this chapter.

<sup>16</sup> California Air Resources Board. *California's 2017 Climate Change Scoping Plan*. November 2017.

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from wildfires. The most recent NEI data is available from the year 2014.<sup>17</sup> All NEI data is presented in Appendix C of this EIR.

It should be noted that differences exist between the USEPA and CARB definition of certain organic compounds. Whereas the USEPA regulates VOCs, the CARB regulates ROG. Although differences exist between the nomenclature of such emissions, the constituents of such emissions are substantively similar between VOCs and ROG. <sup>18</sup> Therefore, while the NEI presents emissions for VOCs within the County, such emissions are presented as ROG in this analysis to maintain consistency with the CARB's guidance regarding such pollutants.

### Emissions from Natural Lands

As noted above, both the NEI and CalEEMod include emissions estimation from anthropogenic sources such as vehicle usage. However, CalEEMod does not include emissions estimation from biogenic sources, such as emissions of volatile organic compounds (VOCs) from vegetation, nor does CalEEMod estimate emissions from wildfires or prescribed burns. Calaveras County includes heavily vegetated areas, which represents a significant source of natural VOCs, and, as discussed in Chapter 4.7, Hazards and Hazardous Materials, are subject to wildfire risks. Furthermore, prescribed burns are used within the County to manage fire risk. Buildout of the Draft General Plan may result in the conversion of natural lands for other uses, see Chapter 4.2, Agricultural, Forest, and Mineral Resources; nevertheless, biogenic VOC emissions as well as pollutant emissions related to wildland fires and prescribed burns are anticipated to continue into the future. Although changes to the existing wildland fire regime and the rate of biogenic VOC emissions, or alterations to the application of prescribed burns for fire control could occur, future changes to emissions from such sources are uncertain and speculative. Therefore, due to the lack of comprehensive data regarding changes to such emissions and because CalEEMod does not include estimations of emissions related to biogenic VOCs, wildland fires, and prescribed burns, the NEI estimates for such emissions were added to the CalEEMod emissions estimates for buildout of the General Plan.

### **Impacts and Mitigation Measures**

The following discussion of impacts related to air quality is based on buildout of the Draft General Plan in comparison to existing conditions and the standards of significance presented above.

**4.3-1 A violation of any air quality standard or substantial contribution to an existing or projected air quality violation during operations, and a conflict with or obstruction of implementation of applicable air quality plans through the emission of a cumulatively considerable amount of criteria pollutants. Based on the analysis below, even with mitigation, the impact is significant and unavoidable.**

<sup>17</sup> United States Environmental Protection Agency. *Air Emissions Inventories: National Emissions Inventory (NEI)*. Available at <https://www.epa.gov/air-emissions-inventories/national-emissions-inventory-nei>. Accessed March 2018.

<sup>18</sup> California Air Resources Board. *Definitions of VOC and ROG*. January 2009.

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Watersheds within Calaveras County include the following:

- Upper and Lower Mokelumne;
- Upper and Lower Calaveras;
- Upper and Lower Stanislaus; and
- Lower San Joaquin River.

The watersheds listed above represent all or part of a surface water drainage basin or distinct hydrologic features. Boundaries of the watersheds are not coterminous with the boundaries of the County. The watersheds primarily consist of a major river system (the Mokelumne, Calaveras, Stanislaus, or San Joaquin), together with the tributaries of the river systems. Each of the aforementioned river systems are discussed below in further detail.

### Mokelumne River

The Mokelumne River runs in three forks (North, Middle, and South) from the Sierra Nevada Mountains in Alpine County. Snowmelt serves as the primary source of water for the Mokelumne River. An area of approximately 660 square miles is drained by the Mokelumne River, which flows southwest, with the forks all joining near Lodi, then turns northwest to end in the Sacramento River delta lands, and finally empties into the San Joaquin River approximately 20 miles north of Stockton. The Mokelumne River forms the County's northern boundary with neighboring Amador County, and was considered the division between the southern and northern mining districts during the Gold Rush. The river passes through several reservoirs in the County, including Salt Springs Reservoir, Pardee Reservoir, and Camanche Reservoir.<sup>3</sup>

### Calaveras River

The Calaveras River originates in the Sierra Nevada Mountains, extends west-southwest approximately 60 miles toward and through the Stockton metropolitan area, and terminates at the San Joaquin River, outside of Calaveras County. Within the County, the Calaveras River runs in two forks (North and South). The river is fed almost entirely by rainfall and encompasses approximately 550 square miles. In the Upper Calaveras watershed, above New Hogan Dam and within the County, the primary tributaries are Esperanza, Jesus Maria, Calaveritas, San Antonio, and San Domingo Creeks. Below New Hogan Dam, in the Lower Calaveras watershed, the main tributaries conveying runoff in the County are the Cosgrove, Indian, and South Gulch Creeks.

### Stanislaus River

The Stanislaus River drains a narrow basin of approximately 980 square miles above the foothills on the western slope of the San Joaquin River, forming the southern boundary of the County. Elevations along the river range from 15 feet above sea level at the river mouth to 10,000 feet at the crest of the drainage area. The three tributary forks (North, Middle, and South) of the Stanislaus

<sup>3</sup> RMC. *Mokelumne/Amador/Calaveras Integrated Regional Water Management Plan: Public Draft*. December 14, 2006.

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irrigation and domestic water supply. Tulloch Reservoir is located in Copperopolis on the lower Stanislaus River below New Melones Reservoir. Capacity of the reservoir is approximately 67,000 af.

### *New Melones Reservoir*

New Melones Reservoir was completed in 1978 and is owned and operated by the U.S. Bureau of Reclamation. With a capacity for 2,420,000 af, New Melones Reservoir is one of California's largest reservoirs, located behind the 625-foot New Melones Dam on the Stanislaus River. Irrigation water, flood control, and hydroelectric power are provided by New Melones.

### *Salt Springs Reservoir*

Salt Springs Reservoir was completed in 1931 and is owned and operated by the Pacific Gas and Electric Company (PG&E) for hydroelectric power purposes. The reservoir is located at a high elevation within the Stanislaus National Forest along the North Fork of the Mokelumne River on the Calaveras/Amador County border. Salt Springs has a capacity of approximately 140,000 af.

### *Spicer Reservoir*

Spicer Reservoir is owned by the Calaveras County Water District and operated by the Northern California Power Agency for power generation. The reservoir is located at a high-elevation on the Stanislaus River system, eight miles southwest of State Route (SR) 4.

In addition to the reservoirs described above, a number of smaller older reservoirs built for irrigation and flood control purposes are found throughout the County. Such reservoirs include Hunter Reservoir, Salt Springs Valley Reservoir, Tiger Creek Reservoir, Calaveras Reservoir, Emery Reservoir, Schaads Reservoir, Old McCormick Reservoir, Copperopolis Reservoir, and the Goodwin Diversion Dam. In addition, several reservoirs were created as part of mine reclamation, such as Mine Run Reservoir near Camanche Reservoir.<sup>4</sup>

### Major Streams and Diversion Canals

Below is a list of 23 major streams and diversion canals. Lesser perennial and seasonal creeks are not included in the list.

- Airola Creek
- Angel's Creek
- Bear Creek
- Blue Creek
- Calaveras Public Utility Ditch
- Calaveritas Creek
- Cherokee Creek

<sup>4</sup> U.S. Geological Survey. *Hydrogeology and Geochemistry of Acid Mine Drainage in Ground Water in the Vicinity of Penn Mine and Camanche Reservoir, Calaveras County, California: Summary Report, 1993-95. 1999.*

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- Dutch Creek
- Esperanza Creek
- Forest Creek
- Indian Creek
- Jesus Maria Creek
- Licking Fork
- McCarty Creek
- Moore Creek
- Murray Creek
- San Antonio Creek
- San Domingo Creek
- Steele Creek
- Spring Valley Creek
- Swamp Creek
- Telegraph Creek
- Utica Ditch

Surface Water Quality

Typically, water quality issues stem from runoff during wet weather events, direct discharge associated with industrial/commercial activities, resource extraction activities, leaking sewer infrastructure, and illicit dumping. Additional potential sources of polluted water within the County include past waste disposal practices, agricultural chemicals, and chemicals and fertilizers applied to landscaping. Characteristic water pollutant contaminants may include sediment, hydrocarbons and metals, pesticides, nutrients, bacteria, and trash.

The State Water Resources Control Board (SWRCB), in compliance with the Clean Water Act, Section 303(d), prepared a list of impaired water bodies in the State of California. The list was approved by the US EPA in 2003. The Lower Stanislaus River is listed as being impaired by Diazinon, Group A pesticides, and mercury. Group A pesticides include chlordane, toxaphene, heptachlor, endosulfan, and several other pesticides. Diazinon and the Group A pesticides likely resulted from agricultural applications. Mercury likely originated from mining activities. The Central Valley Regional Water Quality Control Board (CVRWQCB) is required to develop and implement a plan to lower the amounts of the known contaminants in the Lower Stanislaus River to an acceptable level.<sup>5</sup>

Findings from a watershed assessment report prepared for the Upper Mokelumne River watershed provide information regarding the quality of water in the watershed.<sup>6</sup> Contaminants and characteristics of concern identified by the watershed assessment include turbidity, alkalinity, aluminum, nitrate, and pathogens. Each of these constituents is found in elevated levels throughout the watershed. High levels of turbidity and low alkalinity were determined to be the result of the

<sup>5</sup> Central Valley Regional Water Quality Control Board. *CWA Section 303(d) List of Water Quality Limited Segment*. Approved July 2003.

<sup>6</sup> Upper Mokelumne River Watershed Authority. *Technical Memorandum Number 9: Watershed Assessment Upper Mokelumne River Watershed Assessment and Planning Project*. April 2007.

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Although groundwater resources occur in other parts of the County, officially delineated groundwater basins do not exist to define such areas. According to the Calaveras County Water District (CCWD) 2015 UWMP Urban Water Management Plan, local groundwater systems within Sierra Nevada foothill areas occur mostly in poorly permeable fractured rock, within which groundwater storage is limited to the small volume represented by the fracture openings. Natural recharge occurs seasonally from the deep percolation of precipitation during the winter.

The bulk of Calaveras County is underlain by the faulted and folded igneous and metamorphic rocks of the Sierra Nevada. A portion of the County is within the Calaveras County Water District Groundwater Management Plan area, which is underlain by westward thickening alluvial sediments. Groundwater occurs in the faults and fractures of the Sierra Nevada rocks and in the pore space of alluvial sediments in the Plan area. Wells drilled into the Sierra Nevada rocks may yield small amounts of water to domestic wells; however, water supply and availability are unpredictable.

Wells drilled into the alluvial sediments found in the County are more reliable than wells drilled in the Sierra Nevada rocks, but are becoming less reliable as the demands placed on the aquifer have increased. In the northwest portion of Calaveras County, the bedrock of the Sierra Nevada is overlain by the alluvial sediments of the Central Valley. The alluvial aquifer yields more water than the bedrock aquifer, and is more reliable and manageable. Groundwater wells in the unincorporated County typically extract water from such eastward-thinning alluvial deposits.<sup>7</sup>

### Groundwater Quality

The water quality in the Eastern San Joaquin groundwater sub-basin is impaired and has been directly affected by the severe overdraft that has occurred in the sub-basin. As water levels in the sub-basin have declined, a saline front originating in the western portion of the basin has moved eastward. From 1994 through 2000, samples taken from wells within the impacted area of the sub-basin yielded water quality results that exceed maximum contaminant levels (MCLs) for constituent pollutants. Constituent pollutants include inorganic and radiological pollutants, nitrates, pesticides, volatile organic compounds (VOCs), and semi-volatile organic compounds (SVOCs).

Continuous monitoring of the groundwater quality from the Wallace Community Services District (WCSD) wells shows little change in the last 15 years. The water from the wells generally has iron and manganese concentrations above the MCL. However, implementation of industry standard treatment practices using a potassium permanganate additive and filtering results in concentrations typically in the range of 10 percent of the MCLs.

The quality of the remainder of the groundwater found throughout the County, in addition to the Eastern San Joaquin groundwater sub-basin, may be affected by activities that include Class V injection wells, abandoned mines, abandoned wells, underground storage tanks, hazardous waste sites, on-site septic systems, failing septic systems, and solid waste sites. Contaminants that may

<sup>7</sup> Calaveras County Water District. 2015 Urban Water Management Plan. May 2016.

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### Method of Analysis

The hydrology and water quality impact analysis below is primarily based on information provided by the Calaveras County Local Agency Groundwater Protection Program, the Mokelumne/Amador/Calaveras Integrated Regional Water Management Plan Update,<sup>12</sup> and the Calaveras County Water District's 2015 Urban Water Management Plan Update.<sup>13</sup> Impacts to groundwater, water quality, and drainage associated with the buildout of the Draft General Plan are evaluated below, and impacts are identified if the above standards of significance would be exceeded as a result of buildout.

### Impacts and Mitigation Measures

**4.8-1 Buildout of the Draft General Plan would violate water quality standards or waste discharge requirements or otherwise substantially degrade water quality. Based on the analysis below, the impact is less-than-significant.**

Implementation of the Draft General Plan could result in additional water pollutant discharges from construction activities, underground storage and septic tanks, municipal and industrial point sources, agricultural activities, and urban runoff. Such discharges could pollute the watersheds shown in Figure 4.8-1, including the Lower Stanislaus River, which is listed as impaired per the SWRCB.

#### Construction Activities

Construction activities such as grading, excavation, and trenching for utilities associated with buildout of the Draft General Plan would occur throughout the County, and such activities would result in the disturbance of soils. Exposed soils have the potential to affect water quality in two ways: 1) suspended soil particles and sediments transported through runoff; or 2) sediments transported as dust that eventually reach local water bodies. Spills or leaks from heavy equipment and machinery, staging areas, or building sites also have the potential to enter runoff. Typical pollutants include, but are not limited to, petroleum and heavy metals from equipment and products such as paints, solvents, and cleaning agents, which could contain hazardous constituents. Sediment from erosion of graded or excavated surface materials, leaks or spills from equipment, or inadvertent releases of building products could result in water quality degradation if runoff containing the sediment or contaminants should enter receiving waters in sufficient quantities.

#### Septic Tanks

On-site septic systems are highly prevalent within the County, and mapping septic systems is of high priority when considering contaminant sources. Currently, CCEHD oversees the Underground Storage Tank Program for the County and provides oversight of remediation

<sup>12</sup> Upper Mokelumne River Watershed Authority. *Mokelumne/Amador/Calaveras Integrated Regional Water Quality Management Plan Update*. January 2013  
<sup>13</sup> Calaveras County Water District. *2015 Urban Water Management Plan Update*. June 2016.

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The District uses a response time goal of four minutes. The actual response time from dispatch to on-scene is approximately nine minutes in rural areas of the Calaveras Consolidated Fire District service area and three to four minutes within the developed areas of Jenny Lind and Valley Springs. The District received approximately 1,400 emergency calls in 2017.<sup>11</sup>

The District's current ISO rating is six in areas where fire hydrants are within 1,000 feet and eight where hydrants are not within 1,000 feet. Calaveras Consolidated has formal mutual aid and automatic mutual aid agreements with neighboring fire districts, including San Andreas FPD (auto aid-structure fires only), Linden, and Clements FD (mutual aid on request).<sup>12</sup>

### *Ebbetts Pass Fire District*

The Ebbetts Pass Fire District (FD) covers an approximate 205-square mile area. The western boundary lies at an elevation of approximately 2,000 feet above sea-level east of Murphys and the eastern boundary terminates at the Alpine County line at an elevation of approximately 8,000 feet above sea-level. The southern border adjoins the Tuolumne County border and the North Fork of the Stanislaus River Canyon. California SR 4 bisects the District and runs approximately 40 miles from the eastern boundary to the western boundary. The District provides advanced life support (ALS) service and transport to the western section of Alpine County including Bear Valley, the Carson-Iceberg Wilderness, and Mokelumne River Canyon Wilderness. This adds approximately 400 square miles to the District's response area. Additionally, the Ebbetts Pass Fire District provides mutual aid response to wildland and structure fire to the areas of Alpine County and the Murphys Fire District.

The Ebbetts Pass FD has four fire stations, two of which are staffed 24 hours a day, seven days a week with full-time paid firefighters and firefighter paramedics, which provide structural and wildland fire protection and ambulance service. The Ebbetts Pass FD is a combination fire department with both a paid division and a volunteer division. The paid division has a staff of 24, which consists of 21 firefighter/firefighter-paramedics, a Fire Chief, an Executive Administrator, and a part-time Fire Prevention Officer. Additionally, the District has a five-member Board of Directors. The breakdown of positions is as follows:

- One Fire Chief;
- Two Battalion Chiefs;
- Three Captains;
- Six Engineers; and
- One Executive Administrator.

Additionally, the Ebbetts Pass FD provides the following services to the communities of the Ebbetts Pass FD:

<sup>11</sup> Dickinson, Richard, Fire Chief, Calaveras Consolidated Fire Protection District. Personal communication [phone] with Jacob Byrne, Raney Planning and Management. March 8, 2018.

<sup>12</sup> Calaveras County Local Agency Formation Commission. *Calaveras Fire Municipal Service Review*. Adopted June 17, 2013.

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3. Ebbetts Pass;
4. West Point;
5. Sheep Ranch; and
6. Wallace Service Area.

CCWD also provides wholesale water to Snowshoe Springs, Fly-In Acres, and on an emergency basis to Blue Lake Springs Mutual Water Company and Valley Springs Public Utility District. In addition to the foregoing service areas and wholesale customers, the CCWD provides irrigation water to 92 customers (1,955 acre-feet) and maintains three systems with recycled water that provide water to Saddle Creek, Forest Meadows and La Contenta Golf courses (1,057 acre-feet). Although the latter two golf courses recently closed, CCWD has contractual rights to continue disposing of recycled water at the courses.

### *Water System Descriptions*

The following descriptions of CCWD's six independent water systems in Calaveras County are taken from CCWD's 2015 *Urban Water Management Plan (UWMP)*,<sup>34</sup> which is an update to the District's 2010 UWMP in accordance with California's Urban Water Management Planning Act.

#### Jenny Lind

The Jenny Lind system, located in the northwest region of the County, receives surface water from New Hogan Reservoir through a non-Central Valley Project (CVP) contract with the United States Bureau of Reclamation (USBR). The diversion point is an infiltration gallery located on the lower Calaveras River, approximately one mile downstream of the New Hogan Dam. The Jenny Lind Water Treatment Plant serves the area with an existing capacity of 6.0 million gallons per day (mgd), with plans to expand the plant capacity to meet near-term and long-term demands. According to the 2015 UWMP, the area's proximity to existing transportation networks is anticipated to encourage large growth within the Jenny Lind system area. The distribution system is divided into five tank service zones and contains two clear wells, six storage tanks, eight booster pumping stations, and 16 pressure reducing valves. The system hydraulic grade line varies from 485 to 918 feet.

#### Copper Cove and Copperopolis

One connected water system serves the two areas of Copper Cove and Copperopolis, located in the southwest sub-region of the County. The Copperopolis improvement district was formed on April 4, 1952, and the Copper Cove improvement district was formed on July 2, 1969. Both systems are physically connected and as such are treated as one system. The service area is approximately 4,000 acres and serves the communities of Copperopolis, Copper Cove, Conner Estates, Copper Meadows, Saddle Creek, and Lake Tulloch.

<sup>34</sup> Calaveras County Water District. 2015 *Urban Water Management Plan*. May 2016.

**LETTER 11: CALAVERAS PLANNING COALITION**

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**Response to Comment 11-1**

The County has specifically chosen to use the word “accommodate” in this instance to reflect the fact that the “carrying capacity” estimate presented in the EIR is the theoretical maximum development potential for the Draft General Plan Land Use Map. The ability of the Land Use Map to accommodate growth is not indicative of whether or not such growth would result in significant environmental impacts.

**Response to Comment 11-2**

Table 3-1 of the Draft EIR provides an overview of the residential buildout estimates that were used to calculate the overall carrying capacity of the Draft General Plan Land Use Map. For each Draft General Plan land use designation, the table summarizes the total acreage provided within the County per the Draft General Plan Land Use Map, along with the maximum residential density, maximum population density, and buildout percentage. Such values are used to calculate the estimated total units and total population that could be reasonably accommodated within the County under Draft General Plan buildout. As noted on page 3-5 of the Draft EIR, this estimate is known as “carrying capacity”. The carrying capacity does not represent actual buildout nor does the estimate express with any certainty what will in fact occur. Rather, carrying capacity is simply a way to understand the development potential of the land use map.

Estimates of percent buildout for each Draft General Plan land use designation are based on trends in housing demand, the types of development that has occurred in the past, and land-based constraints such as topography, flood zones, and infrastructure limitations. With regard to the Community Center land use designation, some areas are currently developed with a mix of single-family residential uses, apartments, and commercial uses. Twenty percent buildout would be a likely scenario given these facts.

Residentially designated land would likely to build out at approximately half of its expected capacity. Most new residential subdivisions have been proposed at about 2.5 to 3 dwelling units per acre, based on market demand, infrastructure requirements, and slope constraints. In addition, many lower-density, rural parcels that have been created in the past have not been developed, and the demand to develop such parcels is limited. Because most of the Resource Production and Working Lands are focused timber management, grazing, and other resource activities, even lower levels of buildout have been experienced and are expected in the future.

Given that development trends and site constraints are highly variable throughout the County, any estimate of buildout potential for a given land use designation is somewhat speculative. However, in determining buildout percentages for the various land uses included in the Draft General Plan, the County elected to choose what is likely a higher estimate of development potential so as to ensure that any associated adverse environmental effects are not underestimated. The buildout percentages used to develop the growth assumptions presented in the Draft EIR were vetted by the Calaveras County Board of Supervisors.

### Response to Comment 11-3

As required by Section 15121 of the CEQA Guidelines, this EIR (a) informs public agency decision-makers, and the public generally, of the significant environmental effects of the project, (b) identifies possible ways to minimize the significant adverse environmental effects, and (c) describes reasonable and feasible project alternatives that reduce environmental effects. CEQA Guidelines Section 15021(b) states the following regarding the selection of feasible mitigation measures: “In deciding whether changes in a project are feasible, an agency may consider specific economic, environmental, legal, social, and technological factors.” For additional discussion of the specificity of polices and IMs included in the Draft General Plan, please see Master Response #2.

Based on the above, in determining which mitigation measures are feasible to address potentially significant impacts identified for the project, the County may elect to consider specific barriers to feasibility that are unique to the economic and geographic setting of the County. Per CEQA Guidelines Section 15091, the County is required to provide written findings for each significant effect identified, accompanied by an explanation of the rationale for each finding. The findings must explain the feasibility of mitigation measures identified in the EIR. Furthermore, consistent with CEQA Guidelines Sections 15043 and 15093, the County is required to adopt a Statement of Overriding Considerations prior to certification of the EIR. In the Statement of Overriding Considerations, the County must explain and justify its conclusion to approve the project regardless of the significant and unavoidable impact. The Statement of Considerations will include a discussion of why feasible mitigation is not available to avoid the significant and unavoidable impacts identified in the EIR.

### Response to Comment 11-4

Page 1-1 of the Draft EIR is hereby revised as follows:

The Calaveras County Draft General Plan Environmental Impact Report (EIR) was prepared in accordance with the California Environmental Quality Act (CEQA), as amended. Calaveras County is the lead agency for the environmental review of the Calaveras County Draft General Plan (proposed project) evaluated herein and has the principal responsibility for approving the project. As required by Section 15121 of the CEQA Guidelines, this EIR will (a) inform public agency decision-makers, and the public generally, of the significant environmental effects of the project, (b) identify possible ways to minimize the significant adverse environmental effects, and (c) describe reasonable and feasible project alternatives that reduce environmental effects. Per CEQA Guidelines Section 15021, a public agency should not approve a project as proposed if there are feasible alternatives or mitigation measures available that would substantially lessen any significant effects that the project would have on the environment. The lead agency shall consider the information in the EIR along with other written information, maps, or data that may be presented to the lead agency.

The forgoing revision is for clarification purposes only and does not affect the conclusions of the Draft EIR.

With regard to the inclusion of sufficient maps and data in the Draft EIR, such information has been incorporated in the EIR wherever applicable. While there are limited instances in which specific maps or datasets are not available, the County has made a good-faith effort to provide all available information to support the conclusions in the Draft EIR.

### **Response to Comment 11-5**

Please see Master Response #7.

### **Response to Comment 11-6**

Comment noted; however, the comment does not address the adequacy of the Draft EIR.

### **Response to Comment 11-7**

Please see Response to Comment 11-4. The comment provides an introduction to the comments to follow, responses to which are provided below.

### **Response to Comment 11-8**

Page 2-4 of the Draft EIR is hereby revised as follows to summarize the areas of controversy identified during the NOP public review period:

Only the Draft General Plan Land Use Map would be altered; the allowable densities for each individual land use designation and all other components of the Draft General Plan would remain unchanged. The Rural Character Protection Alternative would generally meet all of the project objectives.

## **2.6 AREAS OF CONTROVERSY**

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Areas of controversy that were identified in NOP comment letters, and are otherwise known for the region, include the following:

- Population growth projections;
- Potential conversion of agricultural lands;
- Need for buffer zones between agricultural and urban uses;
- Impacts to riparian and terrestrial habitats, including habitats for sensitive species
- Impacts to tribal cultural resources;
- Impacts related to earthquake hazards;
- Health hazards associated with existing mine tailings;
- Coverage under the Construction General Permit for stormwater discharges;
- Direct growth to developed areas as a result of construction of infrastructure, including roads;
- Increases in ambient noise associated with future development;
- Impacts related to increased demand on utilities and public services;
- Impacts to groundwater supply;
- Traffic impacts on County roadways;

- Issues related to consistency with adopted Community Plans; and
- Reasonably foreseeable growth inducement.

Please note that each of the issue areas noted above are also described in Table 1-1 of the Draft EIR. The addition of this list to the Draft EIR does not result in a change in any of the conclusions.

### **Response to Comment 11-9**

Please see Response to Comment 11-8 above.

### **Response to Comment 11-10**

Issues that were raised by various agencies during public review of the Draft General Plan are not applicable to the CEQA process. Rather, the EIR focuses on comments received during the public review periods for the NOP and the Draft EIR. Thus, the comment does not address the adequacy of the Draft EIR. Furthermore, to the extent that issues raised by agencies are applicable to the analysis within the EIR, such issues are listed in Chapter 1, Introduction, of the Draft EIR (see Table 1-1). It should be noted that per CEQA Guidelines Section 15151, disagreement among experts does not make an EIR inadequate. Where agencies have provided specific comments regarding the adequacy of the Draft EIR, responses have been provided in this Final EIR.

### **Response to Comment 11-11**

Please see Master Responses #2 and #3.

### **Response to Comment 11-12**

Please see Responses to Comments 11-1 and 11-2.

### **Response to Comment 11-13**

The level of growth analyzed within the Draft EIR is based on implementation of the Draft General Plan. As noted on page 4.11-10 of the Draft EIR, the Draft General Plan does not include goals or policies that would substantially limit population growth that is projected for the County. As such, for most of the technical chapters included in this EIR, determination of impacts is based on buildout of the Draft General Plan per the estimated carrying capacity in order to provide a conservative analysis. While growth projections may vary from year to year based on market trends, the carrying capacity estimate presented in the Draft EIR is anticipated to remain constant and provide a worst-case analysis of impacts.

As noted in Response to Comment 11-2 above, given that development trends and site constraints are highly variable throughout the County, any estimate of buildout potential for a given land use designation is somewhat speculative. However, in determining buildout percentages for the various land uses included in the Draft General Plan, the County elected to choose what is likely a higher estimate of development potential so as to ensure that any associated adverse

environmental effects are not underestimated. The buildout percentages used to develop the growth assumptions presented in the Draft EIR were vetted by the Calaveras County Board of Supervisors.

It should be noted that per CEQA Guidelines Section 15126.2 (d), “It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.” Furthermore, the Draft EIR is not required to recommend approval or disapproval of a proposed project based on the environmental impacts identified therein. Rather, as stated in CEQA Guidelines Section 15092, “After considering the final EIR and in conjunction with making findings under Section 15091, the Lead Agency may decide whether or how to approve or carry out the project.” Thus, an EIR is intended to serve solely as a tool to aid in the Lead Agency’s ultimate decision.

### **Response to Comment 11-14**

Page 1-1 of the Draft EIR refers to the total acreage of land included within the County (662,791 acres), whereas Table 3-1, Residential Buildout Estimates by Land Use, of the Draft EIR, specifically relates to the residential development potential of certain Draft General Plan land use designations. The table does not include any land use designations that do not allow for residential development. Thus, the “Existing Total County Acreage” figures presented in the “Residential Buildout Estimates” table sum to a total of 482,568.3 acres, which represents only a portion of the total area of land included in the County.

### **Response to Comment 11-15**

As noted on page 4.11-1 of the Draft EIR, estimates and projections related to population and housing often change from year to year depending on changing growth trends and variability in data collection. Since preparation of the Draft General Plan, the County has refined estimates for buildout of the Draft General Plan. Prior to adoption, the County will amend the growth estimates presented in the Land Use Element of the Draft General Plan to be consistent with the estimates presented in the Draft EIR. Given that the analysis presented in the Draft EIR did not rely on the growth estimates included in the Draft General Plan, the conclusions of the Draft EIR remain accurate.

### **Response to Comment 11-16**

Page 3-6 of the Draft EIR is hereby revised as follows:

Table 3-2 shows a comparison between existing and potential population under three different scenarios – the current 1996 General Plan, buildout of the proposed Draft General Plan acknowledged by the County Board of Supervisors (BOS), and the DOF projections for Year 2035. Based on 2010 census data, currently 45,578 persons reside in Calaveras County, including the City of Angels Camp. For Year 2035, the Draft General Plan horizon year, the DOF projections demonstrate a modest population increase – 9,963 persons – for a total of 55,541 persons. This equates to an annual increment of 399 persons per year. The table illustrates that adequate carrying capacity exists under the proposed Draft General Plan to accommodate the DOF population projections for Year 2035. As shown in the table, buildout of the Draft General Plan would accommodate approximately ~~111,527~~117,045



persons, approximately double the DOF projections for Year 2035. By comparison, the existing General Plan would accommodate approximately 322,900 persons, more than five times the DOF projections.

The forgoing revision corrects an inadvertent calculation error and does not affect the conclusions of the Draft EIR.

### **Response to Comment 11-17**

Only the “Existing Population” and “Existing Units” figures presented in Table 3-2 and Table 3-3, respectively, include the City of Angels Camp. The “Proposed General Plan” and “Existing General Plan” figures included in both tables, as well as the estimates presented in Table 3-1, exclude the City of Angels Camp, as the County does not assign land use designations to areas within the city limits. Thus, the “Proposed General Plan” buildout estimates of 117,045 units and 48,567 units are consistent between all three tables.

### **Response to Comment 11-18**

Please see Master Responses #1 and #2.

### **Response to Comment 11-19**

Footnote 3 in Chapter 4.1, Aesthetics, of the Draft EIR is hereby revised as follows:

<sup>3</sup> National Park Service. *Guidelines for the Treatment of Cultural Landscapes*. Updated 2007. Available at: <https://www.nps.gov/Tps/standards/four-treatments/landscape-guidelines/index.htm>. Accessed 2018.

The forgoing revision provides a more specific citation, but does not affect the conclusions of the Draft EIR, as the information referenced in the revised citation is consistent with the information included in the Draft EIR. With regard to the second citation noted in the comment, the 1988 Visual Impact Assessment for Highway Projects was provided to the commenter by the County on July 31, 2018.

### **Response to Comment 11-20**

Regarding the National Park Service document, please see Response to Comment 11-19 above. In general, certain footnotes included in the Draft EIR omit page number references because the entirety of the cited document was used in preparation of the EIR, rather than a specific section. In other cases, the footnotes reference web pages for which a specific page number is not available. For footnote citations that refer to a specific page or range of pages in the referenced document, the following revisions are hereby applied to the Draft EIR:

#### Chapter 4.1, Aesthetics

<sup>4</sup> Sierra Business Council. *Planning for Prosperity: Building Successful Communities in the Sierra Nevada* [pg. 13]. 1997.

The forgoing revision provides a more specific citation, but does not affect the conclusions of the Draft EIR.

### **Response to Comment 11-21**

While the focus of the referenced documents may be limited, the analytical framework provided in the documents is applicable to a wide range of visual resources. Chapter 4.1, Aesthetics, of the Draft EIR did not rely on any other documents beyond those specifically referenced in the chapter.

### **Response to Comment 11-22**

Page 4.1-1 of the Draft EIR is hereby revised as follows:

The 58-mile stretch of State Route (SR) 4 and 89 known as the Ebbetts Pass National Scenic Byway is located in the counties of Calaveras and Alpine, including 24 miles of road within Calaveras County from east of Arnold to the Alpine County line, between Arnold and Markleeville (Figure 4.1-1). In addition, the County contains SR 49, an eligible State Scenic Highway per the California Scenic Highway Mapping System. SR 4 between Arnold and SR 49 is also an eligible State Scenic Highway. Both Ebbetts Pass National Scenic Byway and SR 49 are discussed in greater detail below.

The forgoing revision does not affect the conclusions of the Draft EIR. As noted on page 4.1-17 of the Draft EIR, the Draft EIR evaluates potential impacts to both the undesignated portion of SR 4 and the entirety of SR 49 within the County.

### **Response to Comment 11-23**

The County has determined that the ranching, mining, and forest landscapes discussed in the Draft EIR are representative of some of the County's most sensitive visual resources. The County acknowledges that other rural cultural landscapes may exist within the County; however, in order to provide a cohesive analysis of potential impacts to aesthetic resources, the analysis within the Draft EIR was focused on a specific set of landscapes within the County.

### **Response to Comment 11-24**

Please see Response to Comment 11-19. As noted on page 4.1-16 of the Draft EIR, the visual quality of aesthetic resources within the County are assessed based on the following criteria:

- Vividness — the visual interest and memorability provided by landscape components;
- Intactness — the visual integrity of the natural and human-built landscape and freedom of the landscape from encroaching elements; and
- Unity — the visual coherence and order of the landscape.

The Draft EIR does not rely on any thresholds of significance from the referenced FHWA and USFS publications beyond those explicitly stated in the Draft EIR.

## Response to Comment 11-25

Page 4.1-6 of the Draft EIR is hereby revised as follows:

Developing a precise description and definition of a given cultural landscape requires research, inventory, site analysis, and planning work by appropriate landscape architecture, historic preservation, and other design professionals that is beyond the scope of this EIR. Nevertheless, at least ~~three~~five rural cultural landscapes within Calaveras County could be defined in broad terms: ranching landscapes, mining landscapes, ~~and~~ forest landscapes, historic community landscapes, and rural residential landscapes. The aforementioned landscapes are what the NPS describes as “historic vernacular landscapes.” Unlike consciously-designed cultural landscapes, such vernacular landscapes reflect the physical, biological, and cultural character of the everyday lives of individuals, families, or communities in rural areas.

In addition, the following text is hereby added to page 4.1-11 of the Draft EIR, following the “Forest Landscapes” section:

### Historic Community Landscapes

Historic communities and rural small towns provide an important tie-in to the history of the Gold Rush Era in Calaveras County. Often, there is not a clear edge between rural historic towns and the surrounding areas, as the towns within the County have evolved, moved, and adapted throughout the history of the County. However, historic communities and rural small towns are an essential component of the rural character of the County.

### Rural Residential Landscapes

Rural residential landscapes within the County include cabins, second homes, and scattered, remote, large-lot subdivisions built in rural, foothill, and forested areas of the County. Such development is located outside of the more established communities within the County, and are defined by a lack of urban elements such as sidewalks, commercial development, street lighting. While rural residential landscapes may share similar components with ranching, mining, and forest landscapes, the predominance of single-family residential development within rural residential landscapes constitutes a unique defining characteristic.

Page 4.1-22 of the Draft EIR is hereby revised as follows:

The Draft General Plan is intended to guide development in the County such that the needs of all residents and businesses within the County are met without placing an undue burden on the aesthetic resources of the County. For example, the Land Use Element of the Draft General Plan includes Rural Transition land use designations (RTA and RTB), which identify areas of existing rural neighborhoods. The designations are intended to retain the historic character of rural residential subdivisions that have developed in the County over time and allow for flexible land uses within such areas. RTA and RTB designated land may include non-residential uses such as berry farms, vineyards, vegetable farms, orchards, and other similar small agriculture or forestry operations. The Draft General Plan Land Use Map designates a substantial portion of land as RTA and RTB along Railroad Flat Road,

Mountain Ranch Road, and in the vicinity of the Valley Springs community. Elsewhere throughout the County, the Draft General Plan Land Use Map designates much of the land surrounding the County's major thoroughfares as Resource Production and Resource Management. Neither of the two land use designations allow for high intensity urban development, instead encouraging existing agricultural, mineral, and forestry operations. By focusing new, higher-intensity development in existing communities and limiting the intrusion of incompatible development throughout the rural areas of the County, the Draft General Plan would maintain the vividness and intactness of the County's rural residential landscapes and historic communities.

As noted on page 4.1-22 of the Draft EIR, while the Draft General Plan would minimize the negative effects of future development on the existing rural landscapes within the County, such effects cannot be conclusively characterized without additional, project-specific analysis. As such, the proposed project would have a significant impact related to degradation of the existing visual character or quality of the County. The foregoing revisions provide additional information related to the existing setting of the County; however, given that the Draft EIR already evaluates potential impacts to development within all areas of the County, including historic communities and rural residential areas, the revisions do not affect the conclusion presented on page 4.1-22 of the Draft EIR.

#### **Response to Comment 11-26**

Page 4.1-9 of the Draft EIR is hereby revised as follows:

Calaveras County is located in the foothills of the Sierra Nevada, between Sacramento and Yosemite on SR 49. Given the County's proximity to the Sierras, forest landscapes are abundant. National forest lands comprise approximately 12 percent of land within the County. In addition, the U.S. Bureau of Land Management manages approximately five percent of land within the County. These lands include a large portion of the Stanislaus National Forest, Calaveras Big Trees State Park, and the Mokelumne Coast to Crest Trail, which provide recreational opportunities such as hiking as well as serve as refuge for wildlife species in the area. Furthermore, the County includes various other forest landscapes that are privately owned.

The foregoing revisions are for clarification purposes and do not affect the conclusions of the Draft EIR.

#### **Response to Comment 11-27**

Please see Response to Comment 11-19.

#### **Response to Comment 11-28**

Characteristics such as population size, elevation, and proximity to major roadways are all important contributing factors to the visual character of existing communities within the County. While other more subjective measures of community character exist, such measures may vary from person to person and are not applicable to CEQA. Rather, the analysis within the Draft EIR focuses

on characteristics that allow for objective quantification at a program level. As noted on page 4.1-22 of the Draft EIR, future development occurring within the County would require detailed analysis at a project level.

### **Response to Comment 11-29**

The 1988 Ebbetts Pass Highway Special Plan is not a community plan and, thus, would not be rescinded with adoption of the Draft General Plan. It should be noted that as discussed on page 4.1-15 of the Draft EIR, the Ebbetts Pass Scenic Highway Special Plan contains only limited provisions related to the preservation of unique natural and scenic attributes of the area. Therefore, the analysis within the EIR did not rely on the Plan for determination of impacts.

### **Response to Comment 11-30**

Please see Master Response #4 regarding the relationship of adopted community plans to the Draft General Plan. Chapter 4.1, Aesthetics, of the Draft EIR, analyzes potential impacts to aesthetic resources throughout the County, irrespective of the Community Plans. Future development would provide for project-level review with additional detail, as necessary.

### **Response to Comment 11-31**

Existing regulations within the County Code of Ordinances related to protection of aesthetic resources are discussed on page 4.1-15 of the Draft EIR. In addition, upon adoption of the Draft General Plan, IM LU-4B in the Draft General Plan directs the County to adopt a dark sky ordinance to address issues related to nighttime lighting. Generally, updates to the Code of Ordinance occurring as a result of the Draft General Plan process would provide for improved regulations related to light and glare. It should be noted that issues related to code enforcement are outside of the scope of CEQA and, thus, are not discussed in this EIR.

### **Response to Comment 11-32**

Please see Response to Comment 11-31 above. Issues related to enforcement of regulations in the County Code of Ordinances for existing commercial development within the County are outside of the scope of CEQA and, thus, are not discussed in this EIR. Rather, the Draft EIR focused on potential creation of new sources of light and glare associated with future development of previously undeveloped land.

### **Response to Comment 11-33**

As the Lead Agency under CEQA, the County is responsible for establishing the thresholds of significance used for the analysis presented in the Draft EIR. The County determined that the thresholds established in Appendix G to the CEQA Guidelines were appropriate for evaluating buildout of the Draft General Plan. Such thresholds are widely used and are capable of addressing impacts to a wide range of aesthetic resources, including the various cultural landscapes discussed in Chapter 4.1 of the Draft EIR.

As noted on page 1-3 of the Draft EIR, State CEQA Guidelines Section 15126.2(a) states, in pertinent part:

An EIR shall identify and focus on the significant environmental effects of the proposed project. In assessing the impact of a proposed project on the environment, the lead agency should normally limit its examination to changes in the existing physical conditions in the affected area as they exist at the time the notice of preparation is published, or where no notice of preparation is published, at the time environmental analysis is commenced.

Existing issues related to blight, fire damage, and traffic constitute physical conditions which existed at the time the NOP was prepared for the Draft EIR. Therefore, based on the above, such conditions constitute the baseline for the analysis within this EIR, rather than new conditions that would occur as a result of implementation of the Draft General Plan. In addition, Goal LU 4 and Policy LU 4.1 from the Draft General Plan have been designed to ensure the protection of aesthetic resources, including scenic vistas.

#### **Response to Comment 11-34**

Please see Response to Comment 11-24.

#### **Response to Comment 11-35**

The Draft EIR provides substantial evidence to support the conclusion that Impact 4.1-1 would be less-than-significant. As noted on page 4.1-18 of the Draft EIR, the goals, policies, and IMs within the Draft General Plan would create a regulatory environment under which the vividness, intactness, and unity of scenic vistas and/or State Scenic Highways is retained, allowing for continued enjoyment and appreciation of aesthetic resources by residents of and visitors to the County. Policy COS 5.2 and IMs COS 6-A and 6-B specifically protect, and encourage the retention of, designated State Scenic Highways within the County. Policy LU 4.1 would help to reduce impacts to the eligible State Scenic Highways within the County. In addition, a majority of the land adjacent to the Ebbetts Pass National Scenic Byway is designated as Resource Management in the Draft General Plan Land Use Map. Such a designation would prevent extensive urbanization and development from occurring alongside the Byway, thereby preserving the intactness and unity of the areas adjoining the roadway. It should be noted that the identified policies and IMs are not mitigation measures but, rather, are components of the Draft General Plan.

#### **Response to Comment 11-36**

The referenced policies and IMs already include specific enforceable requirements. For example, IM LU-4A, states that community design guidelines or standards applicable to ministerial and discretionary projects would only be implemented after approval by the County Board of Supervisors. IM LU-4C requires that the County adopt a landscape ordinance that identifies a wide variety of appropriate native and non-native water-wise planting materials and includes water-conserving design measures as required by State law. Regarding timelines for the referenced policies and IMs, please see Master Response #1. Furthermore, as noted on page 4.1-18 of the

Draft EIR, a majority of the land adjacent to the Ebbetts Pass National Scenic Byway is designated as Resource Management in the Draft General Plan Land Use Map. Such a designation would prevent extensive urbanization and development from occurring alongside the Byway, thereby preserving the scenic integrity and unity of the areas adjoining the roadway. Based on the above, impacts to scenic vistas and scenic resources within a State scenic highway would be less than significant.

### **Response to Comment 11-37**

The comment recommends a change to a policy in the Draft General Plan. In response to the commenter's concerns, the County has agreed to consider inclusion of the following revision to Draft General Plan Policy LU 5.3 prior to adoption:

Policy LU 5.3      Recognize Conserve the county's unique recreational, scenic, cultural, historic and agricultural resources as strong economic generators and encourage their retention and expansion. (IM LU-5D)

In the event that the above revision is approved by the County, the conclusions presented in the Draft EIR would not change. Impact 4.1-1 from the Draft EIR would remain less than significant.

IM LU-5D applies to the economic value of recreational and scenic resources. Additional mitigation or IMs are not necessary. Please see Response to Comment 11-35 above.

### **Response to Comment 11-38**

Several policies and IMs in the Draft General Plan address compatibility of new development with the scenic quality of the natural environment in which such development is located. In order to strengthen such standards, the County has agreed to consider the following revisions to Draft General Plan Policy COS 5.3 prior to adoption:

Policy COS 5.3      Proposed new development shall consider include design features that enhance and compliment the scenic qualities of the natural resources of the site and the surrounding area in the design of the project. (IMs COS-6A and COS-6B)

IM COS-6C      Scenic Highway Protection (New) – Utilize the Ebbetts Pass National Scenic Byway 2013 Corridor Management Plan as guidance for review of development projects along the State Scenic Highway and National Scenic Byway.

In the event that the above revisions are approved by the County, the conclusions presented in the Draft EIR would not change. Impact 4.1-1 from the Draft EIR would remain less than significant.

IM COS-6C would provide additional protections for scenic resources associated with the Ebbetts Pass National Scenic Byway beyond the provisions of IM COS-6A and -6B from the Draft General Plan. With regard to IM timelines, please see Master Response #1. Regarding COS 5.1 and COS 5.2, please see Master Response #3 and Response to Comment 11-35 above.

**Response to Comment 11-39**

Please see Master Responses #1 and #2 and Response to Comment 11-35 above.

**Response to Comment 11-40**

Please see Response to Comment 11-38 above regarding changes to policies and IMs in the Draft General Plan that are designed to provide for protections of scenic resources. Such changes would not avoid the significant and unavoidable impact identified for Impacts 4.1-1 and 4.1-2 in the Draft EIR; however, the severity of the impacts would be reduced.

The referenced Mintier-Harnish General Plan was an administrative draft submitted to the County consistent with the contract that the County entered into with the planning firm. As an administrative draft, the plan was subject to review and editing by the County prior to release to the public. Prior to release, the County determined that the draft was not viable as a guiding policy document for development within the County. County staff found that the Mintier-Harnish General Plan was deficient and needed substantial additional work before it could be considered complete or consistent with policy direction provided by the County Board of Supervisors. However, it was the starting point for subsequent edits which resulted in the Draft General Plan that was released for public comment in 2015.

**Response to Comment 11-41**

Please see Response to Comment 11-31 and Master Response #1. As noted by the commenter, IM LU-4F is specific to lighting of signage within the County. However, IM LU4-F would be implemented in tandem with IM LU-4B, which requires adoption of a dark sky ordinance. Such an ordinance would provide a standardized tool for limiting excess nighttime lighting associated with new development in the County. With the combined implementation of both programs, along with other applicable guidelines and regulations in the Draft General Plan and the County Code of Ordinances, new development would not be expected to have a substantial effect on the nighttime lighting environment of the County.

**Response to Comment 11-42**

Please see Master Responses #1, #2, and #3.

**Response to Comment 11-43**

The comment recommends a change to a policy in the Draft General Plan. In response to the commenter's concerns, page 4.12-132 of the Draft EIR is hereby revised as follows for consideration by the decision-makers:

*4.12-10(c) Policy COS 6.1 of the Draft General Plan shall be revised as follows:*

*Policy COS 6.1 Work with the Calaveras County Parks & Recreation Committee, community organizations and special*



districts to develop park and active recreation facilities, striving to provide a minimum of 3 acres of local park land for every 1,000 County residents. (IM COS-7A, COS-7B, COS-7C and COS-7G)

The forgoing revision does not affect the conclusions of the Draft EIR.

#### **Response to Comment 11-44**

The comment recommends a change to a policy in the Draft General Plan. In response to the commenter's concerns, page 4.1-23 of the Draft EIR is hereby revised to include the following new IM for consideration by the decision-makers:

4.1-2(c) The following new IM shall be added to the Draft General Plan as follows:

IM COS-7I Parks and Recreation Funding – Pursue funding and support efforts to provide funding for local community parks, recreation facilities and trail facilities using available funding sources.

The forgoing revision does not affect the conclusions of the Draft EIR.

#### **Response to Comment 11-45**

Regarding mitigation for potential impacts to agricultural resources, please see Master Response #5. Such mitigation has been developed based on the input of various agencies and commenting parties throughout the EIR process. With regard to conversion of Williamson Act lands that are currently in non-renewal status, any such lands that are ultimately characterized as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance would be covered by mitigation requirements discussed in Master Response #5.

#### **Response to Comment 11-46**

Page 4.2-2 of the Draft EIR is hereby revised as follows:

With the exception of a slight increase in 2014, the amount of farmland in the County has remained relatively consistent between 2012 and 2015, as shown below in Table 4.2-2. It should be noted that between 2004 and 2012, approximately 59,839 acres of farmland and approximately 23,756 acres of rangeland were put out of production. In 2015, farmland comprised approximately 32 percent of the total land in Calaveras County.

The forgoing revisions are for clarification purposes only, and do not affect the conclusions of the Draft EIR.

### **Response to Comment 11-47**

Please see Response to Comment 11-46. The specific causes of the observed reductions in farmland and rangeland between 2004 and 2012 are not clearly defined, as such reductions are the result of individual land management decisions of private landowners throughout the County. The annual crop reports produced by the Calaveras County Department of Agriculture do not provide an explanation for the reductions. However, substantial large-scale development occurring within the County between 2004 and 2008, as well as the economic pressures and changes to development patterns occurring as a result of the subsequent economic downturn, may have contributed to loss of farmland and rangeland.

It should be noted that Chapter 4.12, Public Services and Utilities, of the Draft EIR includes a discussion of impacts associated with increases in demand for public services and utilities associated with new development in the County.

### **Response to Comment 11-48**

The range of data selected for inclusion in the Draft EIR is not intended to be inclusive of all historical timber production trends in the County; rather, the data presented in Table 4.2-5 is intended to provide a summary of the most recent timber production trends so as to provide a baseline for the CEQA analysis. Furthermore, the purpose of the Draft EIR is to evaluate the environmental effects associated with buildout of the Draft General Plan. Analysis of trends in timber production as a function of changing climate patterns and market demand for timber is not covered by the CEQA Guidelines, and is beyond the scope of this EIR.

### **Response to Comment 11-49**

While the County has access to regularly-updated data regarding agriculture and timber production within the County, current data regarding mineral resource production is not available.

With regard to naturally occurring asbestos, page 4.3-34 of the Draft EIR states the following:

[...] the CCAPCD requires that projects consider the presence of asbestos containing ultramafic rock or serpentine prior to initiation of ground disturbing activity.

Consideration of asbestos-containing ultramafic rock and/or serpentine rock is enforced through CCAPCD Rule 906, which incorporates by adoption Section 93106 of Title 17 of the California Code of Regulations. Based on the above, development occurring under buildout of the Draft General Plan would not result in substantial uncontrolled emissions of asbestos from ultramafic rock or serpentine.

### **Response to Comment 11-50**

The regulatory context discussed for each issue area in the Draft EIR is limited to regulations that would be applicable to existing and future development under buildout of the Draft General Plan.

Various incentives provided by federal and State agencies to encourage agricultural production are not applicable regulation to the Draft EIR.

### **Response to Comment 11-51**

As noted in Chapter 4.2, Agricultural, Forest, and Mineral Resources, of the Draft EIR, the Draft General Plan includes a Conservation and Open Space Element and a Resource Production Element with a variety of goals, policies, and IMs intended to protect and preserve agricultural and timber resources within the County. The applicability of such goals, policies, and IMs to future development occurring within the County is discussed on pages 4.2-17 through 4.2-33 of the Draft EIR. As noted therein, the Draft General Plan provides for project-level mitigation of impacts to agricultural resources. Please see Master Response #5 regarding additional mitigation for protection of agricultural resources.

### **Response to Comment 11-52**

Page 4.2-14 of the Draft EIR is hereby revised as follows:

CalFire is responsible for enforcing the laws that regulate logging on privately-owned lands in California. CalFire and the State Board of Forestry and Fire Protection are responsible for approving THPs. THPs are prepared by Registered Professional Foresters (RPFs) who are licensed to prepare these plans. Once a THP is approved, CalFire inspectors periodically inspect the logging operation to ensure compliance with the approved THP and all laws and regulations. When a THP operation has been completed, the timber owner is responsible for submitting a completion report to CalFire. CalFire then inspects the area to certify that all rules were followed. The landowner is also responsible for restocking (or replanting) the area according to the Forest Practice Rules requirements. Two THPs in Calaveras County were submitted to CalFire for public review and approval in November of 2017. The two THPs range in size from approximately 26 acres to 325 acres, respectively.<sup>4</sup>

[It should be noted that the California Forest Practice Act allows local county governments to proposed special timber harvesting rules, as necessary, to address needs specific to the county. The State Board of Forestry and Fire Protection has the authority to accept or reject such special rules.](#)

The forgoing revisions are for clarification purposes only, and do not affect the conclusions of the Draft EIR.

### **Response to Comment 11-53**

Per CEQA Guidelines Section 15064.7(a), lead agencies are encouraged to develop thresholds of significance for use in the determination of environmental effects. A threshold of significance is defined as an identifiable quantitative, qualitative or performance level of a particular environmental effect, non-compliance with which means the effect will normally be determined to be significant by the agency and compliance with which means the effect normally will be determined to be less than significant.

Where applicable, the Draft EIR relies on quantifiable thresholds. For example, Chapter 4.3, Air Quality and Greenhouse Gas Emissions, the Draft EIR relies on the thresholds for criteria pollutant emissions established by the CCAPCD. However, quantifiable numerical thresholds for the purpose of evaluating potential impacts to agricultural, forest, and mineral resources have not been adopted by the County, or any other agency, and an industry standard numerical threshold does not exist. Thus, the County, as the lead agency for the proposed project, has determined that the standards of significance provided in Appendix G of the CEQA Guidelines are appropriate for the purposes of this analysis. Furthermore, the commenter does not suggest a quantified threshold for inclusion in the Draft EIR.

### **Response to Comment 11-54**

Page 4.2-1 of the Draft EIR is hereby revised as follows:

Agricultural lands provide a variety of important functions and generate a wide variety of benefits to the residents of Calaveras County. For example, agricultural lands produce commodities that generate various economic benefits (in the form of local jobs and revenue), contribute to the aesthetic value of an area (i.e., greenbelts or transition zones), and create a variety of foraging habitats for wildlife species. In addition, the conversion of agricultural land has hydrological implications, as loss of farmland changes the existing watershed and may reduce groundwater recharge areas. Currently, a wide variety of agricultural products are grown and produced in Calaveras County, which allows the County to add to the rich agricultural tradition of California. Many fruit and nut crops, including wine grapes, field crops, vegetable crops, apiary products, nursery crops, livestock and poultry, and timber are part of the Calaveras agricultural industry. Cattle and calves are the County's leading farm commodity. In addition to cattle and calves, wine grapes and poultry are major contributors to agricultural production.

The forgoing revisions are for clarification purposes only, and do not affect the conclusions of the Draft EIR.

As noted on page 4.2-18 of the Draft EIR and discussed in Master Response #5, Calaveras County has not been included in the Farmland Mapping and Monitoring Program (FFMP); while lands with existing Williamson Act contracts have been classified as Prime Agricultural Land or Non-Prime Agricultural Land, countywide data related to Prime Farmland, Unique Farmland, and Farmland of Statewide Importance is not currently available. As such, pinpointing the creation of "edge effects" attributable to the Draft General Plan Land Use Map is not feasible. Rather, the Draft EIR provides a more general discussion of impacts related to conversion of agricultural land.

### **Response to Comment 11-55**

The purpose of the Draft EIR is to analyze potential environmental impacts associated with buildout of the Draft General Plan Land Use Map. Any future changes to the Land Use Map, including changes that could result in the conversion of agricultural land, would require a General Plan Amendment and, thus, would trigger additional environmental review. As such, future conversion of agricultural resources as a result of amendments to the Draft General Plan are speculative. Similarly, analysis of past conversion of agricultural lands due to General Plan

Amendments are is not required in this EIR and are encompassed within the existing setting established in the EIR.

Furthermore, the Draft General Plan would not convert any active agricultural land to non-agricultural use. Per the Draft General Plan Land Use Map, all land within the County that is under active agricultural production would be designated Resource Production or Working Lands.

**Response to Comment 11-56**

Please see Master Response #3.

**Response to Comment 11-57**

As is typical for a general plan update process, upon adoption of the Draft General Plan, the County's Zoning Ordinance would require a comprehensive update to allow for consistency with the Draft General Plan Land Use Map, as well as all other relevant components of the Draft General Plan, consistent with Government Code Sections 65454 and 65680. General Plan IM RP-1A requires the County Code of Ordinances to be amended to incorporate protections for Resource Production Lands so as to limit conversion of agricultural resources. Thus, updates to the County Code of Ordinances, including the Zoning Ordinance, occurring as a result of Draft General Plan approval would not result in the conversion of agricultural resources beyond the potential impacts analyzed in Chapter 4.2 of the Draft EIR.

**Response to Comment 11-58**

The comment relates specifically to the Draft General Plan and does not address the adequacy of the Draft EIR. Please see Master Responses #1, #2, and #3.

**Response to Comment 11-59**

Please see Master Response #5.

**Response to Comment 11-60**

The comment recommends a change to a policy in the Draft General Plan. In response to the commenter's concerns, the County has agreed to consider inclusion of the following revision to Draft General Plan Policy RP 2.7 prior to adoption:

Policy RP 2.7	Solar energy installations shall be compatible with agricultural activities and <del>such</del> <u>utility-scale</u> facilities shall not be located on prime agricultural land and shall not reduce the production of the primary agricultural product(s). (IM RP-2A)
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In the event that the above revision is approved by the County, the conclusions presented in the Draft EIR would not change. Impact 4.2-1 from the Draft EIR would remain significant and unavoidable.

**Response to Comment 11-61**

The comment is specifically directed at the Draft General Plan, and does not address the adequacy of the Draft EIR. It should be noted that page 4.2-27 of the Draft EIR references the following Draft General Plan IM:

IM RP-3B            Forest Conservation Programs – Ensure that the Agricultural Commissioner is aware and knowledgeable of the State and Federal forest conservation programs available to private owners so that useful advice may be provided in a manner that optimizes participation in those programs.

IM RP-3B from the Draft General Plan would support implementation of Policy RP 3.1.

**Response to Comment 11-62**

Please see Master Response #5.

**Response to Comment 11-63**

Please see Master Response #3. Chapter 4.3, Air Quality and Greenhouse Gas Emissions, of the Draft EIR is intended to evaluate environmental impacts related to air quality and GHG emissions associated with buildout of the Draft General Plan. Where applicable, the Draft EIR provides, in the form of mitigation measures, modifications and additions to the policies and IMs included in the Draft General Plan. Such modifications represent feasible measures necessary to reduce the severity of identified impacts. However, per CEQA Guidelines, the Draft EIR is not required to provide additional implementation steps, objectives, monitoring methods, or timelines beyond those included in the Draft General Plan, provided that impacts are determined to be less than significant.

**Response to Comment 11-64**

As noted in the Notice of Availability published for the Draft EIR, all sources referenced in the Draft EIR are available for review at the following location during normal business hours:

Calaveras County  
Planning Department  
891 Mountain Ranch  
Road San Andreas, California 95249

**Response to Comment 11-65**

Page 4.3-33 of the Draft EIR states the following:

It should be noted that whereas the CCAPCD thresholds of significance are project-level thresholds, the NEI estimates and the emissions modeling performed for the Draft General

Plan considered all development within the County, including existing development, that would exist at buildout of the Draft General Plan. Thus, emissions related to the Draft General Plan are not necessarily suitable for project-level analysis. Nevertheless, the comparison of potential emissions from buildout of the Draft General Plan to the CCAPCD's project-level threshold demonstrates that emissions from buildout of the Draft General Plan would constitute a significant source of emissions.

### **Response to Comment 11-66**

The population estimates presented on page 4.3-28 of the Draft EIR are hereby revised as follows to provide consistency with Chapter 3, Project Description, of the Draft EIR:

Per the 2017 Scoping Plan, Countywide GHG emissions are considered on a per capita basis. The emissions estimation completed for the Draft General Plan assumed buildout of the Draft General Plan by the year 2035 to present an environmental worst-case scenario. As discussed in Chapter 3, Project Description, of this EIR, buildout of the Draft General Plan could potentially accommodate a population of ~~441,527~~117,045. Because the emissions estimation assumes buildout of the Draft General Plan in year 2035, for the purposes of emissions analyses, the County's population was assumed to be ~~441,527~~117,045 under year 2035 buildout conditions. It should be noted that as discussed in Chapter 3, Project Description, of this EIR, growth projections for the County would result in a much lower population projection for year 2035. However, for the purposes of analyzing potential air quality and GHG emissions, assuming full buildout of the Draft General Plan provides a more conservative approach to analyzing potential emissions. Thus, if development within the County leads to a population similar to the 2035 projection rather than the full buildout population of ~~441,527~~117,045, Countywide emissions would likely be less than the emissions analyzed in this chapter and potential impacts would likely be less intense than those analyzed below. For more information regarding alternative buildout scenarios for the County, see Chapter 6, Alternatives Analysis, of this EIR, which presents an analysis of potential impacts that could occur should buildout of the County be limited to the Countywide growth estimates prepared by the Department of Finance.

In addition, Table 4.3-9 and 4.3-10 are hereby revised as follows to account for the updated population estimate:

<b>Table 4.3-9 Unmitigated Year 2030 GHG Emissions</b>	
	<b>Annual GHG Emissions</b>
Area	74,149 MTCO <sub>2</sub> e/yr
Energy	475,612 MTCO <sub>2</sub> e/yr
Mobile	529,112 MTCO <sub>2</sub> e /yr
Waste	162,367 MTCO <sub>2</sub> e/yr
Water	72,652 MTCO <sub>2</sub> e/yr
<b>Total Annual GHG Emissions</b>	1,313,893 MTCO <sub>2</sub> e/yr
<b>Total Annual GHG Emissions Per Capita<sup>1</sup></b>	<b><del>11.78</del><u>11.23</u> MTCO<sub>2</sub>e/capita/yr</b>
2017 Scoping Plan Year 2030 Target Per Capita Emissions	6 MTCO <sub>2</sub> e/capita/yr
<b>Exceeds Threshold?</b>	<b>YES</b>
<sup>1</sup> Per capita emissions assumes a Countywide population of <del>111,527</del> <u>117,045</u> at buildout of the Draft General Plan	
<i>Source: CalEEMod, December 2017 (see Appendix C).</i>	

<b>Table 4.3-10 Unmitigated Year 2050 GHG Emissions</b>	
	<b>Annual GHG Emissions</b>
Area	74,149 MTCO <sub>2</sub> e/yr
Energy	475,612 MTCO <sub>2</sub> e/yr
Mobile	481,340 MTCO <sub>2</sub> e /yr
Waste	162,367 MTCO <sub>2</sub> e/yr
Water	72,652 MTCO <sub>2</sub> e/yr
<b>Total Annual GHG Emissions</b>	1,266,121 MTCO <sub>2</sub> e/yr
<b>Total Annual GHG Emissions Per Capita<sup>1</sup></b>	<b><del>11.35</del><u>10.82</u> MTCO<sub>2</sub>e/capita/yr</b>
2017 Scoping Plan Year 2050 Target Per Capita Emissions	2 MTCO <sub>2</sub> e/capita/yr
<b>Exceeds Threshold?</b>	<b>YES</b>
<sup>1</sup> Per capita emissions assumes a Countywide population of <del>111,527</del> <u>117,045</u> at buildout of the Draft General Plan	
<i>Source: CalEEMod, December 2017 (see Appendix C).</i>	

The foregoing revisions are for consistency purposes only and do not affect the conclusions of the Draft EIR.

Page 4.3-29 of the Draft EIR states the following, in part, regarding use of NEI emissions estimates:

Although changes to the existing wildland fire regime and the rate of biogenic VOC emissions, or alterations to the application of prescribed burns for fire control could occur, future changes to emissions from such sources are uncertain and speculative. Therefore, due to the lack of comprehensive data regarding changes to such emissions and because CalEEMod does not include estimations of emissions related to biogenic VOCs, wildland fires, and prescribed burns, the NEI estimates for such emissions were added to the CalEEMod emissions estimates for buildout of the General Plan.



Based on the above, while NEI estimates for emissions related to biogenic VOCs, wildland fires, and prescribed burns are not projections for future emissions, the available emissions estimates were added to the CalEEMod emissions estimates for buildout of the Draft General Plan in order to provide a conservative analysis. It should be noted that within Appendix C to the Draft EIR, the NEI emissions estimates for the County and the CalEEMod outputs are presented separately.

#### **Response to Comment 11-67**

Development of a comprehensive GHG emissions inventory is not a requirement of CEQA; rather per Appendix G of the CEQA Guidelines, a project would result in a significant impact if it would generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment; or conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs. For the purpose of this analysis, preparation of a formal GHG emissions inventory was not necessary in order to quantify potential impacts of the Draft General Plan related to GHG emissions. Furthermore, IMs COS-5B and 5C direct the preparation of a comprehensive GHG emissions inventory and GHG reduction plan. It should be noted that County funding for preparation of the GHG reduction plan is not yet available.

#### **Response to Comment 11-68**

As noted on page 4.3-22 of the Draft EIR, the California Building Standards Code (CBSC) includes Building Energy Efficiency Standards which are updated every three years. Typically, each update to the Building Energy Efficiency Standards provides increasingly more stringent requirements related to energy efficiency. Similarly, regulations related to vehicle fleet emissions standards and renewable energy production continue to result in reductions in associated GHG emissions from year to year. Thus, as a result of statewide efficiency improvements, per capita GHG emissions associated with buildout of the Draft General Plan would decrease accordingly between 2030 and 2050.

Statewide, preparation of emissions inventories and adoption of GHG emissions reduction plans is a standardized procedure for attaining compliance with State legislation, including AB 32 and SB 32. While the efficacy of such a plan is dependent on the specific reduction strategies required, the requirements of IMs COS-5B and 5C from the Draft General Plan would be consistent with CARB guidance. Please see Master Response #2.

#### **Response to Comment 11-69**

As noted on page 4.3-21 of the Draft EIR, Calaveras County is not included in a metropolitan planning organization and, thus, is not required to prepare a Sustainable Communities Strategy (SCS).

Each of the goals, policies, and IMs included in the Draft General Plan related to GHG emissions apply to a broad range of sectors within the County and cannot be feasibly distinguished by the specific categories suggested by the commenter.

### **Response to Comment 11-70**

The comment specifically applies to the Draft General Plan, and does not address the adequacy of the Draft EIR. Please see Master Response #6.

### **Response to Comment 11-71**

Please see Master Response #6 and #3.

### **Response to Comment 11-72**

Please see Master Response #6 and #1. The revisions to COS-5B suggested by the commenter require commencement of a GHG inventory by January 2019, along with narrowly defined criteria for updates to the inventory. The suggested timelines are unrealistic in the context of the broader Draft General Plan process and do not support the overall goal of establishing a comprehensive, thorough inventory of GHG emissions within the County. While the measures suggested for inclusion in IM-COS 5C, such as limitations on wood-burning appliances, may indeed be incorporated into the GHG Reduction Plan, mandating inclusion of such measures in the GHG Reduction Plan could hinder future planning efforts if the measures are not deemed to be supportive of the broader goals of the Plan. Rather, the County has determined that focusing IM COS-5C on consistency with the reductions required by Assembly Bill 32 and Senate Bill 32 is the most effective means to achieve compliance with State standards related to GHG reductions.

### **Response to Comment 11-73**

The comment recommends a change to policies in the Draft General Plan. In response to the commenter's concerns, page 4.3-35 of the Draft EIR is hereby revised as follows for consideration by the decision-makers:

*4.3-1(d) The following new policy shall be added to the Draft General Plan as follows:*

*Policy LU 5.10 Encourage the development of businesses that rely on environmentally sustainable products and services, such as renewable energy, green building, water conservation and waste management and recycling.*

In addition, page 4.3-43 of the Draft EIR is hereby revised as follows for consideration by the decision-makers:

*4.3-4(f) The following new IM shall be added to the Draft General Plan as follows:*

*IM COS-5G Air Pollutant Evaluation – Evaluate proposed developments to determine whether they will emit criteria air pollutants, including greenhouse gasses, exceeding CCAPCD's standards.*

It should be noted that the County already is mandated to use the Green Building Standards Code (CalGreen). Incorporating voluntary additional standards would increase the cost of construction within the County by between 20 and 25 percent (per Ed Short, Building Official) in an area where construction costs already exceed the market value of many homes. As such, adoption of CalGreen Tier 1 standards is not feasible.

With regard to the commenter's suggestions related to purchase of low emission vehicles and electric vehicles when replacing vehicles in the County's fleet, such a measure would likely be considered during the preparation of the GHG Reduction Plan required by IM-COS 5C. However, further analysis would be required to ensure that such a measure would be feasible for the County. The commenter's suggested IM for Policy COS 4.9 would not necessarily strengthen the policy or provide useful performance standards. Rather, the County has determined that the language of Policy COS 4.9 is sufficiently specific such that a separate IM is not required.

Please see Master Response #6 and #1.

#### **Response to Comment 11-74**

The comment provides opinion regarding the CEQA alternatives, but does not address the adequacy of the Draft EIR.

#### **Response to Comment 11-75**

Please see Master Response #2 and Response to Comment 11-3.

#### **Response to Comment 11-76**

The Advisory Council on Historic Preservation is a federal agency that is tasked with ensuring federally-funded projects are compliant with Section 106 of the National Historic Preservation Act. Because federal funding sources were not involved in the preparation of the Draft General Plan, circulation to the Advisory Council on Historic Preservation is not required.

#### **Response to Comment 11-77**

The NRHP criteria for structures over 45 years old is applicable to both public and private structures. The analysis presented in the Draft EIR acknowledges that buildout of the Draft General Plan could result in a significant impact to historic structures and other historic resources. It should be noted that as part of the development review process, the County requires preparation of cultural resource studies by qualified individuals or firms. Such studies incorporate the NRHP criteria as applicable.

#### **Response to Comment 11-78**

The comment recommends a change to an IM in the Draft General Plan. In response to the commenter's concerns, page 4.5-25 of the Draft EIR is hereby revised as follows:

IM COS-8A *Identify Native American Resource Sensitivity Areas – Update the County’s Archaeological Sensitivity Map in cooperation with local Native American archaeology and history representatives ~~to assist planners in determining when cultural resource surveys shall be required in conjunction with the environmental review process.~~ The County shall consult the updated Archaeological Sensitivity Map, in addition to other existing cultural resources information (e.g. pre-1950 USGS topographic quadrangle maps, official townsite maps, Sanborn Insurance Maps, GIS database) in conjunction with the environmental review process for all discretionary approvals to identify sensitive areas and resources. If such cultural resources information indicates that sensitive areas and/or resources are likely to occur within the subject area, site-specific cultural resources surveys and/or treatment plans shall be required, at the applicant’s expense.*

The forgoing revisions are intended to clarify the mitigation measure and do not affect the conclusions of the Draft EIR.

#### **Response to Comment 11-79**

The comment is an introductory statement and does not address the adequacy of the Draft EIR. Specific comments are addressed below.

#### **Response to Comment 11-80**

The requested program is currently acknowledged in the Draft General Plan as IM COS-8G.

#### **Response to Comment 11-81**

The comment recommends inclusion of program in the Draft General Plan related to historic buildings. In response to the commenter’s concerns, page 4.5-23 of the Draft EIR is hereby revised as follows for consideration by the decision-makers:

4.5-1(c) IM COS-8G of the Draft General Plan shall be revised as follows:

IM COS-8G ~~Register of Historic Resources – Establish a County register of historic resources.~~ Adopt a cultural resources management ordinance to include the following:

- Implement the Mills Act;
- Establish a County register of historic resources;
- Utilization of the California State Historical Building Code;
- Require a cultural resource study prior to demolition of buildings 75 years of age or older;  
and

- Establish criteria for curation of artifacts recovered during construction of private and public projects.

4.5-1(d) IM LU-4A of the Draft General Plan shall be revised as follows:

IM LU-4A Community Design Guidelines – Adopt community design guidelines or standards for communities identified by the Board of Supervisors, applicable to both ministerial and discretionary projects, which reflect the character of the individual community, including historic design standards for communities with concentrations of historic buildings, and without establishing a design review committee. Design guidelines or standards shall be implemented only after approval by the Board of Supervisors.

### **Response to Comment 11-82**

The comment recommends that the Draft General Plan provide for implementation of the Mills Act. Please see Response to Comment 11-81 above.

### **Response to Comment 11-83**

Please see Response to Comment 11-81 above.

### **Response to Comment 11-84**

Please see Response to Comment 11-81 above.

### **Response to Comment 11-85**

Please see Response to Comment 11-81 above.

### **Response to Comment 11-86**

Please see Response to Comment 11-81 above.

### **Response to Comment 11-87**

Please see Master Response #3. As noted on pages 4.5-27 through -28 of the Draft EIR, the Draft General Plan includes considerable protections for tribal cultural resources. However, as a program-level document, the Draft EIR cannot evaluate the exact extent of disturbance from future development occurring within the County. While the goals, policies, and IMs included in the Draft General Plan would help to reduce the severity of potential impacts to tribal cultural resources, as noted in the Draft EIR, impacts would remain significant and unavoidable.

## Response to Comment 11-88

Page 4.7-1 of the Draft EIR is hereby revised as follows:

The Hazards and Hazardous Materials chapter of the EIR describes existing and potentially occurring hazards and hazardous materials within the planning area, and discusses potential impacts posed by those hazards to the environment, as well as to workers, visitors, and residents within and adjacent to the planning area. Specifically, the chapter ~~describes potential effects on human health that could result from soil contamination stemming from past uses, or from exposure to hazardous materials related to future development activity and industrial activity within the planning area.~~ presents a list of currently existing fire and man-made hazards currently existing in the County, followed by a discussion of federal, State, and local regulations, impacts, and mitigation measures, with footnotes pointing to information from the EPA related to health effects due to exposure to Polychlorinated Biphenyls (PCBs), asbestos, radon, and lead-based paint.

The federal government defines a hazardous material as a substance that is toxic, flammable/ignitable, reactive, or corrosive. Extremely hazardous materials are substances that show high or chronic toxicity, carcinogenic, bioaccumulative properties, persistence in the environment, or that are water-reactive. Improper use, storage, transport, and disposal of hazardous materials and waste may result in harm to humans, surface and groundwater degradation, air pollution, fire, and explosion. The risk of hazardous material exposure can come from a range of sources, including, but not limited to, household uses, agricultural/commercial/industrial uses, transportation of hazardous materials, and abandoned industrial sites known as brownfields.

The forgoing revision is for clarification purposes only and does not modify the conclusions of the Draft EIR.

## Response to Comment 11-89

As noted on page 4.7-26 of the Draft EIR, Policy LU 3.2, and Policy LU 3.3 require new development occurring within the ALUCP plan area to be in compliance with the rules and regulations include in the ALUCP. Moreover, Calaveras County Code 17.04.020 requires that all structures within the Airport Height Limitation combining district respect maximum height limitations without exception. Because Policy LU 3.2 and IM LU-3A would require future development to maintain consistency with the ALUCP, development associated with the Draft General Plan would not involve incompatible land uses or development that could result in flight interference.

## Response to Comment 11-90

Pages 4.7-31 through 4.7-36 of the Draft EIR provide a comprehensive discussion of potential impacts related to wildland fires, including a summary of fire prevention efforts within the County.

### **Response to Comment 11-91**

As noted on page 4.7-20 of the Draft EIR, Policy S 5.1 in the Draft EIR requires that proposed new development is evaluated for potential long-term risks related to hazardous materials to people, property, existing and planned land uses in the vicinity of the proposed use.

### **Response to Comment 11-92**

Applicable State and federal regulations pertaining to the transport of hazardous materials, including regulations administered by the USEPA, the U.S. Department of Transportation, the California Highway Patrol (CHP), and various other State agencies are discussed on pages 4.7-7 through 4.7-14 of the Draft EIR. In addition, page 4.7-4 of the Draft EIR states the following regarding Leaking Underground Storage Tank (LUST) sites:

#### Leaking Underground Storage Tanks (LUST)

According to the State Water Resources Control Board (SWRCB) online GeoTracker Database, 17 LUST sites currently exist within the County undergoing the various stages of remediation. In addition to these sites, 113 closed sites have completed remediation and 33 USTs are currently permitted within the County.

### **Response to Comment 11-93**

The Solid Waste Information System (SWIS) managed by CalRecycle includes regulatory information on all solid waste facilities within the State of California, including the nine existing facilities within Calaveras County. Calaveras County relies on the SWIS and CalRecycle for tracking purposes.

Consistency with the County's Integrated Waste Management Plan is discussed in Chapter 4.12, Public Services and Utilities, of the Draft EIR.

### **Response to Comment 11-94**

In response to the commenter's concerns, page 4.7-8 of the Draft EIR is hereby revised as follows:

Prior to August 1992, the principal agency at the federal level regulating the generation, transport and disposal of hazardous waste was the EPA under the authority of the Resource Conservation and Recovery Act (RCRA). As of August 1, 1992, however, the California Department of Toxic Substance Control (DTSC) was authorized to implement the State's hazardous waste management program for the EPA. The federal EPA continues to regulate hazardous substances under the Comprehensive Environmental Response Compensation and Liability Act (CERCLA).

Regulatory agencies such as the USEPA, Department of Toxic Substance Control, and Department of Environmental Health Hazard Assessment set forth guidelines that list at what point concentrations of certain contaminants pose a risk to human health. The USEPA combines current toxicity values of contaminants with exposure factors to estimate the

maximum concentration of a contaminant that can be in environmental media before it is a risk to human health. Such concentrations set forth by the USEPA are termed Preliminary Remediation Goals (PRGs) for various pollutants in soil, air, and tap water. PRG concentrations can be used to screen pollutants in environmental media, trigger further investigation, and provide an initial cleanup goal. PRGs for soil contamination have been developed for industrial sites and residential sites. Residential PRGs are more conservative and take into account the possibility of the contaminated environmental media coming into contact with sensitive receptor sites such as nurseries and schools. PRGs consider exposure to pollutants by means of ingestion, dermal contact, and inhalation, but do not consider impacts to groundwater.

The forgoing revisions provide additional background information, but do not affect the conclusions of the Draft EIR.

Page 4.8-8 of the Draft EIR states the following regarding exceedance of maximum contaminant levels (MCLs):

The water quality in the Eastern San Joaquin groundwater sub-basin is impaired and has been directly affected by the severe overdraft that has occurred in the sub-basin. As water levels in the sub-basin have declined, a saline front originating in the western portion of the basin has moved eastward. From 1994 through 2000, samples taken from wells within the impacted area of the sub-basin yielded water quality results that exceed maximum contaminant levels (MCLs) for constituent pollutants. Constituent pollutants include inorganic and radiological pollutants, nitrates, pesticides, volatile organic compounds (VOCs), and semi-volatile organic compounds (SVOCs).

Continuous monitoring of the groundwater quality from the Wallace Community Services District (WCSD) wells shows little change in the last 15 years. The water from the wells generally has iron and manganese concentrations above the MCL. However, implementation of industry standard treatment practices using a potassium permanganate additive and filtering results in concentrations typically in the range of 10 percent of the MCLs.

### **Response to Comment 11-95**

As noted by the commenter, the Draft EIR includes a discussion of Brownfields. Nonetheless, page 4.7-8 of the Draft EIR is hereby revised as follows to provide additional background information:

The CERCLA, commonly known as Superfund, was enacted by Congress on December 11, 1980. This law created a tax on the chemical and petroleum industries and provided broad federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. The CERCLA was amended by the Superfund Amendments and Reauthorization Act (SARA) on October 17, 1986.<sup>1</sup> Subsection 101(40) of CERCLA defines "bona fide prospective purchaser" (BFPP) as a person, or tenant of that person, who acquires ownership of a facility after the date of enactment of the Brownfields Amendments, January 11, 2002. A BFPP may be subject to

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<sup>1</sup> U.S. Environmental Protection Agency. *The Superfund Amendments and Reauthorization Act (SARA)*. Available at: <https://www.epa.gov/superfund/superfund-amendments-and-reauthorization-act-sara>. Accessed May 2018.



a "windfall lien" under the newly added CERCLA Section 107(r), up to the amount of unrecovered response costs incurred by the United States at a facility for which the owner is not liable as a BFPP, and where the response action increases the fair market value of the facility. As to the amount and duration of any windfall lien, the Brownfields Amendments state that the amount is not to exceed the increase in fair market value attributable to the response action at the time of sale or other disposition of the property. The windfall lien arises at the time response costs at the facility are incurred by the United States, and shall continue until the earlier of satisfaction of the lien by sale or other means, or, notwithstanding any statute of limitations under CERCLA Section 113, recovery of all response costs incurred at the facility.

As they relate to the CERCLA, brownfield sites are areas with actual or perceived contamination and that may have potential for redevelopment or reuse. Brownfields are often former industrial facilities that were once the source of jobs and economic benefits to the community, but lie abandoned due to fears about contamination and potential liability.

The forgoing revision is for clarification purposes only and does not change the conclusions of the Draft EIR.

#### **Response to Comment 11-96**

With regard to delegation of hazardous materials regulation enforcement to State agencies, please see Response to Comment 11-92. With regard to the Unified Program, page 4.7-10 of the Draft EIR is hereby revised as follows:

The Cal-EPA protects citizens of the State from hazardous waste and hazardous material through a Unified Program. The Unified Program provides consistent administrative requirements, permits, inspections, and enforcement throughout the State. Cal-EPA oversees the 81 certified local government agencies, which are known as Certified Unified Program Agencies (CUPAs), which apply regulatory standards established by Cal-EPA. The Calaveras County Environmental Health Department is a CUPA, which was assessed by Cal-EPA as having "No deficiencies observed." The CUPA performance evaluation process is defined in Title 27 of the California Code of Regulations, Article 8, Section 15330. According to the Cal-EPA's posted evaluation schedule, the Calaveras County Environmental Health Department was most recently evaluated in August 2017.

The forgoing revisions are for clarification purposes only, and do not affect the conclusions of the Draft EIR.

With regard to availability of sources referenced in the Draft EIR, please see Response to Comment 11-64. Online versions of the Airport Land Use Compatibility Plan and the Local Hazard Mitigation Plan are also available on the County Planning and Office of Emergency Services website.

### Response to Comment 11-97

Page 4.9-1 of the Draft EIR is hereby revised as follows:

The Land Use and Planning chapter of the EIR is intended to provide the reader with information regarding current and proposed General Plan land use designations for the County. Section 15125(d) of the California Environmental Quality Act (CEQA) Guidelines states “[...] the EIR shall discuss any inconsistencies between the proposed project and applicable general plans and regional plans.” Documents utilized to prepare this chapter include, but are not limited to, the *Calaveras County General Plan Background Report*,<sup>1</sup> ~~the *Calaveras County General Plan*~~,<sup>2</sup> the *Calaveras County Housing Element 2014-2019*,<sup>3</sup> the *Calaveras County Airport Land Use Compatibility Plan*,<sup>4</sup> and the *Calaveras County Regional Transportation Plan*.<sup>5</sup>

The forgoing revisions are for clarification purposes only, and do not affect the conclusions of the Draft EIR.

### Response to Comment 11-98

Page 4.9-1 of the Draft EIR is hereby revised as follows:

Calaveras County encompasses approximately 662,791 acres in the central Sierra Nevada region of California. The County is bordered by Amador County to the north, Alpine County to the east, Tuolumne County to the south, and San Joaquin and Stanislaus Counties to the west. ~~According to the California Department of Finance (DOF), Calaveras County is currently home to approximately 41,857 persons. As discussed in Chapter 3, Project Description, of this EIR, approximately 45,578 persons currently reside in Calaveras County, including the City of Angels Camp, based on 2010 census data.~~

The forgoing revisions are for consistency purposes only, and do not affect the conclusions of the Draft EIR.

### Response to Comment 11-99

Page 4.9-7 of the Draft EIR states the following regarding incorporation of adopted community plans into the Draft General Plan:

Community plans were previously adopted for several communities under prior General Plans. With adoption of the proposed project, those community plans would be rescinded. Existing community plans would be incorporated into the proposed Community Plan Element. Additional community plans may be added through General Plan Amendments as they are completed. The primary objective of the community plans is to refine the planning goals and policies for each community while integrating each into the overall vision and goals of the General Plan as a whole.

Please see Master Response #4 regarding omission of unadopted community plans from the Draft General Plan.

## Response to Comment 11-100

Federal regulations related to habitat conservation are discussed in Chapter 4.4, Biological Resources, of the Draft EIR.

## Response to Comment 11-101

It should be noted that Mokelumne River was designated as a California Wild and Scenic River in June 2018, subsequent to issuance of the NOP for the Draft EIR on January 18, 2017. State CEQA Guidelines Section 15126.2(a) states, in pertinent part:

An EIR shall identify and focus on the significant environmental effects of the proposed project. In assessing the impact of a proposed project on the environment, the lead agency should normally limit its examination to changes in the existing physical conditions in the affected area as they exist at the time the notice of preparation is published, or where no notice of preparation is published, at the time environmental analysis is commenced.

Thus, designation of Mokelumne River as a California Wild and Scenic River is not included in the baseline conditions evaluated in the Draft EIR. Nonetheless, page 4.4-29 of the Draft EIR is hereby revised as follows for informational purposes:

The California Regional Water Quality Control Board (RWQCB) and the State Water Resources Control Board (SWRCB) regulate activities in "waters of the State" (which include wetlands, other waters, tidal waters, and the immediate watersheds around such features) through Section 401 of the Clean Water Act and/or the Porter-Cologne Water Quality Control Act. While the Corps administers a permitting program that authorizes impacts to waters of the United States pursuant to Section 404 of the Clean Water Act, including wetlands and other waters, any Corps permit authorized for a proposed project would be inoperative unless it is an NWP that has been certified for use in California by the SWRCB, or if the RWQCB has issued a project specific certification of water quality pursuant to Section 401 of the Clean Water Act. Certification of NWPs requires a finding by the SWRCB that the activities permitted by the NWP will not violate water quality standards individually or cumulatively over the term of the permit (the term is typically for five years). Certification must be consistent with the requirements of the federal Clean Water Act, the California Environmental Quality Act, the California Endangered Species Act, and the SWRCB's mandate to protect beneficial uses of waters of the State. Any denied (i.e., not certified) NWPs, and all Individual Corps permits, would require a project specific RWQCB certification of water quality.

### California Wild and Scenic Rivers Act

California's Legislature passed the Wild and Scenic Rivers Act in 1972, following the passage of the federal Wild and Scenic Rivers Act by Congress in 1968. Under California law, "certain rivers which possess extraordinary scenic, recreational, fishery, or wildlife values shall be preserved in their free-flowing state, together with their immediate environments, for the benefit and enjoyment of the people of the state." State law provides various protections for Wild and Scenic Rivers, including prohibitions on construction of

dams and diversion facilities. In June 2018, a 37-mile-long segment of Mokelumne River within Calaveras County was officially designated as a State Wild and Scenic River.

The forgoing revisions are for clarification purposes only, and do not affect the conclusions of the Draft EIR.

Regulatory information related to LAFCo is discussed in Chapter 4.12, Public Services and Utilities, of the Draft EIR.

### **Response to Comment 11-102**

Consistency with the County's ALUCP is discussed in Chapter 4.7, Hazards and Hazardous Materials, of the Draft EIR. Consistency with the County's Integrated Waste Management Plan is discussed in Chapter 4.12, Public Services and Utilities, of the Draft EIR. In addition, consistency with applicable regulations from Title 17 of the County Code of Ordinance is discussed throughout each technical chapter of the Draft EIR, as applicable.

As noted previously, policies for some community plans, as well as applicable policies from the Rancho Calaveras Special Plan, would be incorporated into the Community Plan Element of the Draft EIR. Given that previously adopted community plans would be rescinded upon adoption of the Draft General Plan, the plans would not be part of the regulatory context applicable to the analysis included in the Draft EIR.

### **Response to Comment 11-103**

The County acknowledges that inconsistent zoning uses currently exist within the County, and would continue to occur with adoption of the Draft General Plan. IM LU-2A is designed specifically to update the Zoning Ordinance, including the zoning map, for consistency with the General Plan.

### **Response to Comment 11-104**

Section 65300.5 of the Government Code states the following:

In construing the provisions of this article, the Legislature intends that the general plan and elements and parts thereof comprise an integrated, internally consistent and compatible statement of policies for the adopting agency.

Based on the above, a general plan is only required to be internally consistent. However, per Government Code Sections 65454 and 65680, amendments to specific plans and zoning codes are required to maintain consistency with whichever planning document is adopted at the time. Therefore, upon adoption of the Draft General Plan, future amendments to adopted specific plans and the County Code of Ordinances, including amendments occurring with implementation of IM LU-2A, would be required to be consistent with the newly adopted General Plan.

**Response to Comment 11-105**

As noted on page 4.9-20 of the Draft EIR, the policies and IMs included in the Draft General Plan, including Policy LU 3.2, Policy LU 3.3, and IM LU-3A, have been designed to ensure that buildout of the Draft General Plan Land Use Map would not result in conflicts with the ALUCP or development of incompatible uses. Thus, additional analysis is not necessary.

**Response to Comment 11-106**

State law does not specifically require the locations of existing waste disposal facilities to be included in the Draft General Plan Land Use Map; rather, the Draft General Plan is only required to identify the locations of such facilities. In order to clarify the locations of existing solid waste facilities, the County has elected to amend the Land Use Element of the Draft General Plan to include additional information related to wastewater treatment and solid waste facility locations within the County. Such information is hereby incorporated into the Draft EIR on page 4.12-76:

State law requires the General Plan to identify solid and liquid waste disposal facilities that are designated in the Countywide Siting Element of the County’s Integrated Waste Management Plan. The County’s Integrated Waste Management Plan identifies one permitted solid waste disposal facility (at Rock Creek) and six transfer stations. Liquid waste disposal facilities are operated by several independent districts in the County. Solid and liquid waste disposal facilities are identified on the Land Use Map as Public Facilities. However, the Public Facility designation includes other facilities, including fire stations, libraries, parks, and schools. Identification of the solid waste facilities is provided on Table 54 of the Technical Background Report and is repeated below for ease of reference to the public. Additionally, wastewater treatment facilities are identified in Figure 59 and Table 49 of the Draft General Plan Background Report. This information is provided in Table LU-3.

<b><u>Table 4.12-17</u></b>	
<b><u>Solid Waste Facilities (Adopted from Draft General Plan Table LU-2)</u></b>	
<b><u>Facility</u></b>	<b><u>Location</u></b>
<u>Avery</u>	<u>4541 Segale Road, Avery</u>
<u>Copperopolis</u>	<u>3831 O’Byrnes Ferry Road, Copperopolis</u>
<u>Paloma</u>	<u>4347 Paloma Road, Paloma</u>
<u>Red Hill</u>	<u>5314 Red Hill Road, Vallecito</u>
<u>Rock Creek</u>	<u>700 Hunt Road, Milton</u>
<u>San Andreas</u>	<u>4285 Hwy. 49, San Andreas</u>
<u>Wilseyville</u>	<u>End of Blizzard Mine Road, Wilseyville</u>
<u>Gambi Disposal</u>	<u>968 Church Hill Street, San Andreas</u>

**Table 4.12-18**  
**Wastewater Treatment Facilities (Adopted from Draft General Plan Table LU-3)**

<b><u>Treatment Plant</u></b>	<b><u>Location</u></b>
<a href="#"><u>Angels Camp</u></a>	<a href="#"><u>3000 Centennial Road, Angels Camp</u></a>
<a href="#"><u>CCWD-Arnold</u></a>	<a href="#"><u>3294 Highway 4, Arnold</u></a>
<a href="#"><u>CCWD-Copper Cove</u></a>	<a href="#"><u>5130 Kiva Place, Copperopolis</u></a>
<a href="#"><u>CCWD-Country Houses</u></a>	<a href="#"><u>3436 Hoopa Circle, Camp Connell</u></a>
<a href="#"><u>CCWD-Douglas Flat</u></a>	<a href="#"><u>Connected to and part of Vallecito</u></a>
<a href="#"><u>CCWD-Indian Rock</u></a>	<a href="#"><u>APNs: 068-060-002 &amp; 068-059-019</u></a>
<a href="#"><u>CCWD-La Contenta</u></a>	<a href="#"><u>1525 Campbell Court, Valley Springs</u></a>
<a href="#"><u>CCWD-Sequoia Woods</u></a>	<a href="#"><u>921 Cypress Point Road, Arnold</u></a>
<a href="#"><u>CCWD-Southworth</u></a>	<a href="#"><u>7466 Leslie Court, Wallace</u></a>
<a href="#"><u>CCWD-Vallecito</u></a>	<a href="#"><u>1901 Highway 4, Douglas Flat</u></a>
<a href="#"><u>CCWD-Wallace</u></a>	<a href="#"><u>Comanche Parkway South and Wallace Lake Dr.</u></a>
<a href="#"><u>CCWD-West Point</u></a>	<a href="#"><u>20 Sandy Gulch Road, West Point</u></a>
<a href="#"><u>CCWD-Wilseyville Camp</u></a>	<a href="#"><u>4027 Railroad Flat Road, Wilseyville</u></a>
<a href="#"><u>EBMUD-Camanche South</u></a>	<a href="#"><u>11700 Wade Lane, Wallace</u></a>
<a href="#"><u>Mokelumne Hill SD</u></a>	<a href="#"><u>8970 Old Toll Road, Mokelumne Hill</u></a>
<a href="#"><u>Murphys SD</u></a>	<a href="#"><u>735 Six Mile Road, Murphys</u></a>
<a href="#"><u>San Andreas SD</u></a>	<a href="#"><u>675 Gold Oak Road, San Andreas</u></a>
<a href="#"><u>Valley Springs PUD</u></a>	<a href="#"><u>214 Highway 12, Valley Springs</u></a>

*Senate Bill 1016*

In 2007, SB 1016 amended portions of AB 939, which allows the California Integrated Waste Management Board (CIWMB) to use per capita disposal as an indicator in evaluating compliance with the requirements of AB 939. Jurisdictions track and report their per capita disposal rates to CalRecycle.

The County has not identified land adjacent to the facilities listed above as suitable for future high density land uses, except where such uses already exist or are planned with previous entitlements, thereby minimizing future potential land use conflicts.

**Response to Comment 11-107**

Please see Response to Comment 11-102. Additionally, see Master Response #4.

**Response to Comment 11-108**

The CEQA question is adequately addressed in Chapter 4.4, Biological Resources, of the Draft EIR. The Calaveras River Habitat Conservation Plan (HCP) is currently in a draft form and has not yet been adopted. Therefore, consistent with the CEQA Guidelines, the Draft EIR is not required to include a discussion of consistency with the Calaveras River HCP.

**Response to Comment 11-109**

As noted on page 4.9-20 of the Draft General Plan, other than the existing General Plan, Calaveras County currently does not have any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. As a planning-level document, upon

adoption, the Draft General Plan would become the applicable land use plan with which future projects would be required to demonstrate consistency.

As noted previously, the policies included in the Community Plan Element of the Draft General Plan have been derived from the goals, policies, and implementation measures of draft community plans within the County and the Rancho Calaveras Special Plan. In addition, all future development within the County, including development within established communities, would be subject to the applicable countywide policies and IMs from the Draft General Plan. The policies from the Community Plan Element of the Draft General Plan are intended to supplement, rather than supersede, the other goals, policies, and IMs included in the other elements of the Draft General Plan.

**Response to Comment 11-110**

Please see Response to Comment 11-109.

**Response to Comment 11-111**

Upon adoption of the Draft General Plan, existing Community Plans within the County would be rescinded. As such, the Draft EIR is not required to analyze impacts related to the existing Community Plans.

**Response to Comment 11-112**

Please see Response to Comment 11-109.

**Response to Comment 11-113**

Please see Response to Comment 11-8.

**Response to Comment 11-114**

Page 3-12 of the Draft EIR states the following regarding Community Plans to be included in the Draft EIR:

The 1996 General Plan included the adoption of six Community Plans (Valley Springs, San Andreas, Mokelumne Hill, Murphys-Douglas Flat, Avery-Hathaway Pines, and Arnold), along with two Special Plans (Rancho Calaveras and Ebbetts Pass.) With the adoption of the Draft General Plan, existing community plans would be rescinded. The Community Plan Element provides policy for the following new Community Plan Areas: Glencoe, Mokelumne Hill, Mountain Ranch, Paloma, Railroad Flat, Rancho Calaveras, San Andreas, Sheep Ranch, West Point, and Wilseyville.

With regard to omission of Community Plans that have not yet been adopted, please see Master Response #4.

**Response to Comment 11-115**

Please see Master Response #4. As noted previously, existing community areas within the County would be subject to the goals, policies, and IMs included in the Draft General Plan, including the Community Plan Element, upon adoption. The Draft General Plan would effectively supersede the existing Community Plans. Thus, the analysis presented within the Draft EIR is adequate per CEQA Guidelines.

**Response to Comment 11-116**

Please see Master Response #4.

**Response to Comment 11-117**

Please see Master Response #4.

**Response to Comment 11-118**

The plans and regulations noted by the commenter, such as the Integrated Waste Management Plan, Title 17 of the County Code of Ordinances, and the Community Wildfire Protection Plan were not adopted specifically for the purpose of avoiding or mitigating an environmental effect, as is the case with a general plan or community plan. Adopted plans, policies, or regulations that may be relevant to specific issue areas addressed in the Draft EIR are discussed in the applicable technical chapters of the Draft EIR. As noted previously, consistency with the County's ALUCP is discussed in Chapter 4.7, Hazards and Hazardous Materials, of the Draft EIR. Consistency with the County's Integrated Waste Management Plan is discussed in Chapter 4.12, Public Services and Utilities, of the Draft EIR.

With regard to existing community plans, please see Master Response #4.

**Response to Comment 11-119**

Please see Response to Comment 11-105 above.

**Response to Comment 11-120**

As discussed in Response to Comment 11-104 above, a general plan is only required to be internally consistent per Section 65300.5 of the Government Code. Upon adoption of the Draft General Plan, any future amendments to adopted specific plans and the County Code of Ordinances, including amendments occurring with implementation of IM LU-2A, would be required to be consistent with the newly adopted General Plan. The timing of such future updates to the County Code of Ordinances would be dependent on funding sources and the specific nature of the updates required; the State does not set a specific requirement for the timing of general plan-initiated updates to a zoning code, with the exception of regulations related to affordable housing.



**Response to Comment 11-121**

Please see Response to Comment 11-104 above.

**Response to Comment 11-122**

Please see Response to Comment 11-106.

**Response to Comment 11-123**

Please see Master Response #4.

**Response to Comment 11-124**

Please see Master Response #4.

**Response to Comment 11-125**

Please see Master Response #4.

**Response to Comment 11-126**

Please see Master Response #4.

**Response to Comment 11-127**

The comment is an introductory statement and does not address the adequacy of the Draft EIR.

**Response to Comment 11-128**

The Community Area boundaries identified in the Draft General Plan Land Use Map include areas of undeveloped land within and immediately around existing development. Therefore, Policy LU 1.2 does not directly conflict with the Draft General Plan Community Area land use designations. Furthermore, the County includes numerous areas of existing development which are not specifically designated Community Area per the Draft General Plan. The exclusion of such areas from the Community Area designation is intended to reflect the lower development intensity anticipated; it does not limit the provision of necessary utilities and service systems to safely accommodate pockets of new development that may occur within the vicinity of existing development. Therefore, the analysis presented within the Draft EIR is consistent with the CEQA Guidelines.

**Response to Comment 11-129**

Please see Response to Comment 11-109 above and Master Response #3.

**Response to Comment 11-130**

Please see Response to Comment 11-109 above.

**Response to Comment 11-131**

With regard to the commenter's concerns related to community plans, please see Master Response #4.

**Response to Comment 11-132**

The suggested policy is accomplished through the land use patterns, allowable densities, and other land use guidance included in the Draft General Plan Land Use Map.

**Response to Comment 11-133**

Please see Response to Comment 11-55 above.

**Response to Comment 11-134**

Please see Response to Comment 11-55 above.

**Response to Comment 11-135**

The Draft General Plan Land Use Map includes boundaries around the unincorporated communities in the County, defined as Community Area boundaries. Such boundaries are described on Page LU 5 of the Draft General Plan. Higher density and intensive land uses are contained within these boundaries. The boundaries recognize existing development and areas for future expansion of the existing communities. Outside of the boundaries are rural residential, agricultural, and other resource-related land use designations.

Draft General Plan Policy LU 3.4 identifies where expansion of public infrastructure is appropriate. In order to provide additional clarification regarding where high-density growth is planned, the County has agreed to consider addition of the following new Draft General Plan policy prior to adoption:

[Policy LU 1.6 Changes to land use designations to support new higher density or intensity uses outside of Community Areas shall not be approved unless findings can be made that additional land is necessary to meet the housing or employment needs of the County.](#)

In the event that the above policy addition is approved by the County, the conclusions presented in the Draft EIR would not change. Impact 4.9-2 from the Draft EIR would remain less than significant.

**Response to Comment 11-136**

Please see Master Response #5.

**Response to Comment 11-137**

Please see Master Response #5.

**Response to Comment 11-138**

The comment suggests a change to the County Zoning Ordinance and does not address the adequacy of the Draft EIR. The comment has been forwarded to the decisionmakers for their consideration.

**Response to Comment 11-139**

The suggested measures to avoid habitat and wildlife corridors are already included in Policy COS-3.1 and IM COS-4B of the Draft General Plan. Similarly, the suggested measures related to conservation easements and purchase of development rights is already included in Policy COS 3.6, IM COS-4B, IM COS-4D, and COS-4F. Such policies and IMs are discussed in Chapter 4.4, Biological Resources, of the Draft EIR.

**Response to Comment 11-140**

The comment recommends a change to an IM in the Draft General Plan. In response to the commenter's concerns, the County has agreed to consider inclusion of the following revision to Draft General Plan IM LU-4H prior to adoption:

IM LU-4H            ~~Compatible~~Dissimilar Land Uses – Adopt standards for buffers, landscape setbacks, walls, berms, building setbacks or similar techniques to reduce the impact on existing land uses from dissimilar land uses.

In the event that the above revision is approved by the County, the conclusions presented in the Draft EIR would not change.

**Response to Comment 11-141**

Please see Response to Comment 11-109 above.

**Response to Comment 11-142**

Please see Master Responses #1 and #2.

**Response to Comment 11-143**

Please see Master Response #1, #2, and #3.

**Response to Comment 11-144**

Please see Master Response #1.

**Response to Comment 11-145**

The comment is an introductory statement. Specific comments are addressed below.

**Response to Comment 11-146**

The Circulation Element of the Draft General Plan contains new improvements not included in the County Roadway Impact Mitigation (RIM) fee program, needed to accommodate projected population and employment growth. Since such improvements are new projects to the RIM Fee program, a mechanism is not yet in place to fund the improvements. However, Policy C 2.11 from the General Plan addresses the need to maintain/update the County roadway fee program:

Policy CIR 2.11     Maintain a program of proportional road improvement mitigation fees for general transportation improvement projects. General improvement mitigation requirements shall be apportioned on an equitable basis, based on the projected cumulative impact for a 20-year horizon. (IM C-2D and C-2E)

Upon adoption of the Draft General Plan, Policy C 2.11 and the associated IMs would help to ensure that funding for necessary roadway improvements is available. It should be noted that some of the improvements identified in the Draft General Plan may be dependent on the actual amount of growth realized within the County.

**Response to Comment 11-147**

Please see Response to Comment 11-146 above.

**Response to Comment 11-148**

The language included in the Draft EIR acknowledges that while development projects that are determined to impact roadway facilities may be required to implement necessary improvements as a condition of approval, the County may elect to instead require payment of fair-share fees towards the improvement if the improvement is already planned. Specific conditions of approval related to roadway improvements are determined on a project-by-project basis by the County. Furthermore, Section 12.02.050 of the Calaveras County Code of Ordinances states the following regarding degradation of Level of Service (LOS):

Any development shall require that public access roads serving the property have an acceptable service level and shall not degrade the service level to unacceptable, except as otherwise noted in Section 12.02.030 of this chapter and in the following:

- A. For conditional use permits, if the potential traffic of the proposed conditional use is less than or equal to the potential traffic of a permitted use, the project may be considered without regard to service level.
- B. Recreational uses may be considered without regard to service level on a case-by-case basis.

The County's Road Impact Mitigation (RIM) fees are currently applied to new development within the County to help fund necessary roadway improvements. While the County may choose to increase the RIM fees in the future, as adopted, the fees continue to provide a viable method of funding roadway improvements within the County.

### **Response to Comment 11-149**

CEQA Guidelines Section 15126.2(a) states the following, in pertinent part:

An EIR shall identify and focus on the significant environmental effects of the proposed project. In assessing the impact of a proposed project on the environment, the lead agency should normally limit its examination to changes in the existing physical conditions in the affected area as they exist at the time the notice of preparation is published, or where no notice of preparation is published, at the time environmental analysis is commenced.

Based on the above, this EIR is not required to evaluate existing deficiencies in funding for roadway maintenance. Rather, per CEQA Guidelines, the purpose of an EIR is to evaluate changes from existing conditions that would occur as a result of the proposed project.

### **Response to Comment 11-150**

Many jurisdictions may elect to establish a minimum operations standard of LOS D for certain roadway facilities. For example, as noted on page 4.13-12 of the Draft EIR, the California Department of Transportation (Caltrans) currently considers LOS D operations to be acceptable for State Route (SR) 26. For the City of Angels Camp, Policy 3.A.e in the *Angels Camp 2020 General Plan* identifies LOS D as the minimum acceptable LOS for the intersections of local roadways with arterial roadways.

### **Response to Comment 11-151**

The CEQA Guidelines do not require that an EIR include specific analysis of existing traffic safety issues. Rather, based on the Environmental Checklist in Appendix G of the State CEQA Guidelines, analysis of traffic safety is limited to whether a project would substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). For informational purposes, a summary of automobile collisions within the County is included on page 4.13-6 of the Draft EIR.

In order to provide additional existing setting information related to traffic safety within the County, page 4.13-6 of the Draft EIR is hereby revised as follows:

Table 4.13-3 below shows recorded automobile collisions for the period between 2010 and 2014 based on Statewide Integrated Traffic Records System (SWITERS) data. For the period shown, approximately 1,151 collisions occurred within the County. Of the 1,151 collisions, approximately 63 percent occurred on the State Highway System, which is consistent with the higher use of such facilities discussed above. [Figure 4.13-3 below provides a map of accidents on roadways within the County between 2011 and 2016.](#)

The referenced figure, shown on the next page, is hereby added as Figure 4.13-3 to page 4.13-8 of the Draft EIR. The forgoing revisions are for clarification purposes only, and do not affect the conclusions of the Draft EIR.

### **Response to Comment 11-152**

The comment provides an article with information related to existing traffic congestion issues within the County but does not address the adequacy of the Draft EIR.

### **Response to Comment 11-153**

Page 4.13-12 of the Draft EIR includes the following summary of the established minimum LOS thresholds for Caltrans roadways within the County:

For Caltrans roadways, acceptable LOS is defined by the applicable State Highway System Transportation Concept Report. For SR 4, SR 12, and SR 49, LOS C is considered acceptable. For SR 26, LOS D is considered acceptable.

### **Response to Comment 11-154**

Per the Environmental Checklist in Appendix G of the State CEQA Guidelines, an EIR is required to include an analysis of whether the proposed project would conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways. Because the County has not adopted a congestion management plan, and is not currently required to adopt such a plan per State requirements, this EIR is not required to evaluate consistency with such a plan.

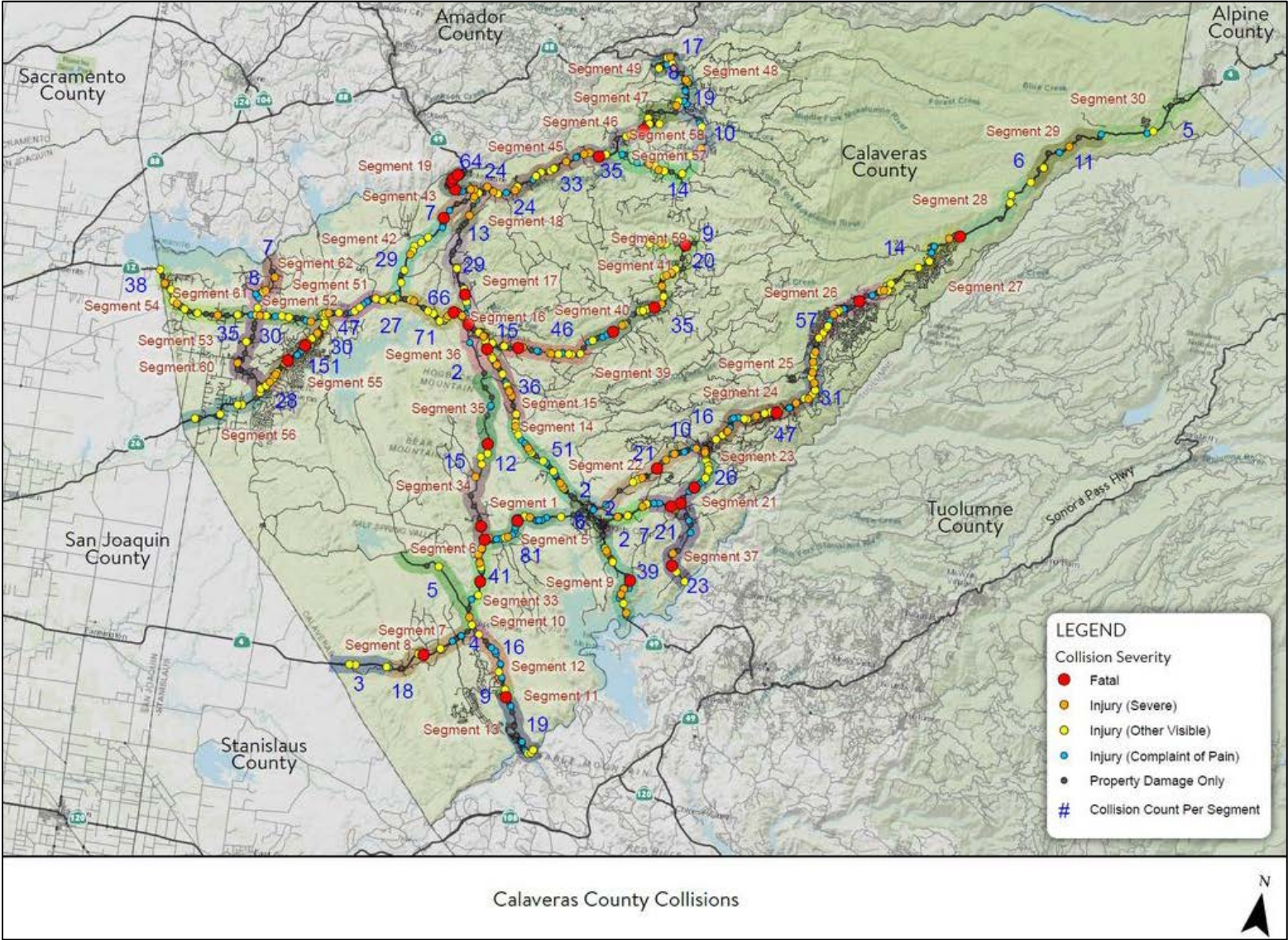
### **Response to Comment 11-155**

Please see Response to Comment 11-154 above.

### **Response to Comment 11-156**

Please see Response to Comment 11-154 above.

**Figure 4.13-3**  
**Calaveras County Collisions: 2011 to 2016**



### Response to Comment 11-157

As noted on page 4.13-11 of the Draft EIR, the goals and policies within the 2017 Regional Transportation Plan (RTP) are designed to be consistent with the current 1996 Calaveras County General Plan as well as the proposed Draft General Plan.<sup>2</sup> The 2017 RTP does not identify any conflicts with the Draft General Plan. Furthermore, the referenced letter from the Calaveras Planning Coalition does not identify any conflicts with the Draft General Plan but, rather, suggests that the Calaveras Council of Governments consider entering into a Memorandum of Understanding (MOU) with the County to create and maintain consistency between the two documents.

### Response to Comment 11-158

The comment reiterates statements from the Draft EIR, but does not address the adequacy of the Draft EIR.

### Response to Comment 11-159

While LOS correlates with traffic volumes, LOS is not simply a measure of the volume of traffic experienced at a given roadway facility. Rather, LOS is a function of road conditions, intersection design, and various other contributing factors. As such, defining minimum roadway facility operations by peak hour vehicle trips, rather than LOS, is not feasible. While additional sub-categories of a given LOS grade may be established using other factors such as average vehicle delay or volume to capacity (V/C) ratio, the County has elected not to consider such options.

### Response to Comment 11-160

IM S-3G contains language such as “may” and “should” because the actions recommended are a coordinated effort between the County and other federal, State and local agencies over which the County has no control. Nonetheless, there are specific tasks that the County can do. In order to clarify response planning efforts that may be undertaken by the County, the County has agreed to consider inclusion of the following revision to Draft General Plan IM S-3G prior to adoption:

IM S-3G      Coordinated Fire Prevention and Response Planning Efforts. Continue to participate in and support coordinated fire prevention and response planning efforts. Improve interdepartmental communications to enhance coordinated fire emergency response and planning between the Calaveras County Sheriff’s Office of Emergency Services, the County’s multiple fire districts, CalFire, the U.S. Forest Service, Planning, Public Works, the Calaveras Council of Governments and other affected agencies. Keep apprised of recommendations contained in the CalFire, Tuolumne/Calaveras Unit Strategic Fire Plan and Calaveras County Community Wildfire Protection Plan. ~~Coordination efforts should include evaluations of~~ Evaluate proposed road improvements in the County’s Circulation Element and Regional Transportation Plan that may improve

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<sup>2</sup> Calaveras Council of Governments. *2017 Calaveras Regional Transportation Plan* [pg. 47]. October 2017.



emergency evacuation routes and identify new routes as needed. ~~Support may be in the form of hosting a Host~~ strategic planning sessions for emergency response personnel and planners. ~~Coordination may also be achieved in the form of sharing~~ Share GIS database layers and fire modeling data.

In the event that the above revision is approved by the County, the conclusions presented in the Draft EIR would not change. Impact 4.7-6 from the Draft EIR would remain less than significant.

### **Response to Comment 11-161**

Please see Response to Comment 11-160 above.

### **Response to Comment 11-162**

The commenter recommends that the word “if” be replaced by “when”. While the County has reviewing authority over Battalion Evacuation Plans, the County is not the approving authority. The existing language included in the Draft General Plan is appropriate, as the County cannot be assured that such plans will be adopted.

### **Response to Comment 11-163**

The comment recommends changes to policies in the Draft General Plan to reflect that the County is not currently responsible for local transit systems. In response to the commenter’s concerns, the County has agreed to consider inclusion of the following revisions to Draft General Plan Policies C 3.1 and C 3.3 prior to adoption:

- |              |   |
|--------------|---|
| Policy C 3.1 | Maintain a <del>County</del> transit system <u>in the county</u> and strive to increase service efficiency, availability, and convenience for all residents, employees, and visitors to the degree feasible with available resources. (IM C-3B) |
| Policy C 3.3 | <del>Strive</del> <u>Work with the transit provider</u> to develop new attractive, well-maintained, and pedestrian-friendly bus stops, with benches and shelters where warranted, located in high-visibility and heavily used areas. (IM C-3C)  |

In the event that the above revision is approved by the County, the conclusions presented in the Draft EIR would not change. Impact 4.13-5 from the Draft EIR would remain less than significant.

### **Response to Comment 11-164**

The comment recommends changes to IMs in the Draft General Plan. In response to the commenter’s concerns, the County has agreed to consider inclusion of the following revisions to Draft General Plan IMs C-2B and C-2D prior to adoption:

- IM C-2B                    Transportation Impact Study Guidelines – Develop and adopt transportation impact study (TIS) guidelines that ~~consider~~ include all modes of travel and define, at a minimum, the need for transportation impact studies, analysis methodology and CEQA significance criteria.
- IM C-2D                    RIM and Benefit Basin Fee Update – Regularly update the Road Impact Mitigation, benefit basin, or other impact fee to keep up with inflation and otherwise adjust to changing construction costs and economic situations and correlate distributions with collections. Include in the impact fee calculations non-vehicular improvements such as pedestrian and bicycle facilities, park and ride lots and public transportation infrastructure.

In the event that the above revision is approved by the County, the conclusions presented in the Draft EIR would not change. Impact 4.13-5 from the Draft EIR would remain less than significant.

### **Response to Comment 11-165**

The comment recommends changes to an IM in the Draft General Plan. In response to the commenter’s concerns, the County has agreed to consider inclusion of the following revision to Draft General Plan IM C-3A prior to adoption:

- IM C-3A                    Park-and-Ride Facilities – ~~As funding allows, d~~Designate and implement appropriate “Park and Ride” facilities, and promote ridesharing programs.

In the event that the above revision is approved by the County, the conclusions presented in the Draft EIR would not change. Impact 4.13-5 from the Draft EIR would remain less than significant.

### **Response to Comment 11-166**

Updates to County-prepared planning documents, including bicycle and pedestrian master plans, are subject to approval by the County Board of Supervisors. Per County staff, the additional threshold suggested by the commenter is not feasible within the context of the County’s planning process. Specifically, by requiring discretionary approval of all development within certain zone districts, the threshold would conflict with the desire of the County to provide affordable housing, employment, and economic development due to costs, time delays, and uncertainty of project approval. The comment also includes articles for informational purposes which do not specifically address the adequacy of the Draft EIR.

### **Response to Comment 11-167**

Page 6-3 of the Draft EIR is hereby revised as follows to accurately summarize the conclusions of Chapter 4.4, Biological Resources, and Chapter 4.5, Cultural Resources, of the EIR:

- **Biological Resources.** Impacts related to ~~the following~~ wildlife movement corridors/wildlife nursery sites were identified as less than significant with

mitigation incorporated: ~~special status plant and animal species; sensitive riparian habitat; sensitive natural communities; oak woodlands; wetland habitats and waters of the U.S. and/or State; and.~~

- ~~• **Cultural Resources.** Impacts related to causing a substantial adverse change in the significance of an historical, archaeological, or paleontological resource were identified as less than significant with mitigation incorporated.~~

The forgoing revisions are for clarification purposes only, and do not affect the conclusions of the Draft EIR.

### Response to Comment 11-168

Page 6-4 of the Draft EIR is hereby revised as follows to accurately summarize the conclusions of Chapter 4.10, Noise and Vibration, of the EIR:

- **Noise.** Impacts related to the following were identified as significant and unavoidable: exposure of persons to or generation of transportation and non-transportation noise levels in excess of standards established in the Draft General Plan or the County's Noise Ordinance; and creation of a substantial permanent increase and a substantial temporary or periodic increase in ambient noise levels in the County above levels existing without implementation of the Draft General Plan.

The forgoing revisions are for clarification purposes only, and do not affect the conclusions of the Draft EIR.

### Response to Comment 11-169

Section 15126.6(a) of the CEQA Guidelines states, in part: “[...]An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decisionmaking and public participation. An EIR is not required to consider alternatives which are infeasible. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason. (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553 and *Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal.3d 376).”

The goals, policies, and IMs included in the Draft EIR are the product of careful consideration by County staff, the Planning Commission, and the Board of Supervisors. Each has been specifically tailored to meet the needs of the County, and has been subject to extensive review. Therefore, consideration of a separate set of policy alternatives in the Draft EIR is not feasible. Furthermore, per CEQA Guidelines Section 15126.6(b), the range of alternatives to be considered in an EIR should be chosen based on the ability of the alternatives to avoid or substantially lessen some of the significant effects of the project. In general, the environmental effects identified in the Draft EIR were tied specifically to buildout of the Draft General Plan Land Use Map, rather than

implementation of Draft General Plan policies or IMs. The policies and IMs serve primarily to reduce potential impacts associated with buildout. Given the extensive review that each of the policies and IMs in the Draft General Plan have undergone, additional revision to such policies and IMs in the form of separate policy alternatives would be unlikely to result in reduced environmental impacts. Thus, for the purposes of this analysis, selection of land use alternatives, rather than policy alternatives, is most appropriate.

### **Response to Comment 11-170**

The referenced Mintier-Harnish General Plan was an administrative draft submitted to the County consistent with the contract that the County entered into with the planning firm. As an administrative draft, the plan was subject to review and editing by the County prior to release to the public. Prior to release, the County determined that the draft was not viable as a guiding policy document for development within the County. County staff found that the Mintier-Harnish General Plan was deficient and needed substantial additional work before it could be considered complete. However, it was the starting point for subsequent edits which resulted in the Draft General Plan that was released for public comment in 2015. Based on the above, the Mintier-Harnish General Plan is not a completely different alternative to the Draft General Plan but, rather, was a work in progress that led to the current Draft General Plan under consideration in this EIR.

CEQA Guidelines Section 15126.6(f) states, in part: “The range of alternatives required in an EIR is governed by a “rule of reason” that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project. Of those alternatives, the EIR need examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of the project.” Thus, the administrative draft Mintier-Harnish General Plan was not considered as an alternative in the Draft EIR.

### **Response to Comment 11-171**

Please see Response to Comment 11-169.

### **Response to Comment 11-172**

Please see Response to Comment 11-170.

### **Response to Comment 11-173**

Please see Master Response #4. As noted therein, it would not be feasible for the Draft General Plan to incorporate incomplete community plans, given that such plans have not been sufficiently vetted.

### **Response to Comment 11-174**

As noted on page 3-5 of the Draft EIR the “carrying capacity” for the County which is evaluated in the Draft EIR does not represent actual buildout nor does the estimate express with any certainty

what will in fact occur. Rather, “carrying capacity” is simply a way to understand the development potential of the land use map. For most of the technical chapters included in this EIR, determination of impacts is based on buildout of the Draft General Plan in order to provide a conservative analysis. In the event that population growth does not occur or is more limited than current DOF projections, the goals, policies, and IMs included the Draft General Plan would still apply to existing and future development within the County, and the impacts identified in the Draft EIR would likely be reduced.

However, evaluation of a “No-Growth Alternative” in the Draft EIR would not be feasible, as the County cannot legally prohibit new development from occurring in the future. Rather, the County may only place limits on the type and intensity allowed within specific areas. Such limits are evaluated in the DOF Projections Alternative included in the Draft EIR.

### **Response to Comment 11-175**

As discussed on page 6-15 of the Draft EIR, under the DOF Projections Alternative, the Draft General Plan Land Use Map would be altered to reduce the total area available for development within the rural areas of the County. Specifically, the acreages of undeveloped land designated Residential Low Density (RLD), Rural Residential (RR), Rural Transition A or B (RTA and RTB), and Working Lands (WL) would be reduced such that full buildout of the reduced-intensity land use map would be consistent with the DOF projections shown in Tables 6-1 and 6-2 of the Draft EIR. Such land would instead be designated Resource Production, thereby precluding any substantial residential development. Alternatively, lands designated RLD or RR could be converted to WL to reduce density.

It should be noted that large areas of land outside of the Community Areas within the County are already developed or subdivided, and designated RTA/RTB or RR to recognize existing land use patterns. Residential growth due to development of existing lots within such areas could not be feasibly restricted by the General Plan. Thus, in order to provide additional reductions in development potential, the DOF Projections Alternative could include decreasing the size of designated Community Areas, thereby reducing the total area within the County designated Residential Medium Density (RMD) and Residential High Density (RHD).

### **Response to Comment 11-176**

The Rural Character Protection Alternative would not increase densities within areas designated RTA and RTB under the Draft General Plan Land Use Map. Rather, as discussed on page 6-20 of the Draft EIR, the Alternative would reduce the amount of land use designated RTA and RTB, similar to the DOF Projections Alternative. However, unlike the DOF Projections Alternative, under the Rural Character Protection Alternative, the reduction of development potential within the rural areas of the County would be balanced by an increase in development potential within community areas.

The Draft General Plan does not specify building height limits for the Residential Low Density (RLD), Residential Medium Density (RMD), and Residential High Density (RHD) land uses. Rather, building heights for future development within community areas under the Rural Character

Protection Alternative would be determined through updates to the County Code of Ordinances. The Rural Character Protection Alternative would not alter the types of development permitted within each land use designation from what is included in the Land Use Element of the Draft General Plan. Only the density of development would be altered.

**Response to Comment 11-177**

As noted under Response to Comment 11-174, for most of the technical chapters included in this EIR, determination of impacts is based on buildout of the Draft General Plan in order to provide a conservative analysis. Importantly, the Draft EIR evaluates a “worst-case” growth scenario. Actual growth trends are likely to be lower.

**Response to Comment 11-178**

As summarized in Table 6-3 of the Draft EIR, the Rural Character Protection Alternative would result in fewer impacts related to the following resources areas: Aesthetics; Agricultural, Forest, and Mineral Resources; Air Quality and GHG Emissions; Biological Resources; Hazards and Hazardous Materials; Hydrology and Water Quality Public Services and Utilities. The Rural Character Protection Alternative was included in the EIR because it is potentially feasible and would avoid or substantially lessen significant environmental effects identified for the proposed project (CEQA Section 15126.6, subs. (a), (b)). Under CEQA Guidelines Section 15126.6, subd. (b), the discussion of alternatives must focus on alternatives to the project which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.

**Response to Comment 11-179**

Please see Response to Comment 11-178 above.

**Response to Comment 11-180**

Please see Response to Comment 11-178.

**Response to Comment 11-181**

Please see Response to Comment 11-178.

**Response to Comment 11-182**

Please see Response to Comment 11-178.

**Response to Comment 11-183**

The potential environmental effects associated with the Rural Character Protection Alternative, including impacts related to increased development intensity in existing communities, are thoroughly evaluated in pages 6-20 through 6-27 of the Draft EIR. While the Rural Character

Protection Alternative would result in greater impacts than the proposed project for a select few issue areas, it would result in slightly fewer impacts overall relative to the proposed project, as noted on page 6-27 of the Draft EIR.

### **Response to Comment 11-184**

Page 6-27 of the Draft EIR is hereby revised as follows to provide clarification regarding significant and unavoidable impacts occurring under the DOF Projections Alternative.

Therefore, because the DOF Projections Alternative would result in the fewest impacts in the most resource areas in comparison to all other project alternatives, the DOF Projections Alternative would be considered the Environmentally Superior Alternative. However, as noted above, ~~the DOF Projections Alternative would still result in~~ the same significant and unavoidable impacts identified in this EIR for the proposed project would occur under the DOF Projections Alternative, albeit at a reduced intensity.

The forgoing revisions are for clarification purposes only, and do not affect the conclusions of the Draft EIR.

### **Response to Comment 11-185**

In general, certain footnotes included in the Draft EIR may have omitted page number references because the entirety of the cited document was used in preparation of the EIR, rather than a specific section. In other cases, the footnotes reference web pages for which a specific page number is not available. For footnote citations that refer to a specific page or range of pages in the referenced document, the following revisions are hereby applied to the Draft EIR:

#### Chapter 4.3, Air Quality and GHG Emissions

- <sup>8</sup> California Air Resources Board. *Air Quality and Land Use Handbook: A Community Health Perspective* [pg. 1 to 32]. April 2005.

#### Chapter 4.8, Hydrology and Water Quality

- <sup>4</sup> U.S. Geological Survey. *Hydrogeology and Geochemistry of Acid Mine Drainage in Ground Water in the Vicinity of Penn Mine and Camanche Reservoir, Calaveras County, California: Summary Report, 1993-95* [pg. 4 to 5]. 1999.
- <sup>7</sup> ~~Calaveras County Water District. 2015 Urban Water Management Plan. May 2016.~~ Calaveras County Water District. Groundwater Management Plan 2007 Update [pg. 1-6]. November 2007.

#### Chapter 4.12, Public Services and Utilities

- <sup>12</sup> Calaveras County Local Agency Formation Commission. *Calaveras Fire Municipal Service Review* [pg. 35]. Adopted June 17, 2013.

*Castle & Cooke*

*Scott B. Thayer*  
Senior Vice President

August 7, 2018

VIA OVERNIGHT DELIVERY AND ELECTRONIC MAIL

Peter Maurer, Planning Director  
CALAVERAS COUNTY PLANNING DEPARTMENT  
891 Mountain Ranch Road  
San Andreas, Ca 95249  
[pmaurer@co.calaveras.ca.us](mailto:pmaurer@co.calaveras.ca.us)

RE: COMMENTS ON DRAFT ENVIRONMENT IMPACT REPORT (DEIR) (SCH #  
2017012043) FOR THE PROPOSED CALAVERAS COUNTY GENERAL PLAN  
UPDATE

Dear Mr. Maurer:

This letter is submitted on behalf of Castle & Cooke California, Inc. and Castle & Cooke Commercial-CA, Inc. (collectively, "Castle & Cooke"), the owners of the Saddle Creek Resort, Copperopolis Town Square, Sawmill Lake, Vineyards and Copper Valley Ranch projects located in Calaveras County. Castle & Cooke appreciates the opportunity to comment on the County's draft Environmental Impact Report ("DEIR") for the proposed Calaveras County General Plan Update.

The General Plan Update will contain the County's vision for future growth. Under California law, the County's General Plan is required to include a land use element that designates the proposed general distribution and general location and extent of uses for housing, business, industry, open space, including agriculture, natural resources, recreation and other categories of public and private land uses. When approved, the land use element of the County's updated General Plan will function as a guide to planners, the general public and decision makers as to the ultimate development for the County at build-out. According to the State of California Governor's Office of Planning and Research 2017 General Plan Guidelines, the land use element of the General Plan should include categories reflecting existing land uses as well as projected development. (See 2017 OPR Guidelines, Pages 42 – 45.)

Castle & Cooke has reviewed the DEIR and the County's proposed General Plan Update, and has the following comments relating to Castle & Cooke's Sawmill Lake and Copper Valley Ranch projects.

10000 Stockdale Highway (93311) | P.O. Box 11165 | Bakersfield, CA 93389-1165 | (661) 664-6588 | Fax (661) 664-6188  
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**Letter 12  
Cont'd**

Peter Maurer, Planning Director  
Calaveras County Planning Department  
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Page 2

Sawmill Lake Project

The Sawmill Lake project consists of approximately 247 acres of land proposed as a mixed use residential master planned community with approximately 800 residential dwelling units. Castle & Cooke submitted its application for the Sawmill Lake project, including a proposed specific plan and vesting tentative subdivision map, on July 17, 2006. The application was deemed complete on March 2, 2007. An EIR was prepared for the project. However in 2013, the Calaveras County Board of Supervisors voted to deny the project "without prejudice" based on the reasoning that the County was constrained from issuing the proposed land use entitlements for the project because the County was then in the process of updating its General Plan. Hence the Board expressly stated that its denial was "without prejudice" to Castle & Cooke's right to continue with its land use entitlement applications for the project. Castle & Cooke intends to renew its application for land use entitlements for the Sawmill Lake project as soon as the County's updated General Plan is adopted.

By way of history, the Sawmill Lake project was originally part of a larger land holding which included the now partially developed Copper Town Square. The overall property, including Copper Town Square and Sawmill Lake, has been slated for use as a community center dating back to 1997 when the County entered into a written agreement with then land owners Ed and Susan Rich to designate the Sawmill Lake property as a part of the Copperopolis Community Center.

The original intent to develop the Sawmill Lake project in conjunction with Copper Town Square is evidenced by the planned extension of Sawmill Creek Road from Copper Town Square through the Sawmill Lake property to a connection point at Little John Road, and a road connection for Sawmill Lake Lane which was planned to extend around Sawmill Lake to a second intersection at Little John Road. These circulation elements are reflected in the Copper Town Square EIR and land plan. These roads are an integral part of the Copper Town Square planning approvals, but currently dead-end into the undeveloped Sawmill Lake project. Effective master planning requires that the Copper Town Square and Sawmill Lake projects be developed in a complementary and cohesive fashion.

The County's proposed General Plan Update designates the Sawmill Lake project on Figure 2 of the General Plan Update as "Future Specific Plan," and the project is included within the "Future Specific Plan" ("FSP") land use designation in Table 3-1 of the DEIR. However, several of Castle & Cooke's Sawmill Lake parcels were inadvertently omitted from the "Future Specific Plan" land use designation. In our discussions with County staff, it was confirmed that Assessor's Parcel Numbers 540-07-006, 540-07-018, 540-06-032 and 61-03-001 were inadvertently omitted from the Sawmill Lake "Future Specific Plan" land use designation on the General Plan land use map. Castle & Cooke requests that these four parcels be included within the "Future Specific Plan" land use designation, and that Figure 2 of the proposed General Plan Update be revised accordingly. In addition, Castle & Cooke requests that the County confirm that 800 of the total residential units reflected as "Future Specific Plan" in Table 3-1 of the DEIR have been allocated to the Sawmill project, or if not, that Table 3-1 be modified to reflect this.

Copper Valley Ranch Project

Castle & Cooke's Copper Valley Ranch project is proposed as a 4,350 acre master planned community. In July 2006, Castle & Cooke submitted its application for approval of land use entitlements for the Copper Valley Ranch project, including a General Plan Amendment, Specific Plan, Development Agreement and Tentative Subdivision Map. The County deemed Castle & Cooke's application to be complete

12-2

12-3

**Letter 12  
Cont'd**

Peter Maurer, Planning Director  
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on March 7, 2007. After over two years of processing, in 2009, the County abated further processing of Castle & Cooke's Copper Valley Ranch applications pending the County's adoption of its General Plan Update. Castle & Cooke intends to continue the processing its land use entitlements for the Copper Valley Ranch project as soon as the County adopts the proposed General Plan Update. To date, Castle & Cooke has spent over \$3,000,000 in CEQA compliance and processing costs for the Copper Valley Ranch project.

Copper Valley Ranch is located immediately south of Castle & Cooke's Saddle Creek Resort and is adjacent to the approved Tuscany Hills project which lies to the northeast. The Copper Valley Ranch project is an integral part of the overall circulation element for Tuscany Hills. In fact, the Tuscany Hills project approvals were conditioned upon development of secondary access to and from the Tuscany Hills project via roads which are reflected in the proposed Copper Valley Ranch land plan. When developed, Copper Valley Ranch would complete the regional roadway improvements needed for Tuscany Hills.

Despite the foregoing, the County's proposed General Plan Update designates the entire Copper Valley Ranch project area as "Resource Production." Castle & Cooke believes that in light of its pending application and substantial processing efforts for proposed land use entitlements, the Copper Valley Ranch project should rightfully be designated in the proposed General Plan Update as "Future Specific Plan." More importantly, Castle & Cooke submits that accurate visionary planning for the Copperopolis / Lake Tulloch region requires this designation for the Copper Valley Ranch project.<sup>1</sup>

Through its past achievements, Castle & Cooke has demonstrated a determined commitment to developing its land holdings in Calaveras County in a responsible manner, and with the highest development standards. Altogether Castle & Cooke has combined capital investments in Calaveras County exceeding \$120 Million. The Saddle Creek and Copper Town Square developments are the only major land use projects which have actually been developed in the Copperopolis region within the past 25 years.

In the course of developing the Saddle Creek and Copper Town Square projects, Castle & Cooke constructed Little John Road from State Highway 4 to the Copper Cove subdivision, significantly improving access for the State Highway 4 - Lake Tulloch corridor. Development of the proposed Copper Valley Ranch project would provide additional roadway improvements which would connect Copper Valley Ranch to the regional roadway circulation system, at no cost to the County.

The Copper Valley Ranch project is uniquely situated for development. We ask that the County recognize the suitability and potential benefit of further clustered development in this area, and Castle & Cooke's past accomplishments, by revising the proposed General Plan Update to designate Copper Valley Ranch as a "Future Specific Plan" area. The proposed General Plan Update is the County's opportunity to

<sup>1</sup> In this regard, Castle & Cooke notes that a rather large area near Lake Tulloch and located east of O'Byrne's Ferry Road is designated in the proposed General Plan Update as "Future Specific Plan" despite the fact that no application for land use entitlements has apparently ever been submitted for that property. That property appears to account for over 1,300 of the 2,130 residential units which are designated as "Future Specific Plan" in the proposed General Plan Update.

In addition, Castle & Cooke has been advised that the new owner of the Oak Canyon Ranch Specific Plan property plans to place that project under a permanent conservation easement, and is currently processing an application with the County to terminate that project's development agreement and to re-designate the property to a "Conservation" General Plan land use designation. This will have the effect of removing 2,675 residential units from the residential buildout estimate contained in the County's proposed General Plan Update.

**12-3  
Cont'd**

**Letter 12  
Cont'd**

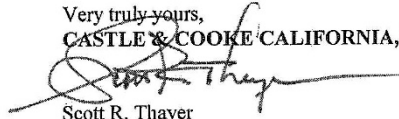
Peter Maurer, Planning Director  
Calaveras County Planning Department  
August 7, 2018  
Page 4

**12-3  
Cont'd**

address the region's projected development in a comprehensive manner with respect to land use, circulation, housing, conservation, open space, noise and safety, rather than having to address these issues later in a separate General Plan amendment immediately following the adoption of the updated General Plan. This would avoid the County's adoption of a General Plan Update which is outdated even before it is approved.

Throughout the County's planning effort on the proposed General Plan Update and the related CEQA process, Castle & Cooke has worked in a cooperative fashion with County planning staff, the Planning Commission and the Board of Supervisors to appropriately designate its Calaveras County projects. We hope to convince the County of the unique value of this forward thinking planning effort.

Very truly yours,  
CASTLE & COOKE CALIFORNIA, INC.



Scott R. Thayer  
Senior Vice President  
Operations and Land Development

SRT:cls

**LETTER 12: SCOTT THAYER, CASTLE & COOKE**

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**Response to Comment 12-1**

The comment is introductory and does not address the adequacy of the Draft EIR.

**Response to Comment 12-2**

The comment does not specifically address the adequacy or analysis of the Draft EIR. Areas for which approval of a specific plan is deemed reasonably foreseeable (i.e., with application submittal) are included in the Future Specific Plan designation. The parcels in question were not inadvertently omitted from the Future Specific Plan designation. A conscious decision by Planning staff and the Planning Commission was made to not include the parcels in the Future Specific Project designation due to a number of factors, including potential conflicts with adjacent land uses, access issues, and other site constraints.

**Response to Comment 12-3**

See Response to Comment 12-2.

Letter 13



CENTER for BIOLOGICAL DIVERSITY

Because life is good.

August 13, 2018

Mr. Peter Maurer  
Calaveras County Planning Department  
891 Mountain Ranch Road  
San Andreas, California 95249

Subject: Calaveras County Draft General Plan Update Draft Environmental Impact Report

Dear Mr. Maurer:

This letter responds to your Notice of Availability of the draft environmental impact report for the proposed Calaveras County General Plan Update. At issue are the potential effects of the project on federally and State listed and proposed species, fully protected species, species of special concern, wildlife, wetlands, and natural habitats.

The Center for Biological Diversity is a national, non-profit conservation with more than 1.6 million members and online activists dedicated to protecting diverse native species and habitats through science, policy, education, and the law. We have offices in 11 states and Mexico.

Our comments and recommendations are based on 1) Draft EIR Calaveras County Draft General Plan June 2018 4.4 Biological Resources (Section 4.4); 2) Calaveras County Draft General Plan SCH#2017012043 Draft Environmental Impact Report Volume I of II Chapters 1-8 & Appendices A & B (DEIR) dated June 2018; and 3) other information available to the Center for Biological Diversity including the references cited in this letter.

13-1

Our comments and recommendations are as follows:

1. Add the following to **Table 4.4-2 Special Status Plants with Potential to Occur within the County** (pages 4.4-18 to 4.4-19):

endangered Hartweg's golden sunburst (*Pseudobahia bahiifolia*), endangered Colusa grass (*Neostafia colusana*), endangered fleshy owl's clover (*Castilleja campestris* ssp. *succulenta*), endangered Greene's tuctoria (*Tuctoria greenei*), endangered hairy orcutt grass (*Orcuttia pilosa*), and threatened Hoover's spurge (*Chamaesyce hooveri*)

2. Add the following to **Table 4.4-2 Special Status Wildlife with Potential to Occur within the County** (pages 4.4-19 to 4.4-21):

13-2

endangered Sierra Nevada yellow-legged frog (*Rana sierrae*), endangered San Joaquin kit fox (*Vulpes macrotis mutica*), endangered vernal pool tadpole shrimp (*Lepidurus packardii*), wolverine (*Gulo gulo*), porcupine (*Erethizon dorsatum*), California spotted owl (*Strix occidentalis occidentalis*), and the black-backed woodpecker (*Picoides arcticus*)

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13-3

3. Delete Policy COS 3.2 (first paragraph) on page 35:

To the extent practicable avoid impacts to habitats that are known to support state or federally listed species. Where impacts cannot be avoided, compensate for these impacts in accordance with resource agency (CDFW and/or USFWS) protocols/policies for the listed species.

Replace with:

To the **maximum** extent practicable avoid **and minimize** impacts to habitats that are known to support state or federally listed species, proposed species, fully protected species, and/or species of special concern. Where impacts cannot be avoided **and/or minimized**, compensate for these impacts in accordance with resource agency (CDFW and/or USFWS) protocols/policies.

13-4

4. Delete Policy COS 3.2 (last and first paragraphs) on pages and 36

When appropriate, mitigation for impacts to CESA/FESA listed species and/or their habitats may be accomplished via CDFW and/or USFWS approval for the applicant to purchase species compensation credits from an agency approved conservation. For mitigation that includes avoidance on project sites or that provides offsite land preservation, a qualified biologist shall be required to develop long-term maintenance and management for any onsite species avoidance area, and/or for either on or offsite mitigation preserve established for a project's effects on CESA/FESA listed species.

Replace with:

**Unless it is not biological feasible, mitigation for impacts to CESA/FESA listed species, proposed species, fully protected species, species of special concern, and/or their habitats shall be implemented within Calaveras County and as close to the impacted site as feasible.** When appropriate, mitigation for impacts them and/or their habitats may be accomplished via CDFW and/or USFWS approval for the applicant to purchase species compensation credits from an agency approved conservation bank **within Calaveras County.** **The County of Calaveras shall ensure that the mitigation habitat has equal or greater biological value than the impacted sites.** For mitigation that includes avoidance on project sites or that provides offsite land preservation **within Calaveras County**, a qualified biologist shall be required to develop **an in-perpetuity** maintenance and management plan **and a Property Analysis Record (PAR)** for any onsite species avoidance area, and/or for either on or offsite mitigation preserve **within Calaveras County** established for a project's effects on CESA/FESA listed species.

13-5

5. Delete the following in IM COS-4K on page 40:

Use of herbicides must be undertaken by a licensed herbicide applicator.

Replace with

**To the maximum extent practicable, mechanical means (hand, tools, vehicles, appropriate animals such as the short-term use of domestic goats) shall be utilized to remove and control invasive weeds, and if this is not possible, then herbicides may be utilized.** Herbicide use must be undertaken by a licensed herbicide applicator.

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13-6

6. Delete the following in Policy COS 3.8 (last paragraph) on page 43:

On parcels greater than 10 acres where on-site protection of 30 percent of existing oak woodland canopy and replacement are infeasible, mitigation for project impacts to oak woodlands can include: a monetary contribution to the States Oak Woodlands Conservation Fund for the purpose of purchasing oak woodland conservation easements, onsite planting mitigation compensation, or a combination of onsite and offsite plant, or mitigation through oak woodland preservation via recordation of a conservation easement that facilitates the perpetual protection of oak woodland.

Replace with

On parcels greater than 10 acres where on-site protection of 30 percent of existing oak woodland canopy and replacement are infeasible, mitigation for project impacts to oak woodlands can include: a monetary contribution to the States Oak Woodlands Conservation Fund for the purpose of purchasing oak woodland conservation easements **within Calaveras County**, onsite planting mitigation compensation, or a combination of onsite and offsite planting **within Calaveras County**, or mitigation through oak woodland preservation via recordation of a conservation easement that facilitates the perpetual protection of oak woodland **within Calaveras County**. **The County of Calaveras shall ensure that the protected oak woodlands have equal or greater biological value than the impacted sites. A management plan and Property Analysis Record (PAR) shall be completed on any site intended for protection of oak woodland to ensure adequate in-perpetuity management.**

13-7

- Add **4.4-6 Wildlife Roadway and Highway Crossing** after **4.4-5 Wildlife Movement Corridors** on page 4.4-49:

**4.4-6 Improve the ability of listed species and any native wildlife to safely cross highways and roadways to reduce human injuries and fatalities resulting from vehicle-animal collisions. Based on the analysis and with the implementation of mitigation, the impact is less than significant.**

**In 2002, there were more than 1.5 million deer-automobile collisions in the United States, causing at least \$1.1 billion in vehicle damage and killing about 150 humans and at least 1.5 million deer (Curtis and Hedlund 2005; Steiner et al. 2014; Shilling 2016). Signage and speed limits are used to modify human behaviour to reduce deer-vehicle collisions, however, modifying the behaviour of deer and other large animals may be a more effective method. Wildlife fencing is an effective method for directing deer and other animals to specific crossing sites (Huijser et al. 2016). Wildlife culverts, wildlife under- and over-crossings, and fencing located in appropriate locations are excellent ways to ensure safe passage across roadways by black-tail deer, black bears, mountain lions, smaller wildlife, and federally and State listed animals (Simpson et al. 2016; Sikich and Riley 2012; McCollister and van Manen 2010). Culverts and undercrossings large enough to accommodate deer and similar sized animals, while including suitable substrates for the threatened California tiger salamander, threatened California red-legged frog, and smaller wildlife will almost certainly reduce the number of collisions between animals and vehicles. For example, wildlife crossings on the Trans-Canada Highway in Canada's Banff National Park have reduced wildlife road mortality by 80%, and as much as 96% for ungulates (Robbins 2003).**

**4.4-6(a) The following new policy will be added to the General Plan's Conservation and Open Space Element:**

**Policy COS 3.9 Encourage safe passage of listed animals and wildlife across roadways to reduce human injuries and deaths from animal-vehicle collisions**

**Letter 13  
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**13-7  
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4.4-6(b) The following new implementation measure shall be added to the General Plan's Conservation and open Space Element:

IM COS-4 The County and other parties will, where and when appropriate, require or include properly sized and constructed culverts and undercrossings under roadways for wildlife and federally and State listed species, proposed species, fully protected species, and species of special concern. When possible, appropriately sized culverts and undercrossings will be placed under highways and roadways where it has been identified animals are most are most likely to cross. When and where appropriate, fencing will be used to direct animals to specific culverts, undercrossings or other roadway crossings. Signage and rumble strips may also be utilized to alert drivers to specific areas used by black-tail deer and other large wildlife for roadway crossing.

The County may have County roadcrews enter the specific locations and photographs of roadkilled animals they encounter during their official duties into the California Roadkill Observation Center run by the University of California at Davis's Road Ecology Center ([www.roadecology.ucdavis.edu](http://www.roadecology.ucdavis.edu)). This information will help in identifying areas where the largest numbers of listed animals and wildlife cross roads and will assist in devising measures to reduce vehicle-animal collisions.

We appreciate the opportunity to comment on the Calaveras County Draft General Plan Update Draft Environmental Impact Report. Please contact me via email or US Mail if you have any questions.

Sincerely,



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**LETTER 13: CHRISTOPHER NAGANO, CENTER FOR BIOLOGICAL DIVERSITY**

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**Response to Comment 13-1**

Based on the comment, Table 4.4-2 beginning on page 4.4-18 of Chapter 4.4, Biological Resources, of the Draft EIR is hereby revised as presented below. Rather than include the entirety of Table 4.4-2 with revisions shown where appropriate, only the rows that have been revised or added are presented.

<b>Table 4.4-2 Special-Status Plants with Potential to Occur within the County</b>		
Common and Scientific Name	Fed / State / CNPS Status <sup>1</sup>	Habitat Requirement
<u>Hartweg's golden sunburst</u> <u><i>Pseudobahia bahiifolia</i></u>	<u>FE/CE/1B.1</u>	<u>Cismontane woodland; valley and foothill grassland; [clay soil]. About 150 m.</u>
<u>Hoover's spurge</u> <u><i>Euphorbia hooveri</i></u>	<u>FT/---/1B.2</u>	<u>Vernal pools.</u>
<u>Fleshy owl's clover</u> <u><i>Castilleja campestris</i> ssp. <i>succulentus</i></u>	<u>FT/CE/1B.1</u>	<u>Vernal pools. Below 750 m.</u>
<u>Colusa grass</u> <u><i>Neostafia colusana</i></u>	<u>FT/CE/1B.1</u>	<u>Vernal pools.</u>
<u>Hairy orcutt grass</u> <u><i>Orcuttia pilosa</i></u>	<u>FE/CE/1B.1</u>	<u>Vernal pools</u>
<u>Greene's tuctoria</u> <u><i>Tuctoria greenei</i></u>	<u>FE/CR/1B.1</u>	<u>Vernal pools.</u>

The above revisions to Table 4.4-2 are for clarification purposes only and do not change the conclusions of the Draft EIR.

**Response to Comment 13-2**

Based on the comment, Table 4.4-3 beginning on page 4.4-19 of Chapter 4.4, Biological Resources, of the Draft EIR is hereby revised as presented below. Rather than include the entirety of Table 4.4-3 with revisions shown where appropriate, only the rows that have been revised or added are presented. The revisions to Table 4.4-3 are for clarification purposes only and do not change the conclusions of the Draft EIR.

The forgoing revisions to Table 4.4-3 are for clarification purposes only, and do not affect the conclusions of the Draft EIR. It should be noted that the comment requests the addition of porcupine and black-backed woodpecker to Table 4.4-2; however, according to CNDDDB, the porcupine is not listed as a species of special concern, and the black-backed woodpecker is not known to be found in the County. Therefore, neither was included in the revision to text.

<b>Table 4.4-3 Special-Status Wildlife with Potential to Occur within the County</b>		
Common and Scientific Name	Fed / State / Other Status <sup>1</sup>	Habitat Requirements
<b>Insects <u>and Other Invertebrates</u></b>		
<u>Vernal pool tadpole shrimp</u> <u><i>Lepidurus packardii</i></u>	<u>FE/--</u>	<u>Inhabits vernal pools with turbid and/or silty water. Mud substrate typical.</u>
<b>Amphibians</b>		
<u>Sierra Nevada yellow-legged frog</u> <u><i>Rana sierrae</i></u>	<u>FE/CT</u>	<u>High mountain lakes, ponds, tarns and steams; rarely found more than 3 feet from water. Endemic to the Sierra Nevada of California and adjacent Nevada from 1400 to 3690 m. Requires 2-3 years for complete development.</u>
<b>Birds</b>		
<u>California spotted owl</u> <u><i>Strix occidentalis occidentalis</i></u>	<u>---/CSC/---</u>	<u>Mixed conifer forest, often with an understory of black oaks and other deciduous hardwoods. Canopy closure &gt;40%.</u>
<u>Great gray owl</u> <u><i>Strix nebulosa</i></u>	<u>-- / CE / --</u>	<u>Resident of mixed conifer or red fir forest habitat, in or on edge of meadows. Require large diameter snags in a forest with high canopy closure, which provide a cool sub-canopy microclimate.</u>
<b>Mammals</b>		
<u>Wolverine</u> <u><i>Gulo gulo</i></u>	<u>FP/CT</u>	<u>In high montane forests; rather rare, seldom seen. Mostly High Sierra south of Lake Tahoe; also northwest coast counties (Humboldt, Del Norte, Trinity). North to Oregon and Washington and across much of the coniferous forests of northern North America.</u>
<u>San Joaquin kit fox</u> <u><i>Vulpes macrotis mutica</i></u>	<u>FE/CT</u>	<u>Inhabits open grasslands with scattered shrubs. Needs loose-textured sand soils for burrowing.</u>

### Response to Comment 13-3

Based on the comment, Policy COS 3.2 per Mitigation Measure 4.4-1(c), as presented on page 4.4-35 of the Draft EIR, is hereby revised as follows for consideration by the decision-makers:

4.4-1(c) Policy COS-3.2 of the Draft General Plan shall be revised as follows:

~~Policy COS 3.2 Avoid impacts to special status and sensitive biological resources to the extent practicable and, where avoidance is impracticable, mitigate impacts consistent with state and federal policies. To the extent practicable a Avoid impacts to habitats that are known to support state or federally listed species. Where impacts cannot be avoided, compensate for these mitigate impacts in accordance with resource agency (CDFW and/or USFWS) protocols/policies for the listed species.~~

For project sites that support suitable breeding or dispersal habitats for listed species, in the absence of focused surveys proving absence, mitigation is warranted. For applicants that choose not to mitigate or compensate for impacts to such habitat based on the assumption that the habitat is suitable breeding or dispersal habitats for listed species, the County shall require project specific site surveys conducted per resource agency guidance for the FESA/CESA species in question by a permitted biologist. If such surveys are conducted with applicable resource agency concurrence and ~~prove absence, do not produce detections,~~ then mitigation requirements may be diminished or not be required by the County.

The above revisions are for clarification purposes only and do not alter the analysis or conclusions of the Draft EIR.

#### **Response to Comment 13-4**

The comment recommends a change to a policy in the Draft General Plan. In response to the commenter's concerns, page 4.4-35 of the Draft EIR is hereby revised as follows for consideration by the decision-makers:

When appropriate, mitigation for impacts to CESA/FESA listed species and/or their habitats may be accomplished via CDFW and/or USFWS approval for the applicant to purchase species compensation credits from an agency-approved conservation bank. For mitigation that includes avoidance on project sites or that provides offsite mitigation land preservation ~~that will be protected in a conservation easement,~~ a qualified biologist shall be required to develop a long-term maintenance and management plan, ~~and a Property Analysis Record (PAR) or PAR-Like Endowment Spreadsheet Analyses~~ for any onsite species avoidance area, and/or for either on or offsite mitigation preserves established to compensate for a project's effects on CESA/FESA listed species.

The above revisions do not alter the analysis or conclusions of the Draft EIR.

Some of the suggested language was not included in the revisions, including the following: "Unless it is not biological [sic] feasible, mitigation for impacts to CESA/FESA listed species, proposed species, fully protected species, species of special concern, and/or their habitats shall

be implemented within Calaveras County and as close to the impacted site as feasible.” The suggested language is not added to Policy COS 3.2, as the language would not provide sufficient clarity regarding which entity would be responsible for determination of whether a future action is “biologically feasible”. Rather, by including vague language that may be subject to differing interpretations, it is not clear that the suggested changes would benefit the effectiveness of Policy COS 3.2l. Conversely, requiring inflexible restrictions on the location of off-site mitigation options could impede successful implementation.

In addition, the suggested language of “fully protected species, species of special concern, and/or their habitats” was not added to the policy, as the policy is focused on State and federally listed species and compensation for impacts to State and federally listed species through land preservation/habitat compensation. FESA protects listed species and habitat that is used by listed species. CESA does not extend protections to loss of habitat, rather only to the species. In contrast, “fully protected species” and “species of special concern” are CDFW designations only and do not extend CESA protections. Fish and Game Code extends protections to fully protected species and Section 15380 of the CEQA Guidelines extend protections to such designated species outside of the CESA that meet the definition of “rare” or “endangered.”

Fully Protected species may not be “taken or possessed at any time” and no licenses or permits may be issued for their take except for collecting these species for necessary scientific research and relocation of the bird species for the protection of livestock. Provisions in the Fish and Game Code for protection of habitat do not exist, nor do requirements for preservation of habitat that supports fully protected species.

A Species of Special Concern is a species, subspecies, or distinct population of an animal native to California that currently satisfies one or more of the following (not necessarily mutually exclusive) criteria:

- is extirpated from the State or, in the case of birds, is extirpated in its primary season or breeding role;
- is listed as Federally-, but not State-, threatened or endangered; meets the State definition of threatened or endangered but has not formally been listed;
- is experiencing, or formerly experienced, serious (noncyclical) population declines or range retractions (not reversed) that, if continued or resumed, could qualify it for State threatened or endangered status;
- has naturally small populations exhibiting high susceptibility to risk from any factor(s), that if realized, could lead to declines that would qualify it for State threatened or endangered status.

Similar to a Fully Protected status designation, there are no provisions in the CESA (or FESA) for species of special concern. Thus, mitigation measures that are required shall be based upon clear policy statements from the CDFW and/or USFWS, or that are otherwise required for a proposed project via CDFW and/or USFWS permitting requirements.

Finally, the suggested text that mitigation for impacts shall be implemented “within Calaveras County and as close to the impacted site as feasible” was not added to Policy COS 3.2 for the following reasons:

- Mitigation banks, which are commonly used to mitigate impacts to State and federally listed species, have an approved Service Area, which often extends between counties. When a Mitigation Bank is “enabled” by the USFWS and/or CDFW, these agencies agree that the Service Area covers project-related impacts to specific sensitive plants and/or wildlife within the mitigation bank’s designated Service Area. Therefore, provided mitigation compensation is obtained from a CDFW and/or USFWS-approved mitigation bank for the species under consideration, and the mitigation bank’s Service Area includes the project site, then the mitigation does not need to take place within the county in which the impact occurred.
- It may not be appropriate to mitigate the impact “as close to the impacted site as possible” if the area around the impacted site is a rapidly developing part of the County where there is no regional context for land preservation. That is, there are no other protected lands or lands that are unlikely to be developed that otherwise would support preservation of land near or next to the project site. A regional context for preservation of species habitat should be a preservation objective.
- As necessary to support well-reasoned preservation for special-status species, mitigation banks should be used when possible in lieu of preserving habitat, because these banks have been through vetting with the CDFW and/or USFWS and the context of preservation and the benefits to the special-status species mitigated at specific banks meets overall objectives for species preservation on a regional contextual basis. When mitigation banks are not available, applicants should preserve land that has regional context to the species being mitigated as determined by the County, or CDFW and/or USFWS.

The commenter also requests that the following text be added to the policy: “The County of Calaveras shall ensure that the mitigation habitat has equal or greater biological value than the impacted sites.” The suggested language has not been included in the policy, as it is not feasible for the County to determine the value of mitigation habitat. In the event that the County would be required to hire a biologist to make such a determination, the project applicant may elect to hire their own biologist to challenge the County in this determination of “equal or greater value”. In order to avoid conflicts, the suggested language was not added.

### **Response to Comment 13-5**

The comment recommends a change to an IM that was required as a mitigation measure in the Draft EIR. In response to the commenter’s concerns, page 4.4-40 of the Draft EIR is hereby revised as follows for consideration by the decision-makers:

4.4-2(b)      *The following new implementation measure shall be added to the Draft General Plan:*

IM COS-4K Support efforts to eradicate invasive species and encourage practices that reduce their spread (IM COS-4G). This can be completed by:

- Require new developments to submit landscape plans that are comprised of mostly native California plant species and avoid landscaping with invasive plant species. Such plans would be subject to the review and approval of the County Planning Department.
- On properties proposed for development or redevelopment that have been identified by a qualified botanist to support those invasive plant species that are identified on the California Invasive Plant Council inventory as having a ranking of “high” invasiveness (or in the case of the plant, stinkwort, which has a “moderate” ranking), removal efforts should be undertaken. The best means to remove the invasive species (for example, hand-removal or the use of herbicides) would be determined on a property by property basis by the contracted botanist/qualified biologist/restoration ecologist.
- To the maximum extent practicable, mechanical means (hand, tools, vehicles, appropriate animals, such as the short-term use of domestic goats) shall be utilized to remove and control invasive weeds. If this is not possible, herbicides may be utilized. Use of herbicides must be undertaken by a licensed herbicide applicator.

The above revisions are for clarification purposes only and do not alter the analysis or conclusions of the Draft EIR.

### **Response to Comment 13-6**

The comment recommends a change to a Draft General Plan policy that was required as a mitigation measure in the Draft EIR. In response to the commenter’s concerns, page 4.4-42 of the Draft EIR is hereby revised as follows for consideration by the decision-makers:

4.4-3(a) *The following new policy shall be added to the Draft General Plan:*

Policy COS 3.8 The County shall require development that is subject to a discretionary entitlement and subject to CEQA review to evaluate potential impacts to oak woodlands using the methodologies identified below and shall require avoidance, preservation, and/or mitigation for potentially significant and significant impacts. Measures that shall be implemented include:

- Enlist the services of a qualified biologist, botanist, Registered Professional Forester, or arborist to survey the property in question for oak woodlands;
- To assess impacts On properties with a development footprint smaller than 10 acres the oak trees shall be counted and their diameter at breast height (DBH) determined; the number of trees that will be impacted shall be determined. On properties greater than 10 acres the acreage of contiguous oak woodland (based upon canopy cover) shall be calculated and the acreage of impact shall be quantified. Additionally, This may be completed by the qualified biologist, botanist, Registered Professional Forester, or arborist shall map the dripline (canopy) of the oak woodland using a global positioning system (GPS) technology in the field, or in the lab working from current aerial photographs.
- The dripline/canopy of the oak woodlands that are to be preserved shall be shown on all site development plans, grading plans, and/or engineering drawings so that all contractors are aware that this community is sensitive, protected, and must be avoided by project plans to the extent practicable.
- On properties less than ~~10~~ five acres, mitigation requirements shall include that removed oak trees ~~to be removed~~ shall be replaced at a mitigation ratio determined at the discretion of the County Planning Department. This ratio will be based on the species of oak removed. For example, for oak species that are common in the county, such as interior live oak (*Quercus wislizenii*), mitigation ratios may be lower than for less common oak species such as blue oaks (*Quercus douglasii*), valley oak (*Quercus lobata*) or black oaks (*Quercus kelloggii*). Ratios shall vary from 1:1 to as high as 3:1 at the discretion of the County Planning Department staff, and mitigation tree sizes shall vary between 5-gallon pots to 15-gallon box trees, depending on the size of the trees removed/impacted.
- On properties ~~greater than~~ between five and 10 acres, preservation requirements would include that a minimum of ~~30-20~~ percent of



~~existing oak woodland canopy shall be preserved. Tree replacement mitigation shall be as prescribed above for project site's smaller than 10 acres in size or as recommended in the following bullet point at the discretion of Calaveras County, unless it is demonstrated to the County that such preservation would prevent feasible development of a parcel. In addition, tree replacement mitigation shall be as prescribed above for properties that are less than five acres.~~

- ~~On properties between five and 10 acres where on-site protection of 20 percent of existing oak woodland canopy is infeasible, and/or where tree replacement mitigation is infeasible, mitigation shall include one or more of the following measures: (1) A monetary contribution commensurate with the acreage of impacts to oak woodland shall be paid to the State's Oak Woodlands Conservation Fund for the purpose of purchasing oak woodland conservation easements as close to the project site as possible, and if feasible, within Calaveras County; (2) a combination of on-site and off-site planting as close to the project site as possible, and if feasible, within Calaveras County at a tree replacement ratio as described for properties that are less than five acres or above; or, (3) mitigation through oak woodland preservation at an acreage commensurate with the acreage of impacted oak woodland via recordation of a conservation easement that facilitates the perpetual protection of oak woodland. A management plan and Property Analysis Record (PAR), or PAR-Like Endowment Spreadsheet Analyses shall be completed for any site intended for protection of oak woodland to ensure adequate in-perpetuity management.~~
- ~~On parcels greater than 10 acres, preservation requirements would include that a minimum where on-site protection of 30 percent of existing oak woodland canopy and replacement are infeasible, mitigation for project impacts to oak woodlands can include: a monetary contribution to the State's Oak Woodlands Conservation Fund for the~~

~~purpose of purchasing oak woodland conservation easements, onsite planting mitigation compensation, or a combination of onsite and offsite planting, or mitigation through oak woodland preservation via recordation of a conservation easement that facilitates the perpetual protection of oak woodland, shall be preserved. In addition, mitigation shall include one or more of the following measures: (1) A monetary contribution commensurate with the acreage of impacts to oak woodland shall be paid to the State's Oak Woodlands Conservation Fund for the purpose of purchasing oak woodland conservation easements as close to the project site as possible, and if feasible, within Calaveras County;(2) a combination of onsite and offsite planting as close to the project site as possible, and if feasible, within Calaveras County at a tree replacement ratio as described for properties that are less than 5 acres above; or, (3) mitigation through oak woodland preservation at an acreage that is commensurate with the acreage of impacted oak woodland via recordation of a conservation easement that facilitates the perpetual protection of oak woodland. A management plan and Property Analysis Record (PAR), or PAR-Like Endowment Spreadsheet Analyses shall be completed for any site intended for protection of oak woodland to ensure adequate in-perpetuity management.~~

In addition, as a staff-initiated change, page 4.4-43 of the Draft EIR is hereby revised as follows for consideration by the decision-makers:

~~4.4-3(b) Implementation Measure COS-4D of the Draft General Plan shall be revised as follows:~~

~~IM COS-4D Oak Woodlands. Develop a mitigation program in addition to the mitigation measures provided in the Oak Woodlands Preservation Act of 2014,<sup>18</sup> ~~where the County determines a project will have a significant effect on oak woodlands,~~ to facilitate the environmental review process relative to mitigating significant direct and cumulative impacts to oak woodlands in conjunction with discretionary project approval and address pre-development removal of oaks.~~

The above revisions are for clarification purposes only and do not alter the analysis or conclusions of the Draft EIR.

The commenter suggests that the following language be added to Policy COS 3.8: “mitigation for project impacts to oak woodlands can include: a monetary contribution to the State’s Oak Woodlands Conservation Fund for the purpose of purchasing oak woodland conservation easements.” The suggested language has not been added, as the purchase of conservation easements should not be limited to within Calaveras County because it may be more suitable to protect more significant oak woodland habitat in a neighboring county, especially if the particular project site is close to or straddling two county boundary lines.

In addition, the suggested language that the mitigation property have “equal to or greater” biological value than the impacted sites was not included for similar reasons as discussed in Response to Comment 13-4 above.

Regarding the commenter’s request that a Property Analysis Record (PAR) be completed for any property conserved via recordation of a conservation easement, because PARs per se are no longer required by the USFWS or CDFW, rather, what is required is a “PAR-Like Endowment Spreadsheet” analysis. Accordingly, the commenters suggested language was modified to reflect USFWS and CDFW requirements for a PAR or a “PAR-Like Endowment Spreadsheet” analysis for conservation easement protected properties.

### **Response to Comment 13-7**

The commenter is concerned about future development’s impact on wildlife movement within the County. The commenter cites data and studies on wildlife-vehicle collisions. The commenter also provides studies on the use of wildlife culverts, fencing, over- and under-crossings that are used to direct wildlife around, over, or under roadways. Policy COS 3.4 of the Draft General Plan instructs the County to identify and protect wildlife movement corridors. Identification of wildlife movement corridors would be facilitated by CDFW data, as discussed in IM COS-4E. Without proper identification of wildlife movement corridors, the County would be unable to direct resources to protection of such corridors. Therefore, identifying movement corridors represents a crucial first step to protecting such biological resources.

While it is known that the combination of fencing along freeways to funnel wildlife to an over-crossing is effective in moving large herds of migrating elk or pronghorn over freeways, this method is not effective in areas outside of known migration corridors where single animals, or a few animals grouped together, may cross a random spot along the highway. Additionally, some studies have shown that fencing is more detrimental to small mammals, which get trapped by the fencing on the freeway side; rabbits, for instance, have been found to have very high mortality rates along highways that are fenced (Sikich, J., and S. Riley. 2012). Plus, fencing miles of freeway is expensive and the burden of maintaining such fencing would fall on the County who does not have the funds (a mile of chain-link fencing can be upwards of \$50,000 per mile). Thus, while the County agrees that selective fencing and the possible use of an over-crossing for migrating deer would be appropriate along documented significant deer migration routes within

the County, a blanket requirement for use of fences or over-crossings along all the County's highways should not be required. With regard to requiring selective fencing and wildlife passage culverts or other under or over crossing plans, please see Response to Comment 14-4 below.

## Letter 14



**Central Sierra Environmental Resource Center**  
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Visit our website at: [www.cserc.org](http://www.cserc.org) or contact us at: [johnb@cserc.org](mailto:johnb@cserc.org)

August 8, 2018

Peter Maurer, Planning Director  
Calaveras County Planning Department  
891 Mountain Ranch Road  
San Andreas, CA 95249

Dear Peter (and Calaveras County Supervisors):

Some of you representing the County may be aware that more than a decade ago our Center and our attorneys were influential in convincing previous County Supervisors and County Planning Directors that the Calaveras County General Plan contained internal inconsistencies and significant major legal flaws that required a revision of the General Plan. Since that time, at every opportunity during the many years that this General Plan Update process has unfolded, our staff has respectfully submitted input and stressed our hope for a balanced new Plan that meets legal requirements.

It is extremely troubling that after providing highly detailed input in response to the initial release of the Draft General Plan, our staff still sees Calaveras County pressing forward with a General Plan that inarguably fails to meet legal mandates. Why would the County, after investing so much money and time into this process, intentionally move to adopt an updated General Plan that would fail to stand up to legal scrutiny on basic legal grounds?

CSERC has never expressed any expectation that the new General Plan would address all of our resource concerns or all of our goals for open space, agriculture, scenic resources, and water. We have, however, stated our clear expectation that the new General Plan will meet minimum State requirements and will contain feasible and meaningful mitigation measures where impacts are unavoidable.

**The CSERC comments below are intended to supplement the comments that were collaboratively developed with Ellison Folk of Shute, Mihaly & Weinberger, who is submitting those CSERC comments separately.** These supplemental comments focus narrowly on Biological Resources in the DEIR as well as some specific policies tied to Aesthetics, Agriculture, and Air Quality.

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**INTRODUCTION TO CSERC'S COMMENTS ON BIOLOGICAL RESOURCES**

Out of the many potential effects that could be caused by adoption of a General Plan, the effects of the Plan's goals, policies, and implementation measures on biological resources have the potential for especially significant effects for the environment and for the long-term health of natural resources in Calaveras County. What the General Plan allows in terms of development, where it allows that development, and the adequacy of mitigation measures in the General Plan are all pivotally important for water/aquatic resources, vegetation/habitat, and wildlife, as well as air quality, scenic resources, and other values that tie to biological resources.

CSERC acknowledges that the DEIR generally provides an informative, well-written description of the environmental setting – the existing habitat types within the County, including where those habitats generally are located, which types the consultants judge to be sensitive plant communities, and which species are identified as special status species for special consideration. In addition, the DEIR authors lay out general regulatory relevance of laws that are pertinent to biological resources.

However, there are many flaws or errors in the document; key wording lacks needed clarity, and numerous policies or mitigation measures are written with caveats or weak wording that undermines any obligation for the desired action to be implemented.

**The following specific comments identify a need for changes in order for the General Plan to protect biological resources:**

**COMMENT:** A correction is needed for pages 4.4–27 and 4.4-28, where the DEIR describes Public Resources Code 21083.4 and the State requirement to mitigate for plans or projects that result in a significant impact to oaks or oak woodland. In that section on page 4.4, the DEIR reads:

*"PRC 21083.4 offers a "menu" of mitigation options. Typically, significant impacts to oaks or oak woodland requires replacement tree mitigation at a five to one ratio (i.e., five oak trees are planted for every removed oak tree)."*

That DEIR section is misleading because it omits important information. The DEIR text fails to explain that 21083.4 (2) (C) specifies that **planting of oaks can be used for no more than half of the mitigation of impacts to oaks or oak woodlands.** "Mitigation pursuant to this paragraph shall not fulfill more than one-half of the mitigation requirement for the project." Thus, in addition to replacement tree mitigation done through planting new oak trees (5 to 1 or more), **some other form of mitigation for impacts to oaks must provide at least half the mitigation through one or more of the other mitigation options** listed on pages 4.4-27 and 4.4-28. This point is important since the General Plan will be the basis for future mitigation for

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development. **The text needs to be corrected to show that tree planting cannot make up more than half of the mitigation for impacts to oaks or oak woodland habitat.**

### SENSITIVE PLANT COMMUNITIES

The DEIR identifies three plant communities "...that the CDFW considers rare enough to warrant monitoring and have included them in the California Natural Diversity Database (RareFind 3) (CNDDDB) records. The three plant communities are riparian woodland, lone chaparral, and big tree forest...". The DEIR also explains: "Communities of special concern are communities that have historically had a limited distribution as well as communities that have become limited because of human activities."

Riparian woodland is the first such sensitive plant community described in the DEIR. On page 4.4-14, the DEIR acknowledges that there are only approximately 226 acres of riparian woodland habitat present within the County. Thus, out of 2/3 of a million acres of habitat types shown in Table 4.4-1 in the County, the sensitive plant community of riparian woodland only makes up a tiny fraction of 1/10 of one percent of existing habitat.

**COMMENT: Due to riparian woodland currently being found on only approximately 226 acres across the entire County, and due to its sensitive rating by CDFW, CSERC strongly urges the County to adopt a goal with an associated policy and implementation measure that requires protection of the remaining riparian woodland habitat. As an example, CSERC suggests: "All new development shall avoid any impact to riparian woodland habitat unless avoidance is determined to be infeasible by the CDFW." We ask for this or a similar policy be added to the General Plan to protect riparian woodland habitat.**

Such a policy and measure would ensure that the overwhelming majority of this sensitive plant community would not be degraded or eliminated by new development during the planning period. As directed by CEQA, whenever mitigation is feasible and can result in avoidance or a reduction of a significant impact, then that mitigation shall be adopted. In this case, it is a feasible and realistic option for the County to adopt a goal, policy, and implementation measure that directs all new development to be done outside of riparian woodland habitat. CSERC requests such a new requirement in the final General Plan.

### WILDLIFE MOVEMENT CORRIDORS

The DEIR appropriately discusses Wildlife Movement Corridors on pages 4.4-17 and 4.4-18. The text explains that Wildlife Corridors have several functions, with Regional Wildlife Movement Corridors providing foraging, breeding, and retreat areas for migrating, dispersing, immigrating, and emigrating wildlife populations, while Local Wildlife Corridors provide access routes to food, cover, and water resources within restricted habitats.

"Establishing connections among natural lands has long been recognized as essential for sustaining natural ecological processes and biodiversity." 4.4-17

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“Maintaining connectivity between the remaining natural areas and minimizing further fragmentation is crucial to the long-term viability of California’s natural heritage. If selected carefully and managed properly, habitat linkages and wildlife corridors, which can range from a large intact ranch bridging two protected areas to narrow riparian corridors or highway underpasses, can significantly contribute to both the viability of individual species and the integrity of the natural community.” 4.4-17

“Wildlife requires connected corridors and habitat linkages to find food, mates, and to maintain species diversity. Based on hundreds of studies, the evidence is clear: isolated remnants of land suffer predictable, cumulative losses of species; this is one of the strongest generalizations in the field of ecology. Habitat isolation is harmful.” 4.4-17 and 4.4-18

The text in the DEIR could not be more compelling or clear. Wildlife Movement Corridors are essential for sustaining healthy wildlife populations.

**Yet the General Plan does not contain feasible and effective requirements that actually will assure that new development will avoid impacts to Wildlife Movement Corridors or that will ensure that the County establishes a long-term network of protected Wildlife Movement Corridors. Policy COS 3.4 is positive in stating the policy to “Identify and protect corridors important to wildlife movement and dispersal.” IM COS-4E weakly reads that the County should “consider” CDFW data for the purposes of establishing guidelines for protecting important wildlife movement corridors. But no actual measure or policy ever requires that wildlife movement corridors shall be protected from new development or from barriers associated with new development.** This is just one of many defects that combine to result in Significant and Unavoidable Impacts to biological resources if the Proposed General Plan is adopted without changes.

**COMMENT: To correct this deficiency, CSERC urges that a measure be added to the General Plan that provides meaningful protection for Wildlife Movement Corridors. An example CSERC suggests is:** “New development shall be required to maintain the viability of Wildlife Movement Corridors. Within existing communities, new development shall ensure that buffers of a minimum width of 75’ from the centerline of the stream are left undisturbed along stream corridors. Outside of existing communities, buffers of a minimum width of 100’ from the centerline of the stream shall be left undisturbed along stream corridors. Where additional major wildlife movement corridors are identified by CDFW, appropriate protection of those corridors shall be required.”

IM COS-4J misleadingly purports to provide effective mitigation that would protect riparian woodland (and potentially other at-risk habitat such as movement corridors) through steps spelled out in the measure. However, **in reality IM COS-4J fails to actually mitigate in any meaningful way.** Whether or not a biologist is required to be hired by a development company, and whether or not an at-risk plant community is mapped by such a biologist – the reality is that **without mandated protection for vulnerable plant species through policies or**

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mandates, then any benefit to biological resources is nebulous or non-existent. In addition, IM COS-4J only directs that riparian habitat, for example, should be avoided "to the extent practicable." That caveat is neither measurable nor does IM COS-4J provide any requirement to actually avoid destruction of riparian woodland habitat if the developer does not see that as practicable.

**COMMENT:** In order to make IM COS-4J meaningful and in order to actually avoid significant impacts to riparian habitat and other critically important habitat values (such as wildlife movement corridors), the wording "to the extent practicable" should be deleted. Thus, the language would then direct that the sensitive plant community or other high value habitat must be protected and avoided. Mitigation would be assured, not speculative.

Despite a considerable amount of positive information in the DEIR, some statements or claims contained within the DEIR are not accurate, and they undermine the legality of the DEIR. This is a significant defect that needs to be corrected.

**COMMENT:** As one example, the DEIR contains false information related to the impacts to biological resources. The DEIR incorrectly asserts that due to IM COS "...the County's Draft General Plan would ensure that special-status and non-special-status species throughout the County are protected on a per project basis as well as a Countywide basis." 4.4-33. **That claim is not valid.**

**14-6**

*"IM COS-4C encourages the County to undertake Countywide planning for the conservation of special-status amphibian species through the preparation of a Habitat Conservation Plan (HCP) for such species. An HCP would allow the County to more effectively manage special-status populations over the entire County and would facilitate programmatic mitigation (IM COS-4B) of such special-status species. Increasing the efficacy of special-status species management would reduce the potential impacts related to development within the County by ensuring that development complies with programmatic mitigation and Countywide requirements."* 4.4-33

In contrast to the assertion that IM COS would ensure species are protected, in reality IM COS solely "encourages" the County to undertake some future planning process that may or may not ever lead to a concrete plan with effective results. The DEIR falsely assures that species will be protected, yet the DEIR fails to actually provide policies (such as protection of Wildlife Movement Corridors in the County) that would lead to protection for wildlife as development occurs.

**14-7**

**COMMENT:** The EIR text needs to be corrected to acknowledge that without the mandatory completion of a CDFW-approved HCP within 2 or 3 years of General Plan approval, any reliance on a possible future HCP is both speculative and meaningless for the purpose of mitigating development impacts to biological resources that may occur due to the General Plan – especially in the time period prior to a formal adoption of such a speculative plan.

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**MITIGATION MEASURES & RELATIONSHIP TO THE CHOICE OF DRAFT PLAN OR ALTERNATIVE**

On page 4.4-30, the DEIR states that the discussion of impacts related to biological resources is based on buildout of the Draft General Plan in comparison to existing conditions and the standards of significance.... 4.4-31 further acknowledges: "...some of the population growth is anticipated to occur outside of the existing communities, throughout the rural areas of the County."

**The amount of overall buildout identified for the General Plan (the amount for the County to plan for) truly matters** – especially for the resulting impacts on biological resources, water resources, transportation, air quality, agriculture, and open space values. By proposing to adopt a draft General Plan that is outrageously unrealistic and that allows the County to claim a development need that does not exist, the County would thus end up allowing a far higher amount of speculative development proposals that would include projects that ripple further into biologically important lands.

**14-8**

**COMMENT:** One of the most important factors determining the degree of impacts to biological resources that may result from the adoption of a new Calaveras County General Plan is whether the Board votes to adopt the draft General Plan or instead votes to adopt one of the action alternatives. As previously noted in CSERC comments, the NOP for the EIR revealed that the draft General Plan would allow for development to occur during the planning period for 7 times the housing "need" for the estimated "additional population" based on DOF projections. More recent discussion by the County describes the amount of development as 6 times the housing need. **CSERC strongly asserts that the County would violate CEQA (which requires the adoption of feasible measures to mitigate for significant impacts) if the County chooses to approve the draft General Plan that would allow so much leapfrog development, sprawl, and unnecessary significant impacts to biological resources and other values in the County.**

CSERC re-states that comment: If the County intentionally avoids reducing the extent of significant impacts to biological resources by approving the draft General Plan instead of an alternative that would cause far less development in rural, biologically important areas, the County will not comply with CEQA direction, which requires the adoption of feasible mitigation measures in order to minimize or reduce the degree of significant impacts.

**14-9**

We note that on page 4.4-33, the DEIR acknowledges clearly: "*Although the Draft General Plan encourages development within existing communities and includes various measures to reduce potential impacts related to special-status species, buildout of the Draft General Plan would result in impacts to special-status plant and animal species, or other sensitive biological resources...*". "*Therefore, buildout of the Draft General Plan could result in a significant impact.*"

**IMPACTS AND MITIGATION MEASURES**

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As stated on page 4.4-31 of the DEIR, the text explains that the draft General Plan includes policies and programs that are intended to protect biological resources from the impacts of future development.

In truth, however, a high percentage of the policies and implementation measures contained in the Conservation and Open Space Element of the draft General Plan contain directives that are so nebulous, generic, and mushy that they cannot be relied upon for legal mitigation purposes.

**14-10**

**AS WRITTEN, NUMEROUS COS POLICIES AND IMPLEMENTATION MEASURES FAIL TO PROVIDE TIGHT PRESCRIPTIVE CRITERIA OR REQUIREMENTS THAT CAN BE ASSURED OF BEING APPLIED. INSTEAD, POLICIES OR IMPLEMENTATION MEASURES SIMPLY RE-STATE ALREADY EXISTING LEGAL REQUIREMENTS BY STATE AND FEDERAL REGULATIONS, OR THE POLICIES OR IMPLEMENTATION MEASURES ARE WORDED WITH CAVEATS, ESCAPE CLAUSES, OR SUCH NEBULOUS WORDING THAT ENFORCEMENT WOULD BE PRECLUDED.**

**COMMENT:** COS 3.1 simply states that new development will use planning techniques and will “encourage” clustering of development. “Encourage” has no mitigation value, since it neither requires a consequential action to take place nor is it measurable as to whether or not the County did or did not “encourage.” CSERC strongly urges that the final version of the County General Plan should not contain meaningless, legally indefensible wording in mitigation measures or policies, including: “encourage”, “to the extent practicable”, “to the extent feasible” or “where feasible”, “support efforts where appropriate”, “consider”, and other legally unenforceable or weak wording now contained in draft General Plan policies and implementation measures. All such weak wording or caveats that allow avoidance of mitigation actions should be removed from the General Plan in the final version.

**MITIGATION MEASURES CANNOT RELY ON THE CREATION OF A REPORT**

**14-11**

It is fully appropriate and logical for the County to require new developments to include a Biology report that identifies impacts and recommends mitigation measures for impacts to at-risk resources -- such as described in Policy COS 3.3. But a General Plan requirement to produce a report that identifies potential mitigation measures for impacts does not ensure that the County either will find such a report to be valid and defensible (and thus adopt the recommendations), or that the report’s recommended mitigation measures will actually be sufficient to meet a standard of doing all feasible to reduce the significance of an impact.

Requiring a biological resources report and identification of mitigation measures to be prepared by a biologist hired by a developer (who has an economic rationale for minimizing recommendations for major mitigation requirements) is often likely to result in a lower level of risk identified than if the report was produced by a neutral party. But even assuming that a report is fair and scientifically sufficient, nothing in the draft General Plan requires the County to adopt all the mitigation requirements proposed in the report or to strengthen mitigation

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proposals when the County deems the report to be inadequate or incomplete. Thus, the creation of a report does not equal mitigation.

IM COS-4B puts forward "mitigation options" for Biological Resources: "Adopt written guidelines establishing mitigation measures acceptable to Calaveras County for mitigating impacts to sensitive biological resources. Applicants may apply these mitigation options or hire a qualified professional biologist to identify alternative mitigation."

**COMMENT: CSERC fully supports the adoption of specific, feasible, appropriate, and meaningful mitigation measures by the County (similar to the Tuolumne County Biological Resources Handbook that was utilized effectively for decades). Such a list of mitigation measures can be valuable if the measures are made available for potential implementation by small development applicants and others who do not realistically need the services of a paid professional biologist.** However, no such written guidelines exist at this time, nor does the County have even a draft version of such measures available for consideration in concert with this General Plan Update process. Thus, any future creation of any such County approved mitigation measure guidelines is highly speculative. The creation of such written guidelines depends upon some future board planning process and eventual action. And no criteria or timeline is provided in the DEIR to even indicate a potential for short term completion of such a list.

Accordingly, despite CSERC's support for both the referenced HCP and the development of easily understood, widely applicable written guidelines, neither is legitimate for the purpose of mitigation related to this General Plan process. Similar to IM COS-4C that calls for some future planning process to create a Habitat Conservation Plan, **the written guidelines referenced in IM COS-4B are neither in existence nor imminent.** The draft General Plan cannot rely upon some nebulous, non-initiated, unfunded HCP or an unfunded set of guidelines. **To correct this flaw, a source of funding and a timeline for completion of the written guidelines should be provided in the final General Plan. Otherwise, the envisioned future actions by the County cannot be considered to be mitigation implementation measures in the General Plan.**

One new mitigation measure described in the DEIR is **4.4-1(a)**, which states that the County shall require development to evaluate potential impacts to biological resources and to minimize, avoid, and or mitigate to special status species or as otherwise required by State or Federal law.

There may be some minor informational value for an implementation measure to simply state that the County shall require development to comply with State or Federal environmental laws. However, IM COS-4H provides no mitigation benefit other than to state already legally mandated direction that developers will meet laws.

**COMMENT: To re-state the obvious (the need to comply with existing laws) in a General Plan measure is empty and meaningless unless specific mitigation requirements are contained**

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**14-13  
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within the General Plan that actually mandate such compliance by specifying how compliance will be required and assured. **As currently written, IM COS-4H provides no value.**

**IM COS-4I** requires that “at the County’s discretion,” project applicants will be required to enlist the services of a qualified biologist. As noted previously in these comments, hiring a biologist and producing a report does not assure that the report will actually result in necessary protection for at-risk, special status species or sensitive habitats.

**14-14**

**COMMENT:** In addition to removing the weakening caveat “at the County’s discretion,” **IM COS-4I should be revised to actually have value for biological resources.** CSERC recommends the following suggested changes be made: “For development that is subject to a discretionary entitlement and subject to environmental review under the CEQA, the County shall require project applicants to enlist the services of a qualified biologist unless the County Planning Director judges the development project to be minor and without potential for any significant impact. For all other development, where project applicants must enlist the services of a qualified biologist, the County shall consider the biologist’s report describing recommended avoidance or mitigation measures intended to offset or mitigate for potential project impacts. At a minimum, the County shall adopt those recommendations; and additional mitigation may be required if deemed necessary by the County.”

The revised version of IM COS-4I as suggested above would result in clarity by ensuring that the County adopts, at a minimum, the recommended mitigation or avoidance measures from the biologist.

**14-15**

The first paragraph of Policy COS 3.2 is meaningless because it simply re-states already legally required direction to follow existing laws by avoiding impacts to habitats or by compensating as per resource agency protocols when avoidance is not practicable.

**COMMENT:** However, while the first paragraph of Policy COS 3.2 is basic meaningless, the second paragraph of Policy COS 3.2 is counterproductive and likely illegal. It provides that for sites that may have habitat for listed species, applicants who choose not to mitigate or compensate for impacts can attempt to get around such required mitigation measures by allowing applicants to pay biologists to do site surveys for the at-risk species “to prove absence.” The wording of the policy states that if resource agencies concur with the adequacy of the surveys, no mitigation for impacts to the species may be required by the County. CSERC points out that **surveys for listed species never prove absence, they only show either presence or a lack of detection. Surveys can prove presence, but not absence. Thus suitable habitat for listed species is still important whether or not a species is found during a particular survey of that habitat.**

Many listed species may only utilize a highly suitable habitat site during a percentage of the year when that site is most appropriate with the species’ needs. A survey may miss that time period. Also, a site may only be used for portions of a day (for example, dawn and dusk) so that surveys done at other times do not detect presence.

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Having surveys done by professional experts for the listed species should certainly be fully supported, and the results should be carefully considered by the County whenever a project is up for approval. But simply allowing an applicant to pay to have a survey done and then for the County to allow the applicant to avoid any mitigation requirement is not scientifically justified nor is that measure likely to avoid legal challenges.

14-16

**COMMENT:** CSERC recommends that the last sentence of that paragraph of Policy COS 3.2 be revised to read: "If such surveys are conducted with applicable resource agency concurrence and do not produce any detections, then mitigation requirements may be diminished or not required by the County."

14-17

**RECOMMENDATION TO REDUCE THE SIGNIFICANCE OF IMPACTS TO SENSITIVE HABITATS**

4.4-2 acknowledges that even with the implementation of mitigation contained within the draft General Plan, the impact to riparian habitat or other sensitive communities is judged to be significant and unavoidable. The draft General Plan as currently written fails to contain a feasible and realistic option to reduce the significant impact on riparian habitat and sensitive plant communities.

**COMMENT:** CSERC urges that the final General Plan contain a very clear requirement that new development shall reduce any potential impact to riparian habitat and lone chaparral by avoidance and adequate buffering. **A measure should require that any new development that is located outside the boundaries of urban development within existing defined communities shall not be approved in areas with riparian habitat and/or lone chaparral.**

Such a clearly worded requirement to avoid impacts to riparian habitat and to lone chaparral in areas outside of existing defined communities can markedly the potential for a significant and unavoidable impact on those two limited and sensitive plant communities.

14-18

**OAK WOODLAND HABITAT IS INADQUATELY PROTECTED WITHOUT ADDITIONAL MITIGATION**

4.4-3(a) is a new policy added to purportedly minimize the potential for buildout of the draft General Plan to impact oak woodlands. It provides some value as currently written, but it fails to provide feasible and realistic mitigation that could greatly reduce the risk of a significant impact on oak habitat.

Policy COS 3.8, in the second and third bullet points, is positive in requiring that on properties with a development footprint smaller than 10 acres, a qualified professional must count the oak trees, measure their diameters, and determine the number that will be impacted by the development. Further, boundary of the dripline/canopy of the woodland shall be shown on development and grading plans.

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**COMMENT: CSERC supports that direction in Policy COS 3.8.**

Policy COS 3.8 goes on in bullet point four to state that on properties less than 10 acres, the mitigation shall be replacement through planting at certain ratios.

**COMMENT: As discussed previously in these comments, this planting mitigation is at odds with State oak woodland mitigation language that restricts tree planting to apply as no more than half of the mitigation for oak impacts.** At a minimum, additional mitigation must be provided to ensure that the other 50% of mitigation is not tree planting. Furthermore, as now written, there is no language in COS 3.8 requiring County post-project monitoring to ensure that there actually is successful survival of the planted oaks (such as monitoring done at a time period of 7 years post planting); nor is a consequence described for a replacement mitigation if the replanted trees fail to survive (and thus provide no mitigation benefit).

**14-19**

**COMMENT: CSERC urges that for projects with a development footprint smaller than 10 acres, the applicant simply be required to retain and preserve oak woodland habitat across a minimum of 20% of the project site without clearing, paving, cutting of existing oaks, or other alteration of the habitat. Where such retention areas can be overlapping with riparian areas, such an overlap would be especially beneficial.** This mitigation requirement would allow the development of 80% of each project site with less than 10 acres of a development footprint, and it would result in retained patches or strips of oak woodland that benefit that might otherwise be extirpated from the site.

Policy COS 3.8 provides that for properties greater than 10 acres, a minimum of 30 percent of existing oak woodland canopy shall be retained. However, the policy then goes on to provide a caveat that when protection of 30 percent of existing oak woodland canopy is unfeasible, other mitigation measures can be used.

**14-20**

**COMMENT: In some situations, only requiring the retention of 30 percent of existing oak woodland may (or may not) be appropriate that for properties greater than 10 acres.** However in many situations the loss of 70% of oak woodland habitat on a proposed project site would be a highly significant impact of great importance. Accordingly, it may be appropriate to allow the mitigation measure to be reworded so that it more appropriately provides that for properties greater than 10 acres in size, mitigation for oak impacts may be approved based upon a mitigation requirement to retain 30 percent or more of the oak woodland habitat through the design of the project. CSERC's biologists also note that additional oak impact mitigation measures are spelled out in detail in the comment letter submitted for CSERC by Shute, Mihaly & Weinberger.

**14-21**

On page 4.4-44 **Policy COS 3.2** states that development should avoid impacts to special-status and sensitive biological resources to the extent practicable, and where avoidance is impracticable, to mitigate impacts consistent with state and federal policies. Thus, Policy COS

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3.2 actually provides no direction to avoid resource impacts because it provides such an open-ended excuse for a development applicant to simply claim that avoidance is impracticable.

**COMMENT: CSERC urges that the policy be re-worded:** "Avoid impacts to special-status and sensitive biological resources. Where total avoidance is infeasible, mitigate impacts consistent with state and federal policies."

**14-22**

On page 4.4-45, the DEIR discusses how the preparation of a biology report would ensure that wetland habitats are identified prior to development. The DEIR also describes conservation easements as an acceptable method of mitigation. Then the DEIR jumps to the conclusion that once wetlands are identified, the requirement of have a biology report and the acceptance of conservation easements as mitigation would combine to reduce or avoid impacts to wetlands.

Such circular text fails to adequately protect wetlands or waters of the United States. It is positive that there may be biologist reports that help identify wetlands. Conservation easements may be one of a variety of mitigation measures considered by the County as the most appropriate and effective mitigation to minimize impacts to wetlands or waters of the United States. But a report and an option of conservation easements does not actually require any avoidance of wetlands or waters, nor does the provision of a conservation easement as a mitigation option necessarily result in avoidance of wetlands or waters of the United States.

**COMMENT: What is needed in the General Plan is a clearly worded implementation measure such as:** "Development shall avoid direct impacts to wetlands or to waters of the United States. Where indirect impacts such as grading, fill, or hydrologic disturbance may affect wetlands of waters of the United States, strict mitigation measures such as buffers, conservation easements, or other mitigation shall be applied to minimize any indirect impacts." **CSERC asks that the recommended implementation measure suggested above be added as IM COS 3.9.**

**14-23**

**Inadequate protection of perennial and ephemeral streams (and corridors)**

As currently written, the draft General Plan does not contain effective direction to avoid impacts to streams or to stream corridors. IM COS 4K does provide specific direction that a project applicant must contract with a qualified professional to evaluate if the project could result in fill or hydrological disruption. But no requirement is provided to assess whether or not a project will negatively affect stream corridor resources, aquatic resources, water quality, riparian habitat, or various other resource values. **Such a measure is needed in order to assure protection for water quality, aquatic species, wildlife movement, protection of riparian habitat, scenic resources, and other important values.**

**COMMENT: CSERC urges that the following measure be added to the General Plan:** "Lake, pond, river, and stream corridor habitat shall be conserved through retention of undisturbed buffers with building set-backs and the requirement to avoid any barriers to wildlife movement along the water corridor. Within existing communities, new development shall ensure that



<b>14-23</b>	↑	<p>buffers of a minimum width of 75' from the centerline of the stream are left undisturbed along stream corridors. Outside of existing communities, buffers of a minimum width of 100' from a lake or pond or from the centerline of the stream or river shall be left undisturbed."</p>
<b>Cont'd</b>		<hr/> <p><b>Failure to require development to be located within or adjacent to existing communities</b></p> <p><b>COMMENT:</b> On page 4.4-47, <u>the DEIR incorrectly asserts that the draft General Plan "focuses further development within existing communities and in adjacent lands."</u> This is not accurate. <u>As drafted, there is no requirement for new development to be located in existing communities or directly adjacent lands,</u> nor is there language prohibiting approval of new development that would either result in sprawl or leapfrog development out into rangeland, agricultural land, or natural grassland, oak woodland, or forest.</p> <p><b>COMMENT:</b> CSERC urges the General Plan to contain a clear policy directing new development to be located in or adjacent to existing communities, and to have a supporting implementation measure to ensure the effectiveness of the policy.</p>
<b>14-24</b>		<hr/> <p><b>IM COS 4L provides another example of meaningless wording and a failure to ensure the desired outcome is required.</b></p> <p>In the single paragraph of IM COS-4L, the implementation measure text includes "encourage" preservation.... "to the maximum extent feasible". Habitat preservation and enhancement "shall be encouraged...." The County shall work with applicants "to encourage" development to be consistent with wildlife movement. Mitigation measures "may" include installing wildlife friendly fencing.... Creek corridors "should" be preserved... and the overall amazingly weak-worded paragraph ends with the caveat "to the extent feasible."</p> <p><b>COMMENT:</b> The County appears to be inviting litigation and further delays in implementing a new General Plan. Without wording that actually requires mitigation actions to be done, any policy or mitigation measure in the Plan is meaningless.</p>
<b>14-25</b>		<hr/> <p><b>Specific CSERC comments on Sections 4.1-4.3 of the Calaveras County General Plan</b></p> <p><b>Section 4.1: Aesthetics</b></p> <ul style="list-style-type: none"> <li>• IM PF-4D states that <i>"Wherever possible, sites that are less environmentally sensitive shall be selected for the placement of new emergency communications facilities."</i></li> </ul> <p><b>COMMENT:</b> The wording "wherever possible" is too vague and will allow for too many exceptions that may cause environmental damage. This phrase should be deleted. from the revised text.</p>
<b>14-26</b>		<hr/>

14-27

- IM LU-5A CSERC supports that new emergency communications facilities shall be “masked or otherwise disguised.”

**COMMENT:** The weakening phrase “at the county’s discretion” should be removed. Failing to use design measures such as the mono-tree communications tower design will result in adverse scenic impacts that could be avoided.

**Section 4.2: Agriculture, Forest and Mineral Resources**

- Section 4.2-1 states that there is no feasible mitigation measures for the conversion of Important Farmlands to other uses, yet it is obvious that the County could adopt policies and implementation measures that would do exactly that – avoid the conversion of Important Farmlands to other uses.

14-28

**COMMENT:** Residential development should be concentrated around existing urban areas in order to avoid the conversion of Resource Production Lands. For any projects where the County judges the benefit to be so great as to justify the conversion of Resource Production Lands, applicants should be required to fully mitigate for any conversion of farmlands. When unavoidable, conversion of farmland to other uses should also include the designation of a portion of the parcel as open space to mitigate for loss of open space. CSERC also asserts that **Policy RP 1.2 Should be clarified to specifically state a minimum lot size for parcels adjoining Resource Production Lands.**

- Policy COS 4.14 would have the County investigate the use of biomass for the generation of renewable energy. CSERC notes that this would benefit not only the County, but also the US Forest Service, by increasing local market capacity for wood chips produced through the removal of excess forest fuels from the national forest that is done for wildfire resilience purposes.

14-29

**Section 4.3: Air Quality and Green House Gas Emissions**

- Policy COS 4.9 states that “The County shall continue to support emissions reductions programs such as the Carl Moyer Program.”

**COMMENT:** For legal planning purposes, the word “support” is vague and meaningless in terms of any goal to reduce GHG emission. At the least, **the word “support” should be changed to “implement.”** But overall, the current General Plan approach is not specific enough or adequate regarding the County’s role in actually taking steps to reduce emissions.

14-30

- **Policy COS 4.10** states that the county “shall consider imposing mitigation measures” if a development project is anticipated to result in the emission of criteria air pollutants.

**COMMENT:** This should be reworded to: *the county “shall impose mitigation measures.”* Additionally, **the mitigation measures should be defined in detail in** the General Plan.

14-31

- **Policy COS 4.11** states that “All construction, grading, quarrying and surface mining operations within the county shall be required to consider asbestos emissions per CCAPCD Tule 906.”

**COMMENT:** The word “consider” is not strong enough language. **The wording should be revised** such as: “shall be required to adhere to CCAPCD Tule 906 regarding asbestos emissions.”

14-32

**IN CLOSING**

CSERC’s staff (including our botanist, aquatic biologist, and biologist) collectively submits the above comments. It is our hope that they will be considered carefully so that resulting corrections and improvements in the Draft General Plan can produce a Final General Plan that meets legal requirements and that moves the County forward with balanced planning direction for coming decades.



John Buckley, executive director

**LETTER 14: JOHN BUCKLEY, CENTRAL SIERRA ENVIRONMENTAL RESOURCE CENTER**

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**Response to Comment 14-1**

The comment is a broad general comment that critiques the Draft General Plan, and does not specifically address the adequacy of the Draft EIR. However, as stated on page 3-4 in Chapter 3, Project Description, of the Draft EIR, the Draft General Plan was created based on feedback from residents, property and business owners, and stakeholders representing various segments of the County. The Draft General Plan is intended to reflect the community's expressions of quality of life and community values, satisfy the mandates of state law, and serve as the basis for community decision-making regarding the designations of lands uses and allocation of resources.

**Response to Comment 14-2**

Based on the comment, the following revision was made to text on page 4.4-27 in Chapter 4.4, Biological Resources, of the Draft EIR:

Through the passage of SB 1334, which enacted Public Resources Code (PRC) 21083.4, the potential conversion of oak woodland is subject to CEQA review and findings, and significant impacts are to be mitigated. All 58 counties in California are required to adopt oak woodlands management plans and ordinances that require a discretionary permit for oak woodland conversions and set a minimum mitigation standard. PRC 21083.4 offers a "menu" of mitigation options. Typically, significant impacts to oaks or oak woodland requires replacement tree mitigation at a five to one ratio (i.e., five oak trees are planted for every removed oak tree). Mitigation related to tree replacement may only account for up to half of the mitigation requirements. Further mitigation would be required to constitute complete mitigation, and would be selected from one of the possibilities listed below. For projects located within an existing urbanized area, Urban Reserve Line, Urban Services Line, or within a city's sphere of influence as approved by a Local Agency Formation Commission, mitigation could be reduced to one to one. Mitigation options in PRC 21083.4 include:

The addition of the text does not change the analysis nor the conclusions of the Draft EIR.

**Response to Comment 14-3**

The comment agrees with the identification of 226 acres of riparian woodland habitats in the County by the Draft EIR and requests mitigation to conserve the habitat. Riparian woodland habitats are discussed throughout Chapter 4.4, Biological Resources, of the Draft EIR. Multiple policies, goals, and mitigation measures already exist in the Draft EIR to protect the County's sensitive communities from development. All related policies, goals, and mitigation measures can be found on pages 4.4-36 through 4.4-39. However, in response to the comment, page 4.4-40 of the Draft EIR is hereby revised to include the following new IM for consideration by the decision-makers:

4.4-2(c) The following new implementation measure shall be added to the Draft General Plan:

IM COS-4M The County shall adopt an ordinance or resolution conserving riparian corridors. In the interim, lake pond, river, and perennial stream corridor habitat shall be conserved through retention of undisturbed buffers with building setback and the requirement to avoid any barrier to wildlife movement along the water corridor. Within Community Areas as identified on the Land Use Map, new development shall ensure that buffers of a minimum width of 75' from the centerline of the stream or river are left undisturbed along stream corridors. Outside of Community Areas, buffers of a minimum width of 100' from lake or pond or from the centerline of the stream or river shall be left undisturbed. The width of the buffer may be reduced based on a recommendation from a qualified biologist that the reduced width will provide a comparable wildlife movement corridor.

The text revision does not alter the analysis provided in the Draft EIR.

#### **Response to Comment 14-4**

The Draft EIR includes Mitigation Measures 4.4-5(a) and 4.4-5(b) on page 4.4-54 of the Biological Resources chapter, which specifically reduce impacts to wildlife movement. The mitigation measures create policy to encourage compatible development with wildlife movement, as well as provide suggested mitigation for preserving wildlife movement corridors. Additionally, the Response to Comment 14-3 addresses buffer requirements which would reduce impacts to wildlife movement corridors.

The comment recommends the addition of new policies or IMs to the Draft General Plan. In response to the commenter's concerns, page 4.4-49 of the Draft EIR is hereby revised to include the following new IMs for consideration by the decision-makers:

4.4-5(c) The following new policy shall be added to the Draft General Plan's Conservation and Open Space Element as follows:

Policy COS 3.10 Where practicable, improve the ability of listed species and any native wildlife to safely cross highways and roadways to reduce human injuries and fatalities resulting from vehicle-animal collisions.

4.4-5(d) The following new IM shall be added to the Draft General Plan's Conservation and Open Space Element as follows:

IM COS-4N In areas of the County where a significant wildlife corridor has been identified (e.g., a deer migration

corridor, a federally or state listed amphibian migration route), the County and other parties proposing improvements in areas identified by CDFW as significant migration corridors, shall prepare and submit any improvement plans that must be approved by the County showing properly sized and constructed wildlife passage culverts or other under or over crossing plans that will provide safe passageways over or under constructed, improved or modified roadways. In significant wildlife corridors areas, when possible, fencing will be used to direct animals to these under crossings or other roadway crossings. Safety signage may also be utilized to alert drivers to specific areas used by mule deer and other large wildlife for roadway crossings.

The text revision does not alter the analysis provided in the Draft EIR.

#### **Response to Comment 14-5**

It should be noted that the suggested change in the comment to omit “to the extent practicable,” does not apply because IM COS-4J does not contain that language anywhere in the text. Additionally, please reference Response to Comment 14-3 for added language about riparian mitigation, as well as Master Response #2 for specificity on policies.

The comment recommends a change to a policy in the Draft General Plan. In response to the commenter’s concerns, page 4.4-39 of the Draft EIR is hereby revised as follows for consideration by the decision-makers:

4.4-2(a)            *The following new implementation measure shall be added to the Draft General Plan:*

~~IM COS-4J~~    ~~At the County’s discretion, d-Development that is subject to a discretionary entitlement and subject to CEQA review shall be required to evaluate potential impacts to sensitive and significant communities using the methodologies identified below and shall require mitigation for potentially significant and significant impacts.~~

- Enlist the services of a qualified biologist or botanist to survey the property in question for sensitive and significant plant communities including riparian and lone chaparral;
- If any sensitive or significant plant community is identified on the proposed property, the qualified biologist or botanist shall map the dripline (canopy) and/or extent of the rare

plant community using global positioning system (GPS) technology:

- The dripline/canopy and/or sensitive plant communities that are to be preserved shall be shown on all site development plans, grading plans, and/or engineering drawings so that all contractors are aware that this community is sensitive, ~~protected, and must be avoided by project plans to the extent practicable, and as such, impacts must be minimized by project plans to the extent possible.~~ Riparian drip line impacts require additional scrutiny and may require additional permitting from the CDFW pursuant to Section 1602 of the Fish and Game Code.
- Mitigation for project impacts on the sensitive habitat can include onsite planting mitigation compensation, or offsite mitigation through preservation via recordation of a conservation easement that facilitates the perpetual protection of similar habitat types as those that are impacted, consistent with COS-3.6, as necessary to reduce impacts to a less-than-significant level.

The text revision does not alter the analysis provided in the Draft EIR.

#### **Response to Comment 14-6**

See Master Response #1 and Response to Comment 14-7.

#### **Response to Comment 14-7**

Policy IM COS-4C is written to promote development of a Habitat Conservation Plan. The wording in the policy is meant to encourage the start of a formation of a Habitat Conservation Plan. The Draft General Plan is not able to create a plan within the document, so the policy promotes the creation of a document that would be subject to individual review. Additionally, IM COS-4C would be implemented with Policy COS 3.3 which states the following:

IM COS-4C     Habitat Conservation Plan for Amphibians. Subject to available funding and in cooperation with the U.S. Fish and Wildlife Service and California Department of Fish and Wildlife, pursue a countywide habitat conservation plan to allow incidental take of California tiger salamander and California red-legged frog habitat. Consider expanding the plan to include special-status species occupying similar habitats. Consider coordinating the effort with neighboring counties to assist in sharing the costs of preparing the plan and to expand mitigation opportunities.

The implementation measure provides the language necessary to protect species, and promote the development of a Habitat Conservation Plan. Additionally, see Master Response #1 for clarification on timing of implementation.

#### **Response to Comment 14-8**

See Master Responses #1, 2, and 3. The Draft EIR states in Chapter 3, Project Description, that the buildout estimates used throughout the Draft EIR were developed by the County using the County's GIS database system. This estimate is known as "carrying capacity" and represents how much development could occur within the County. A percent of buildout was identified providing a reasonable expectation of the amount of the land area dedicated to the residential land use based on infrastructure and topographical constraints. The determination of impacts is based on buildout of the Draft General Plan in order to provide a conservative analysis. The distribution of land use designations is identified on the Calaveras County General Plan Land Use Map.

Additionally, the Draft EIR analyzes alternatives, such as adoption of the DOF Projections Alternative, which assumes a much lower buildout estimate, but when analyzed, was found that project-level detail is not available related to future development, and the impacts on biological resources would remain significant. Because project-specific development is not proposed, the land area that could be impacted remains the same.

#### **Response to Comment 14-9**

The comment reiterates the Draft EIR text and does not address the adequacy of the Draft EIR.

#### **Response to Comment 14-10**

See Master Responses #2 and 3.

The comment recommends a change to a policy in the Draft General Plan. In response to the commenter's concerns, the County has agreed to consider inclusion of the following revision to Draft General Plan COS 3.1 prior to adoption:

Policy COS 3.1      New development shall use site planning techniques, including buffers, and setbacks, and encourage clustering of development to protect sensitive biological resources. (IM COS-4B)

In the event that the above revision is approved by the County, the conclusions presented in the Draft EIR would not change.

#### **Response to Comment 14-11**

See Master Response #2.



Because specific projects cannot be analyzed on a project-level basis at this time, the Draft EIR need only create mitigation that is comprehensive to most projects. Requiring a biological resources report and identifying mitigation measures is a standard set for most projects. At the time of approval, the individual project would undergo CEQA level analysis.

### **Response to Comment 14-12**

As stated in Chapter 4.4, Biological Resources, of the Draft EIR, a programmatic analysis of impacts to biological resources was provided in the chapter. The analysis is not project specific as that type of analysis would take place at the time of proposal of individual projects. All future projects would be required to adhere to State law.

Additionally, please see Master Response #1.

### **Response to Comment 14-13**

It is well established under CEQA that a condition requiring compliance with environmental regulations is a common and reasonable mitigation measure.

### **Response to Comment 14-14**

The comment recommends a change to an IM in the Draft General Plan. In response to the commenter's concerns, page 4.4-35 of the Draft EIR is hereby revised as follows for consideration by the decision-makers:

4.4-1(b)      *The following new implementation measure shall be added to the Draft General Plan:*

IM COS-4I      ~~*At the County's discretion, f*~~*For development that is subject to a discretionary entitlement and subject to environmental review under the CEQA, the County shall require project applicants to enlist the services of a qualified biologist to evaluate a proposed project's impact on ~~special status species as defined above~~ biological resources and determine what avoidance measures or mitigation measures are warranted to offset or mitigate these impacts ~~to the extent feasible unless the County determines the development project to be minor and without potential for a significant impact. The County shall adopt the feasible recommendations of a biologist.~~*

The revision to text is for clarification purposes and does not alter the analysis provided in the Draft EIR.

**Response to Comment 14-15**

As discussed on page 4.4-31 of the Draft EIR, because of the programmatic nature of the Draft General Plan, a precise, project-level analysis of the specific impacts of individual projects on special-status species, species populations, and other sensitive biological resources is not possible at this time. For example, surveying all areas of the County where development may occur under the Draft General Plan Land Use Map to determine if special-status plant or wildlife species are present would be not be feasible. As discussed on page 4.4-32 of the Draft EIR, Draft General Plan Policy COS 3.3 requires that new development projects include biology reports, which would identify the special-status species and habitat present on project sites and propose mitigation for potential impacts to such biological resources. Protection of special-status species and habitat can only be effectively implemented where such resources are known to occur. Therefore, requiring biology reports to identify special-status species and habitat present at a project site is an important first step to the protection of such resources. Mitigation may be required beyond a survey once the project area has been established and the impact can be assessed on a project-level basis.

Additionally, see Master Response #3.

**Response to Comment 14-16**

See Response to Comment 13-3.

**Response to Comment 14-17**

See Response to Comment 14-3 for additional mitigation for impacts related to riparian habitats, and setbacks for the benefit of wildlife movement corridors. Additionally, the Draft EIR acknowledges that the impact to biological resources is considered significant and unavoidable because project-specific details are not known at the time. At such time in the future that specific project applications are submitted to the City, additional review would occur and any modifications needed to any future plans would be required at that time.

See Master Response #2, as well, for further clarification.

**Response to Comment 14-18**

The comment is acknowledged. The 50 percent restriction does not preclude implementation of the mitigation as written. Additionally, see Response to Comment 14-2 for revision to text regarding tree planting limitations as mitigation.

**Response to Comment 14-19**

See Response to Comment 13-6.

**Response to Comment 14-20**

See Response to Comment 13-6.

### **Response to Comment 14-21**

See Response to Comment 14-16.

### **Response to Comment 14-22**

The comment recommends the addition of an IM to the Draft General Plan. In response to the commenter's concerns, page 4.4-49 of the Draft EIR is hereby revised to include the following new IM for consideration by the decision-makers:

4.4-5(e) The following new IM shall be added to the Draft General Plan's Conservation and Open Space Element:

IM COS-4P Development with the potential to dredge or fill material into, or otherwise impact, wetlands or waters of the U.S. shall apply for appropriate permitting from the U.S. Army Corps of Engineers pursuant to Section 404 of the Clean Water Act. Where direct or indirect impacts such as grading, fill, or hydrologic disturbance may affect wetlands, aquatic impact minimization measures shall be applied to minimize any potential impacts, consistent with applicable U.S. Army Corps of Engineers requirements.

The revision to text clarifies the existing requirements of Section 404 of the Clean Water Act related to wetlands and waters of the U.S. and does not alter the analysis provided in the Draft EIR.

### **Response to Comment 14-23**

See Response to Comment 14-3.

### **Response to Comment 14-24**

The General Plan Land Use Map on page 3-10 of the Draft EIR shows the areas of the County where future development is anticipated. The map does focus development within existing communities. The need for language prohibiting development into sprawl would not be necessary because if a proposed project were to attempt to build on land not designated for development, the project would need to apply for a General Plan amendment and be reviewed by the County. Because the Draft EIR is a program-level analysis, individual project-level analysis would be required at the time of such a development.

### Response to Comment 14-25

Please see Master Response #1, 2, and 3. The comment recommends a change to an IM in the Draft General Plan. In response to the commenter's concerns, page 4.4-49 of the Draft EIR is hereby revised as follows for consideration by the decision-makers:

4.4-5(b) *The following new implementation measure shall be added to the Draft General Plan's Conservation and Open Space Element:*

*IM COS-4L The County shall work with applicants to encourage preservation preserve or enhancement of upland habitat for wildlife species to the maximum extent feasible on parcels slated for development containing suitable habitat (e.g. areas used for foraging, breeding, dispersal, etc.). Habitat preservation and enhancement shall be encouraged throughout the County in a way that promotes regional connectivity of open space habitats. The County shall work with applicants to encourage design development to be compatible with wildlife movement. Mitigation measures may include installing wildlife friendly fencing or lighting to minimize interference with wildlife movement. Creek corridors ~~should~~ shall be preserved in undeveloped open spaces or under conservation easements as creek corridors provide linear wildlife corridors through the County. Similarly, if open spaces are to be preserved within developed areas, they ~~should~~ shall have connectivity to/with other dedicated or undevelopable open space lands to the extent possible.*

The above revisions to text do not alter the analysis or conclusion provided in the Draft EIR.

### Response to Comment 14-26

Communication facilities for emergency services are lacking in Calaveras County. The County has found it necessary to fix the communication services for the safety of the community. If the option exists, services will be placed in the least environmentally sensitive location. However, the wording "wherever possible," will remain because in some cases an alternative placement of an emergency communication is not possible. The measure is designed to reduce impacts, but where necessary, the safety of the community must be provided.

### Response to Comment 14-27

The comment recommends a change to an IM in the Draft General Plan. In response to the commenter's concerns, page 4.1-23 of the Draft EIR is hereby revised as follows for consideration by the decision-makers:

4.1-2(b) *Implementation Measure LU-5A of the Draft General Plan shall be revised as follows:*

*IM LU-5A Adopt a Telecommunications Facilities Ordinance – Adopt a telecommunications facilities ordinance consistent with the requirements of the Telecommunications Act of 1996 and including provisions for undergrounding, co-locating, and stealth or other creative design methods to minimize the visual impact of these facilities. The ordinance should facilitate the expansion of broadband internet service throughout the county. Furthermore, the ordinance shall require that all new telecommunications facilities, including emergency communications facilities, be masked or otherwise disguised, at the County's discretion, in order to ensure that the facilities blend with the surrounding natural environment where such masking will reduce visual impacts.*

The above revision to text does not change the analysis or conclusions provided in the Draft EIR.

#### **Response to Comment 14-28**

Please see Master Response #5. Additionally, Policy RP 1.2 requires newly created parcels adjoining Resource Production Lands be of adequate size and compatibly zoned to minimize potential conflict between the uses or potential uses on Resource Production Lands.

#### **Response to Comment 14-29**

The comment recommends a change to policy in the Draft General Plan. See Master Response #3. In response to the commenter's concerns, page 4.3-34 of the Draft EIR is hereby revised as follows for consideration by the decision-makers:

4.3-1(a) *The following new policy shall be added to the Draft General Plan:*

*Policy COS 4.9 The County shall continue to ~~support~~ implement emissions reductions programs such as the Carl Moyer Program, and find methods of incentivizing the replacement or retrofit of small emissions sources throughout the County, such as the replacement of existing wood stoves with EPA Phase II certified appliances, and the installation of new replacement engines or technologies to reduce emission from off-road and on-road engines within the County.*

The above revision to text does not alter the analysis or conclusions provided in the Draft EIR.

### Response to Comment 14-30

The comment recommends a change to policy in the Draft General Plan. In response to the commenter's concerns, page 4.3-34 of the Draft EIR is hereby revised as follows for consideration by the decision-makers:

4.3-1(b) *The following new policy shall be added to the Draft General Plan:*

Policy COS 4.10 *Should proposed developments within the County be anticipated to result in significant impacts related to the emission of criteria air pollutants, the County shall require the ~~applicable~~ mitigation measures provided in the CCAPCD's Guidelines for Assessing and Mitigating Air Quality Impacts of Land Use Projects ~~to the extent feasible.~~*

The above revision to text does not alter the analysis or conclusions provided in the Draft EIR.

### Response to Comment 14-31

The comment recommends a change to policy in the Draft General Plan. In response to the commenter's concerns, page 4.3-37 of the Draft EIR is hereby revised as follows for consideration by the decision-makers:

4.3-3(b) *The following new policy shall be added to the Draft General Plan:*

Policy COS 4.11 *All construction, grading, quarrying, and surface mining operations within the County shall be required to ~~consider~~ ~~adhere to asbestos emissions per~~ CCAPCD Rule 906 – Asbestos Airborne Toxic Control Measure, and the California Air Resources Board's Final Regulation Order 2002-07-29 Asbestos ATCM for Construction, Grading, Quarrying, and Surface Mining Operations.*

The revision to text does not alter the analysis or conclusions provided in the Draft EIR.

### Response to Comment 14-32

The comment is a closing remark and does not pertain to the adequacy of the Draft EIR.

**Letter 15**

SHUTE, MIHALY  
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August 10, 2018

Via E-Mail

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Re: Comments on Draft Environmental Impact Report for the Proposed  
Calaveras County General Plan Update

Dear Mr. Maurer:

Shute, Mihaly & Weinberger LLP submits these comments on the Calaveras County General Plan Update (Update or Project) Draft Environmental Impact Report (DEIR) on behalf of the Central Sierra Environmental Resource Center (CSERC). Our review of the DEIR reveals serious violations of the California Environmental Quality Act (CEQA) (Public Resources Code § 21000 et seq.) and CEQA Guidelines (California Code of Regulations, title 14 § 15000 et seq.) and various state laws.

This Update will determine the shape of growth in Calaveras County for decades to come. It will guide protection of the County's precious environmental and agricultural resources, conservation and development of new housing, development of infrastructure, and other critical land use decisions. Thus, decisionmakers and the public need to make crucial decisions regarding the General Plan based on robust information, not on a narrow, pro-development version of the facts.

CSERC staff has participated actively in various General Plan revision committee meetings, public open house sessions, and workshops presented for County officials and interested County residents. During those opportunities for input, CSERC emphasized that strengthening General Plan protection for natural resources, open space, water resources, scenic values, and air quality would provide long-term benefits for the local economy and for scenic values tied to tourism. Nonetheless, County officials and

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Cont'd**

↑ building industry interests have advocated for weakening or avoiding the inclusion of conservation policies that are necessary to comply with state and federal law. This focus on minimizing protective measures is reflected in the proposed Update and the DEIR. As evidenced by the numerous admitted significant unavoidable impacts, the update will create long-term environmental damage, affecting residents and future generations throughout the region.

The buildout of the update encourages sprawl development by allowing “the addition of 19,979 residential units and a population increase of 71,567 within the County.” DEIR at 3-6. Department of Finance (DOF) projections for the County only predict a population increase of 9,963 persons requiring the addition of approximately 4,353 residential units. DEIR at 3-5. The Update plans for a population more than seven times the predicted increase and for more than 4.5 times the number of required residential units. The DEIR claims it is allowing “substantial development flexibility in terms of density, intensity, and location of future development.” DEIR at 3-6. But this is simply a fancier way of saying that the update allows for sprawl development into the open space, agricultural, and resource production lands that make Calaveras County special. The Update will result in far greater significant and unavoidable environmental impacts than the DOF Projections General Plan Alternative would.

The EIR is “the heart of CEQA.” *Laurel Heights Improvement Ass’n v. Regents of University of California* (1988) 47 Cal.3d 376, 392 (citations omitted) (*Laurel Heights I*). It is an “environmental ‘alarm bell’” that alerts the public and responsible officials to environmental changes before they reach “ecological points of no return.” *Id.* (citations omitted). The EIR is also intended to hold public officials accountable by “demonstrat[ing] to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action.” *Id.* (citations omitted).

**15-2**

Where, as here, an EIR fails to fully and accurately inform decision-makers, and the public, of the environmental consequences of proposed actions, it does not satisfy CEQA’s most basic goals. Pub. Resources Code § 21061 (“The purpose of an [EIR] is to provide public agencies and the public in general with detailed information about the effect that a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project.”).

Our comments on the Notice of Preparation of the EIR urged the County to complete a robust environmental review of the Update and to analyze alternatives that promote conservation and rural values. The DEIR fails to do either.

SHUTE, MIHALY  
WEINBERGER LLP



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As set forth in more detail below, it is our opinion that the DEIR does not comply with the requirements of CEQA and other state laws. In numerous instances, the DEIR fails to thoroughly assess the impacts deemed to be significant and unavoidable or to identify all feasible mitigation measures to reduce the severity of the impacts. It also fails to fully analyze potentially significant effects and to consider any alternatives that could reduce the significant environmental impacts of the Update.

The pervasive flaws in the document demand that the County revise and recirculate the DEIR to provide the public an accurate assessment of the environmental issues at stake, and a mitigation strategy—developed *before* General Plan approval—that fully addresses the significant impacts of the proposed Update.

**I. The DOF Projections Alternative Must Be Chosen under CEQA.**

Under CEQA, a lead agency is *required* to adopt an environmentally superior alternative if it is feasible to do so. Pub. Res. Code § 21002.1 (public agency shall avoid the significant effects on the environment of projects that it carries out or approves whenever it is feasible to do so); *Preservation Action Council v. City of San Jose* (2006) 141 Cal.App.4th 1336, 1341 (finding analysis of reduced-size alternative inadequate and rejection of reduced-size alternative (which was the environmentally superior alternative) unsupported); *Berkeley Keep Jets Over the Bay Com. v. Board of Port Cmrs.* (2001) 91 Cal.App.4th 1344, 1354 (“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”). A feasible alternative is one that would meet the project’s objectives and would diminish or avoid its significant environmental impacts. CEQA § 21002; *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 731.

Here, the DEIR recognizes that “because the DOF Projections Alternative would result in the fewest impacts in the most resource areas in comparison to all other Project alternatives, the DOF Projections Alternative would be considered the Environmentally Superior Alternative.” DEIR at 6-25. The DOF Projections Alternative would result in fewer impacts to air quality and GHG emissions; noise and vibration; transportation and circulation; cultural resources; geology, soils, and seismicity; and population and housing. DEIR at 6-25. Further, the DEIR acknowledges that “DOF Projections Alternative would still be capable of achieving the majority of the proposed project’s objectives.” DEIR at 6-13.

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Because the DOF Projections Alternative is the environmentally superior alternative and meets the proposed project's objectives, therefore, the County is *required* to select it over the proposed project.

Selection of the DOF Projections Alternative is not only required by law, but also required by common sense. The proposed project vastly inflates the amount of growth in the County. While this amount of growth will likely not occur under the proposed project, the proposed project will allow poorly-mitigated sprawl development. By overstating and inflating the project, the County has made it impossible to mitigate the significant impacts and encourages development into agricultural and open space lands.

**II. The DEIR Inadequately Analyzes Alternatives to the Proposed Update.**

By contrast, it will be far easier to mitigate the more realistic development goal embodied by the DOF Projections Alternative. The County has not adequately considered mitigation for the DOF Projections Alternative that would reduce the number of significant impacts and instead improperly concludes that "the DOF Projections Alternative would still result in the same significant and unavoidable impacts identified in this EIR for the proposed project." DEIR at 6-25. The DEIR must consider mitigation for the DOF Projections Alternative that will reduce some of the impacts to a less than significant level. But to the extent that the DOF Projections Alternative does not reduce any impacts to less than significant, CSERC believes that the DEIR's alternatives analysis is deficient.

**15-4**

Although the DOF Projections Alternative is the environmentally superior alternative of those presented, the DEIR still fails to analyze a reasonable range of alternatives. The DEIR must consider alternatives that could actually lessen the significant impacts of the Update to a point where they are no longer significant and unavoidable. *Berkeley Keep Jets*, 91 Cal.App.4th at 1354. The County cannot be relieved of its obligation to conduct comprehensive environmental review simply because the County prefers a certain approach to development. *See N. Coast Rivers All. v. Kawamura* (2015) 196 Cal.Rptr.3d 559, 575 (invalidating a program EIR because an "artificially narrow" objective precluded consideration of alternatives). The DEIR provides no reasonable explanation as to why it did not analyze alternatives that could reduce the inevitable damage from the Update to a less than significant level. Because the DEIR fails to analyze *any* potentially feasible alternative that could avoid or lessen significant impacts to a less than significant level, it fails to comply with CEQA. *Habitat & Watershed Caretakers v. City of Santa Cruz* (2013) 213 Cal.App.4th 1277, 1305. *See also* CEQA Guidelines § 15126.6(b); *Center for Biological Diversity v. County of San*

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*Bernardino* (2010) 185 Cal.App.4th 866, 884-85 (agency failed to demonstrate that a suggested alternative was infeasible).

While two of the alternatives purport to have “fewer” impacts than the proposed project, the EIR does not examine any alternatives which reduce the number of significant and unavoidable impacts. DEIR at 6-26 (Table 6-3: Alternative Environmental Impacts Comparison). All significant and unavoidable impacts under the project remain significant and unavoidable under all the alternatives. This is contrary to the mandates of CEQA to analyze alternatives that lessen significant impacts to a less than significant level.

**III. The DEIR Improperly Relies on Unenforceable and Noncommittal General Plan Policies and Programs to Avoid Significant Impacts.**

**A. The DEIR Must Not Substitute Proposed General Plan Policies and Programs for Mitigation Measures.**

An EIR must “separately identify and analyze the significance of impacts . . . before proposing mitigation measures.” *Lotus v. Dept. of Transportation* (2014) 223 Cal.App.4th 645, 658. When an agency folds discussion of mitigation into discussion of the project and impacts, this “subverts the purposes of CEQA,” because it results in omission of “material necessary to informed decisionmaking and informed public participation.” *Id.*

**15-5**

In *Lotus*, the court invalidated an EIR for a highway broadening project, because the agency failed to analyze mitigation measures separately from impacts. *Id.* The EIR identified the primary environmental impacts of the project as potential damage to structural root zones of redwood trees near Highway 101. *Id.* at 649. It also described “Avoidance Minimization and/or Mitigation Measures” that had been incorporated into the project. *Id.* at 650. The finding in the EIR that impacts were not significant was “explicitly premised on [those] mitigation measures.” *Id.* at 651. “By compressing the analysis of impacts and mitigation measures into a single issue, the EIR disregard[ed] the requirements of CEQA.” *Id.* at 656. The court refused to allow this practice, because when an EIR does not properly separate these issues, it “precludes both identification of potential environmental consequences arising from the project and also thoughtful analysis of the sufficiency of measures to mitigate those consequences.” *Id.* at 658.

The DEIR for the Update violates the *Lotus* rule repeatedly. For example, in the Aesthetics chapter, the DEIR concludes that based on the Land Use (LU) Element of the Update’s inclusion of goals, policies, and IMs related to minimizing light and glare

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in the county, the impact would be less than significant. DEIR at 4.1-23; *see also e.g.*, DEIR at 4.2-22 (impacts relating to conflicts with agricultural use or with Williamson Act contracts were less than significant based on the Update). Accordingly, the DEIR's conclusion that many impacts will not be significant is "explicitly premised" on General Plan policies that the DEIR claims will "reduce" environmental impacts, in direct violation of *Lotus*. *See* 223 Cal.App.4th at 651.

These are precisely the types of compressed conclusions that *Lotus* prohibits, because they lead to the omission of "material necessary to informed decisionmaking and informed public participation." *See* 223 Cal.App.4th at 656, 658. The revised DEIR must separately identify potential environmental impacts before analyzing possible mitigation measures.

**B. The DEIR Violates CEQA by Concluding Vague Mitigation Measures Will Sufficiently Mitigate Project Impacts.**

**15-6**

Further, mitigation measures proposed in an EIR must be "fully enforceable" through permit conditions, agreements, or other legally binding instruments that will ensure the measures are actually implemented—not merely adopted and then disregarded. Pub. Resources Code § 21081.6(b); CEQA Guidelines § 15126.4(a)(2); *Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173, 1186-87; *Federation of Hillside & Canyon Assns.*, 83 Cal.App.4th at 1261. In contrast, a general plan's goals and policies are frequently somewhat vague and aspirational. Thus, the County may only rely on General Plan policies and programs to mitigate environmental impacts under CEQA where they represent a firm, enforceable commitment to mitigate. *See Napa Citizens for Honest Gov. v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 358.

Here, the DEIR consistently and impermissibly cites vague, unenforceable, and noncommittal policies and programs as justifications for decisions to require no mitigation of potentially significant impacts. For example, in the Aesthetics analysis, the DEIR concludes impacts from light or glare would be less than significant based on vague General Plan policies that lack enforceable mandates. DEIR at 4.1-23 to 4.1-24.

**15-7**

Likewise, the DEIR identifies vague, unenforceable, and noncommittal policies and programs as mitigation measures for significant impacts. The new program proposed to address impacts of buildout by protecting sensitive communities and reducing competition from invasive species would simply "Support efforts to eradicate invasive species and encourage practices that reduce their spread," and would not clearly impose binding requirements from the list of possible measures. DEIR at 4.4-40. And the

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mitigation to reduce impacts to wildlife movement states only that the policy will be to “Encourage development to be compatible with wildlife movement.” DEIR at 4.4-49. Further examples of improper mitigation measures are discussed below in Section V.

There are no mechanisms in place to ensure that these policies and programs will actually be implemented, so they cannot serve as CEQA mitigation. *See* Pub. Resources Code § 21081.6(b); CEQA Guidelines § 15126.4(a)(3); *Anderson First*, 130 Cal.App.4th at 1186-87.

**IV. The DEIR Improperly Attempts to Avoid Analysis and Mitigation of Impacts by Concluding They Are Significant and Unavoidable.**

15-8

Ultimately, an EIR’s central purpose is to identify a project’s significant environmental effects and then evaluate ways of avoiding or minimizing them. Pub. Resources Code §§ 21002.1(a), 21061. Mitigation is defined by CEQA to include “[m]inimizing impacts by limiting the degree or magnitude of the action and its implementation.” CEQA Guidelines § 15370(b). CEQA requires lead agencies to identify and analyze all feasible mitigation, even if this mitigation will not reduce the impact to a level of insignificance. CEQA Guidelines § 15126.4(a)(1)(A) (EIR “shall identify mitigation measures for each significant environmental effect identified in the EIR”); *Woodward Park Homeowners Ass’n, Inc. v. City of Fresno* (2007) 150 Cal.App.4th 683, 724 (“The EIR also must describe feasible measures that could minimize significant impacts.”); 1 Kostka & Zischke, *Practice Under the California Environmental Quality Act* § 14.6 (2d ed. 2008) (“A mitigation measure may reduce or minimize a significant impact without avoiding the impact entirely.”). Moreover, CEQA requires the agency to mitigate significant effects to the extent feasible. *See Citizens for Quality Growth v. City of Mount Shasta* (1988) 198 Cal.App.3d 433, 443, fn. 8.

Where all available and feasible mitigation measures have been identified, but are inadequate to reduce an environmental impact to a less-than-significant level, an EIR may conclude that the impact is significant and unavoidable. *See* CEQA Guidelines § 15126.2. However, the lead agency cannot simply conclude that an impact is significant and unavoidable and move on. *Berkeley Jets*, 91 Cal.App.4th at 1371 (DEIR may not “travel the legally impermissible easy road to CEQA compliance . . . [by] simply labeling [an] effect ‘significant’ without accompanying analysis.”). Rather, “a more detailed analysis of how adverse the impact will be is required.” *Galante Vineyards v. Monterey Peninsula Water Management Dist.* (1997) 60 Cal.App.4th 1109, 1123. Specifically, the agency must (1) perform a thorough evaluation of the impact and its severity before and after mitigation, and (2) propose *all* feasible mitigation to “substantially lessen the significant environmental effect.” CEQA Guidelines §§ 15091(a)(1), 15126.2(b)

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(requiring an EIR to discuss “any significant impacts, including those which can be mitigated but not reduced to a level of insignificance”).

Thus, the County is legally required to mitigate or avoid the significant impacts of the Update wherever it is feasible to do so. *See* Pub. Resources Code § 21002.1(b). In other words, it cannot approve the Update with significant environmental impacts if any feasible mitigation measure or alternative is available that will substantially lessen the severity of any impact. Pub. Resources Code § 21002; CEQA Guidelines § 15126(a).

In the Aesthetics Chapter, for example, when discussing the tendency of the project to substantially degrade the existing visual character or quality of the site or the site’s surroundings, the DEIR acknowledges that “buildout of the Update would inevitably result in changes to the existing rural character of the County.” DEIR at 4.1-19. But rather than proposing specific, enforceable mitigation measures to reduce this impact, the proposed mitigation measures focus only on the construction of new repeating towers. DEIR at 4.1-19 and 22-23. No further analysis of the impacts of the massive development is included, and the DEIR simply lists unenforceable General Plan policies that would “encourage new development to be compatible with the scale and character of existing development.” DEIR at 4.1-20. It concludes that “other feasible measures are not available to reduce impacts related to degradation of the existing visual character or quality of the County associated with buildout of the Draft General Plan.” DEIR at 4.1-22. However, no explanation is given for why *enforceable* mitigation is infeasible. Because the DEIR “simply label[s] effect[s] ‘significant’ without accompanying analysis,” the DEIR cannot be approved as currently drafted. *See Berkeley Jets*, 91 Cal.App.4th at 1371.

Further discussion of this issue is included below in sections V and VII.

**V. The DEIR Does Not Accurately Describe the Environmental Baseline.**

**15-9**

An indispensable component of a complete assessment of project impacts is an accurate depiction of existing environmental conditions. Investigating and reporting existing conditions are “crucial function[s] of the EIR.” *Save Our Peninsula Comm. v. Monterey County* (2001) 87 Cal.App.4th 99, 122 (“*SOPC*”). “[W]ithout such a description, analysis of impacts, mitigation measures and project alternatives becomes impossible.” *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 953. Decisionmakers must be able to weigh the project’s effects against “real conditions on the ground.” *City of Carmel-by-the-Sea*, 183 Cal.App.3d at 246. “Because the chief purpose of the EIR is to provide detailed information regarding the

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significant environmental effects of the proposed project on the physical conditions which exist within the area, it follows that the existing conditions must be determined.” *SOPC*, 87 Cal.App.4th at 120 (internal quotation marks omitted). Therefore, the DEIR must present the existing acreage and dwelling units or floor area of existing uses and uses proposed on the County’s unincorporated lands. The document must also show or describe *where* the new uses proposed would represent changes from existing uses. Neither the DEIR nor the Update do this. The DEIR must be revised to disclose this information and recirculated.

**VI. The DEIR’s Analyses of the Impacts of the Proposed Project Are Inadequate.**

The DEIR’s impact sections for the most part simply name potential impacts of the project and, in most cases, identify them significant and unavoidable. The DEIR rarely quantifies the impacts, nor even describes their nature and extent. Its analyses read more like a set of general discussions of these types of impacts in a generic county anywhere in California, rather than analyses of how *this* General Plan will affect *this* County. The DEIR’s impact analyses are universally flawed in this manner, because none of them considers the project actually put forth by the proposed Update.

**15-10**

It is only at this early stage that the County can design wide-ranging, *enforceable*, measures to mitigate County-wide environmental impacts. See CEQA Guidelines § 15168(b)(4) (programmatic EIR “[a]llows the lead agency to consider broad policy alternatives and program wide mitigation measures at an early time when the agency has greater flexibility. . . .”). A “program” or “first tier” EIR is expressly not a device to be used for deferring the analysis of significant environmental impacts. *Stanislaus Natural Heritage Project v. County of Stanislaus* (1996) 48 Cal.App.4th 182, 199. It is instead an opportunity to analyze impacts common to a series of smaller projects, in order to avoid repetitious analyses.

Thus, it is particularly important that the DEIR for the General Plan analyze now, rather than when individual specific projects are proposed at a later time, the overall impacts for the complete level of development it is authorizing. A General Plan, as the “constitution for all future development,” dictates the location and type of future development in the County. An EIR for a general plan must take into account all of “the future development permitted by the [general plan].” *City of Redlands v. County of San Bernardino* (2002) 96 Cal.App.4th 398, 409 (citation omitted); see also *City of Carmel-by-the-Sea v. Bd. of Supervisors* (1986) 183 Cal.App.3d 229, 245.

Once the accurate description of the current environmental conditions, the DEIR must then analyze the impacts of the project on this baseline. The DEIR, here, fails

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to provide the legally required analysis of the unfettered growth that the General Plan allows and promotes. Thus, in addition to preparing a legally valid General Plan that comprehensively plans for all unincorporated County land, the County must revise the DEIR to accurately disclose the impacts of the maximum density allowed by the General Plan it does propose to adopt. Below, this letter details the specific legal inadequacies of the DEIR's various impact sections.

**A. The DEIR Fails to Adequately Analyze and Mitigate the General Plan's Air Quality Impacts.**

**15-11**

The DEIR's analysis of air quality impacts is crippled by the same flaws that afflict the rest of this document: because the General Plan does not provide a comprehensible description of the distribution of both the current and proposed land uses throughout the County, the DEIR does not analyze the environmental consequences of the proposed land uses on air quality. The DEIR includes, in Appendix C, the National Emissions Inventory for Calaveras County. This is the only quantitative information provided regarding the current *sources* of emissions in the County. DEIR at Appx. C at 120-124. The DEIR discloses that operational emissions of NOx will increase by 17,283 lbs/day, ROG by 77,614 lbs/day, and PM10 by 24,499 lbs/day. DEIR at 4.3-32. It makes no predictions for construction emissions.

**1. The DEIR's Analysis of Construction Related Emissions Impacts Is Deficient.**

**15-12**

The DEIR incorrectly concludes that construction emissions will be less than significant. DEIR at 4.3-32. The DEIR's flawed logic, which allows it to arrive at this conclusion, is that because future projects will have to consult with Calaveras County Air Pollution Control District (CCAPCD) if construction emissions exceed CCAPCD thresholds, then CCAPCD would work with the project applicant to develop project specific mitigation measures to reduce emissions to a less than significant level. DEIR at 4.3-32. Full mitigation is an unreasonable assumption.

Right now, construction results in the emissions of 88.9222 tons of PM10 each year—even though it is subject to the same CCAPCD standards that the DEIR relies upon to claim that air quality impacts from construction will be less than significant. DEIR at Appendix C at 121. Construction dust is the fifth largest source of PM10 in the County. Numerous scientific studies link exposure to particulate matter, including PM10, to premature death in people with heart or lung disease, aggravated asthma, decreased

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lung function, and increased respiratory symptoms including difficulty breathing.<sup>1</sup> Older adults and children are at an increased risk for negative health impacts.<sup>2</sup> However, when the County ran the CalEEMod Emissions Estimation Model, it zeroed out all construction emissions. Assuming zero emissions from construction of an additional 19,979 units of housing and the infrastructure and additional services to accommodate an additional 71,567 people is entirely unsupported. See DEIR at 3-8. The DEIR must be revised and recirculated to disclose actual construction emissions assuming full buildout and to analyze the impact these emissions would have on the environment.

**2. The DEIR Fails to Adequately Analyze the Project's Potential to Expose Sensitive Receptors to Substantial Pollutant Concentrations.**

**15-13**

The DEIR makes no attempt to quantify the increase in toxic air contaminants ("TAC") from buildout of the General Plan; instead it defers this analysis, suggesting that these emissions can be controlled at the local and regional level through permitting. DEIR at 4.3-35 to 36. CEQA does not allow an EIR to defer analysis and mitigation to a future time. *Sundstrom v. Mendocino County* (1988) 202 Cal.App.3d 296. A project's impacts must be analyzed, disclosed, and mitigated at the "earliest feasible stage in the planning process." *Id.* at 307; see also CEQA Guidelines § 15126.4(a)(1)(B) ("Formulation of mitigation measures should not be deferred until some future time."); *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 92-94.; *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359, 1396. Consequently, the DEIR must evaluate the increase in TAC emissions that would result from implementation of the General Plan and disclose the current levels of TAC emissions for a comparison.

Land uses that result in TAC exposures, particularly exposure to combustion-related diesel particulate matter ("DPM"), are not usually required to acquire air quality permits. Therefore, lead agencies, such as the County, must take action to prevent or minimize health risk exposure, and cannot rely on future permitting, as the DEIR has attempted to do. Clearly, sound planning principles, along with CEQA's bar on deferred analysis, dictate that the appropriate context for addressing and eliminating these

<sup>1</sup> See Health and Environmental Effects of Particulate Matter (PM), EPA, <https://www.epa.gov/pm-pollution/health-and-environmental-effects-particulate-matter-pm> (last updated June 20, 2018); see also Particle Pollution and Your Health, EPA (September 2003, EPA-452/F-03-001) <https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockey=P1001EX6.txt>.

<sup>2</sup> Particle Pollution and Your Health, EPA (September 2003, EPA-452/F-03-001) <https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockey=P1001EX6.txt>.

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land use conflicts is during a comprehensive update of the General Plan, not at the project-specific level.

**B. The DEIR Fails to Adequately Analyze and Mitigate the General Plan's Climate Change Impacts.**

**1. The DEIR Fails to Present an Accurate Representation of Climate Change Impacts Caused by the General Plan.**

**15-14**

The DEIR provides insufficient detail regarding methodology and assumptions to determine whether the greenhouse gas ("GHG") analysis actually evaluates the Project's impacts. For example, the DEIR finds that "[b]uildout of the Update would result in 4,027,100 daily vehicle miles travelled (VMT) within the County." DEIR at 4.3-28. However, it gives no current estimate of VMT in this chapter of the DEIR, nor analyzes how this number could be reduced, nor discloses the amount of emissions from mobile sources currently. In fact, this is the single mention of VMT in the Air Quality and GHG section. The document never explains the relationship between the proposed Update, including the type and location of proposed land uses, and the emissions data from each type of use to allow the public and decisionmakers to determine whether the DEIR's emissions estimates reflect the proposed project.

**15-15**

The DEIR includes projected emissions from area, energy, mobile, waste, and water, but the DEIR's emission estimates provide no information regarding methodology and assumptions as to how the DEIR authors calculated the estimates. DEIR at 4.4-42. Nor does the DEIR provide current, baseline GHG emissions. The DEIR must answer the following questions: Which specific sources were considered in the calculation of energy GHG emissions? Were GHG emissions from construction activities and operations taken into account? If so, how were the emission estimates arrived at in the absence of detailed land use data? What is the current baseline of GHG emissions? Reference to Appendix C does not answer these questions.

**15-16**

Construction activities, such as site grading and asphalt paving, and the associated use of utility engines and heavy-duty construction vehicles of individual projects related to the General Plan would produce combustion emissions from various sources. During construction of the Project, GHGs would be emitted through the operation of construction equipment and from worker and builder supply vendor vehicles, each of which typically uses fossil-based fuels to operate. The combustion of fossil-based fuels emits GHGs. GHG estimates must be based on residential, commercial and industrial growth and must be calculated assuming some buildout projection (i.e., 1/20th of the total development occurs in each year with equal construction phasing in each

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year). Here, the DEIR provides none of this information and zeros out construction emissions. *See* DEIR at Appendix C at 3.

Other critical information missing from the DEIR relating to its energy-related GHG emissions projections includes the following: (1) the amount of water-related energy use assumptions (conveyance, water treatment, water distribution, and wastewater treatment); (2) the emissions from agriculture. The revised EIR must provide the necessary details regarding all sources of GHG emissions.

**2. The Update and DEIR Must Recognize that Uncontrolled, Sprawling Growth Undermines State Greenhouse Gas Reduction Goals.**

The DEIR determines that the substantial increase in GHG emissions that would accompany implementation of the General Plan could conflict with the State's ability to meet the AB 32 goals. DEIR at 4.3-39. The document correctly identifies this impact as significant. DEIR at 4.3-39. Yet the DEIR is entirely wrong when it concludes that this impact is unavoidable. The County has the ability to create and adopt a General Plan that advances the goals of AB 32 (and SB 375), and this General Plan creates the opportunity to advance a sustainable land use and transportation planning agenda.

**15-17**

The General Plan and DEIR must recognize that uncontrolled, sprawling growth undermines the State's GHG reduction goals. Decentralized, low density land use development results in excessive reliance on the private automobile. Thus GHG emissions will continue to rise despite technological advances, because the increase in driving is projected to overwhelm planned improvements in vehicle efficiency. Buildout under the proposed General Plan is expected to result in 4,027,100 daily VMT within the County, an increase of over two million daily VMT. DEIR at 4.3-28.

Findings from the study entitled "Growing Cooler: The Evidence on Urban Development and Climate Change," show that "much of the rise in vehicle emissions can be curbed simply by growing in a way that will make it easier for Americans to drive less"—specifically, through compact development that can reduce driving by 20 to 40 percent.<sup>3</sup> Indeed, recognizing the unsustainable growth in driving, the American Association of State Highway and Transportation Officials, representing state departments of transportation, is urging that the growth of vehicle miles traveled *be cut in*

<sup>3</sup> Reid Ewing, Keith Bartholomew, Steve Winkelman, Jerry Walters, and Don Chen, *Growing Cooler: The Evidence on Urban Development and Climate Change* (Oct. 2007), [https://www.nrdc.org/sites/default/files/cit\\_07092401a.pdf](https://www.nrdc.org/sites/default/files/cit_07092401a.pdf).

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*half. Id.* (emphasis added.) Slowing the growth of vehicle miles traveled, especially when many regions including the County are facing increases in population, is a daunting task. However, much of the rise in vehicle emissions can be curbed simply by managing land use in a way that makes it easier for people to drive less. *Id.* The Legislature and the people of California have decided that this state must move toward sustainable growth. The County's insistence on working against this goal is unjustifiable.

**3. The DEIR's Approach to Climate Change Mitigation Is Utterly Deficient.**

**15-18**

The County takes a step in the right direction by planning to develop a GHG reduction plan as an implementation measure to reduce the substantial increase in GHG emissions that would accompany implementation of the General Plan. DEIR at 4.3-43. Unfortunately, this plan has yet to be developed and cannot be analyzed. "The purpose of an environmental impact report is . . . to list ways in which the significant effects of such a project might be minimized . . ." CEQA § 21061. The Supreme Court has described mitigation as part of the "core" of an EIR. *Citizens of Goleta Valley v. Bd. of Supervisors of Santa Barbara County* (1990), 52 Cal.3d 553, 564. It is important to note that the DEIR's obligation to identify mitigation is not diminished just because no available mitigation reduces the impact all the way to a less-than-significant level. Any measure that will reduce the severity of the impact is still useful, and still must be identified and analyzed. CEQA Guidelines § 15126.4(a)(1); *cf. Santiago County Water Dist. v. Orange County* (1981) 118 Cal.App.3d 818, 831.

Many of the policies and programs listed as mitigation in the DEIR include terms like "shall investigate," "support," "provide incentives," and "inventory." See DEIR at 4.3-43. The entirety of the analysis and mitigation is improperly deferred. Specifically, the DEIR and the yet to be developed GHG reduction plan provide inadequate commitment to substantive, enforceable climate change mitigation and protection, and fail to provide mechanisms to ensure that climate change mitigation will endure and evolve, as appropriate, across the 20-year project lifespan. A "program" or "first tier" EIR is not a device to be used for deferring the analysis of significant environmental impacts. *Stanislaus Natural Heritage Project*, 48 Cal.App.4th at 199. Therefore, policies that call for investigating and supporting must be modified to actually require the implementation of the policies' programs.

In essence, we can find no evidence that the County is seriously committed to offsetting the substantial increase in GHG emissions that would result from implementation of the General Plan. Additional actions to reduce GHG emissions have been demonstrated to be feasible. The *Model Policies for Greenhouse Gases in General*

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*Plans* offers numerous potential mitigation measures and the County should adopt this framework to adequately mitigate GHG emissions.<sup>4</sup> The County must adopt all feasible mitigation measures using the powers the County has to enact ordinances and control development characteristics to reduce GHG emissions. CSERC includes further discussion of this issue below in Section VII.B.2.

**4. The Update Violates the Regional Welfare Doctrine.**

**15-19**

The state has clear statewide goals tied to SB32. The County's Update openly conflicts with those goals. Additionally, the proposed General Plan disregards the cooperative, regional approach to climate change called for in Senate Bill 375 and Assembly Bill 32. Both bills require state and local governments to work together to reduce the State's greenhouse gas emissions. After all, if the State is to meet its goals of reducing greenhouse gas emissions, any increase in emissions created by the proposed Plan must be offset (and then some) by reductions in other jurisdictions. The proposed General Plan, however, would admittedly result in increased emissions by allowing sprawling development, which increases vehicle miles traveled. This antiquated approach to planning puts the desires of the County—i.e., revenue from urban development in unincorporated areas—ahead of the regional and indeed global interests caused by these increased emissions. Moreover, it places the burden of reducing the State's emissions on other jurisdictions.

This would result in a violation of the Regional Welfare Doctrine. Under the California Constitution, a public agency must adequately consider and address the welfare of the entire region—not just the area within its own jurisdictional boundaries—when exercising its police power. See *Northwood Homes, Inc. v. Town of Moraga* (1989) 216 Cal.App.3d 1197, 1201 (citing *Associated Home Builders of the Greater Eastbay, Inc. v. City of Livermore* (1976) 18 Cal.3d 582); *Lee v. City of Monterey Park* (1985) 173 Cal.App.3d 798, 803-804; *Arnel Development Company v. City of Costa Mesa* (1981) 126 Cal.App.3d 330, 336. If the County were to approve the proposed General Plan, it would turn a blind eye to the General Plan's significant regional and statewide consequences, in violation of this constitutional mandate.

<sup>4</sup> California Air Pollution Control Officers Association, *Model Policies for Greenhouse Gases in General Plans*, June 2009, [http://www.ca-ilg.org/sites/main/files/file-attachments/resources/CAPCOA\\_Model\\_Policies\\_for\\_Greenhouse\\_Gases\\_in\\_General\\_Plans\\_-\\_June\\_2009.pdf](http://www.ca-ilg.org/sites/main/files/file-attachments/resources/CAPCOA_Model_Policies_for_Greenhouse_Gases_in_General_Plans_-_June_2009.pdf).

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**C. The DEIR Fails to Adequately Analyze and Mitigate the Impacts on Biological Resources.**

Calaveras County has a multitude of sensitive and critical habitats and an array of special-status species that have the potential to occur in the County. DEIR at 4.4-7 to 21. The County is home to 18 species of special status plants and 14 species of special-status wildlife. DEIR at 4.4-18. Given these sensitive biological resources, one would expect the DEIR to provide a comprehensive analysis of the effect that implementation of the General Plan would have on the County's plant and wildlife communities.

15-20

Yet, the DEIR never actually evaluates how growth expected under the General Plan would impact sensitive habitats, or plant and wildlife communities. Instead, the document takes the novel approach of assessing whether the proposed General Plan includes adequate provisions to ensure protection of the resources. *See e.g.*, 4.4-31. While this exercise is certainly necessary, it does not release the County from its obligation of actually analyzing how growth from the General Plan would affect resources. CEQA requires that an EIR be detailed, complete, and reflect a good faith effort at full disclosure. CEQA Guidelines § 15151. The document must provide a sufficient degree of analysis to inform the public about the proposed project's adverse environmental impacts and to allow decisionmakers to make intelligent judgments. *Id.* The information regarding the project's impacts must be "painstakingly ferreted out" and may not be deferred. *Environmental Planning and Information Council of Western El Dorado County v. County of El Dorado*, 131 Cal.App.3d 350, 357 (1982) (finding an EIR for a general plan amendment inadequate where the document did not make clear the effect on the physical environment).

The DEIR, however, defers any analysis of the probability for a species to occur in the county stating for every single species: "Properties with suitable habitat need surveys completed prior to the time development or land alterations are proposed." DEIR Appendix D: Biological Resources at Tbl. 2 and Tbl. 3.

15-21

To adequately analyze impacts to biological resources, the DEIR must include not just lists of species and habitats (DEIR at 4.4-18 to 21), but maps showing their locations (and migration corridors) in the County and textual explanations of the species' needs and their status—a discussion, that is, of how rare they are locally and overall, and how development under the General Plan might threaten them. Having established the baseline, the DEIR would then need to compare the locations of habitat and species to the locations of development, and to propose concrete, enforceable mitigation measures to protect any threatened resources. Of course, this analysis must

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look to the maximum densities allowed under the proposed General Plan in order to determine where development will affect biological resources.

Until it follows these steps or undertakes some similar procedure to determine the potential impacts of development under the General Plan, this DEIR's analysis will remain thoroughly inadequate. Furthermore, until this analysis is undertaken, it is not possible to identify or evaluate feasible mitigation measures capable of minimizing the Project's significant impacts on biological resources.

**D. The DEIR Fails to Adequately Analyze and Mitigate the Project's Impacts to Agriculture.**

The DEIR's description of the current state of agricultural land in the County is lacking crucial information. Every analysis of a project's environmental effects must begin with the description of the environmental conditions before the project – the baseline. *See SOPC*, 87 Cal.App.4th at 122. In considering impacts to agricultural lands, the crucial issues are how much agricultural land is under threat of development, and where the threatened land is located.

**15-22**

With a few small exceptions, the "vast majority of lands under Williamson Act contracts within the County would be located within areas designated by the Draft General Plan Land Use Map as Resource Production." DEIR at 4.2-23. However, the DEIR fails to compare the amount of land, in addition to land under Williamson Act contracts, currently designated for agriculture or resource production uses. The DEIR notes that because "the full extent of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance within the County is not known at this point in time, conversion of Farmland could potentially occur with implementation of the Draft General Plan Land Use Map." DEIR at 4.2-22. Even if the County has not been included in the Farmland Mapping and Monitoring Program (FMMP) (DEIR at 4.2-3), the County can inventory the existing agriculture use on the ground and compare that to the full buildout under the General Plan to obtain the amount of farmland that could be converted. The County cannot simply conclude "impacts to agricultural resources would be limited to areas where urban development, as identified by higher-density land use designations, would be located on or adjacent to existing agricultural resources not protected as Resource Production land or Working Lands." DEIR at 4.2-22. The number of acres of existing agricultural resources not protected as Resource Production land or Working Lands must be disclosed.

**15-23**

The County should also compare the existing land use *designations* for agriculture (and not just current use) to the proposed buildout of the General Plan. The

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DEIR must show how land uses could potentially change under the current General Plan, without the proposed update; such analysis is required under CEQA Guidelines section 15125(e). This analysis should have occurred in the discussion of Impact 4.2-2—Impacts related to conflicting with existing zoning for agricultural use or with Williamson Act contracts. DSEIS at 4.2-22. Instead the analysis limits itself to conflicts with Williamson Act contracts and does not consider potential conflicts with existing zoning. DEIR at 4.2-22 to 25. Even though the DEIR acknowledged that there would be impacts to agricultural resources not protected as Resource Production land or Working Lands (DEIR at 4.2-22), it then states incorrectly that the proposed General Plan’s “policies, goals, and IMs would prevent new development occurring under buildout of the Draft General Plan from conflicting with zoning for agricultural use ... by limiting non-compatible development from occurring on, or directly adjacent to, Resource Production lands and Working Lands.” DEIR at 4.-2-25. This incorrect assertion undermines the DEIR’s finding of a less-than-significant impact since there is no basis for the DEIR to conclude that lands zoned for agricultural use will not be impacted by the proposed General Plan. It is impossible to evaluate how the project will change the current General Plan without a clear picture of the Plan as it stands today.

By not disclosing the amount of farmland that could be converted, the DEIR fails to inform the public and decisionmakers of the scale of the agricultural impacts. The DEIR must be revised to provide a clear, complete picture of current and proposed uses for agricultural lands within the County, or it will remain inadequate. These impacts are significant and must be analyzed as such in a revised and recirculated EIR.

**E. The DEIR Fails to Adequately Analyze and Mitigate the Project’s Impacts to Energy.**

**1. The DEIR’s Discussion of Building Energy Lacks Rigorous Analysis and Contains Incorrect Information.**

**15-24**

To its credit, the DEIR quantifies the Project’s increase in building-energy impacts. Although construction and operation of the Project would greatly increase electricity and natural gas consumption, the DEIR concludes that the Project would not involve inefficient, wasteful and unnecessary use of energy and would therefore involve a less than significant impact. DEIR at 5-8 and 10. The DEIR lacks the evidentiary basis for this conclusion.

Agencies have long relied on existing energy-reduction requirements in building codes, and on the beneficial side effects of reducing greenhouse gases, to

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demonstrate that a project's energy use will not be wasteful or inefficient. That approach is no longer sufficient under CEQA, however. *California Clean Energy Committee v. City of Woodland* (2014) 225 Cal.App.4th 173, 211. EIRs must quantify the energy impacts of proposed projects. *Ukiah Citizens for Safety First v. City of Ukiah* (2016) 248 Cal.App.4th 256, 263-64. This DEIR improperly relies solely on building standards to find no unnecessary or wasteful use of energy, concluding:

given that future development within Calaveras County would be required to comply with CALGreen and the Building Energy Efficiency Standards, as well as applicable CCAPCD standard mitigation measures, buildout of the Draft General Plan would not result in the inefficient or wasteful consumption of electricity or natural gas or conflict with or obstruct a State or local plan for renewable energy or energy efficiency.

DEIR at 5-8.

**15-25**

While the DEIR does quantify the "before" and "after" energy requirements of the proposed Update, it offers no explanation or justification why the massive increase in energy required for the County's buildings under buildout would not be wasteful or inefficient. The County currently consumes 315.90 millions of kWh of electricity and 0.90 millions of therms of natural gas. DEIR at 5-7. Under buildout of the proposed Update, "total electricity use for the County in 2035 is estimated to be around 2,350 millions of kWh per year and a natural gas use of approximately 31.35 millions of therms." DEIR at 5-6. Electricity consumption will increase 7.4 times and natural gas consumption will increase 34.8 times compared to the current consumption. The DEIR must be revised and recirculated to explain how exactly nearly 35 times the natural gas consumption and more than 7 times the electricity consumption are required under buildout and how this is not wasteful and inefficient. Resort to building standards as analysis and mitigation is entirely inadequate.

Further, this section states that "approximately 70 percent of PG&E's delivered electricity was derived from renewable energy and GHG-free energy sources such as . . . natural gas . . ." DEIR at 5-7. Natural gas is neither renewable nor GHG-free. With natural gas consumption increasing 35 times the current consumption, and a fundamental misunderstanding of the energy and GHG implications of natural gas, the Update certainly does not meet the goal of "decreasing reliance on natural gas." CEQA Guidelines, Appx. F § I. The DEIR must discuss potential mitigation measures to decrease the reliance on natural gas. These possible mitigation measures include, but are

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not limited to, those outlined in Appendix F, section II.D. And the DEIR must discuss “why certain measures were incorporated in the project and why other measures were dismissed.” CEQA Guidelines, Appx. F § II.D.1.

**15-26**

Finally, the DEIR’s discussion of “[t]he effects of the project on local and regional energy supplies and on requirements for additional capacity” is inadequate. *See* CEQA Guidelines, Appx. F § II.C.2. The DEIR notes that the “[b]uildout of the Draft General Plan would increase demand for [natural gas and electricity] services but would be accommodated by PG&E.” DEIR at 5-7. It then goes on to state that expansion of the services could include “additional substations, additional towers and conveyance infrastructure.” DEIR at 5-7. But it concludes that “while PG&E may expand service and increase energy supplies to respond to increasing demand from buildout of the Draft General Plan, such expansion would not result in adverse impacts on regional energy supplies, energy resources, or the need for substantial new or altered energy or natural gas utilities.” DEIR at 5-7. But this misses the point of Appendix F, section II.C.2 entirely—consideration of the impacts of the project on energy supplies and requirements for additional capacity. The DEIR admits that buildout of the Update will need both additional energy supplies and additional capacity. This is an impact that must be mitigated—it cannot be ignored because the County believes that PG&E will be able to meet nearly 35 times the current natural gas demand and more than 7 times the electricity demand by building more infrastructure and procuring additional energy supplies. The effects of this building and procurement must be analyzed and mitigated—ideally with mitigation controlled by the County and aimed at reducing consumption of natural gas and electricity.

**15-27**

**2. The DEIR Fails to Quantify the Increase in Construction-Energy Impacts.**

As noted above, EIRs must quantify the energy impacts of proposed projects. *Ukiah Citizens for Safety First*, 248 Cal.App.4th at 263-64. The DEIR makes no attempt to quantify the energy-impacts from the massive buildout proposed under the Update or to compare that to the current amount of energy used for construction now. It also relies improperly on CCAPCD’s standard mitigation measures and CARB’s In-Use Off-Road Diesel Vehicle Regulation along with other unnamed “federal, State, and local standards and regulations” that are supposed to improve “vehicle efficiency, fuel economy, cleaner-burning engines, and emissions reductions.” DEIR at 5-4 to 5. Reliance on these standards does “not meet the requirements of appendix F of the CEQA Guidelines.” *See Ukiah Citizens for Safety First*, 248 Cal.App.4th at 264.

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**3. The DEIR's Analysis of Transportation Energy Is Inadequate.**

Buildout of the Update would result in an additional 2,084,600 VMT per day above the existing VMT/day, and this massive increase “would result in the consumption of approximately 2076.7 barrels of gasoline per day.” DEIR at 5-9. Astonishingly, the DEIR concludes that “buildout of the Update would not be considered to result in the inefficient or wasteful consumption of transportation energy.” DEIR at 5-10.

The DEIR bases this conclusion by stating generically that “California leads the nation in registered alternatively-fueled and hybrid vehicles” and “State-specific regulations encourage fuel efficiency and reduction of dependence on oil.” DEIR at 5-10. The DEIR offers no evidence that the County has registered enough alternatively-fueled and hybrid vehicles to significantly reduce the impact of the an additional 2,084,600 VMT/day. Nor does it offer any evidence that state fuel efficiency regulations will measurably reduce the energy required to power cars in the County driving more than two million extra miles per day.

The DEIR also relies on Update policies that “prioritize funding and construction of projects that reduce vehicle miles traveled,” “promote increased of transit facilities by encouraging expansion of public transit services to nearby urban areas and construction of new bus stops,” “encourage development of bicycle and pedestrian facilities,” and “require new development to incorporate, wherever applicable, bicycle and pedestrian circulation improvements.” DEIR at 5-10. But a closer look at these policies makes it clear that none of them are mandatory or measurable and none incorporate any sort of performance standard required under CEQA. *Gray v. County of Madera* (2008) 167 Cal.App.4th 1099, 1119.

An EIR cannot rely on “mitigation measures designed to reduce vehicle trips [to] also reduce energy impacts.” *Ukiah Citizens for Safety First*, 248 Cal.App.4th at 264. “CEQA EIR requirements are not satisfied by saying an environmental impact is something less than some previously unknown amount.” *California Clean Energy Committee*, 225 Cal.App.4th at 210. Because the DEIR relies on mitigation measures designed to reduce vehicle trips to also reduce energy impacts and because none of the mitigation measures are mandatory or measurable, it is legally deficient. The DEIR must be revised and recirculated with an analysis in compliance with Appendix F of CEQA and actual mitigation measures proposed.

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**4. The DEIR Omits a Discussion of Renewable Energy.**

When an EIR “omit[s] any discussion or analysis of renewable energy options for” a project, CEQA is violated. *California Clean Energy Committee*, 225 Cal.App.4th at 213. Under CEQA, the EIR must contain a “discussion of a potentially significant environmental consideration,” including renewable energy under Appendix F. *Id.* Here, the DEIR mentions renewable energy (including when it classifies natural gas as a type of renewable energy source) in a few spots in the Building Energy section. *See* DEIR at 5-7. But it lacks a discussion or analysis of renewable energy options that could be considered under the Update. It instead relies on unenforceable Update policies that simply encourage incorporation of alternative energy systems during buildout and it offers no analysis of these policies. DEIR at 5-7. The DEIR fails “to comply with the requirements of appendix F to the Guidelines by not discussing or analyzing renewable energy options.” *California Clean Energy Committee*, 225 Cal.App.4th at 213.

With a buildout of 19,979 residential units and additional infrastructure and development to support the massive increase in population, the County must move toward net zero and natural gas free homes. The Institute for Local Government has compiled a “best practices” guide to increase renewables in both new and existing construction, as well as increase energy efficiency overall.<sup>5</sup> In addition, the California Air Pollution Control Officers Association’s *Model Policies for Greenhouse Gases in General Plans* includes sections on Alternative Energy Policies and Energy Efficiency Policies.<sup>6</sup> The County must review these suggested policies and either adopt them or explain why adoption is infeasible.

In sum, “[b]ecause the [D]EIR . . . [is] inadequate in its analysis of energy impacts of the project, recirculation and consideration of public comments concerning the energy analysis will be necessary before the EIR may be certified and the project approved.” *See Ukiah Citizens for Safety First*, 248 Cal.App.4th at 266-67.

<sup>5</sup> Sustainability Best Practices Framework , Institute for Local Government, [https://www.ca-ilg.org/sites/main/files/file-attachments/sustainability\\_best\\_practices\\_framework\\_7.0\\_version\\_june\\_2013\\_final.pdf](https://www.ca-ilg.org/sites/main/files/file-attachments/sustainability_best_practices_framework_7.0_version_june_2013_final.pdf).

<sup>6</sup> California Air Pollution Control Officers Association, *Model Policies for Greenhouse Gases in General Plans*, June 2009, [http://www.ca-ilg.org/sites/main/files/file-attachments/resources\\_CAPCOA\\_Model\\_Policies\\_for\\_Greenhouse\\_Gases\\_in\\_General\\_Plans\\_-\\_June\\_2009.pdf](http://www.ca-ilg.org/sites/main/files/file-attachments/resources_CAPCOA_Model_Policies_for_Greenhouse_Gases_in_General_Plans_-_June_2009.pdf).

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**F. The DEIR Inadequately Analyzes the General Plan's Cumulative Impacts.**

**1. The Analysis Is Legally Flawed.**

Rather than attempting any form of cumulative impacts analysis, the DEIR concludes that “[b]ecause the proposed Update anticipates development across a large geographical area (Calaveras County) over a long period of time, the analysis presented throughout this EIR is inherently cumulative and considers the cumulative contexts.” DEIR at 5-2. But it then immediately admits that “in some instances buildout of the Draft General Plan could combine with other projects surrounding the county.” DEIR at 5-2. However, it fails to list these projects and conclusorily asserts that “[t]he impacts associated with buildout of the Draft General Plan in combination with other projects would not create a substantial difference in the analyses and conclusions included throughout this EIR.” DEIR at 5-3.

15-31

Under the CEQA Guidelines, “a cumulative impact consists of an impact which is created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts.” CEQA Guidelines § 15130(a)(1). Because “[c]umulative impacts can result from individually minor but collectively significant projects” (CEQA Guidelines § 15355(b)), an impact that appears less than significant (or mitigable to such a level) when only the project is scrutinized may turn out to contribute to a significant cumulative impact. In that case, the EIR must determine whether the project’s contribution is “cumulatively considerable,” that is, whether its “incremental effects . . . are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.” CEQA Guidelines § 15065(a)(3); *see also Kings County Farm Bureau*, 221 Cal.App.3d at 729. This mandate assumes even greater importance for a program-level EIR such as this one. *See* CEQA Guidelines § 15168(b)(4) (programmatic EIR allows agency to “consider broad policy alternatives and program-wide mitigation measures” at an early stage when the agency has greater flexibility to deal with cumulative impacts).

The CEQA Guidelines clearly explain the two approaches necessary for an adequate discussion of significant cumulative impacts:

Either:  A list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency, or  
 A summary of projections contained in an adopted general plan or related planning document, or in a prior

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environmental document which has been adopted or certified, which described or evaluated regional or areawide conditions contributing to the cumulative impact. Any such planning document shall be referenced and made available to the public at a location specified by the lead agency.

CEQA Guidelines § 15130(b). The DEIR fails to follow either approach. Instead it speaks generically about how many CEQA resource areas are location specific, including hazards and hazardous materials. DEIR at 5-3. But, for example, the project-specific analysis did not analyze whether the buildout allowed under the County General Plan, together with development in the city and neighboring counties, would cause significant cumulative impacts on Fire Protection and Emergency Medical Services. Analysis like this example must be considered for every resource area and the discussion must include either a list of projects or a summary of projections. As it stands now, the DEIR does not even mention development in the City of Angels Camp, the County's incorporated city.

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The very purpose of cumulative impact analysis is to determine whether impacts that appear insignificant in isolation add up to significant damage the environment. The DEIR must take a hard look at the impacts of the General Plan together with the impacts of development in the County's city and neighboring counties, and after undertaking that analysis, must determine whether the General Plan's contribution to such impacts are cumulatively considerable.

The DEIR not only violates CEQA by failing to provide a legally adequate analysis of cumulative impacts, it violates CEQA by failing to propose feasible mitigation to reduce those impacts. Because the DEIR fails to acknowledge that the General Plan could contribute considerably to numerous significant cumulative impacts (e.g., aesthetics, traffic, air quality, climate change, noise, solid waste, water supply and delivery, agricultural resources, and biological resources), it identifies no additional mitigation measures that could reduce these significant impacts, as required by CEQA. See CEQA Guidelines § 15130(b)(5). As in its General-Plan-update-specific analysis, the DEIR assumes unfettered urbanization is inevitable. In doing so, the DEIR overlooks the County's vast potential for guiding the foreseeable development and mitigating its impacts through strong General Plan policies and meaningful land use designations. The resulting DEIR, which jumps straight to the conclusion that the General Plan's impacts will be significant *and* unavoidable, is inadequate.

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**2. The General Plan Should Not Result in Re-Designation of Proposed Development Sites So That They Are Prejudicially More Likely to Gain Approval in a Subsequent CEQA Analysis.**

The DEIR does not excuse the County from examining project-specific impacts that are a reasonably foreseeable result of adopting the Update. For example, the Update's Land Use Map re-designates to "Future Specific Plan" designation property in the Copperopolis area that is the site of the proposed Sawmill Lake development project by Castle & Cooke. It does the same for acreage adjacent to Lake Tulloch owned by the Sanguinetti Cattle Company and which is proposed for a destination resort, golf course, and 1,500 homes—all on land that does not currently have a single residence. As we explained in our August 17, 2016 and February 8, 2017 letters (attached as Exhibit 1 and 2), the Sawmill Lake project by itself would have significant negative environmental impacts by, for example, removing thousands of oaks, allowing development close to sensitive riparian habitat, obstructing critical wildlife corridors, and overburdening the public infrastructure in the Copperopolis area. The County may not avoid analyzing these significant impacts or identifying concrete, enforceable mitigation measures to reduce or avoid them.

By failing to address these projects in the Cumulative Impacts analysis, the section is legally inadequate.

**VII. The DEIR's Mitigation for the Impacts of the Proposed Project Are Inadequate.**

15-33

The DEIR finds that the implementation of the General Plan would result in nearly two dozen significant and unavoidable environmental impacts. *See* DEIR at 2-5 through 2-52. Contrary to the DEIR's conclusions, these impacts—including the loss of agricultural land, adverse effects on air quality, greenhouse gas emissions, biological resources, traffic, hazards and hazardous materials, and public services—are certainly avoidable or at the least more fully mitigatable. Yet, the County abdicates its responsibility under CEQA to consider and approve specific mitigation measures that could reduce these impacts.

The County cannot approve a project with significant environmental impacts if there are feasible mitigation measures that would substantially *lessen* those effects (even if they are not completely avoided or reduced to a less than significant level). CEQA § 21002. Moreover, the DEIR may not avoid disclosure and analysis of the significant environmental impacts of a project by merely concluding that those impacts are unavoidable. CEQA does not permit a lead agency to "travel the legally

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↑ impermissible easy road to CEQA compliance” by “simply labeling [an] effect ‘significant’ without accompanying analysis.” *Berkeley Jets*, 91 Cal.App.4th at 1371.

The numerous significant environmental impacts brought about by the proposed General Plan are not inevitable as the DEIR would imply; to the contrary, if the DEIR had proposed and analyzed adequate mitigating measures—as required under CEQA—some of those impacts could certainly be avoided. This letter identifies numerous feasible mitigation measures and suggestions to improve the current mitigation measures that would certainly help to offset the General Plan’s significant environmental impacts. The revised EIR must evaluate the feasibility of these measures and the County must adopt those measures that are determined to be feasible.

**A. CSERC Suggests the Following Changes to the Mitigation Measures for Agricultural, Forest, and Mineral Resources.**

**15-34**

The DEIR concludes that impacts related to the conversion of farmlands to non-agricultural use, and related to changes in the existing environment, which could individually or cumulatively result in loss of farmland to non-agricultural use, are significant and unavoidable. DEIR at 4.2-17. It states that there is no feasible mitigation for this impact. DEIR at 4.2-17. This is simply not true.

A feasible mitigation measure that could reduce this impact would bar the County from approving new development in areas where the project would result in the conversion of agricultural land to non-agricultural use. The DEIR must consider this measure.

**B. CSERC Suggests the Following Changes to the Mitigation Measures for Air Quality and Greenhouse Gas Emissions.**

**15-35**

**1. CSERC’s Comments on Air Quality Mitigation Measures:**

As an initial matter, CSERC supports the proposed wording of Mitigation Measure 4.3-1(c) to accommodate prescribed burning. DEIR at 4.3-35.

Mitigation Measure 4.3-1(b) is worded differently in the Executive Summary than in the Air Quality and Greenhouse Gas Emissions chapter. In the Executive Summary, Policy COS 4.10 states that when a proposed development is anticipated to result in impacts related to criteria air pollutants, “the County *shall consider* imposing mitigation measures provided in the CCAPCD’s Guidelines for Assessing and Mitigating Air Quality Impacts of Land Use Projects.” DEIR at 2.9 to 10 (emphasis added). On the other hand, in the Air Quality and Greenhouse Gas Emissions

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chapter, the mitigation measure is worded differently. When the development would cause impacts related to criteria air pollutants, “the County *shall require* the mitigation measures provided in the CCAPCD’s Guidelines for Assessing and Mitigating Air Quality Impacts of Land Use Projects *to the extent feasible*.” DEIR at 4.3-34 to 35 (emphasis added). The wording of both of these mitigation measures is equivocal and will not result in effective mitigation because neither wording results in enforceable mitigation. CSERC suggests removing “to the extent feasible” and instead having that phrase of the measure read “the County *shall require* the mitigation measures provided in the CCAPCD’s Guidelines for Assessing and Mitigating Air Quality Impacts of Land Use Projects.”

**2. CSERC’s Comments on GHG Mitigation Measures:**

The mitigation measures meant to reduce the impacts of greenhouse gas emissions are inadequate.

**15-36**

The DEIR proposes that the County develop a GHG Reduction Plan by first undertaking a GHG emissions inventory to establish baseline levels of GHGs. DEIR at 4.3-43. However, it fails to establish a reduction target, to require implementation of the policies and measures identified in the GHG Reduction Plan, and to require monitoring and verification of results. It should also require a new GHG emissions inventory and plan if the reduction target is not met. There are many resources available to the County with model policies directed at the creation of GHG Reduction Plans or Climate Action Plans and mitigation measures.<sup>7</sup> The County must examine these resources and either adopt these suggested policies or explain why adoption is infeasible.

In order to avoid violating the state’s climate change policies and the Regional Welfare Doctrine, the DEIR must make changes to its mitigation measures. The reduction target should be set at “a level, based on substantial evidence, below which the contribution to greenhouse gas emissions from activities covered by the plan would not

<sup>7</sup> Office of Planning and Research, *Climate Change Designing Healthy, Equitable, Resilient, and Economically Vibrant Places*, [www.opr.ca.gov/docs/OPR\\_C8\\_final.pdf](http://www.opr.ca.gov/docs/OPR_C8_final.pdf); *Climate Action Resource Guide For Local Governments*, [https://coolcalifornia.arb.ca.gov/sites/coolcalifornia.org/files/CARG\\_08\\_31\\_17\\_0\\_0.pdf](https://coolcalifornia.arb.ca.gov/sites/coolcalifornia.org/files/CARG_08_31_17_0_0.pdf); California Air Pollution Control Officers Association, *Model Policies for Greenhouse Gases in General Plans*, June 2009, [http://www.ca-ilg.org/sites/main/files/file-attachments/resources\\_CAPCOA\\_Model\\_Policies\\_for\\_Greenhouse\\_Gases\\_in\\_General\\_Plans\\_-\\_June\\_2009.pdf](http://www.ca-ilg.org/sites/main/files/file-attachments/resources_CAPCOA_Model_Policies_for_Greenhouse_Gases_in_General_Plans_-_June_2009.pdf); Institute for Local Government, *Sustainability Best Practices Framework*, [https://www.ca-ilg.org/sites/main/files/file-attachments/sustainability\\_best\\_practices\\_framework\\_7.0\\_version\\_june\\_2013\\_final.pdf](https://www.ca-ilg.org/sites/main/files/file-attachments/sustainability_best_practices_framework_7.0_version_june_2013_final.pdf).

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& WEINBERGER LLP

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be cumulatively considerable.” CEQA Guidelines § 15183.5(b)(1)(B). The County should also forecast projected emissions for activities covered by the plan with a forecast, which includes emissions from all activities expected to occur absent any policies presented by the GHG Reduction Plan. CEQA Guidelines § 15183.5(b)(1)(C). The reduction measures themselves must be “known to be feasible,” “coupled with specific and mandatory performance standards to ensure that the measures, as implemented, will be effective.” *Communities for a Better Environment*, 184 Cal.App.4th at 94. And the Plan must include “a mechanism to monitor the plan’s progress toward achieving the level and to require amendment if the plan is not achieving specified levels.” CEQA Guidelines § 15183.5(b)(1)(e). Finally, the DEIR should include a mandated time frame for completion of the plan of no more than one year from the publication of the final EIR.

**15-37**

**C. CSERC Suggests the Following Changes to the Mitigation Measures for Biological Resources.**

First, all of the requirements in Mitigation Measure 4.4-1(a) are already mandated under CEQA, so the measure is meaningless. DEIR at 4.4-34. Second, Mitigation Measure 4.4-1(b) would require the hiring of a biologist by developers “[a]t the County’s discretion.” DEIR at 4.4-35. By including “[a]t the County’s discretion,” this measure has no enforceability. Further, whether a biologist is required to be hired by the applicant, CEQA already requires the mitigation of potentially significant impacts to special status species; so the measure to hire a biologist does not add to or improve that already mandated requirement.

**15-38**

There are two issues with Mitigation Measure 4.4-1(c). First, CSERC advocates eliminating the introductory phrase “[t]o the extent practicable.” DEIR at 4.4-35. Next, the second paragraph of that mitigation measure refers to “focused surveys proving absence” of listed species. DEIR at 4.4-35. Surveys do not prove absence except for listed plant species when professional surveys are fully implemented for an entire project site during the appropriate time of year. Otherwise, surveys either prove presence (through detection) or fail to prove presence at the time of the surveys. The measure’s wording must be altered.

**15-39**

For Mitigation Measure 4.4-2(a), CSERC advocates eliminating the introductory phrase “[a]t the County’s discretion.” See DEIR at 4.4-39.

The mitigation designed to mitigate adverse effects on oak woodlands must be updated to be consistent with state law. CSERC supports the requirement that the project applicant must hire a professional to survey to count and assess the size of trees to be removed when the project will affect less than 10 acres of oak woodlands. DEIR at

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4.4-32. However, the only actual mitigation proposed for properties of less than 10 acres is replacement of the trees at a mitigation ratio determined through the County's discretion. DEIR at 4.4-43. Planting of replacement trees must "not fulfill more than one-half of the mitigation requirement for the project." Pub. Resources Code § 21083.4(b)(2)(C). The County must re-write this mitigation measure to require other permissible mitigation measures including conservation of oak woodlands through conservation easements or contribution to the Oak Woodlands Conservation Fund. Pub. Resources Code § 21083.4(b). CSERC proposes the following specific language regarding oak woodlands mitigation:

**Valley Oaks** - The Calaveras County General Plan requires new development to achieve a "no net loss" of Valley Oaks due to their limited distribution in the County and due to their high biological value for wildlife as well as scenic value. Valley Oak Woodland shall be avoided to the maximum extent feasible through project design and layout. No more than 50% of any Valley Oak Woodland on a project site shall be impacted on sites of 2 acres or larger. In addition to avoidance, for each impacted Valley Oak tree larger than 10" dbh, five replacement trees of the same species shall be planted in a manner and location capable of supporting mature Valley Oak trees without irrigation once established.

**Old Growth Oaks** - Old Growth Oaks shall be avoided in development projects to the maximum extent possible through project design and layout. No more than 50% of the Old Growth Oak trees on a project site may be impacted. Where avoidance is not possible, removal of Old Growth Oak trees shall require additional mitigation, including planting five replacement trees (for each impacted Old Growth Oak) on land conserved through a conservation easement or fee title dedication to a land conservation group approved by the County. Mitigation shall also include payment of a fee by the project applicant into a Calaveras County Oak Woodland Conservation Fund in the amount of \$2,500 for each Old Growth Oak impacted. (Old Growth Oaks shall be defined as oaks 24" dbh and larger for purposes of this mitigation measure.)

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**Premature removal of Oak Trees** - Removal of native oak trees from property resulting in a significant direct impact to the oak woodland habitat on the site within five (5) years prior to a submittal for a discretionary entitlement for a land development project is deemed premature removal of oak trees. The County may require a forester or biologist to be hired by the project applicant to conduct an inventory of the prematurely removed oaks. Mitigation measures shall be required for any premature removal of oaks, including fines and the withholding of approval for any discretionary entitlement application for a period of no less than three (3) and no more than to five (5) years.

The incorporation of these three feasible mitigation measures into the General Plan would combine to reduce the overall significant impacts to oak woodland habitat.

**15-40**

The section discussing the potential for interference with movement of native resident or migratory fish or wildlife species is inconsistent. On page 4.4-47, the DEIR concludes that “[b]ased on the analysis below and with the implementation of mitigation, the impact is *less than significant*.” However, on page 4.4-49, the DEIR states that “impact would remain *significant and unavoidable*.” Further, neither mitigation measure imposes measurable performance standards—the wording is weak and nebulous. Mitigation Measure 4.4-5(a) states only that the County will “Encourage development to be compatible with wildlife movement.” DEIR at 4.4-49. And Mitigation Measure 4.4-5(b), states that the County will “work with applicants to encourage preservation or enhancement of upland habitat for wildlife species to the maximum extent feasible on parcels slated for development containing suitable habitat.” DEIR at 4.4-49. If relying on these measures to mitigate impacts, the County must remove “encouraging” and “work with” and replace it with “requiring” and “require applicants to preserve or enhance upland habitat.” Finally, CSERC asserts that the following language should be included to allow wildlife to access streams: “The County shall require protection of wildlife movement corridors along seasonal and perennial streams in order to ensure new development projects, including fences, do not prevent wildlife from moving adjacent to streams.”

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**D. CSERC Suggests the Following Changes to the Mitigation Measures for Hazards and Hazardous Materials.**

Future CEQA review cannot substitute as adequate mitigation to reduce a potential impact to a less than significant level. Yet the County improperly concludes that all future impacts from mining and reclamation activity related to the Update will be less than significant based on future actions:

Because future mining and reclamation activity would be subject to CEQA, potential environmental impacts, such as impacts related to hazardous materials, would be analyzed and mitigated to the maximum extent possible. By requiring proper permitting and review of mining activity, the County's Code ensures that future mining activity would not result in hazardous conditions during operation of the mining activity and during reclamation of the mine.

DEIR at 4.7-22 to 23. The DEIR also concludes that impacts from the release of hazardous material into the environment are less than significant and no mitigation is required. DEIR at 4.7-19 and 23. Future CEQA review is not an adequate substitute for analysis and mitigation. *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 92 ("Formulation of mitigation measures should not be deferred until some future time.").

15-42

Additionally, Mitigation Measure 4.7-7 should be rewritten to require County to reject development applications unless CALFIRE determines that all feasible wildfire mitigation measures and safe ingress/egress criteria is fully met. CSERC suggests the following wording: "The County shall reject applications for new development in areas of high and very high wildfire risk unless the State fire agency (CALFIRE) specifically determines that all feasible wildlife mitigation measures are included in the development application and that safe ingress/egress criteria is fully met."

15-43

**E. CSERC Suggests the Following Changes to the Mitigation Measures for Public Services and Utilities.**

Given that continued, adequate supply from wells during drought periods is highly uncertain, CSERC strongly advocates for an additional mitigation measure to address Impact 4.12-5. DEIR at 4.12-106. CSERC suggests the following language: "Due to the uncertainty of wells during drought periods, the County shall not approve new

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subdivisions that create parcels 5 acres or smaller in size if the new parcels are served only by wells rather than a public water supply.”

**15-44**

The GP update proposes the following measures: “IM COS-7A Recreational Facilities. Revise Calaveras Code Chapter 16.24 to reflect a minimum standard of 3 acres of park and recreational facilities per 1000 residents. If a higher level of parkland-to-residents ratio exists, a higher standard, not to exceed 5 acres per 1000 residents, will be considered, as provided in Section 66477 of the Government Code.” The county also has a parks and recreation facilities dedication fees for new development according to Chapter 16.24. “Policy COS 6.2 further directs the County to establish recreational facility development standards for new developments. Standards for recreational facilities would ensure that new recreational facilities meet the needs of new County residents in an efficient manner. Policy COS 6.5 would require that future recreational facilities be designed to minimize ongoing maintenance costs, which would help to ensure that population growth and increased use of recreational facilities would not degrade such facilities.”

**15-45**

**F. CSERC Suggests the Following Changes to the Mitigation Measures for Transportation and Circulation.**

The DEIR concludes that state roadways will be significantly impacted at General Plan buildout. DEIR at 4.13-27. Specifically, thirteen Caltrans managed roadway segments would operate at a Level of Service (LOS) D, and the only mitigation offered by the County is to revise the Update to state that LOS D on these segments is acceptable to the County. DEIR at 4.13-27 to 28. Mitigation is not lowering standards, but rather implementing measures to improve the LOS on these roads. Under the County’s proposed mitigation, traffic delays would become the standard, normal pattern. It is at odds with public values for the County to adopt a General Plan, which would favor high levels of development and be expected to result in undesirable congestion and traffic delays at major intersections or along many road segments in the County. CSERC will oppose including 4.13-2 in the final version of the General Plan.

**15-46**

**VIII. The DEIR Should Be Recirculated.**

CEQA requires recirculation of a DEIR when significant new information is added to the document after notice and opportunity for public review was provided. CEQA § 21092.1; CEQA Guidelines § 15088.5; *Laurel Heights II*, 6 Cal.4th at 1130. “Significant new information” includes: (1) information showing a new, substantial environmental impact resulting either from the project or from a mitigation measure; (2) information showing a substantial increase in the severity of an environmental impact

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not mitigated to a level of insignificance; (3) information showing a feasible alternative or mitigation measure that clearly would lessen the environmental impacts of a project and the project proponent declines to adopt the mitigation measure; or (4) instances where the DEIR was so fundamentally and basically inadequate and conclusory in nature that public comment on the DEIR was essentially meaningless. CEQA Guidelines § 15088.5(a); *Laurel Heights II*, 6 Cal.4th at 1130.

**15-47**

Given the deficiencies identified in the letter, the County must consider and analyze alternatives that promote conservation and rural values as part of a revised DEIR for the proposed Update. The DEIR requires extensive new information and analysis that will necessitate recirculation. As this letter explains, the DEIR provides incomplete analysis of the broad environmental impacts that may result from the County's proposed adoption of development-promoting policies without critical protections to balance them. The required analysis will likely result in identification of new, substantial environmental impacts, substantial increases in the severity of environmental impacts, and new alternatives. Moreover, the flaws that permeate the entire DEIR, particularly deferred analysis and non-binding mitigation, constitute precisely the sort of pervasive flaws that independently require recirculation under CEQA Guidelines section 15088.5(a)(4). *See Mountain Lion Coalition v. Fish & Game Comm'n* (1989) 214 Cal.App.3d 1043, 1052-53. Full evaluation of impacts and alternatives is critical to provide the basis for a comprehensive analysis of environmental impacts and the identification of feasible alternatives.

Barring recirculation, the County must choose the DOF Projections Alternative and must also incorporate the many corrections and changes in mitigation measure language that are identified in these comments, including the adoption of additional mitigation measures that are needed to reduce the significance of impacts. The DOF Alternative "would limit anticipated growth consistent with what is assumed under DOF projections." DEIR at 6-12. The selection of that DOF Projections Alternative would require the Update's Land Use Map to be altered so as to reduce the total area available for development within the rural areas of the County. The basic text of the General Plan would remain the same for this Alternative (other than changes made resulting from public input), but full build-out would be consistent with DOF projections – sparing many rural areas from potential development. This alternative meets the project's objectives and is the environmentally superior alternative and must be selected.

We appreciate the opportunity to provide these comments. These comments including the attachments and websites/documents linked to with specific URLs throughout the letter should be included in the record. Please keep us informed of all

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↑ notices, hearings, staff reports, briefings, meetings, and other events related to the Update and the EIR.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Ellison Folk

Attachments

Exhibit 1: August 17, 2016 Letter  
Exhibit 2: February 8, 2017 Letter

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**EXHIBIT 1**

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ELLISON FOLK  
Attorney  
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August 17, 2016

Via E-Mail

Mr. Peter Maurer  
Planning Director  
County of Calaveras Department of Planning  
891 Mountain Ranch Road  
San Andreas, California 95249-9709

Re: Comments on the 2014 Draft Calaveras County General Plan

Dear Mr. Maurer:

On behalf of the Central Sierra Environmental Resource Center (“CSERC”), Shute, Mihaly & Weinberger, LLP submits these comments on recommended changes to the Calaveras County Draft General Plan (“Draft General Plan”) Land Use Map. CSERC is particularly concerned about requested changes or proposed changes to land uses for thousands of acres in the Copperopolis area that would facilitate the Sawmill Lake development and other major development proposals by Castle and Cooke. The Planning Commission previously denied the Sawmill Lake project in 2012 for multiple reasons, and nothing has changed since then that justifies including this large redesignation of land in the General Plan. Similar major land use designation changes have been requested for the Ponte ranch, Fairchild properties, Coe property, and other sites in the list of land use requests.

First, the County will be required to prepare an environmental impact report that addresses all of the impacts associated with the land use designations in the plan. As CSERC staff and others have testified at Planning Commission hearings during consideration of the project, the Sawmill Lake project by itself would result in significant negative environmental impacts: (1) the project would wipe out 4,000 to 8,000 oaks without adequate mitigation; (2) the project fails to provide sufficient stream setback buffers and necessary protection for at-risk wildlife and plant species; (3) the project and the Copperopolis Community Plan process have not yet evaluated and selected feasible options for a regional conservation strategy that would provide for wildlife movement corridors and the preservation of federally-listed and state-listed species within the

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Copperopolis basin; (4) the current designed and anticipated infrastructure for the Copperopolis area is not capable of serving the already approved development that will occur over time, let alone the cumulative demands resulting from the addition of the Sawmill Lake project; and (5) there are numerous significant issues that have not been fully addressed by the EIR process, including apparent over-commitment of the proven water supply and the challenges of conveying wastewater to the treatment facility. Similar problems or even more significant concerns are tied to many of the other requested land use designation changes now being pushed by proponents.

Undertaking the environmental review of so many issues will require a significant investment of County resources for the economic benefit of a private property owner. As is typically required, this cost should be borne by the developer, not the public.

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This is especially true because there is no need for the substantial level of development permitted by the redesignations now being requested. The Draft General Plan's Land Use Element already vastly over-allocates land for residential development. The California State Department of Finance estimates that the population in Calaveras County will grow by 8,908 residents by 2035, increasing the total population from 41,857 to 50,355.<sup>1</sup> The General Plan acknowledges that this population growth will require the addition of only 5,413 residential units.<sup>2</sup> Despite this modest growth projection, previous staff analyses concluded that the Draft General Plan provides "sufficient land in each land use category to accommodate *five times* the expected growth, using conservative build-out scenarios."<sup>3</sup> The original Draft General Plan's land use map distributed for public comment allowed for nearly 21,000 new residential units at build-out, and would accommodate population growth of between 50,000 to 73,000 new residents.<sup>4</sup> These numbers are wildly out of step with the state projections for population growth and residential housing needs in the County and far exceed any plausible or justifiable need for residential development during the planning period.

Adding the redesignation of lands to accommodate the Sawmill Lake project and the numerous other significant land use designation changes will only compound this

<sup>1</sup> Draft General Plan at INT-2.

<sup>2</sup> *Id.*

<sup>3</sup> Draft General Plan Release Cover Memo (December 18, 2014) at 2 (emphasis added).

<sup>4</sup> *Id.* (Note that the document refers to "21,000 new residents" but from the context, it was apparently intended to mean "21,000 new residential units.").

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problem. First, designating an overabundance of land for residential development will discourage smart growth in the County and will instead promote sprawl and low-density development. Moreover, by designating a disproportionate percentage of the County's total land area for residential development that will likely never occur during the planning timeframe, the Draft General Plan underprovides for other land uses, such as resource management, resource production, or working lands, that would advance the County's conservation and preservation goals. This imbalance between the land use map and other elements of the Draft General Plan violates state law. *Neighborhood Action Group for the Fifth District v. County of Calaveras*, 156 Cal.App.3d 1176, 1184-85 (1984) (A General Plan that fails to contain the information required by state law and that fails to properly correlate its various elements cannot serve its purpose as the constitution for future development.)

Therefore, we respectfully request that the Planning Commission deny the request by Castle & Cooke to redesignate the land uses on APN parcels: 52-020-014, 53-021-00, 54-006-030, 031, 032, 037, 54-007-003, 018, 019, 61-003-001, 55-051-010, and that the Commission similarly reject similar requests for significant changes in land use designations for other proposed development sites where such changes might result in pre-entitlement or otherwise lead to legal vulnerability of the General Plan update or result in extensive delay in producing a legally compliant General Plan.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Ellison Folk

cc: Calaveras County Counsel

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**EXHIBIT 2**

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February 8, 2017

**Via E-Mail and U.S. Mail**

Peter N. Maurer  
Planning Director  
Calaveras County Planning Department  
891 Mountain Ranch Road  
San Andreas, California 95249  
E-Mail: gpupdate@co.calaveras.ca.us

Re: Notice of Preparation of EIR for Proposed Calaveras County  
General Plan Update

Dear Mr. Maurer:

Shute, Mihaly & Weinberger LLP submits this letter on behalf of the Central Sierra Environmental Resource Center (“CSERC”), to provide comments on the County’s Notice of Preparation (“NOP”) of an Environmental Impact Report (“EIR”) for the Proposed Calaveras County General Plan Update (“GPU”).

CSERC is committed to working constructively with the County to ensure that changes to land use in the County under the GPU do not impair the regional environment, natural resources, and rural quality of life for the County’s residents. The County must undertake careful planning to ensure that the region accommodates growth and development in a manner that does not seriously impair the very resources that draw residents and visitors to County in the first place. To that end, CSERC is concerned that the NOP provides insufficient assurance that the County’s EIR will fully and accurately evaluate the potential impacts associated with the GPU.

We have previously explained that the GPU vastly over-allocates land in the County for residential development. As the NOP acknowledges, the GPU proposes to accommodate well over *six times* the number of residential units as projected to be required by the State. NOP at 7 (Table 3). The County has yet to offer a persuasive justification for an approach that allows far more development growth than is realistic or necessary.

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In fact, the State's most recent housing and population projections, which the NOD does not cite, further erode the GPU's approach. For example, the Department of Finance's ("DOF") Baseline 2013 numbers predict a slightly *smaller* increase (to a total population of 54,912 in 2035) than the numbers the County relied on in the NOD, and 6% less than the additional population prediction of 9,963 used in the NOD.<sup>1</sup> This unsurprising, given that DOF's most recent population estimates show that from 2010 to 2016, the County's total population *decreased* from 45,578 to 45,207.<sup>2</sup> What *is* surprising, however, is that despite this data, the County continues to move forward with a GPU that nonetheless proposes to allocate land for development several times the amount necessary to accommodate growth at levels projected by the DOF. This over-allocation will have profound effects on the County's environmental review for the project.

**A. The baseline for environmental analysis is existing conditions in the County.**

**15-51**

Under the California Environmental Quality Act ("CEQA"), a lead agency preparing an EIR must establish an appropriate baseline against which to assess whether a project's environmental effects are likely to be significant. *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439, 447. "The key [to determining the proper baseline] is the EIR's role as an informational document." *Id.* at 453. The lead agency must "employ a realistic baseline that will give the public and decision makers the most accurate picture practically possible of the project's likely impacts." *Id.* at 459. This baseline normally reflects "the existing physical conditions in the affected area, that is, the real conditions on the ground." *Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310, 321 (citations omitted). Accordingly, agencies cannot use hypothetically allowable development under an operating permit as the baseline for environmental review, when such development has not been realized. *Id.* at 320-22. However, under certain circumstances, adjustments to the baseline may be "necessary to prevent misinforming or

<sup>1</sup> California Department of Finance, Demographic Research Unit, State and County Population Projections July 1, 2010-2060 (December 15, 2014), *available at*: [http://www.dof.ca.gov/Forecasting/Demographics/Projections/documents/P-1\\_Total\\_CAProj\\_2010-2060\\_5-Year.xls](http://www.dof.ca.gov/Forecasting/Demographics/Projections/documents/P-1_Total_CAProj_2010-2060_5-Year.xls).

<sup>2</sup> California Department of Finance, Demographic Research Unit, Population Estimates for Cities, Counties, and the State, 2011-2016, with 2010 Benchmark (May 1, 2016) *available at*: <http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-4/2011-20/documents/E-42016InternetVersion.xls>.

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misleading the public and decision makers.” *Neighbors for Smart Rail*, 57 Cal.4th at 448, 451.

Accordingly, the County’s EIR for the GPU must use existing conditions in the County as the baseline against which to measure the environmental impacts of the development allowable under the GPU. Yet the NOP appears to suggest that the County is considering using the *allowable development under the existing General Plan* as the project’s baseline. See NOP at 7 (“the proposed General Plan Land Use Map reduces the amount of potential development allowed by the current General Plan”). This approach would impermissibly downplay the project’s impacts by measuring them against the unrealized development allowed under the outdated current General Plan. What’s more, much of the current General Plan’s allowable development actually overlies parcels in rural northeastern areas of the County where there is no realistic possibility of providing necessary infrastructure and where the terrain is generally steep and rugged. The prospect of development in these areas under the current General Plan exists only on paper. Any EIR prepared by the County that were to rely upon such a misleading baseline would be fundamentally flawed.

**B. The County must analyze and mitigate the impacts from full buildout.**

**15-52**

As the County is surely aware, the EIR will be required to analyze the impacts of the GPU’s *full* build-out scenario against baseline conditions. Courts have consistently held that an EIR must examine a project’s potential to affect the environment, even if the development may not ultimately materialize. *Bozung v. Local Agency Formation Comm’n* (1975) 13 Cal.3d 263, 279-82. Because general plans serve as the crucial “first step” toward approving future development projects, a general plan EIR must evaluate the amount of development actually allowed by the plan. *City of Carmel-By-the-Sea v. Bd. of Supervisors of Monterey Cnty* (1986) 183 Cal.App.3d 229, 244; *City of Redlands v. Cnty of San Bernardino* (2002) 96 Cal.App.4th 398, 409. Thus, the County will be committed to considering the full extent of all environmental impacts from development of the more than 27,000 additional residential housing units proposed under the GPU, even if it expects that not all of those housing units will ultimately materialize.

This, in turn, will require the County to develop and implement feasible, enforceable mitigation measures to mitigate the significant environmental impacts from a population increase of well over 100% and the development of over 27,000 new housing units. Under CEQA, public agencies may not approve projects unless feasible mitigation measures are included that mitigate the project’s significant environmental effects. Pub. Res. Code §§ 21002, 21002.1(b); CEQA Guidelines § 15126.4(a)(2); see, e.g., *City of*

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↑ *Marina v. Board of Trustees of the California State University* (2006) 39 Cal.4th 341. The mitigation measures must be concrete and enforceable, not vague policy statements. See Pub. Res. Code § 21081.6(b); *Federation of Hillside and Canyon Ass'n v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1261 (agency must take steps to ensure mitigation measures are fully enforceable through permit conditions, agreements, or other measures).

**15-53**

Impacts from the population growth and development anticipated in the GPU, which is several times in excess of the County's state-projected needs, will be far-reaching. They will include, but are not limited to, impacts on air quality, climate change, biological resources, agriculture, traffic, wildfire hazards, and flood risks. The County must be prepared to include concrete, enforceable mitigation measures to mitigate these impacts. The extensive mitigation required for such impacts demands that the County solicit public comment and suggestions for proposed mitigation at the earliest possible stage in the process.

**15-54**

Additionally, the NOP states that the EIR will contain "program-level, or 'first-tier', analysis" for the GPU, and that the County will "review subsequent projects for consistency with the Program EIR and prepare appropriate environmental documentation." NOP at 8. While we agree that the EIR must provide a region-wide analysis that captures the full spectrum of impacts from the project—including cumulative impacts—over a long-term planning horizon, the "program-level" nature of the EIR does not excuse the County from examining project-specific impacts that are a reasonably foreseeable result of adopting the GPU. For example, the GPU's Land Use Map redesignates to "Future Specific Plan" designation property in the Copperopolis area that is the site of the proposed Sawmill Lake development project by Castle & Cooke. It does the same for acreage adjacent to Lake Tulloch owned by the Sanguinetti Cattle Company and which is proposed for a destination resort, golf course, and 1,500 homes—all on land that does not currently have a single residence. As we explained in our August 17, 2016 letter, the Sawmill Lake project by itself would have significant negative environmental impacts by, for example, removing thousands of oaks, allowing development close to sensitive riparian habitat, obstructing critical wildlife corridors, and overburdening the public infrastructure in the Copperopolis area. The County may not avoid analyzing these significant impacts or identifying concrete, enforceable mitigation measures to reduce or avoid them.

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**C. The EIR should analyze a “Rural Character – Moderate Growth Alternative.”**

As the NOP correctly acknowledges, an EIR must analyze a range of reasonable alternatives to the project. NOP at 9. These alternatives must feasibly attain most of the basic project objectives while avoiding or substantially lessening the project’s environmental impacts. *See* Public Resources Code § 21100(b)(4); *see also* CEQA Guidelines § 15126.6(a). The analysis of alternatives to a proposed project lies at the “core” of an EIR. *Citizens of Goleta Valley v. County of Santa Barbara* (1990) 52 Cal.3d 553, 564. CEQA prohibits public agencies from approving projects as proposed if a feasible alternative would substantially lessen their significant environmental effects. *Berkeley Keep Jets*, 91 Cal.App.4th at 1354 (quoting § 21002); Guidelines § 15126.6(b). As the Supreme Court has explained, “Without meaningful analysis of alternatives in the EIR, neither the courts nor the public can fulfill their proper roles in the CEQA process.” *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 404. Thus, the CEQA Guidelines state that the selection and discussion of alternatives should foster informed decision-making and informed public participation. *See* CEQA Guidelines § 15126(d)(5).

15-56

There is growing public recognition of the need to change local government approaches to land use development in order to slow climate change and ensure proper management of the region’s economic, social and environmental capital. Future development must be sustainable. There are reasonable and feasible alternatives to the GPU as proposed that would greatly reduce impacts to biological and scenic resources, open space, and the rural character of the County. Given the County’s unique and environmentally sensitive resources, the County should carefully and thoroughly consider an alternative that alters allowable development patterns in order to reduce the environmental impacts of the project and promote sustainability.

To this end, we strongly recommend that the County identify and analyze a “Rural Character - Moderate Growth Alternative” in the EIR. Such an alternative would allow increases in land use intensity and density within the County’s urbanized areas, while discouraging low-density development within rural communities and natural areas. Specifically, the Rural Character – Moderate Growth Alternative would allow a level of development in keeping with more realistic projections of need than the level of development allowed under the proposed GPU. This need not be a rigid number—the Rural Character – Moderate Growth Alternative could still allow for up to two or even three times the amount of development that the DOF’s population and housing need projections warrant—but it would be far less than what would be allowed under the GPU as currently proposed. In addition to being far more realistic about meeting predicted

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growth in the planning period, this moderate growth alternative would limit the need to extend new infrastructure into rural areas. Curtailing sprawl and leapfrog development minimizes premature need for expensive water and sewer line extensions, new and wider roads, and the extension of public services. A Rural Character – Moderate Growth Alternative would therefore have the additional benefit of reducing taxpayer and ratepayer costs.

We reiterate CSERC's position, stated in our March 11, 2015 letter, that the proposed GPU itself should avoid over-allocating land for residential development. Barring this change to the proposed project, however, the EIR should include and consider a Rural Character – Moderate Growth Alternative.

**D. The County should adopt thresholds of significance early in the process.**

**15-57**

Finally, the County should prepare and publish proposed thresholds of significance for environmental impacts in advance of publishing the draft EIR for the GPU. Thresholds of significance establish, for each impact area, the level of effect over which a project's impact is likely to be determined significant. Many counties have adopted advance thresholds of significance (including Santa Barbara County, San Diego County, and Ventura County, among others) for general use in their environmental review documents. Even if the County chooses not to formally adopt such thresholds, it should still publish the thresholds of significance it proposes to use for each environmental impact area (e.g., biological resources, hydrology and water quality, population and housing, transportation and circulation) analyzed in the EIR. In light of the County's extensive environmentally sensitive resources and the far-reaching consequences of the GPU, the public should have an opportunity to comment on the completeness and adequacy of proposed thresholds of significance at the earliest possible stage in the environmental review process. Ideally, draft proposed thresholds will be made public early, with opportunities to comment on them as part of the additional scoping sessions or workshops.

**E. Conclusion**

**15-58**

We hope that the above will assist the County in preparing a thorough and legally adequate EIR for the GPU. Given the lack of detailed information in the NOP and the County's decision not to prepare an Initial Study, the public should have an opportunity to participate fully in the County's upcoming scoping process. To this end, we strongly recommend the County make information—such as proposed thresholds of

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↑ significance—available as early as possible and hold public workshops throughout the process.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Peter J. Broderick

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**LETTER 15: PETER BRODERICK OF SHUTE, MIHALY, AND WEINBERGER ON BEHALF OF  
CENTRAL SIERRA ENVIRONMENTAL RESOURCE CENTER**

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**Response to Comment 15-1**

As noted on page 4.11-10 of the Draft EIR, the Draft General Plan does not include goals or policies that would substantially limit population growth that is projected for the County. As such, for most of the technical chapters included in this EIR, determination of impacts is based on buildout of the Draft General Plan per the estimated carrying capacity in order to provide a conservative analysis. The County does not necessarily expect that sufficient growth will occur in the County such that the estimated carrying capacity would be realized. While growth projections may vary from year to year based on market trends, the carrying capacity estimate presented in the Draft EIR is anticipated to remain constant.

It should be noted that per CEQA Guidelines Section 15126.2 (d), “It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.” Furthermore, the Draft EIR is not required to recommend approval or disapproval of a proposed project based on the environmental impacts identified therein. Rather, as stated in CEQA Guidelines Section 15092, “After considering the final EIR and in conjunction with making findings under Section 15091, the Lead Agency may decide whether or how to approve or carry out the project.” Thus, an EIR is intended to serve solely as a tool to aid in the Lead Agency’s ultimate decision. Based on the above, the comment does not address the adequacy of the Draft EIR.

**Response to Comment 15-2**

The comment is an introductory statement. Responses to specific environmental issues raised by the commenter are provided in Responses to Comments 15-4 through 15-33 below. As noted therein, the Draft EIR meets the requirements established by PRC Section 2106.

**Response to Comment 15-3**

The comment has been forwarded to the decision-makers for their consideration. The comment does not address the adequacy of the Draft EIR. It should be noted that by analyzing a conservative carrying capacity level of development under buildout of the Draft General Plan, the Draft EIR analyzes a more intensive level of development than will likely occur.

Section 15126.6 of the CEQA Guidelines requires that an EIR consider a reasonable range of *potentially* feasible alternatives that will foster informed decision making and public participation. As part of certification of the Draft EIR, Findings of Fact will be prepared that support the infeasibility of alternatives. The County Board of Supervisors will make a determination on the feasibility of the alternatives when it takes action on the Draft General Plan.

#### **Response to Comment 15-4**

CEQA Guidelines Section 15126.6(c) states the following, in pertinent part, regarding selection of alternatives in an EIR: “The range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects.” Thus, consistent with CEQA Guidelines, the Draft EIR is not required to include an alternative that would reduce project impacts to less-than-significant levels; rather, the range of alternatives considered in the EIR need only include alternatives that could substantially lessen an impact identified for the proposed project. As noted on page 6-27 of the Draft EIR, both the DOF Projections Alternative and the Rural Character Protection Alternative would substantially lessen certain impacts relative to the proposed project. CEQA Guidelines Section 15126.6(d) also states that the significant effects of an alternative shall be discussed in less detail than the significant effects of the project as proposed.

Furthermore, the County was unable to identify any feasible alternatives that would be capable of avoiding the significant and unavoidable impacts identified in the Draft EIR while still achieving a majority of the project objectives. This is due, in part, to the fact that as a program-level environmental document, the Draft EIR cannot feasibly anticipate all environmental impacts associated with future growth, the location and intensity of which may be speculative. For example, as discussed on page 4.12-120 of the Draft EIR, while the Draft EIR includes mitigation to ensure that the environmental sensitivity of sites is considered during the design and approval of future wastewater infrastructure projects, the specific intensity and location of potential future wastewater infrastructure is currently unknown. Thus, the Draft EIR cannot conclusively determine that impacts associated with construction of such infrastructure would be less than significant.

Subsequent activities that fall under the General Plan will be evaluated to determine whether additional CEQA documentation is required to address significant impacts. Subsequent activities could be found to be within the scope of the program EIR and additional environmental documentation may not be required. When a subsequent activity relies on the program EIR, the County will be required to incorporate feasible mitigation measures and alternatives developed in the program EIR into the subsequent activity. If a subsequent activity could result in effects not within the scope of the program EIR, including new or more severe significant impacts than identified in the program EIR, the County will be required to conduct additional CEQA review.

#### **Response to Comment 15-5**

The Draft EIR is a program EIR, as permitted by CEQA Guidelines §15168. A program-level analysis allows for exhaustive consideration of effects and alternatives beyond the format typically set for an individual action. As a program-level document, the Draft EIR identifies broad impacts and provides mitigation measures that would need to be implemented with future development under the Draft General Plan. In the case of *Lotus v. Dept. of Transportation*, an individual action was clear at the time of analysis; however, the Draft EIR must only set standards for which subsequent activities in the Draft General Plan will be examined. As stated in CEQA Guidelines §15168, a program EIR “allows the Lead Agency to consider broad policy

alternatives and program wide mitigation measures at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts.” The policies and IMs included in the Draft General Plan, including those aimed at environmental protection, are integral to successful implementation of the Draft General Plan and cannot be separated from the project. The Draft EIR clearly identifies the potential environmental impacts and, where appropriate, analyzes mitigation measures. Upon development and buildout of the Draft General Plan, individual projects will be subject to CEQA level analysis as well as examined in the light of the Draft EIR.

Because of the programmatic nature of the General Plan, a precise, project-level analysis of the specific effects of individual projects is not possible, nor is it required under CEQA. Subsequent activities would be required to be consistent with the General Plan, and would be evaluated to determine whether additional CEQA documentation is required to address specific impacts.

#### **Response to Comment 15-6**

Please see Master Response #2 and Response to Comment 15-5 above. Regarding Impact 4.1-3, the Draft EIR concludes that the Draft General Plan would not cause a significant impact related to light a glare because all new projects within the County would be required to comply with the Title 17 of the Calaveras Code of Ordinances, which includes specific regulations requiring shielding of exterior lighting, limiting of light spillage in parking lot areas, and minimization of light and glare associated with signs within the County. The goals, policies, and IMs would bolster existing regulations stipulated in the County Code and would help to minimize the amount of light and glare created by buildout of the Draft General Plan.

#### **Response to Comment 15-7**

Please see Master Response #2 and #3. In addition, see Response to Comment 13-5 above regarding invasive plant species. The Draft General Plan includes IMs to minimize the spread of invasive species. See Response to Comment 14-3 and 14-4 above regarding wildlife movement.

#### **Response to Comment 15-8**

See Response to Comment 15-5, as well as Master Response #2 and #3. As discussed on page 4.1-22 of the Draft EIR, buildout of the Draft General Plan would result in development, which, without project-specific analysis, could substantially alter the existing visual character of areas throughout Calaveras County. Because project-level design information for future development is not available at this time, mitigation for project-specific impacts is not feasible for inclusion in the Draft EIR.

#### **Response to Comment 15-9**

As discussed throughout the Draft EIR, the existing setting, or baseline, analyzed in each technical chapter, is defined as the existing physical conditions occurring within the County at the time the Notice of Preparation (NOP) for the Draft EIR was published. This approach is consistent with Section 15125 of the CEQA Guidelines.

As discussed in Chapter 3, Project Description, the County relied on current estimates of the County's housing stock and total population in order to develop a baseline for this CEQA analysis. Additionally, Chapter 3 defines the development conditions that were mapped for analysis within each technical chapter of the Draft EIR.

### **Response to Comment 15-10**

The comment provides an introduction to the comments that follow.

Chapter 3, Project Description, of the Draft EIR, clearly defines the development conditions that are analyzed within each technical chapter of the Draft EIR. As noted therein, the majority of the technical chapters in the Draft EIR analyze full buildout of the Draft General Plan Land Use Map based on the "carrying capacity" of each individual land use type. In addition to the analysis of buildout, the Noise and Transportation and Circulation chapters of the EIR provide for an analysis of impacts associated with a Market-Level Year 2035 growth scenario. The potential environmental impacts associated with such growth are analyzed throughout the Draft EIR, and mitigation is provided where necessary.

### **Response to Comment 15-11**

A discussion of existing emissions sources within the County is provided on pages 4.3-28 through 29 of the Draft EIR. As noted therein, the National Emissions Inventory (NEI) data used to quantify existing emissions includes point sources, such as power plants and airports, as well as nonpoint sources, which include asphalt paving, consumer solvent use. In addition to the foregoing emission sources, the NEI includes emissions from on-road sources such as light and heavy-duty vehicles, nonroad sources including locomotives and landscaping equipment, and event sources, such as emissions from wildfires. Such criteria pollutant emissions are a direct consequence of existing development patterns within the County and, thus, constitute the existing setting for the purpose of the air quality analysis presented in the Draft EIR.

As noted on page 4.3-31 of the Draft EIR, while long-term operations of the Draft General Plan present an on-going source of emissions within the County, construction activity related to buildout of the Draft General Plan would be considered a short-term or intermittent source of criteria pollutant emissions. Typical sources of construction emissions include PM, CO, ROG, and NO<sub>x</sub> from diesel powered construction equipment, ROG from paint and solvents, particulate matter from vehicle traffic on unpaved roads, and PM emissions from soil disturbance. Levels of emissions for any given construction project vary depending on the type and quantity of equipment used, the emissions efficiency of the equipment, the amount of soil hauling required, reliance on diesel generators as opposed to an existing electrical grid, and the overall site disturbance area. Because the Draft EIR provides for a program-level analysis of Draft General Plan buildout conditions, specific information related to future construction activities (e.g., grading plans, soil import/export, equipment used, etc.) is not available at this time. Furthermore, construction activities for different projects would occur at varying times with varying degrees of overlap, as dictated by market forces. As such, analysis of emissions from such activities in



comparison to the CCAPCD's pounds per day (lbs/day) thresholds for criteria pollutants is speculative.

### **Response to Comment 15-12**

As noted on page 4.3-11 of the Draft EIR, Calaveras County is under the jurisdiction of the CCAPCD, which is recognized as a Special District and is governed by the Calaveras County Air Pollution Control Board. The CCAPCD manages the County's air quality through education and enforcement of CCAPCD rules and CARB measures and regulations. As the applicable air quality management agency for the County, the CCAPCD has worked with the Amador Air District (AAD), to prepare attainment plans for PM and ozone emissions. Thus, future construction activity within the County which is in compliance with the thresholds of significance established by the CCAPCD would not result in a significant impact based on the thresholds of significance discussed on 4.3-25 and -26 of the Draft EIR. In the event that construction emissions from a project exceed the CCAPCD thresholds, mitigation measures would be implemented at a project level to ensure that emissions are reduced to below the thresholds. Such an approach is consistent with the CCAPCD's *Guidelines for Assessing and Mitigating Air Quality Impacts of Land Use Projects*. While the specific mitigation measures would likely vary from project to project, the County and the CCAPCD would rely primarily on the CCAPCD's established construction phase measures listed on page 4.3-24 of the Draft EIR. Such measures include use of grid power as opposed to diesel generators, avoidance of open burning of vegetative material, and requiring use of equipment meeting at least Tier 1 emissions standards. If warranted, construction measures could require use of equipment meeting the more stringent Tier 4 emissions standards to further reduce ROG and NO<sub>x</sub> emissions. The County anticipates that the CCAPCD's standard mitigation measures, in addition to project specific mitigation, would be sufficient to reduce construction emissions of criteria pollutants to below the CCAPCD's thresholds.

As noted under Response to Comment 15-11 above, specific information related to future construction activities (e.g., grading plans, soil import/export, equipment used, etc.) is not available at this time. Furthermore, construction activities for different projects would occur at varying times with varying degrees of overlap, as dictated by market forces. Thus, analysis of emissions from such activities in comparison to the CCAPCD's lbs/day thresholds for criteria pollutants is inherently speculative.

Nonetheless, in response to this comment, potential construction emissions associated with development under the Draft General Plan have been modeled with CalEEMod. The modeling outputs are included in Attachment 1 to this FEIR. To estimate the amount of new development that could reasonably occur in a given year, the total number of new residential units anticipated for the County in 2035 was divided by 15 years, based on the assumption that construction would occur incrementally between 2020 and 2035. The amount of non-residential construction occurring annually was estimated similarly. Based on development trends in the County, it is likely that the rate of construction at any given time would actually be lower than this analysis assumes.

Based on the modeling annual county-wide construction emissions of ROG, NO<sub>x</sub>, and PM<sub>10</sub> would be approximately 148, 73, and 20 lbs per day, respectively, which is below the CCAPCD's 150 lbs per day threshold for both criteria pollutants. Notably, these figures reflect county-wide emissions that would occur from all development projects under construction, rather than any individual project, and are still below the CCAPCD's thresholds of significance, which are designed for use in analysis of individual development projects. Thus, the modeling confirms that construction emissions associated with future development within the County would be less than significant. This does not affect the conclusion in the Draft EIR that, overall, emissions from development under the Draft General Plan would result in a significant and unavoidable impact.

Based on the above discussion, pages 4.3-31 and 4.3-32 of the Draft EIR are hereby revised as follows:

While long-term operations of the Draft General Plan present an on-going source of emissions within the County, construction activity related to buildout of the Draft General Plan would be considered a short-term or intermittent source of criteria pollutant emissions. Typical sources of construction emissions include PM, CO, ROG, and NO<sub>x</sub> from diesel powered construction equipment, ROG from paint and solvents, particulate matter from vehicle traffic on unpaved roads, and PM emissions from soil disturbance. It should be noted that because this EIR provides for a program-level analysis of Draft General Plan buildout conditions, specific information related to future construction activities (e.g., grading plans, soil import/export, equipment used, etc.) is not available at this time. ~~Therefore, for the purpose of this EIR, construction emissions are evaluated qualitatively. Furthermore, construction activities for different projects would occur at varying times with varying degrees of overlap, as dictated by market forces. Thus, analysis of emissions from such activities in comparison to the CCAPCD's lbs/day thresholds for criteria pollutants is inherently speculative.~~

Currently, the CCAPCD requires that any project including soil disturbance in excess of one acre submit a Dust Control Plan to the District for review and approval. Per the CCAPCD's guidance, emissions from construction activities should be estimated and evaluated on a project-by-project basis, and, if necessary, mitigation measures in addition to dust suppression requirements may be required. The CCAPCD's project-level thresholds of significance for construction emissions of NO<sub>x</sub>, ROG, and PM<sub>10</sub> are 150 lbs/day.

Any future construction activities occurring under buildout of the Draft General Plan which would involve soil disturbance in excess of one acre would be subject to all applicable CCAPCD requirements, including submittal of a Dust Control Plan, quantification of construction-related emissions, and evaluation of such emissions in the context of CCAPCD's construction emissions thresholds. In the event that construction emissions are determined to exceed applicable CCAPCD thresholds, the lead agency for the project would consult with CCAPCD to develop project-specific mitigation measures sufficient to ensure that emissions are sufficiently reduced.

Potential construction emissions associated with development under the Draft General Plan have been modeled with CalEEMod. To estimate the amount of new development that could reasonably occur in a given year, the total number of new residential units

anticipated for the County in 2035 was divided by 15 years, based on the assumption that construction would occur incrementally between 2020 and 2035. The amount of non-residential construction occurring annually was estimated similarly. Based on development trends in the County, it is likely that the rate of construction at any given time would actually be lower than this analysis assumes.

Based on the modeling annual county-wide construction emissions of ROG, NO<sub>x</sub>, and PM<sub>10</sub> would be approximately 148, 73, and 20 lbs per day, respectively, which is below the CCAPCD's 150 lbs per day threshold for both criteria pollutants. Notably, these figures reflect county-wide emissions that would occur from all development projects under construction, rather than any individual project, and are still below the CCAPCD's thresholds of significance, which are designed for use in analysis of individual development projects. Thus, the modeling confirms that construction emissions associated with future development within the County would be less than significant. Therefore, buildout of the Draft General Plan would not violate any air quality standard or contribute substantially to an existing or projected air quality violation during construction, and a *less-than-significant* impact would occur.

The forgoing revision does not affect the conclusions of the Draft EIR.

### **Response to Comment 15-13**

As noted on pages 4.3-35 and -36 of the Draft EIR, construction and operational emissions of Toxic Air Contaminants (TACs) are regulated by the CCAPCD, and future development within the County would be required to comply with all such applicable regulations. In addition, Policy COS 4.2 of the Draft General Plan, as modified by Draft EIR Mitigation Measure 4.3-3(a), would work towards ensuring that adequate distances exist between sensitive receptors and sources of TACs and would require the preparation of a Health Risk Assessment in instances when a project has the potential to result in the exposure of sensitive receptors to substantial pollutant concentrations.

The Draft EIR's program-level analysis of land uses to be developed under the General Plan does not include analysis of specific locations of potential new TAC sources. Such an analysis would be speculative because the specific location of future uses that would emit TACs are unknown. Because the specific location of potential new stationary sources to be developed under the General Plan are not known, the analysis in the Draft EIR cannot analyze all TAC sources that may be developed under the General Plan. Because health risks related to TAC emissions are highly specific to the types of operations proposed, distances to sensitive receptors, and various other environmental factors, quantification of TAC emissions at a program level, rather than through preparation of project-level Health Risk Assessments, is not feasible. The analysis focuses on potential sources of TAC emissions and the existing regulations that are in place and the policies that are proposed that would serve to reduce TAC impacts on sensitive receptors.

**Response to Comment 15-14**

Estimates of existing vehicle miles travelled (VMT) per day associated with the County are presented in Table 4.13-4 of the Draft EIR, along with VMT estimates for buildout of the Draft General Plan. Modeling methodology used to calculate VMT is presented on page 4.13-13 and -14 of the Draft EIR. As noted therein, while total VMT/day would increase under buildout of the Draft General Plan, VMT per capita and VMT per service population would decrease. Such decreases are due to a greater level of development occurring under the scenario, placing more population and employment together and, consequently, locating people closer to jobs, goods, and services.

**Response to Comment 15-15**

Specific inputs applied to the California Emissions Estimator Model (CalEEMod) are included in Appendix C, Air Quality & GHG Emissions, to the Draft EIR. Section 1.1 of each analysis scenario within Appendix C includes a summary of the land use assumptions applied to the model. For reference, the land use assumptions presented in Section 1.1 of each analysis scenario within Appendix C are presented in below.

1.1 Land Usage					
Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
Industrial Park	114,957.93	1000sqft	3,518.80	114,957,930.00	0
Health Club	17,926.95	1000sqft	823.10	17,926,950.00	0
Apartments Low Rise	5,391.00	Dwelling Unit	409.30	5,391,000.00	15418
Apartments Mid Rise	3,637.00	Dwelling Unit	203.40	3,637,000.00	10402
Single Family Housing	39,540.00	Dwelling Unit	86,752.00	71,172,000.00	113084
Regional Shopping Center	25,738.99	1000sqft	590.90	25,738,990.00	0
Strip Mall	17,789.96	1000sqft	1.61	17,789,960.00	0

Furthermore, the Method of Analysis section of Chapter 4.3, Air Quality and GHG Emissions, of the Draft EIR describes the methodology employed for the air quality and GHG analyses presented within the Draft EIR. As stated on page 4.3-27 of the Draft EIR, the CalEEMod software is “a statewide model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify air quality emissions, including GHG emissions, from land use projects.” While estimation of emissions using any model involves inherent uncertainty, the County determined that because CalEEMod is recommended for use in emissions estimation by the CCAPCD and is used statewide by land use agencies throughout California, CalEEMod represents a standardized approach to emissions estimation within the County and in California. CalEEMod includes default values for many factors such as building energy consumption, standard vehicle fleet mixes based on project location, percentage of dirt roads within a study area, the use of wood or natural gas fire places, the application of consumer products, the use of landscaping equipment, and the re-application of architectural coatings during land use operations. As further discussed in the Method of Analysis Section of Chapter 4.3, Air Quality and GHG Emissions, of the Draft EIR, in addition to the land use assumptions presented above, project modeling included consideration of the daily vehicle miles travelled (VMT) for buildout of the County provided by Fehr and Peers, as well as the Pacific

Gas and Electric Company's (PG&E's) progress towards attaining State mandated Renewable Portfolio Standards (RPS) for renewable energy sourcing of delivered electricity.

The California Air Resources Board's (CARB's) 2017 Scoping Plan establishes per capita emissions targets for the years 2030 and 2050. Consequently, buildout emissions were estimated for the years 2030 and 2050 in order to determine the per capita emissions rate in compliance with the guidance provided by the CARB's 2017 Scoping Plan. All modeling assumptions were kept constant between modeling performed for buildout of the County in the year 2030 and 2050, with the exception of the carbon intensity factor for electricity provided by PG&E. The carbon intensity factor was adjusted based on the most recent data available for PG&E's existing carbon intensity factor, and the anticipated decline in the carbon intensity of PG&E provided electricity resulting from the mandatory compliance of PG&E with the State's RPS requirements in place at the time of analysis.

The land use assumptions and other factors discussed above, and in further depth in the Method of Analysis section of Chapter 4.3, Air Quality and GHG Emissions, of the Draft EIR provide the methodology used in calculating the GHG emissions presented in Tables 4.3-9 and 4.3-10 of the Draft EIR.

It should be noted that since the publication of the Draft EIR, the State's RPS requirements have been increased to require that 100 percent of electricity delivered by public utilities in California must originate from renewable sources by the year 2045. Thus, actual GHG emissions resulting from buildout of the County would likely be lower than the emissions presented in Tables 4.3-9 and 4.3-10 of the Draft EIR.

Per the CARB's 2017 Scoping Plan, compliance with statewide emissions targets should be determined based on per capita emissions rates in the years 2030 and 2050. The determination of per capita emissions rates in the years 2030 and 2050 is not predicated upon baseline GHG emissions rates within the County. Therefore, baseline GHG emissions rates were not quantified or presented in the Draft EIR, and requirements that such information be presented do not exist.

Generally, the land assumptions are consistent with the residential buildout estimates presented in Table 3-1 of the Draft EIR, additionally, see Master Response #6. At the time the GHG reduction plan is prepared, the most up to date population data will be used.

### **Response to Comment 15-16**

With regard to quantification of construction emissions associated with buildout of the Draft General Plan, please see Response to Comment 15-11 above. The Draft EIR acknowledges that construction activity would constitute a source of GHG emissions, and provides examples of the type of construction activity that would result in GHG emissions. Although the contribution of GHG emissions resulting from construction activity is acknowledged within the Draft EIR, insufficient information exists regarding the intensity, duration, and scope of construction activity to reasonably quantify emissions from such sources. For instance, while buildout of the Draft General Plan is anticipated to occur by the year 2035 for the purposes of operational air quality modeling, the actual rate that buildout of the Draft General Plan would occur cannot be

known at this time. Consequently, the number of active construction projects in any year or at any one time cannot be foreseen with any reasonable degree of certainty, and, thus, annual emissions related to construction activity cannot reasonably be ascertained. In addition to the duration and rate of construction, many other factors affect the intensity of emissions resulting from construction activity. For example, demolition activity may or may not be needed for individual projects, certain projects may require material or soil hauling, and individual projects may rely on diesel generators to power machinery while other projects may use grid supplied electricity. Each of the foregoing factors would affect the ultimate estimation of emissions, and any assumptions used to generate construction emissions estimation would introduce systematic uncertainty into an attempt to quantify emissions. As noted by the Local Governments for Sustainability (ICLEI), in their *U.S. Community Protocol for Accounting and Reporting of Greenhouse Gas Emissions* (Protocol), ICLEI “does not recommend quantification of GHG emissions that systematically over-estimate or under-estimate actual emissions.”<sup>1</sup> The ICLEI Protocol is intended to provide a uniform approach to GHG emissions reporting for communities throughout the U.S. Although the ICLEI Protocol stresses the importance of completeness when preparing comprehensive GHG emissions inventories, the uncertainty surrounding construction activity would have the potential to introduce impermissible amounts of uncertainty into the estimated GHG calculations.

With regard to CalEEMod inputs, please see Response to Comment 15-15 above. Section 7.2 of each CalEEMod output included in Appendix C to the Draft EIR provides a summary of the water use assumptions applied to each modeled land use and the GHG emissions associated with such water use. All assumptions used in the CalEEMod modeling for emissions associated with area sources, energy use, mobile sources, waste generation, and water use, including energy use assumptions associated with water conveyance, water treatment, water distribution, and wastewater treatment, are also available for review and included in the CalEEMod user guides which can be found on the CalEEMod website. Emissions from agricultural operations are not specifically accounted for by CalEEMod, as the intensity of agricultural activity occurring under buildout of the Draft General Plan cannot be feasibly forecasted at this time. Nonetheless, emissions from agricultural activity are anticipated to be relatively modest relative to overall operational emissions associated with Draft General Plan buildout.

### **Response to Comment 15-17**

As discussed on page 3-9 of the Draft EIR, land uses identified in the Draft General Plan Land Use Map are widely distributed throughout the County. Higher density residential, commercial, and industrial uses follow the historical development pattern in and around the existing communities, where infrastructure and services are available. Areas around such communities have been designated to provide for expansion of commercial, industrial, and residential uses to take advantage of that infrastructure, and to reduce the costs of providing services to a more widely scattered population. As shown in Table 4.13-4 on page 4.13-15 of the Draft EIR, vehicle miles traveled (VMT) per capita and VMT per service population would decrease under the General Plan Buildout scenario. The lower VMT associated with the General Plan Buildout is

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<sup>1</sup> Local Governments for Sustainability. *U.S. Community Protocol for Accounting and Reporting of Greenhouse Gas Emissions* [Page 17]. July 2013.

due to the greater level of development occurring under the scenario placing more population and employment together. This land use development pattern emphasizes compact development and encourages alternative transportation modes such as walking, bicycling, and public transportation and serves to reduce anticipated future growth in VMT through efficient land use planning.

As discussed on page 4.3-39 of the Draft EIR, GHG emissions associated with buildout of the Draft General Plan would include emissions from passenger and haul vehicles, along with a variety of other sources. Development of a GHG Reduction Plan, as required by IM COS-5C, would include development of measures to reduce VMT associated with new development.

### **Response to Comment 15-18**

Please see Master Response #2 and #6. The comment recommends a change to an IM in the Draft General Plan. In response to the commenter's concerns regarding the content of the GHG Reduction Plan required by IM COS-5C from the Draft General Plan, page 4.3-43 of the Draft EIR is hereby revised as follows for consideration by decision-makers:

4.3-4(c)            *IM COS-5C of the Draft General Plan shall be revised as follows:*

<i>IM COS-5C</i>	<i>GHG Reduction Plan. Develop a GHG reduction plan outlining the strategies, goals, and actions for contributing to the overall reduction in greenhouse gas (GHG) emissions consistent with AB 32 and SB 32. <u>The GHG Reduction Plan shall incorporate measures from the Model Policies for Greenhouse Gases in General Plans document produced by the California Air Pollution Control Officers Association (2009), as applicable.</u></i>
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The foregoing revisions add a new requirement to IM COS-5C, but do not affect the conclusions of the Draft EIR. It should be noted that not all of the measures from the Model Policies for Greenhouse Gases in General Plans document may be applicable to Calaveras County or feasible to implement. Thus, rather than adopt such measures with the Draft General Plan, the County has chosen to evaluate each model policy during development of the GHG Reduction Plan.

The Draft General Plan includes several goals and policies related to GHG emissions. Policy COS 4.4, IM COS 5B, and IM COS 5C commit the County to developing and adopting a comprehensive strategy to assist in achieving emission reduction goals of AB 32. Mitigation Measures 4.3-4(a) and 4.3-4(b) would revise Policy COS 4.4, IM COS-5B, and IM COS-5C to also require the comprehensive strategy to achieve the emission reduction goals of SB 32. Because the County's policy commitment includes achieving emission reduction goals of SB 32 (which constitutes a performance standard of 40 percent below 1990 levels by 2030), and

because the Draft General Plan includes a menu of specific reduction measures from CAPCOA's Model Policies for Greenhouse Gases in General Plans, GHG mitigation is not deferred.

### **Response to Comment 15-19**

The Regional Welfare Doctrine provides that zoning ordinances are presumed constitutional, and will be upheld if they reasonably and substantially relate to the welfare of the affected region, considering and balancing any competing interests.

Please see Master Response #6. Future preparation of a GHG Reduction Plan, as required by IM COS-5C from the Draft General Plan, would help to ensure that GHG emissions associated with buildout of the Draft General Plan do not conflict with the requirements established by SB 32 and other State regulations. Therefore, the Draft EIR adequately considers and addresses the welfare of the project region with regard to GHG emissions, VMT, and climate change. The Draft EIR reflects a careful balance of the County's needs and obligations under state law.

### **Response to Comment 15-20**

As discussed on page 4.4-31 of the Draft EIR, because of the programmatic nature of the Draft General Plan, a precise, project-level analysis of the specific impacts of individual projects on special-status species, species populations, and other sensitive biological resources is not possible at this time. For example, surveying all areas of the County where development may occur under the Draft General Plan Land Use Map to determine if special-status plant or wildlife species are present would be not be feasible.

For example, special-status wildlife surveys are typically required immediately prior to initiation of ground-disturbing activity so as to ensure that the survey area does not become occupied by special-status species subsequent to completion of the survey and prior to the start of construction. Because the timing of future development within the County will vary depending on market forces, appropriately-timed pre-construction surveys cannot be conducted at this time. Rather, surveys would be conducted on a project-by-project basis, timed to the start of construction. Additionally, the Draft General Plan includes Policy COS 3.3, which states the following:

Policy COS 3.3     Require new development and/or modified developments and infrastructure projects to include a Biology report that identifies and mitigates impacts to special-status wildlife habitat, rare plant habitats, wetlands and other jurisdictional waters of the U.S. and/or State, riparian habitats and other aquatic resources consistent with state and federal regulations. (IM COS-4B and COS-4C).

### **Response to Comment 15-21**

Please see Response to Comment 15-20 above. As discussed on page 4.4-32 of the Draft EIR, Draft General Plan Policy COS 3.3 requires that new development projects include biology reports, which would identify the special-status species and habitat present on project sites and



propose mitigation for potential impacts to such biological resources. Protection of special-status species and habitat can only be effectively implemented where such resources are known to occur. Therefore, requiring biology reports to identify special-status species and habitat present at a project site is an important first step to the protection of such resources.

### **Response to Comment 15-22**

Currently, the total amount of “agricultural land” present within the County has not been quantified and, thus, such information cannot be included in the existing setting presented in Chapter 4.2, Agricultural, Forest, and Mineral Resources, of the Draft EIR. Determination of whether a specific area of land is classified as agricultural land is dependent on specific soil map data. As discussed in Master Response #5, such data was not available at the time the Draft EIR was prepared. Furthermore, the Draft General Plan would not convert any active agricultural land to non-agricultural use. Per the Draft General Plan Land Use Map, all land within the County that is under active agricultural production would be designated Resource Production or Working Lands.

### **Response to Comment 15-23**

Because the existing General Plan would be rescinded upon adoption of the Draft General Plan, the development patterns specified in the adopted General Plan land use map are not considered a component of the existing setting for the purpose of this analysis. Thus, the Draft EIR is not required to analyze changes relative to the existing General Plan land use designations. Similarly, upon adoption of the Draft General Plan, the County Zoning Ordinance, including the zoning map, would be updated to be consistent with the General Plan. Please see Response to Comment 15-9 above regarding conversion of agricultural land.

### **Response to Comment 15-24**

Electricity and natural gas use associated with buildout of the Draft General Plan is quantified on page 5-6 of the Draft EIR. The comment makes general statements introducing the comments that follow. Specific responses to such issues are presented below.

### **Response to Comment 15-25**

Page 5-7 of the Draft EIR states the following regarding energy use associated with buildout of the Draft General Plan: “[...] the Draft General Plan includes multiple goals, policies and IMs to address the growth and future use of renewable or alternative energy systems (Goal PF 3, Goal PG 3.1, Goal PF 3.4, IM PF-3A). For instance, Draft General Plan Policy PF 3.1 encourages new developments to incorporate alternative energy systems into development design. Such alternative energy systems would be required to be designed in compliance with existing County regulations, such as the Performance Standards related to solar energy, included in Chapter 17 of the County’s Code of Ordinances.”

It should be noted that estimates presented in the Draft EIR for electricity and natural gas use associated with buildout of the Draft General Plan are based on CalEEMod outputs for the

modeled land uses, whereas estimates of existing electricity and natural gas use are based on observed demand for 2016. Because modeling conducted for buildout of the Draft General Plan relies on energy assumptions which are inherently conservative, the Year 2035 buildout estimates presented in the Draft EIR likely overestimate energy demand. Actual per-capita energy demand associated with buildout of the Draft General Plan would likely be reduced relative to existing conditions due to efficiency improvements occurring through compliance with ongoing updates to the CBSC, including the Building Energy Efficiency Standards.

In response to the commenter's reference to natural gas, page 5-7 of the Draft EIR is hereby revised as follows:

In 2016, approximately 70 percent of PG&E's delivered electricity was derived from renewable energy and GHG-free energy sources such as non-emitting nuclear generation, hydroelectric facilities, wind power, ~~natural gas~~, and various other sources. Currently, PG&E has committed to a 55 percent renewable energy target by 2031.

The foregoing revisions are for clarification purposes only and do not affect the conclusions of the Draft EIR.

As the Draft EIR is a program-level document, the mitigation provided is comprehensive. Mitigation Measure 4.3-4(c) requires to development of a GHG reduction plan and actions contributing to the overall reduction in GHG emissions. Use of suggested mitigation provided by Appendix F §II.D.1 will be determined upon creation of the GHG reduction plan. Thus, the Draft EIR has not dismissed certain measures. Potential measures to reduce wasteful, inefficient and unnecessary consumption of energy will be further explored with creation of the GHG reduction plan.

### **Response to Comment 15-26**

The location and type of additional electricity and natural gas delivery infrastructure necessary to accommodate future development within the County would be highly dependent on the rate at which growth occurs and whether such growth is concentrated within existing communities in the County. Thus, potential adverse environmental effects associated with construction of such infrastructure would be evaluated at the time when project-level detail is available. With regard to County programs aimed at improving energy efficiency for new development, please see Response to Comment 15-25 above. Note that pages 4.12-123 through -125 of the Draft EIR include a discussion of impacts related to construction of new gas and electrical infrastructure to accommodate buildout of the Draft General Plan.

### **Response to Comment 15-27**

Appendix F of the CEQA Guidelines "requires that EIRs include a discussion of the potential energy impacts of proposed projects, with particular emphasis on avoiding or reducing inefficient, wasteful, and unnecessary consumption of energy." Appendix F does not, however, identify a specific threshold of significance to determine the type or level of energy consumption that would constitute "inefficient, wasteful, and unnecessary." In many instances, the specific

energy impact possibilities and potential conservation measures identified in Appendix F do not apply to the Draft General Plan. Given that the Draft General Plan is a planning-level document, specific information related to the type of construction equipment and intensity of energy use associated with future construction activities occurring under buildout of the Draft General Plan is not available. Thus, quantification of energy use associated with future construction activities is not feasible at this time. Compliance with CCAPCD's standard mitigation measures and CARB's In-Use Off-Road Diesel Vehicle Regulation, along with other applicable federal, State, and local standards and regulations, would reduce construction energy use to the maximum extent feasible. Thus, the analysis presented in the Draft EIR is consistent with the guidelines established in Section II, EIR Contents, of Appendix F. Specifically, consistent with Section IIC of Appendix F, the Draft EIR includes a discussion of the degree to which the project would comply with existing energy standards.

### **Response to Comment 15-28**

The Draft EIR is a program-level document which analyzes impacts of the Draft General Plan buildout. Mitigation measures are provided which would help implement some reduction strategies in order to reduce impacts associated with the project's transportation energy. For example, Mitigation Measure 4.3-4(e) incentivizes the use of alternative fueled vehicles. With regard to flexibility and measurable standards provided by Draft General Plan policies and IMs, please see Master Response #1 and #2.

### **Response to Comment 15-29**

As noted on page 4.3-18 of the Draft EIR, California's Renewables Portfolio Standard (RPS) is one of the most ambitious renewable energy standards in the country. The RPS program requires investor-owned utilities, electric service providers, and community choice aggregators to increase procurement from eligible renewable energy resources to 33 percent of total procurement by 2020 and 50 percent by 2050. As noted under Response to Comment 15-25 above, PG&E has committed to a 55 percent renewable energy target by 2031, which exceeds the State's RPS standards. Given that PG&E is the primary electricity provider for the County, a substantial portion of the electricity demand associated with existing and future development within the County would be met with renewable energy sources. Additional measures to improve energy efficiency would be included in the GHG reduction plan required by IM COS-5C from the Draft EIR.

### **Response to Comment 15-30**

Please see Master Response #7.

### **Response to Comment 15-31**

Please see Master Response #7. The cumulative analysis presented in the Draft EIR is consistent with CEQA Guidelines Section 15130.

### **Response to Comment 15-32**

As a program-level document, the Draft EIR is not required to analyze project-specific impacts of individual development projects. Rather, the Draft EIR is intended to analyze the broad environmental effects associated with buildout of the entire County under the Draft General Plan Land Use Map, including areas designated ‘Future Specific Plan’. In the event that future development projects have the potential to result in project-specific environmental effects which are unique and are not analyzed in the Draft EIR, additional environmental analysis would be required. It should be noted that the Sawmill Lake Project has been designated Future Specific Plan per the Draft General Plan Land Use Map. The footnote to Table LU-1 in the Draft General Plan indicates that the site designated is suitable for a total of 580 residential and lodging units. Since an application for the project has not yet been submitted to the County, the specific allocation of residential and commercial designations cannot be made. Areas for which approval of a specific plan is deemed necessary due to the mix of uses, necessity for significant infrastructure improvements, and the likely size and scale of a future project are included in the Future Specific Plan designation.

### **Response to Comment 15-33**

The comment provides a general critique of the mitigation presented in the Draft EIR, but does not provide specific suggestions for alternate or supplemental mitigation.

As required by Section 15121 of the CEQA Guidelines, this EIR (a) informs public agency decision-makers, and the public generally, of the significant environmental effects of the project, (b) identifies possible ways to minimize the significant adverse environmental effects, and (c) describes reasonable and feasible project alternatives that reduce environmental effects. CEQA Guidelines Section 15021(b) states the following regarding the selection of feasible mitigation measures: “In deciding whether changes in a project are feasible, an agency may consider specific economic, environmental, legal, social, and technological factors.”

Based on the above, in determining which mitigation measures are feasible to address potentially significant impacts identified for the project, the County may elect to consider specific barriers to feasibility that are unique to the economic and geographic setting of the County. Furthermore, consistent with CEQA Guidelines Sections 15043 and 15093, if mitigation measures are rejected the County is required to adopt a Statement of Overriding Considerations prior to certification of the EIR. In the Statement of Overriding Considerations, the County must explain and justify its conclusion to approve the project regardless of the significant and unavoidable impact. The Statement of Overriding Considerations will include a discussion of why feasible mitigation is not available to avoid the significant and unavoidable impacts identified in the EIR.

### **Response to Comment 15-34**

Please see Master Response #5.

### Response to Comment 15-35

Mitigation Measure 4.3-1(b) on pages 2-9 through 2-10 of the Draft EIR is hereby revised as follows to match the language presented in Chapter 4.3, Air Quality and Greenhouse Gas Emissions, of the Draft EIR:

4.3-1(b) *The following new policy shall be added to the Draft General Plan:*

*Policy COS 4.10 Should proposed developments within the County be anticipated to result in ~~potentialsignificant~~ impacts related to the emission of criteria air pollutants, the County shall ~~consider imposing~~require the applicable mitigation measures provided in the CCAPCD's Guidelines for Assessing and Mitigating Air Quality Impacts of Land Use Projects ~~to the extent feasible.~~*

The foregoing revisions are for clarification and do not alter the conclusions or analysis of the Draft EIR. The suggested language “to the extent feasible,” was removed in Response to Comment 14-30 above.

With regard to flexibility provided by the language of Policy COS 4.10, please see Master Response #2.

### Response to Comment 15-36

Please see Master Response #6.

### Response to Comment 15-37

The phrase “at the County’s discretion,” was removed in Response to Comment 14-14 above in order to strengthen the enforceability of the measure. It should be noted that by requiring a qualified biologist to evaluate project impacts on special-status species and specify avoidance measures or mitigation measures, Mitigation Measure 4.4-1(b) would allow for a more thorough and site-specific analysis of impacts to biological resources than may otherwise occur in the absence the mitigation.

### Response to Comment 15-38

The phrase “To the extent practicable” was removed in Response to Comment 14-16 above in order to strengthen the County’s responsibility in protecting federally listed species. The County still acknowledges that the Draft General Plan must provide for flexibility to accommodate site-specific constraints associated with future development projects. Specifically, circumstances may occur in which avoidance of impacts to special-status and sensitive biological resources is avoidable, and compensation for the identified impacts in accordance with applicable resource agency protocols/policies is the only feasible solution.

Focused surveys for special-status species can and do prove absence of special status species on proposed project sites because, if a qualified biologist conducts the surveys following appropriate CDFW and/or USFWS survey protocol(s), which require time sensitive surveys in potentially suitable habitats, then the surveys once completed would be adequate to demonstrate the presence of the targeted species or in the case of negative survey results, to conclude that pursuant to the CEQA, a proposed project would not result in potentially significant adverse impacts to special-status species. Timing requirements for preconstruction surveys vary from species to species, and would be determined at a project level in coordination with applicable regulatory agencies.

### **Response to Comment 15-39**

Please see Response to Comment 13-6 and Response to Comment 14-5.

### **Response to Comment 15-40**

Page 4.4-47 of the Draft EIR is hereby revised as follows:

**4.4-5 Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. Based on the analysis below and with the implementation of mitigation, the impact is ~~less than~~ significant and unavoidable.**

The forgoing revision is intended to provide for internal consistency within the Draft EIR. The conclusion presented on page 4.4-49 of the Draft EIR related to wildlife movement corridors and native wildlife nursery sites remains valid. Regarding the specificity of policies and mitigation measures included in the Draft General Plan, please see Master Response #2. Please see Responses to Comments 14-3 and 14-4 regarding wildlife movement.

### **Response to Comment 15-41**

Section 15152(c) of the State CEQA Guidelines states the following:

Where a lead agency is using the tiering process in connection with an EIR for a large-scale planning approval, such as a general plan or component thereof (e.g., an area plan or community plan), the development of detailed, site-specific information may not be feasible but can be deferred, in many instances, until such time as the lead agency prepares a future environmental document in connection with a project of a more limited geographical scale, as long as deferral does not prevent adequate identification of significant effects of the planning approval at hand.

As a planning-level document, the Draft EIR cannot feasible evaluate site-specific environmental effects associated with future mining and reclamation projects within the County, as such effects are highly dependent on the specific operations proposed and the geographical characteristics of the subject area. However, as noted on page 4.7-22 of the Draft EIR, the Draft General Plan includes various policies and IMs that require that reclamation of mined lands be integrated into

the planning of new mines (Policy RP 5.1, Policy RP 5.2, Policy RP 5.4, IM RP-4H). Furthermore, remediation of abandoned mines is conditioned to follow the guidelines of the Department of Conservation by IM RP-4E, and any updated regulations as specified in IM S-5D. Properly planning for mine remediation, and remediation of existing abandoned mines would effectively reduce the chemical and physical hazards presented by mines in the County. Furthermore, all future mining and reclamation projects would be subject to relevant regulations from the Surface Mining and Reclamation Act (SMARA), as adopted by Chapter 17.56 of the County Code of Ordinances. Chapter 17.56 of the County's Code prohibits surface mining operations from being conducted unless a permit, reclamation plan, and financial assurances for reclamation have first been approved by the County. The County's requirement for financial assurances to be established prior to permitting would ensure that proper reclamation of any permitted mining activity would occur. Additionally, Chapter 17.56 affirms the applicability of CEQA to proposed surface mining and reclamation activity within the County. Given implementation of the applicable policies and IMs from the Draft General Plan, as well as compliance with the regulations included in Chapter 17.56 of the County Code of Ordinances, the Draft EIR concluded that buildout of the Draft General Plan would not 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, including hazards from mining activity. Thus impacts would be less-than-significant.

#### **Response to Comment 15-42**

As written, Mitigation Measure 4.7-7 provides the maximum feasible requirements to limit potential wildfire risks associated with future development within moderate, high, and very high fire hazard areas. The suggested mitigation language does not account for the fact that substantial portions of the County are located within Federal Responsibility Areas and, thus, are not subject to CAL FIRE jurisdiction. Therefore, implementation of the suggested mitigation language would not be feasible for development located outside of CAL FIRE jurisdiction. Modification of the language included in the Draft EIR is not necessary.

#### **Response to Comment 15-43**

The requested standard is currently included in Table LU-1 of the Draft General Plan. In order to ensure conformance with the standards in the table, the inclusion of the following new policy in the Land Use Element of the Draft General Plan has been forwarded to the decision-makers for their consideration:

[Policy LU 3.6 Development shall adhere to the density, land use intensity, and water and sewage disposal standards set forth in Table LU-1.](#)

In the event that the above revision is approved by the County, the conclusions presented in the Draft EIR would not change.

#### **Response to Comment 15-44**

The comment reiterates Draft General Plan policies and does not address the adequacy of the Draft EIR.

#### **Response to Comment 15-45**

Many jurisdictions may elect to establish a minimum operations standard of LOS D for certain roadway facilities. For example, as noted on page 4.13-12 of the Draft EIR, the California Department of Transportation (Caltrans) currently considers LOS D operations to be acceptable for State Route (SR) 26. For the City of Angels Camp, Policy 3.A.e in the *Angels Camp 2020 General Plan* identifies LOS D as the minimum acceptable LOS for the intersections of local roadways with arterial roadways.

#### **Response to Comment 15-46**

The Draft EIR does not require recirculation because no new substantial information has been identified since the release of the Draft EIR. Pursuant to Public Resources Code section 21092.1, CEQA Guidelines section 15088.5, and relevant case law, “significant new information” includes: (1) information showing a new, substantial environmental impact resulting either from the project or from a mitigation measure; (2) information showing a substantial increase in the severity of an environmental impact not mitigated to a level of insignificance; (3) information showing a feasible alternative or mitigation measure that clearly would lessen the environmental impacts of a project and the proponent declines to adopt the mitigation measure; or (4) instances where the DEIR was so fundamentally and basically inadequate and conclusory in nature that public comment on the DEIR was essentially meaningless.

The County has provided responses to all comments received on the Draft EIR. Although revisions have been made to the Draft EIR, these revisions clarify and amplify the information contained in the Draft EIR. These revisions do not change any of the conclusions in the Draft EIR. Therefore, none of the public comments received resulted in substantial new information. Recirculation of the Draft EIR is not required.

#### **Response to Comment 15-47**

Per Responses to Comments 15-1 through 15-46 above, significant new information which would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5(a) does not exist. The comment is a conclusion and provides a general summary of the preceding comments.

#### **Response to Comment 15-48**

Regarding inclusion of the Sawmill Lake Project in the Draft General Plan Land Use Map, please see Response to Comment 15-32.



**Response to Comment 15-49**

Regarding the intensity of growth analyzed in the Draft EIR, please see Response to Comment 15-1 above. Regarding inclusion of the Sawmill Lake Project in the Draft General Plan Land Use Map, please see Response to Comment 15-32.

**Response to Comment 15-50**

Please see Response to Comment 15-1 above.

**Response to Comment 15-51**

Please see Response to Comment 15-9 above. Because the existing General Plan would be rescinded upon adoption of the Draft General Plan, the development patterns specified in the adopted General Plan land use map are not considered a component of the existing setting for the purpose of this analysis. Rather, as noted under Response to Comment 15-9 above, the existing setting, or baseline, analyzed in each technical chapter of the Draft EIR, is defined as the existing physical conditions occurring within the County at the time the NOP for the Draft EIR was published. This approach is consistent with Section 15125 of the CEQA Guidelines and the case law established in *Environmental Planning & Information Council v. County of El Dorado* (1982) 131 Cal.App.3d 350.

**Response to Comment 15-52**

Please see Response to Comment 15-10 above.

**Response to Comment 15-53**

Impacts related to air quality and GHG emissions, biological resources, agriculture, traffic, wildfire hazards, and flood risks are discussed within Chapters 4.3, 4.4, 4.2, 4.13, 4.7, and 4.8 of the Draft EIR, respectively. Where significant impacts are identified, mitigation is provided to reduce the severity of the impact to the maximum extent feasible.

**Response to Comment 15-54**

Regarding inclusion of the Sawmill Lake Project in the Draft General Plan Land Use Map, please see Response to Comment 15-32.

**Response to Comment 15-55**

Chapter 6, Alternatives Analysis, of the Draft EIR includes a discussion of alternatives to the Draft General Plan. For each alternative considered, potential impacts to each issue area are compared to implementation of the proposed project.

**Response to Comment 15-56**

Pages 6-12 through 6-18 of the Draft EIR include analysis of the DOF Projections Alternative, which would limit anticipated growth consistent with what is assumed under DOF projections for Calaveras County. Overall development consistent with the proposed DOF Projections Alternative is slightly less than half of buildout under the proposed Draft General Plan. Additionally, the Rural Character Protection Alternative, discussed on Pages 6-18 through 6-24, evaluates a similar scenario as described in the comment. Under the Rural Character Protection Alternative the EIR evaluated impacts related to the project under the same anticipated buildout, but an altered Land Use Map. The alternative was found to have similar impacts as the proposed project and was analyzed to the fullest extent required by CEQA Guidelines.

**Response to Comment 15-57**

The thresholds of significance used in the Draft EIR are presented in the ‘Standards of Significance’ section of each technical chapter.

**Response to Comment 15-58**

The comment is a conclusion statement and does not address the adequacy of the Draft EIR.

Letter 16



# Sierra Pacific Industries

Forestry Division • P.O. Box 496014 • Redding, California 96049-6014  
Phone (530) 378-8000 • FAX (530) 378-8139

August 6, 2018

Peter Maurer, Director  
Calaveras County Planning Department  
891 Mountain Ranch Road  
San Andreas, CA 95249

Dear Mr. Maurer;

This letter contains Sierra Pacific Industries comments on the Draft Environmental Impact Report (DEIR) for the Calaveras County General Plan update. This letter is to bring to your attention, the Planning Commission and Board of Supervisors several corrections that SPI requests the Planning Department and/or the Planning Commission address. The format of the letter is to list the issue number, list the sections or pages of interest in the DEIR, and then provide suggested edits for the document. The suggested edits are provided using *italics* to indicate additional language and deletions are provided using ~~strikeouts~~.

**Issue #1:** DEIR Sections, Forest Taxation Reform Act of 1976, Timber Productivity Act of 1982, and California Forest Practice Act (CFPA) (DEIR pgs.4.2-13 & 4.2-14)

The sections of the updated Calaveras County General Plan, Forest Taxation Reform Act of 1976, Timber Productivity Act of 1982, and California Forest Practice Act (CFPA) (DEIR pgs.4.2-13 & 4.2-14) are incomplete and erroneous. Below I have copied these sections from the DEIR and have provided the necessary edits in the following manner. I have included additional verbiage using *italics* and deletions are provided using ~~strikeouts~~. The public requires these changes to ensure the disclosures in the DEIR are complete and correct, which in turn should help prevent misinterpretations of these state laws now and in the future.

Forest Taxation Reform Act of 1976

The *purpose of the Z' Berg-Warren-Keene-Collier Forest Taxation Reform Act (FTRA) of 1976* ~~allows~~ *was to correct flaws in the tax code that prevented timberland from being managed in a manner that protected growing timber inventories. The FTRA accomplished this by replacing the method for taxing timber as provided in the State Constitution, Section 3(j) of Article XIII* <http://www.boe.ca.gov/lawguides/property/current/ptlg/ccp/XIII-3.html>.

*Before the implementation of the FTRA the State Constitution, Section 3(j) of Article XIII, allowed a parcel to be removed from the tax rolls for 40 years if 70 percent of all trees over 16 inches in diameter has been removed. Also, trees over 16 inches in diameter were taxed annually as personal property (ad valorem tax).*

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In order to implement a new method of taxation per the State Constitution, Section 3(j) of Article XIII, the FTRA had to provide an alternative system of taxing timber, including a taxation system not based on property valuation. Also, the alternative taxation method must provide an exemption for unharvested immature trees, encourage the continued use of timberlands for the production of trees for timber products, and shall provide for restricting the use of timberland to the production of timber products and compatible uses with provisions for taxation of timberland based on the restrictions.

The FTRA did this by creating the Yield tax to replace the ad valorem tax method for trees and compelled local governments ~~were compelled to designate~~ create a Timber Preserve Zone into which qualifying private timberland as a Timberland Production Zone (TPZ). ~~The primary purpose of this Act is to reduce property tax assessments on land used for timber production with the ultimate goal of preserving these lands for timber production. Use of land zoned would be enforceably restricted to "growing and harvesting timber and compatible uses".~~

The Yield tax collected on from timber harvested within the county be returned to the county where the timber was harvested. A Yield tax applies to all trees harvested whether or not the property is TPZ or another zone. Because the Timber Preserve parcels were enforceably restricted to "growing and harvesting timber and compatible uses" county tax assessors are constrained to valuing the remaining land solely on its soil productivity and on "compatible uses" that may be on the property (Cal RTC § 434). A compatible use means any use that does not significantly detract from the growing and harvesting of timber. The restriction on taxing TPZ land to only its soil productivity (Site Class) and not another "higher or better use", limits the pressure to convert the property to a "higher or better use". The land area within TPZ that support a "compatible use" ~~is restricted to timber growing and compatible uses, including outdoor recreation or grazing.~~ The assessed at a value that corresponds to that use, while the remainder of the parcel will only be taxed on it Site Class.

The TPZ designation ~~lasts ten years. Unless~~ is effective for a rolling period of ten years from the effective date of the ordinance unless the land is taken out of the TPZ, ~~the restriction on use will be renewed each year.~~ The FTRA allows for both additional land to be placed into TPZ (G.C. 51112, 51113) and for its removal from TPZ (G.C.51120, 51130).

These tax reforms provided a mechanism for timber owners to maintain a larger timber inventory, grow their timber inventory for longer periods of time, and permitted land owners to plan their harvests based on maximization of stand growth and yield not to avoid the ad valorem tax. A secondary benefit of owners growing their trees for longer periods after the ~~initial ten years and the landowners continuing to benefit from reduced property taxes.~~ The California Department of Forestry and Fire Protection (CalFire) implements the Forest Taxation Reform Act and passes down that responsibility to the local county agricultural commissioner. Approval of conversion of timberland from TPZ to another designation is ~~carried out by CalFire (Shih 2002).~~ they reach merchantable size, is that it allows those forests to provide important ecosystem services relating to watershed functions and wildlife habitats.

**16-2**

Timber Productivity Act of 1982

The California Timberland Productivity Act (TPA) of 1982 (formerly Z'berg Warren Keene-Cellier Forest Taxation Act of 1976) (Government Code Sections 51100 et seq.) was enacted

**Letter 16  
Cont'd**

**16-2  
Cont'd**

to help preserve forest resources. Similar to the Williamson Act, the TPA gives landowners tax incentives to keep their land in timber production by creating Timberland Production (TP) zones. Parcels zoned TP are required to be zoned so as to restrict their use to growing and harvesting timber and to compatible uses. As implemented by Chapter 17.14 of the County Code of Ordinances, parcels included in a TP zone are zoned as such for a rolling period of ten years from the effective date of the ordinance. Per Government Code Section 51133, rezoning from a TP zone requires approval by the State Board of Forestry and Fire Protection.

*The Timber Productivity Act (GC § 51100) subsumed the Forest Taxation Reform Act (FTRA), leaving intact the government codes from the FTRA, and adding findings and policy statements relating to California forest resources and timberlands declaring:*

*(a) The forest resources and timberlands of this state, together with the forest products industry, contribute substantially to the health and stability of the state's economy and environment by providing high quality timber, employment opportunities, regional economic vitality, resource protection, and aesthetic enjoyment.*

*(b) The state's increasing population threatens to erode the timberland base and diminish forest resource productivity through pressures to divert timberland to urban and other uses and through pressures to restrict or prohibit timber operations when viewed as being in conflict with nontimberland uses.*

*(c) A continued and predictable commitment of timberland, and of investment capital, for the growing and harvesting of timber are necessary to ensure the long-term productivity of the forest resource, the long-term economic viability of the forest products industry, and long-term stability of local resource-based economies.*

*The Timberland Productivity Act further declare among other things that "to fully realize the productive potential of the forest resources and timberlands of the state, and to provide a favorable climate for long-term investment in forest resources." The Act goes on to provide protection for responsible forest management uses where it states "timber operations conducted in a manner consistent with forest practice rules adopted by the State Board of Forestry and Fire Protection shall not be or become restricted or prohibited due to any land use in or around the locality of those operations." This legislation then goes on to define many of the terms referred to in the original the Z'berg-Warren-Keene-Collier Forest Taxation Reform Act of 1976 including compatible uses. This Act also states that with regards to general plans of cities and counties, "timberland preserve zone" means "timberland production zone."*

California Forest Practice Act (CFPA)

**16-3**

~~The California Forest Practice Act was enacted in 1973 to ensure that logging is done in a sustainable manner that will preserve and protect our fish, wildlife, forests, and streams. The Z'berg-Nejedly Forest Practice Act of 1973 was enacted in 1973 "to encourage prudent and responsible forest resource management calculated to serve the public's need for timber and other forest products, while giving consideration to the public's need for watershed protection, fisheries and wildlife, sequestration of carbon dioxide, and recreational opportunities alike in this and future generations." (PRC 4512). The intent of the Act was to "create and maintain an effective and comprehensive system of regulation and use of all timberlands so as to ensure~~

**Letter 16  
Cont'd**

**16-3  
Cont'd**

both of the following: (a) Where feasible, the productivity of timberlands is restored, enhanced, and maintained. (b) The goal of maximum sustained production of high-quality timber products is achieved while giving consideration to values relating to sequestration of carbon dioxide, recreation, watershed, wildlife, range and forage, fisheries, regional economic vitality, employment, and aesthetic enjoyment" (PRC 4513).

The CFPA is applicable to all commercial harvesting activities conducted by landowners of small parcels and large timber companies alike. A Timber Harvesting Plan (THP) is required for all commercial timber harvesting within California. The CFPA outlines all of the requirements and contents of a THP. The THP serves as the environmental review document submitted by landowners that outlines what timber will be harvested, the methods used for harvesting, and the measures taken to prevent impacts to the environment (CDF 2007a).

~~CalFire~~ CAL FIRE is responsible for enforcing the laws that regulate logging on privately-owned lands in California. ~~CalFire~~ CAL FIRE and the State Board of Forestry and Fire Protection are responsible for approving THPs. THPs are prepared by Registered Professional Foresters (RPFs) who are licensed to ~~prepare these plans.~~ practice forestry in California (14 CCR 1602). Once a THP is approved, ~~CalFire~~ CAL FIRE inspectors periodically inspect the logging operation to ensure compliance with the approved THP and all laws and regulations. When a THP operation has been completed, the timber owner or the owner's agent is responsible for submitting a completion report to ~~CalFire.~~ CAL FIRE. CAL FIRE then inspects the area to certify that all rules were followed. The landowner is also responsible for restocking (or replanting) the area according to the Forest Practice Rules requirements. ~~Two~~ There were three THPs in Calaveras County that were submitted to ~~CalFire~~ CAL FIRE for public review and approval in November of 2017. The two THPs range in size from approximately 26 acres to 325 acres, respectively. ~~4, 4-17-010CAL, 4-17-011CAL, and 4-17-013CAL.~~

**16-4**

**Issue #2:** Use of the term "Timber Preserve" on pages 4.2-2, 4.2-5 and 4.2-15

The updated Calaveras General Plan erroneously uses the term "Timber Preserve" on pages 4.2-2, and 4.2-5 and 4.2-15. The error is that the DEIR suggests the use of the term "Timber Preserve" and "Timber Production" are interchangeable. The use of the term "Timber Preserve" when referring to "Timber Production" is incorrect and misleads the public regarding the purpose of the Timber Production Zone.

**16-5**

The Forest Taxation Reform Act 1976 was subsumed by the Timber Productivity Act 1982. The Timber Productivity Act makes numerous policy declarations that indicate that the purpose of the Timber Production designation is for the responsible utilization and protection of those timberlands not to "preserve" them. In fact, the Timber Productivity Act 51104(g) specifically states, "With respect to the general plans of cities and counties, "timberland preserve zone" means "timberland production zone."

Please change the references to "Timber Preserve" to "Timber Production" in all the sections listed below to correct the misuse of "Timber Preserve". I have included the suggested edits by using *italics* to indicate additional language and deletions are provided using ~~strikeouts~~.

From pg. 4.2-2

**Letter 16  
 Cont'd**

**16-5  
 Cont'd**

**Table 4.2-2**

<b>Agricultural Production Trends from 2008-2015</b>			
<b>Year</b>	<b>All Farmland (acres)</b>	<b>Land in Agricultural Preserves (acres)</b>	<b>Land in Timber Preserves Production (acres)</b>
2012	201,026	143,000	77,500
2013	201,026	143,000	77,500
2014	212,140	143,000	77,500
2015	212,140	143,000	77,500

*s County Department of Agriculture, 2012-2015.*

**16-6**

From pg. 4.2-5  
**Timber Resources**

As of 2015, the County contained approximately 77,500 acres of land zoned as Timberland Production (TP).<sup>3</sup> ~~Per Section 17.14.010 of the County Code Section 17.14.010 of Ordinances implements, lands in is the TP zone designation. are commonly known as timber preserves.~~ A discussion of the ~~Legislation rules and regulations applying to~~ that caused the County to adopt the TP zone ~~s~~ designation is provided in the Regulatory Context section of this chapter.

**16-7**

From pg. 4.2-15  
 Chapter 17.14 – Timber Production (TP) Zone

The purpose of Chapter 17.14 is to implement the ~~Forest Taxation Reform~~ *Timber Productivity Act*. Lands designated as within the TP zone are subject to all the requirements of the *Timber Productivity Forest Taxation Reform Act* discussed previously. Lands within the TP zone ~~may also be~~ are referred to as timber preserves production. Development deemed incompatible with the purposes of *growing and harvesting timber production* is not be permitted within the TP zone.

Thank you for your time reviewing these comments and suggested edits to the Draft DEIR for the updated Calaveras County General Plan. I look forward to seeing these revisions to the Draft DEIR as they correct the mis-representations in the current text.

Sincerely,

Cedric Twight, RPF #2469  
 Sierra Pacific Industries

Cc Planning Commission  
 Calaveras County Board of Supervisors

**LETTER 16: CEDRIC TWIGHT, SIERRA PACIFIC INDUSTRIES**

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**Response to Comment 16-1**

As the Draft EIR stands, an accurate summary of the Forest Taxation Reform Act of 1976 is written. The overall language of the Draft EIR matches the description of the legislation. However, based on the comment, the following was added at the request of the commenter in order to provide additional information, on page 4.2-13 in the Agricultural Forest and Mineral Resources chapter:

Forest Taxation Reform Act of 1976

The purpose of the Z'Berg-Warren-Keene-Collier Forest Taxation Reform Act (FTRA) of 1976 allows was to correct flaws in the tax code that prevented timberland from being managed in a manner that protected growing timber inventories. The FTRA accomplished this by replacing the method for taxing timber as provided in the State Constitution, Section 3(j) of Article XIII.

Before implementation of the FTRA the State Constitution, Section 3(i) of Article XIII, allowed a parcel to be removed from the tax rolls for 40 years if 70 percent of all trees over 16 inches in diameter has been removed. Also, trees over 16 inches in diameter were taxed annually as personal property (ad valorem tax).

In order to implement a new method of taxation per the State Constitution, Section 3(i) of Article XIII, the FTRA had to provide an alternative system of taxing timber, including a taxation system not based on property valuation. Also, the alternative taxation method must provide an exemption for unharvested immature trees, encourage the continued use of timberlands for the production of trees for timber products, and shall provide for restricting the use of timberland to the production of timber products and compatible uses with provisions for taxation of timberland based on the restrictions.

The FTRA did this by creating the Yield tax to replace the ad valorem tax method for trees and compelled local governments to designate create a Timber Preserve Zone into which qualifying private timberland as a Timberland Production Zone (TPZ). The primary purpose of this Act is to reduce property tax assessments on land used for timber production with the ultimate goal of preserving these lands for timber production. Use of land zoned would be restricted to "growing and harvesting timber and compatible uses."

The Yield tax collected from timber harvested within the County is to be returned to the County from which the timber was harvested. A Yield tax applies to all trees harvested whether or not the property is TPZ or another zone. Because the Timber Preserve parcels were restricted to "growing and harvesting timber and compatible uses," County tax assessors are constrained to valuing the remaining land solely on its soil productivity and on "compatible uses" that may be on the property (Cal RTC § 434). A compatible use means any use that does not significantly detract from the growing and harvesting of timber. The restriction on taxing TPZ land to only its soil productivity (Site Class) and not another "higher or better use", limits the pressure to convert the property to a "higher or better use". The land area within TPZ is restricted to timber growing and compatible



uses, including outdoor recreation or grazing assessed at a value that corresponds to that use, while the remainder of the parcel will only be taxed on its Site Class.

The TPZ designation lasts ten years. Unless is effective for a rolling period of ten years from the effective date of the ordinance unless the land is taken out of the TPZ, the restriction on use will be renewed each year. The FTRA allows for both additional land to be placed into TPZ (G.C.51112, 51113) and for its removal from TPZ (G.C.51120, 51130).

These tax reforms provided a mechanism for timber owners to maintain a larger timber inventory, grow their timber inventory for longer periods of time, and permitted land owners to plan their harvests based on maximization of stand growth and yield. A secondary benefit of owners growing their trees for longer period after the initial ten years and the landowners continuing to benefit from reduced property taxes. The California Department of Forestry and Fire Protection (CalFire) implements the Forest Taxation Reform Act and passes down that responsibility to the local county agricultural commissioner. Approval of conversion of timberland from TPZ to another designation is carried out by CalFire (Shih 2002). they reach merchantable size, is that it allows those forests to provide important ecosystem services relating to watershed functions and wildlife habitats.

The above revisions are for clarification and informational purposes only. The changes do not alter the analysis or conclusions provided in the Draft EIR.

## **Response to Comment 16-2**

As the Draft EIR stands, an accurate summary of the Timber Productivity Act of 1982 is written. The overall language of the Draft EIR matches the description of the legislation. However, based on the comment, the following revision to text was made on page 4.2-13 in Chapter 4.2:

~~The California Timberland Productivity Act (TPA) of 1982 (formerly Z'berg Warren-Keene Collier Forest Taxation Act of 1976) (Government Code Sections 51100 et seq.) was enacted to help preserve forest resources. Similar to the Williamson Act, the TPA gives landowners tax incentives to keep their land in timber production by creating Timberland Production (TP) zones. Parcels zoned TP are required to be zoned so as to restrict their use to growing and harvesting timber and to compatible uses. As implemented by Chapter 17.14 of the County Code of Ordinances, parcels included in a TP zone are zoned as such for a rolling period of ten years from the effective date of the ordinance. Per Government Code Section 51133, rezoning from a TP zone requires approval by the State Board of Forestry and Fire Protection.~~

The Timber Productivity Act (GC § 51100) subsumed the Forest Taxation Reform Act (FTRA), leaving intact the government codes form the FTRA, and adding findings and policy statements relating to California forest resources and timberlands declaring:

- (a) The forest resources and timberlands of this state, together with the forest products industry, contribute substantially to the health and stability of the state's economy and environment by providing high quality timber, employment opportunities, regional economic vitality, resource protection, and aesthetic enjoyment.

- (b) The state's increasing population threatens to erode the timberland base and diminish forest resource productivity through pressures to divert timberland to urban and other uses and through pressures to restrict or prohibit timber operations when viewed as being in conflict with nontimberland uses.
- (c) A continued and predictable commitment of timberland, and of investment capital, for the growing and harvesting of timber are necessary to ensure the long-term productivity of the forest resource, the long-term economic viability of the forest products industry, and long-term stability of local resource-based economies.

The Timberland Productivity Act further declares that the purpose is "to fully realize the productive potential of the forest resources and timberlands of the State, and to provide a favorable climate for long-term investment in forest resources." The Act goes on to provide protection for responsible forest management uses where it states, "timber operations conducted in a manner consistent with forest practice rules adopted by the State Board of Forestry and Fire Protections shall not be or become restricted prohibited due to any land use in or around the locality of those operations." The legislation then goes on to define many of the terms referred to in the original Z'berg-Warren-Keene-Collier Forest Taxation Reform Act of 1976, including compatible uses. The Act also states that with regard to general plans of cities and counties, "timberland preserve zone" means "timberland production zone."

The above revisions are for clarification and informational purposes only, and do not alter the analysis or conclusions provided in the Draft EIR.

### **Response to Comment 16-3**

As the current text is written, the extent to which the Draft EIR discusses the California Forest Practice Act is sufficient for the analysis throughout the document. However, at the request of the commenter, the following revisions are hereby applied to page 4.2-14 in Chapter 4.2 of the Draft EIR in order to provide additional information:

#### California Forest Practice Act (CFPA)

The California Z'berg-Nejedly Forest Practice Act was enacted in 1973 to ensure that logging is done in a sustainable manner that will preserve and protect our fish, wildlife, forests, and streams "encourage prudent and responsible forest resource management, calculated to serve the public's need for timber and other forest products, while giving consideration to the public's need for watershed protection, fisheries and wildlife, sequestration of carbon dioxide, and recreational opportunities alike in this and future generations" (PRC 4512). The intent of the Act was to "create and maintain an effective and comprehensive system of regulation and use of all timberlands so as to ensure both of the following: (a) Where feasible, the productivity of timberlands is restored, enhanced, and maintained; and (b) The goal of maximum sustained production of high-quality timber products is achieved while giving consideration to values relating to sequestration of carbon dioxide, recreation, watershed, wildlife, range and forage, fisheries, regional economic vitality, employment, and aesthetic enjoyment" (PRC 4513).

The CFPA is applicable to all commercial harvesting activities conducted by landowners of small parcels and large timber companies alike. A Timber Harvesting Plan (THP) is required for all commercial timber harvesting within California. The CFPA outlines all of the requirements and contents of a THP. The THP serves as the environmental review document submitted by landowners that outlines what timber will be harvested, the methods used for harvesting, and the measures taken to prevent impacts to the environment (CDF 2007a).

CalFire is responsible for enforcing the laws that regulate logging on privately-owned lands in California. CalFire and the State Board of Forestry and Fire Protection are responsible for approving THPs. THPs are prepared by Registered Professional Foresters (RPFs) who are licensed to ~~prepare these plans~~ practice forestry in California. Once a THP is approved, CalFire inspectors periodically inspect the logging operation to ensure compliance with the approved THP and all laws and regulations. When a THP operation has been completed, the timber owner, or the owner's agent, is responsible for submitting a completion report to CalFire. CalFire then inspects the area to certify that all rules were followed. The landowner is also responsible for restocking (or replanting) the area according to the Forest Practice Rules requirements. ~~Two-Three~~ THPs in Calaveras County were submitted to CalFire for public review and approval in ~~November of~~ 2017. The ~~two three THPs range in size from approximately 26 acres to 325 acres, respectively~~ are identified as 4-17-010CAL, 4-17-011CAL, and 4-17-013CAL.

The above revisions are for clarification and informational purposes only, and do not alter the analysis or conclusions provided in the Draft EIR.

#### **Response to Comment 16-4**

Based on the comment, the use of the phrase “timber preserve” was reviewed throughout the Draft EIR. The uses of the phrase on pages 4.2-5 and 4.2-15 are taken directly from the Calaveras County Code of Ordinances. Because the Draft EIR’s purpose is to analyze the consistency of the Draft General Plan with the County’s policies and regulations, the wording in the Draft EIR will remain consistent with wording found directly in the Calaveras County policies.

#### **Response to Comment 16-5**

Based on the comment, the following revision is hereby applied to page 4.2-2 in the Agricultural, Forest, and Mineral Resources chapter of the Draft EIR:

<b>Table 4.2-2 Agricultural Production Trends from 2008-2015</b>			
<b>Year</b>	<b>All Farmland (acres)</b>	<b>Land in Agricultural Preserves (acres)</b>	<b>Land in Timber <del>Preserves</del> <u>Production</u> (acres)</b>
2012	201,026	143,000	77,500
2013	201,026	143,000	77,500
2014	212,140	143,000	77,500
2015	212,140	143,000	77,500

*Source: Calaveras County Department of Agriculture, 2012-2015.*

The above revision is for clarification purposes and does not alter the analysis or conclusions provided in the Draft EIR.

**Response to Comment 16-6**

See Response to Comment 16-4. However, based on the comment, the following revision to text is hereby applied on page 4.2-5 of Chapter 4.2 of the Draft EIR:

**Timber Resources**

As of 2015, the County contained approximately 77,500 acres of land zoned as Timberland Production (TP).<sup>3</sup> ~~Per Section 17.14.010 of the County Code Section 17.14.010 of Ordinances, lands in the is the TP zone designation are commonly known as timber preserves.~~ A discussion of the ~~Legislation rules and regulations applying to that led the County to adopt the~~ TP zones designation is provided in the Regulatory Context section of this chapter.

The foregoing revision to text is for clarification purposes only and does not change the analysis or conclusions provided in the Draft EIR.

**Response to Comment 16-7**

See Response to Comment 16-4.

## Letter 17

Peter Maurer, Planning Director  
Calaveras County Planning Department  
891 Mountain Ranch Road  
San Andreas, CA 95249

RE: Comments on the Draft General Plan DEIR  
Dear Mr. Maurer:

Thank you for the opportunity to comment on the General Plan DEIR

The over all language of the DEIR is difficult to navigate and doesn't seem to have enough MANDATORY mitigations for the over two dozen significant impacts that are associated. Protecting against over development in our county depends on a well drafted General Plan.

The community plans don't seem to be included in the General Plan. They should be a part of the mandatory frame work upon which future developement and growth standards are based on. Community members took the time to decide what is best for each region and needs to be built in to the plan so that the citizens have some ground to stand on.

Calaveras must focus on mitigating the impacts of future development in our region. Maintaining, preserving and reviving the historical character of our small communities is crucial. We need to work on protecting our forests and farmlands. Including small scale agriculture. Allowing agriculture lands to be converted to other future development uses will not protect the character and the appeal of our rural areas. Reevaluating the Williamson Act contract to protect the large acreage preserves under non-renewal status. (Figure 4.2) Calaveras is a right to farm county, so encouraging small scale agriculture in our region throughout the county and a variety of zones will help with the local economy and create more sustainable communities.

17-1

We do not want to leave our General Plan open for too much interpretation and not enough mandatory mitigation or alternative solutions. Large scale developments and corporations will be looking at our open land, forests and water resources to capitalize on if we do not have the demands written in the EIR.

The deforestation of our region due to logging is going to leave a clear cut checkerboard map of our beautiful Calaveras foothills for decades. Living at the doorstep of SPI land has opened my eyes to the disturbing practices that happen without enough oversight.

Noise, air quality, water quality, traffic, safety, soil erosion. You name it. These are beyond significant impacts. If our General Plan does not have adequate and Mandatory mitigation requirements for protection, including financial repercussions, then it leaves policies open for interpretation from companies and developers that have the money to strong arm our county into situations where we won't be able to protect our rural character.

Please review section 4.2 and realize there are significant impacts that have not been addressed thoroughly enough and may drastically impact the future of our Calaveras communities.

Thank you  
Jessica Benson

**LETTER 17: JESSICA BENSON**

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**Response to Comment 17-1**

See Master Response #2.

## Letter 18

August 13, 2018

Richard Blood  
9033 Old Toll Road  
Mokelumne Hill, CA 95245  
[newrichard.blood@outlook.com](mailto:newrichard.blood@outlook.com)

Peter Maurer, Planning Director  
Calaveras County Planning Department  
891 Mountain Ranch Road  
San Andreas, CA 95249  
[pmaurer@co.calaveras.ca.us](mailto:pmaurer@co.calaveras.ca.us)

RE: Comments on the Draft General Plan Draft Environmental Impact Report (DEIR).

Dear Mr. Maurer:

Below are my comments and concerns regarding the General Plan DEIR:

#### 4.6.4 IMPACTS AND MITIGATION MEASURES

**18-1**

Section 4.6-1 page 4.6-11

In this section there is the statement “Therefore, fault rupture and seismic ground shaking would not pose a risk to new development or new populations occurring in the County as a result of build out of the Draft General Plan (DPG).” The conclusion that there is no risk posed by ground shaking or fault rupture makes the assumption that there are no hidden unmapped active faults in the County. This No risk postulate is based an assumption of absolute certainty that there are no hidden unmapped active faults in the County.

Section 4.6-4 page 4.6 -15

**18-2**

Section 4.6-4 comes to the conclusion that the environmental impacts from onsite wastewater treatment systems (OWTs formally know as septic systems) will be less than significant. There is not enough information in the DEIR to conduct an adequate analysis to conclusively make the finding that the environmental impacts will be less than significant. Also assumptions in the analysis may be erroneous. In this section the statement is made that “However, most Draft General Plan development is not anticipated to use septic systems, as population growth and new development would likely be focused in existing community areas of the County, where existing wastewater infrastructure exists.” There are a large number of existing undeveloped parcels that are not located in the vicinity of existing wastewater infrastructure. When these parcels are developed the means of wastewater treatment will be OWTs. Was an analysis conducted to determine the total number of exiting undeveloped lots that can not be served by community wastewater treatment plants? Was an analysis conducted to estimate the number undeveloped parcels that

1

**Letter 18  
Cont'd**

**18-2  
Cont'd**

can be served by existing treatment plants taking into account the land designation of these parcels in the DGP which maybe subdivided to create additional parcels? Comparison of these two estimates: the number of parcels that can be served by waste water treatment plants; and those parcel that can't would provide a better indication as to where population growth and new development (housing) would likely be focused. The estimates of the number of undeveloped parcels by DGP designation that can be served by waste water treatment plants and those undeveloped parcels that can't need to be included in this analysis.

The environmental settings sections in the DEIR do not adequately describe the occurrence, distribution and density of OWTs in the County. There is a county document that provides some insight regarding environmental setting of the OWTs in Calaveras County. However, there is no mention of this document in the DEIR or the DGP. It is not available on the Calaveras County Website. Repeated searches were made of the Calaveras County Website and the document could not be found. The Calaveras County Local Agency Management Plan (LAMP attached to email), April 20, 2016, was available on the Central Valley Regional Water Quality Board's Website at this link:

[https://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/calaveras/r5-2017-0097\\_lamp.pdf](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/calaveras/r5-2017-0097_lamp.pdf)

**18-3**

Calaveras County made application to Central Valley Regional Water Quality Board to be Local Agency to regulate OWTs in the county. It received designation as the Local Agency to regulate OWTs in the county. The LAMP was approved by the Central Valley Regional Water Quality Board and governs the administration of the OWTs by the Calaveras County Environmental Health Department. The LAMP needs to be posted on the Calaveras County website and the link should be in the EIR. In the introduction (page 10) of the LAMP it states "Approximately 75% of homes and 20% of businesses in Calaveras County are served by individual OWTs." This estimate is evidence that future development and population growth will not be focused near existing wastewater treatment plants. Figure 2 (page 5) from the LAMP is a bar graph that depicts the number of OWTs permits issued for new and replacement OWTs (modifications also?) for the period from Fiscal Year (FY) 2009/10 to March of FY 2015/16. The range for permits issued during FY 2009/10 to FY2015/16 is from 310 (FY10/11) to 470 (FY14/15). A review of this bar graph reveals that average number of permits for the period was approximately 350 QWTs permits issued per FY year. For the period FY2009/10 to FY 2012/13 during the economic down turn over 300 OWT permits were issued during each of the FY. For period from FY2009/10 to FY 2015/16 how many OWTs received a final inspection? For period from FY2009/10 to FY 2015/16 how many home or buildings that were connected to a waste water treatment plant received a final inspection?

**18-4**

The local agency is required to submit annual reports to the Central Valley Regional Water Quality Board. The annual reports could not be found on the county website? How many OWTs were found in failure, needed to be repaired, and how many complainants were received regarding OWTs for the all FYs years that county has submitted the annual report? How many annual reports has the county submitted to the Central Valley Regional Water Quality Board? The answer to these questions will provide some of the information needed to perform an analysis to determine the significance of the impacts from OWSTs. The LAMP provides a general description of the occurrence, distribution and density of OWTs on page 11 of the Introduction. It states:



## Letter 18 Cont'd

18-5

"The density of development within Calaveras County is influenced by corridors formed by Highways 49, 4, 26 and 12. The most intense areas of development radiate out from these highways. There are three major population hubs that rely on individual OWTS for wastewater treatment and disposal. The largest population hub is the Rancho Calaveras Subdivision and surrounding area located in the Valley Springs area along Hwy 26. Rancho Calaveras has approximately 3,465 lots, but all of the lots are not developed and some cannot be developed due to a lack of suitable conditions for wastewater disposal. The Copper Cove Subdivision and surrounding areas along Highway 4 at the west end of the County could have approximately 1,000 OWTS. The Arnold area along Highway 4 in the east end of the County is made up of numerous subdivisions that rely on OWTS for wastewater disposal"

There are no maps provided in the LAMP depicting the topography in the vicinity of the three hubs or drainages of the watershed in the surrounding these hubs. Into what watershed(s) does the storm water from these three populations hubs drain? Maps of these three population hubs should be in DEIR. Does the storm water from the Rancho Calaveras Subdivision flow into the Calaveras River Watershed and the Mokelumne River Watershed? Does the storm water from the Arnold area and the Copper Cove Subdivision flow into the Stanislaus River Watershed and the Calaveras River Watershed? Has there been any with wet weather fecal coliform sampling of storm water runoff in the drainages in the vicinity of the three population hubs or drainages? Was wet weather fecal coliform sampling of the storm water conducted on successive day following a rainfall event? A review of the LAMP makes no mention of monitoring data from wet weather fecal coliform sampling of storm water runoff in the drainages in the vicinity of the three population hubs or drainages. The answer to the questions will provide the some of the information needed to perform an analysis to determine the significance of the impacts from OWSTs

Below is a paragraph from page 4.8 – 6

### Surface Water Quality

18-6

Typically, water quality issues stem from runoff during wet weather events, direct discharge associated with industrial/commercial activities, resource extraction activities, leaking sewer infrastructure, and illicit dumping. Additional potential sources of polluted water within the County include past waste disposal practices, agricultural chemicals, and chemicals and fertilizers applied to landscaping. Characteristic water pollutant contaminants may include sediment, hydrocarbons and metals, pesticides, nutrients, bacteria, and trash

The paragraph does not mention OWTs (septic systems) as possible sources of bacteriological, chemical and nutrient pollution to storm waters during and after wet weather events. The paragraph needs to include OTWs as possible sources of pollution of surface waters. A failure of OWTs is more complicated than foul smelling waste water surfacing on the ground. The soil in the dispersal area of OWTs completes the treatment process. Paraphrasing from the USEPA Design Manual of Onsite Wastewater Treatment and Disposal Systems: The soil is capable of treating organic material, inorganic substances and pathogens in

**Letter 18  
Cont'd**

**18-6  
Cont'd**

wastewater by acting as a filter, exchanger, an adsorber, and the surface of which many chemicals and biochemical processes occur (pg14). These actions are dependent on 2-4 feet of unsaturated soil (pg 207).

During the wet weather months the soil can be come saturated with water. When soil saturation occurs the water will flow through the soil. This flow can be vertical or horizontal or combination of both depending on the site conditions. During wet weather months the soils in the dispersal area can become saturated resulting in inadequately treated wastewater from OTWs which flows through soil into drainages containing surface water. The usual method for monitoring this type of OWT failure is wet weather fecal coliform sampling of the storm water runoff conducted on successive days following a rainfall event. Without conducting wet weather monitoring OWTs which are polluting and adversely impacting surface water will not be detected. The LAMP makes no mention of conducting such a monitoring program.

Page 35 of the LAMP state "Because CCOWD currently does not have staffing or resources to perform the 5 year analysis of this groundwater assessment data, CCOWD will peruse possibilities for grant funding. If grant funding is not available, Calaveras County will need to find another way to secure staffing and resources prior to completing its first 5-year assessment, which is anticipated to be due to SWR in 2023." Again the adverse impacts to surface water and the ground water can only be detected by having surveillance programs in place that have ongoing monitoring and analysis.

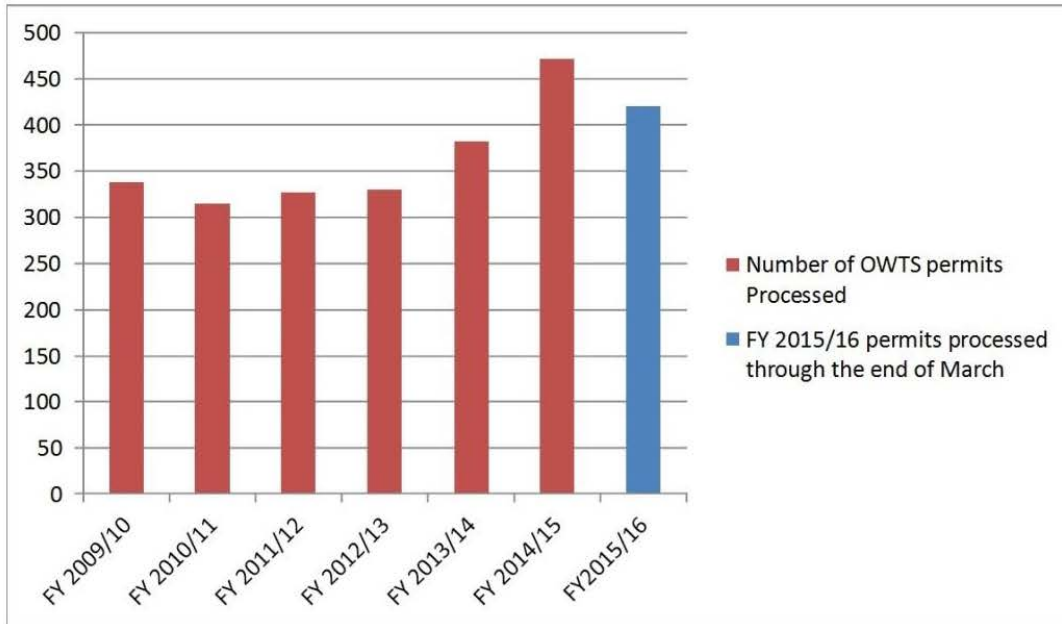
Please respond to these comments in the Final EIR. Please put me on the list of people to notify when the Final EIR is complete.

Thank you for the opportunity to comment on the General Plan DEIR.

Sincerely,

Richard Blood

**Letter 18  
Cont'd**



**Figure 2**

**LETTER 18: RICHARD BLOOD, AUGUST 13, 2018**

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**Response to Comment 18-1**

The discussion related to seismic ground-shaking and fault rupture in Chapter 4.6, Geology, Soils, and Seismicity, of the Draft EIR, is based on information provided by the California Department of Conservation's Alquist-Priolo Earthquake Fault Zoning Map and estimates of the Probabilistic Seismic Hazard Assessment for California. The foregoing studies were completed by the California Geological Survey, in order to determine the risks to new development within Calaveras County. As such, the discussion of seismic risks in Impact Statement 4.6-1 is based on relevant data from State sources rather than on the assumption of risk due to unforeseeable circumstances.

**Response to Comment 18-2**

A thorough discussion of wastewater treatment throughout the County, including potential impacts related to wastewater treatment, can be found in Chapter 4.12, Public Services and Utilities, of the Draft EIR. In particular, Impact 4.12-6 of the Draft EIR presents an analysis of wastewater treatment throughout the County; despite the implementation of mitigation, the Draft EIR identifies a significant and unavoidable impact related to wastewater treatment due to implementation of the Draft General Plan.

While wastewater treatment throughout the County is discussed in Chapter 4.12, Impact 4.6-4 is specifically focused on the analysis of potential impacts related to the capability of soils to support septic systems. As discussed on page 4.6-15, any future septic systems would be subject to County review and permit issuance prior to installation. The County's permitting process requires that project applicants provide the County with detailed plans for the septic system and information related to the site characteristics. Per Chapter 13.12 of the County's Code, such information includes the type and depth of soil in the vicinity of the proposed system, the proposed use of the system, and the distance of the proposed system from sensitive resources such as other wells, springs, and other waters used for domestic purposes. In addition, the County may not approve any septic systems that would allow the escape of noxious gases, ingress or egress of insects or animals, the pollution of any stream, river, lake or other water of the state, or pollution of groundwater. The foregoing permit requirements would ensure that any new proposed septic systems within the County would be reviewed on a case-by-case basis, with particular focus on the design and placement of proposed systems to ensure that impacts to the environment do not result because of operation of new proposed septic systems. Considering the existing regulations within Section 13.12 of the County's Code, the Draft EIR determined that the installation of septic systems would result in a less-than-significant impact following implementation of the Draft General Plan.

**Response to Comment 18-3**

As stated on page 4.12-59 of the Public Services and Utilities Chapter of the Draft EIR:

Approximately 19,000 residents within Calaveras County use on-site wastewater treatment systems (OWTS) for wastewater management. A common form OWTS is the septic system. Septic systems located on individual properties treat wastewater, collect sludge, and discharge effluent into a leach field. Property owners are responsible for septic system maintenance and sludge disposal. Septic systems are allowed in most areas of the County if there is no nearby public sewer system subject to the standards established in the *Calaveras County Rules and Regulations for Onsite Wastewater Treatment Systems*.

Additionally, the commenter includes reference to a document from the California Regional Water Quality Control Board which addresses the Local Agency Management Program for Calaveras County Environmental Health Department. The document provides background information and does not necessarily address the adequacy of the Draft EIR. The entire document can be found at the link below.

[https://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/calaveras/r5-2017-0097\\_lamp.pdf](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/calaveras/r5-2017-0097_lamp.pdf)

#### **Response to Comment 18-4**

See Response to Comment 18-2 and 18-3 above.

#### **Response to Comment 18-5**

See Response to Comment 18-2 and 18-3 above. Stormwater runoff and water quality impacts are addressed in Chapter 4.8, Hydrology and Water Quality, of the Draft EIR. Additionally, a map of the watersheds of major rivers within Calaveras County is provided as Figure 4.8-1 on Page 4.8-2 of the Draft EIR.

#### **Response to Comment 18-6**

See Response to Comment 18-2 above. Impacts to surface water and groundwater are addressed in Chapter 4.8, Hydrology and Water Quality, of the Draft EIR. Based on the comment, the text on page 4.8-6 of Chapter 4.8, Hydrology and Water Quality, is hereby revised as follows:

##### Surface Water Quality

Typically, water quality issues stem from runoff during wet weather events, direct discharge associated with industrial/commercial activities, resource extraction activities, leaking sewer infrastructure, including septic systems, and illicit dumping. Additional potential sources of polluted water within the County include past waste disposal practices, agricultural chemicals, and chemicals and fertilizers applied to landscaping. Characteristic water pollutant contaminants may include sediment, hydrocarbons and metals, pesticides, nutrients, bacteria, and trash.

The above revision is for clarification purposes and does not constitute a change in the analysis or conclusions of the Draft EIR.

**Letter 19**

August 13, 2018

Richard Blood  
9033 Old Toll Road  
Mokelumne Hill, CA 95245  
[newrichard.blood@outlook.com](mailto:newrichard.blood@outlook.com)

RECEIVED

AUG 13 2018

Calaveras County  
Planning Department

Peter Maurer, Planning Director  
Calaveras County Planning Department  
891 Mountain Ranch Road  
San Andreas, CA 95249  
[pmaurer@co.calaveras.ca.us](mailto:pmaurer@co.calaveras.ca.us)

RE: Comments on the Draft General Plan Draft Environmental Impact Report (DEIR).

Dear Mr. Maurer:

Below are some comments and concerns regarding the General Plan DEIR. In reviewing the DIER There was no discussion of the occurrence of radon in Calaveras in Chapters 4.6 GEOLOGY, SOILS, AND SEISMICITY or 4.7 HAZARDS AND HAZARDOUS MATERIALS. Below is a paragraph that mentions radon.

19-1

Chapter 4.7 page 4.7-9

Toxic Substances Control Act (15 U.S.C. §2601 et seq. [1976])The Toxic Substances Control Act (TSCA) of 1976 provides EPA with authority to require reporting, record-keeping and testing requirements, and restrictions relating to chemical substances and/or mixtures. Certain substances are generally excluded from the TSCA, including, among others, food, drugs, cosmetics and pesticides. The TSCA addresses the production, importation, use, and disposal of specific chemicals including polychlorinated biphenyls (PCBs), asbestos, radon, and lead-based paint.

19-2

Radon is a naturally occurring odorless colorless elemental radioactive gas that can cause cancer. Radon comes from the radioactive decay of uranium that may be present in soil, water and rock. Radon in soil and rock under homes is the biggest source of radon in indoor air and presents a greater risk of lung cancer than radon in ground water used for drinking water. As uranium breaks down, radon gas forms and because it is gas, can travel through the soil and seep into building such as a house. Indoor air levels of radon at 4 picocurie (pCi/L) present an increased risk of contracting lung cancer. The risk of cancer with indoor radon exposure level at 4 pCi/L is 5 times greater than risk of dying in a car crash. The risk of cancer with indoor radon exposure level at 8 pCi/L is 30 times greater than risk of dying in from a fall. Below are test results from indoor radon tests conducted in Calaveras County sorted by zip code from the California Department of Public Health's website. A review of this data reveals there are a significant number of indoor radon exposure levels at or above 4 pCi/L. The occurrence of radon is geologically controlled. So the geological conditions in the zip codes are a very significant factor in causing elevated indoor air radon concentration.

**Letter 19  
 Cont'd**

**19-2  
 Cont'd**

Zip Code	Number of Tests Reported to CDPH	Number of Tests ator $\geq$ 4pCi/L	Percent of Tests $\geq$ 4pCi/L	Max. Result (pCi/L)
95221	14	2	14.00%	6.2
95222	70	9	12.90%	15.1
95223	141	58	41.10%	24.2
95224	25	18	72.00%	95.5
95225	11	4	36.40%	6.8
95226	2	1	50.00%	4.3
95227	1	0		0
95228	41	8	19.50%	11.7
95232	7	1	14.30%	12.1
95233	31	16	51.60%	86.8
95236	7	1	14.30%	4.1
95237	1	0		1.4
95240	24	3	12.50%	5.1
95241	5	0		3.6
95242	19	3	15.80%	13.2
95245	63	17	27.00%	22.6
95246	36	8	22.20%	12.4
95247	137	39	28.50%	41.7
95248	9	5	55.60%	12.3
95249	59	12	20.30%	12.2
95240	4	1	25.00%	7.3
95241	9	1	11.10%	5.6
95252	208	48	23.10%	19
95254	15	6	40.00%	14.7
95255	30	13	43.30%	18.1
95257	2	2	100.00%	10.4

**Letter 19  
Cont'd**

**19-3**

The DEIR needs to discuss potential for elevated radon concentration in the air of the structures with human occupancy. In addition the DEIR should discuss and address role of radon in drinking water from wells (ground water) has on the indoor radon levels in a home. Attached to this email for your reference is The Geological Controls on the Distribution of Radon in California by Ron Churchill, Associate Geochemist, For the California Department of Health Services, January 25, 1991. Information regarding radon can be found at the website below:

<https://www.epa.gov/radon/health-risk-radon>

<https://www.epa.gov/radon/radon-resistant-construction-basics-and-techniques>

<https://www.cdph.ca.gov/Programs/CEH/DRSEM/Pages/EMB/Radon/Radon.aspx#>

[http://www.conservation.ca.gov/cgs/geologic\\_hazards/hazardous\\_minerals/Pages/index.aspx](http://www.conservation.ca.gov/cgs/geologic_hazards/hazardous_minerals/Pages/index.aspx)

There are mitigation measures that can be implemented to lower indoor radon levels in existing building and radon resistant construction technique are used for new construction in area that have elevated potential for causing indoor radon levels at or above 4 pCi/L. The data for zip 95233 and 95224 indicates there maybe areas of high radon potential in the zip code. As mention early the geological conditions in the near vicinity of a building are a significant factor causing elevated indoor air radon concentration.

Please respond to these comments in the Final EIR. Please put me on the list of people to notify when the Final EIR is complete.

Thank you for the opportunity to comment on the General Plan DEIR.

Sincerely,



Richard Blood



**LETTER 19: RICHARD BLOOD, AUGUST 13, 2018**

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**Response to Comment 19-1**

Impacts related to hazards to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment are addressed under Impact 4.7-2 beginning on page 4.7-19 of Chapter 4.7, Hazards and Hazardous Materials, of the Draft EIR. As stated on page 4.7-22:

Policy S 1.2 would require new development to incorporate design features to minimize vulnerability to natural and man-made hazards. For development projects proposed on sites known or likely to be contaminated by hazardous materials and/or that are identified in local, state or federal databases as likely to contain hazardous materials, IM S-5B would require, if necessary, remediation of the site to a level appropriate for the proposed land use in accordance with all local, state, and federal regulations prior to development.

While not explicitly called out, the natural hazards addressed include all such hazards, which inherently assumes radon. Additionally, the Draft General Plan includes IM S-5A which would initiate a program consolidating hazardous materials information from multiple agencies in a single location, as well as ensure that emergency response and agencies and planners have access to the data to facilitate emergency response, environmental review, and decisions on future development.

**Response to Comment 19-2**

See Response to Comment 19-1.

**Response to Comment 19-3**

See Response to Comment 19-1. Impact 4.7-2, beginning on page 4.7-19 of Chapter 4.7 of the Draft EIR discusses the conclusion that the Draft General Plan would have a less-than-significant impact related to release of hazardous materials through inclusion of several policies and measures that ensure the safety of the public from exposure to hazardous materials. Amongst the applicable policies from the Draft General Plan are Policies S 1.2, S 5.1, and IM S-5A, which all set standards for handling of hazardous materials as development increases in the County.

Additionally, the commenter references several resources for background information regarding radon. The referenced documents do not address the adequacy of the Draft EIR. However, for informational purposes, links to the referenced documents are provided below:

[https://www.conservation.ca.gov/cgs/Documents/Program-MRP/Geo\\_Controls\\_Dist\\_Radon.pdf](https://www.conservation.ca.gov/cgs/Documents/Program-MRP/Geo_Controls_Dist_Radon.pdf)  
<https://www.epa.gov/radon/health-risk-radon>  
<https://www.epa.gov/radon/radon-resistant-construction-basics-and-techniques>  
<https://www.cdph.ca.gov/Programs/CEH/DRSEM/Pages/EMB/Radon/Radon.aspx#>  
[http://www.conservation.ca.gov/cgs/geologic\\_hazards/hazardous\\_minerals/Pages/index.aspx](http://www.conservation.ca.gov/cgs/geologic_hazards/hazardous_minerals/Pages/index.aspx)

**Letter 20**

**ROBERT G. BRUNKER  
RANCHERIA DEL RIO ESTANISLAUS, LLC  
BRUNKER LAND & CATTLE, LLC  
13278 SCHELL ROAD  
OAKDALE, CA 95361**

(209) 985-9851 (cell)

(209) 881-3311 (fax)

August 12, 2018

Calaveras County Planning Department  
ATTEN: Peter Maurer / Planning Director  
pmaurer@co.calaveras.ca.us

Re: Our position on the "Draft Environment Impact Report" for the proposed Calaveras County general Plan update and map.

Dear Mr. Maurer,

Our family has been property owners in Calaveras County since May 06, 1940 operating a beef cattle grazing ranch. Upon the completion of the building of Tulloch Dam, in the late 1950's, we suddenly had a very substantial amount of property that bordered the newly created lake. As we granted flowage easements, in consideration of future development potential, we knew that this portion of our property had a good potential for development and assumed that someday it would happen.

In April of 2006 we entered into an agreement with Castle & Cooke which would sell them a portion of our ranch for development and entitle additional acreage for future development. At that time the, and currently the land use designation for the property was/is "FSFR-5 (Future Single Family Residential - 5 acre)". Now, per the Calaveras County General Plan Draft currently in circulation, that the land use designation for our property is being reduced to Resource Production.

We have been property owners in Calaveras County for 78 years and have been paying taxes on "FSFR-5 designated property every year. We have watched the growth, across the lake from us, which appears to us to have been a hodgepodge of different ideas with the intent to cram as many homes as possible along the lakeshore. Castle & Cooke, Calaveras County Planning Department and we have spent many years working towards creating a well-planned quality development characterizing the surrounding Copperopolis area. This would help attract potential home buyers and tourists which subsequently would greatly support the economic development of the community. Very much time and money has been spent on our project.

**20-1**

**Letter 20  
Cont'd**

**20-1  
Cont'd**

We have been working on a development plan and entitlements, attempting to move forward with improvements for many years now, and to give the property a land use designation making our goals and intentions much harder, or impossible to realize, would be unacceptable.

In summary, we do not desire to have any of the parcels' (053-020-015, 053-021-002, 053-021-011, 053-021-010, 053-020-013, 53-020-04, 53-020-05, 53-020-08, & 53-021-05: 7,048.29 acres total) land use designation reduced to Resource Production or any other lessor designation than we currently have. We have maintained a designation that suggests development and we have been planning for that.

If you are required to change our land use designation we would certainly hope for nothing less than we currently have now. "Future Specific Plan Area" has been recommended, by some, as a possibility which would also be acceptable.

Thank you for your consideration and understanding.

Respectfully,

Robert G. Brunker  
Manager and LLC Member

**LETTER 20: ROBERT G. BRUNKER**

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**Response to Comment 20-1**

The comment does not address the adequacy of the Draft EIR, and will be forwarded to the decision-makers for their consideration.

**Letter 21**

August 13th, 2018

Peter Maurer, Planning Director  
Calaveras County Planning Dept.  
891 Mtn. Ranch Rd.  
San Andreas, Ca. 95249  
Pmaurer@co.calaveras.ca.us

**21-1**

Dear Mr. Maurer,  
Thank you for providing an opportunity for the community to speak out on the draft General Plan DEIR.

Our concerns are that the community should be able to view and discuss more about the general plan with a community meeting, explaining to the community the differences between old and new drafts. Under 10, pages CP 1 through CP 18(Community Planning), a summary of each community's Community Plan is included. It is not clear whether these plans are the existing community's plans or the draft community plans developed under Mintier and Ross. I think these are the latter and should be titled, eg, Draft Glencoe Community Plan etc. And are these "planning commission recommendation drafts" from July 28, 2016 identical to or different from the draft community plans developed in 2008? If different, how and why are they altered? If you could answer our questions, we would appreciate it. We feel that the community needs to discuss and be more a part of the plan. It states in the executive summary that the intentions of the general are "to reflect the community's expressions of quality of life and community values..." The community needs to first understand the plan, go over it and discuss.

Thank you.

Please retain a copy of this question/comment for the administrative record.  
Please respond to these comments.  
Please put us on the list of people to notify when the final EIR is complete.

Sincerely,

Jane and Ty Childress  
18609 Rainbow Rd.  
Mokelumne Hill, Ca.  
95245

**LETTER 21: JANE AND TY CHILDRESS**

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**Response to Comment 21-1**

The comment does not address the adequacy of the Draft EIR, and the concerns of the commenter will be forwarded to the decision-makers.

Letter 22

RECEIVED

JUL 31 2018

Calaveras County  
Planning Department

Marti Crane, Valley Springs

In the time allotted this evening, I cannot list all the necessary details and resources, so I'm submitting my statement for the official record.

**Policies that do not commit to reduce impacts are not mitigation measures.**

CEQA requires that mitigation measures be enforceable commitments to reduce or avoid significant environmental impacts. (*Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4<sup>th</sup> 439, 445; CEQA Guidelines, sec. 15126.4, subd. (a)(2).) The County proposes as mitigation measures, a number of policies and programs that do not commit the County to reduce or avoid significant environmental impacts. The following list of such policies and programs do not qualify as mitigation measures.

**Policy COS 4.10** Should proposed developments within the County be anticipated to result in potential impacts related to the emission of criteria air pollutants, the County shall consider imposing mitigation measures provided in the CCAPCD's Guidelines for Assessing and Mitigating Air Quality Impacts of Land Use Projects.

**Policy COS 4.14** The County shall investigate the potential use of woody biomass generated through forest management, such as thinning and defensible space clearing, for the generation of renewable energy.

**IM COS-4I** At the County's discretion, for development that is subject to a discretionary entitlement and subject to environmental review under the CEQA, the County shall require project applicants to enlist the services of a qualified biologist to evaluate a proposed project's impact on special status species as defined above and determine what avoidance measures or mitigation measures are warranted to offset or mitigate these impacts to the extent feasible.

**IM COS-4J** At the County's discretion, development that is subject to a discretionary entitlement and subject to CEQA review shall be required to evaluate potential impacts to sensitive and significant communities using the methodologies identified below and shall require mitigation for potentially significant and significant impacts.

**Policy COS 3.9** Encourage development to be compatible with wildlife movement.

**IM COS-4L** The County shall work with applicants to encourage preservation or enhancement of upland habitat for wildlife species to the maximum extent feasible on parcels slated for development containing suitable habitat (e.g. areas used for foraging, breeding, dispersal, etc.). Habitat preservation and enhancement shall be encouraged throughout the County in a way that promotes regional connectivity of open space habitats. The County shall work with applicants to encourage development to be compatible with wildlife movement. Mitigation measures may include installing wildlife friendly fencing or lighting to minimize interference with wildlife movement.

22-1

**Letter 22**

**22-1  
Cont'd**

Creek corridors should be preserved in undeveloped open spaces or under conservation easements as creek corridors provide linear wildlife corridors through the County. Similarly, if open spaces are to be preserved within developed areas, they should have connectivity to/with other dedicated or undevelopable open space lands to the extent possible.

**IM PF-1D** Facilitate Joint Use and Facility Co-Location. Coordinate with facility and service providers to facilitate colocation of parks, schools, police, fire, libraries, community centers and other community facilities to support community interaction, enhance neighborhood identity, support joint use, and leverage resources. The County shall consider the environmental benefits of facilitating joint use and facility co-location when evaluating the expansion of public service facilities.

Many implementation measures in the plan identify mitigation tasks, but provide no time frame for the task to be accomplished. Since the County can defer these measures indefinitely, they are not enforceable and **do not qualify as mitigation measures.**

The people of Calaveras County deserve straight talk.

The County needs to say yes when it means yes, and no when it means no.

People deserve to know when the County will protect the environment, and when they will not.

Only then can people take the appropriate action on Election Day.

When you continue to call these ‘mitigation measures’, and work to push them through,

I have to wonder who you’re representing with this document.

It’s clearly not the people of Calaveras who have chosen to live here for the promised quality of life experiences and opportunities.



**LETTER 22: MARTI CRANE**

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**Response to Comment 22-1**

See Master Responses #1, 2 and 3.

## Letter 23

-----Original Message-----

From: buzz.calent@gmail.com [<mailto:buzz.calent@gmail.com>]

Sent: Monday, July 23, 2018 12:05 PM

To: Planning Web Account <PlanningWeb@co.calaveras.ca.us>

Subject: Draft General Plan Update public comment

Category:: Planning Department

**23-1**

The draft General Plan, Page INT-2, states under "Growth Projections and Accommodations: that the state Department of Finance forecasts county population to grow 8,498 percents by 2035, "requiring the addition of 5,413 residential units." The DoF actually is not forecasting any growth for the county through 2050 and it is my understanding it actually expects a population decline here. The inaccurate statement about growth affects much of the policy decisions reflected in this draft plan.

Submitted By:

Name:: Emmett W Eggleston

Email:: buzz.calent@gmail.com

Submitted From:

<http://calaverasgov.us/County-Feedback/Planning-Department>

**LETTER 23: MARTI CRANE**

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**Response to Comment 23-1**

The comment refers to a statement from the Calaveras County Draft General Plan and does not address the adequacy of the Draft EIR. A detailed discussion and analysis regarding population and housing, including growth projections assumed for the Draft EIR analysis is provided in Chapter 4.11 of the Draft EIR. Additionally, Chapter 3, Section 3.4, on page 3-5 states the following:

An estimate of how many units and population could be accommodated by the most recent version of the General Plan Land Use Map was developed by the County using the County's GIS database system. This estimate is known as "carrying capacity" and represents how much development could occur within the County over the life of the Draft General Plan using a set of described parameters. The "carrying capacity" does not represent actual buildout nor does the estimate express with any certainty what will in fact occur. Rather, "carrying capacity" is simply a way to understand the development potential of the land use map.

A buildout formula was assigned for each General Plan land use designation that accommodates residential units. Next, buildout was calculated for the maximum density of each land use category. The assumed percent buildout for each land use was based on a report provided to the Board of Supervisors. A percent of buildout was identified providing a reasonable expectation of the amount of the land area dedicated to the residential land use based on infrastructure and topographical constraints, market demand, mix of units, and other variables.

## Letter 24

**From:** elaine galli  
**To:** [Peter Maurer](#)  
**Cc:** [elaine galli](#)  
**Subject:** Calaveras County General Plan Public Comment  
**Date:** Monday, August 13, 2018 3:55:14 PM  
**Attachments:** [Galli-Calaveras County General Plan 2018.pdf](#)

To whom it may concern:

Please confirm receipt of this email. I have also attached my comments in pdf form.

### Calaveras County General Plan 2018 Comments

While creating a Calaveras County General Plan is important to us all, the approvers of the General Plan must include financial consideration for private land owners, particularly multigenerational landowners who are working incredibly hard to preserve our community, a community that was largely created by prior family members and other rural, self-sufficient minded Calaveras County citizens. We all, and planners of the county's future in particular, need to focus on what the General Plan encourages to develop in our community. Far beyond land developments, protecting the forest, ag land, air quality, and water, is the need to protect and encourage our people to be self-sufficient, and community minded as good neighbors that protect and care for each other. Taking care of the land, air, water and people is at the core of ranch family values, as we can see by looking around us. Don't change what is working to make us stronger, change what is making us weaker, such as a lack of private sector employment opportunities. I would challenge those that flee to our county from somewhere else, then try to change our county, to think hard about forcing a change in the core landowner values that brought us here to where we are. Let the landowner decide what to do with their own land, or take responsibility for the financial burden the General Plan would put on private property owners.

Continuing to manage the current influx of marijuana growers is critical. Do not confuse this money-oriented group with the old-time ranchers and farmers.

In the recent, July 31 General Plan community comment meeting, the multigenerational landowners who worked hard to make this area what it is, were clearly absent. Many were in the highlands attempting to save their cattle from the fire raging through their grazing land. The forest and grassland lost is unthinkable. Many knew nothing of the meeting, and many were working out on their land at the height of the agricultural season. I am not speaking to any of the recent marijuana activity, I am speaking to the people who have built a strong, wholesome community. The families that created our community need to be considered in future community planning. Agricultural family culture puts the money and energy that can be salvaged after taxes and growing regulatory burdens, back into the land and agriculture operation, for future generations to use and manage as they need to in efforts to provide for their families. Few multigenerational landowners make sustainable profits on the Calaveras County operations. For many years most ranching and farming families have had outside full-time employment to provide cash flow. These Calaveras County residents work long days, weekends and family holidays in their agricultural operation because they want the culture to continue for their families. Holding on to the land is cultural and they feel a heart driven obligation to keep it going one more generation, but it is becoming incredibly difficult to profitably farm or ranch in California. We must preserve the landowner's right to use or sell the land as they deem appropriate for their family. We must not have a General Plan that allows, without compensation, the larceny of taking the private land owners' ability to sell their land at the largest profit. This General Plan decision will affect so many hardworking people in the future. Private landowners should not have to shoulder the financial burden alone.

In the July 31 public comment meeting, we heard developers speak of the need for quicker and favorable land development processes, ecology and resource advocates speak demanding the preservation of privately owned rural lands, and comments requiring stronger more definitive language that would prohibit and/or discourage private rural land development and alternative usage. The meeting minutes circulated after the meeting did not mention the comments made regarding the need to preserve private property land usage and transactional rights, instead, those comments were summarized to indicate the speaker wanted to encourage ambiguous wording in the General Plan. I would encourage fact checking prior to any movement on approval of the General Plan as it appears the skewing of comments may become a factor.

24-1

24-2

**Letter 24  
Cont'd**

**24-3**

We did not hear from the large group of quiet people making this rural community what it is, the private old time agricultural and forest land owners who own the land. They worked incredibly hard to buy it, worked it until they inherited it from people who taught them to work hard and pay your own way, and keep working it, seven days a week to try to hold on to the ranching/farming life for future generations. These multigenerational ranching landowners deserve the right to make decisions regarding the future of their own land. If it comes to selling a portion of their holdings to save the rest, they deserve the right to get the highest market price for the land, and they do not deserve to have their land channeled into less profitable uses by people who want to have the benefits of it, without paying a dime of mortgage or tax on it, and did not lift a finger to work on it. Please do not allow community groups here now to take away the rights of the people who built what you all are arguing over. Working together for a stronger Calaveras County future is easy to say. There should be no losers. Keeping our rural community is a goal for everyone including the ranchers and farmers, do not make them carry the load alone. They built the life they have from hard work, let them keep it. Give them the freedom to do what they need to with their land, so their families can be financially and culturally strong and responsible in the future.

Thank you,

Elaine Galli  
PO Box 1184  
San Andreas, CA 95249

**LETTER 24: ELAINE GALLI**

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**Response to Comment 24-1**

The comment does not address the adequacy of the Draft EIR. However, the comment has been forwarded to decision-makers for their consideration.

**Response to Comment 24-2**

The comment does not address the adequacy of the Draft EIR. However, the comment has been forwarded to decision-makers for their consideration.

**Response to Comment 24-3**

The comment does not address the adequacy of the Draft EIR. However, the comment has been forwarded to decision-makers for their consideration.

## Letter 25

Folsom, Calif.  
August 12, 2018

Peter Maurer, Planning Director  
Calaveras County Planning Department  
891 Mountain Ranch Road  
San Andreas, CA 95249

RE: County General Plan Draft EIR – June 2018

Dear Mr. Maurer:

Based on my review of the Draft EIR of June 2018, I offer the following comments:

25-1

**1. Procedural Deficiency. Review Period.** The review period of 45 days for an EIR document of this extent (several hundred pages) and one which is intended to guide planning and environmental protection in the county for the next 20 years, is much too short. The review periods as set forth in the Guidelines were not intended to apply to EIRS of such large scope and import as this DEIR for the county general plan. I recommend that the review period be extended at least another 15 days or even further.

25-2

**2. Substantive Deficiencies.** The deficiencies in the DEIR are too numerous and egregious to elucidate and analyze all of them in detail in one comment letter. The following is only a **brief summary** intended to identify the key elements of the DEIR which are grossly deficient and therefore do not provide either the public or the Planning Commission adequate information upon which they can make sound decisions concerning the environmental effects of the proposed amended general plan.

**a.) Fire.** There is no question in the minds of all prudent residents, business owners and landowners in the county that the continuing increase in the threat of major wildfires and the continued proliferation and spread of the haphazard unplanned development pattern which began after World War II and continues to this day, **constitutes one of the most significant risks for the county.** This wildland fire risk, with or without the proposed amended general plan, is increasing slowly and almost imperceptibly each year for permanent and seasonal residents, business owners and seasonal visitors alike. This fact is never acknowledged anywhere in the DEIR – not in the Executive Summary nor in the body of the text. The DEIR fails to acknowledge that in planning, business as usual cannot continue. **A major change in land use planning policy in the county is absolutely essential.** Change is not an option. Merely stating that the county will continue to enforce existing state and local fire codes does not in any way address this question of fire risk which affects the entire county.

25-3

The following important paragraphs pertaining to fire in the DEIR are extracted and copied below. This discussion is buried under the Chapter on Hazards. It is jumbled and poorly written. **From an organizational standpoint, wildland fire risk and planning analysis must be broken out and treated in a separate chapter of the DEIR.** Fire risk presents challenges quite different from hazardous materials and other risks.

*IM S-3G Coordinated Fire Prevention and Response Planning Efforts. Continue to participate in and support coordinated fire prevention and response planning efforts. Improve interdepartmental communications to enhance coordinated fire emergency response and planning between the Calaveras County Sheriff's Office of Emergency Services, the County's multiple fire districts, CalFire, the U.S. Forest Service, Planning, Public Works, the Calaveras Council of Governments and other affected agencies. Keep apprised of recommendations contained in the CalFire, Tuolumne/Calaveras Unit Strategic Fire Plan and Calaveras County Community Wildfire Protection*

**Letter 25  
Cont'd**

**25-3  
Cont'd**

*Plan. Coordination efforts should include evaluations of proposed road improvements in the County's Circulation Element and Regional Transportation Plan that may improve emergency evacuation routes. Support may be in the form of hosting a strategic planning session for emergency response personnel and planners. Coordination may also be achieved in the form of sharing GIS database layers and fire modeling data. (Sect. 4.7, p.29)*

*4.7-7 Development associated with the proposed Draft General Plan would expose people or structures to a significant risk or loss, injury or death involving wildland fires [Emphasis added] . Based on the analysis below, even with mitigation, the impact is significant and unavoidable. (Sect. 4.7, p.31)*

*Despite the aforementioned regulations, the Draft General Plan would result in continued development within high and very high fire hazard severity zones. In addition to certain future development areas within the County being within designated high and very high fire hazard severity zones, areas within the County that could be developed under the Draft General Plan may be located in areas with steep slopes or prevailing wind patterns that could result in higher fire risks locally. Steep slopes and local prevailing wind patterns within the County would have the potential to exacerbate risks from wildland fires by allowing for the rapid spread of wildland fires into development areas, or the exposure of future residents to pollutants from wildfires. While active wildfires would pose immediate threats to developments, in the aftermath of such wildfires, developments in areas with steep slopes or variable terrain could further be exposed to risks from flooding or landslides as a result of runoff or post-fire slope instability. Review of development plans by CalFire, the appropriate fire district, and adherence to County regulations regarding to fire safety, would serve to identify site specific concerns regarding slope, prevailing winds, and postfire slope instability; however, development under the Draft General Plan may still occur in such areas. (Sect 4.7, p.35)*

*Mitigation Measure(s) Buildout of the Draft General Plan would involve construction of new developments, which could expose new structures to moderate, high and very high fire hazards. The following mitigation measure would alleviate, but not eliminate the impacts due to such development. Other feasible measures are not available to reduce impacts associated with the construction of new developments in moderate, high and very high fire hazard severity zones to a less-than-significant level. Therefore, the impact would remain significant and unavoidable.*

*4.7-7 Policy S 3.2 of the Draft General Plan shall be revised as follows: Policy S 3.2 Ensure that The County shall review applications for new development, including essential public facilities, to ensure that new development complies with adopted fire codes and standards for fire protection. Application review for new developments which would be located in moderate, high, and very high fire hazard severity zones shall include a consistency check to ensure that the proposed project conforms with the standards of Title 24, Wildland Urban Interface Building Codes, and Title 14 of the California Code of Regulations 1270, as well as assessing potential hazards related to slope, prevailing wind patterns, and the potential for post-fire hazards.(Sect 4.7, p.36)*

The remainder of the text in DEIR which addresses the wildland fire risk is merely a regurgitation of the existing codes, e.g., Public Resources Code on defensible space and miscellaneous fire safety code requirements. Conforming to the codes is not a mitigation at all and is legally required of the county anyway. Conformance to fire codes does not affect the development as set forth in the land use plan. The DEIR just continues to assume that the existing long-established unplanned haphazard development which has occurred in the past is unavoidable and will continue for the next 20 years. It implies that the county is therefore powerless to do anything different to reduce and eliminate this unacceptable risk.

The county cannot weasel out of this by just stating that they will yield to development pressures as they have in the past. That would only serve to continue and increase this unacceptable risk indefinitely.



**Letter 25  
Cont'd**

25-3  
Cont'd

The DEIR must propose mitigations which will reduce the wildland fire risk to the maximum extent practicable even where such mitigation may involve economic adverse consequences and result in reduced development. Mitigations cannot be limited to vague goals that say the county will study possible code enforcement modifications to minimize this risk. Moreover, the DEIR must explain clearly how they know that the proposed mitigations will, in fact, minimize the increased risk of wildland fire damage. Just saying you hope it works is insufficient. The county cannot continue land use planning with the mitigations proposed. It sounds like the kind of planning which has been prevalent in the state since the 1930's. It satisfies the general code requirement that the county have a general plan, but it doesn't actually accomplish anything as to accomplishing goals of long-range planning.

**b.) Rural and Historic Character.**

This is treated in the DEIR in Chapter 4.1 under Aesthetics. The section includes a lengthy, rambling, and esoteric discussion which concludes what even the most casual visitor to the county would easily notice, i.e., that the county, like its many foothill sister counties, contains a wealth of richness in both agricultural, historical, and native American cultural features which give the county a unique rural character.

25-4

**The analysis of this element in the DEIR is completely inadequate.** It is far too academic and written in the style of a specialist who has little appreciation or knowledge of the uniqueness of the county's history and rural character. The DEIR analysis in this section fails to recognize how fragile and romantic is the rural character of the county. Nor does the DEIR recognize local economic values of this character and that the preservation of that rural character has slowly been compromised by run-away haphazard development policies which since the end of World War II have mis-guided county planning.

The DEIR includes a list of state and county codes which the DEIR implies that the county must apply in a mechanical manner. It assumes that these legal requirements are the only mitigation measures which the county will ever have at its disposal to preserve the rural character of the county. This conclusion is absolutely false and does not meet the spirit or the fundamental requirement of the California Environmental Quality Act. The DEIR on page 4.1 -19 concludes that significant impacts and downward degradation of the rural character of the area is unavoidable and that the county can do nothing about it. Again, this is unacceptable and is a clear violation of the Act.

25-5

The DEIR has an alternative to preserve rural character and places it at the end of the document as an afterthought.. The implication is that the county has no intention to give any part of the alternative serious consideration.

The preservation of the county's rural character is not to be considered a vague alternative. **It must be incorporated into the DEIR as it is an absolutely essential requirement for the county.** The preservation of the county's rural character must guide all of its planning decisions. The county cannot merely state that it has no authority or capability to preserve such an essential quality of the county's environment.

25-6

**3. Summary.** The above are only a few outstanding examples of the gross inadequacy of the DEIR. Other elements which are either poorly addressed (or not addressed at all) include: Cannabis culture and its environmental effects; out-county long distance commuting patterns and seasonal tourist travel effects on development and transportation; changing population demographics, including increase in

**Letter 25  
Cont'd**

**25-6  
Cont'd**

seasonal vs. year-round occupancy; recent high failure and turn-over especially in tourist-related businesses and its affect on blight such as that which is now occurring in Arnold. These are real problems which the county faces. The DEIR in its present form is not a good faith effort on the part of the county to address the county's development problems and guide rational planning. The DEIR is nothing more than an expensive, slick, glossy report which appears to do little more than appease special interests and confuse the general public and the Planning Commission.

The DEIR is, in fact, about the worst environmental report I have ever seen. If the county adopts the plan and the DEIR in their present form, they will certainly be subject to court challenge. Court proceedings will only serve to exacerbate the county's problems in its long range planning effort. This all reveals to the public that the planning function at the county level is in complete chaos.

Thank you for the opportunity to review the DEIR.

John Gibson

Landowner and member, Love Creek Property Owners Association

(916) 984-2172  
Home address: 814 Willow Creek Dr.  
Folsom, CA 95630

**LETTER 25: JOHN GIBSON**

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**Response to Comment 25-1**

According to CEQA Guidelines Section 15105:

With specific exceptions, the review period for an EIR shall be 45 days when submitted to the State Clearinghouse and 30 days when subject to local review only.

Based on professional experience, the Draft EIR is of typical length and is not unusually lengthy for the type of document. Accordingly, the public review period was not extended.

**Response to Comment 25-2**

Impacts related to fire hazards are discussed in Chapter 4.7, Hazards and Hazardous Materials, of the Draft EIR. As discussed in detail under Impact 4.7-7, beginning on page 4.7-31, the Draft General Plan incorporates a number of goals and policies related to risks from wildland fires and protection from such risks. Nonetheless, impacts were determined to be significant and unavoidable.

**Response to Comment 25-3**

See Response to Comment 25-2, as well as Master Responses #2 and #3.

**Response to Comment 25-4**

The Draft EIR includes a detailed discussion regarding the rural character of the County beginning on page 4.1-16. The comment is related to the aesthetics analysis and impacts to such are addressed under Impact 4.1-2 beginning on page 4.1-19. The General Plan includes goals and policies that would help to retain the rural character of the County such as Goal COS-5 and Policy COS 5.1. However, buildout of the General Plan would inevitably result in development. Future projects would undergo individual environmental review, and without project-specific analysis, effects cannot conclusively be avoided.

**Response to Comment 25-5**

See Response to Comment 25-4. In addition, the Draft EIR included an analysis of project alternatives consistent with CEQA Guidelines 15126.6 which are stated in the Draft EIR on page 6-1 as follows:

Section 15126.6(f) of CEQA Guidelines states: “The range of alternatives required in an EIR is governed by a rule of reason that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice.” Section 15126.6(f) of CEQA Guidelines further states:

The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project. Of those alternatives, the EIR need examine in detail only the ones that the lead agency determined could feasibly attain most of the basic objectives of the project.

In addition, an EIR is not required to analyze alternatives when the effects of the alternative “cannot be reasonably ascertained and whose implementation is remote and speculative.” (*Ibid.*)

Furthermore, CEQA Guidelines Section 15126.69(d) states that the significant effects of the alternative shall be discussed, but in less detail than the significant effects of the project as proposed.

### **Response to Comment 25-6**

As the proposed project does not directly propose any cannabis-related uses, the EIR does not address the environmental effects of such. Chapter 4.13 of the Draft EIR, on page 4.13-29 presents the travel patterns assumed in the analysis. With regard to population, Chapter 4.11, Population and Housing, of the Draft EIR addresses the anticipated population growth associated with build out of the Draft General Plan.

Letter 26

RECEIVED

AUG 15 2018

Pg 1 of 2

8/14/2018

The Calaveras Planning Commission

Calaveras County  
Planning Department

Peter Maur, Planning Director

Re: The General Plan and the regulations there of

The general plan reflects the rules and regulations that put a burden on those who are here and those who will come here. In a country who fifty years ago could send people to the moon and safely back again . . . we should do better than we have.

Is it intelligent to run machines through the roots of trees dump rocks in the ditches at the tune of how much money? This money say 30 to 40 thousand is added to what they owe on their mortgage and taxes. If the populace is to be healthy and produce able offspring they need as much resources as they can get. Instead they become financial slaves to their sewer lines.

There are as many fees and taxes which are added to such an endeavor. It is really too sad to see county employees realize if they are to get a raise or even keep their jobs they must figure out every angle to seek out enough money in fees and taxes for their job security which is at this point either becoming pot dealers through taxes from marijuana grows or increasing fees that are beyond onerous. This example of sewer lines is relevant to the general plan in that there is the extenuating problem to Calaveras County's potential for growth which funds its governmental operations. Calaveras County is basically a rock. All water runs downhill. It is past time that people look past the stigma of the outhouse and look to science to embrace a renewable resource.

It probably won't happen in my lifetime. We will continue to flush two gallons of water per each elimination wet, dry or both. For some this would use up the 50 plus gallons a day Governor Brown has given us permission to use. What is the definition of insanity?

This fire season has been the absolute worst I can remember. Six people killed-fire moving in 140 mile and hour winds. Now the pendulum will swing back and natural flora and fauna will give way to dessert conditions. It is the forest that generates oxygen and eats up carbon dioxide along with the ecosystem it shares. The more forest whether Rainforest or Ponderosa Fir forests removed the more arid dessert like conditions increase. There is a theory out there that removing trees means you get the water they don't use. This is a very evil fallacy. People in charge think in terms of the careers they have been trained for. It is often hard for them to think of the whole when they are ignorant of some of the pieces. It is the equivalent of being asleep at the wheel.

Meantime forest fires rage summer after summer, and the skies are grey and the air is acrid. In turn a family who manages their trees and vegetation as renewable resources for the critters and to heat their homes is banned from using it because it's a source of pollution.

Just like there were not enough people in Calaveras County to enforce the Marijuana grows there will not be enough people to enforce all these regulations. What will be the result? People will quit trying to better themselves, their surroundings or their communities. In the meantime the formerly permitted growers have done nothing to stem the pot growing of their unpermitted counterparts. They know who they are, where they are growing and the necessary details to abate them yet doing nothing they complain about the situation without sticking their necks out. Nothing is said about taking the risk they

26-1

**Letter 26  
Cont'd**

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**26-1  
Cont'd**

may be taking in turning in unpermitted pot growers in part because they want to keep the negatives that go along with pot growing to a minimum in hopes they can sway public opinion in their favor and persuade the County Board of Supervisors to vote out the ban. If the formerly permitted growers are unwilling to report the pot growing the general public is even less willing to report such activities. I spoke to one person that has 4 formerly permitted and 2 unpermitted grows in close vicinity of where she lives. They have had at least one burglary and she thinks that's why they have huge lights on at night and other problems but no inclination to turn them in. Fear of retributions is real. Anyone who attends Supervisor's meetings should know. The pot folks think nothing of intimidating people who are opposed to their choice of trying to make money from a schedule 1 drug that addicts and drugs up children and young people.

The new laws that make it 'legal' in California by pot proponents spending 33 million dollars versus the 3 million the antipot sector was able to drum up. Citizens who have been publicly opposed to pot are cat called, their cars are sabotaged repeatedly, they are told by a pro potter as they get out or into their cars that they know where they live, roads have been closed by pot growers. Warehouses and commercial type buildings have proliferated up off the beaten track. Gerry rigged airports have sprung up throughout the county so the product does not have to access the roads. Truckloads of it going down the road.

The victims of the Butte Fire are further victimized by their properties being reassessed at 2 to 3 times more than it had been because it is legal to do so. If they try to replace their home that too will be assessed without the protection of Proposition 13. The reason the properties were sold so much higher than formerly assessed is people came here with the idea of growing pot and purchased fire scorched properties at much higher prices. This affected all like properties.

How does this all affect the general plan? . . . How could it not? County employees are asked to abate properties of pot growers because in Calaveras County pot growing for profit is now illegal. The county employees cannot help but become sensitized to infringing on what would otherwise be the sacrosanct Calaveras County private property rights not to mention the inspection of homes formerly sacrosanct. Remember the aforementioned of fees and regulation violations generate revenue.

The General Plan is affected in that Tourism is an important revenue source. The general public in Calaveras County is its best ambassadors. Their well-known warm hearted friendliness increases the value of Calaveras County as a place to visit versus the in your face attitude of brashness and self entitlement by at least some of the pot industry.

Sincerely,



Patricia Gordo

P.O.Box 267

Valley Springs, Ca. 95252

**LETTER 26: PATRICIA GORDO**

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**Response to Comment 26-1**

The comment is specific to the Draft General Plan and does not address the adequacy of the Draft EIR. The comment has been forwarded to decision-makers for their consideration.

**Letter 27**

**INTEGRATED DEVELOPMENT STRATEGIES, INC.**

650B FREMONT AVE, #311  
LOS ALTOS, CA. 94024

August 10, 2018

**VIA EMAIL & US MAIL**

Calaveras Board of Supervisors  
Calaveras County Planning Department  
Peter Maurer, Planning Director  
891 Mountain Ranch Road  
San Andreas, Ca 95249

Dear Supervisors and Director Maurer:

27-1

I have been an owner of a large tract of land in Copperopolis since 1998. I have also been active in the development business in the area and I am very familiar with the tens of millions of dollars that have been invested in the immediate area. During that period, I have seen many positive changes to Copperopolis primarily due to the excellent planning and development activity conducted by Castle & Cooke ("C&C"). It is in that regard that I am writing to comment on the County's draft environmental impact report for its General Plan update.

C&C's development of both Saddle Creek and the Copper Town Square have added greatly to the positive character of Copperopolis and have had major impact on the area's image and desirability. Since 1998, I have watched how C&C has attempted to develop other high-end projects, but they have been delayed due to the out of date General Plan.

27-2

It is important for Calaveras County to quickly and accurately complete the update process and correctly reflect the proposed development areas in the Copperopolis area. In that regard, the County should revise the land use map and associated build-out estimate tables in the general plan update and draft EIR to include the entire Sawmill Lake project and not just a part of it. I am familiar with the errors made in the map and how it does not accurately reflect all the land associated with the Sawmill Lake project.

27-3

Due to the proximity of the Sawmill Lake project to the Copper Town Square shopping center it should be considered in-fill and it will have a positive effect on the area and benefit the retail center and the community with another high-quality development. I have followed C&C's efforts and watched how they attempted to process the Specific Plan for Sawmill Lake only to be denied due to the status of the General Plan after investing millions of dollars in the process in good faith. This has been going on for nearly 10 years and its time to finish the process and correctly and accurately depict the project.

During the same time, C&C has also attempted to process a Specific Plan for the Copper Valley Ranch parcel. As a landowner of property that abuts the Copper Valley Ranch land,



**Letter 27  
Cont'd**

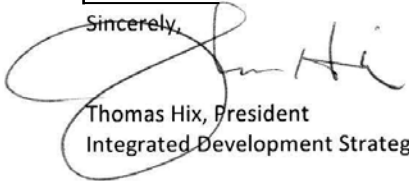
**27-3  
Cont'd**

I urge the County to designate this property as future Specific Plan consistent with C&C's plans for the property. I was very surprised to learn that after all the time, effort and dollars C&C invested in processing the property for the proposed development it is now designated as Resource Production area. The County should designate it as requested by C&C and give the residents of Copperopolis the opportunity in the future to decide how they would like to see the property developed during a public process.

In the future if the Copper Valley Ranch project is developed as C&C proposed, the project would provide benefits to the entire community, including a regional roadway from Lake Tulloch all the way to Highway 4. Additionally, it will add and additional access for the already approved Tuscany Hills project. It is my view that the County should include the Copper Valley Ranch as a Future Specific Plan area in the General Plan update.

Thank you for your consideration of my comments. Please include this letter in the Draft EIR comment section.

Sincerely,



Thomas Hix, President  
Integrated Development Strategies, Inc.

**LETTER 27: THOMAS HIX**

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**Response to Comment 27-1**

The comment is introductory and does not address the adequacy of the Draft EIR.

**Response to Comment 27-2**

Please see Response to Comment 12-2.

**Response to Comment 27-3**

The comment does not address the adequacy or analysis of the Draft EIR.

## Letter 28

Catherine Lambie  
PO Box 64  
Wilseyville, CA 95257  
trnscnd@volcano.net

August 12, 2018

Peter Maurer  
Calaveras County Planning Department  
891 Mountain Ranch Rd  
San Andreas, CA 95249  
[pmaurer@co.calaveras.ca.us](mailto:pmaurer@co.calaveras.ca.us)

RE: Comments on the Draft General Plan DEIR.

Thank you for the opportunity to make a comment.

28-1

\*The community plans are not included in their entirety. The communities of District 2 worked long and hard and came together to produce cohesive, viable community plans ready for inclusion in a general plan. Unfortunately, it was not so in other parts of the county, like Valley Springs or Copperopolis, where people failed to come to an agreement to create a plan.

I would like to see the community plans of District 2 included in a General Plan, with a provision to adopt other community plans at a later date, when they are ready. We should not be penalized for having worked together well and efficiently.

\*Policies that do not commit to reduce impacts are NOT mitigation measures. CEQUA requires that mitigation measures be ENFORCEABLE commitments to reduce or avoid significant environmental impacts. In lieu of mitigation measures, the County proposes a number of policies that do not affirm any commitment to reducing or avoiding significant environmental impacts. For instance:

28-2

IM COS-4I

AT THE COUNTY'S DISCRETION, for development that is subject to a discretionary entitlement and subject to environmental review under CEQUA, the County shall require project applicants to enlist the services of a qualified biologist to evaluate a proposed project's impact on special status species as defined above and DETERMINE WHAT AVOIDANCE MEASURES OR MITIGATION MEASURES ARE WARRANTED to offset or mitigate these impacts to the extent feasible.

**Letter 28  
Cont'd**

**28-2  
Cont'd**

Policy COS 3.9

ENCOURAGE development to be compatible with wildlife movement.

IM COS-4L

The County shall work with applicants to ENCOURAGE preservation or enhancement of upland habitat for wildlife species to the maximum extent feasible on parcels slated for development containing suitable habitat (e.g. areas used for foraging, breeding, dispersal, etc.). Habitat preservation and enhancement SHALL BE ENCOURAGED throughout the County in a way that promotes regional connectivity of open space habitats. The County shall work with applicants to ENCOURAGE development to be compatible with wildlife movement. MITIGATION MEASURES MAY INCLUDE installing wildlife friendly fencing or lighting to minimize interference with wildlife movement. Creek corridors SHOULD BE preserved in undeveloped open spaces or under conservation easements as creek corridors provide linear wildlife corridors through the County. Similarly, if open spaces are to be preserved within developed areas, they SHOULD HAVE connectivity to/with other dedicated or undevelopable open space lands to the extent possible.

These are just a few examples of the weak language used throughout. A General Plan should not be making "suggestions", it should offer clear, enforceable guidelines. I would like to see strong language that guarantees that, for instance in the cases cited above, the County WILL protect the environment.

One does get the impression that the current Board of Supervisors is attempting to create a document as vague and unbinding as possible; how that would serve well the future development of this County is hard to fathom. Instead, the County should treat the general plan as an opportunity to participate in regional, state and federal programs to improve the County's communities, economy and environment.

Please retain a copy of these comments for the administrative record.

Please put me on the list of people to notify when the final EIR is complete.

Sincerely,

Catherine Lambie

**LETTER 28: CATHERINE LAMBIE**

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**Response to Comment 28-1**

Please see Master Response #3.

**Response to Comment 28-2**

Please refer to Response to Comment 33-4 regarding the specificity of Policies and Implementation Measures within the Draft EIR. Additionally, see Master Responses #2 and #3.

## Letter 29

AUGUST 10, 2018

TO: PETER MAURER- CALAVERAS COUNTY PLANNING DIRECTOR  
FROM: GORDON LONG, SAN ANDREAS, CA RESIDENT, EXECUTIVE DIRECTOR OF THE CALFAUNA FOUNDATION

RE: PUBLIC COMMENT ON CALAVERAS GENERAL PLAN UPDATE (GPU)

**The Biological Resources Segment of Section 6 (Conservation & Open Space Element) that uses the Biological Resources Section of the DEIR (section 4.4) as an authoritative source is flawed.** The information in section 4.4 that is being used for foundation purposes of the Calaveras County General Plan Update (GPU) is lacking in consistency, content, and vision. As a Certified Wildlife Biologist (CWB) here are my noted deficiencies, described below:

29-1

1. Inconsistent and confusing use of description of Vegetation & Wildlife Habitats. It appears the report uses the California Department of Fish and Wildlife's (CDFW) "California Wildlife Habitat Relationships (CWHHR) with their California Natural Diversity Database, yet habitat types throughout the document don't adhere to one particular methodology. According to the CDFW, "At present, there are 59 wildlife habitats in the CWHHR System: 27 tree, 12 shrub, 6 herbaceous, 4 aquatic, 8 agricultural, 1 developed, and 1 non-vegetated." Yet un-descriptive habitat types such as "drainages", "coniferous forest", "ruderal", "plantation" "Big Tree Forest", "lakes and rivers", "anthropogenic" are present in this official document. Utilizing unprofessional and chaotic descriptions of habitat types in such important documents is inexcusable.

29-2

2. There is mention within the noted DEIS Section of CDFW's California Essential Habitat Connectivity Project (2009), or the State Wildlife Action Plan Update (2015, if the 2015 version was unavailable at the time of the DEIS publication, the 2005 version should have been referenced). These are important state documents that needed to be addressed in the DEIR and needs to be incorporated into the GPU.

29-3

3. In the discussion of wildlife corridors, there is no mention whatsoever of limiting, or at least managing woven wire fencing of five or taller. These so-called "game -proof" fences are just that—that prevent migratory species from accessing necessary habitat if placed in these corridors. There was also mention of "wildlife-friendly" fence, but no description of what this type of fencing might involve. Fencing that deters wildlife movement has to be addressed in this Section.

29-4

4. Section 4.4-3 of the DEIR and COS 3.5 of the GPU involves oak woodlands. Within this section there is a consistent theme that oak removal requires a later mitigation measure, meaning that removing any oak has a deleterious impact on the environment. In many situations, this is the case. On the other hand, there are times when removing oak trees from an overcrowded, unhealthy site can actually improve oak stand conditions, improve water infiltration to in-ground aquifers, and improve wildlife corridors. We need to conserve oak woodlands, not preserve them. Oak woodlands, if left to be managed in a "preservation mode", lends itself to higher fire danger and decadence than if managed in a wise use scenario. If there is one thing we should have learned from the conifer mortality epidemic that has impacted the Sierra Nevadas since 2014 is that having overstocked tree inventory on marginal and drought-stricken landscapes can be devastating to that particular tree community. Having healthy

**Letter 29  
Cont'd**

**29-4  
Cont'd**

↑ forests, including oak forests, is more dependent of spacing and having enough resources for the trees to prosper than on promoting unnatural, high densities of tree stems.

**29-5**

On a positive side, I am encouraged by the emphasis of the County's desire to cluster development around existing economic and residential centers within the **GPU Land Use Element**. If we want to maintain natural habitats and preserve the outdoor character of our County, supporting development on the periphery and within existing communities and business centers is applauded. Groups and individuals should be given incentives to adhere to this policy, as in reduced county fees and/or taxes, rather than enforce draconian fines if they don't want to adhere to regulatory edicts. In the long run, the County would be in better financial state if we get vibrant growth with annual lower business costs as compared to collecting one-time fines. We want to encourage growth, not deter it. Increase our tax base through spreading the burden, not by charging large fines that don't last, and which are hard to estimate out for future County budgets.

If our County suddenly became a more "business friendly" County in comparison to other Mother Lode and Sierra counties, we should see prolonged growth while steering this development towards existing infrastructure.

The GPU is an excruciating exercise in balance, leadership, and long-range planning. If we can **MANAGE** our county appropriately, we are on solid ground.

Thank you for your time and consideration,

Gordon Long  
Resident  
San Andreas, CA 95249

The CalFauna Foundation  
PO Box 1146  
San Andreas, CA 95249  
Executive Director

**LETTER 29: GORDON LONG**

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**Response to Comment 29-1**

The habitat types are defined under the “Habitat Type Present in Calaveras County” section of Chapter 4.4 on page 4.4-2. In addition, page 4.4-30 of Chapter 4.4 details the method of analysis used to determine the impacts to biological resources, which included the use of CNDDDB and CNPS inventories as well as habitat information provided by CDFW and USFWS habitat maps. As such, language contained throughout the Biological Resources chapter of the Draft EIR is consistent with the above-mentioned databases as well as the Biological Resources report prepared by Monk & Associates, Inc. for the County.

**Response to Comment 29-2**

While the Draft EIR does not call out the California Essential Habitat Connectivity Project or the State Wildlife Action Plan by name, several sections throughout the Draft EIR address the exact goals of the programs. For example, page 4.4-17 in Chapter 4.4, states that establishing connections among natural lands has long been recognized as essential for sustaining natural ecological processes and biodiversity. Policy COS 3.4, found on page 4.4-48, states the following:

Policy COS 3.4 Identify and protect corridors important to wildlife movement and dispersal. (IM COS-4C and COS-4E)

Additionally, Mitigation Measures 4.4-1(a) through 4.4-5(b) provide measures for maintaining and enhancing the integrity of ecosystems. While the Draft EIR cannot include explanations of all conservation-based State programs, the Regulatory Context section of Chapter 4.4, Biological Resources, as well as many additional policies, Mitigation Measures, and discussions in the Draft EIR address the goals of each program discussed above.

**Response to Comment 29-3**

The Draft EIR is a program-level document which allows for exhaustive consideration of effects and alternatives beyond the format typically set for an individual action. Thus, individual projects will be analyzed on a project-level basis in order to determine the impacts to wildlife corridors. IM COS-4L includes suggested mitigation as wildlife-friendly fencing; however, individual projects will be assessed according to CEQA, and mitigated on an individual basis.

**Response to Comment 29-4**

The conservation of Oak Woodlands is discussed on page 4.4-40 in Chapter 4.4 of the Draft EIR. A discussion of PRC 21083.4 states the following:

Additionally, PRC 21083.4 requires a county to determine whether a project within its jurisdiction may result in a conversion of oak woodlands that will have a significant effect on the environment. If a county determines that there may be a significant effect to



oak woodlands, the county shall require one or more oak woodlands mitigation alternatives to mitigate the significant effect of the conversion of oak woodlands. These mitigation alternatives can include recordation of conservation easements, implementation of oak tree planting plans, and/or contribution of funds to an Oak Woodlands Conservation Fund.

Additionally, the Draft EIR is a program-level analysis of the Draft General Plan and does not provide project-specific analysis. Oak woodlands are discussed in Mitigation measure 4.4-3(a) and include many options for mitigation below a significant level. At the time of analysis of specific projects, a qualified biologist would recommend the best mitigation tactics for the area.

**Response to Comment 29-5**

The comment does not address the adequacy of the Draft EIR.

**Letter 30**

COMMENT LETTER  
FOR DEIR AND DRAFT GENERAL PLAN LAND USE MAP

August 13, 2018

Calaveras Board of Supervisors  
Calaveras County Planning Department  
Peter Maurer, Planning Director  
891 Mountain Ranch Road  
San Andreas, Ca 95249

Dear Supervisors and Director Maurer:

I have been a full time resident and active member of the Copperopolis community since 1985, and have had many years of experience as a real estate agent in the area. I am writing to you regarding the County's draft environmental impact report for its general plan update.

During my years of experience in the real estate industry I have become well acquainted with the projects that Castle & Cooke has developed in the area, particularly Saddle Creek and the Copper Town Square, which are two of the most, if not the most, high-end developments in Calaveras County. These are the only two new major projects which have been developed in the Copperopolis – Lake Tulloch region over the last twenty years. These are precisely the types of projects that our County should be encouraging.

With these projects, Castle & Cooke has constructed regional roadways, provided needed housing for the community, and has built a first-class retail center which provides shopping opportunities for residents and visitors alike, and which provides substantial tax revenue to the County.

I have also observed Castle & Cooke's diligent efforts to develop new projects which could greatly benefit the Copperopolis / Lake Tulloch region. These include Castle & Cooke's Sawmill Lake, Vineyards and Copper Valley Ranch projects.

Only a small portion of Castle & Cooke's Sawmill Lake project has been designated for development as a Future Specific Plan area in the County's proposed general plan update. In reality, the Sawmill Lake project is substantially larger than that shown on the County's land use map. I believe the County should revise the land use map and associated build-out estimate tables in the general plan update and draft EIR to include the entire Sawmill Lake project and not just a part of it.

The Sawmill Lake project is located adjacent to the Copper Town Square shopping center, and could provide a synergistic effect which could benefit the retail center and perhaps result in additional commercial opportunities for the area's residents. The County would also be fortunate to have the Sawmill Lake residential area developed as another high-end Castle & Cooke community. I know Castle & Cooke has been trying to process a specific plan for its Sawmill Lake

30-1

**Letter 30  
Cont'd**

**30-1  
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project for many years, so hopefully including it in the general plan as a future specific plan area would advance these commercial and residential opportunities.

Castle & Cooke has also been trying to process a specific plan for its Copper Valley Ranch project for quite some time. Therefore, I was surprised to see that the County had proposed designating this entire 4,350 acre area as a Resource Production area. It seems that the County's general plan, and the project description of the draft EIR should include Copper Valley Ranch as the Future Specific Plan area consistent with Castle & Cooke's proposed plans.

The County seems to have taken the approach that the amount of acreage designated in the general plan update must closely correlate to the County's assumed growth projections. While the general plan update should clearly designate a sufficient amount of land for development to meet assumed growth projections, the reverse is not necessarily true. That is, projected growth should not be used as a limitation on the amount of acreage designated for development in the general plan. This is because not every area designated for development in the general plan will actually be developed. Take for example the Oak Canyon Ranch project which is designated in the general plan update as a Future Specific Plan area, but its owners are now planning to dedicate that area for conservation.

If the Copper Valley Ranch project is developed as Castle & Cooke has proposed, this project would provide many benefits to the community, including a regional roadway from Lake Tulloch all the way to Highway 4 and required secondary access for the already approved Tuscan Hills project. Including the Copper Valley Ranch as a Future Specific Plan area in the general plan update would help to realize the benefits of this desirable project.

Regards,  
Darla Mayer

**LETTER 30: DARLA MAYER**

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**Response to Comment 30-1**

Areas for which approval of a specific plan is deemed reasonably foreseeable (i.e., with application submittal) are included in the Future Specific Plan designation. A conscious decision by Planning staff and the Planning Commission was made to not include some parcels in the Future Specific Project designation due to a number of factors, including potential conflicts with adjacent land uses, access issues, and other site constraints.

Additionally, with regard to the Oak Canyon Ranch Project, the development agreement provides for the following: 2,275 sf of development for units, 1,200 resort units, and 300,000 square feet of specialty retail commercial space. The removal of the project will result in a change in the land use map from adopted Specific Plan to Resource Production for the affected parcels located in the Copperopolis area. The change will reduce the overall density of Copperopolis by 3,475 units and 300,000 sf of commercial space. Thus, the buildout estimate of the Draft General Plan provides a conservative analysis of impacts related to the Draft General Plan.

## Letter 31

### COMMENT LETTER

For DEIR and Planning Commission recommended draft General Plan Land Use Map

August 12, 2018

Calaveras Board of Supervisors  
Calaveras County Planning Department  
891 Mountain Ranch

Dear Supervisors & Director Maurer:

31-1

I am concerned regarding the proposed Planning Commission recommended draft General Plan Land Use Map. I feel it will have a negative impact on economic development, long range planning and water rights in the Copperopolis area. I have specific concerns relating to the downgrading of the future land use designations to Resource Production for APN numbers 53020014, 53021010, 53020013. An application for development entitlements was submitted to the county planning department for lands within these APN numbers as the Copper Valley Ranch project. The project area is adjacent and south of Saddle Creek Resort and the Tuscany Hills project. The community has watched as Castle & Cooke submitted the application for entitlements in July of 2006 and the County deemed the application complete in March of 2007. The County processed the application until 2009 at which time processing was put on hold until the General Plan Update was complete. Castle & Cooke has made it clear they intend to continue processing this project as soon as the County adopts the updated General Plan. I understand that Castle & Cooke has invested over three million dollars in processing and CEQA costs for the Copper Valley Ranch Master Planned development project alone.

31-2

Currently under the 1996 Calaveras County General Plan Land Use Designations Map most of the proposed Copper Valley Ranch project area has a Future Single Family Residential designation. The Planning Commission recommended draft General Plan Land Use Map would downgrade the land use designation for the project area to Resource Production. The project area is a combination of lands owned by Castle & Cooke and the Bruncker family ranch. This area is a portion of the long established Bruncker ranch, Rancharia Del Rio Estanislao, and has been targeted for development for many years. The Bruncker family has intentionally kept this portion of the ranch out of the Williamson Act. In the past there has been much interest to acquire and to create a resort orientated development on the North end of the ranch because of the proximity to the infrastructure of the Copperopolis community, the Lake Tulloch shoreline frontage and the natural beauty of the area. Castle & Cooke being a major developer of recreational / resort type properties recognized the desirability of this location along with their overall planning considerations for the Copperopolis area. This property is also intricately tied with the long range planning for the adjacent communities of Tuscany Hills, Copper Cove and Saddle Creek Resort. The County approved Tuscany Hills with the consideration that the roads of the Copper Valley Ranch project would be part of the desired circulation for Tuscany Hills, Saddle Creek and Copper Cove subdivision. The Tuscany Hills approval was conditioned on development of secondary access via roads through Copper Valley Ranch. The most desirable circulation for this area of the Copperopolis community, which has a large share of the Copperopolis population depends on the Copper Valley

**Letter 31  
Cont'd**

**31-2  
Cont'd**

Ranch approval. The proposed land use designation of Resource Production would not allow for potential future development or at the very least the language will encumber this future entitlement.

There have been many efforts at long range planning done by the Copperopolis Community. I have served on the original effort for a Copperopolis Community Plan, in 1992 that was not able to complete its work. The Community Plan Committee was reformed in 1998 and I served as a committee member and we submitted a final plan in 2009. This plan had a Copperopolis Community Plan Draft Land Use Map which designated this Copper Valley Ranch area as Specific Plan, see attached. I also served on the Lake Tulloch Taskforce that coordinated efforts between the TriDam FERC relicensing and the Shoreline Management Plan for Lake Tulloch with the Community Planning committee and I was associated with the Copperopolis 20/20 Vision study, which contributed to the 2009 Copperopolis Community Plan. I was not a committee member of the briefly reformed Copperopolis Community Plan Committee in 2012 but did share in the process. All of these groups were concerned with good planning practices as it related to the Castle & Cooke projects, Copper Cove, Tuscany Hills and Oak Canyon Ranch. Currently the Airola Family has acquired the Oak Canyon Ranch project from a bank owned situation and has expressed to the Board of Supervisors their intentions of placing the land in an arrangement where development would not be allowed.

The mixed use resort, residential, large parcel and recreationally focused plan, that was proposed for the Copper Valley Ranch is much in line with the Boards economic development goals and all of the past Copperopolis planning process except for the last briefly reconvened Copperopolis Community Plan Committee. Being that the DEIR is available for comment and staff is asking for direction on moving forward with the Environmental Impact Report and the draft General Plan Land Use Map, I would ask that you carefully consider the impact on economic development in Calaveras County and the Copperopolis area. I believe that staff under the Supervisors oversight should assign a new future land use designation comparable to existing designations or more appropriately a Future Specific Plan designation to this project area, this should not increase the scope or cost of the process. There should be caution in basing population growth projections totally on projected Department of Finance population numbers, rather than looking at a long term County planning approach that is focused on where growth should or will happen and what is needed for the County's economic vitality. Staff has made assumptions of densities for entitled and zoned projects, which may or may not be developed to reach hypothetical population totals for the Copperopolis basin and used those totals to put some lands that are more desirable for development into the categories of Resource Production or Working Lands. Copper Valley Ranch and also Sawmill Lakes another Castle and Cooke project fall into this situation. Calaveras County Supervisors should not be willing to accept or plan based totally on DOF population growth numbers that are less than 1 percent per year. Without accurate planning for the Copperopolis basin, infrastructure and water rights cannot be addressed properly. Calaveras County Water District has said regarding perfecting and protecting water rights "This is not the kind of thing you can stand on the sidelines for." Without proper planning to base water discussion arguments on, it seems to me that other areas of the state will take advantage of the situation and claim our water.

The Copper Valley Ranch proposed master planned project is a low-density project approximately 4350 acres with a large portion of the project being open space, one 561 acre parcel is designated as non-developable. The concept is for low-density development along with larger 20 acre Ranchette lots that will provide a buffering effect between the more densely populated areas of the center of the Copperopolis community and the open ranch lands that surrounds Copperopolis.

**Letter 31  
Cont'd**

**31-2  
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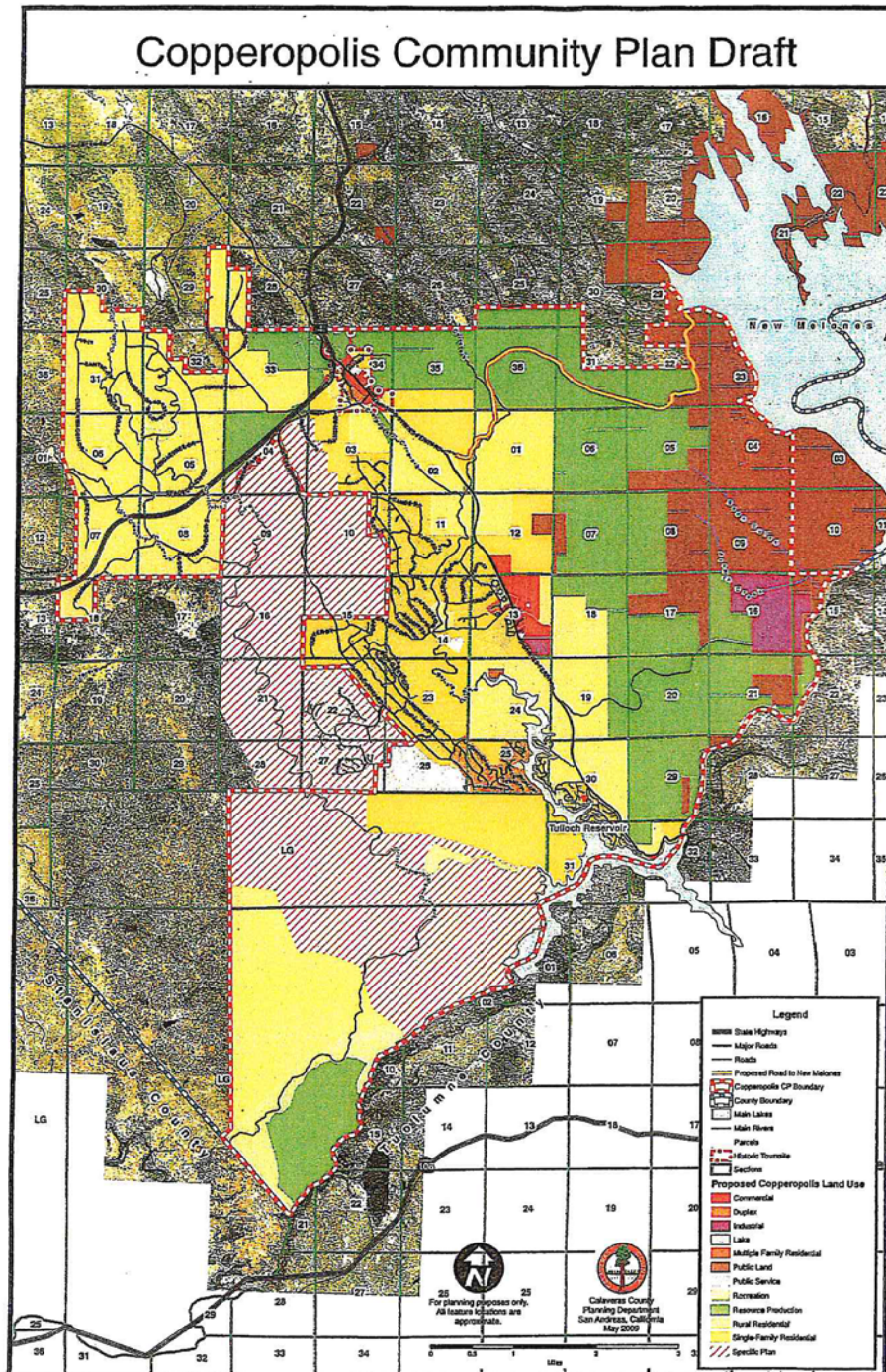
The Calaveras Board of Supervisors has stated that economic development is very important. Calaveras County does not need a short sighted general plan that is not focused on economic development when the County's work force is traveling outside of the county or moving out of the county for work. We need to create jobs so that our children do not have to leave the County for work. The general plan update should put in place appropriate land use designations for viable development parcels so that those properties are included in a workable blueprint for long term future growth and prosperity. Undeveloped projects and lands designated for development may not build out in a predictable manner and may well have revisions and changes over time or not develop at all. Castle & Cooke have made a major commitment in Calaveras County with Saddle Creek Resort, Copperopolis Town Square, Sawmill Lake, Vineyards and Copper Valley Ranch projects. I think it reasonable to consider the value of a stake holder like Castle & Cooke participating in the future of our County and the Copperopolis community. There are very few companies that have the wherewithal or desire to invest its resources in a rural county. Adding projects piece meal over time will not get desirable results and the Copperopolis community will suffer the consequences of missed opportunities because of inadequate planning.

Greg Mayer

1147 Knolls Dr.

Copperopolis, Ca 95228

Letter 31  
Cont'd



4



**LETTER 31: GREG MAYER**

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**Response to Comment 31-1**

Areas for which approval of a specific plan is deemed reasonably foreseeable (i.e., with application submittal) are included in the Future Specific Plan designation. A conscious decision by Planning staff and the Planning Commission was made to not include some parcels in the Future Specific Project designation due to a number of factors, including potential conflicts with adjacent land uses, access issues, and other site constraints. The comment has been forwarded to the decision-makers for their consideration.

**Response to Comment 31-2**

See Response to Comment 31-1.

Letter 32

TO CALAVERAS COUNTY PLANNING DEPT  
ATTN PETER MAURER, DIRECTOR 8:45 AM  
8-10-2018

FROM: JOEL PITTO  
7450 GWIN MINE RD  
VALELY SPRINGS, CA. 95252  
joelpitto@gmail.com  
209 584-4635

RECEIVED  
AUG 10 2018  
Calaveras County  
Planning Department

RE GENERAL PLAN COMMENTS: MINERAL SECTION  
AND ZONING DOWNGRADES

MESSAGE → YOU HAVE IGNORED WISHES AND  
EFFORTS OF PALOMA COMMUNITY GROUP  
→ AS WELL AS FULL CONTRIBUTIONS OF  
ROCKS, GRASS, AND TREES COMMITTEE.  
32-1 → YOU HAVE ELIMINATED WELL THOUGHT  
OUT LANGUAGE OF CURRENT GENERAL  
PLAN REGARDING MINERALS  
→ YOU HAVE CHANGED MY ZONING FROM  
20 ACRES TO 50 ACRES WITHOUT THE  
NECESSARY COMPENSATION TO ME.  
→ YOU HAVE INSURED FURTHER RIBICULOUS  
DELAYS AND GUARANTEED MASSIVE LAWSUITS.  
→ YOU HAVE BLOCKED (POTENTIALLY) 2 PATENTED  
MINE PARCELS (NORTH PALOMA MINE AND  
MESSENGER MINES) GWIN MINE IS 55 ACRES  
→ YOU HAVE VIOLATED PUBLIC TRUST

Joel D. Pitto

**LETTER 32: JOEL PITTO**

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**Response to Comment 32-1**

The comment does not address the adequacy of the Draft EIR.

**Letter 33**

**RECEIVED**

**JUL 31 2018**

**Calaveras County  
Planning Department**

Testimony of Penny Sarvis

Regarding the proposed Calaveras County General Plan and Draft Environmental Impact Report

July 31, 2018

33-1

My name is Penny Sarvis.

I live off Darby Lane between Murphys and Angels Camp, and have lived there 20 years.

I am a retired teacher and minister.

The section of the General Plan and Draft Environmental Impact Report that concerns me is the part concerning greenhouse gas emissions.

33-2

The requirement to reduce greenhouse gas emissions comes from state legislation, particularly Assembly Bill 32, and does not actually derive from the General Plan. But it is addressed in the General Plan and DEIR.

The goal of meeting state requirements is stated in the General Plan.

*COS-4B Greenhouse gas emissions associated with vehicular travel, electric power generation, and energy use in compliance with applicable state goals and standards.*

The main policy for doing so is:

*COS 4.4 Develop and adopt a comprehensive strategy to assist in achieving emission reduction goals of AB 32.*

33-3

The implementation measures presented for achieving these goals do point to an overall strategy but do not provide enough specifics to guide or ensure follow through.

The two main measures provided are:

*IM COS-5B: Undertake a greenhouse gas emissions inventory to establish baseline levels of GHGs generated from all major emissions sources in the County consistent with the requirements of Assembly Bill 32 (California Global Warming Solutions Act of 2006).*

**Letter 33  
Cont'd**

**33-3  
Cont'd**

And, IM COS-5C: *Develop a GHG reduction plan outlining the strategies, goals, and actions for contributing to the overall reduction in greenhouse gas (GHG) emissions consistent with AB 32.*

What are missing from these statements are timelines, steps, reporting procedures and methods that would ensure that the General Plan commitments concerning greenhouse gas emissions are actually followed through on in a timely and publically accountable way.

**33-4**

The Draft Environmental Impact Report gives a pass to all this lack of specificity. I am concerned because the General Plan at the implementation level for these policies is inadequate, and because the DEIR allows that inadequacy to go unaddressed and uncorrected.

Thank you.

**LETTER 33: PENNY SARVIS**

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**Response to Comment 33-1**

The comment is an introductory statement and does not address the adequacy of the Draft EIR. Please see Master Response #6 regarding mitigation for GHG impacts.

**Response to Comment 33-2**

The comment does not address the adequacy of the Draft EIR.

**Response to Comment 33-3**

Please see Master Responses #1 through #3.

**Response to Comment 33-4**

Please see Master Responses #1 through #3.

## Letter 34

**From:** DK Sweet <dksweet@me.com>  
**Sent:** Tuesday, July 24, 2018 10:10 AM  
**To:** Peter Maurer  
**Subject:** Plan update

34-1

The most notable defects in the plan update to me are:

1) The assumption of population growth is baseless. In fact, population is predicted to decline. That's true even without the Board's decision to drive out the legal cannabis industry. The banning of regulated cannabis caused a population exodus of at least a few hundred, and perhaps over a thousand people. There is no indication those people will return.

34-2

2) The language asserting property rights will be respected flies in the face of the fact that hundreds of cannabis farmers right to use their land to cultivate a legal crop were completely denied that right, and by the county itself. The language needs to change to "property rights will be respected except for anyone wishing to use their property to cultivate cannabis." Leaving the language as is reads like Soviet Union-era propaganda asserting Soviet citizens had "freedom of speech." It it's a lie in practice, the language should be removed.

34-3

3) The lack of affordable housing is already severely affecting the service industry in Murphys and other places. Home building for retired people, instead of affordable multi-family rental units for service workers, is a huge mistake. That will increase the average age of this county that is already suffering from too few young families.

Best Regards,

David "DK" Sweet  
[dksweet@me.com](mailto:dksweet@me.com)  
(408) 644-2228 iPhone  
Skype: davidksweet

**LETTER 34: DAVID “DK” SWEET**

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**Response to Comment 34-1**

See Response to Comment 23-1. Additionally, cannabis growth is not considered as part of the Draft General Plan’s population projections.

**Response to Comment 34-2**

The comment does not address the adequacy of the Draft EIR.

**Response to Comment 34-3**

The comment does not address the adequacy of the Draft EIR. Impacts related to population and housing are addressed in Chapter 4.11 of the Draft EIR.



Letter 35

Testimony of Joyce Techel

Regarding the Proposed Calaveras County General Plan and DEIR

July 31, 2018

35-1

- 1) My Name is Joyce Techel
- 2) I live at 2216 Evans Road. I have lived in Calaveras County since 1974.
- 3) I am Owner/Operator of Jay Tee Kennels and I am a member of MyValleySprings.com and CPC.
- 4) I am concerned about the proposed general plan and the FEIR and how impacts on traffic, roads and safety will, or won't, be addressed.

35-2

According to Draft 2017 Regional Transportation Plan (RTP), the CCOG expects to fund the first \$337 million in road projects, but not the other \$363 million in projects. (Draft 2017 RTP, p.68.) The numbers get worse when you look at local capital improvement projects needed to serve additional growth. The CCOG expects to fund only the first \$35 million of local capital projects, and not the last \$196 million of such projects. In addition, the Draft Calaveras County General Plan's Circulation Element keeps roadway level of service standards in place, and only allows very limited exceptions. (Draft Circulation Element, Policy 2.2) Thus, it is reasonable to conclude that these severe limits to transportation infrastructure funding will also limit local development and population growth. We strongly encourage the Draft Calaveras County General Plan to prominently include this information in the information in the introductory section in the circulation element.

35-3

Existing County roads, with no shoulders or drainage, are very unforgiving. Attached is a map of the accidents on Calaveras roads from 2011 to 2016. **A total of 1,537 accidents are noted ranging from fatalities, severe injury, visible injury, injury with complaint of pain, to property damage only.** Accident rates are a measure of the level of safety on county roads. We can no longer accept the failure to fund our roads.

**We don't want to pave the Sierras, but we do need safe roads for residents, tourists, commercial pursuits, pedestrians, and alternative travelers, and also, hopefully, be able to avoid becoming Sonora!**

35-4

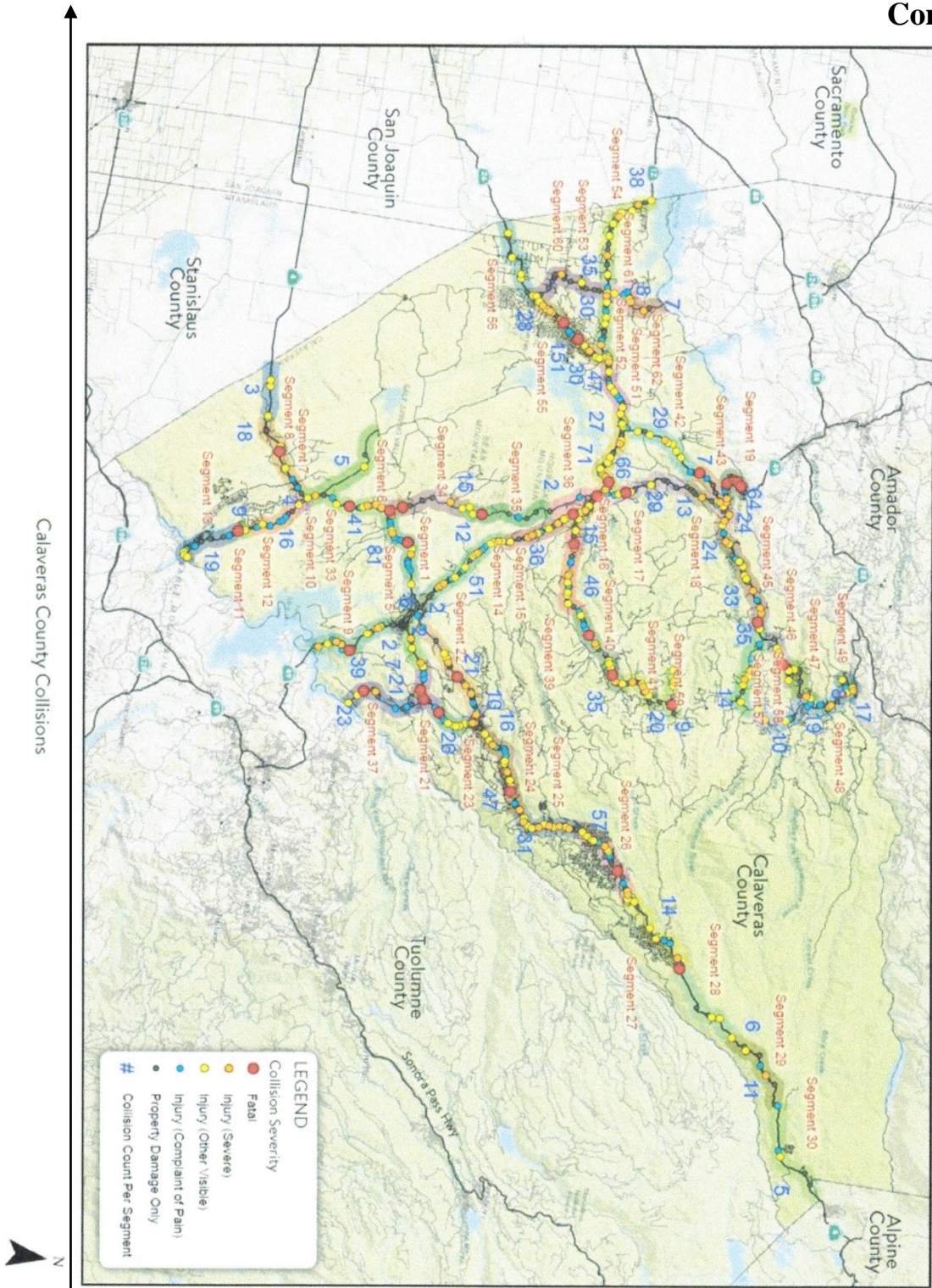
Safer Tri-County Roads Map covers 2011 to 2016

[http://www.safertricityroads.com/uploads/8/7/7/8/87781356/calaveras\\_orig.jpg](http://www.safertricityroads.com/uploads/8/7/7/8/87781356/calaveras_orig.jpg)

**Letter 35  
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7/31/2018

calaveras\_orig.jpg (1078x800)



[http://www.safefircountyroads.com/uploads/8/7/7/8/87781356/calaveras\\_orig.jpg](http://www.safefircountyroads.com/uploads/8/7/7/8/87781356/calaveras_orig.jpg)

Calaveras County Collisions



**LETTER 35: JOYCE TECHEL, AUGUST 3, 2018**

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**Response to Comment 35-1**

Traffic safety is discussed in Chapter 4.13 of the Draft EIR, specifically on page 4.13-6, as well as under Impacts 4.13-2 and 4.13-4. Effects of the proposed project on traffic and roads are addressed on page 4.13-16 through 4.13-35.

**Response to Comment 35-2**

The comment does not address the adequacy of the Draft EIR.

**Response to Comment 35-3**

The comment does not specifically address the adequacy of the Draft EIR. Traffic safety is discussed in Chapter 4.13 of the Draft EIR, specifically on page 4.13-6, as well as under Impacts 4.13-2 and 4.13-4. Additionally, Response to Comment 11-151 revises page 4.13-6 to include the map suggested by the commenter. The revision to text does not affect the conclusions of the Draft EIR.

**Response to Comment 35-4**

The comment does not address the adequacy of the Draft EIR.

Letter 36

**From:** JOYCE TECHEL <kennelnut@att.net>  
**Sent:** Saturday, August 04, 2018 9:32 AM  
**To:** Baptista; Peter Maurer; Tom Infusino  
**Subject:** Fw: Calaveras County Collisions 2011-2016 Map - fyi

36-1

I recounted the accident numbers on 2011-2016 map of accidents in Calaveras County. By marking off each number as I made my list, I discovered a significant error on my part. The new accurate total is 1,647 incidents, rather than 1,537 as reported in my earlier testimony. Please note correction.

Thank you.

Joyce Techel

On Friday, August 3, 2018 6:11 PM, JOYCE TECHEL wrote:

Testimony of Joyce Techel

Regarding the Proposed Calaveras County General Plan and DEIR

July 31, 2018

1) My Name is Joyce Techel

2) I live at 2216 Evans Road. I have lived in Calaveras County since 1974.

3) I am Owner/Operator of Jay Tee Kennels and I am a member of MyValleySprings.com and CPC.

4) I am concerned about the proposed general plan and the FEIR and how impacts on traffic, roads and safety will, or won't, be addressed.

According to Draft 2017 Regional Transportation Plan (RTP), the CCOG expects to fund the first \$337 million in road projects, but not the other \$363 million in projects. (Draft 2017 RTP, p.68.) The numbers get worse when you look at local capital improvement projects needed to serve additional growth. The CCOG expects to fund only the first \$35 million of local capital projects, and not the last \$196 million of such projects. In addition, the Draft Calaveras County General Plan's Circulation Element keeps roadway level of service standards in place, and only allows very limited exceptions. (Draft Circulation Element, Policy 2.2) Thus, it is reasonable to conclude that these severe limits to transportation infrastructure funding will also limit local development and population growth. We strongly encourage the Draft Calaveras County General Plan to prominently include this information in the information in the introductory section in the circulation element.

Existing County roads, with no shoulders or drainage, are very unforgiving. Attached is a map of the accidents on Calaveras roads from 2011 to 2016. **A total of 1,537 accidents are noted ranging from fatalities, severe injury, visible injury, injury with complaint of pain, to property damage only.** Accident rates are a measure of the level of safety on county roads. We can no longer accept the failure to fund our roads.

**We don't want to pave the Sierras, but we do need safe roads for residents, tourists, commercial pursuits, pedestrians, and alternative travelers, and also, hopefully, be able to avoid becoming Sonora!**

Safer Tri-County Roads Map covers 2011 to 2016

[http://www.safetricountyroads.com/uploads/8/7/7/8/87781356/calaveras\\_orig.jpg](http://www.safetricountyroads.com/uploads/8/7/7/8/87781356/calaveras_orig.jpg)

On Monday, April 9, 2018 10:50 AM, Colleen Platt wrote:

Fyi. This is a pretty amazing map of 2011-2016 collisions in Calaveras County.

[http://www.safetricountyroads.com/uploads/8/7/7/8/87781356/calaveras\\_orig.jpg](http://www.safetricountyroads.com/uploads/8/7/7/8/87781356/calaveras_orig.jpg)

The Safer TriCounty Roads website has one for Amador Co., too. <http://www.safetricountyroads.com/amador.html>  
Calaveras has more fatalities than Amador.

Colleen

**LETTER 36: JOYCE TECHEL, AUGUST 4, 2018**

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**Response to Comment 36-1**

The comment is a correction to a statistic previously recorded in Comment 35-3. The correction has been noted.

Letter 37

RECEIVED

JUL 17 2018

To: The County of Calaveras Department of Planning

From: Robert Vera

Date: July 6, 2018

Calaveras County  
Planning Department

37-1

Subject: General Plan (DEIR) Update for Calaveras County needs to incorporate the California Government Codes Section 51175-51189 that mandates the STATE OF CALIFORNIA FIRE PREVENTION FEE under 51181 the director shall periodically review the areas in the state identified as very high fire hazard severity zones pursuant to this chapter and as necessary, shall make recommendations relative to very high hazard severity zones. This review shall coincide with the review of state responsibility area lands every five years and, when possible, fall within the time frames for each county's general plan update. Any revision of areas included in a very high fire hazard severity zone shall be made in accordance with sections 51178 and 51179.

Hello Peter Maurer & Planning Staff,

37-2

As a homeowner and tax payer in Calaveras County I have seen my homeowners insurance go up from around \$ 700.00 dollars a year to over \$ 1,200.00 a year over the last 5 years with no claims. My neighbors are complaining that their insurance keeps rising also. I have no evidence that the insurance companies are using the fact that our homes are located in the CA. State fire hazard severity zone but it makes me suspicious. As you know the State of California created the fire prevention fee that we all paid from 2011 through 2016. Our State when creating the fire prevention fee in Calaveras basically took a paint roller to a map and declared our whole County to be a severity fire zone. I live in the La Contenta Subdivision and I know it to be green belts that fire fighter depend on when fires occur in some of the undeveloped areas around Valley Springs. I know that there are other golf course subdivisions that should also be carved out of any State of California fire prevention fee area. The voters of California will soon be voting on stopping the gas tax that the state started collecting when it temporary stopped collecting the fire prevention fee. The Director of Forestry and Fire Protection should be contacted and directed to complete an update of the areas of our County that were never meant to be included as fire hazard severity zones. Our fire safe subdivisions that have fire hydrants every three of four houses and CC&R's that require all areas to be cleanly moved to prevent fire danger should be excluded from the States of California very high fire hazard severity zones that are still considered to be fire danger areas. Only the fire prevention fee collection has been placed on hold for now so this is the perfect time to correct the maps of very high fire hazard severity zones in our County. I believe the voters of California will vote to end the gas tax in November by a large margin leaving our State with a large hole in its current budget. Because the CA. Fire Prevention Fee was suspended based on the approval of the new gas tax I fear that the State Politicians will quickly vote to return the Fire Prevention Fee to help replace some of those lost funds. The Staff of Calaveras County can easily identify all of the green belt subdivisions and eliminate them from the CA. State very high fire hazard severity zone. Code 51179 (D) clearly states (Changes made by a local agency to the recommendations made by the director shall be final and shall not be rebuttable by the director).

Thank You,  
  
Robert Vera

2612 Silverado Drive Valley Springs, CA. 95252

CC. Gary Tofanelli, Jack Garamendi, Michael Oliveira, Dennis Mills and Clyde Clapp

CALIFORNIA CODES  
GOVERNMENT CODE  
SECTION 51175-51189

**Letter 37  
Cont'd**

51175. The Legislature hereby finds and declares as follows:

- (a) Fires are extremely costly, not only to property owners and residents, but also to local agencies. Fires pose a serious threat to the preservation of the public peace, health, or safety. Since fires ignore civil boundaries, it is necessary that cities, counties, special districts, state agencies, and federal agencies work together to bring raging fires under control. Preventive measures are therefore needed to ensure the preservation of the public peace, health, or safety.
- (b) The prevention of fires is not a municipal affair, as that term is used in Section 5 of Article XI of the California Constitution, but is instead, a matter of statewide concern. It is the intent of the Legislature that this chapter apply to all local agencies, including, but not limited to, charter cities, charter counties, and charter cities and counties. This subdivision shall not limit the authority of a local agency to impose more restrictive fire and panic safety requirements, as otherwise authorized by law.
- (c) It is not the intent of the Legislature in enacting this chapter to limit or restrict the authority of a local agency to impose more restrictive fire and panic safety requirements, as otherwise authorized by law.

37-3

→ 51176.

The purpose of this chapter is to classify lands in the state in accordance with whether a very high fire hazard is present so that public officials are able to identify measures that will retard the rate of spread, and reduce the potential intensity, of uncontrolled fires that threaten to destroy resources, life, or property, and to require that those measures be taken.

51177. As used in this chapter:

- (a) "Director" means the Director of Forestry and Fire Protection.
- (b) "Very high fire hazard severity zone" means an area designated by the director pursuant to Section 51178 that is not a state responsibility area.
- (c) "Local agency" means a city, county, city and county, or district responsible for fire protection within a very high fire hazard severity zone.
- (d) "Single specimen tree" means any live tree that stands alone in the landscape so as to be clear of buildings, structures, combustible vegetation, or other trees, and that does not form a means of rapidly transmitting fire from the native growth to any occupied dwelling or structure.
- (e) "State responsibility areas" means those areas identified pursuant to Section 4102 of the Public Resources Code.

**Letter 37  
Cont'd**

51178.

- (a) The director shall identify areas in the state as very high fire hazard severity zones based on consistent statewide criteria and based on the severity of fire hazard that is expected to prevail in those areas. Very high fire hazard severity zones shall be based on fuel loading, slope, fire weather, and other relevant factors.
- (b) On or before January 1, 1995, the director shall identify areas as very high fire hazard severity zones in the Counties of Alameda, Contra Costa, Los Angeles, Marin, Napa, Orange, Riverside, San Bernardino, San Francisco, San Mateo, Santa Barbara, Santa Clara, Solano, Sonoma, and Ventura. This information shall be transmitted to all local agencies with identified very high fire hazard severity zones within 30 days.
- (c) On or before January 1, 1996, the director shall identify areas as very high fire hazard severity zones in all other counties. This information shall be transmitted to all local agencies with identified high fire hazard severity zones within 30 days.

51178.5.

Within 30 days after receiving a transmittal from the director that identifies very high fire hazard severity zones, a local agency shall make the information available for public review. The information shall be presented in a format that is understandable and accessible to the general public, including, but not limited to, maps.

**37-3  
Cont'd**

51179.

- (a) A local agency shall designate, by ordinance, very high fire hazard severity zones in its jurisdiction within 120 days of receiving recommendations from the director pursuant to subdivisions (b) and (c) of Section 51178. A local agency shall be exempt from this requirement if ordinances of the local agency, adopted on or before December 31, 1992, impose standards that are equivalent to, or more restrictive than, the standards imposed by this chapter.
- (b) A local agency may, at its discretion, exclude from the requirements of Section 51182 an area identified as a very high fire hazard severity zone by the director within the jurisdiction of the local agency, following a finding supported by substantial evidence in the record that the requirements of Section 51182 are not necessary for effective fire protection within the area.
- (c) A local agency may, at its discretion, include areas within the jurisdiction of the local agency, not identified as very high fire hazard severity zones by the director, as very high fire hazard severity zones following a finding supported by substantial evidence in the record that the requirements of Section 51182 are necessary for effective fire protection within the area.
- (d) Changes made by a local agency to the recommendations made by the director shall be final and shall not be rebuttable by the director.



**Letter 37**  
**Cont'd**

- (e) The State Fire Marshal shall prepare and adopt a model ordinance that provides for the establishment of very high fire hazard severity zones.
- (f) Any ordinance adopted by a local agency pursuant to this section that substantially conforms to the model ordinance of the State Fire Marshal shall be presumed to be in compliance with the requirements of this section.
- (g) A local agency shall post a notice at the office of the county recorder, county assessor, and county planning agency identifying the location of the map provided by the director pursuant to Section 51178. If the agency amends the map, pursuant to subdivision (b) or (c) of this section, the notice shall instead identify the location of the amended map.

51180.

For the purposes of Division 3.6 (commencing with Section 810) of Title 1, vegetation removal or management, undertaken in whole or in part, for fire prevention or suppression purposes shall not be deemed to alter the natural condition of public property. This section shall apply only to natural conditions of public property and shall not limit any liability or immunity that may otherwise exist pursuant to this chapter.

51181.

The director shall periodically review the areas in the state identified as very high fire hazard severity zones pursuant to this chapter, and as necessary, shall make recommendations relative to very high fire hazard severity zones. This review shall coincide with the review of state responsibility area lands every five years and, when possible, fall within the time frames for each county's general plan update. Any revision of areas included in a very high fire hazard severity zone shall be made in accordance with Sections 51178 and 51179.

51182.

- (a) A person who owns, leases, controls, operates, or maintains any occupied dwelling or occupied structure in, upon, or adjoining any mountainous area, forest-covered land, brush-covered land, grass-covered land, or any land that is covered with flammable material, which area or land is within a very high fire hazard severity zone designated by the local agency pursuant to Section 51179, shall at all times do all of the following:
  - (1) Maintain around and adjacent to the occupied dwelling or occupied structure a firebreak made by removing and clearing away, for a distance of not less than 30 feet on each side thereof or to the property line, whichever is nearer, all flammable vegetation or other combustible growth. This paragraph does not apply to single specimens of trees or other vegetation that is well-pruned and maintained so as to effectively manage fuels and not form a means of rapidly transmitting fire from other nearby vegetation to any dwelling or structure.

**37-3**  
**Cont'd**

**LETTER 37: ROBERT VERA**

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**Response to Comment 37-1**

The comment does not specifically address the adequacy of the Draft EIR.

**Response to Comment 37-2**

The establishment of fees for fire districts is the responsibility of the individual fire districts, although approval of a fee is subject to approval by the County Board of Supervisors. The County does not have control over the operations of State agencies within the County and the fire district boundaries. While the district and the County may work together to develop an appropriate fee in the future, the establishment of fees is subject to specified procedures under State law and is not controlled by the Draft General Plan or the Draft EIR.

**Response to Comment 37-3**

The comment does not address the adequacy of the Draft EIR.

**Letter 38**

Trevor Wittke  
Po Box 422  
San Andreas Ca  
95249  
trevor@calaverascannabis.org

August 13, 2018  
Peter Maurer, Planning Director  
Calaveras County Planning Department  
891 Mountain Ranch Road  
San Andreas, CA 95249  
pmaurer@co.calaveras.ca.us

RE: Comments on the Draft General Plan DEIR.

Dear Mr. Maurer:

As you know, the General Plan DEIR identifies over two dozen significant impacts associated with development under the General Plan through 2035.

**38-1**

My main concerns are the impacts to our future as a rural County. I grew up on Hawver Road, and lived on Hawver Ranch for many years. I care deeply about our community and the bioregion we inhabit. While I have many concerns and aspirations for how we can envision and build a more sustainable and balanced footprint through our general plan, i am limiting my comments to chapter 4.10 Noise and Vibration.

**38-2**

In particular, I have the following recommendations. I recommend that before the publication of the Final Environmental Impact Review (FEIR) that the County release the Mintier and Harnish draft General Plan Update, the the community plans be incorporated into the GPU and are included in the FEIR. I also recommend the County conduct further fixed noise source

**38-3**

monitoring, consider alternative growth projects, and adopt the proposed mitigation measures while developing additional mitigation measures to address noise impacts on sensitive receptors. I would also encourage the County to consider the impacts of noise pollution on our wildlife and consider the preservation of quiet and serene spaces one of the valuable assets of our community.

**4.10.1 Introduction**

**38-4**

**P. 4.10.1** "The method by which the potential impacts are analyzed is discussed, followed by the identification of potential impacts and the recommended mitigation measures designed to *reduce significant impacts to levels that are less than significant.*"

The characterization of the "recommended mitigation measures" of the potential noise impacts of the proposed project to "reduce significant impacts to levels that are less than significant" is inaccurate. As

**Letter 38  
Cont'd**

**38-4  
Cont'd**

the DEIR acknowledges the noise impacts of the proposed project are “significant and unavoidable” even with mitigation measures (see: Table 4.10-10, Table 4.10-11, P. 4.10-17, P. 4.10-26, P. 4.10-29, P. 4.10-30). The noise impacts associated with the two growth scenarios, Market-Level Year 2035 and General Plan Buildout (Growth Beyond 2035), of the proposed project analyzed by in the DEIR are projected in large part to be significant and unavoidable.

The introduction to “4.10 Noise and Vibration” in the FEIR should more accurately reflect the fact that the environmental noise impacts associated with the proposed project are projected to be significant and unavoidable despite the mitigation measure proposed in the DEIR.

**4.10.2 Existing Environmental Setting**

**P. 4.10 - 3 Existing Sensitive Receptors**

“Some land uses are considered more sensitive to ambient noise levels than others. Land uses often associated with sensitive receptors generally include residences, schools, libraries, hospitals, and passive recreational areas. Noise sensitive land uses are typically given special attention in order to achieve protection from excessive noise. Sensitivity is a function of noise exposure (in terms of both exposure duration and insulation from noise) and the types of activities involved.”

**38-5**

It is unclear where existing sensitive receptors are located. It is also unclear where existing fixed noise sources are located in relation to existing and proposed sensitive land uses.

A map of existing and proposed sensitive receptor land uses as well as their relation to existing and proposed fixed noise sources should be included in the FEIR so that policy makers and the public better understand how and where existing and potential noise impacts will affect sensitive receptors in specific locations in the County.

**P. 4.10 – 6** The existing fixed noise source monitoring results at five location in the county are described in **Table 4.10-3**,

**38-6**

The analysis of existing fixed noise sources is inadequate. First, there is the problem of the limited sample size of only five locations. Second, there is the limited number of analyses of the noise levels under different environmental conditions affecting noise contours. Third, there is a problem of redundancy in the small sample size which only analyzed the stationary noise levels associated with quarry/mine activities and landfill/transfer station activities. This analysis fails to measure the noise levels associated with other stationary noise sources identified within the DEIR (P. 4.10-5, and 4.10-14). The deficiencies in the stationary noise source monitoring analysis conducted by J.C. Brennan & Associates, Inc., 2017 and relied upon for the DEIR fails to accurately describe and disclose the full range of noise impacts associated with existing stationary noise sources in the County.

38-6  
Cont'd

The FEIR should include further analysis of existing fixed noise source to better understand the impacts these noise sources have on sensitive receptors and better inform the public and policy makers regarding the baselines environmental noise impacts associated with fixed noise sources.

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#### 4.10.3 Regulatory Context

##### P. 4.10-11 Local Regulations

“Intermittent and occasional noise from vehicles and outdoor recreational activities is addressed through Chapter 9.02 of the County Code of Ordinances, which establishes exterior noise level standards for various land use types within the County (see Table 4.10-5). The standards apply to private properties, as well as all public spaces and public right-of-way. It should be noted that compliance with all provisions of Subsection 9.02.060D of the Code of Ordinances exempts construction activities from the noise level standards.”

38-7

The existing noise ordinance is not properly understood by the public, nor is it enforced by local officials. Reliance the local noise ordinance is insufficient for purposes of mitigating noise impacts because of the lack of awareness and enforcement. In addition to the noted exemption contained within the noise ordinance, it also typically applied to activities that differ significantly from fixed source, traffic, and ambient noise created by the proposed project and thus the local noise ordinance largely ineffective for addressing the impacts created by the project.

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P. 4.10-16 As noted in the Project Description chapter of this EIR, in addition to the analysis of full buildout, the Noise and Transportation and Circulation chapters of this EIR provide for an analysis of impacts associated with a Market-Level Year 2035 growth scenario. As defined in Chapter 4.13, Transportation and Circulation, of this EIR, the Market-Level Year 2035 growth scenario assumes the addition of 6,374 new dwelling units to the County’s housing stock and addition of 1,560 new employees to the County’s workforce, which is more intensive than the Department of Finance housing growth projections. The Market-Level Year 2035 growth scenario relies on land use allocation created with UPLAN, a simple rule-based growth model developed by UC Davis.

38-8

The Market-Level Year 2035 growth scenario as well as the General Plan Buildout (Growth Beyond 2035) growth scenario project growth scenarios that are incongruent with current trends and other projections such the Department of Finance housing growth projections cited above as well as Department of Transportation data that indicate population decline in the coming years.

38-9

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The General Plan Update as well as the FEIR should include analysis of a no growth scenario and the noise impacts under this no growth scenario. This analysis will help the public and policy-makers better understand the range of possible scenarios and how to best utilize our resources and preserve value within our community given the numerous potential growth scenarios projected for the area.

38-10

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#### 6.4 Impacts and Mitigation Measures

**Letter 38  
Cont'd**

**38-10  
Cont'd**

4.10-1 Exposure of persons to or generation of transportation noise levels in excess of standards established in the Draft General Plan or the County's Noise Ordinance, or applicable standards of other agencies. Based on the analysis below and the lack of feasible mitigation, the impact is *significant and unavoidable*.

p. 4.10 - 17 As discussed in Chapter 4.13, Transportation and Circulation, of this EIR, the Transportation Impact Analysis (TIA) prepared for the proposed project includes two growth scenarios, both of which include more growth than forecast for the County by the California Department of Finance (DOF):

- Market-Level Year 2035 – Assumes addition of 6,374 new dwelling units to the County's housing stock and addition of 1,560 new employees to the County's workforce.
- General Plan Buildout (Growth Beyond 2035) – Assumes addition of 19,979 dwelling units to the County's housing stock and addition of 4,889 employees to the County's workforce. The General Plan Buildout (Growth Beyond 2035) scenario is consistent with the General Plan buildout assumptions described in Chapter 3, Project Description, of this EIR.

Noise levels associated with Market-Level Year 2035 traffic and General Plan Buildout (Growth Beyond 2035) traffic on the local roadway network within the County is summarized in Table 4.10-10 and Table 4.10-11, respectively, along with existing noise levels.

4.10-2 Exposure of persons to or generation of non-transportation noise levels in excess of standards established in the Draft General Plan or the County's Noise Ordinance, or applicable standards of other agencies. Based on the analysis below and the lack of feasible mitigation, the impact is *significant and unavoidable*. 4.10-26

4.10-4 A substantial permanent increase in ambient noise levels in the County above levels existing without implementation of the Draft General Plan. Based on the analysis below and the lack of feasible mitigation, the impact is *significant and unavoidable*. 4.10-29

4.10-5 A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without project. Based on the analysis below, and the lack of feasible mitigation, the impact is *significant and unavoidable*. 4.10 - 30

**38-11**

I am concerned these projections that the population growth projections that the DEIR relies upon overestimate population growth in the County. The projected impacts associated with the project growth shapes public perception and the policy discussion in a way that does not conform to the actual data that indicates population decline in the County over the same projected time period.

**38-12**

The FEIR should include an analysis of a third growth scenario based on the Department of Finance's housing growth projections. The inclusion of this alternative growth scenario would better inform the public of the range of potential outcomes. It will also provide the public and policy-makers better tools for crafting land uses decision to the particular needs of the community given the different projected growth scenarios to maximize the resilience and wellbeing of our community.

38-13

I am also concerned that there is a lack of mitigation measures to address the noise impacts identified in the DEIR. I am concerned by the burden these mitigation measures place on homeowners and sensitive receptors to mitigate the impacts associated with noise levels created by traffic, fixed noise sources, construction related activities as opposed to the producers of the noise.

A wider range of mitigation measures should be considered in the FEIR to allow the public and policy makers to better understand these impacts and who they can be addressed through the land use planning and the General Plan Update process.

38-14

I am concerned that the DEIR has failed to assess the impacts of noise on human health,

“There is sufficient evidence from large-scale epidemiological studies linking the population’s exposure to environmental noise with adverse health effects. Therefore, environmental noise should be considered not only as a cause of nuisance but also a concern for public health and environmental health.” ~ World Health Organization 2011 “Burden of disease from environmental noise Quantification of healthy life years lost in Europe” (Executive Summary p.viii)

“In recent years, evidence has accumulated regarding the health effects of environmental noise. For example, well-designed, powerful epidemiological studies have found cardiovascular diseases to be consistently associated with exposure to environmental noise. In order to inform policy and to develop management strategies and action plans for noise control, national and local governments need to understand and consider this new evidence on the health impacts of environmental noise.” ~ World Health Organization 2011 “Burden of disease from environmental noise Quantification of healthy life years lost in Europe” (Introduction p.1)

“Epidemiological studies on the relationship between transportation noise (particularly road traffic and aircraft noise) and cardiovascular effects have been carried out on adults and on children, focusing on mean blood pressure, hypertension and ischaemic heart diseases as cardiovascular end-points. The evidence, in general, of a positive association has increased during recent years (18–20). While there is evidence that road traffic noise increases the risk of ischaemic heart disease, including myocardial infarction, there is less evidence for such an association with aircraft noise because of a lack of studies. However, there is increasing evidence that both road traffic noise and aircraft noise increase the risk of hypertension.” ~ World Health Organization 2011 “Burden of disease from environmental noise Quantification of healthy life years lost in Europe” (Environmental Noise And Cardiovascular Disease: p.16)

A complete good faith disclosure and consideration of the human health the significant and unavoidable impacts of noise on sensitive receptors should be included in the FEIR.

38-15

These are my concerns regarding chapter 4.10 Noise and Vibration of the DEIR. Thank you for the opportunity to comment on the General Plan DEIR.

Sincerely,

Trevor Wittke

**LETTER 38: TREVOR WITTKE**

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**Response to Comment 38-1**

The comment is introductory and does not address the adequacy of the Draft EIR.

**Response to Comment 38-2**

Please see Master Response #4. The comment requests release of a previous preliminary draft of the General Plan and that the Community Plan be incorporated into the Draft General Plan. However, the comment does not address the adequacy of the Draft EIR and has been forwarded to the decision-makers for their consideration.

Additionally, the referenced Mintier-Harnish General Plan was an administrative draft submitted to the County consistent with the contract that the County entered into with the planning firm. As an administrative draft, the plan was subject to review and editing by the County prior to release to the public. Prior to release, the County determined that the draft was not viable as a guiding policy document for development within the County. County staff found that the Mintier-Harnish General Plan was deficient and needed substantial additional work before it could be considered complete or consistent with policy direction provided by the County Board of Supervisors. However, it was the starting point for subsequent edits which resulted in the Draft General Plan that was released for public comment in 2015.

**Response to Comment 38-3**

The Draft EIR analysis of noise relates to build out of the Draft General Plan at a program level and mitigates impacts to the greatest extent feasible. Because future projects would be assessed on a project-level basis, the locations of all future potential sensitive receptors and stationary noise sources cannot be known at this time. The noise analysis performed by j.c. brennan & associates provides information regarding the location of existing and predicted sources of traffic noise and noise contours beginning on page 4.10-17 of Chapter 4.10 in the Draft EIR.

**Response to Comment 38-4**

Based on the comment, the Draft EIR, on page 4.10-1 of Chapter 4.10, Noise and Vibration, is hereby revised as follows:

The method by which the potential impacts are analyzed is discussed, followed by the identification of potential impacts and the recommended mitigation measures designed to reduce significant impacts to levels that are less than significant where feasible.

The above revision is made for clarification purposes and does not alter the analysis or conclusions of the Draft EIR.



### **Response to Comment 38-5**

The General Plan Land Use Map illustrates the areas of the County with designations that support land uses associated with sensitive receptors. In addition, Figure 4.10-1 on page 4.10-2 of the Draft EIR illustrates the locations of short- and long-term noise measurement locations. Because future projects would be assessed on a project-level basis, the locations of all future potential sensitive receptors and stationary noise sources cannot be known at this time. The noise analysis performed by j.c. brennan & associates provides information regarding the location of existing and predicted sources of traffic noise and noise contours beginning on page 4.10-17 of Chapter 4.10 in the Draft EIR.

### **Response to Comment 38-6**

As it stands, the Draft EIR adequately investigates and discusses the significant environmental impacts of the project throughout the document. The short-term, long-term, permanent, and temporary impacts related to noise exposure are discussed. The intent of conducting noise measurements throughout the County for the Draft EIR is to provide a range of community noise levels that currently exist. Measuring every stationary noise source within the County would be very challenging and time consuming. The community noise survey locations included continuous measurements for a minimum period of 24 hours. In each case, the hourly Leq, L50, and Lmax noise levels were reported. The report also provides a list of additional potential noise sources which the County staff are to be aware when considering projects. In addition, stationary noise source policies and criteria were developed as a part of the Draft General Plan.

### **Response to Comment 38-7**

The comment concerns the effectiveness of the existing noise ordinance and County enforcement, but does not address the adequacy of the Draft EIR.

### **Response to Comment 38-8**

Buildout estimates used throughout the Draft EIR were developed by the County using the County's GIS database system. This estimate is known as "carrying capacity" and represents how much development could occur within the County. A percent of buildout was identified providing a reasonable expectation of the amount of the land area dedicated to the residential land use based on infrastructure and topographical constraints. The determination of impacts is based on buildout of the Draft General Plan in order to provide a conservative analysis. The distribution of land use designations is identified on the Calaveras County General Plan Land Use Map.

### **Response to Comment 38-9**

Section 15126.6(f) of CEQA Guidelines states: "The range of alternatives required in an EIR is governed by a rule of reason that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice." Section 15126.6(f) of CEQA Guidelines further states:

The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project. Of those alternatives, the EIR need examine in detail only the ones that the lead agency determined could feasibly attain most of the basic objectives of the project.

In addition, an EIR is not required to analyze alternatives when the effects of the alternative “cannot be reasonably ascertained and whose implementation is remote and speculative.” (*Ibid.*)

Noise impacts for the existing conditions were analyzed as part of the Draft EIR. As such, a no growth scenario would not require any further analysis beyond what has been analyzed in the Draft EIR.

### **Response to Comment 38-10**

The comment presents the significant and unavoidable impacts detailed in Chapter 4.10, Noise and Vibration, of the Draft EIR, and does not address the adequacy of the Draft EIR.

### **Response to Comment 38-11**

Please see Response to Comment 38-8.

### **Response to Comment 38-12**

Chapter 6, Alternatives Analysis, of the Draft EIR presents an analysis of the DOF Projections Alternative. As shown in Table 6-3 on page 6-26 of the Draft EIR, the DOF Projections Alternative would be expected to result in fewer environmental impacts relative to the proposed project with the exception of impacts to land use and planning, which would be similar to those for the proposed project. Table 6-3 communicates that a majority of the significant and unavoidable impacts determined for the proposed project would still be expected to occur under the DOF Projections Alternative.

### **Response to Comment 38-13**

The comment generally requests additional measures, but does not provide specific suggestions for inclusion. The Draft EIR provides a discussion regarding adequate avoidance, minimization, and mitigation measures to address the project’s significant and unavoidable impacts related to noise on pages 4.10-17 through 4.10-31.

### **Response to Comment 38-14**

The noise analysis presented in the Draft EIR is based on the standards of significance adapted from Appendix G of the CEQA Guidelines. Impacts determined to be significant or significant and unavoidable are prescribed mitigation measures to diminish the associated impact to the maximum extent feasible. Impacts which were found to be significant and unavoidable was due mostly in part to the uncertainty of development through 2035. However, Future development would be subject to individual review and would be required to follow applicable Calaveras

County policies and implementation measures. For example, Policy N.1.5 and IM N-1B establish design procedures and noise reduction strategies which would reduce impacts of exposure to persons of noise levels in excess of thresholds.

In addition, the noise report produced by j.c. brennan & associates for the proposed project (included as Appendix F to the Draft EIR), does not identify significant effects to human health resulting from noise exposure from noise sources such as transportation and air traffic. Furthermore, on a County-wide basis, the impacts of prolonged exposure to excessive noise beyond levels deemed acceptable by the County noise ordinance and General Plan policies would be determined on an individual project level.

**Response to Comment 38-15**

The comment is a conclusion statement and does not address the adequacy of the Draft EIR.

**From:** Lorrie Woodbury <clwoodbury@caltel.com>  
**Sent:** Friday, August 03, 2018 5:27 PM  
**To:** Peter Maurer  
**Subject:** General Plan

**Letter 39**

**39-1**

Dear Mr. Maurer,  
I would suggest that having it in the General Plan to eliminate Green House Gases is a waste of ink.  
Not only is this a useless and unnecessary expense of time and money, it is about as useful as add saving the unicorns.  
Please quit placating the people that want to feel good about something with no regard to reality, unless of course, they will pay for it themselves with their own money out of pocket.  
Tax dollars can be better spent.  
Thank you,  
Chuck Woodbury  
Valley Springs

**LETTER 39: CHUCK WOODBURY**

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**Response to Comment 39-1**

The comment refutes the inclusion of a GHG discussion, but does not specifically address the adequacy of the Draft EIR. It should be noted that, per CEQA Guidelines section 15064.4, the County is required to consider the potential impacts associated with greenhouse gas emissions.

**Calaveras County General Plan DEIR  
Public Comment Hearing Summary**

**Letter 40**

**Date:** July 31, 2018  
**Time:** 6:00 PM  
**Location:** Board of Supervisors Chambers  
891 Mountain Ranch Road,  
San Andreas, CA 95249

**I. Introduction to meeting by Peter Maurer, Planning Director, Calaveras County  
Planning Department**

**II. Verbal Comments (arranged in order of “appearance” of commenter):**

Scott Thayer – Castle & Cooke

- The commenter states that he has two developments and three land holdings in the Copperopolis area, including Copperopolis Town Square and Saddle Creek.
- Commenter refers to page 3-4 of the Draft EIR, specifically the discussion regarding the General Plan update process and how public input was provided to shape the General Plan. The commenter goes on to read an excerpt from the Draft EIR.
- The commenter is concerned because in 2006 land use entitlement applications were filed for Sawmill Lake and Copper Valley Ranch. In 2007, the County considered those applications complete. Sawmill Lake was later denied because the County didn't have the General Plan update in place at the time. Copper Valley Ranch continued through the process, with over \$3 million spent on entitlements, etc., before having to stop the process in 2009 because the County's General Plan update was not in place.
- The commenter states that the Copper Valley Ranch site is designated Single-Family Residential by the current General Plan and was downgraded to Resource Production in the General Plan update, even after the County was aware of the project entitlements, including specific plans, vesting tentative maps, as well as over \$3 million spent on the project. The commenter doesn't understand why the designation was downgraded when the County was aware of the project application.
- The commenter states that he submitted a letter to the County in October 2016, when the draft General Plan update went out for public review.
- The commenter feels that he was left out of the process discussed in the Draft EIR regarding meeting with stakeholders for input on the General Plan update.
- The commenter states that the County has been aware of his business projects for years, yet the projects were not reflected in the General Plan update. The commenter states that the projects need to be addressed in the General Plan update.
- The commenter requests that the Project Description of the Draft EIR include Copper Valley Ranch as a specific plan.

40-1

**Letter 40**

40-1  
cont'd

- The commenter states that the General Plan shown in the Draft EIR does not include all of his properties and that a number of APNs were left out. The commenter requests that the County look into this further.
- The commenter states that Table 3-1 of the Draft EIR includes a specific plan and lists an associated number of units, which he assumes includes Sawmill Lake and another project near Lake Tullock. The Sawmill Lake application included approximately 800 units. The commenter would like the County to confirm that approximately 800 units were assumed in General Plan for Sawmill Lake.

Marti Crane – Valley Springs Resident

40-2

- The commenter states that policies not committed to reducing impacts are not mitigation measures.
- The commenter is concerned with the following policies and states that they do not qualify as mitigation measures:
  - Policy COS-4.10. The commenter takes issue with the language, “the county shall consider mitigation measures.”
  - Policy COS-4.14. The commenter takes issue with the language, “shall investigate.”
  - COS-4-1. The commenter takes issue with the language, “at the County’s discretion.”
  - COS 4-J.
  - Policy COS-3.9.
  - Cost 4-L.
- The commenter states that, because many of the proposed mitigation measures provide no timeframe for the task to be accomplished and that the County can defer these measures indefinitely, they are not enforceable and don’t qualify as mitigation measures.

40-3

- The commenter takes issue with the removal and summarization of community plans, as she is worried about losing details from the community plans as the General Plan gets updated over time. The commenter feels that doing so “misses the mark” and no longer represents the community’s plans. The commenter would prefer the community plans to be included with the General Plan update as appendices in order to retain the work the community has put in for those plans.

40-4

- The commenter returned to the pulpit after other commenters had made their statements and requested that the Mintier Harnish report be made public.

Penny Sarvis – Murphys Resident

40-5

- The commenter is concerned with the GHG Emissions section of the Draft EIR.
- The commenter states that timelines, steps, reporting procedures, methods, standards, or anything to ensure the General Plan commitments stated in the goals and policies are actually followed through in a timely and publicly-accountable way are missing from the Draft EIR.
- The commenter states that the Draft EIR gives a pass to all due to a lack of specificity.
- Commenter is concerned because the General Plan is inadequate and the Draft EIR allows that inadequacy to go allowed and unaddressed.

**Letter 40**

40-5  
cont'd

- The commenter is especially concerned about the GHG issue, because she states that two to four of the County supervisors do not believe global warming is an issue. The commenter requests that specific guidelines be included in order to ensure that something actually happens, as the County has not done anything regarding GHG emissions to date. Further, the commenter states that it has taken 12 years since AB 32 was passed for the County to address these issues.

Liz Gregg –Associate Director & Botanist, Central Sierra Environmental Resource Center (CSERC)

40-6

- CSERC believes that the County will violate State law if it continues to propose the adoption of a General Plan that conflicts with the State Department of Finance (DOF) growth projections.
- The commenter states that the proposed General Plan would permit more than double the amount of allowable development compared the State’s estimated growth projections.

40-7

- The commenter states that the Draft EIR shows the proposed plan is likely to result in 24 separate environmental impacts deemed significant and unavoidable.

40-8

- The commenter is of the impression that the proposed General Plan vastly inflates the amount of growth in the County to accommodate poorly mitigated sprawl development. CSERC feels this inflation has made it impossible to mitigate the significant environmental impacts of the project.
- The commenter states that the General Plan encourages development to expand into agricultural and open-space lands.

40-9

- CSERC feels that the DOF Projection Alternative must be chosen under CEQA, because the Lead Agency is required to adopt an environmentally superior alternative, if feasible. The commenter asserts that the Draft EIR has no mention of failed objectives. The commenter urges the County to adopt the DOF Projections Alternative to protect rural quality of life, agriculture, the environment, and tourism, and to prevent excessive demand on County services, including limited water resources in the County.

Heidi Beswick – Staff Scientist, CSERC

40-10

- The commenter provides a number of examples of ways she states that the Biological Resources chapter of the Draft EIR could be improved. Specifically, the commenter highlights a number of issues she has with the General Plan policies and requests that more specific language with specific requirements be included.
- The commenter states that a number of the policies are weak and not enforceable and requests meaningful mitigation that is enforceable.
- The commenter provides an example regarding riparian and woodland habitat, stating that all new General Plan construction could feasibly occur outside of such habitats. Similarly, the commenter states that the General Plan does not require new development to avoid impacts to wildlife corridors or the County to establish any long-term networks of protected wildlife corridors. The commenter requests that a measure be included that requires meaningful protection for wildlife movement corridors, and provides the following example language:
  - “New development shall be required to maintain the viability of wildlife movement corridors within existing communities.”



**Letter 40**

**40-10  
cont'd**

- “New development shall ensure that buffers of a minimum of 75 feet from the centerline of a stream are left undisturbed along existing corridors.”
- “Outside of existing communities, buffers of a minimum width of 100 feet from the stream shall be left undisturbed.”
- “Where additional major wildlife movement corridors are identified by the CDFW, appropriate protection of those corridors shall be required.”
- The commenter states that the example language is more enforceable.
- The commenter summarizes that CSERC requests stronger language in the General Plan policies and implementation measures in order to ensure better protection of biological resources.

John Buckley – Director, CSERC

**40-11**

- The commenter states that detailed written comments will be provided by the CSERC, but wants to present general comments.
- The commenter states that the Draft EIR was well-written, but states that the mitigation measures should be worded to make up for significant impacts.
- The commenter feels frustrated, as CSERC has been involved in planning within the County, including regarding the General Plan update.
- Commenter states that the County is coming close to approving a plan that does not come close to meeting clear legal requirements, which could result in a challenge and the County going back to the drawing board.
- The commenter states that it is important for the County to chose a legally solid alternative, and states that the Department of Finance Projections Alternative meets that criteria, is the environmentally superior one, and could be the basis for the County moving forward, which would provide adequate protection of the County’s rural values.
- The commenter states that the Draft EIR has adequately discussed the significant and unavoidable impacts, but has not adequately included feasible and reasonable measures that would diminish the significant and unavoidable impacts.
- The commenter reinforces his concern with mitigation language used such as “encourage”, “may”, and “should.”
- The commenter states that the key point he is attempting to convey is that the CSERC supports the adoption by the County of feasible and meaningful mitigation measures so that those considering development know ahead of time what they can expect, they can plan and design their projects accordingly, and with clear and enforceable mitigation, the General Plan can stand up to legal challenge.
- The commenter provides the example that there is currently no requirement in the General Plan directing new development to be located within or adjacent to existing communities and states that the Draft EIR identifies a significant and unavoidable impact related to such. The commenter states that, accordingly, there is no reason that the General Plan should not have a clear policy directing new development to be located as such, allowing for exceptions and providing steps that lead to some action to mitigation.
- The commenter states that if there are measures that could greatly reduce impacts, it’s essential for the Draft EIR to identify that.

**Letter 40**

**40-11  
cont'd**

- The commenter notes that the CSERC has been involved in Castle & Cook projects and suggest that the County look into whether the General Plan adequately reflects such projects.
- The commenter states that it will be a great burden to defend a new General Plan if the General Plan begins to provide “wish-list changes” to benefit proposed development projects that need to be evaluation on their own CEQA merits, separate from approval by the General Plan process.
- The commenter is concerned that the General Plan is highly inflated compared to any of the evidence or expectations from the State, would allow development that would create sprawl into woodland habitat, and would have significant and unavoidable impacts to a wide range of resources.
- The commenter urges the County to step back from approving a General Plan that allows unrealistic and unfeasible growth and consider an alternative that is consistent with anticipated growth and provides for a reasonable amount of development.

Joyce Techel – Calaveras County Resident

**40-12**

- The commenter is concerned about impacts related to travel, roads, and safety.
- The commenter states that severe limits to local infrastructure funding will also limit local development and population growth.
- The commenter encourages that the General Plan include this information in the Circulation Element.
- The commenter states that many accidents occur on Calaveras County roads and accident rates are an unacceptable effect of the failure to provide better funding for roads.

Vicky Rencle – Angels Camp Resident

**40-13**

- The commenter expresses that the General Plan is more of a “central plan”. This concerns the commenter, as someone who believes in free markets.
- The commenter believes that the General Plan takes away the rights of individual property owners by setting predetermined use of individual property.
- The commenter states that the General Plan should be general to accommodate future growth as the free market determines.
- The commenter requests that the General Plan be written in very general terms and should not lock-in decisions that will be made in the future, and should leave open options for private property owners to develop and use their property as they determine, within reason. The General Plan

**40-14**

- The commenter asserts that the General Plan needs to allow for business to expand as the market determines, for private industry to harvest resources from Calaveras County that are the economic engine of the County, and for houses to be built as the population and markets determine.
- The commenter asks the question, “What is mandatory in these EIRs?” and “What are “minimum requirements” for the General Plan?”
- The commenter feels that the County Board of Supervisors should be more involved in the General Plan update process.

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### Jack Norton – Calaveras Planning Coalition (CPC)

40-15

- The commenter's primary concerns are with Chapter 4.2 of the Draft EIR regarding agriculture.
- The commenter states that the Draft EIR lists three documents used in the agricultural impact analysis. The CPC submitted numerous additional resources as part of scoping comments that were not included in Section 4.2.1 of the Draft EIR. The commenter requests that those reference materials be included in the Final EIR.
- The commenter also states that it is not enough to merely evaluate the impacts of buildout of the General Plan as mapped. The General Plan policies also determine the ease or difficulty of amending the General Plan map to convert additional agricultural lands to other developed uses. Stronger policies limiting the conversions of agricultural lands can mitigate this impact. For example, Figure 4.2-1 maps agricultural land currently in Williamson Act Preserves that is in non-renewal status. The commenter requests that the Final EIR evaluate the potential agricultural land conversion impact of having minimal limits on the conversion of agricultural lands, and having no established programs and/or standards to mitigate such project impacts. If not, the commenter requests that a note be included in the Executive Summary that the need to acknowledge past conversion of agricultural land is a controversy.
- The commenter reads a statement from page 4.2-2 of the Draft EIR regarding the amount of farmland remaining consistent between 2012 and 2015 and states that this is far too short a time frame to demonstrate the conversion of farmland to other developed uses over time. A longer time frame is needed to put the potential impacts of a long-term general plan into perspective, and to evaluate the cumulative impacts of agricultural land conversion over time. The commenter requests that these numbers be included in the Final EIR.
- The commenter has the following comments regarding the discussion associated with asbestos on page 4.2-11 of the Draft EIR:
  - The conversion of mineral lands to other uses could result in otherwise undisturbed asbestos-bearing rock being graded for development under conditions in which the asbestos emissions are less controlled than in mineral production. The commenter requests that this potential impact of the conversion of mineral lands to developed use be noted in the Final EIR. If not, the commenter requests that a note be included in the Executive Summary that the need to acknowledge the conversion of mineral lands is a controversy.
- The commenter has the following comments regarding the Regulatory Context section of Chapter 4.2 of the Draft EIR, starting on page 4.2-12 of the Draft EIR:
  - The Draft EIR identifies as part of the existing setting the Regulatory Context. The commenter states that this section identifies part of the "carrot" (some tax incentives) and the "stick" (regulations) associated with "the carrot and the stick" approach to regulation. However, missing from the Draft EIR is any mention of the many other incentives provided by federal and State governments, private foundations, and that can be provided by local governments. In the post-regulatory era, these incentive programs are an important part of the context in which regulation operates. These incentives provide the opportunity to fund programs for long-term preservation of agricultural and forest lands, as well as the

## Letter 40

products and ecosystem services they provide. Failing to provide this information in the Draft EIR fails to inform the decision makers and the public regarding ways to feasibly fund future impact mitigation and resource conservation programs. For example, the USDA has over 30 programs providing loans, grants and technical assistance to rural communities to improve their economic viability, and thereby maintain their agricultural and forest lands in future production. These include grants for value-added producers, for energy efficiency, for community facilities, for water supply and waste water treatment, for broadband services, and for workforce housing. By actively participating in these grant programs, the County can help keep Calaveras County agriculture productive and competitive in the 21st century, so that owners will keep their lands in production rather than converting them to developed uses. The commenter asks that this be disclosed in the Regulatory Context section of the Final EIR.

- The commenter states that the list of State regulatory requirements in this section leaves out critical regulations that must be disclosed to the decision makers and the public for them to understand the need to mitigate impacts and to include programs to protect agricultural lands in the General Plan Update. CEQA requires that significant impacts to agricultural lands be feasibly mitigated at the project level. General Plan law requires an open space element and an open space action plan that include measures to protect open space, including agricultural lands, whenever feasible. The commenter request that this be included in the Final EIR.
- Page 4.2-14 describes the California Forest Practice Act. In the Final EIR, please disclose in this section that the law provides the opportunity for County governments to propose special timber harvesting rules to address special needs within the County. The Board of Forestry has the authority to accept or reject those rules. This may provide an opportunity for the County to mitigate impacts from private forestry operations.
- The commenter has the following comments regarding the Impacts and Mitigation Measures section of Chapter 4.2 of the Draft EIR:
  - The commenter states that the list of potential impacts from the standard CEQA environmental checklist is only a start of identifying environmental impact standards of significance. Quantified thresholds are needed to evaluate the significance of impacts, and to identify when mitigation has sufficiently reduced impacts to a level that is less than significant. Please include these in the Final EIR.
  - The commenter requests that the discussion on page 4.2-17 that states the following be mentioned in the Existing Setting part of the chapter: “Agricultural lands provide a variety of important functions and generate a wide variety of benefits to the residents of Calaveras County. For example, agricultural lands produce commodities that generate various economic benefits (in the form of local jobs and revenue), contribute to the aesthetic value of an area (i.e., greenbelts or transition zones), and create a variety of foraging habitats for wildlife species. In addition, the conversion of agricultural land has hydrological implications, as loss of farmland changes the existing watershed and may reduce groundwater recharge areas.”

40-15  
cont'd

**Letter 40**

- The commenter takes issue with the discussion on page 4.2-17 that the commenter asserts says the following: “Development occurring under buildout of the Draft General Plan could potentially eliminate or modify important agricultural resources. In addition, buildout could result in fragmentation of existing agricultural areas. Fragmentation of existing agricultural lands may increase nuisance effects resulting from urban expansion into agricultural areas-also known as edge effects. Edge effects should be self-explanatory, but include noise, dust, odors, and drift of agricultural chemicals. From the agricultural perspective, conflicts with urban development include restrictions on the use of agricultural chemicals, complaints regarding noise and dust, trespass, vandalism, and damage from domestic animals (such as dogs, chickens, etc.). Such conflicts may increase costs to the agricultural operation, and combined with rising land values for residential development, encourage the additional conversion of additional farmland to urban uses.” The commenter states that while this is a nice description of the potential impacts of the general plan, it neither quantifies these impacts nor depicts them on the map. Which changes to the land use map may result in fragmentation of agricultural land? Which changes in the land use designations may have an adverse "edge effect"? Unless decision makers and the public know where these problem changes are, we can't consider ways to reduce their impacts.
- The commenter takes issue with the statement made on page 4.2-18 that the commenter asserts states the following: “Instead, this EIR focuses on potential impacts associated with conversion of agricultural, forest, and mineral resources that would not be protected by the Resource Production or Working Lands designations in the Draft General Plan.” The commenter states that this analysis leaves out the potential under the General Plan for the conversion of lands initially included in the Resource Production or Working Lands designation, but that are allowed to be converted, without specified impact mitigation, under the terms of the General Plan and the Zoning Ordinance. Mere inclusion in the Resource Production or Working Lands designation, in the absence of some other protection, does not guarantee the long-term protection of agricultural and forest lands.
- The commenter sates that many agricultural lands have been converted to developed uses. In many circumstances, development approvals are not on lands initially designated for developed use under the 1996 General Plan, but are the result of General Plan amendments from natural resource lands to developed lands. This is a foreseeable impact of the General Plan that restricts these impacts and does not specify mitigation for these impacts. Thus, the commenter requests that the Existing Setting Section of the Final EIR identify the proportion of past agricultural land conversion that are a result of General Plan amendments, and the proportion of total development that resulted from the conversion of agricultural land. The commenter requests consideration of the impacts if a similar proportion of total development in the future resulted from similar General Plan amendments. Then, the Final EIR should consider ways to mitigate that impact. To fail to do so would be to ignore the most likely means of conversion of

40-15  
cont'd

**Letter 40**

agricultural and forestry land to developed uses as a result of the General Plan Update.

- The commenter quotes a statement from page 4.2-18 of the Draft EIR, which the commenter asserts states he following: “The Draft General Plan includes policies and associated programs that are intended to retain agricultural lands within the County. The Land Use Element of the Draft General Plan includes the following goals, policies, and implementation measures (IMs) related to protection of agricultural, forest, and mineral resources:” The commenter states that the Final EIR needs to explain to decision makers and the public that the County is not legally bound by the broad goals in the General Plan, nor by policy or implementation measures that are optional rather than mandatory. As a result, the goals and optional provisions of the General Plan listed below in the EIR cannot be relied upon as mitigation measures. If this is not made clear to the public and decision makers, they may get the incorrect impression that these General Plan provisions provide more legal protection for agricultural and forestry resources than is the case. For example, the existing provisions in the draft General Plan were all in place at the time the Planning Commission decided to designate an additional 5,000 acres of agricultural land for developed land uses in 2016. Thus, those policies did not effectively protect those agricultural lands from being made available for developed uses.
- The Final EIR should also consider the impacts on agricultural lands as a result of by-right and ministerial approvals that do not get reduced by impact mitigation, and that are not required to comply with the General Plan.
- The commenter quotes a sentence from page 4.2-18 of the Draft EIR as follows: “IM LU-2A Title 17 of the Calaveras County Code - Update the Zoning Ordinance, Title 17 for consistency with the General Plan.” The commenter asks, “What portions of the County Code are not consistent with the new General Plan and will have to be amended to become consistent? What impacts may result while development continues under the obsolete code? Are there ways to mitigate these impacts by restricting certain developments pending the update of the code, or by identifying interim standards in the General Plan that will apply to such development pending the code update?”
- With regard to Policy RP 1.1 and RP 1.2 on page 4.2-18, which the commenter quotes, the commenter asks the following, “What are the compatible uses adjacent to Resource Production Lands, and what are the incompatible uses? Unless these are defined, the decision makers and the public cannot determine the effectiveness of these policies in reducing impacts, and the need to improve their effectiveness. A General Plan is expected to be clear and not vague. What is the appropriate size of lots for incompatible uses adjacent to Resource Production Lands? Unless investors know, they cannot properly participate in the market. Unless decision makers and the public know, they cannot be sure that the policy will be effective, or whether it needs clarification. A General Plan is expected to have such standards, and there is nothing that prevents their use.

**40-15  
cont'd**

**Letter 40**

Tom Infusino – Calaveras Planning Coalition

**40-16**

- The commenter states that the Draft EIR is flawed in many ways and that the CPC will provide more in-depth comments in writing by the August 13<sup>th</sup> deadline.
- The commenter references the 25 significant and unavoidable impacts resulting from the buildout of the General Plan and states that the Plan is expected to make the County worse in 25 ways.
- The commenter asserts that there is still time to amend the General Plan to make Calaveras County a better place.
- The commenter cites that 2,500 working-aged people in the County do not have a high school diploma or GED. He blames the lack of State-funded County library literacy programs in the County for these individual’s lack of employment.
- The commenter states that the per capita retail sales revenue is half that of the California average. He states the Small Business Administration offers low-interest loans to help expand businesses and recover damaged businesses. He states, “Let’s get that money and help our businesses thrive.”
- The commenter states that the California Department of Housing and Community Development offers funds to help senior citizens maintain their homes and offers funds to help produce affordable housing for working singles and families. The commenter notes that receiving these government funds would allow residents to spend money and aid the County by way of increased sales tax revenue.
- The commenter states that the California Department of Water Resources has State bond funds available to maintain water and sewer infrastructure for disadvantaged communities. He suggests this would allow the community to survive and grow without such large rate increases.
- The commenter goes on to cite other State-funded programs to improve economic viability and maintain agricultural land.
- The commenter asserts that by putting these actions into the General Plan, there would not be 25 adverse impacts.

Patricia Gordo

**40-17**

- The commenter’s main concern is related to fires and the associated aftermath of fires.
- The commenter states that wildlife and the habitat for wildlife will suffer as a result.
- The commenter requests that development already in the process should be allowed to move forward.

Antonie Wurster – Calaveras County Resident

**40-18**

- The commenter states the process for creating General Plans in Hawaii is much more cooperative.
- The commenter states that many of the plans only work in an urban area and do not apply to rural areas like Calaveras County.

**40-19**

- The commenter provides opinion that using LOS for traffic is a good idea, but the idea of using vehicle miles traveled is not. The commenter states that it is not applicable to a rural area that does not have transit-oriented development.

**Letter 40**

- 40-20**
- The commenter suggests that there may not be any growth in the area due to the high fire danger, too strict water regulations, and no good jobs, and suggests including a non-growth alternative.

Benjamin Stopper – Calaveras County, District 5

- 40-21**
- The commenter takes issue with the land use designations put forth in the General Plan.
- 40-22**
- The commenter is interested in preserving water rights through the State of California. The State of California has more water rights than the State has water storage, which creates a drought situation every other year. The commenter asserts that the burden of retaining water rights lies within the General Plan.
- 40-23**
- The commenter states the importance of finishing the General Plan for the future and asks that comments are addressed so that a united conclusion can be made. The commenter wants to maintain prosperity and quality of life throughout the County.



**LETTER 40: JULY 31, 2018 PUBLIC COMMENT HEARING, MULTIPLE SPEAKERS**

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**Response to Comment 40-1**

See Responses to Comments 12-2 and 12-3.

**Response to Comment 40-2**

See Master Responses #1 and #3.

**Response to Comment 40-3**

See Master Response #4.

**Response to Comment 40-4**

The comment does not address the adequacy of the Draft EIR.

**Response to Comment 40-5**

Please see Master Response #6.

In regards to the comment about lack of specificity, the Draft EIR is written as a program-level document and cannot necessarily mitigate or analyze all issues as a whole. The Draft EIR provides mitigation that is all encompassing, but CEQA level analysis will be required for individual projects.

**Response to Comment 40-6**

As stated in the Project Description of the Draft EIR, the estimate of population buildout was developed using the County's GIS database system. The estimate is known as "carrying capacity" and represents how much development could occur within the County over the life of the Draft General Plan using a set of described parameters. The "carrying capacity" does not represent actual buildout nor does the estimate express with any certainty what will in fact occur. The purpose of the Draft General Plan is to manage the most recent population growth, employment, and housing projections in an orderly manner. Given that the anticipated carrying capacity is greater than the DOF projections for 2035, the Draft General Plan ensures a conservative analysis of the environmental impacts related to population growth.

**Response to Comment 40-7**

The comment notes that the Draft EIR identifies 24 significant and unavoidable impacts related to the Draft General Plan. The comment does not address the adequacy or analysis of the Draft EIR.

**Response to Comment 40-8**

Please see Response to Comment 14-24.

**Response to Comment 40-9**

See Response to Comment 14-8.

**Response to Comment 40-10**

Please see response to Comment 14-3.

Additionally, please see Master Response #2.

**Response to Comment 40-11**

See Response to Comment 40-9, Response to Comment 10-1, Master Response #2, and Response to Comment 12-2.

**Response to Comment 40-12**

See Responses to Comments 35-2 and 35-3.

**Response to Comment 40-13**

Please see Response to Comment 8-1 and Master Response #2.

**Response to Comment 40-14**

The following is an excerpt from page 1-1 in the Introduction chapter of the Draft EIR:

The Draft General Plan EIR was prepared in accordance with CEQA. As required by Section 15121 of the CEQA Guidelines this EIR will (a) inform public agency decision-makers, and the public generally, of the significant environmental effects of the project, (b) identify possible ways to minimize the significant adverse environmental effects, and (c) describe reasonable and feasible project alternatives that reduce environmental effects. The lead agency shall consider the information in the EIR along with other written information, maps, or data that may be presented to the lead agency.

The comments regarding the General Plan requirements and Board of Supervisors involvement have been acknowledged and forwarded to the decision-makers for their consideration.

**Response to Comment 40-15**

See Master Response #5, Response to Comment 11-49, Response to Comment 11-52, Response to Comment 11-53, Response to Comment 11-54, Response to Comment 11-138, Response to Comment 11-104.

**Response to Comment 40-16**

See Responses to Comment 10-1 and 10-2.

**Response to Comment 40-17**

See Response to Comment 26-1.

**Response to Comment 40-18**

The comment does not address the adequacy of the Draft EIR.

**Response to Comment 40-19**

The following is stated on page 4.13-10 in Chapter 4.10 of the Draft EIR:

On September 27, 2013, Governor Brown signed Senate Bill 743 (SB 743) and started a process intended to fundamentally change transportation impact analysis as part of California Environmental Quality Act (CEQA) compliance. These changes include the elimination of auto delay, level of service, and other similar measures of vehicle capacity or traffic congestion as a basis for determining significant impacts. The Governor's Office of Planning and Research (OPR) has issued final guidance entitled *Proposed Updates to the CEQA Guidelines* (November 2017), covering the specific changes to the CEQA guidelines. The final guidance recommends elimination of auto delay and level of service for CEQA purposes and the use of Vehicle Miles Traveled (VMT) as the preferred CEQA transportation metric. SB 743 goes into effect after the new rules are adopted by the Natural Resources Agency.

**Response to Comment 40-20**

A No Project Alternative was analyzed as part of the Draft EIR on page 6-6 in Chapter 6, Alternative Analysis. As stated in the analysis, the No Project Alternative would use buildout predictions as per the existing 1996 General Plan and the existing General Plan Land Use Map. The projected development under full buildout of the current General Plan is anticipated to be more severe than the proposed Draft General Plan.

According to CEQA Guidelines, Section 15126.2[d], an EIR must discuss the ways in which a proposed project could foster economic or population growth in the vicinity of the project and how that growth would, in turn, affect the surrounding environment.

**Response to Comment 40-21**

The land use designations are part of the Draft General Plan Land Use Map and do not pertain to the adequacy of the Draft EIR. The comment has been forwarded to the decision-makers for their consideration.

**Response to Comment 40-22**

The comment address State law that would be determined at a level above what is analyzed in the Draft EIR. Thus, the comment does not pertain to the adequacy of the Draft EIR.

**Response to Comment 40-23**

The Draft General Plan has been amended and responses to comments have been addressed in Chapters 2 and 3 of this Final EIR.

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### 3. REVISIONS TO THE DRAFT EIR TEXT

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# 3

## REVISIONS TO THE DRAFT EIR TEXT

### 3.1 INTRODUCTION

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The Revisions to the Draft EIR Text chapter presents minor corrections, additions, and revisions made to the Draft EIR initiated by the Lead Agency (Calaveras County) based on comments received during the public review period by reviewing agencies and/or the public.

The changes represent minor clarifications/amplifications of the analysis contained in the Draft EIR and do not constitute significant new information that, in accordance with CEQA Guidelines, Section 15088.5, would trigger the need to recirculate portions or all of the Draft EIR.

### 3.2 DESCRIPTION OF CHANGES

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Because the Draft EIR already includes text in double-underlined and ~~strike-through~~ format in some areas, all new changes to the Draft EIR text proposed as part of the Final EIR are shown in a red font color, with new text double underlined and deleted text ~~struck through~~. In some instances, new text to the Draft EIR includes revisions to policies or implementation measures of the Draft General Plan as mitigation measure(s). In order to clearly delineate such revisions, the revisions to the policies or implementation measures of the Draft General Plan are shown as double underlined and bold and ~~struck through and bold~~.

Text changes are presented in the page order in which they appear in the Draft EIR.

## 1 Introduction

In response to public comments received on the Draft EIR, page 1-1 of the Draft EIR is hereby revised as follows:

The Calaveras County Draft General Plan Environmental Impact Report (EIR) was prepared in accordance with the California Environmental Quality Act (CEQA), as amended. Calaveras County is the lead agency for the environmental review of the Calaveras County Draft General Plan (proposed project) evaluated herein and has the principal responsibility for approving the project. As required by Section 15121 of the CEQA Guidelines, this EIR will (a) inform public agency decision-makers, and the public generally, of the significant environmental effects of the project, (b) identify possible ways to minimize the significant adverse environmental effects, and (c) describe reasonable and feasible project alternatives that reduce environmental effects. Per CEQA Guidelines Section 15021, a public agency should not approve a project as proposed if there are feasible alternatives or mitigation measures available that would substantially lessen any significant effects that the project would have on the environment. The lead agency shall consider the information in the EIR along with other written information, maps, or data that may be presented to the lead agency.

Page 1-2 of the Draft EIR is hereby revised as follows:

The EIR is an informational document that appraises decision makers and the general public of the potential significant environmental effects of a proposed project. An EIR must describe a reasonable range of feasible alternatives to the project and identify possible means to minimize the significant effects. The lead agency, Calaveras County, is required to consider the information in the EIR, along with any other available information, in deciding whether to approve the Draft General Plan. The basic requirements for an EIR include discussions of the environmental setting, environmental impacts, mitigation measures, alternatives, growth-inducing impacts, and cumulative impacts.

It should be noted that the Calaveras Local Agency Formation Commission (LAFCo) may rely on this EIR as an environmental document for the adoption of future Sphere of Influence updates within the County.

Page 2-4 of the Draft EIR is hereby revised as follows to summarize the areas of controversy identified during the NOP public review period:

Only the Draft General Plan Land Use Map would be altered; the allowable densities for each individual land use designation and all other components of the Draft General Plan would remain unchanged. The Rural Character Protection Alternative would generally meet all of the project objectives.

## **2.6 AREAS OF CONTROVERSY**

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Areas of controversy that were identified in NOP comment letters, and are otherwise known for the region, include the following:

- Population growth projections;
- Potential conversion of agricultural lands;
- Need for buffer zones between agricultural and urban uses;
- Impacts to riparian and terrestrial habitats, including habitats for sensitive species
- Impacts to tribal cultural resources;
- Impacts related to earthquake hazards;
- Health hazards associated with existing mine tailings;
- Coverage under the Construction General Permit for stormwater discharges;
- Direct growth to developed areas as a result of construction of infrastructure, including roads;
- Increases in ambient noise associated with future development;
- Impacts related to increased demand on utilities and public services;
- Impacts to groundwater supply;
- Traffic impacts on County roadways;
- Issues related to consistency with adopted Community Plans; and
- Reasonably foreseeable growth inducement.

The forgoing revisions do not affect the conclusions presented in the Draft EIR.

## 2. Executive Summary

For clarification purposes, Table 2-1 in Chapter 2, Executive Summary, of the Draft EIR is hereby revised to reflect revisions made to mitigation measures as part of this Final EIR, as presented throughout this chapter. Rather than include the entirety of Table 2-1 with revisions shown where appropriate, only the impacts for which mitigation has been revised or added are presented in this chapter. The revisions to Table 2-1 are for clarification purposes only and do not change the conclusions of the Draft EIR. Please refer to the end of this chapter for Table 2-1.

## 3. Project Description

In response to public comments received on the Draft EIR, page 3-6 of the Draft EIR is hereby revised as follows:

Table 3-2 shows a comparison between existing and potential population under three different scenarios – the current 1996 General Plan, buildout of the proposed Draft General Plan acknowledged by the County Board of Supervisors (BOS), and the DOF projections for Year 2035. Based on 2010 census data, currently 45,578 persons reside in Calaveras County, including the City of Angels Camp. For Year 2035, the Draft General Plan horizon year, the DOF projections demonstrate a modest population increase – 9,963 persons – for a total of 55,541 persons. This equates to an annual increment of 399 persons per year. The table illustrates that adequate carrying capacity exists under the proposed Draft General Plan to accommodate the DOF population projections for Year 2035. As shown in the table, buildout of the Draft General Plan would accommodate approximately ~~111,527~~117,045 persons, approximately double the DOF projections for Year 2035. By comparison, the existing General Plan would accommodate approximately 322,900 persons, more than five times the DOF projections.

The forgoing revision corrects an inadvertent calculation error and does not affect the conclusions of the Draft EIR.

### 4.1 Aesthetics

In response to public comments received on the Draft EIR, page 4.1-1 of the Draft EIR is hereby revised as follows:

The 58-mile stretch of State Route (SR) 4 and 89 known as the Ebbetts Pass National Scenic Byway is located in the counties of Calaveras and Alpine, including 24 miles of road within Calaveras County from east of Arnold to the Alpine County line, between Arnold and Markleeville (Figure 4.1-1). In addition, the County contains SR 49, an eligible State Scenic Highway per the California Scenic Highway Mapping System. SR 4 between Arnold and SR 49 is also an eligible State Scenic Highway. Both Ebbetts Pass National Scenic Byway and SR 49 are discussed in greater detail below.

In addition, Footnote 3 on page 4.1-1 of the Draft EIR is hereby revised as follows:



<sup>3</sup> National Park Service. *Guidelines for the Treatment of Cultural Landscapes*. Updated 2007. Available at: <https://www.nps.gov/Tps/standards/four-treatments/landscape-guidelines/index.htm>. Accessed 2018.

Page 4.1-6 of the Draft EIR is hereby revised as follows:

Developing a precise description and definition of a given cultural landscape requires research, inventory, site analysis, and planning work by appropriate landscape architecture, historic preservation, and other design professionals that is beyond the scope of this EIR. Nevertheless, at least ~~three~~five rural cultural landscapes within Calaveras County could be defined in broad terms: ranching landscapes, mining landscapes, ~~and~~ forest landscapes, historic community landscapes, and rural residential landscapes. The aforementioned landscapes are what the NPS describes as “historic vernacular landscapes.” Unlike consciously-designed cultural landscapes, such vernacular landscapes reflect the physical, biological, and cultural character of the everyday lives of individuals, families, or communities in rural areas.

Footnote 4 on page 4.1-6 is hereby revised as follows:

<sup>4</sup> Sierra Business Council. *Planning for Prosperity: Building Successful Communities in the Sierra Nevada* [pg. 13]. 1997.

Page 4.1-9 of the Draft EIR is hereby revised as follows:

Calaveras County is located in the foothills of the Sierra Nevada, between Sacramento and Yosemite on SR 49. Given the County’s proximity to the Sierras, forest landscapes are abundant. National forest lands comprise approximately 12 percent of land within the County. In addition, the U.S. Bureau of Land Management manages approximately five percent of land within the County. These lands include a large portion of the Stanislaus National Forest, Calaveras Big Trees State Park, and the Mokelumne Coast to Crest Trail, which provide recreational opportunities such as hiking as well as serve as refuge for wildlife species in the area. Furthermore, the County includes various other forest landscapes that are privately owned.

The following text is hereby added to page 4.1-11 of the Draft EIR, following the “Forest Landscapes” section:

#### Historic Community Landscapes

Historic communities and rural small towns provide an important tie-in to the history of the Gold Rush Era in Calaveras County. Often, there is not a clear edge between rural historic towns and the surrounding areas, as the towns within the County have evolved, moved, and adapted throughout the history of the County. However, historic communities and rural small towns are an essential component of the rural character of the County.

#### Rural Residential Landscapes

Rural residential landscapes within the County include cabins, second homes, and scattered, remote, large-lot subdivisions built in rural, foothill, and forested areas of the

County. Such development is located outside of the more established communities within the County, and are defined by a lack of urban elements such as sidewalks, commercial development, street lighting. While rural residential landscapes may share similar components with ranching, mining, and forest landscapes, the predominance of single-family residential development within rural residential landscapes constitutes a unique defining characteristic.

Page 4.1-22 of the Draft EIR is hereby revised as follows:

The Draft General Plan is intended to guide development in the County such that the needs of all residents and businesses within the County are met without placing an undue burden on the aesthetic resources of the County. For example, the Land Use Element of the Draft General Plan includes Rural Transition land use designations (RTA and RTB), which identify areas of existing rural neighborhoods. The designations are intended to retain the historic character of rural residential subdivisions that have developed in the County over time and allow for flexible land uses within such areas. RTA and RTB designated land may include non-residential uses such as berry farms, vineyards, vegetable farms, orchards, and other similar small agriculture or forestry operations. The Draft General Plan Land Use Map designates a substantial portion of land as RTA and RTB along Railroad Flat Road, Mountain Ranch Road, and in the vicinity of the Valley Springs community. Elsewhere throughout the County, the Draft General Plan Land Use Map designates much of the land surrounding the County's major thoroughfares as Resource Production and Resource Management. Neither of the two land use designations allow for high intensity urban development, instead encouraging existing agricultural, mineral, and forestry operations. By focusing new, higher-intensity development in existing communities and limiting the intrusion of incompatible development throughout the rural areas of the County, the Draft General Plan would maintain the vividness and intactness of the County's rural residential landscapes and historic communities.

Page 4.1-23 of the Draft EIR is hereby revised to include the following new IM for consideration by the decision-makers:

4.1-2(b) *Implementation Measure LU-5A of the Draft General Plan shall be revised as follows:*

*IM LU-5A Adopt a Telecommunications Facilities Ordinance – Adopt a telecommunications facilities ordinance consistent with the requirements of the Telecommunications Act of 1996 and including provisions for undergrounding, co-locating, and stealth or other creative design methods to minimize the visual impact of these facilities. The ordinance should facilitate the expansion of broadband internet service throughout the county. Furthermore, the ordinance shall require that all new telecommunications facilities, including emergency communications facilities, be masked or otherwise disguised, at the County's discretion, in order to ensure that the facilities blend with the surrounding*

natural environment where such masking will reduce visual impacts.

4.1-2(c) The following new IM shall be added to the Draft General Plan as follows:

IM COS-71 Parks and Recreation Funding – Pursue funding and support efforts to provide funding for local community parks, recreation facilities and trail facilities using available funding sources.

The forgoing revisions do not affect the conclusions presented in the Draft EIR.

## 4.2 Agricultural, Forest, and Mineral Resources

In response to public comments received on the Draft EIR, page 4.2-1 of the Draft EIR is hereby revised as follows:

Agricultural lands provide a variety of important functions and generate a wide variety of benefits to the residents of Calaveras County. For example, agricultural lands produce commodities that generate various economic benefits (in the form of local jobs and revenue), contribute to the aesthetic value of an area (i.e., greenbelts or transition zones), and create a variety of foraging habitats for wildlife species. In addition, the conversion of agricultural land has hydrological implications, as loss of farmland changes the existing watershed and may reduce groundwater recharge areas. Currently, a wide variety of agricultural products are grown and produced in Calaveras County, which allows the County to add to the rich agricultural tradition of California. Many fruit and nut crops, including wine grapes, field crops, vegetable crops, apiary products, nursery crops, livestock and poultry, and timber are part of the Calaveras agricultural industry. Cattle and calves are the County’s leading farm commodity. In addition to cattle and calves, wine grapes and poultry are major contributors to agricultural production.

Page 4.2-2 of the Draft EIR is hereby revised as follows:

With the exception of a slight increase in 2014, the amount of farmland in the County has remained relatively consistent between 2012 and 2015, as shown below in Table 4.2-2. It should be noted that between 2004 and 2012, approximately 59,839 acres of farmland and approximately 23,756 acres of rangeland were put out of production. In 2015, farmland comprised approximately 32 percent of the total land in Calaveras County.

Year	All Farmland (acres)	Land in Agricultural Preserves (acres)	Land in Timber <b>Preserves</b> <b>Production</b> (acres)
2012	201,026	143,000	77,500
2013	201,026	143,000	77,500
2014	212,140	143,000	77,500
2015	212,140	143,000	77,500

*Source: Calaveras County Department of Agriculture, 2012-2015.*

The following revision to text is hereby applied on page 4.2-5 of the Draft EIR:

### **Timber Resources**

As of 2015, the County contained approximately 77,500 acres of land zoned as Timberland Production (TP).<sup>3</sup> ~~Per Section 17.14.010 of the County Code Section 17.14.010 of Ordinances, lands in the TP zone designation are commonly known as timber preserves.~~ A discussion of the Legislation rules and regulations applying to that led the County to adopt the TP zones designation is provided in the Regulatory Context section of this chapter.

Pages 4.2-13 and 4.2-14 of the Draft EIR are hereby revised as follows to provide clarifying information:

#### Forest Taxation Reform Act of 1976

~~The purpose of the Z' Berg-Warren-Keene-Collier Forest Taxation Reform Act (FTRA) of 1976 allows was to correct flaws in the tax code that prevented timberland from being managed in a manner that protected growing timber inventories. The FTRA accomplished this by replacing the method for taxing timber as provided in the State Constitution, Section 3(j) of Article XIII.~~

~~Before implementation of the FTRA the State Constitution, Section 3(i) of Article XIII, allowed a parcel to be removed from the tax rolls for 40 years if 70 percent of all trees over 16 inches in diameter has been removed. Also, trees over 16 inches in diameter were taxed annually as personal property (ad valorem tax).~~

~~In order to implement a new method of taxation per the State Constitution, Section 3(i) of Article XIII, the FTRA had to provide an alternative system of taxing timber, including a taxation system not based on property valuation. Also, the alternative taxation method must provide an exemption for unharvested immature trees, encourage the continued use of timberlands for the production of trees for timber products, and shall provide for restricting the use of timberland to the production of timber products and compatible uses with provisions for taxation of timberland based on the restrictions.~~

~~The FTRA did this by creating the Yield tax to replace the ad valorem tax method for trees and compelled local governments to designate create a Timber Preserve Zone into which qualifying private timberland as a Timberland Production Zone (TPZ). The primary purpose of this Act is to reduce property tax assessments on land used for timber production with the ultimate goal of preserving these lands for timber production. Use of land zoned would be restricted to “growing and harvesting timber and compatible uses.”~~

~~The Yield tax collected from timber harvested within the County is to be returned to the County from which the timber was harvested. A Yield tax applies to all trees harvested whether or not the property is TPZ or another zone. Because the Timber Preserve parcels were restricted to “growing and harvesting timber and compatible uses,” County tax assessors are constrained to valuing the remaining land solely on its soil productivity and on “compatible uses” that may be on the property (Cal RTC § 434). A compatible use means any use that does not significantly detract from the growing and harvesting of~~

timber. The restriction on taxing TPZ land to only its soil productivity (Site Class) and not another “higher or better use”, limits the pressure to convert the property to a “higher or better use”. The land area within TPZ is restricted to timber growing and compatible uses, including outdoor recreation or grazing assessed at a value that corresponds to that use, while the remainder of the parcel will only be taxed on its Site Class.

The TPZ designation lasts ten years. Unless is effective for a rolling period of ten years from the effective date of the ordinance unless the land is taken out of the TPZ, the restriction on use will be renewed each year. The FTRA allows for both additional land to be placed into TPZ (G.C.51112, 51113) and for its removal from TPZ (G.C.51120, 51130).

These tax reforms provided a mechanism for timber owners to maintain a larger timber inventory, grow their timber inventory for longer periods of time, and permitted land owners to plan their harvests based on maximization of stand growth and yield. A secondary benefit of owners growing their trees for longer period after the initial ten years and the landowners continuing to benefit from reduced property taxes. The California Department of Forestry and Fire Protection (CalFire) implements the Forest Taxation Reform Act and passes down that responsibility to the local county agricultural commissioner. Approval of conversion of timberland from TPZ to another designation is carried out by CalFire (Shih 2002). they reach merchantable size, is that it allows those forests to provide important ecosystem services relating to watershed functions and wildlife habitats.

#### Timber Productivity Act of 1982

The California Timberland Productivity Act (TPA) of 1982 (formerly Z’berg Warren-Keene Collier Forest Taxation Act of 1976) (Government Code Sections 51100 et seq.) was enacted to help preserve forest resources. Similar to the Williamson Act, the TPA gives landowners tax incentives to keep their land in timber production by creating Timberland Production (TP) zones. Parcels zoned TP are required to be zoned so as to restrict their use to growing and harvesting timber and to compatible uses. As implemented by Chapter 17.14 of the County Code of Ordinances, parcels included in a TP zone are zoned as such for a rolling period of ten years from the effective date of the ordinance. Per Government Code Section 51133, rezoning from a TP zone requires approval by the State Board of Forestry and Fire Protection.

The Timber Productivity Act (GC § 51100) subsumed the Forest Taxation Reform Act (FTRA), leaving intact the government codes form the FTRA, and adding findings and policy statements relating to California forest resources and timberlands declaring:

- (a) The forest resources and timberlands of this state, together with the forest products industry, contribute substantially to the health and stability of the state’s economy and environment by providing high quality timber, employment opportunities, regional economic vitality, resource protection, and aesthetic enjoyment.
- (b) The state’s increasing population threatens to erode the timberland base and diminish forest resource productivity through pressures to divert timberland to urban and other uses and through pressures to restrict or prohibit timber operations when viewed as being in conflict with nontimberland uses.

- (c) A continued and predictable commitment of timberland, and of investment capital, for the growing and harvesting of timber are necessary to ensure the long-term productivity of the forest resource, the long-term economic viability of the forest products industry, and long-term stability of local resource-based economies.

The Timberland Productivity Act further declares that the purpose is “to fully realize the productive potential of the forest resources and timberlands of the State, and to provide a favorable climate for long-term investment in forest resources.” The Act goes on to provide protection for responsible forest management uses where it states, “timber operations conducted in a manner consistent with forest practice rules adopted by the State Board of Forestry and Fire Protections shall not be or become restricted prohibited due to any land use in or around the locality of those operations.” The legislation then goes on to define many of the terms referred to in the original Z’berg-Warren-Keene-Collier Forest Taxation Reform Act of 1976, including compatible uses. The Act also states that with regard to general plans of cities and counties, “timberland preserve zone” means “timberland production zone.”

#### California Forest Practice Act (CFPA)

The California Z’berg-Nejedly Forest Practice Act was enacted in 1973 to ensure that logging is done in a sustainable manner that will preserve and protect our fish, wildlife, forests, and streams “encourage prudent and responsible forest resource management, calculated to serve the public’s need for timber and other forest products, while giving consideration to the public’s need for watershed protection, fisheries and wildlife, sequestration of carbon dioxide, and recreational opportunities alike in this and future generations” (PRC 4512). The intent of the Act was to “create and maintain an effective and comprehensive system of regulation and use of all timberlands so as to ensure both of the following: (a) Where feasible, the productivity of timberlands is restored, enhanced, and maintained; and (b) The goal of maximum sustained production of high-quality timber products is achieved while giving consideration to values relating to sequestration of carbon dioxide, recreation, watershed, wildlife, range and forage, fisheries, regional economic vitality, employment, and aesthetic enjoyment” (PRC 4513).

The CFPA is applicable to all commercial harvesting activities conducted by landowners of small parcels and large timber companies alike. A Timber Harvesting Plan (THP) is required for all commercial timber harvesting within California. The CFPA outlines all of the requirements and contents of a THP. The THP serves as the environmental review document submitted by landowners that outlines what timber will be harvested, the methods used for harvesting, and the measures taken to prevent impacts to the environment (CDF 2007a).

CalFire is responsible for enforcing the laws that regulate logging on privately-owned lands in California. CalFire and the State Board of Forestry and Fire Protection are responsible for approving THPs. THPs are prepared by Registered Professional Foresters (RPFs) who are licensed to prepare these plans practice forestry in California. Once a THP is approved, CalFire inspectors periodically inspect the logging operation to ensure compliance with the approved THP and all laws and regulations. When a THP operation has been completed, the timber owner, or the owner’s agent, is responsible for submitting a completion report to CalFire. CalFire then inspects the area to certify that all rules were followed. The landowner is also responsible for restocking (or replanting) the area according to the Forest

Practice Rules requirements. ~~Two-Three~~ THPs in Calaveras County were submitted to CalFire for public review and approval in ~~November of~~ 2017. The ~~two three~~ THPs range in size from approximately 26 acres to 325 acres, respectively are identified as 4-17-010CAL, 4-17-011CAL, and 4-17-013CAL.

It should be noted that the California Forest Practice Act allows local county governments to proposed special timber harvesting rules, as necessary, to address needs specific to the county. The State Board of Forestry and Fire Protection has the authority to accept or reject such special rules.

Page 4.2-22 of the Draft EIR is hereby revised as follows:

Mitigation Measure(s)

Implementation of the following mitigation measures would reduce the above impact associated with the conversion of agricultural land to non-agricultural use. ~~Nonetheless, even with mitigation, easible mitigation measures do not exist beyond the goals and policies included in the Draft General Plan. Therefore,~~ the impact would remain *significant and unavoidable*.

4.2-1(a) ~~IM RP-E of the Draft General Plan shall be revised as follows:~~

~~IM RP-IE~~ Mitigation for ~~Resource Production Land~~ **Agricultural Land Conversions** – Establish mitigation alternatives for the conversion of resource production land to nonresource production uses. In addition, the County shall establish mitigation program guidelines for conversion of agricultural lands, regardless of General Plan land use designations. The mitigation program guidelines shall provide for mitigation of agricultural land conversion at a 1:1 ratio, either by direct acquisition of a conservation easement or an alternative method of mitigation, including, but not limited to, purchase of banked mitigation credits. For the purpose of mitigation, “agricultural land” shall be defined as follows:

- If the California Department of Conservation Farmland Mapping and Monitoring Program (FMMP) has published official mapping data for Calaveras County, 1:1 mitigation shall be provided for Prime Farmland, Unique Farmland, and Farmland of Statewide Importance, as defined by the U.S. Department of Agriculture (USDA) land inventory and monitoring criteria, as modified for California.
- Consistent with Public Resource Code Section 21060.1(b), in areas of the County where FMMP official mapping data is not available, 1:1 mitigation shall be provided for land that meets the requirements of “prime agricultural

land” as defined in paragraph (1), (2), (3), or (4) of subdivision (c) of Section 51201 of the Government Code.

In the interim, the County will utilize the Calaveras County Agricultural Coalition Resource Production Lands Mitigation Program Guidelines, prepared November 8, 2011 (Appendix B).

4.2-1(b) IM RP-1A of the Draft General Plan shall be revised as follows:

IM RP-1A County Code Amendments – Amend the County Code to:

- Incorporate guidelines and standards for the development and maintenance of setbacks or other measures designed to minimize conflicts between activities conducted on Resource Production Lands and the encroachment of incompatible uses.
- Establish minimum parcel size standards for new lots to be created adjacent to Resource Production Lands.
- Incorporate guidelines for residential development on Resource Production Lands.
- Expand the types of agricultural tourism and other compatible non-traditional activities allowed on Resource Production Lands to enhance their economic viability.
- Require a 300 foot to 500 foot buffer (on lands within the development area) from the boundary of an adjacent agricultural use. If such a buffer is deemed infeasible by the County, require a combination of a lesser buffer, tall fencing, and tree plantings along the boundary to limit adverse effects related to noise, dust, trespass, and pesticide/herbicide overspray. Such a proposal must be supported by the Agriculture Advisory Committee, County Agricultural Commissioner, or other recognized authority.

The forgoing revisions do not affect the conclusions presented in the Draft EIR.

### **4.3 Air Quality and Greenhouse Gas Emissions**

In response to public comments received on the Draft EIR, Footnote 8 on page 4.3-15 of the Draft EIR is hereby revised as follows:

<sup>8</sup> California Air Resources Board. *Air Quality and Land Use Handbook: A Community Health Perspective* [pg. 1 to 32]. April 2005.

The population estimates presented on page 4.3-28 of the Draft EIR are hereby revised as follows to provide consistency with Chapter 3, Project Description, of the Draft EIR:



Per the 2017 Scoping Plan, Countywide GHG emissions are considered on a per capita basis. The emissions estimation completed for the Draft General Plan assumed buildout of the Draft General Plan by the year 2035 to present an environmental worst-case scenario. As discussed in Chapter 3, Project Description, of this EIR, buildout of the Draft General Plan could potentially accommodate a population of ~~411,527~~117,045. Because the emissions estimation assumes buildout of the Draft General Plan in year 2035, for the purposes of emissions analyses, the County’s population was assumed to be ~~411,527~~117,045 under year 2035 buildout conditions. It should be noted that as discussed in Chapter 3, Project Description, of this EIR, growth projections for the County would result in a much lower population projection for year 2035. However, for the purposes of analyzing potential air quality and GHG emissions, assuming full buildout of the Draft General Plan provides a more conservative approach to analyzing potential emissions. Thus, if development within the County leads to a population similar to the 2035 projection rather than the full buildout population of ~~411,527~~117,045, Countywide emissions would likely be less than the emissions analyzed in this chapter and potential impacts would likely be less intense than those analyzed below. For more information regarding alternative buildout scenarios for the County, see Chapter 6, Alternatives Analysis, of this EIR, which presents an analysis of potential impacts that could occur should buildout of the County be limited to the Countywide growth estimates prepared by the Department of Finance.

Page 4.3-35 of the Draft EIR is hereby revised as follows for consideration by the decision-makers:

*4.3-1(d)      The following new policy shall be added to the Draft General Plan as follows:*

*Policy LU 5.10 Encourage the development of businesses that rely on environmentally sustainable products and services, such as renewable energy, green building, water conservation and waste management and recycling.*

Table 4.3-9 and 4.3-10 on page 4.3-42 of the Draft EIR are hereby revised as follows:

<b>Table 4.3-9 Unmitigated Year 2030 GHG Emissions</b>	
	<b>Annual GHG Emissions</b>
Area	74,149 MTCO <sub>2e</sub> /yr
Energy	475,612 MTCO <sub>2e</sub> /yr
Mobile	529,112 MTCO <sub>2e</sub> /yr
Waste	162,367 MTCO <sub>2e</sub> /yr
Water	72,652 MTCO <sub>2e</sub> /yr
<b>Total Annual GHG Emissions</b>	1,313,893 MTCO <sub>2e</sub> /yr
<b>Total Annual GHG Emissions Per Capita<sup>1</sup></b>	<del>41.78</del> <u>11.23</u> MTCO <sub>2e</sub> /capita/yr
2017 Scoping Plan Year 2030 Target Per Capita Emissions	6 MTCO <sub>2e</sub> /capita/yr
<b>Exceeds Threshold?</b>	<b>YES</b>
<sup>1</sup> Per capita emissions assumes a Countywide population of <del>411,527</del> <u>117,045</u> at buildout of the Draft General Plan	
<i>Source: CalEEMod, December 2017 (see Appendix C).</i>	

<b>Table 4.3-10 Unmitigated Year 2050 GHG Emissions</b>	
	<b>Annual GHG Emissions</b>
Area	74,149 MTCO <sub>2</sub> e/yr
Energy	475,612 MTCO <sub>2</sub> e/yr
Mobile	481,340 MTCO <sub>2</sub> e /yr
Waste	162,367 MTCO <sub>2</sub> e/yr
Water	72,652 MTCO <sub>2</sub> e/yr
<b>Total Annual GHG Emissions</b>	1,266,121 MTCO <sub>2</sub> e/yr
<b>Total Annual GHG Emissions Per Capita<sup>1</sup></b>	<b><del>11.35</del><u>10.82</u> MTCO<sub>2</sub>e/capita/yr</b>
2017 Scoping Plan Year 2050 Target Per Capita Emissions	2 MTCO <sub>2</sub> e/capita/yr
<b>Exceeds Threshold?</b>	<b>YES</b>
<sup>1</sup> . Per capita emissions assumes a Countywide population of <del>111,527</del> <u>117,045</u> at buildout of the Draft General Plan	
<i>Source: CalEEMod, December 2017 (see Appendix C).</i>	

Pages 4.3-31 and 4.3-32 of the Draft EIR are hereby revised as follows:

While long-term operations of the Draft General Plan present an on-going source of emissions within the County, construction activity related to buildout of the Draft General Plan would be considered a short-term or intermittent source of criteria pollutant emissions. Typical sources of construction emissions include PM, CO, ROG, and NO<sub>x</sub> from diesel powered construction equipment, ROG from paint and solvents, particulate matter from vehicle traffic on unpaved roads, and PM emissions from soil disturbance. It should be noted that because this EIR provides for a program-level analysis of Draft General Plan buildout conditions, specific information related to future construction activities (e.g., grading plans, soil import/export, equipment used, etc.) is not available at this time. Therefore, for the purpose of this EIR, construction emissions are evaluated qualitatively. Furthermore, construction activities for different projects would occur at varying times with varying degrees of overlap, as dictated by market forces. Thus, analysis of emissions from such activities in comparison to the CCAPCD's lbs/day thresholds for criteria pollutants is inherently speculative.

Currently, the CCAPCD requires that any project including soil disturbance in excess of one acre submit a Dust Control Plan to the District for review and approval. Per the CCAPCD's guidance, emissions from construction activities should be estimated and evaluated on a project-by-project basis, and, if necessary, mitigation measures in addition to dust suppression requirements may be required. The CCAPCD's project-level thresholds of significance for construction emissions of NO<sub>x</sub>, ROG, and PM<sub>10</sub> are 150 lbs/day.

Any future construction activities occurring under buildout of the Draft General Plan which would involve soil disturbance in excess of one acre would be subject to all applicable CCAPCD requirements, including submittal of a Dust Control Plan, quantification of construction-related emissions, and evaluation of such emissions in the context of CCAPCD's construction emissions thresholds. In the event that construction emissions are determined to exceed applicable CCAPCD thresholds, the lead agency for the project would consult with CCAPCD to develop project-specific mitigation measures sufficient to ensure that emissions are sufficiently reduced.

Potential construction emissions associated with development under the Draft General Plan have been modeled with CalEEMod. To estimate the amount of new development that could reasonably occur in a given year, the total number of new residential units anticipated for the County in 2035 was divided by 15 years, based on the assumption that construction would occur incrementally between 2020 and 2035. The amount of non-residential construction occurring annually was estimated similarly. Based on development trends in the County, it is likely that the rate of construction at any given time would actually be lower than this analysis assumes.

Based on the modeling annual county-wide construction emissions of ROG, NO<sub>x</sub>, and PM<sub>10</sub> would be approximately 148, 73, and 20 lbs per day, respectively, which is below the CCAPCD's 150 lbs per day threshold for both criteria pollutants. Notably, these figures reflect county-wide emissions that would occur from all development projects under construction, rather than any individual project, and are still below the CCAPCD's thresholds of significance, which are designed for use in analysis of individual development projects. Thus, the modeling confirms that construction emissions associated with future development within the County would be less than significant. Therefore, buildout of the Draft General Plan would not violate any air quality standard or contribute substantially to an existing or projected air quality violation during construction, and a *less-than-significant* impact would occur.

It should be noted that the results of the construction modeling discussed above are included as an appendix to this FEIR.

Page 4.3-34 of the Draft EIR is hereby revised as follows for consideration by the decision-makers:

4.3-1(a) *The following new policy shall be added to the Draft General Plan:*

Policy COS 4.9 The County shall continue to ~~support~~ implement emissions reductions programs such as the Carl Moyer Program, and find methods of incentivizing the replacement or retrofit of small emissions sources throughout the County, such as the replacement of existing wood stoves with EPA Phase II certified appliances, and the installation of new replacement engines or technologies to reduce emission from off-road and on-road engines within the County.

4.3-1(b) *The following new policy shall be added to the Draft General Plan:*

Policy COS 4.10 ~~Should proposed developments within the County be anticipated to result in significant impacts related to the emission of criteria air pollutants, the County shall require the applicable mitigation measures provided in the CCAPCD's Guidelines for Assessing and Mitigating Air Quality Impacts of Land Use Projects to the extent feasible.~~

Page 4.3-43 of the Draft EIR is hereby revised as follows for consideration by the decision-makers:

4.3-4(b) *IM COS-5B of the Draft General Plan shall be revised as follows:*

*IM COS-5B GHG Baseline for Calaveras County. Undertake a greenhouse gas (GHG) emissions inventory to establish baseline levels of GHGs generated from all major emission sources in the County, including those in the City of Angels Camp, consistent with the requirements of Assembly Bill 32 (California Global Warming Solutions Act of 2006) and SB 32.*

4.3-4(c) *IM COS-5C of the Draft General Plan shall be revised as follows:*

*IM COS-5C GHG Reduction Plan. Develop a GHG reduction plan outlining the strategies, goals, and actions for contributing to the overall reduction in greenhouse gas (GHG) emissions consistent with AB 32 and SB 32. The GHG Reduction Plan shall incorporate measures from the Model Policies for Greenhouse Gases in General Plans document produced by the California Air Pollution Control Officers Association (2009), as applicable.*

Page 4.3-43 of the Draft EIR is hereby revised as follows for consideration by the decision-makers:

4.3-4(f) *The following new IM shall be added to the Draft General Plan as follows:*

*IM COS-5G Air Pollutant Evaluation – Evaluate proposed developments to determine whether they will emit criteria air pollutants, including greenhouse gasses, exceeding CCAPCD’s standards.*

The forgoing revisions do not affect the conclusions presented in the Draft EIR.

#### **4.4 Biological Resources**

In response to public comments received on the Draft EIR, Tables 4.4-2 and 4.4-3 on pages 4.4-18 and 4.4-19, respectively, of the Draft EIR, are hereby revised as presented below. Rather than include the entirety of Tables 4.4-2 and 4.4-3 with revisions shown where appropriate, only the rows that have been revised or added are presented:

<b>Table 4.4-2 Special-Status Plants with Potential to Occur within the County</b>		
Common and Scientific Name	Fed / State / CNPS Status <sup>1</sup>	Habitat Requirement
<u>Hartweg's golden sunburst</u> <u><i>Pseudobahia bahiifolia</i></u>	<u>FE/CE/1B.1</u>	<u>Cismontane woodland; valley and foothill grassland; [clay soil]. About 150 m.</u>
<u>Hoover's spurge</u> <u><i>Euphorbia hooveri</i></u>	<u>FT/---/1B.2</u>	<u>Vernal pools.</u>
<u>Fleshy owl's clover</u> <u><i>Castilleja campestris</i> ssp. <u><i>succulentus</i></u></u>	<u>FT/CE/1B.1</u>	<u>Vernal pools. Below 750 m.</u>
<u>Colusa grass</u> <u><i>Neostafia colusana</i></u>	<u>FT/CE/1B.1</u>	<u>Vernal pools.</u>
<u>Hairy orcutt grass</u> <u><i>Orcuttia pilosa</i></u>	<u>FE/CE/1B.1</u>	<u>Vernal pools</u>
<u>Greene's tuctoria</u> <u><i>Tuctoria greenei</i></u>	<u>FE/CR/1B.1</u>	<u>Vernal pools.</u>

<b>Table 4.4-3 Special-Status Wildlife with Potential to Occur within the County</b>		
Common and Scientific Name	Fed / State / Other Status <sup>1</sup>	Habitat Requirements
<b>Insects and Other Invertebrates</b>		
<u>Vernal pool tadpole shrimp</u> <u><i>Lepidurus packardi</i></u>	<u>FE/--</u>	<u>Inhabits vernal pools with turbid and/or silty water. Mud substrate typical.</u>
<b>Amphibians</b>		
<u>Sierra Nevada yellow-legged frog</u> <u><i>Rana sierrae</i></u>	<u>FE/CT</u>	<u>High mountain lakes, ponds, tarns and steams; rarely found more than 3 feet from water. Endemic to the Sierra Nevada of California and adjacent Nevada from 1400 to 3690 m. Requires 2-3 years for complete development.</u>
<b>Birds</b>		
<u>California spotted owl</u> <u><i>Strix occidentalis occidentalis</i></u>	<u>---/CSC/---</u>	<u>Mixed conifer forest, often with an understory of black oaks and other deciduous hardwoods. Canopy closure &gt;40%.</u>
<u>Great gray owl</u> <u><i>Strix nebulosa</i></u>	<u>-- / CE / --</u>	<u>Resident of mixed conifer or red fir forest habitat, in or on edge of meadows. Require large diameter snags in a forest with high canopy closure, which provide a cool sub-canopy microclimate.</u>
<b>Mammals</b>		
<u>Wolverine</u> <u><i>Gulo gulo</i></u>	<u>FP/CT</u>	<u>In high montane forests; rather rare, seldom seen. Mostly High Sierra south of Lake Tahoe; also northwest coast counties (Humboldt, Del Norte, Trinity). North to Oregon and Washington and across much of the coniferous forests of northern North America.</u>
<u>San Joaquin kit fox</u> <u><i>Vulpes macrotis mutica</i></u>	<u>FE/CT</u>	<u>Inhabits open grasslands with scattered shrubs. Needs loose-textured sand soils for burrowing.</u>

The following revision to text has been made to Table 4.4-3 on page 4.4-21 of the Draft EIR:

<b>Table 4.4-3 Special-Status Wildlife with Potential to Occur within the County</b>		
Common and Scientific Name	Fed / State / Other Status <sup>1</sup>	Habitat Requirements
<b>Birds</b>		
Bald eagle <i>Haliaeetus leucocephalus</i>	-- / CE / --	Ocean shorelines, lake margins, and river courses for both nesting and wintering. Most nests within one miles of water.
Northern goshawk <i>Accipiter gentilis</i>	-- / CSC / --	In summer, within and in vicinity of coniferous forest. Uses old nests and maintains alternate sites. Usually nests on north slopes, near water, red fir, lodgepole pine, Jeffery pine, and aspens are typical nest trees,
Tricolored blackbird <i>Agelaius tricolor</i>	-- / CSC / --	Colonial nester in dense cattails, tules, brambles or other dense vegetation. Requires open water, dense vegetation, and open grassy areas for foraging.
<u>Great gray owl</u> <u><i>Strix nebulosa</i></u>	<u>-- / CE / --</u>	<u>Resident of mixed conifer or red fir forest habitat, in or on edge of meadows. Require large diameter snags in a forest with high canopy closure, which provide a cool sub-canopy microclimate.</u>
Notes: <sup>1</sup> FT = Federal Threatened; FE = Federal Endangered; FPE = Federal Proposed Endangered; FPT = Federal Proposed Threatened; FC = Federal Candidate; FPD = Federally Proposed for delisting CE = California Endangered; CT = California Threatened; CR = California Rare; CC = California Candidate; CSC = California Species of Special Concern; FP = Fully Protected; WL = Watch List. Not protected pursuant to CEQA.  Source: Monk & Associates. Calaveras County Draft General Plan EIR Biological Resources March 15,2017.		

Page 4.4-27 of the Draft EIR is hereby revised as follows:

Through the passage of SB 1334, which enacted Public Resources Code (PRC) 21083.4, the potential conversion of oak woodland is subject to CEQA review and findings, and significant impacts are to be mitigated. All 58 counties in California are required to adopt oak woodlands management plans and ordinances that require a discretionary permit for oak woodland conversions and set a minimum mitigation standard. PRC 21083.4 offers a “menu” of mitigation options. Typically, significant impacts to oaks or oak woodland requires replacement tree mitigation at a five to one ratio (i.e., five oak trees are planted for every removed oak tree). Mitigation related to tree replacement may only account for up to half of the mitigation requirements. Further mitigation would be required to constitute complete mitigation, and would be selected from one of the possibilities listed below. For projects located within an existing urbanized area, Urban Reserve Line, Urban Services Line, or within a city’s sphere of influence as approved by a Local Agency Formation Commission, mitigation could be reduced to one to one. Mitigation options in PRC 21083.4 include:

Page 4.4-29 of the Draft EIR is hereby revised as follows for informational purposes:

The California Regional Water Quality Control Board (RWQCB) and the State Water Resources Control Board (SWRCB) regulate activities in "waters of the State" (which include wetlands, other waters, tidal waters, and the immediate watersheds around such

features) through Section 401 of the Clean Water Act and/or the Porter-Cologne Water Quality Control Act. While the Corps administers a permitting program that authorizes impacts to waters of the United States pursuant to Section 404 of the Clean Water Act, including wetlands and other waters, any Corps permit authorized for a proposed project would be inoperative unless it is an NWP that has been certified for use in California by the SWRCB, or if the RWQCB has issued a project specific certification of water quality pursuant to Section 401 of the Clean Water Act. Certification of NWPs requires a finding by the SWRCB that the activities permitted by the NWP will not violate water quality standards individually or cumulatively over the term of the permit (the term is typically for five years). Certification must be consistent with the requirements of the federal Clean Water Act, the California Environmental Quality Act, the California Endangered Species Act, and the SWRCB's mandate to protect beneficial uses of waters of the State. Any denied (i.e., not certified) NWPs, and all Individual Corps permits, would require a project specific RWQCB certification of water quality.

#### California Wild and Scenic Rivers Act

California's Legislature passed the Wild and Scenic Rivers Act in 1972, following the passage of the federal Wild and Scenic Rivers Act by Congress in 1968. Under California law, "certain rivers which possess extraordinary scenic, recreational, fishery, or wildlife values shall be preserved in their free-flowing state, together with their immediate environments, for the benefit and enjoyment of the people of the state." State law provides various protections for Wild and Scenic Rivers, including prohibitions on construction of dams and diversion facilities. In June 2018, a 37-mile-long segment of Mokelumne River within Calaveras County was officially designated as a State Wild and Scenic River.

Page 4.4-35 of the Draft EIR is hereby revised as follows for consideration by the decision-makers:

4.4-1(b) *The following new implementation measure shall be added to the Draft General Plan:*

IM COS-4I ~~*At the County's discretion, f-For development that is subject to a discretionary entitlement and subject to environmental review under the CEQA, the County shall require project applicants to enlist the services of a qualified biologist to evaluate a proposed project's impact on special status species as defined above biological resources and determine what avoidance measures or mitigation measures are warranted to offset or mitigate these impacts to the extent feasible unless the County determines the development project to be minor and without potential for a significant impact. The County shall adopt the feasible recommendations of a biologist.*~~

4.4-1(c) *Policy COS-3.2 of the Draft General Plan shall be revised as follows:*

~~*Policy COS 3.2 Avoid impacts to special status and sensitive biological resources to the extent practicable and, where avoidance is impracticable, mitigate impacts consistent with state and federal policies. To the extent practicable a Avoid*~~

impacts to habitats that are known to support state or federally listed species. Where impacts cannot be avoided, ~~compensate for these mitigate~~ impacts in accordance with resource agency (CDFW and/or USFWS) protocols/policies for the listed species.

For project sites that support suitable breeding or dispersal habitats for listed species, in the absence of focused surveys proving absence, mitigation is warranted. For applicants that choose not to mitigate or compensate for impacts to such habitat based on the assumption that the habitat is suitable breeding or dispersal habitats for listed species, the County shall require project specific site surveys conducted per resource agency guidance for the FESA/CESA species in question by a permitted biologist. If such surveys are conducted with applicable resource agency concurrence and ~~prove absence, do not produce detections~~, then mitigation requirements may be diminished or not be required by the County.

When appropriate, mitigation for impacts to CESA/FESA listed species and/or their habitats may be accomplished via CDFW and/or USFWS approval for the applicant to purchase species compensation credits from an agency-approved conservation bank. For mitigation that includes avoidance on project sites or that provides offsite mitigation land preservation ~~that will be protected in a conservation easement~~, a qualified biologist shall be required to develop a long-term maintenance and management plan, and a ~~Property Analysis Record (PAR) or PAR-Like Endowment Spreadsheet Analyses~~ for any onsite species avoidance area, and/or for either on or offsite mitigation preserves established to compensate for a project's effects on CESA/FESA listed species.

Page 4.4-36 of the Draft EIR is hereby revised as follows for consideration by the decision-makers:

4.4-1(d) The following new implementation measure shall be added to the Draft General Plan:

IM COS-40 Prior to the removal of potential bat roosting sites, a pre-project survey shall be conducted by a qualified biologist to determine which bat species are using the site.

Should bat species be found present on-site, feasible mitigation shall be required, such as installing exclusionary devices at the instruction of a qualified biologist and/or construction of replacement roost structures, including bat houses, other structures, or



crevices incorporated into bridge design. Replacement roost structures should be monitored to document bat use.

Pages 4.4-39 and 4.4-40 of the Draft EIR are hereby revised as follows for consideration by the decision-makers:

4.4-2(a) *The following new implementation measure shall be added to the Draft General Plan:*

IM COS-4J ~~At the County's discretion, d~~ Development that is subject to a discretionary entitlement and subject to CEQA review shall be required to evaluate potential impacts to sensitive and significant communities using the methodologies identified below and shall require mitigation for potentially significant and significant impacts.

- Enlist the services of a qualified biologist or botanist to survey the property in question for sensitive and significant plant communities including riparian and Ione chaparral;
- If any sensitive or significant plant community is identified on the proposed property, the qualified biologist or botanist shall map the dripline (canopy) and/or extent of the rare plant community using global positioning system (GPS) technology;
- The dripline/canopy and/or sensitive plant communities that are to be preserved shall be shown on all site development plans, grading plans, and/or engineering drawings so that all contractors are aware that this community is sensitive, ~~protected, and must be avoided by project plans to the extent practicable, and as such, impacts must be minimized by project plans to the extent possible.~~ Riparian drip line impacts require additional scrutiny and may require additional permitting from the CDFW pursuant to Section 1602 of the Fish and Game Code.
- Mitigation for project impacts on the sensitive habitat can include onsite planting mitigation compensation, or offsite mitigation through preservation via recordation of a conservation easement that facilitates the perpetual protection of similar habitat types as those that are impacted, consistent with COS-3.6, as necessary to reduce impacts to a less-than-significant level.

4.4-2(b) *The following new implementation measure shall be added to the Draft General Plan:*

IM COS-4K *Support efforts to eradicate invasive species and encourage practices that reduce their spread (IM COS-4G). This can be completed by:*

- *Require new developments to submit landscape plans that are comprised of mostly native California plant species and avoid landscaping with invasive plant species. Such plans would be subject to the review and approval of the County Planning Department.*
- *On properties proposed for development or redevelopment that have been identified by a qualified botanist to support those invasive plant species that are identified on the California Invasive Plant Council inventory as having a ranking of “high” invasiveness (or in the case of the plant, stinkwort, which has a “moderate” ranking), removal efforts should be undertaken. The best means to remove the invasive species (for example, hand-removal or the use of herbicides) would be determined on a property by property basis by the contracted botanist/qualified biologist/restoration ecologist.*
- *To the maximum extent practicable, mechanical means (hand, tools, vehicles, appropriate animals, such as the short-term use of domestic goats) shall be utilized to remove and control invasive weeds. If this is not possible, herbicides may be utilized. Use of herbicides must be undertaken by a licensed herbicide applicator.*

4.4-2(c) *The following new implementation measure shall be added to the Draft General Plan:*

IM COS-4M *The County shall adopt an ordinance or resolution conserving riparian corridors. In the interim, lake pond, river, and perennial stream corridor habitat shall be conserved through retention of undisturbed buffers with building setback and the requirement to avoid any barrier to wildlife movement along the water corridor. Within Community Areas as identified on the Land Use Map, new development shall ensure that buffers of a minimum width of 75’ from the centerline of the stream or river are left undisturbed along stream corridors. Outside of Community Areas, buffers of a minimum width of 100’ from lake or pond or from the centerline of the stream or river shall be left undisturbed. The width of the buffer may be reduced based on a recommendation from a qualified*

biologist that the reduced width will provide a comparable wildlife movement corridor.

Page 4.4-42 of the Draft EIR is hereby revised as follows for consideration by the decision-makers:

4.4-3(a) *The following new policy shall be added to the Draft General Plan:*

Policy COS 3.8 The County shall require development that is subject to a discretionary entitlement and subject to CEQA review to evaluate potential impacts to oak woodlands using the methodologies identified below and shall require avoidance, preservation, and/or mitigation for potentially significant and significant impacts. Measures that shall be implemented include:

- Enlist the services of a qualified biologist, botanist, Registered Professional Forester, or arborist to survey the property in question for oak woodlands;
- To assess impacts On properties with a development footprint smaller than 10 acres the oak trees shall be counted and their diameter at breast height (DBH) determined; the number of trees that will be impacted shall be determined. On properties greater than 10 acres the acreage of contiguous oak woodland (based upon canopy cover) shall be calculated and the acreage of impact shall be quantified. Additionally, This may be completed by the qualified biologist, botanist, Registered Professional Forester, or arborist shall map the dripline (canopy) of the oak woodland using a global positioning system (GPS) technology in the field, or in the lab working from current aerial photographs.
- The dripline/canopy of the oak woodlands that are to be preserved shall be shown on all site development plans, grading plans, and/or engineering drawings so that all contractors are aware that this community is sensitive, protected, and must be avoided by project plans to the extent practicable.
- On properties less than ~~10~~ five acres, mitigation requirements shall include that removed oak trees ~~to be removed~~ shall be replaced at a mitigation ratio determined at the discretion of the County Planning Department. This ratio will be based on the species of oak removed. For example, for oak species that are common in the county, such as interior live oak (Quercus

wislizenii), mitigation ratios may be lower than for less common oak species such as blue oaks (Quercus douglasii), valley oak (Quercus lobata) or black oaks (Quercus kelloggii). Ratios shall vary from 1:1 to as high as 3:1 at the discretion of the County Planning Department staff, and mitigation tree sizes shall vary between 5-gallon pots to 15-gallon box trees, depending on the size of the trees removed/impacted.

- On properties ~~greater than~~ between five and 10 acres, ~~preservation requirements would include that a minimum of 30-20 percent of existing oak woodland canopy shall be preserved. Tree replacement mitigation shall be as prescribed above for project site's smaller than 10 acres in size or as recommended in the following bullet point at the discretion of Calaveras County, unless it is demonstrated to the County that such preservation would prevent feasible development of a parcel. In addition, tree replacement mitigation shall be as prescribed above for properties that are less than five acres.~~
- On properties between five and 10 acres where on-site protection of 20 percent of existing oak woodland canopy is infeasible, and/or where tree replacement mitigation is infeasible, mitigation shall include one or more of the following measures: (1) A monetary contribution commensurate with the acreage of impacts to oak woodland shall be paid to the State's Oak Woodlands Conservation Fund for the purpose of purchasing oak woodland conservation easements as close to the project site as possible, and if feasible, within Calaveras County; (2) a combination of on-site and off-site planting as close to the project site as possible, and if feasible, within Calaveras County at a tree replacement ratio as described for properties that are less than five acres or above; or, (3) mitigation through oak woodland preservation at an acreage commensurate with the acreage of impacted oak woodland via recordation of a conservation easement that facilitates the perpetual protection of oak woodland. A management plan and Property Analysis Record (PAR), or PAR-Like Endowment Spreadsheet Analyses shall be completed for any site intended for protection of oak woodland to ensure adequate in-perpetuity management.

- On parcels greater than 10 acres, preservation requirements would include that a minimum where on site protection of 30 percent of existing oak woodland canopy and replacement are infeasible, mitigation for project impacts to oak woodlands can include: a monetary contribution to the State's Oak Woodlands Conservation Fund for the purpose of purchasing oak woodland conservation easements, onsite planting mitigation compensation, or a combination or onsite and offsite planting, or mitigation through oak woodland preservation via recordation of a conservation easement that facilitates the perpetual protection of oak woodland, shall be preserved. In addition, mitigation shall include one or more of the following measures: (1) A monetary contribution commensurate with the acreage of impacts to oak woodland shall be paid to the State's Oak Woodlands Conservation Fund for the purpose of purchasing oak woodland conservation easements as close to the project site as possible, and if feasible, within Calaveras County;(2) a combination of onsite and offsite planting as close to the project site as possible, and if feasible, within Calaveras County at a tree replacement ratio as described for properties that are less than 5 acres above; or, (3) mitigation through oak woodland preservation at an acreage that is commensurate with the acreage of impacted oak woodland via recordation of a conservation easement that facilitates the perpetual protection of oak woodland. A management plan and Property Analysis Record (PAR), or PAR-Like Endowment Spreadsheet Analyses shall be completed for any site intended for protection of oak woodland to ensure adequate in-perpetuity management.

As a staff-initiated change, page 4.4-43 of the Draft EIR is hereby revised as follows for consideration by the decision-makers:

4.4-3(b) Implementation Measure COS-4D of the Draft General Plan shall be revised as follows:

IM COS-4D Oak Woodlands. Develop a mitigation program in addition to the mitigation measures provided in the Oak Woodlands Preservation Act of 2014,<sup>18</sup> where the County determines a project will have a significant effect on oak woodlands, to facilitate the environmental review process relative to mitigating significant direct and cumulative

impacts to oak woodlands in conjunction with discretionary project approval and address pre-development removal of oaks.

Page 4.4-47 of the Draft EIR is hereby revised as follows:

- 4.4-5 Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. Based on the analysis below and with the implementation of mitigation, the impact is ~~less than~~ significant and unavoidable.**

The forgoing revision is intended to provide for internal consistency within the Draft EIR. The conclusion presented on page 4.4-49 of the Draft EIR related to wildlife movement corridors and native wildlife nursery sites remains valid.

Page 4.4-49 of the Draft EIR is hereby revised to include the following new IMs for consideration by the decision-makers:

- 4.4-5(b) *The following new implementation measure shall be added to the Draft General Plan's Conservation and Open Space Element:*

IM COS-4L *The County shall work with applicants to ~~encourage preservation preserve~~ or enhancement of upland habitat for wildlife species to the maximum extent feasible on parcels slated for development containing suitable habitat (e.g. areas used for foraging, breeding, dispersal, etc.). Habitat preservation and enhancement shall be encouraged throughout the County in a way that promotes regional connectivity of open space habitats. The County shall work with applicants to encourage design development to be compatible with wildlife movement. Mitigation measures may include installing wildlife friendly fencing or lighting to minimize interference with wildlife movement. Creek corridors ~~should~~ shall be preserved in undeveloped open spaces or under conservation easements as creek corridors provide linear wildlife corridors through the County. Similarly, if open spaces are to be preserved within developed areas, they ~~should~~ shall have connectivity to/with other dedicated or undevelopable open space lands to the extent possible.*

- 4.4-5(c) *The following new policy shall be added to the Draft General Plan's Conservation and Open Space Element as follows:*

Policy COS 3.10 *Where practicable, improve the ability of listed species and any native wildlife to safely cross highways*

and roadways to reduce human injuries and fatalities resulting from vehicle-animal collisions.

4.4-5(d) The following new IM shall be added to the Draft General Plan's Conservation and Open Space Element as follows:

IM COS-4N In areas of the County where a significant wildlife corridor has been identified (e.g., a deer migration corridor, a federally or state listed amphibian migration route), the County and other parties proposing improvements in areas identified by CDFW as significant migration corridors, shall prepare and submit any improvement plans that must be approved by the County showing properly sized and constructed wildlife passage culverts or other under or over crossing plans that will provide safe passageways over or under constructed, improved or modified roadways. In significant wildlife corridors areas, when possible, fencing will be used to direct animals to these under crossings or other roadway crossings. Safety signage may also be utilized to alert drivers to specific areas used by mule deer and other large wildlife for roadway crossings.

4.4-5(e) The following new IM shall be added to the Draft General Plan's Conservation and Open Space Element:

IM COS-4P Development with the potential to dredge or fill material into, or otherwise impact, wetlands or waters of the U.S. shall apply for appropriate permitting from the U.S. Army Corps of Engineers pursuant to Section 404 of the Clean Water Act. Where direct or indirect impacts such as grading, fill, or hydrologic disturbance may affect wetlands, aquatic impact minimization measures shall be applied to minimize any potential impacts, consistent with applicable U.S. Army Corps of Engineers requirements.

The forgoing revisions do not affect the conclusions presented in the Draft EIR.

## 4.5 Cultural and Tribal Cultural Resources

In response to public comments received on the Draft EIR, page 4.5-23 of the Draft EIR is hereby revised as follows for consideration by the decision-makers:

4.5-1(c) IM COS-8G of the Draft General Plan shall be revised as follows:

IM COS-8G ~~Register of Historic Resources – Establish a County register of historic resources.~~ Adopt a cultural resources management ordinance to include the following:

- **Implement the Mills Act;**

- Establish a County register of historic resources;
- Utilization of the California State Historical Building Code;
- Require a cultural resource study prior to demolition of buildings 75 years of age or older; and
- Establish criteria for curation of artifacts recovered during construction of private and public projects.

4.5-1(d) IM LU-4A of the Draft General Plan shall be revised as follows:

IM LU-4A Community Design Guidelines – Adopt community design guidelines or standards for communities identified by the Board of Supervisors, applicable to both ministerial and discretionary projects, which reflect the character of the individual community, including historic design standards for communities with concentrations of historic buildings, and without establishing a design review committee. Design guidelines or standards shall be implemented only after approval by the Board of Supervisors.

Page 4.5-25 of the Draft EIR is hereby revised as follows:

IM COS-8A Identify Native American Resource Sensitivity Areas – Update the County’s Archaeological Sensitivity Map in cooperation with local Native American archaeology and history representatives ~~to assist planners in determining when cultural resource surveys shall be required in conjunction with the environmental review process.~~ The County shall consult the updated Archaeological Sensitivity Map, in addition to other existing cultural resources information (e.g. pre-1950 USGS topographic quadrangle maps, official townsite maps, Sanborn Insurance Maps, GIS database) in conjunction with the environmental review process for all discretionary approvals to identify sensitive areas and resources. If such cultural resources information indicates that sensitive areas and/or resources are likely to occur within the subject area, site-specific cultural resources surveys and/or treatment plans shall be required, at the applicant’s expense.

The forgoing revisions do not affect the conclusions presented in the Draft EIR.



#### 4.7 Hazards and Hazardous Materials

In response to public comments received on the Draft EIR, page 4.7-1 of the Draft EIR is hereby revised as follows:

The Hazards and Hazardous Materials chapter of the EIR describes existing and potentially occurring hazards and hazardous materials within the planning area, and discusses potential impacts posed by those hazards to the environment, as well as to workers, visitors, and residents within and adjacent to the planning area. Specifically, the chapter ~~describes potential effects on human health that could result from soil contamination stemming from past uses, or from exposure to hazardous materials related to future development activity and industrial activity within the planning area.~~ presents a list of currently existing fire and man-made hazards currently existing in the County, followed by a discussion of federal, State, and local regulations, impacts, and mitigation measures, with footnotes pointing to information from the EPA related to health effects due to exposure to Polychlorinated Biphenyls (PCBs), asbestos, radon, and lead-based paint.

The federal government defines a hazardous material as a substance that is toxic, flammable/ignitable, reactive, or corrosive. Extremely hazardous materials are substances that show high or chronic toxicity, carcinogenic, bioaccumulative properties, persistence in the environment, or that are water-reactive. Improper use, storage, transport, and disposal of hazardous materials and waste may result in harm to humans, surface and groundwater degradation, air pollution, fire, and explosion. The risk of hazardous material exposure can come from a range of sources, including, but not limited to, household uses, agricultural/commercial/industrial uses, transportation of hazardous materials, and abandoned industrial sites known as brownfields.

Page 4.7-8 of the Draft EIR is hereby revised as follows:

Prior to August 1992, the principal agency at the federal level regulating the generation, transport and disposal of hazardous waste was the EPA under the authority of the Resource Conservation and Recovery Act (RCRA). As of August 1, 1992, however, the California Department of Toxic Substance Control (DTSC) was authorized to implement the State's hazardous waste management program for the EPA. The federal EPA continues to regulate hazardous substances under the Comprehensive Environmental Response Compensation and Liability Act (CERCLA).

Regulatory agencies such as the USEPA, Department of Toxic Substance Control, and Department of Environmental Health Hazard Assessment set forth guidelines that list at what point concentrations of certain contaminants pose a risk to human health. The USEPA combines current toxicity values of contaminants with exposure factors to estimate the maximum concentration of a contaminant that can be in environmental media before it is a risk to human health. Such concentrations set forth by the USEPA are termed Preliminary Remediation Goals (PRGs) for various pollutants in soil, air, and tap water. PRG concentrations can be used to screen pollutants in environmental media, trigger further investigation, and provide an initial cleanup goal. PRGs for soil contamination have been developed for industrial sites and residential sites. Residential PRGs are more conservative and take into account the possibility of the contaminated environmental media coming into contact with sensitive receptor sites such as nurseries and schools. PRGs consider exposure

to pollutants by means of ingestion, dermal contact, and inhalation, but do not consider impacts to groundwater.

#### Comprehensive Environmental Response, Compensation, and Liability Act

The CERCLA, commonly known as Superfund, was enacted by Congress on December 11, 1980. This law created a tax on the chemical and petroleum industries and provided broad federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. The CERCLA was amended by the Superfund Amendments and Reauthorization Act (SARA) on October 17, 1986.<sup>1</sup> Subsection 101(40) of CERCLA defines "bona fide prospective purchaser" (BFPP) as a person, or tenant of that person, who acquires ownership of a facility after the date of enactment of the Brownfields Amendments, January 11, 2002. A BFPP may be subject to a "windfall lien" under the newly added CERCLA Section 107(r), up to the amount of unrecovered response costs incurred by the United States at a facility for which the owner is not liable as a BFPP, and where the response action increases the fair market value of the facility. As to the amount and duration of any windfall lien, the Brownfields Amendments state that the amount is not to exceed the increase in fair market value attributable to the response action at the time of sale or other disposition of the property. The windfall lien arises at the time response costs at the facility are incurred by the United States, and shall continue until the earlier of satisfaction of the lien by sale or other means, or, notwithstanding any statute of limitations under CERCLA Section 113, recovery of all response costs incurred at the facility.

As they relate to the CERCLA, brownfield sites are areas with actual or perceived contamination and that may have potential for redevelopment or reuse. Brownfields are often former industrial facilities that were once the source of jobs and economic benefits to the community, but lie abandoned due to fears about contamination and potential liability.

Page 4.7-10 of the Draft EIR is hereby revised as follows:

The Cal-EPA protects citizens of the State from hazardous waste and hazardous material through a Unified Program. The Unified Program provides consistent administrative requirements, permits, inspections, and enforcement throughout the State. Cal-EPA oversees the 81 certified local government agencies, which are known as Certified Unified Program Agencies (CUPAs), which apply regulatory standards established by Cal-EPA. The Calaveras County Environmental Health Department is a CUPA, which was assessed by Cal-EPA as having "No deficiencies observed." The CUPA performance evaluation process is defined in Title 27 of the California Code of Regulations, Article 8, Section 15330. According to the Cal-EPA's posted evaluation schedule, the Calaveras County Environmental Health Department was most recently evaluated in August 2017.

The forgoing revisions do not affect the conclusions presented in the Draft EIR.

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<sup>1</sup> U.S. Environmental Protection Agency. *The Superfund Amendments and Reauthorization Act (SARA)*. Available at: <https://www.epa.gov/superfund/superfund-amendments-and-reauthorization-act-sara>. Accessed May 2018.

## 4.8 Hydrology and Water Quality

In response to public comments received on the Draft EIR, Footnote 4 on page 4.8-5 of the Draft EIR is hereby revised as follows:

- <sup>4</sup> U.S. Geological Survey. *Hydrogeology and Geochemistry of Acid Mine Drainage in Ground Water in the Vicinity of Penn Mine and Camanche Reservoir, Calaveras County, California: Summary Report, 1993-95* [\[pg. 4 to 5\]](#). 1999.

Page 4.8-6 of the Draft EIR is hereby revised as follows:

### Surface Water Quality

Typically, water quality issues stem from runoff during wet weather events, direct discharge associated with industrial/commercial activities, resource extraction activities, leaking sewer infrastructure, [including septic systems](#), and illicit dumping. Additional potential sources of polluted water within the County include past waste disposal practices, agricultural chemicals, and chemicals and fertilizers applied to landscaping. Characteristic water pollutant contaminants may include sediment, hydrocarbons and metals, pesticides, nutrients, bacteria, and trash.

Footnote 7 on page 4.8-8 of the Draft EIR is hereby revised as follows:

- <sup>7</sup> ~~Calaveras County Water District. 2015 Urban Water Management Plan. May 2016. Calaveras County Water District. Groundwater Management Plan 2007 Update [pg. 1-6]. November 2007.~~

The forgoing revisions do not affect the conclusions presented in the Draft EIR.

## 4.9 Land Use and Planning

In response to public comments received on the Draft EIR, page 4.9-1 of the Draft EIR is hereby revised as follows:

The Land Use and Planning chapter of the EIR is intended to provide the reader with information regarding current and proposed General Plan land use designations for the County. Section 15125(d) of the California Environmental Quality Act (CEQA) Guidelines states “[...] the EIR shall discuss any inconsistencies between the proposed project and applicable general plans and regional plans.” Documents utilized to prepare this chapter include, but are not limited to, the *Calaveras County General Plan Background Report*,<sup>1</sup> ~~the Calaveras County General Plan~~,<sup>2</sup> the *Calaveras County Housing Element 2014-2019*,<sup>3</sup> the *Calaveras County Airport Land Use Compatibility Plan*,<sup>4</sup> and the *Calaveras County Regional Transportation Plan*.<sup>5</sup>

### 4.9.2 EXISTING ENVIRONMENTAL SETTING

The following section presents regional setting, background information, boundaries, and existing land use conditions in Calaveras County.

## Regional Setting

Calaveras County encompasses approximately 662,791 acres in the central Sierra Nevada region of California. The County is bordered by Amador County to the north, Alpine County to the east, Tuolumne County to the south, and San Joaquin and Stanislaus Counties to the west. ~~According to the California Department of Finance (DOF), Calaveras County is currently home to approximately 41,857 persons. As discussed in Chapter 3, Project Description, of this EIR, approximately 45,578 persons currently reside in Calaveras County, including the City of Angels Camp, based on 2010 census data.~~

The forgoing revisions are for consistency purposes only, and do not affect the conclusions of the Draft EIR.

### 4.10 Noise

Based on public comments received on the Draft EIR, page 4.10-1 of the Draft EIR is hereby revised as follows:

The method by which the potential impacts are analyzed is discussed, followed by the identification of potential impacts and the recommended mitigation measures designed to reduce significant impacts to levels that are less than significant where feasible.

The forgoing revisions do not affect the conclusions presented in the Draft EIR.

### 4.12 Public Services and Utilities

Based on public comments received on the Draft EIR, Footnote 12 on page 4.12-11 of the Draft EIR is hereby revised as follows:

<sup>12</sup> Calaveras County Local Agency Formation Commission. *Calaveras Fire Municipal Service Review* [pg. 35]. Adopted June 17, 2013.

Page 4.12-27 of the Draft EIR is hereby revised as follows to reflect the Utica Water & Power Authority's recent name change.

#### Utica ~~Water and~~ Power Authority

The Utica Water and Power Authority (UWPA) was formed in December 1995 as a joint powers authority (JPA) whose members at that time were the City of Angels Camp, CCWD and Union Public Utility District (UPUD). As a JPA, UWPA is not under the jurisdiction of LAFCo. The JPA was formed to manage a water conveyance and hydroelectric power system that PG&E was in the process of selling to CCWD at the time of UWPA formation.

Page 4.12-89 of the Draft EIR is hereby revised as follows for consideration by the decision-makers:

4.12-1(a) *Implementation Measure PF-4D of the Draft General Plan shall be revised as follows:*

**IM PF-4D**      *Emergency Communications. Install facilities that create or enhance voice and data communications between law enforcement and emergency service providers and between emergency responders and the public. The County shall consider the environmental sensitivity as well as the efficacy of the sites chosen for installation of new emergency communications facilities. Whenever possible, sites that are less environmentally sensitive shall be selected for placement of new emergency communications facilities.*

4.12-1(b)      Implementation Measure PF-4C of the Draft General Plan shall be revised as follows:

**IM PF-4C**      *Funding Law Enforcement and Emergency Services. Establish a development impact fee to fund capital costs and operations of law enforcement, **fire protection** communications, and emergency services to serve new development and maintain existing levels of service.*

In order to clarify the locations of existing solid waste facilities, the County has elected to amend the Land Use Element of the Draft General Plan to include additional information related to wastewater treatment and solid waste facility locations within the County. Such information is hereby incorporated into the Draft EIR on page 4.12-76:

State law requires the General Plan to identify solid and liquid waste disposal facilities that are designated in the Countywide Siting Element of the County’s Integrated Waste Management Plan. The County’s Integrated Waste Management Plan identifies one permitted solid waste disposal facility (at Rock Creek) and six transfer stations. Liquid waste disposal facilities are operated by several independent districts in the County. Solid and liquid waste disposal facilities are identified on the Land Use Map as Public Facilities. However, the Public Facility designation includes other facilities, including fire stations, libraries, parks, and schools. Identification of the solid waste facilities is provided on Table 54 of the Technical Background Report and is repeated below for ease of reference to the public. Additionally, wastewater treatment facilities are identified in Figure 59 and Table 49 of the Draft General Plan Background Report. This information is provided in Table LU-3.

<b><u>Table 4.12-17</u></b>	
<b><u>Solid Waste Facilities (Adopted from Draft General Plan Table LU-2)</u></b>	
<b><u>Facility</u></b>	<b><u>Location</u></b>
<u>Avery</u>	<u>4541 Segale Road, Avery</u>
<u>Copperopolis</u>	<u>3831 O’Byrnes Ferry Road, Copperopolis</u>
<u>Paloma</u>	<u>4347 Paloma Road, Paloma</u>
<u>Red Hill</u>	<u>5314 Red Hill Road, Vallecito</u>
<u>Rock Creek</u>	<u>700 Hunt Road, Milton</u>
<u>San Andreas</u>	<u>4285 Hwy. 49, San Andreas</u>
<u>Wilseyville</u>	<u>End of Blizzard Mine Road, Wilseyville</u>
<u>Gambi Disposal</u>	<u>968 Church Hill Street, San Andreas</u>

**Table 4.12-18**  
**Wastewater Treatment Facilities (Adopted from Draft General Plan Table LU-3)**

<u>Treatment Plant</u>	<u>Location</u>
<u>Angels Camp</u>	<u>3000 Centennial Road, Angels Camp</u>
<u>CCWD-Arnold</u>	<u>3294 Highway 4, Arnold</u>
<u>CCWD-Copper Cove</u>	<u>5130 Kiva Place, Copperopolis</u>
<u>CCWD-Country Houses</u>	<u>3436 Hoopa Circle, Camp Connell</u>
<u>CCWD-Douglas Flat</u>	<u>Connected to and part of Vallecito</u>
<u>CCWD-Indian Rock</u>	<u>APNs: 068-060-002 &amp; 068-059-019</u>
<u>CCWD-La Contenta</u>	<u>1525 Campbell Court, Valley Springs</u>
<u>CCWD-Sequoia Woods</u>	<u>921 Cypress Point Road, Arnold</u>
<u>CCWD-Southworth</u>	<u>7466 Leslie Court, Wallace</u>
<u>CCWD-Vallecito</u>	<u>1901 Highway 4, Douglas Flat</u>
<u>CCWD-Wallace</u>	<u>Comanche Parkway South and Wallace Lake Dr.</u>
<u>CCWD-West Point</u>	<u>20 Sandy Gulch Road, West Point</u>
<u>CCWD-Wilseyville Camp</u>	<u>4027 Railroad Flat Road, Wilseyville</u>
<u>EBMUD-Camanche South</u>	<u>11700 Wade Lane, Wallace</u>
<u>Mokelumne Hill SD</u>	<u>8970 Old Toll Road, Mokelumne Hill</u>
<u>Murphys SD</u>	<u>735 Six Mile Road, Murphys</u>
<u>San Andreas SD</u>	<u>675 Gold Oak Road, San Andreas</u>
<u>Valley Springs PUD</u>	<u>214 Highway 12, Valley Springs</u>

*Senate Bill 1016*

In 2007, SB 1016 amended portions of AB 939, which allows the California Integrated Waste Management Board (CIWMB) to use per capita disposal as an indicator in evaluating compliance with the requirements of AB 939. Jurisdictions track and report their per capita disposal rates to CalRecycle.

Page 4.12-132 of the Draft EIR is hereby revised as follows for consideration by the decision-makers:

*4.12-10(c) Policy COS 6.1 of the Draft General Plan shall be revised as follows:*

*Policy COS 6.1 Work with the Calaveras County Parks & Recreation Committee, community organizations and special districts to develop park and active recreation facilities, striving to provide a minimum of 3 acres of local park land for every 1,000 County residents. (IM COS-7A, COS-7B, COS-7C and COS-7G)*

The forgoing revisions do not affect the conclusions presented in the Draft EIR.

#### **4.13 Transportation and Circulation**

In response to public comments received on the Draft EIR, order to provide additional existing setting information related to traffic safety within the County, page 4.13-6 of the Draft EIR is hereby revised as follows:

Table 4.13-3 below shows recorded automobile collisions for the period between 2010 and 2014 based on Statewide Integrated Traffic Records System (SWITERS) data. For the period shown, approximately 1,151 collisions occurred within the County. Of the 1,151 collisions, approximately 63 percent occurred on the State Highway System, which is consistent with the higher use of such facilities discussed above. Figure 4.13-3 below provides a map of accidents on roadways within the County between 2011 and 2016.

The referenced figure, shown on the next page, is hereby added as Figure 4.13-3 to page 4.13-8 of the Draft EIR.

The following text revision is made on page 4.13-9 of the Draft EIR:

The Saturday Hopper provides service on Saturdays with one round-trip service Valley Springs, San Andreas, the City of Angels Camp, Murphys, and Arnold with 90-minute headways. ~~In addition, the Delta Gold Line provides service serves San Andreas, Valley Springs, La Contenta Plaza, and Stockton with stops at Kaiser Permanente or St. Joseph's Medical Center. Service hours are 7:00 AM and 6:00 PM.~~

Page 4.13-10 of the Draft EIR is hereby revised as follows:

The updated CEQA Guidelines will apply prospectively only, and would not affect projects that have already commenced environmental review. Statewide application of the new section would not be required until ~~January~~ July 1, 2020, although public agencies could immediately apply the new Guidelines once adopted.

Page 4.13-12 of the Draft EIR is hereby revised as follows:

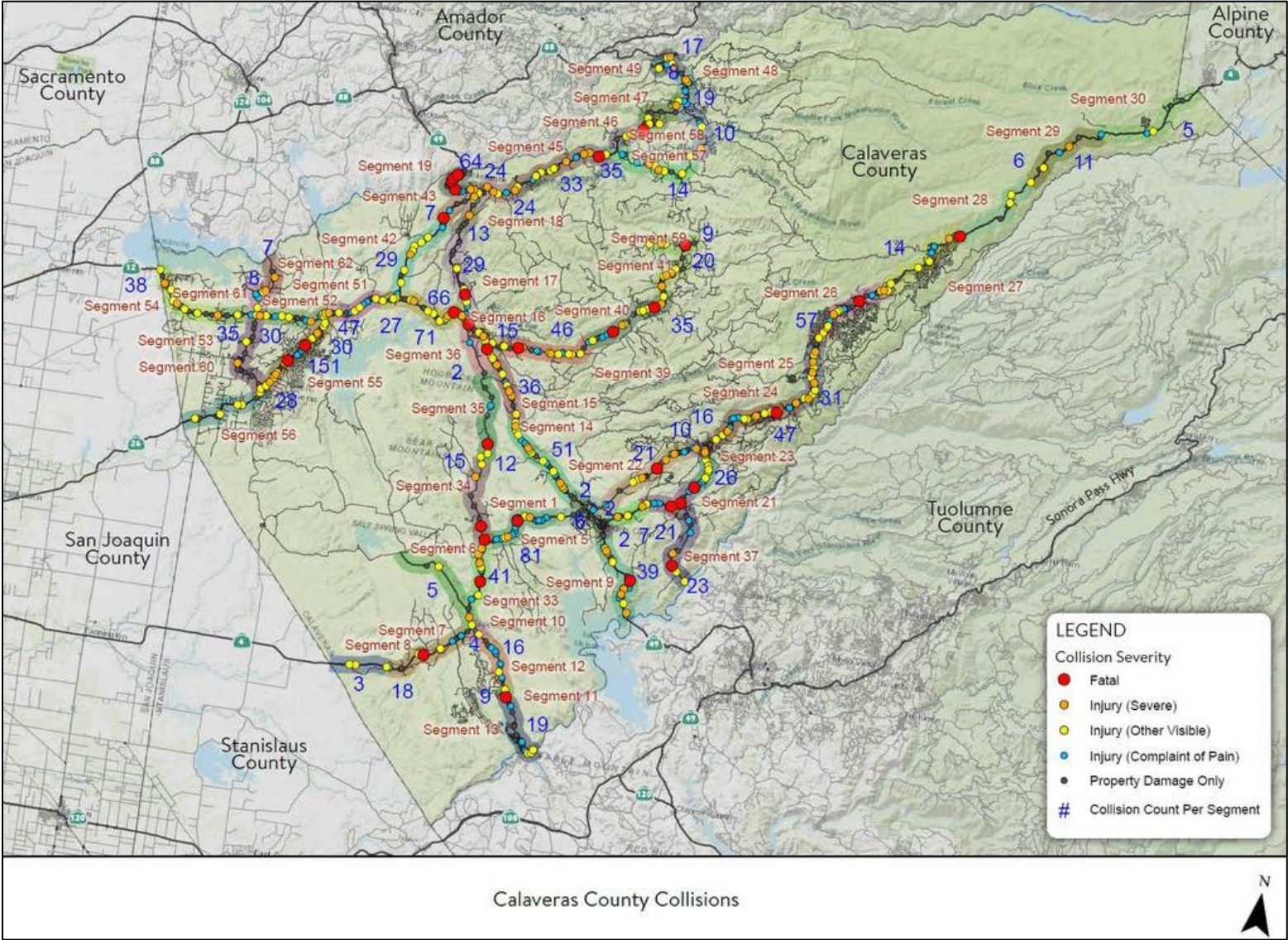
For Caltrans roadways, acceptable LOS is defined by the applicable State Highway System Transportation Concept Report. For SR 4, SR 12, and SR 49, LOS C is considered acceptable. For SR 26, LOS D is considered acceptable. For Caltrans highways in District 10, the level of service thresholds are determined by whether the highway is on the Interregional Route System (IRRS). Routes on the IRRS have a minimum LOS standard of C in rural areas and D in urban environments. Routes not on the IRRS have a minimum standard of D regardless of context.

Page 4.13-27 of the Draft EIR is hereby revised as follows:

4.13-2 *Policy C 2.2 in the Draft General Plan shall be revised as follows:*

*Policy C 2.2 Road impacts created by new development shall not reduce the minimum level of service (LOS) below D for roadways and intersections in Community Areas (as indicated on the General Plan Land Use Diagram – Figure LU-1) and in the City of Angels Camp or below LOS C on County-maintained roadways outside of Community Areas and the City of Angels Camp. The County shall allow for the following exceptions on County-maintained roadways and on Caltrans-*

**Figure 4.13-3**  
**Calaveras County Collisions: 2011 to 2016**





~~maintained roadways, except as specified below,~~ assuming that roadway safety is addressed consistent with Policy CIR 2.1.

- *SR 26 from the San Joaquin County line to Silver Rapids Road – LOS D is acceptable to the County.*
- *SR 4 from Vallecito Road to Kurt Drive – LOS D is acceptable to the County.*
- *SR 4 from Lakemont Drive to Henry Drive – LOS D is acceptable to the County.*
- *SR 4 from Henry Drive to Sierra Parkway – LOS D is acceptable to the County.*
- *SR 12 from SR 26 to SR 49 – LOS D is acceptable to the County.*
- *SR 49 from Pool Station Road to Gold Oak Road – LOS D is acceptable to the County.*
- *SR 49 from Gold Oak Road to Mountain Ranch Road – LOS D is acceptable to the County.*
- *SR 49 from Dog Town Road to SR 4 (W) – LOS D is acceptable to the County.*
- *SR 49 from SR 4 (W) to Murphy's Grade Road – LOS D is acceptable to the County.*
- *SR 49 from Stanislaus Avenue to Mark Twain Road – LOS D is acceptable to the County.*
- *SR 49 from Mark Twain Road to Bret Harte Road – LOS D is acceptable to the County.*
- *SR 49 from Bret Harte Road to SR 4 (S) Vallecito Road – LOS D is acceptable to the County.*
- *SR 49 from SR 4 (S) Vallecito Road the southern City of Angels limits to Tuolumne County Line – LOS D is acceptable to the County.*

*Additional exceptions to this policy may be allowed by the Board of Supervisors on a case-by-case basis, for roadways outside of the City of Angels Camp, where reducing the level of service would result in a clear public benefit in furtherance of public health, safety, and welfare. Exceptions to the LOS standards may include, but are not limited to, the following circumstances:*

- *Improvements necessary to achieve the LOS standard result in significant impacts to a unique historical resource;*
- *Improvements necessary to achieve the LOS standard result in impacts to a sensitive environmental area; or*
- *Improvements necessary to achieve the LOS standard would prohibit or significantly impair*

*the County's implementation of bicycle and pedestrian facilities or adversely impact areas of historic significance. (IM C-2A and C-2B).*

The forgoing revisions do not affect the conclusions presented in the Draft EIR.

## 5 Cumulative Impacts and Other CEQA Sections

In response to public comments received on the Draft EIR, page 5-7 of the Draft EIR is hereby revised as follows:

In 2016, approximately 70 percent of PG&E's delivered electricity was derived from renewable energy and GHG-free energy sources such as non-emitting nuclear generation, hydroelectric facilities, wind power, ~~natural gas~~, and various other sources. Currently, PG&E has committed to a 55 percent renewable energy target by 2031.

The foregoing revision does not affect the conclusions of the Draft EIR.

## 6 Alternatives Analysis

In response to comments received on the Draft EIR, page 6-3 of the Draft EIR is hereby revised as follows to accurately summarize the conclusions of Chapter 4.4, Biological Resources, and Chapter 4.5, Cultural Resources, of the EIR:

- **Biological Resources.** Impacts related to ~~the following wildlife movement corridors/wildlife nursery sites~~ were identified as less than significant with mitigation incorporated: ~~special status plant and animal species; sensitive riparian habitat; sensitive natural communities; oak woodlands; wetland habitats and waters of the U.S. and/or State; and.~~
- ~~**Cultural Resources.** Impacts related to causing a substantial adverse change in the significance of an historical, archaeological, or paleontological resource were identified as less than significant with mitigation incorporated.~~

Page 6-4 of the Draft EIR is hereby revised as follows to accurately summarize the conclusions of Chapter 4.10, Noise and Vibration, of the EIR:

- **Noise.** Impacts related to the following were identified as significant and unavoidable: exposure of persons to or generation of transportation ~~and non-transportation~~ noise levels in excess of standards established in the Draft General Plan or the County's Noise Ordinance; and creation of a substantial permanent increase ~~and a substantial temporary or periodic increase~~ in ambient noise levels in the County above levels existing without implementation of the Draft General Plan.

Page 6-27 of the Draft EIR is hereby revised as follows to provide clarification regarding significant and unavoidable impacts occurring under the DOF Projections Alternative.

Therefore, because the DOF Projections Alternative would result in the fewest impacts in the most resource areas in comparison to all other project alternatives, the DOF Projections Alternative would be considered the Environmentally Superior Alternative. However, as noted above, ~~the DOF Projections Alternative would still result in~~ the same significant and unavoidable impacts identified in this EIR for the proposed project would occur under the DOF Projections Alternative, albeit at a reduced intensity.

The forgoing revisions do not affect the conclusions presented in the Draft EIR.

**TABLE 2-1  
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
<b>4.1 Aesthetics</b>			
<b>4.1-2 Substantial degradation of the existing visual character or quality of the project site and/or the site’s surroundings.</b>	S	<p>4.1-2(b) <i>Implementation Measure LU-5A of the Draft General Plan shall be revised as follows:</i></p> <p style="margin-left: 40px;"><i>IM LU-5A      Adopt a Telecommunications Facilities Ordinance – Adopt a telecommunications facilities ordinance consistent with the requirements of the Telecommunications Act of 1996 and including provisions for undergrounding, co-locating, and stealth or other creative design methods to minimize the visual impact of these facilities. The ordinance should facilitate the expansion of broadband internet service throughout the county. <u>Furthermore, the ordinance shall require that all new telecommunications facilities, including emergency communications facilities, be masked or otherwise disguised, at the County’s discretion, in order to ensure that the facilities blend with the surrounding natural environment where such masking will reduce visual impacts.</u></i></p> <p style="margin-left: 40px;"><u><i>4.1-2(c) The following new IM shall be added to the Draft General Plan as follows:</i></u></p>	SU

<b>TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES</b>			
<b>Impact</b>	<b>Level of Significance Prior to Mitigation</b>	<b>Mitigation Measures</b>	<b>Level of Significance After Mitigation</b>
		<u><i>IM COS-7I Parks and Recreation Funding – Pursue funding and support efforts to provide funding for local community parks, recreation facilities and trail facilities using available funding sources.</i></u>	
<b>4.2 Agricultural, Forest, and Mineral Resources</b>			
<b>4.2-1 Impacts related to the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Important Farmlands) to non-agricultural use, and related to changes in the existing environment which, due to their location or nature, could individually or cumulatively result in loss of Farmland to non-agricultural use.</b>	S	<u><i>4.2-1(a) IM RP-E of the Draft General Plan shall be revised as follows:</i></u>  <u><i>IM RP-1E Mitigation for <del>Resource Production Land</del>Agricultural Land Conversions – Establish mitigation alternatives for the conversion of resource production land to nonresource production uses. In addition, the County shall establish mitigation program guidelines for conversion of agricultural lands, regardless of General Plan land use designations. The mitigation program guidelines shall provide for mitigation of agricultural land conversion at a 1:1 ratio, either by direct acquisition of a conservation easement or an alternative method of mitigation, including, but not limited to, purchase of banked mitigation credits. For the</i></u>	SU

**TABLE 2-1  
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p style="text-align: center;"><u><i>purpose of mitigation, “agricultural land” shall be defined as follows:</i></u></p> <ul style="list-style-type: none"> <li>• <u><i>If the California Department of Conservation Farmland Mapping and Monitoring Program (FMMP) has published official mapping data for Calaveras County, 1:1 mitigation shall be provided for Prime Farmland, Unique Farmland, and Farmland of Statewide Importance, as defined by the U.S. Department of Agriculture (USDA) land inventory and monitoring criteria, as modified for California.</i></u></li> <li>• <u><i>Consistent with Public Resource Code Section 21060.1(b), in areas of the County where FMMP official mapping data is not available, 1:1 mitigation shall be provided for land that meets the requirements of “prime agricultural land” as defined in paragraph (1), (2), (3), or (4) of subdivision (c) of Section</i></u></li> </ul>	

**TABLE 2-1  
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p style="text-align: center;"><u><i>51201 of the Government Code.</i></u></p> <p style="text-align: center;"><u><i>In the interim, the County will utilize the Calaveras County Agricultural Coalition Resource Production Lands Mitigation Program Guidelines, prepared November 8, 2011 (Appendix B).</i></u></p> <p><u><i>4.2-1(b) IM RP-1A of the Draft General Plan shall be revised as follows:</i></u></p> <p style="text-align: center;"><u><i>IM RP-1A County Code Amendments – Amend the County Code to:</i></u></p> <ul style="list-style-type: none"> <li>• <u><i>Incorporate guidelines and standards for the development and maintenance of setbacks or other measures designed to minimize conflicts between activities conducted on Resource Production Lands and the encroachment of incompatible uses.</i></u></li> <li>• <u><i>Establish minimum parcel size standards for new lots to be created adjacent to Resource Production Lands.</i></u></li> </ul>	

**TABLE 2-1  
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<ul style="list-style-type: none"> <li>• <u>Incorporate guidelines for residential development on Resource Production Lands.</u></li> <li>• <u>Expand the types of agricultural tourism and other compatible non-traditional activities allowed on Resource Production Lands to enhance their economic viability.</u></li> <li>• <u>Require a 300 foot to 500 foot buffer (on lands within the development area) from the boundary of an adjacent agricultural use. If such a buffer is deemed infeasible by the County, require a combination of a lesser buffer, tall fencing, and tree plantings along the boundary to limit adverse effects related to noise, dust, trespass, and pesticide/herbicide overspray. Such a proposal must be supported by the Agriculture Advisory Committee, County Agricultural Commissioner, or other recognized authority.</u></li> </ul>	



**TABLE 2-1  
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
<b>4.3 Air Quality and Greenhouse Gas Emissions</b>			
<p><b>4.3-1</b> A violation of any air quality standard or substantial contribution to an existing or projected air quality violation during operations, and a conflict with or obstruction of implementation of applicable air quality plans through the emission of a cumulatively considerable amount of criteria pollutants.</p>	S	<p>4.3-1(a) <i>The following new policy shall be added to the Draft General Plan:</i></p> <p style="padding-left: 40px;"><u>Policy COS 4.9</u> <i>The County shall continue to <del>support</del> <del>implement</del> emissions reductions programs such as the Carl Moyer Program, and find methods of incentivizing the replacement or retrofit of small emissions sources throughout the County, such as the replacement of existing wood stoves with EPA Phase II certified appliances, and the installation of new replacement engines or technologies to reduce emission from off-road and on-road engines within the County.</i></p> <p>4.3-1(b) <i>The following new policy shall be added to the Draft General Plan:</i></p> <p style="padding-left: 40px;"><u>Policy COS 4.10</u> <i>Should proposed developments within the County be anticipated to result in <del>potential</del> significant impacts related to the emission of criteria air pollutants, the County shall <del>consider</del> <del>imposing</del> require the applicable mitigation measures provided in the</i></p>	SU

<b>TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES</b>			
<b>Impact</b>	<b>Level of Significance Prior to Mitigation</b>	<b>Mitigation Measures</b>	<b>Level of Significance After Mitigation</b>
		<p style="text-align: center;"><u>CCAPCD's Guidelines for Assessing and Mitigating Air Quality Impacts of Land Use Projects to the extent feasible.</u></p> <p>4.3-1(d) <u>The following new policy shall be added to the Draft General Plan as follows:</u></p> <p style="text-align: center;"><u>Policy LU 5.10 Encourage the development of businesses that rely on environmentally sustainable products and services, such as renewable energy, green building, water conservation and waste management and recycling.</u></p>	
<p><b>4.3-4 Generation of GHG emissions, either directly or indirectly, that may have a significant impact on the environment and/or a conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs (i.e., emissions reductions required by AB 32 and SB 32).</b></p>	S	<p>4.3-4(b) <i>IM COS-5B of the Draft General Plan shall be revised as follows:</i></p> <p style="padding-left: 40px;"><i>IM COS-5B GHG Baseline for Calaveras County. Undertake a greenhouse gas (GHG) emissions inventory to establish baseline levels of GHGs generated from all major emission sources in the County, <u>including those in the City of Angels Camp,</u> consistent with the requirements of Assembly Bill 32 (California Global Warming Solutions Act of 2006) <u>and SB 32.</u></i></p> <p>4.3-4(c) <i>IM COS-5C of the Draft General Plan shall be revised as follows:</i></p>	SU

**TABLE 2-1  
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p style="text-align: center;"><i>IM COS-5C</i></p> <p style="text-align: center;"><i>GHG Reduction Plan. Develop a GHG reduction plan outlining the strategies, goals, and actions for contributing to the overall reduction in greenhouse gas (GHG) emissions consistent with AB 32 and SB 32. <u>The GHG Reduction Plan shall incorporate measures from the Model Policies for Greenhouse Gases in General Plans document produced by the California Air Pollution Control Officers Association (2009), as applicable.</u></i></p> <p style="text-align: center;"><i>4.3-4(f) <u>The following new IM shall be added to the Draft General Plan as follows:</u></i></p> <p style="text-align: center;"><i><u>IM COS-5G Air Pollutant Evaluation – Evaluate proposed developments to determine whether they will emit criteria air pollutants, including greenhouse gasses, exceeding CCAPCD’s standards.</u></i></p>	
<b>4.4 Biological Resources</b>			
<b>4.4-1 Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species</b>	S	<p style="text-align: center;"><i>4.4-1(b) The following new implementation measure shall be added to the Draft General Plan:</i></p> <p style="text-align: center;"><i><u>IM COS-4I <del>At the County’s discretion, f</del> For development that is subject to a</u></i></p>	SU

**TABLE 2-1  
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
<p>in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.</p>		<p><i><u>discretionary entitlement and subject to environmental review under the CEQA, the County shall require project applicants to enlist the services of a qualified biologist to evaluate a proposed project's impact on <del>special status species as defined above</del> biological resources and determine what avoidance measures or mitigation measures are warranted to offset or mitigate these impacts to the extent feasible unless the County determines the development project to be minor and without potential for a significant impact. The County shall adopt the feasible recommendations of a biologist.</u></i></p> <p>4.4-1(c) Policy COS-3.2 of the Draft General Plan shall be revised as follows:</p> <p>Policy COS 3.2 <i><u>Avoid impacts to special status and sensitive biological resources to the extent practicable and, where avoidance is impracticable, mitigate impacts consistent with state and federal policies. <del>To the extent practicable a</del> Avoid impacts to habitats that are known to support state or federally listed species. Where impacts cannot be</u></i></p>	

**TABLE 2-1  
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p><u>avoided, <del>compensate for these mitigate</del> impacts in accordance with resource agency (CDFW and/or USFWS) protocols/policies for the listed species.</u></p> <p><u>For project sites that support suitable breeding or dispersal habitats for listed species, in the absence of focused surveys proving absence, mitigation is warranted. For applicants that choose not to mitigate or compensate for impacts to such habitat based on the assumption that the habitat is suitable breeding or dispersal habitats for listed species, the County shall require project specific site surveys conducted per resource agency guidance for the FESA/CESA species in question by a permitted biologist. If such surveys are conducted with applicable resource agency concurrence and <del>prove absence, do not produce detections, then mitigation requirements may be diminished or not be required by the County.</del></u></p> <p><u>When appropriate, mitigation for impacts to CESA/FESA listed species and/or their habitats may be</u></p>	

**TABLE 2-1  
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p><u>accomplished via CDFW and/or USFWS approval for the applicant to purchase species compensation credits from an agency-approved conservation bank. For mitigation that includes avoidance on project sites or that provides offsite mitigation land preservation that will be protected in a conservation easement, a qualified biologist shall be required to develop a long-term maintenance and management plan, and a Property Analysis Record (PAR) or PAR-Like Endowment Spreadsheet Analyses for any onsite species avoidance area, and/or for either on or offsite mitigation preserves established to compensate for a project's effects on CESA/FESA listed species.</u></p> <p><u>4.4-1(d) The following new implementation measure shall be added to the Draft General Plan:</u></p> <p><u>IM COS-40 Prior to the removal of potential bat roosting sites, a pre-project survey shall be conducted by a qualified biologist to determine which bat species are using the site.</u></p>	

**TABLE 2-1  
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<u><i>Should bat species be found present on-site, feasible mitigation shall be required, such as installing exclusionary devices at the instruction of a qualified biologist and/or construction of replacement roost structures, including bat houses, other structures, or crevices incorporated into bridge design. Replacement roost structures should be monitored to document bat use.</i></u>	
<b>4.4-2 Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service.</b>	S	<p>4.4-2(a) <i>The following new implementation measure shall be added to the Draft General Plan:</i></p> <p><del><i>IM COS-4J At the County's discretion, d</i></del>  <u><i>Development that is subject to a discretionary entitlement and subject to CEQA review shall be required to evaluate potential impacts to sensitive and significant communities using the methodologies identified below and shall require mitigation for potentially significant and significant impacts.</i></u></p> <ul style="list-style-type: none"> <li>• <u><i>Enlist the services of a qualified biologist or botanist to survey the property in question for sensitive and significant plant communities including riparian and Ione chaparral;</i></u></li> </ul>	LS

**TABLE 2-1  
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<ul style="list-style-type: none"> <li>• <u>If any sensitive or significant plant community is identified on the proposed property, the qualified biologist or botanist shall map the dripline (canopy) and/or extent of the rare plant community using global positioning system (GPS) technology;</u></li> <li>• <u>The dripline/canopy and/or sensitive plant communities that are to be preserved shall be shown on all site development plans, grading plans, and/or engineering drawings so that all contractors are aware that this community is sensitive, <del>protected, and must be avoided by project plans to the extent practicable.</del> and as such, impacts must be minimized by project plans to the extent possible. Riparian drip line impacts require additional scrutiny and may require additional permitting from the CDFW pursuant to Section 1602 of the Fish and Game Code.</u></li> </ul>	



**TABLE 2-1  
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p style="text-align: right;">• <u>Mitigation for project impacts on the sensitive habitat can include onsite planting mitigation compensation, or offsite mitigation through preservation via recordation of a conservation easement that facilitates the perpetual protection of similar habitat types as those that are impacted, consistent with COS-3.6, as necessary to reduce impacts to a less-than-significant level.</u></p> <p>4.4-2(b) <i>The following new implementation measure shall be added to the Draft General Plan:</i></p> <p><u>IM COS-4K</u> <i>Support efforts to eradicate invasive species and encourage practices that reduce their spread (IM COS-4G). This can be completed by:</i></p> <p style="text-align: right;">• <u>Require new developments to submit landscape plans that are comprised of mostly native California plant species and avoid landscaping with invasive plant species. Such plans would be subject to the review and</u></p>	

**TABLE 2-1  
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p style="text-align: right;"><u>approval of the County Planning Department.</u></p> <ul style="list-style-type: none"> <li>• <u>On properties proposed for development or redevelopment that have been identified by a qualified botanist to support those invasive plant species that are identified on the California Invasive Plant Council inventory as having a ranking of “high” invasiveness (or in the case of the plant, stinkwort, which has a “moderate” ranking), removal efforts should be undertaken. The best means to remove the invasive species (for example, hand-removal or the use of herbicides) would be determined on a property by property basis by the contracted botanist/qualified biologist/restoration ecologist.</u></li> <li>• <u>To the maximum extent practicable, mechanical means (hand, tools, vehicles, appropriate animals, such as the short-term use of domestic goats) shall be utilized to remove and control invasive</u></li> </ul>	

**TABLE 2-1  
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p style="text-align: right;"><u>weeds. If this is not possible, herbicides may be utilized. Use of herbicides must be undertaken by a licensed herbicide applicator.</u></p> <p><u>4.4-2(c) The following new implementation measure shall be added to the Draft General Plan:</u></p> <p><u>IM COS-4M The County shall adopt an ordinance or resolution conserving riparian corridors. In the interim, lake pond, river, and perennial stream corridor habitat shall be conserved through retention of undisturbed buffers with building setback and the requirement to avoid any barrier to wildlife movement along the water corridor. Within Community Areas as identified on the Land Use Map, new development shall ensure that buffers of a minimum width of 75' from the centerline of the stream or river are left undisturbed along stream corridors. Outside of Community Areas, buffers of a minimum width of 100' from lake or pond or from the centerline of the stream or river shall be left undisturbed. The width of the buffer may be reduced based on a</u></p>	

**TABLE 2-1  
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<u>recommendation from a qualified biologist that the reduced width will provide a comparable wildlife movement corridor.</u>	
<b>4.4-3 Have a substantial adverse effect on oak woodlands.</b>	S	<p>4.4-3(a) <i>The following new policy shall be added to the Draft General Plan:</i></p> <p><u>Policy COS 3.8 The County shall require development that is subject to a discretionary entitlement and subject to CEQA review to evaluate potential impacts to oak woodlands using the methodologies identified below and shall require <u>avoidance, preservation, and/or mitigation for potentially significant and significant impacts. Measures that shall be implemented include:</u></u></p> <ul style="list-style-type: none"> <li>• <u>Enlist the services of a qualified biologist, botanist, Registered Professional Forester, or arborist to survey the property in question for oak woodlands;</u></li> <li>• <u>To assess impacts on properties with a development footprint smaller than 10 acres the oak trees shall be counted and their diameter at breast height (DBH) determined; the</u></li> </ul>	SU

**TABLE 2-1  
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p><u>number of trees that will be impacted shall be determined. On properties greater than 10 acres the acreage of contiguous oak woodland (based upon canopy cover) shall be calculated and the acreage of impact shall be quantified. Additionally, This may be completed by the qualified biologist, botanist, Registered Professional Forester, or arborist shall map the dripline (canopy) of the oak woodland using a global positioning system (GPS) technology in the field, or in the lab working from current aerial photographs.</u></p> <ul style="list-style-type: none"> <li><u>The dripline/canopy of the oak woodlands that are to be preserved shall be shown on all site development plans, grading plans, and/or engineering drawings so that all contractors are aware that this community is sensitive, protected, and must be avoided by project plans to the extent practicable.</u></li> </ul>	

**TABLE 2-1  
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<ul style="list-style-type: none"> <li>• <u>On properties less than <del>10</del> five acres, mitigation requirements shall include that removed oak trees <del>to be removed</del> shall be replaced at a mitigation ratio determined at the discretion of the County Planning Department. This ratio will be based on the species of oak removed. For example, for oak species that are common in the county, such as interior live oak (<i>Quercus wislizenii</i>), mitigation ratios may be lower than for less common oak species such as blue oaks (<i>Quercus douglasii</i>), valley oak (<i>Quercus lobata</i>) or black oaks (<i>Quercus kelloggii</i>). Ratios shall vary from 1:1 to as high as 3:1 at the discretion of the County Planning Department staff, and mitigation tree sizes shall vary between 5-gallon pots to 15-gallon box trees, depending on the size of the trees removed/impacted.</u></li> <li>• <u>On properties <del>greater than</del> <del>between five and 10</del> acres,</u></li> </ul>	

**TABLE 2-1  
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p><u>preservation requirements would include that a minimum of 30-20 percent of existing oak woodland canopy shall be preserved. Tree replacement mitigation shall be as prescribed above for project site's smaller than 10 acres in size or as recommended in the following bullet point at the discretion of Calaveras County, unless it is demonstrated to the County that such preservation would prevent feasible development of a parcel. In addition, tree replacement mitigation shall be as prescribed above for properties that are less than five acres.</u></p> <ul style="list-style-type: none"> <li>• <u>On properties between five and 10 acres where on-site protection of 20 percent of existing oak woodland canopy is infeasible, and/or where tree replacement mitigation is infeasible, mitigation shall include one or more of the following measures: (1) A monetary contribution</u></li> </ul>	

**TABLE 2-1  
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p><u>commensurate with the acreage of impacts to oak woodland shall be paid to the State's Oak Woodlands Conservation Fund for the purpose of purchasing oak woodland conservation easements as close to the project site as possible, and if feasible, within Calaveras County; (2) a combination of on-site and off-site planting as close to the project site as possible, and if feasible, within Calaveras County at a tree replacement ratio as described for properties that are less than five acres or above; or, (3) mitigation through oak woodland preservation at an acreage commensurate with the acreage of impacted oak woodland via recordation of a conservation easement that facilitates the perpetual protection of oak woodland. A management plan and Property Analysis Record (PAR), or PAR-Like Endowment Spreadsheet Analyses shall be completed for any site intended</u></p>	



**TABLE 2-1  
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p style="text-align: right;"><u>for protection of oak woodland to ensure adequate in-perpetuity management.</u></p> <ul style="list-style-type: none"> <li>• <u>On parcels greater than 10 acres, preservation requirements would include that a minimum where on site protection of 30 percent of existing oak woodland canopy and replacement are infeasible, mitigation for project impacts to oak woodlands can include: a monetary contribution to the State's Oak Woodlands Conservation Fund for the purpose of purchasing oak woodland conservation easements, onsite planting mitigation compensation, or a combination or onsite and offsite planting, or mitigation through oak woodland preservation via recordation of a conservation easement that facilitates the perpetual protection of oak woodland. shall be preserved. In addition, mitigation shall include one or more of the following measures:</u></li> </ul>	

**TABLE 2-1  
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p><u>(1) A monetary contribution commensurate with the acreage of impacts to oak woodland shall be paid to the State’s Oak Woodlands Conservation Fund for the purpose of purchasing oak woodland conservation easements as close to the project site as possible, and if feasible, within Calaveras County;</u>  <u>(2) a combination of onsite and offsite planting as close to the project site as possible, and if feasible, within Calaveras County at a tree replacement ratio as described for properties that are less than 5 acres above;</u>  <u>or, (3) mitigation through oak woodland preservation at an acreage that is commensurate with the acreage of impacted oak woodland via recordation of a conservation easement that facilitates the perpetual protection of oak woodland. A management plan and Property Analysis Record (PAR), or PAR-Like Endowment Spreadsheet Analyses shall be</u></p>	

**TABLE 2-1  
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p style="text-align: right;"><u>completed for any site intended for protection of oak woodland to ensure adequate in-perpetuity management.</u></p> <p><u>4.4-3(b) Implementation Measure COS-4D of the Draft General Plan shall be revised as follows:</u></p> <p><u>IM COS-4D Oak Woodlands. Develop a mitigation program in addition to the mitigation measures provided in the Oak Woodlands Preservation Act of 2014,<sup>18</sup> where the County determines a project will have a significant effect on oak woodlands, to facilitate the environmental review process relative to mitigating significant direct and cumulative impacts to oak woodlands in conjunction with discretionary project approval and address pre-development removal of oaks.</u></p>	
<b>4.4-5 Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites</b>	S	<p>4.4-5(b) The following new implementation measure shall be added to the Draft General Plan’s Conservation and Open Space Element:</p> <p><u>IM COS-4L The County shall work with applicants to encourage preservation preserve or enhancement of upland habitat for wildlife species to the maximum extent</u></p>	LS

**TABLE 2-1  
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p><u>feasible on parcels slated for development containing suitable habitat (e.g. areas used for foraging, breeding, dispersal, etc.). Habitat preservation and enhancement shall be encouraged throughout the County in a way that promotes regional connectivity of open space habitats. The County shall work with applicants to <del>encourage</del> design development to be compatible with wildlife movement. Mitigation measures may include installing wildlife friendly fencing or lighting to minimize interference with wildlife movement. Creek corridors <del>should</del> shall be preserved in undeveloped open spaces or under conservation easements as creek corridors provide linear wildlife corridors through the County. Similarly, if open spaces are to be preserved within developed areas, they <del>should</del> shall have connectivity to/with other dedicated or undevelopable open space lands to the extent possible.</u></p> <p><u>4.4-5(c) The following new policy shall be added to the Draft General Plan’s Conservation and Open Space Element as follows:</u></p>	

**TABLE 2-1  
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p><u>Policy COS 3.10</u> <i>Where practicable, improve the ability of listed species and any native wildlife to safely cross highways and roadways to reduce human injuries and fatalities resulting from vehicle-animal collisions.</i></p> <p><u>4.4-5(d)</u> <i>The following new IM shall be added to the Draft General Plan’s Conservation and Open Space Element as follows:</i></p> <p><u>IM COS-4N</u> <i>In areas of the County where a significant wildlife corridor has been identified (e.g., a deer migration corridor, a federally or state listed amphibian migration route), the County and other parties proposing improvements in areas identified by CDFW as significant migration corridors, shall prepare and submit any improvement plans that must be approved by the County showing properly sized and constructed wildlife passage culverts or other under or over crossing plans that will provide safe passageways over or under constructed, improved or modified roadways. In significant wildlife corridors areas, when possible, fencing will be used to direct animals to these under crossings or other roadway crossings. Safety</i></p>	

**TABLE 2-1  
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p style="text-align: center;"><u>signage may also be utilized to alert drivers to specific areas used by mule deer and other large wildlife for roadway crossings.</u></p> <p style="text-align: center;"><u>4.4-5(e) The following new IM shall be added to the Draft General Plan’s Conservation and Open Space Element:</u></p> <p style="text-align: center;"><u>IM COS-4P Development with the potential to dredge or fill material into, or otherwise impact, wetlands or waters of the U.S. shall apply for appropriate permitting from the U.S. Army Corps of Engineers pursuant to Section 404 of the Clean Water Act. Where direct or indirect impacts such as grading, fill, or hydrologic disturbance may affect wetlands, aquatic impact minimization measures shall be applied to minimize any potential impacts, consistent with applicable U.S. Army Corps of Engineers requirements.</u></p>	
<b>4.5 Cultural and Tribal Cultural Resources</b>			
<b>4.5-1 Cause a substantial adverse change in the significance of a historical resource.</b>	S	<p style="text-align: center;"><u>4.5-1(c) IM COS-8G of the Draft General Plan shall be revised as follows:</u></p> <p style="text-align: center;"><u>IM COS-8G Register of Historic Resources – Establish a County register of historic</u></p>	SU

**TABLE 2-1  
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p><u>resources. Adopt a cultural resources management ordinance to include the following:</u></p> <ul style="list-style-type: none"> <li>• <u>Implement the Mills Act;</u></li> <li>• <u>Establish a County register of historic resources;</u></li> <li>• <u>Utilization of the California State Historical Building Code;</u></li> <li>• <u>Require a cultural resource study prior to demolition of buildings 75 years of age or older; and</u></li> <li>• <u>Establish criteria for curation of artifacts recovered during construction of private and public projects.</u></li> </ul> <p><u>4.5-1(d) IM LU-4A of the Draft General Plan shall be revised as follows:</u></p> <p><u>IM LU-4A Community Design Guidelines – Adopt community design guidelines or standards for communities identified by the Board of Supervisors, applicable to both ministerial and discretionary projects, which reflect the character of the individual community, including historic design standards for communities with concentrations of</u></p>	

**TABLE 2-1  
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<u><i>historic buildings, and without establishing a design review committee. Design guidelines or standards shall be implemented only after approval by the Board of Supervisors.</i></u>	
<b>4.5-2 Cause a substantial adverse change in the historic significance of an archaeological resource, or destroy a unique paleontological resource, including human remains, or a unique geologic feature within the County.</b>	S	<p>4.5-2 Implementation Measure IM COS-8A of the Draft General Plan shall be revised as follows:</p> <p>IM COS-8A      <i>Identify Native American Resource Sensitivity Areas – Update the County’s Archaeological Sensitivity Map in cooperation with local Native American archaeology and history representatives to assist planners in determining when cultural resource surveys shall be required in conjunction with the environmental review process. The County shall consult <u>the updated Archaeological Sensitivity Map, in addition to other existing cultural resources information (e.g. pre- 1950 USGS topographic quadrangle maps, official townsite maps, Sanborn Insurance Maps, GIS database) in conjunction with the environmental review process for all discretionary approvals to identify sensitive areas and resources. If such cultural resources information indicates that sensitive areas and/or resources are</u></i></p>	SU



<b>TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES</b>			
<b>Impact</b>	<b>Level of Significance Prior to Mitigation</b>	<b>Mitigation Measures</b>	<b>Level of Significance After Mitigation</b>
		<i>likely to occur within the subject area, site-specific cultural resources <u>surveys and/or treatment plans shall be required, at the applicant's expense.</u></i>	
<b>4.12 Public Services and Utilities</b>			
<b>4.12-1</b> Development associated with the Draft General Plan would result in substantial adverse physical impacts associated with the provision of new or physically altered police protection facilities, and/or the need for new or physically altered police protection facilities, the construction of which could cause significant environmental impacts in order to maintain acceptable service ratios, response times, or other performance objectives for police protection facilities.	S	<p><u>4.12-1(a)</u> Implementation Measure PF-4D of the Draft General Plan shall be revised as follows:</p> <p style="margin-left: 40px;"><i>IM PF-4D      Emergency Communications. Install facilities that create or enhance voice and data communications between law enforcement and emergency service providers and between emergency responders and the public. <u>The County shall consider the environmental sensitivity as well as the efficacy of the sites chosen for installation of new emergency communications facilities. Whenever possible, sites that are less environmentally sensitive shall be selected for placement of new emergency communications facilities.</u></i></p> <p><u>4.12-1(b)</u> Implementation Measure PF-4C of the Draft General Plan shall be revised as follows:</p> <p style="margin-left: 40px;"><u>IM PF-4C      Funding Law Enforcement and Emergency Services. Establish a</u></p>	SU

**TABLE 2-1  
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<u>development impact fee to fund capital costs and operations of law enforcement, fire protection communications, and emergency services to serve new development and maintain existing levels of service.</u>	
<b>4.12-10 Result in substantial adverse physical impacts associated with the provision of new or physically altered recreation facilities, and/or the need for new or physically altered recreation facilities, the construction of which could cause significant environmental impacts in order to maintain performance objectives for recreation facilities.</b>	S	<p><u>4.12-10(c) Policy COS 6.1 of the Draft General Plan shall be revised as follows:</u></p> <p><u>Policy COS 6.1 Work with the Calaveras County Parks &amp; Recreation Committee, community organizations and special districts to develop park and active recreation facilities, striving to provide a minimum of 3 acres of local park land for every 1,000 County residents. (IM COS-7A, COS-7B, COS-7C and COS-7G)</u></p>	SU
<b>4.13 Transportation and Circulation</b>			
<b>4.13-2 Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of Caltrans-maintained roadways under the Market-Level 2035 growth</b>	S	<p>4.13-2 Policy C 2.2 in the Draft General Plan shall be revised as follows:</p> <p>Policy C 2.2 Road impacts created by new development shall not reduce the minimum level of service (LOS) below D</p>	SU

**TABLE 2-1  
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
scenario or the General Plan Buildout (Growth Beyond 2035).		<p>for roadways and intersections in Community Areas (as indicated on the General Plan Land Use Diagram – Figure LU-1) <u>and in the City of Angels Camp</u> or below LOS C on County-maintained roadways outside of Community Areas <u>and the City of Angels Camp</u>. The County shall allow for the following exceptions on County-maintained roadways and on Caltrans-maintained roadways, <del>except as specified below</del>, assuming that roadway safety is addressed consistent with Policy CIR 2.1.</p> <ul style="list-style-type: none"> <li>• <u>SR 26 from the San Joaquin County line to Silver Rapids Road – LOS D is acceptable to the County.</u></li> <li>• <u>SR 4 from Vallecito Road to Kurt Drive – LOS D is acceptable to the County.</u></li> <li>• <u>SR 4 from Lakemont Drive to Henry Drive – LOS D is acceptable to the County.</u></li> <li>• <u>SR 4 from Henry Drive to Sierra Parkway – LOS D is acceptable to the County.</u></li> </ul>	

**TABLE 2-1  
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<ul style="list-style-type: none"> <li>• <u>SR 12 from SR 26 to SR 49 – LOS D is acceptable to the County.</u></li> <li>• <u>SR 49 from Pool Station Road to Gold Oak Road – LOS D is acceptable to the County.</u></li> <li>• <u>SR 49 from Gold Oak Road to Mountain Ranch Road – LOS D is acceptable to the County.</u></li> <li>• <u>SR 49 from Dog Town Road to SR 4 (W) – LOS D is acceptable to the County.</u></li> <li>• <u>SR 49 from SR 4 (W) to Murphy’s Grade Road – LOS D is acceptable to the County.</u></li> <li>• <u>SR 49 from Stanislaus Avenue to Mark Twain Road – LOS D is acceptable to the County.</u></li> <li>• <u>SR 49 from Mark Twain Road to Bret Harte Road – LOS D is acceptable to the County.</u></li> <li>• <u>SR 49 from Bret Harte Road to SR 4 (S) Vallecito Road – LOS D is acceptable to the County.</u></li> <li>• <u>SR 49 from SR 4 (S) Vallecito Road the southern City of Angels limits to Tuolumne County Line – LOS D is acceptable to the County.</u></li> </ul>	

**TABLE 2-1  
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p><i>Additional exceptions to this policy may be allowed by the Board of Supervisors on a case-by-case basis, <u>for roadways outside of the City of Angels Camp</u>, where reducing the level of service would result in a clear public benefit in furtherance of public health, safety, and welfare. Exceptions to the LOS standards may include, but are not limited to, the following circumstances:</i></p> <ul style="list-style-type: none"> <li>• <i>Improvements necessary to achieve the LOS standard result in significant impacts to a unique historical resource;</i></li> <li>• <i>Improvements necessary to achieve the LOS standard result in impacts to a sensitive environmental area; or</i></li> <li>• <i>Improvements necessary to achieve the LOS standard would prohibit or significantly impair the County's implementation of bicycle and pedestrian facilities or adversely impact areas of historic significance. (IM C-2A and C-2B).</i></li> </ul>	

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## 4. MITIGATION MONITORING AND REPORTING PROGRAM

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**4**

**MITIGATION MONITORING AND  
REPORTING PROGRAM**

**4.1 SUMMARY**

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Section 15097 of the California Environmental Quality Act (CEQA) requires all State and local agencies to establish monitoring or reporting programs for projects approved by a public agency whenever approval involves the adoption of either a “mitigated negative declaration” or specified environmental findings related to environmental impact reports.

Typically, monitoring or reporting programs include such details as the implementation schedule for mitigation and the parties required to implement such mitigation. However, in the case of the Draft General Plan, the Draft General Plan was prepared with a focus on environmental impact reduction through the inclusion of various self-mitigating goals, policies, and implementation measures. This Final EIR includes updates to proposed goals, policies, and implementation measures included in the Draft General Plan, which ensure the efficacy of such self-mitigating features of the Draft General Plan. Upon adoption of this Final EIR, the Draft General Plan would be finalized to include all updated goals, policies, and implementation measures as required by this Final EIR. As a result of the inclusion of the updated self-mitigating goals, policies, and implementation measures the Draft General Plan will represent a self-mitigating document, and adoption of the Draft General Plan would result in implementation of all mitigation measures included in this Final EIR. Because adoption of the General Plan would fulfill implementation of all mitigation measures included in this Final EIR, further monitoring or reporting would not be necessary.

As noted in the Office of Planning and Research (OPR) General Plan Guidelines, after a General Plan has been adopted, Government Code section 65400(a)(2)(A) requires the planning agency to provide an annual report to their legislative body, OPR, and Department of Housing and Community Development (HCD) on the status of the plan and progress in its implementation. The report must detail progress in meeting the jurisdiction’s share of regional housing needs determined pursuant to Government Code section 65584 and local efforts to remove governmental constraints to the maintenance, improvement, and development of housing pursuant to Government Code section 65583(c)(3). The annual progress report must be provided to the legislative body, OPR, and HCD on or before April 1 of each year. Jurisdictions must report on a calendar-year basis (January 1 through December 31).

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## APPENDIX

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Calaveras County GPEIR (Construction) - Calaveras County AQMD Air District, Annual

**Calaveras County GPEIR (Construction)**  
**Calaveras County AQMD Air District, Annual**

**1.0 Project Characteristics**

**1.1 Land Usage**

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
Industrial Park	1,507.00	1000sqft	46.10	1,507,000.00	0
Health Club	235.00	1000sqft	10.80	235,000.00	0
Apartments Low Rise	71.00	Dwelling Unit	5.40	71,000.00	203
Apartments Mid Rise	48.00	Dwelling Unit	2.70	48,000.00	137
Single Family Housing	518.00	Dwelling Unit	1,137.50	932,400.00	1481
Regional Shopping Center	337.00	1000sqft	7.70	337,000.00	0
Strip Mall	233.00	1000sqft	0.02	233,000.00	0

**1.2 Other Project Characteristics**

<b>Urbanization</b>	Rural	<b>Wind Speed (m/s)</b>	2.2	<b>Precipitation Freq (Days)</b>	61
<b>Climate Zone</b>	1			<b>Operational Year</b>	2035
<b>Utility Company</b>	Pacific Gas & Electric Company				
<b>CO2 Intensity (lb/MW hr)</b>	287.23	<b>CH4 Intensity (lb/MW hr)</b>	0.029	<b>N2O Intensity (lb/MW hr)</b>	0.006

**1.3 User Entered Comments & Non-Default Data**

Calaveras County GPEIR (Construction) - Calaveras County AQMD Air District, Annual

Project Characteristics - CO2 intensity factor adjusted based on PG&E RPS reductions

Land Use - Estimated yearly new development

Construction Phase - Adjusted based on one calendar year of construction

Grading - Adjusted to total disturbance area

Vehicle Trips - Operations not modeled

Woodstoves - Operations not modeled

Consumer Products - Operations not modeled

Area Coating -

Landscape Equipment - Operations not modeled

Energy Use - Operations not modeled

Water And Wastewater - Operations not modeled

Solid Waste - Operations not modeled

Construction Off-road Equipment Mitigation - CCAPCD Standard Measures

Architectural Coating - Project-level mitigation

Table Name	Column Name	Default Value	New Value
tblArchitecturalCoating	EF_Nonresidential_Exterior	250.00	100.00
tblArchitecturalCoating	EF_Nonresidential_Interior	250.00	100.00
tblArchitecturalCoating	EF_Parking	250.00	100.00
tblArchitecturalCoating	EF_Residential_Exterior	250.00	100.00
tblArchitecturalCoating	EF_Residential_Interior	250.00	100.00
tblAreaCoating	ReapplicationRatePercent	10	0
tblConstructionPhase	NumDays	11,000.00	14.00
tblConstructionPhase	NumDays	155,000.00	195.00
tblConstructionPhase	NumDays	10,000.00	13.00
tblConstructionPhase	NumDays	15,500.00	19.00
tblConstructionPhase	NumDays	11,000.00	14.00

## Calaveras County GPEIR (Construction) - Calaveras County AQMD Air District, Annual

tblConstructionPhase	NumDays	6,000.00	8.00
tblEnergyUse	LightingElect	810.36	0.00
tblEnergyUse	LightingElect	741.44	0.00
tblEnergyUse	LightingElect	1.81	0.00
tblEnergyUse	LightingElect	3.45	0.00
tblEnergyUse	LightingElect	5.70	0.00
tblEnergyUse	LightingElect	1,608.84	0.00
tblEnergyUse	LightingElect	5.70	0.00
tblEnergyUse	NT24E	3,172.76	0.00
tblEnergyUse	NT24E	3,054.10	0.00
tblEnergyUse	NT24E	1.85	0.00
tblEnergyUse	NT24E	3.98	0.00
tblEnergyUse	NT24E	2.81	0.00
tblEnergyUse	NT24E	6,155.97	0.00
tblEnergyUse	NT24E	2.81	0.00
tblEnergyUse	NT24NG	1,599.00	0.00
tblEnergyUse	NT24NG	1,599.00	0.00
tblEnergyUse	NT24NG	0.31	0.00
tblEnergyUse	NT24NG	1,599.00	0.00
tblEnergyUse	T24E	775.93	0.00
tblEnergyUse	T24E	830.63	0.00
tblEnergyUse	T24E	0.62	0.00
tblEnergyUse	T24E	3.63	0.00
tblEnergyUse	T24E	5.01	0.00
tblEnergyUse	T24E	912.41	0.00
tblEnergyUse	T24E	5.01	0.00
tblEnergyUse	T24NG	9,200.58	0.00

## Calaveras County GPEIR (Construction) - Calaveras County AQMD Air District, Annual

tblEnergyUse	T24NG	2,290.03	0.00
tblEnergyUse	T24NG	3.20	0.00
tblEnergyUse	T24NG	19.54	0.00
tblEnergyUse	T24NG	7.21	0.00
tblEnergyUse	T24NG	10,517.50	0.00
tblEnergyUse	T24NG	7.21	0.00
tblFireplaces	NumberGas	39.05	0.00
tblFireplaces	NumberGas	26.40	0.00
tblFireplaces	NumberGas	284.90	0.00
tblFireplaces	NumberNoFireplace	7.10	0.00
tblFireplaces	NumberNoFireplace	4.80	0.00
tblFireplaces	NumberNoFireplace	51.80	0.00
tblFireplaces	NumberWood	24.85	0.00
tblFireplaces	NumberWood	16.80	0.00
tblFireplaces	NumberWood	181.30	0.00
tblGrading	AcresOfGrading	47.50	1,210.20
tblLandscapeEquipment	NumberSummerDays	180	1
tblLandUse	LotAcreage	34.60	46.10
tblLandUse	LotAcreage	5.39	10.80
tblLandUse	LotAcreage	4.44	5.40
tblLandUse	LotAcreage	1.26	2.70
tblLandUse	LotAcreage	168.18	1,137.50
tblLandUse	LotAcreage	7.74	7.70
tblLandUse	LotAcreage	5.35	0.02
tblProjectCharacteristics	CO2IntensityFactor	641.35	287.23
tblProjectCharacteristics	UrbanizationLevel	Urban	Rural
tblSolidWaste	SolidWasteGenerationRate	32.66	0.00

## Calaveras County GPEIR (Construction) - Calaveras County AQMD Air District, Annual

tblSolidWaste	SolidWasteGenerationRate	22.08	0.00
tblSolidWaste	SolidWasteGenerationRate	1,339.50	0.00
tblSolidWaste	SolidWasteGenerationRate	1,868.68	0.00
tblSolidWaste	SolidWasteGenerationRate	353.85	0.00
tblSolidWaste	SolidWasteGenerationRate	370.25	0.00
tblSolidWaste	SolidWasteGenerationRate	244.65	0.00
tblVehicleTrips	DV_TP	11.00	0.00
tblVehicleTrips	DV_TP	11.00	0.00
tblVehicleTrips	DV_TP	11.00	0.00
tblVehicleTrips	HO_TTP	42.00	0.00
tblVehicleTrips	HO_TTP	42.00	0.00
tblVehicleTrips	HO_TTP	42.00	0.00
tblVehicleTrips	HS_TTP	20.70	0.00
tblVehicleTrips	HS_TTP	20.70	0.00
tblVehicleTrips	HS_TTP	20.70	0.00
tblVehicleTrips	HW_TTP	37.30	0.00
tblVehicleTrips	HW_TTP	37.30	0.00
tblVehicleTrips	HW_TTP	37.30	0.00
tblVehicleTrips	PB_TP	3.00	0.00
tblVehicleTrips	PB_TP	3.00	0.00
tblVehicleTrips	PB_TP	3.00	0.00
tblVehicleTrips	PR_TP	86.00	0.00
tblVehicleTrips	PR_TP	86.00	0.00
tblVehicleTrips	PR_TP	86.00	0.00
tblVehicleTrips	ST_TR	7.16	0.00
tblVehicleTrips	ST_TR	6.39	0.00
tblVehicleTrips	ST_TR	20.87	0.00

## Calaveras County GPEIR (Construction) - Calaveras County AQMD Air District, Annual

tblVehicleTrips	ST_TR	2.49	0.00
tblVehicleTrips	ST_TR	49.97	0.00
tblVehicleTrips	ST_TR	9.91	0.00
tblVehicleTrips	ST_TR	42.04	0.00
tblVehicleTrips	SU_TR	6.07	0.00
tblVehicleTrips	SU_TR	5.86	0.00
tblVehicleTrips	SU_TR	26.73	0.00
tblVehicleTrips	SU_TR	0.73	0.00
tblVehicleTrips	SU_TR	25.24	0.00
tblVehicleTrips	SU_TR	8.62	0.00
tblVehicleTrips	SU_TR	20.43	0.00
tblVehicleTrips	WD_TR	6.59	0.00
tblVehicleTrips	WD_TR	6.65	0.00
tblVehicleTrips	WD_TR	32.93	0.00
tblVehicleTrips	WD_TR	6.83	0.00
tblVehicleTrips	WD_TR	42.70	0.00
tblVehicleTrips	WD_TR	9.52	0.00
tblVehicleTrips	WD_TR	44.32	0.00
tblWater	IndoorWaterUseRate	4,625,935.82	0.00
tblWater	IndoorWaterUseRate	3,127,393.23	0.00
tblWater	IndoorWaterUseRate	13,898,638.85	0.00
tblWater	IndoorWaterUseRate	348,493,750.00	0.00
tblWater	IndoorWaterUseRate	24,962,439.74	0.00
tblWater	IndoorWaterUseRate	33,749,785.27	0.00
tblWater	IndoorWaterUseRate	17,258,897.51	0.00
tblWater	OutdoorWaterUseRate	2,916,350.84	0.00
tblWater	OutdoorWaterUseRate	1,971,617.47	0.00

## Calaveras County GPEIR (Construction) - Calaveras County AQMD Air District, Annual

tblWater	OutdoorWaterUseRate	8,518,520.58	0.00
tblWater	OutdoorWaterUseRate	15,299,559.84	0.00
tblWater	OutdoorWaterUseRate	21,277,038.54	0.00
tblWater	OutdoorWaterUseRate	10,578,033.96	0.00
tblWoodstoves	NumberCatalytic	3.55	0.00
tblWoodstoves	NumberCatalytic	2.40	0.00
tblWoodstoves	NumberCatalytic	25.90	0.00
tblWoodstoves	NumberNoncatalytic	3.55	0.00
tblWoodstoves	NumberNoncatalytic	2.40	0.00
tblWoodstoves	NumberNoncatalytic	25.90	0.00

## 2.0 Emissions Summary

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Calaveras County GPEIR (Construction) - Calaveras County AQMD Air District, Annual

Quarter	Start Date	End Date	Maximum Unmitigated ROG + NOX (tons/quarter)	Maximum Mitigated ROG + NOX (tons/quarter)
1	1-1-2020	3-31-2020	2.5463	2.5463
2	4-1-2020	6-30-2020	18.4977	18.4977
3	7-1-2020	9-30-2020	3.4897	3.4897
		Highest	18.4977	18.4977

2.2 Overall Operational

Unmitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Area	13.1366	3.0000e-004	0.0263	0.0000		1.5000e-004	1.5000e-004		1.5000e-004	1.5000e-004	0.0000	0.0432	0.0432	4.0000e-005	0.0000	0.0442
Energy	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Mobile	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Waste						0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Water						0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
<b>Total</b>	<b>13.1366</b>	<b>3.0000e-004</b>	<b>0.0263</b>	<b>0.0000</b>	<b>0.0000</b>	<b>1.5000e-004</b>	<b>1.5000e-004</b>	<b>0.0000</b>	<b>1.5000e-004</b>	<b>1.5000e-004</b>	<b>0.0000</b>	<b>0.0432</b>	<b>0.0432</b>	<b>4.0000e-005</b>	<b>0.0000</b>	<b>0.0442</b>

Calaveras County GPEIR (Construction) - Calaveras County AQMD Air District, Annual

**2.2 Overall Operational**

**Mitigated Operational**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Area	13.1366	3.0000e-004	0.0263	0.0000		1.5000e-004	1.5000e-004		1.5000e-004	1.5000e-004	0.0000	0.0432	0.0432	4.0000e-005	0.0000	0.0442
Energy	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Mobile	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Waste						0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Water						0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
<b>Total</b>	<b>13.1366</b>	<b>3.0000e-004</b>	<b>0.0263</b>	<b>0.0000</b>	<b>0.0000</b>	<b>1.5000e-004</b>	<b>1.5000e-004</b>	<b>0.0000</b>	<b>1.5000e-004</b>	<b>1.5000e-004</b>	<b>0.0000</b>	<b>0.0432</b>	<b>0.0432</b>	<b>4.0000e-005</b>	<b>0.0000</b>	<b>0.0442</b>

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Percent Reduction	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

**3.0 Construction Detail**

**Construction Phase**

## Calaveras County GPEIR (Construction) - Calaveras County AQMD Air District, Annual

Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days	Phase Description
1	Demolition	Demolition	1/1/2020	1/17/2020	5	13	
2	Site Preparation	Site Preparation	1/18/2020	1/29/2020	5	8	
3	Grading	Grading	1/30/2020	2/25/2020	5	19	
4	Paving	Paving	2/26/2020	3/16/2020	5	14	
5	Building Construction	Building Construction	3/17/2020	12/14/2020	5	195	
6	Architectural Coating	Architectural Coating	3/31/2020	4/17/2020	5	14	

**Acres of Grading (Site Preparation Phase): 0**

**Acres of Grading (Grading Phase): 1210.2**

**Acres of Paving: 0**

**Residential Indoor: 2,129,085; Residential Outdoor: 709,695; Non-Residential Indoor: 3,468,000; Non-Residential Outdoor: 1,156,000; Striped Parking Area: 0 (Architectural Coating – sqft)**

**OffRoad Equipment**

## Calaveras County GPEIR (Construction) - Calaveras County AQMD Air District, Annual

Phase Name	Offroad Equipment Type	Amount	Usage Hours	Horse Power	Load Factor
Demolition	Concrete/Industrial Saws	1	8.00	81	0.73
Demolition	Excavators	3	8.00	158	0.38
Demolition	Rubber Tired Dozers	2	8.00	247	0.40
Site Preparation	Rubber Tired Dozers	3	8.00	247	0.40
Site Preparation	Tractors/Loaders/Backhoes	4	8.00	97	0.37
Grading	Excavators	2	8.00	158	0.38
Grading	Graders	1	8.00	187	0.41
Grading	Rubber Tired Dozers	1	8.00	247	0.40
Grading	Scrapers	2	8.00	367	0.48
Grading	Tractors/Loaders/Backhoes	2	8.00	97	0.37
Building Construction	Cranes	1	7.00	231	0.29
Building Construction	Forklifts	3	8.00	89	0.20
Building Construction	Generator Sets	1	8.00	84	0.74
Building Construction	Tractors/Loaders/Backhoes	3	7.00	97	0.37
Building Construction	Welders	1	8.00	46	0.45
Paving	Pavers	2	8.00	130	0.42
Paving	Paving Equipment	2	8.00	132	0.36
Paving	Rollers	2	8.00	80	0.38
Architectural Coating	Air Compressors	1	6.00	78	0.48

Trips and VMT

Calaveras County GPEIR (Construction) - Calaveras County AQMD Air District, Annual

Phase Name	Offroad Equipment Count	Worker Trip Number	Vendor Trip Number	Hauling Trip Number	Worker Trip Length	Vendor Trip Length	Hauling Trip Length	Worker Vehicle Class	Vendor Vehicle Class	Hauling Vehicle Class
Demolition	6	15.00	0.00	0.00	16.80	6.60	20.00	LD_Mix	HDT_Mix	HHDT
Site Preparation	7	18.00	0.00	0.00	16.80	6.60	20.00	LD_Mix	HDT_Mix	HHDT
Grading	8	20.00	0.00	0.00	16.80	6.60	20.00	LD_Mix	HDT_Mix	HHDT
Building Construction	9	1,186.00	447.00	0.00	16.80	6.60	20.00	LD_Mix	HDT_Mix	HHDT
Paving	6	15.00	0.00	0.00	16.80	6.60	20.00	LD_Mix	HDT_Mix	HHDT
Architectural Coating	1	237.00	0.00	0.00	16.80	6.60	20.00	LD_Mix	HDT_Mix	HHDT

**3.1 Mitigation Measures Construction**

**3.2 Demolition - 2020**

**Unmitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.0215	0.2158	0.1414	2.5000e-004		0.0108	0.0108		0.0100	0.0100	0.0000	22.0991	22.0991	6.2400e-003	0.0000	22.2551
<b>Total</b>	<b>0.0215</b>	<b>0.2158</b>	<b>0.1414</b>	<b>2.5000e-004</b>		<b>0.0108</b>	<b>0.0108</b>		<b>0.0100</b>	<b>0.0100</b>	<b>0.0000</b>	<b>22.0991</b>	<b>22.0991</b>	<b>6.2400e-003</b>	<b>0.0000</b>	<b>22.2551</b>

Calaveras County GPEIR (Construction) - Calaveras County AQMD Air District, Annual

**3.2 Demolition - 2020**

**Unmitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	1.3100e-003	9.6000e-004	8.9400e-003	1.0000e-005	1.2000e-003	1.0000e-005	1.2100e-003	3.2000e-004	1.0000e-005	3.3000e-004	0.0000	1.0758	1.0758	8.0000e-005	0.0000	1.0778
<b>Total</b>	<b>1.3100e-003</b>	<b>9.6000e-004</b>	<b>8.9400e-003</b>	<b>1.0000e-005</b>	<b>1.2000e-003</b>	<b>1.0000e-005</b>	<b>1.2100e-003</b>	<b>3.2000e-004</b>	<b>1.0000e-005</b>	<b>3.3000e-004</b>	<b>0.0000</b>	<b>1.0758</b>	<b>1.0758</b>	<b>8.0000e-005</b>	<b>0.0000</b>	<b>1.0778</b>

**Mitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.0215	0.2158	0.1414	2.5000e-004		0.0108	0.0108		0.0100	0.0100	0.0000	22.0991	22.0991	6.2400e-003	0.0000	22.2550
<b>Total</b>	<b>0.0215</b>	<b>0.2158</b>	<b>0.1414</b>	<b>2.5000e-004</b>		<b>0.0108</b>	<b>0.0108</b>		<b>0.0100</b>	<b>0.0100</b>	<b>0.0000</b>	<b>22.0991</b>	<b>22.0991</b>	<b>6.2400e-003</b>	<b>0.0000</b>	<b>22.2550</b>

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**3.2 Demolition - 2020**

**Mitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	1.3100e-003	9.6000e-004	8.9400e-003	1.0000e-005	1.2000e-003	1.0000e-005	1.2100e-003	3.2000e-004	1.0000e-005	3.3000e-004	0.0000	1.0758	1.0758	8.0000e-005	0.0000	1.0778
<b>Total</b>	<b>1.3100e-003</b>	<b>9.6000e-004</b>	<b>8.9400e-003</b>	<b>1.0000e-005</b>	<b>1.2000e-003</b>	<b>1.0000e-005</b>	<b>1.2100e-003</b>	<b>3.2000e-004</b>	<b>1.0000e-005</b>	<b>3.3000e-004</b>	<b>0.0000</b>	<b>1.0758</b>	<b>1.0758</b>	<b>8.0000e-005</b>	<b>0.0000</b>	<b>1.0778</b>

**3.3 Site Preparation - 2020**

**Unmitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					0.0723	0.0000	0.0723	0.0397	0.0000	0.0397	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	0.0163	0.1697	0.0861	1.5000e-004		8.7900e-003	8.7900e-003		8.0900e-003	8.0900e-003	0.0000	13.3723	13.3723	4.3200e-003	0.0000	13.4804
<b>Total</b>	<b>0.0163</b>	<b>0.1697</b>	<b>0.0861</b>	<b>1.5000e-004</b>	<b>0.0723</b>	<b>8.7900e-003</b>	<b>0.0811</b>	<b>0.0397</b>	<b>8.0900e-003</b>	<b>0.0478</b>	<b>0.0000</b>	<b>13.3723</b>	<b>13.3723</b>	<b>4.3200e-003</b>	<b>0.0000</b>	<b>13.4804</b>

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**3.3 Site Preparation - 2020**

**Unmitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	9.7000e-004	7.1000e-004	6.6000e-003	1.0000e-005	8.9000e-004	1.0000e-005	9.0000e-004	2.4000e-004	1.0000e-005	2.4000e-004	0.0000	0.7945	0.7945	6.0000e-005	0.0000	0.7959
<b>Total</b>	<b>9.7000e-004</b>	<b>7.1000e-004</b>	<b>6.6000e-003</b>	<b>1.0000e-005</b>	<b>8.9000e-004</b>	<b>1.0000e-005</b>	<b>9.0000e-004</b>	<b>2.4000e-004</b>	<b>1.0000e-005</b>	<b>2.4000e-004</b>	<b>0.0000</b>	<b>0.7945</b>	<b>0.7945</b>	<b>6.0000e-005</b>	<b>0.0000</b>	<b>0.7959</b>

**Mitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					0.0723	0.0000	0.0723	0.0397	0.0000	0.0397	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	0.0163	0.1697	0.0861	1.5000e-004		8.7900e-003	8.7900e-003		8.0900e-003	8.0900e-003	0.0000	13.3723	13.3723	4.3200e-003	0.0000	13.4804
<b>Total</b>	<b>0.0163</b>	<b>0.1697</b>	<b>0.0861</b>	<b>1.5000e-004</b>	<b>0.0723</b>	<b>8.7900e-003</b>	<b>0.0811</b>	<b>0.0397</b>	<b>8.0900e-003</b>	<b>0.0478</b>	<b>0.0000</b>	<b>13.3723</b>	<b>13.3723</b>	<b>4.3200e-003</b>	<b>0.0000</b>	<b>13.4804</b>



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**3.3 Site Preparation - 2020**

**Mitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	9.7000e-004	7.1000e-004	6.6000e-003	1.0000e-005	8.9000e-004	1.0000e-005	9.0000e-004	2.4000e-004	1.0000e-005	2.4000e-004	0.0000	0.7945	0.7945	6.0000e-005	0.0000	0.7959
<b>Total</b>	<b>9.7000e-004</b>	<b>7.1000e-004</b>	<b>6.6000e-003</b>	<b>1.0000e-005</b>	<b>8.9000e-004</b>	<b>1.0000e-005</b>	<b>9.0000e-004</b>	<b>2.4000e-004</b>	<b>1.0000e-005</b>	<b>2.4000e-004</b>	<b>0.0000</b>	<b>0.7945</b>	<b>0.7945</b>	<b>6.0000e-005</b>	<b>0.0000</b>	<b>0.7959</b>

**3.4 Grading - 2020**

**Unmitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					0.6989	0.0000	0.6989	0.1007	0.0000	0.1007	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	0.0423	0.4769	0.3036	5.9000e-004		0.0207	0.0207		0.0190	0.0190	0.0000	51.7601	51.7601	0.0167	0.0000	52.1786
<b>Total</b>	<b>0.0423</b>	<b>0.4769</b>	<b>0.3036</b>	<b>5.9000e-004</b>	<b>0.6989</b>	<b>0.0207</b>	<b>0.7196</b>	<b>0.1007</b>	<b>0.0190</b>	<b>0.1197</b>	<b>0.0000</b>	<b>51.7601</b>	<b>51.7601</b>	<b>0.0167</b>	<b>0.0000</b>	<b>52.1786</b>

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**3.4 Grading - 2020**

**Unmitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	2.5600e-003	1.8700e-003	0.0174	2.0000e-005	2.3400e-003	2.0000e-005	2.3600e-003	6.2000e-004	2.0000e-005	6.4000e-004	0.0000	2.0965	2.0965	1.5000e-004	0.0000	2.1004
<b>Total</b>	<b>2.5600e-003</b>	<b>1.8700e-003</b>	<b>0.0174</b>	<b>2.0000e-005</b>	<b>2.3400e-003</b>	<b>2.0000e-005</b>	<b>2.3600e-003</b>	<b>6.2000e-004</b>	<b>2.0000e-005</b>	<b>6.4000e-004</b>	<b>0.0000</b>	<b>2.0965</b>	<b>2.0965</b>	<b>1.5000e-004</b>	<b>0.0000</b>	<b>2.1004</b>

**Mitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					0.6989	0.0000	0.6989	0.1007	0.0000	0.1007	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	0.0423	0.4769	0.3036	5.9000e-004		0.0207	0.0207		0.0190	0.0190	0.0000	51.7600	51.7600	0.0167	0.0000	52.1785
<b>Total</b>	<b>0.0423</b>	<b>0.4769</b>	<b>0.3036</b>	<b>5.9000e-004</b>	<b>0.6989</b>	<b>0.0207</b>	<b>0.7196</b>	<b>0.1007</b>	<b>0.0190</b>	<b>0.1197</b>	<b>0.0000</b>	<b>51.7600</b>	<b>51.7600</b>	<b>0.0167</b>	<b>0.0000</b>	<b>52.1785</b>

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**3.4 Grading - 2020**

**Mitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	2.5600e-003	1.8700e-003	0.0174	2.0000e-005	2.3400e-003	2.0000e-005	2.3600e-003	6.2000e-004	2.0000e-005	6.4000e-004	0.0000	2.0965	2.0965	1.5000e-004	0.0000	2.1004
<b>Total</b>	<b>2.5600e-003</b>	<b>1.8700e-003</b>	<b>0.0174</b>	<b>2.0000e-005</b>	<b>2.3400e-003</b>	<b>2.0000e-005</b>	<b>2.3600e-003</b>	<b>6.2000e-004</b>	<b>2.0000e-005</b>	<b>6.4000e-004</b>	<b>0.0000</b>	<b>2.0965</b>	<b>2.0965</b>	<b>1.5000e-004</b>	<b>0.0000</b>	<b>2.1004</b>

**3.5 Paving - 2020**

**Unmitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	9.5000e-003	0.0985	0.1026	1.6000e-004		5.2700e-003	5.2700e-003		4.8500e-003	4.8500e-003	0.0000	14.0198	14.0198	4.5300e-003	0.0000	14.1331
Paving	0.0000					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
<b>Total</b>	<b>9.5000e-003</b>	<b>0.0985</b>	<b>0.1026</b>	<b>1.6000e-004</b>		<b>5.2700e-003</b>	<b>5.2700e-003</b>		<b>4.8500e-003</b>	<b>4.8500e-003</b>	<b>0.0000</b>	<b>14.0198</b>	<b>14.0198</b>	<b>4.5300e-003</b>	<b>0.0000</b>	<b>14.1331</b>

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**3.5 Paving - 2020**

**Unmitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	1.4200e-003	1.0300e-003	9.6300e-003	1.0000e-005	1.2900e-003	1.0000e-005	1.3100e-003	3.4000e-004	1.0000e-005	3.6000e-004	0.0000	1.1586	1.1586	9.0000e-005	0.0000	1.1607
<b>Total</b>	<b>1.4200e-003</b>	<b>1.0300e-003</b>	<b>9.6300e-003</b>	<b>1.0000e-005</b>	<b>1.2900e-003</b>	<b>1.0000e-005</b>	<b>1.3100e-003</b>	<b>3.4000e-004</b>	<b>1.0000e-005</b>	<b>3.6000e-004</b>	<b>0.0000</b>	<b>1.1586</b>	<b>1.1586</b>	<b>9.0000e-005</b>	<b>0.0000</b>	<b>1.1607</b>

**Mitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	9.5000e-003	0.0985	0.1026	1.6000e-004		5.2700e-003	5.2700e-003		4.8500e-003	4.8500e-003	0.0000	14.0197	14.0197	4.5300e-003	0.0000	14.1331
Paving	0.0000					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
<b>Total</b>	<b>9.5000e-003</b>	<b>0.0985</b>	<b>0.1026</b>	<b>1.6000e-004</b>		<b>5.2700e-003</b>	<b>5.2700e-003</b>		<b>4.8500e-003</b>	<b>4.8500e-003</b>	<b>0.0000</b>	<b>14.0197</b>	<b>14.0197</b>	<b>4.5300e-003</b>	<b>0.0000</b>	<b>14.1331</b>

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**3.5 Paving - 2020**

**Mitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	1.4200e-003	1.0300e-003	9.6300e-003	1.0000e-005	1.2900e-003	1.0000e-005	1.3100e-003	3.4000e-004	1.0000e-005	3.6000e-004	0.0000	1.1586	1.1586	9.0000e-005	0.0000	1.1607
<b>Total</b>	<b>1.4200e-003</b>	<b>1.0300e-003</b>	<b>9.6300e-003</b>	<b>1.0000e-005</b>	<b>1.2900e-003</b>	<b>1.0000e-005</b>	<b>1.3100e-003</b>	<b>3.4000e-004</b>	<b>1.0000e-005</b>	<b>3.6000e-004</b>	<b>0.0000</b>	<b>1.1586</b>	<b>1.1586</b>	<b>9.0000e-005</b>	<b>0.0000</b>	<b>1.1607</b>

**3.6 Building Construction - 2020**

**Unmitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.2067	1.8706	1.6427	2.6200e-003		0.1089	0.1089		0.1024	0.1024	0.0000	225.8197	225.8197	0.0551	0.0000	227.1970
<b>Total</b>	<b>0.2067</b>	<b>1.8706</b>	<b>1.6427</b>	<b>2.6200e-003</b>		<b>0.1089</b>	<b>0.1089</b>		<b>0.1024</b>	<b>0.1024</b>	<b>0.0000</b>	<b>225.8197</b>	<b>225.8197</b>	<b>0.0551</b>	<b>0.0000</b>	<b>227.1970</b>

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**3.6 Building Construction - 2020**

**Unmitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.2119	5.5009	1.7754	0.0112	0.2583	0.0298	0.2881	0.0747	0.0285	0.1032	0.0000	1,061.848 4	1,061.848 4	0.0360	0.0000	1,062.749 3
Worker	1.5594	1.1367	10.6063	0.0142	1.4234	0.0144	1.4377	0.3785	0.0133	0.3918	0.0000	1,275.940 6	1,275.940 6	0.0943	0.0000	1,278.297 1
<b>Total</b>	<b>1.7713</b>	<b>6.6376</b>	<b>12.3817</b>	<b>0.0254</b>	<b>1.6817</b>	<b>0.0442</b>	<b>1.7258</b>	<b>0.4532</b>	<b>0.0418</b>	<b>0.4950</b>	<b>0.0000</b>	<b>2,337.789 0</b>	<b>2,337.789 0</b>	<b>0.1303</b>	<b>0.0000</b>	<b>2,341.046 4</b>

**Mitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.2067	1.8706	1.6427	2.6200e-003		0.1089	0.1089		0.1024	0.1024	0.0000	225.8195	225.8195	0.0551	0.0000	227.1968
<b>Total</b>	<b>0.2067</b>	<b>1.8706</b>	<b>1.6427</b>	<b>2.6200e-003</b>		<b>0.1089</b>	<b>0.1089</b>		<b>0.1024</b>	<b>0.1024</b>	<b>0.0000</b>	<b>225.8195</b>	<b>225.8195</b>	<b>0.0551</b>	<b>0.0000</b>	<b>227.1968</b>

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**3.6 Building Construction - 2020**

**Mitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.2119	5.5009	1.7754	0.0112	0.2583	0.0298	0.2881	0.0747	0.0285	0.1032	0.0000	1,061.8484	1,061.8484	0.0360	0.0000	1,062.7493
Worker	1.5594	1.1367	10.6063	0.0142	1.4234	0.0144	1.4377	0.3785	0.0133	0.3918	0.0000	1,275.9406	1,275.9406	0.0943	0.0000	1,278.2971
<b>Total</b>	<b>1.7713</b>	<b>6.6376</b>	<b>12.3817</b>	<b>0.0254</b>	<b>1.6817</b>	<b>0.0442</b>	<b>1.7258</b>	<b>0.4532</b>	<b>0.0418</b>	<b>0.4950</b>	<b>0.0000</b>	<b>2,337.7890</b>	<b>2,337.7890</b>	<b>0.1303</b>	<b>0.0000</b>	<b>2,341.0464</b>

**3.7 Architectural Coating - 2020**

**Unmitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Archit. Coating	17.2950					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	1.7000e-003	0.0118	0.0128	2.0000e-005		7.8000e-004	7.8000e-004		7.8000e-004	7.8000e-004	0.0000	1.7873	1.7873	1.4000e-004	0.0000	1.7907
<b>Total</b>	<b>17.2967</b>	<b>0.0118</b>	<b>0.0128</b>	<b>2.0000e-005</b>		<b>7.8000e-004</b>	<b>7.8000e-004</b>		<b>7.8000e-004</b>	<b>7.8000e-004</b>	<b>0.0000</b>	<b>1.7873</b>	<b>1.7873</b>	<b>1.4000e-004</b>	<b>0.0000</b>	<b>1.7907</b>

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**3.7 Architectural Coating - 2020**

**Unmitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0224	0.0163	0.1522	2.0000e-004	0.0204	2.1000e-004	0.0206	5.4300e-003	1.9000e-004	5.6200e-003	0.0000	18.3058	18.3058	1.3500e-003	0.0000	18.3396
<b>Total</b>	<b>0.0224</b>	<b>0.0163</b>	<b>0.1522</b>	<b>2.0000e-004</b>	<b>0.0204</b>	<b>2.1000e-004</b>	<b>0.0206</b>	<b>5.4300e-003</b>	<b>1.9000e-004</b>	<b>5.6200e-003</b>	<b>0.0000</b>	<b>18.3058</b>	<b>18.3058</b>	<b>1.3500e-003</b>	<b>0.0000</b>	<b>18.3396</b>

**Mitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Archit. Coating	17.2950					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	1.7000e-003	0.0118	0.0128	2.0000e-005		7.8000e-004	7.8000e-004		7.8000e-004	7.8000e-004	0.0000	1.7873	1.7873	1.4000e-004	0.0000	1.7907
<b>Total</b>	<b>17.2967</b>	<b>0.0118</b>	<b>0.0128</b>	<b>2.0000e-005</b>		<b>7.8000e-004</b>	<b>7.8000e-004</b>		<b>7.8000e-004</b>	<b>7.8000e-004</b>	<b>0.0000</b>	<b>1.7873</b>	<b>1.7873</b>	<b>1.4000e-004</b>	<b>0.0000</b>	<b>1.7907</b>



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**3.7 Architectural Coating - 2020**

**Mitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0224	0.0163	0.1522	2.0000e-004	0.0204	2.1000e-004	0.0206	5.4300e-003	1.9000e-004	5.6200e-003	0.0000	18.3058	18.3058	1.3500e-003	0.0000	18.3396
<b>Total</b>	<b>0.0224</b>	<b>0.0163</b>	<b>0.1522</b>	<b>2.0000e-004</b>	<b>0.0204</b>	<b>2.1000e-004</b>	<b>0.0206</b>	<b>5.4300e-003</b>	<b>1.9000e-004</b>	<b>5.6200e-003</b>	<b>0.0000</b>	<b>18.3058</b>	<b>18.3058</b>	<b>1.3500e-003</b>	<b>0.0000</b>	<b>18.3396</b>

**4.0 Operational Detail - Mobile**

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**4.1 Mitigation Measures Mobile**

Calaveras County GPEIR (Construction) - Calaveras County AQMD Air District, Annual

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Mitigated	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Unmitigated	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000

4.2 Trip Summary Information

Land Use	Average Daily Trip Rate			Unmitigated	Mitigated
	Weekday	Saturday	Sunday	Annual VMT	Annual VMT
Apartments Low Rise	0.00	0.00	0.00		
Apartments Mid Rise	0.00	0.00	0.00		
Health Club	0.00	0.00	0.00		
Industrial Park	0.00	0.00	0.00		
Regional Shopping Center	0.00	0.00	0.00		
Single Family Housing	0.00	0.00	0.00		
Strip Mall	0.00	0.00	0.00		
<b>Total</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>		

4.3 Trip Type Information

Calaveras County GPEIR (Construction) - Calaveras County AQMD Air District, Annual

Land Use	Miles			Trip %			Trip Purpose %		
	H-W or C-W	H-S or C-C	H-O or C-NW	H-W or C-W	H-S or C-C	H-O or C-NW	Primary	Diverted	Pass-by
Apartments Low Rise	16.80	7.10	7.90	0.00	0.00	0.00	0	0	0
Apartments Mid Rise	16.80	7.10	7.90	0.00	0.00	0.00	0	0	0
Health Club	14.70	6.60	6.60	16.90	64.10	19.00	52	39	9
Industrial Park	14.70	6.60	6.60	59.00	28.00	13.00	79	19	2
Regional Shopping Center	14.70	6.60	6.60	16.30	64.70	19.00	54	35	11
Single Family Housing	16.80	7.10	7.90	0.00	0.00	0.00	0	0	0
Strip Mall	14.70	6.60	6.60	16.60	64.40	19.00	45	40	15

4.4 Fleet Mix

Land Use	LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCY	SBUS	MH
Apartments Low Rise	0.606480	0.027737	0.187697	0.102466	0.014745	0.003518	0.023159	0.024165	0.002756	0.000792	0.004515	0.001378	0.000591
Apartments Mid Rise	0.606480	0.027737	0.187697	0.102466	0.014745	0.003518	0.023159	0.024165	0.002756	0.000792	0.004515	0.001378	0.000591
Health Club	0.606480	0.027737	0.187697	0.102466	0.014745	0.003518	0.023159	0.024165	0.002756	0.000792	0.004515	0.001378	0.000591
Industrial Park	0.606480	0.027737	0.187697	0.102466	0.014745	0.003518	0.023159	0.024165	0.002756	0.000792	0.004515	0.001378	0.000591
Regional Shopping Center	0.606480	0.027737	0.187697	0.102466	0.014745	0.003518	0.023159	0.024165	0.002756	0.000792	0.004515	0.001378	0.000591
Single Family Housing	0.606480	0.027737	0.187697	0.102466	0.014745	0.003518	0.023159	0.024165	0.002756	0.000792	0.004515	0.001378	0.000591
Strip Mall	0.606480	0.027737	0.187697	0.102466	0.014745	0.003518	0.023159	0.024165	0.002756	0.000792	0.004515	0.001378	0.000591

5.0 Energy Detail

Historical Energy Use: N

5.1 Mitigation Measures Energy







Calaveras County GPEIR (Construction) - Calaveras County AQMD Air District, Annual

**5.3 Energy by Land Use - Electricity**

**Unmitigated**

	Electricity Use	Total CO2	CH4	N2O	CO2e
Land Use	kWh/yr	MT/yr			
Apartments Low Rise	0	0.0000	0.0000	0.0000	0.0000
Apartments Mid Rise	0	0.0000	0.0000	0.0000	0.0000
Health Club	0	0.0000	0.0000	0.0000	0.0000
Industrial Park	0	0.0000	0.0000	0.0000	0.0000
Regional Shopping Center	0	0.0000	0.0000	0.0000	0.0000
Single Family Housing	0	0.0000	0.0000	0.0000	0.0000
Strip Mall	0	0.0000	0.0000	0.0000	0.0000
<b>Total</b>		<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>

Calaveras County GPEIR (Construction) - Calaveras County AQMD Air District, Annual

**5.3 Energy by Land Use - Electricity**

**Mitigated**

	Electricity Use	Total CO2	CH4	N2O	CO2e
Land Use	kWh/yr	MT/yr			
Apartments Low Rise	0	0.0000	0.0000	0.0000	0.0000
Apartments Mid Rise	0	0.0000	0.0000	0.0000	0.0000
Health Club	0	0.0000	0.0000	0.0000	0.0000
Industrial Park	0	0.0000	0.0000	0.0000	0.0000
Regional Shopping Center	0	0.0000	0.0000	0.0000	0.0000
Single Family Housing	0	0.0000	0.0000	0.0000	0.0000
Strip Mall	0	0.0000	0.0000	0.0000	0.0000
<b>Total</b>		<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>

**6.0 Area Detail**

**6.1 Mitigation Measures Area**



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	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Mitigated	13.1366	3.0000e-004	0.0263	0.0000		1.5000e-004	1.5000e-004		1.5000e-004	1.5000e-004	0.0000	0.0432	0.0432	4.0000e-005	0.0000	0.0442
Unmitigated	13.1366	3.0000e-004	0.0263	0.0000		1.5000e-004	1.5000e-004		1.5000e-004	1.5000e-004	0.0000	0.0432	0.0432	4.0000e-005	0.0000	0.0442

6.2 Area by SubCategory

Unmitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	tons/yr										MT/yr					
Architectural Coating	0.0000					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products	13.1358					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Hearth	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping	7.9000e-004	3.0000e-004	0.0263	0.0000		1.5000e-004	1.5000e-004		1.5000e-004	1.5000e-004	0.0000	0.0432	0.0432	4.0000e-005	0.0000	0.0442
<b>Total</b>	<b>13.1366</b>	<b>3.0000e-004</b>	<b>0.0263</b>	<b>0.0000</b>		<b>1.5000e-004</b>	<b>1.5000e-004</b>		<b>1.5000e-004</b>	<b>1.5000e-004</b>	<b>0.0000</b>	<b>0.0432</b>	<b>0.0432</b>	<b>4.0000e-005</b>	<b>0.0000</b>	<b>0.0442</b>

Calaveras County GPEIR (Construction) - Calaveras County AQMD Air District, Annual

**6.2 Area by SubCategory**

**Mitigated**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	tons/yr										MT/yr					
Architectural Coating	0.0000					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products	13.1358					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Hearth	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping	7.9000e-004	3.0000e-004	0.0263	0.0000		1.5000e-004	1.5000e-004		1.5000e-004	1.5000e-004	0.0000	0.0432	0.0432	4.0000e-005	0.0000	0.0442
<b>Total</b>	<b>13.1366</b>	<b>3.0000e-004</b>	<b>0.0263</b>	<b>0.0000</b>		<b>1.5000e-004</b>	<b>1.5000e-004</b>		<b>1.5000e-004</b>	<b>1.5000e-004</b>	<b>0.0000</b>	<b>0.0432</b>	<b>0.0432</b>	<b>4.0000e-005</b>	<b>0.0000</b>	<b>0.0442</b>

**7.0 Water Detail**

**7.1 Mitigation Measures Water**

Calaveras County GPEIR (Construction) - Calaveras County AQMD Air District, Annual

	Total CO2	CH4	N2O	CO2e
Category	MT/yr			
Mitigated	0.0000	0.0000	0.0000	0.0000
Unmitigated	0.0000	0.0000	0.0000	0.0000

Calaveras County GPEIR (Construction) - Calaveras County AQMD Air District, Annual

**7.2 Water by Land Use**

**Unmitigated**

	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e
Land Use	Mgal	MT/yr			
Apartments Low Rise	0 / 0	0.0000	0.0000	0.0000	0.0000
Apartments Mid Rise	0 / 0	0.0000	0.0000	0.0000	0.0000
Health Club	0 / 0	0.0000	0.0000	0.0000	0.0000
Industrial Park	0 / 0	0.0000	0.0000	0.0000	0.0000
Regional Shopping Center	0 / 0	0.0000	0.0000	0.0000	0.0000
Single Family Housing	0 / 0	0.0000	0.0000	0.0000	0.0000
Strip Mall	0 / 0	0.0000	0.0000	0.0000	0.0000
<b>Total</b>		<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>

Calaveras County GPEIR (Construction) - Calaveras County AQMD Air District, Annual

**7.2 Water by Land Use**

**Mitigated**

	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e
Land Use	Mgal	MT/yr			
Apartments Low Rise	0 / 0	0.0000	0.0000	0.0000	0.0000
Apartments Mid Rise	0 / 0	0.0000	0.0000	0.0000	0.0000
Health Club	0 / 0	0.0000	0.0000	0.0000	0.0000
Industrial Park	0 / 0	0.0000	0.0000	0.0000	0.0000
Regional Shopping Center	0 / 0	0.0000	0.0000	0.0000	0.0000
Single Family Housing	0 / 0	0.0000	0.0000	0.0000	0.0000
Strip Mall	0 / 0	0.0000	0.0000	0.0000	0.0000
<b>Total</b>		<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>

**8.0 Waste Detail**

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**8.1 Mitigation Measures Waste**

Calaveras County GPEIR (Construction) - Calaveras County AQMD Air District, Annual

**Category/Year**

	Total CO2	CH4	N2O	CO2e
	MT/yr			
Mitigated	0.0000	0.0000	0.0000	0.0000
Unmitigated	0.0000	0.0000	0.0000	0.0000

## Calaveras County GPEIR (Construction) - Calaveras County AQMD Air District, Annual

**8.2 Waste by Land Use****Unmitigated**

	Waste Disposed	Total CO2	CH4	N2O	CO2e
Land Use	tons	MT/yr			
Apartments Low Rise	0	0.0000	0.0000	0.0000	0.0000
Apartments Mid Rise	0	0.0000	0.0000	0.0000	0.0000
Health Club	0	0.0000	0.0000	0.0000	0.0000
Industrial Park	0	0.0000	0.0000	0.0000	0.0000
Regional Shopping Center	0	0.0000	0.0000	0.0000	0.0000
Single Family Housing	0	0.0000	0.0000	0.0000	0.0000
Strip Mall	0	0.0000	0.0000	0.0000	0.0000
<b>Total</b>		<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>

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**8.2 Waste by Land Use**

**Mitigated**

	Waste Disposed	Total CO2	CH4	N2O	CO2e
Land Use	tons	MT/yr			
Apartments Low Rise	0	0.0000	0.0000	0.0000	0.0000
Apartments Mid Rise	0	0.0000	0.0000	0.0000	0.0000
Health Club	0	0.0000	0.0000	0.0000	0.0000
Industrial Park	0	0.0000	0.0000	0.0000	0.0000
Regional Shopping Center	0	0.0000	0.0000	0.0000	0.0000
Single Family Housing	0	0.0000	0.0000	0.0000	0.0000
Strip Mall	0	0.0000	0.0000	0.0000	0.0000
<b>Total</b>		<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>

**9.0 Operational Offroad**

Equipment Type	Number	Hours/Day	Days/Year	Horse Power	Load Factor	Fuel Type
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**10.0 Stationary Equipment**

**Fire Pumps and Emergency Generators**

Equipment Type	Number	Hours/Day	Hours/Year	Horse Power	Load Factor	Fuel Type
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Calaveras County GPEIR (Construction) - Calaveras County AQMD Air District, Annual

**Boilers**

Equipment Type	Number	Heat Input/Day	Heat Input/Year	Boiler Rating	Fuel Type
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**User Defined Equipment**

Equipment Type	Number
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**11.0 Vegetation**

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